

**AFFRAY
AT BROWNSVILLE, TEX.**

HEARINGS

BEFORE THE

**COMMITTEE ON MILITARY AFFAIRS
UNITED STATES SENATE**

CONCERNING

**THE AFFRAY AT BROWNSVILLE, TEX.
ON THE NIGHT OF AUGUST
13 AND 14, 1906**

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AFFRAY AT BROWNSVILLE, TEX.

COMMITTEE ON MILITARY AFFAIRS,
Monday, February 4, 1907.

The committee met at 10.30 o'clock a. m.

Present, Senators Warren (chairman), Scott, Foraker, Lodge, Hemenway, Bulkeley, Warner, Pettus, Blackburn, Taliaferro, Foster, and Overman.

The CHAIRMAN. The resolution under which this proceeding is held will be inserted in the record at this point.

The resolution is as follows:

Resolved. That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Texas, on the night of August thirtieth-fourteenth, nineteen hundred and six. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville or elsewhere; the expense of the investigation to be paid from the contingent fund of the Senate.

Senator FORAKER. Mr. Chairman, there are two or three matters that I think we ought to understand before we start in. This printed testimony that has been sent us, how is that to be considered?

The CHAIRMAN. I do not suppose that anybody has decided how it is to be considered, but for the present it is simply to refer to, so that when a witness is testifying we can compare his testimony with his printed statement. We can use it to refer to from time to time.

Senator FORAKER. We can use it, but nobody is going to offer this in evidence?

The CHAIRMAN. I know nothing of that kind. What we will do now is simply to use it as a memorandum.

Senator FORAKER. There is no objection to it on my part. Now, as to the order in which these witnesses should be called, some of them will have to suffer some inconvenience. For instance, I should like to accommodate anybody, but here is Mr. Israel Harris, sergeant of Company D; he is very anxious to get away, and I thought I would call him first.

Senator WARNER. If I may make a suggestion, I notice you have the witnesses very nicely arranged as to companies. Would it not be a convenient way to take them by companies?

Senator FORAKER. I should like to examine Israel Harris first.

Senator WARNER. His testimony given before is found on page 123 of the large volume.

ISRAEL HARRIS (colored), being first sworn by the chairman, testified as follows:

By Senator FORAKER:

Q. What is your name in full?—A. Israel Harris.

Q. Where do you reside at this time?—A. I am here in Washington now.

Q. You are in Washington, but I say where do you live?—A. Boston, Mass.

Q. How are you employed, if at all?—A. As a porter in the Elliott National Bank.

Q. Were you a member of the Twenty-fifth United States Infantry?—A. Yes, sir.

Q. In August of last year?—A. Yes, sir.

Q. Stationed at Brownsville?—A. Yes, sir.

Q. To what company did you belong?—A. Company D.

Q. What official position, if any, did you hold in that company?—A. I was a sergeant.

Q. Duty sergeant or first sergeant?—A. Duty sergeant of Company D.

Q. Who was the first sergeant at that time?—A. Jacob Frazier.

Q. I notice on looking at your record as it has been furnished us that you were mustered out as first sergeant.—A. Yes, sir; I was.

Q. How did that happen?—A. I was appointed first sergeant at Fort Reno after we moved there.

Q. At Fort Reno?—A. Two months before I was mustered out.

Q. How long were you in the service?—A. Eleven years and six months.

Q. We have the record of your service and your several enlistments and your several discharges. For the benefit of the committee I might state that that record will be found on page 265 of Senate Document 155. Were you at Fort Brown on the night of the 13th-14th of August, 1906?—A. Yes, sir.

Q. What happened that night?—A. On the night of the 13th

Q. The night of the 13th.—A. Yes, sir; on the night of the 13th-14th they had some disturbance down there.

Q. What was the nature of it?—A. They had shooting—shooting up of the town.

Q. Tell us all you can about it. Where were you when it commenced?—A. I was in my barracks, asleep upstairs. The quarters were upstairs and down. We were sleeping upstairs.

Senator FORAKER. I understood that the Secretary of War was to furnish us with a large map of the Fort Brown Reservation.

The CHAIRMAN. The map is here. We will have it put up for the next session of the committee.

By Senator FORAKER:

Q. You were then in the company barracks?—A. Yes, sir.

Q. At what hour in the night was this?—A. It was about 12 o'clock or very near it. I don't know the exact minute. About 12 o'clock, then, I was aroused by the noise of guns. When I was aroused I got out of my bed and commenced—

Q. Please speak a little louder.—A. I was aroused by the shooting, so I got out of my bed and commenced dressing—putting on my

clothes. I got on my trousers and shoes. I did not put on any blouse and did not put on any leggings, and about the same time Sergeant Adams, just across—opposite me in the barracks—he got out of bed—

Q. Now, Sergeant, we find it impossible to exhibit the maps satisfactorily at this time, so I will ask you to describe without the aid of the map how the barracks were situated. You were in D barracks. What other barracks were there?—A. There were four sets of barracks there, and three were occupied.

Q. Four sets there, and three occupied.—A. Three occupied by B, C, and D Companies. D Company's barracks was right down near the river, as you go in the gate.

Q. On which side of the driveway, as you go into the reservation through the big gate, from the town?—A. To the right as you were going in.

Q. Where were the other barracks?—A. B and C were to the left going in.

Q. Which one came first?—A. B Company.

Q. And then C?—A. And then C.

Q. Where was the unoccupied barracks?—A. Away up on the other end—up to the left as you were going in.

Q. To the left still?—A. Yes, sir; away up.

Q. So that going from right to left the barracks were occupied, D, B, and C?—A. Yes, sir; D, B, and C.

Q. The roadway passing in from the gate between D on the right and B on the left?—A. Yes, sir.

Q. You were in D barracks?—A. Yes, sir.

Q. You say you heard firing and you got up, and you have spoken about Sergeant Adams. Go on and tell us in your own way just what occurred.—A. As I said, I commenced dressing, got on all the clothes I could, and before I could finish the sound "To arms" was going, and of course that meant for us to get our rifles and our belts and fall out on the front.

Q. Did you do that?—A. Yes, sir; we got our rifles and belts and fell out on the front.

Q. When you got awake was the barracks lighted in any way?—A. No, sir; they were not lighted. About the time I got awake and partly dressed, why, some man started to strike a match and I told him not to. I said "Don't strike that match." I think it was Private Len Reeves, he was the man that started to strike the match.

Q. Do you know where Len Reeves is now?—A. No, sir; I don't know. When he left he said he was going to Texas. His home was in San Antonio, Tex.; his people lived there.

Q. Never mind, if you don't know; I know where he is. Go on.—A. So he didn't strike the match, and the gun racks were not opened, but we all clustered around there in order to get our guns as soon as the racks were opened. At that time Corporal Powell was coming down through the barracks opening the racks, and I think the rack in my squad was about the last rack opened.

Q. Now, right there, you speak of the gun racks. How many racks were there in each barracks?—A. There were four.

Q. For each company?—A. Yes, sir; one to each squad. We had four squads.

Q. We have no gun racks here. Can you briefly describe them? Are they long or round?—A. They are round, and there is a place on each side for the gun to set in, the butts coming down in here and the muzzles up like that [illustrating].

Q. How are they fastened together?—A. Then a band goes around them to keep the rifles in. They are fastened together. It is two outfits about like that [illustrating]. And then it is a large piece of timber in the center here that brings them together, and then around on the outside is a place fixed for the rifles.

Q. A notch for each one?—A. Yes, sir.

Q. Now describe how the gun is placed.—A. The butt sets down here in the socket and the muzzle up here. You set the butt in first and then you put the muzzle in and shove it in like that [illustrating]. Then there is an iron band goes around the whole business, comes around here on the front, or one side, or whatever it may be. It is locked, and that is the way they are locked up.

Q. Is there a place also for the revolvers?—A. Yes, sir; there is a place on top for the revolvers.

Q. What kind of locks are on those bands?—A. It is called a Yale lock.

Q. What kind of a key is there for the lock?—A. It is a little flat key that just fits that lock.

Q. Will one key fit more than one rack?—A. No, sir; it will only open one rack. The keys are numbered and the racks are numbered.

Q. There is a different key, then, for each rack?—A. Yes, sir; for each rack.

Q. Is there a different key for the revolver part of the rack?—A. No, sir; it is the same kind of a key.

Q. So there would be four keys for the four gun racks?—A. For the four gun racks.

Q. And one key opens both the rifle band that holds the rifles in and the revolver band?—A. And the revolver band--the same kind of a lock.

Q. The same kind of a lock, but is it the same key?—A. The same kind of a key.

Q. Who was Corporal Powell, of whom you spoke?—A. He was the noncommissioned officer in charge of barracks that day.

Q. Did you each day have some noncommissioned officer in charge of the barracks?—A. Yes, sir.

Q. He is called officer in charge of quarters?—A. Noncommissioned officer in charge of quarters.

Q. What is it his business to do while he is in charge of quarters?—A. To see that everything is orderly around the barracks, and especially--he had special instructions pertaining to the gun racks--to see that they were kept locked and that the arms were all in the racks.

Q. Is that a general instruction good for all times?—A. Yes, sir; for all times.

Q. Who has charge of the keys?—A. The noncommissioned officer in charge of barracks, for each twenty-four hours that he is in charge.

Q. You have told us that you gathered around the gun racks, and that Corporal Powell came along. Tell us what occurred then.—A. As soon as we got our rifles out we rushed downstairs as soon as

we could, and fell in line in front of the barracks, I suppose about 10 feet away from the barracks.

Q. Is that the customary place of company forming?—A. Yes, sir; fell in right in front of the barracks. It is called the company parade ground.

Q. What happened?—A. As soon as they fell in the men counted off and then immediately after that the order was issued by the commanding officer for Captain Lyons to bring his company around against the wall, between the barracks and the town.

Q. Was Captain Lyons there and in command?—A. Yes, sir; Captain Lyons; he was right there.

By Senator OVERMAN:

Q. Of what company was Captain Lyons commander?—A. Company D.

By Senator FORAKER:

Q. Was he there when you came down out of the barracks?—A. Yes, sir; he was there.

Q. You say the company counted off. What do you mean by that? Did they count themselves or did the captain count them?—A. They were ordered counted off, and then the captain went around and counted. You see when the company falls in they count squads.

Q. Were the men all there or not?—A. So far as I know they were all there. There was none reported absent.

Q. Tell us now about the firing. You heard it when you awakened?—A. The firing was still going on when I got down in line. I could hear some shots away down in the town, a pretty good ways off, seemingly.

Q. Can you tell us where that firing commenced?—A. No, sir; I could not tell where it commenced.

Q. Did you see anybody do any firing in the walls of the reservation?—A. No, sir; I did not.

Q. Could any of that firing have been done from the porch of D barracks without your knowing about it?—A. I do not believe it could; no, sir.

Q. If anyone had fired from D barracks, how would he have gotten away from there. I mean from the upper porch of D barracks?—A. I don't see how he could have gotten away unless he had been detected. He could not have gotten away from there.

Q. Could he have gotten away otherwise than by coming inside the barracks on the upper floor and coming down the front way?—A. There is one entrance that goes down the back—only one.

Q. Where is that?—A. That is just about the center of the barracks.

Q. That is the stairway down?—A. Yes, sir; the stairway down.

Q. At any rate, you know nothing about where it commenced except what you have told us?—A. Nothing; only what I have told.

Q. Now, which way did these men front when the company was formed in front of the barracks?—A. They formed facing the parade ground, out this way [illustrating], and they were facing the officers' quarters.

Q. Their backs, then, were toward the barracks first?—A. Yes, sir; first.

- Q. And toward the town secondly, as I understand?—A. Yes, sir.
- Q. How wide are those barracks?—A. Well, I think they are about 50 or 60 feet wide.
- Q. How long are they?—A. I suppose they are 150 feet long.
- Q. Did your company front extend along the whole of the front of the barracks?—A. No, sir.
- Q. Were you present when the counting was concluded?—A. Yes, sir; I was present.
- Q. And while it was going on?—A. Yes, sir; I was right there. I was there before it started.
- Q. And you got there before that firing ceased?—A. Yes, sir.
- Q. You could still hear it downtown?—A. I could still hear the firing down in the town.
- Q. Did you see anybody come and join the company except from down the stairs out of the barracks?—A. No, sir; I did not.
- Q. Were you so situated that you could have seen anyone come if anyone had come from downtown and joined your company?—A. Yes, sir; if they had come from the town and come in anywhere I could have seen them. I was the right guide.
- Q. You were the right guide?—A. Yes, sir.
- Q. If anyone had come in, as I understand it—this is only to get an understanding of it—he would have had to come around the barracks?—A. Yes, sir.
- Q. And you were standing between the barracks and your company?—A. Yes, sir; standing back in the rear. Here was the right of the company, right here, about like this [illustrating], and I was standing about here, like this [illustrating], here in the rear.
- Q. After the company was counted the captain ordered you around in front?—A. Yes, sir.
- Q. What happened then?—A. We were marched around in rear of the barracks and formed there right along the fence.
- Q. Formed behind the wall?—A. Yes, sir; inside the wall. The town was out here.
- Q. Facing outwardly from the town?—A. Yes, sir.
- Q. After you got in that position could you see anybody going in or going out?—A. Yes, sir.
- Q. Did anybody pass, either in or out?—A. I did not see anyone. The first person that—
- Q. Before you leave that, was the roll called?—A. Yes, sir.
- Q. At that time?—A. Yes, sir; at that time.
- Q. How long after you got around there?—A. Well, just as soon as we got around there, the captain he ordered the first sergeant to call the roll immediately, and he called the roll and the men answered to their names.
- Q. Were the men all there or not?—A. So far as I know, everybody only the men that were absent on duty; the only men that were absent were those that were away on guard duty. There were seven men.
- Q. The record would show that?—A. Yes, sir.
- Q. You observed that roll call?—A. Yes, sir.
- Q. Was it regularly and carefully called or otherwise?—A. Yes, sir; regularly and carefully called, and I listened.

Q. Was Captain Lyons present?—A. Yes, sir; Captain Lyons was present.

Q. Where was Captain Lyons standing while the company was being formed in front of the barracks?—A. He was right in front of the company.

Q. In front?—A. Yes, sir; well, six paces in front—right in front, the company being lined up here, Captain Lyons stood there [illustrating].

Q. So situated so that he could see the whole front of the company?—A. Yes, sir; and he was standing with his back toward the officers' line and his face toward the company, and also facing the barracks.

Q. So he probably could see anybody that would come?—A. Yes, sir.

Q. What did you next do? First, how long was that roll call after you were aroused, to the roll call behind the fence?—A. Well, in my judgment, I don't think it was over six or seven minutes.

Q. The company rushed downstairs and formed?—A. Yes, sir.

Q. Counted and marched around?—A. Right around there, and the roll was called immediately.

Q. What about the firing? Had that ceased or not?—A. When we got down there, as soon as the company was formed, there were, well, about two shots, I suppose, fired down in the town when we started to march around to the wall. When we got against the wall I heard no more shots fired.

Q. What did your company do next?—A. They laid along the wall there, I suppose, about twenty-five minutes; it might have been a little more, and then they were ordered—Captain Lyons was ordered to assemble his company, and as soon as he assembled it he was ordered to patrol the town.

Q. To patrol the town?—A. Yes, sir; to patrol the town, and we went out—I don't know the name of the street, never learned any of them—but we went right out of the gate, as you come in here like this, and turn to the right. We went away up there for several streets.

Q. For several streets?—A. Yes, sir; and then we turned down to the left and went down to the left a good ways; well, down below the post-office, and then we came right up the main street that comes right on up to the gate.

Senator WARNER. That is Elizabeth street.

Senator FORAKER. No; he went out in front on Elizabeth street, but marched to the right and—yes, you are right, he returned on Elizabeth street.

Q. Did you see any soldiers out in the town?—A. I did not see any soldiers.

Q. Did you see anybody?—A. I saw right many civilians in town, and we went along on this Elizabeth street, the street that comes right up to the gate, and a pretty good ways down, just a little ways on this side of the post-office; right in front of a saloon there we saw one man with a Winchester, and he was standing out on the street, and when we got there the company kind of slowed up, and one of the men said to Captain Lyons, "There is a man with a rifle." and as soon as the man spoke, this man that had the rifle, he said "I am

an officer of the law." Captain Lyons he went pretty close to him, not very close; I don't know whether he said anything to him or not, but then he told the company, he said "Move on;" and he said to me—I was in the rear, the company had been reversed then, he said to me, "Sergeant"——

Q. You were marching by the left flank instead of the right?—A. Yes, sir; and he said "Sergeant, keep these men close up in the rear here and don't let them straggle," and I said to him "Yes, sir," and I told the men; I said "You all keep up and don't be straggling."

Q. You returned to the barracks?—A. Yes, sir.

Q. I mean to the reservation?—A. Yes, sir.

Q. Went inside the fort?—A. Went inside the fort.

Q. Then what did you do and how were you stationed?—A. We were stopped, then, and the company got orders to fall out and remain in the vicinity. So we fell out and sat down round on the grass there, I suppose, for about three-quarters of an hour; it might have been a little longer. And then we were ordered to form again and marched around in front of our barracks, and we were dismissed; ordered to put our arms in the racks. We complied with the order.

Q. About what hour was that?—A. I think that was about half past 1; it might have been a little later. I don't know the exact time.

By Senator SCOTT:

Q. When you were out in the town did any of the colored troops, your company or any of the other companies, fall in line with your men—could they do that without your noticing it?—A. No, sir; there did not a man fall in. I was right in the rear of the company. I marched in the rear from the time we left the gate going around up to the right, as I just stated, until we came back. I was in the rear all the way.

By Senator FORAKER:

Q. At half past 1, or later—whenever it was—after you got the order, you returned your guns to the racks and went up to bed in the barracks?—A. Yes, sir; we went to bed in the barracks.

Q. Was there any light in the barracks?—A. There was a light in the barracks when we returned, but a few minutes afterwards the light was put out.

Q. Can you tell whether there was any light in the barracks again or not?—A. No, sir; I could not. I went to sleep.

Q. You went to sleep?—A. Yes, sir.

Q. And what happened next to your knowledge? When did you waken?—A. The next morning when the first call went we all got up.

Q. At what hour did you have the first call at that time?—A. I don't remember the hour now, but I think it was about 6 o'clock; somewhere along there.

Q. That was in August?—A. Yes, sir.

Q. After the first call then what happened?—A. We fell out and took our relief. It was pretty early, because it was not good light.

Q. Was the roll called then?—A. Yes, sir.

Q. Any men absent?—A. None absent, other than those that were authorized to be on guard, and the two men that were on pass.

Q. Then what was next?—A. We fell out then, and went right in and got breakfast. We only had, I think it was, fifteen minutes to get breakfast. As soon as we got breakfast, drill call went. We fell out for drill, and instead of drilling—

Q. When you fell out for drill did you take your rifles with you?—A. Yes, sir.

Q. Had they been taken out of the racks from the time you put them in the night before until you took them out for drill?—A. No, sir; the racks were locked, and the rifles were all in and were not taken out until the first call for drill.

Q. You fell out for drill?—A. Yes, sir.

Q. What happened?—A. As soon as we went out, we thought we were going to have drill, but instead of that we had inspection. Then it was just light enough so you could look down through the rifle barrels. The first sergeant called the roll and reported to the captain, and he gave the command "Open ranks." As soon as the ranks were opened and dressed, the next thing was inspection of arms.

Q. Was that the first intimation you had that they would be inspected?—A. That was the first. We did not know what was going to happen. We thought it was going to be the usual drill, but he commenced inspecting the rifles, and he commenced at mine. I was the first man he got to. I was right guide. He took my rifle and looked down it, and took every man's rifle all the way down.

Q. And he inspected every man's rifle?—A. Yes, sir.

Q. State now with what care that inspection was conducted.—A. In my judgment it was a very careful inspection, because it consumed considerable time, a great deal more time than it did at the usual Saturday inspections.

Q. State whether or not that included an inspection of ammunition also.—A. Yes, sir; it included the inspection of ammunition.

Q. What was the result of that inspection?—A. Well, the result so far as I know was all right. There was no fault.

Q. No dirty guns found?—A. No dirty guns.

Q. Who conducted that?—A. Captain Lyons.

Q. Captain Lyons himself?—A. Yes, sir; himself.

Q. Was there anybody in company with him, any other officer?—A. No other officer in company with him.

Q. Was there any missing ammunition?—A. None that I know of.

Q. Not to go into it in detail for the present, is each man charged with the ammunition that is issued to him?—A. He is charged with the ammunition that is issued to him.

Q. So that his officer knows at any time how much ammunition each man should have?—A. Yes, sir.

Q. No dirty guns and no ammunition missing?—A. No ammunition missing.

Senator FORAKER. For the benefit of the committee and also to have it in the record, I want to read from the report of Maj. A. P. Blockson, inspector-general, on page 202 of Senate Document No. 155, Fifty-ninth Congress, second session. His report is dated December 4, 1906. He says, among other things, referring to the fact that the guns of the men were found clean:

They had plenty of time to clean their rifles. It took but a minute or two.

At page 294 of this Document No. 155, testifying before the General Staff in December, 1906, Major Blocksom said, referring to this matter of cleaning the rifles:

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.

By Senator FORAKER:

Q. Tell us, in view of those statements by Major Blocksom about cleaning a rifle, what time it requires so as to make it pass inspection. (Two rifles were here produced and handed to the witness.)

Q. That is a new model Springfield that you have now?—A. Yes, sir.

Q. Is that the kind that you had?—A. Yes, sir. That is the kind we had.

Q. At Brownsville?—A. Yes, sir.

Q. What did you have before you had that—before you got that rifle?—A. This is the gun we had [indicating the Krag-Jörgensen rifle].

Q. The Krag-Jörgensen?—A. Yes, sir.

Q. At what time and place were you supplied with the new kind which you hold in your hand now—that is, the new model Springfield—as a substitute for the old one?—A. At Fort Niobrara, Nebr.

Q. Can you give us the date when you were furnished with that rifle?—A. No, sir; I do not know the date, but it was before the target practice, and that comes in May or some time in April.

Senator FORAKER. I will now put in the record—this being a convenient place—for the benefit of all, with the permission of the chairman, a statement contained in a letter of the Secretary of War to me of January —, 1907. He says:

The records of this office show that Company B received its rifles March 30; Company C, March 26, and Company D, March 28, 1906.

So that, according to this, the rifles came for your company March 30, 1906, at Niobrara.

In these other papers which he has sent me, which I will put in evidence later, are the dates on which ammunition was received by this company for those rifles.

By Senator FORAKER:

Q. Can you state whether you got the ammunition at the same time that you did the rifles, or later?—A. We got the ammunition a little later. I do not know how long.

Senator FORAKER. If it is not objected to, I will say that the ordinance records show that they got this ammunition about the middle of April.

Senator TALIAFERRO. What is the object of this?

Senator FORAKER. Major Blocksom has testified that the guns could have been cleaned, and in a moment I will show whether they could have been cleaned. I am only identifying the guns and the ammunition now.

By Senator FORAKER:

Q. Proceed and tell us, in view of the statements made by Major Blocksom, about the cleaning of the guns.—A. To clean this gun so that it will stand inspection?

Q. After it has been fired, I will say, for illustration, from six to ten or fifteen times.—A. Yes, sir. You could not clean this gun in less than ten minutes. It would take ten minutes at the least to clean it so that it would stand inspection.

Q. What is necessary to clean it?—A. To clean this gun you have got to have a rod to run through here with a rag on it. You have got to have something to loosen the powder up. That powder sticks very tight.

Q. That is the smokeless powder?—A. Yes, sir; that is the smokeless powder.

Q. I call your attention to the fact that you are supplied with what is called a thong brush.—A. Yes, sir; a thong brush. This has a thong brush in here: it is supposed to be in here [indicating butt of rifle], but it is not much good for the cleaning. You can not give it a thorough cleaning without you have a rod and a rag, and in fact we have to use a stuff called sal soda, that is mixed and put in water, and that is the only way you can clean them and clean them thoroughly.

Q. To clean it in that way, what is necessary—to have a rod?—A. We have got to have a rod.

Q. Are you supplied with one?—A. We have, I think, it is four, with the company.

Q. Four with each company?—A. Yes, sir; four with each company; one to a squad.

The CHAIRMAN. How was it with the Krag gun?

A. They were the same way. I think it was six. We had six when we had this rifle [indicating gun].

Q. Let me remind you, if I may: did you not have a rod in sections in the butt of the gun?—A. Yes, sir; we had a rod in sections, and then the rods in the company, and we used to take them out.

The CHAIRMAN. Is there any rod in sections in the new gun?

A. There is no rod with the one we had.

Senator OVERMAN. Is there any brush in that one you have?

The WITNESS. There is supposed to be.

Senator OVERMAN. Look and see.

(The witness did so.)

By Senator FORAKER:

Q. Take that out and show us how you would clean the gun with the thong. What is that you have in your hand?—A. It contains a cleaning outfit; I forget what it is [opening case].

Q. That is the thong brush you have there?—A. Yes; the thong brush.

Senator FOSTER. Has not each rifle a complete cleaning outfit? Just rig that up and show us how you would go about rigging it to clean your rifle.

(The witness here ran the thong brush through the barrel of the rifle.)

A. Now, that is all that thing is fit for.

Q. Yes.—A. That would not do that powder any good in there.

The CHAIRMAN. You have tried that and seen it tried: what is the effect of drawing that thong brush through?

A. They claim that that will help to loosen the powder up and get it out of these grooves in there.

The CHAIRMAN. Does it take the powder out?

A. It does not. It is practically no good, this business, and unless you have a rod and plenty of rag—

Q. If you do not use that, what do you use, and how do you use it? Just demonstrate to us how it is necessary to proceed to clean a rifle.—A. The first thing when we start to clean our rifles we take this out [indicating]—

Q. What is that you have taken out?—A. This is the bolt.

Q. Yes, I know; the breech bolt?—A. Yes, sir, the breech bolt. Now we have got it all ready, and now we clean out the barrel. We have a rag that we put on the end of this cleaning rod. I have not any rag here.

Q. Where do you get that cleaning rod? Is that what you had? How do you get it?—A. That is furnished us by the Government.

Q. Where did you get it?—A. From the quartermaster-sergeant, who issues them by the direction of the captain.

Q. Where does he keep them?—A. In his ordnance store, and locked up.

Q. When you want to clean your gun, where do you get the rod?—A. There are four issued with the company, and they are with the company all the time.

Q. Are they in the barracks, or where?—A. Yes, sir; they are in the barracks.

Senator OVERMAN. With the gun racks?

The WITNESS. No, sir; they are not in the gun racks.

By Senator FORAKER:

Q. In whose custody are they?—A. They are in charge of the chief of the squad. We have so many noncommissioned officers, and so many in a squad.

Q. Each company is divided into four squads?—A. Yes, sir.

Q. With an officer in charge of each squad?—A. A noncommissioned officer in charge of each squad.

Q. And that officer has one of these cleaning rods? And where does he keep it?—A. Generally he keeps it right near his bed, hung up under his other equipment.

Q. When you want to clean a gun how do you get it?—A. We go and ask for it.

Q. Each man has to go and get it for himself?—A. Yes.

Q. And each man returns it?—A. Yes, sir. The next man who wants to use it says: "Corporal," or "Sergeant, may I use the cleaning rod after So-and-So gets through with it?"

Q. Have you any other rod with which you can clean the barrel of your gun except this one?—A. You could have a rod made, but we do not have any.

Q. That is the rod that you had?—A. Yes, sir.

Q. Tell us how you clean the barrel.—A. We have this sal soda, and we have a piece of rag to put on the end of the rod, and we wet this rag in that soda and put it down in the barrel this way, and that is the way that we work it [indicating]; we just run it through there that way for a half a dozen times or a dozen times.

Q. A dozen times?—A. Yes, sir.

Q. That is, a wet rag?—A. Yes; and then you take it out and then you can scarcely see through the barrel, so then to remove that we will put on a dry rag to remove all the powder that we have loosened

up, and as soon as that dries out we wet another rag and put that on the rod and run it through again. You have to do that three or four times.

Senator OVERMAN. Suppose you shoot only twice; would it require all that?

The WITNESS. Yes, sir; it would.

Senator FORAKER. Would it with one shot? Would it be dirtied so as to require all that with one shot?

The WITNESS. You take a blank cartridge and fire it and it would require as much as if you had fired a ball cartridge.

By Senator TALIAFERRO:

Q. If you fired two or three shots with that rifle and tied a good rag on that rod and pushed it through there, would it not clean it out?—A. It would not clean it.

Q. Have you ever tried cleaning your rifle by tying a rag on that string and pulling it through?—A. Yes, sir; it does not clean it. The rag that you put on that string it will not bear to pull it through.

By Senator FORAKER:

Q. What else has to be done to make a gun pass inspection?—A. After a gun has been cleaned—that is, the barrel—with this soda and stuff, you can see clear down in here [indicating]—

Q. In the chamber?—A. Yes, sir; in the chamber. This floor of the magazine is supposed to come out, too. This is pretty hard to get out. I can not get this one out. But this is supposed to come out, and then there is that spring [indicating], and that whole business is out, and you can see through there [indicating].

Q. You take out the bottom piece?—A. Yes, sir; you take out the bottom piece.

Q. Can you get it out?—A. It is pretty hard to get it out unless you have a certain thing to get it out with:

Q. What is that called?—A. This is called the magazine floor.

Q. Floor?—A. Yes.

Q. You take that out, as I understand it, and clean it?—A. Yes; you take it out and clean it, and then this whole business is clear here [indicating]; otherwise that water that goes through with the sal-soda mixture comes down in there, and you can see it down in there, but you can not get at it unless you do take out the magazine floor.

The CHAIRMAN. Is that a difficult job or not—to clean that chamber?

A. Yes; very difficult. You see it is so deep down in there that you can not get to it very well.

Q. How do you get to it?—A. Well, we generally take a soft pine stick and put a piece of rag on it, and run it in from here and work it around in here in that manner with a rag on it until we get it cleaned, that way; and it takes quite a while to do it.

Q. You can not clean one of these rifles thoroughly in ten minutes?—A. No.

Q. After you get done cleaning it, what do you do about oiling it?—A. We take this cosmoline oil and put a little on it and run it through the barrel in order to keep it from rusting.

Q. How about the chamber and the breech bolt?—A. We clean the chamber and oil the bolt up, too. You can take it all to pieces, and

we have to clean all those things to keep it clean--that is, to keep it from rusting; otherwise it will rust. We oil this bolt and this bolt handle and the cocking piece and the rear sight leaf, and oil the whole business and put a little oil on the stock, and on everything here [indicating].

Q. I will ask you whether or not any officer of your regiment, so far as your experience goes, would pass a gun that was not cleaned in the way you have indicated, and oiled?—A. No, sir; it would not pass. I have seen men condemned at inspection; frequently men are condemned and have to stand reinspection, and sometimes they get court-martialed. After a man has been called down three or four times about not keeping his gun clean, then he will be court-martialed.

Q. If there is the slightest appearance of rust or dirt about his gun he is punished?—A. He might be court-martialed or he might be detailed to work around the kitchen and around the barracks.

Q. Could any man clean a gun in the way that you have described in the dark?—A. He could not. He could not clean that gun properly in the dark.

Q. Could he clean it in the dark so that it would pass inspection?—A. He could not do it.

By Senator OVERMAN:

Q. Was that inspection made at night by Captain Lyons in the dark?—A. No, sir; it was not dark; it was light.

Q. Before morning? You say that he inspected you after he came back at night?—A. At night?

Q. In the morning, was it? What time in the morning was it?—A. About half past 6.

Q. Did you not say that it was not light?—A. When he inspected me?

Q. Yes.—A. No, sir; it was light when we had the inspection, but it was very early in the morning.

By Senator FOSTER:

Q. The sun was not up?—A. Yes, sir; the sun was up.

Q. How did he make the inspection? What did he do?—A. The man, he stands in line; every man is in line; the company is lined up in this way, and after he forms the company for inspection he gives the command "Inspection arms." He has a rod. This is one of the improved rifles. The one we had, the rod was in it and we did not draw it out, but we opened the McKeever box, the cartridge box, and when the captain came up to you, you would "port" arms.

By Senator OVERMAN:

Q. What did the captain do?—A. The captain took the piece and looked through the barrel to see if it was clean and looked over it to see if everything was clean and to get any rust or anything. That is the way he inspected. And sometimes he would raise this leaf up to see if it was dirty. If a man's gun was dirty or there was any rust on it, he would say, "See here; you want to get this off." And if the man had been spoken to about it before he would say, "I spoke to you about this before, and if I speak to you again about it you will be punished." Then he would tell the first sergeant to give this man kitchen duty, or whatever it might be.

Q. Is that the usual time of inspection, at 6 o'clock in the morning?—A. No, sir; the usual inspection was about 9 o'clock.

Q. Did he make any extraordinary inspection this morning, or just the usual casual inspection?—A. We had a close inspection that morning. After he inspected a man's piece he would hand it back to him and he would pull the trigger and go back to "order arms."

By Senator TALIAFERRO:

Q. Why did you have this inspection at that unusual hour in the morning?—A. I did not know at that time what he was having it for. It was drill call, and instead of drilling he gave the men "open ranks" and prepared the company for inspection, and then "inspection arms," and commenced inspection of the rifles, and of course we then thought he was doing it this way because of this shooting that had gone on in the town. He inspected to the right for the rifles and then he came around and inspected the cartridge boxes from behind. He would inspect the cartridge boxes to see if you had all your ammunition, and to find out, if you had not, why you had not.

By Senator SCOTT:

Q. You said a while ago that he gave you only fifteen minutes for breakfast. Is not that a very short time?—A. Yes, sir; very short.

Q. Is that the same time that you have usually?—A. That is the usual time—fifteen minutes for breakfast and twenty minutes for dinner and fifteen minutes for supper. Of course sometimes we may consume a little more time than that.

By the CHAIRMAN:

Q. Mr. Harris, while you have the gun in your hand, I want to ask you some questions that do not bear directly on this case, but for the information of the committee, as bearing on the appropriation bill before us. You are familiar with the new Springfield?—A. Yes, sir.

Q. And you are familiar with the Krag-Jørgensen?—A. Yes, sir.

Q. Which, in your opinion, is the most effective arm?—A. I think this rifle [indicating].

Q. The Springfield?—A. Yes; the Springfield.

Q. Is it a more difficult arm or a less difficult arm to clean than the Krag-Jørgensen?—A. It is a more difficult arm, in my judgment, to keep clean.

Q. In the way that it takes longer, or that it has to be cleaned oftener?—A. It has to be cleaned oftener and it takes more time to clean it.

Q. The Springfield takes more time?—A. Yes, sir; this gun, the Springfield. It has more machinery to it than the Krag-Jørgensen.

Q. In your experience in the use of different arms what is the difference, if any, between the smokeless powder and black powder as to the frequency with which the gun must be cleaned and the difficulty of cleaning it?—A. This smokeless powder, in my judgment, is more difficult to clean out than the black powder.

Senator FORAKER. Why is that?

The WITNESS. It seems to stick harder. It seems the black powder makes the gun dirtier, but it is easier to get off. It looks dirtier, but it is easier to get cleaned off.

By the CHAIRMAN:

Q. I will ask you another question. In your judgment which is the easiest to keep in repair or to put in repair?—A. I think that the Krag is the easier. While shooting last year in target practice I noticed that the rifles of several men got out of order very easily. In fact, mine did; this cut-off did. It seems that the recoil is so hard that it jars these little pieces loose here [indicating breech of gun].

Q. Is that pattern you have in your hand the same that you formerly had in your company with reference to that?—A. Yes, sir; I can not see any change in this part. I see a little in this sight and in the stock along here [indicating], and also they have here another bayonet. We had the rod bayonet.

Q. And that bayonet is what?—A. A sword bayonet.

Q. Do you consider those changes beneficial? Do you consider that they make the gun better?—A. I do not know about this sight, but I think that that bayonet—in fact, I know that this bayonet—would make the gun better, because the rod bayonet, in my judgment, was not anything, hardly.

Q. As to these extra pieces; you are always furnished, of course, with the pieces to take the place of that when it is broken?—A. Yes.

Q. Is there any difference in the labor involved in taking out and putting in those pieces? And, if so, is it in favor of the new gun or otherwise?—A. It is more difficult to take out and put in in the Springfield than in the Krag.

Q. Which has the most pieces?—A. I think this gun has the most pieces. I know it has the most down here in the chamber. When it comes to dismounting this bolt one man can hardly dismount it and assemble it again, and the Krag bolt is very easy.

Q. You have had a long experience? You have been armed with a gun like the Springfield and also like the Krag-Jørgensen?—A. Yes, sir.

Q. How long did you handle the Krag-Jørgensen?—A. I handled the Krag from 1895 up until they issued this one.

Q. That was less than a year ago?—A. Yes, sir; less than a year ago.

Q. From your experience in handling these guns, do you consider this the best arm?—A. Yes, sir; I consider this the best arm. I like this better.

Senator FORAKER. With the consent of the committee, I would like to put in here with this testimony, because it bears directly on this, the official publication of the War Department, entitled "Description and Rules for the Management of the U. S. Magazine Rifle, Model of 1903, Caliber .30:"

CLEANING AND CARE OF THE ARM.

As the residuum of smokeless powder, if not completely removed, corrodes the bore in a short time, care is required in cleaning the arm after firing.

To clean the barrel: If provided with a cleaning rod, insert in the chamber a cartridge shell, the front end of which has been filled with a wooden plug, and close the bolt; clean the bore with rags saturated with soda water, or if that is not obtainable, with clear water; wipe thoroughly with clean rags; remove the bolt and cartridge shell; clean and dry the chamber, from the rear, in

the same manner; finally oil both chamber and bore with cosmoline, leaving a light coating. If, however, a cleaning rod is not at hand, the barrel should be cleaned as thoroughly as possible by means of the thong brush and rags, and oiled as above. To clean or oil the bore with rags, the thong brush is unscrewed, the rag placed in the rag slot of the thong tip, and drawn from the muzzle toward the breech.

As neither ramrod nor jointed cleaning rod will be issued with the model of 1903 rifle, the cleaning rod should be carried into the field whenever practicable. * * *

Many of the parts can generally be cleaned with dry rags. All parts, after cleaning, should be wiped with an oiled rag.

That, generally speaking, is the way in which you do clean those guns?

A. Yes, sir.

Q. I call your attention now to the Krag gun, and ask you if it does not carry what this does not carry—that is, a three-section rod in the butt of the gun?—A. Yes, sir.

Q. And I wish you would take the Krag which you have there and open that place in the butt of the gun and exhibit that rod.

(The witness took from the butt of the gun the rod referred to.)

Q. That is enough. There are three pieces. Do not take the time to screw those together. You put those pieces together and make a cleaning rod for your gun?—A. Yes, sir.

Q. And you have nothing like that with the other gun?—A. No, sir; nothing like it.

Q. And when you want to clean the other gun you have to go to the man in charge of the squad?—A. Yes.

Q. Who has control of it?—A. Yes.

Senator FORAKER. I want to ask you about the ammunition. You can set that gun aside for the moment. I want to offer in evidence in connection with the testimony of this witness the second paragraph of General Order 44, 1906, of the War Department, which reads as follows:

2. Hereafter officers accountable for small-arms ammunition will furnish a certificate with each return of ordnance and ordnance stores rendered by them as follows:

"I certify that I have made a careful inventory of the various quantities of small-arms ammunition for which I am accountable, and have taken upon my return all surplus ammunition on hand, and that said return shows the actual quantities of small-arms ammunition on hand at the end of the period for which it is rendered."

This requirement will not apply to the accountable officers at arsenals and other ordnance establishments who are governed by special regulations on the same subject.

By order of the Secretary of War.

J. C. BATES,
Lieutenant-General, Chief of Staff.

By Senator FORAKER:

Q. Resuming your examination, I will ask you what happened at Fort Niobrara with respect to your Krag guns and the ammunition for them that you had that belonged to those guns when the new guns came?—A. When the new guns came they were issued, and the Krag guns and ammunition were all taken up and turned in.

Q. That was—and if I am in error I can correct it—we will assume about the middle of April?—A. Yes, sir.

Senator WARNER. That is the time he got the ammunition?

The WITNESS. Yes, sir.

By Senator FORAKER:

Q. So that all that old ammunition was turned in? Was that carefully attended to or otherwise?—A. Yes, sir.

Q. And all the old guns were turned in?—A. Yes, sir.

Q. And then you got the new guns and ammunition?—A. Yes, sir; we got the new guns and ammunition.

Q. Do you know how much was given to each man of the company? I will show later how much was given to the company.—A. I am sure that we were only issued 10 rounds.

Q. Ten rounds of the ammunition that you were talking about?—A. Yes, sir.

Q. Those were the steel-jacketed bullets, .30 caliber, for the new Springfield?—A. Yes.

Q. Each gun was given 10 rounds?—A. Yes, sir.

Q. Let me ask you, were you supplied with the McKeever box?—A. Yes, sir.

Q. We have not one of those boxes here and we will have to pass that. Each man was given ten rounds at Fort Niobrara?—A. Yes, sir.

Q. What else happened to the ammunition while you were there?—A. This ammunition was all turned in, and then we commenced using the new rifle and new ammunition.

Q. You used it for what?—A. For doing guard duty. We used to do the guard duty with it; and then they got another kind of ammunition there with a lead bullet, called post ammunition, and then we did not use these steel jackets to do the post duty, but we used those cartridges for that duty.

Q. That was a reduced range ammunition?—A. Yes, sir; a reduced range ammunition.

Q. Which you used for the guard duty?—A. Yes, sir.

Q. Just eliminate that. There is no question about that. Leave that out, and keep your mind on the ball cartridges. What did you use for the target practice?—A. The new cartridge with a clip—the number thirty.

Q. Who takes charge of the ammunition in the company?—A. The quartermaster-sergeant has charge of the ammunition. He carries out so much ammunition to be fired.

Q. Carries it where?—A. To the target practice—out to the range.

Q. That is, whenever the company is in target practice?—A. Yes.

Q. Who tells you how much to carry?—A. The captain gives the order.

Q. What do you do when you get to the range?—A. When we get to the range we generally have what they call a tent fly—that is supposed to go over a tent—and that is pitched, and they have a little table that sits in front, and the ammunition is put right in front on that table, pretty close to the firing point, and a man goes up to the firing point, and when he gets ready to go up as a general thing the quartermaster-sergeant sits right there and issues the ammunition; the captain is right there, or some other officer, and there is no firing done unless there is an officer present. When a man goes up to fire he gets the number of cartridges he is to fire. If he is to fire 10 cartridges, and he fires them, and the result is not very good, the captain

may say, "Have that man fire another score." When he gets through he goes back from the firing point.

Q. So that each man who fires in target practice is told to go to the quartermaster-sergeant and get the number of cartridges that he is to fire?—A. That he is to fire.

Q. Is there any checking method?—A. The quartermaster-sergeant sits right there. They do not have any paper or anything, but he sees that the different men get no more than the amount they are to fire, and a man had better not fire a cartridge more than he is ordered to. If he does, he is court-martialed.

Q. This firing is done in the presence of an officer and under his direction?—A. He is right there.

Q. Suppose that he does not fire the number of cartridges he has been instructed to fire and has been furnished with, what happens?—A. Unless he fires them, unless he gets the order not to fire them, they may court-martial him, or punish him.

Q. What becomes of the cartridges?—A. They are returned back to the cartridge box.

Q. Is he allowed to keep cartridges?—A. Not unless they are issued to him—these ten.

Q. These ten?—A. Yes, sir.

Q. All the cartridges, then, that are fired in target practice are taken out to the target range in charge of the quartermaster-sergeant or some officer of the company?—A. Yes, sir.

Q. And remain in his custody until the men are detailed and supplied and the cartridges are fired?—A. Yes, sir.

Q. And this is all under the inspection of an officer?—A. Yes, sir.

Q. When they are firing in skirmish firing in target practice, as they go down the line, describe that, if you can.—A. When they get to the scrimmage they have two "scrimmage lines," as they call it, and each man is issued 20 rounds, and he runs down. He starts at 600 yards and he is examined to see that he does not have more than 20 rounds, and then he is examined after he gets down where he fires. He runs down and he fires two shots at 600 yards and two at 500 yards, three at 400 yards, and three at 350 yards, and five at 300 yards, and five at 200 yards, and when you fire the last cartridge you have a certain time to fire them in, and then they shout "Cease firing," and then "Port arms," and an officer goes up and down the line to see that they have no cartridges left.

Q. If they have any cartridges left, what is done?—A. A man has got to give a reason for it if he has any cartridges left, and if his reason is not good, if he has missed firing one, he gets a penalty of some kind.

Q. What is done with the cartridge?—A. The officer takes the cartridge from him.

Q. The officer takes the cartridge from him?—A. Yes, sir: takes it from him.

Q. As they go down, firing, state whether they are under the supervision of officers, and if so, to what extent?—A. They generally run down about 36 men, not over that number.

Q. Thirty-six men?—A. Yes, sir. They have that many grouped. They run down and they generally run about three or four officers to that number of men, and then they have a noncommissioned officer to

about every three men, and they go right down behind them to see that a man fires no more than he is ordered to fire and to see that he does not fire on some other man's target when we are having this individual practice.

Q. State whether you have any knowledge of any way in which any man of the company could get into his possession any extra cartridges in target practice.—A. I do not know of any way.

Q. You do not know of any?—A. They are very careful.

Q. Do you know of any place at Niobrara, or Brownsville either, where men could get any of these No. 30 army cartridges, such as you used in your guns—ball cartridges?—A. No, sir; I do not know of any place that you could get any.

Q. Coming back now to this affray. Do you know what happened after your company was inspected?—A. After my company was inspected?

Q. Just describe to us the inspection of the guns—the inspection that took place. The captain went down the front line and took a gun and inspected it?—A. Yes, sir.

Q. Then what did he do with the ammunition?—A. He came behind, in the rear of company, and inspected the ammunition of the men. Inspected the rifles from the right and the ammunition from the left.

Q. Were you in single-line formation or open ranks?—A. We were in single line, open ranks. Of course it was double-line formation; but we had opened ranks, and the ranks were 4 paces apart.

Q. He came down the front of the line?—A. Yes, sir; and then up in the rear of it.

Q. You were first issued 10 rounds of ammunition at Fort Niobrara. State if that issue was increased afterwards; and if so, when and why.—A. We were issued 10 more rounds. It was increased to 20 rounds just before we left Niobrara to come down to Brownsville.

Q. Did you still have 20 rounds—did each man have that 20 rounds—at the time of the affair at Brownsville?—A. I had 20 rounds.

Q. How long had you been there?—A. I do not know the exact time.

Q. It was about two weeks?—A. Yes, sir; it was about two weeks. We had not been there very long.

Q. None of that ammunition had been taken up?—A. No, sir.

Q. So that each man ought to have had twenty rounds?—A. Yes, sir; each man ought to have had twenty rounds.

Q. After the captain walked down the line and inspected the guns he came up the rear of the line and did what?—A. He came up the rear and inspected the ammunition.

Q. In what were the men carrying the ammunition at that time?—A. In this McKeever box.

Q. In the McKeever box?—A. Yes, sir.

Q. We have not one of those boxes, as I hoped we might have. Tell whether or not when that lid is lifted an officer can see at a glance whether all the cartridges are there.—A. Yes, sir; the box closes at the top.

Q. At the top?—A. Yes; it comes up this way and closes.

Q. When you open that box it falls back like that [indicating].

You simply unbutton it?—A. You unbutton it, and it drops back that way, with 10 cartridges up there and 10 down there, and you can not help but see them.

Q. They are in plain view?—A. Yes, sir.

By Senator TALLAFERRO:

Q. Does it show the balls in the cartridges also?—A. Yes, sir; you can see them.

Q. It shows the ends of the balls in the cartridges?—A. It shows the ends of the balls; you can see the ends of the balls.

By Senator FORAKER:

Q. That is the character of the inspection of the ammunition made that morning?—A. Yes, sir.

Q. Were any cartridges found missing?—A. Not that I know of. I did not hear him say anything of the kind.

Q. You did not hear him ask any man why he did not have the amount of ammunition he was supposed to have?

Senator TALLAFERRO. You would not know—you would not know if he did not say anything!

The WITNESS. As a general thing, if there was anything wrong with a man Captain Lyons was a man that spoke to him right then and there.

Senator FORAKER. And it would occur in your presence?

The WITNESS. Yes, sir.

By Senator TALLAFERRO:

Q. That was the only way that you would have of knowing whether there was anything missing that morning or not?—A. Yes, sir.

Q. And he did not speak to any of the men that morning?—A. No, sir.

Q. So, then, you inferred that there were none missing?—A. Yes, sir.

Q. But, as a matter of fact, you do not know whether there was anything missing or not?—A. I do not know whether there was any.

By Senator FORAKER:

Q. There was no dirty gun and no missing ammunition, I understood you to say?—A. Yes, sir.

Q. Would not the captain also, if there was any ammunition missing and he wanted to take note of it, call upon a noncommissioned officer to deal with the man?—A. He would call on the first-sergeant or the quartermaster-sergeant and say, "Charge this man up with so much ammunition," and if he was going to do anything else, court-martial him, or give him any fatigue or anything else, he would call on a noncommissioned officer.

Q. Senator Scott suggests to me what I intended to ask you before, but was forgetting. Do you know who did this shooting?—A. No, sir; I do not.

Q. Do you have any reason to suspect anybody connected with this battalion as having anything to do with firing those shots?—A. No, sir; I do not.

Q. Did you hear of any dirty gun, or of any missing ammunition in the battalion anywhere?—A. No, sir; I did not.

By Senator OVERMAN:

Q. You knew nothing about Companies C and D; you only speak about your own company?—A. That is all I can speak of.

Q. What time did you go to your bunk that night?—A. After this—

Q. On the night of the difficulty, the night of the 13th?—A. I went to my bunk about half past 8.

Q. Did you go right to sleep?—A. I didn't get right to sleep; no, sir.

Q. What time were you awakened by the shooting?—A. It was very near 12 o'clock.

Q. That waked you up?—A. Yes, sir; that waked me up.

Q. When you went down and fell in line the roll was called?—A. No, sir; they counted off.

Q. Counted off?—A. Yes, sir.

Q. How many men were in line?—A. I did not know. I did not count them.

By the CHAIRMAN:

Q. I want to ask a question right there. What you mean by counting off, is that you counted fours, "one, two, three, four; one, two, three, four?"—A. Yes, sir.

Q. But you did not count how many men were present?—A. No, sir. After the men counted off the captain went around with the first sergeant and was counting the men.

Senator FORAKER. Getting the whole number?

The WITNESS. Yes, sir; getting the whole number.

Senator SCOTT. And then what did you do?

The WITNESS. We marched around to the wall and the roll was called.

By Senator OVERMAN:

Q. How many men did you have in your company?—A. I did not know, exactly. I was not in a position to know.

Q. You say that it was dark?—A. The first sergeant has charge of the morning report, and the duty roster, and that tells you exactly how many men are in the company, the morning report.

Q. When you counted off was there any light?—A. No, sir; there were no lights. It was an ordinary night; the night was not very dark.

Q. It was night, and there was no light?—A. There was no lamp-light.

Q. There was no lamplight, and the roll was called, and every man answered?—A. The roll was called by a lantern.

Q. The roll was just called from a paper, or did they call out the men?—A. Yes, sir; from a paper.

Q. Any man could answer for another if he was absent, could he not?—A. I do not think any man—

Q. Is not that possible; that a man could answer for his friends?—A. He could, but I do not believe anything like that was done.

By Senator FORAKER:

Q. Were you familiar with the voices of the men?—A. Yes, sir; I was very familiar with their voices, and could tell almost any man

when he answered, and when the roll was called I listened very carefully, because I was in hopes that no one would be absent out of my company. I did not want any to be absent out of any company, in fact.

Senator WARNER. That is, when the roll was called?

A. Yes, sir; when the roll was called.

By Senator FORAKER:

Q. How long was that call of the roll after you counted off?—A. That was not over four minutes—three or four minutes.

Q. How far is it from the barracks, in front of which you formed, to the brick wall, where you were put in line, in rear of the barracks?—A. About 75 or 80 yards.

Q. About 75 or 80 yards, or feet?—A. Yes, sir; yards, where you marched right around in front and up by the wall.

The CHAIRMAN. Let me suggest that, as the examination in chief has now been completed, Senator Warner take up the examination, and then each Senator may keep notes of questions that he desires to ask, and each Senator may have his turn, so that we may proceed in an orderly manner.

By Senator PETTUS:

Q. About how many shots did you hear fired that night?—A. I suppose it was about—it might have been 75 or 80; it might have been more, or less—about.

By Senator WARNER:

Q. Mr. Harris, when the roll was called you say it was dark, so that you had to use a lantern in order to see the names to call the roll?—A. Yes, sir.

Q. What was your position then; you were on the right of the company?—A. At that time we were in a kind of scrummage formation, not to the interval, but to occupy a certain space along the wall, and I was in the center of the company. When the company is formed for scrummages the chiefs of the squads or platoons take their places in the rear of the company.

Q. When you are formed as skirmishers, how far are you apart?—A. The normal distance is two paces, but at that time they were not a pace apart.

Q. That would be in the neighborhood of 3 feet?—A. Yes, sir; it might have been 2½ feet.

Q. Was there anything especially about that call that attracted your attention?—A. The roll call?

Q. Yes.—A. Just what I have mentioned about, after the shooting; I knew somebody had been doing some shooting. I did not know who it was. I thought perhaps the soldiers and the citizens had gotten mixed up in some way, and why I listened so carefully about this roll call was that I wanted to see whether there were any of my men absent, or any of the men absent.

Q. What made you think the men of your company might be mixed up with the citizens?—A. I did not think any of the men of my company, but I thought—

Q. Why did you think that any of the soldiers were mixed up with the citizens?—A. Only from past events.

Q. Past events where?—A. Down in Texas. We had been down in Texas soldiering before.

Q. What past events in Texas made you think that some of the soldiers had got mixed up with the citizens?—A. We had had some trouble; that is, they claimed—I don't know—that they had been insulted and intruded upon by some of the people.

Q. And it was these past events down in Texas that you refer to that led you to suppose that your troops might have been mixed up in some trouble with the citizens?—A. When we had been soldiering in Texas down there.

Q. Where?—A. At San Antonio and at Fort McIntosh.

Q. Trouble with the citizens there?—A. Yes, sir.

Q. When?—A. In 1899 and 1900.

Q. Trouble with the citizens; what kind of trouble?—A. It was some trouble with the citizens.

Q. Trouble between the soldiers and the citizens?—A. Yes, sir; trouble between the soldiers and the citizens.

Q. Shooting between them?—A. Yes, sir; we had some shooting down there. And for that reason I thought that perhaps something similar to that had happened.

Q. In other words, it occurred to you that possibly some of the command there had gone out in town and got into a shooting match with the citizens?—A. Yes, sir; that they had gone out and got into a shooting match with the citizens.

Q. That flashed across your mind as soon as you heard the shooting?—A. Yes, sir.

Q. As soon as you got up in the middle of the night and heard the shooting?—A. Yes, sir; as soon as I heard the shooting.

Q. You also stated that another reason that induced you to think that was because of some difficulty between some members of the command and citizens. What difficulty did you refer to?—A. It had been reported—I did not know it, only I had heard—that one man had gotten knocked down by some civilian, had been shoved off the sidewalk, and another man had been shoved overboard.

Q. Shoved off of a gang plank into the river there?—A. Yes, sir.

Q. That was discussed among you?—A. Yes, sir; among the soldiers.

Q. And you knew that that got up rather a bad feeling on the part of the soldiers against the citizens?—A. Yes, sir; I labored under the impression that from that this other business started.

Q. And that this grew out of it?—A. Yes, sir.

Q. You knew, further, did you not, that there was some difficulty about the rights of the soldiers at the bars?—A. I did not know. I had only heard.

Q. You had heard it?—A. Yes, sir.

Q. You heard complaint of that?—A. Yes, sir; I heard that they were not allowed to go into these saloons and be served; that they would not be served unless they went around the back way, or something like that.

Q. So that from the talks you heard among the men within a limited number of days, inside of the two weeks you were at Brownsville, and from the previous occurrences that had taken place in Texas, which you spoke of, you had reason to think there would

be trouble between your soldiers and the citizens?—A. I had reason to fear there would be something.

Q. "Something?" What do you mean by that?—A. Trouble of some kind.

Q. There may be a great many kinds. What kind of trouble?—A. I thought they would have a fight of some kind; of course I did not think that there would be any shooting, or anything of that kind, but I thought it would be some other kind of a fight.

Q. I know, but there was shooting on this night?—A. Yes, sir; there was.

Q. And it occurred to you that possibly some of the men were engaged in that shooting?—A. When I heard it.

Q. When you heard it?—A. Yes.

Q. Did you, as a noncommissioned officer, convey your impressions to the commanding officer, Captain Lyon, or tell Captain Lyon?—A. Captain Lyon asked me what did I think when I first heard the shooting.

Q. When was this?—A. That was the next morning.

Q. Yes. Go on.—A. It was not the next morning, either, but as soon as the investigation got on.

Q. I do not wish to cut you off, but if you will pardon me, what I asked you was, Did you that night communicate to Captain Lyon your fears as to some of the men being engaged in that shooting?—A. No; I did not say anything to him that night about it, because I did not have—that is, any fear—but I was simply listening. I could hear the men's names called, and I knew every man in the company, and if his name was called and no one answered, naturally I would labor under the impression that perhaps this man might be out and mixed up with that thing.

Q. Possibly I used the wrong word when I said "fears;" it was your anxiety to see that none of your men were mixed up with the shooting?—A. That was my idea. I wanted to see whether there were any of them out.

Q. By reason of these other things?—A. Yes, sir.

Q. And you faced in which direction at the roll call?—A. I was facing the town.

Q. That is, toward the fence?—A. Yes, sir; the wall—fence.

Q. And the entrance to the fort which comes from Elizabeth street was to your right?—A. To our right. We were down on the left of the road as you come in.

Q. And your company, deployed as they were as skirmishers, would extend to the line?—A. The line was very short, because the place we had occupied was very near the river and we could not go very far to the left, and we just occupied the space between the river and the gate that came in there, and it was a very short space, and the men, some of them, were bunched up; they were not a yard apart.

Q. You had spoken with the members of the command about these difficulties that had occurred, about the man who had been knocked down, the man who had been pushed off the sidewalk, and the other who had been pushed off of the gangplank into the river; you heard that discussed?—A. I heard that discussed.

Q. In your presence?—A. Yes, sir.

Q. By whom?—**A.** That is the onliest man I heard speak about it was the man that were shoved off and knocked down. There was one named Newton, of Company C.

Q. He was the man who was knocked down?—**A.** Yes, sir; and a fellow by the name of Reid, of Company C. They both belonged to Company C, and how I came to hear them, they were on fatigue. At Brownsville I was overseer of labor—provost-sergeant, as they call it—where I had to come in contact with the different men of the different companies, every day having different details, and that is how I came to hear this.

Q. You knew on the night of the 13th, about 7 or 8 or 9 o'clock, that a patrol had been sent out over Brownsville?—**A.** No, sir; I did not know that. I will tell you what I did know. I knew that the men had all been ordered into garrison.

Q. When?—**A.** That is, not to be out any later that night than 8 o'clock.

Q. When was that order made?—**A.** That order was made sometime in the afternoon. I did not attend retreat.

Q. I do not care about the minute, but it was in the afternoon you heard of it, you say?—**A.** Yes, sir; at retreat. The order was issued to the company. I did not get there to attend retreat, but when I came in the first sergeant said to me: "The commanding officer has issued an order that no man must be out after 8 o'clock; every man must be in the garrison."

Q. That was an unusual order?—**A.** Yes, sir; something unusual.

Q. Why was this unusual order issued?—**A.** I do not know why it was issued.

Q. Had you not heard that it was charged that some assault had been made upon some woman?—**A.** I heard that the next morning; in fact, I read it.

Q. You did not know it that evening?—**A.** No, sir; I did not know it. I asked the first sergeant: "I wonder what is this for?" He said: "I don't know; the order has come around."

Q. You retired on the night of the 13th about 8 o'clock?—**A.** Yes, sir; about 8 o'clock.

Q. And you got to sleep about 9 o'clock?—**A.** Yes, sir; I wasn't very long going to sleep.

Q. You were aroused by the firing?—**A.** Yes; the firing aroused me.

Q. And from 75 to 80 shots you heard after you awoke?—**A.** After I awoke I heard from 75 to 80 shots.

Q. These shots were down in the town?—**A.** Yes, sir; in the town.

Q. What part of town? With reference to the barracks, just tell us where it was. We will have a map later. Just state with reference to the main entrance where it was.—**A.** They were off seemingly to the right of the main entrance.

Q. That is, off to the right of Elizabeth street?—**A.** Yes, sir; off to the right of Elizabeth street. From the sound of the shots it seemed they were a pretty good ways.

Q. This shooting, you say, was to the right of Elizabeth street?—**A.** Yes, sir; that is the way it sounded.

Q. That is, you mean to the right of Elizabeth street as you go out?—**A.** Yes, sir; out of the barracks.

Q. And to the left as you would come in?—**A.** Yes, sir; to the left as you would come in.

Q. There is an inclosure of the barracks, is there not, with the river along one part and then a wall?—A. Yes, sir; a wall.

Q. What is the height of that wall?—A. I think that wall is about 4 feet or 4½ feet.

Q. Is it a brick wall?—A. Yes, sir; a brick wall.

Q. You could jump over that wall?—A. Yes, sir; with a running jump.

Q. You could put your hands on it and jump over?—A. Yes, sir; you could put your hands on it and jump over.

Q. So that it would be a very easy matter to get in and out, so far as that was concerned, would it not?—A. Yes, sir; a man could jump over the wall very easily.

Q. Was that a solid wall?—A. It was a solid wall.

Senator LODGE. It was of brick?

The WITNESS. Yes, sir; it was of brick.

By Senator WARNER:

Q. Were you looking at the entrance at the mouth of Elizabeth street into the fort?—A. When—when this—

Q. Yes, when the roll was being called?—A. Yes, sir; I was looking right over in the town. I could see Elizabeth street and that main street that comes in there.

Q. How far were you from the entrance to the fort?—A. I was about 20 or 25 yards; it was not over that; about 25 yards.

Q. That is, from 60 to 75 feet?—A. Just about.

Q. You were facing the town?—A. Facing the town; looking right down into the town.

Q. Looking right down into the town?—A. Yes, sir.

Q. That would bring you, then, to the left of Elizabeth street?—A. Yes, sir; just to the left of it.

Q. Considerably to the left, would it not; 50 feet, at least?—A. Just about 50 feet.

Q. Taking your position as a soldier, you took it there, did you not?—A. Yes, sir.

Q. Looking to the front?—A. Yes, sir; watching all around. The captain had told me; he said: "Sergeant Harris," he says, "you look after the first platoon especially."

Q. You were looking around?—A. Yes, sir; that is, to the front, and looking after the men and giving them different instructions—that is, not to put any cartridges into their rifles. I says: "Now, just keep quiet. The captain says he does not want a man to put a cartridge in his rifle, but just lay right here and wait for orders."

Q. You did this?—A. Yes, sir.

Q. And you think that nobody came into that entrance while you were there?—A. No, sir; I do not think a soul came in.

Q. Was there light enough so that you could have determined if anyone had come in?—A. There were a couple of lights over the gate.

Q. Oil lamps?—A. Yes, sir; the light was clear, so that I could see as well as I can in this room.

Q. There was no difficulty in a man's getting up on the other barracks; he could very well have done that?—A. They might have gotten up on the other barracks.

Q. There would have been no trouble about doing that?—A. No, sir; none whatever.

Q. As to this target practice you speak of, did you have any target practice after you got to Brownsville?—A. No; we did not have any.

Q. Do you know how far the grounds were from the barracks?—A. No, sir.

Q. Did you know by reputation?—A. No; I did not know even the direction of them. They said there was a target range out there somewhere.

Q. About 20 miles?—A. That is what they said.

Senator LODGE. You did not go out there?

The WITNESS. No, sir.

By Senator WARNER:

Q. After the roll call—I shall not go into that again, because it has been gone through thoroughly—you went out and lay down on the grass a half hour or such a matter?—A. Yes, sir.

Q. Before you were ordered back to your barracks?—A. No, sir; not—

Q. But you went downtown after that, did you not?—A. Yes, sir; we went down in town.

Q. When you came back from down in town what did you do?—A. After we came back from downtown we had orders to fall out and remain in the immediate vicinity.

Q. That is the time you went and sat on the grass?—A. Yes, sir; we did not occupy much room. We were in a space that was hardly as large as this room.

Q. Why was it that you went downtown?—A. Because we got orders to.

Q. You knew the purpose?—A. It was to patrol the town, to see if—

Q. To see if any of your soldiers were down there?—A. To see if the soldiers were out, or anybody was out, raising any disturbance.

Q. You saw no soldiers?—A. No soldiers, other than those in the company marching down.

Q. Yes, I understand. You saw but one man armed, and he was armed with a Winchester?—A. Yes, sir.

Q. He was an officer of the law, as you understood?—A. That was what I understood. That is what he said.

Q. Quite a number of people you saw out on the sidewalk?—A. Yes.

Q. And there was excitement?—A. Well, there was no excitement; just we were passing on down the street, and then we were going up the street.

Q. When you got back and were lying around on the grass, you comrades talking one with another, did you discuss as to who it was who had been shooting up the town?—A. No, sir; we had no discussion whatever in regard to the matter.

Q. Not at all?—A. No, sir; I did not hear any.

Q. The sergeant of the company is supposed to look after the ordinary discipline, is he not?—A. Yes, sir.

Q. That is his duty?—A. Yes, sir.

Q. That was a part of your duty?—A. Yes, sir.

Q. And it was a part of your duty, if suspicion rested upon a soldier of doing wrong, to find it out and report it to your superior officer?—A. To report it to my superior officer; that was my duty.

Q. That was what you understood to be your duty?—A. Yes, sir; that is what I understood to be my duty.

Q. You knew the next morning, at least, that it was suspected that privates of one of these three companies had done the shooting up of the town?—A. You say I knew that it was suspected?

Q. Yes; suspected; that is all?—A. Yes, sir; I knew that it was suspected that some of the members of one of these companies had done the shooting up of the town. I learned that that night.

Q. What effort did you make to find out who it was?—A. I done everything I could.

Q. What did you do?—A. The only thing I could do was to listen at the different conversations of the men talking, and during their entire conversation, from that time up until now, I never heard a man say anything about it that would lead me to say that he knew anything about the men who did do the shooting.

Q. But have you talked about this Brownsville matter?—A. I never even heard them talk about it, except they would say: "I wonder what will be the outcome." That is, I would hear them say: "I wonder what are they keeping us under arrest so long for, and what they are going to do with us," or something like that.

Q. Members of your company were accused of doing the shooting?—A. Yes, sir.

Q. And some were under arrest, and all you heard in mixing around among the private soldiers was: "I wonder what will be the outcome of this?"—A. Yes; "I wonder what are they going to do with us." That was all I heard. But I never heard anything that would lead me to believe that any men knew anything about the affair; I did not hear a thing.

Q. I just wanted to get the point. That was all you heard; no discussion about the Brownsville affair?—A. No, sir; that was all.

Q. You had heard these other things before that?—A. Yes, sir.

Q. About depriving the soldiers of the bar privilege?—A. Yes, sir.

Q. And the knocking of this man down with a pistol?—A. Yes, sir.

Q. And pushing the soldier off of the gangplank?—A. Yes, sir.

Q. And you had heard all these things discussed?—A. Yes, sir.

Q. But this affray at Brownsville, which was where they had been charged with the shooting up of the town and the killing of citizens and the wounding of others and the endangering of many lives, you never heard discussed?

Senator HEMENWAY. This witness has been very frank and straightforward.

Senator WARNER. Perfectly frank; I only want to get it right.

By Senator WARNER:

Q. Did you hear any other discussion except that "I wonder what will be the outcome?"—A. Only just wondering what would be the outcome.

Senator HEMENWAY. Yes; and he says he heard these other things.

By Senator WARNER:

Q. Did you or did you not hear anyone discuss whether they thought this man had anything to do with it, or that one, or the other one?—A. I never heard that discussed.

By Senator LODGE:

Q. In this discussion that occurred, I would like to ask you whether there was any discussion at all as to who did the shooting?—A. No, sir.

Q. The men did not discuss the question as to who did the shooting?—A. No, sir; nothing.

By Senator WARNER:

Q. This rod that you have for cleaning your gun, which you had here, you call a cleaning rod, do you?—A. Yes, sir.

Q. Four of those were issued to each company?—A. Yes, sir.

Q. They were hung up in the barracks?—A. Yes, sir.

Q. Accessible to anybody who wanted to get them?—A. No, sir; they were not unless they obtained permission to get them.

Q. That is, they were supposed to obtain permission?—A. Yes, sir.

Q. Those rods were hung up there and in the nighttime anyone could get them, taking his chances of being discovered?—A. Yes, sir; he might take his chance.

Q. That is, they were not under lock and key?—A. No, sir.

Q. Or guarded in any way at all?—A. No, sir.

Q. So that they were open to anyone who wanted to take them in that way?—A. Yes, sir; they were open in that way.

By Senator LODGE:

Q. None of the gun racks in your company had been broken—A. No, sir.

Q. Open?—A. No, sir; none of the gun racks in my company had been broken open.

Q. Had they in the other companies?—A. I do not know, sir. I heard that they were in C Company, and in fact I did see a gun rack come up to the carpenter shop the next morning, and they say that it was from C Company.

Q. Only one?—A. That was all that I remember seeing in the wagon, that one.

By the CHAIRMAN:

Q. That was a gun rack?—A. Yes, sir; a gun rack. It was standing up. They might have had some lying down.

Q. A gun rack holds how many guns?—A. I think it holds twenty; about twenty.

By Senator LODGE:

Q. But there was one sent to the carpenter shop for repair?—A. Yes, sir.

Q. You were in the shop and saw it?—A. No, sir; I was not in the shop. I was passing by on a horse; I was passing by, mounted.

By Senator FORAKER:

Q. I could not hear that answer.—A. I was on a horse, mounted, going by the carpenter shop, going up toward the quartermaster's storehouse.

Q. And you saw one in the wagon?—A. Yes, sir.

Q. Outside, in front?—A. Yes, sir; in front of the carpenter shop.

By Senator LODGE:

Q. A gun rack?—A. Yes, sir; a gun rack.

Q. Only one?—A. Yes, sir.

By Senator FORAKER:

Q. There might have been, I understood you to say, one or more others lying down in the wagon?—A. Yes, sir; there might have been, lying down.

Q. And there might have been others that had been taken out and put in the shop before you saw them?—A. Yes, sir; when I passed by, the wagon was backed up to the door, and I saw this one in the wagon.

Q. You were passing by?—A. Yes; on a horse.

By Senator LODGE:

Q. Did you hear any talk about this rack being broken?—A. No, sir; no more than about its being broken open; and they say that why they broke them open was because the noncommissioned officer in the quarters would not—

Q. You say you heard that talk?—A. Yes, sir; they say the reason was that after the sounding arms, he would not open the racks then, and it seems that he would not open the racks until he got the order from the commanding officer.

Q. Then you heard this talk about this one rack being broken open?—A. Then I heard this talk about this one rack being broken open; yes, sir.

By Senator FORAKER:

Q. When the call to arms was sounded that night, were you still in your room?—A. Yes, sir; I was up in my squad room.

Q. You had, however, been aroused by the shooting before the call to arms?—A. Yes, sir.

Q. Whom did you meet when you got to your barracks that night and recognize?—A. When I got to my barracks?

Q. Yes.—A. I was already at my barracks that night. I was in my barracks.

Q. You then went from there to where the company was formed. Where was your company—Company D—formed that night?—A. Right down in front of the barracks, 10 feet away.

Q. Whom did you meet when you first got there?—A. When I first got there?

Q. Yes.—A. I remember Private John A. Johnson and Private John R. Jones and Private Len Reeves, and that is all that I could remember the names of just now; but the company—the whole company—was right down in front of the barracks then, forming.

Q. Did this call to arms occasion any excitement in your company or battalion?—A. I do not think so. It did not in my company. The shooting had created more excitement than anything else.

Q. There was more or less excitement attending the formation of the company—the forming of the companies—that night, was there not?—A. Very little.

Q. Very little excitement?—A. Very little excitement. The men formed very promptly.

Q. The shooting in the town and the call to arms occasioned very little excitement among the men?—A. Very little among the soldiers that night.

Q. That was unusual, however, was it not, to have a fusillade of 75 or 100 shots fired in the town?—A. Yes, sir; very unusual.

Q. And then a call to arms at that hour of the night?—A. Yes, sir.

Q. And the shooting and the call to arms, as I understand you, caused very little excitement among the company?—A. Very little.

Q. When your company was formed how many men were due that night—how many of your men of your company were due—to be present? How many men ought to have been present?—A. I do not know, sir. I was not in a position to know. The first sergeant is the man who is in a position to know.

Q. How many men answered or formed that night?—A. I do not know, sir, how many formed.

Q. You do not know, then, whether all the men of the company formed that night in response to the call to arms?—A. I am not sure. There are some that I know were not there. Seven were on guard duty and two men were on pass.

Q. Do you know how many men were actually present?—A. I do not know how many men, actually. It was about—no, sir; I don't know how many men, actually.

Q. You do not know whether all the company were present, then, or not?—A. No, sir; I know they were not all present. But they were all accounted for—present and accounted for.

Q. How many men were not present and were accounted for?—A. Nine men. There were seven men on guard and two men were on pass.

Q. Those were the men who were reported?—A. Yes, sir.

Q. As being on pass?—A. Not present, but accounted for.

Q. Of your own knowledge?—A. Yes; of my own knowledge.

Q. Of your own knowledge did you know that they were not present, or did you gain your information simply from the report of the officer?—A. I know that they were not there.

Q. But you do not know how many were there?—A. I do not know the exact number who were there; no, sir.

Q. How long after the company were formed was it that you had a roll call by the lantern?—A. It was not over three or four minutes.

Q. It was a pretty dark night, was it not?—A. Ordinary; ordinary dark.

Q. Can you swear of your own personal knowledge that every man responded to his name when called except those who were absent and accounted for?—A. Well, I believe that every man did.

Q. Now, speaking of your own knowledge?—A. Yes; that is my knowledge, that I believe that every man responded, because I listened, and every man when his name was called answered, other than those nine, two of whom were on pass and seven on guard.

Q. Can you tell by the voice of a soldier responding to his name what man it is?—A. Very near every man. I was familiar with the voice of every man in the company.

Q. You could identify his voice?—A. Yes; I could tell his voice.

Q. And that night you identified every man responding to his name by his voice?—A. Yes, sir; by his voice.

Q. Had you any particular reason that night to pay any particular attention to the voices other than— **A.** I always did pay attention to them, and of course that night, as I have stated a while ago, the reason why I listened so carefully that night was because I wanted to try to see if there was any of the men in my company absent, if there were any absent at all. I was looking after my company.

By Senator SCOTT:

Q. I want to ask the sergeant one question. You say at this time you were in a company formation. Your position was in rear of the first platoon, was it?—**A.** Yes, sir.

Q. You stand how many feet to the rear?—**A.** About 5 or 6 yards—that is, paces—we stand.

Q. Then as the roll was called and a man answered "here," you would naturally notice his voice there, and the next man might be away down at the other end of the line?—**A.** Yes; I would notice his voice and then notice the other down there.

Q. And you would notice the man answering?—**A.** Yes, sir.

Q. One more question. On the morning of the inspection, did you inspect the guns yourself?—**A.** No, sir.

Q. Then you do not really know the condition of those guns?—**A.** No, sir. You see, the noncommissioned officer does not inspect. They only have squad inspection, but the final inspection is made by officers.

Q. Did you inspect the ammunition boxes yourself?—**A.** No, sir.

Q. Then, of your own knowledge, you do not know whether the guns were properly cleaned or the ammunition that they should have had was really there, do you?—**A.** No, sir; I do not know, only from what the captain said.

By Senator FORAKER:

Q. You do not know, except what?—**A.** That is, I heard no complaint.

Q. You saw Captain Lyon make the inspection?—**A.** Yes, sir; Captain Lyon made the inspection.

By Senator LODGE:

Q. After this incident at Brownsville, on the night of the 13th, there was talk about it, and it was discussed, was it not, among the men?—**A.** Nothing only what I stated a while ago.

Q. There was no talk about it?—**A.** No, sir; I heard no talk about it.

Q. You mean after this shooting?—**A.** After this shooting.

Q. And the call to arms and all that happened that night was not discussed among the men subsequently?—**A.** They did not discuss it.

Q. They did not discuss it?—**A.** They did not discuss it that night.

Q. There was no interest?—**A.** No, sir; they just responded to the call, and when they were dismissed they went on to bed.

Q. They did not talk about it among themselves?—**A.** No, sir.

Q. They took no interest in it themselves?—**A.** No, sir; I heard no talk at all, and they never said anything; but the talk that I did hear was wondering what the results would be, until we got up to Fort Reno, and this was then after General Garlington had been there and issued the order—

Q. I mean after the shooting on the night of the 13th. I understand you to say there was no talk about it the next day, for instance?—A. No, sir.

Q. They did not think the event was of any interest?—A. No, sir; they did not—

Q. After you had been called out that night, after inspection next morning, I understood you to reply to a question by Senator Foraker that the matter was not discussed at all in your company or in the battalion?—A. Not among the enlisted men.

Q. You never heard any discussion of it yourself?—A. No, sir; I never heard any myself.

Q. Among the men or the officers?—A. I was not placed where I could hear the officers. Of course the next day, after they had the inspection of arms, I do not know exactly what time, but they commenced taking the affidavits of the men in regard to what they knew about the matter.

Q. About these gun racks, as I understand there were four gun racks to each company?—A. Yes, sir.

Q. Those racks are locked and the key is left in charge of an officer?—A. Of the noncommissioned officer in charge of the quarters.

Q. And that night did you get your arms? Were the arms taken from the racks that night when the roll of the company was called?—A. When the sound to arms came the noncommissioned officer came through the barracks opening the racks, and then we got our rifles out and went downstairs and fell in line in front of the barracks.

Q. The guns could be gotten out of these racks either by unlocking them or by breaking?—A. By unlocking them or breaking them—that was the onliest way.

By Senator OVERMAN:

Q. Was there not another key to that Yale lock?—A. That key was all the noncommissioned officer had. I do not know how many keys there were, but that was all the key he had.

Q. All you know is that the noncommissioned officer had one key, but how many more keys there were you do not know?—A. No, sir.

By Senator FOSTER:

Q. I believe, in answer to Senator Foraker, you said you had heard of no noncommissioned officers of that battalion being suspected of being in Brownsville that night during the shooting?—A. No, sir.

Q. And had heard of no suspicion that any of the men of either of the companies were out that night after 8 o'clock?—A. I heard of none. I did not hear of any except those that I have stated. Two men were out on pass. I do not know where they were. They had permission to be out.

Q. Were any efforts made to find out?—A. I do not know.

By Senator TALIAFERRO:

Q. You testified that it will take about ten minutes to clean one of those guns?—A. Yes, sir; to clean it.

Q. And that it could not be cleaned in the dark?—A. No, sir; no, it could not.

Q. You testified that this inspection was made sometime after sunrise in the morning?—A. Yes, sir.

Q. So that, if you had been out in Brownsville, one of the parties doing the shooting on the night of the 13th, you would have had ample daylight for cleaning your gun before the inspection took place?—A. You say I would have?

Q. Yes; I asked you if you would have?—A. No, sir; I would not.

Q. Why not? You say the inspection was made after sunrise?—A. The rifles were in the racks and locked up.

Q. I said supposing that you had been in the shooting—supposing that you had been down in town and had your gun and were engaged in that shooting affray—you would have had daylight enough before your gun was inspected to have thoroughly cleaned it?—A. No, sir; I would not have had the time.

Q. Then you mean to say that there is not ten minutes of daylight between the time after sunrise and when that inspection took place in which to clean your gun?—A. You can not clean one of those guns when it is in the rack and locked up and some one has the key to the lock.

Q. You misunderstand me. I say, supposing you had your gun out of that rack and that you had been down in Brownsville that night shooting up the town, you would have had daylight enough before your gun was inspected the following morning?—A. Not from the time the call went to the assembly. We would not have had daylight enough to have cleaned it.

Q. Have you not testified that this inspection took place some time after sunrise?—A. Right after sunrise; it was about fifteen minutes. The first call went just about, and it is very dark down there until the sun gets away up; it is foggy and dark, and you can not see but very little.

Q. It was light enough when the guns were inspected to see what their condition was?—A. Yes, sir.

Q. Before sunrise, then, you say, you breakfasted by lamplight; and if you had had your gun out of the rack all night you would not have had daylight enough before that inspection took place to have cleaned it, when the inspection occurred fifteen minutes after sunrise?—A. Yes, sir.

Q. You want the committee to understand that?—A. Yes, sir. The first call went just about sunrise, and it was fifteen minutes then to assembly. When first call goes every man gets his rifle and forms in line and waits for assembly, and then when assembly goes the roll is called and the result is reported to the captain.

By Senator BULKELEY:

Q. You had breakfast before that?—A. Yes, sir; we had breakfast by lamplight.

By Senator OVERMAN:

Q. Did you make an examination of the houses to see the effect of the shots at that time?—A. No, sir; I was not allowed to go out there afterwards.

By Senator TALIAFERRO:

Q. Do you mean to say that at sunrise it was not light enough for you to have cleaned a gun?—A. I could have cleaned it at sunrise.

Q. Could you not have cleaned it before being inspected—before sunrise?—A. I could not have cleaned it before inspection.

By Senator LODGE:

Q. What time were you aroused; what time did you get up?—A. I do not remember the time now, but it was very early. We got up and attended reveille.

Q. What time was that?—A. I suppose it was abo. a quarter of 6, or it might have been a quarter of 5. I disremember what time the calls went, but they went very early, and we used to do everything that we had to do very early in the morning, because it was so hot down there from 9 to 3 o'clock that we did not do anything.

Q. Before sunrise, then, you say, you breakfasted by lamplight; and you got up at a quarter of six, so that the sunrise was about what time?

Senator FORAKER. Did he say that he breakfasted by lamplight? I did not understand him to say that.

Senator LODGE. Yes; he said that.

The WITNESS. Yes, sir.

The CHAIRMAN. The almanac will show what time the sun rose on that day, of course.

By Senator FORAKER:

Q. I want to ask you another question. I understand you to say that from the time you answered at reveille until inspection you were so occupied in getting your breakfast and in getting your gun out of the rack, and all that, that you had no time whatever to clean your gun, had you had it in your possession?—A. No, sir; no one had any time to clean a gun, and the guns were all in the racks, where they were put the night before, until the first call, and then the men got the guns out and went down and formed a line until the assembly went, and then they answered to their names.

Q. Was there any water which you could have gotten at that night with which to clean your guns?—A. There was no water out—no water there at all.

Q. Did you have any rags with you for the purpose of cleaning your guns?—A. No, sir.

Q. Did anybody have a cleaning rod out there?—A. I did not see any, not one.

Q. If anybody had been cleaning a gun while you were out there, were you in a situation where you could have seen him do it?—A. I could have seen him very easy; and if I could not, the other non-commissioned officers were out there, and going up and down the line, as they had been instructed to.

At 12.45 o'clock p. m. the committee adjourned until Tuesday, February 5, 1907, at 10.30 o'clock a. m.

**COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Tuesday, February 5, 1907.**

The committee met at 10.30 o'clock a. m.

Present: Senators Warren (chairman), Scott, Foraker, Lodge, Hem-
enway, Bulkeley, Warner, Pettus, Blackburn, Taliaferro, Foster, and
Overman.

TESTIMONY OF ISRAEL HARRIS (COLORED)—Continued.

The CHAIRMAN. Senator Warner, I believe you were not through
with the examination of Mr. Harris.

By Senator WARNER:

Q. A few more questions, Mr. Harris, just to recall for a moment
the morning of the 14th. What was the time of the inspection?—

A. Right after reveille; that is, right after breakfast.

Q. The usual time that you assembled for morning drill?—A. Yes,
sir; the usual time.

Q. It was not an unusual time?—A. No, sir.

Q. And what time now do you fix that?—A. Well, I don't know,
sir, exactly; that is, the hour, but it was right after breakfast, and
it was very early, too. I don't know the hour.

Q. Without interrupting you, you say it was the usual time?—
A. That is, for drill.

Q. Was the usual time for drill 7 o'clock in the morning?—A. It
was the usual time for drill.

Q. And you were called out that morning for drill?—A. Yes, sir.

Q. And you supposed it was for drill?—A. Yes, sir.

Q. So whatever the usual time was, that was the time that morn-
ing?—A. Yes, sir; that was the time that morning.

Q. Now, were Companies B and C called out at the same time?—
A. Yes, sir; they were out.

Q. Who was it that called the roll of your company?—A. Ser-
geant Frazier, the first sergeant.

Q. When was the roll called?—A. That morning for drill?

Q. No; on the night of the 13th?—A. It was called as soon as we
formed around there behind the brick wall, between the barracks and
the town.

Q. Who made the call?—A. Sergeant Frazier.

Q. You first formed in front of the barracks?—A. Yes, sir.

Q. There you counted off?—A. Counted off.

Q. That is, to make the files?—A. Yes, sir.

Q. One, two, three, four, the usual count off?—A. Yes, sir.

Q. And after that count off had been taken you marched around
and deployed as skirmishers back of the wall?—A. Right back of
the wall.

Q. And then it was that Sergeant Frazier made the roll call?—A. Yes, sir; he made the roll call.

Q. How far did Sergeant Frazier live from the barracks?—A. Well, I think it was about—it might have been 500 yards.

Q. It would be from a fourth to a third of a mile. He had to come from his home—he was a married man?—A. Yes, sir.

Q. He lived there with his family?—A. Yes, sir.

Q. Was that inside the fort?—A. Right inside the reservation.

Q. But 500 or 600 yards from the barracks, or did you say 400 or 500 yards?—A. About 400 or 500 yards; I don't think it was any farther than that.

Q. What was the purpose of deploying along this wall?—A. I don't know, sir, what the purpose was for deploying along the wall—that is, I was never told what it was for, but I thought that it was that if the people from the town were firing in on the post, why, the men would be scattered out as they usually were in battle formation, so that the men would not be bunched up and would not get hurt.

Q. And would protect themselves with the wall?—A. Yes, sir; protect themselves behind the wall.

Q. When you marched around there the men stood up, did they?—A. Yes, sir; they stood up.

Q. At roll call?—A. They did not stand up when the roll was called. They were down on their knees.

Q. Down on their knees?—A. In the kneeling position.

Q. Where was Company C formed? Was it formed that night in front or in rear of Company C barracks?—A. For the first roll call, I don't know, sir, where Company C was formed, but I think they were formed in front of their barracks; but they were away up beyond us.

Q. You would not undertake to say whether they were formed in front, or in rear of the barracks?—A. No, sir; I would not undertake to say that.

Q. Were many of your noncommissioned officers married?—A. I think it was two—Sergeant Frazier, the first sergeant, and Corporal Wheeler.

Q. Did Corporal Wheeler have his family there?—A. Yes, sir.

Q. Was there any other noncommissioned officer married?—A. There was no other noncommissioned officer married. I am married myself, but my family was not there.

Q. You did not take your family with you to Brownsville?—A. No, sir.

Q. There is a porch on barrack D?—A. Yes, sir.

Q. How high is that from the ground?—A. Well, I suppose it is about 20 or 25 feet, very near.

Senator FORAKER. Did you say 20 or 25?

A. Yes, sir; 20 or 25 feet.

By Senator WARNER:

Q. When you were aroused that night from your sleep, the shooting was going on?—A. Yes, sir.

Q. You do not know how much shooting there had been before that?—A. No, sir; I don't know.

Q. Whether any had been done from your barracks or not, before you awoke; you don't know?—A. No, sir.

- Q. You would not pretend to say?—A. No, sir.
- Q. When you first went out on that night and fell in and were being counted off, I think you stated—I may be mistaken in this, and if I am you will correct me—that you heard two or three shots fired?—A. After I went down in line; yes, sir.
- Q. Yes; after you were down in line, that was when you were being counted off?—A. Yes, sir.
- Q. But after you got around to the wall, as I understand, you heard no shots fired at all?—A. No, sir; I did not hear any.
- Q. This broken gun rack—you saw that?—A. Yes, sir.
- Q. How soon after the affray was it that you saw that?—A. Well, it was in the morning; I think it was about 9 o'clock.
- Q. The morning of the 14th of August?—A. Yes, sir.
- Q. What was broken about that?—A. Why, I did not go close enough to it to see what was wrong, but there was something broken about it—that is, I suppose so, because they carried it to the carpenter's shop. I passed by it, I suppose about 50 yards away. I passed by the wagon on a horse. The wagon was backed up to the carpenter shop, and I saw one gun rack standing up in the wagon.
- Q. Do you know what company that belonged to?—A. Company C. That is what they stated. And, in fact, the men that were around it—I know that some of them belonged to Company C.
- Q. Going with it?—A. Yes, sir; with the wagon that the rack was in.
- Q. You don't know how it became broken or anything about it?—A. No, sir; I don't know anything about that.
- Q. Each of those gun racks holds 20 guns?—A. I think that is it; yes, sir. Each holds 20 guns.
- Q. And each soldier's gun is numbered in the gun rack?—A. Each soldier's gun is numbered.
- Q. You spoke yesterday of your anxiety or fear—not fear, that is not the right word—but your anxiety that some of your men might be in this affray, by reason of some occurrences in Texas prior to that time, did you not?—A. Yes, sir.
- Q. What were those occurrences, Mr. Harris?—A. Well, the trouble they had down there at Fort McIntosh in 1899. They had a little trouble down there, and also they had a little trouble up there at San Antonio.
- Q. What was the little trouble at McIntosh?—A. The soldiers and the policemen—they got mixed up, so I learned, down in the town. A man by the name of Davis—he went down in the town, and he was a man that drank quite a lot, and I suppose he was drunk down there, and him and the policemen got mixed up, and from that—why, other soldiers got mixed up, and they had a little scrap down there amongst themselves.
- Q. What do you mean by a scrap?—A. That is a fight.
- Q. Shooting?—A. Yes, sir; they had some shooting down there.
- Q. And what company was that?—A. That was D Company.
- Q. Your company?—A. Yes, sir.
- Q. Was this man Davis a member of your company?—A. He was then. He is dead now.
- Q. He was not at the Brownsville affray?—A. No, sir; he died over in the Philippines.

Q. What was the next place you had trouble in Texas?—A. We had a little trouble in San Antonio, and they never did learn exactly who were charged with that—that is, I did not. There was a battery of artillery there and three companies of the Twenty-fifth Infantry there—no, I believe it was two companies. I think G had left. They had sent them to Denver, Colo.

Q. What companies of the Twenty-fifth Infantry were at San Antonio?—A. C and D were there at San Antonio.

Q. You never found out who it was that was in that trouble?—A. No; I never learned who that was charged to, whether it was charged to the Twenty-fifth Infantry or to the battery. They had a little trouble up there near the west gate, at the entrance to the garrison, one night.

Q. A shooting trouble?—A. There were some shots fired.

Q. So when your companies went down into Texas you knew of this feeling, when you were ordered down to Fort Brown?—A. Yes, sir.

Q. Did you hear any discussion, Mr. Harris, that you did not expect to stay there long?—A. No, sir; I did not hear any discussion. The only discussion that I heard in regard to the matter at all was the different men, and I myself said that as soon as my time was out I would leave there; I would reenlist for some other place. I did not like to go down in there.

Q. You would leave there? Why?—A. I did not care to reenlist to serve down in that section of the country.

Q. Why?—A. Because the people down there seemingly had no use for the soldiers.

Q. Unfriendly?—A. Yes, sir; they were very unfriendly toward the soldiers, and that is why I did not want to stay there.

Q. And therefore there would be the feeling between the soldiers and the citizens?—A. Yes, sir.

Q. You realized that when you went there?—A. Yes, sir.

Q. And you had expressed, as you say, the purpose not to reenlist on that account?—A. Not to reenlist there. I would have been discharged the 17th of this coming May. I intended to leave there and go to some other post.

By Senator OVERMAN:

Q. Was there any indignation expressed by any of your company that they were not allowed to drink at the bar with the white people?—A. No, sir; I never heard anything said in regard to it, only just that "You can't go down here in these saloons and get a drink." I heard some of the men say that they went down and they told them that they were not prepared for them now; that they would be in a few days, and they stated that they prepared for them—made a partition and stuck up a sign, "Come down to the back door."

Q. What was the feeling on the part of the men? What was their expression?—A. Well, seemingly that they did not mind that at all. I heard them say that they were not going to those places to drink.

Q. They would not go because they had made a separation?—A. A separation. They said: "We won't go there. That doesn't amount to anything." I heard one of them say that.

Q. Say they didn't like it because there was a separation?—A. No, sir.

By Senator SCOTT:

Q. I either misunderstood you yesterday, or else this morning, when Senator Warner asked you where the roll was called. You said this morning, as I understood you, that it was called when you were on your knees behind the wall. Yesterday I understood you to say that you fell in and the roll was called by the aid of a lantern as you were standing in front of the barracks. Which is correct?—

A. Why, no, sir; I say they fell in in front of the barracks, and they were counted off and then marched around and over in the rear of the wall, and the roll was called off when we were around there.

Senator WARNER. I think that is the evidence. I do not think there is any conflict.

By Senator FORAKER:

Q. You also stated that in addition to being counted off by fours, the captain and the first sergeant counted the whole company to see if the men were all there?—A. Yes, sir. They went around the company and counted them.

Q. That is correct, is it?—A. Yes, sir.

Q. Before you marched over in front of the barracks?—A. Yes, sir.

By the CHAIRMAN:

Q. How many did that count develop?—A. I don't know, sir.

Senator FORAKER. He said it developed all but two men who were on pass, and the number who were on guard.

By Senator WARNER:

Q. I understood in answer to a question by one of the members of the committee yesterday that you did not pretend to know how many were present.—A. I don't know sir, how many.

Senator WARNER. That is what I understood.

By the CHAIRMAN:

Q. Then why did you say that they were all present or accounted for?—A. That was the report.

Q. Because of the usual announcement of the sergeant?—A. Yes, sir; "All present or accounted for."

Q. From that you understood that they were all there, but through no count of your own?—A. No count of my own.

By Senator WARNER:

Q. Just one or two other questions, Mr. Harris. This roll call was made when you had formed in rear of the wall and deployed as skirmishers there?—A. Yes, sir.

Q. And then you were on your knees?—A. Yes, sir.

Q. That was a matter of precaution, of course, not to make yourselves targets if the fort was being assaulted?—A. Yes, sir; that was what that was for.

Q. And you were on your knees?—A. Yes, sir.

Q. Back of the company?—A. Right in rear of the company.

Senator FORAKER. Was that the time when the roll was called?

Senator WARNER. That was the time the roll was being called?

The WITNESS. Yes, sir; the roll was being called.

By Senator WARNER:

Q. Now, about the light. When they made the roll call there they had to send and get a lantern on account of the light?—A. Yes, sir; they got the lantern.

Q. And you were paying close attention to the roll call, as you stated yesterday?—A. Yes, sir.

Q. By reason of your anxiety about the men?—A. Yes, sir.

Q. Being on your knees there, what position were you in to see down Elizabeth street?—A. I was right down in the rear of the company, and if anyone came in that gate or that entrance, why, I could see very easy.

Senator SCOTT. There is a map there on the wall. Let him show by the map where he was.

By Senator WARNER:

Q. This being Company D right there, here is the gate and here is Elizabeth street?—A. Yes, sir; this is the gate. Here was Company D. I was right along in here somewhere, right in the rear of the company.

Q. About midway of the barracks?—A. Well, it was, about.

By Senator LODGE:

Q. They were drawn up behind the wall?—A. Yes, sir; right along here; right up behind the wall; right along about here, I suppose, and very near the center of the barracks.

Q. And that barracks is how long?—A. I suppose about 150 feet, or 100 feet anyhow. It is pretty long; I don't know just exactly.

Q. I don't care whether 100 or 150 feet.—A. Yes, sir.

Q. And the distance between the right end of the barracks and the entrance to the gate is how many feet?—A. It is about 50 feet, perhaps 75.

Q. That space in there?—A. Yes, sir; right in there.

Q. So, then, you were about in the center?—A. Yes, sir; right along about there.

Q. So you would be from 100 to 150 feet from the gate—the entrance?—A. Yes, sir; when the roll was called.

Q. There on your knees, and paying attention?—A. Yes, sir.

Q. And that is all the opportunity you had of seeing whether parties went out or came in, from that position, wasn't it?—A. Yes, sir.

Senator WARNER. That is all I care to ask now.

By Senator LODGE:

Q. I should like to ask a single question. I asked you yesterday, and you stated, I see, by reading the testimony, that the inspection occurred about fifteen minutes after sunrise, just at or after sunrise, when your guns were inspected?—A. Yes, sir.

Senator LODGE. There was some question about the time, and I will put this statement in the record. I telephoned out to the Naval Observatory, and found that the sun rose at Brownsville on the 14th day of August at 5.32 a. m., local time; so that the parade must have taken place about half past 5, according to the testimony of this witness.

Senator TALIAFERRO. Later than that—5.45.

Senator LODGE. 5.45.

By Senator FORAKER:

Q. About the giving of these estimates as to time and so forth, you are simply relying on your best recollection as you now recall it?—A. Yes, sir.

Q. You have stated that it was "about," and "about?"—A. Yes, sir. Of course I don't know the exact time.

Q. You have not pretended to be accurate in giving any of these estimates?—A. No, sir.

Q. You may be out of the way half an hour in giving the estimate as to when some particular occurrence took place, may you not?—A. Yes, sir.

Q. Now, they have asked you about Fort McIntosh and about the trouble at San Antonio. Was anybody killed there?—A. No, sir.

Q. Just a sort of a scrap that was brought about in which some soldiers participated?—A. Yes, sir.

Q. Was there any investigation of that?—A. Yes, sir; they had an investigation of the affair there at McIntosh and they had one or two men in confinement—the civil authorities had them. They investigated the matter, and undoubtedly they found no sufficient evidence to convict, and the men were released and sent back to their companies.

Q. You said that you did not want to go to Texas to serve; that you had made up your mind before this occurrence that you would not reenlist if you had to serve in that country. Why was that?—A. Because I did not like that section of the country; did not like the treatment down there.

Q. Did your company ever have any trouble at any place in any Northern State where they were on duty?—A. Never did; no, sir.

Q. You had been a long while in Nebraska, at Fort Niobrara, immediately before you went there, hadn't you?—A. We were up in Nebraska four years; I think it was a little over four years.

Q. Did you personally ever have any trouble?—A. Never had a moment's trouble.

Q. Have you ever been court-martialed?—A. No, sir. I never was court-martialed.

Q. Or punished in any way?—A. No, sir; never since I have been in the Army.

SENATOR FORAKER. I want in this connection to put in evidence the official record of Israel Harris, as given us by the War Department. It is found on page 265 of Senate Document No. 155.

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.

Reenlisted 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 20, 1906.

Senator WARNER. I don't know—I am new in relation to this matter—but why not consider all this record in evidence?

Senator FORAKER. Some of it I do not want to consider as evidence. That which is official we can incorporate in our record.

Senator WARNER. I am talking of the records of the soldiers. It will save time.

The CHAIRMAN. It is all before the committee. It is a part of the committee files.

Senator LODGE. It is all a part of the testimony before us.

Senator FORAKER. But, if a man's record is put in with his testimony, it saves the trouble of turning to another book. This record shows how often Mr. Harris was enlisted, and what his record was as a soldier. That is what I want to bring out in general.

Now, a few questions in answer to the cross-examination and a few I forgot to ask you about yesterday. I will ask the chairman to furnish me with the bullets and the shells that were sent to the Senate as exhibits with the President's message.

The CHAIRMAN. I do not think those are here. I think they have been temporarily returned to the War Department.

By Senator FORAKER:

Q. Now, Sergeant, you heard this firing. You have been eleven years in the Army. I suppose that you can tell from the firing what kind of arms are being fired—from the report?—A. Well, from the report of the rifles that night, and from what I heard, they were mixed—different kinds.

Q. Different kinds of guns?—A. Yes, sir.

Q. Did you hear the report of any Springfield rifle, such as you were carrying?—A. I could not hear the report of any Springfield rifle.

Q. What kind of rifles did they seem to be?—A. It sounded like they were Winchesters and six-shooters, or something like that, from the firing. The noise was a great deal different to one of these Springfields.

Q. I will ask you whether or not you have ever picked up bullets on the target range after they had been fired out of these modern Springfield rifles, whether you have inspected them, and if so, whether you found any marks on them?—A. I picked them up, and I found no marks on them. They were slewed. Well, I have picked up lots of them.

Q. Your rifles had all been used at Niobrara on an average of how many times, in firing?—A. Well, over 200 times.

Q. In your company alone you had fired away over 20,000 rounds of cartridges, had you not, in practice firing?—A. Yes, sir; we had fired away quite an amount.

Q. Some fifty-odd of you?—A. Yes, sir.

Q. Now state whether or not by long firing, firing a gun as many as 100 or 200 times, there is any effect produced on the lands of the gun.—A. Not that I know of.

Q. State whether or not the tendency is for the gun to become more smooth.—A. Well, yes; the gun would become more smooth naturally—wear from the bullets.

Senator FORAKER. I want to say that I took the precaution to have the bullets weighed—that is to say, I asked the clerk of the Senate

whether he could have them weighed. I should like to know where they are.

The CHAIRMAN. They are at the War Department.

Senator FORAKER. These shells that were sent here by the President, not all of them, but quite a number of them, have on the side of the empty shell a letter apparently stamped into it. I have a memorandum of it, and I will put it into the record accurately. While I am finding that I will ask whether or not these shells have any letters stamped on them?

Senator WARNER. Would it not be well to have those shells here?

Senator FORAKER. It would be, but this witness wants to get back to Boston. These shells which I have here are shells sent by the Secretary of War. He sent a letter and sent these along. On one of the shells that was sent by the President, on the side of it—

Senator TALIAFERRO. The witness did not answer your other question, whether any of the shells were marked.

By Senator FORAKER:

Q. Is it customary to put any letter on the shell?—A. On the side of it?

Q. Yes.—A. I never saw any of our cartridges marked.

Q. One of these shells has the letter D on the side, another has the letter F, another the letter G, another the letter K, another the letter C, and one cartridge has the letter H, another cartridge has the letter A, and one of the clips is marked in the same manner with the letter M, and another with the letter F. There are some other marks that I will call attention to. Did you ever see any letters stamped on the side of these?—A. I never noticed any.

Q. If you would see them there, would you know what they would indicate?—A. No, sir.

The CHAIRMAN. Let me say that the shells are not with the exhibit now. Those shells that were with the exhibits were withdrawn temporarily by the Secretary of War, and a receipt left for them, and they will be returned here later in the examination.

Senator FORAKER. I understand that. There is no criticism. I knew about it and consented.

Now, I call attention to the clip that I hand you, and to the letter M on that clip. Look at it and tell us whether or not you know what that letter M indicates, and whether that is the regulation clip, if you know?

A. I never saw one like this; I never saw any letter on any of our clips like this.

Q. Never saw such a letter as that on any clip?—A. No, sir.

By the CHAIRMAN:

Q. Well, have you ever examined them closely to see if there were letters on the clips that were furnished you?—A. I have never made a close examination, but I never saw any M.

By Senator FOSTER:

Q. Will you swear that there were no letters on those clips?

Senator WARNER. That is to say, issued to Companies B, C, and D.

A. Yes, sir; I would swear that I never saw any letters.

By Senator FORAKER:

Q. Here is another clip. Look at it and see whether you can discover a letter on that.

Senator OVERMAN. These seem to be put on in ink.

Senator FORAKER. It is in ink.

Senator OVERMAN. Is there any identification of these to show who put them on?

Senator FORAKER. Nothing at all. I do not understand it.

A. No, sir; I never saw it on there before.

Q. What letter is that?—A. It looks like an F.

Senator WARNER. Are those letters stamped in the clip?

Senator FORAKER. No, sir; they are in ink.

Senator WARNER. Then why this examination?

Senator OVERMAN. It is in ink. Somebody put it on after they were picked up.

Senator FORAKER. I thought it was stamped there, and I think it is stamped on the shells.

Senator OVERMAN. Some man has taken a pen and put an M on there.

Senator WARNER. To identify by whom found, I presume.

Senator FORAKER. I only want to identify them, that is all. I do not know anything about what it means, and I suppose there will be some explanation for it. That is all. I claim nothing on account of it.

Now, whatever the hour for your drill may have been, that is when you had your inspection?

A. Yes, sir.

Q. Whether it was 6 o'clock or 7 o'clock?—A. Yes, sir.

Q. Your recollection is it was early in the morning?—A. Yes, sir.

Senator TALIAFERRO. And after sunrise?

A. Yes, sir.

Senator TALIAFERRO. You recollect about that—that the inspection was after sunrise?

A. Yes, sir.

By Senator FORAKER:

Q. You know what I mean by the mark of the lands on the bullet, don't you?—A. Yes, sir.

Q. You did state, as I understood you, that your guns did not make a mark on the bullet indicating the lands?

Senator WARNER. The lands, as I understand, are the smooth places between the grooves.

Senator FORAKER. The lands are the separation between the grooves.

Senator LODGE. The mark on the bullet is made by the groove in the rifle.

By Senator FORAKER:

Q. There is a metal-jacketed bullet. What would be the effect on the lands of the gun every time a bullet was fired through the barrel?—A. I have picked up many a one of these bullets, and if it had not struck anything hard—sometimes they fall short, or fall in the dirt—pick up such a bullet, and it looks just like that looks now, right smooth.

Q. Without any mark on it?—A. Without any mark on it at all; right smooth, just like it is now.

Q. You have been asked about the saloons. Did you go into any saloons in Brownsville?—A. No, sir.

Q. Did you attempt to?—A. No, sir; I did not attempt to.

Q. You do not know what occurred, then, in any of the saloons, except what you heard?—A. No, sir.

Q. I will ask you if you knew a soldier by the name of Allison, who was discharged just a few days before this firing?—A. Yes, sir.

Q. And who started a saloon?—A. Yes, sir.

Q. Can you indicate on the map where he located his saloon?—A. No, sir; I could not. I never went to his saloon.

Q. You never went there?—A. No, sir.

Q. You heard that he had established a saloon?—A. Yes, sir; I simply heard that he had established a saloon.

Q. But you had no knowledge about that?—A. No, sir.

Q. What day were you paid off, if you can remember, last preceding the firing?—A. I think it was on the 9th. I think I was paid on the 9th.

Q. I have heard that it was the 11th?—A. The 11th?

Q. It was only a few days before?—A. Yes, sir; only a few days.

Q. After pay day the men had more money than they had before, I presume?—A. Yes, sir.

Q. Was this saloon, according to the report that you got, started before that pay day, or not, or can you tell about that?—A. I do not know, sir, exactly, whether it was before or after.

Q. I will ask somebody else about that. When you fire cartridges on target practice, do you after that gather up the empty shells and save them to turn them in?—A. Yes, sir; we pick them up and put them in a box. They have a box right there at the firing point for that purpose, and every man has to pick up his shells after he gets through firing, and put them in that box.

Q. What is done with those shells?—A. They are turned over to the quartermaster-sergeant, and he takes charge of them and carries them into the barracks, and they are cleaned and all boxed up and kept, and after a while they are sent back to where they come from.

Q. When there is an accumulation they are sent to a Government arsenal?—A. Yes, sir; quite an amount of them.

Q. Are you allowed credit on account of these shells in new cartridges?—A. Yes, sir; I think they are.

Q. But you have not had anything to do with that?—A. No, sir; I never was quartermaster.

Q. State whether or not when you went from Niobrara down to Brownsville you had any shells of that kind, and how they were taken from Niobrara to Brownsville, and what became of them after you got to Brownsville.—A. I think they had a lot of these shells, and they were carried down in boxes. They are packed up after they are cleaned, and the top is screwed on and the boxes are sealed, and they were carried to Brownsville, but I do not know what became of them after they got there.

Q. You did not see them after they got there?—A. No, sir; I did not see them.

Q. Now, when you came away from Brownsville, do you remember that day?—A. Yes, sir.

Q. You marched down to the station?—A. Yes, sir.

Q. State whether or not you had a citizens' escort.—A. Yes, sir; we had—

Q. And of how many men it consisted, and whether they were armed; and if so, how.—A. It seemed to me like it was about—when we marched out of the garrison we had orders that no man would be allowed to look around the streets, or, anyway, that he would keep his head and eyes straight to the front, and if any man did, he would be court-martialed severely for doing so. So I could not look around to see very much. Of course I would cast my eyes around, in marching along, and all the way down the street there were men stationed at the different corners with Winchesters and shotguns and different firearms.

Q. How many men did you see armed in that way in marching from the fort to the station to take the train from Brownsville?—A. Fifty—50 or more. And then there was a detail on each side of us on the sidewalk. We marched right down the center of the street, and they marched clean down to the station with us from the garrison.

Q. Did you hear—and the men generally—of a reward of \$500 being offered by the governor of Texas to anyone who would disclose who had done this shooting, or give evidence which would lead to the conviction of anyone for having done it?—A. No, sir; I did not.

Q. You did not hear of it?—A. No, sir.

By Senator FORAKER:

Q. One other question. It has been charged that there was a conspiracy of silence, an agreement among the men of this battalion not to talk about this occurrence at all. State whether or not you know anything about such an agreement.—A. I do not know anything about such an agreement.

Q. You said yesterday that you never had heard it talked about except in the way that you have indicated.—A. That is all I know about it.

Q. Did you ever have any hesitation about talking about it, if anybody wanted to talk to you about it?—A. Well, I never had but very little to say about the matter. Of course I did not know any more than I have stated here; that was all I knew. I have talked to quite a number of people about the matter, and stated the same things; not quite as much.

Senator FORAKER. I believe that is all.

By Senator FOSTER:

Q. Were you asleep when the firing first began in the town?—A. Yes, sir.

Q. And you were aroused from your sleep by the firing?—A. By the firing.

Q. And shortly after you were aroused you responded to the call to arms, and you repaired immediately to the front of the barracks, where the company was formed?—A. Yes, sir.

Q. You heard about 75 or 80 shots, I believe?—A. Yes, sir.

Q. Do you swear positively that you distinguished among those shots the report of a Winchester rifle?—A. That is the way it sounded to me, from the reports of it. They have a kind of dull sound. It does not sound as sharp as one of these Springfield rifles we use.

Q. Did you pay especial attention to the firing and the reports of guns—of the weapons that were being used by the parties firing them?—A. Yes, sir.

Q. You paid especial attention to it?—A. I paid very close attention to it.

Q. And you recognized or could distinguish the report of a Winchester rifle?—A. I believe so; from the sound of it; it sounded that way to me. I know it didn't sound like one of the army rifles that we used.

Q. Do you swear positively that it was not—that it was the report of a Winchester rifle?—A. Well, I would not swear; but that is my belief about it.

By the CHAIRMAN:

Q. You paid particular attention?—A. Yes, sir.

Q. May I ask why you paid particular attention to those reports?—A. To see whether I could distinguish whether it was any of our rifles or not.

By Senator FOSTER:

Q. Had you any reason to suspect or believe that any of your men were out that night?—A. Have I any reason to—

Q. Did you at that time have any ground or reason to believe or suspect that any of your men were in town?—A. No, sir; I had no ground to believe, but I was simply interested in my company, as I have stated before; and after the affray had started I paid attention to the different things as close as possible to see if I could detect anything pertaining to my company—whether any of my men were out or not.

By Senator OVERMAN:

Q. From what you heard or saw, you do not believe that any of your men did any of this firing?—A. No, sir; I do not believe they did.

Q. You do not believe that any of your men did any of that firing that night?—A. No, sir.

Q. Of any of the companies?—A. Of my company. I would not say as to the other companies, because I was not close enough.

Q. You say you did not hear any Springfield rifles that night?—A. I do not believe I did.

By Senator FOSTER:

Q. You would not swear positively that you did not?—A. No, sir.

By Senator WARNER:

Q. I do not know just what the call to arms is now. What is the call to arms?—A. It is a call that means for a man to get his rifle and ammunition and fall out in line, just the same as any other call.

Q. By what is it made?—A. Sir?

Q. How is it made?

Senator FORAKER. By a bugle?

A. Yes, sir; it is a call sounded by the bugle.

By Senator WARNER:

Q. In the civil war we had the long roll that brought a man out of bed and to his feet.—A. It is a bugle call.

Q. When did you hear the bugle call—that is, the call to arms—with reference to the time you were awakened by the shooting?—A. It was very short—a very short time. It could not have been over—well, I suppose two or three minutes.

Q. It was almost instantly, was it not?—A. Very near.

Q. You were aroused from your sleep?—A. Yes, sir.

Q. By the shooting?—A. By the shooting.

Q. And then came, very soon, whether seconds or minutes, the call to arms?—A. Yes, sir; the call to arms.

Q. And the call to arms means to get your gun?—A. Yes, sir.

Q. And then rush downstairs?—A. Yes, sir; rush downstairs.

Q. And at that time of course you understood that it meant some danger, possibly, to the post?—A. Yes, sir; because it is a call that is never sounded unless something unusual is going on.

Q. Unusual. And at midnight, getting a person right out of bed?—A. Yes, sir.

Q. And yet with that call to arms, something unusual at midnight, you stopped to listen to see if you could distinguish a Springfield rifle. Do you testify to that?—A. Well, I was not a bit scared.

Q. I did not ask you if you were frightened.—A. If a man is not frightened he can pay attention. It is not hard—that is, to me—to listen.

Q. You said you did listen to distinguish, if you could, the different firearms?—A. Yes, sir.

Q. You are familiar with the reports of the different kinds of arms?—A. Of the Winchester.

Q. And of the different arms?—A. I do not swear that if there was firing with other arms I could tell—could swear—that that was a Winchester, say, if the shots were being fired pretty fast.

Q. Were these shots fired pretty fast?—A. Pretty fast.

Q. Blending one into the other, the sounds?—A. They were firing pretty fast.

Q. And yet in that call to arms you could distinguish that there were different kinds of firearms?—A. Yes, sir; I could tell that it sounded to me like it was different firearms.

Q. About how many Winchester shots did you hear?—A. I do not know, sir, how many.

Q. What other arms did you hear?—A. It sounded like six-shooters.

Q. How many six-shooters?—A. I do not know how many.

Q. You learned afterwards that there were a few shots fired from six-shooters?—A. No, sir; I did not learn it. I have not learned it.

Q. No; but you would not undertake to say how many six-shooter shots were fired?—A. No, sir.

Q. And you would not undertake to say how many Springfield shots were fired?—A. No, sir.

Q. That you do not pretend to know?—A. No, sir.

The CHAIRMAN. Right there: Have you ever been armed with a Winchester?

A. No, sir.

Q. Have you had much experience with Winchesters?—A. I have been where they were used quite a lot.

Q. For what?—A. Hunting, etc. Up there in Montana there were one or two men—civilians—who used to go out with the soldiers quite often—a hunting detail—and would be out ten days, frequently.

Q. Then your hearing Winchesters would be confined to hearing them on hunting trips?—A. Yes, sir; I have heard them on hunting trips.

Q. How many times have you been out on such trips with Winchesters?—A. I have been out quite often; I do not know exactly how many times, now, but we used to go out quite often up there.

By Senator OVERMAN:

Q. I understood you to say in answer to Senator Foraker that there was no trouble with your troops in the Northern States, but when you got to the South you did have trouble. What kind of trouble did you have?—A. Personally, I told Senator Foraker, I had had no trouble.

Q. Personally you had no trouble in Texas?—A. No, sir.

Q. So far as you are concerned, they treated you as well as anybody else, didn't they?—A. They did not bother me at all.

Q. Because you behaved yourself?—A. Yes, sir.

Q. And if the others had behaved themselves they would have had no trouble, would they?

Senator FORAKER. What is that question?

Senator OVERMAN. I asked him about the colored troops having trouble in the South and having none in the Northern States, and he says that personally he had no trouble either in the North or in the South, because he behaved himself, and I asked him if the others had behaved themselves if they would have had any trouble.

The WITNESS. I do not know, sir, about that; but I would like to tell you about that. These different places I didn't go. Of course there are some men, they think here is a public place, or what is supposed to be a public place, and they have as much right to go there as any other man.

Senator OVERMAN. Yes.

The WITNESS. And a man will go, and if he is told that he is not wanted he will try to go in there anyhow—think he should because it is a public place. Myself, I am a man different. If I thought a person did not want me, I would not go.

Senator OVERMAN. If the others had acted like you, they would have had no trouble.

The WITNESS. Yes, sir. Down in Texas I went in one store while I was down there. I went there to buy some summer underwear, and the gentleman waited on me all right, and I turned around and went out. I never went in any other place in town. I went through the town almost every day. I was overseer of labor and had to overlook all the fatigue details, and I had to go to the depot to see after the Government freight, and I had a horse assigned to me, and I would go right down through the town and down there and attend to the business and come right back.

By Senator OVERMAN:

Q. That is the only experience you ever had in Brownville?—A. Yes, sir.

Q. If you had stayed there a year you would have had no trouble, would you?—A. No, sir.

By Senator TALIAFERRO:

Q. Did your men have any trouble?—A. Not a man in my company, that I know of, had any trouble. There were only two men, I understand, in Company C, had some words, and one was knocked down in the street; it was so stated by Mr. Tate. I believe.

By Senator WARNER:

Q. A Federal officer?—A. Yes, sir; and the other claimed he was shoved off a gang plank; but I don't know.

By Senator TALIAFERRO:

Q. Who was it they claimed shoved him off the gang plank?—A. I don't know who it was they claimed shoved him off the gang plank.

Q. You say you had no trouble in the service, and that none of the men in your company had any trouble?—A. So far as I know; no, sir.

Q. Then, why was it that you had decided not to reenlist for service after your term of service expired?—A. I did not like that section of the country; I had to be so careful. Lots of times I would like to go out to places, or perhaps go in, but knowing that I was not wanted, and that I would have to go to the back door to spend my money, I did not like to be in that section of the country. I would like to be where I could go in the front door like any other American man, and spend my money and walk out.

By Senator OVERMAN:

Q. What back door would you have to go to to spend your money?—A. Like here—

Q. At any of the stores?—A. Not in any store.

Q. In what places, then, would you have to go to the back door?—A. Going into saloons.

Q. I thought that you did not go to saloons.—A. No, sir; I do not go to any saloons.

Q. You did not have to go in any back door, then?—A. No, sir.

By Senator TALIAFERRO:

Q. You say you preferred service in the North?—A. Yes, sir.

Q. You were treated just as well—you and your company, so far as you know, were treated just as well in Brownsville as in the North?—A. I did not know of any of my men having any trouble; but I know a number of men felt that way, and in fact there were a number of men discharged down there, and they did not any of them reenlist. They went away.

Q. Could you reenlist in the Army in any way that would confine your service to any particular locality of the country?—A. No, sir; I could not. But I would have the opportunity of changing when my time expired.

Q. For the time being?—A. Yes, sir; and would take chances on going to some other place and not being down in that section of the country.

Q. Leaving out the other companies, because perhaps you know more about your own company than other companies, leaving out the other companies entirely, you and your company had no trouble in Brownsville or at any other point in the South where you had been stationed?—A. None, only as I spoke about a while ago, at

Macintosh. Of course my own company was the only company there and the trouble was charged up to them and, as I stated before, they had some men in confinement, and seemingly they found no evidence sufficient to convict them and they were turned loose. My company was the only company stationed there at that time.

Q. Were you in Florida during the Spanish war?—**A.** Yes, sir.

Q. What part of Florida?—**A.** Tampa; Tampa Heights, as they call it, and then we moved to Port Tampa.

Q. Were you at Key West?—**A.** No, sir; never at Key West.

Q. Was any part of your regiment at Key West?—**A.** Yes, sir; I think Companies A and G were at Key West, but the rest of the regiment stopped at Tampa Heights.

Q. Did you ever hear of any trouble that they had at Key West?—**A.** Yes, sir; I heard that they had some trouble down there.

Q. You know that they did?—**A.** I do not know, sir.

Q. You believe that they did?—**A.** I heard they did.

Q. Did you hear what the trouble was?—**A.** No, sir; I did not hear what the trouble was.

Q. Were there any courts-martial following the trouble at Key West?—**A.** Not that I know of.

Q. You said yesterday that there was not daylight enough before the inspection which occurred after sunrise on the morning of the 14th for a man to have properly cleaned his gun if it had been used the night before. Do you remember making that statement?—**A.** Yes, sir.

Q. Do you adhere to that statement this morning?—**A.** I make the same statement now. That is my belief about it, that there was not. And even if there had been there was no way that a man could clean his gun, because it was in the rack and locked up according to the order as soon as we were dismissed that night, as soon as we came in from making the patrol of the town.

Q. Supposing a case, that a private in your company had had his gun out of the rack that night, would he have had time after daylight and before the roll call, before the inspection which you say took place fifteen or twenty minutes after sunrise, to have cleaned his gun?—**A.** He would not have had time; because when the first call for the reveille that they have in the Army went, from that time until after breakfast a man does not hardly have time to dress himself properly and make up his bed—he has his bed to make up and sweep out from under it—and arrange his toilet and get his breakfast. He only has about, just about, thirty minutes and then he gets his breakfast, and right after breakfast is drill call; sometimes some of the men are sitting at the table when the first call comes for drill.

Q. Is there not from three-quarters of an hour to an hour of daylight between daybreak and sunrise?—**A.** I do not know, sir.

Q. If a man had gone without his breakfast that morning he could have cleaned his gun?—**A.** He could not have cleaned it, because he did not have it.

By Senator FORAKER:

Q. But the Senator assumes that he did have it, as I understand the question.

Senator TALLAMOND. Yes.

The Witness. He could not have cleaned it. The light, in my judgment, was not sufficient, because when a man commences cleaning his rifle he gets in those screw heads and all those small pieces.

By Senator FORAKER:

Q. How long did you say it would take a man to clean his rifle so that it would pass inspection?—**A.** He could pass inspection with it, if the inspection was not very hard, if he had ten minutes in which to clean it.

Q. If he worked hard?—**A.** Yes; he would have to work very hard.

Q. Does it ordinarily take longer than that to clean a gun?—**A.** Yes, sir; a great deal longer.

Q. That reminds me; when did you have the last company inspection prior to the firing?—**A.** On Saturday.

Q. Did you have inspection every Saturday?—**A.** Every Saturday we had the company inspected.

By Senator TALIAFERRO:

Q. What State are you from?—**A.** Virginia, sir.

By Senator FORAKER:

Q. Whatever may have been the time when you had drill and when you had breakfast and when the sun rose, the fact remains, as you want to state it, as I understand, that it takes a man ten minutes or longer to clean a gun?—**A.** Yes, sir.

Q. He could clean it in ten minutes at the least?—**A.** Yes, sir.

Q. That is the least time in which he could clean it. Of course, any time when he would have the requisite time at his command he could clean his gun?—**A.** Yes, sir.

Q. But what you mean to say is that from the reveille, getting up, dressing, attending roll call, getting breakfast, and answering to drill call, there would be no time?—**A.** No, sir; there would be no time to clean a rifle.

By Senator TALIAFERRO:

Q. And you want to say positively that one of those rifles could not be cleaned after being shot only two or three times, so as to pass inspection, in less than ten minutes?—**A.** No, sir; it could not be cleaned to pass an inspection.

Q. You state that under oath as an expert?

By Senator WARNER:

Q. Just a couple of questions. In answer to a question by Senator Foraker you said that you knew nothing of any conspiracy of silence.—**A.** No, sir.

Q. None?—**A.** None.

Q. But the fact is that all the talk that was about the Brownsville affair was that as you stated yesterday.—**A.** That was all that I heard.

Q. That was in substance, as I remember: "I wonder what is to be the outcome of it?"—**A.** Yes, sir; "I wonder what will they do with us" or "What will be done."

Q. Yes. That was all the discussion you heard in reference to the Brownsville affair?—**A.** Yes, sir; all that I heard.

Q. There was absolute silence as to anything else connected with the affair so far as you know?—A. I do not know of anything; that is all I heard.

By Senator FORAKER:

Q. Do you mean to say that you never heard it referred to otherwise?—A. No, sir.

By Senator WARNER:

Q. That is all that you heard?—A. Yes, sir.

Q. Men were arrested who were charged with having been or who were supposed to have been in that affray?—A. Yes, sir.

Senator FORAKER. The witness said yesterday that they were taking affidavits there and that he heard about it at that time.

The WITNESS. Yes, sir.

The CHAIRMAN. Senator Warner is getting at it. Let him draw it out.

Senator FORAKER. I do not want the witness to have words put in his mouth and be made apparently to admit something when he is off his guard and have it put in the record.

Senator TALIAFERRO. He has made that statement a half a dozen times, and it is in the record, and the record stands.

Senator FORAKER. The witness's testimony will stand, but it will stand as he gave it.

Senator WARNER. Oh, certainly. I do not think the witness is off his guard. He has said the same thing before. I do not desire to take any advantage of him.

The CHAIRMAN. Senator Warner has been very careful about it, and it seems that he should be permitted to follow his line of examination, and then others may examine the witness.

By Senator WARNER:

Q. That is all that I have to ask on that line. You stated yesterday, in answer to Senator Foraker, that there was no place in Brownsville in which ammunition such as was used in the Springfield army rifle could be obtained.—A. None that I know of.

Q. This morning you have stated that the only business house you were ever in in Brownsville was one store?—A. Yes, sir.

Q. You knew nothing about the business houses of Brownsville?—A. No, sir.

Q. I do not know what the purpose of the question was. Therefore I assume that you do not know what the other stores and business places in Brownsville carried in the way of firearms and ammunition?—A. No, sir.

Q. You know nothing about it whatever?—A. No, sir.

Q. Within two or three days before the Brownsville affray your company had been paid off, and when the companies were paid off of course they had more money than before they were paid off. I will assume that.—A. Yes, sir.

Q. And they spent it, did they not, some of them?—A. Yes, sir.

Q. In what kind of places?—A. I do not know, sir.

Q. You, as a noncommissioned officer———A. I do not know what kind of places they spent it in.

Q. I do not care about the kind of place. They go into saloons, unfortunately, do they not?—A. Yes, sir; they go to the saloons.

Q. In a town?—A. Yes, sir.

Q. And that is unfortunate in the way of good discipline in every way in the Army, is it not?—A. Yes, sir.

Q. Were many of your men there in that company addicted to going to the saloons?—A. Not a great many; there were a few of them.

Q. About what percentage?—A. I would say it might have been about 10 per cent.

Q. Ten per cent?—A. Yes, sir.

Q. In your company. Would that be an average of the percentage in the other companies?—A. Yes, sir; I think it would.

Senator WARNER. That is all.

The CHAIRMAN. Are there any questions which any other Senator would like to ask of this witness? If not, I understand this witness may be dismissed.

(After consultation between members of the committee the witness, Israel Harris, was dismissed.)

At 11.55 o'clock a. m. the committee adjourned until to-morrow, Wednesday, February 6, 1907, at 10.30 o'clock a. m.

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Wednesday, February 6, 1907.

The committee met at 10.30 o'clock a. m.

Present: Senators Warren (chairman), Scott, Foraker, Lodge, Hemenway, Bulkeley, Warner, Pettus, Blackburn, Taliaferro, Foster, and Overman.

TESTIMONY OF JACOB FRAZIER (COLORED).

JACOB FRAZIER (colored), being first duly sworn by the chairman, testified as follows:

By Senator FORAKER:

Q. Give us your name in full.—A. Jacob Frazier.

Q. Did you belong to the Twenty-fifth Infantry?—A. Yes, sir.

Q. What company?—A. D Company.

Q. Did you hold any official position in that company?—A. Yes, sir.

Q. What was it?—A. I was sergeant and first sergeant.

Q. Were you with that company at Brownsville on the 13th-14th of August last, at the time when it is said there was some trouble in Brownsville?—A. Yes, sir.

Senator FORAKER. I ask that the record of Jacob Frazier, as found in Senate document 155, at page 266, given us by the War Department, may be inserted in his testimony at this point.

The record is as follows:

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.

Recallisted 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.

Recallisted 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.

Recallisted September 21, 1906; was discharged without honor as a sergeant of Company D, Twenty-fifth Infantry, November 20, 1906.

By Senator FORAKER:

Q. You served in Cuba and the Philippines?—A. Yes, sir.

Q. Now, sergeant, on the 13th-14th of August last you were acting in what capacity?—A. First sergeant.

Q. Of Company D?—A. Yes, sir.

Q. Do you remember about this firing?—A. Yes, sir; I heard it.

Q. Just proceed and tell us in your own way all you can recollect about it. Where were you, for instance, when it commenced?—A. I was about 500 yards from the barracks.

Q. You were a married noncommissioned officer?—A. Yes, sir; and I had permission to sleep at my quarters, which were assigned to me by the commanding officer.

Q. What other noncommissioned officers were sleeping at the same place?—A. Sergeant Saunders and Sergeant Brawner, but he was in charge of quarters that night. He was not at the quarters I was sleeping in, but Sergeant Saunders was.

Q. Were you asleep or awake when this trouble commenced?—A. I was asleep.

Q. How did you get to hear it?—A. I was waked by hearing the firing. My first remembrance I heard two shots fired.

Q. Two shots?—A. Yes, sir.

Q. Where were they fired?—A. They seemed to be out in the town, just below the post, between the road and the post. There is a road divides the town and the post.

Q. When that occurred, what did you do? About what time was this, as nearly as you can tell us, in the night?—A. Well, sir, the nearest time I can remember it was about 12 o'clock or 12.05, I judge; near 12 o'clock.

Q. Well, what did you do when you heard these shots?

Senator OVERMAN. Let him look on the map and locate where his quarters were.

By Senator FORAKER:

Q. Can you locate on this map—these are the barracks?—A. Yes, sir.

Q. That is the wall facing toward the town. Here seems to be the road right in front of the wall, now.

Senator LODGE. Where were your quarters?

Senator FORAKER. Are these the officers' quarters?

Senator OVERMAN. Yes.

By Senator FORAKER:

Q. Where were your quarters, if you can tell us?—A. These are the officers' quarters [indicating].

Senator SCOTT. Show him D barracks.

The WITNESS. Here is D barracks and here are the noncommissioned officers' quarters. I was here [indicating].

Senator WARNER. Where they are marked "Noncommissioned officers' quarters?"

A. Yes, sir. I was about here [indicating].

By Senator FORAKER:

Q. You were in your house asleep?—A. Yes, sir.

Q. What did you do then?—A. As soon as I heard the second shot—the first shot I did not pay much attention to it—

By Senator OVERMAN:

Q. Where did you hear those shots?—A. Well, sir, from the shots I heard first it seemed back in here, right in here it seemed to me that they were [indicating].

By Senator FORAKER:

Q. You were in your house?—A. Yes, sir; I was in the house. I could not tell just exactly where they were at, but it just seemed as I awoke that that was where the shots were.

Senator WARNER. When he says "back in here" that is unintelligible.

By Senator FORAKER:

Q. Where would they be? That would be north, would it, or northeast?—A. Northeast; yes, sir.

Q. From where you were?

By Senator WARNER:

Q. It would be out past the garrison road?

A. Yes, sir.

By Senator FORAKER:

Q. A little to the right?—A. Yes, sir.

By Senator BLACKBURN:

Q. In the rear of Company D?—A. No, sir; in the rear of the quarters there.

Q. In the rear of Company B?—A. No, sir. My quarters were just in here somewhere.

Q. Where was Company B?—A. Here is Company B quarters down here.

Q. Then those shots were nowhere near Company B?—A. No, sir. It seemed to me the first two shots I heard were nowhere near Company B.

By Senator FORAKER:

Q. You heard two shots?—A. Yes, sir; the first one I did not pay much attention to—

Q. Were those shots immediately in succession?—A. Yes, sir; well they might have been about ten or twelve seconds apart. I could not say exactly, because anyone awaked up right away he could not tell exactly how long it is apart.

Q. What did you do then?—A. The first thing I did when I heard the second shot I jumped up and put on my shoes and my trousers and pulled right out; did not wait to put on my hat or any blouse or nothing. I ran out of the door. The first thing when I went out of the door I hollered for Sergeant Saunders, and I said to Sergeant Saunders, "There is an alarm in the post," and I hollered the second

time. He did not pay any attention, so I ran to the barracks as hard as I could to try to get there to see what was going on and be with my company.

Q. Did you hear any other firing than those two shots?—A. Yes, sir; after I was on my way, as I was on my way to my quarters, why, it seemed then just between D and C companies where the heaviest firing was going on—it was very heavy.

Q. While you were running from your quarters there at the corner of the reservation toward the barracks?—A. Yes, sir.

Q. To join your company?—A. Yes, sir.

Q. When the second firing commenced?—A. That was after I heard the second shot, and got my shoes and trousers on—after I had started—then it seemed that the heaviest firing was opposite B and C company's quarters.

Q. Could you see where the firing was, to locate it?—A. No, sir; I could not see, because all those barracks were between me and the town, and I came on the inside of the barracks.

Q. You mean on the reservation side of the barracks?—A. Yes, sir. The barracks, they were between me and the town. I could not see any at all.

Q. You ran along in front of the barracks?—Yes, sir. On the plank walk.

Q. Did you reach your quarters?—A. Yes, sir.

Q. And then what happened?—A. Just as I got at the quarters, why, I met my company commander, Captain Lyon. He said to me, "Sergeant, get the men downstairs, and get them in line as quick as possible." I ran upstairs and told the men to fall out, to get downstairs, and when I started upstairs I met some of the men coming down, and still the last gun rack had not been unlocked, and the men, just as soon as they fell in line, Captain Lyon took his place in front of the company and his back toward the officers' line—

Q. Had the call to arms sounded?—A. Yes, sir; the call to arms sounded while I was on my way, going to my—

Q. While you were running?—A. Yes, sir.

Q. Now go ahead.—A. Captain Lyon fell in in front of the company, with his face facing the company and his back to the officers' line. As soon as the last man fell in Captain Lyon took command at once and went around the company—that is, he counted his men, went in front and then back in the rear, and came back and took his place; and at that time Major Penrose had given the command to take his company in rear of the quarters and deploy them along this here wall—that is, this fence.

Q. In the rear of D Company's wall?—A. Yes, sir; which the men did by forming skirmish line, and formed along this wall.

Q. Before we get around there, you say when the company was formed Captain Lyon counted the men?—A. Yes, sir.

Q. Did you aid him in counting the men?—A. Well, after they counted, when they counted squads, I paid attention to what was counted, went around with him, but of course I did not—

Q. They counted off first one, two, three, four?—A. Yes, sir; counted squads.

Q. Then did he and you count the men?—A. Yes, sir; I counted the men myself, going around with him. I was in the rear of the captain.

Q. State whether or not you found your men all there, or how many men you found there.—A. I found all of my men present. We had seven on guard and had two on pass. They was the men that we could not reach that night after the order had been issued that no man would be allowed to leave the barracks after 8 o'clock. And then, after the captain counted the men and carried them around and formed the skirmish line, he said to me: "Sergeant, go back and get a lantern and call the roll." I just only had a few steps, and I stepped back in the orderly room, got the lantern, and called the roll very carefully; started in at the right, and I was in a position where I could see where any man would come in and join the company after that.

Q. Did anybody join your company?—A. No, sir.

Q. After you formed the line behind the brick wall?—A. No, sir.

Q. Did anybody join your company when you were in front of the barracks except the men who came down out of the barracks?—A. No, sir.

Q. Were you and Captain Lyon both in a position where if anybody had come from downtown around the barracks to join the company you could have seen them?—A. Yes, sir.

Senator WARNER. Senator Foraker, I make this suggestion: Let him state just what his position was.

Senator FORAKER. I have had him state it. He did state it. Tell us what your position was.

Senator OVERMAN. This is all leading, but we have no rule against that.

Senator FORAKER. I suppose we have a right to ask leading questions. This is permissible after the witness has made a statement. I am directing his attention. [To the witness.] You said you took a position in front of the company?

A. About 6 paces in front of the company—in the center, that is—to hear each man when I called the roll, and for me to observe each man as he answered to his name whether he was the right man or not.

Q. I am asking now about what you did when you were in front of the barracks before you called the roll—when you did the counting.—A. Yes, sir; I was in front and in the center of the company, 6 paces in front of the company.

Q. That is when the company was forming?—A. Yes, sir.

Q. When the company was formed, what did you and the captain do?—A. The captain took command at once and started at the right and counted each man, went around, kept the company to his left, went around and came right back in rear of the company, and counted every man, and my position was behind the company commander in all formations.

Q. Were there any men in your company at that time whom you did not know or who did not belong there?—A. No, sir; every man in there I knew well, and I knew they belonged to D Company.

Q. And you knew at that time they were all there?—A. Yes, sir.

Q. As to the firing at that time, had that ceased or not?—A. No, sir. When the men—about the time the last man got in line, why there was one or two more shots fired. That was down in the town.

Q. Then you went behind the brick wall, and then what did you do?—A. We formed a skirmish line. After forming the skirmish

live the captain said to me, "Sergeant, get a lantern and call the roll." I did so, and I found every man to be present.

Q. Present or accounted for?—A. Yes, sir.

Q. That is, there were certain men on guard and certain men on pass?—A. Yes, sir; but they were accounted for because I knew where they were at.

Q. What did you do after that?—A. After calling the roll, the commanding officer—

Senator PERRUS. Mr. Chairman, I suggest that the Senator ought not to add anything to the testimony of the witness. He said they were all present. "Or accounted for" inquired the Senator, and the witness replied, "Present or accounted for." I do not think that in this particular examination we are making the examiner ought to add anything to the witness's testimony.

Senator FORAKER. The witness had already said they were all present or accounted for in another answer.

Senator PERRUS. He had not said anything about "accounted for."

Senator FORAKER. In another answer he had. I will try to avoid the objection. I did not suppose that we were conducting the examination with that strictness that would be required in a court.

Senator PERRUS. I think in this particular case it is important.

Senator FORAKER. Very well. I am pretty familiar with the rules governing the interrogation of witnesses. [To the witness] "What did you do next?" was the question I asked you.

A. After the roll was called, Major Penrose ordered Captain Lyon to take his company and assemble and march through the town and see if he could find out who were doing this firing, whether it was citizens or the soldiers. Captain Lyon did so. He marched out, coming out of the gate, and came out on Elizabeth street, and turned to our right. We just marched out of the gate, turned to our right, and took the road.

Q. That is the garrison road?—A. Yes, sir; that is this road here.

Q. You went to the right?—A. Yes, sir.

Q. Along the wall of the reservation?—A. Yes, sir.

Q. Then where?—A. After we went out—well, I don't know how far, but it was just about the limits of the reservation that was inclosed—we turned to our left and marched around near the jail. Well, we went right by the jail and back into Elizabeth street and turned to our left and marched back into the post.

Q. When you came back into the post, what did you do?—A. Why, before we got to the post we met quite a lot of citizens standing there—a big crowd of them. One man had a Winchester, and the mayor of that town said that that man was all right, because he was an officer of the law, and we marched on into the post, and after we got into the post Captain Lyon reported to the commanding officer, Major Penrose. He said, "Let your men fall out and remain here, but not go away, so that any time they are notified they can fall in line at once." The captain gave the command to the company to fall out and rest, and we fell out.

Q. At what point was that?—A. That was after we went back to the barracks, into the reservation. That was just between the barracks and the wall. We lay down there.

Q. You entered at the big gate?—A. Yes, sir; went right into this big gate.

Q. Was that in the rear of your barracks or in front of your barracks?—A. It was in the rear of the barracks.

Q. You remained there, then, for how long?—A. Remained there then for about three-quarters of an hour.

Q. Then what did you do?—A. Why, the commanding officer told Captain Lyon to dismiss his company and to have all guns put in the racks and locked up and let the men go to bed and keep quiet for the night.

Q. That was done?—A. Yes, sir.

Q. Now state, before I get away from it, whether the roll call you made was a carefully made roll call or not.—A. Yes, sir.

Q. Then what next happened after you went to bed?—A. After the men all put away their guns I went through the quarters—took my lantern and went through the quarters and seen that everything was quiet.

Q. Through your barracks, you mean?—A. Yes, sir.

Q. Company D barracks?—A. Yes, sir; counted all the rifles to see that they were in their racks.

Senator WARNER. Will you please repeat that?

A. After we were permitted to fall out, were dismissed, I took the lantern and went through the barracks and seen that all the guns were locked up.

Q. And what about the ammunition?—A. Every man had the amount of ammunition that he was required to have, and no more.

Q. The next morning, what was done?—A. The next morning at reveille, why we all attended reveille, and I called the roll as usual.

Q. What time did you have reveille at that season, if you can remember?—A. Well, sir, I think reveille was about 6 o'clock. I am not sure.

Q. Do you remember definitely or not?—A. Probably 6 o'clock.

Q. Do you remember definitely?—A. No, sir; I don't remember exactly whether it was 6 o'clock. It was about that time.

Q. The first thing was reveille?—A. Yes, sir.

Q. When the reveille is sounded, you get up and answer roll call?—

A. Yes, sir.

Q. Then what?—A. Fall out and go to breakfast.

A. Then what?—A. The next thing is drill call.

Q. Can you remember at what time drill call was sounded?—A. That drill call was sounded about half past 6 or quarter to 7; but I think it was half past 6, because we drilled at that time an hour and a half. We had but very little time after reveille, and getting our breakfast; we had but very little time to get ready for drill.

Q. But, at any rate, the drill call was sounded. Then what did you do?—A. Fell out for drill, as usual.

Q. Then what happened?—A. After we fell out for drill Captain Lyon came to me, and he said, "Sergeant, have every man in the company fall out in line with his gun." I went back and ordered some of the men that had not fell out, that was excused from drill—that is, the cooks and the room orderlies and such as that—I ordered them to fall out at once with their rifles. They did so, and after I called the roll and reported to the company commander he gave the command, "Open ranks." After he gave the command "Open ranks" he dressed the company to the right and went back in front of the

company and gave the command, "Inspection arms." That was the first I knew that there would be an inspection, and he started to the right and took every man's gun and inspected it very carefully. He himself took out the bolt handle, which is something he did not generally do—took out the bolt handle so he could look thoroughly over the gun to see whether there was any powder or any marks—any dirt whatever. He found all the guns in good condition, and the men that he found that he had any doubt whatever about he stepped them to the front—had those men step to the front. After he got through with the company and was satisfied that the guns he had inspected had not been shot he ordered the quartermaster's sergeant to get one of the cleaning rods—well, to get all the cleaning rods they had. That is a rod that we have to clean guns with.

Q. Well, what did he do? Go right ahead.—A. Told me to get some pieces of rags. They are condemned sheets or pillowcases, or something like that, that we have, that we do not have any more use for, and he takes a ramrod himself, and puts on a cleaning rag, and runs through the gun, and he did not find any marks of powder at all, and after he was satisfied that those men had not done any shooting he reported to the commanding officer the results of the inspection. He gave them orders to dismiss D Company, and Captain Lyon did so. Then he went on to B Company.

Q. Let me ask you now, before you leave D Company, whether after he inspected the guns he also inspected the ammunition?—A. The ammunition—yes, sir; that was inspected, too.

Q. When had you had any inspection last before that time?—A. Saturday.

Q. Did you have inspection every Saturday?—A. Yes, sir; and this was Tuesday morning, the 14th.

Q. This was Tuesday morning?—A. Yes, sir.

Q. The shooting of the town was on the night of Monday?—A. Yes, sir; the 13th.

Q. And what did he discover as to the ammunition?—A. He found all the ammunition that each man was required to have—he had it in his possession.

Q. How many guns were there as to which he had the men step out in order that he might make this further special examination?—A. Well, I don't exactly remember how many, but it was three or four—something like that.

Q. Three or four?—A. Yes, sir.

Q. And he passed clean rags through the guns?—A. Yes, sir.

Q. To see whether there would be any stains?—A. Yes, sir.

Q. You saw all that done?—A. Yes, sir; and also he reported it to the commanding officer, Major Penrose.

Q. Well, then, what did he do?—A. He dismissed D Company and went to B Company. Of course after he got to B Company—

Q. You know nothing about that?—A. No, sir; I know nothing about that.

Q. Now, it has been put in evidence, if I may be allowed to state it simply to save time, that your old guns were taken up at Niobrara, and you were given new guns and new ammunition?—A. Yes, sir.

Q. Along in April, about the middle of April?—A. I think it was some time in April; yes, sir.

Q. State how much ammunition was issued to each man in Company D.—A. Well, each man had 10 rounds of this ammunition issued to him.

Q. Of ball cartridges?—A. Yes, sir.

Q. .30 caliber steel jacketed bullets?—A. Yes, sir.

Q. Each man had 10 rounds?—A. Yes, sir.

Q. Well, did he have any more issued to him before he went to Brownsville?—A. Yes, sir.

Q. How much more?—A. He had 10 rounds more; each man had 20 rounds, but he only carried 10 with him—that is, in his belt. There were 10 in our cartridge boxes which each man put in his squad locker, which was nailed up and locked up.

Q. Do you mean the McKeever box when you speak of the cartridge box?—A. Yes, sir.

Q. I show you a McKeever box. Is that what you refer to?—A. Yes, sir.

Q. Open that out so the committee can see how the cartridges are arranged in it.—A. We keep five up here and five here [indicating]. Now, when we used this for guard mount and inspection, this box, the cartridges were carried in our belt—we used them while we were on drill, and such things as that, but this box is never carried, but was simply for guard mount and inspection.

Q. Each company had its own regulations, and you are speaking of your own company?—A. D Company kept their cartridges in here for inspection and guard mount. When we left Fort Niobrara, in packing our foot lockers—some of you probably know what a foot locker is—they were put in the foot locker and we did not carry them with us.

Q. But you carried your belts?—A. Ten rounds in the belt.

Q. They were specially issued to you?—A. Yes, sir; just for that service.

By Senator OVERMAN:

Q. When you were on inspection, did you have that on?—A. No, sir.

Q. You did not have that on?—A. No, sir; we had our belts on.

Q. And the cartridges in that belt?—A. Yes, sir; we had our ten cartridges.

Q. Where were the other ten?—A. Our other ten was in our belt, which we had on.

Q. You did not have that box on at all?—A. This was still in the barracks.

By Senator FORAKER:

Q. Where were they in the barracks?—A. They were hanging up on the side of the wall. That is, each man is supposed to hang his belt and cartridges.

By Senator LODGE:

Q. Did you have those on when you were inspected on Tuesday morning?—A. No, sir.

By Senator FORAKER:

Q. State whether those were afterwards inspected.—A. Afterwards; yes, sir; they were inspected.

Q. When and how, and by whom?—A. By the company commander going in and having each man fall in at the foot of his bunk—that is, at the side of his bunk.

Q. And opened his box?—A. And opened his box. His cartridge belt was lying on the foot of his bed. This also was lying where it could be seen. That was done by D Company, every man.

Q. That was done in D Company?—A. Yes, sir.

Q. Now, state whether or not any cartridges were found missing.—A. There were none found missing, sir, in D Company. Each man there accounted for twenty rounds, and he had twenty rounds.

Q. Then what happened next with respect to your cartridges? Were you, or not, required to turn them in to the quartermaster sergeant?—A. No, sir; we did not turn those in.

Q. How long did you keep your cartridges?—A. We kept them until the rifles were turned into the storeroom.

Q. When was that?—A. That was a couple of days, I think, after this affair.

Q. That is what I am talking about. State whether you were allowed to keep your guns and your ammunition; and if not, why not?—A. We turned in ten rounds. Each man turned in ten rounds, and only kept ten out. That was for guard purposes.

Q. I am talking about ball cartridges now.—A. Ten rounds of ball cartridges. We did not use those other cartridges that was issued for guard duty; we did not use them after we left Niobrara. We did when we were at Niobrara, but after that we did not use them.

Q. When was it you turned in your ammunition, those 10 rounds?—A. I think it was a couple of days after we had had this trouble down there.

Q. What occurred in connection with turning them in? Were they counted or not? That is what I want to know.—A. Yes, sir; the quartermaster's sergeant he has a book with every man's name on it, and as each man comes up he calls his name. He turns in the amount of cartridges that he is asked for—he has to do that—and the sergeant does not allow them to throw them in the box, but he takes them himself and counts them and sees if each man turns in the amount of cartridges.

Q. Was that done as to each and every man?—A. That was, in our company.

Q. Was there a cartridge missing?—A. No, sir; not one. Each man had his amount of cartridges.

Q. Was there any place you know of, either at Niobrara or at Brownsville, where the men of D Company could get any surplus cartridges?—A. No, sir.

Q. Tell the committee briefly, because we have been over it in detail, what care is taken, if any, with respect to the issuing of cartridges for target practice.—A. There is great care taken. The quartermaster's sergeant and the artificer—(there is a man that we have in the company called the artificer. He looks out for the loose shells. The quartermaster's sergeant he stops right at the firing point. The men were about 4 or 5 feet from him, probably, in front of him. When you go up you have so many rounds to shoot. The quartermaster's sergeant he goes down in the box and issues to each man his ammunition. If he does not shoot, if there is anything happens that he will not shoot his five rounds—that is all that is

issued to him at that time—if he does not shoot them, he turns them into the box.

Q. Is required to turn them in?—A. Yes, sir; in the presence of the officer in charge and the quartermaster's sergeant.

Q. And all target firing is under the immediate inspection of an officer?—A. Yes, sir.

Q. And a noncommissioned officer?—A. Yes, sir.

Q. Has a man any chance to get any cartridges to put in his own pocket or to reserve as surplus ammunition?—A. No, sir; because he is not told where the cartridges is. He has to simply stand in, and his cartridges are issued to him, so many.

Q. Now, Sergeant, can you tell who did the firing in Brownsville that night?—A. No, sir.

Q. Can you tell us whether or not anybody in Company D had anything to do with it?—A. Well, no, sir; but I don't believe there was a man in Company D had anything to do with it.

Q. Have you ever heard anything from any member of Company D or from anybody else that would cast any suspicion on anybody in Company D?—A. No, sir.

Q. Did you have anything to do with it?—A. No, sir.

Q. You have no knowledge whatever of it?—A. No, sir; none whatever.

Q. Have you at any time withheld any knowledge of which you were possessed either from General Garlington or Major Blocksom or anybody else? Have you refused to give any information that you may have had?—A. No, sir. I was only questioned by Major Blocksom. I never seen General Garlington.

Q. You never saw General Garlington?—A. No, sir.

Q. Didn't he call upon you when he went to El Reno?—A. No, sir.

Q. Has anybody asked you for any information about it which you have refused to give?—A. No, sir; no one.

Q. Senator Scott wants me to ask you how long you have been in the service?—A. I have been in the service fourteen years two months and five days.

Q. Have you any black marks against you in your record?—A. No, sir.

Senator WARNER. I suppose the record will show that.

By Senator OVERMAN:

Q. How old are you now?—A. I am 38 years of age—will be next April.

By Senator FORAKER:

Q. From what State did you enlist?—A. I enlisted the first and second time from Tennessee.

Q. Is that your native State?—A. Yes, sir.

Q. What place in Tennessee?—A. Knoxville, Tenn.

Q. Senator Lodge requests me also to ask you how tall you are?—A. I am 6 feet 3½ inches.

Q. Had you any special command of any kind when in the Philippines?—A. Yes, sir.

Q. What was that?—A. I was in command of a little town by the name of Egier.

Q. Spell that, so that the official reporter can get it?—A. I believe it is E-g-i-e-r; I am not sure.

Q. Who put you in command of the town?—A. Lieutenant Green.

Q. How big a town was it?—A. Well, sir, it was probably about 1,500 inhabitants.

Q. What duty had you to perform in connection with that assignment?—A. Why, I was acting at that time as commanding officer of the town. Everything had to come through my hands—that is, any transaction whatever.

Q. Did you receive any honorable mention when in the Philippines for anything you did?—A. No, sir.

Q. Were you connected with the capture of some noted Filipino, may I ask?—A. Yes, sir.

Q. Tell us about that.—A. Why, there was a desperado over there that was a regular outlaw, and they had been after him for I don't know how long, probably for a year, and he had been dodging around through the town and through the country for a good while, the whole time I was over there until he was captured, and one evening the policeman of that town, who was well armed, he comes running to me and tells me that this bad man that they were after was in his headquarters. This man came right into police headquarters, right in the house, and the policeman jumped up and runs out of the room and comes running to me and tells me that. I grabbed up my rifle and run over, and as soon as I got there I told the policeman, "Now just the minute I go in, you tell him he is my prisoner, and that if he don't submit to arrest, I will kill him." So he spoke in Spanish and told him, and, of course, just as soon as I went in and covered my gun on him he jumped up and throwed up his hands.

Q. So you captured him?—A. I took him and put a sufficient guard of eight men over him that night, so that he would not escape. I was sure that I had him and I was not going to let him get away. I sent him then up to De Sade, about 8 miles, with a noncommissioned officer and seven privates and turned him over to the commanding officer, and he took him and turned him over to Captain Cardee, and later on he was hanged.

Q. Executed?—A. Yes, sir.

By Senator OVERMAN:

Q. How old did you say you were?—A. I will be 38 the 22d of next April.

Q. Did you swear before that you were 28?—A. No, sir; I said 38.

Q. You said you were 28 years old and 6 months when you made the affidavit. Is that your affidavit there?—A. That is a mistake.

By Senator FORAKER:

Q. You have served fourteen years?—A. Yes, sir.

Q. You did not go in when you were 14?—A. No, sir. It is a mistake by the company clerk. Here is my affidavit.

Q. You spoke a while ago of the artificer being present at the target practice for the purpose of taking charge of the empty shells.—A. Yes, sir.

Q. Explain what is done with those empty shells—you mean the shells of cartridges that have been fired?—A. Yes, sir.

Q. What is done with them?—A. He takes them and decaps them, takes the old cap out, so that they can be recapped, a new cap put in there, and they wash them and clean them and dry them and then

pack them up smoothly in a box, and they are sent back to the arsenal.

Q. Does the company get credit for those shells in a supply of cartridges?—A. I think they get credit for them; I am not sure.

Q. How often were your guns fired in target practice at Niobrara before you went to Brownsville, if you can tell?—A. Well, I don't know, sir; but we finished our whole target practice there.

Senator TALLAFERRO. Do you mean the new guns?

Senator FORAKER. Yes.

Q. How many times, perhaps, was each gun fired?—A. Well, each gun was fired, I suppose, about probably 150 or 200 times, at the least.

Senator FORAKER. I have the exact number of cartridges fired by that company, and if I may be permitted to put it in I will put it in later. I want to arrange to put them all in together.

Q. Your company fired, you say, over 20,000 rounds, I will say, to be conservative?—A. Yes, sir; over 20,000 rounds.

Q. How many men did you have to fire those?—A. Well, sometimes we would have 62 or 63 men in the company, and sometimes it would drop down to 58 or 59; something like that.

Q. Each of your guns was fired, then, perhaps how often before you went to Brownsville?—A. How long?

Q. How often was each of your guns fired?—A. I will say as much as 150 times, anyway.

Q. That would be about 9,000 cartridges?—A. Well, I am just making a rough guess. I could not just exactly say how many times it was. I am trying to get at it as near as I can.

Q. Let me ask you if you ever picked up bullets that have been fired out of these new Springfield rifles after they had been in use any length of time—after they have had 100 shots or more fired out of them?—A. Yes, sir; I suppose I have.

Q. Well, state whether or not you have seen many or few, and tell us also whether you have found any marks on those bullets fired out of guns that have been a considerable time in use.—A. Well, you fire a new gun that has not been fired but very little, and you will find a pretty gross mark. That is on account, I suppose, of the rifle being rough; I don't know what; but that is what I would think; but after the gun has been fired a considerable time you can hardly discover any mark on one of those bullets.

Q. Do you know what is meant by the "land"?—A. Yes, sir.

Q. That is the separation of the grooves. Any bullet that would have a very distinct mark made by the land, would you think that had been fired out of a new gun?—A. Yes, sir.

Q. A gun that has been fired but very little?—A. Yes, sir.

Q. Have you ever picked up bullets that have no mark whatever on them?—A. Yes, sir.

Q. Fired out of these guns?—A. Yes, sir.

Q. State whether or not that is the rule, after the gun has been fired for quite a little while?—A. Yes, sir; from what I have noticed that is the rule, that after a gun has been fired a considerable time you will find hardly any mark on the bullet after it has been fired out of the gun.

Q. Who preceded you at Brownsville?—A. A company of the Twenty-sixth Infantry.

Q. Did you find any empty cartridge shells around the barracks when you went there, left over by them?—A. Yes, sir.

Q. Tell us what you found.—A. Well, in our barracks—D Company barracks—they were all over the floor, in the orderly room and everywhere, out on the porch, and anywhere you wanted to find them.

Q. How long before you arrived there had they left there?—A. Well, they had left there, I think it was about a week, but there still was a detachment there when we got there.

Q. There was a detachment of how many men?—A. There was a detachment of about 20 men.

Q. They were left behind to wait until you came?—A. Yes, sir.

Q. To transfer property, etc., I suppose?—A. Yes, sir.

Q. When you came there, state whether or not people were allowed to come into the barracks and through the grounds and all that sort of thing.—A. They were allowed to come into the barracks and go anywhere they wanted to. They were using our bath houses.

Q. The people were using your bath houses?—A. Yes, sir; and they kept that up until we had to put guards around the quarters to keep them out.

Q. That is, people from the town came in?—A. Yes, sir; and picked up everything they could see. Naturally a Mexican will pick up anything, no matter whether it is any good to him or not; he will pick it up and take it away.

Q. State whether you saw anything lying around there except these empty shells, any bandoliers, or anything of that sort.—A. Yes, sir; and also these clips. That is what the cartridges are supposed to go into—these pin clips—and such as that. I did not pay any attention to them, the amount, only I know I have seen them there.

Senator FORAKER. I believe that is all I want to ask the witness now. I will think of something else, perhaps, after you get through.

By Senator WARNER:

Q. Mr. Frazier, going back to the beginning, when you first heard the shots, so that we will understand this map to which I call your attention, this is Elizabeth street?—A. Yes, sir.

Q. And fronting Elizabeth street, your barracks was up to the right, nearly to the extreme right of the reservation?—A. My barracks?

Q. Your quarters, down here, were on the extreme right?—A. My quarters that I slept in, going into the post on Elizabeth street, my quarters were to the left.

Q. But going out?—A. Going out they were on the extreme right.

Q. About how many yards?—A. Well, it must have been about four or five hundred yards; I could not say exactly, but it was close onto, I might say, 450 or 500 yards.

Q. So, then, from B Company's barracks you would be in the neighborhood of 400 yards?—A. Yes, sir.

Q. The firing was going on when you awoke?—A. Yes, sir.

Q. How many shots had been fired before you awoke you do not pretend to say?—A. Before I woke? No, sir; I could not say.

Q. But the shots that you heard— A. The first two.

Q. The first two were about 400 yards when you faced Elizabeth street, to the right of B barracks?—A. Yes, sir.

Q. And seemed to be from in the town?—A. Yes, sir; seemed to be right in the rear of where I lived.

Q. You testified before Captain Lyon as to where you heard these shots, did you not?—A. Yes, sir.

Q. And signed your statement?—A. Yes, sir.

Q. Did you testify there that the first shots you heard were in the rear of B barracks?—A. No, sir. I testified, as I first said, that the first two shots, it seemed, that woke me was right in the rear of where I lived.

Senator FORAKER. Will you please repeat that?

A. I say I testified that the first two shots, it seemed, was in the rear of the quarters that I lived in.

By Senator WARNER:

Q. I will read you this statement that appears on page 164 of your testimony of your examination before Captain Lyon:

I was awakened by two shots being fired from the road in the rear of B company quarters, as near as I can judge.

Did you state that?—A. Well, this road is in the rear of B Company's barracks.

Q. Yes; but I am asking you where the shots were which you heard, whether they were 400 yards— A. Well, I could not say.

Q. Whether they were 400 yards from B Company's quarters, where you now say they were, or were they in the rear of B Company's quarters?—A. I said that the first two shots I heard, it would seem that they were in the road. In here [indicating on the map] is about where my quarters were. Here is the guardhouse. My quarters were just about in here. The shots that I heard, it seemed that they were in there.

Q. Not to confuse you at all, but when you say "in here" the stenographic report will not show what you mean. When you say "in here," that would be when you were facing the town or Elizabeth street, about 400 yards to the right of B Company quarters?—A. When I am facing there?

Q. Facing Elizabeth street? This would be up to the right?—

A. Yes, sir; probably about 400 yards to my right.

Q. Then if you stated as I have read, before Captain Lyon, were you mistaken about it?

Senator HEMENWAY. What page is that of the former testimony?

Senator OVERMAN. Page 164.

A. I made my statement, sir, to Captain Lyon just as I am making it to you. Of course we can not all be perfect in making our statements. Lieutenant West took it down. He may have made a mistake about where I heard these shots at.

By Senator WARNER:

Q. Oh, certainly. I am just asking you about this. That affidavit was made on the 21st day of August, which would be one week after the time of the shooting.—A. Yes, sir.

Q. Now, where was your company formed when you went down, with reference to D barracks?—A. The company was formed when I went where?

Q. When you went down to D barracks, after the call to arms was sounded?—A. Yes, sir; the company was formed.

Q. Where, with reference to D barracks?—A. In front of what they call the company parade.

Q. What was the light?—A. It was dark, sir.

Q. Any moonlight?—A. No, sir.

Q. Was it cloudy or clear?—A. It was clear; it was not cloudy. It was simply a clear night. There was no moon shining.

Q. No moon shining?—A. No, sir.

Q. You called off the men—that is, 1, 2, 3, 4?—A. Yes, sir.

Q. That is calling off?—A. Counting off; yes sir. The command was—"Count off."

Q. When you heard the call to arms, you thought that the fort was being assaulted?—A. Yes, sir; that the fort was fired on by some people in the town.

Q. You did not think it was a fire in town?—A. No, sir. I knew that the call to arms would not go for a fire.

Q. But when the shots were first fired, you did not know but what it might be a fire in town?—A. I did not know but what it might be a fire when I heard the first shots.

Q. Now, is it customary or usual that after the counting off of the men the commanding officer should go and count to see the number of men in line?—A. No, sir; it is not customary.

Q. That was unusual?—A. Yes, sir.

Q. That was before you were deployed as skirmishers for the protection of the fort?—A. Yes, sir; that was before. That was when the company first fell out.

Q. Why was this unusual course pursued that night?—A. Well, sir; I don't know what the company commander's idea was for that at all.

Q. You then moved around to the wall or to the fence, and were deployed as skirmishers?—A. Yes, sir.

Q. Then you were told to get a lantern?—A. And call the roll; yes, sir.

Q. What position were your men in when the roll was called there?—A. They were what you might call kneeling. Well, that is to say, the wall was probably a little higher than this table. The men was kneeling so that they could discover anything, in case anything was going on in town.

Q. Where was your position?—A. My position was in the rear of the company.

Q. About 6 paces, the usual position?—A. Well, no, sir. When I started to call the roll I started in at the right, because as it was dark I wanted to be certain when I called a man and when he answered that I would see him and know that he was the man that answered to his name and I started in to the right and I followed the line on down until I got to the last man.

Q. You have seen some service in the Philippines and in Cuba?—A. Yes, sir; eighteen months in the Philippines.

Q. Now, can you tell me, when you believe, as in this case, that the fort is being attacked, is it customary to call the roll of the company?—A. No, sir; not in action it is not.

Q. That is an unusual thing to be done?—A. We do not take time for that.

Q. No, I suppose not; but that was done that night?—A. Yes, sir.

Q. Did you at any time think that it was some members of Companies B, C, and D that did the firing up of the town of Brownsville?—A. Well, sir, after my company commander told me that the commanding officer had found that the town—the houses had been shot up with our bullets, that made me believe then that without a doubt some of the soldiers must have undoubtedly done it.

Q. When did you come to that opinion or conviction?—A. It was after Captain Lyon told me that the commanding officer had inspected these houses and had found some of the bullets.

Q. Your answer is perfectly correct. I did not make myself clear, but what I want to know is, what time with reference to the affray, how soon after the affray?—A. Well, sir, I could not say exactly, but I think it was as much as a couple of days.

Q. What inquiry did you make, if any, to find out yourself whether or not any members of your company or of Companies B and C had been engaged in the firing?—A. Well, being first sergeant, I knew, or at least I thought, that if any of the men did it they would be very careful about talking it before me; that is, if I went just boldly up and tried to find out if any of the men did the shooting that they would not say anything; but if I stood around and talked, what you might say in favor, as if I did not think it of much importance—as if when you want to find out anything you talk in favor of it, you don't mean it, but talk in favor, to get him to say something about it—well, I did that to several men. I talked around as if I didn't care.

Q. Whom did you talk with?—A. Well, I could not just exactly say, but several of the men.

Q. Who was the next sergeant to you, the next noncommissioned officer?—A. Sergeant Harris, the one that made his statement yesterday.

Q. He was the next noncommissioned officer?—A. Yes, sir.

Q. Did you talk with him about it?—A. No, sir. Sergeant Harris is a man that is very peculiar in the way of speaking, and he don't have but very little to say, and I have known him now eleven years and something, and he is a man that seemed always to rather be by himself than to be around with anyone, especially talking about such things as that. I have noticed him to be very careful. He is a very careful man about it.

Q. A very prudent man?—A. Yes, sir. I don't remember having said—I might have said to him once or twice, "Well, I declare, that was pretty bad. I wonder who did it; I wonder who could have done it," or something like that.

By Senator SCOTT:

Q. This man Harris is what you call a retiring man; not a sociable man. Is that what you mean?—A. Yes, sir; not a sociable man at all, you may say, to be a young man.

By Senator WARNER:

Q. Now, Frazier, he was just such a man as you might have talked to about this affair with perfect safety, without his repeating it to any one, was he not?—A. Yes, sir; if I had paid that much attention, if I had talked with him.

Q. Well, I know, but you could have talked with him, could you not?—A. Well, I probably could have talked with him, but whether

I would have gotten an answer from him or not; I could not say, which I don't think I would.

Q. You were very solicitous, were you not, to find out whether members of your company had been connected with this shooting?—

A. Yes, sir; I tried to find out, what you may say, in a secret way—that was to talk and see if I could get anybody to give me any light on it whatever.

Q. Just coming back, was not Harris the very man you could have trusted with that kind of a mission, to have assisted you, from the fact of his being secretive?—A. Well, I don't know, sir; I would not say, because I never had very much talk with Sergeant Harris.

Q. Did you ever convey to any noncommissioned officer of Company D your suspicions after you learned of Government ammunition being used?—A. Well, I have talked to Sergeant Green and Sergeant Reeves.

Q. What talk did you have with Sergeant Green?—A. Well, I said to Sergeant Green, "I wonder who did the shooting; I wonder if we can ever find out who did it; I wonder if there is any way we could find out who did it."

Q. Find out what men did it, or what?—A. What men did it; whether it was D Company or who; if it was any soldiers did it whatever.

Q. Now, it is a rule in the Army, is it, with reference to these shells, when they are being used, that they are to be preserved and turned in?—A. Yes, sir.

Q. That is the rule. This company of the Twenty-sixth that were in Fort Brown before you went there; is that a white company or colored?—A. Yes, sir. There was three companies there.

Q. Yet when you went there you found these shells scattered all around the camp?—A. Yes, sir.

Q. And all through D barracks?—A. Yes, sir.

Q. About how many hundred would you think?—A. Well, I could not say. I could not say that there was a hundred, but I know that there was enough so that anyone would notice, especially if he was sweeping out, or if he walked around very likely he would walk on one, and that would call attention to it quicker than anything else.

Q. But when you went there the first thing you did was to clean up the quarters, was it not?—A. To clean up the quarters; yes, sir.

Q. They did not remain there after you got there, to be walked and stepped on? They did not remain on the floors of the barracks long after you went there?—A. No, sir. We cleaned up the barracks.

Q. And on the outside, on the porch or out on the ground, you could see them?—A. Yes, sir.

Q. You would not undertake to say how many?—A. No, sir; I would not say; would not try to say.

Q. Were you ever out at the target practice in Fort Brown?—A. No, sir.

Q. How far was that from the city?—A. I don't know, sir; but I think some one said about 30 miles. I am not sure. I never was there.*

Q. It would have been very difficult for any ammunition to have been used without the officers knowing of it?—A. Yes, sir.

Q. Or secreted?—A. Yes, sir.

Q. These shells which you found were the empty shells that had been used, were they?—A. Yes, sir.

Senator FORAKER. Senator Warner, there was one very important subject I forgot to ask him about, and you may want to cross-examine him about it.

Senator WARNER. I have no objection to your proceeding with that branch of the examination.

Senator FORAKER. Shall I ask him now?

Senator WARNER. Yes.

By Senator FORAKER:

Q. I forgot to ask you about cleaning the guns. Sergeant Harris explained to us how a gun was to be cleaned. I would like to have your statement as to the time it would take to clean a gun so as to make it pass inspection—one of these new Springfield rifles that had been fired, say, a half a dozen times?—A. Well, after it had been fired it would take anywhere from half an hour to forty minutes to clean a gun for inspection; that is, clean it thoroughly.

Q. Sergeant Harris told us ten minutes.—A. Sergeant Harris probably meant, maybe, just to get the powder out; but I mean to clean it.

Q. He went all through, cleaning the chamber and everything else.—A. Well, the first thing in cleaning a rifle when it has been used, when it has been shot, we have a little brush that is used. It is on a string.

Q. He showed us the thong brush?—A. Yes, sir. Run that through the rifle barrel. That, you might say, cuts the powder up, sort of loosens the powder. Now, then, you have got to take a cleaning rod and a rag, and wet this rag, and use this salsoda—that is what we used—and wash that barrel out thoroughly. That is to get the powder out. After you get the powder out of it, you have got then to take another rag and a rod and dry the barrel, rub it until everything is thoroughly clean. It takes a considerable time to do it; and then after that you have got to take a little stick and get into the chamber and work very hard in order to get all the powder and everything out. You see the rag, after it has been in the water, it runs clear through the barrel into the chamber and dirties that up, the same as the barrel is.

Q. You think it takes ordinarily from thirty to forty minutes to clean a gun for inspection?—A. Yes, sir.

Q. If a man were to work right hard, state how quickly, from your experience, one of those guns could be cleaned.—A. Well, it would take him a half an hour, I don't care who he is, to clean up a gun good for inspection. If it had been shot at all it would take him fully half an hour to do it.

By Senator OVERMAN:

Q. Shot one time?—A. Yes, sir. Shot one time is just the same as if it had been shot a dozen times. It does not make any difference. The idea is, if a gun is one time shot, that powder is in there, and it has got to be taken out. It has got to be wet, and all like that, and rubbed thoroughly to get it out.

Senator FORAKER. That was all I wished to ask.

By Senator WARNER:

Q. I will finish on that. You say it would take as long to clean a gun that had been fired one time as though it had been fired fifty times?—A. Well, I will say a dozen times, anyway.

Q. A dozen times?—A. Yes, sir; takes just as long if it has been fired once: it will take just as long to clean it, I will say, as if it has been fired a dozen times.

Q. And thirty minutes would be an expeditious time to clean a gun?—A. Yes, sir; thirty minutes. It would take anyone thirty minutes to clean it thoroughly—that is, to clean it good. I do not mean to run a rag through it and take it out because the barrel looks a little bright. That is not clean. The powder must be thoroughly out. It must be thoroughly cleaned for inspection, and there is not a man in this room that can take one of those guns and shoot it and clean it in the night, I don't care who he is, he can not do it.

By Senator FORAKER:

Q. I was going to ask you could it be cleaned in the dark?—A. No, sir; he can not do it. It can not be cleaned to save his life in the dark, because if you clean a gun, which you have to clean with water, there is going to be some stain in the chamber or somewhere to show that that gun has been shot. You can not clean it in the dark, because you must see how to clean it, and you must have the light to clean a gun.

By Senator TALIAFERRO:

Q. Did you ever shoot a smoothbore gun?—A. I don't remember, sir.

Q. Never have shot one of these smoothbore muskets?—A. Probably; but it has been a good while ago.

Q. You don't know about the cleaning of them?—A. No, sir. All I know is to clean a rifle and revolver.

By Senator WARNER:

Q. Mr. Frazier, what is the custom after drill or inspection as to the order of the commanding officer, the captain of the company?—A. To put your rifles in the rack at once and lock them up.

Q. That is the usual order, is it?—A. Yes, sir; the usual order.

Q. He gives it to the company?—A. He gives it to the first sergeant; and every morning, especially in D Company, a noncommissioned officer is detailed in charge of quarters for the day; and he reports to the company commander in the orderly room—that is, the first sergeant's room—and receives his orders from the company commander. And the orders I know was very strict. About the first thing the company commander would say was, "See that the guns are locked up and kept there, and keep order in the barracks."

Q. Did you know of any trouble of any members of Companies D or B or C having at Brownsville?—A. No, sir; I don't know of any trouble. Only I heard there was one or two men was knocked in the head, and one pushed over into the Rio Grande River, and one pushed off the sidewalk. I only heard that. I don't know that to be a fact.

Q. Was it talked of commonly in the quarters there?—A. Well, I have heard it several times; yes, sir.

Q. Any complaints at the treatment received at Brownsville?—A. No, sir; no more that I know of. No more than that they were not allowed to go in the saloons. Of course that is none of my business, but that is what I understand; several places they were not allowed to go in saloons—that is, in front; would have to go in back if you wanted to get in the saloons. That is what I heard.

Q. That is, they were not permitted to go in the front door of saloons and drink at the same bar with white men?—A. Could not drink at the same bar.

Q. You heard that talked of considerably among the men?—A. No, sir; nothing serious. I heard the men speak of it once or twice.

Q. There was considerable dissatisfaction about this, was there not?—A. Well, in one way it was, and one it was not, because it was this way. For my part, the money that I have, if it is too good for me to spend where I want to I ain't going to raise any fuss with you about it. I am going somewhere else to spend it. I will not raise a fuss because you will not let me spend money at your place.

Q. That was not the question I asked you. Did it create some dissatisfaction among the men of your company?—A. No, sir; they did not pay any attention to it. They knew they were not allowed there, and they simply did not bother there.

Q. Did not seem to be offended at it?—A. No, sir. A man of common sense could not blame him for that, if he didn't want him there.

Q. This affray at Brownsville, you heard that talked of considerably afterwards, didn't you, the shooting up of the town of Brownsville; you heard it talked of?—A. No; no more than some of these men would be sitting around talking, would wonder who did it, wonder if a soldier did it. Some one would say, "I don't believe a soldier did it, I believe citizens of the town did it in order to get us away from here," or something like that, which my belief is now that that was what it was done for. I believe the people in Brownsville did it.

Q. It is your belief that citizens of Brownsville shot up their own town?—A. Yes, sir; did the shooting. I don't believe a soldier had anything to do with it, because my opinion is that if a soldier did it—as I have been with the Army a considerable while now, I have been with a great many men since I have been in the Army, and I know just about how a soldier will do. He may do something and keep very close for a day or two, will not say anything about it at all, but after he thinks everything is over he will come out and make his brags about it, what he did, and how well he got off with it, and all like that, and that is why I believe that if a soldier did it, I would have found it out.

By Senator OVERMAN:

Q. You believe the citizens of Brownsville murdered one of their own citizens in order to get you away from there?—A. Yes, sir; if there was any murder. I don't know whether there was a murder.

Q. A man by the name of Natus was killed. Don't you know that?—A. No, sir; I don't know it. I didn't see him.

By Senator WARNER:

Q. What made you think the citizens of Brownsville had such an antipathy to Companies B, C, and D as to shoot up the town?—A. I will tell you.

Q. That is what I want to know.—A. Before we were ordered there, there were white soldiers there. They got all of their money—that is, them that is supposed to want to go to these saloons to spend their money, they got the biggest part of their money. Well, when we got down there the men found out after they had got there that they were not allowed to go to their bars and drink—that is, in front. Well, they would not go at all if they could not go in front. Now they were not going to get their money. There was one man there that was discharged out of B Company, he started up a saloon on the outside of the post. We were paid off on Saturday, and they all go to this colored saloon.

By Senator FORAKER:

Q. That would be Saturday, the 11th?—A. Yes, sir. They all go there. You could not find a man in the rest of the saloons. They were not getting any of their money. It took four or five men to wait on the customers in this colored saloon, and they just looked at it this way: "Well, now, we had white soldiers here, and we got their money. These colored soldiers, we are not going to get it, and the best thing we can do is to get them away. We will get white soldiers here; we will get white soldiers here, and then our town will go on just as it has been." That is my belief.

By Senator WARNER:

Q. Certainly I am just getting your belief, Mr. Frazier. Now, Companies B, C, and D were paid off on Saturday?—A. Yes, sir.

Q. The 9th, I believe that was?

Senator FORAKER. The 11th.

By Senator WARNER:

Q. The 11th, I mean; and you say this colored man who had been discharged, who had opened a saloon, was doing such a rushing business that it took four or five barkeepers to wait on his customers?—A. Yes, sir.

Q. To wait upon the members of Companies B, C, and D who went in there?—A. Yes, sir.

Q. And that continued on Saturday, Sunday, and Monday, did it?—A. On Saturday and Sunday, and on Monday, of course, there was not quite so many there, but still—

Q. They had not quite so much money?—A. No, sir; they had not so much, but still there was a good number there then.

Q. Were you there?—A. Yes, sir; I was there once or twice myself.

Q. Then there must have been quite a number of your men that did drinking?—A. Well, of course, any man would not have to drink very much; simply walk down to the place and get him a glass of beer.

Q. Was there much drinking done?—A. Well, I don't know, sir; as there was so much. I don't know how much was did, because I didn't stay there that long. I know when I was there that I seen as many waiters as that in the saloon, that many to wait on the customers.

Q. Do you know of any other reason that occurs to you why the citizens of Brownsville would shoot up their own town, except in order to get rid of the colored troops, so as to make more trade at the barrooms of the town?—A. No; I don't know any other reason.

I have stated my reasons thoroughly, just what my belief is, and that is what I believe.

Q. But if, as stated in your testimony before Captain Lyon, Government ammunition was found there, that would lead you strongly to believe that— A. Well—

Q. Wait a moment—that member of one of the companies there did the shooting?—A. Well, that is the first thing that made me believe the soldiers did it, but since I have studied it over since then, they could have got that ammunition like that, if they had wanted it.

Q. Since you have studied it over since. How have you studied it over since?—A. After I made my study, about what my belief was, the reason for that, that they wanted to get us away from there.

Q. On account of spending your money in the colored saloon instead of their saloons?—A. Yes, sir. You may make up your own opinion on it. I have just stated what my belief was.

Q. It was very easy for them to have gotten Government ammunition there?—A. Well, I think it was, sir.

Q. How?—A. They could have gotten it probably from some of the men.

Q. From some of what men?—A. I don't know what men, probably from the Twenty-sixth or some other place.

Q. How could they have gotten ammunition from men of the Twenty-sixth or your company without that fact having been discovered?—A. Well, I don't know, sir, how. I was not there. I could not tell the particulars about the Twenty-sixth, what orders they had about their ammunition.

Q. But you knew what the general rule was as to the ammunition?—A. I knew what it was, sir, in D Company.

Q. Well, you knew what it was in the Army?—A. I knew that they ain't supposed to sell any to anybody.

Q. Haven't you gone into it minutely and told us how every cartridge must be accounted for?—A. Yes, sir; in D Company.

Q. Well, that was not peculiar to D Company, was it?—A. Well, it was the orders in D Company.

Q. It was the same in B Company, was it not?—A. I don't know, sir. I was not in B Company.

Q. All the years you have been in the Army, don't you know whether that was the rule or not?—A. No, sir; I don't know.

Q. What other companies did you serve in?—A. I served in F Company, Twenty-fourth Infantry.

Q. Was that the rule in F Company, Twenty-fourth Infantry?—A. Yes, sir.

Q. What other company did you serve in?—A. Not in any other, sir.

Q. How long did you serve in F Company, Twenty-fourth Infantry?—A. I think I served in F Company about seven months.

Q. And the rule was just the same and just as strict as it was in D Company of the Twenty-fifth?—A. Yes, sir.

Q. What other way could these men in Brownsville have gotten Government ammunition with which to shoot up the town?—A. Well, I don't know, sir, any other way.

Q. You have been asked if you knew of any place in Brownsville where such ammunition could be obtained. I believe you said you did not know of any place.—A. Sir?

Q. You were asked, I think, if you knew of any place in Brownsville where Government ammunition could be obtained?—A. No, sir; I don't know of any place where it could have been obtained.

Q. You don't know whether there was or not, I suppose?—A. No, sir; I don't know.

By Senator FOSTER:

Q. Can the steel-jacketed bullet used in the Springfield rifle be fired from any other gun?—A. Sir?

Q. Can the steel-jacketed bullet used in the Springfield rifle be fired from any other rifle than the Springfield?—A. I don't know, sir, whether it can or not; because these cartridges issued to us last year is different from the Krag-Jørgensen, and so I don't know whether they could be or not.

Senator LODGE. I want to ask him one question in that connection.

Senator WARNER. Certainly.

Senator LODGE. I take this occasion to put in the official time from the Nautical Almanac office. Sunrise at Brownsville on August 14 was 5.32 local mean time—that is, the actual time—and 6.02 railroad time of St. Louis; that is, central standard time. According to the railroad, it was 6.02, but the actual time was 5.32.

By Senator FORAKER:

Q. I will ask him right there, Which time did you have in the fort? I have seen it stated that there was a different time kept at the fort from that which was kept in the city.—A. Well, I don't know, sir. I could not say which time we had.

Senator LODGE. If it was sun time it was 5.32, and if it was railroad time it was 6.02.

By Senator WARNER:

Q. Right in this connection I want to ask one or two other questions, so that they will be connected. You have given, now, certain reasons why you thought it was the citizens of Brownsville that shot up the town. Have you any other reasons that you wish to give to the committee, Sergeant?—A. No, sir; I have no other reason.

Q. No other reason occurs to you?—A. No, sir.

Q. Then the reasons that you think so, first, was to get rid of you because they were not spending their money in the saloon, and, second, the Government ammunition could be accounted for, because it could be gotten from soldiers. Is that a correct statement of it?—A. Well, I say probably it could have been gotten from the soldiers. I would not say that they did get it from them, but that there might have been some way that they could have gotten it from the soldiers.

Q. You gave testimony also before an officer of the Constitutional League, did you not, or a notary?—A. Yes, sir.

Q. In that didn't you say, in substance, that it would have been easy for them to have gotten it by these people going or returning from the target practice?—A. Well, yes, sir; they had target practice there, I understand. Of course it might have been that they could have been out on the range and got those cartridges.

Q. The substance of your statement, as I remember it, and not giving the exact words, is that the soldiers in going to and returning from the target-practice grounds marched through the town of Brownsville?—A. Well, sir, I am not sure whether they did or not,

but I think that they probably made one march through and one back, and I think they went down on the range and camped there while the target practice was going on.

Q. I am just calling your attention to the testimony.—A. Yes, sir; they probably made a round trip through the town. They might have went down and come back and marched through the town.

Q. You were solicitous to find out about this. Did you go down into the town and make any examination of those buildings that had been fired into?—A. No, sir. I was not allowed out after the shooting happened. I was not allowed out any more. I was confined in the post—was not allowed out of the post.

Q. The evening of the 13th the order about 8 o'clock was to send a patrol down into Brownsville and pick up all stragglers that were down there; was it not?—A. I understand so by a corporal that was on guard. He told me that he did that.

Q. Was not that order given?—A. The order was given to me at retreat to notify every man that I could get hold of that he would not be allowed out of the post after 8 o'clock.

Q. That was an unusual order?—A. That was something that we had never had—that order before.

Q. Why was that given?—A. I don't know, sir.

Q. Didn't you have any idea at the time why it was given?—A. No, sir.

Q. Refreshing your memory, I will ask you if it was not given because of some trouble between the soldiers and the citizens that had occurred?—A. Captain Lyon told me that there had been some soldiers, or probably two soldiers, had interfered with some lady in town there Sunday night; that is what he told me. He asked me if I had heard it, and I told him no. Well, he said the men will not be allowed out after 8 o'clock until further orders.

Q. Then it was after some trouble there with the ladies?—A. Yes, sir. He was telling me what he had heard, but he did not tell me that that was the cause. He just simply told me, asked me, if I had heard this, and then told me that the men will not be allowed out after 8 o'clock until further orders. But he said "I don't think it will amount to much; I don't think it will last long."

By Senator LODGE:

Q. Sergeant, you say that in the affidavit before the Constitutional League (page 233) you were one of a number who signed an affidavit there in which it says, "Affiants allege that soon after arrival at said fort they discarded all their old uniform, such as caps and uniform, and they 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 uniforms that had been discarded; and that it was a common sight to see the same, as herein alleged." Why was that affidavit made? I mean, what did you expect to show by that?—A. Well, I don't expect to show anything, no more than I was asked if there was any of those old uniforms lying around, or anything like that; and I simply made the statement that it was lying around; some I know myself that I gave some of my old clothes, etc. Just simply gave them to them.

Q. Did you think that the men who did the shooting were disguised in the uniforms and caps that were thrown away?—A. Well, they could have been; yes, sir.

Q. They could have been disguised. You say "caps and uniform." What kind of cap was it? Was it a cap like that [showing witness a picture marked A]?—A. Yes, sir.

Q. A service cap like that. Those are the obsolete ones of 1904. I suppose you might have had some. But it was a cap of that sort, was it not, a cap with a visor?—A. It was a regular that we wore.

Q. (Showing witness another picture). Well, there is another. Those are the ones that were given out in 1904 and these are the present ones?—A. These are the caps.

Q. Those are the caps you threw away?—A. Yes, sir.

Q. Did you throw away any hats?—A. There were some old hats thrown away; yes, sir.

Q. You say here, "Caps and uniform." You also say that during their stay at Fort Brown they did not wear any caps, but wore hats.—A. Yes, sir. Well, when we left Niobrara—well, like anybody else—pick up a lot of things that they probably didn't throw away there.

Q. While you were at Fort Brown you wore nothing but hats?—A. We wore nothing but hats there. We did not wear any caps; no, sir.

Q. So that these caps that were thrown away—A. Some of them were old caps. They just simply disposed of them to keep from carrying them around. We did not know how long we were to be there.

Q. They were useless for a disguise—they were no good for a disguise?—A. Well, they would not have been any good to me; no, sir.

Q. No, I mean for the citizens of Brownsville. If they had worn caps they could not have looked like troops; the troops, you say, only wore hats?—A. That is all they wore, sir.

Senator LODGE. I will just add, in explanation of the matter of the time, that standard time is used at the fort, and that the sun rose by standard time at 6.02.

A. I did not say standard time.

Senator LODGE. No; I am simply saying that by the time used at the fort, which was standard time, the sun rose at 6.02, and according to actual time the sun rose at 5.32.

Thereupon (at 12 o'clock m.) the committee took a recess until 2.30 p. m.

AFTERNOON SESSION.

The committee reconvened at 2.30 o'clock p. m., Senator Scott in the chair.

TESTIMONY OF JACOB FRAZIER (COLORED)—Continued.

By Senator WARNER:

Q. When you went to Brownsville, when your company went there, was there any talk about any trouble?—A. No, sir.

Q. You heard no talk of anything of that kind, or of any dissatisfaction of the troops going there?—A. I heard that they did not want the colored soldiers there, but I could not tell who I got the information from; but I remember that I heard it talked that they did not want the soldiers there.

Q. What did you hear, if anything, about your soldiers not wanting to go there?—A. Well, I just heard it talked that they did not want the colored soldiers down there. I do not know who it was doing the talking, but I heard something to that effect, that they did not want the colored soldiers there.

Q. Was that talk from members of your company or regiment?—A. I do not remember whether it was or not. I could not remember exactly who it was, but I remember hearing something like that said.

Q. That was at Fort Niobrara?—A. Yes, sir.

Q. After you received your orders to move?—A. Yes, sir.

Q. When you went down there, did you hear much complaint about the treatment?—A. No, sir; not any more than which I have already stated; that one or two men—one man, I think—was hit over the head with a six-shooter.

Q. Yes; you have stated that.—A. And another was shoved off of the street and another was shoved off into the Rio Grande River; I don't know whether he was on a boat or on the wharf. I just heard that that occurred.

Q. The firing, as I understood you, continued, there were one or two shots fired after you had fallen in in front of the barracks?—A. Yes, sir.

Q. But the shots had all ceased by the time you formed in rear of the wall or fence?—A. No, sir; the last I remember was just about the time D company was falling in line.

Q. Falling in line in front of the barracks?—A. On the company parade.

Q. About how many shots in all did you hear?—A. I could not say, sir; I could not say.

Q. Approximately, of course; I do not expect you to say exactly.—A. There must have been 30 or 40 shots.

Q. Thirty or 40?—A. Thirty or 40; I would not say exactly; more or less, or something like that.

Q. I assume in the hurry you did not count them?—A. No, sir; I did not stop to count them. I was trying to get to my company. I had three or four hundred yards to run and I had very little time to pay attention to the shots that were fired. It was my duty to get my company formed, I being the first sergeant.

Q. Were these straggling shots or were they volleys?—A. They were what you might say volleys; that is, the biggest part of the shooting was what you might say volleys, one right after another.

Q. Did you hear any command given by anyone to cease firing?—A. It seemed on my way from where I slept to the quarters I heard some one make that remark, two or three times: "Cease firing."

Q. That is while you were on your way from your quarters to the company?—A. Yes, sir; it seemed as if I heard some one give that command two or three times—"Cease firing."

Q. And shortly after that it did cease?—A. Yes; it was not as heavy as it was when I first heard it, when it seemed like I heard that command. I would not say for certain what it was I heard. It might have been some one was giving the order to fall in, to get the company downstairs, or something of that kind.

Q. But you understood it to be "Cease firing?"—A. Yes, sir.

Q. That came from the direction in which you had heard the firing?—A. Yes, sir.

Q. And at that time by whom, if anybody, did you think the shooting was being done, how, and for what purpose?—A. When I heard those shots it first struck my mind that the people in Brownsville had attacked the post and some of our officers had got the companies out and were trying to protect the post. That is what I first thought, when I got out, and I thought probably I was late, or something like that.

Q. And it struck you that the command "Cease firing" came from an officer?—A. It seemed to me that it came from an American man—that is, a man that I could understand.

Q. The command being a military command, I suppose you thought it came from an officer.—A. Well, it might have been.

Q. Was that one reason why you were so careful in counting off the soldiers?—A. No, sir.

Q. It had no influence upon you in that?—A. No, sir. The reason why was simply because the company commander was so particular about it.

Q. What his reasons were you did not know, as he did not communicate them to you?—A. No, sir; I did not know, of course not.

Senator WARNER. That is all.

By Senator FOSTER:

Q. Will you state about what hour you had the inspection on the morning of the 14th?—A. As near as I can remember it must have been about 7 o'clock, or 7.10; something like that.

Q. At this inspection each soldier had his rifle?—A. Yes, sir.

Q. And he had his belt with the cartridges in it; did I understand you to say that?—A. Yes, sir; he had his belt with ten cartridges.

Q. He had his belt with ten cartridges?—A. Yes, sir.

Q. He had no McKeever box?—A. Not out on inspection, no, sir.

Q. On inspection at that time?—A. No, sir.

Q. How many cartridges did each man have in his belt?—A. He had ten, sir.

Q. And in addition to the ten in his belt he had ten more in the McKeever box?—A. Yes, sir.

Q. Where was his McKeever box at that time, and who had the custody of it?—A. At that time when we were out on the company parade grounds the box was in the barracks.

Q. In the barracks?—A. Yes, sir.

Q. Who had charge of those boxes?—A. The noncommissioned officer in charge of quarters, Corporal Powell, at that time.

Q. Who generally has charge of them?—A. There is a noncommissioned officer detailed each day.

Q. Who generally has charge of the McKeever boxes holding these ten cartridges?—A. Each man in the company has charge of his own box, of his own ammunition.

Q. He keeps this box at his belt, in his quarters, does he?—A. Yes, sir.

Q. What difficulty would a man have in disposing of these cartridges?—A. If he disposed of them he would be court-martialed.

Q. I wish you would pay attention now to what I am going to read you, taken from the testimony of Israel Harris, in describing the inspection on the morning of the 14th:

Q. So that each man ought to have had 20 rounds?—A. Yes, sir; each man ought to have had 20 rounds.

Q. After the captain walked down the line and inspected the guns he came up to the rear of the line and did what?—A. He came up the rear and inspected the ammunition?

Q. In what were the men carrying the ammunition at that time?—A. In the McKeever box.

Q. In the McKeever box?—A. Yes, sir.

Q. We have not one of those boxes, as I hoped we might have. Tell whether or not when that lid is lifted off an officer can see at a glance whether all the cartridges are there?—A. Yes, sir; the box closes at the top.

Q. At the top?—A. Yes; it comes up this way and closes.

Q. When you open that box it falls open like that [indicating]. You simply unbutton it?—A. You unbutton it, and it drops back that way, with 10 cartridges up there and 10 down there and you can not help but see them.

Q. They are in plain view?—A. Yes, sir.

By Senator TALIAFERRO:

Q. Does it show the balls in the cartridges also?—A. Yes, sir; you can see them.

Q. It shows the ends of the balls in the cartridges?—A. It shows the ends of the balls; you can see the ends of the balls.

By Senator FORAKER:

Q. That is the character of the inspection of the ammunition made that morning?—A. Yes, sir.

Q. Did Harris make a misstatement in that evidence as given there?—A. About having on those boxes, yes, sir; because we had on the belts.

Q. You had on no boxes?—A. Not at the inspection that morning.

Q. And those boxes only can hold 10 cartridges?—A. They can hold 20.

Q. They can hold 20?—A. Yes, sir.

Senator WARNER. There were only ten, then.

By Senator FOSTER:

Q. And he is mistaken when he says that in this inspection the officer moved in the rear of the line and opened this box and inspected the cartridges in the box, as the soldiers at that time had none of these boxes?—A. Yes, sir.

Q. He is mistaken about that, you say?—A. He is mistaken about the box, but not about the officer going in the rear of the company.

Q. He could have made no inspection of the ammunition in the boxes if the soldiers did not have the boxes?—A. He could make inspection of the ammunition, yes; he is compelled to. The ammunition is in the belt, and he is compelled to make the inspection of the ammunition.

Q. No; but Harris says that he inspected the ammunition in the boxes, and he described how the flap of one of these boxes was thrown down. In that he is mistaken, is he?—A. Yes, sir; he is mistaken.

By Senator OVERMAN:

Q. Are those cartridges in front on the belt or behind? How are they carried in the belt?—A. They are generally carried five on a side.

Q. Why should the officer go in the rear to make an inspection of the ammunition, then?—A. That is the custom and the rules, sir.

Q. Always to do that at inspection?—A. Yes, sir.

Q. You said that you counted off that night. How many men were absent, unaccounted for?—A. There were thirteen, sir.

Q. There were thirteen absent?—A. And accounted for. They were accounted for.

Q. Accounted for. Where were those thirteen men?—A. Several of them were on guard.

Q. On guard where?—A. At the guardhouse.

Q. At the guardhouse?—A. Yes, sir.

Q. Were they armed with rifles and ammunition?—A. Yes, sir.

Q. So that there were thirteen men who were absent and unaccounted for who had ammunition?—A. No, sir; not thirteen men absent and unaccounted for who had ammunition. I said that there were seven men at the guardhouse who were on guard.

Q. Do you know whether they were on guard at the guardhouse all the time?—A. All I know is that they mounted guard and were supposed to be on guard.

Q. They were supposed to be at the guardhouse?—A. Yes, sir; they were supposed to be at the guardhouse.

Q. You do not know whether they were down in town shooting or not?—A. All I know is that they were supposed to be at the guardhouse.

Q. So that so far as you are concerned these seven men may have been uptown shooting?—A. No, sir; I do not think they could have been.

Q. I did not ask you that. I say so far as you know they may have been?—A. I do not know; so far as I know.

Q. And that is, so far as you know, they may have been?

Senator BLACKBURN. Where were the other six?

By Senator OVERMAN:

Q. I am just going to ask him that. Where were the other six?—A. Two were on pass. One of them was in Old Mexico.

Q. Where was the other?—A. He was in the town.

Q. In the town?—A. Yes, sir.

Q. Do you know whether he was armed or not?—A. He did not leave there with arms, and he did not come back with them.

Q. You saw him when he came back?—A. Yes, sir; I saw him when he came back.

Q. Where were the other four?—A. There were two sleeping at Captain Lyon's quarters.

Q. That is, they were supposed to be sleeping there. You do not know whether they were sleeping or not?—A. All that I can say is that their beds were there and that they were supposed to be there asleep.

Q. You did not go there to see whether they were asleep?—A. I did not go over there to see whether they were asleep.

Q. Where were the other two?—A. One was at the quartermaster's corral.

Q. Supposed to be at the quartermaster's corral?—A. Yes, sir.

Q. What do you mean by the "corral"?—A. Where the man who drives the mules and horses stays and does his work. He is detailed to the quartermaster.

Q. Did he have a gun and ammunition?—A. No, sir; not at the corral. He had them at the quarters. His gun and belt were at the quarters.

Q. Did you see him around there at the corral?—A. No, sir; I did not see him around there at the corral.

Q. That makes five or six. Where was the other one?—A. The other one was in the baker's shop—that is, Private Knapp. He was the chief baker there.

Q. When you heard that firing, you heard two shots. That is what excited you when you heard the two shots?—A. Yes, sir.

Q. Why should two shots fired out in that direction have excited you?—A. Any soldier is trained, when he hears firing, so that he starts and gets up to see what is going on.

Q. These two shots fired in the town excited you?—A. Yes, sir; it was close enough.

Q. Did you ever hear any shooting in town before that?—A. No, sir; I never heard any shooting in the town before that.

Q. Then you jumped up hurriedly and put on your pants. When was the bugle call?—A. Just as I got out and started to my quarters.

Q. You came down 500 yards to your barracks, and came through in the rear of companies B and C to get to your company?—A. I came in front; I came in front of the barracks.

Q. You came between the wall and the barracks?—A. No, sir; the rear was here. I came in the front.

Q. In the front?—A. Yes, sir.

Q. Then you came in, as that map shows it, behind, where the old barracks was?—A. Along behind there [indicating on map].

Q. There is the wall and there is B, C, and D. Show me here on the map how you came down.—A. If I understand the map, this is the road [indicating].

Q. That is the road.—A. And these are quarters?

Q. These are quarters, and this red mark is the wall.—A. This is the wall?

Q. Yes [indicating].—A. I came in here [indicating on map].

Q. That is what I thought. I called that behind the barracks.—

A. That is in front of the barracks.

Senator FORAKER. It fronts the parade ground.

Senator OVERMAN. It fronts the parade ground; yes.

The WITNESS. Here is the officers' line [indicating]. I came right in here.

By Senator OVERMAN:

Q. You came in front of the barracks, then, when you came on down, running?—A. Yes, sir; I came on down.

Q. You came running?—A. Yes, sir; down to here, to D Company.

Q. When you passed B and C was there much excitement either in B or C Company?—A. No, sir; I do not know that there was so much, only I heard that the men were trying to get their guns and get downstairs; only there was confusion. I could not tell; I did not take any time to find out what was going on there, because I was trying to get to D Company's quarters.

Q. You did not see anybody in front of the barracks?—A. No, sir.

Q. They were all behind the barracks, then, between the town and the barracks?—A. I don't know whether they were behind the barracks or where they were. I did not take time to try to do anything but to get to my company's quarters.

Q. When that order was given that you should not go out in the town the night before, was that an unusual order?—A. It never had been given before.

Q. That was an unusual order?—A. Yes, sir.

Q. Did that exasperate the men?—A. No, sir.

Q. They never had had that order given before?—A. No, sir; and if they had all been like me, they would have stayed in as they were ordered.

Q. You think, then, that some of them went out?—A. No, sir; I do not.

Q. You do not think that any of them went out?—A. No, sir.

Q. You gave your opinion at one time, when you knew all the conditions there, soon afterwards, knowing the conditions as you did, that some of your men did the shooting. You gave it as your opinion then that some of your men did the shooting?—A. I said this: After Captain Lyon told me that the commanding officer said that these houses had been shot at with Government bullets, I gave the opinion that if the commanding officer had made an inspection, he must be right, and I could not dispute him then.

Q. When did you change your mind?—A. After I was there a time I changed my mind, and thought that the soldiers did not do it, because I could not hear any soldiers make any remarks whatever, anything about it, and my mind was changed—that the soldiers did not do it.

Q. That is the reason you changed your mind, because nobody said anything about it?—A. No, sir. I did not hear anybody say anything about it, and I do believe that if the soldiers had done it I would have heard them speak of it.

Senator SCOTT. You tried to find out?

The WITNESS. Yes, sir; I did. I tried in a secret way. I did not come up boldly and try to find out, but I did it in such a way as to keep anybody from finding whether I had suspicions that any men did it or not.

By Senator OVERMAN:

Q. You did not ask them whether they did it or not?—A. No, sir; I just spoke about it as though I didn't care much whether they had killed the whole town. I wanted to see if I could get any information from anybody.

Q. Did you go among the men of Companies B and C, as well as of Company D?—A. Yes, sir; C and B just the same, not calling any man's attention to it, but just trying to see if I could find out just one word, because my time that I put in the service, it has been honest and faithful.

Senator OVERMAN. There is no doubt about that.

Senator SCOTT. Let him go ahead.

Senator OVERMAN. Why, certainly.

Senator SCOTT. You led up to it; let him go ahead.

The WITNESS (continuing). And I have got character certificates from the time I first came into the service until my service ended—that is, until I was discharged—and I did not want to lose my time. I did not want to have a black mark against me on account of some man that was low enough to go out and try to kill innocent people which wasn't bothering them. I simply wanted to find the guilty parties, and I would have reported it, and I would to-day if I could do it, and that is why I did that. I didn't want them to go and throw me out of the service, to cast me out, even not to allow me a

job in the civil employment of the Government. I wanted to be a man. That's me.

By Senator FORAKER:

Q. Let me ask a question that I am reminded of right here. Some one showed me a certificate from Major Penrose as to your character, and so forth. Was it you who did that?—A. Yes, sir; I have it here [producing paper].

Senator FORAKER. If the committee does not object, now that that question has been raised, I would like to have it go into the record. It reads:

FORT RENO, OKLA., December 20, 1906.

To any recruiting officer, United States Army:

The bearer, Jacob Frazier, was at the time of the Brownsville shooting affray first sergeant of Company D, Twenty-fifth Infantry.

Soon after the shooting ceased, on the night of August 13-14, 1900, I saw Sergeant Frazier with his company.

I have known him for something over two years and a half and have always found him trustworthy.

C. E. PENROSE,

Major, Twenty-fifth Infantry, Commanding First Battalion,
Twenty-fifth Infantry.

That is not the one that I was speaking of; but this may go in the record, too. The second one is what I was speaking of.

FORT RENO, OKLA., December 20, 1906.

To any recruiting officer, United States Army:

Jacob Frazier, discharged without honor November 26, 1900, per Special Orders, No. 200, War Department, series 1000, has stated to me that he wishes to reenter the military service.

I have known this man since the Santiago campaign of 1898, and for the past four years he has been under my immediate command as a sergeant and first sergeant of my company, D, Twenty-fifth Infantry.

I believe Frazier to be an excellent man in every respect.

I do not believe he was either directly or indirectly connected with the shooting at Brownsville, Tex., August 13, 1900, or that he has any knowledge of the affair.

I recommend his reenlistment, and if he so desires I shall be glad to have him return to my company.

SAMUEL P. LYON,

Captain, Twenty-fifth Infantry, Commanding Company D.

I beg your pardon, Senator Overman, for interrupting you, but I wanted to get this into the record.

Senator OVERMAN. Certainly.

By Senator OVERMAN:

Q. Can you give the names of some of the men you asked whether they were in it or not?—A. I never asked any soldier whether he was in it or not. I simply said: "I wonder who did this shooting and what it was did for; do you think that any of our men would be crazy enough to do anything like that?"

Q. That was the question you asked?—A. Yes, sir; "What would be the idea of doing a thing like that; we are getting along all right, and we don't care to have any trouble with anybody."

Q. Whom did you ask?—A. Sergeant Green is one of the men I know that I talked to.

Q. What company does he belong to?—A. Company B; quarter-master-sergeant.

Q. Who else?—A. I don't know that I could call anybody else's name at present; simply sitting down talking; I don't know that I could call the names of any others, but I know Sergeant Green: I was talking with him.

Q. I suppose they joined in the same way that you did, and wondered who did it?—A. Wondered who did it, and why it was did, and if the soldiers did it.

Q. And that is the reason that you made up your mind the soldiers had nothing to do with it?—A. No, sir; I stated my reasons that I have made up my mind that I believed the soldiers did not do it.

Q. That is your reason?—A. No, sir; I have stated my reason.

Q. And that was the only investigation you did make?—A. I say that I have stated the reason.

Q. Was there any other reason than that?—A. My reason was what I stated.

Q. That they did not want the soldiers there, but that they wanted the colored soldiers to get out of Brownsville so that the white soldiers could come there? When was it that you came to that conclusion?—A. I could not say, but it was before I was discharged.

Q. Before you left Brownsville?—A. Yes, sir.

Q. Before you left Brownsville, then, you made up your mind to that?—A. Yes, sir.

Q. That the soldiers did the shooting in order to get away from there?—A. That the soldiers did not do the shooting.

Q. That the soldiers did not do the shooting. Yes. I beg your pardon.—A. Yes, sir.

Q. You heard that a policeman's arm had been shot off?—A. Yes, sir; I heard that.

Q. You heard that a policeman had been shot, and you knew the direction of the bullets?—A. No, sir; I did not know it.

Q. You heard that it was from the direction of the barracks that they had been shot?—A. No, sir; I did not know which way they were shot, because I have heard men say that they heard bullets coming across the parade ground, and those could not have been shot from the barracks.

Q. Did you investigate as to that?—A. No, sir.

Q. You did not examine as to the bullets?—A. No, sir; I did not examine as to the bullets.

Q. You saw no bullet holes at all?—A. No, sir.

By Senator FOSTER:

Q. I want to ask you some questions about the racks. How many racks did each company have?—A. D Company had four.

Q. Do you know how many B and C had?—A. No, sir.

Q. Who were in charge of those racks on the night of the 13th?—A. Corporal Powell.

Senator FORAKER. D company?

The WITNESS. Yes, sir; Corporal David Powell.

Senator SCOTT. Is he summoned as a witness?

Senator FORAKER. He is.

Senator SCOTT. Then we can get his testimony.

Senator FORAKER. We have not got him here now.

By Senator FOSTER:

Q. These racks were kept locked all the time, those were the orders?—A. Yes, sir.

Q. The guns and pistols were in the racks?—A. We had no pistols in the racks. They were in the quartermaster's storehouse.

Q. But the guns were in the racks and the racks were locked?—A. Yes, sir.

Q. And the key was in charge of a corporal?—A. In charge of a corporal who had charge of quarters; yes, sir.

Q. Is that corporal on duty where these racks stand? Where does he keep the racks?—A. We keep them in the barracks.

Q. Is the corporal on duty at that particular place?—A. No, sir. The barracks is probably 150 feet long. We have four squads. There is a gun rack stays with each squad of the barracks.

Q. And can those guns be gotten out of those racks without being unlocked?—A. No, sir; not unless they are broken open.

Q. Broken open?—A. There is no way you can get a gun out of there unless the rack is unlocked or broken open.

Q. When you arrived there that night were the racks open?—A. They were all open, I think, except one. A noncommissioned officer was unlocking, or was about to unlock, the last rack when I got there.

Q. Did you see any of the racks in Company C?—A. No, sir.

Q. Did you know whether any of those racks were broken open?—A. I heard so, but I do not know whether they were or not. I did not see any of Company C.

Q. When did you hear that the racks were broken open?—A. I heard the next day that there was a rack broken open by order of the commanding officer.

Senator LODGE. If you are going to leave that matter of the racks now, before you do so I would like to ask the witness one question.

Senator FOSTER. Certainly.

By Sena'or LODGE:

Q. Sergeant Harris yesterday was asked these questions and gave the following answers:

Q. Is there a different key for the revolver part of the rack?—A. No, sir; it is the same kind of a key.

Q. So there would be four keys for the four gun racks?—A. For the four gun racks.

Q. And one key opens both the rifle band that holds the rifles in and the revolver band?—A. And the revolver band—the same kind of a lock.

You say the revolvers were not there at all, and he says they were there with the same kind of bands and the same kind of a key.

Senator FORAKER. Does he say that there were revolvers there?

Senator LODGE. I do not know as to that. He says that the band was there. He says:

Q. Is there a place also for the revolvers?—A. Yes, sir; there is a place on top for the revolvers.

Senator HEMENWAY. I do not believe he said in the evidence that there were revolvers there.

Senator LODGE. What I have read is on page 6 of our record.

Senator FORAKER. I suppose there were revolvers there.

By Senator Scott:

Q. Were you at Santiago?—A. Yes, sir.

Q. Were you in a battle?—A. Yes, sir; I was in the battle of El Caney, the 1st day of July.

Q. Were you anyways near the Rough Riders? Were you in the same division?—A. No, sir; they were in a different division. But on the 24th of June, I think it was, we were ordered to reenforce them, in the first battle that they had; but when we got there it was too late, the battle was over; on the 24th of June.

Q. How many men did you lose in that battle of the Twenty-fifth Regiment?—A. I could not say exactly how many we lost in that battle, except D Company. I know how many D Company lost. They lost three.

Q. Three?—A. Yes, sir; three were killed, and I think there were three or four wounded.

Q. You were in that battle?—A. Yes, sir; that was the charge we made on the blockhouse. That is where we lost our men. We did not lose any until we made that charge, except Captain Edwards. He was shot just as we struck the firing line. He was our company commander at the time.

Q. You did not any of you turn and run at that time, did you, of your company?—A. No, sir; I did not see any run, because my business was to go to the front, and that is what I did.

By Senator Foster:

Q. How many old uniforms and caps were thrown away by the soldiers after they arrived at Fort Brown?—A. I do not know.

Q. Do you know how many caps were thrown away?—A. No, sir.

Q. Do you know how many uniforms were thrown away?—A. No, sir.

Q. Do you know how many men or boys you saw wearing uniforms or caps?—A. No, sir; I could not say how many.

Q. Did you yourself see any number of them?—A. Sir?

Q. Did you yourself see any boys and men wearing uniforms and caps?—A. Yes, sir; I have seen boys and men wearing those old caps and khaki blouses and trousers.

Q. Did you ever see them wearing the old uniforms, discarded uniforms?—A. The blue?

Q. Yes.—A. No, sir; I do not remember seeing them. I remember—

By Senator Foraker:

Q. You were about to say that you remembered what?—A. I started to say that I remembered giving once or twice, when old Mexicans came around, some of my clothes to them. I had some old trousers that I had been wearing for some time, and I did not want them, and I thought they would do them some good, and I gave them away.

By Senator Foster:

Q. You did not throw yours away; you gave them away?—A. I gave one or two old pairs of trousers away.

Q. Did you give away any caps?—A. Me?

Q. Yes.—A. No, sir; I did not give any away.

Q. How long had you been in Brownsville before the 13th, about two weeks?—A. I forget, sir. I think it was about two weeks. I forget just the day we arrived there, but it was not over two weeks. It was just about two weeks, I suppose.

Q. I do not want to misquote you or misunderstand you. Your first impression, as I gather from your evidence, at first was that this shooting was on the part of the soldiers?—A. No, sir; if you understand, when I awoke and as I was getting to my company it seemed I heard some one say "Cease firing," and it seemed to me then that it was the people in Brownsville had attacked the post.

Q. That is what I understood.—A. That was my first impression.

Q. Your first impression was that the people of Brownsville had attacked the post?—A. Yes, sir.

Q. Did you have that impression after you reached the barracks or before?—A. No, sir; I had the same impression after I reached the barracks, until Captain Lyon told me that the bullets had been found in this house, and the house had so many holes in it, and that they were bullets that had been used out of our rifles.

Q. Then you changed?—A. Then I changed and thought that it must have been the soldiers did the shooting. That was my idea then.

Q. Then you changed your theory about it afterwards?—A. Yes sir.

Q. After you arrived at Fort Reno, was it?—A. I do not know whether it was, or before, but it was along there somewhere. Anyhow, I changed my position on that.

Q. When did a representative of the Constitutional League visit you?—A. I think when they visited me it was about the 24th or 25th of November.

Q. Did you have any conversation with the representative of the league?—A. Yes, sir; I had a conversation with him.

Q. Did he give you any theories as to what he thought of the occurrence and who did the shooting?—A. No, sir.

Q. Did he express any opinion to you to the effect that the shooting was done by the citizens?—A. No, sir.

Q. Did he indicate any belief on his part that the shooting was done by the soldiers?—A. No, sir; he did not have any belief there. He was simply there to take my statement of what I believed. He was not there to tell me what he believed, he was there to take my statement of what I believed. He had nothing whatever to influence me to believe by his influence that the people of Brownsville did it. It was simply my own idea.

Q. Did you discuss the matter with him at all, or simply give him a statement?—A. I just simply, sir, gave him a statement.

Q. Was the statement written out by you or by him?—A. It was written out as I gave it. He written it out.

Q. Here is a statement signed by some 20 or 30 soldiers, all one document, on page 232, of this Senate Document No. 155. Did you have that statement prepared yourself?—A. What statement?

Senator SCOTT. He does not know what it is. Probably you had better read it.

Senator FOSTER. It is the same statement that he testified about this morning, wherein the affiants allege "that soon after arrival at

said fort they discarded all their old uniforms, such as caps and uniform, and threw the same out in the rear of the garrison."

By Senator FOSTER:

Q. Did you prepare that statement yourself, or was it prepared for you, and signed by you, with the other parties signing it?—A. I do not remember, sir.

Q. There were quite a number of signatures on the statement before you signed it, were there not?—A. I do not remember that.

Q. Do you remember whether anyone had signed it before you signed it or not?—A. No, sir; I do not.

Q. Do you know who wrote the statement?—A. Well, I wish you would, if you please, read it so that I would know what it is.

Q. It is the statement which I just read.

Senator SCOTT. You did not read the statement in full. If you will allow me, I think it would be a good idea if you would show it to him.

Senator LODGE. I read the statement in full this morning.

Senator FORAKER. You read one paragraph.

Senator LODGE. Yes; that is right.

Senator FORAKER. This is on page 232, commencing at the bottom of the page and going over to the next page.

Senator FOSTER. Do you wish me to read it, or just show it to him? (A copy of the document, opened at page 232, was here laid before the witness.)

The WITNESS. Go ahead and read it, if you please.

Senator TALLAFERRO. I do not know that it needs to be read, when you have it before you.

Senator SCOTT. I will read it. It is on page 232 of Senate Document 155, and it reads:

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 uniforms, 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.

By Senator SCOTT:

Q. You signed that, as I see here by your signature, did you?—A. Yes, sir; I signed that.

By Senator FOSTER:

Q. Was that affidavit prepared by some one else for your signature?—A. It was prepared; it was written out by some one else. I did not write it. But that is my signature.

Q. It was signed by quite a number of men before you signed it, was it not?—A. Yes, sir.

Q. Did you read it over, or have it read to you, at the time?—A. I read it over. And every man that signed it, he read it before he signed it.

Q. Did all these signers read it before they signed it?—A. Yes, sir.

Q. How do you know that it was read to them or that they read it themselves before they signed it?—A. Well, the company clerk was to see—it was left in his charge to see—that every man read it and was satisfied what it were, before he signed it. Of course I could not swear that every man read it, but it was left in his charge to see that every man read it.

Q. Who left it in his charge?—A. I did, sir.

Q. You did?—A. Yes, sir. I was not first sergeant at that time, but I left it after it was written out.

Q. You, then, left this affidavit?—A. Yes, sir.

Q. With whom?—A. With James H. Ballard.

Q. With James H. Ballard?—A. Yes, sir.

Q. For the rest of the company?—A. Yes, sir; for them to sign it.

By Senator FORAKER:

Q. Was he the company clerk?—A. Yes, sir.

Q. Of Company D?—A. Yes, sir.

By Senator FOSTER:

Q. How long did this representative stay with your command down there?—A. I think he stayed two days, sir; not exactly with D Company, but still he was with different companies.

Q. Where did you get that statement? You said you left it with the clerk. Where did you get it?—A. Where did I get it?

Q. Yes.—A. I just stated that I had it written out.

Q. Who wrote it?—A. The company clerk.

Q. The company clerk wrote it for you?—A. Yes, sir.

Q. You had this statement made out and written by the company clerk yourself, did you?—A. Yes, sir.

Q. Was anyone else present with you when you had it written out?—A. I do not know whether the first sergeant was present or not, but I think he was.

Q. Were any others of those who signed it present on that occasion?—A. I do not know whether they were or not. I could not say.

Q. And it was left with him with the view of obtaining these signatures?—A. Well, it was for each man to read for his own self, to satisfy himself whether he knew anything about this or not; and if he knew anything about it for him to sign his name, which I suppose he did. Which every man in the company knew that that was the facts.

Q. Did you speak to any of the men about signing this affidavit before it was signed?—A. I don't know, sir, whether I did or not.

Q. Did you discuss with them the fact that you had had this affidavit prepared?—A. Yes, sir; I probably think that I did. I am not sure. But, anyway, I had it made up so that each man could go in there and read it and see whether it was according to his knowledge of the facts or not, and it was left for him to sign.

Q. What I wish to ask is: Did you state to any of these parties who signed this document, and proposed signing it, that you had had this statement prepared?—A. No, sir.

Q. You made no statement—

Senator HEMENWAY. Let me ask this question here:

Senator FOSTER. Yes, certainly.

Senator HEMENWAY. Does anyone question the accuracy of this statement?

Senator FOSTER. No, sir.

Senator SCOTT. Then why not let it go?

Senator FOSTER. I want to find out the circumstances of the knowledge that these parties had of the contents of his document.

Senator FORAKER. He says that every man in the company knew that the facts as recited in this document were true.

The WITNESS. Our company commander will state that that is true. He saw the old clothes thrown away himself.

Senator FORAKER. That is Captain Lyon?

The WITNESS. Yes, sir.

By Senator FOSTER:

Q. You have stated in this affidavit that they discarded all their old uniforms and threw the same out in the rear of the garrison?—

A. Yes, sir.

Q. And upon the witness stand you have stated that you did not throw yours away, but that you gave them to somebody?—A. You will not find in my statement where I said that I threw any of mine away there, either.

Q. The affidavit speaks for itself. I think you will find in the affidavit that you say, "they threw the same out in the rear of the garrison, and that many boys and men soon thereafter were seen by us wearing said uniforms that had been discarded," and now I understand you to say that you did not throw yours away, but gave them away?—A. I did not throw mine away, but I gave them away. But the men in the company I know did throw their old uniforms away. There are men that I know did it. But for my part, I only had a few things that I wanted to dispose of, and there was an old Mexican came around there one day, and I simply called him and gave him these clothes, a couple of pairs of pants, old pairs of trousers. That is about all that I threw away.

By Senator HEMENWAY:

Q. Is the population of Brownsville largely composed of Mexicans?—A. Yes, sir. They are what you might say all kinds.

By Senator FORAKER:

Q. You said that Lieutenant West took down your statement, as I remember?—A. Yes, sir.

Q. Of what company was he; do you remember?—A. He was second lieutenant of D Company at that time.

Q. B Company?—A. D Company.

Q. And how was that paper prepared?—A. He taken my statement. Of course he wrote it down as I gave it to him, and then afterwards—

Q. That is, you told him what you knew, and he wrote it out?—A. Yes, sir.

Q. And then you signed it?—A. Yes, sir. I was sworn in by Captain Lyon, and I signed it.

By Senator FOSTER:

Q. Right there I would like to ask you this question: If you had this statement prepared for the signatures of other parties, why did

you not sign it at first, but wait until quite a number had signed it before you signed it!—A. I could not say what my reasons were for that, why I didn't do it; but I was busy, and I simply had it made out and had the men go in there and sign it. Very often when I was first sergeant there was lots of times I didn't sign the pay roll until everybody else got through. I would have everybody else up to sign the pay roll before I got to it, many times. That does not make any difference, because I didn't sign it first.

By Senator TALIAFERRO:

Q. You wish it understood, then, that in signing this statement you did not mean that you did throw away your uniform!—A. I did not mean, sir, that I had threw away any of my uniform. I have made it thoroughly clear as I could that I did not throw any of mine away, but I gave mine away.

By Senator FORAKER:

Q. Locate on that map, if you will, where the Allison saloon was situated.—A. The saloon was about here [indicating].

Q. That is, is that the corner of the reservation?—A. This is the corner, right here, of the reservation. That is as far as it goes. Here is the commissary's and quartermaster's storehouses. The saloon was right in here. It was just about in here.

Q. Was that still in Brownsville?—A. That was still in Brownsville. That was in the town.

Q. How did you reach that saloon going from your barracks? Just indicate what way you would go going out there.—A. We would go out this gate here.

Q. Where?—A. We would go out this gate here, and go right down.

Q. Right down Elizabeth street?—A. No, sir; not Elizabeth street, but down a road.

Q. You would go down garrison road: that is right.—A. That is right. You could go out this gate here, or there was another—you would go right through the fence here, probably, and go right down to the saloon.

Q. Now I will ask you whether there were any other saloons located on the garrison road?—A. No, sir; no, sir. You would have to come in here and go out this gate here and come down this street [indicating].

Q. I will ask you whether or not you have any knowledge of any saloons being opened on the garrison road fronting the garrison after Allison started his saloon up there?—A. No, sir.

Q. Which saloons the men had to pass going down?—A. No, sir; I do not remember any; because his saloon was only opened two days before this trouble happened.

By Senator TALIAFERRO:

Q. These first two shots you heard, I judge, were in the direction of that saloon?—A. Yes, sir; the first two shots I heard it seemed to me they were back in here [indicating on map].

Q. That is about where you pointed out the saloon?—A. The saloon was about in here somewhere. I could not say exactly; and the shots were right in here, the first two shots I heard.

Q. Did you think of the saloon when you heard those shots?—A. I did not have any idea about the saloon at all.

By Senator WARNER:

Q. Just to get this in this connection, you said there was a certain place where you would go through the fence instead of going down to the main entrance?—A. Yes, sir.

Q. Just point that out on the map.—A. Here is C Company's place.

Q. That is supposed to have been the next set of barracks, where you are pointing, unoccupied?—A. Yes, sir; unoccupied. You could go through the fence most anywhere, probably right here [indicating].

Q. So that we will understand, would you go through the fence between Companies A and C?—A. Between A Company and C Company.

Q. That is A Company's barracks, which was unoccupied?—A. Through the fence.

Q. Yes.—A. Right through the fence and on down through [indicating].

Q. That was up nearly to the alley between Washington street and Adams street?—A. Yes, sir; that is Adams street [indicating].

Q. You would go through the fence?—A. Yes, sir.

Q. What were the facilities for getting through there?—A. This wall here that they had there, it only ran, I think—I don't know whether it ran below C Company's quarters or not.

Q. There was no trouble in passing through?—A. You would have to hold the wire down and crawl through the fence.

By Senator TALLAFERRO:

Q. What is that line down through the map, right up above the companies' quarters?—A. I do not know, except it was—

Q. Is there a fence there?—A. That runs this way [indicating]. No, sir.

Q. That was all open?—A. This was, clear down. There is no fence in here at all. This is simply a company parade. Here is the line in here. That is our parade ground.

Q. There is no fence above Company A's quarters, which are now unoccupied; there is no fence running down the reservation there?—A. No, sir. Here is a road, and I think the fence runs on out; the fence goes that way [indicating]. I know there is no fence between those four quarters.

By Senator FORAKER:

Q. Are those common dirt roads or paved streets?—A. Dirt roads.

Q. Dirt roads, the garrison road and the other road that you have indicated?—A. Yes, sir.

(The witness was at this point excused.)

TESTIMONY OF CHARLES DADE.

(Sworn.)

By Senator FORAKER:

Q. What is your full name?—A. Charles Dade.

Q. What company did you belong to?—A. D Company of the Twenty-fifth Infantry.

Q. What position, if any, did you hold in that company?—A. Cook.

Q. You were the cook?—A. Yes, sir.

Senator FORAKER. In this connection I want to put in our record the official record of Charles Dade, of Company D, as given by the War Department, in Senate Document No. 155, page 968:

CHARLES DADE.

Enlisted January 11, 1895; was discharged as a private of Company D, Twenty-fifth Infantry, January 13, 1899, on expiration of term of enlistment; character excellent.

Reenlisted January 22, 1899; was discharged as a private of Company D, Twenty-fifth Infantry, January 21, 1905, 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 20, 1906.

Q. That record shows that you have been a long time in the service. How long?—A. Twenty-two years; very near, sir.

Q. Twenty-two years' continuous service?—A. Yes, sir.

Q. What State did you live in when you were enlisted?—A. I enlisted in Pennsylvania, but my birthplace is Virginia.

Q. Were you with Company D at Brownsville on the night of August 13 last?—A. Yes, sir.

Q. Where were you sleeping that night?—A. I was sleeping just outside of the wall right across from the barracks.

Q. There is a large map on the wall. I wish you would indicate on that map where you were sleeping.

Senator SCOTT. Here is your barracks and here is D Company's barracks and here is Elizabeth street. Now, where did you sleep?

The WITNESS. This is D barracks?

Senator SCOTT. Yes; and there is the gate.

The WITNESS. Here is D Company's barracks [indicating]. Now, this is the barracks, and the kitchen of the barracks was on this corner here, and that is the wall right here, and I slept right on the edge of this little alley—it is hardly a wagon road; the house set right in this corner here.

By Senator FORAKER:

Q. You are a married man?—A. Yes, sir.

Q. And you were living there with your family?—A. Yes, sir.

Q. What family did you have?—A. My wife and daughter—a stepdaughter.

Q. How old is your daughter?—A. Twenty-three years of age.

Q. Did you hear any firing that night?—A. Yes, sir; after I waked up I did.

Q. Proceed in your own way to tell us all you can about it. —A. In the first of my knowing anything about the firing my wife waked me

up and said: "Charlie, get up; there is firing going on;" and I said, "No; keep still." Then at that time I heard the firing myself, and I jumped up and put on my shoes, and I had on nothing but my shoes and khaki trousers, and I said to them, "Keep quiet and don't rush out of here, but wait until I go out and locate the bullets; until I understand which way they are shooting; which way the bullets are coming from, so that you will not be hit;" but they rushed out almost before I could get out, and right over the stone wall we went to the quarters.

Q. Across the street to the quarters?—A. Yes, sir; right over the stone wall to the quarters.

Q. How high is the wall there?—A. About 4 feet.

Q. Four feet?—A. Yes, sir.

Q. To what part of the quarters did you go?—A. Directly to the kitchen.

Q. That would be the west end?—A. Yes, sir.

Q. Next to the Rio Grande River?—A. Next to the river.

Q. Did you enter, or what did you do?—A. I went in. The first man I saw was the second cook, coming out of the company's room.

Senator OVERMAN. Where are those quarters?

Senator SCOTT. He has just pointed them out. He said here was the kitchen of Company D quarters, and that he slept right over there [indicating on map].

Senator OVERMAN. Yes; I see.

By Senator FORAKER:

Q. When you arrived at the quarters tell us whether the firing was still in progress or had ceased.—A. No, sir; it was still going on.

Q. When you got to the quarters?—A. Yes, sir.

Q. Did you see anybody as you went over going out or coming in?—A. No, sir.

Q. Out of there or any other place along that line?—A. No, sir; I did not.

Q. Where did the firing seem to be when you first heard it?—A. It seemed to me when I first heard it it was over beyond the telegraph office.

Q. Can you indicate on that map where the telegraph office is? It is marked No. 1 as you go out of the gate, I might say. Here is the gate and there is the telegraph office. Is that right?—A. (Indicating.) Yes, sir.

Q. Now, the firing was—— A. It seemed to me it was right off about No. 2 from the telegraph office.

By Senator WARNER:

Q. That is Cowen's house?—A. Yes, sir; that is Cowen's house.

By Senator FORAKER:

Q. Did you hear the call to arms sounded?—A. Yes, sir.

Q. Where were you when you heard it?—A. I heard the call to arms sounded just as I struck the kitchen porch.

Q. Did you hear any firing within the walls of the reservation?—A. No, sir.

Q. All the firing you heard seemed to be outside?—A. Yes, sir.

Q. Tell us, going on with your story, what you did after you got to the quarters. You were about to tell us whom you met.—A. After I

got in quarters I didn't meet but one man, as I say, and that was the second cook.

Q. What was his name?—A. James Duncan.

Q. James Duncan. Go on.—A. So, when I run in the kitchen, I told my wife and daughter to go in the company's room and stay, and I stayed out on the porch, and all the men who were in the quarters, and the second cook, went out and fell in line. There were two men left behind, myself and Corporal Powell, who was in charge of the quarters.

Q. Then you and Corporal Powell did not fall in line then with the company?—A. No, sir.

Q. And you did not go out?—A. No, sir.

Q. Were you or not with the company any more that night?—A. Only I answered roll call when the roll was called.

Q. Where were you when you answered roll call?—A. I was standing on the kitchen porch.

Q. Did you have your gun?—A. No, sir.

Q. Did you have your gun at any time that night?—A. No, sir.

Q. It has been already put in evidence that your company, Company D, after roll call was sent to patrol the town.—A. Yes, sir.

Q. And they were gone a half an hour or three-quarters of an hour, and when they returned they then rested on their arms for a time, and then they were dismissed for the night; is that all?—A. Yes, sir.

Q. That is about the statement they have made. Can you tell us what occurred the following morning? I do not want to lead you, but simply suggest as you go along.—A. The following morning of the shooting?

Q. After the shooting.—A. After the shooting?

Q. Yes.—A. As far as I know what occurred the following morning after the shooting was, after we had reveille, then comes breakfast, and then comes drill hour.

Q. Did you get breakfast that morning?—A. Yes, sir.

Q. Can you tell us what hour the company breakfasted? There has been a little dispute about that.—A. As near as I can come to it, it was about a quarter of 7 we had breakfast.

Q. A quarter of 7?—A. Yes, sir.

Q. What came next after breakfast?—A. Drill.

Q. How long were you at breakfast? How much time was allowed for breakfast?—A. Fifteen or twenty minutes; something like that.

Q. About twenty minutes?

Senator SCOTT. Fifteen or twenty minutes, he said.

By Senator FORAKER:

Q. About fifteen to twenty minutes?—A. Yes, sir.

Q. Drill came next afterwards?—A. Yes, sir.

Q. It would have come, then, about what time?—A. About a quarter past 7, I reckon; somewhere along there.

Q. You had breakfast at a quarter past 7 and you had drill afterwards; that would make it come pretty near to half past 7?—A. Yes, sir; somewhere along there.

Q. What happened then?—A. We fell out under arms, as usual, for drill; I thought we were going to have drill, but instead we had inspection of arms.

Q. Did you fall out for drill?—A. Yes, sir.

Q. Where did you get your gun?—A. Out of the rack up in the quarters.

Q. Can you tell whether the racks were locked up until the call was sounded?—A. When I got my gun the rest had gone out. I was nearly the last man to go down, anyhow.

Q. You were near the last?—A. Yes, sir.

Q. You fell in line, and then what occurred?—A. The captain came down and the sergeant called the roll, and "Open ranks" was given by the captain, and then "Inspection of arms" was given.

Q. Did you know you were going to have inspection of arms before that order was given?—A. No, sir.

Q. You supposed you were going out to drill?—A. Yes, sir.

Q. Inspection followed, did it?—A. Yes, sir.

Q. By Captain Lyon?—A. By Captain Lyon.

Q. Was any other officer present with him while he was inspecting? Did you see Major Penrose there, for instance?—A. No, sir; I do not know whether Major Penrose—

Q. Captain Lyon did the inspecting? You remember seeing him?—A. Yes, sir.

Q. State whether or not he made a careful inspection or inspected in any other manner.—A. Yes; he did. He made a careful inspection. He taken every man's gun.

Q. What did he do? Did he look through it carefully?—A. He looked through it and pulled out the bolt.

Q. He looked through the barrel and looked in the chamber?—A. He looked through the barrel and through the chamber and all around.

Senator FORAKER. If any member of the committee objects to my leading the witness, I want to say that it is only because I want to save time. We have gone over it all before, and I do not want to take any more time than is necessary.

By Senator FORAKER:

Q. Do you know who did the shooting at Brownsville that night?—A. No, sir.

Q. Did you have anything to do with it?—A. No, sir.

Q. Did any man in your company that you know of; was there any man in your company who you have reason to suspect had part in it?—A. No, sir.

Q. Have you ever heard anything since that would indicate that any man in your company did it?—A. No, sir.

Q. Can you tell us whether or not anybody in that battalion did it? I mean did anybody in B Company or C Company have anything to do with it?—A. No, sir; I can not tell. I do not believe that any man had anything to do with it.

Q. You do not believe that any man had?—A. No, sir.

Q. You know how to clean a gun, I suppose, after having been twenty-two years in the Army?—A. Yes; I have cleaned many a one.

Q. Tell us how long it takes, so that it will pass an inspection. — A. To clean a gun to pass an inspection?

Q. Yes; to pass the inspection of a critical, rigid officer like Captain Lyon.—A. I would like to ask, do you mean after it has been fired?

Q. Yes; a dirty gun that has been fired a half a dozen or a dozen times.—A. It would take twenty-five to thirty minutes.

Q. It would take twenty-five to thirty minutes?—A. Yes, sir; to clean it.

Q. Now, I will not stop to have this witness describe how he cleans a gun, but I wanted to just get his estimate of the time. That has all been gone over. You would have to clean it in what way? Just briefly tell us.—A. In the first place, you have to take the sal soda and a basin or a cup or something like that and warm water and a rod which is issued to the company, with a rag on the end of it, and you take the bolt out and let the end of the barrel of the gun go down into the cup, and then you have got to just work the rod up and down like that [indicating].

Q. How often do you have to swab it out?—A. You have to do it quite often, and you have to swab it with whole lots of different little rags and dry it out, and then you have to take some grease or oil and put in behind that.

Q. After you are through with the barrel what do you do with the chamber?—A. You have to take the chamber and get a soft piece of wood or a stick, or something like that, and run all around in there and around the firing pin, and then take a piece of soft wood, without any rag, or something like that.

Q. For a gun to pass inspection it must be perfectly clean and bright and properly oiled in the way you have indicated?—A. Yes, sir.

Q. Could a man clean one of these guns in the dark?—A. No, sir.

Q. So that it would be perfectly clean and pass inspection?—A. No, sir.

Q. It requires light to clean it?—A. Yes, sir.

Q. How about ammunition? Was there any inspection of the ammunition?—A. At the same time we had the inspection of the rifles.

Q. Did Captain Lyon do that inspecting also?—A. Yes, sir.

Q. Did he find any dirty gun?—A. No, sir.

Q. Did you find any missing ammunition?—A. No, sir.

Q. That is, did you find that any was missing, I mean?—A. No, sir.

Q. You were present?—A. Yes, sir.

Q. And you were inspected?—A. Yes, sir.

Q. Something has been said about the number of cartridges carried in a belt and the number of cartridges carried in a McKeever box. Can you tell us what you had on that morning when you were inspected?—A. I had on a leather belt with a box to it that morning when I was inspected.

Q. You had the box?—A. Yes, sir.

Q. The McKeever box?—A. The McKeever box; the box that goes behind; the leather box.

(The leather belt and McKeever cartridge box were here shown to the witness.)

By Senator FORAKER:

Q. How many rounds of cartridges did you have in the box?—A. We had ten in the box.

Q. Ten in the box?—A. Yes, sir.

Q. When do you wear this box?—A. We wear it on drill and on inspection.

By Senator TALIAFERRO:

Q. Is that the box that you had [indicating leather cartridge box]?—A. Yes, sir.

Q. That is what you had on at inspection?—A. Yes, sir.

By Senator FORAKER:

Q. Where is your belt?—A. This is the belt.

Q. Have you not a belt in which you carry cartridges?—A. We have the webbing belt, too.

Q. Did you have on a belt in which you carried cartridges and also a box in which you carried cartridges?—A. We only wear one belt at a time.

Q. One at a time?—A. Yes, sir.

Q. You think you had on a McKeever box that morning when you were inspected downstairs in front of the quarters?—A. Yes, sir.

Q. And not the belt with the cartridges in it?—A. No, sir.

Q. Did you have on the McKeever box or did you have on the belt?—That is what we want to get at.—A. I had on the belt and the box. This is the belt, and the box was attached to it.

Senator WARNER. When we speak of this box, it is understood that it is a McKeever box?

Senator FORAKER. Yes; I suppose so. That is the way I understand it.

Senator OVERMAN. This box goes behind, does it?

The WITNESS. Yes, sir; it goes behind this way [putting on belt and illustrating].

By Senator FORAKER:

Q. When the officer passes in the rear to inspect ammunition, you simply unhook that flap and it drops down, and in that way the cartridges are exposed?—A. When the command is given "Inspection arms," that is opened.

Q. Yes; and it remains open until the officer passes up the line?—A. Yes, sir.

Q. Now tell us what was done to your ammunition and your gun. Shortly after this firing, the same day or perhaps the next day—that is, did you remain in possession of them, or did you turn them over to somebody?—A. They were all turned in.

Q. When was that?—A. I think they were turned in the same day, or at least some time or other. Or at least that is my impression. I was not detailed on guard duty.

Q. You were in the kitchen?—You were the cook?—A. Yes, sir.

Q. Did you turn yours over?—A. Yes, sir.

Q. To whom?—A. To the noncommissioned officer—that is, the quartermaster-sergeant, who is in charge of the company's stores.

Q. That was who?—A. Sergeant Green.

Q. Sergeant Green, the quartermaster-sergeant?—A. Yes, sir.

Q. Was the ammunition counted at that time?—A. Yes, sir; everything was counted when it was turned over to him.

Q. Was it found to be correct, or was anything missing?—A. It must have been correct, or we would have been charged up with it.

Q. I am not asking you that. Was it all there?—A. Yes, sir.

Q. Now, if you know about the other men, you can tell us whether their ammunition was found to be all right? Do you know anything to the contrary?—A. No, sir.

Q. At that time all the ball cartridges you had, both in the Me-Keever box and in the belt were turned in?—A. Yes, sir.

Q. And the guns were surrendered also?—A. Yes, sir.

Q. Did you have your guns or ammunition again until you got ready to leave Brownsville?—A. I did not have my own any more until I got ready to leave Brownsville.

Q. Do you know whether any of the others in the company had?—A. They had, because they were doing guard duty. When a man was on guard duty, he had his gun, of course.

Q. And he was given the guard ammunition, was he not, instead of the ball cartridges?—A. There are two classes of ammunition. There is guard ammunition. I could not tell you about that, because I never had anything to do with it.

Q. You were the cook?—A. Yes, sir.

Q. Were you in the habit of turning out with the company every time it turned out?—A. No, sir. It depends upon certain occasions how the company is turned out.

Q. Have you ever been in a battle?—A. Yes, sir.

Q. Have you ever heard much firing?—A. Yes, sir.

Q. Can you tell from the report that the firing of arms makes what kind of arms are being fired?—A. Why, yes, sir; I can.

Q. Can you give us an idea what kind of arms were being fired, according to the reports that came to you, in Brownsville that night?—A. I could not tell exactly what kind of arms they were firing, but they had a different sound from the arms we had.

Q. What kind of a sound?—A. It had a louder and a deeper sound.

Q. Louder and deeper?—A. Yes, sir.

Q. What kind of arms would sound like what you heard?—A. There are none—a Winchester sounds more louder and deeper. But some of them sounded to me like it might have been a shotgun. I don't know.

Q. It was a somewhat different sound from yours?—A. Yes, sir.

Q. That is all that you can tell? You can not tell what it was?—A. No, sir.

Senator FORTNER. I believe that is all for the present.

By Senator SCOTT:

Q. Before Senator Warner begins the cross-examination I would like to ask one question. A cook is always excused from drill and other duties?—A. An officer?

Q. I say the cook is excused from drill and guard duties?—A. We have two cooks. Each one drills every other day, and one is excused.

By Senator WARNER:

Q. Mr. Dade, just two or three questions. When you went from your quarters where you were living, which was just across Garrison road, I understand, from barracks D, was it not?—A. Yes, sir.

Q. How did you go to barracks D?—A. I went over the brick wall.

Q. Over the brick wall?—A. Yes, sir.

Q. Who was with you?—A. My wife and daughter.

Q. How did they get over?—A. I helped them over.

Q. Over the brick wall?—A. Yes, sir.

Q. How far were you from the gate when you went over the brick wall, this gate in front of Elizabeth street?—A. I could not tell you exactly the distance, but it was not so far; but I could not tell exactly the distance.

Q. You heard the firing at that time?—A. Yes, sir.

Q. And you think it was over, as you would place it, about the Cowon house?—A. Yes, sir.

Q. Which is marked "2" on the map?—A. Yes, sir.

Senator WARREN. I think, these various objects and places being marked on the map, they might be referred to by the numbers given them there.

Senator FORAKER. Yes.

By Senator WARNER:

Q. You saw no one?—A. No, sir.

Q. How was the firing? Was it just an individual firing or was it by volleys?—A. It was individual firing. It was not a volley, but just individual firing.

Q. Did you hear any volleys?—A. No, sir; I did not.

Q. You were right there within easy hearing of it?—A. Yes, sir.

Q. Did you hear any orders to cease firing?—A. No, sir; I did not hear any orders to cease firing.

Q. You heard nothing of that kind?—A. No, sir.

Q. Do I understand, now, that you state at that time you gave attention to the shooting to determine what kind of firearms were being used?—A. I did not give particular attention, but I said they did not sound like our guns.

Q. Like what?—A. I said the firing or shooting did not sound like the report of our guns.

Q. You thought of that at that time?—A. Yes, sir.

Q. What kind of arms did it sound like?—A. It sounded like some gun that gave a more louder report and a deeper sound than our guns. Our guns have a sharp, quick sound.

Q. What kind of guns did you think it was?—A. I could not say.

Q. You gave attention to it. You made a statement before Captain Lyon with reference to this matter?—A. No, sir; I did not. I was sworn in under Captain Lyon, but I made a statement under Lieutenant West.

Q. But you were sworn in by Captain Lyon?—A. Yes, sir.

Q. That was at Fort Reno, was it not?—A. At Fort Brown, Tex., where I gave a statement to Captain West.

Senator WARNER. I refer to page 168 of Senate Document 155, so that you may get the advantage of it in this matter. This affidavit seems to have been made by you at Fort Brown.

Senator BURKELEY. On page 116 you will see that that is headed Fort Brown, Tex.

Senator WARNER. But it is subscribed and sworn to at Fort Reno. It is easy to be confused, and I want to give the witness the benefit of this. I just want the witness to understand it.

By Senator WARNER:

Q. There was no firing on garrison road when you went out there?—A. On the road?

Q. Yes.—A. No, sir.

Q. No; the firing was off in the direction of the Cowen house, which is on the alley between Washington street and Elizabeth street?—A. Yes, sir.

Q. And one block away from garrison road?—A. Yes, sir.

Q. That is correct, is it not?—A. Yes, sir.

Q. About how many shots did you hear in there?—A. I do not know, sir. I heard quite a number over in there. I did not count them.

Q. Where was the next shot you heard?—A. That was the only place I paid any attention to any shooting at all, over in there.

Q. You were in somewhat of a hurry to get across the fence, were you not, with your wife and daughter?—A. Yes, sir.

Q. You were alarmed? I do not mean that you were frightened, but hearing the firing at that time of night it gave you cause for alarm?—A. Yes, sir.

Q. Otherwise you would not have taken your wife and daughter across the fence there?—A. Yes, sir.

Q. You thought that it was firing by the people of the town on the fort?—A. I did not know what it was. We hadn't did anything to the people there for them to do any shooting. I didn't know hardly what it was.

Q. In this statement of yours, when you were sworn by Captain Lyon, I see that you said:

I did not see any flashes from guns, nor do I know what kind of firearm was being used.

That was correct then, was it?—A. Yes, sir.

Q. And you say now, while you are not certain what kind of firearms were being used (to make it perfectly fair for you), that it sounded heavier, or different from your guns?—A. Yes, sir; I say that yet. That is what I told him, that I did not know what kind of firearms they were.

Q. When you went over you remained in the kitchen, did you not?—A. Yes, sir.

Q. You did not go out in front?—A. No, sir.

Q. That night?—A. No, sir.

Q. You do not know what was done with the company?—A. I know that the company was ordered out to parade the town, to patrol the town.

Q. But you did not go with it?—A. No, sir.

Senator FORAKER. He has stated that he stood on the porch when the roll was called.

Senator WARNER. Certainly; there is no question about it.

By Senator WARNER:

Q. You have stated that you were up on the porch when the roll was called. How far away from the company were you?—A. Just a short distance.

Q. Because the company was organized in front of the barracks?—A. Yes, sir; and was marched around in the rear of the barracks.

Q. And you were on the porch in the rear?—A. Yes, sir.

Q. Standing up there?—A. Yes, sir.

Q. What was the position of the members of the company while you were standing up there on the porch?—A. The first position of

them, before they went out, they formed a scrummage line and laid down in the grass behind the wall.

Q. What do you say?—A. They formed a scrummage line and laid down in the grass behind the wall.

Q. Was that when you were standing on the porch—when they were lying down?—A. Yes, sir.

Q. You have spoken of two kinds of belts. Let us get this plain. One is the leather belt to which you attach the McKeever cartridge box?—A. Yes, sir.

Q. And the other belt is one having the cartridges in the belt?—A. Yes, sir.

Q. Which you call a cartridge belt?—A. Yes, sir.

Q. When you were inspected and wearing the cartridge belt, the cartridges were in front? The cartridges would be in front of the soldier, would they not?—A. Yes, sir. You mean to speak of the web belt?

Q. Yes.—A. Yes, sir; they are attached clear around the whole thing—cartridges clear around the whole thing.

Q. When you are wearing 10 cartridges, where would they be?—A. You would have them right here in the pockets—right here [indicating front of belt].

Q. In the pockets, like vest pockets?—A. Yes, sir.

Q. And the officer in making the inspection of a company that is wearing the belt with the 10 cartridges would make it by passing in the rear?—A. When we have on the web belt, no sir; he makes it passing in front.

Q. He could not see them passing in the rear, could he?—A. No, sir.

Q. How was the inspection made on the morning of the 14th, if you know? Did he pass in front or in the rear making the inspection?—A. He passed in front for the inspection of the guns and in the rear for the inspection of the cartridges, because we had them in this box.

Q. You say that you turned in your ammunition—your excess ammunition?—A. Yes, sir.

Q. So that the ammunition that was in the web belt or in the McKeever box— A. I only had 10 rounds in my possession.

Q. That was in the McKeever box?—A. Yes, sir.

Q. So that you turned it in?—A. Yes, sir; I turned that in.

Q. You were also asked the question whether the other men turned in all their ammunition?—A. I do not know; I could not say.

Q. I know you do not— A. (Continuing.) The orders were that every man should turn in his ammunition.

Q. But you do not know anything about anybody else turning it in except yourself?—A. That is all I know.

Q. That is all you know of?—A. I know the orders were to turn in all ammunition.

Q. You know that the general order was given?—A. Yes, sir.

Q. You heard this shooting up of the town of Brownsville talked about on the night of the 13th, after it occurred?—A. Why, yes; I heard it spoken of several different times among the old soldiers, and some of the young ones; and also among the old fellows.

Q. Had you had difficulties there in Brownsville, or had any of the members of the command?—A. None in my company.

Q. Or any other of the members of your companies?—A. C Company had a little difficulty.

Q. What was that?—A. A fellow got knocked over the head with a six-shooter—knocked on his knees—and another man was shoved in the water.

Q. These matters were generally discussed?—A. There was nothing said about it until this shooting occurred. They paid no attention at all to it.

Q. They paid no attention to it at all?—A. No, sir.

Q. There was nothing said about being excluded from places of business?—A. The man who got knocked on the head, the same man shoved the man in the water.

Q. Did you hear anything said about going in places of business?—A. I do not know; I reckon it was done.

Q. I mean about going into saloons, to be plain.—A. There was no one bothering saloons there.

Q. There was no one bothering saloons?—A. No, sir.

Q. You heard of no trouble about men being refused admission to the saloons?—A. Yes, sir.

Q. You did hear?—A. Yes, sir; we never had no trouble; but we were not allowed to go into saloons.

Q. Did it get up much trouble among the men?—A. Yes, sir; a man was discharged, and he just started up a little saloon of their own.

Q. Started up a little saloon of their own?—A. Yes, sir.

By Senator SCOTT:

Q. If you will permit me, I want to get this: The statement that you made was that you only had ten rounds of ammunition?—A. Yes, sir.

Q. And that was in this box, the McKeever box?—A. Yes, sir.

Q. When you fell out for inspection, you naturally fell out with your belts with the ammunition in them?—A. Yes, sir.

Q. How did the other men who had ammunition in their belts fall out? Did they fall out or not with this box, or with the belt?—A. I do not know how they fell out.

Q. You only speak of yourself, that night?—A. Yes, sir.

Senator FORAKER. In the morning, you mean?

Senator SCOTT. Whenever it was.

Senator FORAKER. At the inspection?

The WITNESS. Yes, sir.

By Senator WARNER:

Q. You had breakfast at the usual time that morning?—A. Yes, sir.

Q. And the men took the usual time eating their breakfast?—A. Yes, sir.

Q. The men fell in at the usual time for drill that morning?—A. Yes, sir.

By Senator OVERMAN:

Q. Had your companies had target practice?—A. Yes, sir.

Q. How long had you had these guns?—A. The guns we had in Brownsville were issued to us, I do not know exactly what time,

somewhere in the last of April or the 1st of May. I do not know just the exact time.

Q. Had you practiced with them at target practice?—A. Yes, sir.

Q. How many times?—A. Once.

Q. Only one time?—A. Yes, sir.

Q. So that you judged the firing of the guns by the firing that one time?—A. I heard it quite often. I shot through the whole target season.

Q. This question I ask for information. The men are detailed—are ordered every night to do guard duty?—A. They are detailed every morning for twenty-four hours.

Q. They do guard duty at night?—A. Yes, sir.

Q. How many men for each company are detailed?—A. Different numbers. It depends upon how many posts you have on. So many men are detailed out of each company, three out of one and four out of another, or six out of one and seven out of another.

By Senator Scott:

Q. It depends upon the number of men present for duty in a company when men are detailed out of it?—A. It depends on the strength of the company.

Q. Those men who are on guard duty at night, do they have to fall in in the morning for inspection?—A. No, sir; they are on duty twenty-four hours.

Q. So that the men who were on guard that night were not called out for inspection the next morning?—A. No, sir.

Senator Scott. Ask him if they are not inspected when they come off duty.

Senator FORAKER. Those men will all be called.

Senator OVERMAN. That is all right, then.

Senator WARNER. The men fall out for drill; the men of the company wear all the same belts with their ammunition?—A. Yes, sir.

Q. One would not go out with a McKeever box on and another with a cartridge belt?—A. No, sir.

By Senator Scott:

Q. I want to make that plain. Suppose that you did not have a belt with any cartridges in it, and you were ordered out; you would fall out then with that box; is not that true?—A. I am supposed to have these things.

Q. But you said a while ago that you did not have a belt; that you only had ten cartridges, and that they were in a box.—A. I say yet that I had only ten, and they were in a box.

Q. Yes; you had only 10, and they were in a box?—A. Yes, sir.

Q. Then you did not have that belt on because you had no more than enough—A. Here is the belt that I had [indicating leather belt].

Q. No, no; the other belt.—A. I did not have on a web belt.

By Senator Overman:

Q. Did any of the soldiers have on the web belt?—A. No, sir; they did not.

Q. On this morning?—A. No, sir; it is a standing order that they should all drill with this belt.

By Senator FORAKER:

Q. That they should what?—A. Drill with the McKeever belt.

By Senator FOSTER:

Q. Did you sign a statement on the 23d day of November, 1906, relative to what disposition the soldiers made of the old uniforms after their arrival at Brownsville?—A. Did I sign a statement to that effect, sir?

Q. Yes.

Senator SCOTT. Read him the statement, Senator.

Senator FOSTER. I want to know whether he signed it.

Senator SCOTT. He would not know what it is until you read it to him, I should think.

Senator TALIAFERRO. Ask him, Senator, if he signed any statement with reference to the disposition they made of their old uniforms.

Senator WARNER. Yes; I think you ought to state to him what the statement is.

Senator SCOTT. It reads:

Soon after arrival at said fort they discarded all their old uniform, such as caps and uniforms, 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 uniforms that had been discarded, and that it was a common sight to see the same, as herein alleged.

Did you sign that?—A. Yes, sir.

Senator SCOTT. That is what you wanted, was it, Senator?

Senator FOSTER. No; that is not what I wanted. I wanted him to state what was in that statement. I did not want you to tell it.

Senator SCOTT. I thought you wanted to know if he signed the statement, and he would not know what statement you meant unless you read it to him.

Senator FOSTER. I want to ask him if he remembers what was in that statement.

By Senator FOSTER:

Q. Do you remember what was in that statement after it has been read to you?—A. Who was this statement made under—what officer?

Senator FOSTER. It was subscribed and sworn to before E. T. Barbour.

Senator TALIAFERRO. He said he signed the statement, Senator. Let him state before whom he signed it.

By Senator FOSTER:

Q. I will let you know. It was signed before E. T. Barbour.

Senator FORAKER. I do not see any name there.

Senator FOSTER. It says, "Subscribed and sworn to before me this 23d day of November, 1906."

Senator FORAKER. Where is that?

Senator FOSTER. At the bottom of the page.

Senator FORAKER. Does not that relate to the affidavit above? His affidavit is Affidavit C. The signature you call attention to is Affidavit U, made by Robert Turner. That one does not seem to be signed before anybody.

By Senator FORAKER:

Q. But you did sign a statement of that kind?—A. Yes, sir.

Q. The Senator wants to know whether you can tell him what was in the statement that was read to you just now. Do you know what Senator Scott read to you?—A. Yes, sir.

Q. What was it?—A. What he wants to know about is these people taking up these old clothes and wearing them, and one thing and another; these old caps and khaki clothes and shirts and anything they can get their hands on, and such as that.

By Senator FOSTER:

Q. Did you throw away any of your old uniforms or caps after your arrival at Brownsville?—A. Yes, sir; we threw away a great number.

Q. Did you throw away any yourself?—A. Yes, sir.

Q. What did you throw away?—A. I throwed away forage caps, old khaki blouses, trousers, leggings, condemned shoes.

Q. You brought those with you from the last fort to Brownsville, and immediately upon your arrival there, did you throw them away, or did you keep them?—A. Not immediately I did not, but from time to time they was thrown away. Pretty much all the old blue blouses and caps was thrown away, because we couldn't use them. It was too hot, and we throwed them away.

By Senator FORAKER:

Q. Did you get a new uniform when you got there?—A. No, sir; we wore the khaki there. We wore blue in Niobrara pretty much all the time.

Q. And what did you wear when you went to Brownsville?—A. We wore khaki pretty much altogether.

Q. You wore khaki?—A. Yes, sir.

By Senator FOSTER:

Q. Give the circumstances under which you happened to sign this statement. Who got you to sign it?—A. There was so many officers there, I don't really remember their names. There were three or four different officers at Fort Reno, after we left Brownsville, taking affidavits and signing them.

Q. Do you remember any representative or party coming from the Constitutional League for the purpose of getting evidence in this matter?—A. Why, yes, sir.

Q. Who was the party, or who were the parties?—A. Gilbert Stewart was one lawyer, and Smith was another one I saw.

Q. Did they talk to you on this subject?—A. Yes, sir.

Q. Did they discuss it with you?—A. Yes, sir.

Q. Did they advance any theory to you as to who did the shooting at Brownsville, and why the shooting was done?—A. No, sir; not to me.

Q. Did they discuss with you whether it was done by the soldiers or citizens?—A. Well, no, sir; not to my remembrance.

Q. Did you express any opinion about that, as to who did it?—A. I don't know who did it, and still I never believed the soldiers done it.

Q. Did you express any opinion to these parties?—A. No, sir.

Q. As to who did the shooting?—A. No, sir.

Q. Did you have any opinion at that time as to who did the shooting?—A. No, sir.

Q. You had no opinion at the time that this statement was made, or about the time that these gentlemen representing the Constitutional League visited you, as to whether the shooting was done by the soldiers or the citizens?—A. I didn't know.

Q. You did not know, and you formed no opinion?—A. Well, I couldn't exactly say. Of course each man has got his own opinion about a thing.

Q. I am asking you?—A. I have got my opinion, as near as I can possibly say. I say no, that I didn't know who did the shooting, and still I don't believe it was soldiers done it.

Q. Did these gentlemen from the Constitutional League discuss that matter with you fully?—A. No, sir.

Q. What did they say when they came there and talked with you about the subject?—A. They had very little to say to me, sir.

Q. State as far as you can what they did say to you before you signed this statement?—A. They asked me did I know anything about who did the shooting, and I told them no, I didn't know who done the shooting at all, sir. I hadn't an idea who done the shooting. I didn't know.

By Senator OVERMAN :

Q. How was that? I did not hear you.—A. I said they asked me if I had any idea who done the shooting.

Q. You have no idea the Brownsville people did it?—A. Well, I don't know.

Q. You say you told them you had no idea?—A. I say yet I have no idea who did the shooting.

Q. You have no idea who did it?—A. No, sir.

By Senator FOSTER :

Q. When did you state to these gentlemen that these caps and uniforms were thrown in the rear of the garrison?—A. I think it was in the month of November, but what day of the month I couldn't tell. I don't know.

Q. Did you make that statement to these gentlemen representing the Constitutional League?—A. I disremember. I made it to some gentlemen there in November.

Q. What was the theory or purpose that you had in view when you made this statement that the soldiers discarded all their caps and uniforms, and you saw quite a number of citizens wearing them?—A. You mean to say how come I to do it?

Q. No. What was to be inferred from that statement of yours? What was the purpose in giving it in connection with this Brownsville shooting?—A. For this reason, that some of the people involved claimed the night the shooting was they picked up some caps or hats or some soldiers' uniforms in the town, where they had dropped them.

Q. I did not catch that exactly.—A. I say some of the citizens in Brownsville—that is, from other statements I learned—had brought in some old hats or caps or khaki blouses, or something or other, and said the soldiers dropped them the night the shooting was.

Q. You do not mean that the citizens brought in any of the soldiers' trousers to show to soldiers that they left their trousers there

that night when they were engaged in the shooting, do you?—A. There is more Mexicans wears khaki trousers and one thing and another than there is soldiers. You can't tell whether he is a Mexican unless you walk up and look at him.

By Senator FORAKER:

Q. You must speak up a little louder. I can not hear that. I hope the stenographer can.—A. I say the Mexicans at Brownsville, it is a rare thing for them to wear soldiers' uniforms and things there, such as khaki blouses, trousers, leggings, and all that sort of thing.

Q. You mean it is a common thing for Mexicans to wear these clothes?—A. Yes, sir. You find more of them wearing that than they do their own clothes.

By Senator OVERMAN:

Q. Do they take caps or hats?—A. They wear both.

Q. How about this time? Were they wearing the caps or the hats?—A. They wear either one they can get.

Q. You did not throw any hats away?—A. No, sir; I didn't throw no hats away, to my knowledge.

Q. Did any of them throw any hats away?—A. Yes, sir.

By Senator FOSTER:

Q. Did you tell the representatives of the Constitutional League that you intended to make this statement, and was that matter discussed by you with them?—A. Is that affidavit signed by me?

Q. It has your name here. I do not know whether it was signed by you or not, but it is Charles Dade. That is your name, is it not?—A. Yes, sir.

Senator WARNER. Tell him it is in a printed volume we have here.

By Senator FOSTER:

Q. It is in a printed volume. The question is whether you discussed the contents of this affidavit or the subject-matter of this affidavit with these representatives from the Constitutional League before it was presented to you for signature—before you signed it.—A. I signed the affidavit about these old clothes and one thing and another.

Q. Was that discussed by you with these gentlemen?—A. I was asked about it; yes, sir.

Q. After the shooting on August 13, with what other parties did you discuss the shooting? With whom did you discuss the shooting which took place on that night outside of these parties representing the Constitutional League?—A. Who did I make a statement to?

Q. Yes; who did you discuss the shooting with?—A. I didn't discuss the shooting with anyone that I know of outside of the men of the company, or something like that.

Q. You discussed it with the men of the company?—A. Yes, sir.

Q. Was not an effort, and a concerted effort, made on the part of members of that company, together with the representatives of the Constitutional League, to exonerate that company and the other companies of that battalion from any participation in this shooting?—A. I don't exactly understand you.

Senator FOSTER. Let the question be read.

The question was read as follows:

Q. Was not an effort, and a concerted effort, made on the part of the members of that company, together with the representatives of the Constitutional

League, to exonerate that company and the other companies of that battalion from any participation in this shooting?

By Senator FOSTER:

Q. Was it not pretty generally discussed by you or by the members of the company?—A. Yes; the men talked of it in the company.

Q. That it was the citizens and not the members of that battalion who did that shooting?—A. Yes, sir.

Q. And was it not understood that efforts should be directed to proving that the citizens did the shooting and not the members of that battalion?—A. Yes, sir.

Q. That was understood by the members of that battalion, yourself and others, was it? [A pause.] As the witness does not answer, I will ask him this question: Was not this affidavit to which I have drawn your attention, relative to the disposition you made of the caps and uniforms, made with that purpose?—A. With that post?

Q. With that purpose.—A. It was made to go to prove that the citizens of Brownsville was wearing the soldiers' uniforms.

Q. It was made to prove that, and then was it not made to prove further that they did the shooting?—A. Yes, sir.

Q. That was one of the purposes, then, of making this statement. Was that discussed pretty generally by the members of your company and the members of that battalion at that time?—A. It was spoken of.

Q. Why should the members of your company, in the honest search for discovering the parties who did this shooting, seek to throw the blame upon the citizens of Brownsville if at that time you had no reason to suspect that they did the shooting?—A. I don't know myself. The onliest reason I know, I judge they didn't want to serve, which they said they didn't want to serve. They wouldn't sell us nothing in the proper places. We didn't bother them, and there wasn't nothing much there we wanted—the soldiers—outside of something to drink. So we went to work and established a place of our own and got a man to put some beer in there for us, and after that we didn't bother them.

Q. Could you not go into any store there and buy whatever you wished?—A. I was into three places in Brownsville only.

Q. Did you have any trouble or difficulty in them?—A. No, sir; I didn't have anything.

Q. Do you know of anybody else having any difficulty or trouble in visiting stores and buying what they wanted?—A. I have heard of others being refused there.

