

NAMES OF ENLISTED MEN DISCHARGED ON ACCOUNT OF BROWNSVILLE AFFRAY, WITH APPLICATIONS FOR REENLISTMENT.

LETTER

FROM

THE ACTING SECRETARY OF WAR,

TRANSMITTING,

PURSUANT TO A SENATE RESOLUTION OF APRIL 6, 1908, THE NAMES OF THE ENLISTED MEN OF THE TWENTY-FIFTH INFANTRY DISCHARGED WITHOUT HONOR ON ACCOUNT OF THE BROWNSVILLE, TEX., SHOOTING AFFRAY, WHO HAVE APPLIED FOR REENLISTMENT UNDER THE ORDER OF THE SECRETARY OF WAR, AND THE STATEMENTS SUBMITTED BY THEM.

APRIL 9, 1908.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington, April 8, 1908.

SIR: In compliance with a resolution of the Senate of April 6, 1908, calling for the names of enlisted men of the Twenty-fifth Infantry, discharged without honor on account of the Brownsville, Tex., shooting affray on the night of August 13, 1906, who have applied for reenlistment under the order of the Secretary of War, dated December 12, 1906; also for a report as to the testimony or statements submitted by said applicants, and the action taken upon the applications, I have the honor to advise you as follows:

Following is a list of names of former enlisted men of Companies B, C, and D, Twenty-fifth Infantry, discharged without honor under the provisions of Special Orders No. 266, War Department, November 9, 1906, who have applied to be enlisted again and whose applications, together with all papers submitted pertaining thereto, are herewith:

Company B:

First Sergt. Mingo Sanders,
Corporal Edward L. Daniels,
Private Ernest Allison,
Private Elmer Brown,
Private Ernest English,
Private Thomas Taylor,
Private Alfred N. Williams,

Company C:

Sergt. Samuel W. Harley,
 Corporal Charles H. Madison,
 Musician Walter Banks,
 Private Mark Garmon,
 Private Thomas Jefferson,
 Private William McGuire,
 Private James A. Simmons,
 Private George Smith.

Company D:

Sergt. Jacob Frazier,
 Musician Hoytt Robinson,
 Musician Joseph Jones,
 Cook Charles Dade,
 Cook James Duncan,
 Private Elias Gant,
 Private George W. Hall,
 Private Benjamin F. Johnson,
 Private Charles Jones,
 Private James Newton,
 Private Robert L. Rogan,
 Private William Van Hook.

The discharge without honor of Privates John Cook and Shepherd Glenn (applications herewith), Company B, Twenty-fifth Infantry, was directed in Special Orders, No. 266, War Department, November 9, 1906, but they were honorably discharged, by expiration of service, before that order was issued. Their applications to enlist again were denied.

Sergt. Walter Adams, Company B, Twenty-fifth Infantry, was honorably discharged, by expiration of service, October 27, 1906, before the issuance of Special Orders, No. 266, War Department, 1906. He was stationed at Fort Brown, Tex., at the time of the Brownsville trouble, and his application (papers herewith) to reenter the Army was disapproved November 8, 1906.

Following is a list of names of former enlisted men of Companies B, C, and D, Twenty-fifth Infantry, discharged without honor under the provisions of Special Orders No. 266, War Department, November 9, 1906, who have applied to be enlisted again, but whose applications are not now on file in the War Department, the application papers having been returned to the applicants for completion and not having been received back in the Department:

Company B:

Private James Bailey,
 Private William Harden.

Company C:

Sergt. George Thomas,
 Private Henry W. Arvin,
 Private Perry Cisco,
 Private John Kirkpatrick,
 Private Lewis Williams.

Company D:

Private John Green,
 Private Wesley Mapp.

No action has been taken by the Department on any of these applications.

Herewith are transmitted all application and other papers that have been found on file in the Department and that appear to have

any bearing upon the Senate resolution to which this communication is a response.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

The PRESIDENT OF THE SENATE.

[Papers transmitted by the War Department in compliance with Senate resolution of April 6, 1908.]

COMPANY B.

MINGO SANDERS.

Affidavit of Maj. Charles W. Penrose.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

CHARLES W. PENROSE, major, Twenty-fifth Infantry, being duly sworn, says: Sergeant Sanders was most reliable and trustworthy in every particular. I am satisfied that if he had known who the men were that did the Brownsville shooting, or had known who were implicated, if not actually engaged, he would have reported the matter to me promptly.

I am satisfied also that he made every effort in his power to find out if possible something about the identity of the guilty men; but, being first sergeant, he was less likely to hear what they wanted to conceal, for the very reason that they knew he would disclose it.

He is an exceptionally good man. In all the time I have known of him I never knew of his doing anything but his duty.

C. W. PENROSE.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Second Lieut. George C. Lawrason.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

GEORGE C. LAWRASON, second lieutenant, Twenty-fifth Infantry, being duly sworn, says:

I have known Sergeant Sanders since September, 1904. He always impressed me as a noncommissioned officer of unusual firmness. He was a fine drillmaster, and tactful in his handling of the men. He is married and has lived out of company barracks since I joined the company, and seemed to associate but little with the men while off duty. He was occupying with his wife a set of noncommissioned officer's quarters on the night of August 18, 1906. I reached the company before he did and as I got there I saw him about 50 yards away, coming with a lantern and no rifle. The firing ceased about as I left my quarters. After this trouble I tried to impress him with the necessity of getting at the truth of the matter. He is a man of a good deal of force of character and I believe he exerted himself and did what he could. I don't believe he has feared to incur the ill will of the guilty men. I spoke to him once or twice at Fort Brown as to the methods by which he was to get at the matter. He said he had questioned many of the men, had talked with the old soldiers of the battalion; but had been able to learn nothing. I believe he has faithfully tried everything he knew. He is a strict disciplinarian and always maintained good order and discipline in the company. I don't believe he ever overlooked the delinquencies of the men and I think his reputation in this respect would tend to make the guilty men very careful indeed about permitting any inkling of the

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truth to reach him. His training and his experience all would negative the idea that he would conceal this affair. He has less than two years to serve before retirement.

GEO. C. LAWBRASON.

Subscribed and sworn to before me February 5, 1907.

L. B. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Capt. Samuel P. Lyon.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

SAMUEL P. LYON, captain, Company D, Twenty-fifth Infantry, being duly sworn, says:

I knew him for twelve years. He was an excellent soldier and noncommissioned officer, absolutely honest and reliable. I believe him an excellent disciplinarian, from what I have observed in the various stations of the regiment as to the administration of matters in his company as knowledge of it came to me through general gossip, the proceedings of courts-martial and summary courts. I am certain in my own mind that he neither participated in the Brownsville shooting nor learned anything as to the identity of the guilty ones, and that he would promptly have reported anything he did learn.

SAMUEL P. LYON.

Subscribed and sworn to before me this 4th day of February, 1907.

L. B. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Memo.: See affidavit of James A. Simmons, late private Company B, in re his own reenlistment, as to going to call Sanders. See affidavit of Hattie, wife of First Sergeant Frazier, as to seeing Sanders get up and leave his house.

Affidavit of First Lieut. James A. Higgins.

DEPARTMENT OF TEXAS, *Post of Fort Reno, ss:*

JAMES A. HIGGINS, first lieutenant, Company C, Twenty-fifth Infantry, being duly sworn, states:

I arrived at Fort Brown August 20, 1900, and took command of Company B; commanded it for about three months. The company was in excellent condition when I took it—particularly as to the control exercised by Sergt. Mingo Sanders over the men. I considered him equal in ability to any first sergeant I had ever seen. He never hesitated to reprimand any man at drill for inattention and appeared to me to be impartial always. If any breach of discipline came to his knowledge he brought the man to me immediately. I found this to hold good in cases where I had prior knowledge of the matter, and whenever I heard of a disturbance in the company from other sources I was always certain to learn of it later from Sanders. He didn't appear to mingle much in a social way with the men but seemed to have the respect of the entire organization. I regard him as good as any drill sergeant I ever saw. He has assured me on several different occasions that he was making every endeavor to find out something about the Brownsville shooting and I believe, from the general character of the man, that he was, and that if he had learned anything he would certainly have disclosed it.

JAMES A. HIGGINS,
First Lieutenant, Twenty-eighth Infantry.

Subscribed and sworn to before me this 8th day of February, 1907.

WILLIAM W. HARRIS, Jr.,
*Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial.*

EDWARD L. DANIELS.

Affidavit of Lieut. George C. Lawrason.

CITY OF SAN ANTONIO, TEX., ss:

GEORGE C. LAWRASON, being duly sworn, says he is second lieutenant of Company B, Twenty-fifth Infantry, and was in command of that company on August 13, 1906.

That he knows said Daniels, and in deponent's opinion he is not the sort of man who would be likely to be a member of the party that did the shooting at Brownsville, Texas. That he was not popular at all with the men and that the men would not be apt to include him in a party bent on such an enterprise. That Daniels was a corporal but appeared to antagonize the men a little in his official relations with them. Deponent don't believe that Daniels could find out from any of the men any facts about the shooting after it was over. He was a good soldier, his weakness being to get drunk occasionally. That deponent heard him answer to his name at the roll call made at the barracks when the company was first formed.

GEO. C. LAWRASON.

Subscribed and sworn to before me this 5th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of First Lieut. James A. Higgins.

DEPARTMENT OF TEXAS, *Post of Fort Reno, ss:*

JAMES A. HIGGINS, first lieutenant Company C, Twenty-fifth Infantry, being duly sworn, states:

I knew Corporal Daniels during the three months I was commanding his company. He is not the sort of man I would pick out as likely to take part in such an affair. The participants would hardly include him in the organization of the raiding party, for he was not popular at all among the men. He seemed to antagonize the men a little in his official dealings with them. I don't think he could find out from the men anything in regard to such an affair after it was over. He was a good soldier, his weakness being to get on an occasional drunk.

I remember one occasion when he brought a private to me with a complaint that he had acted in an insubordinate manner toward him and wanted charges preferred against the private. He did not seem to know how to manage the men very well.

JAMES A. HIGGINS,
First Lieutenant, Twenty-fifth Infantry.

Subscribed and sworn to before me this 8th day of February, 1907.

WILLIAM W. HARRIS, Jr.,
*Second Lieutenant, Thirtieth Infantry,
Judge-Advocate G. O. M.*

ERNEST ALLISON.

[Application for enlistment omitted. Illegible.]

ELMER BROWN.

Affidavit of Maj. Charles W. Penrose.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

CHARLES W. PENROSE, being duly sworn, says he is major, Twenty-fifth Infantry, and has known Private Elmer Brown for quite two years, during all which time he was deponent's mounted orderly, and as such took care of his horses; that Brown's orders had always been that when an alarm of any kind

sounded in the post he was to go at once to deponent's horses and remain with them until instructions reached him from deponent; that deponent did not see him on the night of August 13-14, 1906, but is informed that Brown has proof of a direct and positive character that he was with the horses from the time the alarm was given; that said Brown is absolutely reliable in every way, and deponent feels positive he had nothing to do with the shooting at Brownsville that night or with anything connected with it. Deponent knows Brown did all he could to ascertain the perpetrators, for he came to deponent with several little matters that he thought might be pertinent, but none of which amounted to anything; that he was also constantly talking among the men in the effort to learn who the guilty men were, and reported to deponent daily, stating whom he had seen and with whom he had talked; that he is a popular man, bright and intelligent, and a "good mixer." But he was working for deponent, and that fact, known to the men, must have handicapped him to some extent.

C. W. PENROSE.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of Second Lieut. George O. Lawrason.

DEPARTMENT OF TEXAS, Post of Fort Sam Houston, ss:

GEORGE O. LAWRASON, being duly sworn, says he is second Lieutenant Company B, Twenty-fifth Infantry, and was in command of said company on August 13, 1906; that Private Brown was missing from the roll-call that night, and deponent sent Corporal Wade Harris to look up Brown and Alfred N. Williams, a private, who was regularly detailed to duty as a teamster and slept at the corral. Private Williams soon came running up, before the company took its position along the reservation wall, and Corporal Harris returned in ten or fifteen minutes. Both Harris and Williams reported Brown as at the corral with Major Penrose's horses. Deponent always thought well of Private Brown, and does not believe he was engaged in the shooting affair that night. Deponent thinks Brown would have been extremely likely to report anything he learned about the matter, because he was at Major Penrose's house daily with the horses, and in constant communication with the major. He did not lay around the company barracks much.

GEO. O. LAWRASON.

Subscribed and sworn to before me this 5th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of Capt. Samuel P. Lyon.

DEPARTMENT OF TEXAS, Post of Fort Sam Houston, ss:

SAMUEL P. LYON, being duly sworn, says he is captain Company D, Twenty-fifth Infantry, and has known Private Elmer Brown, of Company B, for twelve years. He is an excellent soldier and perfectly honest. He was for some time striker for deponent. Deponent knows him pretty well and does not believe he was mixed up in any way with the shooting affair on August 13, 1906, or that he would suppress anything he learned about it. He is honest, wants to remain in the service, and I believe would willingly report any clue he found.

SAMUEL P. LYON.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

*Affidavit of Capt. Edgar A. Macklin.*DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

EDGAR A. MACKLIN, being duly sworn, says he is captain Company C, Twenty-fifth Infantry, and has known Private Elmer Brown for three years, principally through his connection with Major Penrose's horses. Deponent was particularly attracted to him during the major's absence, on account of the careful way he looked after the house and the horses. Since coming to Fort Reno deponent has noticed the care with which Brown seemed to watch the major's house while he and his wife were out in the evenings. That deponent believes he would have told the major if he learned anything at all about the shooting of August 13, 1906.

EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

ERNEST ENGLISH.

*Affidavit of Ernest English.*TERRITORY OF OKLAHOMA, *City of El Reno, ss:*

ERNEST ENGLISH, being duly sworn, says he is now employed in said city, and was formerly a soldier in said company. That he went from Fort Niobrara to Fort Brown with the company in July, 1906, and was quartered in the barracks with the first squad of the first section. All of the men slept in one large squad room in the second story. I went out into the town every day or two and bought things in the drug store and the dry-goods stores. Did not enter any saloon at any time in that town, and had no trouble of any kind with anybody. The only liquor I had while there was about two days after we arrived. About 15 of us had a "keg party"—chipped in and bought two cases of bottled beer from a local salesman, who took the order at the main gate of the fort and delivered the beer there. We drank it right there. That was the only drinking I did at that town. I remember hearing about Private Newton of O Company getting hit over the head with a revolver in the hands of a citizen. But Newton didn't have much of a reputation, and nobody in my company was roused up over the affair. I didn't hear that the men of the command in general sympathized with Newton. He was one of the kind of men who don't seem able to keep out of trouble. I knew who he was, but he had not been very long in the regiment and was not one of my friends. He would get drunk frequently, and when he did he always seemed to want to take charge of somebody else's place and run it. I knew Reed of O Company about eighteen months; he was simply an acquaintance. I heard about his trouble the next morning after he was pushed into the water, but didn't hear anybody say anything about that matter except that the major had an investigation over it. That incident appeared to stir up the Company O men, and they talked a good deal about how he was shoved overboard, but the other companies didn't seem to take it up, and very little was said about it in my company. I didn't hear anything that made me think there was any chance of trouble between the white people of the town and the soldiers. I haven't heard any of the men since August 13, 1906, say that they had any idea that there was likely to be trouble. I inquired around a good deal while we were doing the heavy guard duty at Fort Brown and also here at Fort Reno, among the men, and they all tell me they anticipated no trouble at all.

I went to bed some time after tattoo, about 9.15 p. m., August 13, 1906. I went on the practice march in the morning, 12 miles long, and was assigned as room orderly when we returned to barracks. I put out the lights at 9 o'clock. Several of the men were sitting on the lower porch smoking and some were on the upper porch. Sergeant Jackson was in charge of quarters. I got to sleep about 10 o'clock. There was no excitement whatever in quarters and no indication that there would be any. The commanding officer had sent a patrol out

in town to see that the men were all in at 8 o'clock on account of the report that a soldier had insulted a white woman. We were told that everyone must be in at 8 and that all passes would expire at that hour.

I was awakened by the men running through quarters hollering "Wake up." Some yelled "Fire." I got up. No light was lit up stairs, but I started to light the lamp down stairs. It hangs in the barber shop and shines out through the door into the hall to light the stairs, but the door was locked and I lit a lantern which was hanging near the ax racks in the stairway. I heard the bugle blowing, but thought it was "fire call" as the men had been shouting "Wake up! Fire!" I heard the shots too, but supposed they were fired by the sentries to spread the alarm. Lieutenant Lawrason came over to the company and said to the men "Go back and get your arms! That was the call to arms." About half the men of B Company were out on the lower porch without arms. The major came up about that time and the lieutenant told him that First Sergeant Sanders hadn't come. The major told him to send after him and the lieutenant said "Somebody go down and wake up Sergeant Sanders." Corporal Daniels sent me for him. I started and got about 200 yards from the company barracks when I met him on the way and we returned together. By that time most of the men had their guns and some were down stairs falling in ranks and the rest were getting their arms. On the way Sanders asked me what was the matter and I told him I didn't know. He ran into the orderly room for his gun and I went on up stairs after mine. The company was then formed and the roll called. The firing had ceased. The first sergeant, in reporting the result of the roll call, said three men were absent—Brown, the baker; Elmer Brown, who took care of the major's horses, and Alfred Williams, teamster at the corral. The company commander went over to report to Major Penrose, who was out on the parade, and when he came back he sent Corporal Wade Harris to the corral and bakery to get the three absent men. Our company was then marched down and posted like a skirmish line along behind the reservation wall and stayed there about an hour. I saw D Company march out through the gate to patrol the town, about the time we got to the wall. C Company was still out in front of their barracks, not yet formed, when we marched away from barracks. After we got to the wall, some five or ten minutes later, Lieutenant Grier marched C Company to our right and posted it along the wall beyond us. The men of my company who were near me were wondering who had done the shooting. I didn't see a soul anywhere in the vicinity except the companies—not a civilian in sight and I was not able to see one all the time I was there at the wall. I was 50 or 60 yards from the telegraph office, but didn't see anybody near it. I was placed opposite the end of an alley which runs at the rear of the houses facing on the street running from the main gate of the fort. There was a street lamp lit about 100 yards down that alley, but I saw no one whatever pass within the circle of its light. After we had been from forty-five minutes to an hour at the wall the lieutenant had us move back a few feet on to B Company's back porch and sit down there. I laid down on a pile of old tents on the porch and nearly went to sleep. D Company came back into the post while we were there on the porch. Some time later we were sent up to put away our arms and went back to bed.

We were kept closely in the post after that night. The talk among the men on guard next day—I was one of the sentries—was to the effect that the Texas Rangers had fired on the post. Some of those that talked about the affair seemed to believe that was true. About 11 a. m., when I went to dinner at the company, I heard two of the men say that the mayor, whom we knew as post surgeon at the time, was claiming that soldiers had done the shooting. Nobody seemed to believe that was true. I took it for granted the guilty parties would be caught very soon and didn't bother myself much about it. Very little was said among the men about the matter that I heard. I was around talking with all the men, but nobody had any news of the guilty men and during our stay at Fort Brown I could hear no suspicion nor gossip nor rumors against any of the soldiers. I was in the hospital at Fort Reno when General Garlington came and Major Penrose came to the hospital and told us what he had said to the command about discharging us. The men of long service and the good men seemed very much cast down at the prospect of discharge without honor, but some of the younger ones didn't appear to care. The old men said it was tough to lose so many good years put in in the service of the Government when they hadn't done anything, just because of a lot of scoundrels who had made all the trouble. I am sure there were plenty of us who would have told in a minute if they had even suspected any soldier of doing the shooting. Even at Fort

Reno I could hear of neither gossip, rumor, nor suspicion directed against any man, and nothing could be found out.

I respectfully request permission to reenlist, and I repeat in the most solemn manner that I neither took part in the affray except as I have stated above, nor have I at any time concealed any fact, clew, or information on the subject from my officers. I am conscious of no wrong on my part, and desire to be reinstated in the service of the Government.

ERNEST ENGLISH.

Subscribed and sworn to before me this 2d day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge Advocate, Department of the Gulf.

Affidavit of First Lieut. James A. Higgins.

DEPARTMENT OF TEXAS, Post of Fort Reno, ss:

JAMES A. HIGGINS, first lieutenant Company C, Twenty-fifth Infantry, being duly sworn, states:

I knew Private Ernest English as a soldier of Company B, Twenty-fifth Infantry, for about two months. I never had occasion to reprimand him, and considered him a good soldier; but am unable to state whether he would have reported to me if he had any knowledge of the Brownsville shooting.

JAMES A. HIGGINS,
First Lieutenant, Twenty-fifth Infantry.

Subscribed and sworn to before me this 8th day of February, 1907.

WILLIAM W. HARRIS, JR.,
Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial.

Affidavit of Second Lieut. George C. Lawrason.

DEPARTMENT OF TEXAS, Post of Fort Sam Houston, ss:

GEORGE C. LAWRASON, being duly sworn, says he is second lieutenant Company B, Twenty-fifth Infantry, and knew Private English since September 15, 1904; that he has always considered him a reliable soldier and faithful in the performance of his duties. He was on duty a good deal as room orderly. He was a quiet, good-natured man. I don't think he is the sort of man to participate in the shooting affair of August 13, 1906.

GEO. C. LAWRASON.

Subscribed and sworn to before me this 5th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

THOMAS TAYLOR.

Application for reenlistment.

LOCKLAND, OHIO, March 17, 1908.

SIR, YOUR HONOR: I, Thomas Taylor, ex-private of Company B, Twenty-fifth Infantry, who was discharged from the Army by order No. 266, War Department, on November 19, 1906, do hereby petition for reenlistment on the terms that may be provided by Congress in the near future.

Any favor here shown will be highly appreciated.

I enlisted September 19, 1899; was discharged as a private of Company G, Forty-eighth Regiment United States Volunteer Infantry, June 30, 1901, by reason of muster out of company.

Character excellent.

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Reenlisted July 16, 1901; was discharged as a private of Company B, Twenty-fifth Infantry, July 15, 1904, on expiration of term of enlistment.

Character very good.

Reenlisted July 18, 1904; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 19, 1906.

I, Thomas Taylor, was born at Winchester, Ky., Clark County. I am now making my home at Lockland, Ohio, 401 Wayne avenue.

I remain, your obedient servant,

THOS. TAYLOR.

ALFRED N. WILLIAMS.

Application for permission to reenlist.

OKLAHOMA, OKLA., March 12, 1907.

SIR: I have the honor to submit herewith attached affidavit, and respectfully request that I be permitted to reenlist in the Army.

Very respectfully,

ALFRED N. WILLIAMS,

Late Private, Company B, Twenty-fifth Infantry.

The ADJUTANT-GENERAL, U. S. Army,
Washington, D. C.

(Through the Recruiting Officer, Oklahoma, Okla.)

TERRITORY OF OKLAHOMA, *County of Oklahoma, ss:*

Personally appeared before me, the undersigned authority, Alfred N. Williams, who, being duly sworn, deposes and says that he enlisted in Company B, Twenty-fifth United States Infantry, on the 12th day of December, 1903, to serve three years; that he was a member of the aforesaid company while stationed at Fort Brown (Brownsville), Tex., when the shooting affair between the soldiers and civilians at that place took place on the night of August 13, 1903; that at the time of the shooting he was employed by the quartermaster's department as teamster, on extra duty; that he did not sleep at the company quarters, but slept at the quartermaster's corral; that at the time of the shooting he was in bed asleep; that he did not know at that time that any plot was contemplated and that he has absolutely no knowledge of the affair; that no one ever mentioned the matter to him except by way of inquiry; that he had asked a number of the men of his company and of the other companies if they knew who had done the shooting, and that all of those questioned by him had stated that they were not implicated in this affair and, furthermore, that they had no knowledge of it whatever; that at the time of the shooting he had no knowledge of it until Mr. Boshel, corral boss, came to him and awoke him; that Mr. Boshel had come from town when he awoke him and at that time the shooting was over. Further deponent sayeth not.

ALFRED N. WILLIAMS,

Late Private Company B, Twenty-fifth Infantry.

Subscribed and sworn to before me this 11th day of March, 1907.

[SEAL.]

J. S. TWYFORD,

Notary Public.

My commission expires June 22, 1910.

COMPANY C.

SAMUEL W. HARLEY.

Application for reenlistment.

U. S. ARMY RECRUITING STATION,
Harrisburg, Pa., December 21, 1906.

THE MILITARY SECRETARY,

War Department, Washington, D. C.

SIR: I have the honor to make application for reenlistment in the colored infantry. My service is as follows:

Three years three months Troop F, Ninth Cavalry. Discharged January 3, 1894. Character, excellent.

Five years Company C, Twenty-fifth Infantry. Discharged March 8, 1899.
Character, excellent.

Three years Company C, Twenty-fifth Infantry. Discharged March 8, 1902.
Character, excellent.

Three years Company C, Twenty-fifth Infantry. Discharged March 8, 1905.
Character, excellent.

One year 8 months and fifteen days Company C, Twenty-fifth Infantry. Discharged November 24, 1906, without honor in consequence of Paragraph 1, Special Orders, No. 286, War Department, November 9, 1906.

I respectfully enclose herewith such evidence relating to my knowledge of the riot at Brownsville, Texas, August 13, 1906.

Very respectfully,

SAMUEL W. HARLEY.

[First indorsement.]

U. S. ARMY RECRUITING STATION,
500 Market street, Harrisburg, Pa., December 21, 1906.

Respectfully forwarded to The Military Secretary, Washington, D. C., for action. Applicant Harley fulfills all physical requirements.

R. C. WILLIAMS,
Captain, U. S. Army, Retired, Recruiting Officer.

[Second indorsement.]

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

Respectfully returned, by direction of The Military Secretary of the Army, to Samuel W. Harley, late Company C, Twenty-fifth Infantry, through the recruiting officer, 500 Market st., Harrisburg, Pa., for information whether he has any additional evidence that he desires to offer on the points named in circular letter of December 12, 1906, from this office, besides that which is presented herewith.

BENJ. ALVORD, *Military Secretary.*

[Third indorsement.]

U. S. ARMY RECRUITING STATION,
500 Market street, Harrisburg, Pa., December 25, 1906.

Respectfully returned to The Military Secretary, Washington, D. C., inclosing additional evidence in case of Samuel W. Harley, late sergeant, Company C, Twenty-fifth Infantry.

R. C. WILLIAMS,
Captain, U. S. Army, Retired, Recruiting Officer.

[Fourth indorsement.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, December 27, 1906.

Respectfully referred to Maj. Charles W. Penrose, Twenty-fifth Infantry, Fort Reno, Okla., for a statement of any facts within his knowledge showing whether this man was implicated in the raid on Brownsville, Tex., on the night of August 13, 1906, or withheld any evidence that might lead to the discovery of the perpetrators of the raid. Attention is invited to the inclosed copy of circular letter of December 12, 1906, from this office.

After complying with the foregoing instructions, the papers will then be referred to Second Lieut. Harry S. Grier, Twenty-fifth Infantry, Fort Reno, for similar report, and will be returned by the latter to this office.

By order of the Secretary of War:

BENJ. ALVORD, *Military Secretary.*

12 BROWNSVILLE AFFRAY—APPLICATIONS FOR REENLISTMENT.

[Fifth indorsement.]

FORT RENO, OKLA., *December 30, 1906.*

Respectfully referred to Second Lieut. Harry S. Grier, battalion quartermaster and commissary, Twenty-fifth Infantry, inviting attention to fourth indorsement hereon.

My certificate relating to Samuel W. Harley, late sergeant, Company C, Twenty-fifth Infantry, inclosed herewith.

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

[Sixth indorsement.]

OFFICE OF THE QUARTERMASTER,
Fort Reno, Okla., January 24, 1907.

Respectfully returned to The Military Secretary, War Department, Washington, D. C. Through an error this paper was not referred to me until January 24, 1907.

H. S. GRIER,
Second Lieutenant, Twenty-fifth Infantry, Quartermaster.

[Inclosure.]

HARRISBURG, PA.,
December 24, 1906.

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

SIR: I have the honor to request that Second Lieut. Harry S. Grier, Twenty-fifth Infantry, and Maj. Charles W. Penrose, Twenty-fifth Infantry, be invited to give such knowledge as they may have of my whereabouts on the night of August 13, 1906, and any further testimony possible in support of the claims embodied in the affidavits submitted by me in connection with my application for reenlistment in U. S. Army.

Very respectfully,

SAMUEL W. HARLEY,
Late Sergeant Company C, Twenty-fifth Infantry.

[Inclosure.]

Affidavit of Samuel W. Harley.

CITY OF HARRISBURG, COUNTY OF DAUPHIN, *State of Pennsylvania, ss:*

Personally appeared before me, the undersigned authority, one Samuel W. Harley, who, being duly sworn, deposes and says, that he was at Fort Brown, near Brownsville, Texas, on and between the 27th day of July, 1906, and the 13th day of August, 1906, as sergeant and acting first sergeant of Company C, Twenty-fifth Infantry.

That at no time between those dates or prior thereto did he have any knowledge of any proposed attack upon the citizens of Brownsville, Texas, and that the first knowledge he had of any such proposed or actual attack was when roused from sleep in his company quarters by the sounds of discharging firearms on the night of August 13th, 1906; that he did not then know the cause of said discharge of firearms nor who the participants concerned therein were; that immediately thereafter, acting in the line of his duty as acting first sergeant of his company, he caused his company to fall in and called the roll.

That said roll call was faithfully made in the presence of Second Lieut. Harry S. Grier, Twenty-fifth Infantry, and Major Charles W. Penrose, Twenty-fifth Infantry, and showed every man of Company C, Twenty-fifth Infantry, present or legitimately accounted for.

That since August 13, 1906, and up to the date of his discharge without honor, November 24, 1906, every effort was made by him as a noncommissioned officer of his company to discover if possible who were the participants in the said attack, but that, although due search and diligent inquiry have been made by him, he has been unable to discover any evidence which would lead to the detection of the person or persons guilty of the said attack.

That at all times prior to and since the date of the Brownsville raid he has always tried to perform his duty as a soldier and a noncommissioned officer in a faithful manner and with the honor of the service always the uppermost in his thoughts and acts.

That if he possessed the slightest knowledge that could or might be of advantage in securing the punishment of the guilty party or parties he would freely and gladly impart that knowledge to the proper authorities.

Deponent further says that if at any time in the future he should come possessed of any information which would be of use in detecting and punishing the guilty participants in the aforesaid raid he would consider it his duty as a man and citizen to notify the proper authorities and render all aid possible to them. Further deponent saith not.

SAMUEL W. HARLEY,
Late Sergeant Company C, Twenty-fifth Infantry.

Subscribed to and sworn to before me this 25th day of December, 1906.

R. C. WILLIAMS,
Captain, U. S. Army, Retired, Summary Court.

[Inclosure.]

Certificate of Maj. C. W. Penrose.

FORT RENO, OKLA., *December 30, 1907.*

This is to certify that on the night of the 13th-14th of August, 1906, at Fort Brown, Tex., I saw Samuel W. Harley, then sergeant and acting first sergeant of Company C, Twenty-fifth U. S. Infantry, in front of the Company C, Twenty-fifth United States Infantry, while the company was falling in, and while firing was still going on in the city of Brownsville, Tex.

I do not believe Sergeant Harley was in any way implicated in the raid on Brownsville, and I am of the opinion if he knew or could have gained any information leading to the detection of any man or men connected with the raid he would have reported the matter to me.

C. W. PENROSE,
Major, Twenty-fifth U. S. Infantry.

[Inclosure.]

Certificate of Second Lieut. H. S. Grier.

FORT RENO, OKLA., *January 24, 1907.*

I certify that on the night of the 13th-14th of August, 1906, at Fort Brown, Tex., I met Samuel W. Harley, acting first sergeant Company C, Twenty-fifth Infantry, on the parade ground in front of Captain Lyon's quarters while firing was still going on; that I halted him and asked him what the trouble was over at the barracks; that said Harley told me that some one was shooting up the barracks; that I asked him if such was the case, what was he doing over near the officers' line; that he said he was going to get Captain Macklin, his company commander.

That later said Harley formed Company C, Twenty-fifth Infantry, and called the roll under my supervision; that I do not believe Sergeant Harley could have in any way been implicated in the raid at Brownsville, and I am of the opinion that he would have reported any fact known to him that would lead to the detection of the perpetrators.

H. S. GRIER,
Second Lieutenant, Twenty-fifth Infantry, Quartermaster.

[Inclosure.]

Affidavit of Samuel W. Harley.

STATE OF PENNSYLVANIA, *County of Dauphin, City of Harrisburg, ss:*

Personally appeared before me, the undersigned authority, one Samuel W. Harley, who, being duly sworn, deposes and says that at the time of the riot at Brownsville, Tex., on the night of August 13, 1906, he was acting first sergeant of Company C, Twenty-fifth Regiment of U. S. Infantry, and at the

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time of the said riot did form the said company by the direction of Lieutenant Grier and in the presence of the commanding officer of the post. Also, that he withheld no knowledge of any person or persons taking part in the said riot, and did try by every means in his power as a noncommissioned officer and a soldier to obtain such information that would lead to the arrest and conviction of the guilty parties.

And further deponent saith not.

SAMUEL W. HARLEY.

Subscribed and sworn before me this 21st day of December, 1906.

R. C. WILLIAMS,
Captain, U. S. Army, Retired, Summary Court Officer.

[Inclosure.]

Affidavit of Second Lieut. Donald D. Hay.

DEPARTMENT OF TEXAS, *Post of Fort Reno, ss:*

DONALD D. HAY, being duly sworn, says: That he is second lieutenant of Company C, Twenty-fifth Infantry. Sergeant Harley was an excellent soldier. I really believe he was always trying his best to get at the truth of the Brownsville affray of August 13, 1906; and I am confident that if he had got hold of any clue he would not have been deterred by fear of the anger of his guilty comrades from reporting what he knew, even if it tended to convict the men of his company.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Sworn to and subscribed before me at Fort Reno, Oklahoma, this 8th day of February, 1907.

WILLIAM W. HARRIS, JR.,
*Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial.*

Affidavit of Second Lieut. Donald D. Hay.

DONALD D. HAY, second lieutenant Company C, Twenty-fifth Infantry, states: I saw Sergeant Harley in front of the company before the firing ceased, and very soon after I got to the quarters of Company C. I think there is no possibility that he could have been in the town taking part in the firing. He was acting first sergeant and a good, reliable man. I believe that if he had gathered any information, hint, or clue as to the actual perpetrators he would have come with it at once to his company commander or to me.

FEBRUARY 1, 1907.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Affidavit of Maj. C. W. Penrose.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

CHARLES W. PENROSE, major, Twenty-fifth Infantry, being duly sworn, says: I saw Sergeant Harley in front of the company before the firing ceased, and very soon after I got to the quarters of Company C. I think there is no possibility that he could have been in the town taking part in the firing. He was acting first sergeant and a good, reliable man. I believe that if he had gathered any information, hint, or clue as to the actual perpetrators he would have come with it at once to his company commander or to me.

C. W. PENROSE.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Capt. Edgar A. Macklin.

EDGAR A. MACKLIN, captain Company C, Twenty-fifth Infantry, being duly sworn, says:

I believe Sergeant Harley a very reliable and trustworthy man. He was an excellent soldier. If he had known anything about the shooting of August 13 I believe he would have told the major or me. I don't know much about his relations with the men; that is, how sociable he was with them or whether he mixed much with them. I must have had twenty talks with him about the affair, in which I urged him to do his utmost to learn the facts. I believe he was honest and truthful in the earnest replies he made to the effect that he had tried faithfully and that it seemed impossible for him to find out anything. I think his desire to continue in service was very strong, and powerful enough to overcome any temptation or inclination toward concealment and any fear of the wrath of the guilty men. He was fully impressed with the necessity of doing something to ascertain the guilty, and I am convinced he did all he could.

EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Second Lieut. George C. Lawrason.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

GEORGE C. LAWRASON, second lieutenant, Twenty-fifth Infantry, Company B, being duly sworn, says:

I never came very closely into contact with Sergeant Harley, but considered him a good, reliable soldier.

GEO. C. LAWRASON.

Subscribed and sworn to before me this 5th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Second Lieut. Harry S. Grier.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

HARRY S. GRIER, second lieutenant, Twenty-fifth Infantry, states:

I met Sergeant Harley immediately after the last firing, that sounded like a volley, on his way to call the officer of the day. He had no rifle. I have known the sergeant as a soldier of the battalion for going on four years, and my opinion of him is founded on my observation of him as a member of the guard and as a participant in other duties common to the various companies. He is a very fine soldier—one of the best in the regiment.

H. S. GRIER.

Subscribed and sworn to before me this 5th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of First Lieut. James A. Higgins.

DEPARTMENT OF TEXAS, *Post of Fort Reno, ss:*

JAMES A. HIGGINS, first lieutenant Company C, Twenty-fifth Infantry, being duly sworn, states:

I concur entirely with Captain Macklin's statement to Major Goodier concerning Sergeant Harley except that I had no opportunity of learning what

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efforts he was making, if any, to clear up the matter of the Brownsville shooting.

JAMES A. HIGGINS,
First Lieutenant, Twenty-fifth Infantry.

Subscribed and sworn to before me this 8th day of February, 1907.

WILLIAM W. HARRIS, JR.,
*Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial.*

[Inclosure.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, December 12, 1906.

To all recruiting officers:

Applications to reenlist from former members of Companies B, C, and D, Twenty-fifth Infantry, who were discharged under the provisions of Special Orders, No. 266, War Department, November 9, 1906, must be made in writing and be accompanied by such evidence, also in writing, as the applicant may desire to submit to show that he was neither implicated in the raid on Brownsville, Texas, on the night of August 13, 1906, nor withheld any evidence that might lead to the discovery of the perpetrators thereof. Recruiting officers to whom such former soldiers may apply for reenlistment will advise them of these requirements and will forward the applications, when properly prepared, to The Military Secretary of the Army for the consideration and investigation of the War Department.

[1190224, M. S. O.]

By order of the Secretary of War:

F. C. AINSWORTH,
The Military Secretary.

CHARLES H. MADISON.

Application for permission to reenlist.

PITTSBURG, PA., December 19, 1906.

THE MILITARY SECRETARY, Washington, D. C.

SIR: Pursuant to your published letter of instructions, in reference to applications of former soldiers of Companies B, C, and D, Twenty-fifth Infantry, to reenlist, I respectfully submit herewith my application for reenlistment, together with statement of my service and record in the United States Army, which is as follows:

Three years in Company A, Twenty-fourth Infantry; discharged December 14, 1897, with character "good."

Three years in Company C, Twenty-fifth Infantry; corporal June 3, 1899, to September 19, 1900, resigned; discharged December 31, 1900, with character "very good."

Three years in Companies L and K, Twenty-fourth Infantry; corporal, sergeant, and first sergeant in L and lance corporal in K; discharged from latter January 27, 1904, with character "excellent."

Two years eight months and eighteen days in Company O, Twenty-fifth Infantry, corporal; discharged under the provisions of paragraph 1, Special Orders, No. 266, current series, War Department, "without honor," November 22, 1906, making in all eleven years eight months and eighteen days continuous service.

I had service in the Spanish-American war in Cuba, 1898; was in battle of El Caney July 1; before Santiago July 2, 3, 10, and 11, 1898.

I offer herewith testimony to show that I had no connection with, nor withheld any information from the authorities relative to, the occurrence which took place at Brownsville, Texas, on the night of August 13, 1906.

Very respectfully,

CHARLES H. MADISON,
Late Corporal, Company O, Twenty-fifth Infantry.

[First indorsement.]

U. S. ARMY RECRUITING STATION,
510 SMITHFIELD STREET,
Pittsburg, Pa., December 19, 1906.

Respectfully forwarded to The Military Secretary of the Army, Washington, D. C., for his consideration in conformity with his letter dated Washington, December 12, 1906. The applicant has passed the necessary physical examination. The record and statement of service as herein stated is quoted from the discharge papers of the applicant, and is certified to as being correct. In case of favorable action the applicant desires assignment to the Ninth Cavalry.

J. C. ORD,
Major, U. S. Army, Retired, Recruiting Officer.

[Second indorsement.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, December 21, 1906.

Respectfully returned, by direction of The Military Secretary of the Army, to Charles H. Madison, late Company O, Twenty-fifth Infantry (through the recruiting officer, 510 Smithfield street, Pittsburg, Pa.) for information whether he has any additional evidence that he desires to offer on the points named in the circular from this office besides that which is presented herewith.

BENJ. ALVORD,
Military Secretary.

[Third indorsement.]

U. S. ARMY RECRUITING STATION,
510 SMITHFIELD STREET,
Pittsburg, Pa., January 5, 1907.

Respectfully returned to The Military Secretary, Washington, D. C., inviting attention to the supplementary information by Charles H. Madison herewith.

