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SUMMARY DISCHARGE OR MUSTERING OUT OF  
REGIMENTS OR COMPANIES.

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M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

**A REPORT FROM THE SECRETARY OF WAR, TOGETHER WITH SEVERAL DOCUMENTS, INCLUDING A LETTER OF GENERAL NETTLETON, AND MEMORANDA AS TO PRECEDENTS FOR THE SUMMARY DISCHARGE OR MUSTERING OUT OF REGIMENTS OR COMPANIES.**

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DECEMBER 19, 1906.—Ordered to be printed.

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*To the Senate:*

In response to Senate resolution of December 6 addressed to me, and to the two Senate resolutions addressed to him, the Secretary of War has, by my direction, submitted to me a report which I herewith send to the Senate, together with several documents, including a letter of General Nettleton and memoranda as to precedents for the summary discharge or mustering out of regiments or companies, some or all of the members of which had been guilty of misconduct.

I ordered the discharge of nearly all the members of Companies B, C, and D of the Twenty-fifth Infantry by name, in the exercise of my constitutional power and in pursuance of what, after full consideration, I found to be my constitutional duty as Commander in Chief of the United States Army. I am glad to avail myself of the opportunity afforded by these resolutions to lay before the Senate the following facts as to the murderous conduct of certain members of the companies in question and as to the conspiracy by which many of the other members of these companies saved the criminals from justice, to the disgrace of the United States uniform.

I call your attention to the accompanying reports of Maj. Augustus P. Blocksom, of Lieut. Col. Leonard A. Lovering, and of Brig. Gen.

Ernest A. Garlington, the Inspector-General of the United States Army, of their investigation into the conduct of the troops in question. An effort has been made to discredit the fairness of the investigation into the conduct of these colored troops by pointing out that General Garlington is a Southerner. Precisely the same action would have been taken had the troops been white—indeed, the discharge would probably have been made in more summary fashion. General Garlington is a native of South Carolina; Lieutenant-Colonel Lovering is a native of New Hampshire; Major Blocksom is a native of Ohio. As it happens, the disclosure of the guilt of the troops was made in the report of the officer who comes from Ohio, and the efforts of the officer who comes from South Carolina were confined to the endeavor to shield the innocent men of the companies in question, if any such there were, by securing information which would enable us adequately to punish the guilty. But I wish it distinctly understood that the fact of the birthplace of either officer is one which I absolutely refuse to consider. The standard of professional honor and of loyalty to the flag and the service is the same for all officers and all enlisted men of the United States Army, and I resent with the keenest indignation any effort to draw any line among them based upon birthplace, creed, or any other consideration of the kind. I should put the same entire faith in these reports if it had happened that they were all made by men coming from some one State, whether in the South or the North, the East or the West, as I now do, when, as it happens, they were made by officers born in different States.

Major Blocksom's report is most careful, is based upon the testimony of scores of eyewitnesses—testimony which conflicted only in nonessentials and which established the essential facts beyond chance of successful contradiction. Not only has no successful effort been made to traverse his findings in any essential particular, but, as a matter of fact, every trustworthy report from outsiders amply corroborates them, by far the best of these outside reports being that of Gen. A. B. Nettleton, made in a letter to the Secretary of War, which I herewith append; General Nettleton being an ex-Union soldier, a consistent friend of the colored man throughout his life, a lifelong Republican, a citizen of Illinois, and Assistant Secretary of the Treasury under President Harrison.

It appears that in Brownsville, the city immediately beside which Fort Brown is situated, there had been considerable feeling between the citizens and the colored troops of the garrison companies. Difficulties had occurred, there being a conflict of evidence as to whether the citizens or the colored troops were to blame. My impression is that, as a matter of fact, in these difficulties there was blame attached to both sides; but this is a wholly unimportant matter for our present purpose, as nothing that occurred offered in any shape or way an excuse or justification for the atrocious conduct of the troops when, in lawless and murderous spirit, and under cover of the night, they made their attack upon the citizens.

The attack was made near midnight on August 13. The following facts as to this attack are made clear by Major Blocksom's investigation and have not been, and, in my judgment, can not be, successfully controverted. From 9 to 15 or 20 of the colored soldiers took part in the attack. They leaped over the walls from the barracks and hurried through the town. They shot at whomever they saw moving, and they shot into houses where they saw lights. In some of these houses there were women and children, as the would-be murderers must have known. In one house in which there were two women and five children some ten shots went through at a height of about  $4\frac{1}{2}$  feet above the floor, one putting out the lamp upon the table. The lieutenant of police of the town heard the firing and rode toward it. He met the raiders, who, as he stated, were about 15 colored soldiers. They instantly started firing upon him. He turned and rode off, and they continued firing upon him until they had killed his horse. They shot him in the right arm (it was afterwards amputated above the elbow). A number of shots were also fired at two other policemen. The raiders fired several times into a hotel, some of the shots being aimed at a guest sitting by a window. They shot into a saloon, killing the bartender and wounding another man. At the same time other raiders fired into another house in which women and children were sleeping, two of the shots going through the mosquito bar over the bed in which the mistress of the house and her two children were lying. Several other houses were struck by bullets. It was at night, and the streets of the town are poorly lighted, so that none of the individual raiders were recognized; but the evidence of many witnesses of all classes was conclusive to the effect that the raiders were negro soldiers. The shattered bullets, shells, and clips of the Government rifles, which were found on the ground, are merely corroborative. So are the bullet holes in the houses; some of which it appears must, from the direction, have been fired from the fort just at the moment when the soldiers left it. Not a bullet hole appears in any of the structures of the fort.

The townspeople were completely surprised by the unprovoked and murderous savagery of the attack. The soldiers were the aggressors from start to finish. They met with no substantial resistance, and one and all who took part in that raid stand as deliberate murderers, who did murder one man, who tried to murder others, and who tried to murder women and children. The act was one of horrible atrocity, and so far as I am aware, unparalleled for infamy in the annals of the United States Army.

The white officers of the companies were completely taken by surprise, and at first evidently believed that the firing meant that the townspeople were attacking the soldiers. It was not until 2 or 3 o'clock in the morning that any of them became aware of the truth. I have directed a careful investigation into the conduct of the officers, to see if any of them were blameworthy, and I have approved the recommendation of the War Department that two be brought before a court-martial.

As to the noncommissioned officers and enlisted men, there can be no doubt whatever that many were necessarily privy, after if not before the attack, to the conduct of those who took actual part in this murderous riot. I refer to Major Blocksom's report for proof of the fact that certainly some and probably all of the noncommissioned officers in charge of quarters who were responsible for the gun-racks and had keys thereto in their personal possession knew what men were engaged in the attack.

Major Penrose, in command of the post, in his letter (included in the Appendix) gives the reasons why he was reluctantly convinced that some of the men under him—as he thinks, from 7 to 10—got their rifles, slipped out of quarters to do the shooting, and returned to the barracks without being discovered, the shooting all occurring within two and a half short blocks of the barracks. It was possible for the raiders to go from the fort to the farthest point of firing and return in less than ten minutes, for the distance did not exceed 350 yards.

Such are the facts of this case. General Nettleton, in his letter herewith appended, states that next door to where he is writing in Brownsville is a small cottage where a children's party had just broken up before the house was riddled by United States bullets, fired by United States troops, from United States Springfield rifles, at close range, with the purpose of killing or maiming the inmates, including the parents and children who were still in the well-lighted house, and whose escape from death under such circumstances was astonishing. He states that on another street he daily looks upon fresh bullet scars where a volley from similar Government rifles was fired into the side and windows of a hotel occupied at the time by sleeping or frightened guests from abroad who could not possibly have given any offense to the assailants. He writes that the chief of the Brownsville police is again on duty from hospital, and carries an empty sleeve because he was shot by Federal soldiers from the adjacent garrison in the course of their murderous foray; and not far away is the fresh grave of an unoffending citizen of the place, a boy in years, who was wantonly shot down by these United States soldiers while unarmed and attempting to escape.

The effort to confute this testimony so far has consisted in the assertion or implication that the townspeople shot one another in order to discredit the soldiers—an absurdity too gross to need discussion, and unsupported by a shred of evidence. There is no question as to the murder and the attempted murders; there is no question that some of the soldiers were guilty thereof; there is no question that many of their comrades privy to the deed have combined to shelter the criminals from justice. These comrades of the murderers, by their own action, have rendered it necessary either to leave all the men, including the murderers, in the Army, or to turn them all out; and under such circumstances there was no alternative, for the usefulness of the Army would be at an end were we to permit such an outrage to be committed with impunity.

In short, the evidence proves conclusively that a number of the soldiers engaged in a deliberate and concerted attack, as cold blooded as it was cowardly; the purpose being to terrorize the community, and to kill or injure men, women, and children in their homes and beds or on the streets, and this at an hour of the night when concerted or effective resistance or defense was out of the question, and when detection by identification of the criminals in the United States uniform was well-nigh impossible. So much for the original crime. A blacker never stained the annals of our Army. It has been supplemented by another, only less black, in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder. These soldiers were not school boys on a frolic. They were full-grown men, in the uniform of the United States Army, armed with deadly weapons, sworn to uphold the laws of the United States, and under every obligation of oath and honor not merely to refrain from criminality, but with the sturdiest rigor to hunt down criminality; and the crime they committed or connived at was murder. They perverted the power put into their hands to sustain the law into the most deadly violation of the law. The noncommissioned officers are primarily responsible for the discipline and good conduct of the men; they are appointed to their positions for the very purpose of preserving this discipline and good conduct, and of detecting and securing the punishment of every enlisted man who does what is wrong. They fill, with reference to the discipline, a part that the commissioned officers are of course unable to fill, although the ultimate responsibility for the discipline can never be shifted from the shoulders of the latter. Under any ordinary circumstances the first duty of the noncommissioned officers, as of the commissioned officers, is to train the private in the ranks so that he may be an efficient fighting man against a foreign foe. But there is an even higher duty, so obvious that it is not under ordinary circumstances necessary so much as to allude to it—the duty of training the soldier so that he shall be a protection and not a menace to his peaceful fellow-citizens, and above all to the women and children of the nation. Unless this duty is well performed, the Army becomes a mere dangerous mob; and if conduct such as that of the murderers in question is not, where possible, punished, and, where this is not possible, unless the chance of its repetition is guarded against in the most thoroughgoing fashion, it would be better that the entire Army should be disbanded. It is vital for the Army to be imbued with the spirit which will make every man in it, and above all, the officers and noncommissioned officers, feel it a matter of highest obligation to discover and punish, and not to shield, the criminal in uniform.

Yet some of the noncommissioned officers and many of the men of the three companies in question have banded together in a conspiracy to protect the assassins and would-be assassins who have disgraced their

uniform by the conduct above related. Many of these noncommissioned officers and men must have known, and all of them may have known, circumstances which would have led to the conviction of those engaged in the murderous assault. They have stolidly and as one man broken their oaths of enlistment and refused to help discover the criminals.

By my direction every effort was made to persuade those innocent of murder among them to separate themselves from the guilty by helping bring the criminals to justice. They were warned that if they did not take advantage of the offer they would all be discharged from the service and forbidden again to enter the employ of the Government. They refused to profit by the warning. I accordingly had them discharged. If any organization of troops in the service, white or black, is guilty of similar conduct in the future I shall follow precisely the same course. Under no circumstances will I consent to keep in the service bodies of men whom the circumstances show to be a menace to the country. Incidentally I may add that the soldiers of longest service and highest position who suffered because of the order, so far from being those who deserve most sympathy, deserve least, for they are the very men upon whom we should be able especially to rely to prevent mutiny and murder.

People have spoken as if this discharge from the service was a punishment. I deny emphatically that such is the case, because as punishment it is utterly inadequate. The punishment meet for mutineers and murderers such as those guilty of the Brownsville assault is death; and a punishment only less severe ought to be meted out to those who have aided and abetted mutiny and murder and treason by refusing to help in their detection. I would that it were possible for me to have punished the guilty men. I regret most keenly that I have not been able to do so.

Be it remembered always that these men were all in the service of the United States under contracts of enlistment, which by their terms and by statute were terminable by my direction as Commander in Chief of the Army. It was my clear duty to terminate those contracts when the public interest demanded it; and it would have been a betrayal of the public interest on my part not to terminate the contracts which were keeping in the service of the United States a body of mutineers and murderers.

Any assertion that these men were dealt with harshly because they were colored men is utterly without foundation. Officers or enlisted men, white men or colored men, who were guilty of such conduct, would have been treated in precisely the same way; for there can be nothing more important than for the United States Army, in all its membership, to understand that its arms can not be turned with impunity against the peace and order of the civil community.

There are plenty of precedents for the action taken. I call your attention to the memoranda herewith submitted from The Military Secretary's

office of the War Department, and a memorandum from The Military Secretary inclosing a piece by ex-Corporal Hesse, now chief of division in The Military Secretary's office, together with a letter from District Attorney James Wilkinson, of New Orleans. The district attorney's letter recites several cases in which white United States soldiers, being arrested for crime, were tried, and every soldier and employee of the regiment, or in the fort at which the soldier was stationed, volunteered all they knew, both before and at the trial, so as to secure justice. In one case the soldier was acquitted. In another case the soldier was convicted of murder, the conviction resulting from the fact that every soldier, from the commanding officer to the humblest private, united in securing all the evidence in their power about the crime. In other cases, for less offense, soldiers were convicted purely because their comrades in arms, in a spirit of fine loyalty to the honor of the service, at once told the whole story of the troubles and declined to identify themselves with the criminals.

During the civil war numerous precedents for the action taken by me occurred in the shape of the summary discharge of regiments or companies because of misconduct on the part of some or all of their members. The Sixtieth Ohio was summarily discharged, on the ground that the regiment was disorganized, mutinous, and worthless. The Eleventh New York was discharged by reason of general demoralization and numerous desertions. Three companies of the Fifth Missouri Cavalry and one company of the Fourth Missouri Cavalry were mustered out of the service of the United States without trial by court-martial by reason of mutinous conduct and disaffection *of the majority of the members of these companies* (an almost exact parallel to my action). Another Missouri regiment was mustered out of service because it was in a state bordering closely on mutiny. Other examples, including New Jersey, Maryland, and other organizations, are given in the inclosed papers.

I call your particular attention to the special field order of Brig. Gen. U. S. Grant, issued from the headquarters of the Thirteenth Army Corps on November 16, 1862, in reference to the Twentieth Illinois. Members of this regiment had broken into a store and taken goods to the value of some \$1,240, and the rest of the regiment, including especially two officers, failed, in the words of General Grant, to "exercise their authority to ferret out the men guilty of the offenses." General Grant accordingly mustered out of the service of the United States the two officers in question, and assessed the sum of \$1,240 against the said regiment as a whole, officers and men to be assessed pro rata on their pay. In its essence this action is precisely similar to that I have taken; although the offense was of course trivial compared to the offense with which I had to deal.

Ex-Corporal Hesse recites what occurred in a United States regular regiment in the spring of 1860. (Corporal Hesse subsequently, when

the regiment was surrendered to the Confederates by General Twiggs, saved the regimental colors by wrapping them about his body, under his clothing, and brought them north in safety, receiving a medal of honor for his action.) It appears that certain members of the regiment lynched a barkeeper who had killed one of the soldiers. Being unable to discover the culprits, Col. Robert E. Lee, then in command of the Department of Texas, ordered the company to be disbanded and the members' transferred to other companies and discharged at the end of their enlistment, without honor. Owing to the outbreak of the civil war, and the consequent loss of records and confusion, it is not possible to say what finally became of this case.

When General Lee was in command of the Army of Northern Virginia, as will appear from the inclosed clipping from the Charlotte Observer, he issued an order in October, 1864, disbanding a certain battalion for cowardly conduct, stating at the time his regret that there were some officers and men belonging to the organization who, although not deserving it, were obliged to share in the common disgrace because the good of the service demanded it.

In addition to the discharges of organizations, which are of course infrequent, there are continual cases of the discharge of individual enlisted men without honor and without trial by court-martial. The official record shows that during the fiscal year ending June 30, last, such discharges were issued by the War Department without trial by court-martial in the cases of 352 enlisted men of the Regular Army, 35 of them being on account of "having become disqualified for service through own misconduct." Moreover, in addition to the discharges without honor ordered by the War Department, there were a considerable number of discharges without honor issued by subordinate military authorities under paragraph 148 of the Army Regulations, "where the service has not been honest and faithful—that is, where the service does not warrant reenlistment."

So much for the military side of the case. But I wish to say something additional, from the standpoint of the race question. In my message at the opening of the Congress I discussed the matter of lynching. In it I gave utterance to the abhorrence which all decent citizens should feel for the deeds of the men (in almost all cases white men) who take part in lynchings, and at the same time I condemned, as all decent men of any color should condemn, the action of those colored men who actively or passively shield the colored criminal from the law. In the case of these companies we had to deal with men who in the first place were guilty of what is practically the worst possible form of lynching—for a lynching is in its essence lawless and murderous vengeance taken by an armed mob for real or fancied wrongs—and who in the second place covered up the crime of lynching by standing with a vicious solidarity to protect the criminals.



It is of the utmost importance to all our people that we shall deal with each man on his merits as a man, and not deal with him merely as a member of a given race; that we shall judge each man by his conduct and not his color. This is important for the white man, and it is far more important for the colored man. More evil and sinister counsel never was given to any people than that given to colored men by those advisers, whether black or white, who, by apology and condonation, encourage conduct such as that of the three companies in question. If the colored men elect to stand by criminals of their own race because they are of their own race, they assuredly lay up for themselves the most dreadful day of reckoning. Every farsighted friend of the colored race in its efforts to strive onward and upward, should teach first, as the most important lesson, alike to the white man and the black, the duty of treating the individual man strictly on his worth as he shows it. Any conduct by colored people which tends to substitute for this rule the rule of standing by and shielding an evil doer because he is a member of their race, means the inevitable degradation of the colored race. It may and probably does mean damage to the white race, but it means ruin to the black race.

Throughout my term of service in the Presidency I have acted on the principle thus advocated. In the North as in the South I have appointed colored men of high character to office, utterly disregarding the protests of those who would have kept them out of office because they were colored men. So far as was in my power, I have sought to secure for the colored people all their rights under the law. I have done all I could to secure them equal school training when young, equal opportunity to earn their livelihood, and achieve their happiness when old. I have striven to break up peonage; I have upheld the hands of those who, like Judge Jones and Judge Speer, have warred against this peonage, because I would hold myself unfit to be President if I did not feel the same revolt at wrong done a colored man as I feel at wrong done a white man. I have condemned in unstinted terms the crime of lynching perpetrated by white men, and I should take instant advantage of any opportunity whereby I could bring to justice a mob of lynchers. In precisely the same spirit I have now acted with reference to these colored men who have been guilty of a black and dastardly crime. In one policy, as in the other, I do not claim as a favor, but I challenge as a right, the support of every citizen of this country, whatever his color, provided only he has in him the spirit of genuine and farsighted patriotism.

THEODORE ROOSEVELT.

THE WHITE HOUSE,  
*December 19, 1906.*



DISCHARGE OF ENLISTED MEN  
OF THE  
TWENTY-FIFTH UNITED STATES  
INFANTRY.

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BROWNSVILLE AFFRAY,  
August 13 and 14, 1906.



WAR DEPARTMENT,  
Washington, December 18, 1906.

The PRESIDENT:

I am in receipt of the following resolutions of the Senate of the United States:

IN THE SENATE OF THE UNITED STATES,  
December 6, 1906.

*Resolved*, That the Secretary of War be, and he is hereby, directed to furnish the Senate copies of all official letters, telegrams, reports, orders, and so forth, filed in the War Department in connection with the recent discharge of the enlisted men of Companies B, C, and D, Twenty-fifth United States Infantry, including the form of discharge, together with a complete list of the men discharged, showing the record of each, the amount of retained pay (under section twelve hundred and eighty-one and following sections of the Compiled Statutes, volume one, page nine hundred and twelve, edition of nineteen hundred and one), if any, to the credit of each man at the time of his discharge; the ruling of the War Department, if any has been made in this or any other similar case, as to the effect upon his right to such retained pay, and also the ruling of the War Department, if any has been made in this or any similar case, as to the effect of such discharge upon the right of an enlisted man to retire on three-fourths pay, with an allowance for subsistence and clothing (under section twelve hundred and sixty and following sections of the Compiled Statutes, volume one, page eight hundred and ninety, edition of nineteen hundred and one), and his right to enter a National Soldiers' Home (under section forty-eight hundred and twenty-one and following sections of the Compiled Statutes, volume three, page thirty-three hundred and thirty-two, edition of nineteen hundred and one), his right to be buried in a national cemetery (under section forty-eight hundred and seventy-eight and following sections of the Compiled Statutes, volume three, page thirty-three hundred and seventy-eight, edition of nineteen hundred and one), and his right to receive transportation and subsistence from place of discharge to his home, as provided for in section twelve hundred and ninety and following sections of the Compiled Statutes, volume one, page nine hundred and sixteen, edition of nineteen hundred and one; also a complete official record of the Twenty-fifth Regiment United States Infantry, from the time of its muster in to the date of the discharge of Companies B, C, and D.

The Secretary of War is also directed to send to the Senate a copy of the order issued to Major C. W. Penrose, Twenty-fifth United States Infantry, directing him not to deliver to the civil authorities of Texas certain men of his command charged with assault to murder, and murder, at Brownsville, Texas, August thirteenth, nineteen hundred and six, and referred to by Major Penrose in his letter of August twenty-fourth, nineteen hundred and six, to Captain W. J. McDonald, of the Texas Rangers.

Attest:

CHARLES G. BENNETT,  
*Secretary.*

By H. M. ROSE,  
*Assistant Secretary.*

IN THE SENATE OF THE UNITED STATES,  
December 10, 1906.

*Resolved*, That the Secretary of War be, and he is hereby, directed to inform the Senate whether Companies B, C, and D, Twenty-fifth United States Infantry, or either of them, were, prior to August thirteenth, nineteen hundred and six, involved in any riot, raid, or other disturbance with citizens, and if so, to inform the Senate when and where it occurred and its character fully, accompanying his report with copies of all official correspondence on the subject.

Attest:

CHARLES G. BENNETT,  
*Secretary.*

By H. M. ROSE,  
*Assistant Secretary.*

I am also in receipt from you of the following resolution of the Senate, dated December 6, 1906, with a request that I transmit the information called for so that you may forward the same to the Senate, together with the information called for by the Senate in the two resolutions directed to me, above set forth:

IN THE SENATE OF THE UNITED STATES,  
December 6, 1906.

*Resolved*, That the President be requested to communicate to the Senate, if not incompatible with the public interests, full information bearing upon the recent order dismissing from the military service of the United States three companies of the Twenty-fifth Regiment of Infantry, United States troops (colored).

The President is also requested to send to the Senate a copy of the order issued to Major C. W. Penrose, Twenty-fifth United States Infantry, directing him not to deliver to the civil authorities of Texas certain men of his command charged with assault to murder, and murder, at Brownsville, Texas, August thirteenth, nineteen hundred and six, and referred to by Major Penrose in his letter of August twenty-fourth, nineteen hundred and six, to Captain W. J. McDonald, of the Texas Rangers.

Attest:

CHARLES G. BENNETT,  
*Secretary.*

By H. M. ROSE,  
*Assistant Secretary.*

As the resolutions concern the same general subject-matter, in accordance with your direction I submit herewith, in one exhibit, all the copies of documents and information specified in the three resolutions.

The accompanying exhibit contains copies of all official letters, telegrams, reports, orders, etc., that have been found on file in the War Department and that are connected with the recent discharge of the enlisted men of companies B, C, and D, Twenty-fifth United States Infantry, including the form of discharge, together with a complete list showing the names of the men discharged and the record of each. The exhibit does not include a statement of the amount of retained pay to the credit of these men under section 1281 and following sections of the Compiled Statutes, Volume I, page 912, edition of 1901, because, as explained in the exhibit, there is no such retained pay.

The exhibit also sets forth a report by the Judge-Advocate-General of the Army upon the subject of discharges without honor, and a statement by that officer of the law with respect to retained pay; also a statement as to the effect of the discharge of an enlisted man in the case in question upon his right to reenlist, his right to retire on three-fourths pay with an allowance for subsistence and clothing, his right to enter a National Soldiers' Home, his right to be buried in a national cemetery, and his right to receive transportation and subsistence from the place of discharge to his home.

The exhibit also sets forth the complete official record of the Twenty-fifth Regiment, United States Infantry, from the time of its organization to the date of the discharge of Companies B, C, and D of that regiment.

The exhibit also contains copies of all orders that have been found of record in the War Department and that were issued to Maj. C. W. Penrose, Twenty-fifth Regiment, United States Infantry, with respect to the delivery to the civil authorities of Texas of certain men of his command charged with assault to murder, and murder, at Brownsville, Tex., August 13, 1906.

There has been included in the exhibit, in answer to the resolution of December 10, 1906, a copy of everything that has been found of record in the War Department bearing upon the question of whether Companies B, C, and D, Twenty-fifth United States Infantry, or either of them, were, prior to August 13, 1906, involved in any riot, raid, or other disturbance with citizens. As the reports do not always disclose the companies whose members were involved in the disturbances of which a record has been found, and to avoid question, there has been included in the exhibit a statement of this description with respect to all companies of the Twenty-fifth United States Infantry.

In proper response to the resolution of December 6, calling for full information bearing upon the order of discharge, there have been included in the exhibit copies of documents that have been found on file in the War Department and that relate to instances of extraordinary misconduct or acts of violence committed prior to the affray at Brownsville, Tex., by soldiers of regiments other than the Twenty-fifth United States Infantry; also various other documents that throw light upon the occurrence in question or the practice of the War Department and the Army in similar cases. Among those documents is included a memorandum by the Judge-Advocate-General of the Army as to the practice in the Navy and the civil service in respect to reenlistment and reemployment.

The exhibit also contains, in further response to the call for full information bearing upon the order of discharge, an excerpt from my annual report to you as Secretary of War, in respect to the matter. Since that report was made there has been filed with you, and by you transmitted to the War Department, a statement, accompanied with affidavits, submitted by Mr. Andrew B. Humphrey as secretary of the Constitution League of the United States. That statement and the accompanying affidavits are set forth in the exhibit that I transmit herewith.

I have examined the new evidence with care, and I do not find that there is anything contained in it which should lead to a different conclusion of fact from that stated in my annual report. The affidavits contain in substance the same denials of complicity or knowledge by the enlisted men that were made to the inspecting officers, together with evidence intended to show that there was an opportunity for persons not in the battalion to disguise themselves in the cast-off uniforms of the enlisted men and to secure empty cartridge shells and throw them on the streets of the town. The suggestion that a body of men, sharing the hostility of the people of the town, should dress themselves in the cast-off clothing of the colored soldiers; should visit the army target range some 15 or 20 miles from the post for the purpose of obtaining used cartridge shells and clips, and then go through the town firing from 100 to 150 shots into houses where women and children were likely to be killed; should actually kill one man and attack the police of the town and nearly kill its lieutenant, and should then sprinkle the cartridge shells and clips on the streets of the town, all merely for the purpose of making a case of murder and riot against the colored troops and of thus securing their removal in the interest of the townspeople whose lives had been thus taken or endangered, is so grotesque in its improbability and absurdity as hardly to call for discussion or comment. The time in which the raid must have taken place, if soldiers were the perpetrators, is not at

all inconsistent with their guilt, because it was not to exceed 350 yards from the fort to the farthest point of firing, and the 700 yards of distance might easily have been traversed in a short interval by men shooting as they hurried on their bloody errand and returned. Whether the interval was eight or ten minutes or longer is of course a matter of uncertain judgment by witnesses who took no exact measure of it by the watch.

The criticism of the character and form of the evidence upon which the order was founded, contained in this statement, is unwarranted, because it proceeds on the assumption that in matters of executive action it is necessary for the Department to have a statement of the evidence as full and complete as it would be in a transcript in a court of error of the evidence in a trial of a criminal indictment. The Inspector-General's corps is created for the purpose of making careful investigations into questions of fact in which the judgment of the inspecting officer upon the information which he elicits properly plays an important part in assisting the Department in reaching its conclusions, and it is the usual practice for the inspector not to set out all the evidence in sworn affidavits or depositions, but for him to state generally the witnesses whom he interrogated and the other sources of his information. Take the present case: Major Blocksom, who was the inspecting officer, tells in his report of the estimate of the lieutenant of police of the number of men who attacked him and who they were.

He did not procure an affidavit or a written statement from this police officer. He only said in his report that he had seen and talked with him. As a matter of fact he visited the police officer, found him in bed, after his arm had been amputated, in a condition of weakness that prevented his doing more than answer two questions: First, as to how many men there were who attacked him; and second, who they were. Again, Major Blocksom does not set out an affidavit from the mayor of Brownsville, who had been an army surgeon and was occasionally called in to the post hospital. He contents himself with repeating the statement of the mayor, that he had examined the wounds of the dead man and the wounded lieutenant of police. As a report to an Executive Department for the purpose of basing Executive action like the discharge of troops, Major Blocksom's communication leaves no doubt as to the main facts of the transaction.

I come now to your power as President to make the order of discharge in the manner in which it was made. The Fourth Article of War, which contains the statutory direction in respect of the discharge of soldiers, is as follows:

ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

The regulations adopted by the President in carrying out this statutory provision are as follows:

148. Blank forms for discharge and final statements will be furnished by The Military Secretary of the Army, and will be retained in the personal custody of company commanders. Those for discharge will be of three classes: For honorable discharge, for dishonorable discharge, and for discharge without honor. They will be used as follows:



1. The blank for honorable discharge, when the soldier's service has been honest and faithful, in which case he would be entitled to character at least "good." Where the soldier's conduct has been such as to warrant his reenlistment, his service has been honest and faithful, and he is entitled to character at least "good."

2. The blank for discharge without honor when a soldier is discharged: (a) Without trial, on account of fraudulent enlistment. (b) Without trial, on account of having become disqualified for service, physically or in character, through his own misconduct. (c) On account of imprisonment under sentence of a civil court. (d) Where the service has not been honest and faithful; that is, where the service does not warrant his reenlistment. (e) Where discharge without honor is specially ordered by the Secretary of War for any other reason.

3. The blank for dishonorable discharge, for dishonorable discharge by sentence of a court-martial or military commission.

The statutory restriction as to the eligibility of men presenting themselves for enlistment is contained in the following statute:

That hereafter all enlistments in the Army shall be for the term of three years, and no soldier shall be again enlisted in the Army whose service during his last preceding term of enlistment has not been honest and faithful. (Sec. 2, Aug. 1, 1894, 28 Stat. L., 216.)

This has been construed for years by the Department as follows:

It is within the discretion of the Secretary of War to determine, for the purpose of enlistment, whether the service of an applicant during his last term of enlistment was honest and faithful within the meaning of this statute—a sound discretion to be exercised in view of all the facts regarding his service and desertion. "Desertion during a term of enlistment rendered service during such term *not* honest and faithful within the meaning of the act of June 16, 1890, and for the purposes of that act only. *Held*, therefore, that the question whether desertion constitutes a bar to reenlistment under the act of August 1, 1894, is a matter to be determined by the Secretary of War." (Par. 2158, Dig. of Opinions, J. A. Gen.)

The discharge without honor is not a punishment. When a soldier is discharged before or on expiration of service he is entitled to a certificate to that effect, but he is not entitled to a certificate of honorable discharge (which is now only given to soldiers whose service has been honest and faithful) if in fact his service has not been honest and faithful. In such case he has failed to earn an honorable discharge, and is given a discharge which discloses that fact—a discharge without honor. Not being a discharge "by way of punishment for an offense" (sec. 1290, R. S.), forfeiture of travel allowances is not an incident of it. But when a soldier is discharged without trial on account of fraudulent enlistment or "for disability caused by his own misconduct" (i. e., "without honor") travel allowances are forfeited; in the first case, by reason of the right of the Government, on the discovery of the fraud, to rescind the contract of enlistment, and thus avoid all unexecuted obligations under it, and in the second, under the provisions of the army appropriation act, approved March 16, 1896. But a soldier discharged without honor except for fraudulent enlistment does not forfeit clothing money due him at date of discharge. (Dig. Opins., J. A. Gen., sec. 1132.)

From the citations above given it follows that one enlisting in the Army is advised, first, that the President has the right at will to terminate the contract of enlistment; second, that when the contract of enlistment is terminated at will the President may properly show on the discharge that the service which has been rendered has not been such as to warrant reenlistment and, therefore, is not to be regarded as honest and faithful, permitting reenlistment under the statute.

By reference to the procedure in the Navy, set out in the Judge-Advocate-General's memorandum, it will be found that substantially the same case exists in that branch of the service, and while that matter is not so clear with respect to the civil service, the practice is practically the same.

It has been objected to the form of order in this case that, while the President might have the right to lay down rules of eligibility to exclude men discharged under circumstances like those present in the case under consideration, his power is that of laying down a rule

applicable to all individuals coming within its application, and not of directing by arbitrary order the exclusion of particular individuals. To this objection it may be answered that under the statute and the regulations the eligibility of the discharged enlisted man to reenlistment depends upon the character of the discharge which he receives. Thus, in the Navy if an enlisted man receives an ordinary discharge and the paper does not contain permission to reenlist, he is not eligible to reenlistment, except by special permission of the Navy Department. So in the case of the Army, if the discharge shows it to have been under circumstances specified in the regulations for refusing reenlistment, he is not allowed to reenlist. The words of the President, therefore, in the discharges in question barring the men from reenlistment, are in effect a mere declaration that they are discharged under such circumstances as not to warrant reenlistment, which brings them within paragraph 2, Class D, No. 148, of the Regulations of the Army.

Again, it is objected that the President has no power to make the order in question, because, if he has, he may disband the Army. There is a clear distinction between disbanding a company, a battalion, or a regiment, and the discharge of certain of its members. This order named the persons who were discharged, and did not embrace all members of the three companies. Immediately upon the discharge of these men an order was issued filling up the three companies by transfer from the other companies of the regiment, so that the entity and service of the companies are continued in the Army, and doubtless by proper recruiting, will soon be brought up to the usual number in each company. The order appears in the accompanying exhibit.

Among the similar cases which are set forth in the exhibit is the case of the Fourth Cavalry. In that case a number of men in a squadron, roused to passion and violence by the killing of one of their number, lynched the person charged with the crime. It was impossible to determine who had committed the crime; no evidence was forthcoming from the members of the squadron. The members of the court of inquiry, consisting of General Kautz, Colonel Carlin, and Col. Thos. M. Anderson, recommended that the troops of the squadron be disbanded. The matter was presented to Acting Judge-Advocate-General Lieber, who, after pointing out that the organization and maintenance of the squadron was provided for by law, said: "The Secretary of War has therefore, strictly speaking, no authority to disband these companies as such. He may indeed discharge all the men of such companies, enlisting others in their stead, but this would be treating innocent and guilty alike, and the discharge would be in law 'honorable,' and in the case of the guilty would be a premium upon crime." Since that time the practice has been put in force by regulation of issuing discharges without honor, in which there can be no reenlistment, except by Executive permission. There is nothing in this precedent which, in the slightest degree, affects the legality of the present order, for the principle upon which the decision rests recognizes fully the complete power of the President to discharge every member of any organization.

Very respectfully,

WM. H. TAFT,  
*Secretary of War.*

**COPIES OF OFFICIAL CORRESPONDENCE, INCLUDING LETTERS, TELEGRAMS, REPORTS, AND ORDERS, FILED IN THE WAR DEPARTMENT, IN CONNECTION WITH THE DISCHARGE OF ENLISTED MEN OF THE TWENTY-FIFTH UNITED STATES INFANTRY.**

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[Telegram.]

BROWNSVILLE, *July 28, 1906.*

THE MILITARY SECRETARY,  
*Washington, D. C.:*

Headquarters and staff, First Battalion, Twenty-fifth Infantry, Companies B, C, and D, 9 officers, 183 enlisted, and 1 sergeant, Hospital Corps, arrived at this post at 3.05 o'clock p. m. this date.

PENROSE,  
*Commanding.*

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[Telegram.]

DALLAS, TEX., *August 15, 1906.*

TAFT,  
*Secretary of War, Washington, D. C.:*

We are advised that negro soldiers stationed at Fort Brown have been guilty of most outrageous misconduct, and in the interest of the peace of that community, as well as for the good of the military service of the Government, we urge you to transfer the disorderly negro troops to some other point without delay.

CULBERSON and BAILEY,  
*Senators.*

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[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 15, 1906.*

COMMANDING OFFICER, FORT BROWN, TEX.:

Morning press reports soldiers fired rifles in streets of Brownsville, killing one and wounding others, and Senators Culberson and Bailey have telegraphed Secretary War: "We are advised that negro soldiers stationed at Fort Brown have been guilty of most outrageous misconduct." Acting Secretary War directs you telegraph facts of occurrence at once.

MCCANN,  
*Military Secretary.*

## AFFRAY AT BROWNSVILLE, TEXAS.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 15, 1906.

COMMANDING GENERAL, DEPARTMENT TEXAS,  
San Antonio, Tex.:

Following telegram this date to commanding officer, Fort Brown, Tex., repeated for your information:

Morning press reports soldiers fired rifles in streets of Brownsville, killing one and wounding others, and Senators Culberson and Bailey have telegraphed Secretary War: "We are advised that negro soldiers stationed at Fort Brown have been guilty of most outrageous misconduct." Acting Secretary War directs you telegraph facts of occurrence at once.

MCCAIN,  
Military Secretary.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 15, 1906.

COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
San Antonio, Tex.:

Telegraph this office earliest possible date facts concerning shooting at Brownsville and present situation there. Keep this office fully advised by telegraphing developments as they occur.

By order Acting Secretary War:

AINSWORTH,  
The Military Secretary.

THE WHITE HOUSE,  
Washington, August 16, 1906.

MY DEAR MR. SECRETARY: The President requests me to ask that you send him a report upon the matter of the action of the troops stationed at Fort Brown, referred to in the accompanying telegram from citizens of Brownsville, Tex.

Very truly, yours,

WM. LOEB, Jr.,  
Secretary to the President.

HON. R. S. OLIVER,  
Acting Secretary of War.

[Inclosure--Telegram.]

BROWNSVILLE, TEX., August 15-16, 1906.

THEODORE ROOSEVELT,  
President of the United States, Washington, D. C.:

The undersigned, a committee of citizens appointed at and by a mass meeting of the people of Brownsville, held in the federal courthouse in this city, on Tuesday, the 14th instant, to investigate the attack made on this city by negro troops now stationed at Fort Brown, adjoining the city, after an almost continuous session of two days find as follows:

That at a few moments before midnight on Monday, the 13th, a body of United States soldiers of Twenty-fifth United States Infantry (colored), numbering between 20 and 30 men, emerged from the garrison inclosure, carrying their rifles and abundant supply of ammunition, and also begun firing in town and directly into dwellings, offices, stores, and at police and citizens. During this firing one citizen, Frank Natus, was killed in his yard, and the lieutenant of police, who rode toward the firing, had his horse killed under him and was shot through the right arm, which has since been amputated at the elbow. After firing about 200 shots the soldiers retired to their quarters. After the most diligent inquiry we find that no shots were fired from the town into or toward the garrison, nor any provocation given for the attack. We find that negro soldiers who have been stationed here only a few weeks have taken exception to the fact that they have been refused liquor in the saloons at the same bars or counters as the white citizens, and that a few days ago a negro soldier was knocked down for rudely jostling a white woman, the wife of a federal officer, off the sidewalk.

We solemnly assert that no other provocation in any shape or manner has been given to these soldiers since their arrival here. We find that threats have been made by them that they will repeat this outrage. We do not believe their officers can restrain them, there being but five commissioned officers. Our condition, Mr. President, is this: Our women and children are terrorized and our men are practically under constant alarm and watchfulness. No community can stand this strain for more than a few days. We look to you for relief; we ask you to have the troops at once removed from Fort Brown and replaced by white soldiers. We appeal to you as Commander in Chief and as President of our whole people.

JOHN BARTLETT, *County Judge.*

FRANK W. KIBE, *City Attorney.*

CELEDONIO GARZA, *Sheriff.*

E. H. GOODRICH, *Superintendent Public Instruction.*

GEORGE CONNOR, *Chief of Police.*

JOHN G. FERNANDEZ, *Banker.*

FREDERICK J. COMBE, *Mayor.*

JAMES A. BROWNE, *Alderman.*

J. H. FLORENCE, *State Quarantine Officer.*

J. O. WHEELER, *Editor Daily Herald.*

WILLIAM KELLY, *Chairman Citizens' Committee.*

[Telegram.]

BROWNSVILLE, TEX., *August 16, 1906.*

THE MILITARY SECRETARY,

*War Department, Washington, D. C.:*

Reference your telegram yesterday, a shooting occurred in Brownsville about 12.10 morning of 14th, in which one civilian was killed and the chief of police wounded in right arm, which had to be amputated. Believe shooting was done by enlisted men of this post, but have not as yet been able to detect guilty party. Am conducting most thorough investigation possible and working in perfect harmony

with Citizens' Committee and Mayor of Brownsville. Guard of one-third of garrison, one company, constantly on duty. All enlisted men confined strictly to post, and no one allowed to enter but Mayor, members of Citizens' Committee, and those having official business. Conditions well in hand by both Mayor and myself. No trouble since shooting, and anticipate none. Full facts reported to department commander by wire and mail.

PENROSE,  
*Commanding.*

WAR DEPARTMENT,  
*Washington, August 16, 1906.*

HON. WILLIAM LOEB, JR.,  
*Secretary to the President, Oyster Bay, N. Y.*

MY DEAR SIR: In response to your letter of to-day, transmitting a telegram, addressed to the President by citizens of Brownsville, Tex., relative to an attack alleged to have been made on that city by negro troops now stationed at Fort Brown, adjoining the city, I beg leave to advise you that a telegram of inquiry, based upon the press reports of yesterday morning, was sent yesterday to the commanding officer at Fort Brown, Tex. A telegram, of which a copy follows, was received from that officer this afternoon:

BROWNSVILLE, TEX., *August 16, 1906.*

THE MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Reference your telegram yesterday, a shooting occurred in Brownsville about 12.10 morning of 14th, in which one civilian was killed and the chief of police wounded in right arm, which had to be amputated. Believe shooting was done by enlisted men of this post, but have not as yet been able to detect guilty party. Am conducting most thorough investigation possible and working in perfect harmony with Citizens' Committee and Mayor of Brownsville. Guard of one-third of garrison, one company, constantly on duty. All enlisted men confined strictly to post, and no one allowed to enter but Mayor, members of Citizens' Committee, and those having official business. Conditions well in hand by both Mayor and myself. No trouble since shooting, and anticipate none. Full facts reported to department commander by wire and mail.

PENROSE,  
*Commanding.*

No further information with regard to the occurrence has been received here, but instructions have been telegraphed to the commanding general, Department of Texas, to make telegraphic report of the facts in the case, or of any change in the situation at the earliest possible date. As soon as any further information with regard to the matter is received it will be forwarded to you.

Very respectfully,

F. C. AINSWORTH,  
*The Military Secretary, Acting Secretary of War.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 16, 1906.*

HON. CHARLES A. CULBERSON,  
*United States Senator, Dallas, Tex.:*

Reference your telegram 15th instant, relative to misconduct of negro soldiers from Fort Brown at Brownsville, Tex., commanding

officer, Fort Brown, is making thorough investigation. Upon receipt of report you will be informed.

AINSWORTH,  
*The Military Secretary.*

(Similar telegram to Hon. Joseph W. Bailey, United States Senator, Dallas, Tex.)

—————  
[Telegram.]

SAN ANTONIO, TEX., August 17, 1906.

MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Reference your telegram yesterday, full report of trouble at Brownsville, received from commanding officer, Fort Brown, will be mailed you to-day. No new developments since report wired you by him. Division commander ordered inspector to Brown at once on receipt of news trouble here.

McCASKEY,  
*Brigadier-General.*

—————  
[Telegram.]

DALLAS, TEX., August 17, 1906.

SECRETARY OF WAR,  
*Washington, D. C.:*

Some time ago I called your attention to the danger of locating negro troops in Texas, especially at Brownsville. The recent outrageous conduct of such troops there fully justifies the fact of the people of that locality. Can not these troops be removed at once?

C. A. CULBERSON.

—————  
[Telegram.]

WAR DEPARTMENT,  
*Washington, August 17, 1906.*

Hon. WILLIAM LOEB, Jr.,  
*Secretary to the President, Oyster Bay, N. Y.:*

Following telegram just received from commanding general, Department of Texas:

MILITARY SECRETARY:

Reference your telegram yesterday, full report of trouble at Brownsville, received from commanding officer, Fort Brown, will be mailed you to-day. No new developments since report wired you by him. Division commander ordered inspector to Brown at once on receipt of news trouble here.

McCASKEY,  
*Brigadier-General.*

Following telegram just received from Senator Culberson:

SECRETARY OF WAR:

Some time ago I called your attention to the danger of locating negro troops in Texas, especially at Brownsville. The recent outrageous conduct of such troops there fully justifies the fact of the people of that locality. Can not these troops be removed at once?

C. A. CULBERSON.

What answer shall be made to Senator Culberson? Both General Bell and I regard it inadvisable to consider question of moving these troops until after persons responsible for disturbance have been discovered and punished.

AINSWORTH,  
*Acting Secretary of War.*

[Telegram.]

CAMP MABRY,  
*Austin, Tex., August 17, 1906.*

MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Unsatisfactory conditions at Fort Brown and Brownsville continue. Citizens appeal to State officials, on account of abject fear of women and children, to have present garrison removed. Commanding officer, Fort Brown, of even date, wires situation grave. One-third garrison guarding other two-thirds and preventing ingress to or egress from post. Remarkable and unmilitary situation. Citizens of Brownsville entertain race hatred to an extreme degree, making it necessary to divert competitors returning from Fort Sill. The provocation given soldiers not taken into account by civilians. Recommend temporary abandonment of Fort Brown as a military station and that troops now there be sent to Fort Reno, Okla.

McCASKEY,  
*Brigadier-General,*  
*Commanding Southwestern Division and Department Texas.*

[Telegram.]

WAR DEPARTMENT,  
*Washington, August 18, 1906.*

HON. WILLIAM LOEB, JR.,  
*Secretary to the President, Oyster Bay, Long Island, N. Y.:*

Following telegram just received from General McCaskey:

MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Unsatisfactory conditions at Fort Brown and Brownsville continue. Citizens appeal to State officials, on account of abject fear of women and children, to have present garrison removed. Commanding officer, Fort Brown, of even date, wires situation grave. One-third garrison guarding other two-thirds and preventing ingress to or egress from post. Remarkable and unmilitary situation. Citizens of Brownsville entertain race hatred to an extreme degree, making it necessary to divert competitors returning from Fort Sill. The provocation given soldiers not taken into account by civilians. Recommend temporary abandonment of Fort Brown as a military station and that troops now there be sent to Fort Reno, Okla.

McCASKEY,  
*Brigadier-General, Commanding Southwestern Division and Department Texas.*

Chief of Staff and myself are still of opinion, as indicated in my telegram of yesterday, that it is inadvisable to consider question of removing these troops until after investigation has fixed responsibility for outbreak and the culprits have been discovered and punished.

AINSWORTH,  
*The Military Secretary, Acting Secretary of War.*



[Telegram.]

EXECUTIVE OFFICE,  
*Oyster Bay, N. Y., August 18, 1906.*

AINSWORTH,

*Acting Secretary of War, Washington, D. C.:*

Telegrams and letter received. President directs that you wire Senator Culberson that no action can be taken on his request until a full investigation and report as to the incident in question has been made and action taken by the Department.

WM. LOEB, JR.,  
*Secretary.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 18, 1906.*

Hon. C. A. CULBERSON,

*Dallas, Tex.:*

Your telegram requesting removal of colored troops from Fort Brown having been submitted to the President, he directs me advise you that no action can be taken on your request until full investigation and report as to incident in question has been made and action taken by the Department.

AINSWORTH,  
*Acting Secretary of War.*POINTE AU PIC, CANADA, *August 18, 1906*

MY DEAR GENERAL AINSWORTH: I am in receipt of the following telegram from Senators Culberson and Bailey, of Texas, dated August 16:

We are advised that negro soldiers stationed at Fort Brown have been guilty of most outrageous misconduct, and in the interest of the peace of that community, as well as for the good of the military service of the Government, we urge you to transfer the disorderly negro troops to some other point without delay.

Please let me know what the facts are.

Very sincerely, yours,

WM. H. TAFT.

Maj. Gen. F. C. AINSWORTH,

*Acting Secretary of War,**War Department, Washington, D. C.*THE WHITE HOUSE,  
*Washington, August 19, 1906.*

MY DEAR GENERAL AINSWORTH: The President directs me to send you the inclosed telegram from citizens of Brownsville, Tex., relative to the recent disorders at that place, for consideration in connection with a previous telegram from these people, sent you on the 16th instant.

Very truly, yours,

WM. LOEB, JR.,  
*Secretary to the President.*

Maj. Gen. F. C. AINSWORTH,

*Acting Secretary of War.*

[Inclosure—Telegram.]

BROWNSVILLE, TEX., August 18, 1906.

HON. THEODORE ROOSEVELT,  
*President of the United States, Washington, D. C.:*

We appeal to you again in our great necessity. Our position is misunderstood. We can not convince our women and children that another outbreak may not occur at any time. Their condition is deplorable; they will scarcely venture out of their homes and feel secure, thereby our maintaining heavy guard and patrol of armed citizens every night. We know that the accidental discharge of a firearm, any overt act of an excited citizen—and our citizens are fearfully excited—would precipitate upon the whole negro force at Brownsville.

We do not believe that their officers could restrain or control them. There are only five officers present and the consequences would be fearful loss of life and probable destruction of city. Many of our citizens have removed and are removing their families elsewhere. A Texas town should not be left unaided in this condition. We demand the immediate removal of these negroes from our city and we ask you to so order. Please answer.

JOHN BARTLETT, *County Judge.*  
 FRANK W. KIBBE, *City Attorney.*  
 CELEDONIO GARZA, *Sheriff.*  
 E. H. GOODRICH, *Superintendent Public Instruction.*  
 GEO. CONNER, *Chief of Police.*  
 JOHN G. FERNANDEZ, *Banker.*  
 J. O. WHEELER, *Editor Daily Herald.*  
 WILLIAM KELLY, *Chairman Citizens' Committee.*  
 S. DWORMAN.  
 WM. M. RATCLIFF.  
 JOHN HOYT.  
 VALENTIN GRAVITO, *Justice of the Peace.*  
 JOS. WEBB, *County Clerk.*  
 WILBER DENNETT.  
 B. E. BLALOCK.  
 FREDCK. COMBE, *Mayor.*  
 JAS. A. BROWN, *Alderman.*  
 J. H. FLORENCE, *State Quarantine Officer.*  
 MARTIN HANSON, *City Surveyor.*

[Telegram.]

WASHINGTON, August 19, 1906.

HON. WILLIAM LOEB, JR.,  
*Oyster Bay, N. Y.:*

Your note of to-day, inclosing telegram from citizens of Brownsville, just received. Inasmuch as this telegram shows great fear on part of citizens of Brownsville that negro troops can not be controlled by their officers, and inasmuch as a portion of the citizens can not be convinced to the contrary, the Chief of Staff and I think it advisable, if the President deems best, that battalion of colored troops at Fort Brown be ordered immediately to Fort Ringgold, which is about 100

miles up the river, and is now vacant. From this point investigation with a view to discovering guilty parties can be continued. Please wire instructions.

AINSWORTH,  
*Acting Secretary of War.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 19, 1906.*

COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
*San Antonio, Tex.*

Following telegram sent yesterday:

Hon. C. A. CULBERSON,  
*Dallas, Tex.:*

Your telegram requesting removal of colored troops from Fort Brown having been submitted to the President, he directs me advise you that no action can be taken on your request until full investigation and report as to incident in question has been made and action taken by the Department.

AINSWORTH,  
*Acting Secretary War.*

Foregoing applies to your telegraphic recommendation for removal troops from Brown. Telegraph promptly any change in situation or new developments.

AINSWORTH,  
*Acting Secretary War.*

[Telegram.]

DALLAS, TEX., *August 19, 1906.*

Gen. F. C. AINSWORTH,  
*War Department, Washington, D. C.:*

Since the receipt of your telegram of yesterday, officials and citizens of Brownsville have wired me again to the effect that there is danger of further riot and bloodshed at Brownsville unless the negro troops are immediately removed. I respectfully suggest that the Department could within a day get a telegraphic report from the commanding officer at Fort Brown as to condition there, upon which action could be based. Please wire me what the people there may expect.

C. A. CULBERSON.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 19, 1906.*

COMMANDING OFFICER, FORT BROWN, TEX.:

Telegraph situation immediately. Have you any doubt as to your ability to restrain troops from further violence? Have you any apprehension of collision with civilians or of other trouble? Answer fully.

AINSWORTH,  
*Acting Secretary War.*

[Telegram.]

GAINESVILLE; TEX., August 19, 1906.

SECRETARY OF WAR,  
Washington, D. C.:

I dislike to seem importunate about matters concerning your Department, but I would not feel that I had done my duty to the people of this State if I did not renew my urgent request for the immediate removal of the negro troops at Brownsville. The best citizens of that place assure me that a state of mind amounting almost to a panic exists there, and, in view of the serious offense committed by these negro troops, I do not think the Federal Government ought to hazard the further peace of that community.

J. W. BAILEY.

[Telegram.]

BROWNSVILLE, TEX., August 19, 1906.

The Honorable SECRETARY OF WAR,  
Washington, D. C.:

Reference your telegram to-day, officers and enlisted men confined strictly to garrison. No one permitted to enter post but Mayor, Citizens' Committee of Brownsville, and civilians, employees. Have no doubt of my ability to restrain troops. Everything quiet in city, but very bitter feeling exists in both city and surrounding country. Think Mayor has control of situation, and do not anticipate further trouble.

PENROSE,  
Commanding.

[Telegram.]

CAMP MABRY,  
Austin, Tex., August 19, 1906.MILITARY SECRETARY OF THE ARMY,  
Washington, D. C.:

Following telegram received from inspector:

BROWNSVILLE, TEX., August 19.

CHIEF OF STAFF, CAMP MABRY,  
Austin, Tex.:

Arrived last night. Troops under proper control, although town people are still very much excited, and men all carrying arms. After consultation with post officers, the Mayor, only prominent citizens, strongly recommended Company A, Twenty-fifth Infantry, be not sent here for the present, at least; otherwise grave trouble almost certain to ensue on road in the vicinity. Every effort being made to discover murderers. Recommend all officers now on detailed service from this command, that can be spared, be sent here soon as practicable.

BLOCKSON,  
Major.

Recommendation to divert Company A is approved. All available officers, four in number, already sent to Fort Brown.

McCASKEY,  
Brigadier-General.

[Telegram.]

WAR DEPARTMENT,  
Washington, August 20, 1906.Hon. WILLIAM LOEB, Jr.,  
Secretary to the President,  
Oyster Bay, Long Island, N. Y.:

Following telegram received from Senator Bailey:

GAINESVILLE, TEX., 19.

TO SECRETARY OF WAR,  
Washington, D. C.:

I dislike to seem importunate about matters concerning your Department, but I would not feel that I had done my duty to the people of this State if I did not renew my urgent request for the immediate removal of the negro troops at Brownsville. The best citizens of that place assure me that a state of mind amounting almost to a panic exists there, and, in view of the serious offense committed by these negro troops, I do not think the Federal Government ought to hazard the further peace of that community.

J. W. BAILEY.

Following telegram received from commanding officer, Fort Brown, Tex.:

BROWNSVILLE, TEX., 19.

TO THE HONORABLE SECRETARY OF WAR,  
Washington, D. C.:

Reference your telegram to-day, officers and enlisted men confined strictly to garrison. No one permitted to enter post but Mayor, Citizens' Committee of Brownsville, and civilians, employees. Have no doubt of my ability to restrain troops. Everything quiet in city, but very bitter feeling exists in both city and surrounding country. Think Mayor has control of situation, and do not anticipate further trouble.

PENROSE,  
Commanding.

Following telegram received from commanding general, Department of Texas:

CAMP MABRY,  
Austin, Tex., 19.MILITARY SECRETARY OF THE ARMY,  
Washington, D. C.:

Following telegram received from inspector:

"BROWNSVILLE, TEX., August 19.

"CHIEF OF STAFF, CAMP MABRY,  
"Austin, Tex.:

"Arrived last night. Troops under proper control, although town people are still very much excited, and men all carrying arms. After consultation with post officers, the Mayor, only prominent citizens, strongly recommended Company A, Twenty-fifth Infantry, be not sent here for the present, at least; otherwise grave trouble almost certain to ensue on road in the vicinity. Every effort being made to discover murderers. Recommend all officers now on detailed service from this command, that can be spared, be sent here soon as practicable.

"BLOCKSON, Major."

Recommendation to divert Company A is approved. All available officers, four in number, already sent to Fort Brown.

McCASKEY,  
Brigadier-General.

Orders telegraphed from here this morning to hold Company A Twenty-fifth Infantry, at Fort Washakie until further orders.

AINSWORTH,  
Acting Secretary of War.

WAR DEPARTMENT,  
Washington, August 20, 1906.

HON. WILLIAM LOEB, JR.,  
*Secretary to the President, Oyster Bay, Long Island, N. Y.*

MY DEAR SIR: Herewith I transmit a report, received this afternoon, from the commanding officer, Fort Brown, Tex., relative to the recent shooting that took place in the adjoining city of Brownsville.

Major Blocksom, inspector-general, is now at Fort Brown making a thorough investigation of the occurrence. His report may be expected to give full and definite information with regard to the affair.

Please return the accompanying paper after it shall have been brought to the attention of the President.

Very respectfully,

F. C. AINSWORTH,  
*The Military Secretary, Acting Secretary of War.*

[Inclosure.]

FORT BROWN, TEX., August 15, 1906.

THE MILITARY SECRETARY, DEPARTMENT OF TEXAS,  
*San Antonio, Tex.*

SIR: In connection with my telegram of yesterday, relative to the shooting that occurred in the city of Brownsville, Tex., I have the honor to submit the following report:

At 12.10 a. m. the garrison was aroused by a fusilade of shots, which, apparently, were being fired from behind the brick wall bounding the north side of the post, and from which the barracks are located not more than 100 feet. This fusilade lasted from eight to ten minutes, and a hundred or more shots must have been fired, giving me the impression the garrison was being attacked, and I consequently gave the order to fall in under arms, which was done with but little delay, considering the confusion, and the fear of lighting the lamps in the barracks. The roll was called in each company, and all were reported present but two men from Company C, who were on pass. I then posted my entire command behind the brick wall before mentioned, which was accomplished in a short time after the firing had ceased, and, as everything had become perfectly quiet, in the course of half an hour I sent Captain Lyon, with his company (D), to look through the lower part of the town for the two men on pass, fearing something might have happened to them.

Captain Lyon was gone about three-quarters of an hour, and returned without finding the men or meeting with any opposition. Returning with Captain Lyon was the Mayor of Brownsville, Doctor Combe, who reported to me that one civilian of the city had been killed and the chief of police badly wounded in the right arm, his horse being killed under him, and claimed the killing and wounding had been done by soldiers; but at that time I felt confident he was mistaken, as all men had been reported present except the two on pass, and to make sure I again had the rolls called, and received the same report from each company commander, "All present, or accounted for," the two men from C Company still being absent.

I kept the entire garrison under arms until 3.30 a. m., and then placed one company, C, on guard, in addition to the regular guard, and formed a cordon of sentinels around the north and east side of

the post, the exposed portion, with the most stringent orders to allow no one to leave the post, and no one to enter it except the Mayor, and such other person as he, the Mayor, might wish to bring in to see me. The other two companies were allowed to return to their barracks.

As an additional check, as soon as it was light enough to see, I had every rifle in the barracks and in the hands of the men inspected, to learn whether or not they had been fired, but all were found to be bright and clean.

The Mayor again called upon me about 10 a. m., and informed me a few empty cartridge cases and used clips for our Springfield rifle had been found in the streets, and later in the morning told me there had been picked up between 75 and 100 empty cases and used clips, as well as a few cartridges that had not been fired. Some of these I examined, and there is no doubt they are those manufactured by our Ordnance Department and issued to the troops.

At 11.30 a. m. a committee of 15 citizens of Brownsville, headed by the Mayor, called upon me, and through their chairman, Capt. William Kelly, a Union volunteer veteran of the civil war, informed me they had positive proof, by several reliable witnesses, that the shooting was done by colored soldiers, in uniform, and requested I cause the offenders' arrest and turn them over to the civil authorities. The Mayor, Doctor Combe, then spoke and said that he had examined the dead and wounded man, and there was no doubt in his mind the wounds were caused by a bullet fired from a Springfield rifle, or some rifle with a similar penetrating power.

Here it will be well for me to state that Doctor Combe served as a volunteer surgeon during the Spanish-American war; was a brigade surgeon during the greater part of the Philippine insurrection, and is at the present time employed to attend the sick of the post during the absence of a surgeon.

I then expressed my deep regret to the committee that such a frightful crime should have happened, and that the evidence pointed so strongly to its being committed by my men; and while it had been impossible for me up to the present time to fix the blame upon anyone, I should never cease my endeavors to detect the criminal or criminals, and, if found, would promptly turn them over to the proper authorities. In conclusion, I assured them nothing of the kind would occur again, and explained to them the precautions I had taken. The Mayor then told me he was positive he was able to hold the unruly element of the city in check, and this was voiced by the committee, who then took their departure. We parted with the best of understanding between us, and I trust the cordial feeling will maintain throughout this very trying period.

Yesterday and last night passed without the slightest indication of further trouble of any kind. I still have one-third of my command—one company—on guard day and night, with the same stringent orders as to leaving or entering the post, the only exception being civilian employees and servants.

Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, but with this fact so painfully before me I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand. I have the affidavits from three noncommissioned officers who were in

charge of quarters on the day and night, and they swear positively the rifles were verified and the racks locked after drill (practice march of Companies B and D, drill of Company C), and the old guard returned to the quarters; that they never left the quarters, and that the keys to the locks of the racks were never out of their possession, and that the racks were not opened until call to arms sounded, and were then opened by them.

From testimony gathered by the Citizens' Committee and given to me by Doctor Combe, I believe from seven to ten men were implicated in this matter. Some one of them must have had a key to the gun rack, and after check roll call was taken—for all were reported present at 11 p. m. roll call—they slipped out of quarters, did the shooting, returned while the companies were forming, and at some time during the early hours of the morning cleaned their rifles. This is made possible from the fact that the shooting all occurred within two short blocks of the barracks.

I am conducting the most rigid examination possible, examining every man and working in conjunction with the Citizens' Committee, and I believe the offenders will be apprehended, although it will take time. The best of the men are very much perturbed over the matter, and I believe through them, rather than my own efforts, the perpetrators of this wanton crime will be apprehended.

That the enlisted men have been subjected to indignities since their arrival here there can be no doubt, and this has caused a good deal of feeling among them, and to one case I attribute this outbreak, the subject of which I will make an official report as soon as the collector of customs, Mr. Vann, returns to the city.

On the evening of August 5, Private Newton, of Company C, was walking on Elizabeth street, in the city of Brownsville, with Private Lipscomb, same company. When about a block north of the post-office they met a party of ladies standing on the sidewalk, talking to a man by the name of Tate, who is employed in the customs service. To pass this party, the men passed between them and the fence, in single file, Newton leading. Newton claims in his affidavit that he did not even touch one of the ladies in passing, but when opposite this man Tate, he, Tate, drew a revolver from his hip pocket and struck Newton upon the side of the head with it, knocking him down, at the same time saying, "I'll learn you to get off the sidewalk when there is a party of ladies on the walk." When Newton rose to his feet Tate covered him with his revolver and said, "Damn you, leave, or I will blow your brains out." This is corroborated by Private Lipscomb.

I at once wrote a letter to Mr. John W. Vann, collector of customs, informing him of the matter, and requested he would make such investigation of the occurrence as he might see fit and notify me of the result. Mr. Vann being out of town, my communication was replied to by Mr. Browne, deputy collector of customs, who requested me to await action until Mr. Vann returned, which, of course, I was very glad to do.

On the afternoon of the 13th, at about 5 o'clock, a Mr. Evans, of Brownsville, accompanied by Doctor Combe, called upon me, and the former told me that on the evening before his wife, when returning home and when about to enter her back gate, was seized from behind by a colored man who, she was positive, was a soldier, as he



was in khaki uniform, but whom she could not identify, and he further stated he had been greatly annoyed by enlisted men congregating near his house the two previous evenings by their vulgar conversation and swearing.

His statement that his wife was seized by a soldier I was inclined to doubt, as prostitutes are too common in the town, but as the matter was a most serious one, and fearing the matter would inflame the people, as well as to save Mr. Evans any further annoyance, I ordered all passes canceled at 8 o'clock, and sent a patrol through the city notifying all men to return to the post at that hour. At 8 o'clock I sent out a second patrol, and at 9 a third one, which reported that no men could be found. Captain Macklin, the officer of the day, also went through that part of the city most frequented by the men, but found no one. Mr. Evans is unfortunate in living very near the Tenderloin, but, to protect him, it was my intention to send patrols to that part of the city every evening, and frequently, if necessary.

These two incidents have served to cause bad blood between the citizens and the soldiers.

I have not been able to investigate his charges that his wife was seized by a soldier, as the shooting came too closely upon it, and has occupied all of my attention. Fortunately, Mrs. Evans was not harmed, save the terrible fright it gave her.

I look for no further trouble, and trust my actions will meet with the approval of the department commander.

Very respectfully,

C. W. PENROSE,  
*Major, Twenty-fifth Infantry, Commanding.*

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[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 20, 1906.*

Maj. AUGUSTUS P. BLOCKSOM,  
*Inspector-General, Fort Brown, Tex.:*

Confidential. Telegraph this office soon as possible your conclusions as to cause of Brownsville disturbance and facts concerning it. Advise us fully regarding present situation. Do you consider it necessary to remove colored troops from Fort Brown; and if so, how soon? If removal not necessary, do you consider it advisable? Have civil authorities made any demand to have men turned over to them? If so, what action has been taken? Do you think suspected men can be turned over now or in near future with reasonable certainty of receiving protection and fair trial at hands of civil authorities? Do not leave Fort Brown until after ascertaining by telegraph that this office has nothing further for you.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

BROWNSVILLE, TEX., *August 20, 1906.*THE MILITARY SECRETARY, UNITED STATES ARMY,  
*Washington, D. C.:*

Causes of disturbance are racial. People did not desire colored troops here and showed they thought them inferior socially by certain slights and denial of privileges at public bars, etc. Soldiers resented this. There were several individual encounters between soldiers and citizens. About midnight of 13th party of soldiers, probably 9 to 15, made raid through several squares of town, firing 75 to 150 shots, killing a bartender and dangerously wounding a lieutenant of police. They also fired into several houses, where women and children narrowly escaped being shot. Raid lasted from eight to ten minutes. Claim made that citizens fired first, but I believe without foundation. Although act probably preconcerted, do not think commanding officer could have foreseen. Citizens can not identify individual raiders, and authorities have made no demand for them. Investigation now going on has as yet discovered none. Commanding officer to-day invited a committee of three citizens to assist in conducting investigation. People are still in a state of great nervous tension, and men nearly all carry arms openly at night. Women and children still frightened. I consider it necessary to remove colored troops, the sooner the better. While now apparently under perfect control an entire company is on guard each day—a great strain, with little prospect of relief. Differences between soldiers and citizens are irreconcilable. Suspected men might get a fair trial here at hands of civil authorities, but could not be properly protected from mob violence. Fuller report about investigation will be made in regular course.

BLOCKSON,  
*Major.*

[Telegram.]

EXECUTIVE OFFICE,  
*Oyster Bay, N. Y., August 20, 1906.*AINSWORTH,  
*Acting Secretary of War, Washington, D. C.:*

Telegrams of 18th, 19th, and 20th received. Send troops to Fort Ringgold pending proposed investigation. Matter is so important that if possible the President earnestly desires that the Chief of Staff, General Bell, himself proceed there at once and take charge of investigation. Tell General Bell that in any event, if Brownsville Fort is temporarily abandoned, no other troops will be sent there. The President supposes it will eventually be abandoned under the brigade-post theory anyhow. The President wishes investigation finished at the earliest possible moment.

WM. LOEB, JR.,  
*Secretary.*

[Telegram.]

WAR DEPARTMENT,  
*Washington, August 20, 1906.*

Hon. WILLIAM LOEB, Jr.,

*Secretary to the President, Oyster Bay, Long Island, N. Y.:*

Reference your telegram of to-day, orders have been telegraphed to commanding officer, Department of Texas, to remove colored troops from Fort Brown to Fort Ringgold, first sending one company of white troops to Fort Brown, this being necessary to care for supplies and property until same can be shipped away and post abandoned. Major Blocksom, inspector-general, a very able officer, is now at Fort Brown making investigation. Secretary War, Assistant Secretary of War, and Assistant Chief of Staff are now absent from Washington. In view of these facts, General Bell is greatly needed here. He and I think he ought not to leave here now to take charge Fort Brown investigation, as suggested in your telegram, especially as the investigation is already in progress and in good hands. Please advise me if President still desires him to go.

AINSWORTH,  
*Acting Secretary of War.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 20, 1906.*

COMMANDING GENERAL, DEPARTMENT OF TEXAS,

*Camp Mabry, Austin, Tex.:*

Send one company of Twenty-sixth Infantry to Fort Brown, Tex., immediately and by quickest practicable route. Assign officers temporarily to company if necessary to give it full complement. Immediately on arrival of this company at Fort Brown send all companies of Twenty-fifth Infantry from that place to Fort Ringgold, with supplies for at least one month. Quartermaster's, Medical, and Subsistence departments will furnish necessary transportation, attendance, and supplies.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 20, 1906.*

COMMANDING GENERAL, SOUTHWESTERN DIVISION,

*Oklahoma City, Okla. Ter.:*

Following telegram sent to-day to commanding general, Department of Texas:

Send one company of Twenty-sixth Infantry to Fort Brown, Tex., immediately and by quickest practicable route. Assign officers temporarily to company if necessary to give it full complement. Immediately on arrival of this company at Fort Brown send all companies of Twenty-fifth Infantry from that place to Fort Ringgold,

with supplies for at least one month. Quartermaster's, Medical, and Subsistence departments will furnish necessary transportation, attendance, and supplies.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

WAR DEPARTMENT,  
*Washington, August 20, 1906.*

COMMANDING GENERAL, NORTHERN DIVISION,  
*St. Louis, Mo.:*

Following telegram just sent to commanding officer, Fort Washakie, Wyo.:

Hold Company A, Twenty-fifth Infantry, at Fort Washakie until further orders. Telegraph acknowledgment receipt of this.

AINSWORTH,  
*Acting Secretary of War.*

AINSWORTH,  
*Acting Secretary of War.*

[Telegram.]

CAMP MABRY,  
*Austin, Tex., August 20, 1906.*

MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Following received:

SAN ANTONIO, TEX., *August 20, 1906.*

COMMANDING GENERAL, CAMP MABRY,  
*Austin, Tex.:*

Following received:

"BROWNSVILLE, TEX., *August 19, 1906.*

"MILITARY SECRETARY, DEPARTMENT TEXAS,  
*San Antonio:*

"General Orders, No. 50, Department of Missouri, transferring Company A, Twenty-fifth Infantry, from Washakie to this post, just received. I can't impress upon the department too strongly the danger of this movement, as feeling is so strong in this part of the vale, as well as Brownsville, no one could tell what results would be. This is opinion of Mayor and most conservative citizens here. I strongly recommend company be sent to post outside of Texas. Lieutenants Chandler, Hay, and West reached post last evening, and I request Lieutenant Higgins, Twenty-fifth Infantry, now at Camp of Instruction at Austin, be ordered to return at once, and that a surgeon be sent here. Both those officers urgently needed.

"PENROBE,  
*"Commanding."*

FINLEY,  
*Military Secretary.*

Lieutenant Higgins sent back to Fort Brown before receipt of above. Captain Edgar, assistant surgeon, leaves here for Fort Brown at once.

MCCASKEY,  
*Brigadier-General.*

[Telegram.]

WASHINGTON, August 20, 1906.

Hon. C. A. CULBERSON,  
Dallas, Tex.:

As soon as further instructions are received from the President relative to subject of your telegram of yesterday you will be advised.

AINSWORTH,  
Acting Secretary of War.

[Telegram.]

WAR DEPARTMENT,  
Washington, August 20, 1906.

Hon. C. A. CULBERSON,  
Dallas, Tex.:

Orders just telegraphed to commanding general, Department of Texas, to withdraw companies of Twenty-fifth Infantry from Fort Brown.

AINSWORTH,  
Acting Secretary of War.

[Telegram.]

WAR DEPARTMENT,  
Washington, August 20, 1906.

Hon. J. W. BAILEY,  
Gainesville, Tex.:

Your telegram of yesterday relative to troops at Fort Brown has been submitted to the President, and as soon as his instructions are received with regard to it you will be notified.

AINSWORTH,  
Acting Secretary of War.

[Telegram.]

WAR DEPARTMENT,  
Washington, August 20, 1906.

Hon. J. W. BAILEY,  
Gainesville, Tex.:

Orders just telegraphed to commanding general, Department of Texas, to withdraw companies of Twenty-fifth Infantry from Fort Brown.

AINSWORTH,  
Acting Secretary of War.

[Telegram.]

WAR DEPARTMENT,  
Washington, August 21, 1906.

Hon. WILLIAM LOEB, Jr.,  
Secretary to the President, Oyster Bay, N. Y.:

Following telegram just received from Major Blocksom, inspector-general, investigating recent disturbance at Brownsville, Tex.:

BROWNSVILLE, TEX., August 20.

THE MILITARY SECRETARY, UNITED STATES ARMY,  
Washington, D. C.:

Causes of disturbance are racial. People did not desire colored troops here and showed they thought them inferior socially by certain slights and denial of privileges at public bars, etc. Soldiers resented this. There were several individual encounters between soldiers and citizens. About midnight of 13th party of soldiers, probably 9 to 15, made raid through several squares of town, firing 75 to 150 shots, killing a bartender and dangerously wounding lieutenant of police. They also fired into several houses, where women and children narrowly escaped being shot. Raid lasted from eight to ten minutes. Claim made that citizens fired first, but I believe without foundation. Although act probably preconcerted, do not think commanding officer could have foreseen. Citizens can not identify individual raiders, and authorities have made no demand for them. Investigation now going on has as yet discovered none. Commanding officer to-day invited a committee of three citizens to assist in conducting investigation. People are still in a state of great nervous tension, and men nearly all carry arms openly at night. Women and children still frightened. I consider it necessary to remove colored troops, the sooner the better. While now apparently under perfect control—an entire company is on guard each day—a great strain, with little prospect of relief. Differences between soldiers and citizens are irreconcilable. Suspected men might get a fair trial here at hands of civil authorities, but could not be properly protected from mob violence. Fuller report about investigation will be made in regular course.

BLOCKSOM,  
Major.

Chief of Staff and I think that so much of this telegram as relates to possibility of protection and fair trial for suspected men should not be made public. Remainder of telegram will be given to press here.

AINSWORTH,  
Acting Secretary of War.

[Telegram.]

EXECUTIVE OFFICE,  
Oyster Bay, N. Y., August 21, 1906.

AINSWORTH,  
Acting Secretary of War, Washington, D. C.:

Your two telegrams, 20th and 21st, received. In view of the statements in Major Blocksom's report of his investigation, that it is impossible to identify soldiers who did the shooting, that the number of them were engaged in it, that a white barkeeper was killed and lieutenant of police dangerously wounded, and that a number of shots entered several houses containing women and children, who narrowly escaped injury, it seems to the President clear that colored troops should be sent at once to Oklahoma or some other place, and that it would be well to have them taken where there are also white troops. The President directs that the Brownsville post be temporarily closed and that only a sufficient number of men be sent there to take care of and ship supplies. The President does not think that there should be a full company sent there. Then let the Chief of Staff, at his leisure,

report to the President in full on the occurrences and as to what further action it is advisable to take. The President approves of your omitting from what you make public portion of telegram you refer to, but be sure to make plain that the Brownsville fort will be temporarily abandoned, that the white soldiers sent there are simply for the purpose of removing the Government supplies, and that General Bell, the Chief of Staff, is to make an exhaustive and thorough investigation of the incident and later submit a full report to the President.

WM. LOEB, Jr.,  
*Secretary.*

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[Telegram.]

WAR DEPARTMENT,  
Washington, August 21, 1906.

Hon. WILLIAM LOEB, Jr.,  
*Secretary to the President, Oyster Bay, Long Island, N. Y.:*

Reference your telegram of this afternoon, orders have been telegraphed commanding general, Department Texas, to send colored troops from Fort Brown to Fort Reno, Okla. This is in accordance with President's orders, also with recommendation just received from General McCaskey. He also telegraphs that company of white troops left for Fort Brown last night on special train due there before noon to-day. Company of 48 men was sent because less number insufficient for guard and labor of packing and shipping supplies. It will be made plain that on completion this work company will be withdrawn and Fort Brown temporarily abandoned, also that Chief of Staff is to make exhaustive investigation and later submit full report to President.

AINSWORTH,  
*Acting Secretary War.*

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[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 21, 1906.

Brig. Gen. W. S. McCASKEY,  
*Camp Mabry, Austin, Tex.:*

Reference your telegram August 20, orders were telegraphed yesterday to hold Company A, Twenty-fifth Infantry, at Fort Washakie until further orders.

AINSWORTH,  
*The Military Secretary.*

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[Telegram.]

CAMP MABRY,  
Austin, Tex., August 21, 1906.

MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Company H, Twenty-sixth Infantry, 4 officers, 48 men, left here at 12.30 last night on special train, scheduled to make run in ten hours for Fort Brown. First Battalion, Twenty-fifth Infantry, to proceed, immediately upon arrival this company, to Fort Ringgold by marching.

McCASKEY,  
*Brigadier-General, Commanding.*

[Telegram.]

CAMP MABRY,  
*Austin, Tex., August 21, 1906.*MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Following just received :

BROWNSVILLE, TEX.

ADJUTANT-GENERAL, CAMP MABRY,  
*Austin, Tex.:*

Reference your telegram yesterday, I do not think the extremely bitter feeling existing throughout the southern part of the State of Texas over the shooting in Brownsville is thoroughly appreciated. This entire part of State so agitated and aroused and feeling so intense that offers of assistance in both arms and men have been pouring into Brownsville from every neighboring town and county. Station at Ringgold would relieve the situation in Brownsville, but no wise alleviate the feelings of the people in this part of State, especially as similar troubles have occurred at Ringgold in the past. For the best interests of the service and the people of the State, the battalion should, in my opinion, be sent out of Texas.

PENROSE.

I am of the same opinion as Major Penrose; furthermore, Fort Ringgold has been completely dismantled; no water facilities. Cost of refitting this post and furnishing transportation and supplies very expensive and require time. Renew recommendation that battalion Twenty-fifth Infantry be sent to Fort Reno; also recommend that on return of battalion Thirtieth Infantry from maneuvers, Fort Riley, it relieve company Twenty-sixth Infantry at Fort Brown, remaining there until quarters at Fort Logan H. Roots are ready for occupancy.

McCASKEY,  
*Brigadier-General, Commanding.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 21, 1906.*COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
*Camp Mabry, Austin, Tex.:*

Reference your telegram of to-day, send companies of Twenty-fifth Infantry from Fort Brown to Fort Reno. Telegraph acknowledgment receipt of this and report action.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

CAMP MABRY, TEX., *August 21, 1906.*MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Acknowledging receipt your telegram this date, sending First Battalion, Twenty-fifth Infantry, from Fort Brown to Fort Reno, commanding officer, Brown, has been notified to hold command in readiness to move, and chief quartermaster, Department Texas, been directed to furnish transportation.

McCASKEY,  
*Brigadier-General, Commanding.*



[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 21, 1906.

COMMANDING OFFICER, FORT BROWN, TEX.:

Hold companies of Twenty-fifth Infantry at Fort Brown until you receive later instructions as to their destination. Telegraph acknowledgment of receipt of this.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

BROWNSVILLE, TEX., August 21, 1906.

THE MILITARY SECRETARY,  
Washington, D. C.:

Your telegram of this date received.

PENROSE,  
*Commanding.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 21, 1906.

Brigadier-General McCASKEY,  
*Commanding, Camp Mabry, Austin, Tex.:*

Reference your telegram of to-day, following telegram just sent to commanding officer, Fort Brown, Tex.:

Hold companies of Twenty-fifth Infantry at Fort Brown until you receive later instructions as to their destination. Telegraph acknowledgment of receipt of this.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

OMAHA, NEBR., August 21, 1906.

THE MILITARY SECRETARY  
Washington, D. C.:

Instructions requested relative destination Company A, Twenty-fifth Infantry. Ready to move from Fort Washakie to Texas.

NOYES,  
*Military Secretary.*  
(Absence department commander.)

## AFFRAY AT BROWNSVILLE, TEXAS.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 21, 1906.

COMMANDING GENERAL, DEPARTMENT MISSOURI,  
Omaha, Nebr.:

Company A, Twenty-fifth Infantry, to be held at Fort Washakie until further orders. Commanding general, Northern Division, so notified by telegraph yesterday.

AINSWORTH,  
The Military Secretary.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 21, 1906.

COMMANDING OFFICER, FORT WASHAKIE, WYO.:

Have you received telegram, sent you from this office yesterday, directing you hold Company A, Twenty-fifth Infantry, at Fort Washakie until further orders? Answer this office by telegraph immediately.

By order Acting Secretary War:

AINSWORTH,  
The Military Secretary.

[Telegram.]

FORT WASHAKIE, WYO., August 21, 1906.

MILITARY SECRETARY,  
War Department, Washington, D. C.:

Acknowledge receipt of your telegram 20th instant. Company A, Twenty-fifth Infantry, will hold until further orders.

CARSON,  
Commanding.

[Telegram.]

BROWNSVILLE, TEX., August 21, 1906.

THE MILITARY SECRETARY, UNITED STATES ARMY,  
Washington, D. C.:

The committee to investigate trouble began meetings this afternoon at post headquarters, and is given every facility possible. Captain Kelly, prominent citizen; District Attorney Kleiber, twenty-eighth district; Judge Bartlett, county judge, Cameron County, and Judge Welch, twentieth judicial district, form the committee. Four in all.

BLOOKSOM,  
Major.

[Telegram.]

WAR DEPARTMENT,  
Washington, August 22, 1906.Hon. WILLIAM LOEB, Jr.,  
Secretary to the President, Oyster Bay, N. Y.:Following telegram, dated August 21, received from Major Block-  
som, inspector-general, Brownsville, Tex.:The committee to investigate trouble began meetings this afternoon at post head-  
quarters, and is given every facility possible. Captain Kelly, prominent citizen;  
District Attorney Kleiber, twenty-eighth district; Judge Bartlett, county judge,  
Cameron County, and Judge Welch, twentieth judicial district, form the committee.  
Four in all.BLOCKSOM,  
Major.AINSWORTH,  
Acting Secretary of War.

[Telegram.]

WAR DEPARTMENT,  
Washington, August 22, 1906.Hon. WILLIAM LOEB, Jr.,  
Secretary to the President, Oyster Bay, N. Y.:I think it important that General Bell should confer with the Presi-  
dent concerning Fort Brown matters. If he comes over on late train  
to-night, will the President see him to-morrow?AINSWORTH,  
Acting Secretary of War.

[Telegram.]

EXECUTIVE OFFICE,  
Oyster Bay, N. Y., August 22, 1906.Gen. F. C. AINSWORTH,  
Acting Secretary of War, Washington, D. C.:The President will see General Bell to-morrow morning. He had  
best take train leaving East Thirty-fourth street, New York, for  
Oyster Bay, at 8.50 a. m., arriving here 10.11. He can then return  
on train leaving here at 11.26.WM. LOEB, Jr.,  
Secretary.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 22, 1906.Hon. WILLIAM H. TAFT,  
Secretary of War, Pointe au Pic, Province of Quebec, Canada:Reference your letter 18th instant, following telegram of August  
20, from inspector-general investigating affair at Brownsville, gives  
latest information:THE MILITARY SECRETARY, UNITED STATES ARMY,  
Washington, D. C.:Causes of disturbance are racial. People did not desire colored troops here and  
showed they thought them inferior socially by certain slights and denial of privileges

at public bars, etc. Soldiers resented this. There were several individual encounters between soldiers and citizens. About midnight of 13th party of soldiers, probably 9 to 15, made raid through several squares of town, firing 75 to 150 shots, killing a bartender and dangerously wounding lieutenant of police. They also fired into several houses, where women and children narrowly escaped being shot. Raid lasted from eight to ten minutes. Claim made that citizens fired first, but I believe without foundation. Although act probably preconcerted, do not think commanding officer could have foreseen. Citizens can not identify individual raiders, and authorities have made no demand for them. Investigation now going on has as yet discovered none. Commanding officer to-day invited a committee of three citizens to assist in conducting investigation. People are still in a state of great nervous tension, and men nearly all carry arms openly at night. Women and children still frightened. I consider it necessary to remove colored troops, the sooner the better. While now apparently under perfect control an entire company is on guard each day—a great strain, with little prospect of relief. Differences between soldiers and citizens are irreconcilable. Suspected men might get a fair trial here at hands of civil authorities, but could not be properly protected from mob violence. Fuller report about investigation will be made in regular course.

BLOCKSON, Major.

Commanding officer, Fort Brown, and commanding general, Department Texas, both urged immediate removal of colored troops. President fully advised as to situation. He directed yesterday that colored troops be sent immediately from Fort Brown to Oklahoma; that detachment white troops be sent to Fort Brown to remove Government supplies, and that the post be temporarily abandoned. Orders as directed by President were telegraphed yesterday. Meantime investigation to continue.

AINSWORTH,  
*The Military Secretary.*

WAR DEPARTMENT,  
THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 22, 1906.*

Brig. Gen. J. FRANKLIN BELL, United States Army,  
*Chief of Staff, War Department.*

SIR: Pursuant to instructions of the President, the Acting Secretary of War directs, as necessary in the military service, that you, accompanied by Capt. Grote Hutcheson, General Staff, proceed to Oyster Bay, Long Island, N. Y., for the purpose of conferring with the President in connection with the disturbances created by colored troops in Brownsville, Tex., and that upon the completion of this duty you, accompanied by Captain Hutcheson, return to your proper station in this city.

Very respectfully,

F. C. AINSWORTH,  
*The Military Secretary.*

(Telegram.)

CAMP MABRY,  
*Austin, Tex., August 22, 1906.*

THE MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Following received:

CHIEF OF STAFF, CAMP MABRY,  
*Austin, Tex.:*

BROWNSVILLE, TEX.

Committee invited by commanding officer to investigate trouble began meetings this afternoon and is given every facility possible. Captain Kelly, prominent citizen:

District Attorney Kleiber, twenty-eighth district; Judge Bartlett, county judge, Cameron County, and Judge Welch, twenty-eighth judicial district, form the committee.

BLOCKSON.

McCASKEY,  
*Brigadier-General, Commanding.*

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[Telegram.]

OKLAHOMA CITY, OKLA., *August 22, 1906.*

THE MILITARY SECRETARY, ARMY,  
*Washington, D. C.:*

Company H, Twenty-sixth Infantry, Captain Preston, Lieutenants Gillie, Archer, Farmer, and Rich, 50 enlisted, arrived Fort Brown 6 p. m. yesterday.

WHITE.  
(In absence division commander.)

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[Telegram.]

DALLAS, TEX., *August 22, 1906.*

Gen. F. C. AINSWORTH,  
*The Military Secretary, Washington, D. C.:*

In the morning papers here Associated Press states that Fort Brown will be abandoned, and I will thank you to wire me if this course has been determined upon. It is the duty of the United States to protect the frontier, and, as Texas borders upon Mexico, it has always been deemed advisable to place the frontier with regular troops, including a station at Fort Brown. While conditions on the border have improved very much within recent years, this course is still advisable, and it would be regrettable that this fort should be abandoned because the people of a border city like Brownsville object to negro troops under circumstances of raid and murder, such as recently occurred there.

C. A. CULBERSON.

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[Telegram.]

NEW YORK, *August 23, 1906.*

General AINSWORTH,  
*War Department, Washington, D. C.:*

Telegram shown to President. He directs that arrangement be proceeded with to carry out order previously given for temporary abandonment of post.

J. F. BELL.

[Telegram.]

CAMP MABRY,  
*Austin, Tex., August 23, 1906.*MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Following telegrams received from Brownsville this date:

ADJUTANT-GENERAL, CAMP MABRY,  
*Austin, Tex.:*

Have placed 3 sergeants, 3 corporals, and 6 privates in confinement in guardhouse here on warrants issued by Judge Wells, of charge of murder, conspiring to murder, etc., to be kept in confinement until required by judge. I do not believe these men will have unbiased trial here. An effort, in my opinion, should be made to have them tried elsewhere. I also fear for their safety if turned over to civil authorities, in case of mob violence, although authorities assure absolute protection. Feeling here still very bitter. Request opinion on my action.

PENROSE,  
*Commanding.*BROWNSVILLE, TEX., *August 23.*CHIEF OF STAFF, CAMP MABRY,  
*Austin, Tex.:*

Battalion Twenty-fifth will probably get away to-night. Warrants have been issued for murder, conspiracy to murder, etc., against 3 sergeants, 3 corporals, 6 privates, and 1 ex-soldier. They will be turned over to post commander—Captain Preston, Twenty-sixth Infantry—for safe-keeping, and placed in post guardhouse until required by district judge. Don't know when this will be; probably early part of next month; possibly earlier. Authorities pledge themselves able to keep prisoners from violence. Feeling here high.

BLOCKSOM,  
*Major.*

In view of the excited state of feeling among citizens at Brownsville, I recommend that the Department of Justice be asked to take immediate steps for proper defense of these men, and that a change of venue be secured to some locality not affected by local excitement. I do not believe that the lives of these men will be safe if they are turned over to the civil authorities at Brownsville, nor will their witnesses be safe if sent back to that place. In view of present feeling, action looking to the immediate transfer of these men to another place of confinement pending trial is urged.

McCASKEY,  
*Brigadier-General, Commanding.*

[Telegram.]

CAMP MABRY,  
*Austin, Tex., August 23, 1906.*MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Following received:

BROWNSVILLE, *August 23.*

MILITARY SECRETARY, DEPARTMENT OF TEXAS:

One corporal, 2 privates, my company (D), ordered placed arrest and left here in connection shooting of August 13th. I believe these men absolutely innocent, and do not believe will receive fair treatment from citizens and authorities. Request these men sent in arrest with company, to be tried before impartial tribunal, or that capable officer detained here care for their interests.

LYON.  
McCASKEY,  
*Brigadier-General, Commanding.*

[Telegram.]

BROWNSVILLE, TEX., August 23, 1906.

THE MILITARY SECRETARY, UNITED STATES ARMY,  
Washington, D. C.:

Battalion Twenty-fifth will probably get away to-night. Warrants have been issued for murder, conspiracy to murder, etc., against 3 sergeants, 3 corporals, 6 privates, and 1 ex-soldier. They will be turned over to commanding officer, Captain Preston, Twenty-sixth Infantry, for safe-keeping until required by district judge. Do not know when, probably early part next month, possibly earlier. Authorities pledge themselves able to keep prisoners from violence, but feeling here still high. Request authority to return after battalion leaves.

BLOCKSOM, Major..

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 24, 1906.

COMMANDING OFFICER, FORT BROWN, TEX.:

If companies Twenty-fifth Infantry have not left Brown, delay them until further orders. Answer immediately.

By order Acting Secretary War:

AINSWORTH,  
The Military Secretary.

[Telegram.]

BROWNSVILLE, TEX., August 24, 1906.

THE MILITARY SECRETARY,  
Washington, D. C.:

Your message this date received as battalion was forming to march to train.

PENROSE,  
Commanding.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 24, 1906.

COMMANDING OFFICER, FORT BROWN, TEX.:

Confidential. Retain in military custody, under proper guard, accused soldiers. Before complying with any demand upon you by the civil authorities for their surrender forward the demand for action of the Secretary of War. Send with it such assurances as civil authorities can give of protection and fair trial for accused. Have you any doubt of your ability to protect accused soldiers adequately while they are held in military custody at Fort Brown, or to escort them safely to some other point should that course be ordered?

By order Acting Secretary War:

AINSWORTH,  
The Military Secretary.

## AFFRAY AT BROWNSVILLE, TEXAS.

[Telegram.]

BROWNSVILLE, TEX., August 24, 1906.

THE MILITARY SECRETARY,  
Washington, D. C.:

The delaying of departure of First Battalion, Twenty-fifth Infantry, I can not but consider most unfortunate, and urge that I may be ordered to proceed at once. The Mayor of Brownsville and Major Blocksom, inspector-general, Southwestern Division, concur with me. Am all ready to start, and can get off within an hour after being authorized to do so.

PENROSE,  
Commanding.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 24, 1906.

COMMANDING OFFICER, FORT BROWN, TEX.:

Confidential. Hold transportation. Delay will only be for few hours. Are you routed to go through San Antonio? Answer immediately.

By order Acting Secretary War:

AINSWORTH,  
The Military Secretary.

[Telegram.]

BROWNSVILLE, TEX., August 24, 1906.

THE MILITARY SECRETARY,  
Washington, D. C.:

Reference your second message this date, routed via Waco and Fort Worth. Do not go through San Antonio.

PENROSE,  
Commanding.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 24, 1906.

COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
Camp Mabry, Austin, Tex.:

Confidential. Reference your telegram of yesterday, following telegram just sent to commanding officer, Fort Brown, Tex.:

If companies Twenty-fifth Infantry have not left Brown, delay them until further orders. Answer immediately.

By order Acting Secretary War:

AINSWORTH,  
The Military Secretary.

Department of Justice has telegraphed United States district attorney to go to Brownsville and confer with military and civil authorities regarding prisoners. Do you think if colored troops are removed that company of Twenty-sixth Infantry now at Fort Brown



is sufficient to protect prisoners from violence there, or to remove them safely from there if it should be decided to remove them immediately?

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

CAMP MABRY,  
*Austin, Tex., August 24, 1906.*

MILITARY SECRETARY OF THE ARMY,  
*Washington, D. C.:*

Reference to your telegram this date, recommend that, if not in violation spirit Article War 59, the members of Twenty-fifth Infantry now prisoners at Fort Brown be transferred to Fort Sam Houston, Tex., under guard of infantry battalion now under orders to proceed to Fort Reno; otherwise to be escorted by company Twenty-sixth Infantry to same place. I start for Fort Sam Houston within an hour.

MCCASKEY,  
*Brigadier-General, Commanding.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 24, 1906.*

COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
*Camp Mabry, Austin, Tex.:*

Confidential. Following telegram just sent to commanding officer, Fort Brown:

Confidential. Retain in military custody, under proper guard, accused soldiers. Before complying with any demand upon you by the civil authorities for their surrender forward the demand for action of the Secretary of War. Send with it such assurances as civil authorities can give of protection and fair trial for accused. Have you any doubt of your ability to protect accused soldiers adequately while they are held in military custody at Fort Brown, or to escort them safely to some other point should that course be ordered?

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

AINSWORTH,  
*The Military Secretary.*

(Official copy to Department of Justice, August 25, 1906.)

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 24, 1906.*

Hon. WILLIAM LOEB, Jr.,  
*Secretary to the President, Oyster Bay, N. Y.:*

Commanding general, Department of Texas, reports warrants issued by civil authorities at Brownsville for 12 enlisted men in connection with disturbance there. Accused men now under guard at

post, to be held until wanted by civil authorities. Commanding general recommends they be transferred and held elsewhere. Reports from Texas indicate that civil authorities can not now protect accused men from mob violence. Have consulted with Acting Attorney-General Robb, Acting Judge-Advocate-General Crowder, and General Bell. We all agree that accused men should be sent immediately to San Antonio and held there until Government can have reasonable assurance that they will receive protection and fair trial at hands of civil authorities. We think it unsafe to leave accused at Fort Brown, with only one white company of 48 men to protect them.

We also fear that turning them over to civil authorities at Brownsville now or in immediate future would be disastrous to them. Train is now waiting at Brown to take battalion Twenty-fifth Infantry to Fort Reno, Okla. We strongly recommend that battalion take accused men with it to San Antonio and turn them over to military authorities there, to be confined and guarded until they can be turned over to civil authorities safely. Battalion to proceed to Fort Reno immediately upon delivering prisoners at San Antonio. Please get President's decision at earliest possible moment and rush answer to this, as train is waiting at Fort Brown and battalion ready to embark. In present excited state feeling in Brownsville further delay in movement may make trouble.

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

EXECUTIVE OFFICE,  
*Oyster Bay, N. Y., August 24, 1906.*

AINSWORTH,

*Acting Secretary of War, Washington, D. C.:*

Because of facts enumerated in your telegram of August 24, I entirely approve of the action you propose to take. Let the battalion take the accused men with it to San Antonio and turn them over to the military authorities there, to be confined and guarded until further direction from me. Meanwhile the battalion will proceed to Fort Reno immediately on delivering prisoners at San Antonio. Act immediately.

THEODORE ROOSEVELT.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 24, 1906.*

COMMANDING OFFICER, *Fort Brown, Tex.:*

Confidential. All men of Twenty-fifth Infantry who are now in custody of military authorities, including those for whom warrants have been issued by civil authorities, will be sent immediately with battalion to Fort Sam Houston and delivered to military authorities there. They will be held there until they can be turned over safely to civil authorities. Battalion will remain at Fort Sam Houston until sufficient white troops reach there to guard and protect prisoners. Battalion will then proceed immediately to Fort Reno. This movement of accused men should not be announced in advance, and

should be made so as to avoid attracting attention or bringing on conflict with civil authorities. There is no intention of taking these men beyond jurisdiction of State of Texas or of withholding them from civil authorities a moment beyond time when they can be turned over safely. It is not believed safe to leave them at Fort Brown, as the one company to be left there is insufficient to do work of shipping property and supplies and at same time guard prisoners so as to prevent their escape or protect them if need be. You can make this explanation if it becomes necessary. The President himself directs the action herein ordered. You are authorized to make all necessary arrangements with railroad companies without referring matter to higher authority, and to arrange for holding train at San Antonio for reembarkation of battalion. Make movement quietly and discreetly. By all means avoid conflict if possible, but see that accused men and battalion are protected from violence during movement. Instructions have been wired to department commander, if possible, to have troops meet your train at San Antonio and relieve you of accused men, so that you can proceed direct to Fort Reno. Communicate with department commander at Camp Mabry, if possible. Start your movement at earliest possible moment.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 24, 1906.*

COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
*Camp Mabry, Austin, Tex.:*

Confidential. Following telegram just sent to commanding officer, Fort Brown, Tex., where battalion of Twenty-fifth Infantry has been held since morning:

Confidential. All men of Twenty-fifth Infantry who are now in custody of military authorities, including those for whom warrants have been issued by civil authorities, will be sent immediately with battalion to Fort Sam Houston and delivered to military authorities there. They will be held there until they can be turned over safely to civil authorities. Battalion will remain at Fort Sam Houston until sufficient white troops reach there to guard and protect prisoners. Battalion will then proceed immediately to Fort Reno. This movement of accused men should not be announced in advance, and should be made so as to avoid attracting attention or bringing on conflict with civil authorities. There is no intention of taking these men beyond jurisdiction of State of Texas or of withholding them from civil authorities a moment beyond time when they can be turned over safely. It is not believed safe to leave them at Fort Brown, as the one company to be left there is insufficient to do work of shipping property and supplies and at same time guard prisoners so as to prevent their escape or protect them if need be. You can make this explanation if it becomes necessary. The President himself directs the action herein ordered. You are authorized to make all necessary arrangements with railroad companies without referring matter to higher authority, and to arrange for holding train at San Antonio for reembarkation of battalion. Make movement quietly and discreetly. By all means avoid conflict if possible, but see that accused men and battalion are protected from violence during movement. Instructions have been wired to department commander, if possible, to have troops meet your train at San Antonio and relieve you of accused men, so that you can proceed direct to Fort Reno. Communicate with department commander at Camp Mabry, if possible. Start your movement at earliest possible moment.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

Acting Secretary War directs that you send with greatest dispatch sufficient number of troops to Fort Sam Houston to guard and protect accused men when they are received there. Communicate with Penrose, if possible, and arrange to have white troops meet his train at San Antonio, if practicable, and take prisoners from train to post, so that battalion Twenty-fifth Infantry can proceed to Fort Reno without disembarking. Avoid going through city of San Antonio, if possible. Acknowledge receipt of this and report action by telegraph.

AINSWORTH,  
*The Military Secretary.*

(Official copy to Department of Justice, August 25.)

[Telegram.]

CAMP MABRY,  
*Austin, Tex., August 24, 1906.*

MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

I report my departure for Headquarters Department Texas 2.55 p. m. this date, to remain until Sunday or Monday.

MCCASKEY,  
*Brigadier-General.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 24, 1906.*

COMMANDING OFFICER, *Fort Brown, Tex.:*

Telegraph this office direct when you expect to begin movement under confidential instructions last telegraphed you to-day. Also telegraph when you actually start.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

BROWNSVILLE, TEX., *August 24, 1906.*

THE MILITARY SECRETARY,  
*Washington, D. C.:*

Confidential. Reference your fourth telegram to-day, expect to begin movement at 12 o'clock midnight.

PENROSE,  
*Commanding.*

[Telegram.]

WAR DEPARTMENT,  
*Washington, August 24, 1906.*

HON. WILLIAM H. TAFT,  
*Secretary of War, Pointe au Pic, Province of Quebec, Canada:*

Confidential. Lest newspaper items concerning the trouble at Brownsville, Tex., between colored troops and citizens of town may

cause you some concern, will say that I have kept in close consultation with President, reporting everything to him and receiving instructions prior to any material action. Though grave complications have arisen, all necessary precautionary measures have been taken to preclude any serious results. Believe no occasion for any anxiety on your part. If you would like to see full official history of case, will send you copies of messages, reports, etc.

AINSWORTH,  
*The Military Secretary.*

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[Telegram.]

WAR DEPARTMENT, *Washington, August 25, 1906.*

HON. WM. LOEB, JR.,

*Secretary to the President, Oyster Bay, N. Y.:*

I think it would be well for the President to suggest to Secretary of Treasury the advisability of having Chief of Secret Service Division confer and cooperate with Acting Secretary War in effort to discover and bring to justice parties guilty of participation in Brownsville outbreak.

AINSWORTH,  
*Acting Secretary of War.*

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POINTE AU PIC, CANADA, *August 25, 1906.*

MY DEAR GENERAL AINSWORTH: I have your telegram with reference to the Fort Brown matter, and I think you might send me the papers and the telegrams by mail. I observe that you and General Bell are in close conference with the President on the subject, and this relieves my mind greatly, but I should like to keep up with the current information on the subject, as I presume some phase of the question may arise after I return.

Very sincerely yours,

WM. H. TAFT.

Maj. Gen. F. C. AINSWORTH,

*Acting Secretary of War, War Department, Washington, D. C.*

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[Telegram.]

CAMP MABRY,  
*Austin, Tex., August 25, 1906.*

MILITARY SECRETARY,

*War Department, Washington, D. C.:*

Second Battalion, Twenty-sixth Infantry, three companies—7 officers, 145 enlisted men—left by rail 6.30 a. m. this date for San Antonio, compliance telegraphic instructions your office dated August 24.

LEITCH,  
*Adjutant-General.*  
(Absence commanding general.)

[Telegram.]

SAN ANTONIO, TEX., August 25, 1906.

MILITARY SECRETARY,  
War Department, Washington, D. C.:

Reference your telegram received last night, three companies Twenty-Sixth Infantry, from Camp Mabry, will arrive 10 a. m. to-day. Battalion Twenty-fifth, from Fort Brown, will arrive about 10 p. m. Prisoners will be received and escorted to guardhouse at Fort Sam Houston.

McCASKEY,  
Brigadier-General.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 25, 1906.

COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
San Antonio, Tex.:

Confidential. After conference between Acting Attorney-General and Acting Judge-Advocate-General, it has been decided that enlisted men of battalion of Twenty-fifth Infantry en route to Fort Reno must be held without privileges and under strict surveillance as being in military custody either as offenders or witnesses in Brownsville case; also that, if attempt is made by State authorities to serve additional process against individual soldiers of said battalion as offenders or witnesses, the men must not be surrendered, but return to process must be made in each case to the effect that soldier is in military custody, and that, as military jurisdiction has already attached, compliance with process must be deferred. If you can reach battalion commander by wire, direct him to take this course should occasion arise, and act accordingly yourself, if necessary.

By order Acting Secretary of War:

AINSWORTH,  
The Military Secretary.

[Telegram.]

BROWNSVILLE, TEX., August 25, 1906.

THE MILITARY SECRETARY,  
Washington, D. C.:

Left Brownsville with First Battalion, Twenty-fifth Infantry, at 6.30 this morning.

PENROSE,  
Commanding.

[Telegram.]

BROWNSVILLE, TEX., August 25, 1906.

THE MILITARY SECRETARY, UNITED STATES ARMY,  
Washington, D. C.

Battalion Twenty-fifth left 6.30 this morning with prisoners. Expect to reach Sam Houston to-night about 7.

BLOCKSOM,  
Major.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 25, 1906.

Maj. AUGUSTUS P. BLOCKSOM,  
Inspector-General, Fort Brown, Tex.:

Confidential. Did battalion Twenty-fifth Infantry take all accused men with it when it left this morning? Was there any disturbance over movement? Answer immediately.

By order Acting Secretary War:

AINSWORTH,  
The Military Secretary.

[Telegram.]

BROWNSVILLE, TEX., August 25, 1906.

THE MILITARY SECRETARY, UNITED STATES ARMY,  
Washington, D. C.:

Battalion Twenty-fifth Infantry took all accused soldiers with it. One ex-soldier accused is still in guardhouse. There was no disturbance over movement, but some trouble last night to arrange movement, but all over by 11 p. m. Will be related in my report.

BLOCKSOM,  
Major.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 25, 1906.

Maj. AUGUSTUS P. BLOCKSOM,  
Inspector-General, Fort Brown, Tex.:

United States district attorney has been directed to go to Brownsville to confer with military and civil authorities and report to Department of Justice relative to recent disturbance. Remain there until he arrives, confer with him, and when his investigation is finished telegraph this office.

By order Acting Secretary War:

AINSWORTH,  
The Military Secretary.

(Official copy to Department of Justice, August 25, 1906.)

[Telegram.]

SAN ANTONIO, TEX., August 25, 1906.

THE MILITARY SECRETARY,  
Washington, D. C.:

Arrived here with First Battalion, Twenty-fifth, at 9.10 p. m., and turned enlisted men charged with crime over to commanding officer, Fort Sam Houston, who met me at station with guard. Journey made without the slightest trouble or demonstration of any kind. Start for Reno at once, arriving to-morrow evening.

PENROSE,  
Commanding.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, August 26, 1906.

HON. WILLIAM LOEB, JR.,  
Secretary to the President, Oyster Bay, N. Y.:

Following telegram received here this morning:

SAN ANTONIO, TEX., August 25, 1906.

THE MILITARY SECRETARY,  
Washington, D. C.:

Arrived here with First Battalion, Twenty-fifth, at 9.10 p. m., and turned enlisted men charged with crime over to commanding officer, Fort Sam Houston, who met me at station with guard. Journey made without the slightest trouble or demonstration of any kind. Start for Reno at once, arriving to-morrow evening.

PENROSE,  
Commanding.

AINSWORTH,  
The Military Secretary.

[Telegram.]

SAN ANTONIO, TEX., August 26, 1906.

MILITARY SECRETARY,  
Washington, D. C.:

Battalion Twenty-fifth Infantry arrived San Antonio from Fort Brown 9.30 p. m. yesterday. Twelve enlisted men for whom warrants had been issued by civil judge at Brownsville turned over to commanding officer, Fort Sam Houston, for safe-keeping. No trouble or indication of interference on part of anyone en route or in San Antonio. Delay at Brownsville occasioned by demand of Captain McDonald, State ranger, that men mentioned in warrants be not removed, but turned over him. Judge Welsh, who issued the warrants, revoked and abrogated them; hence it is believed that status of these prisoners is the same as previous to their confinement, provided prisoners are closely guarded and will be held subject to instructions of the War Department. Some of these men are undoubtedly innocent of any participation in Brownsville affair. The mode by which the civil authorities selected these special names is not known, but is believed to be guesswork. Major Penrose's battalion in good military condition passing through here. Instructions of yesterday concerning arrests en route have been wired to him, and no further trouble is anticipated.

MCCASKEY,  
Brigadier-General.

(Copy to Department of Justice, August 27, 1906.)



[Telegram.]

WAR DEPARTMENT,  
*Washington, August 27, 1906.*Hon. WILLIAM LOEB, Jr.,  
*Secretary to the President, Oyster Bay, N. Y.:*

Following telegram received this morning:

SAN ANTONIO, TEX., *August 26, 1906.*MILITARY SECRETARY,  
*Washington, D. C.:*

Battalion Twenty-fifth Infantry arrived San Antonio from Fort Brown 9.30 p. m. yesterday. Twelve enlisted men for whom warrants had been issued by civil judge at Brownsville turned over to commanding officer, Fort Sam Houston, for safe-keeping. No trouble or indication of interference on part of anyone en route or in San Antonio. Delay at Brownsville occasioned by demand of Captain McDonald, State ranger, that men mentioned in warrants be not removed, but turned over him. Judge Welsh, who issued the warrants, revoked and abrogated them; hence it is believed that status of these prisoners is the same as previous to their confinement, provided prisoners are closely guarded and will be held subject to instructions of the War Department. Some of these men are undoubtedly innocent of any participation in Brownsville affair. The mode by which the civil authorities selected these special names is not known, but is believed to be guesswork. Major Penrose's battalion in good military condition passing through here. Instructions of yesterday concerning arrests en route have been wired to him, and no further trouble is anticipated.

McCASKEY, *Brigadier-General.*AINSWORTH,  
*Acting Secretary of War.*WAR DEPARTMENT, *Washington, August 27, 1906.*Hon. WILLIAM LOEB, Jr.,  
*Secretary to the President, Oyster Bay, New York.*

My DEAR SIR: The telegram of the commanding general, Department of Texas, of August 26, 1906, a copy of which was telegraphed you this morning, having been referred to the Acting Attorney-General and the Acting Judge-Advocate-General, and they having agreed, after conference, that the telegram of instructions, a copy of which is herewith inclosed, should be sent to the commanding general, Department of Texas, and the Chief of Staff having concurred in that recommendation, the telegram was sent accordingly.

Very respectfully,

F. C. AINSWORTH,  
*The Military Secretary, Acting Secretary of War.*

[Inclosure.—Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 27, 1906.*THE COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
*San Antonio, Tex.:*

The action of the State judge in vacating warrants already issued against accused soldiers of Twenty-fifth Infantry now detained at Fort Sam Houston, Tex., as reported in your telegram of August 26, leaves no charges pending against these soldiers. You will therefore cause military charges to be formally preferred against said soldiers under sixty-second article of war, alleging participation, either directly or by way of conspiracy, or both, in Brownsville

disturbance. Orders for trial on said charges must not issue until investigation now under way is completed and acted upon here. Should new warrants issue by State authorities for said accused soldiers, or should they make demand upon you for the surrender of said soldiers for trial by State courts, make return thereto in each case that soldiers are now held in military custody for trial for the military offenses involved in their alleged participation in Brownsville disturbance and that compliance with State process must be deferred, and report your action to The Military Secretary.

Instruct commanding officer, Fort Reno, to hold all soldiers of the three companies of Twenty-fifth Infantry at his post as witnesses in military investigation now proceeding of Brownsville disturbance and in military trials which may result therefrom; also to place in confinement such soldiers of these companies as there is reasonable evidence to believe implicated in said disturbance, either directly or by way of conspiracy, or both, and to prefer formal charges against said soldiers under the sixty-second article of war. Orders for trial on such charges must not issue until investigation now under way is completed and acted upon here. Should attempt be made by State authorities to serve additional warrants or subpoenas at Fort Reno, instruct commanding officer to make return thereto that the soldiers are held by military authorities for trial for military offenses involved in their alleged participation in Brownsville disturbance, or as witnesses in such trials, and that compliance with State process must for the present be deferred.

By order Acting Secretary of War:

AINSWORTH,  
*The Military Secretary.*

(Copy to the Department of Justice, August 28, 1906.)

[Telegram.]

EXECUTIVE OFFICE,  
*Oyster Bay, N. Y., August 27, 1906.*

AINSWORTH,  
*Acting Secretary of War, Washington, D. C.:*

Telegram received. President approves of suggestion as to cooperation of Secret Service. Use this telegram as your authority for conferring with Treasury Department.

WM. LOEB, Jr.,  
*Secretary.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 27, 1906.*

COMMANDING GENERAL, SOUTHWESTERN DIVISION,  
*Oklahoma City, Okla.:*

Major Blocksom, inspector-general, has been directed by telegram sent from this office to remain at Brownsville, Tex., until completion of investigation to be made there by United States district attorney.

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

SAN ANTONIO, TEX., *August 27, 1906.*

MILITARY SECRETARY,

*War Department, Washington, D. C.:*

Companies B, C, and D, First Battalion, Twenty-fifth Infantry, 8 officers, 160 men, 1 medical officer, 1 private Hospital Corps, and 2 recruits Ninth Cavalry arrived at Fort Reno, Okla., 12.35 a. m. this date.

McCASKEY,  
*Brigadier-General.*

[Telegram.]

OKLAHOMA CITY, OKLA., *August 27, 1906.*

THE MILITARY SECRETARY, ARMY,

*Washington, D. C.:*

Battalion Twenty-fifth Infantry from Fort Brown arrived Fort Reno this morning.

WHITE.  
(In absence division commander.)

[Telegram.]

FORT RENO, OKLA., *August 27, 1906.*

THE MILITARY SECRETARY,

*War Department, Washington, D. C.:*

Companies B, C, and D, First Battalion, Twenty-fifth Infantry, 8 officers, 160 men, 1 medical officer, 1 private of Hospital Corps, and 2 recruits Ninth Cavalry arrived this post 12.30 a. m. this date. No trouble whatever during journey.

PENROSE, *Commanding.*

WAR DEPARTMENT,  
THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 28, 1906.*

HON. WILLIAM H. TAFT,

*Secretary of War,  
Pointe au Pic, Province of Quebec, Canada.*

MY DEAR MR. SECRETARY: Your letter of the 28th instant, calling for the papers relative to the recent disturbances at Brownsville, Tex., reached me this morning, and in response thereto I send you by to-day's mail, under separate cover, copies of all the papers in the case except a brief report made by the commanding officer at Fort Brown shortly after the occurrence. This report was sent to the President as soon as it was received, and has not yet been returned by him, and as I kept no copy of it, I am unable to send you one. However, the substance of it was printed by many of the papers, some of which I have no doubt you have seen. It afforded very little information with regard to the case.

The situation was both delicate and dangerous for a time; but, happily, all serious complications were avoided, the accused men are now safe under guard at Fort Sam Houston, the remainder of the colored battalion is at Fort Reno, and it is believed that there is no likelihood of further trouble at present.

We propose to continue the investigation with a view to discovering the guilty parties if possible, so that they as well as any others that may be demanded may be turned over to the civil authorities when the President is satisfied that this can be done with reasonable assurance that the men turned over will receive protection and a fair trial.

Very respectfully,

F. C. AINSWORTH,  
*The Military Secretary.*

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[Telegram.]

SAN ANTONIO, TEX., August 28, 1906.

MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Your telegram, dated 27th, received this morning, repeated to General McCaskey at Camp Mabry, Austin, Tex. Instructions have been given as directed to commanding officer Fort Sam Houston, Tex., Fort Reno soldiers Twenty-fifth Infantry.

FINLEY,  
*Military Secretary, in Charge.*

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OYSTER BAY, N. Y., August 29, 1906.

MY DEAR GENERAL: Your letter of the 27th instant has been received, and in reply the President wishes me to say that he cordially approves of your telegram to the commanding general, Department of Texas, copy of which you inclose. He thinks the action taken was excellent.

Very truly, yours,

WM. LOEB, Jr.,  
*Secretary to the President.*

Gen. F. C. AINSWORTH,  
*The Military Secretary, Acting Secretary of War,  
Washington, D. C.*

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BROWNSVILLE, TEX., August 29, 1906.

SIR: I have the honor to report investigation of trouble caused by soldiers of Twenty-fifth Infantry, midnight August 13. I arrived at Brownsville the night of August 18.

Appended are copies of telegram and letters of Major Penrose, marked A to D; telegrams sent by me, A' to F'; affidavits of non-commissioned officers in charge of quarters, etc., A'' to F''; testimony taken by citizens' committee, etc., A''' to B'''. They present a fair account of the occurrence.

I examined privately the five officers present when trouble occurred (Major Penrose, Captains Lyon and Macklin, Lieutenants Grier and Lawrason, all of Twenty-fifth Infantry), all men who made affidavits, etc., A'' to F'' (as well as post noncommissioned staff, a number of

old noncommissioned officers in each company, etc.), all important witnesses in A" to B", Mayor Combe, Mr. Dominguez, Mr. and Mrs. Evans, etc. I interviewed nearly all prominent officials—Federal, State, and county—saloon keepers, and other citizens of all classes. I examined the houses, interviewing inmates, of Messrs. Cowan, Randall, Starck, and Yturria, observing where shots entered and left; also saloon where bartender was killed and a number of other buildings having bullet marks.

The committee invited by Major Penrose to investigate (referred to in D') practically delegated its authority to Captain McDonald, of State Rangers, who is also a detective. He was given every assistance by the commanding officer. He served the warrants the first time.

#### CAUSES.

1. The soldiers heard they were not to go to Camp Mabry because Texas troops had threatened to use ball cartridges against them in maneuvers. They knew Colonel Hoyt made a request that the Twenty-fifth be not sent to Texas.

2. The people did not desire the colored troops and thought they should not be sent here. I learned this *before* the rumored abandonment of Brown from prominent citizens, members of the committee of safety, etc. I think requests were sent to Senators, Congressmen, etc., to use their influence in the matter, but am not positive. If a fact, it is probably known at the War Department.

3. Soldiers of the Twenty-fifth were not allowed to drink with white people at the principal bars in town, though in some cases saloon keepers put up a separate bar for their use, this having an opposite effect to that intended. The bartender was killed in such a saloon.

4. Tate-Newton, Baker-Reed cases, etc. (see B and B"). Tate-Newton case was that of a party of ladies standing on street sidewalk; claimed that two colored soldiers rudely jostled them. Mr. Tate, inspector of customs, husband of one of the ladies, knocked down one of the soldiers with his revolver. The ladies were obstructing the sidewalk, although anybody could have easily gotten by them. The soldier was rude and probably insulting in his manner. Tate's remedy was too drastic. It was "in the manner of the South." He told me he would have used it against any man—white or black. Mr. Vann, collector of customs, invited Major Penrose to assist at an investigation of this case, but latter had no time after the 13th. Reed and another colored soldier were at ferry landing, having returned from Matamoros. Mr. Baker, inspector of customs, claimed they were drunk and disorderly (confirmed by an unprejudiced witness); that he told them to move on, and finally pushed one, who fell off plank walk into mud and water about knee-deep, more through his condition than strength of the push. Baker probably used more force than he acknowledged. Facts in these two cases were exaggerated on both sides and increased the bitter feeling between soldiers and citizens. I heard of several cases of threats from both sides before the 13th, but believe them manufactured.

5. Case of Mrs. Evans (see B). There is no doubt she was seized by the hair and thrown violently to the ground by a tall negro soldier, who then ran away through fear of people close by. This incident,

occurring on the 12th, inflamed and infuriated the people very much. The canceling of passes, sending out patrols, etc., probably increased the resentment of the soldiers against people of Brownsville.

#### THE RAID INTO TOWN.

From the evidence obtainable I believe the first shots were fired between B Company barracks and the wall separating post from town. A number were fired into the air for the purpose of creating an alarm. The soldiers, 9 to 15, possibly more, then jumped the wall and started through town. There is no reliable evidence to support the claim that the first shots came from town, and no bullet marks were found on barracks. From their direction, etc., I am sure three shots through Mr. Yturria's house came from a point near the center of B Company's upper back porch. A Mexican boy sleeping on the floor of the Yturria porch said they were among the first fired.

Mr. Randall lives over the telegraph office opposite post gate. A bullet went through his sitting room; it came from a point near the wall opposite southwestern end of C Company barracks. Some of the first shots fired also came from the vicinity of D Company barracks. The line of barracks of D, B, and C companies runs northeast to southwest. The wall between post and town is parallel to and about 75 feet northwest of line of barracks. An alley through town, perpendicular to wall, beginning at a point nearly opposite space between B and D Company barracks, was the line of operations (about three blocks in length).

The raiders first struck Cowan's house (at end of first block). There were two women and five children in it. It is a miracle some of them were not shot. The raiders could not help knowing they had not yet gone to bed. About ten shots were fired, nearly all going through house at a height of 4½ feet or less above floor. One shot put out the lamp sitting on a table. Mrs. Cowan has been on the verge of hysterics ever since. It is said the Cowan children had made fun of "the nigger soldiers;" but I could not pin down the reports. There must be some truth in them. The lieutenant of police, Dominguez, heard the firing and rode toward it, accompanied by two policemen. Near corner of Miller Hotel (end of second block) the two policemen turned back, but Dominguez kept on, and the raiders started firing upon him. He said there were about fifteen colored soldiers in the party. He was mounted on a white horse and went half a block after reaching corner of hotel, when his horse fell dead, shot through the body several times. The raiders were probably at the corner and continued firing on the fleeing man until horse fell. Dominguez was shot in right arm (afterwards amputated below the elbow). He did not even draw his revolver from holster. A number of shots were also fired at the other two policemen. Dominguez, many years on the police force, is universally respected. The raiders fired seven or eight times into the Miller Hotel, including several shots at a guest sitting by a window. After shooting Dominguez they divided. One party proceeded along the alley. Frank Natus, bartender in Tillman's saloon (about two-thirds the way down third block), heard them coming and started to close the back door, but was shot and probably instantly killed about 20 feet from door. A Mexican in the saloon, Preciado by name, was slightly wounded in

the hand by a bullet which passed through his coat. Natus had never had any trouble with the soldiers, as far as known. Five or six shots were fired through that back door. This party tried to get into the back door of another saloon, but it was closed.

The other party went half a block to the right, then turned to the left and fired five or six shots into Mr. Starck's house (second from corner on street parallel to alley), evidently mistaking it for Tate's (which is third). Bullet marks in Starck's house are higher than in Cowan's. Mrs. Starck said two shots went through mosquito bar over bed in which she and two children were sleeping. These were the last attacks, and raiders then probably ran back. Bullet marks were found on several other houses in vicinity of those already mentioned.

None of the individual raiders was recognized. Streets are poorly lighted, and it was a dark night. Those who saw them were busy trying to keep out of sight themselves. The soldiers were comparative strangers in town, having arrived only two weeks before. That the raiders were soldiers of the Twenty-fifth Infantry can not be doubted. The evidence of many witnesses of all classes is conclusive. Shattered bullets, shells, and clips found are merely corroborative.

#### RESPONSIBILITY BEFORE AND DURING THE FACT.

I do not think the commanding and other officers and some of the senior noncommissioned officers can be blamed for not discovering the *preconcerted* raid. It is easy to say, in the light of later events, that the guard should have been doubled and other precautions taken the night of the 13th, but who could imagine that American soldiers in a body would try to murder unoffending women and innocent children?

The commanding officer did cancel passes and send out patrols early in the evening—as much to allay the anger of town people as to prevent men from committing other excesses. It may be interesting to note here that troops were paid on the 11th.

All the officers firmly believed (most of them till morning) the garrison was attacked from the town side as a result of the assault on Mrs. Evans, the general ill feeling of town people etc., and this delusion was heightened by the call to arms sounded by order of the sergeant of the guard (probably too early during the firing to be genuine). As a consequence, the raiders were not suspected by their officers and had an easy time getting back; while arm racks were opened with difficulty in the dark, preparations made for defense, etc., cleaning the rifle requires a few minutes only.

Major Penrose is indefinite in his statement as to time command was paraded (see A). It was at least ten minutes after first shots were fired; probably longer. Captain Macklin, officer of the day, says he went to bed between twenty and ten minutes to midnight, very much fatigued, and slept through all the uproar until about 1 a. m. The first shots were fired a few minutes *before* midnight. It is singular the members of the guard sent to wake him up could not find him, although, as far as he is concerned, I found no reason to doubt his statement.

## RESPONSIBILITY AFTER THE FACT.

I think Major Penrose, as soon as he believed the criminals were soldiers, should have arrested and placed in solitary confinement Sergeant Jackson, B Company (senior sergeant present in company, as well as in charge of quarters), Sergeant Reid, B Company (sergeant of the guard), Private Howard, D Company (sentinel around barracks), and Scavenger Tamayo (at B Company water-closet, next the wall, when firing began). It is very probable that proper effort would have induced one or more of these men to tell what he knew. The soldiers are among those arrested, but not the scavenger, although I recommended him to the district attorney.

Major Penrose has conducted himself in a manly way under trying circumstances, although subjected to much undeserved abuse. Almost the only criticism against him is that above. The officers appeared to be trying to find the criminals, but it is certainly unfortunate, for the reputation of the battalion, that they have as yet hardly discovered a single clue to such a terrible preconcerted crime, committed by so many men. I believe the battalion had an excellent reputation up to the 13th of August, but the stain now upon it is the worst I have ever seen in the Army. Many of its old soldiers who had nothing to do with the raid must know something tangible as to identity of the criminals. If they do not disclose their knowledge they should be made to suffer with others more guilty, as far as the law will permit.

## RECOMMENDATION.

If satisfactory evidence concerning identity of the criminals does not come from members of the battalion before a certain date, to be fixed by the War Department, I recommend that all enlisted men of the three companies present on the night of August 13 be discharged the service and debarred from reenlistment in the Army, Navy, or Marine Corps.

## LATER EVENTS.

The following men were arrested by the civil authorities on the 23d and placed in guardhouse for safe-keeping.

Sergeant Jackson, B Company, Twenty-fifth Infantry, in charge of quarters; Sergeant Brawner, C Company, Twenty-fifth Infantry, in charge of quarters; Sergeant Reid, B Company, Twenty-fifth Infantry, sergeant of the guard; Corporal Powell, D Company, Twenty-fifth Infantry, in charge of quarters; Corporal Miller, C Company, Twenty-fifth Infantry, on pass; Corporal Madison, C Company, Twenty-fifth Infantry, on pass; Private Howard, D Company, Twenty-fifth Infantry, sentinel on No. 2; Private Newton, O Company, Twenty-fifth Infantry, knocked down by Mr. Tate; Private Reed, C Company, Twenty-fifth Infantry, pushed into mud and water by Mr. Baker; Private Gill, D Company, Twenty-fifth Infantry, with Reed when pushed by Baker; Private Askew, C Company, Twenty-fifth Infantry, cap found in town, alleged to be his; Private Hollowman, B Company, Twenty-fifth Infantry, part owner of saloon in Tenderloin.

An ex-soldier named Allison, partner with Hollowman, was also arrested on the 22d and placed in guardhouse for safe-keeping. He is still there.



The noncommissioned officers in charge of quarters were responsible for gun racks, and had keys thereto in their personal possession. It will be seen by examining the note after each name that these men were arrested chiefly on suspicion. I believe the majority of them are guilty on one or more counts, but there is little prospect of conviction on evidence thus far obtained.

The order to take rail for Fort Reno was suspended on morning of the 24th, and in the afternoon orders were received for the battalion to go by way of San Antonio and to take military prisoners along to be turned over to commanding officer, Fort Sam Houston, for safe-keeping until brought before a grand jury. Captain McDonald late that afternoon demanded the prisoners. Major Penrose, who had just informed Judge Welch of his latest orders, sent McDonald a letter declining to give them up (see D). McDonald would not acknowledge the authority, and Judge Welch finally withdrew the warrants to avoid bloodshed. I believe he threatened McDonald with arrest for contempt before the latter gave them up. It is possible McDonald might have fought the entire battalion with his four or five rangers were their obedience as blind as his obstinacy. It is said here he is so brave he would not hesitate to "charge hell with one bucket of water." The warrants were then served by Sheriff Garza. On being informed of the latest orders he gave up the struggle.

The battalion left Brownsville with the military prisoners at 6.30 a. m., August 25.

I met many sterling people in Brownsville. The majority of good business men recognize the proper ethics of the situation, but many others of a somewhat lower class think the colored soldier should be treated like the negro laborer of the South. It must be confessed the colored soldier is much more aggressive in his attitude on the social equality question than he used to be.

Very respectfully,

A. P. BLOCKSOM,  
*Major, Inspector-General.*

The MILITARY SECRETARY,  
*Southwestern Division.*  
(Through Headquarters Department of Texas.)

[First indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, September 1, 1906.*

Respectfully forwarded to the military secretary, Southwestern Division.

WM. S. McCASKEY,  
*Brigadier-General, Commanding.*

[Second indorsement.]

HEADQUARTERS SOUTHWESTERN DIVISION,  
*Oklahoma City, Okla., September 4, 1906.*

Respectfully forwarded to The Military Secretary, War Department, Washington, D. C.

To-day I personally interviewed Major Penrose, commanding Fort Reno, where his battalion is now stationed, and he reports that the orders of the War Department with reference to holding his men under strict surveillance are rigidly enforced, and as yet no disclosures have resulted. As soon as any information is obtained it will be reported.

The attention of the War Department is invited to the names of the men for whom warrants were issued and who are now in confinement at Fort Sam Houston.

It is noted that most of these men were on duty as members of the guard or in charge of barracks at Fort Brown during the hours of the disturbance. The reasons for the selecting of these men, or the manner by which their names were procured, is a mystery. As far as known there is no evidence that the majority of them were in any way directly connected with the affair. It seems to have been a dragnet proceeding.

WM. S. McCASKEY,  
*Brigadier-General, United States Army, Commanding.*

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A.

FORT BROWN, TEX., *August 14, 1906.*

The MILITARY SECRETARY,  
*Department of Texas, San Antonio, Tex.*

Regret to report serious shooting in Brownsville last evening, in which one civilian was killed and chief of police so seriously wounded that right arm will have to be amputated. Brownsville officials claim shooting was done by enlisted men of this command, and are borne out in their opinion by empty shells and clips picked up in the streets. Shooting occurred about midnight, and within five minutes afterward entire command paraded and all men found present or accounted for and rifles in racks locked. All men now confined to garrison, and no one permitted to enter post but mayor of city, or on his personal request to me. Feeling very high in city, but believe mayor has it under control. Am doing everything in my power to find guilty parties if they be in this command. Practice marches suspended. Full particulars by mail.

PENROSE,  
*Commanding.*

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B.

FORT BROWN, TEX., *August 15, 1906.*

The MILITARY SECRETARY,  
*Department of Texas, San Antonio, Tex.*

SIR: In connection with my telegram of yesterday, relative to the shooting that occurred in the city of Brownsville, Tex., I have the honor to submit the following report:

At 12.10 a. m. the garrison was aroused by a fusilade of shots, which, apparently, were being fired from behind the brick wall bounding the north side of the post, and from which the barracks are located not more than 100 feet. This fusilade lasted from eight to ten minutes, and a hundred or more shots must have been fired, giving me the impression the garrison was being attacked, and I consequently gave the order to fall in under arms, which was done with but little delay, considering the confusion and the fear of lighting the lamps in the barracks. The roll was called in each

company, and all were reported present but two men from Company C, who were on pass. I then posted my entire command behind the brick wall before mentioned, which was accomplished in a short time after the firing had ceased, and, as everything had become perfectly quiet, in the course of half an hour I sent Captain Lyon, with his company (D), to look through the lower part of the town for the two men on pass, fearing something might have happened to them.

Captain Lyon was gone about three-quarters of an hour, and returned without finding the men or meeting with any opposition. Returning with Captain Lyon was the Mayor of Brownsville, Doctor Combe, who reported to me that one civilian of the city had been killed and the chief of police badly wounded in the right arm, his horse being killed under him, and claimed the killing and wounding had been done by soldiers; but at that time I felt confident he was mistaken, as all men had been reported present except the two on pass, and to make sure I again had the rolls called, and received the same report from each company commander, "All present, or accounted for," the two men from C Company still being absent.

I kept the entire garrison under arms until 3.30 a. m., and then placed one company, C, on guard, in addition to the regular guard, and formed a cordon of sentinels around the north and east side of the post, the exposed portion, with the most stringent orders to allow no one to leave the post, and no one to enter it except the Mayor, and such other person as he, the Mayor, might wish to bring in to see me. The other two companies were allowed to return to their barracks.

As an additional check, as soon as it was light enough to see, I had every rifle in the barracks and in the hands of the men inspected, to learn whether or not they had been fired, but all were found to be bright and clean.

The Mayor again called upon me about 10 a. m., and informed me a few empty cartridge cases and used clips for our Springfield rifle had been found in the streets, and later in the morning told me there had been picked up between 75 and 100 empty cases and used clips, as well as a few cartridges that had not been fired. Some of these I examined, and there is no doubt they are those manufactured by our Ordnance Department and issued to the troops.

At 11.30 a. m. a committee of 15 citizens of Brownsville, headed by the Mayor, called upon me, and through their chairman, Capt. William Kelly, a Union volunteer veteran of the civil war, informed me they had positive proof, by several reliable witnesses, that the shooting was done by colored soldiers, in uniform, and requested I cause the offenders' arrest and turn them over to the civil authorities. The Mayor, Doctor Combe, then spoke and said that he had examined the dead, and wounded man, and there was no doubt in his mind the wounds were caused by a bullet fired from a Springfield rifle, or some rifle with a similar penetrating power.

Here it will be well for me to state that Doctor Combe served as a volunteer surgeon during the Spanish-American war; was a brigade surgeon during the greater part of the Philippine insurrection and is at the present time employed to attend the sick of the post during the absence of a surgeon.

I then expressed my deep regret to the committee that such a frightful crime should have happened, and that the evidence pointed so strongly to its being committed by my men; and while it had been impossible for me up to the present time to fix the blame upon anyone, I should never cease my endeavors to detect the criminal or criminals, and if found would promptly turn them over to the proper authorities. In conclusion, I assured them nothing of the kind would occur again, and explained to them the precautions I had taken. The Mayor then told me he was positive he was able to hold the unruly element of the city in check, and this was voiced by the committee, who then took their departure. We parted with the best of understanding between us, and I trust the cordial feeling will maintain throughout this very trying period.

Yesterday and last night passed without the slightest indication of further trouble of any kind. I still have one-third of my command—one company—on guard day and night, with the same stringent orders as to leaving or entering the post, the only exception being civilian employees and servants.

Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, but with this fact so painfully before me I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand. I have the affidavits from three noncommissioned officers who were in charge of quarters on the day and night, and they swear positively the rifles were verified and the racks locked after drill (practice march of Companies B and D, drill of Company C), and the old guard returned to the quarters; that they never left the quarters, and that the keys to the locks of the racks were never out of their possession, and that the racks were not opened until call to arms sounded, and were then opened by them.

From testimony gathered by the Citizens' Committee and given to me by Doctor Combe, I believe from seven to ten men were implicated in this matter. Some one of them must have had a key to the gun rack, and after check roll call was taken—for all were reported present at 11 p. m. roll call—they slipped out of quarters, did the shooting, returned while the companies were forming, and at some time during the early hours of the morning cleaned their rifles. This is made possible from the fact that the shooting all occurred within two short blocks of the barracks.

I am conducting the most rigid examination possible, examining every man and working in conjunction with the Citizens' Committee, and I believe the offenders will be apprehended, although it will take time. The best of the men are very much perturbed over the matter, and I believe through them, rather than my own efforts, the perpetrators of this wanton crime will be apprehended.

That the enlisted men have been subjected to indignities since their arrival here there can be no doubt, and this has caused a good deal of feeling among them, and to one case I attribute this outbreak, the subject of which I will make an official report as soon as the collector of customs, Mr. Vann, returns to the city.

On the evening of August 5, Private Newton, of Company C, was walking on Elizabeth street, in the city of Brownsville, with Private

Lipscomb, same company. When about a block north of the post-office they met a party of ladies standing on the sidewalk, talking to a man by the name of Tate, who is employed in the customs service. To pass this party, the men passed between them and the fence, in single file, Newton leading. Newton claims in his affidavit that he did not even touch one of the ladies in passing, but when opposite this man Tate, he, Tate, drew a revolver from his hip pocket and struck Newton upon the side of the head with it, knocking him down, at the same time saying, "I'll learn you to get off the sidewalk when there is a party of ladies on the walk." When Newton rose to his feet Tate covered him with his revolver and said, "Damn you, leave, or I will blow your brains out." This is corroborated by Private Lipscomb.

I at once wrote a letter to Mr. John W. Vann, collector of customs, informing him of the matter, and requested he would make such investigation of the occurrence as he might see fit and notify me of the result. Mr. Vann being out of town, my communication was replied to by Mr. Browne, deputy collector of customs, who requested me to await action until Mr. Vann returned, which, of course, I was very glad to do.

On the afternoon of the 13th, at about 5 o'clock, a Mr. Evans, of Brownsville, accompanied by Doctor Combe, called upon me, and the former told me that on the evening before his wife, when returning home and when about to enter her back gate, was seized from behind by a colored man who, she was positive, was a soldier, as he was in khaki uniform, but whom she could not identify, and he further stated he had been greatly annoyed by enlisted men congregating near his house the two previous evenings—by their vulgar conversation and swearing. His statement that his wife was seized by a soldier I was inclined to doubt, as prostitutes are too common in the town, but as the matter was a most serious one, and fearing the matter would inflame the people, as well as to save Mr. Evans any further annoyance, I ordered all passes canceled at 8 o'clock, and sent a patrol through the city notifying all men to return to the post at that hour. At 8 o'clock I sent out a second patrol, and at 9 a third one, which reported that no men could be found. Captain Macklin, the officer of the day, also went through that part of the city most frequented by the men, but found no one. Mr. Evans is unfortunate in living very near the Tenderloin, but to protect him it was my intention to send patrols to that part of the city every evening, and frequently, if necessary.

These two incidents have served to cause bad blood between the citizens and the soldiers.

I have not been able to investigate his charges that his wife was seized by a soldier, as the shooting came too closely upon it and has occupied all of my attention. Fortunately, Mrs. Evans was not harmed, save the terrible fright it gave her.

I look for no further trouble, and trust my actions will meet with the approval of the department commander.

Very respectfully,

C. W. PENROSE,  
*Major, Twenty-fifth Infantry, Commanding.*

## C.

FORT BROWN, TEX., August 20, 1906.

Capt. WILLIAM KELLY,  
*Chairman Citizens' Committee, Brownsville, Tex.*

SIR: As there seems to be somewhat of a doubt in the minds of the citizens of Brownsville as to the sincerity of the investigation I am conducting relative to the horrible shooting that occurred in your city early on the morning of the 14th instant, whereby one of your citizens was killed and the chief of police wounded, besides several houses riddled with bullets, and the testimony pointing strongly to the shooting being done by men of my command, I have the honor to make this suggestion to you with an earnest hope it will meet with your approval and early acceptance.

This suggestion is that you appoint a committee of three citizens of Brownsville, of which you should be chairman, to come to this post and make an investigation for yourselves.

I will place before such a committee every particle of evidence I have been able to obtain up to the present time, and will summons before them every man of this post for such examination they may desire to make.

Very respectfully,

C. W. PENROSE,  
*Major, Twenty-fifth Infantry, Commanding Post.*

## D.

FORT BROWN, TEX., August 24, 1906.

Capt. W. J. McDONALD,  
*Company B, Ranger Force of Texas, Brownsville, Tex.*

SIR: Replying to your demand for the men of my command for which you gave me warrants, I have the honor to inform you that I am directed by higher authorities to assure their safety, but they will be cared for subject to the jurisdiction of the civil authorities and will be delivered to the said civil authorities for trial when their safety is assured.

After a most careful investigation I am unable to find anyone, or party, in anyway connected with the crime of which you speak.

I return to you herewith the warrant delivered to me yesterday.

Very respectfully,

C. W. PENROSE,  
*Major, Twenty-fifth Infantry, Commanding.*

The substance of this letter was also communicated to Sheriff Garza, who made the second service.

A. P. B

## A'.

FORT BROWN, TEX., August 19, 1906.

CHIEF OF STAFF,  
*Camp Mabry, Austin, Tex.:*

Arrived last night. Troops under proper control, although town people are still very much excited and men all carrying arms.

After consultation with post officers the Mayor and prominent citizens strongly recommended Company A, Twenty-fifth Infantry, be not sent here for present at least; otherwise grave trouble almost certain to ensue on road in this vicinity. Every effort being made to discover murderers.

Recommend all officers now on detached service from this command that can be spared be sent here as soon as practicable.

BLOCKSOM, Major.

## B'.

BROWNSVILLE, TEX., August 20, 1906.

THE MILITARY SECRETARY, UNITED STATES ARMY,  
*Washington, D. C.:*

Causes of disturbance are racial. People did not desire colored troops here, and showed they thought them inferior socially by certain slights and denial of privileges at public bars, etc. Soldiers resented this. There were several individual encounters between soldiers and citizens. About midnight of 13th party of soldiers, probably 9 to 15, made raid through several squares of town, firing 75 to 150 shots, killing a bartender and dangerously wounding lieutenant of police. They also fired into several houses, where women and children narrowly escaped being shot. Raid lasted from eight to ten minutes. Claim made that citizens fired first, but, I believe, without foundation. Although act probably preconcerted, do not think commanding officer could have foreseen it. Citizens can not identify raiders, and authorities have made no demand for them. Investigation now going on has as yet discovered none. Commanding officer to-day invited a committee of three citizens to assist in conducting investigation. People are still in a state of great nervous tension, and men nearly all carry arms openly at night. Women and children still frightened. I consider it necessary to remove colored troops—the sooner the better. While now apparently under perfect control an entire company is on guard each day—a great strain with little prospect of relief. Differences between soldiers and citizens are irreconcilable. Suspected men might get a fair trial here at hands of civil authorities, but could not be properly protected from mob violence. Full report about investigation will be made in regular course.

BLOCKSOM, Major.

C'

FORT BROWN, TEX., *August 21, 1906.*CHIEF OF STAFF,  
*Camp Mabry, Austin, Tex.:*

In reply to direct inquiry from Military Secretary, Washington, I last night recommended colored troops be withdrawn from Brownsville—sooner the better; that differences between soldiers and citizens are irreconcilable. I was directed to remain here until further orders.

BLOCKSOM, *Major.*

D'

BROWNSVILLE, TEX., *August 21, 1906.*TO CHIEF OF STAFF,  
*Camp Mabry, Austin, Tex.:*

Committee invited by commanding officer to investigate trouble began meetings this afternoon, and is given every facility possible. Captain Kelly, prominent citizen; District Attorney Kleiber, twenty-eighth district; Judge Bartlett, county judge, Cameron County, and Judge Welch, twentieth judicial district, form committee.

BLOCKSOM, *Major.*

E'

FORT BROWN, TEX., *August 23, 1906.*THE MILITARY SECRETARY, UNITED STATES ARMY,  
*Washington, D. C.:*

Battalion Twenty-fifth will probably get away to-night. Warrants have been issued for murder, conspiracy to murder, etc., against 3 sergeants, 3 corporals, 6 privates, and 1 ex-soldier. They will be turned over to commanding officer, Captain Preston, Twenty-sixth Infantry, for safe-keeping, until required by district judge. Do not know when, probably early part next month, possibly earlier. Authorities pledge themselves able keep prisoners from violence, but feeling here still high. Request authority to return after battalion leaves.

BLOCKSOM, *Major.*

F'

BROWNSVILLE, TEX., *August 28, 1906.*CHIEF OF STAFF,  
*Camp Mabry, Austin, Tex.:*

Confidential. My report completed. Shall send soon as type-written. Can not too strongly urge officers of battalion be impressed with necessity discovering criminals. They did seem to be trying, but were prejudiced by ill-feeling shown them here. Such a crime committed by so many men will be great injury to officers' reputation if undiscovered. Almost no evidence against men arrested, though



believe majority more or less guilty. Conviction of criminals must come from men of battalion, if at all. Many old soldiers know guilty men, and should suffer for concealing act. I shall recommend practical disbandment of three companies if crime not soon discovered.

BLOCKSOM, *Major.*

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A''.

FORT BROWN, TEX., *August 14, 1906.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, Sergt. George Jackson, Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says: —

I was in charge of the company quarters of Company B, Twenty-fifth Infantry, on the 13th and 14th of August, 1906.

The company was on a practice march on the morning of the 13th and returned to the post between 10 and 11 o'clock, when the rifles of the company were returned to the racks to allow six men of the company to get their rifles to go on guard. I then locked the racks again; and there were in the racks 46 rifles, which, with the 6 in the hands of the men on guard, made 52 rifles, for which I was accountable. The racks were not again opened until call to arms sounded, soon after midnight on the morning of the 14th, when I opened them myself.

I was not away from the quarters at any time during the time the racks were closed, about 10 o'clock on the morning of the 13th, until they were opened when call to arms sounded on the morning of the 14th, nor were the keys to the racks ever out of my possession.

I made check roll call of the company at 11 p. m. on the night of the 13th, and all men were present.

GEORGE JACKSON,  
*Sergeant, Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

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B''.

FORT BROWN, TEX., *August 14, 1906.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, Sergt. Darby W. O. Brawner, Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

I was in charge of the company quarters of Company C, Twenty-fifth Infantry, on the 13th and 14th of August, 1906. I locked the arm racks in the company quarters between 10 and 11 o'clock a. m., August 13. There were 53 in the racks, which, with the 4 rifles in the hands of the members of the guard, made up to the total number issued to the men of Company C—that is, 57 rifles in all. The keys of the arm racks were constantly in my possession. The arm racks were not opened until about 12.15 a. m., August 14, 1906, for any reason except that about 2.30 o'clock p. m., August 13, 1906, one rack was opened for a moment to allow the supernumerary of the guard to get his rifle in order to take the place of a member of the guard who was taken sick, and whose rifle was at the same time placed in this arm rack.

About 12.15 a. m., August 14, 1906, I was awakened by a corporal of the company, who told me that shooting had been going on and that call to arms had been sounded, and to get up and open the arm racks. I went down to the first sergeant and asked

him what I should do, whether I should open the arm racks, and he said, "Wait for orders." Corporal Madison, whom I met as I was returning to the squad room, told me orders of the commanding officer were to open the arm racks. I then opened three racks, the fourth having been broken open by the men trying to get their rifles from the racks to fall in when call to arms sounded.

DARBY W. O. BRAWNER,  
*Sergeant, Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,*  
*Trial Officer, Summary Court.*

—  
C''.

FORT BROWN, TEX., August 14, 1906.

FORT BROWN, *State of Texas:*

Personally appeared before me, the undersigned authority, Corpl. David Powell, Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

I was in charge of quarters of Company D, Twenty-fifth Infantry, on the 13th and 14th of August, 1906.

Company D, Twenty-fifth Infantry, was on a practice march on the morning of the 13th and returned to the post about 9.30 a. m., when the rifles were placed in the gun racks and the racks locked by me. At about 10 a. m. the racks were opened to allow five men of the guard to get their rifles and were again locked by me. There were in the racks then 52 rifles, and 5 in the hands of the men of the company on guard, making a total of 57 rifles in all for which I was accountable.

I did not leave the quarters at any time during the day or night. The keys to the arm racks were in my personal possession the entire time, and the racks were not opened for any purpose whatever from about 10 a. m. [until] after midnight on the 14th, when I unlocked the racks myself.

I took check roll call at 11 p. m. on the 13th, and all the men of the company were present or accounted for.

DAVID POWELL,  
*Corporal, Company D, Twenty-fifth Infantry.*

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,*  
*Trial Officer, Summary Court.*

—  
D''.

FORT BROWN, TEX., August 14, 1906.

FORT BROWN, *State of Texas:*

Personally appeared before me, the undersigned authority, Private J. H. Howard, Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

I was a member of the post guard on the night of the 13th and 14th of August, 1906. I was posted as a sentinel on post No. 2, which extends around the barracks, keeping the buildings on my left, at 10.30 p. m., August 13. At about 12.10 on the morning of the 14th, when between C and B Company barracks, I heard a single shot, then five or six, and then a regular fusilade. The shots seemed to come from the street in the rear of the brick wall back of B Company's barracks. I thought they were shooting at me, and I looked in the direction of the sounds to see if I could see anybody, but I could not, and I then went to the front of the barracks and gave the alarm, by firing

my piece three times and calling for the guard. I did not see anybody at all but the post scavenger, who was at the sinks in the rear of B Company's barracks. As soon as the shooting commenced he drove away with his cart.

JOSEPH H. HOWARD,  
*Private, Company D, Twenty-fifth Infantry.*

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

E''.

FORT BROWN, *State of Texas:*

Personally appeared before me, the undersigned authority, one Matias G. Tamayo, scavenger at Fort Brown, Tex., who being duly sworn according to law, deposes and says:

That at about 12.10 a. m. on the morning of August 14, 1906, he was in rear of the quarters occupied by Company B, Twenty-fifth Infantry; that about this time a shot was fired by some person unknown in the street just outside the wall dividing the military reservation from the town of Brownsville, Tex.; that he could hear the bullet and that it appeared to be going in the direction of the Rio Grande River, about parallel to the above-mentioned wall; that immediately following this one shot, a number of other shots were fired, all outside the wall.

Deponent further says that previous to the shooting he saw no soldiers anywhere in rear of the quarters occupied by the companies of the Twenty-fifth Infantry, and heard no talking or news of any kind; and that he saw and heard no shot or shots from any of the company barracks.

MATIAS G. TAMAYO,  
*Scavenger, Fort Brown, Tex.*

Sworn to and subscribed before me this 14th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

F''.

FORT BROWN, TEX., *August 23, 1906.*

Sergt. J. R. Reid, Company B, Twenty-fifth Infantry, stated to me that he did not have the call to arms sounded (he was sergeant of the guard on the night of the 13th of August) until the shots came so fast that he thought post was attacked. He stated also that he formed the guard before having the call sounded.

A. P. BLOCKSOM,  
*Major, Inspector-General.*

A'''.

TESTIMONY TAKEN BY CITIZENS' COMMITTEE RELATIVE TO ACTION OF UNITED STATES TROOPS ON THE NIGHT OF AUGUST 13 AND MORNING OF AUGUST 14, 1906.

BROWNSVILLE, TEX., *August 14, 1906.*

Mr. GEORGE W. RANDALL takes the stand.

Q. Tell what you saw from the time your attention was first attracted.—A. Well, I was sleeping about 10 o'clock and was woke up

by pistol shots fired close to my house, about 60 feet from garrison, inside of garrison wall. I got up and went to the window, my wife with me. We could see men moving back and forth inside the garrison wall, and they were shooting. One man in particular. I watched the shots, seeing the fire leave the pistol, and it was elevated up in the air and was being fired about as fast as a man can move his finger. There were other shots, but I did not notice them.

Q. What time was that?—A. About 10 o'clock, I think; though I did not strike a light to look. The next move that I saw and what I heard was one word—there was a good deal of talking, but very low—one man said "There he goes," and they made a move for the wall and passed out of my sight.

Q. Did they have guns in their hands?—A. I could not tell.

Q. Were they soldiers?—A. Yes.

Q. You could see on the town side of the garrison wall?—A. Yes.

Q. Did you see any shooting on the town side of the garrison wall toward the garrison at the time of the firing?—A. No.

Q. Then all the shooting you saw was from the inside of the garrison?—A. The shooting I saw—and that was through the flash of the pistol, and everyone of those flashes was elevated—did not seem to be shooting at anything.

Q. When you saw the flashes of fire could you tell in what direction such fire was?—A. It was elevated.

Q. Was it toward town or away from town?—A. Toward town.

Q. How long did that shooting continue?—A. I do not think it was more than five or six minutes.

Q. Were there other shots fired from the post also later?—A. (Not known.) The first shot came from the garrison wall down below; the next one passed through my room and went directly over my bed.

Q. How long was that after the first shot was fired?—A. Five or six minutes.

Q. That last shot that went through your house, judging from the direction of the shot, would you suppose it was fired by somebody who ran out of town through the alley?—A. No; it could not have been. My house stands (motioned toward the fort), and the place where it went into my house (motioned again) and the place where it went out (another motion) was about 6 inches above where it went in. (Stenographer can't comprehend motions.)

Q. After the first shot was fired, how long was it until you heard the last shot?—A. I could not tell. My wife said it was between a half and three-quarters of an hour, but I think it was not that long.

Q. The shot that came through your house came from the direction of the garrison?—A. Yes; about the lower end of the lower quarters.

Q. That was several minutes after the first fire?—A. Yes.

Q. Do you remember whether it was before or after the bugle call was sounded?—A. It was after; a long time after. The first bugle call that I heard—it was a peculiar call—was two or three minutes after they left the quarters and jumped the wall and started this way.

Q. It was after the bugle call?—A. Yes; and it was quite a little while before that man got the squad together and came up Elizabeth.

Q. There were two bugle calls?—A. Yes.

Q. Was this after the first or second bugle call?—A. The last.

Q. Did you see anything of the placing of a Gatling gun in the gate last night?—A. No.

Q. You were in view of the gate all the time?—A. Yes.

Q. You could have seen it?—A. Yes. (Continued.) The first shots that I heard seemed to me as though they were a little to the left. When I got up and went to the window I saw that they were shooting up.

(Excused.)

Mr. O. J. MATLOCK takes the stand.

Q. (By chairman.) This committee is engaged in investigating what occurred last night. It has been stated that some soldier addressed you and told you that it would be dangerous for you to go up the street after 10 o'clock.—A. No; no one addressed me that way. The only conversation that I had was with the commander of Company B (I think it was), and he said that his instructions were to keep his men in at night, and that he was going to call them back. I had no talk with a soldier, and knew nothing of it, except that there was a little strange situation on account of the affair Sunday night.

Q. Where were you during this shooting?—A. Behind the guardhouse, at Mrs. Johnson's house.

Q. Did you see anybody do any shooting?—A. No. I went up to the guardhouse to see what was the matter. They said they did not know, and came near running their bayonets into me, they were so excited. They said they knew nothing about it.

Q. Do you know anything about the roll call there last night?—A. No.

Q. Anything about the guns?—A. No; except what I have heard.

Q. Did you make the statement that the guns have not been returned to the racks yet?—A. No; for I don't know anything about it. I had a talk with some of the officers this morning, and they told me that the guns had not been tampered with. They had an idea that the guns could not be gotten hold of except for drill purposes.

Q. Is that still their idea?—A. No; I think not.

Q. How long would it take a man to go from the officers' quarters over to the men's quarters?—A. They were in bed, and, having to dress, it would take maybe eight minutes to get their clothes on and get over there. Maybe all of eight minutes.

Q. Do you know anything that might be of the slightest help to this committee?—A. No; nobody out there knows anything about it. The general opinion is that they will never know anything about it as long as they stay here, unless one of them gets full and tells it.

Q. Did you state that you were told not to go out that night?—A. Yes; I was washing my hands when the shooting commenced, and I went up there, and they were very excited and told me I had better get back into the house or I might get hurt.

Q. That was while the shooting was going on?—A. Yes; I started to go, and they said, "Don't go yet awhile." So I waited.

Q. Was the officer of the guard there?—A. There is no officer of the guard, except the noncommissioned officer. He was on his round. I heard him make his round about 11 o'clock.

Q. If there was a guard on last night, did not he know anybody who went into or out of the post?—A. No; he might be around the barracks, and a person could come in the gate.

Q. But if they had a special patrol? With that they should be able to keep people out?

(Answer not known.)

Q. I understand there was one man with each squad who has entire charge of the arms and ammunition. If any arms or ammunition went out of there or went in, he was bound to know?—A. He ought to know it, if he was up all night. If he was in bed he might be misled.

Q. These arms are under lock and key, and this party has charge of the key?—A. Yes.

Q. And he should be responsible?—A. Yes.

Q. A guard who would be up at the end of the third quarters, it would be an easy matter for any number of men to jump the fence before he could get back and see who they were?—A. Yes. It is about 500 yards.

Q. What Gatling gun is there in the fort?—A. There is only one, but it was not got out.

(Mr. KELLY stated:) It was a very old gun—one of the guns that was on the old Bravo in 1872.

(Witness excused.)

Mr. JOSE MARTINEZ called to stand.

Q. You know the object of this committee. Just state what you know or what you saw.

(Question of speaking English raised. Interpreter dispensed with.)

Q. Where were you last night?—A. In my room in Mr. Randall's house, right behind the telegraph office (pointed out place on map). On alley fronting the post in block 61.

Q. Were you there last night?—A. Yes; I was reading the paper when I heard four shots.

Q. What kind of shots; pistol or rifle?—A. Gun shots.

Q. Where were they?—A. Inside the quarters. I hear the noise like somebody—big crowd—jump the fence.

Q. About how many?—A. I could not see him; I hear.

Q. Well, more or less?—A. About 20.

Q. Did they have guns in their hands?—A. Yes.

Q. Were they negroes or white men?—A. Negroes.

Q. Did you see their uniforms?—A. No; I saw their—what you call it?—bulk. I could see them shooting this way (makes motion at hips). I could hear men come up Elizabeth street and other men go down the alley.

Q. How many shots did you hear, more or less?—A. I could not tell; about forty or fifty.

Q. Was that before or after the first bugle call? Did you hear the bugle call?—A. Yes.

Q. Did these men come over before or after?—A. They shot and then the bugle.

Q. Then you heard other shots?—A. Yes.

Q. Then a second bugle call?—A. Yes.

Q. How long was it between the two bugle calls?—A. I think it was about three minutes.

Q. Did you hear them call a roll on the other side?—A. No; I was sleeping by that time.

Q. Could you hear these soldiers talking any?—A. Yes.

Q. What did they say?—A. I did not pay any attention to them.

Q. Do you remember anything they said?—A. No.

Q. Did they curse?—A. Yes.

Q. Were they drunk or not?—A. I could not tell you.

Q. Did you see said men (Kibbe's question) go back?—A. No.

Q. Can you show us on the map where they first crossed the wall?—

A. (Goes to map and points.) They jumped over the wall all along.

Q. Did they have guns in their hands?—A. Yes. I was standing in the door.

Q. Were they inside or outside the wall when the first shots were fired?—A. Inside.

Q. Then they jumped over the wall and ran up town?—A. Yes.

Q. All of them with guns?—A. Most of them I saw with guns.

Q. Some of them ran straight up the alley. Do you know whether any of them ran up Washington street?—A. I don't know. I blow out my light.

Q. Have you any idea how many men crossed that wall?—A. I saw about twenty men. I don't know how many of them jumped the wall.

Q. Did you see the soldiers when they came back to the garrison?—A. No.

Q. Did you see any of them come up Elizabeth street?—A. I could not see them; I hear them come up Elizabeth.

Q. Did you hear any shots from the town side before you heard them on the inside?—A. No.

Q. You live about 30 feet from the garrison wall?—A. Yes. (Some one ventured the information that it is just 36 feet.)

Q. Were these four shots that you heard first all the shooting that took place until they passed your house?—A. No; when they jumped the fence they commenced shooting.

Q. Which way were they shooting?—A. This way.

Q. The guns were shooting straight?—A. Yes. Maybe some of them were elevated.

Q. That is all you know about it?—A. That is all.

Q. There were quite a number of shots fired before the first bugle?—A. Four.

Q. Were there not more shots than that before the first bugle call?—A. No.

Q. They continued until the second bugle call?—A. Yes.

Q. Were there any after the second bugle call?—A. Yes; lots of them.

(Excused.)

Mr. MARTINEZ was recalled on the morning of the 14th, and testified as follows:

Q. Did you hear any running up and down in the post?—A. No.

Q. Did you hear them talking?—A. Yes; very low.

Q. In the barracks?—A. Inside the wall; not in the house.

Q. Did you hear running?—A. Yes; jumping the wall. Previous to the first fire I heard no shots from the town. The first were fired from inside the garrison wall.

Q. Did you see the men form?—A. (Asks meaning of "form.") No; they ran.

(Excused again.)

Mr. ADOLPH BOLACK (Hebrew) takes the stand.

Q. Now, tell what you know.—A. Well, my wife and daughter hear the shooting and come arunning out in the dining room and got frightened. I was coming out to see what was coming on, but she would not let me. I went to my window and saw Dominguez and two policemen go by. I holler, but Dominguez did not hear me. After they got by they commenced shooting again. And that is all I know. In about three minutes the shooting commenced in the alley.

Q. Could you see anyone shooting?—A. Saw nothing.

Q. Did you hear any command given?—A. No; my daughter heard them talking when they passed the window, and they were negroes.

Q. How many shots were fired?—A. At least forty or fifty.

Q. Is that all you know?—A. Yes.

(Excused.)

(Mr. BOLACK returned shortly to announce that he had seen a man who did see the soldiers. Thanked and excused again.)

Mr. A. BAKER called to stand.

Q. Just tell what you know.—A. I heard shooting during the night; don't know exactly what hour.

Q. Was it a pistol or rifle?—A. It sounded like a pistol. I jumped up and my brother came out and asked what it was. We climbed up on a tank and looked over into the fort. The shooting commenced. There were four or five shots near the wall. Then they commenced shooting uptown.

Q. Where do you live?—A. Near the old ice plant, in lot 9, block 59, I think.

Q. Did you see the men cross the wall?—A. No.

Q. Do you remember hearing a bugle call?—A. Yes.

Q. Was the firing before or after the bugle call?—A. There were some shots before the bugle call; then the bugle; then more shots; then the bugle call; then more shots. I heard the men run down the stairs, like they were coming to a fire, and some one hollered "Fall in line," and then, "March," and they went uptown.

Q. Did you hear the roll call?—A. Yes; about half an hour after they got back—a half or three-quarters of an hour after the firing ceased and they went back to the post.

Q. From where you were; could you look down in the alley?—A. Yes.

Q. At the time of the firing, or within five minutes after the firing, did you see anyone running through the alley?—A. No.

Q. Were you expecting trouble last night?—A. Yes. Yesterday evening, about 6 o'clock, two soldiers came up to the house and asked if Mr. Baker lived there. Then they said they wanted a big, broad-shouldered fellow, who said he was from Georgia. So we got our arms and guarded our residence.

Q. Do you know of the shot that Mr. Randall spoke of having gone through his room?—A. Yes; I heard it whistle.

Q. Did you notice the flash of any guns toward the fort?—A. No.

Q. If they had had a roll call you could have heard it?—A. Yes; I heard the last one and heard nearly every name called.



Q. Why were you noticing this?—A. After they had the other trouble the officer told him to report to him and that he would have a roll call and get who was out. So I noticed for the roll call this time.

Q. Did you hear the shooting up in town?—A. Yes.

Q. How many shots did you hear?—A. One hundred and fifty, maybe two hundred. It looked like volleys of them were being fired. (Excused.)

Mr. A. C. MOORE takes stand. (Proprietor of Miller Hotel.)

Q. This committee is sitting for the purpose of getting information that will place the saddle on the right horse. You are running the Miller Hotel?—A. Yes.

Q. Are there any bullet holes in the hotel?—A. Yes; about six.

Q. Shot by whom?—A. By people; last night.

Q. What time?—A. About 12.

Q. Did you see anyone shoot?—A. No.

Q. Did you hear?—A. Yes.

Q. Tell what you know.—A. The first shooting started down by the garrison. The shooting still continued, and they came up the alley right by our rooms. They gave the command here and fired. Then they came out on Elizabeth street. There they gave the same command again—"Halt; fire!"

Q. Could you tell who they were—negroes or white people?—A. Well, it was a good, strong voice and English spoken.

Q. Could you see them?—A. No; I could not leave my wife; she was in hysterics.

Q. You heard those commands?—A. Yes; and heard them say, "There goes the son of a bitch," and something else, "Get him!"

Q. Could you say whether it was a negro's voice?—A. I think it was. It was very coarse.

Q. After the command what did they do?—A. Well, they ran on down, and there was a shot or two fired then.

Q. Toward the corner of Thirteenth and the hotel?—A. Yes. Then they gave another command. The best that I could locate it was from this corner opposite the hotel. Then they fired, and must have fired that volley at the hotel, for there are the bullet holes showing that they must have been shot from that corner. One of them passed through a window facing and through a door and struck the wall.

Q. Have you got any of those bullets?—A. Yes; I gave them to Fred. Combe.

Q. What were they?—A. Steel jackets.

Q. How many shots did you hear?—A. About 50.

Q. Where did they shoot the policeman—right here (pointing out of window of Wells' office)?—A. I do not know, but they were bound to have shot him when they came out of the alley, for then they hollered, "There goes the son of a bitch; get him!" Then I picked up a lot of bullets (meaning cartridges, evidently) in the alley, empty and loaded.

Q. What were they?—A. 1205, new army gun, Springfield model.

Q. That is all you know?—A. Yes.

Q. Do you know whether or not any of your guests actually saw the negro soldiers?—A. Yes; Mr. Borden and Mr. Chase had their heads out of the window and saw the squad of five or six. They shot just

about then, and the bullets hit right close to the window. One bullet came through the screen, and when it hit the window went straight up.  
(Excused.)

Mr. EPOLITA MARTINEZ called to the stand, but, as he was called to verify a rumor concerning a soldier's remarks in his (Martinez') drinking place, which he denied the truth of, his statements are excluded from record.

Mr. C. S. CANADA called to the stand.

Q. We are inquiring into the matter of last night with a view to ascertaining who the guilty parties are. We know they were negro soldiers. If there is anything that would throw any light on the subject we would like to have it.—A. I did not see a single man that I am sure. My room is up on third floor. As soon as the shooting began I went down on second floor and went out on the gallery. I saw that policeman and saw that the horse was wounded. He staggered and fell. I could tell by his rather dark clothes that he was an officer.

Q. Could you see who fired the shots?—A. No; I could not give any description of the men. I could hear the peculiar click of the gun, and I would swear it was a rifle.

Q. Could you tell whether it was an ordinary rifle or a Krag?—A. They were the same as the shots fired in the alley.

Q. You could not hear them say anything?—A. Perhaps, if I had been listening for that purpose alone.

Q. How many shots were fired from the corner at the horse?—A. At least three.

Q. How many in all did you hear?—A. Not less than 150; perhaps 200. Between those two numbers. It is more or less a guess.

Q. Did you hear any commands? Hear "Fire," or anything that way?—A. The only thing I heard them say was, "We got him," when the horse fell.

Q. Did you see or hear anything that would lead you to believe that they were negro soldiers?—A. Nothing except the general tenor of the affair.

Q. The next firing was up the street?—A. Yes; they went on up the street firing.

Q. From the tone of the voice that you heard make the remark, "We got him," were they Americans or Mexicans?—A. I think they were negroes. I was raised among them and know their voices pretty well.

(Excused.)

Doctor Combe states what Mr. Odin, who is now out of the city, said in regard to the shooting (made in presence of Judge John Bartlett):

That about the middle of the night of August 13 he was standing at a window of his room in the Miller Hotel and he heard a squad of men coming down the alley; that they arrived at the corner of the alley and he recognized that they were five negro soldiers; that when they arrived at the intersection of Thirteenth street and this alley one, apparently in command, gave the order, "There he goes; shoot him." That immediately a volley was fired, and then one of the men leveled his piece at the window and fired, the bullet passing through

the casing and going into the ceiling directly over his head. One of his children fell to the floor and he thought it was shot. His wife was present at the window.

(Judge Bartlett affirmed statement.)

VICTORIANA FERNANDEZ, policeman, takes stand.

Q. State what you saw.—A. I was asleep at Washington street. I was on day watch and was sleeping. I heard a single shot. I do not know whether six-shooter or gun. I went down town, down the street, and saw two men shoot at me. Do not know whether citizens or soldiers. I turned across the street into the alley. They shot at me again.

Q. Did you shoot back?—A. No; had no chance. They shot at me the third time—three men with big guns. I shot back. They were dressed in khaki pants.

Q. You can tell these army guns when they shoot?—A. Yes.

Q. These were army guns?—A. Yes.

I came on Sixteenth street. I saw a crowd at Mr. Tillman's saloon. I went inside and found Frank Natus lying down dead.

Q. How many shots did you hear last night altogether?—A. About fifty.

Q. Did you know any soldiers that fired?—A. No.

(Excused.)

Mr. STARCK called.

Q. Tell what you know.—A. I don't know that I can help you much. About half past 12 last night I was awakened by a volley being fired into my home. One of the shots passed right over our beds, through both our bedroom and my children's bedroom. I saw man running down the street coming this way. He had a rifle in his hand in about this position (motions at shoulder). I came to the window and saw an object behind the trees at Mr. Turk's and was about to come down on him when I recognized him as one of the policemen.

Q. Were you able to identify any of them as being negroes?—A. No.

Q. You only saw one man?—A. Yes; but there were more than one, for there was a volley.

Q. How many shots did you hear before and after?—A. I could not say exactly—fifty or a hundred. I heard a lot of shooting after the bugle call at the post.

Q. When were the shots?—A. Just after the bugle call. The first shooting was after the bugle call.

(Excused.)

Mr. C. C. MADISON takes the stand.

Q. We are here for the purpose of obtaining information touching what happened last night. Tell us everything you know about it. Who you saw shoot, if anybody.—A. We (Mr. Madison was accompanied by another tinner and could not be induced to converse in anything but the first person plural) did not see anything. The shooting took place 10 or 15 feet from where we were sleeping and we could hear them throw the cartridges in the guns. They were Springfield guns. I know what they sound like when a cartridge is thrown into them, and I heard a low whistle and heard somebody hollow "Halt!"

Q. How many shots did you hear?—A. Twenty or thirty in the alley and many more in the city.

Q. Did you hear the men talk?—A. Yes.

Q. Were they Americans or Mexicans?—A. They were negroes.

Q. Were you sleeping on ground floor?—A. Yes.

Q. Doors open?—A. Yes.

Q. Could you see anything when you looked out?—A. No; but we never put our heads out.

Q. Where did you hear them say "Halt?"—A. Out in the lot.

Q. How many were there?—A. Seven or eight.

Q. Which way did they go?—A. Toward the livery stable.

Q. Were you ever in the service?—A. Yes; five years, and I know the sound of cartridges when they are thrown in.

Q. Did you see or hear anything that would lead you to believe that they were negro soldiers?—A. Yes; I know by their talk that they were negroes.

Q. Did you see any soldiers?—A. No.

(Committee adjourned until 9 o'clock Wednesday, the 15th.)

Committee convened at 9.30 Wednesday, the 15th of October [August], 1906, and to begin business had—

Mr. J. P. McDONALD called to the stand.

Q. We are here to get what information we can that will throw light on the circumstance.—A. I board on the little block next the garrison, about the middle. I knew there was bitter feeling in town and thought that if they caught any negro soldiers up town they might to [sic] them up. So I laid awake; never pulled off my shoes. When the first fire started I jumped up. There were from six to ten shots on Elizabeth street; then they ceased. I went down the street to the next block and on to the alley, and stopped on the corner. The shooting commenced again just inside the garrison wall. Then I saw some men assembled by the garrison wall near the telegraph office. There were about 20 men. I don't know where they came from; did not see them scale the wall or come through the gate. I think they were in trousers and shirts. I don't know whether they were negroes or white men, but they were United States soldiers. They went into the alley where I first stopped (I had moved back) and commenced shooting. I was 30 or 40 steps from them. Five or six men went up that alley, and I could see their guns distinctly. I did not hear any roll call, but I went home soon after that and then came down town.

Doctor THORNE called.

Q. Tell the committee what you know.—A. I know nothing except what I heard. I heard the firing when it commenced, and supposed there was a rampage. I was in bed. There was only a thin wall between me and the alley. I heard one man say, "There he goes," or "There they go," or "There he is;" then another spoke in a loud voice, "Give them, or him, hell," and louder still, "God damn him." It was a negro's voice. Three bullets went into my house. I did not hear them go back down that alley, for I got up and went down town.

(Excused.)

HERBERT ELKINS called to stand.

Q. You know the object of this meeting. We know that this outrage was committed by negro soldiers. We want any information that will lead to a discovery of whoever did it.—A. About fifteen minutes before the shooting came up I went up to my room in the Lahay Hotel, second story back. When the shooting commenced I got and sat in the window. They came up the street; two of them seemed to be in the lead. There were five or six. I could swear they were negro soldiers. They emptied their guns into Mr. Cowan's house and then split up, and part of them went up Elizabeth street. One of them got into a mudhole and hollered for the others to go around the other way. They wore khaki pants, regulation blue shirts, and belts. The two in advance were small black negroes, none of them over 5 feet 6. I might recognize the voice of the one that got into the mudhole, and think I could recognize him, but maybe I could not pick him out. They did not turn back when the bugle call sounded, but went on, and in a little while they came back. I saw them shoot into Mr. Cowan's house once, and I think they shot into it three times. They got back to the barracks before the roll call and I think before the squad went out in town. When the squad went back I was standing with Mrs. Lahay at her front gate, and the squad passed within a few feet of us. One little black negro, who I took to be the same one that got into the mudhole when they were shooting into Mrs. Cowan's house, said, "We'll kill the rest of the sons of bitches to-morrow." I heard the policeman shoot uptown; could tell it because the shots were dull.

(Excused.)

MACEDONJO RAMIREZ called to stand. (Policeman on duty that night.)

Q. You were with Joe Dominguez?—A. Yes.

Q. Did you see the shooting?—A. Yes.

Q. Did you see the soldiers?—A. Yes.

Q. How many?—A. Five or six.

Q. Where were you?—A. When the first shots were fired I was standing at the corner of the Alamo alley. When I heard the shots I ran to the next corner. I then ran down Washington street until I reached Mr. Bolack's corner. When I reached Bolack's corner I met the lieutenant police and Padron coming from the direction of the garrison. I asked the lieutenant police what was up. He said he did not know. He supposed the soldiers were firing. As we turned the corner—the lieutenant police was ahead, Padron was behind him, and I was behind Padron—we heard one or two shots from the corner of the hotel. As we came near the alley we heard the locks of the guns that they were loading. When we were in front of Mr. Wells' office five or six soldiers appeared at the corner of the alley. One of them said, "Here he goes; shoot him," and three or four shot at Domingo, and one of them remarked, "Give it to him." None of us shot. Padron went up Washington street, and I went up Thirteenth street. When I reached the house where Mr. Carson keeps, they shot my hat off. I heard them shoot in the direction in which the other policeman ran. I ran up that way and came back down on Elizabeth street and intercepted the company. I was standing on Crichell's sidewalk; the company was in the middle of the

street, and Marcellus was on the opposite side of the street. One of the men called the attention of the captain to the fact that there was a man in the street with a gun in his hand. Marcellus Daugherty stated that he was an officer of the law. He ordered them to march, and they stood still. Then he ordered them the second time, and they marched. Some of the men had their guns on their shoulders, and some of them carried their guns in their hands. They were talking and seemed to be in a bad humor. They said something to their captain when he ordered them to march, and he ordered them a second time, and they marched on. They had stopped, and said, "There is a man with a gun in his hand."

(Excused.)

(Mr. Smith, working for the committee in the capacity of stenographer, as a matter of courtesy, asked to be excused in order to transcribe his notes before the time set for his departure from the city. Whereupon he was excused.)

*Genaro Padron's testimony.*—My name is Genaro Padron. City policeman of the city of Brownsville. On the night of the 13th instant, about 12 o'clock, I was at the corner of the Merchant's National Bank, when I first heard some shots in the direction of the garrison. It was in the direction of Fort Brown. I was then starting up Elizabeth street with Florencio Briseño; ran very fast toward the garrison, and then as I was passing Mr. Tillman's saloon I asked him if he had a gun, and he said that he had only a .45 caliber, which I took. I ran in the same direction, up the street with Briseño, turned the other street, and went near the corner of Bolack's house, and then went up his side of the house and turned the corner and went into the Pecina's yard. Before that I had met Lieutenant-Policeman Ygnacio Dominguez, who was in then in front of me. I then came next, and Macedonio Ramirez was behind me. I told him "You had better not cross that alley, for the soldiers are firing from in there," and he then crossed the alley and was looking in the direction I had told him the soldiers were, and at that moment they came out and opened fire on Dominguez. As I said before, I was behind Dominguez and Macedonio Ramirez was behind me. I could hear the soldiers were talking. I then came around the corner and looked about, but I did not see anybody.

I then saw the lieutenant police, Dominguez, cross the alley, and Macedonio and myself coming right behind. After the lieutenant policeman, Dominguez, had gone across I could see the flashes of the guns giving the reflection on the glass windows of the opposite building. And then I saw the lieutenant police, Dominguez, go in a walk on his horse crossing the alley, when I then heard a soldier say: "There he goes." I then backed a little, but I could never see Macedonio Ramirez after that. I was trying all the time to find out where he had gone. When the soldiers came out of the alley they turned their guns and fired. There must have been three or four of them. Then about three more came out at the corner of Bolack's house out into the street and fired on Dominguez. After that I backed and fired my pistol at them, and then they fired on me. At that time I turned toward the Sahualla's store, Washington street, and saw that they were about seven or eight soldiers, armed with rifles, going in the middle of the street, and I then took said Washington street, hiding and walking in the dark, taking behind the trees

that are on the sidewalk, and then they fired another volley. When I got near a big nogul (walnut) tree they recognized me, and they fired again at me, but I kept backing and backing every time until I got to the corner of Sahualla's store, but I keeping in the shadow all the time, taking the sidewalk of Nicolas Lopez' store, then turned around toward Miguel Fernandez' store, when at that time I heard some one speaking, who asked me what it was, and I looked over my head and saw it was somebody, and I then told him that the soldiers had broken out of the post, firing upon the police force.

I then went up to the corner of the First National Bank, turned there, and went toward the Merchants' National Bank and got behind a thick post—the thickest one that was around there. I then heard that some was knocking at the store of McDonald's store and went in that direction and asked him, "Who is that?" And he replied, "It's the mayor, Federico Combe," and we then walked up the street toward the Merchants' National Bank, and I then told him that the soldiers had broken out of the garrison, and perhaps Lieutenant Police Ygnacio Dominguez was hurt, as I had left him some few moments before. I did not know where he was. We then came in the same direction of the street. By that time people were congregating on the street near Tillman's saloon, and somebody said there is a dead man in there. Then the mayor went in and told me to keep guard at the door and not to let anyone pass unless he was a peace officer. I then said, "Two more policemen are missing, José Coronado and Florencio Briseño." Both of them were not there. Yes, sir; I know they were soldiers, because they were in their uniforms. This talking I heard near the alley of Bolack's was just opposite the door of Bolack's, the big entrance door, about the third door from the alley corner, I think. Yes; I heard voices say, "There he goes; shoot him." Then it was when they fired on Lieutenant Police Dominguez. That is all.

*Guy Rentfro's testimony.*—Was at Creager's house on Monday night last, and heard some voices; shortly after heard the words "There he goes," and after that—about fifteen or twenty minutes after—I heard some more shots. Did not hear any conversation. That was Monday night last. I know Mike Hamilton. He is a colored man. Saw him going in direction of Tillman's house, near last street of garrison wall. Have not seen him since. Three or four guards are stationed inside firing line. Was still going in direction of garrison when last saw him. That's all.

*Celedonio Garza's testimony.*—Yes, sir; I am sheriff of this county. On Monday last I came into town, and was advised that soldiers had broken out of the post. After the shooting I came out to see what was the matter, and I met somebody and was told that Lieutenant Police Dominguez had been wounded, his horse killed, and that a young man had been killed in Tillman's saloon. This was a little after half past 12 o'clock. I was coming near the church with Antonio Villareal's brother, and a few moments afterwards I saw that some soldiers were coming in the direction of the jail from the old graveyard. Stayed outside; and shortly after I saw they were armed soldiers. Soon after that I went to give protection to the jail. I went inside and locked the gate, and they came up the jail, and a white man, or the captain—I don't know which—asked me, "Who is the manager here?" I replied, "I am the manager." And he

then said, "How many citizens have you in jail?" I said, "None, to-night." Why soldiers have been shooting the town. I says the lieutenant police has been wounded, his horse killed, etc., and then he ordered them, "March." No; he did not say who he was. They then went in the direction of Elizabeth street. The order which he gave the soldiers when they got to the jail was "Halt." When he ordered them to march they moved promptly. I noticed that two soldiers were in front unarmed. They appeared to me to be prisoners. They were way in front. The rest were armed—I think so. Before going away from jail I told Justo Herrera and Antonio Villareal to look for Mike Hamilton, whom they found and took him to jail. But he completely denied any connection with the trouble. Said that he knew nothing about the affair. He had no gone [gun?] in his possession. Yes; the party who went to the jail asked me, "How many citizens have you in jail?" I replied, "I haven't received any yet." They were at the jail a little after half past 12 o'clock. That is all.

*F. M. McCampbell's testimony.*—I was on my way to the house on the night of the 13th, when we met some soldiers, and they turned the guns on us and asked us, "What are you sons of bitches hunting for?" I think it was a whole company. I did not see any white officer with them. I just saw the ranks of the soldiers. They went in the direction of town, and we care very little if we shoot you full of holes, they said. Mr. Fielder was going to the hotel. I did not see any firing. I don't think there was a commissioned officer with the soldiers. That's all, about, I know. This happened right about behind the market. There must have been about fifty or sixty men in the company. Mr. Fielder was with me going to the Rio Grande Hotel at that time. That's all.

*M. G. Dalling's testimony.*—I am a State ranger. I have come into the possession of some information this morning, which I got from this soda-water man, who sells soda water. He told me that this soda-water man had been told by a saloon man who keeps a saloon in the edge of town that some shooting had been done last night, and that Company C could have taken the whole town if they had wanted to, and that they could take the whole damn State.

*G. W. H. Rucker's testimony.*—About Monday night last, about half past 8 o'clock, I took two cases of soda water to saloon near edge of town. There were about thirty or forty negroes inside, gambling, as near as I can ascertain about the crowd, and I heard three or four negroes making threats that they would die and go to heaven before they would go back into post. But do not know what the conversation was about. Yes; I know if I would see this soldier again I would recognize him. I could pick him out of a crowd. He was a soldier. Yesterday morning I passed this negro saloon, but nobody was there. At about 12 o'clock, it must have been, as I was picking up empty cases, I went to this saloon, and the proprietor told me that he did not need any "pop," as the boys had been having a little trouble with the citizens, and they were all in the post. He is working for two soldiers who are in the post, who own the saloon. He said that if a gun had been fired last night that Company C could have come out without any orders, and would run every man out of town; that this Company C could whip the whole State of Texas.



B''

BROWNSVILLE, TEX., August 23, 1906.

Hon. JOHN W. VANN,  
*Collector of Customs, Brazos de Santiago District,  
 Brownsville, Tex.*

SIR: In compliance with your request I hand you herewith an exact account of when, where, and how the difficulty occurred between myself and a negro soldier.

On Sunday evening, August 5, 1906, at about 9 o'clock, I was walking down Elizabeth street in this city, in company with my wife and little daughter, Mrs. Virgie Wilkins, Mrs. H. Faisans, the two Misses Brulay, and Mrs. Fannie Putegnat. The ladies stopped to chat in front of the vacant lot next to the Stow residence and in front of Capt. Robert Dalzell's residence. They had stood there possibly three or four minutes when two negro soldiers came along the sidewalk going north. On reaching the ladies, who were standing close together in the middle of the sidewalk, the negroes, instead of stepping around them (as they could have easily done, since there was the vacant lot on one side and the street upon the other) pushed and elbowed their way through them, jostling and rubbing against them as they crowded through. My wife, who was standing next to me, was rudely jostled by one of them. I immediately drew my revolver and struck one of them—the one who jostled my wife. The other immediately took to his heels and ran away.

Any statement that I cursed either of these negroes is unqualifiedly false. I told the one I knocked down that he would probably now know better than to run into white ladies on the sidewalk.

Very respectfully,

FRED TATE,  
*Inspector of Customs, Brazos de Santiago District.*

THE STATE OF TEXAS, *County of Cameron:*

Before me, the undersigned authority, on this day personally appeared Fred Tate, who, being by me duly sworn, stated under oath that each and every statement contained in the foregoing letter addressed to Mr. John W. Vann, collector of customs, Brazos de Santiago district, was true, and that same constituted a full and fair statement of the occurrences therein described.

Witness my hand this 23d day of August, A. D. 1906.

[SEAL.]

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

Having read the foregoing statement, I certify that the same is true and correct.

(Mrs.) VIRGINIA WILKINS.

Having read the above statement, I certify that the same is true and correct, except that I was not walking with them, but met the above-named parties at the place named and was standing with them when the difficulty occurred.

(Mrs.) FANNIE PUTEGNAT.

BROWNSVILLE, TEX., *August 24, 1906.*

On the night of August 5, 1906, between the hours of 8 and 9 o'clock, I was on my way home in company with Mr. R. A. Cunningham, and was crossing the street between Captain Dalzell's residence and Mrs. Fernandez' when I heard a commotion across the street where a crowd of ladies was standing, and heard Mr. Tate say: "Move on; if you do that again I will kill you." Then I saw a negro soldier cross the street and run by where I was and turn the alley corner. He was a strapping big fellow. There was no fence where the crowd of ladies were standing, nothing but a vacant lot on one side and the street on the other.

W. A. RUTLEDGE.

I was with Mr. W. A. Rutledge that night, and the above statement made by him is true and correct in all respects.

R. A. CUNNINGHAM.

BROWNSVILLE, TEX., *August 25, 1906.*

On the night of August 12, 1906, while I was on duty at the ferry crossing, two negro soldiers came over from Matamoros, Mexico, drunk, and got into a difficulty with Polonio, one of the boatmen, they having refused to pay their fare. My attention was attracted to them by their profane language. I stepped off the gallery to the plank walk and told them to stop using bad language, and tried to get them to go away to town, but they refused to do it. I then took hold of one of them by the arm and pushed him forward; he was very drunk and stepped off the plank walk into a mudhole. As the nigger walked off he said: "We will see about this to-morrow."

The next evening (Monday) two negro soldiers came into my house. When I heard some one coming up stairs I stepped out of the room and found them at my door, having come upstairs. They inquired of me if Baker lived there. I told them I was Baker. They asked me if I was from Georgia. I told them, no; for them to leave. They left.

A. Y. BAKER,  
*Mounted Inspector.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 30, 1906.*

Maj. A. P. BLOCKSOM,  
*Inspector-General, Brownsville, Tex.:*

Department Justice reports Assistant United States Attorney Hamilton ordered from Galveston to Brownsville August 28, and should be there to-day. Get in communication with him and wire this office if necessary. Delay caused by absence of United States attorney.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

BROWNSVILLE, TEX., August 30, 1906.

MILITARY SECRETARY, UNITED STATES ARMY,  
Washington, D. C.:

My report should reach department commander to-day. Have been waiting five days for district attorney. Nothing heard yet as to arrival. Request Department Justice be informed this no summer resort.

BLOCKSOM,  
Major.

OYSTER BAY, N. Y., August 31, 1906.

My DEAR GENERAL AINSWORTH: Please note the inclosed communication from J. Douglas Wetmore concerning the colored soldiers who created the disturbance at Brownsville. I have written him that so far as the President is advised the men in question will be tried before a military court, and therefore it does not appear that there will be any necessity for a personal interview. I was correct in this statement, was I not?

Very truly, yours,

WM. LOEB, Jr.,  
Secretary to the President.Maj. Gen. F. C. AINSWORTH, United States Army,  
The Military Secretary, Acting Secretary of War.

POINTE AU PIC, CANADA, September 1, 1906.

My DEAR GENERAL AINSWORTH: I have your letter of August 28, in which you announce that you send under separate cover copies of all the papers in the Fort Brown case. The papers have come.

Very sincerely, yours,

WM. H. TAFT.

Maj. Gen. F. C. AINSWORTH,  
Acting Secretary of War,  
War Department, Washington, D. C.

[Telegram.]

BROWNSVILLE, TEX., September 2, 1906.

THE MILITARY SECRETARY, UNITED STATES ARMY,  
Washington, D. C.:

Accused men can not get fair jury trial in this county account of prejudice. Can state following as almost certain if men are indicted by grand jury, which is doubtful: They will be sent from Sam Houston here to plead, and then to other county this district, preferable Nueces, Corpus Christi, where probabilities are strong for proper protection and fair trial. United States District Attorney Hamilton and myself are in thorough accord on these points.

BLOCKSOM,  
Major.

(Copy to the President, September 4.)

[Telegram.]

BROWNSVILLE, TEX., *September 2, 1906.*WM. H. MOODY,  
*Attorney-General:*

Careful investigation indicates impossibility to procure unprejudiced jury for trial of negro soldiers here. No danger of mob violence unless trial resulted in acquittal. Have positive assurance that if indictment found, which is doubtful, cases will be transferred to other county free from prejudice, probably Nueces. State district court convenes here Monday, 3d instant. Do you require my presence here further?

HAMILTON,  
*Assistant United States Attorney.*


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 WAR DEPARTMENT,  
WASHINGTON, *September 3, 1906.*
HON. WILLIAM LOEB, JR.,  
*Secretary to the President, Oyster Bay, N. Y.*

MY DEAR SIR: Referring to your letter of the 31st ultimo, in which you state that you have written J. Douglas Wetmore, who seeks a personal interview with the President concerning the colored soldiers who created the disturbance at Brownsville, that so far as the President is advised the men in question will be tried before a military court, and therefore it does not appear that there will be any necessity for a personal interview, I beg leave to return herewith Mr. Wetmore's letter and to advise you as follows in response to your inquiry as to whether your statement to Mr. Wetmore was correct:

The twelve enlisted men of the Twenty-fifth Infantry, warrants for whose arrest were issued by the civil authorities at Brownsville, are now in confinement at Fort Sam Houston, Tex. The judge who issued the warrants for the arrest of these men withdrew the warrants before the men were removed from Fort Brown, thus leaving them free from any charges so far as the civil authorities are concerned. The commanding general, Department of Texas, was thereupon directed by telegraph to prefer charges against the men under the Articles of War, and to hold them for trial by court-martial subject to orders from the War Department. He was also directed to hold all the other enlisted men of the three companies of the Twenty-fifth Infantry that were at Fort Brown as witnesses in the cases of the men against whom military charges had been preferred. He was also directed, in case warrants or subpoenas should be issued for any of these men by the civil authorities, to make return thereto to the effect that the men are held by the United States for trial by court-martial, or as witnesses at such trial, and to continue to hold the men until the receipt of further instructions from the War Department.

The Acting Attorney-General and the Acting Judge-Advocate-General, upon whose advice these instructions were given, hold that, the United States having acquired jurisdiction by initiating legal proceedings in these cases, it will be entirely competent for the military authorities to hold the men subject to such proceedings, and

pending further investigation by the military authorities with a view to determining positively who the guilty parties are.

As the matter now stands, the orders given to the commanding general, Department of Texas, prohibit him from turning any of these men over to the civil authorities even if demand for them should be made. If such a demand for them, or for any of them, should be made, and the President should be satisfied that the men could be turned over to the civil authorities with reasonable assurance that they would receive protection and a fair trial, he might deem it advisable to turn the men over and to suspend the military proceedings against them. This would be the ordinary course of procedure in such cases. However, there is no occasion to render a decision with regard to this point at present. After reports shall have been received from the representative of the Department of Justice who has been sent to Brownsville to make an investigation and report, and from Inspector-General Blocksom, who was sent there by the military authorities for the same purpose, the President will have more definite information upon which to base his action. In the meantime the men will be safe in the custody of the military authorities.

It seems to me that, in view of all the circumstances in the case, it will be well to let your note to Mr. J. Douglas Wetmore stand as you wrote it, without making additions or explanations, any of which might lead to agitation or discussion that would be harmful just at the present time.

Herewith I transmit copies of telegrams received from Major Blocksom, inspector-general, and from the assistant United States attorney who was sent to Brownsville by the Department of Justice.

Very respectfully,

F. C. AINSWORTH,  
*The Military Secretary,*  
*Acting Secretary of War.*

[Inclosure No. 1—Telegram.]

BROWNSVILLE, TEX., *September 2, 1906.*

THE MILITARY SECRETARY, UNITED STATES ARMY,  
*Washington, D. C.:*

Accused men can not get fair jury trial in this county account of prejudice. Can state following as almost certain if men are indicted by grand jury, which is doubtful: They will be sent from Sam Houston here to plead, and then to other county this district, preferable Nueces, Corpus Christi, where probabilities are strong for proper protection and fair trial. United States District Attorney Hamilton and myself are in thorough accord on these points.

BLOCKSOM, *Major.*

[Inclosure No. 2—Telegram.]

BROWNSVILLE, TEX., *September 2, 1906.*

WM. H. MOODY,  
*Attorney-General:*

Careful investigation indicates impossibility to procure unprejudiced jury for trial of negro soldiers here. No danger of mob violence unless trial resulted in acquittal. Have positive assurance that if indictment found, which is doubtful, cases will be transferred to other county free from prejudice, probably Nueces. State district court

convenes here Monday, 3d instant. Do you require my presence here further?

HAMILTON,  
*Assistant United States Attorney.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, September 4, 1906.*

Maj. A. P. BLOCKSOM,  
*Inspector-General, Brownsville, Tex.:*

Department does not require you remain longer at Brownsville.  
By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

SEPTEMBER 4, 1906.

Brownsville, Tex., says:

Yours date, Major Blackson [Blocksom], signed Ainsworth, undelivered. Major Blackson [Blocksom] left this morning for San Antonio.

HARNE, W.

DEPARTMENT OF JUSTICE, *September 4, 1906.*

ASSISTANT UNITED STATES ATTORNEY HAMILTON,  
*Brownsville, Tex.:*

Not necessary to remain at Brownsville longer. Make detailed written report.

[H. M. HOYT,]  
*Acting Attorney-General.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, September 8, 1906.*

COMMANDING GENERAL, SOUTHWESTERN DIVISION,  
*Oklahoma City, Okla.:*

Forward Major Blocksom's report on Brownsville affairs to this office immediately. Report action by telegraph.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

OKLAHOMA CITY, OKLA., *September 8, 1906.*

THE MILITARY SECRETARY, ARMY,  
*Washington, D. C.:*

Major Blocksom's report on Brownsville affair mailed to you yesterday.

WHITE.  
(In absence division commander.)

[Telegram.]

ST. LOUIS, MO., *September 8, 1906.*MILITARY SECRETARY, *Washington, D. C.:*

Following received:

OMAHA, *September 8, 1906.*MILITARY SECRETARY, NORTHERN DIVISION, *St. Louis, Mo.:*

Company A, Twenty-fifth Infantry, 1 officer, 1 contract surgeon, 60 enlisted men, left Fort Washakie this morning for Fort Reno.

NOYES, *Military Secretary.*  
(In absence department commander.)GREENE, *Chief of Staff.*  
(Absence division commander.)DEPARTMENT OF JUSTICE,  
*Washington, September 11, 1906.*

The SECRETARY OF WAR.

SIR: I inclose for your information a copy of a report of Assistant United States Attorney A. C. Hamilton, on the question whether soldiers accused of participation in the Brownsville, Tex., disturbance can secure a fair trial before the civil authorities at Brownsville and be afforded protection against mob violence.

Respectfully,

H. M. HOYT,  
*Acting Attorney-General.*

[Inclosure.]

OFFICE OF UNITED STATES ATTORNEY,  
SOUTHERN DISTRICT OF TEXAS,  
*Laredo, Tex., September 6, 1906.*Hon. WM. H. MOODY,  
*Attorney-General, Washington, D. C.*

SIR: I beg leave to submit the following report covering my investigations in the matter of the negro soldiers at Brownsville, Tex.:

August 28, ultimo, I received a telegram from United States Attorney McLemore requesting me to go at once to Brownsville, Tex., "consult with military and civil authorities and report in detail situation and facts whether in your opinion accused soldiers can now get fair trial at Brownsville and be afforded protection by civil authorities against mob violence; if not whether civil authorities will consent to change of venue, \* \* \* report to Attorney-General." I immediately started for Brownsville via Monterey and Matamoros, Mexico, being the quickest route. I was fortunate on my journey to encounter several prominent persons who had been in Brownsville the night of the trouble with the negroes and afterward. In order to arrive at an opinion of the feeling and conditions existing in Brownsville, I began a series of questions with them as well as others I met who could give me information on these points. After arrival in Brownsville I interrogated and consulted the military officer making an inspection for the War Department, Major Blastock [Blocksom], county judge, Mayor of Brownsville, chairman of the Citizens' Protection Committee, ex-district judge, collector of customs, inspector of customs, and citizens generally, poor, rich, and indifferent races, endeavoring, as nearly as possible, to feel the pulse of the entire body corporate, and judge of the sentiment existing.

I found the officials, and with very few exceptions all the citizens, most frank and courteous in expressing their views and opinions on the matter, and I had no difficulty in determining that such a prejudice existed against the accused negro soldiers that a fair trial or any trial could not be obtained in Cameron County. In fact, some of the best citizens expressed the wish that the soldiers might not be returned to Brownsville even for a trial, as they feared that, although the citizens had acted with the greatest prudence hitherto and refrained from any violence toward the soldiers, some firebrand might start trouble, and, once commenced, no telling where it might end. I also consulted with the State district judge and district attorney. They agreed that it would be impossible to try the case in Cameron County, and the judge gave me to understand that the cases, if any indictment were found, would be transferred to some county free from prejudice, possibly Nueces. In going over the evidence with the officials we were impressed with the difficulty of identifying any of the culprits, and there is great likelihood that no indictments can be found. The governor of Texas has offered a reward of \$500 for evidence leading to the conviction of the guilty ones, but it has produced no evidence thus far. My telegram to you from Brownsville covered this matter briefly. As to mob violence, I believe the hot-heads were governed by the prudence of the best counsel to refrain from any overt act, but that this was brought about mainly by the fact that there was a battalion of soldiers that would have to be overcome to reach the accused, I think, can be little doubted.

Were the accused to be taken back to Brownsville for trial, should indictments be found, and such trial result in an acquittal, I fear, unless the accused were well guarded, there might be trouble before they could reach a place of safety. The city of Brownsville, without doubt, has suffered a terrible and unreasonable attack by soldiers, who should have acted just the opposite in affording them protection, and they are righteously indignant. As my instructions did not include a finding of the facts concerning the attack and the crime committed, I presume it is not desired. If, however, details of the attack and facts connected are desired, it can readily be had from the War Department from Inspector-General, as Major Blastock [Block-som] and I know that he was very careful in gathering an unbiased mass of information and facts.

The chances are that unless the soldiers clean up their own quarters, or turn State's evidence, no conviction can ever be had of the guilty who have caused the disturbance and trouble.

I trust that I have fully covered the information desired in this report and have the honor of being,

Your obedient servant,

A. C. HAMILTON,  
*Assistant United States Attorney.*



WAR DEPARTMENT,  
Washington, September 12, 1906.

Hon. WILLIAM LOEB, Jr.,  
*Secretary to the President, Oyster Bay, N. Y.*

MY DEAR SIR: Herewith I transmit a copy of the report,<sup>a</sup> just received from Maj. A. P. Blocksom, inspector-general, of his investigation of the trouble caused by soldiers of the Twenty-fifth Infantry at Brownsville, Tex., recently.

I do not send copies of the inclosures that accompanied the report because these are voluminous and of very little importance, and I do not think they would be of interest to the President. However, I will furnish copies of them promptly if such copies are desired.

As soon as any further results of the investigation now in progress are reported they will be communicated to you.

Very respectfully,

F. C. AINSWORTH,  
*The Military Secretary, Acting Secretary of War.*

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WAR DEPARTMENT,  
Washington, September 12, 1906.

The Honorable the ATTORNEY-GENERAL.

SIR: I have the honor to transmit herewith, for your information, a copy of a report<sup>a</sup> just received from Maj. A. P. Blocksom, inspector-general, relative to the recent disturbance at Brownsville, Tex. It will be observed that on pages 8 and 9 of his report Major Blocksom, after stating that Judge Welch withdrew the warrants on which certain soldiers had been arrested by the civil authorities and turned over to the military authorities at Fort Brown for safe-keeping, says: "The warrants were then served by Sheriff Garza. On being informed of the latest orders he gave up the struggle." This is the first intimation that has reached the Department to the effect that any warrants were served or attempted to be served on any of these men after the withdrawal of the warrants on which they were originally arrested and turned over to the military authorities. Accordingly a telegram of inquiry with regard to the matter, a copy of which is herewith inclosed, was sent to-day to Major Blocksom.

It is proper to remark that upon an official report to the War Department, to the effect that the warrants against the accused soldiers were withdrawn just before the men were removed from Fort Brown to Fort Sam Houston, it was decided, at a conference between Acting Attorney-General Robb and Acting Judge-Advocate-General Crowder, to direct the commanding general, Department of Texas, in a telegram of which a copy has been furnished to your Department, to confine the men at Fort Sam Houston, to prefer charges against them under the Articles of War with a view to bringing them to trial before a court-martial, and, should any demand be made for them by the State authorities, to make return thereto to the effect that the men are held for trial by a United States military court under proceedings already instituted against them.

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<sup>a</sup>See page 60.

The report of Assistant United States Attorney A. C. Hamilton, a copy of which was received from you to-day, contains no reference to this feature of the case, but it is suggested that he will doubtless be able to furnish much more definite information with regard to it than can be obtained from Major Blocksom. However, a copy of Major Blocksom's answer to the telegram sent him to-day will be furnished to your Department as soon as the answer is received.

Very respectfully,

F. C. AINSWORTH,  
*The Military Secretary, Acting Secretary of War.*

[Inclosure—Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, September 12, 1906.*

Maj. AUGUSTUS P. BLOCKSOM,  
*Headquarters Southwestern Division, Oklahoma City, Okla.:*

Your report shows warrants served on accused men at Fort-Brown second time by Sheriff Garza. This is not understood. Did Judge Welch, after withdrawing warrants served by McDonald, authorize or direct sheriff to serve them again? If not, what judicial authority had sheriff for serving warrants? Did he actually serve warrants on the men or merely attempt to do so? Department has understood that men were not under service of any warrant or process from State court when they left Fort Brown. Important to know about this. Telegraph facts to this office.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

WAR DEPARTMENT,  
*Washington, September 12, 1906.*

THE ATTORNEY-GENERAL.

SIR: I beg leave to acknowledge the receipt to-day of your letter of yesterday, transmitting a copy of a report of Assistant United States Attorney A. C. Hamilton, on the question whether soldiers accused of participating in the Brownsville, Tex., disturbance, can secure a fair trial before the civil authorities at Brownsville and be afforded protection against mob violence.

Very respectfully,

F. C. AINSWORTH,  
*The Military Secretary, Acting Secretary of War.*

WAR DEPARTMENT,  
THE MILITARY SECRETARY'S OFFICE,  
*Washington, September 12, 1906.*

Hon. JOHN E. WILKIE,             
*Chief Secret Service Division, Treasury Department,*  
*Washington, D. C.*

MY DEAR SIR: In compliance with the suggestion made by you at our conference relative to the recent conflict between soldiers and civilians at Brownsville, Tex., I transmit herewith a copy of the report,<sup>a</sup> just received from Maj. A. P. Blocksom, inspector-general, United States Army, of his investigation of the affair.

<sup>a</sup> See page 60.

Pursuant to instructions from the President, I shall be glad to confer with you further at any time that may best suit your convenience, with a view to making an earnest effort to discover the guilty parties.

Very respectfully,

F. C. AINSWORTH,  
*The Military Secretary.*

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OYSTER BAY, N. Y., *September 13, 1906.*

MY DEAR SIR: Your letter of the 12th instant has been received and the President was much interested in Major Blocksom's report and also much concerned over it. In view of this report, if the guilty parties can not be discovered the President approves of the recommendation that the whole three companies implicated in this atrocious outrage should be dismissed and the men forever debarred from reenlisting in the Army or Navy of the United States.

Very truly, yours,

WM. LOEB, JR.,  
*Secretary to the President.*

Maj. Gen. F. C. AINSWORTH, U. S. Army,  
*The Military Secretary, Acting Secretary of War.*

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WAR DEPARTMENT,  
THE MILITARY SECRETARY'S OFFICE,  
*Washington, September 19, 1906.*

The COMMANDING GENERAL, SOUTHWESTERN DIVISION,  
*Oklahoma City, Okla.*

SIR: In the report made by Maj. A. P. Blocksom, inspector-general, under date of August 29, 1906, relative to the trouble caused by soldiers of the Twenty-fifth Infantry at Brownsville, Tex., about midnight August 13, the following paragraphs are noted:

The order to take rail for Fort Reno was suspended on morning of the 24th, and in the afternoon orders were received for the battalion to go by way of San Antonio and to take military prisoners along to be turned over to commanding officer, Fort Sam Houston, for safe-keeping until brought before a grand jury.

Captain McDonald late that afternoon demanded the prisoners. Major Penrose, who had just informed Judge Welch of his latest orders, sent McDonald a letter declining to give them up.

The "latest orders" referred to by Major Blocksom were embodied in a confidential telegram addressed by this office, by direction of the President, to the commanding officer, Fort Brown, Tex., on August 24, 1906. Herewith is inclosed a copy of that telegram, from which it will be seen that the telegram was not only marked "confidential," but the officer to whom it was addressed was distinctly advised that the movement away from Fort Brown, that he was directed to make of the men for whom warrants had been issued by the civil authorities, "should not be announced in advance and should be made so as to avoid attracting attention and bringing on a conflict with civil authorities."

The paragraphs from Major Blocksom's report, hereinbefore quoted, suggest that Major Penrose, disregarding the confidential nature of the telegram in question and the injunction not to announce in advance the movement of prisoners directed therein, informed Judge Welch of his order to make that movement and thus furnished information that led Captain McDonald, of the State Rangers, late in the afternoon of August 24, to demand that the prisoners be turned over to him. At any rate, there seems to be ground for the inference that information as to the instructions communicated to Major Penrose in the confidential telegram of the 24th ultimo reached the civil authorities of Brownsville and thus precipitated a conflict that might have been serious and that the President's instructions were especially framed to avoid.

In order that the Department may be fully advised as to this feature of the Brownsville affair, the Acting Secretary of War directs that the following action be taken:

You will direct Major Blocksom to make a full report of any information that he may have acquired with regard to the subject in question. It is especially desired that he state fully (1) the circumstances, if known to him, in which Major Penrose communicated his confidential instructions, or any part of them, to Judge Welch; (2) also whether Major Penrose communicated those instructions, or any part of them, to others, and, if so, to whom; (3) also whether there is reason to believe that the contents, or any part of the contents, of the confidential telegram of this office of August 24 became known in Brownsville to any person other than Major Penrose, and, if so, to whom; (4) also whether there is reason to believe that knowledge of the instructions contained in this telegram led Captain McDonald to make his demand that the prisoners be turned over to him; (5) also whether there is reason to believe that if the instructions contained in the telegram in question had been kept secret and the movement of prisoners therein directed had been made discreetly and without prior announcement, the movement could have been made without a conflict with the civil authorities at Brownsville.

This letter and the accompanying copy of telegram will be referred to Major Blocksom, whose report will be submitted and forwarded to this office at the earliest practicable date.

A copy of the accompanying copy of telegram will be referred to Major Penrose, who will be directed to state whether he made known the contents, or any portion of the contents, of the telegram to anyone before a demand was made upon him by Captain McDonald for the prisoners, and, if so, to whom and in what circumstances he communicated the information. Major Penrose's report will be submitted and forwarded to this office at the earliest practicable date.

Very respectfully,

F. C. AINSWORTH,  
*The Military Secretary.*

[Inclosure—Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, August 24, 1906.*

COMMANDING OFFICER,  
*Fort Brown, Tex.:*

Confidential. All men of Twenty-fifth Infantry who are now in custody of military authorities, including those for whom warrants

have been issued by civil authorities, will be sent immediately with battalion to Fort Sam Houston and delivered to military authorities there. They will be held there until they can be turned over safely to civil authorities. Battalion will remain at Fort Sam Houston until sufficient white troops reach there to guard and protect prisoners. Battalion will then proceed immediately to Fort Reno. This movement of accused men should not be announced in advance, and should be made so as to avoid attracting attention or bringing on conflict with civil authorities. There is no intention of taking these men beyond jurisdiction of State of Texas or of withholding them from civil authorities a moment beyond time when they can be turned over safely. It is not believed safe to leave them at Fort Brown, as the one company to be left there is insufficient to do work of shipping property and supplies and at same time guard prisoners so as to prevent their escape or protect them if need be. You can make this explanation if it becomes necessary. The President himself directs the action herein ordered. You are authorized to make all necessary arrangements with railroad companies without referring matter to higher authority, and to arrange for holding train at San Antonio for reembarkation of battalion. Make movement quietly and discreetly. By all means avoid conflict if possible, but see that accused men and battalion are protected from violence during movement. Instructions have been wired to department commander, if possible, to have troops meet your train at San Antonio and relieve you of accused men, so that you can proceed direct to Fort Reno. Communicate with department commander at Camp Mabry, if possible. Start your movement at earliest possible moment.

By order Acting Secretary War:

AINSWORTH,  
*The Military Secretary.*

[First Indorsement.]

HEADQUARTERS SOUTHWESTERN DIVISION,  
*Oklahoma City, Okla., September 22, 1906.*

Respectfully referred to Maj. A. P. Blocksom, inspector-general, for the report called for herein.

By command of Brigadier-General McCaskey:

JNO. V. WHITE,  
*Major, Military Secretary.*

[Second Indorsement.]

HEADQUARTERS SOUTHWESTERN DIVISION,  
INSPECTOR-GENERAL'S OFFICE,  
*Oklahoma City, Okla., September 23, 1906.*

Respectfully returned to the military secretary, Southwestern Division. Report inclosed.

A. P. BLOCKSOM,  
*Major, Inspector-General.*

[Third Indorsement.]

HEADQUARTERS SOUTHWESTERN DIVISION,  
*Oklahoma City, September 29, 1906.*

Respectfully returned to The Military Secretary, War Department, Washington, D. C.

Major Penrose states that he did not divulge contents of confidential telegram before demand for prisoners was made by Captain McDonald.

Major Blocksom is in error as to the mission upon which Captain Preston was sent to Judge Welch.

Captain Preston's verbal statement to me is as follows:

During the afternoon of the day in question, and previous to receipt of confidential telegram, Major Penrose was under orders to change station, leaving the prisoners at Fort Brown. To satisfy himself of their fair trial and safety he directed Captain Preston to confer with Judge Welch upon that matter alone. Judge Welch states that he could insure a fair trial, but as to safety, he was not prepared to say. Captain McDonald was present during this interview—wrote a letter and requested Captain Preston to deliver it to Major Penrose. On return of Captain Preston to the post he presented Captain McDonald's letter. Major Penrose then informed Captain Preston that during his absence he had received an important telegram from War Department, and desired the captain to accompany him to Judge Welch's office.

Captain Preston was not aware of contents of the telegram.

On arrival at Judge Welch's office Captain McDonald was still present. Major Penrose showed Judge Welch the telegram in order that he might carry out promise made—that if any change in status of prisoners occurred he would notify the judge. Captain McDonald requested permission to read the telegram, but he was not permitted to, Major Penrose stating that it was of a confidential nature. Whether Judge Welch informed Captain McDonald, after Major Penrose and Captain Preston left the office, of the contents of the telegram is not known.

From the above, it would seem that there is no reason to believe that the knowledge of the instructions led Captain McDonald to make his demand, unless he obtained his information from some other source than Major Penrose.

I am of the opinion that no less authority than that of the President of the United States could have secured the removal of the prisoners without serious conflict and much loss of life, for the battalion would have been removed, and any resistance would have been met by force.

I am also of opinion that the good judgment of Major Penrose prevented such conflict.

WM. S. McCASKEY,  
*Brigadier-General, United States Army, Commanding.*

[Fourth Indorsement.]

WAR DEPARTMENT,  
THE MILITARY SECRETARY'S OFFICE,  
*Washington, October 5, 1906.*

Respectfully referred to Brig. Gen. Ernest A. Garlington, Inspector-General, United States Army, for his information.

By order of the Acting Secretary of War:

HENRY P. McCAIN,  
*Military Secretary*

[Fifth Indorsement.]

WAR DEPARTMENT,  
OFFICE OF THE INSPECTOR-GENERAL,  
*Washington, October 22, 1906.*

Respectfully returned to The Military Secretary, with report in the case.

E. A. GARLINGTON,  
*Inspector-General.*

[Subinclosure No. 1.]

INSPECTOR-GENERAL'S OFFICE,  
HEADQUARTERS SOUTHWESTERN DIVISION,  
*Oklahoma City, Okla., September 23, 1906.*

The MILITARY SECRETARY,  
*Southwestern Division.*

SIR: I have the honor to make report as directed in indorsement of September 22.

About 7 p. m. August 24, on returning to Fort Brown from town, I was shown the telegram in question by Major Penrose. He was much perturbed. He said he had sent an orderly for me some time before; that he had sent Captain Preston, Twenty-sixth Infantry, to Judge Welch with the information (given in confidence) that the latest orders were to take the prisoners with him, and that he would have to obey them; that he thought this absolutely necessary on account of the danger of discovery, of his having assured Judge Welch and others the prisoners would be left behind, etc. My impression is he said the judge had been informed of the general contents of the telegram. He also said that before Preston could have reached the judge, Captain McDonald came to him (Penrose) and demanded the prisoners; that he believed McDonald had received information of contents of telegram through a leak in the telegraph office. A copy of his reply to McDonald is included in my report.

McDonald was not slow in telling everyone that the prisoners would not be given up, and that they would be taken away with the battalion. So far as I know there was no further information of contents of telegram given to any one except to Garza and District Attorney Kleiber, when Garza served the warrants late on the night of the 24th and was verbally informed that latest orders were not to give up the prisoners.

McDonald undoubtedly had some knowledge of contents of telegram when he made the demand of Penrose, but I do not know how much.

It is highly improbable that the accused men could have been taken away without discovery by civil authorities had Major Penrose kept secret the instructions in the telegram. Captain McDonald is extremely shrewd, and was intensely suspicious and vindictive in the matter. He showed distrust and dislike toward the officers of the Twenty-fifth Infantry in every word said and every move made. He possessed great influence over the lower classes in Brownsville and vicinity. Discovery meant conflict. Knowing what I did of the temper of the bad element and the danger of discovery, I should in all probability have advised Major Penrose to wire for revocation of

the order concerning secrecy, had he told me of the telegram before acting. He had been under a great strain for more than ten days. The practical results of his action were so satisfactory that the violation of orders passed out of my mind.

Very respectfully,

A. P. BLOCKSOM,  
*Major, Inspector-General.*

[Subinclosure No. 2.]

FORT RENO, OKLA., *September 24, 1906.*

THE MILITARY SECRETARY, SOUTHWESTERN DIVISION,  
*Oklahoma City, Okla.*

(Through military channels.)

SIR: In reply to your communication of the 22d instant, whereby you direct me to render a report as to whether I made known the contents, or any part of the contents, of the telegram sent me by The Military Secretary on August 24, *before* a demand was made upon me by Captain McDonald for the enlisted men of Companies B, C, and D, Twenty-fifth Infantry, then in confinement in the guardhouse at Fort Brown, Tex., charged by the civil authorities of the State of Texas with murder, etc., I have the honor to state I did not.

I received the telegram referred to a little after 5 o'clock on the afternoon of August 24, and about half an hour later a demand was made upon me by Captain McDonald for the prisoners.

This was surprising to me, as the distinct understanding between Mr. John J. Kleiber, district attorney of the twenty-eighth judicial district of Texas, Captain McDonald, and myself, at the time the men were placed in confinement, was that the prisoners were not to be removed from the guardhouse of Fort Brown, except upon the order of the district judge, Hon. Stanley Welch. I would consent to nothing else.

Prior to this, Maj. A. P. Blocksom, inspector-general, Southwestern Division, who was at Brownsville making an investigation of the shooting affair, had remarked to me he did not understand how the people of Brownsville obtained information of messages sent him, unless there was a leak in the telegraph office.

From the promptness in which Captain McDonald made his demand for the prisoners, after I had received the message of August 24, I am under the impression he had heard of this message as soon as I did, if not before, although I have no proof of this. It is only a surmise, taken in connection with the above remark of Major Blocksom. It is strange, however, McDonald should have made his demand within half an hour, certainly not longer than three-quarters of an hour, after the message was received by me, and in view of the very distinct understanding we had in regard to the removal of the prisoners.

Very respectfully,

C. W. PENROSE,  
*Major, Twenty-fifth Infantry.*



[Telegram.]

FORT RENO, OKLA., *September 20, 1906.*THE MILITARY SECRETARY,  
*Washington, D. C.:*

Company A, Twenty-fifth Infantry, 1 officer and 56 enlisted men arrived this post 10.30 last night.

PENROSE, *Commanding.*FORT RENO, OKLA.,  
*September 20, 1906.*THE MILITARY SECRETARY, DEPARTMENT OF TEXAS,  
*San Antonio, Tex.*

SIR: In obedience to the department commander's instructions, contained in your telegrams of August 26 and 28, the enlisted men of Companies B, C, and D, Twenty-fifth Infantry, have been held at this post without privileges of any kind, and prior to arrival here, from August 14 to 27, were confined strictly to the limits of Fort Brown, Tex. Therefore they have had no liberty of any kind or character for over a month.

Since arriving at Fort Reno, in addition to allowing no privileges whatever and being confined within the limits of the post, I have given the enlisted men of these companies extra guard, extra drills, and constant police work, besides having tattoo roll call for them, and always one and sometimes two check inspections after the regular 11 o'clock p. m. inspection.

At first I was under the impression that these extra drills, police, and privations would have the effect of inducing some one who was not among the criminals, but who has knowledge of the guilty parties to the shooting at Brownsville, to give me some information that would lead to the detection of some of the men, but up to this time it has proven an utter failure, and I doubt very much if it will ever accomplish the desired results. In fact I am of the opinion that it is having the contrary effect, by keeping the men constantly on their guard, and this view is shared by the officers of the battalion, as well as many of the old noncommissioned officers who are thoroughly reliable and trustworthy, and whose opinions in such a matter are worthy of consideration.

In view of this fact I respectfully suggest that one of the two following plans be authorized:

First. Take off all restrictions imposed. Return to the regular routine of post duty, and lead the men to believe the whole Brownsville matter has been dropped, but have three colored detectives enlisted and one assigned to each of the three companies.

Second. That authority be granted by the Secretary of War to discharge, if necessary, all but 20 per cent of the enlisted men of the three companies, the discharges to be so notated that enlistment again would be impossible.