Q. In the stores or in the saloons?—A. In the saloons and drug stores there, but I never heard of them having any trouble at all. I have heard of them being refused.

Q. When you heard that firing that night, did you suspect that there was any trouble on the part of the soldiers and the citizens?—A. I didn't know what to think about it. I didn't know what happened, nothing at all about it. I wasn't expecting any such thing as that to happen at all. It took me all by surprise.

Q. There was a good deal of excitement and confusion at the barracks that night, was there not?—A. Why, certainly.

Q. The bugle sounded the call to arms, the men were coming rapidly from their quarters in response to the call, and it necessarily

brought about a good deal of confusion and excitement, did it not?—

A. Yes, sir.

Q. And in that confusion and excitement you were calm enough to distinguish the report of the guns that were being fired in the town, whether it came from the Springfield rifles or the Winchesters or shotguns?—A. I could not distinguish—that is, the flashes, or anything like that; only the sound of the guns.

Senator TALIAFERRO. I would like to ask a question.

By Senator TALIAFERRO:

Q. Were these uniforms that were thrown away down there the khaki uniforms, or the blue uniforms?—A. Some of them was the old khaki uniforms, but the blouses were some old blue blouses the men had packed up, and when they got down there it was so hot, and when they were straightening up their quarters, and one thing and another, they threwed these old things out—old khaki trousers, leggings, caps, and a lot of old condemned hats. They was all in the quarters, and we went down and cleaned them up.

Q. I understood you to say you wore the blue uniform before you went to Brownsville?—A. Yes, sir.

Q. When you went to Brownsville you put on the khaki?—A. We put on the khaki just before we left Niobrara.

Q. How long were you at Brownsville?—A. We wasn't there long. I don't think we was there over a month, or something like that.

Q. How was it you were throwing away these khaki suits that you had not been wearing over a month?—A. These things the men wore over the roads. They wore the old stuff when they left Fort Niobrara, and they didn't need them. They wore them for that purpose. They throwed them away when they got there.

Senator FOSTER. There is another question I want to ask right here.

Senator TALIAFERRO. Go ahead.

By Senator FOSTER:

Q. You said, as I understand, you only had 10 cartridges?—A. I say I only had 10 cartridges.

Q. You only had 10?—A. Yes, sir.

Q. How many cartridges had you received after you arrived in Brownsville?—A. After arriving at Brownsville!

Q. Yes.—A. I wasn't issued any additional ammunition until when we was leaving there.

Q. Did you not have 10 rounds when you came from Niobrara?—A. Yes, sir.

Q. Then did you not receive 10 additional rounds after you arrived at Brownsville?—A. Yes, sir; the company did, but the cooks hardly ever gets over 10 rounds.

Senator FORAKER. I want to ask just one question.

By Senator FORAKER:

Q. Is this statement which you signed, along with many others, a truthful statement or not—the statement that they called your attention to?—A. Yes, sir.

Q. About throwing the clothes away?—A. Yes, sir; it is a true statement.

Q. That was a true statement, and you signed it because it was a true statement?—A. Yes, sir.

Senator FORAKER. That is all I wanted to ask.

Senator SCOTT. Who is your next witness?

Senator FORAKER. Sergeant Reeves.

TESTIMONY OF JERRY E. REEVES (COLORED).

JERRY E. REEVES was duly sworn as a witness and testified as follows:

By Senator FORAKER:

Q. State your name in full.—A. Jerry E. Reeves.

Q. Were you a member of the Twenty-fifth Infantry?—A. Yes, sir.

Q. Which company?—A. D.

Q. Were you at Brownsville last August at the time when there was some shooting up of the town?—A. Yes, sir.

Q. The 13th and 14th of August last?—A. Yes, sir.

Q. How long had you been in the service?—A. Seven years, eleven months, and fifteen days.

Senator FORAKER. I ask to have inserted in the record at this point in the sergeant's testimony his record as found at page 266. Senate Document No. 155.

The record referred to is as follows:

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.

By Senator FORAKER:

Q. Your full name is Jerry E. Reeves?—A. Yes.

Q. What State did you enlist from originally?—A. Georgia.

Q. Where were you born?—A. At Menlo, Ga.

Q. What official position did you hold in Company D, if any?—A. Sergeant.

Q. You were sergeant?—A. Yes, sir.

Q. Duty sergeant?—A. Duty sergeant; yes, sir.

Q. Tell us all you can recollect of the occurrences of that night in connection with that shooting. Where were you when it commenced, how did you get awake, and so on, if you were asleep?—A. On the night of the 13th of August I was awakened sometime about between 12 and 1 by the shooting of guns.

Q. Where were you?—A. In quarters; asleep in quarters.

Q. In D Company's barracks?—A. Yes, sir; upstairs. The quarters were double-deckers, and we slept upstairs. As soon then as I was waked up by the shooting, I jumped up, being a little excited at the time, and there were other men that seemingly woke up just before I did. Everybody was excited and running over each other there in the dark—

Q. Was there any light upstairs in the barracks when you woke up?—A. No, sir; no light.

Q. How near were you sleeping to the door that led out onto the porch of D Company barracks?—A. The door led out in the center of the squad room I was in, and I slept away up in the corner.

Q. You were some distance away from it?—A. Yes, sir.

Q. What did you do? Tell us as quickly as you can.—A. I jumped up first and ran to the window, and I could see the flash from the guns, and I jumped back.

Q. Where were the guns?—A. The shooting was in the direction just in the rear of B and C Companies. It seemed to be over in the alleyway somewhere there.

Q. Were they inside or outside the wall?—A. They were outside the wall.

Q. Had the call to arms sounded yet?—A. The call to arms sounded about that time, and then everybody made a rush for the guns. The racks were locked, and some one wanted to make a light, and I told them no, not to make a light, because I didn't think it would be a good idea. Then I called for the noncommissioned officer in charge of the quarters, Corporal Powers. He slept in my section, and he was trying to open the racks, and by each key being numbered he had to try each key seemingly before he got the right one, which took considerable time; but eventually he got all the locks opened, and every man got a rifle and went downstairs.

Q. What happened when you got down?—A. As soon as we got downstairs, the command was to fall in. They didn't take time to call the roll. The captain simply told the men to count off, and every man counted, and everybody was counted off.

Q. I will ask you whether the captain made a count himself to see whether the men were all there?—A. Yes, sir; the captain went around and counted the men himself. After the men had counted he went around and verified it himself. Then he moved us around in the rear of the quarters, and we remained a few minutes. Then the roll was called, and everybody was still present. Then we remained a few minutes. I don't know how long. I guess about fifteen or twenty minutes. Then we moved off and made a patrol around through the town, which taken, I guess, forty or forty-five minutes, something like that. We patrolled the town, and then come back in. Of course, after we come in, we halted, and we fell out in about fifteen or twenty minutes. Then we got orders to put away arms, lock them up in the racks, and go to bed, which was done.

Q. What happened next? Were there any lights in the barracks that night after the firing—after you locked up the guns, I mean?—A. No, sir; no lights. The only lights that was in the barracks was lights made after everybody had gotten out of the quarters. The captain ordered the noncommissioned officer to make lights and to be sure that the quarters was clear, and he made lights so that we could see whether everybody was actually out or not, and they were out.

Q. That is, when you came back, do you mean?—A. Just before we went, before we left.

Q. Before you went?—A. Yes, sir.

Q. Then after you put your guns up in the racks and went to bed, what did you do next?—A. We went to bed, then, and there was nothing else until reveille the next morning. After reveille drill call went and we fell out with our rifles for drill, we had orders that we were

to have inspection of rifles. Of course we still stood in front of the company quarters, and pretty soon the major came down and personally attended to the inspection of the rifles.

Q. Who did?—A. The major—Major Penrose.

Q. Did he aid Captain Lyon in the inspection?—A. Yes, sir.

Q. Do you remember his being present?—A. Yes, sir; he aided Captain Lyon. We used a brass rod. We taken some real clean rags, and the brass rod, on the end of it, has got a hole through it—not a hole either, but a place where you can loop the rag around the rod and rub it up and down the gun; and by the rag being real clean, if there is any dirt or powder or anything like that in the rifle, it can be easily distinguished.

Q. In a general way, was this a careful inspection or not?—A. Yes, sir; it was a careful inspection.

Q. Conducted by Captain Lyon, with Major Penrose present?—A. Yes, sir.

Q. What was the result? Were any dirty guns found?—A. Not that I know of. I didn't hear any more. We next got orders to fall out and lock the rifles up.

Q. Was there any inspection of the ammunition at the same time?—A. Yes, sir; we had inspection of the ammunition.

Q. What ammunition did the men have?—A. We had 20 rounds. We had 10 rounds in the belts and 10 rounds in the cartridge box.

Q. In the McKeever cartridge boxes?—A. Yes, sir.

Q. Is that the McKeever cartridge box in front of you?—A. Yes, sir.

Q. Did you have on both your belt and your cartridge box?—A. No, sir; we had on belts.

Q. You had on your belts?—A. Yes, sir; I mean the belts, not the box.

Q. That is, you had on the web belt?—A. The web belt.

Q. With 10 cartridges in the belt?—A. Yes, sir.

Q. And you did not have on the box. Where were the boxes?—A. The boxes were upstairs. Each man had a place to keep his box hung up, at the head of his bed.

Q. He inspected the guns, going down in front of the men. Then he inspected this ammunition at the same time, you say?—A. After he had inspected the guns, then he inspected the ammunition, and then went upstairs and inspected, and had each man to lay his belt—that is, his box—out on the bed and open it and inspect the ammunition he had there.

Q. So that the inspection extended to the ammunition upstairs as well as the ammunition in the belts?—A. Yes, sir.

Q. On the men?—A. Yes, sir.

Q. Was there any ammunition missing?—A. None missing; no, sir.

Q. Did you all have your ammunition there?—A. Yes, sir.

Q. That you were chargeable with?—A. Yes, sir.

Q. You are speaking now of ball cartridges?—A. Yes, sir; ball cartridges.

Q. What happened next, as to your guns and your ammunition? Was D Company on duty any further that day?—A. No, sir; D Company was not on duty any further that day.

Q. What, if anything, was done as to your guns and ammunition, either that day or any other day in that immediate time?—A. There was nothing done with regard to the ammunition, but the rifles—I am not sure whether it was that same day, but either that day or the next day—the rifles were taken down out of the squad rooms upstairs and put in the first sergeant's room.

Q. Taken out of the gun racks?—A. Yes, sir—no, sir; the gun racks and all was put in there.

Q. Oh, the gun racks and all?—A. Yes, sir.

Q. They were left in the gun racks, but the gun racks, rifles, and all were put in the storeroom?—A. Yes.

Q. And locked up there?—A. Yes, sir.

Q. What did they do at the same time as to the ammunition?—A. There wasn't anything done in reference to the ammunition.

Q. I will ask you this: Was not your ammunition turned in to the quartermaster-sergeant at the time your guns were put away in that manner, or do you remember?—A. No, sir; I am not certain about that.

Q. Was your ammunition at any time taken away from you while you were there or did they leave you without guns, but with ammunition on hand? We only want your best recollection, and we want that as rapidly as you can give it to us.—A. According to my best memory, we had ammunition, but no rifles.

Q. What could you do with ammunition without rifles?—A. Well, we didn't do anything with it.

Q. Is your recollection about that very distinct?—A. Yes, sir.

Q. Very well. Then did you continue that way until you left there?—A. Yes, sir; we continued until just before we left, and then each man was issued 20 additional rounds, making 40.

Q. Did you have 40 rounds when you left?—A. When we left; yes, sir.

Q. Did you travel with that many to El Reno?—A. Yes, sir.

Q. Can you tell us whether there was at any time after this firing and before you left there a count of your ammunition made by the quartermaster-sergeant and other officers of the company? Do you remember about that?—A. No, sir; I don't remember, other than the inspection of the ammunition that was made the next morning after the shooting of the town at night. If there was any other count made of it, I don't know anything about it.

Q. Who did the shooting, if you know? Can you tell us who did it?—A. No, sir; I can't say.

Q. Do you know whether anybody belonging to this battalion did any of that shooting?—A. No, sir. I have tried to find out, and I have heard the men discuss the matter, but they seemed to discuss it indirectly, not directly. They seemed to be in a wonder about it, just as I was myself. I never was able to get any clew whatever to who actually done the shooting.

Q. Have you any reason to suspect that anybody in Company D was connected with it?—A. No, sir; not the least.

Q. What is your belief about it? Do you think anybody in Company D had anything to do with the shooting?—A. No, sir.

Q. Do you think anybody in either of the other companies had?—A. I don't think so. I don't see where they had any right to.

Q. Was there any agreement or understanding or conspiracy to keep silence about this matter that you know of?—A. No, sir.

Q. On the part of the men?—A. No, sir.

Q. Have you withheld any information in regard to it from anybody?—A. No, sir; I have told what I knew about it from the first.

Senator FORAKER. I will not go over with this witness in detail about the target practice and cleaning of the guns.

By Senator FORAKER:

Q. Give me an idea about cleaning a gun. How long does it take to clean one of these guns, if you know, after it has been fired half a dozen times, say?—A. Well, from twenty to thirty minutes.

Q. Twenty to thirty minutes?—A. Twenty to thirty; yes, sir; and that depends upon the swiftness of the man. If he is a man who works fast, and has everything convenient, he should get it in good condition in twenty minutes.

Q. I mean cleaning it so that it will pass inspection.—A. Yes, sir; that is what I mean.

Q. Cleaning the barrel, cleaning the chambers, and cleaning it throughout?—A. Yes, sir.

By Senator TALIAFERRO:

Q. Would it not depend somewhat on the number of times it had been shot?—A. No, sir; I think not. One shot, in my opinion, does about as much damage as five or six.

By Senator FORAKER:

Q. These cartridges have a pretty large amount of powder in them for a cartridge?—A. Yes, sir.

Q. Forty-three grains, I think, or something like that—enough to dirty the gun up?—A. Yes, sir.

Q. But if a gun is fired half a dozen to a dozen times, it is made pretty dirty, is it not?—A. It is made pretty dirty, but apparently after a gun has been fired some considerable times it has a tendency to clean itself to a certain extent.

Q. How is that?—A. By some means, by the continual firing.

Q. By what?—A. By continual firing.

Q. Oh, yes; that is, the succeeding cartridge will destroy to some extent the powder that is left by the preceding one?—A. Yes, sir; it won't continue to pile up.

Q. I will ask you in a general way about target practice. Is there any chance, when a man is out engaged in target firing, to get cartridges and stick them in his pocket, get them in his own possession without being discovered and punished for it?—A. No, sir; the cartridges you have before target practice you are not allowed to take them on the range. You must leave them at the quarters.

Q. That is, the post-guard cartridges?—A. Yes.

Q. I am talking about ball cartridges.—A. That is the cartridge I am talking about, the ball cartridges you have for inspection. I mean the ball cartridge is kept for inspection. You must leave them at your quarters, and when you go on the target range each man is issued the amount of cartridges he is going to fire. If he is going to fire 40, he is issued 40, and then there are so many officers and non-commissioned officers detailed to go down behind the line to see that this man fires the required number of shots. If he does not, he must

state why, and then the cartridges are taken from him. If he don't fire it at the proper time at the proper range that he should have fired at, he can't fire it at all.

Q. That is to say, if at 500 yards a man is required to fire five cartridges and fires only four, he has to give a satisfactory explanation?—A. Yes, sir.

Q. That the gun is out of order, or something like that?—A. Yes, sir.

Q. And then, not having fired one of his cartridges, is that left with him or taken away?—A. The noncommissioned officer that is in the rear of him takes charge of all the extra ammunition—every cartridge he fails to fire. It is either taken immediately or reported as soon as they reach the last range.

Q. All this target firing is under the immediate direction and in the presence of an officer and noncommissioned officer?—A. Yes, sir; strictly.

Q. Was there any chance at Niobrara after you got your new guns and new ammunition to get any surplus ammunition?—A. No, sir; they was just as close with that ammunition as anybody could be. There was no chance.

Q. Was there any chance at Brownsville to get any surplus ammunition?—A. No, sir.

Senator FORAKER. I think that is all I want to ask the witness now. I may think of something else, and perhaps will before he gets through.

By Senator TALIAFERRO:

Q. On this target practice if a man was directed to shoot a given number of times at a given distance and he failed to do so, and could not give a satisfactory reason for it, what was done?—A. Why, he is penalized. That is, he loses 5. If he is shooting for a record, 5 points is taken from whatever he makes.

Q. He is not court-martialed for it at all?—A. No, sir; he is not court-martialed; simply penalized.

Senator FOSTER. Before Senator Warner examines the witness I would like to ask him one question, suggested by the answer given to Senator Taliaferro.

By Senator FOSTER:

Q. You said there was no chance of getting any Springfield cartridges such as you used at Brownsville?—A. No, sir; other than those that are issued.

By Senator FORAKER:

Q. Unless a man runs the risk of a court-martial?—A. Oh, yes, sir; if he wants to break in and steal some, or something like that.

By Senator OVERMAN:

Q. There was no way for any citizens outside to get them?—A. No, sir.

Q. There was no way for the citizens of Brownsville to get them at all?—A. No, sir.

Senator FORAKER. It is nearly 5 o'clock, and I think we might as well adjourn until to-morrow.

Senator WARNER. I think I can get through in a few minutes.

By Senator WARNER:

Q. Mr. Reeves, when you awoke from your sleep there was considerable rapid firing?—A. Yes, sir.

Q. And the first thing you did was to rush to the window?—A. Yes, sir.

Q. And you looked out and saw the flashes of guns?—A. Yes, sir.

Q. How was that firing? Was it a mixed firing, or was it volley firing?—A. It sounded to me like mixed firing.

Q. It was not volley firing?—A. No, sir.

Q. Where were the flashes that you saw?—A. The flashes that I saw were in the alley, just in the rear or across on the town side from B and C Companies.

Q. This [indicating on map] is Elizabeth street, here on the map?—A. Yes, sir.

Q. And this is Washington street, and the firing you heard was in the alley between Washington and Elizabeth streets?—A. Yes, sir.

Q. In that alley?—A. Yes, sir.

Q. Upon that alley was this No. 2, which was the Cowen house, was it not?—A. Yes, sir. I can't say anything about those houses, because I never was in the houses, and we was not allowed to go down there after the shooting.

Q. But it was in that alley?—A. Yes, sir; in there somewhere, from what I have read.

Q. That is marked 2 there?—A. Yes, sir.

Q. And here is 4 along the same alley, and a house is marked here 5 on the same alley?—A. Yes, sir.

Q. Was it in that alley where you saw the flashes?—A. Yes, sir; it was in that vicinity, right in there somewhere.

Q. About how far up the alley? That [indicating] is, as I say, up the alley, away from Garrison road. How far up that alley, taking 2 to be the Cowen house?—A. It seems to me it was in there about Fourth street. It seemed to me right in there from the entrance.

Q. It was about in there, you say?—A. About that 2; yes, sir; it seemed like. That is the best I could judge at that time. Of course I didn't stay at the window but a short while, but it seemed like they was shooting toward the post, and I got away as quick as possible.

Q. Which way is the Rio Grande—north or south from the parade ground?—A. From the parade ground it is south.

Q. Then, D barracks is south of Elizabeth street?—A. Yes, sir.

Q. This entrance [indicating]?—A. Yes, sir.

Q. Where you were standing was in the window there [indicating], looking out, and there would be these buildings [indicating], whatever they were, between you and the firing?—A. Yes, sir.

Q. How could you see the flashes?—A. There was no building between me and where I was looking. I was looking right across in this direction here [indicating].

Q. This is the telegraph office [indicating]; you know where that telegraph office is?—A. Yes, sir; but being upstairs—

Q. You could look over the telegraph office?—A. Yes, sir.

Q. You could look down and see the flashes in there [indicating]?—A. Yes, sir.

Q. Which way were those flashes coming—toward the fort?—A. It appeared to me that is the way they were coming; yes, sir. That is the way it appeared to me.

Q. That they were firing at the fort?—A. Yes, sir; I say it appeared to me they were firing in that direction.

Q. About how many shots did you hear?—A. I must have heard about a dozen, I guess. Perhaps more. I couldn't say.

Senator FORAKER. Do you mean at that time, or altogether?

Senator WARNER. I am asking him altogether?

A. About a dozen shots, I guess, or maybe more, because one portion of the time I wasn't paying any attention. I was trying to get downstairs, and in the excitement there was the call to arms, and the shooting was still going on. It might have been more than a dozen shots, but I know the firing lasted and was going on when we got downstairs.

Q. It was dark up in the barracks?—A. Yes, sir.

Q. There was considerable confusion?—A. Yes, sir.

Q. Then after you got up and dressed, there was—A. I mean I didn't dress, but I put on the trousers and the blouse.

Q. You dressed up that much?—A. And shoes; yes, sir.

Q. You got up, and there was some confusion about getting the keys in the dark?—A. Not getting the keys, but getting the racks unlocked.

Q. Getting the right key for the right rack?—A. Yes, sir.

Q. And that occasioned some delay?—A. Yes, sir.

Q. About how much delay?—A. It was about three minutes, I judge, or something like that, before the corporal was able to unlock all the racks.

Q. There were no lights in the barracks until Captain Lyon had ordered the barracks to be lighted?—A. No, sir.

Q. When was that?—A. That was after we had fell in and had marched in the rear of the quarters and halted, before we started out to patrol the town.

Q. Why were the barracks ordered to be lighted?—A. Why, in order to make sure that there wasn't anybody left.

Q. That is, to make sure that nobody was up in the barracks?—A. That none of the company was hiding around or falling back.

Q. Had there been a count of the company?—A. Yes, sir.

Q. Had there been a roll call of the company?—A. Yes, sir. That is, the roll had not been called at that time. The roll was called as soon as the corporal hollered down that the barracks were clear. Then they called the roll.

Q. Let us understand that.—A. I say as soon as we marched out in the rear of the quarters, the captain gave the corporal orders to light the barracks and see that it was clear, to see that none of the men had skulked back and gone into the quarters. Then after the corporal had inspected the quarters and come out on the porch and reported to the captain that there was no men in the quarters, then he ordered the first sergeant to call the roll.

Q. You at first formed in front of the barracks?—A. Yes, sir; and counted off.

Q. Then you marched around to the rear of the barracks?—A. Yes, sir.

Q. And to the wall, the fence?—A. Yes, sir.

Q. You deployed there as skirmishers?—A. Yes, sir.

Q. And then it was that Captain Lyon ordered you to go up and see whether any man was hid in the barracks?—A. Yes, sir.

Q. And the man went up and lighted the light?—A. Yes, sir.

Q. He looked through the barracks and came back and reported?—
A. Yes, sir; to the captain.

Q. That there was no one there?—A. No one there.

Q. And that was the time that the roll call was had?—A. Yes, sir; the captain gave the command to the first sergeant then.

Q. There was no roll call before that?—A. No more than to count off. Every man counted, and according to the count everybody was present.

Q. They counted off—one, two, three, four?—A. Yes, sir; and on up to fifty or sixty.

Q. What do you call that; squad counting?—A. No, sir; the whole company counted.

Q. I know; but one, two, three, four?—A. That is squad counting; yes, sir.

Q. Was there any other count there at that time in front of the barracks?—A. The captain made a count himself. After the men had counted off, the captain passed in front of the company and then in the rear, and counted himself, and then moved the company in rear of the quarters and deployed—

Senator SCOTT. And then had the roll called?

A. Yes, sir—not then. He had the quarters inspected, and then had the roll called.

By Senator WARNER:

Q. After you had "counted off," as you call it, and the captain had gone around in front of the company and in rear of the company and the company had been moved around the wall and deployed, at that time the captain ordered the corporal to go up in the quarters and see if any of the men were up there?—A. Yes, sir; after they deployed.

Senator FORAKER. You said, "To see if any of the men had skulked back."—A. Yes, sir.

By Senator SCOTT:

Q. But the captain did count the men personally before the roll was called?—A. Yes, sir; he counted them personally, himself.

Q. Were there any of them missing except those who had the right to be away?—A. None at all. They was all counted up, sir.

By Senator WARNER:

Q. How many were there, do you remember?—A. No, sir; I don't remember just how many there were.

Q. What is your office?—A. Sergeant—duty sergeant.

Q. How many were absent and accounted for?—A. I can't be sure. I think there were two. I am not certain about that.

Q. Only two absent?—A. Yes, sir; only two—that is, I mean that was present with the company.

Q. You understand me, Mr. Reeves, I do not mean that were absent on pass, but were absent from the roll call. I tell you that so that

you will understand it.—A. There wasn't any absent from the roll call.

Q. Any on guard duty?

Senator OVERMAN. I want to ask a question. However, I will get the witness in a moment.

Senator WARNER. I do not want to take any advantage of the witness at all.

By Senator WARNER:

Q. You had certain members of the company on guard duty?—A. Yes, sir.

Q. They were not there for roll call?—A. No, sir; but I meant that they were accounted for.

Q. But how many were accounted for?

Senator TALIAFERRO. And not present?

By Senator WARNER:

Q. And not present?—A. I don't know, sir.

Q. You have no knowledge of that?—A. No, sir; I didn't keep any record of that.

By Senator OVERMAN:

Q. In calling the roll, suppose you had been ordered out on guard duty, and they called "Reeves," your name. How would that be answered? If you were not present when the roll was called, would somebody answer for you?—A. No, sir. The first sergeant knows where all the men are. He has a list of all the different details of men that are sent out on guard, and when the roll is called—

Q. I think I can make that plain.

Senator FORAKER. Let him finish. And when the roll is called, what?

A. When the roll is called, he simply deducts the authorized absentees from the list—that is, from the number present—and that gives him the men that are in line.

Q. And he reports so many present, or so many absent and accounted for? He reports to the officer?—A. Yes, sir; he appoints all accounted for, unless there are some unauthorized absentees.

Q. Now, about this inspection when the men went out to the target practice. You wore what they call the web belts, did you not?—A. Yes, sir.

Q. When you went out to the drill you wore the McKeever box?—A. Yes.

Q. That is correct, is it?—A. Yes, sir. That is, I will just make that plain. We wore them until—well, we didn't change until we got to Fort Reno. After we got to Fort Reno we changed and commenced wearing the web belt all the time, but then at Brownsville we used that belt for drill and the other belt for "hiking" purposes only.

By Senator FORAKER:

Q. You used this for the drill, you say?—A. Yes, sir; drill and inspection.

By Senator WARNER:

Q. But the McKeever belt was the one you wore when you were called out for drill?—A. Yes, sir.

Q. You had no target practice at Brownsville?—A. No target practice at Brownsville.

Q. When you were called out for drill the morning of the 14th it was the McKeever box you wore?—A. Yes, sir; the 14th?

Q. That was the morning after the affray. The affray was the night of the 13th.—A. I don't know whether it was—

Senator FORAKER. Answer the question.

A. I got a little too fast there. We changed the belts at Fort Brown. That is, we commenced wearing the web belt and simply used this belt for inspection, but before that time we had been drilling and attending all drills and guards and everything in this belt; but after then we simply mounted guard and attended inspection in this belt.

By Senator WARNER:

Q. When did you change that?—A. We changed that at Brownsville.

Q. Before this affray?—A. Before the trouble at Brownsville happened.

Q. So that morning you went out with the McKeever box?—A. No, sir; we went out with the web belts.

Q. You are quite sure about that, are you, Mr. Reeves?—A. Yes, sir.

Q. How many rounds of cartridges did they have in the web belt?—A. Ten rounds—five in each side.

Q. They would come about where your vest pockets are, would they not?—A. Yes, sir.

Q. In making the inspection for ammunition when you had the web belt, the officer went in front of you, did he not?—A. Yes, sir; he went in front and rear.

Q. In front for the inspection of the cartridges?—A. No, sir. I mean he went in front of you and felt as far as he could, and then went in the rear of you and felt the belt all the way around. He felt of each little pocket.

Q. There was a rod used in the inspection of the firearms there—this rod with a rag for the cleaning of the gun?—A. Yes, sir.

Q. You were not very clear, and I did not understand. Was that rod used upon all the guns in that inspection?—A. Yes, sir; the same rod was used, but different rags, you know. We didn't use the same rag in a different gun.

Q. But the same rod was used?—A. Yes, sir; the same rod.

Q. That is, each gun was treated that way?—A. Yes, sir; each gun got the same treatment.

Q. If there were 40 guns there, each gun was inspected by using a rod and a rag?—A. Yes, sir.

Q. Are you quite clear about that, Mr. Reeves?—A. Yes, sir; I am sure about that.

Q. You do not think it is correct that when the officer was inspecting, if a gun was found that did not look just right, that soldier was ordered to step out so many paces to the front, and when the inspecting officer got through with the line he went back to those who had stepped out in front and applied the rod to those guns only?—A. Yes, sir. I remember a case of that happening to Cook Dade, and I don't remember who the others was, but as he was cook he never

cleaned his gun, and it was just full of cobwebs and rust. That was all the matter with the gun.

Q. Cobwebs?—A. Yes, sir; and everything else was in his gun.

Q. But the rod was used in all the other guns?—A. Yes, sir.

Q. That was the cook, Mr. Dade?—A. Yes, sir.

Q. He did not go out with the company?—A. No, sir; he never had used the gun. It just stayed in the rack from one year to the other.

Q. Was he not on inspection that morning?—A. Oh, yes, sir; he was on inspection. That is why his gun came up.

By Senator TALIAFERRO:

Q. And he was marched to the front?—A. Yes, sir; they stepped him to the front.

Q. Because his gun was not in good order?—A. They wasn't just certain about it. They wanted to be sure, but they wanted to find out what was in his gun. It was dirt and rust and cobwebs and other things.

Senator SCOTT. I want to ask one question you got away from. I know this is very amusing.

By Senator SCOTT:

Q. How many cartridges does this web belt hold when it is full?—A. I think it is 90 rounds, sir.

Senator FORAKER. We have one of them here.

The WITNESS. I think it is 90. I am not sure.

Q. You said Captain Lyon was feeling whether some of these places were empty. Was that it?—A. Yes, sir.

Q. In the inspection?—A. Yes, sir.

Q. I thought there were only places for ten cartridges?—A. No, sir.

By Senator WARNER:

Q. Mr. Reeves, when was it you got 40 rounds of cartridges?—A. We got 20 rounds in addition to what we already had just a day before we left Brownsville, I think. Yes; it was just a day before we left Brownsville. We were issued 20 rounds in addition, making 40.

Q. You had 20 rounds in the start?—A. Yes, sir.

Q. Did you have 20 rounds when you came to Brownsville?—A. Yes, sir; we were issued 20 rounds in Nebraska.

By Senator OVERMAN:

Q. You think there were 90?—A. Ninety.

Senator FORAKER. Here is one of those belts. It is full of live cartridges, so it will be handled very carefully.

Senator WARNER. I could finish this examination if I had an opportunity.

Senator FORAKER. Excuse me, Senator.

The WITNESS. It holds 90 rounds.

By Senator FORAKER:

Q. Are there ten in each of these boxes?—A. Yes, sir; two clips; five each.

By Senator WARNER:

Q. Now, Mr. Reeves, we will start again. You know that some of your people—I do not care about stating just what it was unless you want to—had some trouble after you got there to Brownsville?—A. Yes, sir.

Q. That was talked over among you considerably?—A. Why, yes, sir; I have heard the men speak of it around the quarters; in fact, I have mentioned it myself. That is, none of these men that got hurt have ever told me they got hurt, but I have known they went to the hospital; and I have heard other men say that such and such a fellow got knocked in the head with a six-shooter, and one was made to get off the street and one shoved overboard, and something like that.

Q. How was that talked of?—A. Well, it was just talked of. Naturally, they would want to know why, what they was doing, or what caused it, and nobody seemed to know. So the thing stopped right there, as far as my company was concerned. I don't know what was said in other companies.

Q. Did you ever try to find out about it at all?—A. No, sir.

Q. You just let it pass?—A. No, sir; I understand it was reported to the commanding officer, and he didn't do anything about it that I know of.

Q. Then this affair that night—how did you treat that? The same way?—A. Oh, no, sir; I told the commanding officer I was as good as my word, that I would try to find out among the men if I could whether they had any knowledge as to who did do the shooting.

Q. That is, you say not directly, but indirectly?—A. Yes, sir; that is, talking in a way to gain information, if it was possible.

Q. Who did you talk to about it?—A. Well, my section, principally. I don't remember that I spoke to but very few other men, because they had noncommissioned officers in charge of them to look after them, and I didn't bother with them at all, but my section, I called them all together in a solid squad, just as you gentlemen are sitting here, and explained the matter to them and told them that if anyone knew who did it, or had heard, or anything about it, they would let me know.

Q. When was that?—A. That was about a week after this matter had happened, and after we got to Fort Reno also, but I never was able to find out anything. Everybody seemed to be only trying to find out, just like I was, so I never was able to gain any information at all. I was sorry of it, for the simple reason that it seemed the Department, simply because a noncommissioned officer was with the men, thought they should actually find out who did it—if soldiers did do it, who it was that did it, but it was just as hard for us to find out as it was for the inspector's office that investigated the affair.

Q. Why was it that you only commenced it a week after the affray?—A. That is when I was ordered.

Q. Oh!—A. Yes, sir; after I was ordered.

Q. You did nothing until you were ordered?—A. No, sir.

Q. By whom were you ordered?—A. By the major, Major Penrose, and Captain Lyon, also. They ordered the noncommissioned officers to do all they could in regard to the matter.

Q. Up to that time you had done nothing?—A. No, sir; only—

Q. Had you been down town after the affray?

Senator FORAKER. Let him answer the question as to whether he had done nothing.

Senator WARNER. If I cut you off, pardon me.

By Senator WARNER:

Q. Up to that time, what had you done, if anything—up to the time Major Penrose ordered you?—A. I hadn't done anything, because I didn't know what to do. I didn't know where to start to look after the matter. It had never been thought of that soldiers did do it. Later on it was thought the soldiers at the post, some of them, actually had done this firing, and then—

Q. Did you not understand the next morning after the shooting there was a report there that at the places where the firing had been done there was ammunition such as is used in the Springfield rifles?—

A. It came out in the paper the next evening, but then nobody paid any attention to that.

Q. Did you not hear it talked of that the soldiers had done it?—

A. No, sir.

Q. Did you not know that the inspection the next morning was to determine about the guns, whether they had been used in the shooting up of the town or not?—A. Yes, sir.

Q. You knew that the next morning?—A. I knew that the next morning.

Q. Did that occasion any talk in your company, among you and your fellows?—A. No, sir; no more than every man was glad to know that it was not anybody in D Company. Every man seemed to feel proud.

Q. That is proper.—A. Because one man didn't know what some other man might have done, and after the inspection everybody was found clear and the rifles in good condition.

By Senator OVERMAN:

Q. Was there any feeling among your company as to what company did it?—A. No, sir.

Q. Was there any impression among your company?—A. No, sir; I never heard a man intimate at all.

By Senator SCOTT:

Q. Where are you living now?—A. Oklahoma City.

Q. What are you doing there?—A. Porter at the Hotel Threadgill.

Senator SCOTT. You will have to come back at 10.30 to-morrow morning, Sergeant. Be here promptly at that time.

A. Yes, sir.

The committee, at 5.10 o'clock p. m., adjourned until Thursday, February 7, 1907, at 10.30 o'clock a. m.

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Thursday, February 7, 1907.

The committee met at 10.30 o'clock, a. m.

Present, Senators Warren (chairman), Scott, Foraker, Lodge, Bulkeley, Warner, Pettus, Blackburn, Taliaferro, Foster, and Overman.

TESTIMONY OF JERRY E. REEVES (COLORED)—Continued.

JERRY E. REEVES, a witness previously sworn, being recalled, testified as follows:

By Senator WARNER.

Q. Now, sergeant, as to the inspection that was made of the guns on the morning of August 14, that was a careful inspection, was it not?—A. Yes, sir.

Q. And as you have stated the rod was used to each gun?—A. Yes, sir.

Q. And a separate piece of rag to each gun?—A. Yes, sir.

Q. What else was done in the inspection of that gun? Did they stop at that?—A. They stopped after the gun was well wiped with the rod, that is, the rod worked up and down in it with a clean rag sufficiently to test as to whether it had been fired or not.

Q. Then did he not look into the chamber of the gun?—A. Oh, yes; the chamber was opened and the gun was inspected thoroughly.

Senator OVERMAN. Did he say that on the morning of the 14th he did all this?

Senator WARNER. Yes; I asked him about the morning of the 14th. (To the witness.)

Q. After wiping the gun with the rod, how did he take the gun?—A. The first thing done, before they commenced wiping, was to take the bolts out and inspect the well.

Q. (Producing a Springfield army rifle.) This is the well, in which the cartridge lies?—A. Yes, sir. This big portion right in here is called the well. After they had inspected that thoroughly, and then applied the rod.

Q. And that was done with each gun?—A. Yes, sir. Every gun.

Q. You are quite sure about that?—A. Yes, sir.

Q. How long did it take to make such an inspection?—A. Well, I presume it took, sir, about an hour, I guess I might say.

Q. The inspection of each gun, how long would it take?—A. Well, I suppose—I could not confine myself just how long—well, I suppose three or four minutes, something like that.

Q. How much more had to be done in the cleaning of a gun than in that inspection?—A. How much more would have been required to have cleaned the gun than what was done?

Q. Yes.—A. Oh, well, there would not have been—they had done pretty well everything that was to be done excepting the oiling of certain parts of it after it was cleaned, oiling it slightly.

Q. Would it take much less time to make this inspection than it would to clean the gun?—A. Oh, yes; if the gun had been fired it would take more time. If the guns had actually been fired, it would take

more time. If a gun is dirty from being fired, it would take from twenty to thirty minutes to clean it properly—that is, for inspection. But as all the guns were cleaned already, it did not take so long. You could easily see, after running the clean rags down in them and working them up and down, if they did not come out soiled, why the gun must be all right.

Q. If I remember correctly, Major Blocksom states—you know Major Blocksom?—A. Yes, sir.

Q. States that it would take but a few minutes to clean a gun after it had been fired.—A. I can not agree with him there, sir. There is no soldier, I don't care who he is, can clean a gun after it has been fired—that is, clean it properly, in less than twenty minutes. You can clean it in less time so that it would pass ordinary inspection.

Q. Well, in what time?—A. Oh, we will say ten to fifteen minutes.

Q. Is that the least time it could be cleaned in?—A. Yes, sir; the least time. You can not do otherwise.

Q. Would it ever take forty minutes?—A. No, sir; I don't know any case why it should require forty minutes to clean it, unless your gun had got in awful bad condition from rust. Of course, if it was full of rust, it might take forty minutes.

Q. Take a gun that was in good condition, and clean, and then fire it, say, from five to ten times.—A. It should be cleaned within twenty minutes.

Q. Within twenty minutes?—A. Yes, sir.

Q. Could it be cleaned in less time, sergeant?—A. It could not be cleaned in less time and pass a rigid examination, sir—that is, a rigid inspection, a careful inspection, such as the officers made on that occasion.

Q. How many noncommissioned officers were there in your company on duty on the night of August 13?—A. I don't know that I can give the number. I can name them, I think, sir. I will have to name them.

Q. If you could run them over in your own mind so as to save giving all the names.

Senator OVERMAN. Count them on your fingers.

A. There were four sergeants—that is, including the first sergeant—four sergeants.

By Senator WARNER:

Q. And how many corporals?—A. I think there were five corporals on duty. There was one corporal absent with leave, on pass.

Q. Now, to a man not familiar with the Army—and few of us are at these times—the duty of the sergeant is to see that his squad, his division, perform their duty, is it not?—A. Yes, sir.

Q. To see that none of them fall out of line, and that they obey orders?—A. Yes, sir.

Q. That is the duty of the sergeant, and under the sergeant there is a corporal, isn't there?—A. Yes, sir.

Q. And he is next to watch, to see that the men remain in line?—A. Yes, sir; that is, the corporal has the real supervision of the squad; yes, sir; he has the direct supervision of the squad, and the sergeant is in charge of the whole business.

Q. Of the squad?—A. Yes, sir.

Q. Of the corporal and the squad?—A. Yes, sir.

Q. Now, take your case; how many men were in your squad?—
A. In my section—sergeants are in charge of sections and corporals of squads. The section is divided into two squads.

Q. With two corporals?—A. Yes, sir; I can't be exact on the number of men I had, but about fifteen.

Q. Fifteen?—A. Yes; I will say fifteen.

Q. And those were divided into two squads?—A. Yes, sir.

Q. A corporal to each squad?—A. A corporal; yes, sir. Sometimes you might have three corporals, and just distribute them—

Q. I know, but let us confine to that night. There was one corporal away, you said, that night, on pass or on duty.—A. You want to know how many corporals—

Q. That night.—A. Oh, let me get at that, then. I was referring to something else. I had one corporal. One corporal was in charge of quarters, Corporal Powell, and the other corporal was on pass.

By Senator FORAKER:

Q. Let me ask you right there, have you seen Corporal Powell? Do you know whether he is here?—A. No, sir; I have not seen him. I don't think he is here. The last I heard of him he was in Fort Worth.

Q. Is Sergeant Green here?—A. No, sir; I don't think he has arrived here.

Q. Subpoenas were issued for them. Corporal Robinson, do you know him?—A. Yes, sir.

Q. Is he here?—A. No, sir. I heard this morning that he is on the way—somewhere down about Louisville. He is on the way here.

By Senator WARNER:

Q. When you had moved your company around from the front of Barracks D, to be deployed as skirmishers in the rear of the wall or fence, it was your business then to watch to see that the men retained their places, was it not?—A. Yes, sir.

Q. And of your corporal also?—A. Yes, sir.

Q. You did that, did you?—A. Yes, sir.

Q. That was your duty and the duty of other sergeants in the corps?—A. Yes, sir.

Q. You did see whether any man went out of the ranks or not?—A. I did not see anyone go out.

Q. You did see if anyone went out?—A. If anyone went out, I did not see him.

Q. It was your business to see?—A. Yes, sir.

Q. Was it light, so that you could have seen?—A. Well, yes, sir. Possibly a man could have gotten out without my seeing him. Yes, sir; in the dark; but I was in a pretty good position to watch to see that any man did not go out. That is, if he did I did not see him; but I could not say now that it was impossible for a man to have gotten out without my seeing him, because it might have been possible that a man could have gotten out without my seeing him, because after they deployed that left me between the center of the two squads. That is, they deployed first in squads a certain distance, about 15 paces apart, and then they would go from squads into skirmishers. After deploying into squads, they formed into one or maybe two squads of my section.

Q. And they had deployed as squads before the roll was called?—A. Sir?

Q. They had deployed as squads before the roll was called out there at the wall?—A. I don't remember, sir, whether we deployed before or after. I could not say.

Q. Let me call your attention, so as to understand. As I understand your testimony on yesterday, after you had deployed there, taken your position, Captain Lyon sent a noncommissioned officer up in the barracks to see if the men were all out?—A. Yes, sir.

Q. And that he reported that there was no one there, and then the roll was called?—A. After they were deployed, they were assembled and the roll was called, and then we went into the town to make patrol.

Q. It was after you had deployed that the roll was called?—A. Yes, sir; I remember now.

Q. I just want to get your understanding, Mr. Reeves.—A. Yes, sir.

Q. So in that condition you say a man might have gotten into the ranks without your seeing him, or out of the ranks—you did not say into the ranks. I withdraw that—that he might have gotten out of the ranks without your seeing him?—A. Yes, sir; he possibly could have gotten out without my knowledge, because that left me, as I say, in the center of the squad, where I had a pretty fair view, but it might have been possible for some man on my extreme left or right to have gotten out.

Q. It would have been equally easy for some one to have gotten in, would it not?—A. Well, no, sir; I don't think so. I think that would have attracted some more attention.

Q. Why?—A. For the simple reason that when the company was moved around a man might have fell out in the dark, he might have laid down or something, and during the excitement—

Q. Could a man have fallen in in the dark as well?—A. No, sir; he could not have gotten in; I am sure a man could not have gotten in after we deployed, without some one seeing him.

Q. I am speaking of you seeing him, not some one. I am speaking about you?—A. Oh, well; no, sir; no one could not have come in or out—that is of my squad—without my seeing him; no, sir.

Q. Come in or out—do you mean that?—A. Yes, sir; I mean he could not have gotten in or out.

Q. Of your squad?—A. Yes, sir; of my squad. Of course I can not speak for the others.

Q. So that when a few minutes since you said that one might have gotten out when you were deployed, because it was dark, you now modify that by saying that he could not have gotten out.—A. Yes, sir.

Q. That would be so with the other divisions, would it not, if the officers did their duty?—A. Yes, sir; it should be.

Q. Well, then, having counted the men in front of the barracks, what was the purpose of sending any one up in the barracks to see if any had skulked out of the ranks, as you said yesterday, I think.—A. Well, as I said yesterday, sir, I could not define that, only I guess it was the object of Captain Lyon to thoroughly satisfy himself.

Q. Thoroughly satisfy himself of what?—A. Well, that no one had fallen out since the company had started to move out—since they moved from the front, or during the excitement.

Q. When they were moving out of the quarters and around the barracks, could somebody have fallen out then without your knowledge?—A. Very likely; yes, sir.

Q. Could somebody have come in without your knowledge?—A. Well, at that time, very likely they could have; yes, sir.

Q. The fact is, is it not, Sergeant Reeves, I will ask you now as a soldier: These men were marching around there under the supposition that the fort was being attacked?—A. Yes, sir.

Q. It would have attracted more attention if you had seen a man dropping out, when you were going into a place of danger to fight, than for a fellow to come and get in, would it not?—A. Well, I don't think so, sir; not according to my feeling in the matter.

Q. But either could have occurred?—A. Yes, sir, either could have occurred, because in the place I was marching I had a certain vicinity that I could watch over, but I could not be responsible for what might have been going on in the rear of the company.

Q. When you were marching around there, where was the place of the first sergeant, Mr. Frazier?—A. He was two paces from the right, opposite the second file from the right. He was on the right of the company.

Q. On the right of the company?—A. Yes, sir.

Q. Now, a word more about this ammunition. When you left Niobrara you had twenty rounds of ammunition?—A. Yes, sir.

Q. Ten in the web belt and ten in the McKeever box?—A. No, sir; we had all twenty rounds in our web belts.

Q. What do you say?—A. We put all the ammunition we had in our web belts. That was the post order, that each man should carry in his web belt twenty rounds of ammunition; that was all that they had.

Q. And then you changed to the McKeever box after you got down to Brownsville?—A. Yes, sir; for the making of an inspection and so forth.

Q. When you wore the web belt out there upon drill, or whatever it was, the McKeever box with the ten rounds was back in the barracks, was it not?—A. Yes, sir.

Q. Hanging up?—A. Yes, sir; either hanging up, or some of the orderly men were so awful nice they kept theirs locked up; but others kept them as a general thing hanging up at the head of the bed.

Q. So as to be ready for inspection?—A. Yes, sir.

Q. And so it was with the belt, if you had the McKeever box the belt was hung up?—A. Yes, sir.

Q. You turned in your guns about two days after the Brownsville affray?—A. Yes, sir; something like two days.

Q. But kept your ammunition?—A. Yes, sir.

Q. Until you left Brownsville, when twenty rounds additional were issued to you?—A. Yes, sir.

Q. Upon ordinary drill, when you were called out for the drill in the morning—you had to drill every morning, did you not, after breakfast?—A. Yes, sir; we drilled.

Q. Now, what was the rule at Fort Niobrara as to whether you went out with the McKeever box or the web belt?—A. We wore the McKeever box.

Q. At Fort Niobrara?—A. Yes, sir.

Q. All the time you were there—on such drills I am speaking of?—A. Yes, sir; on such drills.

Q. And on target practice you wore the web?—A. On target practice, practice marches, and so forth.

Q. On practice marches, because that was the kind of belt you would wear in action, was it not?—A. Yes, sir.

Q. When was that order changed, if at all?—A. The order was changed—I don't remember the date—but it was changed after we arrived at Brownsville.

Q. How long after you arrived at Brownsville?—A. Well, a short while. I don't know just how many days, sir, but a short while after we were there. It was not very long.

Q. When, with reference to the Brownsville affray on the night of August 13?—A. What did we wear—

Q. When was the change made with reference to that date, whether it was before or after, Sergeant Reeves?—A. Oh, it was before—yes, sir; it was before.

Q. How many days before?—A. Oh, I don't know, sir. I am satisfied it was before.

Q. What is it that impresses itself upon your memory that that change was made before the 14th of August?—A. Well, for the simple reason that we did not wear any blouses there. We wore khaki trousers and leggings and chambray shirts, no blouses, it was so hot, and the major, after issuing the order that that would be the uniform for the garrison, then he issued the order that that web belt would be worn on all occasions; that is, until further orders.

Q. That order was made by Major Penrose?—A. Yes, sir; by Major Penrose.

Q. There was something said, Sergeant Reeves, about the treatment that the soldiers received at Brownsville, about one man being knocked down with a pistol and another pushed off into the river, and also that they were not permitted to go into the bars and drink at the same counter with the white men?—A. Yes, sir.

Q. You knew all of that?—A. Yes, sir; I heard of all that; yes, sir.

Q. You heard that discussed freely?—A. Oh, yes; it was all discussed.

Q. The treatment that you thought was not very fair or just to you?—A. Yes, sir; in a manner, that if a man was not doing anything more than what we could hear that he was doing, why certainly it was a matter of injustice; yes, sir.

Q. You thought wrong had been inflicted upon you?—A. Yes, sir; I knew it was; if a soldier did not do anything more than we heard he had.

Q. When you went down to Fort Brown from Fort Niobrara, you heard a discussion about what might take place when you got to Texas, and what they would do if they were treated badly?—A. Oh, no, sir.

Q. Not a word?—A. No, sir.

Q. When the saloon question came up, there is evidence here that they started a saloon of your own. That was by one Allison, was it not?—A. Yes, sir; an ex-soldier.

Q. An ex-soldier of Company B?—A. Yes, sir.

Q. Who had been discharged a few days before?—A. Yes, sir.

Q. Who was interested with him in that saloon?—A. Why, I can't tell you just definitely only what I have heard.

Q. By reputation?—A. A man by the name of Hollomon.

Q. John?—A. Yes, sir. John Hollomon.

Q. He was a member of what company?—A. B.

Q. And this saloon, of course, after pay day, on the 11th of August did a thriving business, did it not?—A. Yes, sir. It done a very good business. There were but few other saloons where the men could go and drink—the men that cared to do so—and it seemed that they were not looking for trouble; and after this man Allison opened up the saloon they just decided to give him their trade, and the other saloons where they could go.

Q. You knew John Hollomon, did you?—A. Yes, sir.

Q. Knew him at Fort Niobrara?—A. Yes, sir.

Q. What, if anything, did you know about his running a "blind tiger"?—A. I don't know anything about that, sir.

Q. By reputation?—A. No, sir; never heard anyone say that he did.

Q. Never heard that?—A. No, sir.

Senator BLACKBURN. Where?

A. At Fort Niobrara; no, sir.

Senator WARNER. I think that is all.

By Senator TALIAFERRO:

Q. I want to ask you a question or two, Sergeant. Are you a member of any secret organization?—A. No, sir.

Q. Are you a member of any social organization made up of the members of your company?—A. No, sir.

Q. None at all?—A. None at all.

Senator TALIAFERRO. That is all.

By Senator FORAKER:

Q. Have you ever entered into any agreement with anybody not to tell everything you know about this matter?—A. No, sir.

Q. You have at all times been ready and willing to tell all you know about it?—A. Yes, sir; at all times, sir.

Q. Now I want to get from you more definitely than we have yet got it just where you stood with respect to the company while it was being formed in front of the barracks after the firing commenced.—A. I stood near the center.

Q. Near the center?—A. Yes, sir.

Q. Were you in such a situation that you could see any man who would come around the building, as he would have to, as I understand it, coming from town?—A. Yes, sir; at that time, while the company was being formed, I could have seen any man that might have tried to have gotten into the ranks in any way. In fact I guess I did, because that was our duty at that time. The men were, a great many of them, excited. They was coming down the steps, trying to load their rifles, and all we could do was keep them from shooting each other.

Q. When the men got their rifles out of the racks, did each man get his own gun?—A. No, sir; he just got a rifle. It was so dark he could not see his rifle.

Q. One man would have another man's gun?—A. Yes, sir.

Q. That was true throughout the whole company?—A. Yes, sir; throughout the whole company.

Q. Now when you marched around to the gate, Senator Warner asked you if your position with reference to the company was such that you could see whether anyone dropped out or anybody dropped in. What was your position?—A. Well, I was still about the center of the company, marching on the right flank.

Q. So that there would be a part of the company behind you?—

A. Yes, sir.

Q. You could see whatever was in front of you?—A. Yes, sir.

Q. Did you see anybody coming in or going out of the reservation?—A. No, sir.

Q. At the gate or over the wall?—A. No, sir.

Q. Did you see anybody join the company?—A. No, sir.

Q. And the investigation that you refer to disclosed the fact that nobody had dropped out?—A. No one had dropped out.

Senator WARNER. Well, I should——

Senator FORAKER. I suppose we are trying to get the truth.

Senator WARNER. Now, Senator, I certainly am not objecting to getting the truth.

Senator FORAKER. No, I suppose not, but you are objecting to the form of the question.

Senator WARNER. I withdraw any objection, of course.

By Senator FORAKER:

Q. You spoke of practice marching. Had you been on a practice march about that time?—A. At Fort Brown?

Q. Yes. I will ask you whether you were on a practice march on the 13th.—A. On the 13th they made the weekly practice march.

Q. That is, the affair was the night of the 13th, and that Monday morning you had been on a practice march, had you not? I saw that stated somewhere.—A. Yes, sir; on the 13th. On the morning of the 13th we made a practice march of 12 miles.

Q. Just out into the country?—A. Yes, sir; 6 miles out and 6 in.

Q. You were asked, as I understood it, whether or not you heard the soldiers talking about what they would do to the citizens, or something like that. I will ask you, in a general way, did you ever hear of the soldiers making any threats of violence to the citizens before this firing?—A. No, sir; I have heard them discuss the matter freely, that we will not have any trouble; it is not necessary. We will just boycott them; will not spend any money with them.

Q. Now, as to Allison, the man who started the saloon, do you know where he is?—A. No, sir; I never heard of him since we left Texas.

Q. He was arrested and held by the civil authorities when you came away?—A. Yes, sir; that is the last I heard of him.

Q. This man Hollomon, he was a member of Company B?—A. Yes, sir.

Q. Allison's term had expired and he had been discharged a few days before you were paid off, as I understand it?—A. Yes, sir.

Q. And Allison was still in the service?—A. Yes, sir.

Q. Do you know whether or not, after Hollomon established his saloon out the garrison road, at the point that has been indicated, any branch saloons or other kinds of saloons were established by the citizen saloon keepers on the garrison road between the gate and Allison's saloon, fronting the garrison? Do you remember about that?—A. No, sir; I don't remember any at all.

Senator FORAKER. That is all.

By Senator WARNER:

Q. You say that you discussed the matter freely as to your treatment there at Brownsville and you decided that you would have no

trouble, but just boycott them. That, in substance, I think is what you said?—A. Yes, sir; that is, the men discussed it freely in the quarters, that since they did not want their money it was not necessary to go down and break up a saloon simply because a man refused them; that the easiest way was just to boycott them and go somewhere else.

Q. How did it come that you got into a discussion that it was not necessary to go down and break up a saloon?—A. Well, just like anything, the men in the quarters sitting and talking about their treatment, and some man would say, "Well, the easiest way would be just to boycott them, to go somewhere else."

Q. Had anybody suggested breaking up a saloon?—A. No, sir; no one had suggested it that I know of.

Q. Well, why should the remark be made then by anyone there that it was unnecessary to go down and break up a saloon?—A. Well, I don't know just why that was made.

Q. But it was made?—A. Well, I don't say that it was. I could not say that it was not made, but I did not hear anyone make the remark.

Q. Didn't you state a moment ago that it was said that it was not necessary?—A. It was freely discussed; yes, sir.

Q. That was discussed?—A. That was freely discussed; yes, sir; that it would be better to boycott them than it would—

Q. To go and break up the saloon?—A. Yes, sir.

Q. Now, I ask again, who, if anyone, had suggested the breaking up of a saloon?—A. Well, I say, not that anyone had suggested to break up a saloon, but I say it was just freely talked among the men.

Q. Was it one of you noncommissioned officers that made the suggestion to the men, "Now, it is better just to boycott them than to break up a saloon?"—A. It is always the instruction, the noncommissioned officers to the men, the best they could do, because in an organization they always have some men that would be liable to err in those things.

Q. Err in what?—A. That is, might go in a man's place somewhere because he refused him and want to start some trouble. Consequently, we do not want to have any trouble, did not want to have any trouble whatever, because, after it was seen how hard it was to soldier there, we just made up our minds to get along the best way possible.

Q. Just one other thing, Mr. Reeves. You said that at the time the call to arms was sounded the shooting was going on and there was great excitement among your men; that they were rushing down, and they took promiscuously their own gun or anyone else's gun.—A. Yes, sir; just so they got a gun.

Q. And so great was the excitement that there was danger of their shooting one another?—A. Well, I meant that some of the men, through the excitement, being that nervous, and while the shooting was going on, while they were falling into the ranks, they were trying to load their guns, and there had not been any command given to load their pieces, and there was not any given—that is, to D Company.

Q. And there was none given?—A. No, sir; not in D Company.

Q. At any time?—A. No, sir.

Q. Yet some of the men did load their guns?—A. They were trying to; they had not, but they were just trying to, some of the

younger soldiers being nervous, jerking their bolts out of the rifle and losing them.

Q. I do not know what you meant; you may state it yourself; it is in the record—you said it was all you could do to keep them from shooting one another.—A. Yes, sir; that is what I meant; when we were coming down, falling into the ranks, some of the younger soldiers were trying to load their pieces, and being nervous and trembling, just jerked the bolt out, and it was all—

Q. So, then, these men were paying but very little attention to the character of the shooting, but the shooting was going on?—A. Yes, sir; the shooting was going on, but I was trying to keep the men of the company from shooting each other—did not want that done—and the captain was doing all he could at the same time, and all the noncommissioned officers.

By Senator OVERMAN:

Q. When was the order made on the 13th that you were not to go out after 8 o'clock?—A. This was in the afternoon; I don't know, sir, what time the order was issued, but I got the order myself about 7 o'clock.

Q. Did you read it to the men?—A. No, sir. I mean the order was told to me, I think, by Musician Hoytt Robinson.

Q. Told to you by a musician?—A. Yes, sir. I was out on the street. I was not in the post; I was out in town.

Q. How was it then; was the order read to the men?—A. It was sent to the companies and the first sergeant; I don't know, sir, but I think he just sent to the quarters and announced it.

Q. That was an unusual order, was it?—A. Yes, sir.

Q. That was much discussed, was it not, among you?—A. Yes, sir; we discussed it. Nobody didn't know at that time what that meant, and we all said, "I guess they wanted the men to have a rest, or something; they thought they were going out and drinking."

Q. Had you been in the habit of going out at night before that?—A. Not after 11 o'clock, but we could stay out until 11.

Q. This particular night you were ordered to stay in?—A. Yes, sir; everybody was ordered in by 8 o'clock.

Q. That produced some feeling among the men, did it not?—A. I don't know, sir, about the feeling. They didn't derive any particular feeling—everybody wondered.

Q. They were not pleased with that order?—A. I don't know, sir. I didn't hear anyone use any dissatisfied remarks at all, only they were just trying to figure out why the major issued the order.

Q. You figured it out, did you not?—A. It was later figured out. I think the next afternoon—it was the next afternoon when the papers came out. We found out then, as a general thing, why the order was made.

Q. You had no suspicion before that?—A. None whatever. I hadn't heard anything myself, and I hadn't heard anybody else speak of it.

Q. What time did you come in that evening?—A. I got in about 7.30. That was about twenty minutes past 7, or something like that; but I was on my way back when I met the trumpeter, and he told me to come right on down.

Q. You did not hear of the order until half-past 7 o'clock, then?—
A. Well, before half-past 7. Half-past 7 I was back.

Q. About half-past 7, or between 7 and half-past?—A. Yes, sir; it might have been a few minutes later than that.

By Senator TALIAFERRO:

Q. Sergeant, do the men know their guns? Do you know your gun?—A. Yes, sir; every man knows his gun. He knows the number of it.

Q. You say that night there was so much confusion that you just took the guns as you came to them. Did you get your gun?—A. No, sir; I didn't get my gun. Somebody got my gun. I don't know who got it. In fact, I never did know.

Q. Was the cook's gun kept in the rack with the other guns?—
A. Yes, sir.

Q. How do you account for the cook getting his gun?
Senator SCOTT. That was the next morning, if you will allow me, that the cook got his gun.

A. That was the next morning.

Senator TALIAFERRO. The cook did not turn out that night?

Senator SCOTT. No; he said he was on the porch.

Senator WARNER. That is correct. He answered the roll call on the porch.

By Senator FOSTER:

Q. Did I understand you yesterday to state that Major Penrose was present at the inspection on the morning of the 14th, and that he took a part in the inspection?—A. Yes, sir.

By Senator WARNER:

Q. Just one other question. You had weekly inspections, did you not?—A. Yes, sir.

Q. Those were on Saturday morning?—A. Saturday morning; yes, sir.

Q. In which all turned out?—A. Yes, sir.

Q. Including the cook and all the rest of them? All had to turn out for inspection?—A. Yes, sir. One cook one Saturday and the next one the next Saturday.

Q. So if Dade, whose gun you said was in bad condition, turned out one Saturday, the other cook would turn out the next?—A. Yes, sir.

Q. So Dade would appear on inspection every two weeks?—A. Yes, sir.

Q. With his gun?—A. With his gun; yes, sir.

Q. I think yesterday you said Dade's gun was rusty and had cobwebs in the barrel?—A. Dirt and cobwebs; yes, sir.

Q. It got that way in two weeks, did it?—A. Yes, sir. It could have gotten that way. It could easily have gotten that way. The new Springfield rifle—you must keep it oiled, you must attend to it regularly, especially in that climate, as it is damp, and you must keep it properly oiled and cleaned or else it will rust in a short while, not only in a couple of weeks, but within a day's time.

Q. These were new Springfield rifles you had issued to you in August?—A. Yes, sir.

Q. About the 17th or 18th of August?—A. Yes, sir.

By the CHAIRMAN:

Q. You speak of the Springfield rifle. Is that peculiar to the Springfield gun? Does it require more or less care than the Krag-Jørgensen?—A. It requires more care, sir. So far as oiling, etc., it requires more care.

Q. Does it take longer to clean it?—A. Yes, sir; more parts.

Q. Does it have to be cleaned oftener?—A. Yes, sir.

Senator FORAKER. That is all, Sergeant. Call Albert Roland.

TESTIMONY OF ALBERT ROLAND.

ALBERT H. ROLAND was duly sworn and testified as follows:

By Senator FORAKER:

Q. Give us your name in full?—A. Albert H. Roland.

Q. Did you belong to the Twenty-fifth Infantry?—A. Yes, sir.

Q. What company?—A. D Company.

Senator FORAKER. I will put in evidence, so we may have it in connection with his testimony, his record as furnished by the War Department, found at page 267 of Senate Document 155.

The record referred to is as follows:

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 28, 1906.

By Senator FORAKER:

Q. Where was your home before you enlisted?—A. I was born in Virginia, but I was living and enlisted from Pennsylvania.

Q. What place in Pennsylvania?—A. Harrisburg.

Q. Where are you living now?—A. I am living in New York City, sir.

Q. Are you employed in any way?—A. Yes, sir; I am doing some canvassing work for a committee in New York.

Q. Canvassing work? Soliciting subscriptions, or something of that sort?—A. Yes, sir.

Q. I simply wanted to identify it. Were you in Brownsville the night of the 13th-14th of August, 1906, when the firing in Brownsville occurred?—A. Yes, sir.

Q. Where were you at the time?—A. I was in the quarters, in my bed, sir.

Q. What rank had you in Company D?—A. Corporal.

Q. You were a corporal at that time?—A. Yes, sir.

Q. Commence and tell in your own way all you can recollect about what occurred.—A. On the night of August 13, 1906, I was in my bed at Fort Brown, Tex., and I was awakened by shooting and the noise of the men getting up in the quarters. I got up and dressed as fast as I could.

Q. Talk a little louder, so we can hear better.—A. I got up and dressed as hurriedly as I could.

Q. Let me interrupt you there to ask you this. You were upstairs in the barracks?—A. Yes, sir; I was upstairs in the barracks.

Q. Was there any light there, or was it dark?—A. It was dark in the quarters, sir.

Q. Now, go ahead.—A. I got up and dressed as fast as I could, and during the time that I was putting my clothes on, the call to arms went. Then I went and got my rifle and belt—web belt.

Q. Right there, did you get your rifle or a rifle?—A. I got a rifle.

Q. Did you happen to get your own rifle or not?—A. No, sir; I couldn't say whether it was my rifle or not, because I didn't look at the number of it that night. I got a rifle.

Q. Then what did you do?—A. I went downstairs and fell in line.

Q. Where was the line formed?—A. In front of the barracks, right in front of Company D's barracks.

Q. What occurred down there? Who took charge of the company?—A. Captain Lyon.

Q. Was he there when you got down, or not?—A. Yes, sir; he was there in front of the company when I got down; in front of where the company was formed.

Q. Tell us what happened there?—A. After the men got in line Captain Lyon counted them off.

Q. He did what?—A. He counted the men off in front of the barracks. After they got in line he counted them off. He ordered them to fall in and counted them off. Then they moved the company around in the rear.

Q. First, before you leave that counting, do you mean they counted off one, two, three, four, or he counted?—A. He counted the company himself.

Q. Can you tell us with what result?—A. He counted the company and found all the men in line.

Q. Then what happened? First, now, about the firing. Had that ceased or not?—A. No, sir; when I got downstairs and I fell in line the firing had not ceased yet.

Q. About what place in the company did you take?—A. I was the seventh man in the front rank, from the right.

Q. The seventh man in the front rank, from the right?—A. Yes, sir.

Q. Could you or not have seen anybody coming around the barracks to join the company?—A. Not in the position that I were in, sir. I was in the front rank.

Q. Well, go ahead. You marched around to the rear, you said. What occurred there?—A. Then he gave the command "Line squads," and that formed a skirmish line on the wall in the rear of the barracks. Then he had the roll called.

Q. Do you know with what result?—A. The result was that we was all present or accounted for.

Q. Did you see anybody going out or coming into the barracks after you got awake?—A. No, sir; I did not.

Q. Up to the time when your company went out?—A. No, sir; I did not. There wasn't anyone going out or coming in.

Q. Your company patrolled the town that night, did it?—A. Yes, sir.

Q. Were you with the company?—**A.** Yes, sir; I were.

Q. State whether you saw any soldiers or members of your company join the company, who did not leave the reservation with you, while you were out patrolling the town.—**A.** I did not. I didn't see any soldiers join the company.

Q. Did you find any soldiers out in town at all?—**A.** No, sir.

Q. When you came back to the fort, what did you do?—**A.** We came back and went inside of the reservation. We lied down on the ground for about three-quarters or probably an hour.

Q. Then what happened?—**A.** The battalion commander, Major Penrose, told Captain Lyon that he could dismiss his company for the night.

Q. Were you dismissed?—**A.** We were dismissed and went up and put our arms in the racks, and we went back to bed.

Q. Were the lights kept burning, or were they put out when you went to bed?—**A.** When we went to bed the lights were put out again—after we went to bed.

Q. Then what next happened, so far as you can tell us?—**A.** We got up at the first call the next morning and attended reveille. We had breakfast, and then after breakfast, at the regular hour for drill we fell out for drill, and instead of being drill it was an inspection.

Q. Did you know you were going to have inspection before you went into ranks?—**A.** No, sir; I fell out with the intention of drill. I didn't know anything about the inspection.

Q. Did you have your gun at that time?—**A.** Yes, sir; I had my gun.

Q. What kind of an inspection? By whom conducted?—**A.** It was conducted by Captain Lyon and Major Penrose.

Q. Was Major Penrose present?—**A.** He was not in front of my company, but he was there between the B and D companies, and after Captain Lyon inspected his company he reported the facts to the major.

Q. He was present where he could see the inspection as it was being made?—**A.** Yes, sir.

Q. With what care was that inspection made by Captain Lyon? Was it a careful inspection or otherwise?—**A.** When we fell in for drill, I was expecting to drill, and instead of drill he gave the command, "Open ranks." Then he gave the command, "Inspection arms." Then he come around and taken each rifle, and the rifles that were perfectly clean, that he didn't think they had been shot, that didn't look like anything had went through them, he let them stand in the ranks, and the ones that looked as though they had been anyways dirty at all, he stepped them back.

Q. Out of ranks?—**A.** He stepped them out of ranks, and ordered the quartermaster-sergeant to get a rag and a rod—a clean rag and a rod—in order to run through these rifles to see whether they had been shot or not, and he dismissed the men that the rifles was perfectly clean. Then, after he ran these rags through these rifles, he then reported the fact that those rifles had not been shot—the ones that he ran the rags through.

Q. After the rifles were all inspected in that way, was there any further inspection?—**A.** Yes, sir; he inspected the ammunition.

Q. How was that ammunition carried at that time?—**A.** We had the McKeever box and web belt. We carried ten rounds in the McKeever

belt for guard mounting, and we carried ten rounds in the web belt at that time for field service; that is, when we were going out on practice marches.

Q. So that the ammunition in the McKeever box was a different kind of ammunition from that which was in the belts?—A. No, sir; both the same ammunition.

Q. Both the same?—A. Yes, sir.

Q. I thought you used what you call reduced-range cartridges for guard duty?—A. No, sir; we use the same ammunition for guard duty. They had that, but they never issued it to us.

Q. That is, in D Company?—A. Yes, sir; not in D Company.

Q. I say in D Company, that is the way it was?—A. Yes, sir.

Q. Which did you have on that morning when you were inspected, the McKeever box or the web belt?—A. I had the web belt.

Q. What did the other men have on?—A. I couldn't say what all of them had on. Some of them had on the web and some of them had on the McKeever. I didn't notice all of them, what they had, whether they had on the web or the McKeever. They kept both belts hanging up right at the head of the bed. Some of them might have had on the McKeever box. I couldn't say.

Q. State whether or not Captain Lyon did inspect your ammunition to see whether it was all there.—A. He inspected the ammunition.

Q. State with what result he made that inspection.—A. And reported that all the men had their ammunition. He made the report that all of them had their ammunition.

By Senator OVERMAN:

Q. Right there, who did he make that report to?—A. Major Penrose.

Q. You heard it out loud? Did he speak it out?—A. No, sir; he didn't speak it out to me.

Q. How do you know he reported that?—A. He makes his report to the major.

Q. You say he made the report that they were all right. Do you know that of your own knowledge?—A. I didn't hear him make it, but he said in the company that all the men had their ammunition—in the company.

By Senator FORAKER:

Q. You heard him say that?—A. I heard him say in the company that all the men had their ammunition.

Q. You did not hear him make his report to Major Penrose?—A. No, sir; not to Major Penrose.

Q. At any rate, so far as you observed and so far as you have ever learned, there was not any ammunition missing?—A. No, sir.

Q. And there were no dirty guns?—A. No, sir.

Q. Corporal, you were at Niobrara when you got your new guns and your new ammunition. Where was it you did your target firing last year?—A. At Fort Niobrara.

Q. Can you tell us whether or not in connection with target firing each man is given his ammunition in such a way as to hold him responsible for it?—A. Yes, sir.

Q. I do not want to go over it in detail.—A. Yes, sir. When a man is called up on the firing point to fire, he is designated to shoot five or ten shots. Whichever number he is designated to shoot, he is handed

that amount of ammunition, and he is seen that he fires this amount of ammunition.

Q. If he does not fire it all for any reason, for instance, his gun getting out of order, or anything like that, what becomes of the cartridge?—A. He returns it back.

Q. He is required to turn it back?—A. Yes, sir.

Q. Is all that distribution of cartridges and firing of cartridges in target practice under the eye of an officer?—A. Yes, sir.

Q. And a noncommissioned officer?—A. And a noncommissioned officer.

Q. Are they strict or not about the use of cartridges for target practice?—A. Yes, sir; they are.

Q. If a man fails to fire the number he is designated to shoot, what happens to him if he has not a good excuse?—A. If he has not a good excuse, he is court-martialed for it.

Q. And if he fires too many cartridges at the particular point designated in target firing, what happens then?—A. He will have to give a good excuse or else he is court-martialed.

Q. Do you know of any place at Niobrara or Brownsville where your men could get any surplus ammunition?—A. No, sir; I do not.

Q. Do you know what was done in respect to your guns and ammunition, if anything at all, after this firing, before you left Brownsville? Were they left in your hands, I mean, or were they taken up?—A. The rifles and ammunition?

Q. Yes.—A. The ammunition was not taken up at Brownsville, but the rifles were taken on the morning of the 14th. They taken the four gun racks and put them down in the orderly room—the first sergeant's room.

Q. They were locked in there?—A. They were in there; locked in the racks.

Q. Did you remain in possession of your ammunition until you left there?—A. Twenty rounds of ammunition; yes, sir.

Q. You did not have rifles, but you did have your ammunition?—A. Yes, sir.

Q. Why would they leave your ammunition with you if they took your rifles away from you?—A. They left the twenty rounds. We kept the twenty rounds of ammunition, but the rifles were down stairs, locked in the racks.

Q. That continued up until the time you left there?—A. Yes, sir.

Q. Was any additional ammunition given to you before you left Brownsville to go to El Reno?—A. Not to D Company.

Q. There were not twenty additional rounds issued to you, then, before you left there?—A. Not D Company; no, sir.

Q. Did you ever surrender this ammunition at any time to anybody, and if so, when and where?—A. This here twenty rounds of ammunition, I turned it in at El Reno, Okla., before I was discharged.

Q. That is, you turned in your twenty rounds?—A. I turned in my twenty rounds.

Q. Do you know what the other men in your company did, whether they turned in theirs?—A. Yes, sir; I can say that I seen some of them turn it in, but I was not there at the time that all of them turned their ammunition in, because I was not required to stay there.

Q. But you turned yours in. Was it counted?—A. Yes, sir; mine was counted.

Q. To whom did you turn it over?—A. I turned it in to Quartermaster-Sergeant Green, under Lieutenant Hagan, first lieutenant.

Q. So your ammunition count was perfectly straight?—A. Yes, sir.

Q. Did you ever have any surplus cartridges in your possession at all?—A. No, sir.

Q. After you got these new guns?—A. No, sir.

Q. And you had every cartridge you were charged with?—A. Yes, sir.

Q. And every cartridge you ever received?—A. Yes, sir.

Q. Do you know who did this shooting at Brownsville?—A. No, sir; I do not.

Q. Did you have anything to do with it?—A. No, sir; I did not.

Q. Do you know anybody in your company who had anything to do with it?—A. No, sir.

Q. Have you any reason to suspect anybody in your company with having had anything to do with it?—A. No, sir.

Q. Have you ever withheld from anybody any knowledge that you may have had with regard to this shooting affray—refused to tell anybody anything about it?—A. No, sir; I told everything that I knew about it. Everything I knew about it I have told.

Q. I will ask you further. I ask you particularly about your own company. Had you any suspicion as to any man in the battalion; that is, in any of the Companies D, B, or C?—A. No, sir; I have not.

Q. If you had any knowledge, would you give it to us if we would ask you for it?—A. I haven't any, sir. I haven't any knowledge.

Q. I call for any knowledge you may have on the subject.—A. I haven't any.

Q. Now, about these guns. Are you familiar with the cleaning of these rifles?—A. Yes, sir.

Q. Give us your idea of how long it takes to clean one of these guns that has been fired, say, half dozen times, so as to make it fit to pass inspection—clean enough to pass inspection.—A. To clean one of these rifles, from the experience I have had in the Army, it takes me from twenty-five to thirty minutes.

Q. Twenty-five to thirty minutes?—A. Yes, sir; to clean one of them so that it will pass inspection.

Q. It has been said here that an expert soldier, working hard, could clean one of them perhaps in ten minutes.—A. Perhaps he could, but I can't clean one of them—not after it has been shot four or five times—I can't clean one of them in that time; not so it will pass an inspection under our officers.

Q. Did you ever see anybody who can clean one in ten minutes?—A. No, sir; I have not. I have never seen nobody.

Q. How much time is ordinarily taken by men? You have been an officer a long while. You must have seen men cleaning their guns a long while?—A. The time that I would give any man, or take myself; it takes me from twenty-five, or any man; I would give any man twenty-five to thirty minutes to clean one of these rifles, so it would stand inspection.

Q. A man could not clean one of these rifles while running back from where this firing was, from the farthest point from the fort, to the fort? He could not clean it while on his way back to the barracks, if he had been down there firing, you think?—A. No, sir.

Q. Could a man clean this rifle in the dark so as to make it pass inspection?—A. No, sir; he can't clean it in the dark.

Q. Can he clean it without water?—A. No, sir; he has got to have some kind of water to get this powder; you have got to have oil and water.

Q. Can he clean it without a cleaning rod?—A. No, sir.

Q. I understand there is no cleaning rod furnished with each gun, but only a certain number, four or five, for each company?—A. It is four of those brass rods furnished to each company.

Q. And they are kept by a noncommissioned officer?—A. By the chief of each section.

By Senator LODGE:

Q. You said that while you were dressing and preparing to join your company you heard the call to arms sounded?—A. Yes, sir.

Q. Do you know who ordered that call sounded?—A. No, sir; I do not.

Q. You said that the next morning, the 14th, there was the regular call for drill—you did not know it was going to be an inspection, but it was a regular call for drill?—A. I said that we fell out for drill, sir.

Q. I mean that it was the usual call for drill, was it?—A. Yes, sir; the usual call.

Q. At the usual time?—A. Yes, sir; at the usual time.

Q. About what time was that?—A. That was onto about 7 o'clock; 7.10, probably.

Q. About 7.10 was the usual time?—A. For drill call.

By Senator WARNER:

Q. You say you are at work now for a committee?—A. Yes, sir.

Q. What committee?—A. It is a committee that was formed in New York, called the committee of one hundred.

Q. What for?—A. For any defense that they choose to use it for. It is not any particular.

Q. Defense of what?—A. That we choose to use it for in making the collection; that is, getting money together to—it is a committee formed that they might collect money to use for any defense. They don't state any particular—any that they choose to use it for.

Q. For any defense?—A. That they choose to use it for.

Q. For what kind of defense?—A. I don't know, sir, what they defense it for.

Q. For what class of persons?—A. For what class?

Q. Yes.—A. It was the colored nationality.

Q. The colored nationality?—A. That I was doing this work for; that is, working for this committee.

Q. Was not that committee to secure evidence in the matter of the discharge of Companies B, C, and D of the Twenty-fifth Infantry?—A. The letter I carries around stated that they would use it for any defense they choose to.

By Senator OVERMAN:

Q. Have you the letter with you?—A. No, sir; I haven't got it with me.

By Senator WARNER:

Q. You were furnished with that letter by whom?—A. By the officers of this committee.

Q. Who are the officers?—A. One of them is Rev. Charles Morris, and Reverend Gilbert, and Reverend—I can't think of this other reverend's name. I only know two of them.

Q. That is connected with the Constitutional League, is it not; or is it the Constitutional League?—A. I don't know whether they belong to the Constitutional League or not.

By Senator TALIAPERRO:

Q. Have you not a memorandum of it in your pocket?—A. No, sir; I have not. I left everything in New York. I left everything with the secretary.

By Senator WARNER:

Q. Your duties called you where, working for this committee?—A. They calls me as collecting for them.

Q. Collecting?—A. Yes.

Q. Collecting evidence?—A. Money.

Q. And also evidence?—A. No, sir; it is no evidence to it.

Q. When you apply to people for money, you tell them what you want that money for, I suppose?—A. Yes, sir; the letter does.

Q. Your credentials show that?—A. Yes, sir.

Q. And that is since the discharge of Companies B, C, and D?—A. Yes, sir.

Q. Where did you enlist from?—A. From Harrisburg.

Q. And you are now in New York City. New York City is your headquarters, with this committee?—A. Yes, sir.

Q. When you got up, when you were aroused from your sleep by this firing, was there much excitement in Company D?—A. It seemed as though there was a great deal of excitement—the men getting up, sir.

Q. Where was the firing when you got up?—A. The firing was in the rear. It seemed as though it was in the town, from what I could hear of it.

Q. In the rear of the barracks of Company D?—A. No, sir; it was down in the town, in the rear of B.

Q. B and C?—A. B and C. It seemed as though it was in that section of the town.

Q. You see B and C here on the map?—A. Yes, sir.

Q. You know where Washington street is?—A. No, sir; I don't know any streets.

Q. There is Washington street there [indicating]. Elizabeth street is the one that comes into the main entrance to the fort. You come off of Elizabeth street right here [indicating].—A. Yes, sir.

Q. There is the gate [indicating], you know. You come in from Elizabeth street?—A. Yes, sir.

Q. And Washington street is the next street to the right of Elizabeth as you are going out of the fort. Here is the barracks of Companies B and C [indicating]. So that firing seemed to be over in town and back of those barracks, or one of them?—A. Yes, sir; that is where I heard the firing, back in there.

Q. How many shots did you hear?—A. I couldn't say. About 75 or 80, probably, more or less. I couldn't say exactly how many.

Q. How was that shooting?—A. How was it?

Q. By volleys?—A. No, sir; it sounded as though they were firing at will.

Q. Was it sometimes in volleys?—A. No, sir; I didn't hear any volleys.

Q. Just firing at will?—A. It seemed as though the firing was at will.

Q. I understand by firing at will you mean each man firing?—

A. Yes, sir; firing to suit himself.

Q. A volley is where they are firing together at the same time?—

A. Firing together.

Q. As near as can be?—A. Yes, sir.

Q. When you formed and went down you formed in front of barracks D, did you not? I will not take any time with this, because it is conceded, I think.—A. Yes, sir.

Q. What was the first thing that was done after you formed?—A. The first thing we did, the captain—Captain Lyon—walked down in front of the company and counted the men. That was the first thing he did.

Q. He walked down in front of the company and counted the men?—A. Counted the men in front of the barracks.

Q. Was that usual?—A. No, sir; he had not been doing that.

Q. It was not usual?—A. No, sir; it was not usual.

Q. How was it not usual?—A. The usual way, the men count off themselves.

Q. When you say count off themselves, how?—A. They count off—after the first sergeant calls the roll he gives the command to count off.

Q. One, two, three, four?—A. One, two, three, and four, and so on.

Q. So that the men know their files?—A. Yes, sir.

Q. But that was not done on this occasion?—A. No, sir.

Q. They simply counted by squads?—A. When the captain counted the company he simply gave the command to count the squads.

Q. That is, you mean by squads, under charge of a corporal?—
A. Yes, sir.

Q. Consisting of seven?—A. Seven privates and one corporal.

Q. That is the way they counted off, and they did not count off the files?—A. One, two, three, four; no, sir.

Q. After the captain went down and counted the men you say that he found that all were in line?—A. He found that all was present or accounted for.

Q. Yes.—A. Yes, sir.

Q. How do you know that?—A. He counted them and he said: "All of the men are here." He says: "All of the men are here."

Q. Did Captain Lyon announce to the company: "All of the men are here?"—A. "All of the men are here." He said: "I see all of the men are here."

Q. You heard him?—A. He says: "All of the men are here."

Q. Yes.—A. The first sergeant also; the first sergeant said that all of the men were there or accounted for; all those not there were accounted for, on guard.

Q. How long have you been in the Army?—A. Ten years seven months and ten days, when I was discharged.

Q. In all those years did you ever hear the captain of a company announce to the company, "All of the men are here and accounted

for?"—A. I heard Captain Lyon say that night: "All my men are here."

Q. Did you ever hear before such an announcement?—A. Yes, sir; I have heard officers say before: "All my men are here."

Q. That is customary?—A. I have heard it said very often; that is, in foreign service, when we would fall out for anything he would say: "All my men are here."

Q. Did you ever hear it at Fort Niobrara?—A. No, sir; I never noticed it, but—

Q. Did you ever hear it before at Fort Brown?—A. Before, at Fort Brown? No, sir; I never took any notice to it before.

Q. Yes; you never took any notice to it before?—A. No, sir.

Q. But you did notice it this time?—A. Yes, sir; I heard it.

Q. There was more excitement and more hurry in getting the men out this time than there ever was in Fort Niobrara during all the months that you were there, was there not?—A. Yes, sir.

Q. The fact is, is it not, that you, in common with others, thought that the fort was being assaulted; that an attack was being made on the fort?—A. I didn't know what to think when I first waked up. When I first waked up I first thought it was fire call.

Q. But you heard the call to arms?—A. When the call to arms went, I didn't know what it was.

Q. You heard the firing uptown?—A. Yes, sir; I heard it.

Q. And the call to arms was sounded?—A. Yes, sir.

Q. Now, what impression was there upon your mind, if any, then?—A. After I considered and heard so many shots—I thought it was fire call when I was first aroused, but after that I heard so many shots I thought some of the surrounding people of those ranches might have come in there and gotten intoxicated or might be raising a disturbance in the town; I didn't know.

Q. Did you have any anxiety about whether any of your men were down there or not?—A. No, sir; I did not think. I didn't have any idea.

Q. No anxiety about that?—A. I didn't think anything about the soldiers being there.

Q. After the captain had counted the men in front of the barracks, and you were ordered to move around in front of the wall there, the roll was called?—A. Yes, sir.

Q. The roll had not been called before that?—A. No, sir.

Q. The firing had ceased at that time?—A. Yes, sir.

Q. What position were the men in when that roll was called?—A. They were in a line of skirmishers on the wall.

Q. Lying down in the grass?—A. No, sir; standing up by the wall.

Q. They were standing up by the wall? How high was that wall?—A. It was—I don't know the distance. I couldn't say exactly how high that wall is.

Q. Was that not rather a queer position for you to be in when the firing was down there, and you went down to protect the fort, to stand up there in front of the wall?—A. No, sir; you couldn't see anything lying down behind the wall.

Q. Could you not have kneeled down?—A. You could not see over the wall then.

Q. You could not have kneeled down?—A. You could not have been of any service to have kneeled down behind the wall, because you could not do any shooting over the wall if you kneeled down.

Q. So that you did not kneel down?—A. No, sir; I was standing up myself.

Q. You had charge of your squad—your men?—A. Yes, sir.

Q. And you saw that they stood up. If a man had knelt down, you would have thought that he was trying to skulk, would you not?—A. Yes, sir.

Q. So that that is clear to your mind. When you got there the roll was called, and as I understand all were present or accounted for then?—A. Yes, sir; that was the report that the first sergeant made. He called the roll and made the report to the captain on the wall.

Q. You heard him make that report?—A. Yes, sir; I did.

Q. You heard him say—what did he say?—A. "All present or accounted for."

Q. Did you hear the captain make any remarks?—A. The captain did not make any remark then.

Q. How soon after you got around there was the roll called?—A. As near as I can guess at it, in about—as near as I can guess at it, it was about three or four minutes, along about four or five minutes, I guess; as soon as we formed a line the captain ordered the roll to be called.

Q. Four or five minutes after you got around there?—A. As near as I can guess to it. I couldn't guess exactly what the minute was.

Q. About how long after you heard the shooting was it that you got on your clothes and got down stairs and got into the line in front of the barracks D?—A. From the time that I heard the shooting?

Q. Yes; you were asleep and were awakened by the shooting?—A. I got down within five or six minutes.

Q. Within about five or six minutes you got down?—A. Yes, sir; I got there.

Q. And how many minutes were you in front of barracks D?—A. From the time I got up and got my clothes on and got down it was about five or six minutes.

Q. Yes; and how long were you in front of Company D forming, when they were being counted, before you moved around to the wall?—A. It didn't take the company over—as the men came down they fell in the line.

Q. I know.—A. I couldn't say exactly how long that was.

Q. About how many minutes—five or six minutes? Could you do it in that time?—A. Could do it in less time.

Q. You moved out and moved down the line and then moved around to the wall?—A. Yes, sir; about four or five minutes.

Q. In calling the roll at the wall how was the light?—A. How was the light?

Q. Yes.—A. The sergeant had a lantern.

Q. He had to go and get one, did he?—A. He had one with him; had it with him when he started around.

Q. He had a lantern with him when he started around from in front of the barracks?—A. Yes, sir.

Q. Will you tell the committee, corporal, when you were going to defend the fort, what was the use of carrying a lantern?—A. When we were going to defend the fort what was the use of carrying a lantern?

Q. Yes; that is the question.—A. Well, if we were going to defend the fort—I didn't know that we were going around to defend the fort.

Q. Oh!—A. No, sir.

Q. Well, was it not a very unusual proceeding for the first sergeant of the company to be carrying a lantern?—A. He is subject to orders.

Q. Of course.—A. He had the lantern to call the roll with.

Q. I know; but you say that he had it when you started from around in front of barracks D?—A. I do not know what his object was in carrying it.

Q. But he had it?—A. He had it.

Q. Yes. Was anybody sent up into barracks D to see if any of the men were skulking up there in the quarters and had not come out?—A. Not that I know of.

Q. You were a noncommissioned officer, and sergeant?—A. A corporal.

Q. A corporal; pardon me. Speaking of the lights in the barracks, after you came back from patrolling the city—I will not go over that—you lay around on the ground for an hour to three-quarters of an hour, subject to call?—A. Yes, sir.

Q. What do you say?—A. We were laying around on the ground for three-quarters of an hour; yes, sir.

Q. And during that time the men straggled around as they saw fit?—A. No, sir; they did not straggle around as they saw fit. They were lying down on the ground together.

Q. What is that?—A. They were right in touch with each other, on the ground.

Q. I am asking you a very plain question. They had the privilege of moving around as they saw fit?—A. They had that privilege?

Q. Yes.—A. No, sir; because they were not allowed to fall out of line unless they ask to do so. The company commander said when he halted us—he said "You men halt here;" and when they halted the men sat right down on the ground. They were at ease, and when they are at ease they are not allowed to straggle all over the place.

Q. At ease they can sit down?—A. Yes, sir; they can sit down right on the ground where they are set.

Q. Then you put up your guns and you went up to your barracks?—A. Yes, sir.

Q. And the light was put out in the barracks, you say?—A. Yes, sir.

Q. You went to sleep?—A. Yes, sir; I did.

Q. How many lights there were after that in the barracks you do not pretend to know—you do not know?—A. I do not know, sir.

Q. What means did you have of lighting the barracks?—A. In the barracks?

Q. What was there to light the barracks, lamps?—A. Lamps. We had lamps. We had these swinging lamps.

Q. How many, if any, were lighted after you went to sleep; of course you do not pretend to know?—A. After I went to sleep?

Q. Yes.—A. No, sir. Of course after I went to sleep I don't know how many.

Q. When you say there were no more lights there, you mean so long as you were awake?—A. The lights were put out; after I got back in the barracks and laid down the lights were ordered out and put out.

Q. As to the inspection of the guns the next morning, a few men, three or four, were ordered to step out of the ranks to the front, because their guns did not look just right?—A. Yes, sir.

Q. That is correct, is it?—A. Yes, sir.

Q. How many, would you say?—A. I could not say exactly how many.

Q. Three or four or five? I do not care exactly.—A. Yes; somewhere about that. I could not say the exact number.

Q. While those men were standing there what was done with the rest of the company—were they dismissed, the rest of the company?—

A. The rest of the company were inspected.

Q. They had been inspected?—A. They were inspected. As the captain would get to these men he would look at the guns, and if they didn't look exactly right he would step them out as he went down the line inspecting the company.

Q. Yes; I understand that.—A. And he would step them out.

Q. Those three or four men are stepped out in front of the company. What becomes of the rest of the men while they are standing there?—A. After the captain finished inspecting he let them fall out.

Q. Does he let the rest of the company fall out while those three or four are still standing there for inspection?—A. While they are standing there?

Q. Yes.—A. He had the whole company, inspecting them. During the inspection when he would get to these men he would step them out.

Q. I understand; we have got that, Corporal.—A. He would step them back in the rear or out in front, where he wanted to inspect afterwards.

Q. Yes.—A. And then after he inspected the company, why then he run through, taking these here men, and had the quartermaster-sergeant get a rod, and inspected these men.

Q. But I am asking you a very plain question. Did the rest of the company remain there all the time that they were going after the rod and the guns of these three or four or five men who were being inspected with the rod, or were they dismissed?—A. They were not dismissed.

Q. They remained there?—A. Yes, sir.

Q. That is what I have been trying to get at.—A. Yes, sir.

Q. Was the rod used on the guns of any except these three or four or five who stepped to the front?—A. Was the rod used?

Q. That is the question.—A. The rod was not used on any of the guns excepting those that were stepped back.

Q. You are quite clear about that?—A. Yes, sir.

Q. When you fell out for the ordinary morning drill, which was about 7.10 o'clock, I think you say, that was every morning, was it not?—A. Along about 7 o'clock—along about 7.10—I don't know exactly.

Q. That was every morning in the week except Saturday, which was inspection?—A. That was drill morning, when we fell out.

Q. And when you fell out for drill, I have forgotten which you said, whether you wore the McKeever box or the web belt?—A. For drill?

Q. Yes; for ordinary drill.—A. We wore the McKeever box for drill.

Q. The McKeever box?—A. Yes, sir.

Q. And this morning you fell out for drill, this morning of the 14th?—A. Yes, sir.

Q. And then you wore the McKeever box that morning?—A. Yes, sir.

Q. When was it that you wore the web belt?—A. I had the web belt on the night when we fell out—that is, when I fell out; when this call to arms came I put on the web belt.

Q. That was because there was a call to arms; that is what you used?—A. Yes, sir.

Q. And you used that also for target practice?—A. Yes, sir; for target practice.

Q. And you also used the web belt in practice marches?—A. Yes, sir; in practice marches.

Q. But in the ordinary drill you wore a McKeever box?—A. Yes, sir; the McKeever box.

Q. That is what that is for?—A. Yes, sir.

Q. And that is what you wore that morning?—A. Yes, sir.

Q. Now, there was an inspection of the ammunition made that morning?—A. Yes, sir.

Q. By Captain Lyon?—A. Yes, sir.

Q. What do you know about the men having their ten rounds of ammunition in the McKeever box—whether they had them or not?—A. Do I know about it?

Q. Yes.—A. When the captain passed down the line, as he got to the men he says, "You have your ammunition." "Yes, sir." That was as he passed down the line.

Q. Let me see a moment. The captain as he passed down the line inspecting would ask the men "You have your ammunition?"—A. Yes, sir; and also his box is around where the captain can see it himself; it is open.

Q. Yes; but let us stick to this one point. As he went down the line he would ask the men—A. No, sir. He would not ask him. He says to him, there, he says, "You have your ammunition."

Q. Oh!—A. He sees whether he has it or not. He speaks to him and says, "You have your ammunition."

Q. So that to each man he inspects he says, "You have your ammunition?"—A. Yes, sir.

Q. Is that usual?—A. Is that usual?

Q. Yes.—A. Yes, sir; it is usual.

Q. Every time he inspects?—A. Not every time, but—

Q. Did you ever hear an officer before that say to a man when he was inspecting his ammunition, whether it was in a McKeever box or a web belt, "You have your ammunition?" Did you ever hear him say that to each man?—A. Yes, sir.

Q. Where?—A. In going out on field and also inspection. Lots of times he says it. He goes along and sees the boxes open and he sees the ammunition as he goes behind him and he says, "You have your ammunition."

Q. As he goes behind him he says, "You have your ammunition?"—A. Yes, sir.

Q. You have heard him say that?—A. Yes, sir.

Q. You heard him say it this morning?—A. To the men nearest to me I heard him say it.

Q. And that is the only way you know whether the ammunition was there or not, when you say that all the men had their ammunition?—A. The report was made that all the men had their ammunition.

Q. The report was made, just as you have stated, as to the men, that the captain said to the men, "You have your ammunition?"—A. The report was made that every man had his ammunition.

Q. So that you will not be confused in the matter, let me ask you. You say that the report was made. What report do you refer to?

A. What report do I refer to?

Q. Yes.—A. That is, the captain inspected and he made the report that all the men had their ammunition.

Q. He made the report to whom?—A. He made the report to the commanding officer.

Q. Major Penrose?—A. Yes, sir.

Q. What did he say to Major Penrose?—A. He said: "My men have all their ammunition."

Q. You heard that?—A. Yes, sir.

Q. What did he say about the guns of the men to Major Penrose?—A. What did he say?

Q. Yes.—A. When he made the report about the rifles, the major was then in B and D companies, and the major came down after that to where the company was, and he says: "My men have their ammunition."

Senator SCOTT. I will suggest to the committee that it is after 12 o'clock, and I think most of us have business on the floor.

Senator BLACKBURN. I do not want this witness to go, Mr. Chairman, until he is advised that he must bring that letter that he speaks of, which he is acting under, here. Where is that letter?

The WITNESS. In New York City.

Senator BLACKBURN. I want that letter.

Senator FORAKER. In this connection, give us the number of the office of the committee.

The WITNESS. The office?

Senator FORAKER. Where do they have their headquarters, if they have any?

Senator SCOTT. Where is their house; where is their room?

The WITNESS. The president of the committee—

Senator FORAKER. They have a public office?

The WITNESS. No, sir.

Senator WARNER. I may want to ask two or three questions afterwards. That is all I have now with this witness.

Senator BLACKBURN. I want to know who employed him, and I want him to file that letter.

Senator SCOTT. He can do that later.

Senator LODGE. I have just one or two questions to ask.

By Senator LODGE:

Q. You said that the drill was at the usual hour, about 7 o'clock. When did you breakfast—just before drill?—A. Yes, sir; just before drill.

Q. Was it just before?—A. Yes, sir; just before.

Q. There was no time between breakfast and drill. You breakfasted and went right to drill?—A. No, sir; breakfast is after reveille, between reveille and roll call. The time between reveille and roll call, I don't know exactly what the time is, but it is not very long after breakfast.

Q. You have reveille and then you dress, and there is not much time between breakfast and the drill, I suppose?—A. No, sir.

Q. Did you breakfast by lamplight?—A. Yes, sir.

Q. And you drilled about 7?—A. Yes, sir; it is about 7 o'clock.

Q. Then you got up about 5 o'clock?—A. It is after 5, I think, that the first call goes; something after 5. I do not know the exact time when the first call went at Brownsville. I don't know the exact time.

Q. It was about two hours between the time you got up and the drill?—A. No, sir; it wasn't two hours.

Q. You drilled about 7 and breakfasted by lamplight, and the sun rose at half-past 5?—A. We have reveille and then breakfast and drill immediately after.

Q. When you got up it was perfectly dark?—A. No, sir; not perfectly dark. It was getting light.

Q. It was light?—A. It was getting light.

Q. And after reveille and after you dressed was the sun up then?—A. No, sir; I do not think it was exactly. I couldn't say whether the sun was up. It kept so cloudy down there that I couldn't say whether the sun was up or no, but it was light.

Q. It was light when you got up, or getting light?—A. When I got up?

Q. Yes; and the drill was about 7 o'clock?—A. Yes, sir.

Senator LODGE. That is all.

By Senator FORAKER:

Q. You are right by the side of the Rio Grande River there?—A. Yes, sir.

Q. Are there fogs there, heavy fogs in the morning?—A. Yes, sir.

Q. Which interfere with the sunlight for a time?—A. Yes, sir; when you couldn't tell whether the sun was up or not.

Senator FORAKER. Senator Blackburn wants that letter, and you will write for that immediately, will you?

The WITNESS. Yes, sir.

Senator FOSTER. You are not going to take him off the stand, are you?

Senator FORAKER. No.

At 12.20 o'clock p. m. the committee took a recess until 2.30 o'clock p. m.

AFTER RECESS.

The committee met, pursuant to the taking of recess, at 2.30 o'clock p. m., Senator Scott in the chair.

TESTIMONY OF ALBERT H. ROLAND, COLORED—Continued.

By Senator FOSTER:

Q. What company or association did I understand that you are employed by?—A. The committee called One Hundred.

Q. How long has that committee been organized, and who is chairman of it?—A. The Reverend Morris, of the Abyssinian Church of New York, and it was organized—I can't think of the exact date when it was organized, but it was since Christmas.

Q. Since Christmas?—A. Yes, sir; some time in January; I can not think of the exact date.

Q. What was the purpose of the organization of that committee?—

A. They were collecting for some defense; I don't exactly understand, but I am going to get the letter, to have the letter sent me, and it will explain it—what it is for. I can not explain it like it should be.

Q. It was organized for the purpose of some kind of defense, you say?—A. Yes, sir.

Q. Defense for what; do you know?—A. No, sir; I can not explain it.

Q. Was it your duty to solicit subscriptions?—A. Yes, sir.

Q. And to whom were the subscriptions paid; when you collected any money to whom did you pay it?—A. To the treasurer of the committee.

Q. Who is the treasurer?—A. His name is Reverend Gilbert.

By Senator FORAKER:

Q. Can you give his first name?—A. I can not give his first name.

By Senator BLACKBURN:

Q. Have you collected any money?—A. Yes, sir; I have.

Q. You have collected money?—A. Yes, sir; I have collected some money.

Q. How did you turn it over?—A. I turned it over to the secretary and he turned it over to the treasurer.

Q. Who is the secretary?—A. Doctor Miller is the secretary and Doctor Gilbert is the treasurer.

By Senator SCOTT:

Q. Are they colored people?—A. Yes, sir.

By Senator FORAKER:

Q. Are they doctors of divinity or doctors of medicine?—A. They are preachers.

Q. They are preachers?—A. Yes, sir.

By Senator FOSTER:

Q. Where have you been engaged in this work, only in the city of New York?—A. Yes, sir; only in the city of New York.

Q. Were you ever told what were the purposes for which this money was collected? When you go to a party and ask him to subscribe, what do you tell him is the purpose of the subscription? When you go to a man and ask him to give you money you tell him whom you represent, do you not?—A. Well, I couldn't exactly—I couldn't explain that. I would rather wait. I will get the letter here in a day or so and it will explain the facts.

Q. But the letter will not show that. If you were to go to a party and ask him for a subscription, what do you tell that party at the time what you want the subscription for, and to what purposes the money is to be applied to?—A. This letter that I carry around states that.

Q. Do you not know, yourself, what you are soliciting these subscriptions for?—A. I could not explain it like it should be, and I would not like to undertake it.

Q. Have you no idea of what the money was to be used for?—A. No, sir; I could not give any idea.

Q. Could you not refresh your memory about the contents of the letter?—A. No, sir.

Q. Does the letter set out specifically or substantially what the money is to be used for?—A. I can not give it correctly like it should be, and I would not like to try.

Q. So that when you go to a party to solicit a subscription, you never can tell him what the purpose of this subscription is, but you refer him to the letter?—A. Yes, sir; I introduce this letter, and give him this letter, and he reads it, and he can tell.

Q. How long have you been engaged in that service?—A. It was the 3d of January that this committee was organized; but from the 3d of January, and since that; I do not know the exact date that I started canvassing for them, but it was some time in January.

Q. But you have been engaged in that work ever since?—A. Yes, sir.

Q. Are you engaged in that work now?—A. Yes, sir; I will be when I get back. He said that I could be when I get back.

Q. Has that work anything to do with this Brownsville matter?—A. I could not say, sir.

Q. The work in which you are now engaged?—A. I could not say, positively.

Q. Have you any idea about it, whether this work has any reference, directly or indirectly, to the Brownsville matter?—A. I could not say, sir. I get paid for what I do, and I could not say what it is for. As I have said, this letter that I will get will state what it is used for.

Q. You, yourself, do not know what this money is to be applied to, nor what, exactly, is the object of the association for which you are working?—A. Yes, sir.

Q. You just simply know that you are working for pay, you are soliciting subscriptions, and you are unable to tell anyone to whom you may apply for subscriptions what the purposes and the objects of the subscription are, is that it?—A. I have not been into the work very long, and I haven't learned it thoroughly. That is why I would not wish to try to explain it.

By Senator OVERMAN:

Q. Is anybody else engaged in the same work that you are?—A. No, sir; no one else that is doing canvassing work but me at the present time.

Q. At present. Have there been any others at any other time?—A. No, sir.

By Senator FOSTER:

Q. You have been canvassing, and you say that you have gotten subscriptions and turned the money over to the secretary and the secretary turned it over to the treasurer?—A. Yes, sir.

Q. How much money have you collected?—A. I could not say. I do not know how much it is.

Q. Did you take any receipts for the money that you turned over?—A. Yes, sir.

Q. Have you those receipts with you?—A. No, sir; I turned the book over to the secretary when I left.

Q. Have you any idea about how much you have collected?—A. No, sir.

Q. You can not approximate the amount which you have collected?—A. No, sir; I could not.

Q. Does your pay depend upon the amount you collect or do you receive a salary?—A. Well, sir, the amount that I collect—

Q. What per cent do you get?—A. Well, sir, it has not been thoroughly decided. I just started out. I have not been working very long, and it had not been thoroughly decided, but it will be as soon as I go back.

Q. You do not know then what amount you are to receive for your services?—A. Why, not now I don't.

Senator BLACKBURN. Maybe he knows what amount he has received.

By Senator FOSTER:

Q. I was going to ask him. Do you know how much you have received?—A. Yes, sir.

Q. How much?—A. I have received my board and lodging, and also I have received in this month—that is, in January—I received \$20.

Q. Twenty dollars?—A. Yes, sir; and my expenses.

Q. Before you accepted the employment did you discuss with the president of the committee the nature and character of the work that you were to go in?—A. No, sir; I did not.

Q. Did you ask him what the money was to be used for which you were soliciting?—A. No, sir; I did not interfere into that.

Senator FOSTER. That is all.

By Senator FORAKER:

Q. You are not a member of this committee?—A. No, sir; I am not.

Q. They simply employ you, as I understand it?—A. Yes, sir.

Q. And give you a letter which explains the purposes of the collections you try to make?—A. Yes, sir.

Q. You would go to a man and present that letter to him?—A. Yes, sir.

Q. And get what money he was able and willing to give?—A. Yes, sir.

Q. And take it and give it to the secretary?—A. Yes, sir.

Q. And he turned it over, as you understand it, to the treasurer?—A. Yes, sir.

Q. Have you got receipts showing what you paid over?—A. The secretary did. I have not got that.

Q. Can you give us any better name for this committee than the committee of one hundred?—A. No, sir; I can not.

Q. Will this letter tell all about it?—A. The letter will explain it.

Senator SCOTT. He can bring the letter, as I understand.

By Senator FORAKER:

Q. You have written for the letter or will write for the letter?—A. Yes, sir.

Senator FORAKER. That is all.

By Senator WARNER:

Q. Just one or two questions, Corporal. You heard the discussion there at Fort Brown of the breaking open of a gun case?—A. No, sir; I did not hear it.

Q. You never heard of that?—A. No, sir; I never heard of it.

Q. You never heard anything about one or more of the gun racks being broken open in one of the companies?—A. I never heard it discussed.

Q. You were there all the time?—A. I was at Brownsville. I did not hear it while I was at Brownsville.

Senator SCOTT. That is all, now. You get that letter and remain in attendance until you get the letter and present it to the committee.

TESTIMONY OF JACOB FRAZIER (COLORED).

(Recalled.)

By Senator FORAKER:

Q. You told me a few minutes ago that you wanted to make a correction in the testimony that you gave yesterday, and I have recalled you in order that you may make that correction if the committee will hear you, and state what it is.—A. My correction that I wanted to make was about turning in the ammunition at Fort Brown. That is a mistake. The ammunition was turned in at Fort Reno, Okla.

Q. And if you testified yesterday that the ammunition was turned in a day or two after the shooting?—A. At Fort Brown; yes, sir.

Q. (Continuing.) You should have said that it was turned in at Fort Reno?—A. Yes, sir.

Q. Is your testimony in all other respects correct as to the ammunition?—A. Yes, sir.

Q. I forgot to ask you about one thing yesterday. I put your record in evidence, but this shooting was in August, 1906. I will ask you whether or not you were discharged, given an honorable discharge, in September following, a month later?—A. Yes, sir.

Q. Have you that?—A. Yes, sir; I was discharged September 20. That was 1906.

Senator FOSTER. The record shows that, I think.

By Senator FORAKER:

Q. "Discharged September 20, 1906, on the termination of term of enlistment. Character, excellent." Have you got a discharge of that kind?—A. Yes, sir; I have got four.

Q. Then you reenlisted September 21, 1906, according to this record?—A. Yes, sir.

Q. And you were discharged without honor as a sergeant of Company D, Twenty-fifth Infantry, November 26th, 1906. I want to know whether that discharge without honor, November 26, 1906, so far as you know, was on account of anything you did after you reenlisted on September 21?—A. No, sir; from what I can understand about it, my discharge that I got in November was on account of this Brownsville affair.

Q. I wish you would give to the reporter your discharge, if you have it, dated September 20, 1906. I want that copied in full in the record, with all indorsements that may be on it. I offer that in evidence. It is unnecessary to read it in full. Were any charges of any kind filed against you, or were any charges made against you, orally after September 20, 1906?—A. No, sir.

Q. Were any charges made against you at any time after August 13-14, 1906?—A. No, sir.

Q. You never heard of any?—A. No, sir.

Q. I will ask Senator Blackburn to look at that discharge of yours and see whether it is the discharge of September 20, 1906.

The WITNESS. That is the one, sir [handing the paper to Senator Blackburn].

Senator BLACKBURN. This is the November discharge.

Senator FORAKER. I would like to have that go in the record also. Hand the other one to Senator Blackburn.

(The witness did so.)

Senator BLACKBURN. This is the discharge of the 20th of September, 1906.

The two documents referred to are here printed in the record in full, as follows:

WITNESS OF THE UNITED STATES.

To all whom it may concern:

Know ye, that Jacob Frazier, a first sergeant of Company D, of the Twenty-fifth Regiment of Infantry, who was enlisted on the 21st day of September, 1903, to serve three years, is hereby honorably discharged from the Army of the United States by reason of expiration of term of enlistment.

The said Jacob Frazier was born in Jefferson, in the State of Tennessee, and when enlisted was 34½ years of age, 6 feet 3½ inches high, brown complexion, brown No. 1 eyes, black hair, and by occupation a soldier.

Given under my hand at Fort Brown, 04th., this 20th day of September, 1906.

C. W. PENROSE.

Major, Twenty-fifth Infantry, Commanding.

Character. —Excellent.

No objection to his reenlistment is known to exist.

SAMUEL P. LYON,

Captain, Twenty-fifth Infantry, Commanding Company D.

WITNESS OF THE UNITED STATES.

To all whom it may concern:

Know ye, that Jacob Frazier, a sergeant of Company D, of the Twenty-fifth Regiment of Infantry, who was enlisted the 21st day of September, 1905, to serve three years, is hereby discharged without honor from the Army of the United States in consequence of paragraph U, Special Order, No. 206, War Department, November 9, 1906.

Said Jacob Frazier was born in Jefferson County, in the State of Tennessee, and when enlisted was 37½ years of age, by occupation a soldier, had brown No. 1 eyes, black hair, dark complexion, and was 6 feet 3 inches in height.

Given under my hand at Fort Brown, 04th., this 20th day of November, 1906.

C. W. PENROSE.

Major, Twenty-fifth Infantry, Commanding Post.

By Senator WARNER:

Q. On what page of the printed testimony is that correction that you want to make in your testimony?—A. I do not know, sir, what page it is on. I have not the record at all. I just simply wanted to make that correction.

Q. When did you read it in the record?—A. I did not read it in the record. I read it in a paper that I had made that statement—that I had made a statement that our ammunition was turned in at Brownsville.

Q. What paper did you read that in?—A. I do not remember now, sir, what it was; but it was yesterday's paper.

Q. Was it in any paper?—A. Yes, sir.

Q. A Washington paper?—A. It was a paper that I got here in the city.

Q. Was it a Washington paper?—A. Yes, sir; and I made my statement.

Q. One of the morning papers in Washington?—A. I got it yesterday evening.

Q. It was in a paper yesterday evening?—A. Yes, sir.

Q. Was it in the Star of yesterday evening?—A. I do not remember whether it was in the Star or the Post.

Q. The Post is published only in the morning.—A. It must have been the Star. I got it yesterday evening.

Q. There is the Times, also?—A. Yes, sir; I saw it yesterday evening.

Q. And there is the Herald in the morning?—A. I noticed in that paper that I had made a mistake, and I wanted to correct it.

Q. Is it not a fact that some one called your attention to what the other witnesses had testified to?—A. No, sir.

Q. Nothing of that kind?—A. No, sir.

Q. You just saw it in one of the newspapers?—A. Yes, sir.

Q. And in one of the newspapers last evening?—A. Yes, sir.

Q. You are quite clear about that?—A. Yes, sir.

Q. And it was a Washington newspaper?—A. Yes, sir.

By Senator TALIAFERRO:

Q. Have you read that record?—A. No, sir.

Q. You have not read any of this testimony that was taken here?—

A. I have only read some of it, sir. I have not read it all.

Q. You have a copy of it?—A. No, sir.

Q. What were you reading, standing at the corner in the hall, when I came in the committee room?—A. I was reading a book that was given to me there.

Senator TALIAFERRO. No; you were——

Senator FORAKER. Just a few minutes ago, when the witness spoke to me as I came in, I came in and handed to him this record [indicating typewritten copy of record]. It could not have been more than two or three minutes.

Senator TALIAFERRO. That is the same as this printed record, is it?

Senator FORAKER. Yes.

By Senator WARNER:

Q. Did you read in this record that you made that mistake?—A. No, sir; I just read it in the paper.

Q. That is what I understood you to say, that you did not read it in the record, but just from the paper.—A. I had not read it at all in that record. I just started to read it when I was called in.

Senator FORAKER. The witness told me when I was coming into the committee room that he wanted to correct this mistake, and I picked up this record and took it out and gave it to him. I looked at my record and saw it here, and I had just come to it, and I took this out and handed it to him, and he could not have had it a minute before he was called in to testify. I had just given him this.

By Senator TALIAFERRO:

Q. So that you had seen it?—A. I had seen it, but I had not been able to read it, and have not been.

Q. Did you not state a moment ago that you had not read it?—A. I did not know what you meant. That is the book that I had, but I do not know whether you call it the record or not. I had not had time to read it.

By Senator WARNER:

Q. So that there may be no misunderstanding about it, let me ask you this: What induced you to make this correction was that you saw what purported to be your testimony in one of the Washington papers last evening?—A. Yes, sir; in one paper, and I seen it was a mistake, and I wanted to correct it before it went away from here. That is why I asked to correct it.

By Senator TALIAFERRO:

Q. Did you preserve that newspaper?—A. No, sir; I did not.

By Senator FORAKER:

Q. Have you seen me, Sergeant, since you left the stand yesterday, until just as I was coming into the door of the committee room a few minutes ago?—A. That is the onliest time I have seen you.

Q. Did I say anything to you about your testimony in any way whatever, until you approached me and told me that you wanted to correct your testimony in this particular?—A. No, sir.

Q. And I then asked you what that particular was?—A. Yes, sir.

Q. And then I came in and got this printed copy of yesterday's testimony and handed it to you without calling your attention to anything; and then I came and got this [indicating typewritten copy] and pointed out to you the place where the testimony could be found that you had spoken of?—A. Yes, sir.

Senator FORAKER. That was about three minutes before he was called back into the room.

(Informal discussion followed, which the stenographer was instructed not to report.)

TESTIMONY OF WINTER WASHINGTON (COLORED).

Sworn.

By Senator FORAKER:

Q. What is your name in full?—A. My name is Winter Washington.

Q. Winter?—A. Yes, sir.

Q. Were you a member of Company D, Twenty-fifth Infantry, in August last?—A. Yes, sir.

Q. Were you with your company at Brownsville on the night of August 13-14, 1906?—A. Yes, sir.

Q. What position did you have in the company, if any—what official position?—A. I was corporal of a squad.

Q. You were corporal of a squad?—A. Yes, sir.

Senator FORAKER. At this point I want to put in the record, in connection with the testimony of Winter Washington, his official record, found at page 267 of Senate Document 155.

The record referred to is here printed in full, as follows:

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.

Senator TALIAFERRO. Have you any special reason, Senator Foraker, for putting in these records of the men?

Senator FORAKER. They are all short, and I do it so that we may have them where it will be convenient and not have to look into another volume, which might not be at hand.

Senator TALIAFERRO. I want to say that I expect to move to put this whole document, Senate 155, in the record before we get through.

Senator FORAKER. I want to put each man's record in, so that you may be able to turn right to it in reading his testimony.

By Senator FORAKER:

Q. You enlisted on May 7, 1898, as I see from the record, the first time you enlisted?—A. Yes, sir.

Q. What State are you from?—A. Virginia, sir.

Q. Were you enlisted in Virginia?—A. No, sir; I enlisted in Washington, D. C.

Q. Here in the city of Washington?—A. Yes, sir.

Q. How long were you in the service continuously?—A. I was in the service—

Q. Until you were discharged last November?—A. Yes, sir; until I was discharged.

Q. And you had three enlistments, I believe?—A. Yes, sir.

Q. And you were with your company acting as a corporal at the time of this firing?—A. Yes, sir.

Q. Where were you? Just commence and tell us all you can recall about it.—A. I were, on the 13th of August, last, 1906, in Brownsville, Tex., with my company.

Q. Where were you that night when the firing commenced?—A. That night when the firing commenced I were in bed.

Q. Where?—A. Upstairs in my berth.

Q. In the barracks?—A. Yes, sir; in the barracks.

Q. Of what company?—A. Of company D, Twenty-fifth Infantry.

Q. What awakened you?—A. I was awakened by hearing firing.

Q. What happened when you got awake? Did you hear the call sound "to arms"?—A. I heard the firing and I woken up and got on my uniform as quick as possible, and there wasn't any light allowed, and the call to arms shortly afterwards was sounded. My company fell out in front of the barracks and we marched around in the rear of the quarters.

Q. Yes. Now, as I have said to the committee before, I do not want to go into things in detail that we have been over before, and so I will just ask you, you marched around from in front of the barracks, and what place in the company did you have?—A. I was in the last squad.

Q. You were at the head of the last squad?—A. The last squad on the left.

Q. You were on the left?—A. Yes, sir.

Q. Were you at the left of the company when it was formed in front of the barracks?—A. Yes, sir.

Q. Were you in a position where you could see if anybody joined the company as they came around the barracks, as they would have had to do, coming up from town?—**A.** Yes, sir.

Q. Did you see anybody?—**A.** No, sir; I did not.

Q. Now, you marched out from the barracks to take your position behind the brick wall, and you were still at the left of your company, were you?—**A.** Yes, sir.

Q. You marched in the rear?—**A.** Yes, sir.

Q. Did you see anyone either leave the company—**A.** No, sir.

Q. (Continuing.) Or join the ranks?—**A.** No, sir.

Q. Did you see anybody coming out or going in?—**A.** No, sir.

Senator FORAKER. Now, I want to say that this witness will testify substantially the same thing as the others have as to the cartridges, and so forth, but I am going to omit that, to expedite the hearing so far as I can.

By Senator FORAKER:

Q. Do you know who did this shooting?—**A.** No, sir.

Q. Was there anything that gives you cause to suspect any man of your company of having had anything to do with the shooting?—**A.** No, sir; I don't believe my company did it.

Q. As to the men in the other companies, B and C, is there anything to cause you to suspect any of these men?—**A.** I do not believe that any of them did it.

Q. Have you withheld any knowledge that you may have in regard to this, or have you refused to tell anything, I mean?—**A.** No, sir; I have not.

Q. Is there anything you know which would help us to find out who did this that you could tell us?—**A.** No, sir; there is not anything that I know.

Senator FORAKER. Take the witness.

By Senator LODGE:

Q. When you were first drawn up in front of the barracks you were drawn up facing the barracks or with your backs to them?—**A.** Back to the barracks.

Q. Back to the barracks?—**A.** In front of the barracks.

Q. In front of the barracks, but facing the reservation?—**A.** Facing the parade grounds.

Q. Facing the parade grounds?—**A.** Yes, sir.

Q. How could you see out of the gate?—**A.** Well, the company was marched—

Q. You had your back to the gate, according to that map?—**A.** The company was marched in the rear of the barracks.

Q. When you were drawn up—I did not mean when you were marched around, but when you were drawn up—you were drawn up with your back to the barracks, and you testified that nobody came through the gate.

Senator FORAKER. I asked him whether anybody came to join his company or left his company as they marched around, and anyone who did so would have had to come through the gate, coming from town, to come to the barracks.

Senator LODGE. All I wanted to show was that as he was drawn up in front of the barracks he could not possibly have seen the gate, because his back was to the barracks.

Senator FORAKER. If he was to the right of the company, a man coming around the barracks would have to come around to join and fall in just where he was.

Senator LODGE. The point is that he could not see the gate.

Senator FORAKER. No; I did not ask him whether he could see the gate. Does anyone else want to ask him any questions?

By Senator WARNER:

Q. You could not see the gate from where you were drawn up in front of the barracks?—A. When the company was first formed, sir—

Q. Can not you answer that question yes or no? Follow your own way—A. No, sir; if you will allow me to explain.

Q. Certainly; you have a right to do that.—A. When the company was first formed they were formed in front of the quarters—the parade ground was in this direction—and in rear of the quarters would be on this side [indicating]. Naturally, the company being formed along here, the parade ground would be in this direction—the way the company were formed. We marched around in the rear of the quarters and formed the company facing this way afterwards [indicating].

Q. Yes.—A. That is as I understand the question, sir.

Q. You were on the left of the line, and that would throw you at the farthest point of your company from the gate after you marched around to the fence?—A. Yes, sir. That would throw the head of the company this way [indicating], and the head would be just here when it was halted.

Q. The right of the company would be toward the gate and the left away from it?—A. Yes, sir; I was on the left of the company.

Q. And you were deployed there as skirmishers?—A. Yes, sir; we were deployed there as skirmishers.

Q. About how many feet—how many hundred feet—did the company occupy when deployed as skirmishers?—A. About how many hundred feet?

Q. Yes.—A. The company were deployed on a certain squad, which was the center squad, as I remember, and there were intervals of two paces between every man.

Q. Two paces interval?—A. There were two paces interval about 20 feet from the wall after it was deployed as skirmishers.

Q. About two paces between each?—A. Yes, sir; two paces

Q. Between each man?—A. Yes, sir; two paces interval.

Q. When we say that you were deployed as skirmishers not that you were in two ranks deep or one, but just deployed?—A. Yes, sir.

Q. How many men were in the company that night?—A. I do not know exactly how many men were in the company.

Q. Can you tell approximately?—A. Approximately? I do not know exactly, sir. I would not like to say. I do not know how many men.

Q. I did not ask you exactly, Washington, but 30 or 40? About how many, 40 or 50? I do not know. I would tell you if I knew.—A. Approximately, about 45 men, in my judgment.

Q. Forty-five men?—A. Yes, sir.

Q. Then there would be 44 of those spaces of 6 feet, and 6 times 44 would be between 200 and 300 feet when you would be deployed, would it not? When you were deployed in a skirmish line that would be the company front, then?—A. Yes, sir.

Q. So that that would put you down that far. Do you know how near the right of the company was to the gate?—A. I do not, sir. The company were 20 feet, in my judgment—

Q. Back from the wall?—A. Back from the wall.

Q. I have got that; but, at any rate, it would place you 200 or 300 feet from the gate when you were deployed as skirmishers?—A. Yes, sir.

Q. That is right?—A. Yes, sir.

Q. What kind of a night was it, dark or not?—A. Yes, sir; it was dark at first.

Q. When did it get light?—A. It got light later on in the night.

Q. But while you were deployed as skirmishers first, it was dark?—A. Yes, sir; when we were deployed as skirmishers first it was dark.

Q. Did you have any occasion to watch that gate to see whether anybody came in or went out?—A. That was the duty of the whole company.

Q. To watch that gate?—A. While deployed, to see whether anybody came in or went out or not.

Q. You did not deploy in front of the gate, did you?—A. We deployed along the wall, 20 feet away.

Q. That was the distance you were away from it, and were you standing up?—A. No, sir; we were lying down.

Q. Lying down?—A. Yes, sir.

Q. Lying down flat on the ground.—A. We were lying down at first, and then knelt.

Q. You were lying down first?—A. We were lying down first behind the wall, and then we had orders to kneel.

Q. When was the roll called?—A. The roll was called after the company were marched in rear of the barracks.

Senator FORAKER. That took place in the rear of the wall?

The WITNESS. Yes, sir.

By Senator OVERMAN:

Q. Do you know how many men were absent, unaccounted for, that night?—A. No, sir; I do not. I do not know exactly how many, but there were some absent on pass; how many, I do not know.

Q. There were absentees?—A. Yes, sir; absent with leave.

Q. Yes. There were a good many absent on guard duty?—A. Yes, sir; including the guard, there were a number absent.

Q. And including those on guard and on leave, how many were absent?—A. I do not know, sir. I do not know about the details.

By Senator WARNER:

Q. How many shots did you hear?—A. I do not know exactly how many shots. I did not count them.

Q. No; I suppose that in the confusion you would not count them; but you formed an idea whether it was a hundred or fifty?—A. No, sir; I heard several shots, but I do not know how many.

Q. Seven was all you heard?—A. I said several.

Q. Pardon me. Those were in the direction of the town?—A. Yes, sir.

Q. Did you hear any orders given by anybody?—A. No, sir; I did not, because there was quite a confusion, it being dark in the quarters, and I did not hear any orders given by anybody.

Q. Did you hear any bullets whistling in your direction?—A. No, sir; I did not.

Q. What do you know about any of the gun racks being broken open?—A. I do not know anything about any gun racks being broken open in Companies D and C.

Q. Were they in any of the companies?—A. Why, I do not know about other companies.

Q. Did you hear?—A. I do not know anything about the other companies.

Q. Did you hear it spoken of?—A. I heard it spoken of; but as to knowing, I do not know.

Q. How many gun racks did you hear spoken of being broken open?—A. I did not hear of how many were broken open. I heard there were some gun racks broken open.

Q. In what barracks?—A. Some of the companies. I do not know exactly what companies.

Q. You were very much interested as a soldier, there, about this affray, were you not?—A. Yes, sir.

Q. And you do say that you never heard what company the gun racks were in that were broken open—in what barracks?—A. There were only three companies there. It could only be B company, C company or D company.

Q. Did you not hear of them being broken open in your company?—A. I was interested only in D company.

Q. Did you hear of any being broken open in C company, and how many did you hear were broken open?—A. I did not hear of any.

Q. You heard that gun racks were broken open?—A. In other companies.

Q. That night?—A. Yes, sir.

By Senator OVERMAN:

Q. In the other companies, or Company C?—A. The other companies.

Q. Both companies?—A. Yes, sir.

By Senator WARNER:

Q. Was this affray at Brownsville a matter of much discussion among you men?—A. It was discussed among the men; yes, sir.

Q. As to who did the shooting?—A. Yes, sir; it was discussed. Myself, as a noncommissioned officer, I tried to find out, as it was my duty, as to who did it; I tried among the men to find out who, if any, of our men were in this affair.

Q. What man did you speak to about it?—A. I spoke to several men in regard to it.

Q. Can you name one?—A. Inquiring simply, of course, to find out what they might know about it; and none of them knew anything about it.

By Senator TALIAFERRO:

Q. Senator Warner asked you if you could name one man that you had spoken to.—A. Yes, sir; I could name one man.

By Senator WARNER:

Q. Who was that?—A. I spoke to a corporal of my company in regard to it, and I spoke to the sergeants in particular, sir.

Q. Which sergeants?—A. I spoke to Sergeant Harris about it, as to how he thought we could find out if any of the men were actually engaged in the affair.

Q. Anyone else?—A. I spoke to several men about it, sir. If you would—I could bring to memory as to all the names, if you would like to have the names of all the men I spoke to about it.

Senator WARNER. That is all that I want to ask.

Senator HEMENWAY. Just go ahead and name all that you spoke to, and tell us as nearly as you can what you did and what they said to you.

Senator OVERMAN. And tell us who they were.

Senator HEMENWAY. As nearly as you can remember.

The WITNESS. As near as I can remember—you mean the men I spoke to about it?

Senator HEMENWAY. Tell us the privates you talked to; give us the name of each man and tell us what he said to you, and what you said to him about it.

Senator LODGE. Not the privates. He said that he spoke to the corporals.

Senator SCOTT. I thought that you wanted to get the privates, too.

By Senator HEMENWAY:

Q. I asked the witness a question, and there was somewhat of an interruption. I think he has probably become confused about it. I ask you to repeat the names of those you talked to, and as nearly as you can repeat what you said to them and what they said to you about it.—A. I spoke to Sergeant Harris, first, sir, about the affair, and I spoke to Corporal Thornton about the affair.

By Senator FORAKER:

Q. That is Temple Thornton?—A. Yes, sir.

Q. Is he here, may I inquire?—A. No, sir; I have not seen him.

Q. He has not come?—A. No, sir.

By Senator HEMENWAY:

Q. What was your talk, what did you say and what did they say, as near as you can remember?—A. I asked them, "What do you think of this affair?" I says, "It is pretty bad, and do you think that any of our men were implicated?" At that time, of course, the investigation was going on, and they said to me, of course, "We do not know. We will have to try to find out." "I do not know any more about it than you do, and we will have to try and find out whether any of our men were implicated in this shooting."

Q. Did you find out?—A. No, sir; I have not found out. I have not any reason to believe that any men in D company were implicated in the affair at all.

By Senator FOSTER:

Q. Have you any reason to believe that the members of any other company were implicated?—A. No, sir; not the members of any other company. I have not any reason to believe so.

By Senator OVERMAN:

Q. Any other reasons than those which you have stated, that your company was not in it? Any other reasons than those which you have stated?—A. I have not any other reasons.

Q. You haven't any other reasons than those which you have stated; that is, that your men were not in it?—A. I have not any reason to believe that any of our men were in it.

By Senator FOSTER:

Q. You say that you do not believe that any of your company or any of the members of the battalion were engaged in the shooting that night?—A. No, sir; I have not any reason to believe so.

Q. Have you any idea about who was engaged in it?—A. My ideas about it are, there is a lot of Mexicans and greasers around there, and my idea about it—at first we had an investigation and nothing could be found out about it, and I thought some of those cowboys or something might have fired in on the soldiers; fired in on us. That is my ideas about it.

Q. That was your idea about it that night, was it not, or—A. Yes, sir; that night.

Q. Or is it your idea now?—A. It is my idea now. I have not found out any different.

Q. You believe, then, that some of the cowboys and greasers fired into the companies?—A. Yes, sir; fired into the companies.

By Senator LODGE:

Q. Were there any marks on the barracks of bullets?—A. I heard there was.

Q. Did you see any?—A. I did not see any; I didn't have occasion to see any, because those places—

By Senator FOSTER:

Q. You believe, then, that this was an attack by greasers and cowboys on the barracks, do you?—A. In my judgment; yes, sir.

Q. You think that this was a regular assault made upon your battalion that night?—A. Well, sir, as I have said, I can not believe any other way but that some of those people fired upon us.

Q. Did you believe that that night or have you formed your opinion upon anything that has taken place since that night?—A. That night and a few days after the investigation—I mean while the investigation was going on—I did not know what to think. I did not know as to whether the soldiers did this or not; but as it was a close investigation, and included all those men, why, I just have thought since that, after the investigation, that some of those people, some of those Mexicans, or cowboys, or so:nebody, fired on us.

Q. You are pretty well convinced of that now as a fact, that cowboys and Mexicans fired upon you all that night?—A. I will believe that way, sir, until I am convinced some other way.

Q. That is your opinion?—A. That is my opinion.

By Senator LODGE:

Q. Were any of the houses in the town hit with bullets?—A. I heard there was, sir, I did not see them. I heard some houses were injured by the bullets.

By Senator FOSTER:

Q. How far was the firing from the barracks when you heard it that night?—A. The firing, in my judgment, was outside of the wall, just outside of the wall, about 200 yards, according to the sound, in my judgment.

Q. Now, Washington, just state in your own way, fully, upon what facts you base your opinion that this attack was made by greasers and cowboys upon your battalion that night. Give all the facts and all the circumstances that in your mind have created that belief.—A. Well, I believe they fired in on us, as I before said, sir.

Q. What makes you believe that; give us the facts that lead you to believe that.—A. I believe that because those people did not like us down there very much; so I believe as some of the soldiers were barred from the saloons, from drinking, the front way, and as they got on all right every other way, I believe they just fired on us so as to get us in trouble, or to get us away from there, or something of the kind.

By Senator OVERMAN:

Q. Did your people like them because you were barred from the saloons?—A. Did we like it?

Q. Did you object to it because you were barred?—A. So far as I was concerned—

Q. I am not talking about you, but about the men generally. Did they like it—were they pleased because they were debarred from going into a barroom?—A. Well, they naturally would not like it if they would go to a saloon and be refused.

Q. Yes; they did not like that?—A. No, sir.

By Senator FOSTER:

Q. You have heard that a man was killed down there, have you not?—A. Sir?

Q. You have heard that one man, one officer, was killed in that shooting that night?—A. Yes, sir.

Q. And another was shot in the arm?—A. Yes, sir.

Q. One had his horse shot from under him?—A. Yes, sir.

Q. And a lot of shots were fired into the houses of the citizens; you heard that, did you not?—A. Yes, sir.

Q. And you still believe, in your judgment, that notwithstanding the facts that you heard, that the citizens were making an attack upon the barracks? You still believe that?—A. Yes, sir.

Q. That is your belief?—A. Yes, sir.

Senator FORAKER. I want to state to the committee that there are two other witnesses that I have under subpoena, if they can find them, belonging to Company D, and I want to call them as soon as they arrive here, and I want to have their testimony go in with the rest of the testimony of the men of Company D, and I would like to have the reporter take the next testimony, leaving a place, so that this can all be put together when it is printed.

I will now suspend the examination of witnesses, so far as Company D is concerned, and take up Company B, and I will call first, Luther J. Thornton.

I do not want you to go away, Washington, before I have a chance to look over this testimony.

(The witness, Winter Washington, was here excused and left the committee room.)

Senator LODGE. One witness testified yesterday that the weather was clear and another witness testified, in answer to Senator Foraker this morning, that it was foggy and dark.

Senator FORAKER. Early in the morning.

Senator LODGE. I telephoned to the meteorological bureau and have received the following communication, which I will ask to have printed in the record.

The communication here referred to is here printed in the record as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
WEATHER BUREAU, OFFICE OF THE CHIEF,
Washington, D. C., February 7, 1907.

Hon. FRANCIS E. WARREN,

Chairman, Military Committee, U. S. Senate, Washington, D. C.

SIR: In response to your telephonic request of this date, I have pleasure in stating that the meteorological report from Fort Brown, Tex., night of August 13-14, 1906, shows the lowest temperature was 78 degrees, with no precipitation.

The 8 a. m. weather map of the 14th indicates that clear weather prevailed in that section of Texas during the preceding night.

Very respectfully,

H. E. WILLIAMS,
Acting Chief of Bureau.

TESTIMONY OF LUTHER T. THORNTON (COLORED).

Sworn.

By Senator FORAKER:

Q. Give us your name in full?—A. Luther T. Thornton.

Q. Where do you live now?—A. At Guthrie, Okla.

Q. At Guthrie, Okla.?—A. Yes, sir.

Q. Were you a member of the Twenty-fifth Infantry?—A. Yes, sir.

Q. To what company did you belong?—A. Which particular time do you have reference to?

Q. August, 1906. Were you a member of the Twenty-fifth Infantry in August, 1906?—A. Yes, sir.

Q. Were you with your company at Brownsville?—A. At Brownsville, Tex.; yes, sir.

Q. In August, 1906?—A. Yes, sir.

Q. Which company did you belong to?—A. Company B.

Q. Did you hold any official position in Company B?—A. Yes, sir; I was a sergeant.

Q. You were duty sergeant?—A. Yes, sir.

Q. You were not orderly sergeant?—A. No, sir.

Senator FORAKER. At this point I want to put in evidence the official record, as I have done in other cases, of Luther T. Thornton, found at page 246, Senate Document 155.

LUTHER T. THORNTON.

Enlisted May 14, 1898; was honorably discharged as a private, Troop I, Tenth Cavalry, February 20, 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 I, 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.

By Senator FORAKER:

Q. And how long were you in the service?--A. Eight years.

Q. What State did you belong in before you enlisted?--A. The State of Ohio. I was born in the State of Ohio.

Q. What part of the State of Ohio did you come from?--A. The southwestern portion, about 65 miles from Cincinnati.

Q. At what place?--A. At Aberdeen, Ohio.

Q. You enlisted from Aberdeen, Ohio? Did you enlist in the Twenty-fifth U. S. Infantry? --A. No, sir; I did not enlist from Aberdeen, but at Cincinnati.

Q. In Cincinnati?--A. Yes, sir; but my home at that time was in Aberdeen, Ohio. They had no recruiting office at Aberdeen, and when the war broke out in 1898 I went to Cincinnati, the nearest recruiting station.

Q. I think you enlisted first in the cavalry? --A. Yes, sir; the Tenth Cavalry.

Q. Were you with the Tenth Cavalry in Cuba?--A. I was with the Tenth Cavalry in Cuba in 1899, but not with them during the war.

Q. Then your next enlistment shows that you were a corporal in the Tenth Cavalry, Troop F?--A. Yes, sir.

Q. Then when did you enlist in the Twenty-fifth Infantry? I find it here--May 21, 1902. Is that correct?--A. Yes, sir.

Q. Then you served there until you were discharged without honor, as shown by this record. Is that correct?--A. I enlisted for the Twenty-fifth Infantry, unassigned, on the 21st of May, 1902, but was afterwards assigned to Company B, and my service in that regiment was continuous until my discharge without honor.

Q. You were with your company on the night of August 13-14, 1906, when the firing occurred at Brownsville?--A. Yes, sir.

Q. Where were you that night?--A. I was in my quarters.

Q. In what barracks?--A. In the barracks occupied by Company B.

Q. What occurred? Were you awake or asleep when the firing commenced?--A. I was awakened by the firing.

Q. Awakened by the firing?--A. Yes, sir.

Q. Just proceed and tell us in your own way all you can recall about it?--A. According to my best judgment. I was awakened----

Q. There is a map to your left on the wall, and I wish you would indicate which barracks, as shown on that map, is B Company barracks. Is it on the left as you go in the gate?

Senator BLACKBURN: Here is B Company barracks and here is D, and along there is C. Do you recognize the location?

The WITNESS. Yes, sir; I understand, out here to my left; that represents the town [indicating].

Senator BLACKBURN. You go in this gate. Here is Elizabeth street and here is the main gate entering the reservation. B barracks is represented as next on the left as you go in the gate?--A. Yes; No. 34.

Senator BLACKBURN. D barracks is next on the right of the gate?--A. Yes, sir.

Senator BLACKBURN. You see where your barracks were?

The WITNESS. Yes, sir.

By Senator FORAKER:

Q. As you went into the reservation through the gate, B barracks was on the left?—A. Yes, sir.

Q. And you were in B barracks on the left of the gate that night?—A. Yes, sir.

Q. Tell us how you were awakened and what you did and what you witnessed?—A. To the best of my judgment it would be, when I was awakened, about 12.20, 20 minutes after 12 o'clock. I heard a number of shots being fired, which sounded to me like they were of arms of different caliber.

Q. Just go right along. What kind of arms? Have you reached any conclusion about it? What did you think they were?—A. Well, sir, it appeared like some of them were revolvers and others appeared to be more like shotguns and some of them were of a very large caliber.

Q. Go right ahead, now, with your story.—A. After I was awakened I got up and put on my trousers; and I was sleeping in a small room, and I came outside of the room, and I also noticed that a number of the other men and another sergeant were aroused by the shots; and I was sleeping in a room right across from this sergeant, and he said to me "I think we are fired on, as it sounds just like usually being under fire, as it was in foreign countries." Soon after putting on my trousers I waited a while, and soon after that the call to arms was sounded.

By Senator LODGE:

Q. The call to arms was sounded? Who sounded the call to arms?—A. I do not know who sounded it, but I know that it was sounded from the guardhouse.

By Senator FORAKER:

Q. In what way?—A. It was sounded in the usual manner that the call to arms was sounded.

Q. I know, but by a drum or by shooting a gun, or what?—A. No, sir; by a trumpet.

Q. By a trumpet?—A. Yes, sir; by an army trumpet.

By Senator LODGE:

In your testimony before, I find this:

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.

I thought from the way this was worded that he might know who sounded to arms.

The WITNESS. No, sir.

Q. Who was officer of the guard?—A. Captain Macklin was officer of the day.

Q. I know; I do not mean officer of the day. I asked you who was officer of the guard.—A. We had no officer of the guard that day. We had a noncommissioned officer acting commander of the guard at that time.

Q. Who was he?—A. Sergeant Reid, of Company B.

Q. Sergeant Reid, of Company B?—A. Yes, sir.

Q. That is of your company?—A. Yes, sir.

By Senator FORAKER:

Q. Go ahead and tell us what you did. You heard the call to arms; and what happened?—A. I waited near my gun rack, as also my room was very near this gun rack, until the gun racks were unlocked by Sergeant Jackson, and I secured my gun and belt and went downstairs, as we had to go downstairs—we were on the second story—and I took my place on the right of the company.

Q. Were you the right guide of the company?—A. Yes, sir; I was the right guide.

Q. In the formation of it?—A. The senior noncommissioned officer is the right guide. Reid and Jackson were both senior to me, but Reid was in command of the guard and Jackson was in charge of quarters, and that threw me into senior officer, and I was right guide of the company.

Q. So that you took your place in front of B barracks and the men fell in there?—A. Yes, sir.

Q. Go on and tell all that occurred.

Senator LODGE. Were you facing the barracks or did you have your back to them?

A. My back was to the barracks at the time of forming. There were a number of the men around on the ground. Some appeared to be kneeling and others standing up in line, and just about that time Sergeant Sanders came and joined the company, and also Lieutenant Lawrason.

Q. He was your lieutenant commanding the company?—A. Yes, sir; and Sergeant Sanders was the first sergeant.

Q. Yes.—A. Sergeant Sanders, when he came up, had a lantern, and some of the men said, "Sergeant, don't bring that light here. That will just be a mark for them to shoot at." Sergeant Sanders said, "Never mind that. If we get killed, get killed. Be soldiers; that is what you are."

Q. Go ahead and tell us what happened.—A. I remained there until the men counted off, and I am not positive, but I think the roll was called, and then the command was afterwards given by Lieutenant Lawrason, and the company was marched around the end of the barracks and took position at the stone wall.

Q. After the roll was called? Have you a recollection whether it was called or not?—A. I am not positive of that, but I think it was called by Sergeant Sanders, but I am not positive. That is my recollection of that.

Q. Was there any officer there at the time the roll was called, if it was called?—A. Yes, sir.

Q. Who?—A. Lieutenant Lawrason.

Q. Anybody else?—A. Yes, sir; Major Penrose. I remember he also was there.

Q. Do you not remember that Major Penrose was there also?—A. Yes, sir; I remember that Major Penrose was there.

Q. Do you not remember that the roll was called by Sergeant Sanders?—A. I would not be positive on that, because my recollection is not so clear on it.

Q. You remember that all your men were in ranks that night?—
A. No, sir; I do not remember what the first sergeant's report was that night.

Q. Whatever was done, your company was formed and you marched where?—A. Marched around and took position.

Q. Where?—A. At this stone wall.

Q. Behind the wall?—A. Yes, sir.

Q. Were you on the left or the right of the gate as you looked out toward the town?—A. I was on the right of the gate as I looked out toward the town, because the company being compelled to march around, and I being right guide, I was at the end of the company. They marched around the barracks. We marched around and took up position partly in front of the barracks of Company B and part in front of C, and then the company was faced about and marched up to the wall, and that threw me to the extreme right of the company.

Q. So that you were the entire distance of the whole company to the right of the gate?—A. Yes, sir; on the extreme right.

Q. How long a distance was that?—A. I do not know positively.

Q. Never mind, if you do not know. What did you do; how long did you stay there?—A. In my opinion we remained there about a half an hour.

Q. What happened while you were there?—A. Then we were withdrawn from there and took position back on the porch in front of the barracks, and there remained on guard.

Q. And you remained on guard?—A. Yes, sir; we remained on the same guard that was formed on the wall, but we were moved back to the porch.

Q. Your company was brought from the wall back to the porch of the barracks?—A. Yes, sir.

Q. Is there a rear porch running out toward the wall and the town?—A. Yes, sir.

Q. There is an upper porch also there?—A. Yes, sir; there is also an upper porch.

Q. That reminds me of something. Where were you sleeping in the barracks that night, with reference to that upper porch? Were you near it, or not?—A. No, sir; I was on the front side of the barracks; but on the upper story of the barracks there was a porch on each side—that is, toward the town and toward the front part of the barracks.

Q. Yes?—A. But the room I occupied was near the front porch.

By Senator OVERMAN:

Q. You mean fronting the reservation?—A. Yes, sir; fronting the reservation.

By Senator FORAKER:

Q. How wide is that barracks room upstairs between porches, approximately?—A. I would judge it to be about 25 feet, sir.

Q. Twenty-five feet wide? Well, if anybody had been out on either of these porches, front or rear, firing guns from there, could you, or not, have heard them?—A. Oh, yes, sir; I could have.

Q. Did you hear any guns fired from the barracks that night?—
A. No, sir.

Q. In your opinion, could any have been fired without you knowing about it and hearing them?—A. No, sir; they could not.

Q. To your knowledge, were any guns fired on the reservation inside of the wall that night?—A. No, sir.

Q. Then you came back from the wall with your company and took position on the porch. And how long did you remain there?—A. In my opinion, I think we remained there about forty-five minutes.

Q. Then what happened?—A. Then the men were ordered around and dismissed and ordered to put their rifles in the racks, and the racks were locked.

Q. You were a sergeant. Did you see that that was done, or help to see to it?—A. Yes, sir; Lieutenant Lawrason was present to see that that was done.

Q. Lieutenant Lawrason?—A. Yes, sir.

Q. Did he go upstairs in the barracks room?—A. Yes, sir.

Q. To see that the guns were all put away?—A. Yes, sir.

Q. Were the racks locked?—A. Yes, sir; a noncommissioned officer in charge of quarters was there, Sergeant Jackson, to see that the guns were put away and the racks were locked.

Q. You spoke of him unlocking the racks, I think. Am I correct in thinking that you testified a moment ago that Sergeant Jackson unlocked the racks?—A. Yes, sir.

Q. And he was there locking the racks afterwards and putting the guns away?—A. Yes, sir.

Q. Were there any racks broken open in your quarters?—A. No, sir; none at all.

Q. The last thing that you have stated to us about was that the guns were put in the racks and the racks were locked up. Then what happened?—A. After that I went to bed.

Q. Did anybody else go to bed?—A. I could not testify as to whether all of them went to bed. I was just responsible for myself after that.

Q. Were there any lights in the plural?—A. No, sir; the lights were ordered extinguished.

Q. You were the officer in charge of the duty of seeing that the men went to bed?—A. Yes, sir; I was a noncommissioned officer.

Q. Do you believe that any of them remained up?—A. No, sir; I did not notice that any of them remained up, and I do not believe that they did.

Q. As soon as they went to bed, what happened next?—A. The next was—I was awakened by reveille the next morning. I think it went about 5.45.

Q. Go ahead and tell us what happened?—A. I went down and attended reveille, and we were ordered immediately to get our breakfast.

Q. Did you take your arms out of the racks to attend reveille?—A. No, sir; we attended without arms.

Q. You never take your arms at reveille? That means to fall in and have the roll called?—A. Yes, sir.

Q. Then what happened?—A. We were ordered to go and take breakfast, and it was pretty early, and we took breakfast that morning by lamplight, and the next thing was we had drill call, and we all came out to attend drill, but instead of having drill call—

Q. How long was that after breakfast?—A. That was near about 7 o'clock—about 6.50—and drill call was at 7.

Q. At 7?—A. Yes, sir.

Q. Drill call sounded, and the men fell in that time with their guns, I suppose?—A. Yes, sir.

Q. That was the time that the racks were unlocked and the men were issued the rifles. Did you fall in?—A. Yes, sir.

Q. With your gun?—A. Yes, sir.

Q. With your ammunition?—A. Yes, sir.

Q. What happened then?—A. After falling in, why the men were ordered to open ranks. The roll was called and the men were caused to open ranks.

Q. The roll was called, with what result? Were the men all there and accounted for or not?—A. I did not hear any report made to the contrary, and I judged that they were all present.

Q. Did you know you were going to be inspected until you were ordered to open ranks?—A. My opinion was that we were going to attend drill. The drill call was for that purpose.

Q. Who inspected your company?—A. Lieutenant Lawrason, our company commander. As I say, we were caused to open ranks, and I, being the right guide, stepped back four paces, and a rear rank was formed, and then I took position on the right of the front rank, and the guns were inspected and also the ammunition.

Q. Also the ammunition?—A. Yes, sir.

Q. All right, go ahead.—A. And it was also a very rigid and close inspection.

Q. What is that?—A. It was a very close inspection, too.

Q. Were any of the officers there to assist Lieutenant Lawrason?—

A. Yes, sir.

Q. Who were they?—A. Major Penrose and also Captain Lyon.

Q. All three of those officers inspected your company that morning, did they?—A. Yes, sir.

Q. How was that inspection conducted?—A. In the inspection Lieutenant Lawrason made his inspection, and some rifles he found were not in a proper condition, so that these men he caused them to step back in what we call a line of file closers, in the rear of the rear rank, and after making his inspection these men moved over on the right of the company and they were also reinspected by Lieutenant Lawrason and Captain Lyon and Major Penrose, but the men who were found to be satisfactory they were caused to close in and marched around and placed on guard.

Q. Your company, Company B, went on guard right away?—A. Yes, sir; relieving Company C, which had been on guard that night. As these men were inspected by Lieutenant Lawrason, Captain Lyon, and Major Penrose, they were ordered to rejoin their companies. He sent a quartermaster-sergeant in and got an extra number of clean rags and cleaning materials to see that these rifles were in a proper condition. As these men were inspected by Lieutenant Lawrason, Captain Lyon, and Major Penrose they were sent over to join their companies and to take their place on guard duty.

Q. These rags used in testing the rifles were used to see whether they were clean or dirty?—A. Yes, sir.

Q. How were they found?—A. They were found to be satisfactory I judge, because the men were all sent back to their companies.

Q. You said they inspected the ammunition. Tell us about that.—
A. We were using the McKeever box at that time.

Q. Did you have the McKeever box in your company on the inspection that morning?—A. Yes, sir. And this McKeever box, whenever we have inspection of arms, the box is also opened. After inspecting the rifles, the company commander goes around in the rear of the men and also inspects the box and the ammunition in it. He also inspected both ranks in that manner.

Q. They did that that morning?—A. Yes, sir.

Q. With what results? Was any ammunition missing, I mean?—
A. There was not any reported at all, sir.

Q. Did you at that time also have cartridges in the web belt?—A. No, sir.

Q. Was your company only using the McKeever boxes when it turned out, in which to carry ammunition?—A. Yes, sir; we were carrying our ammunition then in the McKeever boxes.

Q. Does each company do as to those matters as it sees fit, or is there any general requirement that all conform to?—A. That is left to the discretion of the company commander at that time.

Q. How much ammunition did each man have on that morning?—
A. At that time we had 20 rounds each.

Q. Was any ammunition issued the night before, at the time of the firing? Do you remember?—A. Yes, sir.

Q. How much?—A. I do not know just how much was issued.

Senator WARNER. The night before the firing?

Senator FORAKER. No, sir; the night of the firing and immediately after the firing.

The WITNESS. There was some issued by the quartermaster-sergeant.

By Senator FORAKER:

Q. I will ask you if there was not a case of additional ammunition issued to the company?—A. There was a case of additional ammunition issued, but I think only two bandoleers.

Q. You think only two bandoleers out of that case?—A. Yes, sir.

Q. That is, a case was brought out?—A. Yes, sir; by the quartermaster-sergeant.

Q. And two bandoleers were taken out of the case?—A. Yes, sir.

Q. How many cartridges are there in a bandoleer?—A. There are 60 rounds.

Q. That would make but 120 additional rounds. Do you know to whom those 120 additional rounds were issued?—A. No, sir; I could not say to which ones, definitely.

Senator OVERMAN. I would like to know what a bandoleer is.

Senator FORAKER. We have one here.

(The bandoleer was here produced and exhibited to the committee.)

By Senator FORAKER:

Q. Did you get any additional ammunition that night?—A. Yes, sir.

Q. How much?—A. Ten additional rounds.

Q. Ten additional rounds?—A. Yes, sir.

Q. One hundred and twenty rounds would not go very far at the rate of 10 rounds to a man?—A. No, sir; it would not.

Q. Did only a few of you get that ammunition, or was it distributed pretty generally over the company?—A. I do not know, sir, as to the others, but I know that I got 10 rounds.

Q. Ten rounds?—A. Yes, sir.

Q. When you were inspected the next morning as to the ammunition, you say there was none missing?—A. No, sir.

Q. Sergeant Thornton, after this inspection, before it was finished, as I understand, Company B was ordered to go out and relieve Company C?—A. Yes, sir.

Q. The whole company was put on guard?—A. All the men were put on guard except those men, as I told you before, who were stepped out.

Q. Yes.—A. And then they were afterwards sent to join the company.

Q. So that they were on also?—A. Yes, sir.

Q. How long did your company—Company B—stay on guard?—A. They were relieved the next day at 9 o'clock.

Q. What happened then as to your ammunition?—A. The next morning we were required to turn in.

Q. When you came off guard?—A. Yes, sir.

Q. You were required to do what?—A. The ball ammunition we had in our possession was turned in, and we were given the reduced range cartridges.

Q. You turned in all the ball cartridges?—A. Yes, sir; all with the exception of a few men. The reason they were not issued these reduced range cartridges was because they ran out, and I remember that all the noncommissioned officers had the ball cartridges, and some of the privates; I don't know how many.

Q. You turned in those at that time?—A. No, sir; I did not, because we did not have enough reduced range ammunition.

Q. You had 20 rounds, and you got 10 more?—A. I turned in mine that night.

Q. After the firing?—A. Yes, sir. At the inspection that morning I only had 20 rounds of ammunition.

Q. Did the men who had surplus ammunition that night turn theirs in after the firing?—A. I do not know positively, but I was ordered to turn mine in.

Q. You had an order to do it?—A. Yes, sir.

Q. And you did turn it in?—A. Yes, sir; I turned mine in.

Q. Then how much of your 20 rounds did you turn in when you came off guard the next morning?—A. None of it.

Q. That was because you were a noncommissioned officer and there was not enough reduced range ammunition to go around among all the men?—A. Yes, sir. That is the reason.

Q. The noncommissioned officers kept this ball cartridge, and the men turned theirs in?—A. Yes, sir.

Q. To whom did you turn it in?—A. To the quartermaster sergeant.

Q. Who was he?—A. Sergeant McCurdy.

Q. Walker McCurdy?—A. Yes, sir.

Q. State whether or not when the men turned in their ammunition, it was checked up?—A. Yes, sir; it was all checked up.

Q. Counted, was it, or not?—A. Yes, sir.

Q. State whether or not any ammunition was missing?—A. No, sir; there was not any reported missing.

By Senator OVERMAN:

Q. To whom was the report made; when the ammunition was absent; when there was any absent?—A. That is reported to the company commander. That is, to an officer.

Q. How do you know what the report was, whether there was any missing or not?—A. I said there was none reported missing.

Q. How do you know what the report was: it was not made to you?—A. No, sir.

Q. How do you know what the report was?—A. I was present when it was turned in.

Q. Was the report made to the commander? Were you present when the report was made to the commander?—A. The company commander?

Q. Yes.—A. Yes, sir. I was present when we turned in our ammunition.

Q. I know, but when the report was made?—A. Whenever there is any ammunition that is short my company commander always notified the first sergeant to have so many rounds of ammunition charged to the man who was found to be short of this ammunition.

Q. Were you first sergeant?—A. No, sir.

Q. The report was not made to you?—A. No, sir.

Q. You do not know, of your own knowledge, whether there was any missing or not?—A. No, sir; there was no report made of it that I heard.

Q. That you heard? You are only speaking—A. Yes, sir; but that was the manner in which it was reported.

Q. Go ahead.—A. If it had been reported I would have heard it.

Senator FORAKER. I did not hear that. What was your answer?—A. When the ammunition was found to be short, the first sergeant would be ordered to charge up so many rounds—the number of rounds a man was short—to this soldier.

By Senator FORAKER:

Q. Is he required to explain what became of it?—A. The soldier?

Q. Yes; if he loses his ammunition—if he is short of ammunition?—A. Yes, sir.

Q. And then he is charged for it besides?—A. Yes, sir; charged with it, and likely to be court-martialed.

Q. That is, if he has not a good reason for losing it?—A. Yes, sir.

Q. I mean for being short that much?—A. Yes, sir.

Q. Your men turned in their ball cartridges. Did they get them again while they were there?—A. Yes, sir.

Q. When?—A. They were issued to them just prior to us leaving.

Q. How many rounds were issued prior to your leaving?—A. I don't know how many was issued to all the men, sir, but I had 50 rounds.

Q. That is, you had 30 additional rounds issued to you?—A. Yes, sir; I had a total of 50 rounds, 30 additional rounds issued to the 20 I already had.

Q. Then you went off to El Reno?—A. Yes, sir.

Q. And there you turned in all your guns and all your ammunition again?—A. Yes, sir.

Q. Do you know whether there was any shortage then as to guns or cartridges or anything else?—A. No, sir; I don't know as to that.

Q. You did not hear of any shortage?—A. No, sir; I did not hear of that. It was checked up by the company commander, personally.

Q. Will you tell us about cleaning guns for inspection? We have had a good deal of testimony about that. I will ask you at once, therefore, how long a time does it take to clean a gun that has been fired, say from half a dozen to a dozen times, so as to make it clean enough to stand a rigid inspection such as you had that morning? What, in your opinion, would be the time necessary?—A. Well, sir, the kind of rifle that we were using at that time, and to be fired that number of times, why, I would say it would take forty-five minutes to an hour to place it in a condition where it would pass any officer's inspection—forty-five minutes or an hour.

Q. I will not ask you to explain what is necessary in cleaning the guns, but maybe others will. So I will leave that. You had, before this, the Krag rifle?—A. Yes, sir.

Q. And you were in the habit of cleaning that, also.—A. Yes, sir.

Q. You knew about that?—A. Yes, sir.

Q. Did it take a longer or a shorter time to clean that rifle?—A. Why. I could always clean the Krag-Jorgensen rifle much quicker than I could the Springfield—the one we had at that time.

Q. Now, as to the target practice. Can you tell the committee whether or not, under the rules and regulations governing the firing on the target range, there was any chance for the men to steal cartridges, or any chance to appropriate them, gather them, and have surplus cartridges, or was the target firing under the supervision of officers and so conducted as to prevent that?—A. The manner in which target practice is conducted, sir, it is impossible for the men to get extra cartridges, for the ammunition is checked up. They keep a record of the expenditure of the ammunition, and a man was only allowed to fire so many rounds during his practice. It is also checked off on a list by a noncommissioned officer detailed from another company, and he must not fire only in the presence of a commissioned officer.

Q. Well, sergeant, do you know of any place, at Niobrara or Brownsville, where the men could have gotten surplus ammunition?—A. No, sir; I do not.

Q. So far as you know, or have reason to know, each man had exactly that which was issued to him by his company officers, and had no opportunity to get any more?—A. Yes, sir; as far as I know.

Q. So that if anybody did any firing out of your company there would have to be missing cartridges?—A. Yes, sir.

Q. As compared with the number they were charged with?—A. Yes, sir.

Senator OVERMAN. Will you permit me to ask a question right there, Senator?

Senator FORAKER. Yes, sir.

By Senator OVERMAN:

Q. Where was the ammunition kept that was not issued to the company?—A. That was not issued to the company?

Q. Yes. You always had a supply on hand, did you not?—A. Yes, sir.

Q. Where was that kept?—A. That was kept in the quartermaster's storeroom.

Q. Who was in charge of that?—A. The quartermaster-sergeant.

Q. Who was quartermaster-sergeant?—A. Sergeant Walker McCurdy.

Q. It was kept in his storeroom?—A. Yes, sir. When the ammunition is issued to the company, sir, it is issued in a box. This box is screwed up, and also inside of this larger box is a smaller box, which is inclosed in tin foil, and when that is to be issued you had to break the tin foil to take it out.

Q. That day there was some ammunition that had not been issued at all, that was in this storeroom, under the sergeant's keeping?—A. Which day do you have reference to?

Q. The 13th, the day before the firing.—A. I don't know anything at all as to the condition of the ammunition in the quartermaster's storeroom.

Q. You know there was some surplus ammunition that had not been issued?—A. I know there was some ammunition in the storeroom: yes, sir.

By Senator FORAKER:

Q. Could any of that have been issued without its being discovered when you came to turn in your ammunition and account for it?—A. No, sir: none of the enlisted men couldn't have gotten hold of that ammunition at all.

Q. Do you know who did that shooting in Brownsville?—A. No, sir.

Q. Do you know of anything that causes you to suspect that any member of your company—that is, Company B—had anything to do with that shooting?—A. No, sir: I don't know of anything at all that would cause to suspect or believe that anyone at all had anything at all to do with it.

Q. Do you know anything that would cause you to suspect that any member of D or C Company had anything to do with that shooting?—A. No, sir.

Q. Were you in the situation that night, when your company was formed, to see any man join it who might have joined it, and who came to the company from any place outside the barracks?—A. Yes, sir.

Q. Did you see anybody join?—A. No, sir.

Q. Could anybody have joined without your seeing them?—A. Yes, sir: they could join on the left of the company.

Q. You were on the right?—A. I was on the right. But they could not possibly have joined the company on the right without my knowing it, as I was right guide.

Q. There was a line of file closers in the rear of the company, I suppose, between the company and the rear of the barracks?—A. Yes, sir.

Q. All the way down?—A. Yes, sir.

Q. Somebody who was seeing all parts of the company?—A. Yes, sir.

Q. What officers were present when you were forming the company?—A. Why, Major Penrose, and also Lieutenant Lawrason.

Q. You saw Major Penrose there while your company was formed, did you?—A. Yes, sir.

Q. State whether the firing was still going on when your company was formed.—A. Yes, sir; there was firing yet going on.

Q. Did you see anybody come into the barracks from any direction after you were awakened by the firing?—A. No, sir.

By Senator SCOTT:

Q. Sergeant, in target practice, when one of the shells does not explode, what do they do with that shell? Do you get another one in place of it?—A. Yes, sir; that shell has to be returned, and another one is issued in the place of it.

Q. So that the man gets his number of shots?—A. Yes, sir; so that he gets his number of good cartridges.

Senator WARNER. Is that all you have to ask, Senator?

Senator FORAKER. That is all I think of just now. I may have forgotten something.

By Senator WARNER:

Q. Sergeant, did any of your company have any trouble with citizens at Brownsville?—A. No, sir; there was not a man of my company that had any trouble at all. At least there wasn't any ever reported that I know of.

Q. You know of trouble that some of the other companies had?—A. Yes, sir; I heard of trouble between some citizens and some men of Company C.

Q. What were the names of those men? Newton was one, was it not?—A. Yes, sir; Newton was one.

Q. Reid was another, was it not?—A. Reid was another.

Q. And what was the name of the other?—A. I am not positive what the other name was.

Q. Newton is the man who it was alleged was knocked down with a pistol?—A. Yes, sir; I heard he was knocked down.

Q. And Reid was the man pushed off the gang plank?—A. Yes, sir.

Q. Then there was another man pushed off the sidewalk, was there not?—A. Yes, sir; I think his name was Lipscomb. I am not positive.

Q. Yes; I think so.—A. I only heard it.

Q. You heard that, and you heard they were barred from going into the saloons—that is, to the same bar at which the white men drank?—

A. Yes, sir.

Q. But they put up separate bars in some of the saloons where they could drink?—A. Yes, sir.

Q. That was discussed freely among you, was it not?—A. I have heard men speak of it; yes, sir.

Q. Of the treatment you received?—A. Yes, sir.

Q. Did you hear it talked of before you went down to Texas as to what treatment you would be liable to receive in going to Texas?—

A. No, sir.

Q. Was there any complaint from your men about going down there?—A. No, sir; I never heard anything discussed as to that prior to us going to Texas.

Q. You felt perfectly satisfied to go to Texas?—A. Well, I never heard any objections.

Q. Did you ever hear it discussed?—A. No, sir; I never heard the matter discussed at all, sir.

Q. Whether they liked it or did not like it?—A. No, sir.

Q. Nothing of that kind?—A. Well, I did hear the men say that on account of them being at Fort Niobrara so long they were glad to get a move.

Q. Glad to go to Texas?—A. Well, they didn't say that.

Q. Glad to get a move? I do not mean glad to go to Texas.—A. Yes, sir.

Q. No reference was made to the place?—A. No, sir. As a rule, we don't like to stay in one place too long—that is, a soldier.

Q. So you were really glad to get away from Fort Niobrara?—

A. Yes, sir; I know for my part I was.

Q. When you got down to Texas, was the treatment all right, excepting these matters you speak of?—A. My treatment was all right, because I never visited but two places in the town, and that was the post-office, and I was treated all right there, and I also went to a drug store.

Q. You got your drugs and letters just the same as you would get them anywhere?—A. I went there and got what I went for, and I can't say I was mistreated.

Q. What I was speaking of was not so much your own knowledge, but what you heard the men talking of generally?—A. Yes, sir.

Q. As to their treatment. They were dissatisfied with their treatment, were they not?—A. Yes, sir; they were. I have heard them talk among themselves about their being barred from these places, but they said, "We will arrange it so that we can have these places of amusement, etc., of our own. Naturally, it is those people's trade, and it is our money. If they don't desire us there, we will go where we will be treated properly."

Q. The place of amusement you refer to was the saloon started by Allison?—A. Yes, sir; there was a saloon started by a discharged soldier there.

Q. You were awakened by the shooting that was going on?—A. Yes, sir.

Q. What time was that, as near as you can tell?—A. To the best of my judgment, sir, about 12.20—some time after 12 o'clock.

Q. How many shots did you hear after you were aroused from your sleep?—A. I wouldn't say, definitely, but I heard quite a number.

Q. When you say quite a number, about how many, approximately, sergeant?—A. I would judge I heard about 40.

Q. They were in what direction from the barracks of Company B, which was your company?—A. They sounded like they were just out in the town.

Q. Out in the town?—A. Yes, sir.

Q. This (indicating on the map) is the barracks of Company B?—A. Yes, sir.

Q. They would be right out in the town back of Company B?—A. Yes, sir; I would judge they was over there about where that figure 4 is, from the sound.

Q. That is on the alley between Elizabeth and Washington streets, and between Fourteenth and Thirteenth streets?—A. Yes, sir.

Q. That is right, is it not?—A. Yes, sir.

Q. You judge it was in here in that alley (indicating)?—A. Yes, sir; from the sound.

Q. You did not hear any Winchesters?—A. Well, I wouldn't like to say just exactly what it was, but it sounded like revolvers, or some guns of large caliber.

Q. I think you said in your direct examination revolvers or shot-guns of large caliber?—A. Yes, sir.

Q. Is there not a very distinct difference between the report of a shotgun and a rifle—either the Springfield or the Krag rifle?—A. Yes, sir; there is a very distinct difference in the sound of a Springfield rifle and a shotgun or of a revolver.

Q. The same as the difference between the sound of a Winchester rifle and a shotgun?—A. I never had any experience with a Winchester rifle. I don't think I have seen many of them, or seen them fired.

Q. You could not tell the sound of a Winchester rifle?—A. No, sir; I could not.

Q. Do you feel quite confident that there was no rifle there?—A. Yes, sir; I feel quite confident that there was none of the rifles being fired at that time—the kind we was using in the Army.

Q. It was shotguns and pistols?—A. Yes, sir.

Q. You spoke about being in your room. It has not come out yet, and I do not know myself, about the barracks. We have the size of of them. How many divisions or rooms are there in the barracks up in the second story where you were sleeping?—A. In the barracks occupied by Company B, up on the second story we had four rooms.

Q. Those rooms were occupied by the different divisions of the company?—A. No, sir; they were occupied by the noncommissioned officers—the chiefs of sections.

Q. And the men?—A. The men slept outside of these small rooms.

Q. And you were in the room in the corner of the barracks and toward the parade ground, as you have stated?—A. Yes, sir; toward the parade grounds.

Senator FORAKER. At which end of the barracks?

By Senator WARNER:

Q. Yes; you may state that.—A. It was the end nearest the river.

Q. Nearest the river which would be nearest the gate, then?—A. Yes, sir; the end nearest the gate.

Q. When you heard this firing you had been a soldier quite a number of years?—A. Yes, sir; a little over eight years.

Q. Did you think what was occurring?—A. Yes, sir; as soon as I heard it I formed an opinion.

Q. Yes.—A. And I thought perhaps there had been a lot of citizens who were out and had been drinking, or something of the kind, and had taken a notion that they would just shoot up the quarters. At that time it sounded very much like firing when we fire any other time of the night by the insurrectas or something of the kind.

Q. Then your first thought was that of course the barracks was being attacked?—A. Yes, sir; that the barracks was being fired upon.

Q. Why did you think they would attack the barracks?—A. Well, sir, when we had gone down there I noticed the attitude of the people around there toward the soldiers, and it appeared like they disliked them very much; and I had heard, too, from men of the Twenty-sixth Infantry that what they call the Texas Rangers down there, they had

frequently fired just outside of that wall, outside of the post, and fired around there, quite a lot of firing; and my first opinion on awakening was that it was just such men as that—outlaws, that had been out drinking, and were firing on the quarters.

Q. Did you hear any bullets coming in the direction of the barracks?—A. No, sir; I didn't hear any bullets.

Q. You were duty sergeant of Company B?—A. Yes, sir.

Q. That is the next sergeant in rank to—first, there is the first sergeant. As a duty sergeant, how do you rank?—A. We have a first sergeant, the next is the first duty sergeant, and the second duty sergeant, etc.

Q. What were you?—A. But the first duty sergeant was on guard.

Q. Yes; I understand. You stated that. So you ranked next after the first duty sergeant?—A. Yes, sir; at that time present.

By Senator FORAKER:

Q. I understood you to say there was a second duty sergeant ahead of you.

Senator WARNER. No; the first sergeant was ahead of him.

By Senator FORAKER:

Q. What duty sergeant was ahead of you besides Reid?—A. Sergeant Jackson.

Q. He was ahead of you?—A. Yes, sir.

Senator WARNER. The first sergeant.

By Senator FORAKER:

Q. Let us understand that. I do not understand it exactly. The first sergeant was Sanders, I understand?—A. Yes.

Q. Then the first duty sergeant was Reid?—A. Yes, sir.

Q. And the second duty sergeant was Jackson?—A. Yes, sir.

Q. Reid was on guard and Jackson was officer of quarters?—A. Officer in charge of quarters.

By Senator SCOTT:

Q. Then you were the third duty sergeant?—A. I was the third duty sergeant.

Senator FORAKER. That is the way I understood it.

By Senator WARNER:

Q. When did you first know that it was thought that some members of Companies B, C, and D were connected with the shooting up of the town of Brownsville?—A. I didn't understand the question.

Q. When did you first learn that it was suspected that some members of Companies B, C, or D were connected with the shooting up of Brownsville?—A. Why, the next morning, sir.

Q. The next morning?—A. Yes, sir.

Q. How did you learn it?—A. I heard Captain Macklin say that there was a man killed down town, and also that a policeman had been wounded, and that they were of opinion that soldiers did it.

Q. You also learned that Government ammunition had been found, such as is used in the Springfield rifle, did you not?—A. No, sir.

Q. Did you not hear that while you were there?—A. I heard of that while I was there, but I didn't hear of it that morning.

Q. When did you first hear of that?—A. I don't remember just the date, sir, but Major Blockson—I heard him in conversation say.

Q. When was it that Major Blocksom got there?—A. I don't remember just the exact date, but it was several days after.

Q. Was it days or weeks?—A. Some time after. It was days, I think, sir.

Q. Let me refresh your memory. Captain Lyon had a good many of the noncommissioned officers examined, did he not? They made affidavits before him?—A. No, sir; not at Brownsville.

Q. About the 21st of August, were not the affidavits of quite a number taken?—A. I don't remember anything about it, sir.

Q. Perhaps I can refresh your memory.

Senator OVERMAN. The affidavits purport to have been taken September 25.

Senator WARNER. I was thinking it was August. I got the date wrong. It was after they had got to Fort Reno. Then he is right about that.

By Senator WARNER:

Q. What examination did you make to find out whether or not any member of the company had been connected with the shooting after you learned that it was reported that Government ammunition had been used?—A. Well, sir; I couldn't form the opinion, nor I couldn't believe that soldiers had done it, although I did at times when the men were around conversing with each other. I remained around in their presence, and tried to, if possible, see if I couldn't hear anything that would incriminate any of them or would relate to it.

Q. By listening to what they said?—A. Yes, sir.

Q. Anything else? A. No, sir; outside of that those were the only efforts that I made in that direction.

Q. Did you ever talk with any of the other noncommissioned officers about it?—A. Oh, yes, sir.

Q. Who?—A. I don't remember just now who it was that I conversed with concerning it.

Q. Anything special? A. No, sir.

Q. Just casually? A. Yes, sir.

Q. And that, as you have stated, is substantially all that you did?—A. Yes, sir.

Q. At the time you were aroused and went downstairs after the gun rack was unlocked, your company was formed in front of the barracks?—A. Yes, sir.

Q. On the parade ground?—A. Yes, sir.

Q. The barracks was between you and the town?—A. Yes, sir.

Q. The man came out there with a lantern. Of course the barracks protected you from the city or town?—A. Yes, sir.

Q. So there was no special danger there because they had a lantern?—A. No, sir.

Q. When was the roll called, if at all?—A. That is what I am not positive about, but that night by Sergeant Saunders I think the roll was called.

Q. Whereabouts?—A. In front of the barracks.

Q. The roll was called in front of the barracks?—A. Yes, sir.

Q. The firing had ceased, had it not, when you got around to the wall where you deployed there?—A. Yes, sir; the firing had ceased.

Q. But there was firing yet going on when you were in front of the barracks?—A. Yes, sir.

Q. A few shots?—A. Yes, sir; a few shots were fired after I had joined the company.

Q. Do you say the sergeant called the roll there?—A. No, sir; I don't say positively that he did, because my memory is not clear on that subject. It appears to me that the roll was called, but I won't say positively whether it was or not.

Q. Then you marched around the barracks and took the position at the wall?—A. Yes, sir.

Q. And you deployed there as skirmishers along the wall, did you not?—A. Yes, sir.

Q. You were to the right, away from the gate?—A. Yes, sir.

Q. So you could not see whether anybody came in the gate or came over the fence at other parts, or not?—A. I could have seen if anyone came over the fence in my neighborhood.

Q. But otherwise you could not?

(No answer.)

Q. Have you not heard talk in the camp there about the breaking open of a gun rack or racks in the Company C barracks?—A. No, sir; I hadn't heard anything about it at that time.

Q. Did you ever hear it while you were at Fort Brown?—A. Yes, sir; I heard the next day, sir.

Q. I mean the next day after the shooting.—A. Yes, sir.

Q. How many racks did you hear they had broken open?—A. I never heard any definite number, sir. I just heard the racks of Company C—that Company C was compelled to break open the racks.

Q. Break open the racks?—A. Yes, sir.

Q. Did that create any suspicion in your mind that possibly the members of that company had been connected with the shooting?—A. No, sir; because I was told they were broken open by the orders of Lieutenant Greer. They couldn't find the noncommissioned officer in charge of quarters, who had the keys, and they were ordered broken open by Lieutenant Greer.

Q. So therefore that allayed any suspicion?—A. Yes, sir.

Q. Who was the man who kept the keys of the racks in your company?—A. Sergt. George Jackson.

Q. He is the man who came up and unlocked them?—A. Yes, sir.

Q. How about the issuing to you of ammunition? When you went to Fort Brown, how many rounds did you have?—A. I had 20 rounds, sir.

Q. The McKeever box holds only 20 rounds, does it?—A. Yes, sir.

Q. Did you have the web belt?—A. Yes, sir; we had the web belt at that time.

Q. There was no ammunition in that at all?—A. Yes, sir; we had 20 rounds.

Q. Twenty rounds in the web belt before you went to Fort Brown?—A. When we went to Fort Brown, yes, sir. On the trip we were compelled to wear the web belt with the suspenders.

Q. Yes; there is no controversy about that. That was on the march?—A. On the trip; yes, sir.

Q. When you went out, you wore the web belt?—A. Yes, sir.

Q. That is the belt the soldiers wear in action, is it not?—A. Yes, sir; I think that is the adopted belt, although I have never worn it.

Senator FORAKER. In battle, you mean?

By Senator WARNER:

Q. In action?—A. In action. That [indicating] is the garrison belt.

Q. This McKeever belt is a garrison or ornamental belt?—A. Yes, sir.

Q. When you go out to your company drills you wear the McKeever belt?—A. Yes, sir.

Q. And it was the McKeever box your company was wearing the morning of the 14th when you went out to the drill, which turned out to be an inspection?—A. Yes, sir.

Q. That is correct, is it not?—A. Yes, sir.

Q. You think a man has to be pretty expeditious to clean a Springfield rifle in forty-five minutes or an hour?—A. Yes, sir; he would be kept busy. He would have no time to lose at all to clean it in that length of time, provided it had been fired.

Q. And if it had been fired once it would be just about as bad as though it had been fired half a dozen times?—A. Yes, sir; just about as bad.

Q. Because if it was fired the second time the second cartridge ball removes some of the powder that is in before?—A. Yes, sir; that is my opinion.

Q. If a man was not very expeditious it would take him an hour to clean one of those guns, then, you think?—A. Yes, sir. Of course it depends on the experience. Some men can clean a rifle quicker than others, and it depends on the length of service, etc., of the man; but no man can clean it in less than forty-five minutes if it has been fired that number of times.

Q. No matter what his experience has been?—A. No, sir; that is, to clean it properly, so it will pass inspection—that is, from my experience.

Q. That inspection you had that morning was a rigid inspection?—A. Very rigid.

Senator FORAKER. Let me ask one question that I forgot to ask, if it will not disturb you.

Senator WARNER. Certainly.

By Senator FORAKER:

Q. Could these rifles have been cleaned in the dark after they had been fired five or six times, so as to pass such an inspection as you had on the morning of the 14th? Could they have been cleaned in the dark so as to pass that inspection?—A. No, sir; that was impossible.

Q. Could they be cleaned without water?—A. No, sir.

Q. Could they be cleaned without cleaning rods?—A. No, sir; not to pass that inspection. You would have had to have a rod.

Q. While your guns were out of the racks, did you have either cleaning rods or water at your command? I mean, while you were out behind the wall, did you have these cleaning rods, or was there any water that you could get at out there?—A. No, sir; there wasn't any water, and the rods were all in barracks.

Q. Could anybody clean his gun in the way they would have to clean it without those about him seeing him do it?—A. No, sir.

Q. He would have to quit ranks and go away somewhere, would he not, in order to escape detection, if he was cleaning his gun?—A. Yes, sir; he would have to quit ranks, and he would have to get some rags.

Senator WARNER. I do not think I shall ask any question that tends to show that they cleaned guns while they were there.

Senator FORAKER. I beg your pardon for breaking in on your examination.

Senator WARNER. That is all right, Senator.

By Senator WARNER:

Q. You are not positive the roll was called, but you think the sergeant did call it?—A. Yes, sir.

Q. That, I think, is correct, is it not?—A. Yes, sir; since I have thought it over, I remember—I am positive now—that the roll was called by Sergeant Sanders.

Q. You are positive now?—A. Yes, sir; my memory is clear on that.

Q. What is it that refreshes your memory?—A. Well, by studying over the particular subject and thinking of the actual happenings is what has caused my memory to be refreshed on that particular subject.

Q. Is there any special circumstance that occurred there that refreshes your memory in the time you have been talking about that fact?—A. Well, yes, sir; as I remember that Sergeant Sanders put the lantern on his arm, as he does when he always calls the roll, and said to some men who attempted to kneel down, in a way apparently that they might be killed by standing up—they were kneeling down, and I remember him speaking to one man about kneeling down that way. He says "If you get shot, just die as a soldier." At that time he was just placing the lantern under his arm to call the roll.

Q. Where was this roll called, since you have refreshed your memory? In front of the barracks or back at the wall?—A. In front of the barracks.

Q. Will you explain to the committee why any soldier should kneel down in fear of being shot when he was out in front of the barracks and the barracks was between you and where the shooting was done?—A. Well, it sounded at that time, sir, when the firing was going on, that they were shooting toward the post.

Q. But the barracks were between your company and the town and the shooting, so why should a soldier want to kneel down over there to protect himself?—A. Why, if it was a good rifle, the barracks, the kind we had there, would be of very little protection.

Q. It would go through the barracks?—A. It would go entirely through.

Q. So there would be just as much danger, except for the height, in kneeling down as though he was standing up?—A. No, sir; he wouldn't be in as much danger kneeling, because a soldier is instructed in battle to take cover, and in that manner it is considered that he is, in a way, taking cover and prevents being shot.

Q. That is the duty of a soldier?—A. Yes, sir; he is instructed that.

Q. Any soldier?—A. Yes, sir.

Q. These shots that you heard you thought were from a shotgun or a revolver. Did you think a load from a shotgun would go through the barracks or that a revolver shot would go through the barracks?—A. I wouldn't think it, sir, but perhaps the man who was spoken to about that thought otherwise.

Q. He might have thought it was a different kind of firearm?—A. He might have thought that perhaps the arm could fire through the barracks.

Q. Then there is a brick wall back there 4 or 4½ feet high?—A. It would not have been necessary to shoot through the brick wall to shoot through the quarters.

Q. It would have been necessary to shoot over it?—A. Yes, sir.

Q. The man was going to kneel down in front of the quarters and he told him to stand up and die like a soldier?—A. Yes, sir.

Q. And that circumstance is what called to your mind that he called the roll there?—A. Yes, sir.

Q. Not around at the brick wall?—A. No, sir.

Q. Is there any other circumstance—

Senator FORAKER. If you will allow me, I will ask this question.

By Senator FORAKER:

Q. Do you know who was the man he spoke to in that way?—A. No, sir; I do not.

Q. But you remember hearing him speak to some man?—A. Yes, sir.

By Senator WARNER:

Q. You have been asked if, after you returned to quarters that night, any section of the command remained up. I think you said they all went to bed?—A. No, sir; I didn't state that positively, as I went to bed myself, and I don't know what the rest of the men did.

Q. That is what I wanted to get. The fact is, you do not know what the others did?—A. No, sir.

Q. You went to bed in your room?—A. In my section the lights were extinguished and I went to bed.

Q. But what was done in the other parts of the building about lights you do not know?—A. No, sir.

Q. Where they had lights you do not pretend to say?—A. No, sir; the noncommissioned officer in charge of quarters is responsible for that.

Q. Would you pretend to say whether or not a shot was fired from the porch or barracks of D or C Company?—A. No, sir; I can say from the time I was awake there was not.

Q. And those shots at the time you awoke, as far as you could judge, were over, as you state, at the place marked No. 4 on this map?—A. Apparently; from the sound; yes, sir.

Q. Which seems to be Doctor Thorn's dwelling.

Senator FORAKER. He simply said it seemed to him to be over in that locality.

Senator WARNER. I had him point it out. He pointed to that himself.

Senator FORAKER. He said somewhere in that locality. I mean he could not see Doctor Thorn's house.

The WITNESS. That was just judging from the reports.

By Senator WARNER:

Q. That is what I said. Judging from the reports that is where you located it—in that locality and in that alley?—A. Yes, sir.

By Senator FOSTER:

Q. Did you ever have any conversation or any conference with the representatives of the Constitutional League relative to this shooting affair at Brownsville?—A. Well, Mr. Stewart, I think he is the representative of the Constitutional League.

By Senator FORAKER:

Q. That is Mr. Gilchrist Stewart, I suppose?—A. Yes, sir. He was at El Reno some time ago and I had a conference with him as to the facts concerning this case.

By Senator FOSTER:

Q. You signed a statement relative to the soldiers discarding their old uniforms and caps, did you not throwing them away on some dump heap?

Senator FORAKER. I think, Senator, if you would show the witness the statement it would be better.

Senator FOSTER. I just want to know if he signed a statement of that kind. Then I will show him the statement.

A. I don't remember that I signed any statement, but I do remember of giving away some old discarded uniforms.

By Senator FOSTER:

Q. Did you give some away yourself?—A. Yes, sir; to some Mexicans.

Q. Did you ever throw any of them away?—A. Yes, sir; also some old discarded uniforms, I throwed on the trash pile.

Q. Did you discuss fully with these gentlemen the shooting down there? Did you go into all the details? Did you form any theories about who did it, how it was done?—A. No, sir; the only thing I said to Mr. Stewart was just actually what I knew to happen. I told him just what the facts were in the case.

Q. Just the facts you have detailed here, or any additional facts?—A. I didn't understand the question.

Q. Did you tell him just about what you have detailed as the facts, or did you tell him any facts which you have not stated to this committee—any facts connected with the shooting?—A. Well, no, sir. Principally what I told him was in regard to the investigation by General Garlington.

Q. What did you tell him about that investigation?—A. I told him about the manner in which I was interrogated by General Garlington, and what his replies were and remarks that he made.

Q. Did you tell Mr. Stewart at that time whom you thought did the shooting, or that you had any opinion as to who did the shooting?—A. Well, I don't remember, sir, whether I was asked that question or not.

Q. Did you discuss that with him?—A. I think I did; yes, sir. In fact, I told him the entire facts, as I knew them, concerning the case.

Q. Did you tell him at that time that any members of Company C were suspected of doing the shooting?—A. No, sir.

Q. As a matter of fact, were not certain members of Company C suspected at one time of doing that shooting?—A. I don't know whether they were or not, sir.

Q. Did you not hear it discussed in quarters?—A. I heard it discussed that it was thought that soldiers did the shooting; but of no particular company did I ever hear.

Q. I wish you would describe to the committee how the soldiers, if they did do this shooting—just suppose that they did do it—could get out of the barracks, how they could get their weapons, and what ammunition they would have available for that purpose?—A. Well, I consider from the way that the affairs were conducted around the Army that it would be impossible for the soldiers to get the arms and get out and do shooting of that kind.

Q. Would there be any difficulty in getting out of the barracks?—A. There would be no great difficulty of the men themselves getting out of the barracks, but there would be great difficulty in them getting out there with their arms or ammunition.

Q. Would there be great difficulty in getting out with the arms and ammunition, or difficulty in getting the arms and ammunition?—A. Difficulty in getting them, and then—

Q. What difficulty?

Senator FORAKER. And then what?

A. And then it would be difficult also at that particular place for a man to get out after he had his arms or his ammunition.

By Senator FOSTER:

Q. Why would it be difficult? A. Because we had a sentinel who patrolled along in front of the barracks.

By Senator FORAKER:

Q. You mean between the wall and the barracks? A. Between the wall and the barracks; and if that sentinel discharged his duty as a soldier should, it would be impossible for him to allow a soldier to leave with any of his arms in his possession.

By Senator FOSTER:

Q. What difficulty would he have in getting the arms?—A. The armracks are kept constantly locked, and the key is under the charge of a noncommissioned officer.

Q. What difficulty would he have in getting the ammunition?—A. He would experience no difficulty in getting some ammunition—that is, the ammunition which he is responsible for.

Q. Is it not a fact that he has the ammunition in his quarters, in these McKeever boxes and the web belts? A. Yes, sir; he has a certain number of rounds.

Q. Could he not take that ammunition along with him without any difficulty? A. Yes, sir; he could take that ammunition that he was actually responsible for, but still he would have to account for it at the next inspection.

Q. Did you, in your experience, ever have any soldiers come out of the barracks with their arms—not at Brownsville, but at any other place? A. No, sir; I never did in my organization. I belonged to an organization where men have got out of barracks, and got out and caused disturbance.

Q. You mean in the Army?—A. Yes, sir.

By Senator FORAKER:

Q. What organization do you refer to?—A. When I say organization I refer to a company or a troop. I once belonged to a troop and then afterwards to a company.

Q. You mean a troop of cavalry?—A. Yes, sir.

By Senator FOSTER:

Q. Where did the men keep their pistols?—A. Well, in infantry only sergeants are issued pistols, and they at that time were not issued to them. They were locked up in the storeroom, in the arm chest.

Q. Suppose one of those gun racks was broken, or suppose a soldier got possession of the key, would he have any difficulty in getting the guns out of the racks at night?—A. No, sir. If he got hold of the proper key and knew the lock to which it belonged, and had a light in his possession, and was able to use the keys and unlock the racks, he would have no difficulty.

Q. It is necessary to have a light to unlock these locks at night?—A. Yes, sir; the kind of locks they are using on the arm racks, and that we were using at that time, because the lock has a certain number which corresponds with the key, and it would be impossible in the dark to designate those different numbers without a light of some kind, to correspond. Then, not only that, the keys are only allowed in the possession of noncommissioned officers, and I think there is quite a number of privates that wouldn't know how to unlock those racks, anyhow—understand the use of those keys.

Q. A noncommissioned officer could open it, though, very easily, could he not?—A. Yes, sir.

Q. What difficulty would a man have in getting back from a raid of this kind if he were in it? Could he not climb over the wall very easily?—A. That wall there, he could climb over it; yes, sir.

Q. He would have little or no difficulty in getting back to his company after the firing, would he?—A. Well, at the time this disturbance happened he would be likely to be detected—that is, if the company was formed.

Q. Well, if the company was not formed, if there was no one there to stop him?—A. No, sir; if a man would go out and cause some shooting or something of that kind, and no one was aroused, he would experience no difficulty in getting back to his quarters; but then he is likely to be detected, though, if he tried to put his rifle away, or anything of the kind.

Q. What would be the difficulty if those soldiers were out in that shooting affair that night of coming right back with their rifles and forming right in with the company?—A. That would be impossible, sir, on account of the right or left guides or the noncommissioned officers who are in the line of file closers. Their duties are to rectify mistakes and notice different happenings in the ranks. They could not possibly have joined the ranks of the company without being detected by them.

Q. But they could join the ranks of the company?—A. No, sir.

Q. They might be detected, and they, probably, as you say, would be detected?—A. Yes, sir.

Q. But they could join the ranks of the company?—A. Yes, sir; but at that time there was two officers present.

Q. Suppose a noncommissioned officer had willfully failed to detect it?—A. Then he has failed to do his duty.

Q. Could they not get back then without any difficulty?—A. If they all had formed perhaps a conspiracy among themselves not to detect him when he returned, possibly he could.

By Senator SCOTT:

Q. Right there, Sergeant, would not that sentinel you spoke about halt him? What are his instructions?—A. If he performed his duty as a sentinel; yes, sir.

Q. If a man were trying to get in, his duty would be to halt him?—A. Yes, sir.

By Senator OVERMAN:

Q. Suppose he is in the conspiracy?—A. Then he would not perform his duty.

By Senator FORAKER:

Q. You made some remark that I did not distinctly understand. How many officers did you say were present when the company was forming?—A. There was two officers present.

Q. Where did they stand? Do you mean commissioned officers?—A. Commissioned officers; yes, sir.

Q. Who were they?—A. Major Penrose and Lieutenant Lawrason.

Q. Lawrason was the company commander and Penrose was the commanding officer of the post?—A. Yes, sir.

Q. Did you see them while B company was forming in the front of the barracks?—A. Yes, sir.

Q. Where did they stand?—A. He didn't have any particular location. A portion of the time he was down to the left of the company, a portion of the time near the center of the company, and near the right. Apparently he was walking around to see what was going on at the time.

Q. Was everybody on the alert to see what was occurring?—A. Yes, sir.

Q. Where was Sergeant Sanders, who called the roll?—A. He was directly in front of the company.

Q. In front of the center of it?—A. In front of the center of the company; yes, sir.

Q. With a lantern under his arm, you now tell us?—A. Yes, sir.

Q. And these two commissioned officers—did they have any particular stations, or did they pass up and down?—A. They were attempting to get the men in line, and were from time to time from one end of the company to the other, at different points.

Q. So that the commissioned officers would also have to be in this conspiracy, would they not, if men could join in the way suggested?—A. Yes, sir.

Q. And without being detected?—A. Yes, sir; they had the best position of all to detect anyone who did enter the line. They would also have to be in it.

By Senator FOSTER:

Q. When your company was formed that night, there was a good deal of confusion and excitement attending the formation of the company, was there not? There was this fusilade of firearms in the town, and the call to arms, and it caused a good deal of excitement and confusion in your company, did it not?—A. There was some excitement; yes, sir.

Q. Did all the men get on the ground at the same time?—A. No, sir.

Q. Did they not come by ones, twos, threes, and fours, responding as rapidly as they might to the call to arms?—A. Yes, sir; they fell in as rapidly as they could, but eventually they were all—

Q. How did you know that some of those men, if they were in town, did not come at that time?—A. Well, I didn't know.

Q. Could they not have come along just about that time when the rest of the men were coming from their quarters? You would not have been attracted to them especially at that time, would you?—A. No, sir; I would not. For my part, I would not.

Q. And after the formation of the company, as I understand, you said you were then in a position to see whether anybody joined your company?—A. I was in a position to see if anybody joined on the right, as I was right guide.

Q. But did you pay any particular attention to where the men came from before your company was formed and before you took your position in the company?—A. No, sir.

Senator SCOTT. I want to ask one question on the line of Senator Foster's line of questions.

By Senator SCOTT:

Q. When you were forming in your company, the shots were still going on out in the town, were they?—A. Yes, sir.

Q. If any of your men had been out there firing those shots, they could not have gotten to your company without you knowing it, could they?—A. They could not have joined it from the right, as I was up on the right of the company, and with the other non-commissioned officers who were in the file closers on the left, that could not possibly have been done.

Q. I understood you to say that while the sergeant was calling the roll, one of the men kneeled down, or something, and the sergeant told him to get up, if he had to be killed to die like a soldier?—A. Yes, sir.

Q. Was the firing going on then?—A. Yes, sir; the firing was still going on then.

By Senator OVERMAN:

Q. Sergeant, do you know how many men were absent from your company that night accounted for?—A. No, sir; I don't know definitely.

Q. Give me some idea?—A. Well, there was four of them, who worked for the officers, that were not there at that roll call. There were seven of them that were on guard.

Q. That is eleven?—A. And there was two of them sick in hospital.

Q. We will not count them.—A. And one in charge of quarters.

Q. That is 14 of your company who were absent accounted for? Senator BLACKBURN. Were there not any on pass?

By Senator OVERMAN:

Q. Were there any on pass?—A. Men of that kind——

Q. Wait a minute. Were there any on pass? You can explain afterwards.—A. No, sir; there wasn't any reported as on pass.

Q. So there were 14 absent when the roll was called, unaccounted for?—A. No, sir; they are considered accounted for.

Q. I meant to say accounted for. Then there were 13, as has been stated here, accounted for from Company D. That is 25. Do you know how many were absent, accounted for, in the other company, C?—A. No, sir; I don't know anything at all concerning Company C.

Q. About as many as in the other companies, would there be?—A. I haven't any idea, sir. It is not necessarily that way.

Q. These men who are on guard have their guns and ammunition with them, do they not?—A. Yes, sir.

Q. What is to hinder that number of guards from going out in the town and shooting it up?—A. Well, there was just as much to hinder them as there was to hinder the men that were present with the companies.

Q. What was to hinder? You were asleep, were you not?—A. Yes, sir.

Q. You do not know whether they went out there and shot up that town or not?—A. I am not testifying as to——

Q. I am asking that question. You do not know whether they did or not?—A. No, sir; I don't know.

Q. They might have done it, so far as you know. Is that true or not?—A. They might have gone out in town if they was not required to do their duties. All soldiers are with the officers.

Q. If they broke their duty, they might have done it? Could they not have gone out and shot up the town?—A. Yes, sir.

Q. So you really do not know anything about that? You were asleep, and you did not see them at all when you fell in line there? They were not in line?—A. No, sir; the members of the guard were not in line.

Senator FORAKER. I have some further questions to ask this witness, but I would like to look over his testimony before I go on.

Senator SCOTT. You come back at half past ten to-morrow morning, Sergeant.

The WITNESS. All right, sir.

The committee, at 4.55 o'clock p. m., adjourned until Friday, February 8, 1907, at 10.30 o'clock a. m.

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Friday, February 8, 1907.

The committee met at 10.30 o'clock a. m.

Present: Senators Warren (chairman), Scott, Foraker, Lodge, Bulkeley, Warner, Pettus, Blackburn, Taliaferro, Foster, and Overman.

TESTIMONY OF LUTHER T. THORNTON (COLORED)—Continued.

LUTHER T. THORNTON, a witness previously sworn, being recalled, testified as follows:

By Senator FORAKER:

Q. Did you hear any threats made by any of the soldiers of either your company or any other company as to committing any acts of violence against the people of Brownsville?—A. No, sir; I did not.

Q. At any time before this firing?—A. No, sir; I did not hear anything at all said by the men concerning any acts of violence.

Q. Well, about doing any shooting or fighting or anything else?—A. No, sir.

Q. You heard nothing of that kind?—A. No, sir.

Q. Did you know of any agreement or understanding of any kind being arrived at among the men not to talk about this matter, to withhold knowledge or anything of that sort from officers?—A. No, sir.

Senator FORAKER. That is all I want to ask you.

By Senator WARNER:

Q. But in your previous examination you have stated all that you heard about this matter, and of all the efforts that were made by you to find out who, if anyone, of the companies was connected with the shooting.—A. Yes, sir; I have.

Q. When you went to Texas you knew that there was reluctance upon the part of the men to go down to that State, didn't you?—A. No, sir. The men as a rule that had talked with me concerning the affair were desirous of getting a change of station, on account of being stationed at Fort Niobrara so long.

Q. Haven't you heard the fact discussed or stated, as I remember in one of the affidavits—whether it is correct or not you can say—that in the South they had no use for a man who wore the uniform, a soldier, and were unfriendly to the colored men?—A. No, sir; not to me.

Q. Never had heard that discussed or intimated?—A. No, sir. I had never discussed that; I never heard that discussed.

Q. You say there was no agreement that you heard of, to attack any of the citizens there?—A. No, sir; none whatever, as I heard of.

Q. But you did hear, as you have stated, of the complaints of the treatment that some of the command had received?—A. Yes, sir.

Q. That was discussed freely?—A. Yes, sir; that was discussed, but the men had each time said that they believed that the proper steps would be taken by the authorities to rectify this affair.

Q. That is, that treatment?—A. Yes, sir.

Senator FORAKER. You referred to some affidavits, Senator, where are they?

By Senator WARNER:

Q. I find an affidavit on page 232 of Senate Document No. 155, purporting to have been made by you, in which you testify with reference to a certain statement made to you by Inspector-General Garlington, and I will read all of it so that you will understand it. You said that Inspector-General Garlington said to you in October

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?

To which you replied, that the only experience you 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. Is that correct?—A. Yes, sir.

Q. When did you come to that conclusion?—A. Well, I came to that conclusion in the last experience that I had had in the South as a soldier.

Q. Where was that?—A. That was since I had been sent to the State of Texas.

Q. Well, when? During the time you were at Brownsville?—A. Yes, sir.

Q. Had you ever been in the State of Texas before?—A. Yes, sir.

Q. When were you in the State of Texas?—A. I was in the State of Texas in 1899. I was discharged there in February, 1899.

Q. At what point?—A. At San Antonio, Tex.

Q. There was some trouble there between the colored soldiers and the people?—A. Yes, sir; I had heard of some.

Q. What other place in the South were you stationed?—A. I was also at Huntsville, Ala.

Q. And was it from your experience in those places, or to make it more plain, the treatment you had received while in Alabama and in Texas, that led you to give this answer to General Garlington?—A. Yes, sir.

Q. So you had that feeling when you went to Texas, to Brownsville?—A. No, sir; the feeling that I had when I was ordered there from Niobrara to Brownsville was one that was such that I desired to be sent there rather than to remain at that one place so long, because I had been at Fort Niobrara so long I was naturally desirous of having a change of station.

Q. So you were glad to go South?—A. Yes, sir; I was glad to get a change of station; but should I have had my preference I would have gone to some other place rather than to the South, but even at that I would rather go South than to remain where I was at.

Q. Did you hear any discussion that the men did not expect to remain long at Fort Brown?—A. No, sir; I did not.

Q. Nothing of that kind?—A. No, sir; as to the length of time they were to remain there, no, sir.

Q. It was smokeless powder you used at Brownsville?—A. Well, the kind of cartridges that we had issued to us—yes, sir—was smokeless powder, for the Springfield rifle.

Q. Both for guard duty you had no range practice at Brownsville?—A. No, sir; we had no range practice at Brownsville.

By Senator OVERMAN:

Q. That point on the map, 37 "Guard Ho.," is that the guard house?—A. Yes, sir.

Q. What does N. C. O. quarters mean?—A. That is intended for noncommissioned officers' quarters.

By Senator FOSTER:

Q. When you were in Niobrara, were your weapons kept in racks just as they were kept at Brownsville?—A. Yes, sir; they were kept in racks similar to those at Brownsville; but while we were at Fort Niobrara we had the Krag-Jørgensen rifle, and there are some slight differences in the racks that the Krag-Jørgensen is kept in than what the Springfield rifle is kept in; but, however, they were all kept locked in racks.

Q. They were all kept locked in racks at Niobrara just about as they were at Brownsville. How many racks did each company have at Niobrara?—A. Four racks to the company.

Q. The rifles were placed in the racks, and the racks were locked just as they were at Brownsville, and the keys kept by the officers just as at Brownsville; is that so?—A. By the noncommissioned officer in charge of quarters.

Q. That is the fact, is it, that that is the way the rifles were kept, and the keys were also in the possession of the noncommissioned officers?—A. Yes, sir.

By Senator OVERMAN:

Q. Suppose a man wanted to get a gun out and use it; would you allow him to get it out whenever a man wanted to use a gun any time when they were not drilling could he get a gun?—A. No, sir; he could not.

Q. No way for him to get a gun and use it any time he wanted it?

A. No, sir; whenever he wanted his rifle for any purpose, he had to state his purpose to the noncommissioned officer in charge of quarters, who was responsible for it.

Q. Could he get it?—A. If he had sufficient reason and could state it to him, he could possibly get it.

Q. The rifles were in charge of the noncommissioned officers, and the noncommissioned officers could let them have it without being accountable to anybody else?—A. Yes, sir; provided it was before retreat in the evening.

Q. Any time after night?—A. No, sir; he could not get his rifle after night.

Q. He could have gotten it before night, but not after?—A. Yes, sir.

By Senator FOSTER:

Q. The same precautions were taken at Niobrara as were taken at Brownsville, so far as keeping the rifles in the racks were concerned?—A. Yes, sir; as far as I know they were.

Q. Is it not a fact that quite a number of rifles were taken out of the racks one night, or did not quite a number of soldiers take a lot of rifles and visit the town, or some place near the town, and shoot up a dance hall there?—A. Not to my knowledge, sir.

Q. Did you ever hear of it?—A. Near Fort Niobrara?

Q. I think so; that is my recollection.—A. Well, sir; I had heard of a shooting over at a resort near Fort Niobrara.

Q. That is it.—A. But then it had never been positively stated whether or not this was done by army rifles, or by what; whether it was done by cowboys or by whom.

Q. You had never heard that the shooting of Lulu Johnson and the killing of the woman was done by soldiers belonging to the Twenty-fifth Regiment at that place?—A. I remember of a woman by that name being sent to the post hospital for treatment at Fort Niobrara, and it was claimed that she was shot, but it was not known definitely whether this was done by soldiers or by whom.

Q. Was there a court-martial of any of the men at that time on account of this shooting?—A. Not that I know of, sir.

Q. You know nothing, then, about that shooting?—A. No, sir.

Q. You don't know by whom it was done?—A. No, sir.

Q. Don't know whether any of the men of your regiment were engaged in this shooting or not?—A. I do not, sir.

Q. In fact, you know little or nothing about that particular case?—A. No, sir.

Q. Do you know anything more about this Brownsville shooting than you did about that shooting?—A. Well, sir, about the Brownsville affair, I heard a number of shots being fired that night; and concerning this affair at that resort I knew nothing at all, except, as I have before stated, a woman was sent to the hospital for treatment, and it was claimed that she was shot at this resort.

Q. That is all you know about it, then?—A. Yes, sir.

Q. This shooting over at Fort Niobrara?—A. Yes, sir.

By Senator FORAKER:

Q. How far from the fort was this resort where that shooting was alleged to have taken place?—A. Well, sir, I would judge it was a mile and a half, or very near 2 miles from the fort.

Q. Lulu Johnson, you say, was taken to the hospital, and it was said that she had been wounded by a shot fired at that place?—A. Yes, sir.

Q. She was a colored woman, was she not?—A. Yes, sir.

Q. And another man was wounded who was present in the place—do you remember that, a member of Company B, of this regiment?—A. Yes, sir.

Q. Was anybody in that place except colored men at the time this shooting was alleged to have occurred, and did anybody except colored men and people get hurt in any way, do you know?—If you know that much about it; if not, the record will tell us.—A. Not that I know of, sir; but, then, all that I know of it is what I heard, and I heard that an Indian was also wounded during this firing.

Q. That may be; I don't remember about that. You said that it never was ascertained—nobody was ever tried, nobody was ever charged with having done any shooting, who belonged to your regiment?—A. No, sir; not that I know of.

Senator FORAKER. I call attention to the fact that the record which the Senator has before him will show that there was no trial and no finding by anybody, and that the only men who were absent or unaccounted for were white men from the Eleventh Infantry, which was stationed there—one company.

By Senator FOSTER:

Q. Were you at Fort Bliss in March, 1890?—A. No, sir; I never was at Fort Bliss.

By Senator FORAKER:

Q. Did your company ever have any trouble at all anywhere, any shooting prior to Brownsville?—A. No, sir.

Q. Never mixed up in any of these alleged shooting scrapes?—A. Not while I was there with the company at all.

Senator FORAKER. That is all, so far as I am concerned. I do not want this witness to go away however. I may have to recall him for something.

TESTIMONY OF GEORGE JACKSON (COLORED).

GEORGE JACKSON (colored) being duly sworn by the chairman, testified as follows:

By Senator FORAKER:

Q. Give us your name in full.—A. George Jackson.

Q. Where do you reside at this time?—A. Louisville, Ky.

Q. Are you employed there in any way?—A. Yes, sir; by the Louisville and Nashville Railroad.

Q. In what kind of a position are you in connection with that road?—A. I am icing coaches.

Q. How long have you been so employed?—A. Ever since I arrived in Louisville; that is, two days after my arrival.

Q. Did you belong to the Twenty-fifth Infantry?—A. Yes, sir, I was sergeant—

Q. In August last?—A. I was sergeant—

Q. Were you with your company at Brownsville?—A. Yes, sir.

Q. In August last?—A. Yes, sir.

Q. At the time of this firing we have heard so much about?—A. Yes, sir.

Q. And that happened, as we understand, the night of the 13th-14th of August. What company did you belong to?—A. Company B, sir.

Q. What official position, if any, did you hold?—A. I was sergeant, sir.

Q. You were duty sergeant?—A. Yes, sir; duty sergeant.

Q. Which duty sergeant were you?—A. I was second duty sergeant.

Q. Who was the first duty sergeant?—A. James R. Reid, sir.

Q. Where was he that night of the shooting?—A. He was commander of the guard.

Q. He was on guard—commander of the guard?—A. Yes, sir.

Q. Sergeant of the guard?—A. Yes, sir.

Q. Were you on duty that night; if so, in what capacity?—A. Yes, sir; I was sergeant in charge of quarters.

Q. Sergeant in charge of B quarters?—A. Yes, sir.

Q. As officer in charge of quarters, what, if anything, did you have to do with the gun racks, and what were your duties generally?—A. My duties in general were that I was responsible for the general conduct of the company while in quarters for twenty-four hours, and also responsible for the equipments—that is, the guns that were turned over to me.

Q. What time did you go on duty?—A. I went on duty on or about half past 10 or 11 o'clock.

Q. The morning of what day?—A. The morning of the 13th.

Q. And remained on duty until the next morning?—A. Remained on duty until the next morning.

Q. Now, then, as officer in charge of quarters, state whether or not you had the keys to the gun racks.—A. Yes, sir; I had the keys.

Q. How many keys did you have?—A. I had nine keys, all told, sir.

Q. State what kind of keys they were, and how it came that you had nine keys—what were they keys to?—A. Each gun rack had two locks, one for revolvers and one for the rifles, and there was a key for each lock. There were four racks, which had eight racks, and I had eight keys for those four racks. Then there was a surplus key on there that belonged to the billiard table, which key was also on the string that I had in my possession.

Q. Were those keys for what are called Yale locks?—A. Yes, sir.

Q. All of them?—A. Yes, sir.

Q. What kind of a key is that?—A. A flat key, sir.

Senator FORAKER. Mr. Chairman, it would help us a little if we could have a set of those keys sent here.

The CHAIRMAN. We will make an inquiry.

Senator FORAKER. I want a gun rack brought here. We are examining witnesses about that continually.

The CHAIRMAN. A gun rack is a large affair.

Senator FORAKER. I know; but we might have it brought here. (To the witness.)

Q. You had nine keys. State whether or not any one of those keys would open any two locks of the nine?—A. No, sir; each one of those keys had a separate lock.

Q. Were those guns numbered?—A. Yes, sir; and the locks were also numbered.

Q. The number on the key and the number on the lock had to correspond?—A. Yes, sir.

Q. Well, now, what happened as to these gun racks after you went on duty; just tell whether they were opened at all after you went on duty, and if so, when and for what purpose?—A. The gun racks were opened for the men after coming off the practice march, between 10 and 11 o'clock.

Q. For them to return their rifles?—A. Yes, sir.

Q. Now, right there, the men were on practice march that morning?—A. During that morning, yes, sir; that is the morning of the 13th.

Q. Were you out with them?—A. Yes, sir.

Q. You were out with them?—A. Yes, sir; that was before I went on in charge of quarters.

Q. What time did you return?—A. Between 10 and 11 o'clock.

Q. Well?—A. Immediately after returning I reported to the company commander as the noncommissioned officer going on in charge of quarters, and the old noncommissioned officer reported also as the old noncommissioned officer to be released.

Q. Who was he?—A. Anthony Franklin, sir.

Q. He had been officer of quarters the night before?—A. Yes, sir.

Q. Now, what happened?—A. I went on as sergeant in charge of quarters.

Q. Did you receive the keys from him that you have been talking about?—A. Yes, sir.

Q. How were those keys put together?—A. The keys were put together on a string, and I received the orders of the old noncommissioned officer pertaining to the company, and also received the keys and counted the rifles which were in the racks.

Q. Did you count the rifles in the racks?—A. Yes, sir.

Q. How many rifles were in the racks?—A. I was responsible for 52 rifles, and there were 52 rifles that were in the racks at that time that were turned over to me.

Q. By Corporal Franklin?—A. By Corporal Franklin; yes, sir.

Q. Well, what did you do with them?—A. After receiving those rifles the gun racks were locked, and about ten minutes before the men went on guard they were opened for members of the company that were going on guard to get their rifles.

Q. How many men were there?—A. There were six.

Q. Going on guard?—A. Yes, sir.

Q. Opened for them to get their rifles?—A. Yes, sir.

Q. What happened?—A. They got their rifles, the gun racks were locked, and they were also counted the second time. Every time the gun racks were locked, why, then, they are counted again. That is the way of the company.

Q. That is the way in your company?—A. In my company, yes, sir; that was the orders.

By Senator LODGE:

Q. I should like to ask if there were any revolvers in the racks?—A. No, sir; there was none.

By Senator FORAKER:

Q. But you had the keys for the revolver racks?—A. Yes, sir.

Q. And those keys for the revolver rack would not unlock or lock the rifle rack, as I understand, in your company?—A. No, sir.

Q. Now, what happened next, after the men took their guns out for guard? Did you relock the racks?—A. The gun racks were relocked and the guns again counted. Then I was responsible for 46 rifles there in my possession.

By Senator OVERMAN:

Q. What time was that?—A. That was between 10 and 11 o'clock. It was immediately—that is, soon after we came back from the practice march.

By Senator FORAKER:

Q. In the morning? A. Yes, sir; that was in the morning.

Q. Forty-six rifles in the racks and the racks locked. Then what happened next as to rifles, gun racks, etc.?—A. There was not anything more, sir, during the day that happened, because the gun racks were not unlocked any more.

Q. Was it your duty to remain in quarters while you were officer in charge of quarters?—A. Yes, sir.

Q. Did you remain there all that day?—A. Yes, sir.

Q. Were the gun racks opened again that day?—A. No, sir.

Q. Were they opened again that evening?—A. No, sir.

Q. When were they next opened?—A. They were opened after the call "To arms" was sounded.

Q. That night?—A. That night, sir.

Q. Where were you when this firing commenced?—A. When the firing commenced I was in the room that was for the sergeant of the section. Each sergeant of the section had a room in the quarters—that is, by their sections. There were two sections, two squads in a section.

Q. Were you awake or asleep?—A. I was asleep, sir.

Q. You had gone to bed, had you?—A. Yes, sir.

Q. What time did you go to bed?—A. About twenty minutes after 11 o'clock.

Q. How did you come to go to bed at that time?—A. After 11 o'clock—why, the taps goes at 11 o'clock, and after 11 o'clock the non-commissioned officer, after going through the company, seeing that everything is in proper condition, lights are all out and everything, and everyone in bed, why then he is at leisure to go to bed.

Q. It was your business to stay up until after—A. After taps.

Q. After the lights were put out at 11 o'clock?—A. Yes, sir.

Q. Is there a check roll taken at 11 o'clock?—A. Yes, sir.

Q. What is a check roll?—A. That is going and seeing that every man that is not on duty, or has not permission to sleep out of quarters, are in their beds—or any that are not on pass.

Q. Was that check roll taken that night?—A. Yes, sir.

Q. Were they all there or not?—A. Yes, sir; everybody was present.

Q. That was 11 o'clock, and then you went to bed about twenty minutes after?—A. About twenty minutes after 11.

Q. And then you went to sleep?—A. Yes, sir.

Q. You were in your room?—A. Yes, sir.

Q. Assigned to you as sergeant in command of that section?—A. Yes, sir.

Q. Then how were you awakened?—A. I was awakened by firing and the call to arms. That was what wakened me.

Q. What did you do when you got awake?—A. When I got awake I got up immediately; there was confusion in the quarters—that is the men were jumping up—

Q. State whether there was a light in the quarters or not?—A. There was not, sir.

Q. The lights had all been put out at 11 o'clock?—A. Yes, sir.

Q. And the check roll had been taken?—A. Yes, sir.

Q. All the men were found in the quarters?—A. Yes, sir.

Q. And when you got awake it was about what time, when this firing was going on?—A. It was on or about 12 o'clock. The exact hour I don't know.

Q. And when you got awake, the quarters were still in darkness?—A. Yes, sir.

Q. No lights?—A. No lights.

Q. Go right ahead and describe what occurred.—A. After getting up, I lifted up the pillow and got the keys of the gun racks from under it, which I always kept under the head of my bed whenever I went to bed at night.

Q. As officer in charge of quarters?—A. As officer in charge of quarters.

Q. And you had put them there that night when you went to bed?—A. Yes, sir.

Q. Had anybody had possession of those keys?—A. No, sir.

Q. During the day or during the night?—A. No one at all.

Q. And when you got awake, you found them just where you had put them less than an hour before?—A. Yes, sir.

Q. Then what did you do?—A. I got up and lit a candle and went out into the barracks and started for the first section rack, which is just on the outside of my door, between my door and Sergeant Reid's door. Our rooms were opposite each other. The rack was also between the two doors. I went and began to unlock the rack of his section. It took considerable time, as I could not get the exact key in the beginning. I eventually unlocked the rack. As I unlocked the rack the men began coming up and taking the rifles out and began going downstairs. At the same time I heard Major Penrose hollering for the men of B Company to hurry up and go down and fall in line. So I proceeded on from that rack to the second section rack, and from the second section rack to the third and fourth section racks.

Q. Was the firing going on at this time?—A. It was, sir.

Q. Until you unlocked all the racks?—A. Yes, sir; and the firing was going on afterwards.

Q. Well, then what did you do? How long did the firing go on after you got all the racks unlocked?

The CHAIRMAN. Before he answers that, were all of the racks unlocked and the guns taken out in an orderly way, without damage?

A. Yes, sir.

Q. And when they were put back, they were put back into the racks without damage, were they?—A. Yes, sir.

Q. So that everything was normal as to the condition of the racks after you had taken the guns out and after they were returned?—A. Yes, sir.

By Senator FORAKER.

Q. This was B Company?—A. Yes, sir.

Q. Now, what did you do when you got your gun racks all unlocked? What did you do then?—A. I seen that every man went downstairs. I proceeded downstairs. I proceeded back to my room and got a lantern and lit it, and then I put on my pants and shoes and blouse and went down myself.

Q. Did you go out and unlock the racks without dressing?—A. Yes, sir.

Q. All right, now; go ahead. You went downstairs, and what did you find?—A. I went downstairs, and the first sergeant came up at the time and called for a lantern, and asked me for the lantern that I had, and I gave it to him.

Q. That was Sergeant Sanders?—A. Sergeant Sanders. I went in the billiard room and got a lantern out of the billiard room—the billiard and reading room. The billiard and reading room is all the same.

Q. You got another lantern?—A. Yes, sir; and lit that, and then I remained on the porch.

Q. You went outside and stood on the porch?—A. Yes, sir.

Q. Were you in the rear of the company?—A. I was, sir.

Q. Had the company at this time been formed in front, sir?—A. Yes, sir.

Q. What was going on?—A. The first sergeant was calling the roll.

Q. Sergeant Sanders was calling the roll?—A. Yes, sir.

Q. Was the firing still going on?—A. Yes, sir; when he began calling the roll the firing was going on.

Q. Where did he stand when he was calling the roll?—A. In the center of the company, sir.

Q. In front of it?—A. Yes, sir.

Q. The company were formed with their faces from the barracks?—A. Yes, sir.

Q. So that if you were standing on the porch you were in the rear of the company?—A. Yes, sir.

Q. Were there file closers then in the rear of the company?—A. There were, sir.

Q. Were you in a situation where you could see both ends of the company?—A. I was, sir.

Q. Could you have seen anybody coming around the barracks as though coming from downtown, coming in at the gate or over the wall, or running around the ends of the barracks—could you have seen them joining the company if they had done so?—A. Yes, sir.

Q. Did you see anybody join the company in that way?—A. No, sir; I did not.

Q. Did you see anybody join the company except those who came down out of the barracks?—A. No, sir, I did not; excepting the first sergeant, who came up after the company was formed and asked me for this lantern.

Q. And you gave him the lantern, and he proceeded at once to call the roll?—A. Yes, sir.

Q. What officers, if any, were present when he called the roll?—A. If I am not mistaken it was the commanding officer and the company commander, Lieut. George Lawrason, in command of Company B.

Q. By the commanding officer you mean Major Penrose?—A. Yes, sir.

Q. You saw both of them there, did you?—A. Yes, sir.

Q. While the roll was being called?—A. I seen one of them; but I am not sure that Major Penrose was there at that time; but he had not been away very long, had not been very long left, if he was not present during the roll call.

Q. What was the result of the roll call?—A. The result was all were present or accounted for.

Q. I will ask you whether that was a regular roll call, carefully made—every man's name called?—A. Yes, sir; in the same manner that I have always witnessed ever since I have been in the company, sir.

Q. Are you or not familiar with the voices of the men sufficiently to tell whether when a man answers to his name it is the right man who answers?—A. No, sir; I could not say that I was.

Q. At any rate, the result was, as you say, all present or accounted for. Now proceed. What happened next?—A. After roll call the company moved off—that is, in rear of B Company's barracks. I was not allowed to leave the barracks, so then I remained there at the company barracks.

Q. You being in charge of quarters remained behind?—A. Yes, sir.

Q. I will ask you whether any additional ammunition was issued to the men before they left the barracks, after they had been formed and the roll called, whether you know anything about that?—A. No, sir; I don't know anything about that at all.

Q. You remained behind when the men marched around in front?—A. Yes, sir.

Q. And how long were the men gone?—A. They were gone between one and two hours—that is, between an hour and a half and two hours.

Q. What was the condition of the barracks while they were gone, were they lighted or in darkness?—A. They were lit up.

Q. The barracks were lit up?—A. Yes, sir.

Q. Who lit the barracks up?—A. I lit the barracks up afterwards.

Q. To what extent did you light up the barracks?—A. Well, I lit both sections up, one lamp in each section.

Q. That is, upstairs?—A. Yes, sir; so that on the return of the company, being they were out on duty, that they, when dismissed, could come up and put their rifles and equipments up and undress without being in darkness.

Q. How long were they gone, do you think, before they returned?—A. Between an hour and a half and two hours.

Q. Do you remember whether they came back and sat for awhile on the porch, do you remember about that?—A. No, sir; I do not.

Q. About how near were you to the rear porch, the porch looking out over the town when you were asleep that night?—A. My back window was right off of the back porch.

Q. Could anyone have fired guns from off of that back porch overlooking the town without your hearing it, or being awakened by it?—A. No, sir; I think not.

Q. Were any guns fired from B quarters or any place in B quarters that night?—A. No, sir; I am satisfied there were not.

Q. When the men came back what occurred?—A. When the men came back they were dismissed and returned their rifles to the gun racks. They were counted.

Q. Yes.—A. And witnessed by the company commander.

Q. Lieutenant Lawrason?—A. Yes, sir; Lieutenant Lawrason.

Q. Was he present when the guns were put in the racks?—A. Yes, sir; and when the gun racks were locked, and they were counted.

Q. Were they all there or not?—A. Yes, sir; they were all there.

Q. Then what did you do?—A. I returned and put the lights out.

Q. You locked the racks?—A. Yes, sir; the racks were locked at the time they were counted.

Q. Yes.—A. And I returned and put out the lights and went to bed.

Q. Yes; then you put out the lights and went to bed. That must have been about what hour in the morning?—A. As near as I can remember, sir, it was on about 3 o'clock.

Q. Three o'clock? So that it was not very long after that until daylight?—A. No, sir.

Q. At that time of the year, in August?—A. Yes, sir.

Q. What happened next, to your knowledge? Did you go to sleep?—A. Yes, sir; I went to sleep.

Q. What awakened you?—A. First call for reveille.

Q. Go right ahead now and describe what occurred.—A. At first call for reveille everybody got up and dressed, washes their faces, and goes out and answers reveille at assembly.

Q. With or without arms?—A. Without arms.

Q. Yes.—A. And the noncommissioned officer in charge of quarters still remains in there.

Q. Remains where?—A. Remains in the quarters.

Q. You were a noncommissioned officer and in charge of quarters, and did you remain in the quarters?—A. Yes, sir.

Q. When you got awake where were the keys to your gun racks?—
A. They were under the head of my bed.

Q. You found them just where you had put them when you went to bed at 3 o'clock in the morning?—A. Yes, sir.

Q. You found them where you had put them at that time?—A. Yes, sir.

Q. Had they been out of your possession during that time?—A. No, sir.

A. Go on.—A. After washing I put my name on the sick report.

Q. The sick report?—A. Yes, sir; to go to hospital. As I was a noncommissioned officer in charge of quarters I had to take the sick report to the hospital. I went back and ate my breakfast and then left immediately afterwards for the hospital. I remained over there until about half past 6, or probably 7 o'clock.

Q. Yes.—A. After the sick report was prepared, attended to by the surgeon—that is, the first sergeant of the hospital corps, as there wasn't any surgeon present—then I reported back to the quarters, but I was marked "in quarters," "sick in quarters."

Q. What was the matter with you, if I may inquire?—A. I had what is called the dobe itch.

Q. What is that?—A. The dobe itch? It was contracted from tropical climates. I had the dobe itch on my feet.

Q. Where did you contract that?—A. In the Philippine Islands.

Q. In the Philippine Islands?—A. Yes, sir.

Q. That interfered with your comfort and walking, and so on?—A. Yes, sir.

Q. But you did go to the hospital yourself, with the report, as I understand?—A. Yes, sir.

Q. But you yourself were on the sick report?—A. Yes, sir.

Q. You got back from there about what time?—A. I got back somewhere in the neighborhood of 7 o'clock, the exact time I don't know.

Q. What did you find when you got back?—A. The company was lined up and they were being inspected; the three companies, B, C, and D companies.

Q. Had you unlocked the gun racks before you left?—A. No, sir.

Q. How did they get the guns out of the racks?—A. I had directions always from the company commander, if I had to leave for anything at all, to either turn the keys over to the first sergeant or to the company commander.

Q. Did you turn the keys over to anybody on this occasion?—A. Yes, sir; to the first sergeant.

Q. Who was that?—A. Sergeant Mingo Sanders.

Q. When you went to the hospital you left the keys to the gun racks with him?—A. Yes, sir.

Q. About what time was it when you went to the hospital?—A. About 6.15, sir.

Q. Go ahead. When you came back you found inspection?—A. Yes, sir; inspection going on between B, C, and D Companies.

Q. Yes.—A. And the commanding officer, Major Penrose, was present at the time. They were inspecting B Company as I came up to the orderly room to put the sick report in. Then I proceeded on upstairs to my room. Later the first sergeant and the remainder of the company came in and got the gun racks and carried down to the

orderly room. The officer in command of the company, he had the quartermaster-sergeant get some condemned rags, that is, sheets and pillow slips, and also he sent for the cleaning rod. I got the cleaning rod and sent it down. Also the quartermaster-sergeant, which was McCurdy, he got a cleaning rod, and I went out on the front porch and seen Captain Lyon and Lieutenant Lawrason and Major Penrose cleaning the rifles.

Q. You mean cleaning the rifles or inspecting the rifles?—A. Inspecting the rifles, that is, and Captain Lyon was using this cleaning rod with white rag, running it through the barrel of the gun.

Q. Was that a perfectly clean white rag when they commenced to use it?—A. Yes, sir.

Q. You stood there and witnessed it?—A. Yes, sir: I was out on the porch when it was going on.

Q. What was the result, were the guns found to be clean or dirty?—A. There wasn't anything said that I could hear, sir, in that respect. I never heard anything between the officers, whether they were clean or dirty.

Q. You never heard them say whether they were clean or dirty?—A. No, sir; but the men who were stepped aside for the reinspection, that were stepped aside, stepped out of the company and stepped aside for reinspection, they were returned to the remainder of the company, to the remainder of the men.

Q. That indicated what?—A. That indicated that their rifles were clean.

Q. So that the first inspection was of the company, and then there was a reinspection of certain men who had been stepped to the front for a further inspection?—A. Yes, sir.

Q. And you saw them going through this reinspection?—A. Yes, sir.

Q. And when it was over you saw the men stepped back into their places?—A. Yes, sir.

Q. That indicated that they were passed?—A. Yes, sir.

Q. Did you see this rag when it was brought out, whether there was any dirt on it, or any powder on it, or anything of the sort?—A. No, sir; I wasn't close enough to tell whether there was or not.

Q. What can you tell as to any further inspection, as of ammunition, for instance?—A. The ammunition, all that I know about that, the ammunition was taken up—that is, my ammunition was taken up, and the remainder of the companies, and then there was an ammunition that is called the multiball.

Q. The multiball?—A. Yes, sir; that was issued to men while on duty.

Q. You mean the reduced range cartridge?—A. Yes, sir.

Q. What does "multiball" mean: more than one ball in a cartridge. I suppose?

Senator WARNER. What is it, "multo?"

Senator FORAKER. M-u-l-t-i, multi: i have seen that name.

By Senator FORAKER:

Q. There is a reduced range cartridge, and a multi cartridge. Are they the same?—A. Yes, sir; that is the reduced range cartridge.

Q. Was it the reduced range cartridge issued to you?—A. Yes, sir.

Q. What became of Company B when the inspection was over?

What company had been on duty the night before and what company went on duty then?—A. Company B went on guard.

Q. When?—A. That morning. They relieved Company C.

Q. At what time?—A. On about 9 o'clock.

Q. Was it before or after the inspection?—A. It was after the inspection.

Q. Was it immediately afterwards?—A. Yes, sir.

Q. Did they come back into quarters before they went out on guard, or do you remember?—A. I can not say positively whether they did or not.

Q. But you know that they went on guard?—A. Yes, sir.

Q. How long were they on guard?—A. On duty twenty-four hours.

By Senator LODGE.

Q. Company C had been on guard the night of the 13-14th?—A. They were on guard; yes, sir. That is, after D company had made a patrol, C company went on guard. As Captain Lyon was the senior officer in the garrison, his company went out for the patrol, and after their return then came Captain Macklin, as he stood the next senior officer, and Lieutenant Lawrison, he was the junior officer.

Q. C company was on until B company relieved it the morning after the firing?—A. Yes, sir.

Q. And B company remained on duty twenty-four hours? A. Yes, sir.

Q. When they came off duty at the end of that twenty-four hours' time, what occurred with respect to the ammunition? A. The ammunition was taken up.

Q. All of it, or what?—A. I couldn't say, because I wasn't in a position to tell that, but all I know is that I seen the ammunition taken up.

Q. By whom was it taken up?—A. It was taken up by the first sergeant, quartermaster-sergeant, and company commander.

Q. Was your ammunition taken up?—A. My ammunition was taken up the first day, the day they went on guard, as I was marked "quarters." I wasn't available for duty, and my ammunition was taken up immediately.

Q. Immediately?—A. Yes, sir.

Q. And the ammunition of the others was taken up as soon as they came off?—A. Yes, sir.

Q. Was your ammunition counted or verified in any way when it was turned in?—A. Yes, sir; it was.

Q. By whom?—A. By the first sergeant, quartermaster-sergeant, and company commander.

Q. Was any of your ammunition missing that you were charged with?—A. No, sir.

Q. It was all checked up correctly, was it?—A. Yes, sir.

Q. What do you know as to the ammunition of the other men in the company being checked up when they turned it in?—A. I don't know anything pertaining to the other men's ammunition at all, excepting a few that was around near where I was when it was turned in, although I had never heard any claim or report that there was anybody that was short of ammunition.

Q. You never heard of there being any missing ammunition charged up against any man in the company?—A. No, sir.

Q. And did you see some of the others turning in their ammunition?—A. Yes, sir.

Q. Was their ammunition counted the same as the rest?—A. Yes, sir.

Q. You are talking now of the full cartridges?—A. Yes, sir.

Q. What was issued in lieu of the full cartridges, if anything?—A. I never received anything myself.

Q. Did you have any ammunition in your possession from that time on until you left there?—A. No, sir; I did not; but I would, in case I went on duty. I was marked "quarters," or else on sick report, during the time; that is, the date of the 14th until the date that I was confined.

Q. You speak of being confined. What do you mean by that?—A. I mean I was put in the guardhouse.

Q. What date was that, can you tell?—A. If I am not mistaken, it was on the 23d of August.

Q. How many men were arrested at the same time you were arrested?—A. There were twelve men confined the same day, sir.

Q. You were some of them?—A. Yes, sir.

Q. You were put in the guardhouse? Did anybody tell you what you were put in there for?—A. No, sir.

Q. Or make any charges against you?—A. Not at that time.

Q. Do you know upon whose initiative, upon whose suggestion, you were arrested and put in the guardhouse?—A. All I could learn, sir, it was by order of the commanding officer.

Q. Yes.—A. Major Perouse.

Q. Where were you confined; in the guardhouse on the reservation?—A. Yes, sir.

Q. All twelve of you there?—A. Yes, sir.

Q. Together?—A. Yes, sir.

Q. That was about the 23d, you say, of August?—A. On about the 23d of August.

Q. When did the battalion leave Brownsville?—A. On the morning of the 25th.

Q. On the morning of the 25th?—A. Yes, sir.

Q. Were you kept in the guardhouse until the battalion left?—A. Yes, sir.

Q. Were you then permitted to go with the battalion?—A. Yes, sir.

Q. Do you know whether you were arrested by civil or military authorities or upon the suggestion of civil or military authorities?

A. I don't know whose suggestion it was, sir. All that I can say was that I was confined by military authorities; that is, the commanding officer of the company.

Q. Were the others allowed to go with the battalion when you left there, just as you were?—A. The other prisoners?

Q. Yes.—A. Excepting one. Of course he was a civilian prisoner; he was a citizen at that time.

Q. Who was that?—A. His name was Ernest Allison.

Q. He was a discharged soldier?—A. Yes, sir.

Q. He belonged to Company B?—A. Yes, sir.

Q. He had been discharged, when?—A. He had been discharged, I suppose, about a week or probably ten days.

Q. Before.—A. Before this trouble occurred.

Q. Before the firing?—A. Yes, sir.

Q. Is he the man who started a saloon?—A. Yes, sir.

Q. Ho having been discharged, went out and started a saloon? Can you locate on that map up there about where that was? I will ask Senator Warner if he will kindly explain that map to you, as he is nearer to it.

Senator WARNER. Yes; I will. Sergeant, this is the barracks of Company D, and this is B barracks, and this is C barracks [indicating].

A. Yes, sir.

Q. Out here is the garrison road. This is the wall here between the barracks and garrison road. That is Elizabeth street coming up to the gate of the Fort, and this up here is Washington street [indicating].

Senator SCOTT. Show him where the guardhouse is.

Senator WARNER. Here is the guardhouse, marked No. 37.

The WITNESS. Yes, sir.

Senator WARNER. And here is the noncommissioned officers' quarters. I think that will be sufficient.

By Senator FORAKER:

Q. Where is the saloon that Allison started, if you know?—A. I don't know exactly where it is, but then it was—

Q. Were you ever in it?—A. I was there only once.

Q. It is north of the guardhouse. How did you reach it—by going out the garrison road in the opposite direction from the river, or how?

A. I went out the gate—that is, I suppose it is Elizabeth street. I never know the names of the streets until—

Q. That is the front gate—the big gate?—A. Yes, sir.

Q. Then where did you go?—A. Turned to my right and went down the street.

Q. How far did you go?—A. I had to go about four or five hundred yards, sir, I suppose.

Q. And found that saloon down there?—A. Yes, sir.

Q. That was still within Brownsville?—A. Yes, sir.

Q. Now, getting back to this arrest, there were twelve of you arrested, all of them soldiers except Allison, who was an ex-soldier?

A. Yes, sir.

Q. He had been discharged a few days?—A. Yes, sir.

Q. And when you came away from there all the soldiers came away with the battalion?—A. Yes, sir.

Q. Allison was left behind?—A. Yes, sir.

Q. Do you know to whom he was turned over, to what authority?

A. No, sir; I only can say what I heard.

Q. Tell us what you heard. A. I heard that he was turned over to the civil authorities.

Q. Do you know anything about what has become of him since?

A. No, sir. The last I heard was that he was in prison down there; that he was on the verge of being crazy, going insane.

Senator FORAKER. I will come to that directly and take it up in another connection for careful examination. I only want that much at this time.

By Senator FORAKER:

Q. Where were you brought to when you left there—you and the other eleven men?—A. To Fort Sam Houston, Tex.

Q. What happened to you there?—A. I was turned over to the commander of the Twenty-sixth Infantry.

Q. To the commander of the Twenty-sixth Infantry?—A. Yes, sir.

Q. Who was that?—A. Major Clark received us at the depot. He was at that time commanding officer, as Colonel Brown was at Camp Mabry; he was out there at the military exercises.

Q. I did not understand that. Colonel Brown was away at the exercises at the encampment?—A. Yes, sir.

Q. Were you confined there, or not?—A. Yes, sir; I was.

Q. How long were you kept there?—A. I was kept there from the 25th day of August until the 16th of November, if I am not mistaken. I think it was the 16th.

Q. What happened to you then?—A. I was discharged; discharged without honor.

Q. In the meantime had any charges been preferred against you—any military charges, I mean—of which you were advised?—A. Yes, sir.

Q. Yes. What notice was given to you of these charges being preferred?—A. Major Clark, who was in command.

Q. Who gave you notice of these charges?—A. Major Clark.

Q. In what way did he give you notice?—A. He came to the guard-house on the Monday morning that is, the following Monday after we were confined and notified us all that we would be held under the sixty-second article of war, and that charges would be preferred against us under that article.

Q. Is that the only notice you had?—A. Yes, sir.

Q. Did they ever furnish you with a copy of the charges under the sixty-second article of war?—A. No, sir; nothing.

Q. Did any of your coprisoners, any of those other eleven, have written charges furnished to them?—A. No, sir.

Q. Or any notice except that?—A. Not that I know of.

Q. Did they ever say anything to you about a trial?—A. No, sir.

Q. Were any arrangements made as to a trial on your part, as to getting anybody to defend you?—A. No, sir.

Q. Did anybody suggest that you had better have somebody represent you?—A. No, sir.

Q. They just told you that charges had been presented against you under the sixty-second article of war. Did anybody tell you what the charges were?

Senator WARNER. He said they notified him the charges would be preferred against him.

Senator FORAKER. Did he not say that charges had been preferred? The WITNESS. They would be, sir.

Senator FORAKER. I will have the charges here.

Senator WARNER. That will be the best way, I think.

By Senator FORAKER:

Q. Did he tell you what you would be charged with under the sixty-second article of war?—A. No, sir.

Q. At any rate, you were discharged without honor on the date you have given?—A. About the date. I am not positive about the date.

Q. Then what became of you?—A. I left Fort Sam Houston and went to Louisville, Ky.

Q. And you have been there ever since?—A. Yes, sir; I have been at work there ever since.

Q. Until you were subpoenaed?—A. I went there, and a few days after arriving there I went to work there and worked there continuously until being subpoenaed here.

Q. Do you know who did that shooting at Brownsville that night?—

A. No, sir; I do not.

Q. Do you have any reason to believe that any member of your company had anything to do with the shooting?—A. No, sir; I have not.

Q. Do you have reason to believe that any of the members of any of the other companies had anything to do with that shooting?—A. No, sir.

Q. What is your opinion as to whether any one of them did it?—

A. Well, sir, it isn't my belief that any of them know anything concerning it, as far as I know, and I haven't heard any threats; I haven't heard anything spoken in regards of it.

Q. You say you haven't heard any threats. Did you hear any threats on the part of the soldiers, prior to the shooting, against the citizens of Brownsville?—A. I never heard of any threats.

Q. Have you heard of any agreement being entered into expressly or impliedly between the men of your battalion or the men of the other companies not to tell anything they might know of that matter?—A. No, sir; I have not.

Q. Have you been at all times ready and willing to tell all you know?—A. Yes, sir; at all times I have.

Q. Have your officers known that you have been ready and willing? Have you told them that?—A. Yes sir; as long as I was around my officers they know that, and then after leaving, that is after being confined in the guardhouse at Fort Sam Houston, there was several officers that went there, that is—

Q. How long had you been in the Army?—A. I had been in the Army six years.

Q. Six years?—A. Six years and ten months.

Q. Did you serve in the Philippines?—A. Yes, sir.

Q. Did you hear any firing of arms, were you ever in any battles over there?—A. No, sir.

Q. Did you ever hear any firing?—A. Yes, sir; I have heard firing.

Q. Can you tell from the reports of firing whether it is a firing of mixed arms or whether all are of the same kind of arms?—A. Yes, sir; I can tell the difference in firing.

Q. You can tell that easily, can you?—A. Yes, sir.

Q. Could you hear these reports that night distinctly enough to tell whether the firing was of mixed arms or some particular kind of arms only?—A. It sounded to me like it was mixed arms—that is, revolver and rifle.

Q. What kind of rifle was it? Did it sound like your rifle?—A. No, sir; it didn't sound like my rifle.

Q. What kind of sound has your rifle?—A. It has a sharp, keen sound—that is, the report.

Q. Did you hear any such report as that in this firing?—A. No, sir; I didn't.

Q. The guns, as you understand, were all found to be clean when inspected the next morning?—A. Yes, sir.

Q. Can you tell us how long it takes to clean one of these guns so as to have it pass inspection—to clean it, I mean, after it has been fired

a half a dozen times?--A. Yes, sir; for a regular inspection it will take between a half and three-quarters of an hour.

Q. To clean a gun for inspection?--A. Yes, sir; to clean a gun as we have to do it.

Senator FORAKER. In this connection I want to offer the official record of this witness, George Jackson, sergeant of Company B, as it is found at page 248 of Senate Document No. 155.

The record is as follows:

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 10, 1906.

I will put in the record, so that it may be printed in connection with this testimony, the charges and specifications under the sixty-second article of war filed against Sergeant Jackson and those who were in confinement with him, 12 in all.

The papers referred to are as follows:

Charge and specification preferred against Sergt. James R. Reid, Company B, Twenty-fifth Infantry.

Charge.--Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.--In that Sergt. James R. Reid, Company B, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUTPLEE,
First Lieutenant and Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.

Witnesses: Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry.

In confinement since August 26, 1906.

Rate of pay \$23 per month.

Previous convictions: One, September 8, 1905.

[First Indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 902, Army Regulations, these charges have been investigated by the undersigned as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

AFFRAY AT BROWNSVILLE, TEXAS.

Charge and specification preferred against Sergt. Darby W. O. Browner, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Sergt. Darby W. O. Browner, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did single, or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.

Witnesses: Sergt. George Jackson, Company B; Private John Hollomon, Company B; Compl. Charles H. Madison, Company C; Corp. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Beid, Company C; Corp. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry.

In confinement since August 25, 1906.

Rate of pay. —.

Previous convictions: None.

[First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Corp. David Powell, Company D, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Corp. David Powell, Company D, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant, Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.

Witnesses: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Compl. Charles H. Madison, Company C; Corp. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Beid, Company C; Private Joseph H. Howard, Company D; Private James C. Gill, Company D.

In confinement since August 25, 1906.

Rate of pay: Twenty dollars per month.

Previous convictions: None.

[First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private James C. Gill, Company D, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private James C. Gill, Company D, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant, Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.

Witnesses: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private Joseph H. Howard, Company D.

In confinement since August 25, 1906.

Rate of pay: Thirteen dollars per month.

Previous convictions: Two.

[First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private Joseph H. Howard, Company D, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the two hundred and sixty-second article of war.

Specification.—In that Private Joseph H. Howard, Company D, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to property of inhabitants of town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.

Witnesses: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Pri-

AFFRAY AT BROWNSVILLE, TEXAS.

vate Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D, Twenty-fifth Infantry.

In confinement since August 25, 1906.

Rate of pay: \$14 per month.

Previous convictions: None.

[First Indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private Oscar W. Reid, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private Oscar W. Reid, Company C, Twenty-fifth Infantry, did without authority take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town. This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant, Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.

Witnesses: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D.

In confinement since August 25, 1906.

Rate of pay, \$14 per month.

Previous convictions, four.

[First Indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private James W. Newton, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private James W. Newton, Company C, Twenty-fifth Infantry, did without authority take from his or other companies stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the

streets of Brownsville, Tex., in which disturbance one citizen was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to the property of the inhabitants of said town. This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
*First Lieutenant and Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.*

Witnesses: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry.

In confinement since August 25, 1906.

Rate of pay, —.

Previous convictions, four—December 2, 1905; April 28, 1906; June 4, 1906; June 23, 1906.

[First Indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major Twenty-sixth Infantry, Commanding.

*Charge and specification preferred against Private Charles W. Askew, Company C,
Twenty-fifth Infantry.*

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private Charles W. Askew, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to the property of the inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
*First Lieutenant and Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.*

Witnesses: Corpl. Willie H. Miller, Company C; Sergt. Darby W. O. Browner, Company C; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Corpl. Charles Madison, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry; Sergt. James R. Reid, Company B.

In confinement since August 25, 1906.

Rate of pay, —.

Previous conviction, none.

[First Indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Corpl. Willie H. Miller, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Corpl. Willie H. Miller, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to the property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
*First Lieutenant and Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.*

Witnesses.—Sergt. Darby W. O. Browner, Company C; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Corpl. Charles H. Madison, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company I, Twenty-fifth Infantry; Sergt. James R. Reid, Company B.

In confinement since August 25, 1906.

Rate of pay, —.

Previous convictions: Four (4).

[First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 982, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Corpl. Charles H. Madison, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Corpl. Charles H. Madison, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did singly, or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to property of inhabitants of said town. This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
*First Lieutenant and Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.*

Witnesses: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D.

In confinement since August 25, 1906.

Rate of pay: \$14 per month.

Previous convictions: None.

[First Indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable, with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private John Hollomon, Company B, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private John Hollomon, Company B, Twenty-fifth Infantry, did without authority take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did singly or in company with other party or parties unknown take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.

Witnesses: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private Joseph H. Howard, Company D; Private James C. Gill, Company D.

In confinement since August 25, 1906.

Rate of pay, \$18 per month.

Previous convictions, 1.

[First Indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, the charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Sergt. George Jackson, Company B, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline, in violation of the sixty-second article of war.

Specification.—In that Sergt. George Jackson, Company B, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant, Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.

Witnesses: Sergt. James R. Reid, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C

C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private Joseph H. Howard, Company D; Private James C. Gill, Company D.

In confinement since August 25, 1906.

Rate of pay: \$23 per month.

Previous convictions: None.

[First Indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

By Senator FORAKER:

Q. Can one of these guns be cleaned without the use of a brass cleaning rod?—A. No, sir—that is, not properly. I have never seen one of them cleaned without it.

Q. This smokeless powder adheres to the barrel when the gun is fired?—A. Yes, sir.

Q. How does it compare in that respect with the black powder which you formerly used?—A. It is harder—that is, it gets in the grooves of the gun, and it is harder to get out.

Q. State whether or not it quickly corrodes the gun.—A. Yes, sir.

Q. And whether or not the powder left in the barrel of the gun or in the chamber of the gun, if any gets there, can be removed by the use of that thong brush that you are supplied with.—A. No, sir; it couldn't be.

Q. You have had experience in cleaning guns for six years?—A. Yes, sir.

Q. How often were your guns cleaned for inspection?—A. The guns for inspection were cleaned at least once a week—that was for Saturday inspection; every Saturday inspection.

Q. Every Saturday you had inspection?—A. Yes, sir.

Q. How clean was the gun required to be to pass inspection?—A. It has to be just as clean, so that the rifles in the gun and the grooves could be readily seen to be clean and clear; that there wasn't anything, not a speck, to be seen in the barrel of it.

Q. Could a rifle like this be cleaned in any less time than you have indicated, so as to be, as you say, perfectly clean?—A. No, sir; I think not.

Q. Do you have to use water in connection with the cleaning?—A. Yes, sir; we have to use water and a preparation they call sal soda.

Q. That is according to the general instructions given you?—A. Yes, sir.

Q. You are furnished with that for that purpose?—A. Yes, sir.

Q. And then a gun after being cleaned has to be oiled?—A. Yes, sir; it has to be wiped out well and then oiled.

Q. It has been said that this cleaning rod is furnished you only for the purpose of removing bullets or other obstructions that may become lodged in the barrel of the gun. Is that true or not?

Senator WARNER. Senator, there is nothing of that kind in the record.

Senator FORAKER. I said that it had been said; I did not say it was in the record. I wanted to direct this witness' attention directly to it.

The WITNESS. Well, sir, it is for the purpose of removing anything—that is, if the rifle is dirty, why, and wash the rifle with it also.

Q. It is to wash the rifle with also?—A. It is a brass cleaning rod. That is the instructions I got.

Q. Did you get those instructions in printed form?—A. No, sir; I got those instructions from the first noncommissioned officer that set me up as a recruit when I first went in the service.

Q. That is all that I want to ask on that point. Now tell us about target practice—whether cartridges issued for target practice are issued and used under the eyes of officers, and whether or not each man is charged with the exact number of cartridges he is required to shoot, and whether or not, if he does not shoot all of them, for any reason, he is required to return them and does return them?—A. Yes, sir. When a man goes up to the firing point to fire his rifle, there is an officer present to witness the firing. There is also a scorer detailed from another company. That is, not the company that he belongs to, but some other company.

Q. Yes.—A. And he sees that the proper amount of cartridges are fired. The officer is there also to witness. If any cartridge is snapped and does not fire at first, it is taken out and another one is replaced by orders of the officer present.

Q. And if for any reason a man fails to discharge all of his cartridges, what is done with them?—A. The cartridge is turned back with those that are to be kept. That is, put in the box with the empty shells.

Q. Was there any place at Niobrara where, except from your quartermaster-sergeant of your company, your men could have gotten these army regulation No. 30 cartridges?

Senator TALIAFERRO. Do you mean at Fort Niobrara or at Brownsville?

Senator FORAKER. I say at Niobrara. Was there any place where the men could get any surplus cartridges?

A. No, sir; there was not.

By Senator FORAKER:

Q. Was there any place at Brownsville where you could get any surplus cartridges?—A. No, sir.

Q. So that each man had what was issued to him?—A. Yes, sir.

Q. And no more?—A. Yes, sir.

Q. When you left Niobrara, how many cartridges did you have; can you tell us?—A. I had 20 rounds.

Q. Can you tell us how you carried them?—A. In the field belt.

Q. You say 20 rounds; you mean ball cartridges?—A. Yes, sir; ball cartridges.

Q. Can you tell us anything about the penetrating power of these cartridges?—A. The velocity?

Q. The velocity is one thing and the power of penetration is another. If you know, I will let you tell about both.—A. No, sir; I couldn't say that I am well experienced enough to explain it.

Q. Did you look around Brownsville?—A. No, sir; I was only out once in Brownsville.

Q. Did you see the houses that were in the vicinity of the fort?—A. Yes, sir.

Q. Did you see, for instance, what was known as the Cowen house, marked No. 2 on the map, I believe, up in the corner of the map?—

The CHAIRMAN. It is marked with a red figure 2.

Q. (Continuing.) Did you see that house?

Senator WARNER. That is on the alley between Washington and Elizabeth streets?

Senator FORAKER. Yes.

The CHAIRMAN. Just keep in mind the red lettering and numbers, so that you can designate locations by them.

The WITNESS. No, sir; I do not remember it.

By Senator FORAKER:

Q. If you do not know definitely, I will not ask you further.—A. No, sir.

Q. These bullets fired out of these guns, the ball cartridges, have a tremendous penetrating power, have they not?—A. Yes, sir.

Q. They will go through 2 or 3 feet of wood, will they not?—

A. Yes, sir.

Senator WARNER. I would suggest that you ask him, if he knows, what the penetrating power is.

By Senator FORAKER:

Q. I will find out if he knows about that. Do you know, or do you not know it?—A. Yes, sir; they will go through 3 or 4 inches of hard timber, and such as that.

Q. How many inches of soft timber would they go through, if you remember?—A. About 8 inches, I should suppose.

Senator OVERMAN. That would depend upon the distance, would it not?

Senator FORAKER. I think I had better rely on my official documents.

By Senator FORAKER:

Q. You never put them to the test?—A. No, sir.

Senator FORAKER. I find, by looking at the army instructions, that they will go through over 50 inches of pine boards.

By Senator FORAKER:

Q. Were any of the men who were in confinement with you brought to trial on these charges and specifications under the sixty-second article of war, so far as you know?—A. No, sir.

Q. Were they all discharged at the same time you were?—A. No, sir; there were six men held back and six men discharged.

Q. You were among the first six?—A. Yes, sir.

Q. And later they discharged the other six?—A. Yes, sir.

Senator FORAKER. That is all that I want to ask the witness now. I do not think of anything else at present.

At 12.05 o'clock p. m. the committee took a recess until 2.30 o'clock p. m.

AFTERNOON SESSION.

The committee met, pursuant to the taking of recess, at 2.30 p. m., Senator Scott in the chair.

TESTIMONY OF GEORGE JACKSON, COLORED—Continued.

By Senator WARNER:

Q. Company B barracks is a two-story building?—A. Yes, sir.

Q. The second story is about how far above the first floor?—A. The second story is about how far above? I guess it is about 12 feet, sir, I suppose.

Q. And the upper porch is that distance, then, from the lower porch; there are two porches, are there not?—Yes, sir.

Q. An upper and a lower porch?—A. Yes, sir.

Q. On each side of the barracks?—A. Yes, sir.

Q. The barracks fronting to the parade grounds?—A. Yes, sir.

Q. Which was it that awoke you at that time; was it the call to arms, or the firing, or both together?—A. It was both together. The firing and the call was both going at the time I awakened.

Q. When you woke up?—A. Yes, sir.

Q. And after you woke up, how many shots did you hear?—A. I couldn't count the number of shots.

Q. Were there many?—A. Yes; there was quite a number of shots fired.

Q. Approximately, sergeant; I don't expect you to tell within one, but was it two, or five, or ten; how many, approximately?—A. It sounded as though it was rapid firing; there was one shot right after the other. How many there were fired, I couldn't say.

Q. In what direction was that firing?—A. In the direction of north from the garrison, where I heard it.

Q. What direction from the garrison?—A. North.

Q. Out in the town?—A. Yes, sir.

Q. We have not been getting the points of the compass in this, and so I will show you this on the map.—A. Yes, sir.

Q. This is Elizabeth street entering into the gate, and this is Washington street [indicating on map], and there is the alley between Elizabeth street and Washington street. Was it, apparently, in the direction of this alley?—A. Yes, sir; it seemed to me it was.

Q. Along in that alley?—A. Yes, sir.

Q. The first thing you did was to get your lantern, was it?—A. The first thing after I got up and got my keys I got a candle.

Q. A candle?—A. Yes, sir; a candle and a box of matches, and I lit the candle.

Q. So as to see the keys when you went to the different gun racks?—A. Yes, sir.

Q. Were there many of the men up when you got up?—A. There seemed to be a great many of them in a muss around the quarters. What I could see of them it seemed as though there were a great many of them, and they began to gather right around the gun racks.

Q. So that you were one of the later ones aroused from your sleep, from the way it looked when you got out there?—A. Yes, sir; in the barracks.

Q. Pardon me.—A. They were in quarters, in the barracks.

Q. Yes; but were they dressed?—A. No, sir; no one seemed to be dressed at all.

Q. Then you got your keys?—A. Yes, sir.

Q. You had your candle?—A. Yes, sir.

Q. You knew the number of each key to each gun rack?—A. That is, by looking at the lock of the gun rack and then looking at the key; that is the onliest way.

Q. Certainly; but each key was numbered with a lock?—A. Yes, sir; each key was numbered with a lock.

Q. And when you wanted to unlock any lock you would look at the number of the key and the number of the lock?—A. Yes, sir.

Q. You were quite familiar with the numbers of the different gun racks, were you not?—A. Not any more so than any other. I never paid any particular attention to any of the locks; that is, by knowing the numbers on the locks of the sections.

Q. You unlocked them quickly there?—A. As quickly as I possibly could.

Q. There were no unusual delays about it?—A. No, sir.

Q. Each man's gun is numbered, is it not?—A. Yes, sir. Each man's gun is numbered.

Q. And about 20 guns in each of these racks, as the evidence shows?—A. Yes, sir; something like that.

Q. Did the men get the guns that belonged to each?—A. No, sir; they taken any rifles that they could get at. They didn't take their own. That is not any particular ones. The first ones they got to were the ones they would take.

Q. And how many guns were in a gun rack; did you count them then?—A. No, sir; I didn't count them. Afterwards, after the men fell out—

Q. I am confining it to the morning when you were unlocking the gun racks. You did not count the guns then?—A. During the firing!

Q. Yes.—A. No, sir; I did not.

Q. There were nine keys, I believe you say?—A. Yes, sir.

Q. And there were four gun racks?—A. Yes, sir.

Q. And the ninth key was for what?—A. For the billiard table.

Q. The billiard table?—A. Yes, sir.

Q. So that there were two keys for each gun rack?—A. Yes, sir.

Q. One portion was for the pistols and the other was for the rifles?—A. Yes, sir; for the rifles.

Q. Those keys you kept under your pillow?—A. Yes, sir.

Q. That was your accustomed place of keeping them?—A. Yes, sir.

Q. You had done that in Fort Niobrara?—A. Yes, sir; ever since I had been a noncommissioned officer.

Q. Yes. That was your usual way of keeping the keys?—A. Yes, sir.

Q. To put them under your pillow and go to sleep?—A. Yes, sir.

Q. You are a tolerably sound sleeper, are you, Mr. Jackson?—A. Yes, sir; I guess I am a pretty sound sleeper.

Q. And you went to bed that night about 11 o'clock?—A. About twenty minutes after 11.

Q. You waited up until what you called the check call, did you not?—A. Yes, sir; it is taps; it is called taps.

Q. But you mentioned, I think, that you called it a check call?—A. Yes, sir.

Q. That is to check the men to see that they are in!—A. Yes, sir.

Q. And then you went to sleep, and you knew nothing else until you were aroused by the call to arms and the shooting!—A. Yes, sir.

Q. The impression upon you was that the fort was being assaulted by some one?—A. Yes, sir.

Q. That was the impression?—A. Yes, sir.

Q. Did you have any impression as to who was making the assault?—A. No, sir; I did not, but then I thought probably it was cowboys, or the rangers, as they call them, the rangers. I thought probably it was them that were out on a brawl, or something of the kind.

Q. That is the Texas rangers?—A. Yes, sir. I taken them to be out on a brawl, or something of the kind.

Q. Had you seen anything of the Texas rangers?—A. Have I seen anything of the Texas rangers?

Q. Yes. Had you seen anything of them that night?—A. No, sir.

Q. What made you think it was the Texas rangers?—A. I thought that they were out on a brawl; had been out on a drunk, and were shooting up the town.

Q. Did you know anything about the Texas rangers that led you to believe that?—A. No, sir. I don't know anything about them at all.

Q. Had you heard of the Texas rangers before that?—A. No, sir; no more than what I had heard during the time I was there; that is, that they would go out at times and have a good time on some occasions, such as that. I had heard by men of the Twenty-sixth Infantry.

Q. You heard that after you got to Brownsville?—A. Yes, sir.

Q. What was it the men of the Twenty-sixth Infantry told you?—A. We were just speaking of the men going out and having good times; that is, drinking, and just a rough and rowdy class of men, some of them.

Q. That is, you were talking about the character of the men around Brownsville, was it not; that is where you had the talk?—A. Yes, sir.

Q. And what you would be liable to meet?—A. Yes, sir.

Q. And the difficulties that you would be liable to encounter?—A. Yes, sir.

Q. And then you were warned against these Texas rangers?—No, not warned, that was not your word.—A. No, sir; I was not warned.

Q. I will withdraw that. But you heard that they would shoot up the town at times?—A. They did go out at times, and went out on brawls and did a considerable lot of shooting, and such things as that.

Q. You were somewhat excited?—A. No, sir.

Q. Perfectly cool?—A. Yes, sir.

Q. Were the men excited?—A. Yes, sir they seemed to be; some of them were.

Q. Was there considerable excitement there?—A. There was considerable excitement among the men during the time of the shooting; that is, quite a number of them—

Q. Getting around?—A. Yes, sir.

Q. Yet at that time you stopped to consider the character of the firearms that were being discharged?—A. I never stopped. I only heard it. I never stopped in my duties that I had to perform.

Q. Go on and finish your sentence.—A. I said that I never stopped; that is, I listened, but I never stopped, or nothing of the kind, to neglect the duty that I was performing at the time.

Q. No.—A. I just simply heard the shots fired.

Q. I did not mean that you stopped from your duties. It was a wrong expression of mine. But at that time you formed an opinion of the character of the firearms that were being used?—A. Yes, sir; that is, according to the shots that I heard fired.

Q. And what did you think they were?—A. I taken them to be revolvers and rifles; something like that.

Q. Had you had any experience with Winchester rifles? A. Yes, sir; I have shot with a Winchester rifle.

Q. Where?—A. In New Mexico.

Q. Since you have been in the service?—A. No, sir; that was before I was in the service.

Q. What is the difference in the sound of the discharge of a Winchester rifle and the sound of the rifle which you had there?—A. The Winchester rifle, sir, was a dull lumbering sound; that was the difference of that; and the Springfield, the United States Springfield rifle, had a very keen sound, and the report would be a whiz.

Q. And what would the report be from the Winchester?—A. Just a lumbering. It was a horrid thud, like, a lumbering sound.

Q. What would be the difference between the sound of a Winchester and of a shotgun. It would be a very marked difference, would it not?—A. Yes, sir; there would be a great deal more difference in that.

Q. Now, what would be the difference between the sound of a Winchester and that of a shotgun?—A. I couldn't exactly explain that, sir. It has a lumbering sound also.

Q. You have shot a shotgun more than you have a Winchester?—A. I have shot a shotgun more? No, sir.

Q. Not in hunting?—A. Sir?

Q. You said that you had not—I do not care about pursuing that. Did you hear any shotguns that night?—A. Not that I know of.

Q. Taking the opinion that you formed then, there were no shotguns?—A. No, sir; it did not sound to me like there was any shotguns. It sounded to me more like the report of a Winchester rifle and a revolver.

Q. Without giving definitely—I do not expect you to do that. Mr. Jackson—give the comparative number of pistol shots and others—that is, the Winchester, as you thought?—A. The firing of them was also going on at the same time.

Q. About as many of one as the other?—A. Yes, sir.

Q. That is the way it occurred to you?—A. Yes, sir.

Q. This was after the call to arms that you are speaking of the shooting, now?—A. Yes, sir; after the call to arms.

Q. I think that you were asked, also, if you knew where the Cowen house was?—A. Yes, sir.

Q. It was shown to you as marked on the map in red, No. 2?—A. Yes, sir.

Q. You went over and examined that house?—A. I did, you say?

Q. Did you not?—A. No, sir.

Q. You did not go there?—A. No, sir.

Q. You also knew where the telegraph office was just outside of the gate at the corner of Elizabeth street and Garrison road?—A. Yes, sir; I know where that telegraph office is right by the gate.

Q. It is just across Garrison road, is it not?—A. Yes, sir; I think it is.

Q. Did you go over there to see---A. No, sir; I never went out of the garrison. I never did go out of the garrison at all, after this shooting occurred. I never did go out, because I was myself marked "quarters," and I wasn't allowed any further than the hospital in the garrison, and I wasn't on any duties that would allow me to go out.

Q. You say the racks were taken out of your barracks the next morning!--A. Yes, sir.

Q. And taken downstairs!--A. Yes, sir.

Q. Into what room did you say!--A. Into the orderly room. The first sergeant's room, where he stays.

Q. The four racks were taken down!--A. Yes, sir.

Q. Did you go down there, too, to the orderly room!--A. No, sir; I didn't.

Q. Where were you!--A. I was in the quarters; I was marked "quarters" at the time, excused from duty.

Q. Were you so that you could see into the orderly room!--A. No, sir; I wasn't.

Q. What did the officers do with the guns when they got them down there!--A. They were kept in the orderly room; that is all I know, sir.

Q. Do know whether any examination was made of them!--A. The examination was made out on the parade grounds during the time that I was going to the hospital.