J. C. ORD,
Major, U. S. Army, Retired, Recruiting Officer.

Affidavit of Charles H. Madison.

CITY OF PITTSBURG, State of Pennsylvania, ss:

Personally appeared before me, the undersigned authority, one Charles H. Madison, who, being sworn according to law, deposes and says:

That he is a soldier by profession and was a member of Company O, Twenty-fifth Infantry, stationed at Brownsville, Tex., on and before, and after, the date August 13, 1906, from which company and regiment he was discharged "without honor" under the provisions of paragraph 1, Special Orders, 266, War Department, Military Secretary's Office, November 9, 1906, at Fort Sam Houston, Tex., on the 22d day of November, 1906; that on the night of August 13, 1906, he was asleep in his bed in O Company barracks and was awakened by the explosion of firearms, and the call "to arms" of the bugles; that Major Penrose, the commanding officer, came toward the quarters as he (Madison) came down the outside steps and directed Lieut. H. S. Grier to take command of the company; that Lieutenant Grier called and sent him (Madison) to the quarters of Captain Macklin, the officer of the day, to see if he was there; that he (Madison) did not find the captain, so returned and reported accordingly to the adjutant; that the company (Company O) had fallen in before he (Madison) left, and upon his return had been moved to the rear of the quarters; that the company was formed in line of skirmishers, he (Madison) being assigned to command of the right squad in line; that the adjutant called him (Madison) to report to the commanding officer with two men; that he reported and was

directed to patrol around the hospital, commissary, corral, and noncommissioned officers' staff quarters to see if anyone was hurt, or if any shots had struck in this neighborhood, and learned from the first-class sergeant, Hospital Corps, that a couple of bullets had been heard passing over his quarters; that he (Madison) returned and reported back to the commanding officer what he (Madison) had seen and heard, whereupon the commanding officer ordered him back to the company (Company O); that upon reporting back to the company, Captain Macklin was in command; that the company was then placed on outpost duty, where it remained until 8.30 a. m. next day; that he at no time heard any talk among the soldiers to commit violence upon the citizens of the town before the occurrence of this night, and none after it occurred; that he has not now, nor did he ever have, knowledge of the names or actions on the part of any United States soldier or soldiers, present or otherwise, at the time this took place, and that he is unable to give any information at this date, either of his own knowledge or hearsay, which might lead to the arrest and conviction of those presumed to have been guilty. And further deponent saith not.

CHARLES H. MADISON,
Late Corporal, Company O, Twenty-fifth Infantry.

Sworn and subscribed to before me, a summary court officer of the U. S. Army, at Pittsburg, Pa., this 19th day of December, 1906.

J. C. ORD,
*Major, U. S. Army, Retired, Recruiting Officer,
Summary Court Officer.*

PITTSBURG, PA., January 5, 1907.

The deponent of the above deposition having been reminded that he was already sworn in this matter, saith further: That at about 5.30 o'clock p. m., at retreat roll call, he heard an order read commanding all soldiers of the garrison to be at their proper quarters at 8 o'clock that evening (August 13, 1906), and to remain therein; that he obeyed this order faithfully; and further, to use the language of the letter of The Military Secretary of the Army, dated December 12, 1906, he was neither implicated in the raid on Brownsville, Tex., on the night of August 13, 1906, nor withheld any evidence that might lead to the perpetrators thereof.

CHARLES H. MADISON,
Late Corporal, Company O, Twenty-fifth Infantry.

Affidavit of Second Lieut. Donald D. Hay.

DEPARTMENT OF TEXAS, *Post of Fort Reno, ss:*

DONALD D. HAY, being duly sworn, says: That he is second lieutenant of Company O, Twenty-fifth Infantry. Corporal Madison was a very excellent soldier, reliable and attentive to duty. I do not think he was the kind of man to engage in such an affair as the Brownsville shooting of August 13, 1906, or to sympathize with the participants. From my knowledge of his character, I do not believe he would have been afraid to disclose to his captain or to the major anything he might have learned about the guilty parties.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Sworn to and subscribed before me at Fort Reno, Okla., this 8th day of February, 1907.

WILLIAM W. HARRIS, JR.,
*Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial.*

Affidavit of Second Lieut. Donald D. Hay.

DONALD D. HAY, second lieutenant Company O, Twenty-fifth Infantry, states: Corporal Madison was a very excellent soldier, reliable and attentive to duty. I do not think he was the kind of man to engage in such an affair as the Brownsville shooting of August 13, 1906, or to sympathize with the partic-

pants. From my knowledge of his character I do not believe he would have been afraid to disclose to his captain or to the major anything he might have learned about the guilty parties.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

FEBRUARY 1, 1907.

Affidavit of Maj. Charles W. Penrose.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

CHARLES W. PENROSE, major Twenty-fifth Infantry, being duly sworn, says he was in command of the post of Fort Brown, Texas, on August 13, 1906, and knows Corporal Madison; that deponent sent him for the officer of the day about five minutes after the first shots were fired that night. I found him out in front of the company barracks, and when I decided to send out to find the officer of the day Madison was the first man I could put my hands on for that purpose. I have always considered him a pretty good man. I believe he would have told me anything he might have known, and am of the opinion he would have told it to me at once.

O. W. PENROSE.

Subscribed and sworn to before me this 4th day of February, 1907.

L. B. GOODIER,
*Major Judge-Advocate-General's Department,
Judge-Advocate Department of the Gulf.*

Affidavit of Capt. Edgar A. Macklin.

EDGAR A. MACKLIN, captain Twenty-fifth Infantry, states:

Corporal Madison is a very excellent soldier. I believe he would have told me anything he learned. I always found him very reliable and attentive to duty. I don't think he would have been afraid to tell what he might have learned. He was confined so soon after the Brownsville affair that he had no opportunity to mingle with the other men of his company and battalion except those confined at the same time. He was acting quartermaster sergeant of the company on two occasions, and showed himself very painstaking and careful of the property put in his charge.

EDGAR A. MACKLIN,
Captain Twenty-fifth Infantry.

Subscribed and sworn to before me this 4th day of February, 1907.

L. B. GOODIER,
*Major Judge-Advocate-General's Department,
Judge-Advocate Department of the Gulf.*

WALTER BANKS.

Application for permission to reenlist.

CHICAGO, ILL., December 19, 1906.

THE MILITARY SECRETARY, U. S. ARMY,
(Through the Recruiting Officer, 323 South State street, Chicago, Ill.)

SIR: I, the undersigned, formerly a member of Company C, Twenty-fifth United States Infantry, and discharged by Special Orders No. 200, War Department, do hereby make application for reenlistment in said regiment.

I inclose herewith my affidavit showing that I had no connections with or knowledge of who were the participants in the trouble at Brownsville, Tex., August 13, 1906.

I also inclose herewith a testimonial from my company commander.

WALTER BANKS,
Formerly a musician of Company C, Twenty-fifth United States Infantry.

[First indorsement.]

RECRUITING STATION, U. S. ARMY,
323 SOUTH STATE STREET,
Chicago, Ill., December 19, 1906.

Respectfully forwarded to The Military Secretary, U. S. Army, Washington,
D. C.

A. B. WARFIELD,
First Lieutenant, Artillery Corps, Recruiting Officer.

[Second indorsement.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, December 21, 1906.

Respectfully returned, by direction of The Military Secretary of the Army,
to Walter Banks, late Company C, Twenty-fifth Infantry (through the Recruit-
ing Officer, 323 South State, Chicago, Ill.), for information whether he has any
additional evidence that he desires to offer on the points named in the circular
from this office besides that which is presented herewith.

BENJ. ALVORD,
Military Secretary.

[Third indorsement.]

RECRUITING STATION, U. S. ARMY,
No. 323 SOUTH STATE STREET,
Chicago, Ill., December 27, 1906.

Respectfully returned to The Military Secretary, U. S. Army, Washington,
D. C.

A. B. WARFIELD,
First Lieutenant, Artillery Corps, Recruiting Officer.

Affidavit of Walter Banks.

STATE OF ILLINOIS, County of Cook, ss:

I, Walter Banks, formerly a musician of Company C, Twenty-fifth United
States Infantry, and discharged by Special Orders No. 206, War Department,
November 9, 1906, being duly sworn, doth depose and say:

On the night of August 13, 1906, I was stationed at Fort Brown, Tex. I had
no knowledge at that time, nor have I now any knowledge, of the names of any
of the members of the Twenty-fifth United States Infantry who took part in
the disturbance at that time and place. I myself had no part in the disturbance
at all.

WALTER BANKS,
Formerly a musician of Company C, Twenty-fifth U. S. Infantry.

Subscribed and sworn to before me this 19th day of December, 1906.

[SEAL.]

D. W. J. BOXLEY,
Notary Public.

Certificate of Capt. Edgar A. Macklin.

COMPANY C, TWENTY-FIFTH INFANTRY,
Fort Reno, Okla., November 24, 1906.

To whom it may concern:

This is to certify that I have known Walter Banks as a musician of my
company for two years, and believe him to be a man of good character and
habits.

EDGAR A. MAOKLIN,
Captain, Twenty-fifth Infantry, Commanding Company C.

A true copy:

A. B. WARFIELD,
First Lieutenant, Artillery Corps, Recruiting Officer.

Affidavit of D. R. Wilkins.

CHICAGO, ILL., December 19, 1906.

To whom it may concern, greeting:

This is to certify that I have seen much of Walter Banks, musician of Company C, Twenty-fifth U. S. Infantry, and discharged by special order No. 266, War Department, November 9, 1906, who has for the past twenty-five or thirty days resided in Chicago, at 2061 State street, and that his character and conduct during that time have been of the best, and by his upright and manly deportment has made many friends of the best people of Chicago, including many ministers of the gospel.

D. R. WILKINS.

Honorable discharge of Walter Banks.

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know Ye that Walter Banks, a private of Company A of the Twenty-fourth Regiment of Infantry, who was enlisted on the 15th day of May, 1901, 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 Walter Banks was born in Macon, in the State of Georgia, and when enlisted was 22 years of age, 5 feet 4½ inches high, black complexion, brown eyes, black hair, and by occupation a soldier.

Given under my hand at Fort Harrison, Mont., this 14th day of May, in the year of our Lord 1904.

JAS. A. BUCHANAN.

Colonel Twenty-fourth Infantry, Commanding Post.

Character.—No objection to his reenlistment is known to exist. Very good.

WM. R. DASHIELL,

*Captain, Twenty-fourth U. S. Infantry,
Commanding Company A.*

Military record.—Continuous service at date of discharge, five years, no months, no days. Previous service: Two years Forty-eighth Infantry, U. S. V. Noncommissioned officer: Never. Marksmanship: Second class, 1903. Battles, engagements, skirmishes, expeditions: Served during Spanish-American war, 1900, 1901, Philippine Islands. Wounds received in service: None. Physical condition when discharged: Good. Married or single: Single. Remarks: Service honest and faithful. Enlisted at San Fernando, Union, Luzon, P. I.

WM. R. DASHIELL,

*Captain, Twenty-fourth U. S. Infantry,
Commanding Company A.*

FORT HARRISON, MONT., May 14, 1904.

I certify that I have witnessed transfer of final statements to Walter B. Williams.

WM. R. DASHIELL,

Captain, Twenty-fourth Infantry, U. S. A.

OFFICE OF THE RECRUITING OFFICER,
Fort Harrison, Mont., May 15, 1904.

I certify that the within-named soldier was this day reenlisted by me.

J. D. McDONALD,

*Second Lieutenant and Battalion Q. M. & C.,
Twenty-fourth Infantry, Recruiting Officer.*

Note relating to discharge.

You may send this discharge to the War Department, but please ask for it to be returned to me at No. 2061 State Street, Chicago, Ill.

Affidavit of Capt. Edgar A. Macklin.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

Edgar A. Macklin, being duly sworn, says he is captain Company C, Twenty-fifth Infantry, and has known Musician Banks for the past two and one-half years. That so far as deponent's observation went, Banks was a very good soldier and very temperate in his habits. Deponent does not believe he is the kind of man who would take part in such a shooting affray as occurred at Brownsville, Tex., on August 13, 1906. Deponent believes Banks would do his best to find out who did participate, and that he would not have sympathy with them or fear of them. Deponent thinks Banks is a well-meaning man who had had no trouble in Brownsville, and had no reason whatever for wishing to punish anybody there, and would report anything he learned about the matter.

EDGAR A. MAOKLIN,
Captain, Twenty-fifth Infantry.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Second Lieut. Harry S. Grier.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

Harry S. Grier, being duly sworn, says he is second lieutenant, Twenty-fifth Infantry, and remembers Musician Banks of Company C, who impressed deponent as being a good soldier. That deponent was never in a position to form an opinion as to his character.

H. S. GRIER.

Subscribed and sworn to before me this 5th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Second Lieut. Donald D. Hay.

DEPARTMENT OF TEXAS, *Post of Fort Reno, ss:*

Donald D. Hay, being duly sworn, says he is second lieutenant, Twenty-fifth Infantry, and knew Musician Banks. Deponent believes Banks was a good and faithful soldier, and was honestly interested in the service. That he was the kind of man who would be interested in finding out and reporting the guilty men if it were possible for him to do so.

That deponent joined Company C in the fall of 1902 and knew Banks for at least two years. That he does not think Banks could have been in the party that made the raid in Brownsville August 13, 1906, from his knowledge of Banks's character.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Sworn to and subscribed before me at Fort Reno, Okla., this 8th day of February, 1907.

WILLIAM W. HARRIS, Jr.,
*Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial.*

Letter of Walter Banks.

STATE ST., *Chicago, Ill.*

I have the honor to say don't believe I care to write off for any more records. It is a well-known fact that if they want to reenlist me they can do so according to the papers which I have already sent to the War Department, so you may

just send the papers which I have already at your hands, and I don't know anything more about the Brownsville affair more than what was in my first statement.

W. BANKS,
2961 State street, Chicago, Ill.

MARK GARMAN.

Request for permission to reenlist.

CHATTANOOGA, TENN., January 10, 1907.

To the RECRUITING OFFICER OF U. S. A.,
Chattanooga, Tenn.

SIR: I have the honor to request permission to re-enlist in the U. S. Army. I was discharged under the provisions of Special Orders No. 268, War Department, dated November 9th, 1906.

My service in the Army is as follows: One year nine months and thirteen days in Company C, Forty-eighth Infantry, U. S. Volunteers. Service honest and faithful. Three years in Company C, Twenty-fifth Infantry; discharged September 2, 1904; service honest and faithful; from September 3, 1906, to date of discharge November 24, 1906, in Company C, Twenty-fifth Infantry.

My service has always been satisfactory. I was neither implicated in the raid on Brownsville, Tex., on the night of August 13, 1906, nor withheld any evidence that might lead to the discovery of the perpetrators thereof, and I therefore request permission to re-enlist. I solemnly aver that on the night of the raid on Brownsville, Tex., I was asleep in my quarters at the post and knew nothing about it until I was awakened by hearing the noise and I was in my proper place, and answered to my name when the roll was called during the time the sound of shooting of guns was heard outside of the wall of the post.

MARK GARMAN.

STATE OF TENNESSEE, *Hamilton County:*

Personally came before me, John A. Lawing, notary public in and for said county and State, Mark Garman, who makes oath in due form of law that the above and foregoing is correct and true to the best of his knowledge and belief.

Witness my hand and seal this January 10, 1907.

[SEAL]

JOHN A. LAWING,
Notary Public.

[First indorsement.]

RECRUITING STATION,
Cincinnati, Ohio, February 21, 1907.

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

The applicant will have the privilege of remaining at this station on probation, pending further orders in his case from the Department.

M. M. MAXON,
Captain, U. S. Army, Recruiting Officer.

THOMAS JEFFERSON.

Affidavit of Second Lieut. Donald D. Hay.

DEPARTMENT OF TEXAS, *Post of Fort Reno, ss:*

Donald D. Hay, being duly sworn, says that he is second lieutenant of Company C, Twenty-fifth Infantry. Private Jefferson was about 45 years old, and was on duty a good deal of the time as room orderly. His reputation was that of a steady, reliable man, who did not care to be away very much from the post. From my own knowledge of him and from his reputation, I think it impossible he could have taken part in the Brownsville shooting affray of August 13, 1906. I also think it highly improbable that he would have concealed or

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have failed to report anything he might have learned tending to throw light on the question of the identity of the guilty parties, or to furnish a clue.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Sworn to and subscribed before me at Fort Reno, Okla., this 8th day of February, 1907.

WILLIAM W. HARRIS, Jr.,
*Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial.*

Affidavit of Second Lieut. Donald D. Hay.

Donald D. Hay, second lieutenant Company C, Twenty-fifth Infantry, states: Private Jefferson was about 45 years old, and was on duty a good deal of the time as room orderly. His reputation was that of a steady, reliable man, who did not care to be away very much from the post. From my own knowledge of him and from his reputation I think it impossible he could have taken part in the Brownsville shooting affray of August 13, 1906. I also think it highly improbable that he would have concealed or have failed to report anything he might have learned tending to throw light on the question of the identity of the guilty parties, or to furnish a clue.

February 1, 1907.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Affidavit of Capt. Edgar A. Macklin.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

Capt. Edgar A. Macklin, Company C, Twenty-fifth Infantry, being duly sworn, says:

Private Jefferson is a very good man. He was on duty as room orderly a good deal of the time. He was about 45 years of age, of very quiet habits, and accustomed to retire early. I don't think I signed more than one pass in two years for him. He kept very much to himself. I don't believe it possible that he took any part in the Brownsville shooting of August 13, 1906. I did not consider him a talebearer, but I remember he reported to me once a case that he considered one of favoritism against himself on the part of a noncommissioned officer, or two. He was not a very popular man among the men, and I don't believe it was possible for him to find out anything concerning the shooting. But if he had learned anything I think he would have told me.

EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry.

Subscribed and sworn to before me, this 4th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate Department of the Gulf.*

WILLIAM MCGUIRE.

Statement of Capt. F. W. Phelps.

U. S. ARMY RECRUITING STATION,
510 Smithfield Street, Pittsburg, Pa., June 17, 1907.

THE ADJUTANT-GENERAL U. S. ARMY,
Washington, D. C.

SIR: I have the honor to transmit herewith the written application of William McGuire, late private, Company C, Twenty-fifth U. S. Infantry, for enlistment; also his affidavit, duly sworn to.

I would respectfully state that this statement was made to me to-day in my office, and corresponds exactly to the statement he made several days ago when he first asked for enlistment; that this affidavit is the result of a close

questioning, step by step; that I have examined and recross-examined him, striving to see if he was telling the truth, or not, but he has never wavered in his statements, and no amount of questioning could shake him.

The affidavit was carefully read to him in my office, then read and carefully explained to him by me in the presence of the notary, and he stated he thoroughly understood it and desired no changes. All this before signature.

His physical condition is good, and he appears above the average of his race in intelligence.

Very respectfully,

F. E. PHELPS,
Captain, U. S. Army, Retired, Recruiting Officer.

[First Indorsement.]

ADJUTANT-GENERAL'S OFFICE, June 19, 1907.

To the Acting Secretary of War in connection with other papers relating to the Brownsville affray.

Received back without remark August 15, 1907.

Application for enlistment.

1319 HUDSON STREET,
Allegheny, Pa., June 17, 1907.

THE ADJUTANT-GENERAL U. S. ARMY,
Washington, D. C.

SIR: I respectfully request that authority may be granted for my acceptance at Pittsburg, Pa., for enlistment for one of the colored regiments of infantry, if practicable; if not, then for the colored cavalry. I served in the Third North Carolina Volunteers, in the Forty-eighth U. S. Volunteers, and in Company C, Twenty-fifth Infantry, having been last discharged November 23, 1906, per Special Orders 266, War Department, November 9, 1906. Trusting that my application will receive favorable consideration, I am,

Very respectfully,

WILLIAM MCGUIRE.

Affidavit of William McGuire.

STATE OF PENNSYLVANIA,
County of Allegheny:

Personally appeared before me, a notary public in and for the State and county aforesaid, William McGuire, who, being duly sworn according to law deposes and says that he enlisted at Pittsburg, Pa., on or about August 11, 1905, and was assigned to Company C, Twenty-fifth U. S. Infantry; that he was stationed at Fort Brown, Brownsville, Tex., at the time of the trouble there on or about the night of August 13, 1906; that his company occupied the third barrack, counting from the river end; that his bunk was on the second floor of said barrack; that some of the windows if not all were open for air; that he thinks the doors of the squad room were closed; that he went to bed and to sleep about 9 p. m.; that he was aroused by the trumpet sounding "to arms," which was sounded by the trumpeter at the guardhouse, a short distance away, perhaps 50 yards; that the call "to arms" first woke him up and he then heard one shot fired as he believes by "number two" sentry, whose "beat" was directly behind the barracks; that this one shot was the only one he heard all night; that he had not heard any talk whatever among the men of either his own or any other company of "shooting up the town," or cleaning out the citizens or any part of them, nor did he ever hear any threats or hear of any threats by the citizens of Brownsville of cleaning out or shooting up the soldiers; that on being aroused by the call to arms he fell in ranks with his company in front of the barracks; that the roll was called by First Sergeant Turner and affiant answered to his name; that all the men in his company answered to their names; that he did not know then and does not know now that any man answered to any other man's name and never heard it since that it was done; that in about ten minutes after roll call the first sergeant dismissed the company and Captain Macklin ordered the men up stairs to bring

down all the rifles in the arm racks and put them in the storeroom on the first floor; that in about an hour the men, the affiant being one, were ordered to take their rifles and fall in ranks; that during the time affiant was in ranks, while he was carrying down the guns, and during the time that elapsed between bringing down the guns and falling in ranks, probably one hour in all, he heard no firing at all; that everything was still; that he was not called up and questioned by any officer at Fort Brown, but while at Fort Reno, Okla., he was brought up and questioned by General Garlington, he thinks it was; that a clerk took down the questions and answers, but he (the deponent) was not called upon to sign his statement.

Deponent further positively swears that he had no previous knowledge of the trouble at Brownsville, took no part whatever in it, did not hear it discussed much among the men afterward; that they were badly scared and afraid to talk, and has not the slightest idea who did the shooting, and if he did know would tell all he knew.

WILLIAM MCGUIRE.

Read to affiant William McGuire in my presence by Capt. F. E. Phelps, recruiting officer.

DAVID DINES.

Sworn and subscribed to by affiant William McGuire this 17th day of June, A. D. 1907.

[SEAL.]

DAVID DINES, *Notary Public.*

(My commission expires January 10, 1911.)

JAMES A. SIMMONS.

Request for permission to enlist.

FORT RENO, OKLA., *January 28, 1907.*

RECRUITING OFFICER, *Fort Reno, Okla.*

SIR: I have the honor to request that I be granted permission to enlist in the U. S. Army. I was discharged under provisions of paragraph 1, Special Orders, No. 208, War Department, 1906. I have the honor to truthfully state that I was not implicated in the riots at Brownsville, Tex., on the night of August 13, 1906, nor neither have I withheld any information which would have led to the detection of the guilty parties. My service in the Army is as follows:

Company H, Forty-ninth U. S. Volunteer Infantry, from October 13, 1899, to May 23, 1901. Company A, Twenty-fifth Infantry, from May 24, 1901, to May 23, 1904. Company A, Twenty-fifth Infantry, from May 24, 1904, to March 27, 1906. Company C, Twenty-fifth Infantry, from March 27, 1906, to October 4, 1906. Company A, Twenty-fifth Infantry, from October 4, 1906, to November 26, 1906, the date on which I was discharged under provisions of paragraph 1, Special Orders 208, War Department, 1906.

Hoping that this application will be favorably considered,

I remain, very respectfully,

JAMES A. SIMMONS,
No-Soldier, Twenty-fifth Infantry.

[First indorsement.]

FORT RENO, OKLA., *February 1, 1907.*

Respectfully forwarded through the adjutant, Fort Reno, Okla., to The Military Secretary, U. S. A., Washington, D. C.

B. J. EDGER, JR.,
Captain, Assistant Surgeon, U. S. A., Surgeon, Recruiting Officer.

[Second indorsement.]

FORT RENO, OKLA., *February 1, 1907.*

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

B. C. CAREY,
Captain, Thirtieth Infantry, Commanding.

Affidavit of James A. Simmons.

DEPARTMENT OF TEXAS, *Post of Fort Reno, Okla., ss:*

James A. Simmons, being duly sworn, says he was discharged without honor November 26, 1906, from said company pursuant to paragraph 1, Special Orders No. 266, War Department, dated November 9, 1906, and now desires to reenlist in the Army.

That deponent was transferred to Company C from Company A, Twenty-fifth Infantry, at Fort Niobrara on March 27, 1906, because Company A was ordered to Fort Washakie, Wyo., and deponent desired to remain with the troops to which Major Penrose was attached. That deponent had for nearly a year worked for Major Penrose at his house when not on duty, and was engaged to be married to the Major's cook, who is now deponent's wife.

That deponent went with Company C to Fort Brown, Tex., where his wife had preceded him and where she had rented a house about two blocks from the fort in a northeasterly direction and back of the post exchange. That Major Penrose gave deponent permission to be absent from the usual night: 11 p. m. inspection, and to sleep at the said house in the town every night. That there were no married men's quarters which could be assigned to deponent within the post. That deponent was but very little acquainted with the members of Company C, to which he had been but recently transferred, and because he did not sleep in barracks and got his meals in Major Penrose's house, deponent becoming the Major's cook after his (deponent's) marriage, and his wife, while at Brownsville, keeping house in the house above referred to. Deponent for these reasons saw the members of Company C only while on duty and had had no chance to make close acquaintances among them or, in fact, among the portion of the regiment at Fort Brown. That up to August 13, 1906, deponent had never heard of the fact that a member of his company had been pushed into the water by a citizen, and that he did not hear of the striking of another member of his company on the head with a revolver by a citizen until two days after the incident occurred. That deponent heard no comment whatever on the part of the soldiers upon these two affairs, and had no suspicion and had heard no hint or suggestion to the effect that hard feelings had resulted and that the soldiers were angry or resentful or were likely to retaliate or to try to get even.

That about 7.30 or 8 o'clock on the evening of August 13, 1906, deponent finished his work at Major Penrose's house and went to his wife's home aforementioned, having no knowledge whatever that any trouble was imminent or that anybody suspected that there might be trouble between the soldiers and the citizens at that time or at any other time.

That soon after I got home Private Elmer Brown, of B Company, who cared for Major Penrose's horses, called at the house and remained a few minutes. That no one else called during the evening, and deponent and his wife retired shortly after 9 o'clock. That about midnight his wife woke him up and said that she had heard shots, and other shots were fired immediately after deponent got up. That at 12.20 a. m. the firing had ceased and deponent and his wife went back to bed. Deponent did not open his door and did not leave his house. He did not hear any talking on the streets, did not see any person in the vicinity when he looked out of the window, and did not know where the firing was or what it meant. He remembers a number of dogs barking loudly and heard the bugle blown in the fort, but could not recognize the call as the call to arms. He therefore remained in his house and did not go to the barracks, because he had no idea that the call could be for the purpose of an alarm.

That during the rest of the time the troops remained at Fort Brown deponent was required to sleep in barracks. That he heard the men talk upon the subject of the shooting, most of them refusing to believe that soldiers could have been guilty of it; others who thought that perhaps soldiers had done it spoke of how successful the participants seemed to be in concealing their movements and escaping detection. I heard many of the men say that they would report in a minute anything they learned that would help catch the guilty men. Deponent did not hear any gossip or rumors as to any man having been in the crowd that did the shooting and never learned that any clue had been discovered that in any way indicated who had done the firing. That when some of the soldiers were left at San Antonio on the journey to Fort Reno to be confined at Fort Sam Houston, some of the men said they didn't expect that they would ever see those men again; but that is the only remark deponent heard made about those men.

That on October 4, 1906, after reaching Fort Reno, deponent was transferred back to Company A, and from that time on saw very little of the men of Com-

pany C. As soon as Fort Reno was reached deponent was assigned to a house in the yard of the commanding officer's quarters and neither messed nor slept in the company barracks. He mingled with the members of the battalion very little except when on duty, at which times there was very little talking, and the fact that deponent was working for the major may have been another reason why the men of the battalion did not talk very much to deponent about the Brownsville shooting. That deponent never got any information of any kind, in any way, regarding the men who made up the party that did the shooting on August 13, 1906, and he states with the utmost solemnity and positiveness that if he had obtained any such information or even a hint or suggestion or suspicion as to who did it, he would have gone to Major Penrose and reported it at once.

JAMES A. SIMMONS.

Subscribed and sworn to before me this 31st day of January, 1907.

LEWIS E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of Mrs. Charlotte Simmons.

FORT RENO, Oklahoma, ss:

Personally appeared before me the undersigned authority, one Mrs. Charlotte Simmons, who being duly sworn according to law deposes and says, that on the night of August 13, 1906, my husband, Private James A. Simmons (who on that date belonged to Company C, Twenty-fifth Infantry), was at home asleep in bed with me in the house which we then occupied about two blocks northeast of the post of Fort Brown, Tex. When I was awakened about 12.10 o'clock a. m. by the sound of firing, he got up and looked out and said that the shooting was so rapid that he was afraid to leave the house. He did not leave the house until about 6.30 a. m. August 14, 1906.

CHARLOTTE SIMMONS.

Subscribed and sworn to before me this 31st day of January, 1907.

WILLIAM W. HARRIS, Jr.,
Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial.

Affidavit of Second Lieut. Donald D. Hay.

DEPARTMENT OF TEXAS, Post of Fort Reno, ss:

Donald D. Hay, being duly sworn, says that he is second lieutenant of Company C, Twenty-Fifth Infantry. I was not very well acquainted with Private Simmons, who was transferred to the Company (C) from Company A, in March, 1906. He worked for Major Penrose. I saw him around the company more or less and regarded him as a very good soldier, obedient, respectful and reliable. I never knew or heard of the slightest misconduct on his part. He was married, and his reputation, as I heard him referred to by the officers, was that of a very useful man who seemed satisfied with the service and desirous of remaining in it. From his reputation I should not think it possible that he could have been a member of the party that did the shooting in Brownsville, Tex., on the night of August 13, 1906.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Sworn to and subscribed before me at Fort Reno, Okla., this 8th day of February, 1907.

WILLIAM W. HARRIS, Jr.,
Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial.

Affidavit of Second Lieut. Donald D. Hay.

Donald D. Hay, second lieutenant Company C, Twenty-fifth Infantry, states: I was not very well acquainted with Private Simmons, who was transferred to the Company (C) from Company A in March, 1906. He worked for Major Penrose. I saw him around the company more or less and regarded him as a very good soldier, obedient, respectful, and reliable. I never knew or heard of the slightest misconduct on his part. He was married, and his reputation, as I heard him referred to by the officers, was that of a very useful man who seemed satisfied with the service and desirous of remaining in it. From his reputation I should not think it possible that he could have been a member of the party that did the shooting in Brownsville, Tex., on the night of August 13, 1906.

February 1, 1907.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Affidavit of Maj. Charles W. Penrose.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

Charles W. Penrose, being duly sworn, says: I am major, Twenty-fifth Infantry; I have known Private Simmons over two years and know him to be a reliable, trustworthy man, worthy of belief. I would certainly believe him under oath in a case in which he was himself interested. I do not believe he had anything to do with the shooting at Brownsville on August 13, 1906; that he knew the perpetrators, or knew of anybody who did have knowledge of the affair, even though not participants in it. I believe he would have reported it to me if he had been able to gain any knowledge of the shooting or as to any man even remotely connected with it.

C. W. PENROSE.

Subscribed and sworn to before me this 4th day of February, 1907.

L. D. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Capt. Edgar A. Macklin.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

Edgar A. Macklin, being duly sworn, says he is captain, Twenty-fifth Infantry; I knew Simmons a little over two years. Last spring he transferred to my company from Company A. I found him always an excellent soldier, who performed all his duties in a soldierly manner. I believe he is honest and reliable. He is married and his wife has worked for officers' families a good deal, as has Simmons himself, and both strongly desire to stay in the Army. His wife worked a good deal for Major Penrose and so has Simmons. I don't think it possible that he could have been implicated in the shooting August 13, 1906, and he was such a very good soldier in every way and made himself so useful and was so desirous of remaining a soldier that I can not believe he would refuse to report or would withhold any information he could get about the Brownsville foray, because I think he perfectly understood the situation and the necessity that the guilty parties should be ferreted out.

EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry.

Subscribed and sworn to before me this 4th day of February, 1907.

L. D. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Certificate of Second Lieut. Alfred Brandt.

FORT RENO, OKLA., January 31, 1907.

To whom it may concern:

I certify that I have known James A. Simmons as a member of the Twenty-fifth United States Infantry since December 10, 1902.

During this time the said Simmons was under my personal observation as a member of my company for about two years. He was at all times an excellent soldier and a reliable man.

His reenlistment for the Twenty-fifth Infantry is recommended.

ALFRED BRANDT,
Second Lieutenant, Twenty-fifth Infantry.

Statement of Maj. O. W. Penrose.

FORT RENO, OKLA., January 29, 1907.

To any RECRUITING OFFICER, U. S. Army:

I have known the bearer of this paper, J. A. Simmons, late private Company A, Twenty-fifth Infantry, for something over two years and a half, as an enlisted man in Companies A and C, Twenty-fifth Infantry.

He has always been a good man, reliable and trustworthy, and while I did not see him on the night of August 13, 1906, from my knowledge of him, I do not believe he was implicated in any way with the raid on Brownsville, or had any information of the affair, either before or afterwards, of the men guilty of the crime.

O. W. PENROSE,
Major, Twenty-fifth Infantry.

Certificate of Capt. Edgar A. Maoklin.

FORT RENO, OKLA., January 30, 1907.

To whom it may concern:

This is to certify that the bearer of this paper, James A. Simmons, discharged from Company A, Twenty-fifth Infantry, is in my opinion a man of excellent character, honest, sober, and reliable. I have known him nearly three years as a member of Company A, Twenty-fifth Infantry, and also of my own, Company C, Twenty-fifth Infantry.

While I have no knowledge of the matter, it is my belief that he has no knowledge of who took part in the Brownsville affray, and that if he did he would tell. He is married and fond of the service.

EDGAR A. MAOKLIN,
Captain, Twenty-fifth Infantry.

GEORGE SMITH.

Application for reenlistment.

CHICAGO, ILL., December 19, 1906.

THE MILITARY SECRETARY, U. S. ARMY,
(Through the recruiting officer, 323 South State Street, Chicago, Ill.).

SIR: I, the undersigned, formerly a member of Company C, Twenty-fifth U. S. Infantry, and discharged by Special Orders, No. 266, War Department, do hereby make application for reenlistment in said regiment.

I inclose herewith my affidavit showing that I had no connection with or knowledge of who were the participants in the trouble at Brownsville, Tex., August 13, 1906.

GEORGE SMITH,
*Formerly a Private of Company C,
Twenty-fifth U. S. Infantry.*

[First indorsement.]

RECRUITING STATION, U. S. ARMY,
323 SOUTH STATE STREET,
Chicago, Ill., December 21, 1906.

Respectfully forwarded to The Military Secretary, U. S. Army, Washington, D. C.

A. B. WARFIELD,
First Lieutenant, Artillery Corps, Recruiting Officer.

[Second indorsement.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, December 26, 1906.

Respectfully returned, by direction of The Military Secretary of the Army, to George Smith, late Company C, Twenty-fifth Infantry, through the recruiting officer, 323 South State street, Chicago, Ill., for information whether he has any additional evidence that he desires to offer on the points named in circular letter of December 12, 1906, from this office, besides that which is presented herewith.

BENJ. ALVORD,
Military Secretary.

[Third indorsement.]

RECRUITING STATION, U. S. ARMY,
323 SOUTH STATE STREET,
Chicago, Ill., January 17, 1907.

Respectfully returned to The Military Secretary, U. S. Army, Washington, D. C., with the information that this man has no further evidence to submit.

A. B. WARFIELD,
*First Lieutenant, Artillery Corps,
Recruiting Officer.*

Affidavit of George Smith.

STATE OF ILLINOIS, County of Cook, ss:

I, George Smith, formerly a private of Company C, Twenty-fifth U. S. Infantry, and discharged by Special Orders, No. 266, War Department, November 9, 1906, being duly sworn doth depose and say:

On the night of August 13, 1906, I was stationed at Fort Brown, Tex. I had no knowledge at that time, nor have I now any knowledge of the names of any of the members of the Twenty-fifth U. S. Infantry who took part in the disturbance at that time and place. I myself had no part in the disturbance at all.

GEORGE SMITH,
*Formerly a Private of Company C,
Twenty-fifth U. S. Infantry.*

Subscribed and sworn to before me this 21st day of December, 1906.

[SEAL.]

A. B. PERRIGO,
Notary Public.

Affidavit of Second Lieut. Donald D. Hay.

DEPARTMENT OF TEXAS,
Post of Fort Reno, ss:

Donald D. Hay, being duly sworn, says that he is second lieutenant of Company C, Twenty-fifth Infantry. I know Private Smith. I don't believe he was concerned in the Brownsville shooting of August 13, 1906, but I don't think he would exert himself to find out who was. I can not form much of an opinion as to whether, under the circumstances, he would tell if he learned who the guilty parties were. I rather think he wouldn't care much; wouldn't exert himself

at all, and would be disinclined to tell on anybody. He never seemed to me to have any inclination to tell on his fellow-soldiers.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Sworn to and subscribed before me this 8th day of February, 1907, at Fort Reno, Okla.

WILLIAM W. HARRIS, JR.,
*Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial.*

Affidavit of Second Lieut. Donald D. Hay.

Donald D. Hay, second lieutenant Company C, Twenty-fifth Infantry, states: I know Private Smith. I don't believe he was concerned in the Brownsville shooting of August 13, 1906, but I don't think he would exert himself to find out who was. I can not form much of an opinion as to whether, under the circumstances, he would tell if he learned who the guilty parties were. I rather think he wouldn't care much; wouldn't exert himself at all, and would be disinclined to tell on anybody. He never seemed to me to have any inclination to tell on his fellow-soldiers.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

FEBRUARY 1, 1907.

Affidavit of Second Lieut. Harry S. Grier.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Harry S. Grier, second lieutenant, battalion quartermaster and commissary Twenty-fifth Infantry, being duly sworn, says:

I knew Private Smith for about three years and considered him a good man in a great many ways, but he had considerable of the tough about him. In my opinion, if he knew anything about the Brownsville incident he would keep it to himself, although my knowledge of the man is based on very little actual contact with him, and I may be mistaken in this belief.

H. S. GRIER,

Subscribed and sworn to before me this 5th day of February, 1907.

L. M. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Second Lieut. George C. Lawrason.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

George C. Lawrason, second lieutenant Company B, Twenty-fifth Infantry, being duly sworn, says:

I ran across Private Smith often on guard. I thought him a cheerful, faithful man, attentive to his duties. He was a baseball player; seemed satisfied with the service and willing to stay in. I don't believe he was concerned in the Brownsville raid or cherished any bitterness or animosity against any one in the town.

GEO. C. LAWRASON.

Subscribed and sworn to before me this 5th day of February, 1907.

L. M. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Capt. Samuel P. Lyon.

DEPARTMENT OF TEXAS,

Post of Fort Sam Houston, ss:

Samuel P. Lyon, captain, Company D, Twenty-fifth Infantry, being duly sworn, says:

I have known Private Smith several years and noticed him under various conditions, although he was never in my company. I always considered him a very good man. From my knowledge of him I don't believe he would participate in such an affair as the shooting of August 13, 1906, and I believe he would have told if he had known anything about it.

SAMUEL P. LYON.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Capt. Edgar A. Macklin.

DEPARTMENT OF TEXAS,

Post of Fort Sam Houston, ss:

Edgar A. Macklin, captain Company C, Twenty-fifth Infantry, being duly sworn, says:

Among both officers and men Private George Smith was one of the soldiers best known in the regiment, on account of his skill as a baseball player. He is good-natured, jolly, about thirty-three years old, well liked, and not likely to harbor resentment or have ill feeling toward the people of Brownsville. He is a very good soldier, and I believe he would tell if he knew who participated in the Brownsville shooting. I have known him two years and a half. I can't say what efforts he would make to follow up a clue, but he was likely to hear, as quickly as any other man, any bit of gossip circulating around about the matter. I don't believe it possible he was one of the guilty ones.

EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

COMPANY D.

JACOB FRAZIER.

Affidavit of Mrs. Jacob Frazier.