To carry out this latter suggestion, I would have it published to the men that on a certain specified date, a month later, for instance, if the criminals were not detected and reported, 20 per cent of each company would be discharged. At the end of a second period of thirty days, if the men still remained undetected, a second lot of 20 per cent of the original numbers of the companies would be discharged,

and so on, in periods of thirty days, until but 20 per cent of the men are left. The men discharged, in all cases, to be selected by the company commanders. This latter is a drastic measure, and should, in my opinion, be resorted to only after the first suggestion had been given a fair trial and had proven a failure.

I am strongly of the opinion that but few men have any knowledge of the deplorable Brownsville affair, but it is quite evident these few will never betray their comrades under present conditions. The majority of the men, particularly the old soldiers who have served their country for years gallantly and faithfully and borne themselves honorably, feel this matter very deeply, and, I believe, are doing all they can to detect the guilty; but it must be remembered the negro race is a very secretive one, and those having knowledge of the shooting, without being participants, will hesitate a long time under most adverse conditions before giving information.

I recommend that the first plan be given a fair trial, for once the present restraint is removed and the men given the usual liberty they will be much more apt to talk, and especially after drinking a little, but to be reasonably hopeful of success detectives must be employed.

Very respectfully,

C. W. PENROSE,  
*Major, Twenty-fifth Infantry, Commanding.*

[First Indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, September 24, 1906.*

Confidential. Respectfully forwarded to The Military Secretary, War Department, Washington, D. C. The enlistment of detectives not recommended. The discharge of 80 per cent of present strength of three companies is deemed excessive. In my opinion the present restrictions will not accomplish the object sought, but the reverse.

WM. S. McCASKEY,  
*Brigadier-General, Commanding.*

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[Telegram.]

SAN ANTONIO, TEX., *September 21, 1906.*

MILITARY SECRETARY,  
*Washington, D. C.:*

Reference your telegram August 25, men of battalion Twenty-fifth Infantry, Fort Reno, practically prisoners. No passes or other privileges allowed, causing great discontentment among soldiers. Recommend restrictions regard to privileges be withdrawn.

McCASKEY,  
*Brigadier-General.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, September 22, 1906.

COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
San Antonio, Tex.:

Reference your telegram of yesterday, what action has been taken by civil authorities at Brownsville concerning men of Twenty-fifth Infantry? Have indictments been found against any of them? Has grand jury met; if not, when is it to meet? Does battalion Twenty-fifth Infantry, Fort Reno, understand that quickest way to secure removal of present restriction and to avoid more drastic measures in future is to furnish information that will enable Government to identify and punish parties guilty of outrage that disgraced the battalion and the Army? Have efforts to obtain this information from men of the battalion who certainly possess it been abandoned?

By order Acting Secretary War:

AINSWORTH,  
The Military Secretary.

[Telegram.]

SAN ANTONIO, TEX., July [September] 24, 1906.

MILITARY SECRETARY,  
Washington, D. C.:

Reply your telegram 22d, following reported by commanding officer, Brown and Reno:

Grand jury now in session has been investigating charges against men Twenty-fifth Infantry for about three weeks; as far as known, no indictments yet found against any of them.

Enlisted men First Battalion, Twenty-fifth, have been repeatedly informed the only way to secure release from restrictions is to turn over men guilty Brownsville outrage. They understand this perfectly.

It has been presented on grounds of disgrace to Army, regiment, battalion, and negro race. Major Penrose and his officers have never ceased their efforts to apprehend guilty men. Confidential letter this subject mailed you to-day.

MCCASKEY,  
Brigadier-General.

BROWNSVILLE, TEX., September 27, 1906.

DEAS ARCHER,  
First Lieutenant, Twenty-sixth United States Infantry,  
Commanding Fort Brown, Tex.:

In compliance with my agreement with the United States military authorities, I hereby promptly advise you that the grand jury of Cameron County, adjourned this day, have, after investigation, not indicted any of the following-named parties, held at Fort Sam Houston to await the action of the civil authorities, and they are, therefore, entitled to release: Sergt. W. O. Brawner, Company C, Twenty-fifth Infantry; Corpl. David Powell, Company B, Twenty-fifth

Infantry; Sergt. Geo. Jackson, Company B, Twenty-fifth Infantry; Private J. H. Howard, Company D, Twenty-fifth Infantry; Private James W. Newton, Company C, Twenty-fifth Infantry; Private Oscar W. Reed, Company C, Twenty-fifth Infantry; Corporal Madison, Company C, Twenty-fifth Infantry; Private Jas. C. Gill, Company D, Twenty-fifth Infantry; Sergeant Reid, Twenty-fifth Infantry; Corpl. Willie H. Miller, Twenty-fifth Infantry; Private C. W. Askew, Company C, Twenty-fifth Infantry; Private John Hollowman, Company B, Twenty-fifth Infantry.

Very respectfully,

STANLEY WELCH,  
*Judge Twenty-eighth Judicial District of Texas.*

— — —  
[Telegram.]

SAN ANTONIO, TEX., *September 28, 1906.*

MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Following received:

BROWNSVILLE, TEX., *September 27, 1906.*

MILITARY SECRETARY, DEPARTMENT OF TEXAS,  
*San Antonio, Tex.:*

Following letter received by me this date repeated for your information:

“DEAS ARCHER,

*“First Lieutenant, Twenty-sixth United States Infantry,  
“Commanding Fort Brown, Tex.:*

“In compliance with my agreement with the United States military authorities, I hereby promptly advise you that the grand jury of Cameron County, adjourned this day, have, after investigation, not indicted any of the following-named parties, held at Fort Sam Houston to await the action of the civil authorities, and they are therefore entitled to release: Sergt. W. A. Brawnor, Company C, Twenty-fifth Infantry; Corpl. David Powell, Company B, Twenty-fifth Infantry; Sergt. George Jackson, Company B, Twenty-fifth Infantry; Private J. H. Howard, Company D, Twenty-fifth Infantry; Private James W. Newton, Company C, Twenty-fifth Infantry; Private Oscar W. Reed, Company C, Twenty-fifth Infantry; Corporal Madison, Company C, Twenty-fifth Infantry; Private James C. Gill, Company D, Twenty-fifth Infantry; Sergeant Reid, Corpl. Willie H. Miller, Private C. W. Askew, Company C, Twenty-fifth Infantry; Private John Holtman, Company B, Twenty-fifth Infantry.

“STANLEY WELCH,  
*“Judge Twenty-eighth Judicial District of Texas.”*  
ARCHER,  
*Commanding.*

Request instructions as to disposition these men.

MCCASKEY, *Brigadier-General.*

— — —  
[Telegram.]

SAN ANTONIO, TEX., *October 3, 1906.*

MILITARY SECRETARY, *Washington, D. C.:*

Reference my telegram September 28, regard prisoners Twenty-fifth Infantry, Fort Sam Houston, request instructions for their disposition. They have been released by civil court, and there is no testimony against them to prove military charges on which they are now held.

MCCASKEY, *Brigadier-General.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, October 3, 1906.

COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
San Antonio, Tex.:

Inspector-General Garlington will be in San Antonio shortly to investigate cases of prisoners mentioned in your telegram of to-day. After this report shall have been received here you will be directed by War Department what disposition to make of prisoners. In meantime hold them in confinement.

By order Acting Secretary of War:

AINSWORTH,  
The Military Secretary.

WAR DEPARTMENT,  
Washington, October 4, 1906.

Brig. Gen. E. A. GARLINGTON,  
Inspector-General, United States Army.

SIR: The President directs that you proceed to the places named in the accompanying letter and endeavor to secure information that will lead to the apprehension and punishment of the men of the Twenty-fifth Infantry believed to have participated in the riotous disturbance which occurred in Brownsville, Tex., on the night of the 13th of August, 1906, resulting in the death of one and the wounding of another citizen of that city.

You are authorized to call upon the commanding general, Southwestern Division, and the commanding officers of Fort Sam Houston and Fort Reno in the prosecution of this investigation for such assistance as it may be within their power to give.

The President authorizes you to make known to those concerned the orders given by him in this case, namely:

If the guilty parties can not be discovered, the President approves the recommendation that the whole three companies implicated in this atrocious outrage should be dismissed and the men forever debarred from reenlisting in the Army or Navy of the United States.

And in this connection the President further authorizes you to make known to those concerned that unless such enlisted men of the Twenty-fifth Infantry as may have knowledge of the facts relating to the shooting, killing, and riotous conduct on the part of the men with the organizations serving at Fort Brown, Tex., on the night of the 13th of August, 1906, report to you such facts, and all other circumstances within their knowledge which will assist in apprehending the guilty parties, orders will be immediately issued from the War Department discharging every man in Companies B, C, and D of the Twenty-fifth Infantry, without honor, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government.

The time to be given to the enlisted men of Companies B, C, and D, Twenty-fifth Infantry, for consideration of this ultimatum will be determined by you. If at the end of the time designated the facts and circumstances of the occurrence in question have not been established sufficiently clearly to indicate a reasonable certainty of securing a conviction of the guilty parties by evidence obtained from enlisted

men of the First Battalion, Twenty-fifth Infantry, you will report the condition by wire to The Military Secretary.

Very respectfully,

ROBERT SHAW OLIVER,  
*Acting Secretary of War.*

HEADQUARTERS SOUTHWESTERN DIVISION,  
INSPECTOR-GENERAL'S OFFICE,  
*Oklahoma City, Okla., October 4, 1906.*

SIR: I have the honor to make the following report of an investigation made by virtue of the following letter of instructions:

HEADQUARTERS SOUTHWESTERN DIVISION,  
*Oklahoma City, Okla., September 24, 1906.*

Lieut. Col. L. A. LOVERING,  
*Fourth Infantry, Acting Inspector-General, Oklahoma City, Okla.*

SIR: By direction of the division commander I inclose you herewith the affidavits of Capt. D. W. Kilburn and Second Lieut. E. P. Thompson, Twenty-sixth Infantry, with reference to certain troubles which occurred at Brownsville, Tex., between soldiers of the Twenty-fifth Infantry and civilians. He directs that you proceed to Fort Reno, Okla., accompanied by Mr. T. G. Eskridge, your authorized clerk, and make an investigation and report on the matter, upon completion of which you will return, accompanied by Mr. Eskridge, to these headquarters. The travel directed is necessary in the military service.

Very respectfully,

JNO. V. WHITE,  
*Major, Military Secretary.*

I examined all the witnesses available and secured numerous affidavits.

Upon investigation the following was developed:

The following enlisted men of the Twenty-fifth Infantry were seen in the garrison by officers before the shooting ceased:

	Page.
Sergt. W. Harley, Company C.....	1, 5 [94, 97]
Corpl. C. H. Madison, Company C.....	1 [94]
Artificer G. W. Newton, Company D.....	3 [95]
Corpl. D. Powell, Company D.....	3 [95]
Q. M. Sergt. T. J. Green, Company D.....	3 [95]

The following men of the Twenty-fifth Infantry, now prisoners at Fort Sam Houston, Tex., can apparently prove an alibi:

	Page.
Corpl. C. H. Madison, Company C.....	1, 39 [ 94, 117]
Sergt. G. Jackson, Company B.....	10, 13 [100-102]
Sergt. D. W. O. Brawner, Company C.....	7, 27 [ 98, 110]
Sergt. J. R. Reid, Company B.....	15, 24, 30, 42, 48 [103, 108, 109, 112, 119, 123]
Corpl. D. Powell, Company D.....	26 [109]
Private J. M. Howard, Company D, on post No. 2.....	92, 109 [148, 154]
Private C. W. Askew, Company C.....	6 [98]
Private J. Holloman, Company B.....	11, 14 [100, 102]

The following men had had trouble in Brownsville:

	Page.
Private J. W. Newton, Company C.....	2, 26 [95, 109]
Private F. J. Lipscomb, Company C.....	2, 36 [95, 115]
Private C. I. Adair, Company C.....	2, 33 [95, 113]
Private W. E. Jones, Company D.....	4 [96]
Private O. W. Reid, Company C.....	30, 33 [112, 113]
Private Wm. McGuire, Company C.....	75, 76 [140, 142]
An unknown enlisted man with one Bates.....	90 [147]

The following men were not in the vicinity of post at time of firing:

Private Ruby Wilson, Company B, absent sick.  
 Sergt. William Blaney, Company B, on furlough.  
 Private Charles W. Johnson, Company B, on furlough.  
 Private Lewis C. Owens, Company B, absent sick.  
 Artificer Thomas H. Jones, Company B, detached service, at Fort Sill, Okla.  
 First Sergt. William Turner, Company C, at Fort Sill, Okla.  
 Corpl. John Young, Company C, at Kansas City, Mo.  
 Private James Williams, Company C, at Fort Bayard, N. Mex.  
 Sergt. George Derrett, Company D, absent on rifle competition at Fort Sill, Okla.

The following men were absent from company quarters:

		Page.
Private William Smith, Company B.....	10, 65	[100, 133]
Private Elmer Brown, Company B.....	10, 64	[100, 133]
Private A. N. Williams, Company B.....	10, 63	[100, 132]
Private John Brown, Company B.....	10, 64	[100, 133]
Private E. Lee, Company C.....	28	[110]
Private G. Johnson, Company C.....	29	[111]
Private J. T. Harden, Company C.....	32	[113]
Private E. Johnson, Company C.....	34	[114]
Private J. Kirkpatrick, Company C.....	35	[115]
Private Robert Turner, Company C.....	38	[117]
Private W. E. Jones, Company D.....	46	[121]
Private James Newton, Company D.....	47	[122]
Private W. Mapp, Company D.....	48	[123]
Private A. Haley, Company D.....	53	[126]
Cook C. Dade, Company D.....	59	[130]
Private J. Bailey, Company B.....	81	[145]
Sergt. G. Thomas, Company C.....	8	[99]
Corpl. O. H. Hawkins, Company D.....	20, 46	[106, 122]
Private W. Johnson, Company D.....	20, 56	[106, 128]

## REMARKS.

It was found to be difficult to obtain testimony about trouble between soldiers and civilians in Brownsville. I failed to obtain further information in regard to the Bates affair referred to by Second Lieut. E. P. Thompson, Twenty-sixth Infantry.

Attention is invited to testimony as to expressions heard while firing was going on—"Black sons of bitches," etc. (pages 83, 85, 95) [145, 146, 149].

Attention is invited to testimony regarding the scavenger (pages 23, 88, 89) [108, 57].

Cook Dade's affidavit shows that a man could have taken part in the shooting and returned to his company undetected (page 96 [150]).

The animus of the white citizens of Brownsville is shown by—Hotel clerk's statement (page 6 [97, 98]); treatment of colored soldiers above mentioned; statement of Mr. Tillman (page 91 [148]).

It is noted that United States officials appear to have taken part in this animus.

Attention is invited to the inclosed testimony and affidavits of officers and enlisted men and the scavenger.

Attention is invited to lists of enlisted men, showing whether present at Fort Brown or absent from the vicinity of the post on August 13, 1906.

Very respectfully,

L. A. LOVERING,  
*Lieutenant-Colonel, Fourth Infantry,*  
*Acting Inspector-General, Inspector-General.*

The MILITARY SECRETARY,  
*Southwestern Division, Oklahoma City, Okla.*

[Inclosure No. 1.]

SWORN TESTIMONY OF OFFICERS AND ENLISTED MEN OF THE TWENTY-FIFTH INFANTRY, TAKEN BY LIEUT. COL. L. A. LOVERING, FOURTH INFANTRY, ACTING INSPECTOR-GENERAL, SEPTEMBER 25, 1906.

*Maj. C. W. Penrose, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in my quarters; quarters of the commanding officer, Fort Brown, Tex.

Q. Awake or asleep?—A. Do not think I was asleep; I am satisfied I heard the first shot. I had been in bed, though, probably half an hour.

Q. When and where did you first see any of the enlisted men of the garrison?—A. In front of C Company's barracks.

Q. What enlisted men did you see before the firing ceased?—A. I saw a good many men of C Company coming from the barracks. It was Corporal Madison, I believe, that I sent for Captain Macklin. The acting first sergeant, Sergeant Harley, I saw in front of the company barracks. I think those are the only names that I can call. While the shooting was going on there were a great many of the men of C Company that were coming out of barracks.

Q. When were the rolls of the companies first called?—A. They were called immediately after call to arms was sounded—as soon as the men came out of barracks.

Q. Before the firing ceased?—A. No; I think the firing had all ceased when the rolls were called.

Q. Did you visit the guard that night?—A. Not before the shooting finished.

Q. Did you see any of the men now held in prison in Texas before the shooting ended?—A. Yes, sir; Corporal Madison.

Q. Before August 13 had you any knowledge of any trouble between any of the enlisted men and citizens in Brownsville?—A. Of my own knowledge, I had not.

Q. Did you ever have any conversation with citizens of Brownsville in which they expressed any opinion about the colored troops?—A. No, sir; I did not.

*Capt. E. A. Macklin, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I did not hear the shooting, as I was in my quarters asleep.

Q. On what duty were you?—A. I was officer of the day.

Q. Then you did not see any enlisted men before the firing ceased?—A. No, sir; I did not.

Q. On the night of August 13 when did you visit the guard?—A. The last visit that I made to the guard was after check roll at 11 o'clock, when I went to visit the sentry in rear of the men's quarters. I walked around in rear of my own quarters and in rear of the quarters of Company B. Was in the dark all the time and at no time saw any soldiers at all. I found the sentry around on the front side of the building.

Q. Who was this sentry?—A. I could not tell his name. He was a man of Company D; private, Company D.



Q. Have you personal knowledge of any trouble between soldiers of the Twenty-fifth Infantry and citizens of Brownsville before August 13?—A. Yes, sir; a case occurred of men in my own company, reported to me as company commander. The next case that I knew of was that of Privates Newton and Lipscomb. I have forgotten the date, but I think it was the Sunday previous. Newton came to me about half past 8 in the evening and reported that he had been assaulted by a man in Brownsville.

Q. Name known?—A. I found out his name afterward. Did not know his name at that time. His story was that he and Lipscomb were walking down the main street in the residence portion of the town and that ahead of them were a party of women and one man, all standing on the outer side of the walk. That to get by them it was necessary for them to either go out in the street or pass between this party and the fence. He said there was lots of room, so they went single file between the party and the fence, and when opposite the man the man struck him in the head with the butt of a revolver and knocked him down. The man said at the same time, "You damned nigger," or something like that, "I will teach you damned niggers to get off the sidewalk for white ladies." I asked Newton if he made any resistance, and he said that his first intimation was to jump up and strike the man, but the man covered him with a revolver. Lipscomb said that as soon as he saw Newton fall and heard what the man said he ran away. That is, he ran to the corner and waited for Newton.

Q. Any other men complain?—A. Yes, sir; Private Adair reported that he came from Matamoras and had in his pocket a little pen or a penholder, as I understood it; that the cost was a dollar Mexican (fifty cents gold); that he was searched by the custom-house man, who said, "Here, I will not let any damned nigger smuggle anything across this river," and took the pen away from him. This was on Saturday previous, August 11. Another of my men, Private Reed, was knocked off the sidewalk into the overflow of the Rio Grande by a custom-house man.

Q. Any others?—A. That is all.

*Capt. S. P. Lyon, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was asleep in my quarters at Brownsville, Tex.

Q. When and where did you first see any of the enlisted men of the command?—A. In front of my quarters. In front of D Company's barracks. The men were falling in when I got over there.

Q. What enlisted men did you see before the firing ceased?—A. I saw practically my whole company. The first man I spoke to was my quartermaster-sergeant, Green.

Q. Can you name any others you saw before the firing ceased?—A. I saw my artificer, Newton, and my noncommissioned officer in charge of quarters, Corporal Powell. Those are the only three that I can name, as I did not speak to any other men.

Q. You saw these three men before the firing ceased?—A. Yes, sir.

Q. When was the roll called first?—A. The company was formed and the men counted off. The commanding officer directed me to put my men along the wall dividing the post from Brownsville at once. I did that, and then the roll was called. The first sergeant with a lantern, and myself, went down the line and saw that every man was present; that is, that a man answered the name of every man. I should say that was within five minutes after the call to arms.

Q. How long after the last shot had been fired?—A. I couldn't say, because after the main shooting was over there were scattering shots from the town; that is, as the mayor explained to me, the people were frightened, and that they were shooting out of their windows, so that those shots were occasionally heard quite a little while after the main shooting.

Q. Were there any absentees at this time?—A. There were two men of my company who were on pass. Their guns were in the racks. I had the guns verified as soon as roll was called.

Q. Were the rest of the men all present?—A. The other men were all present, except these two that were on pass.

Q. Who were they?—A. Private Walter Johnson and Corpl. Charles H. Hawkins.

Q. Of your own knowledge do you know if any of the men of your company were mistreated by people in Brownsville?—A. No, sir.

Q. Any complaint made by your men?—A. No; there seemed to be no trouble at all between my men and the people of Brownsville. The only instance of which I have any knowledge or even heard was the case of one man; he was my striker. He went into a drug store to buy something to alleviate the irritation of mosquito bites and they refused to sell him anything. That was the only instance. William E. Jones, his name.

Q. Did you go into town after the shooting with or without troops?—A. Yes, sir. Shortly after I had completed the check of the company, the commanding officer directed me to form my company and make a patrol through the town of Brownsville, to find out what I could about the affair and to see if I could find any of our own men. I took my company and made the patrol as directed.

Q. Was there any disposition on the part of any of your men to obey orders slowly?—A. No, sir.

*Spottswood W. Taliafero, battalion sergeant-major, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906 when shooting commenced at Brownsville?—A. I was in my bunk sir, asleep, at Fort Brown, Tex., in the administration building.

Q. Who were the first enlisted men that you saw after you awoke?—A. The first enlisted men that I saw after I awoke were the corporal and sergeant of the guard.

Q. Name them.—A. Sergeant Reid, Company B, and Corporal Wheeler, of Company D.

Q. Was this before or after the shooting ceased?—A. The shooting was still going on.

Q. Was there much shooting or only a little?—A. There was a great deal of shooting.

Q. Where were they when you saw them?—A. They were at the guardhouse.

Q. Was the guard formed?—A. There was a few members of the guard lying prone as skirmishers in front of the guardhouse. I could not tell what the rest of the guard was doing or where they were.

Q. How long did you stay at the guardhouse?—A. Not more than a minute; hardly a minute. I was looking for the major.

Q. Did anybody come to the guardhouse while you were there?—A. No, sir.

Q. Did you find the major before the firing ceased?—A. Yes, sir.

Q. What enlisted men did you see before the firing ceased?—A. I saw the men that I have named and one patient in the hospital; I am not certain what his name was; was of Company B, standing on the porch in night clothes. And I saw very nearly the whole of Company C. Sergeant Brawner, Company C. I couldn't name any more names, Colonel. I saw a crowd of men and there was no roll call made, and I wouldn't like to say I saw this one or the other, because there was no roll call at the time and I don't know the names of all the men.

*Lieut. Harry S. Grier, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. Asleep in my quarters.

Q. On what duty were you?—A. Post quartermaster and commissary; also acting post adjutant.

Q. Who were the first enlisted men that you saw?—A. Sergeant Harley, acting first sergeant Company C.

Q. Was this before the firing ceased or after?—A. Before the firing ceased.

Q. Do you remember any other particular name that you saw before the firing ceased?—A. No, sir; by the time I got over to the barracks the firing stopped. I met Sergeant Harley on the brick walk coming from the men's barracks to the officers' line about three-quarters of the way across the parade ground to the officers' line; that is, near the officers' line. I halted him, not knowing who it was (firing was still going on), and inquired who was there. Replied, "Sergeant Harley." I said, "Sergeant, what is the trouble over there?" He said, "The men say somebody in town is shooting up the barracks." I said to him, "If that is the case, what are you doing over here?" He said, "I am going to get the captain."

Q. Any complaint made to you by enlisted men about their treatment by people in Brownsville before August 13?—A. No, sir; not to me in person. But I was present on one occasion when Private James W. Newton, of Company C, made a verbal complaint to his captain, Captain Macklin.

Q. Did you hear any of the people of Brownsville make any remarks about the colored soldiers?—A. I did.

Q. What did they say?—A. The very first day on our arrival in Brownsville I registered at the Miller Hotel, and in conversation with the clerk in regard to colored troops being sent to Texas he stated that the people were much opposed to their coming, and they mustn't take any undue liberties or there would be trouble.

Q. Do you know his name?—A. I do not, except he is night clerk in the Miller Hotel. On several occasions I have heard people explaining, not in a resentful way, what was customary for the colored people to do in that part of Texas, especially about drinking in bar with white men.

Q. Did you ever see any soldiers mistreated in Brownsville?—A. No, sir; I did not.

*Sergt. Samuel W. Harley, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. I was in my quarters asleep, sir; in barracks.

Q. Who were the first enlisted men that you saw after you awoke?—A. The first enlisted men that I saw when I came out of quarters after I awoke was Private Askew, company clerk. I slept in the room with him.

Q. Was this before or after firing ceased?—A. The firing had not ceased, sir.

Q. Who else did you see before the firing ceased?—A. The non-commissioned officer in charge of quarters.

Q. Name him.—A. Oscar W. O. Brawner.

Q. See anybody before the firing ceased?—A. Yes, sir; I seen Corporal Washington and also reported to Lieutenant Grier.

Q. When was the roll of your company called first?—A. It was first called after they fell in line, and also by Lieutenant Grier, who didn't have any lantern; had to call it by gaslight; and he counted the number of men, Lieutenant Grier did, and was also counted after we came back by the company commander.

Q. Were all present when you called the roll under the gaslight?—A. We didn't finish calling the roll on account of light so dim we couldn't see, and the lieutenant counted the men.

Q. How many did he count?—A. If I am not mistaken he counted 52; if I am not mistaken.

Q. When was this that you counted 52; before the firing ceased?—A. Yes, sir; the firing had ceased, after the men first fell in company.

Q. Were any men absent at this roll call?—A. Yes, sir; there were two men absent on pass.

Q. Anybody else?—A. One man slept at Lieutenant Higgins' quarters.

Q. What is his name?—A. Private Harden.

Q. Did you see Harden at all?—A. No, sir; I did not until the next morning.

Q. Before August 13 had you been insulted or mistreated or abused by civilians in Brownsville?—A. No, sir.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir.

Q. After the trouble on August 13 have you heard anything that would indicate who were engaged in the shooting?—A. No, sir.

Q. On or before August 13 did you hear any talk by any member of the Twenty-fifth Infantry about getting even with the citizens of Brownsville?—A. No, sir; I did not.

Q. When the company fell in, who were the last men to arrive?—  
A. I don't remember, sir.

*Company Q. M. Sergt. George W. McMurray, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. In Company C quarters; asleep, sir.

Q. Who were the first enlisted men that you saw after you awoke?—  
A. The acting first sergeant, Harley, was the first.

Q. Was this before the firing ceased?—A. Just about the time the firing was going on.

Q. Before August 13, 1906, had you been maltreated by civilians in Brownsville?—A. No, sir; I never was out in town much.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir.

Q. Were you in the line of file closers when the company was formed?—A. Yes, sir.

Q. Who were the last men to arrive?—A. I was about one of the last. The company was formed when I got out.

*Sergt. George Thomas, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. On the night of August 13, 1906, I was about 1,000 yards east of the post, at a colored woman's house.

Q. Did you arrive at post before the firing ceased?—A. No, sir; it was the next morning when I got there; just before reveille, sir.

Q. While you were absent from post, did you see any enlisted men of the Twenty-fifth Infantry after 11 p. m.?—A. No, sir; I did not.

Q. What was the name of the person at whose house you were?—  
A. Her name was Rebecca Collins.

Q. Did you hear the shooting?—A. No, sir; I did not.

*Sergt. Solomon P. O'Neil, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. I was in my company quarters, sir; Fort Brown.

Q. Awake or asleep?—A. Asleep, sir.

Q. Was the shooting going on when you woke up?—A. The shooting woke me up, sir.

Q. Who was the first enlisted man that you saw when you woke up?—A. It was dark in the quarters, sir; you couldn't tell who you could see. Everybody seemed to be up by the time I had gotten up. I had a little room one end of the quarters.

Q. Had you been insulted or maltreated by civilians in Brownsville?—A. No, sir.

Q. Did you see any colored soldiers maltreated in Brownsville?—  
A. No, sir.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir.

*Corpl. John H. Hill, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. I was in my quarters when the shooting commenced.

Q. Asleep or awake?—A. I was asleep.

Q. Who was the first enlisted man that you saw after you awoke?—A. I don't know, because there was not any light in the quarters. Couldn't see anyone; it was rather dark inside.

Q. Any civilian in Brownsville ever abuse you?—A. No, sir.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir.

*First Sergt. Mingo Sanders, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in bed—that is, I did not live in quarters; lived in separate quarters about five or six hundred yards from barracks.

Q. When did you arrive at company?—A. When the shooting was going on.

Q. Who were the first enlisted men that you saw after you got there and before the shooting ceased?—A. Ernest English, the room orderly, was the first.

Q. Who else did you see?—A. Sergeant Jackson, the man in charge of quarters.

Q. Did Sergeant Jackson look as if he had dressed in a hurry?—A. Yes, sir. He had the lantern, was how I came to see him next. I asked the room orderly for the lantern, and he said the noncommissioned officer in charge of quarters got it.

Q. Shoes tied up?—A. Had on pair of shoes all cut up; was not tied at all.

Q. When was roll of your company first called?—A. It was called during the shooting.

Q. Who was absent?—A. William Smith, private, Company B, Twenty-fifth Infantry; Private Elmer Brown, Private Alfred N. Williams, Private John Brown, Company B.

Q. Do you remember seeing Private Holloman?—A. He was standing right in front of me.

Q. Did you see him before the shooting stopped or after the shooting stopped?—A. During the shooting.

Q. When did you first see the absent men?—A. The company commander sent Musician Odon upstairs for William Smith. He returned; reported to the company commander he was asleep in his bed. That was only about two minutes; he reported to the company in two or three minutes. Alfred N. Williams reported about half an hour—I suppose it was about that time—after the first roll call.

Q. Where does he sleep?—A. At the quartermaster corral, Brownsville. Elmer Brown, he sleeps at the quartermaster corral. John Brown sleeps at the bakery.

Q. Had those two men reported present to the major at second roll call?—A. Second roll call was about half an hour after the first roll call was.

Q. The rest of the men were all present before the firing ceased?—  
A. Yes, sir; the company was in line practically when I got there. The major was there himself.

Q. Who was forming the company when you arrived?—A. Wasn't anyone forming it. The men were just striking line themselves. There might have been; but I didn't see any. I hollered "Form line" just the minute I got hold of the lantern.

Q. Any of the men complain to you that they had been abused in Brownsville by civilians?—A. None of my company.

Q. After the trouble on August 13 have you heard anything that would indicate who were engaged in the shooting?—A. No, sir.

*Q. M. Sergt. Walter McCurdy, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. I was in my room, sir, asleep. My room was in the barracks, next to the storeroom.

Q. Who was the first enlisted man that you saw when you woke up?—A. I do not know; when I woke up call to arms was going. Firing was going when I got up.

Q. Have you ever been mistreated in Brownsville?—A. No, sir; because I was not out in town any while we were there.

Q. On or before August 13 did you ever hear any talk about getting even with the people of Brownsville?—A. No, sir; I did not.

Q. Who makes the check roll at 11 o'clock?—A. The noncommissioned officer in charge of quarters.

Q. In all the companies?—A. I understand in all companies; I know the noncommissioned officer always makes it in B Company.

Q. Where were you at 11 p. m. check August 13?—A. In my room, sir.

Q. Asleep or awake?—A. Asleep, sir.

*Sergt. Luther T. Thornton, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I judge when shooting commenced I was in bunk, because I was awakened up by a number of shots being fired.

Q. Do you sleep in the barracks?—A. Yes, sir; in company barracks.

Q. Who was the first enlisted man that you saw when you woke up?—A. First enlisted man I saw was Corporal Coltrane; he slept in the room right across from one I slept in; small room in barracks; noncommissioned officer.

Q. Was this while the firing was going on or after it ceased?—A. While firing was going on.

Q. When was the roll of the company first called, before or after the firing ceased?—A. I do not remember just whether it was before or after the firing ceased.

Q. Have you ever been abused by civilians in Brownsville?—A. No, sir; I have never had any trouble in Brownsville.

Q. When did you first see Sergeant Jackson after the firing commenced?—A. When I first saw Sergeant Jackson he came up to my section rack to unlock it; he had the keys. Had sounded to arms from the guardhouse.

*Corpl. Jones A. Coltrane, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. I was in bed, sir.

Q. Where was your bed?—A. My bed was in the noncommissioned officers' room of the fourth section.

Q. In or out of barracks?—A. In barracks.

Q. Were you asleep or awake?—A. I was asleep, sir.

Q. Who was the first enlisted man that you saw after you awoke?—A. The first enlisted man that I saw was Sergeant Jackson.

Q. Have you ever been abused by civilians in Brownsville?—A. No, sir.

Q. On or before August 13 did you hear any talk by any men of the Twenty-fifth Infantry about getting even with people of Brownsville for their conduct to colored soldiers?—A. No, sir.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir.

Q. Were you present when the first roll was called?—A. Yes, sir; I was in charge of company until first sergeant came.

Q. What men can you particularly recall as being there first when the company was formed?—A. When the company was first formed Corporal Daniels, he was next below me in rank, by the third section rack being unlocked before the fourth section was. The major was downstairs and said form B Company. So Corporal Daniels had charge of men that were there first.

(Told to answer the direct question.)

A. Private Taylor, Private Holloman, Corporal Daniels.

*Corpl. Edward L. Daniels, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced at Brownsville?—A. Was in bed, asleep.

Q. Where was your bed?—A. East end of the company quarters in barracks.

Q. Asleep or awake?—A. Asleep.

Q. Who was the first enlisted man that you saw after you awoke?—A. They were in confusion; I did not notice particularly.

Q. When you got out to the company who was the senior non-commissioned officer there?—A. I was the first noncommissioned officer downstairs there, and so I formed what men were there.

Q. Who can you particularly recall as being present when you first formed the company?—A. Private Cook; I remember speaking to him to form the line on the right.

Q. Was this before the shooting stopped or after?—A. The shooting was going on then.

Q. Did citizens of Brownsville ever abuse you?—A. No, sir; I never had any trouble since I have been in the Army with anybody.

Q. Were you awake at 11 p. m. inspection of quarters?—A. No, sir.

*Corpl. Wade Harris, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. I was in my bed, asleep, sir. Was in quarters in bed, asleep.



Q. Who was the first enlisted man that you saw after you awoke?—  
A. The first enlisted man that I seen was Musician Odon, who was sounding call to arms.

Q. Have you ever been abused by civilians in Brownsville?—A. No, sir; I never went out but once.

Q. Ever hear of men tell about being abused in Brownsville?—  
A. I have heard talk of several instances that happened with soldiers.

Q. Ever hear any of these men say they were going to get even with persons in Brownsville?—A. No, sir; never had any personal conversation with any of them.

Q. When did you first see Sergeant Jackson?—A. First saw him after I proceeded downstairs and came back up.

Q. Shooting going on or had it stopped?—A. Shooting had ceased at that time. He was trying to unlock the second section rack.

*Corpl. Ray Burdette, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting at Brownsville commenced?—A. I was at Brownsville.

Q. What part of Brownsville were you in?—A. I was at the guardhouse on guard.

Q. On post at that time?—A. No, sir; corporal of the guard.

Q. Were you on duty at that time?—A. No, sir; I was asleep.

Q. When you first woke up where was Sergeant Reid?—A. He was outside.

Q. Was your relief present when you woke up?—A. Yes, sir.

Q. How many privates marched on that day at Fort Brown?—A. I disremember how many it was.

Q. How many posts were there that day?—A. There were three posts.

Q. When was your relief on post?—A. My relief was on post from 7 to 9.

Q. What did you do when you woke up?—A. When I woke I fell in with the guard.

Q. Relief all present?—A. Yes, sir.

Q. How many privates fell in when the guard reported?—A. All fell in except those on post; don't remember exactly how many guards.

Q. Sergeant Reid was sergeant of the guard?—A. Yes, sir.

Q. What other noncommissioned officers were on guard?—A. Corporal Wheeler, Company D; Corporal Franklin, Company B.

Q. Were you awake at 11 o'clock?—A. At 11 o'clock? Yes, sir.

Q. Your relief present then?—A. Yes, sir.

Q. How many privates were in guardhouse when you came in?—  
A. I disremember just now how many.

*Corpl. Wade H. Watlington, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. In quarters in my bed, sir.

Q. Awake or asleep?—A. Asleep, sir.

Q. Who was the first enlisted man that you saw after you awoke?—  
A. Q. M. Sergt. Walker McCurdy.

- Q. Did you get down to the company before the firing ceased?—  
A. Yes, sir.
- Q. Anybody in Brownsville ever abuse you?—A. No, sir.
- Q. Ever see any colored men abused in Brownsville?—A. No, sir.
- Q. Were you awake at 11 o'clock inspection?—A. No, sir.
- Q. Any men ever tell you that they had been abused in Brownsville?—A. No, sir.
- Q. Never heard that men were abused in Brownsville?—A. Yes, sir; I have heard it said.
- Q. Was it general talk in the company?—A. No, sir; it was not general talk. I have heard two or three speak of it.
- Q. Did you ever hear any of these people say they would get even with the people of Brownsville?—A. No, sir.

*Corpl. Anthony Franklin, Company B, Twenty-fifth Infantry.*

- Q. On August 13, 1906, on what duty were you?—A. On guard, sir.
- Q. Corporal of the guard?—A. Yes, sir.
- Q. At what hour was your relief on post?—A. I do not know, sir. My relief wasn't on during the trouble. Corporal Wheeler, I think, of B Company.
- Q. Did your relief go on post at 1 o'clock?—A. No, sir; at 2 o'clock.
- Q. Where were you when the shooting commenced on August 13?—A. I was at the guardhouse.
- Q. Awake or asleep?—A. I was lying there; just had dozed off asleep.
- Q. When you woke up was your relief all present, or were any of them absent?—A. I think they were all present, sir. The sergeant of the guard had the guard to form, and they were all present except those on post. One relief was on post.
- Q. How did he have them formed?—A. Had them formed in double-rank formation right in front of guardhouse.
- Q. How many files were there in that guard when he formed it?—A. I don't know, sir; I never paid strict attention to them.
- Q. Didn't you notice whether your relief was present or absent?—  
A. No, sir; not particular. Didn't form by relief, sir; sergeant of the guard formed all reliefs together.
- Q. How long did they stay in double rank?—A. In double-rank formation—about fifteen or twenty minutes.
- Q. Then what did he do with them?—A. Then he had us form in skirmish line in front of the guardhouse, lying down.
- Q. Did anybody go to the guardhouse after you awoke?—A. No, sir.
- Q. Didn't see anybody approach the guardhouse?—A. No, sir.
- Q. When did you first see Sergeant Reid, sergeant of the guard?—  
A. Just as soon as I was up; as soon as the first one or two shots were fired.
- Q. Where was he when you first saw him?—A. Standing up in the office; the sergeant of the guard's room.
- Q. Was there much firing after you saw him?—A. Yes, sir; after I woke up; most firing after I woke up.

*First Sergt. Israel Harris, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced at Brownsville?—A. I was upstairs in my bunk, at Fort Brown.

Q. In the barracks?—A. Yes, sir; in the barracks.

Q. Awake or asleep?—A. I was asleep.

Q. Who was the first enlisted man you saw after you awoke?—A. Sergeant Adams.

Q. Was shooting going on when you awoke?—A. Yes, sir.

Q. When was the company formed?—A. A little while after I awoke.

Q. Who formed it?—A. The first sergeant, Sergt. Jacob Frazier.

Q. Was shooting going on when the company was being formed?—A. Yes, sir; shooting was going on then.

Q. Can you remember any particular men of the company that you saw before the firing ceased?—A. Yes, sir; I can remember lots; I remember Sergeant Adams—he was the first man I saw—and Private Jackson, John A.

Q. Do you remember anybody else by name that you can remember to have seen?—A. No, sir; I don't. It was dark in quarters.

Q. Who called the roll of the company?—A. The first sergeant.

Q. Were you ever abused by civilians in Brownsville?—A. No, sir; I was not.

Q. Ever hear men of your company say they had been abused in Brownsville?—A. No, sir; never heard any men of my company.

Q. Where were you at 11 o'clock inspection of barracks?—A. I was in quarters, sir.

Q. Awake or asleep?—A. I was asleep.

Q. Since the trouble on August 13 have you heard anything that would indicate who was engaged in the shooting?—A. No, sir; I haven't heard of any.

*Sergt. George Derrett, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was down at Fort Sill.

*Thomas J. Green, quartermaster-sergeant, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in bed, sir; in the quarters.

Q. Awake or asleep?—A. I was awake.

Q. How many shots did you hear at first—one or a lot?—A. I first heard one shot.

Q. Followed by what?—A. Followed by two or three; from that to volleys.

Q. How many would you think there were in the volleys?—A. I couldn't say; I don't think there was a great many men; not over ten or twelve men, I would suppose.

Q. Who were the first enlisted men that you saw after the shooting commenced?—A. The artificer of my company, George W. Newton; he sleeps next room to me.

Q. See any others?—A. Corporal Thornton.

Q. Who formed the company?—A. The first sergeant.

Q. Were you down on company parade before the first sergeant?—  
A. No, sir.

Q. Were you one of the first down?—A. There were a good many came down—I was sleeping downstairs—except the corporal and artificer.

Q. When you got there can you remember any of the men in ranks or ready to fall in?—A. No, sir; it was dark, and I couldn't tell who they were.

Q. When you got there were you the senior noncommissioned officer?—A. No, sir; the first sergeant was there and two other sergeants senior to myself.

Q. Before August 13 had you been abused in Brownsville?—A. No, sir.

Q. Before that date had you heard men talk about being abused in Brownsville?—A. I heard of one man being hit in the head with a six-shooter.

Q. Did he tell you?—A. No, sir.

Q. Heard of nothing else?—A. One being pushed in the Rio Grande River. Neither one of those men told me. Have heard it talked around among the other men.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. Only two; they were on pass—Charles Hawkins, corporal at that time, and Walter Johnson, private.

*Sergt. Jerry E. Reeves, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced at Brownsville?—A. In quarters, sir; in bed.

Q. Were your quarters in the barracks?—A. Yes, sir.

Q. Awake or asleep?—A. I was asleep.

Q. Who was the first enlisted man you saw after you awoke?—  
A. The first I saw after I awoke was the man next to me, Private Willis.

Q. Was the shooting still going on then?—A. Yes, sir; I was waked by the shooting and the noise of the men in the quarters.

Q. Many awake when you awoke?—A. There had been a great deal of excitement; shooting was going on pretty freely.

Q. Who else did you see besides Willis while the shooting was still going on?—A. Being dark, I don't know just who I saw; no, sir.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Any of your company ever tell you they had been abused?—  
A. No, sir.

Q. Ever hear any talk about men being abused in Brownsville?—  
A. No, sir; more than what I heard of the abuse of some of the men of the command.

Q. Were you awake at 11 o'clock inspection of the company?—  
A. Yes, sir.

Q. Do you know any men of the company that were absent between 11 p. m. inspection and commencement of the firing?—A. No, sir; I do not.

Q. Have you ever heard anything that would indicate who the men were that were engaged in this firing?—A. No, sir.

*Sergt. Walter Adams, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced at Brownsville?—A. Why, I was in bed—had just got in bed, sir. Had been to the toilet.

Q. Bed in barracks?—A. Yes, sir; in my barracks. I was in bed early that night, about half past 7, on 13th.

Q. When did you wake up?—A. I woke up about, I guess, five minutes to 12, and I wanted to go down to the closet; I went and got back—why, it was somewhere close to 12 o'clock; was only gone a minute or two, when I got upstairs, something near 12 o'clock.

Q. Did you see anybody awake in the barracks?—A. No, sir; none that I know of awake; might have been some awake; dark; no one said anything; I just creeped up.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir; I do not.

Q. Did you hear the first shot?—A. Yes, sir; I was wide awake; didn't have time to go to sleep. When the first shot was fired I got up easily; didn't make any noise, because I was scared; didn't know what had happened. Several shots followed it.

Q. What did you hear first—a single shot, or more?—A. The first I heard was a single shot.

Q. What came after that?—A. In probably several seconds other two shots fired; by that time others were up, too.

Q. How heavy was the firing?—A. It seemed to be a pretty good gun that was fired; I don't know what kind it was; I can't say—was greatly excited.

Q. Sound as if a whole squad was firing at any time?—A. It was so many shots firing I couldn't tell you.

Q. Who was the next man to wake up?—A. I couldn't even tell that.

Q. Who spoke to you?—A. Didn't anyone speak to me.

Q. Did you speak to anybody?—A. Yes, sir; I spoke to the whole section, but I spoke low.

Q. Who was present when the firing first commenced that you can remember?—A. Sergeant Harris; he was present, right across from me.

Q. Anybody else you can remember?—A. Well, I don't know who the men were on the other side of me; I don't remember them.

Q. Were you ever abused by civilians in Brownsville?—A. No, sir; I didn't visit the town but very seldom.

Q. Any men of your company tell you they had been abused?—A. No, sir.

Q. Ever talk with men about trouble that soldiers were having in Brownsville?—A. I haven't had any talk with anyone about it, because nobody wanted to tell me anything about it except they didn't know. They hadn't had any.

Q. How long were you down there before this happened?—A. I paid no attention to the time. Don't know just exactly.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir; I do not.

Q. When you went to the toilet room did you see anybody?—A. I didn't see the man, but it was the scavenger and his cart. I didn't see the man, but I heard the cart going along, and I went upstairs. At that time there was no trouble that I know of.

*Corpl. Temple Thornton, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. In the quarters.

Q. Asleep or awake?—A. I was asleep.

Q. Who was the first enlisted man that you saw after you awoke?—A. Artificer Newton; he woke me up; me and him were sleeping in the same squad room, and he woke me up.

Q. Was shooting going on then?—A. Yes, sir; shooting was going on when I first woke up.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Any men ever tell you they had been abused there?—A. I heard of a man being knocked in the head with a six-shooter.

Q. Did he tell you?—A. No, sir; he did not tell me himself; just heard it talked around the soldiers; and of someone being pushed overboard from the pier as you go over into Mexico.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir; I do not.

*Corpl. Samuel Wheeler, Company D, Twenty-fifth Infantry.*

Q. On what duty were you on August 13, 1906?—A. On guard, sir.

Q. When the firing commenced where was your relief—on post?—A. Yes, sir.

Q. Were you on duty at this time in the guardhouse?—A. Yes, sir.

Q. That is, you were in the guardhouse when it commenced?—A. Yes, sir.

Q. Who else was in the guardhouse?—A. I do not know; but there was a few other members of the guard. The two reliefs were in there.

Q. Where was Sergeant Reid?—A. Sergeant Reid was laying on the bunk there, where the noncommissioned officers lay, at the right-hand side of the door.

Q. How long had he been on the bunk?—A. I do not know, sir; I couldn't tell; didn't notice when he laid there.

Q. When did your relief go on post?—A. Half past 10, sir.

Q. Sergeant Reid been absent from the guardhouse after half past 10?—A. Not to my knowledge, sir; don't remember him being away.

Q. Any privates of the guard leave the guardhouse while your relief was on post?—A. No, sir; because they were all pretty busy patrolling—one patrol right after the other from 8 o'clock up and even at that time.

Q. Any patrol sent out while your relief was on post?—A. Yes, sir.

Q. Who made them?—A. The other two corporals; both belonged to B Company. They made the next two patrols.

Q. Was that while your relief was on post?—A. Yes, sir.

Q. Did Sergeant Reid make up a patrol?—A. I do not think he did. I mean in this time.

Q. During the time that your relief was on post did any member of the guard leave the guardhouse for any purpose except to make patrols?—A. No, sir.

Q. Before Sergeant Reid got on his bunk what was he doing?—A. I don't know, sir.

Q. Did you see him?—A. Yes, sir.

Q. Was he in the guardhouse?—A. Yes, sir; when I saw him on the bunk he was in the guardhouse.

Q. Was he in the guardhouse before he got on his bunk?—A. Yes, sir.

Q. Did you stay in the same room with him?—A. Yes, sir.

Q. Did he leave that room while you were on duty, while your relief was on post?—A. Yes, sir.

Q. For what purpose?—A. To see what was the matter with No. 2 when he called for the guard.

Q. Did he leave the guardhouse before this time?—A. No, sir.

Q. Where was Sergeant Reid when the firing commenced?—A. In the guardhouse.

Q. Is the guard room where the privates of the guard sleep?—A. Where the noncommissioned officers sleep.

*Corpl. Winter Washington, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. I was at Fort Brownsville, sir.

Q. Where?—A. In quarters in D Company's barracks.

Q. Awake or asleep?—A. I was asleep.

Q. Who was the first enlisted man you saw after you awoke?—A. The first enlisted man—I can't remember, sir.

Q. Were you illtreated by anybody in Brownsville?—A. No, sir.

Q. What time did you go to sleep that night?—A. About 9 o'clock.

Q. When did you first wake up?—A. I woke up when I heard the shooting.

Q. Not before?—A. No, sir; the shooting woke me up.

Q. Any men ever tell you that they had been abused in Brownsville?—A. No, sir; no one told me personally about it.

*Corpl. James H. Ballard, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. Asleep in company orderly room.

Q. Was the shooting going on when you awoke?—A. Yes, sir.

Q. Who was the first enlisted man that you saw?—A. The first enlisted man I saw after waking? I ran upstairs and saw a squad at the gun racks asking for racks to be opened. Said call to arms was going, and the first three men I saw—Corporal Powell, noncommissioned officer in charge of quarters, and Private Wickersham; they were standing at the rack. The third man I just can't remember his name. It was dark, and we hadn't lit up quarters.

Q. When you saw these men was the shooting going on?—A. Yes, sir; the shooting was going on then.

Q. Had you ever been abused in Brownsville?—A. No, sir.

Q. Any men ever tell you that they had been abused in Brownsville?—A. Private Newton, Company C; I remember the night he got hit.

Q. Did he tell you about it?—A. Yes, sir; came around and then said he got hit on the street.

Q. What did he say he was going to do about it?—A. Report to his captain.

Q. Anything else?—A. No, sir; said he was going to report it to his captain.

Q. What time did you go to sleep on August 13?—A. About half past 10, sir.

Q. Wake up before the shooting commenced?—A. I was awakened by the shooting.

*Private Thomas Jefferson, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville, Tex.?—A. Brownsville, Tex.; in my quarters that night.

Q. Were you in Brownsville or Fort Brown?—A. Fort Brown.

Q. Awake or asleep?—A. I was asleep.

Q. Shooting wake you up?—A. The shooting woke me up, sir.

Q. Who was the first enlisted man you saw when you awoke?—A. First enlisted man I saw was the sergeant; name, Brawner.

Q. Had you been abused by civilians in Brownsville?—A. No, sir.

Q. Any man ever tell you that he had been abused?—A. No, sir; not any man told me.

*Private Joseph H. Gray, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. Brownsville, sir; in quarters.

Q. Brownsville or Fort Brown?—A. Fort Brown.

Q. Awake or asleep?—A. I was asleep, sir.

Q. When did you go to sleep?—A. Went to sleep something after 11 o'clock, sir.

Q. Anybody leave the barracks after 11 o'clock?—A. Not as I know of, sir.

Q. Anybody in Brownsville ever abuse you?—A. No, sir; nobody said anything wrong to me while I was down there.

Q. Any man tell you that he had been abused?—A. Yes, sir; I heard some say they had been mistreated.

Q. Who?—A. Private Newton was one of them. Said he was struck down there nigh the custom-house. Private Reed, Company C, claims that he was shoved off the boat that runs from Brownsville to Matamoros.

Q. What did they say they were going to do about it?—A. I never heard them say anything.

*Private Edward Lee, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. The 12th I came off guard and put in for pass that day and spent it in Mexico. I got back that evening and was up around town, and afterward went down to a Mexican house, and we danced a good part of the night, I suppose about 12 o'clock, and went to bed then. The Mexican woman called my attention to a shot afterward we went to bed. I never heard any more about the affair until next morning.



Q. How many shots did you hear?—A. I was not sure that I heard any.

Q. Did you leave her house?—A. No, sir; I stayed there all night.

Q. What was this woman's name?—A. I do not know her name. The next morning I came in and was halted by a sentry, who told me that some shooting had been going on in the post.

Q. Had you ever been abused in Brownsville?—A. No, sir.

*Private James Woodson, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting occurred in Brownsville?—A. Was in my quarters; in bed, sir.

Q. Asleep or awake?—A. I was asleep.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Any men ever tell you that they had been abused in Brownsville?—A. Yes, sir; two men of my company.

Q. Who were they?—A. Private Newton, Company C, was one of them, and Oscar Reed, private.

Q. What did they say they were going to do to the people that abused them?—A. Not anything, either of them, to me.

Q. What time did you go to sleep that night?—A. I do not remember just what time. I know I came in early that night and was asleep before 11 o'clock; I was asleep before check.

*Private Mark Gorman, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced in Brownsville?—A. In bed.

Q. Where was the bed?—A. Upstairs.

Q. In quarters?—A. Yes, sir.

Q. Asleep or awake?—A. I was asleep; they woke me up.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Were you asleep at 11 o'clock inspection?—A. Yes, sir; I guess I was; I didn't know when they came through.

*Private George Johnson, Company C, Twenty-fifth Infantry.*

Q. How long have you been in the service?—A. I have been about seven years.

Q. Where were you on August 13 when shooting commenced?—A. I was down to the Government corral, sir. Down at the stables.

Q. Did you hear the shooting?—A. I never heard anything about it until the corral boss came in and woke us up.

Q. What time?—A. I do not know exactly; must be between 11 and 12 or 12 to 1; I couldn't say.

Q. Did you hear the alarm?—A. No, sir; never heard anything about it until he came over and woke us up.

Q. Anybody in Brownsville ever abuse you?—A. No, sir; I was down town every day high as three times a day. Never had any trouble at any time I was there. I was there three times a day; I was driving the officers' rig.

Q. What time did you go to bed in the corral?—A. I am not certain; I think it must have been about 8 o'clock. That is the time I generally go to bed; always have to be up a quarter to half past 4 and 5; have to do all the feeding.

Q. Were you in Brownsville that night?—A. No, sir.

*Private Joseph Rogers, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. I was at the guardhouse.

Q. Asleep or awake?—A. Asleep, sir.

Q. Who did you first see when you awoke?—A. The sergeant of the guard.

Q. Name him.—A. Sergeant Reid.

Q. Was the shooting still going on?—A. Yes, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any man ever tell you that he had been abused in Brownsville?—A. Yes, sir.

Q. Who?—A. A couple of the men that is in the guardhouse now, Oscar Reed and James Newton.

*Private Lewis J. Baker, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. I was asleep in quarters. I was woke up by call to arms; I fell in line waiting for orders.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Anybody ever tell you that he had been abused in Brownsville?—A. Yes, sir; Private Newton and Private Reed.

Q. Did they tell you what they were going to do about it?—A. No, sir.

*Cook George Grier, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in bed.

Q. Where was your bed?—A. In my bed on back porch of barracks.

Q. Were you asleep or awake?—A. I was asleep.

Q. Who was the first enlisted man that you saw when you awoke?—A. The first one I saw was the sentry; he was shooting. Just as I woke up I looked out and saw the sentry shooting; seen the blazes from his gun.

Q. Who was the sentry?—A. I do not know his name.

Q. Which way was his gun pointed?—A. His gun was pointed up.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Any man ever tell you that he had been abused in Brownsville?—A. Well, we had a fellow in our company—Newton.

Q. Did they tell you about it?—A. Yes, sir; I was in the guardhouse when they were telling it.

Q. Was he excited and angry?—A. No, sir; he didn't seem to be excited.

Q. What did he say he was going to do about it?—A. He didn't say.

*Private Erasmus T. Dabbs, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. On August 13 I was in Brownsville.

Q. What part of Brownsville?—A. I was in the fort; at Fort Brown.

Q. Whereabouts in Fort Brown?—A. I can't just exactly describe the post.

Q. Where were you in the fort; what part of the fort?—A. Upstairs in quarters.

Q. Awake or asleep?—A. I was asleep.

Q. When did you go to sleep?—A. I went to bed about 10 o'clock.

Q. Were you awake at 11 o'clock inspection?—A. No, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Anybody tell you that they had been abused in Brownsville?—A. No, sir.

*Private James T. Harden, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. I was at Lieutenant Higgins' quarters.

Q. Awake or asleep?—A. Asleep, sir.

Q. Who did you first see when you awoke?—A. Artificer Rudy, next morning.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

*Private James Sinkler, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was at Fort Brown.

Q. What part of Fort Brown?—A. In my quarters in bed.

Q. Awake or asleep?—A. Asleep when it commenced.

Q. When did you go to sleep?—A. I went to sleep about 9 o'clock, I guess. I went to bed early.

Q. Awake when the 11 o'clock inspection was made?—A. Yes, sir.

Q. Did you see anybody leave the barracks after inspection?—A. No, sir.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Anybody ever tell you that they had been abused in Brownsville?—A. Yes, sir; I heard men speak about it.

Q. Who told you that they were abused?—A. Private Newton, of Company C.

Q. Who else told you?—A. Private Reed.

Q. Anybody else?—A. No, sir.

*Private Clifford I. Adair, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. In my bunk; in quarters.

Q. Awake or asleep?—A. Asleep, sir.

Q. When did you go to sleep?—A. I can't remember exactly the time, because we didn't have any clock there.

Q. Were you awake at 11 o'clock inspection?—A. Yes, sir.

Q. Did you see anybody leave the barracks after 11 o'clock, before the shooting commenced?—A. No, sir.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Ever have any trouble with anybody at all?—A. Only trouble I had I brought a pen from Mexico and it was taken away from me—a writing pen. I asked to pay duty on it, and he wouldn't let me pay

duty on it. Said he was going to report to my company commander and asked for my name and what company I belonged to, and I told him.

Q. Did he make any insulting remarks to you?—A. Yes, sir; he said, "You damned niggers are too smart around here."

Q. What was his name?—A. I do not know, sir.

Q. Any other trouble?—A. No, sir.

Q. Any men ever tell you that they had been abused or had trouble?—A. No, sir.

Q. Value of this pen taken away from you?—A. I paid 50 cents gold for it.

*Private George Gray, Company C, Twenty-fifth Infantry.*

Q. Where were you August 13 when shooting commenced at Brownsville?—A. I was sleeping on the back porch, toward the officers' line.

Q. What back porch?—A. Front porch of company barracks. Was asleep when shooting commenced.

Q. Shooting wake you up?—A. Yes, sir; shooting and the trumpet blowing.

Q. Who was the first man you saw when you woke up?—A. I and another man was sleeping—he was just before me—Rudy, of C Company—he was sleeping on the front porch, too.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Any man ever tell you that he had been abused there?—A. No, sir; personally. One man got hit.

Q. Did they ever tell you?—A. No; not personally.

*Private Edward Johnson, Company C, Twenty-fifth Infantry.*

Q. Where were you when the shooting commenced?—A. I was on pass that night out in town. I am married and had a wife and little baby; at home that night. On orderly pass.

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

Q. Where did you stay during the shooting?—A. I stayed there with my wife and child.

Q. Did you see any soldier that night while you were in Brownsville?—A. No, sir.

Q. After the shooting?—A. No, sir.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Anybody ever abuse your wife in Brownsville?—A. No, sir.

*Private August Williams, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In Brownsville, Tex.

Q. What part of Brownsville?—A. I was in the post; in quarters.

Q. Awake or asleep?—A. Asleep, sir.

Q. Anybody in Brownsville ever abuse you?—A. No, sir; nobody ever abused me.

Q. Who, if anybody, told you that they had been abused?—A. Nobody that I remember.

*Artificer Charles A. Rudy, Company C, Twenty-fifth Infantry.*

Q. Where were you when shooting commenced on August 13?—  
A. I was sleeping at Brownsville, Tex.—sleeping on the front porch of the quarters upstairs. As near as I can say, 12 o'clock—as I can think. I was awakened by a shot in the rear of the quarters, toward Brownsville, in the street. When it went off I jumped up out of my bed and started in the quarters; had to go down into the quarters.

Q. Who was the first man that you saw?—A. Private George Gray; he was sleeping out on the porch with me.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any man ever tell you that he had been abused in Brownsville?—A. No man ever told me personally.

*Private John Kirkpatrick, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. In hospital, sir; sick.

Q. Did you leave the hospital after the shooting commenced?—A. No, sir; didn't leave at all.

Q. Were you awake or asleep when the shooting commenced?—A. I was asleep.

Q. How many men were in the hospital with you?—A. Private Nolan, of the Hospital Corps, and another young man—the dispensary man.

Q. What I wanted was how many men were in the hospital of the Twenty-fifth Infantry?—A. Myself, Harden, the man's orderly; don't know his name. Three.

Q. Did any of them leave the ward when the shooting commenced?—A. Not as I know of, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Frank J. Lipscomb, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was asleep in quarters.

Q. When did you go to sleep?—A. About 9 o'clock, as near as I can remember.

Q. Were you awake at 11 o'clock check?—A. No, sir.

Q. Anybody in Brownsville ever abuse you?—A. No, sir; never abused me at all. Myself and another fellow, Newton, were going down the sidewalk one night and a fellow knocked him in the head.

Q. At night, was it?—A. Yes, sir.

Q. What had Newton done?—A. Not anything that I know of.

Q. Who was on the sidewalk?—A. Some ladies on the sidewalk at the time. I don't know who they were.

Q. Did they take up all the sidewalk?—A. No, sir.

Q. Where did Newton go?—A. He went right straight down the street, and I turned the corner and went down the other street.

Q. Did you see Newton when he passed these ladies?—A. Yes, sir.

Q. Where was he when he passed them, on or off the sidewalk?—  
A. He was on the sidewalk; next to the fence.

Q. Did he do anything to them?—A. No, sir.

- Q. Did he touch them?—A. No, sir; I do not think he did.
- Q. Did he say anything to them?—A. No, sir.
- Q. What was done to Newton?—A. He was knocked down by a man standing there with the ladies.
- Q. What did the man say to him?—A. I never heard him say anything.
- Q. Did Newton get up again?—A. Yes, sir; he got up.
- Q. What did he do?—A. Not anything.
- Q. Where did he go?—A. He went on down the street and I turned the corner. After I turned the corner I did not see him any more until we got to the quarters.
- Q. Did he go toward town or toward the barracks after he was hit?—A. He went on down town from the barracks.
- Q. Did he appear to be hurt much?—A. No, sir; he didn't appear to be.
- Q. Did he and you ever talk of the affair again?—A. No, sir. When the captain asked us about it.
- Q. Anybody else ever tell you that they had been abused?—A. No, sir; nobody else ever told me.
- Q. Did the man that knocked Newton down say anything to either of you?—A. No, sir; he didn't say anything to me.
- Q. Did he say anything to either of you?—A. Not that I know of.
- Q. How far away were you when Newton was knocked down, from Newton?—A. I do not know exactly; about two or three paces, I guess.
- Q. Did you stay there until Newton got up and went away?—A. No, sir.
- Q. What did you do?—A. I just went around the corner.

*Private West Logan, Company C, Twenty-fifth Infantry.*

- Q. Where were you on August 13 when the shooting commenced?—A. In the quarters, asleep, sir.
- Q. Did you wake up when the shooting was going on?—A. Yes, sir.
- Q. Anybody in Brownsville ever abuse you?—A. No, sir.
- Q. Did any man ever tell you that he had been abused in Brownsville?—A. Yes, sir; I heard some of the boys say so.
- Q. Who were the men?—A. Private Newton, who got hit down there.
- Q. Any other man besides Newton?—A. No, sir.
- Q. When did you go to sleep that night?—A. I went to sleep after lights were out; 9 o'clock, I suppose.
- Q. Were you awake at 11 o'clock inspection?—A. No, sir.

*Private John Streater, Company C, Twenty-fifth Infantry.*

- Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. I was in the corral at Fort Brown. Working in the quartermaster corral, sir.
- Q. Awake or asleep?—A. Asleep.
- Q. Did you hear the shooting?—A. No, sir; didn't hear the shooting.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Any man ever tell you that he had been abused in Brownsville?—A. I heard that one was shoved off the street or got struck.

Q. Who?—A. Private Newton.

*Private William Lewis, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in Fort Brown in my bunk.

Q. Awake or asleep?—A. Asleep.

Q. Were you asleep at 11 o'clock inspection?—A. I was asleep at check.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Robert Turner, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—A. Was over across the garrison at Lieutenant Hay's quarters at Fort Brown.

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

Q. Were you awake or asleep when the shooting commenced?—A. I was asleep when it first commenced.

Q. Did anybody in Brownsville ever abuse you?—A. No, sir.

Q. Did anybody ever tell you that they had been abused in Brownsville?—A. Yes, sir; one was Private—don't remember his name.

*Private John T. Hawkins, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was asleep in bed in quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Corpl. Preston Washington, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced in Brownsville?—A. In quarters in my bunk, sir.

Q. Awake or asleep?—A. Asleep.

Q. Were you awake at 11 o'clock inspection check?—A. No, sir.

Q. Who did you first see when you woke up, corporal?—A. I could not tell, for there was no light in the quarters.

Q. Who was the first you recognized?—A. Corporal Madison.

Q. Did you see Sergeant Brawner?—A. I saw Sergeant Brawner when shooting was about all over.

Q. Where was he then?—A. He was coming up steps.

Q. He was coming into the barracks, was he?—A. He was coming up steps.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Any men ever tell you that they had been abused in Brownsville?—A. No, sir; none told me anything.

Q. Ever hear the men talk about being abused?—A. Never heard them say anything at all.

*Private Thomas L. Mosley, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. At Brownsville, sir.

Q. On what street in Brownsville?—A. In my quarters; in my bed, sir.

Q. Then you were in Fort Brown?—A. Yes, sir; Fort Brown.

Q. Was the shooting going on when you awoke?—A. Yes, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any men ever tell you that they had been abused in Brownsville?—A. No, sir.

Q. Were you awake at 11 o'clock inspection check?—A. I don't know exactly what time it was; I was awake when inspection was made.

Q. How long did you stay awake?—A. Was up all night, sir.

Q. You were up all night?—A. Yes, sir; went on guard after check.

Q. What time did they make check roll call?—A. I don't know, sir; never saw any time.

Q. Do you know that you have to be in your bunk at 11 o'clock?—A. Yes, sir.

Q. Do you know that there is inspection at 11 o'clock?—A. I do not know whether it was 11 or after. It was after shooting took place.

Q. How long have you been in the service?—A. About seven years, sir.

Q. You did not know that there was inspection at 11 o'clock then?—A. I did not know what time; whether it was 11 or after or before then.

Q. Who was the first man you saw after you woke up?—A. I do not know, sir; all were getting up when I woke up; shooting was going on.

*Private James Perry, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. I was at Fort Brown, asleep, sir; in my bed, sir, asleep in quarters.

Q. Were you awake at 11 o'clock inspection check roll call?—A. I was awake after the shooting taken place; was asleep at check.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; I didn't have any trouble.

Q. Any man ever tell you that he had been abused in Brownsville?—A. No, sir; I did not have any talk with anybody about it.

*Private William Mapp, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in my bunk asleep, sir.

Q. In company quarters?—A. Yes, sir.

Q. When did you go to sleep?—A. I went to bed about half past 9, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; they did not.

Q. Any man tell you that he had been abused in Brownsville?—A. No, sir.



*Private George W. Harris, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. I was in quarters in my bunk, sir.

Q. Asleep or awake?—A. Asleep.

Q. When did you go to sleep?—A. Went to bed about 10 minutes past 8 that night.

Q. Were you awake at 11 o'clock inspection check?—A. No, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any man ever tell you that they had been abused in Brownsville?—A. One man came there one night with a hole knocked in his head and said he was hit over the head with a revolver.

Q. Who was the man?—A. Private Newton.

*Musician Walter Banks, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. I was in bed, sir; in quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; I never visited Brownsville more than once while I was down there.

Q. Any man ever tell you that he was abused?—A. Yes, sir; I seen several men; two men; one man out of my company got knocked in the head by some of the citizens.

Q. Name him.—A. Private Newton; he is at San Antonio.

Q. Who else?—A. There was one man with him, Private Lipscomb.

Q. Anybody else tell you about being abused?—A. We had one man that was thrown in the river down there.

Q. Who was it?—A. Private Reed.

Q. Anybody else?—A. No, sir; not that I know of.

*Private Andrew Mitchell, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was on guard duty at the guardhouse. I was waken by the sergeant of the guard. He said there was shooting on the outside.

Q. Who was sergeant of the guard?—A. Sergeant Reid, B Company.

Q. When did you come off post?—A. I came off post at 10 o'clock.

Q. Did you leave the guardhouse after 10 o'clock before shooting commenced?—A. No, sir.

Q. Did you go to sleep right after 10 o'clock?—A. Yes, sir.

Q. When you woke up did you see the corporal of your relief?—A. Yes, sir.

Q. Who was it?—A. Corporal Burdette.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Did any man ever tell you that he had been abused in Brownsville?—A. One man got hit down there.

Q. Did he ever tell you?—A. No, sir; no one particularly told me they were abused.

Q. Who did you ever hear of being abused?—A. Private Newton, C Company.

Q. Anybody else?—A. No, sir.

*Private William McGuire, Company O, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. In quarters asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did any man ever tell you that he had been abused in Brownsville?—A. Private Newton, Company C, was struck with a six-shooter on the street.

Q. Anybody else?—A. No, sir; only Private Reed was shoved overboard between there and Matamoros.

*Private James E. Armstrong, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—A. I was in the quarters, sir; in the bunk.

Q. Awake or asleep?—A. I was asleep when it commenced; was awakened by the shooting.

Q. Were you ever abused by anybody in Brownsville?—A. No, sir; I had not been; didn't go about much.

Q. Did any man ever tell you that he had been abused?—A. No, sir; they didn't just tell me, though I knew of some that had been.

Q. Name them.—A. Private Newton, of Company C; Private Reed, of Company C.

Q. That is all the men you know about, is it?—A. Yes, sir.

*Private Leartis Webb, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In bed, asleep; bed was near the door upstairs; in the quarters.

Q. Awake or asleep?—A. Asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Anybody ever tell you that they had been abused in Brownsville?—A. No, sir.

*Private Calvin Smith, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in my bed, sir; in quarters.

Q. Awake or asleep?—A. I was asleep; woke up by noise of shooting.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private John Smith, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. I was in confinement.

*Private Alphonso Holland, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced at Brownsville?—A. In bed asleep, sir; in quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any man ever tell you that he was abused in Brownsville?—A. I heard some of the soldiers talking; wasn't talking direct to me. I can't remember the names. I am a new man in the company; can not remember the two men, but there were two.

*Private Henry T. W. Brown, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. Fort Brown, Tex.; in barracks, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any man ever tell you that he had been abused in Brownsville?—A. Once. His name is Newton, belonged to C Company. Man by the name of Reed belonged to C Company. That is all.

Q. Ever hear of anybody else being abused there from any company?—A. No, sir.

*Cook Robert Williams, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In my room, sir; asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any man ever tell you he had been abused in Brownsville?—A. No, sir.

*Corpl. Albert Roland, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in my quarters.

Q. Awake or asleep?—A. I was asleep at the beginning of it.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever hear anybody say that he had been abused in Brownsville?—A. I heard one man say; I can not think of his name; belongs to C Company; the man that said that he got hit.

Q. Did you ever go into a saloon in Brownsville?—A. Only one; a discharged soldier had one there; I went into it.

Q. Was that a private saloon for the Twenty-fifth Infantry soldiers?—A. Yes; I think it was.

Q. Never went into a city saloon?—A. No, sir; never went into a city saloon.

*Private Dorsie Willis, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in bed, sir; in quarters in garrison; Company D quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Hear any rumors that men were abused in Brownsville?—A. Yes, sir.

Q. Name those that you heard were abused?—A. Private Newton, Company C.

Q. Anybody else?—A. Private Reed, also Company C.

Q. Have you ever been in a city saloon in Brownsville?—A. No, sir; only the one that was run there by a discharged soldier.

*Private William E. Jones, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in Captain Lyon's quarters, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Have you ever been in a city saloon in Brownsville?—A. I went in a Mexican saloon; yes, sir.

Q. That was in Brownsville, you mean?—A. Yes, sir.

Q. White people frequent that saloon?—A. No, sir.

*Private Zachariah Sparks, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—  
A. I was at Fort Brown, Tex.; in the quarters, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Have you ever been in a city saloon in Brownsville?—A. No, sir.

*Private Charles H. Hawkins, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—  
A. I was in town on a pass.

Q. Whereabouts in town?—A. I was downtown, below the market.

Q. In a house, or where?—A. In a house; in a Mexican house.

Q. Any other soldiers there?—A. No, sir; nobody but myself.

Q. Have you ever been in a city barroom in Brownsville?—A. No, sir.

Q. Were the Mexicans friendly with the soldiers of the Twenty-fifth Infantry?—A. Yes, sir; they seemed to be very friendly—the Mexicans.

Q. Mexican women know the soldiers?—A. Yes, sir; a few of them did.

*Private Elias Grant, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In quarters, sir.

Q. Awake or asleep?—A. Asleep.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Were you ever in a saloon or barroom in the city of Brownsville?—A. No, sir.

*Private Elmer Peters, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—  
A. Fort Brown, in bed, sir; in quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Were you ever in a saloon or barroom in Brownsville?—A. Yes, sir; I was in one.

Q. Who kept it?—A. I think a Mexican; a Mexican was running it.

Q. Any other people there getting drinks at the time?—A. Yes, sir; one of my friends was there.

Q. Any white people?—A. No, sir; no white people there at all at this saloon; at least I didn't see any while I was in there.

*Private James Newton, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—  
A. I was in Lieutenant West's quarters, sir; asleep, sir.

Q. Have you ever been in a saloon in Brownsville?—A. Yes, sir;

I have been in a couple of saloons; they were Mexican saloons. One by the depot; one by the market house.

Q. Any white people in these saloons when you were in them?—

A. I do not remember seeing any. Just Mexicans.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; I never had any trouble there with anyone.

*Private Strowder Darnell, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. In quarters, sir.

Q. Awake or asleep?—A. I was asleep; I was wakened by the shooting.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Were you ever in a saloon in Brownsville?—A. Yes, sir.

Q. Any white people in the saloon when you were in it?—A. No, sir.

Q. Was it a Mexican saloon?—A. No, sir; it was a fellow that got discharged out of B Company that was running the saloon.

*Private Sam M. Battle, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. I was on guard, sir; up to the guardhouse.

Q. Asleep or awake?—A. Asleep, sir.

Q. Who woke you up?—A. The sergeant of the guard; Sergeant Reid, of Company B, sir.

Q. Was that before the alarm sounded on the trumpet?—A. Yes, sir; he woke me up before the sound to arms, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; never had any trouble at all, sir.

Q. Were you ever in a saloon kept by a white man?—A. No, sir.

*Private Wesley Mapp, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—A. In the baker shop.

Q. The shooting wake you up?—A. No, sir.

Q. Were you awake when it commenced?—A. No, sir; I was not.

Q. When did you first hear about the shooting?—A. Corporal Harris, of B Company, came down and woke me up; can't tell the hour.

Q. When you woke up who did you see?—A. No one but Corporal Harris and a man that was in the shop with me, Private John Brown.

Q. Did you ever go into a saloon?—A. No, sir; only John Holloman's; colored soldier that was discharged.

*Private Barney Harris, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. I was at Fort Brown, Tex.

Q. State what part of Fort Brown.—A. In the quarters asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever hear of anybody being abused in Brownsville?—

A. I heard of a little trouble that some of the soldiers had. I do not know their names.

Q. Were you ever in a saloon in Brownsville?—A. No, sir.

*Private Richard Crooks, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. I was in my bunk in my barracks.

Q. Awake or asleep?—A. Asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Were you ever in a barroom in Brownsville?—A. Yes, sir.

Q. Who was proprietor?—A. I do not know, sir; it was some Mexican.

Q. Ever in a white man's saloon?—A. No, sir.

*Private Henry Robinson, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. In my bed, sir; in the barracks.

Q. Awake or asleep?—A. Asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; I didn't have any trouble.

Q. Were you ever in a saloon in Brownsville kept by a white man?—A. No, sir.

*Private Benjamin F. Johnson, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Fort Brown?—A. I was on No. 1 post.

Q. When did you go on?—A. Ten o'clock.

Q. Is your post such that you can see the door of the guardhouse all the time?—A. Yes, sir; right along in front of the guardhouse.

Q. When you were posted did you see Sergeant Reid, sergeant of the guard?—A. Yes, sir; he was at the guardhouse.

Q. Did he leave the guardhouse while you were on post?—A. When the shooting commenced he was taking patrol and went out.

Q. From the time that you were posted until the shooting commenced, did Sergeant Reid leave the guardhouse?—A. No, sir; after the shooting commenced.

Q. While you were on post and before the shooting commenced, did anybody leave the guardhouse?—A. When they sent the patrol out to bring in men on post.

Q. How long before the shooting commenced did that patrol return?—A. I do not know exactly what time they left or what time the patrol came in.

Q. After you were posted and before the shooting commenced, did anybody come to the guardhouse?—A. I didn't see anyone come to the guardhouse.

Q. You heard the first shot, did you not?—A. Yes, sir.

Q. The first time how many shots were there?—A. It seemed like there were about six or seven.

Q. When the shooting first commenced how many shots did you hear?—A. About six or seven.

Q. Did you hear one shot singly to begin with?—A. No, sir; about six or seven shots.

Q. All right together?—A. Yes, sir.

Q. What did you do when you heard the first shot?—A. I gave the alarm; called for the sergeant of the guard.

Q. Who came out when you called?—A. I do not remember who it was.

Q. You don't remember who the corporal was?—A. No, sir.

Q. Do you remember that it was a corporal?—A. Yes, sir.

Q. You can't remember which corporal it was?—A. No, sir.

Q. When did you first see Sergeant Reid after you gave the alarm?—A. When the guard was turned out; he formed the guard.

Q. Who was the corporal of your relief?—A. I disremember who the corporal of my relief was.

Q. Did the officer of the day visit the guard while you were on post?—A. No, sir.

Q. What corporal posted you?—A. I disremember who the corporal of the guard was.

Q. Did you see the scavenger while you were on post No. 1?—A. There was some man came up; I do not know who he was; I called the corporal of the guard; he went on back. I do not know who he was.

Q. What corporal came when you called the corporal of the guard when the scavenger or other person came up?—A. The corporal of of my relief; I disremember who he was.

Q. Who was sergeant of the guard?—A. Sergeant Reid.

Q. What corporals were on guard?—A. I do not know, sir.

*Artificer George Newton, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. I was in my bed asleep, in quarters; in barracks.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Have you ever been in a saloon in Brownsville?—A. I went in a Mexican's place there.

Q. Ever in a white man's saloon?—A. The first night I got there I was in one, the name of Mr. Taylor, I believe; some of the 'Twenty-sixth fellows carried me in there and gave me a glass of beer.

Q. White men in the saloon?—A. Yes, sir. He invited us back. I never had opportunity; was a carpenter.

Q. Did they have a separate bar for colored men in the saloon?—A. Yes, sir.

Q. Did you object to that?—A. No, sir.

Q. How long have you been in the service?—A. When I complete this enlistment I will be started on my tenth year. There was nothing said about these three fellows of the 'Twenty-sixth taking me in and giving me a drink. The gentleman took me out to a place where he was going to open a restaurant for our boys—for colored men.

Q. Did you object to that?—A. No, sir; because in place where I was raised they have them that way; kind of garden like in rear of building.

Q. Did you ever talk with any of the men on the subject of having a separate bar?—A. No, sir; I did not have but a very little said

to me anyway. Went to a drug store to get some pills, I believe it was, and to get some writing-paper tablet. Wanted to know where we were from, and I told him; he said, "You boys is the nicest set of boys I ever met. We have learned from the boys of the Twenty-sixth that you were going to be awfully rough here. You are the nicest set of fellows I ever met."

Q. Did you buy anything at this drug store?—A. I bought some pills and a tablet, I believe it was.

Q. Did they object to selling to you?—A. No, sir. The first drug store I went to I walked in, and nobody said anything to me. Some gentlemen in there talking. I stood around for a few minutes; nobody said anything; didn't ask me what I wanted or anything, so I walked out. They didn't say anything to me nor did I to them.

*Musician Joseph Jones, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. I was in my bed in the quarters.

Q. Asleep or awake?—A. Asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Have you ever been in a barroom in Brownsville?—A. No, sir.

*Private Alonzo Haley, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. In the quartermaster corral, sir.

Q. Awake or asleep?—A. I was awake at the time the trouble commenced.

Q. Who was with you?—A. There were three other soldiers and three civilian teamsters. Private Williams, Company B; Private Johnson, C Company; Private John Henry, D Company.

Q. Were they awake or asleep?—A. They were asleep, sir.

Q. Do you know Elmer Brockon, B Company?—A. I do not.

Q. Who were the three teamsters?—A. I disremember their names; a couple of them were Mexicans; I do not remember the civilians' names.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir.

Q. Who were the other teamsters in the corral besides these that you have named?—A. One other soldier teamster out of C Company; I disremember his name.

Q. Any from D Company?—A. Private Williams, from B Company.

Q. Where was he?—A. He was in the corral; teamster, quartermaster's.

*Musician Hoyt Robinson, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. I was on guard.

Q. Just state where you were at this particular time?—A. I was in the guardhouse, asleep.

Q. Who woke you up?—A. A member of the guard.



Q. Can't you remember who?—A. I did not know the name of the guard.

Q. What noncommissioned officer did you see as soon as you woke up?—A. Sergeant Reid, Company B; Corporal Wheeler, Company D. Those were the only two.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Have you ever been in a saloon in Brownsville kept by a white man?—A. No, sir.

*Private John Green, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when firing commenced?—A. In my bunk; my bunk was in the barracks.

Q. Awake or asleep?—A. Asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; never abused me.

Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir; never went into any saloon down there at all. Went into eating shop but no white saloon.

Q. Who kept the eating house, a white man?—A. No, sir; it was a Mexican.

Q. How did the Mexicans treat the soldiers?—A. They treated us fine, very well. All of them treated me all right.

*Private George W. Hall, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In bed, sir; in quarters.

Q. Asleep or awake?—A. Asleep, sir.

Q. Anybody ever mistreat you in Brownsville?—A. No, sir.

Q. Were you ever in a saloon kept by a white man in Brownsville?—A. No, sir.

Q. Why didn't you go? Wouldn't they allow you in there?—A. No, sir; I wasn't allowed in there. That is, I heard.

Q. Do you object to having separate bar for soldiers of the Twenty-fifth Infantry?—A. No, sir; I do not object at all.

Q. If you do not object, would you rather have it that way?—A. It would suit me, sir; wouldn't care to object; it suits me.

Q. Which way would you prefer?—A. I don't know which way I would prefer to have it; I don't care.

*Private John R. Jones, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In my bunk, asleep; bunk was in the barracks of Company D.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever go to a saloon kept by a white man in Brownsville?—A. No, sir.

Q. Why not?—A. I didn't feel like going.

Q. Did you ever hear that they wouldn't let you in?—A. Yes, sir; I heard it.

Q. Did you go to Mexican saloons?—A. No, sir.

Q. Go to Holloway's saloon?—A. Yes, sir.

Q. Was Holloway's saloon kept for soldiers of the Twenty-fifth Infantry alone?—A. No, sir; anyone that wished to go.

*Private Joseph Shanks, Company D, Twenty-fifth Infantry.*

- Q. Where were you on August 13 when the shooting commenced?—  
 A. I was in quarters; barracks.  
 Q. Awake or asleep?—A. Asleep, sir.  
 Q. Were you ever abused in Brownsville?—A. No, sir.  
 Q. Did you ever hear of anybody being abused in Brownsville?—A. No, sir.  
 Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir.  
 Q. Why not?—A. Had no occasion to go in, sir.

*Private Charles Jones, Company D, Twenty-fifth Infantry.*

- Q. Where were you on August 13 when the shooting commenced?—  
 A. Fort Brown, Tex.; in barracks.  
 Q. Awake or asleep?—A. Asleep, sir.  
 Q. Were you ever abused in Brownsville?—A. No, sir.  
 Q. Did you ever go to a saloon kept by a white man?—A. No, sir.  
 Q. Why not?—A. Because when I got down there I heard they didn't allow us in there, and I didn't visit them. Visited Mexican saloon there, sir.  
 Q. How did the Mexicans treat the Twenty-fifth Infantry soldiers?—A. All right; I wouldn't want to be treated any better by any nation at all.  
 Q. Did you ever hear of anybody being abused in Brownsville?—A. Yes, sir; Private Newton, C Company, and Private Reed, C Company.  
 Q. Anybody else?—A. A man spoke about making a man get off the street; Jefferson, I think, of C Company.  
 Q. Anybody else?—A. No, sir.

*Private Walter Johnson, Company D, Twenty-fifth Infantry.*

- Q. Where were you on August 13 when firing commenced?—A. Over across the river in Mexico on orderly pass.  
 Q. When did you return to the United States?—A. I got back between 2 and 3 o'clock in the morning.  
 Q. How did the Mexicans treat you over in Mexico?—A. Treated me pretty nice.  
 Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir.  
 Q. Why not?—A. I don't indulge.

*Private Robert L. Rogan, Company D, Twenty-fifth Infantry.*

- Q. Where were you on August 13, 1906, when the firing commenced?—A. On August 13, about 12 o'clock, was laying in my bed; was awakened by the men running around the quarters.  
 Q. Anybody ever abuse you in Brownsville?—A. No, sir.  
 Q. Do anything you didn't like?—A. No, sir; I never go around much any way.  
 Q. Anybody ever call you names in Brownsville?—A. No, sir; never been out to have any names called to me.  
 Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. Don't drink at all, sir.

*Private Henry H. Davis, Company D, Twenty-fifth Infantry.*

- Q. Where were you on August 13 when the shooting commenced?—  
A. I was in my quarters.
- Q. Awake or asleep?—A. Asleep.
- Q. Have you ever been abused in Brownsville?—A. No, sir.
- Q. Heard of anybody being abused in Brownsville?—A. Yes, sir; heard of some soldiers being abused.
- Q. Who?—A. Private Newton, Company C.
- Q. Anybody else?—A. Yes, sir; Private Reed, of Company C. That is all I have heard of.
- Q. Have you ever been in a saloon in Brownsville kept by a white man?—A. No, sir.
- Q. Why not?—A. Understood we were not allowed.
- Q. Ever in a saloon kept by a Mexican?—A. Yes, sir.
- Q. How did they treat you?—A. They treated me very nicely.
- Q. Did you feel aggrieved because you couldn't go in a saloon kept by a white man?—A. No, sir.
- Q. Did you hear of any soldiers that objected to a separate bar for colored soldiers and white people?—A. No, sir; I didn't hear of any.
- Q. Would you go to such a place if there was one?—A. No, sir; I wouldn't go there.
- Q. Then you would object to a place that had two bar rooms—one for colored people and one for white people?—A. It doesn't make any difference. I don't drink any way. Most any place would do.

*Private John Slow, Company D, Twenty-fifth Infantry.*

- Q. Where were you on August 13 when shooting commenced?—A. I was at quarters, asleep.
- Q. Anybody ever abuse you in Brownsville?—A. No, sir.
- Q. Did you ever hear of anybody who had been abused in Brownsville?—A. I heard about a man being struck there.
- Q. Who was the man?—A. I think he belonged to C Company.
- Q. Did you ever visit a saloon kept by a white man?—A. No, sir; I went to a saloon a Mexican kept close by the depot once.
- Q. How did the Mexicans treat you?—A. All right, sir.
- Q. How many Mexicans did you know down there?—A. I did not know any, sir.
- Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir.
- Q. Why not?—A. I never went out much at all; I went out there once when I went to a Mexican saloon.

*Private John A. Jackson, Company D, Twenty-fifth Infantry.*

- Q. Where were you on August 13 when the firing commenced?—A. In post, sir; D Company barracks.
- Q. Awake or asleep?—A. Asleep.
- Q. Were you ever abused in Brownsville?—A. No, sir.
- Q. Did you ever go to a barroom kept by a white man?—A. No, sir.
- Q. Why not?—A. I heard the other soldiers talking about it. Heard the other soldiers say we were not allowed around. Went in two saloons in Brownsville; one was a Mexican, one a colored fellow's.
- Q. How did the Mexicans treat you?—A. Treated me nicely.

Q. Did you ever hear of anybody being abused in Brownsville?—A. Yes, sir; talked around there amongst some of the soldiers.

Q. Name some reported abused.—A. Newton, of C Company.

Q. Who else?—A. Never could find out the other one's name; told me some soldier got throwed off boat down by the wharf. Don't know who he was.

*Private Edward Robinson, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—A. In quarters, sir.

Q. State whether you were awake or asleep.—A. Asleep.

Q. Ever been abused in Brownsville?—A. No, sir; not in particular.

Q. Were you ever mistreated in any way in Brownsville?—A. No, sir.

Q. Anybody ever call you names?—A. No, sir.

Q. Ever in a barroom in Brownsville?—A. No, sir.

Q. Don't you drink?—A. Yes, sir.

*Cook Charles Dade, Company D, Twenty-fifth Infantry.*

Q. How long have you been in the service?—A. Nearly twenty-two years, sir.

Q. Where were you on August 13 when the shooting commenced?—A. In Brownsville. Just outside the wall with my family.

Q. By authority?—A. Yes, sir.

Q. Awake or asleep?—A. Asleep.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Your family ever been abused?—A. No, sir.

Q. How did the Mexicans there treat you?—A. Well, they treated me all right. I have no fault to find with the Mexicans at all.

Q. Did you ever go in a barroom or saloon in Brownsville?—A. Two I have been in.

Q. Kept by white men?—A. Think they were white, but kept by Mexican bartenders.

Q. Any white people in the saloon when you were there?—A. There were two in one saloon.

Q. Did they say anything to you?—A. No, sir.

*Private Len Reeves, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—A. I was up in quarters in bed.

Q. State whether you were awake or asleep.—A. I was asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir.

Q. Why not?—A. Just heard that they wouldn't allow them; never would go around.

Q. Did you go in a Mexican saloon?—A. Yes; one.

Q. Did you feel angry because you couldn't go in the other saloons?—A. No, sir.

Q. Did you ever hear of any man being abused in Brownsville?—

A. Heard there was a fellow shoved overboard by some revenue officer down there; another fellow struck in the head there, and he said some revenue officer did that.

Q. Any more?—A. No, sir.

*Musician Henry Jimerson, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting in Brownsville commenced?—A. In quarters, sir.

Q. Awake or asleep?—A. Asleep.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Were you ever in a saloon in Brownsville?—A. No, sir; I never was.

*Private William M. Matthews, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. In quarters, sir.

Q. Awake or asleep?—A. Asleep, sir.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Were you ever in a saloon in Brownsville?—A. Once, sir; called the depot saloon—Mexican saloon.

*Private George W. Perkins, Company C, Twenty-fifth Infantry.*

Q. How long have you been in the service?—A. Eight years.

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In Brownsville; in quarters, in bed.

Q. Awake or asleep?—A. Asleep at the time.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Have you ever been in a saloon in Brownsville kept by a white man?—A. Once I started in there and turned back. A Mexican told me not to go in those saloons because they wouldn't serve me, so I turned back and wouldn't go in. On one occasion I was down town unloading freight, stopped in; otherwise haven't been in.

Q. Ever been in a Mexican saloon?—A. No, sir.

*Private John Butler, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—A. In quarters; in bed.

Q. Were you ever abused in Brownsville?—A. No, sir; I went out but very little while there; there only a short time.

Q. Were you ever in a saloon kept by a white man?—A. No, sir; I wasn't in but one saloon while there; it was a Mexican saloon.

Q. Did you ever hear of any men being abused in any way in Brownsville?—A. No, sir; not as I knows of. I didn't hear of any. Heard of a man getting hit there and was reported to the commanding officer; was the only case.

*Private Edward Jordan, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—A. At the quarters.

Q. Awake or asleep?—A. Asleep.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Ever go in a barroom in Brownsville kept by a white man?—A. Went to a Mexican saloon once there.

*Private Henry Barclay, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when firing commenced in Brownsville?—A. Up in quarters.

Q. Awake or asleep?—A. Asleep.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Ever hear of anybody being abused in Brownsville?—A. Heard of one soldier; heard two soldiers say a soldier by the name of Newton, C Company.

Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir; only went into one saloon a soldier put up there.

Q. Why didn't you go into a saloon kept by a white man?—A. Why, before I got there, heard some fellows say that we couldn't go in white saloons there.

*Private Edward Wickersham, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in quarters.

Q. Awake or asleep?—A. I was asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; I didn't give them any chance. Stayed around quarters all the time.

Q. Were you ever in a saloon in Brownsville?—A. Yes, sir; in a Mexican saloon and colored saloon there.

Q. Why didn't you go into a saloon kept by a white man?—A. I had never been in that part of the country only when soldiering; reason I didn't go—said I wasn't wanted in there, so didn't go.

Q. Were you content with the Mexican and colored saloons?—A. Yes, sir.

*Private Alfred N. Williams, Company B, Twenty-fifth Infantry.*

Q. Where [were] you on August 13 when the shooting commenced?—A. Asleep in the corral at Fort Brown, Tex.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; not while I was there.

Q. Ever hear of any men being abused while in Brownsville?—A. I heard one man in C Company got hit over the head with a six-shooter; Private Newton, Company C, and also a man by the name of Private Reed, Company C. Heard that he was shoved overboard there.

Q. Anybody else?—A. Another man had a little trouble there; forget his name. Man in D Company had a little trouble; forget his name, though.

Q. Were you ever abused in Brownsville?—A. No, sir; I never was.

Q. Did you ever visit a saloon kept by a white man in Brownsville?—A. Never but once; went in there, was refused, and walked out. Was refused to drink at front part of the bar, so walked out.

Q. Could you go around to the other part of the bar?—A. Could go around and get one.

Q. You objected to that?—A. Yes, sir; I objected.

Q. Did you ever go into a Mexican saloon?—A. No, sir; never did go in a Mexican saloon.

*Private John Brown, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—

A. In the baker shop, asleep.

Q. Have you ever been abused in Brownsville?—A. No, sir.

*Private William R. Jones, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—

A. In Fort Brown, sir.

Q. Whereabouts?—A. Asleep, when the shooting commenced.

Q. Where?—A. In my bunk; sleeping in my quarters.

Q. Were you ever abused in Brownsville?—A. No, sir.

*Private Frank Bunsler, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In the guardhouse at Brownsville.

*Private Elmer Brown, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. In the corral, sir.

Q. Awake or asleep?—A. Asleep.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Ever been in a saloon kept by a white man in Brownsville?—A. Yes, sir.

Q. Did they serve you drinks there?—A. Yes, sir; I got drinks there. I never was in only Mr. Parshell's.

Q. Did you drink at the same bar where white people drank?—A. Yes, sir.

Q. Have any trouble in that saloon?—A. No, sir; about the nicest one in town.

Q. Have you ever been abused by anybody in Brownsville?—A. No, sir.

Q. Did you ever hear of anybody's being abused?—A. I heard of some soldiers being mistreated there.

Q. Give their names.—A. One was Private Reed, of Company C; the other—I can not think of his name.

Q. How did the Mexicans treat you?—A. I was treated very nicely by everybody around there, sir.

*Private William Smith, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In quarters, asleep.

Q. Were you ever mistreated in Brownsville?—A. No, sir.

Q. Ever been in a saloon in Brownsville kept by a white man?—A. No, sir.

*Private Henry W. Arvin, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. In my bunk, sir; Fort Brown, in quarters.

Q. Were you ever abused in Brownsville?—A. No, sir; I was not.

Q. Were you ever in a saloon in Brownsville kept by a white man?—A. No, sir.

Q. Why not?—A. Heard they didn't allow us in there. Wanted us to go in back. I never associated with them.

Q. You objected to going into the back part, then?—A. Yes, sir.

*Private Robert L. Collier, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. I was on guard that night, sir. Was at the closet at the guardhouse. Closet was at the rear of the guardhouse on outside.

Q. Did you have to go out of the front door of the guardhouse to get to the rear?—A. No, sir; didn't have to go out the front door.

Q. Is the closet, then, a part of the guardhouse?—A. No, sir.

Q. Is it connected with the guardhouse?—A. No, sir; it is on the outside.

Q. How did you get out of the guardhouse to go to the rear?—A. Went out the back door of the guardhouse.

Q. Did you see No. 1 when you went to the rear?—A. No, sir; can't see No. 1 from the rear.

Q. People can go in and out of the guardhouse without No. 1 knowing it, can they?—A. Yes, sir; they can go in and come out without No. 1 knowing it.

Q. You were in rear when firing commenced, were you?—A. Yes, sir; I just came off post.

Q. Did you call for relief to go off post?—A. No, sir; it had come my time to be relieved off post.

Q. Did you return immediately to the guardhouse when you heard firing?—A. Yes, sir; taken up double time.

Q. Who did you see in the guardhouse when you entered?—A. The ones I saw when I got there were the men that were on guard.

Q. What sergeant? Did you see a sergeant?—A. Yes, sir; Sergeant Reid.

Q. Did you see any corporals?—Yes, sir; corporals were there.

Q. Who were they? A. I don't remember the corporals' names.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Ever been in a saloon in Brownsville?—A. No, sir.

Q. Have you ever heard of any men of the Twenty-fifth Infantry being abused in Brownsville?—A. One got knocked down; one got pushed overboard in the river.

Q. Any more?—A. Not any more.

*Private Henry Odom, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced at Brownsville?—A. Asleep, sir; in barracks.

Q. Who did you first see when you woke up?—A. I got up and put on my trousers and ran down, met the major; first I saw.

Q. Have you ever been abused in Brownsville?—A. No, sir.



Q. Have you ever been in a barroom kept by a white man?—A. No, sir.

Q. Why not?—A. Because I very seldom went down town, sir.

*Private Leroy Horn, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. Laying in bed, asleep, sir. Bed on side of house next to town, in barracks.

Q. Were you ever abused in Brownsville?—A. No, sir.

*Private Solomon Johnson, Company B, Twenty-fifth Infantry.*

Q. On August 13, 1906, where were you when shooting commenced?—A. In quarters, sir; in barracks, in bed.

Q. Asleep or awake?—A. Asleep.

Q. Were you ever abused in Brownsville?—A. No, sir; I wasn't.

Q. Were you ever in a saloon in Brownsville kept by a white man?—A. No, sir.

Q. Why not?—A. It was said partition had been put between white and colored, so I never went down there.

*Private William Anderson, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. In my bed, asleep; in barracks when shooting begun. When I woke up shooting was going on; shooting and call to arms woke me up together.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; never had any trouble any time with anyone.

Q. Did you ever hear of anyone having trouble? If so, state who.—A. I heard of Private Reed, C Company, and Newton, C Company, so I heard say; I don't know, though.

Q. Anybody else?—A. No, sir.

*Private John B. Anderson, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when firing commenced?—A. In my bunk in quarters, sir; asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Who was the first man you saw when you awoke?—A. A man that sleeps right side of me. William Anderson bunks right side of me.

*Private William Brown, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In bed, sir, in quarters; in Brownsville.

Q. Were you in Brownsville or Fort Brown?—A. Fort Brown.

Q. Are you sure it was Fort Brown?—A. Yes, sir.

Q. Why did you say Brownsville?—A. Because that was where we were stationed at, Brownsville, wasn't it?

Q. Were you stationed at Fort Brown or in Brownsville?—A. But we always spoke of it as Brownsville.

Q. Were you asleep or awake?—A. I was asleep.

Q. Who was the first person you saw when you awoke?—A. When I first awoke I heard some one calling, "Blow; blow the call."

Q. Who was the first person you saw when you awoke?—A. When I first got out of bed, Sergeant Jackson coming with a small piece of candle in his hand.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever hear of anybody being abused in Brownsville?—A. I heard of two men, sir.

Q. Name them.—A. Newton; I heard he got knocked in the head with a six-shooter. I heard that Reed, of C Company, was pushed off of a boat.

Q. Did you ever hear of anybody else being abused?—A. No, sir.

*Private William J. Carlton, Company B, Twenty-fifth Infantry.*

Q. Where were you when the shooting commenced, August 13, 1906?—A. Fort Brown, Tex.

Q. Where?—A. In quarters.

Q. Asleep or awake?—A. Asleep, sir.

Q. Were you ever mistreated in Brownsville?—A. No, sir.

Q. Have you ever been in a saloon in Brownsville kept by a white man?—A. Yes, sir; the first night we arrived there.

Q. Did they serve you drinks?—A. No, sir.

Q. Did they refuse to serve you drinks?—A. Refused to serve drinks at Fort Brown, and I came out of the saloon. I never had occasion to go in the rest of them while I stayed there.

*Private James Allen, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. I was in bed asleep, sir; in company quarters.

Q. Who was the first person you saw after you woke up?—A. I do not remember; everybody was stirred up.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Were you ever refused a drink in any bar in Brownsville?—A. No, sir; never did go into a barroom.

*Private Harry Carmichael, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. Fort Brown, Tex.; in quarters, in bed asleep, sir.

Q. Were you ever abused by civilians in Brownsville?—A. No, sir.

Q. Did you ever hear of any soldiers being abused in Brownsville?—A. Yes, sir; I heard of two men of C Company.

Q. Give their names?—A. One Reed and Newton; I think.

Q. Any others?—A. No, sir.

*Private George Conn, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. Asleep in my bunk, sir.

Q. Whereabouts?—A. Second floor, Company B quarters. Had pulled my bunk so as to catch the air and had my head toward the window; very near the window.

Q. Who was the first man you saw after you woke up?—A. The first man I saw was the noncommissioned officer in charge of quarters that I can remember.

Q. His name?—A. Sergeant Jackson.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Did you hear of any soldier being abused in Brownsville?—A. I heard of several instances; yes, sir.

Q. Give their names.—A. Private Newton, C Company; Private Reed, C Company; Private Gill had some trouble, D Company. That is all that I can remember, sir.

Q. Were you ever in a barroom kept by a white man in Brownsville?—A. No, sir.

*Corporal Franklin, B Company (recalled).*

Q. Corporal, in the guardhouse at Fort Brown, how many doors are there open outdoors?—A. There are two, sir; one into the prison cells.

Q. You can enter the guardhouse from outside by how many doors?—A. Two doors.

Q. Where are they—what part of the guardhouse—front or rear?—A. Kind of sally ports through the building.

Q. What is on one side of the sally port and what is on the other side of the sally port?—A. The guardroom is on one side and sergeant of the guard's room on the other.

Q. Where are the prison rooms and cells?—A. In the rear.

Q. If you close up the front entrance of the sally port, if you close that up, can you then get out of the guardhouse by any other way?—A. Yes, sir.

Q. What way?—A. You can get out between the guardroom and the prison room and between the sergeant of the guard's room and prison room. Space between each one of them.

Q. Where does No. 1 walk?—A. He walks in front of the guardhouse.

Q. Ever go around the guardhouse?—A. Yes, sir.

Q. If you are in the sally port you can walk out through the front, can you not?—A. Yes, sir.

Q. Or you can walk out through the rear?—A. Yes, sir; between the prison room and sergeant of the guard and between the prison room and the guardroom.

*Corporal Wheeler, D Company (recalled).*

Q. Do you remember the guardhouse at Fort Brown?—A. Yes, sir.

Q. How many entrances are there to that guardhouse from the outside?—A. Three, sir.

Q. How do you designate them? Name them so as to distinguish them when you are on guard.—A. I would call the front one entrance—big arch doorway there.

Q. Where are the other two entrances?—A. The others come in on either side, sir.

Q. Where are the rears—first the one used for the guard?—A. I am not very well acquainted; the rear is on the left of the side of rear corner of the guardhouse.

Q. Where does it open from?—A. Outdoors.

Q. Where do the prisoners go?—A. They all use the same rear; are taken with sentry to that rear.

*Private Thomas Jefferson, C Company (recalled).*

Q. Did you ever have any trouble with civilians in Brownsville?—

A. No, sir.

Q. No trouble whatever?—A. No, sir; no trouble whatever.

Q. No disagreement of any kind?—A. No, sir; I haven't.

*Private John Cook, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. In quarters, asleep, sir.

Q. Have you ever been abused by civilians in Brownsville?—  
A. No, sir.

Q. Have you ever heard of any soldiers of the Twenty-fifth Infantry being abused by people in Brownsville?—A. Two soldiers of C Company; I heard one got hit and one thrown into the river.

*Private Charles Cooper, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the firing commenced at Brownsville?—A. In barracks, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Have you ever been in a saloon in Brownsville kept by a white man?—A. No, sir.

*Private Boyd Conyers, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced in Brownsville?—A. On guard, asleep; on guard. Had been relieved about half an hour.

Q. Who did you see when you woke up?—A. I was awakened by several voices. Everybody was in a stir getting out. I got up and fell in line with the rest of the guard, and then I was posted at the back end of the guardhouse to watch the back end of the guardhouse.

Q. When you first fell in, how many men were there in ranks?—  
A. I do not remember.

Q. Was there one or twenty?—A. As many as six—about six.

Q. What noncommissioned officer did you see?—A. Sergeant Reid, commander of the guard. He posted me at the rear end of the guardhouse.

Q. Is the guardhouse all one building?—A. No, sir; where the prisoners stay is kind of light like between that and where the guard stays. It is all connected together, I think, but am not positive. Kind of light separates where are the prison cells and the front part of the guard.

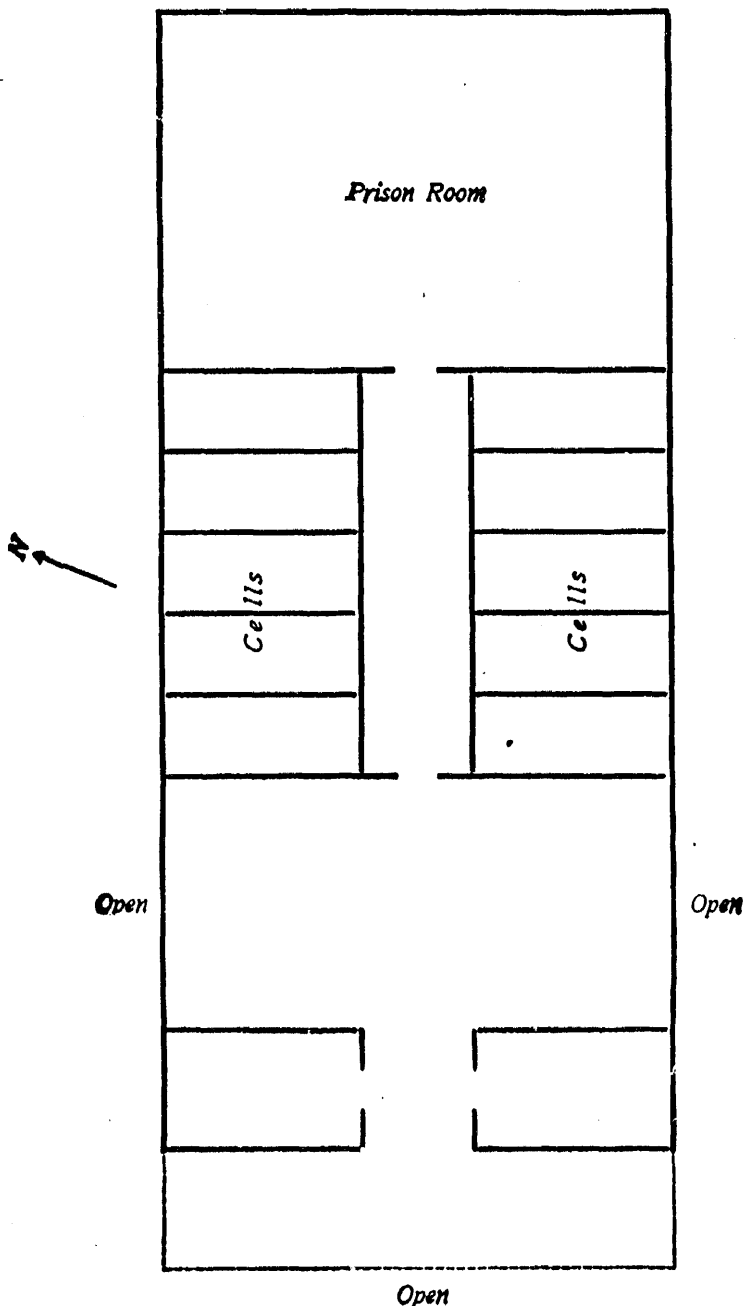
Q. In front, then, of the prison room and cells what do you find? Is there a room in front of them?—A. Yes, sir; two rooms in front of prison cells; prison cells back of front part of building. There is a

room on one side and a room on the other side—room for noncommissioned officers and room for privates to sleep off relief.

Q. In front of the guardhouse?—A. Yes, sir.

Q. What is immediately in rear of these two rooms?—A. The rooms back there where the prisoners stay.

No. 1.



Q. Is there anything between the rooms occupied by the guard privates and noncommissioned officers and the place where the prisoners stay?—A. No, sir; nothing between them.

Q. No open space?—A. Yes, sir; open space, but no building.

Q. Does this resemble the guardhouse (shown diagram No. 1)?—  
A. With that open there on each side; yes, sir.

*Private Caroline Desaussure, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Fort Brown?—A. On guard, sir, at the guardhouse.

Q. Awake or asleep?—A. Asleep, sir.

Q. When you first woke up what noncommissioned officer did you see?—A. Sergeant Reid, commander of the guard, B Company.

Q. Any corporals?—A. Yes, sir; corporals there; Corporal Burdett, of B Company.

Q. Any others?—A. Yes, sir; two others; I didn't see them at the time. The sergeant sent me right away from the guardhouse.

Q. Does this represent the guardhouse (shown diagram No. 1)?—A. Yes, sir.

*Private Lawrence Daniels, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. Fort Brown, Tex., on guard, sir.

Q. Awake or asleep?—A. Asleep when the shooting commenced.

Q. When you woke up what noncommissioned officer did you first see?—A. First noncommissioned officer was Sergeant Reid.

Q. Did you see him as soon as you woke up?—A. Yes, sir.

Q. Do you remember how the guardhouse looked at Fort Brown?—A. Yes, sir.

Q. Does this represent the guardhouse (shown diagram No. 1)?—A. Yes, sir.

Q. Were you ever abused in Brownsville?—A. No, sir.

*Private William Harden, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. On August 13, 1906, in hospital, east ward, at Fort Brown.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Have you ever had any trouble of any kind in Brownsville?—A. No, sir; in hospital all the time except four or five days; went to hospital few days after went there and stayed until we left.

*Private August Williams, C Company (recalled).*

Q. Were you ever abused by any man in Brownsville?—A. No, sir,

Q. Ever have the slightest trouble with anybody in Brownsville?—A. No, sir.

Q. Were you ever out walking with McGuire and Harden?—A. Yes, sir; I was.

Q. Did you have any trouble while you were with them?—A. No, sir; I didn't.

Q. Did they have any trouble?—A. McGuire and us were walking down the street; McGuire was on the outside and passed along by a white fellow. I guess he kind of pushed up against him; I wasn't paying any attention. He calls this boy a "black son of a bitch."

Q. McGuire didn't call him any names?—A. No, sir; didn't call him any names at all.

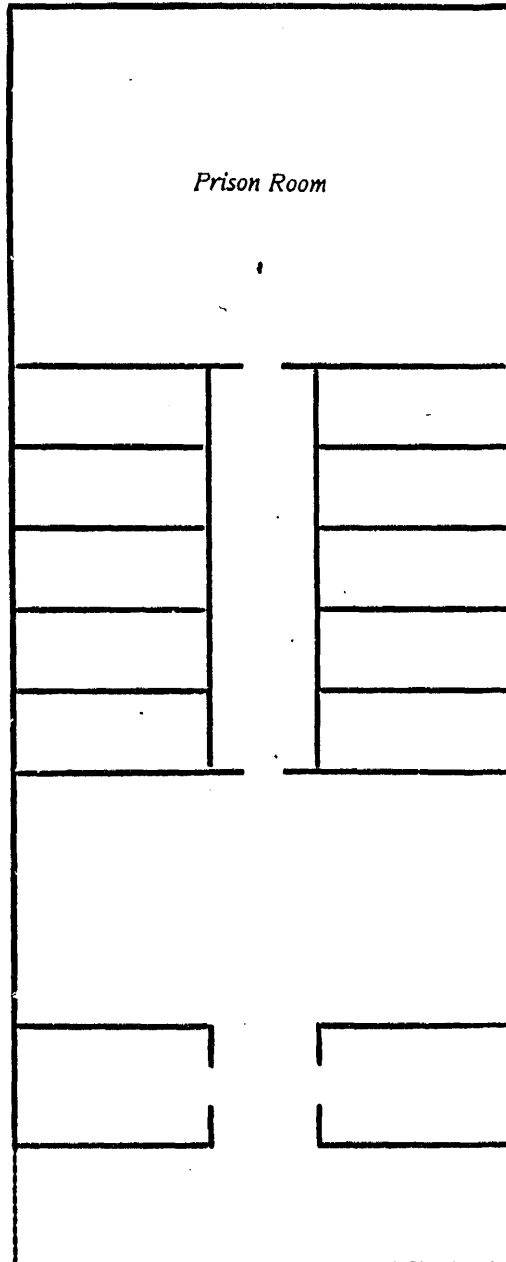
Q. Didn't call you anything, did he?—A. No, sir; didn't call me anything.

*Private Shepherd Glenn, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. In my bunk, in quarters, asleep.

Q. Have you ever been abused in Brownsville?—A. No, sir.

No. 2.



Q. You ever been in a barroom kept by a white man?—A. No, sir; never in any saloon at all down there.

*Private Isaac Goolsby, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. In quarters, asleep.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Were you ever in a saloon kept by a white man?—A. No, sir.

Q. Why not?—A. Heard they didn't allow us and didn't go there.

*Lieutenant Grier, Twenty-fifth Infantry (recalled).*

Q. Does this represent the guardhouse (shown diagram No. 1)?—

A. Yes, sir; except there is a wall in the two side spaces marked open; are not open, but closed with a wall about 12 feet high, to the best of my knowledge and belief.

Q. Does this represent the guardhouse correctly (shown diagram No. 2)?—A. Yes, sir; it does.

*Private McGuire, C Company (recalled).*

Q. Were you ever abused by anybody in Brownsville?—A. Me and Private Williams and Private Harden were walking out one evening and a civilian came along. I was on the outside and he wanted to go between us and I just closed in to the right and let him go on the outside. When he got off apiece, turned around, and said: "You black son of a bitch; don't you know this is a white man's town?" We didn't say anything; we just turned and went on.

*Private William Harden, B Company (recalled).*

Q. Were you ever abused by anyone in Brownsville?—A. No, sir; I was down town one night before I went to the hospital, with McGuire and August Williams, the other man's name. All three walking the street. This man McGuire was on the outside, next to the road. We met a young white gentleman and their shoulders kind of touched one another and he turned around and cursed this man McGuire for a "black son of a bitch," and told him that this was a white man's town, and when he met him he wanted to get out in the street. That was all between the two men; we proceeded on back to the post. Next morning I went to the hospital.

*Private Charley Hairston, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. Fort Brown, Tex.; on guard.

Q. What was the number of your post?—A. No. 3, around officers' quarters.

Q. Could you see anything over in the vicinity of the guardhouse?—A. No, sir.

*Private James Johnson, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In my bed.

Q. Where was your bed?—A. Fort Brown.

Q. In quarters or out of quarters?—A. In quarters, sir.

Q. Awake or asleep?—A. I was asleep when the trouble started.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Did you ever hear of anybody being abused in Brownsville? If so, mention their names.—A. No, sir.



*Private Frank Jones, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. In my bunk, sir.

Q. Where was that?—A. Fort Brown.

Q. What part of Fort Brown?—A. Barracks.

Q. Awake or asleep?—A. Asleep, sir, when firing commenced.

Q. Were you ever abused in Fort Brown?—A. No, sir.

Q. Did you ever hear of anybody being abused in Fort Brown?—A. Yes, sir.

Q. Give the names of the people abused.—A. One man was Private Newton; I can't remember the other names.

*Private Henry Jones, Company B, Twenty-fifth Infantry.*

Q. Where were you when the shooting commenced?—A. Fort Brown, Tex.

Q. What part of Fort Brown, Tex.?—A. In the barracks, asleep, sir; in bed.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private George Lawson, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. Fort Brown, Tex.; in barracks, asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Willie Lemons, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced in Brownsville?—A. In Fort Brown.

Q. Whereabouts in Fort Brown?—A. In my bunk, asleep.

Q. In barracks?—A. Yes, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever go into a saloon kept by a white man in Brownsville?—A. No, sir.

*Private Samuel McGhee, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. In my quarters, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever go into a saloon kept by a white man in Brownsville?—A. No, sir.

Q. Why not?—A. Because the evening we arrived there I was told when I came off guard that I wasn't wanted in those saloons, and I didn't go into any of them.

Q. Ever go into a Mexican saloon?—A. No, sir.

*Private George W. Mitchell, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. Asleep, sir.

Q. Where?—A. In quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Thomas Taylor, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In bed, asleep; Fort Brown, Tex.

Q. Whereabouts in Fort Brown?—A. In quarters, Fort Brown.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; never went around them.

*Private William Thomas, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced in Brownsville?—A. In my bunk, sir.

Q. Whereabouts?—A. In quarters, B Company.

Q. Who was the first person that you saw after you awoke?—A. I do not know the man that woke me up; they were making noise running around quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Alexander Walker, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In my room, sir; asleep. I was cook at that time for the company.

Q. In barracks?—A. Yes, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Edward Warfield, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the firing commenced?—A. In my bed, in the quarters, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Julius Wilkins, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the firing commenced?—A. Asleep in my bed, in my company quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any way, shape, or manner?—A. No, sir.

*Private Bristol Williams, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced in Brownsville?—A. In quarters, in my bunk.

Q. Awake or asleep?—A. Asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever hear of any soldier being abused in Brownsville?—A. Yes, sir; two men of C Company.

Q. Who were they?—A. Private Newton and Private Reed.

Q. What did they do to them?—A. Newton got hit over the head with a six-shooter; Reed was shoved overboard in the Rio Grande.

Q. Any other men?—A. No, sir; not that I know of.

*Private Joseph L. Wilson, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced in Fort Brown?—A. In company quarters.

Q. Awake or asleep?—A. Asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private James Bailey, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. I was sick in hospital; in post hospital.

*Private Stansberry Roberts, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the firing commenced?—

A. In my quarters, asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Battier Bailey, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the firing commenced?—

A. In my bed, sir.

Q. Where was your bed; in quarters?—A. In quarters; yes, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

[Affidavits.]

Personally appeared before me, the undersigned authority, one Solomon P. O'Neil, a corporal of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he was asleep in his company quarters at Fort Brown, Tex., on the night of August 13-14, 1906, when he was awakened some time in the middle of the night by the sound of a shot, and that right after this shot he heard rapid firing; that it sounded as though noise of the shooting was outside the quarters—in the direction of Brownsville; that he then got up, hearing "call to arms," and went to get his rifle, which was locked up on the gun racks, and not being able to get it went to the window in the direction of the firing and looked out, and could then see the flashes of the guns which were being fired on the outside of the wall and in rear of B Company's quarters; that it was so dark he could not see who was doing this shooting, but could hear someone call out between shots, "Oh, you black sons of bitches;" that he heard about fifty shots, more or less, on this night; that he does not know who did this shooting, nor has he any reason to suspect any particular person or persons of being concerned in it.

And further the deponent saith not.

SOLOMON P. O'NEIL,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me, at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me the undersigned authority, one William Harden, a private of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says as follows:

I was in the post hospital at Fort Brown, Tex., asleep on my bunk, on the night of August 13, 1906, when the shooting took place at that post. The shooting woke me up. I got up and came out on the front porch toward town, with the hospital steward and the other patients. When I got out on the hospital porch I heard a bunch of mounted people galloping along the wire fence from east to west, along the north boundary of

the post. They were coming from the northeast corner of the wire fence. They opened up a fire near where the wire fence joins the wall, in rear of the first set of barracks. They fired a few shots here, I don't know exactly how many, and then rode on along the wall to where most of the firing took place—in rear of B and O Company barracks. Firing ceased soon after call to arms sounded. Some six or seven bullets came over the hospital. We got behind those big brick pillars. The bullets were lead bullets, because they had a coarse hum and did not sing like a steel bullet. It was too dark to see any persons. I knew nothing about any trouble.

And further the deponent saith not.

WILLIAM HARDEN,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me, at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

—Personally appeared before me the undersigned authority, one Charles E. Rudy, an artificer of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says as follows:

That he was asleep on the front porch of his company quarters at Fort Brown, Tex., on the night of August 13-14, 1906, when he was awakened about 12 o'clock by a shot. That this first shot seemed to come from the direction of Brownsville, and that right after that shot a number of shots were fired very rapidly near where the first shot was fired. That he got up and went into the quarters, and that by the time he got inside the quarters "call to arms" had sounded, and he went to the gun rack to get his gun, but he found the gun rack locked and went to the back door and looked out to see if he could see the shooting, and saw the flash of a number of guns which were being fired from along the wall which separates Fort Brown from Brownsville, and that it looked as though they were being fired on the outside of the wall. It was so dark that he could not see who was firing, but from the flashes it looked as though about twenty-five or thirty people were firing. From the direction of the flashes it looked as though the parties firing were firing in the direction of B Company's quarters, and high. That as the shooting continued he heard cursing and calls of "Come out, you black sons of bitches, and we will kill all of you," from where the shooting was going on. That he left the door and went to get his rifle and fall in with the company outside of the quarters, and saw no more of the shooting. That he does not know who did this shooting.

And further the deponent saith not.

CHARLES E. RUDY,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me the undersigned authority, one Jacob Frazier, a first sergeant of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About 12 o'clock midnight, August 13, 1906, I was asleep in my house, which is situated about 100 yards east of the east set of soldiers' quarters. I was awakened by two shots being fired from the road in rear of B Company quarters, as near as I can judge. My first impression was that it was the alarm for fire. I immediately got on some clothes and started to run for the company. Then a fusillade of shots was fired from

along this road, and the call to arms was sounded. When I was passing in front of Company O quarters I distinctly heard some one shout "Cease firing" several times, and it seemed to come from the road in rear of barracks. When the fusillade of shots started and the call went, I thought the post was being shot up by the civilians of Brownsville. When I reached barracks the men were coming out with their guns, and I fell in the company and checked them, using a lantern. Two men were absent on pass, Corpl. O. H. Hawkins and Private Walter Johnson. When the company was formed Captain Lyon took command and took up a position along the wall in rear of the barracks. Then we patrolled through town and returned to the post. I do not know who did the firing. I would not believe that the soldiers had anything to do with it until I was told that Government ammunition was found the next morning. I do not believe that any member of D Company was implicated in the affair. I know of nothing that could have caused or that would warrant this firing.

JACOB FRAZIER,  
*First Sergeant, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Brown, Tex., this 21st day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

[For affidavits, here omitted, of Sergt. George Jackson, Sergt. Darby W. O. Brawner, Corpl. David Powell, Private J. H. Howard, and Scavenger M. G. Tamayo, and statement of Sergt. J. R. Reid to Maj. A. P. Blocksom, see papers appended to Major Blocksom's report, pp. 55-57.]

SAN ANTONIO, COUNTY OF BEXAR, *The State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Edwin P. Thompson, who, being sworn, deposes and says:

That he is a second lieutenant in the Army of the United States; that in such capacity he served at Fort Brown, Brownsville, Cameron County, State of Texas, from September 4, 1903, until August 13, 1906; that when it was known that a battalion of the Twenty-fifth United States Infantry was to garrison the post many derogatory remarks were made before its arrival by some citizens in reference to the colored soldiers in words as follows, or words to the like effect: "We don't want the damn niggers here;" "Niggers will always cause trouble;" "To hell with the colored soldiers; we want white men," and that he is unable to fix any one of such remarks upon any one citizen owing to the frequency with which like remarks were made and the period of time covered; that various minor clashes occurred between the individual citizens of the town and the soldiers; that one Teofilo Crixell, a saloonkeeper of Brownsville, Tex., told him that a row had occurred in the "White Elephant" saloon, owned by one Vicente Crixell, in words to this effect, to wit: That one Bates, a Federal officer, was at the bar drinking when a colored soldier entered and asked for a drink; that the said Bates then turned to the soldier and said no nigger could drink at the same bar with him, and that upon the soldier remarking that he was as good as any white man said Bates drew his revolver and hit the soldier over the head; said Bates then going to the police headquarters and offering to pay his own fine.

Further deponent saith not.

E. P. THOMPSON,  
*Second Lieutenant, Twenty-sixth Infantry.*

Sworn to and subscribed before me this 27th day of September, 1906.

L. M. PURCELL,  
*Second Lieutenant, Twenty-sixth Infantry, Judge-Advocate.*

**STATE OF TEXAS, Post of Fort Sam Houston, ss:**

Personally appeared before the undersigned authority, one D. W. Kilburn, a captain of the Twenty-sixth Infantry, who, being duly sworn according to law, deposes and says:

I was stationed at Fort Brown, Tex., from January 25, 1904, to June 2, 1906. On or about the 20th of May, 1906, orders were received transferring the Third Battalion of the Twenty-sixth Infantry to Fort Sam Houston, Tex., and ordering a battalion of the Twenty-fifth Infantry (colored) to take station at Fort Brown. Great discontent was shown by the citizens upon receipt of the order. Upon one occasion in particular Mr. Tillman, a citizen of Brownsville, and owning a large grocery store opposite Crixell Brothers, in a conversation with me expressed his doubt about the advisability of sending colored troops to Brownsville. He further said, to the best of my recollection at this date, that it would not be long before they had white troops back again. I believe that several other citizens of Brownsville were present at the time and acquiesced in the above statements.

Further deponent saith not.

D. W. KILBURN,  
*Captain and Quartermaster, Twenty-sixth Infantry.*

Subscribed and sworn to before me this 11th day of September, A. D. 1906.

L. M. PURCELL,  
*Second Lieutenant, Twenty-sixth Infantry,  
Judge-Advocate, General Court-Martial.*

Personally appeared before me, the undersigned authority, one George Grier, a cook of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That on the night of August 13-14, 1906, at Fort Brown, Tex., he went to bed at 9 o'clock on the porch of the O Company, Twenty-fifth Infantry, quarters, on the side which is nearest to Brownsville, Tex. That he went to sleep and was not awakened until about 12 o'clock when he was awakened by a shot which was fired on the Brownsville side of the wall between Fort Brown and Brownsville and in the rear of the B Company, Twenty-fifth Infantry, quarters. That immediately after this he saw the sentry, who was on post near this place, fire three shots in front of B Company's quarters, and heard him call out several times: "Number 2, the guard." That it was so dark that he could not see the sentinel himself when he fired these shots, but he saw the flash of a gun pointed up in the air right where the sentinel was calling for the guard. That just then he went inside a little room next to the porch and shut the door, and immediately afterwards he heard ten or twelve shots, more or less, which seemed to come from the direction of the place where the first shot was fired. That he was in a hurry to get inside, fearing that he would get shot, and he did not see who fired the first shot on the outside of the wall. That he was on the inside of the quarters when the other shots were fired from the direction of the wall, and has no idea who fired them. That he has learned nothing since this time which would lead him to form any opinion as to who fired any of these shots except those which the sentinel fired.

And further the deponent saith not.

GEORGE GRIER,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed to before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,  
*Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one Thomas Jefferson, a private of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he went to bed in his company quarters at Fort Brown, Tex., about 9 o'clock on the night of August 13-14, 1906, and was awakened by the report of a shot in the middle of the night; that then he went to the window and looked out in the direction of where the shot came from, this being toward the rear of B Company's quarters, he saw from the flash of a gun that a man was firing from inside the wall (on the side nearest to the quarters), between the rears of B and C Companies. This man seemed to be firing high and up over the quarters. He fired six shots. At the same time about ten men who were scattered along the wall, either on the outside of the wall or on the inside of it, in rear of B Company's quarters, were keeping up a steady fire, and fired probably 100 shots or over. These men seemed to be firing high, but he could not tell in what direction they were firing, and while they were still firing he went back and sat down on his bed to listen whether any of the shots were hitting the quarters or not. None seemed to be hitting the quarters, so he made up his mind that the firing was not at the quarters. Then call to quarters sounded and he went outside to fall in with the company. That the firing ceased while he was still sitting on his bed; that it was so dark that he could not see the persons who were firing while standing at the window; that no one else was standing at the window while he was standing there, and that he saw no one else standing at any of the windows looking out; that he thinks that the first shot fired was a pistol shot, as it made a very sharp report; that he thinks that some of the rest of the shots were fired by rifles, as the reports of these were louder and not so sharp, and some by pistols; that he does not know who did this shooting or has not heard anything to lead him to suspect any particular person or persons of being concerned in this shooting.

THOMAS JEFFERSON,  
*Private, Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one William Mapp, a private of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he was asleep in his company quarters at Fort Brown, Tex., on the night of August 13-14, 1906, when he was awakened some time in the middle of the night by the sound of shooting outside of the quarters and the noise of trumpets blowing call to arms; that he then put on his clothes, and while doing this heard some one from the outside of the quarters call out, "Come out, you black sons of bitches;" that the sound of shooting and of this person's voice seemed to come from outside and back of the quarters; that he heard about ten or fifteen shots in all; that he did not see any of this shooting and does not know who did it, and has no reason to suspect any particular person or persons of being concerned in it; that he was told by the corral boss the next morning that he, the corral boss, had seen a crowd of men near the post who seemed to be looking for soldiers with the evident intention of killing them; that the above is all that he knows concerning this shooting, and that he has no reason to suspect any particular person or persons of being concerned in it.

And further the deponent saith not.

WILLIAM MAPP,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Charles Dade, a cook of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About 12 o'clock midnight August 13, 1906, I was asleep in a house which I had rented for my wife and family, situated directly across the street from the kitchen door of barracks. I was awakened by my wife, who said there was some firing going on outside. I went out and saw there was no shooting near my house, so brought my family across the road to barracks. Just as I reached the wall in rear of barracks the call "to arms" was sounded. The firing continued while I was crossing the road and after I had crossed. I did not see any flashes from guns, nor do I know what kind of firearm was being used. There was no firing in the road in rear of D Company quarters; it came from the vicinity of the post gate and the telegraph office, it seemed to me. After I had reached barracks I remained in the kitchen. I do not know who did the firing, nor do I know what could have caused it.

Further deponent saith not.

CHARLES DADE,

*Cook, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Reno, Okla., this 4th day of September, 1906.

SAMUEL P. LYON,

*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one William A. Matthews, private of Company D, Twenty-fifth Infantry, who, being sworn according to law, deposes and says:

About 12 o'clock midnight August 13, 1906, I was asleep in my bunk in my company quarters; I was awakened by firing; this firing sounded like a volley from about six guns; the reports did not sound like the report of the service rifle; the flash of the guns was reflected into my squad room. I thought the post was being fired upon from the town of Brownsville. I dressed, got my rifle as soon as the arm racks were opened, and fell in with my company. Deponent further says that he knows nothing as to what persons did this shooting; that he heard several men talking together about 8.30 p. m. on the night the shooting took place; these men were apparently coming in from the main gate of the post; one man asked, "What would you do if they shot us up?" or words to that effect; one of the others replied, "I would get my rifle and shoot back at them," or words to that effect. Deponent further says that he was near a window in the second story of the barracks, too far away to recognize the men; that they went toward the east part of post.

WILLIAM A. MATTHEWS,

*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Brown, Tex., this 19th day of August, 1906.

SAMUEL P. LYON,

*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one John Henry, a private of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About midnight, August 13, 1906, I was asleep in my bunk at the corral. I was awakened by some civilian teamsters, who said that there had been firing on the post, but that it was all over. I went back to sleep and did not get out of bed until the next



morning. I do not know who did the firing, nor what caused it, nor anything about it.  
Further deponent saith not.

JOHN HENRY,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me, at Fort Reno, Okla., this 3d day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Alexander Ash, a private of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About 12 o'clock midnight, August 13, 1906, I was on post No. 4, which extends around the quartermaster and commissary storehouses. The first unusual thing that happened was two shots fired from somewhere beyond the hospital from where I was. I immediately hurried to that end of my post, and then a lot more shots were fired from the vicinity of the rear of barracks. I can not say positively where these shots were fired, but it sounded as if they came from that vicinity. I have no idea who did the shooting, citizens or soldiers. I heard nothing before this night that would lead me to believe that there was going to be any trouble. I have heard nothing since this night as to who did the firing or for what reason.

Further deponent saith not.

ALEXANDER ASH,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me, at Fort Brown, Tex., this 19th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Joseph H. Howard, private, of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About 12 midnight, Monday, August 13, 1906, I was a sentinel on guard on post No. 2, which extends completely around the four barracks. The first thing that occurred that was unusual was a shot fired in the road opposite where I was at the time, on my post opposite the interval between B and O Company quarters. Several other shots followed in quick succession, and after a short interval what sounded like a fusillade of shots. My first impression was that I was being fired upon. I shouted the alarm after I had looked in that direction and had been unable to see anything. Then I ran to the front of the barracks, passing between B and O Company quarters, and there stayed until the companies had formed, when I returned to that portion of my post. I did not see anyone cross my post except men going to and from the closets before taps. After the shooting men were stationed along the wall alongside of my post. At the time of the shooting the scavenger was at work at the closets along the wall. I do not know who did the shooting. The reports sounded like rifle shots to me. I should judge about fifty or more shots were fired.

Further deponent saith not.

JOSEPH H. HOWARD,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Brown, Tex., this 20th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

Personally appeared before me, the undersigned authority, one Lawrence Daniel, a private of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

I was on guard on the night of the 13th of August, 1906. I was asleep, and the firing woke me up. Sergeant Reid said, "Fall in, guard," and I fell in with the rest of the guard. Sergeant Reid put me on post at the guardhouse. The noise sounded like about twelve men were shooting. I heard one bullet pass over, about one hundred yards in front of me. It seemed to come from town and go toward the lake. The firing had been going on for about ten seconds, and a good many shots had been fired when the commander of the guard, Sergeant Reid, had "call to arms" sounded. And further deponent saith not.

LAWRENCE DANIEL,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one James A. Simmons, a private of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he was asleep in a house in Brownsville, Tex., on the night of August 13-14, 1906, when he was awakened some time in the middle of the night by his wife, who asked him if he heard the shooting. That he then heard some shooting and trumpet calls some distance away, and got up and dressed and looked out of the door. The shooting then stopped and he then went back to bed. That the above is all that he knew of there being any shooting on this night until he was told about it the next morning at Fort Brown. That he saw no shooting. That he has no reason to suspect any particular person or persons of doing any shooting on this night.

And further the deponent saith not.

JAMES A. SIMMONS,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one William J. Kernan, a private of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

I was asleep on my bunk in quarters when the firing took place at Brownsville on the night of August 13, 1906. The trumpet blowing call to arms woke me up. I jumped up and started down the steps; some one hollered to me to come back and get my gun. Then Sergeant Jackson came with the keys and unlocked the rack and I got my rifle out and went down and fell in ranks. The shooting seemed to be right down in rear of quarters, and I thought that some of the civilians had broken in and was shooting us up. I did not hear any bullets, but I still think that it was civilians, because they did not like us in the town; and our men was in ranks answering to their names while some shooting was still going on.

And further the deponent saith not.

WILLIAM J. KERNAN,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Samuel E. Scott, private of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About midnight August 13, 1906, I was asleep in my bunk in barracks. I was awakened by the sound of shooting somewhere in the rear of barracks. I did not hear very many shots fired. When I woke up I commenced to dress; then call to arms went, and I got my gun and fell in ranks with the company. I do not know who did the firing nor what caused it, nor anything about it.

Further deponent saith not.

SAMUEL E. SCOTT,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Reno, Okla., this 3d day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one William Van Hook, a private of Company D, Twenty-fifth Infantry who, being duly sworn according to law, deposes and says:

About midnight August 13, 1906, I was asleep in my bed in barracks. I was awakened by the noise in the squad room. I commenced to dress and heard some shots fired outside in the town somewhere. I first thought that it was the alarm for fire, but when call to arms sounded and I got my gun and fell in with the rest of the company, I thought the post was being fired on. I do not know who did the firing, nor do I know what caused it.

Further deponent saith not.

WILLIAM VAN HOOK,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Brown, Tex., this 22d day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

Personally appeared before me, the undersigned authority, one Lewis Williams, a private of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he was asleep in his bunk in his company quarters at Fort Brown, Tex., on the night of August 13-14, 1906, when he was awakened by the sound of call to arms some time in the middle of the night. That he then got up and dressed and got his rifle and fell in line with his company in front of the quarters. That he heard one or two shots after he got in line, but none before. There was a good deal of noise in the room where he was dressing. The noise of the shots he heard came from in rear of quarters. That he does not know who did this shooting, nor has he any reason to suspect any particular person or persons of being concerned in it.

And further the deponent saith not.

LEWIS WILLIAMS,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one Newton Carlisle, a sergeant of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he was asleep in his bunk in his company quarters at Fort Brown, Tex., on the night of August 13-14, 1906, when he was awakened some time in the middle of the night by the sound of shooting. That he got up and dressed, and while he was dressing call to arms sounded outside of the quarters. That he then went to the gun racks, and after getting his gun went out and fell in with the company outside of the quarters. That he did not see any of this shooting and does not know who did any of it, and has no reason to suspect any particular person or persons of being concerned in it.

And further the deponent saith not.

NEWTON CARLISLE,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one Walker McCurdy, quartermaster-sergeant of Company B, Twenty-fifth Infantry, and who, being duly sworn according to law, deposes and says, as follows:

On night of August 13, 1906, I was sleeping in my room at door of the ordnance storeroom. I was waked by both firing and call to arms; both going on at same time. I tried to get my rifle, but it was locked in the storeroom, and I could not find the right keys in the dark. I went out to the company without my rifle or shoes. The roll was called, and I was ordered to bring out a box of ammunition. I went in and got a lantern, then picked out the correct key and opened the storeroom and got out a box of ammunition and opened it in front of the company. My window opens on the back side of quarters, and as I got up I saw two flashes from rifles. It seemed that they were in the street on the other side of the wall, shooting toward the river. I saw no soldiers in rear of the company barracks. When the roll had been called, and I came back for the box of ammunition, I saw a man, who I taken to be the sentinel, walking on the board walk from back of C Company's quarters toward B Company's quarters.

And further deponent saith not.

WALKER MCCURDY,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one Ray Burdett, a corporal of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

When the firing began on the night of August 13, 1906, I was on guard. I was asleep on a bunk inside the guardhouse. I was waked up by "call to arms" sounding. I went out and fell in ranks. The commander of the guard sent me with two men over toward where the firing was taking place. The firing seemed to be over the wall, just in rear of B Company's quarters. The commander of the guard had ordered me to go to sentinel No. 2, who had fired and called the guard. When I got over there I met the commanding officer, and he ordered me to remain where I was—between B and C

Company's quarters. I could see the flashes and they seemed to be shooting toward B Company's quarters. About three men were firing there. I could hear some more firing, but could not tell where it was at. I am sure it wasn't inside the wall. It seemed to me to be rifles of some kind that was being fired. I think they was Winchester's. It was so dark that I could not see any persons. I have no idea who did the firing. After firing had ceased the commanding officer sent me and my two men over to the officers' line as a guard, and I remained over there where the ladies were. And further the deponent saith not.

RAY BURDETT,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one Charley Hairston, a private of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

On the night of August 13, 1906, I was on guard at Fort Brown, Tex. I was on post No. 3, which extends around the officers' quarters. I was in front of the commanding officer's quarters when the firing began. It seemed to be just behind B Company's quarters. I could see no flashes. First came six shots from a revolver in rapid succession and then a bunch of louder shots. The commanding officer came out and told me to run and tell them to sound call to arms. I was going across to the company, and when I got about halfway across the parade ground "call to arms" began to sound at the guardhouse. I have no idea who was shooting. I went over to the company and then came back to my post.

And further the deponent saith not.

CHARLEY HAIRSTON,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one George W. Mitchell, a private of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

I was in my company quarters, asleep on my bunk, on night of August 13, 1906. Private Johnson woke me up and told me to get up, as they were shooting outside. I got up and put on my clothes. Sergeant Jackson was just unlocking the gun racks when I got my clothes on and I got my rifle and went down and fell in ranks. I had no bullets. I thought that the citizens were firing on the post because I had heard that day that some soldier had attacked some white lady down town. The noise of the shots seemed to come from the street between B and D Company barracks. I saw no flashes nor men moving in rear of quarters.

And further deponent saith not.

GEORGE W. MITCHELL,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Henry T. W. Brown, a private of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About 12 o'clock midnight Monday night, August 13, 1906, I was in my bunk in barracks asleep. I was awakened by the sound of firing and ran out on to the back porch to see what was the matter. From there I heard a number of shots fired from the direction of the town. The shots sounded like pistol shots to me, because they had a dead sound. I could see flashes from the firearms as they were discharged, and the flashes indicated that the shots were being fired in the direction of the post. "Call to arms" was sounded, and I got my gun from the racks and fell into line. I know nothing whatever as to who did the firing. I have heard nothing about it either before or since that night.

Further deponent saith not.

HENRY T. W. BROWN,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Brown, Tex., this 19th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Edward Jordan, a private of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About midnight August 13, 1906, I was asleep in my bunk in barracks. I was awakened by the sound of firing, which seemed to come from the town in rear of the quarters. My first impression was that the post was being fired on. I dressed and heard call to arms sounded. Got my gun and fell in with the company. I do not know who did the firing, nor what caused it, nor anything about it.

Further deponent saith not.

EDWARD JORDAN,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Reno, Okla., this 4th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

[Inclosure No. 2.]

FORT RENO, OKLA., *September 30, 1906.*

The INSPECTOR-GENERAL,  
*Southwestern Division, Oklahoma City, Okla.*

SIR: I have the honor to inclose you list of men of the companies and battalion noncommissioned officers' staff, First Battalion, Twenty-fifth Infantry, who were present or absent at Fort Brown, Tex., August 13, 1906.

Very respectfully,

O. W. PENROSE,  
*Major, Twenty-fifth Infantry, Commanding.*

[Subinclosure No. 1.]

FORT RENO, OKLA., September 30, 1906.

Lieut. Col. L. A. LOVERING,  
Acting-Inspector-General, Southwestern  
Division, Oklahoma City, Okla.

SIR: In compliance with request, I have the honor to furnish the following information:

Battalion staff enlisted present at Fort Brown, Tex., August 13, 1906, Spottswood W. Taliaferro, battalion sergeant-major, Twenty-fifth Infantry.

Very respectfully,  
L. B. CHANDLER,  
First Lieutenant and Battalion Adjutant,  
Twenty-fifth Infantry, Adjutant.

[Subinclosure No. 2.]

COMPANY B, TWENTY-FIFTH INFANTRY,  
Fort Reno, Okla., September 30, 1906.

ADJUTANT, Fort Reno, Okla.

SIR: I have the honor to submit the following list of men of Company B, Twenty-fifth Infantry, who were present at Fort Brown, or in the vicinity, on August 13, 1906:

No.	Name.	Rank.	No.	Name.	Rank.
1	Mingo Sanders.....	First sergeant.	29	Boyd Conyers.....	Private.
2	Walker McCurdy.....	Quartermaster-sergeant.	30	Carolina De Saussure.....	Do.
3	James R. Reid.....	Sergeant.	31	Lawrence Daniel.....	Do.
4	George Jackson.....	Do.	32	Ernest English.....	Do.
5	Luther T. Thornton.....	Do.	33	Shepherd Glenn.....	Do.
6	Jones A. Coltrane.....	Corporal.	34	Isaac Goolsby.....	Do.
7	Edward L. Daniels.....	Do.	35	William Harden.....	Do.
8	Wade Harris.....	Do.	36	Charley Halrston.....	Do.
9	Ray Burdett.....	Do.	37	John Hollomon.....	Do.
10	Wade H. Watlington.....	Do.	38	Samuel R. Hopkins.....	Discharged.
11	Anthony Franklin.....	Do.	39	James Johnson.....	Private.
12	Leroy Horn.....	Cook.	40	Solomon Johnson.....	Do.
13	Alexander Walker.....	Do.	41	Frank Jones.....	Do.
14	Henry Jimerson.....	Musician.	42	Henry Jones.....	Do.
15	Henry Odum.....	Do.	43	William J. Kernan.....	Do.
16	James Allen.....	Private.	44	George Lawson.....	Do.
17	John B. Anderson.....	Do.	45	Willie Lemons.....	Do.
18	William Anderson.....	Do.	46	Samuel McGhee.....	Do.
19	Battler Bailey.....	Do.	47	George W. Mitchell.....	Do.
20	James Bailey.....	Do.	48	Isalah Raynor.....	Do.
21	Elmer Brown.....	Do.	49	Stanaberry Roberts.....	Do.
22	John Brown.....	Do.	50	William Smith.....	Do.
23	William Brown.....	Do.	51	Thomas Taylor.....	Do.
24	William J. Carlton.....	Do.	52	William Thomas.....	Do.
25	Harry Carmichael.....	Do.	53	Edward Warfield.....	Do.
26	George Conn.....	Do.	54	Julius Wilkins.....	Do.
27	John Cook.....	Do.	55	Alfred N. Williams.....	Do.
28	Charles E. Cooper.....	Do.	56	Briester Williams.....	Do.
			57	Joseph L. Wilson.....	Do.

Absent on August 13, 1906.

No.	Name.	Rank.	Where.
1	Ruby Willson.....	Private.....	Absent, sick.
2	William Blaney.....	Sergeant.....	On furlough.
3	Charles W. Johnson.....	Private.....	Do.
4	Lewis O. Owens.....	Do.....	Absent, sick.
5	Thomas H. Jones.....	Artificer.....	Detached service at Fort Sill, Okla.

Respectfully submitted.

J. A. HIGGINS,  
First Lieutenant, Twenty-fifth Infantry, Commanding Company B.

[Subinclosure No. 3.]

*List of names of men who were present in Fort Brown, Tex., on the night of August 13 1906.*

Quartermaster-Sergt. George W. McMurray.	Private Alphonse Holland.
Sergt. Samuel W. Harley.	Private Robert James; since discharged.
Sergt. Newton Carlisle.	Private Thomas Jefferson.
Sergt. Darby W. O. Brawner.	Private Edward Johnson; in Brownsville, on pass.
Sergt. George Thomas; in Brownsville, on pass.	Private George Johnson.
Corpl. Charles H. Madison.	Private John Kirkpatrick.
Corpl. Solomon P. O'Neil.	Private Edward Lee; in Brownsville, on pass.
Corpl. Preston Washington.	Private John W. Lewis; since discharged and reenlisted for Tenth Cavalry.
Corpl. Willie H. Miller.	Private Frank J. Lipscomb.
Corpl. John H. Hill.	Private West Logan.
Cook George Grier.	Private William Mapp.
Cook Louis J. Baker.	Private William McGuire, jr.
Musician James E. Armstrong.	Private Andrew Mitchell.
Musician Walter Banks.	Private Thomas L. Mosley.
Artificer Charles E. Rudy.	Private James W. Newton.
Private Clifford I. Adair.	Private George W. Perkins.
Private Henry W. Arvin.	Private James Perry.
Private Charles W. Askew.	Private Oscar W. Reid.
Private Frank W. Bouncer.	Private Joseph Rogers.
Private Joseph Carter; since discharged; not in service.	Private James A. Simmons.
Private Perry Cisco; since discharged and reenlisted in Tenth Cavalry.	Private James Sinkler.
Private Robert L. Collier.	Private Calvin Smith.
Private Erasmus T. Dabbs.	Private George Smith.
Private Mark Garmon.	Private John Smith.
Private George W. Gray.	Private John Streator.
Private Joseph H. Gray.	Private Robert Turner.
Private James T. Harden.	Private Leartis Webb.
Private George W. Harris.	Private August Williams.
Private John T. Hawkins.	Private Louis Williams.
	Private James Woodson.

*Members of company not present in Brownsville or vicinity on the night of August 13, 1906.*

First Sergt. William Turner; at Fort Sill, Okla.  
 Corpl. John Young; at Kansas City, Mo.  
 Private James Williams; at Fort Bayard, N. Mex.  
 Respectfully submitted.

EDGAR H. MAOKLIN,  
*Captain, Twenty-fifth Infantry, Commanding Company O.*

[Subinclosure No. 4.]

*List of men of Company D, Twenty-fifth Infantry, present at Fort Brown, Tex., and vicinity, August 13, 1906.*

PRESENT.

First Sergt. Jacob Frazier.	Musician Hoytt Robinson.
Quartermaster-Sergt. Thomas J. Green.	Musician Joseph Jones.
Sergt. Israel Harris.	Cook Charles Dade.
Sergt. Jerry E. Reeves.	Cook James Duncan; since discharged.
Sergt. Walter Adams.	Artificer George W. Newton.
Corpl. Temple Thornton.	Private Ash, Alexander; since discharged.
Corpl. Samuel Wheeler.	Private Ballard, James H.
Corpl. Charles Hawkins; on pass.	Private Barclay, Henry.
Corpl. David Powell.	Private Battle, Sam M.
Corpl. Winter Washington.	Private Birdsong, William H.; since discharged.
Corpl. Albert Roland.	



Private Brown, Henry T. W.	Private Jones, William E.
Private Butler, John.	Private Jones, William R.
Private Cotton, Luther; since discharged.	Private Jordan, Edward.
Private Crooks, Richard.	Private Mapp, Wesley.
Private Davis, Henry H.; since discharged.	Private Matthews, William A.
Private Darnell, Strawder.	Private Newton, James.
Private Gant, Elias.	Private Peters, Elmer.
Private Garrard, Chester; since discharged.	Private Reeves, Len.
Private Gill, James C.	Private Robinson, Edward.
Private Green, John.	Private Robinson, Henry.
Private Haley, Alonzo.	Private Rogan, Robert L.
Private Hall, George W.	Private Scott, Samuel E.
Private Harris, Barney.	Private Shanks, Joseph.
Private Henry, John; since deserted.	Private Slow, John.
Private Howard, Joseph H.	Private Sparks, Zachariah.
Private Jackson, John A.	Private Stoudemire, Taylor; since discharged.
Private Johnson, Benjamin F.	Private Van Hook, William.
Private Johnson, Walter; on pass.	Private Wickersham, Edward.
Private Jones, Charles.	Private Williams, Robert.
Private Jones, John R.	Private Willis, Dorsie.

## ABSENT.

Sergt. George Derrett; absent on rifle competition at Fort Sill, Okla.

SAMUEL P. LYON,  
Captain, Twenty-fifth Infantry, Commanding Company D.

NOTE.—The remark "On pass" indicates that these men were on pass on the night of August 13, in or near Brownsville, Tex.

S. P. L.

[Inclosure No. 3.]

*Notes by Major Blocksom on affidavits taken before Captain Lyon  
(submitted in Colonel Lovering's report).*

When at Fort Brown I found a number of men positive that shots were fired toward the post. Their statements were based on flashes from rifles and sounds of bullets only. I could find no evidence of bullets striking anywhere in the post and none has yet been given. My theory (page 3 [44] of my report), sustained by the general trend of evidence given by soldiers and citizens, is that first shots (especially those toward post) were fired high (for effect only upon the minds of men in the garrison). I heard nothing of the expression "black sons of bitches," etc. It will be noticed that the affidavits containing them were made by C Company men a month or more after the occurrence. As far as known, the soldiers of that company were the only ones (with one exception) who had trouble in town before the 13th of August. Nobody in B Company seems to have heard the expression, though the quarters were much nearer the firing than C Company's.

A. P. BLOCKSOM,  
Major, Inspector-General.

WAR DEPARTMENT,  
OFFICE OF THE INSPECTOR-GENERAL,  
*Washington, October 22, 1906.*

SIR: I have the honor to submit the following report of an investigation made at Fort Sam Houston, Tex., and Fort Reno, Okla., pursuant to the following letter of instructions:

WAR DEPARTMENT,  
*Washington, October 4, 1906.*

Brig. Gen. E. A. GARLINGTON,  
*Inspector-General, U. S. A.*

SIR: The President directs that you proceed to the places named in the accompanying letter and endeavor to secure information that will lead to the apprehension and punishment of the men of the Twenty-fifth Infantry believed to have participated in the riotous disturbance which occurred in Brownsville, Tex., on the night of the 13th of August, 1906, resulting in the death of one and the wounding of another citizen of that city.

You are authorized to call upon the commanding general, Southwestern Division, and the commanding officers of Fort Sam Houston and Fort Reno in the prosecution of this investigation for such assistance as it may be within their power to give.

The President authorizes you to make known to those concerned the orders given by him in this case, namely: "If the guilty parties can not be discovered, the President approves the recommendation that the whole three companies implicated in this atrocious outrage should be dismissed and the men forever debarred from reenlisting in the Army or Navy of the United States."

And in this connection, the President further authorizes you to make known to those concerned that unless such enlisted men of the Twenty-fifth Infantry as may have knowledge of the facts relating to the shooting, killing, and riotous conduct on the part of the men with the organizations serving at Fort Brown, Tex., on the night of the 13th of August, 1906, report to you such facts and all other circumstances within their knowledge which will assist in apprehending the guilty parties, orders will be immediately issued from the War Department discharging every man in Companies B, C, and D of the Twenty-fifth Infantry, without honor, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government.

The time to be given to the enlisted men of Companies B, C, and D, Twenty-fifth Infantry, for consideration of this ultimatum will be determined by you. If at the end of the time designated the facts and circumstances of the occurrence in question have not been established sufficiently clearly to indicate a reasonable certainty of securing a conviction of the guilty parties by evidence obtained from enlisted men of the First Battalion, Twenty-fifth Infantry, you will report the condition by wire to The Military Secretary.

Very respectfully,

ROBERT SHAW OLIVER,  
*Acting Secretary of War.*

I proceeded from Washington to the headquarters of the Southwestern Division, Oklahoma City, Okla., to consult with Maj. A. P. Blocksom, inspector-general, who had, under orders from the commanding general Southwestern Division, made an exhaustive investigation of the affair at Fort Brown, Tex., of August 13, 1906, and who had submitted on August 29, 1906, a full report of the circumstances connected therewith (1157577). As a result of this consultation, nothing new was developed beyond the fact that on October 4, 1906, Lieut. Col. Leonard A. Lovering, inspector-general Southwestern Division, made an investigation at Fort Reno, Okla., into certain collateral circumstances connected with the trouble at Fort Brown, by direction of the commanding general Southwestern Division. Copy of this report is appended.<sup>a</sup> No material facts germane to the main issue were developed by this investigation.

I then proceeded to the headquarters, Department of Texas, Fort Sam Houston, Tex., for the purpose of examining the men of the

<sup>a</sup>See page 110.

Twenty-fifth Infantry confined in the guardhouse at that place, for whom warrants had been issued at Brownsville immediately after the affair of August 13. On the eve of my departure from Washington I had received papers informing me that the grand jury in Brownsville, Tex., had failed to find true bills against these prisoners. I examined each of the prisoners very carefully, first, in the form of general conversation, referring to the personal history of the man, including the place of birth, home, former occupation, and relations in civil life. I found several of them had lived in localities with which I was more or less familiar, one having lived at my own home, and then subjected them to a rigid examination. As soon as the subject of the trouble at Brownsville was introduced the countenance of the individual being interviewed assumed a wooden, stolid look, and each man positively denied any knowledge of the circumstances connected with or individuals concerned in the affair. Under close inquiry it was admitted by each man that he knew of the discrimination made by saloon keepers against the enlisted men of the Twenty-fifth Infantry; that he knew Newton had been hit by a revolver in the hands of a citizen of Brownsville, and that Reed had been pushed into the mud by another citizen.

Each man admitted that these occurrences had been talked of and discussed within their hearing in the barracks of their respective companies, but I could extract no admission from any man that this discrimination and these acts of violence had caused any feeling of animosity on the part of the enlisted men of the Twenty-fifth Infantry against citizens of Brownsville. When this attitude on the part of the enlisted men under examination was developed, it became apparent that I could get no information from them that would assist me in locating the men actually guilty of the firing on the night of the 13th of August, 1906. I spent several hours in this interview with the men, taking each separately and immediately afterward separating him from the rest of the prisoners, so that there might be no communication between them during the examination. The next morning I called the men before me again, four at a time, beginning with the men of the longest service. I again talked with them, endeavoring to elicit information, and upon failure to succeed I notified them of the orders of the President in the case and gave them until 5 o'clock that afternoon to consider the matter. At the time set I received nothing from them.

The men confined in the Fort Sam Houston guardhouse were the noncommissioned officers holding the keys of the arm racks of the respective companies, the sergeant of the guard, and the sentinel on post in rear of company barracks on the night of the 13th of August, 1906; an enlisted man, part owner of a saloon in Brownsville; a man whose cap was alleged to have been found in the city on the night of the 13th of August (not substantiated); Private Newton, who had been assaulted; Private Reed, who had also been assaulted, and the men who were with him at the time.

From Fort Sam Houston I proceeded to Fort Reno, Okla. I called together the officers present at the station who were on duty with the Fort Brown battalion on the night of August 13, 1906. I discussed with them the means and methods employed by them, contemporaneously with the occurrence and subsequently, to locate the guilty individuals. I found that absolutely nothing had been dis-

covered; that they had found no enlisted men who would admit any knowledge of the shooting or of any circumstances, immediate or remote, connected with the same.

I then called before me, individually, a number of the enlisted men, noncommissioned officers, and privates, of long service in the Twenty-fifth Infantry, ranging from twenty-six years to five or six. I proceeded with them practically along the same lines as with the prisoners at Fort Sam Houston, and found the same mental attitude on their part; could discover absolutely nothing that would throw any light on the affair, and received the same denial that any feeling of animosity or spirit of revenge existed among the enlisted men of the Twenty-fifth Infantry against the citizens of Brownsville on account of discrimination against them in the way of equal privileges in saloons or on account of the two acts of violence against their comrades. Each man questioned admitted that he knew of these acts of violence; each had heard it talked of in his barracks; but each denied that any feeling was displayed at any time by individuals of the respective companies or by the enlisted men of the companies as a whole. I could get no explanation of this apparent indifference to the indications of hostility that such acts on the part of citizens of Brownsville disclosed, except in one instance where a sergeant of the company to which Private Newton belonged, said: The fact that Newton had been assaulted made no special impression upon him, because Newton was liable to get into a row almost any time and had been battered up on previous occasions at Fort Niobrara.

The uniform denial on the part of the enlisted men concerning the "barrack talk" in regard to these acts of hostility upon the part of certain citizens of Brownsville indicated a possible general understanding among the enlisted men of this battalion as to the position they would take in the premises, but I could find no evidence of such understanding. The secretive nature of the race, where crimes charged to members of their color are made, is well known. Under such circumstances self-protection or self-interest is the only lever by which the casket of their minds can be pried open. Acting upon this principle, the history and record of the regiment to which they belong, the part played by these old soldiers in this record, were pointed out and enlarged upon. The odium and disgrace to the battalion and to its individual members by this crime were indicated. The future effect upon the individuals and upon the battalion as a whole was referred to; and, finally, the concern of the President of the United States in the matter, his desire and the desire of the War Department to separate the innocent from the guilty were explained; all without effect.

The next day the battalion was paraded without arms, every officer and enlisted man being present except two men sick in hospital. The battalion was formed in convenient arrangement. I then addressed them, stating who I was, namely, the Inspector-General of the Army, sent there by order of the President of the United States to afford the men of the Twenty-fifth Infantry an opportunity to give such information as might be within their power that would lead to the detection of the few men guilty of the crime of firing during the night upon citizens of a sleeping town, and talked to them along the same lines as I had done to the old soldiers; and, in conclusion, read

to them the orders of the President and of the Acting Secretary of War in the premises. I informed them that they would be given until 9 o'clock the next day to consider the matter, and that I would be accessible during that limit to any soldier who possessed information and had a desire to make it known. Only one man presented himself, and that was *not* to give information, but to urge his own case for exemption from the penalty imposed by the President, but still disclaiming any knowledge of the affair and stating his inability to make any discovery connected therewith; this was First Sergt. Mingo Sanders, Company B, Twenty-fifth Infantry—a man with twenty-six years' service.

I decided upon a short period for the consideration of the ultimatum given because I thought it more probable to bring results. Two months had elapsed since the occurrence on the very day I made the ultimatum known, and it appeared to me that further time for reflection was unnecessary, and that the time limit set by me would be more likely to convince the men that the penalty in case of failure was sure to follow; whereas if a longer period had been given it might have impressed them with the idea that it was made more in the nature of a threat for effect.

The following men of the Twenty-fifth Infantry were not in the vicinity of the post on the night of the firing, the 13th of August, 1906: Private Ruby Wilson, Company B, absent sick; Sergt. William Blaney, Company B, on furlough; Private Charles W. Johnson, Company B, on furlough; Private Lewis C. Owens, Company B, absent sick; Artificer Thomas H. Jones, Company B, detached service at Fort Sill, Okla.; First Sergt. William Turner, Company C, at Fort Sill, Okla.; Corpl. John Young, Company C, absent at Kansas City, Mo.; Private James Williams, Company C, absent at Fort Bayard, N. Mex.; Sergt. George Derrett, Company D, detached service, Fort Sill, Okla.

The following changes have occurred in the companies of the battalion since August 13, 1906: Private Samuel R. Hopkins, Company B, discharged by expiration of service; Private Robert James, Company C, discharged by expiration of service, reenlisted for the Ninth Cavalry; Private Joseph Carter, Company C, discharged by expiration of service; Private John W. Lewis, Company C, discharged by expiration of service, reenlisted in Tenth Cavalry; Private Perry Cisco, Company C, discharged by expiration of service, reenlisted in the Tenth Cavalry; Private James A. Simmons, Company C, transferred to Company A, Twenty-fifth Infantry; Private August Williams, Company C, transferred to Company A, Twenty-fifth Infantry; Private Taylor Stoudemire, Company D, discharged by expiration of service, reenlisted in Ninth Cavalry; Cook James Duncan, Company D, discharged by expiration of service, reenlisted in Second Battalion, Twenty-fifth Infantry, Fort Bliss, Tex.; Private Alexander Ash, Company D, discharged by expiration of service, reenlisted in Ninth Cavalry; Sergt. Jacob Frazier, Company D, discharged by expiration of service, reenlisted in company—on furlough; Private Chester Garrard, Company D, discharged by expiration of service; Private Luther Cotton, Company D, discharged by expiration of service; Private Henry H. Davis, Company D, discharged by expiration of service; Private William H. Birdsong, Company D, discharged by expiration of service; Private John Henry, Company D, deserted.

## CONCLUSION.

I recommend that orders be issued as soon as practicable discharging, without honor, every man in Companies B, C, and D of the Twenty-fifth Infantry, serving at Fort Brown, Tex., on the night of August 13, 1906, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government. In making this recommendation I recognize the fact that a number of men who have no direct knowledge as to the identity of the men of the Twenty-fifth Infantry who actually fired the shots on the night of the 13th of August, 1906, will incur this extreme penalty.

It has been established, by careful investigation, beyond reasonable doubt, that the firing into the houses of the citizens of Brownsville, while the inhabitants thereof were pursuing their peaceful vocation or sleeping, and by which one citizen was killed and the chief of police so seriously wounded that he lost an arm, was done by enlisted men of the Twenty-fifth Infantry belonging to the battalion stationed at Fort Brown. After due opportunity and notice, the enlisted men of the Twenty-fifth Infantry have failed to tell all that it is reasonable to believe they know concerning the shooting. If they had done so, if they had been willing to relate all the circumstances—instances preliminary to the trouble—it is extremely probable that a clue sufficiently definite to lead to results would have been disclosed. They appear to stand together in a determination to resist the detection of the guilty; therefore they should stand together when the penalty falls. A forceful lesson should be given to the Army at large, and especially to the noncommissioned officers, that their duty does not cease upon the drill ground, with the calling of the company rolls, making check inspections, and other duty of formal character, but that their responsibilities of office accompany them everywhere and at all times; that it is their duty to become thoroughly acquainted with the individual members of their respective units; to know their characteristics; to be able at all times to gauge their temper, in order to discover the beginning of discontent or of mutinous intentions, and to anticipate any organized act of disorder; that they must notify their officers at once of any such conditions. Moreover, the people of the United States, wherever they live, must feel assured that the men wearing the uniform of the Army are their protectors, and not midnight assassins or riotous disturbers of the peace of the community in which they may be stationed.

No absolutely accurate verification of the rifles and men of the battalion was made on the night of the 13th of August in time to account for all the rifles or all the men at the beginning of the firing or immediately upon its conclusion. This failure is explained as follows: The commanding officer and his associates, when the alarm was sounded and they heard the firing, assumed that it came from the city of Brownsville, and that the guns were in the hands of civilians; in other words, that the garrison was being fired into from the outside by civilians. It does not appear to have occurred to any of them that certain enlisted men of the Twenty-fifth Infantry had possession of their arms, and were committing the crime of firing into the houses and upon the citizens of Brownsville until the mayor of the

city came into the garrison and informed the commanding officer, Major Penrose, that one man had been killed and another wounded by his soldiers.

I return herewith all the papers in the case.

Very respectfully,

E. A. GARLINGTON,  
*Inspector-General.*

THE MILITARY SECRETARY,  
*War Department.*

THE WHITE HOUSE,  
*Washington, November 5, 1906.*

The SECRETARY OF WAR:

I have read through General Garlington's report, dated October 22, submitted to me by you. I direct that the recommendations of General Garlington be complied with, and that at the same time the concluding portion of his report be published with our sanction as giving the reasons for the action.

THEODORE ROOSEVELT.

SPECIAL ORDERS, }  
No. 266. }

WAR DEPARTMENT,  
*Washington, November 9, 1906.*

EXTRACT.

1. By direction of the President, the following-named enlisted men who, on August 13, 1906, were members of Companies B, C, and D, Twenty-fifth Infantry, certain members of which organizations participated in the riotous disturbance which occurred in Brownsville, Tex., on the night of August 13, 1906, will be discharged without honor from the Army by their respective commanding officers and forever debarred from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government:

*Company B, Twenty-fifth Infantry.*

First Sergt. Mingo Sanders; Q. M. Sergt. Walker McCurdy; Sergts. James R. Reid, George Jackson, and Luther T. Thornton; Corpls. Jones A. Coltrane, Edward L. Daniels, Ray Burdett, Wade H. Watlington, and Anthony Franklin; Cooks Leroy Horn and Solomon Johnson; Musician Henry Odom; Privates James Allen, John B. Anderson, William Anderson, Battier Bailey, James Bailey, Elmer Brown, John Brown, William Brown, William J. Carlton, Harry Carmichael, George Conn, John Cook, Charles E. Cooper, Boyd Conyers, Lawrence Daniel, Carolina De Saussure, Ernest English, Shepherd Glenn, Isaac Goolsby, William Harden, Charley Hairston, John Holomon, James Johnson, Frank Jones, Henry Jones, William J. Kernan, George Lawson, Willie Lemons, Samuel McGhee, George W. Mitchell, Isaiah Raynor, Stansberry Roberts, William Smith, Thomas Taylor, William Thomas, Alexander Walker, Edward Warfield, Julius Wilkins, Alfred N. Williams, Brister Williams, and Joseph L. Wilson.

*Company C, Twenty-fifth Infantry.*

Q. M. Sergt. George W. McMurray; Sergts. Samuel W. Harley, Newton Carlisle, Darby W. O. Brawner, and George Thomas; Corpls. Charles H. Madison, Solomon P. O'Neil, Preston Washington, Willie H. Miller, and John H. Hill; Cooks George Grier and Lewis J. Baker; Musicians James E. Armstrong and Walter Banks; Artificer Charles E. Rudy; Privates Clifford I. Adair, Henry W. Arvin, Charles W. Askew, Frank Bounsler, Robert L. Collier, Erasmus T. Dabbs, Mark Garmon, George W. Gray, Joseph H. Gray, James T. Harden, George W. Harris, John T. Hawkins, Alphonso Holland, Thomas Jefferson, Edward Johnson, George Johnson, John Kirkpatrick, Edward Lee, Frank J. Lipscomb, West Logan, William Mapp, William McGuire, jr., Thomas L. Mosley, Andrew Mitchell, James W. Newton, George W. Perkins, James Perry, Oscar W. Reid, Joseph Rogers, James Sinkler, Calvin Smith, George Smith, John Smith, John Streater, Robert Turner, Leartis Webb, Lewis Williams, and James Woodson.

*Company D, Twenty-fifth Infantry.*

First Sergt. Israel Harris; Q. M. Sergt. Thomas J. Green; Sergts. Jerry E. Reeves and Jacob Frazier; Corpls. Temple Thornton, David Powell, Winter Washington, Albert Roland, and James H. Ballard; Musicians Hoytt Robinson and Joseph Jones; Cooks Charles Dade and Robert Williams; Artificer George W. Newton; Privates Samuel Wheeler, Charles Hawkins, Henry Barclay, Sam M. Battle, Henry T. W. Brown, John Butler, Richard Crooks, Strowder Darnell, Elias Gant, James O. Gill, John Green, Alonzo Haley, George W. Hall, Barney Harris, Joseph H. Howard, John A. Jackson, Benjamin F. Johnson, Walter Johnson, Charles Jones, John R. Jones, William E. Jones, William R. Jones, Edward Jordan, Wesley Mapp, William A. Matthews, James Newton, Elmer Peters, Len Reeves, Edward Robinson, Henry Robinson, Robert L. Rogan, Samuel E. Scott, Joseph Shanks, John Slow, Zachariah Sparks, William Van Hook, Edward Wickersham, and Dorsie Willis.

*Company A, Twenty-fifth Infantry.*

Privates James A. Simmons and August Williams.

*Company G, Twenty-fifth Infantry.*

Private James Duncan.

*Unassigned, Twenty-fifth Infantry.*

Private Perry Cisco.

*Troop C, Ninth Cavalry.*

Privates Alexander Ash, Taylor Stroudemire, and Robert James

*Troop H, Tenth Cavalry.*

Private John W. Lewis.



The discharge certificate in each case will show that the discharge without honor is in consequence of paragraph 1, Special Orders, No. 266, War Department, November 9, 1906. These soldiers are entitled to travel pay.

\* \* \* \* \*

By order of the Acting Secretary of War:

ARTHUR MURRAY,  
*Chief of Artillery, Acting Chief of Staff.*

Official:

HENRY P. MCCAIN,  
*Military Secretary.*

[Form of discharge certificate used in discharging enlisted men, by direction of the President, pursuant to Special Orders, No. 266, War Department, November 9, 1906.]

ARMY OF THE UNITED STATES.

*To all whom it may concern:*

Know ye, That \_\_\_\_\_, a \_\_\_\_\_ of \_\_\_\_\_ of the \_\_\_\_\_ Regiment of \_\_\_\_\_, who was enlisted the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_, to serve \_\_\_\_\_ years, is hereby discharged without honor from the Army of the United States, in consequence of \_\_\_\_\_.

Said \_\_\_\_\_ was born in \_\_\_\_\_, in the State of \_\_\_\_\_, and when enlisted was \_\_\_\_\_ years of age, by occupation a \_\_\_\_\_, had \_\_\_\_\_ eyes, \_\_\_\_\_ hair, \_\_\_\_\_ complexion, and was \_\_\_\_\_ feet \_\_\_\_\_ inches in height.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
*Commanding \_\_\_\_\_.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, November 9, 1906.*

COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
*San Antonio, Tex.:*

Confidential. Orders will be sent you to-day directing discharge without honor of all enlisted men of Twenty-fifth Infantry present at Fort Brown at time of disturbance there. To avoid possibility of disturbance at or in vicinity of Reno send battalion of Twenty-sixth Infantry to Reno under command of discreet officer. On arrival of battalion at Reno disarm companies to be discharged and keep battalion there until discharged men have left the country, and there is no further danger of their making trouble in vicinity. Battalion should start immediately and be at Reno before any movement toward disarming or discharging men is made. Send paymaster to Reno to make final payments upon rolls sent you for that purpose to-day, so as to avoid making final statements. Discharges

and payments should be timed and men sent away, so that no large body shall go on same train or at same time.

In no case should more than one company be discharged on same day. Transfer to disbanded companies enough good noncommissioned officers and men from other companies of Twenty-fifth Infantry to bring disbanded companies up to average remaining strength of other companies. Necessary recruits will then be sent to all companies by this office. Designation of men for transfer will not be left to company commanders, but will be made by yourself or other disinterested officer to be designated by you.

In addition to foregoing, take any measures you may deem necessary to discharge men and get them out of country speedily and without disturbance at Reno or en route therefrom.

Names of men to be discharged are given in orders to be mailed you to-day. No discharges will be made until those orders are received. Acknowledge receipt.

By order Acting Secretary of War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

SAN ANTONIO, TEX., *November 9, 1906.*

TO MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Your telegram this date received. Battalion Twenty-sixth under order move movement [moment] transportation can be ready. Major Clarke, commanding, fully instructed as to duty to be performed. Paymaster will forward when orders received by mail as directed. Subsequent transfers will be made by me personally. I leave here to-day to meet Secretary War at Fort Sill by his direction. Will return here on 14th. During absence will keep in touch with this movement by wire.

MCCASKEY,  
*Brigadier-General.*

[Telegram.]

SAN ANTONIO, TEX., *November 10, 1906.*

MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Battalion Twenty-sixth left for Reno 11.30 last night. Due to arrive about 8 to-night.

FINLEY.  
(In absence department commander.)

[Telegram.]

FORT RENO, OKLA., *November 11, 1906.*

THE MILITARY SECRETARY,  
*Washington, D. C.:*

Second Battalion, Twenty-sixth Infantry, Companies E, F, G, and H, 11 officers, 195 enlisted men, arrived at 1 p. m. to-day.

CLARKE, *Commanding.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, November 17, 1906.

COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
San Antonio, Tex.:

Acting Secretary War directs you telegraph this office what has been done toward executing order for discharge of members of Twenty-fifth Infantry.

AINSWORTH,  
The Military Secretary.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
Washington, November 18, 1906.

COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
San Antonio, Tex.:

Secretary War directs you answer immediately telegram sent you by this office yesterday calling for report of action taken toward executing order for discharge of members of Twenty-fifth Infantry.

AINSWORTH,  
The Military Secretary.

[Telegram.]

SAN ANTONIO, TEX., November 18, 1906.

MILITARY SECRETARY,  
War Department, Washington, D. C.:

Reply your telegram yesterday, 6 of the 12 men Twenty-fifth Infantry, confined Fort Sam Houston, discharged 16th instant, compliance Special Orders, No. 266, War Department. Remaining 6 awaiting receipt deposit books. No discharges yet reported at Fort Reno. Chief paymaster is there and rolls being prepared. Many complications in accounts delay discharges. Expect first discharges take place to-morrow. Commanding officer, Fort Reno, directed make daily reports to these headquarters, which will be forwarded.

MCCASKEY, Brigadier-General.

[Telegram.]

WAR DEPARTMENT, November 18, 1906.

The COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
San Antonio, Tex.:

Secretary of War directs you suspend action under order for discharge men of Twenty-fifth Infantry until further orders from here. Telegraph acknowledgment of this.

AINSWORTH,  
The Military Secretary.

## AFFRAY AT BROWNSVILLE, TEXAS.

[Telegram.]

SAN ANTONIO, TEX., *November 18, 1906.*

MILITARY SECRETARY,

*War Department, Washington, D. C.:*

Following received:

FORT RENO, OKLA., *November 17, 1906.*

MILITARY SECRETARY, DEPARTMENT OF TEXAS,

*San Antonio, Tex.:*

Reference your telegram this date, Privates G. W. Mitchell, Company [B], and B. F. Johnson, Company D, Twenty-fifth Infantry, are prisoners awaiting result of trial by general court-martial. Private Willie Lemons, Company B, Twenty-fifth Infantry, is awaiting trial for desertion.

These men come under the provisions of paragraph 1, Special Orders, No. 266, War Department, current series. Army Regulations, paragraphs 128 and 1400, prohibit the payment of these men while in present status, and Major Wallace declines to pay them upon discharge. I request specific instructions.

PENROSE, *Commanding.*

Instructions requested.

McCASKEY, *Brigadier-General.*

[Telegram.]

SAN ANTONIO, TEX., *November 18, 1906.*

MILITARY SECRETARY,

*Washington, D. C.:*

Your telegram 17th instant received this morning between 9 and 10 o'clock and answered within fifteen minutes.

McCASKEY, *Brigadier-General.*

[Telegram.]

SAN ANTONIO, TEX., *November 18, 1906.*

MILITARY SECRETARY,

*Washington, D. C.:*

Your wire this date suspending discharge men Twenty-fifth Infantry received and repeated to commanding officers Fort Reno and Sam Houston.

McCASKEY,  
*Brigadier-General.*

[Telegram.]

SAINT LOUIS, MO., *November 20, 1906.*

THE MILITARY SECRETARY, UNITED STATES ARMY,

*Washington, D. C.:*

Major Blocksom submits following additional report re Brownsville affair:

From 18th to 25th August, during time I was in Brownsville, and while battalion Twenty-fifth Infantry was there, streets were almost deserted as to women and children day and night. Many women and children crossed the Rio Grande every night to sleep in Matamoros, Mexico. Returning from railroad station after battalion left I noticed a remarkable change—women and children were in crowds on the streets. Although

investigation was made in interest of public as well as military discipline, I left these facts out on account of the already great length of report not expecting such a stir; I now wire them as of possible assistance in resisting public clamor.

BLOCKSOM,  
Major.

FUNSTON, *Commanding.*

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[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, November 20, 1906.*

COMMANDING GENERAL DEPARTMENT OF TEXAS,  
*San Antonio:*

Secretary War directs you proceed with discharge of members of Twenty-fifth Infantry as originally ordered. Telegraph acknowledgment receipt of this and subsequent action.

AINSWORTH,  
*The Military Secretary.*

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[Telegram.]

SAN ANTONIO, TEX., *November 20, 1906.*

MILITARY SECRETARY,  
*War Department, Washington, D. C.:*

Following received from commanding officer, Fort Reno:

Your wire of yesterday quoting orders Secretary War suspending discharge enlisted men Twenty-fifth Infantry received at 12.30 this afternoon; discharge commenced at 11 this morning, when 24 privates of Company B were discharged and paid, and most of the men left post at once. The best of discipline prevailed.

Telegram referred to was sent about 2.30 Sunday noon, immediately on receipt your instructions that date. Telegraph company will be asked to explain delay.

MCCASKEY, *Brigadier-General.*

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[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, November 21, 1906.*

COMMANDING GENERAL, DEPARTMENT OF TEXAS,  
*San Antonio, Tex.:*

Reference your telegram November 18, relative to members Twenty-fifth Infantry awaiting trial by court-martial, Secretary War directs they be held for trial, and that prior to expiration of any sentences that may be imposed upon them, if discharge is not involved in those sentences, their cases be reported to this office for final action under Special Orders, No. 266, War Department, current series.

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

SAN ANTONIO, TEX., *November 21, 1906.*MILITARY SECRETARY,  
*Washington, D. C.:*

Your telegram 20th received. Orders wired this morning commanding officer, Fort Reno, proceed with discharge men Twenty-fifth Infantry as originally ordered.

MCCASKEY,  
*Brigadier-General.*

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,  
*Washington, November 21, 1906.*COMMANDING OFFICER,  
*Fort Reno, Okla.:*

Following telegram sent November 20 to commanding general, Department of Texas:

Secretary War directs you proceed with discharges of members of Twenty-fifth Infantry as originally ordered. Telegraph acknowledgment receipt of this and subsequent action.

If foregoing telegraph order has not reached you proceed with discharges as directed therein. Telegraph this office directly, acknowledging receipt of this telegram.

By order of Secretary War:

AINSWORTH,  
*The Military Secretary.*

[Telegram.]

FORT RENO, OKLA., *November 21, 1906.*THE MILITARY SECRETARY,  
*Washington, D. C.:*

Your telegram of this date ordering discharge of enlisted men Twenty-fifth Infantry received at 8.50 this evening. Similar orders received from military secretary, Department of Texas, at 2 this afternoon. Twenty-four privates, Company B, discharged on 19th. Balance of men will be discharged, one-half company daily, commencing to-morrow and completed Monday, 26th. Perfect discipline prevails and no trouble is anticipated.

PENROSE, *Commanding.*

[Telegram.]

SAN ANTONIO, TEX., *November 22, 1906.*MILITARY SECRETARY, *Washington, D. C.:*

Discharge men Twenty-fifth Infantry at Reno will be resumed this morning and completed on 26th. The six remaining men at Fort Sam Houston will be discharged to-day.

MCCASKEY, *Brigadier-General.*

FORT SAM HOUSTON, TEX., *November 22, 1906.*

The MILITARY SECRETARY, DEPARTMENT OF TEXAS,  
*San Antonio, Tex.*

SIR: I have the honor to report that, in compliance with paragraph 1, Special Orders, No. 266, War Department, November 9, 1906, the following enlisted men Twenty-fifth Infantry were discharged at this post "without honor," service "not honest and faithful," November 16, 1906:

## COMPANY B.

Sergt. James R. Reid.  
Sergt. George Jackson.  
Private John Holomon.

## COMPANY D.

Corpl. David Powell.  
Private James C. Gill.  
Private Joseph H. Howard.

Pursuant to telegraphic instructions from the War Department November 18, 1906, the discharges of the remainder of the men were suspended.

Pursuant to telegraphic instructions from the War Department November 20, 1906, the following men were discharged "without honor" at this post, this date, in consequence of paragraph 1, Special Orders, No. 266, War Department, November 9, 1906:

## [COMPANY C, TWENTY-FIFTH INFANTRY.]

Sergt. Darby W. O. Brawler.  
Corpl. Charles H. Madison.  
Corpl. Willie H. Miller.  
Private Charles W. Askew.  
Private James W. Newton.  
Private Oscar W. Reid.

Discharge and final statements given in each case. Discharge "without honor," and service "not honest and faithful;" entitled to travel pay, was entered on the final statements.

Very respectfully,

GEC. LE ROY BROWN,  
*Colonel, Twenty-sixth Infantry, Commanding.*

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[Telegram.]

SAN ANTONIO, TEX., *November 23, 1906.*

MILITARY SECRETARY, *Washington, D. C.:*

Following telegram received:

FORT RENO, OKLA., *November 22, 1906.*

MILITARY SECRETARY, DEPARTMENT OF TEXAS, *San Antonio, Tex.:*

Discharge enlisted men Company B, Twenty-fifth Infantry, completed this morning. Perfect discipline prevails.

PENROSE, *Commanding.*  
McCASKEY, *Brigadier-General.*

## AFFRAY AT BROWNSVILLE, TEXAS.

[Telegram.]

SAN ANTONIO, TEX., *November 24, 1906.*MILITARY SECRETARY, *Washington, D. C.:*

Following received:

FORT RENO, *November 23.*MILITARY SECRETARY, DEPARTMENT OF TEXAS, *San Antonio, Tex.:*

Twenty-six privates, Company C, discharged this morning; everything perfectly orderly.

PENROSE, *Commanding.*McCASKEY, *Brigadier-General.*

[Telegram.]

SAN ANTONIO, TEX., *November 25, 1906.*MILITARY SECRETARY, *Washington, D. C.:*

Following received:

FORT RENO, OKLA., *November 24.*MILITARY SECRETARY, DEPARTMENT OF TEXAS,  
*San Antonio:*

Balance of Company C, Twenty-fifth Infantry, discharged this morning.

PENROSE, *Commanding.*McCASKEY,  
*Brigadier-General.*

[Telegram.]

SAN ANTONIO, TEX., *November 26, 1906.*MILITARY SECRETARY,  
*Washington, D. C.:*

Report received that men First Battalion, Twenty-fifth Infantry, have been discharged without honor, as ordered paragraph 1, Special Orders 266. Instructions in confidential telegram your office November 9 complied with. Transfers made. Men from McIntosh leave for Fort Reno to-morrow; those from Fort Bliss soon as possible. Report of recruits received wired for, and will be forwarded as soon as received.

McCASKEY,  
*Brigadier-General.*

[Telegram.]

SAN ANTONIO, TEX., *November 26, 1906.*MILITARY SECRETARY,  
*Washington, D. C.:*

Commanding officer, Fort Reno, reports discharge of all men under paragraph 1, Special Orders 266, War Department *compiled* [completed] at 9.30 this morning.

McCASKEY,  
*Brigadier-General.*



[Telegram.]

SAN ANTONIO, TEX., *November 26, 1906.*MILITARY SECRETARY,  
*Washington, D. C.:*

Following received:

FORT RENO, OKLA., 24.

MILITARY SECRETARY, DEPARTMENT OF TEXAS,  
*San Antonio, Tex.:*Twenty-one privates, Company D, Twenty-fifth Infantry, discharged this morning.  
PENROSE, *Commanding.*McCASKEY,  
*Brigadier-General.*BROWNSVILLE, TEX., *November 27, 1906.*HON. W. H. TAFT,  
*Secretary of War, Washington, D. C.*

MY DEAR SIR: In view of the expressions of deprecation and criticism coming from certain quarters at this time regarding the President's action, through your Department, in ordering the discharge for cause and "without honor" of the three companies of colored troops recently stationed at Brownsville, I feel constrained to write you this letter from this place, thinking that possibly your personal knowledge of the antecedents of the writer might give it some added weight with yourself.

As a citizen and resident of Illinois, as an antislavery advocate when that phrase had a meaning, and as a life-long Republican, who served in the Union Army throughout the civil war, I shall at least not be suspected of prejudice against men of color as such. I feel sure that only carefully disseminated misinformation as to the facts can account for the present gross misapprehension on the part of some persons and journals at the North.

Business interests bring me frequently to Brownsville, where I have found a particularly placid and well-ordered community. Arriving here immediately after the midnight attack upon this city by a part of the colored garrison of Fort Brown, I have improved my abundant opportunity for gathering, personally and privately, on the spot and at first hands, and for carefully sifting all material facts bearing upon the deplorable event. Without rehearsing details I wish to assure you that an absolutely unprejudiced investigation, continued after all local excitement had subsided, confirms in every particular the conclusions reached by the two army officers sent here by your Department, upon which the President has acted, as well as the clear and temperate statement sent out immediately after the tragedy by Chairman William Kelly, of the Brownsville Citizens' Committee. Captain Kelly is a veteran officer of the Union Army, president of the First National Bank here, and a citizen of the highest character, who could have no motive for magnifying the gravity of the occurrence. His associates on this committee, and in its investigations, included leading State, Federal, county, and municipal officials, all of whom were present in Brownsville on the night of the outrage and throughout the subsequent events. The committee's membership also

embraced the most prominent private citizens of all vocations, including many of Northern birth and antecedents. The committee's report is doubtless on your table or in your files. It constitutes the authorized, dignified, and sufficient utterance of this community, and it probably embodies the most conclusive and damning indictment ever found against soldiers of any race, wearing the uniform and wielding the weapons of a civilized government.

Next to the window where I am now writing is a cottage home where a children's party had just broken up before the house was riddled with at least 23 United States bullets, fired by United States troops, from United States Springfield rifles at close range, necessarily with the purpose of killing or maiming the inmates, including parents and children, who were still up in the well-lighted house, and whose escape from death, under the circumstances, was astonishing. On another street I daily look upon the fresh bullet scars where a volley from similar Government rifles was fired into the side and windows of the Miller Hotel, occupied at the time by sleeping or frightened guests from abroad, who could not possibly have given any offense to the assailants. Any day the Brownsville Lieutenant of Police Dominguez, again on duty from hospital, may be seen carrying an empty sleeve because he got in the way of Federal soldiers from the adjacent garrison when they were "shooting up the town." And not far away is the fresh grave of an unoffending citizen of this place, a boy in years, who was wantonly shot down while unarmed and attempting to escape the astonishing rain of bullets.

The well-attested evidence, controverted by none, is that the colored troops were treated here in Brownsville with the same consideration with which colored soldiers of similar bearing are treated in garrison towns of Northern States; that on the other hand, the street conduct of some of them was often aggressively and causelessly insolent toward both white men and women; that one attempted assault upon a white woman was made by a negro soldier in uniform; that there was no known provocation for the murderous raid by the negro soldiers, unless it can be called a provocation that the drinkers among them were provided with separate bars in certain saloons, and that on two occasions individual insolence was resented by individual citizens, both of whom happen to have been Republican Federal officials; that there was no "riot" and no "street row," as many newspapers persist in calling the raid, but there was simply a cold-blooded conspiracy of the most cowardly possible sort to terrorize the entire community and kill or injure men, women, and children in their homes and beds or on the streets, and this at an hour of the night when concerted or effective resistance or defense was out of the question, and when detection by identification of the uniformed criminals outside of the garrison was well-nigh impossible. No defense being practicable, none was made. So far as I can learn not a shot was fired by citizens at the attacking soldiers or at the fort. The soldiers were the aggressors from start to finish; they met with no resistance during their assault and had things their own way.

To one who knows the facts, as I learn them here, and who therefore appreciates the enormity of the prearranged cooperative crime, the present attempt to make martyrs of any portion of the discharged men would be appalling if it were not grotesque. If the persons

who actually did the firing could have been identified and tried they would doubtless have suffered what they deserved—the penalty of a shameful death.

Every soldier who possesses incriminating knowledge of the facts has, by refusing to testify, made himself legally as well as morally an accessory after the fact to the crime of murder. It equally follows, as it seems to me, that every member of the battalion who, however innocent personally both of actual participation and of actual guilty knowledge, has chosen to stand as a silent or outspoken champion of his suspected comrades is himself morally implicated, and unfit to wear the uniform of an American soldier. He has shown himself an unsafe person to be employed as a defender of the public welfare and of the nation's honor. Inasmuch as, so far as known, not one member of the disgraced battalion has thus far seen fit to act the part of an honorable citizen and soldier by at least manifesting a willingness to aid the Government to fix the primary responsibility where it belongs, the entire membership of the three companies rightfully share a common ignominy. Besides, all the circumstances of the case leave very little doubt in my mind that a very large proportion of the command are in possession of knowledge which, if revealed, would lead to the prompt detection of the men who did the actual firing.

Without presuming to pass judgment upon any part of the conduct of the white commissioned officers who were in charge of the Brownsville garrison, which conduct is doubtless receiving the attention of your Department, I have been greatly surprised by several facts relating to the discipline maintained at the post. For example, at the outset it seemed amazing to me that neither the commanding officer, the officer of the day, nor the officer of the guard should have known anything of the bloody event. My amazement was increased when I learned that the officer of the day had, earlier in the evening, gone to his private quarters, and not only removed his sword, but had undressed, gone to bed, and was sound asleep throughout the entire occurrence.

I believe no course other than the moderate and lawful one which he has pursued was, or is, open to the President, unless all semblance of decent discipline in our Army is to be ended, and unless every American community, North and South alike, is to be given cause to dread the proximity of a negro garrison as it would that of an encampment of paid, armed, and uniformed assassins. It is not a sectional matter. I find here little, if any, animosity toward colored troops as such. White soldiers guilty of like conduct would be dreaded and detested quite as much as black ones, and in Boston as well as in Brownsville.

I sympathize with the colored people in their upward struggle in America against fearful odds. I believe the most damaging service that can be rendered them as a race in this their period of test and transition is that of championing or excusing the criminal element in their ranks, as some members of both races seem to be doing at the present time. Incidentally, this sanguinary Brownsville episode seems to mark a sudden and inexplicable reversion to unprovoked primeval savagery by considerable numbers of trained, veteran negro soldiers, which suggests serious thoughts upon the whole racial problem.

But that is another matter, and the present duty for every citizen, North and South, white and black alike, as it appears to me, is to acquaint himself with the facts in this particular case, as officially ascertained, and then voice his emphatic approval of President Roosevelt's necessary and admirable course in the premises. I can imagine no conduct on the part of members of a military garrison which would surpass in atrocity the Brownsville crime of August 13, and but for the fact that iron clad conspiracy of silence on the part of the entire force of enlisted men has thus far rendered detection and real punishment impossible the present sweeping dismissal would not be required.

It goes without saying that such discharge from service is not punishment. As punishment it would be farcical in its leniency. It is at utmost a severance of relations between employer and employed—a determination of the Government's responsibility for the conduct of men who have shown that they can not be trusted. It is to the last degree deplorable that adequate penalty can not be inflicted at this time, but in the absence of such penalty the good name of every colored soldier remaining in the Army, and of the colored race in America, demands that they unite with all good citizens in placing these criminals and their sympathizing comrades in the pillory of public execration.

Very truly, yours,

A. B. NETTLETON.

THE WHITE HOUSE,  
Washington, December 1, 1906.

MY DEAR MR. SECRETARY: The President directs me to send you the inclosed statement from Mr. Gilchrist Stewart concerning the Brownsville, Tex., matter, and to say that he desires full comment from Major Blocksom on it, which the President wishes sent to him at the earliest possible date.

Very truly, yours,

WM. LOEB, Jr.,  
Secretary to the President.

Hon. WM. H. TAFT,  
Secretary of War.

[Inclosure.]

CHICAGO, November 29, 1906.

Hon. THEODORE ROOSEVELT,  
President of the United States,  
White House, Washington, D. C.

SIR: Your telegram sent to me by William Loeb, jr., secretary, at Fort Reno, received.

As there are about 20 soldiers of the Third Battalion (discharged) in Chicago, whom I desire to see nicely situated and on the road to positions which would keep them from lacking the necessities of life, I have been compelled to stop by here. In compliance with your wish that the result of my investigation and information be placed before you immediately, I hereby give you a synopsis of my affidavits and investigation and will arrive in Washington Saturday with the affidavits and statements of officers.

I have not done any surmising in this investigation, but my facts are based upon the official reports of sergeants, the rolls of the companies, the orders given by officers, and the records at Fort Reno. On August 6 Private Newton, of Company C, was knocked down on the sidewalk with a revolver. Private James Reed, on August 8, was knocked off of a boat into a sluice of the Rio Grande. Private Liscomb, of Company C, on same date, was chased and hooted in the town. Joseph Howd, of Company D, when sent to the wharf on business was repeatedly insulted. That five soldiers, who were walking down the street, were ordered off the sidewalk by a man who was talking to some ladies and who said to them: "I want you nigger soldiers to understand that this is a white man's country and that whenever you see a white man on the street talking to ladies get off the sidewalk and get into the street." (All these incidents were officially reported to Major Penrose, commanding officer.)

On August 12 a citizen of Brownsville, Evans, reported to Major Penrose that his wife had been insulted by one of the soldiers. Major Penrose asked Evans if his wife could identify the man. Evans replied that she could not, but that he wore the khaki uniform and regulation hat. Major Penrose replied that there were dozens of people in that vicinity wearing such a uniform, and that his men had been stationed at Fort Niobrara, Nebr., 5 miles from the town; that they had repeatedly passed women on the roads, and that in the entire record of this battalion there had not been a complaint of that character lodged, but that he would investigate the matter, and if it was one of his men would see if he could ascertain which one. On August 13 Evans reported to him that his wife was greatly annoyed at hearing the vulgar language used by his men. (Evans' house is in the neighborhood of the "tenderloin district" of Brownsville.) Major Penrose informed him that he would stop that. Evans asked him if [he] had yet secured any clew as to the identity of the man who had insulted his wife, to which Major Penrose answered that he had not. On August 13 Major Penrose ordered Captain Macklin, officer of the day, to send out patrols through the town and to notify every soldier to be in at 8 o'clock, and that further the order should be published on retreat. Captain Macklin carried out said order, notifying Corpl. Samuel Wheeler, who was corporal of the guard. Corpl. Samuel Wheeler carried out said order, and, acting with Captain Macklin personally, rounded up every man in town. He asked Captain Macklin the cause of such order. Captain Macklin replied, "A lady has reported that she was insulted and troubled by some of our soldiers, but we do not believe anything of the kind, but the people of the town are kicking up such a row that we are issuing this order to prevent any trouble." It is the unanimous opinion of officers and men that the people of the town did not want the colored soldiers there.

On the night of August 13, between 12.20 and 12.30, firing was heard. Major Penrose, who had not gone to bed, rushed from his quarters and told Sergeant Reed, commander of the guard, to order Hoyt Robinson, of Company D, musician of the guard, to sound the call to arms. Said order was complied with. Captain Lyons, of Company D, was one of the first men at D quarters, meeting Sergeant Frazier. The men of the three companies quickly got in line,

and the rolls were called. Officers and men agree that the time elapsing from the call to arms to the calling of the roll was about eight minutes. Now the official roll calls show, Mr. President, verified by the commissioned officers of B, C, and D, that every man was present and accounted for except three. While they were falling in line the firing was still going on down town. (The three men afterwards explained to Major Penrose that they were absent on pass at Matamoros, across the river, in Mexico, but, of course, the roll call shows the identity of the three men.) It is a self-evident fact that the men could not have been down town "shooting up" the town and answer the roll call at the same time. (I respectfully refer you to the official roll at Fort Reno.) Major Penrose, noncommissioned officers, and the men who have served from fifteen to twenty-five years in the Army (and 80 per cent of this battalion are old service men) all agree that the firing was of mixed arms. These men, from long army experience and in battles, are able to judge by ear the reports made by Government rifles and otherwise. They also agree, many of whom have certificates of proficiency in judging distances, that the distance of fire was such as to make it impossible for men to have been there firing and answer roll call.

The official reports show that Major Penrose issued the following orders: For Lieutenant Geer, who was in command of Company C (Captain Macklin, officer of the day, and regular commander of Company C, slept throughout the entire affair, was aroused three times and on the third time getting up and thinking that he was being aroused for reveille and noting the time—1 o'clock—went back to bed, and when finally he did get up was an hour and a half after everything was quiet, he asked Captain Lyons what was the matter and Captain Lyons told him to report to the commanding officer), to take a position of defense upon the walls; for Lawson, of Company B, to form a skirmish line and support C; for Company D to deploy and march through the town. Captain Lyons marched Company D through the town. The company did not meet any soldiers, but saw men on the streets in khaki uniforms and regulation hat with rifles. Lyons, restraining his men from loading, inquired as to the identity of those persons, and was informed by the mayor that they were policemen. I beg to further call your attention to the fact that if soldiers had been raiding the town it would have had to been done with the connivance of noncommissioned officers and commissioned officers, because they would have had to come back through the lines commanded by the commissioned officers.

In reference to gun racks of Company C being broken open, the men in Company C, thinking, as Major Penrose says he himself thought, as well as all the other noncommissioned officers also thought, that the fort was being attacked (this was shown by orders given by commanding officer and carried out by officers), would not allow a lantern to be lighted in quarters, and as the men came tumbling down stairs, without their guns, in the excitement, Major Penrose ordered Sergeant Harley and men to break open the gun racks and takes the full responsibility for so ordering.

In reference, Mr. President, to claim of citizens that they picked up cartridges and clips, which could only be fired by the Government rifles, beg to call your attention to the fact that rifles used in that

locality will carry a Government cartridge if fired one at a time, but that further any number of cartridges and clips can be picked up on the target-practice grounds; that cartridges and clips could be secured by the dozens and anyone so desiring could sprinkle them along any roads or streets. I, myself, secured about 50. The third battalion had just finished practice, and gave away to children and others dozens of cartridges and clips upon arrival. The Twenty-sixth had not long finished at Point Isabel. But, anyway, these cartridges could be secured by anyone desiring to make a case against the soldiers. It was stated to me by Wilbur Voschelle, of Brownsville, that they intended to drive the colored soldiers out of the city, but never thought that they would be discharged from the Army.

In the investigation pursued by Inspectors Blocksom and Garlington, they started upon the assumption that the soldiers were guilty. General Garlington read a peremptory order from the Department that he was to ask soldiers to state the identity of their comrades doing the shooting. He examined about 28 men of the battalion simply upon that one point, but would not allow them to go into an explanation to show that they could not possibly have known anything of the identity of those doing the shooting or into the condition of the rolls, or the material facts which would render it impossible for them to know any of the incidents of the affair.

Even upon the assumption, Mr. President, taking the citizens' statement that they saw six or eight soldiers doing shooting (what they did see was men in khaki uniform and regulation hat doing shooting), the conditions of your official records show that it was impossible for 95 per cent of the men to have any knowledge of it.

When the men of Company B and D turned in, their guns were ordered all locked up. Company C remained on guard all night (further fact that it was evident officers thought fort was being attacked). Upon inspection next morning every gun was found intact and not fired.

I further desire briefly to call your attention to the fact that Corporal John H. Hill reported to Captain Lyons between 1 a. m. and 2 a. m. of said night saw five or more citizens run from a dark place near the stone wall toward the town in front of Company D; he did not fire at said citizens because all on guard had orders from the commanding officers not to fire but to fall back to the parade ground and report; that an attempt also was made to break open the Government magazine and that when James Sinkler and Private James Smith on guard post duty No. 6 saw six or more citizens running from magazine, made an investigation, found magazine lock broken open and in the door was an iron wedge where an attempt had been made to pry open the door. Said facts were duly reported to the officer of the day and the quartermaster-sergeant.

I respectfully ask you, Mr. President, in support of the affidavits and statements which I will deliver to you at Washington Saturday, to summons Captain Lyons, Major Penrose, and Lieutenant Lawson, with all of the records and rolls and orders issued upon said night, to Washington. They all agree that 90 per cent of the men could have known nothing of the occurrence. Captain Macklin, the only officer whom I found so intensely confident that the men knew about it and that the soldiers did the firing, the records show that he could not

have known anything about his men or the men of the battalion that night after 11.30, as he slept through the whole affair, and did not report to the commanding officer until after 1 o'clock.

The records show and my affidavits support that some men were in the hospital, some men in guardhouse under lock and key, some men detailed to officers' quarters as help, and rushed out from officers' quarters with the officers.

I sincerely hope that you will get the records from Fort Reno and that when my affidavits are all presented Saturday, that in a spirit of fairness and justice, which I think, Mr. President, has characterized all of your previous actions, you will render a decision commensurate with the facts and restore to the Army these men who have fought so valiantly for the country in three wars, as a large percentage of their discharges show—the Indian war, Cuba, and the Philippines; and that they will be restored without prejudice, giving them their former rank, transportation to the points which you and the Department will deem advisable, and that they have full pay from the time of their discharge. I have the address of every man discharged.

Very truly, yours,

GILCHRIST STEWART.

[First indorsement.]

WAR DEPARTMENT,  
THE MILITARY SECRETARY'S OFFICE,  
*Washington, December 1, 1906.*

Respectfully referred to Maj. Augustus P. Blocksom, inspector-general, through the commanding general, Southwestern Division, St. Louis, Mo., for report and full comment, at the earliest possible date, on the statement made within by Mr. Gilchrist Stewart; also for any affidavits or other papers, bearing upon the case, that Major Blocksom may have or that may be on file at headquarters of the Southwestern Division.

By order of the Secretary of War:

F. C. AINSWORTH,  
*The Military Secretary.*

[Second indorsement.]

HEADQUARTERS SOUTHWESTERN DIVISION,  
*St. Louis, Mo., December 3, 1906.*

Respectfully referred to Maj. Augustus P. Blocksom, inspector-general, for compliance with the preceding indorsement.

By command of Brigadier-General Funston:

JNO. V. WHITE,  
*Major, Military Secretary.*

[Third indorsement.]

HEADQUARTERS SOUTHWESTERN DIVISION,  
INSPECTOR-GENERAL'S OFFICE,  
*St. Louis, Mo., December 4, 1906.*

Respectfully returned to the military secretary, Southwestern Division, inviting attention to letter inclosed.

A. P. BLOCKSOM,  
*Major, Inspector-General.*



[Fourth indorsement.]

HEADQUARTERS SOUTHWESTERN DIVISION,  
*St. Louis, Mo., December 5, 1906.*

Respectfully returned to The Military Secretary, War Department, Washington, D. C., inviting attention to the preceding indorsement and inclosures. There are no affidavits on file at these headquarters except copies of those heretofore furnished the War Department with the reports of the inspecting officers.

Major Blocksom left last night for Washington, in compliance with telegraphic instructions of the 3d instant.

FREDERICK FUNSTON,  
*Brigadier-General, U. S. Army, Commanding.*

[Fifth indorsement.]

WAR DEPARTMENT,  
 THE MILITARY SECRETARY'S OFFICE,  
*Washington, December 7, 1906.*

Respectfully returned to the honorable the Secretary of War, with report from Major Blocksom, inspector-general, as called for within.

F. C. AINSWORTH,  
*The Military Secretary.*

[Subinclosure No. 1.]

INSPECTOR-GENERAL'S OFFICE,  
 HEADQUARTERS SOUTHWESTERN DIVISION,  
*St. Louis, Mo., December 4, 1906.*

The MILITARY SECRETARY, SOUTHWESTERN DIVISION.

SIR: With reference to letter of Mr. Gilchrist Stewart, referred to me by your indorsement of the 3d instant, I have the honor to submit the following:

The cases of Newton and Reed are treated of in my report. I did not hear anything of Liscomb being chased and hooted in town and of Howd being repeatedly insulted; if these two cases were reported officially to Major Penrose he has never mentioned them in any of his reports.

The case of Mrs. Evans was noted in my report. I have nothing to add to it.

I stated in my report that there was bad feeling among many people in the town toward the colored soldiers; that the people did not wish them to come; that they did not treat the colored soldiers properly, etc.

Sergeant Reid told me (of my report) that *he* (the sergeant) did not have the call to arms sounded until shots came so fast he thought post was attacked. He stated that he formed the guard before the call sounded. It must have been several minutes after first shots were fired that call to arms was sounded. This is confirmed elsewhere in affidavits, etc.

Mr. Stewart says "officers and men agree that the time elapsing from the call to arms to the calling of the roll was about eight minutes." This would make at least ten or eleven minutes between the first shots and roll calls. I think all the evidence on both sides indicates it was longer.

The "mixed arms" firing referred to by Mr. Stewart was that of pistols and rifles, as the evidence, it seems to me, plainly indicates.

The raiders were in a great hurry and easily made the raid in ten or eleven minutes (it is about 350 yards from the barrack wall to Tillman's saloon, the farthest point).

They had plenty of time to clean their rifles, which took but a minute or two.

Captain Macklin stated to me that he went to bed about twenty minutes to 12 and was not awakened until 1 o'clock.

Evidence was submitted to show that noncommissioned officers or some persons apparently in authority were with the raiders.

Sergeant Harley, acting first sergeant of C Company, in his affidavit says "firing had ceased after men fell in company."

Lieutenant Grier, who superintended the roll call,<sup>a</sup> says by the time he got over to the barracks the firing had stopped. This evidence may be found in Colonel Lovering's report.

It will be noticed from Sergeant Brawner's affidavit (B, my report) that one of the arm racks of C Company was broken open before any orders were given to do so by the commanding officer. Brawner says "when call to arms was sounded." It will be noticed that the serious cases of ill treatment by citizens were nearly all of men of this company. Captain Macklin, who Mr. Stewart says is confident that the men knew about it and that the soldiers did the shooting, is the captain of this company.

As to cartridges, clips, etc., found in streets, they are merely corroborative evidence, as I said in my report. It is quite evident Major Penrose believed they had been used by his soldiers (see B of my report).

I did *not* start with the assumption that soldiers were guilty. I had and have no prejudice against colored men. I have served with them in garrison and in the field and have often seen them under fire. When properly led there are no better soldiers. The Brownsville case arose from causes external to ordinary discipline. Racial differences may cause many such to arise in future if not checked by the only means possible.

Inclosed is copy of message I sent to-day to Captain Kelly, of Brownsville, Tex., in connection with the matter. Captain Kelly was a Union officer in the civil war, and his son is now an officer of the Army.

Very respectfully,

A. P. BLOCKSOM,  
*Major, Inspector-General.*

[Subinclosure No. 2.—Telegram.]

ST. LOUIS, MO., *December 4, 1906.*

Capt. WILLIAM KELLY, or Mayor FREDERIC COMBE,  
*Brownsville, Tex.:*

Am ordered to Washington on Brownsville matter. Desired, nearly as possible, length of time between first and last shots fired by raiders; about what time first shots were fired and how long after first shots rolls were called and whether roll calls were completed

<sup>a</sup>C Company.

before last shots were fired; what kind of night it was; how streets of town and rear of barracks were lighted—gas, oil, or electric light; how persons who saw raiders knew whether they were soldiers or citizens, black or white; where, when, and by whom cartridge shells etc., were picked up next morning; how many and what was done with them; distance from barrack wall to Tillman's saloon, kind of uniform policemen wore, etc. Wish affidavits of Mr. and Mrs. Randall, of telegraph operator, of Martinez, Bolack and Bolack's daughter, Baker, Moore, Borden, Chase, Odin, Canada, Starck, Madison, McDonald, J. P., Thorne, Elkins, all policemen, Mrs. Cowan, Mrs. Starck and their children (children important), Preciado and other witnesses to shooting at Tillman's saloon. Any other evidence you think important or have discovered since. Nearly all the persons mentioned gave evidence (unsworn, I believe) before Citizens' Committee, a copy of which I have. Send affidavits to me at Army and Navy Club, Washington, and wire me there, collect, probable date of arrival of papers. If any expense send me account.

BLOCKSOM, *Major.*

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WASHINGTON, D. C., *December 6, 1906.*

THE MILITARY SECRETARY, U. S. ARMY.

SIR: I have the honor to make additional statement to refute some of the claims of Mr. Gilchrist Stewart in his letter to the President concerning the Brownsville affair. The letter was referred to me at St. Louis December 4, and I had to leave for Washington that night. Having other important business to finish, I considered only the more salient points and returned the communication through division headquarters. Yesterday on train I had more time to compare Colonel Lovering's report and my own with Mr. Stewart's letter.

The statement of Private Lipscomb, C Company (p. 35 [115], sworn testimony before Colonel Lovering) refutes Mr. Stewart's statement concerning "Private Liscomb, of Company C."

"Joseph Howd, of Company D, when sent to the wharf on business was repeatedly insulted." By comparison with lists in Colonel Lovering's report it will be seen that this man is Private Joseph H. Howard, of D Company, who was the sentinel on number 2 (around barracks) when firing commenced. (Affidavit D" of my report.) His inability to see who did the shooting can now be understood. "Major Penrose, who had not gone to bed, rushed from his quarters and told Sergeant Reed, commander of the guard, to order Hoyt Robinson, of Company D, musician of the guard, to sound the call to arms." Major Penrose *had* gone to bed (see p. 1 [94], sworn testimony, Colonel Lovering's report) and Sergeant Reed had call to arms sounded without orders. (See F" of my report; also affidavit of Private Hairston, Colonel Lovering's report.)

"While they were falling in line the firing was still going on down town." Major Penrose says he thought the firing had all ceased when the rolls were called (see p. 1 [94], sworn testimony, Colonel Lovering's report). Captain Lyon's testimony plainly shows that the main shooting was over when rolls were called and that scattering shots afterward came from frightened people in town shooting out of their windows (see p. 3 [96], same sworn testimony). Lieutenant Grier's state-

ments (pp. 5 and 6 [p. 97], same testimony) and Acting First Sergeant Harley's (pp. 6 and 7 [p. 98]) plainly show that firing had entirely ceased before roll of C Company was called, and that the roll call itself was not at all accurate.

I have never believed the first roll calls were accurate; officers and many noncommissioned officers thought principally of defending the post from attack.

The policemen referred to in Mr. Stewart's letter were Mexicans and did not look at all like soldiers, though some of their uniforms resembled khaki.

"Every man was present and accounted for except three. \* \* \* The three men afterwards explained to Major Penrose that they were absent on pass at Matamoros, across the river, in Mexico."

By consulting the list of men absent from company quarters (page 2 [93] of Colonel Lovering's report) and the sworn testimony of the men themselves (on pages indicated), it will be seen that the following were absent from roll calls that night: Three in Brownsville on pass, one in Brownsville presumably without a pass, and from eight to ten at quartermaster corral, bakery, officers' quarters, and quarters in town—twelve to fourteen in all.

No rifles were examined for cleanliness before morning (see Major Penrose's letter, B, my report).

The raiders probably all got back before the line of defense was formed. If any were late they could easily return by the right or left of such line.

In considering my recommendation as one rather for public safety than punishment, it may be well to say that when I arrived at Brownsville, and during the time the Twenty-fifth Infantry was there, there was a very noticeable scarcity of women and children on the streets. I heard from a great many sources that a number of women and children went every night over to Matamoros, Mexico, to sleep, on account of their fear of the soldiers. When I returned from the railroad station, after the battalion of the Twenty-fifth Infantry had gone, there was a great change; women and children were on the streets in crowds.

If a committee of Congress visits Brownsville it will find every statement of fact in my reports, letters, and telegrams true.

Very respectfully,

A. P. BLOCKSOM,  
*Major, Inspector-General.*

Immediate.]

THE WHITE HOUSE,  
*Washington, December 11, 1906.*

MY DEAR MR. SECRETARY: I forward to you the inclosed papers, which have just been handed to me (5 p. m.) by Gilchrist Stewart, in the matter of the discharge of the three companies of the Twenty-fifth Infantry.

Very truly, yours,

WM. LOEB, Jr.,  
*Secretary to the President.*

Hon. WILLIAM H. TAFT,  
*Secretary of War.*

[Inclosures.]

THE CONSTITUTION LEAGUE OF THE UNITED STATES,  
500 FIFTH AVENUE,  
New York, December 10, 1906.

THE PRESIDENT: Pursuant to your telegraphic request of December 8, to Mr. Gilchrist Stewart, herewith please find some information and copies of affidavits gathered by the commission, of which he was a member, which have been embodied in a memorial.

It is hoped the President will be pleased to concur in its petition for a further investigation by a Congressional committee clothed with power to summon and examine witnesses.

See copy resolution to this effect adopted at the mass meeting held at the Academy of Music, Philadelphia, Friday evening, December 7, 1906.

Respectfully,

ANDREW B. HUMPHREY,  
Secretary.

*Resolution adopted at Constitution League mass meeting, Philadelphia, Pa., December 7, 1906.*

This meeting commends the action of Senators Penrose and Foraker in causing an inquiry to be instituted relative to the discharge of a battalion of the Twenty-fifth United States Infantry, and we respectfully urge said Senators to cause such inquiry to be further pursued by a Congressional committee clothed with power to send for persons and papers.

Pending a more complete presentation of the case by witnesses yet to be summoned, the League Commission respectfully shows: That the publication on November 17, 1906, by the War Department of a pamphlet concerning the "Affray at Brownsville, Tex., August 13, and 14, 1906," purports to reproduce the official filed bearing upon the primary and final action taken by the President and by the War Department.

This record discloses the singular fact that from first to last the Washington authorities assumed that *negro soldiers* were more or less engaged in the affray. Indeed this assumption is in terms incorporated in the War Department's instructions of October 4, 1906, issued to Inspector-General Garlington, who was directed by the President to proceed to Texas for information that would lead to the "apprehension and punishment of the men of the Twenty-fifth Infantry believed to have participated in the riotous disturbance," and authorizing this inspector in the name of the President to threaten that command that unless its soldiers disclosed "facts relating to the shooting, killing, and riotous conduct on the part of the men with the organizations serving at Fort Brown," orders of dishonorable discharge of all the three companies will be "immediately issued," "debarring all the men from reenlisting" and from "employment in any civil capacity under the Government." (Government report, p. 107.)

This remarkable assumption, conclusion, and official action seems to have been taken before the testimony of a single enlisted man affected by it had reached or could have reached Washington. The sworn testimony of the soldiers had been taken individually and covers 87 of the 112 printed pages of this official pamphlet. This

testimony was transmitted from Oklahoma City, Okla., in a report made by L. A. Lovering, lieutenant-colonel Fourth Infantry, acting inspector-general, addressed to the military secretary Southwestern Division, Oklahoma City, Okla., and dated October 4, 1906, which date is precisely the date of the instructions above quoted in which the War Department directs General Garlington to proceed to Texas with the Executive menace, which thirty days later became so unhappily fulfilled.

Of course it is conceivable that the testimony embodied in the report from El Reno, Okla., and dated October 4, 1906, might have been telegraphed to the War Department, but this would have been a great expense, which there is no doubt was not incurred; for, if it had been, the fact would have appeared in this official pamphlet purporting to print the official files up to the issue of the President's final order of discharge.

These files show that Inspector-General Garlington had departed on and was not summoned back from his forestalled mission when the sworn testimony of the 167 enlisted men affected reached the Secretary of War's office.

The report of this inspecting officer is not accompanied by the depositions of any soldiers.

It was not necessary, for all had been individually questioned, and on oath had told all about where they were, what they did, and what they knew in connection with the firing. It does not appear that General Garlington ever saw or read that testimony prior to the date of his "report" and his "recommendations" in favor of executing the Presidential menace. Nor could the President have read it when, on October 4, the menace was authorized, for it had not then reached Washington.

No unbiased reader can peruse this printed evidence without concluding therefrom that none of the soldiers so testifying were participants in the firing or had guilty knowledge of its participants. Of course, if individual or wholesale perjury on the part of the soldiers be assumed, any jury would be at liberty to disregard the whole or any part of this testimony; but no jury, much less any administrative officer, can be justified without cause in totally disregarding it. As matter of fact it *was disregarded* in the assumption and action taken by the War Department in its order above, dated October 4, 1906.

Since then also it seems to have been totally ignored.

For this unassailed and apparently unassailable testimony there has been substituted a series of "*opinions*," first by the unsworn and loose "talk" of prejudiced civilians, not subjected to cross-questions, and, secondly, by some officers, who, like Major Penrose, think it "damaging evidence" that "empty shells and used clips" should be picked up by civilians, when everybody about the place well know that these things might be had in abundance from the grounds of target practice, and other débris about a garrison. Some officers, too, have accepted, without fair questioning, the unsworn "statements" of citizens that the firing was done by negro soldiers, when it was too dark to see faces or uniforms, and when the garments described correspond with the khaki trousers or blue shirts almost universally worn in that vicinity, particularly by the class of men likely to be present in any physical commotion.

On the whole the War Department pamphlet absolutely fails to establish in the mind of any unbiased readers its finding that soldiers of Companies B, C, and D were participants in the riot. On the contrary, to any person accustomed to read evidence or to weigh it such a presumption is utterly irreconcilable with the testimony set out in this Government pamphlet.

Even upon the theory that some soldiers have sworn falsely, such a presumption is not justified by the balance of the printed record.

The presumption, assumption, and conclusion, however, of individual guilt furnish the basis upon which the head of the Army has awarded judgment and inflicted penalties upon 167 men, who, if their own evidence is credible, *are themselves entirely innocent.*

As to proof of guilt on the part of the soldiers there is absolutely none given under oath, and by cross-questioning, or given in any proceeding where oaths could be judicially administered.