Q. That is the time that the men were in line!--A. Yes, sir.

Q. What did you have there, the McKeever or the web belt; the McKeever box for the ammunition or the web belt!--A. We had both. We had a McKeever box and belt and also the web belt. We had both belts.

Q. Which did you use when you fell out for drill!--A. If I am not mistaken, sir, it was the McKeever box and belt for drill.

Q. And when you fell out that night--the night of the 13th--when this alarm was given, which did you use!--A. I never took any particular notice, sir, because I myself didn't fall in with the company.

Q. You paid no attention as to that!--A. No, sir.

Q. And if you have got the McKeever box on, the web belt is hanging up.--A. Yes, sir.

Q. And if you have the web belt on the McKeever box is hanging up!--A. Yes, sir.

Q. When was the ammunition of the men taken up!--A. My ammunition was taken up the next day.

Q. Were you treated the same as the other men of your company!--A. The other men? They were going on guard; that is, the company were. They were going on guard.

Q. When they came back from guard duty, what was done with their ammunition!--A. It was taken up, as far as I know.

Q. All of it!--A. As far as I know. It was not taken up in the quarters. They were formed in line in front of the company quarters.

Q. You saw that, did you not!--A. I saw a portion of it.

Q. You saw a portion of it taken up!--A. I seen a portion of it taken up.

Q. That was something unusual, was it not!--A. Yes, sir.

Q. You never had seen that in your experience in the Army before!--A. Not that I know of.

Q. And when your ammunition was taken up, that was in the morning, and that was the first time that had been done with you?—

A. Yes, sir.

Q. Did you know why that was?—A. No, sir; no more than the taking of the rifles and the gun racks out from the quarters, and they were put down in the orderly room by orders of the commanding officer, and I supposed that the ammunition was taken up in a like manner by his orders, on account of the trouble that had occurred the previous night.

Q. Was it because some of your men were suspected of being in that trouble?—A. I don't know, sir, whether they were at that time or not—that any of them were suspected at that time.

Q. Did you ever talk with any of them about it?—A. The members of the company?

Q. Yes; whether they were suspected or not?—A. Yes, sir; I had considerable talk with several of the members.

Q. What about?—A. With regard to the trouble that occurred the night previous.

Q. What was the talk?—A. I asked them did they have any ideas who it was. I went to some of the noncommissioned officers and asked them did they have any ideas or had they gained any information as to who it was that was connected with the trouble, whether it was citizens or the soldiers, and they told me that they hadn't received any or hadn't heard any.

Q. What commissioned officers did you talk with?—A. I said non-commissioned officers?

Q. Yes; you are right. What noncommissioned officers did you talk with?—A. I don't know. I couldn't tell you any particular name. It wasn't no more that I had to make a note of, only just going by the orders of the company commander and the commanding officer.

Q. The lieutenant was in command of your company?—A. Yes, sir.

Q. Lieutenant Lawrason, was he not?—A. Yes, sir.

Q. Did you have a talk with him?—A. He had me report to his orderly room, and asked, did I know of any one who had had any trouble with citizens of Brownsville, and also to find out what I could in the company pertaining to any hard feelings that any members of the company had.

Q. Did you do that?—A. Yes, sir; I did. I was carrying out those orders when I was speaking with the noncommissioned officers of the company.

Q. You can not recall now what noncommissioned officers you talked with?—A. No, sir; I couldn't recall any now by name. I just happened to see one or two of them and we discussed the matter.

Q. Were your guns returned to you while you were there in Brownsville?—A. The guns were returned to the men as they were going on duty only; that is, if it was for drill and guard duty—

Q. Yes.—A. And such as that.

Q. Were you given charge of the keys again while you were there—of these gun racks?—A. No, sir; I was on sick report from the 14th until the 23d day of August.

Q. When the gun racks were taken downstairs, into the orderly room, what was done with the keys?—A. The keys were turned over to the first sergeant. He received the keys. But what became of

them after that I don't know. I don't know whether he had them or the commander.

Q. You did not have the keys again after that day?—A. No, sir.

Q. What company was on guard the night of the 13th—doing guard duty up to 12 o'clock?—A. They had details at that time. There were so many men detailed from each company.

Q. I will get that.—A. It wasn't company duty at that time.

Q. We will get it. There was a detail of how many from each company?—A. I couldn't say exactly, because I don't know anything about the keeping of the roster. That was the duty of the first sergeant and in the adjutant's office.

Q. Seven or eight for each company, wasn't it about that?—A. Yes, sir; between six and eight or nine men from each company; somewhere in that neighborhood.

Q. They had their guns?—A. Yes, sir; they had their guns.

Q. And ammunition?—A. Yes, sir.

Q. What was the ammunition with which they were armed?—A. They were armed with the ball ammunition.

Q. Yes.—A. That is, those of my company. I can be mistaken in that. To the best of my judgment they were.

Q. Yes; that is all right. Now, in speaking of these different kinds of bullets, you have this ball cartridge, as you call it?—A. Yes, sir.

Q. When this ball cartridge is used, discharged from the gun, you spoke of the grooves in the gun?—A. Yes, sir.

Q. You said that in cleaning it it would have to be cleaned so that you could distinguish those grooves?—A. Yes, sir.

Q. What impression did those grooves make upon the cartridge when it was discharged—upon the bullet?—A. What impression?

Q. Did it make the marks of the grooves so that you could see them?—A. I don't remember ever paying any particular attention to the cartridge after the ball has been fired; that is, I never paid any particular notice to the ball.

Q. You have seen the bullet after it has been fired from the gun?—A. I have seen them, but I never paid any particular attention.

Q. You have seen the bullet after it has been fired from the gun?—A. I have seen, but I never paid any particular notice to them.

Q. Did you never notice whether there were any marks upon the ball or not?—A. No, sir; I never paid any notice to it.

Q. You know nothing about that?—A. No, sir.

Q. When you went downstairs, did you take your lantern with you when you went down?—A. Yes, sir.

Q. And some one came and got the lantern from you?—A. Yes, sir.

Q. Where were you when he got that lantern?—A. On the porch.

Q. Then you went back and got another?—A. Yes, sir; I went to the billiard room. The billiard and reading room was combined, and I went there and got a lantern that was left in the billiard room.

Q. Company B was a little slow in getting down, was it not?—A. I don't know about them being slow; I think not.

Q. Was Company C formed when you got down?—A. I don't know whether they were or not.

Q. Was Company D formed when you got down?—A. I couldn't tell.

Q. But Major Penrose was there before your company got down?—A. He was at the D Company barracks.

Q. That was yours?—A. He was at my company barracks. I heard his voice hollering for the men to hurry and get down stairs.

Q. Let us fix that time that you heard his voice, with reference to your being aroused by the call to arms. Was it immediately after that that you heard his voice?—A. Yes, sir; it was immediately afterwards, because I was at the first gun rack then, trying to open it.

Q. Yes; and you had not even taken time then to put on your clothes?—A. No, sir; I had not.

Q. And how far were Major Penrose's quarters from B barracks? The officers' quarters are across the parade ground, are they not, from the barracks?—A. Yes, sir.

Q. Do you know about the distance across?—A. I judge those quarters were about 300 yards, probably not quite so far.

Q. Three hundred yards?—A. Yes, sir; probably not quite as far as that.

Q. That is the distance that Major Penrose would have to come?—A. Sir?

Q. Three hundred yards is the distance that Major Penrose was obliged to come in order to get to barracks B?—A. Yes, sir.

Q. And when you were unlocking the first gun rack you heard Major Penrose call out to Company B men to hurry down?—A. I heard him holler for the men to hurry and get down and form ranks; that is what I heard him say.

Q. Company B?—A. Yes sir; he was in front of B Company. I don't know whether he said B Company particularly or not, but those are the remarks I heard him say.

Q. I don't know that that is important, but I have it here that in your examination this morning you said that he called out: "Company B men hurry down."—A. Yes, sir.

Q. The company was formed in front of the barracks?—A. Yes, sir.

Q. Did you fall in with the company?—A. No, sir.

Q. You were then—A. On duty in charge of the quarters.

Q. And you remained on the porch?—A. Yes, sir.

Q. And you know nothing about what was done by the company after it moved around to the wall?—A. No, sir; I do not.

Q. Have you any personal knowledge of how many were absent from the company, yourself?—A. No, sir; but all that I can remember in that respect is that there were two men sick in hospital, and Alfred N Williams and some one else—I think it was Elmer Brown, I am not sure—had permission to sleep out of quarters. I think they are the two men that were absent from the company.

Q. Yes. Would you pretend to say whether any others were absent or not?—A. No, sir; I don't think that there were. Probably there were, but then I couldn't say positively that there were, as I am not sure whether the report from the first sergeant—whether I heard his report or not as to the company that were present—but I think I heard him say that the company was present or accounted for; I am not sure.

Q. That would be the only way you would know, by hearing him announce it?—A. The onliest way I could state, because I wasn't with the company.

Q. I understand. When was it that you lit up the barracks?—A. During the absence of the company, sir.

Q. That is after—A. After the company was moved around in the rear of the quarters.

Q. Then you went upstairs and lit the barracks up?—A. Yes, sir.

Q. Did you do it quite that soon, Mr. Jackson?—A. Just as soon as the company left?

Q. Yes.—A. I think so.

Q. If you thought that the fort was being attacked, why should you light up the barracks when the men were out there defending the fort?—A. All the garrison was up at that time.

Q. Yes.—A. All under arms.

Q. Before you lit up. I don't think it makes any difference. That is your remembrance now?—A. As far as I can remember, I went up after the company went away and lit up, because I didn't know at what time they were coming back; and whenever they came back and were dismissed, then they could see their way up into quarters.

Q. On the morning of the 14th this inspection was had that you have spoken of?—A. Yes, sir.

Q. And you said that you got to bed about 3 o'clock that morning?—A. Yes, sir; that is after the company returned.

Q. Yes, I know; but I don't care when it was; about 3 o'clock in the morning?—A. Yes, sir.

Q. Daylight came pretty early down there in that country, didn't it?—A. Yes, sir; at that time of the year.

Q. About what time would there be daylight?—A. Sir?

Q. What time would it be daylight?—A. I guess about 5 o'clock, or probably a little sooner; you could discern daylight, day breaking about that time.

Q. When was reveille sounded?—A. Reveille? I can't state the exact hour.

Q. About sunup, isn't it; isn't that the usual time?—A. Yes, sir.

Q. That is supposed to be the usual time, about sunup?—A. Yes, sir.

Q. Just the ordinary time of sounding reveille?—A. Yes, sir.

Q. And that morning it was sounded at the usual time, so far as you know?—A. Yes, sir.

Q. You had your breakfast at the usual time?—A. Yes, sir.

Q. What was your usual time of breakfast?—A. Immediately after reveille.

Q. Then would come—A. And then would come sick call.

Q. And morning drill?—A. Yes, sir; and morning drill. I think sick call and mess call went about the same time. I am not sure, but I think they did.

Q. The men who were on guard that night, do you know who they were?—A. No, sir. I remember just one or two of them; but all of them I don't know.

Q. What men were from your company?—A. There was Corporal Burdette, Corporal Franklin, and I think Corporal Daniels. I think that he was on.

Q. Three corporals?—A. Yes, sir; I think Corporal Daniels was on; I am not sure.

Q. How many privates?—A. The same number of privates, if I am not mistaken.

Q. Is not that unusual in guard duty, to assign as many corporals

as privates—A. No, sir; it is according to the roster. Some companies, they have on—that is, the length of time the noncommissioned officers have off duty, then it is figured up at headquarters that all of them will have an equal number of nights off, and it may be that this company will have more men on guard at this time than the next time they go on.

Q. Yes. You knew of some trouble that some members of your company had down in Brownsville?—A. No, sir; I hadn't.

Q. Did you know of any trouble that members of company C had?—A. I heard that Private Newton had had some trouble there.

Q. Anyone else?—A. And Private Reid.

Q. Anyone else?—A. No, sir; that is the onliest two that I heard of.

Q. Did you hear of any trouble that your men had with the business men of Brownsville, or with the saloons, for instance?—A. Why no, sir; I never heard of there being any trouble, only that I heard that the saloon keepers wouldn't serve drinks to any of the colored soldiers.

Q. And then Allison started a saloon there?—A. Yes, sir.

Q. He was a discharged soldier?—A. Yes, sir.

Q. Who was interested in that saloon with Allison?—A. I don't know whether anyone was interested with him or not; but I think Mr. Hollomon.

Q. John Hollomon?—A. Yes, sir.

Q. He was a part owner?—A. He backed him up in it, I know.

Q. When did you know that?—A. I don't know it.

Q. When did you hear of it?—A. I heard of it—that is, when the saloon was opened up.

Q. Was it permissible for a private soldier to be interested in a saloon?—A. No, sir.

Q. Did you report that fact when you heard of it?—A. It was around the company. There was nothing said that would make it appear as though he was, but that was spoken of as though he had backed this man up in this saloon; it wasn't said that he had any interest in it at all, but that he had advanced him money.

Q. To open it?—A. To open the saloon.

By Senator SCOTT:

Q. Loaned him money?—A. Yes, sir.

By Senator WARNER:

Q. Do you know of Hollomon being connected with the sale of whisky up at Fort Niobrara?—A. No, sir; I do not.

Q. You never heard of it?—A. Yes; I have heard that he did, but I never knew him to do it.

Q. I am simply saying that you heard it?—A. Yes, sir.

Q. You heard that he was connected with a blind tiger?—A. No, sir; I don't know that I heard it.

Q. I don't care about that. Did you hear of anyone else who was connected with him up at Fort Niobrara in the sale of whisky?—A. No, sir.

Q. You never heard of any noncommissioned officer in your company being connected with it?—A. No, sir.

Q. Or at Brownsville?—A. No, sir.

Q. Just one question about the cleaning of the guns. You have described the manner in which they are cleaned. Now, the time, say,

to clean a gun, you place at from thirty-five to forty minutes?—
A. Yes, sir.

Q. For cleaning one of the Springfield rifles?—A. Yes, sir.

Q. An expeditious man, one who is familiar with the use of firearms, in what time do you think he could clean it?—A. Well, sir, I think it would consume the same length of time I have named, from thirty to forty-five minutes.

Q. That is, the expeditious man might get through in thirty minutes, and one who was not so well up it would take forty-five minutes?—A. Yes, sir. I think it would take that time to clean a gun as it should be done.

Q. The least time would be thirty minutes?—A. Yes, sir; at the very least.

Q. Did you learn the next day, or within a day or two, of its being stated that Government ammunition had been used in the shooting up of Brownsville?—A. Yes, sir.

Q. You learned that?—A. Yes, sir.

Q. Did that make any impression upon you?—A. It made an impression after the commanding officer had an investigation. He was the one I heard it was from, from Major Penrose.

Q. What impression did that make on you?—A. It surprised me to know that there was any Government ammunition used, and I couldn't believe it.

Q. You could not believe it.—A. No, sir.

Q. But if Government ammunition had been used, how would you account for it?—A. If it had been used?

Q. Yes.—A. How could I account for it?

Q. Yes.—A. I couldn't account for it, because I don't see how they could get hold of it—how anyone could get hold of it and use it.

Q. These Texas rangers, or anyone else?—A. No, sir; I don't see how anyone could get hold of it; that is, anyone from my command, to use it. I am confident of that.

Q. You are pretty careful with your ammunition?—A. Yes, sir.

Q. And the shells, after the practice, the shells were taken care of?—A. Yes, sir; they had been taken care of in order to return them to the arsenal.

Q. Did you leave any shells lying around after the target firing?—
A. They clean the shells. That is, they take the shells in and clean them around the barracks, and wash them, and then I have seen them threaded.

Q. Yes. They take care of them; and would they leave any of them out on the range after target practice?—A. No, sir; I think not. I have never heard of them leaving any out there. But they pick the shells up and leave them in boxes.

Q. Did you see any shells lying around loose at Fort Brown?—A. No, sir; I have not seen any left lying loose.

Q. There were none when you went there?—A. No, sir.

Q. You didn't see any?—A. No, sir.

Q. You didn't hear of any being around?—A. No, sir; not that I know of.

By Senator OVERMAN:

Q. What other man was arrested at the same time you were for

participation in this Brownsville affair?—A. Sergt. James R. Reid, of Company B, and Private Hollomon.

Q. Who was Private Hollomon?—A. He is the man that I spoke of who had advanced Allison money. That is what I heard—that he advanced him some money to go in business.

Q. You were taken sick that morning, you say?—A. I went onto the sick report.

Q. That was the morning after the trouble occurred?—A. Yes, sir.

Q. With the same sickness you had in the Philippines?—A. Yes, sir.

Q. Had you been sick the day before?—A. Yes, sir; I had been sick for some time, although I wouldn't go on the sick report, but on this particular day, on the 13th of August, was a practice march, and I wouldn't go on sick report that day for fear that some of them would think that I was trying to shirk the duty—that is, going out on this march?

Q. Yes.—A. That was my reason for not going on sick report then.

Q. You did go out on the practice march notwithstanding that you had this same trouble?—A. Yes, sir.

Q. And you came back from the practice march?—A. Yes, sir.

Q. And then after this difficulty occurred you went on the sick list the following morning?—A. Yes, sir; the following morning.

Q. After resting all night?

Senator SCOTT. He didn't rest any.

A. After coming off of practice march I went in charge of quarters.

Q. You went to bed at 11 o'clock and rested until you were awakened by this shooting, this trouble?—A. Yes, sir; I went to bed something after 11.

Q. And after it was over you went back to sleep in the barracks that night?—A. About 3 o'clock.

Q. About 3 o'clock, and the next morning you reported sick, then?—A. Yes, sir.

Q. After this was over?—A. Yes, sir; I was reported sick before that, because after going out on these marches, they go over and inspect the men's feet, and immediately after the march is over they have to remove their shoes and socks and stand by the bunks and they go through and inspect their feet, and he spoke to me about mine, and asked me were my feet sore, and I said yes, they were sore, and I showed him. He asked me how long they had been sore, and I said they had been sore about ten days, I think, but not as bad as they were at that time.

Q. Why did you not go on the sick list at that time?—A. Why didn't I?

Senator FORAKER. Excuse me, but what did he tell you when you told the officer about your feet; what did he tell you then?

The WITNESS. He told me to go on sick report. That is what he told me.

By Senator OVERMAN:

Q. Did you go on sick report then?—A. No, sir.

Q. Notwithstanding that he told you to go on sick report you still went on duty?—A. Yes, sir. I went on sick report the next morning.

Q. But he told you at 11 o'clock to go on sick report?—A. No, sir; he didn't tell me to go at that time. He told me to have my name go on the sick report.

Q. You preferred, then, to be on duty rather than to go on sick report?—A. No, sir. Sick call had gone at that time.

Q. You could have gone to the hospital then?—A. Yes, sir; I could have gone to the hospital then; which I did go to the hospital to get treatment—that is, some salve for my feet, and I put my name on the sick report, to go on sick report the next morning.

Q. You were just as bad off then as you were the next morning?—A. Yes, sir.

Q. So that you preferred to go to your duty rather than to go to the hospital then?—A. No, sir; I didn't prefer it. But I never did like to go to hospital.

Q. If you did not like to go to the hospital, why did you go there the next morning?—A. That is, I mean to be confined in the hospital.

Q. You did not want to go the night of this difficulty; but the next morning, when the difficulty was over, you wanted to go, did you not?—A. No, sir.

Senator HEMENWAY. He did not go. He reported and went back to his quarters and stayed there. He did not go to the hospital.

By Senator OVERMAN:

Q. You did not go to the hospital?—A. Only for treatment, and then went back to my quarters.

Q. Then you were off duty the next day?—A. Yes, sir.

Q. But you went on duty the day before, when you were in just as bad condition as you were that day; is that true?—A. Yes, sir; about as bad.

Q. About as bad?—A. Yes, sir.

Q. What is your State?—A. Where I was born?

Q. What State do you claim as your State?—A. I claim Maryland.

Q. Where do you live?—A. I live in Kansas City, Mo.

Q. You live in Kansas City, Mo.?—A. Yes, sir.

Q. And you say that you fired Winchesters in New Mexico; so that you have lived in Maryland, New Mexico, and Missouri, and where else?—A. In Colorado.

Q. Colorado; and where else?—A. I don't know of any other State that I can remember at present.

Q. What were you doing in New Mexico shooting Winchesters?—A. I was there at work. I worked at Raton, N. Mex., on the Atchison, Topeka and Sante Fe, and San Domingo, and went out with some of the people around there, just on occasions. I didn't have any Winchester of my own. I just went out with them, and I would shoot.

Q. How many guards were on duty in the barracks at night?—A. At night?

Q. Yes.—A. We did not have any guards on duty at the barracks at night.

Q. How many at the guardhouse?—A. I don't know the exact number of the guard.

Q. Were these six men who were detailed at 10 o'clock to remain on duty all day and all night, too?—A. Twenty-four hours.

Q. These men from your company and then so many men from the other companies?—A. Yes, sir.

Q. When you locked up these gun racks you say that they were all there but six from your company?—A. Yes, sir; that is all that I was accountable for.

Q. Did you count the guns when they were put in?—A. Yes, sir; when they were put in they were counted.

Q. Did you count them when they were put in the next morning?—A. I wasn't in charge of quarters then. I had been relieved. What do you mean, after they came in off of this—

Q. Yes.—A. That is in the early morning, at 3 o'clock in the morning?

Q. Yes.—A. Yes, sir; they were counted.

Q. Did you count them?—A. Yes, sir; I counted them and the first sergeant of the company and the commander.

Q. To whom did you give the keys?—A. I kept the keys in my own possession.

Q. What did you do with them the next morning?—A. I surrendered them to the first sergeant.

Q. What was his name?—A. Mingo Sanders.

Senator OVERMAN. That is all.

By Senator FOSTER:

Q. How many men are detailed each day for guard duty from the battalion?—A. I couldn't answer that question, sir, as I don't know. I disremember, now, how many posts they had.

Q. Six were detailed from your company on that occasion, as I understand?—A. Yes, sir.

Q. They had their rifles and ammunition, did they not?—A. Yes, sir.

Q. Those six men?—A. Yes, sir.

Q. All the rest of the men assigned for guard duty had also their rifles and cartridges, did they not?—A. From other companies?

Q. Yes.—A. Yes, sir.

Q. How many reliefs are those men—those on guard duty for twenty-four hours—divided into?—A. Three reliefs.

Q. Of how many men each?—A. That depends upon the number of posts that they have.

Q. How many posts did you have at that garrison?—A. I can't remember, now, sir, exactly what the number of posts were.

Q. What were the duties of these men who were detailed for guard service?—A. Their duties were to see that the garrison was protected; that the members of the garrison conducted themselves manly; to report all suspicious noises or anything that happened on or in the vicinity of the garrison.

Q. You had three squads, as I understand it, of the special details; no, the special daily detail was divided into three squads?—A. Three reliefs.

Q. Three relief squads?—A. The guard was divided into three reliefs.

Q. The guard was divided into three reliefs?—A. Yes, sir.

Q. Where were the other men of this guard when they were not on duty?—A. They were at the guardhouse.

Q. Did they have their rifles and ammunition with them at the guardhouse?—A. Yes, sir.

Q. So that, if each company assigned as many men to duty as your company, there would then be about eighteen or twenty men detailed for guard each day, and these men were divided into relief squads, and those who were not on duty remained in the guardhouse—you call this the guardhouse?—A. Yes, sir; the guardhouse.

Q. And those men in the guardhouse had their ammunition and their Springfield rifles?—A. Yes, sir. They had them there at the guardhouse.

Q. How many hours is each relief on duty?—A. They are on two hours and off four.

Q. Say that there were eighteen men detailed from the three companies on the night of the 13th, and one relief was on duty, leaving about twelve of the men in the guardhouse, those men were off duty from two to four hours?—A. Yes, sir; they were off four hours.

Q. They were off four hours?—A. Yes, sir.

Q. What would prevent those twelve men from going into Brownsville that night with their arms and ammunition and shooting up the town?—A. They are not allowed to leave the guardhouse while on duty under no conditions.

Q. That is the general order, is it?—A. Yes, sir; they are on duty, because—

Q. What would prevent these twelve men who are off duty, with their rifles and ammunition, from going into town?—A. They can't do that; it is impossible for them to leave the guardhouse with the rifles unless they leave with a noncommissioned officer to be posted.

Q. Why is it impossible? Is it simply because it is the order?—A. It is the order, sir.

Q. Suppose they wanted to violate the order?—A. I have never seen that did, sir.

Q. Is there anything to prevent them from leaving the grounds with their rifles and ammunition and going on a raid of that kind?—A. There are four noncommissioned officers there, and there is the sentinel.

Q. Suppose the noncommissioned officers wanted to go along with them?—A. I have never seen that did and never heard talk of such, and a noncommissioned officer is supposed to be a man that has some discipline and wouldn't do anything of that kind.

Q. If a noncommissioned officer wanted to go along with the men, what would be the difficulty that the men would experience in going on a raid of that kind? Why couldn't they do it?—A. I haven't seen any of them, the noncommissioned officers, neither privates, to disobey an order, and specially an order of that kind. They don't take the rifles to go to the quarters. When they report to the guardhouse after the giving of the relief they are dismissed by the corporal and that relieves them, and they are brought to the position of port arms, open chambers, and close chambers, and then they fall out and take their rifles and carry in the guardroom and put them in the gun racks—we have a rack there—and then they are not to be removed, not until the time is for them to go on post again, unless so ordered by the officer of the day, or in case of riot or something of the kind, by the commanding officer.

Q. Are they locked up there?—A. No, sir; there isn't any locks on the rack.

Q. There are no locks upon the racks in the guardhouse?—A. No, sir.

Q. All the gun racks of each company are placed in the quarters of each company, are they, or have you one quarters for all of the gun racks of the entire battalion?—A. Each company's gun racks are

placed in its individual quarters. Each company has separate quarters in the battalion.

Q. And the gun racks of each company are placed in the separate quarters of each company?—A. Yes, sir.

Q. I understood you to say that two of your company were permitted to sleep out of their quarters?—A. Yes, sir.

Q. Do you know where they slept that night, how far their sleeping quarters were from the company quarters?—A. One of those men slept at the quartermaster's quarters, if I am not mistaken. That was Alfred N. Williams.

Q. How far was that from the company quarters?—A. I judge it to be about 500 yards, or probably more.

Q. Where did the other one sleep?—A. At Major Penrose's quarters.

Q. How far was that from the company quarters?—A. That is about 300 yards, I think.

Q. How far was the shooting that you heard from the quarters that night?—A. It sounded to me to be at least 200 or more yards.

Q. Did the two men who were permitted to sleep out of company quarters report that night for duty upon the call to arms; were they present when the company was formed?—A. I think they were present, sir. I am not sure. I couldn't say positively whether they were or were not, but I think they were present when the company formed. At least, I know they were present when the company moved off. I know they were present at that time.

Q. As far as you could judge, the shooting downtown was about 250 yards from your company?—A. Yes, sir; that is, according to my judgment. I couldn't tell you, sir.

Q. And one of the men was sleeping about 500 yards from the company quarters and the other about 200, I think you said?—A. Three hundred, I think, sir.

Q. How much?—A. About 300 yards, sir.

Q. After the call to arms, if any men of the battalion were engaged in this shooting in the town, could they not have reached the quarters of the company just as quickly as those two men who were 300 and 500 yards from the quarters?—A. If those—

Q. If any of the members of the battalion were engaged in this shooting downtown, which you judge to have been about 250 yards from your quarters, and two members of your company were sleeping, one 300 yards from your quarters and the other 500 yards from your quarters, could not these men of your company, if they were engaged in the shooting, have reached the company quarters after the call to arms just as quickly as the other two men?—A. They could, sir, if they could get by the guard. D Company at that time were opposite the gate; that is, off around by the gate, and if they could get by the guard they could reach it.

Q. Where was the guard stationed?—A. There was a sentinel on post right in the rear of the quarters; that is, he patrolled around the quarters, and then D Company had to go out to patrol the town.

Q. How many sentinels were on guard that night?—A. I don't know, sir. I don't know the number of posts. I can't remember the number of posts they had. There is a sentinel for each post.

Q. Yes; I understand that. If you do not know the number of posts, how then do you know but what a man could have gotten in the

quarters or barracks very easily without being discovered by the sentinels?—A. D Company at that time was stationed in rear of their barracks. I don't know where C Company was. I don't know anything about that, and B Company, they were in front of that company barracks. Then, after the report of the company, all of the companies moved off; that is, in rear of the quarters; but what taken place there I don't know, as I remained at the quarters.

By Senator OVERMAN:

Q. Did these six men that were detailed from your company fall in line the next morning when the reveille was sounded? Were they in line?—A. Those six men that were on guard?

Q. That were on guard that twenty-four hours?—A. No, sir; I think not. I am not sure. I didn't fall out with the company myself.

Q. You saw them there. You were out there, you say? Were they in line? Would they form in line?—A. I was not out there the next morning.

Q. Would they have done it anyhow?—A. No, sir; their duty called them at the guardhouse.

Q. That morning, after reveille, would they be at the guardhouse?—A. Yes, sir; they would attend reveille at the guardhouse.

Q. So their guns were not inspected?—A. I don't know, sir, whether their guns were inspected or not.

Q. It is not likely, if they were at the guardhouse with the guns. They were not there in front?—A. The commanding officer and the company officers inspected the guns of the garrison that were in use.

Q. Do you know that they inspected these guns at the guardhouse?—A. No, sir; I do not.

Q. In all likelihood they were not inspected?—A. I don't know, sir, whether they were or not.

By Senator FOSTER:

Q. You stated that you believe the Texas rangers were on a brawl that night?—A. Yes, sir.

Q. What made you believe that?—A. Just by the statements that I had heard of some of the members of the Twenty-sixth Infantry.

Q. Did you imagine the rangers were attacking the barracks?—A. When I first wakened up, I didn't know what it was. I didn't know whether it was an attack upon the garrison, or what it was. I didn't know what it was.

Q. Was it not the general impression around there that night that somebody was attacking the barracks?—A. Yes, sir; later on. That is, I heard it later on; after I had begun to get to myself.

Q. The rangers had never been seen by you, or you knew nothing about them?—A. No, sir; I didn't know anything about them.

Q. Did the members of the Twenty-sixth ever tell you that the rangers had attacked the garrison or made any hostile demonstration against the garrison?—A. No, sir; they only told me that they had been out on brawls—that is, go out and just have a general good time of shooting up the town—something like that.

Q. They just had a good time shooting up the town?—A. Yes, sir; having a good time of it. I think I can name one of the men—I am not sure—that was present. It was Private Baker, of Company K, Twenty-sixth Infantry.

By Senator FORAKER:

Q. Baker?—A. Yes, sir; I think that is one of the men.

By Senator FOSTER:

Q. This was just innocent amusement on the part of the Rangers, shooting up the town, was it?—A. I suppose so. I never thought anything of it. I never taken it anyways serious, or anything like that.

Q. You never looked upon this shooting up of the town by the Rangers as anything serious; just a pastime on their part?—A. At the time it was spoken of, I never had given it a thought, speaking of any trouble, or nothing like that. I had never gave it a thought, sir.

Q. You have stated that in your opinion or your belief, no member of your company or of the battalion was engaged in this affray that night?—A. Yes, sir.

Q. Have you heard, and was it discussed by you when you were arrested, that quite a number of Springfield shells and balls were found around the town and in the houses after that shooting affray that night?—A. After I was arrested? No, sir; I don't remember of hearing anything.

Q. You never heard that question discussed?—A. Not after being arrested.

Q. Before you were arrested, did you hear it discussed?—A. But I heard Major Penrose speaking in regards to there was lots of shells. I never heard anything about any balls or nothing of that kind, but Major Penrose said there had been found quite a number of empty shells of the Springfield rifle and clips found in the streets.

Q. If that were a fact that a number of shells of the Springfield rifle and a number of clips belonging to this rifle were found in that town immediately after the shooting and in the place where the shooting took place, would that make you believe that any member of this battalion had anything to do with the shooting?—A. No, sir.

Q. You would still believe that the rangers or citizens did the shooting?—A. I don't believe that any of the members of the battalion had anything to do with it, and I could not believe it under that condition, because it is impossible for the men to get any ammunition. The ammunition that they had in their possession is accounted for. If they are short of one cartridge, it is charged up to them.

Q. When was it discovered, according to your understanding, that the men had all of the ammunition that they ought to have had?—A. When was it discovered?

Q. When did that fact become known?—A. Why, there wasn't any reports made that any one was short of ammunition when it was taken in.

Q. When was the investigation made as to the quantity of ammunition that each man had?—A. The investigation was the following day after the other day that they came off guard.

Q. The following day after the shooting?—A. The day that they came off of guard. I don't know whether the ammunition had been counted before that or not. I couldn't say. My ammunition was taken away from me that morning—that is, the following morning after the shooting of the night, my ammunition was taken away from me. I didn't have any further use for it, and it was taken away from me; but the others, I don't know whether theirs was taken at that

time, or they were examined at that time in regards of the ammunition, or whether it was after they had come off guard. I don't know that.

Q. Of your own knowledge, do you know that each man did have the amount of ammunition that he ought to have had?—A. No, sir; I don't know. I couldn't say that.

By Senator SCOTT:

Q. Sergeant, when a man is ordered to the hospital on sick call, is not his ammunition taken from him, or what do you do ordinarily, I mean?—A. It is.

Q. He turns it in?—A. It is all turned in. Your equipments are taken up and turned in. It is checked up then—that is, if you are ordered there and go to the hospital; but if you remain in the quarters, you keep your equipments.

By Senator OVERMAN:

Q. Sergeant, I want to ask you a question. Was your gun inspected that morning?—A. Yes, sir; my gun was inspected.

Q. You were not in line, were you?—A. No, sir.

Q. Who inspected your gun?—A. Lieutenant Lawrason.

Q. If you were not in line, when did he inspect yours?—A. He came up in the barracks and inspected the rifle that I had taken out. I had to take the rifle out of the gun rack, and that is the time it was inspected.

Q. When did you take it out?—A. I had to take it out for him for his inspection, according to his orders.

Q. He went up there to see you, did he?—A. Yes, sir; he went up there to inspect all the rifles there were up there, if there were any in the racks.

Q. Were there any others in there except yours?—A. My rifle was the onliest one in the rack, to my knowledge, that morning.

Q. And he suspected, did he, because you had not fallen in, that there was something wrong with your rifle?—A. No, sir; he did not.

Q. If you had not been sick that morning you would have fallen in, would you not? Would it not have been your duty to fall in?—A. I was in charge of the quarters, sir.

Q. Those in charge of quarters do not have to fall in?—A. No, sir.

Q. When there is reveille call?—A. No, sir.

By Senator FOSTER:

Q. You have your regular inspections every Saturday?—A. Yes, sir.

Q. Is this a rigid and thorough inspection?—A. Yes, sir.

Q. Between the Saturdays does each and every member of the company use this rod and the rag to clean his gun?—A. He uses it only when he is going on some duty. If he is going on duty—that is, on guard—he has to clean up at that time for inspection. He goes before the adjutant then, and appearance and his pieces and his equipment are inspected, all that are used for that tour of guard duty.

Q. I do not think you understood my question. Are this rod and these clean rags used by each soldier every time he cleans his gun for inspection?—A. He uses the rod. The rod remains in the section room and he has the rag; that is to wipe through the barrel of his gun to clean the dust out and what dirt that may come in contact with it.

Q. I ask you does he use that every time he cleans his gun for inspection?—A. If he does not use that there is another brush that he uses that he carries in the butt of his gun in place of this rod that they used to have. They used to have a rod in the old Springfield rifles. Instead of that, in an oil cup in one end of it, they have a brush. I have seen them use that.

Q. When a rifle is fired, what do you use to clean the barrel out with; the brush?—A. No, sir; it can't be cleaned with a brush. They use salsoda and water.

Q. It would be impossible then, as I understand, to clean the barrel of the rifle out with this brush after it had been fired?—A. Yes, sir; that is to clean it for any inspection.

Q. And you invariably use a rod with a rag after you have fired the gun?—A. Yes, sir.

Q. The brush is of no service in cleaning a gun after it has been fired?—A. No, sir.

By Senator FORAKER:

Q. You said you thought the second porch was about 12 feet higher than the lower porch. I wish you would think of that carefully, and see whether or not you think that would be as high as that porch was.—A. I judge, sir, it was, according to my judgment.

Q. Indicate on the wall of this room about how much higher than the floor the second porch was above the lower porch.—A. About from the floor to those lamp lights there.

Q. About that high?—A. Yes, sir.

Q. I have heard it said it was 20 to 22 feet.—A. That is what I would take it to be, sir.

Q. You said Private Baker, of the Twenty-sixth Infantry, told you something about the town being shot up down there?—A. Yes, sir.

Q. Do you know his first name?—A. No, sir; I do not.

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

Q. Company K of the Twenty-sixth Infantry?—A. Yes, sir.

Q. Do you know where that company is now?—A. They were at Fort Sam Houston the last I knew of them.

Q. Where did he tell you, then—at Fort Sam Houston or at Brownsville?—A. He told me at Fort Sam Houston.

Q. While you were there in confinement?—A. I was in the hospital at the time.

Q. Was he in the hospital also?—A. Yes, sir.

Q. He had been stationed at Brownsville, had he?—A. Yes, sir.

Q. Immediately preceding you?—A. Yes, sir; that is before I went there.

Q. Just what was it he told you about the town being shot up by people, no matter who they were?—A. We were speaking of the affair at Brownsville, and he told me that he had known them to have brawls down there—that is, the rangers used to get out and have a regular good time shooting up the town.

Q. You mean they would get on a spree, or a frolic, or a drunk?—A. Yes, sir; something of that kind.

Q. Then there would be a lot of shooting around there?—A. Yes, sir; that is the way he told me.

Q. Did he speak about that as a usual or an unusual occurrence?—

A. He never said. He didn't say which it was, sir, but he was just merely speaking.

Q. Did anybody else connected with the Twenty-sixth Infantry tell you anything of that sort that you now recall? I only want your best recollection, if you have any.—A. I am not sure, but it seems like Private McCue did.

Q. Can you give his first name?—A. No, sir.

Q. Private McCue?—A. Private McCue, of Company L. They were both in the hospital at the same time with me at Fort Sam Houston—that is, while I was in confinement there with the same trouble. I had to be taken in the hospital there at Fort Sam Houston.

Q. State whether or not there was a detachment of the Twenty-sixth Infantry left behind at Brownsville after the companies left there to which they belonged, to await your coming?—A. Yes, sir; there was a detachment.

Q. How large a detachment was it; how many men were there in it?—A. I don't know, sir; but I think there were about 20 men left back there. I am not sure.

Q. They were there how long after you arrived?—A. They left the following morning, I think, after our arrival.

Q. Did you have any talk with them about rows or brawls, whatever you call them?—A. No, sir; we never had any talk about that.

Q. All your talk was up at Fort Sam Houston?—A. Yes, sir; the only talk I had with them was in regard to what took place—asking what kind of a place it was and how did they like the place there, etc.

Q. You spoke about not seeing any shells in your barracks when you arrived there. You said, however, that the shells that were emptied by target firing were gathered up and put in a box, as I understood you?—A. Yes, sir.

Q. To be turned into the arsenal, I suppose, later, were they?—A. Yes, sir.

Q. State whether or not when you left Niobrara your shells, gathered up from target practice for the summer, had all been turned in, or whether you had some in Company B that you took with you to Brownsville.—A. I don't know, sir, whether they was all turned in or not, but it seems to me as though they was not all turned in. I am not sure. The quartermaster-sergeant had the looking after that.

Q. You do not remember whether you took a box of shells down there or not?—A. No, sir.

Q. Or a partly filled box?—A. No, sir.

By Senator WARNER:

Q. One or two questions, Mr. Jackson. You say there was a detachment of about 20 of the Twenty-sixth Infantry—A. Yes, sir; I guess about 20. I don't know exactly.

Q. That were there when you came down?—A. Yes, sir.

Q. And in answer to a question you said that you talked with them as to how they liked Brownsville?—A. Yes, sir.

Q. And how they were treated there, I suppose?—A. No, sir; there wasn't anything spoken about how they were treated. It was just merely that they were new acquaintances and we asked them, and they asked me what did I think of my new station, and I asked them how did they like Brownsville during the time they were there.

Q. They said they liked it very much, did they not?—A. Some of them liked it very well and others did not.

Q. They were white soldiers, were they?—A. Yes, sir; they were white soldiers.

Q. In your cross-examination you said, as I remember, that when you were aroused from sleep by the shooting and the call to arms it occurred to you then that the Texas rangers were doing the shooting?—

A. Yes, sir.

Q. This talk that you had with Private Baker, of Company K, and with Private McCue, also of the Twenty-sixth Infantry, occurred at Fort Sam Houston when you were in the hospital?—A. Yes, sir.

Q. That was some weeks after the shooting?—A. Yes, sir.

Q. Therefore that could have had no effect upon your forming your opinion there?—A. That was the opinion that I had formed after they told me at Fort Sam Houston.

Q. Then you did not form that opinion until after they told you at Fort Sam Houston?—A. No, sir.

Q. How many weeks was that after the shooting up of the town of Brownsville?—A. I don't know, sir, exactly what time it was that I went to the hospital.

Q. So that at no time while you were at Brownsville did you have the opinion that the Texas Rangers were engaged in the shooting up of the town?—A. No sir; I didn't know who it was at that time.

Q. I did not ask you if you knew, but did you have any opinion that they were connected with it?—A. No, sir; I did not.

Senator FORAKER. That is all, Sergeant. You are not discharged. Wait about until we give further directions.

TESTIMONY OF WALKER McCURDY.

WALKER McCURDY was duly sworn as a witness and testified as follows:

By Senator FORAKER:

Q. Give us your name in full.—A. Walker McCurdy.

Q. Where do you live now?—A. El Reno, Okla.

Q. How are you employed now?—A. The Traders' Compress Company.

Q. Were you a member of the Twenty-fifth Infantry?—A. Yes, sir; I was.

Q. In August last, 1906?—A. Yes, sir.

Q. What company did you belong to?—A. B Company, sir.

Q. What official position did you hold in that company, if any?—

A. I was quartermaster-sergeant, sir.

Q. Where were you enlisted originally; what State?—A. My first enlistment?

Q. Yes.—A. My first enlistment, I was enlisted in the State of Indiana.

Q. Where were you born?—A. I was born in Tennessee, sir.

Q. Whereabouts?—A. Clarksville.

Q. You were born in Clarksville, Tenn., you went to Indiana to live, and you enlisted there, did you?—A. I was just passing through Indiana.

Senator FORAKER. I will put in evidence at this place the official record of Walker McCurdy, as found at page 245 of Senate Document No. 155.

The record referred to is as follows:

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.

By Senator FORAKER:

Q. How long were you in the service?—A. About sixteen years, four months, and a few days.

Q. Did you serve all that time in Company B, Twenty-fifth Infantry?—A. Yes, sir.

Q. Were you in Cuba with your regiment?—A. Yes, sir.

Q. And in the Philippines?—A. Yes, sir.

Q. Were you in any of the battles in Cuba?—A. Yes, sir.

Q. And in any battles in the Philippines?—A. Oh, yes; I was in several engagements there.

Q. You were constantly with your company and wherever it was, were you?—A. The whole time, sir.

Q. You were acting as quartermaster-sergeant of B Company on the 13th and 14th of last August, when the firing occurred in Brownsville?—A. Yes, sir.

Q. About which we have been investigating. Now, sergeant, tell us where you were at the time that firing commenced?—A. I was in my quarters, in bed, sir.

Q. Where were your quarters?—A. My quarters was in the barracks of Company B.

Q. Upstairs or downstairs?—A. Downstairs.

Q. Whereabouts in the quarters downstairs?—A. Right on the west side of the building, sir.

Q. What is the west side of the building; the side toward the town?—A. Next to the town, sir.

Q. You were on the side next to the town?—A. Yes, sir.

Q. Sleeping in your room?—A. Yes, sir.

Q. What is that called—the orderly's room?—A. No; the room next to the storeroom.

Q. You were next to the storeroom?—A. Yes, sir.

Q. Was that where you slept?—A. Yes, sir; my room was leading right into the storeroom.

Q. State whether the windows were open or closed.—A. My windows were closed.

Q. Closed?—A. At least they had screens on them, but it was so warm that I kept the windows up.

Q. You had screens on to keep the mosquitoes out?—A. Yes, sir.

Q. They have some down there, I expect, in August?—Yes, sir.

Q. Now, what occurred? Were you awake or asleep when the firing commenced?—A. I was asleep when the firing commenced.

Q. How did you get awake and what was it awakened you?—A. The firing and the call to arms was going on when I woke up. I don't know which one woke me.

Q. What did you do when you were awakened?—A. The first thing, I went on to dress myself.

Q. Were the quarters dark or were they lighted when you got awake?—A. They was dark when I woke up; I couldn't see a light in the place.

Q. You proceeded to dress yourself, and then what?—A. Then I went out in front of the company to answer roll call.

Q. You heard the call to arms, did you?—A. Yes, sir.

Q. Did you fall out with your company?—A. Yes, sir.

Q. Did you go out with your rifle or without it?—A. No, sir; my rifle was locked up in the storeroom. I didn't carry my rifle out.

Q. Your rifle was downstairs, locked in a storeroom?—A. Right next to my room.

Q. Is that the place where you kept your rifle?—A. Yes, sir; I kept my rifle in the storeroom.

Q. And your ammunition also?—A. Yes, sir.

Q. Did you fall in with the company without your rifle?—A. Yes, sir.

Q. Then what happened?—A. After the roll call my company commander ordered me to get a box of ammunition. I went and proceeded and got that. I asked him could I go back and put on my shirt. I didn't have on nothing but my undershirt, and the mosquitoes were about to eat me up, with a thin undershirt on, and my shoes. I went out without my shoes, because I left my shoes on the porch, and I really had forgotten where I left them.

Q. Then, when you tell us you dressed yourself, it does not seem you did dress yourself?—A. I put on my trousers, but I couldn't find my overshirt and my shoes.

Q. But you did go out to the roll call?—A. Yes, sir.

Q. Who called the roll?—A. First Sergeant Sanders.

Q. Were any persons present when the roll was called?—A. Yes, sir; there was Lieutenant Lawrason and Major Penrose there himself.

Q. You saw both of them?—A. Yes, sir.

Q. About where in the company did you fall into ranks, on the right or center?—A. My place is in the center of the file closers. I guess I fell in about the center of the company.

Q. As a sergeant?—A. Yes, sir.

Q. You remained there without your rifle until the roll was called?—A. Yes, sir.

Q. Do you know with what result the roll was called?—A. The first sergeant—I don't remember how many men he reported absent. So many was absent. I don't know how many it was.

Q. Do you know whether he reported all present and accounted for or not?—A. No; I am positive he did not report all present and accounted for. He turned around and reported to Lieutenant Lawrason so many absent, but he stated where they were all at.

Q. And you state that after the roll was called and the report was made, you asked permission of the company commander to do what?—A. After he sent me back for a box of ammunition.

Q. He came and directed you to get a box of ammunition?—A. Yes, sir; after the roll was called.

Q. What do you mean by a box of ammunition?—A. That is 1,200 rounds. That is one of these cases our ammunition is shipped to us in.

Q. Your ammunition is shipped to you in cases?—Yes, sir; cases of 1,200 rounds.

Q. And when you open the case, you find the ammunition in what you call bandoleers?—A. Yes, sir.

Q. Twenty rounds in a bandoleer?—A. Yes, sir; and 60 bandoleers in a case.

Q. That is 1,200 in a case?—A. Yes, sir.

Q. Lieutenant Lawrason told you to bring out a case of that ammunition?—A. Yes, sir.

Q. Then what did you do?—A. I proceeded back to my storeroom, opened a case, and brought it to him, and turned it over to him.

Q. To whom did you turn it over?—A. To the lieutenant, and he told me to give it to the first sergeant.

Q. Did you give it to the first sergeant?—A. Yes, sir.

Q. State whether you know whether it was then distributed to the men.—A. I don't know whether he distributed it or no. At least I couldn't swear to it, because I didn't see it.

Q. Did you see anything more of that ammunition afterwards?—A. Yes, sir; when I received it and it was turned back to me.

Q. Was that same ammunition returned to you?—A. Yes, sir.

Q. When?—A. I think it was on the 15th. I am not positive, but I think it was on the 15th.

Q. Monday was the 13th, Tuesday was the 14th, and Wednesday was the 15th. You think it was the 15th?—A. I think it was about the 15th; yes, sir.

Q. What makes you think it was returned to you that morning?—A. Because the company went on guard on the 14th. The whole company mounted guard.

Q. And remained on guard how long?—A. And remained on guard twenty-four hours.

Q. And they had all this ammunition during that period?—A. Yes, sir.

Q. When they came off guard on the morning of the 15th, which would be Wednesday morning, you think they returned this ammunition?—A. Yes, sir.

Q. What other ammunition did they return to you at that time?—A. The 20 rounds we had when we left Fort Niobrara.

Q. Had each man 20 rounds before you distributed this case of 1,200?—A. Yes, sir; we had 20 rounds when we left Niobrara.

Q. That was returned to you?—A. Yes, sir.

Q. By the men?—A. Yes, sir.

Q. In what way returned—each man coming and returning his own?—A. Yes, sir.

Q. State whether or not, when the return was made to you of that ammunition, each man's ammunition was counted?—A. I counted every round of it.

Q. State whether or not you had special instructions to that effect from the company commander, Lieutenant Lawrason.—A. Yes, sir; Lieutenant Lawrason ordered me to receive the ammunition and count it, to see that each man had the number of rounds that was issued to

him. I couldn't tell what had been issued to him after the 1,200 rounds, but after checking it up and checking up the 20 rounds per man, I found I had every round of ammunition that was due me.

Q. Was there one single cartridge missing in all that company?—A. No, sir; I didn't find any missing.

Q. Every cartridge was there?—A. Yes, sir; every cartridge.

Q. Just exactly what the men were responsible for?—A. Yes, sir.

Q. That is the ball cartridge you are talking about?—A. Yes, sir; that is the original ammunition.

Q. The long-range ball cartridge, as it is called?—A. Yes, sir.

Q. You have another kind of cartridge, which is called the reduced-range cartridge?—A. Yes, sir; that is the guard cartridge.

Q. That is for guard purposes?—A. Yes, sir.

Q. State whether or not any ammunition of that kind was issued when this other ammunition was taken up.—A. I issued 20 rounds per man.

Q. Did you have enough to go around?—A. I didn't have enough to go around.

Q. How much did it lack of enough to go around and what did you do as to those you could not give guard cartridges to?—A. I issued 20 rounds to them of the original ammunition.

Q. Of the guard cartridges?—A. No, sir.

Senator OVERMAN. He said the original ammunition.

By Senator FORAKER:

Q. The others to whom you could not furnish guard cartridges you gave ball cartridges to?—A. Yes, sir.

Q. Twenty to each?—A. Yes, sir.

Q. That was on the 15th?—A. Yes, sir.

Q. At that same time?—A. Yes, sir.

Q. How many of these guard cartridges did your company have, if you know?—A. I disremember exactly, but I think it was six hundred and something. I am not sure.

Q. You did not have enough to go around—20 cartridges to the man?—A. No, sir; and I disremember how many rounds they had.

Q. State whether or not there was any further change in the ammunition while you were at Brownsville. That is, did the men keep this guard ammunition—these reduced-range cartridges—until they left there?—A. Yes, sir; because they were all checked up perfectly straight when we were at Fort Reno.

Q. I want to know about that. Did you issue any more cartridges before you left Brownsville for El Reno? That is what I want to get at.—A. Yes, sir.

Q. What did you issue and when?—A. I issued 1,200 rounds more.

Q. When did you issue that?—A. I issued that on the night—I don't just remember the date.

Q. Just before you left?—A. Just before we left the next morning.

Q. Was that ball cartridges?—A. Yes, sir; that was original ammunition.

Senator OVERMAN. Right there, Senator, are they not all ball cartridges?

Senator FORAKER. No; what they call the ball cartridge is the regular—

A. Steel jacket.

Senator FORAKER. Steel jacketed cartridge.

Senator OVERMAN. The other has a ball but is reduced.

Senator FORAKER. It is not covered with steel.

The WITNESS. It is a lead bullet.

By Senator FORAKER:

Q. How far can you shoot accurately with this garrison cartridge, or this reduced guard cartridge?—A. I am not positive now, but I think you have to take an elevation of 200 yards. I am not sure.

Q. You have to take an elevation of 200 yards?—A. Yes, sir.

Q. It is a light charge of powder in that cartridge?—A. Yes, sir; it is a lead bullet, with a light charge of powder.

Q. Used simply for garrison duty?—A. Yes, sir.

Q. This other cartridge with a large ball will shoot how far?—A. Some claim it will throw a ball over $\frac{1}{4}$ miles. I don't know.

Q. It will go right through a house, will it not?—A. Oh, yes, sir.

Q. When you got to El Reno, did you then afterwards turn in your guns and your cartridges before you left the company?—A. Yes, sir.

Q. Were they all checked up?—A. Yes, sir; they were all checked up properly.

Q. Did they balance again to a cartridge, as you said they did at Brownsville?—A. Yes, sir.

Q. Was there a missing cartridge?—A. Not as I know of. The Captain was there checking up himself.

Q. Your work in receiving that ammunition and counting up and making these reports was all supervised by your commissioned officers, was it not?—A. Yes, sir.

Q. They are the men who are accountable for this ammunition?—A. Yes, sir.

Q. Sergeant, did you ever clean a gun?—A. Yes, sir.

Q. You have been in the Army how long, did you say?—A. About sixteen years four months and some days—about eighteen days, I think.

Q. Can you tell me how long it takes a man to clean one of these new Springfield rifles, such as you had at Brownsville in August last at the time of this firing, so as to make it clean enough to pass inspection after it has been fired, say, half a dozen to a dozen times?—A. Well, sir, I couldn't clean one myself under twenty-five or thirty minutes. It depends upon the ability of a man to clean a rifle. Lots of them would clean on it half a day and wouldn't get it clean.

Q. Lots of them do?—A. Lots of men will clean on a rifle for half a day and come out the next morning, and you will have to condemn him because it is not clean.

Q. A man who is as near an expert at it as a man can be, short of being an ordnance officer, an expert—how long would it take him?—A. I think he should clean it in from twenty-five to thirty minutes.

Q. And you have seen hundreds and even thousands of rifles cleaned, I suppose?—A. Yes, sir.

Q. That is, you have seen these rifles cleaned, so that in the aggregate you have seen that many cleanings of guns?—A. Yes, sir.

Q. I will not go into the details of the cleaning, simply to save time, however. Now, one other word. You were the quartermaster-sergeant. What duty does the quartermaster-sergeant have to perform with respect to target practice?—A. All I have got to perform,

I have got to issue the ammunition—send the ammunition out. On the morning of the firing I have got to send it out to the range.

Q. Did you do any target firing at Brownsville?—A. No, sir.

Q. Did you do any firing at Brownsville of any kind before this night?—A. No, sir.

Q. At Niobrara you did do target practice?—A. Yes, sir; we completed our target practice at Niobrara.

Q. Before you left there?—A. Yes, sir; about the 15th.

Q. How far was the range at Niobrara from your barracks?—A. I judge from our barracks it could not have been over a thousand yards, anyway.

Q. When some of the men from your company, or your whole company, were going out to engage in target practice, what orders did you receive with respect to ammunition?—A. All the orders I received, they were going to fire this morning, and to send out ammunition.

Q. Would they tell you how much ammunition to bring out?—A. No, sir.

Q. Would you take out the same quantity without regard to whether 50 men were going out or 10 men were going out?—A. Very seldom they would tell me how many men was going out. If they only had a few men, they would tell me, and I would know how much to send out. If they would say the company is going out, I would just count out about 800 or 900 rounds and send it out.

Q. Did you send it out or did you go sometimes?—A. Sometimes I would go myself, but most times I would have to send it out.

Q. Now, just a word before I forget about it. Was this ammunition which was not in the hands of the men—that which was in addition to the 20 rounds or 10 rounds, whatever it may have been that the men had—in your possession?—A. Yes, sir.

Q. How did you keep it, as to being under lock and key?—A. I kept it under lock and key continually.

Q. That was your business?—A. Yes, sir.

Q. You were chargeable with all the ammunition that was charged up to the company except that which was already distributed to the men?—A. Yes, sir.

Q. And you had to render an account for it all?—A. Yes, sir.

Q. Did you keep a memorandum account of all that?—A. Yes, sir.

Q. When you were called upon, then, to send ammunition to the range, you counted out a quantity?—A. Yes, sir.

Q. And made a memorandum of that?—A. Yes, sir.

Q. And you sent it out in charge of somebody if you did not go yourself?—A. Yes, sir.

Q. How did that ammunition find its way into the hands of the men who fired it?—A. When they got to the range, the man who carried it out—he was detailed in charge of the guard to carry the ammunition to the range—he sat right down there and issued it. He would give a man five rounds of ammunition, five cartridges.

Q. If a man did not fire all those five cartridges or ten cartridges, or twenty cartridges that were so given him, what did he do with the surplus?—A. They had to be returned back because there was a commissioned officer to see that they were returned.

Q. As well as a noncommissioned officer?—A. Yes, sir; he always had a noncommissioned officer to assist him on the range.

Q. Did a man have any chance, without running the risk of a court-

martial, to get any surplus ammunition in connection with target practice?—A. No, sir; not as I know of.

Q. And if he appropriated any to himself, he would have to do it right under the eye of the officer, would he not?—Yes, sir.

Q. Was anybody allowed to speak to the man while he was firing?—A. No, sir.

Q. That was one of the rules of the target practice?—A. Yes, sir.

Q. No man was allowed to speak to him?—A. After he came to the firing point there is no one allowed to speak to him.

Q. And the officer —A. The officer did not speak to him himself.

Q. And every shot he fired was tallied?—A. Yes, sir.

Q. Do you know who did the firing at Brownsville that night?—A. No, sir; I don't know anything about it.

Q. Did you have anything to do with it yourself?—A. No, sir.

Q. Do you know of anybody in Company B who had anything to do with it?—A. No, sir.

Q. Do you know of anything that causes you to suspect anybody in Company B with having anything to do with it?—A. No, sir; I do not.

Q. Is all that true as to the other companies?—A. Well, I don't know anything about the other companies.

Q. C and D—I mean do you know of anything that causes you to suspect anybody belonging to either company, C Company or D Company?—A. I could not suspect anybody that belonged to that battalion at that time.

Q. Have you withheld any knowledge from anybody in regard to this matter—refused to tell anybody all about it that you might know?—A. No, sir.

Q. You have told everybody who asked you, or had a right to ask you, about everything you knew about it?—A. I told them all I knew about it.

Q. Has anybody told you how, except by telling all you know, you are to prove you are innocent?—A. No, sir; I have not had anyone make any suggestions whatever.

Q. You have not been instructed on that point?—A. No, sir.

Q. Where was this firing when you first heard it? Where, apparently, was it located? When you awakened and heard this firing that night, where did it seem to be taking place?—A. It was down, sir, just opposite to our barracks, it seemed to me.

Q. Was there any firing that you heard or saw anywhere within the wall of the reservation?—A. No, sir; I seen two flashes from a rifle—it seemed to me to be a rifle—just about the alley that led to B Company's barracks.

Q. On the outside?—A. Yes, sir.

Q. Was there any firing, that you know of, from the upper porch of B Company's barracks?—A. No, sir; not that I know of.

Q. You were sleeping right below?—A. I was on the ground floor, sir.

Q. With the window open and nothing except a screen between you and the outside?—A. Yes, sir.

By Senator OVERMAN:

Q. Were those flashes toward the barracks or away from the barracks?—A. No, sir; it seemed as though they were going toward the Rio Grande River.

By Senator FORAKER:

Q. Like the guns were pointed toward the Rio Grande River?—A. Yes, sir.

By Senator HEMENWAY:

Q. You say you were in the Spanish-American war?—A. Yes, sir.

Q. Were you ever in battle before this Spanish-American war; that is, did you have any service on the frontier, in Indian wars?—A. No, sir.

Q. Were you in battle down in Cuba at any time?—A. Yes, sir.

Q. Where was that?—A. The 1st and 2d days of July I was under fire there in Cuba.

Q. At what place?—A. At El Caney on the 1st and around San Juan Hill on the 2d.

Q. You were not wounded in either of those battles?—A. No, sir.

Q. Were you engaged at any other time while you were in Cuba?—A. No, sir.

Q. How long were you in the Philippine Islands?—A. Three years.

Q. Were you under fire at any time there?—A. I was fired on several times there. I wouldn't call it an engagement. I was fired on several times there from ambush. I wouldn't call that an engagement. I was at Subig every time I was fired on there. My company was stationed there. We was often tackled there, every night or two, and I was at Fort O'Donnell when we taken that place.

Q. Was there any other place besides that where you were engaged in skirmishes?—A. No, sir.

Q. How many times have you enlisted?—A. Five times, sir.

Q. Your discharge each time shows "character excellent," does it?—A. Every one, except the last one I got.

Q. The last one, of course, does not show "excellent." It is a dishonorable discharge or a discharge without honor?—A. Yes, sir.

Q. Have you told everything you know about the Brownsville shooting?—A. Yes, sir.

Q. Are you in any way concealing any information you have in regard to that shooting there?—A. I haven't any information whatever. I was about as anxious, I guess, as you gentlemen are, to find out who did the shooting, to see if our men did it; because some of our men had had long service and rendered too valuable service to the Government to throw it away in that manner. If I knew anyone who did it I would certainly give it away at the first instance. I would not harbor anyone. I haven't any information. I couldn't find out any. I had nothing that would lead me to believe that any of the men were guilty.

Q. And you have all the time been anxious to find out?—A. I have been anxious, and I am anxious until to-day to find out if I possibly could.

Q. You are not satisfied then with the discharge from the Army without honor?—A. No, sir; I am not. I wouldn't do it. I haven't did anything for them to give me such a discharge. Let them punish the guilty parties; don't punish me.

Q. You have made every effort you could to find out who was guilty at Brownsville?—A. I have, sir.

By Senator SCOTT:

Q. Sergeant, you have a pride in your past record in the Army, have you not?—A. Yes, sir; I have a right to be proud of it. I have never been punished in my sixteen years, four months, and eighteen days, I think it is, that I served in the Twenty-fifth Infantry.

Q. You never were in the guardhouse?—A. No, sir; and I have never been punished in no way.

By Senator FORAKER:

Q. You were never in any shooting scrape of any kind?—A. Never in no row of any kind, not even to a row around the company.

Q. To what?—A. Not even a row around the company.

Q. Among your comrades?—A. No, sir.

By Senator WARNER:

Q. Just a few questions, Sergeant. You are quite familiar with those barracks? You had a room in the barracks?—A. At Brownsville?

Q. Yes.—A. Yes, sir.

Q. What was the height of the ceiling there, the first floor?—A. I don't know exactly. I couldn't tell you.

Q. Eight or 10 feet, more or less?—A. I don't think it would be over 10 feet.

Q. You do not think it would be over 10 feet?—A. No, sir; because the ceilings are very low. I can easily reach the ceiling.

Q. There were two porches there, were there not, an upper and a lower porch to the barracks?—A. Yes, sir.

Q. And the same distance between the two porches as between the ceilings in the rooms, was it not?—A. I judge so.

Q. You were there. That could not be to exceed 10 feet, in your judgment?—A. Yes, sir.

Q. You were the quartermaster-sergeant of the company?—A. Yes, sir.

Q. You had nothing to do with issuing to the other companies?—A. No, sir; only my own company.

Q. On the morning of the 14th you issued to your company—that is, it was some time after 12 o'clock, and I had better speak of it as the night of the 13th, so it will not be confusing—the night of the 13th you issued additional ammunition to your company?—A. Yes, sir.

Q. As near as you could, 20 rounds?—A. I don't know how much it was. I carried out 1,200 rounds.

Q. Did you distribute it yourself?—A. No, sir; the first sergeant distributed it.

Q. That was his business then?—A. Yes, sir; he distributed it, because I was out there with nothing on but my sock feet.

Q. When was it turned in to you again?—A. That was the 15th, I think, the next morning after they came off guard.

Q. What other ammunition did they turn in on the morning of the 15th?—A. They turned in all the ammunition they had in their possession.

Q. What was done with their guns?—A. As they came off guard they were locked in the arm racks.

Q. Were they turned in also?—A. Yes, sir; they were turned in to the first sergeant's room.

Q. And all of the ammunition?—A. All of the ammunition.

Q. Both what you call the ball cartridge—A. The steel jackets were all turned in.

Q. Leaving no ammunition with the men?—A. Only the guard ammunition, and those men where my guard ammunition wouldn't hold out, they kept the steel-jacketed bullets.

Q. Let me understand, Sergeant, so as to make this plain. You have a right to do that. They retained a part of the ammunition all the time they were there?—A. No, sir; only those where I couldn't issue the guard ammunition.

Q. But the guard ammunition they retained, did they?—A. Yes, sir; I issued that when I received all the ammunition they had in their possession.

Q. They retained that all the time they were at Brownsville?—A. The guard ammunition?

Q. Yes.—A. Yes, sir.

By Senator HEMENWAY:

Q. Let me see if I understand that. Did they turn in the ammunition and then did you reissue it to them when your guard ammunition would not reach around?—A. Yes, sir.

Q. It was turned in and reissued?—A. Yes, sir; they turned in all the ammunition and everything else, and I issued them 20 rounds more.

By Senator FORAKER:

Q. You issued 20 rounds of the guard cartridges as far as they would go and then you pieced it out by issuing 20 rounds of ball cartridges to the other men?—A. Yes, sir.

Q. For whom there were no cartridges?—A. Yes, sir.

Senator WARNER. That is what he has stated.

Senator FORAKER. That is the way I understood it.

By Senator WARNER:

Q. You retained your gun?—A. No, sir; after they locked the rifles up, mine was taken.

Q. It was taken?—A. Yes, sir; or at least they took mine up too.

Q. Before that, where had you kept your gun?—A. In the store-room.

Q. You did not put it in the gun racks before that?—A. No, sir. Sometimes I would if I would be up in the quarters.

Q. What other noncommissioned officers kept their guns?—A. I don't know of any, sir.

Q. When you fell out on the morning of the 14th for inspection, did you take your gun in to inspection?—A. Yes, sir.

Q. You had it?—A. Yes, sir.

Q. And then you took it back with you, did you, to your room?—A. I put it back into the gun rack again.

Q. When you would open a box of ammunition, would you issue all of it or part of it at times?—A. When I would open a box of ammunition?

Q. Yes; of cartridges?—A. That would depend upon how many rounds I had to issue.

Q. Certainly; sometimes you would issue part of it and sometimes all of it, would you?—A. On the night of the 13th there, I carried out a whole 1,200 rounds, and it was all issued.

Q. But sometimes, I say, part of it, and sometimes all of it?—A. I never had to issue on such an occasion before. I can't see what you are getting at, sir.

Q. I do not know myself; I am trying to find out; but ordinarily, when you would issue, would you have broken boxes?—A. Oh, yes, sir.

Q. That is what I am trying to get at.—A. Yes, sir; going out on a practice march, we would carry 90 rounds, and as soon as they would come in, they would turn in all but 20 rounds. Of course on such occasions as that, we would have broken boxes.

Q. Just a question about the flashes that you saw from the rifles in the alley. Here [indicating on the map] is the gate to Fort Brown, as you understand, this being Elizabeth street, and up here is Washington street. Where were those flashes, would you say, that you saw?—A. Where is the fort?

Q. Here is the fort [indicating]. You see, here is Barracks D.—A. Just over the wall. There is an alley behind there.

Q. Right in this alley between Elizabeth and Washington streets?—A. But they were going toward the Rio Grande River.

Q. In that alley?—A. Yes, sir; this alley here, right next to the wall. They were near opposite that alley, it seemed to me.

Q. Did you hear many shots after you woke up?—A. Oh, yes, sir.

Q. How many?—A. I couldn't say, sir.

Q. What was the character of that shooting?—A. It was pretty rapid firing.

Q. What kind of firearms?—A. I couldn't tell, sir.

Q. You could not tell?—A. No, sir; I don't know what kind of arms was used. It is impossible for me to tell.

Q. You have been in the service sixteen years, practically, have you not?—A. Yes, sir.

Q. And you have been in a good many battles and are acquainted with a good many kinds of arms, of course?—A. Yes, sir; but I know one thing. I can say positive that there was a mixed fire of arms, because they all didn't sound alike.

By Senator FORAKER:

Q. It seemed to be different kinds of guns?—A. Yes, sir; they sounded so to me, sir.

By Senator WARNER:

Q. In order to have you make an explanation, What do you mean by the mixed kind of arms?—A. Some rifles has a keen, cracking sound, and some has a dull sound. It is like you take one of these Remingtons that we have had fired at us. They have got a heavy sound, like an old gas pipe, as we speak of it. Our rifle has a keen, cracking sound.

Q. Were the reports there like Remingtons?—A. I couldn't tell you just what they were.

Q. Or Winchesters?—A. It sounded to me like there was some Winchesters, because I used a Winchester all the time myself.

Q. Any Springfields?—A. I don't know; I couldn't say that.

Q. You could not say whether there were or not?—A. No, sir; I couldn't tell the different sounds.

Q. Any shotguns?—A. I couldn't tell, sir, whether there was or no.

Q. Any pistols?—A. I don't know, sir.

Q. But it was pretty rapid firing?—A. Yes, sir.

Q. About how many shots would you estimate you heard?—A. I wouldn't try to estimate it, because I don't know. I didn't pay that much attention to it.

Q. You were busy looking after—A. I had to get out myself.

Q. After your duties there?—A. Yes, sir.

Q. When you heard this shooting, did it occur to you what was going on, or what it was?—A. I couldn't tell what had happened. I didn't have any idea what was going on. The call to arms was going and also this firing was going on, and I couldn't tell what was happening.

Q. When did you learn, if at all, that it was supposed that some members of the companies B, C, or D had been connected with the shooting up of the town?—A. I didn't learn that until the next morning, at the inspection.

Q. What did you learn about it then?—A. I learned then that our men was accused of the firing in the town.

Q. Did you hear from the officers that your ammunition had been found?—A. I guess it was about two or three days after that before I learned from my company commander that some of our ammunition had been found—that is, some clips, he said, and shells.

Q. Did you go down into the town at all to look up and see the effect of the firing down there?—A. No, sir.

Q. You did not go down at all?—A. No, sir; none of us was allowed out of the garrison?

Q. You have told all you know, as you have said?—A. Yes; all I know.

By Senator FORAKER:

Q. I forgot to ask you whether the roll was called by Sanders, which you attended, I understood, before the firing ceased?—A. There was several shots fired whilst he were calling the roll. I am positive there wasn't any firing going on before he got through calling the roll. But after I fell out, when he first began to call the roll, there were firing going on.

Q. The firing was going on when he commenced calling the roll?—A. Yes, sir.

Q. But had stopped, you think, by the time he was through with it?—A. Yes, sir.

Q. Do you remember his calling out to some men not to get down on the ground, to stand up?—A. Yes, sir; some men, I don't know who it was; they were speaking to him about "put out the light."

By Senator WARNER:

Q. When this took place they were then in front of the barracks?—A. Yes, sir.

Q. The barracks' was between the men and the wall?—A. Yes, sir.

Q. That was before they marched around to the wall?—A. Yes, sir.

Q. And before marching around to the wall the firing had all ceased?—A. Yes, sir; when we marched around to the wall the firing had all ceased.

By Senator OVERMAN:

Q. Who sounded that bugle call, the call to arms—do you know?—A. I don't know. It was a musician of the guard, but I don't know who it was.

Q. A musician of the guard that night?—A. Yes, sir. Of course when the musician of the guard sounds the call to arms every trumpeter in the company is supposed to take it up, to warn every man.

Q. Did they all take it up?—A. I know ours taken it up.

Q. Who gives that order to sound the call to arms, if you know?—

A. The officer of the day or the commanding officer.

Q. The officer of the night?—A. The officer of the day.

Q. Officer of the day, you call him?—A. Yes, sir.

Q. Who was the officer of the day?—A. Captain Macklin.

Q. Was he on duty that night?—A. He was officer of the day.

Q. And of course he was on duty at night?—A. Yes, sir; he was on duty all the time.

Q. That order must have been given by him?—A. I don't know who gave the order.

Q. Would anybody else have any right to make the call?—A. The sergeant of the guard, during the absence of the officer of the day—if anything happens he has the right to give it.

Q. If the officer of the day was absent, then it would be given by the officer of the guard?—A. The officer of the guard; yes, sir.

By Senator FOSTER:

Q. How many rounds of ammunition ought each soldier to have had on the night of the 13th? How many cartridges ought each soldier to have had that night?

Senator HEMENWAY. Before he brought out the additional ammunition?

Senator FOSTER. Yes.

A. He was supposed to have 20 rounds, sir.

By Senator FOSTER:

Q. How many rounds of ammunition was each soldier supposed to have had, or how many rounds ought he to have had, on the morning of the 14th after the additional ammunition had been distributed?—A. That is something I couldn't tell you, because, for the first reason, I don't know how much he gave each man.

Q. Do you know, then, how many additional rounds of ammunition each man received that night after the call to arms was sounded?—A. No, sir; I know that 1,200 rounds were issued.

Q. You know that 1,200 rounds were issued?—A. Yes, sir.

Q. To the members of your company?—A. Yes, sir; 1,200 rounds were issued to the members of my company.

Q. But you don't know how much was issued to each man?—A. I don't know how much each man received. I didn't issue it myself; I only opened the case and carried it out there. But I know it was all checked up.

Q. Who checked it up?—A. I checked it up myself when it was returned, and the company commander checked right behind me to see that my check was correct. That was Lieutenant Lawrason.

Q. When was it that the ammunition was returned?—A. I think on the morning of the 15th.

Q. On the morning of the 15th?—A. Yes, sir; the morning of the 15th, or the 16th. I am not sure which. I think the morning of the 15th, after the company came off guard.

Q. What is that?—A. It was after the company came off guard.

They went on guard the morning of the 14th and came off the morning of the 15th.

Q. How many rounds of ammunition did you check up from each man?—A. I don't know. I haven't got that.

Q. Did you keep a record of that?—A. Yes, sir; I kept a record of how many rounds of ammunition from each man.

Q. Is that record kept by the department?—A. It is kept in the company.

Q. It is kept in the company?—A. Yes, sir.

Q. Wouldn't that record show how many rounds of ammunition each man returned on the morning of the 15th?—A. No, sir; that was issued in a case of emergency; that 1,200 rounds was issued in case of emergency; you couldn't check up how many rounds was issued to each man. It was just the same as on a battlefield.

Q. Then you do not know how many rounds of ammunition were issued to each man, and nobody knows, do they?—A. No, sir; only we know that the amount issued was turned in.

Q. You issued 1,200 rounds?—A. Yes, sir.

Q. Is there a record showing that you issued 1,200 rounds that night, or does the record show that 1,200 rounds were returned?—A. The record shows 1,200 rounds were returned.

Q. Does it show how many were issued?—A. It only shows what I received.

Q. Does it not show what you issued?—A. No, sir; it doesn't show what I issued at all, because that is what I received. I received 1,200 rounds in addition to the 20 rounds they had. When they turned in the ammunition they turned in everything they had—what they had from the night before and the 20 rounds that they brought from Fort Niobrara.

By Senator FORAKER:

Q. I understand you to speak of the record. You have company records which ought to show all this?—A. It shows what was issued to them.

Senator FORAKER. I want it to go in the record that I called on the War Department specifically for these particular reports, and I understood that they would be at the headquarters of the battalion, with the headquarters of the particular companies, and they informed me that they had been unable to find these reports.

By Senator FORAKER:

Q. You made these reports?—A. The company property book shows all the ammunition that is in possession of every man every day, but only in a case of emergency like that was it was impossible to keep a record of it then.

Q. That night and morning?—A. Yes, sir.

Q. But you did take a record of it when the ammunition was returned to you?—A. Yes, sir; checked up. We knew exactly what we had in the battalion and I checked it up to see if I got my 1,200 rounds.

Q. That was made up by you in the presence of the company commander, Lieutenant Lawrason?—A. Yes, sir.

Senator FORAKER. It may be that those reports can be found yet.

Senator BULKELEY. It is the company property book.

Senator FORAKER. I called for the company property returns.

By Senator FOSTER:

Q. Do you estimate the number of rounds of ammunition issued that night by the number that was returned or received by you; is that the only way that you have of arriving at it?—A. The only way that I have. I know that each man had 20 rounds.

Q. Yes.—A. There were 1,200 rounds issued in addition to the 20 rounds to the men. All I was to go for was to turn in all ammunition, and I will figure out the 20 rounds per man and from that I would see if I had 1,200 rounds.

Q. You know that 1,200 rounds were issued?—A. Yes, sir; I know that 1,200 rounds were issued.

Q. Do you know that by the record showing that 1,200 rounds were issued, or by the fact that you received 1,200 rounds?—A. I know that because I carried the 1,200 rounds out and turned them over to the first sergeant, and I had only the empty case, with none in it.

Q. You do not know how many rounds each man got that night in this emergency distribution?—A. No, sir; I don't know how it was distributed at all.

Q. A man may have gotten 5 or 10 or 20 rounds, and there is no record kept of that?—A. If the sergeant issued it like he told me he issued it, each man was supposed to get only 15 rounds. That was $\frac{1}{4}$ in ranks. He said he gave 1 bandolier to $\frac{1}{4}$ men; but I don't know whether he did or not.

Q. Had any member of the company any of these reduced-range cartridges before the 13th?—A. There were none in the possession of the men; I know that; not in the possession of B Company.

Q. I am not speaking of B Company.

Senator FORAKER. Allow me right there. Each company arranged that for itself?

The WITNESS. Yes, sir.

Senator FORAKER. And what one company did was no—

The WITNESS. That didn't go to the next company. It was each company for itself.

By Senator FOSTER:

Q. Then your company had on the day of the 13th none of these reduced-range cartridges?—A. No, sir.

Q. They were only issued after you recalled the steel-jacketed cartridges?—A. Yes, sir.

Q. On the morning of the inspection were you present?—A. Yes, sir.

Q. Did your company wear the web belt or the McKeever box on inspection?—A. We had the russet belt and the McKeever cartridge box. We fell out just the same as we would fall out every morning for drill, for we didn't know we were going to have inspection, and that is the way we fell out each morning for drill—with the russet belt and the McKeever cartridge box.

Q. With the russet belt and the McKeever cartridge box?—A. Yes, sir.

Q. The russet belt and the McKeever cartridge box is used for regular drill, is it?—A. Yes, sir.

By Senator FORAKER:

Q. You used the McKeever box for drill and parade and the belt at other times?—A. No, sir. That McKeever box, you can't wear that only with this belt.

Q. What is that?—A. The McKeever box you can only wear with the russet belt.

Q. I understand; but what did you have on when you turned out for inspection?—A. We had the russet belt.

Q. With the box, a McKeever box?—A. Yes, sir; with the McKeever box.

Senator WARNER. That is the ornamental part, is it not?

The WITNESS. That we have for full dress?

Senator WARNER. Yes.

By Senator FORAKER:

Q. Where were the other cartridges that were in the web belt?—A. They were up in the men's quarters.

Q. State whether or not that was inspected also that morning.—A. Yes, sir.

Q. Your company was out that morning on duty?—A. Yes, sir. As soon as they got through inspection—inspecting the rifles—I went out to post the relief.

Q. You did not remain around to see what they did?—No, sir. I don't know what the company commander did after I left.

Q. You do not know whether they went upstairs to inspect the cartridges that were upstairs or not?—A. No, sir.

By Senator FOSTER:

Q. When you had that inspection the morning of the 14th, how many rounds of cartridges was each man expected to have in his McKeever box?—A. Twenty rounds, sir, is all it will hold.

Q. Why was he not expected to have with him the extra cartridges which he had received that night as the emergency ammunition? Where were those cartridges?—A. I understand you to say, how was he expected to have those cartridges?

Q. How was he not expected to have them?—A. That was in his field belt, a web belt.

Q. Then those cartridges which were distributed the night before as an emergency distribution were in his field belt?—A. Well, yes, sir; I guess they were.

Q. Yes; and no officer could tell exactly how many cartridges a man ought to have on the inspection of the morning of the 14th, could he?—A. No, sir; not with the McKeever cartridge box, he couldn't tell.

Q. And it was impossible to tell how many he was expected to have with the extra ammunition?—A. No, sir; he couldn't tell how many he was expected to have with the extra ammunition.

Q. Did the inspecting officer know how many each man ought to have?—A. I don't know whether he knew or not.

Q. Could he have known with the distribution of the night before?—A. The first sergeant could have told him how he issued that ammunition. He could have told the company commander. I wasn't present at the issue myself. The first sergeant is the only man that could tell him how it was issued. I couldn't tell. Whether he told the commanding officer or not I don't know.

Q. Each man was expected to have, however, upon that inspection, the 20 cartridges which he had prior to this distribution, was he not?—A. Yes. We fell out for drill. We didn't fall out for inspection. We fell out for drill—our regular daily drill, morning drill—but

it turned out to be inspection and there wasn't anyone knew there was going to be an inspection; that is, none of the men of the company.

Q. Then the men on drill were expected simply to have the twenty rounds of cartridges?—A. Yes, sir. The captain is liable to inspect you any morning to see that you have the ammunition that you are expected to have. Lots of captains will do that any time—carry you away out on the target range and inspect you.

Senator FORAKER. I think that is all with this witness, unless some other Senator wants to ask some questions.

Senator WARNER. I have nothing further.

By Senator PETTUS:

Q. Wait a moment. Sergeant, how many rounds were you issued the night of the firing?—A. Twelve hundred.

Q. No more and no less?—A. No more and no less, sir.

Senator HEMENWAY (in the chair). There seem to be no further questions. You may be excused now, and you must come back to-morrow morning.

Senator FORAKER. Be in attendance until we dismiss you. We may want to recall you.

I have now several things that I want to introduce in evidence. I want to put in evidence the ordnance returns of these companies. They are all from the War Department. I will put in evidence first so much of the returns as relates to the small-arms ammunition alone.

I will offer in evidence first a report made by Capt. A. B. Shattuck, of the Twenty-fifth Infantry, for the period ending May 1, 1906. He was the company commander. That shows the receipt by him of the ball cartridges and other kinds of cartridges issued at Fort Niobrara.

Next I offer the regular semiannual report of that company, in so far as it relates to small-arms ammunition, made by Second Lieut. George C. Lawrason, ending June 30, 1906. He succeeded Captain Shattuck as company commander. This is his report as to the ammunition.

I next offer a report made by Second Lieut. George C. Lawrason, dated September 17, 1906, showing what ammunition was on hand in Company B, and by him turned over to Lieut. J. A. Higgins, who succeeded him in command of that company shortly after the firing at Brownsville and shortly before the date of this return, which appears to have been made as soon as they could take an account of the ammunition and other company property.

I next offer in evidence a report made by Capt. Edgar A. Macklin, Twenty-fifth Infantry, for the half year ending June 30, 1906, being the regular semiannual report of ordnance made by that company.

There was no change of commanders in Company C or in Company D.

I next offer in evidence the regular semiannual report made by Capt. Edgar A. Macklin for Company C, Twenty-fifth Infantry, of small arms ammunition, dated December 31, 1906.

Next I offer the regular ordnance report of small arms ammunition, made by Capt. S. P. Lyon, Twenty-fifth Infantry for Company D, dated June 30, 1906.

I also offer the semiannual report of Capt. S. P. Lyon for the next half of 1906, dated December 31, 1906.

These reports show exactly how much of each kind of ammunition was received, how many cartridges, and what was done with it.

[Extract copy, showing rifle and ammunition transactions.]

Semiannual return of ordnance and ordnance stores received, issued, and remaining on hand in Company B, Twenty-fifth Regiment Infantry, commanded by Capt. A. B. Shattuck, Twenty-fifth Infantry, during the period ended May 1, 1906.

Date.	Number of voucher.	Part half year, 1906, ending May 1, 1906.	Class VIII.—Cartridges, etc., caliber .30, rifle, model 1903.		
			Class VI.—Magazine rifles, caliber .30, model 1903.	Ball cartridges.	Ball cartridges, gallery practice.
1906.					
Mar. 30	1	Received from Chas. H. Clark, Major, Ordnance Department, U. S. Army	70		
Apr. 11	2	Received from Lieut. F. W. Bugbee, Twenty-fifth Infantry		26,400	
Apr. 21	3	do			1,140
		Total to be accounted for	70	26,400	1,140
May 1		Transferred to Second Lieut. G. C. Lawraon, Twenty-fifth Infantry	70	26,400	1,140
		Total issued and expended	70	26,400	1,140

I certify that all the ordnance and ordnance stores enumerated on this return as "transferred to Second Lieut. Geo. C. Lawraon, Twenty-fifth Infantry," were this 1st day of May, 1906, received by me from Capt. A. B. Shattuck, Twenty-fifth Infantry.

Post-office address, Fort Niobrara, Nebr.
(Signed)

Geo. C. Lawraon,
Second Lieutenant, Twenty-fifth Infantry, Commanding Company B.

The above certificates for transfer of property will only be used when a complete transfer of property occurs as provided by paragraph 747, Army Regulations, and at no other time and for no other purpose.

When the transfer of property is effected in this manner both certificates must be filled out—No. 1 on the receiving officer's return and No. 2 on the return of the transferring officer.

I certify that the foregoing return exhibits a correct statement of the public property in my charge during the past half year ended May 1, 1906, and that the maximum strength of the company during the half year was 66 enlisted men

Station, Fort Niobrara, Nebr.
(Signed)

A. B. Shattuck,
Captain, Twenty-fifth Infantry, Commanding Company B.

[Extract copy, showing ammunition transactions.]

Semiannual return of ordnance and ordnance stores received, issued, and remaining on hand in Company B, Twenty-fifth Regiment Infantry, commanded by Second Lieut. George C. Lawrason, Twenty-fifth Infantry, during the half year ended June 30, 1906.

S. Doc. 402, GO-1, pt 4-18

Date.	Number of voucher.	First half year, 1906.	Class VIII.—Cartridges, etc.										
			Rifle and carbine ball cartridges, caliber .30.	Rifle and carbine blank cartridges, caliber .30.	Ball cartridges.	Blank cartridges.	Dummy cartridges.	Ball cartridges, reduced range (guard cartridges)	Revol- ver ball cartridges, caliber .38.	Con- trol bullets.	Round ball cartridges, caliber .30 (smoke- less), model 1903.	Car- tridge primers.	Reload- ing shells, gallery prac- tice, caliber .30.
1906.		On hand from last return	3,996	2,500					540	8,000		500	2,000
May 1	2	Received from Capt. A. B. Shattuck, Twenty-fifth Infantry			26,400						1,140		
May 7	3	Received from First Lieut. F. W. Bugbee, Twenty-fifth In- fantry					130	650					
May 31	6	do				4,000			2,000				
		Total to be accounted for	3,996	2,500	26,400	4,000	130	650	2,540	8,000	1,140	500	2,000
June 12	8	Turned into C. O., Rock Island Arsenal	14,000	2,500								500	722
	11	Expended, as per abstract			17,500	324			1,525	6,000	500	500	
		Total issued and expended	14,000	2,500	17,500	324			1,525	6,000	500	500	722
		Remaining on hand to be accounted for on next return			8,900	3,676	130	650	1,015	2,000	640		1,278

I certify that I have made a careful inventory of the various quantities of small arms ammunition for which I am accountable, and have taken up on my return all surplus ammunition on hand, and that said return shows the actual quantities of small arms ammunition on hand at the end of the period for which it is rendered.
(Signed)

Geo. C. Lawrason,
Second Lieutenant Twenty-fifth Infantry.

The above certificates for transfer of property will only be used when a complete transfer of property occurs as provided by paragraph 717, Army Regulations, and at no other time and for no other purpose.

When the transfer of property is effected in this manner both certificates must be filled out—No. 1 on the receiving officer's return and No. 2 on the return of the transferring officer.

I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended June 30, 1906, and that the maximum strength of the company during the half year was 66 enlisted men.
Station, Fort Niobrara, Nebr., June 30, 1906.

(Signed)

Geo. C. Lawrason,
Second Lieutenant Twenty-fifth Infantry, Commanding Company.

Post-office address of the station, Fort Niobrara, Nebr.

AFRAY AT BROWNSVILLE, TEXAS.

[Extract copy supplementary report.]

No. 11. -- Abstract of expenditures, Company B, Twenty-fifth Regiment Infantry, half year ended June 30, 1906.

Date.	How expended.	Class VIII.—Metallic ammunition.				
		Rifle and carbine ball cartridges, caliber .30.	Rifle and carbine blank cartridges, caliber .30.	Revolver ball cartridges, caliber .38.	Ball cartridges, caliber .30, for gallery practice, Mod. 1903.	Reloading shells, caliber .30, gallery practice.
1906.	In practice firing	17,540	324	1,525	500	
	In gallery practice competition					950
	Total, expended	17,540	324	1,525	500	950

I certify on honor that the above abstract is correct, and that the stores have been expended for the purposes stated.
(Signed)

Geo. C. LAWKASON,
Second Lieutenant Twenty-fifth Infantry, Commanding.

[Extract copy, showing ammunition transactions.]

Semiannual return of ordnance and ordnance stores received, issued, and remaining on hand in Company B, Twenty-fifth Regiment Infantry, commanded by Second Lieut. Geo. C. Lawrason, Twenty-fifth Infantry, during part half year ended September 17, 1906.

Date.	No. of voucher.	Second half year, 190—	Class VIII.—Cartridges, etc.							
			Caliber .30, rifle, model 1903.				Revolver ball cartridges, caliber .38.	Conical bullets.	Round ball cartridges, caliber .30 (smokeless), model 1903.	Reloading shells, gallery practice, caliber .30.
			Ball cartridges.	Blank cartridges.	Dummy cartridges.	Ball cartridges, reduced range (guard cartridges).				
1906.		On hand from last return.....	8,900	3,676	130	650	1,015	2,000	640	1,200
		Total to be accounted for.....	8,900	3,676	130	650	1,015	2,000	640	1,200
	2	Expended, as per abstract.....	1,260					800		850
		Transferred to First Lieut. J. A. Higgins, Twenty-fifth Infantry.....	7,640	3,676	130	650	1,015	1,200	640	350

I certify that all the ordnance and ordnance stores enumerated on this return as "transferred to First Lieut. J. A. Higgins, Twenty-fifth Infantry," were this 17th day of September, 1906, received by me from Second Lieut. Geo. C. Lawrason, Twenty-fifth Infantry.

Post-office address, Fort Reno, Okla.

(Signed)

J. A. HIGGINS,
First Lieutenant Twenty-fifth Infantry, Commanding Company B.

The above certificates for transfer of property will only be used when a complete transfer of property occurs as provided by paragraph 747, Army Regulations, and at no other time and for no other purpose.

When the transfer of property is effected in this manner both certificates must be filled out—No. 1 on the receiving officer's return and No. 2 on the return of the transferring officer.

I certify that I have made a careful inventory of the various quantities of small arms ammunition for which I am accountable, and have taken up on my return all surplus ammunition on hand, and that said return shows the actual quantities of small arms ammunition on hand at the end of the period for which it is rendered.

(Signed)

Geo. C. LAWRASON,
Second Lieutenant Twenty-fifth Infantry.

I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended September 17, 1906, and that the maximum strength of the company during the half year was 63 enlisted men.

Station, Fort Reno, Okla., September 17, 1906.

(Signed)

Geo. C. LAWRASON,
Second Lieutenant Twenty-fifth Infantry, Commanding Company.

Post-office address of the station, Fort Reno, Okla.

[Extract of copy of supplementary report.]

No. 2.—Abstract of expenditures, Company B, Twenty-fifth Regiment Infantry, part half year ended December 31, 1906. (September 17.)

Date.	How expended.	Class VIII.—Metallic ammunition.			Parts of United States magazine rifle and carbine, caliber .30.	
		Rifle and carbine ball cartridges, caliber .30.	Rifle gallery re-loading cartridges, caliber .30.	Conical balls, caliber .30, for gallery practice.	Cocking pieces and firing pins, assembled.	Thong chords, model 1903.
1906.	In practice firing	1,260				
	In gallery practice		850	800		
	In the repair of arms				3	2
	Total expended	1,260	850	800	3	2

I certify on honor that the above abstract is correct, and that the stores have been expended for the purposes stated.
(Signed)

GEO. C. LAWRENCE,
Second Lieutenant, Twenty-fifth Infantry, Commanding.

[Extract copy, showing ammunition transactions.]

Semiannual return of ordnance and ordnance stores received, issued, and remaining on hand in Company C, Twenty-fifth Regiment Infantry, commanded by Capt. Edgar A. Macklin, Twenty-fifth Infantry, during the half year ended June 30, 1906.

Date.	Number of voucher.	First half year, 1906.	Class VIII.—Cartridges, etc.									
			Rifle and carbine ball cartridges, caliber .30.	Rifle and carbine blank cartridges, caliber .30.	Caliber .30, rifle, model 1903.				Revolver ball cartridges, caliber .38.	Ball cartridges, caliber .45.	Conical bullets, caliber .30.	Reloading shells, gallery practice, caliber .30.
					Ball cartridges.	Blank cartridges.	Dummy cartridges.	Ball cartridges, reduced range.				
1906.		On hand from last return									500	
Apr. 10	1	Taken up, as per certificate	11,542	5,559						724	8,000	35
	4	Received from First Lieut. Fred W. Bugbee, Ordnance Office, Fort Niobrara			26,400							
Apr. 21	5	do										1,140
May 14	6	do					130	650				
June 4	7	do							2,000			
June 23	8	do			5,700	5,000						
		Total to be accounted for	11,542	5,559	29,100	5,000	130	650	2,000	724	8,000	1,675
June 14	9	Issued to Lieut. Col. Frank Baker, Ordnance Department	11,542	5,559						724	8,000	35
		Total issued and expended	11,542	5,559						724	8,000	35
		Remaining on hand to be accounted for on next return			29,100	5,000	130	650	2,000			1,140

I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended June 30, 1906, and that the maximum strength of the company during the half year was 65 enlisted men.
 Station Fort Niobrara, Nebr., June 30, 1906.
 (signed)

Post-office address of the station, Fort Reno, Okla.

EDGAR A. MACKLIN,
 Captain, Twenty-fifth Infantry, Commanding Company.

AFFRAY AT BROWNSVILLE, TEXAS.

[Extract copy, showing ammunition transactions.]

Semiannual return of ordnance and, ordnance stores, received, issued, and remaining on hand in Company C, Twenty-fifth Regiment Infantry, commanded by Capt. Edgar A. Macklin, during the half year ended December 31, 1906.

Date.	Number of voucher.	Second half year, 1906.	Class VIII—Cartridges, etc.					
			Caliber .30, rifle, model 1903.				Revolver-pat. cartridges caliber .38.	Reloading shells, gallery practice, caliber .30.
			Ball cartridges.	Blank cartridges.	Tommy cartridges.	Ball cartridges, re- duced range.		
1906.		On hand from last return.....	29,100	5,000	130	650	2,000	1,140
		Total to be accounted for.....	29,100	5,000	130	650	2,000	1,140
Dec. 31	10	Expended, as per abstract.....	23,400	3,900			1,100	
		Total issued and expended.....	23,400	3,900			1,100	
		Remaining on hand to be accounted for on next return.....	5,700	1,100	130	650	900	1,140

I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended December 31, 1906, and that the maximum strength of the company during the half year was 65 enlisted men.
Station, Fort Reno, Okla., January 1, 1907.

(Signed)

Post-office address of the station, Fort Reno, Okla.

EDGAR H. MACKLIN,
Captain, Twenty-fifth Infantry, Commanding Company.

[Extract copy of supplementary report.]

No. 10. Abstract of expenditures, Company C, Twenty-fifth Regiment Infantry, half year ended December 31, 1906.

Date.	How expended.	Class VIII.—Metallic ammunition.		
		Rifle and carbine ball cartridges, caliber .30.	Rifle and carbine blank cartridges, caliber .30.	Revolver ball cartridges, caliber .38.
1906.	In practice firing	23,100	3,900	1,100
	Total expended	23,100	3,900	1,100

I certify on honor that the above abstract is correct, and that the stores have been expended for the purposes stated.
(Signed)

EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry, Commanding.

AFRAY AT BROWNSVILLE, TEXAS.

[Extract copy, showing ammunition transactions.]

Semiannual return of ordnance and ordnance stores received, issued, and remaining on hand in Company D, Twenty-fifth Regiment Infantry, commanded by Capt. S. P. Lyon, Twenty-fifth Infantry, during the half year ended June 30, 1906.

Date.	Number of voucher.	First half year, 1906.	Class VIII.—Cartridges, etc.											
			Rifle and carbine ball cartridges, caliber .30.	Rifle and carbine blank cartridges, caliber .30.	Ball cartridges.	Blank cartridges.	Dummy cartridges.	Revolver ball cartridges, caliber .38.	Gallery practice cartridges, caliber .30, model 1903.	Guard cartridges.	Conical bullets, caliber .30.	Round balls, caliber .30, for gallery practice.	Reloading shells, gallery practice, caliber .30.	
1906.														
Apr. 10	2	On hand from last return.....	6,000	2,800					1,950			5,500	4,200	604
		Received from First Lieut. Fred W. Bugbee, Twenty-fifth Infantry, Ordnance Office.....			26,400									
Apr. 21	3	do.....								1,140				
May 7	4	do.....				4,000	130				650			
June 3	6	do.....						2,000						
		Total to be accounted for.....	6,000	2,800	26,400	4,000	130	3,950	1,140	650	5,500	4,200	604	
June 30	8	Expended, as per abstract.....			22,800	200		2,000	1,140					
		Total issued and expended.....			22,800	200		2,000	1,140					
		Remaining on hand to be accounted for on next return.....	6,000	2,800	3,600	3,800	130	1,950		650	5,500	4,200	604	

I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended June 30, 1906, and that the maximum strength of the company during the half year was 65 enlisted men.
 Station, Fort Niobrara, Nebr., June 30, 1906
 (Signed)

Post-office address of the station, Fort Niobrara, Nebr.

SAMUEL P. LYON,
 Captain, Twenty-fifth Infantry, Commanding Company.

[Extract of copy of supplementary report.]

No. 8.—Abstract of Expenditures, Company D, Twenty-fifth Regiment Infantry. Half year ended June 30, 1906.

Date.	How expended.	Class VIII.—Metallic Ammunition.			
		Rifle and carbine ball cartridge, caliber .30.	Rifle and carbine blank cartridges, caliber .30.	Revolver ball cartridges, caliber .38.	Round balls, caliber .30, for gallery practice.
1906.					
June 30	In practice firing.....	22,800	200	2,000	1,140
June 30	In gallery practice.....				
	Total expended.....	22,800	200	2,000	1,140

I certify on honor that the above abstract is correct, and that the stores have been expended for the purposes stated.
(Signed)

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Commanding.

[Extract copy, showing ammunition transactions.]

Semiannual return of ordnance and ordnance stores received, issued, and remaining on hand in Company D, Twenty-fifth Regiment Infantry, commanded by Capt. S. P. Lyon, Twenty-fifth Infantry, during the half year ended December 31, 1906.

Date.	Number of voucher.	Second half year, 1906.	Class VIII.—Cartridges, etc.												
			440c and carbine ball cartridges, caliber .30.	Cartridge shells, caliber .30.	Rifle and carbine blank cartridges, caliber .30.	Gallery practice cartridges, caliber .30.	Gallery practice shells, caliber .30.	Caliber .30, rifle, model 1903.			Revolver ball cartridges, caliber .38.	Small cartridges.	Codical bullets, caliber .30.	Round balls, caliber .30, for gallery practice.	Reloading shells, gallery practice, caliber .30.
1906 Dec. 31	4	On hand from last return.....	6,000		2,800			3,600	3,800	130	1,950	600	5,500	4,200	604
		Taken up as per certificate.....				500	40	3,200							
		Total to be accounted for.....	6,000		2,800	500	40	3,800	3,800	130	1,950	600	5,500	4,200	604
Dec. 31	7	Issued to.....	6,000	1	2,800	500	40						4,000	200	
		Charged on muster and pay rolls, as per statement.....						60				5			
		Total issued and expended.....	6,000	1	2,800	500	40	60				5	4,000	200	
		Remaining on hand to be accounted for on next return.....						3,740	3,800	130	1,950		1,500	4,000	604

I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended December 31, 1906, and that the maximum strength of the company during the half year was 65 enlisted men.

Station, Fort Reno, Okla., December 31, 1906.
(Signed)

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Commanding Company D.

Post-office address of the station, Fort Reno, Okla.

[Copy.]

I certify that I have made a careful inventory of the various quantities of small-arms ammunition for which I am accountable, and have taken up on my return all surplus ammunition on hand, and that said return shows the actual quantities of small-arms ammunition on hand at the end of the period for which it is rendered, viz:

560 gallery practice cartridges, caliber .30.
40 gallery practice, caliber .30, shells.
200 ball cartridges, caliber .30 rifle, model 1903.

FORT RENO, OKLA., December 31, 1906.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Commanding Company D.

[Extract copy of supplementary report.]

Statement of ordnance and ordnance stores pertaining to Company D, Twenty-fifth Regiment Infantry, for which Capt. Samuel P. Lyon, Twenty-fifth Infantry, is responsible, damaged, lost, or destroyed, and charged on muster and pay rolls during the half year ended December 31, 1906.

Date.	Name of the soldier or non-commissioned officer.	Rank.	Cartridges, ^a	On what rolls charged,			Remarks.
				Company.	Regiment or battery.	Date of roll.	
1906.						1906.	
Dec. 31	John Henry	Private	20	D	Twenty-fifth Infantry	Oct. 31	Lost through neglect previous to desertion.
Dec. 31	Joseph Jones	Musician	20		Twenty-fifth Inf. final payment rolls		Lost through neglect.
Dec. 31	James C. Gill	Private	20	D	Twenty-fifth Infantry	Sept. 30	Do.
Dec. 31	Parker Moses ^b		do	Dec. 31	Do.
	Total number or quantity of each article charged.		60				

^a Price of each cartridge, 3½ cents.

^b Five (5) guard cartridges, 10 cents.

I certify on honor that the above statement is correct in every particular; that the articles have been charged on the rolls as stated; and that the statements made in the column of remarks are true, to the best of my knowledge and belief.
(Signed)

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Commanding Company.

At 5.10 o'clock p. m. the committee adjourned until Monday, February 11, 1907, at 10.30 o'clock a. m.

AFFRAY AT BROWNSVILLE, TEXAS.

TIME AT FORT BROWN, TEX.

The following are the documents referred to by Senator Lodge on Wednesday, February 6, 1907 (see p. 83 of this record), relative to the time of sunrise at Fort Brown, Tex.:

U. S. NAVAL OBSERVATORY, NAUTICAL ALMANAC OFFICE,
Washington, D. C., February 3, 1907.

SIR: In compliance with the request contained in your telephone message of this date, I beg to advise you that the time of sunrise at Brownsville, Tex., August 14, 1906, was 5 hours 32 minutes local mean time or 6 hours 2 minutes standard time of the ninetieth meridian.

Very respectfully,

WALTER S. HARSHMAN,
*Professor of Mathematics U. S. Navy,
Director Nautical Almanac.*

Hon. H. C. LODGE,
United States Senate, Washington, D. C.

[Memorandum.]

FEBRUARY 6, 1907.

The Western Union furnishes the time to Fort Brown, and they telegraphed General Ainsworth to-day that they use standard time.

LANE, *Clerk.*

COMMITTEE ON MILITARY AFFAIRS,
 UNITED STATES SENATE,
Monday, February 11, 1907.

The committee met at 10.30 o'clock a. m.

Present: Senators Scott (acting chairman), Foraker, Lodge, Bulkeley, Warner, Pettus, Blackburn, and Overman.

TESTIMONY OF LUTHER T. THORNTON (COLORED)—Continued.

By Senator FORAKER:

Q. Mr. Thornton, you have just told me that there was a statement that you made in your testimony given a few days ago that you wanted to correct. Please state what it is and what correction you desire to make.—A. That is concerning the ammunition. I was not issued any ammunition at all on the night of the firing.

Q. Did you testify that you were issued ammunition that night?—

A. Yes, sir.

Q. You yourself were not issued any?—A. No, sir.

Q. When did you return your ammunition that you did have?—

A. The ammunition that I had I returned it after coming off guard.

Q. When was that?—A. That was at 9 o'clock of the next day after we went on guard.

Q. You do not mean the next day after the firing, but the next day after you went on guard?—A. Yes, sir; that was on Wednesday morning.

Q. Is there any further correction you want to make?—A. No, sir.

Q. I don't know what your statement was. I have not had a chance to look over the printed record, and therefore I take it that what you have said is the point you have in mind.—A. Yes, sir.

By Senator WARNER:

Q. Was ammunition issued to the other members of the company, extra ammunition, on the night of the 13th?—A. Not that I know of, sir; none that I know of.

Q. But no extra ammunition was issued to you?—A. No, sir.

Senator FORAKER. I want the statement to appear in the record that if the committee will allow me to do so I will retain here the principal noncommissioned officers until after the commissioned officers come and testify. There has been one witness discharged already and four will be discharged this morning, making five discharged out of the nine who have testified.

Senator WARNER. Before you discharge Charles Dade I want to recall him to ask him a question.

TESTIMONY OF CHARLES DADE (COLORED)—Recalled.

CHARLES DADE, a witness previously sworn, being recalled, testified as follows:

By Senator WARNER:

Q. I understood you, Mr. Dade, in your examination, that on the night of the 13th of August—that is, the night of the shooting—you

were with your wife and daughter in your room across the garrison road outside the fort?—A. Yes, sir.

Q. And you were awakened by the shooting?—A. I was awakened first by my wife.

Q. The shooting then was going on, was it?—A. Yes, sir.

Q. You had gone to bed?—A. Yes, sir.

Q. Your wife had gone to bed?—A. Yes, sir.

Q. And your daughter?—A. Yes, sir.

Q. And you got up and dressed?—A. Yes, sir; partly.

Q. And your wife?—A. Yes, sir.

Q. Also dressed?—A. Yes, sir.

Q. And your daughter?—A. Yes, sir.

Q. And then you went across the wall, over the wall back of Company D?—A. Yes, sir.

Q. And how long had you been there before the roll was called?—A. Well, I don't know exactly; I could not exactly designate the time that I was there.

Q. Where was Company D when you got across the wall, you and your wife and your daughter, do you know?—A. They were rushing down stairs.

Q. Coming down stairs at that time?—A. Yes, sir.

Q. Had they formed?—A. Not exactly, sir; they had not. They formed just as fast as they could get out.

Senator WARNER. That is all.

Senator FORAKER. That is all. I want to recall McCurdy.

TESTIMONY OF WALKER M'CURDY (COLORED)—Recalled.

WALKER McCURDY (colored), a witness previously sworn, being recalled, testified as follows:

By Senator FORAKER:

Q. When you were on the stand I forgot to ask you about the issuing of bandoleers while you were at Brownsville. Were any issued until after the firing the night of the 13th, after you arrived at Brownsville?—A. No, sir.

Q. At Niobrara, before you left there, you made an issue of cartridges so that each man had 20, as I understand it?—A. Yes, sir.

Q. They were taken out of the cases and out of the bandoleers at Niobrara?—A. Yes, sir.

Q. Were any of those empty bandoleers brought with you?—A. Yes, sir; but they were packed in one of our army chests.

Q. Where were they kept after you arrived at Brownsville?—A. Kept in the storeroom.

Q. Were any of them issued to any of the men in any shape--that is, empty or full--until after the firing?—A. No, sir; not until after the firing at Brownsville.

Q. You told us that after the company was formed he ordered you to bring out another case of ammunition, and you did, and took the bandoleers out and handed them to the company?—A. Yes, sir.

Q. That was after the company had come down and was formed?—A. Yes, sir.

Q. But until that time no bandoleer had been issued? Was any bandoleer in the hands of any man in your company?—A. No, sir.

By Senator WARNER:

Q. How do you know that no bandoleer was in the hands of the company?—A. Because before I left Niobrara I packed up every one.

Q. How many did you pack up before you left there?—A. I don't know, sir. I did not count them.

Q. What soldiers handed their bandoleers to you?—A. At Niobrara?

Q. Yes.—A. No, sir; the soldiers did not have any bandoleers at Niobrara. We took the ammunition out on the range and issued it to them out on the range, or at the company; they just came around to the storeroom and I issued it to them; never issued bandoleers.

Q. They had the bandoleers there, but they were not issued?—A. No, sir.

Q. How did the men get the bandoleers?—A. They did not have any in the hands of the men. They were not issued to the men.

Q. Did any of the men have any bandoleers?—A. None but those that were issued to the men that were in competition.

Q. Were there any bandoleers turned in by the men?—A. Only Thomas Jones, artificer.

Q. One bandoleer?—A. He used four or five every day, while he was practicing, getting ready for the competition.

Q. And those were the only bandoleers that were issued at Niobrara?—A. Yes, sir.

Q. And those were the only bandoleers turned in at Niobrara?—A. Yes, sir; all the rest were never issued.

Q. And he turned those in to you?—A. Yes, sir.

Q. You are quite clear about that?—A. He turned them in every evening after the firing.

Q. If there were any other bandoleers out they were not turned in?—A. If there were any others out I don't know how they got them. I counted out his ammunition to him when he got ready to go out on the range.

Q. How much did you give out to him?—A. I would give him four or five bandoleers every morning when he would go out.

Q. Four or five bandoleers?—A. Yes, sir.

Q. That would be how many cartridges?—A. There is sixty to a bandoleer. Each bandoleer holds sixty cartridges.

Q. That is, then, from 240 to 300 rounds you would give him?—A. Yes, sir.

Q. Who went out with him on practice?—A. Usually there was an officer would be out there to witness the firing.

Q. Did you go with him?—A. No, sir.

Q. Do you know what he did with those 240 or 300 rounds of ammunition?—A. Yes, sir; he went out there to practice with them.

Q. But whether he discharged all of them or not, you do not pretend to know?—A. No, sir; I don't claim that, because he would always bring back some.

Q. How much would he bring back?—A. Oh, I don't know, sir.

Q. How many times did you issue to him 240 or 300 rounds of ammunition?—A. About a week, while they were practicing.

Q. Each day?—A. Yes, sir.

Q. How many rounds did he return?—A. I don't know. I kept no account.

Q. Can you tell about how many?—A. No, sir.

Q. Did he return any?—A. Yes, sir. Every evening he would bring back cartridges that were not fired.

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

By Senator FORAKER:

Q. You do know, however, that you issued none after you got to Brownsville?—A. No sir.

Q. And before you left Niobrara they were all packed up and locked up in the storeroom?—A. They were never unpacked.

Q. That was your business?—A. Yes, sir.

Q. And you were in charge of the storeroom?—A. Yes, sir.

TESTIMONY OF MINGO SANDERS (COLORED).

MINGO SANDERS (colored), being called, appeared and took the witness chair.

Senator FORAKER. It has been suggested by Senator Lodge that I administer the oath to this witness, and if there be no objection I will do so.

Senator BLACKBURN. Your authority is not questioned.
The witness was then sworn by Senator Foraker.

By Senator FORAKER:

Q. Please state your name in full.—A. Mingo Sanders.

Q. Were you a member of the Twenty-fifth United States Infantry in August last when it was stationed at Brownsville, Tex.?—A. I was first sergeant in Company B, Twenty-fifth Infantry, on the night of August 13.

Q. Were you afterwards discharged without honor?—A. I was, and I have the discharge with me: the 22d of November, 1906, discharged without honor.

Q. How long had you been in the service when you were thus discharged?—A. I had been in twenty-five years, six months, and twenty-three days, straight time.

Q. How much of that time was in service out of the country, in Cuba and the Philippines, if any?—A. Two months in Cuba.

Q. Two months?—A. I think that was what the law prescribed in the double time, but we disembarked on the 22d of June, 1898, and embarked on the *Comanche* on the 13th of August, 1898.

Q. That was in Cuba?—A. Yes, sir; that was my first service out of the United States.

Q. Were you, then, in the Santiago campaign?—A. I was, sir.

Q. Were you at El Caney?—A. I was at El Caney.

Q. With your regiment?—A. Yes, sir.

Q. And then, how much time did you serve in the Philippines?—A. Three years in the Philippines.

Q. Is that the length of time that you were absent from this country, or were you in the Philippines that much time?—A. That is the length of time that I was absent from this country.

Q. That is the time for which you were entitled to double time?—A. Yes, sir.

Q. So that in round numbers you were absent from the country in foreign service and entitled to double time three years and two months?—A. Three years and two months.

Senator FORAKER. I want to put in the record at this place, in connection with his testimony, the official record of the service of Mingo Sanders, as furnished us by the War Department, found at page 245 of Senate Document No. 155.

The record is as follows:

MINGO SANDERS.

Enlisted May 10, 1881; was discharged as a corporal. Company B, Twenty-fifth Infantry, May 15, 1880, on expiration of term of enlistment; character very good.

Reenlisted May 10, 1880; 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 10, 1891; was discharged as a sergeant Company B, Twenty-fifth Infantry, May 15, 1890, on expiration of term of enlistment; character excellent; a faithful and reliable soldier.

Reenlisted May 10, 1890; was discharged as a sergeant Company B, Twenty-fifth Infantry, May 15, 1899, on expiration of term of enlistment; character excellent.

Reenlisted May 10, 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 10, 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 10, 1905; was discharged without honor as a first sergeant, Company B, Twenty-fifth Infantry, November 22, 1906.

By Senator FORAKER:

Q. Did you ever have any trouble while you were in the service, trouble of any kind?—A. No, sir.

Q. Were you ever court-martialed?—A. No, sir.

Q. Ever reprimanded?—A. No, sir.

Q. Ever found fault with in any way?—A. None as I knows of.

Q. Going back now to Brownsville and the night of August 13, where were you when this firing commenced, if you can recall it?—

A. I was asleep, home at my house, which was set aside by the Government for married enlisted men.

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

Q. Had your wife there with you?—A. Yes, sir.

Q. And what others of that command were similarly situated—living in the same way?—A. Sergeant Frazier and Sergeant Brawner.

Q. Any but you three?—A. Just we three were living at that particular place.

Q. Were there some other married men who were living in houses elsewhere?—A. Yes, sir.

Q. Within the reservation or outside?—A. There were a few more living on the outside of the garrison, and there were some living on the inside in the officers' quarters—that is, in the rear of the officers' quarters.

Q. There is a map intended to represent the reservation. Please will you indicate on that, if you can. Were you a little in the rear of the guardhouse, or were you more in the corner?—A. This is the gateway going into Brown [indicating]; this is the administration building; this is D Company, and this is B Company. The quarters we lived in were right along there, right straight along, a pro-

longation of the line of quarters. There is a board walk that runs in front of the quarters that leads direct to my door.

Q. They are not marked there?—A. No, sir. This is a wire fence, and runs that way.

Q. Is there a roadway there just outside?—A. There is a roadway on the outside of the Government inclosure.

Q. What kind of a road is that, a macadamized road or a dirt road, or what?—A. It is a sandy road, sir.

Q. Then you were not in quarters right in the rear of the guardhouse, as indicated where that red letter A is?—A. No, sir; it was to the left of the guardhouse; I suppose somewhere about 40 or 50 yards; it may be a little farther, to the left of the guardhouse.

Q. Up in the corner?—A. Yes, sir.

Q. Now, were you asleep or awake when this firing commenced?—A. I was asleep, undoubtedly, because Mrs. Brawner knocked on the door and was hammering on the door, and I think my wife—I am sure she woke first—and by her answering, that woke me. She said "What is the matter?" Mrs. Brawner said "There is a fire out here or something," and my wife jumped out of bed and she ran to the door and I was right after her, and as I got to the door and looked out, why, the call to arms sounded, and I said "Why, that is not any fire," and I returned and I put on my clothes and I ran just as fast as I could to the quarters.

Q. To the quarters?—A. To the company quarters—Company B quarters.

Q. State whether the firing was still continuing when you reached B quarters.—A. When I was en route to B Company quarters the firing was still going on continuously.

Q. Whom did you see there and what occurred there after you arrived?—A. When I was going to my quarters, as I repeat again, the firing was still going on and the bullets from the town was whizzing over my head in the direction of the hospital.

Q. Tell us what occurred.—A. When I passed C Company—I was compelled to pass C Company to get to B Company—the men were coming running downstairs, and as I got there some one said "Fall in," "Fall the company in," and a man standing on the porch said "We haven't any rifles." He said "Why don't you get the rack open?" The man said "We can't find a noncommissioned officer, and he won't open it." Lieutenant Greer spoke, and he said "Break that rack open."

Q. You heard that?—A. I was just then about passing C Company. He said "Break that rack open." I heard him say so; yes, sir; because I knew his voice. So I proceeded on to B Company. I went into my office, got my rifle, my belt, and my roll, the list of the men there and came back out of the office and I asked English for my lantern. He said "Sergeant Jackson has got it." I said "Sergeant Jackson, give me that lantern." He handed me that lantern and I hollered "Fall in B Company," and I went around to the right of B Company, and the men were confused, some were trying to lie down or kneel down, and I said "Stand up, what is the matter with you." Somebody said "Sergeant, put that light out. You will have us all killed here." I said "Well, get up and soldier, and if you get killed, get killed standing up in line," and other remarks I made there to them at that time that I do not care to repeat.

Q. State whether the firing was still in progress.—A. The firing was still in progress.

Q. Then what occurred?—A. Then I got the company consoled and got them up and I proceeded to call the roll. I called the roll carefully.

Q. State right there whether any commissioned officers were present.—A. Lieutenant Lawrason and Major Penrose.

Q. Who was Lieutenant Lawrason?—A. He was the company commander of Company B—George C. Lawrason.

Q. He was present when you called the roll?—A. Yes, sir; standing right in my rear, facing the company.

Q. Was Major Penrose there?—A. Major Penrose was standing in the rear and Lieutenant Lawrason facing the company.

Q. When you called the roll?—A. And as I came to the men on guard I would call their names. First, after I got the company straight, I gave the command, "Right shoulder, arms," brought the company to a right shoulder, and then proceeded to call the roll. As I came to a man's name who was on guard I would repeat, "He is on guard," and mark G opposite his name. When I came to a man sick in the hospital, I called his name, and I repeated, so the officer in the rear of me could hear it, "He is sick in hospital," and mark H opposite his name. When I came to the men that were absent, sleeping in the officers' quarters, or at the corral, etc., I said, "He is supposed to be at the quartermaster's corral," or at the bake shop, and so on. When I got my roll mighty near complete the firing then seemed to be five or six blocks away off, going west—going north rapidly.

Q. Going away from the fort?—A. Going away from the fort. You just could hear the reports of the guns. And I reported the results to Lieutenant Lawrason.

Q. What was the result?—A. The result was, Elmer Brown—

Q. No; just first the general result. Were all present or accounted for?—A. All present or accounted for.

Q. All present or accounted for. Did you report that to your commanding officer?—A. Yes, sir; I reported that, and stated where each man was.

Q. Where is your roll call that you used on that occasion?—A. On that occasion, I have not got it; it was just a little list. I have got a portion of it.

Q. Why didn't you have all of it? Where is the roll call?—A. That was just simply a list—a long slip that I carried in my pocket.

Q. I will ask you whether or not you were familiar with the voices of the men in your company?—A. Yes, sir.

Q. Do you know whether each man who answered present was in fact present?—A. Yes, sir; I first know the voices of the men. Next there was something for the man to do.

Q. What was that?—A. The man had to come from the right shoulder to an order.

Q. When the roll was called?—A. Yes, sir; when his name is called, personally, say if a man's name is Smith, when you called "Smith" he must answer "Here." Then there is something for him to do. He has got to bring his piece to an order. Then you hear the handling of the piece.

Q. Did each and every man do that?—A. Every man.

Q. Well, now, were you or not in such a relation to the company, standing there calling the roll, that you could have seen anybody coming as though returning from town, around the barracks, and joining the company? Could you have seen anybody join the company?—A. I could have seen anybody come near the company, simply because the company forms from right to left, and anyone that joined the company is compelled to get in line, and there is a left guide who closes the company up and sees that nobody comes in.

Q. Were Major Penrose and Lieutenant Lawrason in such a position that they could see anybody coming in?—A. They were standing facing the company and could see every movement. They had more opportunity to see what was coming to the company than I, because occasionally I would have to look down after some one, but they had no cause to look out, nothing but the general appearance of the company in front of them, and the men as they came to an order, or anybody attempting to come into the ranks.

Q. When you finished calling the roll, what occurred?—A. Then after I reported the roll call to the company commander I was ordered then to issue some ammunition.

Q. Who ordered you to issue the ammunition?—A. Lieut. George C. Lawrason.

Q. What was done in pursuance of that order?—A. I sent the quartermaster into the storeroom to get some ammunition.

Q. Who was that?—A. Sergeant McCurdy. He got a box of ammunition, which is called twelve hundred. He brought it out and placed it mighty near in front of the company. He opened it up.

Q. You mean mighty near the center of the company?—A. Yes, sir.

Q. In front of the company?—A. In front of the company.

Q. Proceed.—A. The company was held right in ranks, and nobody but myself; after Sergeant McCurdy opened the box I reached my hand in there and took out four or five bandoliers, that I could put on my arm, and I gave two bandoliers to one squad. One squad consists of eight men. That is one bandolier to four men.

Q. That would be 15 cartridges to each man?—A. Yes, sir; provided they were distributed around.

Q. Go ahead.—A. Then I continued that until I got to the left of the company. Then I returned back and I reported to the company commander that the ammunition had been issued and how I issued it. So then he got orders from Major Penrose to move the company in rear of the barracks near the wall and take up the line of defense.

Q. State in that connection whether at any other time after you left Niobrara until the instance you have referred to, any bandoliers were opened or issued.—A. Not from the time we left Niobrara. All the bandoliers that we had in our possession were packed up and turned over to the ordnance-sergeant, the ordnance officer at Niobrara, and all our ammunition was sealed, the bandoliers sealed up in the box, just as they came from the ordnance, and those that we had opened were sealed just the same and shipped to Brownsville, and that was the first time that the bandoliers or the box that contained the bandoliers had been opened up.

Q. All the while the bandoliers and the boxes containing them had been in the storeroom in charge of the quartermaster-sergeant of the company, under lock and key?—A. Under lock and key.

Q. Now tell what happened, going on from where you were. You told us you went around and took a position in rear of the brick wall, I believe, in defense.—A. Yes, sir. After we arrived in the rear of the quarters, near the wall, Lieutenant Lawrason told me to form the company in line of skirmish, and I did so. Then I got orders from Major Penrose to precaution the men not to load their pieces until they got the command to load, not to fire until they got the command to fire, under the five rules of the drill regulation. I told him yes. I gave that order to the company. Major Penrose then returned and said, "Have you given those instructions?" I told him yes. He said "Have you been around and seen whether any men have got their pieces loaded or not." I told him yes, sir. He said "Well, now, sergeant, I want you to take particular caution and don't allow those men to load their pieces, and if there is a crash on the garrison, I want you to be careful so that there will not be any fault on our part; but if it do, defend the garrison," he said; "but we don't want any fault on our part."

Q. How long did you remain there?—A. We remained there about an hour, or it might have been an hour and a quarter.

Q. Then what did you do?—A. Then, after the return of Captain Lyon's company, who patrolled the city, I got orders from Major Penrose to assemble the company and call the roll. I assembled the company and called the roll.

Q. Was that out at the brick wall?—A. That was within about 30 feet, I guess, of the brick wall.

Q. Go ahead.—A. I called the roll and reported the result to Lieutenant Lawrason.

Q. What was the result of that roll call?—A. All present and accounted for.

Q. The same report you had before?—A. Yes, sir.

Q. The same responses you had before?—A. Yes, sir.

Q. What did you do next?—A. Next, then, I got orders from Lieutenant Lawrason to move the company back to the porch and let them sit on the porch.

Q. On the porch?—A. Yes, sir; on the porch.

Q. Of the barracks?—A. Yes, sir.

Q. Your own barracks?—A. Our own barracks, in the rear—the rear porch. I gave the command, "About face; at trail, forward march," and "Company, halt; about face," and I says, "You men can sit on the porch and remain here. Don't move until you get orders." So we remained there—remained there about half an hour or an hour. Then I got orders from Lieutenant Lawrason to dismiss the company. I called the company to attention and dismissed the company. After I dismissed the company the men went on upstairs. They placed their rifles in the armracks. Lieutenant Lawrason, Sergeant Jackson, and I followed the company right straight on upstairs—at least Sergeant Jackson was already upstairs.

Q. Yes.—A. He was upstairs.

Q. Sergeant Jackson was in charge of quarters?—A. Yes, sir.

Q. And in charge of the gun racks?—A. Yes, sir; and we started in at the fourth squad gun rack.

Q. You started in at the fourth squad gun rack?—A. Yes, sir.

Q. All right; go ahead.—A. So Lieutenant Lawrason, when he came in, he says: "Sergeant Jackson, how many rifles are you respon-

sible for?" Sergeant Jackson said, "Forty-six." I am pretty sure that is what he said. He says: "All right." He says: "Have you got forty-six?" "Yes, sir." Sergeant Jackson locked the gun rack. Lieutenant Lawrason counted the rifles there was in the rack; Jackson counted the number of rifles in that rack. They proceeded on down, then, to the third squad rack. Jackson locked the rack, Lieutenant Lawrason counted the number of rifles in that rack.

Senator WARNER. I think he means that he unlocked the rack.

Senator FORAKER. No; I think not.

By Senator FORAKER:

Q. When you proceeded up there, the men put the guns in the rack and you counted them?—A. Yes, sir; they placed their rifles back in the rack.

Q. When the men were dismissed, was there any order what they were to do with their rifles?—A. There is a standing order, always, with a soldier; when he is dismissed his rifle goes to the rack, and a noncommissioned officer is there to see that he puts it in.

Q. You and Sergeant Jackson and Lieutenant Lawrason were there, and you saw what was done. Go on, now.—A. We saw the racks locked, saw the rifles, rather, put in the racks.

Q. Were all of them put in?—A. Yes, sir.

Q. And the racks were all locked up?—A. Yes, sir; and counted.

Q. Yes; and counted?—A. Counted and verified by Lieutenant Lawrason, and verified by myself, that all the rifles were present.

Q. You, yourself, know that the count was accurate?—A. Yes, sir.

Q. Then what happened after that?—A. Sergeant Jackson came as far as the head of the steps with Lieutenant Lawrason and held the lantern for him to come down, and then he went to his room and I went to the office and put away the roll and went home to bed.

Q. Your office in the barracks, you mean?—A. Yes, sir.

Q. Where is that, upstairs or downstairs?—A. It is downstairs.

Q. On the east end of the barracks?—A. Yes, sir; going toward my quarters.

Q. That is to the right as you look toward the town. Indicate on the map where it is.—A. Right here [indicating on map].

Q. That is the end farthest away from the river?—A. Yes, sir.

Q. You went there and put away your roll, and what else?—A. I put away my belt, rifle, and roll.

Q. Do you keep your rifle in your room?—A. At that time I kept it in my room and kept my room locked.

Q. Well, you locked it up there?—A. Yes, sir.

Q. And then went to your quarters? I mean, you went to your place and went to bed?—A. And went to bed.

Q. Then what happened next?—A. Next, 5.30, the first call the next morning.

Q. That was reveille?—A. No, sir.

Q. Oh, first call?—A. First call for reveille.

Q. Well, go ahead.—A. Ten minutes later the reveille march is played.

Q. Yes.—A. Five minutes later the assembly is sounded.

Q. Yes.—A. That is, five minutes later the reveille is sounded.

Q. Yes.—A. And five minutes later, after that, then the assembly is sounded.

Q. Yes.—A. Then the men were required to fall in at assembly and the roll called without arms?

Q. Yes.—A. Those calls are without arms. The roll was called and I reported the results of the roll call.

Q. Did you call the roll?—A. Yes, sir; always.

Q. You called the roll?—A. Yes, sir.

Q. What was the result?—A. All present and accounted for.

Q. To whom did you make that report?—A. To Captain Macklin, the officer of the day.

Q. Captain Macklin was there?—A. Yes, sir.

Q. Where was Lieutenant Lawrason?—A. Lieutenant Lawrason; I don't know, sir. I don't know whether he was on guard. No; I don't think he was; I know he wasn't. I reported to Captain Macklin, the officer of the day.

Q. In the morning?—A. Yes, sir; in the morning.

Q. Very well. What happened next?—A. Next was breakfast.

Q. Yes.—A. And next was sick call, and next first call for drill; that is about 7 o'clock.

Q. Yes.—A. Let's see. Yes; about 7 o'clock; about 6.40, I think.

Q. Whatever it was, was it at the usual time?—A. At the usual time.

Q. Drill call?—A. Yes, sir; drill call.

Q. What did you do when the drill call sounded?—A. When drill call sounded I had the racks opened myself. I had the keys then.

Q. When did you get the keys and from whom?—A. I got the keys from Sergeant Jackson.

Q. When did you get them?—A. I got them about ten minutes to 6.

Q. How did you happen to get the keys from Sergeant Jackson, at ten minutes before 6 o'clock that morning?—A. Sergeant Jackson was going on sick report.

Q. Oh, yes.—A. And he was the only man who would be excused from drill, on account of being in charge of quarters, and he going on sick call himself, it was an advantage to me to send him with the sick report, and I took the responsibility of being in charge of quarters and took the keys until he returned.

Q. Did you send him with the sick report?—A. I sent him to the hospital with the sick book, and I taken the keys.

Q. Then, when drill call sounded, you unlocked the racks?—A. I had the racks unlocked.

Q. Who did it?—A. I think I gave the keys to Corporal Daniels or Corporal Sanders, I don't know which. I said, "You unlock the racks and then bring me the keys." They went upstairs and I stood downstairs, and they opened the racks. This was at drill call, and I stood downstairs until they came back with the keys, and I said, "Have you opened all the gun racks?" and they said "Yes;" and I says, "All right; downstairs, everybody." The men came pouring downstairs, and as soon as about two-thirds of them got downstairs, I hollered "Fall in!" I called the roll again and reported the result of the roll call to Lieutenant Lawrason.

Q. What was that result?—A. All present and accounted for.

Q. Yes.—A. Lieutenant Lawrason gave the command "Open ranks." The left guides all stepped back three paces, the second sergeant took his place three paces in rear of the left guide, and he veri-

sied the guides and came to the front and gave the command "March." The rear rank moved back three paces and dressed to the right, and the company commander verified the rear rank and returned to the right of the front rank and gave the command "Front." Then he gave the command "Inspection, arms."

Q. Did you know until that time that you were to have inspection?—A. No, sir; we fell out for the usual drill.

Q. Proceed.—A. After the command "Inspection arms," the men opened their boxes with the left hand—that is, opened the top lid and let it fall down.

Q. State right there how many rounds of ammunition you had.—A. Twenty rounds of ammunition.

Q. And how was it carried?—A. Twenty rounds of ammunition was carried in a McKeever box.

Q. That was B Company?—A. Yes, sir; that was B Company.

Q. Do you know anything about how it was carried in the other companies?—A. No, sir.

Q. Each company regulated that to suit itself?—A. Yes, sir.

Q. You were carrying twenty rounds of ammunition in the McKeever box?—A. Yes, sir.

Q. So that when this command "Inspection arms" was given, each man opened his box?—A. Opened his box.

Q. Proceed.—A. The company commander began then on the right file with the right guides.

Q. State whether any other officers were present than Lieutenant Lawrason.—A. There wasn't any then. The company commander began then with the right guide and inspected all the arms from right to left, and any man's gun he saw that wasn't satisfactory to him he stepped them back in a line of file closers, which was the place I stood.

Q. You say he inspected the arms. What kind of inspection did he make of the arms?—A. He made a rigid inspection. He inspected it thoroughly; all about it.

Q. That is, he inspected the barrel?—A. The barrel, the bolt, the chamber, the magazine, and all up and down it and around it, and all around the head of the bolt, where that—

Q. Where the firing pin is?—A. Around the firing pin; yes, sir.

Q. That was all carefully inspected?—A. Yes, sir.

Q. Then you say when he came to some gun that didn't seem to be entirely satisfactory, he did something. What was it?—A. He stepped them back in a line of file closers.

Q. Could he step a man from the front rank back into the file closers?—A. He just let him take his place in a line of file closers.

Q. The men just took places in the line of file closers?—A. Yes, sir.

Q. That was in rear of the rear rank?—A. Yes, sir.

Q. He inspected all the guns?—A. Yes, sir.

Q. Did he inspect the ammunition also?—A. After he completed inspecting the rifles of the front rank, then he passed from left to right in rear of the front rank, inspecting the ammunition.

Q. Did he inspect that carefully or not?—A. Yes, sir; he inspected that by passing each man, either by touching him on the back—that is to certify the man that he has passed him and inspected him; then the man closes his box; that is, he takes the rear rank and inspects the pieces from right to left.

Q. Right there, as he passed in the rear inspecting the ammunition, he indicated some way to the man that he could close his box?—

A. Yes, sir.

Q. Was that usual?—A. Yes, sir; that is the usual way.

Q. Go ahead.—A. Then he began with the rear rank, inspecting from right to left.

Q. The guns?—A. Yes, sir. After passing in rear of the men from left to right, inspecting each box and touching the man, that he was about to pass him, to notify the man that he could close his box, then next comes the file closers.

Q. Yes.—A. Those whom he hadn't stepped back?

Q. Yes.—A. That was Sergeant McCurdy and Sergeant Sanders.

Q. That is, they were file closers?—A. Yes, sir.

Q. You and Sergeant McCurdy?—A. Yes, sir.

Q. Were there any other file closers?—A. No, sir.

Q. Where was Sergeant Reeves?—A. Reeves?

Q. Oh, yes; he was not in your company?—A. No, sir.

Q. He was in D Company?—A. Yes, sir.

Q. How many men were stepped back?—A. About six. I am not sure positively, but there were about six. There is one thing I want to state. Inspection means to every man. It doesn't exempt the first sergeant no more than it do anybody else.

Q. Yes.—A. And when the command is given, "Attention!" everybody under that man has got to be under attention, looking forward, and what the officers do it isn't your business.

Q. Yes.—A. So that I could not say accurately how many he stepped back on that account, but I judged it was about six when I was leaving with the company.

Q. Now tell what happened as to those six before you speak of that leaving.—A. Then after he got through inspecting my rifle and ammunition and Sergeant McCurdy's rifle and ammunition he gave the command "Close ranks; march!" Then he taken these other men to the right, about 5 paces on the right of the company, and then he gave the command "Rest!"

Q. Rest?—A. Rest. Major Penrose then and Captain Lyon were coming from D Company to B, and then he gave the command "Attention!" as they came up, and Major Penrose—the first thing he said was, "Sergeant McCurdy, I want you to go in and get some clean rags, and I want them to be clean, and a barracks cleaning rod, and return here with them." Sergeant McCurdy did so. Then Lieutenant Lawrason said to me—no; I am a little ahead. Major Penrose said to Lieutenant Lawrason, "Why, let Sergeant Sanders go ahead and relieve C Company with the rest of the company," and then Lieutenant Lawrason said to me, "Sergeant, you go around and relieve C Company." So Captain Lyon, when I was about to leave, tore the rag into small pieces and put it into the rifle.

Senator FORAKER. Where is that cleaning rod we have had here in the room?

The WITNESS. It is a barracks cleaning rod—a brass rod.

Senator FORAKER. A brass rod?

The WITNESS. Yes, sir.

Senator WARNER. We know what it is, I think.

By Senator FORAKER:

Q. He put it on the rod?—A. Yes, sir; and ran it up and down the rifle like this [indicating].

Q. Yes.—A. When I left, I left him running that brass cleaning rod up and down the rifles.

Q. Of these men who were ordered to be inspected?—A. Yes, sir. So then I went on to relieve C Company, and as each man passed Captain Lyon and the Major he reported to me.

Q. How is that?—A. After each man passed the inspection of Major Penrose and Captain Lyon he reports to me.

Q. And you put him on duty?—A. Yes, sir; and I post him on duty.

Q. Did they all report, or not?—A. All reported.

Q. How soon afterwards?—A. About five or ten minutes afterwards.

Q. They did not have time to clean any guns during that time?—A. No, sir.

Q. Did you learn in any way that every man had passed inspection?—A. Each man reports to me as he comes up, like this: "Sergeant, I have orders to report to you. Captain Lyon found my gun clean." "All right," and "Take your place in line."

Q. Did you see Captain Lyon do more than put this rag through the barrel of the gun?—A. When there is any doubt about whether a gun is clean or there isn't light enough so that you could see through a gun you take a small piece of paper, like this [indicating], in that shape, and it is placed right in the receiver, in the chamber, and you look down and you can see the inside of the barrel and the grooves and everything.

Q. You put that piece of paper at the bottom of the barrel?—A. Yes, sir.

Q. And that throws the light up the barrel?—A. Right straight up the barrel.

Q. Was there not anything of that kind done that morning, that you observed?—A. I don't know, simply because I left.

Q. You don't know, you left?—A. Yes, sir.

Q. Very well. Then, so far as you know, all your guns were found clean?—A. Were found clean.

Q. And that was a rigid examination, I understand?—A. Yes, sir.

Q. And the reinspection of the men Lieutenant Lawrason had ordered to stand aside for reinspection, was conducted by Captain Lyon?—A. Yes, sir.

Q. With Major Penrose and Lieutenant Lawrason both present?—A. Yes, sir.

Q. And you had gone before that was done, and when it was just commencing, and these men soon after came and reported to you in the way that you have indicated?—A. Yes, sir.

Q. Now what happened? You were on duty?—A. We were on duty twenty-four hours.

Q. You relieved Company C?—A. Yes, sir. That day I got orders from Lieutenant Lawrason as soon as the men came off duty to have them turn in all the ammunition that was in their possession to the quartermaster-sergeant.

Q. You got that order during the day while you were on guard duty?—A. Yes, sir.

Q. Go ahead.—A. To have the gun racks brought down out of the quarters and placed in my office. That is, in the orderly room, as it is ordinarily called.

Q. Yes.—A. I had the gun racks brought in at once. The next morning, which was about the 15th, as I relieved each man off of duty I says: "You report to Sergeant McCurdy and turn in all the ammunition you have got." Why I say that, because that night, on the night of the 13th, I had issued to each squad two bandoleers.

By Senator TALLAFERRO:

Q. How many cartridges?—A. (Continuing.) And that meant two bandoleers—

Q. How many cartridges?—A. Sixty rounds to four men.

By Senator FORAKER:

Q. That is, 60 cartridges in each bandoleer?—A. Yes, sir.

Q. Two bandoleers were for eight men?—A. Yes, sir.

Q. In a squad?—A. Yes, sir.

Q. Go ahead.—A. So that I gave the order: "You turn in all the ammunition you have got in your possession." And then, after I relieved the last man and the guards were relieved from the post guardhouse, I gave them plenty of time; also I gave them orders to bring their rifles down and place them in the usual rack in the office.

Q. Was that done?—A. Then when that were done I had the company to fall in, and I had all the noncommissioned officers to step aside, and I taken the privates, and I issued all the privates, as far as it would go, reduced-range ammunition, and the noncommissioned officers, who I didn't have that ammunition for, that I couldn't issue the reduced-range ammunition to, I issued them balled ammunition.

Q. Right there. How many rounds of reduced-range ammunition—that is, what you call guard ammunition—A. Guard ammunition; yes, sir.

Q. How many cartridges of that did you issue to each man?—A. Twenty rounds.

Q. And you did not have enough to give that amount to each man?—A. Yes, sir.

Q. And when you ran out of it, to the rest of them you issued ball cartridges?—A. No, sir.

Q. To whom?—A. That is the reason I stepped the noncommissioned officers out, as being responsible.

Q. Yes.—A. I stepped them out first, out of the company.

Q. Yes.—A. Then I had all the men who didn't do guard duty—that is, that cooked for officers—

Q. What?—A. That cooked for officers, and that didn't do guard duty, and then all the men that did duty in the corral, and teamsters and bakers, and all that kind of duty, that wasn't doing guard duty; I taken their ammunition up and didn't issue them anything.

Q. You did not issue them anything?—A. No, sir; simply because I knew that I wasn't going to have enough to go around, and I was going to run out, and they could do without any ammunition at all; but the men who were doing guard were compelled to have some. So I issued all the privates except those who were on spe-

cial duties, of kinds that didn't do any of the guard duty, and noncommissioned officers.

Q. When the guard duty cartridges ran out, you issued ball cartridges?—A. Only to the noncommissioned officers.

Q. To the noncommissioned officers. You did not issue any ball cartridges to any of the privates?—A. No, sir.

Q. Can you tell me right there how many of these cartridges your company had?—A. I think they had somewhere along about 600, but I didn't keep close touch of that, because that was up to the quartermaster-sergeant.

Q. The company's returns ought to show that?—A. They will show it, exactly how many were invoiced to the company commander.

Q. State right there, what is the rule and regulation about issuing cartridges to men? Is somebody responsible for that, and is somebody charged with the duty of seeing that each man gets exactly the number of cartridges that he is entitled to, and not more?—A. That is the responsibility of the company commander and his quartermaster-sergeant, and the company commander is responsible for that ammunition to the chief of ordnance, which he has got to go and account for every ball during the year of target-season. How it is expended, he must state.

Q. You speak about target practice. Tell us what the custom is about issuing cartridges, and what opportunity, if any, the men would have for filing cartridges.—A. There isn't any opportunity at all for a man to get hold of any ammunition.

Q. Tell us about it.—A. Because, in the first place, the quartermaster-sergeant has strict supervision over the ammunition. When he can't attend to this duty, the first sergeant details an experienced private, or a private who is next, they think is capable of being a non-commissioned officer, to take the ammunition out to the range. First the company commander says to the commissary-sergeant, "I want you to keep accurate, every day, the number of rounds that I send out on the range." Take it like this. The quartermaster-sergeant, if he sends 2,000 rounds of ammunition out to the range, says to this man: "You have got 2,000 rounds of ammunition." This man takes the cart with the ammunition and goes to the firing point, which he meets there the company and the company commander or some officer. The ammunition is placed right by the peg, and the officer in a chair sitting almost as close to it as I am to this book. This private is here [indicating]. Some private in rear, his name is called by a non-commissioned officer to shoot. When his name is called, he comes up, and he is handed his ammunition in the presence of the officer.

Q. How much is he handed?—A. Five or ten rounds, according to what the score may be that he is to fire at that range.

Q. Yes.—A. Now, we will say in the preliminary scores he is to fire 10 rounds, or in the marksman scores he fires 10 rounds at the same place, two, three, five, and six.

Q. Two, three, five, and six what?—A. Two, three, five, and six hundred yards.

Q. That is at different ranges?—A. Yes, sir; so that at this point he can't fire more than 10 rounds. That is all that is given him, and there is an officer standing there to see that he can't fire any more. Then he will move on.

Q. Suppose he fires less?—A. If he fires less than that—if his gun becomes disabled, the officer says: "What is the matter with your gun?" He says: "My gun is disabled, sir." "Throw the extra cartridges you have down in the box." The officer takes the gun and inspects it, and finds out what is the matter with it, and he says to another man: "Give this man your gun." He says to the scorer, who is keeping tab right on the sheets—the scorer is from another company, not from the company the shooter belongs to—he says: "Mark that score out: the gun is disabled, and it isn't the soldier's fault, it is the fault of the arm; mark that score out, and I am going to let him fire 10 more." He is then handed 10 more rounds. He fires 10 more. After he fires 10 more he steps back from the firing point.

Q. What I want to know is whether or not when a cartridge which is supplied, for any reason, because of the disabling of a man's gun or for any other reason is not fired, when a man does not fire all of his cartridges, he has or not got to return them?—A. Yes, sir; he has got to return them. The officer is right there and he has got to put them down.

Q. That is all right under the eye of the officer?—A. Yes, sir.

Q. Now, if he fails to fire all that he is required to from the different stations, 500 or 600 yards, what happens if he has not a good excuse?—A. He is court-martialed. They first start at the 600 yards, individual scrummage, they call it. The men are lined up and they are given twenty rounds.

Q. Twenty rounds each?—A. Yes, sir. And an officer goes up and down the line and inspects each belt all around to see that he hasn't got but twenty, to see that he don't shoot but twenty. First his piece is inspected by his coming to the port arms, and "open chamber," and then the officer goes to work and explains to the man what he has got to do; explains to him his target, the number of his target and all, independently of any shooting, before the command "Commence firing," and the penalty for firing after the command "Cease firing." Then they move to the 600 yards firing point and he gives the command, "Fire two rounds at your target, 600 yards." Each man then adjusts his own sight at his own target. He gives the command "Commence firing." Each man fires two rounds at that point. There are three or four officers, without the company commander, in rear watching each man. There is one noncommissioned officer to each man, in rear of him, to see that he fires two.

Q. Yes.—A. He moves on down to 300 yards; he moves to the next station.

Q. And so on at each station?—A. Yes.

Q. So that each cartridge is counted out to him, and each shot is fired under the supervision of an officer?—A. Yes, sir.

Q. So that he has no chance without great probability of being detected, at any rate, of getting any cartridges?—A. The officers are right behind him, and he has got an individual man to look right at each particular man, and then he is down close enough, looking in this way [indicating] to see that he doesn't fire on John Jones' target.

Q. He must fire on his own target?—A. Yes, sir; or he will get court-martialed.

Q. Was there any place at Fort Niobrara where the men of your company could get any cartridges but those issued to them?—A. No, sir.

Q. Was there any place at Brownsville where they could get any cartridges except those issued to them?—A. No, sir.

Q. You got your new guns at Niobrara?—A. We got our new guns there.

Q. Do you remember when you got them?—A. About in April, I think.

Q. It was about that time?—A. Yes, sir.

Q. Before, you had the Krag gun?—A. We had the United States magazine rifle, which is called the Krag.

Q. That rifle was taken up?—A. Yes, sir; that rifle was taken up.

Q. What about the ammunition; was that taken up?—A. In B Company in particular. Captain Shattuck was then our commander and Lieutenant Lawrason was our second lieutenant. First, Captain Shattuck issued an order like this: All the new rifles were put out on the front porch—the slings and everything pertaining to the rifles were set out on the front porch. The quartermaster-sergeant and Lieutenant Lawrason were in the dining room. Captain Shattuck says: "I want every man to bring all the ammunition that belongs to the Krag-Jørgensen rifle, in other words, the United States magazine rifle, the sling, the bayonet, the screw-drivers, and everything pertaining to that rifle, and turn it over to Lieutenant Lawrason in the dining room." So Lieutenant Lawrason was right there checking up everything. Every man put in his ammunition and sling and all those different parts here, and then he would come out through the dining room and out through the barracks and out on the porch where Captain Shattuck sat. He issued every man a new rifle, new gun sling, and muzzle cover, and everything pertaining to that rifle except the ammunition.

Q. In other words, everything was taken up and you were given the new guns?—A. Yes, sir. So that a man was turning in his rifle and his ammunition and everything in one place, and he didn't come near the man who was issuing the new rifle.

Q. Yes.—A. So that about three or four days after all the old ammunition was taken up, packed up, sealed, and marked the companies were called in by orders of the company commander and issued twenty rounds of ammunition—that is, ten rounds first—

Q. Ten rounds?—A. Ten rounds of ammunition.

Q. Ball cartridges?—A. Yes, sir.

Q. Yes.—A. Then we got orders to leave Niobrara, post order, by number—I don't just remember the number—there was a post order issued by Major Penrose; each man would wear the khaki uniform, the campaign hat, the leggings, and suspender belt, with twenty rounds of ammunition in it; that was post orders, and the blanket rolls and everything pertaining to the blanket rolls, according to General Order 44, War Department, 1906, and complying with General Order 93, War Department, 1906.

Q. So that when you left Niobrara and went to Brownsville each man was given twenty rounds of ball cartridges?—A. Twenty rounds of ball cartridges; yes, sir.

Q. Did you retain that twenty rounds in B Company?—A. In B Company we retained that twenty rounds until we were relieved off of guard on the 15th of August.

Q. In the meantime, at the time of the firing and after the firing you were issued 1,200 additional rounds, in the way that you have

described, but on the morning of the 15th, it would be, when you came off guard duty, each man was required to turn in his ammunition?—A. All his ammunition.

Q. The twenty rounds, and whatever a man might have additional out of these 1,200 rounds?—A. Yes, sir.

Q. Was that all checked up, and did it balance up?—A. It was all checked up and balanced up and according to the returns, and Lieutenant Lawrason did the checking up.

Q. Lieutenant Lawrason did the checking up himself?—A. Yes, sir; Lieutenant Lawrason and the quartermaster-sergeant went in the storeroom and checked up the ammunition, ball by ball, and then taken the figures there and figured the amount of ammunition that had been invoiced to him, or to the company—of the new ammunition, what he receipted for—and figured the ammunition that was fired at Niobrara, etc., and it checked all to a ball.

By Senator TALIAFERRO:

Q. Were you present while this was going on?—A. On or about. I didn't stay there all the time, but I would be in and out. The ordnance returns was right in the office where I stayed.

By Senator FORAKER:

Q. You know of your own personal knowledge that it checked up?—A. They went and counted the ammunition. That was the first thing they did; regardless of the ordnance return, they counted the ammunition. Then they knew how much ammunition had been expended and they had to deduct that.

By Senator OVERMAN:

Q. Who did this counting?—A. Lieutenant Lawrason and the quartermaster-sergeant.

Q. He did it himself, or did he have somebody do it in his presence?—A. Lieutenant Lawrason did it himself; and the quartermaster-sergeant counted it, too, and if there was a mistake they would go all over it again.

By Senator FORAKER:

Q. When you left Niobrara you had been engaged in target practice?—A. Yes, sir.

Q. Did you engage in target practice at Brownsville?—A. No, sir.

Q. Now, about the shells fired at Fort Niobrara at target practice; what was done with those shells?—A. When we were about to leave Niobrara at the close of the season we had about, I suppose, 1,600 shells, which we didn't have any decapper to decap them with and were compelled to pack them and bring them along with us; and they were put on the porch, to my knowledge.

Q. On the porch?—A. On the back porch.

Q. On the back porch?—A. Yes, sir.

Q. How were they packed up—in a box, or how?—A. In a common ordinary box; not in the original box that they came in.

Q. About these shells, why is it that you gather them up and return them, and what inducement is there to the company or to the men?—A. The company is allowed somewhere about 175 or 200 on a thousand shells. They are allowed from 175 to 200 ball cartridges for every thousand shells in an order.

Q. That you return?—A. Yes, sir; that we return back to the arsenal.

Q. So that in that way you could get some additional ammunition to use in target practice?—A. To use in target practice. But it is accounted for by the ordnance returns.

Q. Is that issued to the men or issued to the company?—A. That is issued to the company; that goes to the company.

Q. And is taken care of like the rest of it, by the quartermaster-sergeant?—A. Yes, sir.

Q. You had about 1,600 shells that you put in boxes?—A. Yes, sir.

Q. And took to Brownsville because they had not been decapped?—A. Yes, sir.

Q. And you put those out on the back porch after you got there?—

A. Yes, sir.

Q. Did you see that box there?—A. Yes, sir.

Q. Was the box open?—A. Yes, sir; the box was open, on the back porch.

Q. And could anybody have taken shells out of that box?—A. Yes, sir; anybody that wanted to, because they were compelled—because the Mexicans was so bad down there, picking up clothing and everything that was on the porch, or anything else that was around there, until the commanding officer issued an order to put on that post—to not allow people to pick up and carry away things that didn't belong to them.

Q. That was the reason why that guard was put on there?—A. Yes, sir.

Q. And that was some days after your arrival?—A. Yes, sir.

Q. Because the Mexicans were running in and picking up everything they could?—A. Yes, sir.

Q. What did you see them pick up?—A. Caps, clothing, shoes, and these arctic overshoes, and blouses, and trousers, and everything else. They would pick up everything, whether it was serviceable or not.

Q. All the old cans you would throw out and everything else—they would pick up?—A. Yes, sir.

Q. Did you have anything to do with the shooting that night?—A. No, sir; nothing at all. I don't know anything about it, sir.

Q. Did you see anything of the shooting?—A. No, sir.

Q. Can you tell where the first firing was located?—A. No, sir.

Q. But you heard these balls going overhead—you have been in battle, have you?—A. Yes, sir; I have; a good deal.

Q. You were at El Caney?—A. Yes, sir.

Q. At Santiago?—A. Yes, sir.

Q. And in the Philippines?—A. Yes, sir.

Q. And you were in engagements in all those places?—A. Yes, sir.

Q. So that you have heard a good deal of firing, and you have also heard a good deal of firing on the target range?—A. Yes, sir.

Q. Can you tell the committee whether that was what I will call mixed firing, with different arms, or whether the firing was all with the same kind of arm?—A. It was mixed arms. I suppose there were six-shooters, and Winchesters, and all calibers, and there may have been some Mausers in it, because it has a keen sound. A Winchester has a very broad sound, like something very loud.

Q. What kind of a noise did those balls make that went over your head while you were lying down?—A. They made a kind of flat noise. It is a kind of experience that a man must more or less have himself that has been under fire. The Krag bullet and the Mauser bullet, too, makes a kind of whiz. It goes "the-ee-ew,"—something of that kind [witness imitating sound].

Senator FORAKER. I am afraid the stenographer can not get that down.

By Senator FORAKER:

Q. It makes a keen sound?—A. Yes, sir; and you can't tell whether the gun is in a tree or on the ground, or close to you or far from you. But these other guns go "boo-oo," something like that [indicating sound], what we in our way of determining call a blunderbuss; and that's the way those guns sound—a loud noise.

Q. Did that firing sound to you like it was firing from a Springfield rifle, such as you had at that time?—A. No, sir.

At 12.10 o'clock p. m. the committee took a recess until 2.30 o'clock p. m.

AFTER RECESS.

The committee reconvened pursuant to the taking of recess, at 2.30 o'clock, Senator Scott in the chair.

TESTIMONY OF MINGO SANDERS (COLORED)—Continued.

By Senator FORAKER:

Q. I asked you whether you had anything to do with this shooting yourself?—A. No, sir.

Q. Not anything to do with it at all?—A. No, sir.

Q. Do you know of anybody—A. No, sir.

Q. Who did participate in it?—A. No, sir.

Q. Have you any knowledge that leads you to suspect anybody connected with your battalion—A. No, sir.

Q. Of having anything to do with it?—A. No, sir.

Q. State whether or not you tried to find out who did the shooting.—A. I did.

Q. What did you do in that respect?—A. The night of the 13th, at different times when I had leisure, nothing to do, I stayed around in the quarters and talked with the men in regards to the affair and what they thought about it, and so forth, like that, and all of them that spoke to me said that they didn't know anything about it, and wished they did know something about it so that they could inform the officers; and then I taken another step. When my duty didn't call me I would go to the barracks, and I would lay down on the benches of some of the men and listen at the general conversation in regards to the case, and out of all that nothing prevailed that I could find or inklings of anything of the kind in the case.

Q. Have you withheld any knowledge that you had in this matter from any officer or anybody else?—A. No, sir.

Q. You have been ready and willing to tell all you know at any time?—A. Yes, sir.

Q. State whether or not you had an interview with regard to that with General Garlington when he was at El Reno.—A. When Gen-

eral Garlington came to El Reno he had seven members of Company B to call at the office. He spoke to me in a general conversational way—where I was born and how long I had been in the Army and who I served with, my captains, on the difference between the soldiers of the present date and when I enlisted, and so on, like that—just a general conversation. Then he asked me where I were on the night of the shooting, and so forth, and I told him what I did. He asked me did I know anything about it: did I have any knowledge of the men who did the shooting. I told him, "No, sir; I did not," and then I told him what I have already explained to the committee.

Q. He says in his report (p. 530, S. Doc. 155):

Only one man presented himself, and that was not to get 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.

A. That were later, sir.

Q. That occurred?—A. Yes, sir; that actually occurred.

Q. While he was there?—A. Yes, sir.

Q. Did you go to him?—A. Before General Garlington left the post I asked the company commander for permission to see the post commander. He granted that permission. Then I asked the post commander for permission to see General Garlington. Then he asked me what I wanted to see him for and I told him that I wanted to present to him my discharge, and I also told him that I was innocent of the affray at Brownsville on the night of the 13th. He granted me that permission and I went over to the post commander's house, where General Garlington was present. I knocked on the door and he told me to come in. I first presented to him my discharges from 1886, in detail.

Senator FORAKER. I ask that all those discharges may be copied into the record in this connection.

(The papers here referred to are printed in the record, as follows:)

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that Mingo Sanders, a corporal of Capt. Charles Bentzoni's Company B of the Twenty-fifth Regiment of Infantry, who was enlisted the 16th day of May, 1881, to serve five years, is hereby discharged from the Army of the United States in consequence of expiration of term of enlistment.

Said Mingo Sanders was born in Marlon, in the State of South Carolina, is 29 years of age, 5 feet 8½ inches high, dark complexion, black eyes, black hair, and by occupation when enlisted a cotton hand.

Given under my hand at Fort Snelling, Minn., this 15th day of May, in the year of our Lord 1886.

J. J. VAN HORN,

Lieutenant-Colonel, Twenty-fifth Infantry.

Character.—No objection to his being enlisted is known to exist. Very good.

CHARLES BENTZONI,

Captain, Twenty-fifth Infantry, Commanding Company.

(On the reverse) (Indorsements:) Character as a soldier: Very good. Non-commissioned officer: Corporal, September, 1884. Marksmanship, 1882, 1883, 1884, and 1885. Objections to enlistment: None. Single: So far as is known. Chas. Bentzoni, captain, Twenty-fifth Infantry, commanding company.

ARMY OF THE UNITED STATES.

To all whom it may concern:

Knew ye that Mingo Sanders, a corporal of Company B of the Twenty-fifth Regiment of Infantry, who was enlisted the 16th day of May, 1880, to serve five years, is hereby discharged from the Army of the United States in consequence of expiration of enlistment. Said Mingo Sanders was born in Marion, in the State of South Carolina, is 34 years of age, 5 feet 8½ inches high, dark complexion, black eyes, black hair, and by occupation when enlisted a soldier.

Given under my hand at Fort Shaw, Mont., this 15th day of May, in the year of our Lord 1891.

J. J. VAN HORN,

Colonel Eighth Infantry, Commanding.

Character.—No objection to his being enlisted is known to exist. Very good.

CHAS. BESTZONI,

Captain, Twenty-fifth Infantry, Commanding Company.

(Indorsements:) Noncommissioned officer, corporal from September 1, 1884, to May 1, 1891. Distinguished service, none. Expeditions, none. Campaigns, none. Previous service, in Company B, Twenty-fifth, from May 16, 1881, to May 15, 1886. Physical condition when discharged, good. Wounds received in service, none. Objections to enlistment, none. Married or single, single. Battles, engagements, affairs, or skirmishes, none.

FORT SHAW, MONT., May 16, 1891.

Reenlisted this day Mingo Sanders, for Company B, Twenty-fifth Infantry, C. S. Farnsworth, second lieutenant, Twenty-fifth Infantry, R. O. D. D.

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that Mingo Sanders, a corporal of Company B of the Twenty-fifth Infantry, who was enlisted the 16th day of May, 1891, to serve for five years, is hereby honorably discharged from the Army of the United States in consequence of expiration of enlistment.

Said Mingo Sanders was born in Marion County, in the State of South Carolina, is 38½ years of age, 5 feet 7½ inches high, black complexion, R. black hair, and by occupation when enlisted a soldier.

Given under my hand, at Fort Missoula, Mont., this 15th day of May, in the year of our Lord 1896.

A. S. BURT,

Colonel Twenty-fifth Infantry, Commanding.

Character.—No objection to his being reenlisted is known to exist. "Excellent." A faithful and reliable soldier.

R. H. R. LOUGHBOROUGH,

Captain, Twenty-fifth Infantry, Commanding Company B.

(Indorsements:) Noncommissioned officer, since May 1, 1891. Recommendations, none. Distinguished service, none. Expeditions, none. Campaigns, none. Previous service, in Company B, Twenty-fifth Infantry, May 16, 1886, Company B, Twenty-fifth Infantry, May 16, 1886, to May 15, 1891. Marksmanship, marksman, 1891, 1892, 1893, 1891. Physical condition when discharged, good. Wounds received in service, none. Objections to enlistment, none. Married or single, married, no children. Battles, engagements, affairs, or skirmishes, none. Remarks, services honest and faithful. R. H. R. Loughborough.

Reenlisted by me for Company B, Twenty-fifth Infantry to date May 16, 1896, per telegram from Adjutant-General's office, dated May 23, 1896. William J. Pardee, first lieutenant, Twenty-fifth Infantry. R. O.

ARMY OF THE UNITED STATES.

To whom it may concern:

Know ye, that Mingo Sanders, a sergeant of Company B, of the Twenty-fifth Infantry, who was enlisted on the 16th day of May, 1896, to serve three years, is hereby honorably discharged from the Army of the United States by reason of expiration of enlistment.

The said Mingo Sanders was born in Marion County, S. C., and when enlisted was 38 $\frac{1}{2}$ years of age, 5 feet 7 $\frac{1}{2}$ inches high, dark brown complexion, brown eyes, black hair, and by occupation a soldier.

Given under my hand at Fort Apache, Ariz., this 15th day of May in the year of our Lord 1899.

A. B. WELLS,

Lieutenant-Colonel Ninth Cavalry, Commanding Post.

Character.—No objection to his reenlistment is known to exist. Excellent.

C. A. MARTIN,

First Lieutenant, Twenty-fifth Infantry, Commanding Company B.

(Indorsements:) Previous record: In Company B, Twenty-fifth Infantry, from May 16, 1881, to May 15, 1896. Noncommissioned officer, sergeant since May 15, 1891. Battles, engagements, skirmishes, expeditions, expedition Spanish-American war, 1898; battles, the battle of El Caney, Cuba, July 1, and in front of Santiago, Cuba, July 2, 3, 10, and 11, 1898. Wounds received in service, none. Remarks: Service, honest and faithful. C. A. Martin, first lieutenant, Twenty-fifth Infantry, commanding Company B.

ARMY OF THE UNITED STATES.

To whom it may concern:

Know ye, that Mingo Sanders, a first sergeant of Company B, of the Twenty-fifth Infantry, who was enlisted on the 16th day of May, 1899, to serve three years, is hereby honorably discharged from the Army of the United States by reason of expiration of the term of enlistment.

The said Mingo Sanders was born in Marion County, S. C., and when enlisted was 44 $\frac{1}{2}$ years old, 5 feet 7 $\frac{1}{2}$ inches high, black complexion, black eyes, black hair, and by occupation a soldier.

Given under my hand at Geron, P. I., this 15th day of May in the year of our Lord, 1902.

WILLIAM TAYLOR,

First Lieutenant, Twenty-fifth Infantry, Commanding.

Character.—No objection to his reenlistment is known to exist. Excellent.

WM. TAYLOR,

First Lieutenant, Twenty-fifth Infantry, Commanding Company B.

(Indorsements:) Military record: Previous service, serving in the twenty-first year of continuous service since May 15, 1901. Noncommissioned officer: Sergeant May 16, 1899, to February 3, 1900; first sergeant since. Marksmanship: No practice in this enlistment. Battles, engagements, skirmishes, expeditions: Served in Philippines with Eighth Army Corps, during insurrection, 1899-1901. Engagements: La Loma, P. I., October 9, 1899; O'Donnell, P. I., November 18, 1899; Commizi, P. I.; January 5, 1900; Sublg, P. I., January 2, 1900. February 9-10, 1900. Wounds received in service: None. Physical condition when discharged: Good. Married or single: Married; no minor children. Remarks: Service honest and faithful. Wm. Taylor, First Lieutenant, Twenty-fifth Infantry, Commanding Company B.

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that Mingo Sanders, first sergeant of Company B, of the Twenty-fifth Infantry, who was enlisted on the 16th day of May, 1902, to serve three

years, is hereby honorably discharged from the Army of the United States by reason of expiration of term of enlistment.

The said Mingo Sanders was born in Marlon County, in the State of South Carolina, and when enlisted was 44½ years of age, 5 feet 7½ inches high, black complexion, black eyes, black hair, and by occupation a soldier.

Given under my hand at Fort Niobrara, Nebr., this 15th day of May, in the year of our Lord 1905.

R. W. HOYT,
Colonel Twenty-fifth Infantry, Commanding.

Character.—Excellent. No objection to his reenlistment is known to exist.

F. W. BALL,
*First Lieutenant and Battalion Adjutant, Twenty-fifth Infantry,
Commanding Company B.*

(Indorsements:) Military record: Continuous service at date of discharge, twenty-four years. Previous service in Company B, Twenty-fifth Infantry, from May 16, 1881, to May 15, 1902. Noncommissioned officer: Corporal, sergeant, and first sergeant Company B, Twenty-fifth Infantry, from September 1, 1884, to date of discharge. Marksmanship: Third-class man, 1903; sharpshooter, 1904. Battles, engagements, skirmishes, expeditions: Served in Philippine Islands, from May 16, 1902, to August 1, 1902. Wounds received in service: None. Physical condition when discharged: Good. Married or single: Married; no minor children. Remarks: Service honest and faithful. Entitled to travel pay. This soldier has no allotment and has been furnished a part of the new uniform. Place of enlistment prior to present enlistment, Fort Apache, Ariz. F. W. Ball, first lieutenant and battalion adjutant, Twenty-fifth Infantry, commanding Company B.

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that Mingo Sanders, first sergeant of Company B, of the Twenty-fifth Regiment of Infantry, who was enlisted the 16th day of May, 1905, to serve three years, is hereby discharged without honor from the Army of the United States in consequence of per Special Orders, No. 266, War Department, November 9, 1906.

Said Mingo Sanders was born in Marlon County, S. C., and when enlisted was 47½ years of age, by occupation soldier, had black eyes, black hair, black complexion, and was 5 feet 7½ inches in height.

Given under my hand at Fort Reno, Okla., this 22d day of November, 1906.

O. W. PENROSE,
Major, Twenty-fifth Infantry, Commanding Post.

The WITNESS (continuing). Then I told him my service in the Philippine Islands, and I told him then my service in the Philippine Islands.

By Senator FORAKER:

Q. You said the Philippine Islands twice; you meant your service in Cuba and the Philippine Islands?—A. I told him first my service in Cuba. I told him my service in the Philippine Islands; what I captured and where. I told him I was in Lieutenant Skink's battle on the 29th of January, 1900. I told him that I was at Mount Airy, and that I was one of the first men that climbed the hill at Mount Airy, and reported to my commander the men that were shot in B Company, and also left a detail to look out for them in the jungles. I also reported to General Garlington in northern Luzon the number of Filipinos I captured there, and the number of rifles. I also reported to him the number of rifles that I captured in March, 1901, from Joaquin, the insurgent there, who was terrorizing the whole

country. I went out one night and went into Joaquin's camp and captured some sabers and one bolo, but I didn't get any of the insurgents, and I went back to the camp next morning and reported to the adjutant what I had did. I related to him all my service, and I said to him: "Now, I am a poor man. I served honest and faithful for the Government, and I suffered my life to be destroyed, my body to be buried in the earth, and cattle to eat grass off the substance of my blood;" and I says: "Now, I am going to be cast on the world as a condemned man, and I ask can you do anything for me?" He says: "Sergeant, I can't say that I can do anything for you direct, but I will mention your case to the board at the War Department." I thanked him in return.

Q. Did you withhold from him any information?—A. None whatsoever. I didn't withhold anything from anybody.

Q. And you have not from anybody down to this minute?—A. Not down to this minute.

Q. You made an application for reenlistment, I believe?—A. Yes, sir; I have it here.

Senator FORAKER. It is not necessary to read that now, unless some question is made about it.

By Senator FORAKER:

Q. That application is still pending, is it?—A. Yes, sir.

Q. You might put that application in the record. That is the application you made?—A. Yes, sir; I made that application and an affidavit.

The application and accompanying affidavit, together with indorsements thereon, were read by the assistant clerk of the committee, and are here printed in full in the record as follows:

WASHINGTON, December 12, 1906.

THE MILITARY SECRETARY,

War Department, Washington, D. C.

SIR: I have the honor to make application for permission to reenlist in Company B, Twenty-fifth Infantry. I inclose herewith my affidavit.

Very respectfully,

MINGO SANDERS,
Late Sergeant, Company B, Twenty-fifth Infantry.

[First indorsement.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, December 12, 1906.

Respectfully returned, by direction of The Military Secretary of the Army, to Mingo Sanders, late of Company B, Twenty-fifth Infantry, 477½ Missouri avenue NW., Washington, D. C., for information as to whether he desires to submit any evidence in the matter in addition to his own affidavit.

BENJ. ALVORD, *Military Secretary.*

WASHINGTON, December 12, 1906.

I hereby certify on honor that on the night of August 13, 1906, I was at Fort Brown, Tex. I slept at my own house on that night and was awakened by the ladies of the house by the alarm. Soon after I was awakened I heard the call to arms sounded. I proceeded to the company and called the roll at once.

I don't know anything at all about the trouble and don't know anyone who does know anything about it; and I do solemnly swear that I am innocent in the case.

MINGO SANDERS,
Late First Sergeant Company B, Twenty-fifth Infantry.

DISTRICT OF COLUMBIA, *County of Washington*. ss:

Sworn and subscribed to before me this 12th day of December, 1906.

FRED G. CALVERT, *Notary Public*.

By Senator FORAKER:

Q. I will ask you to state whether or not any attention was paid to that application, so far as you know, until after the Senate passed a resolution for this investigation?—A. No, sir.

Q. I will stop there, so far as that is concerned, reserving the right to examine about it later if it should become material. I do not think I have asked you about cleaning the guns, have I?—A. No, sir.

Q. Do you know how to clean one of these guns?—A. Yes, sir.

Q. I mean to clean a gun so that it will pass an inspection?—A. Yes, sir.

Q. Such an inspection as you had that morning after that firing?—A. Yes, sir.

Q. How long would it take, in your judgment, to clean a gun after it had been fired a dozen times so that it would pass inspection?—A. It would take from twenty to forty minutes of hard work.

Q. Hard work?—A. Yes, sir; hard work.

Q. Have you had experience in the cleaning of the Krag gun?—A. Yes, sir.

Q. Did it take a longer or a shorter time to clean that than this new rifle?—A. About the same.

Q. About the same?—A. Yes, sir.

Q. Is the mechanism about the same so far as the amount of it is concerned?—A. The amount is different, because the bolts are different.

Q. The bolts are different?—A. Yes, sir.

Q. In cleaning the gun, state whether or not you have to take out the bolt and undo it?—A. In cleaning a gun, the first thing the bolt must be taken from the receiver. In cleaning it after it has been shot, you take a tin can or any kind of a vessel that will hold water, and get some sal soda and put it in the water and stir it until it is dissolved thoroughly. [A new model Springfield army rifle was here handed to the witness.] You turn that up that way, turn this full on.

Q. You say turn that up? What is that?—A. This is the cut-off [indicating].

Q. The cut-off?—A. That is the way that comes out [taking out bolt].

Q. That is the bolt?—A. That is the bolt. This is the bolt handle which I hold in my hand. The muzzle is placed in the water in that manner, in the sal soda, and you take a cleaning rod with some clean rag and you run the cleaning rod right through, down into here, and you scrub it up and down just that way until you get it thoroughly cleaned. It will take three or four different rags to do that. Then, after you complete this, you take the gun up again this way and take a clean rag and wipe it with about two or three rags until you get it thoroughly dry.

Q. That is, you wear out two or three rags?—A. Yes, sir; until you get it thoroughly dry. Then, after you get it thoroughly dry, you take another rag with a little cosmoline oil or some other machinery oil, if you can not get cosmoline, and you run that two or

three times through the gun. Then this part of the gun has got to be worked on [indicating].

Q. That is the chamber, is it?—A. This is the magazine [indicating].

Q. Yes.—A. That is the magazine, there. The chamber runs to about here [indicating]. This, just as it is standing now, is called the receiver, and from there, it is the chamber [indicating]. There is a little piece that you take off here. You take off this, just press right down on that, and the whole magazine will come out [indicating].

Senator SCOTT. Just press down on it and take it out.

Senator FORAKER. Yes; we want to see the whole thing done.

The WITNESS. I have nothing to do that with.

Senator FORAKER. You have to have all the facilities at hand?

The WITNESS. Yes, sir.

Senator SCOTT. He has been at it three minutes already. Hurry up, Sergeant. I want to see how long you take to do it.

The WITNESS. Then you take a stick and clean around the head thoroughly, and then you take and oil that [indicating]. Then you next clean all around in here, all around the sight. That is the leaf and this is the base. You grease all around here and clean it in here, and put the gun down, and then you take all these little springs [indicating].

Q. What is that, the floor?—A. That is the plate of the magazine.

Q. All right, go ahead.—A. You take that magazine out and clean it thoroughly and put the magazine back and put the plate in, and then you take the bolts here and around in that little crevice here, around in that fine thing—

Q. The bolt itself and all that has to be thoroughly cleaned?—A. All that has to be cleaned thoroughly. Then, if you want to take it off—

Q. You have to take the bolt apart to clean it thoroughly, just as you are now doing?

(The witness continued for some time trying to take the bolt apart.)

By Senator FORAKER:

Q. Are you having any trouble now with that that you are not liable to have cleaning any gun?—A. You are liable to have this trouble any time.

Q. Go ahead as fast as you can, the watch is on you.

(The witness continued for some time trying to take apart the bolt.)

By Senator FORAKER:

Q. For the present you needn't go further than that. It is necessary, to thoroughly clean the bolt, to take it apart?—A. This cut-off has slipped on me. Now, it has got to be turned up; it has got to be turned back far enough so that this cut-off will be straight.

Senator FORAKER. Never mind about that.

Senator BLACKBURN. If this testimony stops here and you do not let him go on, it will make it appear according to the record that this witness does not know how to clean a rifle at all.

Senator FORAKER. I am not going to stop at all. I am going to get an ordnance officer to show him how.

The WITNESS. It takes a certain pressure to do this. There it is [exhibiting breech bolt taken apart].

By Senator FORAKER:

Q. Have you had any trouble with that that a man is not liable to have at any time when he attempts to clean a gun?—A. A man is liable to have this trouble at any time. All this has to be cleaned, and then it has to be put on this way [indicating].

Q. Can that bolt be thoroughly cleaned so that it will pass inspection unless it is taken apart as you have taken it apart?—A. No, sir.

Q. Could anyone else, even an ordnance officer, clean one of those guns in the dark?—A. No, sir.

Q. You have got to have light?—A. You have got to have light and plenty of it, and time.

Senator TALIAFERRO. May I ask him a question?

Senator FORAKER. Certainly.

By Senator TALIAFERRO:

Q. You have got the bolt back now?—A. Yes, sir.

Senator BLACKBURN. He never could get the magazine out.

The WITNESS. I couldn't get the magazine out unless I had something to take it out with.

Senator BLACKBURN. What do you need?

The WITNESS. In order to take the magazine out, I have got to have some kind of instrument or some kind of hard surface of some kind to press that spring down in there [indicating].

By Senator TALIAFERRO:

Q. I simply want to ask if on inspection they always took apart that bolt the way you did it here?—A. Not all the time, sir.

By Senator WARNER:

Q. Was it taken off that morning, on the morning of the inspection, the 14th of August?—A. No, sir; it was not taken off; but it was examined thoroughly, all but pulling the bolt out.

Q. The bolt was pulled out?—A. The bolt was pulled back.

Q. Everything was done, except taking the magazine out?—A. Yes, sir.

Q. Was the bolt taken apart?—A. No, sir; the bolt was not taken apart. [Witness trying to shove breech bolt back into place.] I will fix that later on.

Senator SCOTT (taking rifle from witness). All right. I will take it.

By Senator WARNER:

Q. How do you know that that was done that morning of the 14th?—A. What was done, sir; the morning of the 14th? I want to understand the question first.

Q. How do you know that this was done in the inspection of the guns on the morning of the 14th of August?—A. I would like to thoroughly understand the question before I answer it, sir.

Q. That is proper, Sergeant. Now, in the first place, you went through with the inspection of the gun?—A. Yes, sir.

Q. The men whose guns were at all suspicious were ordered to fall back with the file closers?—A. Yes, sir.

Q. Which of the guns were inspected the way you speak of, those of the men who fell back with the file closers, or the others?—A. When you take the men who were not ordered to fall back into the line of file closers, there the man himself opens the bolt, but the officer who inspects the man, he can see all parts about the bolt—that is, with regards to the cleanness of the bolt, or whether it has been fired or not—without taking the bolt down, because he can see the firing pin, around the head of the firing pin, which the hole projects through the bolt that strikes the primer, and he can see into the chamber, and he can see into the magazine, which would be dirty if the gun were dirty.

Q. Yes; certainly. But I was asking you, Sergeant, to go back to the question whether, in this inspection that was made on the morning of the 14th, all this was done, taking the gun apart as you have done here, with all of the guns or only with those of the men who were ordered to fall back with the file closers?—A. Just as I stated before, those guns of the company—I don't know what he did with the men that were stepped out, but he didn't take the bolt down.

Q. Yes.—A. He didn't dismount the bolt; he didn't dismount the bolt.

Q. Then, the fact is, as you stated, that you do not know what was done with the men who were ordered to fall back with the file closers?—A. I left just about the time that they were inspecting the first line—

Q. So you know nothing about that, except as you have stated: but afterwards the men reported to you for duty?—A. They reported to me for duty, and their rifles were clean.

Q. What do you mean by that?—A. That is, the officer who inspected them found them clean.

Q. What you judge that from is the fact that they reported to you for duty?—A. Yes, sir; from the fact that they reported to me for duty.

Q. That is the reason you know that, and that is the only reason?—A. No, sir; I didn't say that.

Q. I am asking you that.—A. I said the men reported to me for duty and that the officer who inspected them found their rifles clean.

Q. Yes.—A. Yes, sir.

Q. Is that customary?—A. In that particular case or any case that might happen like that that is customary.

Q. That has happened in your service?—A. Yes, sir.

Q. Had that occurred before?—A. Yes, sir.

Q. Where?—A. They had, every Saturday, inspection.

Q. Every Saturday; so that it was the usual and customary way?—A. Every time an officer finds a man's gun dirty or has reason to believe that his gun is dirty he tells this man to report to his first sergeant that fact.

Q. He tells him to report that fact?—A. Yes, sir.

Q. To me, or to whoever is the first sergeant. That is the custom of B Company.

By Senator TALIAFERRO:

Q. Did you know anything about the character of the inspection made of the men who were in line, of the men and their guns?—A.

The company commander, as I before stated, taken a man's gun; when the man brought his piece up to inspection arms, the company commander taken the gun and looked through it thoroughly, inspected the crevices all around it, and if he found it satisfactory to him, he handed the rifle back to the man.

Q. Was your company at attention when this inspection was being made?—A. Always.

Q. Did you not testify a moment ago that when your company was at attention you were looking straight ahead and could not look down the line?—A. I was in rear of a portion of these men, looking forward.

Q. You were in a position where you could see, while at attention, what was going on at the extreme left of the company?—A. No, sir; I didn't say that.

Q. You are testifying to what went on, and I am asking you the question.—A. That is customary, and it is the rule. If a man's rifle wasn't presentable the man was ordered back.

Q. As a matter of fact, you did not see the character of inspection that officer made throughout your company that night?—A. Not each individual man?

Q. Yes.—A. Not each individual. But I saw the men who stood right in front of me, and I saw what he did to me.

By Senator WARNER:

Q. Mr. Sanders, your place was east—that is, it is not just east and west, but you mentioned the eastern part of the grounds, and fort. I notice here on the map, "Commissary-sergeant's quarters." You see that up there, do you not, numbered 41?—A. Yes, sir.

Q. That would be up in the extreme eastern part of the fort, would it not?—A. Yes, sir.

Q. You know where the barracks are, here? I take it for granted, because you pointed them out.—A. Yes.

Q. Where was your house, with reference to the place that is marked here "Commissary-sergeant's quarters?"—A. Well, to my ideas and to my judgment, it may be that the man who taken that map, I imagine that that map, showing down this way, naturally showing the natural status of the ground—

Q. You understand where the river is here?—A. Yes, sir. That is true.

Q. In front of the barracks?—A. Yes, sir, parallel to the quarters I lived in.

Q. Where were the quarters you lived in? That is what I am getting at now.—A. They were right on the inside of this [indicating].

Q. So that we will get it in the record, I will ask you this: I notice what appears to be a roadway or a division just east of the barracks numbered 36.—A. That is a board walk running across here.

Q. That is a board walk?—A. Yes, sir.

Q. There is no fence there at all, just a board walk?—A. There is a board walk.

Q. Then you go up east still to the place where you lived—is that a fence or a board walk?—A. That is a road. That might be a road on the inside of the garrison here, but I lived right here; that is the spot [indicating], and here is the guardhouse, someways in there, and this is the fire house, and a board walk running along here, which it doesn't show.

Q. I think we can get it in a minute. The fire house here is marked, and your place is still east?—A. Of that, right along here [indicating]; mighty near on that bend [indicating].

Q. What I am getting at is—how far was that from barracks D?—A. I judge about 500 yards; between 500 and 600 yards; but that board walk wasn't there.

Q. Where you were?—A. Yes, sir.

Q. Where you were there were quarters, where you were that night?—A. Yes, sir; three of them.

Q. You were aroused, or your wife, by Mrs. Brawner coming to your house?—A. Yes, sir.

Q. When you got up your wife said there was fire, but just then there was a call to arms, and you said no, it was something more than fire, and you went to the door?—A. I hadn't dressed then?

Q. Yes; then the call to arms came and you went back and dressed hurriedly.—A. Yes, sir.

Q. And you hurried down that 600 yards, or whatever it was?—A. Yes, sir; 500 or 600 yards.

Q. Five or six hundred yards?—A. Yes, sir.

Q. On a run?—A. Yes, sir.

Q. You went down on a run because of the call to arms and you thought there was difficulty of some kind?—A. That is what it means.

Q. That is, to a soldier?—A. That is—yes, sir—to a soldier.

Q. You came down in front of these barracks?—A. Yes, sir.

Q. Where were you at the time you heard the balls whistling over your head?—A. I was between these barracks and this guardhouse. There is a board walk parallel here [indicating].

Q. That is the fire house [indicating]?—A. Yes, sir; the fire house.

Q. You were between that and barracks 36, as I understand, when you heard the balls whistling over your head in the direction of the hospital; that is it marked "64" here?—A. Yes, sir.

Q. There was a good deal of shooting going on?—A. Considerable, sir.

Q. When you say considerable, about how many shots?—A. Oh, about 10 or 15.

Q. Not more than that?—A. Yes; successively; something like that.

Q. Not more than 10 or 15?—A. I mean, say, about 10 or 15 to forty seconds, or something like that.

Q. I am asking you the number of shots.

Senator Scott. He means all together.

By Senator Warner:

Q. Just a moment; I will make it so plain that he can not misunderstand. I mean the number of shots altogether when you were running down there.—A. That is an impossibility for a man to tell—something like that, waking up at night, like that, and running—to say how many he hears.

Q. Why impossible?—A. I couldn't pay that much attention to find out definite how many shots there was.

Q. Why, were you not paying attention to the shots?—A. Why, I couldn't count them. I would have to count them or do something like that to tell the exact number.

Q. I understand; but the fact of it was that you were intent on getting to your company instead of counting the shots that were fired?—A. My intention was to get to the company.

Q. I say you were intent and anxious to get there as soon as possible. That was your purpose then?—A. That was my purpose.

Q. And your mind was upon that, was it not?—A. Partly so.

Q. Was it not mainly?—A. Yes, sir.

Q. Without paying especial attention to the number of shots or anything of the kind?—A. In that particular case.

Q. In that particular case?—A. Now, if anything came closer to me than that it might change my mind to that.

Q. Did you form an opinion, Sergeant, of the direction where these shots came from?—A. That would be natural for a man—

Q. The question is not what would be natural, but I am asking you if you did form an opinion?—A. Question one more time, sir, so I can understand you.

Q. That is right, Sergeant. If you do not understand, say so. Did you pay attention to the distance at all, or the direction the shots came from?—A. I paid attention to the direction the shooting was from, as near as my judgment would allow me.

Q. Did it then occur to you who was doing the shooting?—A. No, sir; I was at a loss.

Q. Did it occur to you that possibly some of the companies were in the shooting?—A. No, sir.

Q. You never suspected that at the time?—A. No, sir.

Q. What was the impression upon your mind at the time, as to who did the shooting?—A. The impression on my mind at that time about the shooting, I didn't know what it would be. I couldn't think, in one thing, because the shooting were of mixed arms. I didn't know whether the citizens of Brownsville were having a riot among themselves, or what had happened; but I knew that it was my duty to get to B Company.

Q. Now I will ask you this. It is a very important fact, is it not, Sergeant, with reference to whether the citizens or soldiers did that shooting, as to whether the shooting was in the direction of the fort or not?—A. The balls that came over my head were from shooting toward the post.

Q. I will ask you the question again. Do you not think as a soldier that in determining whether citizens or soldiers did the shooting, it was very important to determine the direction in which the shots were fired?—A. I could readily tell the direction when the bullets were coming over.

Q. Did you not think that was important, to determine the fact as to whether citizens or soldiers were doing the shooting; that is, to determine the direction in which the shots were being fired?—A. I will repeat that again, as well as I can, so that you will understand it. I understand it thoroughly. When the bullets were going over my head that was evidence that the bullets were coming from the town into the post.

Q. Yes.—A. That proves for itself, to me.

Q. Yes; and that would be proof to you of what? That citizens and not soldiers were doing the shooting?—A. I don't know who it was.

Q. When did you first learn that soldiers were suspected of doing the shooting?—A. Oh, about, I guess it was, mighty near a day after. Well, it was the next day, way up in the day some time, I think it was. It was about 1 or 2 o'clock.

Q. Did you state to anybody then your impressions, what you heard about those bullets coming over your head?—A. I told Major Penrose, and that was my first knowledge of knowing anything particular what had happened.

Q. You testified before Captain Lyon, did you not, a few days after the affray?—A. I did. My evidence—that is, the affidavit—that is here.

Q. Did you in that testify to the fact of hearing these shots flying over your head as you came down—the bullets whizzing over your head from the town?—A. I wasn't asked that question.

Q. Did you mention it?—A. No, sir.

Q. Why not?—A. Why, I simply answered the questions that were asked me.

Q. Did you not think then, Sergeant, that it was your duty to give any information you had which would show that it was not the soldiers—members of Companies B, C, and D—that did the shooting?—A. I had already given that statement to Major Penrose.

Q. But I am asking, did you not think it was your duty when before Captain Lyon to give him this information?—A. It wasn't anything, because I hadn't spoken of that simply because I wasn't asked; and I had already given that information and I didn't think it was necessary to repeat it.

Q. Was that the only reason you can give?—A. That is my only reason, that I didn't repeat it. I was asked if I knew any other thing about it, and I told them no; that I did not.

Q. On the 2d day of November you gave another statement, did you not, to a representative of the Constitutional League?—A. I did.

Q. Where were you then?—A. At El Reno—not El Reno, but Fort Reno.

Q. You knew then, did you not, Sergeant, that the question was being investigated, so as to clear the soldiers of Companies B, C, and D from the suspicion of having shot up the town of Brownsville on the night of August 13? You knew that?—A. I knew there was somebody there investigating, but I didn't ascertain their authority.

Q. Yes; but you knew that, and you knew that these parties were friendly to you who were making the investigation?—A. I didn't ask them.

Q. Yes; but didn't you know it? Some things you do not have to ask.—A. Yes, sir; I thought so.

Q. Did you know it?—A. No, sir; I didn't know it.

Q. From what you heard them say? We will get at it.—A. I thought so, simply because they had taken it on themselves to come here and ask me to give my evidence on the facts; that there was somebody in the world was going to try to see that I get justice, but I didn't know whether they would or not.

Q. Did you not want your comrades of Companies B, C, and D all to get justice as well as yourself?—A. I always first look out for Sanders.

Q. Well, yes; that is a pretty good way; but you are not unmindful of the interests of your comrades while you are looking out for San-

ders, are you?—A. I am not unmindful, but at that time I was turned out in the world. I started out for Sanders and I have been for Sanders these ten years, and I didn't know where these men were and couldn't tell what they were doing, only B Company.

Q. Yes; but you wanted to vindicate your comrades of B Company, because you were a sergeant of B Company.—A. I wanted to vindicate Sanders's cause.

Q. Not your comrades?—A. No, sir; if they were guilty or anything of that kind, the men who were guilty would have to stand for it.

Q. I find your affidavit on page 227 of Senate Document 155, sworn and subscribed to on the 24th day of November, 1906. Did you state anything in that affidavit about these bullets whistling over your head and going in the direction of the hospital?—A. I don't know whether I did or not; I couldn't tell now, because I was discharged, and I wanted to take the train on the 24th, and I didn't want to be delayed.

Q. Would it have delayed you much in taking the train to have stated to the officers there as a reason why your company was not engaged that you heard the bullets whistling over your head in the direction of the hospital?—A. I didn't say positively I didn't, and I don't say positively I did, but I do say, if I didn't say it then, that the reason for me not doing it my wife was standing at the door, and it was about a few minutes to train time, and I had bought my ticket to take the train, and all these sorts of things was right onto me there, and were giving an affidavit in a hurry way, so I don't know whether I did say so, but it is a fact that the bullets did go over my head. If I never said it before until now, that is the fact.

Q. Had you ever stated it before?—A. I have. I stated it to Major Penrose.

Q. To anyone else?—A. No, sir; no one else that I knows of, positively, until now.

Q. No; until now?—A. That I knows of.

Q. Then I understand, Sergeant Sanders, that in talking of this with your comrades of Company B as to who might have done the shooting you never said to them, "Why, those shots came from the town. They whistled over my head as I was running down from the direction of the hospital?" You never said that?—A. It wouldn't be advisable for me to say that—wanting to gain information.

Q. But you didn't say it?—A. No, sir; because I wanted to get information.

Q. And you said it to nobody but Major Penrose?—A. No, sir; to nobody but Major Penrose.

Q. When was it you repeated it to Major Penrose?—A. On about the day of the 14th, I guess, when he sent for me to state the case to me and tell me what to do.

Q. The hospital is what sized building?—A. Well, I judge the hospital to be about—of course that is a little out of my business; I don't know anything about a hospital.

Q. Five, ten, or fifteen feet in length, Sergeant?—A. I couldn't tell myself. Oh, it is over 150 feet long.

Q. And lengthwise it runs substantially east and west?—A. East and west. It fronts west.

SENATOR FORAKER. It fronts north. Which is its front?

The WITNESS. Now, about that hospital; I don't know. It was simply a building standing in the post which I saw every day, but I had no cause to go there.

By Senator WARNER:

Q. It fronts the town, and I assume that is north, Mr. Sanders.

Senator FORAKER. You have the points of the compass right before you there.

Senator WARNER. Yes, I know; here is east, and it would be fronting north; that is substantially correct.

The WITNESS. The hospital is a building something like the Capitol here. A man might stay in Washington ten years, and if nobody told him which was the front entrance he wouldn't know which was the front entrance. That is a building built in the old way—the old Spanish style.

By Senator TALIAFERRO:

Q. Did it not front your house—a portion of it?—A. A portion of it did; and it fronted the other way, too.

By Senator WARNER:

Q. I do not care which way it fronted—that is not my point. Was it a two-story or a one-story building?—A. I think it was a one-story building, with an attic over it—something like that. I am not sure about that.

Q. Those bullets went whistling over your head, 15 or 20—

Senator FORAKER. He said 10 or 15.

A. Ten or fifteen, whichever it was.

Q. Of course you know, Sergeant, if you make a mistake, I want you to correct it.—A. Yes, sir.

Q. Did you, after you told Major Penrose about that, go up there and look and see how many of these bullets struck the hospital?—A. Senator, I had my hands full.

Q. Did you go and make an examination to see whether any of these bullets had struck the hospital?—A. No, sir; I had my own hands full then, more than I could do, just doing my ordinary duty.

Q. Your hands full—how?—A. What I mean is, work that I was compelled to do. I couldn't leave the quarters. After we turned into quarters I couldn't leave the quarters, because I had to stay there, and I had to sleep there day and night, to stay right there, except going to the adjutant's office and mount guard, and then I was compelled to go and get the quartermaster-sergeant or some other responsible man to sit right in my room until I returned.

Q. Did you hear that discussed—whether any of the bullets struck the hospital, or either of the barracks, or any buildings in Fort Brown?—A. No, sir; I didn't hear it discussed about whether any shots struck the barracks or not.

Q. Did you not hear it discussed that an examination was made and no mark of any bullets was found?—A. I didn't hear that.

Q. Did you ever make any inquiry to find out if that was the case?—A. I made inquiry pertaining to B Company.

Q. What inquiry was that?—A. I looked at the building, and I didn't find any marks or scars or anything on B Company building.

Q. You made a thorough examination?—A. Oh, I didn't come down to a rigid examination. I would naturally look at it as I passed.

Q. You made an examination sufficient to satisfy yourself?—A. Simply to satisfy myself.

Q. Now, we will go back to the question asked you before. When these bullets were whistling over your head, where did you locate that shooting?—A. It seems to me that the bullets were going south—not due south, but a little south, and coming in kind of a parallel across the garrison this way [indicating]; that is what I want to say, from this direction [indicating on map], from that direction [indicating on map].

Q. Stand up here for a moment. This is Washington street [indicating on map].—A. That is the first time I have seen it—

Q. And this is Elizabeth street. That is the one that leads into the gate. Where do you say that firing was from—which direction?—A. I say the shooting seemed to go from this way across that way [indicating].

Q. From Washington street, around in that direction [indicating on map]?—A. In this neighborhood, going over that way [indicating on map].

Q. And that was not in the direction of either of the barracks—the shooting was not?—A. Not direct; it was more of across the corner of the empty barracks, more like.

Q. You have got down to the barracks, going this 500 or 600 yards, and who were the first men you met?—A. The first man I met I don't believe I could tell. I can tell you the first man I met of B Company.

Q. That is what I mean, B Company.—A. Because I ran into a gang of men of C Company.

Q. I should have said B Company.—A. Yes, sir. Well, the first man I met was English; at least I called him, for my lantern—Ernest English.

Senator FORAKER. Private English?

The WITNESS. Yes, sir; Private Ernest English.

By Senator WARNER:

Q. Of B Company?—A. Of B Company, yes, sir; and I asked him for my lantern, and he told me that Sergeant Jackson had it, and then I told Sergeant Jackson; he was standing on the porch with the lantern, and I says, "Give me that lantern," and he handed the lantern to me, and then I hollered, "Fall in, B Company," and proceeded to call the roll.

Q. You first went to your room and got your gun?—A. I did, sir.

Q. About how many minutes was it after the call to arms?—A. I judge about eight or ten minutes, something like that; it might have been a little more. I don't think it was over ten minutes.

By Senator TALIAFERRO:

Q. You say you went to your room and got your gun?—A. Yes, sir.

Q. Did you keep your gun in your room?—A. I did at that time.

Q. It was not in the rack?—A. No, sir.

By Senator WARNER:

Q. How many members were there of Company B?—A. Fifty-seven members.

Q. How many had guns?—A. Fifty-five.

Q. What two were without guns?—A. The two musicians.

Q. And how many guns were kept in the gun racks?—A. There were 53 when there was nobody on guard and nobody sick in hospital.

Q. But the sergeant was responsible—it was Sergeant Jackson?—
A. Yes, sir.

Q. And when they asked how many guns you were responsible for you gave the number—A. I didn't give the number; Sergeant Jackson gave the number. I said about 46, or something like.

Q. You heard him give the number he was responsible for?—A. I think he said 46.

Q. And you said 55 guns; that would leave nine guns issued to the company that were not in the racks. That is correct?—A. I could not say without I counted it, and I haven't counted it.

Q. Let us understand each other. Take your time. There were 57 members of the company?—A. Yes, sir.

Q. To two of whom, the musicians, guns were not issued—A. Yes, sir.

Q. And that left 55 having guns?—A. Yes, sir.

Q. And you say, when you were asked how many guns you were responsible for, that Sergeant Jackson said 46. Where were the other 9 guns?—A. There were 7 of them on guard.

Q. Where were the other 2?—A. There were 2, I think, of the men sick in hospital, but I am not sure of that. That duty was up to Sergeant Jackson, not me. I was responsible for the men.

Q. Certainly, Sergeant. What did you do with your gun after your company was dismissed, at 2 or 3 o'clock of the morning of the 14th?—A. I took my gun and carried it in my room and locked the room up and went on back to my quarters.

Q. You didn't put your gun back in the gun rack?—A. No, sir.

Q. Was any gun rack in your company broken up?—A. No, sir.

Q. You heard of a gun rack broken up in one of the other companies?—A. I heard C Company's was broken open—

By Senator SCOTT:

Q. The quartermaster-sergeant and first or orderly sergeants do not keep their guns in the gun rack, do they?—A. Sometimes they do; it is left to the company commander. When in garrison and the company commander sees fit to issue the order that each individual man's rifle will be kept in the gun rack, then that is carried out, but the quartermaster-sergeant and the first sergeant are more or less cut loose from the company for a certain kind of duty they have to perform, and he stays in the storeroom, or the room next to the storeroom.

By Senator WARNER:

Q. So there will be no misunderstanding about this—there were 9 guns that were not in the rack. You had a gun that was not there, and the quartermaster-sergeant's gun was not there—that is 2.—A. Yes, sir.

Q. And you had seven on guard. That made nine, did it not?—
A. I can't exactly understand what you are drifting at now.

Senator BLACKBURN. It doesn't matter so much what he is "drifting at," if you will answer the question.

Senator WARNER. I do not know that that is essential, to know what I am "drifting at," but I will say this: I want you to thoroughly understand my question, and if you don't, say so.

A. That is what I am going to do.

Q. I was trying to explain, myself, for the other nine guns. You said he was responsible for 46.—A. I said this was not a definite word, that there were 46; I didn't say definitely that there were 46, but I said I understood him to say there were 46, to Lieutenant Lawrason, which they were responsible for.

Senator WARNER. Of course the stenographer's notes will show just what was said.

Senator FORAKER. The stenographer's notes will show he said, "I think he said forty-six."

Senator WARNER. I purposely avoided saying what I understood he had said.

Senator FORAKER. And I purposely stated what he said, because I noted it at the time.

The WITNESS. That is what I said, "I think that he said so," at the beginning.

By Senator WARNER:

Q. How many gun racks did you see that were broken open in Company C?—A. I didn't see how many; in fact, I don't know anything about C Company, only I know it was in the post.

Q. How did you come to hear it, that one or more of the gun racks were broken open—you say you don't know how many?—A. Well, I heard Lieutenant Grier give the order when I was passing. Whether it was executed or not I don't know.

Q. Was that all you know about the breaking open of a gun rack in Company C?—A. I heard the next day they had broken them open. Who spoke the word I don't know.

Q. "Had broken them open," or "the racks open?"—A. Broke the rack open. I don't know whether he said one, two, or three racks. It didn't make no difference to me, because I wasn't concerned in it; I simply heard it, and it went right through me.

Q. Who gives the order for the opening of the gun racks?—A. It is according to the nature of the case. First call for any formation of garrison duty means for a certain formation of the troops, that the gun rack is to be opened—that is, if the drill is called, or first call for parades; that means for the noncommissioned officer in charge of quarters to open the gun rack and let the men get their rifles. Call to arms at any time of night or day, in the field or in the garrison, or in camp or in quarters, means that every soldier that belongs to organization to fall under arms at once and the men be checked up promptly to find out their whereabouts.

(Examination of witness suspended.)

(Thereupon, at 3.40 p. m., the committee adjourned until to-morrow, February 12, 1907, at 10.30 a. m.)

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Tuesday, February 12, 1907.

The committee met at 10.30 o'clock a. m.

Present, Senators Scott (acting chairman), Foraker, Warner, Pettus, Overman, and Taliaferro.

Senator FORAKER. I wish a note made of the fact that Walker McCurdy, one of the witnesses who has testified, is now discharged.

TESTIMONY OF MINGO SANDERS (COLORED)—Continued.

MINGO SANDERS (colored), a witness previously sworn, being recalled, testified as follows:

By Senator WARNER:

Q. Sergeant, you knew on the 13th of August that extra precautions were taken to have the men in camp, did you not?—A. I do, sir. The order was issued by Lieutenant Lawrason to me, and I issued the order to the company, that every man was to be in the barracks or in the garrison at 8 o'clock, and none was to be permitted to leave after that (after 8), and all passes were cut off; and I were then ordered to send two responsible noncommissioned officers over the city and find every man of B Company and have them to report to the quarters at once. That was about 5 o'clock in the evening.

Q. That order was unusual, was it not?—A. The first time it had occurred at that place.

Q. What was the occasion of the order then?—A. I don't know, sir.

Q. Haven't you an opinion of what led to the order?—A. No, sir.

Q. Had you heard of any trouble between any of the members of Companies B, C, or D and citizens?—A. I heard C Company had some trouble—some of the members of C Company had some trouble.

Q. No member of your company?—A. No, sir.

Q. What was the trouble you heard of?—A. I heard Private Newton, of Company C—I think that is his name—got knocked in the head with a six-shooter. I heard of another man of Company C—I don't remember his name, but I know his face when I see him—he got shoved overboard in the Rio Grande River by some of the custom-house officers, some people down there in charge of the ferry. The exact name of those people I don't know.

Q. Anything else?—A. I heard there were some men having some trouble in town. I did not hear the particulars of that.

Q. Anything else?—A. Not as I knows of.

Q. When did you hear, if at all, of a woman being assaulted, it was charged, by one of the soldiers?—A. I heard of that, I believe, along about the 14th or 15th. It came out in the Brownsville Herald the first I knew any of it.

Q. What I want to get at is, you did not know of that the evening when the order was issued?—A. No, sir.

Q. So you understood that there were rather strained relations between the citizens there and the soldiers by reason of what had occurred?—A. Strained relations?

Q. Well, I will make it clear—that is, that the relations were not pleasant between them.—A. I know a portion of it, such as the

saloons, and so forth, like that, being closed against the colored soldiers. I heard them speak of it, but I didn't go in town particularly myself.

Q. Did you hear the soldiers discussing that in quarters?—A. I suppose there were; a saloon were put up for the purpose of accommodating the soldiers. It was on or about 200 yards from my house.

Q. That is the one that Allison established?—A. Yes, sir.

Q. Who was interested with Allison in the saloon?—A. Allison and Holomon, I believe.

Q. To what company did Holomon belong?—A. To B Company. John Holomon was his name.

Q. To your company?—A. Yes, sir.

Q. When did you learn that he was interested in that saloon?—A. I learned that he was interested in it after the shooting.

Q. Did not know anything about it before?—A. No, sir.

Q. Now, having heard of these occurrences, the troubles there in Brownsville, at that night did it occur to you that possibly some of the soldiers were out there?—A. No, sir; it did not.

Q. That never had occurred to you?—A. No, sir; because the orders was issued that no soldier was to be out. The town was patrolled by the guard in the fore part of the night to see that there was not any out.

Q. Did you learn in the morning that ammunition said to have been such as is used in the Springfield rifles had been found—that morning or the next day or a day or two within the time of the shooting?—A. I learned from Major Penrose—it might have been the next day, or about the 15th. I don't just remember the actual date.

Q. Did that make any impression on you as to who did the shooting up of the town?—A. No, sir.

Q. None whatever?—A. No, sir.

Q. Did you make any other investigation about who was connected with the shooting than what you have stated in answer to Senator Foraker?—A. It was impossible for me to make any further investigation.

Q. I simply ask you if you made any other.—A. No, sir; because it was impossible.

Q. You say you heard Lieutenant Greer give an order when you were going from your quarters down to the barracks?—A. Passing C Company; yes, sir.

Q. Passing C Company?—A. Yes, sir.

Q. How did you know it was Lieutenant Greer?—A. By his voice.

Q. Any other means?—A. No, sir.

Q. Why couldn't you see him?—A. Well, I didn't have time to look for him. I was trying to get my way through the men, through the men of Company C, so I could get to my quarters, and that would delay me, to try to look for Lieutenant Greer in a mangle of a whole lot of men rushing right downstairs.

Q. There were a great many of Company C coming downstairs?—A. They were coming right down the staircase off of the porch on the board walk, while I wanted to pass on the board walk, and they were an obstacle in my way, and if I would look for Lieutenant Greer that would detain me.

Q. Do you know Major Penrose's voice?—A. Yes, sir.

Q. Did you hear his voice there at all?—A. No, sir; I did not hear Major Penrose's voice.

Q. Did you see Major Penrose there?—A. No, sir; I saw Major Penrose at B Company. He stood behind Lieutenant Lawrason.

Q. Was the firing going on at the time when you heard Lieutenant Greer's voice give the order of which you have spoken?—A. Yes, sir.

Q. It had not ceased?—A. No, sir.

Q. In what direction was the firing then?—A. I could not tell what direction then, but it was simply I could tell that the firing was in town.

Q. Was it receding from the fort or toward it, from what you first heard, when the bullets were whistling over your head?—A. It seemed to be mighty near or on or about the same place. It might be a little further, or it might have been a little close, because I was coming in a kind of a crossway that would bring me near right straight down the board walk.

Q. But the firing had ceased before you got through the calling of the roll?—A. Just about; I were about to complete calling the roll when the firing—you could just hear the report of the guns; it looked like it was on the other side of the town almost.

Q. That is, as if the firing was receding from the fort?—A. It was going that way [indicating].

Q. When you say "that way" we can not get down what you mean. In what direction do you mean, north?—A. Going north; yes, sir.

Q. We call that north. It may not be exactly that.

Senator OVERMAN. Let him locate where he was when he heard the bullets whistling.

By Senator WARNER:

Q. Where were you when you heard the bullets whistling over your head? the Senator asks.—A. I was coming down the board walk, leading down this way; the bullets came over my head when I was right along in here [indicating].

Q. The bullets were going over your head when you were between your house, your quarters, and— A. And in front of the guardhouse.

Q. Between your quarters and the barracks 36?—A. Barracks 36, in front of the guardhouse.

Q. You were then about in front of the guardhouse?—A. Yes, sir; that is, not exactly in front of the guardhouse, but—

Q. Well?—A. As I were about 30 or 40 yards to the right of the guardhouse, then passing the guardhouse—this are the guardhouse—the guardhouse would then be to my left, in front.

By Senator OVERMAN:

Q. Could you tell from which direction the whistling bullets were coming—from out Adams street, say?—A. From north to south; that is, near that direction. They were not exactly north and south, but they were coming in this direction, going south.

By Senator WARNER:

Q. That is quartering up, as you say?—A. As near as I could discern.

By Senator TALIAFERRO:

Q. Can you tell the direction of a bullet from the noise it makes as it passes over your head?—A. Yes, sir; more or less. That is the way you find the enemy.

By Senator FOSTER:

Q. Could you tell from the whistling of the bullet what kind of an arm it was shot from?—A. That is if it shot from a large caliber, it has a very flat sound.

Senator WARNER. I was coming to that.

Senator FOSTER. I beg your pardon.

Senator WARNER. Go ahead.

By Senator FORAKER:

Q. What is your answer?—A. It has a very flat sound. It is from a small caliber, it has a kind of a shrill, keen sound.

By Senator OVERMAN:

Q. Those shots were not fired over the barracks at all?—A. Not from that which I heard.

Q. Those whistling bullets were not fired at the barracks?—A. No, sir; they were more or less between the guardhouse and a kind of a half direction over the hospital.

Q. The men were firing from here, then [indicating a point on the map]?—A. No, sir; they could not come from that way; they were more higher up, I suppose.

By Senator WARNER:

Following up Senator Foster's question, what were the kind of firearms you distinguished, if at all?—A. Revolvers, .45, or Winchesters, maybe .40-60 or .30 caliber, or there might have been other arms of that caliber.

Q. You distinguished six-shooters of a certain caliber, you say?—A. Yes, sir.

Q. You distinguished Winchesters of different calibers; that is correct, is it?—A. Yes, sir.

Q. And what else did you distinguish?—A. There might have been a larger caliber gun, which there was some of the guns sounded almost as loud as cannons, that is a small sized gun which is used, well something greater than .60 caliber, something sounding something like a gun they used in the Philippine Islands, which is called the Remington; I think that is what they call them.

By Senator FOSTER:

Q. Did you distinguish the caliber of the gun from the report that was made, or from the whistling of the bullet?—A. From the report of the gun as well as the whiz of the bullets over my head, the few that passed over.

Q. What other firearms did you hear, excepting those that you have named?—A. I don't think there were any others. There might have been something as small as a Mauser. Indeed, a Mauser and the .32 caliber of the present six-shooter from a distance sound mighty near alike; that is the .28 caliber six-shooter that they use now in revolvers.

Q. Did you hear any shotguns?—A. Not to my knowing; in fact, no, sir.

Q. You could distinguish very plainly a shotgun from either of the firearms you have mentioned, could you not?—A. There are sometimes, take a large caliber gun and a shotgun of a high grade, and you are far from it, you would have to be well experienced to distinguish it readily for one or two shots; but if it was continuous—

By Senator FORAKER:

Q. That is you mean that it would sound very much alike?—A. Yes, sir; that is one or two shots, but if it continued, why then you can tell.

Q. Now sergeant, to your best judgment how many shots did you hear fired, from the time you were awakened, which was simultaneously with the call to arms, when you got to your door, how many shots did you hear fired after that?—A. Well, as nearly as I can tell you exactly, that you may judge the number of shots, when I first came to the door I heard the report of the guns, the call to arms; I dressed, half dressed, ran to my quarters, got in line, called my roll, and almost completed it, and all this time it was shooting.

Q. Yes?—A. Well, now, the fastest time that any one individual man can shoot, to my knowledge, is he only can fire five shots in twenty seconds, and all men can not do it with the new model gun—I mean the five shots in twenty seconds.

Q. Well, now, can you answer my question? About how many shots did you hear?—A. Well, for the length of time, I guess there was about 150 or 165, or something like that. Now, that is just a rough estimate of mine.

Q. Oh, certainly.

Senator FORAKER. There might have been 200, I suppose?

A. There could have been 200 just as easy, because it was according to the rapidity of the firing.

Q. Too fast for you to count?—A. Yes, sir.

By Senator WARNER:

Q. Now, you went down and you called the roll, as soon as your company got into line. Who gave the orders for the opening of the gun racks of your company?—A. The trumpeter that sounded the call to arms, sir.

Q. That was an order to open the gun racks?—A. Yes, sir.

Q. To the noncommissioned officer in charge of quarters?—A. Yes, sir. That gave him authority to open the gun racks.

Q. At any time?—A. At any time, night or day, except he has specific orders from the company commander or some one appointed over him in case the call to arms is sounded at a certain time, not to do this—that it is for some other purpose.

Q. Now, on the morning of the 14th, you got the keys of the gun racks from Sergeant Jackson?—A. Yes, sir.

Q. And you sent him with the sick call to the hospital because he was going on the call himself?—A. Yes, sir.

Q. And that, as I understand you, was about ten minutes to 6 in the morning?—A. About ten minutes to 6—6.45, I think it was; I am not sure about that.

Q. Well, along about that time?—A. Now, I don't exactly know what time sick call was, as I have not got those datas; but sick call should have been 5.45, I think it was. I will just straighten that right now. It was 6.40 on that morning—6.40.

Q. 6.40?—A. 6.40.

Q. You are quite clear about that, aren't you?—A. I am pretty sure it was 6.40. It was not ten minutes to 6.

Q. If you so stated in your examination yesterday, then you were mistaken?—A. Sir?

Q. If you stated that it was ten minutes to 6 yesterday, or 5.50, you were mistaken?—A. I was, surely; because reveille goes about 6 o'clock. The first call for reveille goes at 5.30 and reveille itself is about 6 o'clock.

Q. And it was after that?—A. So if I stated yesterday that it were ten minutes to 6 it is an error of mine.

Q. Who unlocked the gun racks on the morning of August 14 after you were given the keys by Sergeant Jackson?—A. I gave the keys to the next noncommissioned officer who were going on the day. Now, I don't particularly know whether it was Corporal Franklin or Corporal Daniels who were going on the next day.

Q. What time was it you gave them the keys, whoever it was?—A. I gave the keys just ten minutes before drill call.

Q. You did not go up to see the gun racks?—A. I stand at the foot of the steps and called for the noncommissioned officer who were going on in charge of quarters; told him to open the gun racks for the men to get the guns, so the men could get their rifles, and return the keys to me.

Q. You did not see him open the gun racks?—A. No, sir.

Q. Nor you had not seen the gun racks at all that morning?—A. I had not seen the gun racks that morning, because I had been upstairs.

Q. But that is what occurred, as far as opening the gun racks was concerned?—A. Yes, sir.

Q. Did you go home on the night of the 13th?—A. On the night of the 13th, I did, sir.

Q. Back to your quarters?—A. Yes, sir.

Q. You came down the morning of the 14th. Now, the ammunition that was issued to you, you brought with you to Brownsville—twenty rounds?—A. Twenty rounds each.

Q. You had then what I think you called in your examination the suspender belt or suspending belt?—A. Suspender belt.

Q. That is the same that has been called the web belt, is it?—A. The web belt is a belt which we used—in other words, it was a thimble belt; it is a blue belt.

Q. Well, did you have any of the web belts there?—A. No; we had the suspender belt—the new pattern suspender belt.

Q. That was a belt used by each of the companies—they had the same kind of belts?—A. Yes, sir; but some of them had both kinds.

Q. Now, Sergeant, explain the difference between a web belt and a suspender belt.—A. A web belt, if I understand it in calling it, is a belt that were issued along about 1898, and it has thimbles in it.

Q. Thimbles for the cartridges?—A. Thimbles for the cartridges.

Q. Well, go on.—A. And it holds about 90 rounds of ammunition, something like that. The double thimbles run around it.

Q. Now, the suspender belt?—A. That is a belt that were issued about 1903—along about 1903—a new pattern belt with pockets in it, that will carry 20 rounds to the pocket.

Q. You just insert the cartridges?—A. Put the cartridges into pockets all the way around, and the suspenders goes across the shoulders.

Q. That was the kind of belt you had then at that time?—A. Yes, sir.

Q. When had those belts been issued to you?—A. Nineteen hundred and three; along about July, 1903.

Q. You had those all the time— A. I am mistaken; July, 1904.

Q. You had those belts when you were at Fort Niobrara?—A. Yes, sir; the suspender belt.

Q. Yes. Now, on the morning you turned out on the 14th, did you have the suspender belt then?—A. No, sir. We had the suspender belt, but not out for inspection.

Q. I mean wearing it.—A. We had on the leather belt and the McKeever box.

Q. That is the box that is used when you turn out for the morning drill, is it not?—A. Yes, sir; or parades, and so forth.

Q. And the suspender belt is the one you use when you go to target practice or going on your practice marches?—A. Practice marches.

Q. And the kind of a belt you would use if you were going into action?—A. Yes, sir.

Q. How were these 20 rounds of ammunition distributed that you had when you came to Fort Brown—that is, with reference to the suspender belt and the McKeever box?—A. First the men were issued 10 rounds only. Then when they got orders to go to Fort Brown the commanding officer issued a post order, each man will have 20 rounds in a suspender belt, the khaki uniform, campaign hats, and leggings, en route to Fort Brown, under General Order No. 44, 1906—that is, complying with General Order No. 44.

Q. What was done with the ammunition that you had in your McKeever boxes at Niobrara?—A. It was taken up and put in the suspender belt pockets, and the McKeever box was took away by each individual soldier.

Q. When you got back to Fort Brown, how much of it was placed back in the McKeever box?—A. When we went out on the practice march it was all used in the suspender belt. When we were on inspection it was all used in the McKeever box. When we were mounting guard only 10 rounds of ammunition was used for guard mount.

Q. I think, Sergeant, we can save time. When you were called out to the morning drill there would be 10 rounds of ammunition in the McKeever box and 10 in the suspender belt?—A. We used it all in the belts at all times, and in the box at all times except guard mount, when we were using that equipment.

Q. You used it all in the belt and in the boxes, you say?—A. In the McKeever boxes we used all the ammunition. If we were going to fall out for drill, why, we used all the ammunition; and if it was inspection, and a man failed to carry this ammunition out, and the company commander inspected him and found that he did not have the ammunition in it, why, he would have that man called out

right away, as soon as drill expended, and find out where was all his ammunition.

Q. Then on the morning of August 14, when you were called out to drill, the men had the twenty rounds of ammunition in the McKeever box?—A. Yes, sir.

Q. Leaving none in the other belt?—A. There were ammunition issued that night, which it could have been—or rather in the bandoleers—not taken out or put in the suspender belt.

By Senator OVERMAN:

Q. Is this ammunition issued in a bandoleer to each man?—A. No, sir.

Q. Is that the way it is delivered to him?—A. No, sir; that were not the way I issued it that night.

Q. Usually these bandoleers were brought out by McCurdy?—A. No, sir.

Q. What did he do with the bandoleers?—A. Took them up and turned them in to the ordnance officer—that is, at the end of the target season.

Q. Does he deliver a bandoleer at any time to any of the men?—A. No, sir.

Q. Deliver it to you?—A. No, sir.

Q. Takes the ammunition out of the bandoleer and delivers it that way?—A. If he gets specific orders from the company commander to issue ammunition—

Q. I am talking about usually. How is the ammunition usually delivered to the men?—A. It is handed to the man, so many rounds.

Q. In what?—A. In the clips, and it is charged right on the book.

Q. What becomes of the bandoleer?—A. The bandoleer is put back in the storeroom.

Q. For use again?—A. No, sir; just to save it because it is Government property.

Q. Does the Government have any use for it?—A. I don't know, sir. It is something new, and it was only last year that this bandoleer came up, and we had orders from our company commander to save all the clips and bandoleers, but there was no reimbursement on it of any kind that I knowed of; but to save them and turn them in.

By Senator WARNER:

Q. What do you mean by the clips?—A. That is the clip that goes on the end of the cartridges, that keep the cartridges intact.

Q. The metal part of the cartridge?—A. No, sir; not the metal part of the cartridge.

Q. What is it?—A. It is a metal to hold the five cartridges intact—a little piece of metal that slips on the end of them to hold the five cartridges together.

Q. What did you do with the shells after firing?—A. There were about 1,600 shells—

Q. I am asking you generally what you did with the shells?—A. The shells are turned in to the arsenals, when they are properly prepared.

Q. Do you take special care of them?—A. Yes, sir.

Q. Why do you take special care of those shells?—A. For a thousand empty shells we get 175 to 200 ball cartridges, enabling the company commander to bring up the poor shots to a certain standard of merit in the company.

Q. And the orders are to preserve those shells with care?—A. Yes, sir; they must be washed thoroughly, dried, counted, and packed, and the number—that is, the letter of the company—put on the inside of the box.

Q. When washed, cleaned, and packed, to whom are they turned over?—A. They are turned over to the post ordnance officer, who ships them to the arsenal—to the ordnance officer at the arsenal.

Q. You had some of those shells when you went to Fort Brown?—A. Yes, sir; that had not been decapped or washed and cleaned.

Q. Did you take any care of those?—A. We tried to, the best we could.

Q. What care did you take of them?—A. We packed them up in a box and shipped them to Brownsville. Then they set out on the porch for two or three days, probably a week. Our property was thrown out on the porch.

Q. In an open box?—A. Well, part of the box was broken open.

Q. The box in which these shells were?—A. Yes, sir.

Q. You saw it broken?—A. I saw the box setting on the porch myself, broken open.

Q. And Mexicans came there and helped themselves to that, did you say?—A. I did not say they helped themselves, but they helped themselves to everything they could.

Q. And that is all the care you took of those shells, you say?—A. Yes, sir; according to our convenience, yes, sir; that is all we could do, because the place we had to stow them in was locked up by the quartermaster, and we could not get in there until he got his property out, and we had no place to put them at, only right there.

Q. How many men were there in line on the night of the 14th?—A. Forty-three, first roll call.

Q. Is that customary, when you are expecting to go into action, to call the roll?—A. All the time.

Q. All the time; so that is what is done?—A. Yes, sir.

Q. You say some of the men seemed to get down on their knees there, on the ground?—A. They did.

Q. There was considerable confusion?—A. I did, sir.

Q. They seemed to be frightened?—A. Yes, sir; they were.

Q. But at that time, when they were getting down on their knees on the ground, the shooting was away at a distance, and seemed to be receding from the fort?—A. It was, sir.

Q. How many men got down that way?—A. I didn't exactly count them; I suppose three or four, four or five.

Q. What man, or men?—A. I know of one man in particular, because he was standing in front of me, and spoke to me; that was John Holloman.

Q. Is he here?—A. I don't know that he is.

Senator FORAKER. He has been subpoenaed, and we hope to get him here.

By Senator WARNER:

Q. That is the man who was interested in the saloon?—A. Yes, sir.

Q. What did you say to them?—A. I told them to stand up and be a soldier.

Q. What did he say?—A. He says, "You have got that light there, and you will be because of us all getting killed," I says, "If you get killed, you will get killed as a soldier."

Q. The barracks was between you and the shooting all that time?—A. Yes, sir.

Q. What else did you say to them?—A. The other part, as I before stated, I don't care to repeat.

Q. What was it?—A. God—

Senator FORAKER. He says he would not repeat it. Do you want it repeated anyhow?

Senator WARNER. I suppose we might just as well have it anyhow. [After a pause.] I do not care, Sergeant; never mind, if you have any delicacy about repeating it.

Senator FORAKER. The Sergeant said yesterday that he did not care to repeat it.

Senator WARNER. Very well.

By Senator WARNER:

Q. I understood you to say yesterday that when your application was made to reenlist, no attention was paid to it until after the resolution for this investigation had passed the Senate. Am I correct in that?—A. Yes, sir.

Q. Do you know when it was that the resolution passed the Senate?—A. Not exactly, but the resolution passed the Senate somewhere along about—it was voted on about six o'clock, somewhere near that time, but the exact date I don't remember. But the next—in two days after that, or a day after that, I was sent for.

Q. How do you know that no attention had been paid to it before that?—A. From the fact that they didn't send for me.

Q. As a matter of fact, what you mean by that, is it not, Sergeant, is that that was the first notice you had received?—A. The first notice I had received; and they had my address, and I had been there day after day inquiring in how could I get back into the Army.

Q. And that was the first time you had received the notice; that is what you mean?—A. Yes, sir.

Q. Did you see the Secretary of War?—A. I have never seen him.

Q. Whom did you see?—A. I seen the Assistant Military Secretary; that is Colonel Alvord.

Q. Did you explain to him the situation there at Brownsville and what occurred?—A. I explained to him my innocence of the fact at Brownsville.

Q. Who was with you?—A. I was with myself. I was by myself the first day I went.

Q. And the next time?—A. The next time Brown went over with me, but we didn't go in together. We went in each at a time.

Q. And afterwards?—A. Corporal Daniels went up, and we still went in separately.

Q. When you saw this officer, did you explain to him about the shooting and the direction it was from, what you knew about it, the night of the 13th?—A. No, sir.

Q. You wanted to do all you could fairly to relieve the soldiers of your company and of the other companies from the charge of having done this firing, didn't you?—A. I wanted to do all I could to relieve myself from the responsibility, and as they were investigating the case it might be some day that, if there were anybody guilty of the fact, it might be ferreted out; that it was impossible for me to do, as I didn't know anything about it, and I did all I could in my power.

Q. To exempt yourself?—A. Yes, sir. I present myself. I also sent a telegram the day that I was discharged, direct to the Secretary of War—it cost me about \$5—for reenlistment.

Q. To get back. But you did not here, in Washington, in any of your conversations with any of the military authorities, tell them what you knew of this shooting at Brownsville?—A. I told them as much as I knew of the shooting at Brownsville, except speaking about the direction that the bullets traveled.

Q. Did you tell them about the bullets whistling over your head?—A. I did not.

Q. Why did it not occur to you to tell some officer about that?—A. I did tell some officer.

Q. Anybody excepting, as you have stated, Major Penrose?—A. Nobody else except Major Penrose.

Q. Did you not regard that as one of the most important facts that you knew with respect to this shooting?—A. The fact is, the investigation was to clear myself from the affray, and the investigation was that the soldier did it, and if I couldn't tell anything that would incriminate the soldier, why, I didn't know anything about it. That is the fact; that is the investigation.

Q. What investigation?—A. All I have heard excepting this, sir.

Q. Was that the investigation when you gave your statement on the 24th day of November before an officer, a person, of the Constitutional League? I believe that is the name, or is it the Constitution League?

SENATOR FORAKER. Constitution League, I believe, is the title.

Q. (Continuing.) Before an officer of the Constitution League?—When I gave my affidavit to the Constitution League I told them what I knew about it in a brief way, and my innocence of it, and left for St. Paul, Minn. I didn't spend any time with it.

Q. But you knew that that investigation was a friendly investigation?—A. I partially—in a sense—thought it was.

Q. And you say that the officers here, the military authorities that you have spoken to here in Washington, were simply seeking to incriminate—A. I did not say that they were seeking to incriminate the soldier, but the investigation were this.

Q. Well?—A. Did I know that any soldier had any knowledge of any soldiers were implicated in it or did do the shooting?

Q. Are you speaking now of the affidavit that you made before Captain Lyon?—A. I am speaking of the investigation.

Q. You are not speaking of the affidavit that you made before Captain Lyon?—A. The affidavit was partly of the same sort. "Did you know of any shooting of any sort? Where were you when the

shooting began? Who was the first person that woke you up?"—and all like that. There wasn't anything asked about what direction the bullets traveled, or any other thing that was to clear the soldiers from it.

Q. Referring to this affidavit or statement that you made on the 24th of November of last year, found on page 227 of this Senate Document 155, as I understood you yesterday, the only reason that you did not mention it in that statement of November 24 was that you had bought your ticket, your railroad ticket—your wife was waiting for you at the door—and you did not take time to mention it?—A. No, sir; I didn't take time to mention all of those in detail, because I was in a hurry.

Q. About this one detail—about those shots whizzing over your head—that is the only explanation you can give for not mentioning it then?—A. To my knowledge it slipped my memory.

Senator WARNER. I think that is all.

By Senator OVERMAN.

Q. Where were you born?—A. In the State of South Carolina—Marion County.

Q. You claim that as your State?—A. It is my State, sir.

Q. Where did you enlist?—A. In Charleston, S. C.; on Broadway, 81.

Q. When did you first hear that the soldiers were charged with shooting up the town?—A. About the 14th or 15th. I don't just remember. I think it was about 2 o'clock when Major Penrose sent for me and told me of the evidence which was presented to him.

Q. Yes. What did you reply?—A. I was sent out to try and find out.

Q. Did you tell him then that it was impossible for any of the men to have been in that shooting?—A. I did not, sir.

Q. You knew, as you have stated here, that it was impossible for any of the men to get any ammunition?—A. Yes, sir; it was impossible for any of them to get any ammunition.

Q. And you knew that it was impossible for them to have been out that night with guns?—A. I knew B Company wasn't out. I knew they were all present.

Q. And you knew that D and C Companies could not get any ammunition?—A. C and D Companies were under the same orders as B Company.

Q. Did you tell him that it was impossible for any of the men in your company, or any of the men in any of the companies in the battalion, to be in it?—A. The question was to me direct.

Q. He told you what evidence had been found, did he not, in the town?—A. Yes, sir.

Q. He told you that a man by the name of Natus had been killed, did he not?—A. Yes, sir; he did; but he told me this whilst we were traveling so fast—

Q. Well?—A. An officer of the Army is an officer.

Q. Did he tell you that?—A. He said: "Sergeant Sanders, I learnt from the evidence to-day—the clips, the bandoleers, the shells have been presented to me by the citizens of Brownsville—that the soldiers did the shooting." I stood perfectly mute. He says: "I

want you and all the old soldiers to work with me, and I want you to start out from to-day trying to find out the men."

Q. What did you do?—A. I started on the duty which I were assigned to.

Q. What did you do to find out?—A. As I explained yesterday. It is all on record. I talked with the men about the case. They told me they didn't know anything about it. I laid on the bunks of the men to see if I could hear anybody talking about it.

Q. Did you tell Major Penrose about the whistling of the bullets?—A. Yes, sir.

Q. You told him that you heard the bullets go over the town into the barracks?—A. Not into the barracks; in the direction of the hospital.

Q. You told him that?—A. Yes, sir.

Q. And you told him about the guns you had heard firing—the character of the sound?—A. I told him it seemed to me like they were mixed arms.

Q. Did you tell him you heard any Winchesters?—A. I didn't tell him exactly the kind of arms. As I explained here, I told him that they were mixed arms firing.

Q. You were satisfied then that your men had not had anything to do with it?—A. I were pretty well satisfied that B Company did not have anything to do with it, because they were all present at roll call.

Q. All present?—A. All present or accounted for.

Q. Accounted for. Did you say yesterday how many were out?

Senator SCOTT. We went over that yesterday; you were not here.

Senator OVERMAN. Very well, I waive that. Go ahead.

By Senator FOSTER:

Q. I do not know whether you stated yesterday or not, but I understood you to say this morning that you could distinguish, and did distinguish, the character of firearms that were used that night.—A. I can, sir.

Q. And I understand you to say that pistols were used, and you can designate the caliber of the pistol and did designate the caliber of it.—A. I said about .45 caliber; distinguish the noise from hearing the report.

Q. And Winchesters?—A. Winchesters.

Q. Winchester rifles?—A. Winchester rifles of different calibers.

Q. And you can distinguish the caliber of a rifle?—A. Now, to come down to the fractional part and to distinguish the caliber of the rifle, I couldn't do it; but you can tell a large from a small rifle.

Q. I thought you said you could tell the caliber.—A. I said about .41-.60 or .30 caliber.

Q. Did I understand you to say that you heard a report from a Remington?—A. A report from a rifle like the Remington.

Q. A report from a rifle like the Mauser?—A. Yes, sir; like the Mauser.

Q. Could you tell the caliber of the Mauser and the caliber of the Remington?—A. The Mauser has a keener sound, and the Remington has a very broad sound. I have been shot at too much with those.

Q. And you were able in all of this excitement and confusion attending the formation of your company to distinguish with posi-

tiveness the character of the weapons used on that occasion, from the reports that you heard that night?—A. Yes, sir; in the excitement I can mighty near tell the caliber of a gun, because it is a practice during warfaring that to me I must keep cool, even if I am excited, in order that the men who are under me may perform their duties properly. If I get excited, why—

Q. Have you ever used a Mauser rifle yourself?—A. No, sir; but they were used against me a lot.

Q. Did you ever use a Winchester?—A. I have heard them shot.

Q. Where did you hear them?—A. I heard them through Montana a great deal—hunting, and so forth.

Q. And the Remington—did you ever hear that?—A. The Remington were used against me in the Philippine Islands, and also they were used in Cuba.

Q. About how far were those shots fired from you that night?—A. The distance exact I couldn't tell.

Q. About?—A. It might have been—on the beginning it might have been—about four or five blocks when I first started, and when I ended up there at my company it might have been then in about four blocks of the company. It might have been a little closer or a little farther. But I do know before I finished calling my roll it seemed that it was away north; just could hear the report of a gun.

Q. Could you tell the character of the arms used by the whistling of the bullets that night?—A. More or less.

Q. The bullets shot over from a Winchester rifle or Remington make a different sound?—A. Just one bullet, you couldn't tell that you could hear it good. It would sound as a flat sound if it was fired from a larger caliber.

Q. Did the noise of the bullets whizzing over your head aid you in distinguishing what kind of gun was used, or that the bullet was shot from?—A. It aided me. There were different kinds. There seemed to be large bullets and also small bullets.

Q. And you arrived at your conclusion from the peculiar sound that the bullet made as it passed over you that night; is that so?—A. I arrived at the conclusion from the report of the rifle, and the whistling of the bullets over my head, that they were mixed arms, and different calibers as well.

Q. What I wish to know is this, if you can distinguish the firearm from which a bullet is shot by the sound of the bullet?—A. It is according to how large the caliber of the gun is. I can readily tell a Mauser or a Winchester or a Remington.

Q. That night, then, you could tell the character of the weapons from which these bullets came by the sound that they made?—A. By the sound; I repeated that several times.

Q. I did not understand that you had.—A. Yes, sir.

Q. The night of the 13th additional ammunition was distributed among the men?—A. Yes, sir. I distributed it.

Q. You distributed it?—A. Among B Company.

Q. How was that ammunition distributed; did each man receive so many rounds?—A. No, sir.

Q. How was it distributed?—A. I distributed two bandoleers to eight men; to four men one bandoleer. To each four men I gave one bandoleer, from right to left.

Q. And that made how many rounds of ammunition to your company?—A. Somewheres along about 1,200. I guess. I issued out that night somewheres near that.

Q. Then in addition to this ammunition they had 20 rounds?—A. Yes, sir.

Q. That, then, gave to each man how many rounds of ammunition?—A. It would give each man somewheres around 15 rounds additional; but the ammunition wasn't issued to each individually, but they were issued by pairs, or fours; that is the quickest way for me to perform that duty.

Q. Do you know of your own knowledge that each man in your company received just exactly the same number of rounds of ammunition that every other man received that night?—A. They didn't, because some of the men didn't take their ammunition out of their bandoleers.

By Senator OVERMAN:

Q. I would like to understand that. You say that they did not take their ammunition out of the bandoleers, some of them?—A. These four men. I gave a bandoleer for four men.

Q. A bandoleer?—A. A bandoleer, with the ammunition in it.

Q. They kept the bandoleer?—A. The four men kept the bandoleer that night.

Q. What four men were those that kept the bandoleer that night?—A. I don't know just what men; but before the bandoleers were turned in—

Q. I understood you to tell me just now that all the ammunition was taken out of the bandoleers and the bandoleers were all turned back to the quartermaster-sergeant, as I understood. Now you say that the bandoleers were turned over to the men.

Senator FOLAKER. I understand him to refer to Niobrara.

By Senator OVERMAN:

Q. Were you referring to Niobrara?—A. Probably I can straighten this out for you, Senator.

Q. Go ahead.—A. In the general rule of distributing ammunition to the men, you open the pockets of the bandoleers, which contain twenty rounds, and you issue to the soldier the amount of ammunition out of those pockets that you are ordered to. If you take the whole bandoleer to give the man the quantity that he is required to have, why you take them out and hand them to him and let him put them in his belt. The bandoleer is then returned to the quartermaster-sergeant. But in this particular case I didn't do that. I taken a shorter course with it. I issued to each four men a bandoleer, so that in case they didn't have to use that ammunition it could be readily turned in and counted.

By Senator FOSTER:

Q. Do you charge each man up with the ammunition he receives? Is it the rule of the Army?—A. Yes, sir.

Q. In this emergency distribution of ammunition that night, were you able to charge each man up with the number of rounds of cartridges he received?—A. Fall the company in—

Q. Just answer that question, and then explain it.—A. Well, I couldn't keep exactly tab upon each individual man, but I could keep tab on the amount of ammunition that were in the company.

Q. Then did you know how much each individual man ought to have returned when called upon for his ammunition?—A. If he got the amount that was due to him, when he came to turn in he should turn in 35 rounds, if he got the 15 additional rounds.

Q. But you don't know whether he got the additional 15 rounds or not?—A. If he didn't get it, one of the four men of his squad, or the other three men, would be compelled to show up those additional rounds.

Q. Was this distribution made that night before or after the companies were formed?—A. It was made after the roll was called, and the results of the roll call were reported to the company commander. Then he issued the order to have this ammunition distributed.

Q. How many men that night, the night of the 13th, were detailed from your company for guard duty?—A. There wasn't any, sir, detailed that night, but I had seven men on guard that had mounted guard somewhere about 10.30 a. m.

Q. Were these men from your company?—A. Yes, sir.

Q. Then the seven men were detailed from your company that night, on duty?—A. No, sir; there were seven men on duty that night.

Q. Seven men on duty?—A. Yes, sir.

Q. Did those men have their guns and ammunition?—A. They had their guns and the ammunition.

Q. When the sound to arms was given, did those men respond to the call and form in ranks?—A. Who, the men who were on guard, sir?

Q. Yes.—A. Not at the company. Their place was at the guard-house.

Q. Their place was at the guardhouse?—A. Yes, sir.

Q. And they didn't answer to their names that night?—A. Not to me, but to the sergeant at the guardhouse, and I accounted to the company commander for their whereabouts.

Q. These seven men who were on duty had their rifles and their ammunition?—A. Yes, sir.

Q. How many posts did you have in your barracks?—A. I don't know, sir. That didn't particularly come under my supervision. You see, I was first sergeant of the company, and that didn't come in my line of duty, to know how many posts.

By Senator SCORR:

Q. That would come under the duty sergeant?—A. That would come under the sergeant-majors.

Q. Oh, yes.—A. But I was simply to furnish a certain portion of men from B Company to do the garrison duty.

By Senator FOSTER:

Q. How many men from the battalion were on duty that night?

Senator WARNER. That is, guard duty?

Q. (Continuing). On guard duty that night and day?—A. Yes, sir. I don't exactly know, sir; but I think there was about seventeen. I am not sure, and I wouldn't put that down as a fixed number.

Q. That guard is divided into three reliefs?—A. Three reliefs, first, second, and third.

Q. And two-thirds of the men are off duty all of the time in the guardhouse, are they not?—A. I think there is a little more than two-thirds, because I had three noncommissioned officers on. There might have been some others on from some other company, which would make four, and two reliefs would be off, and the noncommissioned officers, and there would be only one relief on.

Q. When the men are off duty, when any men of this guard are off duty, they remain in the guardhouse?—A. They remain right at the guardhouse. We have bunks to lie down on when they are not exactly on post.

Q. They are four hours off, are they not?—A. Four hours off and two on.

Q. Were you within or without the line of guards that night, where you were sleeping? I understand you were sleeping in your own quarters.—A. Speaking of the military term, I was within the limits of the guard.

Q. You were within?—A. Within the limits of the guard, which the guards is responsible for the duties, for the safety of the garrison. I was within that scope of grounds.

Q. You had sentinels at these different posts, did you not?—A. Yes, sir; at these different posts.

Q. Were you inside or outside of these sentinels that night?—A. Well, I were—in that term, I were out.

Q. You were out?—A. Yes, sir. I may illustrate it so that you may find it.

Q. Yes; do so.—A. There is one sentinel walks around these buildings right there [indicating on map].

Senator WARNER. When you say "these buildings right there," you mean those barracks, B and C?—A. B and C. The guardhouse—well, I suppose this is the guardhouse [indicating]. There is one sentinel walks right [indicating].

Q. And where were you?—A. The officers' quarters, this must be it [indicating].

Senator WARNER. That is right, Sergeant. Here are the officers' quarters.

The WITNESS. A sentinel walked in rear of these quarters, right up and down here. Now, I lived right here [indicating]. Well, the only sentinel that I come in contact with, coming to the barracks, would be the sentinel that was walking around here to keep the Mexicans from removing anything from around these barracks.

By Senator FOSTER:

Q. That is the sentinel marching around there and keeping guard?—A. This sentinel is charged strictly with the duties of the guardhouse. This sentinel here is charged with the duties of fire, or any disturbance, or mutiny, or anything else that occurs. This sentinel here, his duty is, if he hears any of those things there, to cry "Fire!" or to give the alarm by discharging his piece, so that these guards here may form a line and go to the place where the disturbance is at, and I think there were some sentries around these buildings here [indicating], next to here and up there. Those are the quartermaster's storehouses.

Q. Then that night, when you came in to respond to the call for arms, were you accosted by any sentinel—stopped by any sentinel?—

A. No, sir. The guards were, so far as I can think—I think the guards were standing in line at the guardhouse, because they were talking—

Q. No one stopped you?—A. No one stopped me; no, sir.

Q. Or asked you where you were going?—A. No, sir.

Senator WARNER. Or "Who goes there?"

Senator FOSTER. I believe that is the military language.

The WITNESS. "Halt. Who goes there?"

By Senator FOSTER:

Q. Nobody halted you?—A. Nobody halted me.

Q. And anybody else out in town that night, any soldier, could have come in just as you came in, could they not?—A. If they came from that direction.

Q. If they had come, had followed the same course you followed, they could have come right in and not been halted, and would not have had to give an account of themselves or anything, couldn't they?—A. Yes, sir.

Q. If any of the soldiers of the battalion had been in that shooting affair, they could have gotten into the quarters just as you got into them?—A. The shooting would have stopped.

Q. What did you say?—A. The shooting would have stopped.

Senator FORAKER. If they had returned, you mean?

The WITNESS. If they had returned to the barracks, the shooting would have stopped.

By Senator FOSTER:

Q. But they could have gotten in and not all have come in together.—A. The shooting was going away from the barracks.

Q. Probably some of them might have come in singly, or might have come in in squads. A man who was in that shooting and concluded to leave the shooting before it was finished could have gotten in just as you did, without having been halted or questioned?—A. There was somebody shooting still, as I before stated. Even when I was calling the roll the shooting was going on, and it was going away, and by this time the man doing it would have been to Washington, at the rate he was traveling away. It was still going away farther.

Q. Farther away?—A. Yes, sir.

Q. About how far away was the last shot?—A. I just could distinguish the shots from the buildings of the town, and so forth, like that. It might have been four or five blocks, or it might have been—I don't mean four or five blocks. Well, say five or six blocks. It might have been farther, because the buildings drown the noise a little. It ain't like in an open country.

By Senator FORAKER:

Q. I forgot to ask you how much pay you were drawing at the time you were discharged without honor.—A. I was getting \$34 a month.

Q. The longer you are in the service the greater your pay becomes?—A. Yes, sir.

Q. By reason of the increase?—A. Yes, sir; it is increased every five years a dollar more.

Senator WARNER. That is all a matter of record, is it not?

Senator FORAKER. Yes; I suppose it is, but I wanted him to state it.

By Senator FORAKER:

Q. You have not stated how much longer, allowing for the double time you served in Cuba and the Philippines, you would have had to serve in all to entitle you to be retired?—A. I would have had to serve one year, five months, and twenty-three days.

Q. Something has been said about pay day. When was pay day? Were you paid off before this firing at Brownsville?—A. They paid us on the 11th.

Q. That was Saturday?—A. Saturday.

Q. And you have been asked about a saloon that Allison and Hollo-
mon were interested in?—A. Yes, sir.

Q. Allison was a discharged soldier?—A. He was a discharged soldier of Company B.

Q. And he established his saloon up on garrison road, beyond where your quarters were?—A. Yes, sir.

Q. State whether or not anybody else established saloons in front of the garrison or along that garrison road, about that same time.—
A. Along this road, it is right in here [indicating on map].

Senator WARNER. That is garrison road. We call that garrison road, Sergeant; we have been calling it that.

Senator FORAKER. That is the one I referred to.

The WITNESS. This red line is the wall, isn't it?

Senator WARNER. That is right.

The WITNESS. This must be the street [indicating].

Senator FORAKER. Yes; that is the street—garrison road, I called it.

The WITNESS. Yes, sir. There were saloons along on this line right here.

By Senator FORAKER:

Q. That is opposite the garrison?—A. Yes, sir.

Q. And not on the garrison side?—A. No, sir.

Q. How many saloons were started there?—A. There were two or three started there by Mexicans. About Monday, Sunday and Monday, were the opening days, I think, for those saloons.

Q. You were paid off on Saturday?—A. Yes, sir; we were paid off on Saturday.

Q. And those saloons were opened?—A. Yes, sir.

Q. Well, were the men allowed to go into those saloons?—A. They were placed there for the purpose of getting—

Q. Did the men go into those saloons?—A. No, sir; they passed right on by it and went on to Allison's saloon.

Q. And did their saloon business up with their discharged com-
rade, Allison?—A. Yes, sir.

Q. And did not go in these Mexican saloons at all?—A. They did not.

By Senator OVERMAN:

Q. How do you know they didn't go in there?—A. I heard them say they didn't.

Q. What?—A. I heard them say that they didn't go in there.

Q. How many did you hear say they didn't go in there?—A. I heard a good many say that.

Q. Did you talk with every man in the company?—A. Not with every man in the company.

Q. So that some of them might have gone in there and you did not know it?—A. Well, that was a falsehood then, sir, if he did.

Q. You say that you didn't talk to every man in the company?—A. Standing in line for formation, the men generally are standing up talking; and they don't have to talk to me, but talk to themselves.

Q. Did you hear every man say that he didn't go in? You have not stated that you heard every man.—A. I haven't stated that I heard every man. I said that I didn't hear every man.

Q. Some of them might have gone in, then, and you not have known it?—A. In that reply, sir, I said that if a man went in there he told a falsehood himself.

Q. Suppose he did not tell you anything about it?—A. They were speaking in general conversation in the company.

Q. You said that some of them did not say anything about it at all. Could they have gone in those saloons or not, those men you did not hear say anything?—A. I don't think they would lie.

Q. I didn't ask you what you thought. Do you know positively whether they did or not?—A. I don't know whether they did.

Senator OVERMAN. You couldn't say whether they did or not?

By Senator SCOTT:

Q. I want to ask you a question on another line. Do you know what kind of uniform the policemen of Brownsville wear?—A. They wore a khaki uniform.

Q. The same material as that of the uniforms of the soldiers?—A. Yes, sir; they were the same material, almost.

Q. Are they Americans or are they Mexicans, those policemen?—A. They are Mexicans.

Q. If you know?—A. They are Mexicans, so far as I seen; Mexican police.

Q. What kind of hat does the police of Brownsville wear?—A. The one I saw wore a great, big sambrilla, as it is called; a wide hat [indicating].

Senator SCOTT. Yes: I know what it is.

By Senator TALIAFERRO:

Q. How old were you when you enlisted in the Army?—A. Something about 24; I might have been a little older.

Q. Where did you enlist?—A. At Charleston, S. C.; on Broadway.

Q. Your home county was how far from Charleston?—A. One hundred and thirty-seven miles from Florence to Charleston, sir.

Q. You lived at Florence?—A. I was born at Florence.

Q. And you stayed there until you enlisted?—A. No, sir; I didn't exactly stay there until I enlisted. I went about over the State of South Carolina working, and so forth.

By Senator OVERMAN:

Q. How many policemen did you see?—A. I only saw one.

Q. Did you not tell Senator Scott that the policemen generally wore these khaki uniforms?—A. That is what I said.

Q. You only saw one?—A. I only saw one particularly, to talk to him. The fact is everybody down there wears khaki uniforms—everybody, white and colored, American and Mexican.

Q. You saw only one policeman and talked to him?—A. I talked to him. The reason I know he was a policeman is that I talked to him.

Q. He was the only one you knew who was a policeman that wore a khaki uniform?—A. Yes, sir.

By Senator TALIAFERRO:

Q. What was your occupation before you went into the Army?—A. Railroading.

Q. A railroad hand?—A. Railroading.

Q. Running on a train?—A. Brakeman, between Wilmington and Columbia, S. C. It was called now the Atlantic Coast Line. It was then the Wilmington Coast Line.

Q. Did you ever have any trouble before you went in the Army?—A. Never had any trouble anywheres in my life, until this.

Q. You never were put under arrest before for anything?—A. No, sir.

By Senator FORAKER:

Q. Did your company have any trouble all the twenty-six years you were with it?—A. No, sir; never, at no place.

Q. At any place?—A. No, sir; never.

By Senator WARNER:

Q. Just to make it clear, if you will answer; you can make it very brief. Was there a box of ammunition issued on the night of the 13th?—A. Extra?

Q. Yes.—A. Yes, sir.

Q. How many rounds were there in that box?—A. Twelve hundred.

Q. Twelve hundred; and how many men were there in line?—A. Forty-three.

Q. Forty-three. You issued all of that twelve hundred rounds; the entire box was issued, as I understand it?—A. On or near.

Q. What do you mean by "on or near"?—A. I didn't go back to the box to see whether that was the last round, or anything like that. When I got through I told the quartermaster-sergeant to take the box back in the house. There might have been a bandolier in there, or there might have been two.

Q. But you took the bandoliers out of the box yourself?—A. Yes, sir.

Q. Do you not know whether you took them all out or not?—A. I don't know, as a fact, whether I did.

Senator FORAKER. He said that he took out one for each four men.

The WITNESS. That is how many I took out.

Senator WARNER. I think the witness is answering very well for himself.

Senator FORAKER. I think that is proper. The witness has a right to the benefit of the testimony that he gave.

Senator WARNER. His testimony is down, and he has got the full benefit of it, and I simply asked him a question.

By Senator WARNER:

Q. I will ask you again, do you know if any cartridges were left in the box of that 1,200?—A. I gave one bandolier to every four men. There could have been some left.

Q. How many were left you do not pretend to know?—A. No, sir; I would not try to say.

Q. Who was the captain of your company?—A. We had no captain at that time, but our company commander was George C. Lawrason.

Q. He was the lieutenant; he was in command?—A. Yes, sir; the second lieutenant.

Q. One more question. What were the uniforms you wore at Fort Niobrara?—A. We wore the blue uniform until we got ready to go to Brownsville, and then we wore the khaki uniform.

Q. That was the uniform you wore at Fort Niobrara?—A. Yes, sir.

Q. When you got ready to go to Brownsville you changed them for the other uniform, as you have stated?—A. Yes, sir; not specifically for that purpose, but we changed uniform according to the weather and the time.

Q. Certainly; but it was the blue uniform that you wore at Fort Niobrara?—A. Yes, sir; certainly; because it was cold.

By Senator FORAKER:

Q. I understood you to say that you gave one bandolier to every four men?—A. To every four men, one bandolier.

Q. But you did not give any more than that out?—A. I did not give any more than that.

Q. When you had given that out the quartermaster-sergeant took charge of the case, and took it back to the storeroom?—A. Yes, sir; took it back to the storeroom and locked it up.

Q. You so understood him?—A. Yes, sir.

Q. And the Wednesday morning, when you came off guard, the ammunition was counted?—A. All ammunition was counted and checked.

Q. And this which had been issued that night, as well as the 20 rounds which they already had?—A. Yes, sir.

By Senator PERRUS:

Q. I want to ask him one question. Sergeant, you spoke of the bullets whistling, coming into the fort?—A. Yes, sir.

Q. You heard the whistle as they passed by you, coming into the fort?—A. Yes, sir; I said that.

Q. Did you see any marks of any of those bullets?—A. I did not, sir.

Q. Did you look for them?—A. I did not, sir; not in the direction in which I heard the bullets went; I didn't go there to look.

Q. Which way did the bullets go?—A. They went south a little; not direct south. It might have been southeast.

Q. You did not see any of the marks of them?—A. I didn't go to see.

Q. Did you hear them strike anything?—A. No, sir. The buildings in the direction in which they were traveling was about 400 yards away from me, to my left.

Q. Four hundred yards?—A. I will say 300 yards.

Q. Three hundred yards?—A. It might have been 300 yards to the hospital. It was over rough ground and grass.

Q. You couldn't tell which way a bullet was traveling which was 300 yards off?—A. No, sir; that is not the question. I could tell the

direction that the bullet traveled, according to its noise; but the building itself was about 300 yards to my left.

Q. What building?—A. The hospital, sir; the hospital at Brownsville, sir.

By Senator TALIAFERRO:

Q. The bullets were going in that direction?—A. Going in that direction—of the hospital.

By Senator PETTUS:

Q. You could tell which way a bullet was traveling which was 300 yards off?—A. No, sir; I didn't say that.

Q. Well, I ask you; could you?—A. If it was 300 yards off, in front, and passed over my head and went to my rear, why, I could naturally tell. Why? Because when the bullet strikes near to me I know it comes from that direction, and it is going in that direction [indicating].

Q. Yes. You could tell if it passed over your head.—A. And it went over my head.

Q. Did any bullet pass over your head while you were inside of the garrison?—A. Yes, sir.

Q. About how far over?—A. How high up in the air they were?

Q. How far from you?—A. They might have been fourteen or fifteen feet in the air; something like that.

Senator PETTUS. That is all.

At 12.10 o'clock p. m. a recess was taken until 2.30 o'clock, p. m.

AFTERNOON SESSION.

TESTIMONY OF THOMAS J. GREEN (COLORED).

The committee reconvened pursuant to the taking of recess, Senator Warren, chairman, in the chair.

Sworn.

By Senator FORAKER:

Q. Please state your name in full.—A. Thomas J. Green.

Q. Were you a member of the United States Twenty-fifth Infantry August last when it was at Brownsville?—A. Yes, sir.

Q. What company did you belong to?—A. Company D.

Q. What official position, if any, did you hold in that company at that time?—A. Quartermaster-sergeant.

Senator FORAKER. I want to put in this record at this point the official record of Sergt. Thomas J. Green, found at top of page 266 in Senate Document 155.

The document referred to is here printed in the record in full, as follows:

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 20, 1906.

By Senator FORAKER:

Q. How long were you in the Army?—A. I was in my sixteenth year.

Q. You were first enlisted in 1891?—A. Yes, sir.

Q. You served continuously, did you?—A. Yes, sir.

Q. Until you were discharged without honor?—A. Yes, sir.

Q. And always with Company D?—A. All in Company D, sir.

Q. What State were you a native of?—A. Virginia.

Q. Where did you enlist first?—A. Washington, D. C.

Q. You served with your regiment in Cuba and in the Philippines?—A. Yes, sir.

Q. Were you in the battles about Santiago?—A. Yes, sir.

Q. And in the battles that your regiment was in, in the Philippines, also?—A. Yes, sir.

Q. I am requested to inquire whether or not you were ever wounded?—A. Wounded?

Q. Yes.—A. No, sir.

Q. Do you remember the shooting affray at Brownsville on the night of August 13?—A. Yes, sir.

Q. Please commence now and tell us in your own way all you can recollect about it, telling us first where you were when it commenced, whether you were awake or asleep, and so on.—A. I were awake in an adjoining room to my storeroom—that is, the company's storeroom.

Q. Where was that storeroom?—A. That was downstairs, in the back of the quarters.

Q. Is that where you slept at that time?—A. Yes, sir.

Q. Downstairs?—A. Yes, sir.

Q. There was a light down there where you were?—A. No, sir; no light down there at all.

Q. How did you happen to be awake at that hour? What hour was it?—A. I couldn't possibly say.

Q. As near as you can.—A. As near as possible, and according to the reports of the firing in the city, it was near 12 o'clock.

Q. Near 12 o'clock?—A. Yes, sir.

Q. How did you happen to be awake? Had you not gone to bed yet?—A. Yes, sir; I had gone to bed, but I just happened to be awake at that time.

Q. What did you hear first?—A. I first heard one shot fired.

Q. Can you tell us where that appeared to have been fired from?—A. It seemed to me that it was fired in the town, over the wall. There is a brick wall between the barracks and the town.

Q. Yes.—A. I can't say how many feet it was.

Q. As to your room, on which side of the barracks do you say it was?—A. On the back side; that is, the face of the quarters faced away from the town, and the back of the quarters was toward the town.

Q. Toward the town?—A. Yes, sir.

Q. So that you were in a room that faced outwardly toward the wall?—A. Yes, sir.

Q. Were you at one end or the other of the barracks?—A. I was in the center of the barracks.

Q. You were in the center of the barracks?—A. Yes, sir.

Q. Were the windows up or closed?—A. The windows were up.

Q. The windows were up; it was warm weather?—A. Yes, sir; but we have a screen there over the windows on account of the mosquitoes.

Q. A screen?—A. Yes, sir.

Q. That first shot you heard seemed to have been fired from outside of the wall?—A. Yes, sir.

Q. Did you see the flash of the gun?—A. Not the first shot, but the other shots I did see the flashes of the guns.

Q. What did you do when you heard that shot?—A. The first shot I heard, I got up, and it was followed by several shots—I couldn't say how many, but several shots—and soon after that several shots were fired, I heard the call to arms go, and then I commenced to pull on my clothes.

Q. Did you go and look out of the window to see where these shots were?—A. The bed was right in front of the window and I had nothing to do but raise up and look out of the window.

Q. When you raised up and looked out of the window could you see the flashes of guns or not?—A. I saw the flashes of guns after the first shot was fired, and then I guess I saw the flashes of the others, but the first shot I didn't see the flash of.

Q. Could that first shot, or these succeeding shots you speak of, have been fired from either of the barracks inside of the reservation?—A. No, sir.

Q. Could they have been fired from inside of the wall of the reservation?—A. No, sir.

Q. Without your knowing it?—A. No, sir.

Q. They were not fired from D barracks?—A. There was none fired from D barracks or any other barracks—those that I saw the flashes of.

Q. Subsequently, now, to that first lot of shots you saw the flashes of, what occurred as to firing? Go on, now, and tell us in your own way. Were those flashes you saw inside or outside of the wall?—A. They were outside of the wall.

Q. There is a map above you, which it is supposed represents correctly the fort and the barracks inside and the town outside. There is the Rio Grande River at the bottom. D barracks are the first going up from the river.—A. Yes, sir.

Q. And then comes the gate, and then B barracks, and then C barracks, and then the unoccupied barracks at the upper end.

Senator SCOTT. I will help him. This is D barracks, and this is the gate where you went out, Sergeant, so as to give you an idea of it. Here is D barracks, and here is the gate, and here is Elizabeth street, and here is B barracks, and here is C barracks, so that you can get your location. This red line is a brick wall, or whatever it was.

The WITNESS. Yes, sir.

Senator SCOTT. This is the gate where you went out. You understand it now?

The WITNESS. Yes, sir.

Senator SCOTT. Here is the hospital here, and this is the guard-house, and there are the officers' quarters.

The WITNESS. Yes, sir.

By Senator FORAKER:

Q. What did you do next?—A. When I heard the call to arms go, the first thing I done was to put on my clothes as quick as possible, and I rushed out of my room into the adjoining room, which was the barber shop, and there I met Artificer Newton, of my company, and Corporal Thornton, and I rushed upstairs to get my gun. My belt was already in the room where I slept at. I taken it with me, but I did not have my gun. I went to get my gun, and that is where I met Captain Lyon at the door.

Q. As you went up?—A. Yes, sir.

Q. He was at the door?—A. Yes, sir; the stairway leading upstairs and the door at the front part of the quarters was altogether in conjunction with each other.

Q. That is, the stairway came down right into the door?—A. Yes, sir.

Q. He was at the foot of the stairs?—A. Yes, sir.

Q. You went on up and got your gun?—A. Yes, sir.

Q. What was going on upstairs when you got there?—A. When I got upstairs the noncommissioned officer in charge of quarters, Corporal Powell, was trying to unlock the gun racks. We haven't but one key to each lock. There is two locks on a rack. One is for revolvers and one is for rifles, and we have four racks, and that made eight keys.

Q. Eight keys?—A. Yes, sir; so that it taken him some time to find the key in the dark to unlock the racks.

Q. He had to try the keys—A. Yes, sir.

Q. Until he would get the right one?—A. Yes, sir.

Q. Did he finally get the racks open?—A. After some considerable time he got the racks open.

Q. The men got their guns, and then what did they do?—A. They were ordered then to fall in in front of the quarters on the parade ground—

Q. Go right along and tell what they did.—A. After they fell in, the first sergeant and the captain, which was Captain Lyon, counted the men, and then he caused them to count squads. After counting squads he ordered me to go to the storeroom and get one box of ammunition and take it into the orderly room and open it, but not to issue any until I got orders from him; so that I opened the ammunition, but didn't get any orders from him, and didn't issue any.

Q. That is, that night?—A. No, sir.

Q. You did not issue any ammunition?—A. No, sir.

Q. How much ammunition did the men in your company have?—A. Twenty rounds.

Q. What kind of ammunition was it; I mean, was it ball cartridges, or what?—A. It was ball cartridges.

Q. Where was that issued to the men?—A. At Fort Niobrara, Nebr., when we first received the rifles.

Q. You had that much when you traveled from Fort Niobrara down to Fort Brown?—A. Yes, sir.

Q. At Fort Brown you retained it until after this firing?—A. Yes, sir.

Q. Each man had that many rounds at that time?—A. Yes, sir.

Q. How was that carried, in belts or boxes, or how?—A. It was 10 rounds carried in a belt and 10 rounds carried in a McKeever box.

Q. That is the way it was at that time?—A. Yes, sir.

Q. After the men were counted, what was the result, or was any result announced?—A. After the men counted off squads the company was deployed—was marched—

Q. I asked you what was the result of counting the men?—A. Every man was there that was supposed to be there, except those men on guard and two men on pass; every man present and accounted for.

Q. Every man present and accounted for?—A. Yes, sir.

Q. Then you marched the company between where?—A. Between B and D Company barracks, and deployed in a skirmish line on the left of the gate leading into the city.

Q. On the left of the gate?—A. Yes, sir.

Q. Fronting out into the city?—A. Yes, sir.

Q. I am sure the committee does not want me to go in detail all over everything with this witness. I do this simply to hurry along, because it has been testified that your company, after being there a short time, patrolled the city, that you were gone three-quarters of an hour to an hour, and returned to the reservation?—A. Yes, sir.

Q. And after you had been at the reservation some time you were dismissed for the night?—A. Yes, sir.

Q. I have forgotten one thing. Was the roll called at any time?—A. The roll was called before we patrolled the city.

Q. How long after you got around to the wall?—A. Well, after the firing had ceased in the city the captain ordered the first sergeant to go and get a lantern and his roll.

Q. Had the firing ceased when the captain counted the men in front of the barracks?—A. No, sir.

Q. But it had ceased when the roll was called around in the rear?—A. Yes, sir.

Q. Then, after you were dismissed for the night, at what hour was that?—A. I couldn't exactly tell you, because I had no watch and I wasn't told the time, and I couldn't tell the time.

Q. What were you told to do when you were dismissed?—A. We were told that every man should put his rifle in the racks, and the noncommissioned officers and the captain went in the quarters and counted the rifles in the racks and seen that each rack was locked.

Q. Were the rifles all returned?—A. Yes, sir.

Q. What was the result of that roll call? Did it show all the men present, or not?—A. All the men were present except those on pass and on guard, and they were accounted for.

Q. All present or accounted for?—A. Yes, sir.

Q. You put your guns in the racks, and what happened?—They were locked, and then were the lights put out or not?—A. The lights were put out, and every man was ordered to go to bed.

Q. What happened next?—A. We went to bed, and the next thing I knew anything about was the first call for reveille.

Q. Can you tell us at what hour that was sounded at that time?—A. I disremember what time, but it was some time between 5 and 6 o'clock.

Q. Yes.—A. I don't know exactly the minute, but it was sometime between 5 and 6 o'clock.

Q. You had reveille, and then in due time you had breakfast call, and in due time thereafter you had drill call?—A. Yes, sir.

Q. State whether or not the roll call was called before breakfast.—A. The roll was called at reveille.

Q. It is always called at reveille?—A. It is always called at reveille.

Q. Were your men all present or accounted for?—A. Yes, sir.

Q. Then drill call came. What did you do in answer to that?—A. At drill call we fell out for drill, and instead of having drill, why, we had inspection.