DEPARTMENT OF TEXAS,

City of El Reno, Okla., ss:

Hattie Frazier, being duly sworn, says she is the wife of Jacob Frazier, late first sergeant Company D, Twenty-fifth Infantry, and lived with him in quarters at Fort Brown, Tex., on August 13, 1906. That First Sergeant Mingo Sanders, of B Company, lived with his wife in adjoining rooms in the same building. That Sergeant Frazier went to bed in his own quarters about 8.30 o'clock p. m. on August 13, 1906, and remained there asleep until this deponent woke him about midnight, at which time she was herself awakened by the sound of firing. That Sergeant Frazier put on a few articles of uniform and ran over to the company quarters. That Sergeant Sanders went to his company from the rooms occupied by himself and wife at about the same time, and this

deponent watched the two men from the porch of her home as they hurried over to the barracks. That shots were still being fired in the town at that time.

her
 HATTIE X FRAZIER,
 mark

Subscribed and sworn to before me this 1st day of February, 1907.

LEWIS D. GOODIER,
*Major, Judge-Advocate-General's Department,
 Judge-Advocate, Department of the Gulf.*

Affidavit of Second Lieutenant Donald D. Hay.

DEPARTMENT OF TEXAS,
Post of Fort Reno, ss:

Donald D. Hay, being duly sworn, says that he is second lieutenant of Company C, Twenty-fifth Infantry. I served with Company D on several occasions for short periods. I believe Sergeant Frazier to be absolutely trustworthy, and I know he was not at all backward in reporting men for delinquencies or breaches of discipline. I can not conceive of his being influenced by any consideration to decline to report the men who were guilty of the shooting in Brownsville on August 13, 1906, if he knew anything whatever as to their connection with it. I am almost certain he would do everything in his power to locate the guilty men, and would report any clue that he might obtain.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Sworn to and subscribed before me this 8th day of February, 1907, at Fort Reno, Okla.

WILLIAM W. HARRIS, JR.,
*Second Lieutenant, Thirtieth Infantry,
 Judge-Advocate-General Court-Martial.*

Affidavit of Second Lieut. Donald D. Hay.

Donald D. Hay, second lieutenant, Company C, Twenty-fifth Infantry, states: I served with Company D on several occasions for short periods. I believe Sergeant Frazier to be absolutely trustworthy, and I know he was not at all backward in reporting men for delinquencies or breaches of discipline. I can not conceive of his being influenced by any consideration to decline to report the men who were guilty of the shooting in Brownsville on August 13, 1906, if he knew anything whatever as to their connection with it. I am almost certain he would do everything in his power to locate the guilty men, and would report any clue that he might obtain.

February 1, 1907.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Affidavit of Maj. Charles W. Penrose.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Charles W. Penrose, major Twenty-fifth Infantry, being duly sworn, states: I believe Sergeant Frazier to be absolutely honest and trustworthy, and that he had nothing whatever to do with the shooting at Brownsville. He had always been a very reliable man. I believe he would have told me very

willingly and very promptly of any fact or information he might learn as to the participation of any of the men in the affair of August 13, 1906.

C. W. PENROSE.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

—
Affidavit of Capt. Samuel P. Lyon.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Samuel P. Lyon, captain Company D, Twenty-fifth Infantry, being duly sworn, states:

I knew Sergeant Frazier for seven years; the last four he was under my immediate command as sergeant and first sergeant of my company. He was always absolutely reliable, truthful, and conscientious in performance of his duties. I got to the company barracks just before Frazier did. The firing was still going on. I think the citizens uptown were doing what was then being done. I saw Frazier coming from the direction of his house in the post; he was assigned to the married men's quarters. He had no rifle. He got his gun and completed the formation of the company. In my own mind I am absolutely sure he could not have been involved in the affair, and that he would not directly or indirectly engage in the shooting, and that he knew nothing about it before the time I saw him that night.

I know he was anxious to continue in the service. He had served about fourteen years and received a full and honorable discharge on expiration of his enlistment September 20, 1906, reenlisting next day. I am very confident he would report anything he might learn at any time. I instructed my old men and the noncommissioned officers to keep quiet, to keep their eyes and ears open and learn all they could. I must have talked with Frazier about the affair at least three times a week up to his discharge on November 26, 1906. Each time he claimed he was doing everything he could, and I believe him. I never knew him to overlook a dereliction on the part of any man. He was always prompt to report shortcomings and breaches of discipline. He was 6 feet 4 inches tall and fearless in the presence of danger.

SAMUEL P. LYON.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

—
Affidavit of Capt. Edgar A. Macklin.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Edgar A. Macklin, captain Company C, Twenty-fifth Infantry, being duly sworn, states:

While we were stationed at Fort Niobrara, Sergeant Frazier and his wife lived in the back part of my house for six or seven months. I saw a good deal of him. They were frequently left alone for hours in charge of my house. He was a sober, honest, reliable soldier, and attentive to his duties.

EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry.

Subscribed and sworn to before me, this 4th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of Second Lieut. Harry S. Grier.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Harry S. Grier, second Lieutenant, battalion quartermaster and commissary, Twenty-fifth Infantry, being duly sworn, states:

I knew Sergeant Frazier during the four months—three years ago—that I served with Company D, part of which time I was in command of it. I know him to be reliable. He never hesitated to take before the company commander any member of the company whom he knew to have committed an offense or a delinquency, or who was accused of having done so. I don't believe that any one man or bunch of men would be able to prevent him from telling what he knew regarding the Brownsville affair or any other. I have heard him express himself to the effect that "It wasn't so bad for these young fellows who hadn't much time in or didn't care to stay in service, to get kicked out, but it was pretty hard for him with fourteen years in to be kicked out when he hadn't done nothing."

H. S. GRIER.

Subscribed and sworn to before me, this 5th day of February, 1907.

L. B. GOODIER,
*Major, Judge-Advocate-General's Department,
 Judge-Advocate, Department of the Gulf.*

Affidavit of Second Lieut. George C. Lawrason.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

George C. Lawrason, second Lieutenant, Company B, Twenty-fifth Infantry, being duly sworn, says:

I know Sergeant Frazier by sight and by his reputation only. That reputation is an excellent one. He is reputed a trustworthy and deserving soldier.

GEO. C. LAWRASON.

Subscribed and sworn to before me, this 5th day of February, 1907.

L. B. GOODIER,
*Major, Judge-Advocate-General's Department,
 Judge-Advocate, Department of the Gulf.*

HOYT ROBINSON.

Request for reenlistment papers.

CLEVELAND, OHIO, December 20, 1907.

MILITARY SECRETARY, U. S. ARMY,
 Washington, D. C.

SIR: I have the honor to request that I can receive some information on what decisions the men of ex-Companies B, C, D, Twenty-fifth Infantry. I would like to secure reenlistment papers from this office to reenlist in Company G, Twenty-fifth Infantry, as musician. I have served over five years and I have been waiting to hear of the reinstatement of all or some of them. Sir, I can get Capt. S. P. Lyon to sign the paper. I have my discharges, one of the Twenty-fourth Infantry and the other from the Twenty-fifth Infantry; the Twenty-fourth, character very good, and the other Paragraph 1, Special Orders, War Department, 226.

Yours, respectfully, sir,
 Address

HOYT ROBINSON,
 No. 2205 East Thirtieth Street, Cleveland, Ohio.

Letter of Capt. Alfred Aloe.

RECRUITING STATION, U. S. ARMY,
Cleveland, Ohio, January 21, 1908.

HOYTT ROBINSON,
Late Company D, Twenty-sixth Infantry,
617 Maple Street, Cleveland, Ohio.

SIR: Your letter of 18th instant, notifying me of change of your address, has been received.

Nothing in your case has been received from The Adjutant-General.

Very respectfully,

ALFRED ALOE,
Captain, First Infantry, Recruiting Officer.

Letter of Hoytt Robinson.

SHARPSBURG, KY., February 26, 1908.

DEAR SIR: I have the honor to ask of the War Department what considerations are had on behalf of the men or to my own case. I would like to know, please, just what is doing after I have spent five years in the Army of the United States. I would like to have a place to work in the United States Quartermaster's Department. I am a man and I have a letter of recommendation, but I would like to have a good discharge. It is very hard to suffer for something that some one did and you do not know anything about it. I can prove that I did not shoot, and I don't know of any one that did. I would be pleased if I was thought of enough to get a place as watchman at some custom-house. I do not feel right to be out of the service of the United States, and I do beg the honor of the Department to notice this letter. If I could or can be recommended to the civil service as a laborer in any Department, I would feel glad to take a job as night watchman in the custom-house in Cincinnati, Ohio, to work. Please inform me of what can be done for me. I would like to have a job at any recruiting office, United States Army, or anything that could be decided for me.

I am waiting a reply.

Yours, respectfully,
Address

HOYTT ROBINSON,
Sharpsburg, Ky., U. S. A., R. F. D. No. 2, Box 60.

Affidavit of Capt. Samuel P. Lyon.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Samuel P. Lyon, being duly sworn, says he is captain, Company D, Twenty-sixth Infantry, and knew Musclem Robinson, who was a member of his company for two and one-half years. That he was a man of first-rate habits and an excellent soldier, whom deponent always found to be honest and perfectly reliable. That he was musclem of the guard on the night of August 13, 1906, and sounded the call to arms on orders from Major Penrose personally, and alarmed the garrison. That deponent thinks it impossible that Robinson could have participated in the shooting, and does not believe he knew anything as to the guilty parties. Deponent does believe that had Robinson known who they were he would have reported to deponent as soon as he learned it. That Robinson had had no trouble with the citizens of Brownsville, and so far as deponent had observed him, was not a man to harbor morbid or resentful feelings.

SAMUEL P. LYON.

Subscribed and sworn to before me, this 4th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate Department of the Gulf.

Affidavit of Capt. Edgar A. Macklin.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Captain Edgar A. Macklin, being duly sworn, says he was officer of the day on August 13, 1906, and that Musclem Robinson was a member of the guard at that time. That deponent had observed Robinson many times during the past two years as a member of the guard and as orderly trumpeter, and always regarded him an excellent soldier.

EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry.

Subscribed and sworn to before me, this 4th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
 Judge-Advocate Department of the Gulf.*

Affidavit of Second Lieut. Harry S. Grier.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Harry S. Grier, being duly sworn, says he is second lieutenant, Twenty-fifth Infantry. That Musclem Hoytt Robinson came to Company D after deponent left it and he is not in position to state very much about the character or qualities of the man. But deponent will state that said Robinson impressed him as being a good man.

H. S. GRIER.

Subscribed and sworn to before me this 5th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
 Judge-Advocate Department of the Gulf.*

JOSEPH JONES.

Application for enlistment.

TO THE MILITARY SECRETARY,
 (Through the Recruiting Officer, U. S. Army, State street, Chicago.)

SIR: I, the undersigned, formerly a member of Company D, Twenty-fifth Infantry, and discharged by Special Orders, No. 266, War Department, do hereby make application for enlistment in said regiment of the Regular, and attach hereto my affidavit showing that I had no connections with or knowledge of who were the participants in the trouble at Brownsville, Tex., August 13, 1906.

JOSEPH JONES,
Formerly a musclem of Company D.

[First Indorsement.]

RECRUITING STATION, U. S. ARMY, 323 SOUTH STATE STREET,
 Chicago, Ill., February 9, 1907.

Respectfully forwarded to The Military Secretary, U. S. Army, Washington, D. C.

A. B. WARFIELD,
First Lieutenant Artillery Corps, Recruiting Officer.

Affidavit of Joseph Jones.

STATE OF ILLINOIS, *County of Cook, ss:*

I, Joseph Jones, formerly a musclem of Company D, Twenty-fifth U. S. Infantry, and discharged by Special Orders, No. 266, War Department, November 9, 1906, being duly sworn doth depose and say:

On the night of August 13, 1906, I was stationed at Fort Brown, Tex. I had no knowledge at that time nor have I now any knowledge of the names of any of the members of the Twenty-fifth U. S. Infantry who took part in the disturbance at that time and place. I myself had no part in the disturbance at all.

JOSEPH JONES,

Formerly a musician of Company D, Twenty-fifth U. S. Infantry.

Subscribed and sworn to before me this 18th day of December, 1906.

[SEAL.]

D. W. J. BOXLEY,
Notary Public.

Certificate of Capt. Samuel P. Lyon.

To whom it may concern:

Joseph Jones has been known to me for about two years and three months, during all of which time he has been a member of 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.

CHARLES DADE.

Application for enlistment.

FORT RENO, OKLA., *December 19, 1906.*

The RECRUITING OFFICER, *Fort Reno, Okla.*

Sir: I have the honor to request that I be enlisted in the service of the United States, under the provisions of the instructions for recruiting officers, dated Military Secretary's Office, December 12, 1906.

I was discharged November 26, 1906, per Special Orders, No. 206, War Department, series 1906.

My service is as follows: From January 14, 1885, to January 13, 1890, Company D, Twenty-fifth Infantry; character excellent, faithful, and reliable. From January 22, 1890, to January 21, 1895, Company D, Twenty-fifth Infantry; character excellent. From January 22, 1895, to January 21, 1898, Company D, Twenty-fifth Infantry, and Hospital Corps; character excellent. From January 22, 1898, to January 21, 1901, Company D, Twenty-fifth Infantry; character excellent. From January 22, 1901, to January 21, 1904, Company D, Twenty-fifth Infantry; character excellent. From January 22, 1904, to November 26, 1906, Company D, Twenty-fifth Infantry; character without honor.

My personal affidavit and letters from Capt. S. P. Lyon, Twenty-fifth Infantry, who was in command of my company August 13, 1906, and Major Penrose, Twenty-fifth Infantry, post commander at that date, are inclosed herewith.

I am, sir, very respectfully,

CHARLES DADE,

Late Cook, Company D, Twenty-fifth Infantry.

[First Indorsement.]

FORT RENO, OKLA., *December 20, 1906.*

Respectfully forwarded to The Military Secretary, U. S. Army, Washington, D. C., through the adjutant, Fort Reno, Okla., inviting attention to the inclosed papers of Charles Dade, late cook Company D, Twenty-fifth Infantry, for reenlistment in the U. S. Army.

A decision is requested in this case.

B. J. EDOER, JR.,

Captain, Assistant Surgeon, U. S. A., Surgeon, Recruiting Officer.

[Second indorsement.]

FORT RENO, OKLA., December 21, 1906.

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

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

[Third indorsement.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, December 29, 1906.

Respectfully returned, by direction of The Military Secretary of the Army, to Charles Dade, late Company D, Twenty-fifth Infantry (through the commanding officer, Fort Reno, Okla.), for a statement as to whether the evidence submitted is all that he desires to submit for the consideration of the Department.

BENJ. ALVORD, *Military Secretary.*

[Fourth indorsement.]

FORT RENO, OKLA., January 3, 1907.

Respectfully returned to The Military Secretary of the Army, Washington, D. C. (through the commanding officer, Fort Reno, Okla.), with the information that I inclose herewith affidavits of my wife and stepdaughter, the evidence submitted is all that is available.

CHARLES DADE,
Late Cook, Company D, Twenty-fifth Infantry.

[Fifth indorsement.]

FORT RENO, OKLA., January 3, 1907.

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

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

Affidavit of Charles Dade.

FORT RENO, State of Oklahoma, ss:

Personally appeared before me, the undersigned authority, one Charles Dade, late cook Company D, Twenty-fifth Infantry, who being duly sworn according to law deposes and says:

On the night of August 13, 1906, I was asleep in a house occupied by myself, wife, and daughter, just outside of the garrison wall, straight in rear of D Company; I retired about 9 o'clock p. m. August 13, 1906, and slept soundly until about 12.30 a. m., August 14, 1906, when my wife woke me up, calling my attention to shots being fired near the gate leading into the garrison, in the direction of the telegraph office. I immediately got up and took my wife and daughter to the quarters of D Company. I remained at the company, and I do not know who did the firing nor what caused it. Further deponent saith not.

CHARLES DADE,
Late Cook Company D, Twenty-fifth Infantry.

Subscribed and sworn to before me at Fort Reno, Okla., this 18th day of December, 1906.

W. W. HARRIS, Jr.,
Second Lieutenant, Thirtieth Infantry, Judge-Advocate G. O. M.

Affidavit of Mrs. Emma Dade.

FORT RENO, State of Oklahoma, ss:

Personally appeared before me, the undersigned authority, one Mrs. Emma Dade, who being duly sworn according to law deposes and says that on the night of August 13, 1906, I was in my house, in the rear of Company D, Twenty-fifth Infantry, quarters, with my husband Charles Dade, late cook Company D,

Twenty-fifth Infantry, and between 12 and 1 o'clock, August 14, 1906, I was awakened by the discharging of guns in the vicinity of the post (Fort Brown, Tex.), as the shooting was unusual. I immediately woke my husband, who had been at home since about 9 o'clock p. m., August 13, 1906. He immediately proceeded to the company, taking myself and daughter with him, where my daughter and I remained.

Further the deponent sayeth not.

Mrs. EMMA DADE.

Subscribed and sworn to before me at Fort Reno, Okla., this 3d day of January, 1907.

WILLIAM W. HARRIS, JR.,
Second Lieutenant, Thirtieth Infantry, Judge-Advocate G. O. M.

Affidavit of Mrs. C. H. Barbour.

FORT RENO, State of Oklahoma, ss:

Personally appeared before me, the undersigned authority, one Mrs. C. H. Barbour, who being duly sworn according to law deposes and says that on the night of August 13, 1906, she was at home with her mother and stepfather, Charles Dade, late cook Company D, Twenty-fifth Infantry, and between 12 and 1 o'clock August 14, 1906, I was awakened by my mother, who informed me that shooting was going on near the post, and I had better get up and go to the quarters, Company D, with her and my stepfather; I hurriedly dressed and proceeded with them to the company, where I remained.

Further the deponent saith not.

Mrs. C. H. BARBOUR.

Subscribed and sworn to before me at Fort Reno, Okla., this 3d day of January, 1907.

WILLIAM W. HARRIS, JR.,
Second Lieutenant, Thirtieth Infantry, Judge-Advocate G. O. M.

Certificate of Capt. Samuel P. Lyon.

FORT RENO, OKLA., December 19, 1906.

To any RECRUITING OFFICER, U. S. Army:

Charles Dade, late cook Company D, Twenty-fifth Infantry, who was discharged without honor November 20, 1906, is desirous of reentering the service.

I have known this man for about six years; for the past four years he has been immediately under my command.

I believe him to be an excellent man in every respect.

I do not believe he was directly or indirectly connected with the affair at Brownsville, Tex., of August 13 last, and I do not believe he has any knowledge whatever of the affair.

He was present with his company when the roll was called on the night of August 13.

I recommend his enlistment, and if he so desires, I shall be glad to have him again in my company.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Commanding Company D.

Affidavit of Maj. C. W. Penrose.

FORT RENO, OKLA., December 20, 1906.

To any RECRUITING OFFICER, U. S. Army:

The bearer, Charles Dade, on the night of the shooting at Brownsville, Tex., was a cook in Company D, Twenty-fifth Infantry.

I have known him for over two years and a half, and have always found him a trustworthy and excellent man in every way.

C. W. PENROSE,
Major, Twenty-fifth Infantry, Commanding First Battalion,
Twenty-fifth Infantry.

Instructions to recruiting officers.

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, December 12, 1906.

To all RECRUITING OFFICERS:

Applications to reenlist from former members of Companies B, C, and D, Twenty-fifth Infantry, who were discharged under the provisions of Special Orders, No. 260, War Department, November 9, 1906, must be made in writing and be accompanied by such evidence, also in writing, as the applicant may desire to submit to show that he was neither implicated in the raid on Brownsville, Tex., on the night of August 13, 1906, nor withheld any evidence that might lead to the discovery of the perpetrators thereof. Recruiting officers to whom such former soldiers may apply for reenlistment will advise them of these requirements and will forward the applications, when properly prepared, to The Military Secretary of the Army for the consideration and investigation of the War Department.

[1190224, M. S. O.]

By order of the Secretary of War:

F. C. AINSWORTH,
The Military Secretary.

Affidavit of Charles Dade.

DEPARTMENT OF TEXAS,

Post of Fort Reno, ss:

Charles Dade, being duly sworn, deposes and says he is the man who was discharged as cook of said company on November 26, 1906, pursuant to paragraph 1, Special Orders, No. 260, War Department, November 9, 1906.

That he is at present employed as cook in the family of Lieut. H. S. Grier, Twenty-fifth Infantry, stationed at Fort Reno, Okla., and that his wife, Emma Dade, resides with him at Fort Reno.

That deponent has applied for reenlistment in the Army, and desires that his application may be granted.

That deponent accompanied that portion of the first battalion, Twenty-fifth Infantry, that was moved from Fort Niobrara to Fort Brown, Tex., in July, 1906, he being then cook in Company D. That about a week after arriving in Brownsville deponent rented from Mr. Jim Brown a small house in the town just outside the wall of the military reservation and about 20 yards from the barracks occupied by D Company, and received proper permission from the post authorities to take up his quarters therein with his wife, who came to Brownsville with him, and also his wife's daughter, Bessie, who is the wife of First Sergt. C. H. Barbour, of Company A of the regiment, Company A being at Fort Washakie, Wyo., and expecting soon to join the rest of the first battalion at Fort Brown. Deponent, his wife, and stepdaughter were living in said house on August 13, 1906.

Deponent heard about the trouble which occurred between some people of the town and the soldiers from C Company, one of whom was said to have been pushed into the water and the other to have been struck on the head with a revolver. These matters were considered by the soldiers to have been cases of unjust treatment on the part of the townspeople, but deponent did not observe that they gave rise to any particular excitement or angry feeling on the part of the soldiers. Deponent did not go into the squad rooms or into the men's quarters except occasionally, and did not sleep in the barracks at all during the period between our arrival in Fort Brown and the night of August 13, 1906. That up to the said night deponent never received any hint or intimation that there was likely to be trouble between the citizens and the soldiers, and he went to bed in his house at 9 o'clock that night without any suspicion whatever that any such trouble would ever arise. That deponent's wife and Mrs. Barbour were with him in the house during the entire evening and retired about the same time. That about midnight deponent was awakened by his wife, who said that he had better get up; that shooting was going on. Deponent heard shots; pulled on his shoes without the socks, put on his khaki trousers, and went out. The shots sounded as though fired near the telegraph office, near the fort gate. Deponent got over the reservation wall, about 4 feet high, and went directly to

the company kitchen, where he found the second cook, James Duncan, of the company, who slept in the cook's room, adjoining the kitchen. Duncan was partly dressed, but there was no light lit. The call to arms sounded as deponent reached the porch of the kitchen. Duncan at once joined the company and deponent took charge of the kitchen, remaining there the rest of the night, watching at the door to see what he could see or hear. Deponent saw Corporal Powell, the noncommissioned officer in charge of quarters, moving around; he also noticed the sentinel who was at the post extending between the line of barracks and the wall. That he saw no other persons in the quarters or the vicinity until the company came back.

That the next morning deponent heard that the citizens were claiming that soldiers had done the firing. The soldiers, in their talk among themselves, as deponent heard it, seemed to refuse to believe that any firing at all had been done by soldiers. A very few days after the shooting I was sent for to come to the orderly room—the company office in the barracks—and my affidavit was taken down by Lieutenant West, who had returned from leave after the 13th of August, and I afterward swore to it before Captain Lyon. From the talk I had with the men I am positive that, while we were at Fort Brown, the men of Company D did not believe for a moment that soldiers had done the shooting, and that all were very certain no member of our company had participated in it. Even while we were restricted to the post and prevented by orders from going outside, such sentiment as I heard expressed by the men was positively against the idea that it was possible that our men could be guilty. That deponent never, while at Fort Brown, heard any suggestion or hint that could have helped to discover those who did the shooting.

That after coming to Fort Reno it was impressed upon us that we must exert ourselves to find out the guilty parties, and that we would be discharged without honor if they were not discovered. The men then seemed to refuse to be convinced that such an outcome of the matter would actually result, and seemed to think that it would be finally determined not to discharge, without honor, the old soldiers of long service who knew they hadn't done anything wrong. We were confined to the post here also, but the guilty men never, as far as deponent heard, said or did anything to direct suspicion toward them. That there was no gossip or rumor going around as to who the guilty men were. That deponent never heard a thing on that subject. That there was talk and gossip about the orders for discharge, and about what was going to be done with the men and what they were going to do, but absolutely nothing on the subject of the guilt of any soldiers or their innocence. That the old soldiers spoke frequently as to the bitterness of being compelled to suffer because some one else had committed this wrong, and deponent is very sure that the universal feeling among the men of long service in Company D was that the slightest clew obtained by any of them as to the actual perpetrators would have been reported to the captain at once. That deponent has several times heard Private William R. Jones, of D Company, say before the discharge that he would like to know who the scoundrels were that had done the shooting, and that if he knew he would surely turn them up. That deponent never heard the men suggest that an informer would get into trouble or be maltreated by the guilty parties, and as far as deponent could learn there was no fear on any one's part that there would be any danger in reporting whatever a man might learn.

CHARLES DADE.

Subscribed and sworn to before me this 31st day of January, 1907.

LEWIS E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of Mrs. Emma Dade.

DEPARTMENT OF TEXAS,
Post of Fort Reno, Okla., ss:

Emma Dade, being duly sworn, deposes and says that she is the wife of Charles Dade, who was discharged from Company D, Twenty-fifth Infantry, on November 26, 1906, and has been his wife for about nine years. That deponent has a daughter, Bessie, who is the wife of First Sergeant Charles H. Barbour, of Company A, of the same regiment.

That deponent and Mrs. Barbour went with Company D to Fort Brown, Tex., in July, 1906, and lived with said Dade in the house, rented from Mr. Brown, just back of the barracks of D Company. That on the evening of August 13, 1906, deponent's husband came from his duties to the house between 8 and 9 o'clock and went right to bed; but deponent and her daughter sat up for a little while after he retired, watching the little children who were having a party in a house near by. We went to bed at about 9 o'clock, and were all asleep very soon.

That about midnight deponent was awakened by the sound of firing close at hand. Dade was fast asleep in bed. I woke him up, and he got up and went to the company barracks.

EMMA DADE.

Subscribed and sworn to before me this 31st day of January, 1907.

LEWIS E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

DEPARTMENT OF TEXAS,
Post of Fort Reno, Okla., ss:

Bessie Barbour, being duly sworn, says she is the wife of First Sergeant C. H. Barbour, Company A, Twenty-fifth Infantry, and is the daughter of Mrs. Emma Dade, wife of Cook Charles Dade, of Company D, of that regiment.

That she was living with her mother and Cook Dade in their house in Brownsville, Tex., on August 13, 1906, and that said Dade returned home from his duties at the barracks soon after 8 o'clock on the evening of that day and went right to bed. That deponent and her mother retired about 9 o'clock. That deponent was awakened by her mother about midnight and when she got up she saw that said Dade was still in his bed. Firing was then going on close by, and said Dade got up and went across the wall of the reservation to his company barracks.

Mrs. C. H. BARBOUR.

Subscribed and sworn to before me this 31st day of January, 1907.

LEWIS E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate Department of the Gulf.

Affidavit of Maj. Charles W. Penrose.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Charles W. Penrose, major, Twenty-fifth Infantry, states:

From Cook Dade's reputation and my own knowledge of him, I believe him to be absolutely trustworthy and honest. I believe that if he had known who the men implicated were, or had known of any man whom he believed to possess the slightest knowledge or information regarding the Brownsville affray or the participation of any other man in it, that he would have come to me immediately.

C. W. PENROSE.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of Capt. Samuel P. Lyon.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Samuel P. Lyon, captain, Company D, Twenty-fifth Infantry, states:

I have known Cook Dade seven years. The past four years he was head cook of my company. He is absolutely honest and a trustworthy man. I am certain

he took no part in the shooting of August 13, 1906, and that he had no knowledge, either before or after the fact, of the connection of any man with it.

The roll of my company was called at the wall where we were posted as soon as formed, and I heard Dade answer to his name from the back porch of the company barracks near the kitchen door. I know his voice well and recognized it at that time. He is married and has over twenty years service to his credit. I know of the hopes he entertained of being able to serve out his thirty years to entitle him to retirement. I am certain that no racial prejudice or desire to shield guilty men, or any fear of consequences to himself to follow the disclosure of what he might learn would have deterred him from reporting anything he might have learned. And I believe he has done everything that has been in his power to find out what he could to help discover the guilty.

SAMUEL P. LYON.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of Capt. Edgar A. Macklin.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Edgar A. Macklin, captain, Company C, Twenty-fifth Infantry, states:

As day was beginning to break on August 14, 1906, I was at the main gate of Fort Brown, where Cook Dade's wife and stepdaughter came to me in their night clothing and light wrappers. They said they had been in Company D's kitchen or dining-room since early in the disturbance and wanted to get to their home, which was outside the reservation and just across the road, before the men saw them. I think this shows that Dade and his family knew nothing beforehand about the affair or they would have been up and fully dressed.

Just after his discharge Mrs. Macklin spoke to him about cooking for us. He said he would do anything to be allowed to remain around the post and the soldiers; that he couldn't bear to leave; that wages was no object and that he should not abandon hope of being permitted to reenlist. He cooked for us about a month. The house was not locked up, day or night; much money was kept in it, the funds of my company, the post exchange, etc., and he knew that fact. He and his wife did most of the cooking for the post exchange and baked pies and cake for it. Their account was always found correct and honest. On one occasion we left him for two hours or more alone in the house in charge of our little boy of 6 years. We always found him honest and trustworthy.

EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of Second Lieut. Harry S. Grier.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Harry S. Grier, second lieutenant Twenty-fifth Infantry, states:

I never came much in contact with Dade until after his last discharge. Since about January 1, 1907, he has been cook in my family and I have learned the excellent reputation he bears. We have found him wholly trustworthy, honest, sober, and industrious. Several times we have left him alone in the house, sometimes with the baby, while we were out for the evening. We think him absolutely straightforward and all right. I think he would be the very last man in the battalion to participate in the Brownsville affair. If he learned

anything about it I think he would disclose it immediately. I think he is without fear of any bad element there may be among the men and would not be deterred from doing everything he could to bring to justice the men guilty of the outrage. During the move from Fort Niobrara to Fort Brown I was in charge of the train kitchen and saw something of Dade, whom I made chief cook for the trip. I noticed the way he enforced the orders against men entering the cooking car. He was efficient and was able to and did enforce discipline on that car.

H. S. GRIER.

Subscribed and sworn to before me this 5th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of Second Lieut. George C. Lawrason.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

George C. Lawrason, second lieutenant, Company B, Twenty-fifth Infantry, states:

My knowledge of Cook Dade is only general. I know that his reputation is excellent. I have noticed him a good deal about the garrison since his discharge. He is always here; doesn't run outside any, and is invariably courteous and respectful. He never fails to salute when he meets one of the officers.

GEO. C. LAWRASON.

Sworn and subscribed to before me this 5th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of First Lieutenant James A. Higgins.

DEPARTMENT OF TEXAS,
Post of Fort Reno, ss:

JAMES A. HIGGINS, first lieutenant Company C, Twenty-fifth Infantry, states:

I have known Cook Dade since about June, 1906, and I concur in Captain Lyon's statement regarding him, made to Major Goodier at Fort Reno, as to the absolutely honest and trustworthy character of Dade, and as to his longing to remain in service until his retirement. I have not had the same opportunities for observation as Captain Lyon, but it is my opinion also that no racial prejudice or desire to shield the guilty or fear of personal consequences following his disclosure of his knowledge would have deterred him from reporting whatever he might learn.

JAMES A. HIGGINS,
First Lieutenant, Twenty-fifth Infantry.

Subscribed and sworn to before me this 8th day of February, 1907.

WILLIAM W. HARRIS, JR.,
Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial.

JAMES DUNCAN.

Letter of Capt. E. S. Wright.

RECRUITING STATION, U. S. ARMY,
El Paso, Tex., January 13, 1907

THE MILITARY SECRETARY, U. S. ARMY,
Washington, D. C.

SIR: As provided by circular letter from The Military Secretary's Office, dated December 12, 1906, I have the honor to forward herewith application of James Duncan to reenlist in the U. S. Army, together with six inclosures, as noted below.

Very respectfully,

E. S. WRIGHT,
Captain, First Cavalry, Recruiting Officer.

Application for permission to reenlist.

FORT BLISS,
El Paso, Tex., January 12, 1907.

THE MILITARY SECRETARY, Washington, D. C.

SIR: I respectfully apply for permission to reenlist for Company E, Twenty-fifth Infantry, the company commander of that organization having signified his willingness to have me in his company.

The facts are mainly stated in the papers which are attached hereto. On August 13, 1906, I was cook of Company D, Twenty-fifth Infantry, with station at Brownsville, Tex., and was there at the time of the riot. I have read the statements of fact in the accompanying papers, and those statements are true.

I was neither implicated in the affray, nor have I any knowledge of who were the guilty parties.

I was discharged ten days after the riot, by reason of expiration of service, having then completed six years in D Company, Twenty-fifth Infantry, and was discharged both times with character excellent. Except for that ten days I had little time in which I could become familiar with the actual facts of the situation at Brownsville, because the men were not free in talking about the same to each other, although it is the general impression that there was a great deal of talk about the shooting up of the town among the soldiers.

On the 28th of September, 1906, I reenlisted in G Company of the Twenty-fifth Infantry and was sent to Fort Bliss, and was there discharged under provisions of War Department order dated November 9, 1906.

I am still at El Paso and am willing to reenlist in E Company of the Twenty-fifth Infantry, now stationed here, and I have no objections to going to the Philippines.

Very respectfully,

JAMES DUNCAN.

[First Indorsement.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, January 21, 1907.

Respectfully returned, by direction of The Military Secretary of the Army, to James Duncan, late of Company G, Twenty-fifth Infantry (through the recruiting officer, Coles Block, San Antonio and South Oregon streets, El Paso, Tex.), for a statement whether the evidence submitted herewith is all that he desires to submit in his case for the consideration of the Department.

BENJ. ALVORD, *Military Secretary.*

[Second Indorsement.]

RECRUITING STATION, U. S. ARMY,
El Paso, Tex., January 25, 1907.

Respectfully transmitted to James Duncan, late Company G, Twenty-fifth Infantry (through Capt. Charles F. Bates, Twenty-fifth Infantry, Fort Bliss, Tex.).

E. S. WRIGHT,
Captain, First Cavalry, Recruiting Officer.

[Third indorsement.]

RECRUITING STATION, U. S. ARMY, *El Paso, Tex.*

Received back January 30, 1907, with letter this date

[Fourth indorsement.]

RECRUITING STATION, U. S. ARMY,
El Paso, Tex., January 30, 1907.

Respectfully returned to The Military Secretary, U. S. Army, Washington, D. C., inclosing letter of this date from James Duncan to The Military Secretary, together with all original inclosures.

E. S. WRIGHT,
Captain, First Cavalry, Recruiting Officer.

Affidavit of James Duncan.

FORT BLISS, EL PASO, State of Texas, ss:

Personally appeared before me, the undersigned authority, one James Duncan, who, being duly sworn, deposes and says that he has carefully read the statements of fact in the papers accompanying this application, and the facts therein stated which affect in any way the Brownsville affray are true according to his actual knowledge and information and belief.

The deponent further says that he was not implicated in the Brownsville riot, nor has he any knowledge which would lead to the detection of the guilty parties. And further deponent saith not.

JAMES DUNCAN.

Subscribed and sworn to before me this 12th day of January, 1907.

J. M. T. PARFELLO,
Major, Twenty-fifth Infantry, Trial Officer Summary Court.

Statement of Capt. Charles F. Bates.

FORT BLISS, TEX., *January 11, 1907.*

THE MILITARY SECRETARY, Washington, D. C.

SIR: I have the honor to make the following statement in regard to the services and character of James Duncan, who until the order of the War Department, dated November 9, 1906, was a soldier in the Twenty-fifth Infantry. He was a cook in Company D, Twenty-fifth Infantry, and was stationed at Brownsville, Tex., on August 18, 1906. He has two discharges covering six years' service from Capt. Samuel P. Lyon, Twenty-fifth Infantry, and both discharges bear the character "excellent." Duncan was in Company D when I had command of the organization for about a year and a half in 1901 and 1902. I made him a noncommissioned officer and subsequently a company cook, which is a very trying position. He was efficient, faithful, and satisfactory. During long and trying tropical service I never knew him to need a reprimand.

Duncan is a quiet and trustworthy soldier, whose word can always be relied on. He does not herd at all or associate with in any way men who would be likely to do or know anything about an assassin's work or plans. I have never known him to be under the influence of intoxicating liquor. He fully realizes that a soldier can not under any circumstances be permitted to exchange murder for insult.

I attach true copy of a letter given by Major Torrey to me while Duncan was a member of the company. This letter is evidential of the state and discipline of the company while Duncan was a member of the organization. Shortly after the Twenty-fifth Infantry returned from the Philippines, D Company competed in an eight-company drill competition at Fort Niobrara and was the successful competitor in two out of three company drills. This is likewise mentioned to show that the company in which Duncan made his fine reputation was an extremely efficient organization.

I realize fully that at present practically no direct or new evidence can be given in support of this application for permission to reenlist. The men who could give evidence are now widely scattered and their addresses are unknown. It is possible that testimony which has been gathered on behalf of other men and is now on file in Washington may be also available in behalf of Duncan. The men of D Company had had little if any trouble with any of the citizens of Brownsville. The motive therefore was lacking for any secret call to arms or midnight raid.

Capt. Samuel P. Lyon, commanding D Company, reports that he and his first sergeant went down the line of D Company and saw that every man was present with the exception of two men who were on pass, neither of whom was the applicant. This careful check was made within about five minutes after the call to arms had been sounded, according to Captain Lyon's sworn testimony, a partial copy of which is appended.

The Army and Navy Register of December 20, 1906, has a report of the examination of the Brownsville inspectors by the General Staff and the check roll call of Captain Lyon is referred to as the most accurate of the roll calls.

Duncan was discharged ten days after the Brownsville affray and therefore did not have a long period in which it would have been possible to hear conversation or get at the facts surrounding the Brownsville riot. My experience leads me to think that where there has been a homicide among the colored troops, there would be little or no interchange of conversation on the subject.

On the 28th day of September, 1906, Duncan reenlisted and was sent to Fort Bliss, Tex., where he was assigned to G Company of the Twenty-fifth Infantry, from which organization he was discharged pursuant to the War Department order dated November 9, 1906.

There are but two other soldiers of D Company, namely, Sergeants, Israel Harris and Jacob Frazier, of whom I could speak as highly as I have of James Duncan.

He is a strong and able-bodied man, 6 feet and one-half inch tall and perfectly able to make excellent wages in civil life. He feels keenly the disgrace of his position and is genuinely attached to the service.

The applicant regrets that he can not present direct and positive evidence that he was not concerned in the Brownsville riot and that he has no knowledge as to who the guilty parties are. He hopes that his honorable and excellent service in the U. S. Army can be considered and that he can be restored to duty with the regiment.

Very respectfully,

CHARLES F. BATES,
Captain, Twenty-fifth Infantry.

A true extract copy of the sworn testimony of Capt. Samuel P. Lyon, Twenty-fifth U. S. Infantry, taken from Senate Document No. 155 for the year 1906:

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. I was asleep in my quarters at Brownsville, Tex.

Q. When and where did you first see any of the enlisted men of the command?—A. In front of my quarters. In front of D Company's barracks. The men were falling in when I got over there.

Q. What enlisted men did you see before the firing ceased?—A. I saw practically my whole company. The first man I spoke to was my quartermaster-sergeant, Green.

Q. Can you name any others you saw before the firing ceased?—A. I saw my artificer, Newton, and my noncommissioned officer in charge of quarters, Corporal Powell. Those are the only three that I can name, as I did not speak to any other men.

Q. You saw these three men before the firing ceased?—A. Yes, sir.

Q. When was the roll called first?—A. The company was formed and the men counted off. The commanding officer directed me to put my men along the wall dividing the post from Brownsville at once. I did that and then the roll was called. The first sergeant with a lantern, and myself, went down the line and saw that every man was present; that is, that a man answered the name of every man. I should say that was within five minutes after the call to arms.

Q. How long after the last shot had been fired?—A. I couldn't say, because after the main shooting was over there were scattering shots from the town; that is, as the mayor explained to me, the people were frightened, and that they were shooting out of their windows, so that those shots were occasionally heard quite a little while after the main shooting.

Q. Were there any absentees at this time?—A. There were two men of my company who were on pass. Their guns were in the racks. I had the guns verified as soon as roll was called.

Q. Were the rest of the men all present?—A. The other men were all present except these two that were on pass.

Q. Who were they?—A. Private Walter Johnson and Corporal Charles H. Hawkins.

A true copy.

CHARLES F. BATES,
Captain, Twenty-fifth Infantry.

A true extract copy from the report of the hearing of Inspector-General Garlington, U. S. Army, and Major Blocksom, Inspector-General's Department, before the first division of the General Staff on the affray at Brownsville, Tex., which hearing was conducted by the order of the President and led to the recommendation of the acting chief of staff for the trial by court-martial of Maj. C. W. Penrose and Capt. W. A. Macklin, Twenty-fifth Infantry.