Why should army discipline be grounded on any such extraneous, unrecognized, and extra-judicial proceeding?

The answer is that in fact official opinion and action has been so grounded. Hence this inquiry is to know of what this so-called "evidence" consists.

The Army and Navy Journal, in its issue of November 24, 1906, thus summarizes it:

The finding against the negro soldiers is based upon the testimony of white men, given under circumstances that deprive it of all value as legal evidence. Each of the soldiers at Fort Brown, at the time of the outrage, which gives rise to this inquiry, positively denied that he, or any of his comrades, so far as he knew, had anything to do with the shooting, and a number of them testified under oath that it was the work of men outside the post.

The testimony given before the Citizens' Committee, which appears in this pamphlet, was taken by a wholly irresponsible body without authority to administer an oath; it was obviously partisan in its character, and it assumed in advance the guilt of the soldiers, as is shown by this question, which was addressed to different witnesses:

Q. We are inquiring into the matter of last night with a view to ascertaining who the guilty parties are. *We know they were negro soldiers.*

As to the question whether the shooters were negro soldiers this was the testimony:

Mr. MARTINEZ, who spoke through an interpreter:

Q. Were they negroes or white men?—A. Negroes.

Q. Did you see their uniform?—A. No; I saw their—what you call it?—bulk.

Mr. BOLACK (Hebrew):

Saw nothing. My daughter heard them talking when they passed the window, and they were negroes.

Mr. MOORE:

Q. Could you tell who they were, negroes or white people?—A. Well, it was a good, strong voice, and English spoken.

Mr. CANADA:

Q. Did you see or hear anything that would lead you to believe that they were negro soldiers?—A. *Nothing except the general tenor of the affair.*

Policeman Fernandez, who was shot, at first said he could not tell whether it was by a six-shooter or gun, but when he was prompted by the committee he said:

Q. There were army guns?—A. Yes. Did not know whether it was citizens or soldiers who shot him.

Mr. STARCK:

Q. Were you able to identify any of them as being negroes?—A. No. Mr. Madison knew by their talk that they were negroes.

Q. Did you see any soldiers?—A. No.

Mr. McDONALD:

I don't know whether they were negroes or white men, but they were United States soldiers.

Doctor Thorne, who heard some cursing, said: "It was a negro's voice."

HERBERT ELKINS:

Q. You know the object of this meeting. *We know this outrage was committed by negro soldiers.* We want any information that will lead to a discovery of whoever did it.

In response the witness said: "I could swear they were negro soldiers," and he went on to describe several of them who "wore khaki pants, regulation blue shirts, and belts."

Policeman Ramirez testified that he saw "five or six soldiers shooting. They were ordered to march and on a second order did so. Policeman Padrou, who confirmed this statement, said: "I know they were soldiers because they were in uniforms." Mr. Campbell testified that he met a whole company of soldiers, fifty or sixty men, but did not see any firing.

They turned their guns on him and his companions, saying: "What are you sons of bitches hunting for?"

Three witnesses said that they heard two bugle calls. Two said the first bugle call followed the shooting; the other said: "There were some shots before the bugle call; then more shots; then the bugle call; then more shots." Several witnesses said that men with guns were seen jumping the garrison wall after firing had been heard from behind the wall. This is all the testimony before the Citizens' Committee bearing upon the question of the guilt of the negro soldiers.

One soldier witness was with a group of patients on the hospital porch and saw a party of *mounted men* riding along the garrison fence, firing, and the witness told the way they went and when their firing ceased. It was impossible for the *infantry* men of the Twenty-fifth to do this and to report in person as they did at roll call. Some of the roll calls were had before the firing had entirely ceased.

Every man at the roll calls of the three companies was present or accounted for within five to (at the maximum) eight minutes of the first alarm; and this alarm was coincident with the first firing. The major (Penrose) had not yet retired, and in the absence of the officer of the day, who could not be found and says he slept through it all, the major supervised the turning out of his command.

Of course everybody thought the post was being assailed and acted accordingly. All unite in so testifying. It subsequently transpired that most of the firing was pointed in the air, was high, was from "mixed arms;" i. e., that is, guns of more than one kind, and of pistols, some persons recognizing "Winchesters" and some other rifles. In one case a *leaden* not a *steel* bullet was recognized by its sound.

All the Government pamphlet tends to show that a party of men, not large, were engaged in a sudden and preconcerted "shooting up" of some part of the town, an occurrence formerly not unusual in frontier localities.

Whatever may have been the primary motive for so doing, the assailants dispersed as the patrol from the post came upon the scene. Meanwhile some policemen got between the lines of fire, and the chief of police was wounded.



What caused the opposing lines of fire is the natural inquiry.

The War Department pamphlet shows a possible motive to destroy a new saloon operated by an honorably discharged colored soldier (Allison) upon capital furnished by an enlisted man (Holloman) still in the service. If this enterprise was profitable it may very reasonably have been the object of assault and defense—of a "shooting up" and a shooting back, if tenanted for a defense. All of these considerations arise from an analysis of the depositions that had not yet arrived at Washington when the conclusion of guilt was embodied in the War Department order of October 4.

The arrival of these depositions might have produced a modification of the Garlington instructions, or his recall; but apparently they have never received serious consideration.

Garlington's "report," although unaccompanied by an iota of evidence, seems to be in line with what his instructions obviously intended he should make. It gives no concern to the merits of cases of any soldiers and throws no light whatever on the main question as to whether or no *any* of the shooters were negro soldiers.

Hence an independent inquiry has been made by the Constitution League of the United States, resulting in what are believed to be true statements, comprised in the following narratives and affidavits referred to:

INCIDENTS PRIOR TO AUGUST 13, 1906, SHOWING ANIMOSITY FELT BY CITIZENS OF BROWNSVILLE, TEX., AGAINST THE COLORED SOLDIERS.

That the citizens of Brownsville were inflamed by the report that colored soldiers would be sent to garrison the post there is a fact of which the War Department was cognizant.

Second Lieut. E. P. Thompson, of the battalion of the Twenty-sixth Infantry (white), which was replaced at Fort Brown by the Third Battalion of the Twenty-fifth, says (p. 94, Government report):

When it was known that a battalion of the Twenty-fifth U. S. Infantry was to garrison the post many derogatory remarks were made before its arrival by some citizens in reference to the colored soldiers in words as follows, or words to the same effect: "We don't want the damn niggers here," "Niggers will always cause trouble," and "To hell with the colored soldiers."

Lieut. H. S. Grier says (p. 43, Government report; sworn testimony of officers in investigation conducted by Lieut. Col. S. A. Lovering):

The very first day on our arrival at Brownsville I registered at the Miller Hotel, and in the conversation with the clerk in regard to colored troops being sent to Texas, that the people were very much opposed to their coming and they must not take any undue liberties or there would be trouble.

Many men and noncommissioned officers state that upon their arrival at Brownsville they were greeted with angry, sullen silence by some and by other citizens with such remarks as "The niggers are here, but we will give them hell while they are here."

SOLDIERS INSULTED AND ABUSED AFTER THEIR ARRIVAL.

On August 5 Private James Newton, of Company C, while walking down Elizabeth street with Private Frank J. Liscomb, passed a man who he was afterwards told was Customs Officer Tate, who was talking with some ladies. Newton and Liscomb, in attempting to pass

in single file between the ladies and the fence on the inner side of the sidewalk, were intercepted by Tate, who, pulling a revolver, struck Newton on the head, knocking him down. As he arose Tate said to him: "Get along, damn you, or I will blow your brains out. Whenever you nigger soldiers see a white man on the sidewalk talking to ladies get off the sidewalk and get into the street." (See Liscomb, Affidavit A, Constitution League Commission report, corroborated by Government report, p. 13.)

On August 8 Private Clifford J. Adair, of Company C, was returning from Matamoros, Mexico, where he had been spending the day on pass. In getting off the ferryboat he was, without provocation, roundly cursed by the United States custom officer and roughly searched. A gold penholder was forcibly taken from him, and when he offered to pay the duty on it was not allowed to do so, but was cursed and told: "You damn nigger soldiers are too smart." Adair reported the occurrence to the commanding officer. (Affirmed by Government report, pp. 40 and 59.)

While Private Oscar W. Reid, of Company C, was waiting for a companion at the ferry for Matamoros, a man, whom he afterwards identified as a Mr. Baker, a custom-house inspector, came up to him and said, "Move on." When Reid attempted to explain his mission he was told not to say a "damn word," and was bodily thrown off the board walk into the deep mud and water alongside it. He got out with difficulty.

The members of the Third Battalion were at this time, and had been ever since their arrival in Brownsville, subjected to annoying and vulgar insults, and hooted and jeered at in the streets as "nigger soldiers." In saloons insulting and coarse remarks were made to and about them as they passed through the main saloons to sections in the rear, where separate booths or stalls had been arranged for them to drink in. So intolerably frequent did these insults become, and so aggravated their intensity—for the purpose of provoking a saloon brawl—that, after considerable barrack talk, John Holloman, of Company B, decided to build a small saloon especially for the colored soldiers. This was done, and William Allison, an honorably discharged colored soldier of the Twenty-fifth Infantry and a resident of Brownsville, was placed in charge as bartender. This independent evasion of the "Jim Crow" customs of the town, instead of quieting the race feeling, intensified the prejudice and bitter feelings, including commercial jealousy. This was particularly noticeable among the lower white element which feeds upon the saloon and its adjuncts.

On August 13 Mr. Evans, a citizen of the town, came to Major Penrose and reported that his wife had been insulted by a colored man who she was sure was a soldier, as he wore the khaki uniform and regulation hat. Major Penrose says (Government report B, p. 14): "His statement that his wife was seized by a soldier I was inclined to doubt." There was every reason to doubt it. This battalion had been stationed at Fort Niobrara, Nebr., for four years—5 miles from town. They had passed and repassed white women on the road and were on the most friendly terms with the citizens, and not one instance of this character was reported, or has ever been, for that matter, in the history of the battalion. It seems improbable that a mere transfer of these soldiers from Nebraska to Texas would in two weeks' time, particularly in a hostile country, make a

“demon” out of a soldier in a border town where “prostitutes are too common in the town” (see Penrose’s statement, Government report, p. 14), and where Mexicans form a large portion of the population.

#### KHAKI THE USUAL GARB OF NUMEROUS CITIZENS.

The fact, established by affidavits and a matter of common knowledge, is that the khaki uniform is worn officially by the police of Brownsville and frequently by rangers and by dozens of citizens. This precludes the assumption that Mrs. Evans’ assailant was necessarily a colored soldier.

Major Penrose informed Mr. Evans that he would hold an investigation to ascertain whether the guilty man was one of his battalion, and if so, which one. The reported insult offered Mrs. Evans added fuel to the fire of hatred felt by the citizens toward the colored soldiers, and threats were frequently made that the soldiers would be shot on the streets that night. Dr. Frederick Combe said in conversation with Evans and Penrose that “if there is not an arrest made between this and 11 o’clock every enlisted man seen on the streets will be shot.” (See League affidavit B, Wilbur Voschelle, white citizen of Brownsville.)

Major Penrose, recognizing that there was danger ahead and that the spirit of the citizens forboded a riot, issued an order to Capt. E. A. Macklin, officer of the day, to send patrols throughout the town to gather in all soldiers on post or anywhere else; to arrest any refusing to come, and to have published at retreat that no man would be allowed out of the fort after 8 o’clock p. m. until further notice (Constitution League affidavit C). These facts are sustained by Government report and frankly admitted by Major Penrose and Macklin; Captain Macklin communicated this order to Samuel Wheeler, corporal of the guard of first relief, who complied with it. (Constitution League affidavits D and U.) Upon Wheeler’s asking the cause of the order, Macklin replied: “People, it seems like, are trying to give us some trouble; a lady has reported that she was insulted by some soldier, but we do not believe anything of the kind. I will see the commanding officer in the morning, and have this matter thoroughly investigated.” The order was published at retreat. (League affidavit C.)

Private Ash, who was sent out from the fort that evening by order of Major Penrose, went into the town to aid in rounding up the colored soldiers. He was insulted, hooted, and jeered at, and called all manner of vile names. (Constitution League affidavit D.)

#### FACTS RELATING TO THE FIRING OF MIXED ARMS ON NIGHT OF AUGUST 13, 1906.

At 11 o’clock on the night of August 13 at check roll call all men were found present or accounted for. The gun racks had been checked in the morning, when all guns were locked up and verified. Captain Macklin, as officer of the day, on his 11 o’clock round of all the guards and barracks, including the patrol guard, reports that he found all men in quarters and everything quiet, with no unusual disturbance; that the men were all sleeping, and that, having com-

pleted his rounds, he retired to his quarters for the night. (Government report, p. 40.)

Between 12.20 and 12.30 a. m. the firing of guns was heard, which judging from the affidavit and evidence, seems to have come from the road in front of Company B's headquarters. Corporal Wheeler, who was not yet asleep, says he heard two shots. (League affidavit D.) Major Penrose rushed out and met Charlie Hariston, of Company B (Constitution League affidavit E), who was assigned that night as sentinel at post 3, around officers' headquarters. Both hurried toward the company barracks. Major Penrose directed Hariston to order Robinson, the bugler of the guard at the tower of the guard, to sound the call to arms. Hariston found Sergeant Reid already aroused, and both told Robinson to sound the call to arms. Robinson complied with the order immediately, while the firing was still furiously going on down town.

The statement of citizens (Government report, A, pp. 21 to 33) that they heard a bugle call as a signal before firing, and then a second bugle call which brought on the firing, is a willful or unintentional perversion of the facts, as it would be impossible for two bugle calls to be sounded in a fort garrisoned by soldiers at that time of night without causing confusion among both officers and men.

Constitution League affidavit F, of Robinson, shows that the call to arms was sounded instantly after the order given by Penrose. The men of Companies B, C, and D, who were asleep in their barracks, being aroused by the firing and the call to arms, hastily dressed and securing their arms immediately fell in line in front of their respective quarters.

#### FULL ROLL CALL WITHIN EIGHT MINUTES AFTER CALL TO ARMS.

While the men were falling in line, the firing was still going on furiously beyond the stone wall of the fort. The rolls were ordered called immediately. League affidavits G, H, and I, of soldiers of Companies B, C, and D, and affidavits J, K, and L, of First Sergeants Sanders, Harley, and Frazier, respectively, of B, C, and D, all prove that the time from the call to arms and the roll call was only eight minutes at the longest. Major Penrose states that it was about *five minutes*.

Capt. S. P. Lyons, of Company D, one of the first officers as well as one of the first to arrive at battalion headquarters, says that the roll was called within five minutes and Major Penrose says "that within five minutes afterwards entire command paraded and all men found present or accounted for and rifles in racks locked." (Government report, p. 11.)

#### ROLL CALLS SHOWED ALL MEN PRESENT OR ACCOUNTED FOR.

The rolls of the companies, as verified by the officers (all commissioned officers are white), show that in Company B all men were present or accounted for. Substitutes at these roll calls were impossible. (See roll call, Exhibit A, and Sanders' affidavit I.) In Company D all men were present or accounted for. Two were on pass—Walter Johnson and Corpl. Charles H. Hawkins—whose rifles were, however, in the racks, as attested by Captain Lyons. (League affidavit

L, and Government report, p. 41.) They afterwards gave undeniable proof that they were asleep, one in town and the other in Matamoros. In Company C the roll call was started as in the other companies, but as the gas lamps were insufficient where the company had fallen in line, Major Penrose ordered Lieutenant Grier to count the men. Grier counted them and all were present or accounted for except two, whom a subsequent roll call showed were Sergeant Thomas and Private Edward L. Lee, who were out on pass, and who afterwards furnished information as to their whereabouts satisfactory to their officers.

#### GOVERNMENT'S VERDICT OF GUILTY INVOLVES A MIRACLE.

The facts that the rolls were called and answered in full within a few minutes after sounding the call to arms, and that firing was still going on furiously while the men were forming in line, make it necessary in order to vindicate the Government verdict of guilty, to conceive men equipped with such miraculous speed and invisibility of person as to get back over the stone walls to their companies and answer roll calls without being detected by the commissioned and noncommissioned officers, all of whom except Macklin, were then in charge of their respective companies. The roll, called twice by order of Penrose, show all men present and accounted for except four on pass, all of whom subsequently testified satisfactorily as to their whereabouts on that night.

At the completion of the roll calls, Major Penrose issued the following orders: For Lieutenant Grier, in charge of Company C, to take a position of defense on the walls of the fort; for Lieutenant Lawson, in command of Company B, to support C, and for Captain Lyons, of Company D, to form a skirmish line, guarding the most exposed portions. Major Penrose finally ordered B to move up and guard the exposed portions, and Company D to deploy and march through town. (See Government report, p. 111, and League affidavits I, K, and L.) These orders were all carried out by the various company commanders. On the march through town of Company D, under Captain Lyons, the soldiers saw citizens with rifles and dressed in khaki uniforms and regulation hats, who, upon inquiry by Captain Lyons, turned out to be, according to the statement of the mayor, special policemen. (See League affidavit L, Fraser.)

The mayor said that there had been one man killed, a policeman wounded, and a horse killed. After the company had marched up the street where a large crowd was assembled, they marched back to quarters and with Company B lay around on the grass until about 3.30, when they were ordered in, and the guns were again locked up in the racks. (See affidavits J and L.) Company C remained on guard all night in addition to the regular guard made up from the other two companies, and they formed a cordon of sentinels around the north and east sides of the post. Both B and D were ordered to turn in to their barracks.

If the private soldier, Edward A. Sanborn, of the United States Army Hospital Corps, now stationed at Fort Sam Houston, San Antonio, Tex., could be compelled to testify to facts within his knowledge, it could be shown that on the night of the riot, August 13, there were eight negro soldiers in the hospital, and that on returning to the

hospital that night about 12 o'clock he heard the bullets flying over the hospital. They were not likely to have been fired by soldiers to injure their comrades in the hospital.

He knows that Dominguez, the policeman who was injured, had a bad reputation and had been shot before in street rows. Sanborn dressed the wound of the negro soldier who had been assaulted by Tate, the customs officer. First-class Sergt. Francis L. Altman, of the Hospital Corps, United States Army, now stationed at Fort Washington, Md., can give like testimony as to the bullets and shooting.

#### FIRING WAS OF MIXED ARMS.

Major Penrose and every noncommissioned officer and private of long experience and service in the Army, many of whom have certificate of proficiency in judging distances and locations of firing, and whose ears are trained from target practice, as well as from actual battle engagements in three wars (the Indian campaign, the war with Spain, and the Philippines war) accurately to discern and discriminate the reports made by the firing of the Government rifles and other rifles, all unanimously agree that the firing was of mixed arms—Winchester, pistols, etc. (See League affidavits, Companies B, C, and D, and League affidavits I, K, and L, of sergeants and privates.) From the official orders issued and the actions of both officers and men, it is undeniable that all thought there was an attempt being made either to attack the fort or to do some soldiers of the fort bodily injury.

Every affidavit, the officers' statements, and sworn testimony, and the letters of Major Penrose show it to be an incontrovertible fact that from the time Major Penrose ordered the call to arms and Hoyt Robinson sounded the bugle until the men secured their guns from the gun racks, fell in line, and answered the rolls the interval did not exceed eight minutes. The official records show that every man answered the roll call and was accounted for, except four. The question presents itself: How could men be answering roll call, as the official roll shows they did, and at the same time be in town shooting it up? Sergt. George W. MacMurray, of Company C, says, in testimony (Government report, p. 44), that he was among the last to fall in line in his company, the company being practically formed, and that firing was still going on down town. Major Penrose says (A, p. 10, Government report) that "within five minutes entire command was paraded and all men found present or accounted for."

William Harden, of Company B, who was in the hospital, said in a statement, also borne out by affidavit (Government report, p. 92), that the shooting woke him up, and he went out on the hospital porch, where he saw a crowd of mounted people galloping along the wire fence from east to west along the north boundary of the post; they opened up fire near where the wire fence joins the wall in the rear of the first set of barracks; they fired a few shots there and then rode on along the wall to where most of the firing took place—in the rear of B and C Companies' barracks. Charles E. Rudy,

artificer, of Company C (borne out by affidavit, Government report, p. 92), that he was asleep on the front porch of his quarters and heard a shot fired, and then a number of shots. He got up and went into quarters, and by the time he got there a call to arms had sounded. He went to the gun rack to get his gun, but, finding the gun rack locked, went to the back door and looked out to see if he could discover who was doing the shooting. He saw the flash of a number of guns which were being fired from along the wall which separates Fort Brown from Brownsville. It looked as if they were being fired from the outside of the wall toward Company B headquarters, but the fire was high. As the shooting continued, he heard cursing and calls of "Come out, you black sons of bitches, and we will kill all of you."

Corporal John H. Hill (see League affidavit M), who was in the rear of post No. 3, deposes that he saw five or more citizens run from a dark place near the stone wall towards the town in front of Company D's quarters, where they had evidently been in hiding. This fact he reported at once to Captain Lyons.

William Mapp, private, of Company C, says (affidavit, p. 96, Government report) that he was awakened that night by firing, and that he heard voices on the outside of company barracks saying, "Come out, you black sons of bitches." This invitation seemed to come from outside, back of the quarters.

#### TESTIMONY OF BROWNSVILLE CITIZENS WHO SAW NO SOLDIERS.

William Voschelle (a white citizen of Brownsville), employed by the United States Government at Fort Brown, deposes (see League affidavit B) that he was sleeping in town on the night of August 13, and being aroused by the firing, hastily dressed and went towards the post, fearing that there was trouble in the fort and that he would be needed. He further deposed that he did not meet a single soldier, but met four citizens dressed in khaki uniform with arms, talking about the soldiers, and also two policemen. This is a very important affidavit, as Voschelle can be reasonably classed as an entirely disinterested person; and the fact that he saw no soldiers, but only armed citizens in khaki uniform, throws a very significant light upon this question.

Mathias G. Tamayo (affidavit, p. 19, Government report), who is a Mexican and the scavenger of the post, testifies that he was back of Company B quarters when firing occurred. His mule was frightened by the firing and ran away up the road. He says that he saw no soldiers nor saw or heard any shots fired from any of the company barracks, but that the shots came from outside the wall and appeared to be going towards the Rio Grande. If soldiers had been firing from barracks or stone walls of barracks, Tamayo would have had knowledge of it. This man testified before grand jury of Cameron County. That jury failed to find an indictment against any of the men charged. (See statement in the letter of the presiding judge of the twenty-sixth Texas judicial district as herewith shown.) This judge has since been murdered at Rio Grande City, where there are no negro troops.

JUDGE WELCH'S LETTER ANNOUNCING DISCHARGE OF ARRESTED  
SOLDIERS.

BROWNSVILLE, TEX., *September 27, 1906.*

MILITARY SECRETARY, DEPARTMENT OF TEXAS,  
*San Antonio, Tex.:*

Following letter received by me this date repeated for your information:

"DEAS ARCHER,

*"First Lieutenant, Twenty-sixth U. S. Infantry,  
" Commanding Fort Brown, Tex.:*

"In compliance with my agreement with the United States military authorities, I hereby promptly advise you that the grand jury of Cameron County, adjourned this day, have, after investigation, not indicted any of the following-named parties, held at Fort Sam Houston to await the action of the civil authorities, and they are therefore entitled to release: Sergt. W. A. Browner, Company C, Twenty-fifth Infantry; Corporal David Powell, Company B, Twenty-fifth Infantry; Sergt. Geo. Jackson, Company B, Twenty-fifth Infantry; Private J. H. Howard, Company D, Twenty-fifth Infantry; Private James W. Newton, Company C, Twenty-fifth Infantry; Private Oscar W. Reed, Company C, Twenty-fifth Infantry; Corporal Madison, Company C, Twenty-fifth Infantry; Private James G. Gill, Company D, Twenty-fifth Infantry; Sergeant Reed, Corporal Willie H. Miller, Private C. W. Askow, Company C, Twenty-fifth Infantry; Private John Holloman, Company B, Twenty-fifth Infantry.

"STANLEY WELCH,  
*" Judge Twenty-eighth Judicial District of Texas."*

ARCHER,  
*Commanding.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, September 28, 1906.*

Official copy respectfully furnished the commanding officer, Fort Sam Houston, Tex., for his information.

By command of Brigadier-General McCaskey:

WALTER L. FINLEY,  
*Major, Military Secretary.*

The following is a reproduction of Judge Welch's writ upon which certain soldiers were arrested and tried for "conspiracy to commit murder:"

THE STATE OF TEXAS, *County of Cameron.*

*To the sheriff or any constable of Cameron County, or any State officer, greeting:*

You are commanded to arrest Sergt. W. O. Browner, Company C, Twenty-fifth United States Infantry; Corporal David Powell, Company D, Twenty-fifth United States Infantry; Sergt. George Jackson, Company B, Twenty-fifth Infantry; Private J. H. Howard, Company D, Twenty-fifth United States Infantry; Private James W. Newton, Company C, Twenty-fifth Infantry; Private Oscar W. Reed, Company C, Twenty-fifth United States Infantry; Corporal Madison, Company C, Twenty-fifth United States Infantry; Private James C. Gill, Company D, Twenty-fifth United States Infantry; Sergeant Reed, Twenty-fifth United States Infantry (sergeant of the guard on the 13th of August, 1906, at Fort Brown, Tex.), Earnest Allison (ex-soldier); Corporal Willie H. Miller, Twenty-fifth United States Infantry; C. W. Askow, private, Company C, Twenty-fifth United States Infantry, and John Holloman, private, Company B, Twenty-fifth Infantry, to be found in your county, and bring them before me, a judge of the twenty-eighth judicial district of Texas, in said Cameron County, on the 3d day of September, 1906, then and there to answer to the State of Texas for an offense against the laws of said State, to wit, conspiracy to commit murder, of which offense they are accused by written complaint under oath.

Herein fail not, but of this writ make due return showing how you have executed the same.

Witness my official signature this 23d of August, 1906.

STANLEY WELCH,  
*Judge Twenty-eighth Judicial District of Texas.*



EVIDENCE UPON WHICH SOLDIERS WERE CONVICTED OF RAIDING TOWN, SHOOTING UP CITIZENS, AND BEING IN CONSPIRACY, AS ALLEGED BY WAR DEPARTMENT INVESTIGATORS, TO CONCEAL THE TRUTH AS TO THE [NUMBER] OF THOSE ENGAGED IN THE SHOOTING.

Major Penrose, in his report, says: "Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime." (Government report, B, p. 12.) The ease with which this "evidence" can be discredited makes it amazing that Major Penrose should have been staggered by it for a moment. In the first place, the rifle in common use in that part of Texas will carry the Government cartridge if cartridges are fired one at a time. But any number of cartridges and clips can be picked up on the target-practice grounds and can be secured by the dozens from the men and from the boxes in which a quantity of them are stored in the fort for shipment to be refilled. The Twenty-sixth Infantry had not long since finished target practice at Point Isabel, and this Third Battalion of the Twenty-fifth Infantry gave away and scattered, as is usual, dozens of clips and cartridges as souvenirs, and allowed citizens and children free access to the boxes of discharged cartridges in the fort. (League affidavit L.)

The cartridges and clips were found at too great a distance from the fort for the soldiers to have got back to roll call.

If Major Penrose's reasoning is correct, it is evident that anyone could sprinkle army clips and cartridges along any road and make out a perfect case of rioting against United States soldiers.

In the testimony of citizens (Government report, pp. 21-33) Doctor Combs says, in speaking of the man who was killed, that "the wound was caused by a Springfield rifle or one of similar penetrating power." The fact is that the rifle used in that part of Texas carries a cartridge just one-eighth of an inch shorter than a Government cartridge, and is of a similar penetrating power. Therefore, Mayor Combs' assertion that this wound was necessarily caused by a Government rifle is unwarranted.

#### CITIZENS' TESTIMONY CONFLICTING AND ABSURD.

Some of the statements of the citizens (none of whom was sworn in the investigation, but simply had their unsworn statements accepted as evidence) contradict each other and the facts with an inconsistency which, but for the seriousness of the case, would be ludicrous. For instance, see page 20, Government report.

George W. Randall takes the stand. Questioned, "Tell what you can from the time your attention was first attracted," he answers: "Well, I was sleeping about 10 o'clock and was woke up by pistol shots fired close to my house, about 60 feet from garrison, inside of garrison wall." The fact is that there was no shooting at all until after midnight. This is an illustration of the untrustworthy character of many of the unsworn statements of the citizens which have been seriously accepted as evidence by the Government representatives.

A number of citizens testify that at first shots were fired to start an alarm, and that then others were fired. This was, of course,

impossible, as upon the first shots the official facts show that Major Penrose was out of his quarters, ordered the call to arms, which was sounded instantly, paraded the men, and had the rolls called.

T. M. McCambell, a citizen, testified that he "saw a whole company shooting." (Government report, p. 22.) This statement is grotesquely at variance with the evidence. Some citizens say they saw men shooting pistols; some that they saw Winchesters. Some citizens testified that they saw five men in khaki uniform shooting. Others saw twenty; and McCambell, who was gifted with a more fertile imagination than the rest, saw a whole company.

#### DISCARDED ARMY UNIFORMS WORN BY CITIZENS

As soon as the Third Battalion arrived at Fort Brown, as they were not going to wear their uniforms and caps, but the khaki uniform and regulation hat, they discarded all their old uniforms, caps, and bandoliers and threw them out in the rear of the garrison on the dump. Soon afterward many boys and men were seen wearing the uniforms and caps that had been discarded. (League affidavits L and T.) Dozens of citizens wore the khaki uniforms and regulation hat, and the citizens seen the night of the riot, particularly those with rifles, were conspicuous in being dressed similarly to the soldiers.

It is very singular that not one of the Citizens' Committee could give a logical reason for saying that those doing the shooting were negro soldiers. The night was dark, and some citizens said they knew the shooters were negro soldiers because of their voices; some, because it was English spoken, and others, for other absurd reasons which would not stand a minute as evidence of any positive identification. (See statements of citizens, Government report, pp. 21, 33.)

#### SOLDIERS SAID TO HAVE BEEN TORTURED TO EXTORT CONFESSION.

Upon this kind of evidence, William Allison, a discharged soldier of the Twenty-fifth, who was bartender at Holloman's saloon, was arrested. It was common barrack talk, originating from a visit made to him in jail by a colored citizen of Brownsville, that he was subjected to torture in order to wring from him information which he was supposed to possess as to the identity of the suspected soldiers, but he knew nothing to confess, as he was ignorant of the identity of anyone who took part in the shooting. The grand jury afterwards freed him, as, for lack of evidence, no bill could be found against him.

Captain McDonald, of the Texas Rangers, was permitted to enter the fort and, according to the statements of the men, was allowed to do anything he pleased in his investigation. As a result, 12 men were arrested on some suspicion or other. Warrants were sworn out against them for murder, conspiracy to murder, etc. The arrested soldiers referred to here are mentioned in Judge Welch's order of discharge previously quoted.

Captain McDonald demanded that the 12 men be turned over to him and the civil authorities of Brownsville. Major Penrose wisely declined, and informed Judge Welch that he would not do so at that

time, but that the men would be cared for subject to the jurisdiction of the civil authorities, and would be delivered to them for trial when their safety could be assured. The 12 men were afterwards taken to Fort Sam Houston, and kept as prisoners there until the grand jury failed to indict them, and they were discharged.

Brig. Gen. William S. MacCloskey says (p. 10, Government report), in reference to the selection of these 12 men:

The reason for the selection of these [men or the manner by which their names were produced is a mystery. As far as is known, there is no evidence that the majority of them were in any way connected with the affair. It seems to have been a dragnet proceedings.

It is amazing that the military authorities of the fort would allow a citizen, however high his civil authority, to have 12 soldiers of the high character of these men placed under arrest and subjected to the humiliation of being kept prisoners for practically three months without one iota of evidence against them. The grand jury, too, of Cameron County was recruited from localities and communities from which judicial impartiality in a case against negroes was difficult to expect.

That the citizens of Brownsville, or a certain element of them, were desirous of making trouble for the soldiers is evident. Sergt. Walker McCurdy (see League affidavit N) testifies that Private John Cook, who was stationed at outpost No. 2, acting as corporal, reported to him that he had seen civilians taking guns out of a frame building across the street from the barracks about 2 o'clock in the afternoon of August 14, on which day McCurdy was sergeant of the guards of the outpost duty. McCurdy told Cook to report the same to the commanding officer. (No mention in Government report.)

Musician Hoyt Robinson on the night of August 13, after he was relieved as musician of the guard, about 2 o'clock a. m., saw a number of citizens walking around the fort wall with guns. (See Robinson, League affidavit F; not mentioned in Government report.)

John H. Hill, in League affidavit (see League affidavit M), testifies that on August 24, between the hours of 1 a. m. and 2 a. m., while on guard duty, post No. 6, he saw six or more citizens around the fort magazine, and that he sent Private James Sinkler to report the same to Sergeant Harris, commander of the guard. Sinkler returned with Private James Smith, and the three made an investigation. They found magazine lock broken open, and in the door was an iron wedge where an attempt had been made to pry it open. These facts were reported to the commanding officer of the day.

All of these affidavits, as well as the trend of evidence, seem to indicate clearly that there was an element of the citizens of Brownsville intent upon creating serious trouble, if not actually making an attack upon the colored soldiers. The conclusions and recommendations of the Government investigators are not justified by the record evidence.

The investigators, Blocksom, Garlington, and Lovering, all evidently started upon the assumption that the soldiers were guilty of raiding the town and shooting it up. Blocksom's report shows, and the small number of men of the battalion whom he examined also state, that he was prejudiced, and had already made up his mind on the question even before his investigation into the facts. Blocksom says (p. 4, Government report), "I shall recommend practical dis-

bandment of the three companies if crime not soon discovered. Many old soldiers know guilty men, and should suffer for concealing act."

This was stated by him before the entire investigation was finished. Illustrating the investigator's intent, for instance, he says, as one of the conclusions resulting from his proposed investigation (p. 8, Government report), "Time from sounding call to arms to the roll call was at least ten minutes, probably longer." Major Penrose and Captain Lyons state officially that it was five minutes (see Government report), and affidavits of men and noncommissioned officers show it was eight minutes at the maximum. He also ventures this dubious statement: "Sound of call to arms ordered by sergeant of the guard probably too early during the firing to be genuine;" whereas the facts and official records show that Musician Robinson sounded the call to arms by order of Major Penrose instantly, and that men fell in line at once and during the firing. Yet Major Blocksom volunteers the assertion that the soldiers jumped the walls, raided the town, fired into the homes of citizens, and sustaining no injury themselves returned to the fort, escaping the observation of officers, and answered roll call. To accomplish this feat would be impossible and would require a stretch of the imagination involving a miracle. He closes his report by stating: "It must be confessed the colored soldier is much more aggressive in his attitude on the social-equality question than he used to be." Where the social-equality question enters this investigation is not very clearly to be seen, and the statement simply shows the extent to which Blocksom's mind was prejudiced by his bringing in an extraneous matter. But Blocksom's report is so full of incredible deductions that merely to peruse it and then the evidence upon which it is based at once shows its glaring absurdity.

#### GARLINGTON HAD PREJUDGED THE CASE.

The investigation by Inspector-General Garlington, in which he examined only a small number of men out of the entire battalion shows (League affidavits of Thornton and McCurdy, "O," "Q," and "R," and affidavits of several men examined) that evidently he, too, had already made up his mind that the soldiers were guilty. He restricted them entirely to answering questions relative to what soldiers, if any, were engaged in shooting in the riot, and to matters bearing on the identity of those persons; and he refused to listen to any answers explaining where the soldiers were and the conditions which made it impossible for them to have knowledge of the identity of the rioters or any details or incidents of the alleged riot. (League affidavit R.)

In fact, his report shows that even before he started upon his investigations he had already made up his mind that the men of the Third Battalion were guilty of firing upon the town that night, and he merely read to the battalion an order, so he states (p. 110 of the Government report), "giving them an opportunity to give such information as might be within their power that would lead to the detection of the few *men* guilty of the crime of firing during the night upon citizens of a sleeping town. I informed them that they would be given until 9 o'clock the next day to consider the matter, and that I would be accessible during that limit to any soldier who possessed information and had a desire to make it known."

Of course no soldiers called upon him, because they had no information to give, and knew no more of the identity of those who did the firing than did Major Penrose, Captain Macklin, or any of the commissioned officers.

If one should act upon the assumption of Garlington, Blocksom, and Lovering, that six or eight soldiers did the firing—an absolutely unwarranted conclusion—there is *absolutely* no evidence whatever, even from their own directions, that the other men knew any thing as to the identity of the soldiers doing the shooting any more than it could be assumed that the commissioned officers would know.

**EVEN THOSE SICK IN HOSPITAL OR LOCKED UP WERE DISCHARGED.**

The general affidavits show, and are borne out by the fort records, that a certain number of men were in the hospital, some in the guard-house under lock and key, and some assigned to officers' quarters as help (League affidavit U), and rushed out of the officers' quarters with the officers. The men under lock and key and those sick in bed were supposed to know the identity of those doing the shooting and were discharged. The men asleep in officers' quarters were supposed to know the identity of those doing the shooting, but the commissioned officers (white) in the same house were not supposed to know. The privates were discharged; the officers were neither discharged, court-martialed, or reprimanded, so far as the Government report shows.

The investigation shows that the men were remarkably cool in the excitement that night. This is probably accounted for by the fact that 80 per cent of them, old campaigners on their third enlistment, and, as their discharges show, the larger portion of them have served in actual battle engagements in Cuba, in the hardest and severest battles in the Philippines, and in the Indian campaigns. The service of the major portion ranges from nine to twenty-six years.

Two incidents occurred which have caused comment. The first was the breaking open of a gun rack in Company C quarters. This was ordered, however, by Major Penrose, said order being given to Sergeant Harley, first sergeant, and Sergeant Browner, in charge of quarters, and is explained in the Browner and Harley (League S and K) admitted by Major Penrose. The second was the absence of Captain Macklin (white) of Company C for over one hour and a half throughout the entire affair, and whom, as officer of the day, the men expected to see present. Men were repeatedly sent to his quarters for him, and being aroused at last, he says he got up and looked at the clock. Thinking he was being aroused for 6 o'clock, and noting that it was 1 o'clock, went back to bed. On being aroused again he got up, went over and asked Captain Lyons what the trouble was all about, and Captain Lyons instructed him to report to the commanding officer. This incident seems to have been given perhaps unwarranted significance in the minds of the men, accustomed as they were to the strictest military discipline, and undoubtedly increased the tension of that night. It can not be ascertained that any official action was taken in regard to Macklin's absence.

**SOLDIERS DID NOT CREATE OR PARTICIPATE IN RIOT.**

Attached to this report are depositions additional to those transmitted to Washington from Oklahoma City in the report made by

Lieutenant-Colonel Lovering, under date of October 4, 1906. These depositions are marked A to V, inclusive, and copies are attached hereto, with the roll calls and supplementary papers, marked Exhibits B, C, D. These copies of the roll calls in answer to the "call to arms" (accounting for the men) are practically official. They were courteously supplied by the military authorities at Fort Reno.

The foregoing testimony can produce no other conclusion in the mind of the unbiased investigator than that the riot was not created or participated in by members of Companies B, C, and D of the Third Battalion, Twenty-fifth Infantry, U. S. Army.

The action taken on the part of the Government is based on the *opinions* only of investigating *officers* and is not founded upon the testimony.

The following conclusions are respectfully submitted:

That every member of the battalion was present and accounted for within the fort at and during the time of the riot except those in Mexico on pass and whose alibi were established promptly to the satisfaction of the officers commanding and investigating.

That much of the evidence accepted as incriminating soldiers is incompetent, flimsy, and biased, or expressions only of *opinions* of witnesses.

That the accusation that the soldiers of the battalion must have been aware of the identity of the rioters is an assumption at variance with the facts and unwarranted by evidence.

That there is fair reason to believe that the commotion on the night in question was created by parties not soldiers, partly to gratify a long harbored hatred against the soldiers or partly to punish their independence in boycotting the town's "Jim Crow" drinking saloons; and that such resistance as the rioters encountered was offered by unknown persons *who were not soldiers from the garrison.*

Wherefore your memorialists pray for Congressional investigation by a committee empowered to summon and examine witnesses and report remedial legislation.

By order of the executive committee of the Constitution League of the United States:

ANDREW B. HUMPHREY,  
*Secretary.*

GEO. H. WHITE, *of Counsel.*

NEW YORK, December 10, 1906.

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AFFIDAVIT A.—*Frank J. Liscomb, of Company C. Relative to Newton affair.*

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned authority, duly authorized to administer oaths in and for the county and Territory aforesaid, Frank J. Liscomb, of the age of 25 years, of Company C, Twenty-fifth Infantry, U. S. Army, who deposes and says that he served for a period of two years in the Army; that he was enlisted from Birmingham, Ala.; says that about 9 o'clock on about August 5 he was walking down the street with private James W. Newton, of the same company, and upon passing one white man whose name is unknown to me—afterwards this affiant was informed by Capt. Edgar E. Macklin said white citizen to be a custom officer Tate—struck said

Newton on the head with a revolver, knocking him down as he attempted to pass, and threatened to blow out brains of said Newton.

FRANK J. LUSCOMB.

Subscribed and sworn to before me this 23d day of November, A. D. 1906.

E. J. BARBON, *Notary Public*.

Commission expires July 20, 1906.

AFFIDAVIT B.—*Voshelle. Combs' declaration.*

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned authority, duly authorized to administer oaths in and for the county and Territory aforesaid, Wilbert Voshelle, of the age of 30 years, who deposes and says he was at Fort Brown August 13, 1906, and was in the employ of the United States Government, and at that time was corral boss.

That on the evening of the 13th between 5 and 6 o'clock he was going home in the city of Brownsville, Tex., from the corral, and as he was passing between the hospital and the post exchange he saw Major Penrose, Dr. Frederick Combs, mayor of Brownsville, Tex., and Quarantine Officer Evans talking together, and he heard the conversation as follows:

Doctor Combs said to Major Penrose, "If there is not an arrest made between this and 11 o'clock, every enlisted man seen on the street will be shot."

He did not hear the reply made, but knows that an order was afterwards issued that every man should be in post by 8 o'clock, and that orders were issued to round up the men in Brownsville, Tex.

Affiant further says that he was aroused by the shots at the place in town where he was sleeping that night. He hastily dressed and went down to the corral at the post.

That he did not see a single man on the street of the soldiers at post; he met only two policemen and four citizens with arms who were talking about soldiers, and that, further, after he arrived at the corral he heard about six shots fired in town again. Affiant afterwards went to bed at corral.

WILBERT VOSHELLE.

Subscribed and sworn to before me this 24th day of November, 1906.

My commission expires July 20, 1906.

AFFIDAVIT C.—*General affidavit—Penrose order, 8 o'clock.*

TERRITORY OF OKLAHOMA, *County Canadian, ss:*

Personally appeared before me, the undersigned authority, duly authorized to administer oaths in and for the county and Territory aforesaid, the following-named members of the Twenty-fifth Infantry, stationed at Fort Brown, Tex.,

Who depose and say that they were stationed at Fort Brown, on the so-called night of the 13th, 1906, at the time of the so-called riot, and that on the said date, in the evening, order was issued that all men should be in post at 8 o'clock in the evening of said date, and the further order was issued that all men on pass that would be in town over the said hour by reason of the said pass having been issued should be brought in.

Temple Thornton, John R. Jones, Len Reeves, John A. Jackson, Barney Harris, Dorsie Willis, Winter Washington, Eliso Gant, Albert Holand, Alonzo Haley, Joseph Shanks, Sam M. Battle, Charles Dado, Henry Boney, Robert Williams (mark made by reason of afflicted hand), Samuel Wheeler, Richard Crooks, Thomas J. Green, Jerry E. Reeves, sergeant, Company D, Twenty-fifth Infantry, George W. McMurray, Perry Cisco, Henry W. Brown, Elmer Peters, Wesley Mapp, Robert L. Rogan, John Green, James H. Ballard, Walter Banks, corporal, Company C, Twenty-fifth, Clifford Adair, Corporal Solomon P. O'Neil, Zachariah Sparks, George W. Howe, Joseph Jones, Scrowder Darnell, William Van Houk, William R. Jones, Hoytt Robinson, Edward Jordan, George W. Newton, John Slow, Henry Robinson, Robert L. Collier, Mack Garman.

AFFIDAVIT D.—*Samuel Wheeler, Company D. News of the shooting.*TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned authority duly authorized to administer oaths in and for the county and Territory aforesaid, one Corporal Samuel Wheeler, who deposes and says that he is a member of Company D, Twenty-fifth United States Infantry, and that he has served in the United States Army for a period of nineteen years, and has been in Indian campaigns, in Cuba, battle of San Juan Hill, July 1, while in Ninth Cavalry, and Philippines, and that he was garrisoned at Fort Brown August 13, 1906. That upon said date, while assigned as corporal of the guard, about 7 o'clock, Captain Macklin, officer of the day, gave him an order to take two men of his relief and patrol a certain portion of the town and notify every man that he was to be in post by 8 o'clock whether out on pass or not, and that all men who would not return to bring them in under arrest. Affiant said that he complied with said order by taking out private Joseph Howd, of Company B, first relief, and turned back a number of men and sent in others, and reported the same to Captain Macklin, asking him as to the cause of such an order. Captain Macklin replied, "People are trying, it seems like, to give us some trouble. A lady has reported that she was insulted, that she was troubled by some of the soldiers, but we do not believe anything of the kind. I will see the commanding officers and have this matter thoroughly investigated to-morrow."

Affiant further deposes and says that between 12.20 and 12.30 on the night of August 13, while he was on watch as corporal of the guard, he heard two shots, then a fusillade of mixed arms being shot about 100 yards from the guardhouse.

Affiant has certificate of expert proficiency and marksmanship in judging distances of firing and marksmanship, and when the call to arms was sounded he got the guard outside and remained at the guardhouse with the keys over the prisoners.

As far as affiant knows, and to his best belief and knowledge, no firing was done by the soldiers of the Twenty-fifth Infantry at Fort Brown.

SAMUEL WHEELER.

Subscribed and sworn to before me this 24th day of November, 1906.

E. J. BARBON, *Notary Public.*

My commission expires July 20, 1908.

AFFIDAVIT E.—*Charles Hairston, Company B. Relating to meeting Penrose and being assigned as sentinel of officers' quarters.*TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned authority duly authorized to administer oaths in and for the county and Territory aforesaid, one Charles Hairston, member of Company B, Twenty-fifth United States Infantry, and of the age of 23 years, enlisting from Muskogee, Ind. T., who deposes and says that he was at Fort Brown, Tex., garrisons on August 13, 1906, and was assigned as sentinel of post 3, around officers' quarters, and that about the hour of 11 o'clock Captain Macklin, after taking reports, went towards town, and after staying ten or fifteen minutes came back and went upstairs to bed; that when firing commenced, at about the hour of 12.20 o'clock on said night, Major Penrose rushed out of his quarters and that affiant and Major Penrose went towards the barracks together, and Major Penrose ordered affiant to tell Robinson to sound "call to arms," which he did. Affiant afterwards in about one hour aroused Captain Macklin, after "four" calls at intervals, and remained on post.

CHARLEY HAIRSTON.

Subscribed and sworn to before me this 24th day of November, 1906.

E. J. BARBON, *Notary Public.*

My commission expired July 20, 1906.

AFFIDAVIT F.—*Hoytt Robinson, Company D. Relative to sounding call to arms on night of August 13.*TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned authority duly authorized to administer oaths in and for the county and Territory aforesaid, Hoytt Robinson, musician,



Company D, deposes and says that he has served in the United States Army five years, and that he was garrisoned at Fort Brown on the 13th day of August; that on the night of said date he was detailed as musician of the guard and was assigned to tower of the guard; that about 12.20 o'clock he was aroused by Sergeant Reed, commander of the guard, and told to sound the alarm of "call to arms;" that while he was sounding the "call to arms" the firing was still going on furiously, and it was back in the town of Brownsville, Tex., from the wall of the post and was some distance from post of guards, and that about the hour or near thereto the hour of 7 o'clock Captain Macklin, officer of the day, came to guardhouse and sent two men, Corporal Wheeler, Company D, and Corporal Franklin, Company B, out in town with instructions to bring in every man in town, and tell him he must not be out of post after 8 o'clock that night, August 13, 1906; and Captain Macklin sent Private Ash, Company D, to the wharf at Brownsville, Tex., to intercept any men going over to Matamoros, and tell any returning to proceed to the fort at once, as no man was to be outside of said post after 8 o'clock. Private Ash asked if he should take his gun, to which Captain Macklin replied "No."

Private Ash further alleged to the deponent that upon his return he was repeatedly insulted and abused while in town. Affiant further deposes and says that after he was relieved at 2 o'clock a. m., August 14, 1906, he saw a number of citizens walking around the fort wall with guns and Winchesters; as far as affiant knows and believes, there was no shooting done by the soldiers in post.

HOYTT ROBINSON.

Subscribed and sworn to before me this 24th day of November, 1906.

E. J. BARBON, *Notary Public.*

My commission ex. July 20, 1906.

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AFFIDAVIT G.—*General affidavit—Penrose order, 8 o'clock.*

TERRITORY OF OKLAHOMA, *County Canadian, ss:*

Personally appeared before me, the undersigned authority, duly authorized to administer oaths in and for the county and Territory aforesaid, the following-named members of the Twenty-fifth Infantry, stationed at Fort Brown, Tex.,

Who depose and say that they were stationed at Fort Brown on the so-called night of the 13th, 1906, at the time of the so-called riot, and that on the said date in the evening order was issued that all men should be in post at 8 o'clock in the evening of said date, and the further order was issued that all men on pass that would be in town over the said hour by reason of the said pass having been issued should be brought in.

Temple Thornton, John R. Jones, Len Reeves, John A. Jackson, Barney Harris, Dorsie Willis, Winter Washington, Elise Gant, Albert Holand, Alonzo Haley, Joseph Shanks, Sam M. Battle, Charles Dade, Henry Boney, Robert Williams (mark made by reason of afflicted hand), Samuel Wheeler, Richard Crooks, Thomas J. Green, Jerry E. Reeves, sergeant, Company D, Twenty-fifth Infantry, George W. McMurray, Perry Cisco, Henry W. Brown, Elmer Peters, Wesley Mapp, Robert L. Rogan, John Green, James H. Ballard, Walter Banks, corporal, Company C, Twenty-fifth Infantry, Clifford Adair, Corpl. Solomon P. O'Neil, Zachariah Sparks, George W. Howe, Joseph Jones, Strowder Darnell, William Van Houk, William R. Jones, Hoytt Robinson, Edward Jordon, George W. Newton, John Slow, Henry Robinson, Robert L. Collier, Mack Garman.

—  
AFFIDAVIT H.

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me the undersigned, duly authorized to administer oaths in and for the county and Territory aforesaid, Private George Harris, of Company C, Twenty-fifth United States Infantry, of the age 32 years, having served for a period of eleven years in the United States service, having enlisted last from Fort Niobrara, Nebr. He deposes and says:

That he was stationed at the garrison at Fort Brown, Brownsville, Tex., on August 13, 1906. That upon the evening of said date, while in barracks sleeping, about the

hour 12.15 a. m., he heard firing, then a call to arms; arising, he hastily dressed, secured his gun from the rack, and fell in line at command of First Sergeant Holly.

Affiant further alleges and says that after marching around fort for a while, under command of Lieutenant Greir, they were placed on guard duty and remained until about 9 o'clock, August 14, 1906, until relieved by Company B.

That not one man passed through lines while they were on guard. That when the guns were inspected, while on post next morning, none were found fired. That as far as his knowledge and belief, no firing was engaged in by any of our soldiers of the post.

Affiant doeth further say in support of this affidavit that the time used in between the call to arms arousing him from bed and the calling of the company's roll, to which he answered, was about eight minutes, and that firing was still going on while roll was being called.

GEORGE W. HARRIS.

Subscribed and sworn to before me this 23d day of November, A. D. 1906.

E. T. BARBOUR,  
Notary Public.

Commission expires July 20, 1908.

Personally appeared before me at the same time and place the following-named members of Company C, Twenty-fifth Infantry, and who, having read the foregoing affidavit of George Harris, do say upon their oaths that the facts and matters therein contained are true, and that they were present and personally know that said conditions did then and there exist as herein above alleged, and do make the same their statement.

Lewis Williams, Frank J. Lipscomb, Leartis Webb, Joseph Rogers, Thomas Jefferson, West Logan, Perry Cisco, Clifford Adams, Mark Garner, Corporal Solomon P. O'Neil, George Grier Cook, Sergt. Samuel W. Harley, James T. Harden, James Woodson, George Smith, Sergt. Newton Carlisle, Joseph W. Gray, Robert Collier, Walter Banks, James E. Armstrong, Charles E. Rudy, Erasmus T. Dabbs, George W. Gray, Corporal John H. Hill.

*AFFIDAVIT I.—Israel Harris and members Company D. Relative company conditions.*

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned authority, duly authorized to administer oaths in and for the county and Territory aforesaid, alleges and says:

That his name is Israel Harris, of the age of 23 years; member of Company D, Twenty-fifth United States Infantry; has served for a period of eleven years and six months, and has been in active campaign in Cuba and the Philippines and at El Caney; he deposes and says that he was garrisoned at Fort Brown, Tex., and on August 13, 1906, and that upon the night he was aroused by reports of firing, then a call to arms; hastily dressing, he secured his arms from the rack and fell in line at command of First Sergt. Jacob Fraser, and at command of Captain Lyons they deployed with skirmish line alongside of the wall; the roll was called, to which he answered. That the time from the falling in line to the calling of the roll was about eight minutes. Affiant further says that company then marched through Brownsville, Tex., and that aside from meeting citizens with guns and policemen and crowds, the town was quiet and orderly, seeing no shooting, nor wounded or killed.

That said company then marched back to garrison, laid around on grass about an hour, when Captain Macklin, officer of the day, came up, and Company C was ordered on guard duty and Company D was ordered to turn in rifles and go to bed. Rifles were locked up as usual; next morning when examined they were found unfired.

Affiant further says that according to his knowledge no firing was done by the soldiers or members of his company, the same being D, all of whose gun racks were locked until opened on the call to arms.

ISRAEL HARRIS.

Sworn to before me this 24th day of November, 1906.

[SEAL.]

Expires July 20, 1908.

E. T. BARBOUR, Notary Public.

EL RENO, OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, at the time and place, the following-named members of Company D, Twenty-fifth Infantry, and who, having read the foregoing affidavit of

Israel Harris, do say, upon their oaths, that the facts and matter therein contained are true, and that they were present and personally know that said conditions did exist as herein above alleged, and do make the same as their affidavit.

Thomas J. Green, John R. Jones, Barney Harris, Elmer Peters, Wesley Mapp, James Newton, Robert La Rogan, John Green, P. Willis, Elias Gant, Winter Washington, Alonzo Haley, Charles Hawkins, Albert Roland, Joseph Shanks, Zachariah Sparks, John Slow, Jacob Frazer, first sergeant Company D, Lew Reeves, John A. Jackson, Henry W. Brown, George W. Hall, Joseph Jones, Strowder Darnell, Charles Dade, William Van Houk, Henry Barklay, William R. Jones, Robert Williams, Edward Jordon, George E. Newton, Jerry E. Reeves, Henry Robinson, Richard Crooks, James H. Ballard.

AFFIDAVIT J.—*M. S. Sanders, Company B.* Sergeant examined relative to August 13.

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned, duly authorized to administer oaths in and for the county and Territory aforesaid, one Sergt. M. S. Sanders, a member of Company B, Twenty-fifth United States Infantry, and he deposes and says that he is 50 years old; that he has served for a period of twenty-five years six months and seven days, being a noncommissioned officer for a period of thirteen years and a sergeant for a period of six years; that he has served in Cuba and the Philippines, two months in Cuba, and was continually on the firing line. That upon the 25th day of June, about 9 or 10 miles from Siboney, in Cuba, Theodore Roosevelt came to him, and at his special request his company shared their supply of hard-tack with his command. That in the Philippine campaign he charged up Comanche Mountain as first duty sergeant, North Luzon, on January 5, 1900.

That on January 21, 1901, he captured first sergeant, corporal, 1 Mauser, w Remington, near Cabangan; that on March 14 he captured 14 rifles, 1 saber, near Wilkens camp.

Affiant doeth further say that he was garrisoned at Fort Brown, Tex., on the 13th day of August, 1906, and a member of Company B, Twenty-fifth United States Infantry. That on August 13, 1906, near 4 o'clock, Lieut. George C. Lawson, and company commander, said to him, "Sergeant, are there any men in town on pass?" to which he replied "No, sir; no men on pass." Lieutenant Lawson said, "Send me two responsible men." Affiant obeyed said order, and sent Sergt. Walker McCurdy and Corporal Waddington. Said Officer Lawson told the men to go all over town and if they saw any of Company B's men to tell them to report at quarters at once.

Said officer asked affiant to publish on retreat that no man of the company would be allowed in town after 8 o'clock.

Affiant further says that on the evening of the 13th of August, 1906, he retired to his quarters, about 500 yards east of Company B's quarters; that he was aroused about 12.30 by his wife, and that he heard firing, which, from his long army experience, he knew that there were mixed arms being fired. He at once rushed to his company's quarters, gave the order to fall in, and proceeded to call the roll. The time when he was first aroused and the calling of the roll consumed about ten minutes. That on roll call only 4 men were absent out of 57, and that the men absent were Elmer Brown, detailed at Major Penrose's stables as help; John Brown, assistant baker at post bake house; William Smith, who was upstairs in quarters, asleep; Alfred N. Williams, on duty quartermaster corral; that as he called the roll the firing was still going on down town. After roll call he reported the result to Company Commander Lawson, and company was ordered around rear of quarters, where orders were issued to take position of defense to support C on walls. Company remained in that position about one hour; orders were then issued to form company and call roll again, which he did, and men answered to roll call except two men, Elmer B. Brown and John Brown. Affiant then received orders from Major Penrose to send an officer after them. He sent Corporal Harris, who returned with the two men, which made the roll complete and all men accounted for. Company was dismissed and ordered to remain on until further orders. Company then to put away rifles and go to bed. Next morning at 7 o'clock a. m., at drill, rifles were inspected and company then relieved Company C, Twenty-fifth Infantry.

Affiant further says, according to his best knowledge and belief, that every gun was intact and locked the previous evening. Affiant further says that the men of Company B who were called before Inspector-General Garlington were only 7 men out of the 57 in the company, and their names are as follows, to wit: First Sergt.

M. S. Sanders, First Sergt. Luther T. Thornton, Quartermaster Sergt. Walker McCurdy, Corpl. Wade E. Waddington, Private John Cook, Private Chas. W. Johnson, Private Julius Wilkins.

Affiant further says that majority of company are now on their second and third enlistment, and has about 15 men on long enlistment and service in the United States Army, and that this affiant has only one year and five months before retiring.

MINGO SANDERS.

Subscribed and sworn to before me this 24th day of November, 1906.

E. T. BARBOUR, *Notary Public.*

*AFFIDAVIT K.—Samuel Harley, first sergeant Company C. Relative to his company.*

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned authority duly authorized to administer oaths in and for the county and Territory aforesaid, personally appeared before me Sergeant Samuel W. Harley, of Company C, Twenty-fifth United States Infantry, deposes and says:

That he has served for a period of sixteen years in the United States Army, having served in the Sioux Indian campaign in the years 1890 to 1891, Sioux Indians at Pine Ridge, and other engagements, and the campaign in Cuba, being wounded there in the battle of El Caney, July 1, 1898; and also served in the war in the Philippines.

That he was garrisoned at Fort Brown, Tex., on August 13, 1906, and was acting sergeant of Company C, Twenty-fifth Infantry. That about the hour of 12.15 o'clock a. m., August 14, or better known as the night of the 13th of August, 1906, he was aroused by firing and hearing the call to arms, and dressed quickly as possible. He met noncommissioned officer Sergeant Browner, in charge of quarters; Sergeant Browner asked him "Shall I open the racks?" to which he replied "Wait for orders." He then met Corporal Washington, who informed him that the call to arms had been sounded. He then instructed Corporal Washington to inform Sergeant Browner to let the men have their guns and get down stairs as quickly as possible. Some of the men were already downstairs without their guns, and he sent them back for their rifles. Major Penrose asked why they did not have their guns, and a member of the company replied that they could not get their guns from the racks, as they could not get in them. Major Penrose ordered men to get their guns if they had to break open the gun racks. Sergeant Browner opened as fast as he could the racks in the dark, but the men broke open one rack. He reported to Lieutenant Grier, who took charge of the company at once.

Affiant further says that he started the roll call, but as the gas lamps were giving such bad lights Major Penrose ordered Lieutenant Grier to count the men and move to the rear of the quarters, where they were lined along stone wall fence in position of defense, where they remained one hour. Captain Macklin then assumed command, marched the men in front of quarters, and affiant called roll; all men were present and accounted for except two, Sergeant Thomas and Private Lee, out of total of 57 men in the company. The men not accounted for on roll call were on pass. They then marched back and assumed a position on guard, and remained on duty until about 9 o'clock.

Affiant further alleges that upon examination of guns at 7.30 a. m., August 14, 1906, guns were found intact and unfired. In the investigation conducted by General Garlington, at Fort Reno, only seven men were examined by him, and are as follows, being seven in number: Sergeants Turner, Holly, McMurray, Thomas, and Privates Lee, Edward Johnson, and George Harris.

That according to affiant's belief and knowledge, no member of his company was engaged in any shooting or firing and men were all accounted for on count and roll call, but he was not permitted to enter into details or explanation of any of these facts at the investigation that General Garlington conducted.

SAMUEL W. HARLEY.

Subscribed and sworn to before me this 24th day of November, 1906.

[SEAL.]

E. T. BARBOUR, *Notary Public.*

My commission expires July 20, 1908.

**AFFIDAVIT L.**—*Jacob Frazer, sergeant, Company D. Relative to conditions, caps and uniforms being thrown away. Cartridges and clips easy to get.*

**TERRITORY OF OKLAHOMA, County of Canadian, ss:**

Personally appeared before me, the undersigned duly authorized to administer oaths in and for the county and Territory aforesaid, one Sergeant Jacob Frazer, Company D, of the Twenty-fifth United States Infantry, who deposes and says:

That he is 28 years and 6 months of age, and has served in the United States Army fourteen years two months and four days, and was in active engagements in Cuba, being assigned to the advance line to cut wire at El Caney, and in the Philippines. He had command of a little town, with 30 men under him, and was in command for one year and three months, and captured one of the outlaws of that country, who had a reward on his head of \$2,000. He never received the reward or a medal for this act, but turned the man over to Captain Pardee, who was battalion commander. The man captured was Kwan ba Siener, who was hanged later, on the island.

He received an honorable discharge from his company on the 20th day of September, 1906, and reenlisted September 21, 1906.

That he was garrisoned at Fort Brown, Tex., on August 13, 1906, and upon the night of said day he was asleep at quarters, with his wife, about 400 yards from soldiers' quarters. About 12.25 he was aroused by hearing firing; dressing quickly, he rushed to Company D's quarters, where he met Captain Lyons. He ordered him to get the men in line; and after getting the men in line, Captain Lyons ordered him to get a lantern and call the roll. He did so, and reported to his commander, and all were present and accounted for. Then the captain ordered the company to assemble and be marched through the town. As they were coming around by the jail, he saw two or three policemen going into the jail yard. Immediately after that the company met the mayor of the town, and the mayor called and asked them who they were, to which Captain Lyons replied, "It is Captain Lyons," and the mayor said that there had been one man killed and the chief of police wounded, and a horse killed, and he requested Captain Lyons to come and go around. The company all followed, with Captain Lyons in command, thinking that he was going to show them the man killed. He led the company up the street where a big crowd was assembled, and all we saw was one citizen standing up with the crowd with a Winchester, some one of the men calling Captain Lyons' attention, said, "There is a man with a gun." The mayor replied, "This is one of the officers of the law." Captain Lyons ordered the men to stay in the ranks and keep cool. The company then marched back to quarters, and was allowed to fall out of ranks and to lie down on the ground, but not to leave ranks until we had further orders.

In about an hour Captain Macklin came, (the officer of the day) and asked Captain Lyons what was going on. Captain Lyons answered and said, "Go over and report to the commanding officer;" and I heard Captain Macklin say that he did not know that anything was going on, and that this was the first that he had heard of it. Company D was then ordered to put their guns in the rack and lock up their noncommissioned officer in charge of the quarters, and it was executed.

Affiant states that the conditions that existed at the time of their arrival at Fort Brown are as follows: That all the old uniforms—i. e., coats, pants, and caps—were discarded and thrown upon the dump pile back of the quarters, and the Mexicans and white boys from seven on up, and the men as well, would come and gather up the old clothes that were thrown away, and you could see some of them upon the streets of Brownsville, Tex., with uniforms on that they picked up, and, to a person not knowing, you would think they were soldiers; and the stuff that was thrown away had the name of each soldier marked thereon, and in that way it was an easy matter to get a man's name by seeing the mark on his clothing that they picked up. Just before our going to Fort Brown, there was a target practice held by the Twenty-sixth Infantry about 30 miles from Fort Brown, which was selected for the same by said soldiers of the Twenty-sixth Infantry, who were stationed at Fort Brown, and they had to march through the town of Brownsville, Tex., in order to get to said place. It was easy for the shells to have been gotten hold of by the people, as you could find upon our arrival shells lying all around the garrison.

I do further say, as first sergeant of Company D, that I was not examined by General Garlington on trip of investigation of the riot at Fort Brown; and affiant further says that all the charges that have been made against him and the soldiers, that he has not seen anything that would make him have the idea that the soldiers did do any of the shooting; as aforesaid, the mayor of said town never did show us the man that he claimed was killed, but only accompanied us about one-half block and stopped with

the crowd herein referred to, but afterwards came up into the garrison before the company was dismissed.

I do further say that I do not believe that any soldier then stationed at Fort Brown had anything to do with the shooting that was done.

JACOB FRASER.

Subscribed and sworn to before me this 24th day of November, 1906.

E. T. BARBOUR,  
Notary Public.

My commission expires July 26, 1906.

HILL.—M.

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me the authority undersigned, duly authorized to administer oaths in and for the county and Territory aforesaid, one Corporal John Hill, of the age of 29 years, a member of Company C, Twenty-fifth United States Infantry, who deposes and says that on the 14th day of August, 1906, between the hours of 1 a. m. and 2 a. m., at Fort Brown, Tex., he was stationed in the rear of post No. 3, and that he saw five or more citizens run from a dark place near the stone wall towards the town in front of Company D quarters, which was at that time patrolling the town of Brownsville, and that he at once reported the same to Captain Lyons, and that he has served for a period of eight years in the United States Army. Affiant doeth further say that on August 24 between the hours of 1 a. m. and 2 a. m., while on guard duty, post No. 6, he saw six or more citizens around the magazine, and that he sent Private James Sinkler to report same to Sergeant Harris, commander of the guards, and said James Sinkler returned with Private James Smith, who made an investigation and found magazine lock broken open and in the door was an iron wedge where attempt had been made to pry said door open. Said facts were reported to commanding officer of day and quartermaster-sergeant.

JOHN H. HILL.

Subscribed and sworn to before me this 24th day of November, 1906.

E. T. BARBOUR,  
Notary Public.

My commission expires July 20, 1908.

McCURDY.—N.

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned authority, duly authorized to administer oaths in and for the county and Territory aforesaid, Sergt. Walker McCurdy, of Company B, Twenty-fifth Infantry, who served seventeen years in the United States Army, and he deposes and says that he was sergeant of the guards of the outpost duty on August 14, 1906, and upon said day, about the hour of 2 o'clock in the afternoon, Private John Cook, who was stationed at outpost No. 2, acting as corporal, reported to him that he had seen civilians taking guns out of a frame building across the street from the barracks.

Affiant told him to report the same to the commanding officer. The orders that the affiant had received from the commanding officer that in case any of his guards were fired upon that day they should do nothing but retreat to the parade ground, caused affiant not to fire upon said citizens.

Sergt. WALKER McCURDY.

Subscribed and sworn to before me this 24th day of November, 1906.

E. T. BARBOUR,  
Notary Public.

My commission expires July 20, 1908.

**AFFIDAVIT O.**—*Luther T. Thornton, sergeant. Relative to General Garlington's unwillingness to hear testimony tending to exculpate soldiers.*

**TERRITORY OF OKLAHOMA, County of Canadian, ss:**

Personally appeared before me, the undersigned, duly authorized to administer oaths in and for the county and Territory aforesaid, who deposes and says that his name is Luther L. Thornton, sergeant Company B; that he has been in the service for a period of eight years in the United States Army, enlisting at Fort Niobrara, Nebr.; that he is of the age 29 years. Affiant further says that upon the investigation and examination as conducted by one General Garlington into the so-called difficulty alleged to have taken place between the soldiers and citizens at Fort Brownsville, Tex., held at Fort Reno, Okla., affiant says that the said General Garlington would not permit this affiant to explain anything relative to conditions, to wit, arm racks, their condition, location of guards, of number of men answering roll call in the post, the location of his comrades, or the material facts relative to the night in question, but requested that he only reply to questions, thus: "Do you know anything about the men who did the firing?" and similar questions along that line to which he replied "No;" that he knew nothing that would lead to identify anyone.

LUTHER F. THORNTON.

Subscribed and sworn to before me this 23d day of November, A. D. 1906.

E. J. BARBON,  
Notary Public.

Commission expires July 20, 1908.

**AFFIDAVIT P.**—*Companies B, C, and D. Relative to General Garlington's unwillingness to hear testimony tending to exculpate soldiers.*

**TERRITORY OF OKLAHOMA, County of Canadian, ss:**

Personally appeared before me the undersigned persons, who being first duly sworn, depose and say that they were duly enlisted members of Company B, Twenty-fifth United States Infantry, and they appeared before General Garlington, who was engaged in an inquiry relative to an alleged fracas between soldiers and citizens at Brownsville, Tex., said inquiry being held at Fort Reno, Okla. Deponents say that said General Garlington restricted them to answering questions relative to what soldiers, if any, were engaged in shooting in the riot and to matters bearing on the identity of these persons; but that he refused to listen to any answers explaining where deponents were, and the conditions which made it impossible for them to have knowledge of the identity of the rioters or any details or incident of the alleged riot.

George W. Harris, Julius Wilkins, Walker McCurdy, John A. Jackson, Charles Dade, Thomas J. Green, quartermaster-sergeant, Samuel Wheeler, Hoytt Robinson, musician.

Subscribed and sworn to before me this 23d day of November, 1906.

E. J. BARLOW, Notary Public.

Commission expires July 20, 1908.

**AFFIDAVIT Q.**—*Walker McCurdy, of Company B. Questioned by General Garlington.*

**TERRITORY OF OKLAHOMA, County of Canadian, ss:**

Personally appeared before me, the undersigned authority duly authorized to administer oaths in and for the county and Territory aforesaid, one Sergt. Walker McCurdy, of the age of 42 years, a member of Company B, of the Twenty-fifth Infantry, and who deposes and says that he has served in the expeditions of the Spanish-American war, Fifth Army Corps, against Santiago; in the Philippines at Laloma, Comazi, Subig; that he has served seventeen years in the United States Army. At the time that General Garlington made the investigations at Fort Reno, Okla., he asked him the question: "Now, Sergeant, don't you know that your people are always sticking themselves into some place where they are not wanted," and he replied that he knew nothing about it, that he only followed orders.

Sergt. WALKER McCURDY.

Subscribed and sworn to before me this 24th day of November, 1906.

E. J. BARBON.

My commission expires July 20, 1908.

## THORNTON.—R.

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me the undersigned, duly authorized to administer oaths in and for the county and Territory aforesaid, Luther T. Thornton, who deposes and says that upon being examined by the Inspector-General, Garlington, on October \_\_\_\_\_, as to whether he knew who did any firing on the night of August 13, 1906, after a few questions made the following statement:

"Now, Sergeant, I am a southern man myself and naturally what I speak I speak from experience. Now, have you noticed that in the South when the colored people get into trouble with the white people, it was a class that placed themselves in a position of authority where they had no business to be, and when a colored man commits a crime he is protected by all the rest of his people?"

Affiant replied that the only experience he had had with the southern white people was while in the Army, having been born North, but that their attitude toward colored soldiers was one of disrespect for the man wearing the uniform, and not a charitable feeling for the man of color.

LUTHER E. THORNTON.

Subscribed and sworn to before me this 23d day of November, 1906.

E. T. BARBOUR,  
*Notary Public.*

My commission expires July 20, 1908.

AFFIDAVIT S.—*W. O'Browner, Company C. Aroused by firing.*

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned authority, duly authorized to administer oaths in and for the county and Territory aforesaid, one Sergt. Darby W. O. Browner, of Company C, Twenty-fifth United States Infantry, who deposes and says that he has been in the United States Army for a period of fourteen years—in Cuba, El Caney, and Santiago, in the Philippines April, 1900, to August 1, 1902.

That on August 13 he was garrisoned at Fort Brown and was detailed in charge of quarters Company C; between 12 and 12.20 he was aroused by firing, which sounded like it was a distance over the brick wall in town, and that he rushed downstairs to find his first sergeant, and received orders as to opening up the gun racks. He found Sergeant Harley, who said, "Wait for orders." While standing there he heard Major Penrose say: "Open those gun racks and fall in line promptly, and if you can not find noncommissioned officer in charge of quarters, break them open and fall in line promptly." He rushed upstairs and began to open gun racks, and one that he could not get open was broken open and he found all of the guns intact. The men ran promptly and fell in line, and the roll was called and the men were all present and accounted for. He lighted a lantern and found all of the gun racks intact except the one broken open. He remained in charge of quarters.

Affiant further deposes and says that to his best knowledge no firearms were gone or used by any members of the Twenty-fifth United States Infantry at Fort Brown prior to call at arms as stated. He means by members of Company C.

DARBY W. O'BROWNER.

Subscribed and sworn to before me this 24th day of November, 1906.

E. T. BARBOUR,  
*Notary Public.*

My commission expires July 20, 1908.

AFFIDAVIT T.—*General affidavit relative to citizens wearing old caps, etc.*

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned, duly authorized to administer oaths in and for the county and Territory aforesaid, the following-named persons, who



certify that they were members of the Twenty-fifth United States Infantry, stationed at Fort Brown, Tex.:

Affiants allege that soon after arrival at said fort they discarded all their old uniform, such as caps and uniform, and threw the same out in the rear of the garrison, and that many boys and men soon thereafter were seen by us wearing the said uniform that had been discarded, and that it was a common sight to see the same, as herein alleged.

Affiants further allege that during their stay at Fort Brown they did not wear any caps, but all wore hats.

Thomas J. Green.  
 Temple Thornton, Corporal, Company D.  
 John R. Jones.  
 Barney Harris.  
 Henry W. Brown.  
 James Newton.  
 Winter Washington.  
 Alonzo Haley.  
 Joseph Shank.  
 Zachariah Sparks.  
 George W. Hall.  
 Joseph Jones.  
 Charles Dade.  
 Strowder Darnell.  
 Henry Borse.  
 William Van Houk.  
 Robert (his x mark) Williams (mark made by reason of afflicted right hand).  
 Edward Jordon.  
 Jacob Frazer, First Sergeant, Company D.  
 Len Reeves.  
 John A. Jackson.  
 Elmer Peters.  
 Robert L. Rogan.  
 Dorsie Willis.  
 Elias Gant.  
 Albert Holand.  
 Richard Crooke.  
 George W. Newton.  
 John Slow.  
 Jerry E. Reeves, Sergeant, Company D, Twenty-fifth Infantry.  
 Henry Robinson.  
 Walter Johnson.  
 James H. Ballard.  
 Luther T. Thornton, Sergeant, Company B, Twenty-fifth Infantry.  
 William R. Jones.  
 Samuel Wheeler.

AFFIDAVIT U.—*Robt. Turner, Company C. Wakes Lieutenant Lawson on hearing firing.*

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Robert Turner, private, Company C, Twenty-fifth Infantry, and that he is of the age of 29 years, having served for a period of eight years in the United States Army. Affiant states that he was stationed at Fort Brown, Tex., and that he was, on the 13th day of August, 1906, and upon the night in question, asleep across the garrison in Lieutenant Hays' quarters, being detailed as officers' "help."

When he heard firing, he woke Lieut. O. O. Lawson, and they went over to Company C's barracks at the same time together.

ROBERT TURNER.

Subscribed and sworn to before me this 23d day of November, 1906.

E. T. BARBOUR.

My commission expires July 20, 1908.

**AFFIDAVIT V.—Samuel M. Battle, Company D. Patrol sent out to call men in.**

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me, the undersigned authority, duly authorized to administer oaths in and for the county and Territory aforesaid, one Samuel L. Battle, member of Company D, Twenty-fifth U. S. Infantry, who deposes and says that he has been in the service of the United States Army for a period of seven years, and that upon August 13, 1906, he was garrisoned at Fort Brown, and that upon the night of said date he was detailed as a member of the guard; that about the hour of 7 o'clock a patrol was sent out by Captain Macklin to bring in all men in town, and that about 12.15, while off post duty in guardhouse asleep, he was aroused by commander of the guard, Reed, of Company B, and that after he had been aroused Musician Robinson sounded a call to arms, after which he was sent to commander of the guard to post 2. They met Major Penrose, and he sent Corporal Vincent to his quarters as guard. The firing was still going on while I was en route.

Affiant further says that to his best belief and knowledge there were no soldiers who took part in the shooting, and that he has no knowledge of the identity of those doing the shooting, but according to his best belief it was not any of the soldiers in the post of the Twenty-fifth United States Colored Infantry.

SAM M. BATTLE.

Subscribed and sworn to before me this 24th day of November, 1906.

E. T. BARBOUR,  
Notary Public.

My commission expires July 20, 1908.

COPY OF OFFICIAL ROLL CALL OF COMPANY B, TWENTY-FIFTH U. S. INFANTRY,  
ON THE NIGHT OF AUGUST 13, 1906, AT FORT BROWN.

COMPANY B, TWENTY-FIFTH U. S. INFANTRY,  
Fort Reno, Okla., November 12, 1906.

*List of men of Company B, Twenty-fifth U. S. Infantry.*

No.	Names.	Rank.	No.	Names.	Rank.
1	Mingo Sanders.....	First sergeant.	20	Ernest English.....	Private.
2	Walker McCurdy.....	Quartermaster-sergeant.	30	Isaac Coolby.....	Do.
3	James R. Reid.....	Sergeant.	31	William Hardon.....	Do.
4	George Jackson.....	Do.	32	Charley Halston.....	Do.
5	Luther T. Thornton.....	Do.	33	John Hollomon.....	Do.
6	Jones A. Coltrano.....	Corporal.	34	James Johnson.....	Do.
7	Edward L. Daniels.....	Do.	35	Frank Jones.....	Do.
8	Ray Burdett.....	Do.	36	Henry Jones.....	Do.
9	Wade H. Watlington.....	Do.	37	William J. Kernan.....	Do.
10	Anthony Franklin.....	Do.	38	George Lawson.....	Do.
11	Solomon Johnson.....	Cook.	39	Wille Lemons.....	Do.
12	Leroy Horn.....	Do.	40	Samuel McGehee.....	Do.
13	Henry Odom.....	Musician.	41	George W. Mitchell.....	Do.
14	William Anderson.....	Do.	42	Isalah Raynor.....	Do.
15	James Allen.....	Private.	43	Stansberry Roberts.....	Do.
16	John B. Anderson.....	Do.	44	William Smith.....	Do.
17	Battler Balley.....	Do.	45	Thomas Taylor.....	Do.
18	James Balley.....	Do.	46	William Thomas.....	Do.
19	Elmer Brown.....	Do.	47	Alexander Walker.....	Do.
20	John Brown.....	Do.	48	Edward Warfield.....	Do.
21	William Brown.....	Do.	49	Julius Wilkins.....	Do.
22	William J. Carlton.....	Do.	50	Alfred N. Williams.....	Do.
23	Harry Carmichael.....	Do.	51	Bristar Williams.....	Do.
24	George Conn.....	Do.	52	Joseph L. Wilson.....	Do.
25	Charles E. Cooper.....	Do.	53	Wade Harris.....	Do.
26	Boyd Conyers.....	Do.	54	Henry Jmerson.....	Do.
27	Lawrence Dantel.....	Do.	55	John Cook.....	Do.
28	Carolina De Baussure....	Do.	56	Shepard Glenn.....	Do.
			57	Samuel R. Hopkins.....	Do.

*Copy of official roll call of Company D, Twenty-fifth U. S. Infantry, on the night of August 13, 1906, at Fort Brown.*

First Sergt. Israel Harris.  
Sergt. Jacob Frazier.  
Sergt. Walter Adams.  
Corpl. David Powell.  
Corpl. Albert Roland.  
Musician Hoytt Robinson.  
Cook Charles Dade.  
Artificer George W. Newton.  
Private Sam. M. Battle.  
Private John Butler.  
Private Strawder Darnell.  
Private James C. Gill.  
Private Alonzo Haley.  
Private Barney Harris.  
Private Joseph H. Howard.  
Private Benjamin F. Johnson.  
Private Charles Jones.  
Private William E. Jones.  
Private Edward Jordan.  
Private William A. Matthews.  
Private Elmer Peters.  
Private Edward Robinson.  
Private Robert L. Rogan.  
Private Joseph Shanks.  
Private Zachariah Sparks.  
Private Edward Wickersham.  
Private Dorrie Willis.  
Private Alexander Ash.  
Private Luther Cotton.  
Private Chester Garrard.  
Private Taylor Stoudemyer.  
Private Edward Lee.

Q. M. Sergt. Thomas J. Green.  
Sergt. Jerry E. Reeves.  
Corpl. Temple Thornton.  
Corpl. Winter Washington.  
Corpl. James H. Ballard.  
Musician Joseph Jones.  
Cook Robert Williams.  
Private Henry Barclay.  
Private Henry T. W. Brown.  
Private Richard Crooks.  
Private Elias Gant.  
Private John Green.  
Private George W. Hall.  
Private Charles Hawkins (on pass).  
Private John A. Jackson.  
Private Walter Johnson.  
Private John R. Jones.  
Private William R. Jones.  
Private Wesley Mapp.  
Private James Newton.  
Private Len Reeves.  
Private Henry Robinson.  
Private Samuel E. Scott.  
Private John Slow.  
Private William Van Hook.  
Private Samuel Wheeler.  
Private James Duncan.  
Private William H. Birdsong.  
Private Henry H. Davis.  
Private John Henry.  
Private Edward Johnson.  
Sergt. George Thomas (on pass).

*Copy of official roll call of Company O, on the night of August 13, 1906, at Fort Brown.*

Acting First Sergeant Harley,  
Quartermaster-Sergeant McMurray.  
Sergeant Carlisle.  
Sergeant Thomas (absent on pass).  
Color Sergeant Brawner.  
Corporal Madison.  
Corporal O'Neil.  
Corporal Washington.  
Corporal Miller.  
Corporal Hill.  
Cook Grier.  
Cook Arvin.  
Musician Armstrong.  
Musician Banks.  
Artificer Rudy.  
Private Adair.  
Private Askew.  
Private Baker.  
Private Bousler (in confinement).  
Private Carter.  
Private Clisco.  
Private Collier (on guard).  
Private Dabbs.  
Private Garmen.  
Private Gray, G. W.  
Private Gray, J. H.  
Private Harden (sleeping at Lieutenant Higgins' quarters).  
Private Harris.  
Private Hawkins.  
Private Holland.

Private James.  
Private Jefferson.  
Private Johnson, Edward (at home with wife, in post).  
Private Kirkpatrick (sick in hospital).  
Private Lee (absent on pass).  
Private Lewis.  
Private Lipscomb.  
Private Logan.  
Private Mapp.  
Private McQuire, jr.  
Private Newton (on guard).  
Private Perkins.  
Private Perry.  
Private Reid.  
Private Rogers (on guard).  
Private Simmons (sleeping with wife).  
Private Sinkler.  
Private Smith, G.  
Private Smith, Geo.  
Private Smith, J. (in confinement).  
Private Streater (sleeping at corral).  
Private Turner.  
Private Webb.  
Private Williams, A.  
Private Williams, L.  
Private Woodson.  
Private Johnson, Geo. (sleeping corral).  
Private Mitchell (on guard).  
Private Mosely, Thomas L.

WAR DEPARTMENT,  
OFFICE OF THE INSPECTOR-GENERAL,  
*Washington, December 12, 1906.*

THE MILITARY SECRETARY, UNITED STATES ARMY.

SIR: I have the honor to submit the following concerning the report of the Constitution League of the United States:

With regard to the charge of prejudice, I am willing to let my reports, letters, and telegrams answer the accusation.

I investigated the Brownsville affair because ordered to do so in my capacity as assistant inspector-general of the Southwestern Division, not because I desired such an unpleasant duty.

I did not rely upon the evidence taken before the Citizens' Committee at Brownsville. It was natural for that committee to be prejudiced. It was, however, composed of the best people in town, and I was informed that the majority originally were northern men.

I relied primarily upon my own investigation of the witnesses to the shooting and its attendant circumstances.

I interrogated about 50 witnesses, men, women, and children, who either personally saw the soldiers do the shooting, or heard their voices, or were witnesses to some other important fact relating to the crime.

I had long conversations with other persons, women and children, lawyers, judges, merchants, policemen, old officers—both Union and Confederate—Federal, State, and county officials, saloon men, and laborers, etc.

I did not hear a single person express a doubt on the subject; all either knew or were convinced from universal report that the raid was made by soldiers of the battalion of Fort Brown.

On page 5 [188] of the report of the Constitution League, etc., with regard to empty shells and clips, I have already stated I regarded them as corroborative merely. On the same page it is said: "The garments described correspond with the khaki trousers or blue shirts almost universally worn in the vicinity." I have already referred to this subject in answer to Mr. Gilchrist Stewart's letter. The rangers (only one or two in town on the night of the 13th of August) *do* look something more like soldiers than do the Mexican police, but neither could be mistaken for them. There were a few other persons in town who wore perhaps a cast-off soldier's garment or hat.

Is it contended that either rangers or police, or both, committed the crime?

On page 8 [190] same report: "Every man at the roll calls of the three companies were present or accounted for within five or (at the maximum) eight minutes of the first alarm; and this alarm was coincident with the first firing."

This is the most important statement of fact in the whole report. It is untrue, as shown from sworn testimony of officers, as well as men, in my reply to Mr. Stewart's letter.

But, as I have previously said, I never believed the first roll calls were accurate. Officers and first sergeants thought the post was attacked by town people, and it is absurd to suppose they thought of roll calls first and defense afterwards.

Page 16 [193] with regard to Mrs. Evans. I investigated this affair at

the house to which Mr. and Mrs. Evans had moved after the assault—more than a mile from the garrison. Mrs. Evans was absolutely positive as to the fact of her assailant being a tall, colored soldier. I interviewed her husband also and he told me of her fright, etc., when he saw her, almost immediately after the occurrence.

Mr. and Mrs. Evans are unimpeachably respectable.

With regard to evidence that firing "seems to have come from the road in front of Company B's headquarters." The positive evidence which I found from long and careful investigation of three witnesses, Mr. Randall, Mr. Martinez, and Mr. McDonald (the first two living in the telegraph office very near which the firing began), together with that of a boy (Teofilo) who slept on the porch of the Yturria House, and that of Mrs. Cowan, her servant and children, offsets the evidence from men in garrison who were farther away. Much of the latter evidence is negative and indefinite (see sworn evidence, also, in Colonel Lovering's report).

I talked often with Judge Welch, quoted on page 24 [198]. He was convinced the crime was committed by colored soldiers of the garrison (as can be proved by several officials with whom he was associated). But he was a most fair and just man and recognized the fact that there was no evidence against individual criminals. I explained why in my report. It is unfortunate he was assassinated the day before the November election.

With regard to the call to arms, as shown in reply to Mr. Stewart, it did not occur until several minutes after first shots were fired, and then *by the order of* the sergeant of the guard. I believe he sounded it to create confusion, to get out and place arms in the hands of all men so that the raiders would not be discovered on their return. Not a shot struck anything or anybody in the post; how different was it in town.

The report takes exception to my statement, "It must be confessed the colored soldier is much more aggressive on the social equality question than he used to be," and wants to know where the social equality question enters this investigation. The social equality question enters as a fundamental cause of the racial antagonism existing at Fort Brown.

There is nothing more in this report (including affidavits) of any importance which has not been previously touched upon in other reports and letters.

Very respectfully,

A. P. BLOCKSOM,  
*Major, Inspector-General.*

THE WHITE HOUSE,  
WASHINGTON, *December 13, 1906.*

MY DEAR MR. SECRETARY: The President requests me to send you the inclosed communication from Mr. P. Merrill Griffith, American consul at Matamoros, Mexico, in reference to the Brownsville matter.

Very truly, yours,

WM. LOEB, JR.,  
*Secretary to the President.*

Hon. WM. H. TAFT,  
*Secretary of War.*

[Inclosure.]

Confidential.]

AMERICAN CONSULATE,  
Matamoras, Mexico, December 7, 1906.

PRESIDENT THEODORE ROOSEVELT,  
Washington, D. C.

SIR: On account of the biased and unjust criticism I have recently read relative to your action in the discharge of the battalion of negro soldiers of the Twenty-fifth Infantry, stationed at Fort Brown, Tex., I have the honor to address you personally.

I am the American consul located at Matamoras, Mexico, and having had two or three short interviews with you, probably you will remember me.

Matamoras is situated directly opposite Brownsville, and I was present here at the time of the outrage and am familiar with every detail, having discussed this affair with the people here and having visited personally the houses into which the shots were fired. The facts of this occurrence as related in some of the Northern newspapers are so distorted as really to appear ludicrous to one who was present.

The facts, as stated in the article written by Captain Kelly, chairman of the Citizens' Committee, which I inclose, are absolutely true. Mr. Cowan's house, to which reference is made in the report, was simply perforated. I myself counted 22 bullet holes, and how the lady and her 5 children, who crawled under the bed, escaped death is almost a miracle. Not a shot had been fired by any citizen into the garrison, nor was any riot going on, as has been repeatedly reported. That the negro soldiers were the aggressors and committed this crime is a well-known fact, as they were actually seen by several persons in the act of firing, and besides numerous empty new Springfield shells and an empty cartridge belt were afterwards picked up. Mr. Tate, to whom reference is made in the inclosed article, told me that he himself picked up over 50 empty shells near his house, which, it may be stated, is not situated on the main street where the shooting occurred. Shots were also fired directly from the second story of the soldiers' quarters into the houses, facts substantiated beyond doubt by the character of the bullet holes and the angle of penetration. Mr. Cowan's house, referred to in the report, is not over 100 yards from the barracks, and all of the shooting—and it has been estimated that from 100 to 150 shots were fired—occurred within 250 yards of the garrison.

In this letter, I want to call your attention to a few facts, not prominently developed in anything I have read, which show, almost conclusively, preconceived, concerted, and deliberate design and preparation on the part of every noncommissioned officer and enlisted man who was in the garrison at that time—a malicious plot and agreement which they happened to be able to carry out. Having been intimately associated with several army officers who have been stationed here within the last few years, I am acquainted with the usual routine of garrison duty, as well as the geography of Fort Brown. The method of caring for arms is as follows: The noncommissioned officer in charge of quarters is in charge of the keys of the gun racks. No rifle can be taken out without his permission and his tour of duty is twenty-four hours. The first shots were fired from the upper porch of the bar-

racks to the left of the entrance to the post, proven by the facts as stated above, and further substantiated by the testimony of several civilians. This shooting occurred within 6 feet of the men sleeping in the barracks. Their squad room adjoins the porch and the windows were open, it being warm weather. It is therefore preposterous to suppose that the men in the barracks being within a few feet of the volleys were not awakened. Afterwards, the soldiers ran down the alley and streets firing into houses wherever there were lights.

The firing in town was done by command, as several citizens can testify, and continued for at least ten minutes. Had everything ended here the noncommissioned officers in charge of quarters could have been held responsible for the absence of rifles from the gun racks, but now occurs what shows the evidence of deliberate plan beforehand. Call to arms was sounded. In obedience to this call the racks were opened, and all the men took their rifles and assembled on the parade ground. This gave the men participating in the outrage an opportunity to fall in ranks with the rest and at the same time the noncommissioned officers an opportunity to testify that the racks were opened in response to the call to arms, and that it was impossible to tell what men, if any, had taken out their rifles previously.

The act of our President in this matter was entirely legal and entirely just. These negroes were given every opportunity to clear themselves of the odium which attached to them either as participants in the murder or as accessories after the fact to the murder, but refused to do so, thus indicating hostility to the law and military authority and subversion to military discipline.

I have no prejudice against these soldiers because they are black. I would be just as bitter and emphatic in my denunciation of such conduct were they white. Negro soldiers have been stationed at Fort Brown before since I have been located here, and no trouble has ever occurred; but this last aggregation seems to have been an exceptionally bad lot of disgraceful ruffians. I have only refrained from giving the press heretofore an article concerning this affair, as an investigation was being made and being a Government officer myself. However, I can not read any more press comments and keep from writing you personally, and being present here at the time I feel it my duty to do so, especially as I see that the Senate has requested all information on the subject. I trust that this may be of some service.

In closing I only want to say this: I consider that the American uniform was never disgraced, in our history, by a more cowardly, villainous or atrocious outrage against a peaceful, sleeping public, and I have so advised several of my friends. I sincerely trust that no action of Congress will be considered, even for a minute, having for its purpose the reenlistment of this lawless and disorderly organization; but in the event that any one, through any motive or lack of knowledge of the facts, attempts to further agitate this question to the end of securing legislative action, I want to assure you that if I can further assist you in any way or at any time, I am yours to command.

With this assurance, Mr. President, together with that of my highest personal regard and consideration, believe me, sincerely,

Your respectful and obedient servant,

P. MERRILL GRIFFITH.

[Subinclosure.]

*Union veteran scores negroes—Tewan tells of outbreak of black soldiers at Fort Brown in a communication to Col. S. W. Fordyce—Troops did all the shooting after attacking white women.*

Col. S. W. Fordyce, who was a Union officer during the civil war, has received an interesting communication from one of the leading citizens of Brownsville, Tex., reciting the facts in connection with the recent lawless outbreak of the negro soldiers stationed at that point.

The communication is from Mr. William Kelly, president of the First National Bank, of Brownsville, and chairman of the Citizens' Committee that was appointed after the outbreak. He is a Republican in politics, and was an officer in the Union Army during the civil war. His son married a daughter of former Governor Odell, of New York.

The communication from Mr. Kelly is as follows:

## LADIES INSULTED.

Three companies of colored troops, under Major Penrose, arrived here (Fort Brown) on the 28th day of July, 1906. It was soon remarked that the men were sullen and insolent, appearing in the streets in parties of four or more, and so merching that white citizens were forced into the roadway in order to pass.

On August 5, Mrs. Tate, wife of a Federal civil officer, and four other ladies stopped opposite a vacant lot to chat. Mr. Tate was a short distance behind the ladies. The negro soldiers came up the street, and one pushed himself between the ladies, forcing them out of the way.

Tate, who is a mounted inspector, and, as such, always armed, jumped forward and knocked the negro down with the butt of his pistol. This is a true account of the incident of which so much has been said, as the chief provocation for the subsequent raid and murder by the negroes. Mr. Tate states he would have treated any man, white or black, who so acted, in the same way.

On the 12th of August, 1906 (Sunday), at about 9 p. m., Mrs. Evans, wife of one of the State quarantine officers, was leading her saddle horse and nearing the back steps of her house, inside her own grounds, when a negro soldier in uniform sprang from behind the steps and caught her by the hair. Her horse reared and drew her away from him, while she was screaming out with fright. The brute let go, got over the fence, and disappeared.

I need not say how great was the indignation of our citizens when this outrage became known, but our people remained calm, at the advice of our best citizens, and resolved to keep within the law. A formal complaint was lodged by the mayor with the commanding officer at Fort Brown (Major Penrose) who promised to do all he could to find the guilty party. The following day (Monday, the 13th) there was a good deal of suppressed excitement among our people, but no act of violence.

## THE SHOOTING.

On Monday night our town was as quiet and calm as usual. Before midnight all business places were closed and most of our people retired for the night. At 11.30 o'clock a young people's party, held in the house of Mr. L. R. Cowen, broke up and more than 40 children returned to their homes. This house is within 50 yards of the garrison of Fort Brown.

At a few minutes before 12 o'clock a shot was fired from the post, apparently a signal, for immediately thereafter a volley was fired, and a body of soldiers, from 16 to 25 in number, jumped the garrison wall—a brick fence about 3 feet high—formed under a noncommissioned officer, whose commands were heard, rushed into town, and commenced firing indiscriminately into the houses of the citizens. Into the house where but a few moments before between 40 and 50 innocent children were enjoying themselves over 20 shots were fired, riddling furniture and smashing mirrors and tearing hangings.

Mrs. Cowen and her children took refuge underneath a bed, through the covering of which one bullet passed. The shots were fired point blank to kill—most of them at the height of a man above the floors. A little farther up the street the house of Mr. Fred Starck had 8 shots in it; one passed through the bed of his sleeping children and within 2 feet of where they lay.



## MURDER.

On their way up street they encountered the chief of mounted police and fired a volley at him, killing his horse and shattering his right arm, which has since been amputated at the elbow. A little farther up they killed Frank Natus, a barkeeper, who was rushing to the rear door of his saloon to shut it.

The murderers halted at the open door and shot young Natus in the yard. He fell dead near the water cistern. A citizen, Paulino Preciado, standing near by, had a bullet through his clothing. Most of the houses along the lines they pursued uptown were fired at or into—Doctor Thorn's, Mrs. Leahy's, Miller Hotel, J. B. Wells' office, S. P. Wreford's office, the rectory of the Catholic Church, and Manuel Barreda's store and dwelling, and others. About this time the bugles were sounding calls in Fort Brown, and the raiders returned to the post, firing occasional shots as they ran. This is a plain, unvarnished tale, covering the facts as they are known.

At no time before or after the raid was a shot fired by any citizen of Brownsville at or toward Fort Brown or the soldiers of Fort Brown. Two shots were fired by policemen as alarm shots after the firing by the soldiers commenced. No provocation of any kind was given, unless the facts herein recited may be considered as provocation.

Within half an hour of the retirement of the soldiers to Fort Brown large bodies of citizens, fully armed, appeared on the streets, and when the facts became known their excitement was very great, but at the request of the mayor and other officers that they repair to their homes and await the action of the authorities, who would see justice done, they quietly dispersed, and from that day to this not a shot has been fired in anger. The self-control and law-abiding conduct of our citizens in the awful situation in which they found themselves are beyond all praise.

## OFFICERS LACK CONTROL.

The officers in command of the negro troops appeared to have no control over them, and confessed the following day that they were unable to point out any of the guilty ones or furnish any information that would lead to their conviction.

What was the situation of the people of Brownsville? It became necessary to keep a large force of our citizens on guard, night and day, to protect our women and children from attack of the national negro soldiers stationed at Fort Brown. So great was their hysterical terror that until the white troops arrived no lady would leave her home, even to do shopping, without an escort.

## COMMITTEE ACTION.

The Citizens' Committee appointed at a mass meeting the morning after the outrages made these demands in behalf of our outraged people: First, remove all the negroes; next, follow the guilty ones and spare no efforts to have them identified and punished as their crimes deserve.

Fort Brown has been garrisoned by negro troops before, and no trouble has arisen between them and the citizens of Brownsville. Generals Shafter, Merriam, Doubleday, Corbin, Clous, Gilmore, Wade, Hatch, and many others of high rank have commanded negro troops here. There is probably less race prejudice in this community than in any part of the South; but when it becomes a question between the peace, comfort, and safety of our mothers, wives, daughters, and sisters, and the presence of armed negroes among us, the armed negro must go.

The Citizens' Committee was selected from our best citizens; its chairman is a post commander in the Grand Army of the Republic, and a companion of the Military Order of the Loyal Legion of the United States; one of its members is a vice-commander of the Grand Army of the Republic; another is quartermaster of the local Grand Army post; the remainder of the membership is composed of 3 doctors, 4 lawyers, 3 bankers, 3 merchants, 2 land owners, and 3 large owners of city property.

The mayor of the city is a well known ex-army officer, and to his quiet firmness is due the fact that grave results did not follow the outrage.

The personnel of the committee will give assurance that they will nothing extenuate nor set aught down in malice.

WILLIAM KELLY,  
Chairman Citizens' Committee.

WAR DEPARTMENT,  
OFFICE OF THE INSPECTOR-GENERAL,  
*Washington, December 14, 1906.*

THE MILITARY SECRETARY, UNITED STATES ARMY.

SIR: Pursuant to verbal instructions received, I have the honor to submit the following in connection with certain statements made by Mr. Gilchrist Stewart, in a letter addressed to the President of the United States, dated November 29, 1906, namely:

First. In the investigation pursued by inspectors \* \* \* and Garlington they started on the assumption that the soldiers were guilty. General Garlington read a peremptory order from the Department that he was to ask soldiers to state the identity of their comrades doing the shooting. He examined about twenty-eight men of the battalion simply upon that one point, but would not allow them to go into an explanation to show that they could not possibly have known anything of the identity of those doing the shooting or into the condition of the rolls or the material fact which would render it impossible for them to know any of the incidents of the affair.

With respect to the allegation that I started upon the assumption that the soldiers were guilty, I will say that it is correct in so far as it refers to certain enlisted men of Companies B, C, D, Twenty-fifth Infantry, whose identity had not been disclosed. My conclusion was based upon the report of the officer sent to Brownsville immediately after the occurrence to investigate the affair, a copy of which was referred to me. The statement that he (I) "examined about 28 men of the battalion simply upon one point, but would not allow them to go into an explanation to show that they could not possibly have known anything of the identity of those doing the shooting, or into the condition of the rolls, or the material fact which would render it impossible for them to know any of the incidents of the affair," is correct as to the number of men interrogated by me as individuals at Fort Reno, Ind. T. I had already examined 16 men at Fort Sam Houston, Tex., including the noncommissioned officers who were supposed to have had the keys to the gun racks on the night of August 13.

The rest of the statement is incorrect in so far as it imputes to me a refusal to receive any information that would throw light upon the crime at Brownsville. My main effort with these old soldiers—a majority of whom I felt convinced had no absolute knowledge before the commission of the crime of the identity of the particular enlisted men of the battalion who actually did the shooting—was to induce them to explain to me the state of feeling in their respective companies toward the citizens of Brownsville, contemporaneous circumstances, what they had done to assist the authorities in locating the guilty parties, and to draw from them any kind of information that would lead to the detection of the guilty parties. The character of the examination was so based, and I can recall no incident where any man, by sign or expression, was discouraged from saying what he liked. I endeavored to remove all formality from the examination and tried earnestly to induce them to talk on the subject. Each man denied absolutely any knowledge bearing on the subject before, during, and after the occurrence. I spent several hours in this examination. The question of roll calls had been thoroughly covered by the officers commanding the companies. Some of the men examined I put under oath, and some I did not, for the reason that I thought that some of them might talk more freely without the formality of an oath and give me information that would uncover a clue.

The men examined were selected by reason of their long service, in the hope that their feeling of loyalty to the colors might induce them to assist the authorities in separating the guilty from the innocent. A copy of the report of Lieutenant-Colonel Lovering had been furnished me upon my arrival at Oklahoma City, on October 8, and I became informed of the sworn testimony taken by that officer at Fort Reno. My experience with these old soldiers, in connection with the sworn testimony taken by Colonel Lovering and the failure of the officers of the Twenty-fifth Infantry to secure evidence, convinced me that I could gain nothing further along that line. I still believed that there were men in the battalion, other than the actual participants, who had sufficient knowledge of the crime to aid the authorities, if they could be induced to disclose it.

I then decided to make known the ultimatum of the President as contained in my letter of instructions. Therefore I paraded the entire battalion, officers and men, and made an appeal to them as soldiers; told them that it had been established by investigation that certain men of their battalion had committed the crime of killing one man, wounding another, and shooting into houses containing women and children; that I, the Inspector-General of the Army, had been sent there by the President of the United States to endeavor to discover the guilty men; that the President, as well as the War Department, was much concerned to separate the guilty from the innocent. I asked any man who had any knowledge or information that would indicate or assist in discovering the guilty men to make it known to me. I recalled to them the previous good service performed by their regiment and the long service of many of them. In conclusion, I read to them the second and third paragraphs of my letter of instructions, to be found on page 107 of the pamphlet entitled "Affray at Brownsville," and informed them that I would be accessible to any man who desired to give me information.

Very respectfully,

E. A. GARLINGTON,  
*Inspector-General.*



**MILITARY RECORD OF THE ENLISTED MEN WHO WERE DISCHARGED WITHOUT HONOR, BY DIRECTION OF THE PRESIDENT, PURSUANT TO SPECIAL ORDERS, NO. 266, WAR DEPARTMENT, NOVEMBER 9, 1906.**

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**COMPANY B, TWENTY-FIFTH INFANTRY.**

**MINGO SANDERS.**

Enlisted May 16, 1881; was discharged as a corporal, Company B, Twenty-fifth Infantry, May 15, 1886, on expiration of term of enlistment; character very good.

Reenlisted May 16, 1886; was discharged as a sergeant of Company B, Twenty-fifth Infantry, May 15, 1891, on expiration of term of enlistment; character very good.

Reenlisted May 16, 1891; was discharged as a sergeant, Company B, Twenty-fifth Infantry, May 15, 1896, on expiration of term of enlistment; character excellent; a faithful and reliable soldier.

Reenlisted May 16, 1896; was discharged as a sergeant, Company B, Twenty-fifth Infantry, May 15, 1899, on expiration of term of enlistment; character excellent.

Reenlisted May 16, 1899; was discharged as a first sergeant, Company B, Twenty-fifth Infantry, May 15, 1902, on expiration of term of enlistment; character excellent.

Reenlisted May 16, 1902; was discharged as a first sergeant, Company B, Twenty-fifth Infantry, May 15, 1905, on expiration of term of enlistment; character excellent.

Reenlisted May 16, 1905; was discharged without honor as a first sergeant, Company B, Twenty-fifth Infantry, November 22, 1906.

**WALKER M'CURDY.**

Enlisted July 5, 1890; was discharged as a sergeant, Company B, Twenty-fifth Infantry, July 4, 1895, on expiration of term of enlistment; character excellent.

Reenlisted July 5, 1895; was discharged as a sergeant, Company B, Twenty-fifth Infantry, July 4, 1898, on expiration of term of enlistment; character excellent.

Reenlisted July 5, 1898; was honorably discharged as a sergeant, Company B, Twenty-fifth Infantry, March 3, 1899, upon his own request, he having enlisted for the war with Spain; character excellent.

Reenlisted March 4, 1899; was discharged as a quartermaster-sergeant, Company B, Twenty-fifth Infantry, March 3, 1902, on expiration of term of enlistment; character excellent.

Reenlisted March 4, 1902; was discharged as a corporal, Company B, Twenty-fifth Infantry, March 3, 1905, on expiration of term of enlistment; character excellent.

Reenlisted March 4, 1905, was discharged without honor as a quartermaster-sergeant, Company B, Twenty-fifth Infantry, November 22, 1906.

**JAMES R. REID.**

Enlisted May 17, 1898; was honorably discharged as a private, Company B, Twenty-fifth Infantry, March 1, 1899, upon his own request, he having enlisted for the war with Spain; character very good.

Reenlisted March 7, 1899; was discharged as a sergeant, Company B, Twenty-fifth Infantry, March 6, 1902, on expiration of term of enlistment; character excellent.

Reenlisted March 7, 1902; was discharged as a sergeant, Company B, Twenty-fifth Infantry, March 6, 1905, on expiration of term of enlistment; character excellent.

Reenlisted March 7, 1905; was discharged without honor as a sergeant, Company B, Twenty-fifth Infantry, November 16, 1906.

**GEORGE JACKSON,**

Mustered in July 16, 1898; was mustered out as a corporal, Company G, Twenty-third Kansas Volunteer Infantry, April 10, 1899; character not of record; record clear.

Enlisted December 3, 1900; was discharged as a sergeant, Company B, Twenty-fifth Infantry, December 2, 1903, on expiration of term of enlistment; character very good.

Reenlisted December 3, 1903; was discharged without honor as a sergeant, Company B, Twenty-fifth Infantry, November 16, 1906.

**LUTHER T. THORNTON.**

Enlisted May 14, 1898; was honorably discharged as a private, Troop L, Tenth Cavalry, February 26, 1899, upon his own request, he having enlisted for the war with Spain; character excellent.

Reenlisted April 5, 1899; was discharged as a corporal, Troop L, Tenth Cavalry, April 4, 1902, on expiration of term of enlistment; character very good.

Reenlisted May 21, 1902; was discharged as a sergeant, Company B, Twenty-fifth Infantry, May 20, 1905, on expiration of term of enlistment; character excellent.

Reenlisted May 21, 1905; was discharged without honor as a sergeant, Company B, Twenty-fifth Infantry, November 22, 1906.

**JONES A. COLTRANE.**

Enlisted November 30, 1900; was discharged as a private, Company B, Twenty-fifth Infantry, November 29, 1903, on expiration of term of enlistment; character excellent.

Reenlisted November 30, 1903; was discharged without honor as a corporal, Company B, Twenty-fifth Infantry, November 22, 1906.

## EDWARD L. DANIELS.

Enlisted January 18, 1894; was discharged as a sergeant, Company K, Twenty-fifth Infantry, January 17, 1899, on expiration of term of enlistment; character excellent.

Reenlisted January 18, 1899; was discharged as a sergeant, Company K, Twenty-fifth Infantry, January 17, 1902, on expiration of term of enlistment; character excellent.

Reenlisted January 18, 1902; was honorably discharged as a sergeant, Company L, Twenty-fifth Infantry, November 26, 1902, in connection with the reduction of the Army; character excellent.

Enlisted July 18, 1904; was discharged without honor as a corporal, Company B, Twenty-fifth Infantry, November 22, 1906.

## RAY BURDETT.

Enlisted March 13, 1901; was discharged as a private of Troop K, Ninth Cavalry, March 12, 1904, on expiration of term of enlistment; character good.

Reenlisted April 13, 1904; was discharged without honor as a corporal of Company B, Twenty-fifth Infantry, November 22, 1906.

## WADE H. WATLINGTON.

Enlisted December 12, 1895; was discharged as a corporal of Company C, Twenty-fifth Infantry, December 11, 1898, on expiration of term of enlistment; character excellent.

Reenlisted March 3, 1899; was discharged as a corporal of Company C, Twenty-fifth Infantry, March 2, 1902, on expiration of term of enlistment; character excellent.

Reenlisted March 3, 1902; was discharged as a sergeant of Company C, Twenty-fifth Infantry, March 2, 1905, on expiration of term of enlistment; character excellent.

Reenlisted March 3, 1905; was discharged without honor as a corporal of Company B, Twenty-fifth Infantry, November 22, 1906.

## ANTHONY FRANKLIN.

Enlisted September 29, 1894; was discharged as a private of Company B, Twenty-fifth Infantry, September 28, 1897, on expiration of term of enlistment; character good.

Reenlisted September 29, 1897; was discharged as a private of Company B, Twenty-fifth Infantry, September 28, 1900, on expiration of term of enlistment; character very good.

Enlisted February 12, 1901; was discharged as a private of Company L, Twenty-fifth Infantry, February 11, 1904, on expiration of term of enlistment; character good.

Enlisted August 18, 1905; was discharged without honor as a corporal of Company B, Twenty-fifth Infantry, November 22, 1906.

## LEROY HORN.

Mustered in July 11, 1898; was mustered out as a private of Company D, Seventh United States Volunteer Infantry, February 28, 1899; character not of record.

Enlisted October 9, 1899; was discharged as a private of Company F, Forty-eighth United States Volunteer Infantry, June 30, 1901, by reason of muster out of company; character not recorded.

Reenlisted July 18, 1901; was discharged as a private of Company H, Twenty-fifth Infantry, July 26, 1904, on expiration of term of enlistment; character very good. Made good time lost by unauthorized absence nine days.

Reenlisted July 28, 1904; was discharged without honor as a cook of Company B, Twenty-fifth Infantry, November 22, 1906.

#### SOLOMON JOHNSON.

Enlisted September 28, 1899; was discharged as a corporal of Company L, Forty-eighth United States Volunteer Infantry, June 30, 1901, by reason of muster out of company; character excellent.

Reenlisted July 31, 1901; was discharged as a private of Company K, Twenty-fifth Infantry, November 26, 1902, in connection with the reduction of the Army; character excellent.

Enlisted May 6, 1903; was discharged as a private of Company B, Twenty-fifth Infantry, May 5, 1906, on expiration of term of enlistment; character excellent.

Reenlisted May 8, 1906; was discharged without honor as a cook of Company B, Twenty-fifth Infantry, November 22, 1906.

#### HENRY ODOM.

Enlisted June 16, 1899; was discharged as a musician of Company B, Twenty-fifth Infantry, June 15, 1902, on expiration of term of enlistment; character very good.

Reenlisted August 21, 1902; was discharged as a musician of Company B, Twenty-fifth Infantry, August 20, 1905, on expiration of term of enlistment; character very good.

Reenlisted August 23, 1905; was discharged without honor as a musician of Company B, Twenty-fifth Infantry, November 22, 1906.

#### JOHN B. ANDERSON.

Mustered in July 14, 1898; was mustered out as a private of Company E, Twenty-third Kansas Volunteer Infantry, April 10, 1899; character not of record; record clear.

Reenlisted June 17, 1899; was discharged as a private of Company B, Twenty-fifth Infantry, June 16, 1902, on expiration of term of enlistment; character excellent.

Reenlisted June 17, 1902; was discharged as a private of Company B, Twenty-fifth Infantry, June 16, 1905, on expiration of term of enlistment; character excellent.

Reenlisted June 20, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 22, 1906.

#### WILLIAM ANDERSON.

Enlisted August 12, 1905; was discharged without honor as a musician of Company B, Twenty-fifth Infantry, November 22, 1906.



**BATTIER BAILEY.**

Mustered in July 11, 1898; was mustered out as a private of Company B, Sixth Virginia Infantry, January 26, 1899; character not of record; record clear.

Enlisted September 25, 1899; was discharged as a private, Company C, Forty-eighth United States Volunteer Infantry, June 30, 1901, by reason of muster out of company; character excellent.

Reenlisted July 24, 1901; was honorably discharged as a private, Company F, Twenty-fifth Infantry, November 25, 1902, in connection with the reduction of the Army; character very good.

Enlisted June 29, 1905; was discharged without honor as a private, Company B, Twenty-fifth Infantry, November 22, 1906.

**JAMES BAILEY.**

Enlisted August 11, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 22, 1906.

**ELMER BROWN.**

Enlisted May 18, 1892; was honorably discharged as a private of Troop I, Tenth Cavalry, August 17, 1895, upon his own request, at the expiration of three years and three months service, he having enlisted for five years; character excellent.

Reenlisted November 2, 1895; was discharged as a private of Company B, Twenty-fifth Infantry, November 1, 1898, on expiration of term of enlistment; character very good.

Reenlisted November 2, 1898; was discharged as a corporal of Company I, Twenty-fifth Infantry, November 1, 1901, on expiration of term of enlistment; character excellent.

Reenlisted November 7, 1901; was honorably discharged as a corporal of Company B, Twenty-fifth Infantry, November 26, 1902, in connection with the reduction of the Army; character excellent.

Reenlisted February 25, 1903; was discharged as a private of Company B, Twenty-fifth Infantry, February 24, 1906, on expiration of term of enlistment; character excellent.

Reenlisted February 25, 1906; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 22, 1906.

**JOHN BROWN.**

Enlisted October 13, 1899; was discharged as a private of Company B, Twenty-fifth Infantry, October 12, 1902, on expiration of term of enlistment; character very good.

Reenlisted October 29, 1902; was discharged as a cook of Company B, Twenty-fifth Infantry, October 28, 1905, on expiration of term of enlistment; character very good.

Reenlisted November 13, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 22, 1906.

**WILLIAM BROWN.**

Enlisted April 10, 1899; was discharged as a private of Company B, Twenty-fifth Infantry, May 30, 1902, by reason of expiration of

term of enlistment; character very good. Held in service one month and twenty-one days for the convenience of the Government.

Enlisted December 31, 1902; was discharged as a private of Company B, Twenty-fifth Infantry, December 30, 1905, on expiration of term of enlistment; character very good.

Reenlisted February 23, 1906; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 22, 1906.

WILLIAM J. CARLTON.

Enlisted July 20, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 22, 1906.

HARRY CARMICHAEL.

Enlisted July 30, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 22, 1906.

GEORGE CONN.

Enlisted October 3, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 22, 1906.

CHARLES E. COOPER.

Enlisted September 15, 1899; was discharged as a private of Company B, Forty-eighth United States Volunteer Infantry, June 30, 1901, by reason of muster out of company; character excellent.

Reenlisted August 1, 1901; was discharged as a private of Company B, Twenty-fifth Infantry, July 31, 1904, on expiration of term of enlistment; character very good.

Reenlisted August 9, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

BOYD CONYERS.

Enlisted August 11, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

LAWRENCE DANIEL.

Enlisted June 2, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

CAROLINA DE SAUSSURE.

Enlisted April 12, 1899; was discharged as a private of Company C, Twenty-fifth Infantry, May 30, 1902, by reason of expiration of term of enlistment; character very good. Held in service one month and nineteen days for the convenience of the Government.

Reenlisted August 8, 1902; was discharged as a private of Company B, Twenty-fifth Infantry, August 7, 1905, on expiration of term of enlistment; character very good.

Reenlisted August 18, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

**ERNEST ENGLISH.**

Enlisted October 16, 1899; was discharged as a private of Company K, Forty-ninth United States Volunteer Infantry, May 30, 1901, to enable him to reenlist in the Philippine Islands upon the return of his organization to the United States; character very good.

Reenlisted May 31, 1901; was discharged as a private of Company B, Twenty-fifth Infantry, May 30, 1904, on expiration of term of enlistment; character very good.

Reenlisted June 13, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

**ISAAC GOOLSBY.**

Enlisted November 14, 1900; was discharged as an artificer of Company B, Twenty-fifth Infantry, November 13, 1903, on expiration of term of enlistment; character good.

Reenlisted December 1, 1903; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

**WILLIAM HARDEN.**

Enlisted August 13, 1898; was discharged as a private of Company I, Twenty-fifth Infantry, February 27, 1899, upon his own request, he having enlisted for the war with Spain; character very good.

Enlisted July 21, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

**CHARLEY HAIRSTON.**

Enlisted May 26, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

**JOHN HOLLOMON.**

Enlisted June 17, 1898; was discharged as a private of Troop B, Ninth Cavalry, January 28, 1899, upon his own request, he having enlisted for the war with Spain; character good.

Enlisted June 16, 1899; was discharged as a corporal of Company B, Twenty-fifth Infantry, June 15, 1902, on expiration of term of enlistment; character excellent.

Reenlisted August 21, 1902; was discharged as a private of Company B, Twenty-fifth Infantry, August 20, 1905, on expiration of term of enlistment; character very good.

Reenlisted August 21, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 16, 1906.

**JAMES JOHNSON.**

Enlisted March 21, 1901; was discharged as a private of Company B, Twenty-fifth Infantry, March 20, 1904, on expiration of term of enlistment; character good.

Reenlisted March 21, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 22, 1906.

## FRANK JONES.

Enlisted October 7, 1898; was discharged as a private of Company G, Twenty-fourth Infantry, February 2, 1899, upon his own request, he having enlisted for the war with Spain; character good.

Reenlisted February 23, 1899; was discharged as a private of Company K, Twenty-fourth Infantry, February 22, 1902, on expiration of term of enlistment; character good.

Reenlisted May 8, 1902; was discharged as a private of Company L, Twenty-fourth Infantry, May 7, 1905, on expiration of term of enlistment; character excellent.

Enlisted July 6, 1906; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

## HENRY JONES.

Enlisted March 9, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

## WILLIAM J. KERNAN.

Enlisted January 13, 1900; was honorably discharged as a private of Company M, Twenty-fourth Infantry, November 24, 1902, in connection with the reduction of the Army; character good.

Enlisted February 18, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

## GEORGE LAWSON.

Enlisted August 7, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

## WILLIE LEMONS.

Enlisted April 13, 1899; was discharged as a private of Company B, Twenty-fifth Infantry, May 30, 1902, by reason of expiration of term of enlistment; character good. Held in service one month and eighteen days for the convenience of the Government.

Reenlisted June 28, 1902; was discharged as a private of Company M, Twenty-fourth Infantry, June 27, 1905, on expiration of term of enlistment; character good.

Reenlisted July 4, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 22, 1906.

## SAMUEL M'GHEE.

Mustered in January 16, 1899; was mustered out as a private of Company H, Eighth United States Volunteer Infantry, March 6, 1899; character not of record; record clear.

Reenlisted March 9, 1899; was discharged as a private of Company A, Twenty-fourth Infantry, March 22, 1902, by reason of expiration of term of enlistment; character very good. Unavoidably detained in service fourteen days.

Reenlisted May 10, 1902; was discharged as a private of Company K, Twenty-fourth Infantry, May 9, 1905, on expiration of term of enlistment; character excellent.

Reenlisted May 23, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

**GEORGE W. MITCHELL.**

Enlisted July 5, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 22, 1906.

**ISAIAH RAYNOR.**

Enlisted September 16, 1899; was discharged as a private of Company B, Forty-eighth United States Volunteer Infantry, June 30, 1901, by reason of muster out of company; character excellent.

Reenlisted August 7, 1901; was discharged as a private of Company B, Twenty-fifth Infantry, August 6, 1904, on expiration of term of enlistment; character very good.

Reenlisted August 12, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

**STANSBERRY ROBERTS.**

Enlisted November 4, 1900; was discharged as a private of Company B, Twenty-fifth Infantry, November 3, 1903, on expiration of term of enlistment; character very good.

Reenlisted December 4, 1903; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 13, 1906.

**WILLIAM SMITH.**

Enlisted October 29, 1898; was discharged as a private of Company B, Twenty-fifth Infantry, October 28, 1901, on expiration of term of enlistment; character good.

Enlisted June 17, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

**THOMAS TAYLOR.**

Enlisted September 19, 1899; was discharged as a private of Company G, Forty-eighth United States Volunteer Infantry, June 30, 1901, by reason of muster out of company; character excellent.

Reenlisted July 16, 1901; was discharged as a private of Company B, Twenty-fifth Infantry, July 15, 1904, on expiration of term of enlistment; character very good.

Reenlisted July 18, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

**WILLIAM THOMAS.**

Enlisted February 14, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

## ALEXANDER WALKER.

Enlisted October 16, 1899; was discharged as an artificer of Company F, Forty-ninth United States Volunteer Infantry, June 30, 1901, by reason of muster out of company; character not of record; record clear.

Reenlisted July 30, 1901; was discharged as a cook of Company B, Twenty-fifth Infantry, July 29, 1904, on expiration of term of enlistment; character very good.

Reenlisted July 30, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

## EDWARD WARFIELD.

Enlisted July 26, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

## JULIUS WILKINS.

Enlisted December 29, 1888; was discharged as a private of Company A, Twenty-fifth Infantry, December 28, 1893, on expiration of term of enlistment; character good.

Reenlisted December 30, 1893; was discharged as a private of Company A, Twenty-fifth Infantry, December 29, 1898, on expiration of term of enlistment; character good.

Reenlisted January 2, 1899; was discharged as a sergeant of Company B, Twenty-fifth Infantry, January 4, 1902, by reason of expiration of term of enlistment; character excellent. Unavoidably detained in service three days.

Reenlisted April 3, 1902; was discharged as a private of Company B, Twenty-fifth Infantry, April 2, 1905, on expiration of term of enlistment; character excellent.

Reenlisted April 3, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

## ALFRED N. WILLIAMS.

Enlisted February 9, 1897; was discharged as a private of Company B, Twenty-fifth Infantry, February 8, 1900, on expiration of term of enlistment; character very good.

Enlisted December 12, 1900; was discharged as a sergeant of Company B, Twenty-fifth Infantry, December 11, 1903, on expiration of term of enlistment; character very good.

Reenlisted December 12, 1903; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

## BRISTER WILLIAMS.

Enlisted January 25, 1901; was discharged as a private, Company E, Twenty-fifth Infantry, January 24, 1904, on expiration of term of enlistment; character good.

Reenlisted February 5, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

## JOSEPH L. WILSON.

Enlisted November 28, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

## COMPANY C, TWENTY-FIFTH INFANTRY.

## GEORGE W. M'MURRAY.

Mustered in July 18, 1898; was mustered out as a corporal of Company G, Seventh United States Volunteer Infantry, February 28, 1899; character not of record.

Reenlisted April 4, 1899; was discharged as a corporal of Company C, Twenty-fifth Infantry, April 3, 1902, on expiration of term of enlistment; character excellent.

Reenlisted April 4, 1902; was discharged as a corporal of Company C, Twenty-fifth Infantry, April 3, 1905, on expiration of term of enlistment; character excellent.

Reenlisted April 4, 1905; was discharged without honor as a quartermaster-sergeant of Company C, Twenty-fifth Infantry, November 24, 1906.

## SAMUEL W. HARLEY.

Enlisted October 4, 1890; was honorably discharged as a private of Troop F, Ninth Cavalry, January 3, 1894, upon his own request at the expiration of three years and three months service, he having enlisted for five years; character excellent.

Enlisted March 9, 1894; was discharged as a private of Company C, Twenty-fifth Infantry, March 8, 1899, on expiration of term of enlistment; character excellent.

Reenlisted March 9, 1899; was discharged as a corporal, Company C, Twenty-fifth Infantry, March 8, 1902, on expiration of term of enlistment; character excellent.

Reenlisted March 9, 1902; was discharged as a sergeant, Company C, Twenty-fifth Infantry, March 8, 1905, on expiration of term of enlistment; character excellent.

Reenlisted March 9, 1905; was discharged without honor as a sergeant of Company C, Twenty-fifth Infantry, November 24, 1906.

## NEWTON CARLISLE.

Enlisted September 11, 1889; was discharged as a private of Company C, Twenty-fifth Infantry, September 10, 1894, on expiration of term of enlistment; character excellent.

Reenlisted September 20, 1894; was discharged as a private of Company C, Twenty-fifth Infantry, September 19, 1897, on expiration of term of enlistment; character very good.

Reenlisted September 20, 1897; was discharged as a corporal of Company C, Twenty-fifth Infantry, September 19, 1900, on expiration of term of enlistment; character excellent.

Reenlisted September 20, 1900; was discharged as a sergeant of Company C, Twenty-fifth Infantry, September 19, 1903, on expiration of term of enlistment; character excellent.

Reenlisted September 20, 1903; was discharged as a sergeant of Company C, Twenty-fifth Infantry, September 19, 1906, on expiration of term of enlistment; character excellent.

Reenlisted September 20, 1906; was discharged without honor as a sergeant of Company C, Twenty-fifth Infantry, November 24, 1906.

**DARBY W. O. BRAWNER.**

Enlisted April 1, 1893; was discharged as a private of Company C, Twenty-fifth Infantry, March 31, 1898, on expiration of term of enlistment; character excellent.

Reenlisted April 1, 1898; was discharged as a private of Company C, Twenty-fifth Infantry, March 31, 1901, on expiration of term of enlistment; character excellent.

Reenlisted April 1, 1901; was discharged as a corporal of Company C, Twenty-fifth Infantry, March 31, 1904, on expiration of term of enlistment; character excellent.

Reenlisted April 1, 1904; was discharged without honor as a sergeant of Company C, Twenty-fifth Infantry November 16, 1906.

**GEORGE THOMAS.**

Enlisted August 12, 1898; was discharged as a private of Company C, Twenty-fifth Infantry, August 11, 1901, on expiration of term of enlistment; character very good.

Reenlisted August 12, 1901; was discharged as a corporal of Company C, Twenty-fifth Infantry, August 11, 1904, on expiration of term of enlistment; character excellent.

Reenlisted August 12, 1904; was discharged without honor as a sergeant of Company C, Twenty-fifth Infantry, November 24, 1906.

**CHARLES H. MADISON.**

Enlisted December 15, 1894; was discharged as a private of Company A, Twenty-fourth Infantry, December 14, 1897, on expiration of term of enlistment; character good.

Reenlisted January 1, 1898; was discharged as a private of Company C, Twenty-fifth Infantry, December 31, 1900, on expiration of term of enlistment; character very good.

Reenlisted January 28, 1901; was discharged as a lance corporal of Company K, Twenty-fourth Infantry, January 27, 1904, on expiration of term of enlistment; character excellent.

Reenlisted March 5, 1904; was discharged without honor as a corporal of Company C, Twenty-fifth Infantry, November 16, 1906.

**SOLOMON P. O'NEIL.**

Mustered in July 8, 1898; was mustered out as a private of Company F, Eighth United States Volunteer Infantry, March 6, 1899; character not of record.

Reenlisted March 18, 1899; was discharged as a private of Company B, Twenty-fourth Infantry, March 17, 1902, on expiration of term of enlistment; character excellent.



Reenlisted March 18, 1902; was discharged as a corporal of Company B, Twenty-fourth Infantry, March 17, 1905, on expiration of term of enlistment; character very good.

Reenlisted June 2, 1905; was discharged without honor as a corporal of Company C, Twenty-fifth Infantry, November 24, 1906.

**PRESTON WASHINGTON.**

Enlisted October 31, 1898; was discharged as a private of Company C, Twenty-fifth Infantry, October 30, 1901, on expiration of term of enlistment; character good.

Reenlisted October 31, 1901; was discharged as a private of Company C, Twenty-fifth Infantry, October 30, 1904, on expiration of term of enlistment; character good.

Reenlisted October 31, 1904; was discharged without honor as a corporal of Company C, Twenty-fifth Infantry, November 24, 1906.

**WILLIE H. MILLER.**

Enlisted December 21, 1897; was discharged as a private of Troop I, Ninth Cavalry, December 20, 1900, on expiration of term of enlistment; character good.

Reenlisted January 21, 1901; was discharged as a private of Troop G, Tenth Cavalry, January 20, 1904, on expiration of term of enlistment; character good.

Reenlisted February 17, 1904; was discharged without honor as a corporal of Company C, Twenty-fifth Infantry, November 13, 1906.

**JOHN H. HILL.**

Enlisted September 6, 1898; was discharged as a private of Company G, Twenty-fifth Infantry, February 25, 1899, upon his own application, he having enlisted for the war with Spain; character good.

Enlisted September 15, 1899; was discharged as a private of Company C, Forty-eighth United States Volunteer Infantry, May 14, 1901, service no longer required; character excellent.

Reenlisted May 15, 1901; was discharged as a private of Company K, Twenty-fourth Infantry, May 14, 1904, on expiration of term of enlistment; character good.

Reenlisted May 16, 1904; was discharged without honor as a corporal of Company C, Twenty-fifth Infantry, November 24, 1906.

**GEORGE GRIER.**

Enlisted September 21, 1899; was mustered out as a private of Company C, Forty-eighth United States Volunteer Infantry, June 30, 1901; character excellent.

Reenlisted July 25, 1901; was discharged as a cook of Company C, Twenty-fifth Infantry, July 24, 1904, on expiration of term of enlistment; character excellent.

Reenlisted July 25, 1904; was discharged without honor as a cook of Company C, Twenty-fifth Infantry, November 24, 1906.

## LEWIS J. BAKER.

Enlisted October 24, 1898; was discharged as a private of Company H, Twenty-fifth Infantry, October 23, 1901, on expiration of term of enlistment; character very good.

Enlisted June 17, 1905; was discharged without honor as a cook of Company C, Twenty-fifth Infantry, November 24, 1906.

## JAMES E. ARMSTRONG.

Enlisted April 3, 1903; was discharged as a musician of Company C, Twenty-fifth Infantry, April 2, 1906, on expiration of term of enlistment; character excellent.

Reenlisted April 3, 1906; was discharged without honor as a musician of Company C, Twenty-fifth Infantry, November 24, 1906.

## WALTER BANKS.

Enlisted September 22, 1899; was honorably discharged as a private of Company B, Forty-eighth United States Volunteer Infantry, May 14, 1901, to enable him to reenlist in the Philippine Islands upon the return of his organization to the United States; character excellent.

Reenlisted May 15, 1901; was discharged as a private of Company A, Twenty-fourth Infantry, May 14, 1904, on expiration of term of enlistment; character very good.

Reenlisted May 15, 1904; was discharged without honor as a musician of Company C, Twenty-fifth Infantry, November 24, 1906.

## CHARLES E. RUDY.

Mustered in July 14, 1898; was mustered out as a sergeant of Company E, Seventh United States Volunteer Infantry, February 28, 1899; character not of record; record clear.

Reenlisted April 21, 1899; was discharged as a private of Company C, Twenty-fifth Infantry, May 30, 1902, by reason of expiration of term of enlistment; character good. Retained in service one month and ten days for the convenience of the Government.

Enlisted August 8, 1904; was discharged without honor as an artificer of Company C, Twenty-fifth Infantry, November 24, 1906.

## CLIFFORD I. ADAIR.

Enlisted February 6, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 24, 1906.

## HENRY W. ARVIN.

Enlisted October 31, 1898; was discharged as a private of Company C, Twenty-fifth Infantry, October 30, 1901, on expiration of term of enlistment; character good.

Reenlisted October 31, 1901; was discharged as a private of Company C, Twenty-fifth Infantry, October 30, 1904, on expiration of term of enlistment; character good.

Reenlisted October 31, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 24, 1906.

**CHARLES W. ASKEW.**

Enlisted December 15, 1898; was discharged as a private of Troop K, Tenth Cavalry, December 14, 1901, on expiration of term of enlistment; character good.

Reenlisted February 11, 1902; was discharged as a farrier of Troop H, Tenth Cavalry, February 10, 1905, on expiration of term of enlistment; character very good.

Reenlisted April 4, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 16, 1906.

**ROBERT L. COLLIER.**

Enlisted February 5, 1901; was discharged as a private of Company C, Twenty-fifth Infantry, February 4, 1904, on expiration of term of enlistment; character good.

Reenlisted February 12, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 24, 1906.

**ERASMUS T. DABBS.**

Mustered in July 7, 1898; was mustered out as a private of Company B, Tenth United States Volunteer Infantry, March 8, 1899; character not of record; record clear.

Enlisted July 13, 1899; was discharged as a private of Company C, Twenty-fifth Infantry, July 12, 1902, on expiration of term of enlistment; character good.

Reenlisted September 15, 1902; was discharged as a private of Company C, Twenty-fifth Infantry, September 14, 1905, on expiration of term of enlistment; character very good.

Reenlisted September 16, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 24, 1906.

**MARK GARMON.**

Enlisted September 19, 1899; was mustered out as a private of Company C, Forty-eighth United States Volunteer Infantry, June 30, 1901; character excellent.

Reenlisted September 3, 1901; was discharged as a private of Company C, Twenty-fifth Infantry, September 2, 1904, on expiration of term of enlistment; character good.

Reenlisted September 3, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 24, 1906.

**GEORGE W. GRAY.**

Enlisted July 14, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 24, 1906.

**JOSEPH H. GRAY.**

Enlisted September 21, 1899; was mustered out as a private of Company C, Forty-eighth United States Volunteer Infantry, June 30, 1901; character excellent.

Reenlisted July 18, 1901; was discharged as a private of Company C, Twenty-fifth Infantry, July 17, 1904, on expiration of term of enlistment; character very good.

Reenlisted July 18, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 24, 1906.

**JAMES T. HARDEN.**

Enlisted July 19, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**GEORGE W. HARRIS.**

Enlisted April 2, 1896; was discharged as a corporal of Company C, Twenty-fifth Infantry, April 1, 1899, on expiration of term of enlistment; character excellent.

Reenlisted April 2, 1899; was discharged as a private of Company C, Twenty-fifth Infantry, April 1, 1902, on expiration of term of enlistment; character good.

Reenlisted April 2, 1902; was discharged as a private of Company C, Twenty-fifth Infantry, April 1, 1905, on expiration of term of enlistment; character good.

Reenlisted April 2, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**JOHN T. HAWKINS.**

Enlisted February 6, 1899; was honorably discharged as a corporal of Company E, Twenty-fourth Infantry, January 18, 1902, for the convenience of the Government; character very good.

Reenlisted February 28, 1902; was discharged as a private of Company K, Twenty-fourth Infantry, February 27, 1905, on expiration of term of enlistment; character excellent.

Reenlisted March 24, 1905; was discharged without honor as a lance corporal of Company C, Twenty-fifth Infantry, November 23, 1906.

**ALPHONSO HOLLAND.**

Enlisted October 12, 1899; was mustered out as a private of Company K, Forty-ninth United States Volunteer Infantry, June 30, 1901; character very good.

Reenlisted July 19, 1901; was discharged as a private of Company L, Twenty-fifth Infantry, July 18, 1904, on expiration of term of enlistment; character excellent.

Reenlisted July 19, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**THOMAS JEFFERSON.**

Enlisted January 6, 1892; was discharged as a private of Troop C, Ninth Cavalry, January 5, 1897, on expiration of term of enlistment; character good.

Reenlisted January 14, 1897; was discharged as a corporal of Company D, Twenty-fifth Infantry, January 13, 1900, on expiration of term of enlistment; character excellent.

Reenlisted January 14, 1900; was discharged as a private of Company D, Twenty-fifth Infantry, January 13, 1903, on expiration of term of enlistment; character good.

Enlisted February 15, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**EDWARD JOHNSON.**

Enlisted April 2, 1896; was discharged as a private of Company C, Twenty-fifth Infantry, April 1, 1899, on expiration of term of enlistment; character excellent.

Reenlisted April 2, 1899; was discharged as a corporal of Company C, Twenty-fifth Infantry, April 1, 1902, on expiration of term of enlistment; character very good.

Reenlisted April 2, 1902; was discharged as a private of Company C, Twenty-fifth Infantry, April 1, 1905, on expiration of term of enlistment; character good.

Reenlisted June 21, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**GEORGE JOHNSON.**

Enlisted July 1, 1899; was discharged as a private of Company C, Twenty-fifth Infantry, June 30, 1902, on expiration of term of enlistment; character good.

Reenlisted September 5, 1902; was discharged as a private of Company C, Twenty-fifth Infantry, September 4, 1905, on expiration of term of enlistment; character very good.

Reenlisted September 5, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**JOHN KIRKPATRICK.**

Enlisted September 9, 1898; was honorably discharged as a private of Company G, Twenty-fourth Infantry, February 2, 1899, upon his own request, he having enlisted for the war with Spain; character good.

Reenlisted February 22, 1899; was discharged as a private of Company E, Twenty-fourth Infantry, February 24, 1902, by reason of expiration of term of enlistment; character good. Retained in service three days for the convenience of the Government.

Reenlisted March 10, 1902; was discharged as a private of Company K, Twenty-fourth Infantry, March 9, 1905, on expiration of term of enlistment; character excellent.

Reenlisted March 20, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**EDWARD LEE.**

Enlisted July 23, 1893; was discharged as a private of Troop K, Ninth Cavalry, July 24, 1898, by reason of expiration of term of enlistment; character good. Retained in service two days through military necessity.

Reenlisted August 26, 1898; was honorably discharged as a private

of Troop B, Ninth Cavalry, February 5, 1899, upon his own request, he having enlisted for the war with Spain; character very good.

Reenlisted February 6, 1899; was discharged as a private of Troop B, Ninth Cavalry, February 5, 1902, on expiration of term of enlistment; character very good.

Reenlisted March 18, 1902; was discharged as a private of Troop G, Tenth Cavalry, March 17, 1905, on expiration of term of enlistment; character very good.

Reenlisted April 3, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**FRANK J. LIPSCOMB.**

Enlisted July 16, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**WEST LOGAN.**

Enlisted March 28, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**WILLIAM MAPP.**

Enlisted May 18, 1892; was discharged as a private of Company C, Twenty-fifth Infantry, August 17, 1895, upon his own request at the expiration of three years and three months service, he having enlisted for five years; character very good.

Enlisted July 16, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**WILLIAM M'GUIRE, JR.**

Mustered in July 14, 1898; was mustered out as a private of Company F, Third North Carolina Volunteer Infantry, January 31, 1899; character not of record; record clear.

Enlisted October 3, 1899; was mustered out as a corporal of Company I, Forty-eighth United States Volunteer Infantry, June 30, 1901; character excellent.

Enlisted August 11, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**THOMAS L. MOSLEY.**

Enlisted September 19, 1899; was mustered out as a private of Company C, Forty-eighth United States Volunteer Infantry, June 30, 1901; character excellent.

Reenlisted July 22, 1901; was discharged as a private of Company A, Twenty-fifth Infantry, July 21, 1904, on expiration of term of enlistment; character very good.

Reenlisted July 22, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**ANDREW MITCHELL.**

Enlisted October 10, 1899; was mustered out as a private of Company B, Forty-ninth United States Volunteer Infantry, June 30, 1901; character very good.

Reenlisted July 27, 1901; was discharged as a private of Company C, Twenty-fifth Infantry, July 26, 1904, on expiration of term of enlistment; character good.

Reenlisted August 6, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

JAMES W. NEWTON.

Enlisted March 29, 1899; was honorably discharged as a private of Company F, Twenty-fourth Infantry, March 5, 1902, for the convenience of the Government; character good.

Reenlisted April 5, 1902; was discharged as a private of Company K, Twenty-fourth Infantry, April 4, 1905, on expiration of term of enlistment; character very good.

Reenlisted June 1, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 16, 1906.

GEORGE W. PERKINS.

Enlisted October 5, 1899; was mustered out as a private of Company A, Forty-eighth United States Volunteer Infantry, June 30, 1901; character excellent.

Reenlisted September 27, 1901; was discharged as a private of Company D, Twenty-fourth Infantry, September 26, 1904, on expiration of term of enlistment; character excellent.

Reenlisted October 5, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

JAMES PERRY.

Enlisted December 16, 1889; was discharged as a private of Company H, Twenty-fourth Infantry, December 15, 1894, on expiration of term of enlistment; character excellent.

Reenlisted December 16, 1894; was discharged as a wagoner of Company H, Twenty-fourth Infantry, December 15, 1897, on expiration of term of enlistment; character excellent.

Reenlisted December 16, 1897; was discharged as a private of Company H, Twenty-fourth Infantry, December 15, 1900, on expiration of term of enlistment; character very good.

Enlisted May 14, 1902; was discharged as a private of Company C, Twenty-fifth Infantry, May 13, 1905, on expiration of term of enlistment; character good.

Reenlisted May 14, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

OSCAR W. REID.

Enlisted July 18, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 16, 1906.

JOSEPH ROGERS.

Enlisted July 10, 1900; was discharged as a private of Company C, Twenty-fifth Infantry, July 9, 1903, on expiration of term of enlistment; character good.

Reenlisted July 14, 1903; was discharged as a private of Company C, Twenty-fifth Infantry, July 13, 1906, on expiration of term of enlistment; character good.

Reenlisted July 16, 1906; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

CALVIN SMITH.

Enlisted July 22, 1899; was discharged as a private of Company C, Twenty-fifth Infantry, July 21, 1902, on expiration of term of enlistment; character good.

Reenlisted July 22, 1902; was discharged as a private of Company C, Twenty-fifth Infantry, July 21, 1905, on expiration of term of enlistment; character good.

Reenlisted July 28, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

GEORGE SMITH.

Enlisted September 25, 1899; was mustered out as a private of Company G, Forty-eighth United States Volunteer Infantry, June 30, 1901; character very good.

Reenlisted July 15, 1901; was discharged as a private of Company C, Twenty-fifth Infantry, July 14, 1904, on expiration of term of enlistment; character good.

Reenlisted July 23, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

JOHN SMITH.

Enlisted March 28, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

JOHN STREATER.

Enlisted December 26, 1900; was discharged as a private of Company G, Twenty-fourth Infantry, December 25, 1903, on expiration of term of enlistment; character very good.

Reenlisted February 3, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

ROBERT TURNER.

Enlisted October 17, 1898; was honorably discharged as a private of Company L, Twenty-fifth Infantry, March 4, 1899, upon his own application, he having enlisted for the war with Spain; character good.

Reenlisted March 8, 1899; was discharged as a private of Company C, Twenty-fifth Infantry, March 7, 1902, on expiration of term of enlistment; character good.

Reenlisted March 11, 1902; was discharged as a private of Company C, Twenty-fifth Infantry, March 10, 1905, on expiration of term of enlistment; character very good.

Reenlisted March 11, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.



**LEARTIS WEBB.**

Enlisted January 29, 1901; was discharged as a private of Company C, Twenty-fifth Infantry, January 28, 1904, on expiration of term of enlistment; character good.

Reenlisted January 29, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**LEWIS WILLIAMS.**

Enlisted March 1, 1902; was discharged as a saddler of Troop L, Tenth Cavalry, February 28, 1905, on expiration of term of enlistment; character excellent.

Reenlisted March 10, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**JAMES WOODSON.**

Enlisted October 7, 1899; was honorably discharged as a private of Company F, Forty-eighth United States Volunteer Infantry, May 14, 1901, to enable him to reenlist in the Philippine Islands upon the return of his organization to the United States; character excellent.

Reenlisted May 15, 1901; was discharged as a private of Company M, Twenty-fourth Infantry, May 14, 1904, on expiration of term of enlistment; character excellent.

Reenlisted May 16, 1904; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

**FERRY OISCO.**

Enlisted February 14, 1899; was discharged as a private of Company D, Twenty-fourth Infantry, February 13, 1902, on expiration of term of enlistment; character good.

Enlisted September 10, 1903; was discharged as a private of Company C, Twenty-fifth Infantry, September 9, 1906, on expiration of term of enlistment; character good.

Reenlisted October 25, 1906; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 24, 1906.

**COMPANY D, TWENTY-FIFTH INFANTRY.****ISRAEL HARRIS.**

Enlisted October 1, 1894; was discharged as a private of Company D, Twenty-fifth Infantry, September 30, 1897, on expiration of term of enlistment; character excellent.

Enlisted May 18, 1898; was discharged as a sergeant of Company D, Twenty-fifth Infantry, May 17, 1901, on expiration of term of enlistment; character excellent.

Reenlisted May 18, 1901; was discharged as a sergeant of Company D, Twenty-fifth Infantry, May 17, 1904, on expiration of term of enlistment; character excellent.

Reenlisted May 18, 1904; was discharged without honor as a first sergeant of Company D, Twenty-fifth Infantry, November 26, 1906.

## THOMAS J. GREEN.

Enlisted October 1, 1891; was discharged as an artificer of Company D, Twenty-fifth Infantry, September 30, 1896, on expiration of term of enlistment; character excellent.

Reenlisted October 1, 1896; was discharged as a corporal of Company D, Twenty-fifth Infantry, September 30, 1899, on expiration of term of enlistment; character excellent.

Reenlisted October 1, 1899; was discharged as a sergeant of Company D, Twenty-fifth Infantry, September 30, 1902, on expiration of term of enlistment; character excellent.

Reenlisted October 1, 1902; was discharged as a quartermaster-sergeant of Company D, Twenty-fifth Infantry, September 30, 1905, on expiration of term of enlistment; character excellent.

Reenlisted October 1, 1905; was discharged without honor as a quartermaster-sergeant of Company D, Twenty-fifth Infantry, November 26, 1906.

## JERRY E. REEVES.

Enlisted December 12, 1898; was discharged as a sergeant of Company D, Twenty-fifth Infantry, December 11, 1901, on expiration of term of enlistment; character excellent.

Reenlisted December 12, 1901; was discharged as a sergeant of Company D, Twenty-fifth Infantry, December 11, 1904, on expiration of term of enlistment; character excellent.

Reenlisted December 12, 1904; was discharged without honor as a sergeant of Company D, Twenty-fifth Infantry, November 26, 1906.

## JACOB FRAZIER.

Enlisted August 10, 1892; was discharged as a private of Company D, Twenty-fifth Infantry, August 9, 1897, on expiration of term of enlistment; character excellent.

Reenlisted September 21, 1897; was discharged as a sergeant of Company D, Twenty-fifth Infantry, September 20, 1900, on expiration of term of enlistment; character excellent.

Reenlisted September 21, 1900; was discharged as a first sergeant of Company D, Twenty-fifth Infantry, September 20, 1903, on expiration of term of enlistment; character excellent.

Reenlisted September 21, 1903; was discharged as a first sergeant of Company D, Twenty-fifth Infantry, September 20, 1906, on expiration of term of enlistment; character excellent.

Reenlisted September 21, 1906; was discharged without honor as a sergeant of Company D, Twenty-fifth Infantry, November 26, 1906.

## TEMPLE THORNTON.

Enlisted January 27, 1899; was discharged as a private of Company D, Twenty-fifth Infantry, January 26, 1902, on expiration of term of enlistment; character excellent.

Reenlisted January 27, 1902; was discharged as a corporal of Company D, Twenty-fifth Infantry, January 26, 1905, on expiration of term of enlistment; character excellent.

Reenlisted January 27, 1905; was discharged without honor as a corporal of Company D, Twenty-fifth Infantry, November 26, 1906.

## DAVID POWELL.

Enlisted September 29, 1899; was mustered out as a sergeant of Company M, Forty-eighth United States Volunteer Infantry, June 30, 1901; character excellent.

Reenlisted July 13, 1901; was discharged as a corporal of Company D, Twenty-fifth Infantry, July 12, 1904, on expiration of term of enlistment; character excellent.

Reenlisted July 13, 1904; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 16, 1906.

## WINTER WASHINGTON.

Enlisted May 7, 1898; was discharged as a quartermaster-sergeant of Company E, Twenty-fourth Infantry; May 6, 1901, on expiration of term of enlistment; character very good.

Reenlisted May 7, 1901; was discharged as a private of Company E, Twenty-fourth Infantry, May 6, 1904, on expiration of term of enlistment; character very good.

Reenlisted June 11, 1904; was discharged without honor as a corporal of Company D, Twenty-fifth Infantry, November 26, 1906.

## ALBERT ROLAND.

Enlisted December 21, 1895; was discharged as a corporal of Company D, Twenty-fifth Infantry, December 20, 1898, on expiration of term of enlistment; character excellent.

Enlisted April 10, 1899; was discharged as a private of Company I, Twenty-fifth Infantry, May 3, 1902, by reason of expiration of term of enlistment; character very good. Retained in service twenty-four days for the convenience of the Government.

Reenlisted May 14, 1902; was discharged as a private of Company M, Twenty-fifth Infantry, May 13, 1905, on expiration of term of enlistment; character very good.

Reenlisted May 16, 1905; was discharged without honor as a corporal of Company D, Twenty-fifth Infantry, November 26, 1906.

## HOYTT ROBINSON.

Enlisted January 7, 1901; was discharged as a musician of Company G, Twenty-fourth Infantry, January 6, 1904, on expiration of term of enlistment; character very good.

Reenlisted January 30, 1904; was discharged without honor as a musician of Company D, Twenty-fifth Infantry, November 26, 1906.

## JOSEPH JONES.

Enlisted October 25, 1898; was honorably discharged as a private of Company G, Twenty-fifth Infantry, February 25, 1899, upon his own application, he having enlisted for the war with Spain; character good.

Enlisted June 24, 1899; was discharged as a corporal of Company E, Twenty-fourth Infantry, June 23, 1902, on expiration of term of enlistment; character excellent.

Reenlisted June 27, 1902; was discharged as a musician of Company E, Twenty-fourth Infantry, June 26, 1905, on expiration of term of enlistment; character good.

Reenlisted July 12, 1905; was discharged without honor as a musician of Company D, Twenty-fifth Infantry, November 26, 1906.

**CHARLES DADE.**

Enlisted January 14, 1885; was discharged as a private of Company D, Twenty-fifth Infantry, January 13, 1890, on expiration of term of enlistment; character excellent.

Reenlisted January 22, 1890; was discharged as a private of Company D, Twenty-fifth Infantry, January 21, 1895, on expiration of term of enlistment; character excellent.

Reenlisted January 22, 1895; was discharged as a private of the Hospital Corps January 21, 1898, on expiration of term of enlistment; character excellent.

Reenlisted January 22, 1898; was discharged as a cook of Company D, Twenty-fifth Infantry, January 21, 1901, on expiration of term of enlistment; character excellent.

Reenlisted January 22, 1901; was discharged as a cook of Company D, Twenty-fifth Infantry, January 21, 1904, on expiration of term of enlistment; character excellent.

Reenlisted January 22, 1904; was discharged without honor as a cook of Company D, Twenty-fifth Infantry, November 26, 1906.

**ROBERT WILLIAMS.**

Mustered in June 20, 1898; was mustered out as a private of Company B, Ninth United States Volunteer Infantry, May 25, 1899; character not of record.

Reenlisted June 23, 1899; was discharged as a private of Company D, Twenty-fifth Infantry, June 22, 1902, on expiration of term of enlistment; character good.

Reenlisted June 27, 1902; was discharged as a private of Company D, Twenty-fifth Infantry, June 26, 1905, on expiration of term of enlistment; character good.

Reenlisted July 21, 1905; was discharged without honor as a cook of Company D, Twenty-fifth Infantry, November 26, 1906.

**GEORGE W. NEWTON.**

Mustered in December 27, 1898; was mustered out as a private of Company L, Eighth United States Volunteer Infantry, March 6, 1899; character not of record; record clear.

Reenlisted March 13, 1899; was discharged as a private of Company A, Twenty-fifth Infantry, April 23, 1902, by reason of expiration of term of enlistment; character very good; retained in service one month and eleven days for the convenience of the Government.

Reenlisted May 21, 1902; was discharged as a private of Company D, Twenty-fifth Infantry, May 20, 1905, on expiration of term of enlistment; character excellent.

Reenlisted June 2, 1905; was discharged without honor as an artificer of Company D, Twenty-fifth Infantry, November 26, 1906.

**SAMUEL WHEELER.**

Enlisted May 4, 1887; was discharged as a private of Troop H, Ninth Cavalry, May 3, 1892, on expiration of term of enlistment; character good.

Enlisted June 10, 1892; was discharged as a private of Troop E, Tenth Cavalry, June 9, 1897, on expiration of term of enlistment; character good.

Reenlisted June 29, 1897; was discharged as a corporal of Troop H, Ninth Cavalry, June 28, 1900, on expiration of term of enlistment; character excellent.

Enlisted November 27, 1900; was discharged as a corporal of Company D, Twenty-fifth Infantry, November 26, 1903, on expiration of term of enlistment; character excellent.

Reenlisted November 27, 1903; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 26, 1906.

**CHARLES HAWKINS.**

Enlisted May 2, 1898; was honorably discharged as a private of Company D, Twenty-fifth Infantry, February 24, 1899, upon his own application, he having enlisted for the war with Spain; character excellent.

Reenlisted February 25, 1899; was discharged as a private of Company D, Twenty-fifth Infantry, February 24, 1902, on expiration of term of enlistment; character excellent.

Reenlisted February 26, 1902; was discharged as a corporal of Company D, Twenty-fifth Infantry, February 25, 1905, on expiration of term of enlistment; character excellent.

Reenlisted February 26, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 26, 1906.

**HENRY BAROLAY.**

Mustered in August 5, 1898; was mustered out as a private of Company F, Third Alabama Volunteer Infantry, March 20, 1899; character not of record.

Reenlisted April 6, 1899; was discharged as a private of Company I, Twenty-fifth Infantry, April 5, 1902, on expiration of term of enlistment; character good.

Reenlisted June 24, 1902; was discharged as a private of Company I, Twenty-fifth Infantry, June 23, 1905, on expiration of term of enlistment; character good.

Reenlisted June 26, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 26, 1906.

**SAM M. BATTLE.**

Enlisted July 6, 1899; was discharged as a private of Company D, Twenty-fifth Infantry, July 5, 1902, on expiration of term of enlistment; character very good.

Reenlisted July 6, 1902; was discharged as a private of Company D, Twenty-fifth Infantry, July 5, 1905, on expiration of term of enlistment; character good.

Reenlisted July 7, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 26, 1906.

**HENRY T. W. BROWN.**

Mustered in July 13, 1898; was mustered out as a private of Company F, Seventh United States Volunteer Infantry, February 28, 1899; character not of record.

Reenlisted March 9, 1899; was discharged as a private of Company K, Twenty-fifth Infantry, March 8, 1902, on expiration of term of enlistment; character very good.

Reenlisted March 12, 1902; was discharged as a private of Troop K, Ninth Cavalry, March 11, 1905, on expiration of term of enlistment; character very good.

Enlisted August 5, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 26, 1906.

**RICHARD CROOKS.**

Enlisted March 4, 1901; was discharged as a private of Company D, Twenty-fifth Infantry, March 3, 1904, on expiration of term of enlistment; character good.

Reenlisted March 14, 1904; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 26, 1906.

**STROWDER DARNELL.**

Enlisted September 27, 1899; was mustered out as a private of Company M, Forty-eighth United States Volunteer Infantry, June 30, 1901; character excellent.

Reenlisted July 30, 1901; was discharged as a private of Company C, Twenty-fifth Infantry, July 29, 1904, on expiration of term of enlistment; character good.

Reenlisted August 6, 1904; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 26, 1906.

**ELIAS GANT.**

Enlisted June 27, 1899; was discharged as a private of Company G, Twenty-fifth Infantry, June 26, 1902, on expiration of term of enlistment; character very good.

Reenlisted June 28, 1902; was discharged as a musician of Company K, Twenty-fifth Infantry, June 27, 1905, on expiration of term of enlistment; character very good.

Reenlisted July 5, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 26, 1906.

**JAMES O. GILL.**

Enlisted April 10, 1906; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 16, 1906.

**JOHN GREEN.**

Enlisted September 5, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 26, 1906.

## ALONZO HALEY.

Enlisted October 3, 1899; was honorably discharged as a private of Company I, Forty-eighth United States Volunteer Infantry, May 16, 1901, services no longer required; character excellent.

Reenlisted May 17, 1901; was discharged as a private of Company I, Twenty-fourth Infantry, May 16, 1904, on expiration of term of enlistment; character excellent.

Reenlisted June 7, 1904; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 26, 1906.

## GEORGE W. HALL.

Enlisted September 28, 1899; was mustered out as a private of Company E, Forty-ninth United States Volunteer Infantry, June 30, 1901; character not recorded; record clear.

Reenlisted July 16, 1901; was discharged as a private of Company A, Twenty-fifth Infantry, July 15, 1904, on expiration of term of enlistment; character good.

Reenlisted July 16, 1904; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

## BARNEY HARRIS.

Enlisted December 12, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

## JOSEPH H. HOWARD.

Enlisted November 8, 1903; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 16, 1906.

## JOHN A. JACKSON.

Enlisted March 23, 1892; was discharged as a private of Company E, Twenty-fourth Infantry, March 22, 1897, on expiration of term of enlistment; character good.

Reenlisted May 17, 1897; was discharged as a corporal of Company D, Twenty-fifth Infantry, May 16, 1900, on expiration of term of enlistment; character good.

Reenlisted May 17, 1900; was discharged as a private, Company D, Twenty-fifth Infantry, May 16, 1903, on expiration of term of enlistment; character very good.

Reenlisted June 6, 1903; was discharged as a private of Company D, Twenty-fifth Infantry, June 5, 1906, on expiration of term of enlistment; character very good.

Reenlisted June 8, 1906; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

## WALTER JOHNSON.

Mustered in June 27, 1898; was mustered out as a private of Company E, Ninth United States Volunteer Infantry, May 25, 1899; character not of record.

Reenlisted June 23, 1899; was discharged as a private of Company D, Twenty-fifth Infantry; June 22, 1902, on expiration of term of enlistment; character excellent.

Reenlisted June 27, 1902; was discharged as a private of Company D, Twenty-fifth Infantry, June 26, 1905, on expiration of term of enlistment; character good.

Reenlisted June 27, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

#### CHARLES JONES.

Enlisted February 13, 1899; was discharged as a private of Company M, Twenty-fourth Infantry, February 12, 1902, on expiration of term of enlistment; character very good.

Reenlisted April 17, 1902; was discharged as a private of Company M, Twenty-fourth Infantry, April 16, 1905, on expiration of term of enlistment; character good.

Reenlisted April 24, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

#### JOHN R. JONES.

Enlisted February 19, 1901; was discharged as a private of Company D, Twenty-fifth Infantry, February 18, 1904, on expiration of term of enlistment; character excellent.

Reenlisted February 20, 1904; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

#### WILLIAM E. JONES.

Enlisted June 26, 1899; was discharged as a private of Company D, Twenty-fifth Infantry, June 25, 1902, on expiration of term of enlistment; character very good.

Reenlisted June 26, 1902; was discharged as a private of Company D, Twenty-fifth Infantry, June 25, 1905, on expiration of term of enlistment; character excellent.

Reenlisted July 12, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

#### WILLIAM R. JONES.

Enlisted June 22, 1899; was discharged as a private of Company D, Twenty-fifth Infantry, July 26, 1902, by reason of expiration of term of enlistment; character good. Retained in service one month and five days for the convenience of the Government.

Reenlisted August 26, 1902; was discharged as a private of Company D, Twenty-fifth Infantry, August 25, 1905, on expiration of term of enlistment; character very good.

Reenlisted September 6, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

#### EDWARD JORDON

Enlisted September 15, 1904; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.



**WESLEY MAPP.**

Enlisted March 23, 1901; was discharged as a private of Company L, Twenty-fifth Infantry, March 22, 1904, on expiration of term of enlistment; character excellent.

Reenlisted June 17, 1904; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

**JAMES NEWTON.**

Enlisted August 22, 1900; was honorably discharged as a private of Company D, Twenty-fifth Infantry, November 26, 1902, in connection with the reduction of the Army; character very good.

Enlisted September 9, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

**ELMER PETERS.**

Enlisted January 5, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

**LEN REEVES.**

Enlisted July 6, 1899; was discharged as a private of Company F, Twenty-fifth Infantry, July 5, 1902, on expiration of term of enlistment; character very good.

Reenlisted August 23, 1902; was discharged as a private of Company D, Twenty-fifth Infantry, August 22, 1905, on expiration of term of enlistment; character good.

Reenlisted August 26, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

**HENRY ROBINSON.**

Mustered in July 14, 1898; was mustered out as a private of Company E, Twenty-third Kansas Volunteer Infantry, April 10, 1899; character not of record; record clear.

Enlisted December 4, 1900; was discharged as a private of Company D, Twenty-fifth Infantry, December 3, 1903, on expiration of term of enlistment; character very good.

Reenlisted December 24, 1903; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

**ROBERT L. ROGAN.**

Enlisted August 14, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

**SAMUEL E. SCOTT.**

Enlisted August 31, 1900; was discharged as a musician of Company D, Twenty-fifth Infantry, August 30, 1903, on expiration of term of enlistment; character excellent.

Enlisted May 14, 1904; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

**JOSEPH SHANKS.**

Mustered in July 14, 1898; was mustered out as a private of Company D, Third North Carolina Volunteer Infantry, February 6, 1899; character not of record; record clear.

Enlisted October 4, 1899; was mustered out as a private of Company F, Forty-ninth United States Volunteer Infantry, June 30, 1901; character not of record; record clear.

Reenlisted July 6, 1901; was discharged as a private of Company D, Twenty-fifth Infantry, July 5, 1904, on expiration of term of enlistment; character good.

Reenlisted July 6, 1904; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

**JOHN SLOW.**

Enlisted June 8, 1891; was discharged as a private of Company D, Twenty-fifth Infantry, June 7, 1896, on expiration of term of enlistment; character excellent.

Reenlisted August 12, 1896; was discharged as a private of Company K, Twenty-fifth Infantry, August 11, 1899, on expiration of term of enlistment; character excellent.

Reenlisted August 12, 1899; was discharged as a private of Company D, Twenty-fifth Infantry, August 11, 1902, on expiration of term of enlistment; character very good.

Reenlisted August 16, 1902; was discharged as a private of Company D, Twenty-fifth Infantry, August 15, 1905, on expiration of term of enlistment; character very good.

Reenlisted August 16, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

**ZACHARIAH SPARKS.**

Enlisted August 18, 1900; was honorably discharged as a private of Company D, Twenty-fifth Infantry, November 26, 1902, in connection with the reduction of the Army; character good.

Enlisted July 17, 1903; was discharged as a private of Company D, Twenty-fifth Infantry, July 16, 1906, on expiration of term of enlistment; character very good.

Reenlisted July 17, 1906; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

**WILLIAM VAN HOOK.**

Enlisted August 4, 1897; was discharged as a private of Troop L, Ninth Cavalry, August 3, 1900, on expiration of term of enlistment; character good.

Reenlisted September 11, 1900; was discharged as a corporal of Company E, Twenty-fourth Infantry, September 10, 1903, on expiration of term of enlistment; character very good.

Reenlisted December 10, 1903; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

**DORSIE WILLIS.**

Enlisted January 5, 1905; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.

**COMPANY A, TWENTY-FIFTH INFANTRY.****JAMES A. SIMMONS.**

Enlisted October 13, 1899; was honorably discharged as a private of Company H, Forty-ninth United States Volunteer Infantry, May 23, 1901, to enable him to reenlist in the Philippine Islands; character excellent.

Reenlisted May 24, 1901; was discharged as a private of Company A, Twenty-fifth Infantry, May 23, 1904, on expiration of term of enlistment; character good.

Reenlisted May 24, 1904; was discharged without honor as a private of Company A, Twenty-fifth Infantry, November 26, 1906.

**AUGUST WILLIAMS.**

Enlisted April 8, 1901; was discharged as a private of Company C, Twenty-fifth Infantry, April 7, 1904, on expiration of term of enlistment; character good.

Reenlisted June 6, 1904; was discharged without honor as a private of Company A, Twenty-fifth Infantry, November 26, 1906.

**COMPANY G, TWENTY-FIFTH INFANTRY.****JAMES DUNCAN.**

Enlisted August 22, 1900; was discharged as a cook of Company D, Twenty-fifth Infantry, August 21, 1903, on expiration of term of enlistment; character very good.

Reenlisted August 24, 1903; was discharged as a cook of Company D, Twenty-fifth Infantry, August 23, 1906, on expiration of term of enlistment; character excellent.

Reenlisted September 28, 1906; was discharged without honor as a private of Company G, Twenty-fifth Infantry, November 14, 1906.

**TROOP C, NINTH CAVALRY.****ALEXANDER ASH.**

Enlisted August 24, 1903; was discharged as a private of Company D, Twenty-fifth Infantry, August 23, 1906, on expiration of term of enlistment; character very good.

Reenlisted August 24, 1906; was discharged without honor as a private of Troop C, Ninth Cavalry, November 13, 1906.

**TAYLOR STOUDEMIRE.**

Mustered in June 4, 1898; was mustered out as a private of Company A, Third Alabama Volunteer Infantry, March 20, 1899; character not of record; record clear.

Enlisted August 18, 1900; was discharged as a private of Company D, Twenty-fifth Infantry, August 17, 1903, on expiration of term of enlistment; character excellent.

Reenlisted August 19, 1903; was discharged as a private of Company D, Twenty-fifth Infantry, August 18, 1906, on expiration of term of enlistment; character excellent.

Reenlisted August 21, 1906; was discharged without honor as a private of Troop C, Ninth Cavalry, November 13, 1906.

ROBERT JAMES.

Mustered in July 20, 1898; was mustered out as a private of Company L, Eighth United States Volunteer Infantry, March 6, 1899; character not of record.

Enlisted August 22, 1900; was discharged as a private of Company C, Twenty-fifth Infantry, August 21, 1903, on expiration of term of enlistment; character excellent.

Reenlisted August 25, 1903; was discharged as a private of Company C, Twenty-fifth Infantry, August 24, 1906, on expiration of term of enlistment; character very good.

Reenlisted September 6, 1906; discharged without honor as a private of Troop C, Ninth Cavalry, November 13, 1906.

TROOP H, TENTH CAVALRY.

JOHN W. LEWIS.

Enlisted August 22, 1900; was discharged as a private of Company C, Twenty-fifth Infantry, August 21, 1903, on expiration of term of enlistment; character good.

Reenlisted August 25, 1903; was discharged as a private of Company C, Twenty-fifth Infantry, August 24, 1906, on expiration of term of enlistment; character very good.

Reenlisted September 6, 1906; was discharged without honor as a private of Troop H, Tenth Cavalry, November 16, 1906.

*The following-named men, whose names appear in Special Orders, No. 266, War Department, November 9, 1906, were discharged prior to the execution upon them of that order, on the dates and for the reasons given after their names:*

COMPANY B, TWENTY-FIFTH INFANTRY.

JAMES ALLEN.

November 13, 1906; on expiration of term of enlistment.

JOHN COOK.

November 2, 1906; on expiration of term of enlistment.

SHEPHERD GLEN.

November 2, 1906; on expiration of term of enlistment.

COMPANY C, TWENTY-FIFTH INFANTRY.

FRANK BOUNSLER.

November 4, 1906; on expiration of term of enlistment.

JAMES SINKLER.

November 6, 1906; on expiration of term of enlistment.

COMPANY D, TWENTY-FIFTH INFANTRY.

JAMES H. BALLARD.

November 12, 1906; on expiration of term of enlistment.

JOHN BUTLER.

November 15, 1906; on expiration of term of enlistment.

BENJAMIN F. JOHNSON.

Date not of record; by sentence of a general court-martial, promulgated November 22, 1906.

WILLIAM A. MATTHEWS.

Date not of record; by sentence of a general court-martial, promulgated October 27, 1906.

EDWARD ROBINSON.

November 2, 1906; on expiration of term of enlistment.

EDWARD WICKERSHAM.

November 10, 1906; on expiration of term of enlistment.



**REPORT OF THE JUDGE-ADVOCATE-GENERAL OF THE ARMY  
UPON THE SUBJECT OF DISCHARGES WITHOUT HONOR.**

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WAR DEPARTMENT,  
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,  
Washington, November 23, 1906.

To the Honorable the SECRETARY OF WAR:

SIR: I beg leave to submit the following report upon the subject of discharges without honor:

**ENLISTMENT.**

Our law not defining enlistment nor designating what proceeding or proceedings shall or may constitute an enlisting, it may be said in general that any act or acts which indicate an undertaking, on the part of a person legally competent to do so, to render military service to the United States for the term required by the existing law and an acceptance of such service on the part of the Government, may ordinarily be regarded as legal evidence of a contract of enlistment between the parties, and as equivalent to a formal written agreement where no such agreement has been had. The services of enlisted men are habitually secured in the operation of enlistment contracts, which are supported by an oath of enlistment in the following form:

I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the rules and articles of war. (Second Article of War.)

While the taking of the oath prescribed by the Second Article of War is not *essential* to the validity of an enlistment, it is an almost invariable part of a regular formal enlistment, and, in the absence of any provision in our law prescribing what shall constitute an enlistment, the oath as taken and subscribed by the party is the regular and, in some cases, the only legal written evidence that the personal act of enlisting has been completed by him.

As to the efficacy of the oath of enlistment it was held by the Supreme Court in the Grimley case that—

Enlistment is a contract; but it is one of those contracts which changes the status, and where that is changed no breach of contract destroys the new status or relieves from the obligations which its existence imposes. \* \* \* By enlistment the citizen becomes a soldier. His relations to the State and the public are changed. He acquires a new status, with correlative rights and duties, and although he may violate his contract obligations his status as a soldier is unchanged. He can not of his own volition throw off the garments he has once put on, nor can he, the State not objecting, renounce his relations and destroy his status on the plea that if he had disclosed truthfully the facts the other party, the State, would not have entered into the new relations with him or permitted him to change his status. (U. S. v. Grimley, 137 U. S., 147.)

## DISCHARGES.

The separation of an enlisted man from the military service is regulated by the requirements of the Fourth Article of War, which provides that—

ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

It will be noted that the article above cited contemplates at least two classes of discharges: (1) Honorable discharges, which are given when the term prescribed in the enlistment contract has been served honestly and faithfully; (2) dishonorable discharges, which are given in pursuance of a sentence of a general court-martial. Otherwise the classification of discharges has never been assumed by Congress, but has been left by it to the Executive branch of the Government. At present there are three kinds of discharges expressly recognized, to wit: The honorable, the dishonorable, and the discharge without honor. The dishonorable discharge is given only in the case of discharge by sentence of court-martial. The discharge without honor is given in the cases first specified in Circular 15, Headquarters of the Army, 1893, but this circular did not *create* such discharge; it merely gave it a name. Before the issue of the circular and as far back as the rebellion (notwithstanding that it was from time to time theoretically asserted that the only kind of discharges known to the law were the honorable and the dishonorable, and that all discharges except by sentence of court-martial were honorable) a third kind of discharge was out of necessity resorted to. It is now recognized that there is a kind of discharge which is neither honorable nor technically dishonorable, but must be classified by itself. This is the "discharge without honor."

There were many soldiers summarily discharged during the rebellion for causes tainting the character of their discharges. In numerous cases the orders were made to read *dishonorably* discharged, although a dishonorable discharge, in the technical sense of that term, can not be imposed except by sentence of a court-martial. A summary discharge can not be a dishonorable discharge, if the term is used in such technical sense, but it may be for a cause tainting the character of the discharge—a discharge manifestly not honorable. Such a summary discharge is now called a discharge without honor. Its name, however, is only important as a recognition of a discharge, not technically dishonorable, but not honorable in fact. It might not be going too far to say that when soldiers were summarily "dishonorably discharged" during the rebellion the order was so worded simply because the soldier had done something to disgrace the service, and could not be in fact honorably discharged. Thus where a volunteer soldier under arrest for desertion was "dishonorably discharged" by order on account primarily of the desertion, it was held that while his discharge was not technically dishonorable it was what is now called a discharge without honor, and therefore not honorable.

It would thus appear that to entitle a soldier to an honorable discharge, his services during his term of enlistment must have been honest and faithful. If during his term of enlistment, the soldier



becomes incapable of rendering service on account of disability contracted in the line of duty, he is granted a discharge on a proper surgeon's certificate of disability, and the discharge so granted is honorable. There are a number of other cases in which an honorable discharge is granted prior to the expiration of the term of enlistment, as to a veteran, or to one who obtains his discharge by purchase, or is discharged on his own application for reasons deemed sufficient by the Department to warrant his separation from the military service. If a soldier commits an offense of so serious a character as to warrant his discharge, by way of punishment, charges are preferred, and the case is tried by general court-martial. Upon conviction by such a court, a dishonorable discharge may be lawfully imposed under the authority conferred by the Fourth Article of War. The particular offenses for which this punishment may be awarded are described in the Articles of War.

Although not having committed an offense of sufficient gravity to warrant his trial by court-martial, the conduct of a soldier may be such as to warrant the termination of his enlistment contract because he has not served the Government honestly and faithfully, as he is required to do by the engagement which is embodied in his oath of enlistment. In such a case, when reasonable efforts have been put forth with a view to the correction of his faults, his enlistment contract may be annulled in the manner prescribed in the Fourth Article of War. The issue of discharges without honor is regulated by paragraph 148 of the Army Regulations, which prescribes, *inter alia*, that the form for discharge without honor will be used in the following cases:

148. Blank forms for discharge and final statements will be furnished by The Military Secretary of the Army, and will be retained in the personal custody of company commanders. Those for discharge will be of three classes: For honorable discharge, for dishonorable discharge, and for discharge without honor. They will be used as follows:

\* \* \* \* \*

2. The blank for discharge without honor when a soldier is discharged:

- (a) Without trial, on account of fraudulent enlistment.
- (b) Without trial, on account of having become disqualified for service, physically or in character, through his own misconduct.
- (c) On account of imprisonment under sentence of a civil court.
- (d) Where the service has not been honest and faithful; that is, where the service does not warrant his reenlistment.
- (e) When discharge without honor is specially ordered by the Secretary of War for any other reason.

3. The blank for dishonorable discharge, for dishonorable discharge by sentence of a court-martial or military commission.

Paragraph 146 of the Army Regulations contains certain provisions which, if carefully read, will be found to be in entire harmony with the requirements of paragraph 148, above cited. Paragraph 146 applies *exclusively* to the case of a discharge at expiration of the soldier's term of enlistment and to the form of discharge which shall be used in that case, and provides that:

146. The character given on a discharge will be signed by the company or detachment commander, and great care will be taken that no injustice is done the soldier. If the soldier's service has been honest and faithful, he will be entitled to such character as will warrant his reenlistment—that is, to character at least "good." Where the company commander deems the service not honest and faithful, he shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall at the same time notify the commanding officer, who will in every such case convene a board of officers, three if practicable, to determine whether the soldier's service

has been honest and faithful. The soldier will in every case be given a hearing before the board.

If the company commander is the commanding officer, he will report the facts to the next higher commander, who will convene the board. The finding of the board, when approved by the convening authority, shall be final. Discharge without honor on account of "service not honest and faithful" will be given only on the approved finding of a board of officers as herein prescribed.

When an honorable discharge is given following the action of the board, the fact will be noted on the discharge and on the muster rolls.

The proceedings of boards convened under this paragraph, showing all the facts pertinent to the inquiry, will be forwarded by the reviewing authority direct to The Military Secretary of the Army.

As has been said, the requirements of the paragraph last above cited are only applicable in determining the character of discharge to be given an enlisted man at the expiration of his term of enlistment. It has never been regarded as restricting the authority vested in the President and the Secretary of War in the Fourth Article of War.

It would thus appear that the last clause of the Fourth Article of War vests a discretion in the President to annul an enlistment contract whenever, in his opinion, that course is dictated by the public interest. The English practice, upon which our military administration is to a considerable extent based, is substantially similar to that prescribed in the Articles of War. Clode, in his *Military Forces of the Crown*, says in speaking of the soldier's enlistment:

Though an engagement is made for a term certain, the Crown is under no obligation to retain the soldier, either in pay or in arms, for that period, but may discharge him at any time. The safety of the realm may depend in some measure on the immediate discharge or dismissal of any man or regiment in arms, and, equally, that the cause of such dismissal should not at the time be disclosed by the responsible ministers of the Crown.—(II Clode, *Military Forces of the Crown*, p. 40.)

The provision of a suitable agency for the investigation of charges of wrongdoing on the part of enlisted men, in the operation of which questions of fact may be investigated, findings reached, and, in case of conviction, adequate sentences imposed, restricts the exercise of the power of summary discharge which is vested in the President in the article above cited, to cases in which the conduct of the soldier and the character of the services rendered can not be investigated by a military tribunal. In the case under discussion it is an essential incident of a judicial investigation that those who are aware of the wrongful acts committed should testify, under oath, as to facts within their knowledge. To defeat such an inquiry, a considerable number of enlisted men have entered into a criminal combination, in the execution of which they decline to disclose facts which are known to them touching the very serious offenses against public order which were committed at Brownsville, Tex., in August last. In that view of the case, the question presented is, are men who enter into such a combination rendering honest and faithful service within the meaning of their enlistment contracts? In other words, can men admittedly so disregardful of public authority be trusted and relied upon when upon an occasion of public emergency they are called upon to support it?

Very respectfully,

GEO. B. DAVIS,  
*Judge-Advocate-General.*

**MEMORANDUM BY THE JUDGE-ADVOCATE-GENERAL OF THE  
ARMY RELATIVE TO THE RIGHT OF ENLISTED MEN OF THE  
TWENTY-FIFTH INFANTRY, DISCHARGED WITHOUT HONOR,  
TO RETAINED PAY, TO RETIREMENT, TO ENTER A SOLDIERS'  
HOME, TO BE BURIED IN A NATIONAL CEMETERY, AND TO  
RECEIVE TRANSPORTATION AND SUBSISTENCE.**

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WAR DEPARTMENT,  
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,  
*Washington, December 8, 1906.*

**DISCHARGE OF ENLISTED MEN OF TWENTY-FIFTH INFANTRY.**

[Memorandum by the Judge-Advocate-General.]

The following memoranda are submitted in reply to certain questions embodied in the Senate resolution of December 6, 1906. The answers will be submitted in the order in which the inquiries appear in the resolution.

(1) Information is requested as to—

the amount of retained pay (under section twelve hundred and eighty-one and following sections of the Compiled Statutes, volume one, page nine hundred and twelve, edition of nineteen hundred and one), if any, to the credit of each man at the time of his discharge; the ruling of the War Department, if any has been made in this or any other similar case, as to the effect upon his right to such retained pay. \* \* \*

The practice of retaining a portion of the monthly pay of enlisted men, to be paid over to them at discharge, was discontinued in 1898, in obedience to the following requirement of statute:

Hereafter no pay shall be retained; but this provision shall not apply to deductions authorized on account of the Soldiers' Home.—Act of March 16, 1896 (29 Stat. L., 60).

As no portion of the pay of a soldier may now be retained, it follows that no money stood to the credit of any enlisted man of the Twenty-fifth Infantry at the time of his discharge.

(2) Information is also requested as to—

the ruling of the War Department, if any has been made in this or any similar case, as to the effect of such discharge upon the right of an enlisted man to retire on three-fourths pay, with an allowance for subsistence and clothing (under section twelve hundred and sixty and following sections of the Compiled Statutes, volume one, page eight hundred and ninety, edition of nineteen hundred and one).

The right of an enlisted man to retire accrues when he shall have completed thirty years' service as such in the United States Army or Marine Corps. Until such right has accrued the retirement of an enlisted man would be without warrant of law. Service for such

retirement is computed in conformity to the following enactments of Congress:

When an enlisted man has served as such thirty years in the United States Army or Marine Corps, either as private or noncommissioned officer, or both, he shall, by application to the President, be placed on the retired list hereby created, with the rank held by him at the date of retirement, and he shall receive thereafter seventy-five per centum of the pay and allowances of the rank upon which he was retired.—Act of February 14, 1885 (23 Stat. L., 305).

If said enlisted man had war service with the Army in the field, or in the Navy or Marine Corps in active service, either as volunteer or regular, during the war of the rebellion, such war service shall be computed as double time in computing the thirty years necessary to entitle him to be retired.—Act of September 30, 1890 (26 Stat. L., 504).

Hereafter in computing the length of service for retirement credit shall be given soldiers for double the time of their actual service in China, Cuba, the Philippine Islands, the island of Guam, Alaska, and Panama; but double credit shall not be given for service hereafter rendered in Porto Rico or the Territory of Hawaii.—Act of April 23, 1904 (33 Stat. L., 264).

All enlisted men of the Regular Army who served as commissioned officers of United States Volunteers organized in eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, or who have served or may be now serving as such in the Porto Rico Provisional Regiment or in the Philippine Scouts, who, upon their muster out, have returned or may return to the ranks of the Regular Army, shall have such period of service counted as if it had been rendered as enlisted men, and that they be entitled to all continuous-service pay and to count, in computing the time necessary to enable them to retire, as enlisted men.—Act of March 2, 1903 (32 Stat. L., 934).

As the requirements of the foregoing statutes are clear, and as no occasion has arisen for their interpretation, no rulings have been made by the Department in respect to the effect of such discharge upon the right of an enlisted man to retire. If he is discharged for any cause before he has completed thirty years' service, his right to retire has not accrued.

(3) Information is also requested in respect to the right of an enlisted man to—

enter a National Soldiers' Home (under section forty-eight hundred and twenty-one and following sections of the Compiled Statutes, volume three, page thirty-three hundred and thirty-two, edition of nineteen hundred and one).

The admission of enlisted men of the Regular Army to the Soldiers' Home in Washington, D. C., is regulated by the following enactments:

The following persons, members of the Soldiers' Home, according to section forty-eight hundred and fourteen, shall be entitled to the rights and benefits herein conferred, and no others:

First. Every soldier of the Army of the United States who has served, or may serve, honestly and faithfully twenty years in the same.

Second. Every soldier and every discharged soldier, whether regular or volunteer, who has suffered, or may suffer, by reason of disease or wounds incurred in the service and in the line of his duty, rendering him incapable of further military service, if such disability was not occasioned by his own misconduct.

Third. The invalid and disabled soldiers, whether regular or volunteers, of the wars of eighteen hundred and twelve and of all subsequent wars.—Sec. 4821, R. S.

The benefits of the Soldiers' Home shall not be extended to any soldier in the regular or volunteer service convicted of felony or other disgraceful or infamous crimes of a civil nature after his admission into the service of the United States; nor shall any one who has been a deserter, mutineer, or habitual drunkard be received without such evidence of subsequent service, good conduct, and reformation of character as is satisfactory to the commissioners.—Sec. 4822, R. S.

An enlisted man of the Regular Army becomes entitled to admission to the Soldiers' Home after twenty years' service in the Army, whether he is disabled or not. If disabled in the line of duty, he is entitled to admission from the date of his disability, whether he has

served twenty years or not. If an enlisted man has served twenty years and has subsequently been discharged without honor, his right to admission to the Home can not be denied, as he has conformed to the statutory condition precedent to such admission—that is, he has “served honestly and faithfully twenty years” in the Army of the United States. The restrictions which are embodied in section 4822, Revised Statutes, above cited, have exclusive application to the cases of soldiers who have been “convicted of felony or other disgraceful or infamous crimes of a civil nature.” The right to admission would be defeated in consequence of a conviction of such an offense by a general court-martial, and would not be affected by a discharge without honor. The restriction in respect to “one who has been a deserter, mutineer, or habitual drunkard” is qualified by the subsequent condition that if evidence of subsequent service, good conduct, and reformation of character be shown the applicant may be admitted.

The enactments above cited are executed by the Board of Commissioners of the Soldiers' Home who, where admission is not based upon disability, are without authority to admit an enlisted man who has not served for the period required in the statute, and a soldier who has served honestly and faithfully for twenty years is, as a consequence of such service, entitled to admission to the Home without regard to the character of the discharge by which his connection with the military service was subsequently severed.

It is proper to observe that persons who have served as officers or enlisted men in the Regular Army become entitled to admission to the National Home for Disabled Volunteer Soldiers in the operation of the following enactment:

Hereafter the following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the order of a member of the board of managers, namely: All honorably discharged officers, soldiers, and sailors who served in the regular or volunteer forces of the United States in any war in which the country has been engaged, who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living.—Act of May 26, 1900 (31 Stat. L., 217).

(4) Information is also requested as to the right of an enlisted man—

to be buried in a national cemetery (under section forty-eight hundred and seventy-eight and following sections of the Compiled Statutes, volume three, page thirty-three hundred and seventy-eight, edition of nineteen hundred and one).

The right to interment in a national cemetery is regulated by the following requirements of statute:

All soldiers, sailors, or marines, dying in the service of the United States, or dying in a destitute condition, after having been honorably discharged from the service, or who served during the late war, either in the regular or volunteer forces, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man shall be sufficient authority for the superintendent of any cemetery to permit the interment.—Sec. 4878, R. S.

For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, sailors, and marines of the late civil war and soldiers and sailors of the war with Spain who die in the District of Columbia, or in the immediate vicinity thereof, and of such soldiers, sailors, and marines who die in the District of Columbia and are buried in the immediate vicinity thereof, to be disbursed by the Secretary of War, at a cost not exceeding forty-five dollars for such burial expenses in each case, exclusive of cost of grave, three thousand dollars.—Act of April 28, 1904 (33 Stat. L., 495).

No opinions have ever been rendered by this office as to the right of an enlisted man who receives a discharge without honor to be buried in a national cemetery. Such a right is conferred upon a former enlisted man who dies in a "destitute condition, after having been honorably discharged from the service;" and it is the opinion of this office that the right could not be denied to one whose enlistment contract had been terminated in the operation of a discharge without honor.

(5) Information is also requested as to the right of an enlisted man—

to receive transportation and subsistence from place of discharge to his home (as provided for in section twelve hundred and ninety and following sections of the Compiled Statutes, volume one, page nine hundred and sixteen, edition of nineteen hundred and one).

The present practice in respect to the payment of travel allowances to enlisted men on discharge from the service was established in section 24 of the act of March 16, 1802, which is substantially embodied in the statutes that now regulate such payment, which provide that—

Hereafter \* \* \* an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive four cents per mile from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service.—Act of March 2, 1901 (31 Stat. L., 902).

For sea travel on discharge \* \* \* transportation and subsistence only shall be furnished to enlisted men.—Act of March 2, 1901 (Ibid.).

In the case under consideration the enlisted men of the Twenty-fifth Infantry, who have recently been discharged, were paid traveling allowances in full when their discharges were delivered to them. The clause of the statute above cited which forbids the payment of travel allowances when a soldier is discharged "by way of punishment for an offense" has been restricted in practice for more than a century to soldiers who have been dishonorably discharged in pursuance of the approved sentence of a general court-martial.

Very respectfully,

GEO. B. DAVIS,  
*Judge-Advocate-General.*

## PRACTICE OF THE NAVY AND CIVIL SERVICE IN RESPECT TO REENLISTMENT OR REEMPLOYMENT.

### MEMORANDUM BY THE JUDGE-ADVOCATE-GENERAL.

*Naval practice.*—In the naval service three forms of discharge are given: (1) Honorable discharge; (2) ordinary discharge; (3) dishonorable discharge, the last being given in pursuance of the sentence of a naval court-martial.

A candidate who presents himself for enlistment or reenlistment is required to submit his discharge from any previous enlistment in the Army, Navy, or Marine Corps, and now from the Revenue-Cutter Service.

If he has an honorable discharge, he may be enlisted or reenlisted, as the case may be. If he has a dishonorable discharge, or a discharge without honor, he may not reenlist. If he has an "ordinary discharge" from the Navy, he may be reenlisted if permission to do so appears in the body of his discharge certificate. If no such permission is noted on the discharge, he can only be reenlisted with the authority of the Navy Department.

Certain benefits accrue to a seaman in the Navy on his reenlistment, which need not be mentioned. It may be said, however, in substance, that enlistments or reenlistments in the Navy are debarred by a discharge without honor from the Army or Marine Corps, or by an "ordinary discharge" from the Navy without permission to reenlist. In other words, the practice is substantially the same in the Navy that it is in the Army, the only exception being that the right to reenlist in the Navy is barred by regulation, and in the Army by a statute which provides that:

No soldier shall be again enlisted in the Army whose service during his last preceding term of enlistment has not been honest and faithful.—Sec. 2, act of Aug. 1, 1904 (28 Stat. L., 216).

*Practice in the civil service, including all civil employment under the Government.*—The following clauses of disqualification are embodied in section 4, Rule V, of the civil-service rules, promulgated by the President:

The Commission may refuse to examine an applicant or to certify an eligible for any of the following reasons: (a) Dismissal from the service for delinquency or misconduct within one year next preceding the date of his application; (b) physical or mental unfitness for the position for which he applies; (c) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (d) intentionally making a false statement in any material fact, or practicing any deception or fraud in securing examination, registration, certification, or appointment; (e) refusal to furnish testimony as required by Rule XIV; (f) the habitual use of intoxicating beverages to excess. Any of the last five foregoing disqualifications shall also be good cause for removal from the service.

**Rule XIV contains the requirement that—**

It shall be the duty of every officer and employee in the executive civil service, and of every applicant or eligible for a position therein, to give to the Commission, or its authorized representatives, all proper and competent information and testimony in regard to matters inquired of arising under the civil-service act and rules, and to subscribe such testimony and make oath or affirmation to the same before some officer authorized by law to administer oaths.

In the execution of the foregoing regulation, when a candidate appears for examination he is required to state in his application what previous governmental employment he has had and to set forth fully the reasons for his separation from the Government service. This is referred to the Department in which he formerly served for report, and the report so obtained is submitted to any branch of the Government to which he is certified for employment.

After the one-year limit has elapsed, I understand the practice to be that if a candidate's papers show him to have had previous employment in an Executive Department an inquiry is addressed to said Department, with a view to ascertain whether his record has been satisfactory. If found not satisfactory, his chance of being selected for appointment is substantially reduced, and in some cases extinguished.

Very respectfully,

GEO. B. DAVIS,  
*Judge-Advocate-General.*

DECEMBER 13, 1906.



## THE CONDUCT OF THE OFFICERS AT BROWNSVILLE.

MEMORANDUM BY THE JUDGE-ADVOCATE-GENERAL.

I should say, after reading the papers in reference, that Major Penrose did not realize the situation which confronted him when he took station at Brownsville. It was known that a colored command was to relieve the companies of the Twenty-sixth Infantry, which had constituted the garrison of Fort Brown. It ought not to have been necessary to remind an officer of the grade of major in the United States Army that, when colored troops took station for the first time in a southern town, especially in Texas, the situation was one requiring great tact, constant watchfulness, and the closest attention to the conduct and discipline of his command. Major Penrose admits that he knew of the feeling that had been aroused, but seems to have done nothing to meet the emergency, or to conform to the conditions which surrounded him. He waited for events to occur instead of attempting to anticipate them or to prevent their occurrence.

It should have been his duty to ascertain the nature and extent of the feeling to which the arrival of his command had given rise in Brownsville and to have tried to get into touch with some of the leading citizens and to study the situation with them, with a view to attempting, through them, to exercise some control over local public opinion while it was still in a formative stage. He should also have assured them that, in so far as it was within his power, his administration of the discipline of his command would be such that no occasion for criticism could arise. He should have invited them to bring matters which were likely to give rise to friction or annoyance to his attention, with a view to the application of a prompt remedy. When it became necessary to do so, after the outbreak which occurred on August 13, he found no difficulty in reaching a number of the best citizens of Brownsville, who were willing, even then, to cooperate with him in controlling what had become an intolerable situation. If it was easy to do this on August 13, it would have been still easier to do it on July 28, when he took station at Brownsville, or on August 5, when the Tate-Newton affair occurred.

He should have endeavored to impress it upon his officers and men that the situation, though not of their choosing, was a difficult one, and one which might at any moment become dangerous. They were not there of their own volition, but in obedience to orders. The good name of the regiment and the reputation of the Army were in their keeping. For that reason they were on their good behavior, and, knowing the strong color prejudice which existed in the South, they should have so comported themselves as to minimize criticism and command respect by their good behavior. His administration of discipline, especially in the matter of passes, should have been strict and his men should have been kept as closely at work as the weather permitted.

If he had any doubt as to the local feeling, it should have been removed by the Tate-Newton incident, which occurred on August 5.

As there was a prima facie case of assault on a soldier, he should have reported it to the civil authorities, in addition to making his own independent investigation. Had he previously laid the foundations for an understanding, this incident should have strengthened his hands. As it was, Major Penrose seems to have been satisfied with a resort to the cheap expedient of patrols and allowed himself to drift into the belief that he was in the enemy's country, and soon got into such a state of mind that he believed that 150 well-armed men were likely to be attacked by the disorderly classes in Brownsville.

There was no adequate preparation to meet what Major Penrose feared might occur, and what when the firing began on the night of August 13 he believed had actually occurred—that is, an attack upon the post. He was not even ready to meet an attack. Major Penrose seems to be an officer of correct habits, good conduct, and fair intelligence; but he seems lacking in tact and judgment, qualities that can not be acquired as the result of military training and instruction. He seems to have done the best he could, but his best fell far short of the imperative demands of the situation. General Nettleton, in speaking of the officer of the day going to sleep and taking off his side arms, evidently goes back to his own experience during the civil war, when the officer of the day of a regiment or brigade was constantly on duty, under arms, and got such snatches of sleep as he was able to obtain during his tour. In time of peace, however, especially when duty as officer of the day comes every three or four days, the rigor of war practice is somewhat mitigated. The principle and the responsibility remain the same, however, and the officer of the day can not escape accountability by alleging that he went to bed or was asleep to account for his absence when an emergency arises during his tour of duty.

The well-known duties of the officer of the day and the strained conditions which existed should have suggested great vigilance to that officer, especially if he shared the view of the post commander that an attack on the post was either possible or probable. Newton, the soldier who was assaulted by Tate, was in Captain Macklin's company. Reid, who was pushed off into a mudhole on August 12, the day before the outbreak, was also in his company. These incidents should have suggested strongly the propriety of keeping in very close touch with his men and of seeing, if they were innocent or not entirely at fault, that something was done to redress their wrong. With the double responsibility of company commander and officer of the day, something more than making up his rest was called for.

I concur in the view that, on the showing of facts in the inclosed papers, there is no specific case for a court-martial, certainly as far as Major Penrose is concerned. Want of judgment and incapacity that grows out of it are not criminal offenses. But it is my opinion that the conduct of Major Penrose should be strongly animadverted upon. If, as appears from papers in the case, Captain Macklin's whereabouts were not known to the guard, and if on August 5, when the Tate-Newton affair occurred, and on August 12, when Reid was pushed off the walk, he took no steps to ascertain their criminal responsibility or to secure their protection, it is my opinion that disciplinary measures should be resorted to.

There is very little evidence as to what Major Penrose and his officers did prior to August 13 to meet the situation in which they found themselves placed, and Major Blocksom doubtless has some informa-

tion on this point which will place their conduct in a somewhat better light. If this be true, I shall be glad to diminish, to that extent, the severity of the views to which I have given expression in the foregoing memorandum.

Very respectfully,

GEORGE B. DAVIS,  
*Judge-Advocate-General.*

WAR DEPARTMENT,  
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,  
*December 11, 1906.*

MEMORANDUM BY THE ACTING CHIEF OF STAFF.

WAR DEPARTMENT, OFFICE OF THE CHIEF OF STAFF,  
*Washington, December 14, 1906.*

Memorandum for the Secretary of War:

Subject: Culpability of officers of Companies B, C, and D, Twenty-fifth Infantry, in Brownsville incident.

The following has been received:

THE WHITE HOUSE,  
*Washington, December 5, 1906.*

To the SECRETARY OF WAR:

A careful study, not only of Major Blocksom's report, but of General Nettleton's letter, leaves me uncertain whether or not the officers of the three colored companies who took part in the murderous riot at Brownsville are or are not blamable. I should like a thorough investigation and report on this matter.

THEODORE ROOSEVELT.

WAR DEPARTMENT,  
OFFICE OF THE SECRETARY.

Memorandum for the General Staff:

Letter of the President in regard to an investigation as to whether officers of the Twenty-fifth Infantry are or are not blamable.

I am directed by the Secretary of War to refer you the within communication for recommendation as to whether action ought not to be taken by way of court-martial against the officers referred to, or some of them.

The Secretary wishes the General Staff in this matter to confer not only with General Garlington, the Inspector-General, and Major Blocksom, of the Inspector-General's corps, but also with the Judge-Advocate-General. He would like to have this matter attended to at once.

FRED W. CARPENTER,  
*Private Secretary.*

DECEMBER 6, 1906.

In accordance with the foregoing, after a careful study of the reports of Major Blocksom, Lieutenant-Colonel Lovering, and General Garlington, as set forth in the pamphlet entitled "Affray at Brownsville, Tex., August 13 and 14, 1906," published by the War Department, and of the letter from General Nettleton, referred to by the President, Major Blocksom and General Garlington were requested to appear before the First Division of the General Staff, which they did on December 8, their testimony being as follows:

Question. From a study of the documents bearing in this case it seems that it is very much of a question whether at least the commanding officer and the officer of the day performed their entire duties. We want to find out if we can a little more definitely as to what developed in the inspection made as to some points bearing on the conduct of these two officers especially. The first one was whether there was

any special investigation made as to who it was who called the officer of the day—the officer of the day could not be found apparently. He states himself he went home and went to bed shortly before midnight, and it seems that a member of the guard was sent to call him. The member of the guard states that he could not find him. I would like to know, General Garlington, if any special investigation was made as to whether the member of the guard sent to call the officer of the day went to the quarters of the officer of the day or whether he knew where to find him.

General GARLINGTON. I had better state what I know about the entire occurrence. Of course, you gentlemen understand that I did not go to Brownsville to investigate the original trouble. My connection with the matter began after the report of Major Blocksom had been before and considered by the President, and my investigation only referred to certain features of the case; but during the investigation this matter of the officer of the day, and also, incidentally, the conduct of the officers connected with the matter, came up. The man who went to find the officer of the day was the battalion sergeant-major, and he made a very clear statement of the whole circumstance. He went to a house first in which he thought Captain Macklin lived and in which Captain Macklin had lived, I understand, a short time before; and, after making an effort to arouse him at the front door, he found the door open and went in and found that house vacant, and then went to an adjoining house, as I understood him, under the same roof, where Captain Macklin did live, and pounded on the door very vigorously and failed to awaken him and went back and reported to the commanding officer. I found that Captain Macklin had made a visit at 11 o'clock to receive the report, and had then gone to his quarters and gone to bed. As I found in my inspection, this was the usual custom in the service. The reason given why Captain Macklin had probably slept sounder than usual was that he was in the back part of the house. He was alone in the house. He had been with a party of friends, ladies and gentlemen, across into Mexico the day before, had been up late the night before, and had slept unusually sound, and not only did not hear the pounding of the sergeant-major, but he didn't hear any of the firing at all and woke up after the thing was all over. As far as the conduct of the officers is concerned, after conversing with them and with the commanding officer, I can not see that any criminal charge will lie against them nor any charge of neglect of duty that would hold before any court. There was error of judgment, and all of the subsequent errors, if errors you could call them, were made as a result of the first error; that was that the commanding officer, as soon as he heard the shots, immediately went out and went to the barracks on the assumption that the place was being attacked from the city, and he at once made dispositions of his men as soon as they got into ranks to repel an attack from the city along the wall, and the other officers fell right into that same view, and their only concern in making the check was to find out whether or not some of the men had been killed in the town and to find whether the men were missing; with that view, not with the view of finding out whether any men were outside committing unlawful acts. Of course it was very dark, and the testimony shows that they didn't want to light any lanterns because they thought that the people in the town would shoot wherever the lights were; and the only authenticated roll call was made after the men were formed along the wall and that was in Captain Lyon's company, in which he testified that an answer was made to every name called, and of course laboring under the impression that the firing was done by somebody else, there was no examination made of the guns until light and after the mayor had come in with Captain Lyon's company, that had been sent out in the town to find out whether any soldiers were killed, and then the mayor came back and reported to the commanding officer that the soldiers had been into town and had killed one man and had wounded the chief of police; and Major Penrose told me that it never occurred to him at the moment that his own men could have been outside doing the shooting, but that he did not inform these people who came in with the mayor that he had had the other view and that he had made disposition to repel an attack. Of course the original error prevented any really accurate and absolute check upon the guns or upon the return of the men to the ranks. I reflected upon that matter a great deal, and I couldn't see that any charge of neglect of duty would hold against any of the officers, except probably the officer of the day, and the officer of the day, as I look on it, could claim that there was no regulation or order that required him to remain awake all night or wear his saber, and that he had followed out the general custom. I asked, particularly, the commanding officer if he had given any order that the guard should be inspected between 12 o'clock and daylight, and he had not. Personally, I think that the officer of the day failed to do his whole duty, because I think if a man, as officer of the day, takes off his clothes and goes to sleep and fails to turn up he commits an offense, but I didn't think that under the custom followed in the service and the orders that usually exist

at posts that a charge against him for neglect of duty would hold. I made no report upon that feature of the case for the reason that Major Blocksom had developed all the facts in the case and had, as I recall it, relieved the officers from responsibility, and that paper had been before the President and he had virtually approved that report.

Question. How did they get Macklin out at all?

Major BLOCKSOM. I am not quite clear on that point. I got there on the night of the 18th. That was about four days and a half after the trouble occurred. I called the officers together and consulted with them as to what they had done to try to separate the innocent from the guilty, and all of them assured me that they had done everything in their power to try and locate the actually guilty people and that they had been utterly unable to do so. The commanding officer, Major Penrose, stated to me that he had done everything, and he felt perfectly sure that all the officers had done everything they could, because they all felt keenly the situation that they were in and the necessity for finding the culprits if possible, in order to punish the guilty and save the innocent, but that absolutely nothing had been developed; that they couldn't get anything from anybody.

Question. Major Blocksom, in your report you state that you "can not too strongly urge officers of the battalion being impressed with the necessity of discovering the criminals. They seemed to be trying, but were hindered by ill feeling shown them there." Did you have the impression at that time that the officers were doing their whole duty? At least you imply in the form of your message that they might not be doing their whole duty to find the criminals;

Major BLOCKSOM. I did have that impression, but it arose from the fact that they hadn't found out anything at all more than from anything else that I can think of.

Question. Do you believe that the man who went to awaken the officer of the day made an honest effort?

Major BLOCKSOM. No, sir; I do not. The sergeant of the guard told me that he sent a man up there. My impression is that he also said that he went up himself, although I am not positive about that.

Question. This battalion sergeant-major was not a member of the guard?

Major BLOCKSOM. No, sir.

Question. Who sent the sergeant-major up to wake him?

General GARLINGTON. I think the commanding officer sent the sergeant-major, without any reference to the guard.

Question. They really made two attempts to wake him up?

General GARLINGTON. I don't know of any attempt beyond the call; I didn't develop that.

Major BLOCKSOM. Captain Macklin told me that he had been up the night before and he was very tired. He said that after he made his inspection he went up to his quarters and drank a bottle of beer and went into the back bedroom, I think he says, and went to sleep, and didn't wake up until 1 o'clock; didn't hear anything at all of the affair in any way. I have forgotten how he was waked up.

#### DIFFERENCE OF TIME IN REPORTS OF SHOOTING.

Major BLOCKSOM. That difference as to time resulted from my taking the town time, I think, which differed a little from the post time. All the people that I spoke to in town said that the firing commenced a little before 12, but I think according to post time it probably was a little after 12. With regard to Captain Macklin I thought it was very strange about his not getting up at all, and I inquired of Major Penrose whether he had seen Captain Macklin that night and what his conduct was as to sobriety and whether he appeared to be all right, and he says that undoubtedly he was all right in every way. I inquired, then, about his habit as to drinking. He said he did not drink to excess, and was an excellent officer in every way, and spoke very highly of him.

It is customary in the service for officers to go to bed after they have made their inspection. But at the same time on account of the events of the few days preceding, all the trouble having occurred in Captain Macklin's company (nearly all of it), i. e., the treatment against his men by people of the town and on account of the precautions which the commanding officer had taken earlier in the evening, it would seem to me he ought to have exercised extraordinary vigilance, which he did not.

Question. How about the commanding officer; do you think he exercised proper vigilance, considering the circumstances that you have just enumerated?

Major BLOCKSOM. Well, he sent patrols out early in the evening. He knew, of course, that there was a very bad feeling against the soldiers by the people of the town, but his error was one of judgment only. I think he did what he thought was

proper. Of course, as we look at the thing afterwards, it is evident that a larger guard and more careful vigilance on the part of the commanding officer and the officer of the day would have prevented the occurrence.

Question. It appears that one of the rifle racks was broken open when the non-commissioned officer in charge of the quarters went to open it to take out the rifles. Does it appear from positive evidence as to when that was broken open?

Major BLOCKSOM. Sergeant Bronner told me it was broken when they were called to arms, and the suspicious circumstances about it is that that was the only one that was broken open, and this was that same O Company.

Question. Did any testimony show who broke it open? Did any of the men admit having broken it open in order to get their rifles after the alarm sounded?

Major BLOCKSOM. That was the statement of the sergeant, but my impression is that somewhere in Colonel Lovering's evidence there is a statement that some man broke open the rack, but I am not certain about that.

Question. Do you remember about what time it was that the commanding officer became convinced that his men in the garrison had done this firing?

Major BLOCKSOM. He says, and his letter, I think, says the same thing, that it was when the cartridge clips were brought to him.

Question. Do you remember how soon it was after that he took steps to find out whether he could ascertain what rifles had been fired?

Major BLOCKSOM. He didn't take any steps to find that out until daylight. Doctor Combe came back with Captain Lyon when he came back with his company and told him about the firing having been done in town by the men. I think that was about an hour after the thing occurred.

Question. That was shortly after 2 o'clock?

Major BLOCKSOM. Yes; I think so. Major Penrose's reason for not having the rifles examined was on account of the darkness; but of course he could have had proper light in the barracks and the rifles examined with some difficulty immediately after the trouble occurred. I never attached much importance to that subject of the rifles, the cleaning of them, because I was convinced that the men who committed the act had made every arrangement about cleaning their guns as quickly as possible after their raid or on their way back. I didn't take any affidavits at all from the people of the town, because I saw a great many of them and their evidence was so convincing that the act had been committed by colored soldiers that I thought there would never be any question of it, and I don't see now how there can be any possible question of it. I have telegraphed down for some affidavits there. That was on account of the Stewart matter. Mr. Stewart had written a letter to the President and I was directed to give what affidavits I had.

Question. Does it appear that any orders were given by either the commanding officer or the officer of the day providing for contingencies that might arise after the last patrol was made?

Major BLOCKSOM. There was no order given at all.

Question. It appears that there was a rumor that got to the post that the people were going to "do up" a saloon that was on the side of the post that night, and, as I understand it, that had been reported to Penrose, hadn't it?

Major BLOCKSOM. I don't know. I didn't hear it. I think that all officers of the service with colored troops are, in a measure, more antagonistic than others to criticisms or implications against their troops, and I think that had some effect with these officers on that night. It was a race matter. There is another fact which I think is very well known, and that is that colored men are more secretive than white men, as a rule. That is another reason why the officers had no inkling that the matter was going to take place.

Question. Was it well known among the officers of the garrison that there was a race feeling existing?

Major BLOCKSOM. Yes; it was well known among everyone.

Question. Was it known that the men themselves resented this?

Major BLOCKSOM. Yes; there is no question but that they all knew that, and there is no question but what the people of the town were very inimical to their being there, and that they didn't treat the soldiers right before that trouble occurred. The feeling there in town is bitterly against having colored troops there. I found that out the minute I got in town. It had been so all the time; there is no question of that.

Question. You got the conclusion after all that Macklin's sleep was bona fide?

Major BLOCKSOM. I was of that conclusion.

Question. How far were his quarters from where the firing was supposed to have been?

Major BLOCKSOM. The officers' quarters—I remember pacing them off—I estimated were about 125 yards from either the barracks themselves or the walk in front. The

back of the barracks was about 75 yards from the wall. That would make Captain Macklin's quarters probably 200 yards from where I estimated the firing began. He said he went back into one of the back rooms. If I remember right, he told me that he did not want to be disturbed on account of being so sleepy. I am not positive about that.

Question. You don't recall at all how they finally got him out?

Major BLOCKSOM. I have forgotten that point; in fact, I don't think I investigated that.

Major BLOCKSOM. It will be seen from the evidence that nearly all the troubles that occurred with the men in town were with men of O Company. There is something in Mr. Stewart's letter which bears on this question, too. He says that three men in O Company reported to the officer of the day about having seen a party of men outside the wall; about some men breaking into the ordnance storehouse there, and they were all men of O Company. That matter was reported to me about the breaking of the lock off the door of the ordnance storeroom.

Question. What time did that occur?

Major BLOCKSOM. That occurred about half past 1 o'clock. It was reported to Captain Lyon. I would like to state to members of the investigating committee that I did not rely on the testimony given before the Citizens' Committee. I put it in my report for what it was worth; but I investigated the matter independently of this, and while I questioned a great many of the people who gave evidence before the committee, I also questioned others.

Question (with reference to the tall colored soldier described by Mrs. Evans). Were any steps taken to identify this man by the commanding officer when it was reported to him?

Major BLOCKSOM. There was no effort made to identify the man at all. The only thing that he did really was to send that patrol along to protect Mrs. Evans from anything further. By the way, the Evans people left that locality after that and went away down in town. I think it was at least a mile from the barrack wall where I went to see Mrs. Evans. With regard to the roll calls, there was practically none in the O Company at all. There was no officer with O Company that night, the officer of the day being Captain Macklin. B Company only had one officer, Lieutenant Lawrason, who was a very young man and very inexperienced. Roll call was not accurate in that company at all. Major Penrose, who was present, said that the firing was practically over when the roll call occurred, and the same with roll call of D Company. There was no accurate roll call made. While there was a check roll call about 11 o'clock, and there was a roll call, as the officers testified and as the commanding officer also testified, which took place just after the shooting, I am sure that it was not a complete roll call. I never attributed any value to it, because I knew that the officers all believed that they were being attacked and that their main idea was to defend themselves. Captain Lyon's roll call didn't occur until his men were out on the defensive line there by the wall, and there were quite a number of men absent. I am sure they were not counted, for the report of Colonel Lovering shows that there were about 12 or 14 away. There were 3 on pass in town; 1 soldier was in town, I think, without a pass, and there were really from 8 to 12 men absent at the corral, bakery, and officers' quarters. That is shown very complete in Colonel Lovering's report and by their own sworn testimony. Major Penrose himself says, in his letter, that the reports were "all present or accounted for," which is of course the usual way. There were one or two men, by the way, who had quarters out in town.

There was only one officer with each company and the battalion adjutant and quartermaster, and with the commanding officer there were only five officers there altogether, and I think that colored soldiers especially need their complement of officers. The present methods of discipline, especially of negro troops, are very different from what they were fifteen or twenty years ago. In those days the officers and noncommissioned officers were much more severe in their discipline. They kept the men down, and when they wanted to find out anything from the men they used strenuous efforts, something like the sweating process of the police of the present day. It makes a great difference, especially with colored troops. I am not criticising the methods of the War Department. I think that these things have arisen from the influences which have been growing up for the last fifteen or twenty years throughout the country. There is no doubt in my mind that you have got to be more severe in discipline toward the colored soldiers than you have toward the white. If they are properly led they are fine soldiers. I have seen them under fire numbers of times. I never had any trouble with colored soldiers in my life before this instance. I have served right in the same post with them. I have seen colored sergeants in charge of the guard. As a rule there is very little trouble between white soldiers and colored soldiers. I simply give these last remarks as an indication of my opinion in the

matter, which, of course, I didn't like to put in my report. That trouble was not a case of ordinary infraction of discipline; it was external entirely to it really.

Question. I don't quite understand yet what was done after the commanding officer was notified formally that this firing had been done by the garrison. It appears that the troops were held in ranks.

Major BLOCKSOM. He held them in ranks in that defensive line until some time after 3 o'clock, and then let two of the companies go back to their quarters and kept the other one out there.

Question. Did he take any steps toward attempting to verify the truth of this charge?

Major BLOCKSOM. Yes; he did. When Doctor Combe came back with Captain Lyon he had another roll call. It was, I believe, complete at that time. That is the only precaution he took on account of having received notice that the firing was done by his own men.

Question. He didn't make any effort right then to find out from the men themselves by investigation?

Major BLOCKSOM. He really didn't believe this report at that time.

Question. Why didn't they try to get something out of that scavenger?

Major BLOCKSOM. In my report I dwelt on that subject. I think that Penrose ought to have got ahold of him too and put him in the guardhouse. If they had gotten him very soon and got him by himself they really would have gotten more out of him than anybody else. I don't see why they didn't get that man and get something out of him. That is one suspicious thing in the action of the officials of the town. Those officers there are all men of excellent habits as far as I could see and could find out. There is no doubt about it that they were entirely deluded in the matter.

Question. Do you think the officers took all the precautions they should have taken with knowledge of what had taken place on the 12th?

Major BLOCKSOM. I think it was an error of judgment on the commanding officer's part that he did not take the precaution to prevent that which might have taken place; at the same time it was only an error of judgment and not one of what you might call intention or neglect. I believe that he thought he had taken sufficient precautions.

Question. I suppose, from what you say, in his mind the only precaution that was necessary to be taken was from the people outside?

Major BLOCKSOM. Yes; there is no doubt about that.

Question. And the same would apply to the officer of the day?

Major BLOCKSOM. Yes; the same applies to him.

Again questioned as to Captain Macklin's sleep.

Major BLOCKSOM. I know he said he was very much in need of sleep, and that he went into the back part of the house.

Question. Was it shown plainly that that was not his usual place of sleeping—the back part of the house?

Major BLOCKSOM. No; it wasn't. I only know what he said.

Question. He didn't say that he didn't usually sleep there?

Major BLOCKSOM. He didn't say anything about what his custom was.

Question. As far as the testimony shows and the report shows, Captain Macklin was the only person on the post that didn't get up and get out there?

Major BLOCKSOM. Yes; that was a very suspicious circumstance to me, and that is the reason that I inquired about his habits as to drinking from the commanding officer, and I thought, especially as he had told me that he had drank a bottle of beer, that he might have taken several of them.

Question. Did you make any inquiry, Major, as to the possibility of there having been duplicate keys of the rifle locks, so that they could have been opened without breaking them?

Major BLOCKSOM. I didn't make any inquiries upon that subject, because I was certain that such a thing was possible, and Major Penrose had stated his belief in his letter, which he showed me when I first came there, to The Military Secretary that some of the men had duplicate keys, and I think now that it is very probable they had. Either that or else the noncommissioned officers were in the conspiracy. Of course there is that suspicious circumstance about that arm rack in C company being broken open.

Question. There is no officer besides the commanding officer and the officer of the day who didn't do his full duty?

Major BLOCKSOM. No; there is nothing at all about the other officers having been at fault unless it is that they didn't take enough precaution in their own companies,



and that applies to all more or less, though of course the commanding officer was the more responsible and the officer of the day next.

Question. Was there any attempt made to trace the ammunition that may have been fired to find out where it came from?

Major BLOXSON. There was no attempt at all to do that.

Question. Was the ammunition issued and in the hands of the men?

Major BLOXSON. Yes. I don't know just how much they had; I think just enough for guard purposes. It is very easy for men to get ammunition in any company at any time.

Question. These companies had only been there two or three weeks, as I remember?

Major BLOXSON. They arrived there on the 28th of July.

Question. Do you think it would be easy for them to get that amount of ammunition, the amount that was fired there, and get rid of it without it being known, if proper precautions were taken?

Major BLOXSON. I think it would have been quite easy for them. As a rule every company has a surplus of ammunition which is not carried on the returns. They get this surplus in different ways—target practice and others. It ought to be kept in a storeroom. Nearly always I have found that men have more than their allowance. There was, however, no attempt made to verify that.

The foregoing testimony and General Nettleton's letter were submitted to the Judge-Advocate-General (who already had the War Department pamphlet bearing on the case) with a request for his opinion as to whether charges would lie against any of the officers of the Fort Brown command. His opinion, given December 11, 1906, accompanies these papers.

After careful consideration of the admitted facts in this case and the opinion of the Judge-Advocate-General the First Division of the General Staff is of the opinion—and in this opinion I concur—that a prima facie case exists against Major Penrose, the commanding officer, and Captain Macklin, the officer of the day, for neglect of duty, chargeable under the Sixty-second Article of War, and it is recommended that they each be brought to trial for this offense.

In this connection it is believed to be very desirable, in view of the widespread comment in the press and elsewhere, to emphasize the fact that the responsibility for the proper discipline and control of a post or of a command rests with the commanding officer and the commissioned officers thereof, under his orders, and can not be shifted to enlisted men, whether noncommissioned officers or not.

In the analogous case of the killing of a citizen by enlisted men of the Fourth Cavalry at Walla Walla in April, 1891, a court of inquiry was convened at Fort Walla Walla in May, 1891, to investigate and report upon the facts and the responsibility for the killing of a citizen in the town of Walla Walla. The court was directed also to express an opinion and make such recommendations for further action as they considered necessary.