Q. Did you know you were going to have inspection?—A. No, sir.

Q. Until you fell out?—A. No, sir.

Q. Who inspected you and what was the character of that inspection? Was it a careful and rigid inspection, or otherwise?—A. The captain inspected it.

Q. Carefully?—A. I say we had inspection.

Q. Captain Lyon?—A. Yes, sir.

Q. Just describe how he inspected you.—A. After the first sergeant reported the results of the company to him, why, he caused the ranks to be opened, and gave the command "inspection arms," and he went around and inspected each man's gun, and some guns that he thought were not clean; he stepped those men back in the rear of the company, and after inspecting the arms he goes around and inspects the belts and the ammunition. When he gets through with that, then he calls me and tells me to go and get a ramrod and some clean rags, or cloths, and oil, and then I runs a rod with a piece of rag on it with some oil on it through the guns, and the captain examines it.

Q. That is, through the guns of these men he had ordered to step out of ranks?—A. Yes, sir; to step out.

Q. Did you run the rag through?—A. Yes, sir.

Q. For him?—A. Yes, sir; and he examined it, and also smelt it, to see if it smelt of powder or not.

Q. He smelled the rag?—A. Yes, sir.

Q. After it was drawn through the gun?—A. Yes, sir.

Q. What was the result of that examination?—A. He said that there was no gun fired. When he reported to the major, he said, "There are no arms in my company that have been fired."

Q. Were there any stains on those rags of any kind, when they were put through the guns?—A. Some had a little stain of rust, or something like that, but no stain of powder.

Q. No stain of powder?—A. No, sir.

Q. Is it easy or not to detect powder after a gun has been fired?—A. Yes, sir.

Q. Tell us how you clean those guns after they have been fired, and more particularly how long it takes to clean one of those guns after it has been fired?—A. It would take a man at least twenty or thirty minutes to clean one of those guns so that you could not detect that it had been fired.

Q. To pass inspection?—A. Yes, sir.

Q. Such an inspection as Captain Lyon gave?—A. Yes, sir.

Q. Could a man clean one of those guns, after he had fired it half a dozen times, while he was running back from three or four

squares downtown where he had done the firing, to the fort?—A. No, sir.

Q. Could anybody clean one of those guns in just a few minutes?—A. No, sir.

Q. Could they be cleaned in the dark?—A. No, sir. There is no way in the world that a man could clean one of those guns in the dark.

Q. He has to have light?—A. He has got to have light.

Q. Tell us, now, about the cleaning, and what is necessary, as briefly as you can.—A. In cleaning one of those rifles, the first thing, you have got to take the bolt out of it.

Q. Yes.—A. The next thing you have got to have a cleaning rod and some oil and rag and soda water.

Q. That is the cleaning rod, is it [handing witness brass rod]?—A. Yes, sir.

Q. How many of those are furnished to each company?—A. My company had four.

Q. Is there any other kind of rod furnished to a company with which it could be cleaned?—A. There is a cleaning brush, a thong brush.

Q. I am speaking about the rod, now.—A. No, sir.

Q. With the Krag-Jørgensen gun you had a rod in sections in the butt of the gun.—A. Yes, sir.

Q. But with this gun you have only four of these rods?—A. Four of these rods.

Q. By whom are they kept?—A. They are kept by the chief of a squad. No; I made a mistake there; of sections. The chiefs of sections. There is a sergeant assigned to each section, and one of these rods is presented to each sergeant.

Q. And the men have to go to him when they want to use it?—A. Yes, sir.

Q. When they want to clean a gun?—A. Yes, sir.

By the CHAIRMAN:

Q. In speaking of the Krag-Jørgensen gun, that rod in the butt was a jointed rod?—A. Yes, sir.

Q. Did you have, either in the butt of the gun or among the accouterments of the Krag-Jørgensen gun, that thong brush that you speak of as going with the Springfield rifle?—A. No, sir; we had no thong brush.

Q. Neither in the gun, nor issued to you?—A. No, sir.

By Senator FORAKER:

Q. Did you not have a thong brush with the Krag gun?—A. No, sir; we had an oil case and three joints of rod.

Q. To clean the Springfield rifle you have to get the rod, and then how do you clean the gun? Can you clean one of these guns with that thong brush by drawing it through the barrel?—A. Not if it has been fired.

Q. What would be the effect of drawing the thong brush through the barrel?—A. Through the barrel of one of these guns?

Q. Yes.—A. It would only take the dust out.

Q. The what?—A. The dust.

Q. The powder sticks closely to the barrel, does it, after the gun is fired?—A. Yes, sir [witness trying to take breech bolt out of rifle].

Q. Never mind about that, now. I want to get through with this. Senator WARNER. It seems to be out of order.

The WITNESS. This bolt has to be taken out. This lock has to be put there [indicating] to draw the bolt out. There is something the matter with this gun, and I can not get it out, but this has to be taken out. In here is supposed to be the thong brush, in that case [indicating].

By Senator FORAKER:

Q. That is the thong brush, in that kind of a case?—A. Yes, sir. In one end of this case is what is called the oil and thong case, and in the other end is what is called the case and thong brush. If a man isn't careful he is liable to open the wrong end sometimes.

Q. And get the oil out?—A. Yes, sir.

By the CHAIRMAN:

Q. The oil is in a bottle, or some kind of a vessel inside of that, is it not?—A. No, sir; it is just the same as this, only there is oil in it.

Q. Do you mean that the oil will come out when you unscrew the top?—A. Yes, sir; this thing here is the oil.

Q. Just unscrew that.—A. You take this here and oil your gun [indicating].

Q. When that is off the oil is free?—A. Yes, sir.

Q. And ready for use. Are the heads marked distinct from one another?—A. No, sir; it is not marked, but you can tell it. This has a little rubber on it [indicating].

Q. So that it is marked?—A. Yes, sir.

Q. You can distinguish one from the other?—A. Yes, sir. Now, this has to be screwed in here in order to clean the rifle, and then you unwrap it and drop this down through the gun [indicating]; but that would never take the powder out. A man could work on it for three or four hours and it would never get the powder out, even with one shot fired.

By Senator FORAKER:

Q. That is, even if there was only one shot fired?—A. Yes, sir.

Q. You have tried that and know what you are talking about?—A. Yes, sir; it will not clean a rifle.

Q. Then what do you have to do to clean a rifle?—A. We have to take a piece of clean cloth and use either oil or soda water, and run it through the rifle in this manner, backward and forward, for fifteen or twenty or more minutes [indicating].

Q. That is, changing rags from time to time?

By the CHAIRMAN:

Q. One moment. Do you mean that you have to churn that rod up and down for fifteen or twenty minutes to clean that barrel?—A. Yes, sir.

Q. I just wanted to be sure about that.—A. Yes, sir.

Q. You are sure that you have to churn that rod up and down that barrel for fifteen or more minutes to get the powder out of the barrel?—A. Yes, sir.

Senator FORAKER. I am told that some distinguished officers of the Army say that it can be done in three or four minutes?

The WITNESS. If you will bring one of them before me and he takes a rod of any kind and cleans it in four or five minutes, I will take a clean rag and a little oil and soda water and prove to him that it is not clean.

Senator FULTON. What kind of powder do they use?

By Senator FORAKER:

Q. You are talking about smokeless powder now?—A. Yes, sir.

Q. That is what you use?—A. Yes, sir.

Q. Then no matter who says that one of those guns can be cleaned in two or three or five minutes, your opinion is that it can not be cleaned in that time so that it will pass inspection?—A. No, sir; it can not be cleaned.

Q. And it can not be cleaned in any less time than you have indicated?—A. No, sir.

Q. After you have swabbed the barrel out in that way with a wet rag, then you have to use a dry rag to dry it?—A. Then we use what is called a drying powder, a kind of dry powder, and rub up and down with another clean rag; and then we use the thong brush, which takes out all the dust and the powder that is left in the gun.

Q. You use the thong brush to clean out the powder that you put in yourself?—A. Yes, sir.

Q. Then after you get done with the bore of the gun—the barrel of it—what about the chamber and the bolt?—A. This bolt has to come out, here.

Q. You open the chamber?—A. Yes, sir; and where the bolt fits up into the chamber there is smoke and powder up in there, and you have to take a stick about so long [indicating] and run it up in there with a little bit of this powder, or some soda, on it, and get that powder out, and then on the end of the bolt this striker comes through, and there is powder there, and also in here [indicating]. Here is what is called a powder space, and this bolt has to be taken to pieces. If the gun is carefully inspected the bolt has to be taken to pieces, and you will find smoke inside of the bolt where the firing pin comes down; you will find smoke there. That has all got to be taken apart and cleaned.

By Senator TALIAFERRO:

Q. Was that bolt taken apart on the inspection on the morning of the 14th?—A. There were several guns that they thought were fired. The bolts were taken apart—the guns that the captain cleaned, that I cleaned.

Q. You dismounted the bolt?—A. Yes, sir.

By Senator FORAKER:

Q. And you took the bolt out and took it apart?—A. Yes, sir.

Q. And found it perfectly clean?—A. Yes, sir.

Q. And passed?—A. There was no sign of any smoke or anything of the kind on them.

Q. Then, to make a long story short, he did not find any dirty guns in his company?—A. No, sir.

Q. Did he find any ammunition missing?—A. No, sir; no ammunition missing at all in the company.

Q. What did your men wear that morning, the box or the belt?—A. We wore the belt that morning.

Q. You wore the belt?—A. Yes, sir.

Q. One of your men testified that he had on his box—the cook.—
A. The cook, Dade?

Q. Yes.—A. He didn't fall out with the company, because the cooks don't drill.

Q. But he testified that he did that morning.—A. Yes, sir. That morning, after every man was ordered to fall out, that was in or out of barracks, he taken the first thing he came to, and that was the box.

Q. Did the captain inspect the ammunition carefully that the men had on in their belts?—A. Yes, sir.

Q. That was ten rounds, as I understand it?—A. Yes, sir.

Q. Where were the other ten rounds?—A. The other ten rounds were in the McKeever box, hanging on the wall.

Q. In the barracks?—A. Yes, sir.

Q. What was done as to that, if anything?—A. After he inspected the men outside and the guns he ordered every man to go in the quarters and get his box and lay it on his bunk and open it.

Q. Was it inspected?—A. Yes, sir.

Q. By whom?—A. By the captain.

Q. That same morning?—A. Yes, sir.

Q. Immediately after the company was dismissed, do you mean?—
A. Yes, sir.

Q. With what result; did he find it all there or not?—A. He found all the ammunition there.

Q. That was, now, the morning of Tuesday. What next happened with respect to that ammunition?—A. I don't understand you, sir.

Q. What was done about the ammunition after that? Did you retain it?—A. We retained it, sir.

Q. You retained it until when?—A. Until we were discharged.

Q. You did not turn your ammunition in?—A. No, sir.

Q. At Brownsville?—A. No, sir.

Q. You are the quartermaster-sergeant?—A. Yes, sir.

Q. Did you issue any ammunition?—A. I issued some ammunition at Brownsville the day that we left there.

Q. Yes. Did you issue any at Brownsville before this firing?—A. No, sir.

Q. Did you issue any bandoleers?—A. No, sir.

Q. Did your men have any bandoleers in their possession?—A. No, sir.

Q. Where did you issue this 20 rounds that the men had the night of the firing at Brownsville?—A. At Niobrara.

Q. Before you left there?—A. Yes, sir; I issued that the day I issued the rifles; when we first got the new rifles I issued each man 20 rounds.

Q. That was as early as in April?—A. I don't remember what date.

Q. At any rate, you were the quartermaster-sergeant, and if there were any empty bandoleers who would have control and possession of them, and where would they be kept?—A. I would.

Q. Where would they be kept?—A. In the storeroom.

Q. That was the room you were in charge of?—A. Yes, sir.

By Senator OVERMAN:

Q. What was the purpose of keeping the empty bandoleers?—A. We didn't have any empty bandoleers.

Senator FORAKER. They did not have any empty bandoleers.

Senator OVERMAN. I just asked him if he had any, what was the purpose of keeping them.

By Senator OVERMAN:

Q. When they were empty what became of them?—A. They were shipped to the arsenal.

Q. Was that done at Niobrara?—A. Yes, sir.

Q. You didn't bring any empty bandoleers with you to Brownsville?—A. No, sir; not any at all.

By Senator FORAKER:

Q. Was there any place in Niobrara where these men of your companies could get any ammunition, except by its being issued by you to them?—A. No, sir.

Q. Was there any place in Brownsville where they could get these cartridges?—A. No, sir.

Q. You kept these 20 rounds, then, until you left Brownsville and went to Elreno?—A. Yes, sir.

Q. You were discharged there, at Fort Reno?—A. Yes, sir.

Q. State whether or not when you were discharged you turned in your guns and ammunition, and whether the same were checked up—guns and ammunition; and if so, with what result.—A. At Elreno—that is, Fort Reno—when we were ordered to turn in our guns and ammunition—that is, all our accouterments; John Henry, he deserted.

Q. John Henry was a deserter?—A. Yes, sir.

Q. What about him?—A. He lost pretty much all of his accouterments, and his ammunition with it.

Q. Where did he lose them?—A. Lost them after we were ordered from Brownsville, between Brownsville and Fort Reno.

Q. Did he have his gun and ammunition when he left Brownsville?—A. No, sir; he had his gun, but no ammunition.

Q. Where was his ammunition, if you know?—A. Well, he was detailed in the quartermaster's department, and through a mistake, why, his accouterments was packed up for Sergeant Derrett, who was on competition at Fort Sill, Okla.

Q. That is spelled D-e-r-r-e-t-t?—A. Yes, sir; and when we found that it was John Henry's, we wouldn't open the box, and before the property was shipped to Fort Reno John Henry deserted, and I never did find his accouterments at all.

Q. You could not find his accouterments?—A. No, sir.

Q. He deserted where, at Brownsville?—A. No, sir; at Fort Reno.

Q. He was with you at Brownsville?—A. Yes, sir.

Q. And did he have a gun at Brownsville?—A. He had a gun at Brownsville.

Q. Where was that the night of the firing?—A. It was in the rack, sir

Q. Where was his ammunition?—A. His ammunition at that time was in his belt, hanging on the wall. He slept in the quarters.

Q. It was there, was it, as well as the ammunition of the other men?—A. Yes, sir.

Q. So that the loss of his ammunition was later?—A. Yes, sir.

Q. State what, if anything, else occurred with respect to the ammunition for D Company. Was any missing, or anything?—A. When the guns and ammunition were turned in at Reno, the musician, Jones, was short of some ammunition.

Q. How many cartridges, do you remember?—A. Ten, I think; if I ain't mistaken, I think it was 10 rounds.

Senator FORAKER. If there is no objection, I will state that it is on record as 20 rounds.

The WITNESS. I am not sure, but I think it was 10.

By Senator FORAKER:

Q. Just give your best recollection about it. Tell us what it was. I see here it was 20 rounds. What happened as to his ammunition, if you know?—A. His ammunition was turned over to Sergeant Derrett at Fort Niobrara for practice.

Q. Before you went to—A. Before we went to Browns. My ammunition was all packed up and the captain wanted him to have some practice before going to this competition, and he taken Jones's ammunition and used it up on the range, and Jones never was issued any more.

Q. Then what happened as to another man, James C. Gill?—A. James C. Gill? He lost his ammunition before going to Brownsville—before we got to Brownsville.

Q. Where did he lose it?—A. On the road between Niobrara and Browns; and he never was issued any more.

Q. He never was issued any more?—A. No, sir.

Q. Did he or not have any ammunition at all after he got to Brownsville?—A. He was inspected on guard several times, and didn't have any ammunition, and I didn't issue him any.

Q. With these explanations as to these three men, did the ammunition account check up all right when you turned in your guns and ammunition at Elreno?—A. Yes, sir.

Q. Your company was engaged in target firing at Niobrara?—A. Yes, sir.

Q. You were the quartermaster-sergeant?—A. Yes, sir.

Q. As such you were in charge of all the ammunition that was issued to your company?—A. Yes, sir.

Q. Except that which was issued to the men, were you?—A. Yes, sir.

Q. When the company wanted to engage in target firing, what were you called upon to do?—A. I was called upon to issue each man the number of rounds of ammunition, according to the number of shots that he was to fire.

Q. Was that done with care, under the supervision of officers?—A. Yes, sir.

Q. Did the men, in connection with target practice, without going into it in detail, have any opportunity to appropriate cartridges to themselves wrongfully?—A. No, sir.

Q. If a man were given five or ten or twenty rounds to fire and did not fire all of them, what did he do with those he did not fire?—A. If he didn't turn them in he was subject to court-martial.

Q. Did he fire these or not under the eye of an officer?—A. Yes, sir.

Q. Was there any opportunity for a man, without committing an offense for which he would be court-martialed, to take any cartridges at all in connection with your practice firing?—A. No, sir.

Q. Was the account of cartridges so used accurately kept?—A. Yes, sir.

Q. You had to keep it; you were charged with all these cartridges, as I understand it?—A. Yes, sir.

Q. And you would credit yourself only with what you gave out to the men?—A. Yes, sir.

Q. Each man was charged with what he got, and he had to fire them under the eye of an officer or return them if he did not?—A. Yes, sir.

Q. One more thing. Did you have anything to do with this shooting yourself?—A. No, sir.

Q. You were not engaged in it?—A. No, sir.

Q. Do you know anybody who was engaged in it?—A. No, sir.

Q. Anybody in your company or in either of the other companies?—A. No, sir.

Q. Have you any knowledge that leads you to suspect anybody in either of your companies as being connected with this firing, or participating in it?—A. No, sir; I have not.

Q. Have you ever withheld any knowledge from any officers of your company or battalion, or either of these inspectors, Major Blockson and General Garlington, or anybody else; have you ever refused to tell any of them all you knew about it?—A. No, sir; I have never refused to tell any of them all that I knew about it.

Q. You have been ready and willing at all times to tell?—A. Yes, sir.

Q. Have you got a certificate or a letter of character from Captain Lyon? Somebody showed me one; I don't know whether it was you or not. Have you got such a letter with you?—A. Yes, sir (producing letter).

The letter referred to was read aloud by Senator Taliaferro, and is here printed in full in the record as follows:

FORT RENO, OKLA., *January 31, 1907.*

To whom it may concern:

Thomas J. Green has been known to me for about four years, during all of which time he has been sergeant and quartermaster-sergeant in my company, D, Twenty-fifth Infantry.

I know him to be a man of first-class habits and an excellent soldier. I believe him to be absolutely honest and reliable, and I have the fullest confidence in his honesty and truthfulness.

I am certain in my own mind that he was in no way implicated in the shooting at Brownsville, Tex., of August 13 and 14, 1906, and I believe that had he possessed any knowledge of the persons concerned therein he would have reported the same to me.

I recommend that he be again enlisted in the service of the United States.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Commanding Company D.

By Senator FORAKER:

Q. Did your company ever have any trouble while you were connected with it, any shooting affrays, or anything of the kind, as a company?—A. No, sir.

Q. Have you yourself had any trouble of any kind?—A. No, sir.

Q. Have you ever been court-martialed?—A. I was court-martialed once, for missing a roll call.

- Q. For what?—A. I was fined 50 cents.
 Q. What was it for?—A. For missing roll call; 11 o'clock roll call.
 Q. You paid that, I suppose?—A. Yes, sir.
 Q. That is the only time, is it?—A. Yes, sir.
 Q. In how many years of service?—A. That was in 1902—not in 1902, in 1892.
 Q. 1892?—A. Yes, sir.
 Q. You were first enlisted in what year?—A. I enlisted in 1891.
 Q. In 1891?—A. Yes, sir.
 Q. It was, then, the year after you were first enlisted?—A. Yes, sir.
 Q. Since then you have attended to roll call?—A. Yes, sir.
 Q. And everything else, as I understand it?—A. Yes, sir.
 Senator FORAKER. That is all I think of at present.

By Senator WARNER:

- Q. Had your company ever had any service before this in Texas?—
 A. Yes, sir.
 Q. Where were you with it?—A. I were with it at Fort McIntosh and Fort Sam Houston.
 Q. You have said that your company had no trouble.—A. Yes, sir.
 Q. There was at each of these places some shooting between members of the company, was there not, and citizens?—A. I don't know, sir, whether there was or not. There was claimed to be at McIntosh, but it was proved through the courts that there was no members of D Company in it, in that trouble they had in 1899; and there was some shooting at Fort Sam Houston. There were three companies there at that time.
 Q. And you never have found what members of the company were connected with it?—A. No, sir.
 Q. But it was charged that some of the members of the companies were connected with it?—A. Yes, sir; they were found not guilty.
 Q. I am talking about Fort Sam Houston.—A. Yes, sir.

By Senator FORAKER:

- Q. They were found not guilty at Fort Sam Houston, or the other place?—A. Both places.

By Senator WARNER:

- Q. Then, do I understand in your answer that it was never found out what members of the company were connected with it—that you are speaking of Fort Sam Houston?—A. No, sir; I didn't say that.
 Q. What did you say?—A. I said it was proven that no members of my company were connected with it at either place.
 Q. It was proven?—A. Yes, sir.
 Senator FORAKER. I have sent to the War Department for the record as to that.

By Senator WARNER:

- Q. Any other place?—A. Only those two places.
 Q. Now, about this ammunition that was lost by Private Gill. What do you know about that?—A. Lost by who?
 Q. Lost by this man who lost his twenty rounds of ammunition in coming from Fort Niobrara to Brownsville.—A. Private Gill?
 Q. Yes.—A. Well, he didn't have any ammunition when he arrived in Brownsville.

Q. But he had twenty rounds when he left Niobrara?—A. Yes, sir.
 Q. Do you know anything more about that than the fact?—A. No, sir; I don't know anything more about it.

Q. Only that the twenty rounds of ammunition was missing?—A. Yes, sir.

Q. Just a few questions about this shooting. You first heard one shot?—A. Yes, sir.

Q. In your place?—A. Yes, sir.

Q. Then what did you hear?—A. I heard several shots afterwards.

Q. This first shot that you heard, where was it from?—A. I judged it to be over the wall, in town, from the sound of it.

Q. Over the wall? . That is, you mean on the other side of the wall from the fort?—A. Yes, sir.

Q. In what direction was that shot fired?—A. I couldn't tell what direction that first shot was fired.

Q. Then what did you hear?—A. I heard several shots.

Q. Where did they seem to be located?—A. I saw the flashes of the guns. If you will allow me to tell you, I can show you on the map.

Q. Certainly; in your own way.—A. I can show you on the map.

Q. That is what I would like you to do. But take your own time and your own way of doing it.

By the CHAIRMAN:

Q. First show where you were at the time.—A. This is D Company's barracks here [indicating on map]. I was about the center of these barracks, the rear part of it, which would be somewhere about here. Then several shots were fired. This is a building here, supposed to be the telegraph office.

Senator WARNER. Marked with a red figure "1?"

The WITNESS. Yes, sir; this is the telegraph office here. Those shots were fired from here, and here, and here and up here [indicating on map].

By Senator WARNER:

Q. When you say "up here," you mean across the alley between Elizabeth street and Washington street?—A. I don't know the streets.

Q. They are marked there?—A. The names of the streets; but I know the places. This place here, and here, and here, and up here [indicating on map], where I saw the flashes from the guns.

Q. Let me show you this so that you may understand. You see the street here marked Elizabeth street; that is the street that leads into the gate?—A. Yes, sir.

Q. And the next street, as we call it, to the east, is marked Washington street, as you see here.—A. Yes, sir.

Q. Yes. And between those two streets there is an alley; you see it marked there, do you not [indicating]?—A. This?

Q. No; the other way, parallel with the streets.

Senator SCOTT. Running the same way with the streets.

By Senator WARNER:

Q. We want to get this into the record. Take your own time about it, and do your own pointing to the map. I do not want to point for you. Now, the first shot you heard—A. No, sir; I will not point to the first shot. I didn't see the flash of the first shot; I simply heard it.

Q. You simply heard the first. And then the other shots?—A. Yes, sir; the first flashes I saw were here, and the second over here, and the third here, and the fourth over there [indicating on map].

The CHAIRMAN. He must speak so that the reporter can get it, so that it will be intelligible in the record.

By Senator WARNER:

Q. This is near this dark building here, the telegraph office, marked "1," is it?—A. Yes, sir.

Q. Now, the next place you heard them—saw the flashes—if at all?—A. Here, near this same building.

Q. The same building?—A. Yes, sir.

Q. How were those shots fired, Sergeant? That is, I mean now whether they were scattering shots or not?—A. They seemed some scattering and some almost into volleys. I couldn't say whether they were scattering or volleys. There were several scattering shots, and then there were several shots together.

Q. Referring to page 123 of Senate Document No. 155, your testimony before Captain Lyon, I will read this question and answer to you:

Q. How many shots did you hear at first—one or a lot?—A. I first heard one shot

That is what you state now; that was correct, was it?

A. Yes, sir.

Q. Then, I will read you the next question and answer:

Q. Followed by what?—A. Followed by two or three; from that to volleys.

Was that correct?—A. Yes, sir; I think that is correct.

Q. You may take your seat again, now. When you saw the flashes after the first shot, could you tell in what direction the firearms were being discharged, whether toward or from the fort? A. No, sir; I couldn't tell.

Q. Did you see the flashes from the guns when the volleys were being fired?—A. I saw the flashes from the guns from the time that I got up, after the first shot was fired, until I got my clothes on and went to the front part of the quarters.

Q. How long, if at all, after that did the volleys continue?—A. Well, I couldn't say, sir.

Q. Is it or is it not a fact that before they got through counting the company in front of barracks D the firing had ceased?—A. No, sir; the firing had not ceased. The firing was going on while I was putting on my clothes, and while the company was forming, and while the captain was counting the men and counting squads, and I goes to my storeroom and unlocks it and takes a case of ammunition and takes it to the orderly room and opens it and rejoins my company, and the firing was still going on.

Q. Had the firing ceased at that time?—A. It didn't cease until we deployed in a skirmish line.

Q. After you had gotten down to the wall?—A. Yes, sir.

Q. That is the fence, the stone wall or fence?—A. Yes, sir.

Q. That was about 4½ feet high?—A. Yes, sir.

Q. How was the night—was it dark, or was there good light?—A. It was dark.

Q. There was some confusion, you say, in the barracks, in getting the gun racks unlocked?—A. Yes, sir.

Q. Did they have a light there?—A. No, sir; no light.

Q. Didn't light a lantern or a candle?—A. No, sir.

Q. You say that took a considerable time?—A. Yes, sir.

Q. How much time?—A. I couldn't say, sir.

Q. Can you give us, approximately, how much time?—A. No, sir; I couldn't give any time at all.

Q. Would you say ten, fifteen, or twenty minutes?—A. I wouldn't like to say.

Q. You would not want to give any impression as to that?—A. No, sir.

Q. The men were there, then, up there to get their guns?—A. Yes, sir.

Q. Did you ever make an examination, Sergeant, to see whether any shots had been fired toward the barracks or not, so as to ascertain whether there were any marks of any bullets in the barracks?—

A. I, myself?

Q. Yes.—A. No, sir.

Q. Were you present when any examination was made?—A. I don't remember of any being made, as I know of. There might have been, but I don't remember. But I remember seeing officers going from barracks to barracks; but what they were doing I don't know.

Q. They never told you what they were doing, so that you don't know?—A. No, sir.

Q. But you made none yourself?—A. No, sir.

Q. You knew of some trouble between members of some of the companies and citizens at Brownsville while you were there?—A. No, sir; I never knew of it. I heard of it.

Q. You heard of it; that is what I mean?—A. Yes, sir.

Q. And you knew of an order that was made on the night of the 13th?—A. I knew of the order that was issued on the night of the 13th.

Q. That the men were all to be in barracks at 8 o'clock?—A. Yes, sir.

Q. And you knew of the patrol being sent down town to bring them all in?—A. Yes, sir.

Q. Did you know the reason of the issuing of that order then?—A. No, sir.

Q. You had heard of one of the members being assaulted and knocked down with a pistol and of another being pushed into the river?—A. I heard of that.

Q. How did you hear of it?—A. Through members of the different companies talking about it.

Q. Talking of it pretty freely?—A. Yes, sir.

Q. And they talked of their treatment there, did they not, Sergeant?—A. I don't know anything about the treatment.

Q. I didn't ask you that, pardon me. Did you hear them talk about the treatment they received at Brownsville?—A. No, sir; not outside of that; that is the only thing—of this man being pushed overboard into the Rio Grande River and the other being knocked over the head with a six-shooter.

Senator FORAKER. The other being what?

The WITNESS. The other being struck over the head with a six-shooter.

By Senator WARNER:

Q. Did you hear after this of ammunition being found—ammunition, shells, bullets—supposed to have been fired from Springfield rifles?—A. I heard that through Captain Lyon.

Q. When did you hear that?—A. The next morning after this inspection.

Q. Did you make any investigation of that yourself?—A. No, sir; I had no right to.

Q. Did you talk with the men about it?—A. No, sir.

Q. With any of the men?—A. No, sir.

Q. You made no investigation whatever?—A. No, sir.

Q. During the time you were there at Fort Brown?—A. No, sir.

Q. Why did you not, Sergeant?—A. Me, being an enlisted man, I didn't think it was my place. There was commissioned officers there for that, and I thought it was their place, and I received no orders to that effect.

Q. Was there any other reason for not doing it?—A. No, sir; I had no other reason outside of that.

Q. You were a noncommissioned officer?—A. Yes, sir.

Q. Is it not the duty of noncommissioned officers to assist the commissioned officers in the preservation of order and discipline?—A. Yes, sir.

Q. And to especially look after the men under them?—A. Yes, sir.

Q. As to their conduct?—A. Yes, sir; so far as they receive orders to do so.

Q. The only reason, then, that you can give for not having investigated the cause of this shooting is that you did not receive orders from a commissioned officer to do it?—A. Yes, sir.

Q. Who was the first sergeant of your company?—A. Sergeant Frazier.

Q. Jacob Frazier?—A. Yes, sir.

Q. Did you ever talk with him about it?—A. No, sir.

Q. Did he ever talk with you about it?—A. No, sir.

Q. And you talked with none of the other noncommissioned officers about it?—A. No, sir.

Senator WARNER. I have no further questions that I want to ask.

By Senator HEMENWAY:

Q. How long have you been in the Army, do you say?—A. I have been in the Army going on sixteen years.

Q. Under your rules you say you never make investigations unless ordered to do so?—A. No, sir.

Q. Is that the rule that applies in the Army?—A. I suppose it is, sir. That is the rule that I have been soldiering under for going on sixteen years—that is, no noncommissioned officer, no enlisted man, is supposed to make any investigation whatever excepting he is ordered by a commissioned officer.

By Senator OVERMAN:

Q. Where did you enlist from, what State?—A. I enlisted in Washington. I am from the State of Virginia. That is where I enlisted.

Q. How many men did you have accounted for that night that were not present when the roll was called?—A. I don't know, sir; that is

left to the first sergeant. There were so many men on guard and so many men on pass.

Q. Do you know how many were out on pass?—A. No, sir.

Q. Those men who were accounted for had their guns and ammunition?—A. Yes, sir.

Q. That is, the guard?—A. The guard had; yes, sir.

Q. You don't know how many men were out?—A. No, sir; I do not.

By Senator FULTON:

Q. There is one question I would like to ask. I suppose you may have brought it out before. He spoke about some comrade arriving in Brownsville without his ammunition, having lost it on the road. Is that right?—A. Yes, sir.

Senator FORAKER. That was James C. Gill?

The WITNESS. Yes, sir.

Senator FULTON. Has it been brought out how he was carrying his ammunition at the time—whether in a belt or not?

By Senator FORAKER:

Q. How was he carrying it?—A. At that time, when we went away from Fort Niobrara to Fort Brown, we were carrying our ammunition in a web belt.

Q. In a web belt?—A. Yes, sir.

Q. Is that different from the suspender belt?—A. Yes, sir; it is woven.

By the CHAIRMAN:

Q. This web belt that you have just spoken of is the suspender belt, is it not?—A. The cartridges are in a clip, and two clips in each pocket. There are pockets in the belt.

By Senator FORAKER:

Q. The web belt that you speak of is the belt that had the suspender?—A. Yes, sir.

Senator FORAKER. That is what we call the suspender belt.

By Senator FULTON:

Q. Did this man arrive with the belt?—A. Yes, sir; with everything but the ammunition.

By Senator FORAKER:

Q. I forgot to ask you whether, according to the sound of this firing, you could tell whether it was of one kind of gun or different kinds of guns?—A. It sounded to me as if it was of mixed arms, of different kinds of guns.

Q. Could you tell what kinds of guns they were from the sound?—A. Some sounded like Winchesters and some six-shooters, what I judged them to be.

Q. But all you know is that they were of different sounds?—A. Yes, sir.

Q. You don't know what they really were?—A. No, sir.

Q. Did you see the guard on duty, the sentry, when you looked out?—A. No, sir; I saw one before I went to bed, on post.

Q. Around the barracks?—A. Yes, sir.

Q. That was post No. 2, was it not?—A. Post No. 2.

Q. But you didn't see him after the firing?—A. No, sir.

By the CHAIRMAN:

Q. Witness, do you know, do you happen to know, how large a guard you had on that night? What was the detail from each company?—A. No, sir; I couldn't tell you the detail from each company, but I can tell you the strength of the guard.

Q. What was the strength of the guard?—A. Seventeen men.

Q. In each relief?—A. All of the men; all together.

Q. Divided into reliefs?—A. Yes, sir; divided into reliefs.

Q. That would be how many on duty at a time?—A. That would make four privates and one noncommissioned officer.

Q. Constantly on guard?—A. Constantly on guard.

Q. Is the guard ordinarily larger or smaller, the regular guard, as compared with the guard you had that night?—A. No, sir; the same size. That is, we have always been having a guard of eighteen men.

Q. That was the regular number?—A. The regular number.

Q. That you had been having on night after night preceding this night?—A. Yes, sir.

By Senator FORAKER:

Q. A guard of eighteen men?—A. Yes, sir; one man detailed as an orderly. That leaves a guard with a strength of seventeen men.

By Senator OVERMAN:

Q. They all had their guns and ammunition?—A. No, sir; not all of them.

Q. Which ones didn't have it?—A. The musician of the guard.

Q. The musician?—A. Yes, sir.

Q. Is he the man who blew the call to arms?—A. Yes, sir.

Q. Do you know who gave him that order?—A. No, sir; he is the man who is supposed to blow the call to arms. I don't know who did.

Q. So that seventeen of the men had their guns?—A. No, sir; sixteen.

Q. Yes, sixteen had their guns and ammunition?—A. Yes, sir.

Q. Was there anybody outside who had their guns and ammunition that were not in the racks?—A. I can only speak for my own company.

Q. Well, speak for your own company.—A. There was nobody in my company, outside of the guard, that had their guns.

Q. Where did you keep your gun?—A. Upstairs, in the rack.

Q. In a rack in the barracks?—A. Yes, sir.

Q. Where did the orderly keep his gun—Frazier?—A. The first sergeant?

Q. Yes.—A. He kept his gun in the rack, I suppose. I don't know where he kept it.

Q. You don't know whether all the guns were in the racks or not that night, then?—A. They were supposed to have been in there. I don't know.

Q. You do not know?—A. I don't know whether they were in the racks or not, but I know my own was in the rack, and I know there was lots of other guns in the racks, and I know that the racks were locked at the time of the shooting.

Q. But how many were kept out you don't know?—A. The men who had their guns out were the men on guard, or supposed to have been on guard.

Q. You don't know whether Frazier had his out or not?—A. Frazier's gun was in the rack—was in the rack the same as mine.

Q. Do you know whether the hospital stewards had any guns?—A. They don't have any guns.

Q. Did you, while you were at Brownsville, see any of the policemen of Brownsville?—A. Yes, sir.

Q. What kind of uniform do they wear?—A. Khaki.

Q. Similar to what the soldiers wear?—A. Yes, sir.

Q. What kind of hat did they have on?—A. The campaign hat.

Q. The campaign hat?—A. Yes, sir; only they had a gilded cord around it.

By Senator FORAKER:

Q. Did any of the citizens there wear khaki clothing?—A. Yes, sir.

By Senator TALIAFERRO:

Q. How many policemen did you see?—A. I couldn't tell you, sir.

Q. Just approximately.—A. I have seen a good many of them, from time to time.

Q. And you remember distinctly that they wore khaki uniforms?—A. The policemen—that is, those men that were told to me to be policemen—had khaki uniforms.

Q. And hats like yours, except with a different kind of cord?—A. Yes, sir.

By Senator FORAKER:

Q. I will ask if you saw Mexicans running around there with khaki clothing on, or not?—A. Yes, sir.

Q. Was that an unusual thing, to see citizens dressed in khaki?—A. Yes, sir; lots of citizens wore khaki.

Q. It was not unusual to see it?—A. No, sir.

By Senator OVERMAN:

Q. How many policemen were there in that town, do you know?—A. No, sir; I never was in the town over three or four times the whole time I was down there.

Q. How many policemen did you see?—A. I have answered that question.

Q. You say every policeman you saw had on khaki. How many did you see?—A. I don't know. Every policeman I saw had on khaki uniform and a campaign hat.

Q. Was that the same man that you saw each time?—A. No, sir.

Q. How many did you see?—A. I couldn't say.

Q. Can't you give me an estimate?—A. No, sir; it would be just as impossible to tell you how many policemen there are in Brownsville as how many there are here in Washington.

By Senator TALIAFERRO:

Q. Did the cook turn out for drill the morning of the 14th?—A. He didn't turn out for drill, but after inspection was ordered, then the cook came out; but the cook does not drill.

Q. He came out, however, after the inspection was ordered?—A. Yes, sir.

Q. Was his gun examined?—A. Yes, sir.

Q. Was his gun found clean?—A. No, sir; he was stepped out in the line of file closers and had his gun inspected, and the rag run through it.

By Senator WARNER:

Q. Sergeant, we speak of the web belt and the suspender belt, which I assume is the same thing, and the McKeever box. I just wish to ask you this question: When the morning drill comes and you are called out, what belt do you use? What belt did you use? Was it the McKeever box or the web belt?—A. The web belt was used.

Q. The same order prevailed in each company, did it not?—A. No, sir.

Q. Some companies turned out with the web belt and some with the McKeever box?—A. Yes, sir; and some companies turned out for drill without any arms at all. It was left with the captain.

Q. I will ask you if it was not the habit when you went out to the range, firing or on the march, that then you wore the web belt?—A. Yes, sir.

Q. Was it not a practice when called out for drill in the morning that you wore the lighter belt, the fancy belt, and the McKeever box?—A. No, sir.

Q. When did you wear the McKeever box?—A. We wore the McKeever box in the battalion or regimental drill or battalion or regimental parades.

Q. That was all?—A. That was all. When company drills were ordered, whatever the captain wished his company to wear, that is what they wore.

Q. In answer to questions, you have stated that that was the sound of mixed arms which you heard during the firing, have you not?—A. Yes, sir.

Q. In reading over your statement before Captain Lyon, I fail to find any statement of that. Did you regard that fact as not at all important then, or did you neglect to state it simply because the question was not asked you?—A. I simply answered the questions that I were asked.

Q. You did not volunteer any information that you might have had?—A. No, sir.

Q. Would you not have thought, Sergeant, that it would have been rather important at that time, when you say it was suspected that the soldiers were in that affair, to tell them of the character of the shooting, that it was mixed, and that the shooting was by revolvers and Winchesters and not from Springfield rifles, which was what you were armed with? Did it not occur to you that that was important?—A. No, sir. Any man that has ever been a military man or a military soldier whenever he comes before a military officer he isn't supposed to answer any questions excepting what he is asked, excepting they tell him in the beginning, "Tell what you know about so-and-so."

Q. Had you ever told any of your noncommissioned officers of the fact of the character of that firing?—A. No, sir.

Q. Had you ever told anyone of it?—A. No, sir.

Q. Was not this—what they are pleased to call the shooting up of the town of Brownsville—talked about among the members in your presence?—A. No, sir.

Q. Not at all?—A. No, sir.

Q. You had heard them talk before of this man that was knocked down with a revolver and the man who was pushed off into the river—you had heard that talked of?—A. Yes, sir.

Q. You had not heard the other talked of at all?—A. No, sir.

By Senator FORAKER:

Q. Did you ever hear of any threats by the men against the citizens?—A. No, sir.

Q. What was the interval between the time when you heard that first shot on the porch—I mean out in front of the barracks—and when you heard the other shots? How long was it? You heard one shot first, as I understood?—A. Yes, sir.

Q. And how long an interval was there before you heard the other shots?—A. Just the time that it taken me to get out of the bed onto the floor.

Q. You heard one shot?—A. Yes, sir.

Q. And then how long was it before you heard the next shot?—A. Just as quick as I could jump out of bed.

Q. Speak a little louder.—A. Just as long as it taken me to jump up out of the bed and get out on the floor.

Q. There was a space of time while you were getting out, and then there was a firing?—A. Yes, sir.

Q. I understood you to say that there was one shot out in front of B barracks?—A. No, sir; you didn't.

Q. What did I understand you to say?—A. If you understood me correctly, you understood me to say that I didn't know what direction the first shot was fired.

Q. I understood you to tell Senator Foraker that it was not in the barracks?—A. Yes, sir; I knew it wasn't in the barracks.

Q. By the sound you could not tell where it was?—A. No, sir; I couldn't tell the direction of it at all.

The CHAIRMAN. I think the witness went into all that while you were out. The ground was covered fully.

By Senator FULTON:

Q. You said a moment ago that you had never heard this Brownsville shooting talked about by the company. Do you mean before or after the shooting?—A. I mean before, and after, too.

Q. You never heard it talked about by any of the members of the company after the shooting?—A. No, sir.

By Senator SCOTT:

Q. Just one question. In your duty as quartermaster-sergeant you were not associated closely with the men of the company, were you?—A. Why, yes, sir.

Senator SCOTT. All right.

The WITNESS. We are all enlisted men, and all enlisted men associate together.

TESTIMONY OF ALBERT H. ROLAND, COLORED—Continued.

By Senator FORAKER:

Q. You were excused the other day until you could send to New York and get a letter which you said you used in making collections

for some committee. State whether or not you have that letter now.—
A. Yes, sir; I have it.

Senator FORAKER. Present it to the committee and let us see what it is. I want to examine the witness, so that we may discharge him.

Senator BLACKBURN. This is the letter. I want this made a part of the record.

Senator FORAKER. Have it read and hand it to me.

Senator BLACKBURN. That is what I am proposing to do.

Senator BLACKBURN read the letter referred to as follows:

To whom it may concern: At the request of Albert H. Roland, I make the following statement: The negro citizens of New York and vicinity have organized a committee of one hundred. The purpose of this committee is to solicit funds for the defense of the race in emergencies. The fund is thus known as a race-defense fund. The work of the committee is expected to be permanent.

Albert H. Roland was employed by the committee for a few days as solicitor. A few drafts on the committee have been made for the support and defense of the discharged soldiers.

The committee is entirely separate from the Constitution League. This committee feels that the time has come to arouse the race in its own defense. It will thus discuss all the questions pertaining to the civil and political rights of the race, and will use its funds as it deems wise in this matter. We shall endeavor to secure equal rights for all citizens.

HORACE G. MILLER.

Secretary of the Committee of One Hundred of New York and Vicinity.

FEBRUARY 9, 1907.

Senator WARNER. This is not the letter you called for?

Senator BLACKBURN. I was going to ask the witness—

Senator FORAKER. We asked you to produce—

Senator BLACKBURN. Let me, please—

Senator FORAKER. I was examining him.

Senator BLACKBURN. I will waive any rights I may have.

By Senator FORAKER:

Q. We asked you to get a letter which you said you carried about and presented to people when you made collections—A. I asked for a copy of the letter and that is what they sent. That is a copy of the letter I carried around.

By Senator BLACKBURN:

Q. Is this the only letter that you had?—A. That is the copy from the letter I carried around.

Q. I say the original of which this is the copy is the only letter that you had?—A. Yes, sir.

Q. Did you tell us or did you not, in your testimony heretofore given, that this committee was raised on the third day of January and that you had been employed by it for the purpose of soliciting funds, and had secured them and handed them to the secretary, who handed them to the treasurer, during the month of January?—A. He might have made a mistake—the secretary might—in the date of that letter.

Q. Yes; he might have dated it a hundred years ago, but he has dated it on February 9, 1907.

Senator FORAKER. That is the day he got his letter asking for the letter.

Senator BLACKBURN. I asked for the letter and he presented this. This is not it.

By Senator TALIAFERRO:

Q. You can read, can you not?—A. Yes, sir.

Q. Don't you know positively that this is not the letter you testified about?—A. I asked for a copy of it and that is what he sent.

Q. Don't you know that this is not a copy of the letter you handed around for subscriptions?—A. That is a copy of the letter except the date of January 3.

By Senator BLACKBURN:

Q. Do you know what day you testified about this letter?—A. No, sir; I don't know the exact date.

Senator BLACKBURN. Of course the record will show. This is February 12. He testified here before this letter was dated.

Senator FORAKER. I know he testified here Thursday, which would be the 7th, would it not? I think it was Thursday he testified. We told him not to go but to write over there and get the letter. He wrote for the letter and he says they sent him a copy of it. (Addressing the witness) What did you do with the letter; where was the letter—

Senator BLACKBURN. I am going to bring that out.

Senator FORAKER. I have no objection.

By Senator BLACKBURN:

Q. You stated, if I remember your testimony correctly—and if I do not, you correct me, please—when you were here last Thursday, if that was the day you testified, that you left that letter and your other papers in New York?—A. Yes, sir.

Q. In whose custody did you leave that letter and other papers?—A. Horace G. Miller, the secretary of the committee.

Q. You left it with him?—A. Yes, sir; if that is Horace G. [looking at letter]—yes, sir; Horace G. Miller.

Q. Were you not asked when you were a witness here the other day to produce the letter you showed to the people of whom you asked contributions?—A. Yes, sir.

Q. When you wrote, did you write to Horace G. Miller to send you the letter?—A. I asked him to send you a copy of the letter I carried around.

Q. Then you did not ask him to give you the letter which you promised this committee you would file here?—A. A direct copy is just the same as the letter.

Q. It is?—A. A copy from the letter is the same as the letter. I don't know whether he would send the letter or not.

Q. Then, when you promised the committee that you would produce and file the letter you used in soliciting these contributions you meant that you were not going to do that, but you were going to get a copy?—A. I meant to get the letter.

Q. You didn't do it.—A. He sent a copy of the letter.

Q. This is not the letter that you used?—A. That is a copy from the letter.

Q. How do you know; did you ever compare this with the other?—A. I read the other letter.

Q. And from your memory—A. From my memory, that is a copy.

Q. You think this reads like a copy?—A. From my memory, sir, that is a copy from the letter I carried.

Q. Do you state under oath that this is a copy of the letter, all except the date of January 3?—**A.** With the exception of the date, this is a bona fide copy of the letter, as I can remember it.

By Senator OVERMAN:

Q. Did the letter that you carried around contain these words: "At the request of Albert H. Roland I make the following statement?" Did the letter that you carried around asking for money have those words in it?—**A.** No, sir; but it had the name on it.

Q. This letter has got that statement on it—

Senator FORAKER. If you will allow me. I think it is evident that the witness has not produced the letter, and this can not be said to be a copy of the letter, because it is a statement; it says that at his request this statement is made.

The CHAIRMAN. I wanted to draw out whether it was a copy, and if it differed from the original, what the differences were.

Senator HEMENWAY. If there is any doubt about it, why not let him ask for the original letter now? I don't see that it has any bearing on it one way or the other. I don't know that it throws any light on the difficulty at Brownsville, but he might send and get the original letter.

Senator SCOTT. Evidently this man made a statement, as to what he thought the committee wanted, to show what he was doing, and he dated it the 9th, instead of the 3d.

The CHAIRMAN. The witness ought to have done what he was told to do, and that was to get the letter.

Senator BLACKBURN. The letter that he was told to get was the letter that he carried around when he solicited contributions. This letter shows on its face that it is neither that letter nor can it possibly be a copy of that letter.

Senator HEMENWAY. It might be a copy, except as to the date.

Senator BLACKBURN. No; because this opens with the statement: "At the request of Albert H. Roland, I make the following statement."

Senator FORAKER. It doesn't purport to be a copy of the letter.

Senator BLACKBURN. It shows on its face that it is not a copy.

Senator FORAKER. What we want is the original letter.

Senator HEMENWAY. We want the letter you carried around.

Senator BLACKBURN. We don't want any paper except the one that you presented to and had read by the people of whom you asked contributions.

The WITNESS. Yes, sir.

The CHAIRMAN. Do you wish to retain this witness until he produces this letter?

Senator FORAKER. I don't care anything about it. The man seems to have been given employment by this committee of one hundred.

The CHAIRMAN. I am entirely content with the situation as it is.

Senator FORAKER. I would keep the letter, if the Senator wants it.

Senator TALIAFERRO. I move we hold this letter and let the witness be discharged.

The CHAIRMAN. The witness will be discharged.

Senator HEMENWAY. I don't think he ought to be discharged. I think he ought to produce this letter, if he can.

Senator BLACKBURN. I want this letter to go into the record [referring to letter already printed in the record].

Senator HEMENWAY. We don't want the committee deceived or the witness left in a false position.

The CHAIRMAN. How long will it take the witness to get the original letter? When can you have it here?

The WITNESS. I could not say, exactly.

Senator FORAKER. Can you write this afternoon?

The WITNESS. Yes, sir; this evening.

The CHAIRMAN. How long before you can tell us whether you can or can not have the original letter here?

The WITNESS. I don't know, sir.

By Senator OVERMAN:

Q. Do you think you can get it?—A. I don't know, sir.

Q. Did you file it with these men—

By Senator FORAKER:

Q. Where is the letter?—A. The secretary of the committee has the letter.

Q. Did you give it back to him?—A. Yes, sir.

By Senator BLACKBURN:

Q. What did you give it back to him for?—A. Because I was requested to turn it in when I left.

Q. Then you were through with your work, were you?—A. Yes, sir.

Q. And they asked you to return that letter?—A. Yes, sir.

Q. The secretary asked you?—A. Yes, sir.

Q. Did he tell you he was through with your work as a soliciting agent?—A. He was through with me until I came back, if I came back.

Q. When did you go to work for this committee first?—A. About a week before I was subpoenaed here.

Senator FORAKER. I will ask the witness to write for the original letter.

By Senator OVERMAN:

Q. Do you know what we want now?—A. Yes, sir.

Q. What is it?—A. You want the original letter.

The CHAIRMAN. Exactly as it was—as you used it to solicit funds.

Senator SCOTT. The letter you presented to a man when he gave you money—the original letter. You write for it.

(Senator Warner suggested an adjournment.)

Senator FORAKER. Before we adjourn I want to say to the committee that I have quite a number of witnesses from B and D Companies, by whom I could reinforce this testimony, but I want to pass to C Company and will take up C Company in the morning. I want to reserve the right to call the others if I desire to do so later on.

(Thereupon, at 3.55 o'clock p. m., the committee adjourned.)

**COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Wednesday, February 13, 1907.**

The committee met at 10:30 a. m.

Present: Senators Scott (acting chairman), Foraker, Hemenway, Warner, Pettus, Blackburn, Taliaferro, Foster, and Overman.

Senator FORAKER. I just want to say that I am now passing from B and D Companies, but I want to go back and confirm the testimony already given. I have examined the principal witnesses with reference to Companies B and D, and I am now going to take up C Company, reserving the right to call other witnesses with reference to B and D as soon as I can.

Senator SCOTT. Is there any one of the witnesses whom we can pay off and discharge?

Senator FORAKER. No; I have discharged all that we can.

Senator TALIAFERRO. Do you object to letting the witness go that was here yesterday afternoon, giving him the option of filing his letter at any time he sees fit?

Senator FORAKER. No; I do not object to that.

Senator SCOTT. Then bring him in and tell him to send his letter.

Senator FORAKER. He is here for the day, and before we adjourn we will call him in.

TESTIMONY OF CHARLES H. MADISON (COLORED).

CHARLES H. MADISON (colored), after first being duly sworn by the acting chairman, testified as follows:

By Senator FORAKER:

Q. Please state your name in full.—A. Charles H. Madison.

Q. Were you a member of the Twenty-fifth U. S. Infantry in August of last year, while it was stationed at Brownsville?—A. I was, sir.

Q. Were you there with the regiment?—A. I was there with the battalion, sir.

Q. With the battalion? To what company did you belong?—A. C Company, sir.

Q. Did you hold any official position in that company?—A. Corporal in Company C, Twenty-fifth Infantry, sir.

Senator FORAKER. At this place I will put in his testimony the official record as given us by the War Department, found at page 256 of Senate Document 155.

The record referred to is as follows:

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.

By Senator FORAKER:

Q. How long were you in the service?—A. Eleven years, nine months, and eight days.

Q. I see that you enlisted December 15, 1894.—A. Yes, sir.

Q. Did you serve continuously until you were discharged in November last?—A. I did, sir.

Q. This shows that you were discharged November 16 last without honor.—A. November 22, I was discharged.

Q. This shows that you were discharged without honor as a corporal of Company C on November 16, 1906. Have you your discharge with you?—A. I have, sir.

Q. That may become of some importance about the matter of reenlisting. Just look at your discharge and see. [The witness produced a discharge.]

Q. Just open it and let Senator Overman look at it and tell us what it says. [The witness handed the paper to Senator Overman.]

Q. Senator Scott wants me to ask you whether you were in any battles while you were in the service.—A. In the battle of El Caney, on July 1, 1898.

Q. Any others?—A. Only that.

Q. Were you in the Philippines with your regiment?—A. No, sir; I was in Skagway, Alaska, in the Twenty-fourth Infantry.

Q. You did not serve then continuously in the Twenty-fifth Infantry?—A. No, sir.

Senator OVERMAN. His discharge, which I have here, handed to me by the witness, shows that he was discharged at Fort Sam Houston on November 22, 1906.

Senator FORAKER. Then I will put it in my record here that way. It should be the 22d instead of the 16th.

Q. What pay were you getting at the time you were discharged?—A. Twenty-one dollars per month, sir.

Q. I notice that you first enlisted as a private in Company A, Twenty-fourth Infantry, December 14, 1897. Is that right?—A. That was the date of my first discharge from my first enlistment.

Q. In the Twenty-fourth?—A. Yes, sir.

Q. What State were you living in at the time of your first enlistment?—A. Pittsburg, Pa.

Q. Where did you enlist—at Pittsburg?—A. Yes, sir.

Q. Then you were reenlisted as a private in Company C, Twenty-fifth Infantry. You changed from the Twenty-fourth to the Twenty-fifth?—A. Yes, sir.

Q. Then you went back, when you were reenlisted January 28, 1901, according to this record, to Company K, Twenty-fourth Infantry?—A. Yes, sir.

Q. That was January 28, 1901?

Senator WARNER. That is right.

By Senator FORAKER:

Q. So that January 1, 1898, you became a private in Company C, Twenty-fifth Infantry?—A. Yes, sir.

Q. The Spanish-American war was during the period covered by that enlistment, which extended from January 1, 1898, to December 31, 1900. When was it you were in Alaska?—A. I was there in 1901, sir.

Q. With the Twenty-fourth Infantry?—A. Yes, sir.

Q. The Twenty-fifth and Twenty-fourth were neither of them in the Philippines prior to that time?—A. At that time all the companies of the Twenty-fourth were in the Philippines except L Company, which was stationed in Skagway, Alaska.

Q. At any rate you did not go to the Philippines?—A. I did not, sir.

Q. Have you ever had any trouble of any kind previous to your discharge without honor?—A. No, sir; I have not.

Q. Were you ever court-martialed?—A. I was court-martialed once in 1897 at Fort Douglas, Utah.

Q. What for?—A. For neglect of duty, sir.

Q. What was the duty you neglected?—A. Well, I was detailed on guard and had some prisoners out, and did not carry out the proper instructions which I had received that morning.

Q. You were court-martialed for that?—A. Yes, sir.

Q. Were you ever court-martialed for anything else?—A. Nothing else, sir.

Q. What punishment was inflicted on you?—A. Ten days.

Q. In the guardhouse?—A. Yes, sir.

Q. Were you a corporal at that time?—A. I was a private soldier, sir.

Q. You had charge of some prisoners?—A. Yes, sir.

Q. Where was that?—A. That was at Fort Douglas, Utah.

Q. That is, some of your own men were under charges?—A. Yes, sir.

Q. That is the only trouble you ever had while you were a soldier, is it?—A. Yes, sir.

Q. Now, corporal, do you know anything about the firing at Brownsville on the night of August 13? If so, start in and tell us all you can recollect about it, beginning by answering this question: Where were you when that firing commenced?—A. I was at Fort Brown, Tex., asleep in my company barracks, sir, Company C, Twenty-fifth Infantry.

Q. Can you tell us how you got awake?—A. I was awakened by the explosion of firearms.

Q. About what time was that?—A. Well, I don't know definitely, but I think it was near about 12 o'clock, sir.

Q. What did you do when you got awake? What did you hear and what did you see?—A. When I was awakened, sir, why, I put on my clothes, got up, dressed, put on my trousers and shoes, and during the time I was putting on my trousers and shoes, the call to arms was sounded, and I put my belt on, and after I put my belt on, why, I proceeded to the gun racks to see if they were open. Quite a number of the men were standing there calling for the man in charge of quarters to open the rack.

Q. Who was in charge of quarters?—A. Sergeant Brawner, sir.

Q. Did you see him?—A. I did not, sir; but some one exclaimed that he had gone downstairs. The senior duty sergeant, Sergeant Carlisle, called me by name and told me to go down and tell him to

come up and open the racks, that the call to arms had been sounded. I proceeded downstairs, and he was coming out from the first sergeant's office, just to the left of the steps as you go down. Meanwhile Major Penrose was standing at the foot of the steps, telling the men to fall in promptly, and some of the men exclaimed that they did not have their arms, that the racks was not open. He said to have the non-commissioned officer in charge of quarters to open the racks, and if he could not get the racks open, to break them open.

By Senator OVERMAN :

Q. Who said that?—A. Major Penrose.

By Senator FORAKER :

Q. Then what happened after you heard Major Penrose say that?—A. I told Sergeant Brawner that the Major said to open the racks, and he proceeded up the stairs to the first rack on the left-hand side going up, and I got a rifle out and went back down and fell in line.

Q. How did you get the rifle out of it?—A. He unlocked it, sir.

Q. You went downstairs?—A. Well, yes, sir; I went down and fell in line. After the order was issued to break the racks open if they could not get them open, the men was hammering on the racks.

Q. How did you know they were hammering on the racks? By the sound, or by seeing them?—A. By the sound, sir.

Q. The rack you got into, was that hammered on, too, as well as the rest?—A. It seemed, sir, that all four of them had been hammered on; that is, the men not knowing that they had not been unlocked—if you don't throw the bands back the men would not know whether they were unlocked or not.

Q. You have a gun rack behind you there. Will you indicate how the band should be thrown back, as you have testified?—A. Yes, sir. In unlocking the gun rack—

Q. You have to do what? Here are the keys.—A. You unlock the rack and leave the lock something like that [indicating], and in the dark, if a man does not know that it is not unlocked, naturally he will hammer on it thinking that it has been unlocked and the band not thrown back.

Q. You have shown us what has to be done?—A. Yes, sir.

Q. And unless the band was thrown back a man would not know it was unlocked?—A. In the dark you would not notice it.

Q. Which rack was it you got your gun out of, if you can tell?—A. Well, the racks were not numbered, but there was a rack on the left-hand side of the steps going up.

Q. As you went up?—A. Into the dormitory; yes, sir.

Q. That was upstairs on the upper floor?—A. Upstairs; yes, sir.

Q. Well, as soon as you got your gun you went down?—A. Went down and fell in line, sir.

Q. Did you see Sergeant Brawner there opening racks?—A. He was at the rack. He opened the rack when I got my rifle out.

Q. But you heard the men pounding on the racks?—A. Yes, sir.

Q. Do you know what they were pounding with?—A. Well, if I am not mistaken, I think it was the fire ax.

Q. The fire ax?—A. Yes, sir.

Q. Do you know who was doing the pounding?—A. Personally, I do not, sir.

Q. Was there any light there?—A. We had no light, sir. We had orders not to light anything, as we thought some one was firing upon the barracks.

Q. Did you see what was done as to any of the racks, except the one that you got your gun out of?—A. I did not, sir.

Q. That night—you took your gun and went down?—A. I did.

Q. Fell in?—A. Yes, sir.

Q. What happened down there?—A. Why, after I fell in line, and the rest of the men seemingly had fell in line, Lieutenant Greer was put in command of the company by the commanding officer. I was called personally to step out, load my rifle and proceed over to Captain Macklin's quarters and tell him to report to the commander, by orders of Acting Adjutant Lieutenant Greer at that time.

Q. Captain Macklin was captain of your company?—A. He was, sir.

Q. And he was not present?—A. He was not.

Q. He was officer of the day?—A. Yes, sir.

Q. Who gave you that order?—A. Lieutenant Greer, sir.

Q. To load your rifle and go to his quarters?—A. Yes, sir.

Q. Well, what did you do?—A. I went over there, went into the hallway and into the room that I generally always went to, where he slept, where I went in carrying the sick report when being detailed in charge of quarters, and he could not be found. His side arms was there, setting at the outside of the door.

Q. What do you mean by his side arms—his sword?—A. His sword.

Q. Anything else?—A. His belt and sword. That was all he wore when he was deputized as officer of the day.

Q. What did you do, if anything, to arouse him?—A. I went to his bedroom, called for him, and I could get no response, and I knocked on the floor with the butt of my rifle. I returned back to the company and reported to Lieutenant Greer that he was not at his quarters. He told me to take my place in line.

Q. Had the company been formed by that time?—A. Yes, sir; the company was formed.

Q. Do you know what they did when the company was formed?—A. I do, sir.

Q. What?—A. The command "Squads left" was given, which threw the left of the company on the extreme right, and we marched around in rear of the quarters. He gave the command "Line of squads on left squad," and the squads was deployed. After the squads was deployed he gave the command "As skirmishers," and he gave the command to lie down, and for no man to load his piece unless excepting he got orders from our superior officer, who was Lieutenant Greer at that time.

Q. Had you already loaded your piece?—A. My piece was unloaded then, sir. When I came back from Captain Macklin's quarters I had orders to unload my piece.

Q. There in front of the barracks?—A. In front of the barracks?

Q. Before you moved around?—A. Yes, sir.

Q. Was the roll called at any time, or were the men counted at any time, to your knowledge?—A. Started the roll call when we first fell in, sir, and being in a hurry the commanding officer directed that Lieutenant Greer should count the men, so they finished up by counting the men.

Q. Did they count the men?—A. They did, sir.

Q. What was the result, if you know?—A. Why, they was reported all present or accounted for.

Q. Do you know, yourself, how many men were there?—A. I do not, sir; not being in the capacity of first sergeant I don't know, sir.

By Senator OVERMAN:

Q. Did Lieutenant Greer count the men himself or did he designate somebody else to do it?—A. Lieutenant Greer went down the line and counted them, sir.

By Senator FORAKER:

Q. Did a sergeant go with him, or anybody?—A. He followed him.

Q. Which sergeant was that?—A. Sergeant Harley.

Q. He was first sergeant?—A. Acting first sergeant.

Q. Who was the first sergeant?—A. Sergt. William Turner was on competition at Fort Sill, Okla.

Q. He was absent.

Q. On competition drill?—A. Rifle competition, sir.

Q. At Fort Sill?—A. Yes, sir.

Q. Now, you went on duty behind the wall in the way you describe. What did you do the remainder of that night?—A. Why, after the line of skirmishers being formed, I was called again by Lieutenant Greer to step out and report to the commanding officer. I reported to the commanding officer. He told me to take two men off the extreme right of my squad and make a patrol around the hospital, commissary, quartermaster's storehouse, and post noncommissioned staff, and I took the two men and started on the patrol.

Q. What men did you take?—A. Privates Thomas L. Moseley and Mark Garman.

Q. You say the commanding officer told you. You mean Major Penrose told you?—A. Yes, sir.

Q. Did you make that patrol?—A. I did, sir.

Q. How long did it require to make it?—A. I don't know, exactly. I think it was about thirty-five or forty minutes, perhaps.

Q. You went to the guardhouse?—A. I went by the guardhouse and went to the hospital.

Q. And then what else?—A. I went to the hospital and stopped at the hospital and asked the first-class sergeant of the Hospital Corps was there any damage done around there, and he told me that two or three shots passed over—he heard the sound of them passing over his private residence.

Q. Who was that?—A. The first-class sergeant of the Hospital Corps. I don't know him by name, sir.

Q. Would you know him if you saw him?—A. I would, sir.

Q. Was he in charge of the hospital?—A. He was standing on the porch. I suppose he was, sir. I don't know how many sergeants the Hospital Corps had.

Q. What else did you do?—A. I proceeded around after that and went to the noncommissioned officers' staff quarters to wake them if they were asleep. I asked them if anyone had been hurt or anything, and they claimed that they had not—they did not know anything at the time about the shooting—some of them that I waked up.

Q. Did you get any similar report about balls passing over the hospital from anybody except the sergeant?—A. I only asked the sergeant. There was quite a number of patients standing out there.

Q. When you returned where did you find your company?—A. I reported back to my company in the same position in which I left them.

Q. Behind the wall?—A. Behind the wall.

Q. Then what happened after that?—A. Lieutenant Greer directed me to report all the facts to the commanding officer. I reported to him at the main gate.

Q. He was stationed there?—A. He was standing there, him and Mayor Macomb and Captain Lyon.

Q. And you made a report to him of the result of your patrol inside of the reservation?—A. Yes, sir.

Q. You did not go outside of the reservation?—A. No, sir; I did not.

Q. Then what happened?—A. He told me to report back to my company.

Q. Did you?—A. I did, sir.

Q. Then what occurred?—A. When I reported back to the company Captain Macklin then had charge of the company.

Q. He had appeared?—A. Yes, sir.

Q. Did you report to him?—A. I did, sir.

Q. What occurred then?—A. At that time he was standing in front of the company. He told me to take my place in the line, in the rear of the file closers.

Q. The place you had stepped out of when you had started to make the patrol. Was that it?—A. No, sir; the company had then been formed in front of the barracks, when I got back from reporting to the commanding officer.

Q. Your company was then in front of the barracks?—A. Yes, sir.

Q. And you took your place in front of the file closers?—A. In the rear of the file closers.

Q. What was done then?—A. Captain Macklin had all the men then to turn in their arms into the storeroom.

Q. Into the storeroom or the gun racks, which do you mean?—A. Into the storeroom, sir.

Q. That is downstairs?—A. Downstairs, and lock them up. About twenty-five or thirty minutes later the commanding officer sent an order around for Company O to get ready to go on outpost duty.

Q. Had you gone to bed before that order came?—A. Some of the men had been lying around, sir, fixing to go to bed.

Q. The guns were all turned in and locked up?—A. All turned in and locked up.

Q. Were any precautions taken by anybody that you know of to see whether the guns were all turned in?—A. I don't understand your question.

Q. Did anybody count the guns when they were turned in to see that they were all there?—A. Yes, sir.

Q. Who did that?—A. The captain, and also the quartermaster's sergeant was counting them.

Q. When they were put in the storeroom?—A. Yes, sir.

Q. The storeroom was locked up?—A. Yes, sir.

Q. And about twenty-five minutes later you got an order for C Company to go on duty?—A. On outpost duty.

Q. On outpost duty. What did you do then?—A. The guns were issued out to the men again, and they fell in line. The company marched down to the main gate and started from the main gate, establishing posts, three men at each post, until they reached the seventh post, which I was in command of, down next to the quartermaster's storehouse, and remained there until the next morning about half past 8 o'clock, as nearly as I can remember it.

Q. There is a map on the wall. I wish you would look at it and locate, if you can, the seventh post. I will just ask you, so we may see it as we go along, where is post No. 1?—A. Post No. 1, sir, was at the guardhouse.

Q. Now, Senator Scott will show you where the guardhouse is on that map.

Senator SCOTT. Here is the guardhouse [indicating].

By Senator FORAKER:

Q. Where is post No. 2?—A. Post No. 2 was in the rear of the soldiers' quarters.

Q. The barracks?—A. Yes, sir.

Senator SCOTT. Along here, or along between here and the wall which extended around?

Senator FORAKER. He walked in rear and then in front?

A. In rear and then in front.

Q. Then where was post No. 3?—A. In rear of the officers' quarters—rear and front at night.

Q. Now, where was post No. 4?—A. No. 4 was at the quartermaster's corral.

Senator SCOTT. Here is the quartermaster's stable [indicating].

A. It extended around those buildings.

By Senator FORAKER:

Q. That was No. 4?—A. No. 4.

Q. Where was No. 5?—A. We did not have any No. 5, sir.

Q. You spoke of No. 7?—A. No. 7 was outpost duty that night, and it was a cossack post.

Q. First, was there any No. 6?—A. Yes, sir; they numbered from 1 to 7.

Senator SCOTT. He is referring to the company being put on special duty that night out in town. He said they went out the gate.

The WITNESS. No, sir; you misunderstood me.

Q. Let us get it right, then.—A. I said we extended from the main gate of the reservation around to the quartermaster's storehouse inside of the reservation.

By Senator FORAKER.

Q. Two men together; how far apart?—A. One noncommissioned officer in charge of each cossack post with three privates.

Q. I do not get that name. What is it?—A. Cossack.

Q. What do you mean by that? Where was post No. 7, that you were in charge of?—A. At the quartermaster's storehouse.

Q. Was that the extreme right of your company?—A. That was that night the extreme right.

Q. You were in charge of that?—A. Yes, sir.

Q. How long did you remain there?—A. Until about 8.30, as near as I can remember, sir, the next morning.

Senator FOSTER. Where were posts No. 5 and No. 6?

Senator FORAKER. I think he pointed out post 5 at the corral.

A. That is No. 4.

Q. Is there a No. 5?—A. Only on that night, sir, the posts numbered from left to right.

Q. Where was No. 5 that night?—A. I could not exactly tell you; I don't really know. The outpost duty is different altogether from garrison duty.

Q. For the regular garrison duty you had no posts 5, 6, or 7?—A. No, sir; we had only four posts.

Q. I understand it then. But that night you had seven posts?—A. We had seven by putting on the cossack posts.

Q. And you were in charge of cossack post No. 7?—A. Yes, sir.

Q. How many men did you have under you?—A. I had three men.

Q. How near to you were any of the other men of your company?—A. Well, they extended about 150 yards, perhaps, apart, I think, if I am not mistaken.

Q. You mean that the squads were 150 yards apart?—A. The squads, that is what I have reference to, sir.

Q. What is the topography of that town? Nobody has told us about that. Is that level ground or is it hilly, or what?—A. The post seems to be setting on a level spot, sir.

Q. That is, the ground inside of the reservation is level?—A. Level.

Q. And how is it outside the post? Is that situated on level ground, or on what kind of ground?—A. Why, yes, sir; it seems to be on level ground, sir.

Q. Now, you remained there in charge of your three men until you were relieved in the morning, as I understand you?—A. Yes, sir.

Q. Then you did not see what occurred with any other men or at any other place?—A. No, sir.

Q. What happened in the morning first?—A. Why, in the morning, as near as I can remember, about 6.30, or perhaps not quite so late, Captain Macklin came around and inspected the rifles.

Q. Came around inspecting the rifles?—A. Yes, sir.

Q. That is before you came off duty?—A. Before coming off duty.

Q. What did he do when he got to your post?—A. When he got to my post—an officer approaching like that, I had one of my men stay on post and the other two to fall in, standing at attention, and he told me to bring the men to inspection of arms, and they brought the pieces up and he inspected them.

Q. Did he right there inspect the guns?—A. He did, sir.

Q. Was there anybody with him?—A. Sergt. Newton Carlisle, of Company C.

Q. Of your company?—A. Yes, sir.

Q. He was in company with him?—A. Yes, sir.

Q. Did he assist in any way in this inspection?—A. The only thing, he followed along, sir.

Q. What was the character of that inspection?—A. To see if any of the men had fired their pieces during the night.

Q. Was it a careful inspection?—A. It was, sir; very careful, indeed.

Q. Tell us what he did—did he take the guns and look at them?—
A. He taken each man's rifle, first taken the bolt out and looked through it to see if any powder or smoke, if it had been shot recently, or anything.

Q. What was the result of the examination?—A. Well, it seemed as though all the rifles were clean. He could not find anything the matter with them.

Q. He passed all of them, did he?—A. Yes, sir.

Q. Was there an inspection at the same time of the ammunition?—
A. Well, no, sir; on that morning he did not make an inspection of the ammunition at that time.

Q. Did he later make any inspection of the ammunition?—A. After we came off guard that morning and came into quarters each and every man had to turn in all his ammunition that he had been issued.

Q. What did you do with your ammunition? To whom did you turn it in?—A. All the ammunition was turned into the quartermaster's sergeant.

Q. How much ammunition did you have and what kind of ammunition did you have?—A. Well, when the firing commenced we only had the reduced-range ammunition; but later on we were issued ammunition; after we had fallen in line, sir.

Q. What do you mean by this reduced-range ammunition? Is that the guard ammunition?—A. That is the ammunition that we used in the garrison for guard duty, sir, and it has lead bullets.

Q. You say you had no ammunition except that kind until after the firing was over?—A. We had not, sir.

Q. When were you given that ammunition?—A. We were issued that between the 31st of July and the 31st of August.

Q. Let me ask you, you got your new guns and new ammunition at Niobrara?—A. Yes, sir.

Q. Before you left there?—A. Yes, sir.

Q. How much ammunition did you have when you left Niobrara for Brownsville?—A. We had 20 rounds of ball ammunition, sir.

Q. Ball ammunition?—A. Yes, sir.

Q. That is the regular ball cartridge?—A. Steel jackets; yes, sir.

Q. You carried that en route to Brownsville, did you?—A. Yes, sir.

Q. Then what happened with respect to your ammunition when you got there?—A. When we got to Brownsville, on or about the 31st, orders was issued that day for every man to turn in all his ball ammunition and to be issued 10 rounds of this reduced range ammunition.

Q. Did you turn in all your ball ammunition?—A. We did, sir.

Q. Was that all checked up?—A. It was, sir.

Q. Turned in to whom?—A. To the quartermaster-sergeant.

Q. Then he issued to you the guard ammunition?—A. The guard ammunition; 10 rounds.

Q. Ten rounds to each man?—A. Yes, sir.

Q. Then did you have any other ammunition except that 10 rounds of guard ammunition from then on until after the firing?—A. Not until after the firing that night, sir; we were issued some more.

Q. Then you say ammunition was issued that night. Was it distributed or was it simply brought out of the storeroom?—A. There was a box opened and just given to the men. I don't know exactly—

some of the men might have had 15 rounds and some might have gotten hold of 20—being in the matter of confusion, sir.

Q. What was done with that ammunition later when you came off guard? You said you were required to turn in your ammunition?—A. Why, it was turned back to the quartermaster.

Q. What did you have while you were out on duty that night?—A. Why, sir, I had 20 rounds.

Q. Of what?—A. Of ball ammunition and 10 rounds of the reduced range.

Q. Well, the next morning, when you came off duty, what happened?—A. The next morning, when we came off duty, we sent it back to the quartermaster's sergeant.

Q. Turned back your ball cartridges and also your guard ammunition, did you?—A. I don't remember about the guard ammunition, but we turned back the ball ammunition which we were issued that night.

Q. Was that counted out and checked up, or not?—A. It was counted out and checked up.

Q. Do you know as to anybody but yourself? Do you know how it was with the other men, or are you telling us just what happened as to yourself?—A. I am telling you about myself, but those things were a general rule through the company. When you open a box there is 1,200 rounds in it, and there was only one box opened that night.

Q. That was turned back the next morning?—A. Yes, sir.

Q. Your quartermaster's sergeant was McMurray, was it not?—A. Yes, sir.

Q. He is here, isn't he?—A. Yes, sir.

Q. He can tell us about what happened when you turned in your ammunition. Was it counted or not?—A. It was.

Q. Was there any other examination of the guns that you know of except that made by Captain Macklin on the post? Was there any other inspection of the guns—as to your guns—except that made by Captain Macklin on the post at 6.30 in the morning? Were they inspected again?—A. No, sir; not to my knowledge.

Q. And you were not present to see anything about the inspection of the other guns of your company?—A. I were not, sir.

Q. Now, can you tell us whether or not, in connection with target practice, there is any chance for men to get any surplus ammunition?—A. There is none.

Q. We have inquired about that so fully that I will not go into it. The others can ask you on cross-examination about the details of it if they want to. Now, about the cleaning of guns; you have had experience in cleaning these guns, have you?—A. For the past 11 years.

Q. Well, you had the Krag before you got the new rifle?—A. Yes, sir; and I had the Springfield before I got that.

Q. Tell us how long it takes to clean a gun after it has been fired, say a half dozen times, so that it will pass inspection.—A. Well, sir, to clean a gun for rigid inspection will take at least thirty or thirty-five minutes, to use sal soda, with a wiping rod and clean rag.

Q. Would it alter your estimate of the time necessary to clean a gun if I told you that distinguished officers of the Army assert that these guns could be cleaned in two or three minutes after they had been fired?—A. That is a matter of impossibility. Any time a gun

has been fired, it takes at least, for a rigid inspection, thirty or thirty-five minutes to clean it.

Q. That is your estimate of the time?—A. Yes, sir.

Q. Do you think it could be done in ten minutes?—A. No, sir.

Q. Or twenty minutes?—A. No, sir; I don't.

Q. I suppose in the matter of cleaning guns some are more expert than others?—A. Yes, sir; that is true enough.

Q. To clean a gun in the way you indicate, what facilities does a man need? That is, he must have a cleaning rod?—A. Yes, sir.

Q. Did you have any cleaning rod that accompanied the gun, or did you just have certain cleaning rods for each company?—A. Four cleaning rods in a company, sir.

Q. That rod hanging on the rack at your right there is a cleaning rod, is it?—A. Yes, sir; that is a cleaning rod, sir.

Q. Only four to each company. Did Company C have the cleaning rods with them that night, out on duty?—A. They did not, sir.

Q. State whether or not it was possible for a soldier to clean one of these guns without any rod, so that it would pass inspection.—A. No, sir; it was a matter of impossibility.

Q. State whether or not you could clean a gun with nothing but this thong brush.—A. How is that, sir?

Q. Could you clean one of those guns, using nothing but the thong brush, so that it would pass inspection?—A. No, sir; you could not.

Q. What has been your experience with the thong brush?—A. It simply stirs the powder up; that is about all, sir.

Q. The powder has to be swabbed out—washed out?—A. Yes, sir.

Q. And the Army officials furnish you the sal soda for that purpose, do they not?—A. Yes, sir.

Q. And you are required to learn the use of it to get the gun clean?—A. Yes, sir.

Q. Did you have anything to do with this shooting?—A. I didn't, sir.

Q. You were not engaged in it?—A. No, sir.

Q. Do you know who did do this shooting?—A. No, sir; I do not.

Q. Have you any reason to believe that anybody in your Company C did this shooting?—A. How is that, sir?

Q. Have you any reason to believe that any man in Company C did any of this shooting?—A. No, sir; I have not.

Q. Have you any knowledge that leads you to suspect any man of Company B, or any man of Company C, or any man of Company D, of doing any of this shooting?—A. No, sir.

Q. Have you withheld any knowledge from anybody with regard to this matter?—A. I have not, sir.

Q. Have you ever refused to tell all you know about this matter?—A. No, sir.

Q. Could your men on guard that night, the men who were in your charge, have cleaned their guns without you seeing them at it?—A. They could not, sir.

Q. And as it was with you, as to your men, it was as to all, I suppose; each squad had an officer in charge, had it not?—A. Had a noncommissioned officer in charge.

Q. Did you see the gun racks of Company C the next morning?—A. No, sir; I didn't.

Q. Do you know how many of your racks were injured?—A. I hear that four of them were. I don't know, sir.

Q. You didn't see them?—A. No, sir.

Q. Do you know what was done with them the next morning?—A. It was said they were sent to the blacksmith shop for repairs.

Q. They were sent in broad, open daylight, were they?—A. They were, sir.

Q. How were they sent; did anybody go with them?—A. Not being positive, I think the quartermaster-sergeant went with them.

Senator WARNER. He can only speak as to his own knowledge.

Senator FORAKER. I only want to know what he knows.

By Senator FORAKER:

Q. You don't know anything about it of your own personal knowledge?—A. No, sir.

Senator FORAKER. Take the witness.

By Senator WARNER:

Q. When you turned in your guns, when was that, after the formation of the company, that night of the 13th, the first time you turned in the guns, after that?—A. It was about an hour after the shooting occurred.

Q. Where were the guns placed?—A. They were placed in the storeroom.

Q. Not in the gun racks?—A. No, sir.

Q. Why were they placed in the storeroom?—A. They were placed in there by orders of the company commander; in compliance with orders, sir.

Q. Was that the usual way of doing?—A. No, sir; it was not; it wasn't the usual way of doing.

Q. What was the usual way?—A. That was a case not covered by instructions. This had never happened before. The usual way is to put them in the gun racks.

Q. When you say that this had never happened before, that they had been ordered to be turned in to the storeroom, is that what you mean? I don't understand myself, is the reason I ask you the question.—A. No, sir; that had never been ordered before, that they should be turned in to the storeroom.

Q. And you know of no reason for that?—A. The reason that might have been given for that was that the armracks had been broken, perhaps.

Q. Was there such a reason given?—A. No reason was given that night, to my knowledge, sir.

Q. You never saw the gun racks afterward?—A. I never seen them the next morning—the condition of them, at least.

Q. Now, when that gun rack is unlocked for the taking out of a gun, it is thrown back like unbuckling a belt and throwing it back, is it not, so as to leave all the guns free [indicating with the gun rack]?—A. Yes, sir.

Q. Every gun in the rack. That was what was done with the gun rack from which you got your gun?—A. That is the one that Sergeant Brawner opened, to my knowledge, sir.

Q. You say you heard hammering there?—A. Yes, sir.

Q. Did Sergeant Brawner give any instructions about that?—

A. In the midst of confusion, sir, I don't know what Sergeant Brawner said.

Q. You can not remember his saying anything?—A. I couldn't distinguish his voice, sir.

Q. Whether to stop the hammering, or what the hammering was about?—A. That was spoken by Sergeant Carlisle, for the men to quit hammering and wait until the noncommissioned officer in charge of quarters opened the gun racks.

Q. When was that order given by Sergeant Carlisle?—A. It was given during the confusion, sir.

Q. Did the men obey the order?—A. No, sir; they didn't obey the order, because the men were making a lot of noise, and they didn't understand him, perhaps.

Q. Making a noise of what kind?—A. Opening the racks and getting our guns, so that we could fall in.

Q. That is the kind of noise you mean?—A. Opening the racks to get a gun and hollering around to fall in.

Q. That is the noise you referred to?—A. Yes, sir.

Q. Was there any other kind of a noise?—A. I don't know, sir; I didn't pay much attention to it at that time.

Q. Your men were, then, after that, given the arms again—that is, your company?—A. Yes, sir; they were given back by orders of the commanding officer to fall in for outpost duty.

Q. Did all of your company go on outpost duty?—A. No, sir; I couldn't say that every man went, but all that we were supposed to have went on under the direction of the company commander.

Q. And all that were supposed to go on, were those all that were supposed to be there for duty?—A. Yes, sir.

Q. And they were distributed at these different posts?—A. Yes, sir.

Q. Seven men and a noncommissioned officer at each of the posts?—A. How is that?

Q. Was your company distributed to each of the seven posts?—A. They were distributed along to each of the seven posts.

Senator FORAKER. You asked him if there were seven men at each post.

Senator WARNER. No; I said seven posts. He understands, I think. I meant seven posts, at least.

Senator FORAKER. Yes.

By Senator WARNER:

Q. The guns that the men had, so far as you know, were not inspected that night, so far as you know?—A. No, sir; my men's guns were not inspected on the post that I had charge of.

Q. That is all that you can speak of definitely, of course?—A. Yes, sir; that is all.

Q. And it was about 6.30 o'clock in the morning?—A. As near as I can remember; it may have been later, and may have been earlier.

Q. Could these guns be cleaned with oil and a rag and a rod?—A. Could they be?

Q. Yes.—A. Yes, sir; they could be cleaned with a rag and oil and a rod.

Q. Yes. Is there any oil provided for the cleaning of the guns?—A. Yes, sir; there is oil sent from the arsenals for the cleaning of the rifles. It is kept in the quartermaster's storeroom.

Q. Let me call your attention, Corporal, so that you can understand, to this. Is it not a fact that there is a little can, or whatever you may call it, in the butt of this Springfield rifle, which contains this brush, of which you speak, in one end, and the oil in the other end?—A. Yes, sir.

Q. That was for that purpose; you could clean the gun with that, could you not?—A. That is there for the purpose of oiling up the bolt, sir.

Q. You could clean a gun with that, could you not?—A. There wouldn't be enough in there to clean it.

Q. Not enough?—A. No, sir.

Q. Is there any other reason why you could not clean it with that?—A. How is that, sir?

Q. Is there any other reason why you could not clean it with that, except that there is not enough of it?—A. As you frame the question, I don't understand the question.

Q. That is right, do not answer if you do not understand it. You have said, as I understand, that the gun could not be cleaned with that oil because there was not enough of the oil to clean a gun.—A. Yes, sir.

Q. That is your answer?—A. That is it, sir.

Q. Is there any other reason you can give, excepting that?—A. Well I don't know as there is.

Q. You heard the first shooting of the night?—A. I was awakened by the explosion of arms, sir. I don't know. There might have been a number of shots fired before I wakened up.

Q. Where were those shots from, what direction?—A. To the best of my knowledge, it seemed as though they were down next between B Company's and C Company's quarters, shooting, firing upon the quarters, coming in from that way, sir.

Q. Now, when you say between B and C Company's quarters, I will call your attention to this map. I believe that we have been calling this east up here.

Senator FORAKER. Yes.

By Senator WARNER:

Q. Here is Elizabeth street marked on this map, on which you enter into the gate of the garrison here, you see.—A. Yes, sir.

Q. And the next street here is Washington street.—A. How does that run to the barracks, vertical—I mean parallel?

Q. That is supposed to run north and south, I take it, from the map?—A. Yes, sir.

Q. And then the next, east of that, is Adams street, running parallel to the other. You notice those, do you not?—A. Yes, sir; parallel.

Q. Now, what I want, Corporal, if you can remember, is the direction of the shooting; from what point in here did it come, say, back of B quarters and C quarters? Just point yourself, if you wish to.

Senator SCOTT. Show him B and C quarters.

The WITNESS. Which is B and which is C?

By Senator WARNER:

Q. That is B, and that is C, and that is the vacant quarters, up there.—A. Yes, sir. What is this street?

Q. That is what is called the Garrison road. We have been calling that Garrison road.—A. Behind the quarters?

Q. Running behind the quarters.

Senator FORAKER. That is right in front of the wall.

The WITNESS. In front of the wall. Which is Elizabeth street, do you say?

Senator WARNER. This is Elizabeth street here.

The WITNESS. It seemed to be in this road here, and it might have been out in Elizabeth street; I couldn't say [indicating on map].

By Senator WARNER:

Q. That is, it seemed to be in Garrison road?—In the city, sir.

Q. In the city, this side, this way [indicating]?—A. Yes, sir.

Q. How far back in the city would you have placed those shots?—

A. I couldn't say, sir.

Q. You know where the telegraph office was on the corner of Elizabeth street?—A. Yes, sir.

Q. Marked "1" in red here [indicating]?—A. Yes, sir.

Q. How was that with reference to the shooting?—A. It may have been right there, and it may have been further down in the city; I couldn't say.

Q. I see here also, marked "2" on the map, a building. How was the shooting with reference to that? That is on the alley between Elizabeth street and Washington street?—A. I don't know exactly, sir; I couldn't say.

Q. You would not pretend to say exactly?—A. That I knowed, sir.

Q. How many shots did you hear in all?—A. Well, sir, there was quite a number of shots. I didn't take time, or anything like that, to count them.

Q. No, I assume not; but just approximately, was it 100 or 150?—

A. I couldn't really make a rough guess at it. I don't know exactly. It may have been 50 or 75.

Q. I do not pretend to think that you could exactly know, Corporal.—A. No, sir.

Q. I did not mean to imply by that question that you could.

Senator FORAKER. It might have been 150, I suppose.

By Senator WARNER:

Q. Senator Foraker says it might have been 150.—A. It might have been, sir.

Q. How was that shooting done? What was the character of it?—A. Well, you frame your question; I don't exactly understand you.

Q. Was it in volleys?—A. No, sir; when I wakened up it didn't seem that way, sir. It was just mixed firing.

Q. Afterwards—excuse me, perhaps you did not get through with your answer; I may have cut you off. I did not want to do that.—

A. (Continuing.) No, sir; it didn't sound like volleys.

Q. What do you mean by mixed firing?—A. I mean six-shooters, or shot guns, or Winchester rifles, it may have been; mixed.

Q. Anything else?—A. No, sir; not that I know of.

Q. Six-shooters and shotguns and Winchester rifles?—A. Yes, sir.

Q. And that firing was in what direction; can you tell?—A. The firing seemed to be over toward the barracks.

Q. Toward the barracks?—A. Yes, sir.

Q. Did you make any examination of the barracks afterwards to see if there were any marks?—A. Did I?

Q. Yes, at any time?—A. That morning I went down to the barracks and went down to B Company. Of course, I went down there. It seemed like that was where the stoutest fire was, coming toward their quarters. I went down there.

Q. Did you see any evidence of it?—A. No, sir; I didn't.

Q. How close an inspection did you make?—A. I just merely went down there, walking around. You could say a very close inspection, in one sense of the word. I didn't find anything.

Q. After that shooting what effort, if any, did you make to find out who did the shooting?—A. Well, sir, I made all efforts on earth, in one sense of the word, sir. I was called over by my company commander and the case was explained to me, and I tried to find out who did it, and I naturally talked around among the men and wondered, not being in a hostile country, who would ever attempt to fire upon the barracks, or anything like that, and I couldn't find out anything.

Q. Was it then said that there was a suspicion that members of the company—one of the companies—had done the shooting up of the town?—A. The next morning, sir?

Q. Yes; or the next day.—A. The next day, some time, it was claimed that they found some clips.

Q. Clips and shells?—A. Clips and some shells, or so they say.

Q. Shells such as you use in the Springfield rifle?—A. I don't know what the ammunition was. I never inspected the ammunition.

Q. I am asking you what the report was?—A. Yes, sir. They claimed it was the ammunition of the Springfield rifle.

Q. When was that with reference to the talk you had with your company commander?—A. I don't know; that was the next day. I was talking with some of the noncommissioned officers, sir, to assist in finding out who might have done the shooting.

Q. What did you do?—A. I went around among the men, wondering who could have ever attempted to fire upon the post, or anything like that, and just discussing in that manner, not being in a hostile country.

Q. Any other examination? Any other attempt to find out than that way?—A. In every way, in talking. We have talked it over again and again, you understand, sir.

Q. You wondered who could have fired upon the fort?—A. Yes, sir.

Q. To return now to the time of the formation of the company. When you first got out, what was the first thing you did after hearing the firing?—A. That night?

Q. Yes.—A. The first thing I did was to put on my trousers and shoes.

Q. Then what?—A. After the call to arms was sounded I put on my belt, sir.

Q. Go on.—A. And proceeded to the gun racks.

Q. What I wanted to see was, had you got your gun?—A. What is that?

Q. You proceeded to the gun racks?—A. Yes, sir.

Q. Did you get your gun then?—A. I didn't at that time.

Q. That was before you went to arouse, or attempt to arouse Captain Macklin?—A. It was before, sir.

Q. Yes; but you had gotten your gun before you went to Captain Macklin?—A. I had, sir.

Q. About how far was it from barracks C to Captain Macklin's quarters?—A. About 250 yards, sir.

Q. You walked up there?—A. I did, sir. Not walked; pardon me. I went over there in double time.

Q. That is, you mean by that, double quick?—A. I guess so.

Q. That is what we used to call it. And you failed to arouse him?—A. Yes, sir.

Q. And then you returned to barracks C?—A. Yes, sir.

Q. What was being done after you returned to barracks C?—A. I did not return to the barracks, sir. I returned to my company in front of barracks C. They were in line then.

Q. They were in line then?—A. Yes, sir.

Q. They had not moved around to the wall at that time?—A. They hadn't, sir.

Q. Was the company counted off before you started for Captain Macklin's; or after you returned?—A. I disremember. I think it was counted off after I returned; I mean counted off in fours.

Q. Counted off in fours?—A. That is what you have reference to, sir?

Q. Yes; and also I think, corporal, that you said they started to call the roll, and then didn't complete it, and the officer counted the men.—A. Yes, sir.

Q. How long, if at all, after you returned from going over to Captain Macklin's quarters was that?—A. Why, in counting the men, numbering off column of fours, or something like that, it is different altogether from taking a count to find out how many men are present. Maybe I misunderstand you.

Q. What I am talking about is, to find the number of men who are present.—A. To find the number of men that were present?

Q. Yes.—A. Explain it again, please.

Q. When was that count made?—A. That, if my memory serves me, was made before I was sent to Captain Macklin's, when Lieutenant Grier was first told to take command of the company by the commanding officer.

Q. Had the men gotten their guns before you went to arouse Captain Macklin?—A. Yes, sir.

Q. And that was done before you went over there?—A. Yes, sir.

Senator FORAKER. I would like to have the witness indicate which one of those houses in the line of officers' quarters was occupied by Captain Macklin. The officers' quarters are indicated by those black marks opposite the parade ground.

Senator SCOTT. I will point to them. Here they are, corporal, officers' quarters along here [indicating].

The WITNESS. Yes, sir.

Senator SCOTT. I suppose they were double quarters, were they?

The WITNESS. Yes, sir; double quarters.

Senator SCOTT. What is it you wanted to know, Senator Foraker?

Senator FORAKER. Can you tell us which one of those quarters Captain Macklin was in?

The WITNESS. He was in either 11 or 12, I don't remember which, sir. He was down next to the administration building.

Senator SCOTT. He was in one of these quarters here, at the end of the line?

The WITNESS. Yes, sir.

By Senator FORAKER:

Q. Then is there a plank walk running up there, or is that a road?—

A. That is a road.

Q. Was he right at the end of that road which comes in from the gate?—A. Yes, sir; in either 11 or 12 quarters, I disremember which one, sir.

Senator FORAKER. That is number 12 that Senator Blackburn has pointed to, is it not?

Senator BLACKBURN. No, sir; that is 11 and 12. They are all double quarters. He was in one of those two houses, the witness says; and he had come from Company C, and that is away up along there, next to the vacant quarters.

Senator FORAKER. Yes. What is that distance across from Company C to Captain Macklin's, if you know?

The WITNESS. At a rough guess, it is about 250 yards.

By Senator WARNER:

Q. What road, if any, did you travel in going from barracks C to Captain Macklin's quarters?—A. What road did I travel?

Q. Yes.—A. I just ran across the parade ground.

Q. Diagonally across?—A. Yes, sir.

Q. Now, the first sergeant in charge of the hospital—you call him first sergeant or hospital sergeant? What do you call him?—A. He is a sergeant of the first class of the hospital corps.

Q. The one that you had the conversation with?—A. Yes, sir; the one that I spoke about the shooting to that night.

Q. What is his name?—A. I don't know his name.

Q. Had he been in the regiment long?—A. He belongs to the post noncommissioned staff, and he doesn't belong to any regiment. He belongs to a corps.

Q. He had been with the regiment long?—A. He had been there during the time since we had arrived there. He was there when we got there.

Senator FORAKER. He had been there before you got there?

The WITNESS. Yes, sir; he had been there before.

By Senator WARNER:

Q. He was not with you at Fort Niobrara?—A. No, sir.

Q. And therefore you might not know his name, because you had been there only a few days?—A. Yes, sir; I don't know his name.

Q. I am requested to ask, Was he a white man or a colored man?—A. He was a white man, sir.

Q. When you speak of his quarters, in which he heard the shots going over, what do you refer to as quarters?—A. The post noncommissioned staff is furnished with quarters the same as the commissioned officers, and his quarters set right off from the hospital.

Q. That is, separate and distinct from the hospital?—A. From the hospital; yes, sir.

Q. To whom did you report that fact?—A. To Major Penrose, sir.

Q. To anyone else?—A. I was in company at the time with Mayor

Combe and Captain Lyon. I reported to him direct, he being commanding officer.

Q. That is, Mayor Combe had come there after the time of the shooting?—A. Yes, sir; they were at the gate at the time.

Q. Did you hear a conversation between Mayor Combe and Major Penrose there?—A. No, sir; I did not. They were talking, but I don't know what they were talking about.

Q. Did you hear it stated there who had done the shooting up of the town?—A. Not that night, I didn't.

Q. Did Mayor Combe say anything as to what his business was there, that you heard?—A. I don't know. He never said it so that I could hear it. I reported to the commanding officer and reported back, as I had orders, to my company commander.

Q. Whatever the conversation may have been there, you did not hear it?—A. I did not, sir.

Q. Did you see the flash of any guns?—A. I did not, sir.

Q. As I understand your evidence, when the extra ammunition was issued on the night of August 13, some of the men in the company may have gotten more than 15 rounds?—A. There were 1,200 rounds issued, about that much; 1,200 rounds or something like that, and some men may have got 15 and some may have got 20, yes, sir.

Q. That is what I understood you to state.—A. Yes, sir.

Q. And the entire 1,200 rounds were taken up there?—A. I couldn't say that, exactly, either, sir.

Q. Do you know?—A. No, sir.

Q. How was this extra ammunition issued?—A. That night, sir?

Q. Yes.—A. It was issued in bandoliers.

Q. By whom?—A. By the quartermaster-sergeant, under the supervision of Lieutenant Grier.

Q. You never saw the gun racks, as I understand you, from the time you went up and got your gun the night of the 13th; you never saw the gun racks after that?—A. Please frame your question; I really don't understand what you have reference to.

Q. Well, after the call to arms, you went up and got your gun at once out of the gun rack?—A. I went up and got a rifle out of the gun rack.

Q. It was your rifle, or some other?—A. It was somebody else's rifle.

Q. I did not mean to say that it was your individual rifle.—A. No, sir.

Q. Did you see that individual gun rack after that at any time?—A. Yes, sir; certainly. I seen the gun racks a day or two after that, or something like that, but never made any close inspection there.

Q. When did you see them?—A. When the racks were fixed and returned to the quarters; I seen them in the quarters, sir.

Q. That is, after they had been fixed?—A. Yes, sir; supposed to have been repaired.

Q. What do you know about their being fixed?—A. What I know is, they were sent over to the blacksmith's shop to—say to have them repaired and returned.

Q. How many were sent over there?—A. I don't know that. They told me 4 of them were sent over there.

Q. Did you see them at the time they were sent over?—A. No, sir.

Q. Who told you that 4 of them were being sent?—A. Why, sir,

the quartermaster-sergeant told me that 4 of them had been sent over there.

Q. You knew the officer—the noncommissioned officer—that was in charge of quarters that night?—A. I do, sir.

Q. Who had the keys to these gun racks?—A. Yes, sir.

Q. Did you have any conversation with him about them?—A. Concerning the racks?

Q. Yes.—A. What is that you have reference to, sir?

Q. That any of them had been broken open?—A. Not particularly; no, sir.

Q. Did he ever tell you how many of them had been broken open?—

A. He told me that there was one of them broken open. They had all been hammered on, but one was broken open. We had a conversation in that respect, sir.

Q. When was that?—A. The next day or two, before he made his affidavit, sir, concerning it, at Brownsville.

Q. The affidavit at Brownsville, as I understand it, was made possibly a week or two after the shooting.—A. I don't know, sir.

Q. How close up to the time of his making the affidavit was this?—

A. We were talking about it really next day, perhaps.

Q. Yes; about a gun rack being broken open?—A. We were talking about how many racks he had unlocked, sir.

Q. And he told you how many he had unlocked?—A. Why, he unlocked three of those racks, so he says; he unlocked one to my knowing. I don't know how many he opened. All of them been hammered on.

Q. He told you that he had unlocked three of them?—A. Yes, sir; he unlocked three, so he says.

Q. How many were there in the quarters?—A. There were four, sir.

Q. So that they were all unlocked, except one, as he told you?—

A. Yes, sir.

Senator BLACKBURN. He says four were sent to be repaired.

Senator WARNER. Yes; I know.

By Senator WARNER:

Q. You only know, of your own knowledge, of the unlocking of one?—A. Yes, sir.

Q. But the officer in charge of quarters told you that he had unlocked three; is that right?—A. Yes, sir; he unlocked three. He claims that he unlocked three.

Q. Yes; that is right.—A. But all of them had been hammered on.

Q. Yes.

Senator WARNER. I am through with the cross-examination of this witness.

By Senator OVERMAN:

Q. How many men were out on guard duty from your company that night—I mean accounted for—what you call accounted for?—

A. There were two different kinds of guard to perform that night, and there were four men on the main guard at the post guardhouse, sir.

Q. At about 11 or 12 you assigned a certain number of men to guard duty on that day?—A. Four men assigned on the original guard duty.

Q. Do you know how many men were absent and accounted for?—
A. Not being in the capacity of the first sergeant, I couldn't say.

Q. I thought you might know?—A. No, sir; I don't.

Q. You know that there were four?—A. I know that there were four in the main guard.

Q. Their position was up there at the main guardhouse that night?—
A. Yes, sir.

Q. When you went to get your gun, did Brawner open the rack in your presence?—A. Yes, sir; it being dark. He opened the rack that I got my rifle out of.

Q. Did he open it in your presence?—A. Yes, sir; I was right with him.

Q. In doing that, in opening that so that you could get your rifle out, he had to pull that back [indicating with gun rack] that way?—
A. Yes, sir; properly he had to throw it back like that.

Q. So that after you got your gun there was no reason for hammering this, was there [indicating rack]; there was no necessity for hammering that particular rack?—A. No, sir; but a man could go in there in the dark and be feeling that upper one, and think that it wasn't open.

Q. He might have hammered this upper one [indicating]?—A. Yes, sir.

Q. This way it was open enough for him to get a rifle out?—
A. It was open enough for me to get a rifle out, and I got it out.

Q. Did anybody else get a gun out?—A. I don't know, sir, at that time.

Q. Anybody else could have gotten a gun out of the rack that you got yours out of without hammering it?—A. Yes, sir.

Q. There was no need of hammering it if it was open like that [indicating]?—A. I couldn't say that it was open around all the way like that, but I got mine out.

By Senator HEMENWAY:

Q. You do not know whether that rack was hammered on before you got your gun out or not, do you?—A. How is that?

Q. You do not know whether that rack that you got your gun out of was hammered on before it was unlocked or not?—A. No, sir; I don't know that. I know that it wasn't hammered on until after the order was issued by the commanding officer for the racks to be opened, sir.

By Senator OVERMAN:

Q. You got your gun out before that order, didn't you?—A. Yes, sir.

By Senator BLACKBURN:

Q. How did you know that it had not been hammered on before the order to open the racks was given?—A. What I have reference to is that the men were not making any noise of hammering.

Q. How long had you been there before that order to open the racks had been given?—A. I got up and put on my trousers and shoes, and—

Q. I am not referring to that. How long had you been upstairs in the barracks before the order was given to open the racks?—A. I don't understand you, sir. I had been upstairs—

Q. Well, I am not responsible for that. How long had you been upstairs in the barracks where the gun racks were, waiting for your rifle, before the order to break open the racks was given?—A. Well, I got up, and about the time I could get up and get to the gun racks and call for the noncommissioned officer in charge of quarters—I was sent downstairs to see if I could find him, and I hadn't been up there more than about three minutes.

Q. How do you know that there was no hammering done on the gun racks while you were downstairs looking for the noncommissioned officer in charge of quarters?—A. I heard the noncommissioned officer issue the order, and I didn't hear any hammering before that.

Q. You mean that you did not hear any hammering upstairs while you were downstairs?—A. Yes, sir.

Senator BLACKBURN. That is all.

By Senator FORAKER:

Q. You could have heard it if there had been any?—A. I could have heard it.

Q. And after the order there was plenty of hammering?—A. Yes, sir.

By Senator PETTUS:

Q. Who gave that order?—A. Major Penrose.

Q. To break open the racks?—A. If they couldn't get the racks open, to break the racks open, and get the rifles out and fall in promptly.

By Senator OVERMAN:

Q. Do you know why the noncommissioned officer was not there?—A. He was sleeping in one end of the barracks, and he went downstairs to get permission, as he claimed, and didn't hear the call to arms.

By Senator FOSTER:

Q. How far apart were these racks placed in the quarters?—A. If you consider this coming up the steps into the quarters [indicating], on each side of the quarters, this is the banister, and one rack set here and one there to the left, and one here and one there [indicating].

Q. How far apart?—A. About 5 or 6 feet. I couldn't say. I don't really know.

Q. About 5 or 6 feet apart?—A. Yes, sir; perhaps, I don't know.

By Senator OVERMAN:

Q. You heard the call to arms, did you?—A. Yes, sir.

Q. Did this man, Brawner, open these racks?—A. Sergeant Brawner, yes, sir.

Q. Did he tell you that he had not heard the call to arms?—A. Did he tell me that?

Q. Yes.—A. Yes, sir; he told me that he didn't hear the call to arms.

Q. After you had gone down to find him and get him to open the racks, he told you that he didn't hear the call to arms?—A. He said that he hadn't heard the call to arms.

Q. He was sleeping there in the barracks while this firing was going on?—A. Yes, sir; he was in the barracks.

Q. Did he tell you he was there, or do you know that he was there?—
A. I do not; he slept near one end of the barracks, and I was near the other end.

Q. You don't know, then, whether he was there or not?—A. No, sir; I don't know.

At 12 o'clock m. the committee took a recess until 2.30 o'clock p. m.

AFTER RECESS.

The committee reconvened, pursuant to the taking of recess. Present: Senators Warren (chairman), Scott, Foraker, Hemenway, Warner, Fulton, Pettus, Blackburn, Taliaferro, and Overman.

TESTIMONY OF CHARLES H. MADISON (COLORED)—Continued.

By Senator WARNER:

Q. Corporal, there has been some talk here about different kinds of cartridges, the reduced range cartridge, the bullet cartridge, and the guard cartridge. I think you call it the multi-cartridge; is that it?—A. That is the one that has the lead bullets in it.

Q. In your own way, because you do not use any extra words, describe the different kinds of cartridges.—A. The different kinds of cartridges?

Q. That your company had while at Brownsville.—A. We had when we arrived at Brownsville the ball cartridge, with the steel jacket. That was on the 28th of July.

Q. Yes.—A. Between the 31st and the 3d it was taken in, and we had only the guard cartridges. They are made of lead—lead bullets. Is there anything further, sir?

Q. What was the difference between the guard cartridge and the reduced-range cartridge?—A. The guard cartridge and the reduced-range cartridge is practically the same.

Q. That is what I thought.—A. Yes, sir. And to use those cartridges for garrison duty, for guarding prisoners; to shoot at 100 yards you would have to set the sight at 500 yards, and at 200 yards it is 750.

Q. The guard cartridge and the reduced-range cartridge, then, are the same?—A. Are the same.

Q. And that has a less charge of powder than the others?—A. About 15 grains, sir.

Q. The only cartridge that your company had; that is, that you know of.—A. On the night of the 13th, sir?

Q. Yes.—A. Was the guard cartridge; 10 rounds to each man.

Q. How many rounds of ammunition did you have when you left Niobrara?—A. We had 20 rounds, sir.

Q. Were any of these taken up?—A. Were any of these taken up?

Q. Yes.—A. Where, sir?

Q. After you left Niobrara.—A. They were taken up after the 31st day of July, at Brownsville.

Q. So that you only had 20 rounds between the—A. Between the 31st and the 3d. The order was issued on the 31st.

Q. The guard cartridge was carried in what? Was it in what they call the web belt or in the McKeever box?—A. At that time, when

we were issued them, we carried them in our web belt, sir. We were using the web belt, as we had turned in the McKeever belt at Niobrara.

Q. How was it with the other companies?—A. I don't know, sir.

Q. Did you have the McKeever box at all while at Brownsville?—A. It was issued to us between the 31st and the 3d. I don't know when.

Q. The McKeever box?—A. Yes, sir.

Q. After you got the McKeever box, between the 31st of July and the 3d of August—A. Yes, sir.

Q. At Fort Brown, did you use the McKeever box after that?—A. On certain occasion. I am not positive, but I think we did, sir.

Q. On what occasions would it be used?—A. For inspection, sir.

Q. What else?—A. You could use it for drill, but as a general rule, at that time, we were using the web belt.

Q. You had inspection how often?—A. We had inspection once a week, every Saturday.

Q. That was regular, was it not?—A. Certainly; yes, sir.

Q. After inspection, and simply for ordinary drill during the week, and for guard duty, would you take your cartridges out of the McKeever box and put them back in the web belt?—A. Yes, sir, for drill; if it was called for, having drill in the web belt, we would do so.

Q. I know, if it was called for to have drill in the web belt, you would do so, but for an ordinary call?—A. The ordinary call we went out with 10 rounds in the web belt.

Q. For ordinary occasions you would have the web belt?—A. For ordinary ones we had the web belt.

Senator OVERMAN. For inspection?

The WITNESS. Did you mean for inspection?

By Senator WARNER:

Q. No. You would change from one to the other?—A. Yes, sir.

Q. You do not know how it was with the other companies?—A. I do not, sir.

Q. Did you go down in the city of Brownsville after the shooting on the night of the 13th of August?—A. I did not, sir.

Q. You made no inspection down there at all; you had no opportunity of doing it?—A. No, sir.

Q. You knew that certain members of your company had some trouble with the citizens there?—A. I remember of Private Newton being reported to the commanding officer and an investigation being made by them.

Q. You knew of another, did you not?—A. Private Reed.

Q. Who was it that was pushed off of the gang plank?—A. That was Private Reed. Private Oscar W. Reed, of C Company.

Q. Did you know of any others?—A. No, sir; not to my knowing.

Q. Reed and Newton?—A. Reed and Newton is the onliest two.

Q. You heard of the refusal to allow the men to go into the saloons?—A. I have seen signs to that effect, sir.

Q. Signs posted up in the saloons?—A. At the saloons; yes, sir.

Q. What were the signs; "No colored men admitted here?"—A. They had signs—fingers pointing or diagrams in that shape [indicating]—"For negroes on this side," and "For whites," and so forth.

Q. Separating?—A. Separating; yes, sir.

Q. Did you hear that matter discussed and talked of among the men of your company?—A. No, sir; as a general rule I didn't, sir.

Q. Did you hear it discussed as to the man that was struck with the revolver?—A. No, sir.

Q. Newton?—A. No, sir.

Q. Or the man who was pushed off of the gang plank?—A. No, sir.

Q. You didn't hear that discussed at all?—A. What have you reference to? Explain your meaning.

Q. Did you hear those circumstances discussed and the fact that he had been pushed off of the gang plank?—A. Yes, sir; I heard that discussed.

Q. Among the men?—A. It was reported to the company commander and afterwards to the commanding officer, and there was an investigation made about it.

Q. Did you hear it discussed among the men in the barracks?—A. Nothing more than the report made concerning it.

Q. And that report was not made in the barracks, but was made to an officer in the proper place?—A. I am the man that made the report to the company commander concerning Private Reed.

Q. You made that to him in his office?—A. Yes, sir; in the orderly room.

Q. That was the only way you heard this spoken of?—A. Really, I never heard it spoken of in any other way, really, than being reported to the commander of the company. Some men wondered what it was did for. I have heard it spoken of.

Q. After the night of the 13th, while you were at Brownsville, did you not hear it discussed that it was thought that members of Company C were engaged in this shooting up of the town?—A. I did not, sir.

Q. You never heard an intimation of that kind?—A. No, sir.

Q. Did you ever hear it said that members of either of the other companies—that it was charged that members of either of the companies—had been engaged in the shooting up of the town on the night of the 13th?—A. No, sir; I did not.

Q. What uniform was it that you wore while at Niobrara?—A. We wore the khaki uniform quite a while there, sir. I don't just remember now up to what date we wore it; and the blue uniform—the old pattern blouses.

Q. Did you change your uniform before leaving Niobrara for any other?—A. Yes, sir; we did.

Q. And what uniform did you take with you?—A. We had the khaki uniform on, if my memory serves me right.

Q. What other uniform did you take with you?—A. We had all of it with us, but that is what we wore.

Q. You took the blue uniform with you?—A. Yes, sir.

Q. What did you do with that when you got there?—A. We used it only on certain occasions—for full-dress inspection and undress inspection.

Q. Did you take anything else with you?—A. We had nothing but the blue and the khaki.

Q. The khaki was the new uniform that you had issued to you there?—A. There were several of the men that had been in service several years who had kept it on hand.

Senator WARNER. That is all.

Senator FORAKER. A few days ago, Senator Warner, I asked the chairman to address to the War Department a letter asking that there be transmitted to the committee a sample of guard cartridge and of reduced-range cartridge; and General Crozier has written this letter, which I will ask the stenographer to incorporate in the record. The letter referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, February 9, 1907.

THE CHAIRMAN SENATE MILITARY COMMITTEE.

SIR: In accordance with your request made by telephone, I am sending you herewith 5 guard cartridges and 5 gallery practice cartridges for the model of 1903 magazine rifle, caliber .30. Description of these two cartridges will be found on pages 46 and 47 of the "Description of the United States Magazine Rifle, Model of 1903, Caliber .30," inclosed herewith.

No reduced-range cartridges for the model of 1903 rifle have ever been manufactured or issued by this Department.

Very sincerely,

WILLIAM CROZIER,
Brig. Gen., Chief of Ordnance.

Box containing 10 cartridges and Form No. 1923 herewith.

He says that he sends us samples of the guard cartridges and also samples of the gallery cartridges, and he says we will find these cartridges described at pages 46 and 47 of the little volume issued by the War Department, entitled "Description and Rules for the Management of the United States Magazine Rifle, Model 1903, Caliber .30." I desire to put in evidence in this connection, therefore, extracts from this work, containing the official description of cartridges issued by the War Department, not only as to the guard cartridge but also as to the ball cartridge. I put in evidence the following from page 43 in regard to the ball cartridge, which is the ball they use in battle, as I understand it:

Ammunition for United States magazine rifle, model of 1903.

BALL CARTRIDGE.

The caliber .30 ball cartridge, fig. 143, consists of the case, primer, charge of smokeless powder, and bullet. The case is of brass. It has a conical body joined by a sharper cone, called the shoulder, to the neck, which is the seat of the bullet and very nearly cylindrical. The head of case is grooved to provide for extraction of cartridge, and is provided with primer pocket and vent. The initials of the arsenal where the ammunition is made, the number of the month, and the year of its fabrication are stamped on the head of case.

The primer consists of cup, percussion composition, disk of shellacked paper, and anvil. The cup is of gilding metal and the anvil of brass. The primer composition is nonfulminate, being composed of sulphur, sulphide of antimony, chlorate of potash, and glass. The shellacked paper disk covers the composition and assists in keeping moisture from it.

The charge of powder is sufficient to produce in the rifle a velocity of 2,200 feet. With the nitroglycerin powder now in use the weight of charge required to produce this velocity varies with the lot of powder used. The mean is about 42 grains.

The bullet has a core of lead and tin composition inclosed in a jacket of cupro-nickel. The sides of the bullet are smooth and its base flat. That portion of the sides of the bullet inclosed in neck of case is covered with lubricant of japan wax and graphite. The bullet weighs 220 grains.

The standard muzzle velocity of this ammunition in the rifle is 2,200 feet per second. The instrumental velocity, measured at 53 feet from the muzzle, is 2,163 feet, with an allowed mean variation of 20 feet per second on either side of the standard.

The cartridge complete weighs about 450 grains, its weight varying slightly with variations in weight of powder charge.

Five cartridges are packed in a clip.

From page 46, under the subhead "Guard cartridge," I want to put into the record the following description:

GUARD CARTRIDGE.

This cartridge, Fig. 147, is loaded with about 15 grains of powder and an unjacketed bullet of lead and tin composition weighing 177 grains.

The bullet is held in the neck of the case by a cannellure in the case at the base of the bullet and a crimp at the upper end of the case.

The charge is such as to give a velocity of 1,150 feet per second.

This cartridge gives good results at 100 yards and has sufficient accuracy for use at 150 and 200 yards.

The range of 100 yards requires a sight elevation of 500 yards, and ranges of 150 yards and 200 yards require elevations of 600 and 700 yards, respectively.

General Crozier has sent us some gallery cartridges, about which we have no testimony at all, but I will put that in.

On page 47 of this book there is a description of the gallery practice cartridge. Now, I will exhibit this to the witness.

By Senator FORAKER:

Q. State what cartridge it is that I hand you.—A. (After examination.) That is the guard cartridge; the reduced range cartridge.

Q. That is the kind of cartridge that Company C was armed with, was equipped with, that night?—A. Yes, sir; it is.

Q. And each man had ten of those cartridges?—A. Two clips; five in each.

Q. Ten rounds. Each man had two clips?—A. Yes, sir.

Q. There is no steel jacket on that bullet?—A. No, sir.

Q. I will hand you another cartridge. Please look at it and tell, if you can, what kind of a cartridge that is.—A. (After examination.) That looks as though it was a gallery practice cartridge.

Q. Yes; that is what General Crozier says it is. I will not take any more time with that. On that night you had that and had no ball cartridge?—A. No ball cartridges whatever, sir.

Q. I find by looking at the record that you were arrested at Brownsville?—A. Yes, sir.

Q. Along with eleven other comrades?—A. Yes, sir.

Q. You were kept in confinement there, were you?—A. I was placed in confinement there until the morning of the 25th.

Q. Do you know what day you were arrested—do you remember?—A. I do, sir; on the 23d.

Q. On the 23d?—A. Yes, sir.

Q. All the other 11 were arrested at the same time?—A. Yes, sir.

Q. You were all confined in the guardhouse, were you?—A. Yes, sir.

Q. And kept there until the battalion left?—A. Yes, sir.

Q. Then what happened to you; did you leave with the battalion, or not?—A. Yes, sir; we left with the battalion and went to Fort Sam Houston—San Antonio, at least; then we were sent to Fort Sam Houston.

Q. While you were at Fort Sam Houston, can you tell us whether any military charges were preferred against you?—A. I couldn't really say, but the commanding officer at that time, who was Major Brown, if I am not mistaken—Major Clark, if I am not mistaken, is his name—he came down to the guardhouse and stated that he had orders from the War Department to put charges against us under the sixty-second article of war, but I never heard any read to me.

Q. He did not read any to you?—A. No, sir.

Senator FORAKER. I will read to you the charge now which the record shows was actually made.

Charge and specification preferred against Corpl. Charles H. Madison, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Corpl. Charles H. Madison, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did singly, or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by leading with ball cartridges and firing said rifle in said streets of said town, and causing damage to property of inhabitants of said town. This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.

Witnesses: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D.

In confinement since August 25, 1906.

Rate of pay: \$14 per month.

Previous convictions: None.

By Senator FORAKER:

Q. You have heard me read the charge that you took a gun and went out and helped to do this firing. You have already testified that there is no truth in that, as I understand you?—A. Yes, sir.

Q. I will ask you now to state specifically whether there is any truth in that charge, so far as you are concerned.—A. There is none, whatever, sir.

Q. Were you at any time brought to trial after these charges were made against you?—A. I were not.

Q. Were you at all times ready for trial?—A. I were, sir.

Q. What happened to you next, after you heard that these charges were made against you?—A. Well, I remained there in the guard-house at Fort Sam Houston, really, until I was discharged.

Q. Until you were discharged without honor?—A. Yes, sir.

Q. Without anybody offering to give you a trial of any kind?—A. Yes, sir.

Q. What pay were you getting at the time you were discharged?—

A. I was getting \$21 a month; \$19 as a private soldier and \$21 as a non-commissioned officer—a corporal.

Q. That is \$2 more?—A. Two dollars, sir.

Q. You had increased pay as a private soldier because of your long service?—A. Yes, sir; \$19.

Q. That would keep on increasing as long as you were in the Army?—

A. Up to twenty-three, yes, sir.

Q. You had been in how many years?—A. Eleven years, nine months, and eight days.

Q. Just one word about the gun racks. Do you know whether any guns were injured, as well as the racks, that night?—A. Yes, sir; I can make mention of two guns that the sights were broken off.

Q. Is that all you know about that?—A. No, sir; there were several others, but I couldn't call the men's names personally. I can call these men's names personally. Private O'Neil, his sight was broken off.

Q. Can you state anything about the injury to the other guns?—A. Yes, sir; the barrels being scarred. They are covered with wood, and they were scarred from the missing of the racks and hitting the rifles.

Senator FORAKER. All that I can bring out better by somebody else.

By Senator WARNER:

Q. You saw those guns?—A. Yes, sir.

Q. Where?—A. At Fort Brown.

Q. How long was this after the night of the 13th?—A. Well, sir, it might not have been more than two days. It may have been on the 14th, from all I recall at the present time from my recollection.

Q. Who showed you those guns?—A. The members of the company. After being called out for guard duty three days later, they stated that their rifles were not any good, and they couldn't do anything with them. I have reference now to the men whose sights were broken off their guns.

Q. Do you know how many men?—A. Two of my knowing personally.

Q. This band that goes around, that locks the rifles, is that up near the sight [indicating on gun rack]?

A. No, sir; it is up near the top. It is up near the top sight; but the rear sight, it is not.

Q. Which sight was broken off these guns?—A. The rear sight.

Q. And how much below the band that goes around in the gun rack would the rear sight be that was broken off?—A. How is that, sir?

Q. How far—what distance—below this band would the rear sight of the gun be?—A. You mean to ask me what the distance is between this band and the rear sight?

Q. Yes.—A. It looks to be about 15 inches.

Q. Did you see the guns with the sights broken off?—A. I did, sir.

Q. But that, whatever it was, was after the night of the 13th.—A. Yes, sir; it was after the night of the 13th.

By Senator OVERMAN:

Q. Do you know what was done with the guns with the sights broken off?—A. I don't know, really; but they always have to make a requisition to the ordnance department for spare parts to those guns to fix them. I didn't know what was done. I was placed in confinement and I don't know what was done.

By Senator WARNER:

Q. These parties, soldiers, reported to you for guard duty, saying that their guns were no good?—A. I didn't say that, sir; you misunderstood me.

Q. Pardon me. What was it?—A. I said that the men made complaints about going on guard duty with such rifles.

Q. To whom?—A. They made complaints to the different chiefs of their sections; to the men who were in charge of the sections.

Q. They made those complaints to the noncommissioned officers in charge of their sections?—A. Yes, sir; and they also reported the facts to the company commander.

Q. Did you hear that?—A. Did I hear it?

Q. Yes.—A. Well, I couldn't really say; no, sir; I didn't hear it myself, personally.

Q. Did you make any report to the company commander?—A. I had no right to, sir; my rifle was not damaged.

Q. Were there any members of your squad whose rifles were injured; did you make any report of that?—A. Yes, sir; I did.

Q. To whom did you report?—A. I reported to Sergeant Carlisle.

Q. Is Sergeant Carlisle here?—A. He is outside there, sir.

Q. When was it that you reported to him?—A. I don't remember the date; sometime after the 13th.

Q. I may have asked you this—pardon me if I ask you again: What kind of cartridge was it you had when you left Niobrara?—A. The ball cartridge.

Q. The ball cartridge. I had asked you that before?—A. Yes, sir.

Q. And you had those 20 rounds of ball cartridge?—A. Yes, sir.

Senator WARNER. That is all that I want to ask.

By Senator OVERMAN:

Q. After you came down without your gun you said that you went up and got your gun and the rack was unlocked by Brawner, and you then took your gun and went downstairs, so I understand.—A. I didn't say that. I said I went up and got a rifle after the rack was unlocked.

Q. You got a gun?—A. Yes, sir.

Q. What did you do then?—A. I went down and fell in line.

Q. Was anybody else down there in line with guns?—A. Not at that time.

Q. How many were down there?—A. I don't know as anyone fell in line before I did. I am quite sure there wasn't.

Q. You were the only man down there with your gun then?—A. To my knowing.

Q. You went up and got a gun out of a rack, and the men were down there without guns?—A. Some of the men had fallen in line without guns.

Q. Without guns?—A. Yes, sir; and they were driven back by Major Penrose to get their guns.

Q. Major Penrose was there then?—A. Yes, sir.

Q. He saw you in line, the only man with a gun?—A. Yes, sir.

Q. You were the only man with a gun?—A. Yes, sir.

Q. You were the only man there?—A. Yes, sir.

Senator OVERMAN. Stand aside.

By Senator FORAKER:

Q. That was in the beginning? You were the first one?—A. Yes, sir.

(At this point the witness was excused.)

TESTIMONY OF GEORGE W. McMURRAY (COLORED).

Sworn.

By Senator FORAKER:

Q. Please state your name in full, so that we can get it in the record.—A. George W. McMurray.

Q. Did you belong to the Twenty-fifth Infantry in August last?—A. Yes, sir.

Q. Were you with your regiment, with your battalion, at Brownsville?—A. Yes, sir.

Q. What company did you belong to?—A. Company C.

Q. Did you hold any official position in the company; and if so, what was it?—A. I was quartermaster-sergeant of Company C.

Senator FORAKER. I want to put in the record at this point, as a part of it, the official military record of this witness, as furnished by the War Department, as it is found at page 255 of Senate Document No. 155.

The matter referred to is as follows:

Muster 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.

By Senator FORAKER:

Q. How long were you in the service?—A. Eight years, up to that date.

Q. You were discharged without honor as a quartermaster-sergeant of Company C, according to this record, in November, 1906?—A. Yes, on the 24th.

Q. On the 24th, and you were first mustered in July 18, 1898?—A. Yes, sir.

Q. You served continuously all that time, did you?—A. Yes, sir.

Q. What State were you born in?—A. In Little Rock, Ark.

Q. Where were you living when you were enlisted?—A. Little Rock, Ark.

Q. You were living there?—A. Yes, sir.

Q. Now, sergeant, do you remember about some firing that happened at Brownsville on the night of the 13th of August, 1906?—A. Yes, sir.

Q. Just proceed and tell us in your way all you can recollect about it. Where were you when it commenced, for instance?—A. On the night of August 13th I were in barracks, Company C barracks, at Fort Brown, asleep, and was aroused by firing, and also by the call to arms that was going at the same time.

Q. Let me ask you this right there. Right in the rear of Senator Blackburn is a map on the wall, of the fort and the town of Brownsville. Senator Scott will come over there and explain it to you. Please show us where, in your barracks, you were sleeping that night; whether upstairs or downstairs.

(The map was here explained to the witness by Senator Scott.)

A. I was here [indicating].

Q. You were in C barracks?—A. In C barracks.

Q. Upstairs or downstairs?—A. Downstairs.

Q. Where was your room situated downstairs?—A. Near the entrance to the barracks. My room was right on the right-hand side as you went in. That would make it somewhere near the red "C" there on this side [indicating on map].

Q. You fronted out toward the parade ground?—A. Yes, sir.

Q. You were in there asleep when the firing commenced?—A. Yes, sir.

Q. And you were awakened by the firing and the call to arms.—

A. Yes, sir.

Q. What did you do; go right along?—A. When I got up, when I heard it, I at first got out from under the mosquito bar and began to dress; but when I got out there were a great many of the men out. I was one of the last that got out there. I could hear them running down, going out.

Q. Running down from upstairs?—A. Yes, sir; going out there. Sergeant Harley slept right in a little room right behind the first sergeant's office, and he came through there going out, and he told me to hurry up.

Q. He was acting first sergeant that night?—A. Yes, sir; Sergeant Harley. And as he passed through the room I asked him, "What is all that noise out there?" He says, "I don't know; hurry out and come and see." As soon as I slipped my shoes on—I didn't take time to tie them—but I went out.

Q. Did you take your gun?—A. No, sir; the rifles were all up stairs in the racks. I went out and went down the steps and went into the file closers—stopped in the file closers.

Q. Without any rifle?—A. Yes, sir; without any rifle.

Q. What did you go down for without a rifle, when there was a call to arms? What did you go down and fall in without a rifle for?—A. I saw the rest without rifles. Everybody else was without a rifle, so that I went out, too.

Q. Then what happened?—A. Just as I got out in the line they were counting the men. Sergeant Harley and Major Penrose were there counting the company, and also Lieutenant Grier. Those two officers were there present, and they were counting the men.

Senator OVERMAN. Who was doing the counting?

The WITNESS. They were all going along. Major Penrose was in front, and I suppose he was doing the counting, as he had his hand going that way [indicating] toward each man. Then he went around from right to left and turned and came in behind and was counting the rear rank, and he then went on down counting the file closers.

By Senator FORAKER:

Q. What was done about guns?—A. After he got done counting, Major Penrose, I think, gave the order, or some officer, anyway, gave the order, "Go and get your rifles." Someone explained that the gun racks couldn't be opened, and he said, "Get them, if you have to break the racks open." He says, "I want you to have those rifles." So I turned then, and everybody came from the line and went upstairs to get their guns, and when I got up the steps they were upstairs try-

ing to get into the gun racks. Finally a cook came on up and he had an ax, and he commenced to chop on the gun racks.

Q. Who was that?—A. Henry Arvin, the cook.

Q. Henry Arvin?—A. Yes, sir.

Q. What did he do?—A. He chopped the racks open, and every man got a rifle. He didn't get his own rifle, and I don't think I got my own. I don't think anybody got his own rifle. I just got the first one that I got my hands on.

Q. Who was in charge of quarters?—A. Sergeant Brawner.

Q. Where was he; was he in there?—A. I don't know. I hadn't seen him at the time. I didn't see him.

Q. Did you yourself get a rifle out of a rack that had been broken open?—A. I got a rifle, not my own.

Q. How was the rack broken open?—A. It was broken open with an ax.

Q. It was broken open with an ax? Do you know whether it was broken open or unlocked?—A. They were badly hacked up, I know, the next morning; but whether they were hacked up when they were unlocked I don't know.

Q. Did you see Sergeant Brawner at all in connection with the opening of the racks?—A. No, sir; I didn't see him at all that night, because it was dark. You couldn't tell who anyone was without you heard their voice and heard them speak.

Q. As soon as you got your rifle you ran down and joined the company?—A. Yes, sir.

Q. Was there a general pounding and knocking at the racks that night?—A. Yes, sir. I heard them knocking after I got downstairs.

Q. You say that you saw the gun racks the next morning. What was done with them, if anything?—A. Some were hacked up pretty bad; on some the bands were broken, and staples were knocked out, and one or two of the locks were spoilt.

Q. What did you do with them?—A. After the company came off guard Captain Macklin ordered me to carry them to the blacksmith shop and have them repaired, and I carried them there.

Q. In what way did you carry them there?—A. I put them in a wagon.

Q. You put them in a wagon and hauled them there?—A. I got a wagon from the quartermaster and carried them there.

Q. Did anybody go with you to help carry them there?—A. We had a detail of three men.

Q. What men were with you?—A. I don't remember what men they were.

Q. But you took three men, and you had four gun racks?—A. Yes, sir.

Q. And you left them at the post blacksmith's?—A. Yes, sir; I left them at the quartermaster's.

Q. What was his name?—A. I don't know his name, but I seen him here.

Q. You have seen him here?—A. Yes, sir; I know his face.

Senator FORAKER. If it is necessary, I shall want a subpoena for him.

By Senator FORAKER:

Q. You say that he is out here?—A. I saw him out there in the hall this morning.

Q. I can call him without a subpoena, perhaps, but I want to examine him. How long were your guns at the blacksmith's, being repaired?—A. I don't know whether I went that afternoon and brought them, or whether it was the next morning.

Q. But not later than the next morning?—A. Not later than the next morning, I think, if my memory is right on it.

Q. Go ahead and tell us what you did after your company was formed with your guns. State, if you know, whether all your men were present, and how you know it.—A. After they had gotten their arms and got out in line, if I am not mistaken—I was in file closers—Sergeant Harley reported the company all present or accounted for, and then Major Penrose told Lieutenant Grier to take charge of the company and march it in rear of the barracks. So he taken command and gave the command, "Squads left," and marched them around to the left.

Q. He posted you behind the wall in rear of the barracks?—A. Yes, sir; and when we got behind the wall he gave the command—in marching along he gave the command—"On right into line of squads," and that throwed the squads out, and then he gave the command for skirmishers, and they formed a skirmish line behind the quarters.

Q. What happened next? We have been over all that, and that is the reason that I am hurrying. What happened next?—A. After we got in line of skirmishers we all laid down on the ground—that is, the company.

Q. How long did you stay there, I mean?—A. It must have been an hour or more.

Q. Then where did you go?—A. Then we were carried back to the barracks and told to go to bed.

Q. What did you do with your guns?—A. The rifles were locked up in the storeroom. As the racks were all broken, the rifles were locked up in the storeroom.

Q. That is, until morning?—A. No, sir.

Q. Well, they were locked up?—A. They were locked up.

Q. Who had charge of the storeroom at that time?—A. At that time?

Q. Yes.—A. Sergeant Harley.

Q. Sergeant Harley?—A. Yes, sir.

Q. He was the acting first sergeant?—A. Yes, sir.

Q. You, as quartermaster-sergeant, did not have charge of the storeroom?—A. Not on that night.

Q. Yes.—A. After the rifles were put in I was told to lock up the storeroom and turn the keys over to the first sergeant.

Q. Did you do that?—A. Yes, sir.

Q. How long did it remain that way?—A. Until the gun racks were fixed; I think it was the next day.

Q. What did you do next that night?—A. They all went up; everybody went to his bed, and a few minutes after that Captain Macklin came over to us and ordered out on guard the whole company, and then these rifles and the ammunition and everything were gotten out of the storeroom for guard duty.

Q. Then you went on duty?—A. The company did. I didn't go on duty, myself.

Q. You remained in quarters?—A. Yes, sir.

Q. And they remained on duty all night?—A. All night; yes, sir.

Q. You were not out on the line, and you don't know what happened?—A. No, sir.

Q. Then tell us, if you can, what happened the next morning?—A. The next morning, as well as I can remember, just before reveille, or just after—I didn't go out to attend calls—

Q. Yes; you didn't have to go out?—A. No, sir; and the next morning, I think—

Q. You were excused as quartermaster-sergeant, it is suggested; is that right?—A. Yes, sir.

Q. Was this company inspected the next morning, to your knowledge?—A. It was, some time in the morning, but I don't know when it was.

Q. You were not there?—A. No, sir.

Q. You had nothing to do with that?—A. No, sir.

Q. Then we will pass that by. Now, sergeant, you, as quartermaster-sergeant, received all ammunition, did you?—A. Yes, sir.

Q. That was issued to the company?—A. Yes, sir.

Q. What was your duty to do with it, and what, in fact, did you do with it? Going back to Niobrara, when you first got your new ammunition to go with the new guns, what did you do with it?—A. When we were preparing to leave Niobrara, or rather when we had the new ammunition, there was verbal orders from the captain that each man have 20 rounds, and there were 20 rounds issued at Niobrara. Those 20 rounds were carried to Brownsville.

Q. What kind of cartridges were they?—A. They were the regular ball cartridges, called the high explosive, and a few days after we got to Brownsville I had a verbal order to take in all the ball cartridges and issue each man 10 rounds of reduced range ammunition.

Q. That is, as we call them, the guard cartridges?—A. The guard cartridges; yes, sir.

Q. You say that you had orders to do that. Did you do that?—A. Yes, sir.

Q. That was before the firing?—A. That was a few days after we got to Brownsville.

Q. Within a few days after you got to Brownsville?—A. I couldn't say exactly what day.

Q. State whether or not the men of Company C had any other kind of cartridge than the guard cartridge from that time on until after the firing, or not.—A. None that I know. They may have had them, but they didn't have any that I know of.

Q. Did they have opportunity to get cartridges anywhere?—A. No, sir; unless they picked them up somewhere. They couldn't get them from the company.

Q. They didn't get any from you?—A. No, sir.

Q. You do not know of any place where they could pick them up, do you?—A. No, sir.

Q. That night after the alarm, and after you formed down below, state whether or not you issued any cartridges, and if so, by whose order.—A. I didn't issue any until the company was ordered on guard, and then I issued one box—that is twelve hundred rounds.

Q. Twenty bandoliers?—A. Twenty bandoliers; yes, sir.

Q. Were they taken out of the bandoliers, or how were they distributed?—A. I just told Rudy to take the box and open it and distribute it among the men in line.

Q. Who was Rudy?—A. He was the artificer.

Q. The artificer?—A. Yes, sir.

Q. And he made the distribution, whatever it was?—A. Yes, sir.

Q. What became of that ammunition?—A. It was turned in the next morning after they came off of guard.

Q. Was it all turned in?—A. Yes, sir; I got back 1,200 rounds as I had issued.

Q. That, anyhow, was not issued until after this firing?—A. After the firing, when the company was going on guard for that night.

Q. You spoke about issuing that in the bandoliers. That reminds me, did you issue any bandoliers except in that instance after you went to Brownsville?—A. No, sir.

Q. Was there any bandolier in the possession of your men, or any of them, after you got to Brownsville?—A. No, sir; not as I knowed of.

Q. Could there have been any without your knowledge?—A. Well, no, sir. I kept those in the storeroom.

Q. And how?—A. I kept them locked up; put them in a box and kept them locked up in the storeroom.

Q. So that nobody in Company C had any loose bandoliers?—A. Not that I knows of, sir.

Senator FORAKER. I believe that is all about that.

The WITNESS. One thing, there was a wood shed there, and I found in one of those woodsheds there a whole box of shells, in the woodshed, that had been left there, I suppose, by the Twenty-sixth.

By Senator FORAKER:

Q. You were preceded at Brownsville by the Twenty-sixth Infantry?—A. Yes, sir.

Q. Two or three companies?—A. Yes, sir.

Q. And in a wood shed belonging to the barracks that you occupied—A. Yes, sir.

Q. You found a box of empty shells?—A. Yes, sir; that had been used on target practice, as I would suppose. And I was very particular to try and save shells, and I thought that I had gained something and I took them in and locked them up.

Q. About how many were there?—A. There must have been a thousand or more. It was a box nearly full.

Q. Were they standing there open when you found them?—A. No, sir; just sitting there in the wood shed.

Q. No cover on the box?—A. No, sir.

Q. You found these shells when you first went there?—A. Yes, sir.

Q. And they had been standing there for how long a time before you got there?—A. I couldn't say how long. It looked like they had been there sometime.

Q. The Twenty-sixth Infantry had left there several days before you arrived, had it not?—A. No, sir; there was a detachment there of the Twenty-sixth that stayed there several days after we had got there.

Q. I know. There was a small detachment of fifteen or twenty men left behind.—A. Thirty men, I should think it was.

Q. Well, whatever it was, they were left there.—A. Yes, sir.

Q. But the battalion itself had left several days before?—A. Yes, sir.

Q. And when the battalion left, it left this box of empty shells that had been exploded in firing standing in that wood shed?—A. Yes, sir.

Q. Anybody could have gotten them, could they?—A. Yes, sir; they were just sitting in the wood shed.

Q. Now, about cleaning these guns. We have been all over it several times and I do not want you to explain how, but I want your opinion as to how long it takes an average soldier, one who is reasonably expert at it, to clean one of these guns after it has been fired five or six times so that it will pass inspection?—A. If one had been used—had been fired—why, to my opinion, I don't think a man—I know I couldn't do it—could clean one for a rigid inspection in less than twenty-five minutes.

Q. That is your opinion?—A. Yes, sir; for a rigid inspection; because you have to use salsoda and warm water or cold water and then oil and swab it out, and I think it would take at least twenty-five minutes.

Q. Then you have to clean the chamber, also?—A. Yes, sir; you have to take it apart. For an inspection you have to take the floor plate out and clean that and every crevice about the lock.

Q. That is all on that point. Did you have anything to do with this firing in Brownsville on that night?—A. No, sir.

Q. Did you participate in it?—A. No, sir.

Q. Do you know anybody in your company who did participate in it?—A. No, sir.

Q. Do you know anybody belonging to either of the other companies who did participate in it?—A. No, sir.

Q. Have you any knowledge that leads you to suspect anybody of being guilty of having anything to do with it?—A. No, sir.

Q. Have you ever heard anything to fix suspicion on anybody?—A. No, sir.

Q. Have you ever refused to tell all that you know about this, to anybody?—A. No, sir.

Q. Have you answered all questions that have been asked you as fully as you knew how to answer them?—A. Yes, sir; I have.

Q. Have you ever heard of any conspiracy, or any agreement among the men, to not tell about it?—A. No, sir.

Q. Or to hide knowledge of it?—A. No, sir. The most that I have heard among the men, everybody was on a wonder as to who it was that did do it, did do the shooting.

Senator FORAKER. I believe that is all that I want to ask this witness.

By Senator WARNER:

Q. Right there, sergeant, when you say the men were on a wonder as to who did the shooting, what did you hear the men say?—A. All I heard them say was, "I would like to know who that was that was doing the shooting."

Q. Anything else?—A. No, sir; that was all. That they would just like to know who it was.

Q. Did you try to find out?—A. Yes, sir.

Q. How?—A. Well, I asked among the men. I would ask among the men, around when I would hear anyone talking about it, "Have you found out yet who did the shooting," from time to time.

Q. Anything else?—A. No, sir.

Q. That is the only way you tried to find out?—A. That is the only way I knew.

Q. You were awakened by the shooting and the call to arms simultaneously?—A. Yes, sir.

Q. Did you hear shooting then?—A. Yes, sir; they were shooting then.

Q. What direction was that shooting from?—A. It seemed to me to be in the rear of the barracks, somewhere near the gate.

Q. In the rear of the—A. Near the gate, there.

Q. In the rear of which barracks?—A. It seemed to be up from me. It didn't seem to be right straight out behind the barracks, but it seemed to be angling towards the river.

Q. But taking barracks B and C, which were to the right of the gate as you go out and to the left of the gate as you go in, to the rear of which one of those barracks was it?—A. It seemed to be out towards the gate from me, and that is the way it sounded to me, as if it was up in that direction. You see, I were inside of the barracks.

Q. Yes, I understand. Your room would be located about where the red letter "C" is?—A. Yes, sir; where the point of it is.

Q. Barracks C?—A. Yes, sir.

Q. But what I was getting at, Sergeant, was if you know what your best judgment was then and is now. You say it was back of these barracks.—A. Yes, sir; it seemed as if it was up near about the gate, or up in that direction someways. I didn't mean to say that it sounded like it were up here [indicating on map], but I mean to say that it sounded like it was in this direction. When I said back of the barracks, I didn't mean back here, but back this way [indicating].

Q. In this direction?—A. Yes, sir.

Q. Down in the direction of the gate?—A. Yes, sir.

Q. You knew where the telegraph office was there?—A. Yes, sir.

Q. Just across from the gate as you came in?—A. Yes, sir.

Q. Across from the barracks, there?—A. Yes, sir; I know.

Q. It would seem to be down in that direction, then, would it?—

A. Yes, sir; it would, to be out in this direction, where the telegraph office was.

Q. Where the telegraph office was?—A. Yes, sir.

Q. You learned afterwards that the telegraph office had been fired into?—A. Sir?

Q. You learned afterwards that that building in which the telegraph office was had been fired into?—A. I heard that two or three days afterwards, probably.

Q. Two or three days afterwards?—A. Yes, sir.

Q. About how many shots did you hear?—A. Oh, I couldn't say exactly. There was a regular fusilade of shots when I waked up. It seemed to be a volley, like.

Q. A volley, like?—A. Yes, sir.

Q. How many volleys did you hear after you waked up?—A. Well, there was several shots.

Q. I asked you how many volleys?—A. I didn't hear but one volley; but there seemed to be so many scattering shots in that.

Q. In the volley?—A. Yes, sir.

Q. Did you hear any command given there?—A. No, sir.

Q. Or any words spoken?—A. I heard someone yelling, but I don't know who it was.

Q. In your own way, Sergeant, as I was really paying attention to something else when you stated it before, just state just what you did again, after you had gotten on your clothes and were coming out of your room in the barracks; state just what you did.—A. I got up and went out, as the company had formed out in front, and went out and fell in with the file closers.

Q. Yes.—A. And stood there a few minutes until the officer got through counting and gave orders for everybody to go in and get their rifles, and then I turned and went in with the men as they went in; I went in with them and went on upstairs, and when I got there they couldn't get in the racks, and the order had been given for the racks to be broken open.

Q. Yes.—A. And one of the cooks went down about the kitchen somewhere and got an ax, and he came up and went to chopping on the racks.

Q. What was that cook's name?—A. Henry Arvin.

Q. When the men were formed out in front of the barracks, was the shooting going on?—A. It had ceased then.

Q. It had ceased?—A. Yes, sir; when I got out there. I don't know how long. They might have been some of them out there when I got up.

Q. Only state what you know.—A. When I got up—

Q. The firing had ceased?—A. When I got out there, at least.

Q. Yes, and then you fell in line with the company, and the company was called? Who called the company?—A. If I am not mistaken, I think Sergeant Harley.

Senator FORAKER. He called the roll?

Senator WARNER. I mean called the roll.

The WITNESS. Yes, sir; Sergeant Harley.

By Senator WARNER:

Q. You said something about somebody counting the company.—
A. Major Penrose did that. I never heard him speak, but I saw him going along in front of the company, and as he passed each man his finger did that way [witness indicating], and he was going from right to left, and as he got to the left he went around in rear and came on up.

Q. After the roll was called, when Major Penrose counted the company, as you have said, then you went upstairs to get your gun?—
A. Yes, sir.

Q. And the firing had ceased before you got out?—A. Yes, sir.

Q. Are you quite clear about that, Sergeant?—A. I think I am, sir. I do not think after I got outdoors I heard a shot. The shooting was going on when I waked up, and for quite a while before I got out, but after I got outside I am almost sure that I didn't hear a shot, after I got outside, but it seemed most of the company were out there.

Q. Could you give, Sergeant, an estimate of the number of minutes it was from the time you heard the call to arms to the time that you started upstairs after your guns?—A. I could not. I suppose it might have been ten or fifteen minutes from the time I heard the call to arms until I started upstairs to get the rifles.

Q. And after you got the rifles you moved around to the wall?—A. Moved around the corner.

Q. And deployed as skirmishers?—A. Yes, sir.

Q. And were ordered to lie down on the ground?—A. Yes, sir.

Q. With the brick wall in front of you?—A. Yes, sir.

Q. You couldn't see over the wall?—A. No, sir; we couldn't see over the wall at all.

Q. So that the position that your commanding officer had placed you in was such that you could not have seen an enemy if he was coming up on you on the other side of that wall?—A. No, sir; that is, one part of the company couldn't, but the wall there only runs down as far as the barracks. This is the last barracks here, and the company was deployed away down—well, I guess it might have been 30 yards below the last barracks—one end of the company.

Q. I understand that is the last barracks [indicating]?—A. That is the last barracks. That was empty.

Q. Marked "36." An unoccupied barracks.—A. Yes, sir.

Q. So that your company extended behind the barracks C and up to and beyond the east end? That we have called east up there [indicating].—A. Yes, sir.

Q. East end of barracks "36."—A. Yes, sir.

Q. And up there you say there was no wall?—A. No, sir; down there. After leaving that barracks there was no wall, but just a wire fence.

Q. Did the men lie down here back of barracks C?—A. Yes, sir; when they were deployed it made them take up a long space.

Q. When they were lying down here, they could not see anybody that was coming up here at all?—A. They couldn't see anybody on the far side of the barracks.

Q. Yes; or on the far side of the wall?—A. No, sir.

Q. That is, the town side of the wall?—A. No, sir.

Q. You say there was no wall up there [indicating]?—A. No, sir.

Q. Nothing but a fence?—A. Yes, sir; a wire fence. Two or three strands of wire up there.

Q. After you were aroused, when you went upstairs had you heard any noise at all?—A. When?

Q. After you got the alarm—the call to arms—did you hear any noise upstairs in the barracks?—A. Nothing but men walking around and going up and down the steps.

Q. What was there, just a board ceiling between you and the upstairs?—A. Yes, sir; just a plank.

Q. You heard no hammering up there?—A. No, sir.

Q. You heard no thumping, but just men walking around?—A. Yes, sir; just the men dressing up there, I supposed them to be.

Q. Did you not think it a little strange, sergeant, that if the fort was being fired upon—was being attacked—you should have gotten down there and formed in line in front of your barracks; that the sergeant should have called the roll, and that then Major Penrose should have gone around and counted the members of the company before having them get a gun in their hand?—A. Well, sir, if seemed funny to me; but then that was did. I am telling the truth about that.

Q. It seemed funny to you, then?—A. Yes, sir.

Q. It seems funny to you yet, does it not?—A. Yes, sir.

Q. You had no trouble in getting your gun?—A. I had to wait until the rack was opened. I didn't get mine at all; I just got a rifle, the first one that I got my hands on.

Q. You got a rifle?—A. Yes, sir.

Q. In the confusion you might naturally take the rifle of somebody else?—A. Yes, sir; I just picked up a rifle. I kept my rifle in that rack, and as soon as the rack was opened I put my hand on a rifle and went on downstairs with it.

Q. Who was it that ordered the gun racks to be opened?—A. It was Major Penrose, I think.

Q. And what was it he said?—A. "Go and get your rifles."

Q. Yes.—A. "If you can't get them, break the racks; get them out," he said.

Q. Had you heard any conversation between anybody and Major Penrose before you heard that language?—A. No, sir; I had heard no conversation.

Q. And the first order you heard from Major Penrose was, "Go and get your rifles, and if you can't get them break the racks open?"—A. That is my recollection; that is the first that I heard.

Q. Where were you then; had you gotten a gun at that time?—A. No, sir; I was standing in the file closers in the rear of the company.

By Senator OVERMAN:

Q. Was anybody there with a gun?—A. Not as I seen, at that time.

By Senator WARNER:

Q. You had stood there all these minutes, and then Major Penrose gave an imperative command for you to get your guns?—A. Yes, sir.

Q. Or "rifles," I believe you said?—A. Yes, sir.

Q. And he said that if you couldn't get them—A. "To break the racks," he says.

Q. Didn't that strike you as a little funny, too?—A. Well, sir, there was a whole lot of things that seemed funny to me at the time, not knowing what was going on.

Q. I simply ask you if that seemed funny, that great hurry, after the leisurely way in which you had been stood up there and counted off?—A. Oh, yes, sir, it seemed funny to me. I was there and didn't know what had been going on, and what was going on, and what was to be done.

Q. No. It was Brawner, was it not?—A. Who was in charge of quarters?

Q. Yes; in charge of quarters?—A. Yes, sir.

Q. He unlocked the gun rack from which you got a gun?—A. Sir?

Q. He unlocked the gun rack from which you got a gun; Sergeant Brawner, who was in charge of the quarters?—A. The rack that I got a gun out of was broken open; that is, it was broken.

Q. When you got up there?—A. No, sir.

Q. After you got there?—A. Yes, sir; I stood right there.

Q. Where was the sergeant who had charge of quarters then?—A. I hadn't seen him. He might have been right up there in quarters, and it being dark there and in the night I couldn't tell who he was, unless he spoke, and I would have known his voice if I had heard him speak.

Q. But when you got upstairs did you get your gun as soon as you got there?—A. No, sir; when I got up to the top of the steps there was a lot of confusion among the men, that they couldn't get their rifles.

Q. Yes?—A. That the gun racks were locked.

Q. And then you sent a cook downstairs to get an ax?—A. No, sir; I didn't send him.

Q. Somebody did. Who sent the cook downstairs to get an ax?—

A. I don't know whether anybody sent him. He may have sent himself.

Q. Well, he had an ax?—A. Yes, sir.

Q. Did anybody else have an ax?—A. No, sir; not as I knows of.

Q. Did anybody else have anything to open the gun racks with?—A. No, sir.

Q. That you saw?—A. No, sir; not as I know of.

Q. Just the cook?—A. There might have been some one else after this order came up, but he was the only man with an ax that I saw. Senator FORAKER. You saw him in the dark?

The WITNESS. I saw him down—there was a little light down in the front there; that is, there was a light in my room, and as he came around from the dining room and came around to come up the steps I saw him and knew him. I was standing at the top of the steps.

By Senator WARNER:

Q. You were waiting to get a gun out of a gun rack?—A. I was up there waiting.

Q. How long had you been upstairs waiting?—A. I had been up there three or four minutes. I don't recollect how long. He came up and went to chopping on the gun racks, and I called his attention and said "Be careful or you will ruin those rifles."

Q. Did you see Sergeant Madison?—A. Corporal Madison?

Q. Yes; Corporal Madison.—A. I never saw him, but I heard him. I knew his voice—heard him talking.

Q. When was it you heard Corporal Madison talking?—A. Just before I had got my rifle. He was talking to the men about being quiet. He said "Don't keep so much noise."

Q. That was before the ax came?—A. Yes, sir.

Q. Did he get a rifle?—A. I don't know, sir. I think they all did. After the racks were broken open, why, everybody got a rifle.

Q. And while this chopping was going on there, the breaking of the gun racks, that made a good deal of noise, did it not?—A. Yes, sir.

Q. Where was Major Penrose?—A. He was down in front of the barracks, I think. When I came upstairs I left him there.

Q. Was he saying anything to the men, giving any orders?—A. After they came back down—

Q. No; when they were upstairs and this chopping was going on of the gun racks, did Major Penrose issue any orders to the men?—

A. I never heard him; never heard any orders given.

Q. Who was the lieutenant of your company?—A. Lieutenant Hay and Lieutenant Higgins. Lieutenant Higgins was the first lieutenant and Lieutenant Hay was the second lieutenant, but neither was there.

Q. I know; but who was in command of your company at that time, after Captain Macklin?—A. Lieutenant Grier taken command that night.

Q. Was Lieutenant Grier there?—A. Yes, sir; I heard him on the outside in front; I could hear him talking.

Q. Yes; and when you were in line before you went up for your guns, when Major Penrose was counting the men, or you thought he was counting, pointing his finger at them, and the first sergeant called the roll— A. Lieutenant Grier.

Q. Was Lieutenant Grier there at that time?—A. Yes, sir; at that time; because when we got back Major Penrose told Lieutenant Grier to take charge of the company and march it around and form skirmishers in the rear of the barracks.

Q. And he was there at the time you were standing in line and being counted without having any arms?—A. I think that he was, if I am not mistaken, sir.

Q. I think we know what a bandoleer is, but so that it will go in the record I will just ask you about this. This is a bandoleer [handing bandoleer to witness]. Will you just give a description of that, if you can?—A. This is the bandoleer. In each of these pockets there are 10 rounds of ammunition.

Q. Let me ask you the questions. Let me see if I am right. The bandoleer is a cotton fabric, is it not?—A. Yes, sir.

Q. Having 6 pockets in it?—A. Six pockets.

Q. And each pocket has 10 rounds in it?—A. Yes, sir.

Q. And that is fastened how?

Senator FULTON. It is carried by a strap over the shoulder?

The WITNESS. No, sir; this is just put over the shoulder. These are torn open now, these pockets [indicating]. When that is put up, this is closed up.

By Senator WARNER:

Q. How many of these bandoleers did you issue at Fort Niobrara?—

A. I didn't issue any of the bandoleers. I took the cartridges out and saved the bandoleers. I took them out and issued each man 20 rounds.

Q. I know; but at the time that you were up there, any time that you were at Fort Niobrara— A. I didn't issue any bandoleers.

Q. (Continuing.) When men would come out on range practice?—

A. The ammunition was always put in one of these handcars, and I either carried it out myself or sent it out by some other noncommissioned officer that was going out on the range.

Q. It would be in boxes?—A. Yes, sir.

Q. And the bandoleers would be in the box?—A. Yes, sir.

Q. Containing the ammunition?—A. Yes, sir; and when we got out on the range and a man was going to shoot, if he was going to shoot 10 rounds I would open the bandoleer and take out 10 rounds and give it to him, and if he didn't shoot those 10 rounds they were turned back. They generally took 10 shots at each range.

Q. You were asked if the members of your company could have gotten additional ammunition, or rather could have saved ammunition out, not accounting for it. I think that was the substance of it, if I am right.—A. Yes, sir.

Q. And you said no, not unless they picked it up somewhere?—

A. They couldn't get any from the company.

Q. What did you mean by "picking it up somewhere?"—A. Very often—I have seen around there where some one would be shooting

at different points and maybe would leave a cartridge or something like that.

Q. Where would you see that?—A. On the range.

Q. At Niobrara?—A. Yes, sir.

Q. You would not see that often, would you?—A. No, sir; it would not be seen often.

Q. But it would occur?—A. Yes, sir; except as some man might lose one out of his belt.

Q. Do you know of any member of your company who started with his 20 rounds of cartridges from Niobrara, and when he got down to Fort Brown did not have any?—A. No, sir; I do not. I don't know of any.

Q. Would not every man have to have his cartridges either in his McKeever box or in his belt for drill or inspection?—A. Yes, sir.

Q. Would it not, if anything of that kind had occurred have been necessary to have issued to that man cartridges in order for him to have had them?—A. Yes, sir; as if I had issued any to anyone and he had lost them, he would have had to come to me to get more.

Q. Nothing of that kind occurred, that you remember?—A. Not that I remember.

Q. And you had charge of the ammunition at the time that you were there?—A. Yes, sir; I did.

By Senator SCOTT:

Q. During your term of service were you ever court-martialed?—A. I never was, sir.

Q. Were you ever punished?—A. No, sir.

Q. Before you enlisted were you ever arrested or punished for any crime?—A. No, sir.

By Senator FORAKER:

Q. Were you one of the 12 men who were arrested at Brownsville?—A. No, sir.

Q. You were not arrested?—A. No, sir.

Q. You were not taken to Sam Houston and left there with Corporal Madison and others?—A. No, sir.

Q. Finally, as I understand you, when you got to Elreno your guns and ammunition and everything were turned in there?—A. At Reno?

Q. Yes; I say everything was turned in when you got to Reno, where you were mustered out?—A. Yes, sir; they were turned in a few days before we were mustered out.

Q. I will ask you whether or not at that time the ammunition was all checked up?—A. Yes, sir.

Q. And counted carefully?—A. Yes, sir.

Q. And I will ask you whether or not it was all there?—A. Yes, sir; the ammunition were all there.

Q. Was there a single cartridge missing, either ball cartridge or guard cartridge?—A. No, sir.

By Senator OVERMAN:

Q. When the ammunition was turned in, did you count every cartridge?—A. Yes, sir.

Q. Or did you just estimate it?—A. Each man was issued so many rounds. If the ammunition was ordered turned in, he would have to turn over 10 rounds or whatever it was.

Q. How would he turn it over, in the box or in the belt?—A. He would bring the cartridges in his hand.

Q. Did you count them or take his word for it?—A. I counted them myself.

Q. If he had 10 rounds, he would hand you 10 cartridges and you would count to see whether there were 10 cartridges?—A. Yes, sir; they would be in these clips; we have clips; 5 in a clip.

Q. You counted them by clips?—A. I would count the cartridges, too; I would look to see if each clip had 5 cartridges in it.

By Senator FORAKER:

Q. Referring to the guns that night in the gun racks, you told about the gun racks being found injured in the morning. Did you find any of the guns injured?—A. Yes, sir.

Q. How many, and in what way?—A. I don't know just how many, but I know there were as many as a half a dozen; and the sights, as many as 2 or 3 of them, was damaged so badly that they could not be used; the sights were cut off; the top of the sights. This was bent [indicating on rifle], and hitting on the gun like this [indicating] accidentally glanced down and knocked this off; there were as many as 2 or 3. Corporal O'Neil had his broken.

Q. He had the sight broken?—A. Had this sight [indicating on rifle].

Q. Was there any injury to the wood part of the case?—A. Yes, sir; in a great many cases the wood was cut and knocked off.

Q. How many guns were injured altogether?—A. I think 7 or 8; I would not say positively, but I think there were as many as 7 or 8.

By Senator OVERMAN:

Q. Do you know how many guns were in your company?—A. Yes, sir.

Q. How many?—A. Seventy.

Q. How many were there in the four racks that night?—A. I can only tell by how many I had. I was not responsible for those in the racks; each man that was in charge of quarters each day was responsible for the number of rifles in the racks, but I think I can come pretty near saying; I would not say positively, but I think there were about 53.

Q. Fifty-three in the racks. Where were the other guns?—A. There were 53 in the racks; I don't know; that is what should have been in the racks, I mean.

Q. I understand.—A. That is including the guard and all; there were men on guard; I don't know how many there were on guard. And there were two rifles off at target practice; that is, Lieutenant Hay had one and Sergeant Turner had one. He was off at rifle practice, and that left me with 68 guns. There were those I had in the storeroom and those that we had—

Q. How many did you have in the storeroom?—A. I think I had 13 in the storeroom.

Q. Did you have the keys of the storeroom?—A. Yes, sir.

Q. Where did you keep those keys?—A. I kept them in my pocket all the time.

Q. Where did you keep them, in your pants pocket?—A. Yes, sir.

Q. Where did you have your pants hanging?—A. I slept with my pants under my head, under the pillow.

Q. Then there were a certain number of rifles in the hands of the men that were assigned to duty that night?—A. Yes, sir; the men on guard had their rifles.

Q. Do you know how many they were?—A. No, sir; I don't know how many.

Q. Would anyone else have a rifle outside, outside the ones you have named?—A. No, sir.

Q. No man in charge of the hospital or the stables?—A. No, sir; the men working in the quartermaster's department, their rifles were always kept in the barracks, and when a man was sick and went to the hospital, all his ordnance was taken up from him.

Q. Was any of this ammunition you had under lock and key open; that is, the box open?—A. No, sir; it was always in a case, screwed up.

Q. And none of the packages were unscrewed?—A. No, sir.

Q. Was there any ammunition hanging up in there?—A. In where?

Q. In the quartermaster's stores?—A. No, sir.

Q. No bandoleers?—A. No; empty ones; if you would empty this bandoleer, probably, and hang it up—

Q. Why do you want to preserve that?—A. That was the order; I think they allow so much ammunition for them, each for so many of them; that was the order I had from the company commander, to save them, and that was the only way I could save them—to keep them in the storeroom.

Q. You have seen the men have balls that were not in the bandoliers or in the McKeever box, loose in their pocket?—A. Oh, I have seen them handle them; yes, sir.

Q. You have seen the men handle the ball cartridges?—A. Yes, sir.

Q. Was that frequent?—A. They had to do that because sometimes they would mount guard in different belts, and if the ammunition is not in that belt they would have to change it.

Q. They sometimes carried these ball cartridges in their pockets?—A. I don't know of anyone doing that.

Q. You never saw that?—A. No, sir. Of course they only had to use them when they were on duty, and they had to have them in their belts.

By Senator WARNER:

Q. On your reexamination you have spoken about guns being injured. Was the gun that you received injured—the gun you got the night of the 13th, when you went up?—A. No, sir; the gun I had was not injured.

Q. Was there an inspection the next morning of Company C?—A. Yes, sir.

Q. You attended the inspection?—A. No, sir.

Q. Where was the inspection of the company had?—A. In front of the barracks.

A. Who inspected the company?—A. If I am not mistaken, I think Captain Macklin did.

Q. The men had their guns then?—A. Yes, sir.

Q. Do you know what that inspection was, as to whether any guns were broken or not, or any sights off of the guns?—A. I don't know what the inspection showed; I don't know.

Q. You know such a gun would not pass inspection, do you not?—A. Yes, sir; but as I understood the inspection they inspect the gun as to whether it had been shot or not.

Q. That was all?—A. That is what I thought.

Q. Did you see it?—Did you see the inspection at all? I understood you did not.—A. No, sir; I didn't see it.

Q. So you don't know about that?—A. No, sir; I was in the barracks.

Q. Did you have occasion to see these guns again after the night of the 13th?—A. Yes, sir.

Q. When did you see them?—A. I saw them the next day after they came off guard.

Q. Where did you see them?—A. I saw each man with one when the company was dismissed, coming in, going on to the storeroom with them.

Q. Did you see them afterwards?—A. Yes, sir.

Q. In the storeroom?—A. Yes, sir.

Q. You inspected them?—A. No, sir; the key was taken from me, and it seemed to me that I had nothing more to do with it. The key had been turned over to the first sergeant. He unlocked the door. But of course I stayed there and seen them pass in with the rifles.

Q. When the gun is placed in the gun rack the wooden part is out, is it not, the covering of the barrel [indicating on rifle]?—A. Yes, sir.

Q. All the way from the band of the gun rack down about 15 inches below [indicating on rifle], is it not?—A. Yes, sir.

Q. That is, the wooden part?—A. Yes, sir.

Q. You saw this ax?—A. Yes, sir; I saw the man with the ax.

Q. A common ax, such as we chop wood with?—A. Yes, sir; a regular wood ax.

Q. A good-sized ax?—A. Yes, sir.

Q. You say, Sergeant, you saw marks of that ax upon the wooden part covering the barrel of that gun?—A. On some of the rifles; yes, sir; of some of the men.

Q. How far did the edge of the ax enter the wood?—A. It had sunk low enough in some of them to knock this sight off [indicating on rifle].

Q. It didn't cut through the wood?—A. Yes, sir; on some of the rifles; on some of them a piece was knocked out to show the iron—to show the barrel of the rifle.

Q. Do you know how many racks that was in?—A. No, sir; I could not say what racks that was in; but there were four racks in the quarters.

Q. As soon as you got your gun you went downstairs, you say?—A. Yes, sir; as soon as the rack was opened and I could get a rifle I took a rifle and went on downstairs.

Q. When you first got up—to go back to that question again—aroused by the call to arms and the firing that was going on, you saw Sergeant Harley, did you not?—A. Yes, sir; he passed through the room.

Q. He passed through your room?—A. Yes, sir.

Q. And he told you to hurry up?—A. And to get outside; yes, sir.

Q. And to get outside?—A. Yes, sir.

Q. Did he say anything else?—A. Well, I asked what was going on, and he said he didn't know; he said I had better hurry up and get outside and see; that is about the conversation. He didn't stop; he just kept going.

Q. Did he go upstairs?—A. He went outside, out of my room.

Q. Did you see him in line?—A. Yes, sir.

Q. Before the guns were had?—A. Yes, sir; he was out there when I first went out; he was acting first sergeant, and he was out in front of the company.

Q. And he is the man who called the roll before the men got their guns?—A. I think he did.

Q. Have you ever told before about those guns being marked and cut?—A. I don't think I have, sir; I have not been asked as to that.

Q. You were examined before Captain Lyon, were you not?—A. Lieutenant Hay, it was.

Q. Lieutenant Hay, was it?—A. Yes, sir.

Q. You were sworn by Captain Lyon, I believe?—A. Yes, sir.

Q. Then you knew they were trying to find out all they could about this shooting?—A. Yes, sir.

Q. Whether the soldiers were connected with it, or citizens did it?—A. Yes, sir.

Q. Or who it was that did the shooting?—A. Yes, sir.

Q. Did you tell them anything about what you knew of the racks?—A. I didn't, because I was told when I was put on the stand not to answer anything but what I were asked.

Q. Did you ever tell anyone about it?—A. We had talked around among the men; we spoke about it.

By Senator FORAKER:

Q. Could not the officers themselves see the guns as well as you?—A. Yes, sir; because Captain Macklin told me to take Corporal O'Neil's gun and give him another one, because the sight was broken off; and I had to exchange two or three, because they were not fit to go on guard with.

Q. Captain Macklin knew of this as well as yourself?—A. Yes, sir.

Q. There was no secret about it?—A. No, sir.

Q. I think you stated this, but I want to make it perfectly clear—this firing that you heard going on when you got awake was all outside the reservation, as I understand it, over the wall?—A. Yes, sir; it seemed so to me.

Q. You did not see any guns fired inside the barracks?—A. No, sir; I never saw any firing at all; just heard it.

By Senator OVERMAN:

Q. Where was this room where you kept this ammunition?—A. It was here [indicating on building marked No. 35, which is barracks C, on the map].

Q. Was the room on the porch?—A. No, sir; the room was in the building, but there were a door that opened from this room out on the porch, but I kept that locked; never used it.

Q. Were there any windows to that room?—A. Yes, sir; windows; and the windows had iron bars on them.

Q. How many windows to that room?—A. Just one window to that room.

Q. And iron bars above and below the window?—A. Yes, sir; iron bars. The bars went up from the bottom of the window up to the top.

Q. And how does the door open?—A. Into the hallway—the door I used opened into the hallway.

Q. Where did you sleep with reference to that room?—A. The room, you may say, was here [indicating on building 35], and then there

is another little room up here [indicating] that I stayed in, and this room had a door that opened out into the hall, and you could go up the steps on the right or turn to the left and go up on the porch.

Q. A man might have a key and go in there, if he had a key, without you knowing anything about it?—A. If he had a key to fit the lock; yes, sir.

(Witness excused.)

TESTIMONY OF NEWTON CARLISLE (COLORED).

The witness was sworn by Senator Scott.

By Senator FORAKER:

Q. Were you a member of the Twenty-fifth U. S. Infantry?—A. Yes, sir.

Q. In August of last year?—A. Yes, sir.

Q. In what company?—A. Company C.

Q. Were you with that company in Brownsville in August last?—A. Yes, sir.

Q. At the time of the firing of the town?—A. Yes, sir.

Q. What official position, if any, did you hold in that company?—A. I was first duty sergeant, sir, at that time.

Senator FORAKER. I desire to put into the record at this point Sergeant Carlisle's record as given by the War Department, at page 255, Senate Document No. 155.

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.

By Senator FORAKER:

Q. How long were you in the service?—A. I was in the service seventeen years, two months, and four or five days.

Q. I see you were enlisted first on September 11, 1899?—A. Yes, sir.

Q. In Company C, Twenty-fifth Infantry?—A. Yes, sir.

Q. Did you serve all the time in that company?—A. I served all the time in that company.

Q. What pay were you getting at the time you were discharged?—

A. The pay I was getting at the time I was discharged was \$25.75 one month and \$26 the next month.

Q. You got that much after they deducted for the Soldiers' Home?—

A. Yes, sir; I got that after they deducted for the Soldiers' Home—\$25.75 one month and \$26 the next month.

Q. You were finally discharged without honor?—A. Yes, sir.

Q. Were you ever court-martialed while you were in the service?—

A. Once.

Q. When, and what for?—A. I was court-martialed in 1895, by summary court, for missing a call.

Q. How were you punished?—A. By a fine of 50 cents; a summary court.

Q. Is that the only time you were court-martialed in all those sixteen or seventeen years?—A. Yes, sir.

Q. Were you ever reprimanded except that one time?—A. No, sir; I never was reprimanded.

Q. I am requested to ask you whether you were ever in battle while you were in service?—A. Yes, sir.

Q. Where?—A. At Santiago de Cuba.

Q. You were with your regiment there?—A. Yes, sir.

Q. You were at El Caney, then?—A. Yes, sir.

Q. Were in the Philippines?—A. Yes, sir.

Q. Were you ever under fire there?—A. No, sir; my company was not.

Q. Was your regiment ever engaged there?—A. I think so. I was in what was called the home battalion, and I left A, C, G, and D companies—

Q. The home battalion consisted of Companies A, C—A. A, C, D, and G were left back in the States until 1900, and then they went there.

Q. And when you got there the fighting was all over?—A. Yes, sir; when I got there the fighting was all over. We were in northern Luzon, and we had no trouble.

Q. Tell us, in your own way, all you can recollect about the firing at Brownsville the night of August 13.—A. When I was awakened—

Q. Where did you sleep that night?—A. I slept—I don't know the direction from here.

Q. Did you sleep in the barracks?—A. I slept in the barracks.

Q. Upstairs or downstairs?—A. Upstairs.

Senator FORAKER. Will you explain that map to the witness, Senator Scott?

(Senator Scott explained the map to the witness.)

Senator SCOTT. Now you can show where you were sleeping there.

The WITNESS. This is the C barracks [indicating on the map].

By Senator FORAKER:

Q. Yes; show us where you were.—A. This is the main barracks?

Q. Yes. Where did you sleep?—A. I slept in this end [indicating].

Q. The one the farthest away from the river?—A. Yes, sir.

Q. Front room or back room?—A. I had a front room.

Q. Looking out over the parade grounds?—A. Looking out over the parade grounds; yes, sir.

Q. Were you asleep when this firing commenced?—A. Yes, sir.

Q. What awakened you?—A. By the firing of the guns.

Q. Well, what happened? Go ahead and tell it as fast as you can.—

A. When I was awakened by the firing I thought they were firing on the quarters, and I got up and put on a part of my clothes as quick as possible. Before I got my clothes on a call to arms went. So I reached and got my belt over the wall and proceeded to the racks, the nearest gun rack, expecting the rack to be opened, and the rack was not open, and I called for the noncommissioned officer in charge of quarters, Sergeant Brawner, and he did not answer. I called for Corporal Madison, and some one said that the man in charge of quarters had gone downstairs. I called Corporal Madison at that time.

I said, "Corporal, go down and see if you can find the officer in charge of quarters, and tell him the call to arms has went, and come up and open the racks."

Q. You said that to Corporal Madison?—A. Yes, sir.

Q. And what did he do?—A. He went down and came back with Sergeant Brawner, at least I suppose he came back with him, they came about the same time.

Q. Did you see Sergeant Brawner there at all, and if so, when?—

A. I asked Corporal Madison—of course, it was dark in the quarters, you couldn't tell one from another, but after I said that to Corporal Madison he says, "Here is Sergeant Brawner," and I says, "Open the racks." At that time Major Penrose spoke up. He was down on the street or some place, and he said, "If you can't find the officer in charge of the quarters, get the racks open and have the men fall down promptly."

Q. Did you hear him give that order?—A. Yes, sir.

Q. Where were you?—A. Near the head of the stairs, at the gun rack.

Q. They were near the head of the stairs?—A. Yes, sir; on each side of the banister, two on each side of the banister.

Q. And Major Penrose was where?—A. I don't know whether he was on the porch or on the company's sidewalk; I judge he was on the company's sidewalk. He seemed to be outside of the quarters.

Q. And you heard him call that out?—A. Yes, sir.

Q. And then what did they do; what happened?—A. The men then commenced to work on the racks, and when this rack was opened, the first rack was open—

Q. What did they work on the racks with, if you know?—A. I don't know, sir. As near as I could understand it seemed like an ax or a hatchet. It was dark and I couldn't see.

Q. Do you know who worked on the racks?—A. No, sir; I couldn't tell you; it was dark.

Q. Did they get them open?—A. Yes, sir; they got them open. I notified the men to be ready and fall down and fall in line. Of course I went down and taken my place.

Q. You got your rifle or a rifle?—A. Yes, sir; I got a rifle.

Q. From what rack?—A. Out of the first rack that was opened.

Q. Was that broken open or opened by Sergeant Brawner?—A. It was opened by Sergeant Brawner.

Q. Tell me about Sergeant Brawner coming back. The men commenced working on the racks, you said. Did Sergeant Brawner return with his keys to open the rack?—A. Yes, sir.

Q. What did you see him doing, if anything, in that respect?—A. Well, I didn't see him doing anything; only he was near me opening the racks. Of course, I could not tell whether it was him for certain, but it must have been him by the man unlocking the racks with the keys.

Q. Do you know how many racks he opened?—A. No, sir; I don't know how many he opened, because the first rack was opened and I got a gun and went downstairs.

Q. You ran right down?—A. Yes, sir.

Q. What was done when you got downstairs?—A. When I got downstairs the line was formed and the roll was started to be called,

and by the light being dim Lieutenant Grier says, "Sergeant, we will count the men." So they went through and counted the men.

Q. With you?—A. No, sir.

Q. Who?—A. The first sergeant, Acting First Sergeant Harley.

Q. Did you see them counting them?—A. Yes, sir.

Q. Did you know the result?—A. No; I was right guide to the company and I stayed at my post.

Q. Did you hear any report by anybody, whether the men were all present and accounted for?—A. He said the men were all there. I heard the men were all reported present. Lieutenant Grier reported to Major Penrose that the men were all present.

Q. Then what did you do?—A. We moved around. Major Penrose told Lieutenant Grier to move his company around the back wall, around the back of the quarters, along the wall.

Q. Well, you remained there—we will pass over some of that—you remained there an hour or more and then came back to quarters?—A. Yes, sir.

Q. And you were told to do what with your guns?—A. Told to turn our guns into the ordnance room.

Q. Did you do that?—A. We did.

Q. Were they counted in there?—A. Yes, sir.

Q. State whether or not all the guns were there, if you know.—A. I don't know whether they were all there or not; I turned them in.

Q. What happened; were they locked up?—A. The guns were locked up.

Q. What were the men told to do?—A. To go to bed.

Q. And later you were put on guard; how long was it?—A. I don't know the exact time but may be fifteen or twenty minutes or something like that, or it might have been thirty minutes.

Q. You were told to fall in again?—A. Yes, sir.

Q. And get your guns?—A. Yes, sir.

Q. You got them, did you?—A. Yes, sir.

Q. And put on guard?—A. Put on guard; yes, sir.

Q. And you remained on guard how long?—A. We remained on guard until 7 or about half past 7 o'clock.

Q. How was the company distributed on guard? You were on what is called outpost guard?—A. On outpost guard; yes, sir.

Q. How were you distributed, if you can tell us?—A. I don't know exactly. Every time I went on guard after this I was at No. 1 picket post at this main gate that leads into town.

Q. Was that No. 1?—A. Yes, sir.

Q. Some one told us that post No. 1 was the guardhouse.—A. That was the post guard; that is the regular guard—

Q. And you had a different numbering that night?—A. Yes, sir; cossack posts. They were numbered from 1 around to as many as they had.

Q. How many men had each post, if you can tell?—A. I don't know exactly how many.

Q. How many at the post where you were located?—A. There were 9 men at that post.

Q. You had 9 men there?—A. We had 9 men. I was at the main gate.

Q. Did you see any of your men doing anything with their guns in the way of cleaning them that night?—A. No, sir.

- Q. Did you stay on duty all night?—A. All night; yes, sir.
- Q. If any of your men had cleaned their guns while you were out there on guard could you have seen them?—A. Yes, sir.
- Q. Were your guns inspected at any time; and if so, when and where?—A. They were inspected the next morning before we were relieved off guard.
- Q. Before you came off guard?—A. Yes, sir.
- Q. By whom?—A. By Captain Macklin.
- Q. What kind of an inspection did he make of the guns in so far as you saw it?—A. I went around with him from No. 1—
- Q. You went around with him?—A. Yes, sir; all the way around.
- Q. Yes; did you see the entire inspection?—A. Yes; I seen the entire inspection from No. 1 post to No. 7.
- Q. What kind of an inspection did he make?—A. He taken each man's gun, and sometimes if a gun looked anyways dusty, like guns will get staying in the rack, they will get dusty if you haven't got a cover over them, he caused a rod and a cleaning rag to be run through.
- Q. He had the rod brought from the company?—A. Yes, sir.
- Q. And did you have the rod out on the line with you before he sent for it?—A. No, sir; he sent for the rod.
- Q. When?—A. He sent for the rod that morning before he started the inspection.
- Q. You went with him; did you carry the rod?—A. Yes, sir.
- Q. When the rod was used who used it?—A. When the rod was used Captain Macklin used it.
- Q. He used it himself?—A. Yes, sir.
- Q. Who furnished the rags?—A. The quartermaster-sergeant furnished the rags.
- Q. Did he go around with you?—A. No, sir.
- Q. Who got the rags from the quartermaster-sergeant?—A. I don't know; I don't know who the captain sent for these rags, but he sent somebody; I don't know who. I know when the inspection was about ready, when they were about ready to go around, about ready to start out with the inspection, that was the time—
- Q. You know he did have rags?—A. I know he did have rags; yes, sir.
- Q. And a cleaning rod?—A. And a cleaning rod; yes, sir.
- Q. Did you find any of those rifles that you used the rags and the cleaning rod on to be dirty?—A. No, sir; none.
- Q. You were looking for powder?—A. Looking for powder; yes, sir.
- Q. And did he inspect the guns more than the barrel or did he look to the chambers?—A. Also to the chambers. When he got to a man at each post, the commander of this post, when we got to him or when we were just about to get to him, he had his post men to fall in; and the men who were not on post, the surplus men, he had two other men besides himself that were not on post, and they would fall in, and as he inspected a man he would come up and open the chamber and pull his bolt back; that would open the chamber, and he would then take the gun and inspect it; and if it showed symptoms of powder or anything that looked like dirt, he would have this rag run through.
- Q. Did he find any gun that had any powder stains on it at all?—A. No, sir.

Q. State whether or not there was any inspection of the ammunition.—A. Yes, sir.

Q. What kind of ammunition did you have at that time?—A. At that morning?

Q. Yes. First, about ammunition that night, after the company retired and before it went on post duty, was there any shooting of ammunition that night?—A. Do you mean the first—

Q. After the firing.—A. After the firing.

Q. Yes.—A. Yes, sir.

Q. What was issued?—A. There was ball ammunition issued.

Q. What did you have before that?—A. We had the reduced range ammunition—what we call guard ammunition.

Q. How much of that did you have?—A. Ten rounds.

Q. How long had you had that ten rounds of reduced range guard ammunition?—A. I don't know, sir; we had it about—we got this reduced range ammunition when it was first issued. It was issued at Niobrara.

Q. State whether it was taken up—A. It was taken up at Niobrara. I don't know exactly what time it was issued, but it was taken up at Niobrara.

Q. When you went to Brownsville from Niobrara, what kind of ammunition did you carry?—A. Twenty rounds of ball ammunition.

Q. You had that then when you arrived at Fort Brown?—A. We had that when we arrived at Fort Brown; yes, sir.

Q. State how long you kept that and whether you gave that up.—A. We get that three or four days, as near as I can recollect, and then this ball ammunition was all taken up, and the reduced range ammunition was reissued.

Q. How much to each man?—A. The reduced range?

Q. Yes.—A. Ten rounds.

Q. Did you have any other ammunition than this ten rounds of reduced range ammunition when this firing commenced?—A. No, sir.

Q. And it was after the firing before there was another issue?—A. Yes, sir.

Q. So when that trouble occurred out there that night you only had ten rounds of reduced range ammunition?—A. Yes, sir.

Q. Do you know whether any of your men had any bandoliers?—A. No, sir.

Q. You had nothing to do with the issuing—A. Not of the bandoliers.

Q. The quartermaster-sergeant did that?—A. Yes, sir.

Q. Tell me how long, in your opinion, it requires a fairly expert soldier to clean one of those guns after it has been fired five or six times—cleaned so that it will pass inspection, such an inspection as Captain Macklin made that morning.—A. Well, it would take an ordinary soldier twenty-five or thirty minutes or more to clean a gun for inspection.

Q. That means swabbing it out?—A. Yes, sir; and drying it afterwards. You have to use this preparation that the Government issues, which is sal soda and water, and then you have to dry your gun.

Q. Have you ever known men who could clean a gun in two or three minutes, or in eight or ten minutes?—A. No, sir.

Q. Have you ever seen any officers clean these guns?—A. No, sir; I have never seen an officer clean a gun.

Q. They inspect them?—A. They done the inspecting; they never clean them.

Q. But you know it takes the average man about the time you have indicated to clean a gun?—A. Yes, sir.

Q. Tell us whether or not your men had any opportunity to get surplus ball cartridges at either Niobrara or Brownsville before this firing.—A. No, sir.

Q. You did a lot of target firing?—A. At Niobrara; yes, sir.

Q. We have had the regulations governing target practice given to us, and so I will not go over them. But I will ask you whether they were such as to make it impossible for men to filch cartridges and take possession of them?—A. No, sir; you could not do it, for the simple reason that when a man was called up to fire, say the firing was here [indicating], an officer had to be present at all firings, and a noncommissioned officer of another company had to be there to keep the scores. You get your ammunition back here, back behind, and when your name was called you get it, before you went. The non-commissioned officer of this other company called you up to fire and you had to get the amount of ammunition you were going to fire, and pass by this officer up here before you fired.

Q. And if the man fired less than the number he was instructed to fire, what did he do with the surplus?—A. He passed back and turned his ammunition back to the quartermaster-sergeant before he left the presence of this officer.

Q. These rules and regulations were always strictly enforced?—A. They were always strictly enforced in my company; yes, sir.

Q. Have you ever been told that some of the companies of the Twenty-sixth Infantry occupied these barracks at Brownsville before you came there?—A. Yes, sir.

Q. Were they gone; and if so, how long had they been gone before you arrived?—A. Well, I don't know, sir; I don't remember exactly whether they were gone.

Q. There was a detachment left behind?—A. Yes, sir.

Q. A detachment of 20 or 30 men. They were left behind, but the companies themselves had gone?—A. They were gone to Austin on the maneuvers, so I understand.

Q. Did you find anybody occupying barracks C when you got there?—A. No, sir.

Q. In what condition did you find barracks C, and state whether or not you found there any empty cartridge shells?—A. The barracks were in a very dirty condition, with shells and paint and a lot of other dirt.

Q. Did you clean up the barracks?—A. I cleaned up part of the barracks.

Q. Were these shells of cartridges such as you used, of this new-model rifle?—A. Yes, sir.

Q. You say you found some of those scattered around over the barracks?—A. Yes, sir.

Q. Did you see any any other place, or know of any being found there any other place?—A. No, sir; I never knew of any.

By Senator WARNER:

Q. What regiment was at Fort Brown; that is, what troops did you relieve there?—A. A detachment of the Twenty-sixth Infantry.

Q. White soldiers?—A. Yes, sir.

Q. And they left the barracks very dirty?—Yes, sir.

Q. And left shells lying around loose?—A. There were shells lying around loose in the quarters.

Q. Cartridges?—A. No, sir; I didn't see any cartridges.

Q. What kind of shells?—A. Cartridge shells.

Q. Range cartridges; reduced range cartridges?—A. I don't know, sir; I never examined them. I suppose they were regular cartridge shells; I never examined any of them. I just swept them up—

Q. And did what with them?—A. Carried them out and turned them over to the quartermaster-sergeant.

Q. The rule is to be careful of those shells?—A. The rules in our regiment is that all shells will be picked up and cleaned and sent back to the arsenal.

Q. Just as careful as you are with cartridges?—A. In our regiment; yes, sir.

Q. You think a different rule prevailed in this Twenty-sixth Regiment?—A. I don't know, sir.

Q. You simply state the fact that you found them there?—A. Yes, sir.

Q. And you are quite confident that there were no cartridges among those shells?—A. Yes, sir; I am confident there were no cartridges among those shells.

Q. Did your company or members of your company ever have any trouble before this?—A. Not that I know of, sir.

Q. Where they were stationed?—A. No, sir; my company never had any.

Q. Company O I am speaking of?—A. No, sir.

Q. You were roused by the call to arms and the firing?—A. Yes, sir; I was aroused by the firing, and the call to arms went after I awakened.

Q. Now, as near as you can, Sergeant Carlisle, tell us from that map where the firing seemed to come from and in what direction the firing was.

Senator SCOTT. Let me point this out to you on the map, so you will get the location.

(Senator Scott pointed out the different buildings on the map.)

The WITNESS. That red line is the wall?

Senator SCOTT. Yes; and here are your barracks. The Senator asked you where that firing was.

By Senator WARREN:

Q. In reference to your barracks?—A. From the way it sounded, it sounded like the firing was between C Company's quarters and B Company's quarters, near B Company's quarters.

Q. You mean inside the reservation?—A. No; I mean out in town.

Q. Yes, of course; and about how far out from the barracks road?—A. Oh, I don't know how far; I didn't see any.

Q. But judging from the sound?—A. Judging from the sound, it seemed like they were right out near the street.

Q. Which street do you refer to?—A. I refer to this street outside here. There is a street running along, if I understand the map rightly, this is the wall [indicating on map]?

Q. That is the garrison road, right there at the wall, you know.—A. This is the inside of the quarters?

Q. Yes.—A. On the outside of the wall there was a road or a street, I don't know whether you call it a road or a street.

Q. We are calling it all the time the Garrison road. How far from that road was the shooting?—A. I don't know, sir.

Q. You will not undertake to say that?—A. No, sir.

Q. Did you hear much shooting?—A. Yes, sir; I heard quite a lot of it.

Q. The call to arms you understood meant that there was danger?—A. The call to arms always means something more than a regular warning call of drill or anything like that.

Q. And it means to the soldier to get his arms and fall in line as soon as possible?—A. Get his arms and fall in line as soon as possible; yes, sir. That is what I have always been taught since I was a soldier.

Q. It used to be called the long roll?—A. I don't remember that; that was before I came in the Army, I guess.

Q. But that was the understanding; as soon as you heard the call to arms it meant that every soldier was to dress and get in line with his arms as soon as possible?—A. As soon as possible.

Q. You dressed rapidly, and where did you go then?—A. I went to the gun rack.

Q. You went to the gun rack the first thing?—A. Yes, sir.

Q. You got your gun?—A. No, sir; I didn't get my gun.

Q. You got a gun?—A. I didn't get a gun right away, because the rack was not opened.

Q. Sergeant Brawner was not there?—A. I called Corporal Madison and told him to go down and see if he could find Sergeant Brawner, who was in charge of quarters.

Q. And he came back with him?—A. He came back with him or near him.

Q. And unlocked the gun rack?—A. Yes, sir.

Q. And you got a gun from that gun rack?—A. Yes, sir.

Q. And you went downstairs?—A. Yes, sir.

Q. How many men were in line with their guns when you got downstairs?—A. I don't know, sir.

Q. Were there any?—A. I don't know how many.

Q. Was there a half dozen of the company there?—A. No, sir.

Q. Were there any?—A. Yes, sir.

Q. How many?—A. I don't know how many.

Q. Was half of the company there?—A. No, sir.

Q. Was one-third of the company there?—A. No, sir.

Q. Was one-quarter of the company there?—A. About two or three men, I guess. The way it was, there was a gang up around the rack, and as soon as they got their guns they rushed down stairs.

Q. All I want is your opinion. Now, you think there were one or two or three men in line?—A. I think there might have been five or six men in line.

Q. With their guns?—A. Yes, sir.

Q. And then they kept falling in with their guns?—A. Yes, sir.

Q. Didn't they form a line there in front of the barracks without their guns?—A. I don't know, sir; they might have. I didn't go down without my gun.

Q. But you were there when the line was being formed?—A. I was there when the line was being formed, with a gun.

Q. Could any line have been formed before you got out there?—
A. Yes; with these men that had got their guns that probably got their guns before I got there.

Q. I want to make it plain. Was there a call of the roll?—A. The roll was started to be called.

Q. By whom?—A. By the acting first sergeant.

Q. Was it finished?—A. No, sir.

Q. Why wasn't it finished?—A. The light was so dim that the officer, Lieutenant Grier, in charge of the company at that time, says, "Sergeant, we will count the men."

Q. Did the men have their guns, then?—A. Then all the men were supposed to be down there.

Q. I simply asked you the question, not whether they were down there, but did the men that were there in line when the company was counted have their guns?—A. Yes, sir.

Q. All that were there?—A. Well, as well as I could see. I was on the right of the company, so I could not tell what was going on on the left or the center of the company.

Q. Why, because it was so dark?—A. It was dark; yes, sir. And when a man falls in he falls in at attention, and he is not allowed—

Q. Did they have a lantern there?—A. He had a lantern, but it was very dim, and also it was smoked up and seemed like it had been smoked by being turned up too high.

Q. There were candles up stairs in the barracks?—A. No, sir.

Q. There were lamps there?—A. Yes, sir; but the lamps in the barracks, you can't take them down and carry them around. They are a double light—

Q. But they light them?—A. They were not lit.

Q. They could be lighted?—A. They were kept ready to be lit every night; yes, sir; they were lit every night.

Q. Were they lit that night?—A. Not after the firing went on; no, sir; because I cautioned the men in my section not to light the lamps.

Q. Why?—A. Well, if they were firing on the quarters it would make a target through the windows. There was windows on all sides of the quarters, and there was doors—

Q. Did that firing seem to be toward the quarters?—A. Well, I don't know sir; it seems to me like it was toward the quarters.

Q. I am asking you how it seemed to you.—A. That is the way it seemed to me.

Q. How many volleys did you hear?—A. I don't know, sir.

Q. One, two, three, or four?—A. Several; the firing did not seem to be in volleys anyway; it seemed like someone, whoever was firing, was firing at will.

Q. Did you hear any orders given?—A. No, sir; I didn't hear any orders given.

Q. Did the firing come nearer to the barracks or recede from it?—
A. I don't know whether it did or not. I don't know whether it came nearer or went farther away.

Q. What time did the firing cease with reference to the time the roll was called?—A. About the last I heard of it was about the time they finished counting the men. It seemed as though the firing about ceased then.

Q. What did you say when Sergeant Brawner came back with Corporal Madison?—A. The only thing I said was, "Open the racks; the call to arms has went."

Q. You were his superior officer?—A. Yes, sir.

Q. And you had a right to give that order?—A. I had a right to give that order if I heard the call to arms. Of course the senior always has a command over the junior.

Q. And had he a right to open those racks until he got an order from his senior noncommissioned officer?—A. He did if he heard the call to arms; he had the right to open the racks if he heard that.

Q. That is what I want to know; the call to arms was an order in itself to open the racks?—A. It was an order in itself to open the racks; yes, sir.

By Senator SCOTT:

Q. Where were you born?—A. In the State of Tennessee.

Q. And enlisted where?—A. Evansville, Ind.

By Senator WARNER:

Q. Did you see any ax there?—A. No, sir.

Q. Did you see anybody with an ax?—A. No, sir; somebody had an ax, but I could not tell who it was—you could not tell—the only thing you could see was the shape or figure of a man.

Q. You could see the figure of a man with an ax, and what was he doing?—A. He was working on the racks.

Q. Where was Sergeant Brawler then?—A. On the steps that I was on.

Q. He was upstairs there?—A. Yes, sir.

Q. And he could see just the same as you could?—A. Yes, sir.

Q. What did he say to the man that was chopping the racks with an ax?—A. He told him not to do it; he told them not to chop them. He says, "I will unlock them."

Q. He told them that, and still they went on chopping?—A. Well, they had orders from an officer. If an enlisted man gets orders from an officer, it doesn't make any difference what a noncommissioned officer says—

Q. What orders did they get from an officer?—A. Some of them probably were downstairs or heard some of the noncommissioned officers say that Major Penrose gave orders to open the racks.

Q. You say "probably;" did he give such an order?—A. Yes, sir; I say probably they heard it.

Q. Did he give such an order?—A. Yes, sir; Major Penrose gave such an order.

Q. Did you hear it?—A. Yes, sir.

Q. If they could not find a noncommissioned officer in charge of quarters to get the racks open and get their arms and fall downstairs promptly.

Senator OVERMAN. They did find a noncommissioned officer with a key?

A. Yes, sir. Probably some of them didn't know they found him. Senator SCOTT. But some of them were broken open then.

By Senator WARNER:

Q. Was your rack the first one opened?—A. My rack was the first one opened in my opinion.

Q. I am asking you for your opinion.—A. Yes; and in my opinion my rack was the first one opened, because there was not but a very few men downstairs that had guns when I got down there. In my opinion my rack was the first one that was opened.

Q. The inspection was had on the morning of the 14th?—A. Yes, sir.

Q. And that inspection was made by Captain Macklin at the post where the guards were?—A. Yes, sir.

Q. And you went with Captain Macklin and saw that inspection?—A. I did.

Q. What was the condition of the guns as to the way you saw them then?—A. What do you mean; as to dirt?

Q. Their general condition. Was anything wrong with them?—The guns were thoroughly clean. None of them were dirty with powder or anything like that; there were two guns broken.

Q. Men went out on guard with two broken guns?—A. In the dark; yes, sir.

Q. This was in the morning?—A. This was at night, when they were out on guard.

Q. But it was in the morning when they were inspected?—A. Yes, sir.

Q. What part of the post did you have charge of?—A. I had the post No. 1.

Q. Where was this broken gun?—A. I don't remember now what post this broken gun was on; I don't remember which post it was.

Q. How was that gun broken?—A. The sight was broken off it.

Q. The lower or the upper sight?—A. The lower sight was broken off one, and I don't remember now whether it was the lower or the upper—it was the lower sight off the corporal's gun, but whether it was the lower or upper sight that was off the other gun I don't remember.

Q. What corporal was that?—A. Corporal O'Neill.

Q. Is he here?—A. Yes, sir.

Q. A corporal went out on guard then with a gun with the sight broken off of it?—A. Yes, sir.

Q. That is, it was in that fix when you saw it?—A. Yes, sir.

Q. And all your company was out on guard that night?—A. Yes, sir.

Q. How many of them were there?—A. I don't know how many there were.

Q. You were duty sergeant?—A. Yes, sir.

Q. Don't you know how many men there were?—A. No, sir.

Q. Weren't your men counted when they went out?—A. Yes, sir; but the company commanders don't report to the noncommissioned officers how many men they have got.

Q. But you took how many men?—A. Well, I had 9 men.

Q. And yourself made 10?—A. Myself and the other sergeant; the first sergeant was there. I was not in charge of this guard myself. The captain, the officer of the day, was at this post. I was the second noncommissioned officer at that post. I was under the the orders of the first sergeant and the captain, though I was at this post.

Q. So your entire company was distributed around at these seven posts?—A. My entire company was distributed at these seven posts; yes, sir.

Q. How many men would be on guard? What proportion of the post? You said you didn't know the number exactly. For

instance, you had nine privates at your post and yourself and another sergeant were there?—A. Yes, sir.

Q. Of course you did not stand guard or the sergeant that was with you did not stand guard; but how many men would be on guard at one time—how many reliefs?—A. I don't know, sir. In those cases it is according to the strength and importance of a post. Take a gate or a main entrance and they put more on. Take a post where there is less responsibility and they put less men on.

Q. There were nine men on there. How many would stay to be on duty—there would be three reliefs, would there not?—A. Yes, sir.

Q. Three on duty and six off duty?—A. Yes, sir.

Q. And three men would stay on duty how many hours?—A. Two hours.

Q. And then three more men would go on duty and stay two hours, and the other three would go on for two hours?—A. Yes, sir.

Q. When the six men were off duty where did they go?—A. They stayed right there; they didn't go any place.

Q. I know that, but they didn't stand up?—A. They sat down; but the orders were to stay in the immediate vicinity of this guard, and they were not allowed to leave there.

Q. That is generally the case?—A. It is always the case.

Q. So there was no exception that night in that respect?—A. No, sir.

Q. Was there a guardhouse there?—A. No, sir; there was no guardhouse. The regular post guardhouse was up in the extreme part of the garrison.

Q. You said that on this inspection you went around with Captain Macklin; you had the rod and you took it around with you?—A. Yes, sir.

Q. How many guns was the rod used on?—A. I don't know exactly; on every gun that looked any ways dirty.

Q. I asked you how many?—A. I don't know.

Q. On a great many that looked dirty?—A. No, sir; a very few.

Q. You say "very few;" how many do you mean—one, two, or three?—A. As near as I can recollect, it was, maybe, five or six that we might have used it on; but I don't know exactly how many.

Q. What post were those guns at?—A. Well, there were different posts; not all at the same post.

Q. Do you remember the names of the soldiers?—A. No, sir.

Q. Do you remember the name of any one of them?—A. No, sir; I do not.

Q. Nothing in reference to that?—A. No, sir.

Q. But other guns the rod was not used upon?—A. No, sir. If the guns looked perfectly clean the rod was not used upon them.

Q. You say it was impossible to get cartridges at Niobrara or Brownsville?—A. I did, sir.

Q. Do you know at what place they sold ammunition at Brownsville?—A. I do not, sir.

Q. Do you know whether they sold any there?—A. I do not, sir.

Q. Or how much they sold?—A. No, sir.

Q. Or the kind?—A. I don't know whether they sold any cartridges at Brownsville or not.

Q. You know nothing about that?—A. No, sir.

Q. Did the men ever drop any cartridges when they were out on the range firing?—A. No, sir; they don't.

Q. That never occurs?—A. They never drop any cartridges. If they did, there was always somebody to pick them up and hand them back. A man has to be very particular with his ammunition all the time. He is charged with it.

(Thereupon, at 4.50 p. m., the committee adjourned until to-morrow, Thursday, February 14, at 10.30 a. m.)].

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Thursday, February 14, 1907.

The committee met at 11.15 a. m.

Present: Senators Warren (chairman), Scott, Foraker, Lodge, Warner, Fulton, Pettus, Blackburn, Taliaferro, and Overman.

Senator FORAKER. I want to discharge two of the men whom we examined yesterday, Madison and Carlisle. I want to recall Quartermaster-Sergeant McMurray.

Senator WARNER. I want to question Carlisle a little further.

Senator FORAKER. Then Madison may be discharged, unless somebody wants to question him further.

TESTIMONY OF GEORGE W. McMURRAY (COLORED)—Recalled.

GEORGE W. McMURRAY, colored, a witness previously sworn, being recalled, testified as follows:

By Senator FORAKER:

Q. You told me, just as I was coming into the committee room a few minutes ago, that you wanted to correct some statement you made in your testimony yesterday?—A. Yes, sir.

Q. What is it?—A. I think I said yesterday that Major Penrose counted the men, but I thought over it, and I think it was Lieutenant Grier. I am not certain yet, but then I am more positive that it was Lieutenant Grier than I am that it was Major Penrose.

Q. He did the counting of the company?—A. Yes, sir. They were both present.

Q. Is that all?—A. That is all.

By Senator WARNER:

Q. There are no other corrections you want to make?—A. No, sir; that is all.

Q. I don't remember that I asked, but I will ask you, where were the pistols kept?—A. They were locked up in a case in the storeroom.

Q. In whose charge?—A. They were in my charge. They were in the storeroom in a case, fastened up, and the storeroom were locked.

Q. What was the caliber of those pistols and what kind were they?—A. If I am not mistaken, they were .38.

Q. What make?—A. Colt.

Q. Colt .38's?—A. Yes, sir; that was my recollection.

By Senator FORAKER:

Q. Were they ever taken out of the case after they were issued to the company?—A. The revolvers?

Q. Yes.—A. They was never issued to the company more than one or two at a time, as a noncommissioned officer would have to go on some special duty, where probably there was one issued to him, but only had one issued to him.

Q. And then returned?—A. Yes, sir; just as soon as he got through.

Q. Did you have possession of all of them at the time of this shooting up at Brownsville?—A. Yes, sir; they were all in the storeroom, every one of them.

Q. And under key?—A. Yes, sir.

Senator FORAKER. That is all. Now you may be discharged, unless some Senator wants to ask you something further, and you may report to the sergeant-at-arms. Leave your address with him, so that he will know where you are.

TESTIMONY OF NEWTON CARLISLE (COLORED)—Continued.

NEWTON CARLISLE, colored, a witness previously sworn, being recalled, testified as follows:

By Senator WARNER:

Q. Where did Sergeant Brawner sleep?—A. Sergeant Brawner slept in the north part of the quarters.

Q. Upstairs?—A. Yes, sir.

Q. On the same floor on which you slept?—A. Yes, sir.

Q. What was the first you saw of Sergeant Brawner that morning?—A. That morning?

Q. That night.—A. The first I saw of Sergeant Brawner was when I sent Sergeant Madison down after him to come upstairs.

Q. Had you been down stairs yourself?—A. No, sir.

Q. Had you just come out of your room?—A. Yes, sir.

Q. And Sergeant Brawner was down stairs then?—A. I suppose so, sir.

Q. How did you learn he was downstairs?—A. I called him two or three times after I went to the rack, but he did not answer and I thought he were downstairs.

Q. That is, you went to the room?—A. No, sir; I did not go to his room at all. I stood by the gun rack. I did not leave the gun rack.

Q. You just called for Sergeant Brawner?—A. I called for Sergeant Brawner.

Q. And then you sent Corporal Madison down for him?—A. Yes, sir.

Q. And how long after you sent Corporal Madison before he appeared?—A. Well, it was not very long; I suppose two or three minutes, as near as I could guess at it. It was not very long, just long enough to go down there and come up.

Q. As I understand you, the light was such that even with the lantern they could not call the roll, so they counted the men?—A. Yes, sir; the light was dim. It was smoked up so they could not—

Q. It was a dark night, was it?—A. Yes, sir; it was a dark night.

Q. Was it dark in the quarters?—A. Yes, sir.

Q. How far could you see a person in the quarters?—A. Oh, you could not see them very far, because there was not any light in the quarters at all.

Q. It was quite dark there?—A. Quite dark in the quarters.

Q. All you could see anyway would be possibly—A. The shape of the person.

Q. The shape of the person; you could not tell who it was?—A. You could not tell who they were at all.

Q. Nothing about it?—A. No, sir.

Q. Now, in getting a gun out of a gun rack, what would it be necessary to do if you could not unlock it?—A. The only thing you could do, if you could not unlock it, would be to break it open.

Q. Well, how?—A. Well, with something; with an ax or hatchet, or something that would be sufficient to break it open with.

Q. And striking in the dark, you would be more apt to strike the guns than the band?—A. You would be more apt to injure the guns than the bands, because the guns lower down near the butt, or near the center of the gun, projected out a little farther than the band around the top of the rack.

Q. Look at the band of the gun rack behind you and tell us about how wide it is—about an inch and a half or 2 inches wide, isn't it?—A. Yes, sir; I suppose so; something like that.

Q. And all the space between that and the butt of the gun down nearly the length of the gun is unprotected?—A. Is unprotected, yes, sir.

Q. And 20 guns in that rack?—A. Yes, sir.

Q. Filling the space?—A. Yes, sir.

Q. You heard the hitting of the ax—hard blows?—A. Yes, sir.

Q. Do you think if a hard blow with an ax hit a rifle it would not cut entirely through the wood and into the barrel of the rifle?—A. Well, if it struck the rifle solid it might, but striking it glancing, I suppose it would not cut through.

By Senator LODGE:

Q. There was no light in the quarters at any time, was there?—A. No, sir.

Q. No lantern?—A. No, sir.

By Senator WARNER:

Q. No lantern and no candle?—A. No, sir; there was no light lit. There might have been candles or lamps in the quarters, but there was not any lit at that time.

Q. I think there is evidence here, and I may be mistaken in that, that in one of the barracks the officer in charge of quarters lit a candle and went round?—A. I don't know, sir, about that.

Q. But you had candles for such purposes, for emergencies?—A. They had candles, yes, sir; they kept candles in the kitchen for field service. They never used candles in the quarters. Candles were issued from the commissary for field service.

Q. The man who brought this ax up, where did he come from—the kitchen?—A. No, sir; I suppose not. I don't know where he came from, downstairs. We had fire axes on the front porch; we had racks for fire axes, ladders, buckets, and such things for fire purposes.

Q. That was one of the fire axes?—A. I suppose so. I didn't see the ax, so I could not tell. It was in the dark; I could not tell what it was.

Q. But it was one of the cooks who brought it up?—A. I don't know, sir, whether it was or not.

Q. Didn't you state yesterday that it was a cook who brought up that ax?—A. No, sir; I did not.

Q. Do you know who the man was that brought the ax up?—A. No, sir; I don't.

Q. Where did the cooks of the company sleep?—A. The cooks of the company? They had a room prepared for the cooks downstairs.

Q. In the barracks?—A. In the barracks; yes, sir.

By Senator FORAKER:

Q. It was dark, but you stated yesterday that you knew it was Corporal Madison whom you sent for Brawner, because of his voice.—A. Because of his voice; and he left the room with me. Him and I slept in the same room.

Q. You slept in the same room together, and you heard him telling the men to be quiet and not get excited?—A. Yes, sir.

Q. And you told him then to go down?—A. Yes, sir.

Q. That is how you knew it was Sergeant Madison?—A. Yes, sir; that is how I knew it was Sergeant Madison.

By Senator OVERMAN:

Q. Sergeant Brawner, you say, had the keys to the racks?—A. He was in charge of quarters, sir.

Q. I notice this rack has two keys. Do you know who had the other key?—A. The other keys? Why, I don't know, sir, who had them.

Q. There are two keys to every rack, are there not?—A. There are two keys to every rack.

Q. Brawner had one, and who had the other?—A. I suppose the company commander had them. They gave them to the company commander.

Q. You don't know who had the others?—A. I don't know who had the others.

Senator FORAKER. This witness may retire.

Senator SCOTT. Are you through with him?

Senator FORAKER. Not until I find out about the keys. I will recall McMurray.

TESTIMONY OF GEORGE W. McMURRAY (COLORED)—Recalled.

GEORGE W. McMURRAY, colored, a witness previously sworn, being recalled, testified as follows:

By Senator FORAKER:

Q. How many sets of keys were there to the gun racks?—A. Two keys to each lock.

Q. The officer in charge of quarters had one set?—A. Had one set, and the other set was kept locked up in the desk.

Q. By whom?—A. By me.

Q. Where were they that night?—A. They were locked up in the desk, sir.

Q. Nobody had them?—A. No, sir.

Q. Was there any place at Brownsville or Niobrara where duplicate keys could have been made that you know of?—A. No; not as I know of, sir.

Senator FORAKER. That is all.

By Senator OVERMAN:

Q. Where was that desk?—A. In the storeroom.

Q. Where you had the ammunition?—A. Yes, sir. My desk; I kept it right in the storeroom, and when the racks were issued, with one lock on here and one on there, two locks on each rack, there were two keys to each lock.

Q. Two keys to each lock?—A. To each lock; yes, sir.

Q. Well.—A. In issuing keys I only issued one key—but one key to each lock on a ring. The pistol racks, they were not used, and they did not issue no key to them.

By Senator FORAKER:

Q. But the officer in charge of quarters had four keys?—A. Had four keys.

Q. On a ring or a string?—A. On a ring.

Q. One for each lock?—A. One for each lock of the rifle racks.

Q. And you had the other four?—A. The others were taken by me and I laid them in the desk, so in case that one was lost we would have another one.

By Senator OVERMAN:

Q. Did you say four keys?—A. Two keys to each lock.

Q. But you said to Senator Foraker just now that you issued four keys. Did you mean that?

Senator BLACKBURN. There were four racks.

A. That is, keys to the four racks.

By Senator FORAKER:

Q. One key for each rack?—A. Yes, sir; one key for each rack.

Q. Was there any other key that you know anything about that would open those racks?—A. No, sir.

By Senator WARNER:

Q. You knew of the difficulty of getting those racks open that night?—A. Yes, sir; it was.

Q. You understood that the call to arms meant for the men to get their guns?—A. That is what the call to arms means, for every man to get his rifle, that is, as I understand the regulations, when the call to arms goes, every man should have his rifle.

Q. When there was difficulty in getting those guns, did you go down and get your keys?—A. No, sir; I did not. I did not go in the storeroom at all.

Q. You did not tell them you had keys, and open them?—A. Well, they all knew that, but then I didn't go in.

Q. You did not do that?—A. No, sir; because the sergeant in charge of quarters was supposed to have keys.

Q. Yes, I know; that was Sergeant Brawner?—A. Yes, sir.

Q. That night?—A. Yes, sir; there was only one key to each lock, that was exchanged there every morning. As each man came up he turned in his keys over to the next man.

Q. And you heard them chopping on the gun racks, and you did not make any effort to get your keys?—A. No, sir; I would not have brought those keys out unless I had orders.

By Senator OVERMAN:

Q. What kind of a key was it you had to your storeroom? Was it a Yale-lock key?—A. Yes, sir. I think [the witness put his hand in his pocket]—no, I haven't got it.

By Senator FORAKER:

Q. There is a key on the top of the rack.

Senator BLACKBURN. He is asking about the key to the storeroom.

Senator FORAKER. Oh, to the storeroom.

A. A Yale lock has a key something like that.

By Senator OVERMAN:

Q. Was it a Yale lock on your storeroom door?—A. Yes, sir.

Q. A similar lock to the other?—A. No, sir; it was not just like that. It was a different lock than that. Yet it was a Yale. You see, these locks lock on the side. A Yale comes in through the end—through the bottom.

Q. How was that lock fastened on the door—with a hasp?—A. A staple driven in.

Q. The storeroom door had a staple, and this lock went through?—A. Yes, sir; a hasp came over the staple, and the lock was pushed in.

TESTIMONY OF SAMUEL W. HARLEY (COLORED).

SAMUEL W. HARLEY, colored, being first duly sworn, testified as follows:

By Senator FORAKER:

Q. Tell us your full name, so that we may have it in the record.—A. Samuel W. Harley.

Q. In August, 1906, were you a member of the Twenty-fifth Infantry?—A. Yes, sir.

Q. Were you at Brownsville at that time?—A. I was at Fort Brown, sir; yes, sir.

Q. To what company did you belong?—A. Company C, Twenty-fifth Infantry.

Q. What official position did you hold in that company, if any?—A. At that time I was acting first sergeant.

Q. You were first duty sergeant, but acting first sergeant?—A. Yes, sir.

Q. Who was the first sergeant?—A. Sergeant William Turner.

Q. Where was he?—A. He was at Fort Sill, on the competition.

Senator FORAKER. I now put in evidence the official record of Samuel W. Harley, the witness, as found at page 255 of Senate Document No. 155.

The record is as follows:

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 of 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.

By Senator FORAKER:

Q. According to this it appears that you were enlisted first on October 4, 1890. Is that right?—A. Yes, sir.

Q. Did you serve continuously until you were discharged without honor, November 24, 1906, as shown by this record?—A. Yes, sir.

Q. You were first enlisted in the Ninth Cavalry?—A. Yes, sir.

Q. Then your next enlistment was in Company C?—A. Yes, sir.

Q. March 9, 1894?—A. Yes, sir.

Q. And from that time on you served in that company?—A. Yes, sir.

Q. Now, sergeant, proceed and tell us in your own way all you can recollect about the firing in Brownsville the night of August 13, 1906.

Senator SCOTT. Senator, before you proceed to that will you allow me to ask him two or three questions?

Senator FORAKER. Certainly.

By Senator SCOTT:

Q. Where were you born?—A. I was born in Elmira, N. Y.

Q. Where did you enlist?—A. I enlisted in Buffalo, N. Y.

Q. And how many years service had you?—A. Very near sixteen years. I think it lacked fourteen days of completing sixteen years.

Q. Were you in Cuba during the Spanish-American war?—A. Yes, sir.

Q. Were you in the battles there?—A. Yes, sir; I was wounded in Cuba.

By Senator FORAKER:

Q. At what battle?—A. El Caney.

Q. Where were you wounded—how?—A. It was a flesh wound from a shell from a Remington. A brass fragment from a Remington bullet struck my gunstock and tore it down, and tore a knuckle off my hand.

Q. I can see it from here.—A. Yes, sir.

Q. Did you serve in the Philippines with your regiment?—A. Yes, sir.

Q. How old are you, Sergeant?—A. I was 38 years old the 12th day of this last January.

Q. Thirty-eight?—A. Yes, sir.

Q. Where were you the night of the 13th, when the firing commenced?—A. I was in the orderly room of the barracks, downstairs.

(At this point the map was explained to the witness by Senator Scott).

Q. State again where were you the night of the 13th, when the firing commenced.—A. I was in the barracks; in the orderly room of the first sergeant, downstairs, asleep.

Q. Downstairs. On which side of the barracks was that, toward the town or toward the parade ground?—A. It was toward the town.

Q. Toward the town?—A. Yes, sir.

Q. What happened? Were you asleep or awake when the firing commenced?—A. I was asleep.

Q. Yes.—A. And I was woke up by the firing; and I dressed as soon as possible and run out of the door from the orderly room, and come around about the stairway, and I met Sergeant Brawner. He says, "Sergeant, shall I open the racks?" I told him "No, wait for orders," on account of I didn't hear the call to arms blowed by the orders of the commanding officer.

By Senator LODGE:

Q. You say the call to arms was blown by order of the commanding officer?—A. I didn't hear it.

By Senator FORAKER:

Q. He says that he didn't hear the call to arms that was blown; that is right?—A. Yes, sir.

Q. You got awake after it was blown?—A. Yes, sir. I told Sergeant Brawner, "Wait for orders," and he turned around and started up the steps, and after he started up the steps I met Corporal Wash-

ington, and he says, "Sergeant, the call to arms has gone, and Sergeant Brawner will not open the racks." I says, "The call to arms has gone? You tell him to open the racks and get the men down at once."

Q. Yes.—A. I went down where the company generally forms, and I looks around to see if I could see my company commander, and I couldn't see him, which was Captain Macklin, and I walks a little farther—which I runs a little farther—out on the parade ground to see if I could see him, and I seen a shadow of a man, a person, about, well, I should say about 20 or 30 yards from me; just could see the shadow, and I run toward him, and it was Lieutenant Grier. He halted me, and he says, "What's the matter, Sergeant?" And I says, "We are being fired on," or words to that effect, and he says, "What are you looking for over here?" I says I was looking for my company commander, and I wanted to know what action to take. He says, "Where is he at?" I told him, "I don't know, sir." "Well," he says, "go and have the company fall out under arms." He says, "I will take charge." Going back, before I got to the company, some of the men was falling down, and the commanding officer he comes down from B Company.

Q. Who was that?—A. Major Penrose.

Q. Yes.—A. And I heard him say "If you can't find the noncommissioned officer in charge of quarters, break the racks and get your guns and get downstairs."

Q. Was Lieutenant Grier there with you at that time?—A. I run to the head of him.

Q. Yes.—A. I run to the head of him. He was following up, but I starts back on a run, and I goes into one of the rooms where Sergeant McMurray stayed, and he was setting on the side of his bunk putting on his shoes, and I told him to hurry and get out, and I run out and taken post where my company was to form.

Q. What did you hear as to the gun racks; what do you know, or what can you tell us about it?—A. One of the gun racks was completely broken open, and the rest was hammered on and bent in such a way that they all had to be taken to the shop and straightened up and fixed.

Q. Did you see Sergeant Brawner after you got back?—A. No, sir.

Q. Or Lieutenant Grier? You met Lieutenant Grier and ran back. Did you see anything of Sergeant Brawner then?—A. No, sir; I did not.

Q. What was going on upstairs then?—A. When I got back I heard a little pounding upstairs, or scuffling, but the men soon came down after I got back.

Q. The company was formed then?—A. Yes, sir; the company was formed and the men was in confusion in a way that they was delayed by the opening of the gun racks, and some of the men says, "Sergeant, we have got our guns now, but we might as well have clubs, for the kind of ammunition we have got." I says, "Well, men, fall in." Then there was orders given for ammunition for the men.

Q. What did they refer to when they spoke of the kind of ammunition that they had?—A. They didn't have anything at the time but the reduced range ammunition, which ranges, I guess, from 100 to 200 yards.

Q. That is, the guard ammunition?—A. Yes, sir; the guard ammunition.

Q. What kind of bullet has that?—A. That has the lead bullet.

Q. Is that a steel-jacketed bullet or not?—A. No, sir.

Q. I didn't intend to take that up just here, but I will, now that you have referred to it. How many rounds of that kind of ammunition did each man in your company have?—A. Had 10 rounds.

Q. Did he have any other kind of ammunition?—A. No, sir.

Q. Anybody of your company?—A. No, sir.

Q. How did you come to have that kind of ammunition—how long had you had that, and only that kind of ammunition?—A. Why, that ammunition was issued between the 1st and the 4th of the month. I can't remember the date.

Q. Of August?—A. Yes, sir; of August.

Q. How did it come to be issued? Upon whose order?—A. By the company commander's orders. When we left Niobrara we was issued 20 rounds of ball ammunition. After we got at Fort Brown we got our property straightened out, and orders came out for us to turn in our ball ammunition, and we was issued our cartridge boxes and belts and the 10 rounds of multi-ball, which is the short range.

Q. That is the guard ammunition?—A. Yes, sir; the guard ammunition.

Q. Now, going back to the company formation, how did you get your gun, and where?—A. Why, Private James—Robert James—I told him to bring me down a gun, and he brought me a gun.

Q. You didn't go upstairs?—A. No, sir; I didn't go upstairs.

Q. He went and got a gun and brought it to you. Was it your gun or some other gun?—A. It was some other gun. It was dark, and the man just reached in the rack and grabbed a gun.

Q. What did you do about the forming of the company?—A. The company was formed. Lieutenant Grier he says, "Call the roll." I started the roll, but I didn't get it finished on account that there was a defective lamp, an oil lamp, and I couldn't see to finish the roll, and the commanding officer says, "Just count the men, Lieutenant, and march them around in the rear of the quarters, along the wall." Me and him, he counted the men, and I went along and counted them, too.

Q. State what the result of the counting was.—A. Yes, sir.

Q. State what the result was; were they all there or not?—A. They was all there. There was 43 men in line, not including non-commissioned officers—44, including the noncommissioned officer in charge of quarters.

Q. Including McMurray?—A. No, sir; Sergeant Brawler.

Q. Including Sergeant Brawler, in charge of quarters?—A. Yes, sir.

Q. How many men had to be accounted for that were not there?—A. There was 13.

Q. Where were they?—A. There was 3 men on pass, there was 4 men on guard, there was 2 men in confinement, and 1 man at the hospital.

Q. That makes 11. Now, where were the other 2?—A. And there was two men at the corral.

Q. At the corral?—A. Yes, sir.

Q. Well, where were the guns of the men who were absent, these 13 men? First, there were 4 men on guard; they had their guns, I suppose, had they?—A. Yes; the 4 men on guard had their guns.

Q. And the 3 men who were on pass—who were they; can you

give their names?—A. Sergeant George Thomas, Edward Lee, and Edward Johnson.

Q. Where were their guns?—A. The guns was in the rack.

Q. Where were the guns of the 2 men who, I believe you said, were in the hospital?—A. There was one man in the hospital.

Q. Where was his gun, and who was he?—A. That was Kirkpatrick.

Q. A man by the name of Kirkpatrick?—A. Yes, sir.

Q. Where was his gun?—A. His gun was turned in.

Q. Turned in where?—A. In the storeroom.

Q. Was it there that night, in the storeroom?—A. Well, I guess it was; I don't know.

Q. You don't know?—A. No, sir; I don't know about it.

Senator FORAKER. You need not answer what you do not know. I want McMurray notified again not to go. I want to recall him again..

By Senator FORAKER:

Q. McMurray was in charge of the storeroom?—A. Yes, sir.

Q. There were two men in confinement, do you say?—A. Yes, sir; there was two in confinement.

Q. Where were their guns?—A. Their guns was turned in the storeroom.

Q. Who were they?—A. Frank Bounslor and John Smith.

Q. They were confined because of some offense they had committed?—A. Yes, sir.

Q. And their guns were in the storeroom?—A. Yes, sir.

Q. Was there anybody else? How many men were there at the corral, and who were they?—A. George Johnson and Streator.

Q. And a man by the name of Streator?—A. Yes, sir.

Q. They were at the corral?—A. Yes, sir; they were at the corral.

Q. Where were their guns?—A. Their guns were at the quarters.

Q. At the quarters?—A. Yes, sir.

Q. So that the guns of all those who were absent, except those who were on guard, were at quarters?—A. Yes, sir.

Q. And some of the guns were in the racks, and some were in the storeroom?—A. Yes, sir.

Q. All right. Go back to the formation of the company. You started to call the roll and did not finish it, but counted the men, and found all your men present or accounted for?—A. Yes, sir.

Q. Did the company commander, Lieutenant Grier, who was at the time, I believe, company commander, verify your counting? I understood you to say that he went with you around—A. Yes, sir.

Q. That you went with him?—A. Yes, sir.

Q. And counted the men?—A. Yes, sir.

Q. With that result. Then what did Company C do?—A. Then we moved around in rear of the quarters, along the wall, on a kind of skirmish line.

Q. And you were kept out there for an hour or two?—A. Yes, sir.

Q. I am going to pass over that. Others can ask you about it if they want to, but I will not, because we have gone over it thoroughly. After you had been out there an hour or two you were brought back to barracks and dismissed?—A. Yes, sir.

Q. What did you do with your guns?—A. When we were brought back in front of quarters, the roll was called. I called the roll and Captain Macklin was in charge of the company then.

Q. He had joined you in the meantime?—A. Yes, sir.

Q. While you were out behind the brick wall?—A. Yes, sir.

Q. And he had you call the roll?—A. Yes, sir.

Q. What was the result of that roll call?—A. It was the same thing as the first. The same number of men was present.

Q. Do you know whether there were any men in the ranks of your company when you counted them, when you first formed, who did not belong there, or whether they were your men you found there?—A. They were my own men.

Q. You know all the men in your own company?—A. Yes, sir; I know them all.

Q. Was it light enough for you to see the men as you passed by them to recognize them?—A. Yes, sir; it was light enough to recognize a man.

Q. Whom you knew in your own company?—A. Yes, sir.

Q. Then what was done with the guns and ammunition after you called the roll by order of Captain Macklin?—A. He ordered the guns to be turned in.

Q. That means what?—A. Turned in to the storeroom and locked, which they were. They were turned in and counted by Captain Macklin.

Q. By anybody else than Captain Macklin; did you have anything to do with it?—A. Yes, sir; the quartermaster-sergeant, he was present; him and Captain Macklin.

Q. Then what were the men told to do?—A. We was told then to go to bed.

Q. Yes?—A. But in about—I don't know the exact time, but it was about thirty minutes; about between thirty or forty minutes, we was ordered back on guard; ordered out to go on guard.

Q. Did you get the guns?—A. Yes, sir; we got our guns out of the storeroom.

Q. Well, and you went on guard?—A. Yes, sir.

Q. How long did you remain there?—A. We remained there until about 9 o'clock the next morning.

Q. And then you were relieved?—A. Yes, sir.

Q. Where were you stationed that night while your company was on guard?—A. I was stationed at the gate, on cossack post No. 1.

Q. How many men were there with you?—A. There was nine.

Q. Nine?—A. Yes, sir.

Q. How many cossack posts did you have?—A. We had two.

Q. Were all your men distributed in that way?—A. Yes, sir; distributed all along the line.

Q. You had two cossack posts?—A. Yes, sir.

Q. Where was the other cossack post?—A. The one that was at the gate was a double cossack post—the one I was at.

Q. What do you mean by a cossack post?—A. A cossack post is the men placed so many yards apart in the front.

Q. How many would make a post?—A. Three privates make a post.

Q. How many men were at the other post?—A. There was four men—

Q. How many men did you have on duty?—A. There was four men at each of the other posts.

Q. At each of the other posts?—A. Yes, sir.

Q. There were four posts, and that would be 28 men?—A. Yes, sir.

Q. Where were the rest of your company?—A. Captain Macklin let the cooks fall out on account of they had to get breakfast the next morning, and the room orderly, he stayed back, and the dining room men, and also the men working at the corral.

Q. The men working at the corral were not in, though, when you counted them?—A. No, sir.

Q. I want to know where all your company were at that time. You had four men. Did you have only four men on each post, except with you where you had nine men, or did you have more on one than on another?—A. We had six men on some posts, four on the others—four on others.

Q. You remained on duty until 9 o'clock the next morning?—A. Yes, sir.

Q. When you were relieved by what company?—A. By Company B, sir.

Q. State what was done in the morning, if anything, about examining the guns.—A. In the morning Captain Macklin started from No. 1 post about, I think, a few minutes after 6, and he examined my gun. My gun was taken first. He made a very rigid examination by taking the bolt out and running a rag down in the gun, and also examined my post, and he left my post and went to No. 2.

By Senator LODGE:

Q. Did he take the bolt out of every gun?—A. Well, I couldn't say that, sir; but he taken the bolt out of my own and some of the others.

By Senator FORAKER:

Q. State whether he opened the chambers of all?—A. Yes, sir.

Q. Did he examine both the bore of the gun, the barrel of the gun, and the chamber?—A. Yes, sir; and the chamber.

Q. Do you know the result of his examination, or did you go with him beyond your post?—A. No, sir.

Q. What was the result as to your own post, as to the men he examined there; did he find any dirty guns?—A. No, sir; he didn't find a dirty gun, as the result, at my post.

Q. State whether he examined the men as to their ammunition at that time, if you recollect.—A. No, sir; because the ammunition was issued that night. Why there wasn't—the ammunition was issued to us after the firing.

Q. How much ammunition was issued to each one of you, and when was it issued? I have not brought that out.—A. The ammunition was issued as soon as the men fell in line that night.

Q. That was after the firing, however?—A. Yes, sir; after the firing.

Q. When you got your company formed, the firing had ceased?—A. Yes, sir.

Q. Then ball cartridges were issued to you?—A. Yes, sir.

Q. Do you know how much each man got of this ammunition?—A. No, sir. The men got different amounts; some got thirty and forty, and different amounts.

Q. Tell us how that ammunition was distributed to your company, if you can.—A. The ammunition was distributed mostly by bandoliers.

Q. By just handing out bandoliers?—A. Yes, sir.

Q. Do you know whether any bandoliers had been issued before that time while you had been at Brownsville to any of your men?—

A. No, sir.

Q. No man in your company had any bandolier prior to this firing?—A. No, sir.

Q. What was done with that ammunition at any time after your guns were inspected as you have indicated; what happened when you came off guard that morning?—A. When we came off guard we had orders to turn in our guns and ammunition into the storeroom.

Q. Did you do that?—A. Yes, sir; we done that.

Q. What ammunition did you turn in?—A. We turned in the ball ammunition.

Q. Any other?—A. No, sir.

Q. You retained the guard ammunition?—A. Yes, sir; we retained the guard ammunition.

Q. Did you turn in all your ball ammunition?—A. Yes, sir.

Q. You turned in yours?—A. Yes, sir.

Q. Did you see the other men turning in theirs?—A. No, sir; I didn't see all the men.

Q. Did you see any of them; did you see the turning in going on?—A. Yes, sir; I seen the turning in going on.

Q. Who was in charge of it?—A. Sergeant McMurray and Captain Macklin.

Q. And Captain Macklin?—A. Yes, sir.

Q. Do you know the result of that, whether it checked up all right?—A. Yes, sir; all turned in.

Q. All turned in?—A. Yes, sir.

Q. That is, all that had been issued the night before?—A. Yes, sir.

Q. Sergeant, tell us about cleaning a gun. I don't want you to go all through it. We have been over that a good deal. But I would like to have your opinion as to how long it takes to clean a gun, such as you were armed with that night, after it has been fired five or six times, clean enough to pass an inspection such as Captain Macklin subjected those guns to that morning.—A. Well, after a gun has been fired—I am very much of an expert on cleaning guns.

Q. You are, you say?—A. Yes, sir.

Q. Tell us how you happen to be an expert.—A. I was a soldier that used to buck for orderly, as they call it; that is to clean a gun to pass, and beat any other man, to make an orderly, and I know all the little particular points about cleaning a gun; and after a gun has been fired it would take at least twenty or twenty-five minutes, by a good, experienced man, and have everything right where he can get at it to clean it.

Q. To clean it so that it would pass inspection?—A. Yes, sir.

Q. Go on.—A. And an ordinary man; it would take him from forty or forty-five minutes to clean a gun so that it would pass a rigid inspection.

Q. If a general of the Army, or the inspector-general, should come along and tell you that he could clean one of those guns after it had been fired four or five times, in three or four or five minutes, would it

change your opinion?—A. No, sir; it would not change my opinion a minute.

Q. What would be your opinion about that?—A. After he had cleaned it, apparently clean, if you would take a rag—a white cloth—and run down into it with a rod three or four times it would come out soiled.

Q. Did you ever see an officer clean a gun all the while you were in the Army?—A. No, sir.

Q. You never saw one?—A. No, sir.

Q. You have seen them inspect guns?—A. Yes, sir.

Q. And make soldiers clean them?—A. Yes, sir.

Senator FORAKER. We will have the benefit of the testimony of your captain, Captain Macklin.

By Senator OVERMAN:

Q. A white soldier can clean a gun about as quick as a colored one, can't he?—A. Well, yes, sir; I think he can.

Senator OVERMAN. Yes.

By Senator FORAKER:

Q. Sergeant, please state whether or not, in connection with target practice—we have been over the regulations and I do not want to go into detail—state whether or not, in connection with target firing, the men have any chance to appropriate cartridges to their own use, or whether they are required to fire every cartridge under the eye of an officer, and if they fail to fire a cartridge, are required to return it to the quartermaster-sergeant.—A. In my company, when the men goes out on the target range to fire, every shot that they fire is accounted for, and the score is kept of every shot, and after they get through firing, if they have got any ammunition left, they have to turn it back to the quartermaster-sergeant; and all the firing is done in the presence of an officer, and they can't carry away no ammunition whatever.

Q. When a man deserts and runs away, he may carry his ammunition with him and do such things as that, I suppose?—Yes, sir.

Q. But there is no chance to get any ammunition?—A. No, sir.

Q. Did you have anything to do with this shooting?—A. No, sir; I did not.

Q. Do you know of anybody in your company who participated in this shooting up of Brownsville?—A. No, sir; I do not.

Q. Do you know of anybody in either of the other companies who did?—A. No, sir.

Q. Do you have any knowledge that leads you to suspect anybody?—A. No, sir.

Q. Have you refused to give anybody any information about this when called upon to do so?—A. No, sir.

Q. The officers or inspectors, or anybody else?—A. No, sir; I haven't.

Q. How much pay were you getting when you were discharged without honor?—A. Twenty-eight dollars a month, sir.

Q. That is, you were getting increased pay on account of your long service?—A. Yes, sir.

Q. And on account of being a sergeant?—A. Yes, sir.

Q. You were getting \$28?—A. Yes, sir.

Q. And you had served sixteen years, was it?—A. Sixteen years, about; lacking about fourteen days.

Q. Were you satisfied to be discharged in the way you were?—A. No, sir; I was not.

Q. You were not one of the twelve men who were arrested, were you?—A. No, sir; I were not.

Q. You were not arrested?—A. No, sir.

Q. Do you know who caused the twelve men of your company down there to be arrested?—A. No, sir; I do not.

Q. You know nothing about it?—A. No, sir.

(At 12.05 o'clock p. m., the committee took a recess until 2.30 o'clock p. m.)

AFTERNOON SESSION.

The committee reconvened, pursuant to the taking of the recess, at 2.30 o'clock p. m.

Present: Senators Warren (chairman), Scott, Foraker, Hemenway, Warner, Fulton, Pettus, Blackburn, Taliaferro, and Overman.

TESTIMONY OF SAMUEL W. HARLEY, COLORED—Continued.

By Senator WARNER:

Q. Sergeant, you didn't know anything of this shooting until some time after the call to arms?—A. I was awakened by the call to arms. I didn't know a thing about it until the firing awakened me.

Q. Let us understand. Did you hear the call to arms?—A. No, sir; I did not.

Q. That is what I say. It was after the call to arms that you were awakened?—A. Yes, sir.

Q. By shooting?—A. By shooting.

Q. And where was the shooting?—A. When I woke up the shooting seemed to be—I could explain it on the map.

Q. Just do that, Sergeant. You know about that map.—A. When I woke up the shooting seemed to be over about here, between C and B Companies' quarters, on up about the main gate.

By Senator SCOTT:

Q. Was that out in the town or on the road, or where?—A. It sounded to me like it was out along that road, along in here [indicating]. Then the firing seemed to go back toward town.

By Senator WARNER:

Q. Take that which is marked with a red figure "1" there; that is what we have known as where the telegraph office was.—A. Here; yes, sir [indicating on map].

Q. Down in that direction you first heard the firing?—A. Yes, sir. It was from halfway between B and C Companies' quarters. It seemed to be right along in here [indicating].

Q. Running down in the direction of No. 9 there, which is marked?—A. Yes, sir.

Q. And then it receded back into the town, which would be north, as we are calling it, Sergeant?—A. Yes, sir; back here [indicating].

Q. About how many shots did you hear after you were awakened, if you know?—A. I don't know the number of shots, sir, exactly,

because when I woke up I woke up under fire and I was a little excited, and I didn't count exact the number of shots.

Q. Quite a number that you heard?—A. Yes, sir.

Q. And at that time you dressed hurriedly, I presume?—A. Yes, sir.

Q. And went out?—A. Yes, sir.

Q. And who was the first person you met?—A. The first person I met after I got out was Sergeant Brawner.

Q. Sergeant Brawner was downstairs?—A. Yes, sir; right at the foot of the steps. He was coming down and meeting me.

Q. And he was the sergeant in charge of quarters?—A. Yes, sir.

Q. He would carry the one set of keys to the gun racks?—A. Yes, sir.

Q. And it was his business to unlock and lock the gun racks?—A. Yes, sir; it was.

Q. What authority is necessary in the Army, from your experience, as a rule, for the sergeant in charge of quarters to unlock the gun racks?—A. The sergeant in charge of quarters is supposed to unlock the gun racks at the proper drill hours designated by the commanding officer, or any of his superior officers over him at any time, and any time that the call to arms goes that means for the gun racks to be opened at once.

Q. I might have saved time by asking you that. So that the call to arms is an order to the officer in charge of quarters to unlock the gun racks?—A. Yes, sir; it is.

Q. Did you have any talk with Sergeant Brawner there?—A. Only two words was passed when I met him and that was, "Wait for orders."

Q. Wait for orders?—A. Wait for orders.

Q. How long had Sergeant Brawner been in the Army? It is in the record, but just tell me substantially; it is a good many years, is it not? I don't care about that.—A. Yes, sir.

Q. He was a sergeant in the company—had been promoted?—A. Yes, sir.

Q. Did Sergeant Brawner say, when you said to him "Wait for orders," that the call to arms had been sounded?—A. No, sir; he turned around and ran back up the steps.

Q. Up the steps?—A. Yes, sir; upstairs.

Q. What did you hear then, if anything?—A. Why, Corporal Washington told me that the call to arms had been sounded, and Sergeant Brawner wouldn't open the racks to let them have their guns.

Senator FORAKER. And what?

The WITNESS. Sergeant Brawner wouldn't open the racks.

By Senator WARNER:

Q. Where was Sergeant Brawner then?—A. He must have been upstairs.

Q. You were the superior officer to Sergeant Brawner, were you not?—A. Yes, sir.

Q. You thought that the barracks was being fired upon?—A. Yes, sir.

Q. That there was an attack being made by some one outside?—A. Some one outside.

Q. And it was important that the command should be armed as soon as possible?—A. Yes, sir.

Q. Did you go upstairs then?—A. No, sir.

Q. You didn't go up and give Brawner any orders?—A. No, sir; I didn't get upstairs at all.

Q. No; but you simply said to Corporal Washington to tell Sergeant Brawner to open the gun racks?—A. Yes, sir; that the call to arms had been sounded.

Senator FORAKER. Was that Corporal Washington or Corporal Madison?

The WITNESS. Washington.

Senator WARNER. Washington, yes.

By Senator WARNER:

Q. Did you see Corporal Madison?—A. I seen him in line, sir.

Q. When was that?—A. That was at the first falling in.

Q. Did the men fall in very soon after you got out?—A. The men fell in as soon as they could get their arms and get down.

Q. Did Sergeant Madison fall in at once, as soon as he could get down?—A. Corporal Madison?

Q. Corporal Madison?—A. Yes, sir.

Q. Do you know who the officer of the day was that day?—A. It was Captain Macklin.

Q. His quarters were how far from Barracks C?—A. I disremember; but his quarters was in here [indicating on map].

Senator WARNER. It is either 11 or 12. I suppose we might as well state that. I don't know.

Senator FORAKER. Yes; I don't know.

By Senator WARNER:

Q. So that would be two or three hundred yards?—A. Yes, sir; about a couple of hundred yards.

By Senator FORAKER:

Q. About a couple of hundred yards, you make it?—A. Yes, sir; probably a little more.

Senator FORAKER. That would be 600 feet.

By Senator WARNER:

Q. Well, did you go upstairs at all that night in the barracks?—A. No, sir.

Q. Did you hear any unusual noises up in the barracks upstairs?—A. At what time, sir?

Q. At the time that the company was forming.—A. Yes, sir.

Q. What were they?—A. Well, as I run in the quarters I heard a little pounding upstairs.

Q. A little pounding?—A. Yes, sir; it must have been on the gun racks. The men was about ready to come down when I got back.

Q. You say it must have been on the gun racks?—A. Yes, sir.

Q. Why do you say that?—A. They were broken open.

Q. I asked you at the time you heard the noise was it anything to attract your attention—that little pounding you speak of?—A. No, sir; it didn't attract my attention at the time so much.

Q. If it had, you would have investigated it, as a noncommissioned officer, would you not?—A. Yes, sir.

Q. How many men were there that were in line that night that you counted?—A. There were 43–44 including the noncommissioned officer in charge of quarters.

Q. Forty three?—A. Yes, sir.

Q. You remember that distinctly, do you, now?—A. Yes, sir.

Q. You gave your evidence when you were sworn by Captain Lyon?—A. Yes, sir.

Q. A few days after this shooting affray, did you not?—A. Yes, sir.

Q. You say to-day, I think, that it was Lieutenant Grier that counted the men?—A. Yes, sir.

Q. And you went along with him?—A. Yes, sir.

Q. You were the ranking sergeant present, were you?—A. Yes, sir.

Q. I read from page 116 of Senate Document 155 certain questions alleged to have been asked you on that occasion and answers given, and in this of course I am simply reading from the book:

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 gas light; and he counted the number of men, Lieutenant Grier did, and was also counted after we came back by the company commander.

There were the same number of men when you came back as there were before, as I think you stated this morning?—A. Yes, sir.

Q. The next question and answer are:

Q. Were all present when you called the roll under the gas light?—A. We didn't finish calling the roll on account of light so dim we couldn't see, and the lieutenant counted the men.

That is correct, is it?—A. Yes, sir.

Q. (Reading):

Q. How many did he count?—A. If I am not mistaken he counted 52; if I am not mistaken.

Was that correct?—A. No, sir.

Q. (Reading):

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.

Is that correct?—A. Yes, sir; that is correct.

Q. I mean the 52 part of it?—A. No, sir; that is not correct. And also I would like to make a statement as to Lieutenant Grier calling the roll there. That is a mistake, because officers don't call the roll.

Senator SCOTT. How many men did you have, Sergeant?

Senator WARNER. He stated this morning that they had 43, and with the noncommissioned officer in charge of quarters, 44.

Senator FORAKER. He can make his statement. He can make an explanation.

Senator. WARNER. Nobody is objecting to that, Senator.

Senator FORAKER. I did not say anything, because I can ask him.

Senator WARNER. Certainly.

By Senator WARNER:

Q. Sergeant, have you any explanation to make of that?—A. Of which?

Q. About this difference being here, where you say 52 men were counted and now you say there were 43 or 44.—A. There were 44 including the noncommissioned officer in charge of quarters.

By Senator SCOTT:

Q. How came you to make the statement that there were 52, in this testimony here?—A. I didn't make it.

Senator FORAKER. How was this statement taken, if I may be permitted to ask?

Senator WARNER. Go ahead and ask him.

By Senator FORAKER:

Q. How was this statement taken; how were these questions and answers taken? How was this statement taken from you that is in this book here? I see it says "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." Do you remember Colonel Lovering being there?—A. Yes, sir.

Q. Did you testify before him, or before whom did you testify?—A. I testified before him.

Q. You testified before him?—A. Yes, sir.

Q. And do you want us to understand that you did not say there were 52 men, and that that is an error in writing it out?—A. Yes, sir.

Q. You did not have that many men to turn out?—A. No, sir; I didn't have that many men present.

Senator BLACKBURN. Had you not better let him state how that testimony was taken?

Senator WARNER. I would prefer to finish my examination first.

Senator FORAKER. Very well. You said it was all right for me to question him, and I did so.

By Senator WARNER:

Q. Who wrote down your testimony at the time it was taken—at that time?—A. I don't know who the man was.

Q. It was written down as you gave it?—A. Yes, sir.

Q. That is, it was supposed to be?—A. Yes, sir; supposed to have been, as I gave it.

Q. Questions and answers?—A. Yes, sir.

Q. And you were sworn on that occasion by Captain Lyon, were you not?—A. No, sir; by—

Q. By Colonel Lovering?—A. Yes, sir.

Q. And was it read over to you afterwards?—A. No, sir.

Q. It was not read over at all?—A. No, sir.

Q. How many men did you have in your company?—A. Fifty-seven—or I had 60 in the company, but there was only 57 present in the garrison.

Q. Fifty-seven present in the garrison?—A. Fifty-seven in the garrison; supposed to be at the time, at Fort Brown.

Q. Thirteen, as you say now, were not in at the roll call?—A. Yes, sir.

Q. We will not go over that, but you have explained that in your direct examination this morning?—A. Yes, sir.

Q. When did you examine the gun racks, Sergeant?—A. I noticed the gun racks the next morning.

Q. Was your attention called to them by anyone?—A. No, sir; not particular; but I knowed that they had been broken open.

Q. How many?—A. There was one broken open.

Q. One broken open?—A. And four of them was badly hacked up—the other three were.

Q. But there was only one broken open?—A. Only one broken open.

Q. How was that broken—that is, what part of it was broken?—A. Well, I disremember now what part it was of the rack, but there was some part; the front part, near the lock [indicating on gun rack].

Q. Were the staples pulled out?—A. Yes, sir; yes, some of the gun racks, the staples were pulled.

Q. You say some of the gun racks the staples were pulled?—A. Yes, sir; the ones that wasn't broken open was pulled out from the locks. These staples was pulled out from here [indicating].

Q. When you say "these staples here," you mean the small wire staple at the top of the gun rack, over where the pistols are put in, and also where the guns are put in?

The CHAIRMAN. The chain holds the lock.

A. Yes, sir.

By Senator WARNER:

Q. But that is simply where the end of the chain is attached that holds the lock [indicating]?—A. Yes, sir.

Q. But what I am speaking about is the staples to which the lock is attached?—A. There was only one, and that was the staples were broken open.

Q. That was the small staples. Pulling out these small staples at the top of the pistol rack and the gun rack would give no assistance in opening the gun rack, would it?—A. No, sir; it would not.

Q. Which gun rack was it that those staples were pulled out of?—A. I don't know which one it was, because the gun racks were not numbered; but the noncommissioned officers each had their own gun racks, and they was numbered according to the way their sections were; but the racks were not numbered.

Q. What was done with those gun racks?—A. They were sent to the shop to be straightened up.

Q. Who sent them to the shop?—A. I am not sure whose orders, but I think it was from Captain Macklin.

Q. Did you hear any orders?—A. No, sir.

Q. Did you see them sent to the shop?—A. Yes, sir.

Q. Loaded in the quartermaster's wagon?—A. Yes, sir.

Q. All of them?—A. Yes, sir.

Q. Of course they wouldn't make more than a load, all of them?—A. No, sir.

Q. When was that?—A. I can't say the date; I don't remember, but it was some time after the 13th.

Q. How many gun racks were loaded in the wagon?—A. There was four, sir.

Q. What was the matter with those gun racks?—A. Well, they was badly hammered on, and they had to be sent to the shop to be straightened up.

Q. You found only one of those gun racks from which the staples were pulled on the lock which holds the guns in? That was the only one you found the staples pulled on, was it not?—A. Pretty much all of them had the staples pulled, so far as that is concerned.

Q. I haven't asked you about that staple [indicating]. I have asked you about the staple here, which locks the lock—the large staple.—A. There was only one that I saw.

Q. Only one?—A. That I saw.

Q. Now, you say that they were pretty badly hammered up?—A. Yes, sir.

Q. What could be hammered up about that to make it necessary to take it to the shop?—A. This up here, these bands was bent, and

there was one or two of these in here, this was broke out [indicating on the gun rack].

By Senator FORAKER:

Q. That is, the socket?—A. Yes, sir.

By Senator WARNER:

Q. I will get that. That is the iron band that goes around to hold the guns in; that was bent?—A. Yes, sir.

Q. And also, you say that the pieces of timber between the sockets, which the top of the gun goes through, some of those were broken off?—A. Yes, sir; some of them were broken off.

Q. Anything else except that iron band being bent?—A. That is all, and—

Q. Sergeant, look at that a moment. Look at that space there; that opening there; the solid wood is about an inch and a quarter, is it not, where that iron is?—A. Across there [indicating]?

Q. Yes.—A. Yes, sir; about that.

Q. Do you think it would be possible to bend that in there in that place in any way?—A. Yes, sir; with an ax, very easily.

Q. You think that would be an easy job?—A. Yes, sir.

Q. Did you make inquiries about that, Sergeant, as to how it occurred?—A. Why, the racks being broken open?

Q. Yes.—A. It was the commanding officer's orders.

Q. And did you make inquiries about it afterwards?—A. Why, no, sir; I didn't, on account it was his orders that the racks were broken open, and I didn't make any further inquiry about it, because everybody knowed whose orders it was.

Q. Did you speak to any of your noncommissioned officers about it?—A. About the racks being broke?

Q. Yes.—A. Some of them spoke to me about it, and telling me about it, and they all knowed it.

Q. Who was it spoke to you about it?—A. Why, Sergeant McMurray, he spoke to me about the racks.

Q. He was quartermaster-sergeant?—A. Yes, sir.

Q. What did he say about it?—A. He just said that the racks was broken open, and I told him, "Yes: the commanding officer ordered it."

Q. When you say the racks were broken open?—A. Yes.

Q. What do you mean by that?—A. Well, I mean that a rack was broken open.

Q. A rack, instead of "racks"?—A. Yes, sir; a rack.

Q. Did you talk to any other noncommissioned officer?—A. Not as I remember.

Q. Sergeant Brawner was subject to your orders there that night, as you have stated?—A. Yes, sir.

Q. And you had ordered—you had sent word to him to unlock the gun racks?—A. Yes, sir.

Q. The next morning—the next day—you saw four gun racks?—A. Yes, sir.

Q. Loaded in a wagon?—A. Yes, sir.

Q. To go to be repaired?—A. Yes, sir.

Q. Did you have any talk with Sergeant Brawner as to why it was that he did not carry out your orders?—A. He said—he told me that he didn't believe what those men were saying; he either wanted to get direct orders form me, or some authority higher.

Q. Did he not tell you that he had unlocked one gun rack?—A. When was that, sir?

Q. That night.—A. At the time of the firing?

Q. Yes.—A. No, sir.

Q. But he did unlock one gun rack, did he not?—A. I guess he did.

Q. Where did you get your gun?—A. My gun? I sent Robert James up and told him to bring my gun down.

Q. Yes. You made a statement on the 24th day of November before an officer of the Constitutional League, did you not?—A. Yes, sir.

Q. Down in Oklahoma, after you had gotten over there?—A. Yes, sir.

Q. You have said here in your statement to-day that Sergeant Brawner asked you: "Shall I open the racks?" That is correct, is it not?—A. Yes.

Q. And that you replied to him: "Wait for orders?"—A. Yes, sir.

Q. And then Corporal Washington gave you the information that the call to arms had sounded?—A. Yes, sir.

Q. And you instructed Corporal Washington, as you have stated, to give the order to Sergeant Brawner?—A. Yes, sir.

Q. To let the men have the guns and get down as quickly as possible?—A. Yes, sir.

Q. And some of the men went down without their guns?—A. Yes, sir.

Q. Now I will read to you, so as to get the connection:

And Major Penrose asked why they didn't have their guns, and a member of the company replied that they could not get their guns from the racks, as they couldn't get in them.

That is correct, is it?—A. Yes, sir.

Q. (Reading:)

Major Penrose ordered men to get their guns if they had to break open the gun racks.

That is correct, is it not?—A. Yes, sir.

Q. (Reading:)

Sergeant Brawner opened, as fast as he could, the racks in the dark.

That is correct, as you understand, is it not?—A. Why, "Opened the racks as fast as he could?" I don't know anything about that. I didn't make any statement, I don't think, to that.

Q. If such a statement as that is in here, that is a mistake, too, is it?—A. (The witness did not answer.)

Senator FORAKER. Read the rest of it.

Senator WARNER. I will, in a moment.

The WITNESS. But I guess after he got the orders, and knowed it was the right orders, I guess he opened the racks as fast as he could.

By Senator WARNER.

Q. And then you say:

The men broke open one rack.

That is right, is it, that they broke open one rack?—A. Yes, sir; broke open one rack.

Q. Then all the racks excepting this one you saw, from their appearance next morning, must have been unlocked to get the guns out of them?—A. Yes, sir.

Q. That is, the other racks were not broken sufficiently to get the guns out?—A. No, sir; only the one was broken sufficiently to get the guns out, and the other three had been unlocked.

Q. Didn't they batter and mash the guns considerable?—A. Yes, sir; the guns—a lot of them—the sights were knocked off.

Q. A lot of them; about how many?—A. I disremember the number.

Q. But a goodly number?—A. Yes; quite a few.

Q. Quite a few? There was altogether in those four racks 80 guns, if they were full, but you didn't have that many, because you didn't have that many in your company?—A. No, sir.

Q. But there would be a gun for each member of your company there, would there not?—A. Yes, sir.

Q. There would be between 50 and 60 guns?—A. Yes, sir.

Q. How many of these guns were battered up, and with the sights broken off, and otherwise damaged; about what proportion would you say?—A. There was about seven or eight.

Q. Seven or eight?—A. Seven or eight, if not more.

Q. What other damage did you see to the rifles, excepting sights being knocked off?—A. Some of them was cut, down the stock.

Q. Did you report that to anyone?—A. Yes, sir; to the company commander; he knowed it.

Q. How many were hacked down—the wood part? What you mean is this wood part here [indicating on gun]?—A. Yes, sir.

Q. That covers the top of the barrel?—A. Yes, sir.

Q. What do you call that piece?—A. The stock.

Q. That is a piece of the stock—that is the top of the stock?—A. Yes, sir.

Q. That was splintered down?—A. Yes, sir; splintered down, and one or two of them had the sights knocked off.

Q. Seven or eight had sights knocked off?—A. No, sir; I said that seven or eight was injured, or probably more. I didn't take the exact count.

Q. What was done with these battered guns?—A. Well, the men still kept them.

Q. Had them on inspection?—A. Yes, sir.

Q. Passed the inspection?—A. Yes, sir.

Q. You were not using all the guns that you had there?—A. When was that, sir?

Q. At this time.—A. On inspection?

Q. Yes.—A. Only the men that was on guard and had permission to be absent, those were the onliest ones that wasn't present.

Q. Were there not other guns in the barracks there?—A. On the night of the 13th?

Q. Afterwards; after that?—A. Yes, sir; there was other guns there.

Q. Where were the other guns kept; that is, the guns that were not issued to the men?—A. All the guns was kept in the storeroom.

Q. So that there were perfect guns there which could have been issued to the men, but they kept these battered and chopped-up guns.—A. No, sir; all the guns was kept in the storeroom.

Q. I know; but did the men appear with these chopped-up guns and battered guns on inspection?—A. On inspection; yes, sir.

Q. On inspection?—A. Yes, sir; they kept their guns just the same.

Q. Nobody knew that night whether he was getting his own gun or not, did he?—A. No, sir.

Q. Have you ever stated before to-day, in your examinations, either before Colonel Lovering or in this examination had before the representative of the Constitution League, about the guns being damaged as you have stated?—A. I disremember whether I have or not.

Q. The examination of November 24 you understood was a friendly examination, did you not?—A. Yes, sir.

Q. To explain the whereabouts of Company C at the time of the firing?—A. Yes, sir.

Q. And who it was that did the firing?—A. Yes, sir.

Q. Why was it that you did not speak of this fact about the guns—the condition of the guns?—A. Why, everyone knowed the condition of the guns.

Q. I ask you why it was that you did not speak of it? These men that were examining you on the 24th of November did not know about the condition of the guns there at that time.—A. Well, it was like this. When I went before Colonel Lovering, he told me to sit down and not say anything more than what he asked me.

Q. Yes. Well?—A. And if I didn't state anything about it, he didn't ask me anything about it.

Q. Yes, but I was not asking you about the examination before Colonel Lovering but about the examination on the 24th of November, in Oklahoma?—A. Well, I think I stated about the gun racks being ordered broken open.

Q. I didn't ask you about gun racks this time. I asked you what you stated, if anything, about the guns being battered up and sights knocked off.—A. Well, I just didn't think of it.

Q. Can you give any other reason?—A. No, sir.

Q. And you only mentioned there the fact of one gun rack being broken open?—A. Yes, sir; one gun rack being broken open.

Q. Yes. As I have read, you did not state a word at that time about other gun racks being damaged or injured.—A. No, sir.

Q. Why did you not do that?—A. Well, it was only one gun rack being broken open, and the rest were not being broken open.

Q. Yes.—A. And I didn't think to state about the others being damaged or anything of that kind, but I know there was one broken open.

Q. You had gaslights there?—A. Where is that, sir?

Q. At the barracks, at the fort.—A. Fort Brown?

Q. Yes.—A. No, sir; oil.

Q. Oil. Well, I supposed it was a mistake. You stated in this examination that the gaslight was poor. You meant the oil light was poor.—A. Yes, sir.

By Senator FORAKER:

Q. In that connection you were referring to the lamp down below, outside of the barracks?—A. Yes, sir.

Q. Was that gas or oil?—A. Oil.

Senator FORAKER. Some one stated that the barracks were lighted with oil.

By Senator WARNER:

Q. That was a dim light there? The night was a dark night, was it?—A. It wasn't the darkest night, but it was a dark night. It was not a severe dark night.

Q. I didn't catch your last words.—A. It was a dark night, but it wasn't a very severe dark night.

Q. That is, you have seen a darker night?—A. Yes, sir; I have seen a darker night.

Q. How badly were these other three gun racks injured? We have had one that was broken open. How badly were the others damaged?—A. Well, there was one, the second one—one of them was damaged pretty badly, and the other two wasn't quite so much; damaged slightly. But they was all hammered on generally pretty bad. But there was two worser than the other two.

Q. And with reference to the locks on the gun racks, where was the injury to the gun racks?—A. Well, the most of the injury was—the one that was broken open was pretty much in front of the lock, and the other ones, as near as I can remember, was all around everywhere.

Q. All around?—A. Yes, sir; battered. It was on the sides, and this here was bent down off of these catches here [indicating].

By Senator FORAKER:

Q. When you say "this here," you are referring to the band?—A. Yes, sir; the band.

By Senator WARNER:

Q. The band that holds the rifles, not the band that holds the pistols?—A. Yes, sir; the band that holds the rifles.

By Senator OVERMAN:

Q. When you saw them that morning and saw them battered so, were they locked then or unlocked?—A. I don't remember.

By Senator WARNER:

Q. That night extra cartridges were issued to you?—A. Yes, sir; cartridges was issued to us that night.

Q. And you say that they were issued indiscriminately, and some men got more and some men got less?—A. Yes.

Q. Some got fifteen or twenty rounds, and some got maybe thirty or forty rounds?—A. Yes, sir.

Q. How did you come to be so careless or irregular in the issuing of cartridges as that—was that usual?—A. No, sir; no, sir, that was not the usual way of issuing ammunition, but the men had to get out as soon as they could, and they just issued the quickest way, and some was issued by bandoliers.

Q. And a bandolier—A. A bandolier.

Q. (Continuing.) Would hold how many cartridges?—A. Sixty.

Q. Some men would be given a bandolier?—A. Yes, sir.

Q. And some would be given less than a bandolier?—A. Some would get less.

Q. And that is the way the cartridges were issued that night?—A. Yes, sir.

Q. Were you present when the cartridges were turned in the next morning?—A. Well, I wasn't—I remember the turning in, but I wasn't present all the time.

Q. That was not any part of your business as a noncommissioned officer?—A. No, sir.

Q. You had nothing to do with that?—A. No, sir.

Q. And how many cartridges were turned in by each man the next morning, you don't know anything about?—A. No, sir.

Q. Whether the man who got 60 rounds turned in more than the man who got 15 rounds, you knew nothing about?—A. No, sir; I knew nothing about that.

By Senator TALIAFERRO:

Q. I understood you to testify that you did not mention that these guns had been injured in the effort to break open the racks, because you didn't think of it?—A. Yes, sir.

Q. And that was the only reason, I understood you to say that you did not mention it, that you did not think of it?—A. Yes, sir.

Q. When did you first think to mention it?—A. When I first thought about mentioning it, was about a month ago; I happened to think of it.

Q. Did anybody suggest it to you?—A. No, sir.

Q. Have you talked about it with members of your company since you have reached Washington?—A. Since I reached Washington?

Q. Yes.—A. No, sir; not particularly, I haven't. No, sir; I haven't said anything concerning about the damage done. I haven't said a thing.

Q. Did any members of your company tell you that they had testified before this committee here that the guns were injured?—A. No, sir.

Q. So you had no conference with them on the subject at all?—A. No, sir; I had no conference with them on the subject.

By Senator WARNER:

Q. When was it you said you told them; how many months ago?—A. I don't remember of ever telling it before.

Q. When you spoke about the guns being damaged?—A. I have thought about it, about a month ago.

Q. Pardon me. I suppose I was mistaken about that. The first time you thought of it was when?—A. It wasn't the first time I thought of it. I had thought of it times before. I thought of it when I was at Fort Brown and when I left there.

Q. I supposed you did not mean that.—A. But I never have made no statement, I don't believe, in that way, to that effect, until now.

Q. You never have told anybody up to this time about that?—A. About the guns being damaged?

Q. About the guns being damaged as they were?—A. No, sir.

By Senator TALIAFERRO:

Q. Did you volunteer the statement here that the guns were damaged, or was the question asked you?—A. I think the question was asked me, sir.

Q. What efforts did you make to find who had done that shooting at Brownsville on August 13?—A. To try to find out who did it?

Q. Yes.—A. Well, I had conversation with the men in my company about it, and also conversation with men in the other companies.

Q. What was that conversation?—A. Well, I used to ask them what was their ideas about it, and they all seemed to think—the men that I had any talk with—that it was done by some outsiders.

Q. That is what you mean by having made an investigation as to who did the shooting?—A. Yes, sir; that is what I mean—that I was trying to find out who did do it, if any—

Q. How did you try to find out, if in any other way than that you

have stated?—A. Well, lots of times I have sat around and listened at men in conversation; would be sitting around listening to their opinions about the affair.

Q. And they would give their opinions?—A. Yes, sir.

Q. And that opinion was that somebody in the town had fired at them?—A. Yes, sir.

Q. Why? Why did they say that somebody in the town had fired?—A. Some had different opinions; and my opinion was—the reason that I had the opinion that somebody had done the shooting from the town, when I run out I could hear a bullet traveling across the parade ground.

Q. That is what made you think that somebody in the town was firing at the fort?—A. Yes, sir.

Q. Did you say that you could hear a bullet?—A. Yes, sir; I could hear it.

Q. How many bullets?—A. Well, I just heard that one at the time; could hear that one; heard it whiz as I run out.

Q. You ran out in front of the barracks?—A. Yes, sir; I run out in front of the barracks.

Q. The barracks was between you and the town?—A. Yes, sir.

Q. Between you and the shooting?—A. I was in front of the barracks.

Q. I know; but the barracks was between you and the shooting?—A. Yes, sir.

Q. And that bullet, then, went over the top of the barracks?—A. It went over between—it sound like it went over, right over here, right off in here, right in here [indicating on map]. It was either, probably, over the upper end of here, the quarters of B Company, or in the interval, I couldn't tell exactly whereabouts, exactly, the direct place, but you could hear the whizzing of it.

Q. What kind of a bullet did you think that was—fired from what kind of a gun?—A. I didn't know. It was from a Winchester, I believe.