The report of this hearing is taken from the Army and Navy Register of December 29, 1906.

Inspector-General Garlington said on his hearing: "Of course it was very dark and the testimony shows that they didn't want to light any lanterns because they thought that the people in the town would shoot wherever the lights were; and the only authenticated roll call was made after the men were formed along the wall, and that was in Captain Lyon's company, in which he testified that an answer was made to every name called."

A true copy.

CHARLES F. BATES,
Captain, Twenty-fifth Infantry.

Letter of Maj. Z. W. Torrey.

FORT MISSOULA, MONT., July 7, 1903.

To whom it may concern:

Among other organizations returning from the Philippine Islands in July, 1902, was Company D, Twenty-fifth Infantry, commanded by First Lieut. Charles F. Bates.

I take pleasure in saying that his company appeared to be in a very satisfactory state of discipline and was one of the cleanest if not the most so of the eleven organizations daily inspected by me on the voyage home.

Z. W. TORREY,
Major, Twenty-fourth Infantry.

A true copy.

CHARLES F. BATES,
Captain, Twenty-fifth Infantry,
Commanding Company D, Twenty-fifth Infantry.

FORM FOR THE PHYSICAL EXAMINATION OF A RECRUIT.

Examination of Recruit James Duncan, accepted at El Paso, Tex., 1907, by W. S. Wright, captain, First Cavalry, recruiting officer.

[Ask these questions before stripping. Answers indicating infirmities to be followed up in detail and noted under remarks.]

Name, James Duncan; age, 32½; birthday, October 15, 1874; birthplace, Greenville, S. C.; occupation, soldier; residence, Fort Bliss, Tex.

Are you a citizen of the United States?—Yes.

Have you made application for citizenship; if so, in what court? ———

State previous service (United States or foreign), and date of last discharge, with organization; also place where last enlisted.—Three years, D, Twenty-fifth Infantry, discharged August 21, 1903; three years, D, Twenty-fifth Infantry, discharged August 23, 1906; G Company, Twenty-fifth Infantry, September 28, 1906, to November 14, 1906, discharged without honor. Last enlisted Columbus Barracks, Ohio.

Are you a member of the National Guard or organized militia of any State, Territory, or the District of Columbia?—No.

Have you applied before for enlistment; if so, where?—No.

If rejected, for what cause?—None.

What sickness have you had, and at what age?—None.

Nationality of father, American; residence, dead; occupation, _____.

Are there any reasons for your parents or other relatives objecting to your enlistment?—No.

If either parent has died, state cause.—Father, unknown; mother, childbirth.

If brother or sister has died, state cause.—_____

Give name and address of last employer and date of employment.—Captain Bates, Twenty-fifth Infantry, Fort Bliss, Tex., January 12, 1907.

Do you clearly understand section 3 of the act of Congress approved July 27, 1892, as explained to you under the requirements of Circular No. 11, September 17, 1892, from the Adjutant-General's Office?—Yes.

Have you found your health or habits to interfere with your success in civil life?—No. Are you subject to dizziness?—No. To headache?—No. To fits?—No. To pain in the breast?—No. To fluttering of the heart?—No. To shortness of breath?—No. To cold in the head?—No. To coughs?—No. To diarrhea?—No. To piles?—No. To rheumatism?—No. Do you believe you are sound and well now?—Yes. Have you had sore eyes or any defect of vision?—No. Any defect of hearing?—No. Running from either ear?—No. Gonorrhoea, and when?—No. A sore of any kind upon your penis, and when?—No. Any swelling about or of your testicles?—No. A boil near the anus (fistula)?—No. Have you been ruptured?—No. Do you drink intoxicating liquors; if so, to what extent?—Moderately. Have you been hurt upon the head? Answer fully.—No. Have you had a sprain?—No. A stiff joint?—No. A bone or joint out of place?—No. Or a bone broken?—No. Are you subject to painful corns or sore feet?—No. Mention carefully injuries or surgical operations you may have had upon any part of your body.—None.

Give the names and addresses of persons dependent upon you for support.—None.

Have you ever been convicted of a felony, or been imprisoned in a jail or penitentiary?—No.

JAMES DUNCAN, Applicant.

I certify that I have with care asked the foregoing questions, and have recorded the answers as given to me, and have personally examined the above-named recruit. The applicant speaks, reads, and writes the English language fairly well, his intelligence is good, and has presented satisfactory evidence of good character.

Remarks: Discharged November 14, 1906, under the provisions of Special Orders, No. 206, War Department, November 9, 1906. Presented letter, Fort Bliss, Tex., January 11, 1907, Captain Bates, Twenty-fifth Infantry, to The Military Secretary, Washington, D. C.

W. S. WRIGHT,

Captain, First Cavalry, Recruiting Officer.

EL PASO, TEX., January 12, 1907.

[Reverse of blank.]

PHYSICAL EXAMINATION (RECRUIT BEING STRIPPED) TO BE MADE BY THE MEDICAL EXAMINER, OR IN THE ABSENCE OF A MEDICAL EXAMINER, BY THE RECRUITING OFFICER.

Figure and general appearance, good; weight, 185; height, 72 inches.

Vision, normal; hearing, normal.

Chest and contained organs, normal; expiration, 37½; inspiration, 41½; mobility, 4.

Abdomen and contained organs, normal.

Genito-urinary apparatus, normal.

Upper extremities, normal; lower extremities, normal; skin, good.

I certify that I have carefully examined the above-named recruit and that he has no mental or physical defect disqualifying him for service in the United States Army.

W. S. WRIGHT,

Captain, First Cavalry, Recruiting Officer.

EL PASO, TEX., January 12, 1907.

This recruit has been reexamined before leaving the station and found to be satisfactory.

Captain, First Cavalry, Recruiting Officer.

JANUARY, 1907.

Letter of James Duncan.

FORT BLISS, TEXAS, January 30, 1907.

THE MILITARY SECRETARY,
Washington, D. C.
(Through recruiting officer.)

SIR: In response to first indorsement War Department, dated January 21, 1907, in re application of James Duncan, I have the honor to say that I was discharged ten days after the Brownsville riot occurred. During that ten days the enlisted men of the Brownsville battalion were under the impression that it was not settled as to whether the citizens had done any firing on the post. The men knew that their officers believed that there was an attack on the post that night and every one was much worked up. My being an enlisted man in the battalion for only ten days after the Brownsville affray prevented my having a chance, after the excitement died down, to find out the actual facts, for the reason that the men did not want to talk about the matter. There was a feeling that if a man were accused on suspicion and should be turned over to the Texas courts the man arrested would very likely be lynched or found guilty in the Texas courts even if he were innocent. Therefore the men very generally during the stay of the battalion in Texas were not willing to discuss the matter.

Of course my being an enlisted man in the battalion for such a short time gave me no opportunity to come before Inspector-General Garlington. I never saw him and did not hear his proclamation or order to the troops.

I am perfectly willing to be sworn and examined on the Brownsville affray by the Judge-Advocate-General or any other official of the Government.

I did not think so at the time, but I believe now that a limited number of soldiers were out that night and did part of the shooting. The civilians may have done some of the shooting through their own houses. Captain Lyon in his sworn testimony says that the mayor of Brownsville told him that the people were frightened and were firing out of their windows. A part of the bullet holes in the houses may have been made by their own shots. One of the chief reasons why I think some few of the soldiers were responsible is that the Cowen house, where the children's party was going on, was shot up. This house is right next to Mr. Tate's house. Mr. Tate struck a soldier of C Company with a revolver, so that the soldier's face was bloody and he had to be treated temporarily at the hospital. There was probably a mistake in getting the right house. I believe, however, that it is an error to think that many soldiers were out that night, for the citizens' testimony was much exaggerated on account of prejudice. I believe it was confined to a very small number of soldiers who may have had personal grievances.

Of one thing I am sure, that after the affair took place it was very difficult to get any one to talk. I think the innocent men were in a state of suspense for fear they should be accused on suspicion.

I have always lived in the South myself, and the discrimination about white and colored bars never occurred to me as a grievance. That was what I had always seen.

I can make an affidavit to the following facts if they are of any value: When I was aroused on the night of the 13th of August about midnight, I went to the door of D Company barracks and I saw behind a clump of trees in the garrison road flashes from several firearms, perhaps 10 or 12. These flashes resembled fireflies and seemed to be elevated. The firing was on the garrison road opposite the interval between B and C Company barracks. Some of these shots seemed to be Government rifles; that is, either the old Krags or the modern Springfield. A part of the shots seemed to come from other firearms, which make a much louder report than modern Government arms. At the moment I thought it was some trouble between citizens and soldiers.

I noticed a man standing in the door of the telegraph office who seemed to be watching the shooting. This man was about 100 or 75 feet from where I stood.

I could see him by reason of the lamps at the post garrison gate. I have since been informed that this was the telegraph operator.

I am quite anxious to go to Kansas City. I understand that there are a number of discharged men of the Brownsville battallon there. I believe that, now that they are outside of Texas, those few men who really have any knowledge as to the guilty parties would be willing to help in running down the facts, so that the men really guilty can be punished and the innocent men can then be freed from the charge of having shielded those actually responsible.

I hope that a decision can be reached in my case prior to February 14, otherwise I shall lose the benefit of my six years' continuous service.

I can at the present time submit no further evidence than that already forwarded.

Very respectfully, your obedient servant, JAMES DUNCAN,
Late Cook, Company D, Twenty-fifth Infantry.

Discharged a private, Company G, November 14, 1906.
Address: Recruiting Officer, El Paso, Tex.

[First indorsement.]

RECRUITING STATION, U. S. ARMY,
El Paso, Tex., January 30, 1907.

Respectfully transmitted to The Military Secretary, United States Army, Washington, as an inclosure to James Duncan's application of January 12 for reenlistment.

E. S. WRIGHT,
Captain, First Cavalry, Recruiting Officer.

—
Affidavit of James Duncan.

DEPARTMENT OF TEXAS, *City of El Paso, ss:*

JAMES DUNCAN, being duly sworn, says he was given a full and honorable discharge as a soldier of said company upon the expiration of his enlistment on August 23, 1906. That he accompanied the troops to Fort Reno, starting from Brownsville on August 25, 1906. That he went to Knoxville, Tenn., four or five days later, and afterwards re-enlisted for Company G, Twenty-fifth Infantry, from which he was discharged without honor on November 14, 1906. That deponent went with Company D from Fort Niobrara to Fort Brown in July, 1906. He was then a cook, Charles Dade being head cook. That Dade lived just outside the reservation wall with his wife and stepdaughter, and deponent occupied the cook's room adjoining the company kitchen at the barracks, down stairs. Deponent is not married. That every other morning deponent got up at 3 o'clock, other days arising at about 5. That he had gone out into the town of Brownsville but twice during the stay of the company at Fort Brown; once with Private W. D. Jones, to take a walk, going as far as the railroad depot, and on the other occasion going with said Jones to a drug store to buy some powders. We went into a Mexican's beer saloon and had one drink of beer apiece on the first visit to town. Deponent never entered any other saloon on any other occasion in Brownsville, and had had no difficulty whatever with any of the people living in Brownsville. James Newton, of C Company, was raised with me in Greenville, S. C., and I knew him as a boy at home. I met him as a soldier at Fort Niobrara. He was not a chum of deponent's and did not go with deponent's friends. That deponent had been in his company but once while they served at the same posts. That said Newton had the reputation of being a drinking man, and when under the influence of liquor of being meddlesome and inclined to interfere in the business of other people. I heard of his having been hit on the head with a revolver by a citizen some time on the morning of the day after the affair. The general talk on the subject was that Newton was the victim of prejudice and had been hurt without sufficient reason or justification. The men of deponent's company did not appear to be much stirred up by the matter and there was no particular excitement over it. Deponent knew, by sight only, Private Reid, of C Company, who was pushed off into the water, and heard about that affair the same night it occurred. Reid and Private Gill had been across the river and returned in a Mexican's boat, as deponent heard from Gill, and when the landing was

reached a customs officer at the landing shoved Reid, without any apparent reason, into the water just as he stepped from the boat. I heard nothing else about the case from anybody but Gill, and did not know that the men of the three companies were worked up over the matter to any extent. Deponent had heard the general talk from time to time about the soldiers being debarred from the saloons where white folks were served. No such thing had happened at Fort Niohrara and the general sentiment among the drinking men, particularly those who had not been brought up in the South, was that the refusal to serve them with drinks was wrong and unjust.

On the evening of August 13, 1906, an order was issued that all men must be in garrison at 8 o'clock, and patrols were sent out to bring in everybody whether on pass or not. I was thinking of going out myself, and was notified by the sentry on that beat near the gate about half past 6 that evening that nobody was allowed to go out. Deponent did not learn the reason, but his own opinion was that it was desired to keep the men out of possible danger because of the reported assault of a white woman by a soldier not long before. Private Ash of D Company came in late for supper that evening and told deponent that he had been sent on patrol down to the ferry to stop all soldiers going over to Mexico and to send in to the post all men returning on the ferry. He said he thought he had been in a dangerous predicament, out in the town alone on that errand; and deponent presumed that there was some excitement in the town on account of the rumored assault case. But no other talk was heard by deponent from any others of the company, and everything appeared to be just the same as usual around the company barracks and among the men. Deponent went to bed a little after 9 o'clock in the cook's room. Private Robert Williams slept in the same room. He was on duty as dining room man and had his bunk in the same room with deponent. Both retired at about the same time.

That deponent was awakened by shots about midnight and took it for granted there was a fire. That he roused Private Williams and then looked out the window and the door but could see no light of a fire. Deponent saw the flashes from fire arms outside the wall near the alley that runs parallel with the street that starts at the main fort gate and runs at right angles with the reservation wall, and concluded that there was no fire, but that there might be trouble between the soldiers and police. The bugles had been blowing also and deponent then recognized that the call was "to arms." Cook Charles Dade then came into the kitchen closely followed by his wife and his stepdaughter, Mrs. Barbour, the women having nothing on but some wraps thrown around them. They went right into our sleeping room before I had dressed myself. They were very much alarmed. That deponent pulled on his trousers and his shoes without socks, wearing no shirt or coat but his white undershirt. Deponent then went out through the dining room and on to the company parade. Dade remaining in charge of the kitchen. Williams went out with deponent. Captain Lyon and First Sergeant Frazier were there, and the men were falling into ranks with their rifles. I spoke to Sergeant Frazier and he told me to get my rifle and get into line at once. On the way up stairs deponent met Corporal Powell coming down and asked if the arm racks were unlocked. He answered "Yes," and on reaching the squad room the rack of the first squad, in which deponent's rifle was kept, was empty, but there were several in the second squad's rack, and deponent took one of those. There were still other men in the squad room, moving around getting dressed and taking their arms. There was no light, and not much could be seen on account of the darkness. Deponent then fell into the ranks of the company. There was much confusion and disorder, which the captain tried to quiet by speaking to the men and getting them to make an orderly formation. The captain walked down the line seeing that each man had ammunition, and asking us all if we had the 20 rounds of ammunition each was supposed to have. The deponent heard quite a number say they had none, and they were given some by men standing near who had enough to divide. I had no belt on myself and several other men were in the same condition; but my cartridges were lying on a shelf where I put them when I took them out of my belt preparatory to the practice march that morning. We were not allowed to carry them on the marches. I took them off the shelf and put them in my pocket as soon as I put on my trousers.

About this time Major Penrose came across the parade and called to Captain Lyon, to march his company to the wall and take position along it. The company was strung out by the sergeants at intervals behind the wall and remained there about six or eight minutes. Deponent was stationed down about 50 feet from the river, about at D Company's sink. It was perfectly dark there and

deponent could see nobody at all in the town and saw nobody but the men of Company D. When deponent first went to the kitchen door, when roused by the shots, he saw a man standing in the door of the telegraph office near the main gate of the fort. Two lamps on the main gate posts gave some light and deponent thinks there was a street light in the vicinity also. This man was from 75 to 100 feet from deponent at the time. He did nothing as far as deponent saw. After the company had been stationed a little time at the wall, the company was assembled and deponent heard the Major order Captain Lyon to patrol the town and arrest any soldier he saw there and any character he thought was suspicious. The company was out on this duty about forty-five minutes, but found no soldiers, and made no arrests.

The general talk among the men, following this night, was that the post had been fired on by the citizens because of the ill-feeling arising out of the refusal to let the men drink in the saloons with the white men. I heard that the citizens were claiming that Government cartridges and empty shells and clips had been picked up in the streets and that they were claiming to Major Penrose that soldiers had done the shooting. The men were very careful and reticent, and did surprisingly little talking about the affair. I was myself afraid to say much or to ask many questions or to be seen talking with others, fearing that I might be suspected of having taken part in the shooting or of knowing something about it. That deponent never heard any gossip or rumor in any way connecting any soldier with the shooting, and never got any hint or suggestion from anyone that any soldier was suspected of knowing anything at all about it. That there was no talk about the confinement of the 12 soldiers and the one discharged soldier who were put in the guard house and afterwards taken to Fort Sam Houston, except to the effect that it appeared they were suspected. There was no opinion expressed, as far as deponent heard, among the men to the effect that they were guilty or otherwise. That up to the time deponent left the command at Fort Reno, as stated above, the great mass of the soldiers refused to believe that soldiers were guilty, and the evidence of the finding of the empty shells and parts of ammunition was considered no evidence at all by them at that time. That the noncommissioned officers did not make any efforts that deponent saw or heard to get among the men and find out who the guilty ones were. And that as the men were kept closely to the post, both at Fort Brown and Fort Reno, up to the time deponent left, the guilty men, if soldiers, were constantly on the alert and were given no opportunity to relax their vigilance and watchfulness of themselves.

That deponent has made application for reenlistment, and requests that favorable consideration may be given thereto. That he solemnly swears he did not take part in the shooting aforesaid, in any way, and that he had no knowledge either before or after the affair as to the actual participants, and that he has never had and has not now any knowledge of the matter or any information that would tend or assist in the ascertaining of the truth. That he has no motive or desire to conceal the truth, and would willingly and gladly disclose anything he might learn regarding it.

JAMES DUNCAN,

Subscribed and sworn to before me this 9th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate Department of the Gulf.

Affidavit of Capt. Samuel P. Lyon.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

SAMUEL P. LYON, being duly sworn, says he is captain Company D, Twenty-fifth Infantry, and knows said Duncan, who was given a full and honorable discharge upon the expiration of his enlistment as a cook of Company D soon after the Brownsville shooting affray of August 13, 1900, and afterwards reenlisted in Company G and was discharged therefrom without honor pursuant to Special Orders, No. 200, War Department, Series 1900.

That said Duncan was second cook in deponent's company about four years and was a superior kind of a man. That deponent knows his voice well and heard him answer at the roll call at the company barracks on the night of Au-

gust 13, 1906. That he was a man of excellent habits, a good soldier in every way, truthful and an absolutely honest man. That deponent is sure said Duncan had nothing to do with the shooting that night. That he liked the service and was anxious to stay in it, and would have been pretty sure to report any information he obtained that would help to uncover the facts in the case.

SAMUEL P. LYON.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

—
Affidavit of Lieut. Harry S. Grier.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

Lieut. HARRY S. GRIER, being duly sworn, says he is battalion quartermaster and commissary, Twenty-fifth Infantry, and knew said James Duncan for about three years. That he considered him to be a good soldier and feels sure that he was not implicated in the trouble at Brownsville, and that he would not and did not withhold any information secured in regard to it. I can not say what efforts he made to obtain such information.

H. S. GRIER.

Subscribed and sworn to before me this 5th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Memorandum: Compare affidavit of Charles Dade in re his own application.

—
Affidavit of Capt. Charles F. Bates.

DEPARTMENT OF TEXAS, City of El Paso, ss:

CHARLES F. BATES, being duly sworn, deposes and says that he is a captain in the United States Army and that he has known James Duncan, one of the discharged soldiers of the First Battalion, Twenty-fifth Infantry, for about six years. He was a private soldier in D Company, Twenty-fifth Infantry, when I was in command of that organization, for about a year and a half. I came to have great confidence in his character as a man and his faithful performance of all duty as a soldier. I made him a corporal and subsequently a company cook, which is a trying position especially requiring honesty and steadiness in the exacting work. I never knew Duncan to miss a call, or be under the influence of intoxicating liquor, or to even need a reprimand. He does not and never did, so far as my knowledge goes, associate with the lawless and unruly element. He always was a quiet, peaceable soldier, rarely leaving the barracks or vicinity of post except on official business. This soldier's service is limited, being only a little over six years. He has, however, two excellent discharges from Capt. Samuel P. Lyon. From my knowledge of his fine character as a soldier, I am willing to endorse him to the same extent as I would First Sergt. Jacob Frazier of D Company and Sergt. Israel Harris also of D Company. These three men, Frazier, Harris, and Duncan are all men of the same high grade and are incapable of doing or furthering an assassin's work. I am confident that James Duncan would not shield under any circumstances a band of criminals. I am sure if he had any clew whatever the same would be put immediately at the disposal of the Government.

Duncan's being discharged ten days after the Brownsville affray on August 13, 1906, gave him only a very limited time in which to hear any talk about the circumstances, or gather any clues. He did not reenlist in the First Battalion, but reenlisted for the Twenty-fifth Infantry and was sent to Fort Bliss, where he was discharged, under the order dated November 9, 1906.

From my knowledge of both colored and white soldiers, I regard it as a most improbable thing a homicide having occurred; that there would have been any exchange of conversation on the subject except perhaps among the

few who may have been criminally responsible. Those men who might have had a hand in the affray would be extremely close-mouthed. They would be especially fearful of being turned over to the uncertain course of justice in the Texas courts.

If the normal order of garrison life had been restored after August 13, and the garrison stationed at a Northern town, there would undoubtedly be men who would get to drinking and betray those criminally responsible.

But with all passes cut off and the men under suspicion for several months, the chances for leaks became very small.

I regard the Brownsville affray as limited to a very small number of men. In the testimony collected by Mr. Purdy (Senate Document 155, part 2), taking all the affidavits together, the total number of bullet holes claimed in houses is about 45. Cartridge shells found by citizens were about 36 in number. This would tend to indicate a very small number of aimed shots at the Brownsville houses. It also indicates that a very small number of men could have participated in the affray, and therefore the chances for a large number of men knowing about the men actually concerned, are not good. When Captain Lyon made his midnight patrol, a large number of citizens in khaki uniform armed with either revolvers or rifles were seen. The citizens looking out of the windows may have seen some of their own citizens and policemen and mistaken them for colored soldiers. Captain Lyon's affidavit says that the mayor of Brownsville told him that the citizens were frightened and were shooting out of their own windows. Some of the bullet holes in their houses may have been made by their own shooting. If there had been so many soldiers charging through the streets, some of them would have been certainly hit by the citizens' gun fire. All these facts tend strongly to the conclusion that a small number of men were actually in the affray.

The steadiness and high discipline of the First Battalion of the Twenty-fifth Infantry for four years is evidenced by the following extract from a letter of Mr. C. H. Cornell, of Valentine, Nebr., where the Brownsville soldiers were four years prior to going to Brownsville:

[Page 362, Senate Document No. 155, part 1.]

Letter of C. H. Cornell, Chairman Republican Congressional committee, dated Valentine, Nebr., November 30, 1906.

"History of First Battalion at post prior to its station in Brownsville.

"Two battalions (eight companies) of that regiment came to Fort Niobrara for station directly from the Philippines in 1902. They remained at that post continually until its abandonment, in July last, when in leaving they were assigned to stations in Texas. Valentine, 4½ miles distant, is the railway station where all the post's business was transacted, and having a population of about 1,200, it sustained very much the same relation to Fort Niobrara as Brownsville does to Fort Brown, Tex. Consequently they were in and out of town constantly, singly or in numbers, trading, loafing, or attending errands, and it is said by our citizens rightly that they were well behaved, and no citizen not looking for it had the least excuse for getting into trouble with any one of them."

The foregoing is an extract from the letter of a very unfriendly critic, who yet has to make the foregoing admission of the good character of the men toward peaceable, law-abiding citizens.

Mr. Cornell refers particularly to a homicide of a disreputable woman, who was mortally wounded in a low resort 4 miles from the town of Valentine. I understand cowboys used to go to this resort and it is not beyond the range of possibility that they may have been concerned in this shooting.

These circumstances are mentioned to show the orderly character and reputation of the First Battalion, of which James Duncan was a highly respected member.

I believe he would be, if reenlisted, a valuable and faithful soldier in the United States Army.

CHARLES F. BATES,
Captain, Twenty-fifth Infantry.

Subscribed and sworn to before me this 9th day of February, 1907.

L. J. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Certificate of Capt. Samuel P. Lyon.

FORT RENO, OKLA., January 31, 1907.

To whom it may concern:

James Duncan has been known to me for about four years, during most of which time he has been cook 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 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.

[First indorsement.]

RECRUITING STATION, U. S. ARMY,
El Paso, Tex., February 15, 1907.

Respectfully forwarded to The Military Secretary, U. S. Army, Washington, D. C., to be filed with application of James Duncan for reenlistment.

Very respectfully,

ED. S. WRIGHT,
Captain, First Cavalry, Recruiting Officer.

ELIAS GANT.

Application for permission to reenlist.

TO THE MILITARY SECRETARY,
(Through the recruiting officer, U. S. Army, State street, Chicago.)

SIR: I, the undersigned, formerly a member of Company D, Twenty-fifth Infantry, and discharged by Special Orders, No. 266, War Department, do hereby make application for enlistment in said regiment of the Regular, and attach hereto my affidavit showing that I had no connection with or knowledge of who were the participants in the trouble at Brownsville, Tex., August 13, 1906.

ELIAS GANT,
Formerly a private of Company D.

[First indorsement.]

RECRUITING STATION, U. S. ARMY,
323 SOUTH STATE STREET,
Chicago, Ill., February 9, 1907.

Respectfully forwarded to The Military Secretary, U. S. Army, Washington, D. C.

A. B. WARFIELD,
First Lieutenant, Artillery Corps, Recruiting Officer.

Affidavit of Elias Gant.

STATE OF ILLINOIS, *County of Cook, ss:*

I, Elias Gant, formerly a private of Company D, Twenty-fifth United States Infantry, and discharged by Special Orders, No. 266, War Department, November 9, 1906, being duly sworn doth depose and say:

On the night of August 13, 1906, I was stationed at Fort Brown, Tex. I had no knowledge at that time nor have I now any knowledge of the names of any of the members of the Twenty-fifth United States Infantry who took part in

the disturbance at that time and place. I, myself, had no part in the disturbance at all.

ELIAS GANT,
*Formerly a Private of Company D,
Twenty-fifth United States Infantry.*

Subscribed and sworn to before me this 18th day of December, 1906.

[SEAL.]

D. W. J. BOXLEY, *Notary Public.*

Letter of Elias Gant.

CHICAGO, ILL., March 3, 1907.

THE ADJUTANT-GENERAL, UNITED STATES ARMY,
Washington, D. C.

SIR: I request information as to what action has been taken on my application to reenlist in the United States Army.

I was discharged as a private of Company D, Twenty-fifth Infantry, November 9, 1906.

Very respectfully,

*Formerly a Private of Company D,
Twenty-fifth Infantry,
2961 South State Street.*

Certificate of Capt. Samuel P. Lyon.

To whom it may concern:

I have personally known Elias Gant for about one year and four months, during which time he has been a member of my company, D, Twenty-fifth Infantry. I know him to be a man of good habits and an excellent soldier.

I believe him to be thoroughly honest and reliable.

I am certain, in my own mind, that he was in no way implicated in the shooting at Brownsville, Tex., on August 13 and 14, 1906, and I believe that had he known of any of the persons who were engaged in said shooting he would have reported the same to me.

I recommend his reenlistment in the service of the United States.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Commanding Company D.

GEORGE W. HALL.

Application for permission to reenlist.

CHICAGO, ILL., December 19, 1906.

THE MILITARY SECRETARY, U. S. ARMY.

(Through the recruiting officer, 323 South State street, Chicago, Ill.)

SIR: I, the undersigned, formerly a member of Company D, Twenty-fifth U. S. Infantry, and discharged by Special Orders No. 266, War Department, do hereby make application for reenlistment in said regiment.

I inclose herewith my affidavit showing that I had no connection with or knowledge of who were the participants in the trouble at Brownsville, Tex., August 13, 1906.

GEORGE W. HALL,
Formerly a private of Company D, Twenty-fifth U. S. Infantry.

[First indorsement.]

RECRUITING STATION, U. S. ARMY,
323 SOUTH STATE STREET,
Chicago, Ill., December 19, 1906.

Respectfully forwarded to The Military Secretary, U. S. Army, Washington, D. C.

A. B. WARFIELD,
First Lieutenant, Artillery Corps, Recruiting Officer.

[Second Indorsement.]

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

Respectfully returned, by direction of The Military Secretary of the Army, to George W. Hall, late Company D, Twenty-fifth Infantry (through the recruiting officer, 323 South State street, Chicago, Ill.), for information whether he has any additional evidence that he desires to offer on the points named in the circular from this office besides that which is presented herewith.

BENJ. ALVORD, *Military Secretary.*

[Third Indorsement.]

RECRUITING STATION, U. S. ARMY,
323 SOUTH STATE STREET,
Chicago, Ill., January 17, 1907.

Respectfully returned to The Military Secretary, U. S. Army, Washington, D. C., with the information that this man has no further evidence to submit.

A. B. WARFIELD,
First Lieutenant, Artillery Corps, Recruiting Officer.

Affidavit of George W. Hall.

STATE OF ILLINOIS, *County of Cook, ss:*

I, George W. Hall, formerly a private of Company D, Twenty-fifth U. S. Infantry, and discharged by Special Orders No. 206, War Department, November 9, 1906, being duly sworn, doth depose and say:

On the night of August 13, 1906, I was stationed at Fort Brown, Tex. I had no knowledge at that time nor have I now any knowledge of the names of any of the members of the Twenty-fifth U. S. Infantry who took part in the disturbance at that time and place. I myself had no part in the disturbance at all.

GEORGE W. HALL,
Formerly a Private of Company D, Twenty-fifth U. S. Infantry.

Subscribed and sworn to before me this 18th day of December, 1906.

[SEAL.]

D. W. J. BOXLEY,
Notary Public.

Affidavit of Second Lieut. Harry S. Grier.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

HARRY S. GRIER, being duly sworn, says he is second lieutenant and battalion quartermaster and commissary, Twenty-fifth Infantry, and knew Private Hall for about three years, during which period he was in trouble on several occasions, but on the whole deponent should say he was a good man and does not believe he was implicated in the shooting affair at Brownsville on August 13, 1906. That deponent can not say whether or not Private Hall would have reported any facts known to him.

H. S. GRIER.

Subscribed and sworn to before me, this 5th day of February, 1907.

L. B. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Capt. Samuel P. Lyon.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

SAMUEL P. LYON, being duly sworn, says he is captain Company D, Twenty-fifth Infantry, and knew Private Hall, who was a member of his company. That

deponent has read the foregoing affidavit of Lieutenant Grier, and agrees with his estimate of Private Hall.

SAMUEL P. LYON.

Subscribed and sworn to before me, this 4th day of February, 1907.

L. B. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

BENJAMIN F. JOHNSON.

Application for permission to reenlist.

ALEXANDRIA, LA., January 10, 1908.

THE SECRETARY OF WAR.

SIR: I am Benjamin F. Johnson, late private Company D, Twenty-fifth U. S. Infantry. I was dishonorably discharged at Fort Reno, Okla., 1907, on account of the Brownsville trouble. We were ordered not to leave the garrison, and disobeyed the order and left. Sir, I do respectfully request that I may have the permission to re-enlist in the service of the United States again. I will endeavor to do all I can for the service.

Respectfully,

BENJAMIN F. JOHNSON,
218 Monroe street, Alexandria, La.

CHARLES JONES.

Application for permission to reenlist.

CHICAGO, ILL., December 19, 1906.

TO THE MILITARY SECRETARY, U. S. ARMY,
(Through the Recruiting Officer, 323 South State Street, Chicago, Ill.)

SIR: I, the undersigned, formerly a member of Company D, Twenty-fifth U. S. Infantry, and discharged by Special Orders, No. 206, War Department, do hereby make application for reenlistment in said regiment.

I inclose herewith my affidavit showing that I had no connections with or knowledge of who were the participants in the trouble at Brownsville, Tex., August 13, 1906.

CHARLES JONES,
Formerly a private of Company D, Twenty-fifth U. S. Infantry.

[First Indorsement.]

RECRUITING STATION, U. S. ARMY,
323 SOUTH STATE STREET,
Chicago, Ill., December 19, 1906.

Respectfully forwarded to The Military Secretary, U. S. Army, Washington, D. C.

A. B. WARFIELD,
First Lieutenant, Artillery Corps, Recruiting Officer.

[Second Indorsement.]

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

Respectfully returned, by direction of The Military Secretary of the Army, to Charles Jones, late Company D, Twenty-fifth Infantry (through the recruiting officer, 323 South State street, Chicago, Ill.), for information whether he has any additional evidence that he desires to offer on the points named in the circular from this office, besides that which is presented herewith.

BENJ. ALVORD,
Military Secretary.

[Third indorsement.]

RECRUITING STATION, U. S. ARMY,
323 SOUTH STATE STREET,
Chicago, Ill., January 17, 1907.

Respectfully returned to The Military Secretary, U. S. Army, Washington, D. C., with the information that this man has no further evidence to submit.

A. B. WARFIELD,
First Lieutenant, Artillery Corps, Recruiting Officer.

Affidavit of Charles Jones.

STATE OF ILLINOIS, *County of Cook, ss:*

I, Charles Jones, formerly a private of Company D, Twenty-fifth U. S. Infantry, and discharged by Special Orders No. 266, War Department, November 9, 1906, being duly sworn, doth depose and say:

On the night of August 13, 1906, I was stationed at Fort Brown, Tex. I had no knowledge at that time nor have I now any knowledge of the names of any of the members of the Twenty-fifth U. S. Infantry who took part in the disturbance at that time and place. I myself had no part in the disturbance at all.

CHARLES JONES,
*Formerly a private of Company D,
Twenty-fifth U. S. Infantry.*

Subscribed and sworn to before me this 18th day of December, 1906,

[SEAL.]

D. W. J. BOXLEY,
Notary Public.

Affidavit of Capt. Samuel P. Lyon.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

SAMUEL P. LYON, being duly sworn, says he is captain Company D, Twenty-fifth Infantry, and knows said Private Jones, who was a good soldier, but would occasionally get drunk. That he was not the type of man that could possibly be suspected of participating in such an affair as that at Brownsville. That he is a short fat man, and not physically qualified for such quick action as must have been taken, if soldiers were involved, in order to get back so quickly and without discovery. That he is not an aggressive man.

SAMUEL P. LYON.

Subscribed and sworn to before me this 4th day of February, 1907.

L. B. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

JAMES NEWTON.

Application for permission to reenlist.

CHICAGO, ILL., December 19, 1906.

THE MILITARY SECRETARY, U. S. ARMY,
(Through the recruiting officer, 323 South State street, Chicago, Ill.)

SIR: I, the undersigned, formerly a member of Company D, Twenty-fifth U. S. Infantry, and discharged by Special Orders No. 266, War Department, do hereby make application for reenlistment in said regiment.

I enclose herewith my affidavit showing that I had no connections with or knowledge of who were the participants in the trouble at Brownsville, Tex., August 13, 1906.

JAMES NEWTON,
Formerly a private of Company D, Twenty-fifth U. S. Infantry.

[First indorsement.]

RECRUITING STATION, U. S. ARMY,
323 SOUTH STATE STREET,
Chicago, Ill., Dec. 19, 1906.

Respectfully forwarded to The Military Secretary, U. S. Army, Washington, D. C.

A. B. WARFIELD,
First Lieutenant, Artillery Corps, Recruiting Officer.

[Second indorsement.]

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

Respectfully returned, by direction of The Military Secretary of the Army, to James Newton, late Company B, Twenty-fifth Infantry (through the recruiting officer, 323 South State street, Chicago, Ill.), for information whether he has any additional evidence that he desires to offer on the points named in the circular from this office besides that which is presented herewith.

BENJ. ALVORD,
Military Secretary.

[Third indorsement.]

RECRUITING STATION, U. S. ARMY,
323 SOUTH STATE STREET,
Chicago, Ill., January 17, 1907.

Respectfully returned to The Military Secretary, U. S. Army, Washington, D. C., with the information that this man has no further evidence to submit.

A. B. WARFIELD,
First Lieutenant, Artillery Corps, Recruiting Officer.

Affidavit of James Newton.

STATE OF ILLINOIS, County of Cook, ss:

I, James Newton, formerly a private of Company D, Twenty-fifth U. S. Infantry, and discharged by Special Orders No. 266, War Department, November 9, 1906, being duly sworn, doth depose and say:

On the night of August 13, 1906, I was stationed at Fort Brown, Texas. I had no knowledge at that time nor have I now any knowledge of the names of any of the members of the Twenty-fifth U. S. Infantry who took part in the disturbance at that time and place. I myself had no part in the disturbance at all.

JAMES NEWTON,
Formerly a private of Company D, Twenty-fifth U. S. Infantry.

Subscribed and sworn to before me this 18th day of December, 1906.

[SEAL]

D. W. J. BOXLEY,
Notary Public.

Application for permission to reenlist.

CHICAGO, ILL., March 23, 1908.

MILITARY SECRETARY,
WAR DEPARTMENT,
Washington, D. C.

SIR: I, the undersigned, formerly a member of Company D, Twenty-fifth Infantry, and discharged by Special Order No. 266, War Department, do hereby make application for reinstatement in said regiment of the Regulars and attach hereto my affidavit showing that I had no connections with or knowledge of who were the participants in the trouble at Brownsville, Tex., August 13, 1906.

JAMES NEWTON,
Formerly a private of Company D.

Letter of James Newton.

3540 CALUMET AVENUE,
Chicago, Ill., March 23, 1908.

TO THE MILITARY SECRETARY,
Washington, D. C.

SIR: I, James Newton, formerly a member of Company D, Twenty-fifth Infantry, U. S. Army, discharged by Special Orders, No. 200, November 9, 1906, beg to state that I was not implicated in the raid on Brownsville, Tex., on the night of August 13, 1906, nor do I hold any evidence that might lead to the discovery of the perpetrators thereof. I do hereby make application for reenlistment in said regiment.

I am, your obedient servant,

JAMES NEWTON,
3540 Calumet Avenue, Chicago, Ill.

Certificate of Samuel P. Lyon.

FORT RENO, OKLA., January 31, 1907.

To whom it may concern:

James Newton has been known to me for more than one year, during which time he has been a private in my company, D, Twenty-fifth Infantry.

I know him to be a man of first-rate habits and an excellent soldier.

I believe him to be absolutely honest and reliable.

I am certain in my own mind that he was in no way implicated in the shooting at Brownsville, Tex., August 13 and 14, 1906, and I am convinced that he has no knowledge as to the persons who were so implicated.

I recommend his reenlistment in the service of the United States, and would be glad to have him again in my company.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Commanding Company D.

Affidavit of Capt. Samuel P. Lyon.

DEPARTMENT OF TEXAS, Post of Fort Sam Houston, ss:

SAMUEL P. LYON, being duly sworn, says he is captain Company D, Twenty-fifth Infantry, and knew said Newton about a year as a member of said company. That he was a man of first-class habits, an excellent soldier, and deponent has every reason to believe him thoroughly honest and perfectly reliable. That in the absence of Lieutenant West of said company, which included August 13, 1906, Private Newton was authorized to occupy the lieutenant's quarters and care for the property therein. That deponent knows that Lieutenant West was thoroughly convinced of his honesty and reliability. Private Newton did not drink intoxicating liquor at all, as deponent believes, and never had the slightest difficulty with citizens of Brownsville. That deponent is sure, in his own mind, that Newton was not mixed up in the affair of August 13, 1906, and that he would have reported to deponent if he had obtained any information or had learned anything about it. That he was captain of the company baseball team, thoroughly satisfied with the service, and anxious to stay right where he was. He was a popular man among his comrades, and in deponent's opinion the chances were very good that Newton would learn of whatever the other men knew. That deponent believes Newton seriously appreciated the necessity and desirability of getting at the truth of the matter.

SAMUEL P. LYON.

Subscribed and sworn to before me this 4th day of February, 1907.

L. B. GOODER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of Second Lieut. George O. Lawrason.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

GEORGE O. LAWRASON, being duly sworn, says he is second lieutenant, Company B, Twenty-fifth Infantry, and knew of Private Newton as a neat, soldierly looking man whom he came across several times as a private of the guard. That he was attentive to duty and knew his orders. That deponent can not make an estimate as to his character.

GEO. O. LAWRASON.