The evidence showed that a soldier of the garrison had been shot in a saloon by a gambler named Hunt. At the time the soldier made his ante-mortem statement Hunt was taken to the post by the sheriff for identification. That evening on their return to town there was a mutinous demonstration by certain of the soldiers, who threatened to take the prisoner from the sheriff. The following night the jail was attacked by soldiers who seized Hunt, who was taken outside and shot.

The court recommended that Colonel Compton, the commanding officer, be tried for neglect of duty in failing to control his command and for not taking proper measures to discover the offenders.

Colonel Compton was subsequently tried and sentenced to be suspended from rank for three years on half pay and to be confined within the limits of a military post for the same period. The sentence was mitigated by the President (Harrison) to suspension from rank on half pay for two years. He served a little over a year of the sentence.

An examination of the charges upon which Colonel Compton was found guilty shows, among others, the following:

*Specification third.*—In that Col. Charles E. Compton, Fourth Cavalry, U. S. Army, commanding post of Fort Walla Walla, Wash., after being, on the evening of April 24, 1891, duly informed by the adjutant of the post that a large number of the men of the command had unlawfully, and with force and arms, attacked and entered the jail in the town of Walla Walla, Wash., and taken therefrom and shot to death one A. J. Hunt, a prisoner confined therein, did, during the said evening and night and during the next day, wholly fail and neglect to take or order any proper or sufficient measures or action to arrest any of the said men, or by roll calls, inspections of quarters, or gun and pistol racks, or otherwise, or any due exercise of discipline, to detect or attempt to detect the men engaged in the said attack and killing, or any of them, or to restrain or bring them to justice for said crimes. This at Walla Walla and Fort Walla Walla, Wash., on April 24 and 25, 1891.

This specification, except as to time, is practically a recital of Major Penrose's action in the Brownsville case. Although he was notified by the mayor at between 1 and 2 a. m. of the murder of the citizen, and that enlisted men of his command had done the shooting, he took no action, gave his men plenty of time to clean their guns, etc., and in fact did not believe the report until 10 a. m., when he saw the cartridge clips. In this respect he was exactly like Colonel Compton, who, when the sheriff and prosecuting attorney came to him with the report that an attack on the jail was imminent, replied that he "had no more fears or apprehensions of his men coming up and attacking that jail than he had of the members of the Episcopal Church sacking their church." This attitude of mental resistance to the reception of the plain facts of the case characterized Major Penrose, also, in his reception of the report of the assault on Mrs. Evans. Major Penrose states, in his letter of August 15, "His (Mr. Evans') statement that his wife was seized by a soldier I was inclined to doubt," etc.

In view of the plain facts of the situation—not only plain after the event, but, as pointed out by the Judge-Advocate-General, perfectly apparent from the moment Major Penrose's command arrived at Fort Brown—it is believed that a charge of neglect of duty against Major Penrose can be substantiated, alleging, in substance, that Maj. Charles W. Penrose, Twenty-fifth Infantry, commanding the post of Fort Brown, Tex., after being on the morning of August 14, 1906, between 1 and 2 a. m., duly informed by the mayor of Brownsville, Tex., one Doctor Combe, that soldiers of his command had shot and killed one civilian of the city of Brownsville, Tex., and badly wounded the chief of police of that city, did immediately thereafter and until daylight wholly fail and neglect to take or order sufficient measures or action to detect any of the said men, or by prompt inspection of guns or pistols or otherwise, or any due exercise of discipline, to detect the men engaged in the said attack and killing, or any of them, or to restrain or bring them to justice for said crime.

This at Fort Brown, Tex., August 14, 1906.

And a specification to allege, in substance, that Major Penrose being aware of the feeling of resentment in his command toward citizens of Brownsville as a result of assaults upon certain individuals of the

command, and having been notified by a Mr. Evans, of Brownsville, about 5 p. m., August 13, 1906, of an attack upon his wife by a soldier of the command, and knowing of the inflamed feeling existing in the town toward the soldiers as a result thereof, did, nevertheless, fail to give any orders to Capt. E. A. Macklin, Twenty-fifth Infantry, officer of the day, requiring special vigilance on his part or that of the guard; or to make frequent inspections, or any inspections, during the night, after 12 o'clock; and did wholly fail and neglect to take or order sufficient measures or precautions to hold at the post the men of the command, or in any manner to watch, restrain, or discipline said men; by reason of which failure certain men of his command to the number of about 12 or more were enabled to assemble, armed with rifles, and, proceeding to the town of Brownsville, Tex., to shoot and wound and kill certain citizens thereof.

This at Fort Brown and Brownsville, Tex., August 13 and 14, 1906.

Charges against Captain Macklin for neglect of duty under the Sixty-second Article of War should allege in substance that—

Capt. E. A. Macklin, Twenty-fifth Infantry, having been regularly detailed as officer of the day August 13, 1906, and having duly entered upon that duty; and being aware of the irritated and inflamed feeling existing between the men of the command and the citizens of Brownsville, Tex., as a result of alleged assaults committed upon men of the command and of the alleged attack made by an enlisted man of the command upon Mrs. Evans, of Brownsville, Tex., did, nevertheless, wholly fail to exercise special vigilance as officer of the day, and did in fact neglect and failed to perform the duties enjoined upon an officer of the day in case of an alarm, retiring to his quarters, from which it was found impossible to arouse him or bring him forth, during the progress of an attack upon citizens of Brownsville, Tex., by enlisted men of the command and the alarm sounded in consequence thereof.

This at Fort Brown, Tex., August 13-14, 1906.

It is recommended that the commanding general, Department of Texas, be directed to bring the two officers named to trial upon charges and specifications in substance as set forth in the foregoing.

Very respectfully,

THOMAS H. BARRY,  
*Brigadier-General, U. S. Army, Acting Chief of Staff.*

I concur in the above recommendations of the Acting Chief of Staff.

GEO. B. DAVIS,  
*Judge-Advocate-General.*

Respectfully referred to the President, concurring in the foregoing recommendations.

WM. H. TAFT,  
*Secretary of War.*

DECEMBER 14, 1906.

Approved: Make the necessary order.

T. ROOSEVELT.

DECEMBER 14, 1906.



**EXTRACT FROM ANNUAL REPORT OF THE SECRETARY OF WAR  
FOR THE YEAR 1906.**

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**DISCIPLINE.**

**THE BROWNSVILLE AFFRAY.**

I am very sorry to record a most serious breach of discipline and the commission of a heinous crime by certain members of a battalion of the Twenty-fifth Infantry, Companies B, C, and D, on the night of the 13th and the morning of the 14th of August, at Fort Brown, Brownsville, Tex.

In June last objection was made to the stationing of this battalion at Fort Brown by a resident of Brownsville in a letter transmitted through Senator Culberson, to which the following answer was made:

WAR DEPARTMENT,  
*Washington, June 4, 1906.*

Hon. C. A. CULBERSON,  
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: I have the honor to acknowledge receipt of your note of June 1, transmitting a letter from Mr. Sam P. Wreford, of Brownsville, Tex., stating certain objections to the stationing of negro troops at Fort Brown, and in reply to say that the matter of possible objections of this character was very carefully considered before the order was made, and I regret that I can not see my way clear to rescind it.

The fact is that a certain amount of race prejudice between white and black seems to have become almost universal throughout the country, and no matter where colored troops are sent there are always some who make objections to their coming. It is a fact, however, as shown by our records, that colored troops are quite as well disciplined and behaved as the average of other troops, and it does not seem logical to anticipate any greater trouble from them than from the rest. Friction occasionally arises with intemperate soldiers wherever they are stationed, but the records of the Army also tend to show that white soldiers average a greater degree of intemperance than colored ones. It has sometimes happened that communities which objected to the coming of colored soldiers have, on account of their good conduct, entirely changed their view and commended their good behavior to the War Department.

A change of station was necessary for these colored troops, and one-third of the regiment (a battalion) had already been sent to Fort Bliss, Tex., more than six months ago. Since that time no complaint concerning their conduct has reached the War Department, so far as I know. It was also necessary to send the entire regiment to the same locality, and to have sent it anywhere else would have involved two moves for the battalion now at Fort Bliss within about six months. This would have been an injustice to the troops concerned, and would, in addition, have entailed considerable extra expense upon the Government.

Trusting this explanation may be satisfactory to your constituents, I remain,  
Very truly, yours,

WM. H. TAFT, *Secretary of War.*

The battalion was accordingly sent to Fort Brown in command of Maj. C. W. Penrose, and arrived there July 28, 1906. Soon after its arrival unfortunate differences arose between the enlisted men and

some townspeople. As is usual in such cases, there was contradictory evidence as to the cause for the troubles, though they were doubtless due primarily to the resentment of certain of the townspeople at the proximity of a negro battalion. The instances of friction were numerous and notorious enough to be the cause of much discussion in the barrack rooms of the three companies. The feeling of the enlisted men was also aroused by a discrimination insisted on in most of the saloons of the town, in which separate bars were provided for them. No serious injury was done to any of the colored soldiers, although one of them was knocked down by a Government official named Tate with a clubbed revolver for jostling his wife, as he charged, and another was pushed off a gang plank by a customs inspector into the mud of the Rio Grande, because drunk and disorderly, as it was claimed.

On the 12th of August it was reported in Brownsville that a white woman was seized by the hair by a colored soldier and dragged on the ground. This report among the townspeople caused great bitterness and excitement of feeling, which gave such concern to the officers of the battalion that on the night of the same day they sent patrols into the town to bring back their soldiers to the fort. A few minutes after 12 o'clock midnight of the next day, August 13, i. e., on the morning of August 14, shots were fired in the fort toward the town from the neighborhood of each barrack of the three companies. The fort is really in the town and only separated from the houses by a wall. The first shots seem to have been fired in the air. Immediately afterwards a number of men, variously estimated from nine to twenty, climbed over the wall between the fort and the town. There was much direct evidence that these men were colored soldiers in khaki and blue shirts, carrying the new service rifle. From seventy-five to one hundred cartridge shells and used clips and some undischarged cartridges were found upon the streets of the town the next morning, and Major Penrose, commanding the battalion, then identified them as ammunition for the new service rifle and reluctantly admitted their conclusive weight as evidence that the shooting was done by some of his men.

The raiders advanced up an alley leading from the fort through the town and first fired into the room of a house on the alley at the end of the first block, in which were two women and five children. One of the bullets knocked over and put out a lighted lamp on the table in the room. Ten shots were fired, nearly all going through the house at about 4½ feet above the floor. The raiders then encountered the chief of police on a horse. He had heard the shooting and hurried toward the sound. When he saw the soldiers, the number of whom he estimated to be fifteen, he turned and tried to escape. They fired on him, killed his horse, and wounded him in the arm so that it had to be amputated. Two policemen who had separated from him were also shot at. A bullet pierced the hat of one of them. The raiders then fired into Miller's Hotel, on the alley at the end of the second block. There was a light in the hotel and a guest at one of the windows. Six bullet holes were found in the hotel the next day.

The party then divided. One squad proceeded farther down the alley to the third block toward a saloon which had been one of those in which it had been insisted that the colored men must drink at a separate bar. The barkeeper heard them coming and attempted to

close the door, but was shot and instantly killed near the door. The fatal wound was declared by a competent surgeon with army experience to have been made by a bullet of the caliber of those used in the service rifle. A Mexican in the same saloon was shot in the hand. There were five or six shots in the saloon door. The other squad shot into a house next to the house of the man who had, as already related, knocked down one of the enlisted men with a revolver. The shots were all aimed at about 5 or 6 feet above the floor, and went through the mosquito bars in which a woman and two children were sleeping. Bullet marks were found on other houses in the neighborhood. There was much evidence of expressions uttered by the raiders as they advanced and shot, indicating their malicious and murderous intent. The shots fired in a short space of ten minutes were variously estimated from seventy-five to one hundred and fifty, and all were fired within three blocks of the fort.

The first volley awakened many of the sleeping garrison and attracted the attention of the sentinel, who discharged his gun three times and called the guard. The sergeant of the guard called out the guard, and then he directed the call to arms to the battalion. The bugle sounded and the men rushed to the gun racks, which the sergeants and corporals in charge say had not been opened until they opened them with the keys which had been in their possession for more than twelve hours. One gun rack was broken open in the hurry of the men to answer the call to arms. The commissioned officers were awakened by the firing, dressed hurriedly, and came out to call the roll of the men of the various companies. They supposed that an attack had been made upon the barracks by men in the town, and did not know until some hours later that the shooting had been done by soldiers, and that their men were suspected of any offense. As soon as they were informed of the facts by the mayor, they caused all the rifles of the enlisted men to be examined. Every rifle was then found to be clean.

The evidence makes it quite clear that the firing had not ceased when the men began to form in line, and therefore that all the guns with which the firing was done could not have been in the racks when the sergeants in charge of quarters went to unlock the racks, although they testified that they were there. It is also certain that during the formation of the companies, or immediately after, the men who had done the shooting must have returned to their places so as to respond to the roll call or that some one answered for them.

One or two enlisted men testified that the first shooting was done outside the fort, that it was accompanied by cries indicating hostility to the soldiers, and that the bullets were directed toward the barracks, but not the slightest trace of any bullet holes could be found in the barracks, and the great weight of the testimony indicates that these witnesses were mistaken.

The facts as stated appear from the careful investigation and report of Major Blocksom, of the Inspector-General's corps of the Army, supplemented by affidavits and oral examinations of many witnesses, conducted by a citizen's committee at the invitation of Major Penrose, and by the report of Major Penrose. Major Blocksom began his investigation three days after the occurrence.

Since the occurrence every effort has been made by the commissioned officers and by competent military inspectors sent for the pur-

pose, through cross-examination of each member of the company who was present in the fort that night, to find some clue by which the enlisted men who committed this crime could be detected, and not the slightest evidence tending to establish the identity of a single man has been forthcoming. All the enlisted men of the battalion were advised that if evidence was not forthcoming leading to the identification of those who planned and committed these murders and attempted murders it would become necessary to discharge all the men present at Fort Brown that night without honor and to bar them from reenlistment in the Army or service in the Navy or in the civil service.

Inspector-General Garlington then examined every man who came within the operation of the proposed order and was entirely unable to elicit a single circumstance leading to the identification of the murderers. He became convinced that there was a conspiracy of silence in the battalion to protect the criminals, and while he conceded that there might be a number of men in the battalion innocent both of the crime and of suppression of evidence, he deemed it necessary in the interest and for the good of the service to recommend the issuing of the order which by authority he had told the men would be made and enforced unless evidence pointing to the criminals was forthcoming. This Department concurred in General Garlington's recommendation, and the President then directed the discharge of certain named members of the battalion, which included all the enlisted men of the battalion who were present at Fort Brown on the night in question, without honor, and forever debarred them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government. The order of discharge has been duly executed. A full copy of the proceedings and evidence is hereto appended, marked "Exhibit ---."

The order has attracted much attention and has been severely criticized as unjust because it condemns many innocent men to undeserved punishment. It is not improper therefore in this report to review the case and state the reasons which not only justified it but made it necessary.

First. Out of a battalion of 170 enlisted men in the Army of the United States, from 9 to 20 men formed a preconcerted plan to revenge themselves upon the people of a town in which they were stationed for the insults they felt that the townspeople had heaped upon them. In accordance with the plan, they left their barracks under cover of the darkness—about midnight—and proceeded to discharge their weapons into the houses of the town for the purpose of killing those against whom they felt a grievance. They came very near killing some one or more of the 3 women and 7 children who were sitting or sleeping in two of the lighted rooms into which they fired. They, in fact, did kill one man, wound another, and seriously injure the chief of police. They accompanied their firing with expressions indicating the malice which prompted their action. There can be no doubt, therefore, that the squad of men who moved together from the fort to the town and did this shooting were guilty of murder, and murder in the first degree, and that if they were discovered they could be properly subjected to capital punishment. The purpose of one was the purpose of all.



Second. Within ten minutes or more after this crime was committed, when the whole garrison was aroused by the noise of the fusillado and by the call to arms which followed it, the guilty men returned to their places, and must have been among the last men to take their places, for the reason that the firing continued after the formations had begun. The absence of the rifles from the racks could not have escaped the attention of the sergeants who had the keys of the racks, if indeed they had the keys; and yet all the sergeants swear that the rifles were in the racks, untouched. Before the next morning, all the guns were clean. It is impossible that many of the battalion who did not take part as active members of the conspiracy to murder were not made aware by one circumstance or another of the identity of the persons who committed this heinous offense.

Third. Instead of giving to their officers, or to the military inspectors who were directed to make the examination, the benefit of anything which they knew tending to lead to a conviction of the guilty persons, there was a conspiracy of silence on the part of the many who must have known something of importance in this regard. Thus the murderers were taken back into the battalion and protected entirely from punishment.

Under these circumstances the question arises, Is the Government helpless? Must it continue in its service a battalion many of the members of which show their willingness to condone a crime of a capital character committed by from ten to twenty of its members, and put on a front of silence and ignorance which enables the criminals to escape just punishment? These enlisted men took the oath of allegiance to the Government, and were to be used under the law to maintain its supremacy. Can the Government properly therefore keep in its employ for the purpose of maintaining law and order any longer a body of men, from 5 to 10 per cent of whom can plan and commit murder, and rely upon the silence of a number of their companions to escape detection?

It may be that in the battalion are a number of men wholly innocent, who know neither who the guilty men are, nor any circumstances which will aid in their detection, though this can not be true of many. Because there may be innocent men in the battalion, must the Government continue to use it to guard communities of men, women, and children when it contains so dangerous an element impossible of detection? Certainly not. When a man enlists in the Army he knows that, for the very purpose of protecting itself, the Government reserves to itself the absolute right of discharge, not as a punishment, but for the public safety or interest. In such a case as this, the inconvenience and hardship to those innocent of participation or knowledge, arising from arbitrarily terminating the contract of enlistment in accordance with the right which the Government by statute reserves, must be borne by them in the public interest. It goes without saying that if the guilty could be ascertained they should and would be punished, but the guilty can not be ascertained, and the very impossibility of determining who are the guilty makes the whole battalion useless to the Government as an instrument for maintaining law and order. The only means of ridding the military service of a band of would-be murderers of women and children, and actual murderers of one man, is the discharge of the entire battalion.

Might not any community into which the War Department should send this battalion, in which it is known that there are from nine to twenty murderers, justly complain that the battalion is not a proper instrument for maintaining the supremacy of the law? Could we properly send such a battalion to the Philippines or Cuba to maintain peace or furnish an example of orderly conduct? If a similar outbreak were there to occur, could we relieve ourselves from responsibility for it on the theory that we could not detect the particular ten or twenty who were guilty of the first murder?

Suppose a dozen men of the battalion stationed at Fort Brown in time of a war with Mexico carried plans and ammunition to the enemy on the other side of the Rio Grande River, and then returned under circumstances which made it clear that a large number of men in the battalion must have known who they were, but that every man in the battalion denied all knowledge of it, and thus all means of detecting the guilty were lacking. Would a competent general for one moment hesitate, in the interest of the public, to disband the entire battalion and discharge it from the service in order to avoid a repetition of the danger?

Can a real and logical distinction be made between the crime of treason, under the circumstances supposed, and the crime of murder in this case? Both are capital offenses, one perhaps more heinous than the other, and more dangerous to the Government itself, but in both cases it seems to me clear that the Government must protect itself and the community to which it is responsible, from a recurrence of such offenses, not by punishing guilty and innocent alike, but by separating both the guilty and innocent from the service, so as to deprive the guilty of a second opportunity for such a crime, even though this may result in inconvenience and perhaps hardship to the innocent.

It is a mistake to suppose that this order is in itself a punishment either of the innocent or of the guilty. A discharge would be an utterly inadequate punishment for those who are guilty whether of committing the murder, or of withholding or suppressing evidence which would disclose the perpetrators of such a crime. The use of the word penalty in the proceedings is a mere misnomer and is unfortunate. The dismissal from the service of the members of this battalion under the circumstances is not a punishment, however great the hardship. There is a dismissal technically known as a dishonorable discharge, which is only imposed by sentence by a court. This is a punishment. But the members of this battalion were not dishonorably discharged. They could not have been so discharged except after a trial. They were discharged for the good of the service, as the technical phrase is, "without honor." It is not a fortunate phrase, because so easily confused with a dishonorable discharge. It is called "without honor" to distinguish the discharge from a discharge with honor, or an honorable discharge, which indicates the termination, in due course, of a satisfactory service. An enlistment brought prematurely to an end for the good of the service can not be an honorable discharge. Hence the distinction must be made. The discharge "without honor" is merely the ending of a contract and separation from the service under a right reserved in the statute for the protection of the Government, which may work a hardship to the

private discharged, but which, in the public interest, must sometimes be arbitrarily exercised.

But it is said that the order forbids reentry by the discharged men into the Army or Navy or civil service, and this is a penalty. When an employee is discharged for the good of the service, it naturally follows that he can not be taken back, and the President in formally stating this result is not imposing a penalty in the proper sense of the term. He is only laying down a rule of ineligibility for the service with respect to which it is his Executive duty to prescribe the rules of admission. Should hereafter facts be disclosed, or a new state of facts arise from which it can be inferred that the public service will suffer no detriment from reentry of any one of these men into the service, his ineligibility can be removed by a mere Executive order.

Much sympathy has been evoked for those who have been so long in the public service as some of the noncommissioned officers and others of this battalion of the Twenty-fifth Infantry. It is to be said with respect to these noncommissioned officers, that upon them especially falls the duty of maintaining the discipline of the companies and the battalion, and that by reason of their long service and from their official authority they have more influence over the men and more opportunity to learn the circumstances leading to a detection of the guilty in this case than any others connected with the regiment. Indeed, it was their peculiar duty to find out and disclose the facts, but they have failed to do so. It may be that they were not derelict in this. If not, then they have had the misfortune to be associated with men whose conduct and immunity from detection require the Government in the public service to exercise its reserved contract right of discharge against the entire body of which they were members.

The suggestion made in some quarters that this battalion has been treated in this way simply because the men are colored hardly merits notice. The fact of their color and the racial feeling aroused between them and the citizens of Brownsville may have been the cause and furnished the motive, but certainly not a justification, for the plot to murder men, women, and children; but to this extent only in explanation of the circumstances is the fact of their color at all relevant.

In a body of men sworn to uphold the law, enlisted as the instruments of maintaining the supremacy of the law, no obligation of comradeship, which would prevent one from telling the truth and detailing the circumstances that would lead to the conviction of his associates of murder, can be recognized by those in authority and charged with the responsibility of maintaining the discipline of the Army.

It is possible that evidence may be adduced in future which will tend to exculpate entirely some of the men now discharged, both from participation in the crime and assistance in the conspiracy of silence to prevent the detection of the offenders; and whenever such facts are shown in respect to anyone affected by the order, they will be brought to your attention, and, I understand, will render such persons eligible to reenlistment.



**OFFICIAL RECORD OF THE TWENTY-FIFTH REGIMENT, UNITED STATES INFANTRY.**

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The Twenty-fifth Regiment of Infantry was organized April 20, 1869, by the consolidation of the Thirty-ninth and Fortieth Regiments of Infantry, under the act approved March 3, 1869. From April, 1869, to May, 1870, the regiment served in Louisiana and Mississippi. From May, 1870, to May, 1880, it was stationed in Texas along the Rio Grande frontier. A part of the regiment was sent to the Indian Territory in 1872, serving there to May, 1880, when the entire regiment was sent to South Dakota. It garrisoned posts on the Missouri River to May, 1888, four companies being stationed at Fort Snelling, Minn., from November, 1882, to May, 1888, when the entire regiment was sent to Montana, serving there until April, 1898. It was stationed at Chickamauga Park, Ga., to May, 1898; at Tampa, Fla., to June, 1898; in Cuba, participating in the Santiago campaign, to August, 1898; in New York to September, 1898, and in Arizona and New Mexico to June, 1899.

Four additional companies were organized at Fort Logan, Colo., in October, 1898, and served there to June, 1899, when the headquarters and eight companies left for the Philippine Islands, the remaining four companies being stationed in Arizona and Texas to September, 1900, when they were sent to the Philippine Islands.

The entire regiment returned to the United States in August, 1902, headquarters and eight companies being sent to Fort Niobrara, Nebr., and four companies to Fort Reno, Okla. Two companies were on temporary duty at Fort Des Moines, Iowa, from December, 1903, to April, 1904.

On July 23, 1906, headquarters and four companies were sent from Fort Reno, Okla., to Fort Bliss, Tex., where they are now stationed. Four companies left Fort Niobrara, Nebr., for Fort McIntosh, Tex., on the same date, and are now stationed there. Companies B, C, and D of the regiment left Fort Niobrara, Nebr., July 23; arrived at Fort Brown, Tex., July 28, 1906, and left for Fort Reno, Okla., August 25, 1906. Company A was on temporary duty at Fort Washakie, Wyo., from April 1 to September 7, 1906, when it left for its present station, Fort Reno, Okla.

**ACTIONS, ETC., IN WHICH THE REGIMENT OR PORTIONS THEREOF  
HAVE PARTICIPATED.**

Melvin Station, Tex., May 21, 1871; Central Station, Tex., July 28, 1872; Eagle Springs, Tex., April 27, 1873; Central Station, Tex., October 1, 1873; Carrizo Mountains, Tex., May 18, 1874; Wichita Agency, Ind. T., August 22 and 23, 1874; Carrizo Mountains, Tex.,

February 18, 1876; Mackenzie's expedition into Mexico, June, 1878; near Salt Lake, Tex., July 25, 1879; Santiago campaign, June and July, 1898; El Caney, Cuba, July 1, 1898; San Juan Hill, Cuba, July 1-3, 1898; near San Mateo, P. I., August 12, 1899; near La Loma, P. I., October 9, 1899; O'Donnell, P. I., November 18, 1899; San Fernando de'Rivera, P. I., December 7, 1899; Botolon, P. I., December 8, 1899; Iba, P. I., December 9, 1899, and January 1, 1900; Comansi and Iba, P. I., January 5 and 6, 1900; Mabalacat, P. I., January 6, 1900; near Castillejos, P. I., January 29, 1900; Tawi Tawi Island, P. I., January 29, 1900; Subig, P. I., February 9, 1900; Botolon, P. I., February 18, 1900; near Botolon, P. I., February 22, 1900; Candelaria, P. I., May 6, 1900; Palauig, P. I., May 13, 1900; Cabangan, P. I., July 15, 1900; near San Antonio, P. I., September 18, 1900; Subig, P. I., September 18, 22, and 23, 1900; Castillejos, P. I., September 25, 1900; near Castillejos, P. I., October 25, 1900; near Subig, P. I., November 10, 1900; near Equia, P. I., February 24, 1901; near Botolon, P. I., July 2, 1901.

The regiment lost in Cuba—1 officer and 7 men killed and 3 officers and 27 men wounded; and in the Philippine Islands, 1 officer and 8 men killed and 22 men wounded.

**INSTANCES OF THE SUMMARY DISCHARGE OF WHOLE ORGANIZATIONS FOR MISCONDUCT; ALSO OF THE SUMMARY DISCHARGE, WITHOUT HONOR, OF INDIVIDUAL ENLISTED MEN.**

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MEMORANDUM FOR THE SECRETARY OF WAR.

The Secretary to the President, in a letter dated December 1, 1906, advises the Secretary of War that the President would like to have him "look up any precedents (Lee's or others) for the action taken in discharging the battalion of the Twenty-fifth Infantry, and if there exist any such, send them to the President."

A protracted examination of the official records has thus far resulted in failure to discover a precedent in the Regular Army for the discharge of those members of three companies of the Twenty-fifth Infantry who were present on the night of August 13, 1906, when an affray in the city of Brownsville took place.

The case referred to as "Lee's" by the Secretary to the President is undoubtedly the case of Company G, Eighth Infantry, concerning which an interview with Mr. J. C. Hesse was recently published in the Washington Post. In that interview it was stated that, by order of Lieut. Col. Robert E. Lee, the members of Company G were transferred to other companies of the same regiment and prohibited from reenlisting on the expiration of the terms of enlistment under which they were then serving. A search for papers containing details of the occurrence has resulted in failure to find them, the original papers having been returned in 1860 to the Department of Texas, where they were undoubtedly lost or destroyed at the time of the surrender of the troops in that department to the Confederate military authorities.

The records show, however, that on March 18, 1860, members of Company G, Eighth Infantry, at Fort Davis, Tex., took from the guardhouse a citizen who was confined there and, without opposition from the guard, hanged him to a tree near by until he was dead. The records also show that by order of the regimental commander 27 men of this company were detached from the company and attached to other companies of the regiment, "to restore their discipline," and that 12 other men of the company were transferred to other companies by order of the regimental commander without the cause of transfer being stated. The regimental orders are not on file, and it is impossible to state whether the reenlistment of these transferred men was or was not prohibited; but as the records show that some of the transferred men did reenlist, it is evident that if an order prohibiting their reenlistment was given it was not carried into effect.

In view of the foregoing statement it will be seen that the action taken in 1860 in the case of Company G, Eighth Infantry, is not a precedent for the action taken in 1906 in the case of members of the Twenty-fifth Infantry.

In the volunteer service during the civil war there occurred numerous instances of the summary discharge of large numbers of men because of misconduct on their part. Following are some of those instances:

The members of Company A, First Eastern Shore Maryland Infantry Volunteers, were mustered out of service August 16, 1862, by order of the general commanding the Eighth Army Corps because they refused to serve in Virginia.

The members of Company K, First Eastern Shore Maryland Infantry Volunteers, were dishonorably discharged, without trial, July 2, 1863, pursuant to the order of the general commanding the Eighth Army Corps, subject to the approval of the Secretary of War, for refusing to leave the section of the State in which it was claimed that they had enlisted to serve. The action was approved by the Secretary of War July 23, 1863.

The First Regiment, United States Reserve Corps (Missouri Infantry), was mustered out of service during September and October, 1862, pursuant to orders of the War Department, on account of the regiment being in a state bordering closely on mutiny as a result of alleged misunderstanding as to the terms of enlistment.

Companies H, I, and K, Fifth Missouri Cavalry, and Company G, Fourth Missouri Cavalry, were mustered out of the service of the United States without trial by court-martial, in pursuance of orders from headquarters District of Missouri, dated September 20, 1862, by reason of mutinous conduct and disaffection of the majority of the members of those companies.

Company C, Fremont Body Guard, was summarily discharged by order of Major-General Halleck, November 30, 1861, on account of the members refusing to be consolidated with any other organization of Missouri volunteers.

The members of Company G, Tenth New Jersey Infantry Volunteers, were discharged without trial, April 8, 1862, pursuant to orders from the War Department, because they refused to do duty as infantry, claiming that they were deceived into the belief that they were entering the cavalry branch when they enlisted.

The Eleventh Regiment, New York Infantry Volunteers (First Fire Zouaves), was mustered out of service June 2, 1862, pursuant to orders from the War Department, by reason of general demoralization, numerous desertions, and at the request of officers and enlisted men of the organization.

The Sixtieth Regiment, Ohio Infantry Volunteers, was summarily discharged November 10, 1862, pursuant to a telegram from the War Department, because the regiment was "disorganized, mutinous, and worthless."

F. C. AINSWORTH,  
*The Military Secretary.*

WAR DEPARTMENT,  
THE MILITARY SECRETARY'S OFFICE,  
*December 5, 1906.*

MEMORANDUM FOR THE SECRETARY OF WAR.

The Secretary to the President, in a letter dated December 7, 1906, advises the Secretary of War that the President wishes him to "give him some instances, of which he knows there must be many, where the Department, the commanding generals of departments, or colonels of regiments have discharged men or mustered them out without honor in any other way without court-martial."



A memorandum, furnished by The Military Secretary to the Secretary of War and by him transmitted to the Secretary to the President on the 5th instant, contained a list of a number of instances of the summary discharge from the volunteer service during the civil war of large numbers of men because of misconduct on their part.

No record of the summary discharge from the Regular Army, prior to the recent discharge of a battalion of the Twenty-fifth Infantry, of a considerable number of enlisted men at one time has been found.

Cases of the discharge of individual enlisted men without honor, and without trial by court-martial, are not infrequent. The official records show that during the fiscal year ended June 30, 1906, discharges without honor were ordered by the War Department, without trial by court-martial, in the cases of 352 enlisted men of the Regular Army. Of these, 86 were discharged on account of "fraudulent enlistment," 113 on account of "desertion," 8 on account of "desertion and fraudulent enlistment," 107 on account of "imprisonment under sentence of civil court," and 38 on account of "having become disqualified for service through own misconduct."

In addition to the discharges without honor ordered by the War Department, a considerable number of the discharges issued by subordinate military authorities must, under paragraph 148 (2-d), Army Regulations, have been discharges without honor. That paragraph requires the blank form for discharge without honor to be used when a soldier is discharged: "(d) Where the service has not been honest and faithful; that is, where the service does not warrant his reenlistment." The number of such discharges can not be ascertained without an examination of the record of each of the many enlisted men who were discharged during the year. Such an extended examination has not been made, because it is believed that the foregoing statement with regard to the discharges without honor ordered by the War Department is sufficient to show the general practice of the Department with regard to such discharges.

F. C. AINSWORTH,  
*The Military Secretary.*

WAR DEPARTMENT,  
THE MILITARY SECRETARY'S OFFICE,  
*December 10, 1906.*



COPIES OF DOCUMENTS ON FILE IN THE WAR DEPARTMENT  
RELATING TO INSTANCES OF EXTRAORDINARY MISCONDUCT  
OR ACTS OF VIOLENCE COMMITTED BY SOLDIERS OF THE  
UNITED STATES ARMY PRIOR TO THE AFFRAY AT BROWNS-  
VILLE, TEX.

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TWENTY-FIFTH INFANTRY.

AFFAIR AT STURGIS CITY, DAK., SEPTEMBER 19-20, 1885.

STURGIS, DAK., *September 25, 1885.*

To the honorable the SECRETARY OF WAR,  
*Washington, D. C.*

(Through Commanding Officer, Fort Meade, Dak. T.)

DEAR SIR: This place is situated 1½ miles west of Fort Meade. At that post several companies of colored troops belonging to the Twenty-fifth Infantry are stationed. Owing to some grievance, real or imaginary, the members of these companies, or at least many of them, entertain an ill feeling toward some of the people of our town, and are taking vengeance by shooting down our citizens. On August 23 last, Dr. H. P. Lynch was shot and instantly killed by one of these men while sitting in his office, and on the night of the 19th instant a squad of them, variously estimated at from 15 to 20 in number, entered the town and fired several volleys into buildings facing on the main street.

The fact that but one life was lost on this latter occasion is simply miraculous. The negroes were armed with Government rifles and supplied with Government ammunition. Our civil authorities are not able to cope with an armed force, and we therefore appeal to you to take such steps as you may deem proper to save our town from further outrage. We would respectfully suggest that these colored troops be removed from Fort Meade and replaced by white soldiers.

We are, sir, very respectfully, yours,

O. W. JEWETT, *justice of the peace*; MAX HOEHN, *real-estate agent*; F. M. ALLEN, *groceries*; G. W. PRATT, *physician*; E. GALVIN, *clothier*; CHAS. H. MUELLER, *drugs*; CHARLES POLK, *attorney*; H. H. LORRIMER, *teacher*; JAMES BEATTY, *lumberman*; CHAS. C. WOODY, *Sturgis Weekly Record*; H. P. HANNAN, *agent N. W. & S. & T. Co.*; JOHN SCOLLARD, *proprietor Sheridan House*; WILLIAM E. JONES, *grocer*; FRANK SHAW, *dry goods*; CHAS. G. INGALLS, *jeweler*; MICHAEL GOEDEN, *saloon*; H. O. ALEXANDER, *cashier bank, Stebbin Fox & Co.*; F. H. BROWN, *bookkeeper*; M. BLATT, *wholesale liquors*; OSCAR PARTLOW, *car-*

## AFFRAY AT BROWNSVILLE, TEXAS.

*pen-ter; H. O. ANDERSON, hardware, etc.; O. H. A. PINNIO, stockman; A. J. HOSIER, surveyor; V. M. BEAVER, lumberman; E. RUPE, carpenter; G. J. GERMAIN, stock breeder; H. C. ASH, real estate; J. A. GALER, stockman; J. C. McMULLEN, boot-and-shoe dealer; WILL IOKES, clerk; F. T. ALLABOUGH, North-western Hotel; J. W. PATTERSON, butcher; W. E. JONES, grocery merchant; GEORGE W. LADD, tin-smith; C. B. FARWELL, stockman; W. C. BUDERUS, attorney; PATRICK FLORINS, saloon; GEORGE N. COLE, liveryman; CALVIN DUKE, farmer; N. H. LOOP, carpenter; J. W. RODEBANK, farmer.*

[First indorsement.]

FORT MEADE, DAK. TER., *October 14, 1885.*

Respectfully transmitted, through headquarters of the department, together with certified copy of the proceedings of a board of officers organized for the investigation of the outrage referred to.

S. D. STURGIS,  
*Colonel Seventh Cavalry, Commanding.*

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,  
*Fort Snelling, Minn., November 10, 1885.*

Respectfully forwarded to the Adjutant-General of the Army, through the Headquarters Division of the Missouri.

This paper has been retained here until I could make the report called for in the indorsement of the Adjutant-General, dated October 19, upon the letter of September 27 from Mr. B. Caulfield to the President, a letter relating to the subject-matter of this paper.

The report called for goes forward by to-day's mail.

ALFRED H. TERRY,  
*Brigadier-General, Commanding.*

[Third indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,  
*Chicago, November 14, 1885.*

Respectfully forwarded to the Adjutant-General of the Army, attention being invited to report of General Terry, referred to in preceding indorsement (7291, Division Missouri, 1885), and which is forwarded by my indorsement of this date.

J. M. SCHOFIELD,  
*Major-General, Commanding.*

[Inclosure.]

FORT MEADE, DAK. TER., *September 25, 1885.*

ASSISTANT ADJUTANT-GENERAL,

HEADQUARTERS DEPARTMENT OF DAKOTA,  
*Fort Snelling, Minn.*

\*GENERAL: For the information of the department commander, I have the honor to transmit proceedings of a board of officers convened at this post for the investigation of a serious outrage committed by a portion of the colored troops of this post upon the town

of Sturgis City on the night of the 19th or morning of the 20th instant. Four enlisted men of Company H, Twenty-fifth Infantry, presumed to have belonged to this party, are now in the hands of the civil authorities.

I am, sir, very respectfully, your obedient servant,

S. D. STURGIS,  
*Colonel Seventh Cavalry, Commanding.*

Proceedings of a board of officers which convened pursuant to the following order, viz:

ORDERS,  
No. 218.)

FORT MEADE, DAK. TER., *September 20, 1885.*

A board of officers will convene at 12 o'clock m. to-day, or as soon thereafter as practicable, to investigate and report the facts and circumstances connected with an outrage committed last night on the citizens and town of Sturgis City, by a party of enlisted men from this post.

Detail for the board: Maj. S. M. Whitside, Seventh Cavalry; Capt. Miles Moylan, Seventh Cavalry; Capt. Henry Jackson, Seventh Cavalry; Capt. C. N. Gray, Twenty-fifth Infantry; Second Lieut. H. A. Leonhaeuser, Twenty-fifth Infantry.

By order of Colonel Sturgis:

JOHN W. WILKINSON,  
*First Lieutenant and Adjutant Seventh Cavalry, Post Adjutant.*

FORT MEADE, DAK. T.,  
*September 20, 1885---12 o'clock m.*

The board met pursuant to the foregoing order—all the members present. Proceeding to the business required of it, the board proceeded to Sturgis City, Dak. T., and obtained the statements (voluntary) of the following witnesses, viz:

1. Thomas Cartwright (colored citizen).
2. Abe Hill, proprietor of colored dance hall in Sturgis, Dak. T.
3. J. H. Patterson (white), bartender for A. Hill.
4. Geo. Williams (white), night bartender for A. Hill.
5. ——— Witherspoon (white), citizen of Sturgis.
6. Wm. H. Eatsides (white), citizen of Sturgis.
7. Robert P. Barttery (white), citizen of Sturgis.

The board then adjourned to the post and met in session at 6.25 p. m. Present, all the members.

The board then examined the following-named witnesses:

1. Private Walker M. Wills, Troop K, Seventh Cavalry.
2. Private McMahan, Troop A, Seventh Cavalry.
3. Private F. Martinis, Troop A, Seventh Cavalry.

Board adjourned to meet at 1 p. m. following day.

MONDAY, *September 21, 1885---1 p. m.*

Board met pursuant to adjournment. Present, all the members.

Proceeding with the business required of it, the board examined the following witnesses:

1. Private Taylor, Company H, Twenty-fifth Infantry.
2. Lieutenant Leonhaeuser, Twenty-fifth Infantry.
3. Corporal Fisher, Troop K, Seventh Cavalry.
4. Musician John Brown, Company H, Twenty-fifth Infantry.
5. Private H. Hall, Company K, Twenty-fifth Infantry.
6. Lieutenant Ord, Twenty-fifth Infantry.

The board then adjourned to meet in Sturgis City at 5.15 p. m.

STURGIS CITY, DAK. T.,  
September 21, 1885—5.15 p. m.

The board met—all of the members being present—and proceeded to examine the following persons:

1. Frankie Hill, sporting character at A. Hill's.
2. Geo. Ridd (colored), works at A. Hill's.
3. John Warner (colored), works at A. Hill's.

The board then adjourned.

FORT MEADE, DAK. T., September 22, 1885—3.30 p. m.

The board met pursuant to call of its president. Lieutenant Leonhaueser, Twenty-fifth Infantry, was reported as being absent as a witness before the United States district court in Deadwood, Dak. T. The board then, after due deliberation on the evidence adduced, and from their own observation, find the following facts, viz:

That, Saturday night, September 19, 1885, Private John Taylor, Company H, Twenty-fifth Infantry, had an altercation with one Abe Hill (colored), the proprietor or keeper of a bawdy dance house in Sturgis City, where the lower classes of white and colored citizens and soldiers congregate for their evening's entertainment or debauch; that this row, feud, or altercation, was not of sufficient importance or magnitude to awaken in minds of persons present the remotest thought of future trouble.

It appears in evidence that either Private Taylor, or Greer, both of Company H, after the row before mentioned, said, as they, in company with other men of Company H, Twenty-fifth Infantry, left the dance hall in Abe Hill's, you will hear from us again; or, "You will hear from us again to-night." The board concluded that this was no unusual disturbance, as it is established that most of the occupants of this place (Abe Hill's) were in bed when, from the evidence before the board, it appears that a party of armed soldiers, variously estimated from 8, 10, 15, or 20 colored men in uniform, thimble belts on, with "long toms" in their possession, appeared in front of A. Hill's place; this body of men after calling out "Soldiers outside! We are going to shoot!" or words to that effect, did fire with powder and ball into aforesaid house of Abe Hill a number of shots variously estimated from 60 to 100, many of which were calculated or liable to kill or do bodily harm to the occupants of said house; that one citizen, Bob Bell by name, a supposed cowboy, while in said house, came to his death by a bullet directed from a rifle, carrying a 500 grain bullet in the hands of Privates John Taylor, Pierce Greer, Evan Morris and Smith Watson, Company H, Twenty-fifth Infantry, and others in collusion with them, that the before-mentioned enlisted men of Company H, Twenty-fifth Infantry, namely, Privates John Taylor, Smith Watson, Evan Morris, and Pierce Greer, all of Company H, Twenty-fifth Infantry, were seen in the town of Sturgis City, Dak. T., on the night of Saturday September 19, or Sunday morning September 20, 1885, in soldier clothing with guns (?) in their possession and (in line) with other colored soldiers in the streets of Sturgis City; that some of these men in line were seen to "fire;" others, namely, Taylor and Greer, gave recognized commands; that the result of this firing was the killing of citizen Bob Bell; numerous bullets hit through A. Hill's saloon and dance hall, and a few shots (either strayed or intended) through and in the building occupied by a man

known as Jonnie Dolan. This man is keeper of a low bawdyhouse of ill fame where both white and colored people congregate. The evidence before the board evinces doubt as to whether the men engaged in the firing intentionally shot into Dolan's place or as to the reasonable doubt of stray shots.

Summing up all the evidence that the board has been able to obtain, the board finds "that the outrage committed on the citizens of Sturgis City on last Saturday night was entirely confined to 'Abe Hill's and Jonnie Dolan's' place in Sturgis City, and was entirely confined to the members of Company H, Twenty-fifth Infantry. Evidence adduced shows that an armed body of colored soldiers, variously estimated from 8 to 20, all of Company H, Twenty-fifth Infantry, were in the town of Sturgis City, Dak. T.; that this armed party fired on A. Hill's place and Jonnie Dolan's place with result as stated. The board examined the house of A. Hill and Jonnie Dolan, and found the dead body of Cowboy Bell, and also numerous shot holes in both buildings.

"The animus of the whole affair was seemingly directed toward Abe Hill's place, where shots were fired both front and rear."

Further than this the board is unable to state.

S. M. WHITSIDE,  
*Major, Seventh Cavalry.*  
MILES MOYLAN,  
*Captain, Seventh Cavalry.*  
HENRY JACKSON,  
*Captain, Seventh Cavalry.*  
CYRUS N. GRAY,  
*Captain, Twenty-fifth Infantry.*

There being no further business before it, the board adjourned sine die.

S. M. WHITSIDE,  
*Major, Seventh Cavalry.*  
CYRUS N. GRAY,  
*Captain, Twenty-fifth Infantry.*

Approved.

S. D. STURGIS,  
*Colonel Seventh Cavalry, Commanding.*

HEADQUARTERS DEPARTMENT OF DAKOTA,  
*Fort Snelling, Minn., October 1, 1885.*

Official copy respectfully forwarded to the adjutant-general of the Division of the Missouri, for the information of the major-general commanding.

ALFRED H. TERRY,  
*Brigadier-General, Commanding.*

[First Indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,  
*Chicago, October 9, 1885.*

Respectfully forwarded to the Adjutant-General of the Army.

J. M. SCHOFIELD,  
*Major-General, Commanding.*

DEADWOOD, DAK., *September 27, 1885.*

Mr. PRESIDENT: You have no doubt read of the attack made by some 15 or 20 of the colored regiment at Fort Meade on some houses in the town of Sturgis. Sturgis is about 13 miles from here, on the road to Fort Meade, which is about a mile farther. These colored soldiers infest Sturgis at night and are the support of a lot of vile negro girls and women, who congregate at a drinking den called a "dance house." I understand that rows and fights are of constant occurrence in and about this house, and the people of the town are kept in constant dread by the firing of pistols and the yells of these negroes at night. Some weeks ago a negro soldier went to the drug store of Doctor Lynch, an old citizen of the place. The doctor was sitting in his store reading a paper and this fellow took deliberate aim at him through the window and shot him dead. The soldier fled, but the crowd took him after his capture and hung him. Of course nothing can justify this grave infraction of the law in not allowing him a trial and letting the law vindicate itself. I happened to be at the fort last Saturday night when this last wholesale shooting took place. I was standing in front of General Sturgis' quarters talking with him. We were about going into the house, when Lieutenant Sickles approached with a sergeant, and told the general that he had seen some 15 or 20 colored soldiers going toward Sturgis with their guns. General Sturgis immediately ordered Lieutenant Sickles to take a detachment of his men and go at once and bring them back.

A few minutes afterwards another lieutenant came to the house and said he had heard firing from the direction of Sturgis, but thought it was at the "Half Way House." The general then ordered him to take another detachment and arrest the soldiers. In about a half hour afterwards a horseman came riding up in great haste and informed the general that the soldiers had fired into "Abe Hill's" house and killed an inoffensive cowboy who was standing there, and that they had also fired volleys into one or two other houses. General Sturgis then ordered that Captain Ord should make a check roll call, examine the arms, and bring in such as had the appearance of being recently fired. This was done. But the fellows had scampered back by short cuts over the hills and gotten into their bunks before the roll call, which disclosed the absence of only three, who, I think, were satisfactorily accounted for.

The inclosed extracts which I have made from the Deadwood papers, being the only papers I have seen, will give a more particular account of what occurred at the shooting, and of which I *know* nothing except from hearsay. General Sturgis next morning constituted a board of investigation from the officers and sent them to Sturgis. They took testimony for two days and succeeded in identifying only four of the offenders. They were brought here and lodged in jail. A special grand jury has been called to act upon these and other cases. I am satisfied, Mr. President, from what I learn from the officers at Fort Meade that this colored regiment is composed in part of a set of reckless desperadoes, and that the service would be benefited by their removal to some station farther removed from a town than Sturgis City is from Fort Meade, and where the temptation to leave their quarters for drink and carousing will be removed.



Sturgis City has a population of about 800 and the town and the regiment are no doubt of mutual disadvantage to each other. A feeling of distrust now exists among the people of Sturgis, and I fear they may be constantly tempted to acts of violence which their fears may engender, and which may not be warranted except by the memory of past outrages on the part of the soldiers. I have no doubt, too, from what I have heard, that the soldiers have met sometimes with outrages from a class of scoundrels who will congregate in such towns from different localities for the purpose of fleecing and robbing the soldiers about pay day, and for which the good citizens are not responsible.

Very respectfully, your obedient servant,

B. G. CAULFIELD.

[Inclosures.]

[From the Daily Times.]

*Diabolical—A Platoon of Colored Soldiers from Fort Meade Visits Sturgis, Firing into a Building with Military Precision, Instantly Killing Robert S. Bell, an Unoffending Cowboy—Nine Suspects in Custody—Thorough Investigation Ordered.*

Another dastardly outrage was perpetrated at Sturgis between 1 and 2 o'clock Sunday morning by a detachment of colored soldiers, members of Company H, Twenty-fifth Infantry, resulting in the instant death of Robert S. Bell, a cowboy connected with the 7D, Clark Tingley's outfit. As yet, meager particulars only are obtainable, but sufficient to show that a more dastardly crime was never committed in the Hills.

Ever since the lynching of Corporal Hollis for assassination of Doctor Lynch the colored soldiers have cherished bitter enmity toward certain citizens of Sturgis, including William Souter and George Cole, and it is thought that the event of Sunday morning is the result thereof. Be this as it may, about 1 o'clock a body, estimated all the way from 15 to 25 strong, armed with their rifles, quietly left the post and in military order proceeded to Abe Hill's dance house, in front of which they quietly wheeled into line, when the leader gave, in quick succession, the commands, "Prepare to load; load; aim and aim low; fire!" A terrific volley resulted, followed by great excitement throughout the town, during which the soldiers quietly disappeared.

In the saloon at the time were four or five men at cards, and Robert S. Bell. The latter had entered only a few minutes before and was engaged playing a banjo when the volley poured into the building, one bullet striking him in the breast and passing entirely through the heart and body, causing instant death. All others within the room escaped injury.

Coroner Wright and Undertaker Smith repaired to Sturgis a few hours later, where the coroner proceeded to hold an inquest, still in progress. Mr. Smith returned with the corpse in the evening.

Deceased was about 28 years of age and of fine appearance. His father, William H. Bell, an architect at York, Nebr., was apprised by wire of the death of his son and directed that the remains be interred here.

## GENERAL STURGIS ACTIVE.

From a gentleman who reached Deadwood at 11 o'clock last evening we gather the following: As General Sturgis was engaged with a friend who arrived by the coach at 1 o'clock, Lieutenant Sickle and a sergeant approached, the latter with the announcement that a squad of colored soldiers, heavily armed, had just left the post for Sturgis. The general thereupon ordered the lieutenant to proceed with a detail from his company and intercept the truants, and, that no time should be lost, to go dismounted. Shortly thereafter Lieutenant Leanhauser reported having heard firing in the direction of Sturgis. The lieutenant was, thereupon, directed to proceed with another detail as quickly as possible and arrest all soldiers absent without leave.

Lieutenant Ord was directed to cause a check-roll call; to lie in wait for and arrest all absentees on returning; to examine all arms, delivering to the general such as indicated recent firing, and to make every effort to apprehend the offenders.

A check-roll call disclosed only 3 absentees, but upward of a dozen rifles gave evidence of recent use.

On yesterday a board of inquiry was organized, with instructions to leave no stone unturned in an endeavor to solve the mystery. Thus far 9 men have been arrested, and the remainder soon will be. They all belong to Company H, Twenty-fifth Infantry. General Sturgis deserves the thanks of the community for his prompt and judicious action, and his determination to bring the guilty parties to justice.

The coroner and the board of inquiry are working in concert, and no conclusion will be reached before this evening at the earliest.

## THE STURGIS HOMICIDE.

The coroner's inquest in the Sturgis homicide case resulted in a verdict that deceased came to his death at the hands of parties, some of whom are in custody and others unknown. The board of inquiry, created by order of General Sturgis, continued its labors until upward of sixteen arrests were made, the prisoners being confined in the guardhouse at Fort Meade, and taken one at a time for examination before Justice Jewett at Sturgis. Evidence against a number of the men is direct and conclusive.

The funeral of the late Robert S. Bell, victim of the outrage, was held from Smith's undertaking establishment, Sherman street, at 2 o'clock yesterday afternoon. The body, neatly dressed, rested in a silver-mounted casket, and was viewed by a large number of citizens. It was a pleasant face to look upon, the features indicating great intellectuality and good parentage. Interment took place in Mount Moriah.

Sheriff Garland, Deputy Dix, and the four colored men, soldiers, accused of the murder of Robert S. Bell, came in from the post yesterday, escorted by Lieutenant Cress and a detachment of the Seventh Cavalry. The defendants, Taylor, Greer, Morris, and Watson, each waived an examination and were held by Justice Jewett without bonds, to await the action of the grand jury.

[From the Pioneer.]

TUESDAY MORNING, *September 21, 1885.*

The coroner's jury in the case of Robert Bell returned the following verdict yesterday morning:

The said jurors upon their oaths do say that the said Robert S. Bell came to his death by a gunshot wound fired by a squad of United States soldiers, members of Company H, Twenty-fifth Infantry (colored), led by John Taylor and Pierre Greer, privates, and of whom John Taylor, Pierre Greer, Evans Morris, and Smith Watson were recognized on the morning of September 20, 1885, in Abe Hill's dance house in Sturgis City, Dak. T.

E. T. MARSHALL,  
N. T. WITCHER,  
J. T. SLY,

*Jurymen.*

Immediately after the finding of the jury a complaint was filed by the coroner in Justice Jewett's court, a warrant issued, and defendant Watson was brought up from the guardhouse at Fort Meade by Deputy Sheriff June Dix, escorted by 8 members of the Seventh Cavalry, who stood in line in front of the office until the prisoner had waived examination and a commitment to the Lawrence County jail without bonds had been made out, and the prisoner was loaded up and started for the prison lockup. The other three prisoners were then brought up for preliminary examination, and if waived they would be brought up to the county jail with a guard of one company of cavalry. There seems to be a disposition on the part of the sheriff and General Sturgis to protect the prisoners from mob violence, and we think they are acting wisely.

The following is a synopsis of the evidence given to the coroner's jury:

Doctor Pratt testified that the ball, after passing through a 4-inch square awning post and the front of a building, entered the body of deceased between the ninth and tenth ribs and passed obliquely through the body and out through the lower portion of the sternum, dropping between the body and the clothing, and in its passage through the body injuring the heart, which was the cause of death.

R. T. Barthey testified that he was standing in front of Dolan's saloon about 2 o'clock Sunday morning when he saw a squad of soldiers marching in order up Main street, under command of an officer, with their guns at a trail, held in their right hands. When in front of Abe Hill's place they, at the command, halted and formed in line; some one hollowed, "Is there any soldiers in there? if there is, get out of the door; we are going for the house," and they then commenced firing.

After firing a few volleys they about-faced and started down street. In front of Dolan's place they were halted and a voice said, "Let us give Johnnie Dolan, the s— of a b—, a round," and they fired a volley in his house. I heard the whiz and spat of balls and the tingling of broken glass. After firing a volley they re-formed and marched up to Hill's place again, where they halted and the command, "Ready, load, fire," was given, and several volleys were fired into the building. There was a drag in the firing, and some one said, "Let us all fire together," and the same order was given—"Ready, load, fire," and volleys were repeated, several of them, at the lower part of the house. The firing ceased, and a voice said, "Here is Souter and Cole; we will lay out the s— of b—." Ranks were broken, and they went up-street and disappeared. I went into the house after they were gone and found a cowboy dead—shot through the body.

James W. Patterson testified that at an early hour that morning he heard loud talking in the street, stepped to the door, and saw John Taylor, a member of Company H, stepping off the platform, going toward a line of men standing in the street—fifteen or twenty of them. He recognized Privates John Taylor, Pierre Greer, Evans Morris, and Smith Watson, all of Company H, Twenty-fifth Infantry. Greer gave an order and they fired a volley in the direction of the upper portion of the house. Soon after this first volley, a voice said, "What do you want, you s—— of a b——?" and a shot was fired, and soon afterwards several shots were fired. The voice he did not recognize, and it was evidently directed to some one in the house, and he thought to deceased, Bell. Some one then proposed to go down and give Dolan a round, and they went. He heard them say, "Let us go for Souter and Cole and fix them."

John Warner was in the house at the time of the firing and recognized the voice of Greer commanding, "Ready, aim, fire," followed by a volley that came into the house. He also recognized Private Taylor in the party.

Andrew Wetherspoon was in the room at the time the shots were fired, and saw Bell clasp his hands across his breast and heard him exclaim, "My God! I am killed," and saw him cross the room and fall out of the back door. Bell died twenty minutes after being shot.

George Read was in the room at the time Bell was shot, and saw him fall out of the back door. He saw and recognized Taylor, Greer, and Watson, with guns in their hands, in the crowd of soldiers.

George Williams was in the room at the time, and they all heard a noise in the street, and all but himself passed out at the front door. Through the open door he saw Taylor standing on the sidewalk with a gun in his hands.

Thomas Cartwright was in the house at the time the soldiers formed in the street, and he heard Taylor say: "Now, boys, we must all fire together." He heard them propose to go down and give Dolan a volley. He recognized Taylor, Morris, Green, and Watson in the crowd, and Taylor was the commander of the squad.

Abe Hill was in bed when the firing commenced, but he got up and recognized the voices of Taylor and Green in the street. Taylor hollowed to him to "come on up to Fiddler's tree, we will meet you there," and Green said, "Cole and Souter, we want to see you up at Fiddler's tree."

William Havisides was in the house at the time of the firing, was close to Bell when he was shot, and saw him stagger across the room and fall out of the back door. He recognized Taylor and Green in the party.

There was a large amount of evidence given that pertained to threats that were made that night, but the above synopsis covers the material evidence given. It was thought that Watson would squeal and tell what he knew of the affray, but when brought into court yesterday his mouth was closed, he had nothing to say, and waived examination.

#### FIXED AMMUNITION.

We have often heard of fixed ammunition and supposed it was cartridges such as are sold in the market "fixed" for the gun. During the late excitement in Sturgis, the court of inquiry found some of

the empty shells in the street that had been fired by the soldiers and they seemed elated over the fact that it was fixed ammunition. We started in to get the bottom facts on fixed ammunition and seeing the guard of honor detailed to escort Watson to the law mill yesterday, we approached him and struck up a talk. We asked him to explain the term fixed, at the same time drawing a cartridge from his belt. A sergeant in command, about 300 feet high, saw our civilian hand caressing the little messenger of death, and he reached for us, at the same time ordering the return of the cartridge to the belt, and we returned it and crawled under the porch to prevent annihilation. He was evidently a mighty man of war, and we are glad we are not an Indian to have him turned loose upon our tepee.

This was all in Scoop.

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*Murder.—A squad of drunken colored soldiers shoot promiscuously and kill a cowboy.*

STURGIS CITY, September 20, 1885.

*To the editor of the Pioneer:*

It is Sunday evening and a holy quiet of the calm after the storm pervades the town.

We are again called upon to chronicle the death of a fellow-mortal, and by violence—a cold-blooded murder—and it is not yet known who the assassin is, although there is proof that everybody hopes will prove conclusive as to who the guilty party is.

To go back a little, it will be remembered that Doctor Lynch, an old respected citizen, was foully murdered in this place a little over a month ago, and very soon afterwards Corporal Hallon, a colored soldier, who was suspected of the crime—in fact, the evidence was almost conclusive that he was the guilty party—was taken from the jail in nighttime and lynched.

The colored soldiers at that time believed him innocent, and many of them vowed vengeance against not only several parties they supposed had a hand in it, but against the entire town. Many of the people were of the opinion that they would carry their threats into execution, but the greater proportion of them thought that it was but idle talk.

About 2 o'clock this morning, to the great surprise of everyone at that time, a squad of colored soldiers, from 15 to 20 in number, armed with their breech-loading rifles, appeared on the street and began an indiscriminate firing into the houses on the south side of Main street. Not less than 100 shots were fired in all, and from the looks of the houses the bullets were large and propelled with great force. Abe Hill's house shows where many of them went, there being holes in the front, in the ceiling of the rooms, and, in fact, all over.

One of the balls passed through a 4-inch square awning post in front, through the front of the building, and out through the side of the house.

Another ball passed through another awning post, through the front of the house, and through a man's body who was standing in the room, killing him instantly. In the next house a ball passed in through an open door up through the ceiling and through a partition in the upper story, that deflected the ball down through the floor and dropped upon a bed in which a man was sleeping.

Johnnie Dolan's place also received a volley that wrecked the chandeliers and windows badly. The lamps and chandeliers in all of the houses along on this row were made targets of by them and most of them were knocked into smithereens.

As soon as word could be got to the post two companies of cavalry were sent up, and they soon rounded up the colored troops and lodged them in the guardhouse. They remained on duty until daylight and patrolled the town. Some indignation is felt at the post commander for permitting the arms and ammunition to be left where they had such easy access to them, but he is in nowise responsible for it. Racks are placed in each company's barracks in which their arms are kept and these racks can be locked up, making it impossible to get out the rifles without removing the padlocks. The post commander, we understand, issued an order that the arms be kept under lock and key by the first sergeant of each company, but the order was countermanded by General Terry, and the locks were removed.

The officers of the post have started in earnest to ascertain, if possible, every man who was absent that night with a gun, and they now have at least 17 men in the calaboose, all of them members of Company H, Twenty-fifth Infantry.

A commission was detailed early this morning, consisting of Major Whiteside, Captain Moylan, Captain Jackson, Lieutenant Leonhauser, and Captain Gray. They constitute what is called a court of inquiry, and they have been at work all day examining witnesses and getting every bottom fact possible. They report that they have learned who at least a half dozen of the culprits are, and will fasten the crime on others of them before they conclude.

They will report in the morning to the commanding officer, who will place in the hands of the coroner, who arrived here about noon, empaneled a jury, and adjourned until to-morrow morning, the names of witnesses, the facts as ascertained, and the names of the suspected parties. In this the officers and commandant have shown a commendable spirit in the manner in which they are assisting the civil authorities.

The unfortunate young man who was thus so quickly removed to his long home was Robert S. Bell, a cowboy, in the employ of Clark Tingley. His parents reside in York, Nebr. From a letter written by his father, that arrived here Saturday night, we learn that his father is an architect, an educated man, who, on account of his wife's failing health, has sold out and will remove to California during the month of October. He wanted his son to come and go with them and requested an immediate answer, but he will receive instead a telegram from Undertaker Smith announcing his death.

The young man was standing in the back room, close to the wall, peeping through the window, over the blinds, into the street, when the volley was fired from the street, one of the balls of which, as before stated, passed through the awning post, the front of the house, and through his heart, lodging in his clothes, where it was found by Doctor Pratt. At the conclusion of the firing in the street, one of them was heard to say: "Now, boys, we'll find Souter and Cole and settle with them at Fidler's tree."

The general feeling here is that Judge Church should order a special grand jury impaneled at once, and investigate this case thor-

oughly and promptly; otherwise there may again be a resort to mob violence, so greatly deplored by every one.

ANON.

FROM CORONER WRIGHT.

STURGIS CITY, *September 21, 1885.*

The excitement attending the killing of young Bell on Sunday morning has by no manner of means subsided, but, on the contrary, is becoming more and more intensified. It is the one subject of conversation with business men and citizens generally. There is a determined feeling that the colored troops must go or keep out of town. The discipline at the post is vehemently denounced, all persons claiming that if a guard is kept, as is supposed, that guard should have known when 15 or 20 armed men went out and should have reported it. They also claim that this portion of the Regular Army are stationed here to protect life and property on the frontier, and not for the purpose of making armed raids at the dead hour of midnight upon unarmed and peaceable citizens. A public meeting of citizens will be held this evening, at which some action will be taken to relieve them of the dread of violence that now threatens.

Two things will be recommended, the first: That no colored troops be allowed in town after sundown, and means will be employed to make their visits so uncomfortable that they will not desire to come the second time. The other is that the Secretary of War be petitioned to remove them to some other post and send white men in their places. In the latter they will ask the cooperation of the citizens of the belt.

A blacksmith, a soldier, a member of the Seventh Cavalry, committed suicide last night at the post by shooting himself in the head. The only reason we have heard assigned was his arrest on some trivial charge that so preyed upon his mind that in a moment of temporary insanity he did the deed.

It is a little amusing to hear the old bums around this town tell of the many hairbreadth escapes they each had on the night of the raid. "Do you see that post there in the street? I was sitting on that when they marched up Main street, and when they halted in front of me and the order 'Ready, aim, fire,' was given, and the fragments of broken glass and wooden splinters filled the air, I never budged, but stayed it out. I tell you I played in big luck that night to not get plugged," and they all tell the same story and gather in crowds and give in their experience.

They all agree that the commands were "Guide left by fours; right oblique by fours; ready, aim, fire. Aim low, boys," and all such bosh, and each one of them tells of bullets fanning their cheeks, tipping their ears, and passing between their arms and bodies. They are, to say the least, amusing liars.

This forenoon we visited our old Deadwood friend, Charles E. Downer, at his brewery on the dead line, between this place and the post. He has a small, neatly arranged brewery, and manufactures the best foaming beer and stock ale ever before made in the Hills. The stock ale is really superb, excelled by none we ever sampled.

The coroner's inquest is progressing very slowly. Three p. m. this afternoon has been set for the examination of the witnesses, and it is

hoped no further postponement will be necessary. The court of inquiry, consisting of five officers of the post, have been at work since early Sunday morning, and they think they will be able to report the names of the witnesses and the facts ascertained from them by 4 o'clock p. m. to-day.

[First indorsement.]

EXECUTIVE MANSION.

The within communication is respectfully referred to the Secretary of War.

By direction of the President:

DANIEL S. LAMONT,  
*Private Secretary.*

[Second indorsement.]

HEADQUARTERS OF THE ARMY,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, October 19, 1885.*

Respectfully referred, through headquarters Division of the Missouri, to the commanding general Department of Dakota for remark. To be returned.

By command of Lieutenant-General Sheridan:

R. C. DRUM,  
*Adjutant-General.*

[Third indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,  
ASSISTANT ADJUTANT-GENERAL'S OFFICE,  
*Chicago, October 22, 1885.*

Respectfully transmitted to the commanding general Department of Dakota.

By command of Major-General Schofield:

H. C. CORBIN,  
*Asst. Adjt. General.*

[Fourth indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,  
*Fort Snelling, Minn., November 10, 1885.*

Respectfully returned to the Adjutant-General of the Army, through the headquarters of the Division of the Missouri.

The inclosed letter is, in the main, a just and temperate account of the occurrences at Sturgis City and Fort Meade, of which it speaks. I should take exception to but one of the statements which Mr. Caulfield makes. He states, as an ascertained fact, that "Doctor Lynch" was assassinated by a colored soldier. Doubtless he is fully convinced of the truth of this statement; but I submit that the inclosed copy of a report from Colonel Sturgis of the testimony given before the coroner's jury impaneled to determine the cause of Doctor Lynch's death, shows that while a case of grave suspicion was made out against the soldier Hallon, the evidence was by no means conclusive. Of course, since the brutal murder of Hallon by the mob of Sturgis City, it has been impracticable to determine the question of his guilt or innocence. I inclose a copy of the proceedings of a board of officers convened by order of Colonel Sturgis to inquire into the facts



connected with the killing of Bell. The conclusions of the board confirm the statements of Mr. Caulfield.

It is not probable that all the persons who were concerned in the murder of Bell will be detected and punished. Four men have been arrested, and if the evidence against them be sufficient to establish their guilt they will, without doubt, be confined and tried. In their cases the machinery of the law will act speedily.

I do not recommend the removal of the colored troops from Fort Meade. It is not alleged that they, as a body, have committed any crime or have been guilty of any disorder. Certain men belonging to one of the companies are accused of a most serious crime, but there is nothing to connect with it the other men of their company or any of the men of the other companies. There is no evidence to show that the peace of Sturgis City, in the future, is threatened by any of them. I do not believe that it is seriously threatened by them.

I have had much experience with colored troops, and I have always found them as well behaved and as amenable to discipline as any white troops that we have. The characteristic submissiveness of their race is manifested in the readiness with which they yield to military control.

They are much more temperate than our white troops, and crime and disorders resulting from intoxication are comparatively rare among them.

The situation at Fort Meade is an unfortunate one. It is very undesirable that a military post and a frontier town should stand in such close proximity to each other as Sturgis City and Fort Meade do; unfortunate possibly for the town, unquestionably unfortunate for the post. But the post was established before the town was founded and I do not think that there would have been any town but for the post. Still the evils which result from this juxtaposition are not absolutely unavoidable.

The military authorities at the post will, I am sure, do their part to prevent the commission of crime, and if the civil authorities of the town will do theirs as well there will be no occasion whatever for apprehension.

I take it for granted that in the Territory of Dakota the keeping of houses of ill-fame is prohibited by law, but notwithstanding the law there are in the town two brothels which would appear to have been established for the express purpose of catering to the taste and pandering to the passions of the colored troops, for they are "stocked" with colored prostitutes—negresses and mulattoes.

They are, I am assured, places of the vilest character, and it was at one of them that the affray of September 19 occurred. Had no such place existed it is most improbable that any affray would have occurred, and if the people of Sturgis City suffer such places to exist they must, I submit, expect the natural result of their existence—frequent broils, and from time to time the commission of the most serious crimes. And I submit further that until the people of the town shall have suppressed these dens, which equally debauch the troops of the post and threaten their own safety, they will not be in a position to ask the Government to change its garrison.

ALFRED H. TERRY,  
*Brigadier-General, Commanding.*

[Fifth Indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,  
Chicago, November 14, 1885.

Respectfully returned to the Adjutant-General of the Army.

J. M. SOHOFIELD,  
Major-General, Commanding.

[Sixth Indorsement.]

HEADQUARTERS OF THE ARMY,  
Washington, November 21, 1885.

Respectfully returned to the Secretary of War inviting his attention to and concurring in the remarks of the commanding general, Department of Dakota.

P. H. SHERIDAN,  
Lieutenant-General.

[Inclosure.]

FORT MEADE, DAK. T., October 28, 1885.

ADJUTANT-GENERAL, DEPT. DAKOTA,  
Fort Snelling, Minn.:

Doctor Lynch was killed by shooting about 11 p. m., August 22, whilst reading in his office, the assassin firing through closed office door. Supposed cause, jealousy of colored woman.

Evidence before coroner's jury circumstantial; that of Private Bluford, A Company, Twenty-fifth Infantry, the most damaging given against Corporal Hallon, was to effect that he met Hallon at 10.30 p. m. at Abe Hill's saloon, Sturgis City; Hallon asked witness to drink and went into alley and drank from bottle; met Hallon next in dance hall (Abe Hill's); took witness into alley and persuaded him to change blouses. After blouses were changed Hallon told witness to meet him at point on outskirts of town, toward Meade.

Separated in alley ten minutes thereafter to meet at point designated. Hallon stoned his dog to make him follow witness. Witness met Private Martines, A, Seventh Cavalry, on his way to place of meeting, and tried to borrow pistol from him, saying he feared trouble with Hallon, whose conduct was suspicious. After being at place fixed for meeting ten minutes, heard shot in town and walked toward town.

Met Corporal Raymond, Seventh Cavalry. Then waited a moment and heard voice calling him. Recognized Hallon's voice. This at place of meeting, about five minutes after shot was fired. Upon meeting changed blouses. Hallon putting on his own and refused to say what trouble was. Witness noticed six-shooter at this time in Hallon's pocket. Went back to town with Hallon. On way Hallon pulled out pistol and seemed to be loading it, saying he feared trouble. On reaching town found Lynch had been killed. While in jail with Hallon, latter told him what to swear to, and to stick to his story, which was not that given to jury. Private Martines, A Troop, and Corporal Raymond, C Troop, corroborated Bluford in that they had met him at place fixed for his meeting Corporal Hallon, and at time described by Bluford.

That witness was wearing a noncommissioned officer's blouse, and had conversation with Martines about pistol. Private Rann, A Company, testified to loaning of pistol identified as one carried by Hallon night of 22d; loaned it night of 21st and 22d, Hallon returning it to him on morning of 23d, after murder. All chambers loaded when loaned and empty when returned. Carried same size and weight of bullet as bullet which killed Lynch.

Corporal Hallon was arrested on 23d August, on warrant duly served, and taken from jail in Sturgis City on night of 25th August and hanged.

Jury found that Lynch came to his death at hand of Hallon. This verdict and evidence all information known to be in possession of mob which hanged Hallon.

STURGIS, *Commanding.*

WAR DEPARTMENT,  
*Washington, December 22, 1885.*

SIR: In reply to your letter of the 27th of September last commenting upon the outrages committed at the town of Sturgis, Dak. Ter., by colored soldiers of the Twenty-fifth Infantry, stationed at Fort Meade, and suggesting the removal of the colored troops to some other post and the substitution of white soldiers in their place, I have the honor to invite attention to the inclosed copy of the report of Gen. A. H. Terry, commanding the Department of Dakota, to whom the matter was referred,<sup>a</sup> and to say that both the Department and the Lieutenant-General of the Army concur in the views as expressed therein by General Terry.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,  
*Secretary of War.*

HON. B. G. CAULFIELD,  
*Deadwood, Dak. Ter.*

AFFAIR AT WINNIEMUCCA, NEV., JUNE 29, 1899.

[Telegram.]

WAR DEPARTMENT,  
*July 2, 1899.*

Major-General SHAFER,  
*San Francisco, Cal.:*

C. D. Van Duzer, district attorney, Humboldt County, Nev., telegraphs that armed soldiers, Twenty-fourth and Twenty-fifth Infantry, allowed to leave trains at Winnemucca, Nev., destroy property, and shoot citizens.

Investigate at once and report. No person must be allowed to escape punishment for wrongdoing.

R. A. ALGER,  
*Secretary of War.*

<sup>a</sup>See page 380.

[Telegram.]

SAN FRANCISCO, CAL., July 2, 1899.

SECRETARY OF WAR, *Washington, D. C.*:

Van Duzer wired me last night as to disorders committed by soldiers Twenty-fourth and Twenty-fifth Infantry; replied that Twenty-fifth Infantry had already sailed when report received; that so far as Twenty-fourth was concerned an investigation would be made at once, which will be done. Will send judge-advocate of department to Winnemucca to collect evidence, and if case warrants it would recommend that stoppage be made against the entire command, as authorized in General Orders 30 of '68. Proper guards could not have been posted over train.

SHAFTER, *Major-General.*

HEADQUARTERS DEPARTMENT OF CALIFORNIA,  
OFFICE OF THE JUDGE-ADVOCATE,  
*San Francisco, Cal., July 13, 1899.*

The ADJUTANT-GENERAL, DEPARTMENT OF CALIFORNIA.

SIR: I have the honor to submit the following report of my investigation of the disorders "said to have been committed by United States troops" at Winnemucca, Nev., on the evening of the 29th day of June, 1899. As required by my instructions, I visited the Presidio on the 3d instant, and after completing my inquiry there proceeded, on the 5th instant, to the scene of the disturbance, arriving at Winnemucca on the early morning of the 6th.

About 7.30 p. m. of the 29th of June the second section of a special westbound train carrying Companies L and M, Twenty-fifth Infantry, and Company K, Twenty-fourth Infantry, Major Noble, Twenty-fifth Infantry, commanding, arrived at Winnemucca. The officers proceeded at once to take supper at the Lafayette Hotel, near the railway track and two blocks in rear of the train. The last of the 15 coaches composing the train were about opposite the station house or "depot," and this in turn was opposite Berte Kluny's saloon, 50 yards away on the north side of the track. On coming to a full stop, the men of the Twenty-fifth Infantry, who occupied the rear coaches, left the train in large numbers, no restraint being imposed upon them. They dispersed through the town, causing no trouble except in Kluny's saloon, where a crowd assembled, and, according to the affidavit of H. W. Skinner and John May, filed herewith, marked A and B, soon became boisterous and practically took possession of the bar. Several other citizens were in the saloon, but, like Skinner and May, they left it, fearing trouble. No one saw who did the shooting.

Daylight had now so faded that only flashes of the discharges (five to eight in number) were seen. It is admitted by Kluny that no shooting occurred until the men left the saloon. After the shooting the enlisted men dispersed quickly, running for their coaches. In the meantime some one had gone to the Lafayette Hotel and apprised the officers there at supper of the shooting, but before they could reach the scene of the disturbance the men were in their coaches. When the shooting occurred "Berte" Kluny was behind his bar and his assistant, Chris Wilhelm Deiss, was standing in front of a gate leading

behind the bar, when he received a pistol shot, the nature of which is described in a letter by his attending physician, W. M. Samuels, M. D., herewith.

The subscriber witnessed Doctor Samuels dress the wound, which answers to his written description. It was deemed unadvisable to question Deiss regarding the affair at this time, when any excitement might create a feverish condition, which his physician is slightly apprehensive may yet set in. The room where the shot took effect is about 20 by 20 feet, plainly furnished with wood table, chairs, and bar. A plain wood-framed mirror, having a glass 2 by 5 feet, and a few liquor glasses and decanting bottles constituted the bar equipment. The mirror had not been repaired, and remained as broken on the night of the disturbance. "Berte" Klueny refused to give the undersigned an itemized list of property taken and destroyed, he having been instructed by District Attorney C. D. Van Duzer, who is his attorney, not to answer questions.

In a general way he affirmed that his "bottled goods" and the cigars arranged behind his bar were all taken, his decanters and glasses of all kinds smashed, the prepared food, cakes, etc., in the restaurant part of his establishment looted. The dining room is off the saloon, in the door to which Deiss fell when wounded.

Assuming all this to be true, \$100 would be a liberal compensation for property loss suffered by Klueny. The most serious injury is that done to Deiss. Loss of time in his employment, doctor's bill, the apprehension and pain suffered, all call for redress. The undersigned obtained from Deiss the ball taken from his body, and on testing it on an apothecary's balance found it to be eight grains lighter than the service pistol bullet. The ball was flattened and enlarged about the forward end, and it is possible the slight difference in weight is due to abrasion. The service pistol bullet is, however, hollowed at the rear, to act as gas check on discharge of the cartridge, while the bullet taken from the body of Deiss was evidently solidly molded, it giving no evidence of having been countersunk.

While these facts raise a doubt as to the character of the pistol used, and by so far leaves the theory open that some of the citizens standing by might have fired the shot which took effect upon the person of Deiss, it still remains true that some of the soldiers might have carried pistols other than the service pistol, and that the weight of the facts so far known strongly favor the presumption that the shot was fired by one of the soldiers.

In this relation it is but just to add that Company K of the Twenty-fourth Infantry was not permitted to leave their coaches in a body. The first sergeant and quartermaster-sergeant were, however, given authority by Captain Cabaniss, commanding, to let trusted men leave the coach when the train stopped. Captain Cabaniss had left Fort Assiniboine some days before, traveling alone with his command to Ogden, and during the trip kept guards over the doors of the coaches occupied by his men. He continued this method after joining Major Noble's command at Ogden. His noncommissioned officers hold, and the citizens at Winnemucca admit, this company gave no trouble. While this does not make it conclusive that a man of this company could not have done the shooting, the evidence is conclusive that reasonable precautions were observed by Captain Cabaniss to prevent depredations on the part of his men.

In reply to direct questions, Captain Cabaniss informed the undersigned that he heard nothing said about an officer of the day or guard in Major Noble's command, but did hear, in a general way, that company commanders were held responsible for the conduct of their men. He also affirmed that the men of the Twenty-fifth Infantry appeared to have liberty to leave the train in any numbers whenever it stopped. An account of the conduct of the affair by the "Silver State," published in Winnemucca on the 30th of June is inclosed.

As companies L and M, Twenty-fifth Infantry, were on board transport at sea bound for Manila before complaint was made of their conduct at Winnemucca, the following conclusions as to the facts must of necessity rest upon ex parte information:

First. No officer of the day or guard were on duty with Major Noble's command on the 29th of June, 1899.

Second. The enlisted men of the Twenty-fifth Infantry were permitted to leave the train without restraint or watchful supervision when absent therefrom.

Third. That the destruction of property and wounding of Christopher Wilhelm Deiss, in "Berte" Klucny's saloon, are due to the disorderly conduct and criminal actions of the enlisted men of Companies L and M, Twenty-fifth Infantry.

Fourth. That after the event the commanding officer made due effort to identify the guilty parties.

Very respectfully,

S. W. GROESBECK,  
*Judge-Advocate, U. S. Army.*

[First indorsement.]

HEADQUARTERS DEPARTMENT OF CALIFORNIA,  
*San Francisco, Cal., July 15, 1899.*

Respectfully forwarded to the Adjutant-General of the Army, with recommendation that \$250 be stopped from officers and enlisted men of Companies L and M, Twenty-fifth Infantry, and paid to Mr. C. W. Doiss, barkeeper of Berte Klucny's saloon.

No remuneration for damages to Klucny's saloon should be made, as he declines to state his loss.

WM. R. SHAFER,  
*Major-General, Commanding.*

[Inclosures.]

A.

Personally appeared W. H. Skinner, who, being duly sworn, says he resides in Winnemucca, State of Nevada; that he is employed by the Southern Pacific Railway Company as roundhouse helper; that he was in Klucny's saloon and restaurant (that he boards there) on the evening, after dark, of the 29th day of June, 1899, when a number of colored soldiers crowded into the saloon; that the soldiers were noisy and seemed to be in an ugly mood; that he thought they would make trouble, and, out of apprehension, left the saloon and went away about his duties; that while at work a little later he heard shooting, and that a man was reported shot; that he does not know who did the shooting.

Affiant further states that toward midnight of the same day he again visited Klucny's saloon and noticed that the mirror was broken and that there were fragments of glasses and bottles about the bar. Further deponent saith not.

H. W. SKINNER.

Subscribed and sworn to this 7th day of July, 1899, at Winnemucca, Nev.

S. W. GROESBECK,  
*Judge-Advocate, U. S. Army.*

Personally appeared John May, who being first duly sworn, says his residence is Battle Mountain, State of Nevada; that at present he is living at Winnemucca, in the employ of the Southern Pacific Railway Company as caller; that he was in Klucny's saloon on the evening of the 29th day of June, 1899, when a lot of colored soldiers came into the saloon; that at first these soldiers appeared to be good natured, but were so noisy and boisterous that he, the affiant, feeling afraid of them, got up to leave the barroom to go into the adjoining room, which is a dining room; that before leaving the room he saw soldiers jump over the bar and take bottles—does not know how many; that he, the affiant, had just passed into the dining room when shots were fired and "Chris Deiss," who was in the barroom, fell into the doorway between the two rooms; that affiant then helped to take care of Deiss, who appeared to be badly hurt, but knows not who hurt him. And affiant further says that about a half hour after the shooting he went through the saloon again; that he saw the broken looking-glass, but did not notice any other damage to property. No property in the dining room was injured. Further affiant saith not.

JOHN MAY.

Subscribed and sworn to before me at Winnemucca, Nev., this 7th day of July, 1899.

S. W. GROESBECK,  
*Judge-Advocate, U. S. Army.*

WINNEMUCCA, NEV., July 7, 1899.

Maj. STEPHEN W. GROESBECK,  
*Judge-Advocate, U. S. Army.*

SIR: In response to your verbal request I herewith submit a statement of the injuries sustained by Christopher Diess, of this place at the hands of a soldier of the Twenty-fourth or Twenty-fifth Regiment Infantry.

The bullet struck Diess just below the border of the anterior superior spinous process of the ilium. The ball ranged downward, seemingly following the tensor vaginal femoris muscle for several inches, then backward into the gluteal region, coming to within a short distance of the surface.

I removed the ball, which was somewhat flattened, finding it just under the fascia covering the gluteus maximus muscle. It did not penetrate all the tissues covering the ilium, consequently did not strike that bone.

I am inclined to think it did strike the femur, but am not positive, As the leg has been kept perfectly at rest, I am unable to state what, if any, damage was done the femur, but do not think there was any.

Particles of trousers and drawers and two shirts were probably carried into the wound.

Pus is present at the wound of entrance, though to a very limited extent. The temperature was 101.2° at 6 p. m. of the third day; but with that one exception both pulse and temperature have been normal.

The treatment has been purely antiseptic dressing and the patient is, so far as I can see, recovering very nicely.

I have the honor to remain, yours respectfully,

W. L. SAMUELS, M. D.

[From the Silver State, Winnemucca, Nev., Friday evening, June 30, 1899.]

*Bullets fly in the Winnemucca streets—Chris. Deiss shot down by a negro soldier—Klucny's saloon raided by armed rowdies—Furniture smashed and stock stolen—Efforts made to discover those men who fired the shots—An anxious commanding officer and his impudent subordinates—Train held by the civil authorities—Offenders escape.*

About 8 o'clock last night a special train arrived from the east carrying colored troops. Shortly after its arrival the people uptown were startled by hearing pistol shots, several in succession, accompanied by shouting and yelling. Crowds gathered from all directions and made directly for B. Klucny's restaurant and saloon, where the trouble occurred.

The crowd found Chris. Deiss, who is in the employ of Mr. Klucny, with a dangerous bullet wound in the right side, made by a thirty-eight caliber revolver, a broken mirror behind the bar, and a wrecked saloon.

Two sections of troop trains, running as second and third sections of No. 4, were scheduled to arrive at Winnemucca about 5.30 and 8 p. m., respectively.

The first train carrying soldiers arrived in the neighborhood of 6 o'clock. This section carried colored troops, all members of the Twenty-fifth Infantry, U. S. Army, General Burt, commanding, being along, with several officers. The soldiers on this train were very orderly.

As soon as the second section, carrying colored troops, stopped at the depot there was a general piling off of black men and a rush made for the neighboring saloons, while the officers repaired to the Lafayette Hotel on Railroad street, where they were served with supper.

Maj. C. H. Noble, Twenty-fifth Infantry, U. S. Army, was in command, with 340 men, accompanied by Captain Shattuck, commanding Company L, First Lieutenant Hunt, commanding Company M, and Lieutenants Lyon, Enoch, McNally, and Straat, all of the same regiment.

Capt. Archibald A. Cabaniss, of the Twenty-fourth Infantry, was on this section, in command of Company K, composed of 110 men.

He had been ordered to San Francisco, with his command, for duty in the Philippines, from Fort Assinniboine, Mont., which place he left last Sunday. Upon arriving at Spokane, Captain Cabaniss was



ordered to San Francisco, via Ogden, on account of the trestle near Grants Pass, on the Oregon and California Railroad, being impassable. He arrived at Ogden in time to join the second section, carrying troops of the Twenty-fifth Infantry from Fort Logan to San Francisco. This command occupied the first two cars and behaved themselves like soldiers.

In the neighborhood of 30 negroes entered Klucny's saloon. They had not been in there over five minutes before it was apparent that trouble was brewing. Several railroad boys were in the saloon when the crowd of soldiers entered. As soon as they saw that the black skins were evidently looking for trouble the railroad men left the building. A few of the negroes drank the liquors called for and paid for them. Rough talking and drinking increased and excitement intensified until one big, burly negro climbed over the bar with his dagger bayonet in one hand and made for Mr. Klucny, who had been attending to the wants of the soldiers. During the mix-up other soldiers stole all the bottled goods they could lay their hands on. One fellow took a half pint flask of whisky, drank it at the end of the bar, and when empty deliberately threw the bottle at the mirror behind the bar, breaking both flask and looking-glass.

The crowd then got out of the saloon, save one, who was helping himself to bottled goods. When he started the soldiers, having remained on the sidewalk in front of the saloon, set up a howl and began shooting right and left. One shot took effect in the partition over the entrance to the restaurant and another in the right side of Chris Deiss. He at that time was standing near the door between the saloon and dining room. In the restaurant a recruit named Frank Weld was buying a lunch from the Chinaman when Deiss fell to the floor, wounded in the side. Weld, seeing Deiss crawling on his hands and knees, went to him and assisted him to the rear room, from whence he was carried to the house in the rear of the saloon.

When the discharging of firearms began, the negroes made for their respective cars helter-skelter.

At that time the officers were eating supper and the soldiers took the occasion to raid the saloon. They had been successful on such an expedition at Carlin, and, evidently having exhausted the supply from that place, thought it about time to make another foraging trip and replenish their haversacks.

At Carlin yesterday afternoon as assembly was being sounded announcing the departure of the train the negro soldiers were in J. Isola's saloon. Upon hearing the bugle call they stampeded and got away with about two dozen flasks of whisky. The proprietor was helpless to do anything and had no time to make complaint to the officers, the train pulling out from the station immediately after the raid.

One of the officers was asked if the men had been orderly since leaving Fort Logan, to which he replied in the affirmative, and when told of the trouble at Carlin he emphatically denied it, saying that he was present in the saloon and knew personally that there was no such an occurrence; but there were two railroad men in Winne-mucca last night who had just arrived from the East and were eye-witnesses to the affair, and Mr. Lieutenant was called to time in short order.

If his own statements were correct that he was in the saloon with the negroes at the time, then he must have been a party to the affair, and his actions last night at this place indicated that he would not be beneath such a trick.

News of the shooting spread over the town. Sheriff McDeid, Deputy Sheriff Rose, and Constable Moore were on the scene within a few minutes after the trouble, as was Dr. W. L. Samuels, who attended the wounded man. The bullet entered Deiss' right side, striking the pelvis and ranging downward. It was found about a half an inch under the skin in the back and upper portion of the right leg. Doctor Samuels extracted the bullet.

The officers in command of the negroes endeavored to make out that the bullet was not one fired from a Government revolver. Upon examination of the bullet from the discharged cartridge with a Government thirty-eight, no difference was discovered.

Sheriff McDeid notified Major Noble that the train would be held at this point until the man who did the shooting was apprehended. A guard was put on each car and no man allowed to make his exit, while Sheriff McDeid, in company with an officer, went through the train and examined every pistol in possession of a sergeant and musician. The officers claimed that revolvers had been issued to none but sergeants and musicians, and that they had been in possession of such only since last Tuesday, the day they took their departure from Fort Logan.

The only suspicious-looking pistol was a sergeant's from K. Company, Twenty-fourth Infantry, but one shot remaining in the revolver. This was in the possession of Sergeant Cook. Upon being examined it showed that the revolver had not been discharged recently, and the sergeant stated that he had fired the five shots at rabbits when leaving Fort Assiniboine.

After two hours' search through the cars each company was checked up and from appearances found to be all present.

Each company was lined up in single rank and roll called. When each man's name was called "here" came from some dark spot in the line, indicating that the owner was present, but that was not always true. A reporter was passing up and down the line and from personal knowledge knows of two instances in Company M where two men responded "here" for two separate names. After roll call, lanterns were brought forward and Frank Denning, Jack May, John Sterling, and Frank Marchand, who were in the saloon when the soldiers entered, passed down the line inspecting each face, endeavoring to discern the features of some familiar-looking negro, but without any results being obtained.

After Company M, Lieutenant Hunt commanding, had been inspected and "dismissed," the members made a rush for their cars, letting forth an unearthly yell in defiance to the authorities.

The officers made a rush toward the cars, endeavoring to suppress the yelling, but without avail until the colored troops were in the cars.

Four hours of continued search revealed no one with a revolver that had been discharged, and only two men identified as having been in the saloon. One, Sergeant Smith, claimed to have left before the fracas took place, and a private named Porter evidently knew more about it than he wanted to. He became somewhat entangled upon being questioned by District Attorney Van Duzer,

making statements that showed conclusively that he was pretty well acquainted with the condition of affairs at the time of the trouble.

Just at the time when all hope of discovering the guilty parties had been given up, Private Frank Weld, a white recruit, who was picked up down the road, he having been left a few days previously by the train pulling out before he could get to it, came forward and stated that he could positively identify the negro who jumped over the bar and stole several bottles of beer. He stated that this negro was a member of Company L, and known to the men of that company as being a very ticklish fellow.

Sheriff McDeid with the recruit and Captain Shattuck passed through the cars which Company L occupied. Many of the men were found to be asleep or playing possum, and Weld was unable to identify his man, but said he could in daylight and would point him out in the morning to his captain.

Then followed a long jangle between Major Noble and Agent S. H. Kitto arrayed on one side and the prosecuting attorney on the other.

Papers were served by the sheriff upon S. H. Kitto, forbidding him to allow the train to leave the station before daylight unless the men who did the shooting and stole the goods were turned over to the civil authorities.

Major Noble said it was an outrage to hold the train any longer, it then being 1.30 in the morning; that he had done everything in his power to help the authorities in the search for the guilty men; that he deprecated the affair, but could not see as anything else could be done. Continuing, he said that holding the train here was delaying the sailing of the transport *Pennsylvania*, on which his troops were to embark. This was in the nature of a bluff, and the prosecuting attorney remained firm in his determination to hold the train until daylight and have the thief identified by the white recruit.

In the meantime Major Noble telegraphed to Gen. A. S. Burt, who was on the section ahead, that they were being held at Winnomucca on account of "an accident," not divulging to the commanding officer the nature of the trouble.

When the authorities began to settle down to business with a view of accomplishing their object, the military officers positively refused to do anything toward recovering the offenders, and the train was allowed to proceed without any of the guilty parties having been found.

The officers of the companies in the main did what they were asked, but several made considerable of a kick when requested to aid in seeking out the offenders by the major. Captain Shattuck, of Company L, was very gentlemanly and willing to render assistance, but several of the lieutenants took the affair in the nature of a huge joke, doing their work in a don't care manner.

Had either the soldiers who did the shooting or the one who committed the theft been apprehended he would have been punishable under article 58 of the Articles of War. This article provides that in time of war larceny, robbery, arson, murder, assault and battery with an intent to kill, wounding by shooting or stabbing with intent to commit murder, rape, assault and battery, shall be punishable by sentence passed by a general court-martial when committed by persons in the military service of the United States, and punishable in such cases not less than the punishment provided for the like offense by the laws of the State in which such offense may have been committed.

The officers last night stated that traveling under war orders the men were allowed to carry arms under the United States Army Regulations. The blue book, however, explicitly provides that commanding officers shall not give men so armed the privilege to roam about and commit depredations in violation of the State laws.

The affair has not been concluded, although the train has been permitted to leave. The facts will be laid before the Secretary of War, and the officers responsible will no doubt hear from it later.

District Attorney C. D. Van Duzer telegraphed this noon to Major-General Shafter, commanding the Department of the Pacific, with headquarters at San Francisco, notifying him of the affair and charging the officers in charge of the troops with criminal negligence.

Doctor Samuels, the attending surgeon, was seen this noon and questioned as to Deiss' condition. The doctor stated that at noon he was resting very easy, but he had had a terrible night, not sleeping, and attended with much suffering.

It developed this morning that had an inspection been made of every man on the train and his belongings the right soldier who did the shooting would have been located. It is conclusive that a Government revolver was not used, but a pistol of thirty-eight caliber that one of the colored soldiers had stolen from J. Isola's saloon at Carlin.

Conductor Peterson, who brought in No. 3 from the West this afternoon, said that at Wadsworth Major Noble had a guard on at each door of every car and no one but a noncommissioned officer was allowed to get off the train or even as much as to say a word.

Another case of locking the barn door after the horse has been stolen.

The little taste of military despotism to which Winnemucca was treated last evening does not turn well on the tongue. Although the people of this community live in the far West and have not the advantage of that refined standard of law and order of the East, which the Easterner affects to believe is denied us, the citizens of Winnemucca are law abiding. It may be that it is quite the thing in more civilized communities for armed bullies to wreck business houses and shoot down inoffensive citizens, but such exhibitions are as yet unfamiliar to the people of Winnemucca, Humboldt County, and the State of Nevada. Until Nevadans are educated up to what may be quite the proper thing in more civilized communities, the authorities at Washington must tolerate the protest which goes up from this place against such exhibitions of lawlessness as the War Department brought to our doors last night.

The officers in command of the companies are to be blamed for the disturbance. As has been pointed out in *The Silver State* from time to time, officers stand quietly by while the ruffians of their commands insult women, and, so far as they dare, terrorize men. It has not been a fortnight since Deputy Sheriff Rose was obliged to take charge of a blue-coated scoundrel who grossly insulted a number of ladies who had assembled at the station to take leave of a wedding party which was on its way to California. Such scenes of riot as disgraced the United States Army last night are threatened every time a train-load of soldiers passes through this place.

The shooting of Deiss last night was merely an incident. Such shooting may occur any time such ruffianly scoundrels who appear to hold themselves above the law may take it into their heads to raid saloon or business house. No doubt had the foul-mouthed fellow whom Sheriff Rose took to task a week ago Sunday been armed shooting would have ensued. The people, not only of Winnemucca, but of every station along the road, have the right to demand protection from such rowdyism. If the War Department is unwilling or unable to protect the people from the insults and murderous assaults of the soldiers, there are ways by which women and children can be protected and property preserved. No man is worthy of the name who will stand quietly by and see his wife and daughter insulted by a ruffian, whether he be in uniform or out.

Something must be radically wrong when the citizens of this Republic are terrorized by the soldiers whose only excuse for being is that they preserve the peace and quiet of the nation.

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AFFAIR AT SAN CARLOS AGENCY, ARIZ., OCTOBER 13, 1899.

{Telegram.}

DENVER, COLO., *October 15, 1899.*

ADJUTANT-GENERAL,  
*Washington, D. C.:*

Commanding officer, San Carlos, reports that Friday night about 12 of command made attack on 4 peaceful Indians, beating them severely. All efforts being made to discover guilty parties. Bad feeling among Indians. Will report when matter more thoroughly investigated.

MERRIAM, *Brigadier-General.*

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{Telegram.}

DENVER, COLO., *October 15, 1899.*

ADJUTANT-GENERAL ARMY, *Washington, D. C.:*

Have ordered Colonel McGregor, Ninth Cavalry, Fort Grant, to proceed in person immediately to San Carlos and investigate disturbance between soldiers and Indians. Have also ordered one troop cavalry to follow him soon as possible and take temporary station there.

MERRIAM, *Brigadier-General.*

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,  
Washington, October 16, 1899.

The SECRETARY OF THE INTERIOR,  
Washington:

The following telegrams from the commanding general, Department of Colorado, are sent you for your information:

ADJUTANT-GENERAL, Washington, D. C.:

Commanding officer, San Carlos, reports that Friday night about 12 of command made attack upon 4 peaceful Indians, beating them severely. All efforts being made to discover guilty parties. Bad feeling among Indians. Will report when matter more thoroughly investigated.

MERRIAM, *Brigadier-General.*

ADJUTANT-GENERAL ARMY, Washington, D. C.:

Have ordered Colonel McGregor, Ninth Cavalry, Fort Grant, to proceed in person immediately to San Carlos and investigate disturbance between soldiers and Indians. Have also ordered one troop cavalry to follow him soon as possible and take temporary station there.

MERRIAM, *Brigadier-General.*

ELIHU ROOT,  
*Secretary of War.*

DEPARTMENT OF THE INTERIOR,  
Washington, October 17, 1899.

HON. SECRETARY OF WAR.

SIR: I have the honor to transmit herewith copy of a communication of 16th instant, from the Commissioner of Indian Affairs, repeating telegram from Capt. W. J. Nicholson, U. S. Army, acting Indian agent, San Carlos Agency, Ariz., relative to a murderous assault made by 12 or 15 soldiers upon 4 peaceful Indians belonging to said agency, and also copy of telegram from Captain Nicholson, dated 16th instant, addressed to the Department on the same subject.

Captain Nicholson reports very bad feeling between soldiers and Indians and states that negro soldiers should not remain at the agency, and that if this company is not immediately removed he fears serious trouble.

In view of the statements made by Captain Nicholson, I have the honor to suggest the advisability of removing this company from the San Carlos Reservation without delay.

Very respectfully,

THOS. RYAN,  
*Acting Secretary.*

[Inclosure No. 1.]

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, October 16, 1899.

The SECRETARY OF THE INTERIOR.

SIR: This office has the honor to repeat herewith a telegram, dated the 14th instant, received from Capt. W. J. Nicholson, U. S. Army, acting Indian agent, San Carlos Agency, Ariz., which reads as follows:

Last night 12 to 15 soldiers made murderous attack upon 4 peaceful Indians without provocation, beating them to insensibility with clubs. Very bad feeling between soldiers and Indians. If this company is not immediately removed, fear serious trouble. Doing all in my power to punish guilty parties.

The office has no information concerning this affair other than the telegram above quoted, from which it would seem that the prompt removal of the company to which the offenders belong from San Carlos is desired by the acting agent, in order to prevent serious trouble. It is therefore respectfully recommended that a copy of this letter be transmitted to the War Department, with request that such action be taken as may be deemed necessary in the premises, to the end that the threatened trouble may be averted and the guilty parties punished.

A copy of this report is inclosed herewith.

Very respectfully, your obedient servant,

A. C. TONNER,  
*Acting Commissioner.*

[Inclosure No. 2--Telegram.]

SAN CARLOS, ARIZ., *October 16, 1899.*  
(Via Holbrook, October 17.)

HON. SECRETARY OF INTERIOR DEPARTMENT,  
*Washington, D. C.:*

Saturday night 10 or 12 negro soldiers made a murderous assault on 4 sleeping Indians, beating them to insensibility with clubs. Made one arrest so far. Hope to make others. Have every confidence in me. Negro soldiers should not remain here. All quiet.

NICHOLSON, *Agent.*

ADJUTANT-GENERAL'S OFFICE,  
*Washington, October 17, 1899.*

COMMANDING GENERAL, DEPARTMENT OF THE COLORADO,  
*Denver:*

Upon telegram from acting Indian agent, San Carlos, of very bad feeling between soldiers and Indians, and that if negro soldiers are not removed he fears serious trouble, Interior Department has suggested the advisability of removing this company from the San Carlos Reservation without delay. Secretary War approves and major-general commanding suggests that D, Seventh Infantry, be sent from Fort Crook to replace C, Twenty-fifth, which might join home battalion in Texas. Secretary War would like your views at once.

H. C. CORBIN,  
*Adjutant-General.*

[Telegram.]

DENVER, COLO., *October 17, 1899.*

ADJUTANT-GENERAL,  
*Washington, D. C.:*

Already prepared to remove colored infantry from San Carlos. Troop Ninth Cavalry on route now for purpose. Perhaps white men less likely to provoke trouble. Company Seventh Infantry from Crook and Roots could go San Carlos, and infantry from San Carlos take station at Roots and Mackenzie. Should have at least two experienced officers for that plan. Preferably put whole company at

Roots and leave Mackenzie in charge quartermaster's agent for winter. Cavalry troops to remain at San Carlos till white company arrives. See also my telegram yesterday regarding Roots and Mackenzie.

MERRIAM, *Brigadier-General.*

[First indorsement.]

HEADQUARTERS OF THE ARMY,  
Washington, D. C., October 18, 1899.

The Major-General Commanding recommends as follows:

Company D, Seventh Infantry, Fort Crook, to be ordered to San Carlos, Ariz. The company of the Twenty-fifth Infantry, now at San Carlos, to be ordered to Texas, reporting by telegraph to the department commander for assignment to a station. The commanding general Department of the Missouri to send one company of the First Infantry from Fort Leavenworth, Kans., to Fort Logan H. Roots, Ark., for station, and one company of the Tenth Infantry from Fort Crook, Ariz., to Fort Mackenzie, Wyo., for station.

J. C. GILMORE,  
*Assistant Adjutant-General.*

[Second indorsement.]

ADJUTANT-GENERAL'S OFFICE,  
Washington, October 20, 1899.

Respectfully returned to the Major-General Commanding the Army to know if, in consideration of the accompanying telegram of the 19th from General Merriam, he will recommend any change from the instructions given in preceding indorsement of October 18.

JOHN A. JOHNSTON,  
*Assistant Adjutant-General.*

[Third indorsement.]

HEADQUARTERS OF THE ARMY,  
Washington, D. C., October 20, 1899.

The Major-General Commanding adheres to the recommendations contained in the first indorsement hereon.

J. C. GILMORE,  
*Assistant Adjutant-General.*

[Telegram.]

DENVER, COLO., October 18, 1899.

ADJUTANT-GENERAL,  
Washington, D. C.:

Following received: "San Carlos, 17th; just arrived; B Troop, Captain Finley, commanding, will be here to-morrow; everything seems quiet. McGregor, colonel." I suggest delay moving Seventh Infantry till McGregor's report received.

MERRIAM, *Brigadier-General.*



DEPARTMENT OF THE INTERIOR,  
Washington, October 19, 1899.

The SECRETARY OF WAR.

SIR: In connection with previous correspondence relative to the assault by soldiers upon four Indians of the San Carlos Reservation, Ariz., I have the honor to transmit herewith for your information copy of a communication of 18th instant from the Commissioner of Indian Affairs, stating that Captain Nicholson, acting Indian agent, reports under date of 17th instant that the Indians are all quiet and at work on their farms and that there will be no further trouble.

Very respectfully,

THOS. RYAN,  
*Acting Secretary.*

[Inclosure.]

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, October 18, 1899.

The SECRETARY OF THE INTERIOR.

SIR: Respectfully referring to office report to you of the 16th instant, repeating for your information a telegram dated the 14th instant, received from Capt. W. J. Nicholson, U. S. Army, acting agent of the San Carlos Agency, Ariz., relative to the murderous assault made by eight soldiers on four peaceful Indians at San Carlos, and recommending that the information be furnished the War Department for its action in the premises, I am now in receipt of a telegram dated the 17th instant, from the acting agent, which reads as follows:

Indians all quieted down and working on farms as usual. We will have no trouble. I think I can apprehend all the offenders.

It is recommended that a copy of this letter be furnished the War Department for its information and consideration in connection with office report of the 16th instant.

A copy of this communication is inclosed herewith.

Very respectfully, your obedient servant,

W. A. JONES,  
*Commissioner.*

[Telegram.]

DENVER, COLO., October 19, 1899.

ADJUTANT-GENERAL,  
Washington, D. C.:

Following just received from Colonel McGregor, San Carlos, Ariz.. "Everything quiet here. All the guilty parties in confinement and will be turned over to civil authorities for trial. Four of them have turned state's evidence." In view of above report, I recommend B Troop, Ninth Cavalry, remain at San Carlos, and C, Twenty-fifth Infantry, march to Fort Grant. Reference my letter October 12. Also renew my recommendation in telegram dated October 16 regarding Roots and Mackenzie.

MERRIAM,  
*Brigadier-General.*

WAR DEPARTMENT,  
Washington, October 20, 1899.

SIR: I have the honor to acknowledge the receipt, in connection with previous correspondence relative to the assault by soldiers upon four Indians of the San Carlos Reservation, Ariz., of your letter of the 19th instant, transmitting, for the information of this Department, copy of a communication from the Commissioner of Indian Affairs stating that Captain Nicholson, acting Indian agent, reports that the Indians are all quiet and at work on their farms, and that there will be no further trouble.

Very respectfully,

ELIHU ROOT,  
*Secretary of War.*

The SECRETARY OF THE INTERIOR.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,  
Washington, October 21, 1899.

COMMANDING GENERAL, DEPARTMENT OF COLORADO,  
*Denver:*

Orders to-day, send D, Seventh Infantry, from Fort Crook to San Carlos; the company of Twenty-fifth Infantry at San Carlos to Texas, reporting by telegraph to department commander for assignment to station; one company of First Infantry from Fort Leavenworth to Logan H. Roots, and one company Tenth Infantry from Fort Crook to Fort Mackenzie.

JOHNSTON,  
*Assistant Adjutant-General.*

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,  
Washington, October 21, 1899.

COMMANDING OFFICER, DEPARTMENT OF TEXAS,  
*San Antonio, Tex.:*

Orders to-day, send C, Twenty-fifth Infantry, now at San Carlos, Ariz., to your department, commanding officer to report to you by telegraph for assignment to station.

JOHNSTON,  
*Assistant Adjutant-General.*

WAR DEPARTMENT,  
Washington, November 4, 1899.

The SECRETARY OF THE INTERIOR.

SIR: Referring to previous correspondence in the matter of an assault by certain soldiers of the garrison at the San Carlos Agency, Ariz., upon peaceful Indians located on the reservation, and to copy furnished you on the 16th of October last of a telegram from Brigadier-General Merriam, commanding Department of the Colorado, to the effect that he had ordered Colonel McGregor, Ninth Cavalry, from

Fort Grant to San Carlos to investigate the said disturbance, I have now the honor to inclose for your information copy of a report just received from Colonel McGregor, dated October 23, 1899, communicating the result of his investigation.

Very respectfully,

ELIHU ROOT,  
*Secretary of War.*

[Inclosure.]

FORT GRANT, ARIZ. TER.,  
*October 23, 1899.*

ADJUTANT-GENERAL,  
DEPARTMENT OF THE COLORADO,  
*Denver, Colo.*

SIR: In obedience to telegraphic instructions from your headquarters of the 15th instant, ordering me to proceed to San Carlos and investigate disturbance between soldiers and Indians at that post, I left Fort Grant on the morning of the 16th, and arrived at Fort Thomas that afternoon and San Carlos the following day about 1 p. m., and immediately proceeded to make the investigation ordered, and have the honor to report as follows:

On Friday, October 13, 13 men of Company C, Twenty-fifth Infantry, after dark visited a small isolated camp toward the river from the post, and tried to get the Indians to come outside, which they declined to do, and the soldiers left and went across to the other side of the post to a small camp of Tontos. At this camp there were two Indians outside the tepees, one laying down and one Indian police talking to him. The soldiers immediately struck the policeman on the head with a club, also the Indian lying on the ground. Two Indians came running out of the tepees, and they were also struck with clubs. One of the soldiers secured the policeman's pistol.

The squaws in camp aroused the neighboring Indians and the police force, and the soldiers then dropped their clubs and ran toward the post, closely followed by a number of Indians.

About the time they arrived some person shouted fire, and fire call was sounded, so that when the officers arrived on the scene all of the company were out of their quarters and no arrests were made that night.

The Indians who followed the men returned to their camps on being assured by their agent that everything would be done to bring the guilty parties to justice.

The next day the commanding officer confined four men, but discovered later they were not the right ones. The Indians told their agent that the soldiers were led by a white man of the Hospital Corps, and when the man of the Hospital Corps and some light-colored soldiers were assembled in the office three Indians separately went in and picked out Private Morehead, Hospital Corps, and Private Welcome, Company C, Twenty-fifth Infantry, as members of the assaulting party.

Next day Private Briggs was confined, but denied being with the party, but afterwards acknowledged that he was one of them and gave the names of five other men who were present, and said there were others whose names he did not know, but that he knew the men by sight. I had the company assembled, and Private Briggs pointed out Privates Cuthbert, Owens, Trader, and Washington as being of the party that night. As the guardhouse is only a shack, and the pris-

oners were all huddled together, and I could get no information from them, I had two of them, Musician Savoy and Private Higgins, whom I suspected of being the ringleaders, taken over to the Indian guard-house and placed in separate cells.

The next day these two men were willing to tell what they knew of the affair, and I had their affidavits taken, which are inclosed and marked A and B. From these affidavits and that of Private Briggs, also inclosed, it will be seen that they all name the same men, and I am satisfied these and no others constituted the party.

Private Young also acknowledged to the commanding officer and myself that he was present and named the same parties, but each and every one emphatically denied that Private Morehead, of the Hospital Corps, was with them or that they saw him on the night in question, which shows that no reliance can be placed on the testimony of the Indians.

The deputy United States marshal went to Globe on Thursday, the 19th instant, and returned with warrants for the 13 men mentioned in the affidavits on Friday, the 20th instant, when they were turned over to him, and he left with them for Globe that afternoon.

It seems that for some time past men of Company C, Twenty-fifth Infantry, have been in the habit of visiting some of the Indian camps and making improper proposals to squaws, of which the Indians complained, and orders were given for the men to keep away, and the Indian police were given orders to arrest any men found in their camps. Two men were arrested some time ago and were tried by summary court, and I have no doubt this raid was deliberately planned to get revenge on some of the police.

When I visited the Indians, the day after my arrival at San Carlos, they had gone to their respective work and expressed themselves as perfectly satisfied that everything was being done to bring the guilty parties to justice.

With the exception of neglecting to inform the commanding officer of Fort Grant of the trouble, which might have been a serious matter if an outbreak had taken place, the commanding officer of San Carlos seems to have handled the affair very satisfactorily.

I left San Carlos on the 21st and arrived at this post on the 22d instant.

Very respectfully,

THOS. MCGREGOR,  
*Colonel Ninth Cavalry.*

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,  
*Denver, Colo., October 30, 1899.*

Respectfully forwarded to the Adjutant-General of the Army for information of the honorable Secretary of War.

The prompt and efficient action of Colonel McGregor, under instructions from these headquarters, appears to have allayed all cause of complaint and all danger of further disorder.

In view of the results, I regret the transfer of the offending company to a choice station at this time.

I hope action may be taken on my letter dated October 12, 1899, asking what shall be the official relation between San Carlos and Fort Grant.

H. C. MERRIAM,  
*Brigadier-General, Commanding.*

[Subinclosures.]

## A.

TERRITORY OF ARIZONA, *Post of San Carlos, Ariz. Ter.:*

Personally appeared before me Private John Higgins, Company C, Twenty-fifth Infantry, who being duly sworn, deposes and says that on Friday night, October 13, 1899, he was one of a party of men who left the post and went among several Indian camps, in one of which some members of the party assaulted the Indians. He further says that Private George Young, Company C, Twenty-fifth Infantry, was the apparent leader of the party, or the one who asked him to join the party, and that said Young was the only man he saw strike an Indian. The following men formed the party: Musician Sevoy, Privates Briggs, Atkins, Brown, Cuthbert, Green, Higgins, Owens, Washington, Trador, Young, Price, and Sims. The following man carried a pistol: Private Trador. The following men were seen with clubs: Privates Green, Young, and Atkins.

JOHN HIGGINS,  
*Private, Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me, at San Carlos, Ariz. Ter., this 18th day of October, 1899.

G. D. ARROWSMITH,  
*First Lieutenant, Twenty-fifth Infantry,  
Summary Court Officer.*

## B.

TERRITORY OF ARIZONA, *Post of San Carlos:*

Personally appeared before me, Musician John Sevoy, Company C, Twenty-fifth Infantry, who being duly sworn, deposes and says that on Friday night, October 13, 1899, he was one of a party of men who left the post and went among several Indian camps, in one of which some members of the party assaulted the Indians. He further says that Private John Cuthbert, Company C, Twenty-fifth Infantry, was the apparent leader of the party, or the one who asked him to join the party. He further says that Private Young, Company C, Twenty-fifth Infantry, was the only man he saw strike an Indian, and that said Young also took a pistol from one of the Indians. The following men were of the party: Privates Cuthbert, Young, Briggs, Price, Atkins, Washington, Brown, Green, Higgins, Owens, Trador, Sims, and Musician Sevoy. The following men carried pistols: Privates Trador and Owens. The following men carried clubs: Privates Cuthbert, Young, Briggs, Sims, Green, Price, Atkins, Washington, and Brown.

JOHN SEVOY,  
*Musician, Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me, at San Carlos, Ariz. Ter., this 18th day of October, 1899.

G. D. ARROWSMITH,  
*First Lieutenant, Twenty-fifth Infantry,  
Summary Court Officer.*

## C.

TERRITORY OF ARIZONA, *Post of San Carlos:*

Personally appeared before me, Private Aby Briggs, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says: That on Friday night, October 13, 1899, he was asked by Musician John Sevoy, Company C, Twenty-fifth Infantry, to join a party going among some Indian camps. He joined said party, Sevoy being the apparent leader, and was with the party when the assault was made on an Indian camp, and that he saw Privates Young and Atkins hit some Indians. Young exclaiming before he struck, "Here is the damn son of a bitch we are after," or words to that effect. The following men were of the party: Musician Sevoy, Privates Briggs, Atkins, Brown, Cuthbert, Green, Higgins, Owens, Washington, Trador, Young, Price, and Sims. The following men were carrying clubs: Musician Sevoy, Privates Atkins and Briggs.

ABY BRIGGS,  
*Private, Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at San Carlos, Ariz., this 18th day of October, 1899.

G. D. ARROWSMITH,  
*First Lieutenant, Twenty-fifth Infantry,*  
*Summary Court Officer.*

## D.

TERRITORY OF ARIZONA, *Post of San Carlos:*

Personally appeared before me, Private George W. McMurray, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says: That on Friday night, October 13, 1899, he was awakened by some one knocking at the door and he got out of bed, opened the door, and saw several Indians who exclaimed, "Man, man." They soon left and he then noticed behind the door a man who proved to be Private Briggs, Company C, Twenty-fifth Infantry, who, when questioned, admitted that he had been chased by Indians and that during the chase an Indian caught him by the collar, but he (Briggs) immediately knocked him down. He also made the remark "we have been fighting like the devil," or words to that effect. He also said that Musician Sevoy, Privates Sims, Young, and others were with him in that fight, or words to that effect.

GEORGE W. McMURRAY,  
*Private, Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before [me] at San Carlos, Ariz., this 18th day of October, 1899.

G. D. ARROWSMITH,  
*First Lieutenant, Twenty-fifth Infantry,*  
*Summary Court Officer.*

## E.

TERRITORY OF ARIZONA, *Post of San Carlos:*

Personally appeared before me, Cook Reuben Lewis, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says that on Saturday morning, October 14, 1899, about 5.30 o'clock a. m.,

Private Briggs, Company C, Twenty-fifth Infantry, came into the company kitchen and made the following remarks:

"Lewis, there was a terrible stir last night and they like to got me;" or words to that effect. During the conversation that followed he said that he, Musician Sevoy, Privates Sims, Counts, Young, and others had taken part in the disturbance the previous evening.

REUBEN LEWIS,  
*Cook, Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at San Carlos, A. T., this 18th day of October, 1899.

G. D. ARROWSMITH,  
*First Lieut., Twenty-fifth Infantry,*  
*Summary Court.*

F.

TERRITORY OF ARIZONA, *Post of San Carlos:*

Personally appeared before me, Private George H. Smith, Hospital Corps, U. S. Army, who, being duly sworn, deposes and says that on Friday afternoon, October 13, 1899, Musician Sevoy, Company C, Twenty-fifth Infantry, did say, "Smith, there is going to be trouble to-night;" or words to that effect.

GEORGE H. SMITH,  
*Private, Hospital Corps, U. S. Army.*

Sworn to and subscribed before me at San Carlos, A. T., this 18th day of October, 1899.

G. D. ARROWSMITH,  
*First Lieut., Twenty-fifth Infantry,*  
*Summary Court.*

G.

TERRITORY OF ARIZONA, *Post of San Carlos:*

Personally appeared before me Private Erasmus T. Dabbs, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says that on Friday night, October 13, 1899, he was awakened by some one knocking at the door and he got out of bed, went to the door, and saw several Indians who exclaimed, "Man, man;" they soon left and he then noticed behind the door a man who proved to be Private Briggs, Company C, Twenty-fifth Infantry, who he heard say to Private McMurray, "I will tell you later."

ERASMUS T. DABBS,  
*Private, Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at San Carlos, A. T., this 18th day of October, 1899.

G. D. ARROWSMITH,  
*First Lieutenant, Twenty-fifth Infantry, Summary Court.*

[Telegram.]

SAN ANTONIO, TEX., November 12, 1899.

ADJUTANT-GENERAL,

*War Department, Washington, D. C.:*

Report arrival of Company C, Twenty-fifth Infantry, one hundred enlisted men, Captain C. L. Hodges, First Lieutenant G. D. Arrow-smith, 8 p. m., November eleventh.

HODGES, *Commanding*

## AFFAIR AT EL PASO, TEX., FEBRUARY 16-17, 1900.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, February 21, 1900.*

The ADJUTANT-GENERAL, U. S. ARMY,  
*Washington, D. C.*

SIR: I have the honor to furnish herewith, for the information of the Department, the following report received from the commanding officer, Fort Bliss, Tex., on the recent disturbance at El Paso, Tex.

FORT BLISS, TEX., *February 19, 1900.*

ADJUTANT-GENERAL DEPARTMENT OF TEXAS,  
*San Antonio, Tex.*

SIR: I have the honor to report that some time during the night of 16th to 17th instant a number of men of Company A, Twenty-fifth Infantry, took rifles from the arms racks and went to the city jail of El Paso, Tex., where two soldiers were held for trial by the city authorities on charge of drunk and disorderly, fired into the city jail, killing one policeman on duty there. Corp. James W. Hull, Company A, Twenty-fifth Infantry, was killed. The noncommissioned officer in charge of barracks permitted the keys of the arms racks to get out of his possession. It is believed now that he was one of the party.

As soon as I learned of the outrage (7 o'clock the 17th), the whereabouts of every man was ascertained, the arms and all ammunition were secured and placed under lock and key, and every precaution taken to prevent any soldier leaving the limits of the post.

It is needless to say that I am doing everything in my power to find the guilty parties. Believe I have the leader.

The civil authorities, both city and county, have been very courteous and considerate, and have accepted my assurances that I will do all in my power to bring the guilty parties to justice. I will report by wire whenever necessary.

Very respectfully,

R. H. R. LOUGHBOROUGH,  
*Captain, Twenty-fifth Infantry, Commanding.*

Very respectfully,

CHAMBERS McKIBBEN,  
*Colonel Twelfth Infantry, Commanding.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, March 1, 1900.*

The ADJUTANT-GENERAL, UNITED STATES ARMY,  
*Washington, D. C.*

SIR: I forward herewith report of the investigation of the recent troubles at El Paso, Tex., made by Lieutenant-Colonel Roberts, acting adjutant-general of the department, to which attention is respectfully invited.



There seems to have been no indications from which any disorder of the kind could have been anticipated and certainly no excuse for the assault on the jail which resulted so unfortunately, and it is also probable that the parties connected with it had no intention of adding murder to the crime of assault.

The incident, however, shows that at all posts in this department garrisoned by single companies of colored soldiers similar disturbances are liable to occur without warning, due to fancied wrongs and the effort to take matters into their own hands. In the present instance there can be no possible excuse offered, and it can not even be suggested that the arrest of Corporal Dyson was not warranted.

The incident also emphasizes the need for a full complement of officers at all one (1) company posts. One officer can not alone properly and efficiently administer the affairs at these posts and at the same time pay the attention to the instruction and discipline of their companies, consisting so largely of recruits, with noncommissioned officers of comparatively short service and insufficient experience, which is absolutely necessary.

Captain Loughborough is an officer of great experience, and one of the most conscientious and efficient officers in the Army, but the nature and scope of his duties prevent his being so closely in touch with his men as is essential to best results with this class of troops, which, unquestionably, requires stricter discipline and more constant oversight than white troops. This is largely due to the fact that since the increase in size of the companies recruits have been largely drawn from sections where colored men have less independence of character and freedom from control, and less care has been taken in their selection.

There is, unquestionably, a very strong prejudice throughout all the old slave States against colored troops, and this is quite a separate feeling from the ordinary race prejudice which is, perhaps, less at El Paso than at other border towns in this department. A colored man in uniform represents authority, and this idea suggests superiority, which is bitterly resented. It is not because the colored soldier is disorderly,—for, as the rule, they behave better than white soldiers, and, even when drunk, are less troublesome to manage—but because they are soldiers.

Regiments of colored troops have been organized in accordance with acts of Congress and are part of the military establishment, and it can not be expected that the Government of the United States shall accept dictation in deciding upon the use to be made of them or their stations.

In this connection I desire to call attention to the statement in Lieutenant-Colonel Roberts' report with reference to the published article in an El Paso newspaper giving an alleged interview with Hon. Moses Dillon, United States collector of customs. This is not the only occasion which has come to my knowledge in which expressions of this kind have been indulged in by Federal officials. While it is impossible to protect colored soldiers from insults from the hoodlum class or from unjust discrimination in border towns where the right of drunken cowboys and other white men to "shoot up the town" upon occasions is tacitly recognized, it is submitted that the Government is entitled to expect that the utterances of Federal officials should tend to allay, rather than to intensify, local excitement and

prejudice, and especially when they are, presumably, politically in sympathy with the present Administration.

It is to be regretted that it is impossible to fix responsibility more definitely upon the participants, but it is believed that the investigation which is being conducted will eventually disclose all the guilty parties.

The precautions taken by Captain Loughborough to prevent further disturbance seem to be all that are possible.

Very respectfully,

CHAMBERS MCKIBBIN,  
*Colonel Twelfth Infantry, Commanding.*

(Inclosure.)

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, February 28, 1900.*

The ADJUTANT-GENERAL, DEPARTMENT OF TEXAS.

SIR: In compliance with the instructions of the department commander, I have to report that I proceeded on the 20th instant to Fort Bliss, Tex., to investigate the recent troubles at that post, returning yesterday.

I have to report as follows:

That during the night of February 16-17 Sergt. John Kipper, Corpl. Samuel E. Dyson, and Privates Davis and Wright, all of Company A, Twenty-fifth Infantry, were on pass in the city of El Paso. It appears that Corporal Dyson became more or less intoxicated, and about 1.30 a. m., February 17, was arrested by the police and confined in the city jail. Sergeant Kipper, with Privates Davis and Wright, went to the jail and endeavored to obtain Dyson's release by giving bail or paying a fine, but were informed it was too late, that the official who had authority to accept bail had gone home, and that the men could not be released before morning.

Sergeant Kipper and party then left the jail, and, it is presumed, returned to the post. At about 2.30 a. m. he was seen riding into the post on a bicycle by the sentry on the road leading to El Paso. At about 3 a. m. Private Harris says Sergeant Kipper came into his squad room, went to his bunk, awakened him, and told him to come with him and get Corporal Dyson out of jail. He also at the same time pulled the blanket from over Private Coffey's face and lighted a match. Private Coffey recognized Sergeant Kipper, who did not speak, but went to Harris' bunk. Coffey heard Kipper ask Harris to go with him to get Dyson out of jail, and Harris' reply, "I am sick, and won't go with you."

The noncommissioned officer in charge of quarters was Corpl. Gardner Davis, who says that after taking check roll call at 11 p. m. he went to bed and had the keys of the gun racks under his head; that some time in the night they were removed without disturbing him. It appears that two arm racks were unlocked and 8 rifles taken out; also that 2 of the fire axes from the rack outside the company quarters were taken.

The night force on duty at the city jail consisted of a mounted policeman named Newton Stewart, and the jailer, "Dick" Blacker, who says that about 5 o'clock a. m. he was awakened by shots, and that he saw one man in the door of his room who fired at him; that he

returned the fire and then jumped out of the window. He saw only the one man and can not recognize him—indeed, was so much frightened that it is doubtful if he saw any one or not. A number of men from the engine room next door, alarmed by the firing, rushed in and found the policeman, Stewart, unconscious. He died about 7 a. m. without regaining consciousness. The firemen followed a trail of blood leading from the police station about 150 yards and found the dead body of Corpl. James H. Hall, with his rifle by his side. The keys of the arm racks which had been opened were found in his pockets.

So far as can be learned, the only person other than the jailer, Blacker, who saw anything of the party was a man named Stoltz, who says that about 5 a. m. he saw a party of about ten or twelve soldiers; that though he did not observe them closely, he noticed that each had a rifle and one had an axe, and that they turned down the street toward the jail. He heard no words. He was on his bicycle hurrying to his work at Nation's meat market, and can not identify any of them.

The following-named men, against whom circumstances point most strongly, were on the 22d instant turned over to the civil authorities, and are now confined in the county jail at El Pas (sic), viz, Sergt. John Kipper, Corpl. Wm. Powell, and Private Leroy Roberts. The circumstances which indicate the complicity of these men are as follows: Sergt. John Kipper, in addition to circumstances narrated above, was seen by members of the Hospital Corps just before reveille on the morning in question, in company with another man in the chaparral in the act of pulling off a pair of canvas trousers, and, shortly afterwards, the musician of the guard saw Private Leroy Roberts coming into the garrison from the east side, followed a few minutes later by Sergeant Kipper. A canvas suit with Sergeant Kipper's name inside the trousers was found concealed in a tile pipe in rear of the bakery. In one of the squad rooms of the vacant barracks two rifles and two suits of canvas clothing were found and Corporal Powell's name was on one of the coats.

In addition to the three rifles above, one was found in the chaparral near the hospital, one was brought in by a civilian, and one was found a short distance from the city jail, making six in all, leaving two missing.

In addition to the three men turned over to the civil authorities, the following are held in confinement at the post under suspicion: Corporal Gardner Davis, who was noncommissioned officer in charge of quarters on the night in question; Privates Davis and Wright, who visited the jail with Sergeant Kipper, and Private Elmore Sears. There are also two or three others under surveillance as suspects, though there is so far nothing tangible connecting them with the occurrence.

On the morning of July 23 Corporal McElroy, noncommissioned officer of the guard, deserted after posting the 7 a. m. relief, taking his arms and equipment, which were shortly afterwards found near the post. This man had been suspected, but as there was no implicating evidence against him he had not been arrested.

The above is practically all that has been discovered with reference to the affair up to this time. The information is far from satisfactory, but it is believed within a few days other circumstances will be discovered which will weave a mesh of evidence around the guilty parties.

I remained at Fort Bliss until the afternoon of the 23d. I made no independent investigations, believing it better not to interfere with Captain Loughborough and the civil authorities, who are working in thorough harmony. I had interviews with the mayor of the city, the sheriff of the county, the district attorney, and many prominent citizens. All spoke in high praise of Captain Loughborough, and all expressed perfect confidence in his discretion and good faith.

I was assured by all that there was absolutely no danger of lynch violence, of which I felt some anxiety on account of the excited condition of the community.

The grand jury which will investigate the case meets in April, by which time the matter can be examined into more temperately. The district attorney assured me that an absolutely fair trial shall be had and that no conviction shall be found without adequate and unquestioned evidence of guilt.

As the matter stands at present, although circumstances strongly connect Sergeant Kipper with the crime, in the cases of the other men it is weaker, and in none of the cases is there evidence which, in my judgment, would justify conviction. It will probably be necessary to use one or more of the participants as witnesses for the State.

It appears proper in this report to call attention to the existence at El Paso, as well as in all border towns in the State, of a feeling of hostility, or prejudice, to say the least, against colored men in *uniform*. I doubt if this obtains, at least in El Paso, to the same extent as at Laredo and Rjo Grande City, as a race prejudice, as negroes are largely employed as servants or laborers, but against colored men as soldiers the feeling is, perhaps, even stronger. Soldiers from the post are arrested for infractions of police regulations, or when intoxicated, or in the least degree noisy or disorderly, when white men committing the same offenses are not interfered with. It is an unpleasant subject to mention, but it is unquestionably true, that a negro soldier in uniform is frequently subjected to insult, though behaving with perfect propriety, for no other reason than his color. It is impossible to ignore this fact, and so long as colored soldiers are stationed in these border towns there will be troubles of one kind or another, which no care or vigilance on the part of officers can prevent.

The discipline at Fort Bliss may be classed as excellent. Captain Loughborough is an exceedingly conscientious and efficient officer, and yet this trouble occurred and will perhaps occur again when least expected at some other point, and human foresight can not guard against it.

Since the occurrences of the morning of the 17th instant, I am pleased to be able to say that the reports in the newspapers at El Paso on the troubles, and the editorial comments thereon, have been studiously conservative, and their tendency has been to allay and quiet excitement. (Really the most radical published statement I have been able to find is by the United States collector of customs at El Paso, as follows: "We must get those negroes out of here; they are simply breeders of trouble. The negro is the same wherever you find him. Put him into uniform and he thinks he can run things to suit himself.")

As bearing on the conduct of the men of Company A, Twenty-fifth Infantry, since Captain Loughborough has been in command of Fort Bliss, June 11, 1899, a period of more than eight months, the records show that 13 different men have been arrested by the police in the city of El Paso; 94 men of the company have never been arrested. When it is considered that over fifty of the men of longest service in company have been drafted for service in the Philippines, and more than fifty have less than one year's service, I think it may be said that the record of the company is excellent and, under the conditions obtaining, more than creditable.

The precautions taken to prevent further trouble seem to be all that are possible. All arms are securely locked in arm racks; all ammunition has been taken from the men and locked up in company store rooms, and all the keys kept in the personal possession of the company commander. Only 10 cartridges are issued to the guard, 5 to sentinels and 5 to noncommissioned officer on duty, turned over each morning by the commanding officer. On an average, four check rolls are had each night between call to quarters and reveille.

In closing this report I deem it my duty to urge that every effort be made to obtain for all companies of colored troops at least two officers. In the department there are five posts garrisoned by a single company each, and at each post there is but a single officer, who, besides his duties as commanding officer, must perform all the duties of the different staff departments. When it is considered that all the companies are full, over 100 men each, composed largely of recruits, and many of them selected with less than usual care, it must be evident that, even with the most conscientious and careful attention, it is impossible to maintain the constant oversight necessary to insure best results.

Very respectfully,

C. S. ROBERTS,  
*Lieutenant-Colonel, Thirteenth Infantry.*

FORT BLISS, TEX.,  
*March 2, 1900.*

ADJUTANT-GENERAL, DEPARTMENT OF TEXAS,  
*San Antonio, Tex.*

SIR: I have the honor to report that between 4 and 5 o'clock on the morning of February 17, 1900, a party of 9 enlisted men of Company A, Twenty-fifth Infantry, with rifles and axes made an attack on the city jail of El Paso, Tex., where two soldiers of that company were confined on charge of drunk and disorderly. Corporal James W. Hull, Company A, Twenty-fifth Infantry, was killed; also one of the city police on duty at the jail.

The first information I had of this was when two police officers arrived at the post about 7.30 a. m., but they could not give any information of the affair further than a party of soldiers with army rifles had fired into the jail some time that morning, that army guns were used, as they had two which had been left by some of the party in their hasty flight. Corporal Hull and Private William H. Davis were absent from reveille. The latter reported about ten minutes after it. Immediately all arms and ammunition were placed under lock and key, and every precaution taken to prevent any soldier

leaving the post. Investigation was instituted at once to find the guilty men. The company arms racks were examined. Two were open and 8 rifles were missing. Corpl. Gardner Davis, the non-commissioned officer in charge of quarters, was questioned, and stated that the keys of the racks had been taken from under his pillow during the night while he was asleep. Subsequently he stated that they were taken from the pocket of his trousers, which were on a chair by the side of his bunk.

The men on the pass list were examined. Sergeant Kipper, when questioned, stated that he had been in El Paso until about half past 1 o'clock that morning, when he returned to the post with Privates Wright and Davis. Private Wright stated that he was in the city until about half past 1 o'clock with Sergeant Kipper, Corporal Dyson, and Private Davis, and that they were just leaving town when Corporal Dyson was arrested by the city police and taken to jail; that he came on to the post, passing the sentinel at the foot of the hill about 3 o'clock. The sentinel stated that Sergeant Kipper passed about 2.30 a. m., going into the post, riding a bicycle, and that Wright passed about half an hour later, and that he did not see them after that. During the day there were rumors that certain men had been seen coming into the post just before reveille, in brown canvas uniform, and that Sergeant Kipper and Private Roberts were seen taking off their brown canvas clothing just outside the post. Both were immediately arrested. Two days later Corporal Powell's name was discovered on the inside of the sleeve of one of the two canvas suits, with two rifles, found in the vacant barracks, and he was arrested.

Sergeant Kipper, Corporal Powell, and Private Roberts were turned over to the civil authorities on the 22d ultimo.

At 7 o'clock a. m. February 23, Corporal George O. McElroy left the guardhouse to post the relief at the foot of the hill and has not been seen here since. The sentinel says that after the corporal posted him he started up the hill toward the post, saying, "I am going by the hospital to get some medicine," and that he did not see him again. McElroy's rifle, belt, and gloves were found that day a short distance from the sentinel's post.

Information necessary to proceed with the investigation was very meager, though every clue was followed. There was nothing but circumstantial evidence, and in some cases this was not entirely convincing. Several suspects were arrested, but afterwards released for lack of tangible evidence except two, who subsequently proved to be the right men.

On the evening of February 28 Private James W. Durand, Company A, Twenty-fifth Infantry (who had previously given me some valuable information), told me that he knew Corporal Powell very well; that he was sure he was guilty, but if he could be promised protection he believed he would tell all he knew, and if I desired he would write to him and advise him to do so. I communicated with the sheriff (Corporal Powell being in his custody); who came out next morning and approved the plan. Durand wrote the letter, gave it to me to read, and I gave it to the sheriff, who started at once for El Paso, returning in the afternoon with a sealed note from Corporal Powell giving the names of the men in the party and a message from Powell

that if I would come to the jail he would tell me all. I went immediately to the county jail in El Paso, and, in company with the sheriff, to the cell where Corporal Powell was confined.

The sheriff then warned Corporal Powell that any statement he might make must be voluntary, and that it could be used as evidence for or against him; that if he told the truth, the whole truth, and nothing but the truth, he would be protected. Corporal Powell then said he would tell everything he knew; that he would not add anything, nor leave out anything. He then related the following story: "About 3 o'clock on the morning of February 17, 1900, Sergeant John Kipper came to my bunk in the company quarters and woke me up and said: 'Corporal Dysen is in jail, and I want you to come and go with me to get him out. The gun rack is unlocked, and you get a gun.' At the same time he woke up Corporal McElroy and told him the same thing. McElroy and myself got up and dressed, putting on our canvas uniform over the blue one, went down stairs to the back porch of the barracks, and there found Sergeant Kipper, Corporal Hull, Privates Roberts, Elazer, Carroll, Wright, and Davis. All had rifles, and McElroy and Elazer each carried an ax besides his gun. Sergeant Kipper was directing the whole thing.

"We then started for town, going in rear of the mess hall and vacant barracks, watching all the time to avoid being seen by the sentinel; passed in front of the hospital and kept to the left, to avoid being seen by the sentinel at the foot of the hill, and struck the main road this side of the powder houses, keeping on it until near town, when we saw a buggy coming down the road. Eight of us then moved to the right in the bushes, and Sergeant Kipper went alone to the left of the road. We met again on Myrtle avenue, just at the edge of town, and went straight to the jail. When we got near there Sergeant Kipper told each man what to do. Corporal Hull, Corporal McElroy, and Carroll rushed for the jail door, which was opened, and Corporal Hull called out: 'Give up those prisoners!' Two shots were fired right away, and Corporal Hull ran out leaning forward, and I saw he was hit. Other shots were fired immediately after. Corporal Hull was shot by the man just inside the door, and I think Hull shot him. If Hull did not kill him, McElroy or Carroll did. The first two shots were so close together that I could not tell which fired first. That was my gun and Carroll's found in the vacant barracks. We all ran and came back to the post. Sergeant Kipper had the keys of the gun racks and gave them to Corporal Hull on the way into town. I asked Sergeant Kipper how he got the keys of the gun racks, and he said: 'Out of Corporal Davis' pocket.'"

Corporal Powell's story is borne out by circumstances, and I believe is correct in every detail.

The following are the names of the men he gives as being in the party, viz:

Sergeant John Kipper, Corporal George O. McElroy, Private Leroy Roberts, Private William H. Davis, Private Boyer Wright, Corporal James W. Hull, Corporal William Powell, Private Benjamin F. Carroll, and Private Joel Elazer.

All of the above have been turned over to the civil authorities except Corporal McElroy, deserted, and Hull, deceased.

Corporal Powell declares that he has given the name of every one in the party or that, to his knowledge, knows anything about it.

As stated, eight rifles were missing from the arms racks when inventory was taken on the morning of the 17th; since I have found that Sergeant Kipper returned the rifle he had to the barracks just before reveille, hiding it between the mattress and springs of one of the bunks.

In conclusion, I beg to say that I am very much indebted to Mr. James H. Boone, the sheriff of El Paso County, for his courtesy and patience throughout the investigation, and especially for many suggestions which proved of great assistance. Mr. Boone is an old and capable officer.

I beg also to give the names of enlisted men of this command who have been loyal and faithful, voluntarily coming to me with information, without which it would have been much more difficult, if not impossible, to have apprehended the guilty. They are—

Post Quartermaster-Sergeant James L. Douglass, U. S. Army.  
 First Sergeant George Williams, Company A, Twenty-fifth Infantry.  
 Sergeant Hill Conwell, Company A, Twenty-fifth Infantry.  
 Sergeant David Jordan, Company A, Twenty-fifth Infantry.  
 Sergeant Tolbert Parks, Company A, Twenty-fifth Infantry.  
 Corporal James H. Pergan, Company A, Twenty-fifth Infantry.  
 Corporal Washington C. Holly, Company A, Twenty-fifth Infantry.  
 Corporal James Beckwith, Company A, Twenty-fifth Infantry.  
 Corporal Abram Martin, Company A, Twenty-fifth Infantry.  
 Cook Button Mitchell, Company A, Twenty-fifth Infantry.  
 Private James W. Durand, Company A, Twenty-fifth Infantry.

All the above soldiers have to their credit from eight to nearly thirty years of service.

Very respectfully,

R. H. R. LOUGHBOROUGH,  
*Captain, Twenty-fifth Infantry, Commanding.*

[Indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, March 8, 1900.*

Respectfully forwarded to the Adjutant-General of the Army for file in connection with report of Lieutenant-Colonel Roberts, Acting Adjutant-General of the Department, of the 28th ultimo, on the recent disturbance at Fort Bliss, Tex., forwarded by me on the 1st instant, and telegram on same subject from these headquarters of the 2nd instant.

CHAMBERS McKIBBIN,  
*Colonel Twelfth Infantry, Commanding.*

FORT SAM HOUSTON, TEX., *March 2, 1900.*

ADJUTANT-GENERAL,  
*Washington, D. C.:*

Following telegram received from Fort Bliss:

Have all the guilty and evidence to convict them, except McElroy, who deserted. Corporal Powell confessed.

LOUGHBOROUGH, *Commanding.*

Please file this with my report mailed yesterday.

McKIBBIN, *Commanding.*



## AFFAIR NEAR FORT NIOBRARA, NEBR., OCTOBER 29-30, 1904.

[On October 29-30, 1904, the garrison of Fort Niobrara, Nebr., consisted of Company K, Eleventh Infantry, and Companies A, B, C, D, I, K, L, and M, Twenty-fifth Infantry.

The hospital records of the post show that Private Isaiah Raynor, Company B, Twenty-fifth Infantry, was admitted October 30, 1904, with a contused and lacerated wound received in a brawl at a house of ill fame near Fort Niobrara, Nebr., October 29, 1904, and that Lulu Johnson, civilian (colored), was admitted November 1, 1904, with gunshot wound "received at the hands of some party or parties unknown at a house of ill repute near Fort Niobrara, Nebr., October 31, 1904;" died November 3, 1904; also, that Raymond J. Smith, civilian (Indian), was admitted November 1, 1904, with gunshot wound received at the hands of some party or parties unknown at a house of ill repute near Fort Niobrara, Nebr., October 31, 1904. Left hospital January 20, 1905. The only additional data bearing on the subject that have been found on the files of the War Department follow.--M. S. O.]

FORT NIOBRARA, NEBR.,  
October 30, 1904.

The ADJUTANT,  
Fort Niobrara, Nebr.

SIR: I have the honor to inform you that about 12.30 o'clock this morning I heard several shots fired, the sound coming from the direction of Stratton's ranch.

I was at this time on duty as officer of the day, and a few minutes later the sergeant of the guard reported to me that a man of the hospital corps wanted an order to get the ambulance out of the corral. I sent this order over, and then a little later sent an order to the sergeant of the guard to put on a patrol near the chapel with orders to arrest and turn over to the corporal of the guard all enlisted men approaching his post.

Later I learned that it was thought the shooting was done with the service rifles. This was about 2.30 a. m. I then ordered a check to be taken in each organization of both men and rifles, and all (men and rifles) were reported "present or accounted for" except two men of the band and one private of Company K, Eleventh Infantry, who were reported absent.

At the regular 11 o'clock p. m. inspection there was one noncommissioned officer, Company K, Eleventh Infantry, and one private, Company M, Twenty-fifth Infantry, absent.

I inspected the barracks at 2.30 a. m. and found all gun racks locked, and the noncommissioned officers all reported they had been locked immediately after supper.

Very respectfully,

NED. M. GREEN,  
First Lieutenant, Twenty-fifth Infantry.

SURGEON'S OFFICE, POST HOSPITAL,  
Fort Niobrara, Nebr., October 31, 1904.

The ADJUTANT,  
Fort Niobrara, Nebr.

SIR: I have the honor to request authority to admit to this hospital for treatment two civilian patients, a man and a woman, who were seriously wounded Saturday evening, October 29, 1904, and who require hospital treatment, without which their chances for recovery will be very small.

It is respectfully requested that this office be informed as soon as practicable of the decision of the commanding officer in the matter.

Very respectfully,

R. S. PORTER,  
Captain and Assistant Surgeon, U. S. Army, Surgeon.

[Indorsement.]

FORT NIOBRARA, NEBR.,  
October 31, 1904.

Respectfully returned to the surgeon, approved.  
By order of Colonel Hoyt:

M. D. CRONIN,  
Captain and Adjutant, Twenty-fifth Infantry, Adjutant.

[From New York Tribune of December 4, 1906.]

*The Twenty-fifth at Fort Niobrara—Conduct of the negro soldiers when stationed in Nebraska.*

TO THE EDITOR OF THE TRIBUNE.

SIR: Could the persons, even the negro ministers and others, who are holding mass meetings denouncing President Roosevelt's action in dismissing from the service the entire enlisted strength of the three companies of the Twenty-fifth United States Infantry which were stationed at Fort Brown on the night that Brownsville, Tex., was "shot up" have had the opportunity of knowing those troops better, the chances are they would not be so severe in their criticism of the President's action.

Two battalions (eight companies) of that regiment came to Fort Niobrara for station directly from the Philippines in 1902. They remained at that post continually until its abandonment, in July last, when, in leaving, they were assigned to stations in Texas. Valentine, 4½ miles distant, is the railway station where all the post's business was transacted, and, having a population of about 1,200, it sustained very much the same relation to Fort Niobrara as Brownsville does to Fort Brown, Tex. Consequently they were in and out of town constantly, singly or in numbers, trading, loafing, or attending errands, and it is said by our citizens, rightly, that they were well behaved, and no citizen not looking for it had the least excuse for getting into trouble with any one of them.

However, among themselves and with their camp followers, principally discharged soldiers from the negro regiment, a part at least were terrors and in their brawls seemed to place no more value upon

a human life than though the taking of the same were a mere incident in their purpose of destruction. In the dance halls and resorts, which followed them into the country and went out of business and left immediately on the departure of the troops, they would fight like demons and the records of our district court have been loaded down with criminal cases due to these fights, with a goodly number of participants in the State penitentiary, to say nothing of the number punished by military courts-martial. Bearing particularly on the phase which brought about the wholesale dismissal a somewhat similar case might be recited:

A discharged soldier from one of the negro regiments named Stratton kept a rooming and dance house on a tract of land about 1½ miles from Fort Niobrara. On the night of October 29, 1904, about midnight, while the usual dance was in progress, a team hauling a spring wagon, with four occupants, drove up in front of the door and one of the inmates, called Lulu Johnson, came out of the house to the wagon. Immediately shots rang out, apparently fired at the wagon, but from a point that each must take effect there or pass into, and in some instances through, the dance hall, which was very well filled with dancers.

When the firing ceased it was found that Turnbull, the driver, was shot through the arm; Raymond Smith, an occupant, through the body; Lulu Johnson, through the breast, near the heart; one horse killed and the other wounded. Inside the building a stove had been hit and shattered, the bar shot up somewhat, but miraculously no person hurt, although there were any number of close calls. Coincidentally, two men in khaki were seen, with guns across their shoulders, starting toward Fort Niobrara. Next morning 16 empty Krag-Jorgensen shells were found on the ground at the point where the firing seemed to come from and the location the two men were seen leaving. The wounded were taken to the Fort Niobrara hospital, where the Johnson woman died the next day; Turnbull recovered promptly, and Smith finally.

The shooting, having been committed off the reservation, came under the jurisdiction of the civil authorities. Consequently the sheriff and coroner were notified, a coroner's jury was empanelled, and a post mortem held at Post Hospital, which resulted in determining that from the character of the wound it was made by a Krag-Jorgensen. The murder appearing so wanton and cold blooded, extraordinary efforts were put forth to try to locate the guilty ones. Persons who were thought by their associations to be on terms of intimacy with the soldiers were looked to to secure the information, and Colonel Hoyt, commanding the regiment, assigned Lieutenants Mapes and Wiegenstein for special duty to run down the guilty ones, if possible.

The officers, in fact, were particularly anxious to apprehend and deliver the culprits to the civil authorities. However, although that shooting was done on a clear bright night by two persons seen in the act or immediately thereafter, not the slightest trace has to this day been discovered in the direction of either apprehending the guilty parties or of learning the motive. It was said that although numbers of the enlisted men might have full knowledge of men and motive, no one would dare to divulge the same for fear of his own life.

Although the murdered one was of their own color and without character, the act was no less a crime than the like one which followed it in Brownsville, and only emphasizes the necessity of some form of salutary punishment. While the soldiers might justify silence in the latter case on account of fear lest a fair trial could not be had in Texas, no such excuse could prevail here, since the murdered one was not a citizen of this community, but a woman of their own race in whom no one would have any special interest, and the trial could have been purely on its merits without prejudice against the prisoners. Yet those who possessed the necessary information were as silent in the former as in the latter instance.

No question but that a very large majority of those soldiers discountenance such acts, judged by what was seen of them during four years here, but there are tough characters in each company ready at all times to do acts of violence, whom the better men do not appear to endeavor to get rid of, and who are responsible for the condition in which the men of those three companies find themselves now. It is another case of "poor dog Tray."

Threats were heard that this town might be "shot up" some night, but the treatment of these soldiers by our citizens was such that we did not believe the cooler heads would ever permit it to be possible.

It may be said that soldiers should not be allowed their rifles excepting when on actual duty. That is supposed to be the case, yet at times they find a way of getting a part of them at least. However, is a man worthy to be a soldier who can not be trusted with a gun excepting when in ranks for fear lest a whole community be "shot up?"

This communication is written with the one purpose, however, of endeavoring to influence those negro pastors and people and the sympathizers of all races to investigate at little closer range, with the hope that they will modify their resolutions and memorials directed against an honest and courageous President.

C. H. CORNELL,  
*Chairman Republican Congressional Committee,  
Sixth District, Nebraska.*

VALENTINE, NEBR., November 30, 1906.

THE WHITE HOUSE,  
*Washington, December 11, 1906.*

MY DEAR MR. SECRETARY: The President directs me to refer to you the inclosed letter from Mr. Seth Bullock, which will explain itself.

Very truly, yours,

WM. LOEB,  
*Secretary to the President.*

HON. WM. H. TAFT,  
*Secretary of War.*

[Inclosure.]

DEPARTMENT OF JUSTICE,  
OFFICE OF UNITED STATES MARSHAL,  
DISTRICT OF SOUTH DAKOTA,  
*Sioux Falls, December 8, 1906.*

Hon. WM. LOEB, JR.,  
*Washington, D. C.*

MY DEAR MR. LOEB: In giving the names of the towns "shot up" by the Twenty-fifth Infantry, the press dispatches from Washington do not mention Valentine, Nebr., 3 miles from Fort Niobrara.

Chief Deputy Carleton, of my office, informs me that he was in Valentine when the shooting occurred. It was on October 30, 1904. Several shots were fired into a house in which were a number of people, killing a woman and badly wounding a cowboy who was unhitching his horse near the house. No shots were fired from the house, nor was there any reason for the shooting by the negroes. Twelve negro soldiers were in the attacking party.

The local authorities did everything in their power to find the guilty parties, but, as at Brownsville, their comrades declined to aid in the apprehension of the murderers. The affair occurred at about 2 o'clock in the morning.

The house fired into was a dance house at the outskirts of the town and the woman killed was an inmate of the house, but this is not considered a good defense in the "wild and woolly West," and should not be in Washington, for murder.

Yours, truly,

SETH BULLOCK.

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FOURTH CAVALRY.

AFFAIR AT WALLA WALLA, WASH., APRIL 24, 1891.

WAR DEPARTMENT,  
JUDGE-ADVOCATE-GENERAL'S OFFICE,  
*Washington, June 16, 1891.*

To the SECRETARY OF WAR.

SIR: I have the honor to submit the following report upon the proceedings of the court of inquiry convened at Fort Walla Walla, by Special Orders, No. 105, Headquarters of the Army, of May 8, 1891: This court, which consisted of Brig. Gen. A. V. Kautz, Col. W. P. Carlin, Fourth Infantry, and Col. Thos. M. Anderson, Fourteenth

Infantry, with Capt. C. McClure as recorder, was directed in the order—

to inquire into and report upon the facts concerning the killing of a citizen of the town of Walla Walla, State of Washington, by soldiers of the United States Army on or about the night of the 24th of April, 1891. The court will thoroughly investigate and report the facts of the case and the responsibility relative thereto of any person or persons in the military service of the United States; they will also express an opinion thereon and make such recommendation as the results of their inquiry may demand with respect to any further action required in the case.

The court convened at Fort Walla Walla on May 18, 1891, and on May 25 agreed upon the following report and opinion:

FACTS. —

The court finds that on the night of April 22, 1891, Private E. L. Miller, then of Troop D, Fourth United States Cavalry, and a member of the garrison of Fort Walla Walla, Wash., was, while in a saloon in the city of Walla Walla, Wash., shot and mortally wounded by one A. J. Hunt, a citizen and gambler of the said city; that the shooting was wholly unjustifiable; that Hunt was on the following day confined in the Walla Walla County jail, in the city of Walla Walla; that subsequently, to wit, during the evening of April 23, 1891, the sheriff of the said county conveyed Hunt in a carriage to the post hospital of Fort Walla Walla for the purpose of having Miller identify, in his ante-mortem statement, Hunt as the man who shot him, Miller; that after the taking of the statement the sheriff, while yet within the limits of the post and apprehending that the soldiers thereof were conspiring to kill his prisoner, Hunt, duly applied to the post commander, Col. Charles E. Compton, Fourth Cavalry, for an escort; that Colonel Compton promptly furnished him an escort under the immediate command of the officer of the day; that this escort came upon a party of soldiers from 40 to 60 in number a short distance outside the Fort Walla Walla Military Reservation; that this party demanded the prisoner, Hunt, knowingly defied the officer of the day and his escort, and compelled the sheriff to hastily retreat to the post guardhouse to secure his prisoner against violence at their hands, and rendering necessary the detail of a large escort—1 officer and about 30 men—to safely conduct the sheriff and his prisoner to the county jail.

The court further finds that no efficient means, if any, were taken by anyone on the 23d and 24th of April, 1891, to ascertain what enlisted men took part in the mutinous demonstration and the attempt to kill Hunt on the 23d; that at about 7 p. m. on the 24th of April, the sheriff and the prosecuting attorney of Walla Walla County officially called upon Colonel Compton at Fort Walla Walla and duly warned him that well-founded rumors of an attack upon the county jail by the soldiers of his garrison were current in the city of Walla Walla; that, notwithstanding this warning and the in subordinate conduct of a portion of his command and their attempt to kill Hunt on the evening of April 23, he, Colonel Compton, did not take any measures to keep the enlisted men of his command within the limits of his post or cause those who had already gone to the city of Walla Walla to return.

The court further finds that about 9 o'clock on the said evening of April 24 a party of soldiers from 30 to 50 in number surrounded and demanded entrance to the jail aforesaid, and by means of threats to blow up said jail induced the sheriff therein to unlock the door and permit them to enter; that they then and there by force of arms and threats of personal violence compelled the sheriff to unlock the door of the cell wherein Hunt was confined; that they then took Hunt into the jail yard and then and there, with carbines and revolvers, shot him to death.

The court further finds that on the night of April 24, after the killing of Hunt was reported to Colonel Compton, nothing was done except that two check-roll calls were had between 11 p. m. that day and reveille the following morning; that no attempt was then made to intercept the men returning from the jail or to discover those who might attempt to return arms to the arm racks, and that no inspection was made at any time to ascertain what arms had been used.

The court finds that on May 5, 1891, a board of officers was convened by Colonel Compton to investigate the matter of the killing of Hunt; that this board was in session eleven days, and examined 55 officers and enlisted men; that as a result of this investigation 6 enlisted men have been arrested and are now in confinement charged with military offenses in some way connected with the killing of Hunt.

The court also finds that the enlisted men of the command have withheld and failed to give information which would lead to the apprehension or identification of the soldiers concerned in the killing of Hunt.

## OPINION.

The court is therefore of the opinion—

First. That on the 24th day of April, 1891, Col. Charles E. Compton, Fourth Cavalry, U. S. Army, commanding the post of Fort Walla Walla, Wash., did neglect his plain duty in not taking prompt and efficient measures to keep the enlisted men of his command on the reservation, and in not causing those who had already gone to Walla Walla City, under a reasonable suspicion of criminal intent, to be arrested and brought back to the post.

Second. That Col. Charles E. Compton, Fourth Cavalry, U. S. Army, commanding the post of Fort Walla Walla, Wash., did fail and neglect to take efficient and adequate measures to ascertain and bring to punishment the enlisted men engaged in the attempt to take the citizen prisoner, A. J. Hunt, from the custody of the sheriff of Walla Walla County, Wash., on the night of April 23, 1891, and also those engaged in the killing of said Hunt on the night of April 24, 1891.

Third. That in consequence of the neglect of Col. Charles E. Compton, Fourth Cavalry, to take proper measures to prevent it, the enlisted men of Fort Walla Walla were able to conspire and unite for the purpose of killing A. J. Hunt, and did, in consequence of this failure on the part of Colonel Compton, by force and violence, take the said Hunt from the custody of the sheriff and kill him.

And the court does therefore recommend that Colonel Compton, Fourth Cavalry, U. S. Army, be tried by court-martial for these neglects of duty.

That, in consideration of the fact that the enlisted men of the garrison of Fort Walla Walla have withheld and neglected to give information which would lead to the identification of the soldiers implicated in the killing of A. J. Hunt, the court further recommends that a reasonable time be given to the officers and enlisted men of the four troops of the Fourth Cavalry, at Fort Walla Walla, Wash. (A, C, D, and H), to surrender to the civil authorities for trial all the enlisted men guilty of the crime attempted on the night of April 23, 1891, and actually committed on the night of April 24, 1891; and if upon the expiration of such period the guilty parties aforesaid shall not have been delivered up for trial, that the four troops of the Fourth Cavalry named be, in such manner as may be for the best interests of the service, disbanded.

In order to arrive at an opinion as to whether Colonel Compton should be held liable for the neglects of duty found by the court, it will be desirable to review the testimony in more detail than appears in their report, beginning with the circumstances preceding the killing of Hunt.

Early in the evening of April 23, 1891, the county sheriff, J. M. McFarland, who had Hunt in custody, took him in a carriage from the jail in the town of Walla Walla to the fort—distant about a mile—in order to receive Miller's dying declaration and enable him to identify Hunt. In this the sheriff acted with the concurrence of the county attorney and by direction of the justice before whom Hunt's case was pending.

McFarland was accompanied by a policeman and a notary public. The soldiers of the garrison, on learning that Hunt was in the hospital, became excited. Shouting and threats were heard, and a movement of men, as if to intercept the carriage on its return, was perceived. On leaving the hospital these circumstances were communicated to McFarland by the driver, who had remained outside. He warned the sheriff that "there was going to be trouble" and objected to driving back in the dark. The sheriff took Hunt back into the hospital and said to Colonel Compton, who had been sent for: "Colonel, I understand your men are going to mob him (Hunt), and as sheriff of this county I appeal to you for protection." (Page 12.)

The colonel then ordered Captain Wint, the officer of the day, to accompany the carriage, with a few men from the post guard. The party started with Captain Wint and four or five men as escort. After proceeding a short distance beyond the inclosure of the post they were confronted by a body of soldiers extending across the road, numbering

apparently between 60 and 100. A smaller detachment of 15 to 25 were stationed at a point to the right, nearer the reservation. The men of the main body, who were lying down, as for concealment, arose up as the carriage approached and stopped. As soon as they were distinguished Captain Wint came forward and ordered them to move off the road and return to the reservation. Some one called out, "Who are you, and what is your rank?"

Captain Wint announced his name and rank and that he was officer of the day. He repeated his order several times, but without any effect. Several voices exclaimed, "We are going to have that man Hunt! We are bound to have him!" (Pages 13, 44, 87.) Men were heard calling to others to "Come on," to "Make a rush." (Page 88.) The party turned and drove back as rapidly as possible to the post guardhouse, the escort following at double-quick. The body of the soldiers broke as if in pursuit, and cries were heard from the lesser detachment to the other of "Head them off! Head them off!" (Page 100.)

Arriving at the guardhouse, Hunt was consigned to a cell. Colonel Compton was summoned and appeared "considerably excited." (Page 14.) He objected to keeping the prisoner in the guardhouse overnight, and declared to the sheriff (page 15), "I tell you, I am going to take you and your prisoner to Walla Walla if it takes every man in the fort to do it. I am going to show my men that my orders have to be obeyed if it takes every man in this post to do it." The colonel then ordered the bugle call to arms to be sounded, and when the command had fallen in he directed Captain Wint to take all of his company who were present—some 30 men—and escort the sheriff with his prisoner to the town. This was done without interference or interruption. The rest of the command—the three other companies—were standing in line till Captain Wint's return, or about an hour. In the meantime, Colonel Compton had made some remarks to the command, stating how thoroughly disgusted he was at such evidence of insubordination as they had shown. (Page 69, and see page 124.)

There was no further disturbance at the post that night.

The sheriff testifies that he observed some 20 men in all prowling around the jail and court-house square in the course of the night. About 3 o'clock in the morning, while watching outside with the chief of police, he encountered a soldier with whom he had some conversation, and who declared positively to him the intention of his comrades to get possession of Hunt.

During the next day, the 24th, in consequence of rumors, reports, and warnings of different persons in the town as to the threats and purposes of the soldiers, the sheriff had a conference with the prosecuting attorney as to what it was best to do, and it was determined, at the suggestion of the latter, to have recourse to Colonel Compton. The attorney, H. S. Blandford, states in his testimony:

I told him (the sheriff) if there was going to be an attack on the jail, or if he thought there was going to be, our best plan would be to go and see Colonel Compton. I knew the best way to protect the jail was to prevent the soldiers from coming down to town. That was my idea for seeing Colonel Compton. (Page 49.) \* \* \* I had information which also convinced me that there was going to be an attack, and I thought the only way to prevent it would be to see the commanding officer. I thought I was in possession of such facts that if I did not act upon it I myself might, in the event of somebody being killed, be guilty of almost criminal negligence, and I did the only way I knew to prevent it. (Page 54.)



They started for the post at 7 o'clock p. m., and went immediately to Colonel Compton's quarters. \* \* \* I told Colonel Compton we had come down to see him to tell him that we were alarmed for the safety of the prisoner, Hunt, and to get his assistance, and that the sheriff would tell him his reasons for being so alarmed; and then the sheriff proceeded to tell Colonel Compton the information he had that the soldiers were coming down that night. (Page 49.) \* \* \* I told Colonel Compton, after the sheriff had finished, that I saw large numbers of soldiers going into town as we were on our way down to the post, and that between the last houses on Poplar street and the railroad track I had counted 33 or 37 men. (Page 50.)

The sheriff puts them at a larger number (page 23), and it may be noted here that a lax usage had grown up at the post of allowing the soldiers to go to town between retreat and 11 o'clock p. m. without formal leave and pretty much at discretion. (See *infra*.)

\* \* \* That all the way down on the sidewalk were men in twos and fours going to town; that we noticed what we thought was remarkable, from the fact that they didn't follow the sidewalk, although the streets were muddy, it having rained, but they went through the by-streets and alleys, where there were no sidewalks. Colonel Compton said there was nothing unusual in that, for the men went to town every evening in large numbers, and that they had the privilege of being absent from their quarters, if they so felt, between retreat and 11 o'clock. (Page 50.) \* \* \* We discussed in a general way the situation and strength of the jail. I told Colonel Compton it was insecure, and it couldn't withstand an attack made upon it; that the jail was of brick and not of stone, and that a man with a pickax could get through the side of it in a short time; that we could guard the jail with such a guard as we could hastily put in there and arm against an attack of an unorganized mob of citizens, but, as against a body of soldiers well armed and disciplined, we could not hold it at all with any number of men we could put there, and we had come up here to tell him that and ask that he take the steps necessary to keep his men in the post; that the danger was from soldiers, not citizens, and that the only way to guard against soldiers was for him as commanding officer to keep them at the post. (Pages 50-51.) \* \* \* The colonel said that there was but little he could do. He said he could order a check at 11 o'clock, and I think he said he would order at least two check rolls during the night. (Page 51.)

Q. When you left Colonel Compton's quarters did you leave him with the impression that he was or was not impressed with the gravity of the situation?—A. I thought he was not impressed with the gravity of the situation. He told me he didn't think it was possible that our fears were well grounded, or that the men would do such a thing. I think the remark he made was that he would as soon expect the members of the Episcopal Church to sack the church as that his men would attack the county jail. (Pages 60-61.)

This interview with Colonel Compton is similarly described by the sheriff, as follows:

We told him the threats we had heard his men had made about this man Hunt in the jail, and we feared they were going to carry their threats into execution, and we had come down to see him to see if there couldn't be a stop put to it. He said he didn't apprehend any danger. We told him we did. I told him after passing through what I did and hearing what I had the night before I believe firmly they are going to carry their threats into execution. We wanted to know if he couldn't keep his men on the reservation. (Page 23.) \* \* \* Says he: "After 11 o'clock I can call a check roll every two hours and every hour, if it is necessary." I told him I feared that would be too late, but he didn't seem to realize it, from the fact that he appeared to have confidence in his men. He didn't think they would resort to anything of that kind. The prosecuting attorney appealed to him in about the same way that I did. We didn't get much satisfaction from the colonel, so we came out and got in the wagon and went up home. (Page 24.)

Q. You told Colonel Compton in your conversation that you were afraid it would be too late, did you?—A. We naturally supposed it would be a late hour. The reason I spoke to Colonel Compton the way I did was that, if the roll was to be called after 11 o'clock, it would induce them to begin their work earlier. (Page 35.)

And he repeats (page 36) that the inference from the colonel's statements [was] that, "Until 11 o'clock he couldn't do anything."

It was "about half past 7" when, according to the testimony, the interview terminated. The sheriff returned to the jail and remained there with the deputy sheriff and jailor and three or four additional persons secured as a guard.

At about 8 o'clock (page 105) the colonel sought Captain Smith at the officers' quarters, and told him that in case of an alarm his troop would be the one to go down town and arrest all soldiers found about the streets. He said, besides, that there was talk of the soldiers going down town and trying to take this prisoner out of the jail, and that the sheriff and, I believe, the prosecuting attorney had been out and made these reports to him, and, if I am not mistaken, he said at that time that they had asked for the guard. (Page 105.)

At about a quarter or twenty minutes before 9 the attack upon the jail commenced, and, according to the sheriff (page 33), it was at least half an hour from this time to the time of the shooting of Hunt. During this interval guards of soldiers were stationed about the square, who kept back the citizens and policemen. The troops were armed with carbines and pistols, and some appear to have been masked. According to the testimony of company officers, some 13 pistols were found, at 9 o'clock that night, to be missing from their case, and on the next day it was discovered that a gun rack had been broken and 19 carbines taken; but these could hardly have been all the arms that were seized. The surgeon who examined the body found some 16 gunshot wounds and a fracture of the skull, apparently caused by a blow from a blunt weapon like the butt of a gun.

Information of what had occurred was first brought to the post and to Colonel Compton by Captain Richards, the adjutant, who had been in town and hastened back on his horse, arriving at about half-past 9. But, as is stated in the report, no measures of discipline or prosecution were resorted to that night by the post commander, except the ordering of roll calls at and after 11 o'clock p. m. Captain Smith was not called upon to assemble or use his company.

Further, on the 25th, prior to retreat, nothing was done and no orders were given by Colonel Compton looking to an investigation or any special exercise of discipline. The men were allowed to go into town as usual, and considerable numbers of them were seen on the streets moving freely about and "active in overhearing all that groups of citizens would say." (Page 56.) Their attitude was indeed such as to give color to a rumor that they were proposing to attack the saloons of Byrd and Rose, in the latter of which Miller had been killed.

This report was during the afternoon communicated by the prosecuting attorney to Colonel Compton, and the latter proceeded to frame a circular order, which was published at retreat. This order directed that "Enlisted men will not leave the reservation until further orders, except on duty, without special permission;" required hourly inspections during the night, the registering of men absenting themselves without authority at night, and imposed the making of the inspections and reporting of the absentees upon non-commissioned officers to be designated by the company commanders. This order, twenty-four hours late, shows what might have been done if done earlier.

No formal investigation was instituted till May 5, when the board was convened by the post commander, of which the proceedings are referred to in the report.

Upon these facts, in connection with those cited in the report, I can but concur with the court in their estimate of the conduct of Colonel Compton.

In the first place, it would seem that he should on the evening of the 23d have initiated some measures—such as were practicable at that hour, as roll calls and inspections of quarters—to ascertain what soldiers had been engaged in the demonstration.

But, at least, on the 24th, he should, in my opinion, have ordered a prompt and systematic inquiry for this purpose, holding the command strictly at the post while such inquiry was pursued. The demonstration of the preceding evening was a form of mutiny—the gravest offense known to military law. It had also involved a seditious defiance of and resistance to the civil authority. Such a crime demanded instant and thorough investigation, with a view to the detection and punishment of at least the principal offenders. The failure to make such investigation was not only a grave omission on the part of the commander, but an encouragement to the men to proceed in their criminal designs. The significance, indeed, of the demonstration in view of the recent lynching at New Orleans seems not to have been realized by the commander.

He viewed it, as he says in his testimony, as a mere “ebullition of feeling,” only “rather serious in one way”—as an “outburst,” which had “spent its force,” had been finally “frustrated and checked and was over.”

To my mind there was here a strange lack of appreciation of a most grave situation.

But especially should summary measures have been resorted to when warning of the impending danger was communicated by the county officials. This warning, in connection with the threatening manifestations of the previous night, should certainly have induced immediate and vigorous action. The mere direction to a company officer to hold his company in readiness in case he should be called upon was insufficient.

A vigilant commander would at once have stopped any more men from leaving the post, would have ascertained what men had already left, and would have sent a strong detachment of soldiers with all their officers into the town to prevent disorder, to arrest offenders against discipline, and to order back to the post those who were absent. There are not wanting commanders in the Army who would have accompanied this detachment in person and remained with it in the neighborhood of the jail till the danger was over—all night, indeed, if necessary. None of such measures appear to have occurred to Colonel Compton, and there would seem to have been no sufficient excuse for his delay. It is to be remembered that, according to the best evidence, the information and warning of the officials, with their requests for action, were conveyed to him by half past 7 o'clock. About or nearly an hour and a half intervened before the attack upon the jail and the killing of Hunt. The town was but a mile distant, and this interval, it would seem, would have afforded ample time to have enforced military discipline, asserted the authority of the United States, compelled proper subordination to the civil authority, and saved the reputation of the Army. A vigorous attempt to maintain law and order with all the means at hand was the least that could have been expected from a worthy representative of the executive power of the nation.

Further, a zealous and alert commander, on receiving the information brought by Captain Richards, would have taken immediate steps to arrest or detect all men returning from the town, by means of guards stationed at the entrances of the post and in the quarters, and by the necessary inspections. If a sufficient number of reliable privates or noncommissioned officers could not have been found at the time for these purposes, the commissioned officers at the post should have been required to act in person, the post commander remaining himself present to see that his orders were carried out as fully as practicable. But Colonel Compton seems to have contented himself with the mere expressions of amazement and indignation—a state of mind, indeed, which appears to have persisted with him even to the date of his examination as a witness before the court of inquiry, May 21, when he says, "I even now can't believe they could do such a thing!"

His only excuse for not acting upon Captain Richards' report is that by that time the men had probably returned to their quarters. This is illustrated by the following testimony from page 210:

Q. Now, Colonel, will you please tell the court whether you didn't have the guns inspected on the night of the 24th, to see if any of them had been used in the lynching of Hunt?—A. As I have said, so much time had elapsed—I was going to say I didn't know or dream of any guns being missing, and so much time had elapsed that the troops were all in quarters and had time enough to wipe out a gun if any had been used.

But as Captain Richards rode rapidly to the post, arriving at half past 9, it would seem that he must have preceded a material portion at least of the offenders, and that if the proper measures had at once been initiated these could have been apprehended or identified. The 13 pistols of Captain Wilder's company which were found missing from the case at 9 o'clock were apparently not found to have been replaced till about or after 10 o'clock, and after Captain Richards' return. (Pages 78, 111, 163.) It is believed that a precious half hour at least was lost here by the neglect to act.

It is significant and in keeping with all the previous inaction that on the 25th the men of the command remained still unrestricted as to their usual privileges and freedom.

My conclusion upon the whole case thus is that Colonel Compton is clearly shown to have been quite inadequate to the emergency at the times and under the circumstances specified. I concur, therefore, in the recommendation of the court of inquiry, that he be brought to trial under a charge of neglect of duty in violation of the sixty-second article of war.

It should be added that there were submitted by Colonel Compton to the court and entered upon its record testimonials, signed by some 25 officials and other citizens of Walla Walla, to the effect that, considering that the outbreak was so unexpected and improbable, and that the discipline of the command had previously been so good, the colonel was, in their opinion, to be considered as having taken the necessary precautions to prevent violence on April 24. These testimonials appear to have been called forth by unfavorable criticism of Colonel Compton's conduct, expressed by certain of the civil officials and by the newspapers, especially the Daily Union.

It need only be remarked that whether an officer of the Army has acted with fidelity and efficiency on a critical occasion is a question to be tested by military rather than by civil standards.

The record of the court does not disclose any material neglect of duty on the part of the subordinate officers of the command. Some of the company commanders, indeed, appear to have been fairly active in investigating for themselves without waiting for orders. If others were less assiduous this may be attributed to an absence of an example set them by their superiors.

As to the demeanor of the enlisted force at Walla Walla, the comments of the court are fully borne out by the testimony in the record. It is also understood that these men had been similarly reluctant and secretive in their attitude toward the prosecuting officers, grand jury, etc., in the civil proceedings. This standing mute is evidently the result in part of a consciousness of guilt and in part of a false *esprit de corps*. The guilt of those who took part in the killing of April 24 is aggravated by the fact that Miller was living at the time, and their crime was clearly murder. The reticence of the rest—those who were cognizant of the violence committed, though not present—places them in a position equivalent or analogous to that of accessories after the fact. Their offenses, therefore, were of the gravest character. But the recommendation of the court, that the four companies be "disbanded," can not, as a matter of law, be concurred in. Sections 1102 and 1103, Revised Statutes, provide that each regiment of cavalry shall consist of four companies, and that each company shall consist of a certain specified number of noncommissioned officers and privates.

The Secretary of War has therefore, strictly speaking, no authority to disband these companies as such. He may, indeed, discharge all the men of such companies, enlisting others in their stead; but this would be treating innocent and guilty alike, and the discharge would be in law "honorable," and in the case of the guilty would be a premium upon crime. The men of the companies (or those of them not known to be innocent) might also legally be detected and distributed among other companies of the same or other cavalry regiments, their places in their present companies being supplied in the usual manner. The disposition of these men, however, is a question of policy or expediency rather than of law.

The grand jury at Walla Walla, if the within-published account is correct, have recommended in regard to them as follows:

Since the relations must continue very much strained between the enlisted men at Fort Walla Walla and our citizens, we are of the opinion that it would be wise and proper that the troops of this fort be exchanged.

This suggestion is a good one, and it is proposed that less desirable stations than Walla Walla exist on our frontiers. If any considerable change, however, is to be made, it should not, it is believed, be initiated before the trials be had, both of those who may be under military charges and those (the printed account states their number at "seven") against whom indictments have been found by the grand jury. Besides these, others will probably be required as witnesses, and the trials may develop that others are implicated who are not yet formally accused. It is therefore recommended that until all such proceedings are terminated the four companies, or the main part of them, be retained, under due restraint, at the fort.

Respectfully submitted.

G. NORMAN LIEBER,  
*Acting Judge-Advocate-General.*

GENERAL } HEADQUARTERS OF THE ARMY,  
COURT-MARTIAL ORDERS, } ADJUTANT-GENERAL'S OFFICE,  
No. 82. } Washington, September 28, 1891.

I. Before a general court-martial which convened at Fort Walla Walla, Wash., pursuant to Special Orders, No. 140, June 19, 1891; Headquarters of the Army, Adjutant-General's Office, and of which Col. George L. Andrews, Twenty-fifth Infantry, was president, and Capt. Charles McClure, acting judge-advocate, is judge-advocate, was arraigned and tried—

Col. Charles E. Compton, Fourth Cavalry, U. S. Army.

**CHARGE.**—"Neglect of duty, to the prejudice of good order and military discipline, in violation of the sixty-second article of war."

*Specification 1st.*—"In that Col. Charles E. Compton, Fourth Cavalry, U. S. Army, commanding post of Fort Walla Walla, Wash., when, on the evening of April 23, 1891, a large body of the men of his command had gone outside of the said post and joined in a mutinous and seditious demonstration against both military and civil authority, by repeatedly refusing to obey the orders of the officer of the day to disperse and return to the post, and by obstructing and resisting the sheriff of the county of Walla Walla in his attempt to convey a civil prisoner in his custody to the town of Walla Walla, did, notwithstanding, during the said evening and night and during the whole of the next day, April 24, 1891, fail and neglect to take or order any proper or sufficient measures or action by roll calls, inspections, arrests, or otherwise, to ascertain what men of the command had taken part in the criminal demonstration, or to bring them to justice for the same. This at or near Fort Walla Walla, Wash., on April 23 and 24, 1891."

*Specification 2d.*—"In that Col. Charles E. Compton, Fourth Cavalry, U. S. Army, commanding post of Fort Walla Walla, Wash., after a large body of the men of his command had, with his knowledge, on the evening of April 23, 1891, unlawfully assembled and attempted or threatened to take by force from the custody of the sheriff of the county of Walla Walla one A. J. Hunt, a prisoner held by him for the killing of a soldier of the command, and after being, early in the evening of April 24, 1891, officially warned by the sheriff and prosecuting attorney of Walla Walla County, Wash., that well-founded rumors were current in the town of Walla Walla, and serious apprehensions existed on their part, of a probable attack to be made on that night by the soldiers of his command on the jail in said town with intent to take and kill the said A. J. Hunt, then confined as a prisoner therein, and having been informed by said sheriff and attorney that a considerable number of the men of the command had been seen by them on that evening in the town or proceeding to the same, did wholly fail and neglect to take or order any measures or precautions to hold at the post the men of the command then present, or to cause the return to the post of the men then in the town, or in any manner to watch, restrain, or discipline the latter; by reason of which failure and neglect the men of the command, to the number of about 50 or more, were enabled to assemble armed with carbines and pistols and with force and arms to enter the said jail and take therefrom the said Hunt and shoot him to death. This at Walla Walla and Fort Walla Walla, Wash., on April 24, 1891."

*Specification 3d.* "In that Col. Charles E. Compton, Fourth Cavalry, U. S. Army, commanding post of Fort Walla Walla, Wash., after being on the evening of April 24, 1891, duly informed by the adjutant of the post that a large number of the men of the command had unlawfully and with force and arms attacked and entered the jail in the town of Walla Walla, Wash., and taken therefrom and shot to death one A. J. Hunt, a prisoner confined therein, did, during the said evening and night and during the next day, wholly fail and neglect to take or order any proper or sufficient measures or action to arrest any of the said men, or, by roll calls, inspections of quarters or gun and pistol racks, or otherwise, or any due exercise of discipline, to detect or attempt to detect the men engaged in the said attack and killing, or any of them, or to restrain or bring them to justice for said crimes. This at Walla Walla and Fort Walla Walla, Wash., on April 24 and 25, 1891."

To which charge and specifications the accused, Col. Charles E. Compton, Fourth Cavalry, pleaded as follows:

To the first specification, "Not guilty."

To the second specification, "Not guilty."

To the third specification, "Not guilty."

To the charge, "Not guilty."

#### FINDING.

The court having maturely considered the evidence adduced finds the accused, Col. Charles E. Compton, Fourth Cavalry, as follows:

Of the first specification, "Guilty."

Of the second specification, "Guilty."

Of the third specification, "Guilty, except the words 'wholly' and 'any proper or;' of the excepted words not guilty."

Of the charge, "Guilty."

#### SENTENCE.

And the court does therefore sentence him, Col. Charles E. Compton, Fourth Cavalry, U. S. Army, "To be suspended from rank and command on half pay for three (3) years and to be confined for the same period within the limits of such military post as the reviewing authority may designate."

II. The record of the proceedings of the general court-martial in the foregoing case of Col. Charles E. Compton, Fourth Cavalry, having been submitted to the President of the United States, the following are his orders indorsed thereon:

EXECUTIVE MANSION, September 28, 1891.

The proceedings, findings, and sentence in the foregoing case of Col. Charles E. Compton, Fourth Cavalry, U. S. Army, are approved, but the sentence is mitigated to suspension from rank and command on half pay for two years.

BENJ. HARRISON.

III. By order of the President of the United States the general court-martial of which Brig. Gen. Thomas H. Ruger is president and Capt. Charles McClure, acting judge-advocate, is judge-advocate, is dissolved.

By command of Major-General Schofield:

J. C. KELTON,  
Adjutant-General.

## NINTH CAVALRY.

## AFFAIR AT SUGGS, WYO., JUNE 17, 1892.

CAMP BETTENS, WYO., *June 19, 1892.*To the ASST. ADJT. GEN., DEPARTMENT OF THE PLATTE,  
*Omaha, Nebr.*

SIR: I have the honor to submit herewith my report of the recent disturbance, which occurred at Suggs on the night of the 17th instant, between about 20 members of the Ninth Cavalry and the citizens living in the town.

This settlement, which is located at the crossing of the Powder River and the B. and M. Railroad, consists of a few stores and a large number of saloons and is the headquarters of what is known here as the "rustlers."

The affair commenced on the night of the 16th instant, the particulars of which are embraced in the report of First Lieut. G. S. Bingham, Ninth Cavalry, marked "A," and the serious disturbance took place the following night, the 17th (see report of Capt. John F. Guilfoyle, Ninth Cavalry, marked "B," and all the circumstances will be found in the report of the board of officers, marked "C," all hereto attached).

From the reputation of the town and the large collection of cow-punchers collected in it when we reached here, I thought it best to establish the camp at Clear Creek, where the water was reported excellent and the camp would be far enough removed to avoid all disturbances, but the instructions contained in the letter of the department commander did not seem to grant of our crossing the Powder, so I reluctantly located it here.

Every precaution which in my judgment was regarded necessary since we reached here has been taken to prevent the men from promiscuously visiting the town of Suggs during the nighttime, but in spite of all this one or two men succeeded in stealing out of camp and went to Suggs and while there visited one of the saloons, and after being there a short time a lawless character rushed in, thrust a cocked revolver in his face, threatened his life, and used insulting and abusive language of the worst nature.

His life was saved through the intercession of one of his comrades, and while they were leaving the town for camp they were fired on, one man receiving a ball through his hat.

The two men returned to camp about midnight, reported to me the occurrence, and, fearing the men would find it out and leave camp, I went down to the company streets, found the men were preparing to leave for town, and in a short time I succeeded in checking their intention, and they all went quietly to their tents and I heard nothing more of it that night.

The following day every precaution was taken to prevent the men from renewing their efforts to leave camp without the knowledge of the officers and carrying out their threats to find the man who had the altercation on the night of the 16th with the soldier. The guard was doubled and two check roll calls, under the supervision of an officer, was ordered in each troop.



The men that succeeded in leaving camp must have eluded the guard one by one early in the evening and assembled afterwards near the town.

This whole affair grew out of a trouble which appears to have been connected with a prostitute who knew some of the men when stationed at Fort Niobrara.

So far as I can learn the men have been kindly treated by the best element in the town, and there was no disposition to disturb them, but their object was to find the cow puncher and punish him for his insults, and while they were searching for him some citizens opened fire on them from a house and this brought on the disturbance.

I have done everything in my power to assure the citizens of Suggs and the surrounding country that there will be no trouble with the troops if they will restrain the lawless element from insulting and provoking a bitter feeling among the men on account of their color.

From information received last night about 350 reinforcements have reached Suggs, and the number is to be augmented to 500, armed with Winchester rifles, and threats given out that they propose to keep their pickets on all the trails surrounding the camp and kill every soldier that they should catch alone, and that they don't want the troops in this country anyway, and the sooner they (the soldiers) get out the better; but I attach no importance to these reports.

Very respectfully, your obedient servant,

C. S. ILSLEY,  
*Major, Ninth Cavalry, Commanding Camp.*

[Indorsement.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,  
*Omaha, Nebr., June 22, 1892.*

Official copy respectfully forwarded to the Adjutant-General of the Army for the information of the Major-General Commanding the Army. Attention is also invited to the inclosed copy of the proceedings of a board of officers and copies of reports of Captain Guilfoyle and Lieutenant Bingham on this subject.

JOHN R. BROOKE,  
*Brigadier-General, Commanding.*

[Inclosure No. 1.]

A.

CAMP P. A. BETTENS,  
*On Powder River, Wyoming, June 18, 1892.*

Maj. C. S. ILSLEY,  
*Ninth Cavalry, Commanding Camp.*

SIR: In obedience to your verbal instructions of the 17th instant, I proceeded to the town of Suggs, Wyo., and made investigation of the facts leading to the trouble between two enlisted men of the Ninth Cavalry and a citizen of that place on the night of the 16th instant.

From Mr. Jack Bell, town marshal of Suggs, I obtained the following: There are at present a number of white prostitutes living in Suggs who formerly resided in Buffalo, Wyo., and Crawford, Nebr., and with whom it is reported several troopers of the Ninth Cavalry now of this command had been intimate while stationed at Forts

McKinney and Robinson. One of these prostitutes is now living with a white man, who, I am told, belongs to a class known in this section as "rustlers," and who does not bear a very good reputation as a peaceful citizen.

One of the troopers of the Ninth Cavalry, who had previously known the woman referred to, called upon her, but, failing to gain admission to the house after several ineffectual attempts to do so, left, and, proceeding to one of the saloons of the town, was joined by other comrades, when they engaged in a friendly drink.

A few minutes later the man who was living with the prostitute referred to entered the saloon, and, drawing his revolver, placed it at the head of the soldier and in the most profane and vulgar language threatened his life. Bystanders interfered and the parties were separated, the soldiers returning at once to camp. While on their way back they (the soldiers) were fired upon from ambush by unknown parties, presumably rustler citizens of Suggs.

It is my opinion that the rustlers in this vicinity are much disturbed by the presence of United States troops, whom they think were sent here to watch and arrest them, and they try to show their displeasure and disapprobation by insulting and tantalizing the colored soldier.

Very respectfully, your obedient servant,

G. S. BINGHAM,  
*First Lieutenant, Ninth Cavalry.*

[Inclosure No. 2.]

B.

CAMP BETTENS,  
*On Powder River, Wyoming, June 18, 1892.*

CAMP ADJUTANT.

SIR: I have the honor to submit the following report: Agreeable to verbal instructions from the camp commander, I proceeded with two troops (I and A), accompanied by Doctor Heyl and members of Hospital Corps, one Red-Cross and one 6-mule wagon, to investigate the cause of heavy small-arms firing heard in the direction of the town of Suggs. The command left camp at 11 o'clock p. m., taking the road leading to Suggs. Understanding that there were quite a number of absentees from camp, I caused the country on either side of the road to be patrolled as we marched. At about 1 mile from camp Privates Champ and Tompkins, Troop G, Ninth Cavalry, were arrested, and, being wounded, were turned over to the medical officer and conveyed back to camp. No other men were met on our march. The command reached Suggs at 11.45 p. m., which was found to be in a great state of excitement and fear. After necessary assurance of safety and protection the citizens were induced to come out from their shelters. The principal citizens were examined, and their statements were all to the same effect. From them and other sources it was learned that on the night of June 16 several soldiers came into town and found there some white prostitutes, whom they had known at other places, and who had been in the habit heretofore of dispensing their favors regardless of color. The soldiers made overtures to renew their acquaintance with these women, to which their white lovers, barkeepers, and "rustlers," objected. One soldier persisted in his attentions to one of these women, and went so far as to attempt

to force his way into her house. Her lover drove him away with a revolver and was only prevented from shooting him by the intervention of another soldier. At about 10 p. m., June 17, Private Champ, Troop G, Ninth Cavalry, the man who had engaged in the brawl of the previous evening, together with about 19 men of the command, went to Suggs, armed with carbines and revolvers, bent on mischief. They gathered at one end of the town near the stage station and after firing into the air poured volley after volley into a log house opposite, occupied mainly by the so-called "rustlers" and known as "Rustlers' Headquarters." The people returned the fire, and after several exchanges of shots the soldiers left the town, firing several volleys into it on retiring. Fortunately but one man of the civilians was hurt, and he but slightly, though the women and children and unarmed people were thoroughly terror stricken. I found that many of the inhabitants had fled from their homes; women in their night clothes, taking with them unclothed children, had gone to the hills for safety. The saloons were promptly and cheerfully closed at my request, and the people calmed and pacified and induced to return to their homes. I went into the hills and persuaded and brought several women and young children back to the town. With the approval of the citizens, I put mounted sentinels around the town as protection against soldiers and rustlers; I remained at Suggs till 4.40 a. m.; the sun being then up, and the people reassured and quiet, I marched back to camp. Private Willis Johnston, Troop I, Ninth Cavalry, was found dead near the stage station, shot through the head. His remains were sent to camp.

While the soldiers are greatly to blame, and very little if any excuse can be offered for their conduct, the citizens, or those styled "rustlers," are not without culpability for the occurrence of last night. From the very first arrival in the country open hostility has been showed toward and threats made against the command, gross insult being offered to individuals in many instances. The feeling against the troops has been and is very bitter, being perhaps intensified by race prejudice and the presence in our camp of a man belonging to the cattlemen's party. From what I can learn, Private Champ, Troop G, and Private Smith, Troop E, Ninth Cavalry, are mainly responsible for the trouble of last night, and that the unlawful gathering of soldiers, without passes and armed, at the town of Suggs, was chiefly due to their efforts. I will say in conclusion that the action of the men was more in the nature of wild braggadocio than a desire to inflict bodily injury, as their shots were in the main too high to hurt anyone. Had they shot with intent to kill and aimed even reasonably low many lives would have been lost. The officers with me showed good judgment and sense in their contact with the excited civilians.

Very respectfully, your obedient servant,

JNO. F. GUILFOYLE,  
*Captain, Ninth Cavalry.*

[Enclosure No. 3.]

C.

PROCEEDINGS OF A BOARD OF OFFICERS WHICH CONVENED AT CAMP BETTENS, NEAR THE TOWN OF SUGGS, WYO., BY VIRTUE OF THE FOLLOWING ORDER:

CAMP ORDERS, }  
No. III. }

CAMP BETTENS, WYO., June 18, 1892.

A board of officers is hereby convened to meet at once for the purpose of reporting upon all the circumstances connected with the disturbance at Suggs, Wyo., last night. Detail for the board: Capt. John S. Loud, Ninth Cavalry; Capt. John F. Guilfoyle, Ninth Cavalry; First Lieut. A. B. Jackson, Ninth Cavalry.

By order of Major Hsley:

H. G. TROUT,  
Second Lieutenant, Ninth Cavalry, Camp Adjutant.

CAMP BETTENS, WYO.,  
Near Suggs, Wyo., June 18, 1892.

The board met pursuant to the foregoing order at 12.10 p. m.

Present: All the members.

The board at once proceeded to the business assigned. Its different members were themselves witnesses of the circumstances connected with the affair.

After due deliberation and careful inquiry the board finds the circumstances connected with the disturbance at Suggs, Wyo., on the night of June 17 to be as follows:

The town of Suggs, Wyo., is situated on Powder River, about 5 miles below the encampment of this command, consisting of six troops of the Ninth United States Cavalry. The inhabitants of the town are composed of two distinct elements—the townspeople proper and a floating population called “rustlers,” whose sympathies are with recent movement against the cattlemen in this State, and which is made up of the worst types of western life.

Immediately upon the arrival of the Ninth Cavalry in this vicinity it was perceived by both officers and men that while the first element was peaceably disposed, the second was in an ugly mood and viewed their arrival with distrust and hostility. These feelings were undoubtedly intensified by race prejudice and probably also by the knowledge of the presence in the Ninth Cavalry camp of one Philip Du Fran, whose life they had repeatedly threatened, and who was an active agent of the cattlemen's party. The animosity on the part of the rough characters of the town was shown by their following officers and enlisted men, who were present in town to make necessary purchases, from store to store, and by their dropping insulting remarks in their hearing.

On the evening of June 16 two members of the Ninth Cavalry—Private Smith, Troop G, and Private Champ, Troop G—visited the town, the former mounted, for the purpose of posting advertisements for proposals for freighting for this encampment; the latter, dismounted, was there without authority.

There were present in the town at this time a number of prostitutes who had been intimately known by members of the Ninth Cavalry while stationed at Fort McKinney, Wyo., and elsewhere. The action of these women in receiving the soldiers served still further to increase the hard feelings already engendered, and on the evening in question,

when Private Champ attempted to enter the house occupied by one of these women, the act was resented a few moments later in a neighboring saloon by her white lover at the point of a revolver. The assailant was immediately covered by a revolver in the hands of Private Smith, who was in turn covered by several revolvers in the hands of bystanders. The combatants were separated by the bartender in whose saloon the occurrence took place, and both sides left the building.

The two soldiers were then conducted in a detour to the edge of the town by the bartender, who warned them that they might be waylaid. On arriving here both troopers mounted Private Smith's horse and started for this camp. On leaving the town they were fired upon by parties concealed in some houses on the outskirts. Both escaped—Private Smith with a bullet through his hat—and, returning the fire with their revolvers, hastened to camp. Their arrival here was the occasion of great excitement among the troops, who at once wanted to go in a body to the town.

The guard was formed and the number of sentinels around camp increased. Through the efforts of the troop officers and of the commanding officer the men were finally calmed, and after giving assurance that they would not visit the town without authority from their officers went quietly to their tents.

On the next morning, June 17, the excitement seemed to have wholly subsided, everything went on as usual, and there was no apprehension of any further trouble growing out of the affair. The commanding officer during the day had the necessary supplies purchased and the mail carried to and from town by civilian teamsters in the employ of the Government instead of by soldiers, as heretofore. At night, as a precautionary measure, the sentries around camp were doubled and two check roll calls were ordered, one at 11 o'clock p. m. and the other at 1 o'clock a. m., both to be under the supervision of an officer in each troop.

At 10.30 o'clock p. m. distant firing was heard in the direction of the town, and the command was at once formed under arms.

The result of the roll call showed 3 noncommissioned officers and 39 privates absent. Some of the privates it was afterwards found had not left camp. All the troop horses and mules were found to be present. It was evident at once that, in spite of the precautions taken by the commanding officer, the night being very dark, some of the men had slipped through the chain of sentries and gone, dismounted, to retaliate for the hostile act of its inhabitants by terrorizing the town.

Two troops of cavalry were at once dispatched under command of Capt. J. F. Guilfoyle to ascertain the cause of the disturbance, protect the inhabitants if necessary, and render such assistance as was in his power. The remaining four troops were formed in a skirmish line around camp to protect it if necessary and to intercept the return of the absentees. These soon began to arrive. Some had been engaged in the disturbance, and others had not reached there until after the affair was over. They were all at once put under guard.

Captain Guilfoyle's command was accompanied by a doctor and an ambulance, and on the way to town met two returning soldiers, Private William Champ, Troop G, Ninth Cavalry, and Private William Tompkins, Troop G, Ninth Cavalry. Both were wounded, the former

in the shoulder and the latter in the hand, but neither seriously. On arriving in town, one soldier, Private Willis Johnson, Troop I, Ninth Cavalry, was found dead in the street, having been shot through the head, and one rustler, Bennett by name, wounded in the arm. Diligent inquiry disclosed the fact that about 20 soldiers penetrated to the center of the town, fired one volley in the air, and then commenced firing through the street and at some of the houses. At the first volley a number of rustlers rushed to a neighboring saloon, called the "Rustlers' Headquarters," and opened fire with their Winchesters, in which they were assisted by the inhabitants of the town from different houses. This fire was returned by the soldiers, who then withdrew.

After bringing back those of the inhabitants that had fled from the town, and restoring confidence by the protection afforded by the presence of the troops, Captain Guilfoyle's command, early the next morning, returned to this camp. The remains of Private Johnson were brought back and interred here this afternoon. After consultation with the doctor and a careful examination of the holes in the dead man's hat, the board is of the opinion that Private Johnson was shot from behind, but whether by the rustlers or by members of his own party in the excitement of the m $\acute{o}$ l $\acute{e}$ e could not be ascertained.

It is the opinion of the board that, while the primary and exciting cause of the trouble came from the part of the rustlers, the occurrence on the night of June 17 was a retaliatory act on the part of about 20 of the soldiers, and one in which they took the initiative. The ring-leaders on the part of the troops were Private Smith, Troop E, Ninth Cavalry, and Private Champ, Troop G, Ninth Cavalry, who are mainly responsible for the trouble.

JOHN S. LOUD,  
*Captain, Ninth Cavalry, President.*

JNO. F. GUILFOYLE,  
*Captain, Ninth Cavalry, Member.*

ALFRED B. JACKSON,  
*First Lieutenant, Ninth Cavalry, Recorder.*

OMAHA, NEBR., *June 22, 1892.*

ADJUTANT-GENERAL, UNITED STATES ARMY,

*Washington, D. C.:*

Referring to disturbance between 20 soldiers of Ninth Cavalry and citizens at camp on Powder River, full report which goes forward by mail to-night states that 1 man of Ninth Cavalry was killed and 2 wounded and 1 citizen wounded. Report indicates that soldiers are to blame, though they had been taunted by many insults since arriving in that region. A cipher telegram received from Colonel Biddle this morning says sheriff has called on him for prisoners, meaning soldiers he has under guard engaged in disturbance. Colonel Biddle told sheriff he would ask authority from me in the matter and says he does not think it safe to turn prisoners over. He told sheriff, however, that he might place civil officers over the prisoners in camp, and further reports that all their intercourse was most amicable. I have telegraphed Colonel Biddle to continue this status till further orders.

JOHN R. BROOKE,  
*Brigadier-General, Commanding.*

HEADQUARTERS OF THE ARMY,  
Washington, D. C., June 23, 1892.

[Memorandum for the Adjutant-General.]

The Adjutant-General will please telegraph to Gen. John R. Brooke, commanding Department of the Platte, the following:

In reply to your telegram of the 22d, referring to soldiers of the Ninth Cavalry accused of participation in disturbance with citizens near camp on Powder River, I am instructed by the major-general commanding to reply as follows:

If the delivery of the accused soldiers to the custody of the civil authorities is demanded upon warrants duly issued in pursuance of law, that demand must necessarily be respected; but if the commanding officer has reason to apprehend that his soldiers may be subjected to lawless violence, it is his duty to send a sufficient force to keep near enough to the prisoners to prevent any such lawless violence against them, while not interfering in any manner with the lawful exercise of the civil authority. If the sheriff will be content to leave the accused soldiers in camp under custody of one of his deputies, you will of course securely guard them against the possibility of escape, and see that they are presented to the civil court when required for hearing of charges against them.

J. M. SCHOFIELD,  
Major-General, Commanding.

OMAHA, NEBR., June 24, 1892.

ADJUTANT-GENERAL, UNITED STATES ARMY,  
Washington, D. C.:

Your instructions of 23d instant, regarding the delivery of the Ninth Cavalry soldiers to the sheriff on proper warrants, etc., have been transmitted to Colonel Biddle for his guidance. I would invite attention to the present attitude of the State government of Wyoming relative to the Wolcott party as indicating the helplessness of the civil authorities in northern Wyoming, and on which is based my concurrence with Colonel Biddle's views as expressed in my telegram of the 22d on this subject.

JNO. R. BROOKE,  
Brigadier-General, Commanding.

CAMP BETTENS,  
On Powder River, Wyo., June 28, 1892.

To the ASST. ADJT. GEN., DEPARTMENT OF THE PLATTE,  
Omaha, Nebr.

SIR: In compliance with paragraph 7, Special Orders, No. 51, current series, Headquarters Department of the Platte, I have the honor to state that I proceeded to this camp and at once commenced the investigation of the disturbance which took place at Suggs on the night of the 17th of June between the citizens of that place and certain enlisted men belonging to the Ninth Cavalry, and to submit the following report:

The testimony given is recorded exactly in the language of the witnesses.

Calling upon Maj. C. S. Ilsley, Ninth Cavalry, the officer in command of Camp Bettens at the time of the disturbance, he responded as follows in reply to my questions:

Q. (By inspector.) Will you please relate generally the occurrences of interest connected with your command from the date of leaving Fort Robinson until the arrival of Colonel Biddle?—A. I left Fort Robinson on the morning of the 8th of June last, in command of six troops of the Ninth Cavalry, and proceeded by rail to Gillette, Wyo., where my command was unloaded and encamped for one day and night, whence I proceeded to this present camp on Powder River, camping one night near the village of Suggs. Within 25 miles of Suggs I noticed that the citizens of the country appeared suspicious and angry at the presence of this command, and upon investigation as to the cause of this feeling I learned that a belief prevailed amongst these people that the troops were sent into this section solely in the interest of the cattlemen, or large cattle owners, and that they were accompanied by United States marshals with warrants for sundry arrests. Since being here I have learned that these impressions of the citizens had been confirmed by the presence and statements of one Philip Du Fran, a former citizen of Wyoming, who accompanied the command. I took every occasion and special care to inform the citizens that we came up here merely seeking a summer camp, that Du Fran held no official position, that there were no United States marshals accompanying us, that their civil law was supreme, and we had no authority or desire to arrest or interfere with any of them. After remaining near Suggs one day and night I removed my command to its present location on Powder River, distant from Suggs about 4 miles, arriving on the 13th instant, my intention being to push on next day and establish permanent camp on Clear Creek, distant 11 miles west, with a view to get as far as possible from the town of Suggs, knowing that town to be headquarters of a class known as "rustlers," as well as containing many notorious outlaws and gamblers; but, upon a more careful revision of my instructions from department headquarters and consultation on the subject with the officers, I concluded that the establishment of this camp elsewhere than on Powder River was unauthorized, and therefore should remain in its present location. I gave verbal instructions to the troop commanders that their men should remain in camp. There were no unusual occurrences until the night of the 16th, when I was awakened about half past 1 o'clock by Private Emile Smith, Troop E, Ninth Cavalry, who stated that Private Abraham Champ, of G Troop, and himself (Smith) were in a saloon at Suggs when a cowboy rushed into the saloon and thrust a cocked pistol into the face of Champ, insulting and abusing by threatening and indecent language, and that when they left Suggs, returning to camp, they had been fired upon, a bullet passing through his hat. I immediately got up, and finding the men of E Troop in their troop street, discussing the event just related, ordered them to their beds. I then called up the squadron commanders (Captains Loud and Olmsted) and directed them to remain up, notify their respective troop commanders of the occurrence in Suggs, and to see that everything was kept quiet, and also remained up myself to see that my orders were executed. There were no further disturbances that



night or the next day. On the next morning (17th), the men having received their pay, there were many applications for passes to visit Suggs, when the following circular was issued:

CIRCULAR No. 7

CAMP BETTENS, WYO., June 17, 1898.

Hereafter passes, mounted or otherwise, in the discretion of the troop commanders, may be granted not to exceed four per day for each troop. No passes will be granted at other hours than either between 8 a. m. and 12 m., or 1 p. m. and 4 p. m.

This circular will not be construed to prohibit troop commanders giving permission to reliable men to hunt at such times as they may elect.

By order of Major Hsley:

H. G. TROUT,

*Second Lieutenant, Ninth Cavalry, Camp Adjutant.*

On the 17th instant orders were given to hold two check roll calls, one at 11 o'clock p. m. and another two hours later, superintended by an officer from each troop. The guards on that day were also doubled, and the officer of the day instructed to remain up all night, and one relief of the guard, not posted, required to be kept awake, and mounted patrols established around the camp, and every officer, including myself, remained up to keep watch, all of which orders were supervised by myself and were obeyed. At 10.30 p. m., 17th instant, a single shot was heard in the direction of Suggs, immediately followed by rapid firing, to the number of 50 shots at least, whereupon each troop was instantly paraded by its troop officers, and check roll call ordered, with the following result, viz: Troop A, Ninth Cavalry, all present; Troop D, Ninth Cavalry, 2 absent; Troop E, Ninth Cavalry, 11 absent; Troop F, Ninth Cavalry, all present; Troop G, Ninth Cavalry, 24 absent; Troop I, Ninth Cavalry, 1 absent (killed); total absent at 10.30 check roll call, 38. The troops were then directed to remain in line and the officers with them until further orders. Troops A and I, under Captain Guilfoyle, were then directed to saddle up and proceed to Suggs and investigate the cause of the firing, to arrest all soldiers found on the road, and if it was found that the difficulty was between the citizens and soldiers, that the former should receive every protection and the assurance that misbehavior on the part of the soldiers would not be countenanced an instant, and for Captain Guilfoyle to remain there with his command until quiet was restored and the citizens felt willing that he should return. Asst. Surg. A. B. Heyl, U. S. Army, accompanied the two troops with the Red Cross ambulance. About one hour after the departure of the two troops I received a message from Captain Guilfoyle, by Lieutenant Fuller, stating that he had reached Suggs and learned that the firing was caused by a fight between the citizens of the town and about 20 armed soldiers; that he had arrested all soldiers he found there and en route; that 1 soldier had been killed and 2 wounded; that he (Captain Guilfoyle) had restored order and promised protection to the people. At daylight Captain Guilfoyle returned to camp with his command, reporting the disturbance at an end. Early next morning I convened a board of officers with instructions to report upon all the circumstances connected with the disturbances of the previous night. Their report was inclosed with my own report to department headquarters. On the morning of the 18th I reported there was no excitement among the men resulting from the night's disturbances, but as a precaution I caused all of the men to remain in camp and established a chain of sentinels in addition to the usual

patrols; also sent a mounted detail to scour the country between the camp and Suggs. After careful investigation but three men—namely, Private Emile Smith, Troop E, and Privates Abraham Champ and William H. Thompkins, Troop G—were identified as participants in the disturbance. These were arrested at once, and are now held under guard, and general charges will be forwarded against them; and every man reported absent from his troop on the night of the 17th was tried by summary court for “absence without leave” and sentenced, there being no testimony to connect them with the disturbance. Since the night of the 17th there has been no intercourse between the soldiers and citizens of Suggs, the soldiers absolutely discontinuing their visits to the town, and the latter have manifested a most commendable spirit of discipline and obedience. In my opinion the origin of the difficulty was the repeated and constant insults heaped upon the soldiers by a certain class of citizens on account of the soldiers being colored, and that I believe the sole intent of the soldiers was to chastise the man who had the previous evening drawn the pistol on Private Champ, and while engaged in looking for this man I have reason to believe they were fired upon.

Q. (By inspector.) What reason have you to believe that the soldiers were fired upon first?—A. The men themselves say so.

Q. (By inspector.) Are you positive that not more than two soldiers were in Suggs when a revolver was thrust in the face of Private Champ?—A. Upon investigation I could learn of no other soldiers being there.

Q. (By inspector.) Have you personal knowledge of any other incidents bearing on this subject?—A. No. Colonel Biddle arrived and assumed command of the camp on the morning of the 21st of June.

Q. (By inspector.) In your dispatch to department headquarters, why did you omit mentioning the fact that 1 soldier had been killed and 2 wounded?—A. I purposely omitted so stating, because the dispatch was written at night, when great excitement prevailed, when it was not known what casualties had occurred, and I did not want to send anything sensational or unreliable.

Capt. JOHN F. GUILFOYLE, Ninth Cavalry:

Q. (By inspector.) After you started from the camp, were there any shots fired?—A. I heard only one when within a mile of Suggs, which sounded near the ferry beyond the town.

Q. (By inspector.) Upon reaching the town, please explain the condition in which you found the people thereof?—A. My command was met first by one man, to whom I explained the object of my visit, viz, to investigate the cause of the disturbance, extend the necessary protection and medical aid, if needed, to the people. Do not know the name of the man whom I first met. I asked at once to see the town mayor, sheriff, or other principal citizens. Thereupon a large body of men, probably 100, came from their places of concealment, all armed, generally with Winchester rifles in hand, by whom I was informed that a party of soldiers numbering from 18 to 20 had come into the town about 10 o'clock that night, had marched up through the principal street, and had collected near the stage station and commenced firing first in the air a single shot, then a scattering volley. At this the citizens occupying the house

opposite the stage station, known as "Rustlers' Headquarters," came out, and fire was opened by both sides, the citizens claiming that the soldiers after firing the first volley commenced firing at the house. After this the firing upon the soldiers was maintained generally by the citizens throughout the town. The soldiers retreating toward the river in the direction of the camp. Reaching the railroad embankment, the soldiers ceased their retreat sufficiently long to fire several volleys into the town. Both the houses and tents showed the marks of bullets. This was the last of the firing. One of the citizens pointed out to me the dead body of Private Willis Johnson, Troop I, Ninth Cavalry, and turned over to me his arms and another carbine and pistol found near him. I had the remains of Johnson placed in a wagon and then turned my attention to pacifying the citizens, and inducing those in hiding in the adjacent hills to return to their homes, in which undertaking I succeeded. Quiet being restored, I placed guards around the town, remained there until daylight, when my services being no longer required, returned with my command (two troops) to camp.

Q. (By inspector.) Did you learn the origin of the difficulty between the soldiers and citizens?—A. Yes. The difficulty originated as stated in my report of the 18th of June, in a quarrel between a citizen and soldier over a prostitute.

Q. (By inspector.) Were you cognizant of any ill feeling existing between the citizens of Suggs, or residents of this part of the country, and the soldiers previous to this disturbance?—A. It was the common talk in this camp among the officers that such a feeling did exist, and it was noticeable that on our march here the citizens generally avoided us, contrary to their usual habits. This ill feeling was prompted, no doubt, by rumors to the effect that our mission to the country was to arrest certain individuals at the instance of one Philip Du Fran, who accompanied us, and who was active in circulating this rumor. There was also a prejudice against the colored soldiers.

Q. (By inspector.) Did you succeed in arresting any of the participating soldiers except those mentioned in your report as wounded?—A. No; I saw no others.

Q. (By inspector.) Can you state positively which of the contending parties fired the first shot?—A. I can not state positively, but my impression is that the first shot came from the soldiers.

Q. (By inspector.) Can you give me the names of some of the citizens of Suggs with whom you conversed?—A. Know the citizens of Suggs only by sight, not their names, except that the postmaster, Mr. Brown. They are such as compose the population of end-of-track towns.

Q. (By inspector.) Who did you refer to by the name of Rustler?—A. Name given by the people of Wyoming to those of its citizens who are opposed to the cattlemen.

First Lieut. G. S. BINGHAM, Ninth Cavalry:

Q. (By inspector.) From whom did you obtain the information given in your report that the two soldiers returning to camp on the night of the 16th were fired upon?—A. From Mr. Jack Bell, town marshal of Suggs, who stated that he had heard several shots fired soon after the two soldiers (Champ and Smith) had left camp. But

I could not ascertain by whom the shots were fired or whether or not they were fired at the soldiers. It might have been the soldiers themselves firing in the air. The soldiers stated they had been fired upon.

Q. (By inspector.) Will you please state why you believe that the "rustlers" are disturbed by the presence of United States troops in their midst?—A. A rumor has been circulated among them that the troops had been sent here for the purpose of arresting certain of them, and the fact that Du Fran accompanied us, whose life they had threatened to take, seemed to them to confirm the rumor, and it had been printed in a Buffalo, Wyo., newspaper that this same Du Fran had claimed to be a deputy United States marshal, with warrants for the arrest of 30 or 40 men. This, in my opinion, excited the people and prejudiced them against the soldiers.

Q. (By inspector.) Did you arrest the soldiers coming from Suggs after the disturbance on the night of the 17th? Please state details.—A. I did. There were about 30 of them. I sent them to their respective troops. They were all perfectly sober. Two of them, Privates Champ and Tompkins, of Troop G, were among them and both were wounded. I could not identify any of the other men as having participated in the disturbance. I wish to add that during my conversation with Jack Bell, town marshal, on the morning of the 17th, he stated that the soldiers had made threats against the man who had thrust a pistol into Private Champ's face, and I assured him that if the people would not molest them there would be no further trouble.

Q. (By inspector.) What was the name of the man who thrust the pistol into the face of Private Champ?—A. I have been unable to obtain it.

Q. (By inspector.) How many soldiers were in town when you were there on the 17th, and what were they doing there?—A. About a dozen. They were on pass. They seemed to be very orderly and quiet.

Second Lieut. G. H. PRESTON, Ninth Cavalry:

Q. (By inspector.) Do you know the cause of the unfriendliness on the part of the citizens toward the soldiers?—A. I attribute it largely to the presence of one Philip Du Fran in our camp. Du Fran was messing with my troop, G, and my being interested personally in the condition of affairs in this country, I became quite intimate with him. He took no pains in concealing his hostility to the people of this country. He characterized this entire resident population in unmeasured terms. He told me that his friends in Cheyenne would soon be out of hock, and that then martial law would be declared and the fun would begin. Subsequent to the trouble in the town of Suggs I expressed to Du Fran my regret that the soldiers had gone there. Replying, he said he was glad they (the soldiers) had tackled these people, and he only regretted that they did not kill a whole lot of the people. From all of which I gathered that he had encouraged what evil feeling of hostility that existed on the part of the soldiers. He remarked to me that the soldiers had offered to escort him into Suggs and defend him. When I visited Buffalo about the 15th of June, the people of that place informed me that Du Fran personally had sent out notice that he (Du Fran) accompanied the troops commissioned as deputy United States marshal with warrants for the arrest of 42 citizens of Wyoming charged with preying upon the herds of large cattle owners.

Q. (By inspector.) Having traveled largely over this country, what condition of affairs have you found?—A. At present everything is quiet, and the only fear of the people is that they are again to be attacked by hirelings. I also found from 10 to 15 desperadoes, reputed as refugees from justice and at large in the State, of these I can recall only Jack Bell, Taylor, and Smith.

Private ABRAHAM CHAMP, Troop G, Ninth Cavalry, being duly sworn, testified as follows:

Q. (By inspector.) Where were you on the night of June 16, 1892?—A. I was in the town of Suggs.

Q. (By inspector.) Will you state what occurred on that occasion of an unusual character?—A. I was standing, leaning on the counter of a saloon talking to a man I had met at Pine Ridge, when a cowboy, armed with a revolver and two belts of cartridges, came up by my side and presented his pistol, full cocked, at my head, saying as he did so, "Aint your mother a black bitch?" and such other insulting phrases, upon which the bartender said, "You should not talk to that man that way, he is a very nice fellow," and the man replied, "He did not like a negro anyway." He continued to talk in the same way for some time, when he went out and stood near the street door. The saloon keeper then conducted myself and Private Smith, of Troop E, through the back door to the street, when we went to Private Smith's horse, which both of us mounted and rode to camp. When we were about 100 yards from the camp three different volleys were fired at us, one ball passing through Smith's hat. There were no other soldiers in town that night except myself and Smith.

Q. (By inspector.) What is the name of the man who attacked you in the saloon with a pistol?—A. I do not know. Never saw him before, and do not now know anything about him.

Q. (By inspector.) Do you know of having given the man any cause for his attack?—A. No, sir.

Q. (By inspector.) After getting into camp did you again visit Suggs?—A. Yes; I went back the next night.

Q. (By inspector.) What occurred in Suggs when you went back there the next night?—A. About 10 o'clock that night myself and several other soldiers were in Suggs, standing on the street, talking to two saloon men who said they were glad to see us, and entered their saloon. About this time six or seven men armed with Winchester rifles crossed the street a block above us and entered a hotel tent and came out again with as many more men. They walked a short distance in front of their tent, raised their guns and deliberately fired at us. In the second volley I was shot through the shoulder, and with assistance got back to camp. After I said that I was wounded the soldiers commenced firing and retreating from the town. After leaving town the soldiers ceased firing, but the citizens kept it up until we were half a mile toward camp.

Q. (By inspector.) What soldiers were with you when the firing was in progress?—A. I do not remember their names.

Q. (By inspector.) Do you know the names of any citizens who fired at you?—A. No, sir.

Q. (By inspector.) At what time during the shooting was Private Johnson killed?—A. I do not know. He was not with us, and I did not know of his having been killed until my return to camp.

Private WILLIAM H. THOMPSON, Troop G, Ninth Cavalry, being duly sworn, testified as follows:

Q. (By inspector.) Were you in the town of Suggs, Wyo., on the night of June 17?—A. I was over there the night they had the row.

Q. (By inspector.) What occurred on that night?—A. I was standing, talking to some soldiers, when a party of cowboys opened fire on us with their guns; we commenced to retreat when they fired a second volley at us, and then the soldiers returned the fire.

Q. (By inspector.) When and where were you wounded?—A. I was shot in the hand at the first volley.

Q. (By inspector.) How many cowboys were in the party who first opened fire on you?—A. I could not tell.

Q. (By inspector.) What action did you take after being wounded?—A. I joined the rest of the soldiers and came back toward camp until I met the ambulance, when I was taken charge of by the surgeon.