Q. It whizzed like a Winchester bullet?—A. Yes, sir.

Q. You came to that conclusion there at that time, did you?—A. Yes, sir.

Q. Have you ever mentioned this in any of your examinations?—

A. No, sir; I did not.

Q. That would be quite important, would it not, in determining whether citizens were firing upon the fort or whether it was soldiers firing upon the town, the direction from which the shot came?—

A. Yes, sir.

Q. But you never have mentioned that at all?—A. No, sir.

Q. Did you hear any other shots?—A. I didn't hear no other bullet. I didn't hear no other bullet, but I heard a number of shots.

Q. Did you make any examination, when you knew the next day, did you not, or within a day or two, that it was suspected that some members of the three companies had done the shooting up of the town?—A. No, sir; I didn't make any examination.

Q. You had heard that it was charged that some of the members of the three companies had done the shooting up of Brownsville that night?—A. Yes, sir.

Q. And you heard this bullet whistle over there?—A. Yes, sir.

Q. Did you go to see if that bullet had struck in either one of the barracks?—A. No, sir; I did not.

Q. Or the officers' quarters?—A. No, sir.

Q. Did you mention that fact to your officers?—A. No, sir.

By Senator OVERMAN:

Q. Did your officers tell you that you were suspected of doing that shooting—any men in your battalion?—A. Yes, sir; they told us that there was some of the members of that command was suspected of doing the shooting.

By Senator TALIAFERRO:

Q. Do you think now that this firing was an attack on the barracks?—A. Yes, sir.

Q. And yet none of the barracks buildings was struck by bullets?—A. Well, no sir; not that I know of—

Q. Well, if there had been you would probably have known it?—A. Yes, sir; I would. But when I run out I thought that probably they made an attack—they done that in order to stampede the soldiers and to draw them in town; probably that was what it was done for, because I noticed then that this shot was going high.

Q. You do not think, then, that there was any purpose to injure any of the soldiers in that attack that was made up to that time?—A. No, sir; I don't think so, unless it was that by darkness they were oversiring the quarters. They were probably aiming to hit that, where all the soldiers, almost, slept, and being in the dark and not being able to catch their front sight it caused them to shoot over the top of the building.

Q. If they didn't catch the front sight, that would make them shoot lower, wouldn't it?—A. What is that?

Q. If the front sight didn't come up so as to make them see it over the rear sight, it would make them shoot lower?—A. No, sir; not always. If it was dark that would cause them to raise it too high, and if it would come down you can't tell which way it is going.

Q. You mean that the point of the gun was too high, that they couldn't catch the sight?—A. Yes, sir; it was dark, and if it happened to be elevated a little too high it would throw them clear over the quarters.

Q. Yes.—A. As a general thing with all people shooting, if they don't watch, it is the tendency of everybody to shoot high.

Q. About how many shots did you hear that night?—A. I don't know.

Q. I do not expect you to be exact, but I mean approximately, generally; give us your best idea.—A. I couldn't hardly give any idea on it.

Q. Forty or fifty?—A. No, sir; not that many. The time I got out I didn't hear that many.

Q. Twenty or thirty?—A. I don't know, exactly. I couldn't make no statement on that at all—the number of shots that I heard.

Q. Did you hear more than ten?—A. I couldn't state the number of shots, because I didn't take no account of them.

Q. Witness, I didn't ask you to state the number of shots; I asked you to give me your best idea as to about how many shots you heard. Did you hear more than one?—A. Well, I will say five or six or more shots, but the number I don't know.

Q. Would you say that those shots were fired by one man or more than one man?—A. There was more than one man.

Q. More than one person shooting?—A. Yes, sir.

Q. And you think it possible that out of five or six shooting at the barracks, they would all overshoot the barracks, and that none of them would strike the building?—A. Well, it could be possible; yes, sir.

Q. How high are those buildings?—A. The buildings? I don't know exactly how high.

Q. Two stories?—A. Yes, sir; two stories.

Q. With a gable roof, or flat roof?—A. With a gable roof.

Q. So that those buildings were not less than 25 feet high?—

A. No, sir; I don't think so. I don't think they were less than that.

Q. And the shooting appeared to be within a block of the quarters?—A. That is where it seemed to be when I woke up; right along the road.

Q. The road just outside of the wall?—A. Outside of the wall, it seemed to be.

Q. You mean the post road there?—A. Yes, sir; it seemed to be. Exactly I couldn't tell whether, but it seemed to be right out here [indicating].

Q. On that road?—A. Yes, sir.

Q. That would be about how far from barracks C and B?—A. I don't know, sir. I guess it would be probably 75 yards.

Q. Seventy-five yards?—A. Perhaps 75 yards. I never measured it, and I couldn't say.

By Senator BLACKBURN:

Q. Do the barracks sit back 75 yards from that brick wall?—A. No, sir; they don't. The barracks don't sit back that far from the wall.

Q. How far?—A. Well, about 40 yards, I guess. I guess about 40. I have never measured it. I would judge it to be that.

Senator SCOTT. Forty yards, or feet, do you mean?

Senator FORAKER. The exact distance is given in this document. I think it is given as 100 feet from the barracks to the wall. I am not sure about that.

(Measurements were here made on the map with a scale.)

Senator TALIAFERRO. It is 1½ inches on the map from the barracks to the wall. The scale is 30 feet to 1 inch, so it would be 45 feet from the barracks to the wall; and it is 1 inch on the map from the wall to the road. The distance from the barracks to the road is, therefore, 75 feet, instead of 75 yards, to the extreme edge of the road.

By Senator TALIAFERRO:

Q. I want you to tell this committee, Sergeant, if you mean to say that it is your judgment that a party of five or six men attacking those quarters, and only 75 feet away, and firing into them, would not strike any of those buildings; if it is possible that that could be so, where they were attacking barracks C and B?

Senator FORAKER. If you will allow me—

Senator TALIAFERRO. Just let him answer that question.

By Senator TALIAFERRO:

Q. Do you wish to repeat to the committee that you think that is possible?—A. Well, they could be struck, and then again they could not be.

Q. You mean they might not be?—A. Yes, sir; if they were aiming at a certain object, that they might not be.

Q. Do you think it at all probable that if they had been shooting at those barracks some one of those bullets would not have struck one of those buildings?—A. Yes, sir; they would have struck there, somewhere.

Q. You think they would?—A. Yes, sir; probably they would have struck somewhere, some one of them.

Q. As they did not strike any of the buildings, why do you still say that you think those people were attacking the barracks?—A. I don't know that. As I say, I heard a bullet go over the quarters, or between the quarters, I don't know exactly which; but I heard it traveling across the parade ground as I came out.

Senator FORAKER. May I put this in the record now?

Senator TALIAFERRO. Certainly; pardon me, Senator.

Senator FORAKER. Major Blocksom says in his report of August 29, 1906—the first report he made—on page 62 of Senate Document 155:

The line of barracks, 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.

Senator TALIAFERRO. That is the far side of the road?

Senator BLACKBURN. Yes.

Senator FORAKER. I understood the witness to say that it was 45 feet.

Senator TALIAFERRO. The distance was measured here from the north line of the barracks to the wall, and then it was measured to the north line of the road, making 75 feet in all.

Senator FORAKER. The scale is 30 feet to an inch.

Senator TALIAFERRO. From the barracks to the wall was an inch and a half, making 45 feet, and from the wall to the road one inch, making 30 feet, making 75 feet altogether.

Senator FORAKER. I gathered somehow that it was the distance from the barracks over to the Western Union Telegraph office.

By Senator TALIAFERRO:

Q. You say, witness, that you think it likely, now, that if they were attacking the barracks, some of these shots would have struck the barracks?—A. Yes, sir; it could be that way.

Q. Then you do not want to correct your statement that you believe that they were attacking the barracks?—A. No, sir.

Q. You still believe it?—A. Yes, sir.

Q. In spite of your statement that—A. Yes, sir.

Q. Yes. Is there any fact that could be shown that would change your mind as to whether they were attacking the barracks or not?—

A. What was that? I did not understand the question.

Q. Are there any facts or circumstances under which you could be convinced that they were not attacking the barracks?—A. No, sir.

Senator TALIAFERRO. I thought not. I am through with the witness.

By Senator WARNER:

Q. You say that this shot was fired high, and you thought it might be to stampede the garrison, and have them come into the town?—A. Yes, sir; I thought probably that was what it was done for.

Q. To have them come into town how? To desert the barracks and come in without their arms?—A. I don't know how they was to come. I heard the shooting, and this shot going over the barracks,

and I thought probably that they made an attack on the command just in order to throw them into confusion.

Q. That is, to stampede them?—A. Yes, sir.

Q. And then you said to have them come or to draw them into town, or words to that effect. I do not pretend to give your exact words, Sergeant, now.—A. Yes, sir.

Q. What did you mean by that, if you said anything like that about drawing or having them come into town?—A. Well, what I meant by that, to stampede them and probably to draw them out with their arms; some men to get their arms and run out into town, where they could probably get into a fight, or something like that, with them.

Q. Yes. Have you any other explanation of that, Sergeant?—A. No, sir.

Q. If you have, make it.—A. (Question not answered.)

Q. Did you go into town after this?—A. No, sir.

Q. You knew that there was a difficulty between some of the men there and some of the citizens, did you not?—A. Yes, sir; I knowed that there had been.

Q. And that the feeling was not of the best?—A. Yes, sir; I knowed that.

Q. Your men discussed that pretty freely?—A. Yes, sir; there was a little discussion over it.

Q. Was there any discussion as to the way they had been treated there at Brownsville?—A. Yes, sir; I heard that between one or two men, that they got in trouble there a little.

Q. Yes, I know. But generally, the way you had been treated there, the way the men had been treated, not allowed to go into the saloons?—A. Yes, sir; I heard all that.

Q. Had you ever been South before?—A. Yes, sir.

Q. In the Army?—A. Yes, sir.

Q. At what points?—A. I was at San Antonio, Tex.

Q. What regiment were you with then?—A. With the Twenty-fifth.

Q. What company?—A. Company C.

Q. There was some trouble there between some of the colored soldiers, was there not, alleged to be, and some of the citizens?—A. Yes, sir; I think they had some little trouble there at one time.

Q. That is, a shooting affair?—A. Yes, sir.

Q. Do you know what became of that?—A. No, sir; I do not.

Q. What other place were you in the South?—A. Well, I was at Fort McPherson, Ga., for awhile.

Q. Were you at any other place in Texas?—A. No, sir.

Q. Down in Georgia, was there any trouble between the soldiers and the citizens?—A. No, sir.

Q. None there. When you were ordered South, what talk was there about your going down South again and about your treatment in the South?—A. We had been at Fort Niobrara so long that we wanted to go for a change, and all of us older soldiers that had been at San Antonio, we had fairly nice treatment there, and we wanted to get back. We thought we would have the same treatment at Fort Brown.

Q. You wanted to get back down South?—A. Yes, sir.

Q. So that you went back feeling that you would be treated nicely down there?—A. Yes, sir.

Q. And it was a great disappointment to you the treatment you received?—A. Yes, sir; it was.

Senator TALIAFERRO. Now, what was that treatment he received?

By Senator WARNER:

Q. Senator Taliaferro wants to know what treatment it was that caused this disappointment to you?—A. Well, the people of the town, of the city, they treated us very nice, and as far as my concerns I didn't have any trouble, or any of the older soldiers in the company at the time didn't have any trouble at the time, or at San Antonio.

Q. Yes; but I am speaking of Brownsville.—A. I didn't understand the question.

Q. I understood you to say that the treatment you received down there at Brownsville was a disappointment to you. I have asked you what was the treatment that caused that disappointment?—A. Well, there was disappointment to some of the men. There was one man—he was in my company—he got knocked in the head and another man was pushed overboard.

Q. Yes.—A. And the men claimed—I only got into town once, that was the second night I was there, and I only stayed in town about a half hour—they claimed that they wasn't allowed to go in the saloons; and if they did they would have to go in the back way, and there wasn't a saloon, I don't suppose, in town that they could get in.

By Senator TALIAFERRO:

Q. Were you allowed to go in the saloons with white people in San Antonio?—A. Yes, sir; lots of places we were and lots of places we were not.

Q. Was there any first-class saloon in San Antonio where you were allowed to go into the saloon with white people?—A. No, sir.

Q. Can you go in a first-class saloon here in Washington with white people?—A. I never have tried it. I don't know.

Q. If you were not allowed to go in first-class saloons in San Antonio with white people, why should the men have been disappointed at not being allowed to go in first-class saloons in Brownsville with white people?—A. It was no disappointment to me.

Q. But you have said that it was a disappointment.—A. The men was disappointed in this way. There is some men that likes to get something to drink now and then; and when they went there, why, there wasn't no place that they could get anything to drink, and there was a disappointment, right there.

Q. But that didn't go to you?—A. No, sir.

Q. You did not feel any disappointment from it?—A. No, sir; I didn't feel disappointed a bit over it.

Q. So that, as a matter of fact, you were treated fairly in Brownsville?—A. Yes, sir; I was only in Brownsville once, and that was the second night after I was there.

Q. You have no complaint to make of the treatment that you personally received in Brownsville?—A. No, sir; I have not.

Q. So that as far as your treatment was concerned, the going to Brownsville was no disappointment to you?—A. No, sir; it was all right. I got good treatment.

Q. This man that you say was knocked in the head, who belonged to your company—A. Yes, sir.

Q. Do you know anything about the circumstances of that case?—

A. Well, from what I can hear, he walked between a couple of women on the walk, and this man knocked him down with a six-shooter and told him he would learn him better than to walk between white women on the sidewalk.

Q. Do you think it was a very polite thing for him to have done, considering that his statement was true that he walked between these women, as you call them?—A. Well, no, sir. There is one thing, that while he was coming along and they were taking up all the sidewalk, I think they should give him a little room.

Q. But if you had been walking on the street in Brownsville, or if you were walking on the street here and you met a party of ladies or a party of women, taking up the entire walk, would you not step off of the walk rather than break through them?—A. Yes, sir; I would.

Q. Then, do you not think that this man at Brownsville ought to have done it?—A. Well, in my opinion, yes, sir, he should; in my opinion.

Q. So that if he got struck in the head, he was not altogether blameless himself?—A. No, sir.

By Senator OVERMAN:

Q. You said there was no feeling among the older soldiers?—A. Yes, sir.

Q. The feeling was among the new soldiers, you mean, against the town. The older enlisted men, you said, had no feeling, but the feeling was among the new enlisted men. Was that the impression you intended to convey?—A. Well—

Q. Speaking of the feeling of the soldiers against the town, I understood you to say—A. There was a little. This was known pretty much by the men, and the onliest thing it was that men that drinks. They couldn't get anything to drink in the town at the time when they first arrived there.

Q. Was there more feeling against the town among the younger soldiers than among the old soldiers? You spoke of them as the older enlisted men.—A. I don't know that, sir; but probably it may have been among the younger soldiers. That is something that I don't know.

By Senator FORAKER:

Q. Sergeant, as to this man passing between the ladies, do you know whether or not the soldier who was struck over the head with the revolver claimed that he did step off the sidewalk and passed around the ladies, going around the ladies between the walk and the fence? Do you know whether he made that contention or not?—A. I do not, sir.

Q. You didn't see it?—A. No, sir.

Q. You know nothing about it except what has been told you?—A. Yes, sir; what has been told me.

Senator TALIAFERRO. May I interrupt you a moment?

Senator FORAKER. Certainly.

Senator TALIAFERRO. I want to say that I was questioning the witness purely on his testimony. I did not pretend to know of the circumstances of the occurrence. It was his statement.

Senator FORAKER. The witness said that he did not know anything

about it, but that it was claimed by somebody who hit the soldier that he hit him for that reason.

Senator TALIAFERRO. Yes.

Senator FORAKER. And you asked him what he thought would be the proprieties of the case under the circumstances you mentioned.

Senator TALIAFERRO. Yes.

By Senator FORAKER:

Q. Did you hear any of the men make any threats about using any violence?—A. No, sir.

Q. Did you hear of any agreement between any of the men not to talk about this shooting, either before or after the shooting?—A. No, sir.

Q. Returning to the guns that were injured, did Captain Macklin know that these guns were injured?—A. Yes, sir.

Q. Did everybody in the company know that they were injured?—A. Yes, sir.

Q. All the noncommissioned officers, as well as everybody else?—A. Yes, sir.

Q. It was no secret?—A. No, sir.

Q. It was common knowledge that the racks were battered and hammered up and the guns were injured?—A. Yes, sir.

Q. Those racks were laid in a wagon in broad daylight and taken over to the shop to be fixed?—A. Yes, sir.

Q. And brought back when they were fixed?—A. Yes, sir.

Q. Re'turning, now, to Corporal Washington, I understood you to say you sent Corporal Washington, as soon as he told you that the call to arms had sounded, to tell Sergeant Brawler to open the racks?—

A. Yes, sir.

Q. And you went on outside?—A. Yes, sir.

Q. And started to find Macklin?—A. Started to find Macklin.

Q. Yes. And you went some distance out across the parade grounds when you met Lieutenant Grier?—A. Yes, sir.

Q. And he told you to go back to the company?—A. Yes, sir.

Q. You say that you never stated that there were 52 men in line that night?—A. Yes, sir.

Q. That you simply made a statement to Colonel Lovering?—A. Yes, sir.

Q. And that they wrote it out and never read it to you?—A. Never read it to me.

Q. And you didn't sign it?—A. No, sir.

Q. It does not appear to have been signed?—A. No, sir.

Senator FORAKER. That is all.

By Senator WARNER:

Q. In your direct examination you said something about cartridge boxes. When were they issued to you? By that you mean the McKeever box, do you?—A. Yes, sir; the cartridge box and belt.

Q. That is the McKeever box?—A. Yes, sir.

Q. When they were issued to you, what was done with the other belts?—A. We had them.

Q. But the McKeever box was used when you fell out for morning drill?—A. Yes, sir.

Q. And when you fell out the morning of the 14th the McKeever box was used—no, you did not fall out that morning?—A. No, sir; we did not fall out.

Q. You were on guard?—A. Yes, sir; we were on guard.

Q. When you fell out on guard, what did you use?—A. The suspender belt, the web belt.

Q. That is what is called the web belt?—A. Yes, sir.

Q. Now, you knew, the night of the 13th when the order was issued, that the men were all in the barracks by 8 o'clock, did you not?—A. Yes, sir.

Q. As a sergeant?—A. Yes, sir.

Q. And that was an unusual order, was it not?—A. Yes, sir; it was.

Q. Before that they could be out until 11 o'clock?—A. Yes, sir.

Q. And you knew that that was to prevent a difficulty between the soldiers and citizens, did you not?—A. Yes, sir, I knowed—the captain told me about the people of the town being very angry.

Q. So that there would be no clashing between soldiers and citizens?—A. Yes, sir.

Q. All that was stated there?—A. Yes, sir.

Q. And when this shooting commenced in the night, when you had been told of that call to arms, did it occur to you whether or not there was a difficulty between the soldiers and citizens?—A. No, sir; I just thought that they was after revenge and there was an attack made on the post. That was the first thing that flashed across my mind.

Q. Afterwards you heard of certain ammunition being found down in the town, did you not?—A. Yes, sir.

Q. Then it was claimed, as I understand—we have gone over it—that some of the soldiers had been mixed up in the shooting?—A. Yes, sir.

By Senator OVERMAN:

Q. How many men were absent on pass from your company?—A. Three men absent on pass.

Q. Do you know who they were?

Senator SCOTT: He gave their names.

A. Sergeant Thomas—

Q. You need not give their names if you gave them before. Do you know where they were that night?—A. Edward Johnson, he was home with his wife and baby.

Q. Out in the town?—A. Yes, sir.

Q. And the other two men?—A. The other two men, they didn't know exactly whether they were in town or where they were at.

Q. Do you know how many of the whole battalion were out on pass that night?—A. No, sir; I do not.

Q. One of them was with his wife, and the other two you do not know about?—A. The other two, we didn't know where they were. We knew they were on pass, but didn't know where they were.

By Senator FORAKER:

Q. You have told all that you know about it, have you?—A. Yes, sir.

Senator FORAKER. That is all, Sergeant. You can stand aside. Do not go away until to-morrow.

The CHAIRMAN. You may go away now, but be here to-morrow morning.

Under an agreement already made, the committee will now stand adjourned until to-morrow morning at half past 10.

(Adjourned.)

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Friday, February 15, 1907.

The committee met at 10.30 a. m.

Present: Senators Warren (chairman), Scott, Foraker, Lodge, Bulkeley, Warner, Pettus, Taliaferro, and Overman.

TESTIMONY OF SAMUEL W. HARLEY (COLORED)—Recalled.

SAMUEL W. HARLEY (colored), a witness previously sworn, being recalled, testified as follows:

By Senator FORAKER:

Q. You said to me just now, as I came in, that there was something that you wanted to correct in your testimony of yesterday about the guns in the storeroom. Just tell us what it is.—A. The two guns that the two men had at the corral, their guns was in the rack.

Q. In the rack, instead of in the storeroom?—A. Yes, sir.

Q. What are the names of those two men?—A. George Johnson and John Streeter.

Q. In every other respect your testimony is all right, is it?—A. Yes, sir.

Q. That is the only correction you want to make?—A. Yes, sir.

Senator FORAKER. If the committee are willing, I will discharge Thomas J. Green. He was the quartermaster-sergeant of D Company.

TESTIMONY OF GEORGE W. McMURRAY (COLORED)—Recalled.

GEORGE W. McMURRAY (colored), a witness previously sworn, being recalled, testified as follows:

By Senator FORAKER:

Q. Sergeant McMurray, I don't know whether we did ask you or not, but it was developed by the testimony of Sergeant Harley that there were some guns in the storeroom. State whether or not that is true, and whether or not all that should be there were there the night of this firing.—A. Well, there were 70 rifles that belonged to the company, and, of course, after those 70 rifles were issued to the company, why there never was 70 of them used at the same time, and on that night, or about that time, as well as I can remember, I had 11 in the cases. That is, it was Captain Macklin's orders that all rifles that were not in use in the quarters, that were not issued, should be in their cases in the storeroom, and I kept them that way, and, I think, I had 11 in there.

Q. Those were all that you had custody of?—A. Yes, sir.

Q. Were they under lock and key?—A. Yes, sir; and screwed in their cases just the same as they came from the arsenal.

Q. The other rifles should have been in the racks?—A. Should have been in the racks. Those rifles that were in the racks, that had been issued to the men—each man was responsible for his own rifle—

and the noncommissioned officer in charge of quarters was responsible for what went out.

Q. From the racks?—A. From the racks; yes, sir. And I was not responsible for them.

By Senator WARNER:

Q. Fifty-nine rifles were then issued to the company?—A. Fifty-nine. There were 57 there. There were 2 rifles not in the post. Lieutenant Hay and Sergeant Turner had them.

Q. They had been issued, though?—A. Yes, sir; but they were not in the post at that time.

Q. I did not ask you that. They had been issued?—A. Yes, sir; they had been issued.

Q. You may state in a few words just where those other 2 were.—A. Lieutenant Hay had 1 and Sergeant Turner had 1, at the rifle competition at Fort Sill, Okla.

Q. And the rifles that night of the 13th, were they put back in the racks?—A. After?

Q. Yes; after.—A. No, sir; when they came off of guard they were put in the storeroom; just set up in the storeroom—set around against the wall—and the storeroom locked up.

Q. Why was that?—A. That was Captain Macklin's orders. I don't know why it would be. The key of the storeroom was turned over—

Q. I was not asking you about the key. I was asking why it was that they were put in the storeroom?—A. Well, that I don't know, sir.

Q. Did you hear anybody give any reason?—A. No, sir.

Q. That was unusual, was it not?—A. That was after the shooting and after the company had fell out and had been behind the barracks; when they returned, why all the ammunition and the rifles was put in the storeroom.

Q. I understand that, Sergeant; there is no question about your having testified to that, but I was asking you if you made any inquiry, or if you heard anybody say why it was that those rifles instead of being returned to the racks, were put in the storeroom that night?—A. Well, because the racks—I supposed it that way, I never heard anyone say—that the reason was that the captain did not want them kept in the quarters, because they could not be locked up. The racks were broken and they could not be locked up.

Q. Did you know that night that the racks had been broken open?—A. At that time I did; yes, sir.

Q. When the guns were placed in your storeroom?—A. Yes, sir; they had carried the rifles out and had been out on duty with the rifles, and when they came back, why the rifles were placed in the storeroom instead of being placed in the racks, because they had been broken.

Q. (Referring to the gun rack.) What do you call that?—A. This is the hasp, and this is the staple.

Q. This is the hasp, and the staple goes through the hasp, and the lock of course in the staple?—A. Yes, sir.

Q. That is the way?—A. Yes, sir.

Q. That had been broken?—A. Yes, sir.

Q. In how many racks?—A. Well, I could not remember just now, but I know that it was one or two, that this staple here had been knocked off and this hasp had been knocked down, so that a mechanic had to straighten it.

Q. In your statements heretofore have you ever said anything about that?—A. I don't remember. I think, though, I have a day or two ago in here, but I don't think I was asked anything in regard to that before this. I don't think I have.

Q. Had you ever stated anything about that before this?—A. I don't think I have ever been asked about it before I came to Washington.

Q. I am asking if you have ever stated anything about it?—A. I don't think I have.

Q. Had you ever discussed that with members of the company?—A. Oh, yes, sir.

Q. And you knew that that night when the rifles or guns were put in the storeroom?—A. Yes, sir.

Q. That the reason they were put there was because the locks had been broken off the racks?—A. Yes, sir.

Senator FORAKER. He did not say that is the reason. He only thought that might be the reason.

A. I only thought that was the reason why they were put in the storeroom.

Q. Well, I know—A. The racks had been placed in such a condition that you could not lock the guns up, and that is the reason why I thought they were put in the storeroom.

Q. And you knew that on the night of the 13th?—A. Well, I thought that; I did not know it, because I was not told so. I thought it because when the company returned back Captain Macklin ordered these rifles and all ammunition to be put in the storeroom.

Q. I know, but why did that cause you to think that the hasps on one or more gun racks had been broken so that the guns could not be put in there?—A. Well, the reason why I thought so was because I knew the racks were broke and could not be used, could not be locked, and I thought that was the reason why he ordered them in there was on account of the racks being broken.

Q. Then you did know that the racks had been injured?—A. Yes, sir; I knew it.

Q. In the manner in which I have spoken of, before the guns were returned to your storeroom, on the night of the 13th of August?—A. Yes, sir; I knew the racks had been broken.

Q. How did you learn that?—A. I knew that.

Q. How did you know it?—A. I knew it because I was there when some of the racks were broken.

Q. Upstairs?—A. Yes, sir; I was standing right by one; as close to it as I am to that one, when it was broken open.

Q. Who broke it open?—A. Henry Arvin, the cook of C Company.

Q. What did he break it open with?—A. An ax.

Q. You are the one, I think you said, that saw him coming up with the ax. Did you see him coming up with the ax?—A. Yes, sir.

Q. Where was Sergeant Brawner then?—A. I did not see Sergeant Brawner that night, sir.

Q. Did he open any of the gun racks?—A. That I could not say, sir.

- Q. He was the noncommissioned officer in charge of quarters?—
 A. Yes, sir.
 Q. Carried the keys?—A. Well, yes; he carried the keys.
 Q. One set of keys, and you carried the other keys?—A. One set of keys he carried, and the others was always on hand in the store-room. I did not carry them, but I kept them.
 Q. You had charge of them?—A. Yes, sir.

TESTIMONY OF DARBY W. O. BRAWNER (COLORED).

DARBY W. O. BRAWNER (colored), being first duly sworn by the chairman, testifies as follows:

By Senator FORAKER:

Q. Please give your name in full, Sergeant, so we can put it in the record.—A. Darby W. O. Brawner.

Q. The O is an initial, is it?—A. Yes, sir; and the W is an initial.

Q. Your name is Brawner, and not O'Brawner?—A. No, sir; the O is for Oscar.

Q. I have seen it printed the other way.—A. Brawner.

Q. Were you a member of the Twenty-fifth U. S. Infantry in August, 1906, while it was stationed at Brownsville?—A. Yes, sir.

Q. Were you present at Brownsville, in Fort Brown, with your battalion at that time?—A. Yes, sir.

Q. To what company did you belong?—A. C, sir.

Q. Did you hold any official position in Company C, Twenty-fifth Infantry?—A. I was a noncommissioned officer; a sergeant, sir.

Q. You were a duty sergeant, were you?—A. Yes, sir.

SENATOR FORAKER. I will put in evidence at this place as a part of his testimony the official record of Darby W. O. Brawner, as furnished by the War Department, and found at page 256 of Senate Document 155.

The record is as follows:

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.

By Senator FORAKER:

Q. From this record it appears that you were first enlisted April 1, 1893. Is that correct?—A. Yes, sir.

Q. As member of Company C. Did you serve continuously from that time until, as this showed, you were discharged without honor November 16, 1906?—A. Yes, sir.

Q. How long a time was that, as you remember?—A. Fourteen years, four months, and nine days, straight service.

Q. Were you with your regiment in Cuba?—A. Yes, sir.

Q. Were you in the battles with your regiment there?—A. I was, sir.

Q. Were you with your regiment in the Philippines?—A. Yes, sir.

Q. Were you in the battles with your regiment there?—A. My company was not in any battles.

Q. Your company did not go until after the fighting was over?—A. No, sir.

Q. You were in Alaska?—A. No; I was still in the United States at San Antonio, Tex., sir.

Q. How long were you at San Antonio, Tex.?—A. I went there in November, 1899, and I left there March 10, 1901.

Q. You were then with your company, I suppose?—A. My company left the 19th of September, 1900.

Q. How did you happen to remain there?—A. I had six months to serve, and all men that had less than six months to serve did not have to go.

Q. That left you there to serve out your term of enlistment?—A. I served out my term of enlistment there.

Q. Did you reenlist?—A. Reenlisted and went on to my company, sir.

Q. State whether you were on duty the night of August 13, 1900, at Fort Brown; and if so, in what position.—A. Yes, sir; I was in charge of quarters, sir.

Q. You were the officer in charge of quarters?—A. Yes, sir.

Q. Tell where you were that night when the firing commenced.—A. Well, I was in a little room adjoining the quarters, and Corporal O'Neill was staying with me. I slept in a private room for noncommissioned officers, and Corporal O'Neill slept in there with me.

Q. In what place were you? There is a map at your left, and I will ask Senator Overman to point out to the witness the location of the various buildings, as shown on the map.

(Senator Overman indicated the location of the various buildings on the map.)

A. I slept along in there about where that letter "R" is in the word "brick," at the end of the barracks.

Q. The end toward the Rio Grande River?—A. I slept in this corner [indicating]. On this side.

Q. Did your room front toward the parade ground?—A. No, sir; fronted toward the town.

Q. Tell us all you can recollect about what happened that night in connection with the firing.—A. Well, I was awakened by Corporal O'Neill of my company. He told me that the call to arms had been sounded, and that there was firing out here and to get up. So I got up immediately, slipped on my trousers and my shoes, did not lace them up at all. I goes downstairs to my first sergeant, Acting First Sergeant Samuel Harley, and asked him what must I do about the gun racks, to unlock them or not. He said to wait for orders, and at that time the major said—

Q. What did you go to him for if you were told by Corporal O'Neill that the call to arms had been sounded?—A. Well, that was an order indirect, and I did not obey any noncommissioned officer that was under me. If I did not hear the call myself I would not take his word.

Q. Had you not heard the call?—A. No, sir; I was asleep.

Q. You were awakened after the call?—A. Yes, sir. I did not take his word.

Q. You went down to find Sergeant Harley, and did find him and asked him what to do, and he told you to wait for orders?—A. Yes, sir.

Q. Then what did you do?—A. At that time, coming toward the end of the steps, I heard the major say "If you can't find the non-commissioned officer in charge of quarters to open up the gun racks, break open the gun racks and fall in line."

Q. Who was this?—A. Major Penrose. "If you can't find the noncommissioned officer in charge of quarters break open the gun racks and fall in line promptly." Corporal Madison said, "The major says to open the gun racks and let the men fall in." I proceeded to the gun racks and unlocked three. When I got to the last rack, it had been broken open by the men in the excitement.

Q. What was done to the rest of the racks that you did open?—A. They hammered on them just the same.

Q. Was there a light there?—A. No, sir; all dark, did not have any light at all.

Q. You unlocked three of them yourself, you say?—A. Yes, sir.

Q. Who was hammering on the racks, if you know, who was doing this?—A. Well, it was dark up there, sir, and I don't know who was the men. I never did know, sir.

By the CHAIRMAN:

Q. Do I understand you to say they hammered on the racks just the same after you had unlocked them?—A. Yes, sir.

By Senator FORAKER:

Q. Why would they hammer on the racks after you got them unlocked?—A. There is a band on there, and of course I did not open the band, so the men did not know that it was unlocked, and in the dark I suppose they just hammered on them just the same. Having orders from the major to fall in line and to get their rifles, they hammered on them.

Q. Didn't it occur to you that you should announce in some way that you had opened the racks—make it known to the men?—A. Through the excitement of the men, sir, I don't think they would have hardly understood that I had unlocked them.

By the CHAIRMAN:

Q. How do you usually do when you unlock the racks? Do you take off the lock and open up the band?—A. No, sir; leave the key in there.

Q. Who takes the band off?—A. The man that wants a rifle out of the rack.

Q. It does not have to come off for every rifle that is taken out?—A. No, sir.

Q. The first man takes it off, and when once off it unlooses the whole twenty?—A. Yes, sir.

Q. And do you say the man who unlocks them never does that?—A. No, sir; at least I have never been accustomed to do that, sir.

Q. The first man that wants his rifle has to throw that off?—A. Yes, sir.

By Senator LODGE:

Q. Just in that connection, you say there was no light there?—A. No, sir; not any light at all, sir.

Q. I see you made an affidavit before the Constitution League in which you swear that you lighted a lantern and found all the gun racks intact except the one broken open.

Senator FORAKER. On what page is that?

Senator LODGE. On page 232. He swore that he lighted a lantern and found all the gun racks intact except the one broken open. [To the witness.] Now I understand you to say there was no light there and that the other racks were not intact, but all hammered with axes.

By Senator FORAKER:

Q. What is the fact about it, Sergeant?—A. Well, sir, that is true, in what it says. There was a light; but not at this time of the excitement and opening of the gun racks there was not any light; but when the men were counted, when they fell in line to verify and know that all the rifles were there, then they had to be counted in the racks in order to know that all the rifles were there, and then there was a light lit by order of my captain.

By Senator LODGE:

Q. But you also said you found all the gun racks intact?—A. Well, they were.

Q. But now I understood you to say they had all been beaten up just the same, those you had unlocked as well as the others.—A. They all were beaten on.

Q. You say they were all hammered with axes?—A. Yes, sir.

Senator FORAKER. He did not say they were all hammered with axes. He said the men were beating on them.

Senator LODGE. That the men were hammering on them; but in your affidavit you said they were intact—that is, that they were untouched?

A. I did not understand it that way, sir.

Senator FORAKER. That is not what you said. What you said is this:

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 or 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.

That is the statement.

Senator LODGE. That is the statement I was referring to.

By Senator FORAKER:

Q. If you have any comments to make on that, go ahead and make them.—A. Well, was not that explained sufficiently, the way I understood it?

Q. That is still your recollection, as I understand it?—A. Yes, sir.

By Senator FULTON:

Q. What did you understand about that?—A. There was no light in the beginning, in the quarters at all, but then after.

By Senator BULKELEY:

Q. When did you light it, if you lighted it at all?—A. After the company had fell in line.

Senator FULTON. What do you understand by "intact?"

Senator FORAKER. You say you found the guns all intact. What did you mean by that?

A. Well, I understood it to be that they all was accounted for, sir.

Senator BULKELEY. He says he found all the guns intact.

Senator LODGE. And also the gun racks.

By Senator FORAKER:

Q. Whose language is this in this affidavit? Did you write this out, or did you tell somebody what you knew and then signed it?—A. I told some one what I knew.

Q. Told them what you knew?—A. Yes, sir.

Q. And then they wrote down a statement of what they understood it?—A. Yes, sir.

Q. In what condition did you find the gun racks; that is what we want to know?—A. The gun racks had been hammered on, sir.

Q. With what kind of an instrument?—A. Well, an ax, sir.

Q. And one of them was broken open. Can you describe how it was damaged? And then we will take up the others and find out how they also were damaged.—A. No, sir; I can't describe exactly how it was damaged at all, because I didn't look at it the next morning so very closely, but I know that it had been damaged enough so that the lock could get out of it and the guns be got out of it without being unlocked.

Q. When you say you opened the gun racks you mean you turned the key in the locks, or three of the locks?—A. Yes, sir.

Q. That is all you did? You did not take the lock out?—A. I did not take the band off nor the lock out.

Q. You did not do that because you never do?—A. I never did; no, sir.

Q. I understood you to say that.—A. Yes, sir.

Q. What happened to these racks the next morning?—A. I think the captain ordered them to be taken to the shop and be fixed.

Q. Was there any secret about these racks or the condition of them?—A. No, sir.

Q. Either that night or the next morning?—A. No, sir; not that I know of.

Q. You went down, as I understand it, to see Sergeant Harley because he was your ranking officer in the barracks?—A. Yes, sir.

Q. You had not heard the call?—A. No, sir.

Q. He told you to wait for orders, but you understood yourself to be getting orders when you heard Major Penrose say, "Open the gun racks, and if you can not find the noncommissioned officer in charge of quarters, break them open and fall in line promptly?"—A. Yes, sir.

Q. You went up?—A. Yes, sir.

Q. And when you got up there the men were already hammering on them?—A. Yes, sir; they were.

Senator LODGE. I understood him to say he opened three.

By Senator FORAKER:

Q. Yes; you turned the keys in three of them?—A. Yes, sir.

Q. You found the other was broken and pulled out when you got to it?—A. Yes, sir.

Q. And did not turn the key in that?—A. No, sir.

Q. When you say you unlocked three gun racks, you mean just what you said, that you did unlock three of them?—A. Yes, sir.

Q. Now, the condition of the gun racks was something that anybody could see if he looked at them the next morning?—A. Yes, sir.

Q. They were taken where the next morning?—A. To the blacksmith's shop.

Q. By whose order?—A. By the order of the company commander, Captain Macklin.

Q. Do you know who accompanied the racks to the blacksmith's shop?—A. No, sir; they were supposed to be taken by the quartermaster's sergeant.

Q. Sergeant McMurray?—A. Yes, sir.

Q. He has testified on that, so I will not go over that. You know they were taken, and you know they were afterwards returned repaired?—A. Yes, sir.

Q. Now, after the gun racks were opened, what did the men do and what did you do?—A. When do you mean; that night, sir?

Q. Yes; that night as soon as the racks were opened.—A. The men went right downstairs promptly and fell in line, sir.

Q. Well, what happened then, so far as you know? Did you go down and fall in?—A. No, sir; I stayed in the quarters there. I was in charge of quarters and not supposed to fall in line.

Q. Did you observe what happened?—A. Yes, sir.

Q. What did happen?—A. Well, the men fell in line and I stood there by the steps and they were counted.

Q. Now, Sergeant, at what time, before this firing commenced and you went to bed, had these gun racks been last opened?—A. Well, I am not certain, sir. I would not like to say, but I think 2.30, for I made a statement to Major Bloxom at that time, around about that time.

Q. What were they opened for then?—A. For a supernumerary to go on guard in a sick man's place, sir.

Q. Some man who was on guard became sick?—A. Yes, sir.

Q. And then you wanted to put another man in his place?—A. Yes, sir.

Q. You call him a supernumerary?—A. Yes, sir.

Q. And he wanted to get his gun?—A. Yes, sir.

Q. And you opened the rack for him to get his gun?—A. Yes, sir.

Q. That was 2.30 o'clock, you think?—A. Somewhere about that, sir.

Q. Then, was that rack immediately locked up?—A. Well, I put the sick man's rifle in the same place that I taken the other man's rifle out.

Q. So you only opened one rack?—A. Yes, sir.

Q. At that time?—A. Yes, sir; and locked it immediately.

Q. Well, now, was any one of those racks opened after that time until this affair, when they were hammered on and opened in the way you described?—A. No, sir; they were not.

Q. Did you have the keys all the while in your possession?—A. Yes, sir.

Q. Where were the keys when you were asleep?—A. In the hip pocket of my trousers, at the head of my bed, sir; under my pillow.

Q. Your trousers folded up?—A. Yes, sir.

Q. And under your pillow?—A. Yes, sir.

Q. And your head on the pillow?—A. Yes, sir.

Q. And another man—Sergeant O'Neil—sleeping in the same room?—A. Corporal.

Q. Corporal O'Neil?—A. Yes, sir.

Q. Is he here?—A. Yes, sir; he is here.

Q. Do you know whether any guns were injured when they opened the racks?—A. I know that one was injured, and I heard them say there were more; but I know of one, because Corporal O'Neil belonged to my section, and his gun was injured.

Q. In what way was the gun injured?—A. The sight was cut off, sir.

Q. In what way had that been done, apparently?—A. With an ax or something to break it off, sir.

By Senator LODGE:

Q. Where did they get the axes?—A. Well, there is a little storeroom downstairs, underneath the steps that goes up on the big porch, where they kept those axes and things.

Q. And the men went downstairs and got the axes and came back and broke open the gun racks?—A. I don't know where they got it from, but I am saying where the axes were.

Q. Then in order to break open the gun racks with an ax they had to go downstairs and get the axes and come back?—A. I don't say that. I don't know where they got it. I am only saying where the axes was kept there.

Q. Were there any other axes?—A. Not that I know of. Those were company axes.

Q. If they used those axes, they had to go downstairs and get them and come back with them, did they not?—A. I don't say but some men could have had an ax some place else.

Q. Oh, they could have had axes upstairs?—A. I will not say that.

By Senator FORAKER:

Q. Did anybody have an ax upstairs, that you know anything about?—A. Not that I know anything about. I don't think they did, but that is where they generally kept the ax, downstairs in that storeroom. There was two or three down there, to my knowing.

Q. If there was no other ax in the barracks except those kept at that place, and they used those kept at that place, somebody must have gotten one from that place?—A. Yes, sir; they must have, sir, I think.

Q. Did you know who it was that came up with the ax and commenced breaking open the racks?—A. No, sir; I did not.

Q. Did you see Henry Arvin, the cook, that night in connection with the racks in any way?—A. No, sir; not to my knowledge. I never knew the man that had the ax there, but there was some men hammering on a rack, and I told them not to hammer, to wait for orders.

Q. That you would open them?—A. That I would open them, but they said they had orders from the major, and they said: "Your orders isn't any good." Of course I was not in a capacity to speak contrary to a commissioned officer's orders.

Q. The orders of the major were conditional—"If you can not get your guns any other way, to break open the racks?"—A. Yes, sir.

Senator WARNER. "If you can not find the commissioned officer in charge of quarters?"

Senator FORAKER. It has been told variously.

Senator WARNER. I am simply giving the statement of this witness.

Senator FULTON. Others have said that.

By Senator FORAKER:

Q. However that may be, it was a conditional order in any event, the idea being "If you can't get your rifles without breaking open the racks, then break them open." That was the idea of the order, was it not?—A. Yes, sir.

Q. Now, Sergeant, do you know anything of an inspection of the guns of Company C the next morning?—A. No, sir; I do not.

Q. You were still the officer in charge of quarters?—A. Yes, sir.

Q. You did not go on guard with the company that night?—A. No, sir.

Q. And did not come off guard with it the next morning?—A. No, sir.

Q. Was your gun inspected at any time?—A. Well, sir, I don't know whether it was or not, because that night after the trouble occurred the guns was all turned into the storeroom.

Q. Do you know why they were turned into the storeroom instead of being put back in the gun racks?—A. Why, the racks were broken, and they were put in the storeroom for safe-keeping, to stop the men from getting them out.

Q. Did they put your gun in as well as others?—A. Yes, sir; put them all in.

Q. Do you know whether your gun was inspected or not? Did you present it to anybody for inspection?—A. I did not have my gun again after that. I did not get my gun any more until my company went on guard, sir.

Q. Did you get it at any time?—A. Two or three days later I got my gun to go on guard, but those guns were inspected before that.

Q. Was your gun inspected as well as the others?—A. Yes, sir.

Q. While in the storeroom?—A. Yes, sir; while in the storeroom, but I was not present.

Q. You were not present when it was inspected?—A. No, sir.

Q. How do you know it was inspected, then?—A. The captain went through the quarters and said he wanted to inspect all the rifles.

Q. And you understood all were inspected?—A. Yes, sir. I don't know he did inspect it, but he said he was going to inspect it, and he inspected my belt in my room.

Q. Now, Sergeant, can you tell us what kind of ammunition Company C was supplied with at that time?—A. Yes, sir.

Q. What kind?—A. The captain asked me—he said, "Sergeant Brawner, where is your ammunition?"

Q. Who asked you?—A. Captain Mucklin.

Q. When did he ask you that?—A. That was the next morning of the inspection, and he inspected the ammunition. He said, "Where is your ammunition?" I said, "I have it in my belt in my room," so I went around and showed him my ammunition, and I had ten rounds of what we call the guard ammunition or reduced range—that is, the lead ball.

Q. No steel jacket on it?—A. No, sir; that had been turned in.

Q. Did anybody in your company, so far as you have knowledge, have any other kind of ammunition at that time?—A. No, sir; no one had anything but the reduced range.

Q. How long had you only had that kind of ammunition?—A. I can't say positively, sir, when that ammunition was taken up, but when we left Nebraska we had the ball ammunition and the twenty rounds of each man was turned in.

Q. After you got to Fort Brown?—A. After we got to Brownsville. We were there probably two or three days; I don't remember, I would not say exactly.

Q. How did you come to turn that in?—A. I don't really know. It was just an order from the captain that this ammunition was not any good to the men and they were given the guard ammunition only.

Q. When you get an order, you do not ask why it is given?—A. No, sir; it is not my business.

Q. Your business is to obey the order?—A. To obey the orders.

Q. And that order came and you turned in your ammunition? Did you turn in all the twenty rounds?—A. Yes, sir; I did, sir.

Q. Was it counted or not?—A. It was counted by the quartermaster's sergeant.

Q. Turned in to the quartermaster's sergeant?—A. If a man does not turn in the required amount of ammunition, it is entered on the pay roll, and he pays for so many rounds.

Q. And if he does not give a good excuse for not having it, what else happens?—A. He is tried and punished for it. I turned in my twenty rounds.

Q. Did you have anything to do with the shooting up of Brownsville that night?—A. No, sir; I did not.

Q. Do you know of anybody in your Company C who participated in that shooting up of Brownsville?—A. No, sir; I do not.

Q. Do you know of anybody in either of the other companies of that battalion, B or D?—A. No, sir; I do not.

Q. Having anything to do with it?—A. No, sir.

Q. Have you any knowledge that leads you to suspect, or ever did lead you to suspect, that anybody in either of those companies had anything to do with the shooting up of that town?—A. No, sir; I don't. As far as I believe about it, I don't believe there was a man of the Twenty-fifth down there shot a rifle or knowed anything about it.

Q. Have you at any time refused to tell anybody anything that you knew in regard to this matter?—A. No, sir; I have not.

Q. Have you withheld any knowledge from anybody?—A. I have not, sir.

Q. In giving your affidavits that have been referred to, state whether or not you prepared them or put them in the form in which they were published, or whether you simply told to the commanding

officers what you knew and they wrote it out and you signed it.—

A. Yes, sir.

Q. That is what was done in your case, was it?—A. Yes, sir.

Senator LODGE. That does not apply to the affidavit of the Constitution League you spoke of. That was not prepared by the officers.

Senator FORAKER. No; but the witness testified about that. [To the witness:] Specifying the affidavit you gave to the Constitution League after you got to El Reno, it also was written out, was it, by some other person than yourself, as I understand you?

A. Yes, sir.

Q. You told them as nearly as you could what you knew about the matter?—A. Yes, sir.

Q. And they wrote it out and you signed it?—A. Yes, sir.

Q. Sergeant, I want to ask you now, not to describe how you clean a gun, but how long it takes, in your judgment, to clean one of these guns after it has been fired, say, half a dozen times, to clean it so that it will pass inspection such as your officers there were accustomed to make when they inspected the arms?—A. Well, sir, it takes an extra man to clean a rifle so that it will pass inspection, an officer's inspection, thirty minutes—from thirty to fifty minutes it takes a man to clean a rifle if it has been fired, as you say, six or seven times.

Q. Would it change your opinion at all if our officers told us that they could clean one of these guns, after it has been fired half a dozen times, in three minutes?—A. No, sir.

Senator TALLAFERRO. Is that in evidence?

Senator FORAKER. No; it is reported. It is in the evidence that it is so reported.

By Senator FORAKER:

Q. If it was stated by an officer, in any event, that it would not take more than five minutes, would the knowledge of that change your estimate of the time necessary to clean one of these guns?—A. No, sir; it would not change my opinion. I have been an extra cleaning soldier. I served nearly fourteen years and I know what it takes to clean a rifle.

Q. You have cleaned your rifle for inspection once a week, have you not?—A. Yes, sir.

Q. You had inspection there at Brownsville every Saturday, as has been testified to?—A. Yes, sir.

Q. And that is the kind of inspection you are talking about?—

A. Yes, sir; I am talking about—

By Senator LODGE:

Q. Would it take from thirty to fifty minutes to clean a rifle within four or five hours after it had been fired, or if you waited twenty-four hours?—A. It makes no difference. If you fire five or ten shots it will take you from thirty to forty minutes to clean that rifle.

Q. It takes as long to clean a rifle within two or three hours after it has been fired as it does twenty-four hours after it has been fired?—

A. No, sir; it gets harder the longer it stands. The less time it stays the less time it takes to clean it, and then it will take thirty minutes.

Q. Even if you cleaned it at once it would take half an hour?—

A. Yes, sir.

By Senator FORAKER:

Q. Could you clean one of these rifles in the dark?—A. No, sir; that is impossible.

Q. You have to have light and time?—A. And it takes oil and a rag; and to know that the rifle is clean you have to run the rag through it and pull it out clean in order to know that the rifle is clean.

Q. Would it be possible to clean one of these rifles at all in the nighttime or in daylight unless you had a cleaning rod of some kind, such as you see hanging in the gun rack behind you?—A. No, sir; you couldn't clean it without that.

Q. Could you clean it without rags?—A. No, sir.

Q. And without sal soda or water, hot or cold, or something?—A. No, sir.

Q. And then the gun has to be oiled after it is cleaned?—A. Yes, sir.

Q. It has to be swabbed out with rags that are moistened?—A. Yes, sir.

Q. And then it has to be dried out afterwards?—A. Yes, sir.

Q. By running rags through it?—A. Yes, sir.

Q. And then what has to be done as to the chamber of the rifle?—A. Well, that has to be all taken apart—taken to pieces—and cleaned and rubbed with a moist rag, and wiped off dryly, and put back again.

Q. In cleaning a rifle, in giving it such a cleaning as you have in mind, you would take out the bolt and dismount it, would you not?—

A. Yes, sir; it is supposed to be all taken out, except the mainspring, and cleaned.

Q. You have to take out the floor of the chamber, do you not, there?—A. Yes, sir.

Q. That is a piece on the lower side?—A. On the bottom.

Senator FULTON. I would like to ask him a question about the cleaning right there.

Senator FORAKER. Certainly.

By Senator FULTON:

Q. When you speak about its requiring a half an hour or thereabouts to clean a gun, so as to pass inspection, do you mean to clean it in accordance with the rules and requirements, or do you mean it would take that long to so clean a gun that it could not be discovered that it had been recently shot?—A. If I understand your question, I will answer it, sir.

Q. In other words—perhaps I can make it a little plainer—could a gun be cleaned in less time than you have mentioned sufficiently to show that it had not been shot recently?—A. No, sir; I do not think so, sir.

By Senator FORAKER:

Q. That is, to remove all traces of powder?—A. Of powder, sir.

Q. When a gun is not perfectly clean, how do they discover if there is powder remaining in the barrel or the chamber?—A. You can discover it by the eyesight, or by a rag, running a rag through it; and if it has any smut on it it must have powder in it.

Q. Are you in the habit of conducting inspections as a noncommissioned officer?—A. I inspected my section for nine years, sir.

Q. You inspected your section for nine years?—A. Yes, sir.

Q. Then for nine years you had pretty close connection with the cleaning of guns?—A. Yes, sir.

Q. When you inspect your section, if you see anything that makes you think that a gun may not be perfectly clean do you put a rag through it or not?—A. No, sir; I have never did that. If I find dirt in it, and if I know for myself that the rifle is dirty, I send the man back to reclean it before the captain inspects that rifle.

Q. Did you ever see a commissioned officer of any rank clean one of these modern guns?—A. Not a commissioned officer, sir. I have seen noncommissioned officers. Do you mean a noncommissioned officer or a commissioned officer, sir? Just let me understand your question.

Q. I mean a commissioned officer of any rank, a lieutenant, captain, major, lieutenant-colonel, colonel, and particularly generals.—A. No, sir.

Q. You never saw one of those officers clean a gun?—A. No, sir.
Senator FORAKER. I believe that is all.

By Senator WARNER:

Q. Sergeant, you didn't hear the call to arms?—A. No, sir; I didn't.

Q. But you were awakened by Corporal O'Neil—A. Yes, sir.

Q. Who slept in the same quarters with you?—A. Yes, sir.

Q. He advised you that the call to arms had been sounded?—A. Yes, sir.

Q. What did you understand was your duty when the call to arms had been sounded?—A. My duty when the call to arms is sounded and I hear it is to get up and unlock the gun racks immediately, so that the men could get their guns and fall in line promptly.

Q. Yes.

Senator FORAKER. That is, when you hear it?

The WITNESS. When I heard it.

By Senator WARNER:

Q. When you were notified by a noncommissioned officer that the call to arms had been sounded, what would be your duty then?—A. What would be my duty then?

Q. That is the question.—A. My duty then would be to proceed to the noncommissioned officer that was senior over me to find out what I shall do; which I did do.

Q. You proceeded to whom?—A. Sergeant Harley, my acting first sergeant.

Q. What did you say to him?—A. I asked him what I should do about unlocking the gun racks, and he told me to wait for orders.

Q. Did you say anything else to him?—A. No, sir.

Q. Did you say to Sergeant Harley, your superior noncommissioned officer, "Corporal O'Neil tells me that the call to arms has sounded?"—A. I did not.

Q. Why not?—A. I asked him, "What must I do about unlocking the gun racks?" I didn't—

Q. Pardon me. You had been a soldier long enough to know that in the nighttime, about unlocking the gun racks, you only do it at the call to arms or special order, had you not?—A. I don't understand the question, sir.

(The question was repeated by the stenographer.)

A. Well, I would do it at a special order; I would unlock at a special order, but from an officer or my first sergeant.

Q. Yes.—A. From my first sergeant or an officer. I would not obey anybody else, because any man could come and say, "Unlock the gun racks; so and so is going on," and I wouldn't take his word for it, but I would get an order from my superior officer that was responsible.

Q. Now, we will go back to your noncommissioned superior officer, Sergeant Harley.—A. Yes, sir.

Q. Why was it, when he said "Wait for orders," that you did not say to him that the call to arms had been sounded? Why did you not say to him, "Sergeant, Corporal O'Neil tells me that the call to arms has been sounded?"—A. I hadn't heard it, sir; I hadn't heard it. That is the reason I didn't say it.

Q. Corporal O'Neil had told you?—A. Yes, sir; he had.

Q. Corporal O'Neil was a truthful man, was he not?—A. Yes, sir.

Q. An old soldier?—A. Yes, sir.

Q. And he was your roommate there?—A. Yes, sir.

Q. Can you give any other reason why you did not inform Sergeant Harley of that?—A. No, sir; I can't, excepting through excitement. I was waiting for an officer to give me an order, because in a case of that kind you needs a commissioned officer to give you an order to do anything. If you don't hear a thing yourself, you needs a commissioned officer; and really it is for you to take the responsibility on your own shoulders, because you are liable to be tried and sent to prison.

Q. Could not Sergeant Harley have given you an order to open the gun racks?—A. Yes, sir.

Q. He is senior to you?—A. No, sir; not junior to me.

Q. He is a senior noncommissioned officer?—A. Yes, sir.

Q. And it would have been his duty to have given you an order to open those gun racks if he knew that the call to arms had been sounded, would it not?—A. Yes, sir; it would; but—

Q. And you—excuse me; do you want to make any further answer?—A. Yes, sir; I would like to make an explanation there. This comes in extra under the instructions. Now, whether it is Sergeant Harley's duty to give me this order, I don't know, because I have never been in a case of this kind. Probably he could have given me an order and probably he could not have given me an order. It is a case uncovered, to me, because I have never saw one happen before. Always when the call is sounded a man conducts himself according to the call, but if he doesn't hear a call he waits for orders from an officer. I don't know whether Sergeant Harley could have given me an order or not, if you ask me that question; I don't know whether he could have told me to open the gun racks. But he says that he didn't hear the call, the same as myself.

Q. Who says that he did not hear any call?—A. Sergeant Harley. I don't know—

Q. When did he say that he did not hear the call?—A. I don't know whether he said that he heard it or not, but he didn't tell me to open the gun racks.

Q. Why did you say he says that he did not hear the call to arms?—A. I doesn't say that. He may have heard the call or he may

not have, if I understand that is the way that the Senator is speaking to me, to unlock the gun racks, but Sergeant Harley didn't tell me whether he did or didn't hear the call. I am trying to explain it to you.

Q. Yes; that is perfectly clear, Sergeant.—A. Yes, sir; I want to explain it to you.

Q. I want you to take your full time.—A. I want to explain the truth to you. That is what I am aiming to do, and I don't want to explain anything but the truth.

Q. Go ahead and make your explanation.—A. Sergeant Harley didn't tell me to unlock those gun racks, and I don't know whether it would be his duty to tell me to unlock them or not.

Q. In regard to that matter of duty, you have been in the service nearly fourteen years?—A. Yes, sir.

Q. A noncommissioned officer how many years?—A. Nearly nine years, sir.

Q. Was it not your duty as a noncommissioned officer to convey to your superior there, when you met him, any information which you had for the protection—that would lead to the protection—of the garrison?—Yes, sir.

Q. If the garrison was being fired upon, for its protection it was necessary that the men should get their arms, was it not?—A. Yes, sir.

Q. Will you then explain to the committee, if that be true, why it is that you did not convey to your senior noncommissioned officer, Sergeant Harley, the information that you had received from Corporal O'Neil?—A. He is not senior to me; he is junior. I don't take any orders from him.

Q. I say, why did you not convey to your senior noncommissioned officer, Sergeant Harley, the information that you had received from Corporal O'Neil?—A. I didn't deem it necessary.

Q. Why not?—A. Because I asked Sergeant Harley what should I do about it; he is the acting first sergeant, and I asked him what should I do about it, and he told me to wait for orders. Then he combined me with all I had to do, and I didn't have anything to do until I got orders from somebody else; and at that time I heard the Major's voice, and Sergeant Madison said also, "The Major says open up the gun racks and the men fall in promptly."

Q. Now, what was it Major Penrose said?—A. "If you can't find the noncommissioned officer in charge of quarters, break the gun racks open and fall in line promptly." That is what I understood him at that time; it has been a considerable time for me to recollect all those things.

Q. Of course, Sergeant.—A. I hasn't had that all on my mind all the time; I have had something else; but I am giving you the truth about it as I gave that first testimony to Major Blocksom.

Q. Certainly; take your own time, and if there is anything that you don't understand, understand it before you answer it.—A. Yes, sir.

Q. Now, when Major Penrose gave this order, in substance, "If you can not find the noncommissioned officer, break open the gun racks," you were standing right there?—A. Yes, sir; right at the foot of the steps, sir.

Q. Within hearing of that?—A. Yes, sir.

Q. Did you say to Major Penrose in reply to that "Why, Major Penrose, I am here; I will open them?"—A. No, sir.

Q. Did you make any reply to it?—A. No, sir.

Q. That the noncommissioned officer in charge of quarters was there?—A. No, sir.

Q. That was the first intimation you had that they were trying to find you?—A. Yes, sir.

Q. You had been upstairs?—A. Yes, sir.

Q. You had lit the lamp?—A. No, sir.

Q. You hadn't lit the lamp?—A. No, sir.

Q. When was it you lit the lamp?—A. When the men fell in line he counted them, and the captain verified the company and counted them, and he asked me to count the rifles, and I counted the rifles and went down and reported to him, and he said to the first sergeant, "That makes the company present," and then the lamp was lit, and not until then.

Q. Then it was that the lantern was lit?—A. Yes, sir.

Q. He came upstairs to ask you, or were you downstairs?—A. No, sir; I was on the porch.

Q. You didn't join the company because you were duty sergeant in charge of quarters?—A. Yes, sir.

Q. He asked you to go up and count the rifles?—A. To verify the rifles of the men that was on pass, and report to him, and I did so, and then he says, "The company is present."

Q. Who asked you to do that?—A. My captain.

Q. Who was that?—A. Captain Macklin.

Q. How soon was it after you were awakened by Corporal O'Neil that your captain asked you to do that?—A. Well, I don't know, sir.

Q. How many minutes would you say?—A. I will not say at all, sir, because I don't know.

Q. Could you tell approximately?—A. No sir. Through excitement—being excited and almost the same as in the enemy's country—of course I was excited being fired on, and having no idea of being fired on, and I don't know how many minutes it was.

Q. Yes; but Sergeant, to fix it if you can in your own way, the company was formed first in front of the quarters?—A. Yes, sir.

Q. And after that they had been moved around as you understood, to the wall?—A. Yes, sir.

Q. And deployed as skirmishers there for protection?—A. Yes, sir.

Q. Was it while they were in front of the quarters forming that Captain Macklin asked you to go up and make a count of the rifles, so as to verify them?—A. No, sir; I can't say, because I don't know. I will not say, because I don't know. I wasn't in charge of quarters, and wasn't with the company, and would not say. I will not say something that I don't know.

Q. Do you not know that it was in the neighborhood of an hour, approximately, before Captain Macklin came to the company at all after the firing?—A. Well, there wasn't any light until he came. No; there wasn't any light lit until Captain Macklin came.

Q. Do you not know that they could not find Captain Macklin, and Lieutenant Grier took command of the company?—A. I know that, sir.

Q. Now, was it Captain Macklin or Lieutenant Grier who told you to go and verify the rifles?—A. Captain Macklin.

Q. Then you inspected the rifles and the gun racks?—A. Yes, sir.

Q. You unlocked three gun racks?—A. Yes, sir.

Q. And you found all of the gun racks, excepting one, intact? Intact means— A. I would like to know the meaning of that, sir.

Q. I know; I will explain so that you can answer it in your own way. Was there more than one of the gun racks which the lock had been broken from?—A. Was there more than one gun rack from which the lock had been broken from?

Q. Was there more than one gun rack from which the lock had been broken open?—A. There wasn't but one. I don't know whether this lock had been broken from the rack, but there were three racks, and this rack had been broken. I don't know whether the lock was broken. I wasn't around when the lock was broken.

Q. You just unlocked three gun racks?—A. Yes, sir.

Q. And it is customary when you unlock, just to leave the lock there?—A. Yes, sir.

Q. To leave it hanging in the staple, and not take the lock out and throw back the bands?—A. Yes, sir.

Q. And after you had unlocked them, you heard them still hammering upon the gun racks?—A. Yes, sir.

Q. You were sergeant in charge of quarters?—A. Yes, sir.

Q. You were responsible for the protection of the property there, were you not?—A. Yes, sir.

Q. To see that it was taken care of?—A. Yes, sir.

Q. When you heard them hammering upon the gun racks, what did you say to your men? You were the superior officer.—A. I told them to stop hammering. I said "I will unlock them if you will just wait and stop hammering on them."

Q. But you had unlocked three, and they still kept hammering on them?—A. Yes, sir; hammering on one. I don't know. They were hammering on one when I started to unlock, but they went on hammering just the same, and I told them not to hammer on the racks, that that one was unlocked.

Q. Now let me read you this statement. After your conversation with Sergeant Harley in which he said "Wait for orders," and after you had heard Major Penrose say "Open those gun racks, fall into line promptly," and "If you can not find the noncommissioned officer in charge of quarters, break them open and fall in promptly," then you rushed upstairs, did you not?—A. Yes, sir.

Q. And began to open the gun racks?—A. Yes, sir.

Q. Was there either of them that you couldn't get open?—A. No, sir; I got them all open after I got the key. It was in the dark, and all the keys don't fit those locks, and there are four keys on the string, and each key is different, and I might have gotten the wrong key on the first rack I went to, and it consumed a little time, but I got them three unlocked all the same.

Q. I find in your statement which purports to have been signed by you and sworn to on the 24th day of November, 1906, on page 232 of Senate Document 155, this: "And one that he could not get open was broken open and he found all the guns intact."

The one you couldn't open is the one I am speaking about. Was that correct? Did you make that statement then?

Senator FORAKER. Have you put that question as you want to? He has not said that there was one of the racks that he could not open.

Senator WARNER. The record will show.

Senator FORAKER. I think he has not stated that there was one he could not open.

Senator WARNER. Let the record stand.

By Senator WARNER:

Q. Was there one of the gun racks that you couldn't get open?—

A. I don't know whether there was or not. That is the fourth rack. I don't know anything about the fourth rack, sir; whether I couldn't get it open or how it was. I don't remember about that. I don't know. But I know there was one broke open. I don't know whether I couldn't get it open or not, but it was broke open.

Q. (Reading:) "The men ran promptly and fell in line." Is that correct?—A. Yes, sir; there was so much excitement in the barracks at that time of night, with no light.

Q. Then, whatever was done in the breaking open of the racks, it was done very quickly? In this statement that I am reading to you, I do not know whether it is correct or not, and when I say that the men fell in line promptly I am simply reading from a statement alleged to have been made by you on the 24th of November.—A. Yes, sir.

Q. They did get in line promptly?—A. Yes, sir; they fell in line promptly.

Q. And then it was that you lighted the lantern, as you have stated, now? It was after you got the orders from Captain Macklin?—

A. From Captain Macklin.

Q. To verify and count the guns?—A. Yes, sir.

Q. And then it was that you lighted the lantern?—A. Yes, sir.

Q. Now, Sergeant, when you were awakened by Corporal O'Neil was the firing going on?—A. Yes, sir.

Q. What direction was that firing?—A. I don't know anything about the town at all, sir; I never was in town only when I passed through.

Q. You know the direction of the town from the parade ground?—

A. Yes, sir.

Q. And the direction of the parade ground from your barracks?—

A. Yes, sir.

Q. Was it coming from the direction of the parade ground or from the direction of the barracks?—A. It was coming from the direction of town, the sound that I heard, sir.

(Senator Warner here explained the map to the witness.)

By Senator WARNER:

Q. Now, what would you say the direction of that firing was with reference to those red figures I pointed out to you—7, 9, 2, and 1?—A. Well, toward the big gate that came out from the post. I don't know what street that is, but it looked like the main street to me.

Q. That is Elizabeth street, on the map.—A. I don't know the name of the street at all. That is the direction the sound appeared to me, down in this direction, the firing [indicating on map].

Q. Down in this direction, as you have pointed here, near this

building marked in red "5-00?"—A. Yes, sir; it sounded to me in that direction.

Q. It sounded in that direction?—A. Yes, sir. Of course, I couldn't say at all where it was exactly, but it was over the wall fence, down in the street.

Q. About how much shooting was there?—A. I wouldn't like to say. I didn't pay that much attention. But I know that there was shooting until I went downstairs and came back and was unlocking the racks.

Q. Did the shooting continue after you got the racks unlocked?—A. I don't know that. I doesn't know, now, whether that continued or not; but they were shooting when I was downstairs, and when I was unlocking the racks they was still shooting, and when I finished unlocking the racks I don't know whether they was shooting any.

Q. What is your best judgment about that?—A. My judgment is that I don't know. I just don't know. I know when they were shooting, but when I don't know, I say I don't know.

Q. What kind of shooting was that?—A. It sounded to me like it might have been a Winchester and a six-shooter.

Q. Did you hear any bullets whistling?—A. No, sir; I was in the barracks, and I didn't hear any.

Q. A Winchester and a six-shooter?—A. Yes, sir; it was a flat sound. It didn't sound like an army gun.

Q. How many seemed to be engaged, as near as you could tell from the discharge of the guns and six-shooters?—A. I don't know; about three or four men with six-shooters, and there might have been eight or ten with Winchesters; but I don't know how many there was.

Q. I am just asking your best judgment.—A. It appeared to be about that quantity.

Q. Yes.—A. I was in the house, and never had been outdoors until the next morning.

Q. And you thought that the fort was being attacked?—A. Yes, sir.

Q. By citizens?—A. Yes, sir; something unusual for me to see anything like that in a country like that. I didn't understand it, and was excitable.

(At the request of Senator Foraker the last two questions and answers were read by the stenographer.)

By Senator WARNER:

Q. You had known that there had been feeling between the citizens and the soldiers there prior to the 13th?—A. Not to my knowing, sir.

Q. Had you heard of any difficulty between members of your company and citizens?—A. We had a man that got knocked in the head on the street.

Q. Yes.—A. And I think it was reported to the captain, and I think he taken some steps towards it.

Q. You heard that discussed, did you not?—A. Not amongst the men; only the captain had spoken to him at the orderly room door one morning, that he would take some steps to the major about it.

Q. You didn't hear that discussed among the men?—A. Not talked over any more.

Q. You didn't hear it discussed at all?—A. No, sir.

Q. You heard that one man was pushed off of a gang plank into the river?—A. Yes, sir.

Q. Did you hear that talked of among the men?—A. No, sir; I never heard them discuss it.

Q. You knew of that fact? You knew of the fact that men had been refused permission to go into the saloons, didn't you, there?—A. No, sir; I don't know that.

Q. Into places where white men went and drank?—A. No, sir; I don't know that. That is a place that I don't go; never visits them.

Q. You heard that talked of among the men?—A. No, sir.

Q. You never heard that discussed among them?—A. No, sir.

Q. On the morning of the 14th or on the 14th you heard then that men of your battalion, or some of them at least, were suspected of shooting up the town, didn't you?—A. On the 14th?

Q. Yes; the night of the 13th was the shooting?—A. Yes, sir.

Q. The 14th you heard that, did you not?—A. Yes, sir.

Q. How did you come to hear that?—A. Well, discussed among the men.

Q. You heard the men talking about it?—A. Yes, sir; discussed among the men, that we were accused of shooting up the town.

Q. What was said among the men?—A. Lots of men wanted to know why they accused us of shooting up the town when we were here, and a good many of them were almost scared to death, and believed we were being fired upon, which I believe we were, because I don't believe the Twenty-fifth men ever fired a gun down there that night.

Q. Yes; you have stated that.—A. Yes; I have, sir.

Q. What reason have you to believe that the citizens fired upon you?—A. I don't have any reason to believe that they didn't do it. I have no reason to say that they should do it, but I have no reason to say that they didn't do it.

Q. You went on guard that night, the night of the 13th?—A. No, sir.

Q. No, you did not; you remained in charge of quarters?—A. On the morning of the 13th?

Q. Your company went on guard after the shooting?—A. Yes, sir; that night.

Q. But of course you, being officer in charge of quarters, remained there?—A. Yes, sir.

Q. So that you know of nothing that took place on the guard posts that night, the inspection of arms, or what was done there?—A. No, sir.

Q. At either of the posts?—A. No, sir.

Q. It is suggested that I ask you to explain in your own way about the duties of a duty sergeant. Explain what his duties are.—A. What he does?

Q. What are his duties?—A. I don't understand the question.

Q. Explain what are the duties of a sergeant in charge of quarters.—A. The duty sergeant? There is lots of things for a duty sergeant to do, if I explain it in my manner of explaining it to you.

Q. Go on.—A. When the company falls in, do you want to know what he does, or when he is in charge of quarters do you want to know what he does, or when they go on guard do you want to know what he does?

Q. Just explain it briefly in your own way; that is the only way you can do it.

Senator SCOTT. Explain what he does in all these positions; that is what the Senator wants to know.

Senator TALIAFERRO. I just want to know what he regarded his duties to be that night when he was in charge of quarters.

Senator LODGE. His duties that night; yes.

The WITNESS. I will explain them to you. A noncommissioned officer in charge of quarters, it is his duty to stay there and remain there from the time he receives his orders from the captain at 9 o'clock in the morning, when I received my orders from my captain—all the companies doesn't do alike, but this time I received my orders from my captain to go in charge of quarters and verify my rifles—to go in charge of quarters. I verified my rifles and the total of men on guard. If any man gets sick during that time, I have him go to the first sergeant to be put on sick report, and I takes him to the hospital and marches them back. I marches the men in to breakfast and dinner and supper, and at 11 o'clock at night I inspects the barracks, and I have a check list the first sergeant gives me, and on that I have all men on guard and all men on pass and all men at the hospital and special men that are sleeping at other places; they are all on this list. I have a man's name on there, and I have a list of the bunks, and after I make my inspection I report to the officer on the parade ground that there are so many privates and so many musicians of my company absent, if there are any absent, and he answers and goes and has those men put on the guard report, and I goes to bed.

By Senator WARNER:

Q. The duty sergeant is required to stay up and awake while he is on duty?—**A.** Yes, sir; until 11 o'clock, when he inspects his company. He inspects his company and reports to the officer on the parade ground, and that his company is all present, or if there is any absent, so and so many noncommissioned officers, musicians, or privates, and then he goes back and goes to bed.

By Senator SCOTT:

Q. I want to ask you a question. Were you ever arrested and court-martialed, or arrested, in the Army?—**A.** I never was. I was twenty-two years and three months in Maryland, and I had fourteen years, almost, in the Army, and I was tried once for missing 11 o'clock inspection.

Q. What was your punishment for that?—**A.** I got fined \$3. My captain inspected the quarters that night. I was tried once since I have been in the Army.

By Senator FORAKER:

Q. What was the offense for which you were tried?—**A.** I missed 11 o'clock roll call.

Q. When was that?—**A.** It was either 1899 or 1900, sir; I disremember which it was, but I was tried then.

By Senator TALIAFERRO:

Q. Where were you that night when you missed the roll call?—**A.** I was in San Antonio, Tex.

Q. Where were you that you were not present and missed the roll call?—A. In San Antonio.

Q. You were out in the town?—A. Yes, sir.

By Senator FORAKER:

Q. One thing I forgot to ask about. I did not recall while I was examining the witness that he was one of those twelve men who were arrested. You were one of the twelve men arrested?—A. Yes, sir.

Q. Do you know who caused you to be arrested?—A. No, sir; I do not.

Q. Arrested, I mean, at Brownsville?—A. No, sir; I do not.

Q. All you know is that you were arrested?—A. Yes, sir.

By Senator OVERMAN:

Q. What were you arrested for?—A. Well, that is the question now.

By Senator FORAKER:

Q. Did anybody tell you what you were arrested for?—A. I never have been told yet.

Q. You were shut up with eleven of your comrades in the guard-house there from the 23d of August until the 25th, when you left?—A. Yes, sir.

Q. And you came with the battalion?—A. Yes, sir.

Q. Up to Fort Sam Houston?—A. Yes, sir.

Q. And there you were put off?—A. Yes, sir.

Q. While the battalion went on to Fort Reno?—A. Yes, sir.

Q. Were you kept in confinement at Fort Sam Houston?—A. Yes, sir.

Q. Until you were discharged without honor?—A. Yes, sir.

Q. State whether or not during that time any charges were preferred against you?—A. Major Clark, of the Twenty-sixth Infantry, told me that the sixty-second article of war would be preferred against us.

Q. The sixty-second article of war?—A. Yes, sir.

Q. Was there any copy of the charge and specification ever served on you? Did you have any copy given you, or any notice, except the verbal notice that he gave you?—A. No, sir; that was all.

Q. Were you ever brought to trial?—A. No, sir.

Q. Were you or not all the time ready for trial?—A. Yes, sir.

Senator FORAKER. I want to put into the record here the charge and specification preferred against Sergt. Darby W. O. Brawler, Twenty-fifth Infantry, as found at page 250 of this record which we are now taking. I will not stop to read it now, but I will only say that the charge is of conduct to the prejudice of good order and military discipline, in violation of the sixty-second article of war, and the specification in short is that you took your gun and went out and helped to shoot up the town that night. Is there any truth whatever in that charge?

The WITNESS. No, sir.

Senator FORAKER. And specification?

The WITNESS. No, sir; not to me.

By Senator FORAKER:

Q. It was Lieutenant Grier who took command of the company that night?—A. Yes, sir.

Q. Captain Macklin was the officer of the day?—A. Yes, sir.

Senator FORAKER. I do not believe that I will ask the witness any more. There are a number of things, but they have been brought out and covered.

(At 12 o'clock m. the committee took a recess until 2.30 p. m.)

The charges and specifications referred to are here printed in the record, as follows:

Charge and specification preferred against Sergt. Darby W. O. Brawner, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Sergt. Darby W. O. Brawner, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did singly, or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.

AFTERNOON SESSION.

The committee met, pursuant to the taking of recess, at 2.30 o'clock p. m.

Present: Senators Warren (chairman), Scott, Foraker, Hemenway, Bulkeley, Warner, Fulton, Blackburn, Taliaferro, and Overman.

Senator WARNER. Before continuing the examination of the witness, I desire to offer in evidence the affidavit of Darby W. O. Brawner, the witness we now have on the stand, found on page 73 of Senate Document 155, marked "B," which is continued on page 74.

(The affidavit referred to is here printed in the record as follows:)

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.*

Senator WARNER. I desire also to offer in evidence the affidavit of the witness Brawner as found on page 232 of Senate Document 155. (The affidavit referred to is here printed in the record, as follows:)

AFFIDAVIT S.—Darby W. O. Brawner, 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. Brawner, 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.

Admitt 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. BRAWNER.

Subscribed and sworn to before me this 24th day of November, 1906.

E. T. BARBOUR,
Notary Public.

My commission expires July 20, 1906.

Senator WARNER. I also desire to introduce in evidence Affidavit K, of Samuel Harley, as found on page 228 of Senate Document 155.

(The affidavit referred to is here printed in the record, as follows:)

AFFIDAVIT K.—Samuel Harley, first serjeant 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, 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 Brawner, in charge of quarters; Sergeant Brawner 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 Brawner to let the men have their guns and get downstairs 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 Brawner 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.

TESTIMONY OF DARBY W. O. BRAUNER (COLORED)—Continued.

By Senator WARNER:

Q. When you left Niobrara what kind of ammunition was issued to you?—A. Ball ammunition, sir. Twenty rounds of steel-ball ammunition.

Q. How long did you keep that?—A. Well, sir, we kept that until we got to Fort Brown. I disremember the day they were taken up, but it was somewhere about the second or third of the month they were taken up.

By Senator FORAKER:

Q. That would be the second or third of August, you mean?—A. Yes, sir; somewhere along about the third. I don't know whether they were taken up the day we mustered, or not. They were taken up somewhere along about there.

By Senator WARNER:

Q. I understand you to say that you did not see Corporal Madison before the gun racks were opened, the night of August 13; is that correct?—A. No, sir.

Q. You did not see him?—A. I did see him.

Q. Where did you see him?—A. At the foot of the steps, sir.

Q. Was it Corporal Madison who gave you orders?—A. No, sir; Corporal O'Neil. That woke me, you mean?

Q. Yes.—A. Corporal O'Neil woke me. I was awakened by Corporal O'Neil.

Q. Who was it came to you and told you that the orders were to open the gun racks?—A. From Major Penrose?

Q. Yes.—A. Corporal Madison, sir.

Q. Corporal Madison?—A. Yes, sir. I also heard the major's voice myself.

Q. Yes.—A. At the same time he was speaking to me.

Q. I notice in your affidavit, which seems to have been dated at August 14, sworn and subscribed to before Samuel P. Lyon, captain, of the Twenty-fifth Infantry, on the 20th day of August, that you say:

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.

Is that correct?—A. Yes, sir.

Q. (Reading:)

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.

Is that correct?—A. No, sir; that is not exactly correct.

Q. What correction would you make in that?—A. From the way I understand, the way that the Senator reads it, the rack was broken before the call to arms was sounded, and these racks wasn't broke until after the call to arms sounded, and by orders of the major, if I understand the way that the Senator reads it.

Q. That is right, Sergeant; I do not so understand the affidavit. When it says "When call to arms sounded," it does not mean afterwards. You are right in your explanation, Sergeant. In

this affidavit that I have read, which was sworn to on the 20th of August, I notice you say nothing with reference to hearing the order from Major Penrose to the men.—A. No, sir.

Q. About getting their arms?—A. No, sir; I was not asked. I was only asked certain questions, and I answered just such questions as I was asked, sir; but I heard this with my own ears.

Q. I know; but that is the reason you did not?—A. Yes, sir.

By Senator FORAKER:

Q. Now, you have made a number of affidavits. You have made one which has been put in here in connection with your testimony, dated August 14, 1906, at Fort Brown, sworn to before Captain Lyon on August 20. Taking that first, how was that affidavit made out? Did you write that out or did you tell somebody what you knew, and did they write it out?—A. I told some one, to the best of my knowledge, all I knew of the facts, and it was wrote down.

Q. Did you withhold any information from anybody at that time?—A. No, sir.

Q. Was the affidavit read over to you before you signed it?—A. No, sir.

Q. Did you read it—I mean, yourself?—A. No, sir; I did not read it myself, sir.

Q. It was prepared and you signed it and swore to it?—A. Yes, sir; I did.

Q. Is there anything wrong with this that you know of? I will read it to you, omitting the preliminary part of it: "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." Is there anything wrong with that?—A. No, sir.

Q. (Reading:)

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."

Is that correct?—A. Yes, sir.

Q. (Reading:)

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.

Is that correct?—A. Yes, sir.

Q. (Reading:)

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 the call to arms sounded.

Is that correct, with the explanation you made a while ago, that call to arms was sounded before the racks were broken?—A. Yes, sir; it is correct, except that.

Q. As I understand you, if there is anything omitted from that it is not your fault, because you did not prepare the affidavit?—A. Yes, sir.

Q. Another affidavit has been put in evidence, found at page 232 of Senate document 155, in which you are made to say what I will read to you. First, I will ask you this: This affidavit is made before E. T. Barbour, notary public, dated November 24, 1906.

A. I would like to ask the Senator a question. Who is that, sir?

Q. The notary public is E. T. Barbour, a notary public for the Territory of Oklahoma.—A. No, sir; I didn't make any affidavit to him.

Q. It appears to be signed by you and sworn to before him.—A. No, sir; I didn't make any affidavit to him.

Q. You didn't make any? This is the Constitution League.—A. No, sir; I didn't make any affidavit there.

Q. You didn't make any affidavit there?—A. I made one to Mr. Stewart.

Q. Mr. Gilchrist Stewart?—A. Yes, sir.

Q. You made one to him?—A. Yes, sir.

Q. Did he write this out?—A. Yes, sir.

Q. You do not remember swearing to it before a notary public—that is, the Gilchrist Stewart affidavit?—A. I did—to Mr. Stewart.

Q. This is the one, I guess.—A. It is all right if it is that one.

Q. I call your attention to this. You are made to say:

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.

Did you say anything about one that you couldn't get open? Did you use such language as that, which is found in this affidavit, or do you know?—A. I am not sure, because I don't remember. That was a considerable time back. It was about three months later, and I don't remember.

Q. Was there any gun rack that you tried to open and couldn't open?—A. No, sir. The fourth one, when I got to the fourth one, after opening the three, it was already broken open.

Q. You unlocked three?—A. Yes, sir; but the last one I got to was already opened.

Q. I do not see anything else in this affidavit. Now, he makes you say:

He found Sergeant Harley, who said "Wait for orders."

Is that correct?—A. Yes, sir.

Q. Then further:

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."

Is that correct?—A. Yes, sir.

Q. You did not mention Major Penrose in the first affidavit, but you did in this second one.—A. Yes, sir.

Q. Who wrote out that first affidavit that you made at Fort Brown?—A. Captain Lyon, captain of Company B.

Q. Captain Lyon wrote that out?—A. Yes, sir.

Q. Or did some officer of your company write it and swear you before Captain Lyon?—A. Well, I was examined there by Major Blockson, but I don't know whether he taken an affidavit of it or not. But Capt. Samuel P. Lyon, he asked me the same questions over again.

Q. Did you give the same testimony to all and tell the same story to all these people as you have here?—A. Yes, sir; as far as I recollect. I told the truth, as far as I know it, sir.

Q. Did you withhold the truth from anybody at any time?—A. I did not.

Q. Now, let me ask you about this: You say at one place here that when you found Sergeant Harley you asked him whether you should open the gun racks, and he said: "Wait for orders."—A. Yes, sir.

Q. Is that, or not, all that you said at that time?—A. Yes, sir; that is all I said to him at that time.

Q. Was anything said about Corporal O'Neil having told you that the call to arms had sounded?—A. No, sir. Through excitement I didn't say anything to him, because I thought if he had heard the call to arms sounded he would have told me to open them, or not to open them, and he told me to wait for orders.

Q. Did it not occur to you, inasmuch as Corporal O'Neil had said that the call to arms had sounded, that you should tell Sergeant Harley what had been stated to you in that respect?—A. I should have if I had thought of it, but through excitement I didn't think of that point, and I was waiting to see an officer—a commissioned officer—that is who I wanted to see to take orders from.

Q. You told us this morning that you didn't know whether Sergeant Harley had authority to tell you to open a gun rack or not under such circumstances?—A. And I doesn't know yet, sir.

Q. But he was your superior officer, and if he had told you to open the gun rack—A. I would have obeyed the order.

Q. Corporal O'Neil was your inferior officer?—A. Junior to me, and I didn't take orders from him.

Q. You could not take orders from him?—A. No, sir.

Q. Are they or not particular about the officer in charge of quarters opening the gun racks? Are the commissioned officers, your company commanders, particular about that?—A. Yes, sir; they are particular, excepting if you hear a call to arms—an alarm call goes; the call to arms—if you hear it you open them.

Q. If you do not hear it?—A. Your captain, if he hears it, he can be there almost by the time the call is sounded; by the time it is sounded once or twice he will be there and give you an order to open the racks, and you take your orders direct from a commissioned officer, and not from a noncommissioned officer.

Q. What I want to get at is, would you be justified, in accordance with the orders and practice, in opening the gun racks on the word of some inferior who told you that the call to arms had been sounded?—A. That is a case not covered in the instructions, and I don't know whether it is so or not; but, in order to be justified, I wouldn't do it, but would wait for the captain to come, and take orders direct from him.

Q. You went to Sergeant Harley?—A. Yes, sir.

Q. Why did you go to him?—A. Because, in the absence of the company commander.

Q. Captain Macklin was the officer of the day, and you had no officer with the company, I understand.—A. No, sir.

Q. Lieutenant Grier did not belong to your company?—A. Yes, sir; he was adjutant.

Q. Of the battalion?—A. Yes, sir.

By Senator WARNER:

Q. Would you have taken orders, and obeyed them, from Sergeant Harley?—A. Yes, sir; he is senior to me.

By Senator FORAKER:

Q. That would shift the responsibility?—A. Off of my shoulders, and I would be perfectly satisfied.

Q. If you as officer in charge of quarters should open the gun racks, without having an order either directly from a commissioned officer or from a senior noncommissioned officer, what would be the result to you?—A. I would be court-martialed and get from a year to eighteen months.

Q. You would be punished severely?—A. Yes, sir.

Q. They are that particular about it?—A. Yes, sir.

By the CHAIRMAN:

Q. You would be tried, you mean, by court-martial?—A. Yes, sir.

Q. Tried by court-martial, and you would suffer whatever penalty was imposed on you by the court-martial?—A. Yes, sir; and it comes pretty steep for anything of that kind.

By Senator FORAKER:

Q. You have seen men punished for such offenses since you have been in the Army?—A. Yes, sir; since I have been around the Army I have seen a good bit of it.

Q. Corporal Washington has been mentioned in relation to this. Do you remember now how he was mentioned?—A. No, sir; I don't remember much about him.

Senator FORAKER. That is all, I guess. You can go now, so far as I am concerned.

By Senator TALIAFERRO.

Q. Did you state this morning that you counted the guns in the racks after the men went out and fell in line?—A. Yes, sir.

Q. The guns that were left?—A. Yes, sir.

Q. Did you do that by lamplight?—A. Yes, sir.

Q. You had lit your lamps?—A. Yes, sir.

Q. Did you not state in your testimony this morning that you had not lit your lamp when you counted the guns?—A. No, sir; I did not.

Q. If you did, it was a mistake: you had a lamp lit when you counted the guns?—A. I would like to make it a little plainer there to the Senator, if I may.

Q. Go ahead.—A. If I can explain it, I will. The men first fell in line. They fell in line for Lieutenant Grier, and they were counted, and they were present; and then when the commander of the company, Captain Macklin, came they fell in line again in front of barracks and were counted, and then he called for the non-commissioned officer in charge of quarters to count the guns, and I did so. He told me, "Light a lamp, Sergeant, and count the guns in the racks," and I counted the guns and reported to him how many there were, and he says to the first sergeant, "That makes the company present and the rifles present," and he says, "Take the lamp back in the quarters, Sergeant, and remain there," and I went back in the barracks and put the lamp on a shelf.

Q. Do you know the meaning of "intact"?—A. No, sir.

Q. You have no idea what it means?—A. No, sir.

Q. If you were to say that that gun rack was intact, what would be the meaning of it?—A. I don't know the meaning of it.

Q. You say in your affidavit on page 232 of Senate Document No. 155, which has been read to you in part by Senator Foraker, that you lighted a lantern and found all of the gun racks intact except the one broken open. Now, what did you mean by that?—A. I didn't say that. I said I lit the lantern and found all the guns present. That is what I said in my testimony. I don't know what they put it down in the book, but I know what I said in my testimony that I gave. I don't differ from that, because I said I found all the guns present.

By the CHAIRMAN:

Q. What was the condition of the racks at that time? Put it in your own words. What was the condition of the racks then?—A. The racks had been hammered on this part here, and they was injured on these staples here.

By Senator TALIAFERRO:

Q. All four of them?—A. I didn't notice but one in particular. But I noticed that they had been hammering them, and they pulled the staples out of one; but the other three I didn't notice, except that they had been chopped with an ax, the sharp part of it. I didn't pay very much attention to that, but I unlocked three of them, and when you just unlock the rack and leave this key in here you don't know whether it is unlocked or not, in the excitement.

Q. You did not understand that language to mean, then, that all the gun racks were in proper condition except the one that was broken open?—A. No, sir; and I didn't give that, either. Of course that could have been put down; but I said that the guns and gun racks were all present. That is what I gave in my testimony, that the guns and gun racks were all present, when I gave my testimony to my captain.

By Senator SCOTT:

Q. Let me see if I can get at this gun-rack business. When you went up there to open those racks, one of them had been broken open?—A. No, sir.

Q. Is that right?—A. No, sir.

Senator WARNER. No; you have got it wrong, Senator.

Senator SCOTT. Then I have been listening wrong for two or three days.

The WITNESS. No, sir; the men were still hammering on one when I went up, but it was not broken open.

By Senator TALIAFERRO:

Q. How do you know that?—A. Because it is the rack that set on this side, and if it had been broken open they would not have been hammering on it. You can take the imagination for that, that if it was broken open they would not have been hammering on it. That is the onliest way I could imagine, that it wasn't broken open, to come at it in a plain way. It was dark up there, and I don't know whether it was broken open or not, but they were still hammering on it.

Q. You remember swearing to this affidavit, given in the Territory of Oklahoma?—A. Yes, sir; entire.

Q. Dated the 24th of November, 1906, before E. T. Barbour, notary public?—A. No; I didn't make any affidavit to that gentleman at all. I don't know him. I never saw him. I didn't make any affidavit to him. I made an affidavit before Mr. Stewart.

Senator FULTON. I suppose that he was some notary public that they called in.

By the CHAIRMAN:

Q. You simply raised your hand and took your oath after you gave this testimony to Mr. Stewart?—A. Yes, sir.

Q. Now, there might have been some gentleman sitting, as the stenographer is here, who would be a notary public, before whom you would be taking the oath. Is that it, or was there anyone present but the one man?—A. There was no one present but Mr. Stewart.

Q. Did you raise your hand and go through the form of taking an oath when you gave this testimony to Mr. Stewart, or when you signed it—before or after?—A. I will have to study a moment.

Q. Were you sworn?—A. I have got to think whether I was or not. I will not answer that.

Q. How many times have you been sworn in this matter before today?—A. I wouldn't like to answer that, because I want to tell you there was nothing to that; but I have been sworn so many times I can't remember.

Q. At what points were you sworn?—A. Oh, every time I saw some one it seemed to me like I was sworn in.

Q. You were sworn at Brownsville?—A. Yes, sir; I was sworn by Major Blockson and by Captain Lyon and by Major Penrose, and then coming to Fort Sam Houston I was sworn in by General Garlington and General McCaskey.

Q. Yes. This later time, before Mr. Stewart, you are not sure of that?—A. No, sir; I will not swear to that, because nearly every time I saw somebody it looked like they wanted to swear me in.

By Senator TALIAFERRO:

Q. Are there any of these affidavits and statements that you are represented as having sworn to that you did not read yourself before you signed them?—A. Any affidavits that I swore to; did I read it?

Q. Did you sign your name?—A. I disremember. I think I signed my name to nearly all I saw—all that was asked of me; but I didn't read any of them. I gave the testimony and swore to it, and if they put it down the way I said it it was all right.

By the CHAIRMAN:

Q. Are you sure that you did not read it yourself or that no one read it to you?—A. No, sir.

Senator TALIAFERRO. I have finished.

By the CHAIRMAN:

Q. Do you know whether there was a stenographer present, as there is now, taking down your words as you were talking? Do you know whether there was one, or not? Was there a shorthand man present?—A. No, sir; I don't know whether there was or not.

By Senator FORAKER:

Q. You told them what you knew, and answered their questions, and then you supposed they had written down everything correctly?—A. Yes, sir; just what I told them.

By Senator TALIAFERRO:

Q. And you signed everything you saw?—A. Everything I was asked to sign by an officer, I signed it.

By Senator FORAKER:

Q. They told you it was what you had said, I suppose?—A. Yes, sir

By the CHAIRMAN:

Q. In this case, where the oath was made before Mr. Stewart, that was not a case, was it, where there was an army officer present?—

A. No, sir; there was no army officer present.

Q. And no one was present who had any authority over you?—A. No, sir.

Q. And if given at all, it was given with your free will?—A. Yes, sir.

Q. You read and write, of course, do you not?—A. Yes, sir; I read and write a little.

By Senator FORAKER:

Q. Where did you live before you enlisted?—A. I was born in Charles County, Md.

Q. Carroll County, Md.?—A. Charles County.

Q. Did you enlist there?—A. No, sir; I enlisted on Pennsylvania avenue.

Q. In Washington?—A. Yes, sir.

Q. Did you ever have any trouble of any kind before you went into the Army?—A. No, sir.

Q. You never had any since, except what you told us about, at San Antonio?—A. No, sir; I never had.

Q. Nothing of any kind?—A. No, sir; never had.

Q. And then you simply missed a check roll call and was fined \$3?—A. Yes, sir.

Q. And you never were reprimanded but that one time, were you?—A. No, sir.

Senator WARNER. That is all in the record.

Senator FORAKER. I know, but I wanted it in again. That is all.

(The witness at this point was excused.)

TESTIMONY OF THOMAS JEFFERSON (COLORED).

(The witness was sworn by the chairman.)

By Senator FORAKER:

Q. You have given us your full name, have you, Thomas Jefferson?—A. My name is Thomas Jefferson.

Q. Did you belong to Company C of the Twenty-fifth Infantry in August, 1906?—A. Yes, sir.

Q. Were you with it at Brownsville?—A. Yes, sir.

Q. What position, if any, did you hold in that company?—A. I held the position as room orderly.

Q. What?—A. Room orderly.

Q. Tell us what that is.—A. Room orderly consists of a soldier cleaning up the barracks and also seeing that the lamps and everything around the quarters is perfectly clean for the company com-

mander the next morning—at all times. He also fill up the lamps at night. At 8 o'clock I lit the lamps in C Company, lit the lantern and set it by my bed for the sergeant of the guard of the quarters to take care of it.

Senator FORAKER. I want to put into the record here the official record of Thomas Jefferson as found at page 260 of Senate Document 155, furnished by the War Department.

(The record referred to is here printed in full, as follows:)

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.

By Senator FORAKER:

Q. According to this it appears you enlisted January 6, 1892.—A. Yes, sir.

Q. In the Ninth Cavalry?—A. Yes, sir.

Q. And your next enlistment was January 14, 1897?—A. Yes sir.

Q. That was in Company D, Twenty-fifth Infantry?—A. Yes, sir; that was in D Company.

Q. And then you reenlisted January 14, 1900, as a private of Company D, Twenty-fifth Infantry?—A. Yes, sir.

Q. And then you served until you were discharged without honor November 23, 1906?—A. Yes, sir.

Q. Did you ever have any trouble while you were in the service?—A. Well, no, sir; not that I know of.

Q. Were you court-martialed or anything like that?—A. Yes, sir; I think I had three or four. I disremember.

Q. Yes; I saw something of that kind. What were those offenses that you were charged with?—A. One was disobedience of orders of a noncommissioned officer named Sergeant Gamble and the other was in the Philippine Islands—missing check; night check.

Q. That is check roll call?—A. Yes, sir.

Q. Were there any others?—A. No, sir; not that I know of. Three or four.

Q. Were you arrested at Fort Brown with the 11 other men?—A. No, sir.

Q. You were not one of those 12 men?—A. No, sir.

Q. I thought you were.—A. No, sir.

Q. Were you with the company that night at Brownsville when the firing was, on August 13?—A. Yes, sir.

Q. Where were you?—A. I was in bed, asleep.

Q. In bed, asleep?—A. Yes, sir.

Q. Where?—A. Right in barracks, up above.

Q. You were in the barracks?—A. Yes, sir.

Q. Senator Scott will show you that map and explain it to you. You were in C Company barracks?—A. Yes, sir.

Q. Upstairs or downstairs?—A. Upstairs, sir.

(The map was here explained to the witness by Senator Scott.)

By Senator FORAKER:

Q. Were you asleep when the firing commenced?—A. Yes, sir.

Q. What awakened you?—A. I was asleep in C Company's quarters, and when I awakened I was awakened by a shot—it seemed to me like a pistol. Immediately after that shot there was several rapid shots fired. I jumps out of my bed the first shot. I goes to the window opposite to where I slept—that is, in the rear, on the other side of the building. When I looked out of the building I saw firing going on. It seemed like the firing was toward the post. I kept a-looking out there and I didn't know what to say, so I went back to my bed and I set there listening to see whether any shots hit the quarters or not, and I heard the call to arms, and when "To arms" went everybody jumped out of their beds, and there was such a confusion, all crying for the gun racks to be opened to get their rifles, because the man in charge of quarters could not be found, so there was so much confusion around there and so much excitement that the men didn't know what to do. So we stayed up there until the gun racks was opened. We stayed up there until one man went downstairs, named Rudy, and Major Penrose asked him, he says: "Why don't you get your guns?" or "What is the matter with C Company?" so Rudy says, "We can't get our guns." So the remark I heard Major Penrose say was, "Get them open some way."

Q. Where were you when that conversation took place?—A. Upstairs—right by my bunk—at the gun rack.

Q. Did you hear him say that?—A. Yes, sir; I heard the remark that Major Penrose made, "Get the gun racks open." So when the order was given, some man, I don't know who it was, had an ax or some other material breaking the gun racks open, which the gun rack at my left was burst wide open. The other one next to it, the chains was broke, snapped to pieces, and the other two, I don't know; they must have been hacked on some way or another. I know the two on the side I was on was pretty badly damaged, and also some of the guns. Some guns had chips—pieces—knocked out of them, and also had the sights knocked off of them.

Q. Go right ahead. Did you hear this pounding on other racks?—A. Yes, sir; I heard pounding on all of the racks.

Q. Did you get your gun?—A. I got my gun from the rack that was first bursted open.

Q. You did what?—A. I got my gun from the first rack that was bursted open—when they first burst the gun rack.

Q. You got your gun when they first burst the gun rack?—A. Yes, sir.

Q. Do you know who did the bursting open?—A. There was so many men crowded over the gun racks, and then it was dark, and we couldn't discover who it was.

Q. Was the firing going on then?—A. Yes, sir; the firing was going on. And they all came and got their guns, and they couldn't get down—after we got our guns we didn't have the ammunition to use. We had this reduced ammunition, so that we stayed around the quarters several minutes, until the quartermaster, named Mc-Murray, he issued us this ball ammunition.

Q. Before we go any further, tell us, when the company formed down below, whether the roll was called or not.—A. When the company was called I had to go downstairs and answer to my name. I heard

my name called, and I came downstairs. I didn't fall in with the rest of the company—the same as the rest of the company does. I stays up there and help the noncommissioned officer in charge of quarters to see that everything is right, and when they calls my name I goes downstairs and answers to my name; and when I got down there the first sergeant ordered me upstairs to take my place with the noncommissioned officer in charge of quarters.

Q. So that you went upstairs and remained there?—A. Yes, sir.

Q. Now; what was it about issuing additional ammunition?—A. We didn't have nothing but this additional ammunition until the firing commenced, and then we went down—

Q. You say "additional ammunition," you mean this guard ammunition?—A. Yes, sir; this guard ammunition. And the quartermaster-sergeant, he issued this other, this ball ammunition.

Q. Had the firing ceased then or not?—A. The firing had ceased, it seemed to me like, altogether, when C Company got down and called the roll.

Q. You did not go out with the company on guard?—A. No, sir; I didn't do no guard duty at all.

Q. Where was your gun during that night; what did you do with it?—A. My gun, I had it right at the head of the stairs, with the noncommissioned officer in charge of quarters.

Q. Did you put it back in the rack, or what?—A. No, sir; I held my gun out.

Q. You kept it in your possession that night?—A. Yes, sir; in my possession that night, until along toward morning, when the order was that all extra guns in the gun racks should be put in the quartermaster-sergeant's storeroom. Then all the guns were taken, and I puts mine in the gun rack myself, and at the same time Captain Macklin was down there.

Q. When you put yours in?—A. Yes, sir.

Q. State whether, later, you were required to turn in your ammunition also.—A. Well, sir; when my ammunition was turned in, I turned it in, I suppose, long after the others had turned theirs in and the quartermaster-sergeant he says "Everybody turn in their ammunition." So I suppose the rest of the company turned in their ammunition, and I turned mine in immediately afterwards, after everybody else had turned in theirs; because I was room orderly, and had lots of work to do, so I turned in mine afterwards.

Q. Did you return to the quartermaster-sergeant all the ammunition that was ever issued to you?—A. Yes, sir; I turned in all the ammunition there.

Q. Did you have any surplus ammunition of any kind?—A. No, sir, I never; because they ain't supposed to have any.

Q. I know they are not supposed to, but still they might have; that is what we want to find out.—A. Everyone is supposed to turn it in. The noncommissioned officer inspects and sees that no man has any extra ammunition.

Q. Now, Jefferson, did you ever clean one of those guns?—A. Yes, sir; I have cleaned a good many of them.

Q. How long were you in the Army?—A. I was in the Army going on twelve years and ten months, lacking four or five days.

Q. How often are your guns inspected when you are in garrison?—

A. We have inspection every Saturday, a perfect, strict inspection at all times.

Q. Once a week?—A. Yes, sir.

Q. How long does it take to clean one of these guns after it has been fired five or six times, so that it will pass at inspection; what is your judgment about that?—A. It seems to me like it takes an experienced man about fifteen or twenty minutes, and a man that is very slow about cleaning a gun or doing anything of that kind, it takes him about thirty minutes, at least.

Q. Did you ever see a commissioned officer, a captain, lieutenant, lieutenant-colonel, colonel, or general cleaning one of these guns?—A. No, sir; I never have since I have been in the service.

Q. Did you have anything to do with this shooting that night?—A. No, sir; I never did.

Q. Were you outside of the barracks or over the wall of the reservation that night, at all?—A. No, sir.

Q. Were you in town anywhere that night?—A. No, sir.

Q. Do you know anybody who had anything to do with it?—A. No, sir.

Q. Or anybody in either your company or in B or D Companies who did?—A. No, sir; I haven't heard anything of it.

Q. Have you any knowledge that leads you to suspect anybody of having had anything to do with it, or that would lead you to suspect anybody belonging to either one of these companies of suppressing any information in regard to it?—A. No, sir; I have not.

Q. As to who participated in that shooting?—A. No, sir.

Q. Have you withheld any information from anybody at any time?—A. I have talked with lots of men on the subject.

Q. No; I mean have you refused to tell any officer, or anybody, all that you might know about this?—A. No, sir; I have not.

Q. Have you answered all questions fully and truthfully, that have been asked you?—A. Yes, sir; I think I have, sir.

Senator FORAKER. The witness made an affidavit, and I want to call his attention to it. I had it here a moment ago, but I do not find it now, and you may take the witness.

By Senator SCOTT:

Q. Where did you live before you were enlisted?—A. My home was in Indianapolis, in the State of Indiana.

Q. And you enlisted there the first time you enlisted?—A. No, sir; I enlisted at Leavenworth, Kans.

Q. Were you ever arrested for any offense before you went into the Army?—A. No, sir.

Senator SCOTT. That is all that I wanted to ask him.

By Senator WARNER:

Q. In the last of your testimony you said that you never heard anything leading you to suspect any members of either of the companies of being connected with the shooting?—A. No, sir; no more than I had a talk about who I thought did it, or something like that. We discussed it as a matter of that kind. We discussed it, who we thought did it, or whether we suspected anyone in the company did it.

Q. Whom did you talk with about that?—A. With several members of the company.

Q. Did you learn the next day after the shooting, or the day afterwards, that it was charged that they had found ammunition such as you used in the Springfield rifle down there?—A. I had.

Q. You heard it?—A. Yes, sir; I did. That they had found ammunition, and also found the clips from the rifles.

Q. Did that lead you to suspect that possibly somebody in the companies had been connected with it?—A. My ideas when I first seen them, I did think that the soldiers had done it.

Q. Yes.—A. But afterwards the men got to talking about it, and tried to find out—at least I tried to find out—and then I said I didn't believe that the soldiers had anything to do with it.

Q. What made you think that possibly the soldiers had something to do with it, possibly, you say?—A. I says that when I heard that the clips with the cartridges had been found in the town, and I seen the clips that they said they found in the rear of B Company, I then supposed that the soldiers possibly had something to do with the shooting. That is my reason for believing that the soldiers did it.

Q. Did you state to anybody that you thought that some of the soldiers were connected with the shooting?—A. No, sir; I don't think I did.

Q. You are quite clear about that?—A. No, sir.

Q. You were awakened by a shot?—A. Yes, sir.

Q. In what direction was that shooting?—A. Well, it seemed to me like the man must have been standing up by B Company, and it seemed as though the pistol shots would fly right down the line by C Company and the empty barracks. That is the way it sounded. The bullets flying up there. It seemed they went down by the extra barracks. You see, the empty barracks is on our left going in the rear of the quarters.

Q. Yes. They call them east of Company C. You can understand that [indicating on map]?—A. Yes, sir.

Q. So that the shots seemed to have been fired from the rear of what?—A. The rear; it must have been shots from the rear on the outside of the wall of B Company, right down the line. It seemed as though it was right down the line.

Q. Just look where Senator Scott is pointing on the map. You see the figure "1" in red; was it coming up from that direction?—A. Yes, sir.

Senator Scott. That is the telegraph office.

The WITNESS. Yes, sir.

By Senator WARNER:

Q. They call it the telegraph office. You saw the flash?—A. Not only one, but I seen the flash of several guns.

Q. Which way were they all firing?—A. It seemed like the first shot was fired and went down the line, and it seemed like the rest of them were firing at an elevation up toward the quarters.

Q. Over the quarters?—A. Yes, sir; it must have been, because it was at an elevation.

Q. You could see that plainly?—A. Yes, sir; you could see the flash from the rifles.

Q. You were standing at the window, and you thought there was no danger?—A. No, sir; because I seen the rifles elevated up, and

I thought there was no danger; so that I went back to my bed, to see if there was any striking the quarters.

Q. You sat down there?—A. Yes, sir.

Q. You didn't hurry?—A. No, sir; I didn't hurry at all.

Q. What did you think those men were shooting there for?—A. I never had the least idea at all what they were shooting for; never had the least idea. When I was awakened first I thought it was fire. I thought it was the call which a soldier gives for fire or any disturbance around post. I never thought it was a disturbance, but I thought it was a fire, or a drill, which they generally have at night for fire call.

Q. About how many shots did you see the flashes of, where they seemed to leave the guns so as to be firing over the barracks?—A. To my judgment, I think there must have been about 75 to 100, or maybe a little more.

Q. Did that shooting continue from the same point?—A. Yes, sir. When I heard the first shot it seemed like they was right from the same point.

Q. How was the light that night?—A. There was very little light; it was dark; I don't think we had any moonlight. I am not sure, but I don't think so.

Q. Could you see the men who were doing the shooting?—A. No, sir.

Q. When you saw the flashes of the guns?—A. No, sir.

Q. You could not see the guns?—A. No, sir; I couldn't see the guns, I just saw the flash.

Q. About how many men would you think were connected with that shooting?—A. Well, sir; I believe there must have been 10 or 12; maybe a little more.

Q. You have heard considerable shooting since you have been a soldier?—A. Yes, sir; I have.

Q. So you can determine with reasonable accuracy the number engaged in shooting?—A. Yes, sir; there must have been about 10 or 12, or maybe more.

Q. Yes; but that many at least, you think?—A. Yes, sir.

Q. Now, again; taking this building here which has been known as a telegraph office, you know where that telegraph office was?—A. Yes, sir; I know, sir.

Q. Where were those flashes with reference to that?—A. They wasn't nowhere up near that.

Q. Just come here and point on the map so that you can tell about where they were.—A. I don't understand the map, but—

(Senator Warner here explained the map to the witness.)

By Senator WARNER:

Q. B and C quarters are here, and D quarters are down the other side of the gate. Now you understand the situation?—A. Yes, sir.

Q. Now just point out as near as you can where those flashes were.—A. Those flashes were right in here, behind B and C.

Q. In the road?—A. Yes, sir; at B Company there is an alley runs right in rear of B Company's quarters.

Q. Here is the alley between Washington and Elizabeth streets; this was the alley?—A. Yes, sir.

Q. And the shooting seemed to be where, now?—A. Right in here [indicating on map].

Q. At the mouth of the alley?—A. At the mouth of the alley; right in there.

Q. At the mouth of the alley and garrison road?—A. Yes, sir.

Q. And the parties remained there during the shooting?—A. Yes, sir; it seemed as though they remained there until after D Company had patrolled the town, so I understand.

Q. How many feet was that, would you think, from the barracks?—A. Well, sir, I judge about 75 feet.

Q. I think that is what it has been estimated to be in the examination of another witness. About 75 feet?—A. Yes, sir.

Q. So that these people were standing out there, 75 feet away?—A. Yes, sir.

Q. And you were standing out of the window, looking in this direction [indicating]?—A. I wasn't standing out. I was inside.

Q. You were standing at the window?—A. Yes, sir.

Q. Looking at them?—A. Yes, sir.

Q. Seeing the flashes of the guns?—A. Yes, sir.

Q. What was the character of that shooting?—A. It must have been six-shooters and Winchesters, or maybe shotguns. It seemed it was a mixed-up affair.

Q. Yes.—A. It seemed part pistol and part Winchester. It sounded to be very loud, and some seemed to be more explosion than what others were.

Q. Then as I understand you, before you had gotten downstairs to C Company after the racks were opened, the firing had ceased?—A. It seemed to me when C Company had fallen downstairs altogether that the firing had ceased.

Q. Yes; and you say there was great confusion up there in C Company?—A. Yes, sir; great confusion, because they couldn't find their noncommissioned officer to open the racks.

Q. Where did the noncommissioned officer sleep?—A. He slept on that end of the barracks in two little rooms, I guess about four feet wide.

Q. When you say "That end of the barracks," you mean the end of the barracks farthest from the gate?—A. We were at the gate; they slept at the end next to the gate.

Q. Toward the gate? I didn't mean to say from the gate.—A. Yes, sir.

Q. Upstairs?—A. Yes, sir.

Q. Who was he?—A. Sergeant Brawler. I don't know what other noncommissioned officer slept with him.

Q. Your business was to clean the lamps?—A. Yes, sir; to clean all the lamps.

Q. To keep them clean and to keep them full of oil?—A. Yes, sir.

Q. So as to be ready to be lit in any emergency?—A. Yes, sir.

Q. And then you placed the lamp down by your bed, you say, for the noncommissioned officer in charge of quarters?—A. Yes, sir; I placed the lantern at the bed for the noncommissioned officer in charge of quarters. He takes a check every night to see whether every man in the quarters that ain't on pass is in, and if any are absent he reports to the officer of the day so many men absent.

Q. Now, where did you place that lantern?—A. After I put the lights out all over the building all the lamps goes out all over the building except the first sergeant's lamp. That was at 9 o'clock, and after 9 o'clock I goes to bed and leaves a lantern setting down beside my bed for the noncommissioned officer in charge of quarters to take it and check with it.

Q. That was your orders?—A. Yes, sir.

Q. That was the place to keep it?—A. Yes, sir.

Q. Was that lantern lit?—A. Yes, sir; when he gets it.

Q. Was it lit when you left it there?—A. Yes, sir; when I left to go to bed it was there.

Q. It was clean and had plenty of oil in it?—A. Yes, sir; it was perfectly clean when I left it beside my bed, lit.

By Senator FORAKER:

Q. That was at 9 o'clock?—A. Yes, sir; 9 o'clock.

Q. What was it left there for?—A. It was left there for the sergeant in charge of quarters to take the check with every night.

Q. At 11 o'clock?—A. Yes, sir.

Senator FORAKER. That is what I wanted to get at.

By Senator TALIAFERRO:

Q. Is there anybody whose duty it is to keep up and awake in quarters after 11 o'clock?—A. No, sir; we are supposed to have a guard on post at that hour of the night. The guards are supposed to be walking post.

By Senator WARNER:

Q. When was it you saw Sergeant Brawner?—A. When I seen Sergeant Brawner—I think it was when he came upstairs, I think, to unlock the gun racks.

Q. Where was his lantern then?—A. I don't know where his lantern was. He must have left it in his room.

Q. Did he have it?—A. I don't think he had it. He may have had it, but I don't think he did.

Q. What did he do?—A. He came up and unlocked one or two of the gun racks after the order was given to break them open.

Q. How many did he unlock?—A. Well, sir, I don't know how many he unlocked, but I suppose it was about one or two, because I know the other two was already bursted open, and I know that he didn't unlock those two that I slept by.

Q. The two that you slept by were bursted open?—A. Yes, sir.

Q. What do you mean by being "bursted open"?—A. They were hit with an ax.

By Senator TALIAFERRO:

Q. Explain on this point just how they were broken open.—A. They were hit right there and this thing was bursted apart [indicating on the gun rack].

By Senator WARNER:

Q. That is, the lock was knocked off?—A. More than the lock. Pieces like that was all knocked off [indicating].

Q. When you say that this was all thrown open, this is the belt that holds the rifles in place, and that was thrown back [indicating]?—A. Yes, sir; thrown back, and this steeple was out.

Q. That is the staple in which the lock was fixed over the hasp?—

A. Yes, sir; and also this piece right in here was bursted out, all to pieces [indicating]. The blacksmith had to take them and fix them.

Q. That was the condition of the two next to your bed?—A. Yes, sir.

Q. One you say was unlocked. How about the other two?—A. The other two that was on the other side of the banister, the step, they might have been unlocked by Sergeant Brawner, because they wasn't burst open and knocked up. They wasn't damaged near so bad as the two on my side.

By Senator TALIAFERRO:

Q. Both of these racks you speak of were so broken open that anybody could see that they were broken open, and could get a gun?—A. Yes, sir; they could get their guns any time they wanted to.

By Senator WARNER:

Q. How about the light there; how could a person see to hit that if you had no light?—A. That night there wasn't no light that I know of in the quarters. I heard a man tell me to light the light, but then the report was, another man says, not to light them; so that I didn't light the lights at all, because I supposed that in case of firing like that when a man didn't know what it was it was danger to his life, because they would shoot right into a place where they seen a party standing.

Q. Was the shooting going on then?—A. When the call to arms went, the shooting was going on, and that is when we got up, and you can see that if we lit a lamp in the quarters, all from the outside could see the men inside to shoot at them.

Q. And the men outside might then shoot at the barracks instead of over them?—A. Yes, sir; shoot wherever they seen a man standing.

Q. Yes.—A. Because the gun racks set almost right in front of a window.

Q. Did you count the guns there that night?—A. No, sir; it was not my place to count them.

Q. Were the guns counted?—A. I don't know, sir.

Q. You didn't go down with the company at all?—A. I went down only when my name was called.

Q. Then you were excused?—A. Yes, sir; then I was excused and went back up in quarters.

Q. Then, what did you do with the guns?—A. I held my gun until the order was issued to bring the extra guns down, and then I taken my gun down.

Q. When was that?—A. That was some time in the morning; I don't know just what time it was; I know it was before daylight.

Q. Was it before reveille?—A. Yes, sir; it was before reveille.

Q. You didn't go out on guard duty that day?—A. No, sir; I don't go.

Q. You were excused, being there in the quarters?—A. Yes, sir; I don't do no guard duty at all.

Q. Did you see Sergeant Madison there that night?—A. I heard his voice; I didn't see him.

Q. Did you see Sergeant Harley?—A. I seen Sergeant Harley when I went downstairs, when he called my name.

Q. You did not see him at any other time?—A. No, sir; I did not see him at any other time.

Q. When was it you saw Sergeant Madison?—A. I didn't see Sergeant Madison; I heard Sergeant Madison.

Q. What did you hear him say?—A. He was one of the men, I think, that told me not to light the lights.

Q. Was he in charge of quarters?—A. No, sir; but he was a non-commissioned officer, and I was supposed to obey him.

Q. Who was the officer there to give orders that night?—A. The senior sergeant was supposed to give orders. The first sergeant, he was downstairs, but the senior sergeant was supposed to give orders.

Q. Who was the senior sergeant there in the quarters, if you know?—A. I disremember who was the senior sergeant in the company, now.

Q. Did you know of any trouble that the members of the company had had there at Brownsville?—A. Well, sir, I seen, in fact, where Private Reed had got thrown into the river down there.

Q. The Rio Grande River?—A. The Rio Grande River. And Private Newton got hit over the head with a revolver.

Q. And you knew that there was considerable feeling there in Brownsville?—A. Well, sir, I couldn't say that, because I never had no feelings against them myself.

Q. You knew that order was issued on the night of the 13th?—A. Yes, sir.

Q. For all to be in barracks by 8 o'clock?—A. Yes, sir; about 8 o'clock—retreat, it was. I was upstairs. I went out on the front parade, and I heard the first sergeant saying something to the company, but I didn't quite understand what it was, and so when the men came in I asked some of them what was that order read down there, and they said there was an order issued by the commanding officer that each and every man would come in before—by—8 o'clock. So I told them it didn't apply to me, because I didn't go out, nohow.

Q. So that you were not concerned about the order?—A. No, sir; I wasn't concerned about the order, because I thought there was some kind of drill—night drill—or something which we generally—usually—had.

By Senator FORAKER:

Q. Continuing my examination of the witness, I find, Jefferson, at page 515 of this Senate Document 155, what purports to be an affidavit made by you?—A. Yes, sir.

Q. Dated the 12th day of September, 1906, before Samuel P. Lyon, captain Twenty-fifth Infantry, summary court, made at Fort Reno, Okla.?—A. Yes, sir.

Q. I want to read you this affidavit. Do you remember making this affidavit?—A. I remember making an affidavit before Lieutenant Hay, of C Company.

Q. Before Lieutenant Hay?—A. Yes, sir.

Q. He was your second lieutenant?—A. Yes, sir.

Q. When did you make that affidavit?—A. I disremember what day it was, and what month.

Q. Was it at Fort Brown, or Fort Reno, or where?—A. It was at Fort Reno.

Q. At Fort Reno?—A. Yes, sir.

Q. Did you make any before Captain Lyon? I mean, did you make your narration to him, as well as to Captain Hay? You seem to have been sworn by Captain Lyon.—A. I was sworn by Captain Lyon.

Q. You were sworn by Captain Lyon?—A. Yes, sir; but Lieutenant Hay, he wrote down the affidavit.

Q. Well, he has written out a very important affidavit here, and I want to read it to you and see what you have got to say about it. I want you to listen carefully to this. This reads:

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, 1900, and was awakened by the report of a shot in the middle of the night.

Is that correct?—A. I didn't say in the middle; I said about between 11 and 12.

Q. What is that?—A. Between 11 and 12.

Q. What was between 11 and 12?—A. The shooting. I told him I thought that was when it was.

Q. About the middle of the night?—A. Yes, sir.

Q. You told them your story, and then they wrote this out, using their own language?—A. Yes, sir.

Q. Is that the way of it?—A. Yes, sir.

Q. To continue reading from the affidavit:

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.

Is that correct?—A. Yes, sir.

Q. Then it says:

He saw from the flash of a gun 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 10 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.

A. I don't remember saying that.

Q. First, did you see anybody inside of the wall shooting?—A. I said that they must have been on the inside or outside, down toward B.

Q. On the inside and outside?—A. Yes, sir.

Q. Can you tell us whether they were on the inside or the outside?—A. No, sir; it was too dark for me to tell whether they were on the inside or the outside, except these men that were up near where I was, where you could kind of see the wall.

Q. You said you saw some man fire six shots high in the air. Did you make that statement to Lieutenant Grier?—A. I don't know that I made that statement. I told him I seen several shots, and they were lifted high in the air, but I didn't say how many shots.

Q. Did you see the sentinel who was on duty?—A. No, sir; because the sentinel is right under the porch—well, he wasn't right under the porch, but you couldn't see him—under the window.

Q. You could not see him from where you were?—A. No, sir; because the porch extends out over where the sentry walks.

Q. Where do you think these shots came from, inside or out?—A.

I still say they came from the inside or outside. I don't know which it was.

Q. Which one do you think it was, inside or outside, to the best of your knowledge?—A. They were close to the wall. I don't know whether they were inside or out. They might have been inside or might have been outside.

Q. They might have been on either side, so far as you know?—A. Yes, sir.

Q. But you know they were from the rear?—A. Yes, sir.

Q. To quote again from this affidavit:

These men seemed to be firing high, but he could not tell in what direction they were firing.

Is that correct?—A. No, sir; I told him what direction, because I told him they were shooting high and elevated over the quarters.

Q. Over the quarters?—A. Yes, sir.

Q. (Reading further from the affidavit):

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.

That is correct?—A. Yes, sir.

Q. (Reading):

None seemed to be hitting the quarters, so he made up his mind that the firing was not at the quarters.

A. Yes, sir; that is correct.

Q. (Reading):

Then call to quarters sounded, and he went outside to fall in with the company.

Is that correct? Did you go out to fall in with the company?—

A. Yes, sir; when my name was called I went out.

Q. You didn't say anything about your name being called in this affidavit.—A. No, sir.

Q. (Reading:)

That the firing ceased while he was still sitting on his bed.

A. While I was still what?

Q. That the firing ceased while you were still sitting on your bed.—

A. No, sir.

Q. Is that correct?—A. No, sir.

Q. Did you ever say that to anybody?—A. No, sir.

Q. (Reading:)

That it was so dark that he could not see the persons who were firing while standing at the window.

Is that correct?—A. That is true.

Q. (Reading:)

That no one else was standing at the window while he was standing there.

A. That is true.

Q. (Reading:)

And that he saw no one else standing at any of the windows looking out.

A. No, sir.

Q. (Reading:)

that he thinks that the first shot fired was a pistol shot.

A. Yes, sir.

Q. (Reading:)

as it made a very sharp report.

A. Yes, sir.

Q. Are pistol shots sharp?—A. Yes, sir; they seem to be more sharper than any other.

Q. What kind of report does the army rifle make? Is not that a sharp report also?—A. I don't think myself it is such a sharp report as a pistol. It has got more of a kind of a dull, lonesome sound.

Q. Your rifle has got—A. Yes, sir.

Q. The pistol has a sharper sound?—A. Yes, sir.

Q. Than the Springfield has got?—A. No, sir; I don't think so.

Senator TALIAFERRO. He says it has a "lonesome" sound.

The WITNESS. Yes, sir; a lonesome sound.

By Senator FORAKER:

Q. (Reading:)

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 is to say, you think they were both by rifles and pistols?—

A. Yes, sir; I kind of thought once that they were both rifles and pistols, but I made the statement that it was Springfield rifles.

Q. What?—A. I made it in the report that it was Springfield rifles.

Q. You thought it was the Springfield rifles like you used?—A. Yes, sir.

Q. (Reading:)

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.

A. Yes, sir.

Q. That is all right, is it?—A. Yes, sir.

Q. Now, then, you signed that, apparently?—A. Yes, sir.

Q. And swore to it, apparently?—A. Yes, sir.

Q. Before Captain Lyon?—A. Yes, sir.

Q. Was that read over to you?—A. No, sir; it wasn't read over to me.

Q. It was not?—A. Not that I knows of, it wasn't. I remember of signing it.

Q. You do remember that?—A. Yes, sir.

Q. Would they ask you to sign an affidavit without reading it to you?—A. I never read mine, that I know of.

Q. You do not remember?—A. I don't know what the rest of the men did.

Q. But whether you did or not, still the statement in there is practically correct, and you have no recollection of making any other?—A. No, sir; I have no recollection of making any other. But what I said here, I think, I have told to the War Department.

Q. You have told to the War Department the same thing?—A. Yes, sir; the same thing that I have said here to-day.

Q. How did you come to tell it to the War Department?—A. I was working for Lawyer Block—

Q. You are working for whom?—A. Lawyer Block—Mr. Block; a noted republic, I suppose it is. He asked me was I a discharged soldier, and I told him yes; so that he telephoned up to the War Department to send me out to Washington Barracks, and I went out to Washington Barracks and gave them a letter, and so they sent it up to the War Department, and about two or three days afterwards General Davis sent for me up to the War Department.

Q. The Judge-Advocate-General?—A. Yes, sir.

Q. What happened then?—A. He set me down, and I gave him the testimony.

Q. And you gave him substantially the same testimony that you have given here?—A. Yes, sir.

Q. What did you tell him as to the kind of arms you thought were used in this firing?—A. I told him I thought they were pistols and rifles and shotguns—a rather mixed affair.

Q. You told him that?—A. Yes, sir.

Q. Did you make that statement with a view to reenlistment?—A. Well, not particularly to reenlist, at all, but just to clear myself, to show him that I was innocent; which I read in the paper he said that if any soldier would prove his innocence he would reconsider the matter.

Q. That is, that the President would do that?—A. Yes, sir; that is what I read in the paper.

Q. And you went there to give this testimony before General Davis, to satisfy him that you were innocent?—A. Yes, sir.

Q. When was it you did this?—A. I disremember what date. I think it was last month—I know it was last month.

Q. Was it since this investigation commenced?—A. No, sir; it was before this investigation.

Q. Was it before the resolution for this investigation was passed by the Senate or afterwards?—A. I don't know. I think it was—I am not sure.

Q. Do you not know that it was afterwards, Jefferson, when you got a subpoena or a notice from General Davis to come there?—A. It might have been afterwards or before. I disremember when it was.

Q. Well, it was one or the other?—A. Yes, sir.

Q. Did you leave that statement with him?—A. Yes, sir; I left the statement and my discharge, too.

Q. You left your discharge there?—A. Yes, sir.

Q. Has he got your discharge now?—A. Yes, sir.

Q. That is, your discharge without honor?—A. Yes, sir.

Q. He has got that?—A. Yes, sir; he has got all of them.

Q. He has all of them?—A. Yes, sir.

Q. Have you heard any report from him as to whether you can reenlist or not?—A. No, sir.

Q. Have you had any further communication from him?—A. No, sir.

Q. You think that was several weeks ago or maybe a month ago?—A. Yes, sir; it may have been three weeks ago at least.

Q. Had you made an application to reenlist?—A. No, sir; I didn't make any application at all.

Q. Did you tell him anything about where these shots seemed to be

that you heard when you were awakened?—A. Yes, sir; I think I told him I thought they were in rear of the quarters.

Q. Inside or outside of the wall?—A. I said I thought they were inside or outside; I told him one of the two.

Q. You told him that you couldn't tell?—A. Yes, sir.

Q. A while ago, in your examination in chief, you said that these were behind.—A. Well, that is behind—

Q. Outside of the wall.—A. Yes, sir; I told him behind or outside the wall.

Q. You told him behind and outside the wall?—A. Yes, sir.

Q. Is that your best impression now?—A. Yes, sir.

Senator FORAKER. I want the clerk of the committee to make a note that I desire to have a subpoena issued for Gen. George B. Davis, Judge-Advocate-General of the Army, a subpoena duces tecum, to bring this man's affidavit with him. I will not ask him to come here until the next meeting of the committee, which will probably be on Monday, but I want him subpoenaed to appear forthwith and to bring with him any statement in writing that he has made by Thomas Jefferson, late private of Company C, Twenty-fifth Infantry, discharged without honor November 23, 1906.

Senator WARNER. I now desire to insert in the record in connection with this witness's testimony his affidavit which has been referred to, found on page 515 of Senate Document No. 155.

Senator FORAKER. I intended to put that in myself.

The affidavit referred to is here printed in the record, as follows:

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.

(The witness was here excused.)

TESTIMONY OF SOLOMON P. O'NEIL (COLORED).

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. Give us your name in full.—A. Solomon P. O'Neil.

Q. How old are you?—A. Twenty-nine years old, sir.

Q. Were you late a member of the Twenty-fifth United States Infantry?—A. In Fort Brown, Tex., sir.

Q. At that time you belonged to the Twenty-fifth Infantry?—A. Yes, sir.

Q. What company?—A. I was in Company C of the Twenty-fifth Infantry.

Q. Were you with it at Fort Brown in August last?—A. Yes, sir.

Senator FORAKER. I want to put in the record at this place the official record of Corporal O'Neil's service, furnished by the War Department, as found at page 256 of Senate Document 155.

The record referred to is printed in the record as follows:

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.

By Senator FORAKER:

Q. From this record it appears that you were first mustered in July 8, 1898. Where did you live at that time?—A. In Columbia, Tenn.

Q. Were you a native of Tennessee?—A. Yes, sir.

Q. Have you been continuously in the service since July 8, 1898, down until you were discharged without honor November 24, 1906?—A. Yes, sir; only twelve days I was out, when I went out of the volunteers.

Q. And when you were discharged you were serving as a corporal in Company C?—A. Yes, sir.

Q. Do you remember the firing in Brownsville the night of August 18?—A. Yes, sir.

Q. Where were you when it commenced, Corporal?—A. I was in my company's quarters—in C Company's quarters, in Fort Brown.

Q. Upstairs or downstairs?—A. Upstairs.

Q. Whereabouts in the quarters were you sleeping? There is a map right on the wall, to your left.

(The map was here explained to the witness by Senator Bulkeley.)

The Witness. I slept right in this end of the barracks—the south end of the quarters of C Company.

By Senator FORAKER:

Q. Now proceed and tell us in your own way all you recall of what occurred that night, after you got awake. What awakened you?—A.

Well, the firing and the noise of the trumpeter calling to arms, and the men rustling around in quarters getting up, was what awakened me, somewheres about midnight, I don't know just what time. I got up out of bed and waked up the sergeant that slept in the room with me—

Q. Who was that?—A. Sergeant Brawler.

Q. Was he on duty that night?—A. He was in charge of quarters that night.

Q. Then what happened?—A. I got out of bed and was feeling for my clothes, and I felt his shirt, with a book in the pocket, and I asked him was it his shirt, and I told him the call to arms had gone. He jumped up and went on downstairs. He beat me out, and said he was going to ask the first sergeant should he open up the racks. I told him the call to arms had gone. I got up, and as soon as I found my clothes and got them on—I never did get on all my clothes—as soon as I found a part of it I went to see if the racks were open, and the racks hadn't been opened then, and I looked out of the window, and I could see firing back of the wall.

Q. Where was this firing?—A. It was in about back of B Company's quarters; some way outside of the wall of Fort Brown.

Q. Outside of the wall?—A. Yes, sir. They wasn't shooting towards Brown, but out in that way. I couldn't tell in what way they were shooting, but it looked like they were shooting straight up, from the blast from the guns.

Q. How much shooting did you see there?—A. Well, they were shooting. I could hear them shooting before I got up—before I got out of bed.

Q. Yes.—A. The first shooting that I heard started off, it seemed like, with one or two shots fired.

Q. One or two shots?—A. Yes, sir; and then I could hear some man hollering, it seemed like, with a heavy voice, "Oh, you black sons of bitches; come out, you sons of bitches," or something like that.

Q. You could hear somebody calling that?—A. Yes, sir.

Q. Where was he?—A. He seemed to be somewhere about along the little street; about the middle street; about the street that runs out the main gate.

Q. Did you go out?—A. No, sir; I never went out until after the racks had been opened.

Q. You did not accept the invitation. I understood you to say that you went to the gun racks. Was there a light in the barracks or not?—A. No, sir; there wasn't any light in the barracks.

Q. As soon as you got some of your clothes on you ran out to the gun racks?—A. Yes, sir.

Q. In what condition did you find them? Had they been unlocked or not?—A. No, sir; they had not been unlocked at that time.

Q. Did you see Sergeant Brawler then?—A. No, sir; he told me he was going downstairs to see the first sergeant or an officer. At any rate, I couldn't tell; it was dark in the quarters.

Q. Did you get your gun; and if so, how did you get it?—A. I didn't get my gun the first time I went to the gun racks. I went there and they were locked, and then I went and looked out where I heard this hollering and firing, and after that the racks—some of them—were broken open and I got my gun out and went downstairs and fell in line with the rest of the men.

Q. Did you get your gun or some other gun that night? Did you get your gun or somebody else's gun?—A. I didn't get my gun, not at that time, but I got it that same night.

Q. You got it later?—A. Yes, sir.

Q. Some other soldier had taken your gun and you took somebody else's gun?—A. Yes, sir.

Q. In what condition did you find it?—A. The lower sight was cut completely off, sir.

Q. There is a gun right behind you. Can you indicate which is the lower sight?—A. This is the lower sight [indicating on gun].

Q. You say that was cut off?—A. Yes, sir.

Q. How could it have been cut off? What with, apparently?—A. It was cut off, I guess, with an ax.

Q. Cut off or broken off?—A. It was cut off, sir.

Q. Was the barrel injured in any way, or around the stock—the wooden part?—A. It was scarred up.

Q. What?—A. Some parts of the wood was scarred up.

Q. Where did your gun stand in the rack; somewhere near the lock, or what distance from it?—A. I don't know just exactly where it stood from the lock, but I think it was about this far from the lock [indicating on gun rack].

Q. Did you report the condition of your gun to an officer?—A. Yes, sir; I showed it to him.

Q. You reported it to Captain Macklin?—A. Yes, sir; he saw it when I got it from the man who had it.

Q. Where were you when you showed it to him?—A. I was at the gate, on guard.

Q. You were on guard; that was the next morning?—A. Yes, sir.

Q. Now state whether your guns were inspected the next morning.—A. Yes, sir; inspected that next morning by Captain Macklin.

Q. Your gun was inspected?—A. Yes, sir.

Q. Was that after or before you got your own gun?—A. That was before I got my own gun.

Q. Before you got your own gun?—A. Yes, sir.

Q. And the gun you had was inspected, then?—A. Yes, sir.

Q. I do not want you to go into detail over that. Was that a careful inspection or not?—A. Yes, sir.

Q. What was he looking for, if you know?—A. He seemed to be looking for powder, to see had any of the men shot the pieces.

Q. Did he find all those guns clean or not?—A. I guess he did, sir. He went all the way around the line. I never heard of any one's gun being found with any powder.

Q. Now, further, about the gun racks that night. Did you see them after they had been opened, and do you know whether any of them were broken open? Just please tell us whatever you may know in that respect, and tell us in what condition they were all found.—A. I couldn't say just how they was that night until after they were put down in the storeroom. I saw then that there was three of them, I think, broke completely open.

Q. You think three of them were broken completely open?—A. Yes, sir; and one battered up considerable.

Q. Do you know how many of them, if any at all, Sergeant Brawer opened, or unlocked, I mean?—A. No, sir; I don't know how many he unlocked.

Q. Do you know whether he came upstairs at any time to unlock them?—A. Yes, sir; he came up there to unlock them. I know that he was unlocking one there when I got my gun out.

Q. He was unlocking one when you got your gun?—A. Yes, sir.

Q. Did you get yours out of a rack that he unlocked?—A. Yes, sir; it was a rack that was not broken open.

Q. Do you know whether he unlocked any others or not?—A. I don't know, sir, whether he unlocked any others or not.

Q. You have no knowledge except as to the one out of which you got your gun?—A. The one that wasn't touched at that time.

Q. State whether when he unlocked your gun rack there was confusion more or less there. Was there pounding and confusion there?—A. Yes, sir.

Q. Let me see about these racks. You know one was broken open. Did I hear you say there was more than one broken open?—A. Yes, sir; there was three that was broken completely open.

Q. Three broken completely open?—A. Yes, sir.

Q. Do you know whether any of those broken open also had the key turned in the lock?—A. I don't know how about the keys, sir; I never noticed that.

Q. But you know three were broken open?—A. They sent them to the blacksmith shop.

Q. There is a gun rack behind you. Explain in what condition they were left, those that were broken open.—A. The bands were cut clear off of one of them. I never noticed well enough to remember, now.

Q. It was cut in two?—A. It was cut down, cut right in two; I think it was.

Q. They were repaired the next day?—A. I think some of these pieces were knocked out of one of them [indicating].

Q. That is, the wooden pieces behind the band?—A. Yes, sir.

Q. The next morning what was done with these gun racks, if anything?—A. They were sent to the blacksmith shop.

Q. First, let me get that; you think three of them were broken open?—A. Yes, sir; I think it was three cut clear open.

Q. You say you know Sergeant Brawner was there turning the lock in some of them with his keys?—A. Yes, sir.

Q. How many of them—do you know?—A. No, sir.

Q. What I want to find out is, did you get your gun out of a rack broken open or out of a rack that he unlocked?—A. It came out of a rack—my gun was in the rack that wasn't broken open.

Q. Your gun was in a rack that was not broken open?—A. Yes, sir; but at that time I didn't get my own gun.

By Senator Scott:

Q. The gun you got was gotten out of a rack that was broken open?—A. No, sir.

By Senator Foraker:

Q. Now, how is it? You got a gun—somebody's gun. Do you know whose gun it was you got?—A. Yes, sir.

Q. Whose was it?—A. I know the man. He transferred from I. Company. Holland, I think his name was.

Q. You got Holland's gun. Now, did you get that out of a rack that was broken open or out of a rack that was unlocked? Can you

tell us?—A. I don't know, sir, just what rack. I think I got it out of some rack that was unlocked; I am almost sure I did.

Q. You think you got it out of a rack that was unlocked?—A. There was so much confusion there, and guns and everything falling all over the floor, it was hard to tell where you were getting—and dark, too.

Q. I expect that is so. Your own gun was in a different rack from the one which you got a gun from?—A. No, sir; my own gun was in that same rack.

Q. Your gun was in the same rack with the gun that you got?—A. Yes, sir; right where I got this gun.

Q. Was the gun that you got injured in any way?—A. The gun that I got was battered up some here [indicating]. I don't remember just what part of it.

Q. That is enough on that. You will be asked some questions on cross-examination, and I may think of something else, but I will pass it for the present. Do you know how long it takes to clean one of these guns so that it will pass inspection after it had been fired a half a dozen times?—A. After it has been shot?

Q. Yes; after it has been fired a half dozen times.—A. I judge it would take twenty-five or thirty minutes to clean it clean, so that it would pass an inspection.

Q. By that you mean to clean the barrel and the chamber and take out the bolt and dismount it?—A. Get the dust all out, and everything?

Q. And oil it?—A. If you didn't clean out the bolt it wouldn't make much difference if you cleaned it with oil; it would run right through the firing pin, the oil, and it would show if you didn't get it clean.

Q. Would a gun be clean that was not cleaned both with respect to the barrel and the chamber?—A. No, sir.

Q. What kind of ammunition did your company have that night?—A. We had the short-range ammunition that night. We had 10 rounds.

Q. Did you have any other kind of ammunition?—A. No, sir; not that night, we didn't.

Q. That is what you call the guard cartridge?—A. Yes, sir.

Q. Describe the bullet in that cartridge.—A. It is a lead bullet, about the shape and about the length of the steel bullet.

Q. Has it any steel jacket on it?—A. No, sir.

Q. Just a lead bullet?—A. Yes, sir.

Q. And with a light charge of powder?—A. Yes, sir.

Q. How long had you had only that kind of ammunition?—A. We issued that ammunition after we got to Brownsville.

Senator FORAKER. I believe that is all that I want to ask the witness.

By Senator WARNER:

Q. You were sleeping with Sergeant Harley?—A. No, sir; with Sergeant Brawner.

Q. I mean with Sergeant Brawner; and he was in charge of quarters?—A. Yes, sir.

Q. You roused him up, did you? You woke him?—A. Yes, sir.

Q. Was that when you first heard the shooting?—A. That was when I first rolled out of bed. I laid there and listened at it for a while. When there was one or two shots fired I thought probably it might have been a sentry on post fired that shot.

Q. Then you heard what?—A. Then afterwards they commenced firing, it seemed in volleys like, and then I could hear this man hollering, "Oh, you black sons of bitches; come out, you sons of bitches," and things like that. It seemed like a man with a pretty heavy voice.

Q. Then, when the firing was of volleys, you began to think that it was dangerous?—A. Yes, sir; I knew there was something unusual going on.

Q. What all did you hear that man say?—A. That is about all I remember hearing him say.

Q. And all that was said loud enough to hear him in quarters? That was said in a loud tone of voice—a heavy voice?—A. Yes, sir; a heavy tone of voice.

Q. You heard him distinctly?—A. Yes, sir.

Q. All the rest of them could have heard him?—A. I don't know whether they could or not. I was in the end of the quarters that looked to me like it was down next to the shooting—right next to B Company's quarters—and it seemed to be in rear of B Company's quarters.

Q. In rear of B Company's quarters?—A. About in rear of B Company's quarters.

Q. And you heard that while you were yet getting up?—A. It was going on while I was getting up and clean up to the time that I got up.

Q. How many times did he call out?—A. I don't know how many times he called out, but he called out more than two or three times.

Q. He called out more than two or three times?—A. Yes, sir.

Q. What was the call each time?—A. Well, I heard him say, "Oh, you black sons of bitches. Come out, you sons of bitches," or words to that effect.

Q. Shouting in a loud tone of voice?—A. In a very heavy kind of voice.

Q. It was loud?—A. Yes, sir; it was loud.

Q. Evidently he wanted you to hear it?—A. Yes, sir.

Q. First was a shot or two and then came the volleys?—A. Yes, sir.

Q. These volleys, in what direction was that shooting done?—A. When I went to the window the shooting looked like to me it was straight up; when I pecked out the window after I went to the gun racks it looked like the shooting seemed to be elevated. You can tell from the shooting of a gun, the blast of a gun; it has a kind of blast like, when the gun is elevated.

Q. You say "blast?"—A. It just blazes—shoots up, like.

Q. What we sometimes call the flash, is it?—A. Yes, sir.

Q. The same, is it?—A. Yes, sir.

Q. And when the gun is being shot up in that direction, of course the flash necessarily goes up?—A. Yes, sir.

Q. The flash is in the direction in which the aim is taken?—A. Yes, sir.

Q. In which the gun is pointed?—A. Yes, sir.

Q. And from that flash they seemed to be firing nearly straight up?—A. Seemed to be very nearly straight up; yes, sir.

Q. Not firing at the barracks at all?—A. I couldn't tell what way they were shooting, but it seemed to me the guns were pretty well elevated.

Q. And how many volleys did you hear?—A. I couldn't say how many volleys I heard.

Q. You have heard shooting considerably?—A. Yes, sir. It seemed to be more or less kind of mixed up afterwards.

Q. I asked you how many volleys you heard. —A. I couldn't say how many volleys it was, because it was all mixed up. It was pretty thick after the first two or three shots were fired, and then next it seemed like it was in volleys more.

Q. Did the shooting remain at the same place; that is, the parties who were doing the shooting, apparently, as far as you could tell?—A. As far as I could tell, it did.

Q. Sergeant, so as to locate the shooting parties, if we can, I will refer to the map. You understand this map, do you?—A. Yes, sir. (Senator Warner here explained the map to the witness.)

By Senator WARNER:

Q. You know where the telegraph office was?—A. Yes, sir.

Q. Now, I will get you to state as near as you can right there, pointing to it yourself, where the shooting parties were located—that is, judging from the sound and the flash of the guns?—A. It seemed to me they were located along in here, somewhere [indicating]. It looked as if they were right in along about this street.

Q. Garrison road, and the mouth of the alley, you are indicating?—A. They were about in this street. That runs into the Garrison road [indicating on map].

Q. Yes. That is the alley that you are pointing to between Washington and Elizabeth streets?—A. Yes, sir.

Q. It seemed to be near the mouth of that alley?—A. Yes, sir.

Q. And it remained permanent there, did it; that is, did the shooting go up the alley toward the town, at all—the parties doing the shooting—or did they remain stationary?—A. That is all I saw, right there.

Q. About how many shots did you hear from the parties there?—A. I judge it was about 200, or something like that.

Q. Two hundred at this time this shouting was going on that you have spoken of, "You black sons of bitches, come out?"—A. Yes, sir.

Q. Now, you say your gun was inspected the next morning?—A. Yes, sir; the gun that I had that night was inspected the next morning.

Q. When the captain went around the line, all along the line?—A. Yes, sir.

Q. What do you mean by "when the captain went all along the line?"—A. Well, I mean the line of the guards, or the sentries, of the posts.

Q. The posts?—A. Yes, sir; we called them posts.

Q. What inspection was made of your gun?—A. He examined and looked through the barrel and taken out the bolt and looked at the bolt.

Q. And what else? -A. And he run a rod through them. He didn't run a rod through mine, but he did through the guns of most of the men, and if any man had anything like dust, or anything that looked like powder, or anything that looked like dirt in his gun, or it wasn't clean-----

Q. He would run the rod through? -A. He would run the rod and a clean rag through.

Q. Three of the gun racks were broken open? -A. Yes, sir; as near as I can remember there was three broken open.

Q. You would have a pretty clear remembrance of that, would you? -A. Yes, sir.

Q. You know it was talked of as a little strange, was it not, there, in connection with this shooting, that the gun racks of Company C should have been broken open? -A. That they should have been broken open?

Q. Yes; it was spoken of there? -A. I don't know anything about that they should have been broken open. I don't know of anyone speaking to me about it.

Q. You never heard that spoken of? -A. About their "should have been broken open?"

Q. About the fact that they were broken open when the shooting was going on. -A. Everybody knew that they were broken open at the time the shooting was going on, because they were ordered to be broken open, because the man in charge of quarters could not be found.

Q. You could not find Sergeant Brawner? -A. I didn't look for him. I knew that he had told me that he had gone downstairs to find the first sergeant the acting first sergeant Harley, to ask whether the racks should be broken open.

Q. Did you see Sergeant Harley that night? -A. After this shooting was going on?

Q. Yes. -A. Yes, sir.

Q. What was the first time you saw Brawner that night? -A. After he left me in the room, after I woke him up?

Q. Yes. -A. The first time I saw him after that he was opening this rack.

Q. The rack from which you got your gun? -A. Yes, sir; I could hear him, and I know that it was him. He was trying to open this rack.

Q. You spoke to him, did you not? -A. No, sir; I didn't speak to him.

Q. Did he not speak to any of the men? -A. Yes, sir.

Q. Had any of the racks been broken open before that? -A. They were breaking them open then. I don't know whether they had been broken open before that or not, but I know they were breaking them open at the time he was unlocking them.

Q. You say that you got your gun out of the rack which he opened? -A. I got mine out of one that he unlocked.

Q. As soon as you got your gun out of the rack you hurried downstairs, did you not? -A. Yes, sir; and fell in ranks.

Q. Well, you hurried down, did you not? -A. Yes, sir.

Q. And you fell in line as soon as you got down? -A. Yes, sir.

Q. So that whatever you heard about the breaking open of these gun racks must have occurred before you got your gun?—A. What I heard about the breaking open of the racks?

Q. The breaking of the gun racks—that is, the noise, and so on?—

A. The noise was going on clear up until then. They were hammering on the racks even when he was trying to open them.

Q. Will you please to answer my question? All of that, so far as you know, when you were upstairs, went on before you got your gun, because as soon as you got your gun you started downstairs?—A. Yes, sir; as soon as I got my gun I started downstairs.

Q. Yes. Now, you have said that there was great confusion there of guns falling down on the floor and of guns around on the ground—on the floor of the barracks?—A. I never said that there was confusion of guns falling on the floor, but I say there was confusion, and there was guns laying all around—all over the floor.

Q. At what time were guns lying all around, all over the floor?—A. This was during the time I went to get my gun that I seen—there are two racks setting right together. There is a rack sits right there and one right here, pretty close together [indicating].

Q. Yes.—A. And the way it was, there was some guns that had been jerked out or knocked out of the racks by some men at the time I got my gun. I don't know whether by somebody feeling for their guns or what.

Q. But those guns were lying around loose there?—A. No, sir; they were knocked out of the racks. The racks were right at the banister.

Q. These guns were out of the racks?—A. Yes, sir; those guns were out of the racks.

Q. How many guns were out of the racks?—A. I could not tell you. These were guns that had been knocked out of the broken racks.

Q. You could not say how many there were?—A. No, sir.

Q. Were there any guns left in the broken racks?—A. I don't know whether there were or not.

Q. There were two broken racks?—A. I don't know whether there were any left in.

Q. There were two broken racks?—A. I don't know anything about anything being left in them. I went right on downstairs as soon as I got mine.

Q. I know; you went downstairs as soon as you got your gun?—A. Yes, sir.

Q. And you got your gun out of a rack that was opened by Sergeant Brawner?—A. Yes, sir.

Q. Did he have any trouble opening that rack?—A. It seemed like it was pretty hard for him to get it open. It seemed, apparently, from the rattling, and so on, of getting keys.

Q. What was that?—A. It seemed like it was pretty hard for him to get it open, some way or other. I don't know what was the trouble; and the major was downstairs hollering, rushing the men out, telling them to hurry up and fall out, and everything, and everybody was confused and excited and torn up there, and it was hard to tell anything.

Q. Yes; and these guns were on the floor when the major was ordering the men to hurry up downstairs and get their guns?—A. Yes, sir.

Q. Why did not somebody take these guns off the floor?—A. It seemed to me they were rushing them out. He had been rushing them out. He was still down there and hollering, and saying I don't know what all, but I could hear him, and knew his voice, and he was telling them to fall out promptly.

Q. And did not anybody, while he was down there hollering to them to fall out promptly, pick these guns up off the floor and hurry down?—A. They were going just as fast as they could, and they were trying to get the racks open.

Q. But these guns, you say, were out of the racks on the floor?—A. He didn't holler only the once, but he hollered until pretty nearly every man got his gun.

Q. You say this band was cut in two [indicating] on gun rack?—A. As near as I can say, this band was cut in two.

Q. That is the band that holds the rifles in the gun rack?—A. Yes, sir; and I think there was a piece cut out of here [indicating]; I am not sure.

Q. That is, out of the timber, between the places that hold the guns, the openings for the guns?—A. Yes, sir.

Q. How many of those bands were cut in two?—A. I couldn't say, but I think there was three racks that they were cut in two.

Q. What is that, an iron or a steel band?—A. It is steel, sir, I think, with a leather cover over it.

Q. And covered with leather?—A. Yes, sir.

Q. And the locks were knocked off of how many of the racks?—A. I don't know anything about the locks being knocked off, whether the locks were knocked off or whether the bands were cut off. It seemed to me, though, that one of them was dented along here [indicating].

Q. When you say "dented," what are you speaking of?—A. It seemed to me there was one cut along here [indicating on gun rack].

Q. It was the hasp here, was it not?—A. It seemed to me there was one cut somewhere along there. I don't just exactly remember.

Q. Cut, you say. What do you mean—cut in two?—A. This wasn't cut in two. It seems to me that this thing was cut and battered up right over the hasp.

Q. What was cut in two?—A. I don't think either one of these was cut, but this was battered up and cut; and the ones that wasn't cut open, the ones that was locked.

Q. And your gun, when you got it, had the sight cut off?—A. The sight was cut completely off. It was a little different sight from this sight [indicating gun].

Q. What was the difference?—A. There was a kind of a rise here, and this piece was a little higher, and that thing was cut clear off [indicating on gun].

By Senator TALIAFERRO:

Q. The whole thing; the base and all?—A. This whole thing; this whole front leaf.

By Senator WARNER:

Q. What do you call that?—A. We call it the sight leaf.

Q. The sight leaf, and the base is this part here?—A. That was not cut completely off, but the part that run up; it is connected onto that, and this was cut off, one side, and the other, it was cut so that it broke it out.

Q. Was the gun different from this?—A. It seems to me the sight was different from this. It is about the same gun. There is a little difference in the sight.

Q. When you were looking out of the window, as you have explained, at the time of this shooting, could you see anything?—A. I could see pretty good, sir.

Q. Could you see the gun barrels when the shots flashed?—A. No, sir; I couldn't see that good.

Q. Could you see the men?—A. No, sir.

Q. About how many men would you say, from the shooting you heard, were engaged in that shooting?—A. Well, the way the shooting was going on, it could possibly have been a dozen men, I guess. It would take about that many to make that much noise.

Q. I am asking your opinion. Of course you couldn't count them, it was so dark.—A. Yes, sir.

Q. But from your knowledge of shooting and the volleys that you heard—A. It would take about that many, from my judgment, what I know of shooting.

Senator WARREN. That is all that I care to ask the witness.

By Senator TALIAFERRO:

Q. You say your gun was in the rack that was not broken open, the rack that was unlocked?—A. Yes, sir. My gun was in the rack that wasn't broken open, and also the gun that I got for my gun.

Q. Was the rack that was unlocked and not broken open at all mutilated, chopped on, or hammered on?—A. Yes, sir.

Q. So that there appears to have been an effort to break all the racks open?—A. Yes, sir.

Senator TALIAFERRO. That is all that I have to ask.

By Senator OVERMAN:

Q. Did you see the rack unlocked from which you got your gun?—A. I heard the man who unlocked it, and I knowed it was him, because I can tell his voice.

By Senator BURKELEY:

Q. Did they have an inspection of guns after you got your gun back the next morning?—A. They inspected the other gun that I had, and they inspected my gun that the other man had that carried it out that night.

Q. Was it broken then?—A. Yes, sir; I was standing right there at the gate, and he was on guard at that gate.

Q. What was said when they saw that the gun was broken? Was any thing said about it?—A. Yes, sir. I told him that some one had my gun, and then this man hollered and said that he had a wrong gun, and I got his gun and he had mine, so that I got my own gun right back and he taken his.

Q. Did that go through the same inspection as the other gun, the broken gun?—A. Yes, sir; he inspected every gun, and went all around the line, and the sergeant with him.

Q. He inspected every gun?—A. Yes, sir; until he inspected every gun.

By Senator FORAKER:

Q. You stated that he was making a special inspection for signs of powder?—A. Yes, sir; that is what he was inspecting for.

By Senator BULKELEY:

Q. I wanted to know what he did with the guns that he found broken that day?—A. Each gun he found broken he looked at it and said that he would see that man afterwards.

Q. Did he inspect those to see about the powder?—A. Yes, sir; he inspected every gun—every gun that a man had.

Q. He did not pass them by, whether they were broken or not?—A. He inspected all of them, even the broken ones. He inspected those that were not broken and those that were broken, all along the line.

Q. When he came along to a man with a broken gun, did he treat him the same as he did a man with a gun that was whole?—A. I don't know how he treated all of them. All I know he looked in mine pretty thoroughly.

Q. Did he come up and take your gun in his hand?—A. Yes, sir; you have to take a gun in your hand to inspect it.

Q. Yes; I know how they do it; but what did he do with your gun?—A. He took it and took the bolt out, and—

Q. Did he treat a man with a broken gun the same as he did a man with a gun absolutely complete and in good condition?—A. He looked at it a little more carefully if it was broken than if it had not been broken.

Q. Did he stand you out of ranks or anything because your gun was not in order?—A. No, sir.

Q. Did he do anything to you—punish you?—A. I was right at the gate, where all the guard is supposed to be on the post.

Q. Did you report to him for your gun being in bad condition or not?—A. Yes, sir.

Q. Outside?—A. Yes, sir.

Q. Later?—A. Yes, sir.

Q. When did you report to him?—A. I reported to him afterwards. I don't know just what day afterwards, but it was probably two or three days afterwards.

Q. What happened to you then?—A. He told me that he would see me about giving me another gun later; he didn't have time to fool with it then, he had all this other business to attend to, and didn't have time to fool with giving me a new gun.

Q. Did he require you to make any explanation of it?—A. He could very easily see. He knew how it happened. He asked me how it happened, and I told him that I judged it got cut off during the racks being broken open that night.

Q. So that there was nothing done out of the usual course, except you reported to him a few days afterwards?—A. Yes, sir.

Q. When did you give up your gun?—A. When I turned in my gun. I used another gun to mount guard and do duty in.

Q. When did you turn in your gun, with the rest of them?—A. Yes, sir. There was one man they issued a gun in place of his. He had a pretty bad gun. That was Edward Lee. I would have got a new gun, I suppose. I would have got another gun; they were going to issue these new guns.

Q. So that the inspecting officer when he inspected the guns treated you men with the broken guns as well as he did the ones with the whole ones, did he?—A. I didn't say that.

Q. I am asking you if he did?—A. He looked at them a little closer.

Q. He passed you back your gun after inspecting it, without doing anything more than he did to the man with a complete gun?—A. Yes, sir.

By Senator FORAKER:

Q. I understood you to say that he told you to report to him later?—A. He did, and he said that he would see about giving me another gun.

Q. And you did report to him later?—A. Yes, sir.

Q. And then he asked you where the sight had been broken off, and you told him that it must have been broken off that night in getting the guns out of the racks?—A. Yes, sir.

Q. And he knew about that?—A. Yes, sir.

Q. That is what I understood you to state?—A. Yes, sir; I told him that it was probably broken in the excitement of getting the guns from the racks, and breaking the racks open.

By Senator WARNER:

Q. Did you undertake to say now, in answer to the questions of Senator Bulkeley, that at the time of the inspection the captain told you to report to him?—A. He said to me to report, and he would see about giving me another gun.

Q. That was at the time of the inspection?—A. Yes, sir.

Q. That was three or four days afterwards?—A. That was at that time, but it was some time afterwards before there was anything else said about it, and I never did get another gun.

Q. That is the answer that you made in answer to the question of Senator Bulkeley?—A. What was the question, sir?

Q. That is, that the captain directed you to report to him, and said that he would give you a gun later, or something to that effect?—A. Yes, sir.

Q. You also stated that the captain at inspection went all around the line?—A. Yes, sir; that is what I heard from the sergeant.

Q. But you didn't know anything about it excepting only your own post?—A. Yes, sir; as far as I could see.

Q. You were at the Cossack post at the gate?—A. Near the gate, right near the gate.

Q. You didn't go with him to any of the other posts?—A. No, sir; but I could see pretty much all around.

(Witness excused.)

TESTIMONY OF WILLIAM MAPP (COLORED).

(The witness was sworn by the chairman.)

By Senator FORAKER:

Q. Give us your full name.—A. William Mapp.

Q. How old are you?—A. I don't know my age exactly, but I think I am about 36 years old.

Q. Did you belong to the Twenty-fifth Infantry in August last?—A. Yes, sir.

Q. What company?—A. Company C.

Senator FORAKER. I will ask to have put into the record at this point the official record of this witness as found on page 262 of Senate Document 155.

The record referred to is printed in full as follows:

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 good.

Enlisted July 16, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 23, 1906.

By Senator FORAKER:

Q. You belonged to Company C?—A. Yes, sir.

Q. Do you remember the firing at Brownsville on the night of August 13, 1906?—A. Yes, sir; I do.

Q. Tell us all you can about that, all you recollect. Where, for instance, were you sleeping that night?—A. I was sleeping in the barracks, the south side, in my bunk.

Q. Did you have any official position that night—any official duty of any kind to discharge?—A. I did, sir.

Q. What was it?—A. I was clerking in the exchange.

Q. In the post exchange?—A. Yes, sir.

Q. You were detailed for that purpose?—A. Yes, sir.

Q. But you were sleeping in barracks?—A. Yes, sir.

Q. Upstairs or downstairs?—A. Upstairs, sir.

Q. On which side of the barracks, the side fronting the parade ground or fronting the town?—A. Fronting the parade ground.

Q. Fronting the parade ground, in C barracks?—A. Yes, sir.

Q. Were you asleep or awake when the firing commenced?—A. I was asleep, sir.

(The map was here explained to the witness by Senator Scott.)

By Senator SCOTT:

Q. Now, have you got the thing in your mind by that map?—A. Yes, sir; although I am not very much of a hand at maps.

By Senator FORAKER:

Q. What awakened you?—A. The noise, the call to arms, and the shooting was the first thing that I heard, sir, when I awakened.

Q. What did you do when you got awake?—A. I got up as quick as I could, although I was somewhat amazed, and I stood in the floor for about a minute, and then I put on my trousers and sat down then on my locker at the foot of my bunk and put on my shoes, and

the shooting was then still going on, and while I was putting on my shoes I heard a voice cry out aloud, "Come out, all of you black sons of bitches."

Q. Where were those voices? Where were the people whose voices you heard, as near as you could locate them?—A. It seemed to be over out by the wall there.

Q. By the wall?—A. Yes, sir.

Q. Back of the barracks?—A. Yes, sir.

Q. What did you do then?—A. After I put on my shoes, the men were all getting up and rustling around, appearing to be, to find the man that was in charge of quarters. They were hollering, "Why don't you open these gun racks;" and of course, myself, I rushed to the gun racks.

Q. Was there any light there?—A. There was no light in the barracks at all; only a reflection from the lights in the street that would make a kind of a dim light.

Q. Could you see people moving about in the barracks?—A. At a near distance; yes, sir.

Q. You went to the gun racks. In what condition did you find them—open or closed, or how?—A. They were closed at the time I went there. The commanding officer's voice I heard.

Q. That is Major Penrose?—A. Major Penrose's voice. He says: "Why don't you men hurry up and fall out?" Private Rudy says: "We are not going to fall out without our guns to get killed;" and he says: "Why don't you get your guns?" Then he made the remark that the gun racks were not open and the noncommissioned officer in charge of quarters wouldn't open the gun racks, and he said "Get them open some way;" and in a minute some one came with an ax and began opening this rack near where I was.

Q. Did you get a gun?—A. Yes, sir.

Q. Did you get it out of a rack that was broken open?—A. Yes, sir; I got it out of a rack that was broken open.

Q. Did you see anything of First Sergeant Brawner about there about the time you were getting your gun?—A. No, sir; I didn't see him.

Q. The rack was broken open and you got your gun, and what did you do there?—A. I was there. After I got my gun of course I got down and fell in line with the rest of the men.

Q. You fell in line?—A. Yes, sir.

Q. They were falling in as fast as they could?—A. Yes, sir; just as fast as they could get their guns they were falling in.

Q. Who was in command?—A. Lieutenant Grier taken command of the company.

Q. Captain Macklin was officer of the day?—A. Yes, sir.

Q. He was your captain?—A. Yes, sir.

Q. He was not there?—A. No, sir; he was not there.

Q. As soon as you got down and fell in line, state what was done, if anything, to ascertain whether all the men were there.—A. They were all there, so far as I know, sir.

Q. Did you see anybody count, or call the roll, or anything of that kind?—A. Yes, sir.

Q. Who, and what did he do?—A. Sergeant Harley, the acting first sergeant, began calling the roll, and then the men were counted

by Lieutenant Grier, if I am not mistaken, and also by the acting first sergeant behind Lieutenant Grier.

Q. What was the result of that count? Were the men found to be all there or not?—A. Yes, sir.

Q. They were all there or accounted for?—A. They were all there or accounted for.

Q. I will not go into detail over that. You after that went around and were stationed behind the wall?—A. Yes, sir; the company was marched and stationed behind the wall.

Q. After remaining there for a time you were brought back to the barracks, were you not?—A. Yes, sir.

Q. And then first dismissed for the night?—A. Yes, sir.

Q. What was done with the guns?—A. The guns were put into the storeroom.

Q. You put yours in there?—A. Yes, sir.

Q. How long did they remain there?—A. They remained there until we had orders to fall out and get ready to go on guard.

Q. Did you go out on guard then with your company?—A. Yes, sir.

Q. That has all been gone over. You remained on guard—your company remained on guard until the next morning, did it?—A. Yes, sir.

Q. About what time next morning were you relieved?—A. I judged it to be at least 9 o'clock.

Q. Did you go out and stand on guard with your company that night?—A. Yes, sir.

Q. State whether or not your guns were inspected the next morning; and if so, by whom?—A. They were inspected; yes, sir.

Q. By whom, and at what time?—A. They were inspected by Captain Macklin.

Q. By Captain Macklin while you were yet on post?—A. Yes, sir; by Captain Macklin while we were on post.

Q. What post were you stationed at?—A. I couldn't just remember what was the number of that post, as the company was divided into picket posts.

Q. How many men were in your squad at that post?—A. I think each post was detailed three privates, with a noncommissioned officer.

Q. That would be four at each?—A. Yes, sir.

Q. That is, that is what was at yours?—A. Yes, sir.

Q. Where were you, along the brick wall or beyond the brick wall?—A. We were along the brick wall; yes, sir.

Q. How far from the gate?—A. If I am not mistaken, I think my post was about the second post from the gate.

Q. You were there all night?—A. Yes, sir; I was.

Q. Did you see Captain Macklin inspecting the guns of any other posts than yours?—A. No, sir.

Q. You only know that he inspected yours.—A. Yes, sir.

Q. Did he find any dirty guns at your post?—A. Not to my recollection, sir.

Q. At 9 o'clock you were relieved?—A. Just about 9 o'clock; it might have been earlier than that.

Q. What did you do?—A. The company was relieved and the guns turned in to the storeroom again, and the ammunition.

Q. And the ammunition?—A. Yes, sir.

Q. What kind of ammunition did you have that night?—A. That night when the trouble began?

Q. Yes, when it begun?—A. We had the reduced-range ammunition; at least I did, had ten rounds of reduced-range ammunition.

Q. Did you have any other kind of ammunition when the firing occurred, than that?—A. No, sir.

Q. Did you get any additional ammunition issued to you that night?—A. Yes, sir.

Q. Did you return it, whatever it was, later?—A. Yes, sir; it was taken up later.

Q. You know nothing about that except as to yourself?—A. Yes, sir.

Q. You returned all yours, did you?—A. Yes, sir.

Q. Did you have any ammunition at all that night, or had you had any ammunition from the time the reduced-range cartridges were issued to you, excepting guard ammunition, guard cartridges, and such ball cartridges as were issued to you that night of the firing?—A. I didn't quite understand that question.

Q. Did you have any ammunition at all except the guard cartridges before the firing?—A. No, sir.

Q. And you had none afterwards excepting the guard cartridges and the ball cartridges that were issued to you?—A. No, sir.

Q. And you turned all those in later, did you?—A. Yes, sir.

Q. Do you know who did this shooting up of the town?—A. I do not, sir.

Q. Did you have anything to do with it yourself?—A. I did not, sir.

Q. Do you know of anybody in your company who had anything to do with it?—A. I do not, sir.

Q. Do you know of anybody in either of the other companies that had anything to do with it?—A. No, sir.

Q. Have you any knowledge that leads you to suspect anybody in either of the companies?—A. No, sir; none whatever.

Q. Have you any knowledge that you have kept back from anybody who has sought information from you about it?—A. I have none, sir.

Q. Have you been ready and willing at all times to tell all you know about it?—A. I have, sir.

Q. Do you know anything further about this matter than what you have told us?—A. All I know further about it is the statement that the corral boss made the next morning.

Q. Who is he?—A. Mr. Voshelle.

Q. He told you the next morning, what?—A. He made the statement at C Company's breakfast table in the dining room.

Q. Was that after you came off guard?—A. Yes, sir. He made a remark this way. He says: "Well, boys, it is well that this thing happened as it did. I was out in town last night and they had planned to catch a gang of you fellows up in that colored saloon and massacre you."

Q. Who told you that, Voshelle?—A. Yes, sir.

Q. The corral boss?—A. Yes, sir.

Q. Is he a colored man or a white man?—A. He is a white man.

Q. Did he belong with your regiment?—A. No, sir; he was stationed there when I went there.

Q. Did you ever know him before you went there?—A. No, sir.

Q. Have you had anything to do with him since; any relations?—A. No, sir.

Q. Tell us again just what he said.—A. He said, "Well, it is just as good that this happened as it did." He says: "I was out in town last night and the crowd came up in front of me, and," he says, "their plan was to catch a gang of you boys up in that colored saloon and massuere you."

Q. What colored saloon did he refer to?—A. It was a saloon that was opened up there just before the trouble by a soldier who had been discharged.

Q. Allison?—A. Allison.

Q. That was up on garrison road?—A. On the street right up to the right of the garrison as you go out of the gate.

Q. Out where?—A. On the right of the garrison.

Q. That is up beyond the corner of the reservation?—A. Yes, sir.

Q. Did you ask him anything about who this crowd was, or did he tell you anything further about that?—A. No, sir; I didn't question him and he didn't tell me anything further about it. He didn't speak it directly to me; he spoke it right in the dining room, where there was a whole squad of men sitting besides myself.

Q. He is here, is he not?—A. Yes, sir; I think he is.

Q. Now, tell us if you know how to clean a gun, and how long it takes to clean one of these guns after it has been fired a few times so as to pass inspection.—A. Well, sir, it has always taken me from thirty to forty minutes to clean my gun so that it would pass rigid inspection.

Q. That is, to clean the barrel, using water or some other substance?—A. Yes, sir.

Q. And then to clean the chamber and oil the gun?—A. Yes, sir.

Q. To take out the bolt and dismount it?—A. Yes, sir.

Q. And all that is involved in cleaning it?—A. Yes, sir.

Q. I don't want to go over it in detail, because we have been over it.—A. Yes, sir.

Q. That is your experience?—A. That is my experience.

Q. Did you have any trouble at all while you were at Brownsville?—A. No, sir.

By Senator OVERMAN:

Q. Where did you enlist?—A. At St. Paul, Minn.

By Senator FORAKER:

Q. At St. Paul, Minn.?—A. Yes, sir.

Q. Are you a citizen of Minnesota, when you are at home?—A. Yes, sir.

Q. Were you born up there?—A. No, sir.

Q. Where were you born?—A. In Virginia.

Q. What place in Virginia?—A. Wheeling, W. Va.

Q. Where Senator Scott lives?—A. I don't know, sir. I am not a read man at all, and have nothing more than mother wit, myself. I never have had any schooling whatever. I left there when I was a very small boy.

Q. But that is where you were born and grew up?—A. Yes, sir.

Q. Wheeling, W. Va.?—A. Yes, sir.

Q. Do you know any of the people there now?—A. No, sir; I don't know a soul.

Q. Did you have any trouble of any kind while you were in the Army? I have asked you about Brownsville, and you did not have any there.—A. No, sir; I never had any trouble while I was in the Army.

Q. You never were court-martialed?—A. No, sir.

Q. You never were reprimanded, or anything of that sort?—A. I never was.

Q. There are no black marks against you of any kind?—A. None of any kind.

Q. How long had you been clerking at the post exchange?—A. I think that we were at Brownsville a week before we got the exchange opened, but I also clerked at Niobrara before we left there.

Q. Do you know of any way that the men in your company or in either of the other companies could get any surplus ammunition without stealing it, or misappropriating it, either at Niobrara or at Brownsville?—A. No, sir; there was no way.

Q. All the ammunition except what was issued directly to the men was kept by the quartermaster-sergeant, was it not?—A. Yes, sir.

Q. In his storeroom?—A. Yes, sir.

Q. Under lock and key?—A. Yes, sir.

Q. And in boxes that were sealed up?—A. Yes, sir.

Q. And while you were engaged in target practice all your ammunition was handled under the eye of an officer who was present?—A. It is always under the supervision of a commissioned officer.

By Senator OVERMAN:

Q. A commissioned officer or a noncommissioned officer?—A. A commissioned officer.

By Senator FORAKER:

Q. Do you know anything about any saloons being opened on the garrison road, right in front of the barracks, and between the gate and the Allison saloon, after you were paid off?—A. No, sir.

Q. You don't know anything about that?—A. No, sir.

Senator FORAKER. That is all.

(At 5 o'clock p. m. the committee adjourned until Monday, February 18, 1907, at 10.30 o'clock a. m.)

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Monday, February 18, 1907.

The committee met at 10.30 a. m.

Senator Warren called the meeting to order, but immediately surrendered the chair to Senator Scott. There were also present: Senators Foraker, Lodge, Hemenway, Bulkeley, Warner, Blackburn, and Overman.

TESTIMONY OF WILLIAM MAPP (COLORED)—Continued.

By Senator WARNER:

Q. Mr. Mapp, you were awakened by the firing and the call to arms?—A. Yes, sir; and the noise of the men in the quarters.

Q. Well, the call to arms was just as you awoke, was it?—A. I

could not say whether it was then or not. I know that I heard most everything when I were awakened, the noise of the shooting and the call to arms, but how long it had been going before I was awakened I don't know.

Q. Where was this shooting?—A. Why, it seemed to be over by the wall, sir. Between D and B Companies.

Q. That is, do you mean by that, over by the wall out in Garrison road?—A. Out in the Garrison road; yes, sir.

Q. Do you know where the telegraph office was at the corner of Elizabeth street and Garrison road?—A. Yes, sir; I know where that telegraph office was.

Q. Was it in that direction?—A. It seemed to be so far as I could hear it.

Q. And then where did it seem to be after that?—A. Why, outside of that I could not say, it seemed only just at that one place. That is the only place it seemed to be.

Q. About how many shots did you hear?—A. Why, I heard about ten or twenty shots to my knowledge.

Q. Not more than that?—A. It possibly might have been more.

Q. I am asking you your best judgment?—A. Yes, sir.

Q. When you were first awakened you put on your clothes?—A. I stood up on the floor for a minute and then I put on my trousers.

Q. Did you go to the window?—A. No, sir; I did not.

Q. Then you sat down and put on your shoes?—A. Yes, sir.

Q. And the men were up, were they?—A. The men in the barracks then were up and scrambling around. Some of them were yet getting on their clothing, and other men were trying to get to the gun racks.

Q. And when you got downstairs, were you one of the early men down in line, or one of the late ones?—A. Why, I think I was one of the earliest men; probably there was ten or fifteen men down there when I got down there.

Q. With their guns?—A. Yes, sir.

Q. And you fell in line with them?—A. Yes, sir.

Q. Then other men came down?—A. All the men, as they could get their rifles, came down and fell in line, sir.

Q. You knew the name of the officer in charge of the quarters that night?—A. Yes, sir.

Q. Did you see him?—A. I saw him afterwards.

Q. What do you mean by afterwards?—A. I mean after the lines had been formed, after they had got a little more reconciled and the racks had been opened, the other racks outside of the one that was bursted open.

Q. Where was it you saw him?—A. I saw him in the barracks, he was then; that is, rather, downstairs at the orderly room.

Q. Then you did not see him upstairs at all?—A. Not when they were scrambling to get the racks bursted, sir.

Q. Did you see him upstairs at all before you went down and fell into line?—A. I did not.

Q. You say when the men became more reconciled you saw Brawner?—A. That is, after the line was formed I saw him at the orderlies' room.

Q. You say the gun racks were broken open?—A. I said a gun rack was broken open, yes, sir. One of the gun racks were broken open.

Q. Any more than one?—A. Why, there was no more than this one was broken open that I can remember.

Q. Do you know who broke that open?—A. I don't know, sir, the man's name that broke it open.

Q. Do you know how it was broken open?—A. Yes, sir; I think I do. It was broken open with an ax.

Q. What was broken about it?—A. Why, the upper band, I think, was broken.

Q. That is the band that held the rifles in the gun racks?—A. Yes, sir.

Q. Because the upper band in the gun rack would be the one that holds the pistols?—A. (Turning to gun rack.) This is the band I mean.

Q. That is, you mean the band that holds the guns in the racks?—A. Yes, sir.

Q. What part of that band was broken?—A. Well, I could not tell you, Senator, what part of the band was broken, because I did not examine it that close. All I know is that it was broken. Yet I did not pay that much attention to it.

Q. What did you see broken about it?—A. After it was fixed—the next day—I could see where it seemed to be welded together there, but I could not say just exactly the part of the band that was broken.

Q. Then you say the next day when you saw it, this band seemed to have been cut in two.—A. Yes, sir.

Q. And welded together again?—A. Yes, sir.

Q. How far was that welding from the lock?—A. I could not say, sir; I did not pay it that much attention. I would not attempt to say.

Q. And where was it you saw it the next day?—A. It was not possibly the next day I seen it, because they were sent to the blacksmith's shop the next day to be repaired, and possibly it might have been the day after. It was in its original place when I saw it.

Q. You knew where the guards were stationed ordinarily—their posts?—A. Why, no, sir; I don't know ordinarily where they were stationed, because at that time I was not performing any guard duty myself.

Q. Do you know how many men were on guard duty?—A. No, sir.

Q. Wait until I finish the question. Do you know how many men were on guard duty the night of the 13th up to the time of the firing?—A. No, sir; I do not.

Q. How many men were on duty from your company?—A. That I could not say.

Q. You say the roll was called when you went downstairs?—A. Yes, sir.

Q. All the names?—A. It was not exactly completed, but the roll was stopped and the men were counted by Lieutenant Grier.

Q. Do you know whether they were present then or not?—A. Well, sir, so far as I could learn, they were present.

Q. How many did you learn were present?—A. I could not say.

Q. How many should there have been to have them all present?—A. I don't know, sir.

Q. How many were excused?—A. That I don't know.

Q. You don't know how many were on pass?—A. No, sir.

Q. Or how many may have been sick?—A. No, sir.

Q. You know nothing of those things?—A. No, sir.

Q. Now, you heard Major Penrose say something?—A. Yes, sir.

Q. When you were upstairs in the barracks?—A. Yes, sir.

Q. What did you hear him say?—A. I heard him say, "Why don't you men hurry up and fall in?"

Q. Yes.—A. And meanwhile, when he said that, why, Private Rudy—that is, he was Artificer Rudy—he said, "We are not going to fall out without our guns to get killed," and he said, "Why don't you get your guns?" and he said "We can not find the non-commissioned officer in charge to open the racks." "Well," he said, "get the racks open in some way." During the meantime some one came with an ax.

Q. How long was this after you had been awakened by the firing and the call to arms and the noise in the barracks which you have stated?—A. Well, I could not say.

Q. Approximately. You had stood there on the floor, and then you put on your clothes and then sat down and put on your shoes—about how long was it?—A. Well, I would not attempt to say how long a time it was, sir, because I could not say, during the excitement. Everything was excited and the time might have been longer or shorter than I could say.

Q. You would not attempt to approximate the time?—A. No, sir.

Q. Whether it was five minutes or ten minutes or three minutes?—A. No, sir; I have no idea.

Q. And you heard in addition to this a noise outside of the wall—somebody shouting out something?—A. Yes, sir; that is, when I was putting on my shoes.

Q. When you were sitting down there?—A. Yes, sir.

Q. What side of the barracks were you on then?—A. I slept on the south side of the barracks, facing the parade ground.

Q. That is, facing the parade ground?—A. Yes, sir.

Q. So you were on the part of the barracks farthest away from Garrison road?—A. Yes, sir.

By Senator OVERMAN:

Q. Where did that voice seem to come from?

Senator WARNER. I will come to that. You slept on the side farthest away from the garrison road?—A. Yes, sir.

Q. You heard that shouting distinctly?—A. Yes, sir; I did.

Q. Now, was there more than one man shouting?—A. It did not seem to be, sir; it seemed to be one distinct voice.

Q. And what direction did that voice come from?—A. It came from the direction of the garrison road.

Q. Where, with reference to where you had heard the shooting?—A. Yes, sir.

Q. Where was it with reference to that?—A. That is, over by the garrison road walls. That is where the shooting was done.

Q. Well, the garrison road extended all along the north side of Fort Brown. Now, when you say over in the garrison road, I will refer to the map here. This is Elizabeth street that leads into the gate opening into the grounds, you say?—A. Yes, sir.

Q. And that red figure "1," as we understand it, is where the telegraph office was, and up here, east of Elizabeth street—the next street east—is Washington street, and this is barracks D here, which is west of the entrance to the gate?—A. Yes, sir.

Q. The next barracks east is B and then next is C and then a vacant barracks?—A. Yes, sir.

Q. I want you as nearly as you can to locate the party who was doing this shouting.—A. Well, so far as I could locate the party who was doing it, that is something that is beyond what I could do, sir.

Q. As nearly as you can from the direction the sound came.—A. The sound came from the direction in which the shooting had been— from between B and D barracks.

Q. Would you say down here on Elizabeth street?—A. No, sir; I could not say on what street.

Q. You located the telegraph place, from which the shooting seemed to be in part?—A. Yes, sir.

Q. And you locate this shouting the same?—A. I should judge it was in that direction.

Q. The man who did the shouting, what did he say?—A. He said "Come out, all of you black sons of bitches."

Q. Did you mention that to anyone?—A. Why, no, sir; I did not mention it to anyone; it was not necessary. There was others that heard it, I suppose, beside me.

Q. Was it so plain that anyone could have heard it there in the quarters?—A. Yes, sir.

Q. You talked about this shooting that occurred at Brownsville afterwards, didn't you?—A. Yes, sir; it was discussed.

Q. You told them what you had heard, didn't you?—A. Why, we did discuss it; wondered how it could have been done, and who could have did it, but there was no one that seemed to know who done it.

Q. Did you tell your comrades there what you had heard?—A. No, sir; I hadn't heard nothing.

Q. You had heard somebody say "Come down, all you black sons of bitches," or words to that effect?—A. No, sir; that was not necessary to be talked over at all.

Q. I did not ask whether it was necessary or not. Did you tell any one of them?—A. No, sir.

Q. Never told any one of them?—A. No, sir.

Q. You know the next day, or within the next day or two, that it was charged that some of the soldiers of the battalion had done the shooting up of Brownsville, did you?—A. Yes, sir.

Q. After that didn't you say to your comrades, "Why, our men didn't shoot them up. I heard this man out there shouting, 'Come down, you black sons of bitches?'"—A. No, sir.

Q. Did you mention it to any of your noncommissioned officers?—A. No, sir.

Q. Or any commissioned officer?—A. No, sir.

Q. Did you ever mention it to anyone?—A. Well, now, mentioning about this shouting?

Q. Yes.—A. Why, I rather spoke too fast. I think I mentioned it in my affidavit.

Q. I think that is correct, but I am asking about talking. What was the name of the man in charge of the corral?—A. Veschell, I think it was, sir.

Q. Where did he sleep?—A. I don't know, sir, where he slept.

Q. He was a married man?—A. I could not say. He was nothing connected with the company or regiment at all, sir.

Q. Didn't he eat in the mess room with the company?—A. He ate there that morning after this trouble.

Q. Did he usually eat there?—A. No, sir.

Q. Had he ever been in the mess room with the company before that morning of the 14th?—A. I had never remembered of seeing him in there.

Q. You never had seen him?—A. No, sir.

Q. And what time did you have breakfast that morning?—A. Why, I think the company went to breakfast between half past 8 and 9 o'clock, after their being relieved off of guard.

Q. It was after you were relieved of guard, then, whatever time that was?—A. I think so; yes, sir.

Q. And Voschell came in there?—A. Yes, sir.

Q. What conversation did you hear between Voschell and any members of your company?—A. None outside of this statement that he made.

Q. Did you hear anybody say anything to Voschell?—A. No, sir.

Q. Was Voschell eating his breakfast?—A. He was, sir.

Q. Never had been to breakfast there or any meal there before with the mess that you know of?—A. Not that I know of.

Q. You had messed, of course, with your company?—A. Yes, sir.

Q. Every day?—A. Yes, sir.

Q. And what was it Voschell said?—A. He said "Well, boys, it is a good thing that this happened as it did, because I was out in town last night, and the gang came up in front of me and said the plan was to go up to this colored saloon and catch a bunch of you fellows in there and massacre you."

Q. What had been said to induce him to make that remark?—A. There was nothing had been said to induce him to make that remark that I know of.

Q. Was there anything said by any member of the company after he made that remark?—A. No, sir; nothing that I know of.

Q. No comment upon it at all?—A. No, sir.

Q. You say you don't know where Voschell slept?—A. No, sir; I don't know.

Q. Do you know what direction he said or intimated he was going when he heard these men make that talk?—A. No, sir.

Q. Did he say what time of night it was?—A. No, sir; he did not.

Q. Just stated what you have said and nothing more?—A. Yes, sir.

Q. Nothing was said to him by any member of the company about the shooting?—A. Not that I know of, sir.

Q. So you could hear?—A. No, sir.

Q. You were in a position where you could have heard him?—A. I was right there when I heard him make these remarks.

Q. How near were you sitting to him?—A. Just as close as that chair is to me now, sir.

Q. Well, you were right next to him, were you?—A. Yes, sir.

Q. Sitting right at the table next to him?—A. Yes, sir.

Q. So that you heard everything that he said?—A. Yes, sir.

Q. You could have heard what was said to him just as well as he could have heard it?—A. Yes, sir.

Q. So you heard nothing said to him?—A. No, sir.

Q. Nor any other word by him said, but these remarks which you have mentioned?—A. That is all, sir.

Q. Now, had you heard this shooting discussed much among the men after it occurred on the night of the 13th?—A. Why, it was discussed mostly every day while we were there afterwards.

Q. In what way was it discussed?—A. Why, it was wondered what was going to be done about it and who did it, and how it could have been did, but no one ever said that they did it, or knowed anybody that was implicated in it, nothing of that sort being found out or said; simply wondered who in the world could have done it and what was the cause of it, and what was going to be done about it.

Q. In speaking of this wondering who had done the shooting and what was going to be done about it, did you mention to your comrades or anyone, "Why, Voschell heard these men coming up and saying they were going to massacre you, or our fellows—our troops?"—A. No, sir; I never mentioned that.

Q. Never mentioned it?—A. No, sir.

Q. You never mentioned that to any commissioned officer or non-commissioned officer?—A. No, sir.

Q. In all the discussions about the shooting?—A. No, sir; the only time that I mentioned it was in my affidavit.

By Senator OVERMAN:

Q. Did I understand you to say Voschell was sitting by your side?—A. You did, sir.

Q. Who was sitting on the other side?—A. Why, it was some soldier comrade of mine. I could not call his name just at present, sir.

Q. Do you know who sat next to him on this side?—A. No, sir.

Q. He was sitting down, eating with you, was he?—A. He was eating at the same breakfast table where I was eating; yes, sir.

Q. Any other white man in there?—A. No, sir.

By Senator BULKELEY:

Q. What did this man do? What was his business?—A. He was corral boss, sir.

Senator WARNER. That came out in the direct testimony.

By Senator BULKELEY:

Q. Was he an employee of the post?—A. Yes, sir; an employee of the post.

Senator FORAKER. An employee of the Government?

A. Yes, sir.

Senator FORAKER. He was a white man. He did not belong to the regiment.

By Senator OVERMAN:

Q. Where was Major Penrose when you heard that voice exclaiming, "Come out here, you damned sons of bitches?"—A. I don't know, sir.

Q. Where was Major Penrose when you heard that voice exclaiming, "Come out here, you damned sons of bitches?"—A. I don't know, sir, where he was.

Q. You heard his voice after that, didn't you?—A. Yes, sir.

Q. How long after that?—A. Well, I would not say just exactly.

Q. About what time with reference to your action? You said you were putting on your shoes?—A. Yes, sir.

Q. When you heard that voice?—A. Yes, sir.

Q. As soon as you got on your shoes you went downstairs, didn't you?—A. No, sir; I didn't say I went downstairs as soon as I got my shoes on.

Q. As soon as you got your gun?—A. Yes, sir.

Q. You got your gun just as soon as you got your shoes on, didn't you?—A. No, sir; not exactly.

Q. What did you do after you put your shoes on?—A. Why, I had to wait for the opening of the gun racks just the same as anybody else, so that a person could get a gun. The noncommissioned officer in charge either came, or the gun racks had to be bursted open.

Q. Did you see the guns fall out of the rack on the floor?—A. I did not see them fall out; no, sir.

Q. I thought you said they were on the floor?—A. No, sir; I did not say that.

Q. No guns on the floor?—A. I did not say that; never been asked about the guns being on the floor before.

Q. Were they on the floor?—A. I did not see any on the floor, sir.

Q. You did not see any on the floor?—A. No, sir. Quite likely they were on the floor I suppose, if the gun racks—

Q. Which rack did you get your gun from?—A. From the rack that was bursted open.

Q. You saw the man burst it open?—A. I could see the man—that is, being close to him—why, hammering on the rack; yes, sir.

Q. Were you standing by him when he was doing that?—A. I was pretty close to him; I went to the rack after I got my clothes on, so as to get my gun.

Q. Do you know how many strokes he made to get it open?—A. No, sir; I would not attempt to say.

Q. As soon as you got your gun you went downstairs, did you?—A. Yes, sir.

Q. Did you see Major Penrose there then?—A. He was there.

Q. Had you heard his voice before that?—A. I had, sir.

Q. You had heard his voice ordering them to open up the gun racks if they could not find the key?—A. He had ordered them to fall in.

Q. Was that the time you were putting on your shoes?—A. I think it was, sir.

Q. When you heard Major Penrose's orders?—A. That was after I had my shoes on.

Q. How long after?—A. Why, I could not say just exactly how long.

Q. Well, give us some idea.—A. I have not any idea of the time at all.

Q. As soon as you got on your shoes, you went to the gun rack, you said?—A. Yes, sir.

Q. Was it while you were at the gun rack or while you were going to the gun rack that you heard this voice of Major Penrose?—A. It was while I was standing at the head of the stairs waiting to get hold of a gun.

Q. Just after you had put on your shoes?—A. Yes, sir.

Q. Now, you told me that you heard this voice, "Come out here, you black sons of bitches," while your shoes were being put on?—A. That is what I did, sir.

Q. And then immediately after you got your shoes on you heard this voice of Major Penrose. So Major Penrose was down there—must have been there, mustn't he, while that was going on?—A. Well, I could not say. He must have been some place around.

Senator OVERMAN. He must have been some place right close there.

By Senator WARNER:

Q. In your direct examination you were asked this question:

Do you know of any way that the men in your company or in either of the other companies could get any surplus ammunition without stealing it or misappropriating it, either at Niobrara or at Brownsville?

to which your answer was "No, sir; there was no way;" that is, no way unless stealing it or misappropriating it?—A. Well, there was no way of stealing it or misappropriating it.

Q. No way of stealing it and no way of misappropriating it?—A. No, sir.

Q. That is what you mean by that?—A. Yes, sir; that is what I mean by that.

Q. You say that the ammunition was sealed up; the surplus ammunition?—A. Yes, sir.

Q. Did you have anything to do with keeping the surplus ammunition?—A. No, sir.

Q. Where was it kept?—A. It was kept in the storeroom; the orderly room, it is called.

Q. Did you have any business in the storeroom?—A. No, sir.

Q. Were you ever in the storeroom?—A. No, sir.

Q. Do you know how the ammunition was kept there?—A. Why, of course, in the meantime, while being issued ammunition, I have been to the storeroom and seen it in the sealed boxes like it came from the arsenal.

Q. When it comes from the arsenal it comes in sealed boxes?—A. In sealed boxes.

Q. But the fact is, when you have answered this way, you know nothing about how it was kept in the storeroom?—A. No, sir.

Q. Nothing whatever? Now, that night there was extra ammunition issued to you?—A. Yes, sir.

Q. That is, after the shooting?—A. Yes, sir.

Q. And before you deployed as skirmishers, how much was issued?—A. Well, some were issued more and some less.

Q. It was an irregular issue? How did it come? That is not usual, is it?—A. Why, sir, it could be issued that way.

Q. I did not ask you whether it could be. Was that usual?—A. In issuing it that way, yes, sir; I should judge it would be.

Q. In what way?—A. In the way it was issued in a hurry, like it was that night.

Q. Issued in a hurry?—A. In a hurry.

Q. No special account made of it?—A. That is, there was a special number of rounds. Of course, I could not account for or say nothing about what the men had.

Q. How many rounds were issued to you?—A. Why, I think it was about 15 rounds.

Q. About 15—do you know?—A. Yes, sir; as near as I can recollect, I had in addition 15 rounds issued to me.

Q. Were some issued 30 or 40 or 50 or 60?—A. No, sir; I don't think there were a man issued that number of rounds at all.

Q. But you don't know how many?—A. No, sir.

Q. And you have no knowledge yourself what the others did with their ammunition?—A. What they did after?

Q. Afterwards.—A. Yes, sir.

Q. Did you see each man turn in his ammunition?—A. We were all called one by one to turn in the guns and ammunition into the orderly room.

Q. When you turned in your gun and ammunition you broke ranks, didn't you?—A. Yes, sir.

Q. You don't know what those back of you did, or did you stand there and watch them to see what they did with guns and ammunition?—A. Well, I saw a number of them turn them in. Of course I didn't stand right there to see it myself, to see what they did with it, but then I judge that is what every man done, as he was ordered by the commissioned officer, and a commissioned officer right there.

Q. And that is all you know about it?—A. Yes, sir.

By Senator BULKELEY:

Did you see anybody turn in any besides yourself?—A. I saw a number of men.

By Senator WARNER:

Q. I have forgotten, did you say how many men were in line approximately when you got downstairs?—A. I didn't say, sir; I said that I could not say.

Q. You say now you can not say?—A. I never have said the number of men that were in line.

Q. Can not give us any idea of the number of men—whether it was half of the company or two-thirds of the company?—A. No, sir; I could not give you any idea.

Q. Whether there were 2 men or 20 men in line when you got down?—A. Why, when I got down of course there were more than 2 men there, to my knowledge.

Q. Well, how many? That is all I am asking you, Mr. Mapp, your best judgment?—A. Why, I could not say how many there were.

Q. You would not attempt to say whether 10, 15, or 20?—A. No, sir; I would not attempt to say whether 10, 15, or 20.

Q. You had your regular place in line in the company, every man, didn't you?—A. Why, I had a place in line, but whether it was a regular place or not I could not say, because sometimes I was in the front rank and sometimes fell in in the rear rank.

Q. In the same file?—A. No, sir; not always in the same file.

Q. Were you with your company at San Carlos in 1899?—A. No, sir.

Q. Where were you then, in 1899?—A. I was in St. Paul, Minnesota.

Q. Hadn't you enlisted at that time?—A. I enlisted the first time in 1892, and served three years and three months.

Q. And then went out for a time?—A. Stayed out ten years.

Q. Excuse me. I thought you had remained continuously in the service.—A. No, sir.

Q. You were at Fort Niobrara?—A. Yes, sir.

Q. In October, 1904?—A. No, sir; I did not enlist again until 1905.

Q. So that you were at neither of those places? The next morning after the shooting you say your gun was inspected?—A. It was, sir.

Q. What post were you on then as a guard that night?—A. It was either No. 3 or 4; the way they were laid there that night, I can't remember the number of the post that I did have.

Q. Then you knew that night that there were seven posts?—A. Seven?

Q. Seven that night?—A. Yes, sir.

Q. The main post was at the gate?—A. Yes, sir; I think the main post was at the gate.

Q. In going from the gate to the east, where was your post?—A. You call the east to the right?

Q. The right of the gate as you face the town.—A. Yes, sir.

Q. That is, it is up from the Rio Grande River. We have been calling it to the west.—A. Yes, sir. I think it was the third post from the gate.

Q. That would bring it about what point?—A. That would bring it about, well, near between C and the vacant barracks.

Q. That is, between barracks C and the vacant barracks?—A. Yes, sir; the vacant barracks.

Q. Which is marked on that map "36"?—A. Yes, sir.

Q. Prior to that time there had been a detail from each company to do guard duty?—A. Prior to this?

Q. Until you went on guard early on the morning of the 13th?—A. Yes, sir; there is always a detail made up from each company for guard.

Q. Yes; six men from each company and a noncommissioned officer?—A. Not always six; it varies.

Q. According to the strength of the company?—A. Yes, sir; according to the strength of the company.

Q. But the guard usually consisted of eighteen men, did it not?—A. Yes, sir; I think it did.

Q. And so many noncommissioned officers?—A. Yes, sir.

Q. And of that guard that was on duty the night of the 13th, and which was the general custom, one-third would be on duty, would there not; that is, six on duty and twelve off duty?—A. According to the number of posts they had.

Q. On duty two hours?—A. Yes, sir.

Q. And off duty four hours?—A. Yes, sir.

Q. That was the custom with your battalion?—A. That was the custom all over the whole Army.

Q. Yes; I am speaking of your battalion.—A. Yes, sir.

Q. And that was the custom on the night of the 13th?—A. Yes, sir.

Q. It was the custom, was it not, in guard duty, to have one of the details on duty at the barracks and one on the posts?—A. You mean at the barracks or at the guardhouse?

Q. The guardhouse is the headquarters, is it not?—A. Of the guard?

Q. Of the guard? For instance, I assume that you had a post at the gate. Was there not a sentry posted at the gate that night?—A. No, sir; this sentry had a regular post to walk around, in front or rear of the barracks.

Q. Front and rear of every barracks?—A. Front and rear of the barracks.

Q. Do you know what sentry was on duty the night you heard this man shouting?—A. No, sir.

Q. Did you ever find out?—A. No, sir.

Q. Did you find out if he had heard this shouting also?—A. No, sir.

Q. You made no inquiry as to that?—A. There was none made by me.

Senator FORAKER. I think that is all I want to ask the witness.

By Senator OVERMAN:

Q. I do not know whether this question was asked or not: Were you arrested? You were arrested, were you?—A. Arrested?

Q. At Fort McPherson?—A. No, sir.

By Senator FORAKER:

Q. I want now to put in evidence the affidavit made by William C. Mapp, the same affidavit which seems to be found at page 167 and also at page 516 of Senate Document 155. I do not find any other affidavit here.

Senator WARNER. Are not these affidavits identical?

Senator FORAKER. I say they are identical, so that I am putting in only one of them.

Senator WARNER. Yes; they are identical; that is the reason that I called attention to it.

Senator FORAKER. They are identical, and I will put in only one of them; and I want the record to show that I do not find any other affidavit here made by William Mapp.

The affidavit found on page 516 of Senate Document 155 is here incorporated in the record as follows:

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.

Senator FORAKER. I want to state before I call another witness that I have three or four other witnesses from Company C, as I also have from each of the Companies B and D, but I think that I will pass from this for the time, reserving the right to call them later, and take up the Hospital Corps. There are some men of that Corps who are very anxious to get away, and if that is agreeable, I will follow that course.

(After informal discussion the witness, Charles W. Askew, was called.)

TESTIMONY OF CHARLES W. ASKEW (COLORED).

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. State your name in full.—A. Charles W. Askew.

Q. Were you a member of the Twenty-fifth Infantry in August last?—A. Yes, sir.

Q. Were you with your company at Brownsville on the night of August 13?—A. Yes, sir.

Q. When the firing that has been talked about occurred?—A. Yes, sir.

Senator FORAKER. I want to put in evidence here the record of this soldier as it is given by the War Department, at page 259 of Senate Document 155.

The record referred to is here printed in full, as follows:

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 10, 1900.

By Senator FORAKER:

Q. How long were you in the service?—A. I was in the service seven years and six or seven months.

Q. You were enlisted, I see, December 15, 1898?—A. December 15, 1898; yes, sir.

Q. What State did you live in when you enlisted?—A. The State of Mississippi.

Q. You are a native of Mississippi?—A. Yes, sir.

Q. Where is your home in Mississippi?—A. Panola County.

By Senator OVERMAN:

Q. Where did you enlist?—A. In Nashville, Tenn.

By Senator FORAKER:

Q. Did you hold any official position in Company C?—A. No, sir; only company clerk.

Q. You were the company clerk?—A. Yes, sir.

Q. Were you acting as company clerk at the time when this shooting affray occurred?—A. Yes, sir.

Q. How long had you been holding that position?—A. Since January 6.

Q. Who appoints the company clerk?—A. The company commander.

Q. That was Captain Macklin, in this instance?—A. Yes, sir; Captain Macklin.

Q. Proceed and tell us in your own way all you can remember of that shooting affray, commencing by telling us where you were when it commenced.—A. I was in my bunk in quarters asleep, and when I woke the shooting, the firing, was going on, and Sergeant Harley got up and woke me up, and when I woke up the firing was going on.

Q. Where did you sleep—upstairs or down?—A. No, sir; in the orderly room, just opposite the office.

Q. How did you happen to be there?—A. I slept there. There is where the company clerk always sleeps.

Q. You slept there because you happened to be company clerk?—A. Yes, sir.

(The map was here explained to the witness by Senator Scott.)

By Senator FORAKER:

Q. Now proceed. You slept downstairs in the orderly room, as I understand it?—A. Yes, sir.

Q. And how did you get awake?—A. Sergeant Harley woke me up, and also the firing going on when I woke up.

Q. What did you do?—A. I went up there and started upstairs and I met a lot of men coming down, and the call to arms was going at the same time, and I heard it, and just then Major Penrose came from his quarters to C Company's quarters and said, "Come downstairs and fall in," and we went down and fell in, and then he said, "Go on back, men, and get your arms," and we said we couldn't get the guns out because we couldn't get the keys, and he said, "Have them broken open, then."

Q. Who said that?—A. Major Penrose.

Q. You heard him say that?—A. Yes, sir.

Q. Then what occurred?—A. They went back upstairs and somebody commenced hammering on the gun racks. I couldn't say exactly who he was, but I got my gun out of a gun rack.

Q. How was the rack opened that you got your gun out of?—A. This one that I got mine out of it seemed to be broken open.

Q. Where was that rack standing, if you can tell us?—A. That was on the right-hand side of the steps going up.

Q. What did you do when you got your gun?—A. I came right back downstairs and fell in with the rest of the men.

Q. What occurred then?—A. Then they ordered some ammunition out there to be distributed among the men.

Q. What happened after that? We have been over that in detail, and that is the reason that I am not stopping now.—A. Lieutenant Grier came up at the same time and told Sergeant Harley to call the roll, and he was a little confused, and it seemed like he couldn't call it, and then they counted the men. Then they issued the ammunition.

Q. Do you know what the result of the counting of the men was?—A. Yes, sir; they said they were all present or accounted for.

Q. Your company went and took its station by the wall?—A. Yes, sir.

- Q. And remained there for quite a while?—A. Yes, sir.
- Q. And then afterwards you were put on guard?—A. Yes, sir.
- Q. Passing over all that, what was done the next morning, if anything, about your guns?—A. Our guns were inspected about 6 o'clock. I don't know the exact time, but it was something like that.
- Q. What was that?—A. My gun was inspected; our guns were inspected that morning about 6 o'clock, I judge it was.
- Q. While you were still on post?—A. Yes, sir.
- Q. By whom?—A. By Captain Macklin.
- Q. Where were you stationed that night?—A. No. 7 cossack post.
- Q. No. 7 cossack post?—A. Yes, sir.
- Q. Who was in charge of that post?—A. Corporal Madison.
- Q. You were with Corporal Madison, then?—A. Yes, sir.
- Q. What was the character of that inspection, and what was the result of it?—A. It seemed to be a close inspection. He looked at my gun and also all the rest of the men's guns very carefully.
- Q. Were the guns passed or not?—A. Were they passed?
- Q. Did they pass inspection or not that night?—A. Yes, sir.
- Q. Do you know the character of the inspection, or the result that night, of the guns at any of the other posts than your own?—A. No, sir.
- Q. You were not present at any of the other posts?—A. No, sir.
- Q. All you know is what happened there?—A. Yes, sir.
- Q. That post is up back by the corral?—A. Yes, sir; it is up near the storehouse.
- Q. Was the ammunition inspected also that night?—A. Yes, sir.
- Q. At your post?—A. Yes, sir.
- Q. What was the result of that?—A. Some of us didn't have all the ammunition. I had 15 rounds, and some of them had 20, perhaps more. I don't know exactly.
- Q. That is of what kind?—A. Ball ammunition.
- Q. When was that issued to you?—A. That was issued that night after the roll call.
- Q. Did you have any other kind of ammunition?—A. No, sir.
- Q. What did you have before that was issued to you?—A. We had the reduced range ammunition.
- Q. What did you do with it when the ball cartridges were issued to you?—A. We didn't use that at all; took it back in the quarters.
- Q. Did you stop and take it back in the quarters, or carry it with you?—A. No, sir; we didn't carry it with us that night. I didn't.
- Q. You didn't?—A. No, sir.
- Q. Did you fall in with it or not?—A. No, sir; I didn't have anything when I fell in, and when they issued the ammunition I put mine in my pocket.
- Q. You put it in your pocket?—A. Yes, sir.
- Q. So that you had no ammunition when you fell in?—A. No, sir.
- Q. You were the company clerk, and were you required to fall in for drill?—A. Yes, sir.
- Q. So that after you had fallen in and this ammunition was issued, you simply put yours in your pocket?—A. Yes, sir.
- Q. Did you not have the belt at that time?—A. Not at that time.
- Q. Did you afterwards get a belt?—A. Yes, sir; before I was put on guard.

Q. When did you get it, and under what circumstances? Describe fully.—A. We got the belts. They dismissed us after the firing ceased, some time afterwards, some time during the night, about an hour, or something like that, and we went back in the quarters, and the guns were locked up, and so Captain Macklin gave orders that all the men should go upstairs and go to bed, and so I went to bed, and all the rest of them, I suppose; but before I could get my clothes off, hardly, the order was given for all the men to get up and get out for guard.

Q. Where were the guns then?—A. He had them locked up in another room.

Q. Where were they locked up?—A. In one of the storerooms.

Q. They were not returned to the gun racks?—A. No, sir.

Q. What did you do then?—A. I got up and got my gun and was put on guard. We marched out.

Q. Did you get a belt or not?—A. Yes, sir; I got a belt.

Q. Did you put your ammunition in it?—A. Yes, sir.

Q. What kind of ammunition?—A. Ball-cartridge ammunition.

Q. You were the company clerk. Do you know what kind of ammunition your company was supplied with at Brownsville up to and at the time of this firing?—A. So far as I can remember, they were supplied with this reduced-range ammunition.

Q. When were you supplied with it, and what do you remember about it, if you remember at all?—A. We were supplied with that ammunition shortly after we arrived at Brownsville. Of course, when we first arrived at Brownsville we had ball cartridge, and they were turned in immediately after muster, I think; between the first and the second, or something like that.

Q. When is your muster?—A. The end of every month—the 30th or 31st.

Q. The 31st of July you should have had muster?—A. Yes, sir.

Q. But it was after that?—A. Yes, sir.

Q. Did you turn in your ball ammunition?—A. Yes, sir.

Q. Can you tell how much you had on the way down to Brownsville?—A. Twenty rounds.

Q. You were issued this reduced-range ammunition?—A. Yes, sir.

Q. How much of it?—A. I was issued 10 rounds.

Q. Did you have from the time you turned in that 20 rounds until the time of this firing any other ammunition than these 10 rounds of reduced-range ammunition?—A. No, sir.

Q. That is a cartridge that has no steel jacket over the bullet, as I understand?—A. Yes, sir.

Q. Just a lead bullet?—A. Yes, sir.

Q. And a small charge of powder?—A. Yes, sir.

Q. Fifteen grains?—A. Yes, sir.

Q. After the firing and after you came off duty the next morning what did you do about your ammunition, if anything?—A. It was turned in. We had orders to turn it in.

Q. To whom?—A. To the quartermaster-sergeant.

Q. Was that counted and checked up at the time?—A. I disremember whether it was counted and checked up at the time or not, but I know that it was turned in. I think it was, though.

Q. Did you turn yours in?—A. Yes, sir; I turned mine in.

Q. Your ammunition account was all straight, was it?—A. Yes, sir.

Q. Your own gun was found to be clean and your ammunition was found to be all there?—A. Yes, sir.

Q. Now, tell us whether or not at Niobrara or at Brownsville either one there was any opportunity for the men that you know of to get any surplus ammunition?—A. It was a very poor chance. They couldn't get any on the ranges, I am satisfied.

Q. They could not get any on the range?—A. No, sir.

Q. Why?—A. Because they had commissioned and noncommissioned officers right there. When you did your skirmish firing—every time you went up 200 or 300 yards—you had so many issued out of a box, and there was a man standing right there to attend to it. And as soon as you fired all those you went back and you were issued so many more.

Q. Did you see Sergeant Brawler the night of the firing?—A. No, sir; not until after the gun racks were opened.

Q. Where did you see him, then?—A. Downstairs, standing on the porch, the first time I saw him.

Q. Was that before or after you were formed?—A. After we formed.

Q. He being in charge of quarters, did not fall in with you and did not go with you?—A. No, sir.

Q. So that you did not see him until after you formed?—A. No, sir.

Q. And you can not tell anything about him?—A. No, sir.

Q. Do you know who did this shooting?—A. No, sir.

Q. Did you yourself have anything to do with it?—A. No, sir.

Q. Do you know anybody in your company who had anything to do with it?—A. No, sir.

Q. Do you know anybody in any of the other companies who had anything to do with it?—A. No, sir.

Q. Or anybody connected with the garrison who had anything to do with it?—A. No, sir.

Q. Have you any knowledge that leads you to suspect anybody of being connected with or having anything to do with it?—A. No, sir.

Q. Have you refused to tell all that you know about it to anybody that has asked you?—A. No, sir.

Q. To your officers or to anybody else?—A. No, sir.

Q. Is there anything in regard to it that you are not willing to tell us now, if we call your attention to it?—A. Sir?

Q. Is there anything at all in connection with it that you have knowledge of that you are not willing to fully impart to us?—A. No, sir.

Q. Have you made any affidavit in this case? I have not been able to find one anywhere here in this record?—A. How is that, sir?

By Senator HEMENWAY:

Q. Have you sworn to any statement, have you sworn to any written statement, heretofore?—A. No, sir; I don't think I did.

Senator FORAKER:

Q. What are your duties as company clerk; what do they require of you?—A. To make out the pay rolls and muster rolls, and write official letters.

Q. Are you a good pensman?—A. Yes, sir; very good.

Q. What occupation did you follow before you enlisted in the Army?—A. Farmer.

Q. Farmer?—A. Yes, sir.

Q. You lived down in Mississippi on a plantation?—A. No, sir; I didn't live down there exactly when I first enlisted, but that was my principal occupation before I went in the service.

Q. Were you ever arrested before you went in the Army?—A. No, sir; I never was arrested.

Q. You never were arrested in your life?—A. No, sir.

Q. Were you court-martialed at any time while you were in the Army?—A. Yes, sir; I was court-martialed once in K Troop, Tenth Cavalry—twice in K Troop, Tenth Cavalry, and once in Troop H.

Q. What were you court-martialed for?—A. I went downtown without my blouse, and the orders was that no man should be allowed downtown without a blouse, so that I was downtown that day in Cuba, being on fatigue, it being Sunday, and an officer preferred charges against me.

Q. How were you punished?—A. I forfeited a dollar.

Q. That was one time?—A. Yes, sir.

Q. That was with K Troop of the Tenth Cavalry?—A. Yes, sir.

Q. Were you serving with that troop in Cuba?—A. Yes, sir.

Q. During the Spanish-American war?—A. No, sir.

Q. When?—A. I served there from December 15, 1898, three years in K Troop. I enlisted for the Tenth Cavalry on the 15th of December, 1898, and joined with them. I think, about two or three days afterwards.

Q. Was that regiment in Cuba after you enlisted in it?—A. Yes, sir.

Q. When was this, in 1899?—A. Yes, sir; they were down in the same place in 1899, K Troop.

Q. You have told us of one offense that you committed for which you were punished. What was the other?—A. The other was at Holguin, Cuba.

Q. What was that for?—A. Me and another fellow got into a little scrap, and I struck him with a brick and I was put in confinement.

Q. Who was this fellow?—A. His name was Robert Ash.

Q. Was he a soldier?—A. Yes, sir.

Q. One of your comrades?—A. Yes, sir.

Q. You and he got into a scrap?—A. Yes, sir.

Q. How long were you kept in confinement for that?—A. I think I was kept in there thirty days.

Q. Thirty days?—A. Yes, sir.

Q. Were you court-martialed for that?—A. Yes, sir.

Q. What was the third offense?—A. The third offense was failing to salute an officer, at Fort Mackenzie, Wyo.

Q. Failing to salute an officer?—A. Yes, sir.

Q. Where was that?—A. At Fort Mackenzie, Wyo.

Q. What command were you serving with then?—A. Maj. R. B. Reed's command.

Q. What was your punishment for that?—A. I was punished with \$3, I think.

Q. Three dollars' fine?—A. Yes, sir.

Q. Is there anything you can tell us in regard to this matter that occurs to you?—A. No, sir.

Senator FORAKER. You can cross-examine the witness.

By Senator LODGE:

Q. Did you break open any of those racks yourself?—A. No, sir.

Q. Do you know who did?—A. No, sir.

Q. You didn't see anybody doing it?—A. No, sir.

Q. Did you examine the racks the next morning at all?—A. I looked at them when they were brought down to the orderly room the next morning.

Q. How did they seem to have been opened?—A. It looked like to me they had been broken open.

Q. What with?—A. With an ax, it seemed; they were bent up.

Q. With an ax?—A. Yes, sir.

Q. Did it look like they had been pried apart with a crowbar or anything like that?—A. No, sir.

Q. Just simply chopped open?—A. That little hook that joins the rack—

Senator FORAKER. There is a gun rack right behind you. Look at that.

The WITNESS. It was battered up here like that [indicating on gun rack].

By Senator LODGE:

Q. The staples were smashed, were they?—A. Not all of them; some of them smashed off.

Q. Did you ever hear who broke them open?—A. I heard it said that Artificer Rudy broke them open.

Q. Artificer Rudy?—A. Yes, sir; Charles E. Rudy.

Q. Did you understand that he broke them all open?—A. No, sir; I heard that he broke open one. I don't know who broke the others open.

Q. Do you know how that name is spelled?—A. R-u-d-y.

Q. Is he here?

Senator FORAKER. He is here.

Senator LODGE. Very well.

By Senator WARNER:

Q. You did not hear the call to arms?—A. Yes, sir; I heard the call to arms.

Q. And it was First Sergeant Harley who wakened you?—A. Yes, sir.

Q. And about how long after you were awakened was it that you heard the call to arms?—A. They were all going about the same time, it seemed to me.

Q. Where was Sergeant Harley? Was he up and dressed when he called you?—A. No, sir; he was dressing.

Q. Dressing?—A. Yes, sir; putting on his trousers.

Q. And you and he heard the call to arms?—A. Yes, sir.

Q. You knew what that meant?—A. Yes, sir.

Q. To fall in?—A. Yes, sir.

Q. With your guns?—A. Yes, sir.

Q. And with your ammunition?—A. Yes, sir.

Q. And you went out and fell in?—A. Yes, sir; I went out and fell in.

Q. Without ammunition?—A. Yes, sir; myself and several more—

Q. Wait a moment. You went and fell in, did you not?—A. Yes, sir.

Q. Without ammunition?—A. Yes, sir.

Q. And without a gun?—A. Yes, sir.

Q. What did you understand by the call to arms—that there was danger to the fort?—A. Yes, sir; that is what I understand about it.

Q. Will you explain why it was that you went out and fell in without ammunition and without a gun?—A. When I started upstairs and Major Penrose came up at the same time he says, "Company, downstairs and fall in;" so there was two or three of us—how many and who they was I don't remember—started down, and he says, "Go back, men, and get your arms;" and some of them said they couldn't get their guns, they couldn't get the gun racks open, because they were locked, and they couldn't find the noncommissioned officer in charge of quarters, and he said, "If you can't find the noncommissioned officer in charge of quarters to unlock them, break them open."

Q. You did fall in, I understand you?—A. Yes, sir.

Q. Without arms?—A. Yes, sir.

Q. Was it after that that Major Penrose told you to go and get your guns?—A. Yes, sir.

Q. Was Major Penrose there then?—A. Yes, sir; he was there when he gave the first command to fall in.

Q. How many of you fell in there without guns?—A. Two or three of us—four or five of us. I don't know how many.

Q. Was Sergeant Harley one of them?—A. No, sir; I don't remember.

Q. What became of him?—A. I don't know where he went.

Q. And you say after you had gotten your guns and Sergeant Harley started to call the roll he seemed to be so confused that he couldn't do it?—A. Yes, sir.

Q. What do you mean by being confused?—A. He seemed like he was excited or scared, or something.

Q. Excited or scared?—A. Yes, sir.

Q. He had been in the service a long time, had he not?—A. Yes, sir.

Q. What made you think that he was excited or scared?—A. I could tell from his voice. He couldn't hardly talk, it seemed to me.

Q. Then they had a count of the men?—A. Yes, sir; they counted them.

Q. And who did the counting of the men?—A. I think Lieutenant Grier.

Q. Did the light there have anything to do with the counting of the men?—A. The light?

Q. Yes.—A. Why, I don't know what light you mean, sir.

Q. There was a light at the barracks, wasn't there?—A. I didn't see no light in the barracks.

Q. No light at all?—A. No, sir.

Q. There was a light in front of the barracks?—A. Yes, sir; there was a lamp post there.

- Q. Wasn't that lamp lit?—A. Yes, sir; the lamp was lit.
- Q. Yes. There was that light?—A. Yes, sir.
- Q. It gave light, didn't it?—A. Yes, sir; it gave light, from that post.
- Q. But the sergeant seemed to be so confused that he could not call the roll?—A. Yes, sir.
- Q. You say they were all present?—A. Yes, sir; all present or accounted for.
- Q. Did you count them?—A. No, sir.
- Q. Or have anything to do with that?—A. No, sir.
- Q. How many were present?—A. I don't know, sir.
- Q. How many were absent on guard duty?—A. Really, I don't know that either.
- Q. How many were absent sick?—A. I don't know, sir; I can't remember.
- Q. How many were absent on pass?—A. I think two men were absent on pass.
- Q. How many were absent without leave?—A. There was none.
- Q. How many were on duty at the corral and other places, at officers' quarters, of your company?—A. Private Harden, I think he was cooking for—working for—Lieutenant Higgins. They say he wasn't there. I don't know whether he was there or not.
- Q. You understood that when the call to arms was sounded it was your duty, first thing, to get your gun and your ammunition?—A. Yes, sir.
- Q. And you got your gun?—A. Yes, sir; I got my gun.
- Q. Where did you keep your ammunition?—A. I kept my ammunition in the orderly room, where I slept at; my ammunition that I had at that time.
- Q. What was that in, your McKeever box, or what we call the web belt?—A. The McKeever box.
- Q. You never did get that?—A. No, sir; I never did get that.
- Q. You fell in line, finally, with your gun, without any ammunition?—A. Yes, sir.
- Q. You have been in the Army how long?—A. Seven years and six or seven months.
- Q. And the ammunition was issued to you there and you put it in a belt?—A. About 15 rounds.
- Q. About 15? How many did you have?—A. I had 15 rounds. I counted them the next morning.
- Q. You counted them the next morning?—A. Yes, sir.
- Q. But you didn't know how much you had that night?—A. No, sir.
- Q. They were just handed out to you promiscuously?—A. Yes, sir.
- Q. How many rounds of ammunition did the other men in the company get?—A. I don't know. Some of them got more than I got. Some had 20 rounds.
- Q. Some of them got 30 or 40?—A. I don't know whether they run up that high, but I know that some had more than I did, and some had less.
- Q. How did that come?—A. I don't know, sir. They just issued it out.
- Q. During the excitement?—A. Yes, sir.

Q. They just helped themselves?—A. No, sir; but a man came around and issued it. You know it was dark, and sometimes he would say to two men, "Take this box," and sometimes one man would grab more than the other, and sometimes four in a box.

Q. That was issued that way that night?—A. Yes, sir.

By Senator OVERMAN:

Q. Was it issued in a box or a bandolier?—A. In the bandolier, but the box was open.

By Senator WARNER:

Q. That night the ammunition was inspected?—A. Yes, sir.

Q. It was inspected at 6 o'clock?—A. Yes, sir.

Q. How could an officer inspect that ammunition, issued irregularly in that way, to tell how much you had?—A. We had a belt on then.

Q. You had on a belt then?—A. Yes, sir; that was put on before we went on guard.

Q. That was put on before you went on guard?—A. Yes, sir.

Q. And you took your ammunition out of your pocket and put it in the belt?—A. Yes, sir.

Q. How much ammunition did you have when you were inspected?—A. I had 15 rounds.

Q. Did the officer ask you why it was you had only 15 instead of 20 rounds?—A. No, sir.

Q. Some of the men on your post had 10 rounds?—A. I don't know, sir. I know some of the men had less than I had, but I don't know how much.

Q. Did the officer ask you how it came that some of the men had less than you had?—A. No, sir.

Q. No question of that kind was asked at all?—A. No, sir.

Q. What was the condition of the guns that morning?—A. They seemed, sir, to be in fine condition, so far as I know about it. They didn't say anything to nobody where I was when I was inspected.

Q. In fine condition in what way—being sound and clean and in every way?—A. Yes, sir.

Q. You heard no fault found with the guns at all?—A. No, sir; I did not.

By Senator FORAKER:

Q. Do you know whether any of the guns were injured or not?—A. Yes, sir.

Q. Before they were taken out of the racks?—A. Yes, sir; two guns were injured.

Q. How is that?—A. Before they were taken out of the racks?

Q. Yes. Do you know whether they were injured in any way?—A. Yes, sir; two guns injured.

Q. Do you know whose guns they were?—A. They belonged to Corporal O'Neil and Private Edward Lee.

Q. Edward Lee?—A. Yes, sir.

Q. How were their guns injured?—A. This sight [indicating] was knocked off of Corporal O'Neil's gun, and Ed Lee's gun, I think some of this part was knocked off—battered up [indicating].

Q. Part of the wood?—A. Yes, sir.

Q. Off of the stock?—A. Yes, sir.

Q. I do not want to go into that.

Senator WARNER. I will pursue it now.

By Senator WARNER:

Q. It was Corporal O'Neil and who else who had their guns injured?—A. Private Edward Lee.

Q. Private Edward Lee?—A. Yes, sir.

Q. When was your attention called to those guns?—A. Next morning.

Q. At what place?—A. In the barracks, in the orderly room.

Q. How did your attention happen to be called to that at the barracks?—A. Because it was right there that I worked at, and I looked in and saw them.

Q. You saw the rest of the guns?—A. Yes, sir.

Q. How were the rest of the guns?—A. They all seemed to be in good condition.

Q. Just these two guns that seemed to be injured?—A. Yes, sir.

Q. And you didn't know how they had gotten injured?—A. No, sir; I did not know. I think they got injured by an ax.

Q. You didn't know yourself?—A. I think they got injured by an ax breaking open the racks that night. That is the way I think about it.

Q. Did you see anybody with an ax breaking them open?—A. No, sir; I heard the ax, though. I heard the beating on the gun racks.

Q. You saw all the guns; and as company clerk you went in looking at the guns?—A. No, sir; I didn't pay any particular attention.

Q. Did you have a talk with Corporal O'Neil?—A. No, sir; I did not.

Q. Or with Private Lee?—A. No, sir; not particular; except as I saw two of those guns were torn up there, and they had all seen it before I seen it, it seemed.

Q. As to the shooting that you heard, what direction was that?—A. It sounded to me like it was over toward that gate somewhere.

Q. That is the gate into the fort there?—A. Yes, sir.

Q. Out in that direction?—A. Yes, sir.

Q. You see that building marked with a red figure "1" on the map?—A. Yes, sir.

Q. That was the telegraph office at the corner of Elizabeth street and Garrison road?—A. Yes, sir.

Q. How was it with reference to that?—A. Sir?

Q. How was the shooting with reference to that telegraph office, marked "1"?—A. It seemed to be out in that direction somewhere. I couldn't tell exactly where it was.

Q. How many persons seemed to be shooting?—A. I don't know. It seemed like a good many of them was shooting, and pretty fast.

Q. When you say a good many—you have been in the Army and you can tell, approximately, can you not, the number of persons that are shooting?—A. I don't know, sir. It sounded like four or five or six men, or something like that.

Q. No more than that?—A. It could have been more, but it sounded to me like that.

Q. I am asking how it sounded to you.—A. Yes, sir.

Q. Did you hear any other noises?—A. No, sir.

Q. Aside from the shooting?—A. No, sir.

Q. Did you hear any order to cease firing?—A. No, sir.

Q. Did you hear any voice at all?—A. No, sir.

Q. You were in barracks C. On which side of the barracks was your room?—A. On which side of the barracks? I was downstairs.

Q. I know; but we have got it here, the way we are talking, that the barracks fronted south to the parade grounds.

By Senator BLACKBURN:

Q. Here is the barracks. What part of that barracks were you in?—A. Right along there [indicating].

Q. On the ground floor?—A. Yes, sir; on the ground floor.

By Senator WARNER:

Q. Up in that corner and on the north side of the barracks?—A. Yes, sir.

Q. So that you were in the part of the barracks toward Garrison road?—A. Yes, sir.

Q. There was a window open there, was there not?—A. Yes, sir.

Q. Nothing but a mosquito net in it?—A. No, sir.

Q. Nothing to prevent you from hearing what was going on?—A. No, sir.

Q. You heard Major Penrose, as you have said?—A. Yes, sir; I heard him.

Q. How long had you been awake when you heard Major Penrose give the order you speak of?—A. I hadn't been awake but a very few minutes.

Q. Yes. But you had gone out and fallen in line before Major Penrose gave the order of which you have spoken?—A. No, sir; I went upstairs and came down and started out, and Major Penrose said, "C Company outside and fall in." So three or four of us, a small number of us, came out and fell in, and he said, "Oh, you men go back and get your arms;" and then somebody said that the racks were locked and they couldn't get into them, and he said: "If you can't find the noncommissioned officer in charge of quarters, break them open." So we went back upstairs and started to break open the racks.

Q. So that it was after that that the hammering commenced on the gun racks?—A. Yes, sir.

Q. After you got upstairs?—A. Yes, sir. Just before I got upstairs, because there was a lot of them going up and coming down.

Q. And somebody got an ax?—A. Yes, sir.

Q. Was that before Major Penrose gave the order to break open the gun racks?—A. No, sir; afterwards.

Q. Where did that man go to get the ax?—A. I don't know, sir. There was some fire axes down there.

Q. Where were those fire axes kept?—A. I don't know. I think they were kept on the front porch.

Q. Were they kept in the storeroom?—A. I don't know where they were kept.

Q. Were they kept out on the front porch so that anybody could get them?—A. I don't know, sir.

Q. You were company clerk, weren't you?—A. I don't know anything about that. I don't have anything to do with that.

Q. But you knew what was done in that respect?—A. No, sir; I didn't have anything to do with anything like that. It was out of my line of business altogether. That was the quartermaster's business.

Q. Were you with the rest of Company C at breakfast in the barracks the next morning?—A. Yes, sir.

Q. What time did you get breakfast?—A. We didn't get breakfast until we came off guard.

Q. Whatever time it was—9 o'clock?—A. Yes, sir.

Q. You discussed the shooting there?—A. Yes, sir; we were talking about it and wondering who did it. All of us talked about it.

Q. You were wondering who did the shooting?—A. Yes, sir.

Q. Did you hear anything stated there about who did it?—A. No, sir; I didn't hear anything said there about who did it.

Q. Nothing at all?—A. No, sir.

Q. You heard what was said there at the mess room?—A. Yes, sir; I heard the general talk about the shooting.

Q. General talk?—A. Yes, sir.

By Senator OVERMAN:

Q. Were you accused of being in it?—A. Yes, sir.

Q. Were you arrested?—A. Yes, sir; I was arrested, sir.

Senator FORAKER. I forgot to ask him that.

By Senator FORAKER:

Q. You were one of the 12 men who were arrested, were you?—A. Yes, sir.

Senator FORAKER. Will you allow me to examine him about that now so that it may be in the record?

Senator WARNER. Certainly.

Senator FORAKER. I would like to put into the record at this place the charge and specifications against Charles W. Askew, filed against him at Fort Sam Houston, Tex.

The same are here inserted in the record in full as follows:

Charge and specification preferred against Private Charles W. Askew, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private Charles W. Askew, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to the property of the inhabitants of said town.

This on or about August 13, 1900.

H. CLAY M. SUPLEE,
First Lieutenant and Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.

Witnesses: Corpl. Willie H. Miller, Company C; Sergt. Darby W. O. Browner, Company C; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Corpl. Charles Madison, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry; Sergt. James R. Reid, Company B.

In confinement since August 25, 1900.

Rate of pay, —.

Previous conviction, none.

[First Indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

O. J. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

By Senator FORAKER:

Q. You were arrested on what date?—A. The 23d of August.

Q. You left Brownsville on what day?—A. I think it was the 24th.

Q. It was the 25th. That is a matter of record.—A. Yes, sir.

Q. You went away with the battalion?—A. Yes, sir.

Q. There were 12 of you arrested at that time?—A. Yes, sir.

Q. And you were all confined in the guardhouse until you left?—A. Yes, sir.

Q. When you got to San Antonio you were dropped off?—A. Yes, sir.

Q. And the battalion went on to Fort Reno?—A. Yes, sir.

Q. And you were kept there in confinement until what time?—A. Until after this grand jury at Brownsville adjourned.

Q. Until what?—A. After they didn't find any indictments.

Q. After the grand jury at Brownsville didn't find any indictments?—A. Yes, sir.

Q. And were you or not notified that charges and specifications had been filed against you under the sixty-second article of war?—A. Yes, sir.

Q. By whom were you so notified?—A. By Major Brown, I think, of the Twenty-sixth Infantry.

Q. Major Brown, at Fort Sam Houston?—A. Yes, sir.

Q. Were you ever brought to trial?—A. No, sir; I was never brought to trial.

Q. Were you ready for trial at any time?—A. Yes, sir; I was ready at any time.

Q. You were arrested while you were there at Fort Sam Houston?—A. Yes, sir.

Q. You never went to Fort Reno?—A. No, sir.

Q. I want to read you this charge made against you [reading]:

Charge.—Conduct to the prejudice of good order and military discipline, in violation of the sixty-second article of war.

Specification.—In that Private Charles W. Askew, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to the property of the inhabitants of said town.

You have heard me read the specifications. Is there any truth in them, so far as you are concerned?—A. No, sir; no truth in them.

Q. You did not take your rifle?—A. No, sir.

Q. And join any party?—A. No, sir.

Q. Or go out into the town singly?—A. No, sir.

Q. Or shoot it up yourself, or with anybody?—A. No, sir.

Q. And you have no knowledge of who did it?—A. No, sir.

Q. And you have been ready to be tried on that charge at any time or any place since then?—A. Yes, sir.

Q. And you deny it now, and always have denied it?—A. Yes, sir.

Q. Specifically, as well as generally?—A. Yes, sir.

Q. Do you know how you came to be arrested—upon whose suggestion you were arrested?—A. I don't know, sir. I think it was by Captain McDonald, of the Texas Rangers.

Q. Captain McDonald?—A. Yes, sir.

Q. How do you know it was by his suggestion?—A. He sent me up there one day.

Q. How do you know it was by his suggestion?—A. He sent me up there one day, and I had some caps, and Captain Macklin sent me up there to the administration building, and he asked me how many caps I had drawn since I had been in the Twenty-fifth Infantry.

Q. How many caps you had drawn?—A. Yes, sir. I think they found a cap downtown with my initials in it.

Q. With C. W. A., isn't it?—A. Yes, sir.

Q. He found that down the street?—A. Yes, sir.

Q. And you think that is what led to your arrest?—A. Yes, sir.

Q. Tell us all about that cap. Tell us anything you may have to say about that.—A. I gave the first sergeant one of my old caps when I was at Fort Niobrara, and there was a box of old caps that was shipped down to Fort Brown, and when they got down there they opened that box of old caps, and some of those muchachos, I suppose, found them and got them and carried them away; and I think that is the way they got that cap.

Q. Do you know anything about the cap?—A. No, sir; I never saw the cap.

Q. You never saw the cap?—A. No, sir.

Q. They simply told you that there was a cap with your initials in it found?—A. No, sir; I simply judged that.

Q. You simply guessed at that?—A. Yes, sir; I judged it.

Q. Did he say to you that he had found a cap with your initials in it?—A. No, sir.

Q. This was before the grand jury met?—A. Yes, sir.

Q. And the grand jury did not indict you?—A. No, sir.

Q. Did anybody tell you what testimony there was against you that led to your arrest?—A. No, sir; nobody didn't tell me anything. I asked Captain Macklin and he said he didn't know.

Q. Were you wearing a cap at Fort Brown?—A. No, sir.

Q. Did you have any cap in your possession at Fort Brown?—A. Yes, sir; I had three caps.

Q. You had three caps.—A. Yes, sir.

Q. Where were they and how did you happen to have the caps?—A. They were in the orderly room.

Q. In the orderly room?—A. Yes, sir.

Q. How did you happen to have three caps; is that usual?—A. There were three that I kept, and all the rest of us had two or three caps when we came down. We didn't throw the uniforms away because we were going south, because we didn't know when we were going back northwest again. They packed them up in squad boxes—our old uniforms—and all the good caps we put in a squad box, and when we

got there everybody came and got their caps—and I got mine—and hung them up in the quarters.

Q. You hang yours up in the quarters?—A. Yes, sir.

Q. If this cap was one of your caps, how could it have gotten out and gotten down there?—A. I don't know, sir. I judge I was arrested on that account.

Q. Did you lose one of your caps?—A. No, sir.

Q. You had three caps—all the caps afterwards that you had before?—A. Yes, sir.

Q. You had given one cap away to whom?—A. To Sergeant Turner, the first sergeant.

Q. Where was he?—A. He was at Fort Sill.

Q. He was not at Fort Brown at the time of this firing?—A. No, sir.

Q. Do you know what he did with the cap that you gave him?—A. No, sir; I don't know what he did with that.

Q. You gave him that at Fort Niobrara?—A. Yes, sir.

Q. Do you know whether he had it at Brownsville?—A. No, sir; I do not know.

Q. You do not know whether he did it or not?—A. No, sir.

Q. At any rate, you had only three caps, and they were all there afterwards, as they were before?—A. Yes, sir.

Q. Hanging in the storeroom?—A. Yes, sir.

Q. Was that locked or not?—A. No, sir; they were not hanging in the storeroom, but in the orderly room.

Q. The orderly room, I should have said.—A. The room where I slept.

Q. The room where you slept?—A. Yes, sir.

Q. Was that locked when you were out of it?—A. No, sir; it was never locked.

Q. Anybody could go in and out?—A. Do you mean where we slept?

Q. Yes.—A. Yes, sir; anybody could go in and out.

Q. Your name was in all your caps?—A. Yes, sir.

Q. And you never saw this cap they said they had found?—A. No, sir.

Q. What was it Captain McDonald said to you?—A. He said did I know anything about this shooting and who did it. I told him no.

Q. You told him no?—A. Yes, sir. He asked me where I was, and I told him, to the best of my judgment, and he said, "If you knew anybody that did this firing, would you tell on them?" and I said, "Yes, sir; I would tell on them."

Q. What did he say to you about the caps?—A. He didn't say anything about the caps.

By the CHAIRMAN:

Q. Just a moment about those caps. You said that the caps were in the orderly room.

A. Yes, sir.

Q. And that anybody could get in there?—A. Yes, sir.

Q. It was unlocked all the time?—A. Yes, sir.

Q. What do you mean by "anybody;" do you mean that anybody in town could go up there and go in and out?—A. No, sir; anybody in the companies.

Q. You mean other members of the company?—A. Yes, sir; it wasn't a place that was barred, so anybody could go in there.

By Senator WARNER:

Q. I wish you would state, as near as you can, what it was that Captain McDouald said to you about the caps.—A. He asked me how many caps I had.

Q. Yes.—A. I told him that I had three.

Q. Yes.—A. He asked me how many I had drawn since I was in the Twenty-fifth Infantry. I told him two.

Q. Yes.—A. I brought one from the cavalry. Then he asked me if I ever gave any away to anybody, and I told him that I gave one to the first sergeant. I had two of the last issue and one of the old regulation. And he said, "Do you know anything about the shooting, and where were you," and I explained to him where I was at, and he said, "If you knew anybody that did the shooting would you tell on them?"

Q. But I am asking you just about the caps. Is that all he said to you about the cap or about caps?—A. Yes, sir; that is all that I can remember.

Q. And from that conversation alone you inferred that they had found a cap downtown with your initials in it?—A. I thought they had found a cap downtown that had my initials in it.

Q. Yes—just from that conversation?—A. I didn't think so then, until after I was put in confinement. I didn't think they had. I didn't think anything about the cap until I was put in confinement and then I thought it was what they put me in confinement for. They must have found a cap with my initials in it.

Q. After you were put in confinement?—A. Yes, sir.

Q. You thought that it must have been a cap with your initials in it?—A. Yes, sir.

Q. Your cap had your initials in it?—A. Yes, sir; all my caps had my initials in them.

Q. And you took three caps with you to Fort Brown?—A. Yes, sir.

Q. Who was the sergeant to whom you gave one?—A. Sergt. William Turner, first sergeant of Company C.

Q. He went with you to Brownsville?—A. Yes, sir; he went with me.

Q. What he did with that cap you do not know?—A. No, sir; I don't know.

Q. What was it occurred to you that caused your arrest?—A. A cap.

Q. A cap?—A. Yes, sir.

Q. It occurred to you that possibly they had found a cap with your initials in it?—A. Yes, sir.

Q. And you have given all the conversation that was had with you in reference to your caps, have you not?—A. Yes, sir.

Q. You had given no cap away at Brownsville?—A. No, sir; I didn't give no cap away at Brownsville.

Q. After this conversation with Captain McDonald, and these questions, you went back to your quarters?—A. Yes, sir.

Q. Did you see if your caps were there?—A. Yes, sir; I carried them back with me.

Q. You carried them back with you?—A. Yes, sir.

Q. You took your caps, then, when you went up to Captain McDonald?—A. Yes, sir.

Q. So that all your caps were there?—A. Yes, sir.

Q. How could it have occurred to you as possible, then, that they found a cap with your initials in it, if you had all of your caps?—A. Because they wouldn't walk up and confine me because I was suspicious looking, or something; I couldn't see nothing else.

Q. You carried all your caps and exhibited them to Captain McDonald?—A. Yes, sir; I had all my caps.

By Senator OVERMAN:

Q. Why did you carry your caps up to Captain McDonald?—A. I was ordered by Captain Macklin to carry all my caps up to Captain McDonald.

By Senator WARNER:

Q. But why should you have thought, if you had all your caps there, that they had found a cap with your initials in it?—A. Because I was arrested.

Q. You can give no other reason?—A. No other reason.

Q. You say there was a poor chance to get surplus ammunition?—A. Yes, sir; a very poor chance to get surplus ammunition.

Q. Did you, when you got to Fort Brown, see any surplus ammunition lying around there?—A. No, sir; I didn't see any.

Q. Any cartridges around there that had been—A. No, sir; I don't remember seeing any.

Q. Lying around any of the quarters?—A. No, sir.

Q. You relieved the Twenty-sixth Infantry, did you?—A. Yes, sir.

Q. There was a detachment of them when you got there?—A. Yes, sir.

Q. What ammunition was it you took when you went to Brownsville?—A. Twenty rounds of ball ammunition.

Q. That was the steel jacketed?—A. The steel jacket.

Q. You had that in the web belt, had you not?—A. Yes, sir; in the McKeever box.

Q. You knew of some trouble between members of your company and citizens at Brownsville, did you not?—A. No, sir; I don't know anything about it.

Q. You knew of a man being knocked down?—A. Oh, yes, sir; I heard of that.

Q. Newton?—A. Newton.

Q. You heard of Reed?—A. Yes, sir; I heard of that.

Q. Did you know of any other trouble?—A. No, sir; no other trouble that I can think of.

Q. You knew the night of the 13th—the evening of the 13th—that the men had all been ordered to be in quarters at 8 o'clock?—A. I knew that.

Q. That was an unusual order?—A. Yes, sir.

Q. And up to that time you could be out until 11 o'clock?—A. Until the check roll was called.

Q. Yes.—A. Yes, sir.

Q. You knew the cause of that unusual order, did you not?—A. Yes, sir; I think I know the cause of it.

Q. What was the cause of it, as you understand it?—A. I understood that some man attempted rape the day before.

Q. Attempted what?—A. Attempted rape on some lady, and it came out the next morning that some negro soldier had attempted rape on some white lady in town, so that Major Penrose ordered all the post in there the next morning. He sent a detail around and caught every man he could find in our company, except two.

Q. That is, it came out in the papers on the morning of the 13th?—A. Yes, sir; on the morning of the 13th.

Q. That this had occurred on the evening of the 12th?—A. Yes, sir; I think so.

Q. And therefore it was thought best that the men should all be in camp. You understood that, as company clerk?—A. Yes, sir; that is what I thought about it, sir.

Q. Did the men talk of it?—A. Well, yes, sir; naturally they talked.

Q. Was it accused that a soldier had committed this assault?—A. Yes, sir.

Q. A member of one of your companies?—A. No, sir; not a member of my company.

Q. It was said that it was a colored soldier?—A. Yes, sir; a negro soldier.

Q. Did you try to find out who it was?—A. No, sir.

Q. Or make any talk about it?—A. I talked about it, but I didn't try to find out, because I didn't think I could find out.

Q. Did you try to find out who did the shooting at Brownsville?—A. Yes, sir.

Q. What made you try to find out who did the shooting if you didn't try to find out who committed this other offense?—A. Because I was in confinement, being punished for nothing; that is the reason I tried to find out.

Q. It was after you were put in confinement that you tried to find out?—A. Yes, sir.

Q. How many days after the shooting at Brownsville was it that you were put in confinement?—A. I was put in on the 23d.

Q. On the 23d?—A. Yes, sir.

Q. And the shooting was the 13th, so that it was about ten days?—A. Yes, sir.

Q. In those ten days did you try to find out who did the shooting?—A. Yes, sir; I asked about it and tried to find out.

Q. That is what I want to know.—A. Yes, sir; I tried to find out.

Q. What did you do?—A. I asked several fellows did they know who did the shooting—who did they think did it. They seemed to think that somebody else did it; that some of the Mexicans did it, or something, so that I had to give up on that. But after they put me in confinement I tried to find out good.

Q. You tried to find out good then?—A. Yes, sir.

Q. What did you do then?—A. I asked all the fellows if they just know anything, anything at all for a crew, so that we could all be certain in our companies, did anybody know anything. I asked several men that. I asked Brawner did he know anything about it.

Q. Who was that?—A. Sergeant Brawner.

Q. He was the officer in charge of quarters the night of the 13th?—A. Yes, sir; the noncommissioned officer in charge of quarters.

Q. Yes.—A. I asked all the fellows up in confinement did they know anybody that did it, or did they know anything that they

could do to find out who did it. I didn't want to be laid up in the guardhouse there for nothing.

Q. You talked about it, then?—A. Yes, sir.

Q. Did you make any other attempt then?—A. I couldn't make any other attempt then, because we were taken to Fort Sum Houston then.

Q. You told all you did?—A. Yes, sir.

Q. And you told all that you knew about this matter?—A. Yes, sir.

Q. And you told, so far as you remember, all that occurred at the mess table on the morning of the 14th at breakfast?—A. Yes, sir.

Q. With reference to the shooting?—A. Yes, sir.

By Senator OVERMAN:

Q. You had your McKeever box in your room, as I understand?—A. Yes, sir.

Q. And you did not have it out that night?—A. No, sir.

Q. How many rounds of ammunition did you have then?—A. Twenty rounds.

Q. Did you have your web belt in there, too?—A. Yes, sir.

Q. What was in the web belt?—A. Nothing.

Q. Nothing in your web belt?—A. No, sir.

Q. The next morning you took out your McKeever box or web belt?—A. The box. I had on the McKeever box that night when I was on guard.

Q. And your ammunition that was in your pockets—what did you do with that?—A. Put it in my belt.

Q. In your belt?—A. Yes, sir.

Q. And left it in your room?—A. No, sir; I put it on when I went out that night.

Q. I thought you wore the McKeever box when you went out?—A. No, sir; you mean this box. I put on the McKeever belt, one of these belts that has flaps or pockets. I disremember what it is, now.

Q. Do you know what the McKeever box is?—A. Yes, sir; it is a leather box.

Q. Did you have this ammunition in that box?—A. No, sir; I had the reduced-range ammunition in it, and never taken it out.

Q. The next morning you took out the other belt?—A. The next morning I took out the belt with the flaps on the pockets.

Senator FORAKER. That is the suspender belt.

By Senator OVERMAN:

Q. Did you have any ammunition in that, too?—A. No, sir.

Q. The next morning when you were inspected, where was the ammunition?—A. In this belt.

Q. In the suspender belt?—A. Yes, sir.

Q. You had taken the ammunition out of your pockets, then, and put it in the suspender belt?—A. Yes, sir; when I went out on guard.

Q. How many rounds did you have in there?—A. Fifteen rounds.

Q. When you were inspected, part of your ammunition was gone—that is, you did not have as much as others?—A. Some of the others had more than I had. I didn't count theirs, but I am satisfied that they had more than I had.

Q. Did they count your ammunition on that inspection?—A. Yes,

sir; Captain Macklin inspected. I don't know whether he counted or not, but he inspected it next morning.

Q. He inspected it?—A. Yes, sir.

Q. Did he ask you why you only had ten rounds?—A. No, sir.

Q. He didn't ask you what you did with the other?—A. No, sir.

At 12.20 o'clock p. m. the committee took a recess until 2.30 o'clock p. m.

AFTERNOON SESSION.

The committee met, pursuant to the taking of recess, at 2.30 o'clock p. m., Senator Scott in the chair.

Present: Senators Scott, Foraker, Bulkeley, Warner, Blackburn, Taliaferro, and Overman.

TESTIMONY OF HOYTT ROBINSON (COLORED).

(Sworn by the chairman.)

By Senator FORAKER:

Q. How old are you?—A. I will be 27 years old the 30th day of October, 1907.

Q. Did you belong to the Twenty-fifth United States Infantry while it was stationed at Brownsville, Tex., in August last?—A. Yes, sir.

Q. Were you with it the night of the firing in Brownsville, about which this investigation is being held?—A. Yes, sir.

Q. What company did you belong to?—A. Company D, Twenty-fifth Infantry.

Q. In what capacity were you serving?—A. Musician of the corps.

Q. You were the musician?—A. Yes, sir.

Q. Were you a musician of Company D?—A. Yes, sir.

Q. And that night you were on duty with the guard, were you?—A. Yes, sir.

Q. As a musician?—A. Yes, sir.

Q. What kind of an instrument did you use as a musician?—A. I used the army trumpet.

Senator FORAKER. At this point I will put in the testimony the official record of this witness as given by the War Department at page 267 of Senate Document 155.

The record referred to is as follows:

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 20, 1906.

By Senator FORAKER:

Q. Now, Sergeant, you will please tell us where you were when this firing commenced, and whether you were asleep or awake; and then, as near as you can recall it, all that happened thereafter. Just go right along in your own way.—A. I were in the guardhouse. I slept in the entrance there, something like an arch.

Q. Before you go into that, let me ask you, did you have a gun?—A. No, sir.

Q. Was there one issued to you?—A. Yes, sir; there was one issued to me, but it was in the arm rack in Company D's quarters.

Q. You had no gun that night?—A. No, sir.

Q. Did you have any ammunition with you?—A. No, sir.

Q. You were not required to, serving as musician?—A. No, sir.

Q. Go ahead.—A. I was in the guardhouse.

Q. Let Senator Scott explain to you that map to the left there. (Senator Scott at this point explained the map to the witness.)

By Senator FORAKER:

Q. Go ahead now with your story. What time did you go to bed that night?—A. I went to bed after 11 o'clock.

Q. Why did you stay up until 11 o'clock?—A. The last call I had to sound in the Army was 11 o'clock.

Q. What call was that?—A. Taps.

Q. That was your business, to sound taps that night for the garrison, was it?—A. Yes, sir.

Q. When you sounded taps at the guardhouse did anybody else sound taps in any other place in the garrison?—A. No, sir.

Q. Everybody obeyed that sound?—A. Yes, sir.

Q. Then, after taps you went to bed?—A. Yes, sir.

Q. You were asleep?—A. Yes, sir.

Q. Then what happened?—A. After I went to bed and went to sleep the sergeant of the guard—there was a member of the guard came and put his hand on me and said, "Get up and sound the call to arms; there is somebody firing into the post." Then I got up and seen it was the sergeant of the guard, Sergeant Reed, of Company B, Twenty-fifth Infantry.

Q. Was he the sergeant in charge of the guard that night?—A. Yes, sir.

Q. And he awakened you?—A. Yes, sir.

Q. And told you to get up and sound the—A. Call to arms.

Q. Yes, the call to arms; did you do it or not?—A. Yes, sir; I did.

Q. And you sounded the call to arms?—A. Yes, sir.

Q. Did you see the guard there?—A. Yes, sir.

Q. Anybody besides Sergeant Reed?—A. Yes, sir.

Q. Tell us whom you saw, as nearly as you can.—A. I saw No. 1, Private Benjamin F. Johnson, private of Company B.

Q. He was No. 1. You mean sentry on No. 1 post?—A. Yes, sir. Then I saw Sergeant Reed forming the guard, and a corporal of Company D of the Twenty-fifth Infantry—Corporal Wheeler, of Company D.

Q. At what time did you see them?—A. It was 12 o'clock; I looked at the clock.

Q. I mean, was it immediately after you got awake and sounded the call to arms?—A. No, sir; it was just before I sounded the call to arms I went into the guardhouse. I had to go to see what time it was.

Q. Did you go to see what time it was before you sounded the call to arms?—A. Yes, sir.

Q. Where did you have to go to see what time it was?—A. I had to go four or five steps into the guardhouse.

Q. Why did you do that?—A. I wanted to see what time it was.

Q. You were ordered to sound the call. What difference did it make to you what time it was?—A. I was always asked what time I

sounded the calls, or whatever duty I was on; I always had to know what time I had to start, and so I thought I would know.

Q. What time was it?—A. Twelve o'clock.

Q. It was 12 o'clock?—A. Yes, sir.

Q. You sounded the call to arms. Now, you saw Corporal Wheeler and Sergeant Franklin and Sergeant Reed; did you see any other men there?—A. Yes, sir.

Q. How many men did you see there?—A. I don't know just the number I saw, but there was quite a number in line.

Q. Can you tell us how many men ought to have been there?—A. Seventeen.

Q. Seventeen was the whole guard, was it not?—A. Seventeen was the whole guard, but just how many there should have been at the guardhouse I don't know.

Q. There ought to have been two reliefs at the guardhouse, I suppose, should there not? You were divided into three reliefs, weren't you?—A. Yes, sir; divided into three reliefs.

Q. A man would be on two hours and off four?—A. Yes, sir.

Q. Can you or not tell us how many men turned out when the sergeant formed the guard?—A. No, sir; I don't know just how many, because I went right on to sound the call to arms, and went out into the parade ground.

Q. Where did you sound the call—where were you standing?—A. Right opposite the flagstaff, at Fort Brown.

Q. Opposite the flagstaff, in front of the guardhouse?—A. Yes, sir.

Q. How far from the guardhouse was that?—A. About 100 yards.

Q. When you sounded the call to arms, then what happened--100 yards, you say, from the guardhouse?—A. Yes, sir.

Q. Or 100 feet; what do you mean?—A. About 100 feet, instead of 100 yards.

Q. That is, you think it was?—A. Yes, sir.

Q. You never measured it?—A. Yes, sir.

Q. You went out toward that to sound it?—A. Yes, sir.

Q. When you sounded the call to arms, what happened further, if you can tell us?—A. After I sounded the call to arms the other musicians of the companies took up the same call.

Q. Yes.—A. And the call was repeated by them until all the men got out, I suppose. I wasn't near the barracks that night.

Q. Did you go down to the barracks that night at all?—A. No, sir.

Q. Did you hear the other trumpeters sound the call to arms after you had sounded it?—A. Yes, sir; I did.

Q. Now, you had no gun. You did not turn out with anybody that night at all, did you?—A. No, sir.

Q. Do you know who did this firing?—A. No, sir; I do not.

Q. Yes?—A. No, sir; I don't.

Q. Do you know whether any of the guard were absent from the guardhouse who should have been there?—A. No, sir; I don't know.

Q. Was the firing still going on when you sounded the call to arms?—A. Yes, sir; it was.

Q. How long after that did it continue? Do you know?—A. It appeared to me about fifteen minutes after I stopped sounding the call.

Q. Did you remain at the guardhouse that night?—A. Yes, sir.

Q. Did you see anybody returning to the guardhouse after this firing was over, as though coming from downtown to join the guard;

did you see anybody coming in as though they had been engaged in the firing and were returning?—A. No, sir.

Q. Did you have anything to do with the firing?—A. No, sir.

Q. You do not know who did it?—A. No, sir.

Q. You belonged to D Company?—A. Yes, sir.

Q. You don't know of anybody in that company who did it?—A. No, sir.

Q. Do you know of anybody in either of the other companies?—A. No, sir.

Q. Have you any knowledge that leads you to suspect anybody in either of the companies of being guilty of having helped to do that firing?—A. No, sir.

Q. Have you withheld any information from anybody about the matter?—A. No, sir.

Q. You have been willing to tell the whole story, so far as you know it, at all times?—A. Yes, sir.

Q. Were you arrested before the battalion left Brownsville; were you one of the 12 men arrested?—A. No, sir.

Q. You were not taken to Fort Sam Houston?—A. No, sir.

Q. Do you know anything else about this matter than what you have just told us?—A. No, sir.

By Senator SCOTT:

Q. Where were you born?—A. I was born at Mount Sterling, Ky.

Q. Where did you enlist?—A. At first at Lexington, Ky.

Q. How many years have you been in the service?—A. Five years nine months and some days; I don't know exactly.

Q. When you were sounding the alarm, the call to arms, in what direction from the guardhouse did the firing seem to be from you?—A. It seemed to be over about the gate there, the entrance to the post, as near as I can say; it was in that direction.

Q. Did you see any flashes of the guns?—A. No, sir; I could not see any.

By Senator WARNER:

Q. Mr. Robinson, you say you have been something over five years in the service?—A. Yes, sir.

Q. As a musician all that time?—A. Yes, sir.

Q. And it is your duty upon the proper occasion to sound the call to arms when you receive the order?—A. Yes, sir.

Q. You understand that when the call to arms is to be sounded it means that there is danger, does it not?—A. Yes, sir.

Q. And the purpose of the call to arms is to get the garrison in a position to defend itself?—A. Yes, sir.

Q. You were asleep and were awakened by Sergeant Reed?—A. Yes, sir.

Q. Of what company?—A. Company B.

Q. Were you undressed?—A. No, sir.

Q. You got up? Where was your instrument?—A. It was lying on my bed.

Q. You got the instrument?—A. Yes, sir.

Q. And then you walked into the guardhouse to see what time it was?—A. I ran into the guardhouse to see what time it was.

Q. Before sounding the call to arms?—A. Yes, sir.

Q. You were outside of the guardhouse?—A. Yes, sir.

Q. Now, when you say you ran into the guardhouse, possibly you may be mistaken?—A. I don't know.

Q. You were in the guardhouse when you were awakened, weren't you?—A. I were in the entrance to the guardhouse.

Q. In the entrance?—A. Yes, sir.

Q. Before this?—A. Yes, sir.

Q. Then you ran into the room in the guardhouse that had the clock?—A. Yes, sir.

Q. Had you ever before in your experience sounded the call to arms?—A. Yes, sir; I have sounded the call to arms when I were in the Philippine Islands, but it was only for instruction.

Q. Instruction?—A. Yes, sir; as a drill.

Q. Was your instruction just as soon as the command came for the call to arms to do it just as speedily as possible?—A. Yes, sir; but we were out on the drill ground.

Q. I know; but I am getting your instructions that you received in case of your being attacked in any place. The call to arms—that was to be given as soon as you could give it, wasn't it?—A. Yes, sir. Well, that fire call I was taught here at Fort Assiniboine, in case of fire or anything distressing to the post, to try to see what time it was, and it is the trumpeter of the guard's duty to see what time it is in case of anything about the post.

Q. In case of fire?—A. In case of fire or any kind of distress.

Q. What do you mean by "distress"?—A. I mean anything like that down at Brownsville.

Q. Do you mean by "distress" when the garrison was being attacked?—A. Yes, sir; being attacked.

Q. That the first thing you had to do was to find out the time before you sounded the call to arms?—A. Yes, sir; I thought it was my first duty. That is why I did it.

Q. Then you came out in front of the guardhouse—and where was it you sounded the call to arms?—A. Opposite the flagstaff.

Q. The flagstaff is how far from the guardhouse?—A. I guess about 100 feet. I don't know just exactly.

Q. One hundred feet or 100 yards?—A. I know it wasn't 100 yards. I don't think it was 100 yards. I don't know just exactly how far it was. It was a little ways out in front of the guardhouse.

Q. But at least 100 feet?—A. Yes, sir.

Q. Will you explain to the committee why it was you thought it necessary to walk out 100 feet before you sounded the call to arms?—A. I wanted to go out into the parade ground near opposite the officers' quarters and the soldiers' barracks, so that they could hear the call plainer.

Q. You thought that the 100 feet would make the call plainer?—A. Yes, sir; by being opposite the barracks and officers' quarters.

Q. This is marked "37" here; this dark square is marked as the guardhouse. You recognize that place, do you?—A. Yes, sir.

Q. Now, how far was it from the guardhouse down to a point opposite the barracks of Company C?—A. The barracks of Company

Q. This is the barracks, you understand, don't you?—A. Yes, sir. I don't know just how far it is from the guardhouse to the barracks of Company C.

Q. Here are these two black lines here running north and south at

what seems to be the east end of the parade ground. Do you know whether that is a road, or a sidewalk, or what that is in there?—A. It is between the parade ground and the guardhouse.

Q. It is a sidewalk?—A. A sidewalk.

Q. Yes.

Senator FORAKER. A board walk, is it?

By Senator WARNER:

Q. Is it a board walk?

The WITNESS. I don't know whether it is or not.

Q. I don't know that it makes any difference. How near that sidewalk did you get when you made the call to arms?—A. I were near that sidewalk. I don't know, I couldn't say just how close I were to it. It was very dark.

Q. And you didn't cross the board walk?—A. I don't think I did.

Q. Where was the flagstaff?—A. Right in front of the guardhouse.

Q. How far from it?—A. I don't know, sir, just how far.

Q. That is, when you say "in front of the guardhouse," you mean down toward—here is the Rio Grande River.—A. Yes, sir.

Q. Do you mean that?—A. Right straight in front of the guardhouse; I don't know that it was very far in front. Just a little ways.

Q. And your purpose in waiting until you got down there was so that the men and the officers would hear better?—A. Yes, sir.

Q. How many other calls to arms were there?—A. There was quite a number, and it appeared to me that all the trumpeters in the barracks taken it up.

Q. How many other trumpeters were there in the barracks?—A. There were five.

Q. All of them took this up?—A. It appeared to me that they all taken it up. I don't know; I weren't at the barracks.

Q. Now, the guardhouse of which you speak—that was the headquarters of the guard?—A. Yes, sir.

Q. And all the men who weren't on duty as sentinels or out to relieve sentinels are supposed to be at the guardhouse?—A. Are supposed to be at the guardhouse; yes sir.

Q. And you don't know how many there were at the guardhouse?—A. No, sir.

Q. You have named how many, that you saw there?—A. I named Sergeant Reid, Private Benjamin F. Johnson, Corporal Franklin, and Corporal Wheeler.

Q. You can not name any others?—A. Private Samuel Battle.

Q. Can you name any others?—A. That is all.

Q. Was that after you had sounded the call to arms, or after you returned from the flagstaff, that you saw those parties?—A. I saw some of them while I was going out to sound the call; and the rest I saw when I came back.

Q. Which did you see when you were going out to sound the call to arms?—A. Private Johnson and Sergeant Reid.

Q. Did you see any others at that time?—A. I never paid any attention to the rest of them.

Q. You don't remember, now, of seeing any of the others?—A. No, sir.

Q. And it was Sergeant Reid that awoke you?—A. Yes, sir.

Q. And then the shooting was going on?—A. Yes, sir.

Q. In what direction was that shooting?—A. It appeared to me to be over about the entrance of Fort Brown, where the road came into the post.

Q. Have you stated—my remembrance may be wrong—back of the quarters of which company did that firing seem to be?—A. As near as I can say, it was over there at the road where it came into the post. I don't know just—

By Senator SCOTT:

Q. Do you mean this road; this is the gate where it goes in?—A. Yes, sir.

Q. There is the telegraph office; was it in that direction?—A. It appeared to me to be there, or about in that direction.

By Senator WARNER:

Q. Down in that direction?—A. Yes, sir.

Q. What was the nature of the firing? Was it quite a number of shots?—A. Yes, sir; it appeared to be a number of shots.

Q. How many shots did you hear?—A. I don't know, sir.

Q. One hundred?—A. I don't know, sir; I haven't the least idea.

Q. Fifty?—A. I don't know how many shots was fired. It was quite a number, is all I can say.

Q. All the men who were on as sentinels around the fort, did they go in?—A. I don't know, sir, whether they did or not.

Q. You knew where the sentinels were posted?—A. I knew where some of them were posted, but not all. I never had anything to do with walking post, and I never paid any attention to it.

Q. There was a sentinel at the barracks, wasn't there?—A. Yes, sir; there was one posted at the barracks—No. 2.

Q. No. 2 was at the barracks?—A. He was posted there; yes, sir.

Q. And No. 1 was where?—A. In front of the guardhouse.

Q. In front of the guardhouse?—A. Yes, sir.

Q. Where was No. 3?—A. I don't know. I don't know where the posts are.

Q. Did they have three posts?—A. I don't know whether they did or not. I don't know how many posts there were in Brownsville. All I know is No. 1 and No. 2.

Q. That one at the guardhouse and the one at the barracks?—A. The one at the barracks; yes, sir.

Q. And the sentinel at No. 1 was to guard the barracks, wasn't he?—A. How is that?

Q. To watch the barracks?—A. I suppose that is why he was up there; I don't know.

Q. Have you ever been on duty yourself, or have you been a musician always?—A. I was on duty in the Philippine Islands, but not since I came back in the United States.