Subscribed and sworn to before me this 5th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

ROBERT L. ROGAN.

Letter transmitting application for permission to reenlist.

UNITED STATES RECRUITING OFFICE,
330½ DEADERICK STREET,
Nashville, Tenn., December 29, 1906.

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

SIR: I have the honor to transmit herewith application for reenlistment, as a married man, to complete enlistment of Robert L. Rogan, discharged as a private, without honor, November 25, 1906, from Company D, Twenty-fifth Infantry.

Two inclosures for the consideration of the War Department.

He meets requirements.

Very respectfully,

H. S. KILBOURNE,
*Lieutenant-Colonel U. S. Army,
Recruiting Officer.*

[First Indorsement.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, January 3, 1907.

Respectfully returned, by direction of The Military Secretary of the Army, to Robert L. Rogan, late Company D, Twenty-fifth Infantry (through the recruiting officer, 330½ Denderick street, Nashville, Tenn.), for information whether the inclosed affidavit is all the evidence he desires to submit in his case for the consideration of the Department.

BENJ. ALVORD,
Military Secretary.

[Second Indorsement.]

U. S. ARMY RECRUITING STATION,
Nashville, Tenn., January 7, 1907.

Respectfully returned. This paper having been referred to Robert L. Rogan, he stated that he had no further knowledge of and nothing to add to the affidavit and statement herewith.

H. S. KILBOURNE,
*Lieutenant-Colonel U. S. Army,
Recruiting Officer.*

Application for permission to reenlist.

717 TENTH AVENUE, SOUTH,
Nashville, Tenn., December 29, 1906.

The RECRUITING OFFICER,
Nashville, Tenn.

SIR: I have the honor to request that I be allowed to complete my enlistment in Company D, Twenty-fifth Infantry, in order that I may obtain an honorable discharge from the service. I know nothing about the trouble that occurred at Brownsville, Tex., on the night of August 13, 1906, further than that about 12 o'clock midnight I was awakened by members of my company moving about the quarters, and about five minutes later a call to arms was sounded when the company turned out and all answered their names at roll call; after that we were marched through the town and back to the post again, and then I was detailed on guard, and that is all I know about the matter.

I have been married since being discharged.

Very respectfully,

ROBERT L. ROGAN,
Late Private Company D, Twenty-fifth Infantry.

Affidavit of Robert L. Rogan.

Personally appeared before me, W. H. Allen, a notary public, in and for the County of Davidson, Tennessee, Robert L. Rogan, who being duly sworn, deposes and says: That while serving as a private in Company D, Twenty-fifth U. S. Infantry, at Brownsville, Texas, he, this deponent, was neither implicated in the raid on Brownsville, Texas, on the night of August 13, 1906, nor withheld any evidence that might lead to the discovery of the perpetrators thereof. And further deponent sayeth not.

ROBERT L. ROGAN.

Subscribed and sworn to before me, W. H. Allen, a notary public in and for the County of Davidson, Tennessee, this 29th day of December, 1906.

[SEAL]

W. H. ALLEN,
Notary Public.

Statement of Robert L. Rogan.

NEW DECATUR, ALA., May 25, 1907.

DEAR SIR: Sir, I have the honor of asking you to do me a favor in regard of getting back in the Twenty-fifth Infantry, as I was put out for something that I knew nothing of. The company I was in was Company D, the Twenty-fifth Infantry, and I will swear that I know nothing of that trouble that happened in Fort Brown, and as I would like to continue in the service. On the night of the 13th there at Fort Brown, about 12 o'clock that night, I was awakened by the soldiers running around in the quarters, and about twenty minutes after that I heard the sound for arms go, and then we all fell out in line and roll was called, and after roll was called we started out to patrol the town, and then back to the post. My captain's name was Capt. S. P. Lyon, in command of Company D, Twenty-fifth Infantry.

I would like to get a job there in Leavenworth, Ark.

I will close in telling you good-by.

I remain your friend,

ROBERT LEE ROGAN,
East New Decatur, Ala., No. 11 Elm street.

Affidavit of Capt. Samuel P. Lyon.

STATE OF TEXAS, *City of San Antonio, ss:*

SAMUEL P. LYON, being duly sworn says he is captain, Company D, Twenty-fifth Infantry.

That he knew Private Rogan for about two years. He had been in his company for about six months. That he was a man of excellent habits, a first-

class soldier, and there is every reason for deponent to believe him perfectly honest and reliable. He was temperate in his habits, and so far as deponent knows, never had any cause to complain of his treatment by the citizens of Brownsville. That deponent is convinced that Rogan was not in any way concerned in the shooting at Brownsville on August 13, 1906, and had no knowledge either before or after the event as to who the participants were. That deponent is confident that if Rogan had known any facts regarding or connected with the matter he would have reported them to deponent.

SAMUEL P. LYON.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of Capt. Edgar A. Macklin.

DEPARTMENT OF TEXAS, Post of Fort Sam Houston, ss:

EDGAR A. MACKLIN, being duly sworn says he is captain, Company C, Twenty-fifth Infantry, and has heard read the foregoing affidavit of Capt. S. P. Lyon. That deponent used to see Private Rogan almost daily, and thinks him an exceptionally fine man and soldier. That deponent concurs with Captain Lyon in his estimate of Rogan.

EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of Second Lieut. Harry S. Grier.

DEPARTMENT OF TEXAS, Post of Fort Sam Houston, ss:

HARRY S. GRIER, being duly sworn says he is second lieutenant, Twenty-fifth Infantry, and has heard officers of the regiment often speak of Private Rogan's honesty and his abilities as a servant. That his reputation is good.

H. S. GRIER.

Subscribed and sworn to before me this 5th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

Affidavit of First Lieut. James A. Higgins.

DEPARTMENT OF TEXAS, Post of Fort Reno, ss:

JAMES A. HIGGINS, first lieutenant, Company C, Twenty-fifth Infantry, being duly sworn, states:

I saw a great deal of Private Rogan at Fort Niobrara, and also at Fort Brown, while Lieutenant Chandler and I were occupying the same quarters there for a few days.

I think as highly of him as a man and a soldier as Captains Lyon and Macklin do, as shown by their statements made to Major Goodier at Fort Reno in my presence. I entertain the same opinion as to Rogan's character and qualities.

JAMES A. HIGGINS,
First Lieutenant, Twenty-fifth Infantry.

Subscribed and sworn to before me this 8th day of February, 1907.

WILLIAM W. HARRIS, JR.,
Second Lieutenant, Thirtieth Infantry,
Judge-Advocate General Court-Martial.

Affidavit of Second Lieut. George O. Lawrason.

DEPARTMENT OF TEXAS, Post of Fort Sam Houston, ss:

GEORGE O. LAWRASON, being duly sworn, says he is second lieutenant, Company B, Twenty-fifth Infantry, and knew Private Rogan as striker for Lieutenant Chandler. That deponent lived with the latter officer at Fort Niobrara and Rogan worked around the quarters. That he was regarded as honest, faithful, and trustworthy, and deponent does not believe he is the sort of man that would be implicated in such a raid as that at Brownsville on August 13, 1906. That deponent believes Private Rogan would have told Lieutenant Chandler if he had known anything at all about the matter or had heard any talk among the men tending to furnish a clue or throw light on the question of the guilty participants in the shooting affair.

GEO. O. LAWRASON.

Subscribed and sworn to before me this 5th day of February, 1907.

L. B. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate Department of the Gulf.

WILLIAM VAN HOOK.

Application for permission to reenlist.

CINCINNATI, OHIO, March 18, 1908.

THE MILITARY SECRETARY.

SIR: I, William Van Hook, Company D, Twenty-fifth Infantry, who was discharged on account of the Brownsville affair, ask permission if I could take on again or be reinstated. I don't know who it was that done the shooting; if so, I would turn up the guilty party. I was not implicated in shooting up the town, and I don't know anyone who was. If so, I would tell and not shield the guilty.

Yours,

WILLIAM VAN HOOK,
Palace Hotel, Corner Sixth and Vine.

The reason I write this letter is for information, as I never understood what was going on.

Certificate of Samuel P. Lyon.

To whom it may concern:

WILLIAM VAN HOOK has been known to me for about three years, during all of which time he has been a member of 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.

Certificate of W. F. Burns.

CYNTHIANA, KY., June 26, 1896.

To whom it may concern:

SIR: This is to certify that I have known the bearer, William Van Hook, for almost ten years, and his family about sixteen years. He has worked for me

about three years, and have always found him honest and faithful and a good workman, and I recommend him to anyone desirous of his services.

Very respectfully,

W. F. BURNS, *Grocer.*

MISCELLANEOUS PAPERS.

JOHN COOK.

[Company B.]

[Telegram.]

PITTSBURG, PA., *January 20, 1907.*

THE MILITARY SECRETARY,
Washington, D. C.:

John Cook, discharged, B, Twenty-fifth Infantry, November 2, desires acceptance for reenlistment for same regiment. Satisfactory examination. Instructions requested.

ORD, *Major, Recruiting Officer.*

[First indorsement.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, January 20, 1907.

Respectfully referred to the Inspector-General of the Army, who will cause John Cook to be examined by an officer of his department as in the cases of the other former members of the Twenty-fifth Infantry referred to in the letter to him from this office dated January 20, 1907.

By order of the Secretary of War:

F. C. AINSWORTH,
The Military Secretary.

Letter of Inspector-General J. G. Galbraith.

PITTSBURG, PA., *January 31, 1907.*

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

SIR: I have the honor to invite immediate attention to the case of John Cook, which differs from the others that are being examined by me.

This man was honorably discharged on November 2, 1906, at the expiration of three years' service, and his military record would appear to warrant reenlistment.

His case does not come under the circular letter of December 12, 1906, from The Military Secretary's Office to recruiting officers.

There was no prohibitory order barring his reenlistment if he had presented himself to the recruiting officer as an applicant for foot service, colored.

But because he applied for service in a particular regiment the recruiting officer telegraphed to The Military Secretary, as is customary.

It is believed that the case is not on the same basis as the others, and that to authorize his enlistment would be simply in accordance with established custom.

Such action would not imply that he is exonerated from complicity in the Brownsville disturbance.

In the absence of proof of such complicity, his military record presents no ground for rejection.

On the other hand, his enlistment will not render him any the less liable, if guilty.

His testimony of this date is herewith inclosed.

I am, sir, very respectfully, your obedient servant,

J. G. GALBRAITH,
Major, Inspector-General.

Testimony of John Cook.

PITTSBURG, PA., January 31, 1907.

JOHN COOK, being sworn and interrogated by Maj. J. G. Galbraith, inspector-general, testified as follows:

Q. What is your name?—A. John Cook.

Q. And former company and regiment?—A. Company B, Twenty-fifth Infantry.

Q. When were you discharged from that company?—A. November 2, 1906.

Q. For what reason were you discharged?—A. Expiration of term of service.

Q. There was no reference on your discharge to the affair known as the Brownsville affray?—A. No, sir; not at all; my discharges are down here if you would like to see them.

Q. You have an honorable discharge, then?—A. Yes, sir.

Q. And you wish to be reenlisted for the same regiment?—A. Yes, sir.

Q. Have you told your story of the Brownsville affair before?—A. Yes, sir.

Q. To whom?—A. I told it to Lieutenant Lawrason, and Captain Lyon, Lieutenant-Colonel Lovering, and to General Garlington.

Q. Will you tell your story about it in your own language?—A. Yes, sir; I told just exactly what I knew about it.

Q. I say, will you now tell your story in your own language?—A. Yes, sir.

Q. All right, go ahead.—A. On the night of the 18th I was in Fort Brown, Tex., when the disturbance occurred. I was in my quarters, in bed asleep. The shooting and call to arms woke me up, and the men running through quarters. I got up, put on my trousers, went to the gun rack to get my gun and it was not open; went back to bed, set down, put on my shoes, and top shirt. By that time the rack was open; I got my gun, went down the steps—the front way instead of coming down back. When I got on the company parade, Major Penrose was there and wanted to know what the men were doing, that they were not there. I told him that they were upstairs getting their clothes on. He says, "Go up there and tell them to come down here right away." The first sergeant was not there. The major said, "Some noncommissioned officer call the roll;" there wasn't any of the noncommissioned officers had a list, but Corporal Coltrain fell the company in and had them to count off. Major Penrose asked him were they all present. He said he didn't know. By that time the first sergeant came, called the roll, and reported the company present. He sent one man to Lieutenant Lawrason's quarters to tell them to come over to the company.

Q. Where did this firing come from?—A. It seemed it was on the street just next to the wall, or on the next street.

Q. Did you ever find out whether that shooting was done by soldiers or outsiders?—A. I never heard; the whole time I was around the company, never heard any of them say anything about implicating the soldiers or citizens. I never did hear anything. If I had I would have made my statement to General Garlington.

Q. What did you think the trouble was when you first heard the racket?—A. I thought it was probably the citizens firing, or soldiers, that is what I thought it was.

Q. You know there was bad feeling between them?—A. I had heard it. One or two fellows went down to the town; one got thrown in the river, and one got hit across the head.

Q. Did you think probably they might have been concerned?—A. I thought they might have been concerned, or knew something about it, or else it was the citizens.

Q. You slept in the second story of the barracks?—A. Yes, sir; on the front side of the barracks.

Q. Most of the men slept in the second story?—A. Yes, sir. There was two cooks slept downstairs, I think, sir, and the quartermaster-sergeant.

Q. The arms were all kept upstairs?—A. Yes, sir; all that was issued out were kept upstairs.

Q. Do you know who made the check roll call at 11 o'clock that night?—A. Sergeant Jackson. He was in charge of the quarters.

Q. Did you see him?—A. Not when they were making the roll call; no, sir.

Q. If any men were out of that room after check, would you have heard them or seen them?—A. No, sir; they could have went out without my hearing or see-

ing them. There was two doors went down the back way of the quarters and one went down the front way—two in rear and one in front. So they could have went down the front steps without my seeing them, or they could have went down the steps back way, farthest door from me, without my seeing them, even if I had been awake. Just one room, no partition in it, excepting where the noncommissioned officers slept. The noncommissioned officers had a small room to themselves. I slept up in the end of the quarters where the orderly room is, in the same end of the building, only upstairs. Anyone could go out from the lower end of the building, or go out the front steps, and I would not know it.

Q. Could they have gotten back into ranks without your knowing that they had been away before the roll was called?—A. No, sir; they could not have come in on the head of the company; they could have come in on the rear of the company.

Q. Did you use your rifle that day?—A. No, sir.

Q. Didn't have it out of the rack?—A. I think we had drill that morning, I am not sure. No, sir; I did not have it out of the rack. There was a practice march that morning. I did not go on the march.

Q. How did you come to stay back from the march?—A. I did not fall in with the company that morning. I had been drinking the night before and I was sleeping when it went out; no one woke me up.

Q. Were you there when the company came back?—A. Yes, sir.

Q. Did you see them put their arms away into the racks?—A. I saw some of them put their arms away.

Q. Were you around the quarters most all day?—A. Yes, sir. I was on fatigue in the afternoon; was around the quarters all the morning, not in the afternoon.

Q. While the men were out on this practice march were the racks open?—A. No, sir; the racks were locked.

Q. How do you know that?—A. The man in charge of quarters always kept them locked.

Q. But you did not see them yourself?—A. No, sir; I did not; but that is the way they did; they always kept the rack locked, even if the company was only out for drill. It was the company commander's orders for them to be kept that way all the time.

Q. Did you ever find out who made that disturbance?—A. No, sir.

Q. Didn't you have any curiosity about it?—A. No, sir.

Q. Never asked anybody about it?—A. I asked several times, but everybody told me they didn't know anything about it.

Q. Did you go down town any after that?—A. No, sir.

Q. Did you know whom the soldiers had a grudge against?—A. No, sir.

Q. You didn't know that some of them had a grudge against Mr. Tate?—A. No, sir; I didn't know they had a grudge against any one at all; never heard anything of the sort.

Q. Do you know anything about this case that you have not told?—A. I have told all that I know about it, sir.

Q. Is there anything more that you wish to say about it?—A. No, sir.

SIMPHERD GLENN.

[Company B.]

Affidavit of Second Lieut. George O. Lawrason.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

GEORGE O. LAWRASON, being duly sworn, says he is second lieutenant Company B, Twenty-fifth Infantry. That he knew said Private Glenn for more than two years and knows him to have been always faithful as a soldier, and an honest soldier. That he was company clerk a large part of that time. That he is not a man deponent would suspect of taking part in such a raid as was made in Brownsville. That he always seemed to be a cheerful, satisfied soldier, glad to be in the regiment and in the company, and good natured. Deponent does not think he had any feelings of resentment against anybody in Brownsville,

or any reason for wanting to harm anyone or to see anyone harmed. He was comparatively a young soldier.

GEO. C. LAWBRASON.

Sworn to and subscribed before me this 5th day of February, 1907.

I. B. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Second Lieut. Harry S. Grier.

DEPARTMENT OF TEXAS,
Post of Fort Sam Houston, ss:

HARRY S. GRIER, being duly sworn, says he is second lieutenant, Twenty-fifth Infantry, and battalion quartermaster and commissary. That he knew Private Glenn about one year prior to his discharge, and considered him honest and faithful. That he had employed him in the commissary both at Fort Brown and Fort Reno as a clerk. That he did his work well. That deponent does not believe he was implicated in the Brownsville affray or that he possessed any guilty knowledge of the same, and believes that he would have told anything he got hold of that would lead to the detection of the guilty parties. That deponent does not know what, if any, efforts Private Glenn made to acquire knowledge as to who the guilty men were.

H. S. GRIER.

Subscribed and sworn to before me this 5th day of February, 1907.

I. B. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of First Lieut. James A. Higgins.

JAMES A. HIGGINS, first lieutenant Company C, Twenty-fifth Infantry, states: I know Private Glenn from the time I took command of Company B (about August 20, 1906) until I was relieved about two months later. Glenn was company clerk most of the time. He was a very reliable man, attentive to his duties, and I really believe he is not the sort of man who would be implicated in such an affair as the shooting at Brownsville on August 13, 1906.

JAMES A. HIGGINS,
First Lieutenant, Twenty-fifth Infantry.

Subscribed and sworn to before me this 8th day of February, 1907.

WILLIAM W. HARRIS, JR.,
*Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial.*

WALTER ADAMS.

[Company D.]

Application for permission to reenlist.

FORT MCINTOSH, TEXAS, February 8, 1907.

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

SIR: I have the honor to inclose the recommendation of my former captain and company commander, Capt. Samuel P. Lyon, Twenty-fifth Infantry, with the request that I may be allowed to use same in "lieu" of the affidavit required by existing orders from your headquarters for the purpose of reenlisting again in my same organization and company. It is useless for me to

say I am one of the innocent men who have been debarred from enlisting again in the service, on account of the shooting affair at Brownsville, Tex., on the night of August 13, 1906, for that part is settled by the inclosed paper from my captain, who knows me better than any other man or officer in the service. I was discharged from Company D, Twenty-fifth Infantry, per expiration of term of enlistment, October 27, 1906, with character "excellent," and went home to visit my people, and when I went to reenlist I was informed that I was debarred from ever again enlisting in the Army, on account of the trouble mentioned above. Hoping that my case may be given favorable consideration, and that I may be allowed to enlist again before my old regiment leaves for the Philippine Islands, as I would like so much to go with it, and that I may hear from you on this subject at the earliest possible date, I am, sirs,

Very respectfully,

WALTER ADAMS,
Former Sergeant, Company D, Twenty-fifth Infantry.

Certificate of Capt. Samuel P. Lyon.

To whom it may concern:

Walter Adams has been known to me for about four years, during all of which time he has been a 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.

Affidavit of Second Lieut. Donald D. Hay.

DEPARTMENT OF TEXAS, *Post of Fort Reno, ss:*

DONALD D. HAY, being duly sworn, says: That he is second lieutenant of Company C, Twenty-fifth Infantry.

I believe Sergeant Adams made every effort possible to him to learn the truth of the shooting affair at Brownsville on the night of August 13, 1906. I served with Company D for several short periods, and observed that Adams did not hesitate to report such cases of misconduct as came to his attention. And from his reputation and his character as I knew it, I don't think he has learned anything of this Brownsville affray that he has failed to report.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Sworn to and subscribed before me at Fort Reno, Okla., this 8th day of February, 1907.

WILLIAM W. HARRIS, JR.,
*Second Lieutenant, Thirtieth Infantry,
Judge-Advocate, General Court-Martial*

Affidavit of Second Lieut. Donald D. Hay.

DONALD D. HAY, second lieutenant Company C, Twenty-fifth Infantry, states:

I believe Sergeant Adams made every effort possible to him to learn the truth of the shooting affair at Brownsville on the night of August 13, 1906. I served with Company D for several short periods, and observed that Adams did not

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hesitate to report such cases of misconduct as came to his attention. And from his reputation and his character as I knew it, I don't think he has learned anything of this Brownsville affray that he has failed to report.

February 1, 1907.

DONALD D. HAY,
Second Lieutenant, Twenty-fifth Infantry.

Affidavit of Maj. Charles W. Penrose.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

CHARLES W. PENROSE, major, Twenty-fifth Infantry, being duly sworn, says: I have always considered Sergeant Adams to be a reliable man.

C. W. PENROSE.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Capt. Samuel P. Lyon.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

SAMUEL P. LYON, captain Company D, Twenty-fifth Infantry, being duly sworn, states:

Sergeant Adams was given a full and honorable discharge with character "excellent," upon the expiration of his enlistment subsequent to August 13, 1906, and prior to the issue of the special order directing the discharges without honor. I knew him for more than four years. He was a sergeant of my company three years and ten months. An excellent soldier, and absolutely honest and conscientious man. I am convinced he was not in the shooting affray. I distinctly remember seeing him in his position as a sergeant when I went down the line distributing extra ammunition to all the men of the company after roll-call in front of the barracks. He was one of the old noncommissioned officers with whom I frequently talked about the matter and upon whom I tried to impress the necessity of learning the truth. I am satisfied he did all he could, and did not conceal or fail to report anything he learned.

SAMUEL P. LYON.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Second Lieut. George C. Lawrason.

DEPARTMENT OF TEXAS, *Post of Fort Sam Houston, ss:*

GEORGE C. LAWRASON, second lieutenant Company B, Twenty-fifth Infantry, being duly sworn, states:

I came in contact with Sergeant Adams several times as sergeant of the guard. I regarded him as zealous and trustworthy in the performance of his duty. I think it altogether unlikely that he participated in the shooting or that he would have withheld any information he might have acquired regarding it.

GEO. C. LAWRASON.

Subscribed and sworn to before me this 5th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Capt. Edgar A. Macklin.

DEPARTMENT OF TEXAS, Post of Fort Sam Houston, ss:

EDGAR A. MAOKLIN, captain Company C, Twenty-fifth Infantry, being duly sworn, states:

As sergeant of the guard Adams impressed me as a faithful conscientious soldier. I only knew him on guard duty. I think he was satisfied with the service and wanted to stay in it, and that he was honestly anxious to find out the truth and report it.

EDGAR A. MAOKLIN,
Captain, Twenty-fifth Infantry.

Subscribed and sworn to before me this 4th day of February, 1907.

L. E. GOODIER,
*Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.*

Affidavit of Walter Adams.

DEPARTMENT OF TEXAS, Post of Fort McIntosh, ss:

WALTER ADAMS, being duly sworn, says he was discharged with character "excellent" upon the expiration of his last enlistment in the Army on October 27, 1906, as sergeant in said company, after nineteen years' service. That he was serving as sergeant in said company at Fort Brown, Tex., on August 13, 1906, and went to bed in the company barracks about 7.30 o'clock. All passes had been shortened to expire at 8 o'clock, and word was sent around about 3.30 that evening that everybody must be in by 8. We were all wondering what that could mean. We thought the captain was a little uneasy, and we were all thinking something was going to happen, but we didn't know what it could be. I went to sleep and woke up to go to the closet. After I had fixed up my mosquito bar to go to sleep again I laid down and staid awake for about fifteen minutes before the first shot was fired. I heard the scavenger's cart coming while I was going back to my cot from the closet. I heard no noises of any kind from that until the shooting. Nobody was stirring around in our quarters. Everybody was quartered in that big room except the first sergeant. Everything was as quiet as it could be. I thought everybody was asleep. Then a shot was fired. I could not tell where it was fired from or what kind of a gun it was. I heard no words spoken at the same time. Sergeant Harris was sleeping in his cot just across the room from mine. I heard him stir. I spoke softly to him and said, "What are we going to do, Sergeant Harris?" He said, "Keep still and keep down, and don't light any lights, and wait for orders." I was wearing a white undershirt and put on a blue flannel shirt to cover it up so I couldn't be seen and shot at. More shots were being fired and the men were waking up and putting on parts of their clothing. Sergeant Harris and I spoke to the men and said, "You all be easy now until you get some orders." There was no confusion. Some of the men did not even begin to dress. I heard the major's voice and I heard the bugle sound the general call. Then the captain called, "Fall the men out and bring your rifles; but don't load." We all went down and formed the company. Some had hardly any clothing on. Some were barefooted and some bareheaded. I think every man had some cartridges in his belt. The first sergeant reported that everybody was in the ranks but Corporal Hawkins. The major sent us in a sort of skirmish formation, to take our stand behind the reservation wall, and pretty soon he had us go out into the town to patrol and find out whether there were any soldiers there. We didn't find any soldiers. I saw a dead gray horse and a Mexican policeman, but I saw nobody else. We were gone from a half an hour to an hour. Then went back to quarters and the gun racks were put in the first sergeant's room and the rifles were put in the racks, and the racks and the room locked up.

The men didn't say anything about the affair except to wonder what the matter had been. No one said that he thought the town people had been shooting at us. They mostly wondered who had been doing the shooting around there.

I never knew the least little thing about who did that shooting. I would tell in a minute if I did know. The soldiers were kept close to the post both at Fort Brown and at Fort Reno after the shooting, and I did not hear much

said about who did it, except that everybody was wondering who it could have been. I have heard Sergeant Frazier and Sergeant Harris talk to the younger men about it and try to learn something about it. I have tried myself many times, but we could not find out anything at all. I can't say only what I know, and if I knew, why I'd tell it. I left Fort Reno, on my honorable discharge, about November 1, 1906, and since that have only occasionally met a man out of the First Battalion. I have had no chance to learn anything about the shooting since that time, as I came down here to Fort McIntosh after spending a few days in San Antonio, during which I applied to the recruiting officer for reenlistment, but was refused on receipt of a telegram from Washington.

I swear positively that I did not have any information, before the shooting at Brownsville, that any trouble was going to occur or was likely to occur except when the passes were cut off on August 13, 1906, and I never had any reason to suspect that any such thing could happen. I had not been in the town at all except to go to the post-office for stamps. I had had no trouble with any of the townspeople. I had heard of the man who was hit with a revolver, and of another man being shoved into the water, but I did not know either of them. I understood the man shoved into the water got no more than was coming to him. That he was drunk and there was trouble over his fare, and that some of his friends pulled him out and paid his fare on the boat he was being ferried across the river on. There was no excitement among the men that I could see over these two affairs. I never knew of any soldier saying that he thought the barracks would be shot up. And during the time I remained with the company I never learned anything at all about this shooting affair or the men who really did it. I know that such men as Sergeant Frazier and Sergeant Harris and Sergeant Mingo Sanders and Cook Dade and Jim Duncan were not afraid of any men in the battalion, and I know they would tell anything they knew to have the men that did that shooting rounded up so the rest of us wouldn't have to suffer. Some of the younger men used to stop talking and walk off when they saw us older ones coming and would not talk with us about it. I can remember Charles Jones of our company doing this, but recall no one else. I know the old noncommissioned officers did all they could to find out the truth, and that I did so myself.

I want very much to be allowed to reenlist. I know I have done nothing wrong and can not see why I should be refused the right because some one else has done wrong. I have had my home in the Army for many years. I have not been home to Knoxville, Tenn., where I was born and lived until I enlisted in eighteen years. And if I can reenlist, I promise that my service will continue to be as honest and as faithful as I think my record shows it has been up to this time.

WALTER ADAMS.

Subscribed and sworn to before me this 6th day of February, 1907.

L. E. GOODIER,
Major, Judge-Advocate-General's Department,
Judge-Advocate, Department of the Gulf.

**REPORT OF MAJ. L. E. GOODIER AS TO EXAMINATIONS OF APPLICANTS
AND OFFICERS OF COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.**

THE MILITARY SECRETARY OF THE ARMY.

SIR: I respectfully report that in compliance with instructions contained in two letters from your office which bear date of January 26, 1907, the first indorsement of The Military Secretary dated January 25, 1907, on memoranda of the Secretary of War, dated January 21, 1907, and certain directions communicated to me personally by the Secretary of War, I left Washington on January 26 and reached Fort Reno, Okla., on January 30.

I found Maj. Charles W. Penrose, Twenty-fifth Infantry, about to start for Fort Sam Houston for trial by general court-martial. In response to the inquiry contained in the next to the last sentence of the Secretary's memorandum of January 21, which I read to him, Major Penrose at once stated in the most positive manner that he did give the order to break the gun racks of Company O at Fort Brown on August 13, 1906. That when he reached the barracks he found the men of that company coming from their quarters without their arms. That he said to them that the call "to arms" was sounding and

they ought to have their rifles. That they replied that the noncommissioned officer in charge of quarters refused to open the arm racks because he had had no orders. That he, Major Penrose, then ordered them to break them open if necessary to get their arms at once and without further delay. Major Penrose further stated that this fact was well known to officers and men of the garrison, and that it would be testified to on his trial at Fort Sam Houston.

Deponent then interrogated Major Penrose and the following officers of the regiment, viz: Captains Lyon and Macklin, Lieutenants Higgins, Hay, Grier, and Lawrason (no other officer of Companies B, C, and D being then at Fort Reno), regarding the enlisted men whose names were furnished me by your office as having applied for reenlistment, and regarding also James A. Simmons, late private of Companies A and C, who sought me out in Fort Reno and notified me that he had that day applied to the post recruiting officer, or was about to file his application with him. The memoranda I then took were subsequently written out by me and signed and sworn to by the officers. Each officer was asked by me as to his knowledge of each of such applicants for reenlistment, and the affidavit of each officer is inclosed in the matter of the application of each man, except where the officer assured me that he had not sufficient knowledge of or acquaintance with the man to warrant him in making any statement in his case.

I also examined at Fort Reno and took the affidavits of Charles Dade, late cook, Company D, his wife, Emma Dade, and the latter's daughter, Mrs. C. H. Barbour, all in the matter of said Dade's application for reenlistment. I examined and took the affidavit of James A. Simmons, hereinbefore mentioned, late private, Company C, who was transferred to Company A and discharged without honor from the latter company. He showed me an affidavit made by his wife, which accompanied his application to the post recruiting officer. I did not examine her further.

On February 1 I went to El Reno, Okla., where I was advised by the officers at Fort Reno that I would find Jacob Frazier, late first sergeant, Company D, and several other men who were supposed to desire to reenlist. I visited the residence of Frazier and was informed by his wife that he had gone to Washington the day before in response to a summons from the Sergeant-at-Arms of the Senate. I saw there Walker McCurdy, late quartermaster sergeant, Company D; Luther T. Thornton, late sergeant, Company B; Samuel Wheeler, late corporal, Company D, and James H. Ballard, late corporal, Company D. All these men informed me that they had not filed applications for reenlistment, and that they had no desire to apply at that time. I took the affidavit of Hattie Frazier, wife of said Jacob Frazier, in re the latter's application. I also found in El Reno Ernest English, late private, Company B, who told me he desired to reenlist. I examined him and took his affidavit, instructing him to file a formal application with the recruiting officer at Fort Reno.

I then proceeded on February 2 to Oklahoma City and called at the recruiting office, where I was informed that no applications for reenlistment of ex-soldiers of the Twenty-fifth Infantry had been received at that office. That some men had come to the office a month previously, but had gone away again without leaving their addresses or making formal requests for permission to reenter the service.

On February 3 I reached San Antonio, Tex., and on the 4th and 5th took the affidavits of Major Penrose, Capts. S. P. Lyon and W. A. Macklin, and Second Lieuts. H. S. Grier and G. C. Lawrason, who were there in attendance as witnesses before the general court-martial trying Major Penrose. The affidavits of First Lieut. J. A. Higgins and Second Lieut. D. D. Hay were drawn off by me and mailed to those officers at Fort Reno for verification, and afterwards returned to me by mail.

The recruiting officer at San Antonio advised me that Walter Adams, late sergeant, Company D, who had applied to him for reenlistment, was not in the city but could be found at Fort McIntosh, Laredo, Tex. I proceeded thither on the 6th of February, examined Adams, and took his affidavit. The authorities at Fort McIntosh consider him unfitted for service on account of his mental condition. The surgeon states that in his opinion he is a paranoiac. I was shown some correspondence between the post and department headquarters on the subject of Adams's mental condition, and the papers bore at least one indorsement by the War Department. I myself did not observe any indications of unsoundness in Adams's mental condition.

I then returned to San Antonio and went on to El Paso, Tex., where on February 9 I found and examined James Duncan, late cook, Company D, and

private, Company G, Twenty-fifth Infantry, who had applied for reenlistment at the recruiting office in that city. His affidavit is inclosed. This man said that David Powell, late corporal of Company D, who was noncommissioned officer in charge of quarters on August 13, 1906, and had been confined in the guardhouse at Fort Brown and at Fort Sam Houston after that date, with 12 other men accused by Brownsville officials in connection with the affair of August 13, is now working at the Armour packing house in Kansas City. That he, Duncan, thinks that if he could see Powell, who has been a close friend of his, he might be able to learn something from him which he had found out from the others during his long confinement with them. Capt. Charles F. Bates, Twenty-fifth Infantry, in whose employ Duncan now is, called upon me in El Paso and submitted an affidavit as to Duncan's character and qualities, and he also is of the opinion that Duncan might learn something if sent to Kansas City for the purpose. I was favorably impressed by Duncan's appearance and manner, and if his reenlistment be approved, I respectfully recommend that he be given an opportunity to see Powell.

Inclosed are affidavits *in re* the applications of the following men, to wit:

Company A.—James A. Simmons, late private.

Company B.—Mingo Sanders, late first sergeant; Edward L. Daniels, late corporal; Elmer Brown, late private; Ernest English, late private; Shepherd Glen, late private.

Memo.—Private Willie Lemons, of Company B, was dishonorably discharged by sentence of general court-martial, at Fort Reno.

Company C.—Samuel W. Harley, late sergeant; Charles H. Madison, late corporal; Walter Banks, late musician; Thomas Jefferson, late private; George Smith, late private.

Company D.—Jacob Frazier, late sergeant; Walter Adams, late sergeant; Charles Dade, late cook; Hoytt Robinson, late musician; George W. Hall, late private; Charles Jones, late private; James Newton, late private; Robert L. Rogan, late private.

Company G.—James Duncan, late private (honorably discharged August 23, 1906, from Company D as cook, reenlisted September 28).

I further report that no officer or discharged soldier whom I asked for a statement in this matter made any objection to any question put to him, and all of them professed to be willing to make as full answers as they were able.

Captain Macklin suggested to me, before making his statements regarding the men, that he was to be tried by general court-martial upon charges of neglect of duty growing out of this same occurrence of August 13, 1906, and wished his rights protected. I answered that the general rule was that he might object to any question, the answer to which might tend to convict him of crime or to degrade him, but that the business of the War Department must proceed and ought not to be impeded by his declining to furnish such information as he was able to give, unless he claimed the privilege of declining to answer particular questions on the ground stated. He did not refer to the matter again, and answered all my questions with apparent frankness.

All of which is respectfully submitted.

LEWIS E. GOODIER,

Major, Judge-Advocate-General's Department.

Dated February 15, 1907.

[First indorsement.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, February 16, 1907.

Respectfully referred to the Judge-Advocate General of the Army for consideration in connection with cases of former enlisted men of the Twenty-fifth Infantry recently examined by him.

Inclosed herewith are certain papers from the files of this office in the cases of six of the men referred to in this report of Major Goodier, namely: James A. Simmons, Charles H. Madison, George Smith, Walter Adams, Charles Dade, James Duncan.

By order of the Secretary of War:

F. C. AINSWORTH,
The Military Secretary.

[Indorsement.]

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE-GENERAL,
Washington, D. C., February 19, 1907.

Respectfully returned to The Military Secretary.

I can see no occasion to change the views expressed in my report of the 9th instant in the cases of Edward L. Daniels, late corporal, Company B, Twenty-fifth Infantry; Elmer Brown, late private, Company B, Twenty-fifth Infantry; Thomas Jefferson, late private, Company C, Twenty-fifth Infantry; Mingo Sanders, late sergeant, Company B, Twenty-fifth Infantry, as to the injustice of separating a few from the operation of the action taken by the Executive in respect to the general body of enlisted men who formed a part of the garrison of Fort Brown, Texas, in August last.

GEO. B. DAVIS,
Judge-Advocate-General.

RECORDS OF EXAMINATIONS OF 14 EX-MEMBERS OF THE TWENTY-FIFTH INFANTRY, APPLICANTS FOR REENLISTMENT TO THE ARMY.

[Transmitted by Maj. Jacob G. Galbraith.]

WAR DEPARTMENT,
OFFICE OF THE INSPECTOR-GENERAL,
Washington, February 11, 1907.

THE MILITARY SECRETARY OF THE ARMY.

SIR: I have the honor to transmit the records of my examinations of 14 ex-members of the Twenty-fifth Infantry, applicants for reenlistment in the Army.

The following-named discharged soldiers were interrogated under oath:

At Harrisburg, Pa.—Samuel W. Harley, late sergeant, Company C, Twenty-fifth Infantry.

At Pittsburg, Pa.—John Cook, late private, Company B, Twenty-fifth Infantry.

At Chicago, Ill.—Shepherd Glenn, late private, Company B, Twenty-fifth Infantry; Charles Jones, late private, Company D, Twenty-fifth Infantry; James Newton, late private, Company D, Twenty-fifth Infantry; Walter Banks, late musician, Company C, Twenty-fifth Infantry; George W. Hall, late private, Company D, Twenty-fifth Infantry; Elias Gant, late private, Company D, Twenty-fifth Infantry; John Green, late private, Company D, Twenty-fifth Infantry; Joseph Jones, late private, Company D, Twenty-fifth Infantry; Perry Olasco, late private, Company C, Twenty-fifth Infantry; John Kirkpatrick, late private, Company C, Twenty-fifth Infantry.

At Lexington, Ky.—Hoytt Robinson, late musician, Company D, Twenty-fifth Infantry.

At Nashville, Tenn.—Robert L. Rogan, late private, Company D, Twenty-fifth Infantry.

At Pittsburg, Pa., I saw Charles H. Madison, late corporal, Company C, Twenty-fifth Infantry, but he declined to be sworn or to make any statement. He informed me that he expected to testify before the Senate Committee on Military Affairs.

At Pittsburg, January 31, I examined John Cook, late private, Company B, Twenty-fifth Infantry, and I at once forwarded the record of his examination to The Military Secretary, making it the subject of a separate special report, because of the fact that the three months in his case would expire on February 2, 1907, after which date he would forfeit continuous service pay.

The case of Shepherd Glenn, examined February 1 at Chicago, was entirely similar to that of John Cook, and I so reported by telegraph to The Military Secretary.

Both of these men have honorable discharges dated November 2, 1906, and have not since been in service.

Renewed attention is respectfully invited to my special reports in those cases, that of Cook by letter and of Glenn by telegraph. Surely the claim to eligibility for reenlistment on the part of an ex-soldier presenting an honorable discharge must be much stronger than that of a former soldier whose last discharge was without honor. It seems to me that the burden of proof is shifted by the presentation of that documentary evidence of honest and faithful service.

If the burden of proof is on the party who would fail if no proof were offered, does not the possession of an honorable discharge give the holder an advantage?

Has not the converse been asserted, viz, that discharge without honor placed on the applicant the burden of proof?

Is not the honorable discharge prima facie evidence of honest and faithful service?

If so, is it not up to the Government to prove in the case of these two men that they were not worthy of honorable discharge?

In this connection it is thought proper to mention that these two honorably discharged soldiers do not seek reenlistment in the Twenty-fifth Infantry, but want to go to the Ninth Cavalry and the Signal Corps. And this suggests the question whether it is not better to exclude from the Twenty-fifth Infantry any of these men who may be reenlisted.

A special report [copy herewith] was made in the case of John Kirkpatrick, late private Company C, who asserts that he was prevented by confinement in the hospital from participating in, or being in any way to blame for, the disturbance or from having any guilty knowledge thereof.

Incidentally he casts discredit on the story about the galloping of men mounted being heard from the hospital porch, and the dodging of bullets.