Q. (By inspector.) What was the cause of the row between the citizens of Suggs and the soldiers?—A. I do not know.

Q. (By inspector.) Do you know the names of any of the citizens engaged in the row?—A. I do not.

Colonel BIDDLE, Ninth Cavalry:

Q. (By inspector.) Will you please state generally the condition of affairs in this camp on your arrival and assuming command?—A. I arrived here at 8 o'clock a. m., June 21, assumed command, and found everything comparatively quiet in the camp. Before my arrival, while en route here, I heard many reports that there was no law existing and that parties obnoxious to the people at Suggs were ordered out, and if they did not go would be dealt with in a violent manner, and if soldiers went to the town or were absent from the camp their lives might be in danger. I also was informed that the sheriff would call that morning to demand the men who had a few days before committed the outrage at Suggs. It was very important that these men should not be turned over to the civil authorities under the feeling I surmised was existing, as anything occurring to prisoners of a violent nature would act in a most excitable manner on this command. At about 11 o'clock the same morning the sheriff and deputy sheriff of Sheridan County arrived, accompanied by a Mr. Taylor, of Buffalo, Wyo., said to be the leader of the rustlers; Mr. Zindell, of Buffalo, and three more names not remembered. It was most important to me to not have them serve warrants or mention names of parties they might want, so I opened the conversation at once, saying, "Gentlemen, what can I do for you?" The sheriff replied, "We have come down here to talk about the disturbance and the delivery of the men." I said: "Anything I can do for you that the law would require of me of their delivery up to civil authorities will be cheerfully done, but before I move in the matter would like to confer with higher authority. You can place a deputy here in charge of these men till I hear, and the law and my instructions can be complied with." I also said, "I am out here to comply with the laws and not to break them," and that I recognized that we officers were the servants of the people. The sheriff replied that he was perfectly satisfied; that he thought the men would be safer here than under his charge, and asked how long it would take. I told him about three days. They then left. It was of the greatest importance to me to conciliate the feeling of these men

and show them my intentions to prevent them from serving warrants, as under those circumstances I would have made myself liable to an interpretation of my action that I did not care to have to make. I also learned that they were trying to secure an indictment against one Philip Du Fran, a civilian guide in this camp. If that indictment was secured I feel sure that a warrant for his arrest would have been served at once on me. If such course had been pursued, the complications ensuing would have been extremely delicate; to have refused would have jeopardized me officially, and to have acceded would have jeopardized his (Du Fran's) life. From the intense bitterness of the expressions made against him and the character of the men making them I applied to the general commanding the department for authority to send him (Du Fran) away, briefly stating my reasons. Authority was granted. I sent him to Gillette under the escort of a troop of cavalry. All at present seems quiet, and there has been no further action taken looking to the surrender of these soldiers to the civil authorities. The meeting between the citizens and myself was extremely amicable and agreeable. Have had very little intercourse since.

On the morning of the 27th I drove into the town of Suggs, interviewed the deputy sheriff of Sheridan County, Mr. Morrow, the town marshal, Mr. Jack Bell, and all of the leading citizens, taking the sworn testimony of a Mr. Thompson, the saloon keeper who was present on the night of the 16th, when it was stated a citizen thrust a cocked pistol in the face of Private Champ and otherwise abused him.

Mr. MACK THOMPSON, a citizen of Suggs, being duly sworn, testified as follows:

Q. (By inspector.) Will you please state what occurred in your saloon between two soldiers and a citizen on the night of the 16th instant?—A. A couple of negro soldiers came in here and were drinking when a citizen came in and asked if they were the soldiers who kicked on his door, and which one did it. They replied "No," and the man said "If you are you had better never come back there again." The first man had a gun; but, upon being told by me that these were not the men, they joined in a drink together and I supposed that was the end. I don't know the man's name.

Q. (By inspector.) Were there more soldiers in town than the two you have mentioned?—A. Yes; I saw more.

The rumor of a large collection of citizens at Suggs after the disturbance is denied by the citizens. The people of the town of Suggs were much worked up over recent occurrences; claimed to have acted only in self-defense; that they did not anticipate any trouble, and that it was the soldiers who brought on the fight and fired the first shots. They also pointed out to me 50 bullet holes made in their houses and tents which they announced were made by the soldiers on the night of the 17th of June. One of the bullets had penetrated a mattress, another a bedstead, another a trunk and a door, and another had damaged some tinware belonging to a merchant. Only one citizen was wounded, and he very slightly in the arm.

From the foregoing evidence, as well as from all the facts obtainable through conversation, I conclude that the riot was brought about by the two soldiers (Privates Emile Smith, Troop E, and Abraham Champ, Troop G) who had been insulted and maltreated in the town on the night of the 16th by a citizen, and that they induced a party

of soldiers to return with them the next night to redress their wrongs. While the conduct of the soldiers immediately before and during the fight was most disgraceful and deserving prompt and speedy punishment, it would appear that the commanding officer, Major Ilsley, and his officers are in no manner censurable. Somewhat more than the usual precautions had been taken to maintain good order and to prevent the men from leaving the camp, and the prompt action in restoring order and confidence in the town was most timely.

Upon the arrival of Colonel Biddle, he found, on assuming command, one or two delicate problems, which he has solved both diplomatically and, I believe, most wisely.

Of the 38 men absent at check roll call at 10.30 o'clock p. m., or immediately after the firing was heard in Suggs, as stated by Major Ilsley, 34 have since been tried by summary court for absence without leave. When asked why these men were not confined and proceeded against for the more serious crime of engaging in riot and shooting with intent to kill, Major Ilsley stated that after examination he could find no testimony to connect any of the men, except the two wounded with participation in the affair.

I found the command in excellent discipline and condition, and do not believe that further trouble between the citizens and soldiers will occur.

I inclose herewith copy of orders issued by Colonel Biddle and return the papers furnished me by the assistant adjutant-general of the department.

Respectfully submitted.

JNO. M. BACON,  
*Major, Seventh Cavalry, Acting Inspector-General.*

[Indorsement.]

HEADQUARTERS DEPARTMENT,  
*Omaha, Nebr., July 2, 1892.*

Official copy respectfully forwarded to the Adjutant-General of the Army, Washington, D. C., for the information of the Major-General Commanding the Army, in connection with the copies of reports forwarded on June 22 ultimo.

The man Philip Du Fran was sent by me as a guide to Major Ilsley, he being represented as thoroughly familiar with the Powder River country. Colonel Biddle having reported to me that Du Fran's presence was disquieting, I ordered him sent away, which has been done.

JOHN R. BROOKE,  
*Brigadier-General, Commanding.*



## TENTH CAVALRY.

## AFFAIR AT HUNTSVILLE, ALA., OCTOBER 11, 1893.

OFFICE INSPECTOR-GENERAL,  
THIRD DIVISION, FOURTH ARMY CORPS,  
*Huntsville, Ala., October 12, 1898.*

REPORT OF AN INVESTIGATION ORDERED TO BE MADE BY MAJ. EARL D. THOMAS, INSPECTOR-GENERAL VOLUNTEERS, IN ACCORDANCE WITH INSTRUCTIONS CONTAINED IN THE FOLLOWING LETTER FROM HEADQUARTERS FOURTH ARMY CORPS, HUNTSVILLE, ALA.

HEADQUARTERS FOURTH ARMY CORPS,  
*Camp Wheeler, Huntsville, Ala., October 11, 1898.*

Maj. EARL D. THOMAS,  
*Inspector-General.*

(Through commanding general, Third Division.)

SIR: The major-general commanding, directs that you will without delay, thoroughly investigate and make a full report in writing, on the disturbance and attack on provost guard which is reported occurred near the N., O. and St. L. R. R. station this morning about 8 a. m.

Very respectfully,

J. K. THOMPSON,  
*Assistant Adjutant-General.*

CAMP OF PROVOST GUARD, SIXTEENTH INFANTRY,  
HUNTSVILLE, ALA., *October 12, 1898—10 a. m.*

Witnesses examined and testimony taken as stated below.

In this investigation the inspector-general deemed it advisable, in the interests of justice and equity, to administer to each witness the customary "oath to witnesses" before examination. Where civilian witness declined to testify under oath, such fact was stated and testimony then taken not under oath.

Private JACOB DEBUSKEY, Company L, Sixteenth Infantry, appeared, and after being sworn, testified as follows:

Q. State what you know about the disturbance and attack that was made on the provost guard on the morning of October 11, about 8 a. m., in the town of Huntsville, Ala.—A. Private Larkin, Company L, Sixteenth Infantry, was on guard outside the barroom. He told me and another fellow that there was some trouble up there at a colored woman's house. We went up there, and I told a colored soldier to go out, and I stood there about a minute or two; then this fellow Larkin and McLaughlin came up and told this colored fellow to go out and he would not go out. He said, "I don't know, because you got a gun—I got a gun right here in my side pocket." He stood there growling and cursing and another colored man told him to go to the guardhouse. When we got half way to the railroad track a colored sergeant of the Tenth Cavalry said, "I don't know; because we are colored soldiers you can't lock us up. If there is any trouble coming we are going to give you all you are looking for." Then he said to some of his colored soldiers: "Go ahead and get your guns and give them hell." When we got on the corner this colored sergeant went up to Larkin and grabbed his gun and started hollering at him. Then I heard a shot. One of the colored soldiers fired off a gun and hit Wiles, of M Company, Sixteenth Infantry, in the leg. When Wiles fell he asked me to protect him and not let them

give him any more bullets. After a while firing started. When the firing ceased the lieutenant ordered all the soldiers back. This fellow McLaughlin was standing back to the train when he was shot through the back and he fell. I was a member of the provost guard. I was a few feet away from the colored soldiers when the firing started, for the purpose of keeping the colored soldiers from the other members of the provost guard. When this man was shot by the bullet that came from the train, I took up my gun and aimed, when a lieutenant from the Tenth Cavalry took my gun away from me and knocked all the bullets out of it and gave me back the empty gun.

Q. Would you recognize the sergeant?—A. I don't think I could, because I was always in back of him.

Q. Could you recognize the officer of the Tenth Cavalry who took your gun away from you?—A. I don't think I could.

Q. Were these colored soldiers drunk?—A. No, sir; because we heard they were coming in and we closed the saloons up. This row commenced by the railroad track near a "common" house.

Q. Were there anybody else besides the Tenth and Sixteenth engaged in this battle?—A. There were a few fellows from the Fifth Cavalry. I asked them to help me. There were 3 men wounded; 2 of them died.

Q. What time did this occur?—A. Between 7.30 and 8 o'clock.

Q. Could you recognize any of the other colored soldiers that were there besides the sergeant?—A. No, sir; I could not.

Q. Are you certain that the first shot was fired by the colored soldiers?—A. Yes, sir.

Q. Could you recognize that man, or did you see him when he fired?—A. No, sir; Larkin, the fellow that was shot, said to me, "Debuskey, a colored soldier shot one of our guards;" but I did not see that. I kept away from them 15 paces so that they could not get at me. It was on the ground that the first shot was fired; it was fired from a carbine.

A colored soldier went to a "common" house and he had no money and the lady ordered him out and this started the row between the provost guard and the colored soldiers of the Tenth Cavalry. The provost guard arrested the prisoner at this house and walked him half way between the house and the railroad track, when some colored soldiers made the guards leave him go. I followed him down and when we came to the railroad track I halted him and put him under arrest again and this colored sergeant said, "I don't know, because you are white soldiers you are not going to give us colored soldiers hell." Then all of them stood back with their hands on their back pockets. I saw McLaughlin and Larkin going down the railroad track and I told them I had the prisoner and they took him and walked him down to the saloon. We had the prisoner when the firing commenced. I could not say whether or not the prisoner escaped when the firing commenced. I did not see the prisoner after the firing was over; they all ran away. I do not know how many shots I fired. Larkin was right next to the barroom when two of the colored soldiers took a hold of his gun and one of them took his bayonet out of his scabbard and made a dash at him, and I turned around as I saw that and fired twice. Two colored soldiers were wounded by my firing; both fell; these were the two colored soldiers that had Larkin and who tried to kill him.

Q. Had you ever had any trouble with these colored soldiers before this disturbance?—A. On the same morning, I don't know what time it was when the train came in with the colored soldiers, we had to go up twice to the same house. There was a little trouble up there, but they ran away and we did not fire after them at all as it was understood among ourselves, as a guard, that we would not fire upon them unless they fired first.

Q. Were these the same soldiers that you had trouble with in the morning that you afterwards had trouble with on the same morning at 8 o'clock?—A. I could not say as it was dark and I could hardly see.

Q. How long have you been in the service?—A. Since July last.

Q. Were you with the Sixteenth Infantry at Santiago?—A. No, sir.

Q. What part of the country do you come from?—A. Baltimore, Md.

Q. Was there any noncommissioned officers in charge of the patrol?—A. A corporal and two of the guard went to breakfast. There was no noncommissioned officer in charge of the patrol at the time of the disturbance.

Q. What soldier in charge?—A. There was no soldier in charge.

Second Lieut. J. McD. COMER, commanding M Company, Sixteenth Infantry, appeared, and after being sworn testified as follows:

Q. What were your particular duties on the morning of October 11?—

A. I was to have gone on duty at 8.30 yesterday morning, but I was up town a little sooner than that—about 8 o'clock—and heard the call for the patrol from the guardhouse stating that there was a good deal of firing between the Tenth Cavalry and the provost guard at the N., C. and St. L. depot. I got on my horse and rode down, found all quiet, all the Tenth Cavalry locked up under guard in the trains and McLaughlin dead, Wiles unconscious with a wound through his right leg, and Larkin with only a flesh wound in his right thigh. At the time there were only four guards on duty, Debuskey being the one unhurt. The patrol arrived there about five minutes after I did.

Q. Where was the patrol that this man belonged to?—A. We had a running guard—a corporal with six privates, a corporal and two of them at the time being off for breakfast, four of them were there. There were no colored soldiers then around the patrol.

Q. Do you know the origin of this disturbance?—A. I don't know only what I was told.

Q. Do you know what officer or officers of the Tenth Cavalry were there at the time of the disturbance?—A. No, sir.

Q. Were any other officers there that you know?—A. I think Lieutenant Stanley of the Twenty-Second Infantry was there.

Q. Do you know anything about the disturbance that occurred about 3 o'clock in the morning between the provost guard and the colored soldiers at the same house?—A. No; it must have been slight or they would have reported up here.

Q. Any information bearing upon the subject?—A. No, sir.

Q. How many men have since died, the result of the row?—A. McLaughlin and Wiles. I don't know whether any of the Tenth Cavalry died or not.

Q. Where is Larkin?—A. He is in the Fifth Ohio Hospital, a few blocks above.

Q. What officer was in charge of the provost guard that morning?—A. I was in charge of the provost guard. I had already

assumed the duty. In my opinion the cause of the disturbance was due in a measure to a "race" feeling—a negro soldier hated to be arrested by a white soldier. I can not make any further explanation or make any further statement in connection with the disturbance.

Q. Do you know any citizens that have any positive knowledge of this disturbance?—A. The proprietor of the Dew Drop saloon.

Private WILLIAM H. LARKIN, Company L, Sixteenth Infantry (a wounded soldier at hospital), being next sworn, testified as follows:

Q. Were you a member of the provost guard on duty at Huntsville, Ala., near the Dew Drop saloon by the N., C. and St. L. R. R. on the morning of October 11, 1898?—A. Yes, sir; I was.

Q. State what you know about the disturbance which occurred that morning between the members of your patrol and the colored soldiers of the Tenth Cavalry?—A. On the morning in question there were four of the guards left while the others went to breakfast. Myself and McLaughlin had each a saloon as our post, one on each corner. A woman came up the railroad track and asked me if I would send some one to her house, as the "niggers" there claimed "that they were going to burn the damn shack to the ground;" she was crying when she spoke to me. I sent two men, Debuskey and Wiles of Company L, Sixteenth Infantry, to find out what trouble there was and quiet it. They came back and said that they could not do anything there, that the "niggers" were too strong and threatened their lives. McLaughlin and myself went down and when we went in the "niggers" charged on us and claimed that they would not leave there under any circumstances. I then asked the madam who was the leader, and she pointed to a big burly negro and said he was the cause of it. I therefore placed him under arrest. He refused to go and I struck him with the stock of my rifle. On the way to my post with him the rest of his company of the cavalry joined in and helped take him from me. There were several pistols in the crowd, but how many I don't know. When I reached my post with him, the crowd still there, a shot was fired from a revolver. The crowd then scattered. I looked for my prisoner, and he was going toward the train; I called to him to halt, which he did not do, and I fired a shot. He still kept running and escaped. Then other shots followed from all directions. They also tried to take my rifle, and Debuskey scared them off with his rifle. The first shot was fired from a revolver in the hands of my prisoner or some of his friends; it came from that direction. They thought to scare us away: The bullet struck a colored soldier of the Tenth Cavalry, who lies wounded in this hospital.

I don't think the shot was fired at anyone in particular; I think it was to scare the guards. When the shot was fired our guard scattered and surrounded the mob. The others got in the cars, and some of them went back to the freight cars, and the shots were coming from both directions. McLaughlin was shot as he turned around facing the train that contained the colored soldiers, so I think that shot came out of the cars. The minute he turned in that direction he dropped. I think the prisoner would have come with me if it were not for his friends. He went with me until he met the rest of his friends, and they claimed that I had no authority for arresting him. I told them that I was there to arrest anybody that was disorderly on my patrol. I had charge of the patrol at the time.

Q. Were any of the colored soldiers wounded?—A. Only one to my knowledge. I fired three shots out of my rifle.

Q. When were you hit?—A. Just before McLaughlin. I said, "Look out, Mac, they are picking us off." He said, "There is no danger; they are going to stop." Just then he was shot. After I thought the firing was over and the officers of the cavalry came out, I ran into the mill and telephoned for the guards, telling them that trouble was there and that three of our men were shot. The guards arrived about five minutes after.

Q. Was this near the Dew Drop saloon near the railroad depot?—A. It was at the saloon near the railroad depot.

Q. Did you fire at the crowd?—A. No, sir; I fired at my prisoner. In running to the cars I commanded him to halt; he would not, and I fired.

Q. Could you recognize any of the men?—A. I could recognize the prisoner.

Q. Could you recognize the sergeant that tried to take the rifle of one of your patrol?—A. No, sir; I could not, because the scuffle was behind my back. They had my rifle over my head trying to wrench it from me. I could recognize some of the men who tried to take my prisoner from me.

Q. Do you know if any officers of the Tenth Cavalry were there?—A. There were officers there, but I don't know whether they were cavalry or infantry; but they came from the cars. I could not say whether they belonged to the Tenth Cavalry or not.

Q. Did they make any effort to suppress the disturbance?—A. They did; they raised their hands and shouted to everyone to stop firing.

Q. Did their efforts have any effect?—A. Yes, sir; it had effect. The surgeon's orderly was crossing the railroad track in the direction of the train; Debuskey ordered him to halt; instead of him halting he started on a run. There were several shots fired then, but how many I don't know. That was the last of the firing. He escaped without injury, I think.

Q. Was this colored man that is wounded here in this hospital your prisoner?—A. No, sir. If he had not been in the crowd there he would not have been hurt.

Q. Did he fall when shot?—A. Yes, sir.

Q. Where was he hit?—A. He was struck in the thigh.

Q. Then the next shot was fired by who?—A. The next shot was fired out of my rifle; I fired at the prisoner who was escaping.

Q. Did you hit him?—A. No, sir; he kept running.

Q. Had they gotten the prisoner away from the guard before the shot was fired?—A. After taking my prisoner they tried to take my rifle. Then the first shot was fired. After regaining my rifle, I commanded the prisoner to halt. He continued to run, and I fired.

Q. Was the prisoner running in the direction of the train, or was he running toward the main street?—A. He was running from the saloon where I had him over to the train. After my first shot I was shot from a revolver behind the freight train. I was hit in the thigh.

Q. When you fired toward the prisoner did your bullet go to the train or down the main street?—A. I fired low; I think it hit the ground.

Q. Did you fire the next three shots low?—A. Yes, sir; they were all fired low.

Q. Did you fire out of the crowd?—A. The first shot was fired at the prisoner; the next shot was at the revolver that was fired at me; the third shot was fired at the man who held the carbine in his hand.

Q. Do you know whether you hit the colored soldier or not?—A. I don't know. After firing they ran, and I don't know whether it took effect or not.

Q. How many coach loads of soldiers were there?—A. I think there were 10 or 12; it was a long train.

Q. You could not recognize or identify the man who fired at you with the revolver?—A. No, sir; it was fired back of the freight car.

Q. Did you see any firing from the car windows of the passenger coaches?—A. No, sir; I can not say that I did.

Q. Were all the colored soldiers armed with carbines and revolvers?—A. No, sir; there were very few carbines around, and those that did have them were hiding them.

Q. Could you recognize or identify any of the officers?—A. I think I could identify two; their names I do not know.

Mr. A. L. BLUNT, citizen of Huntsville, Ala., made the following statement:

Did not see the commencement of the disturbance; arrived on the ground directly after the firing commenced; saw the guard fire several shots; did not see the guard fire toward the car; am positive they did not fire in the direction of the cars. A number of shots were fired from the car windows by colored people, black fellows; they fired from the end of the car window at the patrol; did not see the prisoner escape from the patrol; only heard that he escaped. The patrol behaved well and stood their ground well. There was considerable firing; could not get away myself and was hemmed in by the crowd and had to remain on the ground. There were several shots fired from the rear of the freight train near by; there was firing from the car windows by black men who were not concerned in the disturbance; could not recognize any of the colored men or the patrol; did not see any officers there, only saw one corporal; saw a good many citizens there. The saloons near the flour mill were closed; did not see any drunken soldiers; do not know anything about the first part of the disturbance.

FRANK R. MCCOY, second lieutenant, Tenth Cavalry, after being sworn, testified as follows:

Q. State what you know about the disturbance and attack that was made on the provost guard on the morning of October 11 about 8 a. m., at Huntsville, Ala.; also state where the disturbance took place.—A. I was at the hotel for breakfast and drove down toward the station, and as I came in sight of the troop train I found the regiment formed there. Just as I arrived, a fusilade commenced. I jumped from the carriage and ran toward the "provost guard," arriving there, I found Lieutenant Stanley and Lieutenant Roberts had stopped the firing. That is all I saw of the occurrence. That was at the latter end. Know nothing of what occurred before, except from hearsay.

From hearsay: I was in charge of the stock train, and while I came in on the engine, leaving the train several miles out of town, I returned at once to the train after the shooting affray and called up the detachment with the train, questioning those who had seen the affray closely.

The general trend of the information was that a colored soldier had been ordered away from a house of ill fame by a member of the "provost guard." He refused to go and made insulting remarks to the guard, upon which one of the guard hit him in the chest with the butt of a gun. He started away, putting his hand to his pistol holster, upon which the guard told him not to draw his pistol, levelling their guns at him. They arrested him and took him down the railroad track to the front of the saloon, where a number of the other colored troopers crowded around and there was loud talk and a scrimmage; and my men said they all ran away and got on board the car; one of them, private Gleedon, was shot. He was unarmed at the time and was simply a spectator, as were the other members of the detachment. That was all hearsay. I called up several members of the detachment who said they had seen the trouble, and that is what I could make out from them.

Q. Do you know the name of the man who fired the first shot?—

A. No, sir; I do not know anything about it. The men in my train all claim that it was done in the scrimmage and that they were unable to tell who commenced the firing.

Q. Were these men under the influence of liquor, any that you know of?—A. I did not see anybody under the influence of liquor. There probably was more or less drinking, as there were several saloons close by.

Q. Did you see the provost guard fire at the colored hospital man?—

A. Yes; from a distance, as I was coming down in a carriage.

Q. Were all of the officers of the Tenth Cavalry absent at breakfast?—A. I think they were. I don't know whether anybody was left behind or not.

Q. You did not see any shooting from the car windows?—A. No; the only shooting I saw was this fusilade at the hospital man.

THOMAS A. ROBERTS, second lieutenant, Tenth Cavalry, after being sworn, testified as follows:

Q. State what you know about the disturbance and attack that was made on the provost guard on the morning of October 11, at about 8 a. m., at Huntsville, Ala.; also state where the disturbance took place. Did you see the first part of this disturbance?—A. No, sir; I did not see anything of it at all. After the men had been shot I arrived from town.

Q. State what occurred, as soon as you arrived, under your own observation.—A. After getting my breakfast at the hotel, I drove to the station in a buggy. On reaching the bridge near the station I observed the disturbance near the track. I jumped from the buggy and ran toward the depot as hard as I could go, passing several men lying in the road. A number of the provost guard were standing in different positions around the saloon; a number of the Tenth Cavalry were standing on the platform of the depot with guns in their hands. I ordered them into the train; they obeyed. I saw no firing from the cars or the vicinity of the cars. A few moments after, while walking down the track toward the saloon, I saw a member of the Hospital Corps run from one of the wounded men toward the station. A number of the provost guard ran after him, and when near the track a number of shots were fired at him. Lieutenant Stanley was in the midst of the guard attempting to stop the firing. I ran to his assist-

ance and ordered the men to unload their guns and fall in on the sidewalk, and then examined their guns to see whether or not they had been firing. A few moments afterwards, while standing on the depot platform with Major McDonald, I saw three members of the guard following each other at intervals of about 15 yards up the street with guns poised and loading as they walked. The major and myself ran toward them, ordered them back to their guard, and reported the matter to Captain Dunning, who ordered the guard removed.

Q. Do you know anything about the origin of the disturbance?—  
A. Not of myself.

Q. You know how it occurred?—A. Simply from hearsay.

Q. What hearsay statements were made to you?—A. I heard a member of the provost guard state that he had arrested a member of the Tenth Cavalry, and while marching him off an attempt was made by other members of the Tenth Cavalry to rescue him.

Q. Did they state the name of the man they arrested to anybody else?—A. I have since heard that the man who was arrested was Private Dickerson, of Troop F, Tenth Cavalry, who was wounded.

Q. Was he wounded badly?—A. Yes, sir; thigh bone broken.

Q. Is he in the hospital?—A. Yes, sir; he was taken off in an ambulance.

Q. You don't know the man that fired the first shot?—A. No, sir.

Q. Has anybody told you who fired the first shot?—A. I was told by Doctor Foster, veterinary surgeon, Tenth Cavalry, that a teamster reported the first shot fired by the provost guard.

Q. State whether or not the shot was fired at the escaping prisoner, or was it fired at the Tenth Cavalry in the cars?—A. I did not hear.

Q. Were all the officers of the Tenth Cavalry absent at breakfast when the attack took place?—A. I don't think so.

Q. Who was left in command of the regiment?—A. I am unable to state.

Q. How many men of the Tenth Cavalry were wounded?—A. Two that I saw.

Q. Anybody else?—A. I understand that one other man was wounded.

Q. Have any of the wounded men since died?—A. No, sir.

Q. Will they all recover?—A. The surgeons say so.

Q. You don't know the name of the teamster who has stated to several people that he saw the Tenth Cavalry men fire from the window of the car?—A. No, sir.

Q. Did you see the provost guard fire at the hospital man?—A. Yes, sir.

Q. Were the men from the Tenth Cavalry under the influence of liquor—any of them that you saw?—A. No, sir.

Q. Had the men behaved themselves in a peaceable and soldier-like manner on the way from Montauk?—A. I had no trouble, except with one man at Jersey City.

Q. Did you see the sergeant of the Tenth Cavalry take the prisoner away from the provost guard?—A. No, sir.

Q. Did you see this sergeant try to take a rifle away from the provost guard?—A. No, sir; that all happened before I came; the men had been shot before I arrived.

Q. Who stopped the provost guard when they were firing at the hospital man?—A. Lieutenant Stanley, slightly assisted by myself.



Q. Where did this disturbance take place?—A. In the vicinity of the saloon near the corner of the depot.

Q. Do you know the name of the saloon?—A. I think, the "Dew Drop."

Lieut. D. S. STANLEY, jr., Twenty-second Infantry, U. S. Army, duly sworn, testified as follows:

About 8 o'clock a. m. I was talking to Major Pickard of the Volunteer Engineer Corps, at the freight depot N., C. & St. L. Railroad, when I saw a commotion among the soldiers of the Tenth U. S. Cavalry and heard several shots fired apparently in the direction of the passenger depot.

After directing all noncommissioned officers that I saw in my vicinity to form the men into detachments, I hastened to the point where the firing appeared to be coming from. I was met by Lieutenant Stokle, Eighth Cavalry, who informed me that several men had been killed at the corner close to the passenger depot. I went then to this point and noticed three men (one negro and two white men) severely wounded and a fourth slightly wounded in the thigh. I then hastened to the freight depot and telephoned to the chief surgeon for ambulances and medical assistance; I then hastened back to the scene of the encounter and found a surgeon dressing the wounds. An ambulance that was passing was stopped and the injured placed in it. While I was engaged in rendering such aid as I could and trying to learn something of the cause, a negro (civilian) came out from the corner of the saloon, called, I believe "The Dew Drop" and started across the track; as he turned up the road, a civilian came out from the saloon and pointing to the negro said, "There's the man who started this." I turned to the provost guard and said, "Catch that man." They started after him, and as he started to run four members of the guard began to fire upon him. An innocent hospital attendant who was going for bandages was also fired upon by mistake. I was so engaged in trying to stop the firing that I did not notice whether either of these men were shot or not—they both ran away. The officers that I noticed trying to suppress the disturbance were Captain Cartwright, Lieutenants McCoy and Roberts, Tenth Cavalry. As to the cause of the shooting, I know nothing except by hearsay.

R. V. McLURE, a citizen of Huntsville, Ala., after being duly sworn, testified as follows:

Q. State what you know about a disturbance and attack which was made on provost guard on the morning of October 11, 1898, about 8 a. m., in the town of Huntsville, Ala.—A. I am an engineer of electric light company. It was Tuesday morning, between 8 and 9 o'clock. I noticed the guards come up. Two of them went down the railroad track, and they were gone, I suppose, 10 minutes, and they came back with this negro under arrest, and when they got to the saloon—that was their post—they stopped there, and the negroes, I suppose about 200 in the crowd. They went over; they had a word, but I could not hear what they said. They were talking about five minutes, then one of the negroes took hold of the guard's gun; he was not near enough to take it away, so another negro took hold, and about that time I suppose there were about a half dozen started in a run back toward the cars, then there was one shot fired. I do not know whether it was fired by the guards or by

one of the negroes. When the shot was fired the whole business run. Then all the negroes run. Then I went back to fill one of my oil cups on the engine, and I heard a shot; then I looked through the window and saw one of the guards lying in the street. I came back to the door then, and I heard another shot, and there was another guard fell in the street, shot through the body; then the firing ceased for ten or fifteen minutes, I suppose. I do not know exactly how long. Then the guards came from town—I do not know how many came—I suppose about a dozen of them. When they came one negro started to run, and they, the guards, shot at him. I suppose they fired a half dozen times. Whether or not he was hit I could not say; he did not fall, but kept running. Then the head man of the guard stopped the guard from firing—gave orders to stop.

Q. Did you see the man that fired the first shot?—A. No, sir; I did not. I only saw the man fall.

Q. Did you see the colored troops fire from the cars?—A. No, sir; I did not. I saw one negro fire in front of the depot; he fired a carbine. It was not a pistol. It was one of the army guns.

Q. Did you see a negro sergeant take or attempt to take the prisoner away from the provost guard?—A. No, sir; I did not.

Q. Could you identify any of the men that were there?—A. I do not suppose I could; they were all strangers to me; I do not suppose I could recognize a single face.

Q. Do you know the cause of the disturbance?—A. I suppose it was caused by the man who was arrested. The woman of the house, I was told, said to this negro that she did not run a negro whore house, and I understand he started in the house, and the guards went down and arrested him. Do not know whether or not the woman complained to the guard. It seems there were some white men in the house—that is, from what I understand about it. The place where disturbance took place is down the track, behind the flour mill. If any shots were fired from behind freight cars it was on opposite side of track from me. The doctor of the Tenth Cavalry came over and told me that three negroes were shot; that's all I know. I do not know of any citizens that were shot. The bullets were flying around there right smart. Heard no threats or remarks. My opinion is that the first shot was fired by the guard into the crowd when he saw they were going to take his gun.

Capt. GEORGE S. CARTWRIGHT, assistant quartermaster, United States Volunteers, was duly sworn. Testimony as follows:

On the morning of October 11 I was at the L. & N. depot in charge of the unloading of the Tenth Cavalry and two companies of volunteer engineers, when a shot was fired apparently near the saloon across the street from the L. & N. passenger depot. This shot was quickly followed by several others. At this time I was in the road opposite the L. & N. freight depot, and my attention was attracted by soldiers, teamsters, and civilians running toward the freight depot. I saw members of the Tenth Cavalry rushing out of the cars, carbines in hand, and I ran over to them at once and began ordering them back into the cars. About the same time Colonel Baldwin appeared and drove the men belonging in the sleepers nearer the passenger depot back into the cars. He ordered them to put away their carbines and form outside. I then reported to Colonel Baldwin, and, for him, directed the men

nearer the freight depot to form outside the cars. While the men were quite excited when I first ran in front of them and ordered them back into the cars, they obeyed the order, as did those in front of Colonel Baldwin. It is my opinion that a great many of the men did not know why they came out with their carbines. After delivering Colonel Baldwin's instructions, I started in the direction of the saloon to see about the wounded. Lieutenant Roberts asked me a question concerning the disturbance, and I stopped to answer him, when a fresh squad from the provost guard appeared and almost immediately opened fire. I ran over to the squad immediately and ordered them to stop firing. I found Lieutenant Stanley there giving the same instructions. The men were young recruits evidently, and were very much excited. The men were directed to unload their pieces, but one accidentally fired his piece while standing between Lieutenant Stanley and myself. I then directed the corporal to take his squad up the street. This was done to prevent any further trouble. It appeared that these men were partly firing at a hospital man who was going after bandages. Colonel Baldwin and Lieutenant Stanley both deserve great credit for their coolness and presence of mind. One of the members of the provost guard told me that at the time the first firing began they were escorting a Tenth Cavalry man whom they had arrested, when some other member of the regiment demanded his release, and in the excitement a Tenth Cavalry man was shot by some party unknown. He believed that the member of the provost guard who was mortally wounded was shot from under an engine standing on the side track. I heard a teamster say he saw a Tenth Cavalry man fire from the car window, but I do not know the name of the teamster.

JOHN DUNTON, sergeant, Troop I, Tenth Cavalry, after being sworn, testified as follows:

Q. Do you know anything about the disturbance that took place down near the N., C. and St. L. depot on the morning of October 11, 1898, between members of the Tenth Cavalry and the provost guard at Huntsville, Ala.?—A. I don't know the depot and I don't know the date. It was on the morning we got in here. I was on the train at the time and I heard some shooting (two or three shots) and I ran out to see what it was, and I happened to see some members of the Tenth Cavalry running toward the train and I stopped them and asked them what the disturbance was. They said that Colonel Baldwin had ordered them out and they were going to get their guns, and I says to them, "You all stop right here and go back to the train and stay there until further orders;" and they went back to the train and remained there until further orders; they were not ordered out at all.

Q. Did you see any of the shooting?—A. When I went out I seen the white soldiers standing near the saloon firing toward the train.

Q. Did you see any colored soldiers shooting?—A. All I saw was the colored soldiers running toward the train.

Q. Do you know what caused this disturbance?—A. No, sir.

Q. Do you know the names of the three men that were wounded in the Tenth Cavalry?—A. No, sir.

Q. Did you see the sergeant of the Tenth Cavalry try to take the prisoner from the provost guard?—A. No, sir.

Q. Did any bullets go in the direction where you were at the time?—A. I don't know, sir. The bullet that was fired when I came out of the train, I suppose that came in the direction where I was.

Q. How long have you been in the service?—A. Since 1889.

Q. Were any of the men in the troops, so far as you know, under the influence of liquor?—A. Not so far as I know.

Q. Did you see any of them drinking at this corner saloon?—A. No, sir; both of them were closed, because I went there to get change of \$5 and could not get it.

Q. Do you know who was in command of the regiment?—A. Colonel Baldwin.

Q. Did you hear any threats or remarks of any kind made by the soldiers of the Tenth Cavalry after this affray had been quieted?—A. No, sir.

Q. What troop did the men belong to that were wounded?—A. I don't know that, sir. I heard that one of them belonged to F Troop, but I don't know whether both of them belonged to it or not.

Q. Did you have any disturbance on the way down here?—A. No, sir.

Q. Were you at Tampa?—A. No, sir; only when we came through there to embark for Cuba.

Q. Have you heard anybody state who fired the first shot?—A. No, sir.

Q. Have any of the wounded men died since?—A. I don't know, sir.

Q. How long have you been a sergeant?—A. Since 1896.

Q. Were the officers of your troop present when the disturbance commenced?—A. I don't know, sir. Shortly after the disturbance commenced I went outside the car and Colonel Baldwin and Lieutenant Roberts were present.

CHARLES F. RICHARDS, manager of the Dew Drop saloon, after being sworn gave the following testimony:

Q. State what you know about the disturbance that took place between the soldiers of the Tenth Cavalry and the provost guard on the morning of October 11.—A. I think it was about 8 o'clock I heard a commotion outside of the store; we were closed up ourselves by the provost captain. I heard a disturbance outside; I stepped out to see one of the provost guard having a very large negro as a prisoner. There were about 75 other troops around him. They told him that they could not take him to the guardhouse, and they were all joined, talking to themselves. I said, "Boys, you can all sing together, but you can't talk together; why don't one of you do the talking?" I called on the sergeant of the colored troops and asked him why he didn't go and see what the trouble was. He went, and tried to settle it by taking the man to his company. Then they pushed the guard and he raised his gun over his head and made a circle. As he did that one approached him from behind and one dove at his feet and threw him, took his gun from him and ran to the road; then guard number 2, who stood about 20 feet away, ran in and knocked three of the niggers down with the butt of his gun and the nigger that took the guard's gun fired and this guard number 2 fell in the street. They all ran then, and there was a nigger between this guard that fell and myself and he was scuffling with another nigger about a revolver. The peacemaker got shot through the leg, and his

leg was broken. Then this guard number 2, as I called him, hollered to me to go and get something to tie his leg up with. I went over to him and saw where he was shot; went back into the store which was locked, and could not find anything, only my apron, and I tore that up and made a cord as best I could and tied it around him, and as I was tying that around, another guard standing about 6 feet away from me was shot from the car in the stomach and fell about 3 feet from me, so his gun fell across my legs. I was then kneeling down, tying the colored man. That was about three minutes after the mob had gone over to the cars. Then there were two more shots fired that went about 5 feet away from where the three of us were in the middle of the street. When this colored soldier got his leg broken he told Captain Dunning the name of the other man that he was scuffling with to take the gun away from; he was the peace-maker. It commenced to rain, and they removed the colored man into the store and the others they took away in the ambulance.

Q. Did you see the man that fired the first shot?—A. Yes, sir.

Q. Who was it?—A. A large, colored man; very dark color.

Q. Could you recognize him?—A. I am pretty sure I could.

Q. Are you willing to attempt to identify him?—A. Yes, sir; alone, or go with anyone.

Q. Did you see a man fire from behind the freight cars?—A. I did not see it because I was tying the wounded up. From where I was, about 5 feet, there were two more shots fired into the crowd. There was no one within 25 feet of us. The shots that were fired and killed this man came from the rear of the freight cars.

Q. Did you see a sergeant from the Tenth Cavalry try to take the prisoner away from the guard?—A. No, sir; he was there and tried to pacify them.

Q. He did not attempt to take the prisoner away?—A. No, sir.

Q. Could you recognize that man or identify him?—A. I did not catch a very good sight of him, but he was a very tall man.

Q. Did you see the shots fired from the passenger-car windows?—A. No, sir; because I was busy with these three men.

Q. Do you know the cause of this disturbance?—A. Only from hearsay. It was down in a warehouse, and they took him out.

Q. How many shots were fired?—A. Well, I could not say, because the relief came up afterwards and fired at the hospital man. Then I asked the boy if he wanted to see anybody, and asked him his religion, and said, "You will not live long." Then a corporal from the Sixty-ninth came and volunteered to go for a priest.

Q. When this large man fired that you have referred to, did he fire at the guard?—A. He fired deliberately at the man that was knocking the colored soldier down.

Q. Was it a pistol?—A. No, sir; it was with the rifle that he took away from the first guard.

Q. You could not recognize or identify any of the other soldiers that fired there?—A. No, sir; only the man that got his leg broken, he told Captain Dunning who he was.

Q. Who shot the colored man that is now in the hospital?—A. His comrade, scuffling for the pistol. The first shot was fired from a carbine.

A careful summary of the evidence and circumstances connected with this attack shows that certain members of the Tenth Cavalry

attempted to take from the provost guard on duty at Huntsville, Ala., one of their comrades who had been, a short time previous to the disturbance and attack, arrested for using vile and abusive language toward the keeper of a negro brothel situated near the N., C. and St. L. depot in the town of Huntsville.

This unprovoked assault and mutinous interference with the provost guard caused the shedding of innocent blood, bad feeling between organizations, and endangered the lives of peaceable citizens, terrorized the community in the vicinity of the railroad depot, and scandalized and disgraced the military service, which calls for the severest condemnation.

With the exception of Colonel Baldwin, commanding the Tenth Cavalry, who was in one of the rear cars at the beginning of the row, all, or nearly all, of the officers of the Tenth Cavalry were away from troop train at breakfast in the town of Huntsville when the disturbance and attack was made. It is impossible for me to give names of ringleaders. This could not be ascertained by any known means. The people connected with the colored organization throughout this investigation have studiously avoided stating or giving names of principal instigators of the riot, in my opinion, trying to shield the organization from censure and endeavoring to shift the responsibility and blame for this disgraceful affray on other and innocent parties—not the proper spirit to display, as is well known.

One man can be identified by the wounded soldier Larkin. This man can also be identified by the saloon keeper, Mr. Richards, a citizen of Huntsville. This man, mentioned as a "large burly negro," in my opinion fired the first shot, and was the immediate and direct cause of the disturbance and consequent loss of life.

The wounded soldier, Larkin, Sixteenth Infantry, when able to travel, and Mr. Richards, should be sent with guard to Tenth Cavalry and be allowed to identify the man who fired the first shot.

Certain soldiers of the Tenth Cavalry were to blame for the disturbance. It is recommended that they be "ferreted" out and tried; also that the man who fired first be turned over to the civil authorities for trial and afterwards to be tried by the military authorities.

The provost guard is held blameless in the matter and behaved remarkably well, considering that they were all young and inexperienced soldiers. It is certain that members of the Tenth Cavalry fired from the freight depot, from behind freight cars, and from the car windows (coaches) at the provost guard.

Respectfully submitted.

E. D. THOMAS,  
*Major and Inspector-General, Volunteers.*

[First Indorsement.]

HEADQUARTERS FOURTH ARMY CORPS,  
CAMP ALBERT G. FORSE,  
Huntsville, Ala., November 2, 1898.

Respectfully returned to Maj. Earle D. Thomas, inspector-general, U. S. Volunteers, who will complete this investigation, as suggested by himself in the within report.

By command of Major-General Wheeler:

WM. W. McCAMMON,  
*Assistant Adjutant-General.*

[Second indorsement.]

HEADQUARTERS FIRST DIVISION, FOURTH ARMY CORPS,  
Huntsville, Ala., November 3, 1898.

Respectfully transmitted.

By command Major-General Chaffee:

L. A. CRAIG,  
Assistant Adjutant-General, Volunteers.

[Third indorsement.]

HEADQUARTERS FOURTH ARMY CORPS,  
CAMP SHIP,  
Anniston, Ala., January 5, 1899.

Respectfully forwarded to the Adjutant-General of the Army.

ROYAL T. FRANK,  
Brigadier-General, Commanding.

FIRST DIVISION, FOURTH ARMY CORPS,  
Huntsville, Ala., December 20, 1898.

Additional proceedings in compliance with the following indorsement.

[First indorsement.]

HEADQUARTERS FOURTH ARMY CORPS,  
CAMP ALBERT G. FORSE,  
Huntsville, Ala., November 2, 1898.

Respectfully returned to Maj. Earle D. Thomas, inspector-general, U. S. Volunteers, who will complete this investigation, as suggested by himself in the within report.

By command of Major-General Wheeler:

WM. M. McCAMMON,  
Assistant Adjutant-General.

This report necessarily delayed, due to several causes. When the report was referred back to me, I was then before the examination board for promotion. Upon completion of that examination, was taken sick with malarial fever and unable to complete report. When ready to again enter upon the investigation, was informed that the man who could recognize the soldier or soldiers of the Tenth Cavalry was sick in hospital and unable to move.

Again, the absence on leave of Major Fowler, Tenth Cavalry, who was in command of the regiment when I made the first investigation, in October.

*Statement of Private Hugh Dickerson, Troop F, Tenth Cavalry, who was wounded at the time of the disturbance and who is still in hospital suffering with his wound.*

## STATEMENT.

I was standing in front of saloon Dew Drop right by the telegraph post. I got off of the train with the rest of the men and walked up there to the saloon just as they were beginning to shoot. I was hit while standing by telegraph post. I did not have any arms with me. My arms were in the cars. I did not do any shooting. I was shot while standing with my face toward the coaches. The provost

guard was on my right and left and I could not have been hit by any member of provost guard. I am certain I was hit by some one who was on the train. Was struck by a carbine bullet evidently fired by some one from the train. I do not know who shot me, positively. Do not know yet. Think I was shot by some one from train, as I was facing the train when wounded. No idea who shot me. I know when I fell a member of provost guard went right there immediately afterwards and was also shot. Did not go to negro house. Did not have anything to do with that house or the inmates therein. Was not there more than a couple of minutes. Saw the crowd over there and went over. The whole trouble was with a man of F Troop, Tenth Cavalry, Stevens by name, who was arrested by guard and who ran. When he did run, the shooting commenced. Stevens was not hit. The provost guard fired at Stevens when he commenced to run. Stevens has since deserted. I knew this when I went over to get my clothes the other day. I was told he had deserted. Stevens had a revolver on him. Do not know whether he fired or not. Was told by provost guard that he, Stevens, shot me in the leg, but I have since found out that he did not, as I was hit by a carbine bullet.

Upon submitting the original report, I should have recommended, and thought I had done so, that an extract copy of the conclusions drawn from my first investigation be submitted to the commanding officer of the Tenth Cavalry, Major Fowler, who I was almost certain could have caused the identification, arrest, and trial of the two Stevens, one of H Troop and one of F Troop. I find, upon an examination of the original report, I failed to so recommend.

Upon a second examination into the causes which led to the attack upon the provost guard at Huntsville, Ala., I am convinced that Private Stevens, F Troop, Tenth Cavalry, was the prime factor in the disturbance. That he was undoubtedly the man who was arrested by the provost guard for disturbing the inmates of a certain negro bawdy house near the Dew Drop saloon, in vicinity of N., C. and St. L. Railroad station. Upon being arrested he was, with members of provost guard, immediately surrounded by a large number of colored troopers of the Tenth Cavalry who were incensed at the arrest of their comrade Stevens. These troopers undoubtedly intended to rescue Stevens from the guard, peaceably if possible, by force if necessary. Who they were and what troops they belonged to I am unable from my investigation to ascertain. While engaged in the boisterous language usually noticeable among colored men bent upon a disturbance, Stevens darted away and ran, escaping from guard, and as he ran fired his pistol, which I firmly believe he had drawn and held it in his hand before escaping. This shot, although not fired at any particular person, was the immediate and direct cause of the disturbance and attack.

The provost guard, when the shot was fired by Stevens, immediately thereafter opened fire upon the escaping prisoner and caused nearly the whole regiment to fall out or emerge pell mell from the cars, some with carbines and others with revolvers. The firing was then indiscriminate and about equally divided between the provost guard and a few members of the Tenth Cavalry. The man Dickerson and one member of provost guard, who were shot while standing near telegraph pole, were shot by a member of the Tenth Cavalry, who was in the interior of one of the coaches firing from car window



and who had, I am certain, qualified as a sharpshooter in a previous year. But what his name is and what troop he belonged to can not by any means at my command be ascertained. The members of the Tenth Cavalry, all that I have interviewed, could not or would not divulge the names of the men who fired. The Stevens who were troublesome have deserted. Larkin, a wounded soldier of the Sixteenth Infantry, who was a member of the provost guard, is positive now that Stevens of F Troop was the man who fired first, was the prisoner, and who caused the attack. Before my return from Texas this man had, about the latter part of October, deserted. I did not reach here from my trip till November 1. It is to be regretted that the man Stevens was not arrested and tried. Private Larkin, Sixteenth Infantry, was not able (from wounds) to go to the Tenth Cavalry camp to identify men upon first investigation.

From what I can learn, think it impossible to find out from this late date the names of any Tenth Cavalry men who were concerned in the attack.

Attention invited to previous report.

Respectfully submitted,

E. D. THOMAS,  
*Major and Inspector-General, Volunteers.*

#### TENTH CAVALRY AND SIXTEENTH INFANTRY.

AFFAIRS AT FORT CONCHO, TEX., FEBRUARY 1 AND 4, 1881.

FORT CONCHO, TEX., *February 3, 1881.*

We, the soldiers of the United States Army, do hereby warn cowboys, etc., of San Angelo and vicinity, to recognize our right of way as just and peaceable men.

If we do not receive justice and fair play, which we must have, someone must suffer; if not the guilty, the innocent.

It has gone too far; justice or death.

U. S. SOLDIERS,  
One and all.

HEADQUARTERS FORT CONCHO, TEX., *February 3, 1881.*

General AUGUR,  
*San Antonio, Tex.:*

The foregoing was shown to me about 9 p. m., this date. Myself and adjutant immediately investigated the matter, which resulted in finding that Private Oregan, Sixteenth Infantry, wrote it and induced the printers, Privates Mitchell, Tenth Cavalry, and Kruel, Sixteenth Infantry, to print it. They have been arrested and confined.

Two soldiers, one of Company F, Sixteenth Infantry, and one of Company E, Tenth Cavalry, have, within a short time, been murdered at the town of San Angelo. The first murderer being furnished with a horse and assisted by citizens to make his escape; the last one was arrested by the military and turned over to the civil authorities. Since which time a strong guard has been placed about the post under charge of the officer of the day, with a lieutenant of the guard.

GRIERSON,  
*Colonel Tenth Cavalry, Commanding.*

[Telegram.]

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, Tex., February 8, 1881.*

COMMANDING OFFICER, CONCHO:

The commanding general is in receipt of a telegram from his excellency, Governor Roberts, in which the following statements occur, viz:

On Tuesday night, the 1st instant, San Angelo was visited by about 150 United States soldiers from their barracks at Fort Concho, who arrested the sheriff of this county and demanded of him, at the muzzle of their guns, a prisoner held in custody there on examining trial before the justice of the peace, charged with murder of a United States soldier, and defied the civil authorities generally.

About 9 o'clock last night, the 4th instant, the town was visited by 150 soldiers, who fired many shots into Nimitz Hotel, stores, and other private buildings. One man was wounded. . . .

The commanding general desires to know if it can be possible that the statements are true; and if so, why you have not reported the matter to these headquarters.

You are directed by the commanding general to make full report as soon as possible.

MARTIN,  
*Adjutant-General.*

HEADQUARTERS FORT CONCHO, TEX., *February 8, 1881.*  
 ASSISTANT ADJUTANT-GENERAL,  
*San Antonio, Tex.:*

Telegram relative to trouble between citizens and soldiers at this post received.

The facts are as follows:

On the night of the 19th ultimo Private Hiram E. Pinder, Company F, Sixteenth Infantry, was murdered in the town of San Angelo by a citizen, without any cause or provocation whatever, and the murderer was furnished with a fast horse by citizens to enable him to escape and has not been arrested.

On the 31st of the same month Private Wm. Watkins, Company E, Tenth Cavalry, was also mercilessly murdered in the town of San Angelo by another citizen, who, attempting to make his escape, ran against one of the sentinels near the barracks and was arrested, he having a pistol in his possession, from which one shot had just been fired.

The next day he was turned over to the civil authorities and guards were at the same time placed about the garrison to prevent soldiers from leaving the post to visit the town.

Later in the evening the guards were further increased and check-roll calls ordered. At the first check made it was discovered that nearly all of the company of the Sixteenth Infantry, to which Private Pinder belonged, were absent with their arms, as were also parties from the other infantry companies, and a few men from Company E, Tenth Cavalry, to which Private Watkins, murdered the night previous, belonged.

Immediately upon the discovery of the absence of the men the alarm was given and the long roll sounded. The officer of the guard proceeded rapidly to the town with the main force of his guard, as did also some of the officers of the companies to which the absent men belonged.

In the meantime the soldiers had arrested Sheriff Spears and made demand for the murderer.

From the best information obtainable it is believed that in arresting Sheriff Spears the soldiers mistook him for a man named Thomas, a constable of the town and who had previously brutally murdered a soldier in front of the post traders store, at Fort Concho, Tex., without any cause whatever, and for which offense he was arrested, released on bail, kept on duty as a deputy sheriff, and never punished.

Since, however, he has been made constable, and on repeated occasions of late he has waylaid and robbed soldiers, and still retains his position as constable in the face of all the facts as stated.

The men remained but a short time in town, and, upon hearing the call, immediately returned, and within fifteen minutes' time every man was reported as being present and no injury inflicted upon persons or property.

Additional guards were placed in each company over the guns in the arm racks and patrols kept moving throughout the night. This manner of guarding the garrison was continued the 2d, 3d, and 4th of the present month on account of prevailing excitement pending the examination before the civil authorities, which was not completed until the afternoon of the 4th, on which day the sheriff sent me word, through one of my officers, that he feared an attempt would be made by armed citizens to rescue the prisoner; that they were assembling in the town for that purpose, and that he had heard that \$1,000 had been offered by the murderer's friends to secure his release, and at the same time the sheriff requested me to send him a company of troops. I could not do this without violation of the law and without a fear of the movement being misinterpreted by those not acquainted with the facts and true condition of affairs, as to do so at such a time would have the appearance of an attempt to overawe the civil authorities.

I, however, sent a discreet officer to confer with the sheriff and at the same time held a company in readiness to move promptly, and in a short time the officer sent to town sent back word to send his company down to the crossing of the river midway between the post and town, which was done accordingly.

In about one hour, and between 3 and 4 p. m., the sheriff passed by the post with the prisoner, I having previously ordered a company to Benficklin (county seat) to prevent soldiers from going there and to arrest any who might attempt to do so. The sheriff and the company proceeded at the same time; the company returning after the prisoner was lodged in the county jail.

Shortly after the sheriff with the prisoner and the company had proceeded toward the jail five armed citizens rode rapidly past the post in the same direction.

In the evening about dusk a report, said to be made by citizens from the town, reached the enlisted men to the effect that the murderer had been taken from the jail and again taken to San Angelo. Shortly before tattoo five armed citizens rode from the town to the river bank, dismounted from their horses and deliberately fired upon the picket guard, which had been placed on the reservation near the river, to keep the soldiers from crossing into the town and as a precautionary measure for the protection of the citizens and their property.

At tattoo roll call no absentees were reported, all being present or properly accounted for.

In a very few minutes, and between tattoo roll call and taps, men, mostly from the three companies which had not been involved and who were all present on the previous occasion, made a rush through their barracks, extinguishing the lights, pulling open the arm racks in the darkness and confusion; many of them seized their arms and rushed for town. This was at once reported by the men on duty in the barracks, the alarm promptly sounded, two companies sent rapidly in pursuit, but reached there only in time to see and fire upon the last men seen leaving the town, and in a few moments from the time the alarm was given all were back.

Three noncommissioned officers and two privates, who, upon investigation, are believed to be the leading spirits in this matter, were arrested, the noncommissioned officers immediately reduced, and all confined. Charges are being prepared, and the matter is still under consideration.

A good many shots were fired in the vicinity of the hotel, but fortunately only one person slightly wounded.

The number of soldiers reported to have been in the town is greatly exaggerated, there not being over seventy men absent the first time and from thirty to forty the last time.

For three nights, the 4th, 5th, and 6th, a suitable guard in charge of an officer was sent to the town and remained there during the night, notwithstanding Captain Marsh and 20 rangers arrived on the 5th. The captain at once came over to consult with me and we have been cooperating to insure quiet and order and to prevent further disturbance.

There are now on guard 2 officers, 5 noncommissioned officers, and 41 privates, with 13 posts regularly established.

Since the commencement of this business, most of the officers have been on the alert day and night, and everything possible has and will be done to prevent further trouble.

In addition to the cold-blooded murdering of soldiers which occurred lately, a great many others have been killed by citizens, and up to this time the murderers have invariably escaped punishment, while the records will show that soldiers are constantly arrested and severely punished for slight offenses by the civil authorities.

I do not make this latter statement as an excuse for the wrong done by soldiers, as the guilty ones will be punished, but simply to show under what difficulties the officers are placed to control men, when their comrades are shot down without any punishment being inflicted upon the guilty parties.

I request that a copy of this telegram be furnished his excellency Governor Roberts in order that suitable measures may be taken by the State authorities to prevent citizens from murdering United States soldiers.

GRIERSON,  
*Colonel, Commanding.*

[Telegram.]

HEADQUARTERS DEPARTMENT OF TEXAS,  
San Antonio, Tex., February 21, 1881.

COMMANDING OFFICER, CONCHO:

Commanding general directs that you forward, by next mail, any charges which may have to be preferred against enlisted men who were engaged in the recent disturbances near your post.

MARTIN,  
Adjutant-General.

HEADQUARTERS FORT CONCHO, TEX., February 22, 1881.

ASSISTANT ADJUTANT-GENERAL,  
San Antonio, Tex.:

Telegram received. No other charges to forward. The charges preferred against other enlisted men could not be sustained by the evidence and have been withdrawn.

GRIERSON,  
Colonel, Commanding.

BEN FICKLIN, TEX., April 10, 1881.

Gen. B. H. GRIERSON,  
Commanding at Fort Concho.

DEAR SIR: The grand jury has adjourned, returning no bill against any of your men for firing into Angelo. That body has also made a report wherein you are complimented for zealous aid rendered the civil authorities in investigation of crime. This I trust may tend to bring the military and civil authorities nearer to amity than has been the case in the past.

I return your men, Sergeant Jones and Manuel Ramires, until Friday morning next at 9 o'clock a. m., when they will be wanted to testify in the case against W. H. Williams on charge of murder. I shall thank you to so instruct them and in addition would ask that should Sergt. Levy Haynes return before or on that day send him also. One Louis Andrews, of Company H, Tenth Cavalry, now at Fort Davis, is also a material witness for State, and, if in your power, to have him sent down on stage, I should thank you to do so, and I will suggest that a telegram this evening would reach Davis in time for him to reach here by stage.

I am, sir, yours, etc.,

WM. H. LESSING,  
District Attorney.

## REGULAR TROOPS AND STATE MILITIA.

## AFFAIR AT ATHENS, OHIO, AUGUST 19, 1904.

FORT WAYNE, MICH., *August 24, 1904.*

ADJUTANT-GENERAL, DEPARTMENT OF THE LAKES,

*Chicago, Ill.*

SIR: I have the honor to submit the following report of the disturbance which occurred in the town of Athens, Ohio, on the night of Friday, August 19, 1904, and which involved members of the Ohio National Guard and some of the United States troops under my command that were participating in the maneuvers of the Ohio National Guard, near Athens, Ohio.

From reports received it appears that some time between 7 and 7.30 p. m., August 19, 1904, a number of men, variously estimated at from 50 to 100, came down a street in Athens in a body, some firing revolvers in the air. In front of the court-house they were met by a squad of the provost guard detailed in the town, consisting of 6 or 7 men and a sergeant and corporal of Company D, Fifth Infantry, Ohio National Guard. Upon this meeting a riot ensued and a number of shots fired. Corpl. Charles Clark, Company D, Fifth Infantry, Ohio National Guard, was killed; Sergeant Blessing, same organization, severely wounded, and two other members of the same organization slightly wounded.

The matter was reported to me at about 7.45 p. m. I immediately ordered a check roll call to be taken, both at Camp Armitage, the nearest camp to Athens, and at Camp Beaumont, and directed Lieut. Col. R. T. Yeatman, Twenty-seventh Infantry, to send an officer and a guard from his camp (Armitage), to Athens, to cooperate with the provost guard and assist in the arrest of any regular soldiers found in the town.

Lieutenant-Colonel Yeatman, having previously received notice of the disturbance, had already sent in an officer and 25 men for that purpose.

Guards were placed around each camp in such a manner that it was impossible for any man to leave camp, or for any man to enter it, without being detected. The time of return of each man reported absent at check, and his condition, appearance, state of clothing, etc., were carefully noted as soon as he returned.

At check roll call, which took place after the disturbance, at 8 o'clock p. m., at Camp Armitage, and at 8.20 o'clock p. m., at Camp Beaumont, the absentees from the various organizations were as follows:

At Camp Armitage: Troop L, Fourth Cavalry, none; Fourteenth Battery, Field Artillery, 9; Company E, Twenty-seventh Infantry, 9; Company F, Twenty-seventh Infantry, 12; Company G, Twenty-seventh Infantry, none; Company H, Twenty-seventh Infantry, 10.

At Camp Beaumont: Troop M, Fourth Cavalry, 8; Twenty-first Battery, Field Artillery, 8; Company A, First Infantry, 7; Company C, First Infantry, 16; Company F, First Infantry, 6; Company G, First Infantry, 8.

The camp and organization commanders report that the absences of all the men reported above were satisfactorily explained so far as any chance of their being connected with the disturbance in Athens

is concerned, with the following exceptions: Sergeant Duffy, Corporal Nelson, Corporal Thuler, and Privates Raymond, Calligan, Gaydos, Fickthorn, Sweigert, and Lottos, all of the Fourteenth Battery, Field Artillery; and Sergeants Lehman, Company F, and Hosmauer, Company H, Twenty-seventh Infantry, and Privates Brier, Company E, and Martin, Company H, Twenty-seventh Infantry.

The investigation was taken up by the prosecuting attorney of Athens County, and the commanding officers of each camp were directed to furnish him with a list of the absentees at check roll call, August 19, and to give him every assistance in their power in detecting the men who took part in the disturbance.

I personally accompanied the prosecuting attorney to both camps, and no troops were allowed to leave for their posts until the prosecuting attorney expressed himself satisfied with the result of his investigation and did not desire to make any further examination of any of the men.

As a result of the investigation the prosecuting attorney obtained warrants for the arrest of the following-named men, all of the Fourteenth Battery, Field Artillery, and these men were turned over to civil authorities, viz: Sergeant Duffy, Corporal Thuler, Privates Raymond, Gaydos, and Calligan. Corpl. Malcolm Nelson, Fourteenth Battery, Field Artillery, was also probably in the disturbance, and drowned that night in the Hocking River, trying to return to camp by swimming. He had on his revolver, the chambers of which were empty; two blank and two ball cartridges were found in his pocket. His body was found in the river about noon on August 22.

In the case of the other men at Camp Armitage, the prosecuting attorney decided that he had not sufficient evidence to procure warrants against any of them.

On account of the distance from Beaumont to Athens (6 miles) it was practically impossible for any of the men from there to have been in Athens, as all were present at retreat roll call at 6.10 p. m., with two exceptions, Private Kelly, Twenty-first Battery, Field Artillery, who was in jail in Athens at the time, and Private Esenberg, Twenty-first Battery, Field Artillery, in whose case testimony was taken under oath, which showed that he was not connected with the affair.

I was in camp at Division Headquarters, Ohio National Guard, at Herrick, Ohio, at the time the disturbance occurred, and as soon as I could get a horse saddled I proceeded to Lieutenant-Colonel Yeatman's camp at Armitage and found he had already had check roll-call and had taken measures to arrest all absentees.

The following day I had a conference with Governor Herrick, of Ohio, General Dick, and Mr. I. N. Foster, the prosecuting attorney of Athens County, and placed myself at their disposal and assured them that all assistance in my power would be given them in the investigation of the affair, and that has been done.

I was promised a résumé of the evidence taken by prosecuting attorney, but was unable to obtain it before I left Athens. He informed me verbally that from his own observation and evidence obtained he was convinced the mob was composed of national guard as well as regulars.

On August 17 I had all troops and all their baggage and clothing searched, and all ball cartridges taken from them. It is, however, reported that some caliber .38 revolver cartridges were sold to soldiers, whether regulars or militia can not be determined, by a hardware merchant in Athens.

Orders were also issued on the same day forbidding any enlisted man of the command from going into the city of Athens without a written pass from his camp commander, and guards were placed at the different bridges to prevent men from crossing the Hocking River without proper pass.

I believe the regulars engaged in this affair all belonged to the troops at Camp Armitage, and it is possible that some of them succeeded in returning to camp by the time check roll call was taken and before the extra guards were placed and orders given to arrest all men coming into camp.

I believe that none of the infantry took part in the shooting, as no rifle shots were fired.

The check roll calls were made by commissioned officers.

Very respectfully,

W. T. DUGGAN,  
*Colonel First Infantry.*

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DEPARTMENT OF JUSTICE,  
*Washington, December 11, 1906.*

The SECRETARY OF WAR.

SIR: In compliance with a verbal request from the Office of the Judge-Advocate-General, I herewith inclose for the information of your Department a copy of a letter, dated September 26, 1904, from the United States attorney for the Southern District of Ohio, reporting the result of the hearing before Mayor Logan, at Athens, Ohio, on September 19, 1904, concerning the case of certain soldiers of the United States Army who were under arrest, charged with the killing of a member of the State militia. No further report in this matter has been received from the office of the district attorney.

Respectfully,

M. D. PURDY,  
*Acting Attorney-General.*

[Inclosure.]

CINCINNATI, *September 26, 1904.*

The ATTORNEY-GENERAL,  
*Washington, D. C.*

SIR: In compliance with your letter of September 9, 1904 (M. D. P.—W. S. G. 41007), I instructed Mr. Thomas H. Darby, assistant in this office, to attend the preliminary hearing of the soldiers at Athens, Ohio, which he did, and I submit herewith his report of same.

Respectfully,

SHERMAN T. MCPHERSON,  
*United States Attorney,  
Southern District of Ohio.*



[Subinclosure.]

CINCINNATI, September 26, 1904.

HON. SHERMAN T. McPHERSON,  
*United States Attorney, Cincinnati, Ohio.*

DEAR SIR: I have the honor to make the following report as to my proceedings in compliance with your directions concerning the case of the soldiers of the United States Army under arrest at Athens, Ohio, charged with the killing of a member of the State militia.

The directions from the Attorney-General are as follows:

You are instructed to watch the progress of this case and to confer, upon the request of that officer, with the judge-advocate of the Department of the Lakes, Maj. Blanton Winship, who has been directed to appear in behalf of the defendants.

The preliminary hearing was set to take place on September 19, 1904, before Mayor Logan at Athens, Ohio.

On the 17th instant Major Winship wired this office requesting your presence at Athens on Sunday, the 18th, for conference with reference to the proceedings of said hearing.

As directed by you, I attended said conference, and, in compliance with the request of Major Winship, I assisted him in behalf of the defendants on trial. The State was represented by the prosecuting attorney of the county, aided by Congressman C. H. Grosvenor, of that district, and the defendants, except three, to wit, Callighan, Thuler, and Gaydox, who turned State's evidence, were represented by Messrs. Jewett & Wood, of Athens, Ohio.

The testimony in the case tended to show that at the encampment of the Ohio Militia and the United States soldiers at Athens, some disturbance occurred at Athens, which resulted in the establishment of a provost guard.

On August 19 a regular soldier, a member of the Fourteenth Battery, was arrested for some disorder in Athens and locked up in the county jail. After his confinement he was visited by one of the defendants, namely, Private Plumb, of the Fourteenth Battery.

On the evening of the same day, 60 men, the majority of whom were connected with the Fourteenth Battery, and some with the Twentieth Infantry and some with the Ohio Militia, left the encampment contrary to the orders of their superior, and met at a rendezvous some distance outside of Athens. The exact purpose of this meeting is uncertain. One of the witnesses who turned State's evidence testified that the purpose of the meeting was to go to Athens and "run the guard," while the others testified that the purpose was to go and liberate their comrade who was then incarcerated in the jail.

The men took up the march from the place mentioned and marched into Athens and turned into the street upon which the jail is located, and passed by the jail and were actually on their way out of town and back to the camp when they were accosted by the provost guard, and the conflict took place in which some 40 or 50 shots were fired, some by the Ohio Militia.

There was no evidence to show any conspiracy to commit any unlawful act aside from the fact of the meeting of the men and coming into the city together.

Upon the conclusion of the State's testimony the 9 men charged were held to the grand jury in the sum of \$3,000 each.

During the progress of the trial Congressman C. H. Grosvenor took occasion to criticise the Department of Justice for having sent a representative to assist Major Winship in the defense of the soldiers, and in his criticism of the War Department in connection therewith, which was in the presence of a great crowd in the court room, and all published in the newspapers, I believe that such prejudice was created in the community against these men and against the Government that I am strongly of the belief that a fair trial can not be had in that community.

The testimony tended to show that one of the defendants had fired a shot point blank at the deceased, but as to the other defendants, while it was shown that one of them, to wit, Johnson, fired two shots in the air, there was no evidence to show that any others fired any shots, or had any other intention than that of going through town in defiance of the provost guard.

Respectfully,]

THOMAS H. DABBY,  
*Assistant United States Attorney.*

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[NOTE.—The official records of the War Department show that four of the enlisted men implicated in the Athens affair were convicted on the charge of rioting and were sentenced to be confined in the work-house for thirty days and to pay a fine of \$500 each. The Department understands that three of the other enlisted men implicated turned State's evidence, and that one other, who was discharged from the Army before his case was disposed of, was convicted of assault with intent to kill and was sentenced to confinement in the penitentiary for one year.—M. S. O.]

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**APPENDIX 1.**

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**AFFRAY AT BROWNSVILLE, TEX.,**  
AUGUST 13 AND 14, 1906.

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**INVESTIGATION OF THE CONDUCT OF  
UNITED STATES TROOPS**

(COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY)

STATIONED AT

**FORT BROWN, TEX.**

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**REPORTS**

OF

**MAJ. AUGUSTUS P. BLOCKSOM,**  
INSPECTOR-GENERAL'S DEPARTMENT,

**LIEUT. COL. LEONARD A. LOVERING,**  
FOURTH INFANTRY, ACTING INSPECTOR-GENERAL,

AND

**BRIG. GEN. ERNEST A. GARLINGTON,**  
INSPECTOR-GENERAL, UNITED STATES ARMY.



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## REPORT OF MAJ. AUGUSTUS P. BLOCKSOM, INSPECTOR-GENERAL'S DEPARTMENT.

BROWNSVILLE, TEX., August 29, 1906.

SIR: I have the honor to report investigation of trouble caused by soldiers of Twenty-fifth Infantry, midnight, August 13. I arrived at Brownsville the night of August 18.

Appended are copies of telegram and letters of Major Penrose, marked A to D; telegrams sent by me, A' to F'; affidavits of noncommissioned officers in charge of quarters, etc., A'' to F''; testimony taken by Citizens' Committee, etc., A''' to B'''. They present a fair account of the occurrence.

I examined privately the *five* officers present when trouble occurred (Major Penrose, Captains Lyon and Macklin, Lieutenants Grier and Lawrason, all of Twenty-fifth Infantry), all men who made affidavits, etc., A'' to F'' (as well as post noncommissioned staff, a number of old noncommissioned officers in each company, etc.), all important witnesses in A''' to B''', Mayor Combe, Mr. Dominguez, Mr. and Mrs. Evans, etc. I interviewed nearly all prominent officials, Federal, State, and county, saloon keepers, and other citizens of all classes. I examined the houses, interviewing inmates, of Messrs. Cowan, Randall, Starck, and Yturria, observing where shots entered and left; also saloon where bartender was killed and a number of other buildings having bullet marks.

The committee invited by Major Penrose to investigate, referred to in D', practically delegated its authority to Captain McDonald, of State Rangers, who is also a detective. He was given every assistance by the commanding officer. He served the warrants the first time.

### CAUSES.

1. The soldiers heard they were not to go to Camp Mabry because Texas troops had threatened to use ball cartridges against them in maneuvers. They knew Colonel Hoyt made a request that the Twenty-fifth be not sent to Texas.

2. The people did not desire the colored troops and thought they should not be sent here. I learned this *before* the rumored abandonment of Brown from prominent citizens, members of the Committee of Safety, etc. I think requests were sent to Senators, Congressmen, etc., to use their influence in the matter, but am not positive. If a fact, it is probably known at the War Department.

3. Soldiers of the Twenty-fifth were not allowed to drink with white people at the principal bars in town, though in some cases saloon keepers put up a separate bar for their use, this having an

opposite effect to that intended. The bartender was killed in such a saloon.

4. Tate-Newton, Baker-Reed cases, etc. (see B and B'''). Tate-Newton case was that of party of ladies standing on street sidewalk; claimed that two colored soldiers rudely jostled them. Mr. Tate, inspector of customs, husband of one of the ladies, knocked down one of the soldiers with his revolver. The ladies were obstructing the sidewalk, although anybody could have easily gotten by them. The soldier was rude and probably insulting in his manner. Tate's remedy was too drastic. It was "in the manner of the South." He told me he would have used it against any man, white or black. Mr. Vann, collector of customs, invited Major Penrose to assist at an investigation of this case, but latter had no time after the 13th. Reed and another colored soldier were at ferry landing, having returned from Matamoros. Mr. Baker, inspector of customs, claimed they were drunk and disorderly (confirmed by an unprejudiced witness); that he told them to move on, and finally pushed one, who fell off plank walk into mud and water about knee deep, more through his condition than strength of the push. Baker probably used more force than he acknowledged. Facts in these two cases were exaggerated on both sides and increased the bitter feelings between soldiers and citizens. I heard of several cases of threats from both sides before the 13th, but believe them manufactured.

5. Case of Mrs. Evans (see B). There is no doubt she was seized by the hair and thrown violently to the ground by a tall negro soldier, who then ran away through fear of people close by. This incident, occurring on the 12th, inflamed and infuriated the people very much. The canceling of passes, sending out patrols, etc., probably increased the resentment of the soldiers against people of Brownsville.

#### THE RAID INTO TOWN.

From the evidence obtainable I believe the first shots were fired between B Company barracks and the wall separating post from town. A number were fired into the air for the purpose of creating an alarm. The soldiers, 9 to 15, possibly more, then jumped the wall and started through town. There is no reliable evidence to support the claim that the first shots came from town, and no bullet marks were found on barracks. From their direction, etc., I am sure three shots through Mr. Yturria's house came from a point near the center of B Company's upper back porch: A Mexican boy sleeping on the floor of the Yturria porch said they were among the first fired.

Mr. Randall lives over the telegraph office opposite post gate. A bullet went through his sitting room; it came from a point near the wall opposite southwestern end of C Company barracks. Some of the first shots fired also came from the vicinity of D Company barracks. The line of barracks of D, B, and C Companies runs northeast to southwest. The wall between post and town is parallel to and about 75 feet northwest of line of barracks. An alley through town, perpendicular to wall, beginning at a point nearly opposite space between B and D Company barracks, was the line of operations (about three blocks in length).

The raiders first struck Cowan's house (at end of first block). There were two women and five children in it. It is a miracle some

of them were not shot. The raiders could not help knowing they had not yet gone to bed. About ten shots were fired, nearly all going through house at a height of 4½ feet or less above floor. One shot put out the lamp sitting on a table. Mrs. Cowan has been on the verge of hysterics ever since. It is said the Cowan children had made fun of "the nigger soldiers;" but I could not pin down the reports. There must be some truth in them. The lieutenant of police, Dominguez, heard the firing and rode toward it, accompanied by two policemen. Near corner of Miller Hotel (end of second block) the two policemen turned back, but Dominguez kept on, and the raiders started firing upon him. He said there were about fifteen colored soldiers in the party. He was mounted on a white horse and went half a block after reaching corner of hotel, when his horse fell dead, shot through the body several times. The raiders were probably at the corner and continued firing on the fleeing man until horse fell. Dominguez was shot in right arm (afterward amputated below the elbow). He did not even draw his revolver from holster. A number of shots were also fired at the other two policemen. Dominguez, many years on the police force, is universally respected. The raiders fired seven or eight times into the Miller Hotel, including several shots at a guest sitting by a window. After shooting Dominguez they divided. One party proceeded along the alley. Frank Natus, bartender in Tillman's saloon (about two-thirds the way down third block), heard them coming and started to close the back door, but was shot and probably instantly killed about 20 feet from door. A Mexican in the saloon, Preciado by name, was slightly wounded in the hand by a bullet which past through his coat. Natus had never had any trouble with the soldiers, as far as known. Five or six shots were fired through that back door. This party tried to get into the back door of another saloon, but it was closed.

The other party went half a block to the right, then turned to the left and fired five or six shots into Mr. Starck's house (second from corner on street parallel to alley), evidently mistaking it for Tate's (which is third). Bullet marks in Starck's house are higher than in Cowan's. Mrs. Starck said two shots went through mosquito bar over bed in which she and two children were sleeping. These were the last attacks, and raiders then probably ran back. Bullet marks were found on several other houses in vicinity of those already mentioned.

None of the individual raiders was recognized. Streets are poorly lighted, and it was a dark night. Those who saw them were busy trying to keep out of sight themselves. The soldiers were comparative strangers in town, having arrived only two weeks before. That the raiders were soldiers of the Twenty-fifth Infantry can not be doubted. The evidence of many witnesses of all classes is conclusive. Shattered bullets, shells, and clips found are merely corroborative.

#### RESPONSIBILITY BEFORE AND DURING THE FACT.

I do not think the commanding and other officers and some of the senior noncommissioned officers can be blamed for not discovering the *preconcerted* raid. It is easy to say in the light of later

events that the guard should have been doubled, and other precautions taken the night of the 13th, but who could imagine that American soldiers in a body would try to murder unoffending women and innocent children?

The commanding officer did cancel passes and send out patrols early in the evening, as much to allay the anger of town people as to prevent men from committing other excesses. It may be interesting to note here that troops were paid on the 11th.

All the officers firmly believed (most of them till morning) the garrison was attacked from the town side as a result of the assault on Mrs. Evans, the general ill feeling of town people, etc., and this delusion was heightened by the call to arms sounded by order of the sergeant of the guard (probably too early during the firing to be genuine). As a consequence, the raiders were not suspected by their officers and had an easy time getting back; while arm racks were opened with difficulty in the dark, preparations made for defense, etc., cleaning the rifle requires a few minutes only.

Major Penrose is indefinite in his statement as to time command was paraded (see A). It was at least ten minutes after first shots were fired; probably longer. Captain Macklin, officer of the day, says he went to bed between twenty and ten minutes to midnight, very much fatigued, and slept through all the uproar until about 1 a. m. The first shots were fired a few minutes *before* midnight. It is singular the members of the guard sent to wake him up could not find him, although, as far as he is concerned, I found no reason to doubt his statement.

#### RESPONSIBILITY AFTER THE FACT.

I think Major Penrose, as soon as he believed the criminals were soldiers, should have arrested and placed in solitary confinement Sergeant Jackson, B Company (senior sergeant present in company, as well as in charge of quarters), Sergeant Reid, B Company (sergeant of the guard), Private Howard, D Company (sentinel around barracks), and Scavenger Tamayo (at B Company water-closet, next the wall, when firing began). It is very probable that proper effort would have induced one or more of these men to tell what he knew. The soldiers are among those arrested, but not the scavenger, although I recommend him to the district attorney.

Major Penrose has conducted himself in a manly way under trying circumstances, although subjected to much undeserved abuse. Almost the only criticism against him is that above. The officers appeared to be trying to find the criminals, but it is certainly unfortunate for the reputation of the battalion that they have as yet hardly discovered a single clue to such a terrible preconcerted crime, committed by so many men. I believe the battalion had an excellent reputation up to the 13th of August, but the stain now upon it is the worst I have ever seen in the Army. Many of its old soldiers who had nothing to do with the raid must know something tangible as to identity of the criminals. If they do not disclose their knowledge they should be made to suffer with others more guilty, as far as the law will permit.

## RECOMMENDATION.

If satisfactory evidence concerning identity of the criminals does not come from members of the battalion before a certain date, to be fixed by the War Department, I recommend that all enlisted men of the three companies present on the night of August 13 be discharged the service and debarred from reenlistment in the Army, Navy, or Marine Corps.

## LATER EVENTS.

The following men were arrested by the civil authorities on the 23d and placed in guardhouse for safe-keeping:

Sergeant Jackson, B Company, Twenty-fifth Infantry, in charge of quarters; Sergeant Brawler, C Company, Twenty-fifth Infantry, in charge of quarters; Sergeant Reid, B Company, Twenty-fifth Infantry, sergeant of the guard; Corporal Powell, D Company, Twenty-fifth Infantry, in charge of quarters; Corporal Miller, C Company, Twenty-fifth Infantry, on pass; Corporal Madison, C Company, Twenty-fifth Infantry, on pass; Private Howard, D Company, Twenty-fifth Infantry, sentinel on No. 2; Private Newton, C Company, Twenty-fifth Infantry, knocked down by Mr. Tate; Private Reed, C Company, Twenty-fifth Infantry, pushed into mud and water by Mr. Baker; Private Gill, D Company, Twenty-fifth Infantry, with Reed when pushed by Baker; Private Askew, C Company, Twenty-fifth Infantry, cap found in town, alleged to be his; Private Hollowman, B Company, Twenty-fifth Infantry, part owner of saloon in Tenderloin.

An ex-soldier named Allison, partner with Hollowman, was also arrested on the 22d and placed in guardhouse for safe-keeping. He is still there.

The noncommissioned officers in charge of quarters were responsible for gun racks, and had keys thereto in their personal possession. It will be seen by examining the note after each name that these men were arrested chiefly on suspicion. I believe the majority of them are guilty on one or more counts, but there is little prospect of conviction on evidence thus far obtained.

The order to take rail for Fort Reno was suspended on morning of the 24th, and in the afternoon orders were received for the battalion to go by way of San Antonio and to take military prisoners along to be turned over to commanding officer, Fort Sam Houston, for safe-keeping until brought before a grand jury. Captain McDonald late that afternoon demanded the prisoners. Major Penrose, who had just informed Judge Welch of his latest orders, sent McDonald a letter declining to give them up (see D). McDonald would not acknowledge the authority, and Judge Welch finally withdrew the warrants to avoid bloodshed. I believe he threatened McDonald with arrest for contempt before the latter gave them up. It is possible McDonald might have fought the entire battalion with his four or five rangers were their obedience as blind as his obstinacy. It is said here he is so brave he would not hesitate to "charge hell with one bucket of water." The warrants were then served by Sheriff Garza. On being informed of the latest orders he gave up the struggle.

The battalion left Brownsville with the military prisoners at 6.30 a. m., August 25.

I met many sterling people in Brownsville. The majority of good business men recognize the proper ethics of the situation, but many others of a somewhat lower class think the colored soldier should be treated like the negro laborer of the South. It must be confessed the colored soldier is much more aggressive in his attitude on the social equality question than he used to be.

Very respectfully,

A. P. BLOCKSOM,  
*Major, Inspector-General.*

The MILITARY SECRETARY,  
*Southwestern Division.*  
(Through Headquarters Department of Texas.)

[First indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, September 1, 1906.*

Respectfully forwarded to the military secretary, Southwestern Division.

WM. S. McCASKEY,  
*Brigadier-General, Commanding.*

[Second indorsement.]

HEADQUARTERS SOUTHWESTERN DIVISION,  
*Oklahoma City, Okla., September 4, 1906.*

Respectfully forwarded to The Military Secretary, War Department, Washington, D. C.

To-day I personally interviewed Major Penrose, commanding Fort Reno, where his battalion is now stationed, and he reports that the orders of the War Department with reference to holding his men under strict surveillance are rigidly enforced, and as yet no disclosures have resulted. As soon as any information is obtained it will be reported.

The attention of the War Department is invited to the names of the men for whom warrants were issued and who are now in confinement at Fort Sam Houston.

It is noted that most of these men were on duty as members of the guard or in charge of barracks at Fort Brown during the hours of the disturbance. The reasons for the selecting of these men, or the manner by which their names were procured, is a mystery. As far as known there is no evidence that the majority of them were in any way directly connected with the affair. It seems to have been a dragnet proceeding.

WM. S. McCASKEY,  
*Brigadier-General, United States Army, Commanding.*

A.

FORT BROWN, TEX., *August 14, 1906.*

The MILITARY SECRETARY,  
*Department of Texas, San Antonio, Tex.:*

Regret to report serious shooting in Brownsville last evening, in which one civilian was killed and chief of police so seriously

wounded that right arm will have to be amputated. Brownsville officials claim shooting was done by enlisted men of this command, and are borne out in their opinion by empty shells and clips picked up in the streets. Shooting occurred about midnight, and within five minutes afterward entire command paraded and all men found present or accounted for and rifles in racks locked. All men now confined to garrison, and no one permitted to enter post but Mayor of city, or on his personal request to me. Feeling very high in city, but believe Mayor has it under control. Am doing everything in my power to find guilty parties if they be in this command. Practice marches suspended. Full particulars by mail.

PENROSE,  
*Commanding.*

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B.

FORT BROWN, TEX., *August 15, 1906.*

The MILITARY SECRETARY,

*Department of Texas, San Antonio, Tex.*

SIR: In connection with my telegram of yesterday, relative to the shooting that occurred in the city of Brownsville, Tex., I have the honor to submit the following report:

At 12.10 a. m. the garrison was aroused by a fusilade of shots, which, apparently, were being fired from behind the brick wall bounding the north side of the post, and from which the barracks are located not more than 100 feet. This fusilade lasted from eight to ten minutes, and a hundred or more shots must have been fired, giving me the impression the garrison was being attacked, and I consequently gave the order to fall in under arms, which was done with but little delay, considering the confusion, and the fear of lighting the lamps in the barracks. The roll was called in each company, and all were reported present but two men from Company C, who were on pass. I then posted my entire command behind the brick wall before mentioned, which was accomplished in a short time after the firing had ceased, and, as everything had become perfectly quiet, in the course of half an hour I sent Captain Lyon, with his company (D), to look through the lower part of the town for the two men on pass, fearing something might have happened to them.

Captain Lyon was gone about three-quarters of an hour, and returned without finding the men or meeting with any opposition. Returning with Captain Lyon was the Mayor of Brownsville, Doctor Combe, who reported to me that one civilian of the city had been killed and the chief of police badly wounded in the right arm, his horse being killed under him, and claimed the killing and wounding had been done by soldiers; but at that time I felt confident he was mistaken, as all men had been reported present except the two on pass, and to make sure I again had the rolls called, and received the same report from each company commander, "All present, or accounted for," the two men from C Company still being absent.

I kept the entire garrison under arms until 3.30 a. m., and then placed one company, C, on guard, in addition to the regular guard, and formed a cordon of sentinels around the north and east side of

the post, the exposed portion, with the most stringent orders to allow no one to leave the post, and no one to enter it except the Mayor, and such other person as he, the Mayor, might wish to bring in to see me. The other two companies were allowed to return to their barracks.

As an additional check, as soon as it was light enough to see, I had every rifle in the barracks and in the hands of the men inspected, to learn whether or not they had been fired, but all were found to be bright and clean.

The Mayor again called upon me about 10 a. m., and informed me a few empty cartridge cases and used clips for our Springfield rifle had been found in the streets, and later in the morning told me there had been picked up between 75 and 100 empty cases and used clips, as well as a few cartridges that had not been fired. Some of these I examined, and there is no doubt they are those manufactured by our Ordnance Department and issued to the troops.

At 11.30 a. m. a committee of 15 citizens of Brownsville, headed by the Mayor, called upon me, and through their chairman, Capt. William Kelly, a Union volunteer veteran of the civil war, informed me they had positive proof, by several reliable witnesses, that the shooting was done by colored soldiers, in uniform, and requested I cause the offenders' arrest and turn them over to the civil authorities. The Mayor, Doctor Combe, then spoke and said that he had examined the dead, and wounded man, and there was no doubt in his mind the wounds were caused by a bullet fired from a Springfield rifle, or some rifle with a similar penetrating power.

Here it will be well for me to state that Doctor Combe served as a volunteer surgeon during the Spanish-American war; was a brigade surgeon during the greater part of the Philippine insurrection, and is at the present time employed to attend the sick of the post during the absence of a surgeon.

I then expressed my deep regret to the committee that such a frightful crime should have happened, and that the evidence pointed so strongly to its being committed by my men; and while it had been impossible for me up to the present time to fix the blame upon anyone, I should never cease my endeavors to detect the criminal or criminals, and if found would promptly turn them over to the proper authorities. In conclusion, I assured them nothing of the kind would occur again, and explained to them the precautions I had taken. The Mayor then told me he was positive he was able to hold the unruly element of the city in check, and this was voiced by the committee, who then took their departure. We parted with the best of understanding between us, and I trust the cordial feeling will maintain throughout this very trying period.

Yesterday and last night passed without the slightest indication of further trouble of any kind. I still have one-third of my command—one company—on guard day and night, with the same stringent orders as to leaving or entering the post, the only exception being civilian employees and servants.

Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, but with this fact so painfully before me I am not only convinced it was perpetrated by men



of this command, but that it was carefully planned beforehand. I have the affidavits from three noncommissioned officers who were in charge of quarters on the day and night, and they swear positively the rifles were verified and the racks locked after drill (practice march of Companies B and D, drill of Company C), and the old guard returned to the quarters; that they never left the quarters, and that the keys to the locks of the racks were never out of their possession, and that the racks were not opened until call to arms sounded, and were then opened by them.

From testimony gathered by the Citizens' Committee and given to me by Doctor Combe, I believe from seven to ten men were implicated in this matter. Some one of them must have had a key to the gun rack, and after check roll call was taken—for all were reported present at 11 p. m. roll call—they slipped out of quarters, did the shooting, returned while the companies were forming, and at some time during the early hours of the morning cleaned their rifles. This is made possible from the fact that the shooting all occurred within two short blocks of the barracks.

I am conducting the most rigid examination possible, examining every man and working in conjunction with the Citizens' Committee, and I believe the offenders will be apprehended, although it will take time. The best of the men are very much perturbed over the matter, and I believe through them, rather than my own efforts, the perpetrators of this wanton crime will be apprehended.

That the enlisted men have been subjected to indignities since their arrival here there can be no doubt, and this has caused a good deal of feeling among them, and to one case I attribute this outbreak, the subject of which I will make an official report as soon as the collector of customs, Mr. Vann, returns to the city.

On the evening of August 5, Private Newton, of Company C, was walking on Elizabeth street, in the city of Brownsville, with Private Lipscomb, same company. When about a block north of the post-office they met a party of ladies standing on the sidewalk, talking to a man by the name of Tate, who is employed in the customs service. To pass this party, the men passed between them and the fence, in single file, Newton leading. Newton claims in his affidavit that he did not even touch one of the ladies in passing, but when opposite this man Tate, he, Tate, drew a revolver from his hip pocket and struck Newton upon the side of the head with it, knocking him down, at the same time saying, "I'll learn you to get off the sidewalk when there is a party of ladies on the walk." When Newton rose to his feet Tate covered him with his revolver and said, "Damn you, leave, or I will blow your brains out." This is corroborated by Private Lipscomb.

I at once wrote a letter to Mr. John W. Vann, collector of customs, informing him of the matter, and requested he would make such investigation of the occurrence as he might see fit and notify me of the result. Mr. Vann being out of town, my communication was replied to by Mr. Browne, deputy collector of customs, who requested me to await action until Mr. Vann returned, which, of course, I was very glad to do.

On the afternoon of the 13th, at about 5 o'clock, a Mr. Evans, of Brownsville, accompanied by Doctor Combe, called upon me, and

the former told me that on the evening before his wife, when returning home and when about to enter her back gate, was seized from behind by a colored man who, she was positive, was a soldier, as he was in khaki uniform, but whom she could not identify, and he further stated he had been greatly annoyed by enlisted men congregating near his house the two previous evenings by their vulgar conversation and swearing. His statement that his wife was seized by a soldier I was inclined to doubt, as prostitutes are too common in the town, but as the matter was a most serious one, and fearing the matter would inflame the people, as well as to save Mr. Evans any further annoyance, I ordered all passes canceled at 11 o'clock, and sent a patrol through the city notifying all men to return to the post at that hour. At 8 o'clock I sent out a second patrol, and at 9 a third one, which reported that no men could be found. Captain Macklin, the officer of the day, also went through that part of the city most frequented by the men, but found no one. Mr. Evans is unfortunate in living very near the Tenderloin, but, to protect him, it was my intention to send patrols to that part of the city every evening, and frequently, if necessary.

These two incidents have served to cause bad blood between the citizens and the soldiers.

I have not been able to investigate his charges that his wife was seized by a soldier, as the shooting came too closely upon it, and has occupied all of my attention. Fortunately, Mrs. Evans was not harmed, save the terrible fright it gave her.

I look for no further trouble, and trust my actions will meet with the approval of the department commander.

Very respectfully,

C. W. PENROSE,  
*Major, Twenty-fifth Infantry, Commanding.*

C.

FORT BROWN, TEX., August 20, 1906.

Capt. WILLIAM KELLY,

*Chairman Citizens' Committee, Brownsville, Tex.*

SIR: As there seems to be somewhat of a doubt in the minds of the citizens of Brownsville as to the sincerity of the investigation I am conducting relative to the horrible shooting that occurred in your city early on the morning of the 14th instant, whereby one of your citizens was killed and the chief of police wounded, besides several houses riddled with bullets, and the testimony pointing strongly to the shooting being done by men of my command, I have the honor to make this suggestion to you with an earnest hope it will meet with your approval and early acceptance.

This suggestion is, that you appoint a committee of three citizens of Brownsville, of which you should be chairman, to come to this post and make an investigation for yourselves.

I will place before such a committee every particle of evidence I have been able to obtain up to the present time, and will summons

before them every man of this post for such examination they may desire to make.

Very respectfully,

C. W. PENROSE,  
Major, Twenty-fifth Infantry, Commanding Post.

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D.

FORT BROWN, TEX., August 24, 1906.

Capt. W. J. McDONALD,

Company B, Ranger Force of Texas, Brownsville, Tex.

SIR: Replying to your demand for the men of my command for which you gave me warrants, I have the honor to inform you that I am directed by higher authorities to assure their safety, but they will be cared for subject to the jurisdiction of the civil authorities and will be delivered to the said civil authorities for trial when their safety is assured.

After a most careful investigation I am unable to find any one, or party, in any way connected with the crime of which you speak.

I return to you herewith the warrant delivered to me yesterday.

Very respectfully,

C. W. PENROSE,  
Major, Twenty-fifth Infantry, Commanding.

The substance of this letter was also communicated to Sheriff Garza, who made the second service.

A. P. B.

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A'.

FORT BROWN, TEX., August 19, 1906.

CHIEF OF STAFF,

Camp Mabry, Austin, Tex.:

Arrived last night. Troops under proper control, although town people are still very much excited and men all carrying arms.

After consultation with post officers the Mayor and prominent citizens strongly recommended Company A, Twenty-fifth Infantry, be not sent here for present at least; otherwise grave trouble almost certain to ensue on road in this vicinity. Every effort being made to discover murderers.

Recommend all officers now on detached service from this command that can be spared be sent here soon as practicable.

BLOCKSOM, Major.

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B'.

BROWNSVILLE, TEX., August 20, 1906.

THE MILITARY SECRETARY, UNITED STATES ARMY,

Washington, D. O.:

Causes of disturbance are racial. People did not desire colored troops here, and showed they thought them inferior socially by cer-

tain slights and denial of privileges at public bars, etc. Soldiers resented this. There were several individual encounters between soldiers and citizens. About midnight of 13th party of soldiers, probably 9 to 15, made raid through several squares of town, firing 75 to 150 shots, killing a bartender and dangerously wounding lieutenant of police. They also fired into several houses, where women and children narrowly escaped being shot. Raid lasted from eight to ten minutes. Claim made that citizens fired first, but, I believe, without foundation. Although act probably preconcerted, do not think commanding officer could have foreseen it. Citizens can not identify raiders, and authorities have made no demand for them. Investigation now going on has as yet discovered none. Commanding officer to-day invited a committee of three citizens to assist in conducting investigation. People are still in a state of great nervous tension, and men nearly all carry arms openly at night. Women and children still frightened. I consider it necessary to remove colored troops—the sooner the better. While now apparently under perfect control, an entire company is on guard each day—a great strain with little prospect of relief. Differences between soldiers and citizens are irreconcilable. Suspected men might get a fair trial here at hands of civil authorities, but could not be properly protected from mob violence. Full report about investigation will be made in regular course.

BLOCKSOM, Major.

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C.

FORT BROWN, TEX., August 21, 1906.

CHIEF OF STAFF,  
Camp Mabry, Austin, Tex.:

In reply to direct inquiry from Military Secretary, Washington, I last night recommended colored troops be withdrawn from Brownsville—sooner the better; that differences between soldiers and citizens are irreconcilable. I was directed to remain here until further orders.

BLOCKSOM, Major.

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D.

BROWNSVILLE, TEX., August 21, 1906.

TO CHIEF OF STAFF,  
Camp Mabry, Austin, Tex.:

Committee invited by commanding officer to investigate trouble began meetings this afternoon, and is given every facility possible. Captain Kelly, prominent citizen; District Attorney Kleiber, twenty-eighth district; Judge Bartlett, county judge, Cameron County, and Judge Welch, twentieth judicial district, form committee.

BLOCKSOM, Major.

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E.

FORT BROWN, TEX., August 23, 1906.

THE MILITARY SECRETARY, UNITED STATES ARMY,  
Washington, D. C.:

Battalion Twenty-fifth will probably get away to-night. Warrants have been issued for murder, conspiracy to murder, etc., against 3

sergeants, 3 corporals, 6 privates, and 1 ex-soldier. They will be turned over to commanding officer, Captain Preston, Twenty-sixth Infantry, for safe-keeping, until required by district judge. Do not know when, probably early part next month, possibly earlier. Authorities pledge themselves able keep prisoners from violence, but feeling here still high. Request authority to return after battalion leaves.

BLOCKSOM, Major.

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F'.

BROWNSVILLE, TEX., August 28, 1906.

CHIEF OF STAFF,  
Camp Mabry, Austin, Tex.:

Confidential. My report completed. Shall send soon as typewritten. Can not too strongly urge officers of battalion be impressed with necessity discovering criminals. They did seem to be trying, but were prejudiced by ill-feeling shown them here. Such a crime committed by so many men will be great injury to officers' reputation if undiscovered. Almost no evidence against men arrested, though believe majority more or less guilty. Conviction of criminals must come from men of battalion, if at all. Many old soldiers know guilty men, and should suffer for concealing act. I shall recommend practical disbandment of three companies if crime not soon discovered.

BLOCKSOM, Major.

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A''.

FORT BROWN, TEX., August 14, 1906.

FORT BROWN, State of Texas, ss:

Personally appeared before me, the undersigned authority, Sergt. George Jackson, Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

I was in charge of the company quarters of Company B, Twenty-fifth Infantry, on the 13th and 14th of August, 1906.

The company was on a practice march on the morning of the 13th and returned to the post between 10 and 11 o'clock, when the rifles of the company were returned to the racks to allow six men of the company to get their rifles to go on guard. I then locked the racks again, and there were in the racks 46 rifles, which, with the 6 in the hands of the men on guard, made 52 rifles, for which I was accountable. The racks were not again opened until call to arms sounded, soon after midnight on the morning of the 14th, when I opened them myself.

I was not away from the quarters at any time during the time the racks were closed, about 10 o'clock on the morning of the 13th, until they were opened when call to arms sounded on the morning of the 14th, nor were the keys to the racks ever out of my possession.

I made check roll call of the company at 11 p. m., on the night of the 13th, and all men were present.

GEORGE JACKSON,  
Sergeant, Company B, Twenty-fifth Infantry.

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,  
Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.

B''.

FORT BROWN, TEX., August 14, 1906.

FORT BROWN, *State of Texas*, ss:

Personally appeared before me, the undersigned authority, Sergt. Darby W. O. Brawner, Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

I was in charge of the company quarters of Company C, Twenty-fifth Infantry, on the 13th and 14th of August, 1906. I locked the arm racks in the company quarters between 10 and 11 o'clock a. m., August 13. There were 53 in the racks, which, with the 4 rifles in the hands of the members of the guard, made up to the total number issued to the men of Company C; that is, 57 rifles in all. The keys of the arm racks were constantly in my possession. The arm racks were not opened until about 12.15 a. m., August 14, 1906, for any reason except that about 2.30 o'clock p. m., August 13, 1906, one rack was opened for a moment to allow the supernumerary of the guard to get his rifle in order to take the place of a member of the guard who was taken sick, and whose rifle was at the same time placed in this arm rack.

About 12.15 a. m., August 14, 1906, I was awakened by a corporal of the company, who told me that shooting had been going on and that call to arms had been sounded, and to get up and open the arm racks. I went down to the first sergeant and asked him what I should do, whether I should open the arm racks, and he said, "Wait for orders." Corporal Madison, whom I met as I was returning to the squad room, told me orders of the commanding officer were to open the arm racks. I then opened three racks, the fourth having been broken open by the men trying to get their rifles from the racks to fall in when call to arms sounded.

DARBY W. O. BRAWNER,  
*Sergeant, Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,*  
*Trial Officer, Summary Court.*

C''.

FORT BROWN, TEX., August 14, 1906.

FORT BROWN, *State of Texas*:

Personally appeared before me, the undersigned authority, Corpl. David Powell, Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

I was in charge of quarters of Company D, Twenty-fifth Infantry, on the 13th and 14th of August, 1906.

Company D, Twenty-fifth Infantry, was on a practice march on the morning of the 13th and returned to the post about 9.30 a. m., when the rifles were placed in the gun racks and the racks locked by me. At about 10 a. m. the racks were opened to allow five men of the guard to get their rifles and were again locked by me. There were in the racks then 52 rifles, and 5 in the hands of the men of the company on guard, making a total of 57 rifles in all for which I was accountable.

I did not leave the quarters at any time during the day or night. The keys to the arm racks were in my personal possession the entire time, and the racks were not opened for any purpose whatever from about 10 a. m. [until] after midnight on the 14th, when I unlocked the racks myself.

I took check roll call at 11 p. m. on the 13th, and all the men of the company were present or accounted for.

DAVID POWELL,  
*Corporal, Company D, Twenty-fifth Infantry.*

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

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D''.

FORT BROWN, TEX., *August 14, 1906.*

FORT BROWN, *State of Texas:*

Personally appeared before me, the undersigned authority, Private J. H. Howard, Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

I was a member of the post guard on the night of the 13th and 14th of August, 1906. I was posted as a sentinel on post No. 2, which extends around the barracks, keeping the buildings on my left, at 10.30 p. m., August 13. At about 12.10 on the morning of the 14th, when between O and B Company barracks, I heard a single shot, then five or six, and then a regular fusillade. The shots seemed to come from the street in the rear of the brick wall back of B Company's barracks. I thought they were shooting at me, and I looked in the direction of the sounds to see if I could see anybody, but I could not, and I then went to the front of the barracks and gave the alarm, by firing my piece three times and calling for the guard. I did not see anybody at all but the post scavenger, who was at the sinks in the rear of B Company's barracks. As soon as the shooting commenced he drove away with his cart.

JOSEPH H. HOWARD,  
*Private, Company D, Twenty-fifth Infantry.*

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

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E''.

FORT BROWN, *State of Texas:*

Personally appeared before me, the undersigned authority, one Matias G. Tamayo, scavenger at Fort Brown, Tex., who being duly sworn according to law, deposes and says:

That at about 12.10 a. m. on the morning of August 14, 1906, he was in rear of the quarters occupied by Company B, Twenty-fifth Infantry; that about this time a shot was fired by some person unknown in the street just outside the wall dividing the military reservation from the town of Brownsville, Tex.; that he could hear the bullet and that it appeared to be going in the direction of the Rio Grande River, about parallel to the above-mentioned wall; that immediately following this one shot, a number of other shots were fired, all outside the wall.

Deponent further says that previous to the shooting he saw no soldiers any-

where in rear of the quarters occupied by the companies of the Twenty-fifth Infantry, and heard no talking or news of any kind; and that he saw and heard no shot or shots from any of the company barracks.

MATIAS G. TAMAYO,  
*Scavenger, Fort Brown, Tex.*

Sworn to and subscribed before me this 14th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

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F''.

FORT BROWN, TEX., *August 23, 1906.*

Sergt. J. R. Reid, Company B, Twenty-fifth Infantry, stated to me that he did not have the call to arms sounded (he was sergeant of the guard on the night of the 13th of August) until the shots came so fast that he thought post was attacked. He stated also that he formed the guard before having the call sounded.

A. P. BLOCKSOM,  
*Major, Inspector-General.*

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A'''.

TESTIMONY TAKEN BY CITIZENS' COMMITTEE RELATIVE TO ACTION OF UNITED STATES TROOPS ON THE NIGHT OF AUGUST 13 AND MORNING OF AUGUST 14, 1906.

BROWNSVILLE, TEX., *August 14, 1906.*

MR. GEORGE W. RANDALL takes the stand.

Q. Tell what you saw from the time your attention was first attracted.—A. Well, I was sleeping about 10 o'clock and was woke up by pistol shots fired close to my house, about 60 feet from garrison, inside of garrison wall. I got up and went to the window, my wife with me. We could see men moving back and forth inside the garrison wall, and they were shooting. One man in particular. I watched the shots, seeing the fire leave the pistol, and it was elevated up in the air and was being fired about as fast as a man can move his finger. There were other shots, but I did not notice them.

Q. What time was that?—A. About 10 o'clock, I think; though I did not strike a light to look. The next move that I saw and what I heard was one word—there was a good deal of talking, but very low—one man said "There he goes," and they made a move for the wall and passed out of my sight.

Q. Did they have guns in their hands?—A. I could not tell.

Q. Were they soldiers?—A. Yes.

Q. You could see on the town side of the garrison wall?—A. Yes.

Q. Did you see any shooting on the town side of the garrison wall toward the garrison at the time of the firing?—A. No.

Q. Then all the shooting you saw was from the inside of the garrison?—A. The shooting I saw—and that was through the flash of the pistol, and every one of those flashes was elevated—did not seem to be shooting at anything.



Q. When you saw the flashes of fire could you tell in what direction such fire was?—A. It was elevated.

Q. Was it toward town or away from town?—A. Toward town.

Q. How long did that shooting continue?—A. I do not think it was more than five or six minutes.

Q. Were there other shots fired from the post also later?—A. (Not known.) The first shot came from the garrison wall down below; the next one passed through my room and went directly over my bed.

Q. How long was that after the first shot was fired?—A. Five or six minutes.

Q. That last shot that went through your house, judging from the direction of the shot, would you suppose it was fired by somebody who ran out of town through the alley?—A. No; it could not have been. My house stands (motioned toward the fort), and the place where it went into my house (motioned again) and the place where it went out (another motion) was about 6 inches above where it went in. (Stenographer can't comprehend motions.)

Q. After the first shot was fired, how long was it until you heard the last shot?—A. I could not tell. My wife said it was between a half and three-quarters of an hour, but I think it was not that long.

Q. The shot that came through your house came from the direction of the garrison?—A. Yes; about the lower end of the lower quarters.

Q. That was several minutes after the first fire?—A. Yes.

Q. Do you remember whether it was before or after the bugle call was sounded?—A. It was after; a long time after. The first bugle call that I heard—it was a peculiar call—was two or three minutes after they left the quarters and jumped the wall and started this way.

Q. It was after the bugle call?—A. Yes; and it was quite a little while before that man got the squad together and came up Elizabeth.

Q. There were two bugle calls?—A. Yes.

Q. Was this after the first or second bugle call?—A. The last.

Q. Did you see anything of the placing of a Gatling gun in the gate last night?—A. No.

Q. You were in view of the gate all the time?—A. Yes.

Q. You could have seen it?—A. Yes. (Continued.) The first shots that I heard seemed to me as though they were a little to the left. When I got up and went to the window I saw that they were shooting up.

(Excused.)

Mr. O. J. MATLOCK takes the stand.

Q. (By chairman.) This committee is engaged in investigating what occurred last night. It has been stated that some soldier addressed you and told you that it would be dangerous for you to go up the street after 10 o'clock.—A. No; no one addressed me that way. The only conversation that I had was with the commander of Company B (I think it was), and he said that his instructions were to keep his men in at night and that he was going to call them back. I had no talk with a soldier, and knew nothing of it, except that there was a little strange situation on account of the affair Sunday night.

Q. Where were you during this shooting?—A. Behind the guard-house, at Mrs. Johnson's house.

Q. Did you see anybody do any shooting?—A. No. I went up to the guardhouse to see what was the matter. They said they did not know, and came near running their bayonets into me, they were so excited. They said they knew nothing about it.

Q. Do you know anything about the roll call there last night?—A. No.

Q. Anything about the guns?—A. No; except what I have heard.

Q. Did you make the statement that the guns have not been returned to the racks yet?—A. No; for I don't know anything about it. I had a talk with some of the officers this morning and they told me that the guns had not been tampered with. They had an idea that the guns could not be gotten hold of except for drill purposes.

Q. Is that still their idea?—A. No; I think not.

Q. How long would it take a man to go from the officers' quarters over to the men's quarters?—A. They were in bed, and, having to dress, it would take maybe eight minutes to get their clothes on and get over there. Maybe all of eight minutes.

Q. Do you know anything that might be of the slightest help to this committee?—A. No; nobody out there knows anything about it. The general opinion is that they will never know anything about it as long as they stay here, unless one of them gets full and tells it.

Q. Did you state that you were told not to go out that night?—A. Yes; I was washing my hands when the shooting commenced, and I went up there and they were very excited and told me I had better get back into the house or I might get hurt.

Q. That was while the shooting was going on?—A. Yes; I started to go, and they said, "Don't go yet a while." So I waited.

Q. Was the officer of the guard there?—A. There is no officer of the guard, except the noncommissioned officer. He was on his round. I heard him make his round about 11 o'clock.

Q. If there was a guard on last night did not he know anybody who went into or out of the post?—A. No; he might be around the barracks and a person could come in the gate.

Q. But if they had a special patrol? With that they should be able to keep people out?

(Answer not known.)

Q. I understand there was one man with each squad who has entire charge of the arms and ammunition. If any arms or ammunition went out of there, or went in, he was bound to know?—A. He ought to know it, if he was up all night. If he was in bed he might be misled.

Q. These arms are under lock and key and this party has charge of the key?—A. Yes.

Q. And he should be responsible?—A. Yes.

Q. A guard who would be up at the end of the third quarters, it would be an easy matter for any number of men to jump the fence before he could get back and see who they were?—A. Yes. It is about 500 yards.

Q. What Gatling gun is there in the fort?—A. There is only one, but it was not got out.

(Mr. KELLY stated:) It was a very old gun—one of the guns that was on the old Bravo in 1872.

(Witness excused.)

Mr. JOSE MARTINEZ called to stand.

Q. You know the object of this committee. Just state what you know or what you saw.

(Question of speaking English raised. Interpreter dispensed with.)

Q. Where were you last night?—A. In my room in Mr. Randall's house, right behind the telegraph office (pointed out place on map). On alley fronting the post in block 61.

Q. Were you there last night?—A. Yes; I was reading the paper when I heard four shots.

Q. What kind of shots; pistol or rifle?—A. Gun shots.

Q. Where were they?—A. Inside the quarters. I hear the noise like somebody—big crowd—jump the fence.

Q. About how many?—A. I could not see him; I hear.

Q. Well, more or less?—A. About 20.

Q. Did they have guns in their hands?—A. Yes.

Q. Were they negroes or white men?—A. Negroes.

Q. Did you see their uniforms?—A. No; I saw their—what you call it?—bulk. I could see them shooting this way (makes motion at hips). I could hear men come up Elizabeth street and other men go down the alley.

Q. How many shots did you hear, more or less?—A. I could not tell; about forty or fifty.

Q. Was that before or after the first bugle call? Did you hear the bugle call?—A. Yes.

Q. Did these men come over before or after?—A. They shot and then the bugle.

Q. Then you heard other shots?—A. Yes.

Q. Then a second bugle call?—A. Yes.

Q. How long was it between the two bugle calls?—A. I think it was about three minutes.

Q. Did you hear them call a roll on the other side?—A. No; I was sleeping by that time.

Q. Could you hear these soldiers talking any?—A. Yes.

Q. What did they say?—A. I did not pay any attention to them.

Q. Do you remember anything they said?—A. No.

Q. Did they curse?—A. Yes.

Q. Were they drunk or not?—A. I could not tell you.

Q. Did you see said men (Kibbe's question) go back?—A. No.

Q. Can you show us on the map where the first crossed the wall?—A. (Goes to map and points.) They jumped over the wall all along.

Q. Did they have guns in their hands?—A. Yes. I was standing in the door.

Q. Were they inside or outside the wall when the first shots were fired?—A. Inside.

Q. Then they jumped over the wall and ran uptown?—A. Yes.

Q. All of them with guns?—A. Most of them I saw with guns.

Q. Some of them ran straight up the alley. Do you know whether any of them ran up Washington street?—A. I don't know. I blow out my light.

Q. Have you any idea how many men crossed that wall?—A. I saw about twenty men. I don't know how many of them jumped the wall.

Q. Did you see the soldiers when they came back to the garrison?—A. No.

Q. Did you see any of them come up Elizabeth street?—A. I could not see them; I hear them come up Elizabeth.

Q.—Did you hear any shots from the town side before you heard them on the inside?—A. No.

Q. You live about 30 feet from the garrison wall?—A. Yes. (Some one ventured the information that it is just 36 feet.)

Q. Were these four shots that you heard first all the shooting that took place until they passed your house?—A. No; when they jumped the fence they commenced shooting.

Q. Which way were they shooting?—A. This way.

Q. The guns were shooting straight?—A. Yes. Maybe some of them were elevated.

Q. That is all you know about it?—A. That is all.

Q. There were quite a number of shots fired before the first bugle?—A. Four.

Q. Were there not more shots than that before the first bugle call?—A. No.

Q. They continued until the second bugle call?—A. Yes.

Q. Were there any after the second bugle call?—A. Yes; lots of them.

(Excused.)

Mr. MARTINEZ was recalled on the morning of the 14th, and testified as follows:

Q. Did you hear any running up and down in the post?—A. No.

Q. Did you hear them talking?—A. Yes; very low.

Q. In the barracks?—A. Inside the wall; not in the house.

Q. Did you hear running?—A. Yes; jumping the wall. Previous to the first fire I heard no shots from the town. The first were fired from inside the garrison wall.

Q. Did you see the men form?—A. (Asks meaning of "form.") No; they ran.

(Excused again.)

Mr. ADOLPH BOLACK (Hebrew) takes the stand.

Q. Now, tell what you know.—A. Well, my wife and daughter hear the shooting and come arunning out in the dining room and got frightened. I was coming out to see what was coming on, but she would not let me. I went to my window and saw Dominguez and two policemen go by. I holler, but Dominguez did not hear me. After they got by they commenced shooting again. And that is all I know. In about three minutes the shooting commenced in the alley.

Q. Could you see anyone shooting?—A. Saw nothing.

Q. Did you hear any command given?—A. No; my daughter heard them talking when they passed the window, and they were negroes.

Q. How many shots were fired?—A. At least forty or fifty.

Q. Is that all you know?—A. Yes.

(Excused.)

(Mr. BOLACK returned shortly to announce that he had seen a man who did see the soldiers. Thanked and excused again.)

Mr. A. BAKER called to stand.

Q. Just tell what you know.—A. I heard shooting during the night; don't know exactly what hour.

Q. Was it a pistol or rifle?—A. It sounded like a pistol. I jumped up and my brother came out and asked what it was. We climbed up on a tank and looked over into the fort. The shooting commenced. There were four or five shots near the wall. Then they commenced shooting uptown.

Q. Where do you live?—A. Near the old ice plant, in lot 9, block 59, I think.

Q. Did you see the men cross the wall?—A. No.

Q. Do you remember hearing a bugle call?—A. Yes.

Q. Was the firing before or after the bugle call?—A. There were some shots before the bugle call; then the bugle; then more shots; then the bugle call; then more shots. I heard the men run down the stairs, like they were coming to a fire, and some one hollered, "Fall in line," and then, "March," and they went uptown.

Q. Did you hear the roll call?—A. Yes; about half an hour after they got back—a half or three-quarters of an hour after the firing ceased and they went back to the post.

Q. From where you were, could you look down in the alley?—A. Yes.

Q. At the time of the firing, or within five minutes after the firing, did you see anyone running through the alley?—A. No.

Q. Were you expecting trouble last night?—A. Yes. Yesterday evening, about 6 o'clock, two soldiers came up to the house and asked if Mr. Baker lived there. Then they said they wanted a big, broad-shouldered fellow, who said he was from Georgia. So we got our arms and guarded our residence.

Q. Do you know of the shot that Mr. Randall spoke of having gone through his room?—A. Yes; I heard it whistle.

Q. Did you notice the flash of any guns toward the fort?—A. No.

Q. If they had had a roll call you could have heard it?—A. Yes; I heard the last one and heard nearly every name called.

Q. Why were you noticing this?—A. After they had the other trouble the officer told him to report to him and that he would have a roll call and get who was out. So I noticed for the roll call this time.

Q. Did you hear the shooting up in town?—A. Yes.

Q. How many shots did you hear?—A. One hundred and fifty, maybe two hundred. It looked like volleys of them were being fired.

(Excused.)

Mr. A. C. MOORE takes stand. (Proprietor of Miller Hotel.)

Q. This committee is sitting for the purpose of getting information that will place the saddle on the right horse. You are running the Miller Hotel?—A. Yes.

Q. Are there any bullet holes in the hotel?—A. Yes; about six.

Q. Shot by whom?—A. By people; last night.

Q. What time?—A. About 12.

Q. Did you see anyone shoot?—A. No.

Q. Did you hear?—A. Yes.

Q. Tell what you know.—A. The first shooting started down by the garrison. The shooting still continued, and they came up the alley right by our rooms. They gave the command here and fired. Then they came out on Elizabeth street. There they gave the same command again—"Halt; fire!"

Q. Could you tell who they were—negroes or white people?—A. Well, it was a good, strong voice and English spoken.

Q. Could you see them?—A. No; I could not leave my wife; she was in hysterics.

Q. You heard those commands?—A. Yes; and heard them say, "There goes the son of a bitch," and something else, "Get him!"

Q. Could you say whether it was a negro's voice?—A. I think it was. It was very coarse.

Q. After the command what did they do?—A. Well, they ran on down, and there was a shot or two fired then.

Q. Toward the corner of Thirteenth and the hotel?—A. Yes. Then they gave another command. The best that I could locate it was from this corner opposite the hotel. Then they fired, and must have fired that volley at the hotel, for there are the bullet holes showing that they must have been shot from that corner. One of them passed through a window facing and through a door and struck the wall.

Q. Have you got any of those bullets?—A. Yes; I gave them to Fred. Combe.

Q. What were they?—A. Steel jackets.

Q. How many shots did you hear?—A. About 50.

Q. Where did they shoot the policeman—right here (pointing out of window of Wells' office)?—A. I do not know, but they were bound to have shot him when they came out of the alley, for then they hollowed, "There goes the son of a bitch; get him!" Then I picked up a lot of bullets (meaning cartridges, evidently) in the alley, empty and loaded.

Q. What were they?—A. 1205, new army gun, Springfield model.

Q. That is all you know?—A. Yes.

Q. Do you know whether or not any of your guests actually saw the negro soldiers?—A. Yes; Mr. Borden and Mr. Chase had their heads out of the window and saw the squad of five or six. They shot just about then, and the bullets hit right close to the window. One bullet came through the screen, and when it hit the window went straight up.

(Excused.)

Mr. EPOLITA MARTINEZ called to the stand, but, as he was called to verify a rumor concerning a soldier's remarks in his (Martinez's) drinking place, which he denied the truth of, his statements are excluded from record.

Mr. C. S. CANADA called to the stand.

Q. We are inquiring into the matter of last night with a view to ascertaining who the guilty parties are. We know they were negro soldiers. If there is anything that would throw any light on the subject we would like to have it.—A. I did not see a single man that

I am sure. My room is up on third floor. As soon as the shooting began I went down on second floor and went out on the gallery. I saw that policeman and saw that the horse was wounded. He staggered and fell. I could tell by his rather dark clothes that he was an officer.

Q. Could you see who fired the shots?—A. No; I could not give any description of the men. I could hear the peculiar click of the gun, and I would swear it was a rifle.

Q. Could you tell whether it was an ordinary rifle or a Krag?—A. They were the same as the shots fired in the alley.

Q. You could not hear them say anything?—A. Perhaps, if I had been listening for that purpose alone.

Q. How many shots were fired from the corner at the horse?—A. At least three.

Q. How many in all did you hear?—A. Not less than 150; perhaps 200. Between those two numbers. It is more or less a guess.

Q. Did you hear any commands? Hear "Fire," or anything that way?—A. The only thing I heard them say was, "We got him," when the horse fell.

Q. Did you see or hear anything that would lead you to believe that they were negro soldiers?—A. Nothing except the general tenor of the affair.

Q. The next firing was up the street?—A. Yes; they went on up the street firing.

Q. From the tone of the voice that you heard make the remark, "We got him," were they Americans or Mexicans?—A. I think they were negroes. I was raised among them and know their voices pretty well.

(Excused.)

Doctor Combe states what Mr. Odin, who is now out of the city, said in regard to the shooting (made in presence of Judge John Bartlett):

That about the middle of the night of August 18 he was standing at a window of his room in the Miller Hotel and he heard a squad of men coming down the alley; that they arrived at the corner of the alley and he recognized that they were five negro soldiers; that when they arrived at the intersection of Thirteenth street and this alley one, apparently in command, gave the order, "There he goes; shoot him." That immediately a volley was fired, and then one of the men leveled his piece at the window and fired, the bullet passing through the casing and going into the ceiling directly over his head. One of his children fell to the floor and he thought it was shot. His wife was present at the window.

(Judge Bartlett affirmed statement.)

·VICTORIANA FERNANDEZ, policeman, takes stand.

Q. State what you saw.—A. I was asleep at Washington street. I was on day watch and was sleeping. I heard a single shot. I do not know whether six-shooter or gun. I went down town, down the street, and saw two men shoot at me. Do not know whether citizens or soldiers. I turned across the street into the alley. They shot at me again.

Q. Did you shoot back?—A. No; had no chance. They shot at me the third time—three men with big guns. I shot back. They were dressed in khaki pants.

Q. You can tell these army guns when they shoot?—A. Yes.

Q. These were army guns?—A. Yes.

I came on Sixteenth street. I saw a crowd at Mr. Tillman's saloon. I went inside and found Frank Natus lying down dead.

Q. How many shots did you hear last night altogether?—A. About fifty.

Q. Did you know any soldiers that fired?—A. No.

(Excused.)

Mr. STAROK called.

Q. Tell what you know.—A. I don't know that I can help you much. About half past 12 last night I was awakened by a volley being fired into my home. One of the shots passed right over our beds, through both our bedroom and my children's bedroom. I saw man running down the street coming this way. He had a rifle in his hand in about this position (motions at shoulder). I came to the window and saw an object behind the trees at Mr. Turk's and was about to come down on him when I recognized him as one of the policemen.

Q. Were you able to identify any of them as being negroes?—A. No.

Q. You only saw one man?—A. Yes; but there were more than one, for there was a volley.

Q. How many shots did you hear before and after?—A. I could not say exactly—fifty or a hundred. I heard a lot of shooting after the bugle call at the post.

Q. When were the shots?—A. Just after the bugle call. The first shooting was after the bugle call.

(Excused.)

Mr. C. C. MADISON takes the stand.

Q. We are here for the purpose of obtaining information touching what happened last night. Tell us everything you know about it. Who you saw shoot, if anybody.—A. We (Mr. Madison was accompanied by another tinner and could not be induced to converse in anything but the first person plural) did not see anything. The shooting took place 10 or 15 feet from where we were sleeping and we could hear them throw the cartridges in the guns. They were Springfield guns. I know what they sound like when a cartridge is thrown into them, and I heard a low whistle and heard somebody hollow "Halt!"

Q. How many shots did you hear?—A. Twenty or thirty in the alley and many more in the city.

Q. Did you hear the men talk?—A. Yes.

Q. Were they Americans or Mexicans?—A. They were negroes.

Q. Were you sleeping on ground floor?—A. Yes.

Q. Doors open?—A. Yes.

Q. Could you see anything when you looked out?—A. No; but we never put our heads out.

Q. Where did you hear them say "Halt?"—A. Out in the lot.



Q. How many were there?—A. Seven or eight.

Q. Which way did they go?—A. Toward the livery stable.

Q. Were you ever in the service?—A. Yes; five years, and I know the sound of cartridges when they are thrown in.

Q. Did you see or hear anything that would lead you to believe that they were negro soldiers?—A. Yes; I know by their talk that they were negroes.

Q. Did you see any soldiers?—A. No.

(Committee adjourned until 9 o'clock Wednesday, the 15th.)

Committee convened at 9.30 Wednesday, the 15th of October [August], 1906, and to begin business had—

Mr. J. P. McDONALD called to the stand.

Q. We are here to get what information we can that will throw light on the circumstance.—A. I board on the little block next the garrison, about the middle. I knew there was bitter feeling in town and thought that if they caught any negro soldiers up town they might to [sic] them up. So I laid awake; never pulled off my shoes. When the first fire started I jumped up. There were from six to ten shots on Elizabeth street; then they ceased. I went down the street to the next block and on to the alley and stopped on the corner. The shooting commenced again just inside the garrison wall. Then I saw some men assembled by the garrison wall near the telegraph office. There were about 20 men. I don't know where they came from; did not see them scale the wall or come through the gate. I think they were in trousers and shirts. I don't know whether they were negroes or white men, but they were United States soldiers. They went into the alley where I first stopped (I had moved back) and commenced shooting. I was 30 or 40 steps from them. Five or six men went up that alley, and I could see their guns distinctly. I did not hear any roll call, but I went home soon after that and then came down town.

Doctor THORNE called.

Q. Tell the committee what you know.—A. I know nothing except what I heard. I heard the firing when it commenced, and supposed there was a rampage. I was in bed. There was only a thin wall between me and the alley. I heard one man say, "There he goes," or "There they go," or "There he is;" then another spoke in a loud voice, "Give them, or him, hell," and louder still, "God damn him." It was a negro's voice. Three bullets went into my house. I did not hear them go back down that alley, for I got up and went down town.

(Excused.)

HERBERT ELKINS called to stand.

Q. You know the object of this meeting. We know that this outrage was committed by negro soldiers. We want any information that will lead to a discovery of whoever did it.—A. About fifteen minutes before the shooting came up I went up to my room in the Lahay Hotel, second story back. When the shooting commenced I got and sat in the window. They came up the street; two of them

seemed to be in the lead. There were five or six. I could swear they were negro soldiers. They emptied their guns into Mr. Cowan's house and then split up, and part of them went up Elizabeth street. One of them got into a mudhole and hollered for the others to go around the other way. They wore khaki pants, regulation blue shirts, and belts. The two in advance were small black negroes, none of them over 5 feet 6. I might recognize the voice of the one that got into the mudhole, and think I could recognize him, but maybe I could not pick him out. They did not turn back when the bugle call sounded, but went on, and in a little while they came back. I saw them shoot into Mr. Cowan's house once, and I think they shot into it three times. They got back to the barracks before the roll call and I think before the squad went out in town. When the squad went back I was standing with Mrs. Lahay at her front gate, and the squad passed within a few feet of us. One little black negro, who I took to be the same one that got into the mudhole when they were shooting into Mrs. Cowan's house, said, "We'll kill the rest of the sons of bitches to-morrow." I heard the policeman shoot up-town; could tell it because the shots were dull.

(Excused.)

MACEDONIO RAMIREZ called to stand. (Policeman on duty that night.)

Q. You were with Joe Dominguez?—A. Yes.

Q. Did you see the shooting?—A. Yes.

Q. Did you see the soldiers?—A. Yes.

Q. How many?—A. Five or six.

Q. Where were you?—A. When the first shots were fired I was standing at the corner of the Alamo alley. When I heard the shots I ran to the next corner. I then ran down Washington street until I reached Mr. Bolack's corner. When I reached Bolack's corner I met the lieutenant police and Padron coming from the direction of the garrison. I asked the lieutenant police what was up. He said he did not know. He supposed the soldiers were firing. As we turned the corner—the lieutenant police was ahead, Padron was behind him, and I was behind Padron—we heard one or two shots from the corner of the hotel. As we came near the alley we heard the locks of the guns that they were loading. When we were in front of Mr. Wells' office five or six soldiers appeared at the corner of the alley. One of them said, "Here he goes; shoot him," and three or four shot at Domingo, and one of them remarked, "Give it to him." None of us shot. Padron went up Washington street, and I went up Thirteenth street. When I reached the house where Mr. Carson keeps, they shot my hat off. I heard them shoot in the direction in which the other policeman ran. I ran up that way and came back down on Elizabeth street and intercepted the company. I was standing on Crichell's sidewalk; the company was in the middle of the street, and Marcellus was on the opposite side of the street. One of the men called the attention of the captain to the fact that there was a man in the street with a gun in his hand. Marcellus Daugherty stated that he was an officer of the law. He ordered them to march, and they stood still. Then he ordered them the second time, and they marched. Some of the men had their guns on their

shoulders, and some of them carried their guns in their hands. They were talking and seemed to be in a bad humor. They said something to their captain when he ordered them to march, and he ordered them a second time, and they marched on. They had stopped, and said, "There is a man with a gun in his hand."

(Excused.)

(Mr. Smith, working for the committee in the capacity of stenographer, as a matter of courtesy, asked to be excused in order to transcribe his notes before the time set for his departure from the city. Whereupon he was excused.)

*Genaro Padron's testimony.*—My name is Genaro Padron. City policeman of the city of Brownsville. On the night of the 13th instant about 12 o'clock I was at the corner of the Merchants' National Bank, when I first heard some shots in the direction of the garrison. It was in the direction of Fort Brown. I was then starting up Elizabeth street with Florencio Briseño; ran very fast toward the garrison, and then as I was passing Mr. Tillman's saloon I asked him if he had a gun, and he said that he had only a .45 caliber, which I took. I ran in the same direction, up the street with Briseño, turned the other street, and went near the corner of Bolack's house, and then went up his side of the house and turned the corner and went into the Pecina's yard. Before that I had met Lieutenant Policeman Ygnacio Dominguez, who was in there in front of me. I then came next, and Macedonio Ramirez was behind me. I told him "You had better not cross that alley, for the soldiers are firing from in there," and he then crossed the alley and was looking in the direction I had told him the soldiers were, and at that moment they came out and opened fire on Dominguez. As I said before, I was behind Dominguez and Macedonio Ramirez was behind me. I could hear the soldiers were talking. I then came around the corner and looked about, but I did not see anybody. I then saw the lieutenant police, Dominguez, cross the alley and Macedonio and myself coming right behind. After the lieutenant policeman, Dominguez, had gone across I could see the flashes of the guns giving the reflection on the glass windows of the opposite building. And then I saw the lieutenant police, Dominguez, go in a walk on his horse crossing the alley, when I then heard a soldier say: "There he goes." I then backed a little, but I could never see Macedonio Ramirez after that. I was trying all the time to find out where he had gone. When the soldiers came out of the alley they turned their guns and fired. There must have been three or four of them. Then about three more came out at the corner of Bolack's house out into the street and fired on Dominguez. After that I backed and fired my pistol at them, and then they fired on me. At that time I turned toward the Sahualla's store, Washington street, and saw that they were about seven or eight soldiers, armed with rifles, going in the middle of the street, and I then took said Washington street, hiding and walking in the dark, taking behind the trees that are on the sidewalk, and then they fired another volley. When I got near a big nogul (walnut) tree they recognized me, and they fired again at me, but I kept backing and backing every time until I got to the corner of Sahualla's store, but I keeping in the shadow all the time, taking the sidewalk of Nicolas Lopez' store, then turned around toward Miguel Fernandez' store, when at that

time I heard some one speaking, who asked me what it was, and I looked over my head and saw it was somebody, and I then told him that the soldiers had broken out of the post, firing upon the police force. I then went up to the corner of the First National Bank, turned there, and went toward the Merchants' National Bank and got behind a thick post—the thickest one that was around there. I then heard that some was knocking at the door of McDonald's store and went in that direction and asked him, "Who is that?" And he replied, "It's the Mayor, Federico Combe," and we then walked up the street toward the Merchants' National Bank, and I then told him that the soldiers had broken out of the garrison, and perhaps Lieutenant Police Ygnacio Dominguez was hurt, as I had left him some few moments before. I did not know where he was. We then came in the same direction of the street. By that time people were congregating on the street near Tillman's saloon, and somebody said there is a dead man in there. Then the Mayor went in and told me to keep guard at the door and not to let anyone pass unless he was a peace officer. I then said, "Two more policemen are missing, José Coronado and Florencio Briseño." Both of them were not there. Yes, sir; I know they were soldiers, because they were in their uniforms. This talking I heard near the alley of Bolack's was just opposite the door of Bolack's, the big-entrance door, about the third door from the alley corner, I think. Yes; I heard voices say, "There he goes; shoot him." Then it was when they fired on Lieutenant Police Dominguez. That is all.

*Guy Rentfro's testimony.*—Was at Creager's house on Monday night last, and heard some voices; shortly after heard the words, "There he goes;" and after that—about 15 or 20 minutes after—I heard some more shots. Did not hear any conversation. That was Monday night last. I know Mike Hamilton. He is a colored man. Saw him going in direction of Tillman's house, near last street of garrison wall. Have not seen him since. Three or four guards are stationed inside firing line. Was still going in direction of garrison when last saw him. That's all.

*Celedonio Garza's testimony.*—Yes, sir; I am sheriff of this county. On Monday last I came into town, and was advised that soldiers had broken out of the post. After the shooting I came out to see what was the matter, and I met somebody and was told that Lieutenant Police Dominguez had been wounded, his horse killed, and that a young man had been killed in Tillman's saloon. This was a little after half past 12 o'clock. I was coming near the church with Antonio Villareal's brother, and a few moments afterward I saw that some soldiers were coming in the direction of the jail from the old graveyard. Stayed outside; and shortly after I saw they were armed soldiers. Soon after that I went to give protection to the jail. I went inside and locked the gate, and they came up to the jail, and a white man, or the captain—I don't know which—asked me, "Who is the manager here?" I replied, "I am the manager." And he then said, "How many citizens have you in jail?" I said, "None, to-night." Why soldiers have been shooting the town. I says the lieutenant police has been wounded, his horse killed, etc., and then he ordered them, "March." No; he did not say who he was. They then went in the direction of Elizabeth street. The order which he

gave the soldiers when they got to the jail was, "Halt." When he ordered them to march they moved promptly. I noticed that two soldiers were in front unarmed. They appeared to me to be prisoners. They were way in front. The rest were armed—I think so. Before going away from jail I told Justo Herrera and Antonio Villareal to look for Mike Hamilton, whom they found, and took him to jail. But he completely denied any connection with the trouble. Said that he knew nothing about the affair. He had no gone [gun?] in his possession. Yes; the party who went to the jail asked me, "How many citizens have you in jail?" I replied, "I haven't received any yet." They were at the jail a little after half past 12 o'clock. That is all.

*F. M. McCampbell's testimony.*—I was on my way to the house on the night of the 13th, when we met some soldiers, and they turned the guns on us, and asked us, "What are you sons of bitches hunting for?" I think it was a whole company. I did not see any white officer with them. I just saw the ranks of the soldiers. They went in the direction of town, and we care very little if we shoot you full of holes, they said. Mr. Fielder was going to the hotel. I did not see any firing. I don't think there was a commissioned officer with the soldiers. That's all, about, I know. This happened right about behind the market. There must have been about fifty or sixty men in the company. Mr. Fielder was with me going to the Rio Grande Hotel at that time. That's all.

*M. G. Dalling's testimony.*—I am a State ranger. I have come into the possession of some information this morning, which I got from this soda-water man who sells soda water. He told me that this soda-water man had been told by a saloon man who keeps a saloon in the edge of town that some shooting had been done last night, and that Company C could have taken the whole town if they had wanted to, and that they could take the whole damn State.

*G. W. H. Rucker's testimony.*—About Monday night, last, about half past 8 o'clock, I took two cases of soda water to saloon near edge of town. There were about thirty or forty negroes inside, gambling, as near as I can ascertain about the crowd, and I heard three or four negroes making threats, that they would die and go to heaven before they would go back into post. But do not know what the conversation was about. Yes, I know if I would see this soldier again I would recognize him. I could pick him out of a crowd. He was a soldier. Yesterday morning I passed this negro saloon, but nobody was there. At about 12 o'clock, it must have been, as I was picking up empty cases, I went to this saloon, and the proprietor told me that he did not need any "pop," as the boys had been having a little trouble with the citizens, and they were all in the post. He is working for two soldiers who are in the post, who own the saloon. He said that if a gun had been fired last night that Company C could have come out without any orders, and would run every man out of town. That this Company C could whip the whole State of Texas.

B''''.

BROWNSVILLE, TEX., August 23, 1906.

HON. JOHN W. VANN,  
*Collector of Customs, Brazos de Santiago District,  
 Brownsville, Tex.*

SIR: In compliance with your request I hand you herewith an exact account of when, where, and how the difficulty occurred between myself and a negro soldier.

On Sunday evening, August 5, 1906, at about 9 o'clock, I was walking down Elizabeth street in this city, in company with my wife and little daughter, Mrs. Virgic Wilkins, Mrs. H. Faisans, the two Misses Brulay, and Mrs. Fannie Putegnat. The ladies stopped to chat in front of the vacant lot next to the Stow residence and in front of Capt. Robert Dalzell's residence. They had stood there possibly three or four minutes when two negro soldiers came along the sidewalk going north. On reaching the ladies, who were standing close together in the middle of the sidewalk, the negroes, instead of stepping around them (as they could have easily done, since there was the vacant lot on one side and the street upon the other) pushed and elbowed their way through them jostling and rubbing against them as they crowded through. My wife, who was standing next to me, was rudely jostled by one of them. I immediately drew my revolver and struck one of them—the one who jostled my wife. The other immediately took to his heels and ran away.

Any statement that I cursed either of these negroes is unqualifiedly false. I told the one I knocked down that he would probably now know better than to run into white ladies on the sidewalk.

Very respectfully,

FRED TATE,  
*Inspector of Customs, Brazos de Santiago District.*

THE STATE OF TEXAS, *County of Cameron:*

Before me, the undersigned authority, on this day personally appeared Fred Tate, who, being by me duly sworn, stated under oath that each and every statement contained in the foregoing letter addressed to Mr. John W. Vann, collector of customs, Brazos de Santiago district, was true, and that same constituted a full and fair statement of the occurrences therein described.

Witness my hand this 23d day of August, A. D. 1906.

[SEAL.]

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

Having read the foregoing statement, I certify that the same is true and correct.

(Mrs.) VIRGINIA WILKINS.

Having read the above statement, I certify that the same is true and correct, except that I was not walking with them, but met the above-named parties at the place named and was standing with them when the difficulty occurred.

(Mrs.) FANNIE PUTEGNAT.

BROWNSVILLE, TEX., *August 24, 1906.*

On the night of August 5, 1906, between the hours of 8 and 9 o'clock, I was on my way home in company with Mr. R. A. Cunningham and was crossing the street between Captain Dalzell's residence and Mrs. Fernandez' when I heard a commotion across the street where a crowd of ladies was standing, and heard Mr. Tate say: "Move on; if you do that again I will kill you." Then I saw a negro soldier cross the street and run by where I was and turn the alley corner. He was a strapping big fellow. There was no fence where the crowd of ladies were standing, nothing but a vacant lot on one side and the street on the other.

W. A. RUTLEDGE.

I was with Mr. W. A. Rutledge that night, and the above statement made by him is true and correct in all respects.

R. A. CUNNINGHAM.

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BROWNSVILLE, TEX., *August 25, 1906.*

On the night of August 12, 1906, while I was on duty at the ferry crossing, two negro soldiers came over from Matamoros, Mexico, drunk, and got into a difficulty with Polonio, one of the boatmen, they having refused to pay their fare. My attention was attracted to them by their profane language. I stepped off the gallery to the plank walk and told them to stop using bad language and tried to get them to go away to town, but they refused to do it. I then took hold of one of them by the arm and pushed him forward; he was very drunk and stepped off the plank walk into a mudhole. As the nigger walked off he said: "We will see about this to-morrow."

The next evening (Monday) two negro soldiers came into my house. When I heard some one coming up stairs I stepped out of the room and found them at my door, having come upstairs. They inquired of me if Baker lived there. I told them I was Baker. They asked me if I was from Georgia. I told them, no; for them to leave. They left.

A. Y. BAKER,  
*Mounted Inspector.*





## REPORT OF LIEUT. COL. LEONARD A. LOVERING, FOURTH INFANTRY, ACTING INSPECTOR-GENERAL

HEADQUARTERS SOUTHWESTERN DIVISION,  
INSPECTOR-GENERAL'S OFFICE,  
*Oklahoma City, Okla., October 4, 1906.*

SIR: I have the honor to make the following report of an investigation made by virtue of the following letter of instructions:

HEADQUARTERS SOUTHWESTERN DIVISION,  
*Oklahoma City, Okla., September 24, 1906.*

Lieut. Col. L. A. LOVERING,  
*Fourth Infantry, Acting Inspector-General, Oklahoma City, Okla.*

SIR: By direction of the division commander I inclose you herewith the affidavits\* of Capt. D. W. Killburn and Second Lieut. E. P. Thompson, Twenty-sixth Infantry, with reference to certain troubles which occurred at Brownsville, Tex., between soldiers of the Twenty-fifth Infantry and civilians. He directs that you proceed to Fort Reno, Okla., accompanied by Mr. T. G. Eskridge, your authorized clerk, and make an investigation and report on the matter, upon completion of which you will return, accompanied by Mr. Eskridge, to these headquarters. The travel directed is necessary in the military service.

Very respectfully,

JNO. V. WHITE,  
*Major, Military Secretary.*

I examined all the witnesses available and secured numerous affidavits.

Upon investigation the following was developed:

The following enlisted men of the Twenty-fifth Infantry were seen in the garrison by officers before the shooting ceased:

	Page.	
Sergt. W. Harley, Company C .....	1, 5	[459, 462]
Corpl. C. H. Madison, Company C .....	1	[459]
Artificer G. W. Newton, Company D .....	3	[461]
Corpl. D. Powell, Company D .....	3	[461]
Q. M. Sergt. T. J. Green, Company D .....	3	[461]

The following men of the Twenty-fifth Infantry, now prisoners at Fort Sam Houston, Tex., can apparently prove an alibi:

	Page.	
Corpl. C. H. Madison, Company C .....	1, 39	[459, 483]
Sergt. G. Jackson, Company B .....	10, 13	[466, 467]
Sergt. D. W. O. Brawner, Company C .....	7, 27	[463, 476]
Sergt. J. R. Reid, Company B .....	15, 24, 30, 42, 48	[468, 474, 477, 485, 489]
Corpl. D. Powell, Company D .....	26	[475]
Private J. M. Howard, Company D, on post No. 2 ...	92, 109	[518, 526]
Private C. W. Askew, Company C .....	6	[463]
Private J. Holloman, Company B .....	11, 14	[466, 467]

\* See p. 514.

The following men had had trouble in Brownsville:

		Page.
Private J. W. Newton, Company C.....	2, 28	[460, 475]
Private F. J. Lipscomb, Company C.....	2, 36	[460, 481]
Private O. I. Adair, Company O.....	2, 33	[460, 479]
Private W. E. Jones, Company D.....	4	[461]
Private O. W. Reid, Company C.....	30, 33	[478, 479]
Private Wm. McGuire, Company O.....	75, 76	[507, 508]
An unknown enlisted man with one Bates.....	90	[514]

The following men were not in the vicinity of post at time of firing:

Private Ruby Wilson, Company B, absent sick.  
 Sergt. William Blaney, Company B, on furlough.  
 Private Charles W. Johnson, Company B, on furlough.  
 Private Lewis C. Owens, Company B, absent sick.  
 Artificer Thomas H. Jones, Company B, detached service, at Fort Sill, Okla.  
 First Sergt. William Turner, Company C, at Fort Sill, Okla.  
 Corpl. John Young, Company C, at Kansas City, Mo.  
 Private James Williams, Company C, at Fort Bayard, N. Mex.  
 Sergt. George Derrett, Company D, absent on rifle competition at Fort Sill, Okla.

The following men were absent from company quarters:

		Page.
Private William Smith, Company B.....	10, 65	[466, 500]
Private Elmer Brown, Company B.....	10, 64	[466, 499]
Private A. N. Williams, Company B.....	10, 63	[466, 498]
Private John Brown, Company B.....	10, 64	[466, 499]
Private E. Lee, Company O.....	28	[476]
Private G. Johnson, Company O.....	29	[477]
Private J. T. Harden, Company O.....	32	[479]
Private E. Johnson, Company O.....	34	[480]
Private J. Kirkpatrick, Company O.....	35	[481]
Private Robert Turner, Company O.....	38	[483]
Private W. E. Jones, Company D.....	46	[487]
Private James Newton, Company D.....	47	[488]
Private W. Mapp, Company D.....	48	[489]
Private A. Haley, Company D.....	53	[492]
Cook O. Dade, Company D.....	59	[496]
Private J. Bailey, Company B.....	81	[511]
Sergt. G. Thomas, Company O.....	8	[464]
Corpl. C. H. Hawkins, Company D.....	20, 46	[472, 488]
Private W. Johnson, Company D.....	20, 56	[472, 494]

#### REMARKS.

It was found to be difficult to obtain testimony about trouble between soldiers and civilians in Brownsville. I failed to obtain further information in regard to the Bates affair referred to by Second Lieut. E. P. Thompson, Twenty-sixth Infantry.

Attention is invited to testimony as to expressions heard while firing was going on—"Black sons of bitches," etc. (pages 83, 85, 95) [512, 513, 516].

Attention is invited to testimony regarding the scavenger (pages 23, 88, 89) [473, 439, 440].

Cook Dade's affidavit shows that a man could have taken part in the shooting and returned to his company undetected (page 96).

The animus of the white citizens of Brownsville is shown by—Hotel clerk's statement (page 6) [463]; treatment of colored soldiers above mentioned; statement of Mr. Tillman (page 91) [514].

It is noted that United States officials appear to have taken part in this animus.

Attention is invited to the inclosed testimony and affidavits of officers and enlisted men and the scavenger.

Attention is invited to lists of enlisted men, showing whether present at Fort Brown or absent from the vicinity of the post on August 13, 1906.

Very respectfully,

L. A. LOVERING,  
*Lieutenant-Colonel, Fourth Infantry,*  
*Acting Inspector-General, Inspector-General.*

The MILITARY SECRETARY,  
*Southwestern Division, Oklahoma City, Okla.*

[Inclosure No. 1.]

SWORN TESTIMONY OF OFFICERS AND ENLISTED MEN OF THE TWENTY-FIFTH INFANTRY, TAKEN BY LIEUT. COL. L. A. LOVERING, FOURTH INFANTRY, ACTING INSPECTOR-GENERAL, SEPTEMBER 25, 1906.

*Maj. C. W. Penrose, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in my quarters; quarters of the commanding officer, Fort Brown, Tex.

Q. Awake or asleep?—A. Do not think I was asleep; I am satisfied I heard the first shot. I had been in bed, though, probably half an hour.

Q. When and where did you first see any of the enlisted men of the garrison?—A. In front of C Company's barracks.

Q. What enlisted men did you see before the firing ceased?—A. I saw a good many men of C Company coming from the barracks. It was Corporal Madison, I believe, that I sent for Captain Macklin. The acting first sergeant, Sergeant Harley, I saw in front of the company barracks. I think those are the only names that I can call. While the shooting was going on there were a great many of the men of C Company that were coming out of barracks.

Q. When were the rolls of the companies first called?—A. They were called immediately after call to arms was sounded—as soon as the men came out of barracks.

Q. Before the firing ceased?—A. No; I think the firing had all ceased when the rolls were called.

Q. Did you visit the guard that night?—A. Not before the shooting finished.

Q. Did you see any of the men now held in prison in Texas before the shooting ended?—A. Yes, sir; Corporal Madison.

Q. Before August 13 had you any knowledge of any trouble between any of the enlisted men and citizens in Brownsville?—A. Of my own knowledge, I had not.

Q. Did you ever have any conversation with citizens of Brownsville in which they expressed any opinion about the colored troops?—A. No, sir; I did not.

*Capt. E. A. Macklin, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I did not hear the shooting, as I was in my quarters asleep.

Q. On what duty were you?—A. I was officer of the day.

Q. Then you did not see any enlisted men before the firing ceased?—A. No, sir; I did not.

Q. On the night of August 13 when did you visit the guard?—

A. The last visit that I made to the guard was after check roll at 11 o'clock, when I went to visit the sentry in rear of the men's quarters. I walked around in rear of my own quarters and in rear of the quarters of Company B. Was in the dark all the time and at no time saw any soldiers at all. I found the sentry around on the front side of the building.

Q. Who was this sentry?—A. I could not tell his name. He was a man of Company D; private, Company D.

Q. Have you personal knowledge of any trouble between soldiers of the Twenty-fifth Infantry and citizens of Brownsville before August 13?—A. Yes, sir; a case occurred of men in my own company, reported to me as company commander. The next case that I knew of was that of Privates Newton and Lipscomb. I have forgotten the date, but I think it was the Sunday previous. Newton came to me about half past 8 in the evening and reported that he had been assaulted by a man in Brownsville.

Q. Name known?—A. I found out his name afterward. Did not know his name at that time. His story was that he and Lipscomb were walking down the main street in the residence portion of the town and that ahead of them were a party of women and one man, all standing on the outer side of the walk. That to get by them it was necessary for them to either go out in the street or pass between this party and the fence. He said there was lots of room, so they went single file between the party and the fence, and when opposite the man the man struck him in the head with the butt of a revolver and knocked him down. The man said at the same time, "You damned nigger," or something like that, "I will teach you damned niggers to get off the sidewalk for white ladies." I asked Newton if he made any resistance, and he said that his first intimation was to jump up and strike the man, but the man covered him with a revolver. Lipscomb said that as soon as he saw Newton fall and heard what the man said he ran away. That is, he ran to the corner and waited for Newton.

Q. Any other men complain?—A. Yes, sir; Private Adair reported that he came from Matamoros and had in his pocket a little pen or a penholder, as I understood it; that the cost was a dollar Mexican (fifty cents gold); that he was searched by the custom-house man, who said, "Here, I will not let any damned nigger smuggle anything across this river," and took the pen away from him. This was on Saturday previous, August 11. Another of my men, Private Reid, was knocked off the sidewalk into the overflow of the Rio Grande by a custom-house man.

Q. Any others?—A. That is all.

*Capt. S. P. Lyon, Twenty-fifth Infantry.*

Q. Where were you on August 18, 1906, when shooting commenced at Brownsville?—A. I was asleep in my quarters at Brownsville, Tex.

Q. When and where did you first see any of the enlisted men of the command?—A. In front of my quarters. In front of D Company's barracks. The men were falling in when I got over there.

Q. What enlisted men did you see before the firing ceased?—A. I saw practically my whole company. The first man I spoke to was my quartermaster-sergeant, Green.

Q. Can you name any others you saw before the firing ceased?—A. I saw my artificer, Newton, and my noncommissioned officer in charge of quarters, Corporal Powell. Those are the only three that I can name, as I did not speak to any other men.

Q. You saw these three men before the firing ceased?—A. Yes, sir.

Q. When was the roll called first?—A. The company was formed and the men counted off. The commanding officer directed me to put my men along the wall dividing the post from Brownsville at once. I did that, and then the roll was called. The first sergeant with a lantern, and myself, went down the line and saw that every man was present; that is, that a man answered the name of every man. I should say that was within five minutes after the call to arms.

Q. How long after the last shot had been fired?—A. I couldn't say, because after the main shooting was over there were scattering shots from the town; that is, as the Mayor explained to me, the people were frightened, and that they were shooting out of their windows, so that those shots were occasionally heard quite a little while after the main shooting.

Q. Were there any absentees at this time?—A. There were two men of my company who were on pass. Their guns were in the racks. I had the guns verified as soon as roll was called.

Q. Were the rest of the men all present?—A. The other men were all present, except these two that were on pass.

Q. Who were they?—A. Private Walter Johnson and Corpl. Charles H. Hawkins.

Q. Of your own knowledge do you know if any of the men of your company were mistreated by people in Brownsville?—A. No, sir.

Q. Any complaint made by your men?—A. No; there seemed to be no trouble at all between my men and the people of Brownsville. The only instance of which I have any knowledge or even heard was the case of one man; he was my striker. He went into a drug store to buy something to alleviate the irritation of mosquito bites and they refused to sell him anything. That was the only instance. William E. Jones, his name.

Q. Did you go into town after the shooting with or without troops?—A. Yes, sir. Shortly after I had completed the check of the company, the commanding officer directed me to form my company and make a patrol through the town of Brownsville, to find out what I could about the affair and to see if I could find any of our own men. I took my company and made the patrol as directed.

Q. Was there any disposition on the part of any of your men to obey orders slowly?—A. No, sir.

*Spottswood W. Taliaferro, battalion sergeant-major, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in my bunk, sir, asleep, at Fort Brown, Tex., in the administration building.

Q. Who were the first enlisted men that you saw after you awoke?—A. The first enlisted men that I saw after I awoke were the corporal and sergeant of the guard.

Q. Name them.—A. Sergeant Reid, Company B, and Corporal Wheeler, of Company D.

Q. Was this before or after the shooting ceased?—A. The shooting was still going on.

Q. Was there much shooting or only a little?—A. There was a great deal of shooting.

Q. Where were they when you saw them?—A. They were at the guardhouse.

Q. Was the guard formed?—A. There was a few members of the guard lying prone as skirmishers in front of the guardhouse. I could not tell what the rest of the guard was doing or where they were.

Q. How long did you stay at the guardhouse?—A. Not more than a minute; hardly a minute. I was looking for the major.

Q. Did anybody come to the guardhouse while you were there?—A. No, sir.

Q. Did you find the major before the firing ceased?—A. Yes, sir.

Q. What enlisted men did you see before the firing ceased?—A. I saw the men that I have named and one patient in the hospital; I am not certain what his name was; was of Company B, standing on the porch in night clothes. And I saw very nearly the whole of Company C. Sergeant Brawner, Company C. I couldn't name any more names, Colonel. I saw a crowd of men and there was no roll call made and I wouldn't like to say I saw this one or the other, because there was no roll call at the time and I don't know the names of all the men.

*Lieut. Harry S. Grier, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. Asleep in my quarters.

Q. On what duty were you?—A. Post quartermaster and commissary; also acting post adjutant.

Q. Who were the first enlisted men that you saw?—A. Sergeant Harley, acting first sergeant, Company C.

Q. Was this before the firing ceased or after?—A. Before the firing ceased.

Q. Do you remember any other particular name that you saw before the firing ceased?—A. No, sir; by the time I got over to the barracks the firing stopped. I met Sergeant Harley on the brick walk coming from the men's barracks to the officers' line about three-

quarters of the way across the parade ground to the officers' line; that is, near the officers' line. I halted him, not knowing who it was (firing was still going on) and inquired who was there. Replied, "Sergeant Harley." I said, "Sergeant, what is the trouble over there?" He said, "The men say somebody in town is shooting up the barracks." I said to him, "If that is the case, what are you doing over here?" He said, "I am going to get the captain."

Q. Any complaint made to you by enlisted men about their treatment by people in Brownsville before August 13?—A. No, sir; not to me in person. But I was present on one occasion when Private James W. Newton, of Company C, made a verbal complaint to his captain, Captain Macklin.

Q. Did you hear any of the people of Brownsville make any remarks about the colored soldiers?—A. I did.

Q. What did they say?—A. The very first day on our arrival in Brownsville I registered at the Miller Hotel, and in conversation with the clerk in regard to colored troops being sent to Texas he stated that the people were much opposed to their coming, and they musn't take any undue liberties or there would be trouble.

Q. Do you know his name?—A. I do not, except he is night clerk in the Miller Hotel. On several occasions I have heard people explaining, not in a resentful way, what was customary for the colored people to do in that part of Texas, especially about drinking in bar with white men.

Q. Did you ever see any soldiers mistreated in Brownsville?—A. No, sir; I did not.

*Sergt. Samuel W. Harley, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. I was in my quarters asleep, sir; in barracks.

Q. Who were the first enlisted men that you saw after you awoke?—A. The first enlisted men that I saw when I came out of quarters after I awoke was Private Askew, company clerk. I slept in the room with him.

Q. Was this before or after firing ceased?—A. The firing had not ceased, sir.

Q. Who else did you see before the firing ceased?—A. The non-commissioned officer in charge of quarters.

Q. Name him.—A. Oscar W. O. Brawner.

Q. See anybody before the firing ceased?—A. Yes, sir; I seen Corporal Washington and also reported to Lieutenant Grier.

Q. When was the roll of your company called first?—A. It was first called after they fell in line, and also by Lieutenant Grier, who didn't have any lantern; had to call it by gaslight; and he counted the number of men, Lieutenant Grier did, and was also counted after we came back by the company commander.

Q. Were all present when you called the roll under the gaslight?—A. We didn't finish calling the roll on account of light so dim we couldn't see, and the lieutenant counted the men.

Q. How many did he count?—A. If I am not mistaken he counted 52; if I am not mistaken.

Q. When was this that you counted 52; before the firing ceased?—  
A. Yes, sir; the firing had ceased, after the men first fell in company.

Q. Were any men absent at this roll call?—A. Yes, sir; there were two men absent on pass.

Q. Anybody else?—A. One man slept at Lieutenant Higgins' quarters.

Q. What is his name?—A. Private Harden.

Q. Did you see Harden at all?—A. No, sir; I did not until the next morning.

Q. Before August 13 had you been insulted or mistreated or abused by civilians in Brownsville?—A. No, sir.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir.

Q. After the trouble on August 13 have you heard anything that would indicate who were engaged in the shooting?—A. No, sir.

Q. On or before August 13 did you hear any talk by any member of the Twenty-fifth Infantry about getting even with the citizens of Brownsville?—A. No, sir; I did not.

Q. When the company fell in, who were the last men to arrive?—  
A. I don't remember, sir.

*Company Q. M. Sergt. George W. McMurray, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. In Company C quarters; asleep, sir.

Q. Who were the first enlisted men that you saw after you awoke?—A. The acting first sergeant, Harley, was the first.

Q. Was this before the firing ceased?—A. Just about the time the firing was going on.

Q. Before August 13, 1906, had you been maltreated by civilians in Brownsville?—A. No, sir; I never was out in town much.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir.

Q. Were you in the line of file closers when the company was formed?—A. Yes, sir.

Q. Who were the last men to arrive?—A. I was about one of the last. The company was formed when I got out.

*Sergt. George Thomas, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. On the night of August 13, 1906, I was about 1,000 yards east of the post, at a colored woman's house.

Q. Did you arrive at post before the firing ceased?—A. No, sir; it was the next morning when I got there; just before reveille, sir.

Q. While you were absent from post, did you see any enlisted men of the Twenty-fifth Infantry after 11 p. m.?—A. No, sir; I did not.

Q. What was the name of the person at whose house you were?—  
A. Her name was Rebecca Collins.

Q. Did you hear the shooting?—A. No, sir; I did not.



*Sergt. Solomon P. O'Neil, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. I was in my company quarters, sir; Fort Brown.

Q. Awake or asleep?—A. Asleep, sir.

Q. Was the shooting going on when you woke up?—A. The shooting woke me up, sir.

Q. Who was the first enlisted man that you saw when you woke up?—A. It was dark in the quarters, sir; you couldn't tell who you could see. Everybody seemed to be up by the time I had gotten up. I had a little room one end of the quarters.

Q. Had you been insulted or maltreated by civilians in Brownsville?—A. No, sir.

Q. Did you see any colored soldiers maltreated in Brownsville?—A. No, sir.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir.

*Corpl. John H. Hill, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. I was in my quarters when the shooting commenced.

Q. Asleep or awake?—A. I was asleep.

Q. Who was the first enlisted man that you saw after you awoke?—A. I don't know, because there was not any light in the quarters. Couldn't see anyone; it was rather dark inside.

Q. Any civilian in Brownsville ever abuse you?—A. No, sir.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir.

*First Sergt. Mingo Sanders, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in bed—that is, I did not live in quarters; lived in separate quarters about five or six hundred yards from barracks.

Q. When did you arrive at company?—A. When the shooting was going on.

Q. Who were the first enlisted men that you saw after you got there and before the shooting ceased?—A. Ernest English, the room orderly, was the first.

Q. Who else did you see?—A. Sergeant Jackson, the man in charge of quarters.

Q. Did Sergeant Jackson look as if he had dressed in a hurry?—A. Yes, sir. He had the lantern; was how I came to see him next. I asked the room orderly for the lantern, and he said the noncommissioned officer in charge of quarters got it.

Q. Shoes tied up?—A. Had on pair of shoes all cut up; was not tied at all.

Q. When was roll of your company first called?—A. It was called during the shooting.

Q. Who was absent?—A. William Smith, private, Company B, Twenty-fifth Infantry; Private Elmer Brown, Private Alfred N. Williams, Private John Brown, Company B.

Q. Do you remember seeing Private Holloman?—A. He was standing right in front of me.

Q. Did you see him before the shooting stopped or after the shooting stopped?—A. During the shooting.

Q. When did you first see the absent men?—A. The company commander sent Musician Odon upstairs for William Smith. He returned; reported to the company commander he was asleep in his bed. That was only about two minutes; he reported to the company in two or three minutes. Alfred N. Williams reported about half an hour, I suppose it was about that time, after the first roll call.

Q. Where does he sleep?—A. At the quartermaster corral, Brownsville. Elmer Brown, he sleeps at the quartermaster corral. John Brown sleeps at the bakery.

Q. Had those two men reported present to the major at second roll call?—A. Second roll call was about half an hour after the first roll call was.

Q. The rest of the men were all present before the firing ceased?—A. Yes, sir; the company was in line practically when I got there. The major was there himself.

Q. Who was forming the company when you arrived?—A. Wasn't anyone forming it. The men were just striking line themselves. There might have been; but I didn't see any. I hollered "Form line" just the minute I got hold of the lantern.

Q. Any of the men complain to you that they had been abused in Brownsville by civilians?—A. None of my company.

Q. After the trouble on August 13 have you heard anything that would indicate who were engaged in the shooting?—A. No, sir.

*Q. M. Srgt. Walter McOurdy, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. I was in my room, sir, asleep. My room was in the barracks, next to the storeroom.

Q. Who was the first enlisted man that you saw when you woke up?—A. I do not know; when I woke up call to arms was going. Firing was going when I got up.

Q. Have you ever been mistreated in Brownsville?—A. No, sir; because I was not out in town any while we were there.

Q. On or before August 13 did you ever hear any talk about getting even with the people of Brownsville?—A. No, sir; I did not.

Q. Who makes the check roll at 11 o'clock?—A. The noncommissioned officer in charge of quarters.

Q. In all the companies?—A. I understand in all companies; I know the noncommissioned officer always makes it in B Company.

Q. Where were you at 11 p. m. check August 13?—A. In my room, sir.

Q. Asleep or awake?—A. Asleep, sir.

*Sergt. Luther T. Thornton, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I judge when shooting commenced I was in bunk, because I was awakened up by a number of shots being fired.

Q. Do you sleep in the barracks?—A. Yes, sir; in company barracks.

Q. Who was the first enlisted man that you saw when you woke up?—A. First enlisted man I saw was Corporal Coltrane; he slept in the room right across from one I slept in; small room in barracks; noncommissioned officer.

Q. Was this while the firing was going on or after it ceased?—A. While firing was going on.

Q. When was the roll of the company first called, before or after the firing ceased?—A. I do not remember just whether it was before or after the firing ceased.

Q. Have you ever been abused by civilians in Brownsville?—A. No, sir; I have never had any trouble in Brownsville.

Q. When did you first see Sergeant Jackson after the firing commenced?—A. When I first saw Sergeant Jackson he came up to my section rack to unlock it; he had the keys. Had sounded to arms from the guardhouse.

*Corpl. Jones A. Coltrane, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. I was in bed, sir.

Q. Where was your bed?—A. My bed was in the noncommissioned officers' room of the fourth section.

Q. In or out of barracks?—A. In barracks.

Q. Were you asleep or awake?—A. I was asleep, sir.

Q. Who was the first enlisted man that you saw after you awoke?—A. The first enlisted man that I saw was Sergeant Jackson.

Q. Have you ever been abused by civilians in Brownsville?—A. No, sir.

Q. On or before August 13 did you hear any talk by any men of the Twenty-fifth Infantry about getting even with people of Brownsville for their conduct to colored soldiers?—A. No, sir.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir.

Q. Were you present when the first roll was called?—A. Yes, sir; I was in charge of company until first sergeant came.

Q. What men can you particularly recall as being there first when the company was formed?—A. When the company was first formed Corporal Daniels, he was next below me in rank, by the third section rack being unlocked before the fourth section was. The major was downstairs and said form B Company. So Corporal Daniels had charge of men that were there first.

(Told to answer the direct question.)

A. Private Taylor, Private Holloman, Corporal Daniels.

*Corpl. Edward L. Daniels, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced at Brownsville?—A. Was in bed, asleep.

Q. Where was your bed?—A. East end of the company quarters in barracks.

Q. Asleep or awake?—A. Asleep.

Q. Who was the first enlisted man that you saw after you awoke?—A. They were in confusion; I did not notice particularly.

Q. When you got out to the company who was the senior non-commissioned officer there?—A. I was the first noncommissioned officer downstairs there, and so I formed what men were there.

Q. Who can you particularly recall as being present when you first formed the company?—A. Private Cook; I remember speaking to him to form the line on the right.

Q. Was this before the shooting stopped or after?—A. The shooting was going on then.

Q. Did citizens of Brownsville ever abuse you?—A. No, sir; I never had any trouble since I have been in the Army with anybody.

Q. Were you awake at 11 p. m. inspection of quarters?—A. No, sir.

*Corpl. Wade Harris, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. I was in my bed, asleep, sir. Was in quarters in bed, asleep.

Q. Who was the first enlisted man that you saw after you awoke?—A. The first enlisted man that I seen was Musician Odon, who was sounding call to arms.

Q. Have you ever been abused by civilians in Brownsville?—A. No, sir; I never went out but once.

Q. Ever hear of men tell about being abused in Brownsville?—A. I have heard talk of several instances that happened with soldiers.

Q. Ever hear any of these men say they were going to get even with persons in Brownsville?—A. No, sir; never had any personal conversation with any of them.

Q. When did you first see Sergeant Jackson?—A. First saw him after I proceeded downstairs and came back up.

Q. Shooting going on or had it stopped?—A. Shooting had ceased at that time. He was trying to unlock the second section rack.

*Corpl. Ray Burdette, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting at Brownsville commenced?—A. I was at Brownsville.

Q. What part of Brownsville were you in?—A. I was at the guardhouse on guard.

Q. On post at that time?—A. No, sir; corporal of the guard.

Q. Were you on duty at that time?—A. No, sir; I was asleep.

Q. When you first woke up where was Sergeant Reid?—A. He was outside.

Q. Was your relief present when you woke up?—A. Yes, sir.

Q. How many privates marched on that day at Fort Brown?—A. I disremember how many it was.

Q. How many posts were there that day?—A. There were three posts.

Q. When was your relief on post?—A. My relief was on post from 7 to 9.

Q. What did you do when you woke up?—A. When I woke I fell in with the guard.

Q. Relief all present?—A. Yes, sir.

Q. How many privates fell in when the guard reported?—A. All fell in except those on post; don't remember exactly how many guards.

Q. Sergeant Reid was sergeant of the guard?—A. Yes, sir.

Q. What other noncommissioned officers were on guard?—A. Corporal Wheeler, Company D; Corporal Franklin, Company B.

Q. Were you awake at 11 o'clock?—A. At 11 o'clock; yes, sir.

Q. Your relief present then?—A. Yes, sir.

Q. How many privates were in guardhouse when you came in?—A. I disremember just now how many.

*Corpl. Wade H. Watlington, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. In quarters in my bed, sir.

Q. Awake or asleep?—A. Asleep, sir.

Q. Who was the first enlisted man that you saw after you awoke?—A. Q. M. Sergt. Walker McCurdy.

Q. Did you get down to the company before the firing ceased?—A. Yes, sir.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Ever see any colored men abused in Brownsville?—A. No, sir.

Q. Were you awake at 11 o'clock inspection?—A. No, sir.

Q. Any men ever tell you that they had been abused in Brownsville?—A. No, sir.

Q. Never heard that men were abused in Brownsville?—A. Yes, sir; I have heard it said.

Q. Was it general talk in the company?—A. No, sir; it was not general talk. I have heard two or three speak of it.

Q. Did you ever hear any of these people say they would get even with the people of Brownsville?—A. No, sir.

*Corpl. Anthony Franklin, Company E, Twenty-fifth Infantry.*

Q. On August 13, 1906, on what duty were you?—A. On guard, sir.

Q. Corporal of the guard?—A. Yes, sir.

Q. At what hour was your relief on post?—A. I do not know, sir. My relief wasn't on during the trouble. Corporal Wheeler, I think, of B Company.

Q. Did your relief go on post at 1 o'clock?—A. No, sir; at 2 o'clock.

Q. Where were you when the shooting commenced on August 13?—A. I was at the guardhouse.

Q. Awake or asleep?—A. I was lying there; just had dozed off asleep.

Q. When you woke up was your relief all present, or were any of them absent?—A. I think they were all present, sir. The sergeant of the guard had the guard to form, and they were all present except those on post. One relief was on post.

Q. How did he have them formed?—A. Had them formed in double-rank formation right in front of guardhouse.

Q. How many files were there in that guard when he formed it?—A. I don't know, sir; I never paid strict attention to them.

Q. Didn't you notice whether your relief was present or absent?—A. No, sir; not particular. Didn't form by relief, sir; sergeant of the guard formed all reliefs together.

Q. How long did they stay in double rank?—A. In double-rank formation—about fifteen or twenty minutes.

Q. Then what did he do with them?—A. Then he had us form in skirmish line in front of the guardhouse lying down.

Q. Did anybody go to the guardhouse after you awoke?—A. No, sir.

Q. Didn't see anybody approach the guardhouse?—A. No, sir.

Q. When did you first see Sergeant Reid, sergeant of the guard?—A. Just as soon as I was up; as soon as the first one or two shots were fired.

Q. Where was he when you first saw him?—A. Standing up in the office; the sergeant of the guard's room.

Q. Was there much firing after you saw him?—A. Yes, sir; after I woke up; most firing after I woke up.

*First Sergt. Israel Harris, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced at Brownsville?—A. I was upstairs in my bunk, at Fort Brown.

Q. In the barracks?—A. Yes, sir; in the barracks.

Q. Awake or asleep?—A. I was asleep.

Q. Who was the first enlisted man you saw after you awoke?—A. Sergeant Adams.

Q. Was shooting going on when you awoke?—A. Yes, sir.

Q. When was the company formed?—A. A little while after I awoke.

Q. Who formed it?—A. The first sergeant, Sergt. Jacob Frazier.

Q. Was shooting going on when the company was being formed?—A. Yes, sir; shooting was going on then.

Q. Can you remember any particular men of the company that you saw before the firing ceased?—A. Yes, sir; I can remember lots; I remember Sergeant Adams—he was the first man I saw—and Private Jackson, John A.

Q. Do you remember anybody else by name that you can remember to have seen?—A. No, sir; I don't. It was dark in quarters.

Q. Who called the roll of the company?—A. The first sergeant.

Q. Were you ever abused by civilians in Brownsville?—A. No, sir; I was not.

Q. Ever hear men of your company say they had been abused in Brownsville?—A. No, sir; never heard any men of my company.

Q. Where were you at 11 o'clock inspection of barracks?—A. I was in quarters, sir.

Q. Awake or asleep?—A. I was asleep.

Q. Since the trouble on August 13 have you heard anything that would indicate who was engaged in the shooting?—A. No, sir; I haven't heard of any.

*Sergt. George Derrett, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was down at Fort Sill.

*Thomas J. Green, quartermaster-sergeant, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in bed, sir; in the quarters.

Q. Awake or asleep?—A. I was awake.

Q. How many shots did you hear at first—one or a lot?—A. I first heard one shot.

Q. Followed by what?—A. Followed by two or three; from that to volleys.

Q. How many would you think there were in the volleys?—A. I couldn't say; I don't think there was a great many men; not over ten or twelve men, I would suppose.

Q. Who were the first enlisted men that you saw after the shooting commenced?—A. The artificer of my company, George W. Newton; he sleeps next room to me.

Q. See any others?—A. Corporal Thornton.

Q. Who formed the company?—A. The first sergeant.

Q. Were you down on company parade before the first sergeant?—A. No, sir.

Q. Were you one of the first down?—A. There were a good many came down—I was sleeping downstairs—except the corporal and artificer.

Q. When you got there can you remember any of the men in ranks or ready to fall in?—A. No, sir; it was dark, and I couldn't tell who they were.

Q. When you got there were you the senior noncommissioned officer?—A. No, sir; the first sergeant was there and two other sergeants senior to myself.

Q. Before August 13 had you been abused in Brownsville?—A. No, sir.

Q. Before that date had you heard men talk about being abused in Brownsville?—A. I heard of one man being hit in the head with a six-shooter.

Q. Did he tell you?—A. No, sir.

Q. Heard of nothing else?—A. One being pushed in the Rio Grande River. Neither one of those men told me. Have heard it talked around among the other men.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11

p. m. and commencement of firing?—A. Only two; they were on pass—Charles Hawkins, corporal at that time, and Walter Johnson, private.

*Sergt. Jerry E. Reeves, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, when shooting commenced at Brownsville?—A. In quarters, sir; in bed.

Q. Were your quarters in the barracks?—A. Yes, sir.

Q. Awake or asleep?—A. I was asleep.

Q. Who was the first enlisted man you saw after you awoke?—A. The first I saw after I awoke was the man next to me, Private Willis.

Q. Was the shooting still going on then?—A. Yes, sir; I was waked by the shooting and the noise of the men in the quarters.

Q. Many awake when you awoke?—A. There had been a great deal of excitement; shooting was going on pretty freely.

Q. Who else did you see besides Willis while the shooting was still going on?—A. Being dark, I don't know just who I saw; no, sir.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Any of your company ever tell you they had been abused?—A. No, sir.

Q. Ever hear any talk about men being abused in Brownsville?—A. No, sir; more than what I heard of the abuse of some of the men of the command.

Q. Were you awake at 11 o'clock inspection of the company?—A. Yes, sir.

Q. Do you know of any men of the company that were absent between 11 p. m. inspection and commencement of the firing?—A. No, sir; I do not.

Q. Have you ever heard anything that would indicate who the men were that were engaged in this firing?—A. No, sir.

*Sergt. Walter Adams, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced at Brownsville?—A. Why, I was in bed—had just got in bed, sir. Had been to the toilet.

Q. Bed in barracks?—A. Yes, sir; in my barracks. I was in bed early that night, about half past 7, on 13th.

Q. When did you wake up?—A. I woke up about, I guess, five minutes to 12, and I wanted to go down to the closet; I went and got back—why, it was somewhere close to 12 o'clock; was only gone a minute or two, when I got upstairs, something near 12 o'clock.

Q. Did you see anybody awake in the barracks?—A. No, sir; none that I know of awake; might have been some awake; dark; no one said anything; I just creeped up.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir; I do not.

Q. Did you hear the first shot?—A. Yes, sir; I was wide awake; didn't have time to go to sleep. When the first shot was fired I got up easily; didn't make any noise, because I was scared; didn't know what had happened. Several shots followed it.



Q. What did you hear first—a single shot, or more?—A. The first I heard was a single shot.

Q. What came after that?—A. In probably several seconds other two shots fired; by that time others were up, too.

Q. How heavy was the firing?—A. It seemed to be a pretty good gun that was fired; I don't know what kind it was; I can't say—was greatly excited.

Q. Sound as if a whole squad was firing at any time?—A. It was so many shots firing I couldn't tell you.

Q. Who was the next man to wake up?—A. I couldn't even tell that.

Q. Who spoke to you?—A. Didn't anyone speak to me.

Q. Did you speak to anybody?—A. Yes, sir; I spoke to the whole section, but I spoke low.

Q. Who was present when the firing first commenced that you can remember?—A. Sergeant Harris; he was present, right across from me.

Q. Anybody else you can remember?—A. Well, I don't know who the men were on the other side of me; I don't remember them.

Q. Were you ever abused by civilians in Brownsville?—A. No, sir; I didn't visit the town but very seldom.

Q. Any man of your company tell you they had been abused?—A. No, sir.

Q. Ever talk with men about trouble that soldiers were having in Brownsville?—A. I haven't had any talk with anyone about it, because nobody wanted to tell me anything about it except they didn't know. They hadn't had any.

Q. How long were you down there before this happened?—A. I paid no attention to the time. Don't know just exactly.

Q. Do you know of any enlisted man of your company who was absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir; I do not.

Q. When you went to the toilet room did you see anybody?—A. I didn't see the man, but it was the scavenger and his cart. I didn't see the man, but I heard the cart going along, and I went upstairs. At that time there was no trouble that I know of.

*Corpl. Temple Thornton, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. In the quarters.

Q. Asleep or awake?—A. I was asleep.

Q. Who was the first enlisted man that you saw after you awoke?—A. Artificer Newton; he woke me up; me and him were sleeping in the same squad room, and he woke me up.

Q. Was shooting going on then?—A. Yes, sir; shooting was going on when I first woke up.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Any men ever tell you they had been abused there?—A. I heard of a man being knocked in the head with a six-shooter.

Q. Did he tell you?—A. No, sir; he did not tell me himself; just heard it talked around the soldiers; and of someone being pushed overboard from the pier as you go over into Mexico.

Q. Do you know of any enlisted man of your company who was

absent from squad room or barracks without authority between 11 p. m. and commencement of firing?—A. No, sir; I do not.

*Corpl. Samuel Wheeler, Company D, Twenty-fifth Infantry.*

Q. On what duty were you on August 13, 1906?—A. On guard, sir.

Q. When the firing commenced where was your relief—on post?—

A. Yes, sir.

Q. Were you on duty at this time in the guardhouse?—A. Yes, sir.

Q. That is, you were in the guardhouse when it commenced?—

A. Yes, sir.

Q. Who else was in the guardhouse?—A. I do not know; but there was a few other members of the guard. The two reliefs were in there.

Q. Where was Sergeant Reid?—A. Sergeant Reid was laying on the bunk there, where the noncommissioned officers lay, at the right-hand side of the door.

Q. How long had he been on the bunk?—A. I do not know, sir; I couldn't tell; didn't notice when he laid there.

Q. When did your relief go on post?—A. Half past 10, sir.

Q. Sergeant Reid been absent from the guardhouse after half past 10?—A. Not to my knowledge, sir; don't remember him being away.

Q. Any privates of the guard leave the guardhouse while your relief was on post?—A. No, sir; because they were all pretty busy patrolling—one patrol right after the other, from 8 o'clock up and even at that time.

Q. Any patrol sent out while your relief was on post?—A. Yes, sir.

Q. Who made them?—A. The other two corporals; both belonged to B Company. They made the next two patrols.

Q. Was that while your relief was on post?—A. Yes, sir.

Q. Did Sergeant Reid make up a patrol?—A. I do not think he did. I mean in this time.

Q. During the time that your relief was on post did any member of the guard leave the guardhouse for any purpose except to make patrols?—A. No, sir.

Q. Before Sergeant Reid got on his bunk what was he doing?—A. I don't know, sir.

Q. Did you see him?—A. Yes, sir.

Q. Was he in the guardhouse?—A. Yes, sir; when I saw him on the bunk he was in the guardhouse.

Q. Was he in the guardhouse before he got on his bunk?—A. Yes, sir.

Q. Did you stay in the same room with him?—A. Yes, sir.

Q. Did he leave that room while you were on duty, while your relief was on post?—A. Yes, sir.

Q. For what purpose?—A. To see what was the matter with No. 2 when he called for the guard.

Q. Did he leave the guardhouse before this time?—A. No, sir.

Q. Where was Sergeant Reid when the firing commenced?—A. In the guardhouse.

Q. Is the guard room where the privates of the guard sleep?—A. Where the noncommissioned officers sleep.

*Corpl. Winter Washington, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. I was at Fort Brownsville, sir.

Q. Where?—A. In quarters in D Company's barracks.

Q. Awake or asleep?—A. I was asleep.

Q. Who was the first enlisted man you saw after you awoke?—A. The first enlisted man—I can't remember, sir.

Q. Were you illtreated by anybody in Brownsville?—A. No, sir.

Q. What time did you go to sleep that night?—A. About 9 o'clock.

Q. When did you first wake up?—A. I woke up when I heard the shooting.

Q. Not before?—A. No, sir; the shooting woke me up.

Q. Any men ever tell you that they had been abused in Brownsville?—A. No, sir; no one told me personally about it.

*Corpl. James H. Ballard, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. Asleep in company orderly room.

Q. Was the shooting going on when you awoke?—A. Yes, sir.

Q. Who was the first enlisted man that you saw?—A. The first enlisted man I saw after waking? I ran upstairs and saw a squad at the gun racks asking for racks to be opened. Said call to arms was going, and the first three men I saw—Corporal Powell, noncommissioned officer in charge of quarters, and Private Wickersham; they were standing at the rack. The third man I just can't remember his name. It was dark, and we hadn't lit up quarters.

Q. When you saw these men was the shooting going on?—A. Yes, sir; the shooting was going on then.

Q. Had you ever been abused in Brownsville?—A. No, sir.

Q. Any men ever tell you that they had been abused in Brownsville?—A. Private Newton, Company C; I remember the night he got hit.

Q. Did he tell you about it?—A. Yes, sir; came around and then said he got hit on the street.

Q. What did he say he was going to do about it?—A. Report to his captain.

Q. Anything else?—A. No, sir; said he was going to report it to his captain.

Q. What time did you go to sleep on August 13?—A. About half past 10, sir.

Q. Wake up before the shooting commenced?—A. I was awakened by the shooting.

*Private Thomas Jefferson, Company O, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville, Tex.?—A. Brownsville, Tex.; in my quarters that night.

Q. Were you in Brownsville or Fort Brown?—A. Fort Brown.

Q. Awake or asleep?—A. I was asleep.

Q. Shooting wake you up?—A. The shooting woke me up, sir.

Q. Who was the first enlisted man you saw when you awoke?—A. First enlisted man I saw was the sergeant; name, Brawner.

Q. Had you been abused by civilians in Brownsville?—A. No, sir.

Q. Any man ever tell you that he had been abused?—A. No, sir; not any man told me.

*Private Joseph H. Gray, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. Brownsville, sir; in quarters.

Q. Brownsville or Fort Brown?—A. Fort Brown.

Q. Awake or asleep?—A. I was asleep, sir.

Q. When did you go to sleep?—A. Went to sleep something after 11 o'clock, sir.

Q. Anybody leave the barracks after 11 o'clock?—A. Not as I know of, sir.

Q. Anybody in Brownsville ever abuse you?—A. No, sir; nobody said anything wrong to me while I was down there.

Q. Any man tell you that he had been abused?—A. Yes, sir; I heard some say they had been mistreated.

Q. Who?—A. Private Newton was one of them. Said he was struck down there nigh the custom-house. Private Reid, Company C, claims that he was shoved off the boat that runs from Brownsville to Matamoros.

Q. What did they say they were going to do about it?—A. I never heard them say anything.

*Private Edward Lee, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. The 12th I came off guard and put in for pass that day and spent it in Mexico. I got back that evening and was up around town, and afterward went down to a Mexican house, and we danced a good part of the night, I suppose about 12 o'clock, and went to bed then. The Mexican woman called my attention to a shot afterward we went to bed. I never heard any more about the affair until next morning.

Q. How many shots did you hear?—A. I was not sure that I heard any.

Q. Did you leave her house?—A. No, sir; I stayed there all night.

Q. What was this woman's name?—A. I do not know her name. The next morning I came in and was halted by a sentry, who told me that some shooting had been going on in the post.

Q. Had you ever been abused in Brownsville?—A. No, sir.

*Private James Woodson, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting occurred in Brownsville?—A. Was in my quarters; in bed, sir.

Q. Asleep or awake?—A. I was asleep.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Any men ever tell you that they had been abused in Brownsville?—A. Yes, sir; two men of my company.

Q. Who were they?—A. Private Newton, Company C, was one of them, and Oscar Reid, private.

Q. What did they say they were going to do to the people that abused them?—A. Not anything, either of them, to me.

Q. What time did you go to sleep that night?—A. I do not remember just what time. I know I came in early that night and was asleep before 11 o'clock; I was asleep before check.

*Private Mark Gorman, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced in Brownsville?—A. In bed.

Q. Where was the bed?—A. Upstairs.

Q. In quarters?—A. Yes, sir.

Q. Asleep or awake?—A. I was asleep; they woke me up.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Were you asleep at 11 o'clock inspection?—A. Yes, sir; I guess I was; I didn't know when they came through.

*Private George Johnson, Company C, Twenty-fifth Infantry.*

Q. How long have you been in the service?—A. I have been about seven years.

Q. Where were you on August 13 when shooting commenced?—A. I was down to the Government corral, sir. Down at the stables.

Q. Did you hear the shooting?—A. I never heard anything about it until the corral boss came in and woke us up.

Q. What time?—A. I do not know exactly; must be between 11 and 12 or 12 to 1; I couldn't say.

Q. Did you hear the alarm?—A. No, sir; never heard anything about it until he came over and woke us up.

Q. Anybody in Brownsville ever abuse you?—A. No, sir; I was down town every day high as three times a day. Never had any trouble at any time I was there. I was there three times a day; I was driving the officers' rig.

Q. What time did you go to bed in the corral?—A. I am not certain; I think it must have been about 8 o'clock. That is the time I generally go to bed; always have to be up a quarter to half past 4 and 5; have to do all the feeding.

Q. Were you in Brownsville that night?—A. No, sir.

*Private Joseph Rogers, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. I was at the guardhouse.

Q. Asleep or awake?—A. Asleep, sir.

Q. Who did you first see when you awoke?—A. The sergeant of the guard.

Q. Name him.—A. Sergeant Reid.

Q. Was the shooting still going on?—A. Yes, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any man ever tell you that he had been abused in Brownsville?—A. Yes, sir.

Q. Who?—A. A couple of the men that is in the guardhouse now, Oscar Reid and James Newton.

*Private Lewis J. Baker, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. I was asleep in quarters. I was woke up by call to arms; I fell in line waiting for orders.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Anybody ever tell you that he had been abused in Brownsville?—A. Yes, sir; Private Newton and Private Reid.

Q. Did they tell you what they were going to do about it?—A. No, sir.

*Cook George Grier, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in bed.

Q. Where was your bed?—A. In my bed on back porch of barracks.

Q. Were you asleep or awake?—A. I was asleep.

Q. Who was the first enlisted man that you saw when you awoke?—A. The first one I saw was the sentry; he was shooting. Just as I woke up I looked out and saw the sentry shooting; seen the blazes from his gun.

Q. Who was the sentry?—A. I do not know his name.

Q. Which way was his gun pointed?—A. His gun was pointed up.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Any man ever tell you that he had been abused in Brownsville?—A. Well, we had a fellow in our company—Newton.

Q. Did they tell you about it?—A. Yes, sir; I was in the guardhouse when they were telling it.

Q. Was he excited and angry?—A. No, sir; he didn't seem to be excited.

Q. What did he say he was going to do about it?—A. He didn't say.

*Private Erasmus T. Dabbs, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. On August 13 I was in Brownsville.

Q. What part of Brownsville?—A. I was in the fort; at Fort Brown.

Q. Whereabouts in Fort Brown?—A. I can't just exactly describe the post.

Q. Where were you in the fort; what part of the fort?—A. Upstairs in quarters.

Q. Awake or asleep?—A. I was asleep.

Q. When did you go to sleep?—A. I went to bed about 10 o'clock.

Q. Were you awake at 11 o'clock inspection?—A. No, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Anybody tell you that they had been abused in Brownsville?—  
A. No, sir.

*Private James T. Harden, Company O, Twenty-fifth Infantry.*

Q. Where were you on August 18, 1906, when shooting commenced in Brownsville?—A. I was at Lieutenant Higgins' quarters.

Q. Awake or asleep?—A. Asleep, sir.

Q. Who did you first see when you awoke?—A. Artificer Rudy, next morning.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

*Private James Sinkler, Company O, Twenty-fifth Infantry.*

Q. Where were you on August 18, 1906, when shooting commenced at Brownsville?—A. I was at Fort Brown.

Q. What part of Fort Brown?—A. In my quarters in bed.

Q. Awake or asleep?—A. Asleep when it commenced.

Q. When did you go to sleep?—A. I went to sleep about 9 o'clock, I guess. I went to bed early.

Q. Awake when the 11 o'clock inspection was made?—A. Yes, sir.

Q. Did you see anybody leave the barracks after inspection?—A. No, sir.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Anybody ever tell you that they had been abused in Brownsville?—A. Yes, sir; I heard men speak about it.

Q. Who told you that they were abused?—A. Private Newton, of Company C.

Q. Who else told you?—A. Private Reid.

Q. Anybody else?—A. No, sir.

*Private Clifford I. Adair, Company O, Twenty-fifth Infantry.*

Q. Where were you on August 18, 1906, when shooting commenced at Brownsville?—A. In my bunk; in quarters.

Q. Awake or asleep?—A. Asleep, sir.

Q. When did you go to sleep?—A. I can't remember exactly the time because we didn't have any clock there.

Q. Were you awake at 11 o'clock inspection?—A. Yes, sir.

Q. Did you see anybody leave the barracks after 11 o'clock before the shooting commenced?—A. No, sir.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Ever have any trouble with anybody at all?—A. Only trouble I had I bought a pen from Mexico and it was taken away from me—a writing pen. I asked to pay duty on it, and he wouldn't let me pay duty on it. Said he was going to report to my company commander and asked for my name and what company I belonged to, and I told him.

Q. Did he make any insulting remarks to you?—A. Yes, sir; he said, "You damned niggers are too smart around here."

Q. What was his name?—A. I do not know, sir.

Q. Any other trouble?—A. No, sir.

Q. Any men ever tell you that they had been abused or had trouble?—A. No, sir.

Q. Value of this pen taken away from you?—A. I paid 50 cents gold for it.

*Private George Gray, Company O, Twenty-fifth Infantry.*

Q. Where were you August 13 when shooting commenced at Brownsville?—A. I was sleeping on the back porch toward the officers' line.

Q. What back porch?—A. Front porch of company barracks. Was asleep when shooting commenced.

Q. Shooting wake you up?—A. Yes, sir; shooting and the trumpet blowing.

Q. Who was the first man you saw when you woke up?—A. I and another man was sleeping—he was just before me—Rudy, of C Company—he was sleeping on the front porch, too.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Any man ever tell you that he had been abused there?—A. No, sir; personally. One man got hit.

Q. Did they ever tell you?—A. No; not personally.

*Private Edward Johnson, Company O, Twenty-fifth Infantry.*

Q. Where were you when the shooting commenced?—A. I was on pass that night out in town. I am married and had a wife and little baby; at home that night. On orderly pass.

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

Q. Where did you stay during the shooting?—A. I stayed there with my wife and child.

Q. Did you see any soldier that night while you were in Brownsville?—A. No, sir.

Q. After the shooting?—A. No, sir.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Anybody ever abuse your wife in Brownsville?—A. No, sir.

*Private August Williams, Company O, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In Brownsville, Tex.

Q. What part of Brownsville?—A. I was in the post; in quarters.

Q. Awake or asleep?—A. Asleep, sir.

Q. Anybody in Brownsville ever abuse you?—A. No, sir; nobody ever abused me.

Q. Who, if anybody, told you that they had been abused?—A. Nobody that I remember.

*Artificer Charles A. Rudy, Company O, Twenty-fifth Infantry.*

Q. Where were you when shooting commenced on August 13?—A. I was sleeping at Brownsville, Tex. Sleeping on the front porch of the quarters upstairs. As near as I can say, 12 o'clock—as I can think. I was awoken by a shot in the rear of the quarters toward Brownsville in the street. When it went off I jumped up out of my bed and started in the quarters; had to go down into the quarters.



Q. Who was the first man that you saw?—A. Private George Gray; he was sleeping out on porch with me.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any man ever tell you that he had been abused in Brownsville?—A. No man ever told me personally.

*Private John Kirkpatrick, Company O, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. In hospital, sir; sick.

Q. Did you leave the hospital after the shooting commenced?—A. No, sir; didn't leave at all.

Q. Were you awake or asleep when the shooting commenced?—A. I was asleep.

Q. How many men were in the hospital with you?—A. Private Nolan, of the Hospital Corps, and another young man—the dispensary man.

Q. What I wanted was how many men were in the hospital of the Twenty-fifth Infantry?—A. Myself, Harden, the man's orderly; don't know his name. Three.

Q. Did any of them leave the ward when the shooting commenced?—A. Not as I know of, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Frank J. Lipscomb, Company O, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was asleep in quarters.

Q. When did you go to sleep?—A. About 9 o'clock, as near as I can remember.

Q. Were you awake at 11 o'clock check?—A. No, sir.

Q. Anybody in Brownsville ever abuse you?—A. No, sir; never abused me at all. Myself and another fellow, Newton, were going down the sidewalk one night and a fellow knocked him in the head.

Q. At night, was it?—A. Yes, sir.

Q. What had Newton done?—A. Not anything that I know of.

Q. Who was on the sidewalk?—A. Some ladies on the sidewalk at the time. I don't know who they were.

Q. Did they take up all the sidewalk?—A. No, sir.

Q. Where did Newton go?—A. He went right straight down the street, and I turned the corner and went down the other street.

Q. Did you see Newton when he passed these ladies?—A. Yes, sir.

Q. Where was he when he passed them, on or off the sidewalk?—A. He was on the sidewalk; next to the fence.

Q. Did he do anything to them?—A. No, sir.

Q. Did he touch them?—A. No, sir; I do not think he did.

Q. Did he say anything to them?—A. No, sir.

Q. What was done to Newton?—A. He was knocked down by a man standing there with the ladies.

Q. What did the man say to him?—A. I never heard him say anything.

Q. Did Newton get up again?—A. Yes, sir; he got up.

Q. What did he do?—A. Not anything.

Q. Where did he go?—A. He went on down the street and I

turned the corner. After I turned the corner I did not see him any more until we got to the quarters.

Q. Did he go toward town or toward the barracks after he was hit?—A. He went on down town from the barracks.

Q. Did he appear to be hurt much?—A. No, sir; he didn't appear to be.

Q. Did he and you ever talk of the affair again?—A. No, sir. When the captain asked us about it.

Q. Anybody else ever tell you that they had been abused?—A. No, sir; nobody else ever told me.

Q. Did the man that knocked Newton down say anything to either of you?—A. No, sir; he didn't say anything to me.

Q. Did he say anything to either of you?—A. Not that I know of.

Q. How far away were you when Newton was knocked down, from Newton?—A. I do not know exactly; about two or three paces, I guess.

Q. Did you stay there until Newton got up and went away?—A. No, sir.

Q. What did you do?—A. I just went around the corner.

*Private West Logan, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In the quarters, asleep, sir.

Q. Did you wake up when the shooting was going on?—A. Yes, sir.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Did any man ever tell you that he had been abused in Brownsville?—A. Yes, sir; I heard some of the boys say so.

Q. Who were the men?—A. Private Newton, who got hit down there.

Q. Any other man besides Newton?—A. No, sir.

Q. When did you go to sleep that night?—A. I went to sleep after lights were out; 9 o'clock, I suppose.

Q. Were you awake at 11 o'clock inspection?—A. No, sir.

*Private John Streater, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. I was in the corral at Fort Brown. Working in the quartermaster corral, sir.

Q. Awake or asleep?—A. Asleep.

Q. Did you hear the shooting?—A. No, sir; didn't hear the shooting.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Any man ever tell you that he had been abused in Brownsville?—A. I heard that one was shoved off the street or got struck.

Q. Who?—A. Private Newton.

*Private William Lewis, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in Fort Brown in my bunk.

Q. Awake or asleep?—A. Asleep.

Q. Were you asleep at 11 o'clock inspection?—A. I was asleep at check.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Robert Turner, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—A. Was over across the garrison at Lieutenant Hay's quarters at Fort Brown.

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

Q. Were you awake or asleep when the shooting commenced?—A. I was asleep when it first commenced.

Q. Did anybody in Brownsville ever abuse you?—A. No, sir.

Q. Did anybody ever tell you that they had been abused in Brownsville?—A. Yes, sir; one was Private—don't remember his name.

*Private John T. Hawkins, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was asleep in bed in quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Corpl. Preston Washington, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced in Brownsville?—A. In quarters in my bunk, sir.

Q. Awake or asleep?—A. Asleep.

Q. Were you awake at 11 o'clock inspection check?—A. No, sir.

Q. Who did you first see when you woke up, corporal?—A. I could not tell, for there was no light in the quarters.

Q. Who was the first you recognized?—A. Corporal Madison.

Q. Did you see Sergeant Brawner?—A. I saw Sergeant Brawner when shooting was about all over.

Q. Where was he then?—A. He was coming up steps.

Q. He was coming into the barracks was he?—A. He was coming up steps.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Any men ever tell you that they had been abused in Brownsville?—A. No, sir; none told me anything.

Q. Ever hear the men talk about being abused?—A. Never heard them say anything at all.

*Private Thomas L. Mosley, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. At Brownsville, sir.

Q. On what street in Brownsville?—A. In my quarters; in my bed, sir.

Q. Then you were in Fort Brown?—A. Yes, sir; Fort Brown.

Q. Was the shooting going on when you awoke?—A. Yes, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any men ever tell you that they had been abused in Brownsville?—A. No, sir.

Q. Were you awake at 11 o'clock inspection check?—A. I don't know exactly what time it was; I was awake when inspection was made.

Q. How long did you stay awake?—A. Was up all night, sir.

Q. You were up all night?—A. Yes, sir; went on guard after check.

Q. What time did they make check roll call?—A. I don't know, sir; never saw any time.

Q. Do you know that you have to be in your bunk at 11 o'clock?—A. Yes, sir.

Q. Do you know that there is inspection at 11 o'clock?—A. I do not know whether it was 11 or after. It was after shooting took place.

Q. How long have you been in the service?—A. About seven years, sir.

Q. You did not know that there was inspection at 11 o'clock then?—A. I did not know what time; whether it was 11 or after or before then.

Q. Who was the first man you saw after you woke up?—A. I do not know, sir; all were getting up when I woke up; shooting was going on.

*Private James Perry, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. I was at Fort Brown, asleep, sir; in my bed, sir, asleep in quarters.

Q. Were you awake at 11 o'clock inspection check roll call?—A. I was awake after the shooting taken place; was asleep at check.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; I didn't have any trouble.

Q. Any man ever tell you that he had been abused in Brownsville?—A. No, sir; I did not have any talk with anybody about it.

*Private William Mapp, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in my bunk asleep, sir.

Q. In company quarters?—A. Yes, sir.

Q. When did you go to sleep?—A. I went to bed about half past 9, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; they did not.

Q. Any man tell you that he had been abused in Brownsville?—A. No, sir.

*Private George W. Harris, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. I was in quarters in my bunk, sir.

Q. Asleep or awake?—A. Asleep.

Q. When did you go to sleep?—A. Went to bed about 10 minutes past 8 that night.

Q. Were you awake at 11 o'clock inspection check?—A. No, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any men ever tell you that they had been abused in Brownsville?—A. One man came there one night with a hole knocked in his head and said he was hit over the head with a revolver.

Q. Who was the man?—A. Private Newton.

*Musician Walter Banks, Company O, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. I was in bed, sir; in quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; I never visited Brownsville more than once while I was down there.

Q. Any man ever tell you that he was abused?—A. Yes, sir; I seen several men; two men; one man out of my company got knocked in the head by some of the citizens.

Q. Name him.—A. Private Newton; he is at San Antonio.

Q. Who else?—A. There was one man with him, Private Lipscomb.

Q. Anybody else tell you about being abused?—A. We had one man that was thrown in the river down there.

Q. Who was it?—A. Private Reid.

Q. Anybody else?—A. No, sir; not that I know of.

*Private Andrew Mitchell, Company O, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was on guard duty at the guardhouse. I was waken by the sergeant of the guard. He said there was shooting on the outside.

Q. Who was sergeant of the guard?—A. Sergeant Reid, B Company.

Q. When did you come off post?—A. I came off post at 10 o'clock.

Q. Did you leave the guardhouse after 10 o'clock before shooting commenced?—A. No, sir.

Q. Did you go to sleep right after 10 o'clock?—A. Yes, sir.

Q. When you woke up did you see the corporal of your relief?—A. Yes, sir.

Q. Who was it?—A. Corporal Burdette.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Did any man ever tell you that he had been abused in Brownsville?—A. One man got hit down there.

Q. Did he ever tell you?—A. No, sir; no one particularly told me they were abused.

Q. Who did you ever hear of being abused?—A. Private Newton, C Company.

Q. Anybody else?—A. No, sir.

*Private William McGuire, Company O, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. In quarters asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did any man ever tell you that he had been abused in Brownsville?—A. Private Newton, Company C, was struck with a six-shooter on the street.

Q. Anybody else?—A. No, sir; only Private Reid was shoved overboard between there and Matamoros.

*Private James E. Armstrong, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—

A. I was in the quarters, sir; in the bunk.

Q. Awake or asleep?—A. I was asleep when it commenced; was awakened by the shooting.

Q. Were you ever abused by anybody in Brownsville?—A. No, sir; I had not been; didn't go about much.

Q. Did any man ever tell you that he had been abused?—A. No, sir; they didn't just tell me, though I knew of some that had been.

Q. Name them.—A. Private Newton, of Company C; Private Reid, of Company C.

Q. That is all the men you know about, is it?—A. Yes, sir.

*Private Leartis Webb, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In bed, asleep; bed was near the door upstairs; in the quarters.

Q. Awake or asleep?—A. Asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Anybody ever tell you that they had been abused in Brownsville?—A. No, sir.

*Private Calvin Smith, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in my bed, sir; in quarters.

Q. Awake or asleep?—A. I was asleep; woke up by noise of shooting.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private John Smith, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. I was in confinement.

*Private Alphonso Holland, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced at Brownsville?—A. In bed asleep, sir; in quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any man ever tell you that he was abused in Brownsville?—A. I heard some of the soldiers talking; wasn't talking direct to me. I can't remember the names. I am a new man in the company; can not remember the two men, but there were two.

*Private Henry T. W. Brown, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. Fort Brown, Tex.; in barracks, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any man ever tell you that he had been abused in Brownsville?—A. Once. His name is Newton, belonged to C Company. Man by the name of Reid belonged to C Company. That is all.

Q. Ever hear of anybody else being abused there from any company?—A. No, sir.

*Cook Robert Williams, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In my room, sir; asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Any man ever tell you he had been abused in Brownsville?—A. No, sir.

*Corpl. Albert Roland, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in my quarters.

Q. Awake or asleep?—A. I was asleep at the beginning of it.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever hear anybody say that he had been abused in Brownsville?—A. I heard one man say; I can not think of his name; belongs to C Company; the man that said that he got hit.

Q. Did you ever go into a saloon in Brownsville?—A. Only one; a discharged soldier had one there; I went into it.

Q. Was that a private saloon for the Twenty-fifth Infantry soldiers?—A. Yes; I think it was.

Q. Never went into a city saloon?—A. No, sir; never went into a city saloon.

*Private Dorsie Willis, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in bed, sir; in quarters in garrison; Company D quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Hear any rumors that men were abused in Brownsville?—A. Yes, sir.

Q. Name those that you heard were abused?—A. Private Newton, Company C.

Q. Anybody else?—A. Private Reid, also Company C.

Q. Have you ever been in a city saloon in Brownsville?—A. No, sir; only the one that was run there by a discharged soldier.

*Private William E. Jones, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in Captain Lyon's quarters, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Have you ever been in a city saloon in Brownsville?—A. I went in a Mexican saloon; yes, sir.

Q. That was in Brownsville, you mean?—A. Yes, sir.

Q. White people frequent that saloon?—A. No, sir.

*Private Zachariah Sparks, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. I was at Fort Brown, Tex.; in the quarters, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Have you ever been in a city saloon in Brownsville?—A. No, sir.

*Private Charles H. Hawkins, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. I was in town on a pass.

Q. Whereabouts in town?—A. I was downtown, below the market.

Q. In a house, or where?—A. In a house; in a Mexican house.

Q. Any other soldiers there?—A. No, sir; nobody but myself.

Q. Have you ever been in a city barroom in Brownsville?—A. No, sir.

Q. Were the Mexicans friendly with the soldiers of the Twenty-fifth Infantry?—A. Yes, sir; they seemed to be very friendly—the Mexicans.

Q. Mexican women know the soldiers?—A. Yes, sir; a few of them did.

*Private Elias Grant, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In quarters, sir.

Q. Awake or asleep?—A. Asleep.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Were you ever in a saloon or barroom in the city of Brownsville?—A. No, sir.

*Private Elmer Peters, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. Fort Brown, in bed, sir; in quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Were you ever in a saloon or barroom in Brownsville?—A. Yes, sir; I was in one.

Q. Who kept it?—A. I think a Mexican; a Mexican was running it.

Q. Any other people there getting drinks at the time?—A. Yes, sir; one of my friends was there.

Q. Any white people?—A. No, sir; no white people there at all at this saloon; at least I didn't see any while I was in there.

*Private James Newton, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in Lieutenant West's quarters, sir; asleep, sir.



Q. Have you ever been in a saloon in Brownsville?—A. Yes, sir; I have been in a couple of saloons; they were Mexican saloons. One by the depot; one by the market house.

Q. Any white people in these saloons when you were in them?—A. I do not remember seeing any. Just Mexicans.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; I never had any trouble there with anyone.

*Private Strowder Darnell, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In quarters, sir.

Q. Awake or asleep?—A. I was asleep; I was wakened by the shooting.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Were you ever in a saloon in Brownsville?—A. Yes, sir.

Q. Any white people in the saloon when you were in it?—A. No, sir.

Q. Was it a Mexican saloon?—A. No, sir; it was a fellow that got discharged out of B Company that was running the saloon.

*Private Sam M. Battle, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was on guard, sir; up to the guardhouse.

Q. Asleep or awake?—A. Asleep, sir.

Q. Who woke you up?—A. The sergeant of the guard; Sergeant Reid, of Company B, sir.

Q. Was that before the alarm sounded on the trumpet?—A. Yes, sir; he woke me up before the sound to arms, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; never had any trouble at all, sir.

Q. Were you ever in a saloon kept by a white man?—A. No, sir.

*Private Wesley Mapp, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—A. In the baker shop.

Q. The shooting wake you up?—A. No, sir.

Q. Were you awake when it commenced?—A. No, sir; I was not.

Q. When did you first hear about the shooting?—A. Corporal Harris, of B Company, came down and woke me up; can't tell the hour.

Q. When you woke up who did you see?—A. No one but Corporal Harris and a man that was in the shop with me, Private John Brown.

Q. Did you ever go into a saloon?—A. No, sir; only John Holoman's; colored soldier that was discharged.

*Private Barney Harris, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was at Fort Brown, Tex.

Q. State what part of Fort Brown.—A. In the quarters asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever hear of anybody being abused in Brownsville?—

A. I heard of a little trouble that some of the soldiers had. I do not know their names.

Q. Were you ever in a saloon in Brownsville?—A. No, sir.

*Private Richard Crooks, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in my bunk in my barracks.

Q. Awake or asleep?—A. Asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Were you ever in a barroom in Brownsville?—A. Yes, sir.

Q. Who was proprietor?—A. I do not know, sir; it was some Mexican.

Q. Ever in a white man's saloon?—A. No, sir.

*Private Henry Robinson, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In my bed, sir; in the barracks.

Q. Awake or asleep?—A. Asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; I didn't have any trouble.

Q. Were you ever in a saloon in Brownsville kept by a white man?—A. No, sir.

*Private Benjamin F. Johnson, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Fort Brown?—A. I was on No. 1 post.

Q. When did you go on?—A. Ten o'clock.

Q. Is your post such that you can see the door of the guardhouse all the time?—A. Yes, sir; right along in front of the guardhouse.

Q. When you were posted did you see Sergeant Reid, sergeant of the guard?—A. Yes, sir; he was at the guardhouse.

Q. Did he leave the guardhouse while you were on post?—A. When the shooting commenced he was taking patrol and went out.

Q. From the time that you were posted until the shooting commenced, did Sergeant Reid leave the guardhouse?—A. No, sir; after the shooting commenced.

Q. While you were on post and before the shooting commenced, did anybody leave the guardhouse?—A. When they sent the patrol out to bring in men on post.

Q. How long before the shooting commenced did that patrol return?—A. I do not know exactly what time they left or what time the patrol came in.

Q. After you were posted and before the shooting commenced, did anybody come to the guardhouse?—A. I didn't see anyone come to the guardhouse.

Q. You heard the first shot, did you not?—A. Yes, sir.

Q. The first time how many shots were there?—A. It seemed like there were about six or seven.

Q. When the shooting first commenced how many shots did you hear?—A. About six or seven.

Q. Did you hear one shot singly to begin with?—A. No, sir; about six or seven shots.

Q. All right together?—A. Yes, sir.

Q. What did you do when you heard the first shot?—A. I gave the alarm; called for the sergeant of the guard.

Q. Who came out when you called?—A. I do not remember who it was.

Q. You don't remember who the corporal was?—A. No, sir.

Q. Do you remember that it was a corporal?—A. Yes, sir.

Q. You can't remember which corporal it was?—A. No, sir.

Q. When did you first see Sergeant Reid after you gave the alarm?—A. When the guard was turned out; he formed the guard.

Q. Who was the corporal of your relief?—A. I disremember who the corporal of my relief was.

Q. Did the officer of the day visit the guard while you were on post?—A. No, sir.

Q. What corporal posted you?—A. I disremember who the corporal of the guard was.

Q. Did you see the scavenger while you were on post No. 1?—A. There was some man came up; I do not know who he was; I called the corporal of the guard; he went on back. I do not know who he was.

Q. What corporal came when you called the corporal of the guard when the scavenger or other person came up?—A. The corporal of my relief; I disremember who he was.

Q. Who was sergeant of the guard?—A. Sergeant Reid.

Q. What corporals were on guard?—A. I do not know, sir.

*Artificer George Newton, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. I was in my bed asleep, in quarters; in barracks.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Have you ever been in a saloon in Brownsville?—A. I went in a Mexican's place there.

Q. Ever in a white man's saloon?—A. The first night I got there I was in one, the name of Mr. Taylor, I believe; some of the Twenty-sixth fellows carried me in there and gave me a glass of beer.

Q. White men in the saloon?—A. Yes, sir. He invited us back. I never had opportunity; was a carpenter.

Q. Did they have a separate bar for colored men in the saloon?—A. Yes, sir.

Q. Did you object to that?—A. No, sir.

Q. How long have you been in the service?—A. When I complete this enlistment I will be started on my tenth year. There was nothing said about these three fellows of the Twenty-sixth taking me in and giving me a drink. The gentleman took me out to a place where he was going to open a restaurant for our boys—for colored men.

Q. Did you object to that?—A. No, sir; because in place where I was raised they have them that way; kind of garden like in rear of building.

Q. Did you ever talk with any of the men on the subject of hav-

ing a separate bar?—A. No, sir; I did not have but a very little said to me anyway. Went to a drug store to get some pills, I believe it was, and to get some writing-paper tablet. Wanted to know where we were from, and I told him; he said, "You boys is the nicest set of boys I have ever met. We have learned from the boys of the Twenty-sixth that you were going to be awfully rough here. You are the nicest set of fellows I ever met."

Q. Did you buy anything at this drug store?—A. I bought some pills and a tablet, I believe it was.

Q. Did they object to selling to you?—A. No, sir. The first drug store I went to I walked in, and nobody said anything to me. Some gentlemen in there talking. I stood around for a few minutes; nobody said anything, didn't ask me what I wanted or anything, so I walked out. They didn't say anything to me nor did I to them.

*Musician Joseph Jones, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in my bed in the quarters.

Q. Asleep or awake?—A. Asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Have you ever been in a barroom in Brownsville?—A. No, sir.

*Private Alonzo Haley, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In the quartermaster corral, sir.

Q. Awake or asleep?—A. I was awake at the time the trouble commenced.

Q. Who was with you?—A. There were three other soldiers and three civilian teamsters. Private Williams, Company B; Private Johnson, C Company; Private John Henry, D Company.

Q. Were they awake or asleep?—A. They were asleep, sir.

Q. Do you know Elmer Brockon, B Company?—A. I do not.

Q. Who were the three teamsters?—A. I disremember their names; a couple of them were Mexicans; I do not remember the civilians' names.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir.

Q. Who were the other teamsters in the corral besides these that you have named?—A. One other soldier teamster out of C Company; I disremember his name.

Q. Any from D Company?—A. Private Williams, from B Company.

Q. Where was he?—A. He was in the corral; teamster, quartermaster's.

*Musician Hoyt Robinson, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was on guard.

Q. Just state where you were at this particular time?—A. I was in the guardhouse, asleep.

Q. Who woke you up?—A. A member of the guard.

Q. Can't you remember who?—A. I did not know the name of the guard.

Q. What noncommissioned officer did you see as soon as you woke up?—A. Sergeant Reid, Company B; Corporal Wheeler, Company D. Those were the only two.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Have you ever been in a saloon in Brownsville kept by a white man?—A. No, sir.

*Private John Green, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when firing commenced?—A. In my bunk; my bunk was in the barracks.

Q. Awake or asleep?—A. Asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; never abused me.

Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir; never went into any saloon down there at all. Went into eating shop but no white saloon.

Q. Who kept the eating house, a white man?—A. No, sir; it was a Mexican.

Q. How did the Mexicans treat the soldiers?—A. They treated us fine, very well. All of them treated me all right.

*Private George W. Hall, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In bed, sir; in quarters.

Q. Asleep or awake?—A. Asleep, sir.

Q. Anybody ever mistreat you in Brownsville?—A. No, sir.

Q. Were you ever in a saloon kept by a white man in Brownsville?—A. No, sir.

Q. Why didn't you go? Wouldn't they allow you in there?—A. No, sir; I wasn't allowed in there. That is, I heard.

Q. Do you object to having separate bar for soldiers of the Twenty-fifth Infantry?—A. No, sir; I do not object at all.

Q. If you do not object, would you rather have it that way?—A. It would suit me, sir; wouldn't care to object; it suits me.

Q. Which way would you prefer?—A. I don't know which way I would prefer to have it; I don't care.

*Private John R. Jones, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In my bunk, asleep; bunk was in the barracks of Company D.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever go to a saloon kept by a white man in Brownsville?—A. No, sir.

Q. Why not?—A. I didn't feel like going.

Q. Did you ever hear that they wouldn't let you in?—A. Yes, sir; I heard it.

Q. Did you go to Mexican saloons?—A. No, sir.

Q. Go to Holloway's saloon?—A. Yes, sir.

Q. Was Holloway's saloon kept for soldiers of the Twenty-fifth Infantry alone?—A. No, sir; anyone that wished to go.

*Private Joseph Shanks, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. I was in quarters; barracks.

Q. Awake or asleep?—A. Asleep, sir.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Did you ever hear of anybody being abused in Brownsville?—A. No, sir.

Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir.

Q. Why not?—A. Had no occasion to go in, sir.

*Private Charles Jones, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—

A. Fort Brown, Tex.; in barracks.

Q. Awake or asleep?—A. Asleep, sir.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Did you ever go to a saloon kept by a white man?—A. No, sir.

Q. Why not?—A. Because when I got down there I heard they didn't allow us in there, and I didn't visit them. Visited Mexican saloon there, sir.

Q. How did the Mexicans treat the Twenty-fifth Infantry soldiers?—A. All right; I wouldn't want to be treated any better by any nation at all.

Q. Did you ever hear of anybody being abused in Brownsville?—A. Yes, sir; Private Newton, C Company, and Private Reid, C Company.

Q. Anybody else?—A. A man spoke about making a man get off the street; Jefferson, I think, of C Company.

Q. Anybody else?—A. No, sir.

*Private Walter Johnson, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when firing commenced?—A. Over across the river in Mexico on orderly pass.

Q. When did you return to the United States?—A. I got back between 2 and 3 o'clock in the morning.

Q. How did the Mexicans treat you over in Mexico?—A. Treated me pretty nice.

Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir.

Q. Why not?—A. I don't indulge.

*Private Robert L. Rogan, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the firing commenced?—A. On August 13 about 12 o'clock was laying in my bed; was awakened by the men running around the quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Do anything you didn't like?—A. No, sir; I never go around much anyway.

Q. Anybody ever call you names in Brownsville?—A. No, sir; never been out to have any names called to me.

Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. Don't drink at all, sir.

*Private Henry H. Davis, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. I was in my quarters.

Q. Awake or asleep?—A. Asleep.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Heard of anybody being abused in Brownsville?—A. Yes, sir; heard of some soldiers being abused.

Q. Who?—A. Private Newton, Company C.

Q. Anybody else?—A. Yes, sir; Private Reid, of Company C. That is all I have heard of.

Q. Have you ever been in a saloon in Brownsville kept by a white man?—A. No, sir.

Q. Why not?—A. Understood we were not allowed.

Q. Ever in a saloon kept by a Mexican?—A. Yes, sir.

Q. How did they treat you?—A. They treated me very nicely.

Q. Did you feel aggrieved because you couldn't go in a saloon kept by a white man?—A. No, sir.

Q. Did you hear of any soldiers that objected to a separate bar for colored soldiers and white people?—A. No, sir; I didn't hear of any.

Q. Would you go to such a place if there was one?—A. No, sir; I wouldn't go there.

Q. Then you would object to a place that had two barrooms—one for colored people and one for white people?—A. It doesn't make any difference. I don't drink anyway. Most any place would do.

*Private John Slow, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—A. I was at quarters, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever hear of anybody who had been abused in Brownsville?—A. I heard about a man being struck there.

Q. Who was the man?—A. I think he belonged to C Company.

Q. Did you ever visit a saloon kept by a white man?—A. No, sir; I went to a saloon a Mexican kept close by the depot once.

Q. How did the Mexicans treat you?—A. All right, sir.

Q. How many Mexicans did you know down there?—A. I did not know any, sir.

Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir.

Q. Why not?—A. I never went out much at all; I went out there once when I went to a Mexican saloon.

*Private John A. Jackson, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the firing commenced?—

A. In post, sir; D Company barracks.

Q. Awake or asleep?—A. Asleep.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Did you ever go to a barroom kept by a white man?—A. No, sir.

Q. Why not?—A. I heard the other soldiers talking about it. Heard the other soldiers say we were not allowed around. Went in two saloons in Brownsville; one was a Mexican, one a colored fellow's.

Q. How did the Mexicans treat you?—A. Treated me nicely.

Q. Did you ever hear of anybody being abused in Brownsville?—

A. Yes, sir; talked around there amongst some of the soldiers.

Q. Name some reported abused.—A. Newton, of C Company.

Q. Who else?—A. Never could find out the other one's name; told me some soldier got throwed off boat down by the wharf. Don't know who he was.