Q. Do you know of anybody claiming that he had been abused and insulted there—any of your comrades at Brownsville?—A. I heard of two men being abused down there, but those men didn't tell me that they had been abused. I just heard some of the soldiers talking about it.

Q. What were their names?—A. They said Private Reed, of Company C, and Private Lipscomb, of Company C.

Q. Any others?—A. Not as I knows of.

Q. Private "Ash," it says here. Did he tell you that he had been insulted and abused?—A. No, sir; he didn't tell me anything about it.

Q. You are quite clear about that?—A. Yes, sir.

Q. When were you relieved?—A. I were relieved—

Q. From your duty?—A. I were relieved on the 14th.

Q. What time?—A. Some time in the afternoon. I don't know just what time it was.

Q. This firing, when you heard it, you thought the fort was being attacked, did you?—A. Yes, sir.

Q. How many men did you judge were in the firing party?—A. I don't know, sir. I have no idea.

Q. You were there with Sergeant Reid?—A. Yes, sir.

Q. One of the other parties that you have mentioned, finally.—
A. Yes, sir.

Q. What conversation did you have as to whether the fort was being attacked or not?—A. I asked Sergeant Reid what did that firing mean, and he said that he didn't know. He says, "I guess the citizens of Brownsville is coming in to run us away."

Q. What else?—A. That is all that I said.

Q. Had you heard anything before as to any reasons why the citizens of Brownsville would come in to run you away?—A. No, sir.

Q. Was any reason given there at that time?—A. No, sir; none that I knows of.

Q. Did you ever talk of this matter afterwards, about the shooting up of the town, who it was that did it?—A. I asked around in the quarters of Company D, the boys that sat around the quarters, who they thought did that firing, and they all seemed to think the citizens did it. I think the same thing.

Q. What makes you think so?—A. I don't think that the soldiers would have did anything like that, because I believe they had better training than to do anything like that.

Q. You heard within a day or two after the firing that ammunition had been found which was alleged to be such as was used in your Springfield rifles, did you not?—A. I saw that in that Brownsville paper that they print down there. I never heard anyone speak about it.

Q. Did you ever hear any of the men talk about that, where that ammunition came from?—A. After they saw the paper, they seemed to think that they had picked up the ammunition, and something they called bandoliers, something they keep the ammunition in, off of the dump, where they had been throwing away the trash from the garrison.

Q. That is what the men talked to you about?—A. Yes, sir.

Q. Who said to you that they got ammunition in this way?—A. I don't remember who the men were. They would all bunch up and talk in conversation that way. I don't remember one of their names.

Q. Which noncommissioned officer did you talk to about that?—A. I didn't talk to any of the noncommissioned officers.

Q. How would these bandoliers get out on the dump to be thrown away?—A. I don't know, sir.

Q. A bandolier contains how many cartridges?—A. I don't know, sir, how many cartridges, exactly.

Q. But that is the way they accounted for the ammunition that they used, talking among themselves?—A. I don't understand.

Q. That is the way they account for the ammunition?—A. Yes, sir.

Q. Now, as to this firing, in what direction was that firing? Could you see the flash of the guns?—A. No, sir.

Q. You could not tell in what direction the firing was being done?—A. No, sir; but it seemed to be over at the entrance of the barracks, that road that came in from town.

Q. Didn't you hear any shots up in the direction of the guard-house, coming from the guardhouse in the direction of the hospital?—A. No, sir.

Q. You knew where the hospital was?—A. Yes, sir.

Q. You were up there and heard no shots at all in that direction?—A. No, sir.

Q. It had been talked of considerably in the barracks between the soldiers, had it not, the treatment that you had received at Brownsville, and how different it had been from that you had received at Niobrara?—A. No, sir; I never heard anything before this firing started down there. But afterwards I heard some of the boys say, "I guess they didn't want us down here because we are colored," and that was about all that I heard about it.

Q. But you had not heard it discussed before the firing at all?—A. No, sir.

Senator FORAKER. I have just found the affidavit that he gave, and there are some matters that I want to know about. At your convenience or when you get through I will read it. This is from page 224.

Senator WARNER. Put that in now, if you like.

Senator FORAKER. At page 224 of Senate Document 155 I find an affidavit made by Hoytt Robinson and subscribed and sworn to on the 24th day of November, 1906, before "E. J. Barbon," as it is printed here. I suppose that is the same notary, "E. T. Barbour," and this is simply a misprint. That will identify it. I will ask that this may be inserted at this place in the record.

The affidavit is as follows:

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, who 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, 1900, 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, 1900.

E. J. BARBON, *Notary Public*.

My commission expires July 20, 1903.

By Senator FORAKER:

Q. In this affidavit you state that at about 7 o'clock on the afternoon of the 13th the officer of the day, Captain Macklin, came to the guardhouse and sent two men, Corporal Wheeler, Company D, and Corporal Franklin, of Company B, out in town with instructions to bring in every man in town. Do you remember anything about that?—A. Yes, sir; I do.

Q. Tell us what occurred, as nearly as you can.—A. Captain Macklin was officer of the day and he came down and ordered that three patrols should be sent out in the city of Brownsville to bring in all the soldiers that were scattered out in town, and to inform the men that they would not be under arrest, but that they would remain in the garrison, by order of Major Penrose.

Q. At what hour?—A. At 8 o'clock. No man allowed out of the garrison after 8 o'clock.

Q. Do you know who went on that patrol?—A. I know Corporal Wheeler was sent out with a patrol.

Q. Do you know how many men he took with him?—A. Two men, and himself made three men.

Q. This affidavit states:

Captain Macklin, officer of the day, came to the 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, 1900; 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.

Is all that true?—A. Yes, sir.

Q. Reading further from the affidavit:

Private Ash further alleged to the deponent that upon his return he was repeatedly insulted and abused while in town.

Do you remember about that?—A. He did say——

Q. Let me finish:

Affiant further deposes and says that after he was relieved, at 2 o'clock a. m. August 14, 1900, he saw a number of citizens walking around the fort with guns and Winchesters; so far as affiant knows and believes there was no shooting done by the soldiers in post.

Is all that true?—A. Yes, sir.

Q. Where were the citizens with Winchesters and guns?—A. They were right down the street there at the Cowan Hotel; that, I believe, was where they lived.

Q. Where is the Cowan Hotel?—A. Mrs. Cowan's hotel.

Q. There was a house there called the Cowen House?—A. Yes, sir. There was a house there; everyone called it a hotel; I don't know whether it was a hotel or not. I never was in it.

Q. Where were you when you saw these men?—A. We were on the back porch at Brown's.

Q. When was this?—A. The next day.

Q. On the 14th?—A. Yes, sir; on the 14th.

Q. I guess we are not interested in that. That was down the alleyway, was it, or down Elizabeth street?—A. Yes, sir; down Elizabeth street.

Q. There is the Leahy Hotel and there is the Cowen House there. Which do you mean? The Leahy Hotel fronts on Elizabeth street.—

A. It was down by the Cowen House.

Q. That is on the corner of the alley?—A. Yes, sir.

Q. You saw a number of men there?—A. Yes, sir; with guns that looked like rifles, and revolvers.

Q. Did you see anybody outside of the fort with guns and revolvers, that might have been citizens, that night of the firing?—A. No, sir.

Q. What you refer to here is what you saw the next day?—A. What I saw on the 14th of August.

Q. What did Private Ash tell you about having been insulted when he went down in town, "repeatedly insulted and abused"?—A. He said some of the men called him out of his name, in a very low, degraded way. That is what he said.

Q. Called him names?—A. Yes, sir; called him very low names.

Senator FORAKER. That is all; cross-examine the witness.

By Senator WARNER:

Q. In my questions before, when I asked you if you had heard this party say anything or make any complaint, did you not say that you had not?—A. In what way?

Q. If you had heard him complain of any mistreatment; did you not say that you had not.

Senator FORAKER. I don't think you asked the witness about Ash.

Senator WARNER. Yes, I did. I spelled it out for him.

Senator FORAKER. I beg your pardon. I thought that it was about these other men you asked him.

Senator WARNER. No.

Senator FORAKER. Go ahead.

By Senator WARNER:

Q. You know what "a. m." means, do you not, speaking of the day?—A. Yes, sir.

Q. That means in the morning, does it not, before noon?—A. Yes, sir.

Q. This affidavit that was read was sworn to the 24th day of November, 1906.—A. Yes, sir.

Q. That was when the Constitution League was taking evidence there, was it not?—A. They were there. I don't know just what day they were there.

Q. That is the time you understood you gave this affidavit?—A. Yes, sir.

Q. In that affidavit it reads:

Affiant—

That is you—

further deposes and says that after he was relieved at 2 o'clock, August 14, 1906, he saw a number of citizens walking around the fort wall with guns and Winchesters.

Now, you say that was 2 o'clock in the afternoon of August 14th?—A. Yes, sir.

Q. The shooting was on the night of the 13th?—A. Yes, sir.

Q. Now, what was this "2 o'clock?" You were relieved from guard duty at 2 o'clock, as you have stated.—A. Two o'clock of the afternoon of the 14th?

Q. Let us fix the time. You were relieved from guard duty at 2 o'clock in the morning, were you not?—A. In the morning? No, sir; in the evening.

Q. You remained there all night?—A. All night. We mounted guard on the day of the 13th about 10 o'clock, as near as I can say, and we was relieved on the 14th about 2 o'clock. You mean in the afternoon—

Q. My remembrance of the evidence—I may be wrong about that—is that between 2 and 3 o'clock on the morning of the 14th of August Company C was put on guard duty. Did Company C relieve these posts then, or did Company C still remain on duty?—A. No, sir; we were not relieved until 2 o'clock. The main guard of the post didn't have anything to do with that extra guard that was put on.

Q. That was an extra guard?—A. Yes, sir.

Q. So that you remained there until 2 o'clock of the 14th?—A. Yes, sir.

By Senator FORAKER:

Q. So that this should be 2 o'clock p. m. instead of 2 o'clock a. m. of the 14th?—A. Yes, sir; it was in the evening.

Q. So that it was 2 o'clock in the afternoon of the 14th when you saw these men with guns?—A. Yes, sir.

By Senator WARNER:

Q. This private that went round to see about the men not going over to Matamoros came back and complained of the bad treatment that he had received?—A. Yes, sir; he came back and was telling it after we were relieved off of guard.

Q. And he said that they had called him what?—A. Very bad names, he said.

Q. Did he seem to be very much offended about it?—A. No, sir; he was just laughing and talked about it.

Q. Just laughed and talked?—A. Yes, sir.

Q. Whom was he telling this to?—A. He was just telling this in quarters and I went in quarters and heard him say this. He wasn't talking to me.

Q. Did he speak to anybody specially?—A. I don't know whether he did or not.

Q. Was any statement made there by the men as to men who treated you that way, how they should be treated, or were they just laughing at it?—A. Well, sir, I didn't pay any attention to it; I don't know how they taken it. It didn't bother me at all.

TESTIMONY OF WILLIAM C. NOLAN.

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. Give your name in full.—A. William C. Nolan.

Q. Are you in the service of the United States in some capacity?—

A. Yes, sir.

Q. What is it?—A. I am a private, first class, in the Hospital Corps.

Q. Private of the first class in the Hospital Corps?—A. Yes, sir.

Q. How long have you been in the service?—A. Six years the 17th of next month.

Q. Were you stationed at Brownsville in August, 1906—last August?—A. Yes, sir.

Q. Where were you; in what particular place in Brownsville were you stationed? Were you at the hospital?—A. At the hospital; yes, sir.

Q. On the reservation?—A. Yes, sir.

Q. At Fort Brown?—A. Yes, sir; at Fort Brown.

Q. Who else was there with you?—A. In the hospital, sir?

Q. Yes.—A. You mean men connected with the service?

Q. Yes; as you were.—A. We had a hospital sergeant, first class.

Q. What is his name?—A. Sergeant Oltman.

Q. Yes; and who else?—A. One private, first class, Edward Sanborn. And then we had there three or four patients from the Twenty-fifth Infantry; I don't remember how many, but the hospital books will show how many.

Q. It was three or four?—A. Yes, sir.

Q. So that there were three of you—Oltmans, Sanborn, and yourself—who were in charge of the hospital?—A. Yes, sir.

Q. And you had at least three patients, and possibly four, of the Twenty-fifth Infantry?—A. Yes, sir.

(The map was here explained to the witness by Senator Scott.)

By Senator FORAKER:

Q. How long had you been stationed at Brownsville before the 13th of August?—A. I came there about two years before that, I guess, in January.

Q. You had been there about two years?—A. Yes, sir.

Q. You were not connected in any way with the Twenty-fifth Infantry, were you?—A. No, sir; only detached as a corps man.

Q. As what?—A. Detached as a corps man.

Q. That is, you had been there with the troops that preceded the Twenty-fifth Infantry?—A. Yes, sir.

Q. What troops did immediately precede the Twenty-fifth?—

A. You mean before the Twenty-fifth arrived there?

Q. Yes.—A. The Twenty-sixth Infantry.

Q. How long had they been there?—A. They were there when I came there.

Q. They were there when you came there, so that they had been there for perhaps two years.—A. Yes, sir.

Q. Getting back to where we were a moment ago, did you hear any firing on the night of the 13th, in Brownsville?—A. The night of the 13th of August?

Q. Yes, of 1900, last August.—A. Yes, sir.

Q. Commence and tell us all about it. Where were you when that firing commenced?—A. I was in what was known as the east ward—in charge of the east ward that night.

Q. In charge of the east ward of the hospital?—A. Yes, sir. Will you allow me to stand up here and point it out to you on the map?

Q. Yes; just take the gun rod and point to it. This is the hospital building right in front of you there.—A. I understand.

Q. Now, where were you?—A. This would be east, if I understand it [indicating].

Q. Yes; that would be east.—A. I was right in about here in the middle in the east ward.

Q. Is that a two-story building or a one-story building?—A. That is a two-story building on this middle part and down at the end.

Q. A two-story building at the end and in the middle?—A. Yes, sir.

Q. And the rest of it is one story.—A. Yes, sir.

Q. Were you in the two-story part of it?—A. No, sir; I was in the middle part of the east ward. The wards are on the first floor.

Q. You were in what ward?—A. The east ward.

Q. Were you awake or asleep?—A. I was awake.

Q. Tell us how you happened to be awake at that time of night.—

A. I was suffering a good deal with muscular rheumatism previous to that and I hadn't been able to get rest until late hours of the night, and the bunk I occupied was just about the center of the ward, and anybody that is bothered with that knows the pain, and I laid down there just to get ease, and I heard first just one shot.

Q. Where was that?—A. Just back of the hospital, to the best of my knowledge—back of the commissary's.

Q. Back of the commissary's?—A. Along back of the commissary's.

Q. What did you hear next?—A. At the first shot I didn't pay much attention to it, only one; but after a period of three to five minutes I heard two or three shots more, back, coming northeast of the commissary's. That would be out this way [indicating on map]. Then probably in five minutes I heard five shots, probably more, east, north of east. Then I called the attention of the young fellow that slept back in the ward, Sanborn, and I told him to get up, that there was something going wrong, and he got up and we sat on the bed. After we got up, then northwest a little farther we heard some more shots.

By Senator TALIAFERRO:

Q. North and east, you mean, do you not?—A. It came from the west—from the north and east to the east and north of west.

By Senator FORAKER:

Q. That last shot seemed to be from around there?—A. Yes, sir; traveling in this direction [indicating]. And now, according to my idea, it was around to the north of west, where there were seven or eight shots, probably.

Q. That was somewhat in rear of the guardhouse?—A. Yes, sir; that would be in rear of the guardhouse.

Q. Well, go right on.—A. Then I made the remark to him, I says, "I will go and call the sergeant." Here is the sergeant's house, I

guess. That is where he lived [indicating]. I came out through this ward, out this way, and went around by the kitchen and called him, but the sergeant was already up.

Q. You came out through the rear there?—A. Yes, sir; that is a porch there.

Q. There is a porch in the rear, is there?—A. Yes, sir; and you had to go around to the rear to get to his quarters.

Q. Yes.—A. I called the sergeant to get up, and that there was extraordinary shooting going on, and he answers me that he was already up.

Q. You say "extraordinary shooting;" was it an unusual or a common thing to hear shots around there in the night?—A. On several occasions we heard shots fired around on the borders of the reservation.

Q. I will get that later. You told the sergeant to get up?—A. Yes, sir; and he answered me that he was already up, and then he comes to the hospital and orders myself and Sanborn to light the lights in the ward and also in the operating room, so that in case anything should happen we would be prepared for any emergency. After that there was three of these colored men that was in the ward, as I said a while ago, three or four, I am not certain which. There was one of them sleeping back—now, let's see, back this way [indicating]. There was a kitchen in there and there was a room back to the rear [indicating].

Q. Back in the rear?—A. Yes, sir; of the kitchen. We used him as a convalescent patient, and used him to assist us on account of only having two of us there, and used him as a help in the cook house, and he was asleep in there. Then this fellow here, he didn't get up until after we went out on the front porch. That is, the front porch of the building facing west.

Q. The building has a front porch, has it?—A. Yes, sir.

Q. That you went out onto?—A. Yes, sir.

Q. Upstairs or downstairs?—A. Downstairs.

Q. You went out on the front porch?—A. Yes, sir.

Q. Then what happened?—A. We heard then this constant volley, sounding like towards the town; that is, this way.

Q. Now, there is the gate down there. That is in front of the garrison?—A. That is the gate coming into the garrison.

Q. State whether or not you heard any firing from that quarter at any time; and if so, when.—A. I couldn't say whether it was in front of the gate. The firing I heard sounded like it was in rear of these quarters here.

Q. That is, as though it had passed around the reservation?—A. That is, after the last shooting I heard—that is, seven or eight shots up there, and then general firing from the back of the quarters in the center. That was the time the general firing commenced.

Q. The general firing commenced?—A. Yes, sir.

Q. Did you hear any bullets at all?—A. No, sir.

Q. You did not hear any bullets?—A. No, sir.

Q. Could you see the flashes of the guns?—A. No, sir.

Q. Can you locate that firing more definitely than you have?—A. Well, to the best of my knowledge, in locating the firing it sounded to me like it came from this way, more up there, across from the guardhouse, like.

Q. That is, you understand me, the general firing?—A. Yes, sir; but the bullets when hitting—striking—sounded like they were hitting a board or something.

Q. Could you hear the bullets striking?—A. I couldn't hear the bullets striking, but from the report it sounded like it was something awful flat.

Q. Just the general sound of the firing?—A. Yes, sir.

Q. Where was that firing, out in the town or on the reservation?—A. It was off of the reservation.

Q. Near that red line, which is the stone wall?—A. Yes, sir; near the stone wall. To the best of my knowledge it was on the outside.

Q. It was on the outside?—A. Yes, sir.

Q. But you couldn't see the guns and you could only tell by how it sounded to you?—A. Yes, sir.

Q. You got ready to take care of wounded people, if any should be brought to you?—A. Yes, sir.

Q. Were any brought to you?—A. No, sir.

Q. Did you hear the call to arms sounded?—A. Yes, sir.

Q. When was that sounded?—A. That was sounded from two to three minutes, I think—in fact, I think it commenced about the time the latter part of the firing ceased.

Q. About the time—A. Not the first of the firing, but the latter part of the general fusillade, the call to arms commenced.

Q. You mean in the city?—A. Outside of the reservation.

Q. Then it commenced about the time that the latter part of the firing commenced?—A. Yes, sir; not in the first part of it, but the latter part of it, to the best of my remembrance.

Q. I suppose you were all somewhat excited, were you not?—A. No, sir; we were not excited. The most trouble we had was seeing that these men of the Twenty-fifth that we had in the hospital did not go out. They were inclined to go out.

Q. These privates?—A. Yes, sir.

Q. What did they want to do?—A. They wanted to go down and help their men out.

Q. What did you do?—A. I told them to stay where they were.

Q. What did they seem to think was happening?—A. The supposition was—they seemed to think there was a riot in the post there.

Q. Did anybody seem to think that the fort was being attacked?—A. I don't know. I thought, myself, the fort was attacked, from the way the sound came. It sounded as though the quarters were attacked.

Q. You say you had been there two years before that time, and during that time you heard, a number of times, firing in that vicinity at night?—A. Yes, sir; on several occasions we could hear firing in that part of the town, around in that element of the town. That part of the town was—well, it was a poor element of the town lived in there.

Q. Did you know who did this firing?—A. No, sir.

Q. You do not know who they were?—A. No, sir.

Q. Could you see anybody moving along that line of the reservation?—A. No, sir.

Q. To the east of the hospital?—A. No, sir.

Q. It was a dark night?—A. A dark night, sir.

Q. Were you near enough, there at the hospital, to see the road—to see anybody passing on the road?—A. There are two roads there, and

I could not have seen from either road. I don't know which the Senator wishes me to speak of. There is one road back of the reservation and another road comes right through the reservation, right to the hospital, here. This is the road in the reservation, but there is still another public road goes above there, and after it gets here it branches [indicating on map].

Q. Which is the main road there?—A. You mean outside of the reservation?

Q. Yes.—A. That road is not shown on this map.

Q. There is a road that is more the main road than this reservation road that is shown?—A. Yes, sir; this road here, if I understand, is inside of the walls?

Q. Yes; inside of the walls.—A. Yes, sir; inside of the walls.

Q. Who travels this road inside of the reservation?—A. The quartermaster's department, traveling to the stables.

Q. That is the reservation road?—A. Yes, sir.

Q. And the main road that the citizens travel is outside?—A. Yes, sir.

Q. How far away is that?—A. I testified once to the distance of that, but since thinking about it I think I testified too far. I testified that it was supposed to be from here across this way [indicating], I think I said 200 yards, but I don't think it is that far. It is 150 yards from the main part of the hospital going across there.

Q. There is the main road there?—A. Yes, sir.

Q. And that firing seemed to you as though it was on that main road there?—A. The firing seemed to me—you understand, now, I mean the general routine of the firing, and it came around here, and when it got down in here, where there is a little Mexican store in here, that is where the colored fellows opened their saloon, right at this corner like [indicating].

Q. A little bit farther to the left is where we have been locating it. The saloon was on the garrison road, farther along. Is not that up that way, by the brick wall [indicating]?—A. Yes, sir. There is another road corners right there.

Q. That is where that saloon was?—A. Yes, sir.

Q. And the shooting you heard was?—A. It was moving from that way around that way [indicating].

Q. Up toward the saloon and up toward that road that leads around to the gate?—A. Yes, sir.

Q. That is the general direction of it?—A. Yes, sir.

Q. You gave your testimony in this case once before, did you not?—A. Twice before, sir.

Q. To whom did you give your testimony the first time?—A. My first testimony was given in front of Major Blocksom, sir, and the second in front of the assistant United States attorney, Mr. Purdy.

Q. You gave your testimony to both these men?—A. Yes, sir.

Senator FORAKER. I will ask that both his statements be incorporated in this testimony as a part of the testimony he now gives.

By Senator FORAKER:

Q. Did you tell Major Blocksom all that you have told us here?—A. No, sir; I don't think I told Major Blocksom everything that was asked me by Major Purdy.

Q. I mean did you tell Major Blocksom everything that you have told to us?—A. Yes, sir; as far as we have gone.

Q. As far as we have gone down to this time?—A. Yes, sir.

Q. And if you told them anything that is not in the affidavits which they prepared for you, that is not your fault?—A. I have stated it just as near as my ability can give it, sir.

Q. When did you testify before Mr. Purdy?—A. At San Antonio, at Fort Sam Houston.

Q. At Fort Sam Houston. Was anybody present to cross-examine you, or did he examine you there?—A. I do not think there was anyone there except—there was no one cross-examined me. There was a phonographer there.

Q. A stenographer?—A. Some phonographer, I think, that took my testimony.

Q. Was anybody present except Mr. Purdy and the stenographer, that you remember?—A. Not in the room while he was talking to me.

Q. And he simply called you in and put you under oath, I suppose?—A. Yes, sir; to get my knowledge of this affair.

Q. And then he asked you a lot of questions, and you answered such questions as he asked you?—A. Yes, sir.

Q. Then you signed it?—A. Yes, sir.

Q. And it was sworn to?—A. Yes, sir.

Senator FORAKER. I will ask to have incorporated in the record at this point the testimony of W. C. Nolan, as taken by Mr. Purdy as found on pages 122 to 127, inclusive, of the second part of Senate Document 155, and I offer all that in evidence.

Cross-examine the witness.

The testimony of the witness as taken before Mr. Purdy is here inserted in the record as follows:

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, 1900?—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 Samborn), 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 six 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 five 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 Blockson, 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 Blockson.

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 horseback 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.

By Senator SCOTT:

Q. You have told everything you know in regard to this shooting, have you?—A. Sir?

Q. You have told everything you know when you have been questioned as to what you know about this shooting?—A. I have told everything that I know that has been asked me so far.

Q. Do you know whether any of the Twenty-fifth Regiment, or anybody else, of your own personal knowledge, did this shooting?—
A. No, sir; I do not.

Q. And you are not keeping from this committee any knowledge that might lead us to find out who did this shooting?—A. No, sir.

By Senator FORAKER:

Q. You have no interest in it, one way or another?—A. No interest in it.

Q. No relation to the regiment?—A. Now, understand, Senator, that I was asked some questions by Mr. Purdy that you have never asked me yet.

Q. What were they?—A. I was asked a question in regard to a man, two or three days previous to this shooting, that was hurt, a colored man that belonged to one of these companies—I couldn't state what his name was or what company he belonged to, but I would know him if I would see him. He came to the hospital about half past 11 at night with his face all cut up and a wound across his eye, and I was on duty that night, and he wanted his face dressed, and it is the duty of a hospital man to notice the condition of anyone that comes in, whether they show any signs of drink or violence, and ask questions how they got this. So when I took him in the dispensary I asked him how this occurred, and he stated to me that he was walking down Elizabeth street—that is the main street from the gate there—and there was some one ran out in the street and knocked him on the head with a six-shooter; and I asked him why he did that, why he was hit, and he said that he didn't know, and I said, "That is mighty funny, that you get knocked in the head and wouldn't know the reason for it," and he said that was why it was, and then he made a very improper remark, that I wouldn't like to repeat here in front of the ladies, and he said, "We will fix them yet."

Q. He was a colored soldier?—A. Yes, sir.

Q. Was that Newton?—A. Yes, sir; that was Newton.

Q. What day was that?—A. Two or three days before the shooting.

Q. Two or three days before the shooting?—A. Yes, sir.

Q. Had he been discharged from the hospital?—A. He was put on sick report and came next morning, but how long he stayed in the hospital I couldn't say. I don't think they carried him on the sick report more than one day.

By Senator BLACKBURN:

Q. Was he in the hospital with you on the night of the 13th?—A. No, sir; he wasn't there.

By Senator FORAKER:

Q. You say it was your duty to observe him—what condition he was in when he came in there. Was he intoxicated or not? Did you observe whether he was intoxicated?—A. No, sir. I was going to speak of that. He was not intoxicated.

Q. Now, you have told all this that you have now stated to Mr. Purdy?—A. Yes, sir.

Q. That is all in your statement made before him?—A. Yes, sir.

Q. So that it is all in evidence. Can you think of anything else that you stated? Did you see any horse or horses or hear of any horsemen passing down this street?—A. No, sir.

Q. You didn't hear or hear of any?—A. No, sir.

Q. What kind of shots were these; I mean shots from what kind of guns, or what kind of arms did those sound like to you?—A. Well, sir; as the Senator remarked just now, as to shots, through the excitement there, it is pretty hard to tell. The only shots I could really distinguish was the last five shots that was fired, and that was fired undoubtedly by a Colt pistol—a Colt revolver—five successive shots, after the whole thing was over. It seemed to take its time, "boom, boom, boom, boom, boom." That was the last shots that was fired.

Q. The last five shots that were fired. That was at what point?—A. I was just going to say that was up that way from the middle quarters, going toward the guardhouse, outside of the fence.

Q. That is, back of the guardhouse?—A. In between the middle of the guardhouse, but outside of the fence.

Q. Outside of the fence—outside of the reservation?—A. Yes, sir.

By Senator TALIAFERRO:

Q. Can you point out where you mean—where was it with reference to that saloon that the colored man started?—A. I will show the Senator on the map.

Senator BLACKBURN. Here are the company barracks, you understand.

The WITNESS. Here is where the saloon is placed—here. Here is the quarters, and here is the guardhouse, and, to my idea, the last five shots were fired somewhere in here [indicating].

By Senator FORAKER:

Q. Outside of the fence?—A. Yes, sir.

Q. And those were fired, as you think, from a Colt's revolver?—A. That is my idea.

Q. You are familiar with the reports of firearms?—A. Yes, sir;

that is, with all of our guns that we have had in use for several years.

Q. Then this firing moved off, down in the town?—A. Yes, sir; I say those were the last I heard. Those were the last of the firing I heard.

Q. Those were the last of the firing you heard?—A. Yes, sir; that night; all that I heard.

Q. If there was more firing downtown, you didn't hear it?—A. No, sir; that was after the general firing, you understand.

Q. After the whole of it?—A. Yes, sir; after this general fusillade, the wind-up.

Q. Where were these shots you heard?—A. That was back in here, back of these quarters.

By Senator WARNER:

Q. You say "back of these quarters." You mean back of barracks C?—A. Yes, sir; barracks C.

By Senator FORAKER:

Q. When you say "back" you mean in town?—A. Yes, sir; back of the quarters—west.

Q. You mean outside of the wall?—A. Yes, sir; outside of the wall.

By Senator WARNER:

Q. We have been calling east, Sergeant, up from the Rio Grande, and west towards the Rio Grande, and we have been calling north towards the town and south from the barracks to the parade ground.

Senator FORAKER. The points of the compass do not lie exactly that way.

Senator WARNER. But that is how we have been calling it, for convenience.

Senator FORAKER. That is, the town, as we have been considering it, is north from the barracks.

The WITNESS. North of the barracks?

Senator FORAKER. Yes. It is not due north, but northwest.

The WITNESS. We called that west of the barracks. Here is the Rio Grande River [indicating on map].

Senator WARNER. I was just telling you what we have been calling it.

By Senator FORAKER:

Q. You call it west, then. What you mean, then, is that the firing was in the town outside of the wall, whether it was west or north?—A. Yes, sir; but I couldn't say just how far back in town.

Q. I was going to ask you do you know where the Miller Hotel is?—A. Yes, sir.

Q. Just point to it. It is numbered "5" on the map.—A. The Miller Hotel [pointing on map]. That is the alleyway here.

Q. State whether you heard any firing as far down as the Miller Hotel.—A. I couldn't say.

Q. You couldn't say?—A. No, sir; I couldn't say.

Q. All the firing you heard was outside of the wall, in the rear of those barracks B and C?—A. In the rear of the wall, what we call west of the barracks.

By Senator TALIAFERRO:

Q. Would you state positively that, in your opinion, that firing was outside of the wall?—A. No, sir; it was what I thought.

By Senator FORAKER:

Q. How many shots did you hear altogether, perhaps?—A. From the beginning?

Q. From the beginning until the ending?—A. It must have been a hundred shots.

Q. It must have been a hundred shots?—A. Yes, sir.

Q. And most of these shots must have been fired down behind the barracks, outside of the wall?—A. Yes, sir; it sounded to me that way.

Q. That is the way it sounded?—A. Yes, sir; but I couldn't locate them exactly.

Q. You only heard these several distinct shots that you have described, as the men who did the shooting appeared to move around the reservation on that citizens' road east of the reservation?—A. Yes, sir.

Q. Down toward the saloon that the colored man kept, and down into the town?—A. Yes, sir; coming around this road here.

Senator FORAKER. That is all that I care to ask the witness.

By Senator WARNER:

Q. The first shooting you heard was where? Just point out on the map.—A. The first shooting I heard, to the best of my knowledge, was back in here [indicating on map]. That is a long building. Back of the commissary's.

Q. Which is marked what?—A. Sixty-nine.

Q. Sixty-nine; yes. That is the storehouse of the commissary?—A. Yes, sir.

Q. That is inside of the reservation?—A. Yes, sir.

Q. And that was two or three hundred yards, south of west, toward the Rio Grande, from the main road that runs outside the reservation?—A. Yes, sir.

Q. Yes.—A. I would call that east of the main road.

Q. Well, never mind about that direction.

Senator FORAKER. Call it east. I think the Sergeant is right about that.

Senator WARNER. I do not care whether it is east or west, but taking it from the main road toward the Rio Grande River, it would be how far to that place you heard the shooting—up to the main road in the reservation?—A. From the first shot?

Q. Yes.—A. Well, now, to cross and come down by the commissary's we would have to come down by the lagoon. The lagoon is way in here.

Q. Yes.—A. I would judge it to be half a mile or three-eighths of a mile.

Q. The next firing you heard was where?—A. Going out this way [indicating].

Q. Which is marked how?—A. This is the reservation road [indicating]. The reservation road. It runs between what is marked the cavalry stables there and the bakery.

Q. That is the reservation road?—A. Yes, sir; that is the reservation road.

Q. So that it seemed to be on the reservation road?—A. Yes, sir; but this second firing, you understand, I think was still farther from the reservation than this commissary building. That is quite close there. That big road passed by what is known as the cavalry parade ground.

Q. Where was the next shooting?—A. More up this way [indicating].

Q. Up toward the main road?—A. The main county road.

By Senator OVERMAN:

Q. More coming around this way?—A. Yes, sir.

Senator OVERMAN. That is around toward where the saloon was.

By Senator WARNER:

Q. Where was the next shooting you heard?—A. About in the neighborhood of that saloon.

Q. Which would be an extension of the garrison road?—A. The garrison road, on the outside of the wall, connecting with the county road that is not shown on the map at all.

Q. And coming down into the town?—A. Yes, sir; to the best of my knowledge.

Q. Out in the town, back of barracks B and C?—A. Yes, sir.

Q. With reference to that shooting, I want to know when it was you heard the call to arms.—A. I do not understand you.

Q. With reference to those different times you heard the shooting—

Senator BLACKBURN. About where was the shooting being done?

The WITNESS. As I stated before, the call to arms was sounded, according to my idea, before the firing ceased back of these quarters, in whatever part of town it was.

By Senator WARNER:

Q. But while the shooting was going on around in the other places— A. There was no general call to arms.

Q. No call to arms. Is it not a fact that the general shooting had nearly ceased before the call to arms had sounded?—A. Yes, sir; I think it is.

By Senator OVERMAN:

Q. How many calls to arms, how many blowing of trumpets, did you hear?—A. I think they blowed two calls.

Q. More than one trumpet?—A. No, sir; they only have one trumpet to repeat it three times; it was repeated three times.

Q. Only one sounded the call to arms?—A. Yes, sir; only one that I heard. That would be the musician of the guard to sound that call.

By Senator WARNER:

Q. From the time you heard the first shot up to the time of the call to arms, in your judgment, how many minutes was it?—A. To the best of my judgment it would be between twenty-five and thirty minutes; that is, from the first shot I heard to the last.

Q. Did that seem at all strange to you, Sergeant, that shooting should be going on and you not hear the call to arms?—A. The first part of it didn't seem strange. As I stated before, we had heard on

different occasions before stray shots around town, but when the general alarm was given it seemed strange to me.

Q. You heard no bullets whistling over the hospital?—A. No, sir.

Q. And you were awake all the time?—A. Yes, sir; I was awake all the time.

Q. Now, in your testimony before Mr. Purdy, when you speak of west—so that it will be intelligible hereafter—what direction do you mean, Sergeant; tell us what direction you mean, so that we may understand it and not become confused? When you speak of west, what do you mean?—A. I mean that the town of Brownsville lays west of the garrison.

Q. And that the parade is east of the barracks?—A. You mean the parade grounds?

Q. Yes.—A. It depends on how far you go. Our parade ground reached away up here [indicating].

Q. I don't care about that, Sergeant.

By Senator BULKELEY:

Q. What is this direction [indicating]?—A. I would call that south.

By Senator WARNER:

Q. But you fix the direction of the town. You call that west of the barracks?—A. Yes, sir; that is west.

Q. And when you have given the points of the compass in your testimony before Mr. Purdy it was with the idea of that being considered west?—A. West of the town.

Q. Yes. I wanted that understood, so that we might not have any confusion about it.—A. Yes, sir.

Q. Now, was this party who had been injured and reported to the hospital a few days before the firing, on the night of the 13th, sent there, or did he come there by the direction of any officer?—A. No, sir; he told me that he came there by his own consent. Any soldier, you know, that has anything happen to him at night should go to the sergeant in charge of quarters.

Q. That is what I was considering.—A. And go on sick report; but he came without anything at all—came by himself.

Q. What time was that?—A. About half past 11 at night.

Q. Did he tell you what time he had been struck by this pistol?—A. Only just stated that he had just come from town and had been struck. He didn't state any special time.

By Senator FORAKER:

Q. Was he pretty badly hurt, Sergeant?—A. No, sir; nothing serious. He had one cut here and one cut across here [indicating]; just enough to break the skin. The blood would really look worse than the wound.

By Senator WARNER:

Q. You asked who it was that had struck him?—A. Yes, sir.

Q. And he gave you no satisfaction as to who struck him?—A. No, sir; he just stated some man run out and struck him.

Q. And he also said, when you pressed him for the name of the party that struck him, "Oh, that's all right; we will get them sons of bitches some day!"—A. Yes, sir; that was the remark he made.

Q. That is his language?—A. Yes, sir.

Q. Did you remonstrate with him about using such expressions with such feeling?—A. I told him that he should not use such language as that and should not talk in that way.

Q. What did he say?—A. He never said nothing then.

Q. Never said anything further about that?—A. No, sir.

Q. You were in a position there to estimate with reasonable accuracy the time at which the call to arms was given, with reference to the shooting?—A. The distance where I was at to where the call to arms was sounded?

Q. Yes.—A. I have a pretty accurate idea about that.

Q. I mean the time when the call to arms was sounded, with reference to the time of the shooting.—A. Yes, sir; I was out on the porch when that was made.

Q. You were not excited, you say?—A. No, sir.

Q. You have been in the service how many years?—A. Ten or twelve years.

Q. If the call to arms had been sounded by other trumpeters than the one you heard give the three blasts, which you say is the call to arms, you would have heard it?—A. Yes, sir.

Q. Did you hear any other such call to arms?—A. I never heard but the one.

Q. Can you tell us from what part of the fort that call to arms was sounded?—A. To the best of my knowledge I would say that it was sounded from right by the flag pole near the guardhouse.

Senator WARNER. As the affidavit taken before Mr. Purdy has been introduced in evidence I do not care to ask this witness any further questions.

By Senator FORAKER:

Q. I would like to ask the witness one other question. The other man who was on duty with you is a first-class private of the Hospital Corps?—A. First-class private, sir.

Q. His name was Sanborn?—A. Yes, sir.

Q. We have not been able to get him here. Do you know where he is?—A. He is in Fort Sam Houston, doing duty there.

Q. He is at Fort Sam Houston?—A. Yes, sir.

Q. We may not get him. He gave his statement also before Mr. Purdy at the same time you made yours?—A. Yes, sir.

Q. I want to read what he said. He is a truthful man, is he?—A. We have always looked upon him as a very truthful man.

Q. I will read you some questions and answers from page 121 of volume 2 of Senate Document 155, from the examination by Mr. Purdy:

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.

Does the reading of that statement by Mr. Sanborn refresh your recollection as to whether there was more than one call to arms sounded?—A. I stated to you that there were three calls blowed. That is, the bugler—the amount of companies in the post, each company has a call. There was three companies, and the call would be sounded three times. That is the best of my knowledge, three times.

Q. So that when the bugle was sounded each company would repeat it?—A. No, sir; he repeats it himself.

Q. He repeats it himself?—A. Yes, sir. They go out on the parade ground and they turn to each company—reveille and retreat and everything like that.

Q. The bugler at the guardhouse has testified before us that after he sounded the call to arms it was repeated by the buglers of the companies.—A. Well, it was dark, you know. They might have done it; but to the best of my knowledge he might have repeated it on the parade ground.

Senator BLACKBURN. Did the bugler of the guard testify that he sounded the call to arms more than once?

Senator FORAKER. My recollection is that he sounded it opposite the flagstaff; but he did not say that he repeated it; but I do remember that he said it was caught up and repeated by the other trumpeters.

Senator BLACKBURN. I only suggested this because it might be that the witness might not be disagreeing with the trumpeter.

By Senator FORAKER:

Q. All this testimony being in evidence, I believe that is all that I want to ask on that. Just one other question. You said the first shot you heard was fired while you were lying in your bunk, I believe, in the ward?—A. The first shot I heard while I was lying on the bunk.

Q. You were awake, but not up, so that you could see?—A. The first shot came as though it were over somewhere back of the commissary buildings, yes, sir.

Q. Somewhere over back of the commissary's is indefinite. How far back of the commissary's, if you can tell?—A. I judge probably 100 yards.

Q. A hundred yards back of them. Would that be somewhere near where that county road is of which you speak, which is not on this map?—A. Yes, sir [indicating on map]. When you leave the commissary's and get to this road here, these stables here were used by the cavalry once, and back of there is the cavalry parade ground. All of this has been grown up with what we call catclaw brush and mesquit. This is all very heavily timbered in here, and the best I could judge, back of these stables, about like that, about 150 yards [indicating].

Q. Over where the road was?—A. No, sir; I wouldn't consider the first shot that far, but over as far as the post road.

Q. As far as the post road, and half as far as the other?—A. Yes, sir.

Q. How far did you tell us it was from where that was down to the saloon that was established by this colored man?—A. From where the first shot was, the way they would have to go, would be a good half mile without they would cut right across.

Q. And if they followed the road they would have to come right through here?—A. Yes, sir.

Q. To cut across from the road they would have to go through that catclaw brush, and that they could not do?—A. They could do it, but it would be hard traveling.

Q. If they followed the road they would come out right by the saloon?—A. Yes, sir.

By Senator OVERMAN:

Q. Who was this man you found up and dressing?—A. That was Sergeant Oltmans.

Q. He was up putting on his clothes?—A. No, sir; he was up, listening.

Q. Do you know how many men should have been out in that guardhouse?—A. Up and around the guardhouse?

Q. No; in the guardhouse, detailed from the barracks?—A. I should judge, from the companies, there ought to have been six from each. As a rule, some companies furnish more than others. It depends on the strength of the companies. They generally furnish a sergeant, one corporal, and about three or four privates. Probably there was four or five men to the company.

Q. You were sitting on the porch, and did you see any of the men at the guardhouse?—A. I couldn't see them on account of this building here that was between us and the guardhouse—the gymnasium hall. This is the canteen here. Here is the exchange building, and here is the guardhouse, and we were right here, and we would look right over here, and this little house is here, and the guardhouse was blocked off.

Q. So that you don't know whether those men were there or not?—A. No, sir.

Senator WARNER. I understand you to say, in referring to the testimony of William Sanborn, that that is in evidence?

Senator FORAKER. Yes; I am going to offer it when he comes on. What I have already read to the witness is necessarily, of course, already in evidence.

Senator WARNER. I would like the statement of Edward Sanborn to go into the record at this point.

Senator FORAKER. I do not object to its all going in; I don't think it is competent testimony. Of course I can quote anything that I want to and examine the rest of it. But let it all go in. The witness will be here. I will have him here.

(The witness was at this point excused, and told that he must not leave until to-morrow.)

TESTIMONY OF WILLIAM HARDEN (COLORED).

(The witness was sworn by Senator Blackburn.)

By Senator FORAKER:

Q. Give us your full name.—A. William Harden is my full name.

Q. Were you a member of the Twenty-fifth Infantry in August last?—A. Yes.

Q. What company did you belong to?—A. B Company.

Senator FORAKER. I will put in evidence here the record of William Harden, as found at page 251 of Senate Document No. 155.

The record referred to is here printed in full as follows:

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 10, 1906.

By Senator FORAKER:

Q. Were you with your company at Brownsville the night of August 13th when there was some firing in the town of Brownsville?—A. No, sir; I was in the east ward, in the hospital.

Q. Oh, you were in the hospital?—A. Yes, sir.

Q. You were on the sick list?—A. Yes, sir; I was in the hospital on the sick list.

Q. How long had you been in the hospital?—A. I don't know just how many days I had been in the hospital, but since a few days after we had got to Brownsville.

Q. Where was your gun?—A. In the rack.

Q. And where was your ammunition?—A. My ammunition was in my belt.

Q. Where was that?—A. In the quarters.

Q. When you were sent to the hospital you left that behind?—A. Yes, sir.

Q. Where were you at the time when this firing occurred?—A. I was on my bunk in the east ward in the hospital.

Q. Were you awake or asleep?—A. I was awake, but I said in my affidavit that I was on my bunk asleep. But I will correct that. I were awake.

Q. I have not seen your affidavit. You made an affidavit before whom?—A. Before my company commander, Lieutenant Lawrason. He taken the affidavit in Oklahoma.

Q. He was your company commander?—A. Yes, sir.

Q. How did you happen to say that you were asleep if you were, in fact, awake?—A. What I mean by asleep, I was in my bunk in the east ward; but at the time the firing taken place I was awake. I had been laying around, laying around on my bunk, sometimes asleep, all day, and being in the hospital like that it would be sometimes 3 or 4 o'clock in the morning before you would get to sleep, and what I meant by being asleep I was on my bunk in the east ward in the hospital.

Q. We will find your affidavit directly. Go ahead.—A. What I want to correct is this sleeping part.

Q. Your affidavit is at page 163 of Senate Document 155, and I offer that in evidence.

The affidavit referred to is here inserted in the record, as follows:

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.

By Senator FORAKER:

Q. In this affidavit you say:

I was in the post hospital at Fort Brown, Tex., asleep on my bunk.

A. Yes, sir. I want to correct that sleeping part.

Q. You were not asleep?—A. No, sir.

Q. What did you hear?—A. When I went to Brownsville, a few days after I got to Brownsville, why I was sick when I went to Brownsville, and was put in hospital, and the acting doctor in the hospital there was Mr. Combe, of Brownsville, in place of Captain Edwards, who was the doctor, who was up at Austin, Tex., on maneuvers.

Q. Doctor Combe, of Brownsville, was acting doctor?—A. Yes, sir.

Q. Was he the mayor of Brownsville?—A. Yes, sir; he was acting doctor at the post. I went to the hospital and was up in the hospital under him. I don't know how many days I was in the hospital from the day I went to the hospital until the 13th, but I guess it was some four or five or six days, or something like that; I don't know how many days it was; I won't say.

Q. Well?—A. On the evening of August 13th, about 5.20, I got permission from the hospital sergeant to go over to the canteen—

Q. That was in the afternoon?—A. Yes, sir; I got permission to go to the canteen and get me an apple pie.

Q. An apple pie?—A. Yes, sir. He gave me permission, and he told me to come back before the doctor came.

Q. That is, the sergeant did?—A. Yes, sir.

Q. Is that Sergeant Oltmans?—A. Yes, sir.

Q. Go on.—A. So that I went over to the canteen, and there was four or five fellows in one canteen store, and I consumed some time waiting my turn to get waited on, and when I came back from the canteen, about seven or eight minutes, I guess, afterwards, Major Penrose and Mr. Combe and another man, I don't know his name, were crossing the small bridge that led between the officers' line and the hospital, coming over.

Senator BULKELEY. Here is the hospital and here is the exchange. Is that what you call the canteen [indicating on map]?

The WITNESS. Show me where the officers' line is.

Senator BULKELEY. Here are the barracks over here, and here are Major Penrose's quarters here. Here is the hospital, and there is the walkway which comes down. Here is the canteen, and here is the exchange, and here is the gymnasium.

The WITNESS. Yes, sir. Now, these two goes down to the canteen, about 40 paces in there, and when I came out of the canteen Major Penrose and Doctor Combe and this man were just leaving this bridge across here, and this roadway goes around by the corral.

By Senator FORAKER:

Q. There is a bridge there?—A. Yes, sir. They came out this walk here, and this is between the hospital and the exchange, and when I got out of the canteen they were leaving this place, and I had orders from the sergeant to get back before the doctor came, and there is a bay porch here, and so I stepped back in this bay porch until these people passed, so that I could go in the rear and go into the hospital; and when they got to this walkway they came off 20 paces in here [indicating], as though they were going to the canteen—that is, they stepped toward the canteen at the place where the road from the hospital crosses to the canteen.

Q. Yes.—A. Now, this man that was with Major Penrose and Doctor Combe; he was laying off with his hands [witness indicating] and talking pretty loud.

Q. Who was he?—A. I don't know his name. They said he was a quarantine officer. I don't know who he was. Anyhow, he was talking loud. He told Major Penrose that Texas never stood for it and wouldn't stand for it; that his wife was assaulted by some negro soldier.

Q. That what?—A. That his wife was assaulted by a negro soldier, and that if there wasn't some arrests made before 10 o'clock and turned over to Brownsville, they would kill every damn negro soldier in Fort Brown. Major Penrose replies back to him that when this offense was committed that this company was out on practice march, and that he had good soldiers, and he didn't believe there was a soldier in his battalion that would commit any such crime. They walks off between the hospital and the canteen. I goes back in the hospital, and there was this fellow in the hospital, a first-class private, I can't call his name—

Q. Sanborn?—A. Sanborn; yes, sir. And I told him the conversation I heard, and he told me that morning there was a lady assaulted by some soldier, but there hadn't been much said about it.

Q. Had you heard anything of it until then?—A. No, sir; that was my first hearing of it. I hadn't heard anything until I heard this man and Major Penrose; and I came in and told this man and he said that he heard it that morning, but there hadn't been much said about it. So that us being patients we had to go inside, and I went inside and was laying on my bunk some minutes after 12 o'clock, and I heard two shots fired rapidly, eastward from the hospital.

Q. How far and where from the hospital would that be?—A. About 200 yards, I suppose, right in here [indicating]. Here is the roadway and here is the barbed-wire fence.

Q. That is the roadway inside of the reservation?—A. Yes, sir.

Q. There is a roadway outside of the reservation?—A. Yes, sir; there is a roadway outside. I heard these two rapid shots that way, outside, eastward from the hospital, and I jumps up and runs out on the porch, and I meets Nolan and Sanborn, and when I got out on the porch I heard a crowd of horses galloping; when I got out they had got pretty near the corner and had gotten about the corner of that

fence. They had got about where the barbed-wire fence connected with the wall, and they opened up some shots, and then they galloped on down to the main gate and opened up—I don't know how many shots—I guess a hundred or more shots were fired there. Sanborn, being a first-class private in charge, he made myself and Nolan get behind the pillars in the old hospital building there. That is an old Spanish building, a big old building, and we got behind those pillars to keep from getting hit with stray bullets coming from the southeast over the hospital. He made us get behind there to keep from getting hit. And these was lead bullets.

Q. How many did you hear?—A. I heard some seven or eight bullets go over the hospital.

Q. What else did you hear that you can tell us about?—A. After he made us get behind these brick abutments, the call to arms went, and about three or four minutes after the call to arms went firing ceased. And the last shot that was fired was fired away downtown. It was an old musket or shotgun of some kind, fired away downtown. We all had formed on the porch there, and had talked there and wondered about the shooting, and he made us patients go to bed. He made us go and get into bed. After we were up there about forty or fifty minutes after the firing ceased we discussed about the matter, and then he made us go and get into bed.

Q. Did you see the flashes of the guns when they were firing, or anything of the kind?—A. No, sir; I couldn't say that I saw the flashes of the guns, because the barracks and the big gate were in between me and where the shooting was.

Q. You can locate the firing only by the sound?—A. Yes, sir.

Q. But you did hear some bullets?—A. They came from the southeast, near the gate, over the hospital—seven or eight bullets—and this man made Nolan and me get behind these pillars, and he got behind the pillars himself to keep from getting hit.

Q. Was Nolan there?—A. Yes, sir; he was the first man on the porch when I got out.

Q. What is your recollection as to when these bullets went over, before or after he came out?—A. They went over after he came out. He being first-class private, he could detail us to get behind there, and he made us get behind these abutments, and got behind himself.

Q. You didn't go down to the barracks that night?—A. No, sir; I didn't go to the company until two days after that, about the 15th.

Q. Do you know anything at all about this shooting except what you have just told us?—A. No, sir.

Q. You didn't have your gun nor your ammunition?—A. No, sir; I went to the hospital, and my gun and ammunition were left in my squad master's charge.

Q. Have you ever refused to tell anybody all you know about this?—A. You say, have I refused to tell anybody?

Q. Yes; have you ever refused to tell anybody what you have told us?—A. No, sir; during the investigation before I gave Lieutenant Lawrason. When Lieutenant Lovering was there I didn't tell him all that I have told you, because he didn't ask me. He only asked me, "Where were you that night of the 13th?" and so on and so on, and "That is all for you." And I only answered the questions that he asked me and then I passed out.

Q. Do you know who did this shooting?—A. No, sir; I don't know who did this shooting; no, sir.

Q. Have you any knowledge that leads you to suspect that anybody in this battalion did it?—A. I could take an oath, so far as my knowledge goes, it wasn't no soldiers did it; it couldn't have been the soldiers.

Q. You have taken an oath. You are under oath now. Do you know anything that leads you to suspect that any of these soldiers had anything to do with the shooting?—A. No, sir.

Q. Nothing at all?—A. No, sir.

Q. Have you refused to tell anything about it when you have been asked about it to the extent that you have been asked about it?—A. I haven't refused to tell nobody. In my investigations I told all that I was asked.

Q. How old are you?—A. I am about 28 years old.

Q. Where were you born?—A. In the State of South Carolina.

Q. Did you enlist from that State?—A. No, sir; I enlisted from North Carolina.

Q. Whereabouts in North Carolina?—A. I enlisted down in Charlotte, N. C.

Q. There is your Senator on your right there. Did you ever see him [indicating Senator Overman]?—A. No, sir; if I did, I didn't know him.

Q. You were in Company B while Captain Shattuck was captain of the company?—A. Yes, sir; while Captain Shattuck was captain of the company; and I worked for Captain Shattuck.

Q. What duty did he put you on?—A. Well, he detailed me to work for him—to work around his house.

By Senator Scott:

Q. What you call a "striker"?—A. Yes, sir.

By Senator Foraker:

Q. To take care of his house and family?—A. I taken care of his house and his two horses and his cows and all his house ware while he was off on two months' relief.

By Senator Scott:

Q. Now, my man, if you knew a soldier, or more than one soldier, that did any of this shooting or knew anything about this shooting, would you tell us who it was?—A. Why, sure I would. Do you reckon that if I knew the men that did this shooting, do you suppose that I would keep it to myself and have a whole battalion of soldiers discharged? If he was my brother, I would. Why, sure I would.

By Senator Warner:

Q. Now, you say they made a mistake when they put down here that you were asleep when the shooting commenced?—A. That is an error I asked to correct.

Q. Did you so state then?—A. Did I so state?

Q. Yes; when you made this affidavit that you were asleep.—A. When I said so they put it down, and it was too late, if I put it down, to change it then. This is the first chance I have had to correct it.

Q. When did you first find out that they had put that down there in that way?—A. When I seen my affidavit.

Q. When did you see it?—A. I seen it at Reno, after it was put down. Lieutenant Lawrason taken six or seven weeks—no; not that long, but about three or four weeks—after they taken it before they were showed us to read them through.

Q. You read it through?—A. Yes, sir; but it was too late to correct it then.

Q. You saw that you had stated that you were asleep?—A. Yes, sir.

Q. Why didn't you correct it?—A. It couldn't be corrected.

Q. You had not signed it?—A. Yes, sir; I signed it when the affidavit was taken.

Q. Were you sworn, too, at the same time?—A. Yes, sir; Lieutenant Lawrason wrote it and it was sworn to.

Q. Why did they show it to you again?—A. Why did they show it to me again?

Q. That is the question.—A. He wrote the affidavit and showed it to me.

Q. When was that?—A. At Reno.

Q. How long after you made it?—A. I don't know how long, but it was some weeks afterwards.

Q. And you read it and found that you had made a mistake?—A. The man that taken it, Lieutenant Lawrason, he put "asleep," but I don't know whether he misunderstood me or not, but when I gave the affidavit I seen that the mistake was made in this affidavit that I was in the east ward asleep. I didn't mean asleep. I was in the east ward in the hospital, on my bunk, at the time. I could have been asleep or awake, but he said "asleep," which I want to correct it, which I meant I was in the hospital awake. I want to correct this "asleep" from "awake."

Q. I think we understand that. Now, you got out (without going over all this), and you heard these horsemen galloping by?—A. When I got out I heard these horses galloping just before the road turns to go down to the barracks.

Q. You have been in the service how long?—A. Since 1905, the last time.

Q. How long before that?—A. I went out on a short-order furlough at Fort Logan. I went out in 1903 and I was out until 1905, when I reenlisted.

Q. From the sound of these men galloping by, how many men were there?—A. As nigh as I can get at it from my knowledge, I guess there was from twelve to fifteen. You know this—if I may ask the Senator a question.

Q. You may.—A. Can I ask you a question?

Q. You may.—A. If you put a man down here chopping on a hard piece of timber, and you put a dog down over there in the woods barking, couldn't you tell the sound of the dog barking from the sound of the man chopping wood? Of course you could. Anybody could tell the difference.

Q. Well, I will have to take your opinion.—A. Certainly, anybody could.

Q. Now, I will ask you a question. You could not tell the difference between the chopping of wood off a certain number of blocks, and the barking of a dog?—A. Yes, sir; I could.

Q. You could?—A. Yes, sir.

Q. How do you know how many horsemen there were?—A. I don't know. I said from my knowledge it might have been 12 or 15 horses.

Q. They were making no noise, of course?—A. They were making a lot of noise.

Q. They were not trying to keep it secret, at all? Are you certain they were making a noise?—A. They were galloping. I heard their hoofs against the ground, of course.

Q. Were the riders making any noise?—A. No, sir; the riders were not making any noise; only I heard their galloping.

Q. There was no hollering?—A. No, sir; no hollering.

Q. No shouting?—A. What is that?

Q. No shouting by the men on horseback?—A. No, sir; the men couldn't shout on horseback unless they were hollering.

Q. When the men were galloping, the firing was right toward the hospital?—A. Yes; but wait a minute.

Q. Yes; I will.—A. When the first shot was fired the horses galloped around, and when they got to the joining of the wall they opened up a fire again, and then when they got down to the gate then all this firing commenced. That is when the man made me and the other men get down behind the brick abutments.

Q. Down by the gate?—A. Yes; I guess that is the gate, right there.

Q. This is the gate here opening out into the grounds from Elizabeth street [indicating on map]?—A. The gate that leaves the grounds.

Q. Going right into the town, right in here?—A. Where the wall connects. Right up there they opened up that fire.

Q. They were in here [indicating]?—A. Somewhere in here.

Q. About the places marked 1, 2, or 9; along in those places where you see these red figures?—A. No, sir; I said up in here [indicating]. It couldn't be there if it was around the gate.

Q. So that the barracks was between you and the shooters?—A. Yes, sir; that barracks was betwixt me and the shooters. I couldn't see them across those barracks.

Q. That is a two-story barracks?—A. Yes, sir; and I couldn't see them over the two-story barracks or through the two-story barracks, either.

Q. And yet the shots came over and you had to dodge behind a pillar to escape the shots?—A. The shots came over the hospital, and we had to get behind the abutments to keep from getting hit with the bullets.

Q. They came over which barracks?—A. They came over—came over here where we were, over the hospital there.

Q. They came over which barracks, there?—A. The supposition is they came over B barracks and the corner of C Company's barracks.

Q. Nolan was there at that time?—A. Out on the porch.

Q. Hiding, like you were, from the shots?—A. Yes, sir; behind those brick abutments.

Q. And he told you to hide?—A. Nolan didn't tell me. Oltmans told me and Nolan to get behind, and he got behind himself.

Q. When was it that you heard the call to arms?—A. The call to

arms went after the shooting; I don't know just how many minutes, but it went shortly after the shooting taken place—the last of it taken place.

Q. That is, the shooting was about over when the call to arms sounded?—A. Yes, sir; five or six minutes after the call to arms went the shooting ceased.

Q. Did these men shoot as they went along the road?—A. The first two shots were fired eastward, and when they got forinst where the opening up of the east wall to the wire fence was, they fired a few more, and then when they got down about the gate they opened up again, and then is when the biggest firing commenced.

Q. You said it was to the east of the hospital that the first shots were fired?—A. Yes, sir.

Q. You are calling "eastward" up toward the county road?—A. Yes, sir. Here is a hospital. That is east from the hospital. Well, the first shots were fired up there, and I came out on the porch and heard these horses galloping down here, and when they got forinst the wire fence they opened up and fired some more, and then when they got down about the gate the other firing commenced, and then is when we got behind the brick abutments to keep from being hit by the bullets.

Q. I understand that. But that road you point out as being east of the hospital, that is the road running through the reservation there?—A. This might be the road, but there is another road beyond that road about 200 yards over there. Is this road inside of the reservation [indicating on map]?

Q. Yes; that road is inside of the reservation.—A. All right, sir. It is, I said, two blocks, but I don't know the distance over across the barbed-wire fence, and you come around and then come down.

Q. It was on that road that you heard the men?—A. Yes, sir; on this road they galloped around and got into this road and galloped all the way down.

Q. I know that; but where were the first shots fired, if you will tell me? Was it while they were on the county road?—A. On the county road, eastward from the hospital.

Q. How many shots were fired from there?—A. There were two shots fired eastward from the hospital.

Q. Could you see the flash of the guns?—A. I couldn't see the flash of the guns because I was in the hospital.

Q. You were in the hospital?—A. Yes, sir.

Q. Where were the next shots fired from?—A. The next shots were fired down where the wire fence connects with the wall.

Q. Just point that out with your pointer on the map.—A. Now, what I want to understand—

Q. Where the wire fence connects with the wall?—A. (Continuing.) Is this where the wire fence connects with the wall? Wait a minute. I want to know where the wall is.

Q. That red mark is the wall.—A. Yes, sir. The second firing was up on the road, in here [indicating]; the next firing up toward the gate was in here [indicating], and the last firing was opened up down here [indicating], and there is where we were ordered to get behind the brick abutments, and we got behind them.

By Senator SCOTT:

Q. That is supposed to be a stone wall?—A. All that red line can't be the stone wall, sir. Here is the wire fence; from here up is the wire fence, and this is the road in here.

By Senator FORAKER:

Q. That is the barracks there, that is unoccupied. Was there a wire fence behind that?—A. The wall comes from D barracks down to the river; not quite to the river. No wagon nor anything else can't get around there.

Q. Does the wire fence extend down behind the unoccupied barracks?—A. That is half way or something like that, behind the unoccupied barracks that didn't have any soldiers in it.

Q. Does the plank walk reach behind the end of the unoccupied barracks?—A. That wire fence comes down about there [indicating].

By Senator WARNER:

Q. It comes down about the length of the unoccupied barracks, you think?—A. Yes, sir.

Q. That is simply a continuation of the brick wall?—A. Yes, sir.

Q. Now, when you got behind the brick pillar did not Nolan get behind there?—A. You see there is seven or eight of these pillars. That is an old Spanish building, a long old building, 90 or 100 feet long, and we got behind those brick abutments to keep from getting hit by the bullets coming over.

Q. Who ordered you to get behind those pillars?—A. Sanborn.

Q. And Nolan, too?—A. He said: "You boys will get hit; get behind those pillars."

Q. And you heard bullets pass over?—A. Seven or eight bullets.

Q. Those were the bullets fired from town, near the gate?—A. Yes, sir.

Q. You knew those were lead bullets?—A. They sounded like lead bullets. Yes, sir; I know they were lead bullets. I have shot Winchester and pistols and I know the sound of lead bullets.

Q. Were you ever in a battle?—A. No sir; I never was in a battle.

Q. When you say they were lead bullets, what kind of lead bullets?—A. The lead bullet has a coarse hum.

Q. A coarse hum?—A. Yes, sir.

Q. Yes.—A. And a steel-jacketed bullet has a keen whistle, a whiz, whatever you might say.

Q. Yes.—A. A keen whistle.

Senator FORAKER. A sing.

The WITNESS. Yes, sir; a sing.

By Senator WARNER:

Q. You talked with Nolan of that?—A. We talked over the horses galloping.

Q. You talked to Nolan about the horses galloping?—A. Yes, sir; and wondered and wondered who did the shooting.

Q. Yes.—A. You know this, that if a man down street there would kill a man and nobody would know who did it, everybody would go there to see it and wonder who done that; everybody would wonder.

Q. But at the time the shooting was going on, you didn't think who it was?—A. We didn't wonder. We were standing out there and we heard the shooting, and then we sat down for forty or fifty

minutes on the porch of the hospital and wondered who did that shooting.

Q. And talked about the horses galloping?—A. Yes, sir; and talked about the horses galloping.

Q. And how near you came to being shot, and how you had to get behind the pillars?—A. All that was discussed and everything was talked about.

Q. Did any of these bullets strike the barracks?—A. No, sir. None of them struck them. They went over the hospital.

By Senator OVERMAN:

Q. What did Sanborn have to say about the horses galloping?—A. He talked just like any other man would talk.

Q. What did Sanborn say about these horses galloping?—A. I don't know; didn't take no note of it. I don't know just what he said.

Q. He said that he heard them?—A. We talked over it.

Q. Did you talk over it with Nolan?—A. Yes, sir; we talked over it.

Q. I am talking about Nolan now.—A. Nolan was there, and Sanborn, and the patients.

Q. Did Nolan say that he heard it?—A. Yes, sir; sure, we all talked over it.

By Senator WARNER:

Q. How soon after the call to arms did the firing cease?—A. Five or six minutes after the call to arms the firing ceased, and the last shot was fired away downtown; yes, sir; and it was an old shotgun. Anybody that ever heard a gun go off can tell a shotgun. It was a shotgun. It went off "hoo-oo-oo-oo-m" [witness imitating sound]. It sounded away back into the hills.

Q. That was the last?—A. That was the last shot.

Q. That was away downtown?—A. Yes, sir.

Q. And it was about five minutes after that, you say, that the call to arms sounded?—A. I said that the firing lasted for five or six minutes after the call to arms sounded, and then after that ceased, this old gun went off away downtown.

Q. How long was it after the firing ceased?—A. Two or three minute. No; I will not say that. I will say a minute, or something like that.

Q. Where was the call to arms sounded?—A. At the guardhouse.

Q. From any other part of the camp?—A. I disremember; I won't say.

Q. Did you hear it from any other place?—A. That is what I am telling you now. I will not say; but I did hear it from the guardhouse.

Q. You will not say whether you did or not?—A. No, sir.

By Senator OVERMAN:

Q. You say you enlisted at Charlotte? Did you live there?—A. Yes, sir.

Q. How long did you live in Charlotte?—A. I lived in Charlotte right regular for about five years, and off and on I am in there now, just like I go there and stay for a while.

Q. What people did you live with there?—A. I kept house there for a while myself, and then I live with John Smith whenever I go back.

Q. What did you do there; what was your business?—A. Before I went in the Army I was in the water-system business. I was a plumber. When that new waterworks was put down there I was a plumber.

Q. Did you shoot any Winchester rifles there?—A. No, sir. Where I heard the sound of Winchester rifles was in West Virginia.

Q. You went over there into the coal fields?—A. Yes, sir. You can go out with a pistol or a gun there and shoot as much as you want.

TESTIMONY OF FRANCOIS L. OLTMANS.

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. Are you in the Government service?—A. Yes, sir; sergeant of the first class, Hospital Corps.

Q. How long have you been in the service?—A. About twenty-three years.

Q. Twenty-three years?—A. Yes, sir.

Q. Were you stationed in Brownsville in August of last year at the time the Twenty-fifth Infantry was there, the colored troops?—A. Yes, sir.

Q. How long had you been there?—A. I was stationed at the post a little bit over three years.

Q. A little bit over three years?—A. Yes, sir.

Q. Before that firing in August last?—A. About that; yes, sir.

Q. You had been there three years?—A. Yes, sir.

Q. You did not go there with the Twenty-fifth?—A. No, sir.

Q. You had no connection with the Twenty-fifth itself?—A. No, sir.

Q. You were simply stationed there?—A. Yes, sir.

Q. Who was in charge?—A. Capt. J. Edger was in charge, but he was on duty at Camp Mabry.

Q. He was on duty at Camp Mabry; that is where the Texas National Guard was encamped?—A. Yes, sir.

Q. And some of the regular troops were there and he was there with them?—A. Yes, sir.

Q. That left you in charge of the hospital, did it?—A. No, sir; we had an acting post surgeon, Mayor Combe, of Brownsville.

Q. He was the mayor also of Brownsville?—A. Yes, sir.

(At this point Senator Scott explained the map to the witness.)

By Senator FORAKER:

Q. Now, Sergeant, where were you that night of the firing?—A. My quarters were here [indicating on map].

Q. That little spot you point out was where your house was?—A. Yes, sir.

Q. You slept there?—A. Yes, sir; on this side of the house, the second floor.

Q. On the second floor of your house?—A. Yes, sir.

Q. Had you gone to bed when this firing occurred?—A. Yes, sir.

Q. Were you asleep?—A. Yes, sir.

Q. How did you get awake?—A. By hearing about 5 or 6 shots out of a six-shooter; I took it to be an old .45.

Q. An old 45; five or six shots?—A. Yes, sir.

Q. Did you see First-Class Private Nolan about that time?—A. I saw him afterwards.

Q. You got up. Did you hear any bullets?—A. Yes, sir; a little bit later on, about a couple of shots coming over this direction and the bullets were whistling from this direction.

Q. They whistled over?—A. Whistled over my quarters, and near my quarters.

Q. You heard them go over your head?—A. Yes, sir.

Q. And you couldn't tell the actual direction?—A. No, sir.

Q. Where were the bullets fired from?—A. They must have come from this direction.

Q. Two shots you heard?—A. Two shots.

Q. Coming that way [indicating]?—A. Yes, sir.

Q. Where were the five or six shots coming from?—A. Sir, by the sound, I locate them.

Q. Coming from this direction [indicating]?—A. Yes, sir.

Q. You thought they were fired from there and coming this way?—A. The first five or six.

Q. Then what did you do when you heard that?—A. I got up and dressed and went over to the hospital.

Q. You went over into the hospital?—A. I went over here [indicating].

Q. Entering from the rear, about the center of the hospital, as you have indicated?—A. Yes, sir.

Q. You went to the front porch?—A. Yes, sir; I was standing here [indicating].

(At 5.25 o'clock p. m. the committee adjourned.)

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Tuesday, February 19, 1907.

The committee met at 10.30 a. m.

Present: Senators Warren (chairman), Foraker, Bulkeley, Warner, Fulton, and Overman.

TESTIMONY OF FRANCOIS L. OLTMANS—Continued.

By Senator FORAKER:

Q. You gave your testimony recently before Mr. Purdy?—A. No, sir; before the Inspector-General.

Q. Before whom?—A. General Garlington.

Senator FORAKER. It is found at page 127 of part 2 of Senate Document 155. I offer his entire testimony, over to page 134.

The testimony referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE INSPECTOR-GENERAL,
Washington, December 28, 1906.

Sergt. FRANCOIS L. OLTMANS, being duly sworn and interrogated by Brig. Gen. E. A. Garlington, Inspector-General, U. S. 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—Cowen'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 toward 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.

Senator FORAKER. Having offered that in evidence, I will not interrogate this witness further at the present time. I want to look it over and examine him later.

Senator WARNER. Then suppose until you have an opportunity to look it over we let this witness step aside. I can recall him later.

Senator FORAKER. Very well. I will look this over when I have a chance. Probably we can recall him this afternoon.

TESTIMONY OF GEORGE JOHNSON (COLORED).

GEORGE JOHNSON (colored), being first duly sworn by Senator Foraker, testified as follows:

By Senator FORAKER:

Q. Please state your name in full.—A. George Johnson, sir.

Q. How old are you Mr. Johnson?—A. I was born in 1861.

Q. Of what State are you a native?—A. Culpeper County, Va.

Q. Where do you reside now?—A. I have been up to New York ever since last fall.

Q. Were you a member of the Twenty-fifth Infantry in August, 1906, when it was at Brownsville?—A. I was.

Q. To what company did you belong?—A. C Company.

Q. What duty were you on while you were at Brownsville?—A. Working at the quartermaster's corral.

Q. In what capacity?—A. As a teamster.

Q. You were a teamster?—A. Yes, sir.

Q. Were you employed in that way all the while that you were at Brownsville?—A. All the while I was at Brownsville.

Q. What company did you belong to?—A. C Company.

Q. Where was your gun kept while you were so employed?—A. At the quarters, at the barracks.

Q. In the gun rack?—A. Yes, sir.

Q. Where did you stay?—A. I stayed down at the corral of nights.

Q. At your left is a map. I will ask Senator Bulkeley kindly to explain that to you.

(Senator Bulkeley pointed out to the witness the localities of the different places as indicated on the map.)

Q. Do you recognize those places?—A. Yes, sir.

Senator FORAKER. I will put in the testimony the official record of this witness as given by the War Department at page 261 of Senate Document 155.

The record is as follows:

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.

Senator FORAKER. I also desire at this point to insert the testimony of this witness—George Johnson—as furnished by the War Department and found on page 477 of Senate Document 155.

The testimony is as follows:

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 downtown 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.

By Senator BULKELEY:

Q. This cavalry stable marked 48 was not occupied when you were there?—A. No, sir; it was unoccupied.

By Senator FORAKER:

Q. Where were you on the night of the 13th, when this occurred?—A. I was down at the quartermaster's stables.

Q. Were you asleep when it commenced?—A. I was asleep.

Q. How did you get awake?—A. The corral boss came down and waked me up.

By Senator BULKELEY:

Q. This building marked No. 60 on the map is the quartermaster's stable?—A. The corral.

Q. That is the corral and quartermaster's stable there?—A. Well, the house and stable were all in the same block.

By Senator FORAKER:

Q. What did you hear—what awakened you?—A. The corral boss came down and waked me up.

Q. Who was the corral boss?—A. Mr. Voschell.

Q. Did you hear any firing after you were awakened?—A. I never heard a gun at all.

Q. The firing was all over when you were awakened?—A. Yes, sir.

Q. What did Voschell tell you?—A. He came down, and he said: "Boys, you all get up. There is firing out in town, and I thought

they would need the ambulance, and you don't know where it is, so I came down to let you know."

Q. Did you get up?—A. I got up.

Q. What occurred, if anything?—A. I got up and went and sat in the door. My bunk set over here and the door was right there [indicating], and while I was sitting there the telephone rang—

Q. You were sitting in the door with Voschell?—A. Yes, sir; me and Voschell were sitting in the door together when the telephone rang.

Q. What telephone was it, and what did he say or what did anybody else say?—A. He went to the telephone, and he said: "I guess that is for the ambulance now." Then he went to the telephone and he said: "No, it is a woman up at the hospital."

Q. What else?—A. Voschell and another man—I don't know which one of the others it was now; I don't remember—gets up and goes to the hospital, and when he gets back, why, I was lying back on the bunk. I had done gone back to bed—was lying on the bunk.

Q. Then you did not hear anything that night?—A. I did not hear another word about it that night.

Q. Did you hear him say anything about men passing on the road, or anything of that sort?—A. He came down, and he said, "Well, I won't go back to-night. When I came by the saloon up there I saw a crowd of men coming from the saloon, going down to the main gate."

Q. Where was it that he told you that?—A. I was in the wagon house.

Q. Was that after he wakened you up?—A. Yes, sir; that was after he wakened me up.

Q. He told you that he saw a crowd of men down by the saloon?—A. A crowd of men.

Q. What saloon was he referring to?—A. That saloon up there that Allison had, I guess.

Q. The Allison saloon?—A. Yes, sir.

Q. That was located on the garrison road out beyond the reservation?—A. Out beyond the reservation; right up at the corner.

Q. Did he say what kind of a crowd of men there were, who they were?—A. No, sir; he did not say.

Q. Did he say whether they were armed or not, or anything of that kind?—A. No, sir; he did not say whether they were or not. He just said, "I saw a crowd of men coming from that saloon, going down toward the gate."

Q. Did he tell you this at the same time that he wakened you up and told you that there was firing downtown?—A. After he woke me up?

Q. After you were awake?—A. After he woke me up he went up to the hospital.

Q. He had been to the hospital before he told you that?—A. Then he came back and told me; yes, sir.

Q. He told you this after he came back from the hospital?—A. Yes, sir. I was lying in the bunk.

Q. Before you went to bed?—A. No; I had done gone to bed.

Q. Before you went to sleep, I should say.—A. Before I went to sleep.

Senator FORAKER. I believe that is all.

By Senator WARNER:

Q. Mr. Johnson, as you said, you did not hear anything of the firing that night.—A. No, sir.

Q. Nor the call to arms?—A. No, sir; I never heard a gun fired at all.

Q. And you did not go down to the barracks after the firing?—A. Never went there until the next morning; I went there after my breakfast.

Q. What time did you go to breakfast?—A. About 6 o'clock, I guess, sir.

Q. Who went to breakfast with you?—A. Me and the other fellow that was working down at the stable.

Q. Where did Voschell get his meals?—A. I don't know. I think, I am not sure, I don't know whether he went up to the company that morning or not.

Q. Did he usually take his meals with the company?—A. Lots of times he came up there and ate with the company.

Senator FORAKER. I can not hear what you say.

A. I say I don't know for certain whether he had breakfast with the company or not that morning.

By Senator WARNER:

Q. Did he go up with you?—A. No, sir.

Q. When he went to his breakfast, did he go up with you?—A. No, sir; one of us always had to stay down there you know, down at the stable.

Q. Sometimes one would go first and sometimes the other?—A. And sometimes the other.

Q. What time did you get back after your breakfast?—A. I don't know, but I don't guess I stayed up there an hour. I got back before 7, I guess.

Q. Then did Voschell go to breakfast, or do you know anything about that?—A. I don't know whether he did or not. I won't say.

Q. You were sleeping at the quartermaster's stable?—A. Yes, sir.

Q. Did you have a room there?—A. Yes, sir; we had a room there.

Q. Who slept in the room with you?—A. Let me see, it was three soldiers or four soldiers—I don't know whether it was three or four soldiers stayed there.

Senator FORAKER. You must talk louder, because we can not hear you.

A. I say it was either three or four soldiers stayed down there at the corral, and one, or I might as well say two, white men; that is, Voschell he stayed there part of the time, and another fellow.

Q. In the room in which you slept?—A. In the same room. We all slept in the same room.

Q. What were the names of the three or four soldiers?—A. One was named John Streeter.

Q. The names of the others?—A. Alfred Williams—we always called him Meat Williams. That was a nickname; and another one by the name of John Henry, and I can't think of this other fellow's name.

By Senator FORAKER:

Q. Was Elmer Brown one of them?—A. He did not stay in the room where we did.

Q. Not in your room?—A. No, sir.

By Senator WARNER:

Q. You have mentioned Streeter, Williams, and John Henry.—

A. Yes, sir; and it was another one.

Q. Who was the fourth one?—A. I can't think of his name.

Q. The name of the fourth one of the colored soldiers you do not remember?—A. Yes, sir; a soldier of B Company.

Q. Were there any other soldiers there at the quartermaster's stable, who did not sleep in that room?—A. No, sir; all of us stayed in the same room but Elmer Brown.

Q. How many of these soldiers were there on the night of the 13th at the time of this firing?—A. They were all there.

Q. You saw them all?—A. They all went to bed there together. I guess they were all there.

Q. Did you see them, after you went to bed, any time that night?—

A. After I went to bed?

Q. Yes.—A. I saw some of them. I never took notice whether all of them were there or not.

Q. That is, you saw some of them when you got up.—A. Yes, sir; when I got up.

Q. After the firing was all over?—A. After the firing was all over, and the corral boss came and woke us up. I saw some of them, and the others might have been in the bunks, but I never noticed them.

Q. Or they might have been out of their bunks?—A. I could not say whether they were all there or not.

Q. Where were their guns kept?—A. All of them kept their guns up at the barracks.

Q. But there were in that room five soldiers, including yourself?—

A. There were five soldiers, yes, sir; and another colored fellow that had lived down there at Fort Brown. His name was John Morrison, or Morse.

Q. In case of an attack on the fort, although you were at the corral, you were supposed to fall in with your company, were you not?—A. Well, I suppose I would have had to do it.

Q. And the other men there, the same that were with you, the other four soldiers?—A. Yes, sir.

Q. Yet none of you went down to the company?—A. No, sir; we did not go down to the company that night.

Q. Did you make any inquiry as to who did the shooting?—A. Oh, I asked several of them who did it.

Q. That night?—A. No, sir; after that; the next day.

Q. Did you try to make any inquiry that night?—A. I asked some of them that night. Well, I asked Voschell, for one, who he thought it was that done the shooting, and he said he didn't know; it was out in town.

Q. That the shooting was out in town?—A. That is what he said; that the shooting was out in town.

Q. What else did he say?—A. I don't remember anything else he said.

Q. When was it you asked him that?—A. After he came back from up to the hospital.

Q. Before you had gone to bed?—A. No, sir; after I had gone to bed; but I was not asleep yet.

Q. But when he first woke you up and told you of the shooting, you did not ask him then?—A. No, sir; I did not ask him anything

at all about it. He said "Boys, you all get up. There is shooting out in town, and I thought they might need the ambulance, and you all don't know where it is at." I didn't know where it was. I had been there a couple of weeks, and I didn't know where they kept the ambulance. I never had had any call to use it, and I didn't know where it was.

Q. Did you fall in with the company next morning?—A. No, sir.

Q. Did you see your gun the next morning, the 14th?—A. No, sir; they had my gun out on guard the next morning when I got up there.

Q. Who had it out on guard?—A. I don't know, sir; some of them. They had all the guns out, the whole company.

Q. Did you have an occasion to go after your gun the next morning?—A. No, indeed.

Q. How did you know it was out on guard then?—A. Because I looked for it. I never used my gun, you see, and I used to always keep it cleaned up for the fellows to mount guard with, but I would never allow it to go out on guard.

Q. Why did you look for it the next morning?—A. Because I would never allow it to go out on guard. After I found out that the whole company was on guard I went and looked at the rack to see if my gun was in there, and they had it out on guard.

Q. You belonged to Company C?—A. Yes, sir.

Q. Where did you look for it?—A. In the rack.

Q. You did not find it in the rack?—A. No, sir.

Q. Where were the racks the next morning when you looked for your gun?—A. Up there in the barracks.

Q. Any guns left in the racks?—A. There was one left there, I think.

Q. Only one?—A. Well, I am not sure of it. I don't know whether it was any more than one or no; but I know it was one in there.

Q. How many racks did you examine the next morning?—A. All of them.

Q. They were all there?—A. All the racks; yes, sir.

Q. Were they locked?—A. No; they were open.

Q. All the racks were open?—A. All the racks were open the next morning.

Q. Unlocked?—A. Yes, sir.

Q. And the one that had the one or more guns in it, that was unlocked, too?—A. Yes, sir.

Q. So that anybody could have gotten that gun?—A. Certainly they could have gotten it if they had wanted to.

Q. Did you notice anything particular about the racks that morning?—A. Yes, sir; I noticed one of them was broke, the one that I had my gun in. That is the reason I went.

Q. The one that you had your gun in?—A. Yes, sir.

Q. That was broken?—A. Yes, sir.

Q. How was it broken?—A. I think the staple was broke off. I think that was about all. I am not sure of it.

Q. Was it not something unusual to see a gun rack broken open?—A. It was the first time I ever saw one broken open.

Q. How long had you been in the Army?—A. A little over seven years.

Q. Then it was very unusual?—A. The first time I ever saw it.

Q. Of course you examined it, didn't you?—A. No; I didn't examine the gun racks at all. I just went to look for my gun, because I wanted to find out whether they had it out on guard or not, because I never would allow it to go out on guard. The fellows used to take it out to mount guard with it and bring it right back and put it in the rack.

Q. Was that your practice every morning—to go and see if your gun was there?—A. No, indeed.

Q. Did you ever do it before?—A. Oh, I have done it lots of times. The fellows would have it to mount guard with when I would loan it to them, and then when I would come back—

Q. That is when you would loan it to them?—A. Yes, sir; when I would loan it to them.

Q. There is a gun rack back of you. Please direct your attention to that gun rack and tell us what part of the gun rack was broken when you say the staples were pulled?—A. This here—that staple was broken off.

Q. That staple was broken off?—A. I think that was the staple, I am not sure.

Q. And the clasp that goes over the staple, which you placed the lock on, that locks the gun rack?—A. I don't remember.

Q. It is the main staple that locks the gun rack?—A. Yes, sir.

Q. Was it broken off?—A. That is the one, I think. I am pretty sure.

Q. How was it about the rest of the band?—A. I don't know whether the rest of the band was broken or not. I told you that I never took any particular notice of it. I went there and looked, and my gun was out of the rack, and I went searching for that.

Q. Did you notice enough to see that that staple was broken?—A. I did, and then when I carried the racks away from the blacksmith's shop I saw them. That is what they had to fix.

Q. Did you notice the other gun racks then?—A. I just went around and looked at them to see that there was no guns in them. I never examined them at all.

Q. What did you find to be the condition of the other gun racks?—A. Nothing; they seemed to be all right.

Q. Well, they seemed to be. Were they all right?—A. I don't know. I didn't examine them to see whether they was or not. I just examined the one that was in my squad, where I kept my gun.

Q. Didn't you just say that you went around?—A. I went around but I didn't look at them. There was no guns in the racks and I didn't have to go up and examine a rack, for I could stand off and see that there was no gun in it. There was no use for me to go up and examine it.

Q. How far were those gun racks apart?—A. Well, I don't know; I guess they were as far as from here to the door. It was two in one squad and one in the other.

Q. Were they 8 or 10 or 12 feet apart?—A. No; the two of them that was in the squad where I stayed were 2 feet or 2½ feet, I reckon.

Q. The other two were similarly situated; how far from those?—A. They were over across.

Q. How many feet?—A. I don't know, but across the stairway.

Q. Eight or 10 feet?—A. I guess so.

Q. In plain view of you there at that time?—A. They all sat there.

Q. Where was your ammunition?—A. What ammunition I had was in my belt.

Q. Where did you keep your belt?—A. Up at the barracks.

Q. You did not have that up at the corral there with you?—A. No, sir; I never kept it there—always kept it lying upon the shelf.

Q. What was the ammunition in?—A. In a box.

Q. In the McKeever box?—A. In a leather box.

Q. What kind of ammunition was that?—A. Guard ammunition.

Q. When was that issued to you?—A. Well, I don't know exactly what time it was, but it was a day or two after we got to Brownsville. I don't know exactly what time.

Q. You don't know anything about your gun having been inspected on the morning of the 14th, as you did not fall into the company?—A. No; I don't know whether my gun was inspected or not.

Q. You don't know anything about your ammunition having been inspected at all on the morning of the 14th?—A. No; I was not there at the time of the inspection.

Senator FORAKER produced a McKeever box and showed it to the witness.

The WITNESS. It was one like that.

Q. That is what you had your ammunition in?—A. Yes, sir; that is what I had my guard ammunition in.

By Senator WARNER:

Q. You live in New York now?—A. Yes, sir; I am stopping up there now.

Q. When did you go there?—A. A couple of weeks before Christmas.

Q. What are you doing there?—A. I ain't doing much of anything there. I have been at work at a club about three weeks.

Q. In a clubhouse?—A. In the Vendome Club.

Q. Have you done any other work there since you have been there?—A. No, sir.

Q. Worked there two or three weeks?—A. Yes, sir; off and on.

Q. And you enlisted from what point?—A. The first time, do you mean?

Q. Yes.—A. Here in Washington.

Q. And the second time?—A. In Washington.

Q. Each time you enlisted was in Washington?—A. Yes, sir.

Q. You never had lived in New York before?—A. The third time I enlisted in Fort Niobrara, Nebr.

Q. You said something about Voschell saying he saw a crowd of men?—A. I did.

Q. And this was after you had gone to bed?—A. After I had done gone back to bed, and he came back from the hospital.

Q. What was that conversation between you and Voschell?—A. When he came back from up there I asked Mr. Voschell, when he came back from the hospital, I said, "Who was it up to the hospital?" and he said, "It was a woman that was up there, was scared and run in there to the hospital." Then I wanted to know what she was going to the hospital for; why she didn't go back home or go to the guardhouse, and Voschell said, "When I came over here, it was a crowd of men going up toward Allison's saloon, down by the stone wall, toward the gate."

Q. Did he say how many men were in that crowd?—A. No, sir, he just said a crowd of men.

Q. Did he say whether they were on horseback or afoot?—A. No; they were walking I guess. I didn't ask him and he didn't say walking, but I supposed they were walking. I did not ask him.

Q. You, of course, assumed that they were walking?—A. Yes, sir.

Q. Did you ask him how many men there were?—A. No; I didn't ask him anything about it.

Q. Did you ask him if the men were armed?—A. No; I did not ask him whether they were armed or not.

Q. Did he tell you?—A. He didn't say whether they were or not.

Q. Did he tell you whether he heard them say anything or not?—

A. No, sir; he did not.

Q. Nor you did not ask him?—A. I did not ask him.

Q. Did he tell you whether they were white men or colored men?—

A. He did not.

Q. And you did not ask him?—A. I did not ask him.

Q. Did he tell you whether they were soldiers or civilians?—A. He did not.

Q. And you did not ask him?—A. No, sir. He pulled off his clothes and went on to bed. He said, "I will stay here to-night; I will not go home." So he pulled off his clothes and went on to bed, and in a very few minutes I was asleep. They kept me so busy down there I didn't have time to sit up nights to see what was going on.

Q. Where was Voschell's home? You say he said he would not go home, but would stay all night there.—A. I think he stopped sometimes over there in town.

Q. Did he sleep there with you sometimes?—A. Sometimes he slept in the wagon house and some nights he would go over to town.

Q. Now, that night Voschell went to bed in the room up at the quartermaster's stable?—A. Well, he did not go to bed in the stable; he went to bed in the house where the men slept.

Q. Well, in the same room that you went to sleep in?—A. The same room.

Q. You saw him go to bed?—A. Yes, sir; he went to bed—pulled off his clothes.

Q. Had you seen him before he woke you up that night?—A. Oh, I saw him when he was up there that night, going home, or going—I don't know where he went. I could not say where he went, but I know he left the corral.

Q. What time was that?—A. I don't know. It might have been between 7 and 8 o'clock. I am not sure; I could not say.

Q. What is your best remembrance?—A. It was somewhere between 7 and 8 o'clock; now, I could not say what time, but that was generally the time that he always pretty much left us there.

Q. Well, isn't it a fact, Johnson, that Voschell said to you that he saw these men up there at the saloon at the time he was going home?—A. No, sir; he did not tell me anything of the kind.

Q. When was it he said he saw them?—A. He said when he was coming over to wake us up.

Q. Did he say why he came over to wake you up?—A. He said he came over to wake us up, that there was shooting out there in town, and he thought that they might need the ambulance, and we did not know where the ambulance was.

Q. And that is why he came over?—A. He came over to tell us.

Q. And when he was coming over, he saw that crowd of men?—

A. That he saw a crowd of men going from Allison's saloon down toward the gate.

Q. Now, Mr. Johnson, referring to this map, we have been calling this direction up from Company D to B and C and up in that direction, we have been calling that east?—A. Well, that was south, was it not, the way the quarters set?

Q. It is not directly with the points of the compass. We have been, for convenience, calling that east, but it makes very little difference. We will take what is called the Garrison road outside of the wall, in the rear of the barracks.—A. Do you mean the road between the barracks and the wall or the road outside the wall?

Q. Outside of the wall, between the wall and the town. Now, Allison's saloon is, as I understand, way up on the Garrison road?—A. Yes, sir; it was away up at the upper end.

Q. I see here at figure 41 a building marked "commissary-sergeant's quarters." How far above that was the Allison saloon?—A. Oh, it was a good ways from the commissary, it was not very far from the hospital or the post exchange, but it was a good ways from the commissary. The commissary was away down.

Q. But that is marked "Commissary-sergeant's quarters." You know where those were? Those were up and beyond that road that runs nearly north and south, on the east side, some distance beyond the quartermaster's stables—you know where that road was?—A. I know where that road was, the other side of the quartermaster's stables.

Q. So we will get that. Now, if you were standing at the quartermaster's stables and facing the garrison road, this road to which I have pointed would have been at your right, would it not?—A. If I would facing which—the stables?

Q. Facing the garrison road, this road across here would be at your right. If you were standing out there and facing this way your right hand would be toward this road, wouldn't it?—A. Oh, yes, sir. Well, there was two roads there. It was one on each side of the stables. The stable set right in between two roads.

Q. That is, the one the other side of the stable is the circling road along near what is marked this dry lagoon?—A. I don't know what they call it.

Q. This is the road here, isn't it, the one you speak of, the other road?—A. I guess that is the one; yes, sir.

Q. Well, now speaking of the one at your right hand up there, facing in the direction in which I have spoken of, beyond that was what was called the county road, outside of the limits of the fort?—A. Outside the wall, you mean?

Q. Yes.—A. I suppose that was a county road.

Q. That is what I think has been called the county road.—A. I am not sure.

Q. Now, to get at it again; where was Allison's saloon with reference to this road, which you have said would have been to your right when facing garrison road, standing in front of the stables?—A. Standing in front of the stables?

Q. Yes, where was Allison's?—A. Standing in front of the stables, the road set right off like this.

(The map was here explained to the witness by Senator Bulkeley.)

The WITNESS. Here is Allison's; what is this, the stonewall [indicating]?

Senator BULKELEY. No, that road is in the reservation. That is the road that runs across. It runs up to these buildings here.

The WITNESS. Allison's saloon set right up in here.

Senator BULKELEY. Yes. The county road is up at the top of the map, there.

By Senator WARNER:

Q. Allison's saloon would be near the county road, would it not?—

A. If that is what you call the county road.

Senator BULKELEY. That is the county road up there?

The WITNESS. It was nearer to the county road than it was to the barracks.

By Senator WARNER:

Q. How near was it to the county road?—A. I don't know.

Q. About?—A. I don't suppose it would have been over 10 feet from it.

Senator FORAKER. What is that?

Senator WARNER. Allison's saloon.

The WITNESS. Not over 10 feet from it.

Q. It was near the junction of the county road and garrison road?—

A. It was right up by the end of the garrison fence.

Q. How far was that from barracks C, as near as you can make an estimate, now, from the Allison saloon to barracks C?—A. Well—

Q. There on the map is barracks C.—A. Yes; I see that. I couldn't tell how far it is.

Q. Half a mile?—A. No, no; it wasn't a half a mile.

Q. A quarter of a mile?—A. It might have been a quarter of a mile.

Senator FORAKER. The scale of the map is 30 feet to an inch.

By Senator WARNER.

Q. Tell us about, as near as you can estimate, what that distance was?—A. I don't know. I don't think it was over 300 yards, or 350. I don't guess it was. I never measured it.

Q. Yes.—A. But I know it was just outside of the fence there.

Q. Did Voshello tell you what had awakened him, or if he had been to bed?—A. The shooting.

Q. The shooting awakened him?—A. The shooting woken him up.

Q. Did he say whether he heard the call to arms?—A. No, sir; he didn't say whether he heard it. No; I don't guess he did from where he lived.

Q. Why do you not think he did?—A. I say I don't guess he did. I don't know exactly how far he lived downtown. I guess it must have been a good ways.

Q. He told you that the shooting woke him up?—A. Yes, sir; that the shooting woke him up.

Q. Have you ever been to where Voshello lived in town?—A. No, sir; I never was there.

Q. Did he ever tell you where he lived?—A. No, sir; he never told me.

Q. You have no idea of the direction in which he lived?—A. No,

sir; I have not. I had no time to go out while I was down there. They kept me busy all the time.

Q. You have related in substance all that Voshello stated to you that night about these men?—A. Not all. There isn't any of the fellows here that was down to the stable.

Q. What is that?—A. There is none of the fellows here that was down to the stable.

The question was read to the witness by the stenographer as follows:

Q. You have related in substance all that Voshello stated to you that night about these men?

By Senator WARNER:

Q. Now, you have had the question read to you; go ahead and answer it.—A. Yes; that was all he said about what I told you; all that I remember he said. If he said any more, I don't know it.

Q. You did not hear the men making any threats; he didn't repeat any threats that he heard them make?—A. I never heard no threats at all about the people there at Brownsville.

Q. Of what they said they were going to do?—A. No, indeed.

Q. What did he say about these men being drunk or sober?—A. He didn't say whether they were drunk or sober. He didn't say nothing about it.

Q. Or whether they were orderly or disorderly?—A. He didn't say anything.

Q. Nothing of the kind?—A. No, sir.

By Senator FORAKER:

Q. The men who were sleeping there with you were John Henry, and who else?—A. John Henry, of D Company.

Q. And John Streater?—A. John Streater, of C Company.

Q. And Alfred Williams?—A. Yes, sir; of B Company.

Q. Now, can you remember the other one?—A. His name was Haley.

Q. What is the name?—A. His name is Haley. I don't know his first name.

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

Q. D Company?—A. Yes, sir. Haley is his name.

Senator FORAKER. I want to put in evidence here the affidavit of John Henry, found at page 168 of Senate Document 155, made before Captain Lyon.

Senator WARNER. I have no objection, but I wish to say, Senator, that I assume that all those affidavits will be put in evidence.

Senator FORAKER. What I mean is that I am going to put it in this record. It is all here only for what it may be worth.

Senator WARNER. This is only put in for what it may be worth?

Senator FORAKER. Certainly. I am going to put it in to identify this man. This reads as follows:

Four 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 this 3d day of September, 1906, at Fort Reno, Okla.

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

By Senator FORAKER:

Q. Is that the John Henry you have reference to?—A. The same John Henry.

Q. He said that he was awakened by some civilian teamsters?—A. That was this here Voshelle.

Q. Was there anyone with Voshelle; that is what I want to know?—A. No, sir; he came in by himself.

Q. He came by himself?—A. Yes, sir; at least he was by himself when I saw him.

Q. Did you see John Henry?—A. Yes, sir; all the boys were there.

Q. They were all there?—A. Yes, sir, as well as I can remember.

Q. Was John Henry there?—A. I know John Henry was there, because our bunks were not any farther apart than these two chairs.

Q. Can you recall the others?—A. I know Streater was there.

Q. How do you know Streater was there?—A. He was sleeping right over across from me, and he woke up.

Q. And you saw him?—A. Yes, sir; and Alfred Williams.

Q. What about him?—A. If I am not mistaken—I am not sure for certain—but I think that Alfred Williams and the corral boss went up to the hospital together.

Q. You think Alfred Williams and the corral boss went with Voshelle up to the hospital?—A. I don't know whether it was Alfred Williams or Streater; but it was one of them.

Q. You were there, and Henry was there, and Streater was there, and Williams, see if you can recollect about him?—A. I know Williams was there.

Q. You know Williams was there?—A. Yes, sir; Williams was there, because he was sleeping right at the door. He was right at the door.

Q. Then you have recalled all of them as being there except Haley. Do you know whether he was there?—A. He had his bunk right in the corner, and I don't know whether he was there; I suppose he was there.

Q. Do you not recall him?—A. Yes, sir; if he was there. I wouldn't say for certain. I am only saying about the men that I saw.

Q. When Voshelle awakened you, he said the firing had been going on, and said he thought there might be a call for the ambulance, and wanted you awakened so that you could get it out promptly, if there was a call for it?—A. Yes, sir.

Q. You had been there how long?—A. I had come there on the Monday morning.

Q. Two weeks before?—A. Yes, sir; on the Monday morning.

Q. The Monday morning after you got to Brownsville?—A. Yes, sir; we got in on the Saturday before. They put me with the quartermaster on the Monday morning.

Q. You didn't know where the ambulance was kept?—A. No, sir; I had never seen it, sir.

Q. You never had seen it?—A. No, sir; we never had had any call for it. I had always used the buckboard and the wagon.

Q. You said there were two white men about the corral?—A. There was a fellow, he was a half Mexican; his name was George Miller. I think that was his name.

Q. He was a white man?—A. Yes, sir; you might as well say that he was a white man. He was half Mexican.

Q. Half Mexican?—A. Yes, sir. And he and Voshelle stayed there.

Q. You referred to Miller and Voshelle when you said two white men stayed there?—A. Yes, sir.

Q. But Voshelle did not live in the corral?—A. He didn't live there at night.

Q. It is stated somewhere here that he stayed down in town?—A. Down in town somewhere. I never knew where his house was.

Q. Do you know where that George Miller is? Do you know anything about George Miller—where we could find him?—A. No, sir; we left him in Brownsville.

Q. Haley belonged to D Company, did he?—A. Yes, sir.

Q. Alonzo Haley; that is his name?—A. I guess that is his name.

Q. His record is on page 271 of Senate Document 155. Was he detailed there as a teamster? We will find that later. At any rate, he is the other man. Now, you said something about Elmer Brown, of Company B. Where did he stay?—A. He stayed down at the lower end of the wagon shed, where Major Penrose used to keep his horses.

Q. At the lower end of the wagon shed?—A. Yes, sir; at the lower end of the wagon shed.

Senator FORAKER. I think that is marked on the map right across the plank walk from the stables.

(The shed in question was indicated on the map by Senator Bulkeley.)

By Senator FORAKER:

Q. Was that the wagon shed you referred to?—A. I think it must have been here. There is another little shed right there.

Senator BULKELEY. Here is a wagon shed and here is a little shed. I don't know what that is [indicating on map]. There is the granary there.

The WITNESS. The granary is right beside the quarters we stayed in, and then there was a wagon shed between—

Senator BULKELEY. This is the quartermaster's stable here.

The WITNESS. Where is the wagon shed?

Senator BULKELEY. Here is the wagon shed here. Here is a little shed that is not marked. Here is the water tank. Do you know that?

The WITNESS. Yes, sir.

Senator BULKELEY. Here is the bunk house [indicating].

The WITNESS. He slept on the end of the wagon shed next to the road.

By Senator FORAKER:

- Q. That is, Elmer Brown did?—A. Yes, sir.
 Q. He had charge of Major Penrose's horses, did he?—A. Yes, sir.
 Q. Did he sleep in there?—A. Yes, sir.
 Q. Did you see him that night?—A. No, sir; I didn't see him.
 Q. You told us the names of all the men that were there with you?—
 A. Yes, sir.
 Q. Did any of them keep their guns there?—A. No, sir; they all kept them at the barracks.
 Q. They all kept them at their respective companies?—A. They all kept them at the barracks.
 Q. Do you know who did this shooting?—A. I does not. I don't know anything in the world about it.
 Q. You didn't hear a thing about it?—A. No, sir; not until it was all over; next morning.
 Q. Do you know anything that leads you to suspect that anybody in any of these companies did it?—A. No, sir; I don't know any reason why they should have done it.
 Q. We want to find out who did it. Have you refused to tell anything or all that you know about it?—A. I have told all that I know about it.

By Senator WARNER:

- Q. Did you discuss this matter much after the shooting at Brownsville?—A. I heard them talk around, wondering who done it, and all that sort of thing, but I never heard anything told about it.
 Q. Did you hear the expression of "Wonder who done it?"—A. No, sir; nobody didn't know what it was done for at all.
 Q. Whom did you discuss it with?—A. I don't know. I heard fellows talking around there in the companies. I didn't have no right to talk with anyone about it.

Senator FORAKER. I have found the statement of Private John Streater, at page 482 of Senate Document No. 155, a statement given to Colonel Lovering, which is as follows:

Private John Streater, 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.
 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.

By Senator WARNER:

Q. What was Williams's given name, do you remember?—A. Alfred.

Q. Alfred Williams?—A. Alfred Williams; yes, sir; I think so.

Q. What company did he belong to?—A. B Company.

Senator FORAKER. I would like to put in here also the statement made by Alonzo Haley, at page 492 of Senate Document No. 155, before Colonel Lovering, in which he said that he was in the quarter-master's corral when the firing occurred, and was asleep.

Senator WARNER. I have heretofore stated my understanding that all these should be in evidence.

Senator FORAKER. I want to put this in here simply for ready reference.

The statement referred to is here printed in the record as follows:

Private Alonzo Haley, Company D, Twenty-fifth Infantry.

Q. Where were you on August 13, when the shooting commenced?—A. In the quartermaster's 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 Brockton, 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 accused 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.

Senator FORAKER. The other man is Alfred Williams, and his affidavit is found at page 498. I would like to have his statement put in the record also. He says at page 498 that he was asleep in the corral at Fort Brown, and did not hear the firing.

The affidavit referred to is here printed in full in the record as follows:

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.

By Senator WARNER:

Q. What time did you get to bed on the night of the 13th?—

A. Well, I don't know for certain. I guess it was somewhere along about 8 o'clock.

Q. About 8 o'clock?—A. Yes, sir; I don't know for certain.

Q. Did all these others go to bed at the same time you did?—A. Well, yes, sir. I don't know whether they all did or not. I couldn't say that.

Q. You do not pretend to say what time they went to bed?—

A. No, sir; I won't say anything about that.

Q. You do not know about them?—A. No, sir.

Q. And, as I understood from your direct testimony—I may be mistaken in this—you do not remember who of them was there when you were awakened?—A. I didn't say that. I said I remembered all those boys being there except Haley, and I don't remember for certain whether he was there or not.

Q. That is your statement now, that you remember all of them being there?—A. When Voshelle came there and woke us up, I went there and sat in the door, and me and him was sitting in the door, and while we were sitting there the telephone rang, and he said, "I guess there it is now for the ambulance," and he gets up and goes to the phone and listens, and he says, "No, it is a woman up at the hospital," and he went up to the hospital, but I don't know whether it was Alfred Williams or John Streater went up there with him, but it was one or the other of them.

Q. Yes. We have gone over that; but what was the first you saw of Alfred Williams after you were awakened by him?—A. When I got up and went to the door. He always put his bunk right in the door.

Q. That was the first you saw of him?—A. Yes, sir; the first I saw of him after I was awake.

Q. What was the first you saw of Streater after you were awake?—A. I don't know whether Streater was in his bunk, or whether he got up or no.

Q. What was the first you saw of Brown after you awakened? You did not see him at all, because he was down at the other?—A. I saw Brown the next morning when he was feeding; that was the first I saw of him.

Q. When you saw these other parties, they were dressed, were they?—A. No, sir; they wasn't dressed.

Q. They were undressed?—A. Yes, sir; all of us was undressed.

Q. Did you see them, whether they were undressed?—A. I see Williams, because he was laying right in his bunk. He had never got up. So was John Henry; he didn't get up at all. But Streater and myself—Williams, he didn't get out of his bunk. He sat on his bunk.

Q. Which one did not get out of his bunk?—A. Williams didn't get out of his bunk.

Q. And Henry did not get up?—A. I know that Henry didn't go out.

Q. So that two of the four, when this call for the ambulance came, didn't even get out of their beds? Well, if Williams did not get out of his bed?—A. I say he didn't get out of his bed when I did, but I don't know for certain whether it was him that got out and went to the hospital with the corral boss or John Streater. I knew it was one of them. I don't remember now which one it was, but I know there was one of them went up there.

Senator WARNER. That is all.

Senator FORAKER. That is all.

(The witness at this point was excused.)

TESTIMONY OF SAMUEL WHEELER (COLORED).

(The witness was sworn by the chairman.)

By Senator FORAKER:

Q. State your name in full.—A. Samuel Wheeler.

Q. Samuel Wheeler?—A. Yes, sir.

Q. Did you belong to the Twenty-fifth Infantry in August last?—
A. Yes, sir.

Q. Were you with your regiment at Brownsville?—A. Yes, sir.

Q. To what company did you belong?—A. Company D, Twenty-fifth Infantry.

Q. Company D?—A. Yes, sir.

Q. What official position did you hold in that company, if any?—
A. As corporal.

Q. You were a corporal?—A. Yes, sir.

Senator FORAKER. I want at this stage to put in the record the official record as given by the War Department of Samuel Wheeler, found at page 269, Senate Document 155.

The record referred to is here printed in full in the record, as follows:

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 20, 1897; was discharged as a corporal of Troop H, Ninth Cavalry, June 28, 1900, on expiration of term of enlistment; character good.

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.

Senator FORAKER. I will also offer in evidence at this point the testimony of Corporal Wheeler, as found at page 474 of Senate Document No. 155.

The testimony referred to is here printed in full in the record as follows:

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—ono 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 guardroom where the privates of the guard sleep?—A. Where the non-commissioned officers sleep.

By Senator FORAKER:

- Q. State whether you were on duty the night of the 13th, when the firing occurred about which we have heard so much.—A. Yes, sir.
 Q. You were discharged without honor?—A. Yes, sir.
 Q. Were you discharged as a corporal or as a private?—A. As a private.
 Q. You were discharged as a private?—A. Yes, sir.
 Q. You were a corporal at the time of this shooting at Brownsville?—A. Yes, sir.
 Q. When were you reduced from the rank of corporal to private, if you can tell?—A. I don't just remember the exact date, sir.
 Q. When was it—at Brownsville?—A. No, sir; it was after we had gone to Elreno.
 Q. You were a corporal on the night of August 13, 1906?—A. Yes, sir.
 Q. And you were a private when you were mustered out in November?—A. Yes, sir.
 Q. For what were you reduced to the ranks?—A. For an assault on a man for some very bad language he used to me.
 Q. Where was this?—A. At Elreno.
 Q. In Oklahoma Territory?—A. Yes, sir.
 Q. Who was this, a white man or a colored man?—A. A colored boy, Robert Williams; a cook named Robert Williams.
 Q. You were reduced to the ranks for that?—A. Yes, sir.
 Q. You were at Brownsville the night of August 13th?—A. Yes, sir.
 Q. Were you on duty that night?—A. Yes, sir.
 Q. On guard duty?—A. Yes, sir.
 Q. Now state what you know about the firing. First let me ask you some preliminary questions. Who was sergeant of the guard?—
 A. Sergeant Reid, of B company.
 Q. Of B company?—A. Yes, sir.
 Q. What other noncommissioned officers were on duty with you that night?—A. Corporal Wheeler—that is myself—Corporal Burdett, of B Company.
 Q. Corporal Burdett?—A. Yes, sir. And Corporal Franklin of B Company.
 Q. Three corporals?—A. Yes, sir.
 Q. And one sergeant?—A. Yes, sir.
 Q. Did you have charge of one of the reliefs?—A. Yes, sir; I had charge of the first relief.
 Q. How many men were there in the guard, altogether?—A. There were seventeen, completed the whole guard, including everybody.
 Q. Including the sergeant and the three corporals?—A. Three corporals, musician, and privates of the guard.
 Q. The sergeant and three corporals, that makes four, and the musician makes five. Then there were the twelve men?—A. Yes, sir.

Q. Could you give us the names of all those men, or have you any record of them?—A. No, sir; I could not.

Q. What relief did you have charge of?—A. The first relief.

Q. What time did that go on duty?—A. Ten-thirty, sir.

Q. In the morning or at night?—A. This was at night.

Q. You went on at 10.30?—A. Yes, sir.

Q. And were you on duty at 12 o'clock?—A. Yes, sir.

Q. Were you on duty when the firing commenced?—A. Yes, sir.

Q. Now, Corporal, just tell us all you know about that firing. First, before you proceed, let me ask you, Corporal, have you a letter from Captain Lyon? I think somebody showed me a letter he gave you. Have you got one with you?—A. Yes, sir; I think I have.

Q. I would like to see it.—A. Here it is [presenting letter].

The letter referred to was here read in full by Senator Bulkeley, as follows:

To whom it may concern:

Samuel Wheeler has been known to me for about four years, during most of which time he was a corporal in my company, D, Twenty-fifth Infantry. I know him to be a man of first-class habits and an excellent soldier. I believe him to be absolutely honest and reliable, and I have the fullest confidence in his honesty and truthfulness.

I am certain in my own mind that he was in no way implicated in the shooting at Brownsville, Tex., August 13-14, 1906, and I believe that had he any knowledge of the persons concerned therein he would have reported the same to me. I recommend that he be again enlisted in the service of the United States.

SAMUEL P. LYON,

Captain, Twenty-fifth Infantry, Commanding Company D.

Senator FORAKER. Where is that dated?

Senator BULKELEY. It does not bear any date.

By Senator FORAKER:

Q. You were on duty, as I understand you, when this firing commenced?—A. Yes, sir.

Q. Tell us where the first firing was that you heard; where were you?—A. I was in the office of the sergeant of the guard, where the noncommissioned officers all were, and specially when on watch.

Q. You were at the guardhouse?—A. In the guardhouse and in his room, in his office.

Q. In the noncommissioned officer's office?—A. Yes, sir.

Q. Who else was in that room with you?—A. All the noncommissioned officers and the musician.

Q. That is, the sergeant of the guard—A. Sergeant Reid, Corporal Burdett, Corporal Franklin, and Robinson, the musician.

Q. That is, Hoytt Robinson?—A. Yes, sir.

Q. How many of them were asleep, if any of them?—A. It was pretty late, and it seemed like they all might have been asleep, except Sergeant Reid, and he was laying down.

Q. Was he lying down?—A. Yes, sir.

Q. That is all I want to know. Were they all lying down?—A. They were all laying down, sir.

Q. What did you hear first?—A. About eighteen or twenty minutes past 12, I heard two shots up over in the eastern part of the town; they seemed to be over this way.

Q. What is the eastern portion of the town? There is a map, right there.

(The map was further explained to the witness by Senator Bulkeley.)

By Senator FORAKER:

Q. You were at the guardhouse. You know where the stable and wagon shed are, back there?—A. Yes, sir.

Senator BULKELEY. There is said to be another road out here called the county road. Do you know where that is?

The WITNESS. Yes, sir.

Senator BULKELEY. This road runs through the reservation [indicating on map], and the county road is beyond that.

The WITNESS. Yes, sir.

By Senator FORAKER:

Q. Indicate on the map where those first two shots were that you heard.—A. Right out in here, it appeared to me; in here [indicating].

Q. How far away from the guardhouse?—A. This fence here is about 300 yards. It seemed to have been about 400 yards from the guardhouse. They were out beyond the reservation.

Q. They were out beyond the reservation road somewhere?—A. Yes, sir.

Q. Were they on this reservation road, or on the road beyond it?—A. I didn't see them, but from the sound of the shots—this part of the guardhouse is very open here, and the sound came in very clear to my left ear as I was facing in an eastern direction, and the sound came in here very sharp, at a distance of about three or four hundred yards in here.

By Senator FORAKER:

Q. What kind of arms were they?—A. They seemed like pistols, the first two shots.

Q. Then what did you hear?—A. I heard a number of shots—quite a good many up here.

Q. Where were they?—A. They were over here in the west part of the garrison—in the west part of the town.

Q. Beyond garrison road?—A. It sounded to me at first as though they might have been over about the ferry.

Q. About the ferry?—A. Yes, sir; down by the Rio Grande, here [indicating].

Q. Then what did you hear next as to the firing?—A. There was quite a number of shots. The shooting lasted about fifteen or twenty minutes.

Q. Where did the principal shooting seem to be located?—A. Over here in the western part; right over here [indicating].

Q. Do you know where that gate is?—A. Here is the gate.

Q. Where, with reference to that locality? Anywhere near that?—A. Yes, sir; this shooting seems to have been right round here somewhere.

By Senator BULKELEY:

Q. This is the telegraph office. Do you know where that is?—A. Yes, sir.

Q. Right outside of the gate?—A. Yes, sir.

By Senator FORAKER:

Q. Where is the ferry?—A. Here is the ferry, on the Rio Grande River, and this shooting sounded like it was right in this direction here. I came to the sally port here and the shooting was still going on—very rapid shooting.

Q. What did you do when this shooting commenced?—A. I alarmed the guard.

Q. How many men were on guard at that time, and indicate where they were on guard?—A. There were 17 men on guard at that time.

Q. How many on post?—A. There was 4 on post.

Q. Indicate where those posts are. Where is post No. 1?—A. Post No. 1 is right in front of the guardhouse.

Q. Point it out.

(The witness did so.)

Q. (Continuing.) That man walks a beat right in front of the guardhouse?—A. Yes, sir.

Q. He was on the parade ground?—A. Yes, sir.

Q. In front of the guardhouse?—A. Yes, sir.

Q. Where is the flagstaff here?—A. The flagstaff is right on the edge of the parade ground.

Q. On the edge of the parade ground?—A. There is a little walk comes down here [indicating].

Q. Where is post No. 2?—A. Post No. 2 is around these barracks here, and through the day they extend from one end of the barracks to the other, on the west side, and at night around them.

Q. Through the day they simply walk?—A. On one side.

Q. In rear of the barracks; between the barracks and the wall?—A. Yes, sir.

Q. And at night they walk all the way around?—A. Yes, sir.

Q. Do they walk around that unoccupied barracks?—A. Yes, sir; they were supposed to go over from the guardhouse here and post them at this corner.

Q. Where was post No. 3?—A. No. 3 is over here, on the officers' line.

Q. In front of the officers' quarters?—A. In front of the officers' quarters; yes, sir.

Q. Where was post No. 4?—A. Down at the corral, and around that way.

Q. You had a man on duty at the corral—on guard there?—A. Yes, sir.

Q. Can you tell us who the four men were—give us the names of them—who were in your relief and on duty at that time?—A. Private Benjamin F. Johnson, Company D, was the No. 1, first relief.

Q. Yes; go on.—A. Private Joseph Hall was number 2 of the first relief. Private Hairston of Company D was number 3 of the first relief; and he was posted over there [indicating]. Private Alexander Ash was number 4 of the first relief, and he was posted down by the quartermaster's department.

Q. Explain the beat down around the quartermaster's quarters. Where did he pace? I don't know whether you understand those buildings there or not. Senator Bulkeley will explain, if you do not. (The map was further explained by Senator Bulkeley.)

By Senator FORAKER:

Q. Do you recognize that situation?—A. Yes, sir.

Q. Can you indicate with that rod where the man's beat was around the quartermaster's quarters?—A. He taken in this whole system here. This is between the hospital steward's private residence and the hospital, and we went to this point by the commissary's and

posted him here, and he taken in that whole system of the quartermaster's department and came around, leaving this old cavalry stables, and also this building [indicating to his right-hand side], on the opposite of the road.

Q. That was his beat?—A. That was the beat of post No. 4.

Q. How long would it take him to walk around that beat?—A. It would take him at least twenty minutes.

By the CHAIRMAN:

Q. Your sentinels are supposed to keep in motion; they are supposed to be walking all the time?—A. Yes, sir.

Q. Have you any reason to think that they were not faithful in pacing their beats?—A. No, sir; I have no reason to think they were not.

By Senator FORAKER:

Q. I was going to ask you this: Where did you stay while your relief was on duty?—A. Right in the guardhouse and at the sally port and in and out and around about. The prison was in another part of the guardhouse, and we had to go around and look at the windows and see that the prisoners were all right.

Q. There were some men confined there?—A. Yes, sir.

Q. Who were they?—A. I don't know whether I could tell you, now. One of them was a white man who had deserted and who came there and gave up himself a few days before this trouble. The other man was a man with a very peculiar name. He belonged to C Company.

By the CHAIRMAN:

Q. Of course you only had one man on duty at the guardhouse?—A. Yes, sir; he walks around.

Q. And during the time you were on duty you were supposed to go all around and see that the men did their duty?—A. Yes, sir; around the guardhouse.

By Senator FORAKER:

Q. Did you go around to the beats to see them?—A. No, sir; I just posted them.

Q. As I understand, you were awake and in the noncommissioned officers' room, and the other noncommissioned officers and the musician were all there, to your personal knowledge?—A. Yes, sir.

Q. Where were the other two reliefs that were not on duty?—A. In the sally port. I suppose everybody understands that. At night they always bring their beds out in there so that they can build what they call a little mosquito smoke, because they can't sleep for so much heat, and at night the mosquitoes keep them awake; so that they make a little smoke, and the noncommissioned officer who is on watch—we keep up the smoke for the rest of the boys.

Q. How many men were off duty at that time; I mean off post? There ought to be 8 with the reliefs.—A. Yes, sir.

Q. You have accounted for the noncommissioned officers. Now, how many men were in the sally port and in the guardhouse and elsewhere that you have knowledge of?—A. I have a knowledge of there being 8 in this sally port. There was somebody in every one of the 8 beds in this sally port.

Q. Do you know that the men who were in these beds were the men who belonged there?—A. Yes, sir; they must have been, because No. 1 was on duty and allowed no one else to be there. If he had, he would have called the corporal of the guard and he would have went out to find out their business; how they happened to be there.

Q. You told us about the firing and when the firing started; was there any alarm given?—A. Yes, sir; there was an alarm given by the man at the gate. That sentry up there called the corporal of the guard.

Q. How was that?—A. I am a little too fast. The firing began, and to arms was sounded.

Q. Who sounded that?—A. The musician of the guard.

Q. Who was that?—A. Hoytt Robinson.

Q. How did he come to sound the call to arms?—A. We was first formed outside and he got his orders from the commander of the guard, I suppose. I was on the outside, and I know that is where the call to arms was sounded, and he surely would not have sounded it without somebody ordered him to.

Q. Did you see Sergeant Reid get awake?—A. Yes, sir.

Q. What did he say when he got awake?—A. He must have been awake, and he jumped right up and called "Outside, guard," and he kind of butted into me lightly, and ran outside.

Q. Did you go outside?—A. Yes, sir.

Q. What did you do?—A. I looked to see that the rest of the men got out and that the prisoners were secure.

Q. Was the guard formed?—A. Yes, sir.

Q. How many men were present, of the guard?—A. I couldn't tell. I didn't go out, but the men must have been all there, because all their bunks—there was some one in them.

Q. Why would you not go outside of the guardhouse when the guard was being formed?—A. That is the place of the noncommissioned officer in charge and on watch.

Q. To stay in the guardhouse?—A. Yes, sir; only when he is receiving the officer of the day.

Q. When the sergeant of the guard ordered the men to fall in, that did not include you?—A. No, sir.

Q. It was your duty to still remain in the guardhouse?—A. Yes, sir.

Q. You say the guard formed outside?—A. Yes, sir; they were formed right outside of the sally port.

Q. You could see them?—A. Yes, sir.

Q. Did you have any means of knowing whether they were all there? Can you tell us whether they were all there, or were any of them missing.—A. There was not any of them missing. I know there wasn't any missing.

Q. Did they fall in with their arms?—A. Yes, sir.

Q. What did they do when they fell in?—A. To arms was sounded, and they fell in, and about that time we had a call from the number 2 post, "Corporal of the guard."

Q. From No. 2 post?—A. Yes, sir.

Q. That would be Howard?—A. Yes, sir; Joseph Howard. Then he sends Corporal Burdett with a patrol to this call.

Q. Corporal Burdett?—A. Corporal Burdett.

Q. The rest of them did what?—A. The rest of them were behind the guardhouse. There is a large light that burns there. He didn't wish to make a target of anyone, and he advised them to stop in this little shady place, and also No. 1 post. We heard several bullets whizzing high up in the air, and to avoid anybody getting hit we stopped at No. 1 post.

Q. You did hear some bullets whizzing in the air?—A. Yes, sir.

Q. What kind of a noise did they make? What kind of bullet did it seem to be?—A. It seemed to be something very large, because went this way [witness imitating noise], and that is something very large.

Q. You know what kind of noise your own bullet makes when it goes through the air?—A. Yes, sir.

Q. Was it that kind of a noise?—A. No, sir; it was not that kind of a noise.

Q. You said somebody sent Corporal Burdett to do something. Who sent him?—A. That was Sergeant Reid.

Q. Sergeant Reid, sergeant of the guard?—A. Yes, sir; sergeant of the guard.

Q. What did he send him to do?—A. He sent him to answer this call of Private Howard.

Q. Private Howard called. What was his call?—A. "Post No. 2, corporal of the guard."

Q. He called for the corporal of the guard?—A. Yes, sir.

Q. Why did you not go? You were the corporal of that relief?—A. That was left to the men of the guard. If there had been any other corporal in my place I would have gone, but as this trouble first happened I was the next senior noncommissioned officer, and he wanted to keep me at the guardhouse, and if it was necessary for any more patrols, he would go.

Q. He sent Corporal Burdett, and did he send anybody else?—A. Yes, sir.

Q. Do you know who they were?—A. He took a couple of privates.

Q. Do you know who they were?—A. No, sir.

Q. Do you know where they went and what they did, of your own knowledge?—A. No, sir.

Q. What did you do next?—A. I remained on guard and looked out for my relief and around the guardhouse.

Q. You say this firing that you heard up east of you first afterwards broke out down there. How much of it was there; a considerable amount?—A. A good deal of it, sir.

Q. How long did it last, perhaps?—A. Fifteen or twenty minutes.

Q. Then how long did you remain on duty?—A. I think it was until about half past 3 o'clock the next morning.

Q. About half past 3?—A. Now, I would like to ask this question, sir. I understand you asked me about how long I remained on duty.

Q. Yes.—A. That is, on that watch?

Q. Yes; I meant on that watch.—A. Until about half past 3.

Q. You went on duty at half past 10?—A. At half past 10, and should have come off at half past 12.

Q. But you didn't come off?—A. No, sir.

Q. Were you awake all that time?—A. Yes, sir.

Q. Where was the rest of the guard? Why did they not relieve you at half past 12; that is what I want to find out?—A. They

could not. This shooting taken place, and we didn't know what was the trouble. Number 2 post called for the corporal of the guard, and we sent the corporal of the guard and two privates to his relief to answer that call, and you understand his route to this place; the major sent one man to the post and the corporal and the other man to his residence, and we had no one then to bring the communication back to the guardhouse, and we waited a considerable while, and then Sergeant Reid took the patrol himself and went to answer the same call, and let us know what was the trouble.

Q. He took a patrol and went down to see the guard on post No. 1?—
A. Yes, sir.

Q. And he came back, in course of time, and reported what?—A. That Corporal Burdett and one man had gone to the major's quarters and the other man was left with No. 2; and we didn't have anybody to spare. We didn't know what had happened and what was going to happen, and we thought we had better keep these men at the guardhouse. Those men, if we had brought them in, would have had to go on post again, anyhow, right around the guardhouse, so we thought we had better keep them on duty.

Q. You went off at half past 3, and did you go to bed then?—A. No, sir.

Q. What was that?—A. No, sir; we didn't go to bed.

Q. Was that half past 3 in the morning that you went off duty?—
A. Yes, sir.

Q. Did you stay up all night?—A. Yes, sir.

Q. How did you happen to remain up all night, if you were not on post or on duty?—A. When any disturbance takes place, I stay up. I have been fixed so that I had to stay awake two or three nights.

Q. I just wanted to know about this occasion.—A. Yes, sir; I stayed up very easy.

By the CHAIRMAN:

Q. You were not under orders, but you stayed up voluntarily?—
A. Yes, sir.

By Senator FORAKER:

Q. Were all the guard up all night?—A. Yes, sir; I think so. I don't remember anyone lying down.

Q. Were the guns of the guard inspected soon after this firing, at any time?—A. They were inspected at reveille, at the usual hour, by the officer of the day.

Q. At reveille?—A. Yes, sir.

Q. Does the officer of the day have to wait until reveille is sounded?—A. He always inspects the guard; but this morning he inspected the guard and the arms, too.

Q. Who was the officer of the day who inspected the arms?—A. Captain Macklin.

Q. Where were you when he inspected you?—A. At the guardhouse.

Q. And who all were present; was the entire guard there?—A. The entire guard excepting Nos. 2 and 3, who were around at those posts.

Q. Was there not a relief on duty then?—A. Nos. 1, 2, and 3.

Q. Where was No. 4?—A. He were in ranks when they were inspecting.

Q. Was there not any guard on No. 4 when the inspection took place?—A. No, sir.

Q. Had you withdrawn No. 4?—A. We had withdrawn No. 4 then.

Q. Why had you done that?—A. They had thrown out these posts, and the entire force was out then.

Q. Company C had gone out?—A. Yes, sir.

Q. And had established cossack posts?—A. Yes, sir; a couple of them.

Q. And you had withdrawn in your men?—A. Yes, sir.

Q. What was the result of that inspection by Captain Macklin? Did he find any dirty guns?—A. No, sir; everything was satisfactory.

Q. Did he inspect carefully or otherwise?—A. It seemed to me he inspected very particularly.

Q. Was there an inspection made of the ammunition?—A. Yes, sir.

Q. What kind of ammunition did the guard have?—A. We had ball ammunition; the late ammunition, which is worn in a clip.

Q. You had that on duty that night?—A. Yes, sir; I did, and all my company, I am pretty sure.

Q. All your company had?—A. Yes, sir.

Q. That was Company D?—A. Yes, sir.

Q. What did the other men have, if you know?—A. I could not say, sir.

Q. Your company at the time was supplied with the ball cartridge?—A. Yes, sir.

Q. And you used that when you went on guard?—A. Yes, sir.

Q. How do you know what the others had?—A. No, sir; I do not.

Q. What happened after that inspection? Was there any opportunity, corporal, for your men or any of them after that firing that night to clean their guns before that inspection in the morning without your observing it?—A. No, sir; they could not have did it.

Q. They were there in the guardhouse all night, were they?—A. Yes, sir.

Q. All under your eye?—A. Under our eye. They could not have cleaned a gun, and could not have moved, and could not have got away from any place where they were posted there.

Q. State whether or not you afterwards turned in your ammunition and gun, and if so, when, and whether it was all right or not.—A. Yes, sir; I turned in my gun and my ammunition.

Q. When was that, if you can tell?—A. That was some time in the afternoon, because just as soon as I came off guard the whole entire guard was marched from the guardhouse to the adjutant's office.

Q. To the adjutant's office?—A. Yes, sir; and we were held there and brought in one by one before the commanding officer.

Q. One by one before Major Penrose?—A. Yes, sir; in his office.

Q. What for?—A. He also inspected us, to see whether we had the ammunition.

Q. Yes.—A. To find out what information he could gain about this trouble. Then we were held outside, and I taken the numbers of my company and my company; then we put our guns in the racks and turned in the ammunition; and then afterwards there was a detail made and moved the racks into the place where they were locked up, right away.

Q. That was the day after the firing?—A. Yes, sir.

Q. So that your guns, the guns of the guard, were inspected by Captain Macklin at the guardhouse?—A. Yes, sir.

Q. The guns of all those who were not on post, the first thing in the morning, and then later, when you went off duty, you were marched to the adjutant's quarters, and one by one taken in before Major Penrose?—A. Yes, sir.

Q. Was the adjutant there?—A. Yes, sir; the adjutant was there.

Q. What was his name?—A. Lieutenant Chandler was his name. First Lieutenant Chandler.

Q. Was Lieutenant Chandler there at that time?—A. No, sir; I am making a mistake. The adjutant was the quartermaster, Lieutenant Grier.

Q. Lieutenant Grier?—A. Yes, sir; I spoke a little too quick then.

Q. Where was Lieutenant Chandler at that time?—A. I think he were away on some military duty; I don't know what.

Q. Each one of you was questioned by Major Penrose, and was your gun inspected by him?—A. No, sir; the guns had been inspected just before that by the officer of the day.

Q. That was in the morning?—A. Yes, sir.

Q. You said Major Penrose inspected your ammunition, as I understood you?—A. That was right in the belt, you know; to see whether we had it or not.

Q. Did he not look at your gun at all?—A. Not at mine. We were taken in one by one. I don't know what he did for the others.

By Senator WARNER:

Q. The guns at that time had been placed in the racks?—A. The guns?

Q. Yes.—A. Not mine, sir.

By Senator FORAKER:

Q. You had just come off guard?—A. Yes, sir.

Q. And you took your guns, after the inspection, down to the barracks and put your guns in the racks, then?—A. Yes, sir; in the racks.

Q. But you had them when you came off guard until you went before Major Penrose?—A. Yes, sir.

Q. Now, corporal, do you know who did this shooting?—A. No, sir.

Q. Did you have anything to do with it?—A. No, sir.

Q. Do you know of anybody in either company that did have anything to do with it?—A. No, sir; and I don't think that anybody in either of the companies did have anything to do with it.

Q. Have you any knowledge that leads you to suspect—that ever did lead you to suspect—that anyone in any of those companies had anything to do with it?—A. No, sir.

Q. Have you ever withheld any information from anybody about it? Have you ever refused to tell anybody everything about it that you might know?—A. No, sir.

Senator FORAKER. I believe that is all I want to ask the witness.

By Senator WARNER:

Q. What time were you relieved from duty on guard on the morning of the 14th of August?—A. We were marched up from the guardhouse to the adjutant's office somewhere between 12 and 1 o'clock.

We were held there for a good while. I didn't notice the time exactly when we left there. As they went in and the commanding officer got through we held them there in the hallway of the building, and the commander of the guard told me to take my men of the company to the first sergeant—my detail.

Q. Yes, but I have got something in my mind that you said about being relieved at half past 3.—A. I misunderstood you. I thought you meant when was my entire guard relieved off of duty. You mean when was my relief relieved off of duty that morning?

Q. Yes.—A. About half past 3, sir.

Q. And you were asked if you then voluntarily remained on duty after you were relieved.

Senator FORAKER. Not on duty, but awake.

By Senator WARNER:

Q. I mean if you remained awake; and you said that you had done that several times before in case of danger.—A. Yes, sir.

Q. And where were the men from half past 3 until the inspection by Captain Macklin?—A. There are two long benches in front of the guardhouse, and I think every man was sitting there.

Q. And talking?—A. Yes, sir; talking.

Q. Moving in and out of the guardhouse and talking?—A. They were not doing much moving in and out, but sitting there talking.

Q. They had a perfect right to move about, and in and out?—A. Yes, sir; they did, but they seemed to be enthused over this trouble, and they were sitting there on the bench.

Q. Saying what?—A. Questioning what it was and talking about it.

Q. Was any reason given for it?—A. I never heard any; no, sir.

Q. Who you thought was doing it?—A. Yes, sir.

Q. What was said?—A. We thought that the civilians did it; that it was did from people in town.

Q. Why?—A. We didn't know why. There was quite a number of bullets came from that direction, across the garrison, and the consequence is that it must have been done by the people in town.

Q. You have stated heretofore about these bullets coming across from the town?—A. Yes, sir.

Q. And the first shots you heard were two shots?—A. Yes, sir.

Q. And how far were they away?—A. I don't say how far, but it must have been about two or three hundred yards.

Q. Now, I note in your affidavit on page 234 of Senate Document 155, made on the 24th day of November, 1906, that you state that between 12.20 and 12.30 on the night of August 13th, while on duty as corporal of the guard, you heard two shots and then a fusillade of mixed arms, being about 200 yards from the guardhouse.—A. That is a misprint by someone. They got that wrong. I know I never made no such a statement as that to anyone.

Q. What is the misprint about it?—A. I hearing a number of mixed shots 100 yards from the guardhouse.

Q. Were the two shots 100 yards from the guardhouse?—A. I don't think I ever have—I know I never have made any such statement to that effect, of the two shots being within a limit of 100 yards, or of a number of shots being within 100 yards.

Q. The mixed shots were how far from the guardhouse, would you say now?—A. In the neighborhood of 900 or a thousand yards.

Q. The two shots were how far from the guardhouse?—A. I don't know how far, but I will say how far I think they were. I think they were between 200 and 300 yards from the guardhouse, from the sound of them.

Q. Let us understand about those first two shots. They were to the right of the guardhouse; that is, as you stood facing the garrison road, were they to the right? Stand up here in front of the map facing the garrison road. Those two shots were to the right of the guardhouse, were they not?—A. To the right, rather, of the guardhouse.

Q. Here is the guardhouse [indicating].—A. Right in here [indicating].

Q. Right in here?—A. Yes, sir.

Q. Up in the direction of where the road that runs through the grounds of the fort intersects with garrison road; that is about the point you locate, is it?—A. The sound came in here. Those shots must have been fired right along in there somewhere [indicating].

Q. That is the point? I can not tell. You have to tell, yourself, you know.—A. Yes, sir.

Q. And there were two shots from that point. What interval was there between those two shots and the fusillade that you heard down in the neighborhood of Elizabeth street and garrison road?—A. About four or five seconds, sir.

Q. There was not possibly time for anyone to have gone from where you heard the first two shots down to where you heard the fusillade?—A. No, sir; oh, no, sir.

Q. What is that?—A. No, sir; they could not have gone from there over there.

Q. So that the person or persons who fired the first two shots could not have gotten down to fire that fusillade?—A. Not if they were where I thought I heard these first two shots.

Q. I am getting your idea about it.—A. Yes, sir; and during the shooting I heard some very rapid riding; it might have been further down, sir.

Q. You heard some very rapid riding?—A. Yes, sir; off in that direction. It might have been riding or it might have been a loose horse, but I know I heard a horse—as much as two or three horses—going very rapidly down that way [indicating].

Q. You did not tell anybody in your previous examinations about this horse business.—A. I may not, sir. I attempted to make—

Q. Have you ever stated that before?

Senator FORAKER. Let the witness finish his answer.

Senator WARNER. Certainly. I thought that he had finished. I did not intend to interrupt you.

The WITNESS. I attempted to make a statement in one of my statements, and I was not allowed to make any such statement. I was informed to answer such questions as I was asked, and let others go.

By Senator WARNER:

Q. You wanted to make a statement about hearing those horses, and you were not permitted to do it; is that what you swear to?—

A. And some other things, yes, sir.

Q. Who would not permit you to make it?—A. General Garling-

ton. He told me "Just answer such questions as you are asked, and never mind those things."

Q. What other conversation did you have with General Garlington? Just give that conversation when you were not permitted to make your statement.—A. I didn't have much conversation; just answering those questions to the point of this trouble, and that was all.

Q. What was the conversation you had with General Garlington?—A. He asked me about the knowledge I had of this shooting.

Q. You told him?—A. Yes, sir; I told him, and when he explained it to me, then I went on to tell him that I thought that the people of Brownsville did this shooting, myself, and he said "Never mind about that; just answer such questions as are asked of you." So I quit. I was a soldier, and subject to orders, and didn't wish to give the General any insubordination; and so he said that would do.

Q. He asked you to tell all you knew of this shooting?—A. No, sir; he did not ask me to tell all I knew about the shooting.

Q. Did you understand that he wanted you to tell all you knew about it?—A. I might have.

Q. Were you ready to tell all you knew about it?—A. I have tried to always.

Q. Were you ready to tell all you knew if he had asked you to tell all you knew?—A. Yes, sir.

Q. Did he ask you to tell him about hearing those horses galloping by?—A. I hadn't gotten to that point.

Q. He never refused to let you tell him about that?—A. I was telling him about the shooting. I didn't know whether the horses had anything to do with the shooting; only I knew I heard some horses going very rapidly.

Q. Was that a horse or some horses?—A. I said "horses" in the first beginning, I think, sir. It wasn't one horse, I am sure.

Q. How many horses?

Senator FORAKER. He said three or four horses.

Senator WARNER. I did not hear the three or four. I did not hear the witness say that.

By Senator WARNER:

Q. Just approximate, as near as you can, how many horses you heard.—A. Well, sir, it seemed to me it might have been about four horses—three or four horses. I didn't see them; I only heard them.

Q. What direction were they going?—A. They seemed like they were going off down that way. Going west. I didn't have much time. I didn't take any time, in fact, to locate which way they were going, because they—we were kept very busy, and were expecting trouble around the guardhouse all the time, and I was arranging my detail there and looking to see if they were there, and I heard this noise going on.

Q. Yes. Please take the pointer and point in the direction you thought they were going.—A. It seemed to me like they were going in this direction [indicating].

Q. Going off toward the town?—A. They were already in town, and it seemed to me like they were going further down in town.

Q. You see Adams street marked there, do you not?—A. Yes, sir.

Q. Was that about the direction they were going, out Adams street?—A. I don't know, sir. The only street I know is this one here and this one [indicating].

Q. Taking Elizabeth street, that is the street you point to, entering the gate?—A. Yes, sir.

Q. The next street here is marked Washington street, and the next street is Adams street. That is marked "1," and as I understood you, they seemed to be going down in that direction, away from the fort and into the town; that is correct, is it?—A. Yes, sir.

Q. Now, Corporal, further, as I understood you to say in answer to questions, your reason for not paying special attention to the way they were going was because you said you were expecting trouble. What trouble were you expecting?—A. The shooting had been going over; we didn't know what was going to follow what had been did. We were a little on the alert. Whenever anything starts, then you expect more.

Q. What shooting had been going on?—A. That shooting that was did at Brownsville, sir.

Q. I know, but the fusillade was going on then?—A. It were over.

Q. The fusillade was over?—A. It were over; yes, sir.

Q. Then when you heard those horsemen going that way, the fusillade was over?—A. No, sir; that was during the fusillade, during the shooting, sir. That was right along during the shooting. It seemed as though he must have had an awful gun. I could hear the reports from it, it seemed like a mile, down through the town.

Q. But confining it to this other point, now, as to those horses galloping, when was that, in reference to the fusillade you heard?—A. Right along the latter part of it.

Q. So that if there was anyone upon those horses, they could have had nothing to do with the fusillade down in the direction of Elizabeth street?—A. They could have had a good deal to do with it. It might have been another party down there. They could have connected with it.

Q. Yes; another body. But that body you heard up there going out Adams street—A. I didn't say they were going out Adams street. I don't know what street they were going out.

Q. We have pointed out Adams street there.—A. You have, sir. You see a map like that is covering a considerable lot of territory for a small place like Brownsville. It is good and large and plain, but it is on so large a plan that it turns me all around. If you taken the measure from one point to another, even from one street to another there, it might be a couple of miles.

At 12.30 o'clock p. m. the committee adjourned and took a recess until 2.30 o'clock p. m.

AFTER RECESS.

The committee reconvened, pursuant to the taking of the recess, Senator Foraker in the chair.

Present: Senators Foraker, Hemenway, Bulkeley, Warner, and Overman.

TESTIMONY OF SAMUEL WHEELER (COLORED)—Continued.

By Senator FORAKER:

Q. You were one of the 12 men who were arrested at Brownsville, were you not?—A. I were not, sir.

Q. You were not?—A. No, sir.

Q. Were you not taken to Fort Sam Houston?—A. No, sir.

Q. I had not looked it up, but I thought you were. Sergeant Reid was arrested, wasn't he?—A. Yes, sir.

Senator FORAKER. No; I see from the record you were not arrested. That is all.

By Senator WARNER:

Q. Corporal, in your examination before the Inspector-General I understand you to say that you were not permitted to state all that you knew?—A. Before Inspector-General Garlington?

Q. Yes.—A. Yes, sir.

Q. When you were summoned on the 24th day of November in Oklahoma, you made an affidavit there at that date, didn't you?—A. Yes, sir; on or about that date.

Q. You understood that that was an examination being made by the Constitutional League, didn't you?—A. Had been made by them?

Q. Yes; to find out whether the soldiers were connected with the shooting or not?—A. Oh, yes, sir.

Q. You understood that that was a friendly examination?—A. No, sir; I don't know as it was.

Q. Conducted by your friends, at least?—A. No, sir; I don't know whether it was conducted by my friends or not. I was asked questions and answered them. I was willing to tell anybody, friends or enemies.

Q. Did you at that time tell anything about hearing these horses?—A. At that time, sir, I explained myself to the gentlemen that I were hindered from making a sworn statement to General Blocksom. I didn't tell him whether it was horses or what it was.

Q. But did you state anything there in the affidavit marked "Affidavit D," on page 224 of Senate Document No. 155, with reference to hearing the horses? If you want to, which would be perfectly proper, you can examine the affidavit. You have a right to do it.

(The witness was handed the affidavit.)

A. I think, sir, that I have a pretty clear memory of everything I spoke in making out that affidavit.

Q. It was read over to you and you signed it?—A. I made my statement and then signed it.

Q. As you state you have a clear remembrance and do not wish to read that, what is your remembrance about having said anything about having heard these horses galloping in any direction about the

time of the shooting?—A. What is my remembrance about speaking about hearing the horses galloping off in any direction?

Q. Yes; in that examination?—A. I didn't make a statement of anything about the horses at all.

Q. Why didn't you make a statement there?—A. I made a statement of all I wished to make, and that were that I was hindered from making this statement to the Inspector-General.

Q. I know, but why didn't you state about hearing those horses on the 24th of November when you made an affidavit?—A. I didn't think it was necessary.

Q. Why not necessary?—A. They didn't seem to be gaining any information in regards to horses or any other animals.

Q. Did you think at that time that the fact of your hearing those horses, which, I think you have stated in a part of your examination, might have been a loose horse without a rider, might have been a material part of your affidavit?—A. I don't remember stating that it might have been a loose horse. It might have been a number of horses.

Q. Well, whether one or more; did you think at the time that that had nothing to do with the shooting, and therefore did not make the statement?—A. That the horses passing by at that time—

Q. Yes; had nothing to do with the shooting?—A. Had nothing to do with the shooting.

Q. No, sir?—A. No, sir; I don't believe any horses would travel with that force that those horses were traveling with, unless something was forcing them along. It is not usual for horses to travel with the force that these horses were traveling with without somebody is driving them. The horses seemed to be traveling with great speed.

Q. And you thought those horses were mounted, then?—A. I thought they must have been mounted by some one, and the ones they were mounted by must have been connected with this shooting.

Q. You thought that on the 24th of November?—A. No, sir; I didn't think it on the 24th day of November. That is what I thought, that the horses had to do with this, on the 13th of August.

Q. Why didn't you tell it on the 24th of November?—A. Because I didn't think it was necessary. I don't know. I hadn't been asked the question about the horses, and didn't think it was necessary.

Q. You know at that time that it was charged that the shooting up of the town of Brownsville had been done by some of the members of either Companies B, C, or D of the Twenty-fifth Infantry?—A. No, sir; I didn't know who it was done it. I don't know yet who it was done it.

Q. That it was charged that it was done by some of the members of the companies? You knew that, didn't you?—A. I read it in the papers there that it was supposed to be done by some of the soldiers.

Q. Will you answer my question, please? Do you know that that had been charged to soldiers; that some of the soldiers were connected with the shooting up of the town of Brownsville on the night of August 13, 1906?—A. If I understand the Senator's meaning, sir, I think I do know, according to the papers, from what I have heard, that it had been charged that some of the members of the battalion of the Twenty-fifth Infantry—

Q. Yes. You knew within a very short time—within the next day or two; so that you saw that it was charged that ammunition had been found such as was used by your soldiers, in their arms, didn't you?—A. I think I read it in the paper the next day.

Q. Next day?—A. But I don't know anything about the ammunition they found.

Q. I don't say that you did, but you heard of its being charged. Did you tell any members of your company then about thinking about these horses, and thinking that they were ridden by men having something to do with the shooting?—A. I don't remember bringing up the subject at all with any of them, any particular party. I know I have spoken of it several times.

Q. When, the first time? Who first?—A. I didn't take any special note what time, because, as a rule, we are talking every day from morning to night and from first one to another; a garrison there of one hundred and sixty or seventy men, we are talking from one to another, and I don't take any special note of who I am talking to. We are not on business.

Q. These bullets that you heard go zip, zip, over your head—you say they were large bullets?—A. No, sir; I didn't say they were large bullets. I didn't see the bullets. I don't know what kind of bullets they were. They had a kind of long rolling sound (imitating).

Q. Did you say, yesterday—did you yesterday state in your examination that they were large bullets?—A. That they were large bullets?

Q. That is the question.—A. No, sir; I haven't stated that they were large bullets. But it didn't seem that they were the bullet we issued—that we used. I know they weren't the bullet, because our bullet passes by sharp—the same as cutting a wire. I have a good knowledge of the Krag-Jørgensen and Springfield bullet, and I know from my knowledge that it wasn't the bullet; it wasn't traveling fast enough. It may not have been of unusual size, but what I have heard traveling through the air—

Q. Larger or smaller, compared with what you have heard traveling—was it larger or smaller than the bullets you had been in the habit of hearing traveling?—A. I could not tell whether it was larger or smaller; it didn't seem to have the force.

Q. You were using at that time what kind of bullets?—A. The late model Springfield.

Q. Go on.—A. Well, the late model Springfield rifle that the Army was equipped with at that time.

Q. But the ammunition that you used—the cartridge, the bullet—what was it?—A. We used the .38.

Q. What did you call it?—A. What did I call it?

Q. The cartridge; yes.—A. Just to call the correct name of the cartridge, I will have to be a little stupid on that point, but I know it.

Senator FORAKER. Ball cartridges.

A. Ball cartridges, ball ammunition, I wanted to say.

Q. The ball cartridge was the cartridge you used on range or on practice firing?—A. Yes, sir.

Q. It was the cartridge you used in action; in battle?—A. Yes, sir.

Q. It was different entirely from what is ordinarily called the reduced-range cartridge?—A. Yes, sir.

Q. And your company was furnished with this ball cartridge such as you have described?—A. Yes, sir.

Q. You are quite clear about that, are you, Corporal?—A. I know that is what I had.

Q. All the rest had the same?—A. Every man can only account for what he has, except the quartermaster-sergeant, he can account for everybody. He gave me mine, and I had ball ammunition; I had 20 rounds.

Q. Do you think that the men who were out with you on guard had different kinds of ammunition?—A. They were from different companies; they might have had; yes, sir.

Q. But your company I am speaking of?—A. No, sir.

Q. They had the same kind of ammunition?—A. I think so; I don't know, sir.

Q. They should have had?—A. They should have had the same kind of ammunition. That is the way my company commander runs his business—that every man has the very same thing.

Q. Did you hear any conversation between Major Penrose and Doctor Combe?—A. I did not, sir.

Q. At no time?—A. No, sir. I would like to ask a question, sir, there, if you have no objections, sir.

Q. None in the world.—A. If I understand you wanted to know—when you hear a conversation you hear what people are talking about?

Q. Yes, sir.—A. I saw them talking at different times, but I didn't hear what they were talking about.

Q. That is right?—A. No, sir.

Q. You sent out a patrol that night, did you not, to bring in any straggling soldiers that were out in the town of Brownsville?—A. No, sir; I had nothing to do with sending out a patrol.

Q. You had nothing to do with that?—A. No, sir; I taken out a patrol.

Q. Under the orders of the commanding officer?—A. Yes, sir.

Q. How many did you take?—A. Two privates and myself.

Q. What was the cause of sending that patrol out?—A. To have the soldiers in. I don't know the cause, but the purpose was to have them in by 8 o'clock.

Q. That was the purpose?—A. Yes, sir.

Q. Do you know why it was done?—A. If I say I know—I don't know, but when I returned I tried to gain a little information from the officer of the day to know why it was done.

Q. Did you get it?—A. I got what he told me.

Q. What did he tell you?—A. He told me that some of the members of the companies there had been accused of attempt to assault some lady—he gave me the name—and it seemed that the people in Brownsville were going to give them some trouble about the matter, and to keep out of the trouble to get the men all in the garrison.

Q. You say he gave you the name; you mean the name of the soldier that committed the assault?—A. The name of the lady—Mrs. Robinson, I think, was the name.

Q. But the name of the soldier?—A. No, sir; I don't know that any soldier did it.

Q. I know; I didn't want any confusion on that.—A. Yes, sir.

Q. And this he told you after you returned?—A. That was after I returned and made my report to him about the condition of the men and I had brought everybody in he said this.

Q. You knew the corral boss there, didn't you?—A. Yes, sir.

Q. What was his name?—A. Vosh, or some such name.

Q. Voshelle?—A. Voshelle.

Q. Where did he live in Brownsville?—A. I don't know, sir. I don't know even the part of town he lived in. I only saw him around about the garrison.

Q. You don't know where he lived?—A. No, sir; never asked him any questions. A few times I was on fatigue and I had occasion to go to the corral with instructions from the quartermaster to get a team, and I always went to the corral boss for a driver and a team, and I know that was the man, Voshelle; and, besides, when I left there I had an order from the quartermaster to have my family moved and to have my property moved, and I know that he drove the team.

Q. Captain Macklin inspected the guard on the morning of the 14th?—A. Yes, sir.

Q. Did you accompany him in the inspection of any of the posts except your own; were you with him?—A. No, sir.

Q. Just on post?—A. I wasn't—

Q. What was the kind of inspection he made of your guns?—A. He had the guard paraded—the guard and prisoners—paraded in front of the guardhouse, and gave the command to the guard there: "Sergeant of the guard, prepare the guard for inspection," and that was done, and he began and inspected them.

Q. And then he inspected the ammunition?—A. Yes, sir; he passed up between the ranks, the rear and front rank, and inspected the ammunition.

Q. What did you have your ammunition in at that time?—A. When we mounted guard we used this kind of a box; that is, my company [indicating.]

Q. I am speaking of your company.—A. I had my own in a McKeever box.

Q. Then the members of your company used the McKeever box?—A. Well, I always—

Q. That is what I asked you.—A. Yes, sir.

Q. But you don't know what the inspection was of the other posts of the guard?—A. No, sir.

Q. When you answered on direct examination that the inspection was satisfactory, you only meant by that, then, the inspection of your post?—A. What I meant by the guard is at the guardhouse, where I was present at.

Q. Was that what you meant by that?—A. Yes, sir. The outside posts I don't know anything about. I have no knowledge of them at all.

By Senator BULKELEY:

Q. How many were present at this inspection, would you think?—A. How many were present?

Q. How many men of the guard were present?—A. At the guardhouse, there, including the men on posts, there were 15 men present at this morning inspection—noncommissioned officers, privates, and musicians.

Q. Fifteen men present at this inspection in front of the guard-house by Captain Macklin?—A. Yes, sir; we had 2 men go out and inspect on posts Nos. 2 and 3.

By Senator WARNER:

Q. When was it that you turned in your gun?—A. As soon as I was through with—at the headquarters building.

Q. You returned it, as I suppose, to the gun rack, did you?—A. Yes, sir; turned it right over. The noncommissioned officer in charge of quarters locked them up just as fast as we turned them in.

Senator WARNER. That is all that I wish to ask the witness.

Senator FORAKER. I want to put in the record at this point the affidavit made by the witness at page 224 of Senate Document No. 155, being the same affidavit that you have examined him about.

Senator WARNER. Yes; I wanted to put that in; there is no objection to that.

The affidavit referred to is here printed in the record as follows:

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.)

Senator FORAKER. That is all. I will call next Corporal Burdett.

TESTIMONY OF RAY BURDETT (COLORED).

(The witness was sworn by Senator Foraker.)

By Senator FORAKER:

Q. Did you belong to the Twenty-fifth Infantry in August last?—

A. Yes, sir.

Q. To what company?—A. Company B.

- Q. Were you at Brownsville with your company in August last?—
 A. Yes, sir.
 Q. Did you hold any official position in Company B?—A. Yes, sir.
 Q. What was it?—A. Corporal.
 Q. Were you on duty the night of August 13, when the firing occurred about which there has been so much talk?—A. Yes, sir.
 Senator FORAKER. I will put in evidence here the record of the witness as given at page 247 of Senate Document 155.
 (The record referred to is here printed in full as follows:)

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.

By Senator FORAKER:

- Q. What duty were you on?—A. I was corporal of the guard.
 Q. Who was on guard with you? What other noncommissioned officers, first?—A. Sergeant Reid, Corporal Wheeler, and Corporal Franklin.
 Q. There was one sergeant and three corporals?—A. Yes, sir.
 Q. One corporal for each relief?—A. Yes, sir.
 Q. Is that the way of it?—Yes, sir.
 Q. Of which relief were you the corporal?—A. The second.
 Q. The second relief?—A. Yes, sir.
 Q. What time did you go on duty?—A. My relief went on from 7 to 9.
 Q. That night?—A. Yes, sir.
 Q. Then who followed you?—A. Corporal Franklin followed me.
 Q. He went on from 9 to 11?—A. Yes, sir.
 Q. The witness who preceded you said he went on at half past 10. Did you go on even hours, or half hours? I only mention that to refresh your recollection. Do you know whether you went on at the hour or the half hour?—A. At the half hour. My relief went on at 7.30 instead of 7.
 Q. At 7.30 instead of 7?—A. Yes, sir.
 Q. Then it made your relief No. 2?—A. Yes, sir.
 Q. And you went on, say, at 7.30 and came off at 9.30? That was the way of it?—A. Yes, sir.

By Senator OVERMAN:

- Q. Who came on at 9.30 to relieve you?—A. Corporal Franklin.

By Senator FORAKER:

- Q. Let us see if we have that right. If he went on at 10.30, then some one must have gone on at 8.30. Each relief was on two hours?—
 A. Yes, sir.
 Q. If he went on at 10.30, some one else had gone on at 8.30, and had been on from 8.30 to 10.30. Do you remember now whether you went on at 8.30 or 7.30 or what time?—A. My relief went on at 7.30.
 Q. That is your recollection about it?—A. Yes, sir.
 Q. You came off again at 9.30?—A. Yes, sir.
 Q. Where were you when this firing commenced?—A. I was in my bunk asleep at the guardhouse.

Q. How did you get awake?—A. The firing awaked me. About the first two shots that I heard woke me.

Q. Where were they?—A. They seemed as though they were in the town somewhere, over in Brownsville.

Q. You got awake, at any rate?—A. Yes, sir.

Q. Just from the firing?—A. Yes, sir; the firing first waked me, and then the sergeant of the guard he hollered out. He gave the command "Outside, guard."

Q. That is, to fall in outside?—A. Yes, sir; to fall in outside.

Q. When you got awake, whom did you see about you there?—A. The first two men I saw was Private Mitchell, of Company C, and Private De Saussure, of Company B.

Q. Where were they?—A. They were in the barracks in their bunks.

Q. Were you all sleeping in the same room?—A. No, sir; the non-commissioned officer—the sergeant of the guard—has a separate room.

Q. Well, go on.—A. And there are rooms there for all the rest of us to sleep in.

Q. Who slept in the room with you?—A. Corporal Franklin was in the room with me. His bunk was in the rear of mine, and then right outside of the room was the first two privates.

Q. Did you see anything of Corporal Wheeler? Was he about?—A. Yes; Corporal Wheeler was on watch in the meanwhile.

Q. Did you see anybody but him when you got awake?—A. When I came on the outside?

Q. Did you see Corporal Franklin when you got awake?—A. Yes, sir.

Q. Did you see Sergeant Reid when you got awake?—A. Yes, sir.

Q. Was the firing going on at that time?—A. Yes, sir.

Q. You saw Private De Saussure?—A. Yes, sir.

Q. And what is the name of the other man you saw?—A. Mitchell.

Q. You saw Private Mitchell?—A. Yes, sir.

Q. You saw both of them?—A. Yes, sir.

Q. When you got awake you heard the order to fall in outside?—A. Yes, sir.

Q. Did you go out?—A. Yes, sir; I went out.

Q. What did you find out there?—A. The sergeant gave the command "fall in, guard."

Q. That was Sergeant Reid?—A. Yes, sir.

Q. Was the order obeyed? What happened?—A. The order was obeyed, and we all fell in. And so he sent me—I was the first one left, and he sent me and three privates, a file of the guard—to report over to the sentinel on No. 2 post, right near where the firing was; and I went over there to report to him, and before I got there I met the commanding officer, which was Major Penrose.

Q. Before you tell us about that, the sentinel on post No. 2 called for the corporal of the guard?—A. Yes, sir; he discharged his piece and called for the corporal of the guard.

Q. He had discharged his piece, you say?—A. Yes, sir.

Q. Well, what did the sergeant do? He sent you with two men or three men?—A. Three men.

Q. Who were they?—A. Private Battle of Company D, and Private Mitchell of Company C, and Private DeSaussure of Company B.

Q. They were all there when you fell in?—A. Yes, sir.

Q. Did they have their guns?—A. Yes, sir.

Q. You took those three men and started to go to post No. 2?—A. Yes, sir.

Q. That was down by the barracks?—A. Yes, sir.

Q. And before you got there you met the commanding officer, Major Penrose?—A. Yes, sir.

Q. Where did you meet him?—A. Between B and C Companies' barracks.

(The map was here explained to the witness by Senator Bulkeley.)

By Senator FORAKER:

Q. Do you know where the telegraph office was?—A. Yes, sir.

Q. Outside of the gate?—A. Right outside of the gate.

Q. Now, tell us where you met Major Penrose.—A. Right here, between B and C Companies' quarters.

Q. In front or in rear?—A. Well, in front.

Q. What happened when you met him?—A. He asked me what company I belonged to, and I told him I was a member of the guard, and he told me to remain there until further orders.

Q. Right there at that spot?—A. Yes, sir; right there at that spot, until further orders. So he first asked for Captain Macklin, and Lieutenant Grier told him that Captain Macklin was not over there.

Q. Where was Lieutenant Grier?—A. He was there with him.

Q. With him? Were they together when you met him?—A. They wasn't exactly together, but Lieutenant Grier was about 10 paces from him, I suppose, at that time.

Q. Yes.—A. So he called him and told him to take charge of C Company, and then he told me to remain there until further orders. He had the company formed—the commanding officer did—and he came back to me and told me to take two privates and go over to his quarters and to tell his wife to come down to Captain Macklin's quarters and to go down and get Lieutenant Grier's wife to come down there, and they would all assemble there at Captain Macklin's quarters, and for me to remain there with the ladies until the companies returned.

Q. State whether or not you did so.—A. I did so.

Q. What two men did you take?—A. Private De Saussure and Private Mitchell.

Q. What did you do with the other man?—A. He sent the other man—he did something with the other man; I don't exactly know what.

Q. He took charge of him?—A. Yes, sir; he taken charge of him.

Q. You went away with De Saussure and Mitchell?—A. Yes, sir.

Q. You went over where?—A. Over to the officers' quarters; over to the officers' line.

Q. Did you go to Major Penrose's house?—A. Yes, sir; I went to his quarters first.

Q. Did you find his wife?—A. No, sir; his wife had done gone down to Captain Lyon's.

Q. To Captain Lyon's?—A. Yes, sir.

Q. Can you tell us there which was Major Penrose's quarters?—

A. This is Major Penrose's quarters [indicating on map].

Q. Major Penrose was at the extreme—
Senator WARNER. Right.

Q. (Continuing:) Eastern end of the quarters?—A. Yes, sir.

Senator WARNER. It would be at the right.

Senator FORAKER. Yes, the right; farthest from the river.

The WITNESS. Facing toward Matamoras, it would be the farthest from the river—that quarters up there would be the extreme left if you faced that way.

By Senator FORAKER:

Q. Yes. If you were looking over this way, it would be to the left?—A. Yes, sir.

Q. Is Matamoras away over here [indicating]?—A. Yes, sir; across the river, opposite the post.

Q. When you face the parade grounds from the barracks, you are facing Matamoras?—A. Yes, sir.

Q. Matamoras is not across over here, then, from the barracks? Let me have your attention for a minute. The Rio Grande River seems to run clear around here [indicating]. Where is Matamoras; over here, or over there?—A. Matamoras is over in rear of the officers' quarters.

Q. That is all right, then. So that when you were standing on the parade ground facing the officers' quarters, Major Penrose's quarters are on the left?—A. Yes, sir.

Q. So that you went there and found that Major Penrose's wife had gone to Captain Lyon's quarters?—A. Yes, sir.

Q. Where were Captain Lyon's quarters, in that same row?—A. Yes, sir; in that same row.

Q. How far from Major Penrose's quarters?—A. About the third quarters, I suppose. I am not sure about that.

Q. Did you go there?—A. Yes, sir; I went there.

Q. What did you find when you got there?—A. I found all the officers' wives there.

Q. They had all gathered at the home of Captain Lyon?—A. Yes, sir.

Q. What did you do then?—A. Remained there until Major Penrose returned from town.

Q. What time was that?—A. That was about, I am not sure of the time, but it was about 1.30 when he came back.

Q. When he came back. 'Than you did not see anything of what the companies did when they fell out—you were not with the companies?—A. No, sir.

Q. After Major Penrose returned, what did you do then?—A. Well, he told me to take my part of the guard and report to the sergoant of the guard at the guardhouse.

Q. Did you do so?—A. Yes, sir.

Q. That was to Sergeant Reid?—A. Yes, sir.

Q. Where did you remain then, the rest of the night?—A. I remained at the guardhouse.

Q. Were your men with you?—A. Yes, sir.

Q. How many of the guard were there, all told?—A. All told? Seventeen all told.

Q. One sergeant and three corporals?—A. Yes, sir.

Q. And one musician; that would be five?—A. Yes, sir.

Q. Five from 17 will leave 12?—A. Yes, sir.

Q. There were 12 privates?—A. Yes, sir.

Q. And there were three reliefs of four men each. Now, do you know whether all those men were present there at the guardhouse that night when you fell out after the firing commenced, and you were ordered to fall in? Can you tell whether they were all there, or do you not know?—A. I don't know exactly.

Q. Did you hear of any of them being absent?—A. No, sir.

Q. Were your guns inspected at any time after the firing, and if so, when, and where?—A. Yes, sir; they were. They were inspected at reveille next morning, or about 6 o'clock.

Q. By whom?—A. By Captain Macklin, the officer of the day.

Q. What kind of an inspection was that; I mean was it of the whole guard?—A. Yes, sir; of the whole guard.

Q. All turned out?—A. Yes, sir.

Q. Do you know whether all were present at that time or not?—A. Yes, sir; all were present.

Q. What kind of an inspection was it, a careful inspection?—A. Yes, sir; a very careful inspection next morning.

Q. What was the result of it? Did they find any dirty guns?—A. No, sir; they never found any dirty guns.

Q. The guns were all clean?—A. Yes, sir.

Q. Did you sleep any after you went back to the guardhouse that night?—A. No, sir; I never slept any after I went back.

Q. You were awake all the rest of the night?—A. Yes, sir.

Q. What kept you awake?—A. The excitement before that. I thought it wasn't advisable to go back to sleep.

Q. You did not what?—A. I did not think it was advisable for me to go back to sleep after all of that.

Q. You remained awake?—A. Yes, sir.

Q. Were you so situated in relation to the men that you could have seen them at any time during the night if they were cleaning the guns or doing something of that kind?—A. The men of the company?

Q. No; I mean the men of the guard.—A. Yes, sir.

Q. Did anyone clean any guns around the guardhouse that night?—A. No, sir.

Q. Or at any other place; any of the guard?—A. No, sir.

Q. They could not have cleaned a gun without your knowing about it?—A. No, sir; I saw that all the guns were back there in the guardhouse—that is, the guns of the guard.

Q. How long does it take to clean a gun?—A. It takes from twenty to twenty-five minutes to clean a gun; that is according to how dirty the gun is.

Q. And I suppose it also depends on how expert the soldier is?—A. Yes, sir.

Q. You have to have all the facilities, such as a cleaning rod?—A. Yes, sir; I understand.

Q. And water, and so on?—A. Yes, sir.

Q. Could you clean one of those guns, so that it would pass inspection after it had been fired a half a dozen times, in the dark, without light?—A. No, sir; I don't think you could.

Q. You have got to have light, and you have got to have some time?—A. Yes, sir; and you have got to look through them, you know.

Q. You have to clean the chamber?—A. Yes, sir; you could

clean the barrel in the dark, but you could not get the powder out of the chamber.

Q. Did you have anything to do with this shooting?—A. No, sir.

Q. Do you know of anybody who did have?—A. No, sir.

Q. Have you any knowledge that leads you to suspect, or ever did lead you to suspect, any member of your battalion of being connected with the shooting?—A. No, sir.

Q. Have you refused to tell anybody all you know about this matter?—A. No, sir.

Q. Were you one of the 12 men who were arrested?—A. No, sir.

Q. You were not arrested?—A. No, sir.

By Senator BULKELEY:

Q. Did you have any facilities at the guardhouse to clean guns with?—A. No, sir.

Q. That is, the rods and the salsoda and the rags and things that you usually use in cleaning guns; were there any such things about the guardhouse that the men had ready access to?—A. No, sir; there was nothing there to clean guns with at the guardhouse.

Q. When this inspection took place, some of the men were still at their post, were they not; and did the whole guard appear there for this inspection?—A. Next morning?

Q. Yes; this inspection about 6 o'clock? Reveille, I think you said it was?—A. Yes, sir.

Q. Were any of the men on post at that time?—A. There was one man on post.

Q. Only one?—A. Yes, sir.

Q. And the rest of them were there?—A. Yes, sir.

By Senator FORAKER:

Q. Where was that one man?—A. He was on No. 1 post at the guardhouse.

Q. Had the guard been withdrawn from post No. 2 down at the barracks?—A. Yes, sir.

Q. And post No. 4 at the corral?—A. Yes, sir.

Q. And also from the officers' quarters?—A. Yes, sir.

Q. And there was no guard at the officers' quarters?—A. Not at that time. There was only four posts, and the other three had been withdrawn.

Q. Do you know whether the gun of the man on guard at post No. 1 was inspected?—A. I don't remember that.

Senator FORAKER. That is all.

By Senator BULKELEY:

Q. Where was post No. 1—right at the guardhouse?—A. Yes, sir; post No. 1 was right at the guardhouse.

By Senator WARNER:

Q. In answer to a question, as I understand, Corporal, you said that the barrel of a gun could be cleaned in the dark, but you could not clean the chamber satisfactorily?—A. Yes, sir.

Q. I understood that correctly; that is right, is it?—A. Yes, sir; I say that you could clean the barrel of a gun in the dark, but you could not get the powder out of the chamber. It is possible to clean the barrel in the dark.

Q. It would take from twenty to twenty-five minutes to clean a gun?—A. Yes, sir.

Q. As you say, it would depend upon how dirty the gun was?—A. Yes, sir.

Q. From the firing of the gun?—A. A gun being fired?

Q. Yes; a few times—say once—would it be dirty then?—A. Yes, sir.

Q. Just as dirty as if it had been fired a half a dozen times?—A. No, sir; there wouldn't be as much powder in it, but it would take as long to clean it.

Q. So that it would not make any special difference how many times a gun has been fired?—A. It would take longer to get the powder out of a gun that had been fired ten or fifteen times than out of one that has just been fired once.

Q. Why?—A. Because there would be more powder in it.

Q. After the firing, does not each charge loosen up the powder—every charge—and is not the powder that lodges in the gun from the first discharge the principal annoyance?—A. No, sir. The more times you fire the gun the more powder there is in it.

Q. So that if you discharge a gun five times, there is more powder than if you discharge it only once?—A. Yes, sir.

Q. It is harder to clean it?—A. Yes, sir.

Q. After ten times than after five times?—A. Yes, sir.

Q. The inspection made by Captain Macklin on the morning of August 14—how was that inspection made?—A. The guard was formed, and the officer of the day, Captain Macklin, he just inspected the arms and then the men.

Q. It has been some time since I went through inspection. What is the rule for a man? You come to attention, do you not?—A. Yes, sir.

Q. And when you are called, you come to the front?—A. Yes, sir.

Q. And pass your gun to the inspecting officer?—A. Yes, sir.

Q. And he looks at it and passes it back to you?—A. Yes, sir.

Q. And passes on to the next?—A. Yes, sir.

Q. Was that the way it was done that morning?—A. Yes, sir; that was the way it was done that morning.

Q. How long did it take him to make this inspection?—A. I don't know exactly how long it taken him, but it taken him a long while to make it. It was a very careful inspection that he made.

Q. Do you know where the men on guard were from half past 3 up until half past 6 on the morning of August 14—that is, the morning of the night following the shooting?—A. Do I know where all the men was?

Q. Yes.—A. Between half past 2 and half past 6?

Q. Yes.—A. Why, they were all at the guardhouse from 3 o'clock up until 6 o'clock the next morning.

Q. You kept watch of the guns?—A. Who, me?

Q. Yes.—A. The guns were all there in the racks. I never kept particular watch of them.

Q. Were they in racks?—A. No, sir; we didn't have no gun racks at the guardhouse.

Q. No; that is what I assumed. What do you mean by saying that they were in the racks?—A. There is a little rack in the guard-

house that the men can put their guns into. It isn't large enough to hold all the guns.

Q. A kind of a rest?—A. Yes, sir; a kind of a rest.

Q. And the guns were placed there?—A. Yes, sir.

Q. At what time?—A. Just as soon as the guard was dismissed from the formation—prior to that.

Q. When you went over to the officers' quarters at the direction of Major Penrose; that was after the firing had all ceased, was it not?—A. Yes, sir; that was after the firing had ceased.

Q. You were awakened by the call to arms, were you not?—A. When?

Q. On the night of the 13th, the time of this firing.—A. You say I was—

Q. Were you awakened by the call to arms?—A. No, sir; I woke before the call to arms was sounded.

Q. In your affidavit sworn to before Captain Lyon on the 25th day of September, 1906, you say:

I was waked up by "call to arms" sounding. I went out and fell in ranks.

Do you think that is correct, or what would be your best judgment now? That is all we want, Corporal.—A. I heard the first two or three shots. That was, I suppose, about twenty seconds before call to arms was sounded.

Q. What do you mean by saying that you heard the first two or three shots? You mean the first two or three shots after you awoke?—A. The shots woke me. I never heard the shots before I woke.

Q. No; of course not. I didn't ask you that—but you were awakened by the shots?—A. Yes, sir.

Q. And the call to arms was after you awoke?—A. Yes, sir.

Q. Where was the firing when you awoke?—A. When I awoke?

Q. Yes.—A. From the sound of it, it was over in the city of Brownsville.

Q. Please, Corporal, point out on the map, according to your best judgment, the direction it was in and the location. Just take the pointer there and point on the map.—A. In my best judgment the firing was principally right along here [indicating].

Q. That is along about Fourteenth street and in the alley between Elizabeth street and Washington street?—A. Yes, sir.

Q. The dark building there marked with a large red figure "2," which is designated here on the map as the Cowan House; you see that?—A. Yes, sir.

Q. How would the firing be with reference to that house, would you say?—A. The firing was right near this house here.

Q. That is the Cowan House that I pointed to as the Cowan House No. 2?—A. Yes, sir.

Q. That was the first firing you heard?—A. Yes, sir.

Q. Did you see the flashes of the guns?—A. Yes, sir; when I first came over I could see the flashes of the guns.

Q. You were standing then between the barracks B and C?—A. Yes, sir; and I was the first over there.

Q. You did not take any shelter at all?—A. No, sir. I was going to take shelter, though, but the commanding officer called me. That is the reason that I didn't take shelter.

Q. And he told you to remain right there?—A. Yes, sir.

Q. The firing was in what direction?—A. It was in the same direction that I have shown you there.

Q. But I mean was it toward the barracks or from the barracks?—A. It was from the barracks.

Q. What do you mean by "from the barracks?" I don't want to misunderstand you.—A. The firing—I say from the gun it was toward the barracks.

Q. Yes.—A. That is, it was elevated toward the barracks.

Q. Toward the barracks?—A. Yes, sir.

Q. About how many, to the best of your judgment, were engaged in that shooting?—A. The party that I saw there?

Q. Yes.—A. It seemed as though there were about four.

Q. Four?—A. Yes, sir.

Q. Now, you say "the party that you saw there." Did you mean by that that you saw some men?—A. No, sir; I couldn't see the men.

Q. I assume not. It was simply by the flashes of the guns?—A. Yes, sir.

Q. And how many shots in all?—A. In all that I heard?

Q. Yes.—A. I suppose, I would judge it to be, about 200 shots.

Q. And were those shots from practically the same place or did they change location?—A. Yes, sir; they changed location. There was firing in different parts of the city.

Q. For instance, you have pointed out the Cowan House. Look now at this on the corner of about Thirteenth street and the alley, where you see the figures "5-00." That is the Miller Hotel. You knew where the Miller Hotel was?—A. Yes, sir.

Q. Did it seem to be over in that direction—that way?—A. Yes, sir; the other firing did.

Q. And along that alley as far as you could see?—A. Yes, sir.

Q. And the firing receded from the Cowan house toward the Miller Hotel, and yet was it aimed, as far as you could see, at the barracks?—A. Well, as far as I could see. I never saw very much of the firing. I heard lots of it, but I couldn't see it. But the flashes from the guns I saw seemed as though they were elevated up over the barracks.

Q. Of course, standing between barracks B and C, here, as you have stated, that would place you nearly up opposite, directly opposite, this alley, between what we know as Elizabeth street and Washington street, would it not? That is the alley.—A. Yes, sir.

Q. That would give you a view down there?—A. Yes, sir.

Q. As this shooting receded from the barracks toward the Miller Hotel, it still continued—the flash and the firing—to be towards the barracks?—A. I never—I just seen the flash. I never saw all the firing.

Q. I know. But as far as you could tell, it appeared to continue back that way?—A. Yes, sir. I never seen much of it. I heard lots of it.

By Senator FORAKER:

Q. How many flashes did you see, perhaps?—A. About ten, I suppose.

Q. They were somewhere in the neighborhood of the Cowan House?—A. Yes, sir.

By Senator WARNER:

Q. When you were going down, in obedience to orders, from the guardhouse to the position you took between barracks B and C, did you hear any other shooting from any other part of the city than that you have spoken of?—A. Yes, sir; I heard some shooting when I was going from the guardhouse, and then afterwards I could hear some shooting down in the lower part of the city.

Q. What do you mean by the "lower part of the city?" I am not acquainted with Brownsville, and the committee are not acquainted with it.—A. Down about Twelfth street—away down there.

Q. Twelfth; that is marked on the map?—A. Yes, sir.

Q. Did the shooting seem to be from rifles?—A. It was a kind of mixture; it seemed from a caliber twenty-two up to a forty-five.

Q. In this affidavit to which you have had your attention called, page 172 of Senate Document No. 155, in speaking of the firing you are made to say:

It seemed to me to be rifles of some kind that was being fired.

A. That was the flashes I saw coming over toward the barracks. These other I spoke of was the reports.

Q. I will read this, so that you will get the full benefit of it. This affidavit makes you say:

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.

That is true, is it not?—A. Yes, sir.

Q. [Reading:]

I could see the flashes and they seemed to be shooting toward B Company's quarters.

Is that right?—A. Yes, sir.

Q. [Reading:]

About three men were firing there.

That is correct, is it?—A. Yes, sir.

Q. (Reading:)

I could hear some firing, but could not tell where it was at.

That is correct, is it?—A. Yes, sir.

Q. (Reading:)

I am sure it wasn't inside the wall.

That is correct, is it?—A. Yes, sir.

Q. (Reading:)

It seemed to me to be rifles of some kind that was being fired.

Was that correct?—A. Yes, sir; that was correct.

Q. (Reading:)

I think they was Winchesters.

That is correct, is it?—A. Yes, sir.

Senator WARNER. I will ask to have this affidavit inserted in full at this point in the record.

(The affidavit referred to is as follows:)

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 Winchesters. 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.

By Senator WARNER:

Q. What kind of ammunition did you have that night?—A. We had ball ammunition.

Q. What is known as the ball cartridge?—A. Yes, sir.

Q. And yours was Company B?—A. Yes, sir.

Q. Ball ammunition is such as you use on target practice?—A. Yes, sir.

Q. And such as is used in battle?—A. Yes, sir.

Q. You had the same ammunition that the rest of them had?—A. Yes, sir.

Q. When was this ball cartridge issued to you—to your company?—

A. It was issued in Nebraska, before we left Fort Niobrara.

Q. And you had it all the time?—A. Yes, sir.

Q. When in camp and on guard duty how did you carry your ammunition—in the McKeever box, such as the one right there, Corporal [indicating]?—A. Yes, sir—well, that is, the box we use with the full-dress uniform.

Q. The McKeever box?—A. Yes, sir; and we had what is known as a suspender belt. We wear that with a field uniform.

Q. Which is called the web belt? It is the same thing, is it not?—A. No, sir; that is not the same thing.

Q. That is not the same thing?—A. No, sir. The suspender belt is worn with the drab uniform; the field uniform.

By Senator FORAKER:

Q. The suspender belt has pockets?—A. Yes, sir.

Q. And in the web belt that you just spoke of you put the cartridge in a thimble?—A. Yes, sir; the suspender has pockets.

By Senator WARNER:

Q. It was the ball cartridge you were armed with; that was your ammunition?—A. Yes, sir.

Q. How long did that firing continue there?—A. Well, I don't know exactly how long it continued, but I suppose it continued about fifteen or twenty minutes.

Q. During that time did you hear any fast riding of horses anywhere there?—A. No, sir; I did not.

Q. While at the guardhouse, or while going to your position between B and C barracks?—A. No, sir; nothing of the kind.

Q. Nothing of the kind was heard by you?—A. No, sir.

Q. Did you hear any command given by anyone to cease firing?—
A. Yes, sir; I heard the commanding officer. He gave the command as he was coming across the parade ground. He first gave the command "Cease firing," and then he gave the command "Sound assembly."

By Senator OVERMAN:

Q. Sound what?—A. Assembly.

By Senator WARNER:

Q. So that we may understand it, and not be confused, who gave the command—Major Penrose, the commanding officer?—A. Yes, sir.

Q. And then what?—A. He gave the command, "Sound the assembly."

Q. Sound the assembly?—A. Yes, sir.

Q. What do you mean by sounding the assembly?—A. Assemble means, you know, for all the soldiers to assemble together, and they have a call that they blow that is called the assembly, and when they blow that call all fall in together. If they are scattered out anywhere they all assemble together.

Q. That was after the call to arms, was it?—A. Yes, sir; that was when I was en route to the place where I met him.

Q. That sound of assembly is a call to all the members to get together?—A. Yes, sir.

Q. And prepare for action, or whatever it may be?—A. Yes, sir.

Q. You knew of their ordering the men into the camp—into the barracks—on the night of the 13th, did you not?—A. Yes, sir.

Q. That was an unusual order, was it not?—A. Yes, sir.

Q. Prior to that time you had been out—could be out—in the city until 11 o'clock?—A. Yes, sir.

Q. And then you reported for what you call the check call?—
A. Yes, sir.

Q. Which was simply to check off?—A. To see if all were present.

Q. Yes. Did you understand why it was that you were ordered in at 8 o'clock that night?—A. No, sir; I couldn't understand it.

Q. Were you told?—A. No, sir.

Q. Had you heard of any trouble that any of the members of either of the companies had had in Brownsville?—A. I heard of some trouble that Private Reed of Company C had; he had a little trouble.

Q. That was the man who was pushed off the gang plank?—
A. Yes, sir; pushed off a boat.

Q. I suppose you heard about Newton's trouble?—A. Yes, sir.

Q. He was hit in the head?—A. Yes, sir; he had a little fight downtown.

Q. And then you heard that the men were not permitted to drink in the saloons?—A. Yes, sir.

Q. That was talked over among you?—A. Yes, sir.

Q. Pretty generally among the soldiers?—A. Conversing about this?

Q. Yes; conversing about this.—A. Well, yes, sir.

Q. So that you men had a saloon started finally by Allison, or Allison started a saloon?—A. Yes, sir; one of the discharged soldiers opened a saloon.

Q. The morning after the shooting you knew that it was said that it was ammunition such as was used by your soldiers that had been found, did you not, down in Brownsville?—A. Sir?

(The question was repeated by the stenographer.)

By Senator WARNER:

Q. Empty shells, and clips, and bullets?—A. I never heard anything of that until the next day afterwards.

Q. I mean the next day. You heard it then?—A. Yes, sir.

Q. Did you then examine the barracks at all, or ask any of the noncommissioned officers to see if any of the bullets had struck any of the barracks?—A. I looked myself and couldn't see anything.

Q. You couldn't see any mark whatever?—A. No, sir.

Q. Were you down in town after that?—A. No, sir; not until we marched through there, going away.

Q. You were kept close in quarters?—A. Yes, sir.

Q. All that you know of what was done in town was what you saw in the papers and what you may have been told?—A. Yes, sir; that is all I know.

By Senator OVERMAN:

Q. The day you went on duty with your four men, being corporal of the guard—you went on duty with four men, did you?—A. Yes, sir; that is the relief.

Q. That is called a relief?—A. Yes, sir.

Q. Then I understand you to say that you went off duty at 9.30; you stayed on duty from 7.30 to 9.30?—A. Yes, sir.

Q. What was your post?—A. I was corporal of the guard. I have no post.

Q. I mean the four men. Did you have them stationed at the different posts?—A. I had three reliefs and my three privates that were in each of the reliefs, of course, they occupied all the posts.

Q. At 9.30 you went off duty?—A. Yes, sir.

Q. With your three men?—A. Yes, sir.

Q. What did you do from 9.30 until you went to bed—what time?—A. After my relief came off?

Q. Yes.—A. I laid down and went to sleep.

Q. You laid down and went to sleep?—A. Yes, sir.

Q. Do you know what time you went to sleep?—A. I suppose I went to sleep soon after, about 9.30, and I slept about a half an hour, and we had to send patrols around, you know, and I had to get up.

Q. What time was that that you had to send patrols around?—A. My patrol I was in charge of went out at 10 o'clock and returned at 10.30.

Q. How many did you send out on patrol?—A. Two men and myself went out together.

Q. Where did you go?—A. I patrolled the first street, right outside the wall; the wall fence there.

Q. That was at 10.30, and then you returned and went to sleep?—A. I returned at 10.30.

Q. When you returned to the guardhouse, how many men did you find there?—A. Sir?

Q. How many men did you find at the guardhouse when you returned at 10.30?—A. I never counted the men at 10.30, but there

was some one in all of the bunks. I never counted them to see if they were all there. I don't know.

Q. Did you see anyone that you recognized when you came back there?—A. Yes, sir.

Q. Whom did you see?—A. The sergeant of the guard and Corporal Wheeler.

Q. Where was Corporal Wheeler?—A. He was at the guardhouse.

Q. Asleep?—A. When I returned?

Q. Yes.—A. No, sir; he was sitting on the side of his bunk when I returned with my patrol.

Q. What corporal was out then patrolling?—A. When I returned?

Q. Yes.—A. When I came back Corporal Franklin went out. I am not sure about that. I am not sure about what corporal went out when I came back.

Q. You are sure that Corporal Wheeler was in his bunk?—A. Corporal Wheeler was at the guardhouse when I went out.

Q. Was that the first time or the second time that you went out?—A. The first time?

Q. How about the second time?—A. I only went out once.

Q. I understood that you went out and came back about 9.30.—A. 9.30?

Q. And then you went out again and got back at 10.30?—A. My relief came off guard at 9.30, and then I was sent out on patrol—with the extra patrol—something that had not been going on.

Q. Who sent you out, Sergeant Reid?—A. No, sir; the officer of the day.

Q. Who was that?—A. Captain Macklin.

Q. What time was that?—A. About 10 o'clock.

Q. Did he come to the guardhouse?—A. Yes, sir.

Q. When you came back was that the time you saw this man Wheeler?—A. Yes, sir.

Q. What was he doing?—A. He was sitting on the side of his bunk when I returned.

Q. About half past 10?—A. Yes, sir; about half past 10.

Q. He had his clothes on?—A. Yes, sir; he had his clothes on.

Q. Did you see anybody else there with him?—A. I saw two or three other men, but I can't call their names.

Q. Were they all in their bunks except you?—A. No, sir; there was some of them walking around and some sitting on the side of their bunks.

Q. Was that unusual?—A. No, sir; they can stand up and exercise themselves and run around the guardhouse. They don't have to lay in their bunks all the time.

Q. What time should Wheeler have come off duty?—A. I disremember now just what time it was.

Senator OVERMAN. That is all.

By Senator BULKELEY:

Q. You said you thought a man could clean a gun in the dark. Now, with the facilities you had in the guardhouse, if you had any, for cleaning guns, could a man clean a gun in the dark and be satisfied that it would pass inspection? How could he tell? You said that he could clean his barrel in the dark?—A. He could not tell.

Q. Could he tell whether he had got it clean or not?—A. No, sir; he couldn't see the barrel of the gun in the dark.

Q. That is what I thought. He had no facilities there that you know of?—A. No, sir; I said that he could do this. I didn't say that he did it, or anything of the kind.

Q. No; I know you did not say that anybody did do it, but you said you thought a man could clean the barrel of his gun in the dark?—A. Yes, sir.

Q. Would he know that it was clean?—A. No, sir; he would not know, but he could judge. I could take a gun rod and two or three nice rags and take the powder out of the barrel and it would not be dirty, but the powder, some of it, would still be in it. But it would brighten up the barrel some.

Q. You had 4 posts, and during a tour of duty where are the rest of the guard?—A. They remain at the guardhouse.

Q. Do they wander over the reservation, or do they have to stay there?—A. They have to remain there. If they go away they have to get permission to go to quarters.

Q. When they come off the post they all sleep in the guardhouse? They are not permitted to sleep at quarters?—A. No, sir. They all sleep at the guardhouse excepting the orderly.

Q. Do they have access to their guns at all times? Could they take a gun and do anything with it? When they are not on post, what became of the rifles?—A. The rifles were there in the guardhouse, but they are not locked up in the guardhouse. Of course, you can't go out and take your gun away unless you get permission.

Q. Do the men have free access to them to do with them as they please?—A. No, sir.

Q. If they wanted one, would they have to get permission to take it?—A. No, sir; you can't pick your gun up and go all over the reservation as you please. They have rules and some kind of regulations.

By Senator OVERMAN:

Q. They could violate the rules and take them?—A. They could do it, but they would not get very far.

By Senator FORAKER:

Q. In what time did you go from the guardhouse on down to answer the call of the guard at post No. 2? Did you go at double time or common time?—A. I went in double time.

By Senator WARNER:

Q. Just one more question. You knew Mr. Voshelle, the corral boss?—A. Yes, sir.

Q. Do you know what part of Brownsville he was living in at the time of the shooting?—A. No, sir; I don't know what part of the city he was living in.

Q. You never were at his house?—A. Sir?

Q. You never were at his house?—A. No, sir. I knew where he was working, but I didn't know where he lived.

Senator WARNER. That is all.

By Senator BULKELEY:

Q. Did you answer the call of the guard at the gate when you were sent down there?—A. Sir?

Q. When the guard called for the corporal of the guard and discharged his piece, did you answer that; was that post at the gate?—A. It was right near the gate.

Q. Right near the gate?—A. Yes, sir.

Q. What happened when you got down there?—A. I was ordered to report down there to the sentinel, by him discharging his piece and giving the alarm, and I met the commanding officer, and he told me to remain where I was.

Q. You did not go there?—A. No, sir; I did not go there.
Senator BULKELEY. I misunderstood you.

TESTIMONY OF ANTHONY FRANKLIN (COLORED).

(The witness was sworn by Senator Foraker.)

By Senator FORAKER:

Q. What is your full name?—A. Anthony Franklin.

Q. Were you a member of the Twenty-fifth United States Infantry in August of last year while it was stationed at Brownsville?—A. Yes, sir.

Q. What company did you belong to?—A. Company B, sir.

Q. Did you hold any official position in Company B?—A. Yes, sir. I was corporal of Company B.

Senator FORAKER. I want to put into the record at this point the official record of Corporal Anthony Franklin as furnished by the War Department as found at page 247 of Senate Document 155.

The record referred to is as follows:

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.

By Senator FORAKER:

Q. How long were you in the Army?—A. About eleven years, sir.

Q. Were you with your regiment in Cuba?—A. Yes, sir.

Q. And in the Philippines?—A. Yes, sir.

Q. Were you in the battles in Cuba?—A. Yes, sir.

Q. State whether you were on duty the night of August 13th when the firing occurred?—A. Yes, sir; I was on guard that night.

Q. What State are you a native of?—A. Virginia, sir.

Q. Did you enlist from Virginia?—A. No, sir; I enlisted from New York City.

Q. From New York?—A. Yes, sir.

Q. That is your first enlistment?—A. Yes, sir.

Q. You were on duty that night. Who were on duty with you—what noncommissioned officers were on duty with you?—A. Sergeant Reid, of Company B; Corporal Wheeler, of Company D; Corporal Burdett, of Company B. That is all the noncommissioned officers.

Q. That is three noncommissioned officers?—A. Yes, sir.

Q. Besides yourself?—A. Yes, sir.

Q. How many other men were on duty?—A. How many?

- Q. Was there a musician?—A. One musician of Company D.
- Q. That was Hoytt Robinson?—A. Yes, sir.
- Q. How many men were you, altogether?—A. Seventeen, all told.
- Q. Twelve privates, then?—A. Yes, sir.
- Q. Divided into three reliefs, I suppose?—A. Yes, sir.
- Q. Of four men each?—A. Yes, sir.
- Q. You, as corporal, had charge of one relief?—A. Yes, sir.
- Q. Which relief was that?—A. The third relief.
- Q. What time did you go on duty with your relief that night? What hours were you on, and what hours off?—A. The reliefs got mixed up on account of us having the patrol; and some of the reliefs, they wasn't ready to go on duty, because they were on patrol.
- Q. What do you mean by "patrol"?—A. We sent the patrol out in town that night.
- Q. Who sent you out?—A. The officer of the day.
- Q. Captain Macklin?—A. Yes, sir; Captain Macklin.
- Q. Were you sent out?—A. Yes, sir; the fore part of the night.
- Q. What time were you sent out on patrol duty?—A. Seven o'clock..
- Q. Seven o'clock?—A. Yes, sir; and came back and reported.
- Q. Where were you sent? Where did you go?—A. I was sent out in town to patrol and see if there was any soldiers out there, and if so to bring them in.
- Q. Where did you go? Did the captain tell you where to go?—A. Yes, sir; he told me to go out in town about five or six blocks and circle around and then come back through the parts where the soldiers generally were and bring in all the soldiers I seen out there on pass or not on pass.
- Q. Do you know why you were ordered to bring the soldiers in?—A. No, sir.
- Q. They were all ordered to be in by 8 o'clock that night, were they not?—A. Yes, sir.
- Q. Do you know whether the mayor had waited on Major Penrose and had told him that he must have his men in that night or that they would get killed?—A. No, sir.
- Q. Did you hear anything of that sort?—A. No, sir.
- Q. Tell us what time you went on that night, if you can, with your relief?—A. I went on about 5 o'clock in the morning, sir.
- Q. But this night—when was the firing?—A. The firing was about half-past 12, or 1 o'clock.
- Q. Where were you when the firing occurred?—A. I was in the guardhouse.
- Q. Were you on duty?—A. No, sir.
- Q. Was your relief on duty?—A. No, sir.
- Q. It was off duty?—A. Yes, sir.
- Q. What time had you come off duty?—A. Came off duty at half past 2 that evening.
- Q. What?—A. At half past 2 that evening.
- Q. Had you not been on post since half past 2? (After a pause.) I am talking about the night of the 13th, when the firing occurred.—A. Yes, sir; I went on at half past 2 that evening and then came off at half past 3.
- Q. How long would you be on duty?—A. Twelve hours, sir; twenty-four hours, rather.

- Q. No; I mean on post?—A. Two hours.
- Q. Your relief would be on two hours?—A. Yes, sir.
- Q. And off four?—A. Yes, sir.
- Q. On two and off four. Your relief was not on post when the firing occurred?—A. No, sir.
- Q. You were in the guardhouse, did you say?—A. Yes, sir.
- Q. Where were your men who constituted your relief? Where were they?—A. They were in the guardhouse.
- Q. In the guardhouse?—A. Yes, sir.
- Q. Who were the four men who constituted your relief? Can you give their names?—A. I don't know all the names at the present time. There was Private Conyers, of Company B, for one.
- Q. Who were the others, if you know?—A. And Private Lawrence Daniel.
- Q. Lawrence Daniel?—A. Yes, sir; of Company B.
- Q. They were both in your relief?—A. Yes, sir.
- Q. Do you remember who the others were, the other two?—A. No, sir; they belonged to some other company. I forget their names.
- Q. Now, you say you were not on post, you were at the guardhouse. Were you asleep or awake when this firing occurred?—A. I was asleep when the first firing was.
- Q. How did you get awake?—A. I was awakened by the firing.
- Q. Whom did you see when you got awake?—A. The first man I seen was Sergeant Reid.
- Q. What was he doing?—A. He was hollering, "Outside, the guard."
- Q. He was calling in, "Outside, guard?"—A. Yes, sir.
- Q. Is that what you mean?—A. Yes, sir.
- Q. Whom else did you see?—A. I seen several of them as I came out.
- Q. Tell us whether you saw the other noncommissioned officers.—A. Yes, sir; I seen Corporal Wheeler. He was standing in the sally port. I saw Corporal Burdett, who was coming out just about the same time I was.
- Q. So that you saw all the noncommissioned officers there?—A. Yes, sir.
- Q. Reid and Burdett and——A. And Wheeler.
- Q. And Wheeler and yourself. That would be four?—A. Yes, sir.
- Q. Did you see the musician?—A. Yes, sir.
- Q. What was he doing?—A. He was getting ready to go out when I came out.
- Q. Did you hear the call to arms sounded?—A. Yes, sir.
- Q. Who sounded it, and how did that come to happen?—A. The sergeant of the arms gave the order to the musician to sound the call to arms.
- Q. The sergeant told him?—A. Yes, sir.
- Q. Did you hear that order given?—A. Yes, sir.
- Q. And then tell us what happened when you got outside; was the guard formed or not?—A. Yes, sir; the guard was formed.
- Q. How many men fell into the ranks?—A. Thirteen, sir.
- Q. How many?—A. Thirteen.
- Q. Thirteen?—A. Yes, sir; that is, 12—12 in the ranks.
- Q. Did you have 12 there?—A. We had 13 at the guardhouse, all

told, but Corporal Wheeler, he didn't fall in with the guard. He was on watch. He stood in the sally port.

Q. There were 4 out on post, were there not?—A. Yes, sir.

Q. How could there be 12, then? Who were they? There would be eight privates.—A. Eight privates, 3 noncommissioned officers, and 1 musician.

Q. Were they all there?—A. Yes, sir.

Q. Nobody missing?—A. No, sir.

Q. How do you know they were all there? Did you see them yourself?—A. No, sir; but the sergeant of the guard verified them.

Q. He did verify them?—A. Yes, sir; and called the roll.

Q. Does he call the roll of the guard when he orders them out in that way?—A. Yes, sir.

Q. Did he call the roll?—A. Yes, sir.

Q. They all answered to their names?—A. Yes, sir.

Q. What did you do next?—A. After he did that he sent Corporal Burdett and a file of guards down to the company to see if he could find out what was the trouble there.

Q. Go on.—A. And then he sent a private over to wake up the officer of the day, or to notify the officer of the day, that some trouble had occurred at the barracks.

Q. Whom did he send on that work?—A. Private Rogers, of Company C.

Q. Rogers?—A. Yes, sir.

Q. Of Company C?—A. Yes, sir.

Q. What else?—A. After he sent Corporal Burdett he had the guards to lie down there, and then he had a man at each corner of the guardhouse, at the rear, so that in case some one came up to challenge them and find out who they were before they came to the guardhouse; and then he had the remainder of the guard to deploy and lie down in front of the guardhouse.

Q. Did you go to bed any more that night?—A. Yes, sir.

Q. What time did you lie down?—A. I laid down about two and a half hours afterwards.

Q. Up to the time when you lay down—you went to sleep, I suppose.—A. Yes, sir.

Q. Was there any cleaning of guns up to that time or anything of the sort that occurred?—A. No, sir.

Q. Did you have any facilities there for cleaning guns?—A. No, sir.

Q. Were your guns inspected before you came off guard; and if so, by whom?—A. Yes, sir.

Q. By whom were they inspected?—A. They were inspected by the officer of the day.

Q. Captain Macklin?—A. Yes, sir.

Q. Were you present at that inspection?—A. Yes, sir.

Q. What kind of an inspection was it, a careful inspection?—A. Yes, sir; he examined the guns very close.

Q. How many men were present at that inspection? If you know, tell us.—A. Twelve men, sir.

Q. Twelve privates?—A. There were 13, counting the one that was on watch.

Q. State whether you kept your men on post after Company C went on duty and established cossack post that night.—A. Yes, sir; we kept them on post.

- Q. You kept them all on post all that night?—A. Yes, sir.
- Q. Well, next morning—how many were there? Twelve, you say?—A. Counting the one that was on watch, that made 13.
- Q. Was there anybody with Captain Macklin when this inspection was made?—A. No, sir.
- Q. Did you find any guns that he rejected?—A. No, sir.
- Q. In what condition were the guns?—A. They was in good condition, I suppose. He told the sergeant that was all.
- Q. You were there with your gun?—A. Yes, sir.
- Q. Was that inspected?—A. Yes, sir.
- Q. What kind of ammunition did you have that night?—A. I had ball ammunition, sir.
- Q. Was that inspected?—A. Yes, sir.
- Q. When you came off guard what time was it—what time did you come off duty the next day?—A. We got off guard that day about half past 9 or 10 o'clock.
- Q. Then what happened?—A. Then we had to go over to the adjutant's office to give in our testimony concerning it.
- Q. To whom did you make your statement?—A. Major Penrose, sir.
- Q. In the adjutant's office?—A. Yes, sir.
- Q. Was there anybody present except Major Penrose?—A. Yes, sir; there was some citizens there, but I don't know who they were.
- Q. There were some citizens there?—A. Yes, sir.
- Q. How many of them?—A. A couple or three of them.
- Q. How many of you soldiers were present at the time?—A. All the guard, sir, at that time.
- Q. Did you all go in at once?—A. No, sir; one at a time.
- Q. One at a time?—A. Yes, sir.
- Q. But every man of the guard was called in?—A. Yes, sir.
- Q. Singly, one after another?—A. Yes, sir.
- Q. What was the nature of that investigation?—A. I don't know, sir. I guess he was trying to find out whether anybody knew who did it or not.
- Q. Did you give him all the information you had?—A. Yes, sir.
- Q. Do you know who did the shooting?—A. No, sir; I do not.
- Q. Did you have anything to do with it yourself?—A. No, sir.
- Q. Do you know of anybody in your company who participated in that shooting?—A. No, sir.
- Q. Or in either of the other companies?—A. No, sir.
- Q. Have you any knowledge that leads you to suspect anybody connected with your company or either of the other companies?—A. No, sir.
- Q. Have you ever refused at any time to tell all you know about it?—A. No, sir.
- Q. You have not withheld any information about it?—A. No, sir.
- Q. You are willing to tell now anything you know about it?—A. Yes, sir.
- Q. You do not know anything about it, as I understand you?—A. No, sir.
- Q. Were you arrested with the 12 men?—A. No, sir.

By Senator WARNER:

- Q. The guard was armed that night with the ball cartridge?—A. Yes, sir.

Q. That is the cartridge that is used in action and target practice?—A. Yes, sir; we had the original ammunition.

Q. When you say you had the original ammunition, what do you mean?—A. I mean the ammunition that we could go into warfare with.

Q. And it was the same ammunition as was issued to you at Niobrara, was it not?—A. Yes, sir.

Q. You had it all the time you were at Brownsville?—A. Up until after the shooting.

Q. Up until the time of the shooting?—A. Yes, sir; the same

Q. You were awakened before the call to arms?—A. Yes, sir.

Q. And you heard the shooting, then, Corporal?—A. Yes, sir.

Q. You had been a soldier some twelve years or more, I believe?—A. Eleven years, sir; on my eleventh year.

Q. Eleven years?—A. Yes, sir.

Q. In that time of course you have practiced yourself in locating shooting, have you not—the distance of the place it comes from?—

A. To an extent, I have.

Q. It becomes necessary for a soldier to do that, does it not?—A. Yes, sir.

Q. When you got up and guard was forming, as you have stated, where was the shooting?—A. The shooting was in town, in rear of the B and C Companies' barracks.

Q. If I say back of B and C Companies' barracks, that is toward the town?—A. Yes, sir; on the town side.

Q. Did you hear any shooting in any other part?—A. I did, sir; later on. After the heavy shooting was over I heard some shots way down in town.

Q. That was after the main firing had all ceased?—A. Yes, sir.

Q. And that was a different kind of shooting, was it not?—A. Well, it was pretty heavy shots—it seemed to be.

Q. But a different kind of a firearm that was used?—A. I don't know, sir, about a different kind of firearm.

Q. From the sound, I am asking you?—A. It sounded as if it was a Winchester, from the sound, from the way it sounded.

Q. Which were the Winchesters; the last ones?—A. Some of the last shots that was fired down in town.

Q. What did the first ones sound like?—A. They sounded like revolvers and Winchesters, the first ones.

Q. Revolvers and Winchesters?—A. Yes, sir.

Q. Did you see the flashes of the guns?—A. No, sir; I did not.

Q. Did you see the direction in which the shooting was done?—A. I heard the direction; yes, sir.

Q. How did you hear the direction?—A. Because it was at the northwest portion of the garrison from where I was at the time.

Q. What did you hear?—A. I just simply heard firing.

Q. What I want is this: Could you determine in any way whether that firing was toward the barracks or toward the town?—A. It seemed as if it was toward the town, the way the bullets was going over the guardhouse where we was at.

Q. It would have to be, would it not, if the bullets passed over you that way?—A. Yes, sir.

Q. A great many of the bullets passed over your heads there?—A. Yes, sir; quite a good many went over. Of course it was quite high.

Q. About how many bullets would you think passed over your head there?—A. I heard as much as a dozen or so, anyway, myself.

Q. Could you tell from the sound of the bullets the kind of ammunition it was?—A. Yes, sir. I am pretty well posted on that part of it.

Q. As to the sound of those bullets, what would you say?—A. I would say they sounded like lead bullets.

Q. What do you mean, now? Do you mean such as the ball cartridge?—A. Yes, sir—that is, the cartridge without the steel jackets on them.

Q. They sounded like lead bullets without the steel jackets?—A. Yes, sir.

Q. That is, like the bullets you use—what they call the reduced cartridge bullet?—A. Something like we use for hunting big game.

Q. Such as is used in the Army—the reduced cartridge bullet?—A. Yes, sir.

Q. It sounded like those more than like the steel-jacketed bullet?—A. It sounded like lead bullets; yes, sir.

Q. Did you make any examination to see if any of those bullets had struck anywhere in the barracks?—A. Yes, sir; I think they did, sir.

Q. What examination did you make?—A. I didn't make any at all, but the officers was around there looking, and some citizens.

Q. I ask you, without time to examine carefully, whether in the affidavit you made before Captain Lyon you stated anything about having heard these bullets passing over the guardhouse?—A. No, sir; I don't think he asked me anything about that.

Q. You knew at the time that examination was being made by Captain Lyon or Colonel Lovering that it was to find out whether or not any of the men of Companies B, C, and D were connected with the shooting up of the town of Brownsville on the night of August 13, did you not?—A. Yes, sir.

Q. You knew that was the purpose of the examination?—A. Yes, sir; to find out who did the shooting, if possible.

Q. Did you not think it was quite important, with reference to who did that shooting, as to the direction in which the shooting was being done?—A. Yes, sir.

Q. And if the shooting was being done from the town toward the barracks, that that would be important to show that it was citizens and not soldiers who were doing the shooting?—A. Yes, sir.

Q. You knew that, did you not?—A. Yes, sir.

Q. But you did not mention it? Or did you mention it?—A. Well, sir, I will tell you this way. Lots of times they cut you off. As you want to say something, they will cut you off and say, "I will ask you what I want to know." And by that I waited until he would ask me a question, and I would answer it to the best of my ability.

Q. Did you try to tell them that you heard this shooting?—A. Yes, sir.

Q. Who was it cut you off?—A. Most all of them cut me off in some respect. They said they would ask me the questions just as they wanted me to answer it, and I never said any more.

Q. Was it Colonel Lovering who cut you off?—A. No, sir; I think it was Captain Lyon.

Q. Just state to us, because that is important— A. Captain Lyon.

Q. How did Captain Lyon cut you off?—A. He said he would ask the questions just as he wanted me to answer them, so I didn't say anything more; only what he asked me, and what I knew about it.

Q. Corporal, please tell us what caused him to say to you to answer the questions just as he asked them. Were you attempting then to tell him that you heard these bullets coming from the town?—A. Yes, sir; a portion of the time; I was.

Q. What had you said to him that caused him to make that remark to you, if you can remember?—A. He asked me some question, and then I wanted to bring that in, and he stopped me.

Q. When you say you wanted to bring it in, we can not tell what you refer to. What did you say to him that induced him to say to you to answer the question?—A. I disremember now what it was. I disremember just what the question was.

Q. But what was it you were attempting to say to him when you were cut off?—A. I was going to tell him about these bullets that I heard going over the guardhouse, and for that reason they must have been fired from town.

Q. But what I want, Corporal, if you please, is what is it you said to him?—A. I don't know, sir; I disremember, sir.

Q. You can not tell us?—A. No, sir.

Q. Captain Lyon was a very courteous and kind officer, was he not?—A. Yes, sir; he was, most of the time.

Q. What company was he captain of?—A. He was captain of D Company, sir.

Q. Of your company?—A. Company D.

Q. Of your company?—A. No, sir; mine was Company B.

Senator WARNER. In this connection I will offer in evidence the testimony of this witness found on page 122 of Senate Document No. 155, because I have been asking him about it.

Senator FORAKER. Yes; I want to put in also his testimony taken by Colonel Lovering. It might go in following that.

Senator WARNER. I think you will find that on page 155. Page 122 is what I have been asking him about.

Senator FORAKER. On page 122 is what he stated to Colonel Lovering. That is what I had in mind. What is it on page 155?

Senator WARNER. He was recalled, and his testimony appears on page 155.

Senator FORAKER. That is where he was recalled before Colonel Lovering.

Senator OVERMAN. He was recalled again on page 503.

The testimony of the witness, at pages 122 and 155, of Senate Document 155, is as follows:

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.

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.

By Senator WARNER:

Q. I find that on page 155 of Senate Document 155 you were recalled by Colonel Lovering after you had been sworn by Captain Lyon. Did you make any attempt then to tell the officers that you had heard these leaden bullets pass over your head there at the guardhouse?—A. I disremember whether I did or not.

Q. Did you tell any noncommissioned officer of it?—A. Yes, sir.

Q. Whom did you tell?—A. I talked with all of them there in the quarters about the direction these bullets was going, and what they sounded like.

Q. That was common talk there, was it, in the camp?—A. Yes, sir.

Q. So the commissioned officers could have known it?—A. Yes, sir.

Q. Was that before you had made your statement to Captain Lyon?—A. Yes, sir.

Q. Because that was not for ten days after the shooting when you made the statement, was it?—A. Yes, sir.

Q. So you generally talked there about this matter?—A. Yes, sir.

Q. And the commissioned officers kept it out from this examination?—A. Yes, sir; they cut me off so I couldn't explain it.

Q. Now, a word about the guard duty. You came off of your post at what time in the night of the 13th before the shooting; 10.30, was it?—A. No, sir.

Q. I do not know that you have stated it, Corporal, and I just want to get the time you came off from your post.

Senator FORAKER. When your relief came over.

By Senator WARNER:

Q. Yes, when your relief came. That is, the last time before the shooting occurred?—A. 10.30; yes, sir; that is the time my relief came off.

Q. I thought that was correct.—A. Yes, sir; 10.30.

Q. Then you would be off four hours?—A. Yes, sir.

Q. And you would go to bed?—A. Yes, sir.

Q. And you went to bed?—A. Yes, sir.

Q. All the members of your relief went to bed?—A. Yes, sir; I suppose a portion of them.

Q. A portion of them may have stayed up?—A. Yes, sir; sitting around reading.

Q. And there was another relief off of duty, was there not?—A. Yes, sir.

Q. They were there in bed, or sitting around?—A. Yes, sir.

Q. Just as they chose?—A. Yes, sir.

Q. At the guardhouse there was one sentinel on duty, was there not?—A. Yes, sir.

Q. His duty was to parade in front of the guardhouse?—A. Yes, sir; that was his post.

Q. And it was his duty to be there?—A. Yes, sir.

Q. How many exits were there to the guardhouse—that is, ways of getting out of it?—A. Three ways.

Q. Out of the front door?—A. Yes, sir.

Q. Then that would come out to where this sentinel was marching?—A. Yes, sir.

Q. Now, the other two ways?—A. In the rear of there you could go out on either side of the prison room, the prison cells.

Q. That would go back how far into the guardhouse before you would get to the entrance going across, going out either side?—A. About 15 or 20 feet.

Q. Fifteen or 20 feet back, and then you would go out on either side?—A. Yes, sir.

Q. Between what was known as the noncommissioned officers' quarters and the guardhouse?—A. Yes, sir.

Q. An entry way there?—A. Yes, sir.

Q. That was a dark night?—A. No, sir; it wasn't very dark. It was a kind of a moonlight night.

Q. A kind of a moonlight night, was it?—A. Yes, sir.

Q. So that there was such light that if a man had gone out there the guard could have seen him?—A. Yes, sir; for a short distance.

Q. Are you not mistaken about that being a moonlight night? Think a moment, Corporal.—A. It was somewhat cloudy, but then I think the moon was shining among the clouds, if I am not much mistaken.

Q. It was no part of your duty to see where the men were between the time you went off relief until you were called back again? You went to bed and they went to bed, so far as you know, or stayed up

as they pleased, as you have stated?—A. Well, sir, it was my duty to see them, that is, to get them together in time to put them on post.

Q. Yes; when the four hours came around, or before that, you were to be ready to go on your relief duty?—A. Yes, sir.

Q. That was your business?—A. Yes, sir.

Q. You went off at half past 10, and you would come on again regularly on duty at half past 2?—A. Yes, sir.

Q. There was another relief that went off at half past 8, and they would come on again at half past 12, would they not?—A. Yes, sir.

Q. I believe I have asked you if you had the same ammunition that you brought with you from Fort Niobrara?—A. Yes, sir.

By Senator OVERMAN:

Q. How many rounds of ammunition did you have?—A. I had twenty rounds.

Q. You are certain of that?—A. Yes, sir.

Q. What did you do with your gun when you came back to the guardhouse?—A. When I came back to the guardhouse?

Q. Yes; at 10.30, when you came off duty.—A. I put it up in the rack, there.

Q. What sort of rack did you have? Was it like this one here?—A. No, sir; it was a kind of wooden rack. It laid against the wall.

Q. Against the wall?—A. Yes, sir.

Q. What did you do with the ammunition?—A. I kept it in the box.

Q. On your person, or did you hang it up?—A. I kept it around my waist.

Q. You kept it around your waist all the time?—A. Yes, sir.

Q. Who succeeded you when you went off duty at half past 10?—A. Corporal Wheeler.

By Senator WARNER:

Q. What was the light at the guardhouse?—A. We had a lamp, sir, and a lantern.

Q. There was more than one light, was there not, inside?—A. Yes, sir; there was only one lantern and only one light; that is, the lamp.

Q. That was in the entrance, as you call it—the sally port?—A. This was in the office part where the sergeant of the guard stood—the lamp.

Q. Then there was a lantern outside?—A. There was a lantern there where the man on watch wanted to verify the prisoners with when a new relief was going on. I would take No. 1 in there and have him verify the prisoners.

TESTIMONY OF CAROLINA DE SAUSSURE (COLORED).

CAROLINA DE SAUSSURE was duly sworn and testified as follows:

By Senator FORAKER:

Q. Please state your name in full.—A. Carolina De Saussure.

Q. How old are you?—A. I am 26 years old.

Q. In what State were you born?—A. I was born in South Carolina.

Q. Where did you enlist first?—A. I enlisted there the first time.

Q. Did you belong to the Twenty-fifth Infantry?—A. Yes, sir.

Q. What company?—A. My first enlistment was in C Company and my second was in B.

Senator FORAKER. I will put in evidence here the record of this witness as found at page 250 of Senate Document No. 155.

The record referred to is as follows:

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.

By Senator FORAKER:

Q. This shows that you enlisted first on April 12, 1899, in C Company?—A. Yes, sir.

Q. Then you reenlisted on August 8, 1902, in B Company?—A. Yes, sir.

Q. Then you reenlisted in that company in 1905?—A. Yes, sir.

Q. Then you were mustered out without honor on November 19, 1906?—A. Yes, sir.

Q. How long were you in the service altogether?—A. I was in the service seven years, four months, and twenty days.

Q. Were you with your company at Brownsville in August last?—A. Yes, sir.

Q. Do you remember the firing at Brownsville the night of the 13th?—A. Yes, sir.

Q. State whether you were on duty that night.—A. Yes, sir; I was on guard at the post guardhouse.

Q. You were on guard at the guardhouse?—A. Yes, sir.

Q. Were you on guard at the time the firing commenced?—A. I was not on duty at the time, but I was asleep.

Q. Where were you, in the guardhouse?—A. Yes, sir.

Q. And you were asleep when the firing commenced?—A. Yes, sir.

Q. How did you get awake?—A. I was awakened by the firing and the calling of the sergeant of the guard, together.

Q. What did you do when you got awake?—A. The first thing I got my gun and run right out in front of the guardhouse.

Q. You fell in out in front?—A. Yes, sir.

Q. Who did you see there? Tell us all the men you can recall that you saw. We want to know where they all were.—A. I couldn't call them all by name. I can call Corporal Burdett and Sergeant Reid and the musician, Hoytt Robinson.

Q. What other corporal?—A. Corporal Beale and Franklin were there, but I didn't see them at the present time.

Q. You did not see them at that time?—A. No, sir.

Q. What happened to you?—A. They formed a guard, and after the guard were formed the sergeant of the guard sent us off down to the quarters, towards where the shooting was.

Q. Who sent you there?—A. The commander of the guard.

Q. That is, Sergeant Reid?—A. Sergeant Reid.

Q. Whom did he send?—A. He sent Corporal Burdett and myself and private Mitchell and Battle, of D Company.

Q. Three of you?—A. Yes, sir.

Q. Did you hear him give the order to Corporal Burdett?—A. Yes, sir.

Q. What was it?—A. He told him to take these three privates and report down to No. 2, where he called for the guard.

Q. He had called for the guard?—A. Yes, sir.

Q. What did Corporal Burdett do?—A. He proceeded right on down there, and as we was passing C Company quarters we stopped by Lieutenant Grier.

Q. All three of you whom you have named?—A. Yes, sir.

Q. Lieutenant Grier stopped you?—A. No, sir; he stopped there. He was trying to form C Company's men at they was coming out.

Q. Yes.—A. Then Lieutenant Grier, he told the C Company men to form a line. They told him they couldn't get the guns for the men that was coming out, so he gave the order to have the gun rack chopped open, and then by that time he met Major Penrose, and he asked Corporal Burdett what company he belonged to. He said we were members of the guard. He told us to go across to his quarters and take care of the officers' families.

Q. What did he tell you to do?—A. He told us to go across to his quarters on the officers' line and take charge of the officers' families until he come back.

Q. Did he tell you to stand there for a while?—A. Yes, sir; he told us to stand right there a minute until he was trying to get B Company men to form a line. I don't reckon it was a minute.

Q. Did he, after he told you to stand, go to B Company and then return?—A. Yes, sir; that wasn't but a step from where he was.

Q. He came back and told Corporal Burdett to do what, now?—A. To "take these privates and report over to my quarters and take care of the officers' families."

Q. Did Burdett do that?—A. Yes, sir.

Q. Who did he take with him?—A. He taken myself and Private Mitchell, of C Company.

Q. You went over there. Where did you go?—A. We went to Major Penrose's quarters first, and the family was not there, and we went to Captain Lyon's quarters, and there is where they was.

Q. Did you remain there?—A. Yes, sir; until the major returned.

Q. What time did he return?—A. As near as I can guess, about 2 o'clock or half past 2.

Q. Then what did you do?—A. He told the corporal to take the detail and report back to the guardhouse.

Q. Was that done?—A. Yes, sir.

Q. When you got back to the guardhouse, what was going on there?—A. Well, all the men what was there, they was setting around, and they put me on post immediately when I got back there.

Q. They put you on post immediately afterwards?—A. Yes, sir.

Q. What post were you put on?—A. No. 1 post.

Q. There at the guardhouse?—A. Yes, sir.

Q. What was done as to the guards on the other posts?—A. They relieved them as soon as they could, because they had been on over the time then.

Q. You were on post how long?—A. Oh, I never was on post over two hours.

Q. You went on at—about what time was this—2 o'clock or 3 o'clock?—A. About half past 2 or 3 o'clock at night.

Q. And you were on for two hours?—A. Yes, sir.

Q. Did you sleep any more that night?—A. No, sir.

Q. While you were on guard, who were at the guardhouse?—A. Whilst I was on post?

Q. Yes; while you were on post.—A. Numbers of the men that had got relieved off different posts and come back returned to the guardhouse.

Q. When you were awakened and the guard was ordered to fall in, you fell in with the guard, did you?—A. Yes, sir.

Q. Do you know whether any of the men were missing at that time?—A. No, sir; I don't think any was missing. I didn't count them, but it seemed to be about 10 or 12 men there in line and around the front of the guardhouse.

Q. You were immediately sent away with Corporal Burdett?—A. Yes, sir.

Q. You did not remain there?—A. No, sir.

Q. When you came back, did you notice how many men were there, whether they were all there or not?—A. I couldn't tell. There might have been some inside. I didn't go back inside of the guardhouse after returning.

Q. What happened about the inspection of your guns, if anything?—A. They was inspected the next morning at reveille.

Q. By whom?—A. By the officer of the day.

Q. Captain Macklin?—A. Captain Macklin; yes, sir.

Q. Were you ready with your gun?—A. Yes, sir.

Q. Did you have it inspected?—A. Yes, sir.

Q. What was the result of that inspection?—A. Why, all the men's guns were clean, and they had all their ammunition.

Q. Was there anybody missing from that inspection who belonged to the guard?—A. No, sir; not as I know of. I didn't count the men myself.

Q. Did you see anybody cleaning any guns there around the guardhouse that night?—A. No, sir; not at the guardhouse.

Q. You know how to clean a gun, do you?—A. Yes, sir.

Q. You have to have some facilities for that, I understand?—A. Yes, sir.

Q. A cleaning rod, and so on?—A. Yes, sir.

Q. Did you have those facilities for cleaning guns at the guardhouse that night?—A. No, sir; they never have them at the guardhouse, because you always clean your gun before mounting guard, and you don't have any occasion to clean them up at the guardhouse.

Q. Your guns are always inspected at guard mount?—A. At guard mount.

Q. You are not allowed to go on guard with a dirty gun?—A. No, sir.

Q. Had your guns all been inspected that morning at guard mount?—A. They had all been inspected that morning by Lieutenant Grier.

Q. And they were inspected the following morning at reveille by Captain Macklin, the officer of the day?—A. Yes, sir.

Q. They were all clean when you went on guard, and they were all clean the next morning?—A. Yes, sir.

Q. Were any of the men away from the guardhouse that night, except as they were under orders on post, or out on patrol, or something of that kind?—A. Yes, sir. The men went away on patrol by orders of the officer of the day—one of the commanding officers.

Q. What time and what men were out on patrol, if you know?—A. Corporal Wheeler, I am more than sure; he had the first patrol, somewhere between 8 and half past 8 o'clock, or 9, and then Corporal Franklin taken the next one, and Corporal Burdett the third patrol.

Q. They were all out on patrol?—A. Yes, sir; I knowed the men that was in Corporal Burdett's patrol, because I was one of them myself, but I don't know exact the men in the others.

Q. You went on patrol with Corporal Burdett?—A. Yes, sir.

Q. What time was that?—A. We went about 10 o'clock and returned about 10.30.

Q. Where did you go?—A. We went all in town to look around for men that was in town to bring them in.

Q. Do you know why you were looking for your men that way; was not that unusual?—A. Yes, sir; it was unusual; but it was an order come there. The officer of the day brought it from the commanding officer—that he didn't want any soldiers in town after 8 o'clock that night.

Q. Do you know why they did not want any out?—A. No, sir; I never did find out why the reason.

Q. Do you know whether the mayor had notified the commanding officer that he must have his men all in by 8 o'clock?—A. I seen the mayor talking to him that day, but what he told him—I don't know what he told him.

Q. You saw the mayor talking to Major Penrose?—A. To Major Penrose.

Q. About what time that day?—A. I think about 5 o'clock.

Q. Where did you see them?—A. I was at the guardhouse, in front, and they was off from the exchange a very short distance—about 150 yards from me.

Q. Near the canteen?—A. Yes, sir.

Q. You saw the mayor, that is, Doctor Combo?—A. And another gentleman was with them.

Q. And the Major; the three of them were together?—A. Yes, sir.

Q. But you did not hear what they said?—A. No, sir.

Q. And it was after that that this order was given by the commanding officer to have the men all in by 8 o'clock?—A. Yes, sir.

Q. Do you know who did this shooting?—A. I do not.

Q. Did you have any thing to do with it?—A. Not anything at all, sir.

Q. Nothing at all?—A. Nothing at all.

Q. Do you know anybody in your company who did have anything to do with it?—A. No, sir.

Q. Or in either of the other companies?—A. Nor in either of the other companies.

Q. Do you know anything that makes you suspect anybody in your company of having anything to do with it?—A. No, sir.

Q. Have you ever suspected anybody in your company?—A. No, sir; I never have.

Q. You have not known of anything?—A. No, sir.

Q. Have you refused to tell all you know about this to everybody?—A. No, sir; I have told everything I know, as far as I could.

Q. Were you one of the twelve men arrested?—A. No, sir.

Q. You were not one of the twelve?—A. No, sir.

Q. That is all I think of now, except that I want to put your affidavit in as a part of your testimony, if I can find it. Did you give any affidavit that you know of?—A. Yes, sir; I gave an affidavit to my company commander, Lieutenant Larson, and one to Lieutenant-Colonel Lovering.

Senator FORAKER. I will try to find that and put it in. You may cross-examine.

(The testimony of the witness before Lieutenant-Colonel Lovering, on page 158 of Senate Document No. 155, above referred to, is as follows:)

Private Carolina 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.

By Senator WARNER:

Q. You were sent out on a patrol on the night of the 13th, about 10 o'clock?—A. Yes, sir; somewhere about that time.

Q. Was it not a little singular to take members of the guard, instead of making a detail from the companies, to go out and patrol the city?—A. They taken members of the guard, sir.

Q. I know; but was it not unusual to do that?—A. No, sir; not to take a patrol.

Q. You went down through the town?—A. Yes, sir.

Q. What part of the town did you go through?—A. We went out on the first street, the most way the soldiers generally hang out all the time. We didn't go away down in the heart of the town.

Q. When you say first street—A. That is not the name, but I mean the first street out from the garrison.

Q. Look at this map, please. This street, you mean [indicating]. Here is the garrison gate [indicating]?—A. Yes, sir.

Q. That is Elizabeth street marked on the map?—A. Yes, sir.

Q. You went down that street?—A. What direction does that street run?

Q. This is the garrison here [indicating]. This is the parade ground. Here are D, B, and C companies' quarters. This [indicating] is coming out into the town?—A. Is this [indicating] the street that runs in rear of the soldiers' quarters?

Q. Yes; that is Garrison road.—A. The road between the garrison and the town?

Q. Yes.—A. That is the street we come down.

Q. You came down that street how far?—A. We come down to the gate, and come into it.

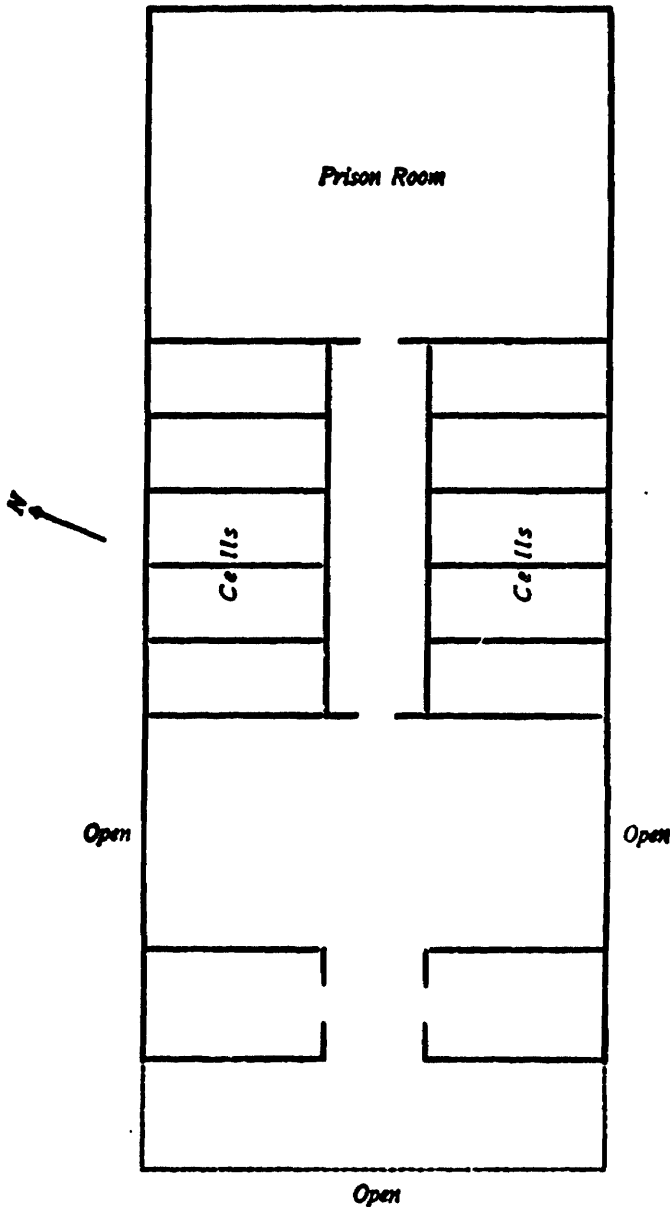
Q. Into what?—A. Into the garrison.

Q. But when you went out into the town, I am speaking of?—A. We went out the same way.

Q. You went down this street [indicating]?—A. No, sir; we didn't go down Elizabeth street.

Q. Which way did you go? You say where the soldiers mostly congregated?—A. Yes, sir.

No. 1.



Q. Now, where did you go?—A. I don't know that map very well. (At this point Senator Warner explained the map to the witness.)

Q. When you came down and went out and patrolled the city, you came down and went out this gate [indicating], did you?—A. Yes, sir; we came out and patrolled out this way [indicating].

Q. Up that road?—A. Yes, sir.

Q. Up to the Stewart saloon?—A. Yes, sir; and further than that.

Q. Where else did you go?—A. We came right back down the same way.

Q. Did you have any trouble?—A. No, sir; not any at all.

Q. Nobody molested you?—A. No, sir.

Q. There were how many of you in that patrol?—A. Three of us.

Q. Did you take your rifles with you?—A. Yes, sir.

Q. The town was perfectly quiet?—A. Yes, sir.

Q. You went up to the saloon?—A. Yes, sir.

Q. Who did you find in there?—A. There wasn't anyone but the man that kept the bar. He was the only one in it.

Q. There were no soldiers there?—A. No, sir.

Q. And no citizens?—A. No, sir.

Q. And no Mexicans?—A. No Mexicans at all.

Q. No one but the barkeeper of the saloon?—A. The barkeeper alone.

Q. Then you returned and had no disturbance whatever?—A. No, sir.

Q. The town was perfectly quiet?—A. Yes, sir.

Q. Then you went back to the guardhouse and went to bed, did you?—A. Yes, sir; we went back there, and the corporal reported.

By Senator OVERMAN:

Q. Do you know whether there was any patrol made in the town that night?—A. Not after that. There was before that. There was two patrols before I was out, because I was in the detail of the last patrol.

By Senator WARNER:

Q. You got back to the guardhouse about what time?—A. About 10.30.

Q. And you would go on post again at what time?—A. I went on post again about half past 2 or 3 o'clock. I don't know the time. I was to have gone on at 12.30, but after the trouble occurred I did not. I went away from the guardhouse, and I didn't get back in time.

Q. Your regular relief would have been 12.30?—A. 12.30, my regular relief.

Q. And the men with you went to bed, as far as you know?—A. Yes, sir.

Q. Whether they did or not, you do not pretend to say?—A. Well, all of them was laying around in there asleep.

Q. You went to sleep?—A. Yes, sir; I was asleep.

Q. What did you do with your gun?—A. I laid it right down beside me in the bed.

Q. You left it there?—A. No; I laid it right beside me in my bed. They didn't have any gun racks in the guardhouse.

Q. You had a place in which to rest the guns, simply?—A. Yes; you could lean it up beside the wall or put it in your bed.

Q. What did you do with your ammunition?—A. I had it in my belt, around my waist.

Q. What kind of ammunition?—A. I had ball cartridges.

Q. That is, the regular cartridge you use in battle?—A. In battle; yes, sir.

Q. How many rounds did you have?—A. twenty rounds.

Q. The same cartridges you had when issued to you at Fort Niobrara?—A. Yes, sir.

Q. The cartridges you retained all the time until your ammunition and arms were taken up?—A. Yes, sir.

Q. That is the only kind of cartridge you had while there?—A. Whilst in Brownsville?

Q. Yes.—A. No, sir; after the trouble occurred I turned those 20 rounds in.

Q. Oh, yes; pardon me. Up to the time of the trouble that is the only kind of cartridge you had?—A. Yes, sir.

Q. And after the trouble, what was issued to you?—A. We was issued reduced-range-of-lead balls.

Q. Do you know why that was done?—A. No, sir; I don't know why the reason they done it.

Q. You understood the reason you were sent out to patrol the town was to prevent the soldiers and citizens from getting into any trouble, did you not?—A. I guess that was what was the reason, but they only told us to bring them in and have them report to the quarters if we found them out; that they was not allowed out.

Q. You had heard of some trouble?—A. No, sir.

Q. You had not heard of the woman being assaulted or alleged to have been assaulted?—A. Oh, yes; I heard of that.

Q. You had heard of one of the members of Company C being knocked down with a pistol?—A. Yes, sir.

Q. And another member of one of the companies being shoved off the gang plank?—A. Yes, sir.

Q. And that they were refused admission to the saloons? You heard that talked of there at the camp in the barracks, did you not?—A. Refused to serve in a saloon?

Q. Refused admission to the saloons.—A. Yes, sir; I heard that the first day I got there.

Q. You heard that the first day?—A. Yes, sir.

Q. That was soon understood?—A. Yes, sir.

Q. Those matters were talked of right along in camp. Was there any complaint about it?—A. Complaint about what?

Q. About this treatment you were receiving there.—A. No, sir; not so much about that.

Q. What was there any complaint about?—A. Well, the most complaint—none at all, only after the trouble occurred.

Q. No complaint before this trouble?—A. No, sir; not so much.

Q. What do you mean by "not so much"?—A. I mean they didn't bother about going around to the saloons after they found out they couldn't get in there. That is all. I never heard none kicking about it.

Q. You never heard any kicking?—A. No, sir.

Q. After the shooting, did you hear that talked of much?—A. Oh, yes; a whole lot.

Q. What did you hear about that?—A. Wondering who done it, and wondering would they ever be able to find out who did it.

Q. They wondered who had done it, and wondered if they would ever be able to find out who did it?—A. Yes, sir.

Q. What else did you hear?—A. I never heard enough to lead me to understand who did do it, whether any guilty party, particular.

Q. You knew it was charged right after the shooting that ammunition such as was used in your guns had been found down in the city, did you not?—A. Yes; so I heard, not that I saw. I didn't see any.

Q. Of course, I know that; but you heard that?—A. Yes, sir.

Q. This shooting that you heard when you were awakened—where was it, as far as you could judge?—A. The shooting when I first heard it was over in the town. It sounded over across the wall, in town.

Q. Just stand up there to that map. You see the red figure 9 there, do you?—A. Yes, sir.

Q. And the figure 1?—A. Yes, sir.

Q. And the figure 2?—A. Yes, sir.

Q. The figure 1, according to the evidence, represents where the telegraph office was?—A. Yes, sir.

Q. The figure 2 represents the Cowan House?—A. Yes, sir.

Q. You see those, do you?—A. Yes, sir; I see those.

Q. The figure 9 represents the Martinez cottage.—A. Yes, sir.

Q. Now, with reference to those places marked, where was that shooting you heard—where did it come from?—A. I was up at the guardhouse, and when I heard it, it sounded like it was over in here somewhere [indicating].

Q. Along what is Washington street?—A. Yes, sir. Well, I don't know one of those streets from another.

Q. It is marked Washington street.—A. Yes; on the map here.

Q. Down in that general direction?—A. Yes, sir; down in that direction.

Q. When you got down there between Companies B and C, and you were ordered by Major Penrose to stand there and wait for further orders, where was the shooting then; or was there any shooting then?—A. Yes; there was shooting at the same present time, right over in the direction of the town then.

Q. Could you see the flashes of the guns?—A. No, sir; I could not.

Q. In what direction was that shooting being done?—A. It was down in the town then.

Q. Where was the corporal who was with you?—A. I and him was standing up right together.

Q. And you could not see the flashes of any guns?—A. No, sir.

Q. How many guns were being discharged there, in your judgment, from the sound?—A. Oh, from the sound of it—I couldn't tell by the sound, but I guess—I couldn't tell by the sound exactly how many.

Q. Have you ever been in action; in battle?—A. I have been in little scrummages. I have never been in no real battle.

Q. Can you not form some idea, by hearing, when there is a discharge or a volley, the number of guns that are being fired?—A. Oh, no, sir; it wasn't no volley, nor nothing of the kind. It was more of a rapid firing.

Q. Rapid firing you could tell still better, could you not?—A. About how many guns it was?

Q. Yes.—A. No, sir; you could not.

Q. Could you form any idea or give us any idea of the number—whether there were 10, 15, 20, 25, or what it was?—A. No, sir; I couldn't tell exactly, but I would say it sounded like about 7 or 8, 9 or 10; something like that; different guns firing off at the time. It would be impossible for me to tell unless I could see.

Q. Could you tell in which direction those guns were being discharged?—A. What direction they were shooting?

Q. Yes; whether they were shooting toward the fort or shooting away from the barracks?—A. Well, you can't tell what direction they are firing by the sound of a gun unless you hear the bullet. I never heard any bullet.

Q. You never heard any bullets?—A. Not that night; no, sir.

Q. When you fell out, you fell out with the guard, did you not?—A. Yes, sir.

Q. Did you not hear any bullets passing over the guardhouse when you were standing there?—A. A very few shots was fired after I got outside. After I was sent away from the guardhouse, then the firing started again.

Q. But I ask you, when you fell out with the guard, did you hear any bullets passing over the guardhouse?—A. No, sir.

Q. You heard nothing of that kind?—A. No, sir.

Q. Did you hear or see any horsemen around there that night?—A. No, sir; I didn't see anyone on any horse.

Q. Did you hear of any horses going by?—A. No more than I heard the fellows talking about it. There was a fellow in the hospital said he heard some one riding on horses, later on, after that; but that night I never heard no one say he seen no horse nor no one riding.

Q. You heard some one say after that that he had heard a horse?—A. Yes, sir.

Q. But no one at that time?—A. No, sir.

Q. And you heard none?—A. No, sir; I didn't hear any at all.

Q. Just describe, as near as you can, the guardhouse, please.—A. What, on this map here?

Q. Tell us, if you can, how it is constructed internally?—A. No, sir; I couldn't tell exact, only it is an old Spanish building, you know.

Q. There is a hallway in it, is there not?—A. Yes, sir; there is a hallway between the two rooms and the prison cells.

Q. There are two rooms as you go in from the front?—A. Yes, sir.

Q. The room to your right is used for what?—A. There is one to your right and one to your left as you go in.

Q. What is the right room used for?—A. The right room as you go in was used by the sergeant of the guard.

Q. And the left-hand room?—A. For the men that was on guard.

Q. For the men on guard?—A. Yes, sir.

Q. Back of those rooms, between them and the prison where the prisoners were kept, there was a hall running across the building?—

A. Yes, sir; and there was an open place in there running across.

Q. And it was the business of the sentinel on duty at post No. 1 to march up and down in front?—A. In front of the whole building.

Q. You were out that night. It was a pretty dark night, was it not?—A. I couldn't say now. I disremember what kind of night it was that night.

Q. I understand you do not pretend to say just where the men were from the time you came back at half past 10 until you were aroused by the shooting?—A. That was at the guardhouse. I have seen lots of them around there, but to say the whole entire guard was there all the time, I never seen them.

Q. You went to sleep pretty soon after you went to bed at half past 10, did you not?—A. Do you mean pretty soon after the trouble?

Q. After you came back, before the shooting?—A. Yes, sir; I went to bed about 11 o'clock, I guess.

Q. And you were sleeping soundly up to the time you were aroused?—A. Yes, sir.

Q. How soon after you got up, if it was after you got up, was it that the call to arms sounded?—A. About a minute, I guess, or something like that. Maybe it wasn't that long; it was a very short while.

The committee, at 4.55 o'clock p. m., adjourned until Wednesday, February 20, 1907, at 10.30 o'clock a. m.

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Wednesday, February 20, 1907.

The committee met at 10.30 a. m.

Present: Senators Foraker, Bulkeley, Warner, Fulton, Blackburn, and Overman.

TESTIMONY OF ELMER BROWN (COLORED).

ELMER BROWN (colored), being first duly sworn by Senator Foraker, testified as follows:

By Senator FORAKER:

Q. Give us your name in full.—A. Elmer Brown.

Q. Were you a member of the Twenty-fifth U. S. Infantry in August of last year?—A. Yes, sir.

Q. Were you with it at Fort Brown?—A. Yes, sir.

Q. To what company did you belong?—A. Company B.

Q. What kind of duty were you on at Fort Brown while your regiment was there in August?—A. On special duty for the commanding officer.

Q. That is Major Penrose?—A. Yes, sir.

Q. What was this special duty?—A. Taking care of his private horses and working around his house.

Senator FORAKER. I will put in evidence at this point, as a part of this testimony, the official record of this witness as furnished by the War Department and found at page 249 of Senate Document No. 155.

The record is as follows:

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.

By Senator FORAKER:

Q. How long were you in the service?—A. I was in the service from May, 1892, fourteen years. I lost five months.

Q. You were discharged without honor November 22, 1906, I see?—A. Yes, sir.

Q. How long had you served in the Army up until that time?—A. Fourteen years, sir.

Q. What was this special duty you were assigned to by the commanding officer while you were at Fort Brown?—A. Taking care of his horses over at the barn off from his quarters, and after I finished with his horses I would go over to the house and assist Mrs. Penrose around there. She had no second girl, but a cook who was a man.

Q. Where were you on the night of August 13 when the firing occurred?—A. I was in Major Penrose's stable. I had a room at his private stables.

Q. At the stable?—A. Yes, sir.

Senator FORAKER. I will ask Senator Overman kindly to explain the map to the witness. I want to locate that stable. There is the map at your left.

(Senator Overman explained the location of the various places about Fort Brown, as indicated on the map.)

By Senator FORAKER:

Q. Where was the stable to which you refer?—A. My stable was right next to the water tank, right on the end of the shed there.

Q. On the end of the shed that is marked 57?—A. Yes, sir.

Q. Were you between the tank and the dry lagoon?—A. No, sir; I was not between it, but I was right there on a line with it.

Q. Your stable was between the shed and the road?—A. Yes, sir; at the water trough.

Q. Did you sleep there at that stable?—A. Yes, sir.

Q. Where were you that night when the firing commenced?—A. I had a room inside of the stable. There were two rooms. One of them was a bathroom and one of them was my room where I kept the harness and the major's saddles and mine, and I pulled my bed right out of there, it was so warm, and pulled it right in the rear of the horses. I used to do that always at night. I was wakened by Private Williams belonging to B Company.

Q. You were there that night, were you?—A. Yes, sir.

Q. Sleeping there?—A. Yes, sir.

Q. How did you get awake?—A. By Private Williams. He stayed in the quartermaster's stable.

Q. Is that Alfred Williams?—A. Yes, sir; Alfred Williams.

Q. He stayed there, too?—A. He stayed in the barn with all the balance of the quartermaster's men, the men that drove teams for the quartermaster.

Q. He came there and wakened you?—A. Yes, sir.

Q. What time was it?—A. I did not look at my watch; I have no idea.

Q. What did he tell you?—A. He said, "Get up, Brown; did you hear all this noise?" I said, "No; what is it?" "Well, they are playing fire call or to arms over there," he said; "I think it is to arms." And I said, "If you don't know what it is, I aint going to get up," and I just dozed right off to sleep again, as I had orders from

the commanding officer to stay with his horses. When we were in Fort Niobrara, why at any time any alarm was given in the garrison, fire call or anything of that kind, I was to report to his stable at once and see if he needed a saddle horse and to look out for the horses.

Q. Were you on this same special duty at Niobrara?—A. Yes, sir.

Q. Taking care of Major Penrose's horses?—A. Yes, sir.

Q. How many horses did he have?—A. Two, sir.

Q. And you had a horse?—A. I used one of his horses when I went with him as mounted orderly.

Q. You always went with him as mounted orderly?—A. Yes, sir.

Q. Did you hear any firing then at all?—A. No, sir.

Q. And you went back to sleep?—A. Yes, sir.

Q. And slept until when?—A. Next morning I was awakened when the quartermaster's men started to clean up around the mules, early, not later than a quarter after 4 or half past 4. I used to get up every morning so early; I had to do my work, and had to get done before my morning drill.

Q. Did you have drill also?—A. Every morning; yes, sir.

Q. What did you do that morning?—A. I got up, gave my horses a shower as usual every morning and watered them and then fed them, and got my belt and went on over to quarters. When I got over there I saw that everyone was confused about something.

Q. Wait a minute. You got your belt. Did you keep your gun and ammunition with you at the stable?—A. I kept my belt and ammunition, but no gun. My gun was always in the quarters.

Q. You kept your ammunition with you at the stable?—A. Yes, sir.

Q. Where was your gun?—A. In the quarters. In the rack.

Q. What kind of a belt did you have with you, and what ammunition did you have with you and how much of it?—A. I had both of my belts. I always kept by belts, my haversack and canteen, and all like that with me, and I had twenty ball cartridges and the two belts.

Q. You wore your belt when you were on duty with the Major as his orderly?—A. Yes, sir.

Q. When you got over there next morning what did you discover?—A. Well, I heard all the men talking that the barracks had been shot into by some one, and it was dark when I went up into the quarters after my rifle, and I could not see, because there was only one light burning and that was at the head of the stairway.

Q. Was that before daylight?—A. Yes, sir; it was not good day. Of course we had breakfast always by lamplight, and immediately after breakfast the drill call went.

Q. The sun rises there about half past 5, I think, or 6 o'clock railroad time; half past 5 city time, something like that?—A. Yes, sir.

Q. They had breakfast by lamplight, did they?—A. Yes, sir.

Q. What did you discover?—A. I never made any investigation at all, because I just went to the head of the stairs and turned to the left and our gun rack, the third section rack set right side of the banisters as you go up the steps, and I heard the men talking that the lamps were all shot to pieces, they thought, and the quarters, and as soon as we went downstairs why assembly went shortly after, and instead of going on to the usual drill we all stacked arms, and then the arms were taken again and had an inspection instead of drill.

Q. You stacked arms?—A. We started to stack the arms, some of

the men did, and then instead of stacking arms why they stood for inspection.

Q. I did not quite understand, that morning did you take breakfast there?—A. Had my breakfast.

Q. And when did this drill call come?—A. Well, the time for this drill, I think it was about 20 minutes or half-past 5 in the morning.

Q. For the drill?—A. Drill call, first call; yes, sir.

Q. Whatever time it was, it was drill call?—A. Yes, sir.

Q. And that came after breakfast?—A. Yes, sir.

Q. And then when drill call sounded, what did you do?—A. Fell in line.

Q. Did you take your gun?—A. Yes, sir.

Q. Out of the gun rack?—A. Yes, sir.

Q. And you fell in line?—A. Yes, sir.

Q. Did the whole company fall in line?—A. Yes, sir.

Q. Then what happened?—A. Instead of having the usual drill, we had inspection.

Q. You said something about stacking arms.—A. We started to stack the arms, and then did not, because we had no orders to.

Q. What were you going to stack arms for; whose order was that?—A. It was some one's order on the left of the company. Somebody said "What was said up there; was it stack arms?" and they said "No;" and we stood there and assembly went, and the major and Captain Lyons started in inspecting D Company on our right, and we stood there and had an inspection, and after inspection, why B Company was all marched right around and put on guard, and then I never got a chance to see anything of the quarters at all, and I was under the impression the whole day that the quarters had all been shot up.

Q. First, before we come to that, did you go on duty with B Company that morning?—A. Yes, sir.

Q. Although you were assigned to this special duty, yet you went on guard duty?—A. Yes, sir.

Q. B Company relieved C Company?—A. Yes, sir.

Q. About what time in the morning was that?—A. Well, I suppose it was along about 8 o'clock, sir.

Q. Might have been as late as 9?—A. It was 9 o'clock before I was put on the last post. It was 9 o'clock before I was posted.

Q. Where were you posted?—A. At the quartermaster's department, sir.

Q. What post was that?—A. Number seven, sir.

Q. You were on post number seven?—A. Yes, sir.

Q. How many men were on that post?—A. There were three privates and one noncommissioned officer.

Q. Who was the noncommissioned officer?—A. Corporal Harris.

Q. Was your gun inspected before you went on guard?—A. Yes, sir.

Q. By whom?—A. Inspected by Lieutenant Lawrason and by Captain Lyons.

Q. Were all the guns of your company inspected at that time?—A. Yes, sir.

Q. In front of B Company barracks?—A. Yes, sir.

Q. What was the result of that inspection? Did they find any dirty guns?—A. There were seven men that Lieutenant Lawrason was not satisfied of their guns being sufficiently clean, and he stepped those

men to the rear of the company and had them to move on the right, and they were reinspected after they moved.

Q. Do you know with what result they were reinspected?—A. There was dust in their guns.

Q. Do you know with what result; did their guns finally pass on that inspection?—A. Yes, sir.

By Senator OVERMAN:

Q. You went away. How do you know they were passed?—A. Because the men told me, and I heard one of the officers call to Sergeant McCurdy for some clean rags, and the guns were wiped out with clean rags.

Q. Before you left there?—A. They had started with the rags.

By Senator FORAKER:

Q. Did you see that operation commenced before you left?—A. Yes, sir; before I left there they had started to inspect those men on the right.

Q. Now, can you tell me how long it takes to clean one of those guns so that it will pass one of those inspections that it was subjected to that morning, to clean a gun which had been fired, say half a dozen times?—A. Well, near about; yes, sir. It would take me at least half an hour or more to clean a gun to pass inspection.

Q. You mean by that to swab it out and dry it out and open the chamber and take out the bolt, dismount the bolt?—A. It has to be cleaned that way, because, if it is not, it will rust.

Q. Well, I will not dwell on that, because we have gone over it. That is your idea. Now, could you clean that gun in the dark so that it would pass inspection?—A. No, sir.

Q. Could you clean that gun unless you had these facilities that they supply you with, such as the cleaning rod and rags and so on?—A. No, sir; you can not clean it. I never could clean one of those guns satisfactorily, except by washing it out with sal soda.

Q. You used a smokeless powder?—A. Yes, sir.

Q. In that gun?—A. Yes, sir.

Q. And you have reference to the use of smokeless powder when you give me the answers you do?—A. Yes, sir.

Q. Well, now about the cartridges; was there any place at Niobrara or any place at Brownsville where the men could get surplus ammunition—surplus ball cartridges?—A. No, sir; not in my company, because the ammunition was always given to those men on the target range by a noncommissioned officer.

Q. Given by a noncommissioned officer?—A. A noncommissioned officer, and there was also a commissioned officer at the firing point, and there was a man detailed always to take the ammunition out there, and when a man's turn came he would hand him ten rounds of ammunition, two scores. There was never shot more than two scores at a time. He would hand you out two scores, that is ten rounds, and if you failed to shoot those two scores you had to put your ammunition back in your box.

Q. So that there was no chance for a man to appropriate the ammunition to himself?—A. No, sir.

Q. A man could sell his ammunition or run away with his ammunition, I suppose—could get rid of it—but he could not get any sur-

plus.—A. He could not get any surplus; it would show up on him on Saturdays, sir.

Q. Did you have anything to do with this shooting?—A. No, sir.

Q. Were you not out with your gun in town that night trying to shoot up the town?—A. No, sir; my gun was in the quarters, in the rack, and I was down at Major Penrose's stable.

Q. Did you find your gun all right the next morning?—A. Perfectly clean; yes, sir.

Q. Do you know of anybody in either of those three companies who had anything to do with that shooting?—A. No, sir.

Q. Have you any knowledge that leads you to suspect anybody connected with those companies of having participated in that shooting?—A. No, sir; I have no reason to think that any of the soldiers had anything to do with it.

Q. Have you withheld any knowledge from anybody about this matter at any time?—A. No, sir.

Q. Have you been ready and willing to tell everybody all you knew about it?—A. Yes, sir.

Q. Now, do you know anything about what happened there the afternoon of the 13th in the way of a conversation between Major Penrose and the mayor of Brownsville, Doctor Combe?—A. Well, I know the mayor of Brownsville, Doctor Combe, and some gentleman—I don't know who he was—as I was there at the major's house; when I would come over from my stable, I would always come over ahead of time for going to the quarters to see if Simmons wanted me to do anything.

Q. Who was Simmons?—A. Major Penrose's cook.

Q. Was he a man?—A. He was a man; yes, sir.

Q. Was he one of the soldiers?—A. Yes, sir.

Q. Detailed as cook?—A. Yes, sir; he belonged to C Company. On the far side of Major Penrose's quarters there was a large shed with a latticework around it, and I saw Major Penrose and this doctor and another gentleman—they were down on a little bridge just before you get to the hospital—talking.

Q. Referring here to the map, these are Major Penrose's quarters, as I understand it?—A. Yes, sir.

Q. He was on the extreme right of the officer's quarters looking toward the barracks?—A. Yes, sir.

Q. You said there was a little latticework somewhere near there. —
A. It was all joined to his house.

Q. Joined to his house on that side?—A. Yes, sir.

Q. On the side toward the canteen?—A. Yes, sir.

Q. Where were you?—A. I was coming up this road.

Q. Which road?—A. This road here around the lagoon.

Q. You were coming up this road from the shed?—A. Yes, sir.

Q. You came right up that road to his house?—A. Yes, sir; always.

Q. Where were you on that road coming up?—A. Can I come there to show you?

Q. Yes; you can take this pointer and show me. You see there is the canteen, and there is the guard house.—A. Here is where the road leads off that crosses and comes down and joins the main road. The road here joins it. Right over here was this place where I saw the major and these gentlemen talking.

Q. You were by the latticework?—A. Here is where I was, looking at them. I was at his house.

By Senator WARNER:

Q. Where you saw them standing talking, was that the place marked on the map with the letter V?—A. It was near by, sir.

Q. And where were you?—A. I was down at the major's house.

By Senator FORAKER:

Q. Is the major's house where the V is or a little below?—A. This road joins. It is right about here, sir (indicating). It is on the opposite side, between the canteen and this road, if I am not mistaken.

Q. Where did you see them?—A. They were standing here (indicating) talking.

Q. That was at the bridge?—A. Yes, sir; the little bridge.

Q. Whom did you see there?—A. Doctor Combe and Major Penrose. I knew those two men, but this other man I did not know who he was.

Q. There was a third man?—A. A third man, and they had a carriage—an hombre had a carriage out in the road.

Q. Who had a carriage?—A. A Mexican driver.

Q. Where was this carriage?—A. Right down this way, over there near where these gentlemen were.

Q. Nearer to you than they were?—A. Yes, sir; and they were talking, and Williams and I came along. He was coming over from the quartermaster's barn.

By Senator OVERMAN:

Q. Who is Williams?—A. A private in Company B, from the quartermaster's barn. He said to me, "Are you going over to supper?" I said "No; I am going to stay here and see what is going on. It seems that there is a man down there with Major Penrose that wants to fight, or something."

Q. What made you think that? Could you hear what they were saying?—A. I could not hear anything, but it was customary always when gentlemen would call on Major Penrose for them to call either at his quarters or at his office, and it was nearly his dinner time, and he had on a suit of white clothes, a white parade cap and shoes, and instead of coming to his quarters he went down on that bridge, and this man was standing there, making gestures with his hand, and so was the major. After I left his house, Williams and I started to go over to quarters, as we always did, a half an hour ahead of the company, to stay there until the company ate supper, and I said "I am not going in; I am going to see what they are going to do down there;" and whilst we were sitting on the porch these men got in the carriage and the major went to the canteen and came right out from the canteen and never stopped at his quarters, but went right up to Lieutenant Lawrason's quarters.

Q. Where did the men go?—A. They got in the carriage and went right on down town.

Q. Which way did they return to town?—A. Instead of coming back by the officers' line, they went right around in rear of the guardhouse.

Q. Is there a road around in rear of the guardhouse?—A. Yes, sir; this same road.

Q. Where did they pass out from the reservation?—A. Came by there in rear of the quarters and went out.

Q. In the rear of the barracks?—A. Yes, sir.

Q. Then they must have turned to the left at the road indicated there?—A. In the rear of the canteen they turned to the left; yes, sir. There is a circling road all around.

Q. Did they go around the guardhouse?—A. Yes, sir; there is no road in front of the guardhouse at all.

Q. There is a road that runs around?—A. In the rear; yes, sir.

Q. They went on and you saw nothing more of them?—A. Nothing more of them.

Q. Then Major Penrose went to the canteen?—A. He went to the canteen. He stayed more than five seconds in there, or at least about a minute, and came right out.

Q. About a minute?—A. Yes, sir; and came right out of the canteen and went up to Lieutenant Lawrason's quarters.

Q. Where were Lieutenant Lawrason's quarters?—A. They were next to the third staff quarters, next to the river.

Q. The third officers quarters, the third building?—A. Yes, sir; they are double.

Q. In the line going up toward the river?—A. Yes, sir; those were double quarters.

Senator WARNER. Marked 7 and 8 on the map. I can see it from here.

A. Then Lieutenant Lawrason immediately came over to B Company quarters and called for the first sergeant.

By Senator FORAKER:

Q. Major Penrose and Lawrason?—A. Lieutenant Lawrason alone.

Q. Came where?—A. Over to B Company's quarters.

Q. He was then commanding B Company?—A. Yes, sir.

Q. What did he do when he came over there?—A. He asked for the first sergeant, and he and the first sergeant went around to the orderly's room, and then the first sergeant came around. I said, "I wonder what is up?" and mess call went, and we went in to supper, and after we came out I said to Williams, "Let's stay here till retreat and see what is going to happen." He said, "All right." When retreat went, the first sergeant he went and issued an order in front of the company, before he brought them to parade rest, or anything. He said, "No one allowed out of this garrison after 8 o'clock to-night, and all men that is on pass must be here at 8 o'clock to-night." He said, "That is to B Company. I am issuing that order to B Company."

Q. Who was the first sergeant of B Company?—A. Sergeant Sanders.

Q. Then what?—A. Some of the men said, "What is the matter?" He said, "I don't know what is the matter. All you have got to do is to obey orders when they are given to you." He said, "I don't know myself." I said to Williams, "Let's go and get a bottle of beer and then we will come in." We walked over to this place that Allison had there, right on down the road. We went out the gate and went up the street right along the line of fence, and we went in and had a bottle of beer, and he said, "Well, I am going in." I said, "All right, I will go to Sergeant Brawner's awhile." He and Sergeant Sanders and Frazier lived all in one row. There is a lot of houses joined together, split into sections.

Q. That is near the corner of the reservation?—A. Yes, sir. And I sat there awhile, and Mrs. Brawner and I, we went right through the wire fence. There is gaps through the fence. There is a retired soldier named Taylor lives right across there, and Mrs. Taylor had some ice cream, and Mrs. Brawner and myself we had some ice cream; and while we were sitting there eating ice cream Corporal Wheeler and Burdett came and knocked at the door and said to me, "Brown, it is time to go in the garrison. Everybody must get in." I said, "All right."

Q. Weren't you in the garrison when you were eating this ice cream?—A. No, sir; right on the opposite side of the road, at Sergeant Taylor's house.

Q. At whose house?—A. Sergeant Taylor's house.

Q. He lived outside?—A. Yes, sir. He is a retired soldier.

Q. Well, they came and told you it was time to go in?—A. Yes, sir.

Q. What time was that?—A. Well, it was not 8 o'clock. I am sure it was not 8 o'clock yet. They were rounding up. Mrs. Brawner and myself both got up and went into the garrison, and I stayed at Sergeant Sanders' quarters for about twenty minutes. There was Mrs. Brawner and Mrs. Frazier and Sergeant Sanders and his wife. Then I went over to the canteen. Corporal Coltrain, he was canteen steward, and he closed the canteen at 9 o'clock. Then I went to my stable and went to bed.

Q. When Corporals Wheeler and Burdett came over to Taylor's house where you were, you came in and went over to the canteen?—A. I stopped first at the noncommissioned officers' quarters, where their families were living.

Q. You stopped there for awhile?—A. Yes, sir.

Q. But about 9 o'clock you got over to the canteen?—A. Before 9 o'clock. I did not stay at the house more than twenty minutes.

Q. How long were you at the canteen before you left there?—A. About fifteen or twenty minutes.

Q. Who was at the canteen?—A. This man Mapp, of C Company.

Q. He was on duty there?—A. He worked there, and Coltrain.

Q. That is what you call the post exchange?—A. Yes, sir.

Q. He was the clerk there?—A. Yes, sir.

Q. You saw him there?—A. Yes, sir.

Q. And Coltrain?—A. Yes, sir.

Q. Anybody else?—A. No, sir; I don't think there was anybody else.

Q. Then you went where?—A. Then I went to my stable.

Q. Down at the place you have pointed out, Major Penrose's stable?—A. Yes, sir.

Q. What did you do when you got there?—A. I pulled out my bed. I had a little room that I stayed in there.

Q. You went to bed, did you?—A. Yes, sir.

Q. And went to sleep?—A. Yes, sir.

Q. You were not out of there that night, as I understand it, until you got up the next morning?—A. No, sir; never left my bed.

Q. You have given a full account of your whereabouts that night?—A. Yes, sir.

Q. Tell me if you know of anybody staying in the stable with Johnson or over at that other stable—what do you call that stable?—A. The quartermaster's corral.

Q. Do you know how many men stayed there—how many men belonged there properly?—A. Of the soldiers; yes, sir. There was one man of B Company.

Q. What was his name?—A. Private Alfred M. Williams.

Q. Is he the man who came and wakened you?—A. Yes, sir.

Q. Who else?—A. Johnson, of C Company—George Johnson, of C Company.

Q. Who else?—A. And another man of C Company; I don't know what his name was.

Q. Was there a man named Streeter?—A. Yes, sir; there was Streeter. I don't know whether he belonged to C Company or D.

Q. John Streeter; and who was the other one?—A. Of the D Company men one was named John Henry, and another man.

Q. He was a D Company man?—A. Yes, sir.

Q. Was there another man by the name of Hailey?—A. Hailey—yes, sir; that was his name.

Q. Alonzo Hailey. Did you see any of those men that night?—A. All of those men I supposed were down at the barn, because I heard them talking when I went to my stable.

Q. Did any other men than the ones you have mentioned belong there at that time as far as you know?—A. They were not soldiers. There was some civilians belonged there.

Q. Those were all the soldiers?—A. Yes, sir.

Q. You need not bother about the civilians. We have accounted for all the soldiers. Now, who were the civilians?—A. The corral boss, Voshelle, was one of them.