Sergt. Samuel W. Harley, late Company C, was sleeping in the orderly room downstairs, while the members of the company generally slept in the second story of the barracks. He testifies that it would have been practicable for some of these men to have left their quarters after the 11 p. m. check without the acting first sergeant knowing anything about it. He also states that the acting first sergeant would be about the last man in whom the men would confide if they were up to any "devilment," and that it is certain that any of those having guilty knowledge would carefully conceal it from him.

Private James Newton, late Company D, says that he was sleeping in officers' quarters and came out of the door with an officer.

Private Hoytt Robinson, late musician Company D, Twenty-fifth Infantry, states that he was asleep in the guardhouse, and was awakened and ordered to sound the call to arms. In reply to further questioning, he mentions that patrols of the guard were sent into the town that evening, and discloses the possibility that a patrol of the guard could have raided the town without his knowledge.

Private Robert L. Rogan's testimony, so far as concerns himself, is merely a disclaimer of participation or knowledge. Interrogated on the subject of the inspection of arms he says that the company (D) fell in ranks the next morning at the usual drill hour (7 a. m.) and were inspected; that they wore their web belts, without cartridges, and that the McKeever cartridge boxes, containing their cartridges, were left in quarters.

None of the testimony which I have heard or read precludes the possibility of a small patrol of the guard having taken an active part in the affray, and it is conceivable that they might have been joined by a few others, and that the raid could have taken place without the knowledge of the men generally.

There would be no difficulty about the arms and ammunition for the small patrol, and the few others may have had pistols or shotguns.

I am, sir, very respectfully, your obedient servant,

J. G. GALBRAITH,
Major, Inspector-General.

[First indorsoment.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, February 12, 1907.

Respectfully referred to the Judge-Advocate-General of the Army for consideration in connection with cases of former enlisted men of the Twenty-fifth Infantry recently examined by him.

By order of the Secretary of War.

F. C. AINSWORTH,
The Military Secretary.

[Indorsement.]

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, D. C., February 19, 1907.

Respectfully returned to The Military Secretary.

I can see no occasion to change the views expressed in my report of the 9th instant in the cases of Edward L. Daniels, late corporal Company B, Twenty-fifth Infantry; Elmer Brown, late private Company B, Twenty-fifth Infantry; Thomas Jefferson, late private Company C, Twenty-fifth Infantry; Mingo Sanders, late sergeant Company B, Twenty-fifth Infantry, as to the injustice of separating a few from the operation of the action taken by the Executive in respect to the general body of enlisted men who formed a part of the garrison of Fort Brown, Tex., in August last.

GEO. B. DAVIS,
Judge-Advocate-General.

Testimony of Samuel W. Harley.

HARRISBURG, PA., January 30, 1907.

SAMUEL W. HARLEY, being duly sworn and interrogated by Maj. J. G. Galbraith, Inspector-General, testified as follows:

- Q. What is your name?—A. Samuel W. Harley.
- Q. What was your last service in the Army?—A. You mean the number of years?
- Q. No; last company and regiment.—A. Company C, Twenty-fifth Infantry.
- Q. When were you discharged?—A. Discharged on the 24th of November, 1906.
- Q. You have applied for reenlistment?—A. Yes, sir.
- Q. And you have forwarded affidavits to support your application?—A. I have forwarded application; yes, sir.
- Q. Accompanied by affidavits?—A. Yes, sir.
- Q. Were you at the time of this Brownsville disturbance the acting first sergeant of C Company?—A. Yes, sir; of C Company.
- Q. Who was your company commander?—A. Captain Macklin.
- Q. What lieutenant was on duty with the company?—A. There wasn't any lieutenant on duty with the company at the time, sir.
- Q. When the company was turned out under arms, to whom did you report the company?—A. I reported the company to Lieutenant Grier.
- Q. Did you report all present?—A. Yes, sir.
- Q. How did you know that all were present?—A. Well, I called the roll, sir, and my roll showed that all were present or accounted for; the men were not all present, but all were present or accounted for. There was two men absent on pass.
- Q. Did you call every man's name?—A. Yes, sir; I finally called the roll down, yes, sir. It took me a little time; I didn't have a lantern; it was dark. The gas light smoked a little and taken a few minutes to finish the roll.
- Q. Was Lieutenant Grier satisfied with this roll call?—A. Yes, sir; I think he was. He was right there, right behind me, two paces.
- Q. In the roll call, was the presence of the men verified by counting them?—A. I reported to Lieutenant Grier and he reported to the commanding officer, and he says: Lieutenant, count your men and march them around in rear of the quarters along the wall. After I reported I taken my place in line; there wasn't anything more for me to do than reporting.
- Q. Had you tried before this to find your captain?—A. Before which, sir?
- Q. Before making this roll call?—A. Yes, sir. When I run out I looked for him which I know there should some officer be present, but I didn't see him, and I saw Lieutenant Grier standing on the parade ground, and I run out and reported to him.
- Q. Was it possible for any man to have answered to the name of another without your discovering him?—A. Well, I don't know, sir; I know pretty much all the voices of the men; was pretty familiar with them, and I could not say, but it would hardly happen, because I know the voices of the men pretty well.

Q. Do you know whether any of your men took part in that disturbance?—
A. No, sir; I do not.

Q. Could they have done so without your knowing it?—A. I hardly think they could; no, sir; of course, they could probably slipped out the quarters; you see I didn't sleep with the company men upstairs. I slept down in the orderly room of the barracks, first sergeant's.

Q. Could some of them have gotten out of quarters after check?—A. Why, the men could went out, yes, sir; they could went out after check.

Q. Without your knowing it?—A. Yes, sir.

Q. Who made the check?—A. Sergeant Brauner.

Q. What was your idea of how that thing happened—that disturbance?—
A. Well, I don't know. When they fell out there, I, like the officers and everybody else, I guess, thought it was an attack made from some outsiders.

Q. Did you change your mind about that when you learned more about it the next day, or afterwards?—A. No, sir; I didn't know what to think of it. It was a mystery. All the men of my company had pretty much the same opinion that I had.

Q. They had that opinion at this time—at midnight?—A. Yes, sir; and the next day and afterwards, if I understood your question.

Q. When the inspectors and the commanding officer were trying to find out the facts about this matter did you help them?—A. Yes, sir; I did everything I could, everything in every way to try to find out, in order to save my honor and long service.

Q. How long did you remain at Fort Brown after the 13th of August?—A. I think, sir, if I am not mistaken, we left on the 25th of the same month.

Q. And you didn't find out anything about it in all that time?—A. No, sir; I did not.

Q. Did you make any inquiries?—A. Yes, sir.

Q. Don't you know what caused the trouble?—A. No, sir; I don't know what caused the trouble at that time, although my captain that evening, he said a soldier ketches a woman by her hair and pulled her down to her knees, and the people of the town were very angry; but I don't know whether that was the cause of the trouble or not. I think I said it was the same evening this happened, but it was the evening before that, but the captain told me that evening of the 13th.

Q. What do you know about the breaking open of one of the racks?—A. Well, when I reported to Lieutenant Grier, the commanding officer, he came down to the company about the same time; the men was falling downstairs without their arms, and he said to the men, why ain't you falling down with your arms? The men replied that the noncommissioned officer in charge of the quarters would not let them have their arms. He told them to go back and get their arms and fall in if they had to break the rack.

Q. Now, about this time, had you started out to go to Captain Macklin's quarters?—A. No, sir.

Q. When you met Lieutenant Grier, didn't you tell him that you was going to look for the captain?—A. I told him that I didn't know where my company commander was and asked him would he take charge of the company.

Q. You remember being questioned by Colonel Lovering?—A. Yes, sir.

Q. Remember what you told him about calling the roll, whether you had finished it or not, or was prevented from finishing it by the bad light?—A. Yes, sir.

Q. Try to state exactly now how it was carried on?—A. I will explain what I meant by that. I generally have two rolls; the roll that I used that day I had the men checked that was on pass, on guard, and other places that had authority to be absent. That night when the disturbance commenced there was no light; didn't have time to make a light in the quarters, and I picked up the roll that was not checked; when I called the roll down the men that was absent I checked them—the men that were absent on pass, and on guard, and different places—I checked them that didn't answer to their names. There was some men that didn't answer, and my remembrance, I couldn't just think where they were, and I reported the company present. The second roll call was made in the presence of Captain Macklin, and I then got my day roll and compared it with the one that I called the first roll, and I found that the men that I had checked was on guard, and two men absent on pass, a couple of men in confinement, and one man in hospital.

Q. You went back to your orderly room and got this roll, did you, before making the second roll call?—A. Yes, sir; got the two rolls.

Q. In all this confusion and use of two different rolls, and the counting by yourself and the lieutenant, considerable time was unavoidably used up, was it not?—A. Why, yes, sir; the first time there was only one list used; the time that I used the other list to compare the first list is the time that Captain Macklin had the second roll call; and I found that every man that I checked was present or accounted for.

Q. What were the circumstances about the second roll call you speak of?—A. Why, the second roll call was made under the direction of Captain Macklin, and all men was present or accounted for, and the men that I had checked from the first roll call was present or accounted for.

Q. When did this second roll call take place?—A. About an hour, or a little more, probably a little more, after the first one.

Q. You could not be sure about the result of the first roll call, with the poor light and wrong list, and all, could you?—A. Well, yes, sir; I could be pretty sure. There may at times one man get away, but not any more than that.

Q. If some of the men of your company had slipped out after the 11 o'clock check, they could have managed to get back into ranks without much trouble, couldn't they?—A. Well, it was about 12 o'clock when this disturbance commenced, probably a little after. No, sir; they could not have got back very handy, not in ranks.

Q. The men had to leave the ranks and go back upstairs and get their arms, didn't they?—A. When they came down they hadn't fell in ranks, sir, when they came down without their arms. The gun racks was still locked.

Q. Now men could easily have run from that wall to where the company was forming during all this time, couldn't they?—A. Well, sir, the firing was going on before the gun racks of my quarters was unlocked; they was ordered opened by the commanding officer; he was there himself.

Q. But, if some of the men were out of quarters at the time of the alarm, they had plenty of time to get into ranks, had they not?—A. If they were out of quarters?

Q. Yes, if they had slipped out after 11 o'clock?—A. Yes, sir; they had time to get in ranks.

Q. They could do this while the other men were getting up, putting on their clothes, going down stairs without arms, going back and getting them out of the racks, and then going back and falling in, could they not?—A. Well, they could not very well without being detected; they could not very well do it without some noncommissioned officer detecting them. The gun racks were supposed to be locked—were locked in the quarters when the firing was going on; the commanding officer came down and ordered them opened.

Q. But suppose a half dozen of the men had taken their guns out of the racks after 11 o'clock check, and then the racks had been locked up?—A. They could not have done it if the noncommissioned officer had done his duty, and which I think he is a man that would do his duty; seemed to be a very reliable man.

Q. Could not there be a false key to the rack?—A. Well, that, sir, I don't know; but it is hard to get a false key for those racks.

Q. Or extra key, or spare key?—A. Well, probably something like that could happen; but they could not have taken the arms out of quarters without some one knowing something about it.

Q. But it could have been done without your knowing about it?—A. Yes, sir; because I slept downstairs.

Q. You continued to act as first sergeant after this disturbance?—A. Yes, sir; till we arrived at Fort Reno.

Q. In what way did you try to find out who had done this thing; what did you do about it?—A. Well, I questioned the men in an offhand way, and I set around the quarters and listened at different conversations in that way.

Q. Did you make any reports to your company commander?—A. No, sir; I didn't, on account that he had called me in the orderly room pretty frequently and asked me about it when he used to meet me in there.

Q. And you have not made up your own mind yet whether that shooting was done by soldiers or outsiders?—A. Well, sir, I hardly can tell; it is a kind of a mystery to me; but I have not made up my mind, sir.

Q. Now, is there anything further that you desire to state in this matter?—A. No, sir; not but what I have already explained. There is not anything now that I can think of. At the time of the disturbance I was seen by the officers which accounts for my whereabouts, and I have nothing to add to the papers that I have already sent forward. It is a general thing in a company

that the noncommissioned officers are the last men that the privates will talk anything to concerning any devilment which they have done, or are about to do, because as a general thing they would be brought before the authorities, or be reported. As for myself as acting first sergeant, it would be harder for me to learn anything concerning anything of that kind than it would for some privates on account that they would know that I would make a report of it.

Testimony of Sheperd Glenn.

CHICAGO, ILL., February 1, 1907.

SHEPHERD GLENN, being duly sworn and interrogated by Maj. J. G. Galbraith, Inspector-general, testified as follows:

- Q. State your name.—A. Sheperd Glenn.
- Q. Former company and regiment?—A. Company B, Twenty-fifth Infantry.
- Q. When were you last discharged?—A. November 2, 1906.
- Q. That is your last discharge?—A. Yes, sir.
- Q. Have you told your story of the Brownsville affair?—A. Yes, sir; I told it to Captain Lyon.
- Q. And to an Inspector?—A. The affidavits were made out in the company and sworn to by Captain Lyon.
- Q. Were you not sworn by Colonel Lovering?—A. Yes, sir; sworn by Colonel Lovering, too.
- Q. Were you questioned by Major Blocksom?—A. No, sir.
- Q. Or General Garlington?—A. No, sir; General Garlington never questioned me. I was sick in the hospital at the time and was sent to join my company; command was formed and General Garlington stood in the midst and told the men what he had to tell them.
- Q. That was at Fort Reno?—A. Yes, sir.
- Q. Is there anything you want to say as to this matter?—A. Nothing I have to say, sir. I told previously all I knew.
- Q. Have you told all that you know about it?—A. Yes, sir; I have told all I know about it.
- Q. What is your idea about who did the shooting?—A. Well, sir, I have no idea.
- Q. How is it possible that you should not know something about it?—A. Well, sir, Major, if you are laying in your bed asleep and something happened out there in State street, would it be possible for you to know anything about it, sir?
- Q. Didn't you have any curiosity about it since that time?—A. No, sir.
- Q. Are you satisfied with that statement as it stands, or do you want to add anything further?—A. No, sir; I have nothing more to add.
- I would like to have it show in this paper that I had applied since for enlistment and been rejected by the War Department.

Testimony of Charles Jones.

CHICAGO, ILL., February 1, 1907.

CHARLES JONES, being duly sworn and interrogated by Maj. J. G. Galbraith, Inspector-General, testified as follows:

- Q. State your name.—A. Charles Jones.
- Q. And what was the last company you served in?—A. D Company, Twenty-fifth Infantry.
- Q. When were you discharged?—A. I was discharged in November, 1906.
- Q. Did you receive a discharge without honor?—A. Yes, sir.
- Q. Do you want to get back in the Army?—A. I would like to; I would like to have a better discharge than I have got.
- Q. Have you told your story of this disturbance?—A. Yes, sir; what I know of it.
- Q. To whom?—A. Told it to Captain Lyon, and I told it—I forget the major's name that came there to Reno. I forget his name.
- Q. An Inspector?—A. Yes, sir.
- Q. Well, who did this shooting?—A. I don't know.
- Q. Have any idea?—A. No, sir; I have no idea.

Q. Didn't you ever try to find out?—A. I have tried to find out; could find out no information at all. My belief about it is that it was done by the citizens of Brownsville; that is my belief about it.

Q. What makes you think so?—A. Because when the roll call was going on there was still firing going on.

Q. You think the citizens of Brownsville shot their lieutenant of police?—A. They might; yes, sir.

Q. Did the soldiers have anything against Mr. Tate?—A. Don't know if they had anything against him or not; he knocked down one with a six-shooter.

Q. Didn't that make the rest of you mad?—A. No, it didn't make me mad at all.

Q. Was there any grumbling about it among the men?—A. No, sir; not in my company or no other company.

Q. Did you think the citizens tried to kill any of the soldiers?—A. It seems so; knocked a man over the head with a six-shooter. They must have been trying to the way they were firing. I don't believe the soldiers had anything to do with the firing at all, because we were ordered in at 8 o'clock—sent out patrol.

Q. Were you a noncommissioned officer?—A. No, sir.

Q. Where were you?—A. I was in the quarters in my bunk, sir.

Q. You were not out after check?—A. No, sir.

Q. Do you know of any man going out after check?—A. No, sir.

Q. They could go out, couldn't they, without your knowing it?—A. Yes, sir.

Q. You slept in the second story?—A. Yes, sir.

Q. Men could have gone out without your knowing it?—A. Yes, sir; after I was asleep.

Q. How far was it from there down to the wall?—A. About as far—from the quarters, you mean?

Q. Yes.—A. About 20 steps, I guess.

Q. If a couple of those men had gone out after 11 o'clock and fired some shots, could they have gotten back in the ranks to answer to their names?—A. No, sir.

Q. Why not?—A. Because it would have been impossible for them to have gotten back and gotten in line at the time firing was going on and put away their arms and answer to their names.

Q. But the call to arms was sounded, wasn't it?—A. Yes, sir.

Q. Then they would not have to put away their arms, would they?—A. Their arms were all locked up; the noncommissioned officer in charge of the quarters had the key. The racks were not opened until orders were given to unlock the racks.

Q. While you were getting out your arms and falling in, could these men come up from the street and have gotten in ranks without going upstairs?—A. Captain Lyon was standing at the door; could not anyone go in there.

Q. If ranks were formed on the parade they would not need to go upstairs for their rifles, would they?—A. No, sir; not if they had their rifles out.

Q. Have you anything further that you wish to say?—A. No, sir; I have not.

Testimony of James Newton.

CHICAGO, ILL., February 1, 1907.

JAMES NEWTON, being duly sworn and interrogated by Maj. J. G. Galbraith, Inspector-General, testified as follows:

Q. State your name.—A. James Newton.

Q. From what company were you last discharged?—A. D Company, sir.

Q. Twenty-fifth Infantry?—A. Yes, sir.

Q. Did you take part in the shooting at Brownsville on the night of the 13th of August?—A. No, sir.

Q. Who did that shooting?—A. I can't say, sir. I don't know of anyone who had anything to do with it at all.

Q. Is there any way you can prove you didn't take part in it?—A. Yes, sir; I think I can prove—I have pretty good evidence that I didn't have anything to do with it. The night of the struggle I was sleeping at the lieutenant of the company's quarters—Lieutenant West—I was sleeping in his quarters. At the time of this shooting I came out the door and my captain came out behind me. I went across the parade. He says, Who is that? I told him who I was,

that this is Newton. I went over to the company and the men was all upstairs, seemed to be confused, excited, and everything; I went upstairs. The lights were all out and everybody was up, excited, and by that time the captain called everybody "outside."

Q. But how does it happen that you don't know anything about who did the shooting?—A. Don't know anything about it is all I can say. Didn't hear of anyone speaking before it happened.

Q. Nor since?—A. Nor since. I heard the shooting, that is all I can. As far as knowing anyone that took part in it, I can't say as I do.

Q. Is that all you wish to say?—A. Yes, sir; that is all I wish to say. If I had known who it was, I would not have suffered for lack of telling. I had a pretty nice record—no blemish on my record at all since I was in the service.

Q. Anything more that you want to say?—A. No, sir; that is all I want to say.

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Testimony of Walter Banks.

CHICAGO, ILL., February 1, 1907.

WALTER BANKS, being duly sworn and interrogated by Maj. J. G. Galbraith, inspector-general, testified as follows:

Q. State your name.—A. Walter Banks.

Q. What company and regiment did you last serve in?—A. Twenty-fifth Infantry, Company C, musician.

Q. And what was the date of your discharge?—A. The date of my discharge was the 24th of November.

Q. Where were you on the night of the 13th of August last.—A. I were in my bed on the night of the 13th.

Q. When the firing took place?—A. Yes, sir.

Q. Was the firing all over before you got up?—A. No, sir; it was not exactly all over; it was all over before I got my clothes on. I got out of bed all right, and when I got out in line they were "hollering" outside for everybody at the roll call.

Q. Did you find out what was the matter?—A. No, sir; I never did.

Q. How does that come?—A. Because I only heard the shooting; I didn't know what it was, didn't know who was doing it or where it was coming from. The shooting woke me up and in the slumber, getting up, you know, got my clothes about half on and they made us go down stairs for the roll call; and after the roll call those that didn't have their arms they sent them back up stairs.

Q. That was after they were counted?—A. Yes, sir; after the roll was called and they were reported. The lieutenant inspected the company and found a lot of men that didn't have their arms, didn't have nothing, in their underclothes without shoes and hats.

Q. Then you have told everything that you know about this?—A. Yes, sir; I have made two statements, sworn to.

Q. To whom?—A. To the inspector-general of the Army one, and to an officer of the regiment one.

Q. Captain Lyon?—A. Yes, sir.

Q. Do you want to get back into the Army?—A. Yes, sir; I do.

Q. You know any reason why you should be enlisted again?—A. Only for this reason, I think they should enlist me on this account, because I was not responsible for what happened at Brownsville, for I knew nothing about it. I was just as helpless of that as a baby would have been.

Q. Well if you did not find out, you would not tell, would you?—A. Why certainly, rather than be punished like this. I would not be punished for what somebody else does. I would have thought it was a very poor man anyway that would take his gun and go out and shoot in the town among a lot of people. A man like that should be punished.

Q. Well, how could they do that without the other soldiers finding out something about it?—A. That is a mystery to me, sir; as long as I have been in the Army I have never seen nothing that happened among soldiers that it was not found out, if any of them did it; that was the first thing that I seen happened. They claim the soldiers did it and they could not find evidence against anybody at all; had to discharge us all for what they thought two or three men done—didn't know they had done.

- Q. It could not do itself, could it?—A. No, sir.
 Q. Somebody did it?—A. Somebody did it.
 Q. Is there anything more that you want to say?—A. No, sir.

Testimony of George W. Hall.

CHICAGO, ILL., February 1, 1907.

GEORGE W. HALL, being duly sworn and interrogated by Maj. J. G. Galbraith, inspector-general, testified as follows:

- Q. State your name.—A. George W. Hall.
 Q. And where did you last serve?—A. In the Twenty-fifth Infantry.
 Q. What company?—A. D Company.
 Q. Where were you on the night of the disturbance—the 13th of August?—A. I was in bed, sir.
 Q. In town?—A. No, sir; in bed.
 Q. In Fort Brown?—A. Yes, sir; I was in the bunk.
 Q. In the barracks of your company?—A. Yes, sir.
 Q. Have you told all that you know about this disturbance?—A. I told no one; I don't know anything.
 Q. Do you know that there was any firing that night?—A. Yes, sir; I remember there was firing; the firing woke me up. It seemed to me it was coming from Brownsville, from the town.
 Q. And you never found out anything about it since?—A. No, sir; nothing about it since at all.
 Q. Didn't you have any curiosity about it? Didn't ask anybody about it?—A. No, sir.
 Q. Can you give any reason why you ought to be allowed to enlist again?—A. Yes, sir; I think I ought to be enlisted again, and I haven't done anything at all to get the discharge I have; I have not done anything, and I don't know anything about that Brownsville affair at all. I was in bed. The shooting woke me up. I have no idea who did it. I am innocent of that; have no idea who did it.
 Q. And that is all you can say about it?—A. Yes, sir.

Testimony of Elias Gant.

CHICAGO, ILL., February 1, 1907.

ELIAS GANT being duly sworn and interrogated by Maj. J. G. Galbraith, inspector-general, testified as follows:

- Q. State your name.—A. Elias Gant.
 Q. And what was your former company?—A. Company D, sir.
 Q. And regiment?—A. Twenty-fifth Infantry.
 Q. You have been discharged without honor?—A. Yes, sir.
 Q. You want to get back in the Army?—A. Yes, sir; I did.
 Q. You did?—A. Yes, sir.
 Q. Can you give any reason why you think they ought to take you back?—A. No, sir; not exactly.
 Q. Have you anything to say?—A. No, sir; there's nothing I can say; don't know anything to say.
 Q. What do you know about the shooting that took place that night?—A. Don't know anything at all, sir.
 Q. Didn't you hear any of it?—A. I was in my bed at the time the shooting took place.
 Q. In the company barracks?—A. Yes, sir.
 Q. You never found out who did it?—A. No, sir.
 Q. What is your idea about it?—A. Well, sir, I have no ideas at all.
 Q. Have you been questioned before about it?—A. Yes, sir.
 Q. By whom?—A. Captain Lyon and another officer, I just can't think of his name now.
 Q. And by Mr. Gilchrist Stewart?—A. Yes, sir.
 Q. Did you tell everything that you knew about it?—Yes, sir.
 Q. You didn't take any part in that shooting yourself?—A. No, sir.

Q. And you don't know who did?—A. No, sir.

Q. Don't know whether it was soldiers or citizens?—A. No, sir; don't know whether it was soldiers or citizens.

Q. Did you know there was any bad feeling between the soldiers and citizens?—A. No, sir; I didn't.

Testimony of John Green.

CHICAGO, ILL., February 1, 1907.

JOHN GREEN, being duly sworn and interrogated by Maj. J. G. Galbraith, Inspector-General, testified as follows:

Q. State your name.—A. John Green.

Q. In what company did you last serve?—A. Company D.

Q. Twenty-fifth Infantry?—A. Yes, sir.

Q. When were you discharged?—A. Discharged, well, I can't say what day of the month, but I have got my discharge with me; you can see for yourself. It was the first Monday before Thanksgiving.

Q. Were you discharged without honor?—A. Yes, sir.

Q. Why?—A. Don't know why; on account of the Brownsville trouble, I suppose.

Q. Didn't you ever hear why it was?—A. Sure I heard why it was.

Q. What did you understand was the reason?—A. Just understood we was to be discharged; don't know why or for what cause.

Q. Well, didn't you understand if you told what you knew you would not be discharged?—A. Don't know nothing to be discharged for.

Q. Didn't you understand, if you told what you knew, you would not be discharged?—A. I understood that by General Garlington; yes, sir.

Q. Why wouldn't you tell who these men were that made this disturbance?—A. Don't know nothing to tell.

Q. How could a thing like that occur in a garrison without you knowing it?—

A. Don't know; I don't know nothing about it.

Q. If you heard shooting in the street down here, wouldn't you inquire something about it?—A. I wouldn't have no business inquiring about it.

Q. You would not care anything about it?—A. I would care something about it.

Q. You would not care to find out what it was about?—A. I might do that, too.

Q. But you never tried to find out about the Brownsville business?—A. I didn't undertake to try to find out.

Q. You know the soldiers were accused of shooting up the town?—A. Afterwards I knew.

Q. Didn't you know that night?—A. No, sir; didn't know nothing about it that night.

Testimony of Joseph Jones.

CHICAGO, ILL., February 1, 1907.

JOSEPH JONES, being duly sworn and interrogated by Maj. J. G. Galbraith, Inspector-General, testified as follows:

Q. State your name.—A. Joseph Jones.

Q. What company and regiment did you last serve in?—A. Company D, Twenty-fifth Infantry.

Q. When were you last discharged?—A. I was last discharged November 20, 1906.

Q. You were discharged without honor then?—A. Yes, sir.

Q. You want to get back in the Army?—A. Yes, sir.

Q. Is there anything you can say, or want to say, that will help me to understand why you ought not to be rejected?—A. Yes, sir; this, Major, I was at Brownsville at the time, but, however, I was in my bed asleep. I was orderly trumpeter during that day. I got off about 8 o'clock. I went to bed pretty early. Was in my bed asleep at the time I was awakened by the men in quarters getting up, and afterwards they got up and woke me up at the time and all went downstairs and fell in line. Roll was called at first by the first sergeant. The captain came over and afterwards D Company was marched out around the

town and came in and was put on post at the quarters inside of the gate. That is all I know about it, sir.

Q. How far away from you was this shooting?—A. Well, the first shot I heard, why it sounded like it was right near the quarters, near that stone fence. I didn't hear but one shot after I woke up.

Q. Did you fall in with the company?—A. Yes, sir.

Q. Were you one of the first to fall in?—A. Yes, sir.

Q. The shooting was all over before you got into ranks?—A. Yes, sir; it was all over before I got into ranks, sir.

Q. And you never heard but one shot?—A. No, sir; but one shot, and that was just about the time I woke up.

Q. Is there anything further that you want to say?—A. Yes; I would like to say: I would like the best in the world to be reenlisted, sir. Of course I hated it pretty bad getting that discharge, because I have not done anything, and don't know anything about it more than I have stated already, sir; but would like very much to get back if I can.

Q. Have you any idea who did this shooting?—A. No, sir; I have no idea at all, sir; whether citizens or soldiers I could not say, because I don't know a thing about it.

Q. Did you go to town any after the shooting?—A. No, sir; I was not allowed out after the shooting at all.

Q. Did you hear any of the men planning to shoot up the town?—A. No, sir; didn't hear any of the men planning at all, sir.

Q. Did you have any idea there was going to be trouble that night?—A. No, sir; no idea at all, sir.

Q. That is all you wish to state?—A. Yes, sir.

Testimony of Perry Cisco.

CHICAGO, ILL., February 1, 1907.

PERRY CISCO, being duly sworn and interrogated by Maj. J. G. Galbraith, Inspector-General, testified as follows:

Q. State your name.—A. My name is Perry Cisco.

Q. And your last service was in what organization?—A. Company C, Twenty-fifth Infantry.

Q. When were you discharged?—A. I was discharged November 24.

Q. Have you told your story about this to any representative of the Government, inspector, or other officer?—A. No, sir; I did not give my statement to anyone till after I was discharged, to a lawyer from New York, Gilchrist Stewart.

Q. Then have you seen your statement to him in print?—A. No, sir; I have not seen my statement to him in print; but it was taken down on the typewriter.

Q. And you swore to it?—A. Well, I told him, but I didn't take no oath, just what I knew about it; told him all I knew in regard to the matter. I can give an account of where I was from that morning until that night, until I had orders to be in at 8 o'clock, and I went to bed about 9 o'clock after the lights went out and never woke until call to arms sounded. I heard shooting on the outside and heard the sentry call for the guard.

Q. You said you didn't know where the bullets were coming from?—A. No, sir; it was dark that night, and they didn't light any lights in the quarters, because they was hollering outside, and the gun racks were locked, and after we got our rifles we all fell in; the company was present or accounted for, except there was a couple of men on pass.

Q. How could this shooting go on without your knowing about it?—A. Really, I didn't know because I was ordered in the post at 8 o'clock that night, and of course I was in at 8 o'clock; when the lights went out, I went to bed, and I never woke up any more until call to arms went, and everybody was trying to get their rifles to fall in for roll call.

Q. Do you know whether the guard was mixed up in this affray?—A. No, sir; I don't. I don't even know the men that was on post.

Q. Did you ever find out anything about it the next day or afterwards?—A. No, sir; I found out later that it was a man of D Company that was on that post out there. They sent for him to go to Washington.

Q. But whom do you suppose did this shooting, citizens or colored men (soldiers)?—A. I really don't know, sir; I could not say. I don't know anything at all about that.

Q. Were you not interested in it?—A. Yes, sir; I was interested in it, so far as my duty was concerned to do what I was told. I was on guard all that night till the next morning—till I was relieved. The whole company done guard that night from 12 o'clock until the next morning, and was relieved by another company.

Q. How many men were on the main guard?—A. Why, the main guard, there was about 12 men.

Q. Mounted guard every day?—A. Yes, sir.

Q. Twelve men?—A. Yes, sir.

Q. Privates besides the noncommissioned officers?—A. Yes, sir; they had four posts there, 12 privates. I really don't think there was a man that was in my company that was outside after 8 o'clock that night, because they were all present for check, and when the roll call was held, we was all out there, except those two men that were on pass.

Q. Could the guard have taken part in this racket without your knowing anything about it?—A. The guard at the guardhouse?

Q. Yes.—A. Where the guardhouse is stationed is over on the other side of the parade ground, and the shooting sounded like it was out toward town in the rear of our quarters; the town is right behind the rear of the quarters, and the shooting sounded like it was coming from the town; the shooting didn't seem like it was on the parade ground.

Q. But suppose the patrol of the guard had gone out the main gate into that alleyway? You wouldn't have known anything about it?—A. I suppose that they could go along, but I don't know anything about that.

Q. But something of the sort could happen without your knowing it then?—A. Yes, sir; I suppose it could. I know I was in my quarters at 8 o'clock.

Q. But is it not queer that you didn't find out anything about it since?—A. No, sir.

Q. Did you try?—A. No, sir; I didn't try. I have been around amongst all the boys up to the time they separated at Fort Reno; never heard any of them say anything about it, whether they done any shooting; never heard any of them say so.

Q. Were any bullets coming into the fort?—A. The next morning there was some of the boys showed some holes in D Company quarters where there was some shots come from the town side. I was on guard down at the gate next morning, and they were showing it on the parade where it come out from the back part—from the town side.

Q. Have you anything more that you want to say?—A. Nothing more than only I am perfectly innocent of the shooting myself, and I would like to have a clear record, as much so as I could. I have never done anything wrong that I know of and I can almost tell where I was at from that morning; that is, around the garrison; and after I was ordered to be in at 8 o'clock I came in and set up till the lights went out, then I went to bed. I have never heard anything about the shooting at all.

Q. What is your idea of how it occurred?—A. Sir?

Q. What is your idea of who did the shooting?—A. Well, I can't go by anything any more than what was told to me and what I have read, that it was a misunderstanding between the people of the town and the soldiers. All the boys of the company believe that the people in town fired into the post. That is all that I can go by.

Q. Do you believe that?—A. Well, the shots was coming from the town and there was no soldiers out, and I am compelled to believe that there was some one shooting in town in the post, because there was no soldiers out of my company at the time I was in line attending roll call. Of course I hate to get a bad discharge for nothing and have not done anything, don't you know, on my own part. I would like to go out with a fair record if I could. Was only in the service twenty-nine days on the last enlistment.

Q. That is all that you have to say, is it, Cisco?—A. Yes, sir.

Q. Have you told everything that you know about it?—A. Told everything that I really know about it; yes, sir.

Q. You don't know of anybody else that I could get information from?—A. Well, I don't know, sir. There's a good many more of the boys out there that is waiting; don't know what they are going to say or have to say.

Letter of Maj. J. G. Galbraith.

CHICAGO, ILL., February 2, 1907.

The INSPECTOR-GENERAL OF THE ARMY,
Washington, D. C.

SIR: I have the honor to transmit herewith the testimony of John Kirkpatrick, late private Company C, Twenty-fifth Infantry, who is an applicant for reenlistment.

I would invite attention to his statement that he was in the hospital and physically unable to have participated in the disturbance.

I also interrogated him concerning the statement of James Harden, Company B, Twenty-fifth Infantry, another patient, who has made affidavit that the firing was done by a mounted body of men; that six or seven bullets whizzed about the hospital, and that the patients and others hid behind pillars.

This was news to Kirkpatrick, who was on the porch with Harden.

Kirkpatrick had never heard of these things until I read to him the statement of Harden; then Kirkpatrick sought to break the force of the contradiction by saying that Harden got out on the porch sooner than he did.

To any disinterested person listening to the testimony of Kirkpatrick, it was manifest that the events described by Harden could not have been observed by Harden without the knowledge of Kirkpatrick.

In fairness to the latter, however, it must be said that it would appear not only possible, but probable, that he has no gully knowledge of the affray.

I am, sir, very respectfully, your obedient servant,

J. G. GALBRAITH,
Major, Inspector-General.

Testimony of John Kirkpatrick.

CHICAGO, ILL., February 1, 1907.

JOHN KIRKPATRICK, being duly sworn and interrogated by Maj. J. G. Galbraith, Inspector-General, testified as follows:

Q. State your name.—A. John Kirkpatrick.

Q. What company and regiment did you last serve in?—A. Company C, Twenty-fifth Infantry.

Q. When were you last discharged?—A. November 23, sir.

Q. You want to get back in the Army?—A. Yes, sir.

Q. Can you tell me anything that you think might convince me that you ought not to be rejected?—A. Yes, sir.

Q. Go ahead.—A. I was in the hospital night of the 13th, in the hospital in the morning at 7 o'clock of the 13th. I was marked hospital by the mayor of the town, Dr. Frederick Combe, for an operation. And I remained in the hospital one week after the 13th.

Q. Anything more?—A. No, sir; only the men that was in there with me, of the Twenty-fifth Infantry.

Q. Who were they?—A. Private James Harden, Company B, Twenty-fifth Infantry, and Jim Bailey, of the Twenty-fifth Infantry.

Q. What about these men?—A. Yes, sir; First Sergeant Otem was there; William C. Nolan, First-class private, Hospital Corps, was there.

Q. What is it that these men know about you?—A. That I was in the hospital.

Q. Unable to get out?—A. Yes, sir; unable to get out.

Q. During the time of this disturbance?—A. Yes, sir. I don't know anything about it, sir.

Q. Did you go out on the porch?—A. Yes, sir; I went out on the porch.

Q. In your night clothes?—A. Yes, sir.

Q. What did you see out there?—A. Didn't see anything at all, sir.

Q. Who was with you on the porch?—A. First Sergeant Otem, William C. Nolan, James Harden, and Jim Bailey, Company B, Twenty-fifth Infantry.

Q. When you went out on the porch, did you hear any shooting, or was it all over?—A. All over when I got out. I was awakened by the shooting.

Q. Any shots fired after you got out on the porch?—A. No, sir; no shots fired.

Q. Did you hear any bullets whizzing at any time?—A. No, sir.

Q. Was you scared?—A. No, sir.

Q. Were the others frightened?—A. I don't know, sir. They didn't seem to be frightened. I didn't pay any attention to them. I could not hear anything after I was out on the porch.

Q. What direction was this firing from?—A. It was from the back of the quarters—from the town side.

Q. Was there a wire fence near there?—A. Near the quarters?

Q. Near the hospital?—A. Yes, sir.

Q. Does it join the wall near there?—A. Let me see; yes, sir, the wire fence; not near the hospital though; but it joins near the last quarters of the soldiers' quarters.

Q. Did you see any of the men with you get behind the brick pillars?—A. No, sir.

Q. Behind the columns?—A. No, sir.

Q. Were they dodging any bullets?—A. No, sir; didn't seem to dodge any.

Q. Did you see any men on horseback?—A. No, sir.

Q. Hear any?—A. No, sir.

Q. Didn't hear anybody galloping along the fence?—A. No, sir.

Q. Nor firing pistols?—A. No, sir.

Q. Do you know where the wire fence joins the wall?—A. Yes, sir; I did guard there.

Q. Was there any firing from there when you were out on the porch?—A. No, sir; no firing at all after I came out on the porch in my night clothes; it was all over.

Q. Was there any talk on the part of the other patients about this shooting?—A. No, sir; 'deed I didn't hear it.

Q. Didn't they talk about it afterwards?—A. No, sir.

Q. Didn't Harden ever say anything about it?—A. No, sir; not to me he didn't.

Q. I will read you Harden's statement: "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 the 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 gallop 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 seem like a steel bullet. It was too dark to see any persons. I knew nothing about any trouble." (See p. 163, S. Doc. 155, 59th Cong. 2d sess.)

Q. Is that a true statement of Harden's?—A. Yes, sir; I guess it is true, because he came out on the porch before I did. I was about the last one to come out.

Q. But this is the first time you heard anything of the sort?—A. Yes, sir.

Q. Not until I read it?—A. Yes, sir.

Q. It is all new to you?—A. Yes, sir.

Q. Don't you think it is queer that you heard nothing about it at the time?

A. I don't know, sir; because if he had said anything about it I would have heard it; I was right there. I could not walk fast; he could walk fast.

Q. Are those answers the way you want them?—A. Yes, sir.

Q. On the night of the 13th of August, were you physically able to have taken part in this affair?—A. No, sir.

Q. And you can prove that by these others you have named?—A. Yes, sir.

Q. But if you knew who did the firing, you would not tell on them, would you?—A. Why, if I knew who did the firing, before I would suffer to be punished and put out of the service, of course I would tell who it was.

Q. But you didn't think they meant to put you out?—A. I didn't think any more about it at all.

Q. If you had it to do over again you would tell first?—A. I could not tell no story if I didn't know anything about it. Don't know who did it, therefore I could not say, sir.

Q. Have you anything further to add to your statement?—A. No, sir.

Q. Told everything you want to?—A. Yes, sir.

Q. Before you go, please give your address.—A. New England Restaurant, kept by Mrs. Johnson, State street, between Twenty-ninth and Thirtieth, Chicago, Ill.

Testimony of Hoytt Robinson.

LEXINGTON, Ky., February 5, 1907.