*Private Edward Robinson, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—

A. In quarters, sir.

Q. State whether you were awake or asleep.—A. Asleep.

Q. Ever been abused in Brownsville?—A. No, sir; not in particular.

Q. Were you ever mistreated in any way in Brownsville?—A. No, sir.

Q. Anybody ever call you names?—A. No, sir.

Q. Ever in a barroom in Brownsville?—A. No, sir.

Q. Don't you drink?—A. Yes, sir.

*Cook Charles Dade, Company D, Twenty-fifth Infantry.*

Q. How long have you been in the service?—A. Nearly twenty-two years, sir.

Q. Where were you on August 13 when the shooting commenced?—A. In Brownsville. Just outside the wall with my family.

Q. By authority?—A. Yes, sir.

Q. Awake or asleep?—A. Asleep.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Your family ever been abused?—A. No, sir.

Q. How did the Mexicans there treat you?—A. Well, they treated me all right. I have no fault to find with the Mexicans at all.

Q. Did you ever go in a barroom or saloon in Brownsville?—A. Two I have been in.

Q. Kept by white men?—A. Think they were white, but kept by Mexican bartenders.

Q. Any white people in the saloon when you were there?—A. There were two in one saloon.

Q. Did they say anything to you?—A. No, sir.



*Private Len Reeves, Company D, Twenty-fifth Infantry.*

- Q. Where were you on August 13 when shooting commenced?—  
 A. I was up in quarters in bed.  
 Q. State whether you were awake or asleep.—A. I was asleep.  
 Q. Anybody ever abuse you in Brownsville?—A. No, sir.  
 Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir.  
 Q. Why not?—A. Just heard that they wouldn't allow them; never would go around.  
 Q. Did you go in a Mexican saloon?—A. Yes; one.  
 Q. Did you feel angry because you couldn't go in the other saloons?—A. No, sir.  
 Q. Did you ever hear of any man being abused in Brownsville?—  
 A. Heard there was a fellow shoved overboard by some revenue officer down there; another fellow struck in the head there, and he said some revenue officer did that.  
 Q. Any more?—A. No, sir.

*Musician Henry Jimerson, Company B, Twenty-fifth Infantry.*

- Q. Where were you on August 13, 1906, when shooting in Brownsville commenced?—A. In quarters, sir.  
 Q. Awake or asleep?—A. Asleep.  
 Q. Were you ever abused in Brownsville?—A. No, sir.  
 Q. Were you ever in a saloon in Brownsville?—A. No, sir; I never was.

*Private William M. Matthews, Company D, Twenty-fifth Infantry.*

- Q. Where were you on August 13, 1906, when shooting commenced?—A. In quarters, sir.  
 Q. Awake or asleep?—A. Asleep, sir.  
 Q. Were you ever abused in Brownsville?—A. No, sir.  
 Q. Were you ever in a saloon in Brownsville?—A. Once, sir; called the depot saloon—Mexican saloon.

*Private George W. Perkins, Company C, Twenty-fifth Infantry.*

- Q. How long have you been in the service?—A. Eight years.  
 Q. Where were you on August 13, 1906, when the shooting commenced?—A. In Brownsville; in quarters, in bed.  
 Q. Awake or asleep?—A. Asleep at the time.  
 Q. Have you ever been abused in Brownsville?—A. No, sir.  
 Q. Have you ever been in a saloon in Brownsville kept by a white man?—A. Once I started in there and turned back. A Mexican told me not to go in those saloons because they wouldn't serve me, so I turned back and wouldn't go in. On one occasion I was down town unloading freight, stopped in; otherwise haven't been in.  
 Q. Ever been in a Mexican saloon?—A. No, sir.

*Private John Butler, Company D, Twenty-fifth Infantry.*

- Q. Where were you on August 13 when shooting commenced?—  
 A. In quarters; in bed.

Q. Were you ever abused in Brownsville?—A. No, sir; I went out but very little while there; there only a short time.

Q. Were you ever in a saloon kept by a white man?—A. No, sir; I wasn't in but one saloon while there; it was a Mexican saloon.

Q. Did you ever hear of any men being abused in any way in Brownsville?—A. No, sir; not as I knows of. I didn't hear of any. Heard of a man getting hit there and was reported to the commanding officer; was the only case.

*Private Edward Jordan, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—A. At the quarters.

Q. Awake or asleep?—A. Asleep.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Ever go in a barroom in Brownsville kept by a white man?—A. Went to a Mexican saloon once there.

*Private Henry Barclay, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when firing commenced in Brownsville?—A. Up in quarters.

Q. Awake or asleep?—A. Asleep.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Ever hear of anybody being abused in Brownsville?—A. Heard of one soldier; heard two soldiers say a soldier by the name of Newton, C Company.

Q. Did you ever go into a saloon in Brownsville kept by a white man?—A. No, sir; only went into one saloon a soldier put up there.

Q. Why didn't you go into a saloon kept by a white man?—A. Why, before I got there, heard some fellows say that we couldn't go in white saloons there.

*Private Edward Wickersham, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was in quarters.

Q. Awake or asleep?—A. I was asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; I didn't give them any chance. Stayed around quarters all the time.

Q. Were you ever in a saloon in Brownsville?—A. Yes, sir; in a Mexican saloon and colored saloon there.

Q. Why didn't you go into a saloon kept by a white man?—A. I had never been in that part of the country only when soldiering; reason I didn't go—said I wasn't wanted in there, so didn't go.

Q. Were you content with the Mexican and colored saloons?—A. Yes, sir.

*Private Alfred N. Williams, Company B, Twenty-fifth Infantry.*

Q. Where [were] you on August 13 when the shooting commenced?—A. Asleep in the corral at Fort Brown, Tex.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; not while I was there.

Q. Ever hear of any men being abused while in Brownsville?—  
A. I heard one man in C Company got hit over the head with a six-shooter; Private Newton, Company C, and also a man by the name of Private Reid, Company C. Heard that he was shoved overboard there.

Q. Anybody else?—A. Another man had a little trouble there; forget his name. Man in D Company had a little trouble; forget his name, though.

Q. Were you ever abused in Brownsville?—A. No, sir; I never was.

Q. Did you ever visit a saloon kept by a white man in Brownsville?—A. Never but once; went in there, was refused, and walked out. Was refused to drink at front part of the bar, so walked out.

Q. Could you go around to the other part of the bar?—A. Could go around and get one.

Q. You objected to that?—A. Yes, sir; I objected.

Q. Did you ever go into a Mexican saloon?—A. No, sir; never did go in a Mexican saloon.

*Private John Brown, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—  
A. In the baker shop, asleep.

Q. Have you ever been abused in Brownsville?—A. No, sir.

*Private William R. Jones, Company D, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced?—  
A. In Fort Brown, sir.

Q. Whereabouts?—A. Asleep, when the shooting commenced.

Q. Where?—A. In my bunk; sleeping in my quarters.

Q. Were you ever abused in Brownsville?—A. No, sir.

*Private Frank Bunsler, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In the guardhouse at Brownsville.

*Private Elmer Brown, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. In the corral, sir.

Q. Awake or asleep?—A. Asleep.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Ever been in a saloon kept by a white man in Brownsville?—  
A. Yes, sir.

Q. Did they serve you drinks there?—A. Yes, sir; I got drinks there. I never was in only Mr. Parshell's.

Q. Did you drink at the same bar where white people drank?—A. Yes, sir.

Q. Have any trouble in that saloon?—A. No, sir; about the nicest one in town.

Q. Have you ever been abused by anybody in Brownsville?—A. No, sir.

Q. Did you ever hear of anybody's being abused?—A. I heard of some soldiers being mistreated there.

Q. Give their names.—A. One was Private Reid, of Company C; the other—I can not think of his name.

Q. How did the Mexicans treat you?—A. I was treated very nicely by everybody around there, sir.

*Private William Smith, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In quarters, asleep.

Q. Were you ever mistreated in Brownsville?—A. No, sir.

Q. Ever been in a saloon in Brownsville kept by a white man?—A. No, sir.

*Private Henry W. Arvin, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. In my bunk, sir; Fort Brown, in quarters.

Q. Were you ever abused in Brownsville?—A. No, sir; I was not.

Q. Were you ever in a saloon in Brownsville kept by a white man?—A. No, sir.

Q. Why not?—A. Heard they didn't allow us in there. Wanted us to go in back. I never associated with them.

Q. You objected to going into the back part, then?—A. Yes, sir.

*Private Robert L. Collier, Company C, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. I was on guard that night, sir. Was at the closet at the guardhouse. Closet was at the rear of the guardhouse on outside.

Q. Did you have to go out of the front door of the guardhouse to get to the rear?—A. No, sir; didn't have to go out the front door.

Q. Is the closet, then, a part of the guardhouse?—A. No, sir.

Q. Is it connected with the guardhouse?—A. No, sir; it is on the outside.

Q. How did you get out of the guardhouse to go to the rear?—A. Went out the back door of the guardhouse.

Q. Did you see No. 1 when you went to the rear?—A. No, sir; can't see No. 1 from the rear.

Q. People can go in and out of the guardhouse without No. 1 knowing it, can they?—A. Yes, sir; they can go in and come out without No. 1 knowing it.

Q. You were in rear when firing commenced, were you?—A. Yes, sir; I just came off post.

Q. Did you call for relief to go off post?—A. No, sir; it had come my time to be relieved off post.

Q. Did you return immediately to the guardhouse when you heard firing?—A. Yes, sir; taken up double time.

Q. Who did you see in the guardhouse when you entered?—A. The ones I saw when I got there were the men that were on guard.

Q. What sergeant? Did you see a sergeant?—A. Yes, sir; Sergeant Reid.

Q. Did you see any corporals?—A. Yes, sir; corporals were there.

Q. Who were they?—A. I don't remember the corporals' names.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Ever been in a saloon in Brownsville?—A. No, sir.

Q. Have you ever heard of any men of the Twenty-fifth Infantry being abused in Brownsville?—A. One got knocked down; one got pushed overboard in the river.

Q. Any more?—A. Not any more.

*Private Henry Odom, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when shooting commenced at Brownsville?—A. Asleep, sir; in barracks.

Q. Who did you first see when you woke up?—A. I got up and put on my trousers and ran down, met the major, first I saw.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Have you ever been in a barroom kept by a white man?—A. No, sir.

Q. Why not?—A. Because I very seldom went down town, sir.

*Private Leroy Horn, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. Laying in bed, asleep, sir. Bed on side of house next to town, in barracks.

Q. Were you ever abused in Brownsville?—A. No, sir.

*Private Solomon Johnson, Company B, Twenty-fifth Infantry.*

Q. On August 13, 1906, where were you when shooting commenced?—A. In quarters, sir; in barracks, in bed.

Q. Asleep or awake?—A. Asleep.

Q. Were you ever abused in Brownsville?—A. No, sir; I wasn't.

Q. Were you ever in a saloon in Brownsville kept by a white man?—A. No, sir.

Q. Why not?—A. It was said partition had been put between white and colored, so I never went down there.

*Private William Anderson, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. In my bed, asleep; in barracks when shooting begun. When I woke up shooting was going on; shooting and call to arms woke me up together.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; never had any trouble any time with anyone.

Q. Did you ever hear of anyone having trouble? If so, state who.—A. I heard of Private Reid, C Company, and Newton, C Company, so I heard say; I don't know, though.

Q. Anybody else?—A. No, sir.

*Private John B. Anderson, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when firing commenced?—A. In my bunk in quarters, sir; asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Who was the first man you saw when you awoke?—A. A man

that sleeps right side of me. William Anderson bunks right side of me.

*Private William Brown, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced?—A. In bed, sir, in quarters; in Brownsville.

Q. Were you in Brownsville or Fort Brown?—A. Fort Brown.

Q. Are you sure it was Fort Brown?—A. Yes, sir.

Q. Why did you say Brownsville?—A. Because that was where we were stationed at, Brownsville, wasn't it?

Q. Were you stationed at Fort Brown or in Brownsville?—A. But we always spoke of it as Brownsville.

Q. Were you asleep or awake?—A. I was asleep.

Q. Who was the first person you saw when you awoke?—A. When I first awoke I heard some one calling, "Blow; blow the call."

Q. Who was the first person you saw when you awoke?—A. When I first got out of bed, Sergeant Jackson coming with a small piece of candle in his hand.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever hear of anybody being abused in Brownsville?—A. I heard of two men, sir.

Q. Name them.—A. Newton; I heard he got knocked in the head with a six-shooter. I heard that Reid, of C Company, was pushed off of a boat.

Q. Did you ever hear of anybody else being abused?—A. No, sir.

*Private William J. Carlton, Company B, Twenty-fifth Infantry.*

Q. Where were you when the shooting commenced August 13, 1906?—A. Fort Brown, Tex.

Q. Where?—A. In quarters.

Q. Asleep or awake?—A. Asleep, sir.

Q. Were you ever mistreated in Brownsville?—A. No, sir.

Q. Have you ever been in a saloon in Brownsville kept by a white man?—A. Yes, sir; the first night we arrived there.

Q. Did they serve you drinks?—A. No, sir.

Q. Did they refuse to serve you drinks?—A. Refused to serve drinks at Fort Brown, and I came out of the saloon. I never had occasion to go in the rest of them while I stayed there.

*Private James Allen, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. I was in bed asleep, sir; in company quarters.

Q. Who was the first person you saw after you woke up?—A. I do not remember; everybody was stirred up.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Were you ever refused a drink in any bar in Brownsville?—A. No, sir; never did go into a barroom.

*Private Harry Carmichael, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. Fort Brown, Tex.; in quarters in bed, asleep, sir.

Q. Were you ever abused by civilians in Brownsville?—A. No, sir.

Q. Did you ever hear of any soldiers being abused in Brownsville?—A. Yes, sir; I heard of two men of C Company.

Q. Give their names?—A. One Reid and Newton, I think.

Q. Any others?—A. No, sir.

*Private George Conn, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. Asleep in my bunk, sir.

Q. Whereabouts?—A. Second floor, Company B quarters. Had pulled my bunk so as to catch the air and had my head toward the window; very near the window.

Q. Who was the first man you saw after you woke up?—A. The first man I saw was the noncommissioned officer in charge of quarters that I can remember.

Q. His name?—A. Sergeant Jackson.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Did you hear of any soldier being abused in Brownsville?—A. I heard of several instances; yes, sir.

Q. Give their names.—A. Private Newton, C Company; Private Reid, C Company; Private Gill had some trouble, D Company. That is all that I can remember, sir.

Q. Were you ever in a barroom kept by a white man in Brownsville?—A. No, sir.

*Corporal Franklin, B Company (recalled).*

Q. Corporal, in the guardhouse at Fort Brown, how many doors are there open outdoors?—A. There are two, sir; one into the prison cells.

Q. You can enter the guardhouse from outside by how many doors?—A. Two doors.

Q. Where are they—what part of the guardhouse—front or rear?—A. Kind of sally ports through the building.

Q. What is on one side of the sally port and what is on the other side of the sally port?—A. The guardroom is on one side and sergeant of the guard's room on the other.

Q. Where are the prison rooms and cells?—A. In the rear.

Q. If you close up the front entrance of the sally port, if you close that up, can you then get out of the guardhouse by any other way?—A. Yes, sir.

Q. What way?—A. You can get out between the guardroom and the prison room and between the sergeant of the guard's room and prison room. Space between each one of them.

Q. Where does No. 1 walk?—A. He walks in front of the guardhouse.

Q. Ever go around the guardhouse?—A. Yes, sir.

Q. If you are in the sally port you can walk out through the front, can you not?—A. Yes, sir.

Q. Or you can walk out through the rear?—A. Yes, sir; between the prison room and sergeant of the guard and between the prison room and the guardroom.

*Corporal Wheeler, D Company (recalled).*

Q. Do you remember the guardhouse at Fort Brown?—A. Yes, sir.

Q. How many entrances are there to that guardhouse from the outside?—A. Three, sir.

Q. How do you designate them? Name them so as to distinguish them when you are on guard.—A. I would call the front one entrance—big arch doorway there.

Q. Where are the other two entrances?—A. The others come in on either side, sir.

Q. Where are the rears—first the one used for the guard?—A. I am not very well acquainted; the rear is on the left of the side of rear corner of the guardhouse.

Q. Where does it open from?—A. Outdoors.

Q. Where do the prisoners go?—A. They all use the same rear; are taken with sentry to that rear.

*Private Thomas Jefferson, C Company (recalled).*

Q. Did you ever have any trouble with civilians in Brownsville?—A. No, sir.

Q. No trouble whatever?—A. No, sir; no trouble whatever.

Q. No disagreement of any kind?—A. No, sir; I haven't.

*Private John Cook, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. In quarters, asleep, sir.

Q. Have you ever been abused by civilians in Brownsville?—A. No, sir.

Q. Have you ever heard of any soldiers of the Twenty-fifth Infantry being abused by people in Brownsville?—A. Two soldiers of C Company; I heard one got hit and one throwed into the river.

*Private Charles Cooper, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the firing commenced at Brownsville?—A. In barracks, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Have you ever been in a saloon in Brownsville kept by a white man?—A. No, sir.

*Private Boyd Conyers, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced in Brownsville?—A. On guard, asleep; on guard. Had been relieved about half an hour.

Q. Who did you see when you woke up?—A. I was awakened by several voices. Everybody was in a stir getting out. I got up and fell in line with the rest of the guard, and then I was posted at the back end of the guardhouse to watch the back end of the guardhouse.

Q. When you first fell in, how many men were there in ranks?—A. I do not remember.

Q. Was there one or twenty?—A. As many as six—about six.

Q. What noncommissioned officer did you see?—A. Sergeant Reid,

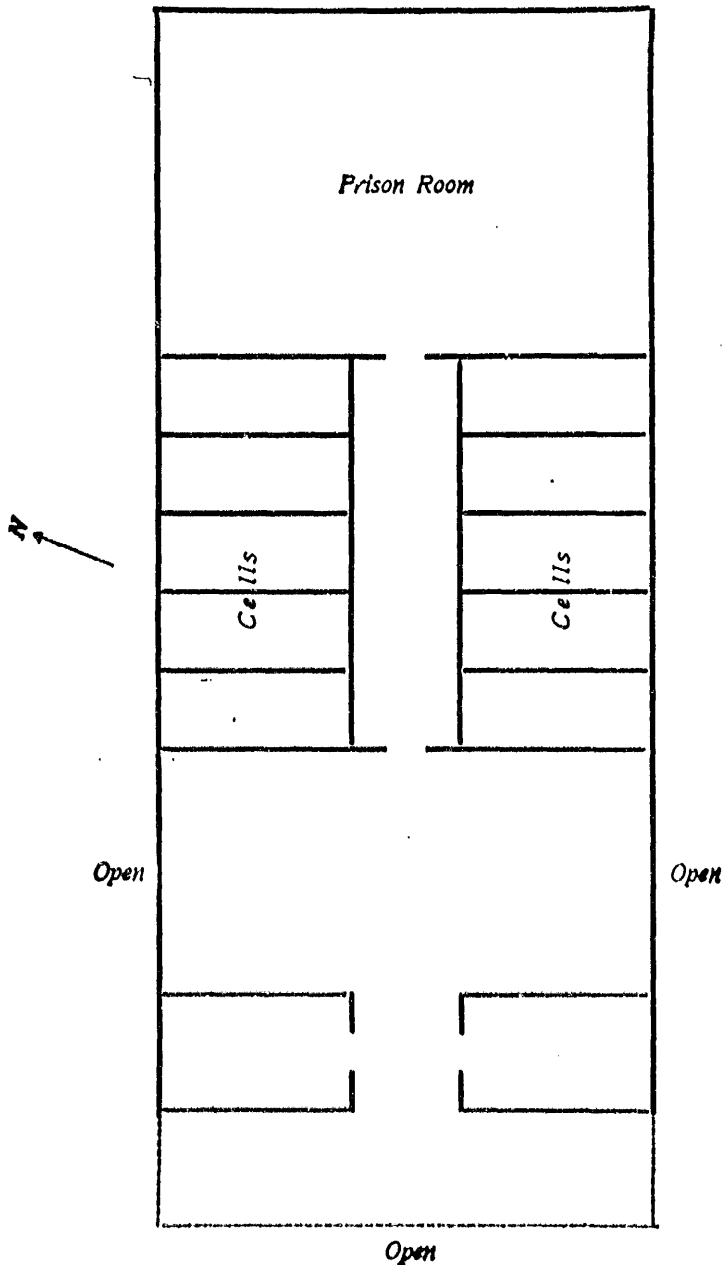


commander of the guard. He posted me at the rear end of the guardhouse.

Q. Is the guardhouse all one building?—A. No, sir; where the prisoners stay is kind of light like between that and where the guard stays. It is all connected together, I think, but am not positive. Kind of light separates where are the prison cells and the front part of the guard.

Q. In front, then, of the prison room and cells what do you find? Is there a room in front of them?—A. Yes, sir; two rooms in front of prison cells; prison cells back of front part of building. There is a room on one side and a room on the other side—room for noncommissioned officers and room for privates to sleep off relief.

No. 1.



Q. In front of the guardhouse?—A. Yes, sir.

Q. What is immediately in rear of these two rooms?—A. The rooms back there where the prisoners stay.

Q. Is there anything between the rooms occupied by the guard privates and noncommissioned officers and the place where the prisoners stay?—A. No, sir; nothing between them.

Q. No open space?—A. Yes, sir; open space, but no building.

Q. Does this resemble the guardhouse (shown diagram No. 1\*)?—A. With that open there on each side; yes, sir.

*Private Caroline Desaussure, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Fort Brown?—A. On guard, sir; at the guardhouse.

Q. Awake or asleep?—A. Asleep, sir.

Q. When you first woke up what noncommissioned officer did you see?—A. Sergeant Reid, commander of the guard, B Company.

Q. Any corporals?—A. Yes, sir; corporals there; Corporal Burdett, of B Company.

Q. Any others?—A. Yes, sir; two others; I didn't see them at the time. The sergeant sent me right away from the guardhouse.

Q. Does this represent the guardhouse (shown diagram No. 1\*)?—A. Yes, sir.

*Private Lawrence Daniels, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. Fort Brown, Tex.; on guard, sir.

Q. Awake or asleep?—A. Asleep when the shooting commenced.

Q. When you woke up what noncommissioned officer did you first see?—A. First noncommissioned officer was Sergeant Reid.

Q. Did you see him as soon as you woke up?—A. Yes, sir.

Q. Do you remember how the guardhouse looked at Fort Brown?—A. Yes, sir.

Q. Does this represent the guardhouse (shown diagram No. 1\*)?—A. Yes, sir.

Q. Were you ever abused in Brownsville?—A. No, sir.

*Private William Harden, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. On August 13, 1906, in hospital, east ward, at Fort Brown.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. Have you ever had any trouble of any kind in Brownsville?—A. No, sir; in hospital all the time except four or five days; went to hospital few days after went there and stayed until we left.

*Private August Williams, O Company (recalled).*

Q. Were you ever abused by any man in Brownsville?—A. No, sir.

Q. Ever have the slightest trouble with anybody in Brownsville?—A. No, sir.

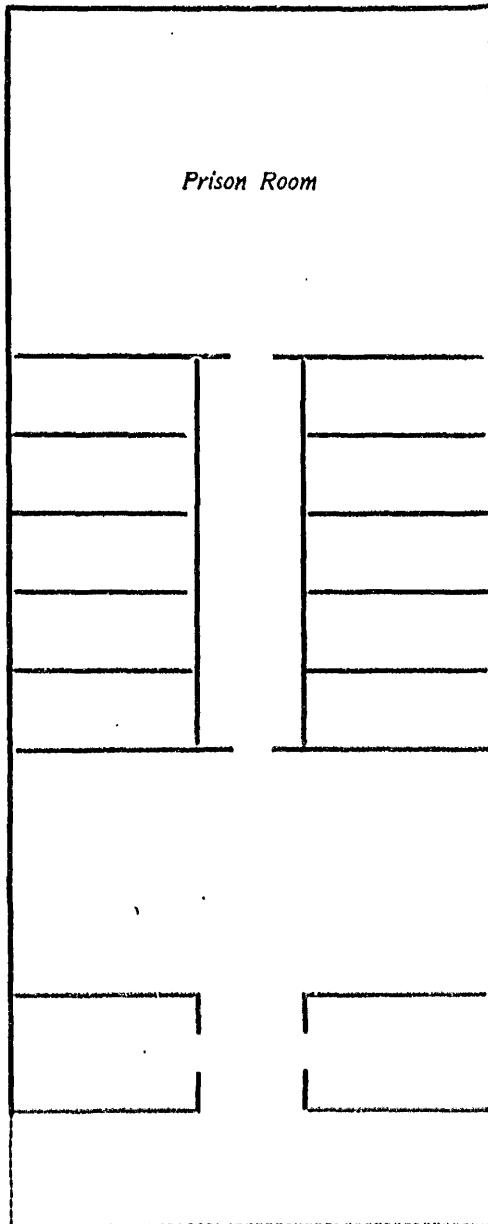
Q. Were you ever out walking with McGuire and Harden?—  
A. Yes, sir; I was.

Q. Did you have any trouble while you were with them?—A. No, sir; I didn't.

Q. Did they have any trouble?—A. McGuire and us were walking down the street; McGuire was on the outside and passed along by a white fellow. I guess he kind of pushed up against him; I wasn't paying any attention. He calls this boy a "black son of a bitch."

Q. McGuire didn't call him any names?—A. No, sir; didn't call him any names at all.

No. 2.



Q. Didn't call you anything, did he?—A. No, sir; didn't call me anything.

*Private Shepherd Glenn, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. In my bunk, in quarters, asleep.

Q. Have you ever been abused in Brownsville?—A. No, sir.

Q. You ever been in a barroom kept by a white man?—A. No, sir; never in any saloon at all down there.

*Private Isaac Goolsby, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. In quarters, asleep.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Were you ever in a saloon kept by a white man?—A. No, sir.

Q. Why not?—A. Heard they didn't allow us and didn't go there.

*Lieutenant Grier, Twenty-fifth Infantry (recalled).*

Q. Does this represent the guardhouse (shown diagram No. 1<sup>a</sup>)?—A. Yes, sir; except there is a wall in the two side spaces marked open; are not open, but closed with a wall about 12 feet high, to the best of my knowledge and belief.

Q. Does this represent the guardhouse correctly (shown diagram No. 2<sup>b</sup>)?—A. Yes, sir; it does.

*Private McGuire, C Company (recalled).*

Q. Were you ever abused by anybody in Brownsville?—A. Me and Private Williams and Private Harden were walking out one evening and a civilian came along. I was on the outside and he wanted to go between us and I just closed in to the right and let him go on the outside. When he got off a piece, turned around, and said: "You black son of a bitch; don't you know this is a white man's town?" We didn't say anything; we just turned and went on.

*Private William Harden, B Company (recalled).*

Q. Were you ever abused by anyone in Brownsville?—A. No, sir; I was downtown one night before I went to the hospital, with McGuire and August Williams, the other man's name. All three walking the street. This man McGuire was on the outside, next to the road. We met a young white gentleman and their shoulders kind of touched one another and he turned around and cursed this man McGuire for a "black son of a bitch," and told him that this was a white man's town, and when he met him he wanted to get out in the street. That was all between the two men; we proceeded on back to the post. Next morning I went to the hospital.

<sup>a</sup>See p. 505.

<sup>b</sup>See p. 507.

*Private Charley Hairston, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. Fort Brown, Tex.; on guard.

Q. What was the number of your post?—A. No. 3, around officers' quarters.

Q. Could you see anything over in the vicinity of the guard-house?—A. No, sir.

*Private James Johnson, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In my bed.

Q. Where was your bed?—A. Fort Brown.

Q. In quarters or out of quarters?—A. In quarters, sir.

Q. Awake or asleep?—A. I was asleep when the trouble started.

Q. Were you ever abused in Brownsville?—A. No, sir.

Q. Did you ever hear of anybody being abused in Brownsville? If so, mention their names.—A. No, sir.

*Private Frank Jones, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. In my bunk, sir.

Q. Where was that?—A. Fort Brown.

Q. What part of Fort Brown?—A. Barracks.

Q. Awake or asleep?—A. Asleep, sir, when firing commenced.

Q. Were you ever abused in Fort Brown?—A. No, sir.

Q. Did you ever hear of anybody being abused in Fort Brown?—A. Yes, sir.

Q. Give the names of the people abused.—A. One man was Private Newton; I can't remember the other names.

*Private Henry Jones, Company B, Twenty-fifth Infantry.*

Q. Where were you when the shooting commenced?—A. Fort Brown, Tex.

Q. What part of Fort Brown, Tex.?—A. In the barracks, asleep, sir; in bed.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private George Lawson, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. Fort Brown, Tex.; in barracks, asleep, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Willie Lemons, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced in Brownsville?—A. In Fort Brown.

Q. Whereabouts in Fort Brown?—A. In my bunk, asleep.

Q. In barracks?—A. Yes, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever go into a saloon kept by a white man in Brownsville?—A. No, sir.

*Private Samuel McGhee, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. In my quarters, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

Q. Did you ever go into a saloon kept by a white man in Brownsville?—A. No, sir.

Q. Why not?—A. Because the evening we arrived there I was told when I came off guard that I wasn't wanted in those saloons and I didn't go into any of them.

Q. Ever go into a Mexican saloon?—A. No, sir.

*Private George W. Mitchell, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when shooting commenced?—A. Asleep, sir.

Q. Where?—A. In quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Thomas Taylor, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In bed, asleep; Fort Brown, Tex.

Q. Whereabouts in Fort Brown?—A. In quarters, Fort Brown.

Q. Anybody ever abuse you in Brownsville?—A. No, sir; never went around them.

*Private William Thomas, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13 when the shooting commenced in Brownsville?—A. In my bunk, sir.

Q. Whereabouts?—A. In quarters, B Company.

Q. Who was the first person that you saw after you awoke?—A. I do not know the man that woke me up; they were making noise running around quarters.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Alexander Walker, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In my room, sir; asleep. I was cook at that time for the company.

Q. In barracks?—A. Yes, sir.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Edward Warfield, Company B, Twenty-fifth Infantry.*

Q. Where were you on August 13, 1906, when the firing commenced?—A. In my bed, in the quarters, asleep.

Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Julius Wilkins, Company B, Twenty-fifth Infantry.*

- Q. Where were you on August 13, 1906, when the firing commenced?—A. Asleep in my bed, in my company quarters.  
 Q. Anybody ever abuse you in Brownsville?—A. No, sir.  
 Q. Any way, shape, or manner?—A. No, sir.

*Private Bristol Williams, Company B, Twenty-fifth Infantry.*

- Q. Where were you on August 13, 1906, when the shooting commenced in Brownsville?—A. In quarters, in my bunk.  
 Q. Awake or asleep?—A. Asleep.  
 Q. Anybody ever abuse you in Brownsville?—A. No, sir.  
 Q. Did you ever hear of any soldier being abused in Brownsville?—A. Yes, sir; two men of C Company.  
 Q. Who were they?—A. Private Newton and Private Reid.  
 Q. What did they do to them?—A. Newton got hit over the head with a six-shooter; Reid was shoved overboard in the Rio Grande.  
 Q. Any other men?—A. No, sir; not that I know of.

*Private Joseph L. Wilson, Company B, Twenty-fifth Infantry.*

- Q. Where were you on August 13, 1906, when the shooting commenced in Fort Brown?—A. In company quarters.  
 Q. Awake or asleep?—A. Asleep, sir.  
 Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private James Bailey, Company B, Twenty-fifth Infantry.*

- Q. Where were you on August 13 when the shooting commenced?—A. I was sick in hospital; in post hospital.

*Private Stansberry Roberts, Company B, Twenty-fifth Infantry.*

- Q. Where were you on August 13 when the firing commenced?—A. In my quarters, asleep, sir.  
 Q. Anybody ever abuse you in Brownsville?—A. No, sir.

*Private Battier Bailey, Company B, Twenty-fifth Infantry.*

- Q. Where were you on August 13 when the firing commenced?—A. In my bed, sir.  
 Q. Where was your bed; in quarters?—A. In quarters; yes, sir.  
 Q. Anybody ever abuse you in Brownsville?—A. No, sir.

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[Affidavits.]

Personally appeared before me, the undersigned authority, one Solomon P. O'Neil, a corporal of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he was asleep in his company quarters at Fort Brown, Tex., on the night of August 13-14, 1906, when he was awakened some time in the middle of the night by the sound of a shot, and that right after this shot he heard rapid

firing; that it sounded as the noise of the shooting was outside the quarters—in the direction of Brownsville; that he then got up, hearing "call to arms," and went to get his rifle, which was locked up on the gun racks, and not being able to get it went to the window in the direction of the firing and looked out, and could then see the flashes of the guns which were being fired on the outside of the wall and in rear of B Company's quarters; that it was so dark he could not see who was doing this shooting, but could hear some one call out between shots, "Oh, you black sons of bitches;" that he heard about fifty shots, more or less, on this night; that he does not know who did this shooting nor has he any reason to suspect any particular person or persons of being concerned in it. And further the deponent saith not.

SOLOMON P. O'NEIL,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me, at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one William Harden, a private of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

I was in the post hospital at Fort Brown, Tex., asleep on my bunk, on the night of August 13, 1906, when the shooting took place at that post. The shooting woke me up. I got up and came out on the front porch toward town with the hospital steward and the other patients. When I got out on the hospital porch I heard a bunch of mounted people galloping along the wire fence from east to west along the north boundary of the post. They were coming from the northeast corner of the wire fence. They opened up a fire near where the wire fence joins the wall, in rear of the first set of barracks. They fired a few shots here, I don't know exactly how many, and then rode on along the wall to where most of the firing took place—in rear of B and C Company barracks. Firing ceased soon after call to arms sounded. Some six or seven bullets came over the hospital. We got behind those big brick pillars. The bullets were lead bullets, because they had a coarse hum and did not sing like a steel bullet. It was too dark to see any persons. I knew nothing about any trouble.

And further the deponent saith not.

WILLIAM HARDEN,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me, at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one Charles E. Rudy, an artificer of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he was asleep on the front porch of his company quarters at Fort Brown, Tex., on the night of August 13-14, 1906, when he was awakened about 12 o'clock by a shot. That this first shot seemed to come from the direction of Brownsville, and that right after that shot a number of shots were fired very rapidly near where the first shot was fired. That he got up and went into the quarters, and that by the time he got inside the quarters "call to arms" had sounded, and he went to the gun rack to get his gun, but he found the gun rack locked and went to the back door and looked out to see if he could see



the shooting, and saw the flash of a number of guns which were being fired from along the wall which separates Fort Brown from Brownsville, and that it looked as though they were being fired on the outside of the wall. It was so dark that he could not see who was firing, but from the flashes it looked as though about twenty-five or thirty people were firing. From the direction of the flashes it looked as though the parties firing were firing in the direction of B Company's quarters, and high. That as the shooting continued he heard cursing and calls of "Come out, you black sons of bitches, and we will kill all of you," from where the shooting was going on. That he left the door and went to get his rifle and fall in with the company outside of the quarters, and saw no more of the shooting. That he does not know who did this shooting.

And further the deponent saith not.

CHARLES E. RUDY,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

FORT BROWN, *State of Texas*, ss:

Personally appeared before me, the undersigned authority, one Jacob Frazier, a first sergeant of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About 12 o'clock midnight, August 13, 1906, I was asleep in my house, which is situated about 100 yards east of the east set of soldiers' quarters. I was awakened by two shots being fired from the road in rear of B Company quarters, as near as I can judge. My first impression was that it was the alarm for fire. I immediately got on some clothes and started to run for the company. Then a fusillade of shots was fired from along this road, and the call to arms was sounded. When I was passing in front of Company C quarters I distinctly heard some one shout "Cease firing," several times, and it seemed to come from the road in rear of barracks. When the fusillade of shots started and the call went, I thought the post was being shot up by the civilians of Brownsville. When I reached barracks the men were coming out with their guns, and I fell in the company and checked them, using a lantern. Two men were absent on pass, Corpl. C. H. Hawkins and Private Walter Johnson. When the company was formed Captain Lyon took command and took up a position along the wall in rear of the barracks. Then we patrolled through town and returned to the post. I do not know who did the firing. I would not believe that the soldiers had anything to do with it until I was told that Government ammunition was found the next morning. I do not believe that any member of D Company was implicated in the affair. I know of nothing that could have caused or that would warrant this firing.

JACOB FRAZIER,  
*First Sergeant, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Brown, Tex., this 21st day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

[For affidavits, here omitted, of Sergt. George Jackson, Sergt. Darby W. O. Brawner, Corpl. David Powell, Private J. H. Howard, and Scavenger M. G. Tamayo, and statement of Sergt. J. R. Reid to Maj. A. P. Blocksom, see papers appended to Major Blocksom's report, pp. 437-440.]

SAN ANTONIO, COUNTY OF BEXAR, *The State of Texas*, ss:

Personally appeared before me, the undersigned authority, one Edwin P. Thompson, who, being sworn, deposes and says:

That he is a second lieutenant in the Army of the United States; that in such capacity he served at Fort Brown, Brownsville, Cameron County, State of Texas, from September 4, 1903, until August 13, 1906; that when it was known that a battallon of the Twenty-fifth United States Infantry was to garrison the post many derogatory remarks were made before its arrival by some citizens in reference to the colored soldiers in words as follows, or words to the like effect: "We don't want the damn niggers here;" "Niggers will always cause trouble;" "To hell with the colored soldiers; we want white men," and that he is unable to fix any one of such remarks upon any one citizen owing to the frequency with which like remarks were made and the period of time covered; that various minor clashes occurred between the individual citizens of the town and the soldiers; that one Teofilo Crixell, a saloonkeeper of Brownsville, Tex., told him that a row had occurred in the "White Elephant" saloon, owned by one Vicente Crixell, in words to this effect, to wit: That one Bates, a Federal officer, was at the bar drinking when a colored soldier entered and asked for a drink; that the said Bates then turned to the soldier and said no nigger could drink at the same bar with him, and that upon the soldier remarking that he was as good as any white man said Bates drew his revolver and hit the soldier over the head; said Bates then going to the police headquarters and offering to pay his own fine.

Further deponent saith not.

E. P. THOMPSON,

*Second Lieutenant, Twenty-sixth Infantry.*

Sworn to and subscribed before me this 27th day of September, 1906.

L. M. PURCELL,

*Second Lieutenant, Twenty-sixth Infantry, Judge-Advocate.*

STATE OF TEXAS, *Post of Fort Sam Houston*, ss:

Personally appeared before the undersigned authority, one D. W. Kilburn, a captain of the Twenty-sixth Infantry, who, being duly sworn according to law, deposes and says:

I was stationed at Fort Brown, Tex., from January 25, 1904, to June 2, 1906. On or about the 20th of May, 1906, orders were received transferring the Third Battallon of the Twenty-sixth Infantry to Fort Sam Houston, Tex., and ordering a battallon of the Twenty-fifth Infantry (colored) to take station at Fort Brown. Great discontent was shown by the citizens upon receipt of the order. Upon one occasion in particular Mr. Tillman, a citizen of Brownsville, and owning a large grocery store opposite Crixell Brothers, in a conversation with me expressed his doubt about the advisability of sending colored troops to Brownsville. He further said, to the best of my recollection at this date, that it would not be long before they had white troops back again. I believe that several other citizens of Brownsville were present at the time and acquiesced in the above statements.

Further deponent saith not.

D. W. KILBURN,

*Captain and Quartermaster, Twenty-sixth Infantry.*

Subscribed and sworn to before me this 11th day of September, A. D. 1906.

L. M. PURCELL,

*Second Lieutenant, Twenty-sixth Infantry,  
Judge-Advocate, General Court-Martial.*

Personally appeared before me, the undersigned authority, one George Grier, a cook of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That on the night of August 13-14, 1906, at Fort Brown, Tex., he went to bed at 9 o'clock on the porch of the C Company, Twenty-fifth Infantry, quarters, on the side which is nearest to Brownsville, Tex. That he went to sleep and was not awakened until about 12 o'clock, when he was awakened by a shot which was fired on the Brownsville side of the wall between Fort Brown and Brownsville, and in the rear of the B Company, Twenty-fifth Infantry, quarters. That immediately after this he saw the sentry, who was on post near this place, fire three shots in front of B Company's quarters, and heard him call out several times: "Number 2, the guard." That it was so dark that he could not see the sentinel himself when he fired these shots, but he saw the flash of a gun pointed up in the air right where the sentinel was calling for the guard. That just then he went inside a little room next to the porch and shut the door, and immediately afterward he heard ten or twelve shots, more or less, which seemed to come from the direction of the place where the first shot was fired. That he was in a hurry to get inside, fearing that he would get shot, and he did not see who fired the first shot on the outside of the wall. That he was on the inside of the quarters when the other shots were fired from the direction of the wall, and has no idea who fired them. That he has learned nothing since this time which would lead him to form any opinion as to who fired any of these shots except those which the sentinel fired.

And further the deponent saith not.

GEORGE GRIER,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed to before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,  
*Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one Thomas Jefferson, a private of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he went to bed in his company quarters at Fort Brown, Tex., about 9 o'clock on the night of August 13-14, 1906, and was awakened by the report of a shot in the middle of the night; that then he went to the window and looked out in the direction of where the shot came from, this being toward the rear of B Company's quarters. He saw from the flash of a gun that a man was firing from inside the wall (on the side nearest to the quarters), between the rears of B and C Companies. This man seemed to be firing high and up over the quarters. He fired six shots. At the same time about ten men who were scattered along the wall, either on the outside of the wall or on the inside of it, in rear of B Company's quarters, were keeping up a steady fire, and fired probably 100 shots or over. These men seemed to be firing high, but he could not tell in what direction they were firing, and while they were still firing he went back and sat down on his bed to listen whether any of the shots were hitting the quarters or not. None seemed to be hitting the quarters, so he made up his mind that the firing was not at the quarters. Then call to quarters sounded and he went outside to fall in with the company. That the firing ceased while he was still sitting on his bed; that it was so dark that he could not see the persons who were firing while standing at the window; that no one else was standing at the window while he was standing there, and that he saw no one else standing at any of the windows looking out; that he thinks that the first shot fired was a pistol shot, as it made a very sharp report; that he thinks that some of the rest of the shots were fired by rifles, as the reports of these were louder and not so sharp, and some by pistols; that he does not know who did this shooting or has not heard anything

to lead him to suspect any particular person or persons of being concerned in this shooting.

THOMAS JEFFERSON,  
*Private, Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one William Mapp, a private of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he was asleep in his company quarters at Fort Brown, Tex., on the night of August 13-14, 1906, when he was awakened some time in the middle of the night by the sound of shooting outside of the quarters and the noise of trumpets blowing call to arms; that he then put on his clothes, and while doing this heard some one from the outside of the quarters call out, "Come out, you black sons of bitches;" that the sound of shooting and of this person's voice seemed to come from outside and back of the quarters; that he heard about ten or fifteen shots in all; that he did not see any of this shooting and does not know who did it, and has no reason to suspect any particular person or persons of being concerned in it; that he was told by the corral boss the next morning that he, the corral boss, had seen a crowd of men near the post who seemed to be looking for soldiers with the evident intention of killing them; that the above is all that he knows concerning this shooting, and that he has no reason to suspect any particular person or persons of being concerned in it.

And further the deponent saith not.

WILLIAM MAPP,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Charles Dade, a cook of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About 12 o'clock midnight August 13, 1906, I was asleep in a house which I had rented for my wife and family, situated directly across the street from the kitchen door of barracks. I was awakened by my wife, who said there was some firing going on outside. I went out and saw there was no shooting near my house, so brought my family across the road to barracks. Just as I reached the wall in rear of barracks the call "to arms" was sounded. The firing continued while I was crossing the road and after I had crossed. I did not see any flashes from guns, nor do I know what kind of firearm was being used. There was no firing in the road in rear of D Company quarters; it came from the vicinity of the post gate and the telegraph office, it seemed to me. After I had reached barracks I remained in the kitchen. I do not know who did the firing, nor do I know what could have caused it.

Further deponent saith not.

CHARLES DADE,  
*Cook, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Reno, Okla., this 4th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one William A. Matthews, private of Company D, Twenty-fifth Infantry, who, being sworn according to law, deposes and says:

About 12 o'clock midnight August 13, 1906, I was asleep in my bunk in my company quarters; I was awakened by firing; this firing sounded like a volley from about six guns; the reports did not sound like the report of the service rifle; the flash of the guns was reflected into my squad room. I thought the post was being fired upon from the town of Brownsville. I dressed, got my rifle as soon as the arm racks were opened, and fell in with my company. Deponent further says that he knows nothing as to what persons did this shooting; that he heard several men talking together about 8.30 p. m. on the night the shooting took place; these men were apparently coming in from the main gate of the post; one man asked, "What would you do if they shot us up?" or words to that effect; one of the others replied, "I would get my rifle and shoot back at them," or words to that effect. Deponent further says that he was near a window in the second story of the barracks, too far away to recognize the men; that they went toward the east part of post.

WILLIAM A. MATTHEWS,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Brown, Tex., this 19th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,*  
*Trial Officer, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one John Henry, a private of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About midnight, August 13, 1906, I was asleep in my bunk at the corral. I was awakened by some civilian teamsters who said that there had been firing on the post, but that it was all over. I went back to sleep and did not get out of bed until the next morning. I do not know who did the firing, nor what caused it, nor anything about it.

Further deponent saith not.

JOHN HENRY,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me, at Fort Reno, Okla., this 3d day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,*  
*Trial Officer, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Alexander Ash, a private of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About 12 o'clock midnight, August 13, 1906, I was on post No. 4, which extends around the quartermaster and commissary storehouses. The first unusual thing that happened was two shots fired from somewhere beyond the hospital

from where I was. I immediately hurried to that end of my post, and then a lot more shots were fired from the vicinity of the rear of barracks. I can not say positively where these shots were fired, but it sounded as if they came from that vicinity. I have no idea who did the shooting, citizens or soldiers. I heard nothing before this night that would lead me to believe that there was going to be any trouble. I have heard nothing since this night as to who did the firing or for what reason.

Further deponent saith not.

ALEXANDER ASH,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me, at Fort Brown, Tex., this 19th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,*  
*Trial Officer, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Joseph H. Howard, private of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About 12 midnight, Monday, August 13, 1906, I was a sentinel on guard on post No. 2, which extends completely around the four barracks. The first thing that occurred that was unusual was a shot fired in the road opposite where I was at the time, on my post opposite the interval between B and C Company quarters. Several other shots followed in quick succession, and after a short interval what sounded like a fusillade of shots. My first impression was that I was being fired upon. I shouted the alarm after I had looked in that direction and had been unable to see anything. Then I ran to the front of barracks, passing between B and C Company quarters, and there stayed until the companies had formed, when I returned to that portion of my post. I did not see anyone cross my post except men going to and from the closets before taps. After the shooting men were stationed along the wall alongside of my post. At the time of the shooting the scavenger was at work at the closets along the wall. I do not know who did the shooting. The reports sounded like rifle shots to me. I should judge about fifty or more shots were fired.

Further deponent saith not.

JOSEPH H. HOWARD,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Brown, Tex., this 20th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,*  
*Trial Officer, Summary Court.*

Personally appeared before me, the undersigned authority, one Lawrence Daniel, a private of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

I was on guard on the night of the 13th of August, 1906. I was asleep and the firing woke me up. Sergeant Reid said, "Fall in, guard," and I fell in with the rest of the guard. Sergeant Reid put me on post at the guardhouse. The noise sounded like about twelve men were shooting. I heard one bullet pass over, about one hundred yards in front of me. It seemed to come from town and go toward the lake. The firing had been going on for about ten sec-

onds and a good many shots had been fired when the commander of the guard, Sergeant Reid, had "call to arms" sounded.

And further deponent saith not.

LAWRENCE DANIEL,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one James A. Simmons, a private of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he was asleep in a house in Brownsville, Tex., on the night of August 13-14, 1906, when he was awakened some time in the middle of the night by his wife, who asked him if he heard the shooting. That he then heard some shooting and trumpet calls some distance away, and got up and dressed and looked out of the door. The shooting then stopped and he then went back to bed. That the above is all that he knew of there being any shooting on this night until he was told about it the next morning at Fort Brown. That he saw no shooting. That he has no reason to suspect any particular person or persons of doing any shooting on this night.

And further the deponent saith not.

JAMES A. SIMMONS,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one William J. Kernan, a private of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

I was asleep on my bunk in quarters when the firing took place at Brownsville on the night of August 13, 1906. The trumpet blowing call to arms woke me up. I jumped up and started down the steps; some one hollered to me to come back and get my gun. Then Sergeant Jackson came with the keys and unlocked the rack and I got my rifle out and went down and fell in ranks. The shooting seemed to be right down in rear of quarters, and I thought that some of the civilians had broken in and was shooting us up. I did not hear any bullets, but I still think that it was civilians, because they did not like us in the town; and our men was in ranks answering to their names while some shooting was still going on.

And further the deponent saith not.

WILLIAM J. KERNAN,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Samuel E. Scott, private of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About midnight August 13, 1906, I was asleep in my bunk in barracks. I was awakened by the sound of shooting somewhere in the rear of barracks. I did not hear very many shots fired. When I woke up I commenced to dress; then call to arms went, and I got my gun and fell in ranks with the company. I do not know who did the firing, nor what caused it, nor anything about it.

Further deponent saith not.

SAMUEL E. SCOTT,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Reno, Okla., this 3d day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one William Van Hook, a private of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About midnight August 13, 1906, I was asleep in my bed in barracks. I was awakened by the noise in the squad room. I commenced to dress and heard some shots fired outside in the town somewhere. I first thought that it was the alarm for fire, but when call to arms sounded and I got my gun and fell in with the rest of the company, I thought the post was being fired on. I do not know who did the firing, nor do I know what caused it.

Further deponent saith not.

WILLIAM VAN HOOK,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Brown, Tex., this 22d day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

Personally appeared before me, the undersigned authority, one Lewis Williams, a private of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he was asleep in his bunk in his company quarters at Fort Brown, Tex., on the night of August 13-14, 1906, when he was awakened by the sound of call to arms some time in the middle of the night. That he then got up and dressed and got his rifle and fell in line with his company in front of the quarters. That he heard one or two shots after he got in line, but none before. There was a good deal of noise in the room where he was dressing. The noise of the shots he heard came from in rear of quarters. That he does not know who did this shooting, nor has he any reason to suspect any particular person or persons of being concerned in it.

And further the deponent saith not.

LEWIS WILLIAMS,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*



Personally appeared before me, the undersigned authority, one Newton Carlisle, a sergeant of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

That he was asleep in his bunk in his company quarters at Fort Brown, Tex., on the night of August 13-14, 1906, when he was awakened some time in the middle of the night by the sound of shooting. That he got up and dressed, and while he was dressing call to arms sounded outside of the quarters. That he then went to the gun racks, and after getting his gun went out and fell in with the company outside of the quarters. That he did not see any of this shooting and does not know who did any of it, and has no reason to suspect any particular person or persons of being concerned in it.

And further the deponent saith not.

NEWTON CARLISLE,  
*Company C, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one Walker McCurdy, quartermaster-sergeant of Company B, Twenty-fifth Infantry, and who, being duly sworn according to law, deposes and says, as follows:

On night of August 13, 1906, I was sleeping in my room at door of the ordnance storeroom. I was waked by both firing and call to arms; both going on at same time. I tried to get my rifle, but it was locked in the storeroom, and I could not find the right keys in the dark. I went out to the company without my rifle or shoes. The roll was called, and I was ordered to bring out a box of ammunition. I went in and got a lantern, then picked out the correct key and opened the storeroom and got out a box of ammunition and opened it in front of the company. My window opens on the back side of quarters, and as I got up I saw two flashes from rifles. It seemed that they were in the street on the other side of the wall, shooting toward the river. I saw no soldiers in rear of the company barracks. When the roll had been called, and I came back for the box of ammunition, I saw a man, who I taken to be the sentinel, walking on the board walk from back of C Company's quarters toward B Company's quarters.

And further deponent saith not.

WALKER MCCURDY,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one Ray Burdett, a corporal of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

When the firing began on the night of August 13, 1906, I was on guard. I was asleep on a bunk inside the guardhouse. I was waked up by "call to arms" sounding. I went out and fell in ranks. The commander of the guard sent me with two men over toward where the firing was taking place. The firing seemed to be over the wall, just in rear of B Company's quarters. The commander of the guard had ordered me to go to sentinel No. 2, who had fired and called the guard. When I got over there I met the commanding officer, and

he ordered me to remain where I was—between B and C Company's quarters. I could see the flashes and they seemed to be shooting toward B Company's quarters. About three men were firing there. I could hear some more firing, but could not tell where it was at. I am sure it wasn't inside the wall. It seemed to me to be rifles of some kind that was being fired. I think they was Winchester. It was so dark that I could not see any persons. I have no idea who did the firing. After firing had ceased the commanding officer sent me and my two men over to the officers' line as a guard, and I remained over there where the ladies were.

And further the deponent saith not.

RAY BURDETT,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one Charley Hairston, a private of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

On the night of August 13, 1906, I was on guard at Fort Brown, Tex. I was on post No. 3, which extends around the officers' quarters. I was in front of the commanding officer's quarters when the firing began. It seemed to be just behind B Company's quarters. I could see no flashes. First came six shots from a revolver in rapid succession and then a bunch of louder shots. The commanding officer came out and told me to run and tell them to sound call to arms. I was going across to the company, and when I got about halfway across the parade ground "call to arms" began to sound at the guardhouse. I have no idea who was shooting. I went over to the company and then came back to my post.

And further the deponent saith not.

CHARLEY HAIRSTON,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

Personally appeared before me, the undersigned authority, one George W. Mitchell, a private of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

I was in my company quarters, asleep on my bunk, on night of August 13, 1906. Private Johnson woke me up and told me to get up, as they were shooting outside. I got up and put on my clothes. Sergeant Jackson was just unlocking the gun racks when I got my clothes on and I got my rifle and went down and fell in ranks. I had no bullets. I thought that the citizens were firing on the post because I had heard that day that some soldier had attacked some white lady down town. The noise of the shots seemed to come from the street between B and D Company barracks. I saw no flashes nor men moving in rear of quarters.

And further deponent saith not.

GEORGE W. MITCHELL,  
*Company B, Twenty-fifth Infantry.*

Sworn to and subscribed before me at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Henry T. W. Brown, a private of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About 12 o'clock midnight Monday night, August 13, 1906, I was in my bunk in barracks asleep. I was awakened by the sound of firing and ran out onto the back porch to see what was the matter. From there I heard a number of shots fired from the direction of the town. The shots sounded like pistol shots to me, because they had a dead sound. I could see flashes from the firearms as they were discharged, and the flashes indicated that the shots were being fired in the direction of the post. "Call to arms" was sounded, and I got my gun from the racks and fell into line. I know nothing whatever as to who did the firing. I have heard nothing about it either before or since that night.

Further deponent saith not.

HENRY T. W. BROWN,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Brown, Tex., this 19th day of August, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Edward Jordan, a private of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

About midnight August 13, 1906, I was asleep in my bunk in barracks. I was awakened by the sound of firing, which seemed to come from the town in rear of the quarters. My first impression was that the post was being fired on. I dressed and heard call to arms sounded. Got my gun and fell in with the company. I do not know who did the firing, nor what caused it, nor anything about it.

Further deponent saith not.

EDWARD JORDAN,  
*Private, Company D, Twenty-fifth Infantry.*

Subscribed and sworn to before me at Fort Reno, Okla., this 4th day of September, 1906.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry,  
Trial Officer, Summary Court.*

[Inclosure No. 2.]

FORT RENO, OKLA., *September 30, 1906.*

THE INSPECTOR-GENERAL,  
*Southwestern Division, Oklahoma City, Okla.*

SIR: I have the honor to inclose you list of men of the companies and battalion noncommissioned officers' staff, First Battalion, Twenty-fifth Infantry, who were present or absent at Fort Brown, Tex., August 13, 1906.

Very respectfully,

C. W. PENROSE,  
*Major, Twenty-fifth Infantry, Commanding.*

[Subinclosure No. 1.]

FORT RENO, OKLA., September 30, 1906.

Lieut. Col. L. A. LOVERING,  
Acting Inspector-General, Southwestern  
Division, Oklahoma City, Okla.

SIR: In compliance with request, I have the honor to furnish the following information:

Battalion staff enlisted present at Fort Brown, Tex., August 18, 1906, Spottswood W. Taliaferro, battalion sergeant-major, Twenty-fifth Infantry.

Very respectfully,

L. B. CHANDLER,  
First Lieutenant and Battalion Adjutant,  
Twenty-fifth Infantry, Adjutant.

[Subinclosure No. 2.]

COMPANY B, TWENTY-FIFTH INFANTRY,  
Fort Reno, Okla., September 30, 1906.

ADJUTANT, Fort Reno, Okla.

SIR: I have the honor to submit the following list of men of Company B, Twenty-fifth Infantry, who were present at Fort Brown, or in the vicinity, on August 13, 1906:

No.	Name.	Rank.	No.	Name.	Rank.
1	Mingo Sanders .....	First sergeant.	29	Boyd Conyers .....	Private.
2	Walker McCurdy .....	Quartermaster-sergeant.	30	Carolina De Saussure .....	Do.
3	James R. Reid .....	Sergeant.	31	Lawrence Daniel .....	Do.
4	George Jackson .....	Do.	32	Ernest English .....	Do.
5	Luther T. Thornton .....	Do.	33	Shepherd Glenn .....	Do.
6	Jones A. Coltrane .....	Corporal.	34	Isaac Goolaby .....	Do.
7	Edward L. Daniels .....	Do.	35	William Harden .....	Do.
8	Wade Harris .....	Do.	36	Charley Halrston .....	Do.
9	Ray Burdett .....	Do.	37	John Hollomon .....	Do.
10	Wade H. Watlington .....	Do.	38	Samuel R. Hopkins .....	Discharged.
11	Anthony Franklin .....	Do.	39	James Johnson .....	Private.
12	Leroy Horn .....	Cook.	40	Solomon Johnson .....	Do.
13	Alexander Walker .....	Do.	41	Frank Jones .....	Do.
14	Henry Jimerson .....	Musician.	42	Henry Jones .....	Do.
15	Henry Odom .....	Do.	43	William J. Kernan .....	Do.
16	James Allen .....	Private.	44	George Lawson .....	Do.
17	John B. Anderson .....	Do.	45	Willie Lemons .....	Do.
18	William Anderson .....	Do.	46	Samuel McGhee .....	Do.
19	Battler Balley .....	Do.	47	George W. Mitchell .....	Do.
20	James Balley .....	Do.	48	Isalah Raynor .....	Do.
21	Elmer Brown .....	Do.	49	Stansberry Roberts .....	Do.
22	John Brown .....	Do.	50	William Smith .....	Do.
23	William Brown .....	Do.	51	Thomas Taylor .....	Do.
24	William J. Carlton .....	Do.	52	William Thomas .....	Do.
25	Harry Carmichael .....	Do.	53	Edward Warfield .....	Do.
26	George Conn .....	Do.	54	Julius Wilkins .....	Do.
27	John Cook .....	Do.	55	Alfred N. Williams .....	Do.
28	Charles E. Cooper .....	Do.	56	Brister Williams .....	Do.
			57	Joseph L. Wilson .....	Do.

Absent on August 13, 1906.

No.	Name.	Rank.	Where.
1	Ruby Wilson .....	Private .....	Absent, sick.
2	William Blanny .....	Sergeant .....	On furlough.
3	Charles W. Johnson .....	Private .....	Do.
4	Louis C. Owens .....	do .....	Absent, sick.
5	Thomas H. Jones .....	Artificer .....	Detached service at Fort Sill, Okla.

Respectfully submitted.

J. A. HAGINS,  
First Lieutenant, Twenty-fifth Infantry, Commanding Company B.

## [Subinclosure No. 3.]

*List of names of men who were present in Fort Brown, Tex., on the night of August 13, 1906.*

Quartermaster-Sergt. George W. Mc-Murray.	Private Robert James; since discharged.
Sergt. Samuel W. Harley.	Private Thomas Jefferson.
Sergt. Newton Carlisle.	Private Edward Johnson; in Brownsville, on pass.
Sergt. Darby W. O. Brawner.	Private George Johnson.
Sergt. George Thomas; in Brownsville, on pass.	Private John Kirkpatrick.
Corpl. Charles H. Madison.	Private Edward Lee; in Brownsville, on pass.
Corpl. Solomon P. O'Neill.	Private John W. Lewis; since discharged and reenlisted for Tenth Cavalry.
Corpl. Preston Washington.	Private Frank J. Lipscomb.
Corpl. Willie H. Miller.	Private West Logan.
Corpl. John H. Hill.	Private William Mapp.
Cook George Grier.	Private William McGuire, jr.
Cook Louis J. Baker.	Private Andrew Mitchell.
Musician James B. Armstrong.	Private Thomas L. Mosley.
Musician Walter Banks.	Private James W. Newton.
Artificer Charles E. Rudy.	Private George W. Perkins.
Private Ollford I. Adair.	Private James Perry.
Private Henry W. Arvin.	Private Oscar W. Reid.
Private Charles W. Askew.	Private Joseph Rogers.
Private Frank W. Bouncer.	Private James A. Simmons.
Private Joseph Carter; since discharged; not in service.	Private James Sinkler.
Private Perry Cisco; since discharged and reenlisted in Tenth Cavalry.	Private Calvin Smith.
Private Robert L. Collier.	Private George Smith.
Private Erasmus T. Dabbs.	Private John Smith.
Private Mark Garmon.	Private John Streater.
Private George W. Gray.	Private Robert Turner.
Private Joseph H. Gray.	Private Leartis Webb.
Private James T. Harden.	Private August Williams.
Private George W. Harris.	Private Louis Williams.
Private John T. Hawkins.	Private James Woodson.
Private Alphonse Holland.	

*Members of company not present in Brownsville or vicinity on the night of August 13, 1906.*

First Sergt. William Turner; at Fort Sill, Okla.  
 Corpl. John Young; at Kansas City, Mo.  
 Private James Williams; at Fort Bayard, N. Mex.  
 Respectfully submitted.

EDGAR H. MAOKLIN,  
*Captain, Twenty-fifth Infantry, Commanding Company C.*

## [Subinclosure No. 4.]

*List of men of Company D, Twenty-fifth Infantry, present at Fort Brown, Tex., and vicinity, August 13, 1906.*

## PRESENT.

First Sergt. Jacob Frazier.	Corpl. Albert Roland.
Quartermaster-Sergt. Thomas J. Green.	Musician Hoytt Robinson.
Sergt. Israel Harris.	Musician Joseph Jones.
Sergt. Jerry D. Reeves.	Cook Charles Dade.
Sergt. Walter Adams.	Cook James Duncan; since discharged.
Corpl. Temple Thornton.	Artificer George W. Newton.
Corpl. Samuel Wheeler.	Private Ash, Alexander; since discharged.
Corpl. Charles Hawkins; on pass.	Private Ballard, James H.
Corpl. David Powell.	Private Barclay, Henry.
Corpl. Winter Washington.	

Private Battle, Sam M.	Private Jones, Charles.
Private Birdsong, William H.; since discharged.	Private Jones, John R.
Private Brown, Henry T. W.	Private Jones, William E.
Private Butler, John.	Private Jones, William R.
Private Cotton, Luther; since discharged.	Private Jordan, Edward.
Private Crooks, Richard.	Private Mapp, Wesley.
Private Davis, Henry H; since discharged.	Private Matthews, William A.
Private Darnell, Strawder.	Private Newton, James.
Private Gant, Illas.	Private Peters, Elmer.
Private Garrard, Chester; since discharged.	Private Reeves, Len.
Private Gill, James O.	Private Robinson, Edward.
Private Green, John.	Private Robinson, Henry.
Private Haley, Alonzo.	Private Rogan, Robert L.
Private Hall, George W.	Private Scott, Samuel E.
Private Harris, Barney.	Private Shanks, Joseph.
Private Henry, John; since deserted.	Private Slow, John.
Private Howard, Joseph H.	Private Sparks, Zachariah.
Private Jackson, John A.	Private Stoudemire, Taylor; since discharged.
Private Johnson, Benjamin F.	Private Van Hook, William.
Private Johnson, Walter; on pass.	Private Wickersham, Edward.
	Private Williams, Robert.
	Private Willis, Dorsie.

## ABSENT.

Sergt. George Derrett; absent on rifle competition at Fort Sill, Okla.

SAMUEL P. LYON,  
*Captain, Twenty-fifth Infantry, Commanding Company D.*

NOTE.—The remark "On pass" indicates that these men were on pass on the night of August 13, in or near Brownsville, Tex.

S. P. L.

[Inclosure No. 3.]

*Notes by Major Blocksom on affidavits taken before Captain Lyon (submitted in Colonel Lovering's report).*

When at Fort Brown I found a number of men positive that shots were fired toward the post. Their statements were based on flashes from rifles and sounds of bullets only. I could find no evidence of bullets striking anywhere in the post and none has yet been given. My theory (page 8 [6] of my report), sustained by the general trend of evidence given by soldiers and citizens, is that first shots (especially those toward post) were fired high (for effect only upon the minds of men in the garrison). I heard nothing of the expression "black sons of bitches," etc. It will be noticed that the affidavits containing them were made by C Company men a month or more after the occurrence. As far as known, the soldiers of that company were the only ones (with one exception) who had trouble in town before the 18th of August. Nobody in B Company seems to have heard the expression, though the quarters were much nearer the firing than C Company's.

A. P. BLOCKSOM,  
*Major, Inspector-General.*

BRIG. GEN. ERNEST A. GARLINGTON, INSPECTOR-GENERAL,  
UNITED STATES ARMY.

WAR DEPARTMENT,  
OFFICE OF THE INSPECTOR-GENERAL,  
*Washington, October 22, 1906.*

SIR: I have the honor to submit the following report of an investigation made at Fort Sam Houston, Tex., and Fort Reno, Okla., pursuant to the following letter of instructions:

WAR DEPARTMENT,  
*Washington, October 4, 1906.*

Brig. Gen. E. A. GARLINGTON,  
*Inspector-General, U. S. A.*

SIR: The President directs that you proceed to the places named in the accompanying letter and endeavor to secure information that will lead to the apprehension and punishment of the men of the Twenty-fifth Infantry believed to have participated in the riotous disturbance which occurred in Brownsville, Tex., on the night of the 13th of August, 1906, resulting in the death of one and the wounding of another citizen of that city.

You are authorized to call upon the commanding general, Southwestern Division, and the commanding officers of Fort Sam Houston and Fort Reno in the prosecution of this investigation for such assistance as it may be within their power to give.

The President authorizes you to make known to those concerned the orders given by him in this case, namely: "If the guilty parties can not be discovered, the President approves the recommendation that the whole three companies implicated in this atrocious outrage should be dismissed and the men forever debarred from reenlisting in the Army or Navy of the United States."

And in this connection, the President further authorizes you to make known to those concerned that unless such enlisted men of the Twenty-fifth Infantry as may have knowledge of the facts relating to the shooting, killing, and riotous conduct on the part of the men with the organizations serving at Fort Brown, Tex., on the night of the 13th of August, 1906, report to you such facts and all other circumstances within their knowledge which will assist in apprehending the guilty parties, orders will be immediately issued from the War Department discharging every man in Companies B, C, and D of the Twenty-fifth Infantry, without honor, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government.

The time to be given to the enlisted men of Companies B, C, and D, Twenty-fifth Infantry, for consideration of this ultimatum will be determined by you. If at the end of the time designated the facts and circumstances of the occurrence in question have not been established sufficiently clearly to indicate a reasonable certainty of securing a conviction of the guilty parties by evidence obtained from enlisted men of the First Battalion, Twenty-fifth Infantry, you will report the condition by wire to The Military Secretary.

Very respectfully,

ROBERT SILAW OLIVER,  
*Acting Secretary of War.*

I proceeded from Washington to the headquarters of the Southwestern Division, Oklahoma City, Okla., to consult with Maj. A. P. Blocksom, inspector-general, who had, under orders from the com-

manding general Southwestern Division, made an exhaustive investigation of the affair at Fort Brown, Tex., of August 13, 1906, and who had submitted on August 29, 1906, a full report of the circumstances connected therewith (1157577). As a result of this consultation, nothing new was developed beyond the fact that on October 4, 1906, Lieut. Col. Leonard A. Lovering, inspector-general Southwestern Division, made an investigation at Fort Reno, Okla., into certain collateral circumstances connected with the trouble at Fort Brown, by direction of the commanding general Southwestern Division. Copy of this report is appended.<sup>a</sup> No material facts germane to the main issue were developed by this investigation.

I then proceeded to the headquarters, Department of Texas, Fort Sam Houston, Tex., for the purpose of examining the men of the Twenty-fifth Infantry confined in the guardhouse at that place, for whom warrants had been issued at Brownsville immediately after the affair of August 13. On the eve of my departure from Washington I had received papers informing me that the grand jury in Brownsville, Tex., had failed to find true bills against these prisoners. I examined each of the prisoners very carefully, first, in the form of general conversation, referring to the personal history of the man, including the place of birth, home, former occupation, and relations in civil life. I found several of them had lived in localities with which I was more or less familiar, one having lived at my own home, and then subjected them to a rigid examination. As soon as the subject of the trouble at Brownsville was introduced the countenance of the individual being interviewed assumed a wooden, stolid look, and each man positively denied any knowledge of the circumstances connected with or individuals concerned in the affair. Under close inquiry it was admitted by each man that he knew of the discrimination made by saloonkeepers against the enlisted men of the Twenty-fifth Infantry; that he knew Newton had been hit by a revolver in the hands of a citizen of Brownsville, and that Reid had been pushed into the mud by another citizen. Each man admitted that these occurrences had been talked of and discussed within their hearing in the barracks of their respective companies, but I could extract no admission from any man that this discrimination and these acts of violence had caused any feeling of animosity on the part of the enlisted men of the Twenty-fifth Infantry against citizens of Brownsville. When this attitude on the part of the enlisted men under examination was developed, it became apparent that I could get no information from them that would assist me in locating the men actually guilty of the firing on the night of the 13th of August, 1906. I spent several hours in this interview with the men, taking each separately and immediately afterwards separating him from the rest of the prisoners, so that there might be no communication between them during the examination. The next morning I called the men before me again, four at a time, beginning with the men of the longest service. I again talked with them, endeavoring to elicit information, and upon failure to succeed I notified them of the orders of the President in the case and gave them until 5 o'clock that afternoon to consider the matter. At the time set I received nothing from them.

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<sup>a</sup>See page 249.



The men confined in the Fort Sam Houston guardhouse were the noncommissioned officers holding the keys of the arm racks of the respective companies, the sergeant of the guard, and the sentinel on post in rear of company barracks on the night of the 13th of August, 1906; an enlisted man, part owner of a saloon in Brownsville; a man whose cap was alleged to have been found in the city on the night of the 13th of August (not substantiated); Private Newton, who had been assaulted; Private Reid, who had also been assaulted, and the men who were with him at the time.

From Fort Sam Houston I proceeded to Fort Reno, Okla. I called together the officers present at the station who were on duty with the Fort Brown battalion on the night of August 13, 1906. I discussed with them the means and methods employed by them, contemporaneously with the occurrence and subsequently, to locate the guilty individuals. I found that absolutely nothing had been discovered; that they had found no enlisted men who would admit any knowledge of the shooting or of any circumstances, immediate or remote, connected with the same.

I then called before me, individually, a number of the enlisted men, noncommissioned officers, and privates, of long service in the Twenty-fifth Infantry, ranging from twenty-six years to five or six. I proceeded with them practically along the same lines as with the prisoners at Fort Sam Houston, and found the same mental attitude on their part; could discover absolutely nothing that would throw any light on the affair, and received the same denial that any feeling of animosity or spirit of revenge existed among the enlisted men of the Twenty-fifth Infantry against the citizens of Brownsville on account of discrimination against them in the way of equal privileges in saloons or on account of the two acts of violence against their comrades. Each man questioned admitted that he knew of these acts of violence; each had heard it talked of in his barracks; but each denied that any feeling was displayed at any time by individuals of the respective companies or by the enlisted men of the companies as a whole. I could get no explanation of this apparent indifference to the indications of hostility that such acts on the part of citizens of Brownsville disclosed, except in one instance where a sergeant of the company to which Private Newton belonged, said the fact that Newton had been assaulted made no special impression upon him, because Newton was liable to get into a row almost any time and had been battered up on previous occasions at Fort Niobrara.

The uniform denial on the part of the enlisted men concerning the "barrack talk" in regard to these acts of hostility upon the part of certain citizens of Brownsville indicated a possible general understanding among the enlisted men of this battalion as to the position they would take in the premises, but I could find no evidence of such understanding. The secretive nature of the race, where crimes charged to members of their color are made, is well known. Under such circumstances self-protection or self-interest is the only lever by which the casket of their minds can be pried open. Acting upon this principle, the history and record of the regiment to which they belong, the part played by these old soldiers in this record, were pointed out and enlarged upon. The odium and disgrace to the bat-

talion and to its individual members by this crime were indicated. The future effect upon the individuals and upon the battalion as a whole was referred to; and, finally, the concern of the President of the United States in the matter, his desire and the desire of the War Department to separate the innocent from the guilty were explained; all without effect.

The next day the battalion was paraded without arms, every officer and enlisted man being present except two men sick in hospital. The battalion was formed in convenient arrangement. I then addressed them, stating who I was, namely, the Inspector-General of the Army, sent there by order of the President of the United States to afford the men of the Twenty-fifth Infantry an opportunity to give such information as might be within their power that would lead to the detection of the few men guilty of the crime of firing during the night upon citizens of a sleeping town, and talked to them along the same lines as I had done to the old soldiers; and, in conclusion, read to them the orders of the President and of the Acting Secretary of War in the premises. I informed them that they would be given until 9 o'clock the next day to consider the matter, and that I would be accessible during that limit to any soldier who possessed information and had a desire to make it known. Only one man presented himself, and that was *not* to give information, but to urge his own case for exemption from the penalty imposed by the President, but still disclaiming any knowledge of the affair and stating his inability to make any discovery connected therewith; this was First Sergt. Mingo Sanders, Company B, Twenty-fifth Infantry—a man with twenty-six years' service.

I decided upon a short period for the consideration of the ultimatum given because I thought it more probable to bring results. Two months had elapsed since the occurrence on the very day I made the ultimatum known, and it appeared to me that further time for reflection was unnecessary, and that the time limit set by me would be more likely to convince the men that the penalty in case of failure was sure to follow; whereas if a longer period had been given it might have impressed them with the idea that it was made more in the nature of a threat for effect.

The following men of the Twenty-fifth Infantry were not in the vicinity of the post on the night of the firing, the 13th of August, 1906: Private Ruby Wilson, Company B, absent sick; Sergt. William Blaney, Company B, on furlough; Private Charles W. Johnson, Company B, on furlough; Private Lewis C. Owens, Company B, absent sick; Artificer Thomas H. Jones, Company B, detached service at Fort Sill, Okla.; First Sergt. William Turner, Company C, at Fort Sill, Okla.; Corpl. John Young, Company C, absent at Kansas City, Mo.; Private James Williams, Company C, absent at Fort Bayard, N. Mex.; Sergt. George Derrett, Company D, detached service, Fort Sill, Okla.

The following changes have occurred in the companies of the battalion since August 13, 1906: Private Samuel R. Hopkins, Company B, discharged by expiration of service; Private Robert James, Company C, discharged by expiration of service, reenlisted for the Ninth Cavalry; Private Joseph Carter, Company C, discharged by expiration of service; Private John W. Lewis, Company C, dis-

charged by expiration of service, reenlisted in Tenth Cavalry; Private Perry Cisco, Company C, discharged by expiration of service, reenlisted in the Tenth Cavalry; Private James A. Simmons, Company C, transferred to Company A, Twenty-fifth Infantry; Private August Williams, Company C, transferred to Company A, Twenty-fifth Infantry; Private Taylor Stoudemire, Company D, discharged by expiration of service, reenlisted in Ninth Cavalry; Cook James Duncan, Company D, discharged by expiration of service, reenlisted in Second Battalion, Twenty-fifth Infantry, Fort Bliss, Tex.; Private Alexander Ash, Company D, discharged by expiration of service, reenlisted in Ninth Cavalry; Sergt. Jacob Frazier, Company D, discharged by expiration of service, reenlisted in company—on furlough; Private Chester Garrard, Company D, discharged by expiration of service; Private Luther Cotton, Company D, discharged by expiration of service; Private Henry H. Davis, Company D, discharged by expiration of service; Private William H. Birdsong, Company D, discharged by expiration of service; Private John Henry, Company D, deserted.

#### CONCLUSION.

I recommend that orders be issued as soon as practicable discharging, without honor, every man in Companies B, C, and D of the Twenty-fifth Infantry, serving at Fort Brown, Tex., on the night of August 13, 1906, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government. In making this recommendation I recognize the fact that a number of men who have no direct knowledge as to the identity of the men of the Twenty-fifth Infantry who actually fired the shots on the night of the 13th of August, 1906, will incur this extreme penalty.

It has been established, by careful investigation, beyond reasonable doubt that the firing into the houses of the citizens of Brownsville, while the inhabitants thereof were pursuing their peaceful vocation or sleeping, and by which one citizen was killed and the chief of police so seriously wounded that he lost an arm, was done by enlisted men of the Twenty-fifth Infantry belonging to the battalion stationed at Fort Brown. After due opportunity and notice, the enlisted men of the Twenty-fifth Infantry have failed to tell all that it is reasonable to believe they know concerning the shooting. If they had done so, if they had been willing to relate all the circumstances—instances preliminary to the trouble—it is extremely probable that a clue sufficiently definite to lead to results would have been disclosed. They appear to stand together in a determination to resist the detection of the guilty; therefore they should stand together when the penalty falls. A forceful lesson should be given to the Army at large, and especially to the noncommissioned officers, that their duty does not cease upon the drill ground, with the calling of the company rolls, making check inspections, and other duty of formal character, but that their responsibilities of office accompany them everywhere and at all times; that it is their duty to become thoroughly acquainted with the individual members of their respective units; to know their characteristics; to be able at all times to gauge their temper, in order to

discover the beginning of discontent or of mutinous intentions, and to anticipate any organized act of disorder; that they must notify their officers at once of any such conditions. Moreover, the people of the United States, wherever they live, must feel assured that the men wearing the uniform of the Army are their protectors, and not midnight assassins or riotous disturbers of the peace of the community in which they may be stationed.

No absolutely accurate verification of the rifles and men of the battalion was made on the night of the 13th of August in time to account for all the rifles or all the men at the beginning of the firing or immediately upon its conclusion. This failure is explained as follows: The commanding officer and his associates, when the alarm was sounded and they heard the firing, assumed that it came from the city of Brownsville; and that the guns were in the hands of civilians; in other words, that the garrison was being fired into from the outside by civilians. It does not appear to have occurred to any of them that certain enlisted men of the Twenty-fifth Infantry had possession of their arms, and were committing the crime of firing into the houses and upon the citizens of Brownsville, until the Mayor of the city came into the garrison and informed the commanding officer, Major Penrose, that one man had been killed and another wounded by his soldiers.

I return herewith all the papers in the case.

Very respectfully,

E. A. GARLINGTON,  
*Inspector-General.*

THE MILITARY SECRETARY,  
*War Department.*

## APPENDIX 2.

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BROWNSVILLE, TEX., *November 27, 1906.*

MY DEAR SIR: In view of the expressions of deprecation and criticism coming from certain quarters at this time regarding the President's action through your Department in ordering the discharge for cause and "without honor" of the three companies of colored troops recently stationed at Brownsville, I feel constrained to write you this letter from this place, thinking that possibly your personal knowledge of the antecedents of the writer might give it some added weight with yourself.

As a citizen and resident of Illinois, as an antislavery advocate when that phrase had a meaning, and as a life-long Republican who served in the Union Army throughout the civil war, I shall at least not be suspected of prejudice against men of color as such. I feel sure that only carefully disseminated misinformation as to the facts can account for the present gross misapprehension on the part of some persons and journals at the North.

Business interests bring me frequently to Brownsville, where I have found a particularly placid and well-ordered community. Arriving here immediately after the midnight attack upon this city by a part of the colored garrison of Fort Brown, I have improved my abundant opportunity for gathering, personally and privately, on the spot and at first hands, and for carefully sifting all material facts bearing upon the deplorable event. Without rehearsing details, I wish to assure you that an absolutely unprejudiced investigation, continued after all local excitement had subsided, confirms in every particular the conclusions reached by the two army officers sent here by your Department, upon which the President has acted, as well as the clear and temperate statement sent out immediately after the tragedy by Chairman William Kelly, of the Brownsville Citizens' Committee. Captain Kelly is a veteran officer of the Union Army, president of the First National Bank here, and a citizen of the highest character, who could have no motive for magnifying the gravity of the occurrence. His associates on this committee and in its investigations included leading State, Federal, county, and municipal officials, all of whom were present in Brownsville on the night of the outrage and throughout the subsequent events. The committee's membership also embraced the most prominent private citizens of all vocations, including many of Northern birth and antecedents. The committee's report is doubtless on your table or in your files. It constitutes the authorized, dignified, and sufficient utterance of this community, and it probably embodies the most conclusive and damning indictment ever found against soldiers of any race wearing the uniform and wielding the weapons of a civilized government.

Next to the window where I am now writing is a cottage home where a children's party had just broken up before the house was riddled with at least twenty-three United States bullets, fired by United States troops, from United States Springfield rifles, at close range, necessarily with the purpose of killing or maiming the inmates, including the parents and children, who were still up in the well-lighted house and whose escape from death, under the circumstances, was astonishing. On another street I dully look upon the fresh bullet scars where a volley from similar Government rifles was fired into the side and windows of the Miller Hotel, occupied at the time by sleeping or frightened guests from abroad, who could not possibly have given any offense to the assailants. Any day the Brownsville lieutenant of police, Dominguez, again on duty from hospital, may be seen carrying an empty sleeve because he got in the way of Federal soldiers from the adjacent garrison when they were shooting up the town. And not far away is the fresh grave of an unoffending citizen of this place, a boy in years, who was wantonly shot down while unarmed and attempting to escape the astonishing rain of bullets.

The well-attested evidence, controverted by none, is that the colored troops were treated here in Brownsville with the same consideration with which colored soldiers of similar bearing are treated in garrison towns of northern States; that, on the other hand, the street conduct of some of them was often aggressively and causelessly insolent toward both white men and women; that one attempted assault upon a white woman was made by a negro soldier in uniform; that there was no known provocation for the murderous raid by the negro soldiers, unless it can be called a provocation that the drinkers among them were provided with separate bars in certain saloons, and that on two occasions individual insolence was resented by individual citizens, both of whom happen to have been Republican Federal officials; that there was no "riot" and no "street row," as many newspapers persist in calling the raid, but there was simply a cold-blooded conspiracy of the most cowardly possible sort to terrorize the entire community and kill or injure men, women, and children in their homes and beds or on the streets, and this at an hour of the night when concerted or effective resistance or defense was out of the question, and when detection by identification of the uniformed criminals outside of the garrison was well-nigh impossible. No defense being practicable, none was made. So far as I can learn not a shot was fired by citizens at the attacking soldiers or at the fort. The soldiers were the aggressors from start to finish. They met with no resistance during their assault and had things their own way.

To one who knows the facts as I learn them here, and who therefore appreciates the enormity of the prearranged cooperative crime, the present attempt to make martyrs of any portion of the discharged men would be appalling if it were not grotesque. If the persons who actually did the firing could have been identified and tried they would doubtless have suffered what they deserve—the penalty of a shameful death. Every soldier who possesses incriminating knowledge of the facts has, by refusing to testify, made himself legally as well as morally an accessory after the fact to the crime of murder. It equally follows, as it seems to me, that every member of the battalion who, however innocent personally both of actual participation and of actual guilty knowledge, has chosen to stand as a silent or outspoken champion of

his suspected comrades, is himself morally implicated, and unfit to wear the uniform of an American soldier. He has shown himself an unsafe person to be employed as a defender of the public welfare and of the nation's honor. Inasmuch as, so far as known, not one member of the disgraced battalion has thus far seen fit to act the part of an honorable citizen and soldier by at least manifesting a willingness to aid the Government to fix the primary responsibility where it belongs, the entire membership of the three companies rightfully share a common ignominy. Besides, all the circumstances of the case leave very little doubt in my mind that a very large proportion of the command are in possession of knowledge which, if revealed, would lead to the prompt detection of the men who did the actual firing.

Without presuming to pass judgment upon any part of the conduct of the white commissioned officers who were in charge of the Brownsville garrison, which conduct is doubtless receiving the attention of your Department, I have been greatly surprised by several facts relating to the discipline maintained at the post. For example, at the outset it seemed amazing to me that neither the commanding officer, the officer of the day, nor the officer of the guard should have known anything of the bloody event. My amazement was increased when I learned that the officer of the day had, earlier in the evening, gone to his private quarters and not only removed his sword, but had undressed, gone to bed, and was sound asleep throughout the entire occurrence.

I believe no course other than the moderate and lawful one which he has pursued was or is open to the President unless all semblance of decent discipline in our Army is to be ended, and unless every American community, North and South alike, is to be given cause to dread the proximity of a negro garrison as it would that of an encampment of paid, armed, and uniformed assassins. It is not a sectional matter. I find here little, if any, animosity toward colored troops as such. White soldiers guilty of like conduct would be dreaded and detested quite as much as black ones, and in Boston as well as in Brownsville.

I sympathize with the colored people in their upward struggle in America against fearful odds. I believe the most damaging service that can be rendered them as a race in this their period of test and transition is that of championing or excusing the criminal element in their ranks, as some members of both races seem to be doing at the present time. Incidentally, this sanguinary Brownsville episode seems to mark a sudden and inexplicable reversion to unprovoked primeval savagery by considerable numbers of trained, veteran negro soldiers, which suggests serious thoughts upon the whole racial problem.

But that is another matter, and the present duty for every citizen, North and South, white and black alike, as it appears to me, is to acquaint himself with the facts in this particular case, as officially ascertained, and then voice his emphatic approval of President Roosevelt's necessary and admirable course in the premises. I can imagine no conduct on the part of members of a military garrison which would surpass in atrocity the Brownsville crime of August 13, and but for the fact that ironclad conspiracy of silence on the part of the entire force of enlisted men has thus far rendered detection and real punishment impossible the present sweeping dismissal would not be required.

It goes without saying that such discharge from service is not punished. As punishment it would be farcical in its leniency. It is at

utmost a severance of relations between employer and employed—a determination of the Government's responsibility for the conduct of men who have shown that they can not be trusted. It is to the last degree deplorable that adequate penalty can not be inflicted at this time, but in the absence of such penalty the good name of every colored soldier remaining in the Army, and of the colored race in America, demands that they unite with all good citizens in placing these criminals and their sympathizing comrades in the pillory of public execration.

Very truly, yours,

A. B. NETTLETON.

Hon. W. H. TAFT,

*Secretary of War, Washington, D. C.*



### APPENDIX 3.

#### WAR DEPARTMENT, THE MILITARY SECRETARY'S OFFICE.

[Memorandum for the Secretary of War.]

In the volunteer service, during the civil war, there occurred numerous instances of the summary discharge of large numbers of men because of misconduct on their part. Following are some of those instances:

The members of Company A, First Eastern Shore Maryland Infantry Volunteers, were mustered out of service August 16, 1862, by order of the general commanding the Eighth Army Corps, because they refused to serve in Virginia.

The members of Company K, First Eastern Shore Maryland Infantry Volunteers, were dishonorably discharged, without trial, July 2, 1863, pursuant to the order of the general commanding the Eighth Army Corps, subject to the approval of the Secretary of War, for refusing to leave the section of the State in which it was claimed that they had enlisted to serve. The action was approved by the Secretary of War July 23, 1863.

The First Regiment United States Reserve Corps (Missouri Infantry) was mustered out of service during September and October, 1862, pursuant to orders of the War Department, on account of the regiment being in a state bordering closely on mutiny, as a result of alleged misunderstanding as to the terms of enlistment.

Companies H, I, and K, Fifth Missouri Cavalry, and Company G, Fourth Missouri Cavalry, were mustered out of the service of the United States, without trial by court-martial, in pursuance of orders from headquarters, district of Missouri, dated September 20, 1862, by reason of mutinous conduct and disaffection of the majority of the members of those companies.

Company C, Fremont Body Guard, was summarily discharged by order of Major-General Halleck November 30, 1861, on account of the members refusing to be consolidated with any other organization of Missouri Volunteers.

The members of Company G, Tenth New Jersey Infantry Volunteers, were discharged without trial April 8, 1862, pursuant to orders from the War Department, because they refused to do duty as infantry, claiming that they were deceived into the belief that they were entering the cavalry branch when they enlisted.

The Eleventh Regiment New York Infantry Volunteers (First Fire Zouaves) was mustered out of service June 2, 1862, pursuant to orders from the War Department, by reason of general demoralization,

numerous desertions, and at the request of officers and enlisted men of the organization.

The Sixtieth Regiment Ohio Infantry Volunteers was summarily discharged November 10, 1862, pursuant to a telegram from the War Department, because the regiment was disorganized, mutinous, and worthless.

F. C. AINSWORTH,  
*The Military Secretary.*

DECEMBER 5, 1906.

#### APPENDIX 4.

THE MILITARY SECRETARY'S OFFICE,  
WAR DEPARTMENT,  
*Washington, D. C., December 1, 1906.*

MY DEAR MR. LOEB: Herewith I send you a clipping from the Washington Post of November 28, 1906, containing the article referred to in your note of this morning.

The "Captain" Hesse referred to in that article was Corpl. John C. Hesse of Company G, Eighth Infantry, and he was clerk at regimental headquarters at the time of the occurrence. Subsequently, when the regiment was surrendered to the Confederates by General Twiggs, Corporal Hesse saved the regimental flags by wrapping them around his body, under his clothing, and brought them north in safety, receiving afterwards a medal of honor for his action.

Mr. Hesse has been a clerk in the War Department since 1861, and is now a chief of division in The Military Secretary's Office.

Very truly, yours,

F. C. AINSWORTH,  
*The Military Secretary.*

Hon. WILLIAM LOEB, Jr.,  
*Secretary to the President, Washington, D. C.*

[Inclosure.]

[From the Washington Post, Wednesday, November 28, 1906.]

**LEE PUNISHED TROOPS—ENTIRE COMPANY DISBANDED BECAUSE OF LYNCHING—LIKE THE BROWNSVILLE CASE—CAPT. J. C. HESSE TELLS OF AFFAIR DOWN IN TEXAS JUST BEFORE THE CIVIL WAR WHICH IS A PARTIAL PRECEDENT FOR PRESIDENT ROOSEVELT'S NOW FAMOUS ORDER—SOME FEATURES IDENTICAL.**

A case somewhat similar to the recent dismissal, by Presidential order, of the three companies of colored troops because of the trouble at Brownsville, Tex., is that of the discharge of Company G, of the Eighth Regiment, at Fort Davis, Tex., in the summer of 1860.

In the Brownsville incident, as a result of the alleged rioting of the soldiers, one man, a bartender, was killed. The victim in the Fort Davis affair also was a bartender, he having been lynched by unknown parties, supposed to be soldiers, after he had killed a member of the company by striking him with his fist. The soldiers at Brownsville were ordered dismissed without honor by the President, while the soldiers at Fort Davis were transferred to other companies and not dismissed until they had served out their terms of enlistment.

The latter incident occurred during the administration of President Buchanan, but there is no record that the action in the case was taken by virtue of any order given by him. The responsibility for the order was assumed by Robert E. Lee, later the famous Confederate general, who was at that time in command of United States troops in Texas.

#### NO RECORD OF DISMISSAL.

Possibly on account of the civil war breaking out soon after the incident, or it might have been because of the destruction of the

records in the case before they reached the War Department, it is thought no official record of the dismissal of the company is in existence. At least so says Capt. J. C. Hesse, who is probably the only surviving member of the company, now employed in the office of The Military Secretary of the Army.

Captain Hesse, in speaking of the occurrence yesterday, said he had often regretted he had kept no diary during his army service, referring especially to the affair at Fort Davis, which, he said, he regarded as one of the most interesting of his career. Although he was transferred with the other 65 members of the company, and it was ordered that at the end of his enlistment he should not be allowed to reenlist, Captain Hesse, through a personal appeal to Colonel Lee, and on account of his previous record for integrity, was absolved from any blame in the matter and was given a clear record. He had been transferred to Company A of the Eighth Regiment, and at the end of his term he enlisted again and served with honor in the civil war. Before the end of the war he was transferred to Washington to take up work in the general service.

#### FLED FOR HIS LIFE.

"It happened on the night of St. Patrick's Day in 1860," said Captain Hesse. "After tattoo some of the soldiers went into a saloon, where, in the midst of a quarrel, the barkeeper struck one of the men on the neck, causing his death. The occurrence caused great excitement among the men, and the barkeeper fled for his life. Soon after he turned up at post headquarters and appealed that he be saved from the hands of the mob, which he said was pursuing him. He was ordered placed in the guardhouse, and the guard was increased.

"The next night the corporal of the guard took four of the men for the purpose of making the 'grand rounds.' During the absence of the corporal and the men the guardhouse was forced open and the barkeeper taken away. The corporal, returning a half hour later, instituted a search with the result that the barkeeper was found hanging to a tree, dead, his body yet warm.

"The alarm was given immediately to the officer of the day, who ordered that an investigation be made of the quarters of the soldiers and of every other person at the fort. As a result it was found that every man was in his bunk, where all apparently had been asleep for several hours. The mystery has never been cleared up, so far as I know, to this day.

"However," continued Captain Hesse, "seven enlisted men were arrested on suspicion of being implicated in the lynching, and were taken to El Paso, 150 miles distant, in which town was located the nearest civil court at that time. There they were tried and acquitted.

#### LEE ORDERED DISBANDMENT.

"Col. Washington Seawell, who was the commanding officer of the fort, reported the affair to Colonel Lee, who was in command of the Department of Texas, with the result that an investigation was made in the manner prescribed by the Army Regulations. The inquiry, although rigid, failed to fasten the blame on any person, and at its conclusion Colonel Lee ordered the company to be disbanded and the members transferred to other companies to be discharged at the end of their enlistments without honor—that is, without the right to reenlist in the Army."

## APPENDIX 5.

NEW ORLEANS, LA., *December 4, 1906.*

SIR: About six years ago, Harry McDonald, a white United States soldier, of Fort St. Philip, La., while intoxicated, followed James Butler, a white citizen, at night to his home above Fort St. Philip and tried to force Butler to take him into his house; the latter refusing, McDonald shot and killed him. After McDonald's return to the fort, news of the homicide having spread, the latter was suspected, arrested, and searched; his revolver was carefully examined, its recent discharge discovered, and every soldier, from the commanding officer to the humblest private, united then and there and at the trial in ferreting out all the evidence in their power about this crime. The accused was convicted of murder, and is now in the Louisiana penitentiary for life.

Again, about four years ago, at the same fort, Harry Morgan, a private in one of the United States Artillery companies, was charged with killing John H. McCloskey in a drunken brawl at night in one of the grogeries which cause so many similar crimes in this country. Though his fellow soldiers, believing Morgan was not guilty of this crime, raised a fund for his defense, every soldier and employee at that fort volunteered all they knew, both before and at the trial on the witness stand, about this case. Morgan was acquitted by a jury of white citizens in Plaquemines Parish.

Once since then, in my official capacity, I tried and convicted United States soldiers of a lesser offense—assault and battery—committed above Fort Jackson, on the west bank of the Mississippi River, and again the white comrades in arms of the accused told the whole story of the trouble. Each of these cases occurred out of hearing of the forts, and but for the evidence of their brother soldiers, either then with the accused or who subsequently identified them with the crimes, there would have been a failure of justice.

In my own district twenty-two years ago, after a dispute over race precedence at a liquor bar at Dedrick Wischusen's store, in the parish of Plaquemines, Charles Campbell, a colored man, drew a pistol there and shot Theodore Tripkovich, a splendid type of an Austrian, dead. A jury, drawn by Republican commissioners, largely composed of colored men, to their eternal credit, sent Campbell to the scaffold for this crime, and he was hung.

The true friends of the colored people will teach them, as you are doing, that crimes can not be condoned or concealed by them without its reacting terribly on the race.

Respectfully,

JAMES WILKINSON,  
*District Attorney, Twenty-ninth Judicial District.*

HON. THEODORE ROOSEVELT,  
*President of the United States.*

These cases are all of record.

J. W.

## APPENDIX 6.

[Official copy.]

SPECIAL FIELD } HEADQUARTERS THIRTEENTH ARMY CORPS,  
ORDER No. 6. } DEPARTMENT OF THE TENNESSEE,  
*La Grange, Tenn., November 16, 1862.*

Until further orders no passes will be granted to any civilian to pass south of Wolf River, nor will any civilian be permitted to come within our lines from south of said river.

All passes heretofore granted inconsistent with this order are hereby revoked.

II. The facts having been officially reported to the major-general commanding that a portion of the Twentieth Regiment Illinois Infantry Volunteers did on the night of the 7th of November instant at Jackson, Tenn., break into the store of G. W. Graham & Co. and take therefrom goods to the amount of \$841.40, the property of said Graham & Co., and did cut the tent of R. B. Kent and N. A. Bass and take therefrom goods to the value of \$345, the property of said Kent and Bass, and burn and destroy the tent and poles, also the property of said Kent and Bass, of the value of \$56.25, all of which damages amount to the sum of \$1,242.66, and it further appearing from said-report that Capt. C. L. Page, Company D; Capt. I. M. North, Company E; Capt. G. W. Kennard, Company I; Lieuts. Harry King, Company B, William Seers, Company C, John Edmonston, Company E, David Wadsworth, Company I, I. Bailey, Company F, Victor H. Stevens, Company H, R. M. Evans, Company I, Charles Taylor, Company I, of said regiment, were absent from their commands at the time of the perpetration of these outrages, in violation of orders, and without proper cause, when they should have been present, and also that Capt. Orton Frisbie, of Company H, acting in capacity of major, and Capt. John Tunison, of Company G, the senior captain, immediately after the commission of these depredations did not exercise their authority to ferret out the men guilty of the offenses, but that on the contrary Captain Tunison interposed to prevent search and discovery of the parties really guilty, and that Captain Frisbie, after the commission of the said depredations, being in command of the regiment, remained behind twenty-four hours after the regiment marched, and the names of the individual parties guilty not having been disclosed, it is therefore ordered:

I. That the said sum of \$1,242.66 be assessed against said regiment and the officers hereinbefore named, excepting such enlisted men as were at the time sick in hospital or absent with proper authority; that the same be charged against them on the proper muster and pay rolls and the amount each is to pay noted opposite his name thereon, the

officers to be assessed pro rata with the men on the amount of their pay proper and that the same so collected will be paid by the commanding officer of the regiment to the parties entitled to the same.

II. That Capt. Orton Frisbie and Capt. John Tunison, of the Twentieth Regiment Illinois Volunteer Infantry, for willful neglect of duty and violation of orders, are hereby mustered out the service of the United States, to take effect this day.

By order of Brig. Gen. U. S. Grant.

[SEAL.]

JNO. A. RAWLINS,  
*Assistant Adjutant-General.*

## APPENDIX 7.

[The Charlotte Observer, November 29, 1906.]

### PRECEDENT FOR PRESIDENT'S ACTION.

The Observer takes great pleasure in presenting below conclusive evidence that President Roosevelt's order disbanding three colored companies for an offense by some of their number is not, as has been claimed, without precedent in the military history of this country. It will be universally admitted that no higher authority than General Lee's on what is right and just in military discipline could possibly be offered. As for the authenticity of the evidence, all North Carolina will vouch in the most absolute manner for the truth of any statement sponsored by Colonel Burgwyn. And as Colonel Burgwyn says, the name of the command can be given if desired. His communication and the appended military order follow:

"I see it stated that President Roosevelt's order disbanding a battalion of colored troops is without precedent in the military history of this country. There are those now living who read the following order on dress parade and witnessed its execution. I omit the name of the command, but it can be given if desired:

"HEADQUARTERS ARMY OF NORTHERN VIRGINIA,

"October —, 1864.

"General Order, No. —.

"The — — Battalion, for cowardly conduct on every battlefield from Gettysburg to the present time, is unworthy of a place as an organization in the Army of Northern Virginia. It will be marched to division headquarters Wednesday afternoon, at 4 o'clock, and surrender its colors and be marched to the rear in disgrace. The general commanding the Army of Northern Virginia regrets that there are some brave officers and men belonging to this organization who must share in this common disgrace, but the good of the service requires it, and they must bear it as brave soldiers.

"By command of

GEN. R. E. LEE.

"— —, *Assistant Adjutant-General.*'

"Yours, truly,

WM. H. S. BURGWYN.

"WELDON, N. C., *November 26.*"

It is here explicitly stated that "there are some brave officers and men belonging to this organization who must share in this common disgrace, but the good of the service requires it, and they must bear it as brave soldiers." In this case, as in the Brownsville affair, the offense was very grave, and the "good of the service" required that the innocent suffer disgrace with the guilty, since separation was impossible. That one offense occurred in time of war and the other



in time of peace makes not the least difference in principle. The unsoldierly conduct punished by General Lee could not have occurred at all in time of peace, and the riot at Brownsville could not have given a tenth of the scandal had it occurred in time of war—to each its own guilt, but each equally meriting punishment.

The Observer has always earnestly and at times vehemently insisted upon equal and exact rights before the law for the colored man. Any injustice to him by the dominant race is hateful to it. But no more than the white man is he entitled to immunity from punishment on account of race. We hold that the three companies were justly discharged from the Army, and if they had been white troops it would have made not the slightest difference in our sight. Indeed, if they had been white, no one would ever have chirped at their discharge.

We commend Colonel Burgwyn's communication to the especial consideration of our highly esteemed contemporaries, the New York Sun and the New York Evening Post.

SUMMARY DISCHARGE OR MUSTERING OUT OF  
REGIMENTS OR COMPANIES.

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M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

**A LETTER FROM THE SECRETARY OF WAR CONTAINING ADDI-  
TIONAL TESTIMONY IN THE BROWNSVILLE CASE.**

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JANUARY 14, 1907.—Ordered to be printed with maps and illustrations.

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*To the Senate:*

In my message to the Senate treating of the dismissal, without honor, of certain named members of the three companies of the Twenty-fifth Infantry, I gave the reports of the officers upon which the dismissal was based. These reports were made in accordance with the custom in such cases; for it would, of course, be impossible to preserve discipline in the Army save by pursuing precisely the course that in this case was pursued. Inasmuch, however, as in the Senate question was raised as to the sufficiency of the evidence, I deemed it wise to send Major Blocksom, and Assistant to the Attorney-General Purdy, to Brownsville to make a thorough investigation on the ground in reference to the matter. I herewith transmit Secretary Taft's report, and the testimony taken under oath of the various witnesses examined in the course of the investigation. I also submit various exhibits, including maps of Brownsville and Fort Brown, photographs of various buildings, a letter from Judge Parks to his wife, together with a bandoleer, 33 empty shells, 7 ball cartridges, and 4 clips picked up in the streets of Brownsville within a few hours after the shooting; 3 steel-jacketed bullets and some scraps of the casings of other bullets picked out

of the houses into which they had been fired. A telegram from United States Commissioner R. B. Creager, at Brownsville, announces that 6 additional bullets—like the others, from Springfield rifles—taken from buildings in Brownsville, with supporting affidavits, have since been sent to the Secretary of War.

It appears from the testimony that on the night of the 13th of August, 1906, several crimes were committed by some person or persons in the city of Brownsville. Among these were the following:

(a) The murder of Frank Natus.

(b) The assault with intent to kill the lieutenant of police, Dominguez, whose horse was killed under him and whose arm was shot so severely that it had to be amputated.

(c) The assault with intent to kill Mr. and Mrs. Hale Odin, and their little boy, who were in the window of the Miller Hotel.

(d) The shooting into several private residences in the city of Brownsville, three of them containing women and children.

(e) The shooting at and slightly wounding of Preciado.

These crimes were certainly committed by somebody.

As to the motive for the commission of the crimes, it appears that trouble of a more or less serious kind had occurred between individual members of the companies and individual citizens of Brownsville, culminating in complaints which resulted in the soldiers being confined within the limits of the garrison on the evening of the day in question.

The evidence, as will be seen, shows beyond any possibility of honest question that some individuals among the colored troops whom I have dismissed committed the outrages mentioned; and that some or all of the other individuals whom I dismissed had knowledge of the deed and shielded from the law those who committed it.

The only motive suggested as possibly influencing anyone else was a desire to get rid of the colored troops, so strong that it impelled the citizens of Brownsville to shoot up their own houses, to kill one of their own number, to assault their own police, wounding the lieutenant, who had been an officer for twenty years—all with the purpose of discrediting the negro troops. The suggestion is on its face so ludicrously impossible that it is difficult to treat it as honestly made. This theory supposes that the assailants succeeded in obtaining the uniform of the negro soldiers; that before starting on their raid they got over the fence of the fort unchallenged, and without discovery by the negro troops opened fire on

the town from within the fort; that they blacked their faces so that at least fourteen eyewitnesses mistook them for negroes; that they disguised their voices so that at least six witnesses who heard them speak mistook their voices as being those of negroes. They were not Mexicans, for they were heard by various witnesses to speak in English. The weapons they used were Springfield rifles; for the ammunition which they used was that of the Springfield rifle and no other, and could not have been used in any gun in Texas or any part of the Union or Mexico, or in any other part of the world, save only in the Springfield now used by the United States troops, including the negro troops in the garrison at Brownsville, and by no other persons save these troops—a weapon which had only been in use by the United States troops for some four or five months prior to the shooting in question, and which is not in the possession of private citizens.

The cartridge used will go into one other rifle used in the United States, when specially chambered—the Winchester of the '95 model—but it will rarely if ever go off when in it; and, moreover, the bullets picked out of the buildings show the markings of the four so-called "lands" which come from being fired through the Springfield, but not through the Winchester, the latter showing six. The bullets which I herewith submit, which were found in the houses, could not therefore have been fired from a Winchester or any other sporting rifle, although the cartridges might have been put into a Winchester model of '95. The bullets might have been fired from a Krag, but the cartridges would not have gone into a Krag. Taking the shells and the bullets together, the proof is conclusive that the new Springfield rifle was the weapon used by the midnight assassins, and could not by any possibility have been any other rifle of any kind in the world. This of itself establishes the fact that the assailants were United States soldiers, and would be conclusive on this point if not one soldier had been seen or heard by any residents in Brownsville on the night in question, and if nothing were known save the finding of the shells, clips, and bullets.

Fourteen eyewitnesses, namely, Charles R. Chase, Amado Martinez, Mrs. Kate Leahy, Palerno Preciado, Ygnacio Dominguez, Macedonio Ramirez, George W. Rendall, Jose Martinez, J. P. McDonald, F. H. A. Sanborn, Herbert Elkins, Hale Odin, Mrs. Hale Odin, and Judge Parks, testified that they saw the assailants or some of them at varying distances, and that they were negro troops, most of the witnesses giving their testimony in such shape that there is no

possibility of their having been mistaken. Two other witnesses, Joseph Bodin and Genero Padron, saw some of the assailants and testified that they were soldiers (the only soldiers in the neighborhood being the colored troops). Four other witnesses, namely, S. C. Moore, Doctor Thorn, Charles S. Canada, and Charles A. Hammond, testified to hearing the shooting and hearing the voices of the men who were doing it, and that these voices were those of negroes, but did not actually see the men who were doing the shooting. About 25 other witnesses gave testimony corroborating to a greater or less degree the testimony of those who thus saw the shooters or heard them. The testimony of these eye and ear witnesses would establish beyond all possibility of contradiction the fact that the shooting was committed by ten or fifteen or more of the negro troops from the garrison, and this testimony of theirs would be amply sufficient in itself if not a cartridge or bullet had been found; exactly as the bullets and cartridges that were found would have established the guilt of the troops even had not a single eyewitness seen them or other witness heard them.

The testimony of the witnesses and the position of the bullet holes show that fifteen or twenty of the negro troops gathered inside the fort, and that the first shots fired into the town were fired from within the fort; some of them at least from the upper galleries of the barracks.

The testimony further shows that the troops then came out over the walls, some of them perhaps going through the gate, and advanced a distance of 300 yards or thereabouts into the town. During their advance they shot into two hotels and some nine or ten other houses. Three of the private houses into which they fired contained women and children. They deliberately killed Frank Natus, the bartender, shooting him down from a distance of about 15 yards. They shot at a man and woman, Mr. and Mrs. Odin, and their little boy, as they stood in the window of the Miller Hotel, the bullet going less than 2 inches from the head of the woman. They shot down the lieutenant of police, who was on horseback, killing his horse and wounding him so that his arm had to be amputated. They attempted to kill the two policemen who were his companions, shooting one through the hat. They shot at least 8 bullets into the Cowen house, putting out a lighted lamp on the dining-room table. Mrs. Cowen and her five children were in the house; they at once threw themselves prone on the floor and were not hit. They fired into the Starck house, the bullets going through the mosquito bar

of a bed from 18 to 20 inches above where little children were sleeping. There was a light in the children's room.

The shooting took place near midnight. The panic caused by the utterly unexpected attack was great. The darkness, of course, increased the confusion. There is conflict of testimony on some of the minor points, but every essential point is established beyond possibility of honest question. The careful examination of Mr. Purdy, Assistant to the Attorney-General, resulted merely in strengthening the reports already made by the regular army authorities. The shooting, it appears, occupied about ten minutes, although it may have been some minutes more or less. It is out of the question that the fifteen or twenty men engaged in the assault could have gathered behind the wall of the fort, begun firing, some of them on the porches of the barracks, gone out into the town, fired in the neighborhood of 200 shots in the town, and then returned—the total time occupied from the time of the first shot to the time of their return being somewhere in the neighborhood of ten minutes—without many of their comrades knowing what they had done. Indeed, the fuller details as established by the additional evidence taken since I last communicated with the Senate make it likely that there were very few, if any, of the soldiers dismissed who could have been ignorant of what occurred. It is well-nigh impossible that any of the noncommissioned officers who were at the barracks should not have known what occurred.

The additional evidence thus taken renders it in my opinion impossible to question the conclusions upon which my order was based. I have gone most carefully over every issue of law and fact that has been raised. I am now satisfied that the effect of my order dismissing these men without honor was not to bar them from all civil employment under the Government, and therefore that the part of the order which consisted of a declaration to this effect was lacking in validity, and I have directed that such portion be revoked. As to the rest of the order, dismissing the individuals in question without honor, and declaring the effect of such discharge under the law and regulations to be a bar to their future reenlistment either in the Army or the Navy, there is no doubt of my constitutional and legal power. The order was within my discretion, under the Constitution and the laws, and can not be reviewed or reversed save by another Executive order. The facts did not merely warrant the action I took—they rendered such action imperative unless I was to prove false to my sworn duty.

If any one of the men discharged hereafter shows to my satisfaction that he is clear of guilt, or of shielding the guilty, I will take what action is warranted; but the circumstances I have above detailed most certainly put upon any such man the burden of thus clearing himself.

THEODORE ROOSEVELT.

THE WHITE HOUSE,

*January 14, 1907.*

LETTER OF THE SECRETARY OF WAR TO THE PRESIDENT  
TRANSMITTING ADDITIONAL TESTIMONY IN THE BROWNSVILLE CASE.

WAR DEPARTMENT,  
*Washington, January 12, 1907.*

MY DEAR MR. PRESIDENT:

On the 22d day of December, 1906, you directed me to send Major Blocksom to Brownsville and neighboring places to procure sworn testimony, reduced to writing and signed by the witnesses, with reference to the persons who were the perpetrators of the outrage committed at Brownsville on the night of the 13th of August, and ordered the assistant to the Attorney-General, Mr. Purdy, to accompany Major Blocksom to assist him in the examination by examining the witnesses. Accordingly, I wrote the following letters to Inspector-General Garlington and Mr. Purdy, Assistant to the Attorney-General:

DECEMBER 22, 1906.

SIR: Acting upon the official reports of Major Blocksom, Lieutenant-Colonel Loring, and yourself, all of the Inspector-General's Department, the President made an order discharging, without honor, about 170 men of Companies B, C, and D of the Twenty-fifth Infantry. The reasons for his doing so are set forth in his message to Congress on the subject. The President deemed the report of the inspecting officers to be entirely sufficient upon which to base the Executive action which was taken. The reports of the inspecting officers were made in the usual form in such reports, and do not set out at length the evidence upon which they based their conclusions. The matter has now become a subject for discussion in Congress and for consideration in the House of Representatives by reason of the introduction of a bill intended to affect the status of the men now discharged with reference to reenlistment. A number of the men who were discharged have applied for leave to reenlist. The accuracy of the conclusions reported by Major Blocksom has been questioned because of an absence of the evidence in full upon which he made his report as to who committed the crime charged. All these matters require the setting out of the evidence in greater detail than is contained in Major Blocksom's report.

The President is of opinion, in view of the new phases which the matter has taken, that Major Blocksom should be directed to return to Brownsville and to other places where evidence upon the subject-matter is available, to have the evidence reduced to writing and taken under the sanctity of an oath. To assist him in this matter he has directed that Assistant Attorney-General Purdy shall accompany him and shall conduct a careful, thorough, and impartial examination of the witnesses. The evidence will be taken by stenographer, transcribed, and submitted to the witnesses for signature.

The President wishes me to say that Major Blocksom does not go as a prosecuting officer in the trial of an indictment, but only as an examiner, to elicit the truth and to put the evidence in respect to the matter in convenient and permanent form.

The President has reached a conclusion as to what the facts are, but this should not influence Major Blocksom in his examination, for if the President's conclusion in the matter is wrong he earnestly desires to be set right.

Very respectfully,

WM. H. TAFT,  
*Secretary of War.*

THE INSPECTOR-GENERAL OF THE ARMY.



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Very respectfully,

WM. H. TAFT,  
*Secretary of War.*

THE INSPECTOR-GENERAL OF THE ARMY.

DECEMBER 22, 1906.

MY DEAR MR. PURDY:

As the President has directed your visit to Brownsville to accompany Major Blocksom, of the Inspector-General's Department, to conduct a thorough, careful, and impartial examination of the witnesses as to the issue who were the perpetrators of the crime committed on the night of the 13th of August in the town of Brownsville, Tex., by shooting into the various houses and killing one man and wounding the lieutenant of police, I inclose a letter which, by direction of the President, I have sent to the Inspector-General, as instructions to Major Blocksom.

Very sincerely, yours,

WM. H. TAFT,  
*Secretary of War.*

HON. M. D. PURDY,  
*Assistant Attorney-General.*

I have the honor now to transmit to you a copy of all the testimony taken and reduced to writing by Major Blocksom, under Mr. Purdy's examination, in pursuance of the directions contained in the letters set forth above, except the statement of one witness, which had little or no bearing or weight upon the issues raised upon the present evidence, but did have, if trustworthy, a very direct bearing upon the issue to be raised in the court-martial proceedings pending against Captain Macklin, and which I have therefore transmitted to Brigadier-General McCaskey, commanding the Department of Texas, to be delivered to the judge-advocate in the court-martial proceedings. I also inclose a sworn statement of one witness, a hospital steward named François Oltmans, taken by Inspector-General Garlington by my direction. I also inclose a report from General Crozier, Chief of Ordnance, and Captain Rice, with respect to the Springfield rifle, model of 1893, in use by the soldiers of the Twenty-fifth Infantry, its operation, its caliber, and its rifling, the existence of other guns using the same cartridges or cartridges of the same size, etc. The map and photograph exhibits have been reproduced and are included in the printed copy of the evidence. The shells, clips, ball cartridges, and bandoleer, referred to in the evidence, are in the custody of this Department and will be produced whenever called for.

#### REVIEW OF THE EVIDENCE.

In order to understand the testimony, it should be said that the Fort Brown Reservation lies to the south of the city of Brownsville and immediately adjoins it. The Rio Grande River runs by the city on its west and then circles around the reservation. In the minds of the witnesses, therefore, the river lies to the west of the city, while the reservation lies to its south. In order to prevent private building close up to the reservation line, the garrison wall is constructed 30 feet within the reservation line, leaving a narrow road of about 30 feet in width between the garrison wall and the houses that front this garrison road on the city side. The reservation line is not parallel to the east and west streets of the city, nor is it at right angles to the north and south streets, but at the points of importance in this controversy, it runs in a general direction east and west.

The streets and places here involved were, first, the three barracks of D Company, B Company, and C Company. They stood about 50 feet inside of the garrison wall. Between D and B Companies was a road leading to the garrison gate which lead immediately into Elizabeth street, running north from the garrison through the town. The

D Company barracks was on the west side of this gate; B Company's barracks was on the east side, and next beyond was the C Company barracks, and beyond that a barracks not occupied. The barracks were two stories and had porches above and below. The passageway between B and C behind the garrison wall was just opposite the mouth of an alley in the north side of the garrison road. This was the alley upon which most of the shooting was done. The alley was 120 feet east from Elizabeth street on the west and the same distance from Washington street on the east, and this alley and the two streets run north from the fort into the town, intersecting first Fourteenth street, then Thirteenth street, and then Twelfth street.

On the garrison road, immediately opposite B Company barracks, was a house containing the Western Union telegraph station, known as the Rendall House. Next to that was the house occupied by Jose Martinez, immediately on the corner of the alley and the garrison road. Next beyond that was the Yturria place, the house of which fronted on Washington street, but ran back on the garrison road to the alley. These three houses were shot into. Proceeding north on the alley from the garrison road the next intersecting street is Fourteenth street. On the southwest corner of the alley and Fourteenth street is the Cowen house, which was riddled with bullets. On the southeast corner of the alley and Fourteenth street is the Garza house, which was shot into. Across Fourteenth street and on the northwest corner of the alley and Fourteenth street was the rear of the Leahy Hotel, which was shot into. Proceeding up the alley beyond Fourteenth street, on the southwest corner of the alley and Thirteenth street stands the Miller Hotel, which was riddled with bullets—the Miller Hotel extending west from the alley to its front on Elizabeth street. Crossing Thirteenth street, proceeding up the alley and passing by houses on the north side of that street, which were shot into, notably the King Block, we reach on the alley the rear of the Ruby saloon, owned by Tillman and called sometimes the Ruby saloon and sometimes the Tillman saloon. This saloon fronts on Elizabeth street and runs back through a considerable courtyard with one or more tables and chairs in it to a broad gate or door opening onto the alley. The alley of course intersects Twelfth street at the next corner.

Going back to Thirteenth street and the alley, the events of the night also carry us east on Thirteenth street half a block or 120 feet to Washington, and thence on Washington street toward Twelfth to a house standing on the east side of Washington street and occupied by Mr. Starck. This house was riddled with bullets. Proceeding up Washington street to Twelfth, and west on Twelfth, brings us again to the alley along which, as already stated, most of the shooting was done. A volley was fired at the corner of Twelfth and the alley west toward the river. With this geographic explanation, which it is necessary to keep in mind in order to follow the evidence clearly, we come now to the events of the night. The shooting occurred about midnight.

Jose Martinez was a drug clerk who lived in a house fronting on the north side of the garrison road, immediately opposite the garrison wall and B Barracks and next to the alley. He was sitting inside his front door, with the door open, reading by a light, when he heard from four to six shots in front of his door, fired, as he thinks, inside the garrison wall. He went to the door to see what was the trouble and

he heard some one say, "Hurry up and jump," and he saw negro soldiers, first in a group of five and then some twenty or more, jumping the garrison wall. They were 15 paces from him when he saw them jump. He then put out his light, closed the door, and laid down on the floor to avoid injury. Fifteen or twenty shots had been fired when he closed the door. He heard their voices and some seemed to be going toward Elizabeth street west, while others moved toward the alley to the east. He heard shooting in the alley back of his house, and looked out his back window and saw men in the alley back of his house—some ten or fifteen. He said they were soldiers because he saw them from the window; he saw them shooting from their hips.

The witness McDonald, an elderly man, a carpenter and builder by trade, living half a block from the garrison wall on Adams street, to the east of Washington, was awakened by the firing, came down to the garrison road, and walked west to Washington street. Saw shots fired from the inside of the garrison, one from the gallery of one of the barracks and one from the ground. He then saw twenty or more men assemble in front of the garrison wall on the garrison road near the garrison gate, under the lights of that gate nearly opposite Elizabeth street. He saw them divide into two squads, one going west toward Elizabeth street and the gate and the telegraph station and the other squad going east to the alley around Martinez's house. He lost sight of the one going toward the gate and the telegraph station and retreated from the squad advancing up toward the alley. He then heard a lot of shooting up the alley toward the Cowen and the Miller house. He recognized them as United States colored soldiers. There were two lights on either side of the pillars of the gate opposite the foot of Elizabeth street.

G. W. Rendall, who, with his wife, occupied a room in the second story of the telegraph station, was awakened by two shots. He looked out of the window toward the garrison wall and saw from 15 to 30 men moving around between the barracks and the wall. They were negro soldiers and were shown to be such in the light of the lamps of the garrison gate. He couldn't tell that they were armed except that he saw the flashes from the discharged guns. There were five shots fired within the garrison wall. He saw them make a break for the wall and go over the wall—he thinks 8 or 10 in number, but he couldn't tell where they went. Shortly after, the firing began in the alley and continued for ten minutes. He heard the word of command. One shot struck the house and room in which he was and threw dust on himself and wife, as they looked out of the window, and went through their mosquito bar. Mrs. Rendall says she was frightened and ran to the window when the firing began; thought the shots seemed to come from just inside the post at one side of the gate. They were in rapid succession and, she thought, 10 or 12 in number. She thought she saw figures of men running up inside the wall in the direction of their cottage. She couldn't tell whether they were soldiers or not, and was so overcome that she could not locate the firing afterwards.

Mr. Sanborn, the telegraph operator, a Union soldier in a Maine regiment, and who had been in Brownsville thirty years, was sleeping in a room back of the telegraph office on the ground floor. Was awakened by the firing—was confused for some minutes—and did not at once get up. Said the firing seemed to be right in front of the

garrison gate, just outside the wall, very near the window. After the first firing he looked through the shades of the blinds and saw one colored soldier come from the direction of the alley between Washington and Elizabeth streets along the garrison wall. Did not seem to be hurried, had his gun with him, and walked on through the small gate toward the quarters of the barracks. Between the time of his being awakened and seeing this soldier there was a few minutes' interval. About the time he looked through the blinds the firing had ceased in front of him and he heard firing in the alley back of him. The first firing was so near to him that he could almost feel the concussion. Then it receded up the alley.

The witness Schrieber, a boy 20 years old, living on the garrison road east of the alley, perhaps 150 feet, was in bed when the first shot was fired; got up and came out onto the sidewalk and saw a couple of volleys fired from inside the garrison from between the barracks and the garrison wall. He heard the bullets whizzing and went back into the house. He heard the men walking on the barracks porches, and heard some one say: "Where is the damned stuff; get it going." This was as he walked back into the house.

Theodore Martinez, the care taker of the Yturria house on the corner of Washington street and the garrison road, was awakened by the shooting from the direction of the post. Couldn't say whether the shooting came from the inside of the garrison or from the edge of the wall. Ran inside a brick house to be protected. He found bullet holes in the Yturria house the next day, having an alignment from the barracks of the post.

Tamayo, the scavenger of B Company, testified that he was at the corner of the barracks near the kitchen of B Company, which put him near the garrison gate, marked with red cross on plat. He heard a shot toward the garrison wall, but thinks it was outside the wall, about 45 yards from where he was standing, toward the alley. He had a cart and he drove his horse as rapidly as he could, because he expected to be shot, over to the southwest toward the Administration Building on the southwest, some 400 feet, and saw nothing more. He saw no one between barracks and garrison wall.

Proceeding north, now, to Fourteenth street and the Cowen house, on the southwest corner of the alley and Fourteenth street, it appears that there had been a children's party at the Cowen house. Mr. Cowen had left the house after 10 o'clock, and at the time of the shooting there were in the house only Mrs. Cowen, the six children, and the maid, Amado Martinez. The Cowen house was a small house, standing back a little from the alley, with a fence 4 or 5 feet high between the lot and the alley. The kitchen was in the rear of the house, and on the alley was a bedroom. There were lights in the kitchen and dining room and in the hall. The windows and doors were all open. Mrs. Cowen and her daughter were in the dining room, next to the bedroom on the alley, in which her boy, 16 years old, was just going to bed. As the firing approached she called all her children and rushed to the northwest room, her own room, and put them under the bed to avoid danger, while the maid rushed to the windows of the boy's bedroom, on or near the alley, to close the windows. Just as the maid got to the window she saw the men come opposite to the house in the alley, and by the light from the kitchen, recognized them as negro soldiers. The Cowen house was full of

bullet holes. The dining-room lamp was shattered by a bullet, and another bullet, going through several partitions, broke a plate glass in a wardrobe and was found behind the glass. The members of the Cowen family—Mrs. Cowen, Louis, and Gertrude—describe the working of the guns, the crashing of the bullets, and the terrible situation in which they found themselves.

Garza lived in the Garza house, just across the alley from the Cowen house on the same side of Fourteenth street. He testified to the shooting into his house, but was not able to say who did it.

On the northwest corner of the alley and Fourteenth street was the back of the Leahy Hotel. There were three rooms in an ell that looked out on to Thirteenth street toward the Cowen house. One room was on the corner of the alley and was occupied by Herbert Elkins. The next room was occupied by a lawyer, Judge Parks. The third room was an empty room, into which Mrs. Leahy, the proprietress of the hotel, went when she heard the firing. Judge Parks is dead, and the only evidence from him is a letter which he wrote to his wife the day after the shooting; that is, August 15. Mrs. Leahy testifies that she heard the firing from the garrison, and that from her window she was able to look across the next block to the garrison and saw the upper barracks of B Company and from there saw the flashes of shots fired from that porch. A photograph shows the view which she would have had of these barracks. These three witnesses were all aroused and up when the men approached the Cowen house, and they describe with much minuteness the proceedings of the men who did the shooting. In the first place, they, with others who saw them at other places, describe the movements of the men who did the shooting as being under order and having the march of soldiers—that is, in files—with a leader who gave the word of command. These three witnesses say that with the two lights, one on the corner of Fourteenth and Elizabeth streets and the other on the corner of Washington and Fourteenth streets, each 150 feet away from the alley, together with the flashes of the guns which appeared with the volleys that were fired, they were able without the slightest doubt to recognize the men who did the shooting as negro soldiers in khaki uniform. After firing from the alley at the Cowen house they came out into the middle of the street, and the witnesses described in detail how one man got into a mudhole and directed the rest to march around it, and the number of bullets that were fired in the middle of the street, some of the bullets striking the rear of the Leahy Hotel. Part of the squad started toward Elizabeth street, but were called back by their leader and disappeared up the alley. They describe the pumping of the guns and the extraction of the shells.

While the men who did the shooting were at the Cowen house and crossing Fourteenth street to proceed up the alley, Lieutenant Dominguez, a policeman of twenty years' service, and one of his men, Padron, attracted by the shooting, had come down Washington street to Fourteenth street, and stood at the corner of those two streets and saw the shooting in Fourteenth street and recognized those who did the shooting as uniformed men. As the men went up the alley, Dominguez and Padron proceeded in a parallel line up Washington street to Thirteenth and turned into Thirteenth west, apparently to head the men off at the alley as they crossed Thirteenth street.

Dominguez was on a white horse, and as he went up Washington street he met another one of his policemen, Ramirez, and these three proceeded toward the intersection of the alley and Thirteenth street. Meanwhile, the squad of men proceeded up the alley, passing the house of Doctor Thorn, a physician who had lived for years in Brownsville, and whose room, in the house running back from Elizabeth street, was immediately on the alley. Doctor Thorn was aroused by the shooting and heard the men go by his house on the alley as he lay in bed not more than 10 or 15 feet from where the men were. He heard their conversation and heard them utter words indicating their desire to shoot somebody who was going by. He heard the working of the guns, and testifies with great certainty that the voices not ten feet from him were the voices of negroes. A short distance beyond the Thorne house the men who did the shooting came to the Miller Hotel, which stood, as already stated, on the southwest corner of the alley and Thirteenth street, and there, as they came to the mouth of the alley, they saw Lieutenant Dominguez, of the police, passing along Thirteenth street on a white horse, and two volleys were fired by them at him and his horse. Dominguez testifies that he passed within 25 feet of the men as they came out of the alley, and that in the light that was shining on the north side of Washington and Thirteenth streets and on the north side of Elizabeth and Thirteenth streets he was able to identify the men whom he had seen on Fourteenth street as colored men in uniform. His horse was shot twice, and he was shot in the arm and his arm shattered so that it had to be amputated. His horse jumped forward with the shot and fell on the corner of Thirteenth and Elizabeth streets, Dominguez falling with him. Dominguez testifies to the presence of a light in front of the house of Bolack, a little to the west of the alley on Thirteenth street. The two policemen who were with Dominguez did not go with him across the alley, but delayed and retreated as the men came out, and I shall refer to their evidence later.

Mrs. Moore, the wife of the proprietor of the hotel, was in a room in the second story of Miller's Hotel, on the alley, with a window looking south and a window looking onto the alley. She and her husband sat in the window looking toward the barracks. They could see the flashes of the guns. They heard them at Cowen's house; heard the volley; heard the reloading; heard the second volley as they started down the alley toward the Miller Hotel. They dropped down behind the window wall and withdrew for protection, but were near enough the alley to hear the expressions of the men as they saw Dominguez and called for a volley at him. They testified to eight bullet holes in the hotel, inside and out. Moore recognized the negro voices. Mrs. Moore can not be certain.

The next room on the second floor of Miller's Hotel, on the corner of the alley and Thirteenth street, was 20 feet square, with two rooms on the alley and two rooms on Thirteenth street, and was occupied by a Mr. and Mrs. Hale Odin, with five of their children. Mr. Odin is a graduate of Ann Arbor and engaged in the land and immigration business; was in the habit of staying at Brownsville two or three months at a time, his business requiring him to travel about the country, although his home is nominally at San Antonio. There were four beds in the room and all the children were there. A baby of a year old was ill and Mrs. Odin was attending to it. There was a dim light in the room.



Mr. and Mrs. Odin heard the shooting at the barracks, coming north, and they took position at a window on the alley near a bed in which was sleeping a boy 11 years old. He stood up in the bed so that the three of them, with their heads together, were looking out of the window on to the alley as the men came up. They heard the remark, which other witnesses report, calling for a volley at Dominguez, and the expression of satisfaction at having hit him. When the boy made a remark to the mother, which she answered, it called the attention of one of the men below to their presence, whereupon he took his gun and fired at point-blank range at them. The bullet struck the screen through which they were looking, struck the lower sash of the window, which was raised, and went into the ceiling and through into the room just over the Odin's room. Mrs. Odin says that the bullet went through her hair; that her face was smarted with what she thought was powder from the gun; that the man who fired with the gun raised could not have been much more than 12 feet from where they were standing. The boy fell in the bed at the time of the shot. Mrs. Odin testified that in the light of the discharge they were able to see the face of the man who fired and that it was that of a freckled or speckled faced negro. They also testified that the men came up the alley in files of two, first in a squad of seven and then a squad of five, one man leading each squad, and that in the light of the street lamps and the flashes of the guns they were able to count twelve, and that they were all negroes in uniform, three or four without hats, three or four in shirts. Odin testified that he looked from the window on Thirteenth street after they crossed Thirteenth street, but is unable to say whether they all went up the alley or not. He also testifies that he saw them return, running at double quick down the alley toward the barracks some minutes afterwards, after he had heard the firing in the neighborhood of the Tillman saloon. Other guests of the hotel, a locomotive engineer and a locomotive fireman, one from the second and the other from the third floor, on Thirteenth street, testified to seeing negro soldiers cross the street. The clerk of the hotel, and a guest of the hotel, who were on the ground floor and who secreted themselves in the sample room, heard the working of the guns, the extracting of the cartridges, and the guest, who was very near to where the men were, heard the voices in the discussion over Dominguez and recognized the voices as those of negroes. Two other guests swear to the hearing of the negro voices. As the squad crossed Thirteenth street after having fired the volley at Dominguez and shot into the Odin room they fired a volley to the eastward on Thirteenth street toward the two policemen who had accompanied Dominguez from Washington along Thirteenth street toward the alley, but had stopped before reaching the alley and retreated. These men testify that they saw the armed men at the alley and retreated, but that one going east on Thirteenth beyond Washington and hiding behind a wall in the next alley and the other going up Washington street from Thirteenth street. They both testify that they saw the squad go around the corner of Thirteenth and Washington, where there was a street light and where they both again recognized the men as soldiers. The squad apparently had divided into two, one going up the alley to Tillman's saloon and the other going east on Thirteenth street to Washington and the Starck house.

The Starck house stood on the east side of Washington street. It was next to the house of a man named Tate, who had knocked down a member of C Company with a revolver a few days previous. They doubtless mistook the Starck house for the Tate house. The assailants could not fire into the Starck house except by going clear to the front of it, for it was protected by a livery-stable wall to the south of it which was not touched. They thus indicated their desire to fire into that particular house. They fired some 8 or 10 shots into the second-story rooms in the front of the house, in which there was a light and in which rooms 4 or 5 children of Mr. and Mrs. Starck were sleeping. These bullets went through the mosquito bars of the beds in which the children were sleeping, and one went through the house and struck a church beyond.

A Mr. Porter, whose house was on the southeast corner of Washington and Thirteenth streets, testified to hearing the men come east on Thirteenth and go up Washington street and fire a volley, and testified to a scurrying of feet afterwards as soon as the volley was fired, indicating a return down Washington street and around into Thirteenth street of the squad. The testimony of one of the policemen, however, is that after firing at the Starck house the squad proceeded up to Twelfth street, then out Twelfth street, which would bring them to the mouth of the alley where another witness, Manuel Alonzo, says that he saw them firing toward the river on Twelfth street, and this would bring them into conjunction with the other squad, which left them at the corner of Thirteenth street and the alley and proceeded up the alley to Tillman's saloon.

Coming now to the latter squad that went to the Tillman saloon, and their acts there, there were in the saloon three men—Frank Natus, the barkeeper, Paulino Preciado, the editor of a Spanish paper published at Brownsville, whose evidence had to be interpreted, and another, a Mexican named Nicholas Alanis. Tillman, the proprietor, had left his saloon after the shooting began and had gone down on Elizabeth street toward the barracks. Alanis and Preciado were seated at a table in the courtyard of the saloon, which opened onto the alley, through a gate or door. This courtyard seems to have been very well lighted, with several lamps. There was a cistern about midway between the saloon and the alley gate. There was a water-closet in one corner. Natus, as he heard the firing, put up the shutters in front of the saloon on Elizabeth street, and then came back through the courtyard, in order to close the alley gate or door, which stood open. The firing grew closer, and Alanis, who was in the water-closet, took refuge under the staircase, where he could see Natus as he came out of the saloon door into the courtyard. Preciado followed Natus out and stood in the courtyard, when five or six men crowded into the alley gate and shot at Natus, who had reached the cistern on his way to the gate, and fell over the cistern. Preciado was wounded in the hand and had a bullet hole through his coat. He testifies that he saw the men who did the shooting, in the lights that were in the courtyard, and that they were negro soldiers. He speaks Spanish, and testified through an interpreter. His evidence is weakened by the admission on his part that in previous statements at the inquest, before the grand jury, and elsewhere, he had not said that he saw the men who did the shooting to be negro soldiers, but he seeks to explain this by the fact that he was not asked. There were no bullet holes in the

gate, but there were inside the courtyard of the saloon. The reproduced plat of the saloon in the record and the marks thereon are unintelligible.

Cartridge shells were found outside of the garrison wall near Elizabeth street and all the way up the alley from the garrison road to Twelfth street, especially at the Cowen House, at the Leahy Hotel, at the Miller Hotel, at the Tillman saloon, and at Twelfth street near the intersection of the alley. They were also found in front of the Starck House, on Washington street, which was shot into. The mayor found some of them at 2 o'clock the morning of the shooting, at the corner of Miller's hotel. The rest were found early in the morning of the next day, and at the same time clips were found, used to hold five cartridges in the gun together; and a bandoleer or cartridge case to be slung over the shoulder, manufactured by the Union Metallic Cartridge Company. A great many of the witnesses, other than those mentioned above, referred to the sound of the loading of the guns and the extraction of the shells as firing progressed at places along the line of march of the men who did the shooting, where the cartridge shells and some loaded cartridges were found. Some 32 shells, 7 loaded cartridges, and 2 or 3 slips were collected from Mayor Combe and others by Major Blocksom and Mr. Purdy, and were subjected to expert examination by military officers at Fort Sam Houston and by Captain Rice and General Crozier, of the Ordnance Bureau. They proved to be, all of them, ammunition with marks indicating that they were manufactured exclusively for the Government, and for use only in the Springfield rifle of the model of 1903, with which the battalion at Fort Brown was armed. It appeared that these cartridges would not fit in any gun known in the market, not the Krag-Jørgensen or any other gun, military or sporting, known to the expert witnesses, except a sporting Winchester rifle of the model of 1905, but that the cartridges were so insensitive as not to explode under the hammer of this Winchester 1905 rifle when chambered to receive cartridges of this size, so that the cartridges of this size which were manufactured and sold for the Winchester 1905 rifle had different and more sensitive methods of discharge, which easily distinguished them in appearance from the Government ammunition for the Springfield rifle. It therefore is conclusively established that no guns but the Springfield rifle could have discharged the cartridges the shells of which were found along the line of fire in Brownsville the morning of the 14th of August. Three bullets were extracted, one in the presence of Major Blocksom at the Cowen house; one by Major Blocksom from the Yturria house; and one by Mr. Garza, from his own house, on the southeast corner of the alley and Fourteenth street. Each of these bullets was of the weight and size of bullets used in the Springfield ammunition, and bear the four marks of the lands or raised parts between the grooves of the rifling. The rifling of the Winchester rifle, 1905, into which the shells of the size of the Springfield rifle shells would fit, has six lands, so that the bullets could not have been fired out of the Winchester rifle. The bullets, however, were about the same size as the Krag-Jørgensen bullet and had the same mark of the lands, which is four in number, but as already said, the shells found would not enter the Krag-Jørgensen chamber by an inch, and the evidence indicates that there was but one Krag-Jørgensen rifle in the neighborhood of Brownsville and that was owned by a witness who

testified. The evidence is conclusive that there were no guns except the Springfield guns which would discharge the bullets from the cartridges found. When this evidence is carefully considered, it is a conclusive demonstration that the firing must have been done by men with the rifles of the Springfield 1903 model. The only rifles of this kind in or near Brownsville were in the possession of the soldiers of the three companies, B, C, and D, of the Twenty-fifth Infantry. The suggestion that after the hurried shooting which was done, almost at double-quick, and was finished certainly within ten or fifteen minutes, those who did the shooting could have had some other gun than the Springfield rifle, could have picked up the cartridge shells of that gun which were extracted and thrown onto the ground as the shooting progressed, and could have then placed upon the ground or "planted" shells of the Springfield rifle, obtained from the target range 20 miles away, certainly does not create a reasonable doubt of the fact that the men who did the shooting were negro soldiers, even if the direct evidence be ignored.

There is a conflict as to the circumstances growing out of the evidence of the witnesses, which is entirely natural in respect to transactions during the daytime, and still more natural in respect to the transactions and the direction of sounds during the night, and there are some things about the evidence of McDonald, Mrs. Odin, and of Preciado, who testify with such detail as to seeing the negro soldiers—the one at garrison wall, the next at the alley of Miller's Hotel, and the third at the Tillman saloon—which, in view of previous statements, shake some the weight of what they say. Mrs. Odin's statements bear evidence of being affected by conversations with her husband, and there is a somewhat suspicious agreement as to exact details between their two statements. But taking their evidence and all the other evidence, together with the well-nigh mathematical demonstration with respect to the cartridges and bullets, I venture to say that no one can read this evidence judicially without being convinced beyond a reasonable doubt that the men who committed this outrage were negro soldiers from Fort Brown, and therefore of the battalion of the Twenty-fifth Infantry stationed there.

Another conviction that forces itself upon the mind from the reading of this evidence, especially that of those witnesses who testify with reference to the beginning of the firing and what took place along the garrison road and behind the garrison wall, with the statements of four or five witnesses as to the firing of bullets from the upper galleries or porches of the barracks—a fact corroborated by the alignment of bullet holes in the houses along the garrison road—is that what took place on the porches and just back of the barracks, the volleying, the noise, the assembly of the men, and the walking along the porches, could not have taken place without awaking and attracting the attention of all who were in the barracks, privates and noncommissioned officers, whether asleep or not, and that it is utterly impossible that they should not have been aware of what was going on when the firing continued for at least eight or ten minutes thereafter. That a guard which was on watch, with a sergeant in charge, 400 feet from where the first firing took place should not have been aware that this was the work of their comrades is utterly impossible.

There are many other circumstances which might warrant comment, but time and space will not permit.

The sworn testimony of every man of the battalion who was in the neighborhood of Fort Brown was taken and was in the record originally submitted. In this each man denies that he engaged in the shooting or knew anything about it. In the face of the evidence already reviewed, the denials under oath by the men of the battalion do not overcome or meet the overwhelming evidence that men of this battalion did do the shooting, contained in the testimony already submitted to the Senate, and confirmed by the evidence herewith transmitted.

Very respectfully,

WM. H. TAFT,  
*Secretary of War.*

The PRESIDENT.

LETTER OF THE SECRETARY OF WAR TO THE PRESIDENT RELATIVE TO ADDITIONAL TESTIMONY IN THE BROWNSVILLE CASE.

WAR DEPARTMENT,  
*Washington, January 14, 1907.*

MY DEAR MR. PRESIDENT:

In my letter transmitting the additional evidence in the Brownsville case, I had occasion to comment on the circumstances which impaired the weight to be given to the evidence of Paulino Preciado, in which he stated that he saw the four or five men who killed the barkeeper, and recognized them as negro soldiers, admitting on examination that he had not made such a statement before, explaining it by saying that he was not asked. Since sending you the evidence and my letter of transmittal, I have come across what purports to be, and what I believe to be, a copy of a report of Preciado's evidence before the grand jury, which expressly contradicts and impeaches his evidence upon this point. I ask that this be forwarded to the Senate with your message and the other papers.

Very respectfully,

WM. H. TAFT,  
*Secretary of War.*

The PRESIDENT.

GRAND JURY ROOM, *September 10, 1906.*

PAULINO PRECIADO, being duly sworn, deposes and says:

I live in Brownsville, Tex.; on the night of the shooting I was in the Ruby saloon, belonging to Mr. Tillman, near midnight. We, myself, Antonio Torres, Nicolas Sanchez Alanis, and Mr. Tillman, were sitting in the yard, when we heard some shots. Tillman got up at once and left us. We remained with the bartender, Frank Natus; the latter closed the doors toward the street; in the meantime the shooting became heavier. Then the bartender went to close the door towards the alley. He went about twenty feet towards the door, when a volley was fired. Natus exclaimed, "Ay Dios," and fell down; I saw him because I was looking in that direction when the shots were fired. I saw I was in danger and went to one side. I could not see anybody in the alley, as it was dark out there and I was in the light. I heard no word spoken. I hid in a corner where a brick wall protected me until the shooting was over, then I went to close the alley gate. While I was in the corner I received a slight flesh wound on the left hand, and another pass passed through my coat and vest, breaking my spectacles, which I carried in the left breast pocket of my coat, but did not hurt me. I think I received the shots at the time Frank Natus fell, but did not notice it at the time. When the shooting was over I went and opened the front door, and asked the crowd of people who were there if there was an officer amongst them. Mr. Victoriano Fernandez came forward, and I told him what had happened.

(Signed)

PAULINO S. PRECIADO.

Sworn to and subscribed before me, this 10th day of September, 1906.

WM. VOLZ,  
*Foreman, Grand Jury.*



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STATEMENT OF THE SECRETARY OF WAR

AND

ADDITIONAL TESTIMONY

TAKEN BY

HON. MILTON D. PURDY,

ASSISTANT TO THE ATTORNEY-GENERAL OF THE UNITED STATES,

and

MAJ. AUGUSTUS P. BLOCKSOM,

INSPECTOR-GENERAL'S DEPARTMENT, UNITED STATES ARMY.

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## PRELIMINARY STATEMENT BY THE SECRETARY OF WAR AS TO THE ARRANGEMENT OF THE EVIDENCE.

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The evidence which is set forth below includes the statements of nearly seventy witnesses, and in order that its force and effect may be weighed I have directed the arrangement of the testimony of the witnesses in groups, in accordance with the order of time and place and subjects with reference to which the testimony is given. Of course, as some witnesses testify with reference to several places and several subjects, they can not always be separated, but under each head is given a cross reference which will possibly be of aid to an intelligent, consecutive, and logical reading of the evidence.

The most important part of the city of Brownsville in this case is the alley which begins on the north side of the Garrison Road, opposite the barracks of Company C, and runs north into the town, crossing Fourteenth, Thirteenth, and Twelfth streets. The alley lies half-way between Elizabeth street on its west and Washington street on its east. The shooting was all done either behind the garrison wall or in this alley, or on the streets where it crosses them, except that which was done to Starck house, on Washington street, beyond Thirteenth street.

1. Beginning where the persons who are alleged to have done the shooting are said to have had their rendezvous and the shooting at the rear of the barracks and behind the garrison wall, the testimony follows them across the garrison wall to the street, 30 feet wide, that skirts the garrison wall, called the Garrison Road, and describes the shooting into the telegraph station and the Martinez house that front the garrison on this street just opposite the garrison wall, and into the Yturria house, which is on the corner of the Garrison Road and Washington street, and the march of the squad up the alley.

2. The witnesses then follow armed men up the alley to Fourteenth street, where they shot into the Cowen house and into the Garza house, which are on either side of the alley and on the south side of Fourteenth street, and into the rear of the Leahy Hotel, on the north side of Fourteenth street, abutting on the alley. Lieutenant Dominguez, of the the police, and Padron, a policeman, give evidence as to the presence of soldiers on Fourteenth street near these houses and their firing into

it, which they witnessed from the corner of Washington and Fourteenth streets, half a block away; but as their evidence is more important with reference to the Miller Hotel, when Dominguez came close to the men who did the shooting, and was shot, the policemen are grouped under the Miller Hotel witnesses.

3. Proceeding up the alley, the next witness is Doctor Thorn, whose room was in a house about the middle of the block between Thirteenth and Fourteenth streets, on the alley.

4. Next are the witnesses in the Miller Hotel, at southwest corner of Thirteenth and the alley.

5. Next are the witnesses of Tillman's saloon, on the alley between Twelfth and Thirteenth, where Natus was killed.

6. The next witness is Manuel Alonzo, who says he saw firing at the corner of the alley and Twelfth street, west, toward the river, the further point from the garrison wall to which the evidence traces squad.

7. The witnesses indicate a division of the squad on Thirteenth street, so that part went up the alley to Tillman's saloon and part went out Thirteenth street to Washington, and up Washington to the Starck house, with some conflict as to whether the armed men returned by Twelfth street and the alley or by Thirteenth street and the alley.

8. Then there is a group of witnesses whose evidence is only general as to the direction of the sound of the shots, beginning at the garrison and progressing uptown, and the time between the beginning of the shots and the ceasing of the firing of the high-power guns. This includes a statement taken by General Garlington of Francois L. Oltmans, hospital sergeant.

9. Next follows the testimony of witnesses who testify only to the disposition and effect of the lights.

10. Then the testimony of a group of witnesses as to finding shells, clips, and bandoleer is next.

11. Then the testimony of a group of witnesses as to the bullet marks and the finding of the bullets follows.

12. Then comes the testimony of a group of witnesses—experts—and the report of the ordnance officers as to guns and ammunition.

13. Finally, there is testimony of witnesses of a miscellaneous character.

WM. H. TAFT, *Secretary of War.*

## REPORT OF MAJOR BLOCKSOM.

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WASHINGTON, D. C., *January 11, 1907.*

THE MILITARY SECRETARY,  
*United States Army,*  
*Washington, D. C.*

SIR: I have the honor to report that under and pursuant to instructions contained in your letter of December 22, 1906, I, in company with Mr. Milton D. Purdy, assistant to the Attorney-General, proceeded to Brownsville, in the State of Texas, for the purpose of making an investigation and taking evidence under oath relative to the shooting which occurred in that city on the night of the 13th of August, 1906. We arrived at Brownsville on the evening of the 26th of December and began the taking of the testimony on the following morning, and continued the investigation without interruption until the 1st day of January, 1907. During this time we examined 45 witnesses. From Brownsville we proceeded to San Antonio, Tex., at which place we examined 10 witnesses from the 2d to the 6th of January, inclusive. From San Antonio we proceeded to Houston, Tex., and on the 7th of January examined 4 additional witnesses. From Houston we returned direct to Washington, where we arrived on the 10th of January. Upon our arrival here we received by mail from R. B. Creager, United States commissioner at Brownsville, three affidavits as to the location and character of light of certain street lamps located in Brownsville. On the 11th day of January, in this city, we examined Capt. John H. Rice, of the Ordnance Department of the United States Army, and secured the affidavit of Maj. A. P. Blocksom as to certain exhibits received during the course of the investigation. The number of witnesses whose testimony has been taken as above indicated amounts in the aggregate to 63.

I have the honor to transmit herewith the testimony of each of these witnesses duly verified under oath, together with a list containing the names of each of the witnesses whose testimony has been taken. I also transmit herewith a list of the exhibits offered and received in evidence during the course of this investigation, together with the exhibits themselves.

I desire to state in conclusion that we interviewed many persons besides those whose testimony was taken, but did not call them as witnesses for the reason that their testimony would have been merely cumulative and tended only to locating the shooting in that portion of the city of Brownsville in which it indisputably occurred.

Very respectfully,

A. P. BLOCKSOM,  
*Major, Inspector-General.*

I concur in the foregoing report of Maj. A. P. Blocksom.

MILTON D. PURDY,  
*Assistant to the Attorney-General.*



### LIST OF WITNESSES.

- |                               |                              |
|-------------------------------|------------------------------|
| 1. Herman Schrieber.          | 33. Chas. B. Chace.          |
| 2. S. C. Moore.               | 34. Joseph Bodin.            |
| 3. Dr. Charles H. Thorn.      | 35. Juan Cerda.              |
| 4. Helen Moore.               | 36. Felix V. Calderon.       |
| 5. Charles S. Canada.         | 37. Chief George Connor.     |
| 6. Anna A. Cowen.             | 38. A. Y. Baker.             |
| 7. Gertrude Cowen.            | 39. Teofilo Martinez.        |
| 8. Amado Martinez.            | 40. Capt. Wm. Kelly.         |
| 9. Katie E. Leahy.            | 41. R. B. Creager.           |
| 10. L. R. Cowen.              | 42. Guy Rentfro.             |
| 11. Mayor Frederick J. Combe. | 43. Charles E. Hammond.      |
| 12. Dr. Joseph K. Combe.      | 44. Edward A. Sanborn.       |
| 13. Fred E. Starek.           | 45. William C. Nolan.        |
| 14. Mrs. F. E. Starek.        | 46. Hale Odin.               |
| 15. Paulino S. Preciado.      | 47. Ethel M. Odin.           |
| 16. Nicolas S. Alanis.        | 48. Ygnacio Garza.           |
| 17. Louis A. Jagou.           | 49. Arthur I. Davis.         |
| 18. H. M. Shannon.            | 50. Wilbert Voshelle.        |
| 19. Louis H. Cowen.           | 51. Col. Frank Baker.        |
| 20. Matias G. Tamayo.         | 52. Capt. David J. Baker.    |
| 21. G. T. Porter.             | 53. Capt. Hanson E. Ely.     |
| 22. J. A. Tillman.            | 54. Eleanor Parks.           |
| 23. Manuel Alonzo, jr.        | 55. Franklin J. Sargent.     |
| 24. M. Ygnacio Dominguez.     | 56. William G. Houghton, jr. |
| 25. Macedonio Ramirez.        | 57. A. N. McKay.             |
| 26. Genaro Padron.            | 58. Charles C. Madison.      |
| 27. G. W. Rendall.            | 59. Macedonio R. Prieto.     |
| 28. Elizabeth V. Rendall.     | 60. Louis Kowalski.          |
| 29. Jose Martinez.            | 61. F. Yturria.              |
| 30. J. P. McDonnel.           | 62. Capt. John H. Rice.      |
| 31. F. A. H. Sanborn.         | 63. Maj. A. P. Blocksom.     |
| 32. Herbert Elkins.           |                              |

### LIST OF EXHIBITS.

1. Plat of the town of Brownsville, marked "Exhibit A."
2. Plat of Fort Brown, marked "Exhibit B."
3. Brief statement of Mrs. Hale Odin, marked "Exhibit C."
4. Letter from Judge Parks to his wife, dated August 15, 1906.
5. Thirty-two empty shells, six ball cartridges, three clips, and one bandoleer, received in evidence in connection with the testimony of Mayor Frederick Combe.
6. One empty shell, one ball cartridge, and one clip, received in connection with the testimony of Franklin J. Sargent.
7. One steel-jacketed bullet, received in connection with the testimony of Miss Gertrude Cowen.
8. One steel-jacketed bullet, received in connection with the testimony of Ygnacio Garza.
9. One steel-jacketed bullet, received in connection with the affidavit of Maj. A. P. Blocksom.
10. Three pieces of metal resembling bent tin, received in connection with the testimony of Ygnacio Garza.
11. Two pieces of metal resembling bent tin, received in connection with the testimony of Mrs. Anna A. Cowen.
12. Seventeen photographs, taken by Mary M. Waltgenbach, of the various buildings, dwelling houses, streets, etc., in the city of Brownsville referred to in the testimony of the various witnesses.





## TESTIMONY.

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1. *Testimony with reference to the assembling of the soldiers, the shooting from the barracks behind the garrison wall, the climbing over the garrison wall, and the shooting into houses on the Garrison Road.*

MR. F. A. H. SANBORN was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Sanborn, do you reside in the city of Brownsville?—A. Yes, sir.

Q. How long have you lived here?—A. I can not give you the exact date now, but for more than thirty years.

Q. What is your business?—A. I am manager of the Western Union telegraph office.

Q. And where in this city is your office located?—A. At the extreme lower end of Elizabeth street, just facing the garrison wall.

Q. Right opposite the gate to the barracks?—A. Yes; it is the last building on Elizabeth street, opposite the gate through the wall.

Q. Were you at your home on the night of the 13th of August of this year?—A. Yes, sir.

Q. Did you hear the firing during that night?—A. Yes.

Q. About what time?—A. Shortly before 12 o'clock, I should say. I don't know that I thought to look at the time when I got up. I was already in bed and sound asleep and was awakened.

Q. Where did the firing seem to be?—A. It seemed to me, from the sound and the nearness of it, that it was right in front of the garrison gate, outside the wall—right near my window—near the small entrance gate to the garrison.

Q. When you were aroused from your sleep at that time what did you do?—A. I was so confused, and the firing was so near me and so heavy, that I could not form any idea of what was going on, and I could not find a match with which to light my lamp, and it was four or five minutes before I could realize what was happening.

Q. Did you make a light?—A. I did not until some time after that.

Q. What did you do then, after you got up and made a search for a light?—A. I went back, before I lighted the lamp, and opened the blinds—the window was opened and the blinds closed—and looked through them, and then I saw one colored soldier, who came up right by the wall and went through the small garrison gate.

Q. Will you describe to me, particularly, this soldier, what he was doing, from which direction he came, and where he went?—A. He came from the direction of the alley, where I afterwards heard the firing—

Q. That is the alley between Washington street and Elizabeth street?—A. Yes. Then he walked closely along beside the garrison wall; did not seem to be hurried; had his fire pieces with him, and

walked deliberately on past, through the small gate toward the quarters in the barracks.

Q. Could you see him after he passed through the gate?—A. No; it was not so that I could see him, but I could see the general direction in which he was going.

Q. Were there any lights there at the entrance of the gate?—A. There was an oil lamp that sets on top of the posts of the gate.

Q. And it was from that light that you could see him and tell that he was a colored soldier?—A. Yes, sir.

Q. How was he dressed?—A. He was a small man—looked like a boy—and wore the regular undress uniform, khaki.

Q. Do you know, from your observation, whether there were any soldiers about his size stationed here at that time?—A. I could not say as to that.

Q. Now, between the time that you were aroused and got out of bed and the time you saw this soldier enter the gate, about how many minutes elapsed?—A. I should not suppose that it was more than five minutes.

Q. What about the firing during that time?—A. Well, by the time that I looked through the blinds the firing had about ceased in front of me and I heard them firing back of me, up the alley. The first firing was so near me that it seemed as if I could almost feel the concussion.

Q. Then it receded and you heard it in the alley?—A. Yes, sir.

Q. How many shots would you judge, approximately, that you heard fired there from the beginning to the end?—A. I do not know; it would have to be a rough guess; but I think in the first firing right near me there must have been five or six, and afterwards I was some distance away from it and I did not try to keep count of them; however, I know there were a good many fired.

Q. Was there anyone in the upper part of that building in which you were located at that time?—A. Yes; the proprietor of the building and his wife—Mr. and Mrs. Rendall.

Q. Now, after you looked out of the window and saw this soldier going through the gate, what did you do then?—A. I came out into the office—I had communicating doors between the office and my room—and opened the end door, toward the garrison, and looked out; and a few minutes later, or, rather, before I opened the door, I heard the alarm.

Q. The call to arms?—A. Yes, sir. Then I opened my door and stood in it.

Q. Were you alone at that time?—A. Yes, sir.

Q. What did you see then?—A. I saw the officers coming over across the parade to the barracks, went into the quarters, heard them arouse the men, and afterwards I heard the roll call. I don't know where the company was formed, but from my hearing everything so plainly they must have been formed in the rear of the barracks or on the walks between the barracks.

Q. Where did you first observe the officers with lanterns?—A. I saw them come across the parade.

Q. Could you see them when they left their residences on the other side of the parade ground?—A. No; I did not see them until they got over near the soldiers' barracks.

Q. They went into the barracks?—A. Yes, sir.

Q. And then the soldiers came out?—A. Yes.

Q. And the officers formed in line, I presume?—A. Yes.

Q. The firing had ceased at that time?—A. Yes.

Q. After you came out on the porch did you hear any firing up in the town?—A. No; I think it had ceased.

Q. You don't recall any shots?—A. No, sir; I do not recall any.

Q. At the time you were there on your porch watching the roll call did you know or had you any idea of what had taken place in the town that evening?—A. No; it was a perfect surprise to me, and that was why I was so much confused, and when I first saw this colored soldier with his gun it made no impression on me, and finally I concluded that there must have been some trouble between the police and the soldiers.

Q. You formed that impression there at the time from what you saw?—A. Yes, sir.

Q. But you did not know that anyone had been assassinated or that any houses had been fired into?—A. No; not until the next morning.

Q. About how long did you stay out on the porch there?—A. I stayed there until they called the roll and things had quieted down, and then I went back to bed.

Q. During that time did you see any citizens upon the streets?—

A. No. I looked up Main street, but I saw no excitement.

Q. Did you see any colored soldiers, other than the one you have designated, go back into the fort?—A. No, sir.

Q. Could you, from where you were, see the entire length of the wall?—A. No; not so as to be able to distinguish anyone, although it was not a very dark night.

Q. Did it occur to you to look to see whether any soldiers were coming back?—A. No.

Q. Then, as I understand you, the soldiers might have returned down the alley back of your residence and gotten over the wall without your having seen them?—A. Yes, sir.

Q. That wall was about how high?—A. About 4 feet.

Q. Were you ever in the Army?—A. Yes, sir. I enlisted as a private in the Twelfth Maine Regiment; served perhaps six months, I do not exactly know, and in Butler's expedition in New Orleans I was detailed from the regiment to learn telegraphy. I was quite a youth, and—

Q. You have been here, then, since the civil war?—A. Yes, sir. I served all through the war as a telegrapher and in the telegraph corps, although I was a member of the Army. I was the only one of several that were detailed that served in the Army; kept my name on the roll. We had had the choice to be discharged and be borne on the rolls without pay.

Q. Now, Mr. Sanborn, is there anything that you think of which occurred that night (the 13th of August, 1906) here in Brownsville, concerning which I have not interrogated you, with reference to which you care to make a statement?—A. No, sir; I don't think there is.

Q. Have you stated all that you know about that occurrence here?—A. Yes, sir; all that came to my personal knowledge.

Q. Was the house in which you were living that night fired into?—A. There was one shot through the upper story. I was told by Mr. Rendall that it went through the mosquito bar.

Q. Have you seen the mark of the shot since that time?—A. No; I have not examined it. I saw it from a distance.

Q. I call your attention, Mr. Sanborn, to "Exhibit A," which is a fire-insurance plat of that portion of the city of Brownsville adjacent to the fort, and ask you whether this building located at the corner of Elizabeth street and the road is the building in which you were on that evening?—A. That is exactly the location of the building; that plat may have been made before the house you refer to was built, but that is the location exactly. (Indicated by figure 1.)

Q. Calling your attention to this building marked "1" on the plat, your bedroom is in what portion of that building?—A. The rear portion of that building marked "1'," toward the fort.

Q. And where was the place that you sat while you watched the soldiers assemble?—A. The door, midway in the front portion of the building.

Q. Facing toward the barracks?—A. Yes, sir.

Q. Both of those are located on the first floor?—A. Yes, sir.

F. A. H. SANBORN.

THE STATE OF TEXAS, *County of Cameron, ss:*

F. A. H. Sanborn, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

F. A. H. SANBORN.

Subscribed and sworn to before me this 27th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

MR. G. W. RENDALL was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Rendall, you live in the city of Brownsville?—A. Yes, sir.

Q. About how long have you lived here?—A. Since 1859.

Q. Where is your residence located in this city?—A. At the extreme lower end of Elizabeth street.

Q. At the corner of Elizabeth street and what is known as the road running in front of the garrison wall?—A. Yes, sir.

Q. And over what has been described as the telegraph station?—A. Yes, sir; over the Western Union office.

Q. You live there with your wife?—A. Yes, sir.

Q. Are you engaged in business here, Mr. Rendall?—A. No, sir; not at present.

Q. What has been your business?—A. Mechanical engineer. I have been in the business of manufacturing ice here in Brownsville for twenty-five years until lately.

Q. Where were you on the night of the 13th of August, 1906?—A. I was in my dwelling room over the telegraph office.

Q. Were you aroused by any unusual disturbance or noise on that evening?—A. Not until two shots were fired that woke me up.

Q. About what time was that, Mr. Rendall?—A. I could not say. I had been asleep, and I did not light any light to look at the clock or watch.

Q. Upon being aroused, what did you do?—A. I looked out of the window looking toward the garrison wall.

Q. What did you see?—A. Where the shots apparently came from, I saw men moving around there. They appeared to be somewhat excited, talking low, and after a few more moments there were three other shots fired.

Q. I will ask you, Mr. Rendall, where were these men that you saw upon looking out of the window?—A. They were about midway between the garrison wall and their quarters—barracks.

Q. Inside the wall?—A. Yes, sir.

Q. How many men were there?—A. I could not say, but I judge from fifteen to thirty.

Q. Do you know whether or not they were soldiers?—A. Yes, sir; they were soldiers. The lights of the lamps showed that they were army men.

Q. Were they colored men or white men?—A. Colored men.

Q. And do you know whether or not at that time they were armed?—A. I do not; except the shooting I saw through the flashes of the arms.

Q. Could you see well enough to distinguish that they were colored men but could not tell whether they were armed?—A. I could not. I saw them shooting through the flash from the guns in their hands.

Q. About how many shots were fired at that time?—A. There were, I think, five fired inside the garrison wall before they did the breaking to get over the wall.

Q. Did you remain at the window watching these men?—A. I did not. Supposing it was an alarm of fire, I changed from one window to the other, from the north, south, and east window alternatively, looking for the light of the fire, supposing it was an alarm of fire.

Q. While you were looking out these other windows, did you hear any shots fired in the meantime?—A. I could not say about that. I don't remember certainly of hearing more than five shots fired inside the garrison wall before the men came to the wall and got over.

Q. After you had looked out of these windows looking for fire, where did you go then?—A. I returned back to the east window, looking out upon the fort.

Q. What did you see then?—A. I saw men huddled together and moving around pretty fast.

Q. Did you hear any talk?—A. Talking lowly—suppressed sort of voice.

Q. About how far were they away from you at that time—approximately?—A. About 60 feet.

Q. Did you hear anything said distinctly?—A. Only the words, "There we go," "Here we go," or something of that kind.

Q. What happened then?—A. Then they made a break for the wall abreast of the alley.

Q. That is, the alley between Elizabeth street and Washington street?—A. Yes, sir.

Q. Were they at that time right opposite that alley?—A. No, sir; they were a little this side (pointing)—a little toward Elizabeth street when that expression was made that I recognized.

Q. Then what happened?—A. Then they started for the wall. I

could see them vaulting the wall, but after they got over the wall and into the street I could not tell which way they went.

Q. How many did you see go over the wall?—A. I judge from eight to ten that I saw on the wall. They appeared to go all at one time, or as near as they could.

Q. Did you still remain at the window?—A. No, sir; I did not. I went then to the north window again, but the other buildings, the small buildings, hid my view toward the alley. I could not see whether they went up the alley or where they went, but the shooting commenced again, probably half a minute after they went over the wall.

Q. From which direction did the shooting appear to come?—A. From the direction of the alley.

Q. About how many shots did you hear fired, then, that seemed to come from the alley?—A. I could not say, but probably there were a dozen.

Q. How long did the firing continue?—A. I judge it continued ten minutes, and maybe more, after they crossed the wall.

Q. May it not have been less than that time?—A. It might have been. I put it at about ten minutes. My wife put it at eight minutes.

Q. Did this firing seem to remain stationary, or did it proceed further uptown?—A. It appeared to be a volley—a number of shots close up here, and then there was a little intermission, a silence for a minute, or perhaps two minutes, then a number of shots further uptown.

Q. Where were you at that time?—A. I was still at the window looking for fire or some other excitement. I saw nobody in the streets, in the alley, in Fifteenth street, in Elizabeth street, or any place the men that were shooting—the soldiers.

Q. Did you see any soldiers inside the wall during that time?—A. No, sir; I did not. It appeared to be all deserted there—nobody in sight until after the firing was over. Then I heard an officer's voice, and heard him commence to call the roll.

Q. Did you hear a bugle call?—A. I did. The bugle call was while they were shooting uptown.

Q. About how long after you saw the men go over the wall was that bugle call sounded?—A. I judge it was from six to ten minutes.

Q. After you heard the last shots uptown, did you hear any other shots fired?—A. I think a few minutes—maybe two minutes—there was an intermission, then there were five shots fired below here (pointing).

Q. Five shots below. That is in what direction?—A. They were toward the river down on Levee street, the lower end of the garrison wall.

Q. That is, in a southwesterly direction from your dwelling house?—A. Yes, sir.

Q. Now, at the time those shots were fired, did anything of an exceptional nature happen in your room?—A. At the second shot there was some dust that fell on my hand which was at that time on my wife's shoulder. We were both looking out of the window, and we ascertained afterwards it was dust from the hole where the bullet passed through the house, about 2½ feet over our heads, a little to the right.

Q. Did you afterwards ascertain that you were standing at that time directly under the place where this bullet entered your dwelling?—A. Yes, sir.

Q. At that time you did not have any [idea] that that shot had been fired?—A. I did not know then that one of the shots had penetrated the house. Did not know it until next morning, because my wife was afraid to strike a light.

Q. What did you do then, Mr. Rendall?—A. After the thing quieted down, and the officers sent a squad outside, some one came down Elizabeth street here (pointing) talking to an officer. I judged it was one of the officers of the city. We then went back to bed.

Q. Without knowing what had taken place in the city?—A. Knowing nothing about it until next morning at daylight. I had no idea, had the least suspicion of what it was at the time that these men went over the wall.

Q. Did you have any idea as to where they were going?—A. No, sir; I thought they were chasing a deserter, or a thief, or something of that kind.

Q. You thought that a man had deserted the fort, or somebody had stolen something at the fort, and that they were chasing this man?—A. Yes, sir; because the movement of the men I saw was the same as though they were under command of a commissioned officer and were obeying orders.

Q. Just before the men went over the wall, you have testified that you heard some one inside the wall say, "Here we go," "There he goes," or some such expression as that?—A. Yes, sir.

Q. Could you tell from the sound of that voice as to whether it was the voice of a colored person or not?—A. From the sound of the voice I was sure it was the voice of a man who had been talking to me with the object of renting a house. He said he was a sergeant and had been a long time in the Army, and he had a slight lisp—a peculiar way of speaking.

Q. And how far were these men from you at the time you heard that voice?—A. They were close onto 60 feet—might have been a few feet more or a few feet less.

Q. So you could hear that voice distinctly?—A. He spoke loud. Thought it was a command given in a loud voice.

Q. You testified that that voice was spoken by a person with a lisp?—A. Yes, sir; I thought I identified the voice from the peculiar expression that he used, as I had talked with the same man before.

Q. Will you state what your conversation with this man was before?—A. This man represented himself as a sergeant.

Q. How long was this before the 18th of August?—A. This was about five or six days before this occurred. He came to me wanting to rent a small cottage I had in that same alley. He said the reason for doing so was that he did not want to send his wife, whom he was going to send for, up among the Mexicans. I gave him to understand that I was using the house as a storeroom, but could vacate it, and would let him know in a few days. He came to me every day for three days, asking me to give him an assurance that he could have the house, as he was anxious to get his wife here. On about the fourth or fifth day that he came to me he said that he did not want the house, that he could not bring his wife here, as they were not going to remain here.



Q. How long was that before the 13th of August?—A. That was on the 11th that he told me that they were not going to remain here and did not want to bring his wife here.

Q. And your best judgment is that that was the same man whom you heard give the command inside the wall that night?—A. It was my impression that this was the same voice and the same man that I heard speak giving the loud order and saying, "Here we go," or "There they go."

Q. He was a sergeant?—A. He represented himself as a sergeant.

Q. Of the colored troops stationed here at that time?—A. Yes, sir; a man about 45 years of age.

Q. Now, Mr. Rendall, have you stated all that you saw or heard upon the night of the 13th of August of this year?—A. I think I have.

G. W. RENDALL.

THE STATE OF TEXAS, *County of Cameron, ss:*

G. W. Rendall, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes it to be true.

G. W. RENDALL.

Subscribed and sworn to before me this 27th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, County of Cameron, State of Texas.*

MRS. ELIZABETH V. RENDALL was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mrs. Rendall, you reside in the city of Brownsville with your husband, over the Western Union telegraph station, down here at the foot of Elizabeth street?—A. Yes, sir.

Q. And have lived there for some years?—A. Not always in that house, but two blocks above there.

Q. You were living there on the night of the 13th of August of this year?—A. Yes, sir.

Q. Were you aroused by the report of firearms late on that night?—A. I was not asleep. I sleep badly, and I was not asleep at all. I sat up reading, and was not asleep when the firing began.

Q. Where were the first shots fired, or in what vicinity?—A. Well, it seemed to me—I was awfully frightened when the first shot was fired. I immediately sprang up and went to the window which looks into the post—immediately into the post.

Q. What did you see?—A. I did not see anything whatever, but after a few moments several other shots were fired.

Q. While you were still at the window?—A. While I was still standing there.

Q. From where were those shots fired?—A. It seemed to me that they came—of course I could not locate it—I was too frightened to locate the sound, but I thought they were fired just inside the post, a little to one side of the large gate.

Q. That is just across the street from where you live?—A. Yes, sir; in the post.

Q. And how many shots were fired at that time—about how many?—A. Well, I don't know. They were in rapid succession. I suppose ten or twelve shots.

Q. Did you see anybody inside the wall at that time?—A. I thought that I heard voices and men running up inside the wall.

Q. In your direction?—A. Along the wall.

Q. Up toward Washington street?—A. In the direction of our cottage—the green cottage.

Q. In an easterly direction?—A. Yes, sir.

Q. Inside the wall?—A. Yes, sir.

Q. Could you form any idea as to how many men there were at that time?—A. Well, at least six or eight, it seemed to me.

Q. Could you see the men at that time?—A. Not distinctly, but I could see persons moving inside the wall.

Q. That was immediately after the number of shots were fired in rapid succession?—A. Yes, sir; I think so.

Q. Will you go on and describe in your own language what you did and what you saw?—A. Well, that was all that I saw. I could hear, it seemed to me, voices—suppressed voices—before that or after that.

Q. Could you tell from the sound of those voices as to whether they were colored people or white people?—A. I could not. It sounded—I heard one voice say, "I told them not to shoot." That is all I remember of that.

Q. And then what happened?—A. Then after that I think the firing ceased; but before that we were standing—Mr. Rendall and myself—at the window, looking onto the street.

Q. Onto Elizabeth street?—A. Yes, sir; fronting the street. We were both standing stooped looking out when a shot struck the house. I did not know it was a shot at the time, at least I did not know it had struck the house at the time, but I felt splinters, and dust flew in my face. I said, "That must have been a shot. Let us get away from here." My night dress was covered over with splinters and dust from the shot that entered immediately above the bed.

Q. How long was that after the first shots were fired?—A. Not very long; only a very few minutes, I think. I don't think the whole time was more than ten or twelve minutes.

Q. After you heard the first shots fired across the street from inside the wall did you hear any other shots fired in any other part of the town?—A. There were a number of shots, as I said, but I was too frightened to locate them.

Q. You could not tell in what portion of the town, whether east or west of you?—A. No, sir; I could not.

Q. Did you hear firing after those shots were fired across the street?—A. Yes, sir; after the shot that struck the window—that struck the house—there was a volley; it seemed to me 8 or 10 shots at once, and to my best belief that was the last that was fired.

Q. What were you doing most of the time there in your room?—A. I was trying to find out what was the trouble—looking through the windows. We had no light.

Q. Did you go to different windows?—A. Yes, sir. My purpose was to find, if possible, what the trouble was.

Q. What did you suppose it was?—A. At first we thought it was fire—an alarm of fire.

Q. And you looked out of the windows to locate light in any portion of the town?—A. We could not see downtown, except a very small portion of it that looks directly into the post.

Q. Did you hear any shots in the rear of your house at all?—A. What do you mean by the rear?

Q. Over toward the east—in an easterly direction from your house?—A. That would be in that direction (pointing). Yes; I suppose I did, but as I said, it was impossible for me to locate the sound exactly.

Q. These men that you saw inside the wall going up in an easterly direction after you heard the first shots fired, could you tell whether they were troops or not?—A. No; I could not. It was a dark night; at least a starlight night; light enough to distinguish forms, but not to tell, of course, whether they were soldiers.

Q. Whether they were men or whether they were soldiers?—A. Naturally I supposed they were soldiers, of course, being in the post.

Q. Did you hear the bugle call sound to arms?—A. Yes, sir.

Q. When was that, Mrs. Rendall, with reference to the time that the bullet struck your house?—A. The bugle sound was in the beginning, I think. First a single shot—the first sound I heard was a single shot, and I sprang up immediately.

Q. Were you in bed at that time?—A. Lying in bed, but not asleep, but whether there were one or more shots fired before this bugle sounded I can not recall now, but I think probably one or two. After the first single shot there was a kind of a pause, and then the bugle sounded. Then after that the shots came in rapid succession, and the last volley was terrific. That frightened me so that I did not remember anything about it then, but I think they ceased. I do not think there was any firing after the last volley, which frightened me so I thought something terrible had occurred.

Q. You did not know what had happened up in town until next morning?—A. Nothing until next morning.

Q. Did you see any persons returning to the post that night?—A. No, sir; I did not. I was not at the window after the last volley.

Q. What about the light, Mrs. Rendall, in front of the gate there on Elizabeth street?—A. There were two lights burning.

Q. Was it light there in front of the gate?—A. Yes, sir; quite light.

Q. You were looking over in the direction of the gate most of the time?—A. Yes, sir.

Q. And you did not see anybody in the vicinity of the gate?—A. No, sir.

Q. These men that you saw first inside the wall were further to the east of the gate?—A. No, sir. To the best of my recollection they were at the first quarters; their voices sounded as though they were at the first quarters to the right of the gate.

Q. That would be to the west, as you face it now?—A. Yes, sir. The voices during the firing seemed to be suppressed, but I heard distinctly the voice of the person who spoke and said "I told them not to shoot," or "I told him not to shoot." These words I heard distinctly.

Q. But you could not tell whether that was spoken by a white person or a colored person?—A. No, sir; but it was spoken inside of the gate. Of that I am positive.

Q. It was in English?—A. Yes, sir.

Q. Is there anything else, Mrs. Rendall, that you think you saw or heard that night that you have not already stated?—A. No; I think not. Mr. Rendall went to bed after the firing ceased. But I remained at the window until the whole business had been settled, until the roll had been called and the troops had been marched to their quarters.

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

Q. Did you see anything of the officers with lanterns coming across the parade ground?—A. No, sir. I heard the first roll call. I don't think there were more than one dozen men, less than a dozen men—six or eight men perhaps.

Q. Could you see them at that time?—A. No; I heard them. Their names were called out and they answered "Here," "Here."

Q. There were some that did not answer?—A. About six or eight or perhaps ten who answered their names.

Q. About how far were they away from you, Mrs. Rendall, at the time this roll was being called?—A. Well, I think they were just near the big gate.

Q. About the length of this room? (About 100 feet.)—A. Hardly that far. Our house is situated very near the post.

Q. About 60 feet?—A. Perhaps.

Q. And while you could not see them at that time, you could hear them very distinctly?—A. Yes, sir.

Q. Did the officers at that time have lanterns there?—A. There was a lantern there. I do not know whether it was carried by a commissioned officer or not. There was one officer in particular whom I saw. He came down to the gate during this process of calling the roll and he remained there, I think, at the gate all the time.

Q. He was at the gate?—A. Yes; standing inside the gate. A number of men were standing to the left.

Q. How far inside the gate?—A. Just on the inside of the big gate.

Q. When this roll call took place, what time, in your judgment, had elapsed from the first firing which you heard on that evening?—A. I do not think more than fifteen or twenty minutes, possibly not that long.

Q. And how long after you heard the bugle call did the roll call take place, the first roll call?—A. Well, that was after the firing had ceased that this first roll was called—this small number of men.

Q. How long was that after the bugle call?—A. Possibly about the same time. I don't think I understood your first question.

Q. I wanted to know how long after the sound to arms was given on the bugle before the roll call took place.—A. Not more than fifteen minutes. I don't think it was that long.

Q. There was some little time elapsed from the time of the first firing until the bugle sounded to arms?—A. The bugle sounded immediately. I don't remember but one bugle call and that was immediately after the first shot. It was like a call to fire or to an assembly. I am not familiar with the calls, but it was a peculiar call. I never heard it before.

Q. That was immediately after the first shot, as you recollect?—A. I think so. Probably there might have been one or two shots after that, but the bugle call was immediately after the first shots.

Q. After the bugle was sounded, as you recollect it, there was considerable firing?—A. Yes, sir.

Q. Particularly the heavy volley that frightened you?—A. Yes, sir.

Q. In other words, the roll call had taken place before the heavy volley?—A. I think so; I am sure.

Q. You are sure of that?—A. I think so. After this roll call there were some gentlemen came in from town to the post and spoke to the officer, and I heard him say, "Gentlemen, I will have B Company out here in just a moment." I don't think he said "Company B." He said "I will have B Company lined out here in just a moment."

Q. That was after all the firing?—A. After everything had ceased, but before this there was a number of men that had crowded over the wall and were talking. No, it was after that. After the company had gone out the company was formed and marched into town to see if they could find any of their men. I suppose an officer went with them, and I suppose one of them was a noncommissioned officer, and they were gone, I suppose, fifteen minutes.

Q. It was after that you saw these other men?—A. During this time one of the officers stood near the gate, and these men to the number of eight or ten, or probably more, stood leaning over the wall just to the left of the big gate, and they were talking and some of them using rather bad language and making a good many remarks.

Q. You could see they were soldiers?—A. Yes, sir.

Q. They were under the light from the gate?—A. Yes, sir. Then the company returned; the officer still stood there waiting until they returned, and he said something to the officer in command, and he answered that they had found but one. Then immediately some one spoke up "I was in the house all night." He repeated it twice. I believe it was a man they had found out in town. They only found one man.

Q. Then what took place after that?—A. After that everything had quieted down.

Q. And after you had in a measure gotten over your fright occasioned by that heavy volley?—A. Yes, sir.

Q. Could you see that the firing was up in the air?—A. No; I could not say. It had a terrific sharp sound.

Q. How long after you got to the window was it before you saw the flash of the guns?—A. It was quite several minutes, I suppose.

Q. And where was the person located who fired that gun?—A. It seemed to me it was down a little to the left.

Q. As you looked toward the fort it was toward Washington street?—A. Yes, sir.

Q. And where was he located with reference to the wall? How near to the wall?—A. I could not tell that.

Q. About how near, right out near the wall or back toward the barracks?—A. Back a little ways, I should say.

Q. And could you tell from the flash of the gun which way it was pointed?—A. I do not know. I think it was pointed toward the wall—toward the town, I should say.

Q. And was the flash perpendicular or horizontal?—A. Horizontal, I should say.

Q. Did you see the flash of any other guns?—A. No, sir.

Q. Did you hear any talking at that time?—A. No, sir; no talking.

Q. Did you hear firing after that in the immediate vicinity?—A. No, sir; I think not.

Q. Did you hear any firing over in the town?—A. I could not locate it, but I heard firing.

Q. And how many shots did you say you heard altogether?—A. I do not know. Twenty perhaps, perhaps more; I could not tell.

Q. That is, other than that volley that you heard last?—A. Yes, sir. When that volley came I thought it must be something terrible, and I was very much frightened.

Q. That was the last volley?—A. Yes, sir. There might have been a few straggling shots after that. The one that frightened me most was that terrific volley.

MRS. ELIZABETH V. RENDALL.

THE STATE OF TEXAS, *County of Cameron, ss:*

Mrs. Elizabeth V. Rendall, being first duly sworn, deposes and says that she has read the foregoing testimony subscribed by her, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes it to be true.

MRS. ELIZABETH V. RENDALL.

Subscribed and sworn to before me this 27th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, County of Cameron, State of Texas.*

Mr. JOSÉ MARTINEZ was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Martinez, you were living in Brownsville during the month of last August, were you?—A. Yes, sir.

Q. And had been living here for some time before that?—A. Yes, sir.

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

Q. And where were you employed here in Brownsville at that time?—A. At Putenat's pharmacy.

Q. And where were you rooming in Brownsville on the 13th of August last?—A. My room was right in front of the post.

Q. Where, with respect to the Yturria house, or the telegraph station?—A. Right at the next corner below the telegraph station.

Q. I will show you this plat, Exhibit A, the building here (indicating) at the corner of the garrison road and Elizabeth street is the telegraph station, and the building over at the corner of the garrison road and Washington street is the Yturria house. Now, this house at the corner of the alley, between Washington street and Elizabeth street, and on the garrison road, is the house in which you were located?—A. Yes, sir.

Q. I will number it 9. Were you in that house on the night of the 13th of August?—A. Yes, sir.

Q. About what time did you go home that evening?—A. About 11 o'clock.

Q. Did you hear some shooting on that night?—A. Yes, sir.

Q. At about what time?—A. About 12 o'clock.

Q. Had you gone to bed?—A. No, sir; I was right in front of the door. My door was open. I was reading a newspaper.

Q. Were you sitting up reading in front of the door and had a light in your house at the time the shooting commenced?—A. Yes, sir.

Q. Can you locate about the place where the first shots were fired?—A. They were right in front of my door.

Q. Could you tell whether they were in the road or inside the garrison wall?—A. I could not say positively. I think they were inside the garrison wall.

Q. About how many shots did you hear first?—A. Well, between four and six.

Q. And those shots were apparently within the garrison wall?—A. Yes, sir.

Q. What did you do then?—A. Tried to see what was the trouble. I heard some soldiers say, "Hurry up and jump," and I saw some jumping the fence.

Q. Did you see them jump the fence?—A. Yes, sir.

Q. Whereabouts did they jump over the garrison wall?—A. Some in front of my door and some to the left.

Q. About how many men did you see jump over the wall?—A. I saw about four or five in front of my door.

Q. And how many to the left?—A. There was 25, more or less.

Q. That came over the wall?—A. Yes, sir.

Q. And at that time when you saw them you were looking out of your door?—A. Yes, sir.

Q. And there was light in your room at that time?—A. Yes, sir.

Q. And about how many steps were these men who jumped over the garrison wall away from you when they jumped or when you saw them jump?—A. About 15 paces.

Q. Now, Mr. Martinez, after you saw these men jump over the garrison wall, what did you do then?—A. Then I put the light out. I closed the door and I lay down on the floor.

Q. Up to the time that you closed the door about how many shots had been fired?—A. I suppose about 15 or 20.

Q. Did you hear the sound of voices there at any time?—A. Yes, sir; at first I heard some voices.

Q. Give the location as nearly as you can of those voices.—A. While they jumped.

Q. After you closed the door, do you know where these men went?—A. Some went to my corner and some ran toward Elizabeth street.

Q. Down the garrison road?—A. Yes, sir.

Q. Where was the next shooting which you heard?—A. The next shooting was right in front of my back window.

Q. Did you look out at that time?—A. Yes, sir; I looked out of the back window.

Q. And you saw men in the alley to the rear of your house?—A. Yes, sir.

Q. How many men did you see there?—A. I saw about ten or fifteen, more or less.

Q. Where did you think they were going?—A. Uptown.

Q. Up the alley?—A. Yes, sir.

Q. Toward the Cowen house?—A. Yes, sir.

Q. Did you hear any shooting after that?—A. Yes, sir; I heard many shots.

Q. About where; around the Cowen house?—A. Yes, sir.

Q. And did you hear shooting after that, further uptown?—A. Yes, sir. I can not tell what distance those shots were.

Q. But further away than your house?—A. Yes, sir.

Q. Did you remain in your house the rest of that evening?—A. Yes, sir.

Q. You did not come out?—A. No, sir.

Q. Now, Mr. Martinez, these men that you saw jump over the garrison wall and go up the alley and up toward Elizabeth street, could you tell whether they were soldiers or not?—A. I could tell they were soldiers, because I saw them by the window. I knew they were negroes. I saw them shooting this way (indicating from the hips).

Q. You were considerably frightened that evening when the shooting commenced?—A. Yes, sir.

Q. And you closed your door and turned out the light and laid down on the floor?—A. Yes, sir.

Q. Did you know at that time that they were shooting into the houses?—A. No, sir; I knew nothing until next morning.

Q. What was it that frightened you? Did you think they were going to shoot you?—A. Yes, sir; I thought they were going to shoot into my house.

Q. And so you laid down on the floor?—A. Yes, sir.

Q. Did you ever have any trouble with these negroes?—A. No, sir.

Q. Did you know any of them?—A. No, sir.

Q. Had you ever had any trouble with any of the officers?—A. No, sir.

Q. Did you know any of the officers of these companies?—A. No, sir.

Q. You testified before the Citizens' Committee and before the grand jury here?—A. Yes, sir.

Q. Did you give all the testimony before the Citizens' Committee and before the grand jury which you have given here this morning?—A. Yes, sir; except that I did not testify that I saw the negroes. I gave them the same testimony, but not as extensively as I have given it to you now, because I would only answer the questions that were asked me.

JOSÉ MARTINEZ.

THE STATE OF TEXAS, *County of Cameron, ss:*

José Martinez, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

JOSÉ MARTINEZ.

Subscribed and sworn to before me this 30th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, County of Cameron, State of Texas.*



Mr. TEOFILO MARTINEZ was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows: (Testimony given through John J. Kleiber, interpreter.)

Q. Mr. Martinez, how long have you lived in the city of Brownsville?—A. I have lived here in Brownsville five years.

Q. And what is your business?—A. I am a brick mason.

Q. Where were you on the night of the shooting here in Brownsville?—A. I was at the house of Don Francisco Yturria.

Q. That house is located at the corner of Washington and Fifteenth streets?—A. Yes, sir.

Q. I will call your attention to this plat and ask you whether this building, indicated by No. 7, is Mr. Yturria's house?—A. Yes, sir.

Q. In what portion of the house were you on that night?—A. On the gallery.

Q. On the gallery south of the kitchen?—A. Yes, sir.

Q. That is, toward the garrison?—A. Yes, sir.

Q. Were you awakened that night by the shooting?—A. Yes, sir.

Q. In what direction was that shooting, as near as you can locate it?—A. From the direction of the post.

Q. And about how many shots did you hear fired from that direction?—A. More or less, I should judge there were about two volleys.

Q. And could you tell whether they were between the garrison wall and the barracks or outside the garrison wall?—A. I can not say whether they came from some distance inside or from the edge of the garrison wall.

Q. From the sound of these shots, about how close were they to where you were located, as near as you can estimate?—A. About the distance that there is from Mr. Yturria's place to the garrison wall.

Q. What did you do when you heard these volleys fired?—A. I sat up on the cot, and when I saw the firing continued I ran.

Q. Where did you run?—A. To the little brick house.

Q. That is in the rear of Mr. Yturria's house abutting on the alley?—A. Yes, sir.

Q. Why did you go there?—A. To seek protection from the shots.

Q. The shooting was so near to you at that time that you were afraid of being shot unless you got into a brick building?—A. I feared that unless I went into that house I would be killed.

Q. Will you state how many doors and windows there are in that brick house that you went into?—A. There are two doors.

Q. After you went in there, were both of those doors closed?—A. Yes, sir.

Q. What is that house used for by Mr. Yturria?—A. It is used as a servant's quarters when they have a servant, who sleeps there.

Q. After you went into that brick building did the firing continue or cease?—A. There was more firing, but further uptown.

Q. While you were in that building, were you able to locate that firing by the sound?—A. I could not say.

Q. Did you hear a bugle sound on that night?—A. Yes, sir.

Q. From which direction did that bugle sound seem to come?—A. From the side toward the post.

Q. Where were you at the time you heard bugle calls?—A. I was in the brick house.

Q. I will ask you whether there are trees in Mr. Yturria's yard between the place where you were sleeping and the garrison wall?—  
A. Yes, sir.

Q. Did the foliage on those trees in any way obstruct your view of what was going on inside the garrison wall, or the firing inside the garrison wall?—A. They hid from my sight what was going on.

Q. On the night of the shooting, were you working for Mr. Yturria?—A. Yes, sir; I was Mr. Yturria's employee.

Q. Where was Mr. Yturria and his family?—A. They were down at Brazos Island, their summer home.

Q. And you were caretaker of their residence while they were away?—A. I was caretaker of the house.

Q. And that is how you happened to be sleeping on the back porch of the kitchen?—A. Yes, sir. That was my accustomed sleeping place in taking care of the house.

Q. Did you examine the house the next morning to see whether there were any bullet holes in that dwelling?—A. Yes, sir.

Q. How many bullet holes did you find?—A. I found two bullet holes in the kitchen. One went through the kitchen door and buried itself in the well top. One went just a little under the roof of the kitchen and buried itself in the ground near a hencoop. I found that bullet. The one that buried itself near the hencoop I gave to Fulgencio Buitereira, the servant of Mr. Porter, the railroad agent, as he said Mr. Porter wanted it. Mr. Ygnacio Garcia, the cashier of the Merchants' National Bank, picked the other one out of the well top. There were also bullets in the dining room, which adjoins the kitchen.

Q. How many bullets went into the dining room?—A. Two.

Q. From what direction apparently were these bullets fired which entered Mr. Yturria's house on that night?—A. They came from the direction of the post.

Q. Did you see the men who were doing the firing on that night?—  
A. No, sir.

Q. Did you see the flash of their guns?—A. I could not see that because of the foliage of the trees, and I had no time to see it.

Q. Will you indicate upon this plat, as nearly as you can, the location of those volleys which you heard upon that night?—A. (Pointing.) About here (indicated that by letter M on the plat inside the garrison wall).

TEOFILO MARTINEZ.

THE STATE OF TEXAS, *County of Cameron, ss:*

Mr. Teofilo Martinez, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

TEOFILO MARTINEZ.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, County of Cameron, State of Texas.*

HERMAN SCHRIEBER was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Herman Schrieber.

Q. Do you live in the town of Brownsville?—A. Yes, sir.

Q. How old are you?—A. I am 20 now.

Q. What is your occupation?—A. I just get work here any place; have no set trade.

Q. You live with your mother, Mrs. Wallace, at the corner of Fifteenth and Washington streets?—A. Yes, sir.

Q. And were living there on the 13th of August, 1906?—A. Yes, sir.

Q. In what room were you sleeping on that night?—A. I was sleeping in the southwest corner room, toward the garrison.

Q. Were you asleep at the time the shooting commenced?—A. No, sir.

Q. Were you in bed at the time?—A. Yes, sir.

Q. Now, you may state what you heard there that night.—A. Just about ten minutes of 12, when the first shots were fired, I got out of bed and walked out on the corner of the sidewalk; I could see them firing toward the river into the town.

Q. Where were the men that were doing the firing standing?—A. Inside the garrison wall; between the barracks and the garrison wall, inside.

Q. Where were you standing at that time?—A. I was standing right outside the house, about 15 feet from the gate of the house where I was staying.

Q. About how many shots did you see fired at that time?—A. Couple of volleys.

Q. What did you do then?—A. While I was standing out there I heard two bullets buzzing by; I heard it hit something, and as I thought it was right by me I went back into the house.

Q. That was the first time you supposed that the people who were doing the firing were firing ball cartridges?—A. Yes, sir.

Q. Before that what did you think it meant?—A. I did not know what it meant or what it was about.

Q. But when you heard this bullet come into the vicinity of your house you then went back into your house?—A. Yes, sir.

Q. Did you hear firing after that?—A. Yes, sir.

Q. From what direction?—A. Like it was coming up toward town.

Q. Can you locate more particularly, from the sound of the shooting, that it was coming up toward town?—A. It seemed to be right about that alley between Washington and Elizabeth streets.

Q. You went back into the house then and stayed there all night?—A. Yes, sir.

Q. With your mother?—A. Yes, sir.

Q. I presume that she was quite frightened, also?—A. She was.

Q. Why did you not go out on the street after that to see what had happened?—A. My mother would not let me.

Q. In other words, from what you and she had seen that night, you concluded that there was something unusual happening in town?—A. Yes, sir.

Q. And she felt that it was not safe for you to be out?—A. Yes, sir.

Q. Now, did you hear any noises other than the firing over at the garrison on that night?—A. Yes, sir.

Q. Describe that noise.—A. They were saying something about "Where is that damn stuff," or, "Get it agoing."

Q. Where were you when you heard them say that?—A. I was walking in the house.

Q. That was after you had been out on the sidewalk listening to the firing?—A. Yes, sir.

Q. Could you tell where the persons were who said, "Get that damn stuff," or something similar to that?—A. It sounded to me as if it was in the second quarters from the river.

Q. You did not know what they meant?—A. No, sir.

Q. Could you tell whether or not there were soldiers out upon the porches of the barracks at that time?—A. No, sir; I never noticed; it was a little dark at the time.

Q. Did you hear anything that would indicate that there were soldiers?—A. Yes; I heard walking on the porches.

Q. You say you heard running up and down on the porches?—A. Yes, sir.

Q. And then you went inside?—A. Yes, sir.

Q. About how long after the first firing that you heard—and that was while you were in the house—did the bugle sound?—A. It came right after the shots.

HERMAN SCHRIEBER.

THE STATE OF TEXAS, *County of Cameron, ss:*

Herman Schrieber, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

HERMAN SCHRIEBER.

Subscribed and sworn to before me this 30th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

Mr. JAMES P. McDONNELL was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. McDonnell, where do you live?—A. I live two blocks above here (pointing), and half a block from the garrison wall, on Adams street.

Q. What is your business?—A. I am a carpenter and builder by trade.

Q. And how long have you lived in Brownsville?—A. I suppose I have been here fifteen or sixteen months.

Q. Were you in Brownsville on the night of the 13th of August of this year?—A. Yes, sir.

Q. At your residence in this city?—A. Yes, sir.

Q. Were you aroused by the shooting on that night?—A. Yes, sir.

Q. Were you in your room at the time?—A. Yes, sir.

Q. About what time did you hear the first firing?—A. Well, I never paid any attention to the time. I can not be positive, but think it was about the hour of midnight. I don't remember looking at the clock.

Q. Now, will you go on and state what you saw and heard after you were aroused by this firing?—A. That night I came home a little late. I had just pulled off my shoes and coat and lay down on the side of the bed with my pants, socks, and shirt on reading a newspaper, and sort a dropped off to sleep and was aroused by the firing.

Q. In what direction did it appear to be?—A. I could not tell, but it appeared more as being a sort a uptown (pointing). I could not tell which direction it was. When I heard the shots fired I was under the impression there was a row in town and that the police were having trouble with somebody. So I got up and slipped on my shoes and hat and came on downtown just as I was, and I came down to the street that divides the garrison wall from the city—came down that street until I had proceeded a block and a half. Just about the time I got to the alley (pointing), I saw some shots fired from the inside of the garrison, and that checked me and I stopped.

Q. Firing from inside the garrison wall?—A. Yes, sir. One shot was from the gallery above, and the other two were fired off the ground.

Q. Could you tell what barracks that one shot came from—the one from the gallery?—A. I don't know just exactly how to number the barracks.

Q. Did it come from the second one from the river?—A. Yes, sir.

Q. And where were the two shots fired that were fired off the ground?—A. Rather between the first and second barracks.

Q. About opposite the gate on Elizabeth street?—A. Yes, sir.

Q. Before that you had heard the shooting while you were coming from your home?—A. No, sir; while I was in the house, about 12 o'clock, some shots were fired, four or five or six or seven. That aroused me, and there was no more shooting that I could hear until I saw those three shots, and that is what checked me. I stopped at the alley.

Q. You may proceed and state what you then saw.—A. The next I saw was about twenty men. I saw something in the neighborhood of twenty men—not having counted them. I saw them assemble right at the foot of Elizabeth street, outside of the garrison wall. I never saw them come through the gate or over the wall. I recognized them instantly as being United States soldiers. They were in United States undress uniform, men in their shirt sleeves and trousers and hats on.

Q. What was the color of the uniform?—A. They had on these blue Chambray shirts.

Q. And khaki pants?—A. Yes, sir.

Q. Did any of them have on the yellow khaki coats?—A. I don't think there were any that had on coats. If so, I did not notice them at the time.

Q. These men were at that time about how far away from you?—A. About half a block.

Q. And what was the character of the light near where they assembled? Artificial light?—A. I don't think, as I remember, that there was any light.

Q. Were there lights on the gates?—A. I don't recollect noticing it. The lights could have been there, but I don't remember to have noticed it.

Q. You remember that there was sufficient light to enable you to recognize that these men were soldiers?—A. Most assuredly there was, or I could not have done so.

Q. Now, go on and state, Mr. McDonnel, what happened after that.—A. I believe I left off where I saw these men assemble. At the corner of the street (pointing) they divided into two bunches—two squads—and one squad came around the building, around Elizabeth street—the telegraph station. I never saw any more of that squad. The other squad came up the sidewalk toward where I was at the alley, and when they came up the alley I retreated up the street toward Washington street. I went up the street outside the garrison wall, next to a plank fence. I laid up close to the plank fence, as I did not want them to see me. When they got to the alley between Elizabeth street and Washington street they turned up the alley. The squad divided up, and when they turned up the alley I came back to the mouth of the alley and looked up the alley, and about that time I looked up the alley I saw them firing.

Q. Into Mr. Cowen's house?—A. I can not say positively. I saw men going up the alley, and saw them firing.

Q. Could you at that time, Mr. McDonnel, either from the light in Mr. Cowen's house or from the flashes of those guns, see how those men were dressed who were doing the shooting in the rear of Mr. Cowen's house?—A. No, sir; I could not tell.

Q. Could you see how many men there were in that squad?—A. No, sir; I could not.

Q. Could you distinguish any forms or outlines of men there?—A. If I could distinguish the forms or outlines of men I don't remember it. I saw the shooting there at Mr. Cowen's house and reasonably supposed it was a squad of men who had turned up the alley.

Q. Where did you go then?—A. I turned right around and went straight back home.

Q. Back into your house?—A. On the gallery in front of the house.

Q. You knew at that time that something unusual was happening in town?—A. I did. I knew I had no business out in town.

Q. In other words, you were apprehensive lest that you might be injured or shot?—A. That is what I expected. I thought I was liable to get killed, and that is the reason I went back home.

Q. Did you come out again that evening?—A. Yes, sir. I remained until all the firing was over. After that I came right down town again.

Q. I will ask you, Mr. McDonnel, if, on your way back to your house, after you heard the firing in the alley at Mr. Cowen's house, you could hear firing up the alley?—A. I was nearly home before I heard any shooting; then there was quite a lot of shooting, 50 or 75 shots.

Q. In what general direction was that?—A. That was in the direction of the Miller Hotel, or maybe a little further up town.

Q. And a short time after that the firing ceased?—A. Yes, sir; I don't think it lasted more than five or six minutes.

Q. And then you came up town?—A. Came right straight up town.

Q. Now, while you were in the road, outside the garrison wall, observing these soldiers, just outside the main entrance of the garrison wall at the foot of Elizabeth street, did you at that time, or shortly thereafter, hear any talking among those soldiers?—A. I heard nothing I remember of inside the garrison wall—no words spoken. The only words I heard spoken were after the squads divided—a few words in an undertone—but could not distinguish what those words were.

Q. Do you know whether or not those men that you saw outside the main gate of the garrison wall and that squad that you saw coming toward you, which afterwards turned into the alley leading to Mr. Cowen's house, were colored men or white men?—A. They were colored men.

Q. You have not the least doubt about that?—A. There is not the least doubt in my mind. They were colored people in United States clothes.

Q. And you have never had any doubt upon that subject?—A. No, sir; I never have had any doubt. When I went home I told Mr. Tillman that they were colored soldiers.

Q. Mr. Tillman lived next door to you?—A. Yes, sir; he did at that time.

Q. And when you got back home you told him they were negro soldiers?—A. Yes, sir; I did.

Q. And prevented him from going up town while that shooting was going on?—A. Yes, sir.

Q. Mr. McDonnel, what is your age?—A. I am in my fifty-third year.

Q. You are a carpenter and a builder?—A. Yes, sir.

Q. And you work in various parts of the State, wherever you get suitable employment?—A. Yes, sir.

Q. And at the time of the shooting you worked here in Brownsville?—A. Yes, sir.

Q. You never have had trouble or difficulty with any of the members of the Twenty-fifth Infantry?—A. No, sir.

Q. You did not know any of them?—A. I never knew any of them personally; never had the least bit of trouble with them.

Q. Did you know any of the officers?—A. No, sir; not personally.

Q. How long had you been in Brownsville on the night of this shooting?—A. I came to Brownsville on the 4th day of July, 1905.

Q. And you are now located where?—A. I am located at Lourboro.

Q. And you came down here at our request to give this testimony?—A. The general manager of the canal company, by whom I am employed, got a telegram requesting me to come down, and he gave me permission to come.

Q. Mr. McDonnel, you were a witness before the Citizens' Committee and also before the grand jury here, were you?—A. Yes, sir.

Q. Shortly after the 13th of August?—A. Yes, sir.

Q. Did you, when examined before the Citizens' Committee and before the grand jury, give substantially the same evidence that you have given here to-day?—A. I did; virtually the same. The evidence that a man may give at two places may not pan out word for word, but it is virtually the same. The way I gave it to you is the way I intended for the others.

JAS. P. McDONNEL.

THE STATE OF TEXAS, *County of Cameron, ss:*

James P. McDonnel, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

JAS. P. McDONNELL.

DECEMBER 30, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, County of Cameron, State of Texas.*

MATIAS G. TAMAYO was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your name?—A. Matias G. Tamayo.

Q. Mr. Tamayo, do you live in Brownsville?—A. Yes, sir; or, rather, I live in the post, in the same house where I used to live.

Q. How long have you lived there?—A. Six years in November.

Q. What were your duties there during the month of August of this year?—A. I was a scavenger.

Q. Do you remember the night of the 13th of August, when the firing occurred here in the city of Brownsville?—A. Yes, sir.

Q. Where were you at about 12 o'clock that night?—A. I was opposite B Company.

Q. Is that about opposite the main gate on Elizabeth street?—A. Yes, sir; at the corner of the barracks, right near the kitchen.

Q. That is, the barracks of Company B?—A. Yes, sir.

Q. What were you doing there?—A. I was emptying a can of ashes.

Q. What vehicle did you have there?—A. I had a dump cart and one mule.

Q. Where had you been just before your arrival at the corner of the barracks?—A. I had been right at the rear of B Company.

Q. How long had you been working there?—A. For about ten minutes.

Q. Had you seen any men out there between the wall and the barracks?—A. No, sir.

Q. Where was the sentry?—A. I met him when I was emptying that can; he passed by the same as usual.

Q. Is that the only soldier you saw there before the firing?—A. Yes, sir.

Q. Did you have a light of any kind?—A. Yes; one of these dash lanterns. Has a bull's-eye; gives a good light, just like a search-light.

Q. While you were there at work emptying that ash can?—A. Yes, sir.

Q. Did you hear any firing?—A. I heard one shot, and after that I heard the rest.

Q. In what direction did you hear that shooting?—A. In the direction of Yturria's.

Q. Do you know whether those shots were inside or outside the wall?—A. I think they were outside.

Q. Do you know?—A. I think they were. If they had been inside, I could have seen the men.



Q. Did you look that way?—A. Yes, sir.

Q. What did you see?—A. Nothing.

Q. No men?—A. No. Everything was quiet.

Q. Where were the shots fired from the outside of the wall—how near?—A. I can not tell; they must have been some 45 yards from where I was standing; toward Mr. Cowen's alley.

Q. You know where the alley is located leading up to Mr. Cowen's house?—A. Yes, sir.

Q. Were the shots near the wall or that alley?—A. I don't think they were so near the wall.

Q. Were they near Mr. Cowen's house?—A. I don't know; they were in that direction, though.

Q. What did you do then?—A. I got away as quick as I could; got my cart and drove off.

Q. Where did you drive?—A. I drove opposite D Company and from there to the administration building.

Q. You were frightened?—A. Yes, sir.

Q. Badly?—A. No; not very.

Q. Did you expect to be shot?—A. Yes, sir.

Q. You do not know who did the shooting?—A. No, sir.

Q. Did you hear any voices?—A. No, sir.

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

Q. Who sounded it?—A. I don't know, sir.

Q. It was sounded inside the post—inside the house?—A. I don't know whether inside or outside. I had just blowed my lantern out; I was afraid that they might see me and shoot me, or shoot at my lantern and hit me.

Q. But you could not see the bugler?—A. No, sir.

Q. You don't know whether he was inside or outside?—A. No, sir.

Q. Do you know whether he was to the east or to the west of the main gate?—A. The sound seemed to me that it came from the east of the main gate; but as soon as this bugle sounded all the rest of the bugles blowed, the same as when they have a fire drill—every company.

Q. Did the men get up?—A. Yes, sir.

Q. Where were you?—A. I was opposite D Company.

Q. Were you driving?—A. I was still in my cart and got away; drove to the administration building, or toward it.

Q. Now, looking at this map of the post (Exhibit B), calling your attention to the barracks, will you state that you were located at the point marked or indicated by a cross mark? Where did you drive? And the point where you stopped in front of Company D barracks was toward the parade ground, so when you stopped there you could not see what was taking place in the rear of B barracks?—A. No.

Q. So immediately after one of the shots was fired you jumped into your cart and drove between D and B toward the administration building?—A. Yes.

Q. When you were over at the administration building, or while you were going there, did you hear shooting?—A. Yes.

Q. A great many shots?—A. Yes, sir.

Q. In the same direction of the first shot?—A. Yes, sir. I came out of the administration building and stood back of a tree, and the firing was still going on.

Q. Did you see any officers?—A. No, sir.

Q. Could you tell whether the soldiers were in the rear of the barracks at that time?—A. They were then in the front, getting ready.

Q. Then they formed in front of the barracks, toward the parade ground?—A. Yes, sir; they were stationed all along inside the fence.

Q. Did you hear any shooting up in town after you heard the firing out in the rear of B barracks?—A. No, sir; could not hear any firing up in town.

Q. But when you were driving your cart up to the administration building?—A. Oh, yes; but I could not tell whether the firing was up town or in the alley leading to town.

Q. You have stated all you know now with reference to this matter?—A. Yes; that's about all I know.

Q. You then came back and went about your business on that evening?—A. Yes, sir; toward the administration building.

Q. You did not see the flash of any guns at any time?—A. No, sir.

Q. And did not see any men at the time the shooting was going on?—A. No, sir.

Q. But the shooting that you heard was over in the vicinity of that alley that comes out by the wall in the rear of Company B's barracks?—A. Yes, sir.

MATIAS G. TAMAYO.

THE STATE OF TEXAS, *County of Cameron, ss:*

Matias G. Tamayo, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

MATIAS G. TAMAYO.

Subscribed and sworn to before me this 20th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

[NOTE.—Mrs. Leahy testified as to seeing from her house on Fourteenth street the flashes from the barracks gallery. Louis Cowen testified that, going down Elizabeth street, he saw flashes from the gallery of one of the barracks at the foot of that street. Charles E. Hammond, who was sitting in front of the Miller Hotel, testified as to bullets coming down Elizabeth street and striking the King Building. Franklin J. Sargent was at a house on or near Garrison Road, but his evidence is more important as to finding cartridges and shells. These witnesses are grouped under other headings.]

2. *Testimony with reference to the course of the raiders from the Garrison Road, up the alley to Fourteenth street, where they shot into the Cowen house, the Gurza house, and the rear of the Leahy hotel.*

MRS. ANNA ADRIENNE COWEN was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Anna Adrienne Cowen.

Q. Mrs. Cowen, you live in the city of Brownsville?—A. Yes, sir.

Q. And you live with your husband and your family in your dwelling house on Fourteenth street next to the alley?—A. Yes; for nearly twenty years.

Q. You were in your house on the night of August 13, 1906?—A. Yes, sir.

Q. I believe that a party was taking place in your house during the early part of that evening and until late?—A. Yes, sir.

Q. A party of young people?—A. Yes, sir.

Q. About what time did the children leave your home on that evening?—A. After taps; they wanted to stay until 12, but one or two that lived farther away had to leave earlier; they went after 11 o'clock.

Q. You remember the shooting that occurred in the vicinity of your home on that evening?—A. Perfectly.

Q. When the firing first commenced, where were you in your house?—A. I was sitting right here at the end of the dinner table where I am sitting now.

Q. That is, in the middle room in the rear of your house?—A. Yes.

Q. Where were your children at that time?—A. I had three lying in that room (indicating), west of the dining room.

Q. Where were the rest of the children?—A. My boy was in his room, the one east of the dining room nearest the alley, and the baby was sitting in his chair in my bedroom, the northwest room.

Q. Now, Mrs. Cowen, where was the shooting located?—A. Undeniably in the post. I knew from the start that it was the negroes and that it was a riot, I thought, between the Mexican police and the soldiers, and that they had had a clash.

Q. Now, with reference to your home, in which direction did the firing appear to be?—A. The firing seemed to be from the direction of the post—did not *seem*, I knew it.

Q. About how many shots did you hear before they came near you?—A. Ten or more.

Q. Did you still remain in your dining room?—A. Yes; until the shooting came right to us in the alley.

Q. You did not see the soldiers?—A. No, sir.

Q. Did you hear them?—A. No, sir.

Q. Now, will you go on and state just what happened here in your house with respect to the firing?—A. Just as soon as the firing came right on us so that I could not be mistaken that they were shooting at our house, I gathered up the children and hurried them under the bed in my room, the northwest room. We had had the windows open and my servant girl kept trying to close them during the firing.

She saw the soldiers and she heard them talk, and she was at that door (indicating), not 3 feet—

Q. Where were you when the lamp on the table was shot out?—

A. In my bedroom.

Q. Was this dining room light the only light in this room?—A. Yes.

Q. In what other rooms were there lights?—A. In the hall there was a large Rochester hanging lamp.

Q. Was there a light in your boy's room?—A. No.

Q. Was there a light in your front room?—A. No; in the hall; and one in my bedroom, in the northwest part of the house.

Q. And you were in there when the shooting was going on in the alley?—A. Yes; when they were firing directly on us—in there with my children.

Q. You remained in there until after the last shot was over?—A. Yes.

Q. Could you tell where the shots were going?—A. We could hear the bullets whizzing; we could smell the powder, and were almost suffocated by it, and it seemed as if the walls themselves shook.

Q. Where did the firing seem to be after it had ceased in the alley?—A. I concluded that they ran uptown.

Q. And you did not hear any firing uptown, then, after the firing ceased here?—A. I could not tell you of any more than what happened in my house.

Q. When did you make an examination of the bullet holes in your house?—A. When this lamp was blown out the girl crawled to my bedroom and said nothing about the lamp, but she did remark to me, "They have broken the wardrobe glass," and when the firing stopped she got up, went to the front door and looked out, and I heard voices across the street, and I called out, "Oh, Katie, is that you?" and I said, "We have nearly been killed over here," and I thought then that the wardrobe had been the only thing struck. We had not gotten up at all.

Q. Did you and the children then go over to the Leahy Hotel?—A. Yes; and stayed there all night.

Q. When did you come over and make an examination?—A. That same night, about 1 o'clock or so in the morning.

Q. Now, Mrs. Cowen, will you state where the bullet holes are located in your dining room and in your boy's bedroom?—A. There are about ten in my boy's room, about 4 or 5 feet from the ground. Five shots are within 2 or 3 inches of each other.

Q. That is, in the east window of your boy's room?—A. Yes, sir.

Q. With respect to the dining room, where are they?—A. There is one the same height, about 4 feet. It came through the window and broke the glass and then broke the lamp on the dining room table. That came from the alley. These shots, when they came into these rooms, traveled from one room to the other.

Q. And they went through the various partitions of the house?—A. Yes. There are ten bullet holes in the children's room (southwest corner of the house), four over their bed, about 6 feet above the floor.

Q. Now, these bullet holes that we see in the children's bedroom were evidently made by the same bullets that entered the house through your boy's bedroom?—A. Yes; I suppose so.

Q. And about how many bullets entered these three rooms of your house?—A. We counted 10 in all. Then we have several in the fence outside.

Q. Now, the next morning, did you find any bullets in the house?—A. Yes; several. I found these (exhibiting several battered bullets) in the different rooms.

Q. Now, Mrs. Cowen, you do not know, of your own knowledge, as to who did this shooting?—A. No; I know it was soldiers, but do not know which ones.

Q. You make that statement from the fact that you heard the firing over at the barracks?—A. Oh, undeniably.

Q. And they came up the alley?—A. Yes, sir.

Q. And you got into that further room as soon as you realized what was happening?—A. Yes, sir.

Q. You had no idea, until the glass was broken in the door of the wardrobe in your room, that they were firing on your house?—A. Oh, yes; we heard the bullets whizzing around, and the smell of powder was fierce. I knew that the bullets were coming in. I just felt like the next one was going to strike us, and I knew that the bullets were going inside of the house.

Q. Have you any idea why the soldiers fired into your house on that evening?—A. Simply because we happened to be the best target, was more accessible to the post, and our doors were open, and from the street they could see everything that was going on in our house.

Q. Neither you nor your husband nor any of the children had had any trouble with them?—A. No; never. The soldiers would often give my children bait when they would go fishing, and were very friendly. They never molested us and we saw very little of them; it was simply that we afforded them a good target that they shot at our house. We had just been home twelve days from San Antonio.

Q. Have you stated all that you know, of your own knowledge, with reference to what took place here in your house on the evening of the 13th of August, 1906?—A. Yes, sir. I was in my full senses and know just what happened.

Mrs. ANNA ADRIENNE COWEN.

THE STATE OF TEXAS, *County of Cameron, ss:*

Mrs. Anna Adrienne Cowen, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

Mrs. ANNA ADRIENNE COWEN.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

GERTRUDE COWEN (daughter of Mr. and Mrs. Cowen) was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Your name is Gertrude Cowen?—A. Yes, sir.

Q. How old are you?—A. Seventeen.

Q. You were at your home on the night of the 13th of August, 1906?—A. Yes, sir.

Q. Now, will you go on and state, in your own words, all that you know about the shooting that took place here in the vicinity of your home on that night?—A. I was sitting in the dining room when the firing began.

Q. Where was the firing located?—A. It sounded like it was inside the garrison; it was very fast. The servant girl closed the dining-room door and we ran around in the house, and the firing still sounded like it was in the alley; and then mamma told us to get under the bed and to pray to God to save us.

Q. So all you children got under the bed?—A. Yes, sir.

Q. Now, you heard shooting in the alley here to the east of your house?—A. Yes, sir.

Q. A number of shots?—A. Yes, sir. We could not count them, there were so many.

Q. And you did not attempt to count them, of course?—A. No, sir.

Q. Gertrude, did you see the glass taken out of the wardrobe door this morning in the northwest room?—A. Yes, sir.

Q. What was found in back of the glass—between the glass and the wood?—A. That bullet that you have in your hand, marked with a star on the rear end of it.

Q. Who else was present at the time this bullet was found?—A. Eva, Major Blocksom, and papa.

GERTRUDE COWEN.

THE STATE OF TEXAS, *County of Cameron, ss:*

Gertrude Cowen, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

GERTRUDE COWEN.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, Cameron County, Tex.*

LOUIS HAROLD COWEN (son of Mr. and Mrs. Cowen) was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your name?—A. Louis Harold Cowen.

Q. You are the son of Mr. and Mrs. Cowen?—A. Yes, sir.

Q. How old are you, Harold?—A. Eighteen.

Q. You were at your home on the night of the 13th of August?—  
A. Yes, sir.

Q. And you were just recovering from an attack of typhoid fever at that time?—A. Yes, sir.

Q. You had been at the party that evening?—A. Yes, sir.

Q. Did you hear any shooting that night?—A. Yes, sir.

Q. Where were you when the shooting first commenced?—A. In my room, which is the southeast room in the house.

Q. From which direction was the shooting?—A. It seemed to me like it was by the alley over toward the barracks.

Q. About how many shots did you hear fired?—A. I did not count them; there were a good many. They were shooting one right after the other in rapid succession.

Q. What were you doing at the time?—A. I was sitting down undressing when I first heard the shooting.

Q. What did you do then?—A. I went to the dining-room window and started to look out, but mama said for me not to and I didn't. When I heard that the shooting was coming nearer I came to the dining-room door.

Q. When the shooting kept coming nearer you went into the front room?—A. Yes, sir.

Q. And from there to the northwest room, your mother's room, and laid on the floor?—A. Yes, sir.

Q. Where was the shooting going on about that time?—A. They were shooting by Mr. Yturria's house in the alley, at the rear of our house, and each shot seemed to come nearer.