Q. Who was the other one?—A. And one man named Foster. I don't know what his first name was, sir.

Q. Was there a man there by the name of Miller?—A. Old John Moore worked there.

Q. Who was he?—A. He was an old man with one eye, an old colored man.

Q. An old colored man, not a soldier?—A. Not a soldier.

Q. How old was he?—A. Oh, I suppose he was a man about sixty years old, sir.

Q. What did he do there?—A. He drove team, sir.

Q. Was he in the employment of the Government?—A. Yes, sir.

Q. Driving team for wages?—A. Yes, sir.

Q. What did this man Foster do?—A. He drove team too; and there were two Mexican men worked there.

Q. Who were they?—A. Their names was Miller; Richard Miller and George, I think their names were.

Q. Richard and George?—A. Yes, sir.

Q. I did not know that was a Mexican name. They were frontier Mexicans?—A. Yes, sir.

Q. What were they doing there?—A. Richard Miller, he drove the officers' wagon always.

Q. Where was his home?—A. In Brownsville.

Q. He did not belong to your regiment?—A. No, sir; he was a half-breed Mexican man.

Q. Did you ever know him until you went to Brownsville?—A. No, sir.

Q. What did his brother, George Miller, do?—A. He drove team; ordinary teamster.

Q. One of the battalion's teams?—A. Yes, sir.

Q. Was he a half Mexican, too?—A. Yes, sir.

Q. Did you see anything of them there that night?—A. No, sir.

Q. You did not hear any firing at all?—A. No, sir.

Senator FORAKER. That is all.

By Senator OVERMAN:

Q. Did you see Voshelle there that night?—A. No, sir.

Q. Did you see Voshelle the next morning?—A. I saw him the next morning.

Q. Where did you see him?—A. I saw him out there superintending the—having his work done.

Q. What time did you see him there?—A. I never saw Voshelle till after we were marching down, going on guard; I passed right by the corral.

Q. Did you eat with your mess that morning?—A. Yes, sir.

Q. Breakfasted with the command?—A. Yes, sir.

Q. You did not see Voshelle there?—A. No, sir.

Q. This surplus ammunition you are talking about—there was surplus ammunition in the camp there, at the commissary quarters, was there not?—A. I don't know anything about it being at the commissary quarters.

Q. Didn't they have any surplus ammunition there?—A. I never saw any ammunition in the commissary quarters.

Q. Where was the ammunition kept before it was issued?—A. All that I know of, all the companies when they would draw it, they would draw it from the ordnance department.

Q. Who had charge of that?—A. The company quartermaster-sergeant.

Q. The company quartermaster-sergeant had charge of the ammunition?—A. Yes, sir.

Q. Kept that in the room?—A. Yes, sir.

Q. They also had surplus guns in there, hadn't they?—A. Yes, sir.

Q. So, if the quartermaster-sergeant that night had been in a conspiracy to shoot up the town, he could have issued guns and ammunition, couldn't he?—A. Well, he could have did it, I suppose, sir; yes, sir.

Q. Do you know whether the guns in this department were inspected or not?—A. Yes, sir.

Q. Those surplus guns?—A. They were inspected. I am sure they were, but I was not there to see it. I heard they were inspected.

Q. You don't know of your own knowledge?—A. No, sir; I did not see it.

Q. Do you know whether all the ammunition in that room was counted or not?—A. Yes, sir; I know that.

Q. Who counted it?—A. It was counted by Lieutenant Lawrason.

Q. In the ordnance department?—A. Yes, sir.

Q. How many guns were there?—A. I don't know, sir.

Q. About how many?—A. Well, I haven't any idea.

Q. Did you see him go in there and count it?—A. I saw him in there, yes, sir; and turned mine in.

Q. He counted yours when you turned it in?—A. Yes, sir.

Q. Did he count the surplus ammunition that had not been issued?—A. Yes, sir.

Q. There was a great deal of it in there, was there not?—A. It was all in the boxes.

Q. The boxes that had been opened, he counted all that was in them?—A. Yes, sir; counted the boxes.

Q. Counted the ammunition?—A. Counted the ammunition in the boxes that had been opened. He did not open any fresh boxes.

Q. You saw him count the boxes that had been opened, did you?—A. Yes, sir.

Q. Did you see that?—A. Yes, sir.

Q. Did he take out the ammunition and count it?—A. Had Sergeant McCurdy put it all out before him.

Q. Did he count it, or Sergeant McCurdy?—A. He counted it. Sergeant McCurdy counted it, and he counted it, too.

Q. All the ammunition that was in the boxes that were opened?—A. That had been opened; yes, sir.

By Senator WARNER:

Q. Just a few questions. You did not hear any of the shooting at all?—A. No, sir.

Q. Nor did you hear anything of the conversation between Major Penrose and the mayor of Brownsville and this other gentleman whose name you did not know when they were standing up there?—A. No, sir; I never heard it.

Q. At the point marked V on the map or near there?—A. I never heard a word they said.

Q. You did not know what they were talking about?—A. No, sir.

Q. But you said to Williams "Let's stop here and see what is going to happen, there may be a fight?"—A. Yes, sir; it seemed as if those gentlemen were angry with Major Penrose from the way they were talking.

Q. And when you went down to the mess room you were still uneasy.—A. Sitting on the porch; yes, sir.

Q. You wanted to see what was going to happen, then?—A. Yes, sir.

Q. What was done or what happened down at the mess room that made you uneasy to see what was going to happen?—A. Well, when I got over to the quarters they were still standing on this little bridge talking, and, instead of going in to my dinner or my supper, I sat on the porch and waited until the carriage moved off.

Q. Isn't it a fact that you waited there on the porch of Major Penrose's quarters with Williams until Major Penrose separated from the others and went to the exchange?—A. No, sir; when Major Penrose separated from those gentlemen I was at B Company's quarters, on the porch.

Q. You did not stay up there and watch them?—A. I stayed up at B Company's quarters. When Williams came up he said, "Come on around and go to supper."

Q. Didn't you say to Williams, "No; let's wait;" and you and Williams remained there then?—A. No, sir; we stayed there for a short time and then went on to quarters.

Q. Walked over clear across the parade ground to B Company's quarters?—A. Yes, sir; and in walking over I could see everything that was going on down there.

Q. You were walking across the parade ground from the officers' quarters 7 and 8, but you still kept looking up to your right?—A. Yes, sir.

Q. Kept a watch on those parties?—A. Yes, sir.

Q. How many hundred yards were they from you?—A. Well, when I got to B Company's quarters they were not more than 400 yards from me.

Q. And when you were sitting on the porch of Major Penrose's quarters, how far were they from you?—A. About 200 yards, sir.

Q. That was the nearest you were to them?—A. Yes, sir.

Q. And when you got over to B barracks, instead of going in, which you said you usually did in advance of the others—A. Yes, sir.

Q. To your mess—A. Yes, sir; I waited.

Q. You waited to see what was going to occur, because you were uneasy?—A. Yes, sir.

Q. Had anything occurred to make you uneasy?—A. Well, it was an unusual affair to see gentlemen meet one another and make the signs with their hands that they were doing.

Q. Simply gesticulating with their hands?—A. They were not gesticulating like gentlemen would be in a civil conversation. They were shaking their hands like that [indicating].

Q. Shaking their hands?—A. Yes, sir.

Q. Did Major Penrose shake his hand?—A. Yes, sir.

Q. And that is what interested you?—A. Yes, sir.

Q. Anything else?—A. No, sir; nothing else; only I wanted to see what was going to be the result.

Q. You had heard of some trouble between the soldiers and the citizens in the town, hadn't you?—A. Oh, yes; between the soldiers and the citizens.

Q. And you thought that conversation had something to do with that trouble?—A. I thought that conversation had something to do with the trouble that occurred in the post the Sunday previous.

Q. What was that trouble that occurred the Sunday previous?—A. The civilians came in the post there on Sunday and wanted to open up a game of baseball on the parade ground, and the commanding officer would not allow it.

Q. And you thought this related to that?—A. To that and to the trouble of those soldiers. I did not hear any of it, but I just wanted to see what was going on, as I knew those people were not friendly with Major Penrose as they had been with the other army officers there.

Q. That what people were not friendly to Major Penrose?—A. Those civilians at Brownsville, Tex. He did not associate with anyone.

Q. Why were they not friendly with Major Penrose?—A. Because he did not associate with anyone of them. He did not go to clubrooms and bar rooms with anybody.

Q. Was it, as you understood, because he was in command of colored troops?—A. No, sir.

Q. Were they friendly to them, to the members of the battalion?—A. The civilians of Brownsville, Tex.?

Q. Yes.—A. That I don't know about. It seems that the men got along very nicely; that is, the men of my company.

Q. As far as you know, the citizens of Brownsville were quite friendly with the soldiers?—A. Yes, sir; some of them.

Q. But not friendly with Major Penrose?—A. They were friendly, I suppose, some of them. I did not go anywhere with any soldiers there. I never was with a crowd of soldiers in the town, and I did not

make any general acquaintances there because I had no associates there—did not know anyone, did not know a man's name in Brownsville.

Q. That night when you returned in to the fort it was before 8 o'clock—this night of the 13th?—A. Yes, sir.

Q. You came in through the wire fence?—A. Yes, sir.

Q. You and Mrs. Brawner?—A. Yes, sir.

Q. Now, did you come in just to the right of the barracks marked 36 there, or back of it, or where—those vacant barracks there marked 36?—A. The wire fence is broken just about midway of that building.

Q. About midway of barracks 36?—A. Is that the barracks on Laundress row?

Q. (Referring to the map.) This is barracks D, this is B, and this is C?—A. It was away down the line toward the Laundress row, right on a line with that, but away down lower.

Q. You mean up above from that?—A. Yes, sir.

Q. And there was a path leading through?—A. There was three places in that wire fence down there where people could walk through. One of them was right at the end of the wall, and one was about midway, and the other one was right down at the corner.

Q. When you speak of the end of the wall you mean the end of the brick wall?—A. Yes, sir.

Q. And the brick wall terminated at what point with reference to barracks 36?—A. Right on the lower corner.

Q. Pardon me; when you speak of the lower corner do you mean as you were facing the town?—A. As I was facing the post.

Q. As you were facing the officers' quarters, then?—A. Yes, sir.

Q. When you speak of lower do you mean the left or the right?—A. By the lower I mean on the right.

Q. That is as you were facing the officers' quarters?—A. On the lower side, facing the officers' quarters, it would be to my left.

Q. (Referring to the map.) Right there was there also a place?—A. Yes, sir; the wire fence was broken.

By Senator OVERMAN:

Q. You say Sergeant Wheeler and Ray Burdette, corporals, came together and ordered you in?—A. Yes, sir.

Q. Were they patrolling?—A. Yes, sir.

Q. They were patrolling together?—A. I saw them together.

Q. Was there any other man with them?—A. No, sir.

Q. Where were you when they came?—A. I was sitting in Sergeant Taylor's front room.

Q. Who else was there?—A. Mrs. Brawner, Sergeant Taylor, and his wife and daughter.

Q. Any soldiers?—A. No, sir; no other soldiers.

Q. Then you left there and went over after the ice cream?—A. No, sir; I had been eating ice cream there.

Q. You and Williams left?—A. Williams was not with me at all; nobody but myself and Mrs. Brawner.

Q. Where was Sergeant Brawner?—A. He was in charge of quarters, sir, at C Company's barracks.

Q. He was not there?—A. No, sir.

Q. When they woke you up you heard no firing. Did you hear the call to arms?—A. I never heard nothing.

Q. That was after the call to arms?—A. I suppose so. Williams told me when he waked me that the shooting was going on, but I did not hear it, and it would have been impossible, I suppose, for me to have heard it, because I was sleeping right by the side of this lagoon, and on this lagoon at night there was all kinds of varmints that made a noise—mudhens and such things—and it is very hard for a man to get himself to sleep there. The ice plant is right in the rear, and that makes a noise all night; that is steaming all night, and I never heard anything when Williams waked me.

Q. Was anybody else in the room with you?—A. No, sir; I had my bed in the rear of the horses, in the same room with the horses.

By Senator OVERMAN:

Q. When you got down to the barracks on the morning of the 14th, I understand you to say everything seemed to be in confusion?—A. Yes, sir.

Q. What do you mean by everything being in confusion?—A. Well, it seemed as though the men thought they had been shot into; that the barracks had been shot into by someone.

Q. You heard them say that the lamps of the barracks had been shot out?—A. That the windows were all shot out, and the lamps had been broken in the quarters.

Q. Who did you hear say that the windows had all been shot out and the lamps had been broken in the quarters?—A. I heard whole lots of men. I could not specify any one man or call his name, because as I went up the stairway there was a crowd of men standing at the head of the stairway and all the way going up.

Q. They said that the windows had been shot out of which one of the quarters of barracks?—A. That was B Company's quarters.

Q. And the lamps had been broken?—A. That is what was said there.

Q. That was generally talked then?—A. Yes, sir; all that morning.

Q. How late did that talk continue?—A. Well, it continued until they were all perfectly satisfied—and that was about the time that the company had got off from their guard, at dinner—it seemed every man went through the quarters at dinner time, so as to make an inspection to see what had occurred.

Q. Did they find the windows shot up?—A. I don't suppose so. I did not see any that had been shot up.

Q. Did they find any lamps broken?—A. I don't think they did.

Q. Did you make an inspection?—A. I went up and looked at the lamp at the head of the stairs. I did not see any.

Q. Did you look at any other of the lamps?—A. No, sir.

Q. Did you look to see how many windows had been broken?—A. No, sir; except I was told by other men that there had not been anything broken.

Q. Nothing had been broken whatever?—A. No, sir.

Q. But when you went there that morning that seemed to be the general talk among them?—A. Yes, sir.

Q. And you will not undertake to say who was saying it?—A. No, sir.

Q. Who was the first sergeant of your company?—A. Mingo Sanders.

Q. Did you hear him saying it?—A. No, sir; I did not hear him saying it.

Q. Did you hear him telling the men that none of the windows had been shot up and none of the lamps had been broken?—A. No, sir.

Q. Was he present when this talk was going on?—A. I don't know where he was, but I suppose he was in his orderly room.

Q. Were any of the noncommissioned officers present?—A. I don't know, sir. I do not call any names because I was not positive who was there, but I heard the men talking as I went upstairs to get my rifle out of the rack. I did not stay in B Company's quarters, and I was very seldom around there—only when I had to go.

Q. Was Vosehell a member of your Company?—A. No, sir; he was a civilian.

Q. You said you did not see him that morning until——A. Not until after they were marching me onto my post No. 7, when I saw him superintending the having of his work done around and cleaning up.

By Senator OVERMAN:

Q. Do you know where he lived?—A. No, sir.

By Senator WARNER:

Q. I was about to ask you, do you know where Vosehell lived over in town? A. No, sir.

Q. Didn't you visit his place? You knew he was married?—A. I never had been at any one of the houses in town; nobody's house had I ever been in but Sergeant Taylor's and Private Simmons, of B Company.

By Senator OVERMAN:

Q. Did Vosehell take his meals there at the mess house at any time?—A. I saw him some mornings.

Q. You did not see him this morning?—A. No, sir.

Q. He was not there that morning?—A. He might have been there, sir, but I did not see him. I will not say he was not there, but I never noticed him being there.

By Senator WARNER:

Q. You knew on the evening of April 13 that the order had been issued that all the men should be in camp by 8 o'clock?—A. Yes, sir.

Q. Prior to that time they had been permitted to be out until 11 o'clock?—A. Yes, sir.

Q. So that order was an unusual one?—A. Yes, sir.

Q. While you were out that evening just across the barracks road with this lady getting some ice cream——A. Yes, sir.

Q. You were told you had better be getting into camp?—A. I was not told I had better be getting in; I was told to go in.

Q. To go in?—Yes, sir.

Q. That was before 8 o'clock?—Yes, sir.

Q. And you knew that there had been trouble between certain of the soldiers and citizens?—A. Yes, sir.

Q. And you also knew it was charged that some soldier had assaulted a white woman, didn't you?—A. I had heard that.

Q. You had heard that that was charged—I do not say it was so?—A. Yes, sir.

Q. You had heard all of that?—A. Yes, sir.

Q. So that made the men uneasy, didn't it?—A. The entire garrison was uneasy because they did not know what they were ordered in for.

Q. And did not know what might occur?—A. Did not know what might occur; no, sir.

Q. And you went to bed feeling uneasy?—A. No, sir; I did not give it a thought.

Q. And you just went to bed perfectly easy?—A. Yes, sir.

Q. But in the morning, at what time was it that Williams came to you and woke you up?—A. I will not be positive of the time, but I think it was along about midnight.

Q. And you had gone to bed at what time?—A. Oh, not later than a quarter after 9.

Q. And Williams said to you what?—A. He said to me, "Brown, are you going to get up? They are blowing the fire call over there in the garrison or the call to arms, and shooting the place up somewhere over there." And I told him, "No; I ain't going over there; I have got nothing to do with it; ain't on duty this time of night; I haven't heard it."

Q. And you just turned over and went to sleep?—A. Went right to sleep again. I think the man hadn't got 50 yards from me before I was asleep.

Q. It gave you as little concern as that?—A. I didn't give it any more attention.

Q. When Williams told you that either the fire alarm had been sounded or the call to arms, and the shooting up of the town or something, you made no further inquiries of him?—A. No further inquiry; and it had not been more than ten minutes before Corporal Harris came down and said Major Penrose sent him down to verify the absentees and that I need not get up.

Q. But you said a moment ago that Williams had not gone but a few yards away before you went to sleep again?—A. He hadn't, but Harris came and waked me again.

Q. Then he came and waked you again?—A. Corporal Harris came and waked me again; met Williams between my stable and Major Penrose's quarters; came over and waked me and said Major Penrose sent him out, after the first sergeant had called the roll and nobody absent but myself and John Brown, and to go and notify the absentees, and John Brown was in the bakeshop—post baker—and I was in Major Penrose's stable.

Q. He waked you up again?—A. Waked me up, and said the Major sent him out to verify the absentees and I need not get up.

Q. Did you ask him what the shooting was?—A. I asked him, "What is going on down there?" He said, "Oh, man, the people down there are raising hell with us." That is what he said.

Q. So you did have a talk with somebody about it?—A. That is what I said to Harris.

Q. But no talk at all with Williams?—A. No talk at all.

Q. No questions?—A. No, sir.

By Senator OVERMAN:

Q. What time was it you went down and got a glass of beer?—A. After retreat.

Q. About what time?—A. About half past 6 in the evening.

Q. When you got down, this was at the Allison saloon, was it?—A. Yes, sir.

Q. Who was with you?—A. Williams.

Q. Was there anybody else there?—A. There were lots of men in there; yes, sir.

Q. How many men were in that saloon at that time?—A. At that time I suppose there were at least 15 or 20 men.

Q. Fifteen or twenty soldiers in the room?—A. That place had never been occupied by soldiers alone, sir.

Q. You say there were 15 or 20 soldiers in there?—A. Men, I said.

Q. Were they soldiers?—A. No, sir; they were not all soldiers.

Q. Were there any white men in there?—A. There were white men in there, Mexican police in there, and Mexican civilians.

Q. How many soldiers were there in there?—A. There was not more than 6.

Q. Six soldiers?—A. Yes, sir; that were in this place. It was a kind of general gambling place this man had in there.

Q. How long had that saloon been established?—A. Not more than a week or ten days.

Q. It was run by a colored man by the name of Allison?—A. Yes, sir.

Q. And when you got there there were about 15 or 20 people there?—A. Yes, sir.

Q. Drinking?—A. Drinking and gambling.

Q. Did you know any of the soldiers that were there?—A. I did not give them any attention. I don't remember a man's name, except Williams and myself.

Q. But you did know there were other soldiers there?—A. Yes, sir; there were other soldiers there.

By Senator FORAKER:

Q. Do you know anything about any saloons being started on the Garrison road in front of the barracks about pay day?—A. I saw some Mexicans carrying one up there—carrying a house up there.

Q. You saw a Mexican starting up a saloon. Where was it?—A. He put it on a wagon and started up there with it.

Q. You saw it there?—A. I saw some Mexicans have a little frame house on a wagon, taking it up there and putting it in the road, or off at the side of the road, at any rate, along that wire fence. They did not open up any saloon there; they had lots of soda water, but if they had any beer in there I don't know. I was never in the place, but I saw soda water sticking up in the windows, and boxes of cigars and some cigarettes there in the windows. If there was beer in this place I don't know, because I was never in it.

Q. When was it that was done?—A. They paid off there on Saturday, if I am not mistaken, sir, and it was that day.

Q. Saturday, August 11, that would be?—A. I think it was on Saturday they paid off there, sir, and this place was moved up there Saturday or Sunday; moved up there Sunday evening, I believe.

Q. You were not in the place at all?—A. Had never been in it; no, sir.

Senator FORAKER. I believe that is all with this witness.

TESTIMONY OF BOYD CONYERS (COLORED).

BOYD CONYERS (colored), being first duly sworn by Senator Foraker, testified as follows:

By Senator FORAKER:

Q. Please state your name in full.—A. Boyd Conyers.

Q. Were you a member of the Twenty-fifth United States Infantry in August last?—A. Yes, sir.

Q. Were you with that regiment at Brownsville?—A. Yes, sir; I was stationed there.

Q. What company did you belong to?—A. Company B.

Q. Were you an officer or private?—A. A private.

Senator FORAKER. I will put in evidence at this point the record of this soldier as furnished by the War Department, found at page 250 of Senate Document 155.

The record is as follows:

BOYD CONYERS.

Enlisted August 11, 1905; was discharged without honor as a private of Company B, 25th Infantry, November 19, 1906.

By Senator FORAKER:

Q. You were serving your first enlistment at that time?—A. Yes, sir.

Q. What State are you a native of?—A. Georgia.

Q. Where did you enlist?—A. Chattanooga, Tenn., sir.

Q. August 11, 1905?—A. Yes, sir.

Q. And you served until you were discharged without honor November 19, 1906?—A. Yes, sir.

Q. At Fort Reno?—A. Fort Reno.

Q. Do you remember anything about some shooting at Brownsville on the night of August 13?—A. Yes, sir; I heard the shooting there, sir.

Q. Where were you that night?—A. I was at the guardhouse; asleep at that time. I had been relieved off the post, I guess, about three-quarters of an hour.

Q. Were you on duty that night?—A. I was on duty; yes, sir.

Q. You were in the guardhouse?—A. Yes, sir.

Q. Your were one of the guards?—A. Yes, sir.

Q. From Company B?—A. Yes, sir.

Q. And you were not on post when the firing commenced?—A. No, sir. I had been relieved, I guess, for three-quarters of an hour.

Q. Were you asleep or awake?—A. I was asleep at the time, in my bunk.

Q. Near the door?—A. Near the door; yes, sir.

Q. How did you get awake?—A. I was awakened by several voices hollering outside: "Guard," and I got up and fell in line with the other guard.

Q. Whom did you see there, as far as you can give us their names?—A. I believe the first man I seen was the commander of the guard, Sergeant Reid.

Q. He was there?—A. He was there.

Q. He was from your company?—A. Yes, sir.

Q. You knew him well?—A. Yes, sir. And I remember seeing

Corporal Wheeler, of D Company. He was on watch at the same time, but I don't know exactly how many men were in the ranks.

Q. Did you see anything of Corporal Franklin?—A. Corporal Franklin; yes, sir. He was standing in the line of file closers.

Q. Did you see anything of the musician, Hoyt Robinson?—A. Yes, sir; he was blowing the call to arms. I passed right by him in going in line.

Q. You fell in line because the sergeant ordered you to?—A. Yes, sir; that was the order.

Q. How many men were there?—A. Let me see—I don't know—

Q. First, can you tell us how many men were on guard that night, the whole guard?—A. The whole guard, as nearly as I can recollect it; I think there were 12 privates and 4 noncommissioned officers.

Q. A sergeant and 3 corporals?—A. Yes, sir.

Q. One corporal for each relief?—A. Yes, sir; one corporal for each relief.

Q. And then a musician?—A. Yes, sir.

Q. That would make 17?—A. Seventeen in all.

Q. Of the men 4 were on guard at the time?—A. At the time; yes, sir.

Q. A full relief?—A. Yes, sir.

Q. So at this time there ought to have been 4 on post and 8 in the guardhouse?—A. Eight privates; yes, sir.

Q. So when you were ordered to fall in, how many men should there have been, and how many men were there, if you can tell us—there to fall in?—A. As nearly as I can get at it, I believe that all the men were there in line, as near as I can come at it.

Q. Give us the names of any of the men whom you saw there. I want to identify all of them if I can.—A. There was Private Lawrence Daniel, of B Company, and De Saussure, of B Company, Private Rogers, of C Company, and Private Battle, of D Company. I believe that is all the names I can remember. Of course there was some men there that I didn't know, a lot of men that I was not acquainted with, because I was a young soldier.

Q. Do you remember the name of Private Mitchell?—A. Mitchell? Yes; he was in the rear rank.

Q. If you can not think of any more names now I will pass that. You were ordered to fall in, and then what occurred?—A. Well, the shooting were going on in town at the time, and when I was standing in the ranks there there were bullets came overhead between the guardhouse and the post exchange, which we call the canteen, and while I was in the ranks I said: "If this shooting keeps on I will soon wake up." I had just waked up and felt a little drowsy, and I hadn't opened my eyes good. I said: "I will soon wake up if they keep up that." Then Sergeant Reid posted myself and Lawrence Daniel, private of B Company, at the rear end of the guardhouse to watch the rear end of the guardhouse.

Q. He posted you at the rear end of the guardhouse?—A. Yes, sir.

Q. Who was the other man?—A. Lawrence Daniel.

Q. Was there a third man?—A. No, sir; just two of us posted there.

Q. There is a representation of the guardhouse up there on that map. Will somebody point that out?

(Senator Bulkeley pointed out to the witness the location of the various buildings as indicated on the map.)

By Senator FORAKER:

Q. Tell us before we get away from it where he posted you?—A. Can I get up there and show it to you?

Q. Yes.—A. This is the front end of the guardhouse, and here is where I was posted, on this side of the guardhouse.

Q. In the rear?—A. In the rear, at the rear corner of the guardhouse.

Q. Did you have a beat there, or were you simply stationary, standing in one place? A. Yes, sir; I was standing there and the shooting kept on in town, and I asked the commander of the guard would he permit me to lie down there at the corner, and Lawrence Daniel did the same. I asked him could I lie down instead of standing up, and he said it would be all right in case I kept a sharp eye on the rear end of the reservation back there.

Q. What did you want to lie down there for?—A. Because I was liable to get shot.

Q. You heard some bullets go over?—A. Yes, sir; I heard some bullets come over, and a stray bullet could hurt me just as good as an intentional one, you know.

Q. Just as well as if it had been intended?—A. Yes, sir.

Q. How long did you stay there? A. I stayed there, I guess, a couple of hours. I was there until very near 4 o'clock, or after 4.

Q. Well, then, what happened next. Did you go to bed again that night? A. No, sir; I did not go to bed any more. After they put on a cossack post I went back and took my No. 2 post. That was not my post where he had me on guard, but I was on guard there temporarily. I had been on guard at post No. 2.

Q. You had been on guard at post No. 2?—A. Yes, sir; third relief.

Q. Down at the barracks? A. Yes, sir.

Q. And they put on a cossack post, and therefore you did not go back on No. 2?—A. I went back on No. 2 after they put on a cossack post. Before they put on a cossack post I was on post at the guardhouse.

Q. They put on a cossack post while you were at the guardhouse?—A. Yes, sir.

Q. After you came off post at the guardhouse, then where did you go?—A. Went back to No. 2.

Q. How long were you there?—A. On No. 2?

Q. Yes.—A. I walked my beat two hours then.

Q. Until 6 o'clock that would be, perhaps?—A. Yes, sir; I went on about 4, I suppose, as near as I can come at it.

Q. Tell us whether or not your gun was inspected the following morning; and if so, when and by whom.—A. Yes, sir; it were inspected on reveille by Captain Macklin, the officer of the day.

Q. Where were you at reveille?—A. At the guardhouse then.

Q. You had come off?—A. Had come off the post when reveille went. It was about 6 o'clock then, I suppose.

Q. Who all were there to be inspected?—A. All the rest that were not on post were there at the guardhouse at that time.

Q. Did he inspect all the guns?—A. Yes, sir.

Q. What kind of an inspection was it; careful or otherwise?—A. Yes, sir; careful. Captain Macklin he always made a careful inspection.

Q. He is a very strict officer, is he?—A. Yes, sir.

Q. How were the guns found; in what condition?—A. All clean. I did not hear any kick about any dirty guns.

Q. Did not find any guns that had powder stains on them?—A. No, sir.

Q. What about your ammunition; what ammunition did you have that night?—A. We had the steel bullets, sir; B company did.

Q. How many rounds?—A. If I am not mistaken, I had 20 rounds in the russet belt.

Q. What time did you go off guard that morning?—A. As near as I can come at it, I guess it were near 11 o'clock—between 10 and 11 o'clock.

Q. When you went off guard, where did you go?—A. To the adjutant's office.

Q. What happened there?—A. Well, Captain Lyon—he inspected the guards and had us to report what we know about the shooting, what had we heard, and anything about it.

Q. Captain Lyon did that?—A. Captain Lyon, of D Company.

Q. Did you see Major Penrose that morning?—A. Yes, sir.

Q. There at the adjutant's office?—A. Yes, sir; I think he was there. I think he went down in a rig—in a buggy.

Q. Did you make any report to him, or did you report to Captain Lyon?—A. We reported to Captain Lyon.

Q. Did you tell him all you knew about it?—A. Yes, sir; all I knew about it.

Q. Then where did you go after that?—A. Went back to quarters then.

Q. Then what did you do with your gun and ammunition?—A. Put the gun in the rack, and the ammunition, of course, we always kept that hanging up in our belts over our bunk.

Q. Where was your company that day—B Company—the day after the affair? Was it on guard or not?—A. Let me see. If I am not mistaken, I think D Company went on. I think they made the cossack post out of C Company that night. I think D Company relieved them off guard.

Q. It has been said that B Company relieved C Company?—A. Probably it was; I don't know, positively.

Q. You went off duty?—A. Yes, sir.

Q. You had been up pretty much all night?—A. Yes, sir.

Q. Do you remember turning your gun and your ammunition in to the quartermaster-sergeant at any time; and if so, when was it you did that, if you now recall?—A. Yes, sir; we turned our ammunition in, I believe it was the same day, and were issued garrison ammunition if I am not mistaken.

Q. That is reduced range cartridge?—A. Yes, sir. We called it garrison ammunition.

Q. You are not sure whether it was that day?—A. No, sir; I am not sure. I wouldn't be positive of that, sir.

Q. Do you know of any way the men could get any surplus ammunition if they wanted it in connection with target practice, or anything of that kind?—Are men allowed to take cartridges and keep them?—A. No, sir; they are not allowed to have them.

Q. They are issued so many cartridges and required to account for every one?—A. Yes, sir.

SENATOR FORAKER. I will not go into detail about that, because we have been over it. We are in a little hurry this morning, I think. That is all I will ask the witness.

By Senator WARNER:

Q. You were awakened by a confusion there, a noise at the guard-house?—A. I was awakened by several voices—yes, sir—hollering outside, "Guard!"

Q. You went out?—A. I went out; yes, sir.

Q. You fell into line with the guard?—A. Yes, sir.

Q. Do you know how many of the guard were present?—A. I thought the rest of the relief. I am not positive, but I knew there were as many as 7 or 8 men.

Q. There should have been 12, should there not?—A. With non-commissioned officers counted—counting the noncommissioned officers. You see, there is 4 men on post. There is only 12 privates, if I am not mistaken, in all.

Senator FORAKER: That is the way I understand it.

By Senator WARNER:

Q. In what direction was this shooting?—A. The bullets that I heard came over between the canteen and the guardhouse; but what direction I don't know. I don't know whether it was south or west.

Q. The first thing when you got up you fell in with the guard?—A. Yes, sir; in ranks.

Q. Was the roll called?—A. Yes, sir; Sergeant Reid called the roll, sir.

Q. Was the shooting going on then?—A. Yes, sir; that is when the shots come over, when we was standing in line.

Q. And you made the remark then that if it continued it would soon wake you up?—A. Yes, sir.

Q. It is a kind of an awakening process when shots come over you?—A. Yes, sir.

Q. At what time was the call to arms sounded; before you got up?—A. It was blowing as I got up.

Q. It was being called as you got up?—A. Yes, sir; but there was a halt between the call to arms. There was a kind of a halt. He blow two minutes the call to arms, I would say, and he goes back into the guardhouse, and the shooting continues in town, and the commander of the guard calls him back to sound the call to arms again, and he come right by me then as I was standing in ranks.

Q. Did you hear the call to arms from any other part of the camp except from the guardhouse?—A. If I am not mistaken, I think the other trumpeters at the quarters blew the same call.

Q. We want just your best recollection now?—A. Yes, sir; I think that is correct.

Q. About what time was it you were stationed back of the guard-house?—A. I guess it was two or three minutes after the call to arms went. Just as soon as the commander of the guard could get to me he was sending the corporals out with different men at different places, and he takes myself and Lawrence Daniel and puts us there himself.

Q. At that time nobody had been stationed at the rear of the guard-house?—There was no guard at the rear of the guardhouse?—The sentinel post was in front of the guardhouse?—A. That was No. 1 post in front of the guardhouse.

Q. That is true, is it not?—A. Yes, sir; No. 1 post is in front of the guardhouse.

Q. But besides that a post was posted in rear of the guardhouse?—
A. Yes, sir; No. 2 post.

Senator FORAKER. I thought there were two back there?

A. There were two, but he was speaking of the post.

By Senator WARNER:

Q. These bullets that passed over your head when you were standing in guard were about how many?—A. Two, as near as I can come at it, I guess. It sounded like two.

Q. Two?—A. Yes, sir; it sounded like two bullets, is all I heard. I taken it to be two. It could have been more, I guess, but I taken it to be about two bullets that I heard overhead.

Q. How many bullets passed over your head after you got back to the station in the rear of the guardhouse?—A. I didn't see no more shooting over that way. All the shooting seemed to be in town.

Q. No bullets passed over your head when you got back there?—A. No, sir; when I was in the rear of the guardhouse I didn't hear any bullets come in that direction.

Q. When was it you asked the sergeant of the guard if you might lie down there?—A. Because I heard those come over, and it might have been that some more could come the same way, or probably lower, and I was just looking out for myself.

Q. But you did not hear any at all when you went back there?—A. I was standing up, and I thought that would be a very wise thing in anybody to do. I didn't know how many more would come over there.

Q. I think that is the highest duty of a good soldier to take advantage of the situation.—A. I think so.

Q. But you say no bullets passed over your head when you got around in the rear?—A. After I was stationed back there; no, sir.

Q. But about two, you think, passed over when you were standing in line?—A. In ranks; yes, sir.

Q. Could you tell the direction from which those bullets came, whether they came from the town, or whether they came from some part of the quarters, that is, Fort Brown?—A. It sounded to me like it come from town, and I believe it did, because that is where the biggest portion of the shooting I heard were, in town.

Q. Certainly; I want to get your best impression.—A. Yes, sir.

Q. They seemed to you to be coming from town?—Yes, sir.

Q. You necessarily formed an opinion as to the direction in which they came and as to the location, did you not?—A. Yes, sir.

Q. You are confident the shots were outside of Fort Brown?—A. Yes, sir; I am confident the shots were outside.

Q. They did not come from the direction of the quartermaster's stables? You see it up there on the map, do you? Those stables would be in the opposite direction from where the guardhouse was. They did not come from that direction, did they?—A. No, sir; not from the quartermaster's stables.

Q. You are quite clear about that?—A. I am clear about that.

Q. Could you tell the character of firearms being used from the sound that the bullets made?—A. I don't know much about the sound of bullets myself.

Q. You have not been in the service very long?—A. Just a short while, you know.

Q. Certainly; that is all right. Of course I am not pressing that. Afterwards, after those two shots, when you woke up, there was a good deal of shooting down in the town, was there?—A. Yes, sir.

Q. On this map you see Garrison road marked here, in the rear of barracks B, D, and C. Here is the brick wall separating the garrison from the road?—A. Yes, sir.

Q. You understand that, do you not?—A. I understand.

Q. Here is the gate leading in?—A. Yes, sir.

Q. This [indicating] is Elizabeth street, which comes in the gate?—A. Yes, sir.

Q. You understand the situation?—A. I think I do.

Q. If you will point out in your own way on that map where, in your judgment, the parties were located who were doing this firing, I will be obliged to you.—A. This is the road, you say [indicating]. Is this the road inside the garrison or outside. Will you tell me, please?

Q. That is outside of the garrison. It is called the Garrison road. This [indicating] is Elizabeth street, you know, coming into the gate.

Senator FORAKER. Show him the telegraph office.

By Senator WARNER:

Q. Here at this corner is what is called the telegraph office. There is the Cowan House up there [indicating], Fourteenth street and the alley. Now, designate it, if you will?—A. That is the telegraph office there [indicating].

Q. Yes; that is the telegraph office.—A. It sounded like it were coming from town. This is the town here [indicating], is it?

Q. Yes, sir.—A. Well, in that direction [indicating]. It could have come from over by the telegraph office—over here [indicating].

Q. I suppose it could have been from the direction of the Cowan house, there?—A. This is the Cowan House here [indicating].

Q. Yes; No. 2, there. It came from that general direction, did it?—A. Yes, sir. I am satisfied the shooting were in town.

Q. So from that direction those shots would have to be fired over the barracks in order to pass over your head at the guardhouse, would they not?—A. Certainly; they would have to come over the barracks. Those did; yes, sir.

Q. The barracks are two-story buildings?—A. They are two-story buildings; yes, sir.

Q. Then the bullets must have been quite a number of hundred feet over your head when they got there, were they not?—A. I couldn't tell how high they were over my head. That is impossible.

Q. But you are somewhat acquainted with firearms. A person standing in the location you designate would have to have the gun elevated a sufficient elevation to go over the barracks, and the bullet would have to go over the barracks and keep going up for some distance, so it would be a pretty good distance over your head by the time it got on up to the guardhouse.

Senator FORAKER. They commence coming down some time, Senator.

Senator WARNER. It would be a weak shot that would come down in that number of yards.

Senator FORAKER. A shot from a Springfield rifle would not come down in that number.

Senator WARNER. All right, Senator; you and I will go on as experts in a moment.

By Senator WARNER:

Q. The guardhouse was about how many hundred yards?—A. From the quarters, do you mean?

Q. Yes; say from D Company's barracks?—A. As near as I can come at it, I guess it is about 250 or 300 yards, I suppose.

Q. I think that is about what they have given it; and you would say about two bullets passed over your head?—A. That is all I heard; yes, sir.

Q. Did you ever mention that to anyone?—A. Yes, sir; it should have been in my statement. That is what I stated to Lieutenant Lawrison, our company commander.

Q. You testified, when you gave your statement to Captain Lyon, did you not?—A. Yes, sir.

Q. Did you state this about hearing these shots then?—A. Yes, sir; I did.

Q. Because that was quite an important fact, was it not, to show whether the firing was being done by soldiers or by citizens?—A. I had not thought who did the shooting; I didn't know.

Q. No; not at that time.—A. At that time I didn't have any idea where the shooting come from.

Q. But afterwards you heard it had been charged that soldiers had done the shooting?—A. Yes, sir; afterwards I heard they charged that soldiers had been shooting up the town.

Q. And it was quite important, was it not, in order to determine whether it was soldiers or citizens doing the shooting; what the direction was from which the firing came?—A. Sure, it was important all right, and otherwise it was the truth I told about the matter.

Q. Certainly.—A. The truth was important itself.

Senator WARNER. I will now incorporate in the record the statement of the witness on page 156 of Senate Document No. 155.

Senator FORAKER. It is an unsigned statement made before Colonel Lovering, is it not?

Senator WARNER. The document will show just what it is.

Senator FORAKER. It will not show unless you state it.

Senator WARNER. Yes; the document shows just what it is.

Senator FORAKER. It shows questions and answers, but it does not show by whom. There is no point in it, except that this is the Lovering statement.

(The statement referred to is as follows:)

Pirate Boyd Company, 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.

Q. Is there anything between the rooms occupied by the guard privates and non-commissioned 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.

By Senator WARNER:

Q. It was the steel-jacket ammunition you had?—A. Yes, sir; that is what we mounted guard with.

Q. And you had it all the time at Fort Brown until after this shooting on the 13th of August?—A. Yes, sir; it were issued to us as we left Fort Niobrara, Nebr.

Q. I say you had it all the time you were at Fort Brown, until after the shooting occurred on the 13th of August, and then the reduced ammunition was issued to you?—A. I think that is correct; yes, sir.

Q. About how many shots did you hear that night?—A. I suppose I heard about 200 shots there in town. It sounded like that. You can't judge about shooting like that so much, you know.

Q. I can readily understand that.—A. You can shoot five or six rounds in a pistol and it sounds like twenty shots. A heap of people will think that.

Q. Were those pistol shots?—A. They sounded something like pistol shots, yes, sir; I heard a lot of different shots made there—different sounds of shots.

Q. Just describe the different kinds of shots you heard.—A. I heard some weak shots, like it might have been a .38 pistol, or something like that, or a Colt's, and I heard something like it might have been a musket or a shotgun or a breechloader, or something like that, as near as I could give in to it.

Q. What else?—A. The last shot I heard, it sounded like a reveille gun that we shoot every morning for reveille—the last shot. It sounded like it was down at the lower end of town.

Q. What do you mean by a reveille gun; do you mean a cannon?—A. Yes; we call it the reveille gun.

Q. One of them sounded like a cannon?—A. Yes, sir; the last shot I heard that night.

Q. So they ranged from a .28 Colt's to a cannon?—A. I suppose so; yes, sir.

Q. That is the sound you heard?—A. That is the sound I heard; yes, sir.

Senator FORAKER: I suppose it will hardly be worth while to reconvene this afternoon, will it?

Senator WARNER: In my judgment, no.

The committee, at 12 o'clock, meridian, adjourned until Thursday, February 21, 1907, at 10.30 o'clock a. m.

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Thursday, February 21, 1907.

The committee met at 11.45 a. m.

Present: Senators Warren (chairman), Scott, Foraker, Hemenway, Bulkeley, Warner, and Overman.

TESTIMONY OF WILBERT VOSHELLE.

(The witness was sworn by the chairman.)

By Senator FORAKER:

Q. Where is your home?—A. My home is in St. Joseph, Mo.

Q. Were you in Brownsville in August of last year, 1906?—A. Yes, sir.

Q. What were you doing there?—A. I was corral master, sir, of the Government corral.

Q. In the employment of the Government?—A. Yes, sir.

Q. How long had you been so employed by the Government?—A. For three years.

Q. How long had you been stationed at Brownsville?—A. Three years.

Q. You had been there all the time?—A. Yes, sir.

Q. You were not in any way connected with the Twenty-fifth Infantry?—A. No, sir; none whatever.

Q. They were there only a short time?—A. A very short time.

Q. Before the firing occurred?—A. Yes, sir.

Q. But you were acting as boss, corral boss?—A. Corral master.

Q. Corral master, on the night when this firing occurred, on the 13th-14th of August?—A. Yes, sir.

Q. Just state in your own way all you recall about what happened that night. First, let me ask you where did you live?—A. I lived in the east part of the town of Brownsville.

(At this point the map was explained to the witness by Senator Bulkeley.)

By Senator FORAKER:

Q. Over here is the corral. Where did you live?—A. I was always turned around there, I never was straight in this place.

(The map was further explained to the witness by Senator Bulkeley.)

By Senator BULKELEY:

Q. Do you know Elizabeth street?—A. Yes, sir; but I never could find out whether it ran north and south or east and west. It was in the east part of the town, up here.

Q. Beyond Adams street?—A. Yes, sir; up in the eastern part.

Senator FORAKER. Is there or not a country road coming out and intersecting with garrison road?

A. Yes, sir.

By Senator BULKELEY:

Q. Here is the road that runs through the reservation. Here is the hospital; do you know where that is?—A. Yes, sir.

Q. There is the commissary's, and there is the stable.—A. Yes, sir; and there is the corral.

Q. Here is the old cavalry stable over here?—A. Yes, sir.

Q. Do you know where that is?—A. Yes, sir.

By Senator FORAKER:

Q. You lived, as I understand it, in the eastern part of the town; that is, up above Adams street? On that map, out beyond there some distance [indicating]?—A. Yes, sir.

Q. How far, perhaps?—A. It was right out in the outskirts.

Q. Do you know where the saloon was started out there by Allison, a colored soldier who had been discharged?—A. Yes, sir; I knew where it was, but the name of the street I don't know. It was on the Government road running back of the wall.

Q. Was it where the county road intersected with that?—A. Yes, sir; right at the four corners.

Q. How far did you live from that place?—A. It was about a block and a half, north, as well as I remember. I never could get the exact direction there, and back east of that again, in the middle of the block.

Q. A distance of four or five hundred yards from this place?—A. Yes, sir; five or six hundred yards.

Q. Commence and tell us all you can recall of what happened on the 13th of August that would have any relation to this firing.—A. On the evening of the 13th, between 5 and 6 o'clock—I would not try to state the minute because I could not—I was at the stables. I was going to my supper, as I always did every evening, and I goes down the walk and right across over the lake and across to the canteen to get my mail. I seen Major Penrose and Dr. Fred Combe—I was well acquainted with Doctor Combe—the quarantine officer.

Q. Combe was the mayor?—A. Yes, sir. I was walking along and I seen them standing there talking, and I didn't stop or make any halt, and I was, I suppose, within 30 feet of them. I didn't make any halt or measure the distance. They were standing there talking, and just as I got opposite where they were standing talking on the walk close to the hospital, I walked right across the grass to the canteen. I heard this quarantine officer, as they called him, say to Major Penrose:

“Major, if there is not an arrest made between this hour and 11 o'clock, every enlisted man we see on the street will be shot.”

That is the very words he said. I didn't stop or make any halt.

Q. Did you learn the name of that quarantine officer?—A. I learned afterwards his name was Evans.

Q. Do you know whether he was the husband of the woman against whom it was charged an assault was made?—A. Yes, sir. I don't know for sure, but I think he is.

Q. You don't know?—A. No, sir; but I think he is.

Q. Do you know what answer Major Penrose made?—A. No, sir; he never opened his mouth or said a word, and neither did Dr. Frederick Combe.

Q. Was this man's manner excited?—A. Yes, sir; he was making gestures and laying it off.

Q. What did you do after that?—A. I went to the canteen and got my mail, and went home and got my supper and stayed there, and I

was awakened along in the night sometime, about 12 o'clock or maybe a little later—I never taken any time—and I gets up and goes to the door and listened for a minute, and the firing had ceased at that moment and I put my clothes on.

Q. How did you happen to get up at that hour; did you hear some noise?—A. Yes, sir; I did; but I couldn't distinguish what it was at all after I got up, but I heard about three shots fired there.

Q. Where were they fired?—A. It seemed like they were off in the center part of the town, near the market. I gets up and goes over toward the corral and there were two Mexican men there. One was Jose Cortinas and another one—I don't know what his name is now—and they ran right in front of me.

Q. In front of you?—A. Yes, sir; but I didn't see any guns. Of course I suppose they had their six-shooters, but I didn't see any guns. I goes to the corral and I saw there Private Jackson, a teamster; Private Williams, he was a teamster, and Private Haley, Private Streater, and a fellow by the name of John Henry—he afterwards deserted—they were all present, and another old colored teamster there—he was an ex-soldier by the name of John Moore—and two teamsters, George and Rich Miller, and Foster—

Q. George and Rich Miller?—A. Yes, sir; two brothers of them. They were teamsters; they weren't there, and Foster—

Q. They were not there? There were three teamsters absent?—A. Yes, sir. Two of them were half Mexicans and the other was a white man.

Q. I didn't get the name of the third one.—A. Foster.

Q. Was he a white man?—A. He was a white man.

Q. Was he a soldier?—A. Yes, sir; he was a soldier.

Q. Have you the names of the men that belonged there in the corral?—A. Yes, sir; but those three were absent.

Q. Jackson and Streater and Haley and Henry; and you say Henry afterwards deserted?—A. Yes, sir.

Q. Where did he desert?—A. At Reno.

Q. When they got to Fort Reno?—A. Yes, sir.

Q. And he was a teamster at that time?—A. Yes, sir.

Q. They were all soldiers out of the company?—A. Yes, sir.

Q. Can you tell us whether they kept their guns there at the corral or in the barracks?—A. I think they kept them at the barracks; I know they did.

Q. They were all there when you got there?—A. Yes, sir; all there.

Q. How long was it after the firing commenced?—A. The firing had ceased.

Q. How long after it ceased?—A. It might have been ten minutes, maybe longer. I don't know. I never paid any attention to it.

Q. You told us about hearing three shots; did you hear any more shots?—A. Yes, sir; about half a dozen more shots after I got into the garrison.

Q. After what?—A. After I got into the post.

Q. Is that all the shots you heard?—A. Yes, sir; that is all.

Q. Some of the witnesses have told us that they heard all the way up to 75 and 100 shots.—A. That is all I heard; and it ceased, and I got over to the corral, and after I got to the corral I heard maybe a half a dozen more down by the market.

Q. Did you, in going to the corral, go by the guardhouse?—A. No, sir; I went above the guardhouse.

Q. Up by the cavalry stables? Over by the cavalry stables?—A. Yes, sir; there is the road I went, and came in by the corral.

(Indicated by Senator Bulkeley.)

Q. That was your nearest way?—A. Yes, sir; my nearest way coming in.

Q. That was about 12 o'clock?—A. I should judge it was after 12, but I couldn't give any minute because I didn't have no timepiece.

Q. So that it was the quarantine officer whose name you heard was Evans?—A. Yes, sir.

Q. Who said if there was not an arrest made before 11 o'clock—A. "Between this hour and 11 o'clock." That was between 5 and 6.

Q. Between that hour--whatever it was--and 11 o'clock, every soldier found in town would be shot?—A. Yes, sir.

Q. Did he say anything further that you heard?—A. No, sir; I didn't stop. I went on to the canteen and got my mail and went home.

Q. Going back to the corral; George and Rich Miller were Mexicans?—A. Half Mexicans.

Q. Where was their home?—A. Their home was in Brownsville. They lived down by the public school, away down by the public school.

Q. Did they sleep at home at night?—A. Yes, sir; had been. When the colored troops came there they had been in the habit of sleeping in the corral, but when they came they moved out and stayed at home.

Q. They vacated for the colored troops?—A. Yes, sir.

Q. How about Foster; he was a white man?—A. He was a white man. He was living then up by the arsenal.

Q. Where is the arsenal?—A. This way, back up the river by the corral.

By Senator BULKELEY:

Q. That is up here; "ordnance storehouse" [indicating]?—A. Yes, sir.

By Senator FORAKER:

Q. He lived there?—A. Yes, sir; by the magazine.

Q. Did he sleep at home every night?—A. Yes, sir; that was his place there.

Q. So that you did not expect to find him there?—A. No, sir; I didn't expect to find him there.

Q. Did George and Rich Miller and Foster turn up that night?—A. No, sir.

Q. You did not see any of them?—A. No, sir.

Q. You do not know where they were?—A. No, sir.

Q. But they were not soldiers?—A. No, sir.

Q. Not connected in any way with the battalion?—A. No, sir; not at all.

Q. They were just hired teamsters?—A. Yes, sir; in the Government employ.

Q. Now, you have given two affidavits, Mr. Voshelle. One is found at page 223 of Senate Document 155. I know you have explained this later. I want to put this in evidence, but, first, I want

to read you a part of it. This was taken by the Constitution League. It reads:

Personally appeared before me, the undersigned authority duly authorized to administer oaths in and for the county aforesaid, Wilbert Voshelle, of the age of 30 years, who deposes and says he was at Fort Brown August 13, 1900, 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 Combe, mayor of Brownsville, Tex., and Quarantine Officer Evans talking together, and he heard the conversation as follows:

Doctor Combe 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."

Stopping there for the present, you want to correct that?—A. Yes, sir; they must have misunderstood me, because it was the quarantine officer that was talking.

Q. The mayor was present?—A. Yes, sir.

Q. And he heard the remark just as you heard it?—A. Yes, sir.

Q. Did you hear him make any protest against it?—A. No, sir; he didn't say a word.

Q. He didn't say a word?—A. No, sir.

Q. You did not hear anything further?—A. No, sir.

Q. (Reading:)

He did not hear the reply made.

You meant by that that you didn't hear him make any reply?—A. Yes, sir.

Q. (Reading:)

But he 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.

That is all straight?—A. Yes, sir.

Q. That is, that an order had been issued for them to be in by 8 o'clock?—A. Yes, sir; I heard the next day that they had issued the order, but I didn't know it then.

Q. (Reading:)

Allant 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.

Locate, as nearly as you can, where the shots were which you first heard after you got awake. We want to locate this as near as we can.—A. It seemed like they were down in the center part of the town, by the garrison.

Q. You are familiar with the town there?—A. Oh, yes, sir.

Q. You know where the Cowan House is, and the Leahay Hotel, and so on, I suppose?—A. Yes, sir.

Q. Having those places in mind, where were these shots, and were they the last shots of the firing?—A. Yes, sir; they must have been, because I never heard any more.

Q. You only heard a very few shots, all told?—A. Yes, sir.

Q. How far from that gate entering the reservation at Elizabeth street, probably, is your house, as near as you can tell?—A. It must be three-quarters of a mile back up in there, if not farther.

Q. Yes; I see. I will continue reading. You further say:

That he did not see a single man on the street of the soldiers at post.

You did not see any soldiers?—A. No, sir; I didn't see no soldiers at all.

Senator FORAKER (reading):

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.

Did you hear any shots after you got to the corral?—A. Yes, sir; not in the corral; after I got in the garrison. I hadn't got to the corral yet.

Q. So that this is wrong if it says that you heard six shots after you arrived at the corral?—A. No, sir; after I got in the garrison.

Q. After you got in the reservation?—A. Yes, sir.

Q. You went along the reservation road?—A. No, sir; not the road. I was on the inside. Where is that hospital matron's house?

Q. What?—A. The hospital matron, Mrs. Johnson.

By Senator BULKELEY:

Q. Do you know where the guardhouse is?—A. Yes, sir. She lived over in the corner. That is not on that map.

By Senator FORAKER:

Q. Do you know where the noncommissioned officers lived?—A. Yes, sir; they lived in the reservation.

Q. Did you go by their house?—A. Yes, sir; I came right along the path.

Q. Does the road run along by that?—A. Yes, sir; there is the pasture, and then there is a little path.

Q. The road runs right up in there [indicating]?—A. Yes, sir; right in front of the cavalry corral.

Q. It was after you came to the reservation that you heard five or six shots?—A. Yes, sir; after I got in the garrison.

Q. You didn't hear any after you got as far as the cavalry stable?—A. No, sir.

Q. The firing was all over then?—A. Yes, sir.

Q. You went right on down there?—A. Yes, sir.

Q. What made you go to the corral?—A. I don't know. I couldn't think what was the matter, and I knew in reason it was not a very unusual thing to hear shooting going on around there.

Q. What is that?—A. You could hear that most any time.

Q. Almost everybody seemed to be armed?—A. Yes, sir.

Q. And there was shooting going on very often?—A. Yes, sir.

Q. What kind of arms did they have?—A. The river guards carried carbines and six-shooters.

Q. Who carried that?—A. The river guards—the customs officers.

Q. The customs officers carried the carbine and six-shooters?—A. Yes, sir.

Q. Did they often get to shooting?—A. I don't know that they did, but some other people did.

Q. What kind of arms did the policemen have?—A. They just had six-shooters.

Q. What were they, Colts?—A. I don't know whether they were or not.

Q. Do you know anything about the caliber of them?—A. No, sir; I do not. I think they were different size, some 0.38 and some 0.35.

Q. You say it was not an unusual thing to hear shooting around there?—A. Yes, sir.

Q. During the three years you were there did you hear it frequently?—A. Yes, sir; frequently.

Q. Frequently?—A. Yes, sir.

Q. What troops were there before the Twenty-fifth Infantry?—A. The Twenty-sixth.

Q. That was a regiment of white soldiers?—A. Yes, sir.

Q. Was there any shooting while they were there?—A. Yes, sir; lots of it.

Q. That is, it was not an unusual thing at all for those soldiers to get into trouble?—A. No, sir.

Q. Will you state whether or not the citizens generally had arms of some kind or other?—A. Yes, sir; they always carried them.

Q. Always carried them?—A. Yes, sir.

Q. Everybody there carried them?—A. I don't know about everybody, but the officers—the river guards and the police and the deputy marshals—they always had arms, and the rangers.

Q. The rangers carried arms?—A. Yes, sir.

Q. And how about the citizens—the Mexicans, and so on?—A. I don't know about them. I never seen any, only the officers.

Q. But whoever carried them, you heard them firing frequently?—A. Yes, sir; I heard them frequently. I was a soldier there. I was discharged there myself.

Q. What is that?—A. I was a soldier there and was discharged there.

Q. You were a soldier there; and what regiment were you in?—A. Company L of the Twenty-sixth Infantry.

Q. You were with the Twenty-sixth Infantry there?—A. Yes, sir.

Q. How long were you in the Army?—A. Three years, sir.

Q. Three years?—A. I was in the Philippines, and was in Fort Brown about three months before I was discharged.

Q. Serving there?—A. Yes, sir.

Q. And during that four months there were shooting scrapes outside?—A. Yes, sir.

Q. Did your men have trouble, the soldiers?—A. Yes, sir; lots of them got into trouble.

Q. They did?—A. Yes, sir.

Q. Did any of them get killed, that you remember?—A. No, sir.

Q. Did they get into trouble that led to shooting affrays?—A. Yes, sir.

Q. Several times?—A. Yes, sir.

Q. So that it was nothing unusual to hear shooting in Brownsville, even at night?—A. No, sir.

Q. At midnight?—A. No, sir.

Q. Going back to this affidavit, you then did not hear any firing after you got to the corral?—A. No, sir; not after I got to the corral.

Q. It has been testified by Mr. Johnson that you wakened him and told him you thought there might be a call for the ambulance, or something of that kind.—A. I wakened him up and said, "Has there been any orders received for any ambulance," and he says, "No," and I just turned around and went back to the hospital.

Q. You went back to the hospital then?—A. Yes, sir.

Q. After talking with him a while?—A. Yes, sir.

Q. Did you take anyone with you when you went to the hospital?—

A. I think there was a fellow named Streater went back there with me.

Q. Streater went with you?—A. Streater or Haley; I don't remember which one it was.

Q. Do you remember going to the telephone at the corral?—A. No, sir.

Q. Mr. Johnson testified that you did.—A. No, sir; I don't think I did. I don't remember it if I did. I don't know who I would have called up.

Q. He testified that the telephone rang, and you said that that was probably the call for the ambulance now, and then you went and listened, and you said that it was no one, or that it was some woman up there at the hospital.—A. Yes, sir; there was a woman up there.

Q. That recalls it to your mind?—A. No, sir; Sanborn answered that phone when I was at the hospital.

Q. Tell us what you did.—A. I just sat around and waited. There was a crowd there; there was a whole crowd around there.

Q. Can you tell us who was there?—A. There were some ladies, the colored soldiers' wives.

Q. They lived out in town?—A. Yes, sir.

Q. The soldiers who were married, some of them, had their wives there?—A. Yes, sir; living outside of the wall.

Q. And some of those women came there to the hospital?—A. Yes, sir.

Q. How many came there?—A. I think there was two came there while I was there, and I think they said there was some more came afterwards. They got scared and ran in.

Q. Now, then, tell us whether you saw four men in addition to the policeman—is that a mistake?—that night when you were coming down.—A. What is that, sir?

Q. This affidavit says that you saw two policemen and also four men.—A. No, sir; I saw the two policemen. Those were the only men I seen coming from my place to the garrison. They came right in front of me, and I can give you the name of one of them.

Q. They came out right near your house?—A. Right across the street. They lived there.

Q. They lived there?—A. Yes, sir; they ran down ahead of me.

Q. Were they aroused by the firing?—A. Yes, sir; I suppose they were.

Q. All that you know is that you saw them come out of that house?—A. Sir?

Q. All you know is you saw them come out of there?—A. Yes, sir. One of them is named Jose Cortinao.

Senator FORAKER. Now I will put in evidence this affidavit of the witness Voshelle, as found on page 223 of Senate Document 155.

(The affidavit referred to is as follows:)

AFFIDAVIT B.—Voshelle. Combs's 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 Combe, mayor of Brownsville, Tex., and Quarantine Officer Evans talking together, and he heard the conversation as follows:

Doctor Combe 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.

By Senator FORAKER:

Q. You made an affidavit also before Major Blocksom later?—A. Before Major Blocksom and Mr. Purdy.

Q. Major Blocksom and Mr. Purdy?—A. Yes, sir.

Senator FORAKER. I wish also to put in evidence at this point the affidavit made by the witness Voshelle and found on page 195 of part 2 of Senate document 155.

(The affidavit referred to is here inserted in the record, as follows:)

Mr. WILBERT VOSHELLE was first duly sworn by Maj. A. P. Blocksom, 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, 1900, 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, 1900," 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. It 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 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 noncommissioned 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.

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 VOSHELLE,

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.

By Senator FORAKER:

Q. Before I ask you about that, you spoke of two policemen. Can you tell us what kind of uniforms the policemen wore?—A. They wore khaki.

Q. Had it a close resemblance or not to the khaki worn by the soldiers?—A. Yes, sir; very much like it.

Q. Very much like it?—A. Only the blouses did not fit so close.

Q. Seeing a man in the street some distance away from you, in the night, could you tell whether it was the same or not?—A. Yes, sir; they never wore them buttoned up.

Q. They never wore them buttoned up?—A. No, sir.

Q. Suppose a man had no blouse on at all, but just the khaki trousers and a shirt, how would it be then?—A. I don't know. A soldier was not allowed to go out without any blouse on.

Q. How is that?—A. The soldiers were not allowed to go out without their blouses.

Q. The soldiers were not?—A. No, sir.

Q. They were not allowed to go out without their blouses when they were on duty, you mean?—A. No, sir.

Q. But they were allowed around the camp, were they not, without them?—A. No, sir; they were not allowed to walk across the parade ground without a blouse, buttoned up.

Q. They were not allowed to go downtown without their blouses?—A. No, sir.

By Senator OVERMAN:

Q. Buttoned up?—A. Yes, sir.

By Senator FORAKER:

Q. The policemen wore theirs, however, without a blouse?—A. Yes, sir; they wore a vest.

Q. Was there any other difference you think of between them?—

A. No, sir; except the brass buttons.

Q. But they were near enough alike so that you might have been mistaken?—A. Well, I knew those men that night.

Q. I only wanted to get the general appearance of the uniforms?—

A. Yes, sir.

Q. State whether or not the khaki was worn pretty generally by the citizens, the Mexicans and others?—A. No, sir; only by the police officers, in the summer time.

Q. Were there not places there where they made khaki suits for people to wear, made out of that same material?—A. There was tailor shops there, you know.

Q. Yes; tailor shops. They had one on the reservation, did they not, where some of the men got khaki suits made?—A. The companies had tailors.

Q. They had tailors that belonged in Brownsville?—A. Yes, sir.

Q. I say, the soldiers could get khaki uniforms made on the ground by the Brownsville tailors?—A. Yes, sir; there were two tailors worked up in the canteen.

Q. In the canteen?—A. Yes, sir; did the soldiers' work.

Q. Did they not make khaki suits for citizens as well as for soldiers?—A. I don't know, sir.

Q. For anybody that wanted them?—A. I don't know whether they did or not.

Q. Was it or not an unusual thing to see a man on the street with a khaki suit on—khaki trousers?—A. Yes, sir; there was a lot of the old Mexicans there that did washing for the soldiers, you would see them with the khaki trousers and blouse and a shirt.

Q. That was not an unusual thing?—A. No, sir.

Q. You gave this testimony, which I have just offered in evidence, before Major Blocksom and Mr. Purdy?—A. Yes, sir.

Q. Where did you give that?—A. At San Antonio, Tex., at the Mingo Hotel.

Q. At the Mingo Hotel?—A. Yes, sir.

Q. Who, if anybody, was present besides Mr. Purdy and Mr. B'locksom?—A. There was a stenographer.

Q. A stenographer, you say?—A. Yes, sir; but I don't know his name.

Q. I see this is sworn to before "D. H. Hart, clerk, by A. I. Campbell, deputy clerk, United States district court." Did you swear to it in the same place?—A. No, sir; that was afterwards, in the post-office.

Q. After you had made the statement?—A. Yes, sir.

Q. After the stenographer had written it out?—A. Yes, sir.

Q. You went across the street to the post-office?—A. Yes, sir; to the notary public.

Q. You swore to it before the deputy clerk, it says here?—A. Well—

Q. Did you know this man, A. I. Campbell?—A. No, sir.

Q. He was a stranger to you?—A. Yes, sir.

Q. You said you gave this at the Mingo Hotel. A note has been handed me here saying that the name of the principal hotel there is the Minger. Is that it?—A. Some call it the Minger and some the Manger.

Q. Then it is the one you refer to?—A. Yes, sir.

Q. Now, how did you happen to be in San Antonio at that time?—A. I was employed there.

Q. Were you taken there after the Brownsville affray?—A. No, sir; I went to Fort Reno first and then was transferred back to San Antonio.

Q. Were you there in the same employ?—A. Yes, sir.

Q. As a corral boss?—A. No, sir; teamster, now. They have a corral boss at San Antonio.

Q. When you say "San Antonio," you mean Fort Sam Houston?—A. Yes, sir.

Q. That is where you were stationed?—A. Yes, sir.

Q. And Major Blocksom and Mr. Purdy came there and took your testimony?—A. Yes, sir.

Q. You tell us there was a stenographer there?—A. Yes, sir.

Q. And no one else was present?—A. No, sir; no one but the stenographer and Major Blocksom and Mr. Purdy.

Q. And before them you gave this testimony which I have now put in evidence?—A. Yes, sir.

Q. In this you say that you want to correct the statement made in your former affidavit?—A. Yes, sir; I did.

Q. Which I have already put in evidence?—A. I was sorry there was a misunderstanding.

Q. Yes. And you did correct it so as to change it, and made the statement. I will read it:

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.

That is the only correction you want to make in that respect; that is, that that was said by Evans instead of by Mayor Combe?—A. Yes, sir; that it was said by Evans instead of by Mayor Combe.

Q. But it was still said in Mayor Combe's presence?—A. Yes, sir; he was there, and also Major Penrose; the three were standing together.

By Senator OVERMAN:

Q. Did you ever state to anybody that Mayor Combe said that?—A. No, sir.

Q. Then the man that wrote that down wrote down what you said incorrectly?—A. Yes, sir.

By Senator FORAKER:

Q. And he also wrote you down incorrectly as to your seeing four citizens and two policemen?—A. Yes, sir. I saw two policemen, but that was all.

Senator FORAKER. I believe that is all. There is nothing else in this that is not confirmatory.

(At 12.30 o'clock p. m. the committee took a recess until 2.30 o'clock p. m.)

AFTERNOON SESSION.

The committee reconvened, pursuant to adjournment, at 2.30 o'clock p. m., Senator Scott in the chair.

Present: Senators Scott, Foraker, Bulkeley, Warner, Blackburn, Taliaferro, and Overman.

TESTIMONY OF WILBERT VOSHILLE—Continued.

By Senator WARNER:

Q. Mr. Voshelle, you say you lived out in the eastern portion of the town?—A. Yes, sir.

Q. Adams street is the most eastern street on that map, you say; and how far did you live from Adams street?—A. I don't know that I could designate the distance.

Q. I do not expect you to do so exactly.—A. It might have been five blocks east of that.

Q. And when you speak of "east" I suppose you mean this direction [indicating]? You start on Elizabeth street, and then to the east is Washington street, and then Adams street, and on that way?—

A. It was in the eastern part, that way. I was always turned around there, as I said this morning.

Q. We have been calling east that way [indicating].—A. That is east, that way.

Q. The shooting you heard after you woke up was these three shots you spoke of and then five or six shots away off?—A. After I got into the garrison.

Q. Yes; after you got into the garrison?—A. Yes, sir.

Q. You did not hear the call to arms? That had been sounded before you awoke?—A. I heard no trumpet at all; no sir.

Q. And when you were awakened and came out two policemen were coming out of their house, who lived near you?—A. Right in front of me.

Q. And they went with you?—A. In front of me.

Q. In front of you?—A. Yes, sir; ahead of me.

Q. And those were the only men you saw?—A. Yes, sir; they were the only men.

Q. In going to the corral?—A. Yes, sir.

Q. What time did you leave the corral on the night of August 13?—A. I went to the hospital, and I went back and stayed in the corral the remainder of the night.

Q. In the evening, I mean.—A. When I went to go home?

Q. Yes.—A. It was between 5 and 6 o'clock. It was after half past 5, I am sure; we generally got through stables about that time.

Q. You went from the corral to your home?—A. I went to the canteen to get my mail first.

Q. And then you went to your home?—A. Yes, sir.

Q. And you did not come back to the corral again until you returned after you were aroused by the shooting?—A. Yes, sir.

Q. That is correct, is it?—A. Yes, sir.

Q. Where had you spent your time, after you went home between 5 and 6 o'clock? Did you stay at your home all the evening?—A. Yes, sir; I was at home. I generally retired about 8 or half past 8 o'clock.

Q. So that you had been at home all evening?—A. All evening; yes, sir.

Q. Had you heard anybody make any threats that evening against the fort?—A. Nothing except what I stated, about the quarantine officer.

Q. What Mr. Evans said?—A. Yes, sir; Mr. Evans, as I learned afterwards.

Q. You did not hear what reply, if any, the mayor made?—A. No, sir.

Q. Or what Major Penrose said?—A. No, sir.

Q. Mr. Evans seemed to be considerably excited?—A. Yes, sir.

Q. And he was the man, it was stated afterwards, whose wife had been assaulted?—A. Yes, sir.

Q. As it was claimed by some man of the command?—A. Yes, sir.

Q. That quarantine officer was a quarantine officer of the State,

or what?—A. I don't know, sir, what his position was. I didn't know that there was such a man in the place, before.

Q. And then you went on to the canteen, did you?—A. Yes, sir. I never halted at all, never stopped.

Q. And then after getting your mail at the canteen you went home?—A. Yes, sir.

Q. And you got there between 5 and 6 o'clock?—A. Six, or about 6.

Q. And you remained there until you went to bed—about 8 o'clock?—A. Yes, sir; about 8 o'clock.

Q. And then you were aroused by this shooting?—A. Yes, sir.

Q. And got up, as you have said?—A. Yes, sir.

Q. And when you were coming back to the fort you saw no one but those two policemen?—A. Those two Mexican police, and they were dressed in khaki.

Q. And they went down toward the fort?—A. Yes, sir; on the outside of the wall.

Q. They went down the outside of the wall?—A. Yes, sir.

By Senator FORAKER:

Q. Do you mean down toward the gate or the barracks?—A. Down toward the gate, outside the wall.

Q. And when you got to the corral you asked somebody if there had been a call for the ambulance?—A. I asked Private Johnson. I said "Has there been anything ordered out?" He says "No." I said "I will go down to the hospital and see." I got down there and I asked Sergeant Oltmans, and he said "No; nothing."

Q. How many of the soldiers of the Twenty-fifth were with you at the corral?—A. Five, sir.

Q. Five teamsters?—A. Yes, sir; five teamsters on extra duty.

Q. Give their names. I do not know whether you gave us all their names.—A. Johnson, Haley, Streater, Williams, and John Henry. John Henry deserted.

Q. He deserted afterwards, at El Reno?—A. Yes, sir; he deserted afterwards, at El Reno.

Q. And in going from your house to the corral you would have what part of a mile to go?—A. From the town to the garrison?

Q. From your house to the corral.—A. I don't believe I could estimate the distance. It must have been fully three-quarters of a mile, if not farther, from the east part of the corral, up there. I lived out in the eastern part of the town.

Q. From where you lived?—A. Yes, sir; from where I lived to the corral.

Q. And when you got there how many of these five soldiers did you find?—A. They were all present.

Q. At that time?—A. Yes, sir.

Q. Where were they?—A. Haley, I think, was sitting on the steps outside of the door.

Q. Yes.—A. Johnson was lying on his bed.

Q. Dressed?—A. No, sir; I don't think he was. Johnson was on watch that night was the reason I asked him if there had been any calls for the corral, and he said no.

Q. Yes.—A. And all five of the teamsters were present, and one citizen by the name of John Moore, an old colored man, an ex-soldier, was there.

Q. And, I think, at that time, as you said, the firing had all been over some five or ten or fifteen minutes?—A. Yes, sir; I should judge it had been; yes, sir.

Q. I am just getting your best judgment.—A. After I entered into the garrison there had not been—I stopped on my way up there and listened after I got in the garrison.

Q. The next morning what did you do?—A. The next morning? I generally done my general policing work—had the wagons cleaned, and cleaned up the corral, and had the harnesses cleaned and the teams that were ordered out; they were sent out by teamsters there, and everything. About 10 o'clock I got my breakfast. I had quite a time getting it. There was a little Mexican boy brought it to me in a bucket.

Q. Brought it to you where, in the corral?—A. No, sir; they wouldn't allow it; from the house.

Q. From the house?—A. Yes, sir; from the house, and sent it through; he didn't, but a colored lady did for him.

Q. I do not care about the particulars. You got your breakfast at your house?—A. From my house.

Q. Yes; from your house. It was brought to the corral to you?—A. No, sir; not in the corral at all. No one was allowed in the garrison or out of it.

Q. How did you get it from the boy?—A. The lady set it through the fence and the guards let me go and get it.

Q. You did not take your breakfast down at the mess room with the soldiers that morning of the 14th?—A. No, sir; not that I know of. I didn't take my breakfast down at the mess hall that morning. I had been in the habit of going there and taking a cup of coffee with the boys for sociability.

Q. But that morning you remember about your breakfast, because you did not get it?—A. Yes, sir; it was about 10 o'clock before I got anything to eat.

Q. Were you in the mess room at all on the morning of the 14th?—A. On the morning of the 14th?

Q. Yes; the morning after the shooting.—A. I don't remember being in there that morning, but I had been in the habit of stopping in for sociability and taking a cup of coffee with the company, and I got shaved there all the time.

Q. You were not out in town at all after you went home on the evening of the 13th, between 5 and 6 o'clock?—A. Not in the town; only in my home.

Q. Do you know William Mapp?—A. I formed his acquaintance at Fort Reno. At Fort Brown I did not know him as William Mapp.

Q. You met him afterwards at Fort Reno?—A. Yes, sir.

Q. He testifies that on the morning of the 14th, that is on the morning after the shooting.—A. Yes, sir.

Q. In the mess room, while they were eating breakfast, you said: "Well, boys, it is a good thing that this happened as it did, because I was out in town last night, and the gang came up in front of me and said the plan was to go up to that colored saloon and catch a bunch of you fellows in there and massacre you." Did you ever say any such thing?—A. No, sir.

Q. Did you ever hear such a thing intimated by anyone?—A. No,

sir; never, by anyone. This was the only threat I heard before that time.

Q. Now, these women that came there, was one of them intoxicated?—A. I don't know, sir, whether she was or not.

Q. You don't know about that?—A. No, sir.

Q. You say the policemen there carried six-shooters, in Brownsville?—A. Yes, sir.

Q. You said something about shooting that was there when the Twenty-sixth Infantry was stationed at Brownsville. What do you mean by that, Mr. Voshelle?—A. Very often they would get to shooting around there—the soldiers and the people of the town. They were prejudiced against them.

By Senator FORAKER:

Q. What was that last statement?—A. They were prejudiced against all soldiers there.

Q. That is, the people were?—A. Yes, sir.

Q. Against all soldiers?—A. Yes, sir.

By Senator WARNER:

Q. At Brownsville?—A. Yes, sir; at Brownsville.

Q. Was there any shooting scrape there between soldiers and the citizens while the Twenty-sixth Infantry was there?—A. Yes, sir; three or four different times.

Q. When was that?—A. I can't name the dates. It was along in 1903 or 1904.

Q. In 1903 or 1904?—A. Yes, sir.

Q. Where did that shooting occur; down in the town?—A. No, sir; up on that road there, where the soldiers generally hung out.

Q. Where what?—A. Where the soldiers generally hung out—on this road back of the quarters.

Q. Was anybody shot?—A. Yes, sir; there was one soldier named Newt Bryan. He is in the Twenty-sixth now.

Q. What is that?—A. He is one of the soldiers that got shot. He is in Company M, of the Twenty-sixth Infantry at Fort Sam Houston. And this same policeman that they claimed got shot by the soldiers on the night of the 14th, he has been shot two or three different times by soldiers.

By Senator FORAKER:

Q. Is that Dominguez?—A. Yes, sir.

By Senator WARNER:

Q. You say "claimed to be shot." Do you know whether he was shot or not?—A. He was claimed to be shot. I didn't see it done or anything like that.

By Senator OVERMAN:

Q. Did you ever see him afterwards, with his one arm?—A. Yes, sir; I seen him at San Antonio before I came up here.

Q. With his arm off?—A. Yes, sir.

Q. His arm was not off before the shooting, was it?—A. No, sir.

By Senator WARNER:

Q. You are quite clear that you never heard any threats made by citizens there, or any one, against the soldiers, excepting the threat

that you speak of made by Mr. Evans in a conversation with Major Penrose and Mayor Combe?—A. On the evening before?

Q. The evening of the 13th, that was all you ever heard?—A. Yes, sir. But after that, the second night, I was going out home, and we had to get a pass from the commanding officer—all citizens going in town—

Q. That was afterwards?—A. That was afterwards.

Q. After the night of the 13th?—A. Yes, sir; this was about the 16th. I was going along the street about up here, and I walked out the gate at Elizabeth street and was going back home, and I met an old fellow I was acquainted with, a carpenter, and he had a carbine.

Q. A carbine?—A. Yes, sir; a Winchester. I called to him, and I called him "Dad," and I said "Dad," I said, "what are you doing with that gun; have you been hunting?" and he said "No; we will be better fixed than we were night before last."

Q. "Better fixed than night before last?"—A. Yes, sir.

Q. What else did you ever hear?—A. Nothing any different. You can hear talking from one to another all the time.

Q. You heard the men talk, did you not, before the 13th, of how they had been treated at Brownsville?—A. Who, the soldiers?

Q. Yes.—A. Yes, sir; and I knew of one thing, one incident, that happened down at the river.

Q. Yes; we have got that and about the man that was knocked down with the revolver.—A. Yes; that was a common occurrence with the policemen there to do that.

Q. It was a common occurrence for a policeman to knock soldiers down?—A. Yes, sir; to bust them over the head with a six-shooter and drag them off.

Q. And you heard of this other trouble which you spoke of, of which Evans spoke that evening?—A. No, sir; I believe not, before that.

Q. Not before that?—A. Not before the break out.

Q. That they would not permit them to go into the saloons, you knew that?—A. Yes, sir; I knew that before they went down there. They had separate bars.

Q. And you heard the soldiers talk about this after they came down?—A. About the—

Q. The treatment they were receiving?—A. No, sir; I don't remember hearing them pass any opinion about it at all, any particular point; only they said they would not patronize them at all; but they never held any prejudice against them—the people in the city. They stayed at home themselves. They had a band of their own, and they gave musical entertainments right out in the parade ground and in the quarters every evening. They didn't seem to bother anybody.

Q. They started a saloon themselves?—A. Yes, sir; they started a saloon themselves with a discharged soldier named Allison.

Q. Right outside?—A. Right outside of the garrison.

Q. Were you at that saloon on the Saturday before the shooting? Saturday would be the 11th, would it not?

Senator FORAKER. Yes.

Q. (Continuing.) Were you at that saloon the day that the soldiers were paid off?—A. I don't remember about Saturday. Mr.

Sharpe and I went there one evening together; but I don't remember what time it was.

Q. You were paid off at the same time the soldiers were?—A. No, sir.

Q. Were you there on Sunday, the 12th?—A. I don't remember whether I was there or not; I couldn't tell. I was there once, but I don't remember what date it was.

Q. Did you see many soldiers around there in Allison's saloon?—A. Yes, sir; they gathered there all the time. You never saw one down in town. They didn't go downtown.

Q. That was their only resort?—A. Yes, sir; that was their only resort.

Q. And when they were paid off they did a considerable amount of spending of money?—A. Yes, sir; I presume so.

Q. Did you see them there drinking?—A. Yes, sir; I have seen them there, to themselves, and no one bothering them.

Q. No one bothering them?—A. No, sir; and they were not bothering anybody else.

Q. And they were not bothering anybody else?—A. No, sir.

Senator WARNER. I think that is all.

By Senator OVERMAN:

Q. You stated that you had never told anybody that when you came out of your home at midnight, after that shooting, to go over to the corral, you had seen four citizens, but that you only saw two policemen?—A. I seen two policeman.

Q. Did you ever state to anybody that you saw four men besides the two policemen?—A. No, sir.

Q. If they got you as making that statement in an affidavit to the Constitution League—who were those men taking that affidavit?—A. I don't know, sir.

Q. Were they black or white?—A. Colored people.

Q. Colored people?—A. Yes, sir.

Q. They have you in your affidavit stating that Doctor Combe—what is his name—Frederick Combe?—A. Frederick Combe; yes, sir.

Q. (Continuing.) That Doctor Combe had made a statement that unless somebody was arrested between that time and 11 o'clock something was going to be done?—A. Yes, sir; but I corrected that, you know.

Q. I know you corrected it. Did you state it that way to the man that wrote that affidavit?—A. No, sir; they must have misunderstood me, because Major Penrose and Doctor Combe were not saying a word.

Q. You did not say that he said that, but the man that wrote the affidavit wrote it that way?—A. Yes, sir; I guess he did.

Q. He wrote it that way?—A. Yes, sir; but that quarantine officer was the one that said that.

Q. And this man doing the writing of that affidavit was a colored man?—A. Yes, sir.

Q. The men came there claiming to be the representatives of this league?—A. I don't know, sir. I didn't see but two.

Q. Two of them?—A. Yes, sir.

Q. One examined you and the other wrote?—A. Yes, sir; I believe so.

Senator OVERMAN. That is all.

By Senator WARNER:

Q. By the way, have you seen either of those two men since you have been here?—A. I have seen one of them. I don't know whether I seen the other or not.

Q. He is a lawyer, is he?—A. I don't know whether he is a lawyer or a clerk, or what he was.

Q. He claimed to be a lawyer, you understand, do you not?—A. I never was informed what he was.

Q. Where have you seen him?—A. I have seen him out here.

Q. He is here all the time, is he not?—A. A low fellow; a very intelligent-looking fellow.

Q. Does he wear glasses?—A. I don't think he does all the time. I am pretty certain he does not.

By Senator TALIAFERRO:

Q. Did you read this affidavit after it was written by this negro?—A. No, sir; I was in a hurry. I had only about twenty minutes, and I signed it.

Q. And you want this committee to understand that you permitted a negro to write a statement and you swore to it and signed it without reading it?—A. No, sir; I don't think I was sworn in.

Q. Is it not an affidavit?

Senator WARNER. It purports to be; yes.

Senator FORAKER. I noticed a while ago when I put it in evidence that there is no signature of an attesting officer.

The WITNESS. There is no notary public or nothing. I had to go to town and take a rig out that evening.

By Senator TALIAFERRO:

Q. Did you say it was a common thing for this policeman to knock people in the head with a pistol?—A. Not this particular one, but it was a common occurrence with the whole outfit of them.

Q. Did you not state a moment ago that it was a common thing for this policeman to knock people in the head with a pistol?—A. I did not mean that particular one; it is the habit of all of them. None of them will come up to a man to arrest him alone. They will get three or four around him and then knock him down with a six-shooter, and drag him off to jail.

Q. Which was a common occurrence with all the policemen?—A. Yes, sir.

Q. Have you heard of any other soldier that was knocked on the head with a six-shooter?—A. Yes, sir; I seen a white boy right there in front of Tillman's saloon.

Q. Was he a soldier?—A. Yes, sir.

Q. And he was knocked in the head with a pistol?—A. Yes, sir; his head was cut, I think, right over here, and right across over here [indicating]; and Major Crook went and got him out; our battalion commander, Major Crook.

Q. Do you know of any other instances?—A. Yes, sir; several instances.

Q. Name some other.—A. Sergeant Salier, of M Company, of the Twenty-sixth Infantry.

Q. Is he a white man?—A. Yes, sir.

Q. They are all white men except this one that was in the Twenty-fifth Infantry?—A. On the boat?

Q. Yes.—A. Yes, sir; all the rest. I don't know anything about the colored boys, except this one instance; but the white boys were treated very mean down there. I know because I was a soldier there myself.

Q. You say that they frequently had trouble where the soldiers congregated?—A. Yes, sir.

Q. What do you mean by that?—A. If they would catch a soldier a little under the influence of liquor, instead of trying to help him out they would drag him off to jail, and if he showed fight, they would knock him down with a six-shooter. They would always knock him in the head with a six-shooter. They hardly ever carried billy clubs. They do now.

By Senator OVERMAN:

Q. Did you ever have any trouble there?—A. No, sir; I never had. I was in the quartermaster's department and had very little chance to get out. I was on extra duty.

Q. These men they clubbed were clubbed for violating the town ordinances, were they not?—A. I don't know.

Q. Do you know whether they were or not?—A. No, sir; I do not.

Q. You do not know anything about it, do you?—A. No, sir; as to what they were violating, I do not know.

By Senator TALIAFERRO:

Q. Did you go to this soldier's saloon which was started and which was operated by a man by the name of Allison?—A. I was there, and Mr. Sharpe, the blacksmith. We were there one evening. We didn't stay but ten minutes.

Q. You went in and drank at the negro saloon?—A. Yes, sir; we went in and drank at the negro saloon.

Senator FORAKER. You are thoroughly discredited now.

The WITNESS. Sir?

Senator FORAKER. I say you are thoroughly discredited now.

The WITNESS. Thank you.

By Senator FORAKER:

Q. Still, I will ask you a few more questions. Speaking of threats, did you ever hear of the soldiers making any threats?—A. No, sir; I never did.

Q. How did the conduct of the colored men, of the colored troops, compare with the conduct of the white soldiers who were there previously?—A. The colored boys acted very nicely. They didn't seem to bother anyone, I suppose simply because they had heard that those people didn't want them to go there, and they kept themselves in, very close.

Q. You do not remember breakfasting with the battalion or any of the troops that morning after the firing, but you said that you did sometimes stop in there and take a cup of coffee?—A. Yes, sir; to be sociable with the boys.

Q. You did not get your breakfast until about 10 o'clock?—A. No, sir; I didn't get my breakfast until about 10 o'clock.

Q. Might it not be that you were around there getting a cup of

coffee that morning before you got your breakfast?—A. No, sir; I don't think it was. I was awful busy.

Q. If one of these witnesses testified that they saw you there getting a cup of coffee that morning would your recollection about it be strong enough to justify you in contradicting him, or might he be right about it?—A. I wouldn't state as to that.

Q. There was a good deal of excitement that morning?—A. Yes, sir; I remember I went three times down there to get my breakfast, and the little boy hadn't brought it yet. Mrs. Taylor—Taylor was a retired trumpeter of the Tenth Cavalry; he was chief musician of the Tenth Cavalry—I think it is the Tenth, either the Ninth or Tenth.

Q. You sometimes got shaved there, did you not?—A. Yes, sir; all the time.

Q. You didn't know Mr. Mapp at that time?—A. Not at that time; never until we go to Fort Reno.

Q. How was he employed at Reno, if you know?—A. He was canteen clerk at Fort Reno.

Q. Canteen clerk?—A. Canteen clerk.

Q. He has testified that he was also canteen clerk at Brownsville. Does that make you remember him?—A. Well, I don't remember him.

Q. What kind of a looking man is the Mr. Mapp you knew at Fort Reno?—A. He is medium height. He is a bright fellow.

Q. Was he a full-blooded negro or mulatto?—A. Well, I know that; he is very light.

Q. Light colored?—A. Yes, sir.

Q. Did you sit down at the table with Mapp that morning; are you clear that you did not?—A. After the shooting?

Q. Yes.—A. No, sir; I was not there. I went three times—

Q. If you had done so you would have remembered it?—A. Not that I know of. I went three times for my breakfast.

Q. If you had gone and sat down at the table with Mapp that morning you would have remembered it if you had made that remark?—A. Yes, sir; because I hadn't made many acquaintances.

Q. But you knew Mapp at Reno?—A. Yes.

Q. If you had sat down with him at mess that morning you would have remembered it, would you not?—A. Yes, sir.

Q. You stated a while ago that you might have, but you had no recollection of it.—A. Yes, sir.

Q. And I understood you to say if a man stated that he did see you there you would not feel like contradicting it?—A. Yes, sir. I stopped in there very often and got a cup of coffee, and I always got shaved there.

By Senator WARNER:

Q. But if a man should swear that you said there that morning, in the mess room, "Well, boys, it is a good thing that this happened as it did, because I was in town last night and a gang came up in front of me and said the plan was to go up to this colored saloon and catch a bunch of you fellows in there and massacre you," that would be wrong; you could not have said anything of that kind, could you?—A. No, sir; I could not, because I knew nothing of it.

By Senator FORAKER:

Q. You said nothing of the kind, I understand you to say?—A. No, sir.

Q. Now, passing from that, you state that you know of one incident of a shooting affray where a soldier by the name of Bryan got hurt.—A. Yes, sir.

Q. How do you spell that name—B-r-y-a-n?—A. Yes, sir.

Q. What is his first name?—A. Newton; Newton Bryan.

Q. He belonged to Company M of the Twenty-fifth Infantry?—A. Of the Twenty-fifth Infantry.

Q. He was a white soldier?—A. Yes, sir.

Q. And then you told us of another incident where Sergeant Salier was injured.—A. No, sir; he was not injured. He got into trouble with them.

Q. What was the nature of that trouble?—A. He was passing his opinion too freely, I guess, in a saloon.

Q. That was a white sergeant?—A. Yes, sir; a white sergeant, of M Company, Twenty-sixth Infantry.

Q. Now, can you give us some other case?—A. A man by the name of Baker.

Q. Was he a private?—A. He was a private of L Company, my company. He laid six months in jail at Fort Brown. So did Newt Bryan.

Q. What was that for?—A. The same thing; a shooting scrape that taken place there.

Q. Were he and Bryan in the same scrape?—A. No, sir; they were each one separate.

Q. Different cases, altogether?—A. Yes, sir.

Q. Were they tried and convicted?—A. They were tried, and he beat the case.

Q. He beat the case?—A. Yes, sir; but he couldn't get no bond, and he had to lay in jail until the county court sat.

Q. Until the case came off?—A. Yes, sir.

Q. And he was kept in jail six months, was he?—A. Yes, sir.

Q. And he was kept in jail six months and was acquitted?—A. Yes, sir.

By Senator OVERMAN:

Q. How about the other; was he acquitted?—A. Newt Bryan, he beat his case, too.

Q. He was acquitted?—A. Yes, sir.

By Senator FORAKER:

Q. These three cases of shooting that occurred when your regiment was in Brownsville?—A. Yes, sir.

Q. Before this shooting?—A. Yes, sir; within four months.

Q. Within four months. While you were a soldier?—A. Yes, sir.

Q. Do you know what troops preceded you there?—A. The Fourth Infantry.

Q. Do you know anything about their experiences?—A. I believe they claimed they lost one man there in Crishel's saloon; a man by the name of Franklin shot him—a half Mexican.

Q. What was this man's name? It was a man by the name of Brady, wasn't it?—A. Yes, sir. Brady; in Crishel Brothers' saloon.

Q. At any rate, all the time you were there, both as a soldier and as a teamster and corral boss, shooting affrays were not an unusual occurrence?—A. No, sir; no, sir.

Q. They were likely to happen most any time?—A. Most any time; yes, sir.

Q. Practically every fellow had his gun?—A. Yes, sir.

Q. And knew how to use it?—A. Yes, sir.

Q. Do you know where the Allison saloon was located?—A. Yes, sir; it was located up above there.

Q. At the intersection of the county road and the garrison road?—A. Yes, sir; this street running up here [indicating on map].

Q. Do you know anything about any saloons being opened right opposite the barracks, between the gate of the garrison, I mean, and the upper end of the barracks, between the gate and the Allison saloon?—A. Up that way [indicating]?

Q. Yes.—A. No, sir.

Q. About the day that the troops were paid off?—A. No, sir; I don't think there was.

Q. If there was, you don't remember it?—A. I don't remember of seeing any; no, sir. I never was there, if there was.

Q. Were you along there Sunday or Monday? This shooting was Monday night. Do you remember whether you were along there so that you would see whether there were any saloons there on Monday?—A. No, sir; I hardly ever went up that back street.

Q. At any rate, when the men were paid off they went up to Allison's saloon?—A. Yes, sir; they were not down in town.

Q. They didn't go down in town at all?—A. No, sir.

Q. And they patronized their own saloon, and did not attempt to patronize anybody else?—A. No, sir; they were barred out.

Senator FORAKER. I believe that is all.

By Senator WARNER:

Q. Where were you on Saturday, the 11th of August?—A. On Saturday, the 11th?

Q. Yes; were you at the corral?—A. Yes, sir; on Saturday, during the day, I was there.

Q. You were at the corral?—A. Yes, sir; I was there on Saturday; always, every day, from about half past 5 until 5.30 in the evening.

Q. Then you went home?—A. Sometimes I would come back.

Q. Were you any place else excepting at your home and at the corral on August 11, Saturday, when the men were paid off?—A. Now, I don't know whether I was. Me and Mr. Sharpe, the blacksmith, was up there one evening, but I don't remember what evening it was.

Q. Were you anywhere else except the Allison saloon?—A. That night?

Q. Yes; of the 11th.—A. Yes, sir; we were down at Tillman's saloon.

Q. Where is Tillman's saloon?—A. That is on Elizabeth street, down here [indicating].

Q. How far from the telegraph office there at the corner of Elizabeth street and Barracks road?—A. Well, I judge it is about the middle of the block, below the Miller Hotel.

Q. And that was what time of day?—A. It was not in the daytime.

Q. It happened in the daytime?—A. No, sir; it was at night; it was in the evening, out of work hours.

Q. That was the only time you were there?—A. Yes, sir.

Q. When you say, then, in answer to a question, that none of the soldiers were downtown on the 11th, and the streets were clear, have you told, now, the only means you had of knowing that?—A. I do not understand you, sir.

Q. You have said that the soldiers were not downtown on the 11th, the day they were paid off, and the streets were clear.—A. No, sir; there wasn't anybody down there that evening that I seen.

Q. Were you downtown that day at all?—A. No, sir; not during the day.

Q. You say that the colored boys acted very nicely when they came there?—A. Yes, sir.

Q. Because they knew that they were not wanted there?—A. Yes, sir.

Q. How did you find out that they were not wanted there?—A. From the general opinion of what had been expressed by the people. They made a petition before they got there to keep them from coming.

Q. How did the soldiers know this?—A. I don't know, sir.

Q. Did the soldiers tell you that they knew it?—A. No, sir; they never expressed any opinion to that effect.

Q. They never had said a word to you about it?—A. No, sir.

Q. And yet you say that they acted very nicely, because they knew they were not wanted there?—A. Yes, sir; they did; but they never told me anything about it. I don't know how they knew.

Q. Did they ever speak about it to you?—A. No, sir.

Q. Did they ever speak to you about it—anyone of the soldiers?—A. Not on that subject; not that I remember. There was quite a good deal of talk going back and forth, and I can't remember.

Q. Talk about what?—A. About the situation, knowing the way the thing was situated, and the people were prejudiced against them.

Q. What about the situation?—A. That they didn't want them there.

Q. Where was this talk?—A. The general opinion among the people, I presume.

Q. I know; but among the soldiers I am talking of?—A. I guess they all passed their opinion.

Q. All of the soldiers?—A. Yes, sir; I guess they were aware of it, but who told them of it I don't know.

Q. Where would they have passed that opinion in your hearing?—A. When would they?

Q. Where?—A. I guess around the company quarters.

Q. You would be around the company quarters?—A. Yes, sir.

Q. You would hear them?—A. Yes, sir.

Q. Passing that opinion?—A. Yes, sir; they wouldn't go out in town at all.

Q. Because they were not wanted there?—A. I presume so; yes, sir.

By Senator OVERMAN:

Q. Did any of them go out in town?—A. Maybe you would see one or two of them going to the post-office and right back again.

Q. Had you heard of any difficulties down in town?—A. No, sir.
 Q. You never had heard of this man being knocked in the head with a pistol?—A. That was down at the river. He had been over in Mexico.

Q. Another one had some trouble, did he not, on the sidewalk where there were some ladies standing?—A. Wasn't this Evans?

Q. Was there not a man named Taylor?—A. No, sir; Tate. Tate and Evans. You know that was the man that made this threat to Major Penrose.

Q. I wasn't talking about that case. Was there not a case where a man was coming along the street and some ladies were standing on the sidewalk, and a man hit him in the head with a pistol because he was about to run over his wife?

Senator WARNER. That was Newton.

By Senator OVERMAN:

Q. Newton was the man that was hit. Did you hear about that?—
 A. I don't remember the name; no, sir.

Q. You didn't hear about the circumstance?—A. Not the name.

Q. Did you hear of the circumstance?—A. Yes, sir; I heard of it.

By Senator FORAKER:

Q. I want to ask you another question. Were you, while you were there, ever across in Matamoras?—A. Yes, sir; several times.

Q. Do you know whether there was a garrison of Mexican soldiers maintained there?—A. Yes, sir.

Q. Do you know how large a garrison it is?—A. No, sir; it is a very large place. It is what they call a general quarters.

Q. Do you know whether they have infantry, cavalry, and artillery all there?—A. Yes, sir; they have cavalry, infantry, and artillery all there.

Q. They maintain a much larger force at Matamoras than we do at Brownsville?—A. Yes, sir; a great deal larger.

Q. Do you know anything about what kind of guns they are armed with?—A. The Spanish Mauser.

Q. Spanish Mauser?—A. Yes, sir.

Q. Are you familiar with guns, so that you can describe the gun they have?—A. Yes, sir; I carried one for three years.

Q. Tell us about that Spanish Mauser that they have. Do you know the caliber of that gun?—A. No, sir; I don't know the caliber of it, but I should judge it is about a size or maybe a size and a half smaller than the Krag-Jørgensen.

Q. Than the Krag-Jørgensen?—A. Yes, sir.

Q. When you say a size or a size and a half smaller, what is it you mean by that?—A. The bullet is more pointed and much smaller than that of the Krag-Jørgensen.

Q. Yes.—A. It has a different shaped shell, and they use a clip.

Q. That is the gun they were armed with until recently, perhaps?—
 A. Yes, sir.

Q. Do you know about them substituting another gun for that, recently?—A. The American?

Q. No. Do you know of the Mexicans substituting a new gun for the old gun you are talking about?—A. No, sir; I do not.

Q. You don't know about it?—A. No, sir.

By Senator OVERMAN:

Q. Do you know enough about the Mauser to say whether they are using steel-jacketed bullets, and whether those bullets we are using in the new Springfield rifle could be fired out of a Mauser?—A. I don't know about it; but they are Spanish Mausers.

Q. What was the uniform of the Mexican soldiers?—A. They wore blue, with a double cap with a big tassel in it.

Q. I simply wanted to know whether they wore the khaki or not?—A. No, sir; they wore the blue all the time.

By Senator FORAKER:

Q. Have they not an undress uniform somewhat lighter in texture than ours, and somewhat the color of the khaki?—A. They have a gray uniform.

Q. A gray uniform?—A. Yes, sir; a light-gray uniform. The officers wore that.

By Senator BLACKBURN:

Q. You say they all wore double caps?—A. I believe it was the infantry that wore double caps. Some of them have a string under the throat.

Q. A strap under the chin?—A. Yes, sir.

Q. Did the Twenty-fifth Infantry wear caps or hats?—A. They wore campaign hats.

By Senator FORAKER:

Q. What companies of the Twenty-sixth Infantry were at Brownsville during the three years preceding the Twenty-fifth?—A. At the time that the Twenty-fifth arrived?

Q. Yes; immediately prior to that.—A. They were companies K, L, M, and I.

Q. There were four companies there?—A. Yes, sir; the third battalion. And they were ordered away to the maneuvers at Austin, at the encampment.

By Senator SCOTT:

Q. I would like to ask you one or two questions. Do you know who did this shooting?—A. No, sir; I do not.

Q. You are not keeping any information back which would enlighten us as to who did it?—A. No, sir; I wouldn't know who to ask, to form any opinion as to who started it.

By Senator FORAKER:

Q. You have no interest whatever in this regiment?—A. No, sir; only what I seen with my eyes, and what I heard.

Senator SCOTT. That is all.

By Senator FORAKER:

Q. You have no interest in clearing them or otherwise?—A. No, sir; only I am stating the facts I know and what I have seen.

Q. You came here because you were subpoenaed?—A. Yes, sir. It is no interest to me at all; only stating the truth of the whole thing. (Witness excused.)

TESTIMONY OF CHARLEY HAIRSTON (COLORED).

(The witness was sworn by Senator Scott).

By Senator FORAKER:

Q. What is your full name?—A. Charley Hairston.

Q. Charles Hairston?—A. No, sir; Charley.

Q. Were you a member of the Twenty-fifth Infantry on the 13th of August last?—A. Yes, sir.

Q. Were you with it at Brownsville?—A. Yes, sir.

Q. What company were you in?—A. B Company.

Q. Were you there when the shooting affray occurred in Brownsville during the night of August 13-14?—A. The night of the 13th only.

Q. The night of the 13th?—A. Yes, sir.

Q. What time of night did it happen?—A. I think, to the best of my suggestion, it was about ten minutes after 12 o'clock.

Q. State whether you were on duty that night; and if so, what kind of duty.—A. Yes, sir; I was on guard and on post at the time.

Q. What company did you belong to?—A. B Company.

Senator FORAKER. At this point I want to put in evidence the official record of this soldier as given by the War Department, as found on page 251 of Senate Document 155.

The record referred to is as follows:

Enlisted May 26, 1905; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 10, 1906.

Q. You were serving your first enlistment?—A. Yes, sir.

Q. What State are you a native of?—A. Virginia.

Q. Where did you enlist?—A. At Muskogee, Ind. T.

Q. How old are you?—A. I am 23 years of age.

Q. You were on guard that night—a member of the guard?—A. Yes, sir.

Q. Of what did the guard consist—the whole guard?—A. I think there was 12-13 men in all. There was 12 privates and 1 orderly and 4 noncommissioned officers.

Q. One orderly? You mean 1 musician?—A. The musician is excepted. There was an orderly, you know.

Q. Oh, the orderly sergeant?—A. Yes, sir.

Q. A first sergeant?—A. Yes, sir. The orderly is the commanding officer.

Q. Who was the sergeant in charge of the guard?—A. Sergeant James R. Feid.

Q. Then now many corporals were there?—A. Four.

Q. One for each relief?—A. Yes, sir.

Q. Who were they?—A. Corporal Burdett, Corporal Wheeler, and Corporal Franklin.

Q. And then the musician?—A. The musician was Robinson, of D Company.

Q. Hoytt Robinson?—A. Yes, sir.

Q. What relief did you belong to?—A. The first relief.

Q. What post did you go on?—A. I went on at 11 o'clock and come off at 1.

Q. Did anything occur while you were on post, connected with this firing?—A. Yes, sir.

Q. What post were you on?—A. No. 8; around the officers' quarters.

(The map was here explained to the witness by Senator Scott.)

By Senator FORAKER:

Q. You were on what post?—A. Post No. 3.

Q. Where is No. 3 post?—A. Around the officers' quarters.

Q. Where was post No. 2?—A. That is stationed around the soldiers' barracks.

Q. Around the barracks?—A. Yes, sir.

Q. Post No. 1 was at the guardhouse?—A. Yes, sir.

Q. Where was post No. 4?—A. That is around the quartermaster's department.

Q. Around the quartermaster's department?—A. Yes, sir.

Q. You were on post No. 3 in front of the officers' quarters?—A. Yes, sir.

Q. Now, what happened? Just commence and tell us in your own way, as nearly as you can, all you can recall about it.—A. In the first place—which I never was asked those questions, and never did give them in, because each statement I gave in was just as far as I was asked. In the first place, I didn't think it was anyways interesting noway. In the first place, there was two shots fired twenty-five or thirty minutes before back of the quartermaster's department, which there is lots of Mexicans live down there, and I never paid any attention to that.

Q. Two shots fired?—A. Yes, sir.

Q. Where do you locate them?—A. Southeast of the hospital, down toward the river.

Q. On that map, out beyond the top of it [indicating]?—A. Yes, sir.

Q. How far away, perhaps?—A. It seemed to be half a mile, I reckon, down in that direction.

Q. Go on. About what time did that happen?—A. I think that was about twenty minutes before the six shots were fired between A and C Companies' quarters.

Q. Twenty minutes before?—A. Yes, sir; twenty minutes before six shots were fired.

Q. Go ahead.—A. And then at that time Captain Mucklin had just been out taking the report, and after he taken the 11 o'clock report, he didn't go direct back home. The moon was not shining very much, but I could see him cross over the parade ground, where I was, and he went right across between C and B Companies' barracks, across in there toward the wall, some place, and where he went I couldn't tell.

Q. That was Captain Macklin?—A. Yes, sir; and he stayed over in there twenty or twenty-five minutes, and then came back and went in his quarters; at least he went toward his house. I went on around on my beat, and I went around the corner and I couldn't say that he did go in.

Q. Which house are you putting him into, now?—A. These are his quarters [indicating]. The quartermaster's clerks were in here, and there is his quarters right here [indicating on map].

Q. Where is Major Penrose's quarters?—A. His are here.

Q. You have got them just wrong. You have got them just turned around. All the other witnesses have given it the other way. I do not know which is right.—A. That is where the sergeant-major lived, in the first quarters, and the next quarters is the quartermaster's clerks quarters [indicating on map].

Q. Those quarters faced toward the parade ground. Where was Major Penrose?—A. In the last quarters on the lower end.

Q. Next to the guardhouse, or at the opposite end?—A. Yes, sir; next to the guardhouse.

Q. Next to the guardhouse?—A. Yes, sir.

Q. Well, the guardhouse is way up here.

(The map was further explained to the witness.)

The WITNESS. I was wrong. I had it just turned around. This was Captain Macklin's quarters here [indicating]. He came back then and went into his house, and about the time he went in his house—

By Senator FORAKER:

Q. We want you to locate them. Now, that you know where Major Penrose's quarters were, locate those of Captain Macklin.—A. It would be this one right here, I think.

Q. That would be the second one?—A. The first is the sergeant-major's, and the second is the quartermaster's clerks' quarters.

Q. Then come Captain Macklin's quarters?—A. Yes, sir.

Senator WARNER. It is the quarters marked "10" and "9."

Senator FORAKER. Yes; marked "9" and "10" on that map.

Senator WARNER. Yes.

By Senator FORAKER:

Q. You say that he came across and went in there?—A. About the time that he crossed the road I turned the corner of the barracks.

Q. Did you go around on your beat?—A. Yes, sir; around and around.

Q. He went in, and then what happened?—A. I goes on down, and just as I gets to the corner of Major Penrose's quarters these six shots were fired behind B Company's quarters, and Major Penrose was sitting in his quarters. He hadn't gone to bed. I could see him and his wife sitting there, and he rushed right out and said, "What is the matter?" I said, "I don't know; I think somebody is firing on the quarters," and he said, "Have the call to arms sounded;" and I heard him rush out, and I quit my post and rushed across to the barracks.

Q. Major Penrose told you to order the call to arms sounded?—A. Yes, sir.

Q. How did you do that?—A. "Trumpeter of the guard, sound call to arms."

Q. "Trumpeter of the guard, sound call to arms?"—A. Yes, sir.

Q. Where did you call that out from?—A. I was just starting out from his house, starting across the parade grounds, 50 or 75 feet from his house.

Q. Did you start toward the guardhouse?—A. No, sir; I started across from Major Penrose's house toward the company, across the parade ground.

Q. Where was the trumpeter?—A. He was at the guardhouse.

Q. To whom did you address this order?—A. To No. 1.

Q. To the guard at No. 1?—A. Yes, sir.

Q. In front of the guardhouse?—A. Yes, sir.

Q. How do you know that he got it?—A. I know he got it, for the reason why, I yells loud enough for him to hear, and as soon as I gave the order, he began to sound the call.

Q. He sounded the call immediately afterwards?—A. Yes, sir.

Q. The call was not sounded until you gave that order? A. No, sir.

Q. By direction of Major Penrose?—A. Yes, sir.

Q. Then state whether or not that call was sounded by other trumpeters?—A. Yes, sir; it was sounded by other company trumpeters.

Senator FORAKER. Senator Overman wants to know where Matamoras is on that map.

By Senator OVERMAN:

Q. Show us how you go—the road you take. Show us how you would go if you were going to Matamoras from the barracks?—A. You would go out this way, down the street in this direction [indicating on map].

Senator WARNER. Down Elizabeth street?

The WITNESS. Yes, sir.

Senator FORAKER. Where is the ferry? Another witness has told us that Matamoras is over here, opposite this end of the map.

(The witness continued to examine the map.)

Senator OVERMAN. You had better get another witness that knows more about it. You can establish that by other witnesses.

By Senator FORAKER:

Q. Now, pay attention to what I ask you, and answer as quickly as you can. After you ordered the call to arms sounded, then what did you do, if anything, and what did Major Penrose do?—A. I ran from his quarters across to right in front of B Company's quarters.

Q. You did what?—A. I and him ran it across.

Q. Did you go with him?—A. Yes, sir.

Q. You ran over to B Company's quarters?—A. Yes, sir; and when he got in front of the quarters, he told some of them to get in line, I believe. He met a man there, I believe it was a private of B Company—Taylor, if I make no mistake—which some of them was kneeling down, and he told them to get up, to stand up, and told them to get up and stand on their feet, which I wouldn't like to discuss the words he said.

Q. Speak a little louder.—A. I stepped off on the parade ground and waited until the sergeant called the roll. He seemed to be counting them off. Then, I knew that I had quit my post, and I went back to the post, and he directed me to go back in front of Captain Lyon's quarters and have his wife and Lieutenant Grier's wife to go to Captain Lyon's quarters, and we stay there; so when I got there he had sent Corporal Burdett and Private De Saussure, I believe—

Q. Major Penrose gave you that order to go back and guard the ladies?—A. Yes, sir.

Q. And when you got there you found Corporal Burdett already there?—A. No, sir; I got there before he did.

Q. You got there before he came?—A. Yes, sir.

Q. And what did you do?—A. I never did anything except walk up and down in front of the quarters until 4 o'clock, when I was relieved.

Q. In front of the officers' quarters?—A. Yes, sir.

Q. Then what?—A. I went to the gaurdhouse and attended reveille, and so on.

Q. When reveille was concluded, what occurred?—A. Nothing more. About all I have to do is to stand inspection at the time of reveille.

Q. At reveille you had inspection, did I understand you to say?—A. Yes, sir.

Q. Who made that inspection?—A. The officer of the day, Captain Macklin.

Q. Was everything found all right?—A. Yes, sir; everything was found all right.

Q. Do you know anything else about the matter? Do you know who did this shooting?—A. No, sir; I judge not.

Q. Did you have anything to do with it?—A. No, sir; I did not.

Q. Do you know of anybody in either of the companies of the battalion who had anything to do with it?—A. No, sir. I have tried—I believe I have tried as hard as any person in the world—to find somebody in the companies that would tell me anything about it.

Q. How have you tried?—A. Just figuring and questioning and seeing if they would tell me anything.

By Senator WARNER:

Q. What kind of ammunition did you have?—A. I had—

Q. The ball cartridge, was it?—A. No, sir; I had the lead cartridge, I think.

Q. Well, I would like to know.—A. No, sir; we had 20 rounds of ball cartridge.

Q. The steel-jacketed cartridge?—A. Yes, sir.

Q. That is the regular cartridge you use in action?—A. Yes, sir.

Q. Was there any other cartridge issued to you at any time?—A. Yes, sir; before we left Nebraska we had—once, I think, they changed the ammunition and gave us 10 rounds of garrison ammunition; but they changed it just before we left and gave us 20 rounds of the other.

Q. That is what you call the reduced-range ammunition?—A. Yes, sir; but they taken it up and gave us 20 rounds of ball ammunition, and we had that until we got to Brownsville, and then they taken it and gave us 20 rounds of the other.

Q. State this now as briefly as you can. You were on post No. 3?—A. Yes, sir.

Q. What was the territory included in your post?—A. The territory—you mean the distance?

Q. Yes; did you go across to the barracks of the men?—A. Yes, sir; across the parade ground to the barracks.

Q. And around back of the barracks?—A. No, sir; it doesn't extend back of the barracks.

Q. It does not extend back of the barracks?—A. No, sir; there is a road back of the barracks.

Q. Yes; I know. There is a road between the wall and the barracks?—A. Yes; sure.

Q. Between that wall and the barracks, did you go in there?—

A. No, sir; I did not go in between the wall and the barracks.

Q. But you were the guard on duty there that night?—A. Yes, sir.

Q. On that post?—A. Yes, sir.

Q. There seems to be a little doubt about this. Explain it in your own way. You understand these are the officers' quarters [indicating on map]?—A. Yes, sir; I know.

Q. Here are barracks D, B, and C?—A. Yes, sir.

Q. These are the barracks of the men?—A. Yes, sir.

Q. You were on post No. 3?—A. Yes, sir.

Q. Now, where was the headquarters of post No. 3?—A. There wasn't no headquarters to it. The guardhouse was headquarters.

Q. Yes; but you had a corporal and how many men on post No. 3?—A. A corporal?

Senator SCOTT. You mean the whole relief, Senator Warner.

The WITNESS. The whole relief?

Senator SCOTT. I know that you did not mean it, but the witness was confused.

By Senator WARNER:

Q. Your duty was on guard, as a sentinel?—A. Yes, sir.

Q. And what did you have to do with the barracks?—A. Yes, sir.

Q. Did you go across to the barracks?—A. Yes, sir; I went from Major Penrose's quarters across to C Company's quarters.

Q. And then you walked in front of the barracks, to see that everything was right?—A. No, sir; I stayed around the parade ground, here.

Q. Did you go, as the sentinel, back of the barracks, between the wall and the quarters?—A. No, sir; there was another post around there, and I didn't have anything to do with that part of the garrison.

Q. You first heard how many shots?—A. I first heard two. The next was six.

Q. I know, but let us take those first two shots.—A. The first two shots; yes, sir.

Q. And that was twenty or twenty-five minutes—A. Something like that, to my best judgment; yes, sir, twenty or twenty-five.

Q. You had better wait for the question. That was twenty or twenty-five minutes before the other shots?—A. Yes, sir.

Q. And you paid no attention to those first two shots?—A. No, sir; I didn't.

Q. Where did those first two shots seem to be?—A. Southeast of the hospital; they seemed to be away around on the river, away down in that direction, some place.

Q. So that you will understand where the hospital is, it is marked here as the hospital on the map, and that is about the direction, is it [indicating on map]?—A. Yes, sir.

Q. And they were which direction from that, now?—A. Down in this way, down in about the ice plant and the pump house. The ice plant and the pump house is all in one.

Q. About where the pump house is, that seemed to be?—A. Yes, sir.

Q. But inside of the grounds—the barracks?—A. Yes, sir.

Q. Not in the town, at all?—A. Yes, sir.

Senator FORAKER. Did he say that it was inside of the barracks?

The WITNESS. Yes, sir; it was inside of the garrison, all right. Of course this was Government land, but it wasn't fenced in at all.

By Senator WARNER:

Q. And that was away from the town?—A. Yes, sir; away from the town.

Q. In twenty or twenty-five minutes thereafter you heard the other shots?—A. Yes, sir; and I wouldn't positively say that it was so, but it seemed to me that I heard some horses before that.

Q. I am asking you about shots, now; but you may go on with the horses.—A. Yes, sir; I think I heard some horses running at the time these six shots were fired behind barracks A. It was from around in here, toward the commissary's, around the garrison. There is a public road runs around the garrison.

Q. It was on that public road?—A. Yes, sir.

Q. You heard horses running there?—A. Yes, sir.

Q. Which way were they going?—A. They were coming around from the commissary's toward town.

Q. That was the time you heard the six shots?—A. Yes, sir.

Q. Where would you locate them at the time you heard the six shots?—A. Right behind Major Penrose's quarters, which—I wasn't walking very fast, moping along, just moving.

Q. Let us see, so that we will not be mistaken about that. Major Penrose's quarters are marked "1" and "2" in the line of officers' quarters?—A. Yes, sir.

Q. They fronted on the parade ground?—A. Yes, sir.

Q. They fronted toward the barracks?—A. Yes, sir.

Q. And you say those six shots were back of Major Penrose's quarters?—A. No, sir; I did not. I said they were back of A Company's quarters.

Q. Back of A Company's quarters, here [indicating]?—A. No, sir.

Q. Back of the company's quarters?—A. Here [indicating on map].

Q. Back of the barracks marked "36"?—A. Yes, sir.

Q. That barracks is not lettered, and it was not occupied when you were there?—A. No, sir; it was unoccupied.

Q. How many shots did you hear altogether?—A. All that I could count was eight—two first behind the hospital, and then six behind the barracks—sounded like a six shooter.

Q. Did you hear any others?—A. Yes, sir; I heard a good many others. To the best of my recollection, I heard 25 or 30.

Q. Where were they fired?—A. Just about in here [indicating]. I couldn't see any fire from them; but just behind B and D Companies' barracks.

Q. They first seemed to be behind A Company's barracks?—A. No, sir.

Q. B is on one side of the gateway?—A. Yes, sir.

Q. And D is on the other?—A. Yes, sir.

Q. Did you hear these horses down there?—A. No, sir; I did not. I couldn't even hear a person walking after the shooting was over; I couldn't see anything.

Q. During the shooting?—A. No, sir; I couldn't see anything.

Q. Now, when you heard that shooting there and heard those

horsemen, did it occur to you that those horsemen were riding down there and shooting up the barracks?—A. I wouldn't say who did it. For my part about it, I think, really, any person knows when they hear a horse running.

Q. Yes.—A. That is all I could testify. I wouldn't swear that horsemen did it, or anything like that.

Q. You made a statement at Fort Reno, Okla., about the 26th day of September, did you not, before the Constitution League?—A. I did, sir.

Q. Did you state anything in that about hearing these horsemen?—A. No, sir; I did not. I merely put in my statement what he asked me. I merely gave in what words he asked me. He was in an awful big hurry. I remember the evening. He took just what I stated, and he asked me and I would answer.

Q. Mr. Stewart was there and no one else?—A. No, sir.

Q. Have you made any other statement than that which you made here?—A. No, sir; I gave a statement to Lieutenant Lawrason.

Q. You never mentioned anything about these horses there?—A. No, sir.

Q. Why did you not mention it when you made the statement to Lieutenant Lawrason?—A. Because he didn't ask me anything about it.

Q. The other place, the officer was in a hurry?—A. Yes, sir; he was in a hurry.

Q. These shots were fired—in what direction were they fired—toward the barracks or toward the town?—A. It seemed to be just behind the barracks, in town, the way it seemed to me.

Q. Firing toward the barracks?—A. Yes, sir; for the reason why I could hear the bullets whizzing over me.

Q. You could hear the bullets whizzing over you?—A. Yes, sir.

Q. When this firing was going on back of barracks B and D, and when it was going on back of barracks A?—A. Yes, sir; first A and then D and B.

Q. All of that time?—A. Yes, sir.

Q. Where were you standing where you could hear the bullets whizzing over you?—A. Right at Major Penrose's quarters; right at the corner of his house when the firing began.

Q. So that the shots would have to be fired over the barracks?—A. Yes, sir.

Q. That is a two-story barracks, is it not?—A. Yes, sir; a two-story barracks.

Q. Did these bullets seem to whistle pretty close to your head?—A. No, sir; not so close to my head, but I could hear them over me, all right.

Q. I know you could hear them over you, but did they seem to be so close that you thought you were in any danger?—A. Yes, sir; I was scared. I will tell the truth about it.

Q. You were frightened about it?—A. Yes, sir.

By Senator OVERMAN:

Q. You say it seemed to you that you heard some horses running. Are you positive of that?—A. Yes, sir; I am sure.

Q. Where were those horses running—coming around whereabouts?—A. Around this roadway.

Q. Show me on the map where you heard it—over there next to the lagoon, or whereabouts?—A. Here is the road, I think, and the hospital is here, and it was around by there [indicating].

Q. That is the road, next to the lagoon, there?—A. Yes, sir.

Q. You see the word "lagoon"?—A. Yes, sir.

Q. Can you not be mistaken about that? Was there not a road above that? Do you understand that map, Witness?—A. No, sir; I don't understand it very well.

Q. Was it the road beyond the quarters or outside of the garrison?—A. It was outside of the fence around the garrison.

Q. Outside of the reservation?—A. Yes, sir.

Q. Was it up beyond the hospital?—A. No, sir; it leads out from about the hospital around the garrison, on out until it hits the street coming out from the gate over there.

(At this point the witness was excused.)

TESTIMONY OF SAMUEL M. BATTLE (COLORED).

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. What is your full name?—A. Samuel M. Battle.

Q. Did you belong to the Twenty-fifth Infantry in August last?—A. Yes, sir.

Q. What company?—A. D Company.

Q. D Company?—A. Yes, sir.

Q. Were you with it at Brownsville?—A. Sir?

Q. Were you with your company at Brownsville, Tex.?—A. Yes, sir.

Senator FORAKER. I will offer in evidence at this point the official record of the Witness Battle as found at page 269 of Senate Document 155.

(The record is as follows:)

SAM M. BATTLE.

Enlisted July 6, 1890; 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 20, 1906.

By Senator FORAKER:

Q. Do you remember the firing that occurred there on the night of August 18?—A. Yes, sir.

Q. State whether you were on duty that night.—A. Yes, sir; I was on guard.

Q. You were on guard?—A. Yes, sir.

Q. Now state whether you were on post when the firing commenced, or where you were.—A. No, sir; I was not on post. I was asleep in the guardhouse.

Q. Which relief did you belong to?—A. The second relief.

Q. Who was the corporal of that relief?—A. Corporal Burdett.

Q. Which post did you have when you were on duty?—A. No. 2 post.

Q. No. 2?—A. Yes, sir.

Q. That is around the barracks?—A. Yes, sir.

Q. But when the firing commenced you were not on post?—A. No, sir.

Q. What time had you gone on?—A. I don't remember the hour.

Q. Were you awake or asleep when the firing commenced?—A. I was asleep, sir.

Q. Where were you asleep? You were in the guardhouse?—A. Yes, sir.

Q. What happened; what awakened you?—A. The sergeant of the guard.

Q. Who was he?—A. Sergeant Reid, of B Company.

Q. What happened after you were awake; was the guard turned out or not?—A. Yes, sir; he had all the guards fall in; and then he taken three off of the right of the company, if I am not mistaken, three privates and a corporal, and sent them down to No. 2 post.

Q. Can you tell whether all the guards were there or not when they were ordered to fall in, or do you know? If you do not know, tell us that.—A. Yes, sir; I suppose they were all there, to my knowledge.

Q. What made you think they were all there?—A. It seemed to me there was about 13 there.

Q. Do you remember whether the roll was called?—A. No, sir; I don't just remember. He sent me off to No. 2 post.

Q. You went off with Corporal Burdett?—A. Yes, sir.

Q. You and who else?—A. Private De Saussure and Private Mitchell, I think.

Q. De Saussure and Mitchell and yourself, you think, were the three who went with Corporal Burdett to No. 2 post?—A. Yes, sir.

Q. What happened to you; did you get there?—A. Yes, sir.

Q. What happened when you got there?—A. Corporal Burdett left me at the post, and taken De Saussure and Mitchell and went over to the commanding officer's house, or somewheres over that way.

Q. Did you see Major Penrose?—A. I did.

Q. Do you know whether he gave any order or not to Corporal Burdett?—A. No, sir; I do not.

Q. Do you know how you happened to separate, how he happened to take two men and leave you behind and go over there?—A. I understood the commanding officer gave him those orders.

Q. He had already left you at the post?—A. Yes, sir.

Q. You remained there how long?—A. I remained there until somewhere about 3 o'clock.

Q. Do you know who did this shooting?—A. No, sir.

Q. Did you have anything to do with it?—A. No, sir.

Q. Do you know anything that causes you to suspect anybody connected with it?—A. I didn't suspect anybody.

Q. Would you tell, if you knew, about it?—A. Certainly I would.

Q. Have you refused to tell anybody all you knew about it?—A. No, sir.

By Senator WARREN:

Q. You were aroused by the shooting?—A. By the sergeant of the guard.

Q. The sergeant of the guard woke you up?—A. Yes, sir.

Q. What time had you been on either of the reliefs that night?—

A. I don't remember just the time.

Q. Who was corporal of your relief?—A. The corporal of my relief?

Q. Yes.—A. Corporal Burnett.

Senator FORAKER. Burdett, you mean.

A. Burdett, then.

By Senator WARNER:

Q. Who do you mean?—A. I mean Corporal Burnett. I suppose that is his name. He was called something like that.

Q. Who were in your relief?—A. I don't remember the privates that was in my relief.

Q. How many of you were there?—A. If I am not mistaken there was about four.

Q. About four?—A. Yes, sir; I think we had four posts.

Q. Four posts in your relief?—A. Yes, sir.

Q. Where were those posts?—A. They had one at the guardhouse.

Q. That was No. 1.—A. And one around the barracks.

Q. That was No. 2, was it not?—A. Yes, sir; and one around the officers' quarters.

Q. No. 3?—A. Yes, sir.

Q. Where was No. 4?—A. And one around the quartermaster's department, around up in there somewhere. I never visited that post.

Q. So there was a separate sentinel for the barracks from the one that was at the officers' quarters?—A. I understand so.

Q. If you were on post duty and at the officers' quarters, what would you have to do with the barracks, guarding them or watching them?—A. When a sentinel is placed on post he is supposed to look out for the whole post as far as he can see.

Q. What would be your duty and what would be your understanding as to walking around when you examined the officers' quarters? Then would you walk across the parade ground to the barracks?—A. No, sir; I had nothing to do with that at all.

Q. Nothing at all?—A. No, sir; only in case of fire, or anything like that I would see on that post, I would give the alarm.

Q. Otherwise you would be—A. No, sir; No. 2 was responsible for that post. If he is on that post he is responsible for it, and I am responsible for the post I am on.

Q. Certainly; and you do not leave that unless by orders?—A. No, sir.

Q. You heard this shooting and the call to arms. Where was the first shooting you heard?—A. It was out in town somewhere.

Q. When you say out in town, what do you mean? I will ask you to look at the map a moment, and I will explain it if I can. This [indicating] is the gate entering into the parade grounds, as you understand, from the city.—A. Yes, sir.

Q. That [indicating] is Elizabeth street, leading up to the gate.

This red mark that you see is the wall back of the barracks, and this space here is what is known as the Garrison road. That is between the town and the garrison. You have the location, have you?

Senator SCOTT. Show him the barracks.

By Senator WARNER:

Q. This is barracks D; this is barracks B, and this is barracks C. The officers' quarters are across here [indicating], and that 36 was said to be a barracks not occupied. You know where the telegraph office there was, there at the corner of Elizabeth street and Garrison road?—A. I didn't know any streets around there.

Q. You remember the Western Union Telegraph office in there?—A. No, sir; I don't remember.

Q. Do you know where the Cowan house was; what they called the Cowan house?—A. No, sir.

Q. Do you know any street in the town?—A. No, sir.

Q. If you were at the officers' quarters, in front of Major Penrose's headquarters or barracks, looking toward the town, where was the firing that you heard?—A. Well, I wasn't up at Major Penrose's quarters.

Q. Where were you?—A. I was down there at No. 2 post.

Q. Whereabouts on No. 2 post were you when the firing commenced?—A. Somewheres near where you showed me up there at No. 36, those vacancy quarters.

Senator FORAKER. Were you on post when the firing commenced?

Senator SCOTT. No; he was not.

Senator FORAKER. But the Senator asked him where he was on post 2 when the firing commenced.

Senator WARNER. I did not ask him where he was on post 2. I asked him where he was when the firing commenced.

Senator FORAKER. That is all right.

By Senator WARNER:

Q. I suppose the first firing you heard you were at the guardhouse, of course, because you were awakened up there?—A. I was awakened up by the sergeant of the guard.

Q. The first firing you heard you were at the guardhouse, were you not?—A. The very first firing I heard was after the sergeant of the guard wakened me up.

Q. You were at the guardhouse, then, were you not?—A. Certainly, I was.

Q. In what direction was that firing from the guardhouse? Was it out in the town or was it back toward the hospital?—A. No, sir; I have just explained to you it was down in town.

Q. Down in town?—A. Yes, sir.

Q. You did not hear any firing back in the hospital in that direction?—A. No, sir; I did not.

Q. Or back in that direction at all? It was all from town?—A. All from town.

Q. You knew where the gate was, leading into the barracks?—A. Yes, sir.

Q. Where was the firing with reference to that gate?

Senator SCOTT. In what direction?

By Senator WARNER:

Q. Yes; in what direction?—A. I don't know nothing about the parts of the town or nothing about it. I can't tell you what part of town it was in.

Q. Could you tell where it was with reference to barracks B, D, or C, whether it was behind those barracks or in front of them?—A. No, sir; I simply heard the sound of the shots, and I didn't see any flash at all. Probably if I could have seen the flash, I could have told which part of town it was.

Q. How many shots did you hear?—A. When I first woke up, I heard about three or four, something like that.

Q. How many did you hear afterwards?—A. After I got down to the sergeant of the guard, he sent us down to post No. 2, and the firing was continually after I got down there.

Q. After you got down to No. 2 post the firing then was continual?—A. Yes, sir.

Q. It was pretty lively firing, was it not?—A. Yes, sir; pretty lively.

Q. When you were at No. 2 post, at what place were you then? Were up about barracks A, did you say, as you call it?—A. No, sir; I said barracks 36.

Q. What is that?—A. I think that is where you said the empty barracks was, 36.

Q. You were about there?—A. Somewhere along about there.

Q. When the firing was pretty continuous, that was over in the town yet?—A. Yes, sir.

Q. Which way; down toward the Rio Grande River, from where you were, in the town?—A. I don't know, sir. It was out in town.

Q. About how many persons seemed to be shooting?—A. I don't know, sir. I couldn't just say.

Q. Could you give us any idea?

Senator OVERMAN: You were scared, were you not?

A. Yes, sir; I was kind of scared, to keep the bullets from hitting me.

By Senator WARNER:

Q. You were kind of scared of the bullets hitting you?—A. Yes, sir.

Q. Let us see. Here is barracks 36. When you were on that post I suppose you got in front of the barracks, did you not?

Senator SCOTT. Show him the parade ground, Senator.

By Senator WARNER:

Q. I was asking you where you were standing when the shooting was going on up there. I believe you said you were standing in front of that barracks 36.—A. No, sir; I wasn't standing on the side toward the town. I was on the far side.

Q. You were standing in front of the barracks inside, toward the parade ground?—A. Yes, sir; I had to get there. I didn't want nary a stray bullet to hit me.

Q. You got behind that barracks?—A. Yes, sir.

Q. Did you hear any bullets whistling?—A. Sir?

Q. Did you hear any bullets whistling?—A. Yes, sir.

Q. They were pretty thick, were they?—A. No, sir; they wasn't so very thick, I don't suppose.

Q. They were going over your head?—A. Going over the barracks.

Q. You got pretty close up to the barracks?—A. Yes, sir; I thought probably one might hit me.

By Senator SCOTT:

Q. Were you in the Philippine Islands?—A. Yes, sir.

Q. Were you in any battles over there?—A. No, sir.

TESTIMONY OF JOHN H. HILL.

JOHN H. HILL was duly sworn as a witness and testified as follows:

By Senator FORAKER:

Q. Please state your name in full.—A. John H. Hill.

Q. Did you belong to the Twenty-fifth Infantry in August last?—

A. Yes, sir.

Q. Which company?—A. I belonged to C Company.

Q. In what State were you born?—A. I was born in the State of Georgia.

Q. Where did you enlist?—A. My first enlistment was in the State of Georgia.

Q. At what place?—A. At Lithia Springs.

Senator FORAKER. I want to put in evidence at this place the record of this soldier as given at page 257, Senate Document No. 155, furnished by the War Department.

The record referred to is as follows:

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.

By Senator FORAKER:

Q. According to this, you first enlisted in September, 1898?—A. Yes, sir.

Q. And you were discharged, without honor, on November 24, 1906?—A. Yes, sir.

Q. Was your service continuous between those dates?—A. No, sir; I was discharged first on General Orders, No. 40.

Q. Your first enlistment was in Company G of the Twenty-fifth Infantry?—A. Yes, sir.

Q. Then you enlisted in Company C?—A. Company C of the Forty-eighth United States Volunteers.

Q. Oh, yes. Did you go to the Philippines?—A. Yes, sir.

Q. Were you in any battles over there?—A. Yes, sir; I was in some.

Q. Where were you on the night of the 13th of August last, when the shooting affray at Brownsville occurred?—A. I was in my quarters, asleep.

Q. Where were your quarters?—A. My quarters was C Company quarters.

Q. Now, you watch there while Senator Scott explains that map to you.

Senator Scott. Corporal, that [indicating] is C barracks; this is the empty barracks; this is B barracks; this is D; this is the parade ground; this is the front of the barracks this way, you know, fronting on the parade ground; these are the officers' quarters here. This red line is supposed to be that brick wall, or a stone wall, that separated the reservation from the town; this is the road here; up here is the fire hose; here is the guardhouse, and back here is the hospital; over there are the corrals and the quartermaster's stables. Here is the river; this is the administration building; this is the gate where you went into town; this is the Western Union Telegraph office. Have you got it pretty plainly?—A. Yes, sir.

By Senator FORAKER:

Q. Where were your quarters, upstairs or downstairs?—A. I was upstairs, sir.

Q. What awakened you?

Senator Scott. Do you want to locate the end he was in, Senator?

Senator FORAKER. Not particularly as to this witness. I have called him for another matter.

By Senator FORAKER:

Q. What awakened you?—A. Why, the noise of shooting awakened me.

Q. Were you with your company that night?—A. I was, sir.

Q. Did you go on duty with it when it was placed on guard?—A. I did.

Q. Did you serve with it all that night?—A. I did, sir.

Q. Can you tell us anything about the gun racks being broken open?—A. I can tell all I know about the gun racks being broken open. While we was getting together upstairs, dressing, they issued an order by an officer, Lieutenant Grier, for C Company to come downstairs at once. I went down and told them they couldn't come downstairs without arms; that they couldn't come without their guns. He said to find the man in charge of quarters. I told him I didn't know where he was at, but I thought he was around the quarters some place. As I returned to go back upstairs the commanding officer came up and wanted to know what was the matter with C Company, that it wasn't out; that all the rest of the companies was in line except C Company. Lieutenant Grier told him that C Company couldn't get the arms; didn't know where the man in charge of quarters was at. He said he wanted C Company to come downstairs with the arms at once if they had to break open the gun racks, and then, before a moment's time after that, he issued orders to go upstairs and break open the gun racks, and for C Company to form in line at once. By that time some one had taken an ax upstairs and commenced breaking open the gun racks.

Q. Was there any breaking open of the gun racks before that order was given?—A. There was none whatever.

Q. After you had been in front for a while you were finally put on guard for the night; were you out with your company that night

on guard?—A. Yes, sir; I was with my company from the beginning to the ending the next morning.

Q. Where were you stationed when your company was put on guard? I am passing over a lot of things because we have been over them.—A. Where I was placed on guard the last time we was placed on guard duty.

Q. You were placed on guard duty for the night?—A. I was placed on No. 5 post.

Q. Where was that?—A. That was in the rear of the hospital.

Q. No. 5 post?—A. Yes, sir; cossack.

Q. Cossack post?—A. Yes, sir.

Q. How many men were there?—A. Myself and three privates.

Q. Were you there all night?—A. All night, sir.

Q. State whether or not your company were inspected at any time, and if so, by whom?—A. My guns was inspected. The cossack post that I was in charge of was inspected the next morning by Captain Mucklin.

Q. About what time?—A. About 6 o'clock.

Q. What was the character of that inspection?—A. Well, he examined the guns. He opened the chambers and looked down through them, and with him he had a gun rod with a white cloth, and a gun that didn't look right to him or looked as if he doubted the gun he ran that rod through it.

Q. Did he run a rod through any of the guns on your post?—A: No, sir; he did not.

Q. Do you know what he did with any other post except your own?—A. No, sir; I do not.

Q. What was the result of the examination as to your guns? Did he find any of them dirty?—A. My guns was all passable. He passed them. He said they was all right.

Q. What was done as to ammunition, if anything?—A. Examining the ammunition?

Q. Yes; did he examine the ammunition at that time, if you know?—A. No, sir; he did not examine the ammunition.

Q. What kind of ammunition did you have?—A. While on duty that night?

Q. Yes.—A. I had ball ammunition that time.

Q. Where did you get it, and when?—A. It was issued after we had gotten our arms and fell outside.

Q. After you had gotten your arms and fell outside. That was after the firing was over?—A. After the firing was over.

Q. They issued you ball ammunition?—A. Yes, sir.

Q. What kind of ammunition did you have up until that time?—A. We had reduced-range ammunition.

Q. That is the bullet that has no steel jacket on it?—A. No steel jacket.

Q. Just a leaden bullet?—A. Only for guard duty.

Q. What time did you come off guard, and what happened the following day, if anything, in connection with your duties on guard?—A. Well, nothing happened to me, and nothing happened to anyone that I knowed anything about, after we was relieved from guard until our time to go on guard again.

Q. I will direct your attention again to this matter. I do not know anything about it. I have never talked with you about it, and

I do not know myself, but I have been told by some one that you saw somebody removing some Winchester rifles from some place the following day.—A. That I saw some one move—

Q. I have a note to that effect. It may be a mistake. I may have you confused with some one else.—A. I haven't seen anyone remove any rifles from any place—not at all.

Q. No Winchester rifles?—A. No Winchester rifles.

Q. You did not see any rifles anywhere?—A. No, sir; only the rifles we had; our own guns.

Q. I suppose that had reference to somebody else. I thought it was Corporal Hill. Did you have anything to do with that shooting that night?—A. No, sir.

Q. Do you know of anybody who did have anything to do with it?—A. No, sir.

Q. Have you any knowledge that leads you to suspect anybody in Company C or Company B or D?—A. None whatever.

Q. Have you withheld any knowledge that you have from anybody about this?—A. None whatever.

Q. You have not refused to tell all you know about it to anybody?—A. I have not refused to tell all I knew about it, in regard to that riot.

By Senator WARNER:

Q. Your companies there, B, C, and D, were armed with the same kind of rifles?—A. Yes, sir.

Q. The same kind of ammunition?—A. The ammunition I am unable to say.

Q. What kind of ammunition did you have when you left Fort Niobrara?—A. When I left Fort Niobrara I had 20 rounds of ball cartridges.

Q. How long did you have them?—A. It wasn't long. After we had muster the company commander issued an order that the ball cartridges would be turned in.

Q. The same order was issued to the other companies, was it?—A. I don't know, sir.

Q. Did you ever talk with the other men about that?—A. No, sir.

Q. How did you carry the ball cartridges—in the McKeever box?—A. We carried the ball cartridges in the web belt, the field belt.

Q. When the other companies turned out, they turned out the same time with you, did they not?—A. You say the other companies turned out at the same time?

Q. Yes; at the same time?—A. They all turned out on the same ground, but not together.

Q. Did you notice whether they had the web belt, or the McKeever box?—A. I didn't notice. We only had orders issued by the company commanders to each company the way they would be dressed on drill; whether they would use the McKeever box or the web belt.

Q. You were aroused by the call to arms, or the shooting, or what?—A. I was aroused by the shooting.

Q. Were you awake when the call to arms was sounded?—A. I was, sir.

Q. Dressed?—A. Well, I had on part of my clothes; not well dressed.

Q. Did you get well dressed at all?—A. No, sir.

Q. You dressed just as you were when you went downstairs?—A. Yes, sir.

Q. And that was after you were awakened by the shooting; you got up and went downstairs?—A. No, sir.

Q. Where were you when the call to arms was sounded?—A. I didn't go downstairs before the call to arms was sounded.

Q. You had gotten dressed before the call to arms?—A. I got dressed, all I did dress; I got partly dressed; I only put on my trousers.

Q. Then you went downstairs?—A. Yes, sir.

Q. You had been a soldier how long?—A. I have been a soldier about seven years.

Q. You knew that the call to arms meant that you were to get your gun and fall into line as soon as possible?—A. Yes, sir.

Q. You knew that was the duty of a soldier?—A. I did, sir.

Q. You went downstairs?—A. I did, sir.

Q. Without your gun?—A. Without my gun.

Q. Did you inquire for the officer in charge of quarters?—A. No, sir; I went down to report the facts to the officer that was calling for the men to come downstairs, the condition of the men, the reason that they didn't come downstairs.

Q. Did you hear anybody else ask for the officer in charge of the quarters?—A. I did, sir.

Q. You knew who it was, did you not?—A. No, sir; I did not.

Q. You did not know it was Sergeant Brawner?—A. No, sir; I knew it was not Sergeant Brawner, because I knew his voice. I knew Sergeant Brawner wouldn't ask for the man in charge of quarters, because he was in charge of quarters himself.

Q. I got it wrong. Do you know what officer it was in charge of quarters?—A. Sergeant Brawner was in charge of quarters.

Q. Sergeant Brawner?—A. Sergt. W. O. Brawner.

Q. He was in charge of quarters?—A. He was that night.

Q. And you knew that?—A. Yes, sir.

Q. Did you ask for him?—A. No, sir; I did not.

Q. Did you see him?—A. No, sir.

Q. Did you hear him?—A. I heard him one time, after the order had been issued about the racks being busted open.

Q. When you went downstairs, you heard them say there they could not find the officer in charge of quarters?—A. I didn't hear anyone say they couldn't find him. I told the officer that was asking, I said, "The man in charge of quarters can not be found." I didn't know where he was at.

Q. What effort did you make to find him?—A. I didn't make any effort to find him.

Q. Had you called for him?—A. No, sir; because the order had been issued before I could return upstairs, by the commanding officer, that the gun racks would be broke open.

Q. But the call to arms was the most important order to you; to get your guns?—A. Yes, sir.

Q. You went to the gun rack then, did you?—A. I did, sir.

Q. Did you call for Sergeant Brawner then?—A. I didn't call for Sergeant Brawner, his name personally. I just hollered for the man in charge of quarters to come and unlock the racks.

Q. Other men were there?—A. Yes, sir.

Q. But no officer appeared. You went downstairs, and going downstairs did you see Sergeant Brawner?—A. No, sir; I did not.

Q. Did you see him downstairs?—A. No, sir.

Q. He could not have gone back upstairs when you were coming down without your seeing him, could he?—A. Oh, yes, sir.

Q. How could he have gone?—A. He could just go up the steps.

Q. Right beside you?—A. Yes, sir.

Q. It was so dark, was it?—A. Well, I will explain to you—

Q. Yes.—A. As I went downstairs, the stairway led down in the center of the building. There were three ways to come up from downstairs, to go upstairs, and you couldn't see anyone. I went out on the front of the company's stoop.

Q. He could come up another stairway?—A. He could go up the same stairway, but go in another direction and come up the stairway. There is more than one stairway to come upstairs, and come up the same stairway.

Q. I do not just understand, corporal.

Senator SCOTT. I think he means more approaches.

Senator WARNER. That may be. I do not just understand. That is all.

A. Well, I will speak it again: The stairway led from the dining room, one led from the lavatory, and one led from the storehouse.

Q. Now I get it. These all come to the same place when you go up to the top?—A. Yes, sir; they all come from inside, and one led from the front leading to the parade ground, but you had to go outside this door and go on the company's stoops. Then you couldn't tell who was going upstairs or who was coming down. By that Sergeant Brawner may have passed up and went up while I was reporting the facts to the officer.

Q. What did Lieutenant Grier say?—A. He said: "What is the matter with C Company that it is not downstairs? Have the company fall out at once."

Q. What did you say to him?—A. I told him that the men couldn't get their arms, and they wasn't coming downstairs without them.

Q. Then the commanding officer came up?—A. Yes, sir; shortly afterwards.

Q. How long did this all take?—A. Oh, about a minute.

Q. The commanding officer came up, and what order did he give?—A. He gave orders—he first asked what was the matter with C Company. He repeated the same words—Lieutenant Grier did.

Q. Oh, the same?—A. Lieutenant Grier told him, "Major, the men can't get their guns." He said, "They are waiting for the man to unlock their racks." He said, "Well, get the guns some way or other and get down as quick as possible, if they have to break open the racks." Then he issued an order, "Go upstairs and break open the racks, and C Company fall in line at once." The order was issued and it was obeyed.

Q. Did Lieutenant Grier ask where Sergeant Brawner, in charge of quarters, was?—A. No, sir.

Q. You did not hear that?—A. No, sir.

Q. He said, "Go and break open the gun racks?"—A. He said, "Get your guns if you have to break them open."

Q. Did you get your gun?—A. Yes, sir.

Q. From a gun rack that was broken open?—A. I got it from one gun rack. I don't know whether it was broken open or not. They was all broken open, it seemed to me. They all had to be repaired.

Q. Were any of them unlocked?—A. There were two unlocked, to my knowing.

Q. Three?—A. Two unlocked, to my knowing.

Q. Those were the only two that would be under your observation, would they not?—A. No, sir; it was the only two I noticed to see whether the lock was unlocked or not.

Q. Those were found unlocked?—A. Those were found unlocked. The lock was unlocked, but they had did some cutting on them with the ax.

Q. They were unlocked, but they had been cut by the ax?—A. Yes, sir.

Q. This [illustrating], I think, is what they call a Yale lock?—A. That was unlocked.

Q. When they unlock that they open this belt and throw the belt back, do they not?—A. Not every time.

Q. How was it that night?—A. This was unlocked. This unlocks with a spring and a snap. After you unlock it you leave it just that way. It does not require to open it all the way, wide open.

Q. How was it that night, I ask you?—A. Just as I explained it.

Q. This shooting was pretty lively there, was it?—A. Yes, sir.

Q. What was the direction of the shooting?—A. The direction of the shooting, to me—it seemed to me it was along this part of town [indicating].

Q. That is what we call the alley there between Elizabeth and Washington streets?—A. Yes, sir.

Q. You see the red figure, do you not, on the house?—A. Yes, sir.

Q. We call that the Cowen House. —A. What house was that, sir?

Q. The Cowen House. It would be in that direction, would it?—

A. What do you mean by the Cowens?

Q. The Cowen House. It is a kind of a hotel.

SENATOR FORAKER. That is the name of the family who lived in it.

A. It was coming from that direction. I don't know whether it was coming from that house or not.

By Senator WARNER:

Q. No; but that was the general direction?—A. It come from that direction. I don't know whether it come from there, but it sounded to me to be in that direction.

Q. When you say "coming from that direction," what do you mean by that?—A. I say it sounded to me as if it was in that direction, not coming.

Q. So you did not mean, when you said "coming" that the balls were coming toward the barracks?—A. It sounded to me like it was.

Q. Then the shooting was toward the barracks?—A. The shooting was toward the barracks, in my estimation.

Q. How many shots did you hear back there toward the barracks?—A. I am unable to say, because there was so many.

Q. Well, a hundred?—A. No, sir; I have no ideas. I can't estimate.

Q. What made you think they were shooting toward the barracks?—A. Why, because the sound of the guns. It seemed as if they were shooting in that direction, though if you turn your back and shoot another direction, it would sound deader. If anyone shoots toward you, you could hear it plainer than if anyone were shooting from you.

Q. I am just getting your judgment, you know.—A. Yes, sir. That is the reason I spoke in that way.

Q. Did you hear the bullets?—A. No, sir; I didn't hear the bullets. I never taken much time, because I was little frightened myself when they commenced shooting. I didn't know what was the matter.

Q. Did you make an examination afterwards to find out if any bullets had struck either of the barracks?—A. No, sir; I did not.

Q. You knew the next day that they claimed they had found ammunition such as was used by your command down in town, did you not? That is, the shells, clips, and bullets?—A. I heard some talk of it. I don't know whether it was true. I am unable to say.

Q. I am not saying it was true. I say it was charged.—A. That is what they say. It was claimed to be.

Q. Then you know it was claimed that some members of one of your companies were connected with the shooting up of the town?—A. I knew that.

Q. You know it was charged?—A. It was charged. It is charged up until to-day.

Q. After that, did you go and look to see what evidence there was of your barracks being hit by any of the bullets?—A. No, sir.

Q. You never made any examination at all?—A. No, sir.

Q. What did you ever do about it to find out who did the shooting?—A. I didn't do anything, because I didn't feel it was anything to me to find out.

Q. You did not do anything?—A. No, sir.

Q. You did not feel it was anything to you to find out?—A. I say I didn't do anything, because I didn't feel it was my duty to find out anything about it. There was no orders issued to me in that respect at that time.

Q. After this shooting up of the town, you went on guard?—A. Yes, sir.

Q. That is, Company C went on guard?—A. Yes, sir.

Q. And formed cossack post?—A. Yes, sir.

Q. I do not know that I am right, Corporal, but a cossack post is where there are three or more in the same post?—A. Yes, sir.

Q. In the ordinary post there is just a sentinel?—A. A sentinel; yes, sir.

Q. That is the reason you call them cossack posts?—A. Yes, sir.

By Senator OVERMAN:

Q. Is your name John H. Hill?—A. Yes, sir.

Q. Were you a corporal?—A. I was.

Q. Of Company C?—A. Yes, sir.

By Senator WARNER:

Q. Do you know how many guns Company C had in the storehouse?—A. No, sir; I do not.

Q. You know they had guns there?—A. Yes, sir.

Q. Surplus guns?—A. Yes, sir.

Q. When did you last see those guns there before the shooting?—
A. In the storehouse?

Q. Yes.—A. The last I seen the guns in the storehouse was when we was moving, and we was packing up at Fort Niobrara.

Q. I was asking you about the storehouse at Brownsville.—A. I am just explaining to you, sir. The last time I seen them the guns was in the storehouse. I had never seen them in Brownsville.

Q. How many guns were there at Niobrara in the storehouse?—
A. I didn't count them.

Q. I know, but about how many? A dozen, 15, or 20?—A. I haven't the slightest idea, because we had so many guns. We had just got new guns, and was shipping guns, and I don't know how many was there, how many was left.

Q. You would not undertake to say?—A. No, sir.

Q. How were those extra guns kept?—A. They were kept in a gun box, and the only way you could get to see them was to get some one to open the box for you and go in there and look at them. If I would go to that trouble, I would have to go through a military challenge mostly.

Q. Did they open the boxes for you to go and look at them?—A. When was that, sir?

Q. At Niobrara?—A. The boxes was already open whilst they was issuing them to the company.

Q. While they were issuing to the company?—A. Yes, sir.

Q. But I ask you how many guns there were after they got through issuing to the company?—A. I am unable to say.

Q. There were several, were there not?—A. I am unable to say, sir, how many there was. I didn't know how many they issued to each company. I knew nothing about it, because that was the quarter-master-sergeant's duty.

Q. What did you hear said, if anything, at Brownsville after this shooting, about the guns that were in the storeroom, whether they had been inspected and all found there?—A. I don't know anything about that.

Q. You do not know anything about their being inspected and examined?—A. No, sir.

Q. To see how many there were of them?—A. No, sir.

Q. Or if they had been used?—A. Nothing about it whatever.

Q. Did you ever hear it talked of?—A. Heard talk of?

Q. Talked of?—A. No, sir; I don't know anything about the guns in the storehouse whatever, by no one.

Q. When was it you noticed the damage to the gun racks?—A. The next morning.

Q. You went up to see them, did you?—A. After I was relieved on guard we all came and placed our guns in the storehouse. Then I went upstairs to go to take a little rest after being out all night on cossack-post duty. I noticed the gun racks while I was going upstairs.

Q. You just noticed them that way?—A. Yes, sir.

Q. You did not examine them at all?—A. I slightly examined them.

Q. What examination did you make?—A. By just going around and looking at them to see how they was cut, only.

Q. How did you find them cut?—A. I just found them whacked up. You know how a man would whack up anything with an ax.

Q. No; I may not. Were the iron bands or steel bands cut that hold the rifles in the rack?—A. They wasn't cut. They was damaged a great deal; but the locks was cut clean off, some of them, what few I looked at.

Q. You mean the staple that holds the lock?—A. Yes, sir.

Q. They were cut clean off?—A. Yes, sir; one lock was damaged pretty badly.

Q. But let us get to the staples. How many had the locks cut clean off?—A. I didn't go around to examine them all. I only looked at one or two.

Q. The one and two that you examined—A. I said one or two. I didn't say one and two, because they wasn't numbered.

Q. One or two?—A. Yes, sir.

Q. Did you examine more than one?—A. I examined more than one. I said one or two.

Q. Did you examine two?—A. I did.

Q. Did they have the locks cut off of them?—A. Those two that I examined did.

Q. They had the locks cut off?—A. Those that I—not examined, but looked at.

Q. Well, looked at. This [indicating] is the staple with the lock fastened into?—A. Yes, sir.

Q. It was this staple, you mean, that was cut off, do you?—A. I explained that the lock was injured, beat up and cut off. This [indicating] was cut in two. This lock here was cut in two.

Q. You mean that part of the lock that goes through the staple?—A. Yes, sir.

Q. That, you say, was cut in two?—A. Yes, sir. That was only of one that I seen.

Q. One of those was cut in two?—A. Yes, sir; and the other was damaged by this part [indicating], and this being broken open.

Q. That is, the other was damaged by having the staple broken off?—A. Yes, sir; the staple broken off.

Q. So the lock would not stay in?—A. Yes, sir.

By Senator FORAKER:

Q. You were not in command of the company?—A. Was I?

Q. You were not in command of the company?—A. No, sir.

Q. You had no control over the guns in the storeroom?—A. None whatever, sir.

Q. They were in charge of the quartermaster-sergeant?—A. Yes, sir.

Q. And the company commander?—A. Yes, sir.

Q. But can you tell us whether they were kept under lock and key in the storeroom?—A. The storeroom was always under lock and key, the same as the gun racks.

Q. And the guns themselves were kept in a gun box, were they not?—A. Yes, sir.

Q. How was that kept, if you know?—A. The gun box is kept like you would a coffin in a box and screw it down. That is just for a parable. The guns was put in a box and the top was put on and screwed down with a screw-driver, and the only way you could get

into it was to get the artificer to unscrew this. He was the only man who had tools to unscrew this.

Q. He was the only man who had tools for that purpose?—A. Yes, sir.

Q. And he could not get in there unless the quartermaster-sergeant would let him in?—A. No, sir.

Q. And he would not let him in unless he had an order from the company commander?—A. Only from the company commander.

Q. You say the gun racks were gathered up the next morning and sent off for repair?—A. Yes, sir.

Q. That was done in broad daylight?—A. Yes, sir.

Q. Everybody knew the gun racks were damaged more or less?—A. Yes, sir.

By Senator WARNER:

Q. Is the quartermaster-sergeant of your company here yet?—A. No, sir.

Q. He was. I did not know whether he was discharged.

Senator FORAKER. We discharged him about a week ago.

By Senator OVERMAN:

Q. You do not know whether these guns that night were in that box or not?—A. No, sir; because I was not allowed in the quartermaster's storehouse.

Senator FORAKER. The quartermaster-sergeant testified they were all in the box and that the box was locked up in the way indicated, and the storeroom was locked up.

The committee at 4.50 o'clock p. m. adjourned until Friday, February 22, 1907, at 10.30 o'clock a. m.

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Monday, February 25, 1907.

The committee met at 10.30 a. m.

Present: Senators Warren (chairman), Scott, Foraker, Bulkeley, Warner, Blackburn, and Overman.

TESTIMONY OF FRANCOIS L. OLTMANS—Recalled.

FRANCOIS L. OLTMANS, a witness previously sworn, being recalled, testified as follows:

By Senator FORAKER:

Q. You were on the stand before and you have been sworn?—A. Yes, sir.

Q. You were in charge of the hospital at Fort Brown on the night of 13-14 of August, 1906?—A. Yes, sir.

Q. And you have given your testimony before General Garlington?—A. Yes, sir.

Q. You gave it on the 28th of December, 1906, according to the date given here?—A. Yes, sir.

Q. And that has all been put in evidence?—A. Yes, sir.

Q. I want to ask you about some matters that are not touched upon there. Your testimony before General Garlington is found

at page 127 of Part II of Senate Document No. 155, and in the record of this proceeding it is found at page 607. Now I will ask you how long were you at the hospital at Fort Brown?—A. I was in charge of it a little over three years.

Q. You had no relation whatever to the Twenty-fifth Infantry?—A. No, sir.

Q. What troops were there when you went there?—A. The Twenty-ninth Infantry, sir.

Q. Do you remember what companies of the Twenty-ninth Infantry?—A. L Company, K and I, and afterward, M Company.

Q. Of the Twenty-ninth?—A. Yes, sir.

Q. Then how long did they remain there after you went there?—A. They left, I think it was in the latter part of June.

Q. Of what year?—A. 1906.

Q. You mean the Twenty-sixth Infantry, do you not; not the Twenty-ninth?—A. The Twenty-sixth; yes, sir.

Q. You were mistaken in saying the Twenty-ninth?—A. The Twenty-sixth.

Q. These companies of the Twenty-sixth were there all the time you were there?—A. Yes, sir.

Q. That was a white regiment?—A. Yes, sir.

Q. Now tell me whether or not during that time you heard of any trouble between the citizens of Brownsville and those troops, whether you heard of any shooting around there or anything of that sort?—A. No, sir; I did not, except that there was one man by the name of Baker who was accused of having shot at an official of the police, whose name I don't know.

Q. A man by the name of Baker?—A. Yes, sir.

Q. Do you know anything about a man by the name of Brady being killed there, a private of one of the companies?—A. That man belonged to the Fourth Infantry. That was before I came there.

Q. You know of that, however?—A. Yes, sir; I heard about it.

Q. State whether or not it was an unusual thing to hear the firing of firearms in that vicinity after night.—A. No, sir; it was not. It was a very common affair.

Q. A very common affair?—A. A very common affair.

By Senator OVERMAN:

Q. Baker was charged with shooting one of the policemen?—A. Yes, sir.

Q. Was he tried for it?—A. Tried for it and afterward he got a second trial and was acquitted.

Q. The first time he was convicted?—A. Yes, sir.

Q. And got a new trial and the second time was acquitted?—A. Yes, sir.

By Senator FORAKER:

Q. Do you know anything about a trouble with a sergeant by the name of Sallier?—A. Yes, sir; I think that sergeant was in a saloon and had a six-shooter concealed upon his person, and I think he was arrested for that.

Q. I don't care about the details. All I want to know is whether or not there was trouble between the citizens of the town and the white soldiers?—A. Yes, sir; there was some trouble.

Q. There were a number of instances of that kind, were there?—A. Yes, sir; a good many.

Q. Were there a good many of them?—A. Yes, sir.

Q. It was not an uncommon thing at all to hear of the citizens and the white soldiers getting into trouble?—A. No, sir.

Q. Leading to shooting affrays of one kind and another?—A. I will not say shooting affrays, sir; but what I mean was bad blood.

Q. Bad blood and fighting, was there?—A. Yes, sir; off and on fighting.

Q. And arrests; were things of that sort common?—A. Yes, sir.

Q. How did the conduct of these colored soldiers of the Twenty-fifth Infantry compare with the conduct of the white soldiers who preceded them? Was it as good or not, as far as you could observe?—

A. If my opinion is of any account, I think they compared pretty well, because when the Twenty-fifth Infantry came there they had no prisoners, and I never had seen any battalion report to the post without any prisoners.

Q. They had no prisoners at all?—A. No, sir; and it was a good showing for the battalion.

Q. Nobody was under arrest?—A. No, sir; nobody was under arrest.

Q. Can you state whether or not there were many arrests or few arrests made by the policemen of Brownsville of these soldiers of the Twenty-fifth, the colored soldiers, during their stay there?—A. No, sir; there were no arrests made until the shooting up happened.

Q. It is not an uncommon thing for soldiers to go out and get into trouble?—A. No, sir; that is very easily gotten into.

Q. But you heard nothing of that kind in connection with these colored soldiers?—A. No, sir; not at all.

By Senator OVERMAN:

Q. How long had these colored troops been there?—A. About three months, I think.

Q. The colored troops?—A. Yes, sir; I could not exactly state the date, but they came after the Twenty-fifth left.

Q. And you heard of the trouble with a white woman—attempting to assault a white woman?—A. Yes, sir.

Q. You heard about one of them being knocked in the head with a pistol?—A. Yes, sir.

Q. You heard of one of them being pushed off?—A. I heard about that too, sir.

Q. So you think they behaved better than the white soldiers?—A. It all depends on the circumstances.

Q. I asked you how these soldiers behaved as compared with the white soldiers? Do you think that they behaved better in general than the white soldiers, considering the time they were there?—A. If a man was pushed off of a plank walk—

Q. I am not asking about the circumstances. I just ask you the facts. Do you think under those circumstances, considering the short time they were there, that the colored soldiers behaved better than the white soldiers?—A. According to the facts, maybe not, but if a man was simply—

Senator FORAKER. Finish the sentence.

A. If a man is knocked off the sidewalk on account of his color, or pushed into the river on account of his color, there is not much comparison. If it had been a white man, that would not have happened.

Q. Did you hear anything there in town on the part of the citizens before the colored troops came, after it became known they were to come, as to the feeling about their coming?—A. Yes, sir; the general expression in town was that they did not want any colored soldiers there.

Q. Did not want any?—A. No, sir.

Q. What did you hear that gave you that impression?—A. Sir; nearly everywhere.

Q. What?—A. Nearly everywhere.

Q. Were you about through the town?—A. Yes, sir.

Q. So that you heard the expressions?—A. Yes, sir.

Q. What was the nature of those expressions?—A. That they did not want any colored soldiers there.

Q. Can you tell us what they said, or how they came to speak about it?—A. They simply said they did not want any colored soldiers there. That was all there was about it.

Q. Did you hear anything said as to what they would do to them if they came there?—A. No, sir; I did not.

Senator FORAKER. That is all.

By Senator WARNER:

Q. Did you hear the call to arms on that night?—A. Yes, sir.

Q. You heard the shooting after that?—A. No, sir; I heard shooting before that.

Q. Did you hear any shooting after that?—A. Yes, sir.

Q. But you heard shooting before that?—A. Yes, sir.

Q. Where did the shooting come from that you heard before the call to arms—what direction?—A. Sir, as far as I could judge it, my quarters being there [indicating the spot marked 65, H. S. quarters], it came from that direction [indicating].

Q. You were at the place marked Hospital on the map?—A. No, sir; at my quarters. Here is where my room was, on the second story.

Q. Marked 65?—A. 65; yes, sir. Here is where my quarters was, and the shots that I heard came from this direction—seemed to me about that direction.

Q. From the town?—A. Yes, sir; from the direction of the town.

Q. Did you hear any horses passing around there, galloping around there?—A. No, sir; I did not.

Q. Do you think it would have been possible for any number of horses to have been galloped along down that road, or down the barracks road without your hearing them?—A. No, sir; they could not have come through the post.

Senator FORAKER. Could not have gone through the post?

A. No, sir; without my hearing them.

By Senator WARNER:

Q. Could they have gone on the country road, or galloped without your hearing them?—A. The country road is around there somewhere.

Q. Or could they have come down the barracks road?—A. No, sir; they could not. I would have heard that, or anybody else would have heard that.

Q. Some women came there to the hospital, did they not, that night?—A. Yes, sir.

Q. Where did they come from?—A. These women, they live somewhere or another outside.

Q. Outside of the reservation?—A. Outside of the fence.

Q. What was the condition of these women as to being drunk or sober?—A. One was pretty well under the influence.

Q. What do you mean by pretty well under the influence?—A. That is the way I just judged it.

Q. Do you mean under the influence of liquor?—A. Yes, sir; I judged it. They were hysterical.

By Senator WARNER.

Q. Now, as to the direction of those shots that night. Did you have any discussion with any parties as to the direction from which they came?—A. Yes, sir; they wanted to know what the trouble was about. It seemed nobody knew anything about it. They came to the hospital there.

Q. Now, on page 130 of Senate Document, Part II, No. 155, in your statement as given before Mr. Purdy—A. I did not see Mr. Purdy, sir. I was before General Garlington.

Q. Before Brigadier-General Garlington?—A. Yes, sir.

Q. I find this question:

When you got to the hospital, did either Sanborn or Nolan say anything about having heard balls passing the hospital?

A. Yes, sir.

Q. That is correct, is it?—A. Yes, sir; that is correct.

Q. The next question was:

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.

Is that correct?—A. Yes, sir; from that direction.

Q. From the quartermaster's corral?—A. I mean to say in the general direction.

Q. That direction; not from town, but from the other side?—A. Yes, sir; a couple of shots.

Q. You further said:

And they heard the shots, too—that same couple of them—coming from the same direction.

That is correct, isn't it?—A. Yes, sir.

Q. They thought they came from the direction of the quartermaster's corral?—A. Yes, sir; not from town, but toward town.

Was that correct?—A. Yes, sir; it was only a couple of shots.

Q. About how many shots did you hear?—A. Sir, altogether I might guess a little bit over a hundred.

Senator WARNER. I think this affidavit is so full that I only care to ask one more question.

Senator FORAKER. I am cross-examining this witness really.

By Senator WARNER:

Q. The difficulties you had heard of in Brownsville before the Twenty-fifth came there were, first, that a soldier by the name of Baker was accused of having shot a policeman?—A. Yes, sir.

Q. And then Sergeant Sallier was arrested for being in a saloon and having a pistol concealed on his person?—A. Yes, sir; I think he was.

Q. And making a disturbance?—A. Yes, sir.

Q. And a good many instances of trouble—that is, of bad blood; what do you mean by that?—A. Sir, for instance, there came an excursion of commercial men; I think they came from Houston or Fort Worth; they came to visit Brownsville. That was an excursion train, and in one of the parks they had a reception at night. Everybody was admitted, colored and greasers and everybody, but when soldiers in uniform came there they were not admitted, and some of the enlisted men were offended about that.

Q. This reception was given where?—A. In a park toward the river.

Q. Given in the town?—A. Yes, sir.

Q. And colored men and greasers were admitted?—A. Yes, sir; everybody was admitted.

Q. Excepting a soldier in uniform?—A. Excepting the soldiers. They were not admitted. There were two men; one of them, if I recollect, was Private Sanborn. He was refused admittance on account of being in soldiers' clothes.

Q. And the conduct of the black soldiers compared tolerably well?—A. Sir, that was before the—

Q. You say the conduct of the black soldiers compared tolerably well?—A. Yes, sir; it did, in my opinion.

Q. Do you know when they were paid off—pay day?—A. Yes, sir; I recollect that. I could not exactly say the date, though.

Q. Did you see many under the influence of liquor?—A. No, sir; not many.

Q. About how many?—A. Well, I could not say, because my place is away out of the post, and I have got nothing to do there.

Q. You heard them complaining of the treatment they had received there?—A. No, sir; I did not hear them complaining, but I know that there were several things that they could complain about, like being refused admittance in saloons.

Q. Not what they could complain of, but what they did complain of, Sergeant, do you know anything?—A. Yes, sir; in a roundabout way, I heard that they were complaining.

Q. What do you mean by a roundabout way?—A. Sir, passing a group, I would hear something about that this was not the Texas of twenty-five years ago, and some more expressions, and they seemed to be offended about something.

Q. By whom would those expressions be made?—A. By colored soldiers, sir.

Q. What were they talking about?—A. I could not say, sir; simply passing a group; that the men complained about something, and subsequently these words came to my ears.

Q. They were dissatisfied, were they not, and expressed dissatisfaction at not being served at the bars in the city?—A. Yes, sir.

Q. And you heard them make some remarks of dissatisfaction about that?—A. Yes, sir.

Q. What was the character of those remarks?—A. As far as I could understand, it was about that Texas was not the Texas of twenty-five years ago, and more of those remarks in a general way.

Q. Anything else?—A. No, sir.

Q. You state in your affidavit before General Garlington that this firing was like automatic firing?—A. I said part of it, sir.

Q. What do you mean when you say like automatic firing?—A. Sir, I mean firing by an automatic pistol.

Q. An automatic pistol?—A. Yes, sir; I think I heard about 6 or 7 shots.

Q. That seemed to be from a pistol?—A. Yes, sir.

Q. Did anybody there at the fort at any time say anything to you about having heard horsemen going around the fort that night?—

A. No, sir; they did not; but there was one man, I think he was a patient in the hospital at that time, he was trying to find the reason for the shooting, and he thought maybe the citizens had gone around here [indicating a point at the right-hand upper corner of the map] and commenced to shoot at the post from this side to draw the attention of the garrison over there, and then might have made an attack on the post from the front.

Q. But those first 2 shots you heard were inside the fort?—A. No, sir; the first shots I heard came from this direction [indicating].

Q. The 2 shots?—A. These 2 shots afterward.

Q. They were inside the fort?—A. Yes, sir.

Q. Who was this soldier that attempted to make this explanation?—

A. That was a man—what was his name, now—he was a patient at the hospital at that time, sir.

Q. Do you remember his name?—A. No, sir; I do not. I forget his name. I might maybe recollect it.

Q. Was it Harden?—A. Yes, sir; Harden.

Q. And when he gave this theory, you said to him you wondered how a man could make a mile and a half in two minutes, or something to that effect.—A. Yes, sir; because it is a terrible distance to come around from over there. It is a great distance.

Q. And you were wide awake all the time and heard nothing of the kind?—A. No, sir; I did not hear anything of the kind.

By Senator OVERMAN:

Q. Was Harden on the porch there with you?—A. Yes, sir.

Q. Did you see anybody get behind the pillars to keep from being shot?—A. No, sir; I did not see that.

Q. Did you hear anybody say "Get behind the pillars to keep from being shot?"—A. No, sir.

Q. Did Harden dodge behind any pillars?—A. He might have dodged behind the pillars, but I did not hear him say that.

Q. You did not hear him or anybody else say that?—A. No, sir.

By Senator FORAKER:

Q. I understood you to say that you heard two shots from over in the direction of the corral?—A. Yes, sir.

Q. Do you mean to tell us that they were fired from within the fort?—A. I locate the sound from that direction, sir. I don't know whether they were fired in the fort or not.

Q. From that general direction?—A. From that general direction.

Q. You could not tell, from simply hearing a ball pass over your head in the night time, from what place it had come?—A. No, sir.

Senator WARNER. I submit he has not said he heard a ball pass over his head.

A. Two.

By Senator FORAKER.

Q. You heard two or three balls pass over your head, didn't you?—
A. Yes, sir; I did.

Q. And you said you thought they came from the direction of the corral?—A. Yes, sir.

Q. Then in answer to Senator Warner, who was cross-examining you, you stated in answer to his suggestion that those were fired from inside the fort. Do you mean to tell us that any shots were fired from inside the fort?—A. No, sir; I do not say that. I only talk of the general direction.

Q. They came from the general direction?—A. Yes, sir.

Q. They may have come from out beyond?—A. Yes, sir; from out beyond.

Q. The country road we were talking about, that passes on around?—A. Yes, sir.

Q. Goes on around?—A. Toward the Rio Grande.

Q. To the crossing of the garrison road, as we call it—Fifteenth, I guess it is—where that colored saloon was established?—A. Yes, sir.

Q. These shots came from the direction of that country road also, didn't they?—A. Yes, sir; they came from about in this direction [indicating].

Q. Now, you could have heard horses passing on this reservation road?—A. Yes, sir.

Q. That is very close to you?—A. Yes, sir.

Q. But the other road is quite a distance beyond that, is it not?—
A. Yes, sir; a good distance.

Q. Three or four hundred yards beyond?—A. Yes, sir.

Q. Horses might pass on that road without your hearing them, might they not?—A. They might, sir; but—

Q. Especially if you were asleep?

Senator WARNER. Let him answer. He said "they might," but did not finish his answer.

A. They might have passed there, but I did not hear them.

By Senator FORAKER:

Q. I understand you did not hear them. They might have passed without your hearing them, being that far distant?—A. Yes, sir.

Q. You were asleep when this firing commenced?—A. Yes, sir.

Q. In your house in the rear of the hospital?—A. Yes, sir.

Q. And the firing wakened you and you got up and dressed and went into the hospital and found the people whom you have told us you met there, out on the front porch, didn't you?—A. Yes, sir.

Q. Now, you say some women came there. They were not women who belonged in the garrison, as I understand it?—A. Not belonged in the garrison, but belonged to the garrison.

Q. They were the wives of soldiers who lived out in the town?—
A. Yes, sir.

Q. That is, who had their families out in town?—A. Yes, sir.

Q. You have told us in your testimony before General Garlington that the husband of one of these women, the soldier who was the husband of one of these women was absent from Fort Brown at the time?—A. Yes, sir.

Q. On competition?—A. Shooting at Fort Reno.

Q. Or Fort Sill—at any rate he was absent?—A. Yes, sir.

Q. He was not there?—A. He was not there.

Q. Was it his wife who was under the influence of liquor, as you thought?—A. Yes, sir; that lady was.

Q. You spoke of it in your testimony before General Garlington as a case of hysteria, possibly. Your answer was:

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.

What kind of trouble was she making, sergeant?—A. Sir, that woman wanted to sleep in the hospital.

Q. What reason did they give for coming to the hospital?—A. They said that the town was shot up by the people of Brownsville and they wanted to be in safety and sleep in the hospital.

Q. They seemed to be frightened?—A. Yes, sir.

Q. They seemed to think if they stayed in their homes out in the town they might be killed?—A. Yes, sir.

Q. They were not afraid of being killed by the soldiers, were they?—A. No, sir.

Q. They seemed to have the idea that the white citizens of Brownsville were doing the shooting?—A. Yes, sir.

Q. And they came to this place as a place of refuge?—A. Yes, sir.

Q. The other woman was not under the influence of liquor, as I understand it?—A. No, sir.

Q. There were only two of them, I believe?—A. Only two of them; yes, sir.

Q. And both came from outside the reservation?—A. Yes, sir.

Q. Do you know where the husband of the other woman was?—A. No, sir; I do not.

Q. Do you know who she was?—A. No, sir.

Q. Do you know whether she was the wife of a soldier at all?—A. She might have been; I don't know, sir.

Q. You don't know whether she was or not? She may have simply come in with the woman whom you knew as the wife of the soldier?—A. I did not know the woman at all, but she claimed that she was the wife of a sergeant that was shooting at the competition.

Q. That is the one who was hysterical?—A. Yes, sir.

Q. And frightened? What did the other claim?—A. The other one did not claim anything.

Q. She simply was in company with her?—A. Yes, sir.

Q. Had come in from out in town with her?—A. Yes, sir.

Q. Both were there because they were frightened and both seeking refuge?—A. Yes, sir.

Q. That is what you understood?—A. Yes, sir.

Q. You spoke about the trouble down at the park. I did not intend to go into that with this witness, but I see he knows something about it. That was the occasion of a press association meeting there, was it not, or do you know?—A. Yes, sir; I think it was something of that kind. There was an excursion train there.

Q. And Mexicans—A. Everybody else in town was allowed to go in there.

Q. Everybody was allowed to pass in except soldiers?—A. Yes, sir.

Q. Was there not a sign put up there which was offensive also to the soldiers—a placard over the gate? Do you remember?—A. Not

having been there myself, sir, I think that Sergeant Sanborn stated to me—

Senator OVERMAN. Never mind about that.

Senator WARREN. Yes; let it go. We are not confined to the strict rules of a court.

Senator OVERMAN. Yes; I was thinking about being in court. Let it go.

By Senator FORAKER:

Q. Was there not a sign put up there very conspicuously at some place, "Soldiers and dogs not allowed in here?"—A. Yes, sir; that was.

Q. That was offensive to them?—A. Yes, sir; that was put up there by soldiers themselves.

Q. They said that afterwards?

Senator OVERMAN. No; he said the soldiers put it up themselves.

Senator FORAKER. I did not understand him to say so.

By Senator FORAKER:

Q. I did not understand you to say that soldiers themselves put this up?—A. Yes, sir; they did.

Q. What is that?—A. Yes, sir; they put it up themselves.

Q. You knew about that?—A. I heard about it.

Q. You heard that it was there?—A. Yes, sir.

Q. Did you hear that the citizens appointed a committee to wait on the commanding officer of the garrison and make explanations about it, and that they claimed that it must have been put up by soldiers?—A. Yes, sir; they claimed that.

Q. But you do not know who put it up?—A. No, sir.

Q. Do you think it was probable that soldiers would go and put up a sign like that on a place like that when they were being denied admission to it?—A. Young soldiers might.

Q. You think young soldiers might?—A. Yes, sir.

Q. But the older soldiers would not?—A. No, sir.

Q. Those were white soldiers?—A. Yes, sir.

Q. Before the colored soldiers came there?—A. Yes, sir.

Q. Is it or not true that bad feeling was displayed by the people of Brownsville toward the soldiers all the time that you were there—unfriendly feeling?—A. Yes, sir; in a certain way, there was.

Q. Now we will go to the firing. You say you heard automatic pistols. How many automatic pistols did you hear, perhaps?—A. I heard one pistol firing about six shots.

Q. An automatic pistol?—A. It must have been, from the way it was fired.

Q. To General Garlington you said that you heard an old-fashioned .45 caliber pistol?—A. Yes, sir.

Q. Those were the shots from down in town that waked you?—A. Yes, sir.

Q. Those two from down in town?—A. Yes, sir.

Q. And then the other shots on the road came later?—A. Yes, sir.

Senator FORAKER. I believe that is all.

By Senator WARNER:

Q. This sign that was put up, "Soldiers and dogs not admitted," you heard discussed among the soldiers there afterwards; you heard it said that they had put it up from the fact that they were not admitted into those places?—A. Soldiers were not admitted.

Q. You heard that given as a reason for their putting it up?—A. Yes, sir.

Q. Did you hear any soldiers speaking of it at all?—A. No, sir; I didn't hear any soldiers say that they had put it up.

Q. Yes. I did not understand that you did say that. Did you hear it talked of among the soldiers in the camp there afterwards—the fact that they were not admitted into the grounds, and some of them put this sign up just as a matter of ridicule, to show how they were treated?—A. Yes, sir; I heard some people talking about it later on.

Q. That was put up by whom?—A. That was later.

Q. Yes; but did you hear that it was put up by soldiers, or whom—I do not mean the person?—A. It was supposed to be put up by some soldiers.

Q. On that night when was it that you got out of bed; was it before or after the call to arms?—A. Sir, I was dressing when the call to arms went.

Q. You put on your clothes?—A. Yes, sir; immediately, as soon as I heard it.

Q. Then you walked over to the hospital?—A. Yes, sir.

Q. You heard parties running, did you not, from the quarters up there?—A. Yes, sir; from the grounds toward the quarters.

Q. From the grounds to the barracks?—A. Yes, sir.

Q. If you remember, about how many persons?—A. It might have been one or two or three. I would not undertake to say.

Q. You would not say that?—A. No, sir.

By Senator OVERMAN:

Q. Was that after the shooting up there, after those two shots up there, then you heard the running after that?—A. Sir, the shooting came very close together.

Q. Yes. But I say was that before the two shots you heard or afterwards that you heard the men running toward the barracks?—A. Well, sir, that was afterwards.

Q. After you heard the two shots fired?—A. Yes, sir; immediately afterwards.

Senator WARNER. I have nothing further.

By Senator FORAKER:

Q. That running was from where, now? Point it out on the map.—A. From here, sir [indicating on the map].

Q. If I may explain to you, this inside of that corner is where the sergeants with their wives were located.

Senator WARNER. It is marked "41."

The WITNESS. That would be the laundry's quarters, sir.

Senator FORAKER. That is on the wrong side from everything we have had about it before. We have had it placed on this side of that road, and that is the commissary-sergeant's quarters.

The WITNESS. No, sir; that is the laundry quarters. The commissary-sergeant's quarters are here [indicating on map].

Senator FORAKER. That building is improperly marked, then?

The WITNESS. Yes, sir.

By Senator FORAKER:

Q. Were there or not two or three quarters occupied by sergeants with their wives?—A. That was here [indicating on map].

- Q. Wherever it was, it was right here, somewhere?—A. Yes, sir.
 Q. Where was the running that you heard that night?—A. It was from there to here [indicating on map].
 Q. There is a board walk up there?—A. Yes, sir.
 Q. And you heard men running over that walk?—A. Yes, sir.
 Q. But you heard nobody running from the corral?—A. No, sir.
 Q. Or anywhere in that direction?—A. No, sir.
 Q. That is quite a distance, from the corral to where you heard the men running, is it not?—A. Yes, sir.

Senator FORAKER. That is all.

(At this point the witness was excused.)

Senator FORAKER. I will now put in evidence, that I may cross-examine him upon it, the testimony of W. H. Sharp, as given before General Garlington, as found on pages 13 to 18 of what has been printed and placed before this committee under the title of "Summary Discharge or Mustering Out of Regiments or Companies. Letter from the Secretary of War transmitting additional testimony and exhibits in the Brownsville case." Sharp was the post blacksmith who repaired the gun racks. I make this explanation so that the committee will understand why I do not examine him in chief. I recall him simply to cross-examine him upon this testimony and to examine him also upon some other points.

The testimony referred to is as follows:

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

W. H. SHARP, 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. Sharp?—A. Fort Brown, Tex.
 Q. How employed there?—A. In the quartermaster's department as blacksmith.
 Q. Are you a man of family?—A. Yes, sir.
 Q. Do you live on the reservation?—A. Yes, sir.
 Q. Where do you live with respect to the quarters of the post quartermaster-sergeant?—A. Northeast, about 300 or 400 yards.
 Q. Where were you on the night of the 13th of August, 1906?—A. In my quarters.
 Q. What time did you retire?—A. About 9 o'clock.
 Q. Did anything unusual occur during that night?—A. Nothing except some shooting.
 Q. What time did this shooting occur?—A. About ten minutes to 12.
 Q. How did you fix the time?—A. I looked at the clock.
 Q. Do you know whether your clock was with the post time or not?—A. Well, yes, about; always aimed to keep it there.
 Q. Did you hear the shooting?—A. Yes, sir.
 Q. Waked up by it?—A. Yes, sir.
 Q. Of what were you first conscious after first waking up?—A. I thought they were having trouble in town.
 Q. What direction from your house was the shooting?—A. Northwest.
 Q. Could you locate it?—A. Within a block or so.
 Q. Where did you think it was?—A. Down near the entrance to the garrison on Elizabeth street.
 Q. What did you do?—A. I got up, looked out the window; shooting ceased and returned to bed.
 Q. You did not leave your quarters?—A. No, sir.
 Q. Did you see the quartermaster on the morning of the 14th, early?—A. No, sir.
 Q. Did you see him during the day at all?—A. To my best recollection, I saw him about 11 o'clock.
 Q. Did he give you any special orders—any unusual orders?—A. No, sir.
 Q. Did you see any arm racks, such as are used in company barracks, on the 14th of August?—A. Yes, sir.

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

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

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

Q. Remember his name?—A. No, sir.

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

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

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

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

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

Q. On the wood?—A. Yes, sir.

Q. Now, Mr. Sharp, these 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 1½ 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, if 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. Sharp, 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. Sharp, 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.)

TESTIMONY OF WILLIAM H. SHARP.

Sworn.

By Senator FORAKER:

Q. You are the same witness who testified before Gen. E. A. Garlington, Inspector-General of the Army, January 21, 1907, are you not?—A. Yes, sir.

Q. You were the post blacksmith at Fort Brown, were you?—A. Last year.

Q. What is that?—A. In 1906 I was the post blacksmith.

Q. In 1906? Last year, I mean.—A. Yes, sir.

Q. You were there on August 13 and 14, 1906?—A. Yes, sir.

Q. At the time when the shooting affray that we have been investigating occurred?—A. Yes, sir.

Q. All your testimony, as you gave it before General Garlington, has been put in the record here, and I want to ask you some questions in regard to this same matter that General Garlington did not think to ask you. How long were you at Fort Brown before this shooting affray?—A. Six years.

Q. In what way were you employed or occupied all the time that you were there?—A. In the quartermaster's department, as blacksmith.

Q. You were not in the Army at all?—A. No, sir; not as a soldier.

Q. You went there as an employee of the quartermaster's department?—A. Yes, sir.

Q. You were not sworn into the service or anything of that sort?—A. No, sir.

Q. But you were stationed there during the six years immediately prior to this shooting affray?—A. Yes, sir.

Q. Where are you stationed now, if at any place?—A. Fort Sill, Okla.

Q. Has the blacksmith shop at Fort Brown post been abandoned?—A. Yes, sir.

Q. And you have been taken from there to Fort Sill?—A. Yes, sir.

Q. And you come here from there?—A. Yes, sir.

Q. What troops were at Fort Brown prior to the time you testified about in this evidence given before General Garlington? What troops preceded the Twenty-fifth Infantry, if you can tell?—A. The Twenty-sixth.

Q. The Twenty-sixth Infantry?—A. Yes, sir.

Q. They were white soldiers?—A. Yes, sir.

Q. Do you remember what soldiers preceded them?—A. Well, I can't call it to mind. Detachments of some regiments, though.

Q. Was it the Fourth Infantry?—A. The Fourth were there; yes, sir; but there were detachments between the Fourth and the Twenty-sixth which I don't just remember.

Q. You have been there long enough, Mr. Sharpe, to be able, looking at the map there at your left, to tell us where Matamoros is, which is across the river, as we understand it, from Brownsville, and how you get across to it from the fort. Do you understand that map on the wall?

(The map was here explained to the witness by Senator Overman.)

By Senator OVERMAN:

Q. Now, we want to know which way you would go to get to Matamoros?—A. It would be about the distance of four blocks on this line [indicating].

Q. This is the garrison road here. Would you come down the garrison road?—A. No, sir. You would go down this street, or this street—down the main street, Elizabeth street, to Twelfth street—and then make a square turn down about two blocks and angle back to the river again, which would make it about where I am pointing [indicating].

Q. The ferry is about opposite Thirteenth street, then?—A. Yes, sir; just about Thirteenth street.

By Senator FORAKER:

Q. Does the city extend up the river in front of Fort Brown, or down the river in front of Fort Brown, whichever it is?—A. I think it extends up the river.

Q. When you are in Fort Brown, are you in front of Matamoros or not?—A. Yes, sir; when you are in Fort Brown Matamoros would be south and a little west of the post.

Q. Do you see the hospital building up there?—A. Yes, sir.

Q. State whether that points [pointing downward], whether that points towards Matamoros or not.—A. Pointing this way [indicating].

Q. Yes.—A. No, sir; I think not.

Q. Where would it be?—A. Over in this direction, south and a little west.

Q. We have been told that Matamoros is where you indicate that it is, and also that it is over here. The Rio Grande River comes clear around on the other side again, apparently.

By Senator BULKELEY:

Q. Here is the Rio Grande River back in here.—A. Yes, sir; I understand that.

By Senator FORAKER:

Q. Where was your blacksmith shop or wagon shop? Can you point it out on that map?—A. Yes, sir; it is No. "56."

Q. No. "56?" Which is that?—A. That was the pump house. It was all in the same building—the pump house, the blacksmith shop, and the carpenter shop.

Q. When you were in that shop where was Matamoros; when you were in the end of that shop where was Matamoros?—A. Say I was in the shop, it is in a direct line, and Matamoros is in that direction [indicating].

Q. Down that way?—A. Yes, sir; to the center of the city.

Q. Now, we know something about that. Now, I will take up the examination proper. We wanted to know something about Matamoros, if we could find out about it. You were there as post blacksmith on the 13th and 14th days of August and on the night of the 13th where were you?—A. I was in my quarters.

Q. Where were your quarters?—A. In the garrison.

Q. Whereabouts in the garrison; what place did you occupy? Were you asleep or awake at the time the firing occurred?—A. I was asleep at the time.

Q. Where were you sleeping at the time?—A. In No. 16.

Q. You were away off there?—A. Yes, sir.

Q. Now, is there any country road near you there that you know of?—A. Outside of the garrison, probably, I should say, a half a quarter—

Q. Half a what?—A. An eighth of a mile.

Q. An eighth of a mile outside of the garrison the country road leads along, does it?—A. Yes, sir.

Q. Where does it extend to; where does that lead to?—A. Well, it goes to a good many places. It branches off. The main road runs down to a little place called Santa Rosalie, which is down the river.

Q. Down the river?—A. Yes, sir.

Q. That is down the river, the way that I am indicating?—A. Yes, sir.

Q. Your quarters are down the river from the barracks?—A. Yes, sir.

Q. And this road leads down the river to Santa Rosalie?—A. Down the river to Santa Rosalie and down to some large sugar plantations, and to the mouth of the river.

Q. And that is a little over the outside line of the reservation opposite your place?—A. Yes, sir; my place.

Q. Then where does it lead to, going into Brownsville? Where does it intersect the streets of Brownsville?—A. Down in the town; right down in here [indicating]. The map does not show all of the town here.

Q. No; the map does not show all of the reservation.—A. It is clear outside of this map, into the county road.

Q. Outside entirely. How far is it away from where those non-commissioned officers were located; how far is it to the county road from the quarters occupied by the noncommissioned officers?

Senator BULKELEY. That is the road through the garrison [indicating].

The WITNESS. I would judge that it would be about the same distance as from that here [indicating].

By Senator BULKELEY:

- Q. About an eighth of a mile?—A. Yes, sir.
- Q. Is that a level country through there?—A. Yes, sir.
- Q. Has it any timber growth over it?—A. Mesquite and bushes.
- Q. That fronts the part from your place down to where it strikes garrison road?—A. Yes, sir.
- Q. That garrison road is Fifteenth street outside of the garrison wall?—A. Yes, sir.
- Q. That is really Fifteenth street. Do you know where a colored soldier who was discharged, named Allison, established a saloon out on that road?—A. Not exactly; no, sir.
- Q. On Fifteenth street, up there somewhere?—A. Yes, sir.
- Q. You know the country road does lead into Fifteenth street up there somewhere?—A. Yes, sir.
- Q. With all that in mind, tell us whether you heard anything of the firing that night?—A. Yes, sir; I heard some of it, or a part of it.
- Q. What was that?—A. I heard a part of it.
- Q. What did you hear? Tell us all you can recollect.—A. I was wakened up by my wife saying there was some shooting going on in town, and I said, "Well, that is nothing unusual," and I paid no attention to it, and proceeded to go to sleep again. Then she woke me again, and I got up and looked out of the window and saw no flash or anything, but heard the firing down near the barracks. I don't know, but there was about 20 or 30 shots, probably, was all I heard.
- Q. All you heard. Did you leave your house that night?—A. No, sir.
- Q. Did you have anything to do with the shooting?—A. Not a thing in the world, sir.
- Q. Do you know who did have anything to do with it?—A. No, sir.
- Q. Can you give us any information that will lead to the detection of the men who did have anything to do with the shooting?—A. No, sir.
- Q. Well, you said, "That is nothing unusual," and went to sleep again. What do you mean by that remark? Is firing around there a usual thing at night, or not; that is what I want to get?—A. Firing around there is nothing unusual. It is nothing unusual to hear firing around Brownsville most any time of night.
- Q. Most any time of night. You were there during all the stay of those other soldiers, as I understand. Did you hear of any other troubles during their stay there with citizens leading to shooting, or of any other character, that you can tell us about?—A. There was one man of the Fourth Infantry killed there.
- Q. Who was that?—A. His name was Brady.
- Q. A man by the name of Brady?—A. Yes, sir.
- Q. Was that in the town?—A. Yes, sir.
- Q. In the nighttime?—A. Yes, sir.
- Q. Do you know anything about the circumstances?—A. I don't know anything about the shooting. I was on the spot a few minutes later and saw the man.
- Q. You saw the man killed?—A. No, sir; I saw the man that had been shot.
- Q. I mean you saw the man that had been killed?—A. Yes, sir.

Q. And his name was Brady, and he belonged to the Fourth Infantry?—A. Yes, sir.

Q. Where was he killed; where did you see him?—A. I don't know whether I can show that on the map or not.

Q. Was he killed in a church or in a saloon, or where?—A. He was killed on a porch.

Q. On a porch?—A. Yes, sir.

Q. The porch of what kind of a building?—A. A frame building; one story.

Q. Do you know what was carried on at that building?—A. No, sir; I do not.

Q. Do you know whether it was a house of resort or not?—A. No, sir; I am not acquainted with the people that live there.

Q. What is that?—A. I was not acquainted with the people that kept the place.

Q. Yes. Do you know of any other shooting affrays? He was a white man, was he?—A. Yes, sir.

Q. Do you know of any other shooting affrays?—A. Not that I call to mind at present.

Q. Was it, or not, an unusual thing for the soldiers at Brownsville, the white soldiers at Brownsville, I mean, to have trouble with the citizens of Brownsville during your stay there?—A. The white soldiers?

Q. Yes.—A. No, sir; they got along very peaceably.

Q. Did they, or not, have some difficulties there? Do you remember about Sergeant Salier having trouble of some kind, and about a soldier named Baker having trouble of some kind?—A. Yes, sir; I heard of it.

Q. You heard of that. I just want to know what you may happen to know about it. Now, coming back to the 13th, did you leave your house at all that night—the night of the 13th?—A. No, sir.

Q. What did you do the next morning, if anything?—A. When I woke up?

Q. Yes.—A. I proceeded to get breakfast.

Q. Where did you go after breakfast?—A. I went to the blacksmith shop.

Q. You went down to the blacksmith shop at the usual hour, did you?—A. Yes, sir.

Q. What time was that?—A. 7.30.

Q. Now, you have told us that along some time that morning a sergeant from Company C brought you four gun racks of that company?—A. Yes, sir.

Q. And do you know who that sergeant was?—A. No, sir; I do not know his name.

Q. You do not know whether it was Sergeant McMurray or not?—A. No, sir; I couldn't say.

By Senator WARNER:

Q. I understand, in answer to Senator Foraker, speaking of the white soldiers there before the Twenty-fifth Infantry came, you said that they got along very peaceably with the citizens?—A. Yes, sir.

Q. And after the Twenty-fifth Infantry came there, and about that time, did you know that there was some feeling between them and the citizens there on account of their conduct, or the treatment they had received?—A. The citizens and the Twenty-sixth?

Q. Between the citizens and the Twenty-fifth.—A. No, sir.

Q. Did you hear them talk of it?—A. No, sir.

Q. Did you know anything of that?—A. No, sir.

By Senator FORAKER:

Q. You were asked about white soldiers. Was there any feeling on the part of the colored soldiers toward the citizens of Brownsville?—A. No, sir.

By Senator WARNER:

Q. You did not hear it discussed at all in your shop or around your shop?—A. No, sir.

Q. You were awakened that night by your wife, who said there was firing?—A. Yes, sir.

Q. And you made the remark that you have stated, and then turned over and went to sleep, and then you were awakened again?—A. Yes, sir.

Q. You did not hear the call to arms?—A. No, sir; I never heard that at all.

Q. Could you tell where the shooting was from, or what direction?—A. I could tell the direction and about where it was.

Q. Where?—A. It appeared to me to be down about the barracks and just outside of the wall.

Q. And you only heard, as you have stated, about some twenty-five or thirty shots, or something like that? What do you mean by that?—A. The soldiers' barracks would be over in here [indicating].

Q. Between barracks B and C?—A. Yes, sir.

Q. It seemed, then, to be back of barracks B and C?—A. Yes, sir.

Q. Just how far out you could not tell?—A. No, sir; because I lived a considerable distance the other way.

Q. I think you gave the number on the map there of the place where you were living?—A. Yes, sir; No. 16.

Q. No. 16?—A. Yes, sir.

Senator OVERMAN. The blacksmith shop is in the pump house.

Senator WARNER. Yes.

By Senator WARNER:

Q. Something has been asked you about the killing of Brady, of the Fourth Infantry. You say you were there at the spot a few minutes afterwards?—A. Yes, sir; a few minutes afterwards, I was at the spot. I heard the shot.

Q. What were the circumstances of that, if you remember?—A. Well, he was just shot, and nobody knew who done it. They carried him down to the hospital and he died a few minutes later.

Q. That was on a porch of a house there, and you don't know what kind of a house it was?—A. No, sir.

Q. Do you know by reputation what kind of a house it was?—A. No, sir.

Q. Did you make any inquiries?—A. No, sir.

Q. Was it in a part of the city?—A. It was a respectable part of the city, probably four blocks from the garrison wall, the garrison fence.

Q. Along what street?—A. This doesn't show it, but it would be probably, in about where this "10" is.

Q. Say, over beyond Adams street?—A. Yes, sir; and beyond Adams street. That would be northeast.

Senator WARNER. I believe the statement of this witness is so full about the rifles and racks that I do not care to ask him anything further.

(The witness was excused.)

TESTIMONY OF ROWLAND OSBORN.

(The witness was sworn by Senator Scott.)

Senator FORAKER. I will offer in evidence the testimony of this witness given before Brig. Gen. E. A. Garlington, on January 21, 1907, as found on pages 11 to 13 of the document received from the Secretary of War, entitled "Summary Discharge or Mustering out of Regiments or Companies. Letter from the Secretary of War transmitting additional testimony in the Brownsville case."

The testimony referred to is as follows:

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

ROWLAND 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 Lawason 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.]

By Senator FORAKER:

Q. Now, Sergeant, all your testimony, as you gave it before General Garlington, is in evidence.—A. Yes, sir.

Q. I have called you simply to examine you in the nature of a cross-examination. You are in the Army?—A. Yes, sir.

Q. What regiment, if any, are you connected with?—A. I am connected with the Quartermaster's Department.

Q. You are a sergeant of the Quartermaster's Department?—A. Yes, sir.

Q. What is your rank?—A. Post quartermaster-sergeant.

Q. How long have you held that rank?—A. For nearly twenty-two years. It will be twenty-two years next month.

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

Q. How long had you been there?—A. A year and four months.

Q. Had you any relation or connection with the Twenty-fifth Infantry, colored troops?—A. None whatever, sir.

Q. You were independent?—A. Yes, sir.

Q. Of all organizations?—A. Yes, sir.

Q. Such as regiments and companies?—A. Yes, sir.

Q. The witness who preceded you, Mr. Sharpe, testified about repairing the gun racks of Company C. I want to ask you whether you gave any orders in regard to the repairs of those racks?—A. No, sir; I did not. I know they were repaired, and that is all.

Q. You were at the blacksmith shop and saw them there?—A. Yes, sir.

Q. When was that?—A. On the 14th of August, sir.

Q. And you gave no orders and no directions in regard to them?—A. No, sir.

Q. How did you happen to be there to see them?—A. Well, I usually went to the stables every day at about noon. It must have been about half past 11 o'clock when I went there. I used to stop at the shops when I went through in making my regular rounds.

Senator FORAKER. The testimony on that is very full.

Senator WARNER. Yes, very full.

By Senator FORAKER:

Q. Now, I want to examine you about something else. Where were you on the night of the firing when it commenced?—A. In my quarters.

Q. Where were your quarters?—A. They were what is known as No. 13, officers' quarters [indicating on map].

(The map was here fully explained to the witness by Senator Overman.)

Q. You were away off there?—A. Yes, sir.

Q. That was your quarters, over there?—A. Yes, sir.

Q. You were sleeping there that night?—A. Yes, sir.

Q. Did you hear the firing?—A. I did, sir.

Q. What did you hear? Tell us all you can tell about it.—A. I am not positive whether the firing woke me up or not, but I heard a half a dozen scattering shots and then a volley.

Q. Where were the half dozen scattering shots fired from?—A. From in the direction of the barracks.

Q. Then you heard a volley?—A. Yes, sir; like a skirmish.

Q. How far were you from the barracks?—A. Probably about 1,600 yards.

Q. That is nearly a mile?—A. Yes, sir. These were the only three barracks that were occupied at the time. I was away off here [indicating].

Q. Did you get up and go down?—A. No, sir.

Q. Why?—A. Because it was not my duty to do so.

Q. Did you not think at the time that it was something unusual?—A. No, sir; I did not, at the time, think so.

Q. How is that?—A. I did not, particularly. It is a very ordinary thing to have night drills and night attacks, and when I heard the call to arms sounded I presumed they were having a night attack for drill.

Q. A night attack—a sham attack?—A. Yes, sir.

Q. Did you hear firing around Brownsville?—A. Yes, sir; almost every night.

Q. Almost every night?—A. Yes, sir; it was a very common occurrence.

Q. What was the nature of that firing, what caused it?—A. I don't know what it was.

Q. Every night you could hear more or less of firing around in that vicinity?—A. Yes, sir.

Q. So that you thought there was nothing unusual about it in that regard?—A. No, sir; nothing unusual at all.

Q. Can you tell us what kind of a country that is, whether it is sparsely settled after you leave the town. There is a country road leading down the river to Santa Rosalie. Do you know where that is?—A. I was never down there.

Q. We are told that it is 5 or 6 miles down the river?—A. Yes, sir.

Q. What kind of a country is that; is it sparsely populated?—A. Very sparsely populated, so far as I know.

Q. What kind of people live in there?—A. Principally Mexicans.

Q. Chiefly Mexicans?—A. Yes, sir.

Q. Mexicans who have come across from Mexico, or did they always live there?—A. That I can not say. Of course some of them were born and brought up there and some of them are from the other side.

Q. What is the character of those Mexican people?—A. They are the very lowest class of people that I ever met.

Q. Are they the people who do this shooting?—A. I presume they are; yes, sir.

Q. Can you tell us how the conduct of this colored regiment of the Twenty-fifth Infantry compared with the conduct of other soldiers stationed at Fort Brown white soldiers?—A. I should say that it was superior.

Q. How is that?—A. I should say that it was superior.

Q. It was superior?—A. Yes sir; they had just had a pay day there, and everything was perfectly quiet, and not a man was put in the guardhouse.

Q. Not a man put in the guardhouse? - A. No, sir; which was a very unusual thing.

Q. Usually when the white troops are paid off — A. They would have ten or fifteen men in the guardhouse.

Q. There would be something doing? - A. Yes, sir.

Q. But this time everything was very quiet and orderly? - A. Very quiet; very quiet, indeed.

Q. That impressed you, did it? - A. Yes, sir.

Q. Have you been stationed with white troops and colored troops before? - A. Yes, sir.

Q. You have had experience before? - A. Yes, sir.

Q. What, in your opinion, is the conduct of the colored troops as compared with the conduct of the white troops? - A. I think they are much better behaved than the white troops, as a rule.

Q. Yes? - A. That has been my experience.

Q. Did they seem to be under good discipline? - A. Yes, sir.

Q. Those troops had a band there, did they, with them? - A. No, sir.

Q. With this battalion? - A. No, sir.

Q. No band? - A. No, sir.

Q. No post band? - A. No, sir.

Q. Did they have a drum corps? - A. No, sir.

Q. Or a bugle corps? - A. No, sir; they had just two field musicians to each company.

Q. Two trumpeters to each company? - A. Yes, sir.

Q. Can you tell us about any specific instances of any trouble between citizens of Brownsville and white soldiers before the colored troops went there? - A. No, sir; I can not.

Q. You can not? - A. No, sir. I was there only a short time, a year and four months.

Q. I wish you would look at that map and tell the committee, and locate, if you can, where Matamoros is with reference to the barracks? - A. Matamoros is right across over here [indicating on map].

Senator OVERMAN. That is the garrison road?

Senator FORAKER. That is Fifteenth street. We have been calling it garrison road, but it is Fifteenth street.

The WITNESS. Very nearly across from there.

By Senator FORAKER:

Q. Very near opposite to the foot of Fifteenth street? - A. Yes, sir.

Q. Where is the ferry? - A. That is right down here, in about that location [indicating].

Q. Do you know anything about whether there are any Mexican soldiers quartered in Matamoros, garrisoned there? - A. No, sir; not from personal knowledge. I never was over there.

Q. What was that? - A. I never was over there.

Q. You never went over there? - A. No, sir.

Q. You stuck pretty close to your place? - A. Yes, sir.

By Senator WARNER:

Q. Just one or two questions. These shots you heard first—these half a dozen scattering shots and then the volley—what direction did that shooting come from? - A. In that direction; in the direction of the barracks from where I was.

Q. When you say the direction of the barracks, would you locate either of the barracks, or generally?—A. Generally; I couldn't tell exactly. I didn't pay a great deal of attention to it, because I got up and went to the window and heard "to arms" sounded, and I drew my own inference and went back to bed.

Q. Yes.—A. It was not anything to excite me at all. It was nothing unusual, I thought. I should not have paid any attention to it at all, except that I thought possibly we might have a fire, and in case of fire it was my duty to go to my office.

Q. And you concluded that it was drill?—A. Yes, sir; I concluded that it was drill, and I went back to bed and went to sleep.

Q. Had you ever heard them having night drill there before?—A. Yes, sir; not at that place, I had not. But this command had only been at this place a very short time.

Q. But this shooting you had heard in the town before this, that was scattering shots?—A. Yes, sir.

Q. You never had had any such shooting as this before?—A. No, sir.

Q. You never had heard volleys before; it was simply a scattering shot now and then?—A. Yes, sir.

Q. You say you thought these scattering shots were by Mexicans?—A. Very probably. Of course I have no means of knowing who fired the shots. That was my inference.

Q. Do you know anything about it; whether it was Mexicans or policemen shooting at violators of the law?—A. No, sir.

Q. You would not pretend to say?—A. No, sir.

Q. When you say you think it was by Mexicans—A. I think it is generally done by Mexicans in town who are drunk or have been drinking.

Q. I understood you to say that they were all of a pretty low order?—A. Yes, sir.

Senator BLACKBURN. I understood him to say that that was meant to apply to the shooting that was done there and not to the shooting on that night.

Senator WARNER. Yes; not to the shooting of that night.

By Senator WARNER:

Q. From this shooting you heard, from the volley, will you tell the committee, in your own judgment, how many were engaged in that shooting?—A. I should judge fifteen or twenty from the way it sounded.

Q. Did you hear any orders given, or were you too far away?—A. No, sir; I was too far away, sir.

Q. And you said that it sounded like a skirmish volley, as I understood you?—A. Yes, sir.

Q. What do you mean by that?—A. I mean that it was irregular. It was not followed by a fire by squad--volley firing. It was more like a firing at will.

Q. Firing at will?—A. Yes, sir.

Q. In your judgment, you would not pretend to say, but it was something like twelve or fifteen men?—A. Yes, sir.

Q. And what was the kind of arms?—A. I could not say as to that.

Q. Did you see the flashes of any of the guns?—A. No, sir.

Q. You knew, did you not, of some trouble that the Twenty-fifth Infantry had had after they came there--the members of some of the companies?—A. Yes, sir; I had heard of it.

Q. You had heard of it generally?—A. Yes, sir.

Q. In the camp?—A. Yes, sir.

Q. Did you hear them complain of the treatment they had received?—A. No, sir; I was not in a position to hear those complaints. I was isolated from them to a great extent.

Q. You stayed up in your place?—A. In the office. The office is a long ways from them.

Senator SCOTT. Nearly a mile.

The WITNESS. Right there is where it was located [indicating on map], and they were away down here, and I did not come into contact with them a great deal, except when they were detailed to the department on fatigue parties, and things of that kind.

Q. That is all that you would see of them?—A. Yes, sir; that is all that I would have to do with them.

By Senator SCOTT:

Q. Sergeant, do you know who did this shooting on that night?—A. No, sir; I do not.

Q. Did you ever question these colored men to try to find out?—A. No, sir.

Q. You did not?—A. No, sir; it was not in my line exactly. I was isolated from them and did not come into contact with them except in working parties.

Q. Yes; you have stated that.

Senator FORAKER. That is all.

(The witness was excused at this point.)

TESTIMONY OF CHARLES EDWARD RUDY (COLORED).

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. What is your full name?—A. My name is Charles Edward Rudy.

Q. Did you belong to the Twenty-fifth Infantry in August last?—A. Yes, sir.

Q. What company?—A. C. Company.

Q. Where were you born?—A. I was born in Webster County, Ky., at Dixon.

Q. Webster County, Ky.?—A. Yes, sir.

Q. Where did you enlist?—A. At St. Louis, Mo.

Q. How old are you?—A. I am 36 years old, going on 37.

Senator FORAKER. I want to put in evidence at this point the record of this soldier as given by the War Department on page 258 of Senate Document No. 155.

The record referred to is as follows:

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.

By Senator FORAKER:

Q. I see by this record that you first enlisted in 1898.—A. Yes, sir; that was at Moberly, Randolph County, Mo., for the United States Volunteers, in the Seventh Immunes.

Q. That was for the Spanish-American war?—A. Yes, sir.

Q. You were mustered in July 14 and you were mustered out February 28, 1899?—A. Yes, sir.

Q. And as a sergeant of Company E?—A. Yes, sir.

Q. Seventh United States Volunteer Regiment?—A. Yes, sir.

Q. That was an immune regiment?—A. Yes, sir.

Q. Did you serve with that regiment in Cuba?—A. No, sir; because it did not go to Cuba.

Q. You served with the regiment until after it was mustered out?—A. Yes, sir.

Q. Then you reenlisted April 21, 1899, for the Twenty-fifth Infantry?—A. I enlisted for the Twenty-fifth, yes, sir; and they assigned me to Company C.

Q. You were mustered out by reason of expiration of term of enlistment. You were retained in service one month and ten days for the convenience of the Government. Then you reenlisted August 8, 1904, in the same company—Company C, of the Twenty-fifth Infantry?—A. Yes, sir.

Q. And you were mustered out without honor November 24, 1906?—A. Yes, sir.

Q. That is your record?—A. Yes, sir; at the same place; in St. Louis.

Q. Now, tell us where you were the night of the 13th and 14th of August, 1906, if you can, when the firing which we have been investigating occurred at Brownsville.—A. I were sleeping on the front porch of Company C barracks.

Q. On the front porch of Company C barracks?—A. Yes, sir.

(The map was here explained to the witness by Senator Scott.)

By Senator SCOTT:

Q. You say you were in C barracks. Now, where were you? There is a country road that goes around outside of there.—A. That is the country road?

Q. Yes.

(The map was further explained to the witness by Senator Scott.)

By Senator FORAKER:

Q. Where were you when this shooting commenced; were you asleep or awake?—A. I was asleep when the first shot was fired, and it woke me up. I was sleeping on the front porch, upstairs.

Q. What do you mean by the front porch?—A. The porch next to the officers' quarters.

Q. Fronting over the parade ground?—A. Yes, sir; right near the south end of the porch.

Q. You were not, then, on the porch looking out over the city?—A. No, sir; we generally called that the back porch.

Q. You were on the front porch?—A. Yes, sir.

Q. You heard a shot fired; where was that fired?—A. It was fired in rear of the barracks; it seemed to me like in town, near the road over there [indicating].

Q. How do you know that it was fired from there?—A. From the sound of it, it seemed to come from that side.

Q. What did you do when you heard that?—A. It woke me up, and I don't know, it may have been thirty seconds or more, and then I heard a great deal of shooting, then, just like a rapid firing, and I jumped up and slipped on my shoes without any socks, without any trousers, and the sentry that walked Post No. 2, I taken it to be him, me being right near the end of these barracks, right there, I could see him, but didn't know; I taken it to be him from what he was hollering. He discharged his piece in the air and was calling the guard. Then I came right out, and about 15 or 20 feet from where I was sleeping at there is a door that goes into the barracks from this porch, and then there is one right opposite toward the road, and I goes right straight through and goes to this door and looks out toward the town, and I could see the flashes——

Q. You went through to the back porch?—A. Yes, sir; I went through to the back porch, to the door, and then I could see the flashes of the shooting, but I couldn't see anyone.

Q. How far down the road immediately outside the wall was the firing, or did it appear to be, when you saw those flashes?—A. When I went out it seemed to be between the south end of C Company's quarters and B Company's quarters, near, kind of, in that direction [indicating]. It was between those.

Q. It was between those; but was it inside or outside of the fort?—A. It was outside of the fort, because I couldn't see anyone. It seemed they were shooting over the wall.

Senator SCOTT. There is the telegraph office. We are talking about this location, and I point that out to you so that you may have that in your mind.

The WITNESS. Yes, sir. The shooting, on this south end of C Company's quarters ——

By Senator FORAKER:

Q. That line is the wall?—A. Yes, sir; and this is B Company's quarters, and they were next the wall.

Q. Outside or in?—A. Outside; right up against the wall.

Q. Right up against the wall?—A. It seemed to be to me.

Q. Where was it you saw this guard discharge his piece?—A. This guard was right in there [indicating].

Q. Between B and C?—A. Between B and C Companies' quarters. I could see him, because there is a street light that sets in between B and C Companies' quarters, and one in B, and I could see him, but couldn't tell who he was.

Q. Do you know how often he discharged his piece?—A. No; I don't know how often. When he called the guard, I went right in, and I don't know how many times he discharged it.

Q. He discharged his piece up in the air?—A. Yes, sir; right up in the air, that way, and called the corporal of the guard, post No. 2.

Q. Was that a proper or an unusual thing for a guard to do?—A. That is the proper thing for a guard to do, for a sentry on post.

Q. You say he called the guard, or the corporal of the guard, or what?—A. He called the guard.

Q. What is the call the guard makes?—A. In case of trouble, or so that a sentry can not handle it himself, he discharges his piece, and

calls the guard, and if it is so that he can handle it himself, he simply calls "Corporal of the guard, No. 2."

Q. Did or did not this guard who discharged his piece shoot toward the town or up in the air?—A. He shot right up in the air. There are some trees in there, and he just elevated it right up.

Q. Now, tell us what next happened?—A. I went to the door and looked out, and then I could see the flashes of this shooting, and I could hear voices saying "Come out, you black sons of bitches, and we will kill every one of you."

Q. You heard that?—A. Yes, sir.

Q. Then what did you do?—A. Then the call to arms went, and I went to the gun rack to get my rifle, and it wasn't open, and so I asked somebody, "Where is the man in charge of quarters," and some of them said, "I don't know where he is"—some one in the confusion around there—and they ran around there looking for him, and couldn't find him; and by this time the commanding officer, Major Penrose, and Lieutenant Grier had got over there, and the commanding officer was saying, "Why don't you men of C Company fall in out here and get in line?" and I says, "What for to fall in, for to stand up and get shot? I haven't got any rifle to protect myself." He says, "Where is the man in charge of quarters?" and I says, "I don't know where he is;" I says, "They can't find him around here." Then Major Penrose says, "Get your rifles and fall in." He says, "Get them some way; bust the racks open." And Lieutenant Grier says, "Bust the racks open." And right down the steps to the right, there is where kept our fire axes and buckets, and I spoke to some one standing on the steps, and I says, "Go around and get one of those axes," and he got one of the fire axes and came around the steps, turned to the left, going to the south, where I was sleeping at, the south end of the barracks, the first rack on that end of the barracks: whoever it was struck it himself first, and then I took the ax out of his hand and broke it open myself.

Q. You were the man who broke the gun rack open?—A. Yes, sir; I broke the first gun rack open.

Q. That stood on the left-hand side of the stairway, going up?—A. Yes, sir; on the left-hand side of the stairway. I did that myself.

Q. And you broke that open, according to the order?—A. Yes, sir; the order was from Lieutenant Grier and the commanding officer.

Q. What was the condition of the gun racks up until that time, if you know?—A. They were good; hadn't never been touched.

Q. Who was in charge of the quarters that night?—A. Sergeant Brawner.

Q. Did you see him there that night?—A. I saw him after we had broke the first gun rack; he came around and I had my rifle and was going out, and he said, "I have unlocked the other gun racks." I says to him, "Why don't you tell the other men," because they were still hammering on them yet.

Q. Did he tell the men about the other gun racks?—A. Yes, sir.

Q. Then what did you do?—A. After I got my rifle out, I goes down and fell in line, and then some one said that they didn't have no ammunition, and he says, "What are we going to fall out here for," and I says, "I don't care whether I have got any ammunition or not; I am going to fall in." We didn't have anything but the reduced range ammunition. Then Lieutenant Grier told Sergeant McMurray,

the quartermaster-sergeant, to get out some ammunition, and so then he told me to go in and assist him, and I goes in and gets a box of ammunition and issues it out.

Q. You are the artificer of the company?—A. Yes, sir; I am the artificer of the company.

Q. I remember that he testified to what you did.—A. And I issued this twelve hundred round 's of ammunition to the men.

Q. Yes.—A. And then we fell in line and marched around, and Lieutenant Grier taken charge of the company, after he had verified the count, and he marched them around and deployed them as skirmishers up and down the wall.

Q. How much ammunition did you give to each man?—A. I don't know how much. I just issued only twelve hundred rounds out, and they were in these bandoleers, so that some men would take them and divide up with the others; we didn't have time—

Q. That is, you would give one bandoleer to how many men?—A. To about 3 men.

Q. You are counted off in fours, are you not?—A. Yes, sir; whenever we start off.

Q. How many in a squad?—A. A squad consists of 8 men; that is, a corporal and 7 privates.

Q. You gave out enough bandoleers to go around to the men in the company?—A. Yes, sir; so that each man got some ball ammunition.

Q. You opened up one case?—A. One case, sir; twelve hundred rounds.

Q. Up to that time, what kind of ammunition did your company have that night?—A. We had the reduced range ammunition, what is called the guard cartridges.

Q. That has a leaden ball without any steel jacket over it?—A. Yes, sir.

Q. And 15 grains of powder in it?—A. Yes, sir; something like that.

Q. Reduced range ammunition. It fires how far, do you know?—A. I don't know how far it will shoot. I think, if you want to aim at an object—I have most forgotten on that, but I think if it is 150 yards off you have to raise your sight to 500 yards. I am not positive, but I think that is it.

Q. Before I get away from it, let me ask you if there was anybody else sleeping out on this porch with you that night?—A. Yes, sir.

Q. Who was it?—A. Private George Gray.

Q. He belonged to your company?—A. Yes, sir.

Q. After the ammunition was issued, then what happened?—A. After the ammunition was issued, why, Lieutenant Grier took charge of the company, after they got their ammunition, and marched it around in the rear of the barracks.

Q. State whether or not the roll was called or the men were counted, or anything of the kind, before you went around there?—A. They started to call the roll, and I know that they had gotten down to my name, and then they gave me the order to assist Sergeant McMurray to distribute this ammunition, and whether the roll was finished or not, I don't know, but when I came out and got in line then Lieutenant Grier counted the men. He counted the men, but whether

the roll was finished or not I don't know, for I was in the ordnance room.

Q. You were there when the men were counted?—A. I was there when Lieutenant Grier counted them.

Q. Do you know what the result of that count was, whether the men were all present or not?—A. All were present or accounted for.

Q. When you went on guard? I will not go over that, because we have been all over that so many times.—A. Yes, sir.

Q. Were your guns at any time after that examined—inspected, I mean? Did you go on guard with your company?—A. Yes, sir; I went on guard with the company.

Q. Where were you stationed that night?—A. I was stationed that night in the rear of our company, right in rear or near the north end of the wall; we covered from that down.

Q. What post was that?—A. From that until day I think we called that post, if I am not mistaken, No. 4.

Q. No. 4?—A. Yes, sir.

Q. How many men were posted there with you?—A. There was one noncommissioned officer with myself and two privates stationed at that post.

Q. That made four of you?—A. Four of us.

Q. Were your guns inspected at any time?—A. They were inspected the next morning, time it got light. While we were on guard we were not allowed to leave that post under any circumstances, and the next morning, when it got light, the officer of the day, who was our company commander, went down and inspected every man's rifle that was down there.

Q. That was Captain Macklin?—A. Yes, sir; Captain Macklin.

Q. Were you there when he inspected the rifles at your post?—A. Yes, sir.

Q. Did you see him go down to the other posts?—A. Yes, sir; I seen him going down the line to the other posts.

Q. Did he find any guns that had been fired?—A. Not that I know of.

Q. What was the nature of the inspection; was it careful?—A. It was very careful, because he taken the bolt clear out, so that he could see clear through it.

Q. Did he ever find any dirty guns that you know of?—A. No, sir.

Q. Was there any missing ammunition?—A. No, sir; no missing ammunition.

Q. At that time you had the ball cartridge?—A. At that time, when we were on post, we had the ball cartridge.

Q. What had you done with the other cartridges?—A. We had turned them in. The order were issued on the 3d of July, right after muster, that the 20 rounds of ball cartridge that we had when we left Fort Niobrara was to be turned in to the quartermaster.

Q. To the quartermaster-sergeant?—A. To the quartermaster-sergeant, and I was detailed so as to see that he got those ball cartridges in.

Q. State whether or not they were turned in.—A. They were turned in. We started to get them that evening and we got them all by the 2d of the month.

Q. All of them were turned in; and state whether they were

counted as they were turned in.—A. They were counted as they were turned in.

Q. And checked up?—A. Yes, sir; and checked up.

Q. And did your duties as artificer of the company require you to assist the quartermaster-sergeant?—A. Yes, sir.

Q. In his duties?—A. Yes, sir; I was under his supervision, especially for doing work around the company.

Q. Do you know anything about his having extra guns that were not issued to the men, and where they were kept?—A. Yes, sir.

Q. Where were they kept?—A. He had 13 rifles that night in the storeroom, in the arm chest; 10 in one and 3 in the other. They were screwed down—the tops screwed down on these arm chests.

Q. How do you know those 13 rifles were in there?—A. Because I put them in there myself and did the screwing down of the tops.

Q. That was your business as artificer?—A. Yes, sir; that was my duty as artificer. I had all of the tools for that work.

Q. Did anybody else have tools with which those screws could have been removed?—A. No, sir; none.

Q. Do you know they were in there, screwed down, or not?—A. Yes, sir; in there, screwed down.

Q. How do you know that?—A. Because that was one of the most particular things that the company commander had to attend to with his company—to have all the rifles not in use in the arm chest and screwed down properly.

Q. Where were all the other rifles kept ordinarily that were not in the arm chest?—A. Those in use were kept in the gun racks.

Q. So that out of the total number of rifles that you had, 13 were in these chests?—A. Yes, sir.

Q. And all the others should have been in the gun racks, except—
A. Except the ones that were off in competition. Lieutenant Hay and Sergeant Turner had another.

Q. Lieutenant Hay was off on competition, and Sergeant Turner also?—A. Yes, sir; Sergeant William Turner.

Q. Each of these men had a rifle?—A. Yes, sir; they had each a rifle.

Q. So that you had 13 in the arm chests and the 2 in their hands made 15. Now, do you know how many rifles you had altogether?—

A. We had 70.

Q. You had 70 rifles?—A. Yes, sir.

Q. That would leave 55 rifles to account for?—A. Yes, sir.

Q. Do you know how many men went on guard from your company that night?—A. No, sir; I never paid any attention to it.

Q. You had nothing to do with that?—A. I had nothing to do with the guard detail.

Q. But there were 55 rifles which ought to be accounted for as outside?—A. Supposed to be; yes, sir.

Q. Did you see those rifles supposed to be in those boxes that night or any time afterwards?—A. I saw those rifles in that box, I think the next day or the day following; I don't know which.

Q. State whether or not you were required to open the boxes to inspect the rifles, or anything like that?—A. No, sir; not necessarily.

Q. Were they inspected at all by the officers?—A. No, sir. Those in the arm chests?

Q. Yes.—A. No, sir; not as I know of.

Q. But you put them in there? A. I put them in there.

Q. And you had the only tools which were supposed to be about there with which they could be opened?—A. Yes, sir.

By Senator OVERMAN:

Q. Where did you keep your tools?—A. In a tool chest.

Q. Whereabouts?—A. Sitting right in the hall, in the front hall, coming from the parade grounds. Two tool chests, furnished by the quartermaster's department, furnished with locks and keys.

By Senator FORAKER:

Q. Was that locked or open?—A. Locked at all times, for I was responsible for those tools and wouldn't allow anyone to go in them.

Q. What kind of a lock did that chest have on it?—A. A Yale lock.

Q. Who carried the key?—A. I did.

Q. Was it out of your possession at any time?—A. No, sir; only the time that I would be in the hospital sick, and then I would turn it over to the quartermaster-sergeant.

Q. That would be Sergeant McMurray?—A. Yes, sir.

Q. But that night you had the key yourself?—A. Yes, sir.

Q. Was there any evidence at all of that tool chest being broken open that night?—A. No, sir.

Q. Were you in Matamoros while you were down there?—A. Yes, sir.

Q. Do you know anything about whether there is a Mexican garrison over there—a garrison of Mexican soldiers?—A. There is one right across the river; just opposite the administration building, kind of.

Q. Pretty nearly opposite our administration building?—A. Our administration building in the post at this point, and it was across the river, kind of, setting more easterly.

Q. How wide is the river at that point?—A. I suppose a couple of hundred yards.

Q. A couple of hundred yards?—A. That is our estimate; I don't know.

Q. Is it deep or shallow there?—A. It is deep. They told me the channel along there ranged, at the time we were there, from 35 to 40 feet deep.

Q. Does the tide come up that far?—A. I don't know whether it does or not, but they had a good deal of rain, and it had overflowed the lower land there.

Q. Whereabouts is this Mexican garrison? Have they got a fort there like we have?—A. They have a fort there, but the barracks are situated in the town. There is a kind of a little town, and a street-car station, and a lot of other places. You could hardly tell the Mexican barracks until you went by. It looks like any other store building or anything of the kind.

Q. Do you know how many troops they kept there?—A. No, sir.

Q. Do you know whether they kept infantry and cavalry and artillery there?—A. Yes, sir; they kept infantry, cavalry, and artillery there. I have seen all three there, and that is what I understood.

Q. Did they visit on your side the same as you did on their side?—A. I have seen some of them. They visited in the post and in the town, and we would go over there and visit them in the town.

Q. It was nothing unusual for them to be over on our side?—A. No, sir; nothing at all.

Q. As it was for some of our men to be over there?—A. Yes, sir.

At 12.30 o'clock p. m. the committee took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The committee reconvened pursuant to the taking of recess at 2 o'clock p. m., Senator Scott in the chair.

Present: Senators Scott, Foraker, Bulkeley, Warner, and Overman.

TESTIMONY OF CHARLES EDWARD RUDY (COLORED)—Continued.

By Senator WARNER:

Q. You were examined by Colonel Lovering, were you not?—A. Yes, sir.

Q. In September?—A. Yes, sir.

Q. You were sworn at that time?—A. Yes, sir.

Q. Did you state to him all you knew about this affair?—A. I stated to him just what he told me to answer. He told me to answer nothing only what he asked me.

Q. And who was it, you say, was sleeping with you on the porch?—A. Private George Gray.

Q. Did you start to tell Colonel Lovering something about seeing the shooting—what you have stated here?—A. No, sir; he didn't ask me about that. He asked me who was the first man I seen when I woke up. I told him Private George Gray.

Q. Did you tell him anything about having seen the sentry there?—A. No, sir; he didn't ask me that.

Q. There are two Grays; which one was this?—A. This is George Gray. The other was Joseph Gray.

Senator WARNER. I would like to have inserted in the record at this point the testimony of this witness, Charles E. Rudy, as found at page 123 of Senate Document No. 155.

Senator FORAKER. That is headed "Artificer Charles A. Rudy." The name should be "Charles E. Rudy," as I understand.

The WITNESS. Yes, sir; Charles E. Rudy.

Senator FORAKER. You wish the testimony on page 133 of Charles A. Rudy to be inserted with the understanding that it is the testimony of this witness, Charles E. Rudy?

Senator WARNER. Yes.

The testimony referred to is here inserted in the record in full as follows:

Artificer Charles A. [E.] 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.

By Senator WARNER:

Q. What is the name of the sentry you saw?—A. I don't know positive whether it was this man, what his name were, but I have learned since then that it was Howell; but as I didn't do guard duty I don't know who he were, no more than what they told me, that it was Howell.

Q. Howard?—A. Howard; whatever it was.

Q. What is his given name, do you know?—A. I don't know, sir. He belonged to D Company or B Company. He didn't belong to my company.

Q. Where was he when you saw him?—A. When I saw him he were—this is the first barracks and here was the walkway; it comes right this way, and this walkway comes right along here [indicating].

Q. I think you are possibly in error as to that, because the front of the barracks is toward the parade ground.—A. Yes, sir, I am mistaken. It was over here on the other side of the barracks.

Q. Between barracks B and C?—A. Between B and C.

Q. And on the sidewalk near the front?—A. Near the sidewalk there; yes, sir.

Q. So that he was in plain view of the wall back there?—A. Yes, sir; and by there being a lamp in front of these quarters, and those quarters [indicating], the reflection from the light gave me a show to distinguish that it was a man.

Q. That is, the reflection from the lamp in front of B quarters and C quarters?—A. From both in front of B and C; I could see that by looking right over the post, right where I was at. I looked right down.

Q. And when you say you were at the south end of the porch, you mean you were at the end of the porch next to B barracks?—A. Nearest to B barracks; yes, sir.

Q. When you woke up, what was the first thing you did?—A. The first thing I did after the first shot, it woke me up, and then when I heard the shooting in general, the way it was, then I jumped out of my bed and put on my trousers, my shoes without any socks, and no blouse, and bareheaded, and I looked out and saw the sentry—I taken it to be a sentry—and he had discharged his piece and called, "Guard No. 2."

Q. You went out and looked over?—A. Yes, sir; I was already out there, and I just looked over; and then I went through the door and walked across and through the door opposite to this, next to this wall, and looked out, and I could see the flashes from the rifles or whatever arms they were using. I couldn't see anyone, but it was in this road.

Q. That was before you were dressed?—A. I had dressed that much that I had put on my trousers, and I was in my undershirt, and nothing on but my shoes—no socks—and I was bareheaded. And then I could hear the men talking and see the shooting and hear what they said.

Q. The shooting was in plain view of you?—A. It was just outside of the wall. I could see the flashes, but I couldn't see who it were.

Q. About how many feet was that away?—A. I suppose from the wall, from the barracks from where I was standing at, it was about 35 yards; between 35 and 50 yards. I don't know. That would just be estimating, as far as I could tell.

Q. That was from where you were?--A. From the porch, looking right over on this wall.

Q. But the barracks was how far from the wall?--A. I should suppose it was between 35 and 40 yards from the wall.

Q. Do you think it would be that far?--A. I think it would be; that is my estimation; I don't know.

Q. I am not particular about that, of course.--A. Yes, sir.

Q. You saw this shooting after the first shot?--A. Yes, sir.

Q. About how many parties were engaged in that shooting?--A. I couldn't say. From the flashes of the firing from these arms that they had out there it looked to me like about 20 or 30, probably more. I couldn't tell. They all didn't fire at once, probably. I couldn't tell, as though it was one single volley, but it was different; more like a "fire at will."

Q. Yes. About how many shots did you hear, altogether?--A. I couldn't say. As far as how many I heard altogether, it could have been 75 or 100, or it could have been 150, so far as the way it was firing; it was impossible for me to count.

Q. Did you tell Major Penrose when you went down, when you said you could not get your gun and were not going out to be shot without arms, that the men were right there behind that wall?--A. No, sir; I did not.

Q. Did you tell your first sergeant about it?--A. No, sir.

Q. Did you tell anyone of it?--A. No, sir; I didn't tell anyone of them, only in the affidavit, where I had seen them, after that. I supposed that everybody knew where they were, after that; they were in the quarters, and they must have been out in that road.

Q. Where did you make the affidavit afterwards to that effect?--A. I made the affidavit to that effect at Fort Reno.

Q. That was before the representative of the Constitution League?--A. No, sir; that was before Captain Lyon, the affidavit as to me, as to what I saw when I went through the barracks. I made that before Captain Lyon.

Q. You made that before Captain Lyon?--A. Captain Lyon.

Senator FORAKER. It is at page 512 of Senate Document No. 155.

By Senator WARNER:

Q. And you saw the flash of the guns there?--A. Yes, sir.

Q. And you heard this cry that you have spoken of?--A. Yes, sir.

Q. How many persons shouted that?--A. Well, it seemed to me it came from as many voices as to me it would be as many as 12; I suppose 12 or 13 or 14, from the way they were hollering.

Q. What did they say?--A. They says, "Come out, all you black nigger sons of bitches and we will kill every one of you."

Q. That was the language you heard then?--A. That was the language I heard from this party that were doing the firing; that is, I supposed it was.

Q. And there were several parties shouting that?--A. Yes, sir; several.

Q. And you did not tell Major Penrose anything of it, or your sergeant, that those men were right out there?--A. No, sir; they never asked me anything about it. The only one I told anything about it was Captain Lyon in my statement there.

By Senator OVERMAN:

Q. What time was it you heard that; just after the firing or before the firing?—A. The firing were going on then.

By Senator WARNER:

Q. And in what direction were they firing?—A. From where I were standing at it seemed like the firing was kind of obliquely, toward B Company's quarters, from the flashes from the guns. I couldn't tell, but it seemed like it was obliquely toward B Company's quarters.

Q. And from your examination I understand you to say it seemed to be right up near the wall?—A. Yes, sir; near the wall. I couldn't say just where, but they were in that road.

Q. Firing toward the barracks?—A. Yes, sir; toward the barracks.

Q. How were their guns elevated?—A. It seems as though they were elevated so as to try to shoot in the dormitory where we slept—the second story.

Q. That was a two-story building?—A. Yes, sir.

Q. About how long?—A. I don't know how long the buildings are. I don't know that.

Q. It would be a pretty poor marksman that couldn't hit it, would it not?—A. To hit that?

Q. Yes.—A. To be a pretty poor marksman, a man could have hit the building all right enough, but at the time he may have been trying to take shelter for himself, and then he might have missed the buildings, because they weren't very high.

Q. Might have missed the buildings—overshot?—A. Yes, sir; over the wall, and taking shelter for himself he might have overshot the buildings.

Q. Were the men lying down or standing up?—A. I couldn't say.

Q. You saw the flash of the guns?—A. Yes, sir.

Q. From the flash of the guns, could you not distinguish the forms of the men behind them?—A. No, sir.

Q. You could not distinguish anything of that kind?—A. No, sir; there could have been 100 men along that wall, and if they had been up against the wall I couldn't have seen nary a man; and then they could have been shooting directly against the barracks, and I could have only seen the muzzles of the pieces from which they were shooting. It appeared to me like they were shooting directly obliquely toward B Company's quarters.

Q. Obliquely toward B Company's quarters, or from B Company's quarters?—A. Toward B Company's quarters.

Q. Were they behind the wall in rear of C Company's quarters?—A. Yes, sir; outside of the wall, in this road, near the south end of C Company's quarters, and between C and B Companies' quarters. That would make them shoot in an obliquely direction, this way, coming down just like the first "O" in this word on the map; in that direction (indicating on map).

Q. As though they were standing in the neighborhood of the wall—about this point here?—A. Here [indicating]. This is the end of C Company's quarters.

Q. Yes.—A. They were standing from there, from like there, could have come up to that, and then the firing were obliquely this way.

Q. So that their right would come down about to this alley between

Elizabeth street and Washington street?—A. I don't know anything about the names of the streets. I don't know one street from another.

Q. Elizabeth street is that one that runs into the gate.—A. That is the one I called the main street.

Q. And there is Adams street [indicating].—A. Yes, sir.

Q. There is an alley between Elizabeth street and Washington street.—A. Yes, sir.

Q. So that the firing would seem to extend down to about the mouth of the alley between those two streets?—A. Yes, sir.

Q. How many shots did they fire while you were looking at them there?—A. I couldn't say the exact number. It may have been a hundred.

Q. You say that it may have been a hundred?—A. Yes, sir; it could have been 75 or a hundred, from the way they were firing. It was impossible for me to count them.

Q. And then you went back and went downstairs?—A. I came back, and then the call to arms went, and I went to get my rifle out of the rack, and I couldn't get the gun rack open. It was locked. I couldn't find the man in charge of quarters.

Q. You know who the man was in charge of quarters?—A. Yes, sir; I knew who he was—Sergeant Brawner, of C Company.

Q. You know where he slept?—A. He slept in the same end that I did, over on the other side. I asked, "Where is the man in charge of quarters," and somebody said, "I don't know where he is," and some one said, "He said he wouldn't unlock the racks unless he got an order from the first sergeant," and I said, "The call to arms has gone," and I says, "he ought to unlock them." So the acting first sergeant, Sergeant Harley, were down hollering for the men to fall in, and I starts down the steps and I gets to the bottom of the steps and Major Penrose, the commanding officer, were there, and Lieutenant Grier, and Major Penrose says, "Why don't you men of C Company fall in?" and I says, "What is the use of falling in when I have nothing to protect myself; I have no rifle, and to fall in and get shot," and he says, "Where is the man in charge of quarters?" and I says, "I don't know where he is; I can't find him." He says, "Get your rifles and fall in," and I says, "How can we get them when the racks ain't unlocked," and he says, "Well, get them some way, if you have to break the racks open;" and Lieutenant Grier, he says, "Bust the racks open and fall in;" and some one was standing on the stairs at the door; some one was standing there at the left, and I says, "Go round and get one of those fire axes."

Q. I have not asked you anything about that.—A. Yes, sir.

Q. I simply asked you where the officer in charge of quarters slept.—A. He slept in the south end.

Q. That is what I wanted to get, to save time.—A. Yes, sir.

Q. Then it took some minutes—A. Well, I suppose—

Q. For them to fire those 75 or 100 shots, whoever was doing it, and then you went back?—A. Well, I don't know—

Q. The call to arms, you know as a soldier, was an order?—A. Yes, sir.

Q. For the officer in charge of quarters to open the racks?—A. Yes, sir; that was an order. It is supposed to be an order to the man in charge of quarters that when the call to arms goes for him to open the racks.

Q. Yes; and you got an ax and broke open the first rack?—A. I assisted in breaking open the first rack.

Q. How long did that take you?—A. It took me about a half a minute, or something like that, to take a fire ax and stick it in that steeple there, and you can pull that steeple out [indicating on gun rack].

Q. That is what you did?—A. After they were hammering, the men that got the ax went to hammering on it and broke the lock in such a manner that it wasn't no good, and I taken the ax and stuck it in that steeple and pries the steeple out where that lock is in there, right now. My rifle were in that rack.

Q. You say you had a fire ax?—A. Yes, sir.

Q. How is a fire ax made?—A. A fire ax is made just like any other ax, only the head of it has a spike on it, like a pick, on the head of it.

Q. And you inserted that spike in the staple?—A. Yes, sir.

Q. Inserted the end of the spike right in here [indicating on gun rack], and you pried it right open?—A. Yes, sir.

Senator FORAKER. What was it he said he inserted there?

Senator WARNER. The spike on the head of the fire ax.

The WITNESS. Supposed to be the head of the fire ax.

By Senator WARNER:

Q. Then you heard Sergeant Brawler tell them that he had opened all the other racks?—A. He came around and he says, "What are they doing hammering there? I have opened all the other gun racks." I said, "Why don't you tell them so; they are still hammering there."

Q. When you opened this rack, you passed the ax to some one else?—A. Yes, sir.

Q. Who was that?—A. I don't know. It was dark up there, and I couldn't distinguish one from another; but I got a rifle there and went down.

Q. So that this ax was passed around this way?—A. Yes, sir.

Q. And this gun rack was so constructed that you could insert the point on the head of that ax, as you have said?—A. Yes, sir.

Q. The head of that fire ax in the staple and pull it out and open it inside of half a minute?—A. Why, yes, sir; after it had been beat on. They had beaten it down. You couldn't do it just now with that. You couldn't take one right now and do it; but if that was beat down and knocked up, one end of it would probably have been broke, and then you could stick that spike in there and break it off easy.

Q. Suppose it should appear that those staples had been pulled out?—A. That's all right. They are bradded on the other side, and you could bust the heads off them.

Q. Was the staple you pulled broken before you pulled it?—A. I don't know; I couldn't tell. I couldn't tell; it was night.

Q. Do you think if the staple was broken it would be possible for you to pull it with a fire ax?—A. Yes, sir; it would be possible if it was broken on the far side. You could pull it through that hole easy.

Q. Would there be anything then for you to get a leverage on?—A. Sir?

Q. If the staple was broken there would be nothing for you to

get a leverage on to pull the staple, would there?—A. If the staple was completely broken, you couldn't get it open down so that it would rest against this, say; but if it was bent down and bent up you could; but if it was bent down you would have to knock it up so that you could get it in there.

Q. That is, where it was simply bent?—A. Yes, sir.

Q. But if it was broken?—A. If it was broken you couldn't get the lock out of it; if it was broken on one side and then the lock in that, you couldn't get the lock out of it until it was straightened up.

Q. Straightened up with the end of a fire ax?—A. Yes, sir; you could knock it up and open it up.

Q. You do not know to whom you handed the ax next?—A. No, sir; I don't know; there was so many there.

Q. When did you hand the ax to the man with reference to the remark made to you by Sergeant Brawner that the other racks were open? That was when you were opening it, was it not?—A. No, sir; this rack was open, and I had a rifle, and some one else was hammering; and he says, "What are they hammering on?" and I said, "They are trying to open the racks;" and he says, "Why, they are unlocked," and I says, "Why don't you tell them, then—they are still trying to open them?"

Q. There was a light there?—A. No, sir; it was in the dark.

Q. It was dark?—A. Yes, sir; you couldn't discern anyone, but you could see how to beat on this rack.

Q. You did not ask the officer in charge of quarters why it was that he did not tell them that he had opened the gun racks after the call to arms had been sounded?—A. No, sir.

Q. And what reply did the officer in charge of quarters make to you about that?—A. I didn't say anything to him about that. I was informed by some one that he said he would not open the gun racks; that he wanted an order from the sergeant.

Q. I am asking you about a different time now.—A. He never said anything to me.

Q. Did he make any reply to you when you said, "Why don't you tell them that you have opened the gun racks?"—A. He never made no reply at all. He says, "I have opened the gun racks," and I says, "Why don't you tell them?"

Q. Did he know that you had at that time opened your gun rack?—A. Yes, sir; he know that.

Q. Did he ask you why you had broken it open?—A. No, sir.

Q. Did you tell him?—A. No, sir.

Q. Did you ask him why he had not opened the gun racks there?—A. How is that?

Q. Did you ask him why he had not opened the gun racks?—A. No, sir; I didn't ask him that at all.

Q. All that you know about his reason for not opening the gun racks is what some one told you?—A. Yes, sir.

Q. You don't know a thing about it?—A. No, sir; I know what I was told.

By Senator OVERMAN:

Q. Is it the duty of the sergeant in charge of quarters to open the gun racks after the call to arms is sounded?—A. Yes, sir; that is his duty.

Q. That is an order without any order from anyone else?—A. Yes, sir.

Q. How many of your men were present there that night?—A. They were all reported present or accounted for.

Q. How many?—A. I don't know.

Q. Do you know how many there should have been?—A. No, sir; I don't know how many there should have been.

Q. Do you know how many of your company were on guard?—A. No, sir.

Q. Do you know how many were absent without leave?—A. No, sir.

Q. Or how many were in the hospital?—A. No, sir.

Senator FORAKER. You mean how many were absent with leave?

Senator WARNER. With or without.

The WITNESS. With leave? No, sir; I don't know anything about that.

By Senator WARNER:

Q. Or absent with leave?—A. No, sir; I don't know anything about it.

Q. Why do you say they were all present or accounted for?—A. That was the report turned over to the officer in charge, and also to the commanding officer.

Q. Who turned it over?—A. The acting first sergeant turned it over to Lieutenant Grier, and Lieutenant Grier counted the men and made the report to the commanding officer.

Q. The sergeant called the roll?—A. He started to call the roll when I was there, but whether he finished it or not I don't know, because I had orders—

Q. Then you were not there when he finished the roll?—A. No, sir.

Q. You do not know what report he made to the officer, then?—A. I don't know whether he finished calling the roll or not.

Q. Just answer my question, now. You do not know what report he made to the officer, you not being there?—A. Not being there when he finished calling the roll?

Q. You do not know what report he made to the officer?—A. No, sir; I don't know that.

Q. You don't know—

Senator FORAKER. Let him finish his answer.

Senator WARNER. Certainly.

The WITNESS. But when I came out I heard him report to the officer that they were all present and accounted for; but whether he finished calling the roll or not I don't know.

By Senator WARNER:

Q. You came out from where?—A. Out of the ordnance room.

Q. What did you go in the ordnance room for?—A. To get a box of ammunition.

Q. And then after that the roll was called?—A. I don't think it was.

Q. Lieutenant Grier counted them?—A. Yes, sir; Lieutenant Grier counted them.

Q. Why?—A. I don't know; it may have been an order from the commanding officer. All I know is he counted them.

Q. Was there not somewhat of a hurry there when that firing was going on?—A. Yes, sir; but I don't know; he may have gotten that

order from the commanding officer. I don't know why he did it. I couldn't say.

Q. Is not that something very unusual?—A. No, sir.

Q. After the sergeant calls the names and reports all present or accounted for, for the officer to go along and count the men?—A. No, sir; it is not very unusual. An officer generally uses his own discretion.

Q. Is it not unusual, I ask you?—A. No, sir; I have seen it done on inspection and everything else.

Q. You issued 1,200 rounds of ammunition there that night?—A. Yes, sir.

Q. And some men got more and some got less?—A. Yes, sir; I guess they did.

Q. How many rounds each man got, or what one man got and what another man got, you do not know?—A. No, sir.

Q. You took that out and issued it?—A. I issued the 1,200 rounds out of one box of ammunition.

Q. 1,200 rounds?—A. Yes, sir.

Q. You issued all of it?—A. Yes, sir; I issued all of it; I taken the last bandolier myself and divided it with some one in line.

Q. When you heard this shooting that night I presume you thought that the citizens were attacking the fort?—A. Yes, sir.

Q. And firing in the direction of it?—A. Yes, sir.

Q. There were 75 or 100 shots while you were standing up there, as I understood you?—A. There might have been that many or there might have been more; I couldn't say.

Q. I am just asking you what you said.—A. Yes, sir.

Q. And the next morning you made an examination to see how many bullets had struck the barracks?—A. No, sir.

Q. Did you ask any of the noncommissioned officers to make an examination?—A. No, sir.

Q. Nothing of that kind?—A. No, sir.

Q. Why not?—A. It was not my duty.

Q. You knew the next day that it was charged that the soldiers had shot up the town of Brownsville?—A. I read it in a Brownsville paper.

Q. You knew that that was reported or charged?—A. That is what I read read in the paper.

Q. And your men talked about it?—A. Yes, sir.

Q. Didn't you tell them that you saw the direction that these flashes came from, and that the firing was at the fort instead of—
A. We talked that among ourselves, in general, and not a day passed until we were discharged that we didn't have that conversation about the shooting.

Q. Did you say to any of the men, or the men to you, "Let us examine and see where the bullets struck?"—A. No, sir.

Q. That would have been good evidence that it was not your men, would it not?—A. Well, that were not my business. I could not have taken that upon myself. That is a commissioned officer's business and not the business of an enlisted man.

Q. There was a porch on the side of the barracks next to the wall, was there not?—A. Yes, sir.

Q. And you could go out on that porch?—A. Yes, sir.

Q. And you could walk along and see if any bullets had struck the barracks there between the porch and the top—was there a top to the porch, a covering?—A. Yes, sir; on our porch we could have seen it.

Q. You never thought of going and looking there?—A. I never seen any and never looked for any.

Q. You knew also that it was reported that shells and other evidences had been found; that it was claimed that ammunition such as you used for your guns was found down in Brownsville where the shooting had been done, did you not?—A. I know it.

Q. You knew that it was so charged, I say?—A. I have heard it.

Q. Do you know how many guns were in the gun racks?—A. I don't know how many were in the gun racks, for I didn't keep account of how many was in the gun racks.

Q. When the gun racks were opened I suppose men took their guns promiscuously?—A. Men took any guns they could get their hands on after the gun racks were opened, because you couldn't tell one rifle from another.

Q. What condition were those guns in?—A. Afterwards—the next morning—some of them had the sight leafs broke off, and some of them had that lower band chopped up, and some had that protector from where the barrel gets hot in shooting, some of them were split and pieces knocked off of them.

Q. About how many guns were damaged and battered up in that way?—A. About five or six in C Company. I think there were two that had the sight leafs knocked completely off.

Q. When you speak of a sight leaf, show me what you mean?—A. This is the sight leaf [indicating on rifle]. This was chopped completely off.

Q. That is what you got the elevation by?—A. Yes, sir; what you get the elevation by.

Q. By the sight leaf?—A. Yes, sir.

Q. You knew that there had been trouble between some of your men and the citizens there at Brownsville?—A. No, sir; I only heard it; I didn't know it.

Q. What did you hear?—A. I heard talking in the quarters that one man had got knocked down by some man Tate there with the butt of a six-shooter, and another one, named Private Reid, had got shoved off into the Rio Grande; but they never told me personally whether it did occur or not.

Q. And you also knew that it was charged that the evening of the 12th or of the 13th, rather, someone had attacked a woman there—made an assault?—A. That order was given to us by the acting first sergeant.

Q. What order?—A. That all men that were on pass—free passes—their passes were revoked, and everyone should be in quarters, in the barracks or on the reservation at 8 o'clock—

Q. What did that have to do with that assault upon a woman?—A. (Continuing) and I asked what for, and he explained it to the company that it had been reported to the commanding officer that some soldier had pulled some white woman's hair out there, or attempted to, or something, and that the citizens were very indignant over it, and so he wanted to get them all in to avoid trouble.

Q. And when you heard this shooting did not it occur to you that it was caused by that difficulty?—A. When I heard this shooting I

was compelled to believe that the citizens had got up to the pitch of indignity and wanted to revenge themselves.

Q. They wanted to kill the garrison?--A. Yes, sir.

Q. And yet, knowing that, you never said a word to the commanding officer or Lieutenant Grier?--A. He never asked me.

Q. (Continuing.) Or to your first sergeant?--A. No, sir.

Q. How long have you been a soldier?--A. About six years, I guess.

Q. And as a soldier if you saw an enemy lurking in the neighborhood of your troops, you would not think it your duty to report it?--A. That would have been my duty, if there hadn't been any occurrence, but after the occurrence, it is not my duty to seek around to find out what had occurred the day previous.

Q. I did not ask you whether it was your duty to seek around and find out what had occurred, but I asked you whether you did not think it was your duty, having seen these men, from the flashes of the guns where they were, just next to the wall---A. If he would have asked me, I would have told him.

Q. You did not think it was your duty to have said to any officer, either noncommissioned or commissioned officer, that those men were back of that wall, and that they had better be careful in marching the men around by the wall, and they had better send out and find out where they were? Nothing of that kind occurred to you?--A. That is not my duty. I am only to take orders from my commissioned officers and noncommissioned officers, who are my superiors, and I only have to obey their commands.

Q. When the company was sent back around to take position back of the wall, did it not occur to you that they were taking a very dangerous position from what you had seen and from what you had heard these men call out, "Come out, you black sons of bitches?"--A. No, sir.

Q. It did not occur to you?--A. No, sir; because the wall was high enough so that I didn't think after I got around there they could hurt me.

Q. How high is that wall?--A. The wall is about as high as the top of that screen there [indicating]. In some places it may be higher.

Q. We can not get that height in the record.--A. That is just my idea. I should think it was about that high--the brick wall. That is my estimation on it.

By Senator SCOTT:

Q. How tall are you?--A. Me?

Q. Yes.--A. I am, I think, 5 feet and 9 inches.

Senator WARNER (standing in front of screen). Assuming, now, that I am 5 feet 8 inches tall, standing here, how high would you say that wall would be?--A. That wall would be to the top of your head.

Q. Five feet 8 inches?--A. Yes, sir; it would be to the top of your head.

Q. And you think that is the reason that you did not say anything, that it would give protection to the men? You thought of that when you came around there, did you?--A. Yes, sir.

Q. Was that the only reason why you did not mention it?--A. I didn't think it was my duty to mention it. All I had to do was, ne

gave the command, and all I had to do was to step off, and he gave "Squads left" and "Column left," and all I had to do was to obey the officer in charge. It wasn't my duty to go up and suggest any plans to him.

By Senator OVERMAN:

Q. Were you in the upper gallery or in the lower gallery when you saw these flashes?—A. I was in the upper gallery.

Q. If it had been daylight, could you have looked over the wall and seen those persons?—A. If it had been daylight and a man had been 15 feet or 10 feet back from the wall, I could have probably seen this much of each man [indicating]; but if they were up against the wall I could not have seen probably more than half of their faces or more than the tops of their heads.

Q. So that you did not see any faces or forms of men at all?—A. No, sir; I couldn't see anything.

Q. How far is your barracks from the gate—from the main gate?—A. I don't know. It is about 125 yards, I guess.

Q. One hundred and twenty-five yards?—A. Yes, sir.

Q. B barracks is between C barracks and the gate?—A. Yes, sir; B barracks is between C barracks and the gate.

Q. What distance is there between B and C barracks; about what distance?—A. I suppose about 20 yards.

Q. Twenty yards?—A. Yes, sir.

Q. What is the length of one of those barracks?—A. I don't know, sir, what is the length of one of them.

Q. I know that you do not know, but I just want your estimate?—A. I guess about 150 feet.

Q. One hundred and fifty feet?—A. That is what I judge it to be.

Q. That is 50 yards. That would be 70 yards; and how far from B barracks to the gate?—A. From B to the gate? I don't know; really I could not say, for I never measured it. I couldn't estimate on it.

Q. Was there any light that night at the gate?—A. There were two lights, one on each side of the gate, supposed to be lit; but as to whether they were lit I don't know.

Q. They were supposed to be lit?—A. Yes, sir.

Q. Look up on that map. Is there not a light on Washington street? You see where that star is on Washington street, in front of C barracks on Washington street?—A. Yes, sir; right in front of C barracks. I don't know anything about the streets.

Q. You see Elizabeth street going into the gate?—A. Yes, sir.

Q. And you see that star?—A. Yes, sir.

Q. Was there not a light there that night?—A. I don't know.

Q. And there is a star also at Elizabeth street indicated?—A. Right there [indicating on map].

Q. Yes; right there.—A. Yes, sir.

Q. Was there a light there that night?—A. I don't know.

Q. When you went to the ordnance store to get ammunition, whom did you find there?—A. Quartermaster-Sergeant McMurray and myself.

Q. You went together there?—A. Yes, sir.

Q. He had the key?—A. He had the key.

Q. You said the extra guns were put in a box and screwed down; that that box was a box with the lid screwed on it?—A. Yes, sir.

Q. You had done that yourself?—A. Yes, sir; that was an arm chest.

Q. It would have been a very easy thing for a man with a common screw-driver to have taken out those screws and taken the lid off?—

A. Yes, sir; but I do not think he could have done it unless he had access to the keys from the quartermaster.

Q. I say if he had had a common screw-driver it would have been possible for him to have taken that lid off?—A. Yes, sir; he could have unscrewed it if he had got access to the room.

Q. With any common screw-driver he could have unscrewed it?—A. Yes, sir; he could have unscrewed it, and he could get it off.

Senator FORAKER. I want to put in evidence at this point the affidavit of this witness, as found at pages 512 and 513 of Senate Document No. 155, made before Captain Lyon, on the 12th day of September, 1906.

The testimony referred to is as follows:

Personally appeared before me, the under-signed 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 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 25 or 30 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.

Senator FORAKER. Now, I want to ask the witness a question or two.

By Senator FORAKER:

Q. There was a good deal of excitement there that night, I suppose?—A. Yes, sir.

Q. You were on the front porch, fronting out over the parade ground, when you were awakened?—A. Yes, sir.

Q. And you passed through in the way you have described to the rear porch?—A. Yes, sir.

Q. And immediately you saw guns out there—the flashes of guns being fired?—A. Yes, sir.

Q. Over the wall?—A. Yes, sir.

Q. I understood you to say you were awakened by the first shot?—A. Yes, sir.

Q. How do you know you were awakened by the first shot?—

A. There were one shot—I say by the first shot; I heard one shot, and that woke me up, and there was about thirty seconds, it appeared, before there were any more.

Q. Were there any shots fired from your barracks or from B or D barracks or from the back porches of either one of the barracks?—

A. I never seen one, and I was standing in the door.

Q. If there had been shots fired from either of those barracks, would you have heard them?—A. Yes, sir.

Q. You were awakened by this first shot, which seemed to be out over the wall?—A. Yes, sir.

Q. What is your opinion, that any shots were fired from the barracks?—A. I don't think there were.

Q. How high is this porch which overlooks the town?—A. From the ground up I suppose it would be about 15 feet.

Q. A man standing on the ground holding his piece up and firing it in the air as you described the guard did would be making a flash of light almost as high in the air as the porch?—A. Yes, sir.

Q. Who did this shooting, do you know?—A. I don't know who done it.

Q. Did you have anything to do with it?—A. None at all.

Q. Do you know of anybody in C Company who had anything to do with it?—A. No, sir.

Q. Or anybody in either of the other companies?—A. No, sir.

Q. Have you any knowledge that leads you to suspect anybody in either of the other companies?—A. Not at all.

Q. Now, did you hear any threats made by your men that they would take revenge upon the people of Brownsville, or do violence to them in any way, before this shooting?—A. No, sir.

Q. Or at any other time?—A. No, sir; not at any time.

Q. You heard of the trouble Newton had, who was hit over the head?—A. Yes, sir.

Q. And of the trouble Private Reid had, who was pushed off of the gang plank into the water?—A. Yes, sir.

Q. But you never heard of any threats?—A. No, sir.

Q. Had it ever occurred to you, or anybody else you know, to go out and shoot up the town in revenge for that or anything else?—A. No, sir.

Senator FORAKER. That is all.

By Senator WARNER:

Q. As I understand you, when you got up you walked from the front to the rear of the barracks and stood in the door?—A. Yes, sir.

Q. And while these shots were being fired—75 or 100—you saw the flashes?—A. Yes, sir.

Q. While you were standing there?—A. Yes, sir.

Q. Did you think you were in a pretty exposed position, standing right there in the door with all those shots being fired against the barracks?—A. From where I was standing and looking, they were not firing in the direction that I was standing.

Q. So that you felt perfectly secure?—A. Yes, sir.

Q. They were firing toward B barracks?—A. Toward B barracks and in toward D.

Q. So that you just stood there and watched them?—A. I stood

there, and when the call to arms went I turned right around and came back.

Q. And all this shooting you have spoken of took place before the call to arms sounded?—A. Yes, sir.

By Senator SCOTT:

Q. The shooting was all over before you issued the regular ammunition, was it?—A. Yes, sir; I think it was.

Q. There was no shooting afterwards?—A. There was no shooting afterwards.

Q. After you issued the ball cartridges?—A. No, sir.

By Senator WARNER:

Q. Right in that connection, when was the ball cartridge issued, with reference to the call of the roll by Lieutenant Grier?—A. It was issued as soon as the men fell in, and they began to make the complaint that they didn't have any ball ammunition.

Q. Then it was issued before the call of the roll by Lieutenant Grier?—A. Before Lieutenant Grier counted.

Q. Before he counted them, I mean?—A. Yes, sir; it was issued before that.

By Senator FORAKER:

Q. As soon as he learned that you were making that complaint he told you to go and get that ammunition?—A. Yes, sir.

Q. And you went and got it as quickly as you could and brought it out?—A. Yes, sir.

Q. And distributed it to the men?—A. Yes, sir.

Q. And you were there when the result of the counting was announced?—A. Yes, sir.

(Witness excused.)

TESTIMONY OF GEORGE W. GRAY (COLORED).

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. Were you a member of the Twenty-fifth United States Infantry in August last?—A. Yes, sir; I was.

Q. Were you with it at Brownsville?—A. Yes, sir.

Q. What company did you belong to?—A. I belonged to Company C, sir.

Senator FORAKER. I want to put in evidence at this point the official record of this soldier as furnished by the War Department, found at page 259 of Senate Document 155.

The record referred to is as follows:

GEORGE W. GRAY.

Enlisted July 14, 1905; was discharged without honor as a private of Company C, Twenty-fifth Infantry, November 24, 1906.

By Senator FORAKER:

Q. You were serving your first enlistment?—A. My first enlistment; yes, sir.

Q. You enlisted July 14, 1905?—A. Yes, sir.

- Q. At what place?—A. At Cincinnati, Ohio.
- Q. Cincinnati, Ohio?—A. Yes, sir.
- Q. Where was your home?—A. At Salem, Va.
- Q. You went to Cincinnati to enlist?—A. Yes, sir.
- Q. Then you were discharged November 24, 1906, without honor?—
A. Yes, sir.
- Q. So that you were in the service in all a little less than a year and a half?—A. Yes, sir; a little less than a year and a half.
(The map was here explained to the witness by Senator Scott.)
- Q. Where did you sleep the night of the 13th of August—the night of the firing?—A. I was sleeping, sir, on the back porch—no, on the front porch, fronting the parade ground.
- Q. Was anybody else sleeping with you out there?—A. Yes, sir.
- Q. Who?—A. Charles E. Rudy.
- Q. Charles E. Rudy, the witness who has just left the stand?—
A. Yes, sir.
- Q. He is the artificer of the company?—A. Yes, sir; the artificer of the company.
- Q. You were sleeping with him on the upper porch?—A. Yes, sir.
- Q. What awakened you?—A. I was awakened by shooting.
- Q. What did you hear?—A. I heard the sentinel on post; he was the onliest person I heard hollering, and he was hollering and adding the number of his post, and calling the guard, and he also shot.
- Q. Did you see him shoot?—A. Yes, sir; I could see the fire flying from his gun, and he was hollering "No. 2," and I was sure it was him doing the shooting.
- Q. Did you see him doing the shooting?—A. Yes, sir; I seen him shoot.
- Q. You were on the porch?—A. Yes, sir; I was on the porch.
- Q. Where was he, now?—A. He was between B and C Companies' quarters.
- Q. Right in here [indicating on map]?—A. Right in there.
- Q. As though he had come up on his beat to that place?—A. Yes, sir.
- Q. And you heard him call the guard?—A. Yes, sir.
- Q. And you saw him fire his piece?—A. Yes, sir.
- Q. In what direction did he fire his piece?—A. He had his gun elevated, firing it up.
- Q. Straight up?—A. Yes, sir; straight up.
- Q. Do you know how many times you heard him fire it?—A. I didn't hear him fire it over three times.
- Q. Three times; you don't know exactly?—A. No, sir; I am not certain, because as soon as I heard this I got up and came in the quarters.
- Q. Then what did you do?—A. I came in, and it was dark in there, and I learned that the gun racks were not open, so that I went back on the same porch that I came off of and laid down low, so that I wouldn't get hit by any bullets.
- Q. This battle at Brownsville was the first one you were ever in?—
A. Yes, sir; this was the first battle I was ever in.
- Q. So that you thought you would lie down there?—A. Yes, sir; I was frightened and scared.
- Q. You couldn't get your gun, anyhow?—A. No, sir; I couldn't get my gun.

Q. You had found that the gun rack was not unlocked?—A. Yes, sir; I had found that the gun rack was not unlocked.

Q. How long did you lie there?—A. I stayed there until I found out that the gun rack was open, and I never came off this porch until the major came over there and was ordering them down.