HOYTT ROBINSON, being duly sworn and interrogated by Maj. J. G. Galbraith, inspector-general, testified as follows:

- Q. State your name.—A. Hoytt Robinson.
- Q. What was your former company?—A. Company D.
- Q. And regiment?—A. Twenty-fifth Infantry.
- Q. What was the date of your discharge?—A. November 26, 1906.
- Q. You were discharged without honor?—A. Yes, sir.
- Q. And you want to get back in the Army?—A. Yes, sir.
- Q. Now, is there anything you can say that might help to prove to the Secretary of War that you ought to be reenlisted?—A. I can say that the night this occurrence happened at Brownsville I was musician of the guard, and I sounded the alarm call that night, and after sounding the call I returned to the guardhouse and remained there until I was relieved from guard. The guard report will show that I was on guard.
- Q. Now, can you prove by anybody else that you were not away from the guardhouse after 11 o'clock?—A. I can prove it by the sergeant of the guard or one member of the guard.
- Q. Give their names.—A. Sergeant Reid, Company B; Private Samuel Battle, Company D.
- Q. What do you expect to prove by them?—A. To prove that I did not leave the guardhouse.
- Q. After 11 o'clock?—A. After 11 o'clock.
- Q. You understand this—11 o'clock?—A. Yes, sir.
- Q. By whose order did you sound the alarm?—A. By the sergeant of the guard.
- Q. At what time?—A. At 12 o'clock.
- Q. You are sure?—A. Yes, sir.
- Q. Didn't you state to Colonel Lovering that it was 12.15?—A. No, sir; 12 o'clock.
- Q. Don't you remember making a statement to Colonel Lovering?—A. Colonel Lovering?
- Q. An inspector who came down from Oklahoma City?—A. No, sir; not 12.15; 12 o'clock.
- Q. Be sure, now, about that?—A. If they got it 12.15 they made a mistake; I didn't say that; 12 o'clock.
- Q. Were you seen by any officer about midnight?—A. No, sir.
- Q. You slept in the second story of the guardhouse?—A. I slept in the entrance to the guardhouse.
- Q. Did you have any gun?—A. No, sir.
- Q. Were the guns in the guardhouse, rifles?—A. I didn't have any rifle at all.
- Q. Did the others have?—A. Yes, sir.
- Q. Where did they keep them?—A. Inside the guardhouse.
- Q. Loose or locked up?—A. Loose.
- Q. How many of them were there?—A. I don't know the number.
- Q. Did the men all pass by you when they went in and out of the guardhouse?—A. I don't remember whether they passed back and forth by me. I saw Corporal Wheeler, Private Sam Battle, and Private Benjamin F. Johnson.
- Q. What were they doing when you saw them?—A. Private Johnson he was number one, and Private Battle was in line to go out on patrol or something.
- Q. How many of them were there in line?—A. I don't know, sir.
- Q. Twelve, or two, or six?—A. Well, I'll say there was more than two, not over twelve.
- Q. What time was that?—A. That was about a minute past 12.
- Q. After you sounded the alarm?—A. Yes, sir.
- Q. Now, are you certain there were more than two?—A. Yes, sir.
- Q. You are not certain there were more than six?—A. No, sir. I never paid any attention to that.
- Q. Who was doing the shooting?—A. I don't know, sir; I can't say.

- Q. At this time—when the guard fell in—was the shooting going on?—A. Yes, sir.
- Q. How long did it last?—A. About fifteen or twenty minutes, as near as I can say.
- Q. After you sounded the alarm?—A. Yes, sir.
- Q. How long did it last after you sounded the alarm?—A. Why, about fifteen minutes. I blew the call about five minutes.
- Q. What call?—A. Call to arms.
- Q. How near were you to the main gate?—A. About 100 or 150 yards.
- Q. Was that where the shooting came from?—A. That's where it appeared to me to be.
- Q. You saw the flashes?—A. No, sir; I didn't see the flashes.
- Q. Hear any bullets whiz?—A. No, sir.
- Q. What is your idea of who did the shooting—soldiers or outsiders?—A. Well, I don't know who it was.
- Q. Well, if you heard some shooting out here on the street, would you not try to find out who was doing it?—A. Yes, sir; I would try.
- Q. Did you try to find out who did the shooting that night?—A. Yes, sir; I asked several members of the company.
- Q. What did they say?—A. Said they didn't know anything about it.
- Q. Well, didn't the soldiers have any idea about it?—A. If they did they kept it to themselves; didn't let me know anything about it.
- Q. How long had you been in the service?—A. I was in the service five years and nine months and some days. I enlisted on the 7th day of January, 1901; served up till the 26th day of November, 1903.
- Q. What is the reason you didn't find out something about this shooting?—A. Sir, it was a very impossible matter for me to find out by asking or staying around the quarters. I could hear no one say anything about it, and none talked on that subject or about it. They seemed to think it was citizens.
- Q. Who said it was the citizens?—A. Different soldiers I asked.
- Q. What were their names?—A. I guess I talked to everyone in the company.
- Q. And that was the general opinion?—A. Yes, sir; as near as I can say.
- Q. What made you think that?—A. I don't know, sir.
- Q. Well, but the talk about it—they gave some reason for thinking so?—A. How it occurred?
- Q. Yes; for thinking it was the citizens.—A. All the men's opinion seemed to think they were not wanted in Brownsville because they were colored.
- Q. This shooting was going on only about 150 yards from where you were?—A. Yes, sir.
- Q. How many shots were fired?—A. I don't know, sir.
- Q. A great many?—A. Great many; yes, sir.
- Q. How many men did you think were firing?—A. I will say that there was about 10 or 12.
- Q. Rifles or pistols?—A. Sounded most too loud for pistols; it must have been some kind of large-sized guns.
- Q. All sound alike?—A. Yes, sir.
- Q. Did any shots come into the barracks or post or buildings?—A. I saw a window broken—D Company's quarters; it didn't look like to me where a bullet went through; looked like a rock went through.
- Q. Some of them thought it was a bullet?—A. Yes, sir.
- Q. When did this occur?—A. It happened that night.
- Q. You saw it the next morning?—A. Yes, sir.
- Q. Did you hear any galloping of horses?—A. No, sir.
- Q. Ever see anybody else that heard horses galloping that night?—A. I can't think of one that heard the horses, but heard some one speak about it—hearing some horses.
- Q. Now, is there anything further that you think of, anything that you think might prove to the Secretary of War that you did not have a hand in this, or that you don't know anything about it?—A. All that I can do is to swear where I was at at the time this affair was going on; where I was afterwards.
- Q. You don't know that the guard did this shooting, do you?—A. No, sir; I will say there was no firing around the guardhouse.
- Q. The firing, you say, took place at the gate?—A. Yes, sir.
- Q. Did you know of any patrols going out from the guardhouse?—A. Yes, sir; Captain Macklin sent out two patrols. He along in the evening ordered that every man be in the garrison by 8 o'clock, and remain in the garrison. Captain Macklin said that each man would be informed that they were not in

- arrest, but they would remain in the garrison the rest of the night; and later on he ordered another patrol sent out, but I didn't see it go out.
- Q. Why didn't you see it?—A. I were in the guardhouse.
- Q. You was asleep?—A. No, sir.
- Q. How did you know that he sent out another one?—A. I heard him say to the sergeant that he would send it out later.
- Q. What time did you hear him say that?—A. That was after "retreat"—I can't say just what hour; it was after "retreat."
- Q. Well, those two patrols that you did see, what time did they go out?—A. After "retreat."
- Q. That was in August?—A. This was in August.
- Q. Did any patrol go out after dark?—A. Yes, sir; one went out after dark.
- Q. Then you knew of another one that was to go out later?—A. Yes, sir.
- Q. But you didn't see it?—A. No, sir.
- Q. How many men were in those patrols that you saw?—A. The one I saw was a corporal and two privates—three men.
- Q. Did you see one patrol or two patrols?—A. I saw two patrols.
- Q. Both of the same size?—A. Yes, sir; Corporal Wheeler taken one out of Company D; Corporal Franklin, of Company B, taken the other one out.
- Q. And how many noncommissioned officers of the guard were there?—A. I don't know. Sergeant Reid, Company B; Corporal Wheeler, Company D; Corporal Franklin, Company B.
- Q. You have furnished evidence of previous good character?—A. Yes, sir.
- Q. To The Military Secretary?—A. No, sir; yes, sir; I wrote a letter.
- Q. Did you show what anybody else said about you—your officers?—A. No, sir; I didn't.
- Q. Have you applied for reenlistment?—A. Yes, sir.
- Q. Been examined?—A. No, sir.
- Q. Where did you apply?—A. I applied to the station at Mount Sterling and the letter came back—said the letter was not sufficient evidence. I sent the letter to Captain Lyon.
- Q. And have you heard from him?—A. No, sir.
- Q. And you depend on Captain Lyon to establish your previous good character? Is that the idea?—A. Yes, sir; I am depending on him.
- Q. That is all that he knows about this matter so far as concerns you?—A. Yes, sir.
- Q. And what you expect from him is evidence of your previous good character?—A. Yes, sir.
- Q. Now, is there anything else you think of that the Secretary of War ought to know about your case?—A. Well, I will say that my record is good and I have had no convictions, and never been tried or anything, and I should have a good discharge.
- Q. Now, that third patrol; you don't know what time it went out?—A. No, sir; I know it was to—
- Q. It could go out without your knowing it?—A. Yes, sir.
- Q. Could they shoot up the town without your knowing it?—A. No, sir.
- Q. This one that you didn't see, you don't know what time it went out?—A. No, sir.
- Q. You don't know whether it went through the gate or not?—A. No, sir.
- Q. But it could have gone through the gate there and done some shooting without your knowing it?—A. Yes, sir.
- Q. If you knew about it, would you tell?—A. Yes, sir. I would have told in the morning.
- Q. But did you think that you really would be discharged?—A. No, sir; I didn't know it until General Garlington came there.
- Q. Well, if you had believed that you would be discharged, wouldn't you have told?—A. Oh, yes; I would have told anyhow.
- Q. Was there any understanding between you and the other men that you would not tell anything about it?—A. No, sir.
- Q. Or that you would not talk about it?—A. No, sir; I never heard anyone say anything about it. I asked men who they thought did it, and everyone thought the citizens of Brownsville done it.
- Q. Who did they think shot the police lieutenant?—A. I don't know, sir.
- Q. Well, who was it that had a grudge against that bartender that was killed?—A. I heard of him getting killed. I don't know anything of that.
- Q. Did you know of any bad feeling that the soldiers had against the citizens?—A. No, sir; I never heard of any bad feeling.

NOTE BY THE INSPECTOR. See Affidavit F, page 224, Senate Document No. 155, Fifty-ninth Congress, second session, where Hoytt Robinson states that about 12.20 o'clock he was aroused by Sergeant Reid, commander of the guard, and told to sound the alarm of "call to arms." He also deposed in that Affidavit F, that after he was relieved at 2 o'clock a. m. August 14, 1906, he saw a number of citizens walking around the fort wall with guns and Winchesters.

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Testimony of Robert L. Rogan.

NASHVILLE, TENN., February 7, 1907.

ROBERT L. ROGAN, being duly sworn and interrogated by Maj. J. G. Galbraith, Inspector-General, testified as follows:

Q. State your name.—A. Robert L. Rogan.

Q. And your former company.—A. D Company, Twenty-fifth Infantry, sir.

Q. When were you discharged?—A. November 25, 1906.

Q. Were you discharged without honor?—A. Yes, sir.

Q. And you want to get back in the Army?—A. Yes, sir; if I could. I have married since I have been away from there, sir.

Q. Well, now, say what you can for yourself as to why you ought not to be rejected?—A. On the night of the 13th of August, why I was in bed. About 12 o'clock why this here trouble taken place and I were awakened by the soldiers running around the quarters, and in the meantime the fellow right side of me, I woke up, he was under the bunk, he was under his bed; so I gets up and about fifteen minutes after that, why I seen Sergeant Harris, which is now first sergeant, was first sergeant, why he was there; he says, oh there's nothing, just some one firing in on us. I heard the call to arms go about that time. Capt. S. P. Lyon was downstairs and we fell out in line and everyone answered to roll call and everyone was there except the ones on pass, that was Corporal Hawkins and another private, and then after we fell out in line everybody answered to roll call that fell in line and marched around through town and then back to the post, and after we come back to the post why Major Penrose commanded O Company to be placed on guard immediately. So in the meantime why after they were placed on guard, why I stayed out there for about fifteen minutes after that and our captain dismisses us, and all went to bed after that. The next morning B Company was placed on guard; the next day we were placed on guard and stayed that way until we came away from there. But in the meantime I would swear, sir, that I knew nothing of it, for I was in bed. I never had any trouble while I was down there. Some fellows down there had trouble in going in saloons down there, but I never used any kind of drinks and had no cause to go in saloons at all. There is two or three privates down there that went in and opened up a saloon to keep their brother soldiers from going in these saloons that boycotted us where they were not allowed, sir.

Q. How does it come you didn't find out anything about it afterwards?—A. Well, sir, it looked strange to me, as I had been running around all the time before then; up till the 13th day we had been running out until about twenty minutes till 11 o'clock at night. That evening at "retreat" the major issues an order for everyone to be in post at 8 o'clock that night. That was something that bothered me; he must have looked for something or he would not have issued orders for us to come in that early. It never had been that way before. When 8 o'clock came everybody was present.

Q. These men who were on pass, were they in at 8 o'clock?—A. Yes, sir.

Q. How did they come to be absent at midnight?—A. The ones that could be found after the major issued this order, why some of them could not be found; of course they had to be out.

Q. But didn't you find out before you left Brownsville what had taken place, who did this shooting? Didn't you find out the next day anything about it?—A. No, sir; I didn't find out. I used every step that I could toward finding out about that trouble to keep from being thrown out without honor, which I knew nothing of; but I tried to find out for myself how come this trouble.

Q. Now, if you should be wakened up in the night here by firing in the street, wouldn't you try to find out about it?—A. Yes, sir.

Q. Who was doing it?—A. Yes, sir.

Q. Did you find out anything, or make any inquiries, about that shooting down there?—A. I tried every way that I could to find out, because I didn't

care to be put out the way I was. I was takin' a civil-service course at the time, and I knew that would hurt me by coming out that way. I used every effort that I could to find out to keep from coming out that way. When we first gone down there we threw most of our blue clothes to those little Mexican boys; they takes the things and some of them wears them; and then after that it was so said that some of the men around there was seen with some of these blue clothes on; and I just believe that some of these taken those blue clothes and did this here work just to lay it on the soldiers.

Q. But the soldiers didn't wear blue?—A. No, sir; not down there.

Q. They didn't wear caps, did they?—A. No, sir.

Q. Well, these men, would they be likely to be taken for soldiers if they did not wear khaki and campaign hats?—A. Well, sir; I don't know. Some of the boys throw away most of the things, because they only had a day or so to serve. When we came away from there we brought Cook Duncan, and he threw away most all his blue clothes.

Q. On the 14th, the day after the shooting, did you ask any questions about that shooting?—A. The captain.

Q. No, no, did you?—A. Yes, sir; I asked around amongst my soldier brothers, but nothing could I find out at all.

Q. Did you go to town after the shooting?—A. We were not allowed outside the garrison at all.

Q. Until you left?—A. Yes, sir; we were put under guard and were not allowed to go outside. They taken our guns away from us; they taken our guns downstairs and put them in the orderly room—I think it was the next day—and was not allowed to have any rifles or ammunition after that at all. When we got to Fort Reno why then they disarmed us altogether.

Q. What time were you inspected the next morning?—A. We were inspected that morning—we were inspected that night to a certain extent, sir. The captain could not tell about the guns, but he taken some of the guns and looked through them. The next morning early he inspected the guns.

Q. You turned out in ranks the next morning for inspection?—A. Yes, sir.

Q. What time?—A. About 7 o'clock—that was drill hour.

Q. There would have been a formation for drill anyhow at 7 o'clock?—A. Yes, sir; instead of drill we turned out and had inspection.

Q. What belts did you wear?—A. The web belt.

Q. Where did you have your ammunition?—A. In the McKeever boxes.

Q. So you left those in your quarters?—A. Yes, sir.

Q. You had your belts full of ammunition also?—A. No, sir; none in our web belts at all.

Q. When you turned out at 7?—A. Yes, sir; some mornings, why we drilled with the web belt some mornings, and then with the boxes some mornings. Of course, they had ammunition in them.

Q. When you went through the town did you see any civilians?—A. Yes, sir; we seen several civilians there with Winchester rifles standing on the corner, and which some of our soldiers would have taken the guns and examined if the captain had a let them, but the captain would not let them be examined; and one soldier "hollered" to the captain, he says: "Captain, here's a man with a rifle, here, sir; it needs to be examined." And this here citizen "hollers" out "I am an officer of the law," and we passes by. We saw a crowd standing on the corner and three or four of them had Winchester rifles, and that bothered me.

Q. Well, if you had been living in a town and had been waked up in the night by firing and gone out on the street, wouldn't you have taken a gun if you had one?—A. No, sir; not unless I know what was going on. If I knew what was going on why then I might take some kind of arms to protect myself.

Q. Have you any other proofs besides your own statement?—A. Not here, but then I have some brother soldiers corresponding with me mostly every week.

Q. Were you interviewed by Mr. Gilchrist Stewart?—A. Yes, sir.

Q. Did you make an affidavit to him?—A. Yes, sir; in which he did state that he—at least I asked him to let me be employed by his favor over in Philadelphia, and he said he would, and by my carelessness I lost his address where he told me to go, and after that why I didn't go there.

Q. He promised you employment in Philadelphia?—A. Yes, sir.

Q. Did he promise this to others?—A. Yes, sir.

Q. Did they go?—A. Yes, sir; some went to Chicago, some to Philadelphia, and some to—well, several other places. And those that was not able of going to those places and didn't have the means to get away from Fort Reno, why he said that he would see that they gotten away from there. He said that some one had appropriated that means for the soldiers to get them away from Fort Reno and give them employment until this here was settled.

Q. Have you told all you know about it?—A. Yes, sir; told everything that I know about the Fort Brown row.

Q. Is there anything further you wish to state?—A. No, sir; nothing else that I would like to say; that is about all that I know of that.

[Copy.]

Memorandum for The Military Secretary.

WAR DEPARTMENT, Washington.

As you are charged under the regulations with the recruiting and reenlistment of the Army, the President directs me to order you to take the statements of each of the men of Companies B, C, and D, of the Twenty-fifth Infantry, who has applied for reenlistment, and with the assistance of the Inspector-General or any officers of the Inspector-General's Department detailed for the purpose, to examine at length and fully the men making application for reenlistment, to determine so far as may be the detailed facts with respect to their relation to the foray at Brownsville, and their subsequent efforts, if noncommissioned officers, to acquire information in respect to the matter and to communicate the same to the proper authorities, with a view to enable this Department to determine the truth of the statements made by them in their applications for reenlistment that they were neither concerned in the foray nor had any knowledge of clues which might lead to the discovery of the offenders.

You will also direct the examination of such other witnesses as may be brought to your attention or the Inspector-General's, whose evidence may throw light on the matter. I have already directed the examination of Post Quartermaster Osborne and Civilian Blacksmith W. H. Sharpe, for the purpose of following a clue with reference to the gun racks of Company C, which may possibly lead to more definite information as to the perpetrators of the outrage. I transmitted to Major Blocksom and Mr. Purdy the list of applicants for reenlistment, with a view to their examination of the officers of the three companies in respect to the qualities of the men applying, and such knowledge as they might have as to the probability or improbability of their having been part of the band committing the crime at Brownsville, or of having information in respect to the identity of the criminals which they did not disclose. These examinations were not continued, however, because protested against by Captain Macklin and Major Penrose as likely to prejudice their defense in the court-martial proceedings. Without admitting the prejudice of such examinations, I directed on January 5, 1907, Major Blocksom and Mr. Purdy not to take their examinations, because I hoped that the court-martial proceedings might be so near as to give us the benefit of the evidence. It now appears that Captain Macklin is applying for further postponement, and therefore these examinations must be had in the interest of the applicants for reenlistment.

WM. H. TAFT,
Secretary of War.

JANUARY 21, 1907.

Memorandum for The Military Secretary.

WAR DEPARTMENT, Washington.

In making the examinations of Companies B, C, and D, of the Twenty-fifth Infantry, in respect to the men who have applied for reenlistment, you will explain to Major Penrose and Captain Macklin that of course neither is obliged to answer any question that is put to him, in view of the court-martial proceedings pending against him, and as requested in communications to Brigadier-General McCaskey I should further postpone the examinations but for the fact that the three months after their discharge will soon expire, within which the

question which the President should decide on the application for reenlistment must be decided in justice to any whom the facts disclose to be entitled to reenlistment. The examination will be conducted in such a way as to avoid any issue with reference to the conduct of the officers, and will relate solely to the qualities of the men, the places where they were the night of the foray, the opportunities for observation, and, if noncommissioned officers, their efforts since to discover the perpetrators. If Major Penrose does not object, I should like to know from him whether he gave the order to break the gun racks of Company C the night of the foray, as testified to by Sergeant Harley. This can be read to all the officers of the three companies to explain the necessity for the examination.

WM. H. TAFT,
Secretary of War.

JANUARY 21, 1907.

[First Indorsement.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, January 23, 1907.

Respectfully referred to the Judge-Advocate-General of the Army.

In the cases of Mingo Saunders and other former enlisted men of the Twenty-fifth Infantry who are applicants for reenlistment, and who may be in Washington, the Judge-Advocate-General of the Army will make the examinations directed by the Secretary of War, in his memoranda of January 21, 1907, copies of which are within.

Reports of the examination will be submitted to this office.
By order of the Secretary of War.

F. C. AINSWORTH,
The Military Secretary.

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, D. C., February 9, 1907.

Respectfully returned with the accompanying views of the Judge-Advocate-General.

[Inclosure.]

Views of Judge-Advocate-General George B. Davis.

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, February 9, 1907.

The MILITARY SECRETARY.

SIR: In conformity to the instructions communicated in your indorsement of the 23d instant, I beg leave to submit the following report of the testimony of certain former members of the Twenty-fifth Infantry, who have submitted applications to be allowed to reenlist in the military service:

Three former enlisted men appeared at the Department in the operation of the instructions communicated to them by The Military Secretary on January 23, 1907. Edward L. Daniels, late a corporal in Company B, Twenty-fifth Infantry; Elmer Brown, a private in Company B, and Thomas Jefferson, a private in Company C. All were men of considerable service who had been rated as of "good," "very good," or "excellent" character upon the completion of their preceding terms of enlistment. All expressed themselves as satisfied with their condition and prospects in the military service, in which they desired to continue indefinitely. All were able to read and write, but were otherwise illiterate. In point of intelligence they were perhaps slightly above the average of enlisted men of colored regiments. Corporal Daniels was decidedly above the average. In every case the questions put were answered without apparent reservation or equivocation; it was apparent, however, that each of them had reached the conclusion that no responsibility rested upon him in the matter of vindicating the good name of his regiment in respect to the acts committed in Brownsville in August last.

CORP. EDWARD L. DANIELS, COMPANY B.

Daniels was a corporal in Company B, Twenty-fifth Infantry. He is 33 years of age, is a native of Charlottesville, Va.; his parents have been in the employ of the Riggs' family for about sixteen years. Daniels has been in the service, with an interruption of eight months, since 1894. He has been a noncommissioned officer and has three discharge certificates with character "excellent." He visited the town of Brownsville frequently, as often as three times per week, but was not molested and had no complaint to make of his treatment. To his knowledge, no man in his company (B) had any trouble in town at any time. When asked whether he had heard the men discuss the treatment which they received, his reply was:

"A. The only discussion I heard, some man or other, some other man of the company was struck with a gun, and this man reported to the commanding officer—to the captain first, and then to the commanding officer. What they did with him I don't know.

"Q. Did it create feeling in your company?—A. No, sir; not among the men as I could hear. I was one of the noncommissioned officers of the company. When I came there, I came there with the reputation of being an excellent soldier and worthy noncommissioned officer. The first vacancy I was made noncommissioned officer. Only three months—six months before made a noncommissioned officer. I never was tried so as to be reduced to the ranks. I always held my rank until I left the service.

"Q. Did you hear of the Tait incident down there?—A. Yes, sir; I heard of Mr. Tait assaulting this private, and from what I can understand this private wasn't a man of a bad disposition. He was more of a coward rather than of a bad disposition. And I heard Mr. Tait struck him across the head with a gun. The man fell to the street, and when he tried to rise he made an oath at him. What he said I don't know. That is only what I heard.

"Q. Was that discussed in the company?—A. No, it wasn't discussed, except there on the porch one night. Only a few words was passed and that was all there was. Some man says, 'The men know well enough that you must not go any place where you are not wanted, and the best place is the barracks for you.' That is what some man said."

When asked to give an account of his employment during the day and night of August 13, he said that from noon until late in the afternoon, possibly about retreat, he was at work completing some topographical sketches in connection with some practice marches upon which the command had been engaged. In this he was interrupted from time to time by explanations which he was required to give to enlisted men in connection with drill matters, so that his work was not completed until supper, which immediately preceded retreat. He sat out on the porch after supper and went to bed at about 8.40 p. m.

He was aroused by the firing and the sounding of the call "to arms;" as he "was used to being under fire" he "got on the floor." As he found that no bullets were coming near him he got up and ordered his section to get up. Sergt. George Jackson, the noncommissioned officer in charge of the quarters, opened the gun racks and issued the arms to the men. In obedience to the order of an officer he started to form the company; while doing so, First Sergeant Saunders appeared and completed the formation. Four men were absent from the formation. Private Alfred N. Williams, who slept at the quartermaster's department; Private Elmer Brown, who slept at the commanding officer's stables; Private John Brown, the post baker, and Private William Smith, at Lieutenant Lawson's quarters.

The firing continued until after the formation of the company had been completed. When asked where the firing was, he said:

"A. In town. It started as I could hear it at our barracks, and instead of coming toward the barracks, continued to go the other way.

"Q. How long did it last?—A. The firing continued, not altogether, but about a second of interval in between, and when the roll was called shots were fired then; during the time the roll was called shots were fired. When the roll was called you could hear one shot, it seemed to me, every two minutes.

* * * * *

"A. The firing ceased after we had taken up our positions—just before that we got around to take our positions. While we were going in that direction you could hear scattering shots, and they were at the other end of the town, from what I could hear of the shots.

"Q. Could you see the flashes?—A. No, sir. We were down there between the buildings. I never did see any flashes at all, because I did not go and look out that window which way the firing were. I never were instructed to go and look that way. I was always told that when there is firing, if I had any men under me to get them in a place that my superior can take and use them."

When asked in respect to the participation of members of his company in the affray of the 13th, Daniels testified:

"Q. After the 13th, was this matter the subject of discussion at all in the company?—A. No, sir; they were not exactly talking. Now and then you would hear a man saying: 'Wonder who did the shooting?'

"Q. What opinion did you reach as to it?—A. Why, I reached an opinion like this: I said, I don't think any soldier could have done the shooting, especially in my company. I didn't form any opinion until after the guns were examined. If you fire one of those guns and clean it out, with the supposition that it is fairly clean, and you put it into the rack, it sweats, and you can look through it, and the curves where the bullet comes out, those curves where it sweats, the grains of powder will be seen, and you can take a rag and go down there and by twisting it around with a rod you can bring out powder. A gun, after being fired, you can't clean it properly under a week. You can make it look bright down the barrel, but it is not clean, for by the time you set it down and let it sweat you can take a rag and get dirt out of it.

"Q. When were the guns examined?—A. Next morning.

"Q. By whom?—A. By Lieutenant Lawrason, and the men who had dark guns were stepped aside.

"Q. With dark guns?—A. Yes, sir; with dirty guns supposed to have been fired. Then Captain Lyon, who were to go up there by orders of Major Penrose and inspect these guns supposed to have been fired, he takes a white cloth and tears it into small pieces and swabs these guns out. He finds grease and rust from the guns sweating, but don't find no powder at all.

"Q. Were any of the guns fired during the night?—A. Not to my knowledge, sir.

"Q. On the wall, I mean?—A. No, sir; no.

"Q. What time in the morning were these guns examined?—A. After daylight.

"Q. After daylight?—A. Yes, sir; between the hours of 7 and 9.

* * * * *

"Q. Was the matter much discussed in the company during that week?—A. That week that we were in Texas?

"Q. Yes.—A. No, sir; everybody seemed to be feeling very bad over the matter. I myself thought the men were getting along fine. You know, sir, that any place you go you are going to find some men that can not get along—some men that is just of that disposition. And I thought that being down in Texas that we were getting along just fine."

When asked—

"Q. Did it ever come to your knowledge in any way that any members of the regiment or any of the companies were out in the town that night taking part in the firing?—A. Did it what?

"Q. Did it ever come to your knowledge in any way after the 13th that any men of the Twenty-fifth Infantry were out in the town taking part in the firing? Did you ever know it?—A. No, sir.

"Q. Did you ever hear it?—A. No, sir. That was an affair that no one could hear anything about. You could not talk to the men on the subject. They would not discuss it with you.

"Q. Why not?—A. I don't know, sir. It has been a mystery to me. I have tried to look through that matter myself.

"Q. What efforts have you made?—A. I made every kind of effort that I could without allowing them to think that I was looking for information.

"Q. What did you do? Tell me what you did.—A. Sometimes I would say: 'What do you think about the affair?' They say: 'I don't know.'

"Q. Did you talk with men of other companies?—A. I went about other companies very little. B and C Companies didn't get along very well together, and always kept apart, and D Company much the same. It came through playing ball. We had the best team and we had the best athletes—consequently they never liked each other in that way.

"Q. Now, go on and tell me of the other attempts you made to find out.—A. If I saw a squad of men talking, I would get as near as I could—as near as possible without them detecting I were around.

"Q. Did you never hear any intimation?—A. No, sir; never heard; not a word could I hear.

"Q. Have you been questioned about this by any of the company officers, as to what took place?"

Daniels's testimony is inclosed herewith, marked "A."

PRIVATE ELMER BROWN, COMPANY B.

Brown is 34 years old and a native of Maryland. He has four discharge certificates—three "excellent" and one "very good;" has not been tried by court-martial since 1898. Brown was on special duty as a groom for Major Penrose and was in the habit of going to Brownsville almost every evening; was never molested and has no complaint to make of his treatment; has heard of the bar restrictions and of the Reed and Tate incidents. When Reed's case was received and he was asked as to whether it created comment in the company, his reply was:

"A. Well, I don't know, sir. This was Sunday that this man Reed got into this trouble. I know myself that he was beastly drunk, because I was out with Major Penrose's horses, exercising them on a back street, and this man fell under one of the horses I was leading. I don't know about the feeling among the men, about this man Reed being pushed in the river. But this man Reed I have known him a great deal, and he is regular little pay-day fighter. And as to the feeling in C Company, I tell you, sir, I never was in C Company's quarters all my time there.

"Q. How were you all treated at Valentine?—A. Very good.

"Q. Nothing to complain of in Valentine?—A. Nothing with the people of Valentine; no, sir.

"Q. Then, when you go to Brownsville, you are treated differently?—A. That is, men who looked for sociability.

"Q. And you resented that?—A. Well, that is, among some of the men; that was none of my part."

Brown accounted for all his movements during the day of August 13. As groom he slept in a room in Major Penrose's stable so as to be near the horses. He attended to his duties during the day; in the evening he visited some of the married men of his company and returned to his room at the stable and went to bed at 9 o'clock. He was not aroused by the firing, but was awakened by Corporal Burdett, who was sent by Major Penrose to verify the absentees. He did not form with Company B, but went back to the stable and went to bed.

When asked—

"Q. During all that time did you hear this affray discussed in the quarters or anywhere?—A. No, sir; I used to sit around and try to hear. Never could hear a word about it.

"Q. Did you ever try to look into it yourself to see what had happened—that is, try to get any information?—A. Yes, sir; time and again I was trying. As I told Major Penrose, I went around and tried to seek into this affair. The first report made of this, there was a woman that made some talk around there among some of these soldiers, that she knew who did this shooting, but she would not tell anything about it. This was a woman that ran in the garrison that night and made some talk around.

"Q. Colored woman?—A. Yes, sir.

"Q. What was her name?—A. Cora Jones.

"Q. Husband living there?—A. Yes, sir; her husband was artificer of B Company. Of course I used all I could to seek around, and couldn't learn anything of it. I went to the commanding officer. He sent for this woman—her and first sergeant's wife, Frazier's wife. Couldn't get any news. They kept her in the garrison, Cora Jones, until we got ready to go away from there. She said she didn't know anything about it. I heard the women talking—that is, down on the line. I told the major and he got a little from Mrs. Frazier, that this woman ran in the garrison the night of this shooting. Said she had to get out of the town, because there was shooting going on. That is the information that I learned, and I gave that to the commanding officer."

When asked whether he heard anything more, his reply was:

"A. No, sir; I was considered—I was called a hundred times a dog robber and pimp, because of sitting around trying to get information about this affair.

"Q. The feeling was against you?—A. Yes, sir; it was against me by men of the organization. If I would go in the quarters, it has happened many a

time, the boys shout, 'Here comes Major Penrose's dog robber.' That is the way the thing went on about me in the quarters among the soldiers; because I have never run with a crowd of men since I have been in the Army. I went over there to Reno. I listened. I got in places where there was all kinds of men, all kinds of games—trying to hear something of this affair. I didn't want to be discharged. I couldn't get any ins and outs of it.

"Q. That was all that you heard, what you have told me?—A. Yes, sir.

"Q. Have you any reason to suspect that any of them had been concerned in it and were concealing it?—A. No, sir; because I never heard anything about it."

Major Penrose, upon the telegraphic request of Private Brown, submitted the following statement to The Military Secretary, under date of December 14, 1906:

"Private Elmer Brown was in charge of my horses, and was authorized by me to sleep in a room in the quartermaster's corral, next to the stalls occupied by my horses. I had given him orders over a year and a half ago that in case of an emergency of any kind, he was at once to go to my horses and remain with them until I sent him orders what to do.

"On the night in question, when the roll of Company B was called, Corporal Harris, of the same company, was sent by his company commander to the corral to see if Brown was there, and reported he had found him asleep on his bunk in the room mentioned above. This was about ten minutes after the cessation of firing.

"That Brown was in his room at the corral is further testified to by Alfred W. Williams, who was then a private in Company B, and detailed on extra duty in the quartermaster's department, and as such was authorized to sleep in the corral, and who told me the following morning, during my investigation of the affair that he saw Brown in his room almost immediately after the shooting.

"I have known Saunders and Brown for something over two years and a half, and I have the utmost confidence in both of them, and in their statements. I am firmly of the belief that neither one of them were, in any way, connected with this most deplorable affair, and I am convinced if they could have found out who the guilty men were, or anyone who might have had knowledge of the shooting, they would promptly have reported the matter to me. I further believe these two men made an honest effort to detect the criminals."

Brown's testimony is inclosed herewith marked "B."

PRIVATE THOMAS JEFFERSON, COMPANY O.

Jefferson is a native of Indiana and is 34 years old. He has been in the service nearly fourteen years and has three discharge certificates—two "good" and one "excellent." He was not confined or tried by court-martial during the enlistment, which was terminated by his discharge at Fort Reno in November last.

Jefferson was "room orderly;" he attended drills but was excused from guard and attended no roll calls except at night. He went into Brownsville upon several occasions prior to August 13, was well treated. "Nobody ever bothered me and I never had anything to say to anybody else." When asked how the men liked their treatment in Brownsville, his reply was:

"A. They didn't like it so very well.

"Q. Did they talk about it a good deal?—A. Right smart. They didn't like to be down where they wasn't liked in a saloon—barred from the saloons.

"Q. They complained about the way they were treated in the saloons?—A. Yes, sir.

"Q. Did they complain of the way in which the white people treated them in the town?—A. No, sir; I never heard them.

"Q. Did you hear about the Tate-Newton incident?—A. Yes, sir; I heard about the matter.

"Q. Did you talk with him?—A. I never did see the man.

"Q. Who was the soldier who was struck?—A. The soldier was a fellow by the name of James Newton, C Company.

"Q. One of your own company?—A. Yes, sir.

"Q. What did he say to you about it?—A. He never spoke to me about it; he spoke to some of the rest about it.

"Q. What was said about it in the company?—A. They just went and reported it to the commanding officer, and said it was too bad; that is all

"Q. That wasn't what they said in the company; what did the men say in the company?—A. I don't know.

"Q. You were the room orderly?—A. I know, sir; but I didn't accompany the men at all times. I wasn't paying much attention. I went up there to see about his head. I think Captain Macklin, he came up and examined it; but anything more about it I didn't hear them say.

"Q. Weren't they angry about it?—A. Didn't seem to be. I never heard any man say anything angry about it.

"Q. Do you remember the other man's case, the one that was pushed off the boat?—A. Reed? Yes, sir; Oscar W. Reed. I just heard he was pushed off the boat. When he come in the quarters I don't know whether his clothes were dried or not. I didn't get up there. It was night, or evening some time. I didn't hear it only about the next morning.

"Q. You were not kindly received by the white people; the saloon rule was sprung on you; one man got hit over the head with a pistol; another was pushed off into the water—do you mean to say that the Company was not angry about that?—A. I could not say that. I know I was not. I didn't have anything to do with it. I had my work to do.

"Q. What did the others say about it?—A. I never heard them say anything about it.

"Q. You were right there, hearing everything that went on?—A. No. I could not hear everything.

"Q. You want to tell us all about this. Here you were the room orderly; you were in a position to hear what was said, to know what the men felt, how they felt about it.—A. General, I don't know what they felt about it; I don't know no more what they said.

"Q. You heard them talking?—A. I know, I was room orderly—

"Q. They were talking about it, they resented it, didn't they? They didn't like it?—A. Well, I don't know whether they did or not; their actions might have showed it; I didn't stay there long enough to know what they was saying."

On August 13, Jefferson performed his duties as room orderly as usual; at 9 o'clock he put out the lights and went to bed and did not wake up until he was aroused by the firing. When asked what awakened him, he said:

"A. The first shots fired. I taken it to be fire alarm of the sentry in rear of the quarters. We had a sentry in rear of the quarters. I taken it to be firing, just as the sentry would do. That gets everybody up out of bed. Well, a few minutes after that I sat there on my bed, and I heard several rapid shots fired.

"Q. Where were they?—A. Downstairs, seemed like. I don't know whether they was inside the garrison or outside the fence; but it seemed to be pretty close to the garrison—that is, to the post. The wall divides the town and the post. It seems like they were on that side of the wall, or on this side, I couldn't tell which. They seemed to be very fast. Well, then I just, everybody when we heard the firing, got up quick. 'To arms' went, and everybody jumped for the gun racks. Well, the gun racks then was locked. Sergeant Brawner had the keys, and he was supposed to be there in an instant to open the racks.

"Q. What about the racks—two were broken, you said?—A. They were broken after the call went, the fire call went.

"Q. How did you know they were broken after the fire call went?—A. The men there broken open the rack after call went.

"Q. But they had been broken all along hadn't they?—A. No, sir; not all along; when I told you they were broken before I thought—"

When asked what noncommissioned officer was in charge of the quarters, he said:

"A. Sergeant Brawner.

"Q. He was there?—A. It was a long time before he came there. I don't know how long. Major Penrose came around and told the men to get them gun racks open. The men says, 'We can't find the sergeant in charge of quarters.' It was quite a little while and they couldn't find him yet. Some of the men taken axes and bust the gun racks open. They went downstairs. We had a quartermaster's sergeant named McMurray, George McMurray. He got the ammunition, and Lieutenant Grier, he taken command of the company, and we stayed out there waiting for orders.

"Q. Did you go to roll call?—A. I went there and stayed until order to stay in the quarters.

"Q. The shots continued all this time?—A. No, sir; they had ceased. Understood that D Company was out before C Company got its firearms. Two companies was out before ever we got out.

* * * * *
 "Q. How much time was there from the time you woke up until the time the company formed?—A. I could not say. It was a terrible long time.

"Q. A long time?—A. Yes, sir; a terrible long time. I never see anything move so slow. Men moved so slow; the noncommissioned officers were slow. It was a long time before ever they got out."

Jefferson did not know when the guns of Company C were inspected, but it was not until after daylight. When asked whether he ever heard the incidents of August 13 mentioned in the company, his reply was:

"A. No, sir; I went round and tried to listen and tried to seek and find out. Every crowd I seen I tried to get in to see what I could hear. I couldn't hear nothing of the trouble at all.

"Q. Did men who were talking stop talking when you came around?—A. Well, they wasn't talking on no subject of that kind; I tried to listen.

"Q. When you tried to listen did they keep on talking?—A. They kept on talking, but they did not talk about any trouble at all."

When questioned as to whether any men of C Company came into the squad room after the firing began:

"Q. Did no C Company men come back while you were getting the arms out?—A. Not that I know of.

"Q. Were you where you could see them?—A. Right at the head of the steps. After I was ordered to come back I was with the sergeant; we seen that every man gets his rifle out of the rack.

"Q. If any man did come from the outside and come up the steps you would have seen him?—A. Yes, sir; most of them got out of bed—all of them got out of bed that I seen.

"Q. You don't know whether they were all there?—A. I don't know myself.

"Q. Did they come from around the room to where you were to get the guns?—A. They had a rack on this side—two racks on this side and two on that.

"Q. And you and the sergeant stood at the head of the steps?—A. Yes, sir; we stood at the head of the steps.