Q. And you were afraid that they might shoot into your house?—A. Yes, sir.

Q. Did you hear any shooting after the parties got up to the east of your house, in the alley?—A. Yes, sir.

Q. About how many shots did you hear from them?—A. I don't know, exactly; I guess about thirty.

Q. Did you know that your house was being shot into then?—A. No; I didn't have much idea what was being shot into.

Q. Where did the shooting appear to proceed to from there?—A. It seemed to me like I could hear one or two shots in front of our house, at the corner. The one that came from the corner was the one that went into mama's bedroom and broke the glass in the wardrobe door, I think.

Q. Then, after the shooting was over, where did you go?—A. Over to Mrs. Leahy's hotel, partly undressed—all of us went over—and stayed all night.

Q. Now, you have examined the bullet holes through these rear rooms, can you state, approximately, how many bullets entered the house?—A. About ten, that I could count.

Q. And those bullets have apparently gone through every room except the parlor?—A. Yes, sir.

Q. How many rooms in the house were shot into?—A. Five.

Q. About what distance (height) from the floor did these bullets apparently go?—A. They were from about 3 feet to 5 feet high.

Q. How many persons were in the house when this shooting occurred?—A. Six of the family and the servant girl.

Q. You have stated all that you know, Harold, with reference to what took place on that night?—A. Yes.

Q. You, of course, were all very much frightened at the time the shooting started; and was your father away at the time?—A. Yes; uptown.

LOUIS H. COWEN.

THE STATE OF TEXAS, *County of Cameron, ss:*

Louis Harold Cowen, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters

therein stated upon information and belief, and that as to those matters he believes them to be true.

LOUIS H. COWEN.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

AMADO MARTINEZ (Mrs. Cowen's servant) was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

(Mrs. Cowen acted as interpreter.)

Q. You are Mrs. Cowen's servant?—A. Yes, sir.

Q. And you were here in Mrs. Cowen's house on the night of the 13th of August of this year?—A. Yes, sir.

Q. Do you remember the incident of the shooting into Mrs. Cowen's house by some parties in the alley?—A. Yes, sir.

Q. Where were you at that time?—A. I was just coming in with some hot water for the baby; coming from the kitchen into the dining-room door.

Q. Will you go on and state what you saw and heard on that night with respect to who the parties were that did the shooting?—A. I thought it was a fire when I first heard the shots.

Q. Where were the shots when you first heard them, as near as you can locate them?—A. About the third commissary, over in the barracks.

Q. You may go on and state what you saw after that.—A. When the firing came on nearer to us I began to close the window in the boy's room, but I did not have time to close it because they were right at the alley fence already. I saw five first come ahead and I saw ten more come afterwards. I saw them shoot and heard them say, "Come on; come on here."

Q. Could you tell whether or not they had on uniforms?—A. Yes; in khaki uniforms. I did not have time to close the window, and stood there watching, thinking that they maybe were going to help the people at a fire, until they fired into the house; then I started back and was not 3 feet from the bullet that struck the lamp on the dining-room table. I saw the other shot that went through across the room here (indicating), and then I threw myself on the floor and crawled to Mrs. Cowen's room.

Q. How near were the soldiers to you when you saw them in the alley from the window in the boy's room?—A. They were right at the fence, about 10 feet away from me.

Q. What about the light in the alley at that time? How could you see these men? Did the light from the dining room shine on these men over the fence?—A. The kitchen was open and there was a light in it, and you could see well into the alley.

Q. So you had no difficulty in seeing how these men were dressed?—A. No; I saw them very well.

Q. Could you tell what color they were from your observation of them on that evening?—A. They were negroes; I saw them.



Q. About how many shots did you hear fired there in the alley at the side of Mrs. Cowen's house?—A. There were too many to count.  
AMADO (her x mark) MARTINEZ.

THE STATE OF TEXAS, *County of Cameron, ss:*

Amado Martinez, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

AMADO (her x mark) MARTINEZ.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

YGNACIO GARZA, being duly sworn and examined by Maj. A. P. Blocksom, on his oath deposes and testifies as follows:

Q. What is your age and occupation?—A. My age is 32 years. I am clerk for Francisco Yturria; have worked for him eighteen years, thirteen years in Brownsville and five years in Matamoros.

Q. Where is your house?—A. At the southeast corner of the alley, opposite Louis Cowen's house, on Fourteenth street, between Elizabeth and Washington.

Q. Who lives across the alley from you?—A. Louis Cowen.

Q. Where were you on the night of August 13 and 14 last?—A. I was in my house.

Q. State if anything unusual occurred that night and what you saw and heard.—A. At 12 o'clock p. m. I heard some shooting toward the garrison. I got up from my bed and went to the back window and heard some noise toward the garrison. When I went to the window the shooting had stopped, and then started again after I got to the window. I called my wife and three children and put them on the floor, because I could hear the bullets. My wife and myself could hear the working of the guns right in front of our dining room, which is next the alley. I heard a big noise in the dining room. I did not examine it until the next morning. All this was in the dark. The next morning I found the effect of a bullet in the dining room. It came in from near the southwest corner of the room. It struck the leg of a chair and went into a sideboard on the opposite side of the room. The bullet then went to pieces. I found parts of it on the floor; it was broken up into small pieces.

Q. Was that the only bullet that struck your house?—A. Another struck the brick foundation on the north side of the house.

Q. When did you first find that these bullets had struck your house?—A. The morning of the 14th, about 6 o'clock.

Q. How far is your house from the garrison wall?—A. About 200 feet.

Q. From where did the first shots seem to come?—A. They seemed to come from the garrison. I think it was about three minutes from first shooting till the shooting was at my house.

Q. Did you hear any bugle call?—A. Yes; inside the garrison when they were shooting; one or two minutes after they commenced shooting.

Q. Where did the persons shooting go after leaving your house?—

A. The shooting sounded all the way up the alley away from the garrison.

Q. How long did the shooting last altogether?—A. It lasted about eight or ten minutes.

Q. How many shots altogether did you hear?—A. About 150.

Q. How many did you hear near your house?—A. About 30 or 40.

Q. Where did the shots appear to be going principally, when the shooting was near your house?—A. They appeared to be striking near me, but I could not tell where.

Q. Did you hear voices of the persons who did the shooting?—A. No, sir.

Q. Did you see the persons shooting?—A. No, sir.

Q. Did you go out of the house afterwards, that night?—A. No, sir.

Q. Did you hear anybody returning by the alley shortly after the shooting around your house?—A. I heard about 3 or 4 persons running back east just after the shooting had all stopped.

Q. You were working for Mr. Francisco Yturria then? That is, on the 13th and 14th of August?—A. Yes; I frequently went over to the house to see if things were going on right.

Q. Did you visit his house on the 14th of August?—A. Yes, sir; about 11 a. m.

Q. State if you saw anything unusual there.—A. Yes, sir. Teófilo Martinez, the care taker of the Yturria house, was sleeping on the gallery right in front of the kitchen door, the night before. He said he heard the shooting and that he ran into the brick bathroom. He showed me where bullets struck different places in the house. One went through the house and struck the well in the yard; another lodged in a door in the dining room. I did not see where the other one went. One went through the cistern. Here is the one that struck the top of the well. I picked it out that morning. (The witness produced a bullet, caliber .30, steel jacket, with nose mashed.) (The witness and officer taking his evidence then went to witness' house, and witness pointed out the marks of the two bullets mentioned above. They then went to Mr. Francisco Yturria's house, and witness pointed out the marks of the three bullets mentioned as striking that house. Witness then climbed on the railing on the outside of the porch and sighted along a groove through the lower edge of one of the lintels of the porch.)

Q. What made that groove on the lintel?—A. Teófilo, the care taker, pointed it out to me as made by one of the bullets fired the night before.

Q. Where does the groove point?—A. To the upper gallery of second barracks from the river.

Q. Where does it point toward the house?—A. To a hole in the wall of the house evidently made by the same bullet which scraped the lintel.

YGNACIO GARZA.

THE STATE OF TEXAS, *County of Cameron, ss:*

Ygnacio Garza, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is

true of his own knowledge, except as to those matters therein stated upon information and belief, and that as [to] those matters he believes them to be true.

YGNACIO GARZA.

Subscribed and sworn to before me this 1st day of January, A. D. 1907.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, Cameron County, Tex.*

Mrs. KATIE EMMA LEAHY was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Katie Emma Leahy.

Q. And you reside in the city of Brownsville?—A. Yes, sir.

Q. How long have you lived here?—A. I have lived here since January, 1870.

Q. When were you married?—A. I was married in 1886.

Q. Who was your husband?—A. Michael Leahy.

Q. Was he a soldier?—A. Yes, sir.

Q. What regiment?—A. I believe it was the Eighth United States Cavalry.

Q. Was your husband in business here after he left the Army?—A. Yes; he ran a saloon.

Q. You have charge of a hotel here, do you not?—A. Yes, sir; I have been in that business about a year and nine months.

Q. Your hotel is located at the corner of Elizabeth and Fourteenth streets?—A. Yes, sir.

Q. And the rear of your hotel abuts on the alley between Elizabeth and Washington streets?—A. Yes, sir.

Q. And is directly opposite Mr. Cowen's house on Fourteenth street?—A. Yes.

Q. Were you in Brownsville on the night of the 13th of August, 1906?—A. Yes, sir.

Q. Do you remember the shooting that occurred in this city on that night?—A. Yes, sir; it is something never to be forgotten.

Q. Where were you at the time the shooting first began?—A. In my bedroom.

Q. And where is that located?—A. In the rear of my hotel, not very far from the alley, but facing on the yard.

Q. Do you know what time it was when you first heard the firing on that night?—A. Yes; it was five minutes of 12 by my clock.

Q. You had retired at that time?—A. No; I had just wound my clock when the shooting began, and I left my room and ran up to that window (indicating; the house referred to was just across the street from where testimony was being taken), and saw four of the shots as they were fired. They shot nine—I counted them—and then thirteen, and then a volley, and I went downstairs again and told my sister not to let the children get out of bed, and then walked out on the front street to see where the firing was. I knew the negroes were shooting bullets—I walked out on Elizabeth street and they flew around me. I went back upstairs and stayed in that window (indicating) and saw them shoot.

Q. That was the window of the room where Judge Park was?—

A. No; this was a separate room. When I went upstairs, he had not gotten up. I went back upstairs and hollered to him that the negroes were shooting up the town. Then he got up and went to his window, and so did Mr. Elkins. There were three windows facing on Fourteenth street.

Q. In whose room was the window in your hotel nearest the alley, facing on Fourteenth street?—A. Mr. Elkins'.

Q. The second window from the alley was in whose room?—A. Judge Park's.

Q. And the third window from the alley was in a vacant room?—A. Yes.

Q. That is the window you went to and looked out in the first instance?—A. Yes.

Q. And the second time you went back upstairs did you go to the same window?—A. Yes; to the same window, and saw the soldiers shooting from the galleries of the barracks. I had a clear view from the window of two-thirds of the quarters—the second barracks. I don't know what company was in there. I stood there watching them for some minutes shooting, and saw them move back and forth; saw the flash of the guns from the barrels, and heard two distinct voices, which I believe was the voice of officers. One said: "Cease firing;" the other, "Stop shooting."

Q. How long was this after the first firing you heard when you were in your bedroom?—A. Ten minutes afterwards, at least; it could not have been less.

Q. Did you hear any firing up the alley near the rear of your hotel?—A. I saw them firing at the Cowen house; that is, at the corner of Fourteenth street and the alley, but I did not know they were shooting at the Cowen house; I could only see the flash of the guns. I could not see them; this is the alley east of Mr. Cowen's house. I could not see the men then; all I could see was the flashes of the guns.

Q. Did you see any men come out of the alley?—A. I saw them stop at that tree (indicating) and fire one volley, and then stopped in the middle of the street and fire another, and then another—three volleys in the middle of the alley. There was a mud hole there and they went around it.

Q. When the men crossed from the entrance of the alley by Mr. Cowen's house, across Fourteenth street, could you see them at that time?—A. Yes.

Q. How were they dressed?—A. In khaki uniforms; some with blue shirts on and the others had the whole yellow uniforms. I counted 6 and then 10; there was a distance of about 6 feet from the 6 to the 10. I could see the blue barrels of the guns, and they looked about 2½ feet long. I could see distinctly that they were negro men dressed in the uniform of soldiers.

Q. Now, after the shooting took place there in the alley by Mr. Cowen's house and in front of his house, did you hear any firing up the alley toward town?—A. They held up and stopped in the middle of the street; one mumbled and the other spoke out very clear and distinct and said: "Keep ahead and shoot to the front."

Q. Who was at the window there at that time?—A. Mr. Elkins,

Judge Park, and myself. Judge Park could not recognize them because he did not have his glasses on.

Q. Judge Park has since died, has he not?—A. Yes, sir; died about two weeks after this occurred.

Q. After they left your side there in front of Mr. Cowen's house and to the rear of your hotel, did you hear any firing then up the alley?—A. When I ran over for Mr. Cowen's family the men were shooting up the alley, not as far up, though, as the Miller Hotel.

Q. You came down after you saw them go into the alley and went across to Mr. Cowen's house and brought Mrs. Cowen and her family over to your hotel?—A. Yes, sir.

Q. During this time was there any firing still going on over toward the barracks?—A. Not after the men left the barracks, no; not that I could hear.

Q. How many of the men did you see come back?—A. Six.

Q. Where did you see them?—A. Running down the same alley in the direction of the barracks.

Q. And they were dressed in the same way?—A. I could not see them then.

Q. Then you could only see them in the first instance by the flash of their guns?—A. Yes, sir; there were three volleys of shot, which gave me a very clear and distinct view of them. Otherwise I could not have recognized them.

Q. From your position in the window when they came back, as there was no shooting then, you could not tell whether they were soldiers, but you imagined they were the same parties?—A. Yes; after those men went back, those six that I could see ran, when they were going they were in a half-stooping position.

Q. You could see their position?—A. Yes, sir. When they came back they were standing straight and running very fast, but going down they were not running very fast.

Q. When they were coming back you could only see the objects, but could not tell whether or not they had on khaki uniforms?—A. No; but I could see that they had something across their shoulders. It was dark.

Q. Now, Mrs. Leahy, did any police officers come down to your house that evening?—A. Yes; two police came by and asked where the fire was. I said: "It is not a fire; the negroes are shooting up the town." I asked them to jump inside the gate, and I put them in a room.

Q. Where were you?—A. I was in the window.

Q. Where were the policemen when they asked where the fire was?—A. On the Fourteenth street sidewalk.

Q. At that time the soldiers had not come into view by the alley from the Cowen house?—A. No; not then.

Q. And you were watching from the window in the direction of the barracks?—A. Yes, sir.

Q. The fire then was over in the barracks?—A. No; it was over the wall; that's why I put the police in my house.

Q. Did you call to the police to come inside of your house?—A. Yes.

Q. Who were these two officers?—A. I could not give you their names. My sister knows them. I don't know any except—

Q. How long did they remain in your house that night?—A. Oh, about two hours—well, so long that I forgot all about them being there. Mr. Park said afterwards that two policemen were missing and they thought they must have been killed as they could not be found.

Q. After you called to these policemen to come into your house did you go downstairs?—A. Yes, I went down and put them into a room and then went back up to the window.

Q. And that is the time you saw the shooting toward the Cowen house?—A. Yes, sir.

Q. Now, after the firing had all ceased, do you remember the incident of the squad of soldiers coming out from the fort and going up town?—A. Yes; I was out there (indicating); I did not see them when they went out after the shooting. I went downstairs and walked out to the side gate and said: "There's the squad of soldiers coming back." There was an officer with them, but I did not recognize him. I saw Dr. Joe and Fred Combe, but as they passed me they looked at me very savagely and remarked: "We will wipe out of the town every white man before we are through with it." I was standing at the gate, and they came right between the tree there (indicating) and me.

Q. Do you know whether they could see you at the time?—A. Yes; certainly. I had a lantern, and they could see me just as plainly as you see me now.

Q. Was the squad at that time halted in front of your house?—A. No; they were going by. I saw no officers, but was told afterwards that there was an officer with them.

Q. You have stated, in substance, all that you saw or heard there on that night, have you? And you can't think of anything else that would be material or would throw any light on this difficulty?—A. No; that is what I saw the night of the shooting. It lasted twenty-five minutes, to my knowledge, and if there was one shot there were five hundred. My house was shot into, but I think by stray bullets.

Q. In what portion?—A. In the back part of the kitchen.

Q. Lower or upper?—A. About midway.

Q. You had never had any difficulty of any kind with the troops that were stationed here?—A. No, sir; I never had.

Q. Did you hear the bugle call?—A. Yes; but I did not know what it was.

Q. Then you do not know when it was, with reference to the firing?—A. Yes; it was quite a little while after I heard the men cease firing.

Q. The bugle call was before these men went up the alley?—A. Yes; before or just about the time the men went up the alley I heard the bugle call.

Q. That was over in the barracks?—A. Yes; it sounded like it was facing the parade ground. After that I could hear the men and see them running up and down the porches—the galleries of the barracks.

Q. There were lights in the windows of the barracks?—A. Yes, sir.

THE STATE OF TEXAS, *County of Cameron, ss:*

Mrs. Katie Emma Leahy, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

KATIE E. LEAHY.

Subscribed and sworn to before me this 28th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

Mrs. ELEANOR PARKS was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Mrs. Eleanor Parks.

Q. Mrs. Parks, you live in the city of San Antonio?—A. Yes, sir.

Q. And your husband was Judge Parks, of Brownsville?—A. Yes, sir.

Q. How long is it since you, your husband, and family lived in Brownsville?—A. It has been four years last August.

Q. How long did you live in Brownsville before coming to San Antonio?—A. Six years.

Q. What was your husband's business?—A. A lawyer and attorney.

Q. And where did he practice law?—A. He practiced law, I might say, all over the State of Texas.

Q. And was engaged in the practice of law how long?—A. About twenty-five years.

Q. Was your husband, Judge Parks, in Brownsville on the night of the 13th of August, 1906?—A. Yes, sir.

Q. I presume he was there on professional business?—A. Yes, sir. He had just returned to Brownsville from San Antonio.

Q. Did you, Mrs. Parks, shortly after the shooting affray in Brownsville on the night of the 13th of August, 1906, receive a letter from your husband relative to that shooting?—A. Yes, sir.

Q. Is that the letter which you have just shown to me?—A. Yes, sir.

The letter is as follows:

(Office of W. N. Parks, attorney at law, federal equity practice a specialty. Practice in all courts State and Federal.)

BROWNSVILLE, TEX., August 15, 1906.

DEAR MAMA: I did not write you yesterday, because there was no time to do so. The entire city was up in arms. I suppose you have seen in the papers what the negro soldiers did. Night before last between 11 p. m. and 12 the negroes came out of the garrison in great force and began a bombardment of the town. It was a terrible affair. They fired several hundred shots along the streets near the garrison line into the houses and everywhere else, utterly regardless of the families in the houses; then they came on up the alley between Mrs. Louis Cowen's house and the Yturria place where we lived; between these two houses they halted and shot about a dozen or more shots through Louis Cowen's house, shattering the large mirror in her wardrobe, and also shot a chiffonier all to pieces in another room, and still in another room shot another wardrobe or piece of furniture to pieces, and even shot the lamp chimney off the lamp and put the lamp out, and many other shots were fired through the house. It was a miracle that the children and Mrs. Cowen were not killed; but while they were shooting near the garrison and coming up the alley, Mrs. Cowen hid the children under the beds, having them lay flat down, and she also crouched flat down on the floor; this is all that saved them.

I was in my room at the Leahy Hotel—the first room on the left as you go up the stairway—and from the window saw the whole thing, but could not tell they were shooting in the house, and I had no arms whatever to do anything with, and if I had done anything they would have stormed the hotel and killed everyone in it. They then marched on up the alley, shooting at everything in sight, until they got to the Miller Hotel, which they proceeded to bombard in great shape, shooting at every window where a light was visible. But I forgot to say that before they left the corner of Mrs. Cowen's place, they fired a couple of shots into the Leahy Hotel, but they did not go through the brick walls. At the bombardment of the Miller Hotel, the police attempted to attack them, but the brave and valiant (?) Brownsville police were put to flight in a very few seconds, and the lieutenant of police, Joseph Dominguez, the same man who was shot by Baker, the soldier I defended and cleared a couple of years ago, had his horse killed under him and his right hand shot all to pieces, and which necessitated amputation of the hand and part of the arm; then they went on up the alley, and in the old Jagou place, where a saloon is kept, they fired in from the alley and killed the barkeeper, a very good young man named Frank Natus; they proceeded around on Elizabeth street, and shot up all the houses; in another part of the town, around near old lady Sauder's store, in one of her neat cottages, where Fred. Starck lived, they fired eight shots through the bedrooms, but Mrs. Starck had had all of the children to lie down on the floor, and were thus saved. Many other residences were shot into, among them old man Rendall's, one shot passing just over him as he laid in bed. It was a fearful night, no one expecting such a thing, and no one being prepared to meet the occasion. When they got tired, they returned to the garrison. Yesterday we had a mass meeting of the people and some steps were taken to investigate the matter and arrange some sort of defense, but practically nothing was done.

I am of opinion that there is great danger of another and far worse outbreak. The negroes were mad, because they were not allowed to drink at saloons beside the white people, several of them had been knocked over the head with pistols by some of the valiant (?) people for very trivial cause.

If another outbreak is made the results will be very serious indeed. Well, dear, there is nothing to write. So with much love and kisses for you and the children, I am,

Lovingly,

PAPA.

Q. Mrs. Parks, did you receive this letter a few days after the date which it bears, viz, the 15th of August?—A. Yes, sir; I think I have the envelope with the postmark.

Q. And you were here at your home in San Antonio at that time?—A. Yes, sir.

Q. Your husband is not living at the present time?—A. No, sir.

Q. How long after the 13th of August did he die?—A. He died on the 30th of August.

Q. Here in San Antonio?—A. No, sir; in Brownsville.

Q. Did you receive any other letters from your husband, Judge Parks, giving an account of what took place on that night?—A. Yes, sir; I received three very lengthy letters.

Q. What has become of those letters?—A. I destroyed them as I read them.

Q. And this is the only letter which you have from him since this occurrence at Brownsville on the 13th of August in which he gave you an account of what took place on that night?—A. Yes, sir.

Q. I notice that this letter is signed "Papa." Will you state whether or not that is the writing of your husband, Judge Parks?—A. Yes, sir.

Q. I presume, Mrs. Parks, that this being the last letter which you have from your husband you would like to have it returned to you at No. 101 Woodlawn avenue, San Antonio, Tex., when the Government has no longer any use for it?—A. Yes, sir.

Mrs. ELEANOR PARKS.



THE STATE OF TEXAS, *County of Bexar:*

Mrs. Eleanor Parks, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be correct.

Mrs. ELEANOR PARKS.

Subscribed and sworn to before me this 6th day of January, 1907.

[SEAL.]

D. H. HART,

*Clerk United States District Court Western District of Texas.*

By A. I. CAMPBELL,

*Deputy.*

Mr. HERBERT ELKINS was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Elkins, you reside in the city of Brownsville. How long have you lived here?—A. I came here on the 9th of July of this year.

Q. What is your business?—A. I am working at the confectionery store.

Q. Where were you born?—A. I was born at Sutherland Springs, Tex.

Q. How old are you?—A. A little over 17.

Q. Where were you on the night of the 13th of August, 1906?—A. I was at the store until about 10.30 or 11, and then I came on to the Leahy Hotel. Miss Egly, Mrs. Leahy's sister, was at the hotel, and when I came in she wanted me to walk over with her. I did not intend to go, but we went in and stayed until it broke up. The children there wanted us to take them home and we did, and went around to the different parts of the town. That was about 11.30. I had gotten back and gone up to my room and had just gone to bed—

Q. Where was that?—A. At the Leahy Hotel—when the first shots were fired.

Q. Could you tell where they were located?—A. No; not exactly.

Q. In what part of the town did they seem to be?—A. Right straight down the alley, between the barracks on the left to the entrance to the post—between that barracks and the other one in the direction of the post.

Q. How many shots did you hear fired?—A. It seemed to me like it was about ten or fifteen, or maybe more, right there about the wall or barracks.

Q. Were you in bed at the time?—A. Yes; but I raised up as soon as I heard the reports. Then I got up and sat in my window.

Q. Which way did it face?—A. It faced the post.

Q. Could you see the post from your window?—A. No, sir.

Q. Could you see any portion of it?—A. I could see the roofs of the quarters.

Q. Then what happened?—A. I heard a rumbling noise, like a fire outside or a wagon or something, and I thought it was a fire. So I sat in my window, but I could not see anything for four or five minutes, then I saw two negro soldiers.

Q. Were any in this alley here back of Mrs. Leahy's hotel—the

alley between Elizabeth and Washington streets—that is, the alley that comes out on Fourteenth street by Mrs. Cowen's house?—A. Yes, sir.

Q. Mr. Elkins, I will call your attention to Exhibit A. You were in the Leahy Hotel at the time, on the corner of Fourteenth and Elizabeth streets?—A. Yes, sir.

Q. And your window faced on Fourteenth street?—A. Yes, sir.

Q. And the Cowen house then was right across the street from you?—A. Yes, sir.

Q. Now, where was it that you saw the two negro soldiers?—A. It was right in the alley to the east side of the Cowen house.

Q. What were they doing when you saw them?—A. Well—

Q. Were they coming out onto Fourteenth street?—A. Yes, sir.

Q. Which way were they going?—A. Toward Fourteenth street.

Q. How were they dressed, and what did they have in their hands, if anything?—A. Both of them had guns—rifles—and they were dressed in yellow khaki pants, and one of them had on one of those light summer army shirts, light blue, and I think the other one had on a coat, but I am not sure.

Q. Did they have on caps or hats?—A. I don't remember which.

Q. And you state positively that they were colored soldiers?—A. Yes. I could see them plainly.

Q. What light was there in the vicinity of the Cowen house?—A. None, unless there was one at the corner; but it was not very dark.

Q. Were the lights all out in the Cowen house at that time?—A. Yes, sir; so far as I know; but I think there may have been one in the kitchen.

Q. Could you see the reflection of any light in the alley shining on these men?—A. No, sir.

Q. How far were you from them when you first saw them—about how many steps?—A. I must have been about thirty or forty steps from them.

Q. What did these soldiers do then?—A. When they got there to where the alley runs into Fourteenth street there is a muddy place; one was running ahead of the others and they had been shooting down the alley, but when they got along to the corner or next to the corner near that mud hole one of them ran into it. He was a little in advance of the other ones and got in the mud and jumped out at the side next to the building across the alley from Cowen's house and called to the others not to go that way, as it was muddy there.

Q. Could you hear their voices distinctly?—A. Yes, sir.

Q. Do you know whether or not it was the voice of a colored person?—A. Yes, sir; it sounded like a negro's voice, though it was not as coarse as some I have heard.

Q. You could see them so as to recognize they were colored?—A. Yes. They emptied their guns in the direction of the Cowen house—

Q. How many shots were fired there?—A. About three apiece at first, and then they reloaded.

Q. You saw them reload?—A. Yes, sir; one of them had a little trouble with his gun and got the other one to help him fix it some way or other, which only took a minute, and then they emptied their guns again.

Q. About how many shots were fired then?—A. About twelve, I suppose; somewhere along there. I can't say positively.

Q. Did you see any other colored men at that time?—A. Just a little after that; they had emptied their guns the second time and reloaded and walked up as far as the corner of Fourteenth street; they were then about 6 feet down the alley when they did the shooting. After they reloaded they stepped up about the corner, and just about that time a crowd of from ten to fifteen negroes, all in one squad, came up with them, and this one man that seemed to be leading the whole bunch—well, they did not know which way to go, and at the corner part of them went out into Elizabeth street and part wanted to go up the alley; but some of them—these two men that were in the lead—ran across nearly to Fourteenth street and called to the rest of them. Some of them had come down toward Elizabeth and one or two shots were fired there, and then I heard the other man holler out: "This way," and they turned and went back up the alley toward Miller's Hotel—went back of it.

Q. Then they were out of your sight?—A. Yes, sir. But they fired 8 or 10 shots right at the end of my building just as they crossed to Fourteenth street.

Q. Was that right back of your hotel?—A. Yes, sir.

Q. And then they were out of sight?—A. Yes, sir.

Q. Did you hear firing after that?—A. After they shot at the corner they went toward the Miller Hotel and they fired six or eight shots there.

Q. Were you still in the window?—A. Yes, sir. I was then in Judge Parks's window.

Q. Was he in his room?—A. Yes, sir; he doesn't see very well, though, and he could not tell whether they were negroes or whites, but he could hear their voices and he said they were negroes.

Q. You were in Judge Parks's room, then, at this time?—A. Yes, sir. Up to the time that I went into the Judge's room I thought it was a fire down at the post, but when I saw them shooting at the Cowen house, I knew differently.

Q. When you saw them shooting at the Cowen house, in whose room were you?—A. In mine.

Q. After they went back of the Leahy Hotel, you stepped into the Judge's room?—A. Yes, sir.

Q. Did you hear any firing after you went into his room?—A. Yes, sir.

Q. Where?—A. We heard two or three reports and saw the flash of the guns up in the quarters of—I forgot which—the third from the left in the barracks.

Q. From Judge Parks's room, then, you could see into the military reservation?—A. Yes, sir; into the end of one of the barracks.

Q. And you saw and heard the firing up there at that time?—A. Yes, sir; I saw two or three flashes.

Q. What had become of the men that had gone up the alley back of the Miller Hotel?—A. They were shooting about that time at the hotel or at a saloon somewhere.

Q. You could not see them or the men at the flashes of their guns—those that had gone uptown?—A. No, sir; we could not see those in the quarters other than the flashes of the guns.

Q. Now, Mr. Elkins, about how many negro soldiers did you see there that night in the vicinity of the Cowen house, to the best of your recollection?—A. Anywhere from 8 to 15.

Q. And they were all colored soldiers?—A. Yes, sir; as far as I could tell. Some were behind others, and I could not exactly tell.

Q. They all carried guns?—A. Yes, sir; all that I could see plainly had their rifles, and some in the squads had on caps.

Q. After you left Judge Parks's room where did you go?—A. I went back to my room. Mrs. Leahy was in the window upstairs and did not know what was up or anything about it. She called and wanted to go over and get the Cowen family. Mrs. Cowen came to the gate and screamed, and we told her to wait until we could dress a little and we would go over, but she went over herself, and we were downstairs when she came back, which was in a minute or two.

Q. Where did you go then; did you stay right there in the Leahy Hotel the rest of the night?—A. I went uptown.

Q. What did you see uptown?—A. We found out that they had killed a man and shot the policeman. But before that—before we went to town, and before I left my room—the negro soldiers ran down the alley like they came.

Q. Did you see them at that time?—A. Yes; I saw them run back.

Q. About how many did you see?—A. I did not see them all; I saw only four or five.

Q. What did you do then, after you went uptown?—A. I went uptown and Judge Parks went to hunt Mr. Cowen. He went inside the saloon.

Q. What saloon?—A. I believe it was called the "Tillman."

Q. Where did you go?—A. I stayed around there a few minutes and then went back up Thirteenth street to Miller's Hotel.

Q. Was there a number of people on the street then?—A. There were a number in the saloon. Then I came on back to the Leahy Hotel and Mrs. Leahy was standing in the gateway, and we stayed there for a while.

Q. Did you see anything more of the soldiers that night?—A. Yes; the company of soldiers came marching down Elizabeth street from town. They were armed, and part of them started to get on the sidewalk when they got there (indicating), but when they got to that tree they turned around, and those in the back stepped on the sidewalk, and just as they got around in front of the gate they stopped; I don't know why. One negro—the same one that got into the mudhole, I believe—said that he would go back and finish the "damn sons of bitches" to-morrow.

Q. You heard him say that?—A. Yes, sir.

Q. How near was he to you at that time?—A. About 6 or 8 feet.

Q. Was he marching at the time he made the statement you referred to?—A. No, sir; was standing; they stood there, the whole company, about four or five minutes.

Q. Were they halted by their officer?—A. Yes, sir.

Q. What was the officer doing?—A. He was in front.

Q. Was he talking with the mayor?—A. He was talking with somebody, I don't know who.

Q. Were many of the citizens out on the streets at that time?—A. No, sir; none in this part of town.

Q. You don't know who the officer was in charge of that squad or who he was talking to?—A. No; but he was talking with some one.

Q. And he had his squad halt?—A. Yes, sir.

Q. And it was during that time that you heard this soldier make that remark?—A. Yes.

Q. Now, Mr. Elkins, is there anything else that you heard or saw that night in regard to this affair?—A. No; I believe not.

Q. You have stated everything that you consider to be of importance, or heard, on that evening?—A. Yes, sir; all that I can remember now.

HERBERT ELKINS.

THE STATE OF TEXAS, *County of Cameron, ss:*

Herbert Elkins, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

HERBERT ELKINS.

Subscribed and sworn to before me this 27th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

[NOTE.—Police Lieutenant Dominguez and Policeman Genaro Padron testify as to the presence of soldiers on Thirteenth street and the alley and shooting into Cowen and Leahy houses, but they are grouped under Miller Hotel witnesses.]

*3. Testimony of Dr. Charles H. Thorn, living in a house on the alley, about the middle of the block between Thirteenth and Fourteenth streets.*

DR. CHARLES H. THORN was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Doctor, how long have you resided in the city of Brownsville?—A. Since February, 1883.

Q. And where do you reside here?—A. In the brick building just this side of Miller's Hotel, on Elizabeth street.

Q. You are a dentist?—A. Yes, sir.

Q. And practice your profession here?—A. Yes, sir.

Q. You were in Brownsville on the night of the 13th of August of this year?—A. Yes, sir.

Q. Where were you at the time the shooting occurred?—A. I was at home in bed.

Q. Who else was in your house at the time?—A. My mother and Judge Bartlett.

Q. Were you asleep at the time?—A. No, sir.

Q. At what time had you retired on that evening?—A. Well, I think it was about 11 o'clock, or something after 11—maybe half past 11. We had a meeting up at the Masonic lodge, and Mr. Moore, the hotel keeper, had been initiated in the first degree, and it was a warm night. The lodge is on the third floor of the building. There are

two other lodge places up there, but they were not in use. In order to get all the breeze possible, I opened the other two lodges—the windows and doors. After everyone except the tiler had gone I remained up there to help close the doors and windows.

Q. You were at your dwelling at the time the shooting took place?—A. Yes, sir.

Q. Now, Doctor, what first attracted your attention?—A. The shooting. I thought there was two or three shots fired; that first attracted my attention, I suppose.

Q. Where were those shots? In what direction from your residence?—A. They were in the direction of the garrison. I had an idea that they were down at Mrs. Leahy's place, because several times disturbances had occurred in that part of the town, and this same officer that was shot was shot right down in that neighborhood two or three years ago.

Q. Calling your attention to Exhibit A, I will ask you to indicate upon this plat just where your dwelling house is situated.—A. It is about the middle of the block between Thirteenth and Fourteenth streets.

Q. Fronting on Elizabeth street?—A. Yes, sir.

Q. And abutting on the alley?—A. Yes, sir.

Q. You were living in the frame building in the rear of the brick building?—A. I was sleeping in the frame building in the rear of the brick.

Q. I have indicated your dwelling house by figure 4 upon this plat. That correctly indicates the location of your dwelling?—A. Yes, sir.

Q. Now, you state that when you heard these shots they appeared to be in the direction of the Leahy Hotel?—A. Of course it seemed in that direction, but I thought it was further off than that. The first shots were more to the left.

Q. Down near the garrison wall?—A. Yes, sir; seemed to be in the direction of the garrison.

Q. Now you can go on and state what you did and what you saw or heard.—A. Well, after the firing kept on, I discovered that it was closer up, and apparently coming closer still. So I thought I would get up, if it came down the alley, put on my slippers, and go out there and see what was going on. I reached down with my feet and felt for my slippers on the side of the bed, but as it happened, being so late that night when I got in and being tired, I got in on the opposite side of the bed from where I generally do, and, consequently, after feeling for my slippers for a while, I remembered they were on the opposite side, and I leaned over to get them. In the meantime I know I had been listening to the firing and stopped a moment to think where that firing was, and when I was just putting on those slippers I heard the negroes just outside of my window there in the alley. I could hear them approaching. They were talking to themselves in a low tone of voice. I could not distinguish what was said, except I heard one say either "There he goes," or "There they go"—I don't remember which it was, but understood they were referring to some one they saw either down the alley or the street.

Q. Could you tell whether those voices were voices of colored men?—A. I could tell they were negroes, from the tones of the voice

and the intonation. I may have heard other words said, but I don't remember it. Nothing particularly attracted my attention, except that I heard them refer to some one as either "There they go," or "There he goes."

Q. And you recognized at that time that they were the voices of colored people?—A. Yes, sir.

Q. Did you form any idea as to how many they were—whether more than one or two?—A. There were several, because I could hear them talking, although I don't remember what was said—a number of them were talking, and this was a little louder when this one referred to some one he saw and said "There he goes," or "There they go." It may be that more than one of them made that remark. Immediately another in a louder voice said "Give him or them hell." Immediately they all fired again, and went on firing in volleys. That is the last I heard, when one said "Give them hell, God damn them."

Q. Did you hear the firing continue on up the alley?—A. Yes, sir.

Q. That is the alley between Elizabeth and Washington streets?—A. Yes, sir.

Q. Now, did you hear anyone come back down that alley?—A. No, sir.

Q. What did you do then, after that firing receded up the alley toward the town?—A. I had on my slippers in a moment, and I went to my mother's room. She had lighted a lamp, and wanted to know what was going on. I told her what I supposed was the truth—that the soldiers were just simply shooting up the town. I had no idea that they were really shooting into houses and trying to kill people. I thought they were just shooting to make a noise and to frighten the police and others. So I told her she had better blow out her light, as they might possibly shoot at the light. I told her to go back to bed. After talking with her a while I went back and went to bed, too.

Q. So you did not come out on the street that night?—A. No, sir.

Q. Now, I will ask you to locate your room in which you were sleeping in your bed more particularly than you have by referring to this plat.—A. (Pointing on the plat.) In this room here there is a door in front and a window here, and another door (pointing toward the kitchen). And in the kitchen is a door and a window opening on the alley. The kitchen, then, opens onto the alley past which these men went, and there is a door and a window in it. The window was open, but the blinds closed. My bed was right in front of this (pointing), in the room adjoining the kitchen, and I had an unobstructed view through the door in the kitchen and out of the kitchen window into the alley, and these men went right by that window.

Q. How far, in passing through this alley, were these men from your bed?—A. I suppose they were about 30 feet. Not over that. To the further side of the alley, if they were on the opposite side of the alley, it might have been 40 or 45 feet.

Q. So, from the voices of these men, you concluded that they were colored troops?—A. Yes, sir. And I could hear definitely the intonation of the guns. I knew they were army guns, and that there was no such intonation in a Winchester or a six-shooter.

Q. You have substantially stated all that you know occurred on that evening?—A. Yes, sir.

Q. Was your wife in the same room with you?—A. No, sir; I have no wife. My mother was in the brick building, in the end room next to the one in which I was sleeping.

Q. She was in the brick building, further to the west, further toward Elizabeth street?—A. Yes, sir.

Q. And one room further removed from the alley?—A. Yes, sir.

CHAS. H. THORN.

THE STATE OF TEXAS, *County of Cameron, ss:*

Dr. Charles H. Thorn, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes it to be true.

CHAS. H. THORN.

Subscribed and sworn to before me this 28th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, County of Cameron, State of Texas.*

4. *The Miller Hotel witnesses.*

M. YGNACIO DOMINGUEZ was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. M. Ygnacio Dominguez.

Q. How long have you resided in Brownsville?—A. I was born and raised in Brownsville.

Q. What is your age?—A. On the 16th day of this last October I was 58 years old.

Q. What is your official position?—A. I have been in different capacities, most of the time on the police force, for the last twenty or twenty-five years.

Q. What is your position now on the police force?—A. I am lieutenant of police of the city of Brownsville.

Q. You remember the 13th of August, 1906?—A. Yes. On August 13, at about eight minutes of 12 o'clock, more or less, I heard some shots fired near the garrison.

Q. Where were you located at that time?—A. I was on the market, where the station is.

Q. Where is that located?—A. In the center of the town, between Eleventh and Twelfth streets. I was there waiting until the bell rang—you know the bell rings every night at 12 o'clock—and about eight minutes before 12, as I said before, I heard some shots down near the garrison, on Washington street. When I got up by Mrs. Suder's I heard the shooting going on. When I got on Thirteenth street, on the corner, they had just got through shooting at Mr. Cowen's house, and I stopped there for a moment, and then the shooting stopped; and then they went across the alley—the alley that goes across Thirteenth street between Elizabeth street and Washington street—and fired a few shots. That is the same alley that leads down back of the Miller Hotel. At Fourteenth street I turned my horse and came back to Thirteenth to guard myself against the fence and



when I got to the corner I could hear them coming through the alley toward Miller's Hotel; they were walking, and every now and then you could hear them murmuring. When I crossed the alleyway I heard a voice once or twice that said: "Give them hell!"

Q. Did you see the men at that time?—A. No; I heard those words, though, and then a volley fired. I paused a little and hollered out, "Halt, there!" and then I commenced talking louder, so as to wake up the people in the Miller Hotel, as I knew the downstairs doors were open, and as I knew there were lots of passengers—women and children—there, I thought the best plan was to try to wake them up and tell them that the colored soldiers were shooting at the people. I kept on to Elizabeth street, and while I was in my stirrup, standing just so (indicating), I could see that one file took one side of the sidewalk and the other the side by Miller's Hotel.

Q. About how many men did you see?—A. I could tell that there were between fifteen and twenty of them.

Q. Could you see who they were?—A. I could recognize that they were soldiers.

Q. Were they white or black?—A. Black.

Q. Which way did they go?—A. They came out from the alley and one file went on one side of the walk and the other by Miller's Hotel. Just as I got to the corner of Elizabeth street, as I started to raise, I received this wound and my horse was shot, too. The horse stumbled and fell right across the street, opposite Mr. Wrexford's office.

Q. That is the last you saw of the soldiers?—A. Yes. The horse fell on this leg (indicating), and while I was trying to pull my leg out from under him I turned around and saw the soldiers tiptoeing, going back toward the corner of the alley.

Q. Did you see them when they went into the alley?—A. I saw them when they got to the corner.

Q. You did not see whether they went down toward the fort or toward the Ruby Saloon?—A. No, sir. I went on Elizabeth street, away from the fort. When I got to the lamp on the corner I heard some shots on the opposite side by the alley where this man Frank Natus was killed.

Q. And you heard shots being fired in the rear of that saloon?—A. I heard some shots fired and after that I did not hear any more.

Q. Where did you go then?—A. I kept on going and when I got to the corner of Mrs. Bolack's store I met two Mexicans. They said "Lieutenant, you are badly full of bullets;" I said "No; I only got my arm broke." I was getting weaker, and they brought me to the first drug store, and I had my arm bandaged after they had taken me upstairs.

Q. During the time of the shooting did you have your revolver out?—A. No; I never took it out; it was in my belt. I thought the best plan was to try to wake up the people. I knew very well that there was such a constant shooting that if I stopped a moment I would get riddled with bullets and I would not get a chance to tell anybody to get up.

Q. How far were you from these soldiers when you saw them there at the alley?—A. About 25 feet.

Q. Were they in the dark or in the shadows of the buildings at that time?—A. No; there was a lamp on the corner and one by Mr.

Bolack's; I was between the two lamps; it was not very dark; there was no moon, but there wasn't any clouds.

Q. You could recognize that they were colored troops?—A. Yes.

Q. How far were they away from you at the time you received your wound in the arm?—A. I think it must have been about 60 feet between me and them.

Q. Mr. Dominguez, were you looking toward the soldiers at the time you received the wound in your right arm?—A. I was standing in the stirrup just in this position (stood up in the bed, indicating); I did not exactly have my back to them, but I was standing so as to make myself appear as thin as I could. I could see them, but I could not tell whether they were noncommissioned or not. The ball struck me on the inside of my arm—that is, the side next to my body—and then exploded.

Q. That is all that you know about the affair?—A. Yes, sir.

Q. Had you ever had any trouble with any of these soldiers stationed there at the fort?—A. Well, I can't say that I had trouble with them; I have had to arrest several of other troops, but I never had any trouble with these. I very seldom ever spoke to any of them.

Q. How long have you been lieutenant of police?—A. About fifteen years, twelve or fifteen.

M. Y. DOMINGUEZ.

THE STATE OF TEXAS, *County of Cameron*, ss:

M. Ygnacio Dominguez, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

M. Y. DOMINGUEZ.

Subscribed and sworn to before me this 27th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

GENARO PADRON was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

(This testimony was given through Interpreter John J. Kleiber, esq.)

Q. Mr. Padron, you are a police officer of the city of Brownsville?—A. Yes, sir.

Q. How long have you been on the police force of this city?—A. I have been a policeman for about two years past. Prior to that I was a constable of this precinct. I have been a police officer for the past two years; prior to that, a constable for four years, and prior to that, for four years, a deputy sheriff under Sheriff Forto.

Q. You were on duty on the night of the 13th of August, 1906?—A. Yes, sir.

Q. Where were you at the time that the shooting occurred in the vicinity of Fort Brown?—A. I was at the corner of the Merchants' National Bank.

Q. At about what time was that?—A. About five to ten minutes before midnight.

Q. Was there anybody with you at that time?—A. There were several people. There were Florencio Briseño, Miguel Jagou, who has since died, Manuel Alonzo, jr., and, I think, Mr. Schmidt. I am not sure whether he was present or not.

Q. When you heard the shooting, where did you go?—A. I came down this street (Elizabeth street) to the hotel (Miller Hotel) corner, and turned toward Washington street. I reached the corner of Washington street and went down one block on Washington street to the corner.

Q. Was there anyone with you at that time?—A. Briseño came down the street with me as far as the Miller Hotel, Briseño continuing down Elizabeth street.

Q. During this time did you hear any shots fired?—A. Yes, sir; when I got down to the corner of Washington street they came out of this alley firing.

Q. Where is that alley where you first saw them?—A. The alley just as you come out of Mr. Cowen's.

Q. How near were you to these men when you saw them firing at the entrance of the alley and Mr. Cowen's house?—A. About 150 feet, more or less.

Q. Were you then standing on Washington and Fourteenth street?—A. Yes, sir.

Q. How many men did you see near the Cowen residence?—A. Not less than ten or twelve.

Q. Who were they?—A. They were dressed in soldiers' uniforms—the flash of the guns showed clearly the yellow uniform.

Q. How many shots were fired by these men at that time?—A. I can not tell you, sir. They fired quite a number.

Q. Could you tell from the position of their guns and the flash of the shot in which direction or into what building they were firing?—A. Over toward the Leahy Hotel.

Q. How long did they remain there at that time?—A. Just as they ran out into the alley they fired. Then I ran back and met Ygnacio Dominguez.

Q. Where did you meet Ygnacio Dominguez?—A. In the middle of the street, in front, almost, of the Pecina house.

Q. Is that near the corner of Washington and Fourteenth streets?—A. It is on Washington street and near Fourteenth street.

Q. In which direction did you then go with Dominguez?—A. When I met Dominguez, I told him to dismount, as he was too conspicuous a target for them, if they passed, who were firing.

Q. Did he do so?—A. Dominguez dismounted and tightened the girdle of his saddle on his horse.

Q. Where did you and Dominguez go?—A. As soon as Dominguez tightened the girdle he remounted his horse and we went on up the street, I ahead of Dominguez on foot.

Q. Where did you go from there?—A. We got to the corner of Thirteenth street, and I turned then into Thirteenth toward the Miller Hotel. At this time the firing was going on by the alley toward the hotel. When I got about to the door of Mr. Bolack's house, I saw the lieutenant of police coming behind me. When he reached me, I said to him: "Lieutenant, don't go any further, because they will likely shoot you from where they are now firing." I told

him this two or three times. He paid no attention to me. He proceeded on. Then I retreated, went back. As the lieutenant crossed the alley some one said: "There goes one;" and one replied: "Shoot him; hell." By that time I was nearly to the corner, and I saw three men throw their carbines down onto Dominguez and I fired and shot at them. They fired on him. As they fired, others came out of the alley, and said: "Here are others." By that time I was at the corner. I fired a shot and then hid myself behind the house at the corner.

Q. Was that at the corner of Washington and Thirteenth streets?—A. This was at the corner of Washington and Thirteenth streets.

Q. Then you were about a half a block, or 150 feet, away from these men who were doing the firing?—A. Yes, sir; I peeped out from behind the corner, and I saw a number of men, half a dozen or more, coming in my direction. I then retreated on up Washington street, hiding myself behind the trees as I came to them. As they reached the corner of Washington and Thirteenth streets they then fired a volley in my direction—that is, up the street. I then ran to the upper corner, they still firing. As I reached the upper corner there was a lighted lamp, a street lamp. They evidently saw me, as another shot was fired and the bullet struck the shed, went through and struck the wall. At that time I stumbled and fell, and then went forward on my hands and knees. Then I arose and went on to the next corner. They went on up Washington street to the store on the corner of Washington and Twelfth. Then they turned into Twelfth street, toward Elizabeth. When I got to the corner of Washington and Eleventh, a man from a second-story window inquired of me what was going on. I replied that soldiers had come out of the post. I then turned into Eleventh and went to the corner of Elizabeth street, at the First National Bank, came down on Elizabeth street to the corner of Elizabeth and Twelfth, at the Merchants' Bank, looking for the lieutenant of police, who had started toward Elizabeth street, not knowing what had happened to him. While I was standing there I heard some one striking on the uprights of the store about half a block away. I went in that direction, thinking some one was calling me, and I there met the mayor of the city and his brother, Dr. Joe Combe. They asked me what had happened, and I told them the soldiers had broken out of the post and were firing upon the town. I told them I was looking for the lieutenant of police, Dominguez, who ought to have been there on the street somewhere. We then turned and came on down Elizabeth street along the sidewalk. As we approached the Merchants' Bank we saw blood on the sidewalk. We then came on down the street toward the barroom. We found everything closed.

Q. When you saw these men come down the alley on to Thirteenth street and five or six of them go toward Washington street in your direction, will you state whether or not you could tell whether they were white men or colored men?—A. All I can tell you is that I can describe to you how they were dressed, and that they had carbines—guns.

Q. Describe how they were dressed.—A. They were dressed in yellow uniforms.

Q. What portion of the uniform was yellow?—A. All the uniform.

Q. Did you know whether or not they had on hats or caps?—A. I could not be sure, but it appeared to me as if they wore hats. One man was bareheaded.

Q. About how many men did you see come out of the alley at the time Dominguez went down toward Elizabeth street?—A. Not less than ten or twelve.

Q. Do you know where the men other than those who followed you went?—A. I do not, sir.

Q. Did you hear any other firing than that which was directed toward you over on Washington street?—A. Over in the direction of that same alley—I can not say that there was, but there was firing in the direction of that same alley they were going up.

Q. Do you know where Tillman's saloon is located?—A. Yes, sir.

Q. Did you hear any firing in that direction of the saloon while you were in the vicinity of Washington and Thirteenth streets?—A. Yes, sir; I could hear the shots in that direction while I was going up Washington street.

Q. You did not see Dominguez when he was wounded and when his horse fell with him at the corner of Elizabeth and Thirteenth streets?—A. No, sir.

Q. At that time you were retreating up Washington street toward Twelfth street?—A. I only saw him when they fired the first shot at him, as his horse was running. I looked for him up in the other direction, thinking he had gone by.

Q. During the time of your retreat from near the alley on Thirteenth street over to Washington street and then up Washington street toward Twelfth street were you running or walking?—A. I was running.

Q. From the time that you heard the first shots down in the neighborhood of the garrison until the last shots were fired about how long a period of time elapsed?—A. From ten to fifteen minutes, more or less.

Q. When you saw these men over in the vicinity of the Cowen residence how were they dressed?—A. With this yellow uniform.

Q. About how many men did you see about the Cowen residence?—A. Ten to twelve, more or less.

Q. During the whole time of the firing you were east of the alley running between Elizabeth street and Washington street and parallel to said streets?—A. With the exception that when the first shots were fired I was up here on this street. After that I was east of this alley.

Q. Are you familiar with the reports of firearms generally?—A. Yes, sir; fairly so. There is a great difference between the detonation of pistols and the firearms such as we use and the class of firearms used by soldiers.

Q. What was the nature of the report of these shots?—A. Not a loud report, something like a firecracker, a quick, sharp report.

Q. Do you think of anything else concerning which you care to make a statement?—A. Only that I saw that dead man.

Q. You have told substantially all you know that took place on the night of the 13th of August?—A. At present I can think of nothing else.

THE STATE OF TEXAS, *County of Cameron, ss:*

Genaro Padron, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

GENARO PADRON.

Subscribed and sworn to before me this 28th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, Cameron County, Tex.*

MACEDONIO RAMIREZ was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

(This testimony was given through Interpreter John J. Kleiber, esq.)

Q. Are you a police officer of the city of Brownsville?—A. Yes, sir.

Q. How long have you served in that capacity?—A. About twelve or thirteen years.

Q. You were on duty in this city on the night of the 13th of August?—A. Yes, sir.

Q. Do you remember the circumstances of the shooting here in Brownsville on that night?—A. Yes, sir; I remember the occurrence.

Q. Where were you when you first heard the firing?—A. I was at the corner of the alley on Ninth street, between Washington and Adams.

Q. In what direction did the firing seem to be?—A. From the direction of the garrison.

Q. Will you go on and state what you did and what you saw on that night, after you first heard the firing?—A. When I first heard the shots it must have been five or ten minutes, more or less, before midnight. I ran directly down Washington street toward the garrison, as the shots were coming from that direction. As I got to the corner of Washington and Eleventh streets I again heard the shots. They were much closer, and I also heard the whistling of the bullets as they came by going up the street. I stopped for a moment or so and then continued running down toward the garrison. When I got down on Washington street between Thirteenth and Fourteenth I met the lieutenant of police and Policeman Genaro Padron. I asked the lieutenant, "What are those shots?" and he said, "Negro soldiers have broken out of the garrison." They were coming up Washington street. I joined them and turned back with them. Just before we got to the corner of Thirteenth street I heard a single shot in the alley—appeared to be in the alley back of Miller's Hotel. I remarked to the lieutenant, "There is another shot." Just then we turned into Thirteenth toward Elizabeth. About halfway between Washington and the alley on Thirteenth I heard the working of the guns—the levers. The lieutenant was on horseback, and Genaro was a little ahead of him, to his right. I was immediately behind the horse. The lieutenant went on and I leaned on a post on the edge of Bolack's sidewalk, watching. Genaro said to the lieutenant, "Don't pass, lieutenant; those men are there in the alley." Perhaps the

lieutenant didn't hear him, because he was some little distance ahead. As the lieutenant of police reached the alley, I heard a voice say, "Is that a soldier?" and a man replied, "No." Just then several men came out of the alley and fired. The lieutenant then crossed the alley and was some little distance passed (past); had about come to the door of Mr. Wells' office.

Q. Will you describe the appearance of these men that you saw come out of the alley at that time?—A. They were soldiers, because they were dressed in this uniform. It is not a blue uniform; it is a sort of a burnt color. It is not wool; it is a sort of a duck.

Q. How many men were there?—A. About 10 or more, altogether, that came out.

Q. Did they have rifles in their hands at that time?—A. Yes, sir; as they came out into the alley.

Q. You will proceed to describe now what happened.—A. Dominguez had just crossed the alley when they fired on him. I was reclining, as I told you, on this post (indicating a post near Bolack's house), and Genaro Padron had already retreated back under the shed. As they fired I saw the horse gather himself up, as it were, and then jump forward. At that time one of the men said, "Here are two more." They turned on us and fired at us. I then retreated back up Thirteenth street. I don't know which way Genaro retreated, but I think he went up Washington street, I going on up Thirteenth. After I retreated they fired twice more at me. Just after I crossed Washington street, up Thirteenth, I felt something strike my hat and drop. I lost my hat, and retreated on up to the next alley. When I got to the corner of the other alley I hid behind a brick wall and peeped out. I then was by the light of the lamp, just on the corner of Washington and Thirteenth streets. I saw these men with their carbines, which they were holding in a position for firing, and they were negro soldiers.

Q. Could you see the men at that time and distinguish from their faces whether they were negro soldiers?—A. Yes, sir. I don't say that I saw the face of each individual man, but I did of a number of men who had their hats on the back of their heads.

Q. But you could tell that they were colored men?—A. Yes, sir; colored men.

Q. And at that time about how many paces were you from them?—A. The depth of a lot, which would be 120 feet.

Q. And these men, at that time, were at the corner of Thirteenth and Washington streets, were they?—A. They were on Thirteenth street where it crosses Washington.

Q. And you were in the alley east of Washington street?—A. I was in the alley, but with my head stuck out, but to the east of Washington street.

Q. In which direction did these men go after you saw them there at Thirteenth and Washington?—A. I stood there watching them from behind this brick wall. They turned into Washington street and went up in the direction of Twelfth street.

Q. Is that the last you saw of these negro soldiers?—A. I continued into Adams street and up to the corner of Twelfth, where there is a restaurant. Up to that time I heard a couple of shots that came from the direction of the alley where Tillman's saloon is, that is the old Jagon Building.

Q. Did you see anything more of the soldiers?—A. As soon as I heard these shots I immediately ran down Twelfth street in the direction of Elizabeth. I saw a group of men on Twelfth street near the corner of Elizabeth, and ran toward them. I got to Elizabeth street and ran on Elizabeth street toward the saloon. The next I saw the soldiers was when the company came up—a man with a lantern in his hand.

Q. In what locality was the last firing which you heard?—A. The last firing that I heard was in that alley back of Tillman's saloon.

Q. Have you stated all that you saw or heard with reference to these soldiers and their doings upon that evening?—A. I think I told you all.

MACEDONIO RAMIREZ.

THE STATE OF TEXAS, *County of Cameron, ss:*

Macedonio Ramirez, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

MACEDONIO RAMIREZ.

Subscribed and sworn to before me this 28th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, Cameron County, Texas.*

CHARLES E. HAMMOND was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Hammond, where do you live?—A. At San Antonio, at present.

Q. What is your business?—A. Real estate.

Q. Were you in Brownsville on the night of the 13th of August, 1906?—A. I was.

Q. Where were you at about 12 o'clock on that night?—A. I was sitting in front of the Miller Hotel.

Q. Were you stopping at the Miller Hotel on that night?—A. Yes, sir.

Q. What room did you have?—A. I had a room on the third floor, on the Thirteenth street side; it was No. 41 or 42.

Q. Did you hear any shooting at about the hour of 12 o'clock on that night?—A. I did.

Q. In what direction was the firing, with reference to the hotel?—A. It seemed to be at the mouth of the alley back of the hotel, in the direction of the barracks.

Q. How many shots did you hear at first?—A. It was a volley—from 5 to 15—possibly more and possibly less.

Q. Will you go on and state, Mr. Hammond, just what you did after you heard this first shooting?—A. I was sitting there talking to a young man, Mikesell, from Ohio—Covington, Ohio, I think—and when this volley was fired he asked me what they meant. I told him that I presumed it was some drunken soldiers shooting down at the post, and he said "Why do you think that?" and I said "Because that is the sound of a 'Krag;' it is not six-shooters." Immediately after the firing of the first volley the bugle began to blow and I presume



that it was to call the guard; I don't know anything particularly about military tactics, but I suppose that was what it was for. Immediately following the first volley and the conversation we had regarding it there was a volley fired at the mouth of Elizabeth street, and two or three of them hit the King Building, right opposite where we were sitting. This volley was fired at the mouth of Elizabeth street where it enters the barracks, and the bullets whistled over our heads very perceptibly, coming up Elizabeth street. When those bullets whistled over our head I said to Mikesell: "We had better get inside the house; it is dangerous out here," and we got up and walked into the office. When we walked in we glanced at the clock and it was 9 minutes of 12. We stood at the desk under the clock and continued our conversation, and I said, "I suppose we are safe in here," and we went on talking. I was explaining the school laws at the time, and when we walked into the house the shooting continued continuously all this time, you understand—volley after volley. After we walked into the hotel a volley was fired immediately back of the hotel and I remarked, "They have broken into the gate and are firing down this court," and said, "We had better get into the dark," and we stepped out of the office into the wash room, and by that time the volleys were immediately back of the hotel and down toward the barracks and over on Washington street, a block east of the rear of the Miller Hotel; that is, they sounded as if they were coming from those three different directions. Mikesell said, "I am going to bed," and I said, "It isn't a very safe proposition to cross that court," but he bolted through and went to bed. By that time they were firing all over and I concluded it was a dangerous proposition to stay in the wash room in the light, and walked into the office, and about that time Davis, the night clerk then, ran into the office and behind the counter and got a Winchester gun and loaded it, and I stood there talking to him and he said: "Hammond, we will go back into the sample room." We thought then that they were entering the hotel. From the time of the first firing I did not know there was any danger. I thought it was a sort of cow boy shooting up affair, but when the firing continued around the hotel I concluded that it must be a serious affair, and when Davis loaded the gun we stepped back into the sample room and he said: "Well, Hammond, if they make a break we will get some of them, anyway." I then stepped back into the corner—what might be termed the northwest corner of the sample room and immediately back of the office—just a partition wall between. The window was to my right and the door just beyond the window, and I could see the flashes of the volleys through the cracks of the window and under the door; that is, on Thirteenth street; and I heard the negro voices; they were right on the sidewalk, right within not possibly more than 10 feet from me. That's when they were firing at Dominguez. I heard him ride by on his horse, and I heard some negro say, "There is the s— of a b—;" and I heard their voices in a kind of a muddled conversation; I could not tell just what they were saying. I staid there until the firing subsided and then walked back into the office and looked at the clock, and it was 5 minutes after 12. Then I went upstairs to see if there was any damage, and there was no damage there, that I saw, and I made a remark to Chace, whom you have examined, and to Goldsmith, and to one or two other boys. I talked to them about it, and Chace called me to his window and

showed me where they had fired at him when his head was stuck out of the window. Then I concluded that nobody was hurt and went to bed.

Q. Now, with reference to these voices you heard while you were in the sample room and which you state were not over 10 feet away from you, could you testify positively as to whether they were the voices of negroes or white people?—A. If they were not negroes they were being imitated. It was so near to their dialect that I concluded it was negroes. It never entered my mind that it was anybody else. The next morning I got up quite early and saw the dead horse, and saw some of the boys pick up some shells at the mouth of the alley and Thirteenth street.

Q. Do you know who it was?—A. No; it was a crowd; a lot of Mexicans were around. I saw the belt that was picked up in the alley, and also the soldier's cap.

Q. Could you tell from the sound of the shots, Mr. Hammond, as to whether the guns which were being fired were high-power or low-power guns?—A. I could say that when Mikesell asked me what that was I said, "It is the soldiers down at the post," and he asked me how I knew it, and I said, "It is the crack of a 'Krag.'"

Q. What experience have you had with firearms, generally?—A. I have spent thirty years of my life in the hardware and implement business and have handled firearms all that time. I am quite a hunter—hunt a great deal—and have been on the frontier fifteen years. I have been in towns where cowboys would come in periodically and shoot up the place and I think I know the difference between the crack of a low-pressure cartridge and a high-pressure cartridge, the same as I know the difference between daylight and darkness.

Q. And what would you say as to the pressure of the cartridges that were fired on that night?—A. I did not know then whether they were "Kraggs" or Springfield, but I knew that they were high-pressure cartridges.

Q. Mr. Hammond, where were you born?—A. In Illinois. I resided there until I was 30.

Q. At what place?—A. Sixty miles east of St. Louis.

Q. And you came to Texas in what year?—A. In 1890. I have lived in west Texas, in north Texas, in north central Texas, in central Texas, in south central Texas, and in the extreme southern part of the State during the last fifteen years, and five years of that time I have traveled the State.

Q. In connection with what business?—A. The sale of agricultural instruments [implements?].

C. E. HAMMOND.

THE STATE OF TEXAS, *County of Cameron*, ss:

Charles E. Hammond, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

C. E. HAMMOND.

Subscribed and sworn to before me this 31st day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

Mr. ARTHUR I. DAVIS was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Where do you re-ide, Mr. Davis?—A. In San Antonio.

Q. What is your business?—A. Bee keeper.

Q. Were you living in Brownsville during the month of August, 1906?—A. Yes, sir.

Q. What were you doing there at that time?—A. I was clerking in the Miller Hotel and keeping bees.

Q. How long had you lived in Brownsville when the shooting occurred on the night of the 13th of August?—A. About eight months, excepting the six weeks that I was up at San Antonio.

Q. Where were you on the night of the 13th of August?—A. At the Miller Hotel.

Q. Will you now state, Mr. Davis, in your own words, just what you recollect as having occurred on that night in Brownsville?—A. I was in my room on the third floor of the Miller Hotel, right over Mrs. Odin's room. Immediately after blowing out the light I heard shots from the direction of the fort; I got up and looked out of my window and saw nothing, dressed, went down to the office, and got out my shotgun; helped close up the office, and then, at the suggestion of Mr. Hammond, a guest at the hotel, we went into the sample room to get out of the light, as we did not wish to be a target for those that were doing the shooting. From the time I first looked out of my window the shooting continued almost incessantly, with slight intervals between, for ten minutes, to the best of my knowledge. The shooting kept coming closer to the hotel, and there seemed to be distant shots—shots fired from some distance. One of the squads came down the alley back of the hotel; it was this squad that killed the horse and wounded the policeman and that fired the shots into the hotel and in the building opposite.

Q. Where were you, Mr. Davis, during the time that the shooting occurred at the rear of the hotel?—A. I was in the sample room. After we went in there we kept as quiet as possible until the shooting was all over. The sample room is a square room, I should judge about 30 feet; it has a small corner cut off for a bath room from the entrance of the office, about 10 feet square, and has a door and two windows facing on Thirteenth street. Mr. Hammond came into the sample room and turned to the left and was close to the window opening on Thirteenth street. I turned to the right, just around the corner of the small bath room, and stopped just in the dark; dropped down behind a cot there with a gun resting on my knees and stayed there until the shooting ceased. While I was sitting there I could see the flashes or the reflection of the flashes of the guns, hear the reports, and hear the new shells that were being thrown into the guns and the old ones ejected.

Q. Now I will ask you, Mr. Davis, if, while you were sitting there in the sample room, you could see the flashes of the guns; that is, whether you could see the fire from the guns or simply a light in the street?—A. I saw the reflection of the flashes.

Q. Where did you see those reflections?—A. Through the window opening out on Thirteenth street.

Q. Did you at that time, Mr. Davis, hear any talking out on Thirteenth street or in the alley at the rear of the Miller Hotel?—A. To the best of my knowledge I heard no talking.

Q. About how many shots, as nearly as you can estimate them, were fired there in the immediate vicinity of the Miller Hotel?—A. I should judge that there were about 50 shots fired.

Q. Mr. Davis, I will show you this plat (Exhibit A) and call your attention to the building represented by the figure 5 upon that plat, which indicates the Miller Hotel, and ask you about where that sample room is located?—A. It is the room to the rear of the office on the ground floor, about 30 feet from the corner of the alley.

Q. And I understand you to say that you were in that portion of the room furthest away from Thirteenth street?—A. Yes, sir.

Q. And Mr. Hammond was in the northwest corner of the sample room by the window?—A. Yes, sir.

Q. Now, will you state, Mr. Davis, just what you did after leaving the sample room?—A. I went up to the landing of the second story and there met Mr. Goldsmith, and asked him if he had his gun with him; he said no, that he was going to get it. While he was getting his gun I stepped into the parlor and lowered the light. Mr. Goldsmith came down and brought more ammunition with him; we laid our guns on the floor of the parlor, and from there we went downtown to find out the damage and what the trouble was.

Q. Did you hear any shooting after you left the sample room?—A. No, sir; not a shot.

Q. I will ask you, Mr. Davis, whether you saw any of the men that night or heard their voices?—A. I did not.

Q. Will you state, Mr. Davis, in a general way, what you did after you came downstairs from the parlor where you and Mr. Goldsmith had been?—A. We went down Elizabeth street as far as the Ruby Saloon, and there we met a party of citizens discussing the shooting, and we asked what the trouble was, and were told that the negroes had made an attack on the town, or something to that effect, and after we got what information we could about the situation we returned to the hotel to quiet the women folks there; and, after telling them that it was not as serious as they thought it was, we went out on the gallery over the porch, and Mr. Goldsmith, Mr. Pennington, Mr. Canada, and I stood on this gallery, and while we were standing there talking a squad of soldiers marched past going in the direction of the fort.

Q. About how long was that after the firing had ceased, to the best of your judgment?—A. I should judge that it was about ten minutes. It may have been fifteen.

Q. What did you do after that?—A. The squad of soldiers, when they passed, made the remark, "There are some white folks up there," and then marched on. After a short stay on the gallery we went up to the third floor, put the guns all in working order, laid out the ammunition, and retired. The next morning, just as day was breaking, I was on the street—was with the porter of the hotel at the time—and picked up a number of empty shells at the corner of Thirteenth street and the alley to the rear of the Miller Hotel. After securing these shells we started down Elizabeth street, and at the corner of Elizabeth and Twelfth we met the mayor (Doctor Combe) and gave him these shells as evidence.

Q. I will ask you, Mr. Davis, if you made an examination of the bullet holes in the room occupied by the Odins, for the purpose of determining the alignment of the shots?—A. Yes, sir; I examined these bullet holes the next day. I found that the bullet went through

the screen, through the sash of the window, and into the ceiling above, but I did not know at that time that the bullet had entered my own room. I discovered later that the bullet came up through the floor in my room and entered the dresser, and Mrs. S. C. Moore told me that she had taken out this bullet and had it in her possession. That day, or shortly after the shooting, I stood in the tracks that a person must stand in to have fired that shot.

Q. Mr. Davis, will you state about that location, with reference to Thirteenth street and the alley?—A. The person that fired that shot must have stood on the opposite of the alley at the rear of the Miller Hotel, about three feet from the edge of the sidewalk toward the alley.

Q. That is, in the alley?—A. Yes, sir; where they would have a good view of Thirteenth street and also the alley running both ways from Thirteenth street. It seems that the person shooting must have looked toward Thirteenth street and, by turning, looked up at the window, and just threw the gun up and shot.

Q. Is there anything more which you can think of concerning which you care to make a statement in connection with the testimony which you have already given?—A. No, sir; nothing, only hearsay.

Q. You know nothing, of your own knowledge, about the shooting there at Brownsville on that night other than that which you have stated here this afternoon?—A. No, sir; unless I might mention the bugle call.

Q. Will you state all that you know with reference to the bugle call?—A. The bugle call was sounded immediately after the first shots were fired, while I was leaning out of the window in my room.

Q. Mr. Davis, did you give testimony before the grand jury of Cameron County or before the Citizens' Committee of Brownsville which was formed a short time after the shooting?—A. No, sir.

Q. As I understand it, you were not called before the grand jury or before the Citizens' Committee to give testimony?—A. I was not.

Q. Were you in Brownsville at the time?—A. I was.

ARTHUR I. DAVIS.

THE STATE OF TEXAS, *County of Bexar, ss:*

Arthur I. Davis, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

ARTHUR I. DAVIS.

Subscribed and sworn to before me this 4th day of January, 1907.

[SEAL.]

D. H. HART,  
*Clerk United States District Court.*

By A. I. CAMPBELL,  
*Deputy.*

Mr. S. C. MOORE was duly sworn and questioned by Maj. A. P. Blocksom, and testified as follows:

Q. What is your name?—A. S. C. Moore.

Q. What is your place of birth and present age?—A. Tupelo, Miss.; 36 years old.

Q. What is your occupation and length of time you have lived in Brownsville?—A. Hotel keeper, Miller Hotel; have lived in Brownsville two years and eight months.

Q. State where you were on the night of August 13 and 14 last and what you know about the shooting that night.—A. I was in the southeast corner room of the Miller Hotel, second floor—this room being on the alley. About 11.45 or 11.50 p. m. that night I heard shooting in what I thought was the post. The shooting grew closer, and possibly 25 or 30 shots were fired, until they reached the corner of the building in which my room was located. At the corner of my room there was one volley of 5 or 6 shots fired; then I heard a rough, coarse voice say: "Say, there goes the son of a bitch on a horse; get him." Then another volley was fired in the alley; then, possibly a few seconds after, I heard a command given—"Halt! Fire!" There then appeared to me 5 or 6 shots fired from what I thought to be the opposite side of the street from the northeast corner of the hotel; this volley, I think, was fired into the hotel, and bullet holes show there were 5 or 6 shots fired from this place mentioned. Then there were several other shots fired from different directions. This was all I knew of the shooting until the next morning, as my wife was in such a frightened condition that it would not permit me leaving the room that night; but on the following morning when I came down from my room I discovered a dead horse lying across the street from the northwest corner of the hotel; the body of the animal showed several bullet wounds, but as to how many I could not say, as I did not count them. That was about 6 in the morning.

Q. Did you see the persons who did the shooting?—A. I did not.

Q. Were the voices you heard those of whites or negroes?—A. I took them to be those of negroes, as they were coarse and rough. I am familiar with the sound of the voices of negroes.

Q. Were any guests fired at?—A. It seems there were; Mr. Odin and wife and, I think, Mr. Chace. Two bullet holes show under Mr. Canada's window sill. One bullet came through the screen of Mr. and Mrs. Odin's window; after going through the screen and sash, bullet took an upward course and went through ceiling of Odin's room. It lodged on bottom of dresser in third floor.

Q. Did you find any of the bullets fired or any of the shells from the rifles?—A. Yes, sir; my wife found the bullet in the dresser. It looked about the size of 30-30; it had steel jacket; I gave it to Mayor Fred. Combe. Several shells were brought to me about 7 o'clock that morning, picked up by my help in the alley near my room. They were the shells used by the soldiers at the post at that time.

Q. Did you see Dominguez, lieutenant of police?—A. I did not.

Q. About how many shots did you hear altogether?—A. I should think something near a hundred.

Q. Are you familiar with the sound of firearms?—A. I am; I have hunted a great deal, and shot various kinds of powder and guns. I would take the rifles fired that night to be heavier guns than our 30-30 that we use in hunting. They made a sharp, short sound, but sounded to be a heavier charge than the charge used in ordinary hunting rifles.

Q. Did you ever have any trouble with any of the soldiers of the battalion then stationed at Fort Brown?—A. No. (Here witness went with Major Blockson, and pointed out the marks of the bullet fired at Mr. and Mrs. Odin, as testified above by him; these were in room No.

29, second floor, on alley.) From the holes in the screen, window sash, and ceiling it was evidently fired from a point in Thirteenth street, near the corner, across the alley from the hotel. You see it went through the screen at a point 4 or 4½ feet above the floor, and went through the ceiling at a point about 6 feet from the northeast corner of the room, close to the east wall. (The witness then pointed out the course of bullet fired into room No. 40, third floor, Thirteenth street.) This room was empty on the night of the shooting; you see it went through the window frame, the door of the room, and through ceiling in hall. It must have been fired from a point in the alley, across Thirteenth street, from the hotel. (Witness then pointed out two bullet marks in the brick wall, under and close to window in room No. 41, third floor, Thirteenth street.) This room was occupied by Mr. Canada on night of shooting. (The witness then pointed out the mark of another bullet in the wall, within a few inches of the one which went through the window frame of room No. 40. He then pointed out the mark of another bullet in the wall near window of room No. 43, Thirteenth street, third floor, occupied by Mr. Chace on the night of August 13.) The four bullet marks in the wall on Thirteenth street came from somewhere near the alley, in Thirteenth street.

S. C. MOORE.

THE STATE OF TEXAS, *County of Cameron, ss:*

S. C. Moore, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

S. C. MOORE.

Subscribed and sworn to before me this 1st day of January, A. D. 1907.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

Mrs. HELEN MOORE was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. How long have you resided in the city of Brownsville?—A. I have been here a year last October.

Q. And you and your husband have charge of and run the Miller Hotel here in the city?—A. Yes, sir.

Q. You were here on the night of the 13th of August of this year? A. Yes, sir.

Q. Do you remember the circumstances of the shooting here in Brownsville on that evening?—A. Yes, sir.

Q. Had you retired at that time?—A. Yes, sir; I had gone to bed.

Q. I will call your attention to this plat, Mrs. Moore, which is Exhibit A, and ask you to say whether this building, which is located at the corner of Thirteenth and Elizabeth streets, is the Miller Hotel?—A. That is the Miller Hotel.

Q. That takes in this building which is marked by red and yellow?—A. The yellow is the front; yes, sir. The red is just the brick out in front.

Q. And this rear part is the brick building?—A. Yes, sir.

Q. How many stories high is the hotel on the Thirteenth street side?—A. Three stories.

Q. And on the side toward Fourteenth street?—A. Two stories.

Q. And in what portion of the building is your room located?—A. Right in the corner, next to the alley. Right here (pointing).

Q. That is, toward Fourteenth street, on the alley?—A. Yes, sir; on the second floor.

Q. You were in your room on the second floor on the night of the shooting?—A. Yes, sir; and was asleep.

Q. And what was the first noise that aroused you?—A. The first noise that aroused us was the shots, and we jumped up as quickly as we could, and I said, "It is the negroes, on account of Evans' wife."

Q. Which direction did those shots come from?—A. (Pointing.) From that way—from the post.

Q. Was there a window opening from your room to the post?—A. Yes, sir; two windows. One in the alley and one toward the post.

Q. Did you look out of the window at that time?—A. Yes, sir.

Q. Will you state in your own words just what you saw and heard, and what you did?—A. Well, when we first heard the shots we both got up out of bed, me and my husband, and Mr. Moore said: "It is nothing but fire in the post." I said, "No, it is trouble with the negroes on account of Evans' wife." His wife had just been dragged from her horse on the night of the 12th. Mr. Moore said: "Oh, no; it was not; it is just a fire." So we sat there in the window anyway, and watched out of the window, and we heard one whole volley fired then.

Q. Could you from your position see any of the barracks?—A. We could see the barracks, but we could not see the men. We could see the flashes from the guns.

Q. And where did those flashes appear to be located?—A. Right at the corner back of the Leahy Hotel.

Q. Near Mr. Cowen's house?—A. Yes, sir; right at that corner. Then we heard one whole volley fired, and then for an instant it stopped. Then they reloaded. We could hear it as plain as anything. They all reloaded, and when they reloaded again they commenced to fire a second volley, and as they started to fire a second volley they started down the alley toward the Miller Hotel. We both dropped behind the window and went into the hallway. That gave us two brick walls between the alley and us, and we got in the hallway and stayed there in the hall. As they came down the alley we could hear them say, "There he goes, the s—— of a b——; get him." That is the remark that was made. It is not very nice to be repeated, but that was said. When they made that remark another shot was fired and it made such a racket that we made the remark, "It has hit the hotel," and we found afterwards that that was the shot that went through the room that Odin and his wife were in.

Q. Could you tell from the sound of that voice you heard there in the alley whether it was a colored person?—A. I would not swear that.

Q. Now, after you were at the window with your husband looking out in the direction of Mrs. Cowen's house, did you see any of these



men come up the alley?—A. No, sir. There was the shed of a house between us and where they were, and when we saw the shots coming this way we got out of sight. That shed was between our room and the alley and is what protected it.

Q. The shot that drove you away from the window was the one that struck the hotel?—A. No, sir; the shooting when it started—that is, when they started shooting up the alley.

Q. Could you see the blaze of the guns?—A. Yes, sir.

Q. About how far were the men away from you when you saw the fire from the guns?—A. I might say half a block.

Q. And could you tell whether there was more than one man?—A. There was more than one man.

Q. How could you tell that?—A. From the voices and from their guns. There were so many of them. They were firing as fast as they could. If there had been only one he could not have fired as many shots as were fired.

Q. Did you hear firing continue on up the alley after the firing took place at the corner of the alley?—A. Yes, sir; it continued down the alley and down Thirteenth street toward Washington street and toward Elizabeth street—both ways.

Q. That was on Thirteenth street at the side of your hotel?—A. Yes, sir.

Q. Well, about how long from the first time that you heard shots fired in the direction of the barracks was it until the firing ceased?—A. It was not but a short while.

Q. About how many minutes, would you say?—A. I do not suppose it could have been over twenty minutes.

Q. It may have been considerably less than that?—A. Yes, sir. It could not have been over twenty minutes, if it was that much. They could not have been shooting from the time they left the barracks over twenty minutes.

Q. After you and your husband left the window and went out into your hall, what did you do then?—A. We stayed right in that one place. I never moved out of my chair until all the shooting had ceased.

Q. And you did not know anything of the wounding of the police officer outside of your hotel?—A. Not that night.

Q. Nor about the killing of the man up at the saloon?—A. No, sir. Not until next morning. The others knew it, but they did not tell me anything about it.

Q. As soon as you heard the firing come up the alley you at once concluded it was the soldiers?—A. Yes, sir. Just as soon as the first shots were fired I said it was the soldiers, because it was not the same sound of a gun that we shoot, and I shoot a good deal myself.

Q. Have you stated, Mrs. Moore, about all you know with reference to this occurrence?—A. Yes, sir. I think all that is necessary. Of course, all those little details connected with it do not amount to anything.

Q. But all the essential and main points of the occurrence you have stated with reasonable accuracy?—A. As near as I could state it.

Q. You did not exactly see any of these men?—A. No, sir. What I know is what I heard, both from their voices and from the reports of the guns. Then they picked up in the alley right behind our hotel bullets that had never been used.

Q. The next morning, right after the shooting, did you pick up anything and send it to Doctor Combe or the committee?—A. I got the bullet out of the washstand that went up in the third story and sent it to Doctor Combe.

Q. That was the bullet that entered your hotel?—A. Yes, sir.

Q. How many shots were fired into your hotel?—A. I do not know how many shots. There are five bullet holes in the house inside.

Q. How many from the outside?—A. Three from the outside. One bullet went through the window of the room occupied by the Odins, on the second floor—that is, the corner room on Thirteenth and the alley. It went through the ceiling of that room up into the room on the third floor just above. Then there was another shot through the window on the Thirteenth street side. It went through the window facing, through a door into another room. Then there was a light in 41, on the third floor. The young man who was in the room, as soon as he heard the shots he left it, leaving the light burning, and they shot at the lamp and hit the bricks right under the facing—did not go into the room.

Q. Those were the three shots on the outside?—A. Yes, sir.

Q. Have you examined these bullet holes as to the point of penetration on the outside, and the place where the bullets struck on the inside of the hotel, to get the alignment of the shots?—A. Yes, sir.

Q. How much higher in the room is the mark of the bullets upon the walls than is the mark where they went in?—A. Right up this way (motioning); just on an angle, as if shot up from the street. Mr. Moore is to-day out hunting. If he were here his statement would be about the same as mine, as he was with me the whole time. My daughter's statement is substantially the same as mine.

Q. Who were the guests at your hotel on that night?—A. I could tell by the register just exactly who they were. There were Mr. and Mrs. Odin, Mr. Goldsmith, Mr. Canada, Mr. Davis, our clerk, who was in the office at the time the shooting commenced, Mr. Chace, Mr. Bodin, and Poncha, the Mexican boy, who is our porter.

Mrs. HELEN MOORE.

THE STATE OF TEXAS, *County of Cameron, ss:*

Mrs. Helen Moore, being first duly sworn, deposes and says that she has read the foregoing testimony subscribed by her, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

Mrs. HELEN MOORE.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, County of Cameron, State of Texas.*

Mr. HALE ODIN was first duly sworn by Mr. Purdy, and, upon being afterwards examined by him, testified as follows:

Q. Mr. Odin, what is your business?—A. Land and immigration.

Q. And how long have you been in that business?—A. Thirty-one years.

Q. What is your age?—A. Fifty-four.

Q. To what parts of the United States does your business call you?—A. To all parts.

Q. What place do you regard as your home?—A. San Antonio, Tex.

Q. How long have you lived here in this vicinity?—A. About twenty years.

Q. Where were you born?—A. In Detroit, Mich., but came to Dallas, Tex., with my parents while an infant. Graduated at Ann Arbor in the class of '72.

Q. You are a married man?—A. Yes, sir.

Q. What family have you?—A. A wife and five children.

Q. They live with you, do they?—A. Yes, sir; all except one.

Q. Were you in Brownsville, Tex., on the night of August 13, 1906?—A. Yes, sir.

Q. How long had you been there on that visit?—A. Six weeks.

Q. What members of your family accompanied you to Brownsville?—A. My wife and five children.

Q. I presume your business required you before that time to make frequent visits to Brownsville?—A. Yes, sir.

Q. Are you well acquainted with the people in Brownsville generally?—A. Yes, sir; very well.

Q. When you visited Brownsville on that occasion where did you stop?—A. At the Miller Hotel.

Q. Mr. Odin, I will show you this plat (Exhibit A), and ask you to locate your room in the Miller Hotel (which is No. 5 on the plat).—A. It was the room cornering on the alley and Thirteenth street, second floor.

Q. How large is that room?—A. About 20 feet square.

Q. What windows has it in it?—A. Two windows opening on the alley and two opening on Thirteenth street.

Q. Were you in that room with your wife on the 13th of August, 1906?—A. Yes, sir.

Q. And what other members of your family were with you?—A. My five children.

Q. Were they all in that room?—A. Yes, sir.

Q. Now, Mr. Odin, will you proceed to state, in your own words, just what you know about the shooting which occurred on that night in the city of Brownsville?—A. At 11.55 p. m. on the night of the 13th of August, 1906, I was sitting in the alley window of our room in the Miller Hotel, on the second floor, when I heard shots in the direction of the alley towards the fort. I noted the time; it was 5 minutes of 12, and I counted about 60 shots before they arrived at our windows. During this time I called my wife, and immediately after she and my little boy came to the window we heard persons upon the run coming towards us in the alley from the direction of Fort Brown, and when they passed our windows I counted 6 negro soldiers; 3 abreast in two columns, with one soldier running alongside, who stopped, crossed the alley opposite our windows, and one large negro soldier gave the order "Halt!" and said "There he goes; shoot!" and they fired a volley. Immediately one other negro soldier joined them from the same direction from which the other 7 had come. Then there were four more negro soldiers followed and joined the other eight, these four coming also from the direction of Fort Brown through the alley. Before the first soldiers arrived I noticed a large black dog

running through the alley ahead of the soldiers, and supposed that it was a mad dog that they were chasing and shooting at. Then a second order was given to fire and they fired again to the left or towards the river. Then one large negro soldier stepped back to the center of the alley, slightly in the rear of the other eleven, and raised his gun, and at this time another volley was fired. Immediately following this report the large negro with freckled face fired point-blank at us—Mrs. Odin and my son Lee and myself in the window. The ball from his rifle passed through the lower window sash and up into the ceiling in our room and the jacket of the bullet fell back on the floor. I picked it up the next morning and later forwarded it to the Secretary of War. We had a lamp in the room burning but turned partly down. From the flashes of their guns we could see the soldiers distinctly and I discerned their uniforms and dress and the color of their faces and could hear the voices as the command to fire and other remarks were made. Seven of these soldiers had on their usual dark brown uniforms; four were without jackets and one without a hat—was bareheaded. They all carried rifles and one carried a revolver—possibly two. The one that gave the order carried a revolver. When the two volleys were fired the large negro soldier, who gave the order, said “We got that white s—— of a b——,” and immediately after the shot that was fired into our window the other negro, who fired the shot at us, said “We got another white bastard.” This was immediately following this shot directed at us when our little son fell back upon the floor as if shot, and we picked him up.

Q. What did you do then, Mr. Odin?—A. We heard a heavy fall as of a horse or some animal and a groan, which sounded like the groan of a dying horse. Then we heard a scream from a man and immediately following this we heard somebody running northward up the street that faces the Miller Hotel, which is Elizabeth street. Then an order was given to “shoot this way,” and a volley was fired to the right on Thirteenth street. Then they crossed Thirteenth street, nearly to the opposite side, and fired a volley into the Miller Hotel from Thirteenth street.

Q. Where were you and your wife standing at that time?—A. I was standing at the window looking out on Thirteenth street.

Q. You had left the window facing on the alley?—A. Yes, sir; had just stepped across the room.

Q. Who, if anyone, was with you at the window?—A. Mrs. Odin.

Q. And where did you see these men at that time—where were they standing?—A. They were nearly to the alley on Thirteenth street—on the north side of Thirteenth street.

Q. About how many men did you see there?—A. Twelve men.

Q. Did you at that time stop to count them or was your estimation just made from the general appearance?—A. I saw them all pass over and I counted them and said to my wife, “There are just twelve of them.”

Q. Now, you may go on and state what happened then.—A. After firing at the Miller Hotel they passed northward up the alley—a part of them at least.

Q. Did you see any go east on Thirteenth street?—A. No, sir; but of course some may have gone east on Thirteenth street without my having seen them.

Q. Where did you hear firing then?—A. In about two minutes after they passed northward up the alley I counted five more shots, and in about two minutes thereafter 12 negroes—negro soldiers—appeared again going toward Fort Brown, and crossed Thirteenth street and entered the alley at the rear of the Miller Hotel.

Q. Going in what direction?—A. Going toward Fort Brown on double-quick and passed out of sight.

Q. Did you hear any more shooting after that?—A. I did not.

Q. So the last shooting you heard was up the alley, on the north side of Thirteenth street?—A. Yes, sir.

Q. Now, when these soldiers were in Thirteenth street at the mouth of the alley, at the time they were doing the shooting into the Miller Hotel, could you see how they were dressed?—A. Yes, sir; they were dressed in brown uniforms and a broad-brimmed soft hat, such as the soldiers wear.

Q. Now, Mr. Odin, at the time they were in Thirteenth street there, could you distinguish the kind of dress that they had on at any time other than when they were firing?—A. I could when they were in Thirteenth street, but I could not when they got into the alley.

Q. Then when they were in the alley, either to the north or to the south of Thirteenth street, you could not distinguish the way in which they were dressed, except by the flashes of their guns?—A. We could tell them when they were at the rear of the Miller Hotel when they were not firing.

Q. But when they were across the street, to the north of Thirteenth street, you could not tell them except for the flashes of their guns, or how they were dressed?—A. No, sir.

Q. Will you describe as nearly as you can the light, if any, that seemed to be upon these men during the firing that night in Thirteenth street, out of the alley?—A. The lights from the street lamps from Elizabeth and Washington streets gave us plenty of light to distinguish them plainly, and their dress, and to tell distinctly that they were negroes.

Q. Did you have any difficulty at the time, Mr. Odin, in seeing the faces of these men?—A. No, sir; for they were at times looking up directly toward the window.

Q. And you state positively that they were negroes?—A. Yes, sir.

Q. And dressed in the uniform of United States soldiers such as were stationed at Fort Brown at that time?—A. Yes, sir.

Q. Now, Mr. Odin, will you state as to the character of the voices of these men who spoke during the shooting?—A. They spoke in the manner and vernacular of the negroes. If I had not seen them by the flashes from their guns I would have known by their voices that they were negroes by the manner of their speech and accent.

Q. Now, you state that you were sitting in one of the windows facing on the alley in the rear of the Miller Hotel, on the second floor, when you first heard shots that night?—A. Yes, sir.

Q. In what direction were those first shots that you heard?—A. Down the alley, toward Fort Brown.

Q. And from the time you heard those first shots until the time you heard the last shots to the north of Thirteenth street, in the alley, about how many minutes elapsed?—A. About twelve minutes.

Q. Did you, Mr. Odin, see the lieutenant of police, Dominguez, on that night?—A. No, sir.

Q. Did you hear a horse going by on Thirteenth street in the direction of Elizabeth street?—A. Yes, sir.

Q. How long was that before you heard firing or saw them firing in the alley at the rear of the Miller Hotel?—A. About a half minute.

Q. Did you see any person on Thirteenth street during the time of this firing other than these colored soldiers?—A. No, sir.

Q. Mr. Tillman has stated that he passed along Thirteenth street, going toward Washington street from Elizabeth, a short time before the firing occurred in the vicinity of the Miller Hotel. Did you see or hear him?—A. I heard some one person pass up Thirteenth street.

Q. But you did not see him?—A. No, sir.

Q. That was before the firing had approached the alley toward the Miller Hotel?—A. Yes, sir.

Q. I will ask you, Mr. Odin, whether you know where Mr. Starck's house is located that was fired into that night?—A. No, sir.

Q. I will show you this plat (Exhibit A) and point out to you the location of Mr. Starck's house (which is No. 6 on this plat) on Washington street between Twelfth and Thirteenth streets, and ask you whether you heard any firing in that direction on that night?—A. I did not.

Q. After these men passed across Thirteenth street, going north in the alley, you heard some firing in the direction in which they had gone, did you not?—A. Yes, sir.

Q. About how many shots?—A. Five.

Q. Where were you at that time?—A. I was standing at my window facing on Thirteenth street.

Q. Did you remain at your window during all this time or did you at times go back into the room with your wife and children and then return to the window again?—A. I only left the window once during the time the shooting was going on, and that was during the time they were shooting north of us up the alley and while the soldiers were out of my sight.

Q. When your little boy fell back into the room, what did you do then?—A. My wife said, "They have shot Lee," and I said, "I reckon not; see if there is any blood on him," and he said, "Mamma, I am not shot, but they came pretty near me." I was standing at the north window at the time.

Q. Where were your other children during this time, Mr. Odin?—A. They were in bed, except our little girl, who was standing by our side.

Q. Was she with you while the firing was going on in the alley at the rear of the hotel?—A. Yes; standing behind us.

Q. How old is she?—A. Three years old.

Q. Your other children were in bed, were they?—A. Yes, sir.

Q. Do you know whether they were asleep or not?—A. They were all awake, except the older one.

Q. How old is he?—A. Eleven years.

Q. He did not awaken during all the firing?—A. No, sir.

Q. Mr. Odin, as you sat at the window on the night of the 13th of August about 12 o'clock and heard the shooting down in the vicinity of Fort Brown and further down the alley in the direction of the fort, did you anticipate at that time that there was any trouble or that the soldiers were shooting into the houses in the city of Brownsville?—A. No, sir.

Q. After the soldiers reached the rear of the Miller Hotel did you anticipate that there was any trouble of any kind?—A. No, sir; not until they shot at the policeman.

Q. And then, for the first time, you appreciated the fact that there was serious trouble?—A. Yes, sir.

Q. How long after that was it that the shot was fired into your room facing on the alley?—A. Immediately after that.

Q. From the time when you heard the first shots until you heard the last ones that night was there anyone in your room other than the members of your family?—A. Yes, Mr. Davis, the hotel clerk.

Q. About what time did he come into your room during that shooting?—A. He came into our room during the time that the soldiers were up the alley at the rear of Tillman's saloon.

Q. Was he the only one in your room during the shooting?—A. Yes, sir.

Q. So during the time that the soldiers disappeared up the alley going north nobody had been in your room except the members of your family?—A. No, sir.

Q. And during that whole shooting did you or Mrs. Odin or any of your children leave your room?—A. No, sir.

Q. What light was there in your room that night when the shooting commenced?—A. A small oil lamp, turned partly down.

Q. Was the light turned down before any shooting commenced at all?—A. Yes, sir.

Q. During the progress of the shooting was the light interfered with in any way by either you or your wife?—A. No, sir.

Q. It was left in the same condition as when the shooting began?—A. When they left the alley going north my wife blew out the light.

Q. Mr. Odin, from the time that the men appeared there at the rear of the alley until they disappeared in the alley across the street, and during the whole of that shooting, both into your room and at the officer going down the street, and the different volleys that you have spoken about, about how long a period of time elapsed, in your judgment?—A. About one and one-half minutes, more or less, I should judge.

Q. I will ask you, from the direction of that shot which entered your room, where it must have been fired from?—A. From about the center of the alley at the rear of the Miller Hotel.

Q. Did you go into the room on the third floor immediately over your room that next morning?—A. No, sir.

Q. You don't know then what became of that shot that went into the ceiling of your room?—A. No, sir.

Q. How long after this occurred, on the night of the 13th of August, was it before you and your wife and family left Brownsville?—A. We left on the following morning, the 14th of August.

Q. Where did you go from there?—A. To Corpus Christi and San Antonio.

Q. Have you been back to Brownsville since that time?—A. No, sir.

Q. Will you describe more particularly the condition of the window sash, the window out of which you were looking at the time the shot was fired on that night apparently at you and your wife?—A. The lower sash of the window was raised to the height of our heads, and we were looking out with the top of our heads underneath the sash,

and there was a wire screen in the lower half of the window. I was at the left side of the window, Mrs. Odin next to me on the right with her head close to mine, and our little boy at her side, with his face against the window screen. The ball entered the screen, then went through the sash, passed through it diagonally, and then went into the ceiling at about 4 feet from the rear of the room. Just before this shot was fired, the little boy raised up and said, "Mamma, what is going on?" I said, "They are shooting the mad dog," and then the shot was fired into our window.

Q. At the time this was fired into your window, will you state more particularly what you saw and heard in the alley?—A. Immediately before this shot was fired into our window, the other soldiers fired a volley apparently down Thirteenth street to the left, and almost instantly the man who fired at us raised his gun and shot into our window and the flash from the other soldiers' guns revealed his face plainly, looking up and shooting at us, and he exclaimed, "We got another white bastard."

Q. Now, Mr. Odin, I will ask you about the distance from your window to the man who fired the shot at you?—A. I should say from the end of his gun to our faces it was about 12 feet.

Q. Do you recall anything else that happened there that night, concerning which I have not interrogated you, and about which you care to make a further statement?—A. No, sir.

Q. Were you before the grand jury or the Citizens' Committee that investigated this affair?—A. No, sir.

Q. Have you made any written or sworn statement to anyone other than the statement you make here to-day?—A. No, sir; I have not.

Q. Now, Mr. Odin, you have testified as to what you saw and heard there that night; I will ask you whether there has ever been any doubt in your mind as to whether those men were negro soldiers?—A. Not the least.

Q. You stated in the former part of your testimony that there were 12 negro soldiers in the rear of the Miller Hotel, and that you saw them and counted them, will you explain how you happened to count them there that night?—A. Because the first six came up three abreast in two columns, with another negro at their side, making seven. They stopped at the mouth of the alley and then one by himself followed behind on the run as the other ones ahead, and directly four more came up two abreast on double quick or on the run; that made twelve.

Q. So, Mr. Odin, from the arrangement in which these men came up the alley you were at once enabled to make a calculation as to how many men there were there?—A. Yes, sir.

Q. They were not all huddled together in a bunch or crowd?—A. No, sir.

Q. Now you have stated that when the men came back after the firing had ceased up in the rear of Tillman's saloon that there were 12 of them, and that you saw them out of your window which opens out onto Thirteenth street. I will ask you how you made that estimate as to the number?—A. Because they came three abreast in three columns and two abreast following behind, and one nearly at the front at the side. The three in front stopped about 10 or 12 feet from the mouth of the alley or in the street, by an order to halt. The next three were close behind them, also the next three, and also the remaining two, and the single one was nearly at the front of the first row of



three. Then the second row filed up in line with the first, and the remaining six separated about 10 feet from them to the west, and they stopped in the same order, and they came down the alley. Then some order was given (I could not hear that distinctly), and they formed a line of six about 10 feet apart, and remained about six or eight seconds, apparently looking up and down Thirteenth street. Then they formed in columns of three again, and an order of march was given, and they passed toward the fort, across the street and down the alley on the opposite side from our window, and disappeared.

Q. How were they marching—running or walking?—A. They were on the double-quick; they started on the double-quick. But about the time they entered the alley they were running very fast.

Q. Could you tell whether or not at that time they broke their formation?—A. Yes; I could see them as they passed along; they were in file as they passed out of sight.

Q. But at that time you state that they were running?—A. Yes, sir; and I heard them running after that.

Q. Did you see them enter the alley at the rear of the Miller Hotel?—A. Yes, sir. I went over from the Thirteenth-street window to the rear-alley window and saw them as they passed out of sight.

Q. And how far down the alley were they, about, when you lost sight of them?—A. About 15 or 20 feet down the alley from my window, I should judge.

Q. And that is the last you saw of them?—A. Yes, sir.

Q. Mr. Odin, I will ask you whether you saw any empty shells in the streets of the city of Brownsville the next morning?—A. Yes, sir.

Q. State under what circumstances.—A. I went into the alley about 5 o'clock the next morning and picked up a handful of empty shells. I found these shells all the way from the middle of Thirteenth street and in the mouth of the alley and down the alley at the rear of the hotel and some of them near the mouth of the alley north of the hotel, and soon after this I met a policeman who had several shells in his hands and I gave him part of those I had, and presently (I don't know how long) the mayor and several other citizens assembled, who also picked up a number of shells in the vicinity of the hotel.

Q. What did you do with the shells that you picked up?—A. I gave them to the policeman and to the mayor. I brought 5 home with me and I gave them to different people. I don't remember to whom I gave them. I gave them all away.

Q. I will show you these empty shells and ball cartridges which were given into my possession by the mayor and sheriff of Cameron County, and ask you whether the ones which you picked up on the morning of the 14th of August in the streets of Brownsville in the vicinity of the Miller Hotel were similar to those?—A. Yes, sir; they appear to me to be the same.

Q. Were you at home at the time that your wife made this statement to Mr. Stevens and the clerk here at San Antonio a few weeks ago?—A. No, sir; I was in Nevada, Mo.

Q. Do you think of anything else with reference to which you care to make a statement?—A. I would like to explain that the reason I was so certain about the shooting and the identity of the persons who did it, and about the number of shots fired, is because I have all my life been in a country where there has been a great many town "shoot-ups" (that is what they call them), and been accustomed to hearing

shooting in the frontier towns, and on several occasions I have been in towns where there was a good deal of shooting done, that it became almost a habit that I kept pretty correct account of what happened. I was not alarmed or scared. In fact, I did not believe that there was anything serious happening until we heard the policeman's horse fall and immediately saw the negro raise his gun to shoot into our window. Then for the first time I realized it was a town "shootup."

HALE ODIN.

THE STATE OF TEXAS, *County of Bexar, ss:*

Hale Odin, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed; and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

HALE ODIN.

Subscribed and sworn to before me this 4th day of January, 1907.

[SEAL.]

D. H. HART,

*Clerk United States Court Western District of Texas.*

By A. I. CAMPBELL,

*Deputy.*

Mrs. ETHEL M. ODIN was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Your name is Ethel M. Odin?—A. Yes, sir.

Q. And you were with your husband and family stopping at the Miller Hotel in the city of Brownsville on the 13th of August, 1906?—

A. Yes, sir.

Q. Now, Mrs. Odin, I will ask you to go on and state, in your own words, just what you saw and heard there on that night.—A. About 12 o'clock that night, the 13th of August, I was lying in bed, with our little baby just a year old, and he was sick. I was giving him some medicine at the time, when Mr. Odin was standing in the window facing the alley. The shooting commenced down toward the fort, and Mr. Odin called to me to come to the window, and when I went I heard the negroes coming up the alley in our direction. So we stood and looked out and watched them come up, and they commenced firing, and one negro said, "There he goes." First, though, they said, "Halt," then, "There he goes, shoot," and they commenced shooting, and they shot several shots, and directly I heard a horse go down the street toward the river and heard the horse fall, and the man cry out. I could not understand what he said, but directly heard him running up the street, the street in front of the Miller Hotel. They were firing all this time, and one of them exclaimed, "We've got that son of a bitch." Just then our little boy, sleeping in a bed right by the window, raised up and said, "Mamma, what's going on?" I told him to keep still, and just then one of the soldiers looked up and blazed away at me. Our little boy dropped, as though he was shot, down onto the floor. My little boy was standing on the foot of the bed, which made him almost as high as I was. I was standing at the foot on the floor. I picked him up and laid him back in another bed; went and turned the light down, which was partly down; in fact I guess I blew it out; yes, I blew it out; then went back to the other window facing on the alley.

By the flash of their guns I could see all their faces plain, and the color of their clothes, which were soldiers' uniforms. Some of them did not have on their coats. There were four of them that did not have on their coats—just in their shirts, and I think there were two that had revolvers. I know there was one, and when he shot at me he said, "We have another white bastard." Then they started out into the middle of the street, and I walked across to the window on Thirteenth street and stood just far enough back where I could see out of window, and they turned around and shot up in the direction of the hotel. I do not know whether they shot at the hotel or not, but they shot in the direction of it. Then they started up the alley toward Tillman's saloon, and I watched them until they got out of sight. All this time I could see that they were negro soldiers, and were in the uniform of the soldiers; and directly I heard five shots in the direction of the saloon. Then they came running back toward the fort.

Q. Mrs. Odin, I will ask you whether you saw them when they came back toward the fort?—A. Yes, sir.

Q. You may go on and describe just how you happened to see them and about how many there were and what they were doing, and where you saw them.—A. When they were on Thirteenth street, the side of the hotel, they were standing still there when they were shooting, and I counted twelve of them, Mr. Odin and myself, and when they came back in the direction of the barracks they were almost on a run. Of course, I did not count them then, but we could see all the time. There was a dim light shining from both lamps at each corner there, so we could see the color of them and their dress. I just saw them when they passed back by there, and that was the last of them; they were not shooting then.

Q. The last shooting that you heard on that night was up in the vicinity of Tillman's saloon, by the alley?—A. Yes, sir; the five shots that were fired last, when the Mexican boy was killed.

Q. Now, will you describe the size of the room which you and your husband occupied that night, and the location of the windows?—A. It was a large room, almost square. It had four beds in it, and four windows, two facing the alley, and two on Thirteenth street. The door to the room was open, with just a screen closed at the time of the shooting, and there was a dim light shining from the hall as well as from our room, and I suppose they could see that light, and they could see figures through the window.

Q. Will you describe more particularly the window in which you and your little boy were standing at the time the man fired at you?—

A. The sill was about 3 feet above the floor, and my little boy was standing to the right of the window on the foot of his bed, and the end of the bed stood just about a foot along the side under the window, and I stood to the right of Mr. Odin, and Mr. Odin stood at the left of me on the floor, and I had my head leaning against the sash. The window was up and there was a screen in the window when this negro looked up and shot. He was a speckled-face negro.

Q. How could you tell that this negro that fired at you was a speckled-face negro, as you describe him?—A. Because he held his gun right up this way (pointing), and the flash of his gun was like a fire. You could see the spots on his face. I had never seen him before or since.

Q. About how far were you away from him at the time he fired at you?—A. About 12 feet from the muzzle of the gun he was pointing at me, I should judge, and he shot right through the screen and through the window sash and through the shade and curtain—a dark-green curtain—and the bullet just passed through my hair, and my face smarted a little bit. I did not light any lamp that night, but looked at myself in the glass the next morning, and my face was powder burned and I used vaseline on it for about a week afterwards. I stood just in the middle of the window and it passed right through the edge of my hair.

Q. Did you see that night or the next morning any marks of that bullet which you said went through your hair?—A. About daylight I got up and went to the window and looked out and saw the hole in the window, through the screen and shade, and looked up at the ceiling and saw a piece of plastering was torn off, just directly over the dresser. The jacket fell back into the room, and I picked up the jacket and gave it to my husband, and I understand he sent it to the Secretary of War.

Q. Did you hear any of these men talking in the alley at the time they were doing this shooting?—A. Yes, sir; they kept saying "There he goes, shoot," and we supposed at the time he was shooting at a dog.

Q. That was about the first conversation you heard?—A. Yes, sir.

Q. After that, what other conversation did you hear?—A. Nothing, except when they spoke about—when they said "We've got that son of a bitch," and immediately after that, "We've got another white bastard."

Q. Could you tell from that talk whether they were colored people or white people who did the shooting in the alley?—A. Yes, sir; they had the accent of the negro.

Q. At what place were these men standing when you had the best view of them?—A. Right at the mouth of the alley.

Q. On which side of Thirteenth street?—A. The side toward the Miller Hotel.

Q. Was there anybody in your room other than the members of your family on that night?—A. No, sir; there was no one in the room, except after it was all over Mr. Davis, the night clerk, came up and asked us if they had shot into our room, and he was the only one that was in our room during that night.

Q. Did you or your husband, or any member of your family, leave your room that night?—A. No, sir; except once when I stepped out into the court and went to Mrs. Moore's room and knocked on the door and asked how Mrs. Moore was. Mr. Moore said she was very sick in bed from the shock, and I returned to my room.

Q. I presume that you were awake the greater part of the night?—A. We never closed our eyes again until morning. We were afraid they would come back. Our little girl could not sleep for two weeks afterwards. It made her nearly have nervous prostration, and we left the next morning on the first train.

Q. Have you ever been back to Brownsville since that time?—A. No, sir.

Q. Will you state how these men were dressed and the color of their clothing?—A. They were dressed in the uniform that the soldiers wear—brown, and soft brown hats, and looked just as they always did

when marching up the street, except four of them, who were in their shirts. The shirts that these men had on seemed to be a little lighter than their uniform.

Q. Where was your husband standing in the room, as nearly as you can remember, during the time this shooting was going on?—A. First he was standing in the alley window furthest away from Thirteenth street, and he remained there until they had gone out on Thirteenth street and until that window was shot into, and then he stepped to the other window facing on the alley nearest Thirteenth street, and remained there until they went by the alley. Then after they came back he stepped to the window facing the alley and stood there and saw them go back in the direction of the fort.

Q. Have you heretofore made any statement concerning what you saw of this shooting from your room in the Miller Hotel on that night?—A. Yes, sir; I made a short statement.

Q. When and to whom?—A. About five weeks ago, to Mr. Stevens, and the county clerk, or deputy county clerk, Mr. Wilkens.

Q. Where did you make that statement?—A. In my home, at 2320 West Commerce street, in the city of San Antonio.

Q. I will show you this paper which I hold in my hand, marked "Exhibit C," and ask you to look at the signature and state whether you signed that statement?—A. Yes, sir.

The statement is as follows:

*Statement of Mrs. E. M. Odin.*

I was at Brownsville, Tex., with my husband and family the night of the shooting. I was in my room at the hotel, in the second story, facing the alley, and heard some one running in the alley. I went to the raised window and looked out and saw a number of negro soldiers, about 12 in number. They all had guns, and I noticed two of them had guns and also revolvers. Some of them were shooting at the time I reached the window and others were hollering "Shoot him; there he goes." Their shots were directed at a man on a horse whom I recognized as a policeman. His horse was killed in front of the hotel, near the window of my room. I had a dim light burning in my room at the time, and the attention of the soldiers was directed to our window, and when they saw my husband and myself they immediately open fire on us. One of the bullets struck the window sash about an inch from my head and passed through my hair and lodged in the wall; two other bullets came into room and lodged in the wall. About thirty shots were fired into the hotel. Next morning when I got up I found my face was powder burnt. When the soldiers came back they were running toward barracks and were firing all the time. Some of them were in their blouses and bareheaded. All this took place between 11 p. m. and 12 m. on that night. It was a very bright moonlight night. I am almost positive that I could identify some of the men. I have one or two bullets that I took out of the walls of my room. One of the bullets I gave to Chas. F. Stevens.

MRS. E. M. ODIN.

Witnesses:

J. ED WILKENS.

CHAS. F. STEVENS.

Q. I will ask you to state under what circumstances you signed this paper marked "Exhibit C," and how it was taken down, just as nearly as you can remember?—A. Mr. Stevens and Mr. Wilkens one day at noon came out to our house, 2320 West Commerce, and told me that they had been sent out there to get a statement from me in regard to this affair. I hesitated to give it to them at first, and they said it was all right and went on and explained that you or some Government official was going to be at Brownsville and would be here in a short time, and as I was intending to go away for a short time I gave them a short statement. They said they wanted to use it.

Q. As you made the statement to them at that time, was it taken down in writing?—A. Yes, sir; it was taken down in writing. Mr. Wilkens wrote it down, and he asked me if it was a bright moonlight night, and I told him I thought there was some moon; I could not say whether it was a bright moonlight or not. He wrote it down there (pointing to the statement) that it was a bright moonlight night; but there was enough light from both street lamps that I could see these people plain in their uniforms, and their faces also.

Q. After this statement was written down by Mr. Wilkens at that time, did you read it over, or did he read it over to you, before you signed it?—A. No, sir; he did not read it over, nor I did not read it over, and he asked me if I would sign, and I said "Yes." I was in quite a hurry at the time, as our little girl was sick and I could not leave her but a few minutes. I told him I could not give him but a few minutes.

Q. So you signed it without having read it through?—A. Yes, sir.

Q. Did you at that time, during your conversation with Mr. Stevens and Mr. Wilkens, state that it was a very bright moonlight night?—A. No, sir; I did not.

Q. What, if anything, did you say about it being moonlight?—A. I said there was a little moon; that it was light there in the street.

Q. Is there anything more that you care to state with reference to the circumstances under which this statement marked "Exhibit C" was made by you at that time?—A. When Mr. Stevens came out to my house I told him that I didn't have the time to give him, as our little girl was very sick, and he said it would not take more than five minutes; if I could give him that much time they would appreciate it very much. So I invited them into the parlor (they were in the hall then), and the clerk sat down, and I gave him just a short statement, but when I saw it come out in the paper the next day I noticed that there were some things I never had said. Mr. Stevens asked me if I could identify those negroes. I told him that was a pretty hard thing to do, to identify them among so many of them, but that I believed that if I could see that speckled-face negro I could identify him. I did not tell Mr. Stevens that I could identify any of the rest of them. And in regard to the bullets, nothing was ever said about them only that I had one of the jackets which came off from the bullet and fell back in the room and which I picked up from the floor. I did not say anything about picking any bullets out of the wall, and he asked me if I would willingly give him the jacket, so he could forward it to Washington, and I said "Certainly," and went and got it for him. I see by this statement that it is claimed that I said I recognized a policeman. I did not say anything of the kind, and did not know it was a policeman that was shot until the next morning. I see it is stated here that two other bullets came into the room and lodged in the wall. I did not make such a statement to Mr. Stevens or anyone else, and I never made that statement.

Q. At the time you made this statement, marked "Exhibit C," you state that your little girl was very ill. Did she recover from that sickness?—A. No, sir; she died.

Q. How long after that did she die?—A. She died at 8 o'clock Sunday morning, and they were at my house on Friday noon. If it had been any other time I would have taken this statement and read it over, but I just could not do it then.

Q. I presume you had supposed that they had correctly stated what you had said to them?—A. Yes, sir; but the statement is incorrect with respect to the points that I have pointed out. As to the other things it is substantially correct.

ETHEL M. ODIN.

THE STATE OF TEXAS, *County of Bexar, ss:*

Mrs. Ethel M. Odin, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

ETHEL M. ODIN.

Subscribed and sworn to before me this 4th day of January, 1907.

[SEAL.]

D. H. HART,  
*Clerk United States Court for the Western District of Texas.*

By A. I. CAMPBELL, *Deputy.*

Mr. CHARLES STAFFORD CANADA was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. You reside in the city of Brownsville?—A. I do.

Q. How long have you lived here?—A. About six months in this town.

Q. What is your business?—A. A newspaper man.

Q. Where did you reside before coming here?—A. In Laredo, Tex.

Q. How long have you worked at the newspaper business?—A. More or less, nearly three years.

Q. Were you in Brownsville on the night of the 13th of August of this year?—A. I was.

Q. Where were you on that evening?—A. At the Miller Hotel.

Q. Were you stopping at the Miller Hotel at that time?—A. I was.

Q. Where were you when the shooting commenced?—A. I was in my room on the third floor.

Q. In what portion of the hotel?—A. Next room but one to the alley.

Q. Had you retired?—A. I was just retiring.

Q. Were you asleep at the time?—A. No, sir; I was reading.

Q. From what direction did the first shot appear to come?—A. Well, I could scarcely tell as to whether they were directly down the alley or on Elizabeth street. There are several buildings between. I could not say positively.

Q. You may go on now and state what you saw and what you heard and what you did.—A. I dressed as hurriedly as possible, because I knew there was an intense feeling among the people and the soldiers that night, and I was at once sure it was the soldiers. So I dressed at once and went down to the first floor to the side entrance leading to the parlor. From there for a moment I could not see or hear anything definitely, but I went upstairs to the front gallery on the second floor, to the south end of it. Then I could hear shooting from down at the end of Elizabeth street and also at the alley. The shooting came up the alley, volley after volley being fired. At Fourteenth

street and the alley a number of shots were fired there. I heard them coming up the alley, volley after volley being fired. So I went back to the door. While I stood on the gallery and back a piece from the door I heard them coming on up; heard a horse running on Thirteenth street. I ran to the edge and saw the horse—a white horse—and the uniform of the police, but it was too dark for me to tell who it was, but I could see he was in a police uniform. I saw his horse stagger. Just about 10 or 15 steps from where he fell I saw the man fall. I thought he was possibly fatally wounded or caught under his horse. While you could count five he lay there. Then he was up and ran up Elizabeth street, protected by the projecting corner of the building.

Q. At this time did you hear any firing?—A. From the time I was on the front gallery I heard at least 100 shots fired. I went back then, afraid to show myself around the corner of the building. I went inside and darkened the window. It looked out on Thirteenth street and the alley. I could see shadows, with uniforms of brown all looking alike. I could see that they were not citizens' clothes.

Q. And where were they?—A. Right on the corner of the alley and Thirteenth street.

Q. About how many were there?—A. There were between five and ten in that bunch.

Q. Could you see whether they had arms or not?—A. I could not see then, because they had quit firing and there was no puff of smoke to distinguish anything except outlines.

Q. The nearest street lamp was up at the corner of Elizabeth and Thirteenth streets?—A. Yes, sir.

Q. You could see they had on yellow uniforms?—A. I could see that they were uniforms; that they were of a light yellowish brown color, and all looked alike.

Q. Where did they go from that place?—A. They went on up the alley toward the rear of Tillman's saloon.

Q. Did you hear any firing up there?—A. I heard other shots after they had left.

Q. What window was this you were looking out of?—A. It was pretty near the middle of the building on the second floor, looking out on to Thirteenth street.

Q. And you were about how many feet in a direct line of vision looking to the intersection of the alley with Thirteenth street in the rear of the Miller Hotel?—A. I should judge 50 or 60 feet. That is a rough estimate.

Q. After you heard the firing up the alley between Twelfth and Thirteenth streets, what did you do then?—A. There were three or four of us together in the hotel. Two of the boys hunted up their guns. We had two Winchesters, and were waiting for further developments; but there was nothing further—the shooting was over then.

Q. That was the last of the shooting you heard?—A. Yes, sir.

Q. Have you stated, Mr. Canada, everything that you saw and heard on that evening?—A. All except perhaps the voices that I heard.

Q. Will you state what you heard with respect to voices?—A. There is no doubt in my mind as to their being the voices of negroes.



I have been raised among negroes all my life, and know the quality of voice.

Q. And where were you stationed when you heard those voices?—

A. I was on the front gallery and also at the window.

Q. Did you hear these men talking at the time you were looking out of the window and saw these yellow uniforms?—A. Yes, sir; I heard them during that time.

Q. And you knew it was these men at the intersection of the alley and Thirteenth street that were doing this talking?—A. Yes, sir.

Q. And they were the voices of colored men?—A. No doubt in my mind. I could not see their faces distinctly to see whether they were colored.

Q. It was too dark for that?—A. Yes, sir.

Q. But you recognized they had on yellow uniforms and that they were the voices of colored people?—A. Yes, sir.

Q. And how many of them did you see there at the intersection of the two streets?—A. From five to ten.

Q. That was immediately after Dominguez fell under his horse at the corner of Thirteenth and Elizabeth streets?—A. Yes, sir. As soon as he fell I went to the window, where it would be dark, so that my head would not give any outline, and I was trying to see what it was.

Q. And that is the time that you saw these men and recognized their voices to be those of colored men?—A. Yes, sir.

Q. Could you hear voices before you went to the window?—A. When the horse fell I heard the remark—I don't remember the exact words; it was to the effect that "we have got him."

Q. Did that come from the direction of the alley?—A. Yes, sir.

Q. In the rear of the hotel?—A. Yes, sir. I could hear the click of the guns as the lever was throwing the shells. I could hear distinctly every clip.

Q. And you have now stated all that you consider will be of importance with reference to what you saw and heard on that evening?—A. I think I have.

Q. Is there anything further concerning which you care to make a statement?—A. No; I don't recollect anything.

Q. You did not hear anything that was said by these soldiers after the shooting was all over and the squad came out on to the street?—A. While I was standing on the front gallery the lieutenant officer was bringing in that squad that went out, and I saw that they were under very poor control. That squad was with a white officer.

Q. What indicated to your mind that it was under poor control?—A. The irregularity of the movement. It appeared to be ready to break away from command at the slightest provocation. It just looked to me as though it was impossible to control them, and I hesitated very much to stand on the gallery and see them go by. That is the feeling I had.

Q. Did you have any trouble of any kind with the troops?—A. No, sir; I don't think I ever met one, except meeting them on the street. I never had the least bit of dealing with them in any way.

Q. Did you know any of the officers or have any acquaintance with any of them?—A. No, sir; I had only seen them around the hotel.

Some of the officers took their meals at the hotel, and I only saw them at the table. I saw very little of the officers.

CHARLES S. CANADA.

THE STATE OF TEXAS, *County of Cameron:*

Mr. Charles Stafford Canada, being first duly sworn, deposes and says he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes it to be true.

CHARLES S. CANADA.

Subscribed and sworn to before me this 28th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, County of Cameron, State of Texas.*

Mr. CHARLES B. CHACE was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Chace, where do you live?—A. At Corpus Christi, Tex.

Q. What is your business?—A. Locomotive engineer.

Q. Were you in the city of Brownsville on the 13th day of August, 1906, and that night?—A. Yes, sir.

Q. Were you living here at that time?—A. No, sir.

Q. Where did you stop on that night?—A. At the Miller Hotel.

Q. Were you running in here at that time on the railroad?—A. Yes.

Q. And that was your stopping place while in the city of Brownsville?—A. Yes, sir.

Q. What room in that hotel did you occupy on that night?—A. Room 42.

Q. And where is that room located in that building?—A. On the third story, facing on Thirteenth street.

Q. How far from the rear of the building?—A. I should judge about 40 feet.

Q. A window in that room opened out on Thirteenth street?—A. Yes, sir.

Q. And what window was that, numbering from the corner of the alley?—A. It was the fourth window, I think.

Q. I will call your attention to the location of the Miller Hotel on this plat (Exhibit A, No. 5) and ask you to indicate where your room was located.—A. My room is the one marked "C" in Exhibit A, on the third floor.

Q. Were you in your room at about 12 o'clock that night?—A. Yes, sir.

Q. What time did you retire?—A. About 9.30.

Q. Were you aroused by shooting during that evening?—A. Yes, sir.

Q. At about what time?—A. At about a quarter of 12.

Q. Will you state now, Mr. Chace, what you did after being aroused, and what you saw or heard there at that time?—A. After I was awakened by the shooting I got up and went and looked out of the window.

Q. Where did the shooting appear to be at that time?—A. The shooting appeared to be in the same block, toward the alley at the

rear of Miller's Hotel. I got up and looked out of the window on Thirteenth street. I looked across the street and saw the people light a lamp in a little two-story building. Then several people hollered to them to put the lights out. The firing was continuing. Then I saw a man turn in the street, two blocks away, on horseback, on a gray horse, with two men walking beside him, coming toward the Miller Hotel. He turned off Washington street to Thirteenth street and came down Thirteenth toward Miller's Hotel. I continued to watch him until he passed the Miller Hotel—passed my window. The firing was continuing, but it was approaching nearer the hotel, down the alley. Soon after he passed my window I saw two negro soldiers come out of the alley and cross Thirteenth street and stop. After they got on the other side they stopped and commenced firing then at the Miller Hotel. Then I ducked my head down to get out of the way.

Q. Will you describe now, Mr. Chace, as minutely as you can, the appearance of those soldiers that you saw go across Thirteenth street?—A. As I saw them go across Thirteenth street there were two together, and they hurried across Thirteenth street until they got into the shadow of the brick buildings in the alley.

Q. How were they dressed?—A. That I could not say, positively; it was rather a dark night; but further up the street, where I saw the marshal, I could see, because the light was on the corner, but right there at the hotel it was dark.

Q. Now, you state that you saw two negro soldiers; how do you know that?—A. Because they were dressed in different clothes from what a citizen would be wearing.

Q. What was the color?—A. I could not tell; it was dark.

Q. How do you know that they were dressed in different clothes?—A. I could see by the way their leggings and things showed that they were different.

Q. Were their clothes light or dark?—A. They did not show up so dark; but most of the people around here go in their shirt sleeves in the summer time.

Q. Did you see these men who crossed the street fire?—A. I did not see them, as they got in the dark, but after they got across the street they were firing from where they were.

Q. At the same time did you hear any firing in the alley to the rear of the hotel?—A. Just after they fired there was a volley back of the hotel in the alley, and the smoke came into my window, and then, of course, I kept my head inside.

Q. Now, before you saw these soldiers come out of the alley and cross Thirteenth street had you seen any one else pass along Thirteenth street?—A. I saw a man come around the corner of Thirteenth and Elizabeth and go up Thirteenth toward Washington street. When he went up, that was when the firing first began. After the firing first started, a volley of shots—not less than 15 of them, right together—I heard, and then they seem to scatter; some kept coming closer to the hotel and others seemed to keep up Washington street.

Q. Do you know who that was that came around Thirteenth street?—A. I did not know at the time, but I found out the next morning; it was the proprietor of the Ruby Saloon, Mr. Tillman.

Q. That was before you saw any men come up the alley?—A. First thing I saw,

Q. Before you saw Dominguez come up on horseback?—A. Yes, sir.

Q. Did you watch Dominguez the whole time he came along Thirteenth street until his horse was shot?—A. I watched him until he passed my window, and then I saw these two men, which I think were negro soldiers, cross Thirteenth, and I watched them, and as soon as they got across the firing began at the Miller Hotel.

Q. And you did not see anything of the soldiers after that?—A. No, sir; I kept my head in.

Q. Did you hear any firing after that?—A. Yes, sir; the firing was right at the corner there at my window and the smoke came into my room.

Q. Did you hear any firing further up the alley?—A. Yes, sir; and up Washington street, I think.

Q. That is, further up the alley in the direction of Tillman's saloon?—A. Yes, sir.

Q. And when that firing up the alley ceased and also down Washington street, as you supposed at the time, did you hear any other firing on that night?—A. No, sir.

Q. You were undressed at this time?—A. Yes, sir; in my night clothes.

Q. I suppose that, after that, you dressed and came down on the street?—A. No, sir; I stayed there in my room; some other parties came in, and we sat there and talked and afterwards I went to bed again.

Q. You then knew that the hotel had been shot into?—A. Yes.

Q. Did you see the shots—the bullet holes—in the hotel the next morning?—A. Yes, sir.

Q. And could you tell from the character of the bullet holes in the hotel about what was the location of the parties who did the firing?—A. Yes, sir. The bullet holes are there now.

Q. What was the location of the men who did the firing, as shown by the alignment of the shots through the hotel?—A. At about an angle of 45°; down to the right of my window.

Q. That is in the vicinity of Thirteenth street and the alley?—A. Yes, sir; in line of that; in the rear of the Miller Hotel. Those shots that hit the hotel were fired from the entrance of the alley, across the street from the hotel; and the shots that hit the King Building, where I saw Tillman coming along, they were fired from the back of the Miller Hotel.

Q. The alignment of those shots shows that the firing was from the alley at the rear of the Miller Hotel?—A. Yes, sir; that's where they fired and killed Dominguez's horse.

CHARLES B. CHACE.

THE STATE OF TEXAS, *County of Cameron, ss:*

Charles B. Chace, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

CHARLES B. CHACE.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, Cameron County, Tex.*

JOSEPH BODIN was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Bodin, where do you live?—A. I am from Lafayette, La.; that is where my folks are.

Q. Where is your home now?—A. Corpus Christi, Tex.

Q. And how long have you lived there?—A. Nine months.

Q. What is your business?—A. Railroad fireman.

Q. For what road do you work?—A. St. Louis, Brownsville and Mexico.

Q. Where were you on the 13th day of August of this year?—A. I was in Brownsville.

Q. Were you running into Brownsville at that time?—A. Yes, sir.

Q. In what building in Brownsville were you sleeping that night?  
A. I was at the Miller Hotel, located at the corner of Elizabeth and Thirteenth streets.

Q. What room did you occupy?—A. Room No. 43.

Q. Where is that room located in the hotel?—A. It faces on Thirteenth street. It was next to Mr. Chace's room, on the west side of the house.

Q. That is, in the front of the hotel?—A. Yes, sir.

Q. What time did you retire?—A. About 9.30.

Q. You may state now what you did after you were aroused by the firing.—A. After I was aroused I did not know what could be happening, and I went to the next room, Mr. Chace's, and asked him what could be the matter, and he says, "I don't know." Then I stayed there awhile and the firing was in this direction (indicating), the direction of the garrison. I did not know what to do, so I stayed there for awhile and found out that everything was pretty cool and went back to my room and was standing in the window looking out on Elizabeth street. During that time—maybe four or five minutes afterwards—I heard a horse coming up Thirteenth street. Then when I heard the horse I looked up the street, and about that time I heard the firing from that corner at the rear of the Miller Hotel. The horse passed and two men were following on foot, but the men did not come up to the corner of the alley; the horse kept right straight on and fell in Elizabeth street; when he fell I leaned over to see what became of the man that was riding him, and about that time I heard something hit the building and I looked and saw two soldiers pass Thirteenth street on the far side, and when I saw them I knew there was something doing and I stuck my head back in my room.

Q. Did you hear any firing after that?—A. Yes, sir.

Q. From what direction?—A. It came from the same side where the two negro soldiers crossed.

Q. Now, Mr. Bodin, will you describe as nearly as you can the appearance of these two men as they crossed Thirteenth street and entered the alley opposite the rear of Miller's Hotel?—A. The men were dressed in these brown suits; they had hats on, and they had, of course, what was presumed to be a gun in their hands, and one followed the other, going on the far side of the street, showing that they were soldiers. I saw them as soon as they got about one-third of the way from the alley, going across the street, and they walked about 4 or 5 feet beyond each other, headed down the alley. I felt the shot hit the building, and of course right then I stuck my head in my room. The shot hit about 8 inches from my window.

Q. Did you hear any voices there in the rear of the hotel at this time?—A. No, sir; I could not hear nothing.

Q. Did you hear any of these officers who were coming up Thirteenth street toward Elizabeth say anything while they were going along the street?—A. I heard talking, but I could not distinguish what they said; but I heard some mumbling coming up the street.

Q. Mr. Bodin, after that shot was fired that struck near your window did you look out the window again?—A. No, sir.

Q. Did you go out of the hotel that evening?—A. No, sir.

Q. Did you hear any firing after the shot that struck near your window?—A. Yes, sir; I heard shooting a little while after I stuck my head in.

Q. Where was that located?—A. In the direction of where that shot came from that struck near my window.

Q. Further up the alley?—A. Yes, sir; a little, but I could not locate exactly where they were, for I got in the corner when I heard that shot.

Q. You have stated that these men you saw cross Thirteenth street were soldiers?—A. Yes, sir.

Q. Have you, at any time since that night, had any doubt upon that question in your own mind?—A. No, sir.

Q. None in the least?—A. None in the least.

Q. And that is simply what you saw with your own eyes?—A. Yes, sir; and two of them.

Q. And that is all that you saw?—A. Yes, sir; that's all.

Q. And when they crossed the alley and the shots were fired you took your head back into your room and stayed there?—A. Yes, sir; until everything was quiet and then I went to bed.

JOSEPH BODIN.

THE STATE OF TEXAS, *County of Cameron, ss:*

Joseph Bodin, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

JOSEPH BODIN.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, Cameron County, Tex.*

Mr. A. N. MCKAY was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. McKay, where do you reside?—A. At La Porte, Tex.

Q. And what is your business?—A. I am a banker, and also mayor of the city of La Porte.

Q. Were you in Brownsville on the night of August 13 when this shooting occurred?—A. Yes, sir.

Q. When did you arrive in Brownsville at that time?—A. I arrived on the evening before the shooting occurred.

Q. Mr. McKay, will you state in your own words all that you know about the shooting that occurred there on that night?—A. I was occupying a front room on the second floor of the Miller Hotel. I had

retired about 11 o'clock. I presume about 12 o'clock I was in a light doze and was awakened by fierce firing of guns which seemed to me to come from Fort Brown. I did not think much of it at first. I thought possibly it was some maneuvers over in the fort, but soon the people in the hotel next to me became considerably agitated over it, and the firing seemed to come up closer to the hotel. The firing then came up in the alley back of the hotel and apparently on up the alley for two or three blocks. I looked out of my window, the window facing on Elizabeth street—in fact I went out on the veranda there—and the horse which had been killed under the peace officer there was lying on the street. I did not, personally, see the soldiers or the persons doing the firing, because a fellow was not looking for trouble of that kind, and the alarm was given in the hotel to blow out all lights very soon after the firing began, and we kept under cover from the firing as we were not armed. I don't think there is any other thing that is material. Of course, I was just as well satisfied that it was the soldiers as that you are sitting there and I here, but I could not say as to those who did the actual shooting. It was rather dusk, and they went on up the alley back of the hotel. I don't know how they returned to the fort, but the firing seemed to stop after they got up street.

Q. Up north of the Miller Hotel?—A. Yes, sir.

Q. Now, Mr. McKay, I want to ask you what you saw, if anything, the next morning after the shooting took place?—A. I saw, I think, two marks in the hotel where they had shot, where they were said to have shot. I don't know that they actually did. I had every reason to suppose that they were marks of the bullet, and two of the occupants in the hotel—I did not get their names—said that they were in the window and were shot at by the soldiers. I visited the Cowen house the next morning, and counted, myself, 12 or 15 bullet holes. I believe they said there were over 20. I did not go over all of them. I saw many bullet holes. One, I remember, went through the door casing, I should say through 3 or 4 inches of wood, and it did not seem to phase the bullet at all. The dresser was also shot into and the mirror in the wardrobe was broken. I saw the bullet in there.

Q. Where did you see the bullet in the mirror in the wardrobe?—A. The bullet, if I remember correctly, was lodged down just below the fracture of that glass and the backing.

Q. There was a space between the mirror and the backing of the wardrobe, and the bullet which you saw was lodged just below in that opening—just back of the mirror?—A. The mirror, if I remember correctly, had a wooden back to it, and they don't fit closely. I know I saw one bullet lodged there, and I think it was in the mirror.

Q. I will ask you, Mr. McKay, if you saw any shells or clips or ball cartridges picked up in the streets or in the alley the next morning after the shooting?—A. I saw cartridges and two or three were fastened together in a clip which were said to have been picked up. I did not go into the alley myself—did not think of it.

Q. You did not see any picked up or pick up any yourself?—A. No, sir.

Q. Have you stated substantially all that you know with reference to this shooting?—A. Only one point I think of that might bear on it—that was the sound of the rifle. It was not like any ordinary shotgun or anything of that kind. It sounded like the reports from mili-

tary companies which I have heard shoot. It was not the ordinary shooting with the guns that citizens have.

Q. The sound of the shooting on that night impressed you as being different from the sound of the ordinary hunting or sporting rifle?—

A. Yes, sir. It was sharp, incisive report.

Q. Mr. McKay, where were you born?—A. I was born in Illinois.

Q. How long have you been in the South?—A. I have been here five years. I left Illinois when I was a year old and resided in Iowa until 1891. From there I went to Vermilion, S. Dak., and resided there until 1901, when I came to La Porte, Tex., where I have resided since. I have been affiliated with the Republican party ever since I was able to cast a vote.

A. N. MCKAY.

THE STATE OF TEXAS,

*County of Harris, ss:*

Mr. A. N. McKay, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge and belief, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

A. N. MCKAY.

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

[SEAL.]

C. DART,

*Clerk U. S. District Court Southern District of Texas.*

By L. C. MASTERSON,

*Deputy Clerk, District Court Southern District of Texas.*

5. *The Tillman saloon, or "Ruby Saloon," witnesses in alley between Thirteenth and Twelfth streets.*

Mr. JOHN A. TILLMAN was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Tillman, how long have you lived in the city of Brownsville?—A. About two years and eight months, I guess. Last May was two years.

Q. And where was your home before you came here?—A. Near central Texas.

Q. You are in the saloon business in this city?—A. Yes, sir.

Q. And what is the name of your saloon?—A. Ruby Saloon.

Q. Where is it located?—A. It is located on Elizabeth street, middle of the next block (pointing).

Q. Between Twelfth and Thirteenth?—A. Yes, sir.

Q. Were you at your place of business during the evening of the 13th of August of this year?—A. Yes, sir; I was there most of the time.

Q. Did you hear any shooting in this town on that evening?—A. Yes, I did.

Q. Well, you may go on and state about what time you heard the shooting and what you did.—A. I suppose it must have been ten or



fifteen minutes before 12 o'clock that night—somewhere about that time. I don't know exactly.

Q. You were at your place of business?—A. Yes, I was sitting in the back yard, just outside of the main building. Some fellows were out there drinking beer.

Q. What did you do then?—A. I sat there a little while and talked to them, and heard some shooting. Could not tell just the location. I got up from my chair and walked to the front of the building, and went out on the sidewalk. About the time I arrived at the front and got out on the sidewalk the shooting ceased—some six or eight shots. The first I heard about it was from a man—a policeman called Genaro Padron. He came running down the sidewalk and said to me, "Have you got a gun you can loan me?" I said, "I have." He said, "I would like to have it if you can spare it; I may need it." I handed it to him, and walked back to the front as quick as I could, as I had gone into the saloon to get the pistol. I saw another gentleman come down the sidewalk—I believe his name is Abe August—and he asked me if I knew what was the excitement. I said I didn't. I don't think we stood there more than a few minutes, when I proceeded to walk to the corner of the King Building, across Thirteenth street. I said, "Let us walk down there and see if we can find out what the excitement is."

Q. In what general direction was this shooting?—A. It sounded to me as though it was at Mrs. Leahy's hotel. I could not tell exactly. I met Mr. ———, and I told him I believed I would go home for a few minutes; that my wife and two little children were by themselves. He said, "Do you want me to go with you?" I said, "No; it is not necessary." He said there was some shooting, and that he had better go with me, but I told him I didn't think it was necessary.

Q. Where did you go then?—A. I went home.

Q. Which way did you go home?—A. I turned the corner on Thirteenth street, going down Thirteenth street two blocks, across Washington street to Adams street. When I came to Adams street I crossed that on the far side and thought I would go on the opposite side of the street from the direction of the shooting, which I did.

Q. You walked then along Adams street about how many blocks?—A. Two blocks.

Q. Toward the garrison?—A. Yes, sir. I got past my house. I was on the east side of the street. I lived on the west side. As soon as I got opposite my house I crossed the street to my place and went into the gallery.

Q. Did you see Mr. McDonnel there that night?—A. I saw Mr. McDonnel after I started back to town. He was boarding at the next house. He stepped to the gate at that time. Probably he hallooed to me from the gallery; I don't know about that. Anyhow he came out later, if he was not already standing there, and asked me where I was going. I told him back to town. He said, "There is a lot of shooting. I think there is some danger of somebody getting hurt."

Q. Had you been in your house at the time you had talked with Mr. McDonnel?—A. I had already been in the house. I had gone in and had spoken to my wife and told her not to be uneasy.

Q. Was your wife up at that time?—A. No; she was awake, but was not out of bed.

Q. Then you started to go back uptown?—A. Yes, sir.

Q. And that was the time you had the talk with McDonnel?—A. Yes, sir.

Q. Do you remember what he said to you at that time?—A. I don't remember positively the exact words he said.

Q. What was it in substance?—A. He made the remark that I had better wait a few moments; he thought it was the negro soldiers, and that I had better wait a few moments until the excitement calmed down. He said he would go with me. I suppose we stood there five minutes, or probably ten, and he went in the house and got his hat. He stepped back for something, I suppose it was his hat, and then we walked up town.

Q. Had the shooting stopped at that time?—A. Yes, sir; the shooting was over; the shooting stopped about the time I arrived at home.

Q. Now, Mr. Tillman, as you passed along Thirteenth street, and passed by the alley in the rear of the Miller Hotel, did you see any shooting or firing down that alley?—A. No; I did not see any shooting.

Q. Did you look down that alley?—A. I believe I did, but I didn't see any shooting.

Q. Did you see any unusual disturbance down there?—A. I heard a good deal of shooting going on down there.

Q. How far down the alley?—A. It sounded to me about Mrs. Leahy's hotel.

Q. You did not see any flashes of the guns?—A. No, sir.

Q. How did you proceed along the street, in a walk or a run?—A. In a walk.

Q. How were you dressed on that night?—A. In my shirt sleeves. I don't believe I had on a vest.

Q. Did you have on a colored shirt?—A. A white shirt, I think.

Q. Did you see anything of Policeman Dominguez at that time?—A. No, sir; I didn't. I saw Padron coming down the street before I left the saloon.

Q. Mr. Tillman, when you met Mr. McDonnel there at his house that night, after the shooting, and walked with him down to your saloon, did he say anything to you about having seen the colored soldiers out on the garrison road a little while before that?—A. No; I don't believe I remember him saying that.

Q. Did he say anything to you about having seen the soldiers divide into squads, one squad going up Elizabeth street and one up the alley by the Yturria house?—A. Not that night, I am pretty sure. I don't believe he did.

Q. When was the first time that you heard McDonnel say anything about what he saw at the commencement of that shooting?—A. I could not say the particular time.

Q. About what time?—A. It would be pretty hard for me to make any definite answer. Probably I heard him speak of it that night, but I can not say for sure whether that night or the following morning.

Q. But you are certain that he said nothing to you about it while you and he were walking from your home uptown?—A. I don't believe he did; only made the remark that it was probably soldiers, and that there would be danger for me to go uptown.

Q. When you got back to your saloon you found that Frank Natus had been killed?—A. Yes, sir.

Q. He was your bartender?—A. Yes, sir.

Q. Did you examine the bullet holes in the various portions of your saloon that night?—A. I did some. I think there was one that probably I overlooked and that I did not hear anybody else speak of. One hit a beer box and kind of glanced. I never noticed that that night myself.

Q. Mr. Tillman, had you ever had any trouble of any kind with these negro troops stationed at Fort Brown?—A. No, sir; I never had.

Q. They came frequently to your saloon and got drinks?—A. They came right often.

Q. Will you state in what manner they were served with drinks at your saloon?—A. Invariably they would walk to the front bar, the first bar in the house, and would probably order drinks—sometimes two or three in a bunch—and ask for drinks, and I would invite them back to the next counter and welcomed them to be served there.

Q. That was the bar in the rear of the front bar?—A. Yes, sir. Some of them would walk back and some would go out and would not say a word. One made a remark one night, saying, "You are entitled to your rules. If your rules don't suit us we can go elsewhere."

Q. Were they accustomed to come to your saloon from the door in the rear opening in the alley?—A. No; principally from the front. Some few have come in the back, but the usual entrance was in the front.

Q. They would pass on, if they wanted drinks, into the rear bar and there they would be served?—A. Yes, sir.

Q. You never had any trouble with any of these negro troops on account of serving them at a different bar in your place of business?—A. No, sir; not with a single one.

J. A. TILLMAN.

THE STATE OF TEXAS, *County of Cameron, ss:*

John A. Tillman, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

J. A. TILLMAN.

Subscribed and sworn to before me this 31st day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, County of Cameron, State of Texas.*

NICOLAS S. ALANIS was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

(This testimony was given through Interpreter John J. Kleiber, esq.)

Q. Mr. Alanis, do you live in the city of Brownsville?—A. Yes, sir.

Q. And what is your occupation?—A. I am a jeweler.

Q. Where is your place of business?—A. On the corner opposite the county jail.

Q. You were in Mr. Tillman's saloon on the night of the 13th of August, 1906, in the city of Brownsville?—A. Yes, sir.

Q. In what portion of that building were you located?—A. I was in the rear part of the yard (court), toward the alley.

Q. I will call your attention to this plat, Exhibit A, and the building marked by the figure "8," and ask you if this is the location of Tillman's saloon in this city?—A. That is the location.

Q. You were in the yard (court) in the rear of this building at the time of the shooting, were you?—A. Yes, sir.

Q. Will you locate upon this plat your position at the time the firing commenced?—A. When the shooting commenced I was seated at the table, between the cistern and the saloon, marked "A."

Q. Can you state the general direction of the shooting by the sounds which you heard while you were seated there at the table?—A. In the direction of the garrison.

Q. Did the first shots seem to be quite a ways off or near to the saloon?—A. The shots seemed to me to be a block or two away.

Q. Did you hear firing, then, after that?—A. Yes, sir.

Q. And where did the firing seem to be located?—A. They seemed to be coming up the alley.

Q. Where were you at the time of the shooting in the rear of Mr. Tillman's saloon?—A. I was in this corner (indicated by a cross), near the water-closet.

Q. Why did you go to that portion of the saloon?—A. I had gone over there to urinate.

Q. Will you go on and state what happened in the saloon while you were there?—A. While I was urinating I heard the sound of voices in the alley; when I heard this talk I then hid myself underneath the staircase. At that moment Frank Natus, the bartender, came out of the saloon into the yard, going toward the alley gate to close it (alley gate indicated by "G"). As Natus came out I called to him, "Don't go out there; they are firing from the alley." At that moment I saw him throw up his arms and say, "Oh, God!" and fall. I remained where I was several minutes, perhaps ten or more, hidden. About that time Mr. Preciado came out looking for me, thinking that I had been wounded; we had been there together. Mr. Preciado joined me and he and I together closed the alley gate. At that time I noticed that one of Mr. Preciado's hands—I don't remember which—was covered with blood. I then asked him if he was also wounded, and he replied, "I am not sure; here is blood; but I am not sure whether I am wounded or not." It was then that we went together and closed this alley gate. We returned back into the saloon and there we found Antonio Torres, who had also been in our company before the shooting. He stood there perhaps a moment or two, not knowing what to do, as we were frightened and alarmed. Mr. Preciado and I then went out in the front street and called for the officers—called for help; then the officers came and gathered there.

Q. Was it before or after Frank Natus was shot that you heard the voices in the alley?—A. Before.

Q. Will you describe, as nearly as you can, the character of those voices which you heard in the alley?—A. They were talking in a heavy, low voice.

Q. Could you tell whether they were speaking English or Spanish?—A. I concluded that they were speaking English, because we Spanish speak clear, and it would have sounded clear to me and I would have understood it better.

Q. Could you tell whether they were the voices of white or colored men?—A. From the sound of the voices I say that they were negroes;

there is a clear difference between the sound of voices of negroes and whites.

Q. You did not see any of the men who were in the alley at the rear of Tillman's saloon and who appeared to have done this shooting?—A. No, sir.

Q. About how many shots did you hear fired from the alley immediately in the rear of Tillman's saloon on that night?—A. I don't know positively; there were five or six, not less.

Q. Before the shooting which resulted in the death of Frank Natus had you heard other shots down the alley in the vicinity of the Miller Hotel?—A. I heard a great number; yes.

Q. What was the character of this firing? Were the reports quick and sharp or loud and heavy?—A. Quick, rapid sounds.

Q. Did you examine the bullet holes in Tillman's saloon there that night or the next day?—A. Yes, sir; the next morning.

Q. From the alignment of the shots and from their marks in the saloon, from what direction were they fired?—A. From the gate in the rear of the saloon.

Q. And that gate was open at the time this firing took place at the rear of the saloon?—A. Yes, sir.

Q. And about how high above the ground are these marks in Tillman's saloon—how high are the bullet holes?—A. About 4 feet, I guess.

Q. How many bullet holes did you see there in Tillman's saloon?—A. There were some shots that were fired into a pile of boxes and appeared to be two or three together; they were from the direction of the gate, and struck a pile of boxes that were in the front part of the saloon.

Q. Did you see the mark of a bullet hole right to the north of the cistern in the yard of the saloon?—A. There was a bullet mark about here (indicated by a round mark), north of the cistern.

NICOLAS S. ALANIS.

THE STATE OF TEXAS, *County of Cameron, ss:*

Nicolas S. Alanis, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated on information and belief, and that as to those matters he believes them to be true.

NICOLAS S. ALANIS.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

Mr. PAULINO S. PRECIADO was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

(Testimony given through Interpreter John J. Kleiber, esq.)

Q. Mr. Preciado, how long have you lived in Brownsville?—A. Over twenty years.

Q. What is your occupation?—A. Editor of a newspaper.

- Q. What is the name of the paper of which you are the editor?—  
A. El Porvenir.
- Q. That paper is published here in Brownsville?—A. Yes, sir.
- Q. Where were you on the night of the 13th of August of this year?—A. At the saloon of Mr. Tillman.
- Q. What time did you go there?—A. A little after 11 o'clock.
- Q. Did you hear firing at about 12 o'clock on that evening?—A. Yes, sir.
- Q. In what direction did the first firing seem to come from?—A. To the south—that is, toward the garrison.
- Q. Will you state whether that first firing seemed to be far or near from the Tillman saloon?—A. Some distance away.
- Q. And did you hear firing after that?—A. Yes, sir; quite a good deal.
- Q. Did you afterwards hear firing in the rear of Tillman's saloon?—A. Yes, sir. The firing came up the alley.
- Q. Where were you located in Tillman's saloon at the time the first shots were fired?—A. In the yard.
- Q. I will call your attention to this building marked "No. 8" upon plat, Exhibit A, and ask you to indicate where you were located in that yard.—A. I was sitting there (pointing to a place which is marked "P"). I was sitting at the north side of a table, and Mr. Alanis and Mr. Antonio Torres were at the south side of the table.
- Q. Were you there at that table in the yard of Tillman's saloon when you heard the first firing in the direction of the barracks?—A. Yes, sir.
- Q. And you afterwards heard firing coming up in the direction of Tillman's saloon?—A. We heard firing afterwards coming up the alley toward the center of the town.
- Q. About how long was it from the time of the first firing, which you heard in the direction of the barracks, until you heard the shots fired in the rear of Tillman's saloon?—A. About ten minutes.
- Q. Now will you proceed to state in your own words what you yourself did in that yard and in that saloon after you heard the first firing down by the barracks?—A. I arose from the table and passed on through the saloon to the front, on Elizabeth street, to see what might be going on. I went in again, and Frank Natus closed the doors of the saloon on Elizabeth street. During this time the shooting was still going on. Natus then took his pistol and went on out toward the alley to close the gate. I followed him until I reached a point in the rear of the saloon indicated by a cross (X). Natus kept on until he reached this point (pointing), near the cistern. At that moment he was shot. He threw his hands up and said, "Oh, God!" and fell. The firing still continued from the alley toward the front of the saloon. As he was shot, and the firing continued, I came in through the saloon north of the cistern. I remained quite awhile in this room. While there I discovered the blood flowing over my left hand, and I felt over my body to see if I was wounded and kept rubbing my hand and found nothing but blood. I had this box of matches in my left hand and struck matches on the box to examine myself. (Witness exhibited match box with blood stains on it.) After being there awhile, and after the firing was over, I then went back into the saloon looking for my companions. I found

Antonio Torres under the counter. I then went out to the yard for the purpose of closing the alley gate, fearing that they might return and fire again. Alanis helped me to close the back gate, and we then turned back toward the saloon. The body of Natus was lying near the cistern. Then we three all got together, waiting for the owner of the saloon to come. Perhaps a quarter of an hour elapsed and he did not come. We feared perhaps he had been killed in the streets. I then went to the front door and opened it and called for help. People gathered, and I called for an officer.

Q. Did you see the men who did this firing in the alley of Tillman's saloon?—A. Yes, sir; they were inside the gate.

Q. Where were you at the time you saw them?—A. I was at the rear of the saloon at a place indicated by the cross (X) on the plat.

Q. Where was Natus at the time you saw these men?—A. He had fallen right over north of the cistern.

Q. How many men were there that you saw inside of the gate?—A. Four or five. I did not count them exactly.

Q. How were they dressed?—A. They were dressed in a soldier's uniform (indicating the color on the plat, in block 57, building large D).

Q. Did these men that you saw there have on hats or caps?—A. Hats.

Q. Did they have guns in their hands?—A. They had arms in their hands—carbines.

Q. How was that yard lighted at that time?—A. In the yard there were several lamps—over two, I know.

Q. So that the light was very bright there in the yard where these men were standing?—A. Yes, sir. There was a good light in the yard.

Q. And how long did they remain in there at that time?—A. Perhaps a couple of minutes.

Q. How far did they come inside of the gate?—A. Perhaps 8 feet inside the gate.

Q. Were they colored men or white men?—A. They were negro soldiers.

Q. Did they talk any while they were in the yard?—A. No, sir; at that time not a word.

Q. Did you hear them talking in the alley before they came into the yard?—A. I could not; I was too far away.

Q. About how many feet were you away from these men when you saw them inside the gate?—A. About 50 feet.

Q. After Natus was shot, where did these men go?—A. I did not see them leave, because I hid immediately.

Q. You hid in the room north of the cistern?—A. Yes, sir.

Q. Were you shot on that evening?—A. One shot grazed my left thumb. It broke a small vein, and I bled freely. Another shot went through my coat and vest and broke a pair of glasses which was in my outside upper coat pocket on the left side.

Q. The blood that you discovered on your hand that night after the shooting of Natus was from this wound on your left hand?—A. Yes, sir.

Q. Did you testify before the coroner's inquest of Frank Natus?—A. I did.

Q. Did you also testify before the grand jury?—A. Yes, sir.

Q. Did you give substantially this same testimony at the coroner's inquest and before the grand jury?—A. Yes, sir.

Q. Were you asked before the grand jury whether you recognized these men as soldiers?—A. No, sir.

Q. Did you testify before the coroner's inquest or before the grand jury that these men came through the gate, and that you saw them in the yard in the rear of Tillman's saloon?—A. They did not ask me that particularly. I told them that I had seen these men firing from inside the gate.

Q. Did you testify before the coroner's inquest or the grand jury that you recognized these men as colored soldiers?—A. They did not ask me that; neither that fact appears, nor with regard to the color of the uniform, because I was not asked.

PAULINO S. PRECIADO.

THE STATE OF TEXAS, *County of Cameron, ss:*

Mr. Paulino S. Preciado, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

PAULINO S. PRECIADO.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, County of Cameron, State of Texas.*

*Testimony taken before Valentin Gavito, justice of the peace of precinct No. 2, Cameron County, Tex., on the 14th day of August, A. D. 1906, at Ruby Saloon in said county.*

Said inquest held upon the dead body of Frank Natus, to wit:

PAULINO S. PRECIADO, being duly sworn, deposes and says:

My name is Paulino S. Preciado. I live in Brownsville, Tex. On the night of the 13th day of August, A. D. 1906, about half-past 11, I heard some shots fired in the direction of the alley of Miller Hotel. Don Antonio Torres, Nicolas Alanis, and myself were in the barroom of J. A. Tillman. Also Frank Natus, the barkeeper, was there. On the first shot Mr. Tillman went out in the street and Frank Natus closed the front doors of the saloon. At the same moment Natus recollected that the back door of said saloon was open, and started to close it. About midway from the saloon to the door he was shot from the alley by some unknown parties and fell dead near the cistern of said saloon. About seven shots were fired inside the courtyard of the saloon.

PAULINO S. PRECIADO.

I, FREDERICK J. COMBE, a practicing physician and surgeon, residing in the city of Brownsville, Tex., being duly sworn, depose and say that about 1.30 a. m. of August 14, 1906, I was called by Justice of the Peace V. Gavito to examine the dead body of Frank Natus, and I found as follows:



The body was lying in the courtyard of the Ruby Saloon on Elizabeth street. Upon examining the body I found life extinct. There were two bullet holes inflicted by the same projectile. The orifice of entrance was on the right side between the eighth and ninth ribs, and the bullet went directly through the body. The orifice of exit was in the left side about two inches lower than the orifice of entrance.

My military experience prompts me to say that the wound was made by a high-power bullet. The said Frank Natus died almost instantly from the effects of said wound, on or about 12 o'clock at night of August 13, A. D. 1906.

FREDERICK J. COMBE, M. D.

A true copy of above testimony, I certify.

VALENTIN GAVITO,  
*Justice of the Peace, Precinct No. 2, Cameron County, Tex.*

Nature of information given justice of the peace and by whom given:  
Verbal, by Victoriano S. Fernandez.

Date and time of inquest.	Where inquest was held.	Date of decease, if known.	Where died, or where body was found.	Name of deceased.	Description of deceased.
Aug. 14, 1906, 1.30 a. m.	At Ruby Saloon, Brownsville, Cameron County, Tex.	Aug. 13, 1906.	At Ruby Saloon courtyard, Brownsville, Cameron County, Tex.	Frank Natus.	Native of Cameron County, Tex.; age, about 23 years; black hair; fair complexion; height about 5 feet 1 inch.

FINDING BY THE JUSTICE.

THE STATE OF TEXAS, *County of Cameron:*

Upon receiving verbal information from Victoriano S. Fernandez that Frank Natus was lying dead in the courtyard of the Ruby Saloon, in this city, from a gunshot wound, I, Valentin Gavito, justice of the peace, precinct No. 2, Cameron County, Tex., proceeded to hold an inquest over the dead body of said Frank Natus. Having examined into the cause, time, manner, and place of the death of the deceased, do find as follows, to wit: First. That the name of the deceased is Frank Natus. Second. That said deceased was a male person, aged about 23 years at the time of his death; native of Cameron County, Tex.; black hair, fair complexion, height about 5 feet 1 inch. Third. That said deceased came to his death at the Ruby Saloon courtyard, on or about 12 o'clock at night of August 13, 1906. Fourth. That the death of the said deceased was caused as follows, to wit: That on the 13th day of August, A. D. 1906, one or several unknown parties of his or their malice aforethought, in said county and State, did shoot the said deceased with a gun, inflicting upon the body of the said deceased a gunshot wound, bullet entering by the right side between the eighth and ninth ribs directly through the body, and the point of exit was in the left side about two inches lower than the point of entrance, from the effects of which said wound the said deceased died at the time and place hereinbefore stated.

Names of suspected persons, if any: Unknown.

Principal or accomplice: Unknown.

Residence of suspected persons: Unknown.

I, Valentin Gavito, a justice of the peace in and for the county of Cameron, Tex., do hereby certify that the foregoing is a true copy of the proceedings had in said inquest, as shown on pages 71 and 72 of my inquest record book; and that the accompanying papers are the originals and all that came into my possession relating to the case.

Witness my official signature, in Brownsville, this the 14th day of August, 1906.

VALENTIN GAVITO,  
*Justice of the Peace, Precinct No. 2, Cameron County, Tex.*

A true copy, I certify.

VALENTIN GAVITO,  
*Justice of the Peace, Precinct No. 2,  
Cameron County, Tex.*

Dr. JOSEPH K. COMBE was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Doctor, you are a practicing physician in this city?—A. Yes, sir.

Q. And have been such for some years?—A. Eight years.

Q. You remember the night of the 13th of August of this year?—A. Yes, sir.

Q. Do you know the lieutenant of police, Dominguez?—A. Yes, sir.

Q. Did you attend him professionally for the wound he received on that night?—A. Yes, sir.

Q. Will you state, Doctor, the nature of that wound, and all that you learned with reference to it from attending to him that night and subsequently?—A. He was shot through the right forearm on the upper inner aspect. The ball ranged downward, came out through the palm of the hand, shattering the bones of the forearm and hand.

Q. And could you tell from the nature of the wound as to anything about the caliber of the bullet?—A. No, sir; I could not tell exactly, but it was a high-power bullet, which completely shattered all the bones and the hand.

Q. You are familiar with gunshot wounds?—A. Yes, sir.

Q. What experience have you had in attending people who have been wounded by gunshots?—A. I have had a great many cases.

Q. What is the difference between an ordinary gunshot wound and one caused by a high-power gun?—A. If shot through the arm with a high-power gun the shot would go right through and the hole is the same dimension where it goes out as where it goes in. Take the ordinary gunshot, the orifice of exit is a great deal larger than the orifice of entrance. The high-power gun penetrates right through.

Q. When was the arm of Dominguez amputated?—A. I amputated the arm the next morning about 9 o'clock.

Q. When did you first examine this wound after he was shot?—A. I first saw the man at Putenat's pharmacy.

Q. About what time?—A. That was about, I should say, between 12 and 1 o'clock.

Q. And when did you make a careful examination of his wound?—A. About a half an hour after that.

Q. At his house?—A. Yes, sir.

Q. And then I presume you saw him several times between that and the time his arm was amputated?—A. Yes, sir; I remained with him.

Q. I will ask you, Doctor, whether you saw the man, Frank Natus, who was killed at Tillman's saloon that night?—A. Yes, sir.

Q. Did you examine the wound in his body?—A. Yes, sir.

Q. Where was he shot?—A. He was shot through the body, ranging, I should judge, through the upper part of the body.

Q. From side to side?—A. Yes, sir.

Q. What was the nature of that wound, as to whether it was made by a high-power or low-power gun?—A. It was made by a high-power gun.

Q. Will you describe the orifice of entrance and exit?—A. The man was shot on the left side, right through the upper part of his body, and the orifice of entrance was practically the same size as the orifice of exit.

Q. A very small hole?—A. Yes, sir.

Q. And that indicated to your mind, as a surgeon, that the wound had been caused by a bullet fired from a high-power gun?—A. Yes, sir.

Q. Such as used in the United States Army?—A. Yes, sir.

Q. And was that true with reference to the wound in the arm of Dominguez?—A. Yes, sir.

Dr. JOSEPH K. COMBE.

THE STATE OF TEXAS, *County of Cameron, ss:*

Dr. Joseph K. Combe, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

Dr. JOSEPH K. COMBE.

Subscribed and sworn to before me this 31st day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, County of Cameron, State of Texas.*

6. *Testimony of Manuel Alonzo, jr. Farthest point of shooting, Twelfth street and the alley.*

MANUEL ALONZO, Jr., being first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows: (Testimony given through Louis Kowalski, interpreter.)

Q. You live in the city of Brownsville?—A. Yes, sir.

Q. And how long have you lived here?—A. All my life.

Q. What do you do?—A. Clerk.

Q. For whom?—A. My father.

Q. In what business is he engaged?—A. In groceries, dry goods, etc.

Q. Where were you on the night of the shooting here in Brownsville, on the 13th of August?—A. I was up at the corner of the Merchants' National Bank.

Q. When the firing first commenced?—A. Yes, sir.

Q. In what direction did the firing seem to be?—A. The first shots came from the direction of the garrison.

Q. Where did you go from the corner of the Merchants' National Bank?—A. I remained there.

Q. Did you afterwards go up to Tillman's saloon while the firing was still continuing?—A. A few moments afterwards.

Q. Can you state who were in the saloon at the time?—A. Antonio Torres, Nicolas Alanis, and Paulino Preciado, and Mr. Tillman were in the courtyard back of the saloon.

Q. Was Frank Natus there?—A. He was in the barroom.

Q. How long did you remain there at the saloon?—A. A few moments.

Q. Where did you go then?—A. I went to the corner of the Merchants' National Bank, the corner of Elizabeth and Twelfth streets.

Q. During this time did you hear any firing?—A. The first firing, yes, and subsequently others.

Q. From what direction did that subsequent firing seem to come?—A. In the alley.

Q. That is, the alley between Elizabeth street and Washington street?—A. The alley that leads up from Miller's Hotel.

Q. Did you see any firing on that night?—A. When they came up to the corner of Mrs. Dreyfus', yes; that is the alley that divides Elizabeth street from Washington street.

Q. Did you see the men who were doing the firing?—A. I did not.

Q. Could you see the flash of the guns?—A. Yes, sir. The flash of the firing while I was at the corner of Elizabeth and Twelfth. I then ran.

Q. In which direction did you run?—A. I ran up Elizabeth street toward Eleventh.

Q. Now, where were you when you saw the flash of the guns?—A. While I was standing at the corner of the Merchants' National Bank.

Q. But where was the flash which you saw?—A. At the corner of the alley opening on to Twelfth street. They were firing down toward the river.

Q. And how many flashes did you see?—A. I saw the first discharge, and then I ran.

Q. And that was on Twelfth street in front of the alley, was it?—A. Right at the corner of the building next to the alley.

Q. That is, on the south side of Twelfth street, on the side toward the garrison?—A. On the south side. On my right side as I was looking down Twelfth.

Q. And that is all you know about it?—A. Yes, sir.

MANUEL ALONZO, JR.

THE STATE OF TEXAS,

*County of Cameron, ss:*

Manuel Alonzo, jr., being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

MANUEL ALONZO, JR.

Subscribed and sworn to before me this 31st day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, County of Cameron, State of Texas.*

7. *Testimony regarding the firing into the Starck house, Washington, between Thirteenth and Twelfth streets.*

GEORGE T. PORTER was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Porter, how long have you lived in the city of Brownsville?—A. Since the 1st of January, a year ago, I have been in charge of the St. L., B. & M. Railroad (St. Louis, Brownsville and Mexico) as general agent.

Q. And you live near the corner of what streets?—A. Washington and Thirteenth, in what is known as the old "Carson house."

Q. Showing you this plat, Exhibit A, you will indicate the building in which you live.—A. The building here indicated by the "No. 10" which you have made.

Q. Now, Mr. Porter, will you go on and state what you know about the shooting that occurred here on the night of the 13th of August last?—A. Mrs. Porter called me, I should judge, along about 12 o'clock or 1 o'clock, in a very excited state of mind, and said "Somebody is shooting all around the house." I said "Oh, there is nothing to it." She was in a frantic state; I went to the front hall and, sure enough, there was shooting. I had a lot of trouble in quieting her; then I looked out of the door toward the street, trying to find out where this shooting was going on. At this particular time we heard the shooting in the direction of the garrison, and, while looking out, probably a minute after this shooting had occurred, there was a mounted man come along on a white horse, and on each side of him there was a man walking, right in front of my house, and they walked down—walking the horse deliberately—here and turned this corner (indicating) on Thirteenth street, going toward the Miller Hotel. We heard a scurry of feet in the meantime. Mrs. Porter was very excited, telling me to come to the door. I took her and sat her down and told her to be quiet. By that time we got back to the door and we heard a scurry of feet and some shots—a kind of a scurry as though there were several together. I could not say where they came from, unless from the street back of the livery stable, seemingly on Washington street. I can't say that I distinguished any flashes or anything of this sort; it was evident, though, that they were shooting toward the Miller Hotel, or in that direction, and after they had fired probably a volley or two there was another scurry of feet, and they rushed over here on the opposite corner, still on Washington street, firing again, and after they had discharged their arms there they rushed down toward the Miller Hotel, and I said to Mrs. Porter, "Well, they have gone away from here, anyhow; you quiet yourself and go to bed," but she would not do it. Afterwards we heard some more shots.

Q. In what direction?—A. In the direction of the Miller Hotel; that is all I heard, and I then went to bed and stayed there until morning, and the first thing I heard in the morning one of my men came in and said that the policeman's horse was shot right around near the Hotel Miller and was dead, and also that Dominguez (the policeman) had been shot and, further, said that the man in the saloon had been shot (Frank Natus, in Tillman's saloon).

Q. That is all you know about it?—A. Yes, sir.

Q. You did not see the persons who were doing the shooting?—A. No, I could not distinguish them at all. We have a double-shutter

door, and on the outside a wire screen, and in looking through it kind of sideways you could see nothing but something moving—except when I looked straight out and saw the man on the white horse and the two men walking alongside. I remarked to my wife then, and have since thought, that if there was any shooting outside that was a conspicuous place for a man to be—on a white horse.

Q. So these men who did the shooting at the corner of Washington and Thirteenth streets you could not distinguish?—A. No, sir.

Q. And I presume you did not attempt to distinguish them that night?—A. No. Mrs. Porter was very much frightened. I wanted to go out, but she hung on to me, and was so excited that I staid in the house with her. I could hear the guns pumping just as though they were 15 or 20 feet from me.

G. T. PORTER.

THE STATE OF TEXAS, *County of Cameron, ss:*

George T. Porter, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

G. T. PORTER.

Subscribed and sworn to before me this 31st day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

Mr. FRED E. STARCK was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Starck, you reside in the city of Brownsville?—A. I do, sir. I was born here and have resided here. I am 39 years old.

Q. You have a wife and six children?—A. Yes, sir.

Q. And your residence is located on Washington street on the east side of the street—the third lot from the corner of Thirteenth street?—A. Yes, sir. I have lived there for seven years.

Q. Calling your attention to this plat marked "Exhibit A," your house is located here (indicating No. 6)?—A. Yes, sir.

Q. Whose house is immediately to the north of your house?—A. Mr. Fred Tate's.

Q. And south of your house?—A. The Brownsville Transfer Company. They have a livery stable there.

Q. Now, on the evening of the 13th of August, 1906, you were at home with your family?—A. Yes, sir.

Q. Were you aroused by anything unusual on that night?—A. Yes, sir.

Q. About what time, Mr. Starck?—A. A few moments after 12 o'clock we heard some shooting that sounded to us as though it was toward the Miller Hotel, as near as we could judge. We just about got awake after hearing the first shooting when immediately afterwards we heard shots right in front of our house. The reason we knew our house was fired into a piece of the ceiling where one of the bullets struck dropped and struck our mosquito bar. The bed of myself and wife is in the front room facing on Washington street. All the four windows were open—two in our room and two

in my little girls' bedroom—all facing south. Two bullets went through the third window from the front—the first window in the little girls' bedroom. Those two bullets that went through the mosquito bar, as near as I can remember, were from 18 to 20 inches above my little children. The bullets went right through the walls of the house and went northeast and struck John Fernandez' store.

Q. How high above the floor of your little girls' bedroom did these bullets enter?—A. I do not know. The window sill is about so high from the floor, about  $3\frac{1}{2}$  feet probably, and the bullets must have gone about 5 feet from the floor. Those were the two lowest. The others were all a little higher.

Q. And how did they strike the opposite wall?—A. They struck the opposite wall about 7 or 8 feet from the floor, slanting upward. All bullet holes through the house go upward.

Q. Where did the other bullet enter the house?—A. The firing sounded to us like a volley. Then there was a single shot fired afterwards that struck the front of our house, and just took off the top of the cornice on the wardrobe in our front bedroom, in the room in which my wife and I sleep, and then ran along the ceiling about 2 feet, tearing the wall paper, then took an upward course, went through the ceiling and through the floor in the room upstairs, and then went through both walls, and that bullet is the one that hit the Catholic Church and struck the window where Father Smith's room is.

Q. Taking the alignment of those bullet holes, where would it indicate the position of the men firing the shots?—A. Just beyond the front of our lot, toward the south. There is a brick wall that separates our house from the livery stable. They had to get on this side of that wall to fire into our house on account of a long barn, and you will notice that not a single bullet went through that. All the bullet holes are on the south side except this one that went through our front room.

Q. That would indicate that the men were standing out on Washington street, a little north of Thirteenth street?—A. Yes, sir. In the morning, just at daylight, the mayor of the city, Fred Combe, and the city marshal and myself picked up eight or nine empty shells right in the middle of the street within a distance of, possibly, three or four feet, or, rather, steps. I gave them all to the mayor, except one which I retained myself, and that one I turned over to the committee.

Q. Now, in your judgment, how many shots were fired out in front of your house?—A. I could not say exactly. I know there are eight bullet holes in my house.

Q. How many bullets entered your house from the outside?—A. There were six, and the two that went through the window makes eight.

Q. Now, did you, after that, get up and light a light?—A. No, sir; there was a light burning. We always keep what we call a "night lamp" in the children's room. It was in the north corner of the room, behind a screen. The light was burning in that room that night.

Q. Was there a light in your room?—A. No, sir.

Q. Was the light in the children's room the only light in the house?—A. Yes, sir; we keep it all the time.

Q. What did you do after your house was shot into?—A. As soon as I knew there was firing into my house my wife and I jumped out of bed; we grabbed the children—the smaller ones; the larger ones took care of themselves. I took them all and put them in the kitchen behind a brick fireplace that is there. After I left them there I came back to this same wardrobe which was shot over and took down my gun and went to the window, but I could not see anybody; but afterwards I saw a man that turned out to be a policeman.

Q. Did you hear any voices at the time of this firing?—A. Yes, sir.

Q. Where did those voices appear to come from?—A. From the street.

Q. Could you tell from the sound of those voices whether they were colored men?—A. No, sir; I could not tell.

Q. Could you distinguish any words or any sentence?—A. No, sir; I could not. I will say this: Just a few moments before they fired into my house I heard somebody go by, riding a horse; I suppose it was the lieutenant of police, because he did come up by my house from the market when he heard the first shots down at the garrison. I could not say that it was he.

Q. Were there any lights—street lamps—at the corner of Thirteenth and Washington?—A. Yes, sir.

Q. How many were there burning that night?—A. One lamp; the same lamp that is there now.

Q. If you had seen anybody in the street could you have recognized them?—A. Yes, sir.

Q. Did you state that you looked out of the window?—A. Yes, sir. I looked out of the window and could not see anybody.

Q. Was it before or after the shooting that you looked out?—A. After the shooting into my house.

Q. Could you hear men walking or running out in front of your house?—A. Yes, sir.

Q. Could you tell the direction in which they went?—A. Yes, sir.

Q. Which way did they go?—A. They went back toward the light at the corner of Thirteenth and Washington streets.

Q. Now, what is your business, Mr. Starck?—A. I am inspector of customs, stationed here at this port; have been for nine years.

Q. Did you ever have any trouble with these men?—A. Never had any trouble; never spoke to any one of them; never knew any of them.

Q. Mr. Tate lives next to your house?—A. Yes, sir.

Q. He is the man who had some trouble with one of them before that night?—A. Yes, sir.

Q. A week or ten days before that?—A. Yes, sir.

Q. Do you know anything about that trouble?—A. Only from hearsay.

Q. You know of no reason why they should have fired into your house on that evening?—A. No, sir; none at all, unless they mistook it for Mr. Tate's house.

Q. Is that your idea about it?—A. It may be on account of their mistaking it for Mr. Tate's house, or because they saw a light burning in one of our rooms.



Q. Have you stated, substantially, all that you know that occurred on that evening that you think of any importance?—A. Yes, sir.

Q. Did you leave your house that night?—A. No, sir.

Q. You did not learn then that a man had been killed and the police officer wounded until next morning?—A. I did not learn until next morning. My wife was all upset and I could not leave her.

Q. Were you up all the rest of that night?—A. Yes, sir; all my family were up. I thought one of my little girls was going to have spasms. I could not quiet her; she seems to go all to pieces when we talk about soldiers. My wife was in delicate health at the time, and I have had trouble with her ever since.

F. E. STARCK.

THE STATE OF TEXAS, *County of Cameron, ss:*

Fred E. Starck, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters stated therein on information and belief, and that as to those matters he believes them to be true.

F. E. STARCK.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

Mrs. FRED STARCK was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. You have lived in the city of Brownsville for a number of years?—A. Yes, sir; I was born and raised here.

Q. And you and your husband lived here with your six children on the night of the 13th of August of this year?—A. Yes, sir; we were all in the house.

Q. Do you remember the circumstances of the shooting here in Brownsville on that night?—A. First we heard shooting before the bugle call. Then we heard the bugle call. We supposed it to be an alarm of fire, and then we heard some shooting after that.

Q. About what time was this?—A. Almost near midnight, I suppose; I don't know exactly.

Q. Had you retired?—A. Yes, sir; we were all in bed.

Q. And what room did you sleep in that night?—A. We were in the front room, with three of the children, and then the other three were in the next room back of us, on the south side of the house.

Q. There are two windows in each room?—A. Yes, sir; facing south, and they were all fired into. We had a light in there (pointing).

Q. In the rear room?—A. Yes, sir.

Q. About how long had you been hearing the shooting on that evening before your house was shot into?—A. We heard all the shooting before the bugle, and we heard the shooting after the bugle. Then we heard shooting as if on Elizabeth street.

Q. What was the general direction of the shooting with reference to your house?—A. It was from that side (pointing), toward the southwest, where they saw the light.

Q. I mean the shooting before they fired into your house?—A. It all sounded from the direction of the barracks.

Q. And about how long after you heard the first shooting before bugle call was it that your house was shot into?—A. It did not seem very long to me.

Q. Were you up at that time?—A. We did not get up until we heard shots over our heads.

Q. And did you hear any voices at that time?—A. No, sir; we never heard a sound. The only sound I heard was the clicking of the guns. We all heard that.

Q. And in what direction did that sound appear to be?—A. That was on the other side of this street.

Q. This street in front of your house, toward the corner of Thirteenth street?—A. Yes, sir.

Q. Was there a light down there at the corner?—A. Yes, sir; the lamp was lit.

Q. And at that time you did not hear any voices?—A. No, sir; I never heard a sound—just the sound of the guns.

Q. Did that firing appear to be quite near to your house?—A. Yes, sir; we could hear shots go through the rooms. These (pointing) two larger girls were in bed when the shots went through the mosquito bar. Two bullets went right over their heads. Those two bullets came through the window.

Q. And about how high up did they strike on the wall opposite?—A. About 6 feet. If my husband or I had been standing there, we would have been struck.

Q. And in that room there was a light?—A. Yes, sir.

Q. How many shots struck the wall in that room?—A. About eight.

Q. And how many shots entered your room?—A. Only one. That one shot went over the wardrobe through the ceiling upstairs.

Q. Did that shot come through the window?—A. No, sir; through the outside wall.

Q. And what is the difference in the height of the two bullet holes in your front room—that is, the bullet hole from the outside wall and the hole where that bullet made its exit?—A. That glanced upward. It went up through the ceiling. There was a bed upstairs, and it went under that bed and then glanced upward and went under the window.

Q. Went clear through your whole house?—A. Yes, sir.

Q. One went through four walls?—A. Yes, sir.

Q. And altogether there were about how many shots to your knowledge?—A. I should guess about ten or twelve.

Q. Mr. Tate lives next door to you?—A. Yes, sir.

Q. To the north?—A. Yes, sir.

Q. And his house was not shot into at all?—A. No, sir.

Q. Do you know of any reason why your house should have been shot into on that evening?—A. Not at all—no reason.

Q. Have either you or your husband or your children ever had any trouble with the soldiers?—A. No, sir. In fact I don't think I ever saw one of them.

Q. You were up all that night with your family?—A. Yes, sir. We went into the kitchen and slept on the floor. We were afraid to move. We didn't know but that they might come back again.

Q. You took all the children and went into the kitchen?—A. Yes, sir.

Q. And slept there all night?—A. Yes, sir. I didn't sleep at all, but the babies went right to sleep.

Q. You have stated, Mrs. Starck, substantially all that occurred here on that evening?—A. Yes, sir.

Q. Your husband did not go out at all until the following morning?—A. No, sir.

Q. And you did not know until the next morning the fact that a man had been killed in town, and that the police officer had been wounded?—A. We heard all the next morning about 6 o'clock.

Q. After the shooting occurred here in front of your house, did you hear shooting in any other portion of the town?—A. We heard one shot down at this corner, but that was a pistol shot.

Q. Up toward Twelfth street?—A. Yes, sir.

Q. Could you describe the character of the report of the shots, whether they were sharp?—A. They were very quick, sharp reports. It sounded to me as if those bullets had struck tin—as if they had struck some kind of a metal.

Q. Those shots entering your house?—A. Yes, sir.

Mrs. F. E. STARCK.

THE STATE OF TEXAS, *County of Cameron, ss:*

Mrs. Fred Starck, being first duly sworn, deposes and says that she has read the foregoing testimony subscribed by her, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

Mrs. F. E. STARCK.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, County of Cameron, State of Texas.*

[NOTE.—Both Policemen Padron and Ramirez, who went east on Thirteenth street after the shooting of Dominguez, testify to seeing negro soldiers passing near light on Thirteenth and Washington, on their way to the Starck house on Washington street.]

8. *General testimony as to the direction of the sound of shots, beginning at the garrison and progressing up town, and the time of the shots, etc.*

A. Y. BAKER was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Where do you reside?—A. Rio Grande City.

Q. What is your occupation?—A. Mounted inspector of customs.

Q. How long have you been in the service of the Government?—A. Since 1904.

Q. Were you in the city of Brownsville on the night of the 13th of August, 1906?—A. Yes, sir.

Q. Where were you sleeping on that night?—A. In my room on Levee street, near the old ice plant.

Q. That is between Thirteenth and Fourteenth streets?—A. Yes, sir.

Q. Did you hear any shooting on that night?—A. Yes, sir.

Q. Where were you when you heard the first shooting?—A. In my room on the second floor.

Q. Did your room have a window in it opening toward the garrison?—A. Yes, sir; a large one.

Q. Were you asleep or awake at the time the shooting commenced?—A. I was awake.

Q. Now, will you describe just what you did and what you heard?—A. I heard one lone shot fired and then I went to the window and there were three shots fired in rapid succession.

Q. Where did the first shot come from?—A. Out of the garrison.

Q. Could you locate it in the garrison, with reference to Elizabeth and Washington streets, or the Levee street, running into the garrison wall?—A. It was just to the left of the main gate through the garrison wall at the end of Elizabeth street.

Q. What did you do then?—A. I climbed out on the top of a water tank standing near my room to see who was shooting; they seemed to be going down toward the town; I could see over into Elizabeth street and there was no shooting at all; it seemed to be back of Elizabeth street, toward Washington.

Q. In what direction or in what location did the first loud volley seem to come from?—A. It seemed to come from right at the end of this alley.

Q. Could you tell whether it was inside or outside?—A. It seemed to be on the inside—the first shot, and the next three also.

Q. What, then, after you heard the three shots?—A. Then there was a regular fusilade.

Q. Where did that seem to be?—A. Over there at about the same place; but they seemed to be going, walking or running, and getting a little nearer up toward town.

Q. You were on the water tank listening to this shooting and endeavoring to see what was going on?—A. Yes, sir.

Q. Could you see any shots?—A. No, sir.

Q. Could you see any flashes?—A. No, sir; I could just hear the reports of the rifles.

Q. How far uptown did the last shots seem to be?—A. I will just have to guess; the last shots were about at Twelfth street, where the firing seemed to cease.

Q. While it was going up the alley, was there any other firing coming out of the garrison here at the same time?—A. Yes, sir.

Q. About how long a period of time elapsed from the time you heard the first shot until the firing ceased?—A. I don't think it was over ten minutes.

Q. And you were on the water tank most of that time?—A. Yes, sir; until it ceased.

Q. And then you went back into your room?—A. Yes, sir.

Q. And you remained there the rest of the night?—A. Yes, sir.

Q. Could you tell from the report of these guns as to what was the character of the pieces that were being fired?—A. I could tell very easily that it was a large gun shooting and that they also used smokeless powder. It sounded like the report of a gun that I have—they

used to use them like the one I have, and I have had some experience in judging of the reports of them.

Q. What sort of a report did these guns make?—A. A keen, clear report.

Q. Are you familiar with the sound of army rifles?—A. Yes, sir; that is, with the kind they used before these last ones—that is, the "Kraggs."

Q. Did these reports sound like the reports of army guns—rifles?—A. Yes, sir.

Q. Did you at this time have any idea as to what was going on?—A. I judged that there was a bunch of them out on a drunk and taking in the town.

Q. You had no idea that they were shooting into the houses, or that anybody was being assassinated?—A. No, sir.

Q. And for that reason, after the firing ceased, you went back into your room and went to bed?—A. Yes, sir.

Q. Your room was located about how many feet from the place where the first firing commenced?—A. About 150 yards.

Q. Mr. Baker, you had some trouble with one of the soldiers stationed here at the garrison a short time before the 13th day of August, 1906?—A. It was on Sunday, the 12th.

Q. Will you go on and state the nature of the trouble?—A. I was on duty down at the ferry landing, and while I was there these two soldiers came across from Matamoros and they were drunk. I was sitting on the porch there at the custom-house at the ferry landing, and these two soldiers got into a fight down there and began cursing and using indecent language; they kept that up for some time. I went down there. We have an inspectress at that place. I went down to stop them and to make them get away and to stop their racket, and one of them refused to go. That place has a narrow plank walk leading out from the river to the bank, and the river was out of its bank at the time, the water about knee-deep around the plank walk, and this soldier, when he refused to go, I shoved him down from the walk. As he was drunk, he fell into this water.

Q. Did he say anything to you at that time?—A. He got up, and as he walked away he said, "I will see about this to-morrow." I think that is what he said. That Monday evening two of them came to my house and came up the steps right into the door before I knew that they were there. They came bounding up the steps.

Q. What did they do there at your house?—A. They asked me if Baker lived there. I told them, "Yes;" and then they made the remark that I was not the man they were looking for; that they were looking for a tall man.

Q. What time was that?—A. That was late in the evening, just before sundown. That was on the evening of the 13th, the evening this shooting occurred. Said they were looking for a tall man; understood that a man by the name of Baker was there from Georgia, and said they knew him in Georgia and wanted to see him. Then they asked some questions about laundry, and I reminded them that they were in the wrong place and I told them to get out of there.

Q. Your house was not shot into that night?—A. No, sir; some bullets hit in the water in front of my house. I suppose they came from the street, but the house was not struck.

A. Y. BAKER.

THE STATE OF TEXAS, *County of Cameron, ss:*

A. Y. Baker, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

A. Y. BAKER.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

Mr. GUY RENTFRO was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Where were you living on the 13th of August of this year?—A. On Adams street, at Mr. Creager's house.

Q. How near to the garrison?—A. Fifty or sixty feet from the garrison wall.

Q. Where had you been during the evening of the 13th of August of this year?—A. I was out calling that evening.

Q. What time did you return to Mr. Creager's house that night?—A. About fifteen or twenty minutes before 12 o'clock.

Q. Do you remember hearing any firing shortly after you returned home that night?—A. Yes, sir.

Q. Where was it? In what general direction?—A. It sounded to me right close by.

Q. Did you go out of your house after you heard this firing?—A. I went on the gallery.

Q. Did you hear any firing after you went out on the gallery?—A. Yes, sir; a few shots when they started down town.

Q. In what general direction was that firing?—A. A little north-west.

Q. Did you hear many shots fired?—A. Yes, sir; it seemed to me about 75 or 100 shots.

Q. Did you leave Mr. Creager's house that night?—A. No, sir.

Q. About how long was it from the time that you heard the first shots fired until you heard the last shots fired?—A. I think three or four minutes.

Q. Did you see the flashes of the guns?—A. No, sir.

Q. Did you see any of the men who were doing the shooting?—A. No, sir.

Q. Did you hear any of the men talking who were doing the shooting?—A. No, sir.

Q. Did you see any of these men who had been shooting return to the fort?—A. No, sir.

Q. I will ask you whether you saw any negro troops that night?—A. I did not. I did not go out on the street.

Q. Did you have any idea what was going on in town that night?—A. No, sir. I had only been here a day or two and didn't know of any trouble that they had had here in town.

Q. Was anybody with you at that time?—A. My brother.

Q. Where was Mr. Creager that evening?—A. He was not home—he was at Point Isabel.

Q. Have you stated all that you know with reference to this transaction on the night of the 13th of August of this year?—A. Yes, sir.

Q. What is your brother's name?—A. James L. Rentfro.

Q. Is he the only other Rentfro, so far as you know, who was in Brownsville that night?—A. Yes, sir.

Q. Where was he during this shooting?—A. He was sleeping at the Creager house.

Q. Was he outside the house during the time the shooting was going on?—A. No, sir; he was in his room.

Q. So he saw no more of this than you?—A. No, sir; he saw no more than I did.

GUY RENTFRO.

THE STATE OF TEXAS, *County of Cameron, ss:*

Guy Rentfro, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

GUY RENTFRO.

Subscribed and sworn to before me this 31st day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, County of Cameron, State of Texas.*

EDWARD A. SANBORN was first duly sworn by Mr. Purdy, and, upon being afterwards examined by him, testified as follows:

Q. You are a member of the Hospital Corps of the United States Army, Mr. Sanborn?—A. Yes, sir; private, first class.

Q. And you have been connected with that corps for how long a time?—A. Since November, 1904.

Q. Were you stationed at Fort Brown during the month of August, 1906?—A. Yes, sir.

Q. How long had you been there at the time of the shooting on the 13th of August?—A. About two years and eight months.

Q. Now, I will ask you to go on and state just what you know about the shooting that occurred in Brownsville on the night of the 13th of August last.—A. I had been over to Matamoros and came back along about 8 or 9 o'clock and came up Elizabeth street, and everything was very quiet; in fact, I did not see any of the colored soldiers at all; so I came down in the post and went to bed—went over to the hospital and went to bed. Later on I was aroused by first hearing two shots that appeared to me to be in the opposite direction from town, which I dare say may be explained by the commissary building being located on the opposite side of the hospital towards the south.

Q. In what portion of that hospital were you sleeping that night?—A. In the southeast corner.

Q. The part away from the town?—A. Yes, sir.

Q. What did you do after you heard those two shots fired?—A. I did not pay any attention to the two shots, but immediately after there were five that sounded as though they came from town; and after that there was heavy firing, apparently a volley; that came from the direction of the town also. And then I got up and went out in front and I heard about 75 or 150 more shots.

Q. In what location did those shots seem to be?—A. Right behind the quarters in the direction of town.

Q. Did the firing seem to be stationary or did it change its location?—A. It seemed to go around the quarters and get farther away.

Q. In what direction?—A. Toward the middle of the town.

Q. About how long was it from the time you heard the first shots until the firing finally ceased?—A. It could not have been over five minutes, I should think.

Q. Did you hear the sing of any bullets on that night?—A. Yes; as soon as I came out of the door of the hospital.

Q. In what direction was that sound from you?—A. It was about over the hospital.

Q. Immediately before you heard those bullets, did you hear any firing?—A. Yes; I heard a volley.

Q. And where, apparently, was that volley fired?—A. In the direction of the town. It sounded to me like it was right behind the barracks, on the edge of the town nearest Fort Brown.

Q. With reference to the two shots that came over the hospital, could you tell from what direction they came?—A. I could not, except that I heard the shooting in the direction of the barracks and naturally inferred they came from that direction.

Q. Did you see the flash of any guns that night?—A. I did not.

Q. Was there anything between you and the barracks to obstruct your view?—A. No, sir.

Q. But the barracks were between you and the town?—A. Yes, sir.

Q. And about how many shots were fired in all?—A. About 200 shots.

Q. From the place where you were stationed could you have seen anyone, even if it had been daylight, standing on the north side of the barracks, between the barracks and the garrison wall?—A. No, sir; the barracks were between where I was stationed and the garrison wall.

Q. So you did not see the men who were doing the shooting nor the flashes of their guns at any time?—A. No, sir.

Q. Did you hear a bugle call on that evening?—A. Yes, sir.

Q. When was that, with reference to the first firing?—A. It was right after the shots that I mentioned as being the first fired after the two; right after that the bugle sounded.

Q. About how long was it after the first two shots were fired?—A. About two or three minutes.

Q. Do you know what was the meaning of that bugle call?—A. Yes, sir; it was a call to arms.

Q. Did you hear the second bugle call?—A. Yes, sir; there were four or five that seemed to take it up; afterwards it was an assembly blow.

Q. Did the firing continue while these bugles were being sounded?—A. Yes, sir; there was firing during the time that the bugle was blown the first time.

Q. Did the firing seem to be nearer to you or farther away than the first firing?—A. Just about the same distance as the first five shots.

Q. Well, did any bugle sound when you heard the firing farther uptown?—A. The bugle blew assembly immediately after I heard the firing uptown—after the firing had ceased.

Q. Did you not leave the hospital that night?—A. No, sir.



Q. Now, Mr. Sanborn, I will ask you if you saw any horsemen in the vicinity of the military reservation on that night?—A. Not at any time; I did not.

Q. I understand that somebody has made a statement or has testified that a company of horsemen rode by the military reservation just before the shooting began. Do you know anything about that?—A. I do not.

Q. Can you state how many enlisted men were in the hospital that night?—A. I don't remember exactly, but I think there must have been about six.

Q. That is a matter of record, I presume?—A. Yes, sir; in the Surgeon-General's Office in Washington, D. C.

Q. Have you stated all you know with reference to this occurrence on that night?—A. Yes, sir; I have stated all that I know.

Q. I will ask you whether you saw the officers going from their quarters across the parade ground in the direction of the barracks?—A. I did not.

Q. Do you remember whether the night was very dark or light?—A. I remember distinctly that there was no moon, although it was not an extraordinarily dark night; just partly cloudy.

Q. Did you at that time know or at any time during that night learn of what had taken place in the city of Brownsville?—A. I did not. I did not learn until the next day when the mayor came up.

Q. How long after the 13th of August was it before you left Brownsville?—A. A month and ten days.

EDWARD A. SANBORN.

THE STATE OF TEXAS, *County of Bexar, ss:*

Edward A. Sanborn, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

EDWARD A. SANBORN.

Subscribed and sworn to before me this 3d day of January, 1907.

[SEAL.]

D. H. HART,

*Clerk United States District Court  
for the Western District of Texas, at San Antonio.*

WILLIAM C. NOLAN was first duly sworn by Mr. Purdy, and, being afterwards examined by him, testified as follows:

Q. Your name is William C. Nolan?—A. Yes, sir.

Q. You are connected with the Hospital Corps of the United States Army which was stationed at Fort Brown during the month of August, 1906?—A. Yes, sir.

Q. Do you remember the night of the 13th of August, when the shooting took place in the city of Brownsville?—A. Yes, sir.

Q. Where were you at that time?—A. I was lying in the ward in bed; had just gone to bed.

Q. In what part of the hospital building?—A. In the east part.

Q. From the sound of the shots could you locate where the person was that did the shooting?—A. To the best of my knowledge, the first shot that I heard was south of the hospital, back of the commissary.

Q. Then did you hear more shooting?—A. Yes, sir.

Q. In what direction, with reference to the hospital, did that shooting appear to be?—A. It seemed southeast of the hospital.

Q. Where were you when you heard that shooting?—A. I was still in my bed.

Q. Where did you go then?—A. I sat up in my bed.

Q. Well, did you hear any shooting after that?—A. Yes, sir.

Q. Where?—A. About three shots, northwest of the hospital, in the direction of the barracks.

Q. You were still in the hospital ward in which you were sleeping?—A. Yes, sir; at that time.

Q. Did you leave that room?—A. No, sir; I got up and lit the light.

Q. Did you hear any shooting after that?—A. Yes, sir.

Q. In what direction?—A. About due west of the hospital.

Q. That is toward the officers' quarters?—A. No, sir; it was in the direction of the barracks.

Q. How much shooting did you hear up there?—A. Quite a lot; a regular fusillade.

Q. You were still in the hospital ward?—A. Yes; when I heard that I went out on the front porch then.

Q. What did you see and hear after that?—A. After this I heard 75 or 100 shots; I went into the sergeant's house and called him, but he was out. I then went to the front porch and asked if we had to go to the quarters, and he said "No; there are only two here and they can send the men up there if anything happens." But he told me to get the operating room ready in case anyone was injured.

Q. Did you hear any shooting after that fusillade that you heard in the vicinity of the barracks?—A. No, sir.

Q. How long was it from the time you heard the first shooting until the last?—A. I should say it was probably eight or ten minutes.

Q. Did you hear any bullets go over or in the vicinity of the hospital that night?—A. No, sir.

Q. Some one has made the statement or testified, as I am informed, that a company of horsemen rode by that military reservation just before the shooting commenced. I will ask you whether you saw or heard any horsemen on that night?—A. No, sir.

Q. Do you know anything whatsoever about a company of horsemen riding in that vicinity on that night?—A. No, sir; nothing whatever.

Q. Do you know how many enlisted men were in the hospital on that night?—A. There was a sergeant, first class, two privates, first class (myself and Sanborn), and three patients; two in the ward at the time and one asleep in the cookroom.

Q. How many colored enlisted men were there in the hospital on that night?—A. Three, or there may have been four.

Q. That is a matter of record, I presume, in the Surgeon-General's Office?—A. Yes, sir.

Q. Now, you state that the first shot which you heard while you were in your bed in the wardroom on that night seemed to come from a position to the south of the hospital. Might not that shot have been up in the neighborhood of the barracks?—A. No, sir; if it had, the sound would not have been that way at all; the barracks are west and the shot was almost due south.

Q. So your best judgment is that it was south of the hospital?—A. Yes, sir.

Q. Could the location of the commissary department or the other buildings about the hospital, including the barracks, have affected in any way the direction from which that sound seemed to come?—A. I would not think so, sir.

Q. And the second shooting appeared to be at the east of the hospital?—A. Yes, sir.

Q. Is there a road east of the hospital?—A. Yes, sir.

Q. About how near to the hospital?—A. I should judge about 150 yards.

Q. Could you tell whether or not that shot was about that road?—A. No, sir; it could not have been on that road, for it run east of the hospital; after it passed the old cavalry stables it passes out this way (indicating) instead of coming toward the quarters.

Q. Did that second shooting appear to be, from the sound, nearer to the hospital than the road is, or further away?—A. The second shot sounded to me just as though it was on the road.

Q. And about how long after that was it that you heard shots up in the vicinity of the barracks?—A. Not over twenty or thirty seconds.

Q. If the person who did the second shooting had been about the road, taking into consideration the time that had elapsed after that shooting and the third shooting, would it have been possible to go from the place on the road east of the hospital to the road in front of the barracks to the north?—A. Yes, sir; in thirty seconds.

Q. Did you hear any shooting up in town that night?—A. I was not in town that night.

Q. Well, did you hear any shooting that seemed to be in town?—A. Yes; the last did.

Q. Did you know what had taken place on that night up in town?—A. No, sir.

Q. When did you first learn that the houses in Brownsville had been shot into that night?—A. That night, shortly after the last shooting.

Q. From whom did you learn this?—A. From the patrol soldiers that were sent out by Major Penrose. They informed me that the shooting was along the barracks and the quarters along there.

Q. Who were the members of that patrol?—A. Colored men; I could not tell you their names.

Q. Did anybody prevent you from leaving the hospital that night?—A. No; only the sergeant told me to stay in the hospital and not to go down where the shooting was, and I stayed there.

Q. Did you hear a bugle call that night?—A. Yes, sir.

Q. When was that, with reference to the first shot?—A. I should say not longer than twenty-five minutes after the first shots.

Q. How many bugle calls did you hear then after you heard the first bugle call?—A. That was the only call I heard.

Q. And the first bugle call that you heard was about twenty minutes after the first shots?—A. Yes, sir.

Q. What was that call?—A. It was a call to arms.

Q. And that bugle call was made how long after the second shooting that you heard, east of the hospital?—A. About fifteen or seventeen minutes.

Q. And during the third shooting you heard a number of shots in the vicinity of the barracks?—A. Yes, sir.

Q. When was the bugle call sounded, with reference to that shooting—before or after?—A. About ten minutes after.

Q. About how many shots had you heard altogether before you heard the bugle call?—A. About 6 shots.

Q. Did you hear any shooting after the bugle call?—A. Yes, sir.

Q. How many shots did you hear after that?—A. One successive report of about 5 shots; I am satisfied that it was after the call to arms.

Q. And you only heard one bugle call?—A. Yes, sir.

Q. About how many shots did you hear fired from first to last?—A. There must have been 100 shots, to the best of my knowledge.

Q. Do you think of anything else concerning which you care to make a statement and with reference to which I have not questioned you?—A. I think it is the duty of every man in a case like this to tell anything if he knows it. This question was never asked me, and what I am going to tell may be a small thing and may not be of any good, but I think I ought to tell it. Now I won't be positive how many nights it was before the shooting, but the negro that was hit in the head with a pistol—I was on night duty at the hospital that night—came up to the hospital that night after I had gone to bed. I saw a man out on the front porch and he did not seem to know where he was going. I got up and went to the door and asked what the trouble was, and he said: "I am hurt." I walked into the dispensary and sat him down in a chair and looked at him and found that his face was all covered with blood, and he had several cuts about his head. I got some water and stuff and washed him off and asked him what was the matter. He said: "I got hit in the head with a six-shooter." I asked a good many questions as to the accident to see if he had been drunk, as we are supposed to find out about that, and I don't think that he was; he did not have any signs of having been drunk. I asked him how he got that lick, and he said he went by the post-office and some one ran out and hit him with a six-shooter. I asked him if that was all that he did—just go by the post-office—and he said that it was. I asked him who it was that hit him and he said: "Oh, that's all right, we will get them s— of b—s some day." I told him then that he ought not to talk that way. I heard afterwards that the man who struck him was the man that claimed that this fellow ran between two white ladies.

Q. Do you know anything else, Mr. Nolan, other than this conversation you had with this colored soldier who had been hit over the head with a six-shooter?—A. No, sir; nothing but what I have stated here.

Q. Now, Mr. Nolan, I will ask you whether you have ever made a statement to anyone in authority concerning the direction in which you heard this shooting on that night?—A. To no one except Major Blocksom, in Brownsville, Tex.

Q. That was how long after the night of the 13th of August?—A. A couple of weeks.

Q. Did you, on the next day, make a statement to anyone about hearing firing that night south of the hospital and then to the east of the hospital?—A. I did not make it to anyone except to the men in the hospital; just talking along like the rest of the soldiers, I may have said so.

Q. Did you hear the next day that the town had been shot into by the negro soldiers stationed there?—A. Yes, sir.

Q. You knew, did you not, that an order had been issued on the night of the 13th of August by Major Penrose to the effect that the troops would not be allowed out in town that night?—A. No, sir; I did not know about it.

Q. From the shooting which you heard there that night, did you get the impression at that time that the persons who did the shooting started it in a southerly direction from the hospital?—A. Yes, sir.

Q. And you formed that opinion from the fact that you heard the first shot fired apparently to the south of the hospital and then heard two shots apparently on the road to the east of the hospital, and then a short time after that heard the shooting up in the vicinity of the barracks?—A. Yes, sir; three shots.

Q. Well, if you got that impression at the time, I presume that you had an idea that it was not the soldiers who did the shooting, did you not?—A. I can not say whether I had any idea whether it was the colored soldiers or not who were doing the shooting.

Q. At least it did not seem of sufficient importance to you to make a statement to any of the officers in command there at Fort Brown on the following day, shortly thereafter, that you had heard shooting south of the hospital and east of the hospital?—A. No, sir; I made no statement until I was called upon.

Q. When were you first called on for a statement?—A. About ten days afterwards, by Major Blocksom.

Q. Did you state to him that you heard a shot fired first to the south of the hospital?—A. Yes, sir.

Q. And also that the two shots were east of the hospital?—A. Yes, sir.

Q. And the three shots were in the neighborhood of the barracks?—A. Yes, sir.

Q. Indicating to your mind that the parties who first started the shooting were located south of the hospital?—A. Yes, sir.

Q. And that they came along east of the hospital on the road and proceeded to a point between the barracks and the town, where the general shooting took place?—A. Yes, sir.

Q. And that is the impression that you have had from that day to this?—A. Yes, sir.

Q. But as to whether the colored troops were responsible for this shooting, you do not know, and did not have any idea at that time?—A. No, sir; I could not say.

Q. Now, as you stated before, you were in the wardroom in the hospital, which is in the east part of the building, when you heard the first and second shooting?—A. Yes, sir.

Q. The windows were open, I presume?—A. Yes, sir. It was hot weather.

Q. And you heard no one pass along that road, either on horse-back or on foot?—A. No, sir.

Q. Did you see the flashes of any guns on the road?—A. No, sir.

Q. It was dark in your room at the time?—A. Yes, sir.

Q. Could you see out of the windows toward the road?—A. I could see south but not to the east.

Q. Why could you not see to the east?—A. I was in my bed and it was dark and the doors were shut up at that end.

Q. Then you were not in a position to see out of the door or window looking east?—A. No, sir.

Q. Is there a building also to the east of the wardroom?—A. Yes, sir.

Q. There is no building between the hospital where you were that night and the public road to the east of the hospital on which you heard the shots fired?—A. No, sir.

Q. I presume that you do not wish to be understood as saying that those two shots were on the road?—A. No, sir; but as near as I could locate it it was on that road.

Q. When you came out of the hospital room to which side did you go?—A. To the west side.

Q. That is, the side toward the officers' quarters?—A. Yes, sir; that is what we call the officers' quarters.

Q. And from your position there on the porch you had an unobstructed view of the officers' quarters and the barracks?—A. Yes, sir.

Q. Although you were looking toward the barracks when the shooting was going on?—A. Yes, sir.

Q. And the shooting seemed to be back of the barracks?—A. Yes, sir.

Q. Did you see any of the officers crossing the parade ground going over toward the barracks?—A. I could not say that they were officers; I saw some people.

Q. Do you remember whether the night was unusually dark or only moderately dark?—A. It was pretty dark.

Q. But you could see men going across the parade ground?—A. Yes, sir; I saw one man with a lantern and some one along with him.

Q. Is there anything else concerning which you wish to make a statement?—A. No, sir; that is all.

WILLIAM C. NOLAN.

THE STATE OF TEXAS, *County of Bexar, ss:*

William C. Nolan, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

WILLIAM C. NOLAN.

Subscribed and sworn to before me this 3d day of January, 1907.

[SEAL.]

D. H. HART, *Clerk.*

By A. I. CAMPBELL,

*Deputy Clerk, United States District Court.*

WAR DEPARTMENT,  
OFFICE OF THE INSPECTOR-GENERAL,  
*Washington, December 28, 1906.*

Sergeant FRANCOIS L. OLTMANS, being duly sworn and interrogated by Brig. Gen. E. A. Garlington, Inspector-General, United States Army, testified as follows:

Q. State your name.—A. Francois L. Oltmans, sergeant first class, Hospital Corps.

Q. Where were you, Sergeant, on the 13th of August last?—A. I was in my quarters next to the hospital at Fort Brown, Tex.

Q. Where were your quarters with respect to the hospital?—A. My quarters were about 20 yards from the hospital.

Q. Did you hear any firing that night?—A. Yes, sir; between 11 and 12—it might have been about half past 11 o'clock, or thereabouts.

Q. How do you fix the time?—A. When I went to the hospital—the clock was not straight there—it was about a quarter to 12—around there. I could not state exactly what time it was; I guess at it.

Q. What makes you think it was a quarter to 12?—A. Because my little girl had been to the children's party at the man's house that was shot into—Cowan's house. She came home after 11 o'clock.

Q. And the firing took place how long after your little daughter got back?—A. About a quarter of an hour, sir.

Q. Had the family retired?—A. Yes, sir.

Q. Had you been asleep?—A. Yes, sir.

Q. What woke you up?—A. The firing.

Q. What did you do when you heard the firing?—A. I got up. I thought there might have been a disturbance in the town, and when the firing continued I got up and went to the hospital. The lamps were lighted in the operating room ready for emergency cases according to a standing order.

Q. How did you enter the hospital?—A. From headquarters to the rear of the hospital and then to the dispensary—that is to say, between the west ward and the administration building.

Q. Did you go onto the front porch of the hospital before entering?—A. Yes, sir.

Q. Whom did you see on the porch as you passed in?—A. On the front porch I saw Private Nolan, of the Hospital Corps, and Private Sanborn, of the Hospital Corps.

Q. Who else?—A. Four colored patients.

Q. What were their names?—A. I can not recollect. There were four colored patients in the hospital.

Q. They were all colored?—A. Yes, sir.

Q. You do not remember their names?—A. No, sir.

Q. Did you stop on the porch of the hospital?—A. Yes, sir; I remained there at least an hour.

Q. Did you stop on the porch of the hospital as you went in?—A. Yes, sir; I was talking to the hospital corps men.

Q. For how long?—A. For an hour, sir.

Q. On the porch?—A. Yes, sir; on the front porch.

Q. When did you light the lamps in the operating room?—A. They were lighted when I came to the hospital.

Q. Was it a dark night or light?—A. It was medium dark, sir. I do not recollect just how it was; but it seems to me it was dark, if I recollect right.

Q. As you were going from your quarters to the hospital, did you meet anyone or see anyone?—A. No, sir.

Q. No one passed you?—A. No, sir.

Q. Did you hear anyone running in the darkness?—A. Yes, sir, I did; shortly after the firing commenced?

Q. What direction were they running?—A. It was on the board walk, coming from the married-men's quarters.

Q. Where did the board walk lead to?—A. What they call the laundry row, where the married men sleep.

Q. Could you tell in what direction the men were running?—A. They were running toward the barracks.

Q. Did you hear any other noise, as of people running in any direction?—A. Yes, sir; I heard the call to arms.

Q. How long was that after you heard the firing?—A. It might have been five minutes after it. The call to arms was very quick.

Q. Was it after you got to the hospital?—A. No, sir; before I left my house.

Q. You put on your clothes before leaving your quarters, did you not?—A. Yes, sir.

Q. What were the names of the hospital corps men to whom you talked after arriving on the porch of the hospital?—A. William C. Nolan was one of them, and the other man's name was Edward A. Sanborn.

Q. Did you talk to any of the colored patients at all?—A. No, sir; except to remark where the firing came from—we were wondering where the firing came from.

Q. What did you say?—A. I asked them what might be up, what the trouble was, because nobody seemed to know anything about it at the time. They were astonished that the firing had been.

Q. What did they say?—A. They said they did not know.

Q. Did you see any men moving around on the streets on horseback?—A. No, sir; I could not see.

Q. Too dark to see from where you were to the streets?—A. It was too far from the town.

Q. Did you hear anything that you took to be the clatter of horses' hoofs?—A. No, sir.

Q. Did anybody in your hearing remark anything about horses moving about?—A. No, sir. There was one remark made, sir, now that I come to think about it. The firing was commented upon, and we were wondering what the trouble was. One colored man made the remark that maybe the civilians wanted to draw the colored garrison toward the firing point and attack the quarters.

Q. Do you remember who made that remark?—A. No, sir.

Q. Did he say anything about having heard any running of horses?—A. No, sir. I was wondering how men could make a mile and a half inside of two minutes. That was the remark I made. That was quick work.

Q. What was said at that?—A. The man said that it may have been a horse that the man was riding.

Q. Do you remember which man this was?—A. No, sir; I do not recollect his name.

Q. Did you know these colored men?—A. No, sir.

Q. You say there were four of them on the porch?—A. Yes, sir. They all had venereal troubles.

Q. Did either of the hospital attendants—that is, the white soldiers—say anything about having heard any horsemen moving about?—A. No, sir.

Q. Do you think that any body of men could have ridden along the wall of the reservation or the wire fence that night and you not have heard it?—A. No, sir; I do not think they could.

Q. And you heard nothing of the kind?—A. I heard nothing of the kind, sir.



Q. Your quarters were about how far from the hospital?—A. About 15 or 20 yards in places.

Q. You got up immediately upon hearing the firing?—A. Yes, sir; after the first shots.

Q. Do you think you heard the first shot?—A. Yes, sir.

Q. How many shots did you hear at first?—A. Sir, it sounded to me like an old .45 a-firing. It sounded as if somebody was knocking a pick into the side of a barn—a heavy sound.

Q. You were inside your quarters?—A. Yes, sir.

Q. Was this the only shot you first heard?—A. No, sir; I heard about five or six in the beginning.

Q. Then you got up?—A. Yes, sir.

Q. And when you were dressing you heard some more?—A. Yes, sir.

Q. And then after you got out?—A. I heard some more—five or six, like an automatic—and then I came onto the porch.

Q. The firing was continuous then from the time you heard it.—A. Yes, sir. Trying to count it, I guess there must have been 100 or more shots.

Q. How long did it continue after you got onto the porch?—A. It stopped then—it was over. There might have been a few shots after that, but it was over.

Q. While you were passing from your quarters to the hospital did you hear anything that you took to be a passing bullet?—A. No, sir; but while I was in my bedroom yet it seemed to me I heard two or three bullets whistle near my quarters.

Q. What was the sound?—A. Sir, it sounded something like a Krag—“whist.”

Q. Have you been in action and do you know what the sound of a bullet is?—A. I have been on the target range. There is no mistake about it.

Q. You say you have not been in action?—A. No, sir.

Q. When you heard them on the target range where were you—on the firing stand or in the butt?—A. I used to be in the butt and on the firing stand.

Q. Did it have the sound of a ricochet?—A. No, sir; a free ball passing close to the house.

Q. What floor of the house were you sleeping on?—A. In the second floor; sir.

Q. Windows all open?—A. Yes, sir.

Q. When you got to the hospital did either Sanborn or Nolan say anything about having heard balls passing the hospital?—A. Yes, sir.

Q. What did they say about that?—A. They tried to locate some of the shots and I contended that they came from the rear of my quarters—from the quartermaster's corral—that direction, and not from town, from the other side; and they heard the shots, too—that same couple of them—coming from the same direction.

Q. They thought they came from the direction of the quartermaster's corral?—A. Yes, sir; not from town but toward town.

Q. Where was the quartermaster's corral with reference to the hospital; how far from it?—A. First there was the commissary, then the quartermaster's storehouse, and then there was the corral. It may be 250 or 300 yards, or something like that.

Q. And then from the hospital to the men's barracks, how far was that?—A. To the first barrack might have been about 400 yards.

Q. You say you were on the porch about half an hour?—A. No, sir; possibly more than an hour.

Q. During that time did you see anybody moving about in the garrison at all?—A. Yes, sir; the sergeant of the guard and two files of the guard. There were also two colored women came to the hospital after the sergeant of the guard came around. They wanted to sleep in the hospital.

Q. What became of the women?—A. One was hysterical—seemed to be under the influence of whisky; and when she continued to make trouble around the post we asked the sergeant of the guard to take her away.

Q. Who asked the sergeant of the guard?—A. I did, sir.

Q. Where did they come from?—A. They came from town, sir.

Q. What part of the town?—A. From what was called at the post the "firing line."

Q. Supposed to be women of the town?—A. Yes, sir. One was married to a sergeant that was at the competition at Fort Reno.

Q. Did they say anything about what had happened in town?—A. They were afraid that all the colored people would be shot up, and for that reason they wanted to come into the hospital.

Q. Did they say exactly where they came from?—A. No, sir. They lived outside the fence somewheres.

Q. Did this woman say that her house had been shot into?—A. No, sir; she was afraid that the colored people would be shot up.

Q. Did she give any reason?—A. On account of the firing, sir.

Q. Did she intimate who were doing the firing?—A. She thought that the white people did it.

Q. Did she say why she thought so?—A. No, sir.

Q. You don't know what became of them?—A. The sergeant of the guard took them along.

Q. What was the name of this sergeant?—A. I don't know, sir; he was in the competition at Fort Reno.

Q. Which one of them seemed to be under the influence of liquor?—A. The woman who said that her husband was at the competition at Fort Reno.

Q. The guards that you saw moving about before these colored women came, where did they go?—A. They came toward the hospital and asked me if any of the bullets had struck my quarters.

Q. What did you say?—A. I told them no, sir.

Q. Where did the guard go after leaving the hospital?—A. They went toward the officers' line.

Q. How long was this after you arrived at the porch?—A. It must have been nearly an hour after that.

Q. Could you see the troops forming at the barracks from where you were on the porch?—A. No, sir; I could not.

Q. Could you hear any of the sounds like orders being given, the rolls being called, or anything of that sort?—A. No, sir; I could not.

Q. Too far away?—A. Yes, sir; too far to hear.

Q. You say you thought that the first shot you heard came from the direction of the quartermaster's corral?—A. No, sir; the first shots I heard seemed to me like an old pistol, .45, that came from the direction of the town; but of the other shots I heard a couple that came from the other side.

Q. You thought they were fired from the quartermaster's corral?—

A. Not exactly from the corral, but from that direction.

Q. There were soldiers sleeping in the corral, teamsters, etc.?—A. Yes, sir; and civilian employees.

Q. There were extra-duty men, too, were there not?—A. I do not think so.

Q. Was there anything between your quarters and the quartermaster's corral?—A. There is a road leading to it.

Q. I mean any building or anything of that sort?—A. Not in a straight line, sir.

Q. Was there a sentinel posted over the corral?—A. Yes, sir; there is a sentinel near the commissary.

Q. And the commissary is near the corral?—A. Yes, sir; about 150 yards away from there.

Q. Do you know whether the sentinel fired his piece?—A. That is something I never heard, sir.

Q. What was beyond the corral, on the farther side from your quarters?—A. On the other side of the corral there was an ice house—ice machine.

Q. Was the quartermaster's corral situated near any part of the town?—A. No, sir.

Q. There were no private buildings then near the corral in the direction you heard the shots come from?—A. No, sir; no private buildings; all Government.

Q. Was there a public road near the corral?—A. No, sir; Government road.

Q. Was it inside the wall or fence?—A. Inside the fence, sir.

Q. Did you hear any of the men on the porch say that they had gotten behind the pillars to keep out of the way of the passing shots?—

A. No, sir.

Q. Did you see anybody while you were there get behind a pillar?—A. No, sir.

Q. Did you hear any passing shots while you were on the porch?—A. No, sir. I heard them while I was in my quarters.

Q. How many of those shots that you heard that you thought were the .45 caliber?—A. About five or six, sir.

Q. What do you base your opinion on that they were of that caliber?—A. From the heavy sound; a sound quite distinct from other pistols nowadays.

Q. You were inside your quarters when you heard that?—A. Yes, sir.

Q. After you got outside, what was the character of the gun you thought from which the shots were fired?—A. A Krag—small caliber.

Q. What did you base that opinion on?—A. On the same sound that we heard off and on when the sentries fired their pieces.

Q. Do you know whether any of the sentries fired their pieces that night?—A. I am not sure, sir, but I believe that the sentry at No. 1 fired his piece.

Q. In front of the guard?—A. In front of the guardhouse.

Q. Did you hear it, or were you told it?—A. I was told so.

Q. Were you told in what direction he fired?—A. No, sir.

Q. When a sentinel fires his piece at Fort Brown, what would be the natural direction in order not to hurt anyone.—A. If he would fire in the direction of the Rio Grande, crossing a part of the cemetery.

Q. That would take the shot over what building?—A. Between my building and the officers' quarters.

Q. Would that be near the hospital?—A. No, sir; the direction would be farther away—the line of the bullet would be at least 100 yards away from my quarters.

Q. You are speaking now of post No. 1?—A. Yes, sir.

Q. Supposing a sentinel from the barracks should fire, in what direction would he naturally fire?—A. Away from town.

Q. If you were a sentinel on that post and it was necessary for you to fire your piece, in what direction would you fire to avoid doing damage?—A. I would fire toward Mexico, and it would have been at least 100 or 150 yards from my quarters.

Q. How far is the hospital from the reservation fence that runs along the northeast side of the reservation? Just look at the map here.

(Sergeant looks at map.)

A. It is close on to 200 yards, sir.

Q. Do you remember a man named Harden, private, Company B, Twenty-fifth Infantry, who was in the hospital that night?—A. I think I do, sir, if it was a man that belonged to B Company.

Q. Did you have only one man of B Company in the hospital?—A. I could not recollect, sir; but I think it was that man who was temporarily on duty as cook in the hospital.