Q. That was Major Penrose?—A. Major Penrose.

Q. You heard his voice?—A. Yes, sir.

Q. What was he saying?—A. He was hollering at them to get outside.

Q. Did you hear any noise inside, or what happened?—A. Yes, sir; I heard them beating on the racks.

Q. You heard them beating on the racks?—A. Yes, sir; beating on the racks.

Q. But you didn't see it?—A. No, sir.

Q. But when you heard Major Penrose, and when you heard that the racks were open, you ran in and did what; did you get a gun?—A. Yes, sir; I didn't get my gun, but I got some gun out of a rack.

Q. And you fell out?—A. Yes, sir.

Q. And joined the company?—A. Yes, sir.

Senator FORAKER. I am not going over the cleaning of the guns, and so forth, with this witness. You may do so if you like.

Senator WARNER. I have not gone into it with any witness.

Senator FORAKER. I have gone over the matter of cleaning the guns and the distribution of ball cartridges to this company and the calling of the roll, or the attempted calling, and the counting of the men so frequently with other witnesses that now, to save time, I do not examine this witness on that point. I called him more particularly to show what he has testified about as to the guard.

Senator WARNER. Is that all?

Senator FORAKER. Just one other question.

By Senator FORAKER:

Q. Do you know what kind of ammunition your company had that night before the firing?—A. Before the firing taken place?

Q. Yes.—A. They had 10 rounds of what they call guard ammunition.

Q. That is, each man had 10 rounds?—A. Each man; yes, sir.

Senator FORAKER. That is all.

By Senator WARNER:

Q. Where did you get that ammunition?—A. We got that after we came to Brownsville.

Q. What did you have when you came to Brownsville—what kind of ammunition?—A. We had 10 rounds of regular ammunition and 10 rounds of guard ammunition.

Q. What did you carry your ammunition in on the night of the 13th?—A. In my keeper, my cartridge belt, that I did guard in.

Q. What kind of a belt?—A. The belt we did guard in.

Q. Is that the McKeever belt or the web belt?—A. I don't remember the name.

Q. Is that the box?—A. Yes, sir.

Q. That has been called the McKeever box.—A. The keeper box; yes, sir.

Q. What did you put your extra cartridges in that you got that night?—A. What did I put my extra cartridges in that I got that night?

Q. Yes.—A. I put them in my belt.

Q. In the McKeever belt?—A. No, sir; we put on our other belt.

Q. And you had how many rounds of ammunition after you put that on?—A. Yes, sir.

Q. How many rounds?—A. I couldn't tell you how many rounds. Do you mean after the shooting?

Q. Before the shooting?—A. Before the firing?

Q. Yes.—A. We didn't have anything else but these ten rounds.

Q. Did you have those when you went down?—A. That was all we had until we got on the outside. We didn't have those. Some of them didn't. I didn't have mine until I got on the outside, because they were distributing ammunition on the outside.

Q. You went down without ammunition?—A. Without ammunition; yes, sir.

Q. Why did you do that?—A. Because they said, "There is ammunition out there." We were getting ammunition out of the quartermaster's department.

Q. Somebody told you that they were getting ammunition before you went down?—A. Yes, sir.

Q. So that you did not take down your ammunition?—A. I did not take down my ammunition.

Q. None whatever?—A. No, sir; I didn't have any ammunition.

Q. Did you bring your belt with you?—A. I put on a web belt, sir.

Q. You put on your web belt, then?—A. Yes, sir.

Q. Who was it said they were issuing ammunition?—A. I don't know. I couldn't make no statement of who it was.

Q. Anyway, there was an alarm to fall out and get your ammunition?—A. To fall out and get our ammunition.

Q. And they said that you needn't take your other ammunition with you?—A. No, sir; I couldn't state anybody said anything about that, but I didn't get mine. I know that.

Q. Where did you get your gun from?—A. I got my gun from a rack that was busted open with an ax.

Q. Who broke it open?—A. I couldn't tell. I know it was broke open.

Q. Who was it that slept on the porch with you?—A. Rudy.

Q. Did you see him with an ax?—A. No, sir; I never seen him with an ax, because I didn't go inside. I went inside and came back out and stayed out until they got the racks open.

Q. You went and lay down on the porch?—A. Yes, sir.

Q. For fear that the bullets coming over might strike you?—A. Yes, sir; that is what I did.

Q. Did you see anybody shooting?—A. The sentry on post was the onliest one I seen.

Q. And how many shots he fired you do not know?—A. No, sir; I wouldn't say now. I think he fired about three shots, it seemed to me like.

Q. Did you hear any other shooting?—A. Oh, yes, sir; there was lots of shooting going on.

Q. When you say lots, how much do you mean?—A. I don't know; it sounded to me like probably 50 or 75 rounds or so.

Q. How was that shooting?—A. How was that shooting?

Q. Yes.—A. In what way do you mean?

Q. Rapid shooting?—A. Yes, sir; very rapid shooting.

Q. Rapid shooting, as though a person was shooting at will, and shooting rapidly?—A. Yes, sir, and shooting very fast.

Q. Could you locate that shooting?—A. No, sir. To the best of my understanding it was coming from over toward town.

Q. What do you mean by the best of your understanding?—A. That is the way it sounded to me like.

Q. As you lay there on the porch it sounded to you as though it was coming from the town?—A. Yes, sir; from the town, and shooting over in the quarters, or toward the quarters.

Q. The artificer, Rudy, slept with you on the porch that night?—A. Yes, sir.

Q. Did you have any talk with him about it?—A. No, sir.

Q. Or any talk?—A. I hollered to him to get up and get inside or he would get shot, or something like that.

Q. What did you do?—A. I got up and went inside.

Q. And then came out again?—A. Yes, sir; and then came out again.

Q. To prevent being shot?—A. Yes, sir; I didn't care about getting hit.

Q. When you went in, had the call to arms been sounded?—A. When I first went in?

Q. Yes.—A. No, sir; the call to arms hadn't been sounded, but after I came out on the porch the call to arms sounded, and they were sounding it all through the quarters. The man on the parade grounds, the trumpeter of the guard, was sounding the call to arms, so that all the trumpets were blowing the call to arms.

Senator FORAKER. What was that last?

The WITNESS. Of course after he blowed the call to arms all the other trumpeters got hold of it, and blowed it, too.

By Senator WARNER:

Q. How many trumpeters are there to each company?—A. There are supposed to be two.

Q. So that so far as you could tell, all the other five trumpeters sounded the call to arms?—A. Yes, sir; after the trumpeter of the guard had sounded to arms.

Q. After the trumpeter of the guard had sounded to arms, yes?—A. Yes, sir.

Q. When you got your gun, what did you do?—A. After I got my gun?

Q. Yes.—A. Then I fell out with the men.

Q. You just fell out without any ammunition?—A. Yes, sir; it was issued to me after I got in line.

Q. How much did you get?—A. I couldn't say how much.

Q. You didn't know whether it was twenty or thirty or forty rounds?—A. No, sir.

By Senator OVERMAN:

Q. What did you do with that when you got it?—A. I put it in my belt.

Q. You put it in your belt?—A. Yes, sir.

By Senator WARNER:

Q. One of those belts will hold how many rounds?—A. They will hold 100 rounds, sir, if I am not mistaken.

Q. You don't know how many rounds you got?—A. No, sir; I don't know that now.

Q. Then what was done?—A. After we got in line?

Q. Yes.—A. We were marched around by the wall and put on duty with Lieutenant Grier.

Q. Did anybody call the roll?—A. The roll was called, and then Lieutenant Grier counted the men.

Q. What did he count the men for?—A. To see if they were all there, I suppose.

Q. What did the roll call show?—A. The roll was called; but anyhow, he counted the men.

Q. Did not the roll call show that they were all there?—A. Yes, sir; the roll call is supposed to show that they were there.

Q. Did it show it?—A. I suppose so.

Q. Do you know?—A. No, sir.

Q. Did they all answer?—A. Yes, sir; all answered so far as I know.

Q. Could you tell how many there should have been in the company?—A. No, sir.

Q. You don't know how many there were there?—A. No, sir; some were on extra duty and some were off on pass.

Q. Did you ever see the officer go to work and count the men after the roll was called?—A. Yes, sir.

Q. Where?—A. In case of going out on a practice march I have seen them counted.

Q. What do you mean by counting?—A. Counting the men.

Q. Counting the men?—A. Yes, sir.

Q. Without taking the roll call?—A. Yes, sir.

Q. Was that the counting done there that night, or was the counting simply, "one, two, three, four?"—A. I don't understand.

Q. Did they count off "one, two, three, four?"—A. That is the way they counted.

Q. Is that what you mean?—A. No, sir; this man counted all the men.

Q. They did have the count of "one, two, three, four," did they not?—A. In the habit of counting them?

Q. Did they not have it that night?—A. I don't understand you.

Q. Well, tell me, when your company falls in, do you not have what you call counting off files?—A. Oh, yes, sir. But this man counted the men. They didn't count.

Q. Was that the count, "one, two, three, four," that night?—A. Was that it?

Q. Yes; that night?—A. No, sir.

Q. Was that not very unusual?—A. I don't exactly understand you. Do you mean did he count off "one, two, three, four," and then go back and count—

Q. Did you have that count—did the men count off by files?—A. Oh, no, sir; this man did that.

Q. Did the soldiers count off "one, two, three, four?"—A. I don't think they did.

Q. That would be very unusual for them not to do that, would it not?—A. Yes, sir; not in all cases.

Q. Why did he not do it that night?—A. I suppose, why he was rushing through.

Q. Just rushing it?—A. I wouldn't state that they didn't. I can't say. I know that the lieutenant counted the men. I know that. Whether the men counted off or not, he counted them and verified them to see if they were all there.

Q. Then, you were marched around to the wall, and what position did you take?—A. After that they all laid down, on guard.

Q. By the wall?—A. Yes, sir; and stayed under cover.

Q. And that is all you know about it?—A. Yes, sir.

By Senator OVERMAN:

Q. What became of Sergeant Rudy? He was on the porch with you, and where did he go?—A. He went in the quarters.

Q. In the quarters?—A. Yes, sir; we left him there. He stayed there. There was nobody on the porch except me that I seen.

Q. Did you see him go out on the back porch, facing the town?—A. No, sir; I didn't see him go out on the back porch.

Q. If he had gone out there, would you have seen him?—A. No, sir; I couldn't have seen him. It was dark in the quarters, and I couldn't see anybody, hardly.

Q. You didn't see him?—A. No, sir; of course all the men was excited, and all the men was up at this time, and I came back out on the back porch and laid down.

By Senator FORAKER:

Q. Did you have anything to do with this shooting?—A. No, sir; nothing at all.

Q. You were not out in Brownsville that night with your gun?—A. No, sir.

Q. Shooting up the town?—A. No, sir.

Q. Trying to kill somebody?—A. No, sir.

Q. Do you know anybody who was?—A. No, sir; not a soul.

Q. Have you any knowledge that leads you to suspect anybody in C Company of being guilty of this shooting?—A. No, sir; not the least in the world.

Q. Or in any of the other companies?—A. No, sir; I haven't the least idea in the world of that at all.

Q. Have you refused to tell anybody at any time all that you knew of it?—A. No, sir; I have not, because I knew nothing of it. It was just as much a surprise to me as it was to you, and you were probably a long way from there.

Q. What was that?—A. It was just as much a surprise to me as it was to you.

Senator FORAKER. That is all.

(The witness was excused.)

TESTIMONY OF TEMPLE THORNTON (COLORED).

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. Were you a member of the Twenty-fifth Infantry in August last?—A. Yes, sir.

Q. What company did you belong to?—A. D Company.

Q. Did you hold any official position in that company?—A. Corporal of D Company.

Senator FORAKER. I want to put in the record as a part of this witness' testimony his official record as given by the War Department, as found on page 266 of Senate Document No. 155.

The record referred to is as follows:

TEMPLE THORTON.

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.

By Senator FORAKER:

Q. According to this record you were first enlisted in 1899?—A. Yes, sir.

Q. Where did you live at that time?—A. In Virginia.

Q. Where were you enlisted?—A. In Washington, D. C.

Q. You served in Company D all the while you were in the service?—A. All of my service was in D Company.

Q. You were discharged without honor?—A. Yes, sir.

Q. As a corporal of Company D?—A. Yes, sir.

Q. On November 26, 1906, you were in the service then something like seven years?—A. Seven years and ten months.

Senator FORAKER. The witness has handed me a letter which is signed by Captain Lyon, and I will read it in full. I want it to go in the evidence. It is as follows:

To whom it may concern:

Temple Thornton has been known to me for about four years, and during all of this time he has been a corporal in my Company D, Twenty-fifth Infantry. I know him to be a man of first-class habits, and an excellent soldier. I believe him to be absolutely honest and reliable, and I have the fullest confidence in his honesty and truthfulness. I am certain in my own mind that he was in no way implicated in the shooting at Brownsville, August 13-14, 1906, and I believe that had he any knowledge of the persons engaged therein, he would have reported the same to me. I recommend that he be again enlisted in the service of the United States.

SAMUEL C. LYON.

By Senator FORAKER:

Q. Now tell us where you were that night, August 13th, when the firing at Brownsville occurred?—A. When the firing at Brownsville occurred I was in D quarters asleep.

Q. Upstairs or downstairs?—A. I was downstairs. I slept in the place where they had the company library, and I also ran the barber shop in there.

Q. You did what?—A. I ran the barber shop in the company library.

Q. You ran the company barber shop?—A. Yes, sir.

Q. Are you a barber?—A. Yes, sir.

Q. You did the barbering yourself?—A. Yes, sir; I did the barbering myself.

(The map was here explained to the witness by Senator Scott.)

Q. You were sleeping in D barracks?—A. Yes, sir.

Q. Downstairs?—A. Yes, sir.

Q. In the library room?—A. Yes, sir.

Q. Toward the gate or toward the river?—A. Just about the center.

Q. On which side of the barracks, toward the parade ground or toward the town?—A. Toward the parade ground, over on this side [indicating].

Q. Were you asleep when the firing commenced?—A. Yes, sir; I was asleep when the firing commenced. I was awakened by the artificer of the company.

Q. Who was he?—A. Artificer Newton.

Q. Artificer Newton?—A. Yes, sir; his name is Newton.

Q. He is not the man who got hit over the head with a revolver?—

A. No, sir; he belonged to D Company

Q. He awakened you?—A. Yes, sir.

Q. Where did he sleep?—A. In the same place I did.

Q. In the same room?—A. Yes, sir.

Q. What did you hear when you got awake; tell us now all you can recollect about it.—A. He was the man who awakened me, and when I first woke I heard some shooting going on, but I thought it was fire call when I first woke, and I got up and slipped on my pants and my shoes and went to the front.

Q. To the front of the building?—A. I went to the front of the building, and the shooting was going on then, and I looked around and didn't see anything to the front, and during that time I heard everybody upstairs getting up, and all the men was jumping up, and I heard a great rumbling upstairs by all the men jumping up and running downstairs, and I went on upstairs, too, after I heard so much noise up there, and then they commenced hollering "Outside, outside, everybody," and they came downstairs, and then I came downstairs. I met the captain and also the first sergeant about that time.

Q. Captain who?—A. Captain Lyon. I met him and turned back downstairs. Everybody turned out in front, and they had the company formed, and they ordered the first sergeant to call the roll and count the men, and after the roll was called and the men was counted, he gave the command "Squads left," and moved around this road here to the main gate, and then "In squads, left front," and "Deploy in skirmish line," at this wall.

Q. Did you go to the left of the gate, as you go out?—A. Yes, sir; to the left of the gate as you go out.

Q. That is what I thought. You pointed to the right of the gate?—

A. We went on the left of this gate. I just don't understand this map, hardly.

Q. That is the gate where you go out to go uptown?—A. Yes, sir.

Q. And you formed to the left of the gate?—A. Yes, sir; we formed to the left of the gate.

Q. Then what happened? We have been over that; I want to go over it as briefly as we can. You went out as a patrol directly?—

A. Not at that time. This was inside of the garrison. This was along the wall. He gave the order "Everybody lie down there behind the wall;" and we stayed there about thirty minutes, I guess, as near as I can come at it; I don't know how long, but I judged it to be about thirty minutes, and he ordered nobody to load their rifles and not to do anything more than what he ordered them to do. We laid behind the wall about thirty minutes, and he ordered the

first sergeant to call the roll again, or to count the men, rather, and he counted the men again, and then he re-formed the company.

Q. Who was the sergeant of the company?—A. Sergeant Frazier.

Q. Did he not get a lantern to call the roll, or do you know about that?—A. Yes, sir; he had a lantern in the front of the company, but at this time he didn't have no lantern, while they were at this wall.

Q. Yes; go ahead.—A. And after that time we re-formed the company again and moved back in front of the gate, and we were ordered then to patrol the town, and we went around to the right, then—

Q. You need not describe that. We have been over that.—A. Yes, sir.

Q. You patrolled the town, and then you came back?—A. Yes, sir; and went to quarters and we were dismissed—D Company.

Q. Not immediately after you got back?—A. Not immediately. We stood in front of the gate after we returned from town for fifteen or twenty minutes, I guess.

Q. You stood there for a time at least?—A. Yes, sir.

Q. And then you were dismissed?—A. Yes, sir.

Q. What did you do with your guns when you were dismissed?—A. All of the guns were put in the racks; mine was, anyhow.

Q. Then did you get the order to go to quarters?—A. Everybody was ordered to go to bed.

Q. Were the barracks lighted, or were the lights put out when you went to bed, I mean?—A. The lights were lit when I went up to put my gun in the rack, and then I came back and slept in the room that I usually slept in, and there wasn't any light there.

Q. What did you do; did you sit up or go to bed?—A. I went to bed and didn't get up any more until next morning at the usual time for reveille.

Q. Then you had breakfast, and in due time you had a drill call?—A. Yes, sir.

Q. What happened then?—A. When we turned out for drill, instead of drill we had inspection.

Q. What was the result of that inspection? We have been all over that, is the reason I am going over it in such a hurry. What was the result? Were any dirty guns found?—A. No, sir; there wasn't no dirty guns found at all, except one dirty gun found; but then it was the gun of one of the cooks, who never attended inspection, and it was full of cobwebs.

Q. That was Cook Dade?—A. Yes, sir.

Q. Were there, or not, some of the guns which were reinspected as to which the men were asked to step out of ranks until they could be reinspected?—A. He stepped some men out for reinspection. I know Dade was one of the men. I don't just remember the rest of them.

Q. Who did this reinspection?—A. Captain Lyon, himself.

Q. Did he have anybody else helping him with it?—A. Sergeant Green, the quartermaster-sergeant at the time.

Q. In what way did he assist him?—A. Well, he assisted him. He had a rag, and what they call a cleaning rod, which was made for the purpose of cleaning a rifle with, and he had these rags torn up in little small pieces, just so that they could shove them through the gun, and if they are dirty when you shove a clean piece of muslin rag into a gun

it will carry the dirt out; it will carry out whatever is in the gun, and then you look at the rag and if it is dirty you can tell it.

Q. That is, if the rag is dirty. And it ought to show powder if there is any in the gun?—A. Yes, sir; it will show it.

Q. It will show it?—A. Yes, sir.

Q. Was there any powder found in any of the guns?—A. No, sir.

Q. Was there anything found in any of the guns to show that they had been fired the night before?—A. No, sir.

Q. Every gun in the company passed?—A. Yes, sir.

Q. Do you know who did this shooting?—A. No, sir.

Q. Did you have anything to do with it?—A. No, sir.

Q. You were not out in town that night, with your gun, shooting with the rest of them?—A. No, sir.

Q. Whoever they were?—A. No, sir.

Q. And you do not know who did do it?—A. No, sir.

Q. In your company or in any of the other companies?—A. No, sir.

Q. Or anybody else?—A. No, sir.

Q. Have you any reason to suspect that anybody in your company or in either of the companies did that shooting?—A. No, sir; I haven't the slightest reason, in no way, shape, or form, to suspect any of them.

Q. Have you refused at any time to tell anybody all you know about it?—A. No, sir; I have told all I know about it, in every respect.

Q. Have you made any effort among your comrades to find out who did it, in the way of asking questions or otherwise?—A. Yes, sir; we were ordered by the captain to do that. It was Major Penrose's orders for the men—the noncommissioned officers—to talk with the men or among the men and to pay close attention to how they talked, and if we could gain any information whether the men did the shooting or not and who did it and to report the same to him.

Q. You were not one of the twelve men arrested?—A. No, sir.

Senator FORAKER. That is all.

By Senator WARNER:

Q. This inspection that was made on the morning of the 14th, when you went out on morning drill, was that inspection made of all of the guns by using the rod and the cleaning rag?—A. Yes, sir; all of the guns. They shoved this cleaning rod and the rags through them. It was shoved through it.

By Senator FORAKER:

Q. That was about 7 o'clock in the morning?—A. I think it was just about 7 o'clock or half-past 7; I disremember now.

Q. It was when you went out in answer to the drill call, whenever that was?—A. That was the usual time we had drill, at that time.

Q. Can you tell us how long it takes to clean one of these guns after it has been fired, say a half a dozen times, so that it will pass such an inspection as your guns were subject to that morning by Captain Lyon?—A. It would take a long time. They are hard to clean after they have once been fired. One shot will do as much damage in the way of dirtying a gun as 5 or 6 or probably 10 shots, and the powder is something hard to get out of a gun.

Q. Can they be cleaned at all so that they will pass an inspection, after having been fired, without the use of this cleaning rod that you

speak of?—A. No, sir; that is the onliest way that you can clean them.

Q. These guns are not provided with any cleaning rod, as I understand it—these new guns?—A. No, sir.

Q. There are only 4 rods in each company?—A. Yes, sir.

Q. And they are in charge of noncommissioned officers, who have charge of their respective squads?—A. They are usually in charge of the chiefs of sections, and when a man went there and wanted to use one of these rods they would go to the chief of the section to get it.

Q. And you must not only have a cleaning rod, but you must have something to saturate your rags with—water or soda?—A. Water and rags, and then you have to use some kind of a soft oil, and you have to wet the rags, and you have to have some drying powder, like we had, and then dry it out after it was cleaned.

Q. Then after you have cleaned the barrel of the gun, what do you have to do with the chamber?—A. You have to take this bolt out. You can't clean it at all except you take the bolt out, because the lint and dirt, and so forth, and the powder and grease will get on this bolt, and it will show dirt anyhow, so you have to take this bolt out; and after you clean the barrel of the gun you have to reverse it and turn the barrel away from you and get a stick and make it kind of sharp at the end—kind of small like—so that you can clean it in the bore of the gun, and then you take a piece of rag and wrap it on the end of a small stick that has been whittled down.

Q. Could you clean a gun in the nighttime, in the dark?—A. No, sir; you can not.

Q. Without any light?—A. You can't clean no gun in the dark.

Q. Could you clean a gun without these facilities that you speak of?—A. No, sir.

Q. Did you have any of these facilities after you took your guns out of the gun racks that night, and went out behind the wall, and went on guard?—A. No, sir; we didn't have nothing like that.

Q. Did you ever see a commissioned officer clean a gun?—A. No, sir; I never did.

Q. We were told by one of our chief generals that he can clean one of these guns perfectly clean in two minutes?—A. I will work for him the rest of my life if he will let me fire a gun once, and then he take it out here and clean it in two minutes, or five minutes, or ten minutes. If anyone will fire one shot out of a gun, and then he will take it and clean it in five minutes, he breaks the record. I have been cleaning them for seven years. I am a very particular man that way. I bucks for orderly in the Army, stops me from walking post, and I know something about cleaning a rifle.

Q. You never heard of any enlisted man cleaning a gun in two, or three, or five minutes?—A. It will take at least twenty minutes, at the outside, and then that depends on the swiftness of the man. It will take from twenty minutes to forty minutes to clean a gun to pass a rigid inspection such as we usually had.

Senator FORAKER. That is all.

By Senator SCOTT:

Q. Corporal, an orderly is selected in the morning at guard mount for his general personal appearance, the cleanliness of his person, the cleanliness of his gun, and so forth, and the man that presents the best appearance gets the position?—A. Yes, sir.

Q. That is what you mean by saying that you tried for an orderly?—
A. Yes, sir.

Q. Which is easier duty?—A. Yes, sir; easier duty. It will take a little more time in cleaning your clothes and your rifle, and so forth, but after you gets orderly you doesn't have anything to do but walk around the commanding officer's quarters and go on errands and carry messages, and so forth.

By Senator WARNER:

Q. Now, going back to the question I asked you a few moments ago, about the inspection made by Captain Lyon; you said that he had a cleaning rod?—A. Yes, sir; he had a cleaning rod.

Q. And a rag?—A. Yes, sir.

Q. And he put every man's gun to that test?—A. Yes, sir.

Q. Did he have any appliances except those with which to test the guns?—A. He had this cleaning rod, and some rags and some oil. Sergeant Green was the man that had the rags and the oil, and he would take this oil and pour some oil on these rags, and then take this rod and shove it through the rifle.

Q. Yes.—A. In order to carry what was in the gun out; and then he would take the rag and inspect it afterwards.

Q. And when he would put the oil on the rag and put it through the barrel of the rifle, that would take out whatever of powder there was in it, would it?—A. Yes, sir.

Q. And if that came out without any powder upon it, it was evident that the barrel of the gun was clean?—A. Yes, sir.

Q. And he did that with every man?—A. Yes, sir; he did that with all the guns.

Q. If anyone was asked to step out of the ranks, two paces to the front or to the rear, because their guns were not clean, what did he do with those guns?—A. Those guns were reinspected. Those men were like Cook Dade, and was probably some man that had been a little careless with his gun, and dust and so forth was in it, and it didn't pass satisfactorily to what he thought it ought to be, and then he had those guns reinspected.

Q. What would he do in reinspecting them?—A. He would reinspect them to make sure.

Q. Yes, I know; but what additional inspection of the guns would he make, if any, from what he made before? Would he use any different appliances than the rod and the rag and the oil?—A. He couldn't use any different appliances, but simply having them step back to make sure that he didn't make any mistake.

Q. He reinspected in the same way?—A. Yes, sir.

Q. And you are quite clear that that was the inspection made by Captain Lyon on the morning of the 14th; that that inspection was made in the manner in which you have stated?—A. I think so.

Q. Do you not know?—A. Yes, sir; I am confident that that is the way it was.

Q. You were awakened by the shooting?—A. I was awakened by Artificer Newton.

Q. Had the call to arms been sounded then?—A. I don't know whether the call to arms had been sounded then or not, because I was asleep.

Q. Did you hear the call to arms sounded?—A. No, sir—yes, sir; I heard it sound; but when I first woke up the first thing I heard was the shooting.

Q. Then you heard the call to arms after you waked up?—A. The call to arms was after I wakened up.

Q. You were downstairs?—A. I was downstairs in the library.

Q. Who was sleeping there with you?—A. Artificer Newton.

Q. Where did he keep his gun?—A. He kept his gun in the rack. Everybody kept their guns in the racks upstairs.

Q. Quartermaster-sergeants and all?—A. Everybody's guns was in the racks.

Q. If anybody had their gun out of the racks that would be a violation of the rules?—A. Yes, sir.

Q. Whether he was a quartermaster-sergeant or anybody else?—A. If anybody had their gun out, that was against the company commander's orders; it was a violation to the orders.

Q. Where was this shooting you heard when you were awakened?—A. The shooting was in to the rear of the quarters, next to the town.

Q. To the rear of the quarters—D Company quarters?—A. I mean to the rear of the quarters; the shooting was over here [indicating].

Q. The rear of D quarters?—A. No, sir; the rear of B quarters.

Q. The shooting was where?—A. Over in here.

Q. Over in town?—A. Yes, sir.

Q. Did you see the flash of any of the guns?—A. No, sir; I didn't see the flash of none of the guns.

Q. How many parties seemed to be engaged in that shooting?—A. From the way they were shooting it seemed like it might have been 25 or 30. Sometimes you would hear them by separate shots, 4, or 5, or 6 shots, and then again kind of volleyed shots.

Q. Yes.—A. Like there would be 25 or 30.

Q. First there would be a kind of shooting at will, and then there would be a volley?—A. Yes, sir.

Q. From that volley, from the sound, how many shots would you take it to be; how many persons?—A. I didn't understand.

Q. How many persons would you take it to be doing the shooting?—A. From 25 to 30, the way that some of the volleys sounded.

Q. Did you hear anybody say anything there?—A. No, sir; I didn't hear nobody say nothing.

Q. Did you see anybody; that is, doing the shooting?—A. No, sir.

Q. Now, you got your gun?—A. Yes, sir.

Q. And went down and fell into line?—A. Yes, sir; fell into line.

Q. What kind of ammunition did you have?—A. I had 10 rounds of ammunition in my belt.

Q. What kind of ammunition?—A. Ball ammunition.

Q. You had that ammunition all the time that you were in camp at Fort Brown?—A. I had that ammunition when we started from Niobrara; when we were up in Nebraska.

Q. You had had it all the time you were at Fort Brown, then, this ammunition?—A. I had it all the time.

Q. Until the shooting?—A. Yes, sir.

Q. The night of the 13th?—A. Yes, sir.

Q. You carried that in what, the web belt or the McKeever box?—A. I had 10 rounds in the McKeever box.

Q. So that that accounts for your 20 rounds?—A. Yes, sir.

Q. You went down and got your gun and fell in line. What was the first thing that was done?—A. The first thing that was done, the roll was called and the men were counted.

Q. Who called the roll?—A. The first sergeant—Sergeant Frazier.

Q. Did he finish calling the roll?—A. Yes, sir.

Q. Did every man answer to the roll call, or do you know?—A. Every man answered to the roll call.

Q. How many?—A. I just don't know the strength of the company at the time.

Q. Do you know who was absent on leave, or without leave?—A. I think we had two men on pass, but I know he reported the company present or accounted for. That is the way they generally report when a man isn't there—if he is on pass or on guard, he is accounted for just the same.

Q. That is all you know about it? You say that is the reason you think they were there, because the sergeant reported all present or accounted for?—A. Yes, sir.

Q. That is the usual way, I understand?—A. Yes, sir.

Q. Then what was done; were they counted by the officer again?—A. He counted them himself afterwards.

Q. Why did he count them after the sergeant had reported them all present or accounted for?—A. Because he wanted to be sure. I don't know any other reason.

Q. Then when you got back at the wall the roll was called again, and that would make the third time counting them?—A. Yes, sir; the men were counted again, before we left there behind the wall.

Q. Was the roll called back there, too?—A. Yes, sir; the roll was called again.

Q. And the men were counted again?—A. Yes, sir.

Q. Then that night the sergeant called the roll twice?—A. Yes, sir.

Q. And Captain Lyon counted the men twice?—A. Captain Lyon counted the men once. He counted them in front of the barracks.

Q. Who counted them behind the wall?—A. Sergeant Frazier counted them behind the wall, and also called the roll again, and then he ordered them to count them.

Q. Over?—A. Over again.

Q. Why did he order them to count them after calling the roll? Was he not satisfied that they were all present or accounted for?—A. I don't suppose he was. I guess he did that to make sure that he would be sure that everybody was there, and in order that he wouldn't make any mistake.

Q. That was a very unusual occurrence, was it not?—A. Yes, sir; that was an unusual occurrence.

Q. Did you ever know that to occur before, since you have been in the service?—A. Did I ever know what to occur before?

Q. That is, that the company should be counted off—called and then counted off—and then called and counted off again?—A. I just don't remember; no, sir.

Q. How about the shooting; about how many shots did you hear?—A. Well, sir, I heard some 5 or 6 shots the first time, and then a kind of volleyed shots, like.

Q. How many volleys?—A. Well, you could distinguish the shots, one right after the other, kind of one after the other like, and then a kind of a roar of shots, like about 30 people, say.

Q. The roar of shots is a volley?—A. Yes, sir.

Q. The shooting at will is one shot and then another, right along, each man shooting as he pleases?—A. Yes, sir.

Q. Did you hear any commands given there to fire or to cease firing?—A. Never heard none at all; no, sir.

Q. Did you hear anybody there say, "Come out, you black sons of bitches," or anything like that?—A. No, sir; I never heard anything like that.

Q. You talked with the men there and listened to them talking about the way that shooting was done and who did it?—A. Yes, sir; the men often discussed about who did the shooting after it was over and wondered what it was did about, and all like that.

Q. You did not hear anything more about it than that?—A. No, sir.

Q. You know that before this shooting there was some discussion as to the treatment your men were receiving at Brownsville, do you not?—A. No, sir; I never—

Q. Or did the men discuss it?—A. I heard of a man being knocked in the head with a six-shooter, and some man getting pushed overboard from a boat, but I didn't know whether or not it was true, and I don't know.

Q. I understand. I did not mean to ask you about the particular instances, we have been over it so many times; but you heard the men talking of the treatment they received in Brownsville, did you not?—A. No, sir; I never heard anybody taking exceptions to the treatment.

Q. So far as you know, they were treated nicely there?—A. I was treated nicely, and with the exception of those two men, everyone I heard of.

Q. With the exception of those two men, everyone was treated nicely?—A. Yes, sir.

Q. No complaint at all?—A. I never heard anybody make any complaint. Everybody seemed to be glad they were there.

Q. Glad to get to Brownsville?—A. Glad to get there. I was tired of staying where I was, and was glad to get there. I had been up there about four years.

Q. It was a nice change to get away from Fort Niobrara and go down there?—A. Yes, sir.

Q. And you were treated there just as well as you had ever been?—A. I was.

Q. I know, but I am talking about as far as you know?—A. Yes, sir; so far as I know.

Q. Did the men make any complaint about their not being permitted to go into the saloons?—A. No, sir; I heard that there was some provisions made there about saloons, and drinking, and so forth, but whether it were or not I don't know, because I never went into the saloons there.

Q. You didn't go into the saloons?—A. I went into some Mexican saloons. Some Mexicans ran places there, and a colored man ran a place down there; one of the discharged soldiers.

Q. You could go into the Mexican saloons?—A. Yes, sir.

Q. And call for what you wanted?—A. Yes, sir.

Q. And you were treated nicely?—A. Yes, sir.

Senator WARNER. I think that is all.

By Senator FORAKER:

Q. Did you ever hear any threats made by the soldiers of shooting up the town, or do you know anything of that sort?—A. No, sir; I never heard any threats made by them whatsoever.

Q. What kind of arms was that firing done with; what kind of arms did it seem to be by; can you tell us what it sounded like, what kind of guns?—A. It seemed like it would have been either six-shooters and shotguns and rifles—Winchesters. It seemed like mixed arms.

Q. Mixed arms?—A. Yes, sir.

Q. That is all. Now, your company was D Company?—A. Yes, sir.

Q. You had ball cartridges?—A. Yes, sir.

Q. And you had 20 rounds to the man?—A. Yes, sir.

Q. You had them when you went down, and kept them after you got there?—A. Yes, sir.

Q. Senator Warner asked you if it was not a most unusual thing to call the roll twice and count the men, in the way you described. It was an unusual occurrence, was it not?—A. Yes, sir; that was an unusual occurrence.

Q. You never heard of an affair of this kind before; that is, you never had anything to do with it?—A. No, sir.

By Senator WARNER:

Q. In that connection, just a moment. Have you ever been in a battle?—A. Well, I was in the Philippine skirmishes and expeditions over in the Philippines.

Q. You have been with your company when it was called out, expecting to go into an engagement, have you?—A. Yes, sir.

Q. You have been all through that, when a call has been made, and the counting off?—A. Yes, sir.

By Senator SCOTT:

Q. Do you know whether there was a Mexican post across at Matamoros or not, where they kept soldiers?—A. Yes, sir; I was over there once. It was pretty close to Brownsville, after you cross the river. I don't know just how wide the river is.

Q. I don't care for that. Did you ever see any Mexican soldiers over in Brownsville?—A. Yes, sir; I have seen them over in Brownsville, and remarked about them, and their dress, and so forth.

Q. How were they dressed; what kind of a uniform was it, anything like ours?—A. No, sir; their uniform is not anything like ours. It has a lot of red trimming on it.

(The witness was excused.)

TESTIMONY OF EDWARD L. DANIELS (COLORED).

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. Did you belong to the Twenty-fifth Infantry last August, 1906, when it was at Brownsville?—A. Yes, sir.

Q. What company did you belong to?—A. Company B; I was a corporal of Company B.

Senator FORAKER. I want to put in evidence at this point the record of this soldier as given by the War Department as found on page 247 of Senate Document No. 155.

The record referred to is as follows:

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.

By Senator FORAKER:

Q. According to this record, you first enlisted in 1894?—A. Yes, sir.

Q. Where were you enlisted at that time?—A. At Chicago, Ill.

Q. State where you are a native of.—A. Sir?

Q. State where you were born; in what State.—A. In Charlottesville, Va.

Q. Were you living in Chicago at the time you enlisted?—A. Yes, sir.

Q. You enlisted in Company K of the Twenty-fifth Infantry?—
A. On my first enlistment I went for the cavalry, and from the cavalry to the infantry; to E company of the Twenty-fifth, and then I went to Cuba, and when we returned from Cuba I was sent to Company K, in making up four companies—M, I, L, and K—and I was sent to Company K as a noncommissioned officer of Company K.

Q. Did you serve in the cavalry?—A. Yes, sir.

Q. That is not given here at all. What cavalry regiment did you serve in?—A. I served in F Troop of the Tenth Cavalry.

Q. F Troop of the Tenth Cavalry?—A. Yes, sir.

Q. You were there in Cuba at the time of the Santiago battles?—
A. In the Twenty-fifth Infantry; sergeant of Company E.

Q. You were sergeant of Company E of the Twenty-fifth Infantry?—
A. Yes, sir; during the time of the battle of Santiago.

Q. Where did you serve in the cavalry?—A. I served in the cavalry at Fort Assiniboine, Mont.

Q. Assiniboine, Mont.?—A. Yes, sir.

Q. We will pass that by. You were in the service how long?—
A. Eleven years and some months; nearly twelve years.

Q. And you were finally discharged without honor?—A. Yes, sir.

Q. You were not arrested as one of the 12 who were arrested?—
A. No, sir.

Q. You were not one of them. Now, Corporal, where were you the night of this firing—the night of August 13?—A. On the night of August 13 I was aroused from sleep by the noise of the men in the barracks, and they claimed that the quarters were being fired on, and I used my customary way as I do under fire; I raised and then give the alarm to my men who are under me—under my command.

Q. What men were under your command?—A. My section. I had the fourth section.

Q. You were in B Company's barracks?—A. Yes, sir.

Q. Right at the left of you is a map which Senator Scott will explain to you.

(The map was explained to the witness by Senator Scott.)

The WITNESS. Here is B Company's barracks.

Senator SCOTT. Yes.

The WITNESS. I were about here, in the quarters, upstairs, facing the parade grounds; C to the east and B to the west.

By Senator FORAKER:

Q. What was it awakened you?—A. The noise of the men in the barracks.

Q. When you got awake what did you hear?—A. I heard a man say, "Get up, men, they are firing into the barracks."

Q. Did you hear the firing?—A. Yes, sir; I heard the firing.

Q. Go on.—A. After I rose and had the other men get up, I then heard the call to arms sounded. I says to the noncommissioned officer who was in charge of the quarters to open the racks; that call to arms had been sounded. The racks were one, two, three, and four. I had the fourth section, and consequently I had to be the last to have my gun rack opened, and so I contented myself, after getting my clothes on, after I found out that I didn't hear any shots coming through the house. I waited until the gun racks were opened, and after the gun racks were opened I took my gun and proceeded down to the parade grounds.

Q. Did you get your own gun?—A. Yes, sir.

Q. You got your own gun?—A. Yes, sir.

Q. Who was the officer in charge of quarters, to whom you spoke?—A. Sergt. George W. Jackson.

Q. George Jackson, I guess it is, without the middle initial "W.," isn't it?—A. Yes, sir.

Q. No matter about that. You got your gun?—A. Yes, sir; and after I had gotten downstairs in front of Company B's quarters Major Penrose says, "Is there any noncommissioned officer of B Company here?" I says, "Yes, sir; here I am." He says, "Form this company immediately," and I says "Very well, sir;" and I stepped out and formed what men were there, and they were getting there as fast as possible; and when the company was nearly formed the next noncommissioned officer, which was senior to me, came around, and I taken my place in ranks, and by the time the company was formed completely the first sergeant came around and called the roll; and the result was that they were all present or accounted for but four men, and these four men were Private Elmer Brown, Private John Brown, Private William Smith, and Alfred N. Williams.

Q. You say all were present or accounted for except four men?—A. Yes, sir.

Q. What about them—do you mean that they were not accounted for?—A. They were not present, but accounted for. All were present but four men.

Q. All present but four men, and they were accounted for?—A. Yes, sir.

Q. These four men were accounted for?—A. Yes, sir.

Q. Were not some men on guard?—A. That was the present and accounted for.

Q. They were regarded as present?—A. Yes, sir.

Q. And these other men—A. These men who were sleeping from the barracks that night, who had authority, a noncommissioned officer and two privates were sent around to see about them, and they were found in their respective places.

Q. And they were accounted for?—A. Yes, sir.

Q. So that the result was that all were present or accounted for?—A. Yes, sir.

Q. I am not going to ask you to tell all that occurred that night, because we have been over it again and again, but I do want you to tell us whether, next morning, the guns were inspected?—A. At drill call, next morning, the guns were inspected by the company commander of Company B. All guns which were not passable for inspection, those men were stepped aside, and Captain Lyon, captain of Company D, he reinspected these guns by taking a clean sheet and tearing it into small pieces and swabbing it through the guns.

Q. Your company went on guard that morning—company B, I understand it?—A. Yes, sir.

Q. When did you go on guard?—A. We went on guard that night immediately after the shooting, and then came off the 15th.

Q. B Company?—A. B Company went on guard there after the shooting that night and stayed until the next morning.

Q. C Company was on duty that night, was it not, immediately after the shooting?—A. We were, too. We all were stationed along the wall about 2 feet or 3 feet away—3 yards away.

Q. You were stationed along the wall at that time?—A. Yes, sir.

Q. And were you not brought back and dismissed later, and did you not go on duty, relieving C Company, the next morning? That is the way others have testified.—A. I can't say positively, because I don't know positively whether it was early next morning or whether it was later on the next day.

Q. At any rate, you know that your guns were inspected?—A. Yes, sir.

Q. C Company was relieved the next morning about 9 o'clock by Company B. I will pass that. The guns were inspected the next morning, however?—A. Yes, sir.

Q. Were any guns found dirty with powder?—A. None that I heard of. Every report that I could hear, which were not official to me, but I heard from all the reports that the guns were clean.

Q. You were in the Army how long?—A. Nearly twelve years.

Q. Do you know what is required to clean one of these guns after it is fired so that it will pass inspection?—A. Yes, sir.

Q. Tell us how long it takes an enlisted man—not a general, but an enlisted man—to clean one of these guns.—A. It would take an experienced soldier that knows all about the mechanism of a rifle from twenty-five to thirty minutes.

Q. It took you about that time?—A. Yes, sir.

Q. You were an average, at least, I suppose, were you?—A. Yes, sir; by my record I am an excellent soldier.

Q. Did you have a good record?—A. Yes, sir.

Q. Were you ever court-martialed?—A. Yes, sir.

Q. What for?—A. For being late on pass.

Q. When was that?—A. That was in Niobrara.

Q. How were you punished for that?—A. A blind was taken from me.

Q. What was that?—A. Which were \$8 taken from my pay.

Q. Eight dollars was deducted from your pay?—A. Yes, sir; deducted from my pay.

Q. For being late in getting home on a pass?—A. Yes, sir; I didn't show up for a drill for which I should have.

Q. I see you are marked "character excellent" every time you were discharged.—A. Yes, sir; every time.

Q. Did you ever get into any trouble at Brownsville?—A. No, sir; I never was in any trouble.

Q. Did you hear your men making any threats in Brownsville against the citizens of Brownsville?—A. No, sir.

Q. Do you know who did this shooting?—A. No, sir.

Q. Did you have anything to do with it?—A. No, sir.

Q. Have you any reason to suspect anybody in your company of having done any of it?—A. No, sir.

Q. Or anybody in either of the other companies?—A. Not as I can understand anything about it.

Q. Have you withheld any information from anybody?—A. No, sir.

Q. Or refused to tell all you know about it to anybody?—A. I have told everything I know of it.

Q. And still you were discharged without honor?—A. Yes, sir.

Q. Do you know of anything that you did that you should have been so discharged for?—A. No, sir.

Senator FORAKER. You may take the witness.

By Senator WARNER:

Q. Where was the firing when you heard it first?—A. The firing, it were outside of the garrison.

Q. I know, but in what direction?—A. It was due west of where I was lying in bed.

Q. You get these points of the compass a little mixed here. You see Company B's barracks there, do you not [indicating on map]?—A. Yes, sir.

Q. You see that. Now, take barracks B. What direction was it from barracks B?—A. It was here [indicating].

Q. That is up in the alley you have pointed to, between Washington street and Elizabeth street?—A. I couldn't say whether it was in the alley or Elizabeth street.

Q. That is where you have pointed to?—A. Yes, sir.

Q. You see that red figure "2"?—A. Yes, sir.

Q. That was the Cowan House. You knew where it was?—A. No, sir; I knew no place in Brownsville.

Q. That would be in the direction of the firing you heard, the direction you indicate?—A. The firing was in this direction [indicating].

Q. That is where the figure "2" is?—A. In the direction of "2."

Q. About how many parties were engaged in that firing?—A. How many parties were engaged in that firing?

Q. Yes; how many would you judge from the reports of the guns?—A. From experience in hearing shooting, it would be 25 or 30.

- Q. Twenty-five or 30?—A. In the party, yes, sir—mixed arms.
- Q. Yes; I haven't asked you that yet. You say it was by mixed arms?—A. Yes, sir.
- Q. How was the shooting—the firing?—A. The shooting was irregular.
- Q. There were not any volleys?—A. No, sir.
- Q. You are sure about that?—A. Sir?
- Q. You are quite sure there were no volleys?—A. Yes, sir.
- Q. And there were all kinds of mixed arms?—A. Yes, sir.
- Q. Shotguns?—A. Yes, sir; it sounded as though it was shotguns and pistols.
- Q. Carbines?—A. No, sir; no carbines; but it seemed as though they were these repeaters.
- Q. What do you mean by repeaters?—A. These sixteen repeaters—sixteen-shot repeaters.
- Q. Guns?—A. Yes, sir.
- Q. What make?—A. I don't know the make of them.
- Q. Winchesters?—A. That is about what it were; they were Winchester.
- Q. Any Krag?—A. No, sir.
- Q. Any Springfields?—A. No, sir.
- Q. You say there were no Springfields?—A. I am not sure of it, but I didn't hear any, sir.
- Q. The Springfield was the gun your troops had there, was it not?—A. Yes, sir.
- Q. There were none of them?—A. No, sir; none that I could distinguish.
- Q. Now, what time did the firing cease—did it cease while you were in front of the barracks?—A. The firing did not cease until after we had had roll call and we were in the act of moving around to our position, and then we heard scattering shots.
- Q. That was the end of the firing, was it?—A. Yes, sir.
- Q. Do you know in what direction this firing was? Could you tell from the report of the guns whether it was toward the barracks?—A. No, sir; I could not.
- Q. Or from the barracks?—A. No, sir; I couldn't tell what direction they were.
- Q. Did you hear any orders given there?—A. No, sir; I heard no orders given there, by nobody.
- Q. Did you hear anything said?—A. No, sir; I was in my barracks.
- Q. But when you were outside of your barracks, you were there with your troops, were you not?—A. Yes, sir; but remember, sir, I were here [indicating] and they were here, and there is the barracks between us, and there is a row of trees just about 10 feet, and I am in front of the trees and in front of the barracks, and the shooting is in the rear of the barracks.
- Q. But you heard no orders; you heard nothing said back there at all?—A. No, sir.
- Q. By anyone; you heard nothing of the kind?—A. No, sir.
- Q. Did it occur to you, anything about who was doing that shooting?—A. Sir?
- Q. Did it occur to you who was doing that shooting?—A. No, sir;

I didn't know who was doing it. I knew I wasn't doing anything of the kind.

Q. That was all the concern you had about it?—A. Yes, sir; all the concern I had of it.

Q. You knew that the men of the barracks had been ordered in that night at 8 o'clock, did you not?—A. Yes, sir.

Q. That was something unusual there?—A. Yes, sir.

Q. You knew that was because of some feeling on the part of the citizens?—A. No, sir; I didn't know that, but I only thought it were, but I didn't know it.

Q. When you heard this shooting, did you think there might be some trouble between the soldiers and the citizens?—A. No, sir; I didn't know what it was.

Q. It never occurred to you?—A. No, sir; it never occurred to me.

Q. You heard no balls whistling?—A. No, sir; I didn't hear any balls at all.

Q. Nothing of that kind?—A. No, sir.

Q. Now, you say inspection was had of the guns?—A. Yes, sir.

Q. Who inspected the guns?—A. The first inspection was by Lieutenant Lawrason.

Q. Who inspected afterwards?—A. Afterwards, Captain Lyon.

Q. How did he inspect them? How did Lieutenant Lawrason inspect them?—A. Lieutenant Lawrason threw the bolt open and looked down through the gun, and all guns that seemed as though they had been shot recently, why, he stepped those men aside, and those men were reinspected by Captain Lyon, of Company D.

Q. Do you not know that he stepped 7 men aside whose guns it is claimed had shown that they had been discharged lately?—A. I don't know whether it was 7 or not, sir; but I know he stepped some men out.

Q. You knew there from the conversation it was claimed that those guns had been discharged recently, did you not?—A. I didn't hear anyone make such a remark, sir.

Q. Can you tell who the men were who were stepped out of ranks to have their guns inspected?

Senator FORAKER. I want the record to show at this place that I state that there is nothing in this record to disclose that anybody has testified that the guns of these 7 or 8 men who were stepped out of line had been recently discharged. There is evidence to show that the men were stepped aside in order that their guns might be further inspected, because they might have dust or something of the kind in them.

Senator WARNER. Let the record show that I did not assume that there was any evidence to that effect.

Senator FORAKER. To which effect?

Senator WARNER. To the effect, as stated by you, that the guns had been recently discharged up to this time. I am pursuing a legitimate cross-examination, asking the witness as to the fact, whether it was so or not.

Senator FORAKER. The statement I make is that there is no testimony in this record to show that any man was stepped aside because his gun had been discharged. The only evidence is to the effect that some men were stepped aside for reinspection of their guns.

By Senator WARNER:

Q. I repeat to you, did you hear then or afterwards that those men were stepped aside because their guns showed evidence of having been recently discharged?—A. No, sir.

Q. There was no such report?—A. No, sir; I didn't hear of any such report, and did not hear of anybody that had heard of it.

Q. What was stated about their guns?—A. The only thing that was said was that when the company commander inspected the guns first he said, "You step one pace to the front." The man did so. That was the only orders he gotten.

Q. When Lieutenant Lawrason inspected the company, did he have a cleaning rod?—A. No, sir; Captain Lyon used a cleaning rod.

Q. On all of the guns?—A. Yes, sir.

Q. Lieutenant Lawrason passed them without using a cleaning rod?—A. Yes, sir.

Q. Those that were stepped out from the ranks, whether there were seven or more or less, which one of the inspecting officers was it that had those men stepped out?—A. Lieutenant Lawrason stepped those men out.

Q. Then what inspection did he make of their guns?—A. Who, Lieutenant Lawrason?

Q. Yes.—A. He left them for Captain Lyon to inspect.

Q. He made no further inspection himself?—A. No, sir; after he inspected them once, then he stepped them one pace to the front. He stepped them one pace farther away, and then Captain Lyon came up and reinspected them.

By Senator OVERMAN:

Q. What kind of an inspection did he make?

Senator WARNER. Lieutenant Lawrason or Captain Lyon?

Senator OVERMAN. Lieutenant Lawrason.

A. He inspected the muzzle and the bore, and then he inspected the bolt and the chamber.

Q. That was Lieutenant Lawrason?—A. Yes, sir.

Q. And after inspecting the whole company he made these men step to the front?—A. Yes, sir.

Q. He did not step you to the front?—A. No, sir.

Q. Why did he make some men step to the front, and not make you step to the front?—A. Because a man's gun may have had dust in it, or some of the guns may have looked as though they had been fired, and he didn't say that; as I said before, he made no such remark.

Q. What was the reason he stepped these men to the front?—A. I don't know, sir.

Q. Had you any reason to suspect why?—A. No, sir.

Q. Why he made some men step to the front?—A. We have inspection, and there is lot of men claimed to be dirty on inspection. That is no reason why I should be dirty because those men are.

Q. I didn't know but what he might have had some reason.—A. No, sir.

Q. He must have suspicioned that those men's guns were more soiled than yours.—A. He may. I don't know.

By Senator FORAKER:

Q. However that may be, Captain Lyon did reinspect those guns?—A. Yes, sir.

Q. Of those men that were stepped out for reinspection?—A. Yes, sir.

Q. And Lieutenant Lawrason did not state what the reason was?—A. No, sir.

Q. And Captain Lyon inspected the guns by running rags through them?—A. Yes, sir.

Q. And every gun was passed?—A. Yes, sir.

Q. Did you see Major Penrose present?—A. Yes, sir; he was on parade, but I can't say whether he was right present in the inspection of B Company.

By Senator BULKELEY:

Q. What became of those men after the inspection by Captain Lyon?—A. Those men went back in the barracks.

Q. Was the company all out there when Captain Lyon inspected them?—A. No, sir.

Q. Only those seven men?—A. Yes, sir.

Q. Were left there?—A. Yes, sir; they were left back for Captain Lyon for reinspection.

Q. And after Captain Lyon inspected their guns, those men were returned to duty?—A. The men were dismissed.

Q. The men were dismissed?—A. Yes, sir.

By Senator SCOTT:

Q. Is it not a common occurrence that in ordinary guard mount a man is often stepped out with a dirty gun?—A. Yes, sir; and he is punished because his gun is dirty.

Q. These men were stepped out because their guns were not sufficiently clean?—A. Yes, sir.

By Senator FORAKER:

Q. Was powder found in any of these guns?—A. No, sir.

Q. Or anything to indicate that they had been fired recently?—A. No, sir.

Q. You were asked whether you did not know that when the men were ordered to be in quarters that night at 8 o'clock it was because there was a feeling against them among the citizens. You did not know that?—A. No, sir.

Q. Did you know at that time that the mayor of the city had formally and officially notified the commanding officer, Major Penrose, that if his men were not in that night he would not be responsible for their lives?—A. No, sir; I did not hear of that at all. I didn't know anything of it until I saw the statement of Private Elmer Brown.

Q. You were not in command of the company?—A. No, sir.

Q. Or the battalion?—A. No, sir.

Q. Or the garrison?—A. No, sir.

Q. You were simply a corporal?—A. Yes, sir.

By Senator OVERMAN:

Q. Did you hear any such talk as this in the camp, that if any company did this shooting it must have been Company C?—A. No, sir.

By Senator WARNER:

Q. When was it they sent out to find the men who were sleeping, to see whether they were in their places or not?—A. These men of Company B?

Q. Yes.—A. Immediately after the roll were called. Corporal Watlington, I think, were one of the noncommissioned officers that went. I am not positive, but I knew it was a noncommissioned officer of Company B.

Q. Went down to find what?—A. Went to find these places where these men were supposed to be, by command of the commanding officer.

Q. Who were these men?—A. William Smith, Elmer Brown—

Q. The four men that you have mentioned before?—A. Yes, sir.

Q. Those were the men sent out for?—A. Yes, sir; and they were found in their respective places, asleep, all but one, who was the baker, and he had 500 rations of bread for the next morning, and he was working then.

Q. The next day you learned that it was charged that some of the members of some of these companies were charged with the shooting up of Brownsville?—A. The next day I heard that the battalion was charged with shooting up Brownsville.

Q. And you were told that ammunition was found in the town?—A. Yes, sir; ammunition and shells, and the supposition was—I never saw any of it.

Q. Did you go out the gate again?—A. No, sir; I never went out any more.

Q. Did you make any examination to see if any of the bullets had struck the barracks?—A. Yes, sir; I looked.

Q. Where did you look?—A. At the roof and just above the window sills.

Q. Did you make a pretty good examination?—A. Yes, sir.

Q. Did you find any evidences of the barracks being hit?—A. No, sir; I didn't see any.

Q. Why did you make that examination?—A. I wanted to see for myself.

Q. You wanted to see for yourself?—A. Yes, sir; I being a non-commissioned officer, it was no more than right that I should do such a thing.

Q. Why should you do that?—A. It was no more than right that I should do that, with regard to our barracks, or anything that was against the soldiers.

Q. Had anyone claimed that outsiders had shot against barracks?—A. The reason I did it first was because that was the first thing that was said when I woke up, that they were firing into the quarters on us, and it is perfectly natural that my curiosity was raised the next morning to see if anything was there.

Q. And you didn't see any evidence that the quarters had been fired into?—A. I didn't see any place.

Q. Do you know who it was that told you that the quarters were fired into?—A. No, sir.

Q. Was it before you had gotten your gun or afterwards?—A. That was when I was first awakened.

Q. When you were first awakened?—A. Yes, sir.

(The witness was excused.)

TESTIMONY OF WADE H. WATLINGTON (COLORED).

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. You belonged to the Twenty-fifth Infantry?—A. I did, sir.

Q. To what company?—A. Company B.

Q. Did you hold any official position in that company?—A. Yes, sir; corporal.

Q. Corporal of Company B?—A. Yes, sir.

Q. You were with your company on the 13th of August last?—A. Yes, sir.

Senator FORAKER. At this point I desire to put into the record the official record of this soldier as furnished by the War Department, as found at page 247 of Senate Document 155.

The record referred to is as follows:

WADE H. WATLINGTON

Enlisted December 12, 1895; was discharged as a corporal of Company C, Twenty-fifth Infantry, December 11, 1898, in expiration of term of enlistment; character excellent.

Reenlistment 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.

At 5 o'clock p. m. the committee adjourned until to-morrow, Tuesday, February 26, 1907, at 10.30 o'clock a. m.

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Tuesday, February 26, 1907.

The committee met at 10.30 o'clock a. m.

Present: Senators Warren (chairman), Scott, Foraker, Lodge, Bulkeley, Pettus, and Overman.

TESTIMONY OF WADE H. WATLINGTON (COLORED)—Continued.

WADE H. WATLINGTON, colored, a witness previously sworn, being recalled, testified as follows:

By Senator FORAKER:

Q. You stated that you belonged to Company B?—A. Yes, sir.

Q. Where were you enlisted?—A. I was first enlisted at Columbus Barracks, Ohio.

Q. Of what State are you a native?—A. North Carolina.

Q. How long were you in the service?—A. Ten years, eight months, and twenty days.

Q. You were a corporal at Brownsville?—A. Yes, sir.

Q. Do you remember the shooting affray that occurred there on the night of August 13-14, 1906?—A. I do, sir.

Q. Where were you when that commenced?—A. I was asleep in my company's orderly room.

Q. In the orderly room?—A. The room adjoining the orderly room.

Q. Where was that, upstairs or downstairs?—A. That was downstairs.

Q. Was anyone sleeping with you in that room?—A. No, sir.

Q. Senator Scott will explain to you a map that hangs on the wall there, to your left. Please follow him.

(Senator Scott explained the localities on the map.)

Q. Have you got the locations in your mind?—A. I think I have.

By Senator FORAKER:

Q. Where was the orderly room?—A. In the east end of the barracks.

Q. Which is the east end?—A. The upper end.

Q. On which side was it—toward the parade ground or toward the city?—A. Toward the city.

Q. What awakened you?—A. The firing woke me.

Q. What happened when you were awakened? State what you heard and all that you did, as nearly as you can remember.—A. I first heard the firing, the shooting in town. Then shortly after the firing commenced the call to arms was sounded. Then I dressed and went upstairs to the gun rack and got my rifle as soon as Sergeant Jackson opened the racks, and went downstairs and fell in line with my company. Then the roll was called by the first sergeant.

Q. That was by Sergeant Sanders?—A. Yes, sir; Sergeant Sanders.

Q. Then what happened?—A. Then after the roll call he made his report and then there was ammunition issued.

Q. Extra ammunition?—A. Yes, sir; extra ammunition. As soon as that was done we were marched around in rear of the barracks and formed in line of skirmishers.

Q. We have been all over that and you can just pass that all by. You were there on duty for a time and then you were finally dismissed and went back to the quarters, I suppose?—A. Yes, sir.

Q. What did you do with your guns when you went back?—A. As soon as we were dismissed the guns were placed in the racks and the racks were again locked by the noncommissioned officer in charge of quarters, in the presence of the first sergeant and our company commander, Lieutenant Lawrason.

Q. You spoke of being awakened by the firing. Where was the firing that you were awakened by as nearly as you can locate it?—A. As near as I can locate it, it was north of the garrison in town.

Q. Outside?—A. Outside of the reservation, outside of the post.

Q. You slept in a room downstairs, fronting toward the wall and the town, if I understand it?—A. Yes, sir.

Q. Was the window up or down?—A. The window was up.

Q. So you could hear very easily?—A. Yes, sir. That is a very hot climate. You have to keep the windows up in the quarters.

Q. What kind of firing did you hear, and how much was there of it, and what kind of guns did it seem to be?—A. It seemed to be mixed arms—rifles and revolvers.

Q. Did you see anybody who was firing?—A. No, sir.

Q. When you fell in with your company, how many men were in line, if you can tell?—A. I can't tell, sir.

Q. Where in the company did you take your position?—A. I taken my position about the second set of fours.

Q. The second set of fours from the right of the company?—A. From the right of the company.

Q. You fell in from right to left, I suppose?—A. Yes, sir.

Q. And you were in about the second set of fours? Were you in the ranks or a file closer?—A. I was in the ranks as a corporal.

Q. Then there were not very many men in the ranks ahead of you?—A. No, sir.

Q. Did you maintain that position during the calling of the roll?—A. Yes, sir.

Q. You could not see from where you were what was happening on the left of the company?—A. No, sir.

Q. Now, coming to the next morning, we have been over all that a good deal. What was done with the guns, if anything?—A. The next morning at drill call, about 7 o'clock, the company formed for drill. We had on our McKeever boxes and belts, and instead of a drill we had inspection. The ranks were opened and all the rifles were inspected closely, and also the ammunition.

Q. By whom was that inspection made?—A. By Lieutenant Lawrason, our company commander.

Q. Was he assisted by anybody as to any part of it?—A. Later on he was assisted by the commanding officer and Captain Lyon. The commanding officer was Major Penrose, but Lieutenant Lawrason first inspected the company, and when he came to a man where he had any doubts about his rifle being shot, he had the man step out of the ranks and take his place in the line of file closers. As soon as he went through the company, then these men that he doubted their rifles, which was about six or seven, they were reinspected by the commanding officer and Captain Lyon.

Q. What was the result of that inspection and that reinspection of the six or seven rifles?—A. I don't know the result, sir; but each man as he was inspected was ordered to report to his company, and left those six or seven men there being inspected by the commanding officer and Captain Lyon, and we went out on outpost duty.

Q. That is, after the lieutenant who was commanding your company had completed his inspection, having stepped these men out, Captain Lyon and Major Penrose proceeded to inspect them, as I understand you?—A. Yes, sir.

Q. And while they were inspecting them the company was marched out?—A. Marched out.

Q. To relieve Company C?—A. Yes, sir.

Q. Did Major Penrose and Captain Lyon get started so you could see the character of their inspection before you left?—A. Yes, sir.

Q. What was the nature of their inspection?—A. They had the quartermaster's sergeant to go in and get some clean rags, white rags, and some oil, and had one of those barrack cleaning rods, and taken the rifle and run the rags through it, so in case the rifle was fired, it could be very easily detected.

Q. You know that all the men who were thus reinspected were ordered to report to their company?—A. Yes, sir.

Q. That is all you know about the result of that inspection?—A. Yes, sir.

Q. Did you hear anybody say what the result of the inspection was, as to whether they found any dirty rifles or not?—A. No, sir.

Q. What kind of ammunition did your company have?—A. Why, we had the latest ammunition; that is, for the Springfield rifle, model 1908.

Q. You had the ball cartridge?—A. Yes, sir.

Q. You had that all the while you were there?—A. Yes, sir.

Q. Issued to you before you left Niobrara?—A. Yes, sir.

Q. Now, Corporal, passing over a good many things, I want to ask you how long, according to your experience, does it require a fairly expert soldier to clean one of these Springfield rifles such as you were armed with there, so it will pass inspection after it has been fired a number of times?—A. It takes at least a half an hour.

Q. You think it takes a half an hour?—A. Yes, sir.

Q. Now, Corporal, do you know who did this firing?—A. No, sir; I do not.

Q. Did you have anything to do with it?—A. No, sir.

Q. Do you know of anybody who did have?—A. No, sir.

Q. Have you any knowledge that leads you to suspect that anybody in your company had anything to do with it?—A. No, sir.

Q. Or anybody in either of the other companies?—A. No, sir.

Q. Have you refused to tell anybody anything that you know about this matter?—A. I have not, sir.

By Senator SCOTT:

Q. Would you tell who did it if you knew?—A. Yes, sir.

Q. Even if it was your own brother?—A. Yes, sir; I would. I being a soldier, I certainly would tell before I would undergo the punishment that I had to undergo.

By Senator FORAKER:

Q. You regard this being discharged without honor as being a punishment?—A. Yes, sir; because all of my discharges were excellent, being classed as excellent.

Q. All the way through?—A. All the way through, my discharges were excellent.

Q. You served how long?—A. Ten years and some months.

Q. And you were expecting to go right along in the service?—A. Yes, sir.

Q. I see that your first discharge says "Character excellent." The second says, "Character excellent," and the third says, "Character excellent," while the fourth says, "Without honor." Had you done anything at all on account of which you were discharged without honor, of which you have any knowledge?—A. No, sir; I never have been court-martialed.

Q. You never have been court-martialed?—A. No, sir.

Q. You were more than ten years in the service?—A. Yes, sir.

Q. Had you ever been reprimanded?—A. No, sir.

Q. Your record is clean, without a blot against it, all the way through, except the last?—A. Yes, sir.

Q. And you didn't like to take a discharge of that kind without knowing what it was for?—A. Certainly not.

Q. Were you in Cuba with your regiment?—A. Yes, sir.

Q. And were you in the Philippines?—A. Yes, sir; a year and nine months in the Philippines.

Q. Were you in the battles in Cuba?—A. Yes, sir; the 1st, 2d, and 3d, and the 10th and 11th of July, 1898.

Q. You were in all those engagements with your regiment?—A. Yes, sir.

Q. And in the Philippines, were you ever engaged there?—A. No, sir.

Q. And you were on duty there with your company?—A. Yes, sir.

Q. Do you know what you were discharged for without honor? Did anybody ever give you any trial, or anything of that sort?—A. Yes, sir; it was explained to us by the inspecting officer, General Garlington.

Q. General Garlington?—A. Yes, sir; Inspector-General of the United States Army.

Q. You had no trial, however?—A. No, sir; we had no trial.

Q. He simply told you what?—A. That unless he found out by a certain time who did the shooting or who was implicated in it we would be discharged without honor from the service of the United States and forever be debarred from entering into the service.

Q. How much pay were you getting when you were discharged?—A. Twenty-one dollars a month.

Q. You were entitled to increased pay because of your long service?—A. Yes, sir.

Q. You are not getting any pay now?—A. No, sir.

By Senator OVERMAN:

Q. Whereabouts in North Carolina were you born?—A. In Caswell County.

Q. Yanceyville is the county seat?—A. Yes, sir.

Q. Do you know the Johnsons there?—A. Yes, sir; I was acquainted with them.

Q. And the Wilkinsons?—A. No, sir. I have been away from home a good while, and while I was acquainted with the Johnsons and the Wattlingtons there it was a good while ago.

Q. Do you know the Lees there?—A. No, sir.

Q. How far from Yanceyville did you live?—A. About 12 miles.

Q. On the morning of the inspection, on the 14th of August, you say there was some doubt about six or seven men, as to their guns being not clean?—A. Yes, sir.

Q. And they were ordered to step to the front?—A. To step out in line of file closers.

Q. When they were ordered to step out what became of the balance of your company?—A. The lieutenant—he continued to inspect the company.

Q. And he had those men step out and take a place in the rear of the company, which is a line of file closers?—A. Yes, sir; a line of file closers.

Q. After he inspected the rest of the company, what became of the rest of the company?—A. The rest of the company went out to relieve Company C.

Q. What was done with the men who stepped out from the company?—A. These men were formed in double rank and reinspected.

Q. Do you know that they were reinspected of your own knowledge, or from what you heard?—A. Yes, sir; I seen it when they commenced.

Q. When they commenced?—A. Yes, sir.

Q. You did not see the rest of it?—A. No, sir; because I had to go on duty with my company.

Q. You had to go on post?—A. Yes, sir.

Q. Did you see the swabbing out of the guns by anybody?—A. Yes, sir; I seen the guns when they commenced wiping them out.

Q. Who wiped them out?—A. I couldn't tell who wiped them out, now.

Q. Was it Major Penrose or Lieutenant Lawrason?—A. I wouldn't be certain.

Q. You saw somebody?—A. Yes, sir; wiping them out.

Q. You do not know whether it was a colored soldier or one of the commissioned officers?—A. I don't know whether it was a quartermaster-sergeant, now, or one of the officers.

Q. Do you know where the officers were at that time?—A. The officers?

Q. The commissioned officers, yes, at the time they were cleaning out these guns?—A. They were all present.

Q. Then you were sent off, as I understand, on duty?—A. Yes, sir; on outpost duty.

Q. You were sleeping in the barracks at a window facing the town?—A. Yes, sir.

Q. You were awakened by firing?—A. Yes, sir; by firing.

Q. Was there anybody in the room with you?—A. No, sir.

Q. You were sleeping downstairs?—A. Yes, sir.

Q. Did you look out when you waked up?—A. No, sir; I didn't look out the window.

Q. You didn't look out the window at all?—A. No, sir.

Q. Locate, as near as you can, where that firing was, on that map. You see Elizabeth street. Here is the Western Union Telegraph office, here. Do you know where that is, right near the gate?—A. Yes, sir.

Q. That is known as No. 2, the Cowan house [indicating]. Now, whereabouts, with reference to where you were in the barracks, was that shooting?—A. It was about three or four blocks out in town, and from where I was sleeping it was north; we would call it north from the post, the way it is situated, out in town.

Q. Toward Elizabeth street?—A. Yes, sir.

Q. This is the alley, here [indicating]?—A. Yes, sir.

Q. Was it in the alley?—A. I don't know exactly where the alley was, because I wasn't acquainted with those streets. I didn't go around the town. But it was north of the garrison, in the town.

Q. You say they seemed to be fired from rifles and pistols?—A. Yes, sir; rifles and pistols.

Q. You saw no flash of the guns?—A. No, sir.

Q. And you saw nobody?—A. No, sir.

Q. And you dressed and went down and fell in line?—A. Yes, sir.

Q. What sort of ammunition did you have?—A. We had ball cartridge.

Q. Did you carry your ammunition down with you?—A. Yes, sir.

Q. In the web belt, or in the McKeever box?—A. No, sir; I had the McKeever box and belt.

Q. How many rounds did you have in it?—A. Twenty rounds in it.

Q. Was any new ammunition issued to you that night?—A. Yes, sir; 15 rounds.

Q. Then, when you were inspected next morning you had 35 rounds of ammunition?—A. Yes, sir.

Q. Did you have any other ammunition about, in your pockets or anywhere?—A. No, sir; all the ammunition I had was in the belt.

Q. Is it not a very easy matter for a man to get ammunition if he wants it?—A. No, sir; they are very careful about it.

Q. You have seen soldiers having ammunition other than that they had in their belt?—A. They might get hold of one or two cartridges, but no amount of it.

Q. You know that some of the soldiers have two or three cartridges, do you not? You have seen that?—A. Yes, sir; I have seen two or three cartridges sometimes. The ammunition is inspected every Saturday.

Q. Yes; but sometimes the soldiers do get some cartridges?—A. Yes, sir; a man may walk along sometimes and find one on the drill ground, where one of them has lost one out of his belt, or something like that; but no large amount.

Q. Did you hear this matter talked about on this morning among the soldiers as to who did the shooting?—A. I heard the matter talked about, but we didn't know who did it. We wondered.

Q. Did you hear anybody say that if anybody did it it must have been Company C instead of Company B or D, if anybody did it?—A. No, sir.

Q. You never heard any such talk as that?—A. No, sir.

Q. Did you try to find out who did it?—A. Yes, sir; I have tried lots of ways.

Q. In what way have you tried?—A. In holding conversations with the men in different ways.

Q. Well?—A. To try to find out if any men in my company were implicated in it or not.

Q. Had you heard of any difficulties between the citizens and soldiers?—A. I heard of difficulties between some men of Company C and some citizens.

Q. You heard of none between the men of Companies B or D and the citizens?—A. Yes, sir.

Q. Did you know whether there was any ill feeling on the part of the members of Company C against the citizens of the town?—A. None that I know of.

Q. Did you associate with the members of Company C?—A. Very little. I was on special duty as company clerk, and all my time I was required to be in the office.

By Senator PERRUS:

Q. About this inspection, I want to know when an officer inspects the guns of a company, does he state what condition they are in to the company or in the presence of the company?—A. If he comes to a man's rifle and it is found dirty, he tells that man, "Your gun is not clean."

Q. Does he say that every time? Does he always state the condition of a gun that is dirty?—A. Yes, sir.

Q. Now, does he not merely send that man out of the company to be dealt with afterwards or talked to afterwards?—A. He would tell

him, "Your gun is dirty," and he will probably send him to the first sergeant. He will say to a man, "Report to the first sergeant after you have cleaned this gun; your gun is dirty."

Q. And the inspecting officer always says that the gun is dirty, or passes it?—A. Yes, sir.

Q. He announces that at the time?—A. Yes, sir.

Q. Did you ever see an inspecting officer merely pass by and order a man to fall out to the rear?—A. No, sir.

Q. Without saying anything about his gun?—A. No, sir; without inspecting his gun. He always inspects it first.

Q. The inspector always states if the gun is dirty?—A. Yes, sir.

Q. Always; is that the regular rule?—A. Yes, sir.

Senator PERRUS. That is all.

By Senator FORAKER:

Q. You said that it was possible for men to pick up and acquire some extra cartridges; is that usual or not?—A. That is not usual. Sometimes a man, say, in walking along across the parade ground might find an extra cartridge.

Q. When a man is on the target range, he has got just so many cartridges, has he not?—A. Yes, sir; he is issued his cartridges on the range.

Q. Yes; and if he fails to shoot all of them, for any reason, loses them or otherwise, what is the result?—A. If he does not shoot them they are returned to the man who is in charge of the ammunition.

Q. And if a man loses a cartridge on the parade ground or on the target range or any other place, he has to account for it, does he not?—A. Yes, sir.

Q. And what happens to him if he does not give a good account of it?—A. It is charged to him.

Q. Well, it is charged to him in any event, is it not?—A. Yes, sir; if he is short of ammunition it is always charged to him.

Q. But if he doesn't have a good excuse for losing it, what is done?—A. He is court-martialed.

Q. So that the men are very careful of their ammunition?—A. Yes, sir.

Q. Soldiers could give away cartridges to people outside, but where could you have gotten any extra cartridges?—A. It would have been a very hard matter for me to have gotten hold of any extra ones.

Q. Was there any place at Fort Brown or Fort Niobrara where the men of your battalion could go to get extra cartridges?—A. No, sir.

Q. How many shots were fired that night, according to your estimate?—A. Probably eighty or a hundred shots, I judge.

Q. Eighty or a hundred shots?—A. Yes, sir.

Q. That you heard after you got awake?—A. Yes, sir.

Q. There might have been even more than that?—A. Yes, sir.

Q. Do you have an idea that extra cartridges could have been gotten? Do you know of anywhere where that number of extra cartridges could have been secured to do that firing with?—A. No, sir.

Q. The cartridges of your men in your company were all turned in?—A. Yes, sir.

Q. And accounted for?—A. Yes, sir.

Q. And checked up?—A. Yes, sir.

Q. Was there a missing cartridge, so far as you know?—A. No, sir; so far as I know, there was not.

By Senator OVERMAN:

Q. You do not pretend to say that there were not extra cartridges in the pockets of some of the men?—A. In their pockets that night?

Q. Yes.—A. No, sir; I don't know.

Q. You say that sometimes it does happen?—A. Yes, sir; sometimes.

Q. How many men were there in your battalion?—A. I don't know exactly.

Q. There were three companies?—A. Three companies; supposed to be 165 men.

Q. Nearly 150 men, were there not?—A. Yes, sir.

Q. And out of 150 men there might have been 25 or 50 or 100 cartridges; some of them might have had 1 and some 2 and some 3 and some 4, without you knowing it; is that so?—A. It might be possible.

By Senator FORAKER:

Q. Where would they have gotten 100 cartridges, now? Just please tell us that. Was there any place where they could have gotten them?—A. No, sir; there is no place where they could have found—accumulated that amount; because, one thing, we only had this ammunition a short while. It was just issued to us a little while before we went to Texas.

Q. Have you any reason to believe that any man of your company had an extra cartridge in his pockets, or any place?—A. No, sir; I do not believe any man in my company had.

Q. You do not believe any man in your company had?—A. No, sir; they were too careful in checking it up.

By Senator OVERMAN:

Q. Although, so far as you know, they might have had it, I understood you to tell me?—A. Yes, sir.

By Senator BULKELEY:

Q. Did you have any extra cartridges?—A. No, sir; I didn't have any.

By Senator FORAKER:

Q. Do you know of anybody that did have any?—A. No, sir.

Q. Do you know of anything that gives you reason to believe that anybody had extra cartridges?—A. No, sir.

By Senator BULKELEY:

Q. You say men could have picked up cartridges around. Have you known men to have extra cartridges in your company?—A. I have, years ago, before we got this new ammunition.

Q. Well, at Brownsville?—A. No, sir; not at Brownsville.

Q. Did you ever see them pick up cartridges on the parade ground?—A. Not at Brownsville; no, sir.

Senator BULKELEY. That is all.

(Witness excused.)

TESTIMONY OF JONES A. COLTRANE (COLORED).

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. Did you belong to the Twenty-fifth Infantry?—A. Yes, sir.

Q. In August last?—A. Yes, sir.

Q. What company did you belong to?—A. Company B.

Senator FORAKER. I will put in evidence at this point the official record of this soldier as given by the War Department, as found at page 246 of Senate Document No. 155.

(The record is here inserted in the record as follows:)

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.

By Senator FORAKER:

Q. Did you hold any official position in that company?—A. Corporal.

Q. Were you with your company on the night of the 13th of August, 1906, when the shooting occurred in Brownsville?—A. Yes, sir.

Q. Where were you when that occurred?—A. I was in my barracks, asleep.

Q. In Company B barracks?—A. Yes, sir.

(The map was here explained to the witness by Senator Scott.)

By Senator FORAKER:

Q. Where did you sleep in B barracks?—A. In this corner, in a small room.

Q. Over toward the gate?—A. Yes, sir.

Q. What awakened you?—A. The call to arms being sounded in the quarters.

Q. What did you observe or hear when you were awakened?—A. I heard firing.

Q. Where was that firing located?—A. The firing seemed to be right outside of the gate, in the city.

Q. Indicate on the map about what section of the city it was in; can you indicate on the map there?—A. The firing seemed to be back in this direction [indicating].

Q. Yes. That is over about where No. 2 is, you think?—A. It was over in that direction, sir.

Q. Over in that direction?—A. Yes, sir.

Q. What kind of arms were being fired, if you can tell?—A. It sounded like they were mixed arms of some kind.

Q. Did you hear any pistols?—A. I couldn't say whether it was pistols or not, but the arms sounded like they were mixed.

Q. They did not all have the same report?—A. They didn't all have the same report.

Q. What did you do when you got awake?—A. When I got awake I got up and put on my clothes—didn't put on anything but just put

on a few clothes—I put on my barrack shoes, and by the time I got out, Sergeant Jackson, he was coming up with the keys to unlock the gun racks.

Q. He was in charge of quarters?—A. Yes, sir.

Q. Then what happened?—A. He unlocked the racks and I started on downstairs and I met Major Penrose at the door, and he was hollering for the men to fall in line, B Company.

Q. Yes.—A. So that they all got their guns. The noncommissioned officers, the seniors, were on duty. I was senior corporal in the company. Corporal Daniels's rack was open before mine, and he was out and had what men there were down there in line, so that I went down and taken charge of the company, and he taken the right, the right guide.

Q. Corporal Daniels?—A. Yes, sir; Corporal Daniels.

Q. He became the right guide of the company?—A. Yes, sir; right guide of the company.

By Senator OVERMAN:

Q. Who was that?—A. Corporal Daniels.

By Senator FORAKER:

Q. In the formation of the company he stood at the right?—A. Yes, sir.

Q. And then the company formed to the left?—A. I mean when I had charge of the company he was on the right of the company. They formed from right to left, and he was on the right.

Q. When you had charge of the company?—A. Yes, sir. I had charge of the company until the first sergeant came.

Q. Who was that?

Senator SCOTT. Who was sergeant of the company?

A. Sergeant Sanders—Mingo Sanders.

By Senator FORAKER:

Q. He lived down in the corner of the reservation?—A. Yes, sir.

Q. In the quarters assigned to married men?—A. Yes, sir.

Q. When he came what did he do?—A. When he came he got a lantern and came around and called the roll.

Q. Were you in ranks, or were you standing as a file closer in the rear of the company? What was your position?—A. I was left guide.

Q. You were left guide?—A. Yes, sir.

Q. You went to the left of the company?—A. Yes, sir. The sergeant came and taken charge and Corporal Daniels took the right guide and I took the left guide.

Q. You were at the extreme left of the company?—A. Yes, sir; I was at the extreme left of the company.

Q. The company was formed and the roll was called?—A. Yes, sir.

Q. Do you know what the result was?—A. The company was reported all present and accounted for.

Q. All present and accounted for?—A. Yes, sir; all present and accounted for.

Q. State whether or not that call of the roll was made before the firing ceased?—A. Why, the firing was going on while the roll was being called.

Q. Yes.—A. The first time; but the roll was called a second time,

after we had went down behind the quarters and formed behind the brick wall.

Q. I am asking you about the first time.—A. Yes, sir.

Q. The firing was going on then?—A. Yes, sir.

Q. Do you remember any circumstance that makes you remember that?—A. Yes, sir; because some one mentioned to the first sergeant to be careful how he came around with the lantern. I don't remember what he said, but he made some expressions to them about it.

Q. Do you remember any of the men trying to get down?—A. Yes, sir.

Q. Or squatting down?—A. Yes, sir.

Q. To make themselves less liable to be hit?—A. Yes, sir.

Q. All that was occurring while the roll was being called, was it?—

A. Well, no, sir; it wasn't occurring while the roll was being called.

Q. But before the roll was called and before the first sergeant came, did not one of the men get down, and did not the first sergeant command one of the men to stand up while he was calling the roll?—A. Yes, sir; that was while he was coming around with the lantern.

Q. That was while he was calling the roll?—A. Preparing to call the roll.

Q. Then the firing continued while the roll was being called?

Senator OVERMAN. No.

Q. (Continuing.) It was not over yet?—A. While the roll was being called?

Q. Yes.—A. No; it wasn't over.

Q. We have been over so much of this so often. Locate the firing as near as you can. I think you said you thought it was mixed arms. About how many shots did you hear?—A. I don't know, sir; I didn't count them. I heard a good many.

Q. Can you give any idea; was it 100, or more, or less; whatever your idea is?—A. I suppose I heard as many as—just estimation—about, it was toward 70 or 80 or something like that; probably more.

Q. You went out after the roll was called and took position behind the brick wall and were there some time, and then you came back and your guns were taken from you, and then what was done with them?—A. They were locked up in the racks and counted by the company commander and the first sergeant.

Q. Did they remain there until morning?—A. Yes, sir.

Q. What happened next morning?—A. Next morning at drill call we had inspection of arms.

Q. What was the reason for that inspection, and by whom was it made?—A. The inspection was first made by Lieutenant Lawrason, the company commander, and of all the men. Of course he condemned a few men, because a lot of men, their arms is always in condition to be condemned; and the men he didn't think was passable, he stepped them back in the line of file closers, and later had them take the right, and then after they taken the right they were inspected by Major Penrose and Captain Lyon.

Q. What did your company do that morning?—A. My company, while those men were being inspected, went around to relieve C Company off of guard.

Q. You went with your company?—A. No, sir; I didn't go with my company. I was detailed at post exchange, and I got permission to go to my work, and later I was detailed with the company to do guard.

Q. Did you see Major Penrose and Captain Lyon inspecting the guns of these men that were stepped aside for reinspection?—A. I wasn't there when they were inspecting them, but I seen them while they were there.

Q. Did you see them commencing the work?—A. Yes, sir.

Q. In what way was that inspection made?—A. They sent the quartermaster in after some clean rags and a ramrod to clean the guns, and they ran a clean rag through them.

Q. State whether any powder was found or any evidence that any of the guns had been fired—used for firing.—A. I don't know whether there was any powder found, but I know that all the men joined the company. I never heard anything more of it.

Q. You were not there when they made the report?—A. No, sir.

Q. And they did not report to you, anyhow?—A. No, sir.

Q. All you know is that Lieutenant Lawrason stood aside five or six of the men?—A. Yes, sir.

Q. And Major Penrose and Captain Lyon reinspected them?—A. Yes, sir.

Q. Using rags, and a cleaning rod, and so forth?—A. Yes, sir.

Q. And every man was sent to join his company who was thus reinspected?—A. Yes, sir.

Q. Do you know who did this shooting?—A. No, sir.

Q. Did you have anything to do with it?—A. No, sir.

Q. You were not out helping to shoot up that town with your gun that night?—A. No, sir.

Q. Have you any reason to suspect anybody in your company or in either of the other companies of being implicated in that shooting?—A. No, sir.

Q. Have you any knowledge that you are keeping from us that would lead us to detect the right men?—A. No, sir.

Q. Have you ever refused to give any knowledge that you may have on that subject to anybody?—A. No, sir; I have not.

Q. Your company was out that morning on a practice march, was it not?—A. The morning of the 13th?

Q. The morning of the 13th, Monday morning?—A. Yes, sir.

Q. Were you out with the company?—A. Yes, sir.

Q. How far did you march?—A. I suppose we marched about 6 miles.

Q. Do you know to what point you marched?—A. No, sir; I don't know to what point.

Q. You had your guns and all your equipment?—A. Yes, sir.

Q. Your guns had been last inspected on the Saturday before, had they?—A. Yes, sir.

Q. How often are they inspected?—A. They are inspected every Saturday by the company commander, and at guard mount by the adjutant, and on monthly inspection by the commander.

Q. Is it anything unusual to have a number of men, five or six or seven, stood aside, when there is an inspection of the company, for reinspection?—A. No, sir; they don't stand them aside for

reinspection, but they generally court-martial them for not having their guns clean.

Q. Not clean—in what way?—A. The barrel rusty, or dirt in the chamber or the magazine, or something.

Q. You are required to keep your guns perfectly clean and bright all the time?—A. Yes, sir.

Q. How long does it take to clean a gun so that it would pass an inspection such as those guns were subjected to that morning?—A. It will take at least thirty-five or forty minutes.

Q. To clean it?—A. To clean it.

Q. That is your experience?—A. Yes, sir.

Q. By that you mean to swab out the barrel and open the chamber?—A. Yes, sir.

Q. And take out the bolt?—A. Yes, sir.

Q. And dismount that, and so forth, I suppose?—A. Yes, sir; to clean out the bore.

Q. To clean out what?—A. The bore of the gun, where the bullet fits up in there.

Q. Yes; you have to do all that very thoroughly?—A. Yes, sir.

Q. You think that could not have been done in two minutes?—A. Two minutes?

Q. Yes.—A. No, sir; it is impossible.

Q. Or five minutes?—A. No, sir; it could not have been done.

Q. Or ten minutes?—A. No, sir.

Q. Not even by a general?—A. By a general?

Q. Yes.—A. No, sir; a general could not do it in ten minutes.

Q. What is that?—A. I don't think a general could do that in ten minutes.

Q. Did you ever see a general clean a gun?—A. No, sir; I never did.

Q. Did you ever see any other commissioned officer clean one of these guns?—A. No, sir.

Q. You have seen a good many men clean them, though?—A. Yes, sir.

Q. And it takes about this length of time, according to your experience and your observation?—A. Yes, sir.

By Senator OVERMAN:

Q. A colored man can clean a gun about as quick as a white man, can he not?—A. Yes, sir; I should think so.

Q. A soldier?—A. Yes, sir.

Q. That morning of the inspection—let us come back to that—why did they inspect your guns that morning? That was unusual, was it not?—A. Yes, sir.

Q. That was a very unusual thing to do. Now, why was it; do you know why they inspected your guns?—A. Just imagination; I imagined why it was, but nobody knowed.

Q. Why do you imagine it was done?—A. I imagine it was done to see whether the firing was done by the soldiers.

Q. By the soldiers?—A. Yes, sir.

Q. That is right. That was done by Lieutenant Lawrason of your company?—A. Yes, sir.

Q. And after he had looked at every man's gun, he told seven of those men to stand out of ranks, did he?—A. Yes, sir.

Q. Do you know who they were?—A. No, sir.

Q. Then you got permission to go off somewhere?—A. To go to the post exchange for my work.

Q. Did you go directly after?—A. After the company had marched around I got permission from the first sergeant to speak to the company commander, and after I spoke to him, that is what I wanted to ask him—

Q. When these men were ordered to stand out, then the company was ordered to do what?—A. Do you mean at that time?

Q. Yes.—A. The company was ordered to relieve C Company off of guard.

Q. To relieve C Company?—A. Yes, sir.

Q. Did they go right off to do it, as soon as they were ordered?—A. The company?

Q. Yes.—A. You don't mean the men stepped out?

Q. No.—A. Yes, sir.

Q. They went right off immediately?—A. Yes, sir.

Q. How long did you stay there after the company went off?—A. When the company started off I stepped out and asked the company commander, and then I went off.

Q. And then you went off?—A. Yes, sir.

Q. So that you didn't stop to see the inspection at all?—A. No, sir; I didn't stop to see the inspection.

Q. And you did not see it?—A. I seen them out there, and I heard what was said about bringing out the rods, and all.

Q. And then all you know is that they sent for the rags and the rod?—A. Yes, sir.

Q. And you don't know the result of the inspection?—A. No, sir.

Q. The officers did not swab out these guns, did they? The corporal and a man did that? They did not do it themselves?—A. I don't know, sir; I am not positive.

Q. Did you ever see Major Penrose stick a rod in one of these guns and clean it out?—A. No, sir.

Q. Did you ever see Lieutenant Lawrason do it?—A. No, sir.

Q. Did you ever see Captain Lyon do it?—A. No, sir.

Q. It is a very unusual thing for an officer to do that; they order some of the men to do it?—A. Yes, sir; but they are there to see.

Q. But you do not know whether they were there this morning?—A. Yes, sir; they were there this morning.

Q. At the time of the inspection do you know that they were there?—A. Yes, sir; I—

Q. Those three officers?—A. The guns cleaned out of the men?

Q. I will try to explain it to you. These seven men you speak of, you say they sent after the rod and the rags, and then you left as soon as they sent for the rags; you said you left them; is that right or not?—A. Yes, sir; I said as soon as the company started, when the company was marched away, then I got permission to go to my work.

Q. Yes.—A. So that I had to go upstairs and put my gun up, and I put my gun in the rack, and then I returned.

Q. And when you returned what did you see?—A. When I returned the inspection was going on.

Q. Who was cleaning out that gun?—A. I don't remember, exactly, sir; they were all present.

Q. Who was swabbing out the gun, Captain Lyon?—A. I don't know, sir.

Q. You saw it?—A. Yes, sir; I seen it, but I didn't pay that much attention.

Q. Can you not tell me whether it was Captain Lyon or Lieutenant Lawrason or Major Penrose?—A. No, sir; I can't tell you.

Q. You really do not know whether that was done or not while you were there?—A. Don't know whether the inspection was made?

Q. Whether they were swabbing out the gun, actually doing it?—A. I couldn't say positively.

Q. You could not say?—A. But they must have been doing it, because he sent for the rod and the rag.

Q. I am not asking what must have been done; I am asking what you saw, witness.—A. Yes, sir.

Q. Where did you go, yourself, then?—A. I went to the post exchange.

Q. And your company relieved Company C?—A. Yes, sir.

Q. How long did you stay at the post exchange?—A. I stayed there about three-quarters of an hour or an hour.

Q. What do you know of these seven men that were stood out there?—A. I supposed they joined the company.

Q. I am not asking you what you supposed, but what do you know?—A. Yes, sir; they joined the company.

Q. Were you at the company, Company C?—A. When they joined the company?

Q. Yes.—A. I wasn't there when they joined the company, but I know they joined, because the entire company was on guard.

Q. You were not there when they joined?—A. No, sir.

Q. Do you know of your own knowledge whether they joined the company or not?—A. Yes, sir; I know of my own knowledge that they joined the company, because the entire company was on guard.

Q. Did you go there and count them?—A. Count the company?

Q. Yes.—A. No, sir; I didn't have to count the company. I could go in the barracks and see that the men were not in the barracks, and I had to go there for something, and there wasn't anybody there but me and the cook.

Q. That is the reason you state they were with the company?—A. Yes, sir; because they were on guard.

Q. Because they were not in the barracks?—A. If they were not in the barracks, there was no one allowed out in town, and they must have been with the company.

Q. How many men did you have in your company?—A. I don't know. The first sergeant kept account of the men.

Q. Do you know how many were absent that night?—A. Sir?

Q. Do you know how many were absent without leave that night?—A. I don't suppose there was any.

Q. As a matter of fact, you do not know?—A. I don't know, sir.

Q. I am just asking you what you know. If you don't know, just say so.—A. Yes, sir.

Q. Do you know how many were absent with leave?—A. No, sir.

Q. You say the roll was called after you fell out—fell in line—in front of the barracks?—A. Yes, sir.

Q. Before Captain Lyon got there? You say Sergeant Sanders came around with a lantern in his hand and called the roll; is that

right?—A. No, sir; I didn't say that. I didn't say Captain Lyon came there at all.

Q. Well, Sergeant Sanders came there with a lantern. What commissioned officer was there?—A. When he came there with the lantern, Lieutenant Lawrason and Major Penrose.

Q. I am mistaken about Captain Lyon being there, then. Who called the roll there in front of the barracks?—A. In front of the barracks?

Q. Yes.—A. Sergeant Sanders, the first sergeant.

Q. And you say they called the roll again?—A. Yes, sir.

Q. Where?—A. After the company had fell out from behind the brick wall, after Captain Lyon taken B Company down and made the patrol over town.

Q. Oh, that was after he came back from the patrol of the town?—

A. Yes, sir.

Q. How did Sergeant Sanders call the roll, from a paper or did he call it from memory?—A. From a paper.

Q. Every man answered?—A. I don't know, sir, whether he did or not.

Q. How, do you know that every man was present or accounted for, except by what Sergeant Sanders reported?—A. Why, that is all that I was asked.

Q. That is all you know, then— A. I was asked what were the results of the report.

Q. And you said they were all present or accounted for?—A. That that was the result of the report.

Q. All you know, then, as to whether all were present or accounted for was by what Sanders reported?—A. Yes, sir; what Sanders reported.

Q. That is all you go by?—A. Yes, sir.

Q. That was so when the roll was called in rear of the barracks, after you returned from patrolling the town, after the report that Sanders made? You know nothing else of your own knowledge?—

A. Why, no, sir.

Q. You heard the call to arms and the firing? That produced a great deal of excitement and confusion among the men, did it not?—

A. Yes, sir.

Q. A great deal of excitement?—A. Yes, sir.

Q. Were you excited?—A. No, sir; not so much excited. I was a good deal excited, too, because—

Q. Naturally so.—A. (Continuing.) Because I am not very easy to get excited, sir.

Q. Were you excited then?—A. Yes, sir; I was excited some, but not as excited as some of the men, because I was not in a position to get excited.

Q. Some were excited more than you were?—A. Yes, sir.

Q. And there was a great confusion?—A. Yes, sir.

Q. Among all the men?—A. Yes, sir.

Q. And it was at that time, amidst that great excitement and confusion, that you could tell the difference in the character of the sound of firearms, or the firing?—A. Yes, sir; I think I could tell the difference, because—

Q. Did you notice it at that time, or have you been thinking about it since? And do you remember that the character of the firing was different?—A. Why, at that time.

Q. You knew at that time?—A. Yes, sir; because I thought that when I first woke probably the post was being attacked by Mexicans, or somebody, I didn't know who.

Q. Did you have any reason except what you heard to think that the post was being attacked?—A. The only reason I had was because while I was at Fort Niobrara I sent a money order down there, and I was the remitter and the receiver both, and I went uptown that evening to get it cashed and I met Corporal Watlington, and he says, "You are going in, but I will tell you, anyway"——

Q. What?—A. He says, "You are going in"—going back to the post—"but I will tell you, anyway; no man is allowed out after 8 o'clock, and the commander says for all of B Company to report in."

Q. You thought that was a very extraordinary order, did you not?—A. Yes, sir; I didn't know what was the matter.

Q. Had you heard of any trouble between the soldiers and citizens?—A. Sir?

Q. Had you heard of any trouble between soldiers and citizens before?—A. I heard of one man of C Company getting knocked in the head with a gun or something.

Q. Only one?—A. Only one I heard of getting knocked in the head.

Q. Any other trouble?—A. I heard something concerning a man getting pushed off some place in the Rio Grande.

Q. Anything else? Did you hear of the charge that a woman had been assaulted by a soldier?—A. Yes, sir; I heard of that.

Q. You heard that the soldiers had been refused to go into the barrooms and drink where the white men drink?—A. Yes, sir.

Q. That was common talk, was it not?—A. Of being refused?

Q. All these things that you have spoken of.—A. No, sir; it wasn't common talk for me. I didn't have anything to say about it.

Q. But you heard it?—A. Some of the fellows—I would pass by sometimes and hear some of the fellows saying something about it, and the evening it occurred this fellow Newton—I heard it that evening, but I didn't think anything, because he——

Q. From whom did you hear it?—A. I don't remember, sir.

Q. You heard it from some of the soldiers?—A. Yes, sir.

Q. Was it not common talk, now, Corporal?—A. They just said Newton was uptown this evening, and said that he got knocked in the head. They seemed to talk like it was some of his smartness, or something he had been doing, to cause him to get knocked in the head.

Q. Yes. You heard of some of the other things that you have told me about?—A. In the same manner; yes, sir.

Q. Do you not think it was common talk among the soldiers?—A. About that?

Q. About the way they were being treated by the citizens.—A. I don't know, sir, whether it was or not, because I like the place, myself. I liked the town.

Q. I didn't ask you if you liked it. You understood my question.

Senator SCOTT. Senator, do not frighten him.

Senator OVERMAN. I am not trying to frighten him.

By Senator OVERMAN:

Q. You understood my question, did you not?

Senator FORAKER. I did not get the answer of the witness. I would like to have that.

The stenographer read as follows:

A. I don't know, sir, whether it was or not, because I liked the place, myself. I liked the town.

By Senator OVERMAN:

Q. Do you not think there was considerable feeling among the soldiers about this?—A. About this?

Q. Yes.—A. I could only judge for myself, sir.

Q. I am not asking you about yourself. You do not know, then, whether there was or not?—A. No, sir; I don't—whether there was or not.

Senator OVERMAN. That is all.

By Senator FORAKER:

Q. You yourself had no ill feeling or ill will or anything of the kind?—A. No, sir.

Q. You had no trouble of any kind?—A. No, sir.

Q. Did you hear any of the soldiers making any threats to do any damage or injury of any kind to the people of Brownsville?—A. No, sir.

Q. Or anybody else?—A. No, sir.

Q. You didn't hear anything of that sort?—A. No, sir.

By Senator OVERMAN:

Q. Where were you born?—A. In Danville, Va.

Q. Where did you enlist?—A. I enlisted in North Carolina; I was raised in North Carolina.

Q. In what county—Randolph County?—A. No, sir; I have been in Randolph County, though, sir.

Q. It is a common name down there. What county were you raised in?—A. I was raised in different counties, because my father was a minister.

Q. Your father was a minister?—A. Yes, sir.

By Senator FORAKER:

Q. I want to ask your age?—A. My age? I don't know, sir, exactly. I was born January 2, 1870.

Q. You were born January 2, 1870?—A. Yes, sir.

Q. We can figure that out for ourselves.—A. Yes, sir.

(The witness was excused.)

TESTIMONY OF WILLIE H. MILLER (COLORED).

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. You were a member of the Twenty-fifth U. S. Infantry in August of last year?—A. Yes, sir.

Q. What company did you belong to?—A. Company C.

Q. Did you hold any official position in Company C at that time?—A. Yes, sir; I was a corporal.

Q. You were a corporal?—A. Yes, sir.

Senator FORAKER. I want at this point to put in the record the official record of this witness, as found at page 257 of Senate Document No. 155. Your name is given there as Willie H. Miller?

The WITNESS. Yes, sir.

The record referred to is as follows:

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 16, 1906.

By Senator FORAKER:

Q. What State are you a native of?—A. Tennessee.

Q. Where did you enlist first?—A. In Richmond, Va.

Q. At Richmond, Va.?—A. Yes, sir.

Q. And that was in 1897, I see?—A. Yes, sir.

Q. And you first enlisted, according to this, in Troop I of the Ninth Cavalry?—A. Yes, sir.

Q. Did you serve with that regiment in Cuba?—A. No, sir; my troop did not go to Cuba.

Q. Where was your troop while the war in Cuba was going on?—A. We remained at Tampa, Fla.; Port Tampa.

Q. Then you enlisted in the Tenth Cavalry?—A. Yes, sir.

Q. In Troop G?—A. Yes, sir.

Q. And your third enlistment was in Company C, of the Twenty-fifth Infantry. The remarks made on your discharge the first time was "character good;" on the second discharge, "character good," on the third discharge, "without honor." Now, Corporal, were you with your company on the night of August 13th, at Brownsville, Tex?—A. Yes, sir; a part of the night I was.

Q. Where were you the rest of the night?—A. On the morning of the 13th I came off guard.

Q. Had you been on guard the previous day?—A. Yes, sir; I went on guard on the 12th.

Q. At the reservation, I mean?—A. Yes, sir.

Q. You were corporal of the guard?—A. Yes, sir.

Q. That was on Sunday the 12th you went on guard?—A. Yes, sir.

Q. You were on for twenty-four hours?—A. Yes, sir.

Q. You came off at what time on Monday?—A. I guess it was between 10 and 11 o'clock. I don't remember the exact time. The companies went on practice march, and we were a little later than usual getting off guard.

Q. You were not with the company on practice march?—A. No, sir.

Q. You remained behind until they returned?—A. Yes, sir.

Q. When you came off guard, then what happened?—A. I went on pass, and went over to Matamoros that day.

Q. That was a pass for the day?—A. Yes, sir.

Q. Have you got that pass with you?—A. Yes, sir.

Senator FORAKER. I will ask that that pass be copied in the record in full.

The pass referred to is as follows:

FORT BROWN, TEX., August 13, 1906.

Corpl. Wille H. Miller, Company C, Twenty-fifth Infantry, has permission to be absent from post and company from 12 noon to-day until 5 a. m., August 14, 1906.

SAMUEL W. HARLEY,
First Sergeant Company C, Twenty-fifth Infantry.
EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry, Commanding Company C.

Approved:

By order The Commanding Officer.

H. S. GRIER,
Second Lieutenant, B. C. and O., Twenty-fifth Infantry,
Assistant Adjutant.

Senator FORAKER. That is, Captain Macklin signed this as captain of the Twenty-fifth Infantry, commanding Company C?

The WITNESS. Yes, sir.

By Senator FORAKER:

Q. And then it is approved by order of the commanding officer, H. S. Grier, adjutant?—A. Yes, sir.

Q. So that to get out on pass you had to get a paper signed by your sergeant and by your company commander?—A. Yes, sir.

Q. And that had to be approved by the adjutant?—A. Yes, sir.

Q. Of the battalion?—A. Yes, sir.

Q. And therefore it is that this is signed by Samuel W. Harley, as first sergeant, and by Edgar A. Macklin, as captain, and by H. S. Grier, who was then acting as adjutant? You got that pass, which gave you permission to be absent from 12 noon until 5 a. m. on the 14th of August, 1906?—A. Yes, sir.

Q. Did you go off the reservation on that pass?—A. Yes, sir.

Q. Where did you go?—A. I went over to Matamoros, in Mexico.

Q. You were over there on the 13th?—A. Yes, sir.

Q. Immediately after you got the pass—after noon, I mean?—A. Yes, sir.

Q. About what time did you cross the river and go to Matamoros?—A. As near as I can remember, it must have been a quarter to 1, or something like that.

Q. When did you return from Matamoros?—A. I guess it was about 10.30 or 9.30—something like that, along there, that night.

Q. Ten o'clock?—A. Yes, sir; somewhere along in that time.

Q. That night, you mean?—A. Yes, sir.

Q. How did you cross the river, going and coming?—A. There is a ferry.

Q. You crossed on that ferry?—A. Yes, sir.

Q. When you returned, where did you go and what did you do?—A. When I returned? I had a cousin that lived in Brownsville.

Q. What was his name?—A. Mack Hamilton.

Q. Mack Hamilton?—A. Yes, sir.

Q. You say that he was a relative of yours?—A. Yes, sir.

Q. In what way?—A. My father and his mother were brother and sister.

Q. Brother and sister?—A. Yes, sir.

Q. He was living in Brownsville?—A. Yes, sir.

Q. Had he been in the Army?—A. Yes, sir.

Q. What regiment or organization had he belonged to?—A. He served in E Troop, Tenth Cavalry.

Q. E Troop, Tenth Cavalry?—A. Yes, sir.

Q. Had he served with you in the same regiment?—A. Yes, sir; we were in the Philippines together.

Q. In the Philippines together; and when he came back he was mustered out?—A. He was discharged in the Philippines and came back.

Q. He settled in Brownsville?—A. Yes, sir.

Q. How did he happen to settle in Brownsville?—A. He had a wife and some children down there.

Q. He had married there, had he?—A. Yes, sir.

Q. Had he married there previously, when he was stationed there as a soldier?—A. Yes, sir.

Q. Whereabouts was he living in Brownsville?—A. I am not very well acquainted with the streets of Brownsville, because I was only there a short while, but he lived two blocks from Elizabeth street, I think it was.

Q. Where?—A. Two blocks from Elizabeth street.

Senator FORAKER. Senator Scott will explain the map to you.

(The map was here explained to the witness by Senator Scott.)

By Senator OVERMAN:

Q. What did you say his name was?—A. Mack Hamilton.

By Senator FORAKER:

Q. Now, when you got your pass and started for Matamoros, how did you leave the reservation—by way of the gate?—A. I went out the gate and down Elizabeth street and down to the river.

Q. On Elizabeth street, how far?—A. Three blocks, I think it is.

Q. Two or three blocks?—A. Yes, sir; pretty nearly.

Q. And then you turned to the left and went down to the river?—A. Yes, sir.

Q. That is, you went to the ferry?—A. Yes, sir.

Q. And you returned to the same place?—A. Yes, sir; the same way.

Q. The same way?—A. Yes, sir; only my cousin lives down in here.

Q. Down in here [indicating on map]?—A. Yes, sir.

Q. Where down there, if you can indicate, did Mack Hamilton live?—A. This is the street, right here [indicating].

Q. That would be the second street from the brick wall at the east end of it?—A. Yes, sir.

Q. Going down Levee street, it is the second street from the brick wall that enters into Levee street?—A. Yes, sir.

Q. You think he lived right in there?—A. Right in there; yes, sir.

Q. You returned and visited him, you say?—A. Yes, sir.

Q. What did you do there, and how long were you there?—A. Well, I was there until after 11 o'clock.

Q. Until after 11?—A. Yes, sir.

Q. And then what did you do?—A. I went to a saloon in town—

Q. You did what?—A. I went to a Mexican saloon. It was near Twelfth street, I think, about Twelfth and Adams.

Q. Near that?—A. Yes, sir.

Q. As near as you can recollect, Twelfth and Adams, somewhere in that vicinity?—A. In that vicinity.

Q. What happened there? Do you know who kept that saloon?—
A. No, sir; I don't know the name of the proprietor.

Q. He was a Mexican, you say?—A. Yes, sir.

Q. Did he make any objection to your entering?—A. No, sir.

Q. What happened?—A. I went in the saloon, and while I was in there some firing commenced in town, and he closed the door of the saloon until the firing had about ceased.

Q. Were you inside?—A. Yes, sir.

Q. Were there others in there or not?—A. Yes; there were several Mexicans in there.

Q. Were there any soldiers in there, except yourself?—A. No, sir; none except me.

Q. You were the only one?—A. Yes, sir.

Q. What were you doing in there when the firing commenced?—
A. When the firing commenced I was playing monte.

Q. You were playing monte?—A. Yes, sir.

Q. With the Mexicans?—A. Yes, sir.

Q. Go ahead, now, and tell us all about it. Did the firing stop the game or not?—A. Yes, sir; the game closed.

Q. What did you do?—A. I stayed in there until the firing was about over, and then I skipped out for the quarters.

Q. The Mexican shut the front door, you say?—A. Yes, sir.

Q. Where was that firing that you heard?—A. Well, the firing sounded like it started down in this vicinity of the town [indicating].

Q. You are pointing to—

Senator SCOTT. The empty barracks in the reservation.

The WITNESS. No, sir; up near the end of—

By Senator FORAKER:

Q. Put your finger where it was.—A. Yes, sir; here [indicating].

Q. It sounded like it was there?—A. Yes, sir.

Q. You have pointed now to Adams street, near the barracks. You did not see any flashes?—A. No, sir; I was in the saloon, and just from the sound of it.

Q. You were inside the saloon, too?—A. Yes, sir.

Q. And all you can tell is that it seemed like it was up the street toward the barracks?—A. Yes, sir.

Q. State how far that firing was away from you.—A. It was a good ways when it started, but when it ceased it was all around the market place; I could hear it. I don't think it was over fifty yards from where I was at, there were some shots fired.

Q. Where is the market place? I do not think that is on the map.—A. The market is not on there.

Q. See if Twelfth street is there, Twelfth and Adams streets. Point to Twelfth and Adams.—A. Right there [indicating].

Q. Where is the market place. From there toward Washington street?—A. Yes, sir; the market set right in here, I guess. It is a big place, a plaza in there [indicating].

By Senator SCOTT:

Q. Is it this side of the alley next to Washington street?—A. There is a street runs on each side of it. The market takes up a big space there, and a street comes down on each side.

By Senator FORAKER:

Q. The market place occupies a space in there between some of those streets?—A. Yes, sir.

Q. You are not very familiar with the streets?—A. No, sir; because I don't know the names of them.

Q. This firing finally seemed to come from down in this market place?—A. Yes, sir; it seemed to.

Q. Did you go to see where it was?—A. No, sir.

Q. Now, when the doors were closed, what about the windows, were they closed?—A. Those places down there, they always have these big bolted windows; all these houses are on the Spanish custom.

Q. How is that?—A. They have these big bolted windows with wooden shutters, and they keep them closed most of the time.

Q. Closed all the time?—A. Yes, sir; the front windows.

Q. What did you do when the doors were closed?—A. When the doors were closed I was in there, and I talked to this Mexican in the meantime, the proprietor of this place, that I was out on pass, and I showed him my pass. I says, "If anything ever comes up about this, I want to show you this." He was talking, and said that he thought that the soldiers were firing on the town, and so on, and I said that they wasn't soldiers' guns that I heard, and I told him when the firing was going on, I says, "Do you hear that shot? That was out of a .45. You can tell from the report."

Q. What?—A. I told him it was from a .45-caliber gun, the shot that was fired right at that time, and I says, "If soldiers have got anything to do with it, I might call on you sometime as a witness, because I am out on pass, and I will call you if anything comes up about it;" and he says, all right, that he would testify that I was there.

Q. Did you show him that pass?—A. Yes, sir.

Q. You showed it to him?—A. Yes, sir.

Q. How many others were in there with you?—A. I don't remember; that would be pretty hard to say.

Q. Three or four?—A. There was more than that; there was as many as a dozen, I guess, or possible more or less.

Q. How were they all occupied when the firing commenced?—A. The Mexicans were all scared.

Q. I say, how were they all occupied; were they all playing monte, or just sitting around, or what were they doing?—A. Some of them were playing monte, and some of them were sitting around and standing around looking on.

Q. What did they do when the firing commenced?—A. They closed the game up and all sat around and some went out.

Q. Some went out on the street?—A. Yes, sir.

Q. How long did you stay there?—A. Oh, I suppose, five or six minutes after the firing commenced.

Q. After it commenced? What I want to get is, Did you stay until the firing ceased?—A. Yes, sir.

Q. Then what did you do when the firing ceased?—A. I went to the quarters.

Q. How long was it after the firing ceased that you went to the quarters?—A. Oh, just as soon as it ceased.

Q. Just as soon as it ceased?—A. Yes, sir; I went out then to the quarters.

Q. You went out onto the street?—A. Yes, sir.

Q. And from there, then, to the quarters?—A. Yes, sir.

Q. In what way did you go to the quarters, over what streets, if you can tell us?—A. I think I came down Adams street.

Q. Did you or not go the nearest way?—A. Yes, sir; I came right out. The saloon sat on a corner. If it was Twelfth street, if that was the cross street, it fronted on Twelfth and had a side door out on Adams. It had a door right at the corner, too, and I went right out that door and right down that street to the garrison.

Q. How did you go?—A. Well, I went in a hurry. I didn't run; I walked fast. I didn't run, but I walked pretty fast.

Q. Did you see anybody on the street when you went out?—A. Yes, sir; I seen great crowds of people clustered all around up and down the street.

Q. There were crowds of people?—A. Yes, sir.

Q. Did you see any of them with guns?—A. I couldn't say if there was, if I seen any, because I didn't pay any particular attention. I wanted to go in unnoticed, and I just hurried along the street.

Q. Did you get back to the post?—A. Yes, sir.

Q. How did you enter, and in what way?—A. I entered—there is a way we crossed the fence.

Q. That is the empty barracks right under your hand there on the map.—A. It is right below the empty barracks [indicating].

Q. You came in there, did you?—A. Yes, sir.

Q. Then what did you do?—A. I went on to the quarters and reported to the first sergeant.

Q. Where did you find your company?—A. My company was just falling in in front of the barracks.

Q. Then what happened?—A. Well, he told me to get my gun and join the company, and I got my gun and went out under the command of Lieutenant Grier and laid along the wall.

Q. You lay along the wall that night?—A. Yes, sir.

Q. Was you company put on guard that night?—A. Yes, sir; I was posted—my relief stayed on the end of this porch of these empty barracks.

Q. Did you have your gun with you, or not?—A. No, sir.

Q. You were unarmed?—A. Yes, sir.

Q. What happened the next morning with respect to your guns?—A. Captain Macklin came around with Sergeant Carlisle and inspected them.

Q. What did you say?—A. Captain Macklin came around and inspected the guns.

Q. With what result?—A. He came around there and brought a rod and ran it through the guns, and looked through them and taken the bolts out.

Q. Were the guns clean, or how were they?—A. Yes, sir.

Q. Now, did you have anything to do with the shooting up of that town?—A. No, sir.

Q. If there was any conspiracy to shoot up the town, you were not in it?—A. No, sir.

Q. You would hardly have been downtown unarmed at that hour of the night, I suppose, if you had known that anybody was going to shoot it up?—A. No, sir.

Q. Do you know who did shoot it up?—A. No, sir.

Q. Do you know anything that leads you to suspect that anybody in your company had anything to do with it?—A. No, sir.

Q. Have you refused to give any information that you might have?—A. No, sir.

Q. You were one of the twelve men arrested at Brownsville, were you not?—A. Yes, sir.

Q. And taken to Fort Sam Houston and left there in confinement?—A. Yes, sir.

Q. Charges and specifications were preferred against you there under the sixty-second article of war?—A. I was informed that they would be.

Q. But no charges or specifications were ever preferred against you?—A. No, sir.

Q. You were never brought to trial?—A. No, sir.

Senator FORAKER. I offer in evidence at this point the charge and specification against this witness.

The charge and specification referred to are as follows:

Charge and specification preferred against Corpl. Willie H. Miller, Company O, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Corpl. Willie H. Miller, Company O, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1003, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to the property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

*First Lieutenant and Battalion Adjutant,
Twenty-sixth Infantry, Officer Preferring Charge.*

Witnesses.—Sergt. Darby W. O. Browner, Company C; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Corpl. Charles H. Madison, Company O; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry; Sergt. James R. Reid, Company B.

In confinement since August 25, 1906.

Rate of pay, —.

Previous convictions: Four (4).

[First Indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

O. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

By Senator FORAKER:

Q. You were finally discharged without honor, without being given any trial at all?—A. Yes, sir.

Q. How long had you been in the service?—A. I had been in eight years nine months and a few days.

(At 12.30 o'clock p. m. the committee took a recess until 2 o'clock p. m.)

AFTERNOON SESSION.

The committee reconvened pursuant to the taking of recess, Senator Scott in the chair.

Present: Senators Scott, Foraker, Hemenway, Bulkeley, Warner, and Overman.

TESTIMONY OF WILLIE H. MILLER (COLORED)—Continued.

By Senator FORAKER:

Q. You came back from downtown and joined the company and got your gun? Did you get your own gun, by the way?—A. No, sir.

Q. You went upstairs and got a gun?—A. Yes, sir.

Q. And then you joined your company?—A. Yes, sir.

Q. You testified that the guns were inspected?—A. Yes, sir.

Senator FORAKER. I think I have finished.

By Senator OVERMAN:

Q. I think I will ask you a few questions. You had a pass allowing you to be absent from the post?—A. Yes, sir.

Q. From the 13th at 12 o'clock until 5 o'clock on the 14th?—A. Yes, sir.

Q. And you went over to Matamoros?—A. Yes, sir.

Q. Crossing at the ferry?—A. Yes, sir.

Q. Who went with you?—A. I don't remember, exactly. There were two or three soldiers in company with me.

Q. There were two or three soldiers in company with you?—A. Yes, sir.

Q. What company did they belong to?—A. My company.

Q. Company B?—A. Company C.

Q. Did they have passes?—A. Yes, sir; Sergeant Thomas, for one.

Q. And who was another?—A. I think Private Lee was with me, too.

By Senator FORAKER:

Q. Edward Lee, was it?—A. Yes, sir.

By Senator OVERMAN:

Q. Anybody else?—A. There was some more soldiers over there, but of course they were not with me. I don't remember every soldier that was over there.

Q. How many soldiers did you see in Matamoros?—A. I don't remember, but I seen quite a few during the day, men of different companies.

Q. Give me an idea of how many, five or six, or eight or ten, just your idea. Of course you don't know; you did not count them.—A. No, sir. Well, sir, possibly fifteen.

Q. That was the 13th?—A. Yes, sir.

Q. You stayed there how long?—A. I stayed there until night.

Q. Until night?—A. Yes, sir.

Q. And what was the game that you played at that saloon?—A. Monte.

Q. Was that a gambling game?—A. Yes, sir.

Q. Were you playing that in Matamoros?—A. No, sir.

Q. What were you doing over in Matamoros, all you soldiers?—A. Just going over there visiting the town, sight-seeing.

Q. Sight-seeing?—A. Yes, sir.

Q. Did you visit the saloons there?—A. Yes, sir.

Q. Did you see other soldiers at the saloons?—A. Some of them, and some on the street.

Q. You were there until what time of night?—A. Until 9 or 10 o'clock at night.

Q. Who came back with you?—A. There wasn't anyone with me when I came back.

Q. Where were the soldiers who were at Matamoros?—A. We didn't all stay together. I don't remember whether they came back before me or after me.

Q. Did you see any over there when you left?—A. I didn't see any soldiers when I left.

Q. You came back alone?—A. Yes, sir.

Q. What time?—A. Between 9 and 10 o'clock.

Q. Between 9 and 10 o'clock?—A. Yes, sir. I didn't have any timepiece, but I just judged it was.

Q. Then you went to the saloon of a Mexican?—A. No, sir; I went to my cousin's house.

Q. What was his name?—A. Mack Hamilton.

Q. Where did he live?—A. Well, sir, I am not sure; I couldn't say the name of the street, because I wasn't familiar with the town.

Q. Was it down by the river?—A. Not very far from the river.

Q. How long did you stay there?—A. I stayed there until after 11 o'clock. I don't know how much after 11. I know it was after 11; I heard taps go in the garrison.

Q. Taps?—A. Yes, sir.

Q. Then you left and went to the saloon?—A. Yes, sir.

Q. Did he go with you?—A. No, sir.

Q. You went. What did you go to the saloon for?—A. Well, I was just on my way to the post and just dropped in there, the same as I had done often before.

Q. Yes. You went there, I suppose, to get a drink?—A. Yes, sir.

Q. Did you take a hand in the game?—A. Yes, sir; I played a while at the game.

Q. Did you bet money?—A. Yes, sir.

Q. And were there any soldiers in the saloon while you were there?—A. No, sir.

Q. No colored men?—A. No, sir.

Q. While you were playing you heard some shooting?—A. Yes, sir.

Q. As soon as the shooting commenced, you say, that this Mexican got up and shut the door?—A. Yes, sir; he got up and closed the door.

Q. How many shots did you hear fired before he shut the door?—A. That I could not say; I haven't any idea how many were fired.

Q. Were they few or many?—A. I don't just remember that part.

Q. And he said that the soldiers were shooting up the town?—A. Sir?

Q. You stated, as I understood you—I may be mistaken, but I understood you to say—that the Mexican said that the soldiers were shooting up the town?—A. Yes, sir; he said he thought the soldiers were shooting up the town.

Senator Scott. Speak a little louder.

The Witness. He said he thought the soldiers were shooting up the town.

By Senator OVERMAN:

Q. Was that after he shut the door or before?—A. After he had shut it, I think.

Q. After he had shut it?—A. Yes, sir.

Q. And then you heard a firing, and it sounded like a revolver?—A. Yes, sir.

Q. And then you said, "That don't sound like a soldier?"—A. Yes, sir.

Q. Why, do not soldiers sometimes carry revolvers?—A. I don't know, sir; I guess some does carry revolvers; I don't know any that did carry any, though.

Q. Have you not seen soldiers with loose ammunition around in their pockets?—A. Soldiers?

Q. Yes.—A. What kind of ammunition, sir?

Q. The kind of ammunition they use in their guns.—A. No; the ammunition is issued from the quartermaster-sergeant, and a soldier is always accountable for all the ammunition he has.

Q. I know he is accountable for it, and they inspect it?—A. Yes, sir.

Q. But have you not seen a soldier around with some loose ammunition?—A. No, sir.

Q. Have you not seen them with some loose ammunition in their pockets?—A. No, sir.

Q. Is it not possible for them to get any?—A. No, sir; not unless it is issued to them.

Q. If it was issued to them, they could steal some of it, could they not?—A. I don't know, sir; I have never tried it.

Q. No; I am not impeaching you at all. I am asking you whether it could not have been done.—A. I don't know whether it could or not.

Q. Is the inspection of the ammunition in the belt very close? They don't count the cartridges every time, do they?—A. I don't know whether they do or not.

Q. How is that inspection made—they just look at the cartridges? That is the way they do, isn't it? But do they count and feel every cartridge?—A. When do you mean; when they have weekly inspection?

Q. Yes.—A. They goes along and looks. When I was inspecting my squad I just looked at the ammunition. I could look and tell how many cartridges they had. I could tell if it was 10 cartridges. That is what they were supposed to have.

Q. It was generally hurriedly done; it was just look and pass along; is that the way it was done?—A. Yes; they looked at them and passed along. They didn't hurry.

Q. Who does this inspecting, usually, of this ammunition that is on the person?—A. On Saturdays, when they have inspection, after the squad is clean, the noncommissioned officers inspect the squads first, before the company commander comes around, and then the company is fallen in and the company commander, the captain or lieutenant, or whoever he sees fit, he tells the lieutenant to inspect the rear rank, and he comes down the front rank.

Q. Who inspects the guns, the commissioned or noncommissioned officers, to see whether they are clean or not?—A. Both.

Q. The noncommissioned officers do it first, do they?—A. Yes, sir.

Q. They make a report?—A. Yes, sir; if they find dirty guns they make reports.

Q. And if they find clean guns they make a report?—A. No, sir.

Q. They do not make a report if they find clean guns?—A. No, sir; they make a report to the first sergeant that the squad was clean, but they do not make any to the officers.

Q. This morning that you made an inspection there, who made the first inspection?—A. Captain Macklin made it.

Q. I thought you said that the noncommissioned officers made the first inspection.—A. No, sir; I said weekly inspection.

Q. That was an extraordinary inspection that morning?—A. Yes, sir.

Q. Did you see any men stepped aside that morning?—A. Our company was on guard. Our company was on outpost and he came around to the posts. Our company wasn't in line like the other two companies were.

Q. I understand. Going back to this saloon, this Mexican shut up the saloon, and you heard this firing and you thought it was down there about—

Senator SCOTT. About the market, he said.

By Senator OVERMAN:

Q. About the market house?—A. No, sir; the first firing I heard—

Q. I am talking about when it was so close, when you said it was down about the market house.—A. Yes, sir.

Q. Did it continue down about the market house?—A. Before they were there it sounded like they were firing all over town.

Q. Did you hear any firing down about the garrison wall?—A. Yes; I heard some. It sounded like a far-off distance, say, three or four blocks from the garrison.

Q. You couldn't tell where it was, I judge?—A. No, sir; not until it got close to me, down in the part of town that I was in.

Q. Did it commence down at the barracks and come down toward you or did it commence toward you and go down the other way?—A. It commenced the other way and came toward me.

Q. It came toward you?—A. Yes, sir.

Q. Then you waited until the firing had all ceased before you left?—A. Yes, sir.

Q. And you had to walk from that saloon three or four blocks, cross over there about opposite the guardhouse, across the wall, come around to your company, and they had not fallen in line then?—A. My company had been out of the quarters fifteen or twenty minutes, possibly. They had been out, but they couldn't get their guns. They had a noncommissioned officer in charge of quarters that they couldn't find. I got—

Q. You have not answered my question. They had not fallen in line when you got there?—A. Yes, sir; they were in line.

Q. They didn't have their guns?—A. Didn't have their guns.

Q. Did they have their guns when you got there?—A. Company C?

Q. Company C?—A. Yes, sir; they had their guns.

Q. What were they doing?—A. They were fixing to go out to the wall.

Q. They were fixing to go out to the wall?—A. Yes, sir.

Q. I misunderstood you. I thought you said on your direct examination that you came there and went upstairs and got your gun, and the company had not fallen in, and you fell in with them.—

A. I did fall in with them, when I got my gun.

Q. Had they fallen in before you got there?—A. Yes, sir.

Q. They were in line?—A. Yes, sir.

Q. What commissioned officer did you see when you got there?—

A. Lieutenant Grier.

Q. Anybody else?—A. No, sir.

Q. Major Penrose was not there?—A. He was not there.

Q. Did he come there afterwards?—A. He had been there, so I was told, before I got there.

Q. Had the gun racks been broken open before you got there?—

A. Yes, sir.

Q. Did you see Sergeant Brawner?—A. Yes, sir.

Q. Where did you see him?—A. He was at the quarters.

Q. At the quarters?—A. Yes, sir.

Q. What was he doing?—A. He wasn't doing anything; he was in charge of quarters. He didn't go out with the company.

Q. What rack did you get your gun out of—one that was unlocked or one that was broken open?—A. I don't remember whether the rack that I got my gun out of had been broken open or not. I think it had, though. I know the rack my gun was in was broken, because my gun was damaged.

Q. You had a damaged gun?—A. I didn't have my gun. I don't suppose anybody had their own guns. When a call like the call to arms goes in the Army, every man gets a gun—that is, in a case of that kind, confusion—and it isn't necessary for to have his own gun.

Q. You mean your own private gun was damaged; not the one that you got that night?—A. No, sir.

Q. You afterwards found that your own was damaged?—A. Yes, sir.

Q. How was that damaged?—A. It looked like it had been struck. I don't know how it was damaged.

Senator FORAKER. It looked like what?

The WITNESS. It looked like it had been struck.

By Senator OVERMAN:

Q. Struck where?—A. [The witness indicated the part on the rifle.]

Senator FORAKER. The witness indicates the wooden part, between the upper band and the next band below it.

By Senator OVERMAN:

Q. Did you go down with your ammunition on?—A. I didn't have any ammunition except guard ammunition.

Q. Did you put that on?—A. Yes, sir.

Q. With the web belt?—A. Yes, sir.

Q. You had that hanging up, I suppose, at your bed in the quarters?—A. Yes, sir.

Senator OVERMAN. We have gone over the other points, and I don't think I care to ask him anything more.

By Senator FORAKER:

Q. The company, you say, was about ready to go out; was that the expression you used?—A. Yes, sir.

Q. When you joined it?—A. Yes, sir.

Q. They told you to go up and get your gun?—A. Yes, sir.

Q. You went up and found the gun racks open and found a gun, and came down?—A. Yes, sir.

Q. It was not that one that was damaged, as I understand you, but your own gun which you got some time later, which was damaged; or was it the gun that you got that night and carried that night which was damaged?—A. My own gun was the one that was damaged, but the gun that I got that night was not my own gun.

Q. That is right; it was not damaged?—A. No, sir.

Senator FORAKER. That is all that I wanted to know.

(The witness was excused.)

TESTIMONY OF DAVID POWELL (COLORED).

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. Give us your full name.—A. David Powell.

Q. Did you belong to the Twenty-fifth Infantry in August of last year?—A. Yes, sir.

Q. What company did you belong to?—A. Company D.

Q. Did you hold any official position in that company?—A. Yes, sir; I was a corporal.

Q. Were you with your company the night of the shooting at Brownsville?—A. Yes, sir.

Senator FORAKER. In this connection, before I go on with that, I want to offer in evidence the official record as furnished by the War Department of this soldier as found at page 267 of Senate Document No. 155.

The record referred to is as follows:

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 10, 1906.

By Senator FORAKER:

Q. Were you on duty or not that night; and if so, on what duty?—

A. I was noncommissioned officer in charge of quarters.

Q. In charge of quarters?—A. Yes, sir.

Q. Where were you when the firing commenced?—A. I was in my bed, asleep, I guess, when the firing commenced.

Q. What awakened you, and how were you awakened?—A. By the other men getting up out of their beds.

Q. Can you tell us just where you slept; whether in the regular company barracks?—A. Yes, sir; in my company barracks—D Company barracks.

Q. Where were you, upstairs or downstairs?—A. Upstairs.

Q. Upstairs in D Company barracks?—A. Yes, sir.

(The map was here explained to the witness by Senator Scott.)

By Senator FORAKER:

Q. At which end of D Company barracks were you?—A. At this end [indicating].

Q. Up next the gate?—A. Yes, sir.

Q. Were you sleeping in the usual place—where you usually slept, I mean?—A. Yes, sir.

Q. I understood you to say that you were awakened by the noise of the men getting up around you?—A. Yes, sir.

Q. Did you hear any firing?—A. When I awakened I heard the firing.

Q. You heard what?—A. When I got up I heard the firing.

Q. Go right along and tell us all you can recollect. What happened immediately after that, what did you do, I mean?—A. After I heard the firing I got up and stood up by the gun rack that was in that section, and then when the call to arms was sounded I opened the gun racks.

Q. When you got awake you heard the firing, did you?—A. Yes, sir.

Q. Where was that firing?—A. The firing seemed to me like it was on the outside of the fence and around B Company's quarters.

Q. Can you tell us any more definitely than that about the firing? How much of it was there?—A. A great deal of it. I couldn't tell how much of it there was.

Q. You heard the call to arms sounded, did you?—A. Yes, sir.

Q. What did you do then?—A. When the call to arms was sounded I opened the gun racks.

Q. When had the gun racks been opened before that time, last?—A. They had been opened at 10 o'clock that morning, when D Company came in off the practice march, to put up their rifles.

Q. The whole battalion had been out on practice march that morning, Monday morning—the 13th was Monday?—A. Yes, sir.

Q. And they had been out on practice march?—A. Yes, sir.

Q. Then the rifles were put in the racks?—A. Yes, sir.

Q. You were then on duty, were you?—A. Yes, sir.

Q. Did you lock up the rifles?—A. Yes, sir.

Q. Were the racks opened again from that time, from about 10 o'clock in the morning, we will say, until the time of this firing?—A. They were opened at 10 o'clock—that is, about the time the company returned off their practice march, 9.30—and at 10 o'clock I opened the racks for the men who were going on guard to get their rifles.

Q. How many were there on guard from your company?—A. There were five men on guard.

Q. Five men from your company?—A. Yes, sir.

Q. Do you remember who they were?—A. No, sir; I don't remember. I only remember two of the men, I think; that was Corporal Wheeler and the musician of the guard, Hoytt Robinson.

Q. He didn't take his gun, did he?—A. No, sir.

Q. What I want to get at is, when were the gun racks opened after that, next?—A. After 10 o'clock?

Q. Yes.—A. They were opened, I guess it was, about midnight, when that shooting taken place.

Q. Were they or not opened at all until after the firing commenced?—A. No, sir.

Q. And the call to arms was sounded?—A. No, sir.

Q. Then you opened them?—A. Yes, sir.

Q. Where had the keys to the gun racks been all that time?—A. The keys to the gun racks, I had them in my possession; they were in the pocket of my trousers, and I had my trousers folded up under my head.

Q. That is, where you slept?—A. Yes, sir.

Q. Where were the keys all day?—A. I had them in my pocket all day.

Q. When you went to bed you simply folded up your trousers with the keys in your pocket and slept on them?—A. Yes, sir.

Q. Did you find them there when you got awake?—A. Yes, sir.

Q. Nobody had disturbed them or the keys either?—A. No, sir.

Q. And you unlocked the racks after the call to arms had been sounded?—A. Yes, sir.

Q. Had any guns been taken out of those racks from the time you took out the guns for the guard at 10 o'clock in the morning, until the time of the firing?—A. No, sir; there was no way possible for anyone to take any guns.

Q. What did you do after you opened the gun racks? Were you with your company any more that day?—A. No, sir; I stayed in the quarters. The company went out, but I stayed in quarters.

Q. You were in charge of quarters?—A. Yes, sir; I was in charge of quarters.

Q. I will pass over all of that. In the morning was there any inspection of the guns of Company D, your company?—A. On the morning of the 14th?

Q. First I will ask you if the company had been out some time and had returned to the barracks that night?—A. Yes, sir.

Q. What was done with the guns?—A. The guns were placed back in the gun racks.

Q. Were they verified or counted, I mean?—A. Yes, sir.

Q. By whom?—A. By me.

Q. Were they all there?—A. Yes, sir.

Q. They were all there and in good condition?—A. Yes, sir.

Q. You mean that all were there except those of the men on guard?—A. Yes, sir; except those of the men on guard.

Q. They were all present or accounted for?—A. Yes, sir.

Q. The next morning what happened about the inspection of these guns?—A. The next morning at drill call all the rifles were inspected, and several men were stepped out—I don't know exactly how many—and they taken the rod and run the rod through them with a cloth on it.

Q. Some of the men were stepped out for reinspection of their guns?—A. Yes, sir.

Q. Who did that inspecting?—A. Captain Lyon.

Q. Was it a careful inspection or not?—A. It seemed to be a careful inspection.

Q. The men who were stepped out in order that there might be a reinspection of their guns were then specially inspected, were they?—A. Yes, sir.

Q. By Captain Lyon?—A. Yes, sir.

Q. What did he do in inspecting the guns to ascertain whether there was any dirt or whether they had been fired?—A. He taken a rod with a piece of white cloth on it and ran it through the rifle.

Q. And tested them in that way?—A. Yes, sir.

Q. Is that the usual way?—A. Yes, sir.

Q. To test whether there is any powder in a gun?—A. Yes, sir.

Q. If a gun had been fired the night before and had not been cleaned, when that white rag was run through it ought to show powder stains?—A. Yes, sir.

Q. What was the result of that inspection? Did they find any dirty guns?—A. No, sir; I don't think they found any, because those men went back in ranks.

Q. Were the guns all returned to the racks?—A. Yes, sir.

Q. Do you know how to clean one of these guns?—A. Yes, sir; I understand the cleaning of a rifle.

Q. You do understand that?—A. Yes, sir.

Q. You were a corporal, and in charge of a squad, I suppose?—A. Yes, sir.

Q. That means eight men?—A. That means eight men, sir.

Q. The corporal of a squad is supposed to inspect the guns of that squad before the squad joins the company?—A. Yes, sir.

Q. Before company inspection?—A. Yes, sir.

Q. You have company inspection once a week, I believe?—A. Once a week; yes, sir.

Q. Every Saturday, was it?—A. Yes, sir.

Q. Before your squad would go down to fall in line with the company you had to inspect them?—A. To inspect them.

Q. To inspect the guns?—A. Yes, sir.

Q. If you found a gun was not clean enough to satisfy you, what would you do?—A. I reported it to the captain.

Q. You reported it to the captain?—A. Yes, sir.

Q. Was your inspection long enough before the company formed to allow a man to clean a gun if you found it dirty?—A. Inspection, you mean, after this trouble happened?

Q. No; I mean the ordinary inspection.—A. No, sir.

Q. This squad inspection?—A. No, sir; the men didn't have time to clean it after I made my inspection.

Q. A man would not have time to do anything?—A. No, sir.

Q. He would go down with the gun just as it might be?—A. Yes, sir.

Q. And then he was inspected by the captain?—A. Yes, sir.

Q. Was it anything unusual for the officer making an inspection—I am talking about a regular weekly inspection—to find a few of the guns apparently dirty; and, if so, what would he generally do—have them stepped aside for reinspection?—A. Yes, sir; stepped aside, and they would have to clean their rifles and report back at a certain time with the rifles clean.

Q. Do you know who did this shooting, Corporal?—A. No, sir.

Q. Did you have anything to do with it?—A. No, sir; I didn't have anything to do with it.

Q. You were not out in Brownsville that night shooting?—A. No, sir; I was not out.

Q. Was there any shooting from your barracks that night?—A. No, sir; no shooting that I know of.

Q. If there had been any shooting from the back porch of your barracks, could you have heard it, and would you have known anything about it?—A. No, sir; I guess not. The only shooting I heard seemed to be out in the street.

Q. Yes; but I say if there had been shooting off of your back porch, would you have heard it?—A. Yes, sir; I guess I would. If it had been upstairs, I would have known of it up there.

Q. You would have been very close to it?—A. Yes, sir; I was there at the time the shooting commenced.

Q. You did not hear any shooting, or hear of any shooting there, did you?—A. No, sir; not from my barracks.

Q. Did you hear of any shooting from any of the barracks?—A. No, sir.

Q. Do you know who did do this shooting?—A. No, sir.

Q. Have you any knowledge that leads you to suspect anybody in the battalion, in either one of the companies, of being guilty of this shooting?—A. No, sir; not the least bit.

Q. Did you ever refuse to tell anybody all you know about this matter?—A. No, sir.

Senator FORAKER. I want to put in evidence at this point the affidavit made by this witness, as found at page 74 of Senate Document No. 155. It is dated "Fort Brown, August 14," but is sworn to and subscribed before Captain Lyon, August 20, 1906.

The affidavit referred to is as follows:

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.

By Senator FORAKER:

Q. You made that affidavit before Captain Lyon?—A. Yes, sir.

Q. You state here you did not leave the quarters at any time during the day or night. That is true, is it?—A. Yes, sir.

Q. You were there all the while, and the keys were all the while in your possession?—A. Yes, sir.

Q. You say that the racks were not opened for any purpose from about 10 a. m. until after midnight on the 14th, when you unlocked the racks yourself?—A. Yes, sir.

Q. That is true is it?—A. Yes, sir.

Q. How long in your opinion, does it take to clean one of these guns?—A. It always taken me from about twenty to twenty-five minutes to clean my rifle—that is, properly.

Q. What is your observation as to other enlisted men; how long does it take them to clean their guns; is that about the average time?—A. Yes, sir; I don't think any man could clean a rifle any quicker than that; that is, so that it wouldn't show any dirt.

Q. If a man should tell you he could fire one of these guns and then clean it so that it would pass inspection, in five minutes, what would you think of it?—A. No, sir; there would be no way for him to do that.

Q. Ten minutes, how about that?—A. No, sir; he couldn't do it in ten minutes so that it wouldn't show any dirt.

Q. You think it would take the time that you have indicated?—A. Yes, sir.

Q. That is your experience?—A. Yes, sir.

Q. Was there any place at Fort Niobrara or at Brownsville where your company could get surplus cartridges, if they wanted to, the ball cartridges?—A. No, sir; there was no place that I know of.

Q. Did you see any cartridges lying around loose at either place, that you could pick up?—A. No, sir.

By Senator WARNER:

Q. When you say there was no place in Fort Brown where you could get surplus cartridges, did you know anything about the stores in Brownsville, as to what firearms and ammunition they kept?—A. No, sir; I never visited them.

Q. You didn't know anything about that at all?—A. No, sir.

Q. You say there was no waste ammunition lying around?—A. No, sir; none whatever.

Q. When you went there you did not see any waste ammunition, did you?—A. No, sir.

Q. Shells, or anything of that kind?—A. No, sir.

Q. On the inspection on the morning of the 14th, the company fell out for the ordinary drill—supposed to be—did it not?—A. Yes, sir.

Q. It was not thought for inspection?—A. No, sir; I don't think anyone knew that it was for inspection, because the regular drill call went.

Q. Did you inspect the guns of your squad that morning before you fell out for drill?—A. No, sir; because I didn't know it was to be inspection.

Q. So that, so far as your guns went, you made no inspection of the guns?—A. No, sir.

Q. And being in charge of quarters, you did not go out with your company?—A. Yes, sir; I went out with the company.

Q. Does not the officer in charge of quarters remain in quarters?—A. I was relieved at that time. I had been relieved. The noncommissioned officer in charge of quarters, the old officer, is relieved every morning in time to drill.

Q. So that you had been relieved at that time?—A. Yes, sir.

Q. And your men, how many were on guard?—A. Five men on guard.

Q. Including the musician?—A. Yes, sir—no, sir; the musician was six; but I mean five men with rifles.

Q. Five men with rifles?—A. Yes, sir.

Q. That is, how many rifles were there in your company?—A. I had 57 rifles turned over to me.

Q. And how many were there still in the hands of the quartermaster sergeant?—A. I don't know, sir.

Q. You had seen them?—A. I couldn't tell anything about the rifles that he had.

Q. Had you seen them?—A. No, sir.

Q. Where did the quartermaster-sergeant keep his rifles?—A. He had a storeroom, and he kept the rifles in that storeroom.

Q. Where did he keep the rifle that was issued to him?—A. He kept his rifle in the storeroom with him, I think.

Q. Don't you know? Who else kept their rifles outside of the gun racks?—A. The first sergeant.

Q. The first sergeant kept his rifle outside, too?—A. Yes, sir.

Q. Where did the first sergeant keep his rifle?—A. In the orderly room, I think.

Q. In the orderly room?—A. Yes, sir.

Q. Who else kept his gun outside of the gun rack?—A. And the company clerk.

Q. The company clerk?—A. Yes, sir.

Q. Where did he keep his rifle?—A. They were all kept in the orderly room.

Q. What?—A. In the orderly room.

Q. In the orderly room?—A. Yes, sir.

Q. And who else?—A. No one else.

Q. There was the quartermaster-sergeant, and the first sergeant, and the company clerk?—A. Yes, sir.

Q. Each one of those kept his own rifle?—A. Yes, sir.

Q. They were not put in the gun racks?—A. No, sir.

Q. How many rifles did you have in the gun racks on the night of the 13th?—A. I had 52.

Q. Fifty-two?—A. Yes, sir.

Q. When you speak of the number of rifles that were issued to you, do you include the rifles of the quartermaster-sergeant and of the first sergeant and of the company clerk?—A. No, sir; I said that I had 57 rifles turned over to me, because those that were out were not turned over to me. I didn't receive them because they were not in the gun racks.

Q. Those three you did not count?—A. No, sir; I only counted the guns in the racks that were locked.

Q. Who else, if anyone, had rifles that were not turned over to you?—A. I don't know of anyone else.

Q. In the morning you fell out and the inspection was held. Without going into the details of that, you say it was made by what officer?—A. By Captain Lyon.

Q. When a man's gun was found not to be in proper condition, he was ordered to step—A. Out of the ranks.

Q. Out of the ranks?—A. Yes, sir.

Q. How many men were ordered to step out of ranks that morning because their guns were not in proper condition?—A. I don't know, but I think five or six men.

Q. Were there not seven?—A. I don't remember the exact number.

Q. Five or six, you think now. When this first inspection was had, before those men were ordered to drop out, how was that inspection made; did the captain go along and a soldier would pass his gun to him and the captain look at it?—A. Yes, sir.

Q. And examine it and pass it back to him?—A. Yes, sir.

Q. No rod was used, then, and no rag, on those guns?—A. No, sir.

Q. But if he found a gun that was not right, that man would be stepped out?—A. Yes, sir.

Q. After those men stepped out of ranks in that way, what became of the rest of the men; did they go to the quarters?—A. No, sir; they stayed there until those men were through.

Q. They did what?—A. They stayed there in ranks until those men were reinspected.

Q. And they were reinspected with the company?—A. No, sir; but the men that were stepped out.

Q. And you remained with them; is that it?—A. With the company; yes, sir.

Q. All you know about that, I assume, is that they rejoined their company afterwards?—A. Yes, sir; and stepped back into ranks.

Q. And stepped back into ranks?—A. Yes, sir.

Q. What kind of ammunition did you have?—A. What kind? I had the new issue ammunition. I don't know the name of it.

Q. Was it a ball cartridge?—A. Ball cartridge; yes, sir—the regular ball cartridge for the new rifle.

Q. For the new rifle?—A. Yes, sir.

Q. Do you know what ammunition the other companies were armed with?—A. No, sir; I don't know what it was. I didn't see any of their ammunition at that time.

Q. At that time; but while you were in Brownsville?—A. I did guard duty with some of the men, and while they did guard duty they were armed with ball cartridge. My company generally drilled with ball cartridge.

Q. But the men you did duty with, the men you were on guard duty with, were members of C Company, were they not?—A. Yes, sir.

Q. And also with members of Company B?—A. Yes, sir.

Q. And members of your own company?—A. Yes, sir.

Q. All those men on guard duty had the ball cartridge?—A. The ball cartridge; yes, sir.

Q. And you had been in Brownsville how long?—A. I don't know. I guess we had been there ten or twelve days.

Q. After the night of the 13th, the night of this shooting, you talked of it a good deal among the men, did you not?—A. After the shooting?

Q. Did you not, after the shooting?—A. Yes, sir.

Q. Of the shooting?—A. Yes, sir; we talked a good deal of it.

Q. What talk did you hear?—A. The men were wondering who did it, and like that, and what was the cause of it, and so forth.

Q. Had you heard any talk before the shooting, any complaints among the men of the way they were treated in Brownsville?—A. No, sir; I never heard any talk of that kind.

Q. Did you hear them say how well they were pleased with their treatment?—A. No, sir; I never heard any talk about it one way or the other.

Q. One way or the other?—A. No, sir.

Q. This shooting that you heard when you were awakened was, as you say, around barracks B?—A. It seemed to be in the rear of B Company barracks, out into the street—that is, just beyond the brick wall.

Q. Yes. That is the street which we call barracks road?—A. Yes, sir.

Q. That road is between the town and the barracks?—A. Yes, sir.

Q. And outside of the brick wall?—A. Yes, sir.

Q. Was that pretty rapid shooting?—A. Yes, sir; it seemed to be pretty rapid.

Q. Did you hear any commands given to cease firing?—A. No, sir.

Q. Or to commence firing?—A. No, sir.

Q. Did you hear anybody say "Come out, you black sons of bitches," or anything of that kind?—A. No, sir; I never heard anything.

Q. You never heard anything of that kind?—A. No, sir.

Q. How many shots did you hear?—A. I couldn't tell. There seemed to be a good many shots, though.

Q. Did you see the flashes of the guns?—A. No, sir; I didn't see them.

Q. Was that shooting toward or from the barracks?—A. I couldn't tell which way it was coming from, but it seemed to be out in the street, though.

Q. About how many persons would you say were engaged in the shooting?—A. I don't know. From the sound I guess there were fifteen to twenty; I couldn't tell much from the sound; it seemed to be a good many. It might not have been so many.

Q. Why could you not tell from the sound?—A. It might have been one man shooting fast; I couldn't tell much from the sound.

Q. Could it have been one man shooting so fast that it seemed like twenty?—A. Not one man shooting so fast that it seemed like twenty, but three or four; I couldn't tell about it from the sound of the shooting.

Q. But that was your best judgment. And did you think at that time which way the shooting was coming from?—A. From the sound of it it was coming from the street.

Q. But the direction they were shooting you will not attempt to say?—A. No, sir; I couldn't tell.

Q. The next morning you heard that they had found shells and clips and things, and it was charged that members of one of the companies, or all of them, had been engaged in the shooting up of the town, did you not?—A. Yes, sir.

Q. I do not expect you went down town after that?—A. No, sir.

Q. Did you look around the fort to see if any shells were there?—
A. No, sir; I did not.

Q. Or if the barracks had been struck at all?—A. Yes, sir; I looked around the barracks.

Q. Who with?—A. Oh, just myself. I saw a hole in the window glass, and I thought maybe a bullet had passed through there, or something, but—

Q. What did you find out about that?—A. It had been broken some other way, I guess. I didn't find the bullet.

Q. So that you did not find any evidence at all of any shot having struck either of the barracks, or any part of them?—A. I didn't just look for that proposedly. I just looked around in rear of D Company's quarters the next morning.

Q. Then, confining it to D Company's quarters, you found no evidence of the quarters having been hit in any way by the shooting?—
A. No, sir; I didn't look all over the barracks, noway; I just looked where I was sleeping.

Q. Did you go to Matamoros often?—A. No, sir; I went there once.

Q. When were you there last before the 13th?—A. I was there on the 12th, I think.

Q. That was on Saturday?—A. Saturday; yes, sir.

Senator FORAKER. It was Sunday. Sunday would be the 12th.

The WITNESS. Yes, sir.

By Senator WARNER:

Q. That was the day after you were paid off?—A. Yes, sir.

Q. Who went with you?—A. I went by myself.

Q. Did you find a good many of your soldiers over there?—A. No, sir; I didn't see any soldiers there.

Q. It was quite a favorite resort for the boys, going across to Matamoros, was it not?—A. There wasn't a great many going over there.

Q. You noticed those soldiers there, how they were dressed—that is, their uniform?—A. No, sir; I never saw them.

Q. You never saw any of the soldiers when you were over there?—
A. No, sir; I saw one or two of the men over in Brownsville, though.

Q. But you did not go to where the soldiers were over in Matamoros?—A. No, sir.

Q. What time did you get back on the 12th?—A. When did I get back on the 12th? I came back over into Brownsville, I guess it was about 6 o'clock that evening.

By Senator OVERMAN:

Q. Were you allowed to go over there without a pass?—A. No, sir.

By Senator FORAKER:

Q. You had a pass?—A. Yes, sir.

By Senator OVERMAN:

Q. So that if there were 15 or 20 soldiers over there on the 13th they all had to have passes, did they not?—A. I couldn't tell about the other men.

Q. I am talking about the rule.—A. Yes, sir.

Q. The requirement?—A. Yes, sir.

Q. Unless they ran away, they would have to be over there on passes?—A. Yes, sir.

By Senator BULKELEY:

Q. Did you have to have a pass to go out in Brownsville?—A. No, sir.

Q. Out of the reservation?—A. No, sir; we didn't have to have any pass to go out into Brownsville.

Q. None at all?—A. No, sir.

By Senator WARNER:

Q. You opened the gun racks in your quarters?—A. Yes, sir.

Q. That was your duty when you heard the call to arms?—A. When the call to arms was sounded; yes, sir.

Q. When it was sounded?—A. Yes, sir.

Q. That was your duty, as being in charge of quarters, the first thing to do, to open the gun racks?—A. Yes, sir.

Q. And you did that?—A. Yes, sir.

Q. Did you have any light?—A. No, sir.

Q. You had no trouble?—A. Yes, sir; I had trouble to get the keys for the locks.

Q. Yes; but you opened the gun racks, and the men got down in time, did they?—A. Yes, sir; a little behind. They didn't get down in time.

Q. Did you hear any shouting, any command?—A. Yes, sir; the captain hollered for the men to hurry down.

Q. That was Captain Lyon?—A. Yes, sir.

Q. Did you go down with the men and fall in line?—A. No, sir; I stayed in quarters.

Q. You didn't go down at all?—A. I went down, but not with the company. I went down after the company had formed, downstairs, to see that everything was all right downstairs in the quarters.

Q. To see that what was all right?—A. To see that the doors were all shut down below, and that everything was all right in the kitchen and dining room and orderly room.

Q. You were inside, where it was your duty to be?—A. Yes, sir.

Q. And you had nothing to do with the company?—A. Nothing to do with the company.

Q. You do not know how many were present, or how many were absent?—A. No, sir.

Q. What do you say?—A. No, sir; I don't know how many was out with the companies.

By Senator OVERMAN:

Q. Did you have any light up in those quarters at any time that night, after you had unlocked the racks?—A. We had a light after the men had returned off the patrol.

Q. Did you notice whether any guns were left in the racks, or not, or were they all gone?—A. After the company left?

Q. Yes.—A. No, sir; they were all gone.

Q. How many men were absent, accounted for, that night?—A. How many men absent, accounted for?

Q. Yes.—A. I think it was nine men.

Q. Nine men?—A. Yes, sir.

Q. Five of them were on guard, as I understand?—A. Yes, sir.

Q. And where were the other four?—A. There were three on pass.

Q. Three on pass?—A. Yes, sir; and one man was down at a shooting competition.

Q. And when you looked, after they had fallen in line, the guns were all gone?—A. Yes, sir.

Q. And when they called the roll that night they were all there except those that were accounted for?—A. Yes, sir.

Q. And those accounted for were the three men absent on pass?—A. Yes, sir; there were three men on pass.

Q. And every rifle was gone out of the racks; you noticed the racks? After they fell in line you were up there, and you noticed the racks, and every rifle was gone out of the racks, I understood you to say?—A. Yes, sir; there was not a rifle left in the racks.

Q. You were there, were you not?—A. Yes, sir.

Q. You were at quarters?—A. Yes, sir.

Q. You had not fallen in?—A. No, sir.

By Senator WARNER:

Q. Where was your rifle?—A. I took my rifle with me.

Q. Where were the rifles of the three men who were on pass?—A. The musician of the guard and some one else took rifles. There wasn't a rifle in the racks.

Q. The musician of the guard and somebody took those three?—A. The musician of the guard didn't have his rifle. His rifle was turned in to the quartermaster-sergeant, so that he took some one else's rifle.

Q. Who took the other two?—A. Some of the other men of the company. There wasn't a rifle left in the racks. And the man away on competition had his rifle with him.

Q. Yes; I know. I am asking about those three.—A. Some of the men on pass came in, all except one of the men who were on pass.

Q. When did they come in?—A. They came in, I guess, when the call to arms sounded. I couldn't tell what time they came in.

Q. Before or after the call to arms?—A. Yes, sir.

Q. You do not pretend to know when they came in, or whether they came in at all or not?—A. Yes, sir; they came in.

Q. What were their names?—A. Sergenat Frazier; he came in.

Q. He was out?—A. Yes, sir.

Q. On pass? Was Sergeant Frazier out on pass?—A. No, sir; I think he was excused.

Q. He was the first sergeant?—A. Yes, sir; he lived in the fort.

Q. But the first sergeant kept his gun out and didn't put it in the rack?—A. Yes, sir.

Q. So that that would not be one of them?—A. No, sir.

Q. Who were the others, now?—A. I don't remember the others. Corporal Hawkins, he was on pass, too.

Q. When did he come in?—A. He didn't come in that night.

Q. Who was the other man who was on pass?—A. I don't remember the other man.

Q. And you don't know who got their guns?—A. No, sir; but they was taken out. I couldn't tell what men taken them.

By Senator FORAKER:

Q. In answer to Senator Warner, a while ago, you stated that all the companies, as you understood it, had ball ammunition at Browns-

ville. Do you know what C Company had?—A. I said that the men I did guard duty with had ball ammunition.

Q. You do not know what the men of the different companies had in the way of ammunition?—A. No, sir.

Q. Each company regulated that for itself?—A. Yes, sir.

Q. That was regulated by the commanding officers of the companies?—A. Yes, sir.

Q. You know that you had ball ammunition in your company—Company D?—A. Yes, sir.

Q. But what they had in the other companies or how many rounds each man had in the other companies is something you do not know anything about, is it not?—A. Yes, sir.

Q. Now, as to your guns; were the guns all there when you looked at the racks?—A. Yes, sir.

Q. Were they all there when you opened the racks after the firing commenced?—A. Was they all there? Yes, sir; they were all there and the racks had never been opened.

Q. You say that the musician—Hoytt Robinson, was it not?—A. Yes, sir.

Q. His gun was kept in the storeroom, locked up?—A. I think it was Hoytt Robinson's, or one of the musician's rifles, was kept in the storeroom. I don't know exactly.

Q. One was kept there?—A. Yes, sir.

Q. Did that man turn out that night, taking a gun out of the gun rack?—A. Yes, sir; both of them were there.

Q. All you know is that the guns were all out of the racks?—A. Yes, sir; I couldn't tell which men had them.

Q. Were those guns all taken out after you unlocked the racks?—A. Yes, sir.

Q. Had any of them been taken out before?—A. No, sir.

Q. Could any of them have been taken out before?—A. No, sir; not without some one breaking the racks open.

Q. Had anybody broken any racks open?—A. No, sir; not in D Company.

Q. The racks were all intact when you opened them?—A. Yes, sir.

Q. When you unlocked each of the four racks, one after the other?—A. Yes, sir.

By Senator Scott:

Q. Where were you born, Corporal?—A. Augusta, Ga.

Q. Where did you enlist from?—A. I enlisted the first time from Augusta.

By Senator Warner:

Q. Hoytt Robinson was the musician of your company?—A. Yes, sir.

Q. You had two musicians?—A. Yes, sir.

Q. On the night of the 13th was Hoytt Robinson out on guard duty?—A. Yes, sir.

Q. And his position was at the guardhouse?—A. At the guardhouse; yes, sir.

Q. So that he was not there at all, was he?—A. He came down to the company after he had sounded the call to arms.

Q. And fell in line with the rest of the company?—A. I don't

know whether he fell in line or not. He went out; I couldn't tell where he went.

Q. But he got a gun?—A. He didn't get a gun when he first came. He came to the quarters after the company had fell in, and asked me for a rifle, and says he didn't want to stay at the guardhouse without a rifle.

Q. He came down to the company?—A. Yes, sir; from the guardhouse.

Q. You got him a rifle?—A. No, sir; the rifles were all gone. He didn't get a rifle when he came and asked me.

Q. The rifles were all gone?—A. Yes, sir.

Q. So that he didn't get a rifle?—A. No, sir.

Q. Who was the other musician?—A. The other musician was Jones. The rifle of one of those musicians was turned in; I don't know exactly which one it was, but I know one of them was turned in, and Hoyt Robinson came to me for a rifle, saying that he was on guard and didn't want to stay on guard without a rifle.

Senator WARNER. That is all.

(Witness excused.)

TESTIMONY OF PRESTON WASHINGTON (COLORED).

(The witness was sworn by Senator Scott.)

By Senator FORAKER:

Q. Give your name in full.—A. Preston Washington.

Q. Did you belong to the Twenty-fifth Infantry?—A. Yes, sir.

Q. What company?—A. C Company.

Q. Were you an officer in C Company?—A. A corporal.

Q. In August of last year?—A. Yes, sir.

Q. Were you with it at Brownsville?—A. Yes, sir.

Q. Do you remember the shooting affray in Brownsville the night of August 13?—A. Yes, sir.

Q. Where were you that night?—A. I was in quarters.

Q. Were you awake or asleep when the firing commenced?—A. Asleep.

Q. You were in C Company's quarters?—A. Yes, sir.

Q. Upstairs or downstairs?—A. Upstairs.

Q. What did you do when you awakened; what was it that awakened you?—A. The shooting.

Q. What did you do when you got awake?—A. I got up and put on my clothes and the call to arms was going.

Q. You heard the call to arms?—A. When the call to arms gone, I got up to see what was going on. There was shooting, and the fellows all was getting up and making a noise, and says, "Fall in; get ready and fall in line downstairs."

Q. Did you succeed in getting your gun or not?—A. No, sir; I couldn't get it right away.

Q. What was the trouble?—A. The man in charge of quarters was down to see the first sergeant about the—

Q. Well, the gun racks were locked?—A. Yes, sir.

Q. You could not get the guns for a time?—A. Yes, sir; they were locked.

Q. How were they opened?—A. One of them was broken open.

Q. You got your gun?—A. Yes, sir.

Q. And went down, and what did you do?—A. I fell in line.

Senator FORAKER. At this point I want to put in evidence the record of this soldier as furnished by the War Department, as found at page 257 of Senate Document No. 155.

The record referred to is as follows:

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.

By Senator FORAKER:

Q. I am going to pass over everything and just go to the main points. Do you know who did that shooting that night?—A. No, sir; I don't know. I think the citizens was doing it. It was coming from the town over the wall.

Q. You think the citizens must have done it?—A. Yes, sir.

Q. Did you have anything to do with it?—A. No, sir; I didn't know anything about it.

Q. You were not out there in the town with your gun shooting at anybody?—A. No, sir; I was not up.

Q. You were not up?—A. No, sir.

Q. You did not go out after you got up, did you?—A. No, sir; we didn't none of us go out.

Q. Do you know of anybody in your company who was out there shooting?—A. No, sir; I don't know of anyone at all.

Q. Do you know of anybody from either of the other companies who had anything to do with that shooting?—A. No, sir.

Q. Have you any knowledge that leads you to suspect anybody in either of the companies of having anything to do with it?—A. No, sir.

Q. Have you refused at any time to tell everybody all you know about this?—A. No, sir.

Q. What kind of ammunition did your company have at that time?—A. We had guard ammunition.

Q. Guard ammunition?—A. Yes, sir.

Q. How long had you been supplied with guard ammunition?—A. We had guard ammunition issued about along the last part of the month and the first.

Q. Between what?—A. Between the last and the first of the month; somewheres along there; I don't know exactly.

Q. You had your muster on the last day of July, a few days after you went there?—A. Yes, sir.

Q. Then when were you supplied with guard ammunition?—A. Right after muster.

Q. Right after your muster?—A. Yes, sir.

Q. How much did you have?—A. Ten.

Q. Ten to each man?—A. Yes, sir.

Q. Did you have any other kind of ammunition?—A. We had that when we left Niobrara; that was taken up.

Q. And then after that you were supplied with these 10 rounds?—Yes, sir.

Q. That was taken up when you were supplied with the 10 rounds?—A. Yes, sir.

Q. Was there anybody in your company, to your knowledge, who had any ammunition except this guard ammunition?—A. No, sir; no one that I knew, because they had orders to go around to each man and turn in.

Q. To do what?—A. To go around and see that each man had nothing but the guard ammunition.

Q. Do you know whether anyone in your company, or any of the soldiers in either of the other companies, could get any surplus ammunition at either Niobrara or Fort Brown?—A. No, sir; no way I could see to get it, because they kept it locked up in the store-room.

Q. Each man was charged with all the ammunition issued to him?—A. Yes, sir.

Q. And he was required to account for it?—A. Yes, sir.

Q. He had to explain what had become of it?—A. Yes, sir.

Q. He could give it away if he wanted to, but he would have to account for it?—A. Yes, sir.

Q. And if it was lost, he had to answer for it; is that right?—A. Yes, sir.

Q. Did you see the officer in charge of quarters that night?—A. The officer in charge of quarters?

Q. Yes.—A. Yes, sir.

Q. When did you see him?—A. He was coming up the steps, sir.

Q. Was the shooting over at that time?—A. No, sir; he was coming up the steps during the shooting.

Q. Was it about the end of the shooting?—A. Yes, sir; somewhere along there. He was coming up during the shooting.

Q. I asked you was it about the time the shooting was through?—A. No, sir; the shooting was not through. The shooting was going on, but it was about all over when he was coming up the steps.

Q. It was about all over when he was coming up the steps?—A. Yes, sir.

Q. How long was that after the call to arms had been sounded?—A. It was still going on, the call to arms was. It sounded about ten minutes; it kept that up about ten minutes, I suppose; something like that.

Q. Then, from the first time the call to arms was sounded it was about ten minutes until you saw Sergeant Brawner coming upstairs?—A. Yes, sir.

Q. Did he have any light, or anything with him?—A. No, sir.

Q. How was he coming up, running or leisurely?—A. No, sir; he was running up the steps. He had been down to see the first sergeant about opening the gun racks.

Q. Had you gotten a gun at that time?—A. No, sir; I hadn't gotten it; and when he had finished coming up the steps the first rack next to the stairway was broken open.

Q. There was a great deal of confusion there?—A. Yes, sir.

Q. And excitement?—A. Yes, sir.

Q. Guns tumbling out on the floor?—A. Some of the sights was broken off on some of them.

Q. Some of the guns were tumbling out on the floor?—A. Yes, sir; tumbling out of the racks. Some one had broken one of them open, and they were hammering.

Q. One of the gun racks was broken open?—A. Yes, sir; and they were hammering on the others.

Q. Did you see those gun racks afterwards?—A. Yes, sir; I seen them after they went to the blacksmith shop.

Q. But you did not see them before that?—A. No, sir; I didn't see them before that; they were taken down.

Q. This shooting was pretty lively, was it not?—A. I don't know whether it was very lively or not. When I woke up I could hear two or three shots.

Q. After you woke up it was pretty lively shooting?—A. Oh, yes, sir.

Q. Where was it?—A. I judge it was along about the middle of the front gate, in front of the fort.

Q. You know where the telegraph office was over there?—A. Yes, sir.

Q. Just across the street from the front of the fort?—A. Yes, sir.

Q. Over in that neighborhood?—A. Yes, sir.

Q. How many people seemed to be engaged in that shooting?—

A. I couldn't tell, sir.

Q. Did you look out of the window or anything to see?—A. No, sir.

Q. You saw no flashes of guns?—A. No, sir.

Q. You could not tell the direction that the shooting came from?—

A. It came from the direction of the gate—the main entrance, it sounded like.

Q. Was the shooting at the barracks or away from the barracks?—

A. I don't know, sir: it sounded like it was out in front of the barracks, outside.

Q. Outside?—A. Yes, sir.

Q. Could you tell from the sound the direction from which they were shooting, whether toward the barracks or toward the town?—

A. It seemed like they were shooting toward the barracks.

Q. Did you make an examination to see if anything hit the barracks—any shots?—A. No, sir; I did not.

Q. At any time at all?—A. No, sir.

Q. You say Sergeant Brawner, in charge of quarters, went down to see the first sergeant?—A. Yes, sir.

Q. He had been in the service a good many years, had he not?—A. Yes, sir.

Q. You knew as a soldier, did you not, Corporal, that the call to arms meant to open the gun racks?—A. Yes, sir.

Q. It meant to permit the men to get the guns at the earliest possible moment?—A. Yes, sir.

Q. Did you have any conversation with Sergeant Brawner?—

A. No, sir; I didn't have no conversation with him at all.

Q. Did you hear him say anything?—A. He says he went down to see the first sergeant about the gun racks.

Q. To whom did he say that?—A. He was talking to Corporal Madison.

Q. Upstairs or downstairs?—A. He was coming up the steps; both of them coming up the steps.

Q. Both of them coming up?—A. Yes, sir.

Q. Corporal Madison and Sergeant Brawner?—A. Yes, sir.

Q. The gun rack had been broken open at that time?—A. One gun rack was broke open about the time he got up the steps, and the rest of them was hammered on. I think he unlocked three.

Q. You were out on guard with members of the other companies at the time you were there—guard duty?—A. I went out after the shooting with them about 2 o'clock.

Q. I know, but during the time you were at Brownsville you were on guard duty?—A. Yes, sir.

Q. And there would be a detail from each company?—A. Yes, sir.

Q. And when on guard duty what ammunition did you have?—

A. We were issued 10 rounds of ball and 10 rounds of guard ammunition.

Q. But when you were on guard duty what would you have?—

A. We had guard ammunition—mixed up.

Q. You had 10 rounds of ball cartridge in your company and 10 rounds of guard cartridge?—A. Do you mean after the shooting was over?

Q. Before the shooting, I was asking you?—A. No, sir.

Q. What kind of ammunition did you have then?—A. Guard ammunition: 10 rounds of guard ammunition.

Q. Guard ammunition?—A. Yes, sir.

Q. Do you know what the other companies had when they were on guard?—A. I don't know, sir, what they had. You see, each company done guard after the shooting; it was done by companies.

Q. But I am speaking about before that time?—A. Before that time?

Q. Yes.—A. They had guard ammunition before that time.

Q. All of the companies had the same, so far as you know, did they not?—A. Yes, sir.

Q. That was customary, was it not, in the battalion?—A. Yes, sir; that was the custom for the commanding officer. He issued that order.

Q. The same ammunition?—A. Yes, sir.

By Senator OVERMAN:

Q. Did you ever see any of the soldiers carrying ammunition in their pockets at any time?—A. No, sir.

Q. Did they ever, at any time, have loose ammunition in their pockets?—A. No, sir.

Q. You never saw any of that, at all?—A. No, sir.

Q. At any time?—A. No, sir.

By Senator WARNER:

Q. You said that you could not tell which way they were shooting?—A. It seemed like it was coming along from the main entrance, the front gate, on the road from the town.

Q. But you could not tell whether they were shooting toward the barracks, or from it?—A. I judged from the town into the fort.

Q. What made you think so?—A. It seemed like you could hear the balls coming that way.

Q. You could hear the balls?—A. Yes, sir.

Q. Did you hear them?—A. It seemed like you could hear something whistling like balls.

Q. You have been a soldier some time. Did you hear balls whistling that night?—A. Yes, sir; I judged I could hear them whistling.

Q. And where were you?—A. I was in my quarters, sir.

Q. And those balls you heard whistling when you were in the quarters—A. Yes, sir; I was in my quarters; but, you see, it was so warm the windows were all up because of the heat.

Q. Yes; I understand. What part of the quarters were you in?—A. I was staying in a little small room, two of us together.

Q. But when you were in this little small room in which part of the barracks were you?—A. I was in the south end of barracks C.

Q. What did you say?—A. In the south end, I think it was.

Q. That was the end, was it, down nearest the gate?—A. Yes, sir.

Q. The south end?—A. Yes, sir.

Q. You were in a little room, and when in that little room were you on the side toward the parade ground or toward the wall?—A. I was toward the wall.

Q. Toward the wall?—A. Yes, sir.

Q. A corner room, next to the wall?—A. Yes, sir; upstairs. I was upstairs.

Q. Were you out of bed when you heard the balls whistling?—A. I was up; getting up, putting on my clothes, sir.

Q. How many balls did you hear?—A. You could hear one now and then.

Q. One now and then?—A. Yes, sir.

Q. Did you ever mention this fact to anybody before?—A. About the shooting?

Q. About hearing the balls whistling.—A. To my company commander, and testified. He asked us questions about it.

Q. And you told him?—A. Yes, sir.

Q. That is when you testified before Captain Lyon?—A. Before Lieutenant Hay.

Q. The next morning you learned that it was charged that members of your battalion had done the shooting up of the town?—A. I don't know; I couldn't tell you anything about it. I was on guard and I didn't get off until about—

Q. Did you hear the next day that that was the case?—A. I heard some say that they thought it was the soldiers done it and others said the citizens.

Q. Some said they thought the soldiers did it?—A. Yes, sir.

Q. Who did you hear say the soldiers did it?—A. The corral boss.

Q. What did he say?—A. That is all that I understood him to say.

Q. What was it that you understood him to say?—A. He said that he heard that the citizens said that the soldiers done it, and they said the citizens done it. That is what he said.

Q. He was telling what he had heard, that was all?—A. Yes, sir.

By Senator OVERMAN:

Q. Did you hear any bullets strike the barracks?—A. No, sir; I never heard any bullets strike the barracks.

Q. Were the bullets going over the barracks?—A. They seemed like they were going over the barracks.

Q. Going over the barracks?—A. Yes, sir.

Q. Over barracks C or B?—A. It looked to me like it was going over between B and C Companies.

Q. Over the house?—A. Yes, sir.

By Senator SCOTT:

Q. Corporal, where were you born?—A. In Lexington, Ky.

Q. You were enlisted where?—A. At Louisville, Ky.

Q. How long had you been in the service?—A. Eight years, one month, and twenty-four days.

Q. Were you ever court-martialed while you were in the service?—A. Yes, sir; once.

Q. For what?—A. In the Philippine Islands, about a saddle. A horse got away from me up in the mountains, and I lost the saddle—a Government saddle.

At 4 o'clock p. m. the committee adjourned until to-morrow, Wednesday, February 27, 1907, at 2 o'clock p. m.

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Wednesday, February 27, 1907.

The committee met at 2 o'clock p. m.

Present: Senators Warren (chairman), Scott, Foraker, Lodge, Hemenway, Bulkeley, Warner, Fulton, Pettus, Blackburn, Taliaferro, and Overman.

TESTIMONY OF JAMES H. BALLARD (COLORED).

(The witness was sworn by the chairman.)

By Senator FORAKER:

Q. Your name is James H. Ballard?—A. Yes, sir.

Q. You were a member of the Twenty-fifth U. S. Infantry in August last?—A. I was, sir.

Q. What company did you belong to?—A. Company D.

Q. Were you with that company at Brownsville in August last?—A. Yes, sir.

Q. You were not among the number who were discharged without honor?—A. No, sir; I was not. My time expired on November 11, 1906.

Q. November 11?—A. Yes, sir.

Q. And you were honorably discharged at the expiration of your term of service?—A. Yes, sir.

Q. What position, if any, did you hold in Company D?—A. Company clerk at that time, sir.

Senator FORAKER. I will state to the members of the committee that, this witness not being one of the members discharged without honor, the War Department has not furnished his official record.

THE WITNESS. I have my necessary record here, my discharges, and also a letter from my captain.

Senator FORAKER. I will be glad to put in your discharges and also this letter.

Senator SCOTT. How long was this man in the service?

Senator FORAKER: I want to find that out.

THE WITNESS. Fourteen years.

By Senator FORAKER:

Q. Where were you first enlisted?—**A.** Washington, D. C.

Q. Of what State are you a native?—**A.** Virginia.

Q. And when was it that you first enlisted; what year?—**A.** July 15, 1891.

Q. 1891?—**A.** Yes, sir.

Q. In what regiment were you enlisted?—**A.** The Twenty-fifth Infantry, sir.

Q. What company?—**A.** Company D.

Q. Has all your service been as a member of Company D?—**A.** No, sir; I have served in other companies.

Q. Is this first paper your first discharge [indicating paper]?—**A.** Yes, sir.

Senator FORAKER. I offer this in evidence. This says that "James H. Ballard, a private of Company D, of the 'Twenty-fifth Infantry, who was enlisted on the 15th day of July, 1891, to serve five years, is hereby honorably discharged from the Army of the United States in consequence of expiration of term of service." and so on, the discharge being in the usual form. At the bottom of the paper, under the head "Character," it says "Very good." I will ask that that be copied in full in the record.

The document referred to is as follows:

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that James H. Ballard, a private of Company D, of the Twenty-fifth Regiment of Infantry, who was enlisted the 15th day of July, 1891, to serve five years, is hereby honorably discharged from the Army of the United States in consequence of expiration of term of service.

Said James H. Ballard was born in Alexandria, in the State of Virginia, is 27½ years of age, 5 feet 0½ inches high, black complexion, black eyes, black hair, and by occupation when enlisted a laborer.

Given under my hand at Fort Custer, Mont., this 14th day of July, in the year of our Lord 1896.

D. PERRY,

Lieutenant-Colonel Tenth Cavalry, Commanding.

Character.—No objection to his being reenlisted is known to exist. Very good.

S. BURKHARDT,

Second Lieutenant, Twenty-fifth Infantry, Commanding Company D.

Military record.—Noncommissioned officer, never; recommendations, none; distinguished service, none; expeditions, none; campaigns, none; previous service, none; marksmanship, 1893-4; sharpshooter, 1896; physical condition when discharged, good; wounds received in service, none; objections to enlistment, none; married or single, single; battles, engagements, etc., none; remarks, service honest and faithful.

S. BURKHARDT,

*Second Lieutenant, Commanding Company D.
Twenty-fifth Infantry.*

Senator FORAKER. The second discharge of the witness is in the regular form. The remark at the end of it is "Excellent." I will ask that that be put in the record in full.

The document referred to is as follows:

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that James H. Ballard, a sergeant of Company I of the Twenty-fifth Regiment of Infantry, who was enlisted on the 5th day of September, 1896, to serve three years is hereby honorably discharged from the Army of the United States by reason of expiration of term of service.

The said James H. Ballard was born in Alexandria, in the State of Virginia, and when enlisted was 27½ years of age, 5 feet 6 inches high, black complexion, brown eyes, black hair, and by occupation a soldier.

Given under my hand at Caloccan, P. I., this 4th day of September, in the year of our Lord 1899.

WM. PARDEE,

Captain, Twenty-fifth Infantry, Commanding First Battalion.

Character.—No objection to reenlistment is known to exist. Excellent.

WM. PARDEE,

Captain, Twenty-fifth Infantry, Commanding Company I.

Military record.—Previous service, five years Company D, Twenty-fifth Infantry, in Company C, Twenty-fifth Infantry, from September 5, 1896, to September 27, 1898.

Noncommissioned officer: Corporal, October 8, 1898; sergeant, July 26, 1899.

Marksmanhip: Sharpshooter, 1896; second class, 1897.

Battles, engagements, skirmishes, expeditions: Spanish-American war; Santiago, July 2, 3, 10, and 11, 1898, in Cuba 1898; battles El Caney, July 1, 1898.

Wounds received in service: None.

Physical condition when discharged: Good.

Married or single: Single.

Remarks: Service honest and faithful.

WM. PARDEE,

Captain, Twenty-fifth Infantry, Commanding Company I.

Senator FORAKER. This is the third discharge. This is in regular form and the remark at the end is "Very good." This is dated the 15th day of October, 1903. I will ask that that be put in the record.

The document referred to is as follows:

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that James H. Ballard, a private of Company L, Twenty-fourth Regiment of Infantry who was enlisted on the 16th day of October, 1900, to serve three years is hereby honorably discharged from the Army of the United States by reason of expiration of term of enlistment. The said James H. Ballard was born in Alexandria, in the State of Virginia, and when enlisted was 31½ years of age, 5 feet 6½ inches high, dark brown complexion, brown eyes, black hair, and by occupation a soldier.

Given under my hand at Fort Missoula, Mont., this 15th day of October, in the year of our Lord 1903.

Z. W. TORREY,

Major, Twenty-fourth Infantry, Commanding Post.

Character.—No objection to reenlistment is known to exist. Very good.

JOHN W. FRENCH,

Captain, Twenty-fourth Infantry, Commanding Company L.

Military record. Previous service: Company D, Twenty-fifth Infantry, 15th July, 1899, to 14th July, 1899; Company I, Twenty-fifth Infantry, 5th September, 1899, to 4th September, 1899.

Noncommissioned officer: Corporal, sergeant to April 17, 1903.
 Marksmanship: First class, 1903.
 Battles, engagements, skirmishes, expeditions: None.
 Wounds received in service: None.
 Physical condition when discharged: Good.
 Married or single: Single.
 Remarks: Service honest and faithful.

JOHN W. FRENCH,
Captain, Twenty-fourth Infantry, Commanding Company L.

Senator FORAKER. This is his last discharge. This is signed by C. W. Penrose, major, Twenty-fifth Infantry, commanding. It is an honorable discharge on expiration of term of enlistment, and under the head of character it says "Excellent." I will ask that that be incorporated in the record.

The document referred to is as follows:

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that James H. Ballard, a corporal of Company D, of the Twenty-fifth Regiment of Infantry, who was enlisted at Washington Barracks, District of Columbia, on the 13th day of November, 1903, to serve three years, is hereby honorably discharged from the Army of the United States by reason of expiration of term of enlistment.

Said James H. Ballard was born in Alexandria, in the State of Virginia, and when enlisted was 34½ years of age, by occupation a soldier, has brown No. 1 eyes, black hair, C. dark complexion, and was 5 feet 6½ inches in height.

Given under my hand at Fort Reno, Okla., this 12th day of November, 1900.

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

Character.—No objection to reenlistment is known to exist. Excellent.

J. A. HIGGINS,
First Lieutenant, Twenty-fifth Infantry, Commanding Company D.

Military record.—Continuous service at date of discharge, six years.

Noncommissioned officer, corporal since September 6, 1900.

Previous service: In Company D, Twenty-fifth Infantry, July 15, 1891, to July 14, 1896; in Company I, Twenty-fifth Infantry, from September 5, 1896, to September 4, 1899; in Company L, Twenty-fourth Infantry, October 16, 1890, to October 15, 1903.

Marksmanship: 1904, first class; 1905, marksman; 1900, sharpshooter.

Battles, engagements, skirmishes, expeditions: None.

Wounds received in service: None.

Physical condition when discharged: Good.

Married or single: Single.

Remarks: Service honest and faithful. Entitled to traveling allowances. No allotment. No deposits. Has been issued part of new uniform.

J. A. HIGGINS,
First Lieutenant, Twenty-fifth Infantry, Commanding Company D.

Senator FORAKER. Here is the letter that the witness has spoken of, and I will read this and ask that it may go in the record also.

The letter referred to is as follows:

To whom it may concern:

James H. Ballard has been known to me for about six years, during the last three of which he was a private and corporal in my Company D, Twenty-fifth Infantry.

I know him to be a man of first-class habits and an excellent soldier. I believe him to be absolutely honest and reliable, and I have the fullest confidence in his honesty and truthfulness.

I am certain in my own mind that he was in no way implicated in the shooting at Brownsville, Tex., of August 13 and 14, 1900, and I believe that had he

any knowledge of the persons connected therein he would have reported the same to me.

I recommend that he be again enlisted in the service of the United States.

SAMUEL P. LYON,

Captain, Twenty-fifth Infantry, Commanding Company D.

Senator BULKELEY. I would like to have inserted in connection with the honorable discharge of this man, dated the 12th day of November, immediately following his honorable discharge of that date, the confidential telegram from The Military Secretary dated November 9, 1906, and found on page 185 of Senate Document No. 155, in which he states:

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.

And at its close saying:

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.

Also, I would like inserted the next telegram, on page 186 of Senate Document No. 155, to The Military Secretary from General McCaskey, dated San Antonio, Tex., November 9, 1906, beginning "Your telegram this date received."

The telegrams referred to are here inserted in the record, as follows:

THE MILITARY SECRETARY'S OFFICE,
Washington, November 8, 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.

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 of 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.

Senator FORAKER. I would like to have inserted, following that immediately, Special Order No. 266, found on pages 183 to 185 of Senate Document 155.

The order referred to is as follows:

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; Corpis. 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, Battler 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, Isalah 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; Corpis. 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 McGulre, jr., Thomas J. 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; Corpis. 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 C. 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 Olso.

Troop O, 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 _____.

(The map was here explained to the witness by Senator Scott.)

By Senator FORAKER:

Q. You were in the Army fourteen years, you say, altogether?—

A. Fourteen years.

Q. Was that service uninterrupted?—A. No, sir.

Q. How much of an interruption was there; I mean was it continuous, or were you out of the service?—A. Yes, sir; I was out of the service one year after I served my second enlistment.

Q. Were you with your regiment in Cuba?—A. Yes, sir.

Q. Were you in any of the battles the regiment was in?—A. Yes, sir.

Q. You were with it where?—A. I was with it in the battle of El Caney and before San Juan on the 2d and 3d, and also the 10th and 11th.

Q. Of July, you mean?—A. Yes, sir.

Q. Were you with the regiment in the Philippines?—A. Yes, sir.

Q. Were you in any engagements of any kind over there?—A. Small skirmishes we had when we first arrived; but I was discharged shortly after I arrived and returned to the United States.

Q. Were you with your company the night of August 18 at Fort Brown?—A. I was, sir.

Q. Where were you when the firing commenced?—A. I was asleep in quarters.

Q. In the barracks of Company D?—A. Yes, sir. At that time there was a room attached to the orderly room, and I was quartered in that room.

Q. That was downstairs?—A. Yes, sir.

Q. A room set aside for the company clerk?—A. Yes, sir.

Q. Did anybody occupy that room with you?—A. The first sergeant, he did; he had a bunk in there; but he was a married man and he had quarters out in the post.

Q. That was Sergeant Frazier?—A. Yes, sir.

Q. Were you asleep or awake when the firing commenced?—A. I was asleep.

Q. What awakened you?—A. The firing.

Q. Start in right there, now, and tell us, as nearly as you can recollect, what occurred.—A. As near as I can recall, sir, there was one shot. I was awakened. I imagined that I heard it when I was awakened, and, as near as I can get at it, it was at least two shots fired. As a rule company clerks, at fire call, or any alarm like that, don't have to leave the quarters. In a short interval after the two shots were fired it began to get more rapid, and I began to think it was something unusual, as I had heard firing before and different alarms about the post. I awakened and began to get on some clothes—to dress. In the meantime I says, "I guess I had better get my belt, too; there is something wrong;" because it was some-

thing unusual to me; I had been in the Army that long; and right through the orderly room I started, and upstairs, and at that time call to arms was going. I heard call to arms.

Q. Before you got upstairs?—A. Yes, sir; before I got upstairs I heard call to arms go.

Q. Did you have your belt in the room where you slept?—A. Yes, sir.

Q. You put that on?—A. I grabbed the belt, too, because I knew it was something unusual.

Q. And you went on upstairs?—A. Yes, sir.

Q. And then what occurred?—A. After going upstairs I began to notice that the men were stirring from all parts of the barracks that I could see, and some one says: "Open the racks; call to arms is going;" and the first man I recollect seeing to know was Corporal Powell, and he was up by the gun racks dressing himself. Some one says, "Open the racks; call to arms is going;" which it was going at the time. I couldn't get a gun out of the first rack, and I waited until the next rack was opened.

Q. Why couldn't you get a gun out of that rack?—A. Because there were so many around the rack you couldn't get to it.

Q. They took all that were there?—A. Yes, sir.

Q. State who Corporal Powell was.—A. He was the noncommissioned officer in charge of quarters at that time.

Q. He held the keys to the gun racks?—A. Yes, sir.

Q. And it was his duty to open the gun racks?—A. Yes, sir.

Q. He opened the first rack?—A. Yes, sir.

Q. And you could not get a gun out of that rack?—A. No, sir; I couldn't get a gun out of that rack.

Q. Then you did what?—A. I waited until he got to the next rack. We had to light a match, time enough for him to get the key into the lock, and then blow it out, so that he could open it and get the guns. Then I got a gun, and when I got my rifle—the first one I got my hands on was the one that I taken—then I made my way downstairs, and there was at least ten or fifteen men, and they were falling in, and I heard the captain say, "Hurry up outside and fall in."

Q. Who was this?—A. Captain Lyon.

Q. He had already arrived?—A. Yes, sir.

Q. What did he say?—A. "Hurry up outside and form in line." By that time the first sergeant, he was there himself. He came over from his quarters.

Q. That was Sergeant Frazier?—A. Yes, sir; Sergeant Frazier. So he said, "Sergeant, go up and get those men out as quick as possible," and we formed in line in front of the barracks, and during that time the shooting was going on at the same time.

Q. That is, you were forming the company while the firing was still continuing?—A. Yes, sir.

Q. When did the firing cease, with reference to the formation of the company?—A. As near as I can get at that, sir, it ceased previous to the order that Captain Lyon received to take his company in rear of his quarters and deploy it along the wall.

Q. That was the first order he got?—A. Yes, sir.

Q. He got that from whom?—A. From Major Penrose; Maj. C. W. Penrose.

Q. Major Penrose?—A. Yes, sir.

Senator BLACKBURN. Did I understand the witness to say that the firing had ceased?

Senator FORAKER. He said it had ceased before they went around.

Senator BLACKBURN. Before the order was given to go around in the rear and deploy?

The WITNESS. Yes, sir.

By Senator FORAKER:

Q. Now, I am trying to find out whether it ceased before the roll was called. Did you get your company formed?—A. The company was formed and they were counted off. The roll was not called. The captain was down in front of the company and counted it himself.

Q. What was the result of that count?—A. The company was present and accounted for.

Q. Where did you stand with reference to the company when it was formed? Were you in the ranks?—A. I was in the ranks, and in the third set of fours.

Q. Where?—A. In the third squad.

Q. In the third squad? That would be how far from the right?—

A. The third squad from the right.

Q. There are eight men in a squad?—A. Yes, sir; eight men in a squad

Q. That would be 16 in two squads. Sixteen men were to the right of you?—A. Yes, sir.

Q. And also some of your own squad, possibly?—A. Yes, sir.

Q. Senator Scott suggests a question which causes me to repeat. He wants to understand distinctly whether you did this counting off before the firing ceased?—A. If we counted off before the firing ceased?

By Senator SCOTT:

Q. Was the firing going on while you were counting off?—A. While we were counting off?

By Senator FORAKER:

Q. Forming your company?—A. No, sir; the firing was not going on while we were counting off. We were about to leave then, and he had received the order from the major to move his company in the rear of the quarters.

Q. What happened next after what you have last narrated?—A. We moved by squads in this direction [indicating], and formed in the rear, here.

Senator TALIAFERRO. That is B barracks that he has there.

By Senator FORAKER:

Q. D barracks is below the gate?—A. We moved by squads in this direction [indicating on map] and when we got here he gave his proper command and we moved and taken our position over here, from here to here [indicating on map].

Q. Behind the wall?—A. Yes, sir.

Q. You stayed there how long?—A. We stayed there, sir, I should judge, between a half and three-quarters of an hour.

Q. Then what did you do?—A. Then we had orders—you under-

stand I didn't get the order, but the captain received the order—we had orders to remove and patrol the town.

Q. And you did that?—A. Yes, sir.

Q. We have been all over that, so that we will not go over it again. You were gone half or three-quarters of an hour patrolling the town?—A. It seemed so; yes, sir.

Q. And then you returned to the reservation, as I understand it?—A. Yes, sir.

Q. Where did you take up a position then?—A. Inside of the gate, on the reservation.

Q. How long did you remain there?—A. About three-quarters of an hour.

Q. Then what did you do?—A. Then we were ordered—he was ordered—to dismiss his company and to put away the arms and have the arms securely locked up, and the men would retire.

Q. Was that done?—A. Yes, sir.

Q. Where were the guns locked up?—A. In the racks.

Q. In the racks?—A. Yes, sir.

Q. Do you know whether they were all returned, or did you have anything to do with that?—A. I can't say that they were all returned, but I do believe so, sir.

Q. Were the lights put out, and did the men go to bed?—A. Yes, sir; the lights were put out and the men went to bed.

Q. What next happened?—A. We woke up the next morning, and the usual drill call was sounded.

Q. Everything went along as usual until you came to the drill call?—A. Yes, sir.

Q. We have been over that. What happened then?—A. We were to fall out for drill call, except the necessary men that were excused from these different drills, and after the call was sounded and those men fell out, the captain issued orders that everybody would attend this call.

Q. Everybody?—A. That everybody would attend this call.

Q. And that brought into ranks what people?—A. Every man about the quarters.

Q. Who are those people?—A. The cooks, which were excused—one cook had been previously excused—and the room orderly, and the company clerk, which was myself; but I turned out to drill anyway.

Q. Yes.—A. And everybody about the quarters, noncommissioned officer in charge of quarters, and all about the quarters. His orders was that everybody should attend this drill.

Q. Then what happened?—A. Then he proceeded, and instead of drill it was inspection.

Q. Who did that inspecting?—A. Captain Lyon himself.

Q. Was that a careful inspection or otherwise?—A. Yes, sir; he gave his usual orders, and the company was formed in the usual way for inspection, that is, to open ranks, and he taken each individual's gun and inspected it close, very close, himself, something that I never saw him do before, and I have been under him some time. He taken the bolt from each gun and examined it thoroughly, and also the chamber of the rifle, and in the barrel.

Q. He looked through the barrel?—A. Yes, sir; and he stepped out at least five or six men which he doubted.

Q. That is, there were that number of men whose guns he did not pass?—A. Yes, sir.

Q. And he stepped the men carrying those guns out of ranks?—A. Yes, sir. After doing so he ordered the quartermaster sergeant to give him some clean rags and a rod. He passed those pieces of clean rags through these rifles, and taken them up and examined them thoroughly, and also he put them to his nose to smell them [witness indicating].

Q. He smelled the rags?—A. Yes, sir.

Q. What for; do you know?—A. I suppose his ideas was to be sure that these guns hadn't been fired.

Q. Can you smell powder; that is what I want to get at?—A. Yes, sir; if you fire one of these rifles, you can smell the powder.

Q. That is what it was for? I only wanted to get it in the record.—A. Yes, sir.

Q. He not only had the rags passed through the guns and examined them, but smelled them also?—A. Yes, sir; he was very careful about it.

Q. What was the result? Did he find any dirty guns?—A. No, sir.

Q. Any guns with powder in them?—A. No, sir.

Q. Did he find any guns that indicated that they had been fired?—A. No, sir.

Q. Now we come to the cleaning of a gun. Can you tell us how long it takes to clean one of these guns?—A. Well, sir, I have cleaned quite a few rifles in my time in the service, and I should judge—

Q. How many different kinds of rifles have you had?—A. I have had the old Springfield, and the Krag-Jørgensen, and also this late United States magazine rifle.

Q. That is the Springfield magazine rifle, you mean?—A. Yes, sir; the present gun, that we are using now.

Q. The gun that you are using now?—A. Yes, sir.

Q. That is what you had at Brownsville?—A. Yes, sir.

Q. You have cleaned all these different kinds of guns?—A. Yes, sir.

Q. How long does it take to clean this gun?—A. For an officer, for an ordinary inspection of the rifle, it takes me twenty minutes. I couldn't clean one under twenty minutes to save my life—that is, to pass inspection.

Q. Could you clean one of these guns unless you had all the facilities for cleaning it, such as a cleaning rod and other necessary facilities?—A. The present rifle that we are using now?

Q. Yes.—A. No, sir; I could not clean it in less than twenty minutes.

Q. Could you clean it without having this cleaning rod and these rags, and so on?—A. No, sir.

Q. In other words, could you clean it by simply drawing that thong brush they provide you with through the barrel? Would that clean it?—A. I have had considerable experience with that. You would never clean a gun with that thing.

Q. That would not answer at all?—A. No, sir; not in this gun.

Q. What do you have to do in order to satisfactorily clean one of these guns after it has been fired, so that it will pass such an inspection as you had that morning?—A. The Ordnance Department issues

a sort of stuff they call "sal soda," and you have to use water with it, and you always use this in cleaning the gun, and afterwards we dry it and oil it with the rod; but the thong brush, I never used that, because it was useless. It taken up time, and then it didn't prove to be what it was supposed to be.

Q. Was your experience in that respect the experience, if you know, of other enlisted men with whom you served?—A. Yes, sir; very few men you ever saw use the thong brush.

Q. Then, after you cleaned the barrel by the use of sal soda, and so forth, you had to clean the chamber, didn't you, and that involved what?—A. A cartridge being discharged. You can see there is a slight change where the powder would make a smoke; you would find that into the bore of the gun.

Q. In the bolt of the gun, you say?—A. In the bore.

Q. In the bore of the gun?—A. Yes, sir; and on the side you will find they have a little hole—

Q. Please illustrate by the use of this gun we have here what is necessary in the cleaning of it.—A. Yes, sir. When this rifle is discharged this hole here, I suppose, is for the purpose of allowing the foul air to escape.

Q. That is a little hole on the side of the barrel, is it?—A. Yes, sir; near the bore.

Q. Near the bore?—A. Yes, sir; in those crevices—

By Senator TALIAFERRO:

Q. That is really the chamber, is it not?—A. Yes, sir; the chamber. We call it the bore. In these crevices you will find that it collects something like condensed smoke, and that makes that foul, and that has to be cleaned.

By Senator FORAKER:

Q. Does that adhere closely or is it easily taken off?—A. It is not easily taken off; no, sir; because you have to do a good bit of work before you can get in these little places and get them cleaned; but you will find that after the rifle has been discharged, you will find out that in there where that smoke escapes it will form, almost the same as it would in the barrel after the bullet has passed through, and it requires quite a bit of attention to get it out.

Q. Do you have to use a stick or anything of that kind?—A. Yes, sir; we use sticks, and the same as you get a little piece of wire and sharpen it on the end for the purpose of gouging into these little places that we couldn't get into with something that is more blunt.

Q. That takes time?—A. Yes, sir.

Q. And you have to be able to see, in order to get into those crevices?—A. Yes, sir; you remove the bolt and the floor plate.

Q. You have to remove all that?—A. Yes, sir; and the magazine.

Q. And then you dismount the bolt. Is that necessary in cleaning a gun?—A. Yes, sir; I have always done it in my cleaning.

Q. What is involved in dismounting the bolt? Just illustrate.

(The witness here removed the bolt from the gun.)

Q. Now, you have taken the bolt out?—A. Yes, sir. After firing a cartridge, also, sir, you will find that that will be foul.

Q. Is that where the firing pin is?—A. Yes, sir; the firing pin.

Q. That is round about the firing pin; that will be foul?—A. Yes, sir.

Q. How does that happen, when the firing pin simply strikes the head of the cartridge and only makes an indentation and does not make a hole clear through?—A. Well, I suppose from this primer in the cartridge exploding, this foul smoke that I have before spoken of, you will find that to clog there also, and that needs cleaning.

Q. You have to clean that?—A. Yes, sir.

Q. How do you dismount that bolt?—A. Dismount this bolt?

Q. Yes; just dismount it.—A. To dismount the bolt it has to be half-cocked or cocked, at least. You take it in that manner, and this little spring here, we press on that and begin to turn it to the left, and there it is [taking bolt apart].

Q. Then you take it apart?—A. Yes, sir.

Q. Is it necessary to take it apart that way to thoroughly clean the rifle after it has been fired, so that it will pass a rigid inspection?—A. Yes, sir; we usually did that in order that we might keep the spring and other parts in here greased, for the purpose of firing, and to keep the gun in perfect order.

Q. Would a gun pass inspection if you did not clean it in that way?—A. If we don't clean it in that way?

Q. Yes.—A. No, sir; because you couldn't tell what time an officer was going to have this taken out of its place and examine it.

Q. I suppose there are many times when an officer does not take a bolt apart in that way?—A. Yes, sir; there are many times when he does not.

Q. But he is liable to take it apart in that way?—A. Yes, sir; any experienced soldier will always have that in perfect shape.

Q. It is not safe to assume that an officer will not do that?—A. No, sir; and they keep it in shape.

Q. He is likely to do it at any time?—A. Yes, sir; and you will find that any experienced soldier will have that in that shape.

Q. Do soldiers, when they clean their guns for Saturday inspection, always do that?—A. Yes, sir.

Q. Now, could you do that in the dark—in the nighttime—without any light?—A. No, sir; you wouldn't dare to take it out without any light.

Q. Why?—A. This spring is very powerful. There would be no way that a man could take that spring out there in the night or get that back; to save his life he couldn't do it; and it is very seldom that a man will take that out. He will only take the bolt out to examine it, and when he finds that it is dirty or otherwise he will clean it, and a good soldier always keeps anything like that in perfect order.

Q. Could a man clean out those crevices that you have called our attention to a moment ago that were found in the chamber in the dark, with any assurance of getting them clean?—A. No, sir; he could not.

Q. That will do for that. Is your observation as to the time taken by other enlisted men the same as that with reference to the time necessary in your own experience for cleaning a gun?—A. Yes, sir.

Q. It takes other men the same time that it does you?—A. Yes, sir; and maybe some others it will take more.

Q. Perhaps it will take more?—A. Yes, sir.

Q. A man has to be at least an average expert, I suppose, in order to clean it in the time you have indicated?—A. Yes, sir.

Q. Was there any time after your company was formed in front of the barracks, while the firing was going on, until these guns were inspected in the morning, when the men of Company D could have cleaned their guns?—A. No, sir.

Q. So that they would have passed inspection, if they had been fired that night?—A. No, sir; no, sir.

Q. Was there any convenience anywhere near them for cleaning guns, such as water and sal soda and clean rags and rods, and so on?—A. No, sir; such wasn't thought of at that time.

Q. While they were out of barracks?—A. No, sir.

Q. Now, do you know who did this shooting at Brownsville?—A. I do not, sir.

Q. Did you have anything to do with it?—A. I did not, sir.

Q. You were not out there with your gun shooting up the town that night?—A. No, sir.

Q. Do you know of anybody in your company who had anything to do with it?—A. I do not.

Q. Or in Company B or in Company C?—A. I do not, sir.

Q. Have you any knowledge that leads you to suspect anybody in either one of these companies of being guilty of that?—A. I have not, sir.

Q. Have you ever refused to tell everything you knew about this trouble?—A. No, sir; I have not; I have told everything heretofore that I know about the matter.

Q. You were company clerk. Can you tell us about the ammunition of your company, whether or not it was all accounted for; and if so, in what way?—A. I made the returns for the company for the year ending June 30, 1906.

Q. You made the returns for Company D?—A. Yes, sir.

Q. Dated June 30, I suppose that would be?—A. 1906; yes, sir.

Q. You made all those returns?—A. Yes, sir.

Q. They are sworn to by whom? I have put the ammunition returns for your company in evidence.

Senator BLACKBURN. I do not think those returns are sworn to.

Senator FORAKER. Yes; they are all of them sworn to.

Senator BLACKBURN. You always verified those returns by your oath?

The WITNESS. Not by my oath, sir. I make the returns and the captain of the company signs them. He is responsible.

By Senator FORAKER:

Q. At page 276 of our record is printed the semiannual return of ordnance and ordnance stores received, issued, and remaining on hand in Company D, Twenty-fifth Regiment of Infantry, commanded by Capt. S. P. Lyon, Twenty-fifth Infantry, during the half year ended June 30, 1906. I will show this to you.—A. Yes, sir.

Q. This is only the ammunition part of your return. On the semiannual returns you have your entire property account, do you not?—A. Yes, sir.

Q. You show in that return what each company is chargeable with, not only in the way of ammunition, but everything else?—A. Yes, sir; pertaining to ordnance.

Q. Knives, forks, and plates, and so on?—A. Yes, sir.

Q. Everything is eliminated in what we have printed in the record here, except the part showing ammunition transactions. This is from the War Department [handing to the witness a copy of page 276 of the record]. I wish you would look at that.—A. Yes, sir.

Q. You may not recognize it there, but that report, whatever it may be—we will assume that it is correct, now, and not undertake to analyze it—was prepared by you?—A. Yes, sir.

Q. Did you or not verify all the statements in this report as to ammunition?—A. As to ammunition?

Q. Yes.—A. That was not necessary. The quartermaster-sergeant did that himself, in the presence of the captain.

Q. That is done by the quartermaster-sergeant?—A. Yes, sir; in the presence of the captain.

Q. He has testified as to that. You put in the figures furnished you by the quartermaster-sergeant?—A. Yes, sir.

Senator FORAKER. This is sworn to.

Senator BLACKBURN. Not by him, though.

Senator FORAKER. Not by him.

By Senator FORAKER:

Q. You simply prepared it for the captain?—A. Yes, sir.

Q. Do you know what Captain Lyon's habit was as to verifying everything in his reports?—A. He was very strict in that matter. He is very careful.

Q. He is noted, is he not, for being a very careful, capable, competent officer?—A. Yes, sir.

Q. I do not need to put that return in evidence, because it is already in evidence. Now, can you tell us whether or not there was any place at Niobrara or at Fort Brown where these companies could get any surplus ammunition?—A. Well, sir; there is no way that an enlisted man can retain any ammunition in excess, because you have your regular amount, which was twenty rounds, issued to you; and in target season, in firing you always have a noncommissioned officer to pass your ammunition to you at the time you are firing, and you don't get it before, and that is did in the presence of an officer, a commissioned officer; and should you miss firing a cartridge, you will return that and get another one for it.

Q. That is, should a cartridge refuse to explode, you mean?—A. Yes, sir; if a cartridge don't explode, you return it and get another in its place.

Q. Those are the rules and regulations?—A. Yes, sir.

Q. And an enlisted man who is engaged in target firing could not violate those rules, except in the presence of an officer, or without running the risk of being court-martialed?—A. No, sir.

Q. He would be punished, if found filching any cartridges?—A. Yes, sir; he is not allowed to take a cartridge from where they have the box of ammunition without the permission of a commissioned officer, and he is there present.

Q. And if he should succeed in getting any surplus ammunition, it would be only because he had violated these rules in some way?—A. Yes, sir.

Q. And if caught at it, he would be punished?—A. Yes, sir.

Q. So that he could get any surplus ammunition only by taking the risk of that?—A. Yes, sir; but I don't think he would get it in that way; no way for him to get it.

Q. Now, it was stated by somebody that sometimes cartridges are lost; I suppose that is true, is it?—A. Yes, sir. Sometimes a man may naturally lose a clip, or give it away to some one.

Q. A soldier may give away a cartridge?—A. Yes, sir; that is often did.

Q. And when he does, he is charged up with those cartridges?—A. Yes, sir.

Q. And is required also to give an account of it?—A. Yes, sir.

Q. Is he allowed to give his ammunition away?—A. No, sir.

Q. And if he does, he is punished for it?—A. Yes, sir.

Q. And if he does give his cartridges away, he is violating the orders and is liable to be dealt with accordingly, as I understand you?—A. Yes, sir.

Senator FORAKER. I believe that is all I want to ask this witness at this time. I may think of something else before you get through.

By Senator BULKELEY:

Q. When were you discharged?—A. November 12, 1906.

Q. You were honorably discharged, then?—A. Yes, sir.

Q. Was there any question made at that time or before the time you were discharged about your participation in this Brownsville shooting up?—A. Yes, sir; I made a statement to Lieutenant-Colonel Lovering.

Q. But when your time expired and you applied for your discharge, was there any question made about your having an honorable discharge on account of this affray at Brownsville?—A. No, sir.

Q. So that between the 13th of August and—A. And the 12th day of November.

Q. What day of November were you discharged?—A. The 12th of November.

Q. And the 12th day of November, when you got an honorable discharge, there was no question raised in any way whatever about your participation in this affray or about your being entitled to an honorable discharge in this way?

Senator BLACKBURN. You say an honorable discharge. He did not get an honorable discharge, did you?

The WITNESS. Yes, sir.

Senator FORAKER. Yes; he was honorably discharged on the 12th of November.

Senator BLACKBURN. That is what I am asking him.

Senator FORAKER. He was honorably discharged.

By Senator TALIAFERRO:

Q. Did you reenlist?—A. No, sir; I did not.

Q. Did you apply for reenlistment?—A. No, sir; I did not.

Q. You are not going into the Army again—right away?—A. I can't say about that, sir. I can't say whether I will or not.

Q. Do you know—excuse me; Senator Foraker wants to ask you a question.

Senator FORAKER. Go ahead.

The WITNESS. I say I don't know whether I will or not. You asked me whether I would reenlist or not?

Senator TALIAFERRO. I asked you that.

The WITNESS. I say I don't know whether I will or not.

By Senator TALIAFERRO:

Q. There is no reason why you should not reenlist, if you desire to?—A. My name appeared in the S. O. 266, War Department; my name appears there and I couldn't reenlist. It wouldn't be necessary for me to apply for reenlistment, because it would be no use.

Q. I am asking you that question; I am trying to get at that fact. What is there to prevent your reenlistment?—A. S. O. 266.

Q. "S. O." means "Standing Order?"—A. It is "Special Order 266."

Senator FORAKER. In that special order they named the men to be discharged without honor, but before that order reached El Reno he had been honorably discharged.

The WITNESS. That is it, sir.

Senator BULKELEY. The order discharging him honorably has never been revoked, has it?

Senator WARNER. They could not revoke that.

Senator BULKELEY. But when he is out of the Army with an honorable discharge how could you prevent his reenlistment?

Senator FORAKER. Prevent his going back?

Senator BULKELEY. How can you discharge him with honor and prevent his reenlisting?

Senator FORAKER. He has been honorably discharged. He was honorably discharged after the order had been issued for him to be discharged without honor. There is an order to discharge him without honor, but he was already honorably discharged before the order reached there, but a little thing like that does not cut any figure in this, because we have had two men on the stand who were honorably discharged and then reenlisted, and then after that were discharged without honor.

Senator BULKELEY. What I was trying to ascertain was, if a man is out of the Army and has not reenlisted, if he has an honorable discharge, how are you going to discharge him without honor?

Senator WARNER. His term of enlistment had expired, and he was entitled to a discharge, and he was given a discharge by the commanding officer. But after that, or in the meantime, this special order was issued, but he was already honorably discharged before the special order got there.

Senator FORAKER. That is true. He has already narrated it.

By Senator BLACKBURN:

Q. What was the character of the inspection Captain Lyon made that morning?—A. I have been around at a number of his inspections, and he was more careful that morning than ever I had known him to be.

Q. Do you know what reason he had for it?—A. Yes, sir; I suppose trying to find out whether any of his men had taken part in what was supposed to have been the shooting up of the town of Brownsville.

Q. You watched his inspection that morning?—A. I did, sir; carefully.

Q. Did he dismount every bolt in every rifle?—A. Extracted every bolt as I did here, sir, from every rifle.

Q. Did he dismount the bolt so as to get at the spring inside?—A. No, sir; he did not dismount every one.

Q. You dismounted this one?—A. Yes, sir.

Q. Did he dismount every one?—A. No, sir.

Q. Then his inspection did not go as far as yours did in handling the gun?—A. In regard to dismounting the bolt, no, sir; but otherwise, taking the bolt from the gun, it did.

Q. How often do you all clean your rifles?—A. As a rule, in target season, we clean them every day.

Q. Every day?—A. Yes, sir; after firing. But when we don't have to attend target practice we clean them once a week, for Saturday inspection.

Q. Do you all clean them at the same time?—A. Oh, no, sir. You will go through the quarters, and you will find a man cleaning his gun at any day.

Q. Do you find no inconvenience for lack of gun rods? There are but four gun rods allowed to a company?—A. Four gun rods.

Q. Does it not keep them pretty busy? A man never cleans his rifle without using a gun rod, you say?—A. Yes, sir; but as a rule you will find among soldiers that this brass rod here is used; you will find maybe three or four men in a squad will use it; but you will find that telegraph wire will make a better rod than this rod, and you will find two or three of those in the squad.

Q. Then the companies do not rely on the four rods issued to them?—A. No, sir; you couldn't.

Q. You improvise your rods?—A. Yes, sir.

Q. Did you have one of these improvised rods?—A. No, sir; but I used to borrow one whenever I wanted it.

Q. But I understood you to say that a rifle is never cleaned except with a gun rod.—A. There would be no way you could clean a rifle with a thong brush, after being fired, like you have in the butt of the gun. You never could get it clean with that; so that in consequence we prepared rods.

Q. Then, as I asked you before, is it not a mistake to have only four gun rods to a whole company? Ought there not to be as many gun rods as there are rifles?—A. I suppose so, sir; there should be.

Q. Another thing. You were interrogated by Senator Foraker with reference to the opportunities for getting possession of ammunition in addition to that regularly issued.—A. Yes, sir.

Q. I understood you to say that it was not possible for an enlisted man to do it, because the commissioned officer would have to be aware of it if he did.—A. Yes, sir.

Q. Who keeps the ammunition? In whose custody is it?—A. The quartermaster-sergeant of the company keeps all ammunition into the storeroom under lock.

Q. He is a noncommissioned officer?—A. Yes, sir; the quartermaster-sergeant of each company.

Q. So that it is a fact, is it not, that all of this ammunition is always practically in the keeping and custody of a noncommissioned officer of the company?—A. Yes, sir.

Q. Is there anything to keep a noncommissioned officer from getting possession of it?—A. Well, I know in my organization, sir, that my captain, S. P. Lyon, was a man that was very strict about all his ordnance, and his quartermaster-sergeant was also very strict about ordnance; but I do know that there has been men gone up to him and wanted to be admitted into the ordnance room where he kept this stuff at, and has been refused. I know that.

Q. But that quartermaster sergeant is a noncommissioned officer, is he not?—A. Yes, sir.

Q. He has charge of the ammunition?—A. Yes, sir; as I said before, he had the keys in his room.

Q. He holds it in his possession?—A. Yes, sir.

Q. He could use it if he wanted to, could he not?—A. Yes, sir; I suppose he could.

Q. Then, as I understand you, when you say that an enlisted man could not get possession of any more ammunition than was issued to him and he became accountable for, you do not mean to include in that all of the noncommissioned officers of the company?—A. Well, he is the man that has the keys over the ammunition.

Q. One of the noncommissioned officers?—A. Yes, sir.

Q. Of course it is in his hands?—A. Yes, sir.

Q. And he can get at it any time he wants to?—A. But any other enlisted man through the company, it would be impossible for him to get any of that ammunition, except it was an order from an officer that he should have it, or otherwise.

Q. That is what I am trying to get at. Then I understand you to say that when you say it was impossible for an enlisted man to get at the ammunition surreptitiously, you do not mean to include in that the noncommissioned officers of the company, but the men other than the noncommissioned officers?—A. Other than that man, the quartermaster-sergeant, that has the keys.

Q. How long have you been in the Army?—A. Fourteen years.

Q. Did you ever give away any of your ammunition while you were in the Army?—A. Well, traveling south in the Spanish-American war we usually used to take a few cartridges and give them to people in passing.

Q. To be used as curiosities, and you just gave them away in passing?—A. Yes, sir.

Q. Or as mementoes, or something of that sort?—A. Yes, sir. Otherwise I don't remember ever giving away any ammunition.

Q. When you threw away that ammunition did you account for it?—A. Yes, sir.

Q. How?—A. All that I came out short of it was charged to me.

Q. How did they make that charge—in what way?—A. The quartermaster-sergeant has to go around—that is his business, to go around—and find out, with the company commander, that each and every man has his correct amount of ammunition. If he has not, it is charged to him on his muster and pay roll.

Q. How much for each cartridge?—A. For this ammunition I think you will find it will be about $3\frac{1}{2}$ cents.

By Senator FORAKER:

Q. For each cartridge?—A. Yes, sir.

By Senator TALIAFERRO:

Q. Is there any other penalty for the loss or disposition you might make of your cartridges? Is there any other penalty besides that charge?—A. You will find in many cases—

Q. I am speaking of your own case, your own knowledge of the conditions in the Army.—A. It says that a man who disposes of his equipments or arms or anything of that kind, through neglect, will be tried by court-martial; but in many cases you will always find that a man will simply pay for what he is short of, and that is all.

Q. Suppose that while at Fort Brown you had lost or given away a dozen of your cartridges, and on inspection it had been discovered that those cartridges were short.—A. Yes, sir.

Q. What would they have done?—A. I would have been charged with them.

Q. As lost through neglect?—A. Lost through neglect; yes, sir.

Q. You would then explain to them that you had given them away, and explain to the officers that you had given them away or had lost them marching through the town or on the parade ground, and I suppose they would merely charge you for the loss of the cartridges?—A. Charge me, lost through neglect.

Q. So that, as a matter of fact, there is no trouble to get possession of this ammunition and to use it as you choose privately, personally, so long as you are willing to pay for it?—A. Oh, no, sir; I don't understand you there.

(The question was repeated by the stenographer.)

A. I will not say that, sir.

By Senator TALIAFERRO:

Q. What would you say? I understood you to say that if you lost cartridges or gave them away you were charged for them about 3½ cents each?—A. Yes, sir.

Q. And that if you paid for them when your settlement came around, that was the end of it?—A. Yes, sir.

Q. Then what is your objection to that statement?—A. You seem to impress—the way I understand that there, sir, you seem to want to impress upon me that if some one did get this ammunition at Brownsville or some other place, you seem to want to think that it was ammunition gotten there; that is the way I understand you to say.

Q. You are very much mistaken, Corporal. I am trying to get at the facts of your own experience and observation and knowledge of the usage in the Army about this ammunition. You must not permit your suspicion that I am trying to connect you up with this shooting to make you shy of giving your testimony.—A. Yes, sir.

Q. Now, I repeat, in accordance with my understanding of your statement, you can use that ammunition personally, and when you are found short you can either say to the officer, "I lost it," or "I used it," and you are charged for it?—A. Exactly, sir.

Q. And you are responsible, and you pay for it?—A. Exactly, sir.

Q. That is what I understood you to say before.—A. Yes, sir.

Q. So that if these men at Brownsville, or at Niobrara, or at Fort Sam Houston, wanted to get ammunition to use, ammunition belonging to the Government, they could always use it by paying for it?—

A. Why, yes, sir; a certain amount of ammunition he had on hand, and all that he was short of he would have to pay for.

Q. Yes.—A. Yes, sir.

Q. Now, Corporal, you said a moment ago that a noncommissioned officer was in charge of the ammunition. You did not mean to include in that, did you, the ammunition that had been issued to you for general use—the ammunition that was in your belt?—A. No, sir; that is not in charge of a noncommissioned officer. You are in charge of that yourself. He is only in charge of that which he has under lock and key.

Q. You were at the inspection on the morning of the 14th?—A. I was, sir.

Q. And Captain Lyon, I understood you to say, made a very rigid inspection?—A. He did, sir; something I never saw him do before.

Q. He took each man's gun in his own hands and looked through the barrel?—A. Yes, sir; he did.

Q. He took the bolt entirely out of the gun and looked at that?—A. He did.

Q. He didn't dismount the bolt—did not take the spring out of the bolt?—A. No, sir; he didn't take the firing pin out.

Q. Were any of the guns supposed to be not as clean as they should be, as the result of that inspection?—A. About five of those he stepped to the front, that was inspected, and he reinspected them by running clean rags through them.

Q. He did not use the rags in the general inspection?—A. No, sir.

Q. Do you remember the individuals that he marched to the front for special inspection?—A. I do not, sir.

Q. Do you remember any of them?—A. No, sir; I don't, because we were to attention for inspection, and you daresn't turn around or move your head.

Q. If I should mention any of them, you would have no means of recalling whether they were among those men or not?—A. No, sir.

Q. You could not turn to the right or the left?—A. No, sir; we were at attention.

Q. How do you know that he took each gun and looked through the barrel if you could not turn your head or look at them? You testified with great particularity to that.—A. You will find that a soldier, in length of time, he can always stand in line, and you don't have to cast your head to the right or the left, but you can tell the time an officer takes a rifle; in generally, when you find him take a rifle you always step back a few paces, like that [witness indicating]. You could easily turn your eyes to the right or the left and see him.

Q. Could you not turn your eyes to the right or to the left to see who a man was that was stepped out of ranks as easily as you could to see a man whose gun was being inspected?—A. The officer would always have them stepped back out of ranks.

Q. Stepped back out of ranks?—A. Yes, sir.

Q. Have you not testified here this morning that these men were stepped to the front?—A. Stepped to the front?

Q. Yes.—A. I don't remember saying that they were stepped to the front. They were stepped out, I said, sir.

Senator FORAKER. He said that they were stepped to the rear, I think.

Senator TALIAFERRO. I would like to have the stenographer read what he said on that.

Senator FORAKER. The record will show what he said.

By Senator TALIAFERRO:

Q. Well, state it now. He stepped them to the rear, do you say?—

A. In usual, when an officer tells a man to step out, he will naturally step back.

Q. Corporal, I am not asking you about what is usual; I am asking you what occurred that morning. You testified here that certain men were ordered to step to the front or to the rear. Now, I want to know which your testimony meant, that they would step to the front or to the rear?—A. That they would step to the rear.

Q. So that if you stated that they were stepped to the front you meant that they were stepped to the rear?—A. Yes, sir.

Q. You were in the barracks of Company D when the firing commenced?—A. Yes, sir.

Q. Will you step up there to the map and point out, so that the stenographer may see, the direction from which the first shots that you heard appeared to come?—A. This is Company D [indicating]. The orderly room was on the front, here.

By Senator FORAKER:

Q. Fronting toward the parade ground?—A. Yes, sir; the parade ground.

Q. At the end next to the gate?—A. Yes, sir. This is supposed to be a room here attached to the orderly room. That was on the side near the town. We would call that in the rear of the quarters.

Q. Which room were you in?—A. I was in this room [indicating].

By Senator BLACKBURN:

Q. Next to the gate?—A. Yes, sir.

Senator TALIAFERRO. Toward the town?

Senator FORAKER. Toward the town?

The WITNESS. When the firing began it sounded to me as if it was in this direction [indicating on map].

By Senator TALIAFERRO:

Q. About that red figure "9"?—A. Yes, sir.

Q. On the garrison road or inside of the limits of the lots?—A. It seemed to me, sir, as if it was in town. There is an alley here.

Q. That is what they call the garrison road?—A. Yes, sir; the garrison road [indicating].

Q. Yes.—A. Well, this shot sounded like it was in from this direction, and then in rapid succession I heard about two shots more; they sounded about the same place. That aroused me, and led me to dress, and I dressed after that.

Q. Where was the bulk of the firing you heard after you dressed? Where did that appear to come from?—A. Being going through the quarters, I judged it to be about the same place. A man can always tell when a rifle is pointed in his direction, when it is fired, than it would be if it was pointed from him, you know.

Q. You thought that firing was toward the garrison?—A. I did, sir.

Q. Did you look out in the direction of the firing when you got up first?—A. I did not, sir.

Q. Is there a window in your room?—A. Yes, sir.

Q. A window overlooking that garrison road?—A. There is a window; yes, sir. I could look and see the garrison road, but there was a screen. The window was up and we had a screen below.

Q. You were on the ground floor?—A. Yes, sir.

Q. What sort of a screen was it, a wire screen?—A. Yes, sir; a wire screen.

Q. You could see a light through the screen, of course?—A. Yes, sir; but I didn't take time to look out there to see if I could see one.

Q. Did you hear any shots pass over the garrison—any bullets?—A. No, sir; I will not say that I heard any shots pass over the garrison. I was inside of the quarters. It doesn't seem reasonable that I could hear a shot pass over, me being inside of the quarters.

Q. Yes; but there was firing after you got out?—A. Yes, sir; there was firing after I got out.

Q. After you turned out of the barracks?—A. Me being there and standing in line, and the confusion going on, and the captain issuing his orders, and the other men talking, I couldn't say that I heard shots going over the garrison.

Q. Could you say that you did not hear shots going over the garrison?—A. I could say that I did not; yes, sir. I could say that I did not hear them going over the garrison.

Q. Why did you not say that, then, Sergeant, when I asked the question? I asked you the plain question if you heard shots going over the garrison.—A. Well, I says no, sir; I didn't hear them going over the garrison.

Q. That is satisfactory, so far as it goes.—A. Yes, sir.

Q. You did not see the flashes of guns when you were outside?—A. No, sir; I did not, because I was around in front of the quarters. I couldn't see back of the quarters.

Q. There was no shooting after you were marched around for the purpose of deploying as skirmishers behind the quarters?—A. No, sir; we didn't hear any shots after that.

Q. How many shots would you say were fired that night? I mean an approximate idea; I do not expect you to be exact.—A. I don't have no idea.

Q. No idea?—A. No, sir; I don't say, because I don't have no idea how many shots were fired.

Q. Had you ever had any trouble at Brownsville?—A. I have not, sir.

Q. Did any of your company have any trouble there?—A. I don't remember any, sir, in my organization having any trouble in Brownsville.

Q. Was not this subject of the shooting up of Brownsville considerably discussed among the men after it occurred?—A. I have not heard it; if there was, I didn't hear it myself.

Q. You did not hear them say anything about it?—A. No, sir.

Q. Were your arms and ammunition taken from you after this occurrence?—A. Our arms was taken from us, not the ammunition.

Q. Did you hear that men of the battalion were suspected of doing this shooting?—A. After they were in confinement I did, sir.

Q. And still you never heard the subject discussed among them at all?—A. No, sir; nothing about the shooting up of Brownsville.

Q. There was a saloon up there opened by a soldier, a former member of Company C, was there not?—A. Of Company B, sir.

Q. Of Company B?—A. Yes, sir.

Q. What was his name?—A. Holloman; Private Holloman.

Q. Private Holloman?—A. John Holloman.

Q. Were you at that saloon on Saturday before the trouble at Brownsville?—A. Saturday before the trouble at Brownsville?

Q. Yes.—A. Yes, sir; I was in this saloon on Saturday before the trouble was at Brownsville.

Q. Were there many of the boys there?—A. Oh, yes, sir; we all—

Q. Were there many there?—A. Yes, sir; we all patronized the same place.

Q. When were you paid off?—A. We was paid off at Brownsville; I just can't call the date, sir, but it was between the 8th and the 13th, if I am not mistaken; I think we were paid off on the 8th.

Senator FORAKER. The record shows that you were paid off on Saturday, the 11th.

Senator BLACKBURN. He said that it was between the 8th and the 13th.

The WITNESS. Yes, sir; between the 8th and the 13th; I will not be positive about the date.

By Senator TALLAFERRE:

Q. You say there were a good many of the men there on Saturday?—A. Yes, sir; that was the only place we had to go.

Q. You mean to get a drink?—A. That was the only place, yes, sir; that was the only place we visited to get what we wanted in the line of drinks.

Q. What time in the day were you there?—A. I was there in the afternoon, between the hours of 3 and 4 o'clock.

Q. Were you there after dark?—A. No, sir; I never was there after dark. I had a good bit of work to do, and I always practically worked at night.

Q. How many men would you say were in that saloon when you were there?—A. I will not say just how many, sir, but it was an ordinary room, and it was crowded at that hour, the time that I was there.

Q. Did he keep open on Sunday?—A. No, sir; he closed on Sunday.

Q. I suppose that he was open on Monday again?—A. Yes, sir.

Q. Were you there Monday?—A. I remember being there Monday in the afternoon, yes, sir; about 5 o'clock; about 5 o'clock.

Q. Were there many there then?—A. Not so many as there was the Saturday before.

Q. Twenty or twenty-five there on Monday?—A. I wouldn't say, sir; but I do know that the house wasn't crowded like it was the Saturday before.

Q. Were you ever about Brownsville much while you were at Fort Brown?—A. No, sir; I walked around but very little; at least, I didn't have time to get around much.

Q. Did you meet any of the citizens there?—A. Well, walking around.

Q. Yes.—A. Yes, sir.

Q. You never had any sort of trouble with them?—A. No, sir; I never had any trouble with them myself.

Q. Did you see any of the police?—A. Yes, sir.

Q. Do you remember how the police looked—what sort of uniform they wore?—A. Well, yes, sir; most of the police of the Brownsville force was dressed in a khaki uniform, the same as ourselves.

Q. The same kind of head wear?—A. No, sir; they had a hat somewhat different from the one we wore; it was larger, a larger brim to it.

Q. You had the regular army hat?—A. Yes, sir.

Q. Was their hat white or black?—A. It was a kind of an olive drab.

Q. Theirs was not a black hat? I say, was the hat that the policemen wore white or black?—A. It was somewhat lighter than the hat we wore, ours being a kind of an olive drab. This hat they wore seemed to be somewhat lighter colored than the hat we wore.

Q. Did you hear of any talk about the trouble that one of your men had, who got struck on the street?—A. I didn't hear anything about that trouble until after this firing had happened.

Q. How did you happen to hear of it then?—A. Because we were up for investigation. I heard Major Penrose speak about it, that some woman had been assaulted in town; but as to knowing anything about it, I knew nothing about it at all until then. That was on the morning of the 14th.

By Senator WARNER:

Q. I was out of the room during the first part of your testimony, and I want to ask you a few questions. You say Captain Lyon was very careful about the ordnance stores?—A. Yes, sir; he was.

Q. And you judged that no man could go into the room where those stores were, and you gave an instance of one man who went up and wanted to go into the ordnance room and Captain Lyon would not permit them to do so?—A. I didn't say Captain Lyon. That was the noncommissioned officer that was in charge and had the keys to the orderly room.

Q. He would not permit them to go in?—A. No, sir; he had different articles of ordnance stores and he allowed no one in his ordnance room.

Q. Yes, I know. But what occasion had anyone to want to go into the ordnance room?—A. What occasion?

Q. Yes; what occasion to go in there?—A. I don't know, sir. You will find a great many soldiers that have a great curiosity in things like that. They wanted just to go in there to see what they could see.

Q. Was that at Brownsville?—A. I don't remember anything like that ever occurring at Brownsville. This was at Fort Niobrara, Nebr.

Q. They just wanted to walk into the ordnance room?—A. Yes, sir; which they wasn't allowed.

Q. They were not?—A. No, sir.

Q. And do you remember the name of any soldier?—A. I don't. The reason why I say that was because the storeroom where the ammunition and everything was kept was the adjoining room to the

orderly room, and I could sit at the door looking in there and hear the sergeant refuse these men to go in there.

Q. You couldn't see him, but could just hear him refuse?—A. Yes, sir.

Q. Is that a common thing, refusing to let the men go into the ordnance room?—A. Yes, sir; I never knew him to let anybody go in there, because he didn't let me go in.

Q. Did you want to go in?—A. No, sir; I didn't have anything to do in there.

Q. Is that a frequent thing, that soldiers wanted to go into the orderly room?—A. Yes, sir.

Q. I am asking you what did occur in that matter?—A. They were refused.

Q. Was it a common thing for soldiers to want to go in the ordnance room?—A. Oh, yes, sir.

Q. A common thing?—A. Yes, sir.

Q. They wanted to go in there as a matter of curiosity?—A. Yes, sir; they just wanted to go in and look around.

Q. Go in and look around?—A. Yes, sir.

Q. And see what they could see. That is what they wanted to go in for?—A. Yes, sir.

Q. And nothing of that kind, even, occurred at Brownsville?—A. No, sir.

Q. It all occurred at Niobrara?—A. Yes, sir.

Q. Your men would sometimes lose or give away a clip. What do you mean by a clip?—A. They have a small clip now that holds five cartridges together, for the present rifle that we have.

Q. A clip in which are inserted five cartridges?—A. Yes, sir.

Q. And it holds the cartridges together?—A. Yes, sir.

Q. And when you take those cartridges out of that clip you put them in your belt, do you?—A. No, sir; you put the five in, in the clip, just as they are.

Q. You put them in the clip just as they are?—A. Yes, sir.

Q. And that clip you would give away?—A. Yes, sir.

Q. Why did you say the soldiers would give away a clip of ammunition? Did anybody ask you about a clip or losing a clip?—A. No, sir; no one didn't ask me.

Q. The fact is, is it not, that you had learned that they had found clips in the city of Brownsville after the shooting, and therefore it was claimed that some of the colored troops had done the shooting?—A. Yes, sir.

Q. You had heard that?—A. Yes, sir.

Q. When did you hear that?—A. We heard that after this affray down in Brownsville.

Q. You knew Private Newton, did you not, of Company C?—A. Yes, sir.

Q. You heard that he was assaulted?—A. Yes, sir.

Q. He told you so?—A. Yes, sir.

Q. That was talked of around the camp, was it not?—A. No, sir. He said that he had been hit, and that he was going to report it to his captain.

Q. Yes; but did you talk of that among yourselves?—A. I don't remember anything else being said about it other than that.

Q. This saloon was the only place, you say, you had to go to?—A. Yes, sir.

Q. What did you mean by that?—A. Yes, sir.

Q. This one saloon, you said, was the only place you had. What did you mean by that?—A. Because I had no other place myself to go to.

Q. Were there not other saloons in town?—A. Yes, sir.

Q. Why did you not go to those?—A. We understood when we first got there that we were not allowed to go there.

Q. That was talked of?—A. Yes, sir; that they had a place set aside for soldiers, and I didn't deem it necessary for me to try to go up there and be served in that place, and I didn't go.

Q. No. And this place was started by whom?—A. By Private Holloman, of Company D.

Q. He was a soldier there?—A. Yes, sir.

Q. A private soldier?—A. Yes, sir.

Q. The man in there that tended the bar was Allison, was he, a discharged soldier?—A. Yes, sir; yes, sir; he was discharged.

Q. Did you go over to Matamoros while you were at Brownsville?—A. No, sir; I did not.

Q. You never went over there?—A. No, sir.

Q. You say that a piece of telegraph wire made a better gun rod than those that were furnished by the Government?—A. Yes, sir; we would take a piece of wire, and they claimed that it was much softer than this brass rod, and that it didn't interfere with the grooves of the rifle.

Q. You thought that it was a better rod than the brass rod?—A. Yes, sir; I thought it was something better than the present rod.

Q. And, as you say, four rods were not enough for a company?—A. Yes, sir.

Q. And there ought to be about one for each man?—A. Yes, sir.

Q. How many of those telegraph wire rods did you have in your company?—A. I couldn't say, but I saw several, which numbered more than four.

Q. I know, but you had four of these brass rods, and how many of the telegraph wire rods did you have?—A. I don't know how many of those, sir.

Q. Twenty, 30, or 40?—A. No, sir; I wouldn't say anything like that, because they were private rods, that a man would have through the company. There might have been four, or there might have been more or less.

Q. But you had four of those brass rods?—A. Yes, sir; you know we had four of those.

Q. Yes, but I am asking you about these telegraph wire rods.—A. How many did we have?

Q. Yes.—A. These were private rods.

Q. Yes; they were private rods, and how many of those did you have?—A. Now and then you would find a man that owned one, but I don't know how many in the company.

Q. How many guns were issued to the company—do you know?—A. For ordnance return we would find 70.

Q. How many guns were in the gun racks the night of the 13th?—A. I don't know that, sir.

Q. How many guns were in the ordnance room? How many did the quartermaster-sergeant have in the storeroom?—A. I don't know that, sir.

Q. How many men reported for duty?—A. I can't tell you, sir.

Q. You don't know how many fell in line?—A. I do not, sir.

Q. Where did the quartermaster-sergeant of your company keep his gun?—A. I suppose he kept it in the rack. I don't know any special place he kept it other than in the rack. Every man armed in the company was supposed to keep his gun in the rack, and I suppose that he kept his there.

Q. Were there not three or four men in your company who did not keep their guns in the racks, the quartermaster-sergeant and the first sergeant, for instance?—A. I don't remember, sir.

Q. Where did you keep your gun?—A. In the rack.

Q. You were not in charge of quarters that night?—A. No, sir.

Q. Corporal Powell was in charge?—A. Yes, sir.

Q. When you heard this shooting did you hear anybody shouting, or any noise?—A. No, sir.

Q. Did anybody give any orders or anything of the kind?—A. No, sir. After we came down from upstairs and formed in front of the company, the captain, the company commander, gave orders.

Q. I mean did you hear anything from these parties who were doing the shooting?—A. No, sir; I did not.

Q. You got orders, of course, from your officers and your noncommissioned officers?—A. Yes, sir.

Q. But you heard no orders or exclamations from anybody out there?—A. No, sir.

Q. No orders of any kind?—A. No, sir.

Q. You did not hear anyone out there using foul language and telling the troops to come out and they would shoot them or kill them, or anything of the kind?—A. No, sir.

Q. You did not hear any orders from outside there to fire or cease firing?—A. No, sir; I did not.

Q. About how many people were engaged in that firing, according to your judgment?—A. I have no idea; I have no idea, sir.

Q. How long have you been a soldier?—A. Fourteen years.

Q. You have heard firing?—A. I have, sir.

Q. As a soldier, when you hear firing you would determine about the number, whether it was few or many, would you not?—A. Yes, sir; but the excitement was going on at that time, and naturally a man—I don't care how often he had been under fire, he couldn't tell how many he thought there was out there doing it.

Q. Yes, but you have thought since then; and now, from the best of your judgment—I do not expect you to state one or two, or anything of that kind; and if you can not tell us, it is for you to say so—that is for you and not for me—how many there were?—A. I told you, sir, I wouldn't like to pass my opinion of that, because I wasn't paying enough attention at the time to tell how many that it would be.

Q. No?—A. No, sir; I wouldn't like to say.

Q. But you say you, as a soldier, could tell whether the shots were being discharged in your direction or away from you?—A. Yes, sir.

Q. And you were paying enough attention that night to determine that, were you not?—A. Yes, sir.

Q. And you thought they were being shot toward you?—A. Yes, sir; I did.

Q. You looked out of the window?—A. I did not. I didn't say I looked out of the window.

Q. You did not look out the window at all?—A. No, sir; I didn't have time. I was afraid to look.

Q. And the shots, you thought, were toward the barracks?—A. I did; yes, sir.

Q. The next morning you learned that it was claimed that members of one of the companies or all of the companies had done the shooting up of Brownsville, did you not?—A. The next morning I heard?

Q. Yes; the morning of the 14th?—A. Yes, sir; I heard—

Q. You heard that that was charged?—A. Yes, sir.

Q. Did you tell anybody then that you heard shots coming in the direction of the barracks?—A. No, sir; I did not.

Q. Did you tell any noncommissioned officer?—A. No, sir.

Q. Or any commissioned officer?—A. When I signed an affidavit, and I swore to an affidavit taken by Captain Lyon, I told him that the shots sounded to me like they were coming from the town.

Q. When you speak of the affidavit given before Captain Lyon, you mean the one that Captain Lyon swore you to?—A. Yes, sir.

Q. General Lovering was having the examination, was he not?—A. No, sir. I swore to the affidavit before we left Fort Brown. Colonel Lovering was the second time; he was the second officer that I was sworn before.

Senator WARNER. I offer at this point the affidavit of this witness, which appears on pages 127 and 128 of Senate Document 155, and I would like to have it go into the record in full.

The affidavit referred to is as follows:

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. Sald 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.

Senator FORAKER. That seems to be a stenographic report of an examination rather than an affidavit. I am looking for the affidavit given by this witness.

By Senator TALIAFERRO:

Q. Do you know Jerry E. Reeves?—A. Yes, sir.

Q. Was he a member of your company?—A. Sergeant of my company, sir.

Q. Your superior officer?—A. Yes, sir; he was at that time.

Q. He testified before this committee that on inspection that morning the men were marched to the front, were stepped to the front, those men whose guns were in question as to their being clean.—A. Yes, sir. I testified that they stepped back to the rear.

Q. Yes.—A. Yes, sir.

Q. I wanted to call your attention to his testimony, because my impression is that you first testified that they stepped to the front. The notes will show, in the morning, and I wanted you to be positive about it; that is, I wanted to give you the opportunity.

Senator FORAKER. You want him to give you his best recollection?

Senator TALIAFERRO. Yes.

The WITNESS. That is my best recollection, sir; that they stepped to the rear.

By Senator WARNER:

Q. The next morning, after you learned that it was charged that members of either of the companies had done the shooting up of Brownsville, you say you told nobody about what you heard, that the shots, as you thought, came from the town toward the barracks?—A. No, sir; I did not.

Q. You knew, then, that it was claimed that certain cartridges were fired and clips had been found down in town that indicated that soldiers did the firing?—A. I knew nothing of it, sir.

Q. Well, you knew that it was so charged?—A. Yes, sir.

Q. And yet you did not say anything about the direction that the firing came from?—A. No, sir; I had no one to say anything to about it. I had no statement to make about it whatever.

Q. Would you not have thought that it was very important to show, when it was a question of whether it was the soldiers doing the shooting or the citizens doing the shooting, whether the shooting was toward or away from the barracks?—A. I think so; I had that right, sir.

Q. Yes.—A. But you will find that any soldier that has been in the Army any time, he will know that he can't speak his opinion about everything that happens or everything that goes on, as others do.

Q. I know, but noncommissioned officers in speaking with one another.—A. I was not a noncommissioned officer.

Q. But you, in speaking among your comrades, might have spoken of it.—A. I had nothing to say about it.

Q. There was no restraint upon that part of it, was there?—A. I don't suppose there was, but I had nothing to say.

Q. Did you ever look to see whether any shots struck either of the barracks or not?—A. No, sir.

Q. You made no investigation whatever of it, or any inquiry?—A. No, sir.

Q. You never talked about it?—A. No, sir.

By Senator TALIAFERRO:

Q. And you cared nothing about it?—A. It wasn't necessary to care anything about it after it happened. I cared nothing about it. Senator TALIAFERRO. Yes.

By Senator WARNER:

Q. Well, why was it that you cared nothing about it?—A. Because I wasn't interested, sir.

Q. Were you not interested; when it was charged that some of your comrades in one of the three companies had been engaged in shooting up the town of Brownsville and killing one citizen and wounding another, were you not interested?—A. I was simply an enlisted man, sir; and had to do what I was ordered to do, and nothing else; and so far as my part about saying anything about it, or discussing the matter, I had nothing to say about it, and didn't say anything, either way.

Q. I understood you to say that you were not interested in it at all?—A. Well, if I had been interested in it, I suppose I would have said something.

Q. Yes; that is what I thought.—A. Yes, sir.

By Senator FORAKER:

Q. I want to ask the witness a few questions. Your attention has been called to the fact that Private Newton, of Company C, had some trouble, and that some of the other men had some trouble. I want to ask you whether or not you ever heard of the men making any threats before the time of that firing, or afterwards either, for that matter, against the citizens of Brownsville?—A. I did not sir.

Q. Did you ever hear of any agreement among the men not to talk about this matter after the firing, any conspiracy of silence?—A. I did not, sir.

Q. Have you ever refused to talk about it when anybody has asked you about it, to tell all you know about it? Have you withheld any knowledge, I mean, from anybody?—A. You mean a person simply to come speaking, asking was I there, or anything of that kind?

Q. Yes; have you ever refused to talk about it?—A. Yes, sir; I have. Some persons that I knew nothing about came to me and asked me was I at Brownsville, and how about Brownsville, and I said that I knew nothing about it.

Q. Have you ever refused to tell your officers when they called on you?—A. No, sir.

Q. You made an affidavit before Captain Lyon?—A. Before Captain Lyon, in Brownsville, and I gave another statement to Colonel Lovering, at El Reno.

Q. You told both of them all that they asked you about, did you?—A. Yes, sir.

Q. Did you withhold from them any knowledge on any subject that they interrogated you about?—A. No, sir; I did not.

Q. Are you withholding from us any knowledge of any kind? We want all the facts.—A. I am not, sir.

Q. You are telling us all you know about it this time?—A. I am, sir.

Q. Then tell us whether or not, judging from the sound of the firing, the shots were all from the same kind of pieces, or whether

they were mixed guns—mixed firing—if you can tell.—A. It seemed to me, sir—

Q. Just tell us what your judgment is.—A. It seemed to me it had a different sound from the present rifle we are using. The present rifle has a kind of a sharp report; and then you will notice it is different from most any other gun; that is, so you can tell the difference. The report seemed very much heavier than the report of the present gun we are using.

Q. Do you think you heard any pistol shots or revolver shots? If you do not recollect, I do not want you to say.—A. I will not be certain I heard any pistol shots, but mixed firing.

Q. You have located all the shots you have told us about as coming from some place outside of the wall.—A. Yes, sir.

Q. Were there any shots, to your knowledge, from anywhere inside of the wall, on the reservation?—A. No, sir. If there was, I didn't know anything about it.

Q. Could there have been any shots from D barracks and you know nothing about it—from D barracks, from the lower or upper floor?—A. No, sir.

Q. Could there have been any shots from B barracks, right across the road?—A. From B barracks?

Q. Yes; without your knowing something about it? Your room was right at the end of D barracks?—A. No, sir; I don't think there could have been any shots from there without my knowing it.

Q. If there had been any shots from B barracks, you were situated where you would have heard the shots, were you not? You would have heard them, would you not?—A. Yes, sir.

Q. And the same as to seeing; you could look right along the line?—A. Yes, sir; after coming out.

Q. And your best judgment is that there were no shots from inside of the barracks anywhere?—A. No, sir.

Q. I mean inside of the fort anywhere?—A. No, sir.

Q. You were examined about ammunition, and you told the Senators in answer to their questions that it was no trouble for one wanting a few cartridges to get them from a soldier; that a soldier would favor a man requesting that he give him some cartridges, by giving him a few, and that the only penalty was that they would be charged up against him. Suppose a man would give away ten cartridges to-day, and ten to-morrow, and so on, abusing that privilege, what would happen to him?—A. If found out, they would simply be charged up against him.

Q. If he would do that once, it would be charged up; but if he would go on with the habit of giving away ammunition, what then?—A. If it was found out that he was doing away with his ammunition in that manner he would be tried for it.

Q. It is against the law for him to give away any?—A. Yes, sir.

Q. But his officer does not always punish him, as I understand, for giving away a cartridge or a clip of cartridges to somebody who wants them for a souvenir?—A. Yes, sir; exactly.

Q. But if he abused that privilege, he would not be indulged in it, I suppose, would he?—A. No, sir.

Q. If a soldier gives away his cartridges, of course when his ammunition is examined at the next inspection, that fact is discovered, is it not?—A. Yes, sir.

Q. And he is called upon to make explanation, is he not?—A. Yes, sir.

Q. If his explanation is satisfactory, he is let off simply with charging him with it?—A. Yes, sir.

Q. And if it is not satisfactory, what then?—A. He will be tried for it.

Q. He will be tried for it?—A. Yes, sir; he will be tried for it.

Q. If a soldier should give away his ammunition even to another soldier, he would have to account for it, would he not?—A. He would have to account for it; yes, sir.

Q. What you are thinking about, I assume from what you have testified to, is the giving of ammunition to citizens rather than to soldiers?—A. Yes, sir; you will notice in traveling that they will pretty much throw off cartridges at the different stations.

Q. Let us go to Brownsville. If a citizen should want a cartridge and ask a soldier for it, he would get it?—A. Yes, sir.

Q. It would not be troublesome for a citizen to get a cartridge or a clip of cartridges?—A. No, sir.

Q. If he was a decent-looking man, and you thought that he wanted it for a curiosity?—A. Yes, sir.

Q. And at stations that you pass when you are traveling, people want cartridges?—A. Yes, sir.

Q. And it is not unusual to give a person a cartridge at such times?—A. No, sir.

Q. So that soldiers could give away ammunition?—A. Yes, sir.

Q. But when they give away ammunition, they do not have it afterwards, do they?—A. No, sir.

Q. And when they are examined afterwards, that fact is disclosed?—A. Yes, sir.

Q. That does not give them any surplus ammunition, but makes a deficit in their ammunition, does it not?—A. Yes, sir.

Q. So that if you wanted to get ahead, to accumulate ammunition, so as to have a surplus lot of it to shoot up a town, you would not commence by giving it away?—A. No, sir.

Q. You would try to get it some place?—A. Yes, sir.

Q. And, as I understand, there was no place where you could get any surplus ammunition, and no way you could get it, except to get it from one another?—A. No, sir.

Q. That is, there was no depot where you could secure these new ball cartridges which were used in these new Springfield rifles such as you used at that time?—A. No, sir.

Q. There was no depot at Niobrara or at Brownsville?—A. No, sir.

Q. Now, about the orderly room. It is a standing order, is it not, that the quartermaster-sergeant shall keep his room locked and keep everything stored with him under lock and key?—A. Yes, sir.

Q. He is not allowed to allow the men to go in there?—A. No, sir; he is not allowed to do that.

Q. And the fact that you have seen a man come along, as they sometimes do, and start to go in, is no indication of a bad purpose on the part of a man, is it?—A. No, sir.

Q. He is refused admission simply because that is the order of the commanding officer of the company?—A. Yes, sir.

Q. Nobody is allowed to go in for any purpose, except the quartermaster-sergeant?—A. That is it exactly.

Q. The quartermaster-sergeant of your company was whom?—A. Sergeant Thomas J. Green.

Q. Sergeant Thomas J. Green. What kind of a man was he?—

A. Well, sir, on the average, he is about as strict a man to duty as you ever find.

Q. We had him on the stand. He had the reputation of being a careful, competent, and strict officer?—A. Yes, sir; very strict to duty.

Q. Did you ever hear of him being involved in any difficulty of any nature?—A. No, sir.

Q. Is he a man who would naturally go into an agreement or a conspiracy to let ammunition and material under his charge be used so that a town could be shot up by a lot of cutthroats and assassins and conspirators?—A. No, sir; he is not a man of that kind.

Q. He wouldn't do that?—A. No, sir.

Q. He is a man who had the entire confidence of Captain Lyon—an officer of that character?—A. Yes, sir.

Senator FORAKER. I believe that is all.

By Senator WARNER:

Q. How do you know that he had the confidence of Captain Lyon? Did you ever hear Captain Lyon say so?—A. Yes, sir; I have. I have heard him speak of him. I have heard him speak, and say, "I have one of the best quartermaster-sergeants in the Army."

Q. You were a private?—A. Yes, sir.

Q. And where would you happen to be when Captain Lyon was called upon to make that remark?—A. Where would I happen to be?

Q. Yes.—A. I was company clerk, and, naturally, I was always around my office, and I have heard him in company with other officers speak.

Q. Of this?—A. Yes, sir.

Q. Now, as to this cartridge business. I understand that if a man came in to you at the fort, a private citizen, and he was a respectable looking gentleman, and he wanted a clip of cartridges, you would give them to him?—A. No, sir; I would not. I never would give nobody my ammunition.

Q. But a soldier would be apt to do it, I understand. I do not know what you meant by your answer to the question of Senator Foraker—A. Why, yes, sir. Sometimes if a respectable man comes up to a soldier and asks him for a clip of ammunition, you would find—yes, quite a few would accommodate him.

Q. Quite a few would accommodate him?—A. Why wouldn't he?

Q. No; I say quite a few would accommodate him, you say?—A. Yes, sir.

Q. Or coming along through a town?—A. Yes, sir.

Q. You would throw out a clip of cartridges?—A. Yes, sir.

Q. So that was all the care that was taken of the cartridges by the men?—A. All the care that was taken?

Q. Yes.—A. I don't understand you, Senator.

Q. I will ask you another question.—A. Yes, sir.

Q. You say there was no conspiracy of silence on your part?—A. I would like the Senator to ask the question so that I could give him an answer.

Q. What do you mean by wanting the question asked so that you can give an answer?—A. I want to understand you. I do not understand you.

Q. You do not understand what "conspiracy" means?—A. No, sir.

Q. That is what I thought when you were answering Senator Foraker.

Senator FORAKER. I explained what I meant.

Senator WARNER. I submit that the record will show for itself.

Senator FORAKER. I made a quotation.

Senator WARNER. The record will show.

Senator FORAKER. Yes; and then I explained it.

By Senator WARNER:

Q. Whatever was done, the fact is that you did not talk to anybody about it?—A. No, sir.

Q. You were silent?—A. How is that, sir?

Q. You were silent, then?—A. Yes, sir; I was silent.

Q. Now, to get a location here. You belonged to Company D?—A. D Company, sir.

Q. And here was your room in the corner here, next to the gate [indicating]?—A. Yes, sir.

Q. And there was a window facing out toward the barracks?—A. Yes, sir.

Q. You were in that room?—A. Yes, sir.

Q. And you were awakened by the shooting, by the firing?—A. Yes, sir.

Q. You did not look out of the window?—A. Why, no, sir.

Q. You were afraid to go to the window?—A. Why, yes, sir.

Q. Did you go near the window?—A. No, sir; I did not.

Q. How near were you to the window—the nearest you were at any time?—A. At that window, sir?

Q. Yes.—A. The window being on this side, next to the—

Q. To the wall?—A. Yes, sir; I was just up above; being a small window there, my bunk was on the same side, but the window was to to where my feet was.

Q. There was not any window in that barracks to the end toward the gate, in that room, a window opening out in that room? The window opened out to the wall?—A. Yes, sir; to the wall. And the window on this end opened to B barracks.

Q. And where was that window?—A. The window on this end?

Q. Was it in that room?—A. No, sir; it was in the orderly room.

Q. There was no window in that room, I asked you.—A. The window in my room—

Q. Was in the back, to the wall?—A. Facing the wall.

Q. Now, when you were in there, and keeping away from the window, will you explain how it was that you could have seen whether there was anybody in barracks B or barracks C firing from them?—A. I didn't say that I saw. I said that I didn't see.

Q. How do you know there was or not, then? Simply, you did not see them.—A. I said before, when the Senator asked me, that I

couldn't hear anyone shooting from the quarters, but I could hear a report from arms, from the firing, as if it was toward me toward the garrison.

Q. Then you do not mean to say whether there was anybody firing from there or not?—A. No, sir; I don't say it because I wasn't out there, and I couldn't see out there.

Q. You were in no position to see?—A. No, sir.

Senator WARNER. That is what I thought.

By Senator TALIAFERRO:

Q. Who had charge of the ammunition?—A. Sergt. James J. Green.

Q. Where was his room?—A. His room was next to the storeroom.

Q. Adjoining the storeroom?—A. Yes, sir.

Q. Was that the room you were sleeping in?—A. No, sir; I was sleeping in the room adjoining the orderly room.

Senator TALIAFERRO. That is all.

Senator WARNER. I have nothing further to ask.

By Senator BULKELEY:

Q. You have been present at a great many inspections during your service in the Army, have you not?—A. I have, sir.

Q. Did you ever see, on any other occasion than this, the officers find guns in the hands of men which did not pass the inspection?—A. I have, sir.

Q. What have the officers generally done with those men? What has become of them? Did they allow them to stand in the ranks, or what did they do with them? If an officer comes along and finds your gun dirty on inspection, what does he do with you?—A. He steps them back.

Q. That is the customary way?—A. Yes, sir; he steps them back.

Q. That they stepped those men back on this inspection made you think that, the same as on other inspections, certain guns were suspected of being dirty?—A. Yes, sir; stepped back.

Q. Stepped to the rear?—A. Yes, sir.

By Senator FORAKER:

Q. The cartridges of your company were all turned in after this firing and counted and checked up and found to be all there?—A. The cartridges?

Q. Yes.—A. Yes, sir.

Q. The ammunition was all turned in to the quartermaster-sergeant?—A. The morning of the 14th, after Captain Lyon inspected the rifles, he ordered that the company be dismissed, go to the quarters and stand at the foot of their bunks. After doing so, he inspected the quarters, and he came to me first, I being downstairs, and he said, "Sergeant, have the men put both their belts on the foot of the bunks and have them open by the time that I get to them."

Q. To whom did he say that?—A. The first sergeant.

Q. Frazier?—A. Frazier. So that I was the first man inspected.

Q. I don't want to ask you about the inspection, if you will allow me; I only wanted to know whether you were required afterwards to turn in your ammunition; whether at some time or other it was

taken from you, and if it was counted up and checked?—A. No, sir; we kept the same ammunition we had.

Q. Was it inspected the morning after the firing? You were about to tell us about that.—A. Yes, sir; it was inspected.

Q. What was the result of that inspection; was any ammunition found missing, or any in your company?—A. I don't know of any being missing.

Q. You did not hear of any, if there was?—A. No, sir.

Q. You know that yours was all there?—A. Yes, sir; I had mine.

Q. And so far as you know every other man's ammunition was all there?—A. Yes, sir.

Q. Now, about this matter of giving your cartridges away, and throwing away cartridges and clips, and all that sort of thing, when you were traveling, is there much of that sort of thing done?—A. There is a great deal of that did when soldiers are traveling.

Q. A great deal of that done?—A. Yes, sir; that is always did.

Q. So that cartridges can get into circulation outside of the soldiers?—A. Yes, sir.

Q. And when they come to render their accounts, if they are not there, they have to pay for them?—A. They have to settle up for them.

Q. They have to account for them?—A. Yes, sir.

Q. And in a way that is satisfactory?—A. Yes, sir.

By Senator WARNER:

Q. You say that the cartridges on the morning of the 14th were all there. All you know about it is that yours were there.—A. Yes, sir; that mine were there.

Q. You do not know whether the other men's were there or not?—A. No, sir; they were upstairs and I was down below.

Q. So that you do not know anything about that?—A. No, sir.

By Senator TALIAFERRO:

Q. You had inspection on the morning of the 14th?—A. Yes, sir.

Q. After inspecting the guns, did Captain Lyon inspect the ammunition?—A. Yes, sir.

Q. While you were in line?—A. No, sir; he ordered the company to be dismissed and to fall in at the foot of the bunks, with both belts on the bunks and open.

Q. When he inspected the guns, he inspected from right to left?—A. Yes, sir.

Q. And when he struck the extreme left what did he do?—A. He goes up in front and comes down behind on the rear rank.

Q. He makes the inspection from left to right, the other way?—A. After he inspects the front rank, he passes on down the rear rank.

Q. He commences on the right?—A. Yes, sir.

Q. And inspects down the front, from right to left?—A. Yes, sir.

Q. And then he comes up between the two lines, from left to right, to the point of beginning?—A. Yes, sir.

Q. He did not inspect the ammunition of the men at all while they were in line, then?—A. No, sir; he didn't call for it, because we had on the web belt, and it was fastened.

Q. The web belt was fastened?—A. Yes, sir; the pockets that fit over the five clips were fastened.

Q. The pockets were buttoned down?—A. Yes, sir; mine was, I know.

Q. So that you state to the best of your recollection, and you believe, that there was no inspection made of the ammunition while the troops were in line, immediately after the inspection of the guns?—

A. No, sir.

Q. There was none made then?—A. No, sir; it was made after we went in quarters.

Q. You got your discharge at El Reno on the 12th of November, did you?—A. Yes, sir.

Q. Did you apply for it?—A. No, sir; my time had expired.

Q. Did you get your discharge then?—A. Yes, sir.

Q. Did you get your papers discharging you on that date?—A. Yes, sir; I was discharged on the 12th.

Q. And you got your discharge certificate that day, did you?—A. Yes, sir.

Q. And was there any suggestion made to you that you were fortunate to get your discharge?—A. No, sir; my discharge was made out and it was signed, and I went in and got it on orderly call.

Q. Was there anything said to you to the effect that there had been an order issued discharging the battalion without honor?—A. Only what I had read in the paper about the order.

Q. Had you read it at that time?—A. Had I read it at that time?

Q. Had you read it at the time you got your discharge?—A. Yes, sir.

Q. Are you sure about that?—A. Yes, sir; I read it in the Kansas City Times, that the order was signed on the 6th that we were to be discharged without honor.

Q. Did you not think that you were pretty lucky to get an honorable discharge?—A. Yes, sir; I did.

Q. And no question was made about giving you a discharge?—A. No, sir; I had no trouble getting mine. It was made up that morning, and I went in, and the commanding officer signed it.

Q. Did anybody else get a discharge at the same time?—A. Yes, sir; there was another man got his discharge after I did.

Q. Who was he?—A. John Butler. His time expired on the 15th of the month.

By Senator BULKELEY:

Q. He got an honorable discharge?—A. Yes, sir; he got "Character very good" out of the same organization.

Q. He got the same kind of a discharge certificate that you did?—A. Yes, sir; on the 15th.

By Senator FORAKER:

Q. I want to clear up one matter, if I can. When you are called for drill what do you wear, your McKeever box or the suspender belt?—A. It is according to orders.

Q. What did you wear that morning?—A. We wore the web belt.

Q. That morning when you were called to fall in?—A. Yes, sir; the suspender belt.

Q. And when you were inspected?—A. Yes, sir.

Q. What kind of cartridges did you have in your belt?—A. We had 10 rounds of ammunition in each belt—of ball ammunition.

Q. That would be 20 rounds altogether. Do you mean 10 rounds in the belt you had on and 10 rounds in the other?—A. We had 10 rounds in the belt and 10 in the box.

Q. When he inspected you down below, did he or not inspect the ammunition? What is your recollection?—A. My recollection is that he passed down and inspected the arms. We always carried the two clips with five rounds in each, in front.

Q. Yes.—A. He inspected the rifles, and after—

Q. You are clear that it is your recollection that you did not have twenty rounds of ball ammunition on in your belt that night when you went out to patrol the town?—A. No, sir; I only had ten rounds.

Q. Ten rounds?—A. That is what I was supposed to have.

Q. Are you clear in your recollection that he did or did not inspect your ten rounds you had on in your belt when he inspected the guns?—A. No, sir; he had us fall out in quarters.

Q. And there he inspected both?—A. Yes, sir; they opened both belts so that he could get to it.

Q. And then he inspected it?—A. Yes, sir.

By Senator WARNER:

How long did you keep the ten rounds of ball cartridge? Did you keep it until you left Brownsville?—A. Yes, sir; I kept all my ammunition.

Q. You had twenty rounds?—A. Yes, sir.

Q. Ten in the McKeever box?—A. Yes, sir; and ten in the web belt.

Q. Did you keep that all the time?—A. Yes, sir.

Senator WARNER. That is all.

By Senator TALIAFERRO:

Q. You say you wore the web belt the morning of the 14th?—A. I wore my web belt.

Q. Did not all of your company wear the same?—A. I couldn't say, because this was something that was unusual, and four or five men might have come out different. Those who had not been attending such calls might have come out different, but I know that I had mine on.

Q. What is the rule—what is the order?—A. What was the order for drill?

Q. The standing order for drill, what was your uniform?—A. The standing order for drill—for drills the web belt is worn, and for guard mount and inspection the McKeever box and belt was worn.

Q. So that this call being for drill—A. That caused us to wear the web belt.

Q. You had a web belt on?—A. We had the web belt on.

Q. Did not that order apply to all of the companies?—A. Yes, sir; but at times you can find in any company when in a case of this kind some thing that is unusual occurs a man will come out without the proper belt on. He takes the first belt that he gets his hands on.

Q. Was a morning drill unusual?—A. No, sir; the morning drill wasn't unusual, but it was unusual for these men, being excused on these days, to be called out on drill, and they might, as I said before, have taken the first belt that they got their hands on.

Q. Would they not be sent in and be required to put on the proper belt when they came out with the wrong one on?—A. I don't know whether they would in a case of this kind.

Q. What is there peculiar about this case?—A. This was a case of inspection.

Q. Was not this the regular drill hour?—A. Regular drill hour; yes, sir.

Q. Regular drill time?—A. Yes, sir.

Q. And a regular call to drill?—A. Regular call was sounded for drill; yes, sir.

Q. Then what was there unusual about it? Why should there have been any confusion about it?—A. As I said, such men as would have been excused from drill, they were all called, the noncommissioned officer in charge of quarters, and all.

Q. Were you a sergeant when you were discharged, or a private?—A. I was a corporal, sir.

Q. On page 22 of this record, Israel Harris testified that the men wore the McKeever box that morning.—A. I don't know anything about him. He had to fall in just the same as I did, in line.

Q. Was he in your company?—A. He was, sir.

Q. He was a sergeant?—A. Yes, sir.

Q. Of what rank?—A. He was the first-duty sergeant in the company.

Q. The first-duty sergeant?—A. Yes, sir; and fell in on the right.

Q. So that he might have had on his McKeever box and you might have had on your web belt and nothing would have been said about it upon that inspection of the company?—A. Exactly; yes, sir; I know that I did have on mine.

Q. You had on your McKeever box?—A. No, sir; my web belt.

(At this point, at 4.35 o'clock p. m., the witness was excused, and the committee, in accordance with a previous resolution of this day, adjourned until Monday, March 11, 1907, at 10.30 o'clock a. m.)