Q. Are you positive that there were only four colored soldiers in the hospital as patients on that night?—A. Yes, sir; I think there were only four.

Q. Where does the wire fence here join the wall? Come here and show me on this map.—A. Near the east end of the barracks.

Q. You think that the bullets you heard passing your house came from towards the quartermaster's corral?—A. From that direction, sir; only two shots.

Q. Did you ever hear any of the remarks made by any of the colored soldiers that would indicate that they were disgruntled or had any feeling against the citizens of Brownsville?—A. No, sir; I did not hear, except that there was some dissatisfaction about their being served at other bars.

Q. Did you hear them make any remarks that they were dissatisfied about not being able to go to the encampment that year?—A. Yes, sir.

Q. Could you locate any individual, or was it just general talk?—A. Just general talk.

Q. Where did you hear this general talk?—A. Passing by groups talking.

Q. Can you recollect any of the language used?—A. It was after that man was hit by that customs official, I saw colored men in conversation together, and they commented upon that and claimed that the man was not to blame, but was simply knocked off the sidewalk without reason, and one of the men remarked that "this was not the Texas of twenty-five years ago, when they would knock colored men off the sidewalk in that way."

Q. Can you recall any language used about not going to the maneuver camp?—A. No, sir; I don't believe I could.

Q. After you came out of your quarters that night did you observe the flashes of any guns?—A. No, sir; I did not.

Q. The Krag makes very little flash at night?—A. I don't know, sir, because I never saw them fired at night.

Q. Sergeant, were these four colored hospital patients on the porch when you got there, or did any of them come out after your arrival?—A. No, sir; it seems to me that they were all on the porch when I got there.

Q. How long were you at Fort Brown after this occurrence?—A. Up to the 15th of October.

Q. Who was the post surgeon?—A. The post surgeon was Captain Edger, but he was at that time absent.

Q. Who performed the duty of surgeon during his absence?—A. Dr. Frederick J. Combe, of Brownsville.

Q. Was he the mayor of Brownsville?—A. Yes, sir.

LOUIS A. JAGOU was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your business, Mr. Jagou?—A. None whatever, just now; I have a farm which I attend to, but I do not call myself a farmer; I look after the interest of my farm, though.

Q. You live in the city of Brownsville?—A. At times; not always.

Q. Where is your home?—A. On the ranch, about 4½ miles from town.

Q. Where were you on the night of the 13th of August of this year?—A. Part of the night I was in town and the balance of the night I was in the post.

Q. Where were you in town on the night of the 13th of August before 11 o'clock?—A. I was at my mother-in-law's house, Mrs. Wallace, next to the garrison fence.

Q. That is where Herman Schrieber lives?—A. No, sir; I was in the next house to that.

Q. About 11 o'clock that night you had occasion to go into the garrison?—A. Yes, sir; a little before 11.

Q. With whom did you go?—A. Miss Josephine Johnson.

Q. Where was your wife?—A. In the post.

Q. At what building?—A. In the matron's building, back of the guardhouse.

Q. That building is located over across the parade ground?—A. Yes, sir.

Q. Now, will you state in your own words just what you saw and what took place, so far as you know, within the garrison that night?—A. I heard, first, consecutive shooting, about eight or ten shots; that aroused our attention.

Q. Could you tell where they were located, or the general direction?—A. They appeared to be, at that moment, in the direction of the town, beyond the barracks. After I heard those first shots I heard a repetition of about fifteen. I could count them plainly enough—they were five in succession.

Q. Were they in the same locality?—A. Yes, sir; the same place; I think so; I could not tell whether they had changed or not; they were very near to that same locality; and that was a big volley and I could not count them; they were in quick succession.

Q. Did you hear any firing afterwards?—A. It stopped for a little

while and then started again, and that sounded still further up toward town—further away from me.

Q. Where were you during this firing?—A. I was on the porch facing the hospital and away from the soldiers' barracks; on the other side of the hospital from the barracks. The firing was at the rear of the building where I was located.

Q. Did you go up toward the barracks that night?—A. I tried to get out.

Q. What prevented you?—A. Some guard with khaki pants and blue shirt; he came with his gun in his hands and said, "Keep back if you don't want to be hurt."

Q. About how long was that after you first heard firing up toward the barracks?—A. That was after the second number of shots that I could distinctly hear—before the general volley.

Q. So you and your wife and your friends kept in the matron's house?—A. Yes, sir; except Matlock—

Q. Well, you remained there all night?—A. Yes, sir; my wife and I.

Q. You state that a man by the name of Matlock attempted to get out; why could he not do so?—A. He was stopped by the guard and turned back.

Q. And you all remained there that night?—A. Yes, sir; all but him.

Q. Who was Matlock?—A. He was the quartermaster's clerk, and he afterwards went to his quarters in the barracks.

Q. About what time did you come into the city the next morning?—A. About 6 o'clock.

Q. Did you find any empty cartridges that morning?—A. I did; at about half past 7 o'clock.

Q. Where?—A. On the corner of this alley (indicating), at the rear of Mrs. Leahy's hotel.

Q. How many did you find?—A. About three—one loaded and two empty.

Q. To whom did you give those cartridges?—A. To a policeman; he told me that he wanted them for evidence.

Q. Now, Mr. Jagou, are you familiar with the reports of firearms generally?—A. Yes, I am; I have been in that business for a long number of years of my life.

Q. Are you familiar with the report of the guns with which the United States soldiers were armed that were in the garrison on the night of August 13, 1906?—A. Yes, sir; I am, very.

Q. Will you state the nature of the reports of the shots which you heard fired on that night?—A. The report was quick, sharp, and had a whizzing sound.

Q. Were those reports the same or different from the reports of the ordinary gun or revolver used by the people generally?—A. Entirely different.

Q. Mr. Jagou, do you know whether or not any of the buildings inside of the garrison wall were shot into on the night of August 13?—A. Afterwards, for the sake of my own curiosity, I looked at the different buildings, and I did not find any evidence of any shots.

Q. Did you ever, after the night of the 13th of August, while the troops were here or since they were removed, hear from the soldiers

or the officers, or from anyone else, any claim made that any of the buildings inside of the garrison wall had been shot into on that evening?—A. No, sir.

Q. And, so far as you know, none of them were shot into?—A. No, sir.

Q. Mr. Jagou, you have been in the business of handling firearms, have you?—A. Yes, sir.

Q. What experience have you had in the use of different kinds of firearms?—A. I have had experience with them from 1889 to 1904; during that time I dealt in firearms here in Brownsville.

Q. Are you familiar in a general way with the various kinds of guns owned and used by the people in this locality?—A. Yes, sir; with nine-tenths of them.

Q. Now, I will show you these empty shells and ball cartridges here, which were offered in evidence by Mayor Combe yesterday afternoon, and ask you whether or not it was possible to have fired these cartridges in the guns which you state are owned and used by the citizens here in Brownsville?—A. No, sir.

Q. Would it be possible to use them in the ordinary rifles, or in any other rifle that you know of other than the army gun?—A. No, sir; I do not think it would. None that I have ever seen or know of would fire them, and I have never heard of anybody else using what we term "Government ammunition."

Q. I will ask you, Mr. Jagou, if you know of anybody in town who has a Krag-Jørgensen gun?—A. The only one I know of belongs to Mayor Combe.

Q. Do you know whether or not a Krag-Jørgensen gun will fire one of these cartridges?—A. No; I don't think so.

Q. It is your best judgment that it will not?—A. Yes, sir.

L. A. JAGOU.

THE STATE OF TEXAS, *County of Cameron, ss:*

Louis A. Jagou, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

L. A. JAGOU.

Subscribed and sworn to before me this 30th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

Mr. LOUIS R. COWEN was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Cowen, do you reside in the city of Brownsville?—A. I was born in the city of Brownsville.

Q. You are a married man?—A. Yes, sir.

Q. With a family?—A. Yes, sir.

Q. Where do you live?—A. I live on Fourteenth street, between Washington and Elizabeth streets, on the south side of the alley, block 61 of the city.

Q. You were living there with your family on the night of the 13th of August of this year?—A. Yes, sir.

Q. I will call your attention to Exhibit A, being a plat of a portion of the city of Brownsville, and ask you to indicate your home.—

A. (Pointing.) This is my home; No. 2.

Q. What is your business, Mr. Cowen?—A. New York Life Insurance agent.

Q. Were you at your home on the evening of the 13th of August?—A. I was at the house until about 10.30 that evening.

Q. What, if anything, was going on at your house that evening?—A. There was a children's party.

Q. How many children have you?—A. We have six.

Q. And what are their ages?—A. That is a little hard for me to tell. My boy is 18, my daughter 17, the next one 14, the next 12, I think, and the other 10, and the baby 2½ years old.

Q. What time did you leave your house on that evening?—A. I left it about half past 10—probably a little later.

Q. Was the party still going on at your house?—A. Yes, sir. It had not been broken up. In fact, they had not taken refreshments.

Q. Quite a number of young people from Brownsville were at that party that night?—A. I believe there were between 33 and 38. I could not tell exactly. About 35.

Q. When you left your home, about half past 10 or 11 o'clock that evening, where did you go?—A. I came over to the Leahy Hotel and stayed there for three-quarters of an hour—about that time.

Q. And from there where did you go?—A. From there I went up to Weller's saloon—to the restaurant in the rear of Weller's saloon—and got a ham sandwich.

Q. That is on Elizabeth street, near the corner of Twelfth?—A. Yes, sir.

Q. And about what time did you come out of Weller's saloon?—A. I came out of Weller's saloon—it must have been two minutes of 12.

Q. Did you hear any shooting while you were in the saloon?—A. I did. I heard several shots.

Q. Will you now proceed to state just what you did and what you saw after that?—A. I heard several shots, and then walked toward my house down the street, and stopped at the Ruby Saloon, and there I asked a boy, who was afterwards shot—Frank Natus—to lend me a pistol, that my family was alone and I wanted to get home. He told me he had no pistol except the one he had on.

Q. What did you do then?—A. I walked clear across the street and looked down toward the post.

Q. What did you see?—A. I could see the flashes—the flash of several shots being fired.

Q. And how did they appear to you?—A. I could see flashes of firing. They appeared from the porch of the upper gallery of the post. It is the first barracks to the right as you go into the gate.

Q. Did you see any flashes of guns in the hands of persons located at any other place?—A. No, sir.

Q. About how many shots were fired while you were looking down the street toward the post?—A. I could not tell. It looked to me about eight or ten shots, probably less or probably more.

Q. You were about two blocks away?—A. Just about, I think.



Q. How was Elizabeth street as to its being lighted at that time?—

A. I remember the night was quite dark, in fact, very dark. It was cloudy weather. It had been raining prior to that and after that. It was very wet weather. It was a very dark night, I remember.

Q. After you saw these flashes, where did you go then?—A. I walked across the street to the Chinese restaurant in Crixell's saloon.

Q. And how long did you remain there?—A. I stood there a few minutes listening to the shooting until we could hear the shooting come nearer and nearer; went through the bar into the restaurant, went upstairs and blew out the lights.

Q. Now will you describe the shooting that you heard after that as nearly as you can?—A. While we were up there we could hear volleys, and they seemed to come nearer. I thought it was on the main street, but it was in the alley.

Q. That was to the east of you?—A. Yes, sir; it was to the east where I was, across Elizabeth street.

Q. And how long was it from the time that you heard the first shot when you were in Weller's saloon until the firing ceased up in the alley across the street from where you were located in Crixell's saloon?—A. I could not tell you how long that took.

Q. Well, approximately?—A. Eight or ten or twelve minutes, something like that.

Q. And how many shots would you say were fired altogether?—

A. I could not tell, probably 100, or a little more than 100 shots, I should judge.

Q. Where did you go from Crixell's saloon after you left there?—

A. I came out of the saloon and crossed the street to where I was first watching the shooting when I went into Crixell's saloon, and I walked up to Weller's saloon again, where a crowd was talking.

Q. That was after the disturbance was all over?—A. Yes, sir.

Q. About what time did you go home that night?—A. It was after 1 o'clock. I heard the policeman say that Frank Natus was killed and I walked in and saw him.

Q. When you arrived home that night, was your family at home?—A. No, sir.

Q. Where were they?—A. They were at the Leahy Hotel.

Q. Had all gone over to the Leahy Hotel?—A. Yes, sir.

Q. Did you and your family stay in your house that night?—A. No, sir.

Q. Where did you stay?—A. I staid at the Leahy Hotel, and sat up.

Q. You sat up all night?—A. Yes, sir.

Q. The next morning did you make an examination of your house for the purpose of seeing whether there were any shots fired into your house?—A. I made an examination immediately when I got home that night. I saw the house was full of splinters. There were several shots in the house, and I saw that the looking-glass had been shot into.

Q. When did you make the first careful examination for the purpose of ascertaining the direction from which the shots were fired from the bullet holes in your house?—A. The following morning, probably about 7 o'clock—half past 6 or 7.

Q. Will you state how many shots had been fired into your house?—A. I have never counted them.

Q. About how many?—A. About eight or nine shots.

Q. And can you state the general direction from which these shots apparently were fired?—A. They were fired from the alley—that is, approaching the house from the post in this direction (pointing). They fired in through this side of the house (pointing on map) and fired in through here (pointing on map).

Q. Then you state that the shots were fired apparently from some position in the alley to the east of your house?—A. Yes, sir. One shot was fired below the corner of the house, through the second window in the middle room. The shot that went through the wall and through the window, I can trace that shot.

Q. The person who fired that shot might have stood in the alley a little to the east of the house?—A. He must have stood there. He must have been back here (pointing to the map) to have fired in there.

Q. And then there were some shots fired into the front of your house?—A. They fired through the front part of the house and struck a looking-glass.

Q. That is, from some position in Fourteenth street opposite the entrance to the alley?—A. Yes, sir.

Q. How high above the ground is the first floor of your house?—A. About 14 inches.

Q. With about the same height above the level of the alley adjoining your house?—A. Yes, sir.

Q. Now, how high above the floor of your house did the shots enter?—A. They entered  $4\frac{1}{2}$  feet, near as I can judge, from the floor of the house.

Q. And how high on the other side of the room above the floor did the bullets strike?—A. They struck about 6 feet or  $6\frac{1}{2}$  feet above the floor.

Q. Indicating to your mind that they were fired by somebody standing in the alley?—A. Yes, sir.

Q. I will ask you whether any shots went through the windows of your house that night?—A. One shot went through the window glass and four shots, I think, went through the blind of another window.

Q. Into what room did the shot enter that went through the window glass?—A. It went into the dining room, then went into the hall—went through the partition between hall and dining room and lodged in a chiffonier.

Q. And where did these shots that went through the blind strike?—A. They struck the wall of the bedroom.

Q. Indicate upon this plat the location of those windows. What is this room on the corner?—A. That is my boy's bedroom.

Q. And which window is in your boy's bedroom?—A. The window facing the alley.

Q. What room is this in the front of your house, adjacent to the alley?—A. That is the parlor.

Q. Did any shots enter the parlor?—A. No, sir; no shots entered the parlor.

Q. They all entered your boy's bedroom in the alley and the adjoining room which is adjacent to the boy's room in the rear of the house?—A. Yes, sir.

Q. Was your front door open that night?—A. Yes, sir.

Q. There was one shot that entered your bedroom in front of the

house on the side furthest from the alley, toward Elizabeth street?—  
A. Yes, sir; my idea is that it was fired from the front part of the house.

Q. Do you think of anything else you can state with reference to the occurrence upon the evening of the 13th of August which you know of your own knowledge?—A. No, nothing, except that I know the shots were fired from high-power guns, and that bullets had been picked up in my house. I picked up some myself and some were handed me. They were the Springfield bullet. I showed them to officers of the Army and they admitted they were Springfield bullets.

Q. How about the report of the guns at the time you saw the firing from the front of Tillman's saloon?—A. They were high-power guns; I could tell from the sound. I handled guns all my life.

Q. Mr. Cowen, can you think of any reason why your house was fired into that night by soldiers of the barracks?—A. I know of no reason why. There was no provocation for it that I know of.

Q. Did you have any trouble of any kind?—A. None whatever.

Q. Did any of your family have any trouble with the soldiers as far as you know?—A. No, sir.

L. R. COWEN.

THE STATE OF TEXAS, *County of Cameron, ss:*

Mr. Louis R. Cowen, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes it to be true.

L. R. COWEN.

Subscribed and sworn to before me this 28th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, County of Cameron, State of Texas.*

HAL SHANNON was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Do you live in the city of Brownsville?—A. Yes, sir; I have for the last two years.

Q. What is your occupation?—A. I am foreman of the Daily Herald.

Q. Where were you on the night of the 13th of August?—A. I was playing "pitch" in Crixell's saloon.

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

Q. Will you go on and state just what you saw and heard after the first shooting?—A. Martin Hansen, Ed. Dougherty, Joe Crixell, and I were playing "pitch," when we heard two distinct shots that sounded like they were in the post. Dougherty said, "I wonder who is firing torpedoes?" and I said that it didn't sound like torpedoes to me, but like army rifles; Hansen said, "Oh, come on and play the game." But, instead, Joe and I got up and closed the doors. I had a bicycle leaning against a post at the saloon, and when I went out to get it a bullet hit the post. Naturally, I was frightened, and Joe came to the door and said, "Come back in here, you fool; you'll get killed there," and as I went to step back several more shots were fired.

Q. Where were they, as nearly as you can locate them?—A. I don't recollect. Then I looked down toward the post, and there were five

or six shots fired; I did not count them; looked as though they came from within the barracks, I mean inside the garrison, next to the gate.

Q. Then where did you go?—A. We closed the doors and went up stairs over the house.

Q. Did you hear a great deal of firing after that?—A. Yes; but I could not tell where from.

Q. Were you in the rear part or front, up stairs?—A. Front part. Then I got a glimpse out of the corner this way (indicating), and about that time they shot Dominguez' horse out from under him.

Q. Could you locate the firing at the time Dominguez' horse was shot?—A. It was right around in the vicinity of the Miller Hotel.

Q. That is, the firing had come up from down in the vicinity of the post?—A. Yes, sir.

Q. And about how long did the firing continue from the time you first heard it down in the vicinity of the post until it was heard down town?—A. Oh; just a few minutes—about 8.

Q. That is all you know about this matter?—A. Yes, about all.

Q. You did not see any of the people?—A. No, sir.

Q. Did you hear them talking?—A. No, sir. I saw some of the flashes over at Tillman's; that is just across the street from where I was at the time.

Q. The firing at Tillman's saloon was in the rear, and you could not from where you were see anybody in Tillman's saloon?—A. No, sir.

Q. But you heard firing there?—A. Yes, sir; I heard a great deal—about 20 or 30 shots.

Q. Was that the last, so far as you recollect?—A. Just one or two more stray shots after that; did not amount to much; that was about the last part of the shooting. Of course, we were all much excited, you understand, but that was about the last. After the shooting we went up the street and this patrol came along down the street and the men showed a lack of discipline. Myself, Bob Neal, and Marcellus Dougherty, and some others were standing in front of Tillman's saloon; Bob had a gun and I was unarmed. Captain Lyon was with the patrol, and the mayor asked him to stop; that he wanted to speak with him. A minute after this Captain Lyon gave the order "Forward, march!" and the men, instead of doing that, two or three of them leveled their guns toward us and then turned around instead of marching; and he gave the order distinctly two or three times before the men obeyed, and they followed very reluctantly.

H. M. SHANNON.

THE STATE OF TEXAS, *County of Cameron, ss:*

Hal Shannon, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

H. M. SHANNON.

Subscribed and sworn to before me this 31st day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Olerk District Court, Cameron County, Tex.*

9. *Testimony as to the disposition and effect of the lights.*

STATE OF TEXAS, *County of Cameron:*

I, Macedonio Ramirez Prieto, being duly sworn, depose and say: My name is Macedonio Ramirez Prieto. I am a resident of Brownsville, Cameron County, Tex., which place has been my home all my life. I am now, and have been for a long while, in the employ of the city of Brownsville as lamplighter.

I am thoroughly familiar with the streets and alleys of the city of Brownsville, which are of uniform width and run parallel, or at right angles to one another.

I know and am familiar with the places of intersection of Thirteenth, Fourteenth, and Fifteenth streets with the alley situated halfway between and parallel to Elizabeth and Washington streets in said city of Brownsville. This alley intersects said Thirteenth, Fourteenth, and Fifteenth streets at right angles. It is equidistant from Elizabeth and Washington streets, and 120 feet from each. At each point where said Thirteenth, Fourteenth, and Fifteenth streets intersect Elizabeth and Washington streets there is situated a city street light, except at the point of intersection of Fifteenth and Elizabeth, where there is no city light; but here there were, up until the time of the abandonment of Fort Brown, two large lights above the main gate from said Fort Brown into the city, distant about 130 feet from the alley above referred to.

Thus there are, and were on the night of August 13, 1906, two street lights within full view and within approximately 120 feet of each of the intersections of said alley with said Thirteenth, Fourteenth, and Fifteenth streets (at the latter intersection three), and with no intervening buildings to prevent their rays from reaching and falling full upon said points of intersection.

Persons of ordinary eyesight in houses or upon the street or alley near said three points of intersection of the alley with Thirteenth, Fourteenth, and Fifteenth streets might easily distinguish the color of the face or clothing of individuals at such points of intersection, at night by the aid of said lights.

MACEDONIO RAMIREZ PRIETO.

Sworn to and subscribed before me this 3d day of January, A. D. 1907.

[SEAL.]

R. B. CREAGER,

*United States Commissioner Southern District of Texas.*

STATE OF TEXAS, *County of Cameron:*

I, Louis Kowalski, being duly sworn, depose and say: My name is Louis Kowalski. I am a resident of Brownsville, Cameron County, Tex., which place has been my home for forty-four years, and I am at the present time clerk of the district court of Cameron County, Tex.

I am thoroughly familiar with the streets and alleys of the city of Brownsville, which are of uniform width and run parallel or at right angles to one another.

I know and am familiar with the places at the intersections of Thirteenth, Fourteenth, and Fifteenth streets with the alley situated half way between and parallel to Elizabeth and Washington streets in said city of Brownsville.

This alley intersects said Thirteenth, Fourteenth, and Fifteenth streets at right angles. It is equidistant from Elizabeth and Washington streets and 120 feet from each. At each point where said Thirteenth, Fourteenth, and Fifteenth streets intersect Elizabeth and Washington streets there is situated a city street light, except at the point of intersection of Fifteenth and Elizabeth, where there is no city light, but here there were, up until the time of the abandonment of Fort Brown, two large lights above the main gate from said Fort Brown into the city, distant about 130 feet from the alley above referred to.

Thus there are (and were on the night of August 13, 1906) two street lights within full view and within approximately 120 feet of each of the intersections of said alley with said Thirteenth, Fourteenth, and Fifteenth streets (at the latter intersection three), and with no intervening buildings to prevent their rays from reaching and falling full upon said points of intersection.

Persons of ordinary eyesight, in houses or upon the street or alley near said three points of intersection of the alley with Thirteenth, Fourteenth, and Fifteenth streets, might easily distinguish the color of the face or clothing of individuals at such points of intersection, at night, by the aid of said lights.

LOUIS KOWALSKI.

Sworn to and subscribed before me this 3d day of January, A. D. 1907.

[SEAL.]

R. B. CREAGER,

*United States Commissioner Southern District of Texas.*

STATE OF TEXAS, *County of Cameron:*

I, F. Yturria, being duly sworn, depose and say: My name is F. Yturria. I am a merchant and banker in the city of Brownsville, Cameron County, Tex., which place has been my home for over fifty years.

I am thoroughly familiar with the streets and alleys of the city of Brownsville, which are of uniform width and run parallel or at right angles to one another. I know and am familiar with the places at the intersections of Thirteenth, Fourteenth, and Fifteenth streets with the alley situated halfway between and parallel to Elizabeth and Washington streets in said city of Brownsville. This alley intersects said Thirteenth, Fourteenth, and Fifteenth streets at right angles. It is equidistant from Elizabeth and Washington streets, and 120 feet from each.

At each point where said Thirteenth, Fourteenth, and Fifteenth streets intersect Elizabeth and Washington streets there is situated a city street light, except at the point of intersection of Fifteenth and Elizabeth, where there is no city light, but here there were, up until the time of the abandonment of Fort Brown, two large lights above the main gate from said Fort Brown into the city, distant about 130 feet from the alley above referred to. Thus there are, and were on the night of August 13, 1906, two street lights within full view and within approximately 120 feet of each of the intersections of said alley with said Thirteenth, Fourteenth, and Fifteenth streets (at the latter intersection three), with no intervening buildings to prevent their rays from reaching and falling full upon said points of intersection.

Persons of ordinary eyesight in houses or upon the street or alley near said three points of intersection of the alley with Thirteenth, Fourteenth, and Fifteenth streets might easily distinguish the color of the face or clothing of individuals at such points of intersection at night by the aid of said lights.

F. YTURRIA.

Sworn to and subscribed before me this 3d day of January, A. D. 1907.

[SEAL.]

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

[NOTE.—Mayor Combe testifies as to the lights generally, and at Miller Hotel. Mrs. Cowen and her servant, Amado Martinez, testify as to lights in Cowen house shining on alley. Preciado testifies as to lights in yard of Tillman's saloon.]

10. *Testimony as to finding of shells, clips, and bandolier.*

DR. FREDERICK J. COMBE was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. You are the mayor of the city of Brownsville, are you?—A. Yes, sir.

Q. And you have been mayor how long?—A. I have been mayor for nearly two years.

Q. How long have you resided here in this city?—A. All my life, with the exception of my service in the army and my college days.

Q. You are a practicing physician in this city?—A. Yes, sir.

Q. And have been such for a number of years?—A. Seventeen years.

Q. You remember the night of August 13 of this year?—A. Yes, sir; very well.

Q. Where were you, Mayor, at the time the shooting commenced on that night?—A. I was in bed.

Q. And where is your residence?—A. About a quarter of a mile from the garrison wall.

Q. In a northerly direction?—A. Yes, sir.

Q. Did the shooting arouse you on that night?—A. Yes, sir; immediately.

Q. And where did you go, Mayor?—A. As soon as I heard the firing I jumped out of my cot and got into my trousers and called to my brother, Dr. Joe Combe, saying "I am going down to find out what that firing is."

Q. Did you then come down town?—A. Immediately. From the time of the firing of the first shots to the time of my getting down town only a very few minutes elapsed.

Q. About how many?—A. About five minutes.

Q. And to what point did you first go?—A. To the corner of the Merchants' National Bank.

Q. Where is that located?—A. That is located at the corner of Twelfth and Elizabeth streets.

Q. Did the firing continue while you were coming down town?—A. Yes, sir.

Q. In what general direction from you was the firing?—A. The firing was to the south from me, toward the garrison. I will state that as I left my house my brother called to me, "Hug the wall, because they are shooting down the street." We could hear the bullets as they came down the street.

Q. On what street was that?—A. Elizabeth street.

Q. By the time you got down to the Merchants' National Bank had the firing ceased?—A. No, sir.

Q. And you were going down Elizabeth street?—A. Yes, sir.

Q. You did not see any firing yourself?—A. No, sir; I saw no firing.

Q. You just heard the report of the guns?—A. Yes, sir.

Q. And that was in the direction of the town toward which you were going?—A. Yes, sir.

Q. Who was the first person you saw when you got down to the Merchants' National Bank?—A. A policeman by the name of Genaro Padron. He ran around from Washington street into Elizabeth street along Twelfth, and I met him almost at the corner of the Merchants' National Bank.

Q. Was that the first time that you heard what had really occurred?—A. Yes, sir; I saw him running toward me. My brother was on one side of the street and I was on the other, and we both drew our pistols almost at the same time. There was a light on the corner of the street, and he evidently saw my revolver in my hand and he heard the click of my pistol, for he halloed at me.

Q. Where did you go then?—A. He came up to me and put his hand on my shoulder and said, "Don't go any further; you will be shot."

Q. From there where did you go?—A. I went on down to the middle of the next square in front of Crixell's saloon.

Q. Did you see anything there?—A. Yes, sir; I saw a man coming out of Crixell's saloon with a Winchester rifle, and I took it away from him.

Q. Who was that?—A. A man by the name of José Tamayo, who sometimes acts as a special policeman.

Q. What occurred after that?—A. Then the chief of police and two other policemen came up to me, and I asked them where the rest of the force was. I had a force of 12 running that night. A few minutes afterwards the police officers began to congregate from their different beats.

Q. Where was that?—A. Right in front of Crixell's saloon.

Q. Then where did you go?—A. Then I said to the chief of police, "Have you accounted for all of your officers?" He said, "All but three are accounted for."

Q. Did he say who they were?—A. Yes, sir; the lieutenant of police, Dominguez, Briseño, and the other policeman that was hid in Mrs. Leahy's house. I should like to state that on my way down, as soon as these policemen came up to me I happened to glance down at the ground and I saw a dark spot. I reached my hand down to it and recognized it as blood, and told my brother to follow the bloody stains. That afterwards turned out to be the trail of Dominguez, whom he located at Putenat's pharmacy.

Q. At this time the firing had all ceased?—A. Yes, sir



Q. Now, will you state in a general way, without going into details, just what was done the rest of the night?—A. After the police were congregated in front of Crixell's saloon I walked on down the street with Dr. Joe Combe and one of the policemen (I don't remember who he was) about 50 yards and found the lieutenant of police, Dominguez's horse dead in front of Wreford's office. From there I walked over to Miller's Hotel, in front of which there was a bright light burning. I stood in the court and called out, "Does anybody know anything about this shooting?" No one answered me. I turned around and walked back up Elizabeth street and I was met by some one who said, "You are wanted at the Ruby saloon, by the justice of the peace, to examine a dead body." When I got in front of the saloon we found a large number of people congregated. Many of them were armed. I addressed them and ordered them home, and they finally dispersed. I attempted to communicate with Major Penrose by telephone, but could not do so. Afterwards Captain Lyon came along with a squad of about 60 soldiers. I met him. Some of his men, seeing the officers with guns in their hands, said, "Captain, those men have guns," and started to leave the ranks. I ran back with Captain Lyon and said "Those are officers," and they were ordered back by the captain into the ranks. Then Dr. Joe Combe and I went down with Captain Lyon into the post, where we had a conversation with Major Penrose. I told him, "Sir, your men have gone into the town and killed one man, seriously wounded the lieutenant of police, killed his horse, and shot into several houses," as I had been informed. Major Penrose said, "Doctor, I can hardly believe that; I am told that the citizens had fired on the post." After a few minutes' conversation Captain Macklin came up and reported to Major Penrose, saying, "Sir, I report" (or something to that effect). Major Penrose said "My God, Captain, where have you been?" And he answered "I have been asleep in my quarters." Major Penrose said, "I have sent two men to look for you and they could not find you in your quarters." Major Penrose then told Captain Macklin to take command of his company.

Q. Where did this conversation take place?—A. Within the sally port—within the gate opening on Elizabeth street.

Q. Where were the men stationed at that time?—A. The three companies were stationed within the wall—

Q. Inside the wall?—A. Yes, sir.

Q. Did you see many citizens on the street down in the end of the town near the garrison?—A. No, sir; they were not allowed to come there.

Q. What did you do then?—A. I then said to Major Penrose, "Major, don't allow any of your officers or your men to come into the town under any circumstances, as the people are very much wrought up." He said, "I will issue an order at once that no one shall go out," and I also said that I would keep the citizens in the town, and he said or told me that no one would be allowed in the post except myself.

Q. Where did you go from there?—A. I immediately came down town; went to the Ruby saloon, where the inquest was held over the body of Frank Natus.

Q. I presume you were on the streets all that night looking into matters?—A. Until about 3 o'clock in the morning.

Q. Now, I will ask you whether during that night or the next morning you found any cartridges or clips in the street?—A. I did.

Q. Will you go on and state just where you found these various cartridges?—A. About 2 o'clock in the morning I found some shells. I stepped on some shells at the corner of the Miller Hotel alley.

Q. About how many did you find there that morning?—A. I found one clip with one ball cartridge in it, and about seven empty shells.

Q. Now, you say that you found six or seven empty shells and a clip with one ball cartridge in it?—A. Yes, sir.

Q. In the alley at the rear of Miller's Hotel?—A. Yes, sir.

Q. On that morning?—A. Yes, sir; about 2 in the morning.

Q. And one of these clips here (pointing to clips and shells in his hands), and six or seven of these empty shells are the ones which you found there that morning?—A. Yes, sir.

Q. After finding these empty cartridges and this clip and ball cartridge at Miller's Hotel, did you find any more empty cartridges in the streets of this city the next morning?—A. Yes, sir; that morning about daybreak.

Q. Where was that?—A. In front of Mr. Starck's residence on Washington street.

Q. About how many did you find there?—A. I don't remember. I picked up some empty shells. Mr. Starck picked up some and they were all turned over to me. I must have picked up at least five or six.

Q. These were all empty shells?—A. Yes, sir.

Q. And those shells that you picked up are among those that you have offered in evidence here?—A. Yes, sir. I would also say that Mr. William Houghton, jr., the plumber, gave me some. He gave me a handful. He gave me about eight or ten.

Q. And those are among this number?—A. Yes, sir.

Q. Did he state to you where he had picked these up?—A. Yes, sir; near the Miller Hotel alley.

Q. Do you know whether there were any others found?—A. There were some others turned in, but I don't remember who turned them in.

Q. Were there any other loaded cartridges turned in?—A. Some of those that Mr. Houghton turned in had ball cartridges. After Mr. Houghton turned over this handful to me the next morning, I learned (I don't remember the source) that he still had some shells and cartridges. He went back into his house and brought out a handful of these. I don't remember the number, and these shells were turned over to the chief of police, and I don't think they are all here. I asked Mr. Houghton why he had not given all to me, and he said he had retained these as souvenirs, and asked me if I would return them to him when I got through with them.

Q. Now, were there any other clips other than this one here that you found?—A. Yes, sir; Mr. Houghton turned over a couple of clips. Some of these are part of those he gave me. There are several ball cartridges in those.

Q. I will show you, Mr. Combe, two clips here containing empty cartridges, and some with balls, and ask you whether these two clips and these cartridges were turned over to you by the citizens?—A. Yes, sir.

Q. By the citizens of this town?—A. Yes, sir.

Q. Soon after this shooting?—A. Yes, sir.

Q. About how long after?—A. All these clips and shells that you see here were turned in to me, some the following day, and some I got from Mr. Houghton on the 15th.

Q. Then from the morning of the 14th to some time during the day of the 15th all these shells were collected?—A. Yes, sir.

Q. And do you know who it was who turned over these two clips?—A. Yes, sir; Mr. Houghton.

Q. And have you named all the men who turned in cartridges or empty shells or clips to you at that time?—A. As near as I can remember.

Q. And these clips and cartridges have been in the possession of the officials of this city and county since that time?—A. Yes, sir; positively in their possession.

Q. Mayor Combe, I will show you Exhibit A, and ask you whether or not you can locate the various lights in the portion of the city of Brownsville shown by this map which were lighted on the night of the 13th of August, the various street lamps and other bright lights upon the streets?—A. There were two lights, one on either side of the sally port of the garrison; that is, the gate through the garrison wall on Elizabeth street.

Q. Then proceeding up Elizabeth street toward the town, where was the next light?—A. On the corner of Fourteenth and Elizabeth streets, at the corner of Mrs. Leahy's hotel.

Q. Then where was the next light?—A. The next light was the one in front of the Miller Hotel office, an acetylene light, and one in the court yard of Miller's Hotel, also an acetylene light.

Q. Where was the next light?—A. On the corner of Wreford's office, diagonally across from Miller's Hotel. The next light was on Elizabeth street, at the corner of the Merchants' National Bank on Elizabeth street and Twelfth street.

Q. Now, with reference to Washington street.—A. There was a light on the corner of Fourteenth and Washington streets.

Q. Proceeding up Washington street in a northerly direction, where was the next light?—A. At the corner of Thirteenth and Washington streets.

Q. And then where was the next light on what street?—A. At the corner of Twelfth and Washington streets.

Q. Are those lights which you have indicated substantially all the street lights in the portion of the town embraced in this exhibit?—A. Yes, sir; there was one light on Elizabeth street in front of Crixell's saloon.

Q. Now, those lights that you have located upon this plat, Exhibit A, are marked by stars at the places which you have indicated?—A. Yes, sir.

Q. Have you examined the various buildings and dwelling houses in this town, into which shots were fired on the night of the 13th of August, for the purpose of ascertaining the alignment of the shots and the direction from which they must have been fired, as determined by the entrances and exits of the bullets?—A. Almost everyone.

Q. I will call your attention first to the Yturria house, located on Washington and Fifteenth streets, next to the garrison wall, and ask you to describe in a general way the bullet holes in that house.—A. I have not examined the Yturria house.

Q. Will you state as to the bullet holes in the Cowen house?—A. There are several bullet holes in the Cowen house, evidently fired from the alley, and fired from the shoulder.

Q. Will you state with reference to the bullet holes in the Miller Hotel?—A. Yes, sir; there is one bullet hole in the jamb of one of the windows in the alley and two of them in the brick work on Thirteenth street.

Q. From what position were they apparently fired?—A. Fired from the ground, up in the rear of the Miller Hotel.

Q. Now with reference to the other shots in the locality of the Miller Hotel?—A. There is one in the door on the ground floor of Mr. Wells' office, about 4 feet off the ground.

Q. Where is that located?—A. That is on Thirteenth street, between Elizabeth street and the Hotel Miller alley. Then there is one in Mr. Wreford's office, just about 8 feet off the ground.

Q. And what is the height of the point of exit in Mr. Wreford's office?—A. It is a little higher than the point of entrance.

Q. And from what position was that shot apparently fired?—A. From somewhere near Miller's Hotel, evidently near the rear of Miller's Hotel.

Q. Now with reference to the shots fired into the rear of Tillman's saloon?—A. I can not say; I have not examined those.

Q. Have you examined the shots in Mr. Starck's house?—A. Yes, sir.

Q. Will you state from what position they were apparently fired?—A. They were fired—they were evidently fired from Washington street into the house and ranged upward.

Q. About how far from the intersection of Washington street and Thirteenth street?—A. About 20 yards.

Q. These are all the buildings that you examined for the purpose of ascertaining the alignment of the shots?—A. Yes, sir.

Q. Mr. Combe, you were in the Army, were you?—A. Yes, sir.

Q. What was your regiment?—A. I was a staff officer; I was not a regimental officer. I served at headquarters nearly all the time.

Q. How long were you connected with the Army?—A. From 1898 to 1902.

Q. And you served where?—A. I served in Cuba, in the Philippines, and a short time in San Francisco.

Q. And what time did you leave that service?—A. In October, 1902. I came across the Pacific with the Twenty-fifth Regiment.

Q. Now, Mayor Combe, I will ask you whether you know of any protests or objections being made by any of the city or county officials of this county to the bringing of colored troops here to Fort Brown?—A. No, sir; I know of no such protest.

Q. So far as you know there was no objection on the part of the people to the stationing of those troops here?—A. No, sir.

Q. I presume, Mr. Mayor, that you learned from time to time something of the feeling that had arisen during the two weeks that the troops were here prior to the 18th of August?—A. Yes, sir.

Q. And that feeling arose from differences which different members of the garrison had with different citizens of the town?—A. Yes, sir. In that connection I wish to say that the chief of police and the force generally were instructed by me to show the negro troops the same considerations that were shown to the white troops.

Q. Did you have any reason to anticipate any such trouble as occurred the night of the 13th of August?—A. No, sir. It was a complete surprise to me. I told Major Penrose that I had served among colored troops and that I had always found them obedient and well disciplined, and that I did not anticipate any trouble. I said that to Major Penrose more than once.

Q. That was prior to the 13th of August?—A. Yes, sir.

Q. After this raid occurred on the night of the 13th of August, did you form and entertain in your own mind any well-defined idea or opinion as to the causes which brought about that disturbance?—A. Yes, sir.

Q. Will you state them briefly?—A. These soldiers had altercations with different citizens. First, the attempted outrage on Mrs. Evans and the refusal of the barkeepers to serve drinks to the troops at the same bar with the white men, although I wish to say in this connection that the bartenders were very considerate and not at all rash. They spoke to the officers and told them their reasons, said it would ruin their business, and they put up separate bars for these men. Then there was the Tate affair. There were two enlisted men, two colored soldiers, walking up the street, and met a party of ladies coming from the opposite direction. These men, instead of taking the outside of the pavement or the vacant lot on one side, roughly brushed through the ladies, jostled them almost off the sidewalk. Mr. Tate, who was walking in the rear of these ladies with his wife, knocked one off the sidewalk for his ungentlemanly act and the other one ran away. Two colored soldiers returning from Matamoros got into a quarrel at the landing and one of the customs officers, Mr. Baker, in forcing one of them to move on, pushed him off the walk into the mud.

Q. All these incidents that happened during those two weeks tended, in your judgment, to bring about this occurrence on the night of the 13th of August?—A. It is possible; and my request of Major Penrose to keep his troops in the post.

Q. You had made that request?—A. I made the request that afternoon of the 13th of August, and they broke into town that night.

Q. What was the particular cause for your making that request on the 13th of August?—A. Because I went down with Mr. Evans to see Major Penrose, and on account of the excitement and feeling in town over the Evans affair I requested him not to allow his troops to come into town that night. That was about 5.30 in the afternoon of August 13.

Q. Did you know whether orders were issued for the men to stay in the garrison that night?—A. Yes, sir; Major Penrose took up the matter and issued an order at once.

Q. Now, I will ask you, Mr. Mayor, whether you are familiar with the character of firearms owned and used by the citizens of Brownsville generally?—A. Yes, sir.

Q. Do you know of any rifle owned in Brownsville by a citizen, from which ammunition of this kind (referring to the kind turned over to Mr. Purdy by the mayor) could have been fired?—A. No, sir; I do not.

Q. Those empty shells and ball cartridges that were picked up in the streets of Brownsville on the morning of the 14th of August and turned over to you by the sheriff of this county were fired from what kind of a rifle, if you know?—A. The modern Springfield rifle.

Q. Such as were in the possession of the soldiers stationed at Fort Brown?—A. Yes, sir.

Q. Did you have a conversation with one of the officers of the Twenty-fifth Infantry a short time before that battalion left Brownsville last August, as to the empty shells which were found near the garrison wall?—A. Yes, sir.

Q. Who was that officer?—A. Captain Macklin.

Q. You may state briefly what that conversation was.—A. I was at Captain Macklin's quarters one night shortly before his departure from Brownsville, to say good-by to him, and he stated to me that he had quite a number of these shells and clips in his possession, which he showed me, and which were the same as those I picked up. He stated to me that he had found them just outside the garrison gate, which opens on Elizabeth street, the morning after the raid.

Q. Is there anything else which you care to state at this time?—A. Yes, sir; I would like to state here that one Wilbert Voshelle has made an affidavit that I, in the presence of Mr. Evans, said to Major Penrose, on the afternoon of August 13, about 5.30 p. m., "If an arrest is not made by 11 o'clock to night, any soldier found on the streets will be shot." I desire here to state that this is absolutely false, and can be proven from affidavits from Major Penrose and Mr. Evans.

FREDERICK J. COMBE, M. D.

THE STATE OF TEXAS, *County of Cameron, ss:*

Dr. Frederick J. Combe, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

FREDERICK J. COMBE, M. D.

Subscribed and sworn to before me this 31st day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, County of Cameron, State of Texas.*

BROWNSVILLE, TEX.,  
*January 1, 1907.*

Maj. A. P. BLOKSOM, United States Army,  
*Brownsville, Tex.*

SIR: I have the honor to invite your attention to an omission made in my testimony before Mr. M. D. Purdy, December 31, 1906.

In that connection I desire to say that no building in the garrison (Fort Brown) shows any evidence of having been fired into on the night of August 13, 1906.

Further than this Maj. C. W. Penrose stated to the citizens' investigation committee on the morning of August 14, 1906, that none of the buildings in the garrison showed any evidence of having been fired into.

Very respectfully,

FREDERICK J. COMBE, M. D.,  
*Mayor.*

THE STATE OF TEXAS, *County of Cameron:*

Subscribed and sworn to before me this 1st day of January, A. D. 1907.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

Mr. FELIX VALDEZ CALDERON was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Calderon, you are a police officer of the city of Brownsville?—A. Yes, sir.

Q. And you were such police officer on the 13th day of August of this year?—A. Yes, sir.

Q. Do you remember being in the alley at the rear of the Miller Hotel at 5 o'clock on the morning of the 14th, the day after the shooting here in town?—A. Yes, sir; I was with the chief of police.

Q. What were you doing there, Mr. Calderon?—A. We came there for the purpose of investigating this matter and finding what we could.

Q. Do you know Mr. Cerda, the vegetable man?—A. Yes, sir.

Q. Was he there when you came into the alley at the rear of the Miller Hotel on that morning?—A. The chief of police and I were going forward, leaning over, looking, and finding these long steel cartridges, and I happened to look up and saw Cerda back of the large gate—the Miller Hotel gate in the alley. I saw him pick up something off the ground and roll it up like this (indicating). I approached him and asked him what he had, and he said, "Nothing; it looks like some rags." And showed it to me, and I said, "They must belong to these negro soldiers." He handed it to me and I examined it and said, "Why, that certainly is a bandolier that the soldiers must have thrown away or dropped last night. Give it to me, so that I may turn it over to the chief of police." He handed it to me and I delivered it at once to the chief.

Q. Is this the bandolier which you received from Cerda that morning? (Mr. Purdy exhibited bandolier which was turned over to him by the mayor.)—A. Yes; that is the one he had, and it was rolled up this way when he picked it up.

Q. You then turned it over to the chief of police?—A. Yes, sir. I continued down the alley and I found other cartridges there at the Cowen house corner. At that corner I found quite a number.

Q. About how many?—A. I gathered at the Cowen corner fully ten or fifteen.

Q. To whom did you give those cartridges and shells?—A. To the chief of police; empty shells, and also ball cartridges. I delivered them all to the chief. I think there were two or three ball cartridges. I kept on down and saw an officer or soldier—I think it was an officer, because he had leggings and a pistol. And I saw him gathering shells—saw him pick up two or three shells and show them to a negro soldier inside the wall with his carbine on his shoulder.

Q. Did you find any clips on that morning when you came down the alley?—A. I am not sure, but I think in the bandolier there was an empty clip.

Q. Was there any ball cartridges in the bandolier?—A. I am not positive, but I am under the impression that there was a clip and a ball cartridge in it.

FELIX VALDEZ (his x mark) CALDERON.

THE STATE OF TEXAS, *County of Cameron, ss:*

Mr. Felix Valdez Calderon, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and

that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

FELIX VALDEZ (his x mark) CALDERON.

Subscribed and sworn to before me this 30th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, County of Cameron, State of Texas.*

Mr. GEORGE CONNOR was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. George Connor.

Q. You are the chief of police of the city of Brownsville?—A. Yes, sir.

Q. And you occupied that official position during the month of August of this year?—A. Yes, sir.

Q. Do you remember being present at the rear of the Miller Hotel in the alley about 5 o'clock on the morning of the 14th of August, 1906?—A. Yes, sir.

Q. Who was with you at the time?—A. One of my officers, Felix Valdez Calderon.

Q. What were you doing there at that time?—A. We were looking to see whether there were any empty shells or not.

Q. Do you remember seeing Mr. Cerda there that morning?—A. Yes, sir.

Q. When was your attention first attracted to him?—A. My officer ahead of me at the time down the alley met this man about 15 or 20 feet from where I was. He was ahead of me, and Cerda was standing there and had this (indicating) bandolier in his hands; and he had some words with my officer there and gave it to him, and then the officer turned and gave it to me.

Q. You did not see Mr. Cerda pick it up?—A. No, sir; but I think my officer did.

Q. Was the bandolier picked up between the place where you stood and the entrance of the alley on Thirteenth street?—A. No, sir; but not very far from the corner, just opposite the big gate going into the Miller Hotel.

Q. The bandolier was picked up, then, between where you were standing looking for shells and the entrance to the alley at the rear corner of the Miller Hotel, was it not?—A. Yes; I think so.

Q. From what street did you enter the alley?—A. From Twelfth street.

Q. And you and your officers came down back of Tillman's saloon looking for shells?—A. Yes, sir.

Q. Did you find any there?—A. I don't remember.

Q. Then you proceeded down the alley to the intersection of the alley and Thirteenth?—A. Yes, sir.

Q. And you crossed over Thirteenth street to the rear of Miller's Hotel?—A. Yes, sir.

Q. And when you got into the alley, the Mexican (Cerda) was ahead of you toward the barracks?—A. Yes, sir.

Q. And you first noticed him when he gave something to the officer with you who was ahead of you?—A. Yes, sir.



Q. You had not observed the Mexican up to that time?—A. No, sir.

Q. And then you saw him give the bandolier to the officer?—A. Yes, sir.

Q. And he turned back and gave it to you?—A. Yes, sir.

Q. Did you find any shells or ball cartridges back of the Miller Hotel?—A. Yes, sir.

Q. About how many?—A. I don't remember.

Q. Were there as many as a half dozen?—A. I think there was more.

Q. Then from there you went on down the alley toward the barracks until you arrived in the vicinity of the Cowen house?—A. Yes; I did not come to the corner, but my officer did. I stopped and talked with some women.

Q. Did you not go and search for cartridges down the alley?—A. No, sir; my officer did.

Q. You did not go to the barracks wall?—A. No, sir; my officer did.

Q. Did he afterwards turn over any cartridges to you, that he found down in the same alley?—A. Yes, sir.

Q. What was the reason you did not go with him?—A. I stood and talked with some women, and he went on ahead.

Q. And you then had the bandolier and some of the cartridges that you picked up in the rear of the Miller Hotel?—A. Yes, sir.

Q. Do you know whether there were any clips among those cartridges or in the bandolier?—A. No; I don't remember.

Q. Would you not remember if there had been one?—A. Yes; I think so.

Q. So your best judgment is that there was no clip among those cartridges that you found that morning?—A. Yes, sir; but I found one by itself on the ground.

Q. Whereabouts?—A. Before getting to the corner of the Miller Hotel, in the alley.

Q. In the alley on the other side of Thirteenth street?—A. Yes, sir; between Twelfth and Thirteenth.

Q. You found the clip?—A. Yes, sir.

Q. And that clip is among these here, which I show you?—A. Yes, sir.

Q. And also those shells and ball cartridges you found?—A. Yes, sir. I turned them all over to the mayor and he turned them over to the sheriff and to the grand jury.

GEORGE CONNOR.

THE STATE OF TEXAS, *County of Cameron, ss:*

George Connor, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

GEORGE CONNOR.

Subscribed and sworn to before me this 30th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, County of Cameron, State of Texas.*

JUAN CERDA was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

(Given through Interpreter John J. Kleiber, esq.)

Q. Mr. Cerda, where do you live?—A. At the Ramreña.

Q. About how far from Brownsville?—A. On the edge of the city.

Q. In what occupation are you engaged?—A. I raise vegetables and garden crops.

Q. Do you peddle your vegetables and garden produce through the streets of Brownsville?—A. Yes, sir; I come before daylight every morning.

Q. Did you come into the city of Brownsville on the morning after the shooting occurred here in this town on August 13, 1906?—A. Yes, sir.

Q. While you were going through the streets peddling your vegetables on that morning did you find anything in the streets?—A. I found a cartridge holder, made of duck, I judge.

Q. I will show you this bandolier and ask if it is the one you found that morning (Mr. Purdy exhibited bandolier brought to him by the sheriff)?—A. I would not swear that that is the exact one, but it is one like it; it had no cartridges in it.

Q. What did you do with the bandolier that you found?—A. I gave it to a policeman, Felix Calderon; he asked me for it and I handed it to him, and he gave it to the chief of police.

Q. Where did you find that bandolier that you handed to the police officer?—A. We three (the chief, Calderon, and Cerda) were in the alley and I found it in that alley immediately opposite the large door of the Miller Hotel fronting on the alley.

Q. At about what time of day did you find it?—A. About 5 o'clock in the morning.

Q. Was it light or dark at that time?—A. It was already light.

Q. Where was the bandolier lying when you picked it up?—A. It was immediately in front of this gate in the alley.

Q. In the middle of the alley or on one side?—A. About the middle of the alley.

Q. How did you happen to be in the alley at that time?—A. I had heard the remarks about this shooting and also about the horse of the lieutenant's that had been killed, and I came down to see about it and to inform myself.

Q. What were you doing in the alley in the rear of Miller's Hotel?—A. I was there with the chief of police and Policeman Calderon, who were picking up and looking for cartridges and shells.

Q. Did you see them pick up any cartridges and shells?—A. I don't know whether they found any or not; no, sir; they were looking; they may have found some.

Q. How near was this bandolier to the place where they were looking?—A. Near by. They were further down the alley than me; about 10 or 12 paces.

Q. Were the officers in the alley when you went in there?—A. They arrived there after I did; we three were looking around there in the alley.

Q. Did you pick up this bandolier before or after they came?—A. They were there in the alley at the time I found it.

Q. Did you immediately turn it over to the police officer?—A. Yes.

Q. And you have not seen it from that time until now?—A. No, sir.

JUAN (his x mark) CERDA

THE STATE OF TEXAS, *County of Cameron, ss:*

Juan Cerda, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

JUAN (his x mark) CERDA.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
*Clerk District Court, Cameron County, Tex.*

CHARLES C. MADISON was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Madison, what is your business?—A. I work at most anything. I am working on the dredge now at Harrisburg. I am a plumber and blacksmith.

Q. Where is your home?—A. In South Dakota.

Q. How old are you?—A. Twenty-five years old.

Q. How long have you been in the South?—A. I came down here with the Twenty-sixth Infantry in 1903.

Q. Were you stationed at Fort Brown?—A. Yes, sir.

Q. And you were discharged from the Army there?—A. Yes, sir.

Q. How long did you live at Brownsville after you were discharged from the Army?—A. I was discharged twice. The first time I left right away, and afterwards I came back and was there from about April until August, 1906.

Q. Were you in Brownsville during the month of last August?—A. Yes, sir.

Q. What were you doing there at that time?—A. I was plumbing.

Q. For whom?—A. For Mr. William Houghton.

Q. Where were you on the night of the 13th of August, 1906?

A. I was in a little room right at the side of Mr. Houghton's plumbing shop.

Q. Where is that located?—A. On Thirteenth street, between Elizabeth and Washington streets.

Q. Where, with reference to the Miller Hotel?—A. It was not right across, but kind of on the corner. The hotel was on one corner and our shop was nearly on the other corner, across Thirteenth street.

Q. Did you see or hear any shooting on that night?—A. I heard plenty of it; yes, sir.

Q. Were you in bed at the time?—A. Yes, sir.

Q. Will you describe, as nearly as you can, where that shooting was that you first heard and also the subsequent shooting that you heard?

A. It sounded like it was right over near the post, and then about that time I heard it near the Ruby saloon, down in the alley, close to where

we were living, and then it came closer, and they were shooting at last right in the alley in front of us, just on the side of Judge Park's office.

Q. Were you in bed during all this time?—A. I was in bed until I heard the shooting and that woke me up, and then I got up and went out into the back yard and we stood there and listened until it was over.

Q. Who was with you?—A. Mr. Houghton—he came downstairs—and William Houghton, jr., the boy, he was in the room with me, and then we got up and went out into the back yard; and then Mr. Houghton came down from upstairs and we stood there and listened.

Q. You did not see the men who were doing the shooting?—A. No, sir.

Q. Did you hear any voices?—A. No, sir; I heard a kind of a yell like an Indian war whoop, or like some drunken men down in the alley.

Q. Did you know whether it was one of the men who did the shooting or some one else that gave the yell?—A. I could not swear to that; I could not see them, but it sounded like it was the men who were doing the shooting.

Q. Now, Mr. Madison, what did you do the next morning?—A. The boy and I generally went to the market every morning about daylight, and that morning we got up a little before daylight and went outside thinking that we could find some of the shells or something, and right in front of Judge Park's office I found several shells and also some clips; and I then went right around in the alley to the side of Judge Park's office and found some more. I then went down that alley by the Ruby saloon, and down Twelfth street, nearly in front of that saddlery place, I found another clip. I took them all home and gave them to Mayor Combe, or nearly all of them. And Mr. Sargent happened to be there at the time, and I gave him—or Mr. Houghton gave him—one clip.

Q. He gave a clip to Mr. Sargent?—A. Yes, sir.

Q. And how many shells did you give to Mr. Sargent, as nearly as you can remember?—A. Well, Mr. Houghton gave him the shells; they were lying in the desk, and Mr. Houghton went and gave him some. I think there were about two or three shells and one clip.

Q. Did you give him any ball cartridges?—A. Yes, sir; one, I think. Some were fired and some were not.

Q. I will show you the clip that Mr. Sargent has turned over to me, marked with the letter "S," and ask you if that is the clip that you gave to Mr. Sargent?—A. It looks very much like the one; I could not swear as to that, they look so much alike.

Q. I will also show you a ball cartridge which Mr. Sargent turned over to me, and will ask you if you gave him or Mr. Houghton this ball-cartridge?—A. This is just like the one that Mr. Houghton gave to Mr. Sargent.

Q. I will also show you the shell marked with the letter "S" on it, and ask you if it is similar to the one that you gave to Mr. Sargent?—A. Yes, sir; it is.

Q. About how many cartridges did you and Mr. Houghton pick up that morning at the places that you have mentioned?—A. I think I got about eight or nine myself, and Willie Houghton, he got four or five.

Q. So the two of you got in the neighborhood of ten or twelve?—A. Yes, sir.

Q. And at the same time you and Willie Houghton picked up three clips?—A. Yes, sir; there were three or four of them.

Q. And those which you did not give to Mr. Houghton, sr., or to Mr. Sargent you turned over to Mayor Combe?—A. Yes, sir.

Q. I will ask you, Mr. Madison, whether you saw anyone else pick up any cartridges on that morning?—A. Yes, sir; I saw a Mexican boy pick up several of them.

Q. Where?—A. At the same place. He worked at the Miller Hotel. I think he turned them over to Mayor Combe.

Q. Is there anything else, Mr. Madison, which you think of, concerning which you care to make a statement?—A. I heard them make a low whistle during their shooting that sounded to me like a signal, but it was not answered, and I don't know what it was intended for.

Q. When was that, with reference to the last shooting that you heard, before or after?—A. It seemed like that they were shooting at the same time.

Q. How long was it after that that the shooting ceased?—A. In a minute or two; shortly after.

Q. Mr. Madison, how long did you serve in the Twenty-sixth Infantry?—A. I served three years on my first enlistment, and then I enlisted again after about seven months and served about a year and then I was discharged by purchase.

Q. Are you familiar with the sound of the new Springfield rifle?—A. Yes, sir.

Q. How often have you heard that gun fired?—A. I have heard them at the target range at Point Isabel frequently—just after they came out.

Q. Now, Mr. Madison, will you state whether or not there was anything peculiar in the sound of the guns which you heard on the night of the 13th of August in Brownsville in the neighborhood of 12 o'clock?—A. It sounded to me like an army rifle, and I could hear the shells when they were extracted and when they were being loaded. I never heard any other rifle but an army rifle sound the same as that.

Q. You state that on that night you heard these men who were doing the shooting extract the shells and load the guns?—A. Yes, sir.

Q. Could you hear that distinctly?—A. Yes, sir.

Q. Could you, Mr. Madison, describe that sound—the sound of extracting the shells and loading the guns—that you heard on that night?—A. It sounded just the same as those did on the target range down at Point Isabel.

CHARLES C. MADISON.

THE STATE OF TEXAS, *County of Harris, ss:*

Charles C. Madison, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

CHARLES C. MADISON.

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

[SEAL.]

C. DART,

*Clerk, U. S. District Court, Southern District of Texas.*

By L. C. MASTERSON,

*Deputy Clerk, District Court, Southern District of Texas.*

WILLIAM G. HOUGHTON, Jr., was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Your name is William G. Houghton, jr.?—A. Yes, sir.

Q. How old are you, William?—A. Eighteen years old.

Q. Were you in Brownsville during last August?—A. Yes, sir.

Q. Where were you on the night of the shooting?—A. Mr. Madison and I were sleeping in a little room next to the shop.

Q. In which direction was the first shooting which you heard?—A. In the direction of the fort, and later it was up further past our place, by the saloon, and then they stopped at the corner of the Miller Hotel and did a lot of shooting.

Q. Where were you and Mr. Madison at the time the shooting was going on in that vicinity?—A. When we first heard the shooting we were asleep at the store, then we got up and went out into the back yard to get out of the way of the bullets. We could see the flashes of the fire.

Q. Where did you see the flashes?—A. Right in the alley by our place, right over the fence. We could not see the men for the fence, as it was about 5 feet high.

Q. Did you hear any talking?—A. No, sir; but I heard some one whistle a low whistle which sounded like a signal, but I did not hear anybody say anything.

Q. Could you hear the working of their guns?—A. Yes, sir. We opened the door about halfway open, and I heard them loading their rifles.

Q. What time was it the next morning that you picked up the shells?—A. About 5 o'clock.

Q. Who was with you?—A. Mr. Madison.

Q. Where did you pick up the shells on that morning?—A. In front of our door and on the corner by Judge Parks's office, and then further down we picked up some more.

Q. That was the morning on which they did the shooting?—A. Yes, sir. Then, around about a block from our house, we picked up some shells, 1 loaded and 1 empty.

Q. Where did you pick up that clip?—A. Right in front of the saddlery store.

Q. On what street?—A. On Twelfth street.

Q. How many clips did you and Charles Madison pick up on that morning?—A. I think it was just 1 that we picked up. We picked up a lot of shells and gave them to Mayor Combe; we must have had 7 or 8 of them. I picked up 5 or 6 myself, and gave a lot to him.

Q. Did you or Mr. Madison give any to Mr. Sargent?—A. Yes, I think my father did; 1 loaded and 1 empty. And I think it was in a clip—I am not sure.

WILLIAM G. HOUGHTON, Jr.

THE STATE OF TEXAS, *County of Harris, ss:*

William G. Houghton, jr., being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters

therein stated upon information and belief, and that as to those matters he believes them to be true.

WILLIAM G. HOUGHTON, Jr.

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

[SEAL.]

C. DART,

*Clerk U. S. District Court, Southern District of Texas.*

By L. C. MASTERSON,

*Deputy Clerk District Court, Southern District of Texas.*

MR. FRANKLIN JAMES SARGENT was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Sargent, what is your full name?—A. Franklin James Sargent.

Q. What is your business?—A. General contractor, waterworks and sewerage.

Q. And where do you live?—A. I live at La Porte, Tex. My business is here, though.

Q. And how long have you been in business in Texas?—A. Seven years.

Q. Where were you born?—A. In Fenton, Mich.

Q. How long ago did you come to the South?—A. Eight years ago.

Q. Mr. Sargent, were you in Brownsville on the night of the 13th of last August?—A. I was.

Q. What were you doing there at that time?—A. I had a Government contract for placing an extension to the waterworks system at Fort Brown.

Q. And what men did you have with you at Brownsville engaged in the performance of that contract?—A. I had a gang of local men there, and the American citizens were Mr. Houghton and Charley Madison.

Q. How long had you been in Brownsville at the time of this shooting affray?—A. I could not say, positively. I think three or four days.

Q. Where were you rooming on the night of the 13th of August, 1906?—A. I was rooming in the boarding house kept by Miss Grace Clark, across the alley from the fort walls.

Q. You know where the telegraph station is located there?—A. Yes, sir.

Q. In which direction from the telegraph station?—A. It was down the wall running east two blocks.

Q. Now, this boarding house kept by Miss Clark is situated, as you state, just across the alley or street from the garrison wall?—A. There is one house between. The house is situated 50 or 60 feet from the wall.

Q. Had you retired on that night when the shooting commenced?—A. I was asleep when the shooting commenced; yes, sir.

Q. You may state now, Mr. Sargent, just what you heard and saw, if anything, on that evening.—A. Well, I went to bed rather early; I think between 8 and 9 o'clock. I was awakened by shots that were fired, I will say, toward the fort, and the supposition to me was then that the soldiers were drunk and had got into a fight. I got up and dressed. The firing continued, but it passed by up the alley—the second alley from the house west—went by and went up toward the center of the town, and a continued firing of shots. I dressed and went out

to the gate, when Mr. Tillman (the shooting was going on all this time) came by. His house was next to the one I was in, and he told me that he had come down to inform his wife that he was all right and to pacify her, and he told me as he started back toward the saloon that the saloon was open and one man in there and that he was going back. I detained him there at the gate until the shooting ceased and some little time afterwards. About that time there was a peculiar bugle call in the fort grounds. I looked at my watch at the time the shooting commenced and it was 12 o'clock by my watch, and this bugle call was a peculiar one. I was not used to it; did not know what it meant; but directly afterwards, I should judge half an hour—twenty minutes or half an hour—there was an officer who came along with a lantern, with about 35 or 40 soldiers, going along the street by the house—going toward the city hall by the side of my house.

Q. In the direction of the Western Union telegraph station?—A. No, sir; in the opposite direction, toward the city hall. I waited then because I anticipated that the city officers had taken over those soldiers and that they had landed them in the jail, and these soldiers had gone there to release them, and I expected to hear trouble; but there was nothing, and after I had stayed there for about one and one-half hours I sat down on the porch and waited and waited, and then I went to bed again. The next morning I went out on the street.

Q. About what time?—A. About 8 o'clock the next morning, I think; I did not look at my time—directly after breakfast. It was in the neighborhood of 8 o'clock. I went the whole length of the alley where the shooting took place. I went into the houses that the shots were fired into and my plumber gave me a clip. I don't know whether it was Willie Houghton or Charley Madison—they were together—one of them gave it to me.

Q. This clip I hold in my hands?—A. Yes, sir; with that loaded shell in it with three empty cartridges that I have given away somewhere. I gave two of them away. The clip was filled with empty cartridges. That is the clip and those are the shells.

Q. I will mark this clip, then, with a knife by scratching upon it the letter "S," for the purpose of identification. I will also mark this empty shell and ball cartridge with the letter "S." This clip, empty cartridge, and ball cartridge, and two other empty cartridges which you have since given away, were turned over to you by either Charley Madison or Willie Houghton, your plumber?—A. Yes, sir; with the statement that they had just picked them up.

Q. And these have been in your possession since that time?—A. No, sir; I just got those from the city engineer of the city of Houston. I gave them to him to put them in his office, and this morning, twenty minutes ago, I went up and he opened up his desk and they lay there where we put them, and I got them from him and brought them down here and turned them over to you.

Q. Is there anything else, Mr. Sargent, that you think of in connection with this shooting there in Brownsville concerning which you would like to make a statement?—A. Nothing more than what I have said, that the sound of the reports of those guns which I noticed being peculiar and coming from the fort. My supposition was that there was fighting over there and that the shooting continued as they were advancing toward the center of the town.



Q. When you received this clip and cartridges, which you have described, from Mr. Houghton or Mr. Madison the next morning, I presume there were many other people walking up and down that alley and looking around for cartridges and examining the houses that had been shot into?—A. Yes, sir; quite an excitement in the town, and of course they drifted, and I went directly down to the house that was shot up from the alley. I think it was the first house that was shot up.

Q. Was that the Cowen house?—A. Yes, sir; I went all through it and saw the evidence of the bullets. By the appearance the house was shot through from the alley.

FRANKLIN JAMES SARGENT

THE STATE OF TEXAS,  
*County of Harris, ss:*

Franklin James Sargent, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge and belief, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

FRANKLIN JAMES SARGENT.

Subscribed and sworn to before me this 7th of January, 1907.

[SEAL.]

C. DART,

*Clerk U. S. District Court, Southern District of Texas.*

By L. C. MASTERSON,

*Deputy Clerk District Court, Southern District of Texas.*

11. *Testimony as to bullet marks and the finding of the bullets.*

UNITED STATES OF AMERICA, *District of Columbia, ss:*

I, A. P. Blocksom, being first duly sworn, depose and say that I am a major and inspector-general in the United States Army; that on the 22d day of December, 1906, I was duly authorized and directed by the Secretary of War, through the proper official channels, to go to Brownsville and other places in the State of Texas, for the purpose of investigating the shooting affray committed in the city of Brownsville on the night of the 13th of August, 1906, in which it was alleged that certain members of Companies B, C, and D, of the Twenty-fifth Infantry, were implicated; that I arrived in Brownsville on the 26th day of December, 1906, in company with Milton D. Purdy, assistant to the Attorney-General, and was engaged in that city in the investigation of said shooting affray until the 2d day of January, 1907; that during the course of my investigation I was present at the taking of the testimony of Miss Gertrude Cowen in the Cowen residence at Brownsville, and saw Miss Gertrude Cowen pick a bullet from its place between the plate-glass mirror in the wardrobe and the wooden backing of said mirror after the glass had been broken away from its position in the said wardrobe; that the bullet which Miss Cowen picked out at that time is flattened at the base, and was marked with a star on the flattened portion of said bullet by Mr. Purdy for identification, and was thereafter turned over to Mr. Purdy as

an exhibit in said investigation; that I also saw Mrs. Louis Cowen turn over to Mr. Purdy at the same time two pieces of metal resembling bent tin, which Mrs. Cowen claimed were found in one of the rooms which had been shot through on the night of the 13th of August, 1906; I further state that Mr. Ygnacio Garza gave to me on the 1st day of January, 1907, the bullet with a deep indentation upon the side of its nose, which bullet was given to me in connection with the testimony of Mr. Garza, and which he claimed that he extracted from the wooden top of the well located in the yard of Mr. Yturria, on the 14th day of August, 1906, which said bullet I subsequently turned over to Mr. Purdy as an exhibit to be used in connection with the testimony of Mr. Garza; I further state that on the 1st day of January, 1907, I personally dug out of the dining-room door in the home of Mr. Yturria, in Brownsville, the bullet marked with a cross near its base for identification, which said bullet I subsequently turned over to Mr. Purdy for use as an exhibit in connection with this investigation; I further state that the three pieces of metal resembling bent tin, one of which has a round hole in it about the size of a small pea, were given to me by Mr. Garza on the 1st day of January, 1907, and which he claimed were found by him on the floor of his dining room on the morning of August 14, 1906, which three pieces of metal, resembling bent tin, were subsequently turned over by me to Mr. Purdy as exhibits in this investigation; and further affiant sayeth not.

A. P. BLOCKSOM,  
*Major, Inspector-General.*

Subscribed and sworn to before me, this 11th day of January, A. D. 1907.

[SEAL.]

A. C. CAINE,  
*Notary Public, District of Columbia.*

[NOTE.—Three bullets that were found, as Major Blocksom explains in his letter of transmittal, were received, one from a wardrobe in the Cowen house, which was taken out in his presence; another was taken out at the Yturria house and dug out of the dining-room door by Major Blocksom himself. The third was turned over to Major Blocksom by Ygnacio Garza, having been found by him in the wooden covering of a well in his yard the day after the shooting. The bullets testified to by Mrs. Moore and Mrs. Odin and others were pieces from the steel jackets, stripped from the lead bullets.]

## 12. *Expert evidence as to bullets, rifles, etc.*

Capt. HANSON E. ELY was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Hanson E. Ely.

Q. You are a captain in the United States Army?—A. Yes, sir; captain, Twenty-sixth Infantry, United States Army.

Q. How long have you been connected with the Army?—A. Nineteen years and six months.

Q. Captain, are you familiar with the rifle used by the United States Army at the present time and during the past year?—A. Yes, sir.

Q. What is that rifle called?—A. The new Springfield rifle.

Q. And what is its caliber?—A. Thirty hundredths.

Q. Will you describe in a general way the ammunition which is fired from that rifle?—A. The ammunition which is ordinarily used is that made by the Ordnance Department or the United States Cartridge Company. It is a cartridge about  $3\frac{1}{4}$  inches in length, has what is called a bottle-neck shell, and a bullet about  $1\frac{1}{4}$  inches in length, steel jacketed throughout. The shells have on their butt the mark of the Ordnance Department or that of the United States Cartridge Company. These cartridges are carried in brass clips holding five each, similar to this (witness showed one of the clips turned over by the mayor of Brownsville to Mr. Purdy).

Q. Now, Captain Ely, will you state what experience you have had in the use of this new Springfield rifle?—A. I have had more experience with the old "Krag" rifle, though I have had some with the new Springfield, but the bullet fired and the effects of the bullet are the same in the two, being made practically identical, the new Springfield bullet being a little more pointed, however.

Q. About how long has the new Springfield rifle been in use in the Army?—A. About six to ten months.

Q. Will you state now, Captain, in a general way, the description of the new Springfield, how it is fired, and the number of "lands" in the bore?—A. The new Springfield rifle has a blue-steel barrel, 26 inches in length, yet is a magazine rifle, the magazine of which has what is called a direct feed—that is, it is immediately under the chamber and feeds up by a spring. This magazine is capable of holding five cartridges at the same time. There may be one other in the barrel chamber, which makes the gun practically a six-shot gun—repeater. The loading is effected by means of a bolt. It is technically called a "curved-bolt" gun. The bolt handle extend to the right at right angles to the bolt itself, the bolt being a prolongation of the barrel. The piece is operated by means of rotating the bolt handle upward and to the left until it is almost perpendicular, and then drawing it to the rear. This permits the cartridge to feed up from the magazine, and by pushing the bolt forward and turning the handle to the right, the bolt is locked, the piece cocked and ready for discharge. After being discharged the operation is repeated and the shell ejected by means of an ejector spring, which throws it to the right and rear a distance of from 3 to 6 feet, depending on the rapidity of the operation.

Q. Now, Captain Ely, I will show you the empty cartridges (32 in number) and ball cartridges (6 in number) and 3 clips which were turned over to me by the mayor of the city of Brownsville and the sheriff of Cameron County at the time of my investigation there last week in connection with the testimony of the mayor and other witnesses to the effect that they were picked up in the streets in the city of Brownsville a short time after the shooting affray there on the 13th of August, and will ask you whether you have examined those empty shells and ball cartridges?—A. Yes, sir; I have.

Q. Can you state whether they are similar to the ammunition such as is used in the new Springfield rifle in use in the United States Army?—A. Yes, sir; they are. In fact, there is no ammunition made

for any other guns in this section like this, and I could practically swear that that ammunition was made for that rifle—the new Springfield:

Q. Now, will you go on and state the difference between this ammunition, if any exists, and the ammunition which is used by other rifles in use in this section of the country outside of the Army?—A. I have hunted in this country, and am acquainted with a number of local hunters, and have shot with them. The only sporting rifles in use in this country to any extent whatever are the Marlin, the Remington, and the Winchester. These rifles I am somewhat familiar with. They could not use the Government ammunition such as you have shown me, because the powder charge is greater, the shell longer, and the projectile longer in the Government rifle than in rifles above mentioned; and while I am familiar with a number of those three makes, those I have seen could not possibly use this ammunition, their chamber being too short for it; and from what I know of rifles that I have not seen—from catalogues and studying the same—I am convinced that there are none made by these companies that will shoot the ammunition of the new Springfield rifle. I think there is a Savage rifle that will shoot this ammunition, but I have never heard of one in this country. The New York National Guard at one time used the Savage rifle.

Q. Now, Captain Ely, I will ask you what knowledge you have with respect to the bullets of this Government ammunition and the bullets used by the rifles which you have heretofore mentioned?—A. I have hunted with both rifles and the different ammunition used in the different sporting rifles and the Government rifle. It is invariably the case with hunters to use what is called the “soft-nose” bullet, such as is in this cartridge. (Witness marks the cartridge with an “E” with his knife on the side of the case.) When this cartridge is fired—that is, the soft-nose bullet—and the projectile strikes deer or other objects, the lead which is on the side of the steel case “mushrooms,” as it is technically called, and the caliber of the bullet is practically increased from six to tenfold, giving great shock and great power. This bullet (marked “H”) shows the effect of the striking of this soft-nose bullet and a “mushroom” bullet. The Government bullet projectile is steel-covered throughout; is not adapted to hunting, as a deer shot with it will run many miles before falling, if it falls at all. I myself have shot three shots through an antelope with such a bullet and had the antelope to get away, while striking a deer or antelope with the “mushroom” bullet the game seldom gets away, the shock being too great, the hole too large, and the bleeding too heavy.

Q. What effect is had upon the steel jacket when striking hard substances?—A. I have seen hundreds of these bullets, after they have been fired into gravelly ground and hard earth, and the effect on striking rocks or such substance is to tear the jacket from the bullet, sometimes simply breaking it open, sometimes the lead separating entirely from the open jacket, and sometimes the jacket is broken into several pieces which look like small particles of battered-up tin. The steel jacket of the projector, after being fired, will always show the marks of the “lands” of the bore of the rifle firing it. These “lands” cut into the steel and give the bullet the necessary rotation to keep it from tumbling.

Q. Now, Captain Ely, I will show you a bullet which Maj. A. P. Blocksom picked out of the dining-room door in the house of Mr. Yturria in the city of Brownsville, Tex., on the 1st day of January of this year, and will ask you to examine it and state in your judgment what kind of a bullet it is and all about it.—A. That is a new Springfield bullet, or bullet fired from the new Springfield Government service ammunition, caliber .30. This I can tell by the jacket of the bullet, its length, the shape of its nose, the mark of the four "lands" of the rifle on the bullet, which is deeper than that of the "lands" of any rifles used in this vicinity; and also the rifles used in this vicinity, other than the Government rifles, have a larger number of "lands" in them, and the "lands" are shallower than in the new Springfield.

Q. Now, Captain Ely, I will ask you whether you know of any rifle made which has as small a number of "lands," to wit, four, as those of the new Springfield rifle?—A. I do not, except probably the Krag. I am familiar with the Marlin, the Remington, and the Winchester rifles, practically the only rifles used in this country, or the rifles most generally used, and all of these rifles have either six or seven "lands."

Q. Will you explain what "lands" are, and what is their function?—A. The "lands" are projections from the interior of the bore of a rifle which runs spirally from the breech to the muzzle, forming helices. The twist of these "lands" in the Government rifle is one turn to eight inches of barrel length. These "lands" in the Government rifle are four in number, and they are more prominent, or have greater height, than in other rifles, the ordinary sporting rifles. The purpose of these "lands" is to give a rotary motion to the projectile by the "lands" being forced into the projectile, the projectile following the helices as it is projected from the piece. This rotary motion keeps the axis of the projectile constantly in the same direction, preventing what is called "tumbling," which would occur were it not for this rotary motion.

Q. Captain, can you state, from the marks of these "lands" upon the bullet which I have shown you, that was found by Major Blocksom in the Yturria House, whether that bullet was fired from the new Springfield rifle?—A. I can. It was fired from a new Springfield rifle. It has upon it the steel jacket of it and the marks of the four "lands" which were forced into the jacket as above described. The depths of these marks and their number (four), and the shape of the nose, indicate beyond all question that it must have been fired from the Government rifle—the new Springfield—as the other rifles used in this section of the country have a greater number of "lands," the height of which is less than in the Government rifle.

Q. I will ask you now, Captain, whether you know of any rifle, or have ever heard of any rifle, which would fire a bullet and leave upon it marks of "lands" similar to the marks upon this bullet which I have shown you?—A. I know of no such rifle, except the Krag, nor have I heard of any during my entire experience with rifles and rifle shooting. I will state in this connection that the cup won from the English rifle team by the United States rifle team, after having been taken to this country, was returned to the English rifle team on their protest that the rifles used by the American team were not accurately the military rifle in use by the United States Army, because these barrels used by the American competing team had been especially made with a larger number of "lands" in them, and these "lands" were shallower

than in the regular military rifle—the terms of the competition requiring that the military rifle should be used, and the cup was returned.

Q. Now, Captain, I will show you this bullet, indented at the side of the nose, and which Mr. Garza states in his affidavit that he picked out of the top of the wooden cover of the well at the house of Mr. Yturria, in Brownsville, on the 14th day of August, 1906, and will ask you to examine this bullet, which I now show you, and state whether or not it was fired from a new Springfield rifle, and, if so, your reasons for so stating.—A. This bullet was fired from a new Springfield rifle, the reasons being the same as above: The marks of four “lands” of the new Springfield rifle are shown distinctly on the bullet, with their greater depth than that of any other rifle used commonly in this vicinity, or used anywhere, so far as I know, and the caliber also is the same as that of the Government rifle.

Q. Captain Ely, I will next show you a bullet which was given to me, and marked with a star on the flat surface at the base of the bullet, in connection with the testimony of Miss Gertrude Cowen, and which is alleged to have been found in a wardrobe in the house of Mr. Louis Cowen, in the city of Brownsville, lodged between the plate-glass mirror and the wooden back of the mirror, on the day on which Miss Cowen's testimony was taken before me. I will ask you to examine this bullet and state whether in your opinion it was fired from a new Springfield rifle, and, if so, your reasons for so stating?—A. In my opinion this bullet was fired from a new Springfield rifle, it having the steel jacket covering the nose, is .30 caliber, has the four grooves made by the four “lands” of the Springfield rifle, having the depth which those “lands” make.

Q. From the examination which you have made of this bullet, which was found in the wardrobe in the Cowen house back of the broken glass, can you state as to whether that bullet could have been fired through two or three wooden partitions before striking the mirror in the wardrobe and still the nose of the bullet be in the condition in which you see it?—A. I can. The velocity of bullets from the new Springfield rifle (about 2,100 feet per second) is so great, and the nose of the bullet being covered with an extremely hard substance, which is a composition, but is ordinarily called steel jacket, it will penetrate about 50 inches of soft wood. I have seen bullets from the Government rifle penetrate a large number of pine boards without having the nose perceptibly defaced in any manner. At the same time I have known bullets to be deflected simply by knots in pine timber.

Q. Now, I will ask you, Captain, if you can account, taking into consideration the place where the bullet is alleged to have been found, back of the glass mirror, for the flattened condition of the base of the bullet, and also taking into consideration the further fact that the bullet was fired through two or more partitions of the Cowen house?—A. From much observation of bruised and mutilated bullets of this character, and the knowledge of the cause of the deflection of the same, I am of the opinion that this bullet was probably deflected from its course by some knot in the wood through which it passed, especially as I saw at one time a soldier wounded in a marker's pit by a bullet deflected by a knot in a pine two by four which constituted part of the shelter over his head. If this bullet had been so deflected, it probably tumbled, that is, going end over end, in which case it might have struck the thick

plate glass with its butt, breaking the glass and falling into the place you have described.

Q. Captain Ely, I have asked you several questions with reference to this bullet (handing same to Captain Ely) alleged to have been found in the wardrobe in the Cowen house. Are you able to state, from the bruised condition of the butt of this bullet, whether or not it passed through some object before coming in contact with the obstacle which produced the deformation?—A. Yes; it must have passed through some such obstacle, or the nose of the bullet would have struck first. Some obstacle must have caused a deviation of the direction of the bullet which caused it to tumble, which is the only explanation I can see for causing the deformation at the butt of the bullet.

Q. In this connection, Captain Ely, I will show you the two pieces of metal, which I hold in my hand, resembling bent tin, and which were claimed by Mrs. Cowen to have been found in the drawer of a dresser through which one of the bullets passed which were fired into the Cowen house on the night of the 13th of August. I will ask you to examine these pieces of metal (hands them to Captain Ely) and to state whether in your opinion they are portions of a bullet or bullets fired from the Springfield rifle?—A. I am fully convinced that these pieces are parts of the cupro-nickel casing or steel jacket of the projectile of the new Springfield ammunition. I have had considerable experience on the rifle range and have examined a very great number of broken-up projectiles, broken by the iron-target frame or stones in the earth, and these are without doubt parts of such a projectile. The hardness and constitution of the metal show it to be the peculiar composition used in this jacket, and not to be tin or any such ordinary substance.

Q. Captain Ely, I will ask you whether it is possible for the jacket of a ball fired from a new Springfield rifle into a frame dwelling house, after having passed through one or more partitions in the house, and into a heavy piece of oaken furniture, such as a dresser, to be broken up and disintegrated into small particles of metal resembling tin, such as I show you, and which were claimed by Mrs. Cowen, I believe, to have been found in one of the drawers of her dresser on the morning after the 13th of August, 1906?—A. Yes, it is entirely possible. The bullet would be so broken probably if it touched a nail or other hard substance in the wall or the dresser, and when once the jacket is split it generally breaks into several pieces or is entirely deformed, as the lead then forces itself away from the jacket, and the penetration of the pieces of the jacket is very small, and the drawer would readily retain them while the lead portion passed on through.

Q. Now, Captain Ely, I will show you these three portions of metal which were given to Major Blocksom by Mr. Garza, and which he testified were found in his house on the morning of the 14th day of August, on the dining-room floor, near a bullet hole in the bottom of the dresser, and will ask you to examine those pieces of metal and state whether in your opinion they are portions of the steel jacket or covering of a bullet fired from the new Springfield rifle?—A. Yes; these are undoubtedly portions of the jacket of such a projectile, especially as one piece distinctly shows the base of the jacket, though somewhat deformed. I will say in this connection that to one not accustomed to the peculiar deformations on the jacketed bullet the parts of the jacket might seem like pieces of tin or other substance.

Therefore, this morning I dug from the rifle butts at Fort Sam Houston these projectiles and ragged pieces of projectile jackets (hands them over to Mr. Purdy) to show the similarity of the pieces in evidence and these which I know are parts of projectiles coming from the new Springfield rifle; and also the unbroken bullets would show the marking of the "lands," described in my testimony, to be exactly similar to such markings on the projectiles in evidence; the caliber to be the same, the length the same, the covering of the same material; the number of "lands" the same, and their depth the same.

Q. Now, Captain Ely, I want to ask you a question about another matter. From your experience as an army officer in charge of enlisted men, are you able to state whether it is possible for a private to secure and retain in his possession a dozen or more rounds of cartridges without it appearing upon the records of the ammunition that are kept, and without the knowledge of his commanding officer that the private has such ammunition in his possession?—A. Yes. It is possible, in spite of all possible checks. Only yesterday afternoon there was on trial at Fort Sam Houston the case of a man in my own company who had a certain amount of ammunition unauthorizably in his possession, and had fired the same at night, and in my company I take more than ordinary precaution in requiring men to turn in the ammunition immediately after inspection, and to issue it to them immediately before inspection—a precaution not generally taken. With the target season shooting, with an allowance of 400 rounds of ammunition per man per year, and the winter season shooting, and the subsequent season shooting, and the post competitions, there is a splendid opportunity for men who desire to steal ammunition to do so. It is customary in many companies to permit the men to retain at all times the 10 rounds of ammunition required to be in their possession at inspection. At the camp of instruction at Mount Gretna, Pa., last summer, the Second Squadron of the Thirteenth Cavalry was there encamped, and its commanding officer, finding some unauthorized ammunition among the men, made a search and found considerably over 1,000 rounds of ammunition concealed in the camp of the squadron; and it is so common for men to have unauthorized ammunition that it is an ordinary precaution that before a maneuver the men are specially searched and inspected to see that they have no ball ammunition with them.

Q. In conclusion, Captain Ely, I will ask you to examine these three clips (hands them to Captain Ely) which, it is shown by the testimony of various witnesses, were picked up in the streets of the city of Brownsville on the morning of the 14th of August, 1906, and turned over to me by the mayor of Brownsville and the sheriff of Cameron County, and to state whether in your opinion they are similar to those which are used in the new Springfield rifle.—A. I have carefully examined the clips, and can confidently state that they were made for the new Springfield rifle, and are exactly the same as those issued to the troops for their use. These clips are of a peculiar pattern, and I am confident that there is no other rifle, unless it be some military rifle of Europe, that uses a clip anything like these, and I am fully convinced that the clip is peculiar to the Springfield rifle, and that there is no other like it.

HANSON E. ELY,

*Captain, Twenty-sixth Infantry, United States Army.*



THE STATE OF TEXAS, *County of Bexar:*

Hanson E. Ely, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

HANSON E. ELY,  
*Captain, Twenty-sixth Infantry.*

Subscribed and sworn to before me this 6th day of January, 1907.

[SEAL.]

D. H. HART,

*Clerk United States Court for the Western District of Texas.*

By A. I. CAMPBELL,

*Deputy.*

Capt. DAVID J. BAKER was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. David J. Baker, captain, Twenty-sixth Infantry.

Q. Captain Baker, how long have you been in the United States Army?—A. About twenty-four and one-half years.

Q. You are stationed here at Fort Sam Houston at the present time?—A. Yes, sir; in command of a company of the Twenty-sixth Infantry.

Q. What experience have you had, Captain Baker, in the use of rifles used by the United States troops, and with Government ammunition used in such rifles?—A. I have been familiar with the weapons and with the ammunition used in such rifles ever since I have been in the service. An officer comes into intimate contact with the weapons and ammunition used by them, especially on the target range and in active service. I have not had much experience of that kind with the new Springfield rifle, but I have taken pains to learn the weapon thoroughly, and the ammunition is in all leading characteristics the same as that used in the "Krag" rifle, which the new Springfield rifle superseded in the Army, and with which I am very thoroughly acquainted.

Q. Captain Baker, I should like to show you certain shells and ball cartridges and three clips which were turned over to me by the mayor of Brownsville, Tex., and the sheriff of Cameron County, during my investigation there last week, and ask you whether or not you can tell from those empty shells and ball cartridges as to what kind of ammunition it is?—A. The ammunition and the clips were manufactured for use in the new Springfield rifle, and are such as are used by the troops at the present time. They are manufactured in all cases either by the Government itself or the Union Metallic Cartridge Company, now called the United States Cartridge Company, and, as far as I know, only by such plants; and they are only used by and sold to the Government.

Q. Captain, I will ask you whether ammunition of the character of that which I have shown you—that is, such as was in these empty shells—is commonly bought and sold in the market for general use and for hunting purposes?—A. No, sir. When you first asked me that question, I answered it off-hand, as above, but since then, and in order to satisfy myself, I have made inquiry of the principal gun

dealers of San Antonio, all of whom are distributors of weapons and ammunition, not only in this vicinity, but throughout Texas, and they confirm the answer that I have already given.

Q. I will now ask you, Captain, to give your reasons why ammunition of this character is not in general use outside of the Army?—

A. Army ammunition is intended for man-killing only. The shell carries a heavier charge than sporting ammunition, which is intended, of course, for killing game; the projectile is longer and is fired from a rifle which, for the sake of durability, has only four lands, whereas all sporting rifles of which I know anything have five, six, or even seven lands; also, for the sake of durability, the lands in the Government rifles have considerable height compared with those of sporting rifles, which are much shallower. Finally, the bullets almost invariably used in sporting rifles have the soft head, which "mushrooms" on impact, whereas the composite jacket of the Government bullet covers the head entirely, and it seldom, if ever, "mushrooms" on impact. I have been speaking of Government projectiles in their original and customary form. When soldiers are allowed to hunt with them, they invariably file off the head part of the jacket in order to enable it to "mushroom" and thereby give greater shock. This has come under my observation several times within the last few months.

Q. From what you have stated with reference to the new Springfield rifle and the Government ammunition, I will ask you to state whether, in your opinion, these empty shells and ball cartridges and clips which I have shown you, and which came into my possession as heretofore stated, are ammunition such as is used in the new Springfield rifle?—A. I think there can be no question but that they are. Such ammunition as this—in this country, the United States—is only used in the new Springfield rifle.

Q. Now, Captain Baker, I want to exhibit to you a bullet which Maj. A. P. Blockson extracted from the dining-room door in the house of Mr. Yturria in the city of Brownsville on the 1st day of January of this year (1907), and which is claimed to have been fired into Mr. Yturria's house on the night of the 13th of August, 1906, and will ask you to examine this bullet and state whether in your opinion it was fired from a new Springfield rifle; and, if so, give your reasons for making such statement?—A. It was. The bullet bears the marks of four deep lands that are characteristic of the Government rifle; it has greater length than any bullet other than military of which I have knowledge, and it could only have been fired from an Army rifle, because only such rifles have the length of chamber, and only the Government rifle is made with space next to the chamber sufficient to accommodate a bullet of this length and diameter.

Q. Those are the reasons, Captain Baker, which you give for your statement that this bullet must have been fired from a Government rifle?—A. Yes, sir. There are other indications not easily described, but which I think would be confirmed by any soldier, be he officer or enlisted man, who has been for any length of time in the service, and acquainted with the army weapons and their ammunition.

Q. From an examination of this bullet that was found in Mr. Yturria's house, will you state, Captain Baker, whether it could have been fired from a Krag-Jørgensen gun?—A. In my opinion, no. I hold in my hands a Krag-Jørgensen ball cartridge and a new Springfield rifle ball cartridge, neither of which has been fired, and the bullet under consideration. You can see for yourself that the Krag-Jørgensen bullet,

from the neck to the head, is considerably larger in diameter than the new Springfield rifle bullet and that the head is blunter. I have never tried the experiment, but from my knowledge of firearms, and from just looking at these, it would seem to me impossible to fire the Springfield bullet from the Krag rifle, and you can also see from my putting these side by side that the bullet under consideration is a new Springfield and not a Krag bullet. I do not believe that the new Springfield ammunition can safely be inserted in a Krag rifle or that the Krag ammunition can at all be inserted in a new Springfield rifle.

Q. Now, Captain Baker, I will call your attention to a bullet which was offered in evidence in connection with the testimony of Mr. Garza, and which he claims to have extracted from the wooden top over a well at the home of Mr. Yturria, in Brownsville, on the 14th day of August, 1906. I will ask you to examine that bullet and state whether, in your opinion, it was fired from a new Springfield rifle, and, if so, give briefly your reasons therefor.—A. Yes, sir. It bears distinctly the impression of the four high lands of the new Springfield rifle; it has the length of the bullet which, as far as I know, only fits into that rifle; and the dent on the side of the head has the characteristics usually found on impact by a bullet jacketed as are those fired from that rifle; and the diameter toward the head is apparently that of the new Springfield rather than that of the Krag, or any other military or sporting ammunition of which I have any knowledge.

Q. I will next show you, Captain Baker, a bullet which was offered in evidence during the progress of this investigation in connection with the testimony of Miss Gertrude Cowen, and which is claimed to have been found in the wardrobe in the Cowen house on the day on which Miss Cowen was examined. The bullet was alleged to have been found between the plate-glass mirror in the wardrobe and the board immediately back of such mirror. I will ask you to examine this bullet and state whether, in your opinion, it was fired from a new Springfield rifle, and, if so, give your reasons for so stating?—A. It was. It bears the distinct marks of the four deep lands of the new Springfield rifle bullet and it has the length of the bullets that are fired from that rifle; and where, toward the base, it came in contact with a relatively hard substance it no doubt tumbled end over end before it came to a state of rest. The jacket has been affected and has marks similar to those I pointed out on the other two bullets which you have shown me. This bullet would only fit accurately into a new Springfield rifle, and therefore it is hard to conceive of any one taking the risk of even trying to fire it from a rifle having a different chamber or caliber of bore.

Q. Captain Baker, taking into consideration the fact that this bullet is flattened at its base, apparently by impact with some hard substance, I will ask you to state whether or not, in your opinion, it must have passed through some other substance before coming in contact with the hard substance which has flattened the bullet at its base?—A. The mash at the base of the bullet must have been caused by contact of said base with some relatively hard obstacle and it must have occurred from its position while the bullet was not driving direct but tumbling end over end. Such tumbling is only caused, in my experience, by the meeting with or passage through some previous hard obstacle.

Q. Now, Captain Baker, I will ask you with respect to another matter. From your experience in charge of men at an army post, will you state whether or not it would be possible for enlisted men to obtain and retain in their possession, without the knowledge of their commanding officers, a dozen or so rounds of ammunition?—A. Each enlisted man is ordinarily supposed to have 10 rounds. Most of the old soldiers accumulate a greater number in order to be able to produce the proper number at all times. The 10 rounds, at least, are always in the personal possession of the enlisted man, the only requirement being that he produce them on inspection. In addition to the 10 rounds, target practice, field service, and possibly the generosity of the quartermaster-sergeant or first sergeant give them an opportunity to accumulate more without specific knowledge on the part of their officers. After twenty years' experience as an officer, and having been many times during that period a company commander and in close contact with enlisted men, both in garrison and in the field, I believe that most enlisted men of any organization in service in any post really have in their possession at all times more ammunition than that which may have been issued to them and which they are required to produce on inspection, namely, 10 rounds.

Q. Then, in your opinion, Captain Baker, it would not only be possible, but it is a very common thing, for the enlisted men to have in their possession a dozen or so rounds of cartridges each without it appearing from the records of the ammunition kept that he has in his possession such additional rounds?—A. The chances for getting this ammunition are so many that even with the greatest care on the part of the company officers it is impossible to break up the practice. It is as hard a thing to deal with as to prevent the feeding of other people by the cook in your kitchen. It is almost a similar case.

Q. Captain Baker, in conclusion, I want to call your attention particularly to the three clips that were turned over to me by the mayor of the city of Brownsville and by the sheriff of Cameron County as having been found in the streets of Brownsville on the morning after the shooting on the 13th of August, and ask you whether those clips are similar to the clips used in the new Springfield rifle?—A. I have in my hand a clip that has been issued by the Government for the use in the new Springfield rifle. The three shown me by you I have compared with this. They are in every respect the same. I know of no such clip in use in this country in any other rifle, sporting or military, except the Springfield.

DAVID J. BAKER,  
*Captain, Twenty-sixth Infantry, United States Army.*

THE STATE OF TEXAS, *County of Bexar, ss:*

Capt. David J. Baker, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

DAVID J. BAKER,  
*Captain, Twenty-sixth Infantry, United States Army.*

Subscribed and sworn to before me this 6th day of January, 1907.

[SEAL.]

D. H. HART,  
*Clerk United States Court Western District of Texas.*  
By A. I. CAMPBELL, *Deputy.*

Col. FRANK BAKER was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name, Colonel Baker?—A. Frank Baker.

Q. And you are a lieutenant-colonel of the Ordnance Department of the United States Army, stationed at the San Antonio Arsenal?—A. Yes, sir.

Q. How long, Colonel, have you been connected with the Ordnance Department of the Army?—A. Twenty-seven years.

Q. Are you acquainted with the rifle now in use in the United States Army, commonly known as the new Springfield rifle?—A. Yes, sir; though this rifle is officially designated as United States magazine rifle, caliber, .30, model, 1903.

Q. Will you state, Colonel, where this Springfield rifle is manufactured?—A. At the Springfield Armory, Springfield, Mass., and at the Rock Island Arsenal, Rock Island, Ill., which are manufacturing establishments under the direction of the Ordnance Department of the Army.

Q. Then, as I understand you, Colonel, this rifle is manufactured by the Government for the use of the United States Army?—A. Yes, sir.

Q. About how long has this rifle been in use in the Army?—A. I would say about six or eight months.

Q. Now, Colonel Baker, I will ask you to state as to whether this new Springfield rifle can be purchased or obtained by anyone except the officers and men connected with the United States Army?—A. The only case of which I am aware where it can be so obtained is by an inventor purchasing it by the authority of the Chief of Ordnance, or in case a soldier should desert and carry away his rifle and later dispose of the same.

Q. In other words, it is manufactured for the exclusive use of the United States Army, and not for sale?—A. It is.

Q. Colonel Baker, I will show you these 32 empty shells, 6 ball cartridges, and 3 clips, which were turned over to me during the progress of my investigation of the Brownsville affray by the mayor of Brownsville and the sheriff of Cameron County. These cartridges and clips are alleged to have been picked up in the streets of the city of Brownsville on the morning of the 14th day of August, 1906, and turned over to the mayor of that city. I will ask you to examine the 6 ball cartridges and to give your opinion as to what kind of ammunition they are? (Hands the 6 ball cartridges to Colonel Baker.)—A. One of these cartridges was made at the Frankford Arsenal, and is for the United States magazine rifle, caliber .30, model 1903; the remaining 5 were made by the Union Metallic Cartridge Company, of Bridgeport, Conn., and are identical with the ammunition used in the United States magazine rifle, caliber .30, model 1903; and there is no question in my mind but that they were made for the United States Government and issued to troops for use with the rifle named.

Q. Now, Colonel Baker, I will ask you as to whether that ammunition which you have just examined—the 6 ball cartridges—can be fired from the Krag-Jørgensen rifle?—A. It can not.

Q. I will ask you, Colonel, whether you have attempted to insert one of those cartridges in a Krag-Jørgensen rifle?—A. I have.

Q. With what success?—A. It is impossible to seat the cartridge in the chamber by at least one-half inch.

Q. Now, Colonel Baker, I will call your attention to these 32 empty shells which were picked up in the streets in the city of Brownsville on the morning of the 14th of August, and ask you whether in your opinion those shells were fired from the new Springfield rifle? (Hands the empty shells to Colonel Baker.)—A. In my opinion they were.

Q. Have you made a demonstration with these shells in the new Springfield rifle, for the purpose of ascertaining whether they fit that gun?—A. I have.

Q. And you have no doubt but that they were fired from such rifle?—A. I have not the least doubt in the world.

Q. Now, Colonel Baker, I will call your attention to 3 clips which were alleged to have been picked up in the streets of Brownsville the day after the shooting there last August, and ask you whether in your opinion those clips were such as were used by the troops in connection with the new Springfield rifle?—A. They are.

Q. Will you state, Colonel Baker, where this ammunition is manufactured which is specially designed for use in the new Springfield rifle?—A. In general, it is manufactured at the Frankford Arsenal, Philadelphia, which is a manufacturing establishment which is owned, controlled, and operated by the United States Government. The Government has also purchased ammunition for the magazine rifle, caliber .30, model 1903, from the following-named private manufacturers: The United States Cartridge Company, of Lowell, Mass.; the Winchester Repeating Arms Company, of New Haven, Conn., and the Union Metallic Cartridge Company, of Bridgeport, Conn.

Q. I will ask you, Colonel Baker, if you know of any rifle, other than the new Springfield rifle, which will shoot the ammunition such as I have exhibited to you?—A. I do not. There may be, but I am not cognizant of it.

FRANK BAKER,

*Lieutenant-Colonel, Ordnance Department, United States Army.*

THE STATE OF TEXAS, *County of Bexar:*

Frank Baker, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

FRANK BAKER,

*Lieutenant-Colonel, Ordnance Department, United States Army.*

Subscribed and sworn to before me this 6th day of January, 1907.

[SEAL.]

D. H. HART,

*Clerk United States Court for the Western District of Texas.*

By A. I. CAMPBELL,

*Deputy.*

WAR DEPARTMENT,  
OFFICE OF THE SECRETARY,  
*January 6, 1907.*

MEMORANDUM FOR THE CHIEF OF ORDNANCE.

Will you please send a competent officer to the factories where the ammunition for the Springfield rifle of the model of 1903 has been manufactured and obtain from the persons who know how much, if any, of that ammunition has been sold to anybody but the Government, and who the persons were to whom it was sold?

Second. Whether the rifle itself, of the model of 1903, has been made and sold to anybody but the Government by third persons.

Third. Whether, within the knowledge of the experts of the firms manufacturing the ammunition, any gun is known, except the United States rifle of the model of 1903, which will take this ammunition, either by single cartridges or in a clip.

Fourth. What has been the destination of any United States rifles of the model of 1903 which have found their way into the possession of any other persons than the troops of the Regular Army of the United States.

WM. H. TAFT,  
*Secretary of War.*

[Indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,  
*Washington, January 10, 1907.*

1. Respectfully returned to the honorable the Secretary of War, together with report of Capt. J. H. Rice, Ordnance Department, upon the first three of the items mentioned in the within memorandum.

2. It appears from Captain Rice's report that ammunition similar to that for the Springfield rifle, model of 1903, has been manufactured and sold to private parties by two establishments. This ammunition is, however, somewhat different from that manufactured by or for the Government, in that the ammunition manufactured by the Winchester Repeating Arms Company used different priming compositions and different anvil, and all but 25,000 rounds had different marking on the base of the cartridge case, while that manufactured by the Union Metallic Cartridge Company, while using the same anvil, had different priming composition and different marking on the base of the cartridge case. Therefore it should be possible to distinguish any of the ammunition or fired cartridge cases thus manufactured and sold to private parties from that manufactured by or for the Government.

3. Some 438 rifles designed to fire the ammunition mentioned above as sold to private parties have been manufactured and mostly sold to dealers and to individuals by the Winchester Repeating Arms Company, and two such rifles have been manufactured by the M. Hartley Company, one of which is still in its possession. It is not believed, however, that any of these rifles would ordinarily fire the Government ammunition, because of their light blow by the firing pin, which is the reason for the difference of primer and anvil mentioned above.

4. There is also inclosed a list of the names and addresses of all parties to whom United States Government ammunition for the rifle of the

model of 1903 had been furnished prior to August 13, 1906, under the various laws and regulations permitting the disposition of such ammunition to others than United States troops.

5. Referring to the fourth point in the within memorandum, a list is inclosed showing the disposition of all United States rifles of the model of 1903, prior to August 13 last, to persons other than officers and troops of the Regular Army.

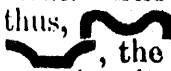

WILLIAM CROZIER,  
*Brigadier-General, Chief of Ordnance.*)

[Inclosure No. 1.]

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ORDNANCE,  
*Washington, January 10, 1907.*

SIR: 1. Referring to letter from The Military Secretary, dated January 7, 1907, O. O. 32753-93, directing me to proceed to Lowell, Mass., and New Haven and Bridgeport, Conn., and your verbal instructions in connection therewith, I have the honor to report as follows:

I left this city at 5.35 p. m. on January 6, arriving at Lowell, Mass., the next morning. I visited the works of the United States Cartridge Company at that place and had a talk with Mr. Butler and Mr. Hoxie of the company. Mr. Butler stated that no ammunition, model of 1903, had been sold by them, as there was practically no market for the product.

2. I then proceeded to the works of the Winchester Repeating Arms Company at New Haven, Conn., arriving at 4.22 p. m., January 7. I called upon Mr. W. Bennett, second vice-president of that company, who informed me that their model of 1895 Winchester rifle had been chambered for the model of 1903 cartridge and that 438 had been shipped from the factory; 152,920 model of 1903 cartridges had also been manufactured and shipped to dealers and others. Of these, 25,000 used cartridge cases, marked in accordance with the Government system, that had been left over from their last contract with the Ordnance Department. This marking was "W. R. A. Co., 5-06." All the remaining cartridges sold by them were marked "W. R. A. Co., 30 G. 03." All the Winchester cartridges sold to others than the United States had fulminate primers of Winchester manufacture instead of the nonfulminate primers used by the Ordnance Department. The Winchester primer has an anvil shaped approximately thus, , while the Government primer has an anvil shaped thus, , the Winchester also being of thinner material. It is necessary for the company to use fulminate primers, since the nonfulminate are too insensitive for the stroke of the firing pin in their arm. All the fulminate primers manufactured by them will be discharged by a 2-ounce weight dropped 23 inches, while the Ordnance Department primer requires the same weight dropped 30 inches. Consequently it would be but rarely that a Government cartridge with nonfulminate primer would be discharged in a Winchester rifle. Mr. Bennett stated that he knew of no other company in the United States that had sold any arms chambered for the 1903 cartridge. He very kindly furnished me with lists showing where all their arms so chambered had been sent from the factory, and a similar list in reference



to the ammunition. I also later obtained a list showing where the arms and ammunition of this class had been sent when sold by their New York retail store. The former lists were not completed until 6 p. m. on January 8, and the latter required the greater part of January 9 for their preparation. Of the arms shown shipped to San Francisco, 15 were destroyed in the earthquake and fire at that place. While the Winchester Company was preparing the lists referred to above, I proceeded to Bridgeport, Conn., and interviewed the officials of the Union Metallic Cartridge Company at that place. I found that they had sold 15,860 rounds of ammunition, model of 1903, which they said was marked on the base, "U. M. C. .30 S," and not "U. M. C. Co." followed by the date, as is done in the case of Government contracts. I was unable to obtain a list showing where this ammunition had been sent, but was informed that it could probably be obtained at their New York office. The cartridges sold by this company were supplied with fulminate primers in which the anvil is practically the same as that used by the United States. After returning to New Haven, and obtaining the lists above referred to from the Winchester Company, I proceeded to New York City, arriving on the evening of January 8. The next morning I visited the retail store of the Winchester Company and obtained from them lists showing as far as possible their sales of guns and ammunition of this class. They were, of course, unable to identify the purchasers of such of the stores as had been sold over the counter.

3. I also visited the M. Hartley Company and the Union Metallic Cartridge Company, and the president of the latter informed me that the M. Hartley Company had never manufactured for the trade any arm chambered for the 1903 ammunition, but that one had been furnished to a man named Pederson, who had been in their employ, and who was now thought to be in Arizona, and another had been chambered and was in stock. He furnished me a list, showing as far as possible the sales of 1903 ammunition by the Union Metallic Cartridge Company, stating, however, that where the ammunition had been turned in to stock in their New York store they were unable to give information as to the purchasers, since their records were not so kept as to make this possible. These two companies appeared to be under the same management.

4. Although diligent inquiry was made, I was unable to hear of any company in the United States that manufactures the regular model of 1903 rifle, nor did any of the men with whom I talked know of any company manufacturing any rifle chambered for the 1903 ammunition other than those enumerated above. The Winchester rifle does not use a clip, nor would the one Lee rifle sold by M. Hartley Company use the service clip.

5. About 90 per cent of the 1903 ammunition sold by the Winchester Company had soft-nose bullets, the remainder having the ordinary jacketed bullet. Their records did not show the exact proportion. The list furnished by the Union Metallic Cartridge Company indicates which were soft-nosed and which were jacketed.

6. The last two lists were completed late on the afternoon of January 9. The lists referred to above are hereto appended, marked as follows:

List of arms shipped from the factory of the Winchester Repeating Arms Company, marked "A."

List of model of 1903 cartridges shipped from the Winchester factory, marked "B."

List of rifles sold by the New York retail store of the Winchester Repeating Arms Company, marked "C."

List of ammunition sold by the New York retail store of the Winchester Repeating Arms Company, marked "D."

List of ammunition sold by the Union Metallic Cartridge Company, marked "E."

Very respectfully,

J. H. RICE,

*Captain, Ordnance Department, U. S. Army.*

The CHIEF OF ORDNANCE.

A.

*Shipment of model '95, .30 Government rimless rifles.*

Quantity.	Date.	To whom shipped.
	1904.	
1	Aug. 6	W. S. Brown, Pittsburg, Pa.
1	Aug. 17	New York department, Winchester Repeating Arms Co.
2	Aug. 18	Do.
1	Aug. 25	Jno. W. Garrett, Colorado Springs, Colo.
1	Aug. 23	Soo Hardware Co., Sault Ste. Marie, Mich.
1	Aug. 29	T. B. Davis Arms Co., Portland, Me.
1	Aug. 30	Ad. Topperwein, St. Louis, Mo.
5	Aug. 11	San Francisco department.
1	Oct. 7	Newton Lumber Co., Colorado Springs, Colo.
2	Oct. 11	New York department, Winchester Repeating Arms Co.
1	Oct. 14	Do.
1	Oct. 22	Do.
1	....do...	Cartridge shop shooting gallery, Winchester Repeating Arms Co.
2	Oct. 27	Frank A. Ellis & Son, Denver, Colo.
3	Nov. 1	New York department, Winchester Repeating Arms Co.
1	Nov. 2	J. A. Johnston, Pittsburg, Pa.
1	....do...	Carl Engel, Butte, Mont.
1	Nov. 19	Norvell-Shapleigh Hardware Co., St. Louis, Mo.
1	Dec. 19	J. A. Johnston, Pittsburg, Pa.
	1905.	
1	Jan. 17	Ralph Skidmore, Marinette, Wis.
1	Jan. 20	New York department, Winchester Repeating Arms Co.
1	Jan. 26	Bering-Cortes Hardware Co., Houston, Tex.
1	Jan. 20	New York department, Winchester Repeating Arms Co.
5	Jan. 11	San Francisco department, Winchester Repeating Arms Co.
3	Feb. 24	New York department, Winchester Repeating Arms Co.
1	Apr. 24	John Meunier Gun Co., Milwaukee, Wis.
1	....do...	R. A. Kane, Menominee, Mich.
2	Mar. 14	Carl Engel, Butte, Mont.
2	Mar. 28	New York department, Winchester Repeating Arms Co.
1	May 4	Velocity department, Winchester Repeating Arms Co.
1	May 8	San Francisco department, Winchester Repeating Arms Co.
1	May 10	W. S. Brown, Pittsburg, Pa.
1	May 13	J. A. Johnston, Pittsburg, Pa.
2	May 19	Frank A. Ellis & Son, Denver, Colo.
2	May 22	Velocity department, Winchester Repeating Arms Co.
1	June 20	Missoula Mercantile Co., Missoula, Mont.
1	June 24	Iver Johnson Sporting Goods Co., Boston, Mass.
5	June 29	San Francisco department, Winchester Repeating Arms Co.
10	July 28	Do.
1	Aug. 16	J. A. Johnston, Pittsburg, Pa.
1	Aug. 7	New York department (export), Winchester Repeating Arms Co.
3	Aug. 10	Do.
5	Aug. 18	Do.
1	Aug. 22	Carl Engel, Butte, Mont.
1	Sept. 20	New York department, Winchester Repeating Arms Co.
1	Sept. 8	Emmons & Mundy, Auburn, N. Y.
1	Oct. 6	San Francisco department, Winchester Repeating Arms Co.
1	Oct. 7	Sportsmen's Supply Co., Pittsburg, Pa.
3	....do...	New York department, Winchester Repeating Arms Co.
1	Oct. 20	Carl Engel, Butte, Mont.
1	Oct. 27	W. S. Brown, Pittsburg, Pa.
1	Nov. 11	R. W. Allen, Kenosha, Wis.
1	Nov. 21	F. S. Rowe & Co., Fort Pierre, S. Dak.
2	Dec. 8	Frank A. Ellis & Son, Denver, Colo.
1	Dec. 11	Soo Hardware Co., Sault Ste. Marie, Mich.
1	Dec. 20	G. Pitards' Sons, New Orleans, La.

## Shipment of model '95, .30 Government rimless rifles—Continued.

Quantity.	Date.	To whom shipped.
	1906.	
1	Jan. 10	Rice & Miller, Bangor, Me.
1	Jan. 12	Von Lengerke & Antoine, Chicago, Ill.
1	Jan. 17	Thomas Van Auken & Co., Beaumont, Tex.
10	Jan. 18	San Francisco department.
1	Jan. 23	Mosling & Anderson, Lakewood, Wis.
1	Feb. 20	W. Bingham Co., Cleveland, Ohio.
2	Feb. 12	Von Lengerke & Antoine, Chicago, Ill.
1	Feb. 6	J. A. Firebaugh, Fairview, Okla.
1	Feb. 10	Lyman Gun Sight Corporation, Middlefield, Conn.
1	...do...	Foster, Stevens & Co., Grand Rapids, Mich.
2	Feb. 12	Von Lengerke & Antoine, Chicago, Ill.
1	Feb. 17	Carbon Coal Co., Decota, W. Va.
1	Feb. 20	Shelton-Payne Arms Co., El Paso, Tex.
1	Feb. 21	Iver Johnson Sporting Goods Co., Boston, Mass.
1	Feb. 26	Carl Engel, Butte, Mont.
1	Feb. 27	Proto Bros., Nogales, Ariz.
1	Feb. 28	W. K. Coleman, Bartow, Fla.
1	Mar. 3	Wm. Read & Sons, Boston, Mass.
1	...do...	H. A. McLean, Jamaica, Vt.
1	Mar. 8	W. S. Dunbar, Alpine, Tex.
1	Mar. 9	T. B. Davis Arms Co., Portland, Me.
3	Mar. 10	Salt Lake Hardware Co., Salt Lake City, Utah.
1	Mar. 12	Jno. M. Killin Co., Pueblo, Colo.
1	...do...	Sheffield-Huntington Co., Americus, Ga.
1	Mar. 14	New York Department, Winchester Repeating Arms Co.
10	Mar. 16	Do.
1	Mar. 23	Iver Johnson Sporting Goods Co., Boston, Mass.
1	Mar. 28	Strevell-Paterson Hardware Co., Salt Lake City, Utah.
1	Apr. 16	Montgomery Ward & Co., Chicago, Ill.
1	Apr. 17	Frank A. Ellis & Son, Denver, Colo.
7	Apr. 20	Jno. E. Davis, Butte, Mont.
1	Apr. 21	Jas. Dodds, Dayton, Ohio.
2	Apr. 23	Carl Engel, Butte, Mont.
6	Apr. 25	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
1	Apr. 26	Montgomery Ward & Co., Chicago, Ill.
6	Apr. 25	Marshall-Wells Hardware Co., Portland, Oreg.
1	Apr. 30	J. Stevens Arms and Tool Co., Chicopee Falls, Mass.
1	Mar. 30	J. E. Wells, Mitchell, S. Dak.
1	May 2	G. H. Garrison & Co., Olympia, Wash.
1	May 4	Farwell, Ozmun, Kirk & Co., St. Paul, Minn.
2	May 10	Tuft-Lyons Arms Co., Los Angeles, Cal.
1	May 11	United States Cartridge Co., Lowell, Mass.
1	May 29	W. S. Brown, Pittsburg, Pa.
1	May 28	F. S. Rowe & Co., Fort Pierre, S. Dak.
2	...do...	Montana Hardware Co., Butte, Mont.
1	May 29	Iver Johnson Sporting Goods Co., Boston, Mass.
1	May 31	W. S. Brown, Pittsburg, Pa.
1	May 8	Von Lengerke & Antoine, Chicago, Ill.
1	...do...	New York Department, Winchester Repeating Arms Co.
2	May 29	W. S. Brown, Pittsburg, Pa.
1	Apr. 10	Von Lengerke & Antoine, Chicago, Ill.
2	Apr. 12	J. A. Johnston, Pittsburg, Pa.
1	Apr. 24	Do.
3	June 12	New York Department, Winchester Repeating Arms Co.
1	June 1	The Fair, Chicago, Ill.
1	June 4	Korff, Honsberg & Co., City of Mexico, Mexico.
1	June 12	C. & W. McClean, St. Louis, Mo.
1	June 18	Joint Bros., Sabona, N. Y.
2	June 27	Holley-Mason Hardware Co., Spokane, Wash.
1	June 29	Jetton-Deekle Lumber Co., Brandon, Fla.
1	June 30	Salem G. Le Valley Co., Buffalo, N. Y.
2	July 2	Winter & Co., Moncton, New Brunswick, Canada.
1	...do...	Misoula Mercantile Co., Misoula, Mont.
1	July 29	J. A. Johnston, Pittsburg, Pa.
1	...do...	New York Department, Winchester Repeating Arms Co.
10	July 7	Marshall-Wells Hardware Co., Portland, Oreg.
1	...do...	Farwell, Ozmun, Kirk & Co., St. Paul, Minn.
2	July 11	Sorenson & Thykeson, Albert Lea, Minn.
6	July 12	Chas. E. Tisdall, Vancouver, British Columbia, Canada.
1	...do...	Iver Johnson Sporting Goods Co., Boston, Mass.
2	July 14	Sorenson & Thykeson, Albert Lea, Minn.
1	July 24	T. B. Davis Arms Co., Portland, Me.
1	July 26	I. E. Swift Co., Houghton, Mich.
1	...do...	Farwell, Ozmun, Kirk & Co., St. Paul, Minn.
1	July 30	W. H. Hoegge & Co., Los Angeles, Cal.
6	July 31	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
1	...do...	Bronson & Townsend Co., New Haven, Conn.
1	Aug. 1	Bullard & Gormely Co., Chicago, Ill.
1	...do...	Lyman Gun Sight Corporation, Middlefield, Conn.
1	Aug. 2	John O'Brien Lumber Co., Somers, Mont.
2	Aug. 3	Frank A. Ellis & Son, Denver, Colo.
2	...do...	Strevell-Paterson Hardware Co., Salt Lake City.

## Shipment of model '95, .30 Government rimless rifles—Continued.

Quantity.	Date.	To whom shipped.
	1906.	
2	Aug. 3	Honeyman Hardware Co., Portland, Oreg.
20	....do...	Marshall-Wells Hardware Co., Portland, Oreg.
1	....do...	Golcher Bros., San Francisco, Cal.
2	....do...	Jensen-King-Byrd Co., Spokane, Wash.
2	Aug. 4	Tuft-Lyons Arms Co., Los Angeles, Cal.
1	....do...	Do.
1	Aug. 2	W. F. Sheard, Tacoma, Wash.
3	Aug. 9	Krakauer-Zork & Moye, El Paso, Tex.
5	....do...	Schwabacher Hardware Co., Seattle, Wash.
2	Aug. 19	Kennedy Bros., Minneapolis, Minn.
2	Aug. 10	Murphy-Maclay Hardware Co., Great Falls, Mont.
1	Aug. 16	Stauffer, Eshleman & Co., New Orleans, La.
1	Aug. 17	W. K. Ephlin, Methuen, Mass.
1	Aug. 18	A. D. McAusland, Miles City, Mont.
1	Aug. 20	Dr. W. R. Prather, Calistoga, Cal.
1	Aug. 21	Iyer Johnson Sporting Goods Co., Boston, Mass.
2	Aug. 22	Missoula Mercantile Co., Kallispell, Mont.
2	Aug. 23	Missoula Mercantile Co., Missoula, Mont.
1	....do...	Lyman Gun Sight Corporation, Middlefield, Conn.
1	....do...	Streyell-Paterson Hardware Co., Salt Lake City.
1	Aug. 24	Seattle Hardware Co., Seattle, Wash.
2	Aug. 25	Pacific Hardware and Steel Co., San Francisco.
3	....do...	Von Lengerke & Antoine, Chicago, Ill.
1	....do...	W. H. Holliday Co., Laramie, Wyo.
1	Aug. 27	A. M. Holter Hardware Co., Helena, Mont.
1	Aug. 29	J. F. Schmelzer & Sons Arms Co., Kansas City.
1	Aug. 30	Sumner & Co., Moncton, New Brunswick, Canada.
1	....do...	Hibbard, Spencer, Bartlett & Co., Chicago.
2	....do...	Carl Engel, Butte, Mont.
1	....do...	A. Deutz & Bro., Laredo, Tex.
1	Aug. 2	New York department, Winchester Repeating Arms Co.
1	Aug. 15	Do.
1	Aug. 17	Do.
1	Aug. 18	Do.
1	Aug. 2	J. A. Rickard & Co., Schenectady, N. Y.
1	Sept. 11	Golcher Bros., San Francisco, Cal.
1	Sept. 20	Montgomery Ward & Co., Chicago, Ill.
1	Sept. 26	Foster-Mead Hardware Co., Huntington, W. Va.
1	Sept. 29	F. H. Chandler, Shelburne Falls, Mass.
3	Sept. 10	Korff, Honsberg & Co., City of Mexico, Mexico.
1	Sept. 5	Fuller-Cook Hardware Co., Houston, Tex.
3	Sept. 10	Korff, Honsberg & Co., City of Mexico, Mexico.
3	Sept. 6	Hibbard, Spencer, Bartlett & Co., Chicago.
2	Sept. 11	Northrup Hardware Co., Boise, Idaho.
20	Sept. 12	Janney, Semple, Hill & Co., Minneapolis, Minn.
1	....do...	J. B. Lowe, Prentice, Wis.
1	Sept. 14	F. P. Hall Co., Columbus, Ohio.
1	Sept. 15	Walter G. Clark Co., Omaha, Nebr.
1	Sept. 18	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
4	Sept. 19	New York department, Winchester Repeating Arms Co.
1	Sept. 4	Rev. J. W. Fobes, Peacedale, R. I.
2	Sept. 18	Browning Bros. Co., Ogden, Utah.
1	....do...	Jerry Coleman, Gallon, Ohio.
3	Sept. 15	Honeyman Hardware Co., Portland, Oreg.
1	Sept. 17	Arp & Hammond, Cheyenne, Wyo.
3	Sept. 19	Holley-Mason Hardware Co., Spokane, Wash.
1	....do...	Andrus & Naedele Co., Hartford, Conn.
1	Sept. 20	W. H. Hooges Co., Los Angeles, Cal.
6	Sept. 25	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
3	Sept. 26	McLennon-McFeely & Co., Vancouver, British Columbia.
1	Sept. 28	Lyman Gun Sight Corporation, Middlefield, Conn.
1	Oct. 2	F. B. Crumley, Rock Springs, Wyo.
1	Oct. 4	John E. Bassett, New Haven, Conn.
1	Oct. 6	A. F. Debrowsky, Redding, Cal.
1	....do....	F. L. Kilmer, Oconto Falls, Wis.
1	Oct. 10	T. B. Davis Arms Co., Portland, Me.
1	Oct. 13	Kennedy Bros., Minneapolis, Minn.
1	Oct. 16	Portage Lake Hardware Co., Houghton, Mich
2	Oct. 19	Cambria Trading Co., Cambria, Wyo.
1	Oct. 22	W. M. Payne, Springfield, Ill.
1	Oct. 23	Kennedy Bros., Minneapolis, Minn.
1	Oct. 26	W. G. Clark Co., Omaha, Nebr.
1	Oct. 27	T. B. Davis Arms Co., Portland, Me.
1	Oct. 29	Stauffer, Eshleman & Co., New Orleans, La.
1	....do....	Marshall-Wells Hardware Co., Portland, Oreg.
1	Oct. 30	O. A. Bremer-Lewis Co., San Francisco, Cal.
2	....do....	Iyer Johnson Sporting Goods Co., Boston, Mass.
1	Oct. 31	C. E. Norton, Diamondale, Mich.
1	Oct. 19	Shelton-Payne Arms Co., El Paso, Tex.
1	Oct. 24	Golcher Bros., San Francisco, Cal.
1	Oct. 23	A. D. McAusland, Miles City, Mont.
1	Nov. 1	Robt. C. Harvey, Deadwood, S. Dak

## AFFRAY AT BROWNSVILLE, TEXAS.

*Shipment of model .95, .30 Government rimless rifles—Continued.*

Quantity.	Date.	To whom shipped.
	1906.	
1	Nov. 2	Lewis Bros. & Co., Montreal, Canada.
1	Nov. 6	Seattle Hardware Co., Seattle, Wash.
1	Nov. 7	Bronson & Townsend Co., New Haven, Conn.
1	Nov. 12	J. G. Birney, Boston, Ga.
1	Nov. 13	Topky & Brebner, Conneaut, Ohio.
1	Nov. 15	Shelton-Payne Arms Co., El Paso, Tex.
1	Nov. 19	Carl Engel, Butte, Mont.
1	Nov. 20	Oscar Nason, Oxbow, Me.
1	Nov. 27	F. H. Mark, Bellows Falls, Vt.
1	Nov. 24	John M. Smyth Co., Chicago, Ill.
1	...do....	Do.
1	Nov. 30	Missoula Merchandise Co., Missoula, Mont.
1	Dec. 1	Ambold Co., Waco, Tex.
1	...do....	A. Deutz & Bro., Laredo, Tex.
2	Dec. 4	C. I. Pettingill & Son, Island Falls, Me.
1	Dec. 8	J. F. Schmelzer & Sons Arms Co., Kansas City, Mo.
1	Dec. 10	Harris Goodwin, Penacook, N. H.
1	Dec. 14	Frank A. Ellis & Son, Denver, Colo.
1	Dec. 20	Farwell, Ozmun, Kirk & Co., St. Paul, Minn.
1	...do....	J. O. Bardill, Herculaneum, Mo.
1	Dec. 26	Iver Johnson Sporting Goods Co., Boston, Mass.
	1905.	
1	June 7	J. A. Johnston, Pittsburg, Pa.
	1906.	
2	Jan. 9	New York Department, Winchester Repeating Arms Co.
1	Apr. 5	Von Lengerke & Antoine, Chicago, Ill.
5	Apr. 25	Marshall-Wells Hardware Co., Portland, Oreg.
1	July 2	Carl Engel, Butte, Mont.
	1905.	
	July 29	New York Department, Winchester Repeating Arms Co.
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## B.

*Shipment of .30 Government rimless cartridges.*

Quantity.	Date.	To whom shipped.
	1906.	
1,000	June 25	New York department, Winchester Repeating Arms Co.
100	Aug. 2	J. A. Rickard & Co., Schenectady, N. Y.
500	Aug. 6	W. S. Brown, Pittsburg, Pa.
2,000	Aug. 12	San Francisco department, Winchester Repeating Arms Co.
1,000	Aug. 24	Do.
300	Aug. 23	Soo Hardware Co., Sault Ste. Marie, Mich.
240	Aug. 25	John W. Garrett, Colorado Springs, Colo.
500	...do....	W. S. Brown, Pittsburg, Pa.
100	Aug. 29	T. B. Davis Arms Co., Portland, Me.
500	Sept. 2	W. S. Brown, Pittsburg, Pa.
1,000	...do....	San Francisco department, Winchester Repeating Arms Co.
20	Sept. 17	London Armoury Co., London, England.
240	Oct. 26	Norvell-Shapleigh Hardware Co., St. Louis.
100	Oct. 18	Newton Lumber Co., Colorado Springs, Colo.
400	Oct. 27	Frank A. Ellis & Sons, Denver, Colo.
160	Oct. 18	J. A. Johnston, Pittsburg, Pa.
300	Nov. 2	Carl Engel, Butte, Mont.
200	Nov. 8	Walter Tips, Austin, Tex.
300	Nov. 10	J. A. Johnston, Pittsburg, Pa.
500	Nov. 28	New York department, Winchester Repeating Arms Co.
40	Nov. 29	Berg Bros., Davenport, Iowa.
100	Dec. 2	Bering-Cortes Hardware Co., Houston, Tex.
40	Oct. 12	Norvell-Shapleigh Hardware Co., St. Louis.
100	June 9	United States Cartridge Co., Lowell, Mass.
	1905.	
300	Jan. 16	Frank A. Ellis & Son, Denver, Colo.
200	May 21	Carl Engel, Butte, Mont.
500	May 27	Iver Johnson Sporting Goods Co., Boston.
100	June 17	Ralph Skidmore, Marinette, Wis.
1,000	June 2	New York department, Winchester Repeating Arms Co.
1,000	June 20	Do.

## Shipment of .30 Government rimless cartridges—Continued.

Quantity.	Date.	To whom shipped.
	1905.	
40	July 6	P. R. Brooks, Rowayton, Conn.
500	July 11	Chas. E. Tisdall, Vancouver, British Columbia.
60	July 17	P. R. Brooks, Great Neck, Long Island.
600	Aug. 1	Frank A. Ellis & Son, Denver, Colo.
1,000	Aug. 2	Chas. E. Tisdall, Vancouver, British Columbia.
40	Aug. 16	London Armoury Co., London, England.
300	Aug. 17	A. B. Temple, El Paso, Tex.
1,000	Sept. 21	T. R. Brooks, Great Neck, Long Island.
1,000	Sept. 14	New York department, Winchester Repeating Arms Co.
1,000	Sept. 21	San Francisco department, Winchester Repeating Arms Co.
1,000	Sept. 18	Missoula Mercantile Co., Missoula, Mont.
2,000	Sept. 21	San Francisco department, Winchester Repeating Arms Co.
300	Sept. 27	Carl Engel, Butte, Mont.
2,000	Sept. 28	San Francisco department, Winchester Repeating Arms Co.
300	Oct. 6	Emil Linck, Hamburg, Germany.
200	Oct. 7	Sportsmen's Supply Co., Pittsburg, Pa.
3,000	Oct. 10	San Francisco department, Winchester Repeating Arms Co.
600	Oct. 14	Powell & Clement Co., Cincinnati, Ohio.
100	Oct. 24	Walter Tips, Austin, Tex.
40	Oct. 28	Lyman Gun Sight Corporation, Middlefield, Conn.
300	Oct. 30	W. S. Brown, Pittsburg, Pa.
200	Oct. 31	Walter Tips, Austin, Tex.
500	June 20	Missoula Mercantile Co., Missoula, Mont.
1,000	Nov. 3	New York Department, Winchester Repeating Arms Co.
600	Nov. 11	R. W. Allen, Kenosha, Wis.
200	Nov. 21	F. S. Rowe & Co., Fort Pierre, S. Dak.
200	Dec. 11	Soo Hardware Co., Sault Ste. Marie, Mich.
200	....do....	Marshall-Wells Hardware Co., Duluth, Minn.
20	D 12	G. E. Martinelli, Notre Dame, Ind.
100	Dec. 15	Montgomery Ward & Co., Chicago.
100	Dec. 20	G. Petards Sons, New Orleans, La.
	1906.	
500	Jan. 2	Powell & Clement Co., Cincinnati, Ohio.
100	Jan. 12	Von Lengerke & Antoine, Chicago.
100	Jan. 23	Jno. Pritzlaff Hardware Co., Milwaukee, Wis.
600	Feb. 1	Emil Lincke, Hamburg, Germany.
200	Feb. 20	Wilson & Matthews, Mount Gleaud, Ohio.
1,000	Feb. 7	Hackett-Walter-Gates Hardware Co., St Paul.
200	Feb. 6	I. A. Firebaugh, Fairview, Okla.
20	Feb. 10	Lyman Gun Sight Corp., Middlefield, Conn.
1,200	Feb. 12	Von Lengerke & Antoine, Chicago.
200	Feb. 17	Carbon Coal Co., Decota, W. Va.
1,000	Feb. 27	Proto Bros., Nogales, Ariz.
500	....do....	Shelton-Payne Arms Co., El Paso, Tex.
300	Feb. 28	W. K. Coleman, Barto, Fla.
200	Mar. 2	London Armoury Co., London, England.
120	Mar. 8	H. A. McLean, Jamaica, Vt.
100	Mar. 9	T. B. Davis Arms Co., Portland, Me.
100	Mar. 12	Jno. M. Killian & Co., Pueblo, Colo.
100	Mar. 8	W. S. Dunbar, Alpena, Tex.
100	Mar. 9	Ivor Johnson Sporting Goods Co., Boston.
2,000	Mar. 10	Salt Lake City Hardware Co., Salt Lake City.
100	Mar. 12	Sheffield-Huntington Co., Americus, Ga.
140	....do....	Jno. Pritzlaff Hardware Co., Milwaukee.
500	M r. 15	Foster-Stevens & Co., Grand Rapids, Mich.
80	Mar. 26	Jno. S. Neill, Fredericton, New Brunswick.
200	Mar. 28	Stroyell-Patterson Hardware Co., Salt Lake City, Utah.
7,000	Mar. 31	San Francisco Department, Winchester Repeating Arms Co.
100	....do....	Montgomery Ward & Co., Chicago, Ill.
200	Apr. 10	Do.
500	Apr. 12	Ivor Johnson Sporting Goods Co., Boston, Mass.
1,000	Apr. 18	Wyeth Hardware Co., St. Joseph, Mo.
200	Apr. 26	J. E. Wells, Mitchell, S. Dak.
1,000	Apr. 12	New York Department, Winchester Repeating Arms Co.
2,500	Apr. 16	Montana Hardware Co., Butte, Mont.
100	Apr. 21	Jas. Dodds, Dayton, Ohio.
100	Apr. 23	Carl Engel, Butte, Mont.
3,000	Apr. 25	San Francisco Department, Winchester Repeating Arms Co.
300	Apr. 26	Montgomery Ward & Co., Chicago.
7,000	Apr. 25	Marshall-Wells Hardware Co., Portland, Oreg.
100	Apr. 30	J. Stevens Arms and Tool Co., Chicopee Falls, Mass.
3,000	....do....	San Francisco Department, Winchester Repeating Arms Co.
2,000	May 11	Missoula Mercantile Co., Missoula, Mont.
300	May 2	W. S. Brown, Pittsburg, Pa.
100	May 5	W. K. Coleman, Homeland, Fla.
100	May 9	C. A. Shroyer & Co., Dayton, Ohio.
500	....do....	Frank A. Ellis & Son, Denver, Colo.
1,000	May 10	Tuft-Lyons Arms Co., Los Angeles, Cal.
140	May 28	F. S. Rowe & Co., Fort Pierre, S. Dak.
160	May 21	G. H. Garrison & Co., Olympia, Wash.
7,000	May 25	Marshall-Wells Hardware Co., Portland, Oreg.

## Shipment of .50 Government rimless cartridges—Continued.

Quantity.	Date.	To whom shipped.
	1906.	
1,000	June 4	Korff-Honsberg & Co., City of Mexico.
500	June 15	Browning Bros. Co., Ogden, Utah.
200	June 18	Joint Bros., Bayona, N. Y.
1,000	June 19	New York Department, Winchester Repeating Arms Co
500	June 7	W. S. Brown, Pittsburg, Pa.
1,000	June 9	Honeyman Hardware Co., Portland, Oreg.
120	June 12	C. & W. McClean & Co., St. Louis, Mo.
500	June 15	Browning Bros. Co., Ogden, Utah.
500	June 19	New York Department, Winchester Repeating Arms Co.
200	....do....	Salem G. LeValley, Buffalo, N. Y.
100	June 21	Edwards & Walker, Portland, Me.
300	June 29	Jetton-Dekle Lumber Co., Brandon, Fla.
500	June 27	Holley-Mason Hardware Co., Spokane, Wash
1,000	June 25	Bullard & Gormley Co., Chicago, Ill.
500	June 27	Jensen-King-Byrd Co., Spokane, Wash.
3,000	....do....	Schwabacher Hardware Co., Seattle, Wash.
200	June 29	W. F. Sheard, Tacoma, Wash.
1,000	July 11	Sorensen & Thykson, Albert Lea, Minn.
400	July 14	Murphy-Maclay Hardware Co., Great Falls, Mont.
100	July 24	T. B. Davis Arms Co., Portland, Me.
300	July 2	Winter & Co., Moncton, New Brunswick.
2,000	....do....	Missoula Mercantile Co., Missoula, Mont.
240	July 3	W. K. Coleman, Carrabelle, Fla.
100	July 5	J. A. Rickard, Schenectady, N. Y.
300	July 6	Tufts-Lyons Arms Co., Los Angeles, Cal.
60	July 7	Fuller-Cook Hardware Co., Houston, Tex.
100	July 28	Farwell, Ozmun, Kirk & Co., St. Paul, Minn.
1,000	July 31	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
300	....do....	Bronson & Townsend Co., New Haven, Conn.
500	July 27	Tufts-Lyons Arms Co., Los Angeles, Cal.
600	July 31	Missoula Mercantile Co., Kallspeil, Mont.
100	Aug. 7	Russell Bros. Manufacturing Co., Middletown, Conn
2,000	Aug. 9	Krakauer-Zork & Moya, El Paso, Tex.
500	Aug. 14	Wm. H. Hoegee Co., Los Angeles, Cal.
1,000	Aug. 28	Seattle Sporting Goods Co., Seattle, Wash.
1,000	Aug. 11	Jannoy-Semple-Hill & Co., Minneapolis, Minn.
200	Aug. 18	A. D. McAusland, Miles City, Mont.
1,000	Aug. 27	Northrup Hardware Co., Boise, Idaho.
100	Aug. 22	Iver Johnson Sporting Goods Co., Boston, Mass.
300	Aug. 25	W. H. Holliday, Laramie, Wyo.
200	Aug. 27	Olney Hardware Co., Sanford, Ariz.
500	....do....	J. M. K. Southwick, Newport, R. I.
100	Aug. 30	Sumner Co., Moncton, New Brunswick, Canada.
1,000	Aug. 25	G. M. Cole, State Arsenal, Hartford, Conn.
100	Aug. 28	Kirkwood Bros., Boston, Mass.
200	Aug. 30	Hibbard, Spencer, Bartlett & Co., Chicago, Ill.
100	Aug. 2	Russell Bros. Manufacturing Co., Middletown, Conn.
40	....do....	J. O'Brien Lumber Co., Sommers, Mont.
100	Aug. 8	Golcher Bros., San Francisco, Cal.
2,000	....do....	New York Department, Winchester Repeating Arms Co.
1,000	Aug. 4	Von Lengerke & Antoine, Chicago, Ill.
100	Aug. 16	Stauffer-Eahleman & Co., New Orleans, La.
500	Aug. 17	Dunham-Carrigan & Hayden Co., San Francisco, Cal.
100	Aug. 29	J. F. Schmelzer & Sons Arms Co., Kansas City, Mo.
300	Aug. 10	Kennedy Bros., Minneapolis, Minn.
200	Aug. 27	A. M. Holter Hardware Co., Helena, Mont.
500	Sept. 5	Shelton-Payne Arms Co., El Paso, Tex.
100	Sept. 11	Golcher Bros., San Francisco, Cal.
1,000	Sept. 15	Seattle Hardware Co., Seattle, Wash.
500	Sept. 7	Wm. R. Burkhard, St. Paul, Minn.
100	Sept. 8	Farwell, Ozmun, Kirk & Co., St. Paul, Minn.
100	Sept. 26	Foster, Meade & Co., Huntington, W. Va.
300	Sept. 1	Wm. Read & Sons, Boston, Mass.
500	Sept. 4	Iver Johnson Sporting Goods Co., Boston, Mass.
1,000	Sept. 10	Korff-Honsberg & Co., City of Mexico.
100	Sept. 14	Smith Bros., Columbus, Ohio.
240	Sept. 15	Walter G. Clark Co., Omaha, Nebr.
200	Sept. 26	Marshall-Wells Hardware Co., Duluth, Minn.
1,000	Sept. 27	New York Department, Winchester Repeating Arms Co.
200	Sept. 28	J. F. Schmelzer & Sons Arms Co., Kansas City, Mo.
1,000	Sept. 29	Von Lengerke & Antoine, Chicago.
60	Sept. 4	Rev. J. W. Fowler, Peacedale, R. I.
200	Sept. 13	Jerry Coleman, Gallon, Ohio.
2,000	Sept. 14	Jannoy-Semple-Hill Co., Minneapolis.
100	Sept. 17	Arp & Hammond Hardware Co., Cheyenne, Wyo.
100	Sept. 20	Sumner Co., Moncton, New Brunswick.
20	....do....	Andrus & Naedels & Co., Hartford, Conn.
1,000	Sept. 21	Montgomery Ward & Co., Chicago, Ill.
2,000	Sept. 22	Wyeth Hardware & Manufacturing Co., St. Joseph, Mo.
1,000	Sept. 25	Tufts-Lyons Arms Co., Los Angeles, Cal.
1,000	Sept. 26	McLennan, McFeely & Co., Vancouver, British Columbia.
500	Oct. 12	Dunham, Carrigan & Hayden Co., San Francisco, Cal.

Shipment of .30 Government rimless cartridges—Continued.

Quantity.	Date.	To whom shipped.
	1906.	
20	Oct. 13	A. Deutz & Bro., Laredo, Tex.
200	Oct. 27	T. B. Davis Arms Co., Portland, Me.
40	Oct. 29	Stauffer, Eshleman & Co., Orleans.
200	....do...	Marshall-Wells Hardware Co., Portland, Oreg.
40	Oct. 20	Jno. E. Bassett, New Haven, Conn.
100	Oct. 22	G. S. Clark, Berlin, N. H.
1,000	Oct. 23	Walter Tips, Austin, Tex.
80	Oct. 31	C. E. Norton, Diamondale, Mich.
1,000	Oct. 30	New York Department, Winchester Repeating Arms Co.
100	Oct. 1	Jacob Jelton, Cheyenne, Wyo.
100	Oct. 4	A. Deutz & Bro., Laredo, Tex.
100	Oct. 5	A. F. Dobrowsky, Redding, Cal.
100	Oct. 9	Weddington Hardware Co., Staunton, Va.
520	Oct. 10	Portage Lake Hardware Co., Houghton, Mich.
300	Oct. 19	Cambria Trading Co., Cambria, Wyo.
140	Oct. 24	Golcher Bros., San Francisco, Cal.
500	Oct. 2	Kennedy Bros., Minneapolis, Minn.
40	Oct. 4	Jno. E. Bassett, New Haven, Conn.
40	Oct. 10	T. B. Davis Arms Co., Portland, Me.
2,000	Oct. 19	Wyeth Hardware & Manufacturing Co., St. Joseph, Mo.
600	Oct. 5	F. L. Kilmore, Oconto Falls, Wis.
600	Oct. 11	Wm. R. Burkhard, St. Paul, Minn.
200	Oct. 26	Walter G. Clark Co., Omaha, Nebr.
120	Oct. 4	F. H. Chandler, Shelbourne Falls, Mass.
100	Oct. 9	Simmons Hardware Co., St. Louis, Mo.
600	....do...	Honeyman Hardware Co., Portland, Oreg.
20	Nov. 22	F. H. Mark, Bellows Falls, Vt.
100	Nov. 2	Montreal, Canada.
100	Nov. 24	Jno. M. Smyth, Chicago.
1,000	Nov. 3	Bullard & Gormley Co., Chicago.
1,000	Nov. 7	Do.
100	Nov. 12	Jno. G. Burney, Boston, Ga.
100	Nov. 13	Topky & Breyner, Conneaut, Ohio.
100	Nov. 24	Jno. M. Smyth, Chicago.
300	Nov. 7	Portage Lake Hardware Co., Houghton, Mich.
40	Nov. 12	Hopkins Bros. Co., Des Moines, Iowa.
100	Nov. 20	Oscar Nason, Oxbow, Me.
60	Nov. 14	Jno. E. Bassett, New Haven, Conn.
1,000	Nov. 23	Baker & Hamilton, San Francisco, Cal.
1,000	....do...	Baker & Hamilton, Sacramento, Cal.
400	....do...	J. H. Ashdown, Winnipeg, Manitoba.
300	Dec. 3	A. Deutz & Bro., Laredo, Tex.
200	....do...	Canedy Bros., St. Paul, Minn.
600	Dec. 8	J. F. Bohmelzer & Sons Arms Co., Kansas City, Mo.
100	Dec. 3	Jno. E. Bassett, New Haven, Conn.
200	Dec. 4	O. L. Pettingell & Sons, Island Falls, Me.
300	Dec. 5	Jno. E. Bassett, New Haven, Conn.
80	Dec. 10	Thompson & Hoague, Concord, N. H.
6,000	Dec. 15	Seattle Hardware Co., Seattle, Wash.
2,000	Dec. 24	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
100	Dec. 17	Bronson & Townsend Co., New Haven, Conn.
2,000	Dec. 28	Janney, Semple, Hill & Co., Minneapolis, Minn.
100	Dec. 20	Dunham, Carrigan & Hayden Co., San Francisco, Cal.
300	Dec. 26	Iyer Johnson Sporting Goods Co., Boston, Mass.
600	Dec. 28	Do.
2,000	Dec. 29	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
600	Dec. 31	National Sportsmen, (Incorporated), Boston, Mass.
152,920		

C.

Shipment of Model 1895 .30 Government rimless rifles from New York department.

Quantity.	Date.	To whom shipped.
	1904.	
1	Aug. 17	Abercrombie & Fitch Co., New York City.
2	Aug. 18	Cash sale.
1	Aug. 11	Abercrombie & Fitch Co., New York City.
1	....do....	M. Hartley Co., New York City.
1	Aug. 18	Abercrombie & Fitch Co., New York City.
1	Aug. 14	Do.
1	Oct. 22	Do.
1	Nov. 1	Do.
1	....do....	Cash sale.
1	....do....	Abercrombie & Fitch Co., New York City.



Shipment of Model 1895 .30 Government rimless rifles, New York department—Cont'd.

Quantity.	Date.	To whom shipped.
	1905.	
1	Jan. 20	Cash sale.
1	...do....	Do.
1	Feb. 24	J. G. Drew, Pablo Beach, Fla.
1	...do....	Von Lengerke & Detmold, New York City.
1	...do....	Abercrombie & Fitch Co., New York City.
1	Mar. 28	Returned to New Haven.
1	...do....	Cash sale.
1	Aug. 7	Carr Bros., El Paso, Tex.,
8	Aug. 10	Returned to New Haven.
8	Aug. 18	Cash sale.
1	...do....	J. G. Keefe, Herkimer, N. Y.
1	...do....	F. Winter Hardware Co., Lancaster, Pa.
1	Sept. 20	No record.
1	Oct. 7	Cash sale.
1	...do....	Returned to New Haven.
1	...do....	Schoverling, Daly & Gales, New York City.
1	July 29	Von Lengerke & Detmold, New York City.
	1906.	
1	Mar. 14	Cash sale.
1	Mar. 16	Returned to New Haven.
1	May 8	Schoverling, Daly & Gales, New York City.
1	June 12	Do.
1	...do....	Cash sale.
1	...do....	In stock.
1	July 29	Von Lengerke & Detmold, New York City.
1	Aug. 2	In stock.
1	Aug. 15	Do.
1	Aug. 18	Do.
1	Aug. 17	H. & D. Folsom Arms Co., New York City.
4	Sept. 19	In stock.
2	Jan. 9	H. & D. Folsom Arms Co., New York City.

D.

Shipment of .30 Government cartridges from New York department.

Quantity.	Date.	To whom shipped.
	1905.	
100	Jan. 10	M. Hartley Co., New York City.
100	Jan. 19	Abercrombie & Fitch Co., New York City.
200	Feb. 23	Cash sale.
600	Feb. 24	Abercrombie & Fitch Co., New York City.
60	Feb. 27	Do.
60	May 10	Cash sale.
20	May 20	Do.
200	May 29	Do.
40	June 1	Do.
20	June 21	Do.
200	June 19	Cash sale, J. A. Johnston, Pittsburg, Pa.
20	July 12	Abercrombie & Fitch Co., New York City.
20	July 17	Cash sale.
40	July 25	Do.
40	Aug. 8	Do.
300	Aug. 9	Abercrombie & Fitch Co., New York City.
800	Aug. 11	Carr Bros., for Texas.
300	Aug. 17	Von Lengerke & Detmold, New York City.
100	Aug. 24	Abercrombie & Fitch Co., New York City.
180	Sept. 7	Do.
60	Sept. 9	H. & D. Folsom Arms Co.
20	Sept. 13	Cash sale.
60	Sept. 23	Schoverling, Daly & Gales, New York City.
20	Sept. 25	Do.
200	Sept. 29	Abercrombie & Fitch Co., New York City.
600	Oct. 2	Do.
100	Oct. 21	Cash sale.
160	Nov. 3	Do.
20	Nov. 8	Do.
40	Nov. 20	Do.
200	Nov. 16	J. A. Johnston, Pittsburg, Pa.
	1906.	
40	Jan. 4	H. & D. Folsom Arms Co., New York City.
20	...do....	Do.
40	Jan. 10	Do.

Shipment of .30 Government cartridges from New York department—Continued.

Quantity.	Date.	To whom shipped.
1906.		
200	Jan. 16	W. A. Abel & Co., Syracuse, N. Y.
400	Jan. 25	Von Lengerke & Detmold, New York City.
100	....do...	Do.
260	Feb. 3	D. S. Spaulding, Mexico.
40	Feb. 26	Cash sale.
60	Feb. 28	Albany Hardware and Iron Co., Albany, N. Y.
40	Mar. 3	Cash sale.
100	Mar. 6	Do.
200	Mar. 15	H. H. Valentine, Albany, N. Y.
20	Mar. 22	J. Stevens Arms and Tool Co., Chicopee Falls, Mass.
500	Apr. 6	J. A. Johnston, Pittsburg, Pa.
40	....do...	Cash sale.
100	Apr. 12	Von Lengerke & Detmold, New York City.
100	May 23	Cash sale.
300	May 24	Do.
100	May 25	Do.
40	June 4	W. A. Abel & Co., Syracuse, N. Y.
120	June 12	E. K. Tryon Co., Philadelphia, Pa.
1,000	June 20	Arkell & Douglas (for Australia).
500	June 23	Carr Bros. (for Mexico).
120	June 30	Cash sale.
300	Aug. 2	Schoverling, Daly & Gales, New York City.
100	Aug. 22	Do.
20	Aug. 31	Stichter Hardware Co., Lancaster, Pa.
200	July 5	Bluefield Hardware Co., Bluefield, W. Va.
100	July 13	Cash sale.
40	Sept. 4	Do.
40	Sept. 10	E. G. Koenig, Newark, N. J.
140	Sept. 17	Cash sale.
40	Sept. 21	Do.
300	Sept. 22	H. & D. Folsom Arms Co., New York City.
160	Sept. 25	Aberrombie & Fitch Co., New York City.
500	Sept. 26	J. A. Johnston, Pittsburg, Pa.
40	Oct. 4	Cash sale.
80	Oct. 8	Schoverling, Daly & Gales, New York City.
200	Oct. 9	H. & D. Folsom Arms Co., New York City.
100	Nov. 19	Cash sale.
200	Nov. 27	Schoverling, Daly & Gales.
100	....do...	T. B. Davis Arms Co., Portland, Mo.
40	Oct. 19	Stichter Hardware Co., Lancaster, Pa.
20	....do...	Do.
80	Oct. 21	W. A. Abel & Co., Syracuse, N. Y.
80	Oct. 26	Von Lengerke & Detmold, New York City.
80	Oct. 29	Schoverling, Daly & Gales, New York City.
40	....do...	Do.
100	Oct. 30	Albany Hardware and Iron Co., Albany, N. Y.
80	Oct. 31	Schoverling, Daly & Gales, New York City.
200	....do...	Cash sale.

E.

To be inclosed with letter to Capt. John H. Rice.

Date.	Quantity.	Address.	Order No.
1904.			
Apr. 14	1,000 metal case	W. J. Bruff, care of M. Hartley Co., to Russia	X 58995
May 13	200 metal case	S. G. Le Valley, Buffalo, N. Y.	X 7609
Do...	20 metal case	Weed & Co., Buffalo, N. Y.	X 6964
July 6	....do	U. T. Hungerford Brass and Copper Co., New York	X 1509
Do...	50 metal case	W. R. A. Co., New York City	X 2177A
Do...	20 metal case	Schoverling, Daly & Gales, New York City	X 1066
Do...	100 metal case	U. S. O. Co., Lowell, Mass.	X 9689
July 30	20 soft point	Schoverling, Daly & Gales, New York City	X 1066
Aug. 4	2,000 metal case	Export, mark aTc, Callao	X 1227X
Sept. 1	500 soft point	Elihu Root, Clinton, N. Y.	X 17848C
Sept. 15	60 soft point	E. O. Goff, Waterbury, Conn. (Schofield Manufacturing Co.)	X 19149
Sept. 28	200 metal case	R. A. Co., Ilion, N. Y.	X 20832A
Oct. 22	2,000 soft point	U. M. O. Co., San Francisco agency	X 23543
Do...	1,000 metal case	....do	X 23543
Dec. 2	500 metal case	W. J. Bruff, care of M. Hartley Co.	X 27877
1905.			
Jan. 14	20 soft point	Schoverling, Daly & Gales, New York City	X 623
Jan. 16	200 metal case	M. Hartley Co., stock U.	X 734

To be inclosed with letter to Capt. John H. Rice—Continued.

Date.	Quantity.	Address.	Order No.
1905.			
Jan. 16	200 soft point	M. Hartley Co., stock U	X 731
Jan. 26	.....do	Com. Officer, Frankford Arsenal	X 13960
Apr. 26	300 metal case	M. Hartley Co., stock A	X 6121A
June 28	100 metal case	Kirkwood Co., Boston, Mass.	X 9873
Aug. 23	800 soft point	Von Lengerke & Detmold, New York City	X 21440
1906.			
Feb. 6	1,000 soft point	Hackett-Walther-Gates, St. Paul	X 1369
Mar. 19	400 metal case	R. A. Co., Illon, N. Y.	X 4509
Mar. 22	200 metal case	J. A. Johnston, Pittsburg, Pa.	X 4550
Do...	200 soft point	.....do	X 4550
Apr. 7	100 soft point	Schoverling, Daly & Gales, New York City	X 5509
May 10	200 metal case	Von Lengerke & Antolne, Chicago.	X 7767
June 20	40 metal case	Farwell, Ozmun, Kirk & Co., St. Paul.	X 9616
June 27	1,000 soft point	Francisco, Vizcaya, Laredo, Tex.	X 10297
Aug. 3	60 soft point	Farwell, Ozmun, Kirk & Co., St. Paul.	X 14111
Aug. 13	1,000 metal case	.....do	X 14869
Do...	1,000 soft point	.....do	X 14869
Aug. 17	400 soft point	M. Hartley Co., stock B	X 16948
Aug. 21	500 soft point	Kennedy Bros, Arms Co., St. Paul.	X 17297
Aug. 23	100 metal case	Lyman Gunsight Corporation, Middlefield, Conn.	X 17675A
Aug. 24	400 soft metal.	M. Hartley Co., stock E	X 17946
Nov. 8	40 soft metal.	Simmons Hardware Co., St. Louis.	X 20151
Do...	60 metal case	.....do	X 30151
Dec. 11	140 metal case	Stauffer-Eshleman & Co., New Orleans	X 34407N

Metal case	7,860
Soft point	7,000
Total	15,860

[Inclosure No. 2.]

List of model of 1903 rifles issued, sold, or otherwise disposed of prior to August 13, 1906.

	Date of issue.	Model of 1903 rifles, both styles.	Cartridges.	Authority of Chief of Ordnance, United States Army.
Col. L. J. Pinault, Ottawa, Canada. Governor of Pennsylvania	1903. Nov. 16	Number. 56	1,000	Third indorsement, Aug. 19, 1903; O. O., 34191-9.
	Dec. 11	934	.....	First indorsement, Dec. 4, 1903; O. O., 30436-257.
Union Metallic Cartridge Co., Bridgeport, Conn. Lafin & Rand Powder Co	1904. Jan. 21	516	.....	First indorsement, Jan. 4, 1904; O. O., 34088-9.
	Mar. 4	491	.....	Letter, Dec. 4, 1903; O. O., 34032-49.
Governor of Washington	Mar. 15	11321	.....	Third indorsement, Feb. 16, 1901; O. O., 30621-118.
	Mar. 22	11563	.....	Third indorsement, Mar. 11, 1901; O. O., 31081-119.
Governor of New Jersey	Apr. 7	9730	.....	Sixth indorsement, Mar. 24, 1901; O. O., 31133-394.
		11433		
		10987		
		11356		
Remington Arms Co	May 5	19089	.....	Fifth indorsement, Mar. 26, 1901; O. O., 31133-392.
Governor of New Jersey	May 5	.....	3,000	First indorsement, Apr. 26, 1904; O. O., 37825-84.
	May 6	.....	.....	Third indorsement, Apr. 23, 1901; O. O., 31133-409.
Mr. J. H. Brown, Reading, Pa.	May 14	10971	.....	First indorsement, Apr. 27, 1901; O. O., 37830-8.
Winchester Arms Co	May 25	11186	.....	Letter, Dec. 23, 1903; O. O., 37831-155.
	Do.	11647	.....	Fourth indorsement, Jan. 20, 1901; O. O., 34355-51.
United States Cartridge Co	May 28	444	.....	First indorsement, Feb. 2, 1904; O. O., 31550-11.
		644		
Mr. S. N. McClean, Cleveland, Ohio.	June 2	11333	.....	First indorsement, May 28, 1901; O. O., 22396-39.
Governor of New Jersey	June 7	11158	.....	Third indorsement, June 3, 1901; O. O., 31133-424.
Governor of Texas	June 17	11161	.....	First indorsement, June 2, 1904; O. O., 31316-167.
Mr. J. T. Brayton, 126 State street, Chicago, Ill.	Do.	11260	.....	Letter, Mar. 9, 1904; O. O., 34355-58.
Governor of Maine	Do.	11979	.....	First indorsement, June 6, 1901; O. O., 28880-120.
Anson Mills Woven Cartridge Belt Co.	June 18	10870	.....	First indorsement, June 10, 1901; O. O., 33544-17.

List of model of 1903 rifles issued, sold, or otherwise disposed of prior to August 13, 1906—  
Continued.

	Date of issue.	Model of 1903 rifles, both styles.	Cartridges.	Authority of Chief of Ordnance, United States Army.
	1904.	Number.		
U. S. National Museum .....	Aug. 15	6		Third indorsement, Aug. 10, 1904; O. O., 34928-29.
Quartermaster, U. S. Marine Corps.	Aug. 19	11375		Third indorsement, Aug. 13, 1904; O. O., 31628-371.
Governor of Pennsylvania .....	Sept. 2	28241		Letter, Aug. 12, 1904; O. O., 30436-311.
Peters Cartridge Co .....	Oct. 5	49052 49212		First indorsement, Sept. 23, 1904; O. O., 38544-32.
Governor of New Jersey .....	Oct. 7	40576 41102		First indorsement, Sept. 22, 1904; O. O., 31133-458.
Governor of Texas .....	Do.	40194		First indorsement, Sept. 9, 1904; O. O., 31816-178.
Pratt & Whitney Co .....	Oct. 18	41005		Third indorsement, Oct. 10, 1904; O. O., 29001-383.
Governor of New Jersey .....	Oct. 31	40098		First indorsement, Oct. 25, 1904; O. O., 31133-465.
E. I. Du Pont Co .....	Nov. 4	41003		First indorsement, Sept. 17, 1904; O. O., 33043-30.
Mr. E. B. Meyrowitz, No. 104 E. Twenty-third st., New York City.	....do...	39314		First indorsement, Oct. 31, 1904; O. O., 38544-40.
Governor of Connecticut .....	Dec. 7	39396		First indorsement, Dec. 2, 1904; O. O., 28563-145.
	1905.			
Governor of New Jersey .....	Jan. 27	88708		First indorsement, Jan. 19, 1905; O. O., 31133-475.
Quartermaster, U. S. Marine Corps.	Feb. 10	38941		Third indorsement, Jan. 24, 1905; O. O., 31628-418.
Harrington & Richardson Arms Co.	....do...	35974		Third indorsement, Feb. 8, 1905; O. O., 38544-54.
Mr. F. K. Young, New York City.	Feb. 15	40050	12	First indorsement, Feb. 4, 1905; O. O., 38351-26.
Governor of Oregon .....	Mar. 1	67484		First indorsement, Feb. 1, 1905; O. O., 25984-80.
Ideal Manufacturing Co., New Haven, Conn.	Mar. 13	38955		First indorsement, Mar. 7, 1905; O. O., 38544-59.
Governor of New Jersey .....	Mar. 16	26230 40125		Third indorsement, Mar. 1, 1905; O. O., 31133-483.
Mr. John Adrianson, Chicago, Ill.	Mar. 20	39936	40	Second indorsement, Mar. 14, 1905; O. O., 38544-62.
Mr. W. D. Condit, Philadelphia, Pa.	Mar. 25	.....	100	Letter, Oct. 20, 1904; O. O., 38544-88.
Mr. F. K. Young, New York City.	Mar. 27	.....	24	First indorsement, Mar. 13, 1905; O. O., 38351-30.
Mr. H. C. Wilson, New York City.	Apr. 7	40838		Letter, Mar. 16, 1905; O. O., 38544-64.
United States Cartridge Co., Lowell, Mass.	June 1	89475		First indorsement, May 13, 1905; O. O., 31550-22.
Mr. W. P. Shattuck, Minneapolis, Minn.	June 26	91		First indorsement, June 14, 1905; O. O., 38897-1.
Governor of Wyoming .....	Aug. 17	82		First indorsement, July 8, 1905; O. O., 38490-48.
Union Metallic Cartridge Co., Bridgeport, Conn.	Aug. 30	186221		Third indorsement, Aug. 26, 1905; O. O., 34088-25.
Winchester Repeating Arms Co., New Haven.	Oct. 14	182507 183778 183093 184367 185831 186379		Fifth indorsement, Aug. 12, 1905; O. O., 38904-15.
Mr. Chas. L. Cessna, Mandan, N. Dak.	Oct. 30	141419		First indorsement, Aug. 11, 1905; O. O., 38544-93.
E. I. Du Pont Co., Wilmington, Del.	Nov. 10	182851		Second indorsement, Oct. 2, 1905; O. O., 38843-118.
United States Cartridge Co., Lowell, Mass.	Nov. 16	145602 150633 151139 152127		Third and fifth indorsements, Nov. 6 and 9, 1905; O. O., 31550-24.
Winchester Repeating Arms Co., New Haven, Conn.	Dec. 1	94671		Fifth indorsement, Nov. 10, 1905; O. O., 35618-21.
U. M. Cartridge Co., Bridgeport, Conn.	Dec. 22	39 183802		Fifth indorsement, Dec. 13, 1905; O. O., 34088-34.
	1906.			
Governor of New Jersey .....	Jan. 6	119		First indorsement, Dec. 19, 1905; O. O., 31133-547.
Mr. John Barlow, Auburn, N. Y.	....do...	84		38544-102.
Chinese commissioners .....	Feb. 13	204461		Letter, Feb. 6, 1906; O. O., 35255-436.
Governor of New Jersey .....	Feb. 24	217		First indorsement, Feb. 3, 1906; O. O., 31133-553.

List of model of 1903 rifles issued, sold, or otherwise disposed of prior to August 13, 1906—  
Continued.

	Date of Issue.	Model of 1903 rifles, both styles.	Cartridges.	Authority of Chief of Ordnance, United States Army.
	1906.	<i>Number.</i>		
Smithsonian Institute.....	Mar. 28	199095		{Third indorsement, May 27, 1906; O. O. 34928-40.
Mr. Chas. M. Dally, New York City.	Apr. 2	199093		{First indorsement, Mar. 17, 1906; O. O. 38644-114.
E. I. Du Pont Co., Wilmington, Del.	{...do...}	14		{Second indorsement, Mar. 7, 1906; O. O. 38843-131.
		222		
Governor of Ohio.....	{...do...}	127040		{First indorsement, Mar. 17, 1906; O. O. 26061-460.
		122300		
Julius King Optical Co., Cleveland, Ohio.	Apr. 4	213354		
		118235		{Second indorsement, Mar. 13, 1906; O. O. 34355-63.
Mr. J. M. Dickinson, Chicago, Ill.	Apr. 6	120680		{First indorsement, Nov. 29, 1905; O. O. 37925-71.
Governor of New York.....	Apr. 20	125494		{Second indorsement, Feb. 15, 1906; O. O. 38490-63.
Governor of New Jersey.....	May 12	102320		{First indorsement, Apr. 23, 1906; O. O. 31183-563.
Mr. D. McNiven, Pawtucket, R. I.	June 9	201349		{Letter, June 2, 1906; O. O. 38544-123.
U. S. Cartridge Co., Lowell, Mass.	June 15	217358		{First indorsement, June 11, 1906; O. O. 31550-29.
Governor of Vermont.....	July 17	104109		{Letter July 6, 1906; O. O. 27943-142.
		217351		
Governor of Maine.....	Aug. 4	104867		{First indorsement, July 21, 1906; O. O. 28880-147.
		104558		
Sub Target Gun Co., Boston, Mass.	Aug. 10	220296		{First indorsement, July 25, 1906; O. O. 38345-44.
<b>Total, 69.....</b>		<b>90</b>		

In addition to the above, one special rifle made for the President of the United States.

[Inclosure No. 3.]

Names and addresses of all parties, except officers of the Army, to whom model of 1903 rifle pattern ammunition has been issued, sold, or otherwise disposed of prior to August 13, 1906.

Date.	Name.	Address.	Number of rounds.
Oct. 29, 1902	Vickers-Maxim Co.....	Washington, D. C.....	5,000
Mar. 6, 1903	Sir Charles Ross.....	Hartford, Conn.....	1,000
Mar. 9, 1903	Doctor Hudson.....	New York, N. Y.....	100
June 27, 1903	J. J. Reilgraner.....	St. Louis, Mo.....	100
July 24, 1903	Vickers Sons Co.....	London, England.....	5,000
Oct. 23, 1903	Hopkins & Hopkins.....	Washington, D. C.....	10,000
Nov. 0, 1903	S. N. McClean.....	Cleveland, Ohio.....	2,000
Feb. 11, 1904	President of the United States.....	Washington, D. C.....	100
Mar. 9, 1904	State of Washington.....	Olympia, Wash.....	1,000
Apr. 26, 1904	V. P. DeKnight.....	Cincinnati, Ohio.....	2,000
May 4, 1904	State of West Virginia.....	Charleston, W. Va.....	1,000
June 10, 1904	State of Maine.....	Augusta, Me.....	1,000
June 25, 1904	W. D. Condit.....	Philadelphia, Pa.....	1,000
July 2, 1904	J. H. Brown.....	Reading, Pa.....	100
Aug. 16, 1904	State of Pennsylvania.....	Harrisburg, Pa.....	1,000
Aug. 31, 1904	Hon. Ellihu Root.....	Washington, D. C.....	500
Oct. 10, 1904	State of Texas.....	Austin, Tex.....	1,000
Oct. 15, 1904	V. P. DeKnight.....	Cincinnati, Ohio.....	2,000
Jan. 17, 1905	C. F. A. Armstrong.....	New York, N. Y.....	100
Jan. 28, 1905	President of the United States.....	Washington, D. C.....	100
May 1, 1905	W. D. Condit.....	Philadelphia, Pa.....	500
May 31, 1905	Winchester Repeating Arms Co.....	New Haven, Conn.....	200
June 12, 1905	Gen. Wm. B. Rochester.....	New York, N. Y.....	1,000
July 5, 1905	Winchester Repeating Arms Co.....	New Haven, Conn.....	1,000
Aug. 18, 1905	Hon. Otto Gramm.....	Laramie, Wyo.....	300
Sept. 5, 1905	W. D. Condit.....	Philadelphia, Pa.....	500
Jan. 22, 1906	V. P. DeKnight.....	Cincinnati, Ohio.....	1,000
Mar. 27, 1906	State of Ohio.....	Columbus, Ohio.....	3,000
Apr. 14, 1906	D. M. Dickinson.....	Chicago, Ill.....	200
May 2, 1906	Rekylriffel Syndikat.....	Copenhagen, Denmark.....	3,000
Do.....	Deutsche Waffen und Munitions Fabriken.	Karlsruhe, Germany.....	1,000
May 4, 1906	Jno. Barlow.....	Auburn, N. Y.....	50
July 10, 1906	State of New Jersey.....	Trenton, N. J.....	1,000

WAR DEPARTMENT,  
*Washington, January 11, 1907.*

## MEMORANDUM FOR THE CHIEF OF ORDNANCE.

Please examine, and have Captain Rice examine, the shells and cartridges and the undischarged cartridges and the bullets which Mr. Purdy will show you, and state, first, whether you can tell by the marks on them whether the shells are those manufactured exclusively for the Government.

Secondly, whether, in your opinion, the three bullets shown to you could have come from the Springfield rifle, model of 1903, and whether they could have come from any other rifle which you know of.

Third, whether the bandoleer shown you by Mr. Purdy is the bandoleer in use in the service and manufactured for the Government, and what your information is as to the fact whether such bandoleers are manufactured for anybody but the Government.

WM. H. TAFT, *Secretary of War.*

[Indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,  
*Washington, January 12, 1907.*

1. Respectfully returned to the Honorable The Secretary of War, with the information that the empty shells, undischarged cartridges, and bullets referred to within, have been carefully examined. The empty cases are marked on the base as having been manufactured at the Frankford Arsenal, and by the Union Metallic Cartridge Company. The former place manufactures only for the Government, and the shells manufactured by the Union Metallic Cartridge Company are marked on the base with the date of manufacture, which indicates that they were furnished to the United States under contract, since the officials of that company have stated to Captain Rice that no similar cartridge cases among the small number they have sold to the trade were marked with the date. There is, therefore, no reasonable doubt of the fact that these cartridge cases were manufactured for and furnished to the Government.

2. The three bullets referred to within could have come from the model of 1903 rifle, commonly known as the new Springfield, and they could also have come from the so-called Krag rifle, the size of the bullet being identical for the two arms and the rifling being the same, thus leaving the same marks on the jacket of the bullet. If taken in connection with the cartridge cases referred to above, however, the Krag rifle would be eliminated, since these cases can not be used in that arm, because it has a smaller chamber than the new Springfield, and because it is arranged for the use of a cartridge case with a flanged head, instead of one with a cannelured or rimless head, as is the case with the ammunition for the model of 1903 gun. The bullets could not have come from any arm of which I know, except the two enumerated above, since the only rifle manufactured in this country, so far as investigation has disclosed, which has the same form of chamber as the model of 1903 rifle is the model of 1895 Winchester, 438 of which have been chambered for this ammunition. These bullets could not have been fired from this rifle, since it has six lands instead of four,

as shown by the marking on the bullets. Two Lee rifles have been manufactured having chambers that will take the model of 1903 ammunition, one of which is still in the hands of the manufacturers and the other in the hands of one of their employees.

3. The bandoleer referred to is of the design used in service, and from the markings was manufactured for model of 1903 ammunition by the Union Metallic Cartridge Company in January, 1906. As the cartridge cases referred to above as manufactured by this company were dated December, 1905, it is not improbable that they may have been packed in the bandoleer referred to. This Department has never known of the manufacture of such bandoleers, except for the use of the Government, and so far as known no one else has any use for such bandoleers.

WILLIAM CROZIER,  
*Brigadier-General, Chief of Ordnance.*

JOHN H. RICE was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. You are a captain in the United States Army?—A. Yes.

Q. How long have you been connected with the Army?—A. Since June 15, 1889.

Q. In what department of the Army are you employed at the present time?—A. Ordnance Department.

Q. How long have you been connected with the Ordnance Department of the United States Army?—A. Since November, 1898.

Q. During that time will you state, Captain, in a general way, what your duties have been in that Department?—A. I have been on duty at the gun factory at Watervliet Arsenal for about six months; at the Sandy Hook proving ground for about two years; at the Manila ordnance depot for something over two years; on inspection duty for a little more than two years, and since last April on duty in the office of the Chief of Ordnance in the city of Washington.

Q. I will ask you, Captain, if you are familiar with the rifle known as the new Springfield rifle and now in use in the United States Army?—A. I am.

Q. Will you state, Captain, about how long that rifle has been in use by the troops?—A. About eight months.

Q. What was the rifle used by the United States Army before the new Springfield rifle was adopted?—A. It is an arm commonly known as the Krag rifle adopted some little time before the Spanish war.

Q. Will you go on now, Captain, and describe the bore of these two rifles and any other characteristics which you think of that are peculiar to these two guns?—A. The bores are practically identical as regards rifling, each having four lands, .06 inch wide, the depth of groove or height of land is .004. The Krag rifle barrel is longer than that of the new Springfield rifle and the chamber is different in size, being smaller in the Krag, so that the cartridge for the model of 1903, commonly known as the new Springfield, will not enter the chamber of the Krag rifle by about 1 inch. It is, therefore, impossible to use the model of 1903 ammunition in the Krag rifle on this account, as well as because the Krag rifle is constructed to use a flanged cartridge case, while the model of 1903 rifle uses a cannellured case, which is commonly termed grooved.

Q. Will you describe, Captain, the markings which appear upon bullets fired from the new Springfield rifle and the Krag-Jørgensen rifle?—A. They are identical. The bullet is marked with four grooves of slight depth corresponding to the lands of the rifling and making a slight spiral from the base toward the point of the bullet.

Q. Now, Captain Rice, I want to show you these shells, four clips, and these six ball cartridges which have been identified as having been picked up in the streets of the city of Brownsville by different persons on the morning of the 14th of August, 1906, and ask you if you know what kind of ammunition they are?—A. The clips are for the model of 1903 ammunition manufactured either for or by the Government for use in its model 1903 rifle, and after considerable investigation of the subject I feel sure that they can not be used with any other arm to be found in this country. The cartridge cases are for model of 1903 Government ammunition; part of them were manufactured at the Frankford Arsenal and gun factory, which produces material only for the use of troops, and the remainder were manufactured by the Union Metallic Cartridge Company, evidently in accordance with a contract with the United States Government and for delivery to the Government. The cases are identified as for the 1903 rifle by their shape and size, as well as the fact that they are cannellured. Their place of manufacture is indicated by marking on the base of the shell. Those from the Union Metallic Cartridge Company may be distinguished from any similar cases manufactured by them for commercial use by the date being stamped in, which is not the case with their commercial material.

Q. I will now ask you, Captain Rice, whether this ammunition I have shown you, including the ball cartridges and empty shells, is capable of being used in the Krag-Jørgensen rifle?—A. It is not; because the cases are not the right size for the chamber, and they are cannellured and could not be used in a gun made to take a flanged case.

Q. Do you know of any rifle in which this ammunition which I have shown you can be used other than the new Springfield rifle?—A. It will fit the Winchester rifle, model of 1895, when specially chambered—only 438 have been thus changed—but could not be used satisfactorily in that arm, because the blow of the firing pin is not sufficiently strong to discharge the primer. There have also been manufactured two Lee rifles chambered for this ammunition, one of which is still in the hands of the manufacturer and the other is in the hands of an employee, and was specially manufactured for him.

Q. Do you know, Captain, of any other rifles besides those which you have mentioned which will use this ammunition which I have shown you?—A. I do not. I have recently investigated the subject and consulted the leading manufacturers in this country, and none of them knew of any other arm than those to which I have already referred that could take this ammunition.

Q. Now with reference to the 1895 model of the Winchester rifle which you state, as I remember, will take this ammunition. I will ask you, Captain, how many lands are contained in the bore of the 1895 model Winchester rifle which will take this ammunition?—A. There are six of a width almost twice that of the lands of the model of 1903 rifle.

Q. I will now show you, Captain Rice, a bullet offered in evidence in connection with the testimony of Miss Gertrude Cowen, who was



recently examined by me in the city of Brownsville, which bullet is alleged to have been found between the plate-glass mirror and the backing thereto in the wardrobe of the Cowen house on the same day upon which Miss Cowen was examined. I will ask you to examine this bullet and state what kind of a rifle, in your opinion, that bullet was fired from, and the kind of ammunition of which it was a part?—A. There is no question in my mind but that it was fired from a model of 1903 rifle or a model of 1898, known as the Krag rifle, since the marks of the rifling are such as are made by these two arms, and to the best of my belief made only by them.

Q. If this bullet is a part of one of the shells, or a similar shell, which I have shown you as having been picked up on the streets of the city of Brownsville on the day after the shooting affray, I will ask you whether it could have been fired from a Krag rifle?—A. It could not.

Q. Will you give your reasons for so stating?—A. If the bullet were assembled in the case to which you refer, the cartridge could not be inserted in the Krag gun, from which it follows that it could not have been fired in the Krag gun.

Q. Then, as I understand you, Captain, this bullet which I have shown you, in your opinion, could have been fired only from a Krag rifle, or from a new Springfield rifle, and if the bullet was originally contained in one of these shells which I have shown you, then, and in such case, the Krag rifle is eliminated, and in your judgment it was fired only from a new Springfield rifle. Is that correct?—A. It is correct, taking into consideration the fact, as previously explained, that the cases must have been either manufactured for or by the Government.

Q. I will next show you a bullet which Maj. A. P. Blocksom extracted from the dining-room door in the house of Mr. Yturria in the city of Brownsville, on the first day of January, 1907. After having examined this bullet, will you state, Captain Rice, what rifle or rifles, in your opinion, that bullet must have been fired from?—A. It is in exactly the same class as the one in reference to which I have just testified, and all remarks pertaining thereto apply also to this.

Q. Captain Rice, I will now show you a bullet, which Mr. Garza states in his testimony that he extracted from the wooden covering of the well in the yard of Mr. Yturria on the day after the shooting affray in Brownsville last August. I will ask you to examine this bullet and state as to what rifle or rifles, in your opinion, that bullet was fired from.—A. It is in exactly the same class as the two bullets in reference to which I have previously testified, and all remarks in reference to them apply equally to this.

Q. I will next show you, Captain, three pieces of metal, resembling bent tin, which are alleged to have been found by Mr. Garza on the floor of his dining room on the morning of August 14, the day after the shooting. Having examined these three pieces of metal, resembling bent tin, are you able to state what they are?—A. They are undoubtedly parts of cupro-nickel jackets which have been stripped from the leaden core of jacketed bullets, either the same or similar to those in reference to which I have previously testified.

Q. Captain, I will ask you whether you can account for bullets, commonly known as the steel-jacketed bullets, being fired from a rifle and retaining substantially the same form as before they were fired, while other bullets of the same kind are broken up into small particles

of metal resembling bent tin?—A. It is essentially a matter of the resistance encountered by the bullet. No great deformation will result unless the resistance encountered is very considerable, in which case the stripping of the jackets is a well-known phenomenon.

Q. Captain Rice, I will now show you a bandoleer which was offered in evidence in connection with the testimony of one Juan Cerda, and which is alleged to have been picked up in the alley in the rear of the Miller Hotel, in the city of Brownsville, at about daylight on the morning of the 14th of August. After having examined this bandoleer, I will ask you to state whether or not it is similar in all respects to the bandoleer used by the United States troops.—A. It is of Government design, such as is manufactured for the model of 1903 ammunition, and is furnished the Government either by its own plant at the Frankford Arsenal or by private manufacturers working under contract for the Government. The markings indicate that this particular bandoleer was furnished by the Union Metallic Cartridge Company in January, 1906. The cartridge cases, in reference to which I have previously testified, were manufactured by that company, as shown by the markings, in December, 1905.

JOHN H. RICE.

UNITED STATES OF AMERICA, *District of Columbia*, ss:

John H. Rice personally appeared before me, and on being first duly sworn deposes and says that he has read the foregoing testimony by him subscribed, and the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

JOHN H. RICE.

Subscribed and sworn to before me this 11th day of January, A. D. 1907.

A. C. CAINE,  
*Notary Public, District of Columbia.*

### 13. *Miscellaneous testimony.*

Mr. WILBERT VOSHILLE was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Your name is Wilbert Voshelle?—A. Yes, sir.

Q. In what occupation are you engaged?—A. At the present time I am a teamster for the Government.

Q. How long have you been working for the Government?—A. I soldiered three years. I have been teaming for the Government now three years here in Texas.

Q. Were you located at Fort Brown during the month of last August?—A. Yes, sir.

Q. Where did you live there in the city of Brownsville?—A. I lived in the eastern part of the town—in the suburbs.

Q. And you were working as a corral boss there at Fort Brown?—A. Yes, sir.

Q. Do you remember seeing Major Penrose and the mayor of the city on the afternoon of the day on which the shooting occurred?—A. Yes, sir; the same day, the 13th of August.

Q. Where were Major Penrose and the mayor of Brownsville at the time that you saw them?—A. They were standing between the canteen and the hospital, on the walk, on the military reservation.

Q. Was there anyone else with them at that time?—A. Yes, sir; the quarantine officer was with them.

Q. What was his name?—A. I didn't know what it was then. I was told afterwards that it was Mr. Evans.

Q. I will show you this plat, marked "Exhibit B," and ask you to locate as nearly as you can the place these men were standing on that afternoon at the time that you saw them.—A. (Pointing on plat.) About there.

Q. I will mark that point with the letter "V," as indicating the point where you saw Major Penrose and the gentlemen who were with him. Did you hear any of the conversation between these men?—A. Yes, sir; I heard this quarantine officer talking to the other gentlemen. Of course I did not hesitate, I just walked on by. I cut across the canteen and got my mail as I did every afternoon when I went home. This quarantine officer was talking and motioning, and when I got opposite I heard him say that if there was not an arrest made between that time and 11 o'clock, all enlisted men seen in the street would be shot.

Q. Did you hear what Major Penrose said?—A. No, sir; I did not.

Q. Did you hear Doctor Combe, the mayor of the city, say anything?—A. No, sir.

Q. You are positive about that?—A. I am absolutely positive about that.

Q. Is that all the conversation which you heard?—A. Yes, sir.

Q. In the latter part of November, 1906, while you were in the Territory of Oklahoma, you made an affidavit, did you not, with reference to the conversation that you heard on that afternoon?—A. Yes, sir.

Q. Will you state who was present at the time that you made that affidavit?—A. No, sir; I can not. I didn't know anyone. I was a perfect stranger.

Q. What kind of looking men were they?—A. There were two colored men. They were clerks, I presume. I don't know whether they were clerks or attorneys. No one else was present.

Q. Where were you when you made such affidavit?—A. I was in the orderly room of D Company of the Twenty-fifth Infantry, stationed at Fort Reno, Okla.

Q. I will now show you a copy of what purports to be that affidavit which you made at that time, as the same appears on page 205 of a publication entitled "Brownsville Affray, August 13 and 14, 1906," and ask you whether that is a copy of the affidavit which you signed at that time?—A. I signed an affidavit there at that time, but I don't know whether that which you have read is a correct copy of it.

Q. Did you read it over, or was it read over to you before you signed it?—A. No, sir; it was not read over to me, neither did I read it.

Q. Do you know which one of those colored men wrote out this affidavit?—A. He was short, rather good-looking for a colored man, very intelligent, but his name I don't know.

Q. Did you state at that time to those men who prepared that affidavit for you to sign the matters which are recited in that affidavit which I have just read to you?—A. No, sir; not all of them.

Q. What did you say to them about this conversation which you heard between Major Penrose, Mayor Combe, and Mr. Evans?—A. I said that the quarantine officer—I did not know at that time that his name was Evans, I learned since—said to Major Penrose that if there was not an arrest made between that time and 11 o'clock, all enlisted men seen in the street would be shot.

Q. But you never made the statement that Mayor Combe had said that to Major Penrose?—A. No, sir.

Q. In what other respect, if any, is this affidavit which I have just read to you from the publication entitled "Brownsville Affray" incorrect?—A. About those four citizens with arms.

Q. Will you state what was the real fact with respect to that matter?—A. Yes, sir. When I came out of the door of my house those two policemen came from their own houses and ran down the street in front of me, toward town, and I went across the garrison at these non-commissioned quarters, where the married soldiers live. There was a hole in the fence where I went through.

Q. Were you up in the business portion of the city of Brownsville that night at any time while the shooting was going on, or after the shooting had taken place?—A. No, sir.

Q. I will ask you if, at the time this affidavit was prepared, which I have just read to you, you made the statement to the men who prepared the affidavit that on the night of the shooting in the city of Brownsville you met four citizens with arms who were talking about soldiers?—A. No, sir; I did not.

Q. Did you see any citizens on that night?—A. I saw no citizens except those two policemen.

Q. And that is while you were on your way from your home in the eastern portion of the city of Brownsville down to the corral located in the eastern part of the military reservation?—A. Yes, sir.

Q. Is that all you know about it? A. Yes, sir.

WILBERT VOSHILLE.

THE STATE OF TEXAS, *County of Bexar, ss:*

Wilbert Voshelle, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

WILBERT VOSHILLE.

Subscribed and sworn to before me this 3d day of January, 1907.

[SEAL.]

D. H. HART, *Clerk.*

By A. I. CAMPBELL,  
*Deputy Clerk, United States District Court.*

Capt. WILLIAM KELLY was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. Captain Kelly, how long have you resided in the city of Brownsville?—A. Over forty years.

Q. You came here immediately after the civil war?—A. At the close of the civil war.

Q. You served in the army of the rebellion?—A. Yes, sir.

Q. What regiment?—A. In two regiments: the First New York Mounted Rifles and the Eighth United States Colored Troops.

Q. And what is your business here in this city?—A. I am a banker—president of the First National Bank.

Q. You were the chairman of the Citizens' Committee that was organized here shortly after the difficulty which occurred on the night of the 13th of August?—A. Yes, sir. It was organized the following morning about 10 o'clock.

Q. That was composed of prominent citizens of Brownsville?—A. Yes, sir. One of the largest meetings we have ever held here.

Q. I want to inquire of you with reference to just one matter, and that is, what, if anything, you know in regard to whether the buildings at Fort Brown were fired into on that night.—A. I know this, that a committee of citizens was instructed by the general meeting to proceed to Fort Brown to interview the commanding officer and ascertain what he was doing to find out the names of the soldiers who had fired into the town the night before. I went to Fort Brown with the whole committee and saw Major Penrose. Major Penrose at first said that he had been of the opinion that his men were not engaged in the firing; but, having seen the cartridges and shells and other evidence, he stated he was reluctant to admit that he believed his men were those who did the firing. At that point I said, "Major, if you are under the impression that the fort was fired into by the people of the town, or by anybody from the town, have you made any examination of the barracks to see if there are any bullet marks in them or anything to indicate that they were fired at?" He said, "I have had them carefully examined, and I find no evidence of any shots being fired at them." Then I asked him, "Major, have you made an examination yourself?" He said, "Yes, sir; but I will make a more thorough one." I said, "Have you found anything to indicate that any shots were fired at Fort Brown?" He said, "I have not."

Q. Did you thereafter have another conversation with Major Penrose with reference to this same subject?—A. Yes, sir; in the afternoon we called on him again—three members of the committee and myself, who were a special committee for the purpose, and during the conversation I asked him, "Major, have you examined the barracks yourself to see if any bullet marks were on them?" He said, "I have gone carefully over them, and the only thing I found was a broken pane of glass."

Q. Captain Kelly, during the course of your investigation, as the head of that Citizens' Committee, and since such investigation was made, have you at any time heard anyone make a claim that the barracks or the buildings of Fort Brown were fired into on that night?—A. I have not; and I have probably done more investigating in that line than any person in Brownsville.

Q. Is there anything else with reference to which you care to make a statement?—A. I think it is proper to say in this connection, having lived here for forty-odd years, and having been in touch with the post all that time, during a portion of which it was garrisoned by colored soldiers of the Twenty-fourth Infantry, the Ninth and Tenth Cavalry at various times having had detachments of a troop or a squadron here, that I know there has been no friction of any kind between those colored soldiers and the citizens. In this connection it may be said, as within my own knowledge, that the shopkeeping class in the

town prefer colored troops to any others. After the order was issued, and up to the time they came here, the shopkeepers as a rule expressed themselves as being pleased that the colored troops were coming here, as they said that colored soldiers spent more money than white soldiers.

Q. Do you know whether any of the city or county officials here at Brownsville had made any protest prior to the coming of the Twenty-fifth Infantry to Brownsville last August, against those troops being stationed here?—A. So far as I know no such protest was made, either by any official or by any citizen of any prominence. I have heard since that one man, who is not a citizen of prominence, wrote Senator Culberson making some objection, but that man is neither a property holder nor a person of any influence or station in this place.

WILLIAM KELLY

THE STATE OF TEXAS, *County of Cameron, ss:*

Capt. William Kelly, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

WILLIAM KELLY.

Subscribed and sworn to before me this 31st day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

*Clerk District Court, County of Cameron, State of Texas.*

R. B. CREAGER was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Creager, you are a lawyer in the city of Brownsville?—A. I am.

Q. How long have you been practicing law in this city?—A. About seven years.

Q. What official position do you hold?—A. I am United States commissioner and deputy clerk of the United States circuit and district courts for the southern district of Texas.

Q. Were you in Brownsville on the night of the shooting on August 13, 1906?—A. I was not; I was at Point Isabel, about 22 miles from here, on the coast.

Q. What acquaintance have you with the men and women of the city of Brownsville?—A. This has been my home for twenty-odd years, and I know practically every man, women, and child in the town; that is, those who are residents here.

Q. About what is the population of Brownsville?—A. The last census gave 6,500. There are about 7,500 or 8,000 now.

Q. Now, Mr. Creager, are you familiar in a general way with the firearms owned and used by the different men living here in Brownsville?—A. I believe I can say that I am.

Q. What is your reason for making that statement?—A. I will say this: I have taken a great deal of interest for years in hunting and in target shooting. I spend quite a considerable portion of my time each year in hunting with my various friends here in town.

Q. How many guns have you?—A. I have four rifles and two shot-guns. I will say, further, that I have shot on the target ranges with the officers at Fort Brown and Fort Ringgold with the guns used before they abandoned the Krag-Jørgensen, and with the new Springfield this summer at Point Isabel.

Q. Have you had an opportunity to see the rifles and guns owned by the different citizens here in Brownsville on your various hunting trips and at other times?—A. Of course, I can not say that I have seen every gun in Brownsville, but I can say that I am very familiar with the weapons—the rifles—and their character, which are owned by the citizens of this town.

Q. Now, Mr. Creager, I will show you these empty shells and ball cartridges that were turned over to me by the mayor of this city and the sheriff of this county last week as exhibits in this case, and which were alleged to have been picked up on the streets of this city on the morning after the 13th of August, and will ask you whether ammunition of this character could be fired from the rifles which you have in your possession?—A. They could not.

Q. Do you know whether such ammunition could be fired from the guns which you have seen belonging to the citizens of Brownsville?—A. I do not know of a rifle in Brownsville which would carry these shells; and it is my firm belief that there is not a rifle to-day in this city, unless it be one in the possession of the military authorities, which would carry it.

Q. Do you know whether these shells are the same kind that were used by the United States troops stationed here at Fort Brown in last August?—A. Yes, sir; it is unquestionably the same ammunition used in the Springfield rifles adopted by the United States Army, and I have fired them many times, using this ammunition. There is quite a difference between this ammunition and the old ammunition used in the Krag-Jørgensen rifle, this shell being longer and having a decided indentation at the base where the cartridges are held by the clip. I am morally certain that there is not now, and was not on the 13th of August, a rifle in Brownsville that could fire or could carry this Springfield rifle ammunition, except those in the hands of the United States soldiers stationed here at Fort Brown.

R. B. CREAGER.

THE STATE OF TEXAS, *County of Cameron, ss:*

R. B. Creager, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

R. B. CREAGER.

Subscribed and sworn to before me this 31st day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,  
Clerk District Court, Cameron County, Tex.

(The Miller Hotel, S. C. Moore, proprietor.)

*Guests of hotel.*BROWNSVILLE, TEX., *August 13, 1906.*

W. B. Hutchins, San Antonio.	Robt. Milner, Corpus.
C. E. Hammond, San Antonio.	C. B. Chace, Corpus.
Wm. F. Sprague and wife, La Coma.	J. Bodin, Corpus.
A. N. McKay, La Porte.	T. B. Marte, Corpus.
A. F. Mikesell, Covington, Ohio.	C. A. Betz, Corpus.
I. H. Rosenberger, Covington, Ohio.	J. B. Armstrong, Katherine.
D. G. Wennick, Bradford, Ohio.	H. J. Letzerich, Sinton;
M. N. Mikesell, Pittsburg, Pa.	Mr. and Mrs. Pennington, Hous- ton.
N. G. Steele and son, Chicago.	Mr. Goldsmith, N. O.
A. E. Shanks, Austin.	W. E. Hollingsworth, Delhart.
O. K.	J. M. Shepherd.
	S. C. MOORE.





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## PHOTOGRAPHIC VIEWS.

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NO. 1.—TAKEN FROM THE BALCONY OF THE KING BUILDING, AND SHOWS THE REAR PORTION OF THE MILLER HOTEL FRONTING ON THIRTEENTH STREET.





NO. 2.—TAKEN FROM IN FRONT OF WELER'S SALOON, LOOKING DOWN ELIZABETH STREET TOWARD THE GARRISON.



NO. 3.—TAKEN FROM ALLEY IN REAR OF DR. THORN'S HOUSE, AND SHOWING MILLER HOTEL ABUTTING ON THE ALLEY.





NO. 4.—SHOWING REAR OF MILLER HOTEL. TAKEN FROM THE ALLEY ON NORTH SIDE OF THIRTEENTH STREET.



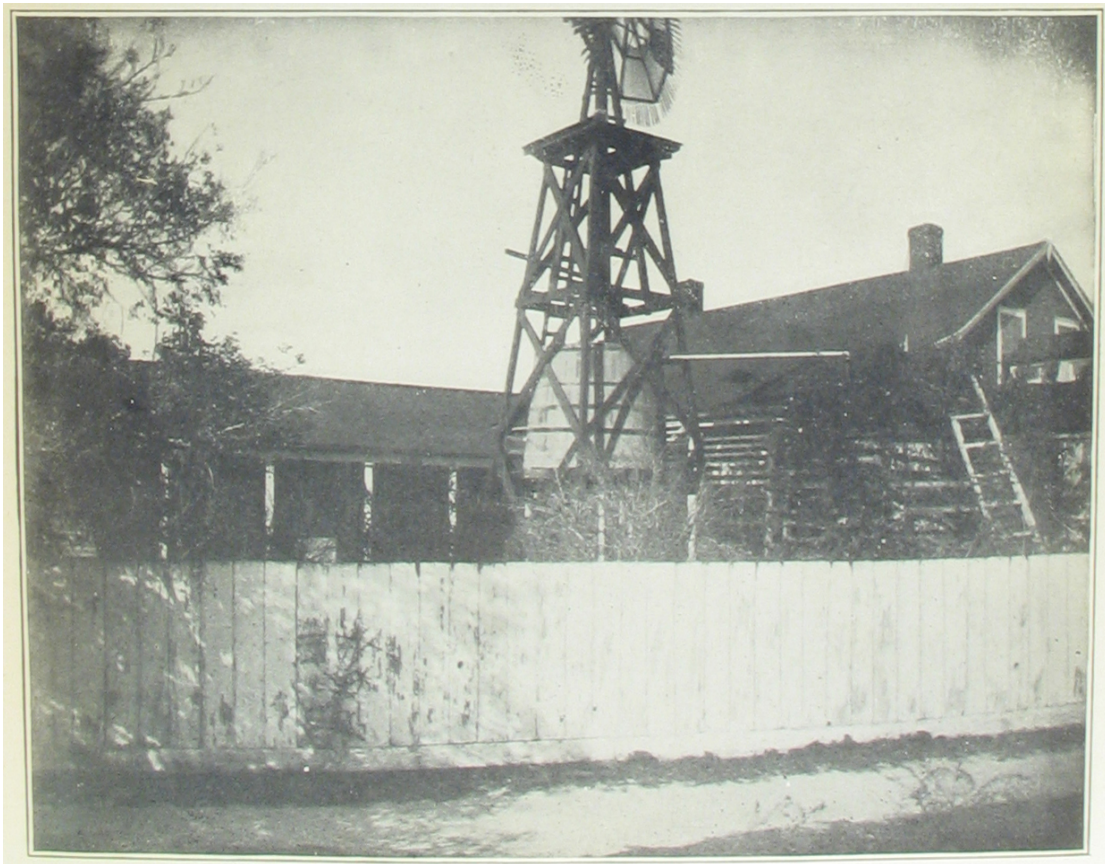
NO. 5.—TAKEN FROM IN FRONT OF WESTERN UNION OFFICE, SHOWING MAIN GATE AND GARRISON WALL, LOOKING SOUTHEAST.







NO. 6.—TAKEN FROM GARRISON WALL, LOOKING NORTH UP THE ALLEY IN WHICH THE SHOOTING TOOK PLACE.



NO. 7.—YTURRIA HOUSE. TAKEN FROM GARRISON WALL, REAR OF HOUSE.





NO. 8.—REAR OF LEHY HOTEL. TAKEN FROM ALLEY AT SIDE OF COWEN HOUSE.



10. 9.—LOOKING THROUGH THE BACK GATE IN REAR OF TILLMAN'S SALOON. † SHOWS PLACE WHERE FRANK NATUS WAS KILLED.





NO. 10.—TAKEN FROM MRS. RENDALL'S ROOM IN WESTERN UNION BUILDING. SHOWING GARRISON WALL AND BARRACKS.



NO. 11.—TAKEN FROM HERBERT ELKINS'S ROOM, IN REAR OF LEAHY HOTEL. SHOWING COWEN HOUSE AND ALLEY TO THE EAST.





NO. 12.—TAKEN FROM WINDOW IN WHICH MRS. LEAHY STOOD. SHOWING COWEN HOUSE.



NO. 13.—TAKEN FROM ROOM IN WHICH MRS. LEAHY STOOD. SHOWING GALLERY OF BARRACKS.







NO. 14.—TAKEN FROM MRS. RENDALL'S ROOM IN THE WESTERN UNION BUILDING. LOOKING TOWARD GARRISON.



NO. 15.—WESTERN UNION BUILDING, TAKEN FROM IN FRONT OF THE GARRISON GATE.





NO. 16.—MR. STARCK'S HOUSE. TAKEN FROM NEAR THE CORNER OF WASHINGTON AND THIRTEENTH STREETS.



NO. 17.—MILLER HOTEL. TAKEN FROM THE PLACE ON ELIZABETH STREET WHERE DOMINGUEZ'S HORSE FELL.

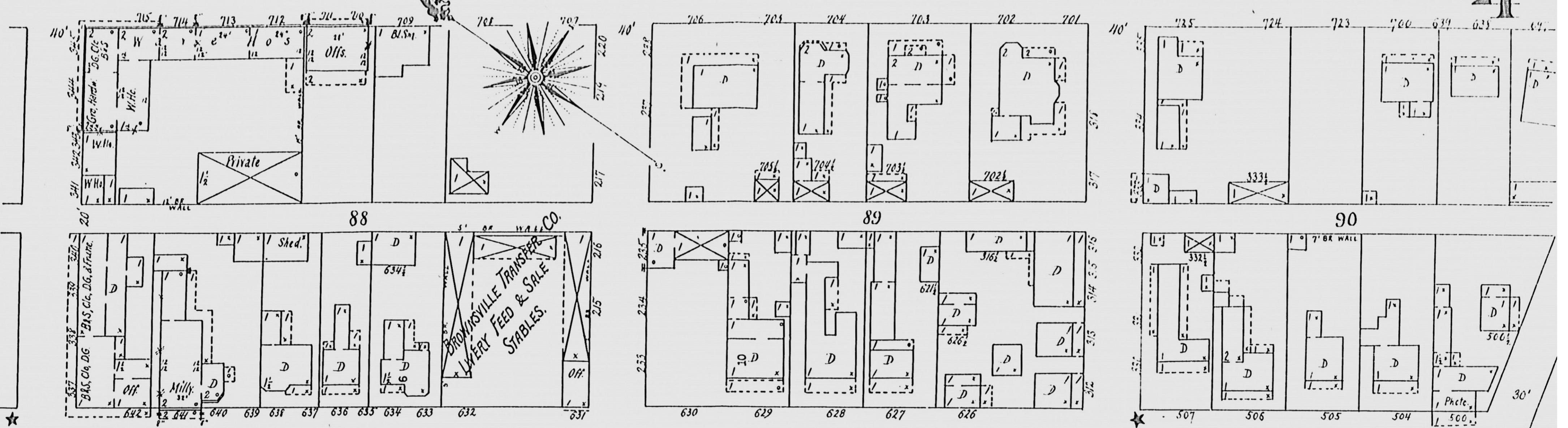


Exhibit "A"

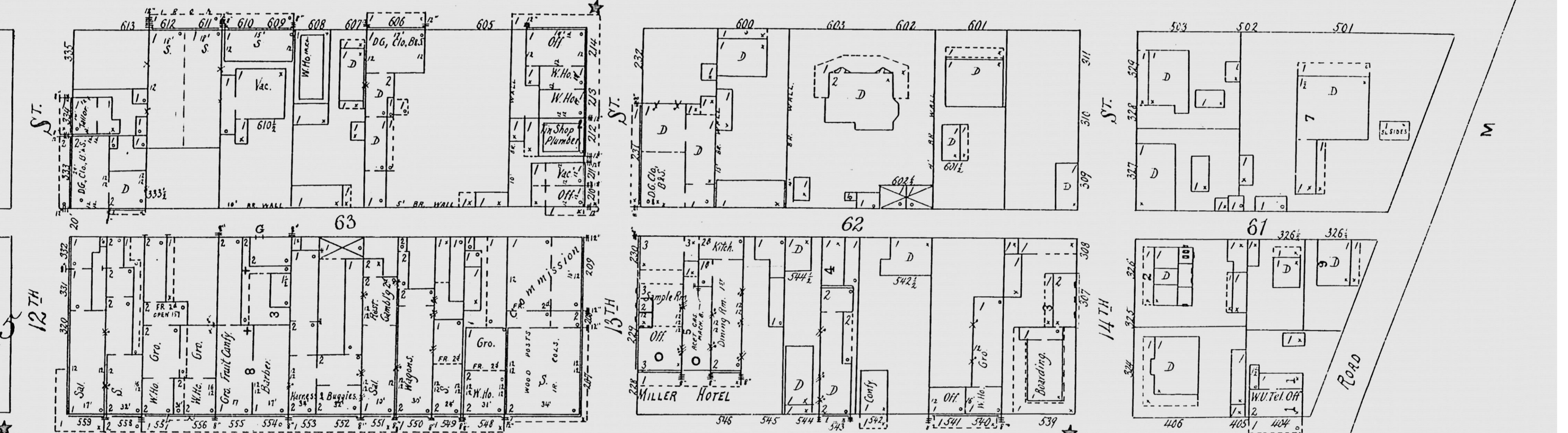
3

ADAMS

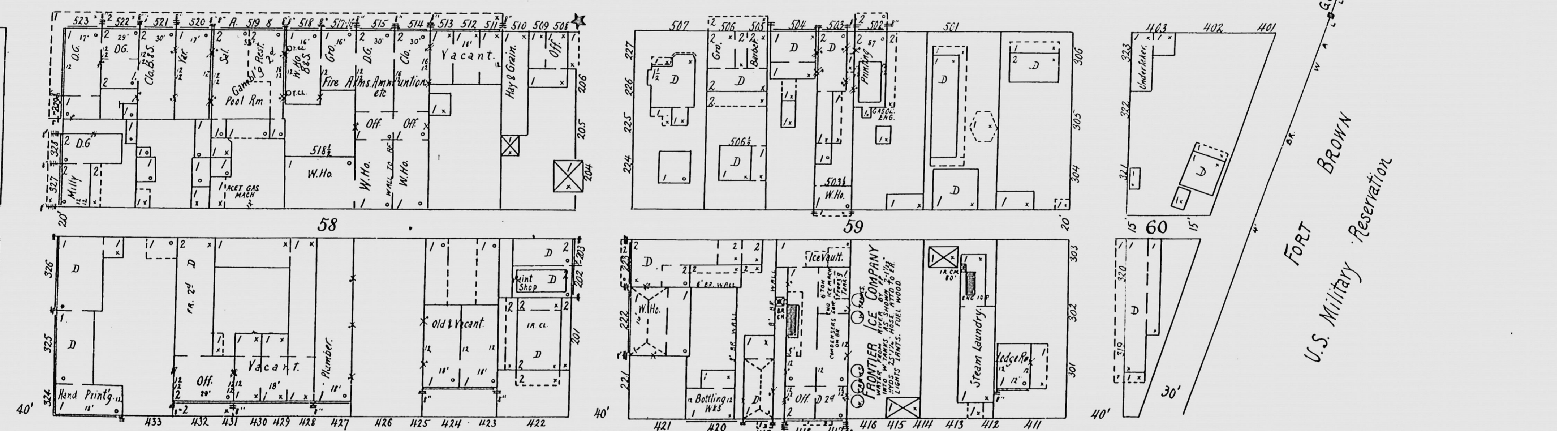
4



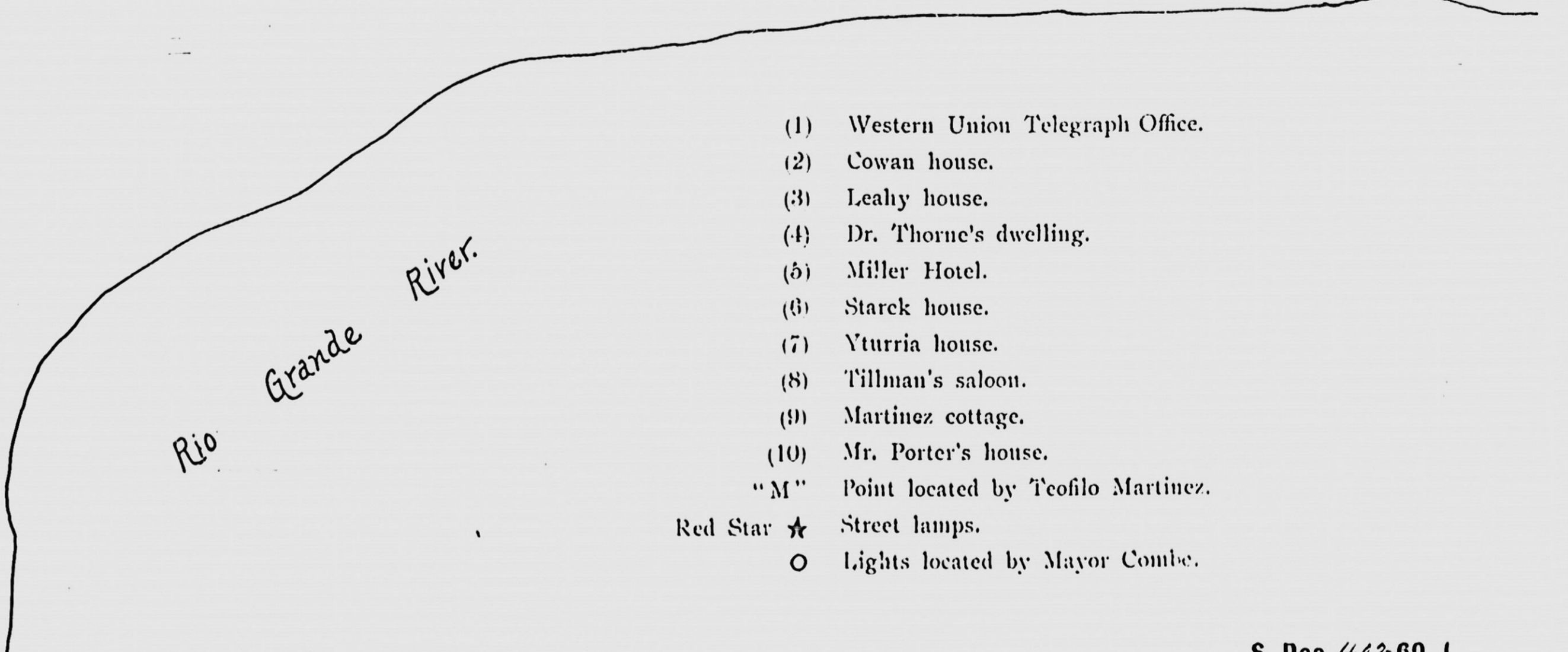
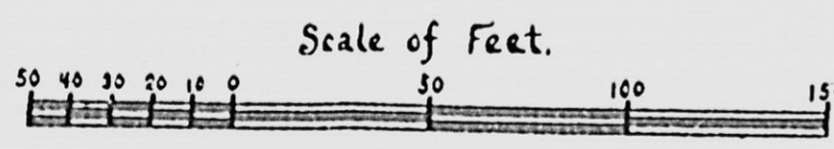
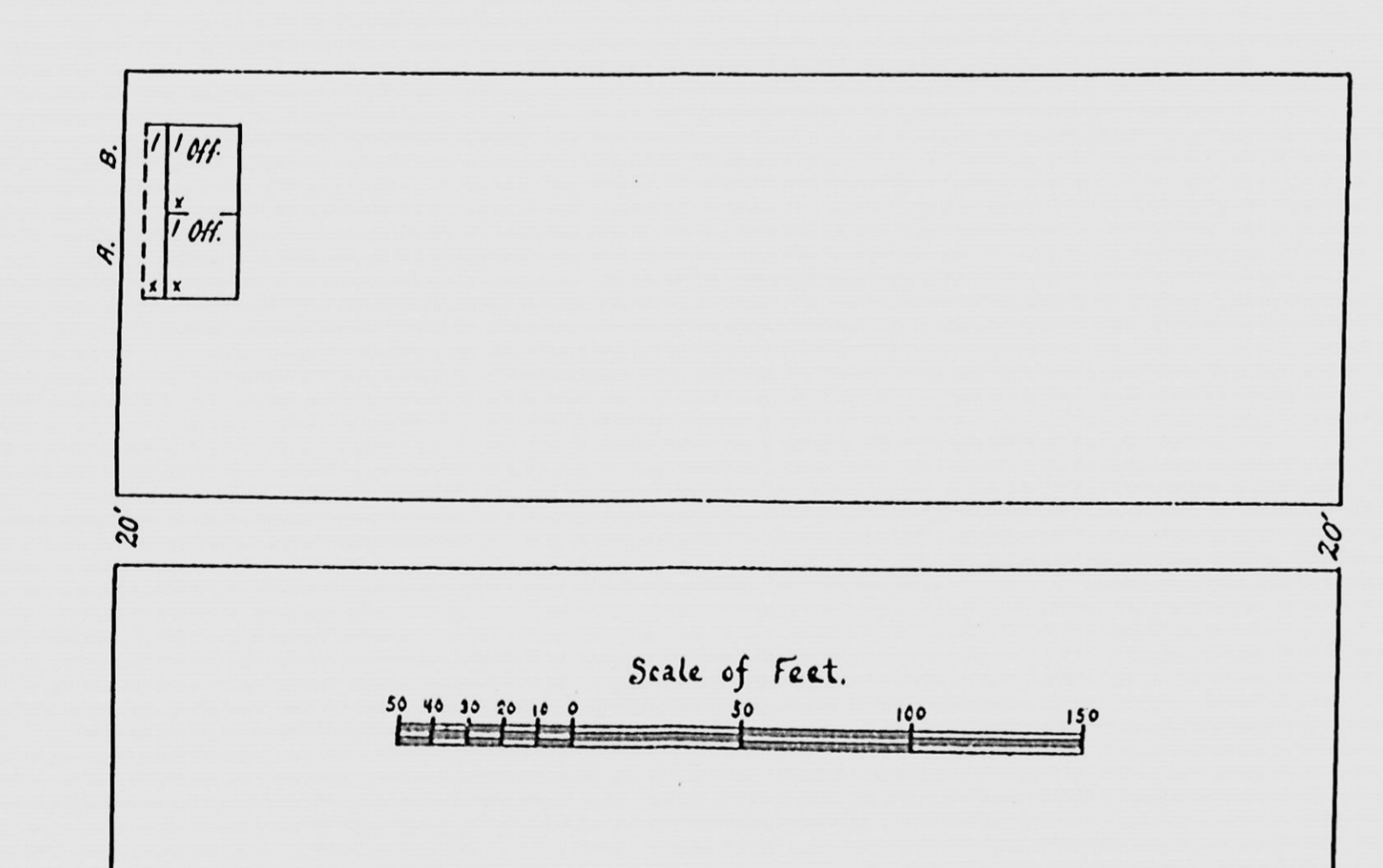
WASHINGTON



ELIZABETH



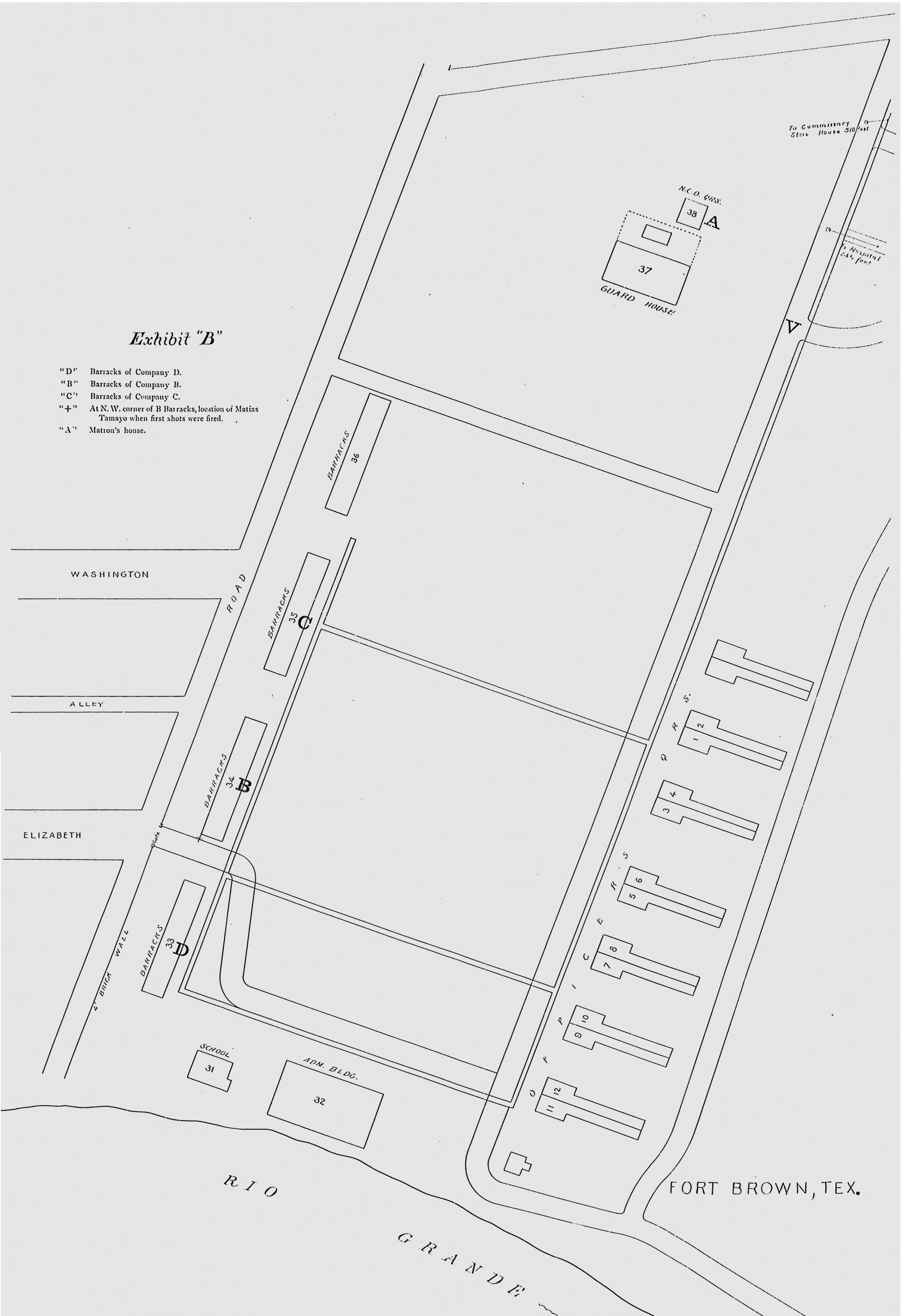
LEVEE



- (1) Western Union Telegraph Office.
- (2) Cowan house.
- (3) Leahy house.
- (4) Dr. Thorne's dwelling.
- (5) Miller Hotel.
- (6) Starck house.
- (7) Yturria house.
- (8) Tillman's saloon.
- (9) Martinez cottage.
- (10) Mr. Porter's house.
- "M" Point located by Teofilo Martinez.
- Red Star ★ Street lamps.
- Lights located by Mayor Combe.

*Exhibit "B"*

- "D" Barracks of Company D.
- "B" Barracks of Company B.
- "C" Barracks of Company C.
- "+" At N. W. corner of B Barracks, location of Matias Tamayo when first shots were fired.
- "A" Matron's house.



[PART 3]

SUMMARY DISCHARGE OR MUSTERING  
OUT OF REGIMENTS OR  
COMPANIES

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LETTER

FROM THE

SECRETARY OF WAR

TRANSMITTING

ADDITIONAL TESTIMONY AND EXHIBITS  
IN THE BROWNSVILLE CASE



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1908





## SUMMARY DISCHARGE OR MUSTERING OUT OF REGIMENTS OR COMPANIES.

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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 Blocksom, 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?

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 mantling 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. 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 Venetian 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 nicket 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



the post. There were a large body of men in this crowd—probably forty or 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. LETZERICH.

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. North-west.

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.



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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