"Q. How many men came up while you were standing there?—A. Not any.

"Q. None came up?—A. No, sir.

"Q. How long did you stand there?—A. I stood there—I went down to roll call and they told me not to come down. That is when the firing commenced, when I went down; the company was falling in."

Jefferson never noticed the condition of the racks while the company was forming, or after he came back to the squad room. When asked what he subsequently heard about the incident of August 13 he said:

"A. The only thing that I did hear, the men wanted to know where the sentry was that night that was on that post; that was discussed; that I heard. Where was the sentry on that post that night? It seemed to them that he should know something about it.

"Q. Who was the sentry?—A. If I am not mistaken; I won't say true; if I don't mistake the man was named Rogers, C Company; I think he is the man; I may be mistaken.

"Q. What else was said about it in the company? There must have been something more said; you must have talked about it a good deal?—A. General, I didn't follow the men to see what they was talking about; they generally would be talking about something else. Whether they was scared of me I don't know. I was a man that didn't believe in no trouble like that, and never was into any, and I would tell if I did hear or see it myself, but I didn't.

* * * * *
 "Q. Didn't you see them getting together, talking, here and there—three or four of them in groups?—A. Well, as you say, there might have been men getting up to one side and talking. Some men wouldn't let you hear anything. I might have been one of the men that they wouldn't let hear anything. I always attended to my own business. I went by myself and never bothered with any of them.

"Q. Weren't there some men in your company that would be likely to get into trouble like that; those who were not so quiet as you were?—A. There might be.

"Q. You know all about the men in the company, don't you?—A. No; I don't know.

"Q. You know all about the men in the company?—A. Yes, sir; I know we have got some pretty noisy men; men that gets into trouble, and gets court-martialed pretty often, and such as that.

"Q. What were those noisy fellows doing—what were they doing all this time?—A. They was there in bed.

"Q. What were they doing on the days after this thing occurred—when it was known that this thing had happened?—A. They were just jollyng and hurrahing; that is, laugh and talk, hurrah about it.

"Q. What do you mean by 'hurrahing' about it?—A. Cracking jokes and laughing, and all such as that. Other people might possibly know what they meant; those who did not know, they could not say anything or suspicion anything.

"Q. You have an idea in your mind that some of these men were out that night?—A. Well, General, I don't know about that.

"Q. You knew the company before this thing happened, and you knew by their difference in demeanor that some of these men knew something about it and were out that night—that is, by the way they behaved after the thing had gotten out. Now, remember you are under oath; you are under oath to tell the truth, the whole truth, and nothing but the truth. Now, what have you to say about them?—A. Well, sir, I have nothing to say about them. I don't believe that men of O Company were out or some men of other companies. I actually don't believe that men of O Company did this. I won't say that there ain't a man in the organization that wasn't in it—that all men are innocent. I actually believe no man of O Company did it.

"Q. O Company was no better than any other company, was it?—A. I know, sir; but it seemed as though they didn't get out there in time, didn't seem like to me, to do anything like that. Everybody else was out there but O Company. Everything, seemed like to me, was over when O Company went down. They were so slow. The noncommissioned officers were so slow. Sergeant McMurray, Sergeant Brawner don't do nothing promptly. Sergeant Brawner didn't come to the rack for fully twenty-five minutes. The men stand around in the dark. First, Sergeant McMurray wouldn't give out ammunition until he got orders from the officer—that is Lieutenant Grier. The first sergeant had to go out on the parade ground to get another to command the company; he wouldn't take the responsibility upon himself."

Jefferson's affidavit, supported by three discharge certificates, is inclosed herewith; his testimony is also inclosed and marked "C."

It will be apparent, I think, from a careful reading of the testimony that each of the applicants for reenlistment, in the interval since the incident occurred, has brought himself to believe that he was in no way accountable for the outbreak and had no part in it and was not an accessory after the fact. Each applicant has an idea, but by no means a clear one, that some duty devolved upon him to assist in clearing the good name of the command, but was satisfied, as is indicated in his testimony, with the feeblest efforts in the direction of performance. There is some corroborative testimony in support of the view that neither Brown nor Jefferson took part in the outbreak. Elmer Brown was absent from roll call after "to arms" had been sounded, but was found asleep, where he should have been, in the commanding officer's stable. Jefferson was room orderly and was among the first to arouse the men of O Company when "to arms" was sounded. Daniels was a corporal who had previously been a noncommissioned officer, and was trying, by good conduct, intelligent service, and faithful performance of duty, to commend himself for advancement. Although his testimony is not conclusive, I have no doubt that he told the truth and was not a participant in the affray.

Among those who were notified to appear for examination was Mingo Sanders, late first sergeant of Company B. On January 24 Sanders appeared accompanied by counsel, on whose advice he declined to be sworn. Subsequently, on January 20, he appeared in response to my request of the previous day, and advised me that he had submitted some inquiries to the Secretary of War, through his counsel, to which he desired replies before testifying. This request, which is dated January 25, was received by the Secretary of War on January 20, and is appended, marked "E." On January 30 Sanders's application was referred to me, with instructions to furnish the information desired. This was done in a letter dated January 30, which is herewith inclosed, marked "F." To this Sanders replied, through counsel, on February 1—appended and marked "G"—which was acknowledged by the Judge-Advocate

General on the following day, appended marked "H." Sanders's application for reenlistment, accompanied by statement from Major Penrose and Lieutenant Lawrason, is inclosed herewith.

Conclusion.—Although the testimony of the applicants is entirely ex parte, I am convinced that the applicants for reenlistment have told the substantial truth, and that they had no part in the affray of August 13. There is some ground for the belief that each, within the scope of his authority and duty, put forth some efforts to learn who the active participants in the affray were, but without avail. The efforts were not serious, and were without substantial results.

Measures have been resorted to by the Executive with a view to meet the disciplinary emergency which occurred in Brownsville on August 13, 1906. The measures so taken involved the separation from the military service of the individuals composing the command. The examinations to which certain men have been subjected by me and the results of the inspections and of inquiries which have been instituted have failed to disclose the names of those who actually participated in the affray.

There are doubtless many innocent men who formed part of the companies composing the garrison who actually had and now have no knowledge of the acts committed or of the persons who committed them. But they have thus far been treated as a body which contained some, perhaps many, unworthy, uncontrollable, and dangerous men. To extend relief to a few will do injustice to the many who are too ignorant to apply for enlistment and appear for examination, or who have not heard that an opportunity to enlist has been afforded them. Either this or they have been generally communicated with and have been induced to refrain from applying for enlistment in response to the instructions to that end which have been communicated to recruiting officers throughout the United States.

In either event, while the evidence taken in the few cases in which an appearance has been made, tends, so far as it goes, to show nonparticipation, I gravely doubt the propriety of separating a few from the general body of discharged men upon such testimony as has so far been submitted.

Very respectfully, yours,

GEO. B. DAVIS,
Judge-Advocate-General.

A.

Testimony of Edward L. Daniels.

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, January 30, 1907.

At the above place and date at 4.10 p. m. appeared EDWARD L. DANIELS, late corporal, Company B, Twenty-fifth Infantry, who, after being duly sworn, testified as follows:

Questions by the JUDGE-ADVOCATE-GENERAL:

- Q. State your name.—A. Edward L. Daniels.
 Q. Where were you born?—A. In Charlottesville, Va.^a
 Q. How old are you?—A. 33 years.
 Q. Can you read and write?—A. Yes, sir.
 Q. What company of the Twenty-fifth Infantry did you belong to?—A. Company B.
 Q. What was your rank?—A. Corporal.
 Q. What had been your previous service?—A. My previous service has always been excellent—honest and faithful.
 Q. When did it begin?—A. It began in 1894.
 Q. In 1894?—A. Yes, sir. I left the service for eight months in 1904, when I came from the Philippine Islands. I went back to the service again in 1904, July 17.

^a At close of examination Daniels stated that his parents live in Washington and had been employed by the Riggs family between sixteen and seventeen years.

Q. How many discharges have you?—A. I have one five years—

Q. What character?—A. Excellent. The other two, three years; all "excellent."

Q. When did you go to Brownsville? When did the command get there?—A. I forget what date; I think the 22d of August—no, 22d of July. I forget just the exact date.

Q. What was the command doing for the first few days after you got there?—A. For the first few days there? Why, we were doing guard duty.

Q. Were the barracks cleaned and all that?—A. No, sir; the barracks were cleaned when we went there.

Q. How long did that take?—A. Three or four days.

Q. When you first went there, you were engaged in that work. What was your duty?—A. To have different details, and see that the men under me would do just what I was told for those men to do.

Q. When did your drill begin?—A. The drill began from 7—

Q. What date of the month did you begin your drill?—A. I could not tell the Judge-advocate that; I haven't the date down.

Q. As near as you can recall?—A. We began drill about three days after we went there.

Q. Three days?—A. Yes, sir.

Q. Was there a regular schedule of drills and duties?—A. Yes, sir; regular schedule.

Q. How many drills a day?—A. Two drills a day.

Q. Did you have any squadron drills?—A. Yes, sir; squadron drills. Pitching tents, and pitching conical wall tents, and pitching shelter tents; and we had company drill—that is, by the company commander.

Q. And that continued up to what date?—A. That continued for a considerable while. Then we had drill—we went on a hike.

Q. On a practice march?—A. On a practice march twice in the week, two companies this morning and two companies remaining in post. Then the next following days the next two companies went out and the rest of the two companies did remain in post.

Q. They did the guard duty and drill as usual?—A. Yes, sir.

Q. How long did these marches last—how long did each one last?—A. How many hours?

Q. Yes.—A. We went out at 5 and came in at 11. Supposed to go out 12 miles; that is, 6 going and 6 coming.

Q. Did the men go out into town much?—A. No, sir; very little. The men went out very little. They had one street there that they visited.

Q. One street?—A. Yes, sir; next to the barracks.

Q. What street was that?—A. The only street I ever heard; the name was Firing Line.

Q. On what side of the barracks was this street?—A. Next to the town.

Q. It was next to the town?—A. Yes, sir.

Q. Now, did you go out into the town?—A. Lots of times I went out into the town; yes, sir.

Q. Did you go out every day?—A. No, sir; I didn't go out every day, because my duties wouldn't let me.

Q. About how often did you go?—A. About three times a week.

Q. How were you treated?—A. No one ever molested me at all. I don't think I had a conversation with anybody the whole time I was down there. No more than now and then where I had my laundry. I would go around and speak to the Mexicans, because I could speak Spanish.

Q. Did the other men have trouble?—A. Well, I have heard of it, but I didn't see it myself.

Q. Did they discuss it in the barracks?—A. No, sir; because I didn't know about other companies; I can only speak about my company. In my company no man ever did have trouble at all, to my knowledge; because I would know if they were, because I was right in the barracks, all on the same floor, and any discussion caused by the men speaking was loud enough so that anybody can hear it, and most anybody would get into the conversation.

Q. Do I understand, then, that you never heard any man in the company complain of his treatment in the town?—A. Yes, sir.

Q. Did you hear any discussion in the company as to the treatment that other men had received?—A. The only discussion I heard—some man or other—some other man of the company was struck with a gun, and this man reported to the commanding officer—to the captain first, and then to the commanding officer. What they did with him I don't know.

Q. Did it create feeling in your company?—A. No, sir; not among the men, as I could hear. I was one of the noncommissioned officers of the company. When I came there I came there with the reputation of being an excellent soldier and worthy noncommissioned officer. The first vacancy I was made noncommissioned officer. Only three months—six months before made a non-commissioned officer. I never was tried so as to be reduced to the ranks. I always held my rank until I left the service.

Q. Did you hear of the Tait incident down there?—A. Yes, sir; I heard of Mr. Tait assaulting this private, and from what I can understand this private wasn't a man of a bad disposition. He was more of a coward rather than of a bad disposition. And I heard Mr. Tait struck him across the head with a gun. The man fell to the street, and when he tried to rise he made an oath at him. What he said I don't know. That is only what I heard.

Q. Was that discussed in the company?—A. No, it wasn't discussed, except there on the porch one night. Only a few words was passed and that was all there was. Some man says, "The men know well enough that you must not go any place where you are not wanted, and the best place is the barracks for you." That is what some man said.

Q. Did the feeling increase any toward the 13th?—A. No, sir; because on the evening of the 13th, why orders came from the commanding officer, and we had issued passes that day, I understood, to the men to go out into town. Some went to Mexico, and later in the afternoon, before these passes were to expire, the orders came around about between the hours of 3 and 5, from the company commander, that every man must be in quarters by 8 o'clock. Company B, Second Lieutenant Lawrason, he came around and said no man of Company B would be allowed out no more until to-morrow morning. And the men that were out, he told the first sergeant to send out some noncommissioned officers and round them up and tell them to come into quarters right away. The other companies had orders that they could stay out until 8 o'clock.

Q. When was this order given?—A. That evening.

Q. Between the hours of 3 and 5?—A. As near as I can get it.

Q. Who were sent out?—A. Quartermaster-Sergeant McCurdy and Corpl. Wade Waddington.

Q. You were not sent out?—A. No, sir; I was not sent out. I was upstairs writing.

Q. How many did they succeed in finding?—A. I don't know, sir; I think only about 5 men were out. I am not positive, because I did not see them as they came in. The order was issued to be carried out by other noncommissioned officers, and I went on with my work.

Q. What was your work?—A. I was writing—writing up some drill matters. We have to go out and take sketches of the imaginary enemy. I had taken a sketch of the last march that we had made and I was trying to bring all the data of the military signs on it.

Q. Trying to put the correct topographical signs on it?—A. Yes, sir.

Q. When did you begin that work? This was on the 13th—what time of day did you begin it?—A. I could not say.

Q. To the best of your recollection?—A. In the afternoon, after dinner.

Q. One o'clock?—A. Between the hours of half past 12 and 3 o'clock.

Q. How long did you work at it?—A. I worked at it a considerable time, because I did not get the proper data on that, and I start again. That time I was interrupted by one of the men on some drill matters. Told him to explain to me, and I put the work away. After I put the work away I went downstairs and sat out on the porch.

Q. About what time was this? About what time did you get through and go down and sit on the porch?—A. It was not dark.

Q. After supper?—A. Yes, sir; no, sir; it was just about supper time. I could not tell just exactly.

Q. What time does supper come?—A. We have supper just before retreat, and retreat were about 6.15.

Q. Did you go to retreat roll call?—A. Yes, sir.

Q. Any absentees?—A. No, sir.

Q. After retreat what did you do?—A. I stayed in the barracks.

Q. Did you sit out on the porch after retreat?—A. For a while I did.

Q. Were there many men sitting out there?—A. No, sir; not particularly; not more than usual.

Q. About how many usually sat there?—A. Directly after supper everybody right out of the dining room came on the porch. After that some go to the

exchange, some go upstairs, and others into the library. Some engage themselves in cards—and they distribute themselves in that way. As a rule a private don't hang around a noncommissioned officer but very little.

Q. You were sitting out there? Was the trouble discussed that evening?—A. No, sir; nothing at all.

Q. Did you hear it mentioned?—A. No, sir; nobody mentioned anything about it.

Q. Did you hear anybody discuss it in your vicinity?—A. No, sir; nothing at all. In the first place, if any of the men were to mention anything like that, they would not let me hear about it. I was one man they would not let hear anything about it. If I did hear it, I would make them say it again.

Q. Then what would you do?—A. If I heard them make any such remarks, I would stop and find out why they should make such remarks. Then, if they could not make explanations, I would have them up to the company commander.

Q. Would you take them to the first sergeant?—A. To the first sergeant first, and from that to the company commander.

Q. Do I understand you to say that at no time, say, from the 1st of August until the 13th, you heard any trouble discussed in your company?—A. No, sir; I never heard any trouble at all, and I was surprised that night when I heard the shooting.

Q. What did you do the rest of the evening?—A. I always go to bed very early.

Q. What time did you go to bed that night?—A. About twenty minutes of 9 o'clock.

Q. Did you have to be up at tattoo?—A. No, sir; we did afterwards.

Q. You didn't then?—A. Not before, we didn't.

Q. You went to bed at about what time?—A. About twenty minutes of 9, or maybe about a quarter of 9.

Q. Tell me what occurred that night.—A. On the night of August 13 I were woke up by the men hollering in the quarters, by the firing in the quarters. I says, "What's the matter?" I woke up, I were under a mosquito bar, and jumped out of the mosquito bar. As I was used to being under fire, I got on the floor. I found out there were no bullets coming near me, and I get up and halloo for my section of men to get up. Some says, "Light the lights." I says, "Yes; light the lamps." After a time the call to arms went. Then I called for the noncommissioned officer in charge of quarters—

Q. Who was that?—A. Sergt. George Jackson, and he says, "All right, I have only got a candle." I says, "Light the barracks lamp," and so he didn't do that but he lit his lantern. I says, "Call to arms has gone, and I want the racks opened," and he says, "I am getting them open as fast as I can." The racks all stand there at one end of the barracks. I was just about in 3 feet of my rack and I stood there, until the rack were opened. Then I got my gun and told my men to get theirs and get downstairs. Then an officer says, "Is there any noncommissioned officer downstairs?" I says, "Yes, sir." He says, "Form this company." I formed the company men as fast as they got down there. I formed them together. That time when the company was nearly formed the first sergeant came around the head of the company and called the roll. Four men were absent; Private John Brown, Elmer Brown, Private William Smith, and Private Alfred N. Williams. When he reported to the commanding officer, he says, "Where are those men?" The first sergeant says, "Private Alfred N. Williams is at the quartermaster's department; he sleeps down there. Private Elmer Brown, he is at stables. Private John Brown is the post baker. Private William Smith is at Lieutenant Lawrason's quarters." He says, "Take a noncommissioned officer, Corporal Harris, and two privates as witnesses to see whether these men are in their respective places." He found Private John Brown.

Q. Where was he?—A. He was in the bakehouse baking bread. Then the major told Lieutenant Lawrason to take the company and carry it around and distribute men along the wall. The firing was then going on—that is, scattering shots.

Q. Where was this firing?—A. In town. It started, as I could hear it, at our barracks, and instead of coming toward the barracks continued to go the other way.

Q. How long did it last?—A. The firing continued, not altogether, but about a second of interval in between, and when the roll were called, shots were fired then; during the time the roll was called shots were fired. When the roll was called, you could hear one shot, it seemed to me, every two minutes.

Q. Did any of the men return?—A. No, sir.

Q. What wall did you go to, the one facing the town?—A. Yes, sir; we were distributed between Company B quarters and the end of Company C quarters, facing the town.

Q. Where did you get yours?—A. I were about 75 yards from the rear of Company C quarters.

Q. On the wall?—A. No, sir; not on the wall; just behind the wall.

Q. How high is the wall?—A. It will range from 3 feet to 7 feet.

Q. Could you look right over it?—A. Some parts of it.

Q. Where you were, could you look over it?—A. No, sir.

Q. About how high was it?—A. About—between 6 and 7 feet.

Q. When did the firing cease?—A. The firing ceased after we had taken up our positions. Just before that we got around to take our positions. While we were going in that direction you could hear scattering shots, and they were at the other end of the town, from what I could hear of the shots.

Q. Could you see the flashes?—A. No, sir. We were down there between the buildings. I never did see any flashes at all, because I did not go and look out that window which way the firing were. I never were instructed to go and look that way. I was always told that when there is firing, if I have any men under me to get them in a place that my superior can take and use them.

Q. How long after you were awakened was it before the roll call took place?—A. Well, the roll call taken place about, as near as I can guess it, in about seven or eight minutes. That is as near as I can get at it.

Q. What was done during the night?—A. The men were on guard. The garrison were put at pickets, all armed. Outpost duty were performed.

Q. After the 13th, was this matter the subject of discussion at all in the company?—A. No, sir; they were not exactly talking. Now and then you would hear a man saying, "Wonder who did the shooting?"

Q. What opinion did you reach as to it?—A. Why, I reached an opinion like this: I said, I don't think any soldier could have done the shooting, especially in my company. I didn't form any opinion until after the guns were examined. If you fire one of those guns, and clean it out, with the supposition that it is fairly clean, and you put it into the rack, it sweats, and you can look through it, and the curves, where the bullet comes out, those curves where it sweats, the grains of powder will be seen, and you can take a rag and go down there, and by twisting it around with a rod, you can bring out powder. A gun after being fired, you can't clean it properly under a week. You can make it look bright down the barrel, but it is not clean, for by the time you set it down and let it sweat you can take a rag and get dirt out of it.

Q. When were the guns examined?—A. Next morning.

Q. By whom?—A. By Lieutenant Lawrason; and the men who had dark guns were stepped aside.

Q. With dark guns?—A. Yes, sir; with dirty guns supposed to have been fired. Then Captain Lyon, who were to go up there by orders of Major Penrose and inspect these guns supposed to have been fired, he takes a white cloth and tears it into small pieces, and swabs these guns out. He finds grease and rust from the guns sweating, but don't find no powder at all.

Q. Were any of the guns fired during the night?—A. Not to my knowledge, sir.

Q. On the wall, I mean.—A. No, sir; no.

Q. What time in the morning were these guns examined?—A. After daylight.

Q. After daylight?—A. Yes, sir; between the hours of 7 and 9.

Q. When were they put back in the racks?—A. That morning, and locked, after we were relieved.

Q. What time were you relieved?—A. I don't remember exactly.

Q. As near as you can recall?—A. It was daylight when we were relieved.

Q. Broad day?—A. Yes, sir.

Q. Then the guns were put back?—A. Yes, sir.

Q. Were you in charge of the gun racks; is it a regular detail?—A. Yes, sir.

Q. Who keeps the keys?—A. The noncommissioned officer in charge of quarters.

Q. Suppose a man wants to get his gun?—A. It is in orders from the company commander that a man will get his gun when going on guard, and going off guard he has so many minutes to clean his gun. I take a note of this man and look at the clock, and time him just the minutes that is required. Then he puts the gun in the rack and I lock the rack. At no time the gun racks are open only on occasions when they should be. When the gun is fired the gun racks is supposed to be opened.

Q. At gun fire?—A. Yes, sir; early in the morning—reveille.

Q. What are they opened then for?—A. If a man has to go on guard that morning, or for drill. Immediately after the noncommissioned officer locks the racks again. The guns at no time are laying around on the beds.

Q. Is it easy to get a gun out of the rack?—A. No, sir; you would have to break the gun rack to get one of those guns; that would be impossible, because they have two catches, and these catches are so close. When in charge of quarters if a gun were out of the rack I would be responsible for it. When they are turned over to you by the other noncommissioned officer they are counted; you have so many in the rack; they are counted. I am held responsible for 24 guns. Any man taking a gun out, I want to know just what he is going to do with it.

Q. Whose permission is necessary to get the gun out of the rack?—A. I will ask him what do you want with it, with the gun? He may say, "I have permission from the company commander," or "from the first sergeant." "Well, what do you want to do with it?" "Well, I want to clean it"—that is, Fridays, for Saturday inspection. Everybody has half an hour to clean the gun. After that these guns are locked up again.

Q. What day was the 13th?—A. Monday, sir; wasn't it? I am not sure, either Monday or Tuesday.

Q. Was it your habit to go around and visit the other companies?—A. I used to play pool around there. Now and then I would go around. I would always have something to employ my mind without going around much; because they confined us to our tactics, and we had to be exact and give the proper instruction without looking in the book, and we had to give just what the book said, and then execute it ourselves to show the men what to do.

Q. Were there many recruits in your company?—A. Yes, sir; quite a number of recruits. Very few old soldiers. All come from Oklahoma and Texas.

Q. Natives of Oklahoma and Texas?—A. Yes, sir.

Q. The recruits?—A. Yes, sir.

Q. After the 13th did you go around among the other companies and talk over the excitement?—A. No, sir; I didn't go any place then, because I saw just the circumstances that we were in. I could see it, because that we were not allowed out no more.

Q. Not allowed out where?—A. Out of the post; there was a guard on. And the duties were so hard on me at that time that every time I had a chance to rest I would lie down, because I only got one in two nights out of bed.

Q. In the whole week that you remained in Texas?—A. Yes, sir; after that time.

Q. You were on every other night?—A. Yes, sir; sometimes I would have two nights, and sometimes not. Some mornings I would come off guard, and next day supposed to be with fatigue parties, and they would come and get me about 2 o'clock to go on guard that night, as noncommissioned officer of the guard.

Q. And you remained at Fort Brown about a week after the 13th?—A. Yes, sir.

Q. How many times were you on guard?—A. I was on guard, as I aforesaid; after the morning of the 14th I went on guard every other day, or sometimes I got two nights in bed.

Q. Was the matter much discussed in the company during that week?—A. That week that we were in Texas?

Q. Yes.—A. No, sir; everybody seemed to be feeling very bad over the matter. I myself thought the men were getting along fine. You know, sir, that any place you go you are going to find some men that can not get along; some men that is just of that disposition. And I thought that, being down in Texas, that we were getting along just fine.

Q. You say that you have been out frequently in town?—A. No, sir; I went out twice a week. Some weeks three times.

Q. Yes.—A. I would not go in any place, only take a walk down to where we had gotten off, and come straight back to quarters again. I never had no conversation with anybody. Nobody ever bothered me, and I never said anything to anybody.

Q. Did you go in any bar?—A. No, sir.

Q. Didn't you go in any barroom at all in Brownsville?—A. Yes, sir; I went into one Mexican bar to get a cigar.

Q. Otherwise you went into none?—A. No, sir. I went in a drug store once and into a Mexican barroom once.

Q. Did you hear what the rules of the barrooms were?—A. Before we went down there we heard the rules; yes, sir. The white soldiers had told us. I made the remark at the same time, "They won't be bothered with me at all, because I am no toper, and consequently I drink all the waters around here."

Q. Then, after the night of the 13th, you say that there was feeling among the men about it?—A. No, sir; I never said there was feeling. The men were very sorry over the matter, because they could not get—you couldn't find out anything; nobody were out that night but two men, and both belonged to C Company, and they were on passes; and they proved where they were that night.

Q. They were on pass?—A. Yes; the order had been issued, but had not reached them, by their going away from the post before this order came out, by proper authority.

Q. You have no knowledge, of your own observation, that men—we will say of other companies—may not have been out that night? You are not in a position to say that they may not have been out, are you?—A. I could not say a word about any other company but Company B.

Q. Now, just tell me again what your reason is for believing that none of the men of Company B were out.—A. Because the first sergeant he called the roll and all were present.

Q. At what time?—A. Immediately after the call to arms.

Q. Was there roll call at retreat?—A. Yes, sir.

Q. Were all present then?—A. Yes, sir.

Q. Was anybody on pass that day?—A. Nobody on pass.

Q. Nobody on pass that day? Didn't you say that the passes were recalled?—A. The passes were recalled, but—

Q. When did the passes begin?—A. The passes began on 12 o'clock that day. The order came out between 3 and 5.

Q. And to your knowledge no one of Company B was out on pass?—A. Yes, sir; to my knowledge; none of them were out.

Q. But you say a sergeant and a corporal were sent out to bring them back?—A. These men were not on pass, but were allowed to walk inside of a mile of the post.

Q. The men did not have to have a pass?—A. No, sir; if they just wanted to go down to the drug store and back, or walk out for half an hour, because the town was right there.

Q. When did that permission expire; when did the men have to be back?—A. At 8 o'clock, before this.

Q. Every night?—A. Everybody had to be in their beds at a quarter of 11 o'clock.

Q. At 11 o'clock?—A. Quarter of 11. At 11 o'clock check was taken.

Q. Was check taken on the night of the 13th?—A. Yes, sir.

Q. Any absentees?—A. I have never heard. I wasn't in charge of quarters, and I could not say, because I was asleep at the time. Check was taken by the noncommissioned officer in charge of quarters and then reported to the officer of the day, which were Captain Macklin.

Q. Yes. Was there a roll call at retreat?—A. Yes, sir.

Q. Was there a formation under arms at retreat?—A. No, sir; just roll call.

Q. Were all present at that?—A. Yes, sir.

Q. Now, that day, on which these incidents happened—was there more feeling that day than the days before?—A. No, sir.

Q. No stir of any kind in your company?—A. No, sir; no stir at all. We have got a very stern first sergeant; he won't stand for any talk that he thinks should not be talked of in quarters. He won't stand for it; and he instilled it into the noncommissioned officers under him. I was always in quarters. When I leave the quarters, I say to the next noncommissioned officer in charge of quarters, if I am asked for I am at such and such a place; if he wants me he can send a man for me.

Q. How much is the first sergeant in quarters, he is a married man, isn't he?—A. He is there all the time, until after 9 o'clock at night; then he goes home.

Q. Goes home to his meals each day?—A. Yes, sir; sometimes. You wouldn't miss him out of the quarters, he come and go so quick.

Q. He took some meals in the company kitchen?—A. No, sir; I never did see him take any.

Q. Where did he get his meals?—A. At his home.

Q. You said sometimes he went to his home to eat?—A. I know, but I say he would be away from quarters so seldom you would not know whether he ate

at quarters or at home, and yet his rations and everything was at home. I never see him eat in quarters.

Q. What time did he get there in the morning?—A. About an hour before reveille; half an hour before reveille. He was only about 250 yards from the barracks.

Q. Was his house inside the fence?—A. Yes, sir. In the quarters where the married men stay, that have proper authority.

Q. Did it ever come to your knowledge, in any way, that any members of the regiment, of any of the companies, were out in the town that night taking part in the firing?—A. Did it what?

Q. Did it ever come to your knowledge, in any way, after the 13th, that any men of the Twenty-fifth Infantry were out in the town taking part in the firing? Did you ever know it?—A. No, sir.

Q. Did you ever hear it?—A. No, sir. That was an affair that no one could hear anything about. You could not talk to the men on the subject. They would not discuss it with you.

Q. Why not?—A. I don't know, sir. It has been a mystery to me. I have tried to look through that matter myself.

Q. What efforts have you made?—A. I made every kind of effort that I could without allowing them to think that I was looking for information.

Q. What did you do—tell me what you did?—A. Sometimes I would say, "What do you think about the affair?" They say, "I don't know."

Q. Did you talk with men of other companies?—A. I went about other companies very little. B and C Companies didn't get along very well together and always kept apart; and D Company much the same. It came through playing ball. We had the best team and we had the best athletes—consequently they never liked each other in that way.

Q. Now, go on and tell me of the other attempts you made to find out?—A. If I saw a squad of men talking I would get as near as I could, as near as possible without them detecting I were around.

Q. Did you never hear any intimation?—A. No, sir; never heard; not a word could I hear.

Q. Have you been questioned about this by any of the company officers, as to what took place?—A. I were questioned by Lieutenant-Colonel Lovering. He asked my whereabouts on that night, and what I did. I told him what I told you of that night; and I was not questioned by Major Blocksom. He only had some noncommissioned officers up there; nor by General Garlington. He only wanted the oldest soldiers, and oldest noncommissioned officers of each company. I were an old soldier, but not an old noncommissioned officer of the company, because I had only been there two years in B Company. I originally came from K Company. The sergeant from K Company were discharged, and I came back as a recruit, and I had only been in the company two years and two months—two years and four months. He took so many privates that had been under that present organization the longest time, and the noncommissioned officers the longest time. That is the way that these men were picked out. Then he formed the battalion and told us what the President's orders were, if he could not find out anything. I could not tell him anything. I did not know anything to tell him, and I had to be just like the rest of the men. Knowing nothing to tell, they did not tell him, and I did not have anything to tell.

Q. You heard nothing?—A. I heard nothing at all, sir. That is why I didn't never think that they would put the men out that didn't know nothing; the men that were trying to do right. If I don't know nothing, I don't know nothing.

Q. You have told me what you would have done had you heard anything?—A. Yes, sir. I did not want to be disgraced with somebody else that do such things as that. I have always borne an excellent character among my officers. I met my old captain this morning, Mr. Jones. He is now in Washington altogether. He was captain of F Troop, Tenth Cavalry, in 1898.

Q. Were you ever in his company?—A. In his troop; yes, sir.

Q. You were in his troop?—A. Yes, sir.

Q. What is your address? Where would a letter reach you?—A. 920 I, street NW.

(The taking of testimony was concluded at 5.05 p. m.)

B.

Testimony of Elmer Brown.

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, February 2, 1907--3.15 p. m.

At the above place, and on the date and hour named, appeared ELMER BROWN, late private, Company B, Twenty-fifth Infantry, who, after being duly sworn, testified as follows:

Questions by the JUDGE-ADVOCATE-GENERAL:

- Q. What is your name?—A. Elmer Brown.
- Q. Of what company and regiment?—A. Company B, Twenty-fifth Infantry.
- Q. How old are you?—A. Thirty-four this past September.
- Q. Where were you born?—A. In Middletown, Md.
- Q. Tell me what your past service has been; how long have you been in the service?—A. My first enlistment was three years and three months, and in Troop I, Tenth Cavalry; my next three years in B Company, Twenty-fifth Infantry; my next enlistment, two years and seven months in B Company, and was transferred to I Company five months and eleven days; discharged in Manila, and reenlisted for Company B.
- Q. What discharges did you receive after these enlistments?—A. My first discharge, from Troop I, character excellent; my first discharge from B Company, very good; my second discharge, Twenty-fifth Infantry, from Company I, excellent; my next discharge, from Company B, excellent.
- Q. Where have you served during this last enlistment?—A. Fort Niobrara, Nebr.; Fort Brown, Tex.; Fort Reno, Okla.
- Q. Have you ever been tried by court-martial?—A. Yes, sir.
- Q. How many times?—A. Twice.
- Q. In this last enlistment?—A. No; not since 1898.
- Q. So you have never been tried in this enlistment?—A. No, sir.
- Q. Ever been confined?—A. Not since 1898, sir.
- Q. When did you go to Brownsville?—A. The date I have forgotten. We went there—
- Q. About what date?—A. I think it was about the 10th or 11th of July when we got there; somewhere about that time, sir.
- Q. Were you a private on ordinary duty in the company?—A. Well, I was a private in B Company since August 1, 1905.
- Q. At Brownsville, were you on extra duty or special duty?—A. Special duty for the commanding officer.
- Q. All the time?—A. Yes, sir.
- Q. Where did you sleep?—A. Major Penrose's private tables.
- Q. Did you get your meals in the company mess?—A. Yes, sir.
- Q. Didn't sleep in the barracks?—A. No, sir.
- Q. Where was your gun?—A. In the quarters—in the barracks—in the rack.
- Q. And all the time you were at Brownsville you were on special duty for Major Penrose?—A. Yes, sir.
- Q. Took care of his horse, or horses?—A. Two horses and wagons, and assisted around his house.
- Q. Were you about his house each day, and over in the company each day?—A. I went to the company every day to get my meals, but never stayed there but a very short time.
- Q. Why not?—A. Most of my idle time I was around the major's house. Most every afternoon I would have to go out driving for him; down to the bottoms there; he would go down and shoot wild pigeons.
- Q. Did you go down into the town much at any time?—A. Well, I never went but very seldom. In some places I would go into town, but in others very seldom.
- Q. At Brownsville, did you go downtown?—A. Well, I used to go down for a walk most every evening.
- Q. How were you treated by the white people?—A. I never was molested by anyone; it seemed that everybody was agreeable.
- Q. How did you like the Mexicans?—A. I have no difficulties with them at all.
- Q. How was their bearing toward you as compared with the white people; were they more agreeable or less?—A. Well, sir; I will state to you I treated the Mexican people just as I would other people; I treated them with respect.

Q. Yes; but how did they seem to regard you? Were they more agreeable to you than the white people, or the reverse?—A. No, sir; not more agreeable with me. I didn't put myself in a place that they could be.

Q. Did they seem to like the colored troops better than the white people?—A. Well, I noticed that the men who associated with the common class of people, their associates were Mexicans; that is the men that associated with them. I could see that.

Q. Are there a good many colored people in Brownsville?—A. Quite a few.

Q. Are some of them pretty well to do?—A. Not as I know of. I never met them. I didn't know but one family there, a retired soldier from the Ninth Cavalry in 1808.

Q. He had been living there?—A. Yes, sir.

Q. How about the bars?—A. Well, now, that distinction I saw. People were putting partitions in the barrooms there the first night I was in Brownsville. I went downtown with Mr. Sharp and a man named Burrell (?). Mr. Sharp was post blacksmith, and this man Burrell was post wagon master; and these men were fixing their bars. They told me what they were doing. I was with Sharp and Burrell, and these men told me they were going to put up partitions in the bars, as the people of Brownsville did not want to drink in the same bar with colored people. The men seemed to be very glad to have the soldiers trade with them, but they said they would have to make a distinction, and stated they would treat all men right. It seemed as if I was represented to be more than I was actually; they wanted me to use my influence in getting trade. I never went back no more.

Q. Did the men like this distinction?—A. No, sir; not the men that patronizes bars.

Q. Did they talk about it in the barracks?—A. Yes, sir.

Q. Resented it?—A. Yes, sir.

Q. Did you hear about the Newton incident; about his being struck?—A. Yes, sir.

Q. What company was he in?—A. C Company, sir.

Q. Did you hear about the other man being pushed off the boat?—A. Private Reed, of C Company.

Q. Did that create comment in the company?—A. Well, I don't know, sir. This was Sunday that this man Reed got into this trouble. I know myself that he was beastly drunk, because I was out with Major Penrose's horses, exercising them on a back street, and this man fell under one of the horses I was leading. I don't know about the feeling among the men about this man Reed being pushed in the river. But this man Reed I have known him a great deal, and he is regular little pay-day fighter, and as to the feeling in C Company, I tell you, sir, I never was in C Company's quarters all my time there.

Q. How were you all treated at Valentine?—A. Very good.

Q. Nothing to complain of in Valentine?—A. Nothing with the people of Valentine; no, sir.

Q. Then, when you go to Brownsville, you are treated differently?—A. That is, men who looked for sociability.

Q. And you resented that?—A. Well, that is among some of the men; that was none of my part.

Q. Did you go to drill?—A. Yes, sir; every morning.

Q. Did you go on guard?—A. No, sir; I didn't do any guard duty until after the 13th; my first guard was the day of the 14th.

Q. On account of your being on special duty you were excused from guard?—A. Yes, sir.

Q. But not excused from drill?—A. No, sir.

Q. How many drills each day?—A. Only one.

Q. When did that occur?—A. The first call, twenty minutes past 5, and assembly at half past 5, and drill were half past 7.

Q. And the rest of the time you spent?—A. At my stables, and Major Penrose's house. Most every day he wanted to go hunting.

Q. Tell me what happened after noon of the 13th; go right on.—A. From noon on?

Q. From dinner, yes.—A. What I would do, I would go—

Q. Just on that day.—A. On noon of the 13th, sir? Nothing unusual. Only I finished giving my horses their evening's bath and came over to Major Penrose's house and sat there. After a little while I saw the major and two gentlemen down the walk. They were talking, and it seemed as if there was some hard feeling between these men. One of them standing there shook his fist in some

way. And then Private Williams, of B Company—he worked in the corral—he came across from the corral and says to me, "Let's go over to supper." I said, "Yes, it's about time. It looks like something doing down there." I would call him the General. I says, "It looks as if someone were giving the General hell;" just in that way. He says, "I guess not." I didn't know who those men were. They had a Mexican driving a wagon, something like a Victoria, and he was out in the road, and these two men were on the little bridge talking to the major; and instead of my going into supper I says to Williams, "I am going to see this thing out." I knew some of these people had made insulting remarks about Major Penrose round there. Then these people got on their wagon and went off, and the major went into the canteen. He came back from the canteen and went past his house, his quarters, and I was still sitting on the porch. And he went to the noncommissioned officers' quarters and called the first sergeant and told him to send a responsible noncommissioned officer out to have every man come in by 8 o'clock. "You publish that order on retreat to the company." Now, Williams and I eaten our supper before the company and gone over back to the corral. I says, "Let's sit here and hear this thing through." When the company fell in line for retreat the first sergeant published this order. I says to Williams, "Let's go up and get a bottle of beer," not knowing anything at all what was going to occur, or whether we had been threatened. We went up to this barroom. It was a man discharged from B Company had opened up this barroom right outside of the wire fence, for the soldiers' trade. We went there and got a bottle of beer. I came back from there. Williams came on to the garrison. I stopped at Sergeant Thomas's house. I asked Mrs. Thomas, "Are you going to have any ice cream to-night?" She said, "Yes." Mrs. Brawner and I went across, she lived in the garrison, I went over there and asked Mrs. Brawner whether she would go over there. We went in Mrs. Thomas's and had some ice cream; and while she was sitting there Corporal Wheeler, of D Company, and Corporal Burdett, of B Company, came to the door and told me it was time to get into the garrison. It was 8 o'clock then. Mrs. Brawner and I walked over and stayed down at Sergeant Sanders's. We stayed down to Sergeant Sanders's until tattoo, and I went on to stables at 9 o'clock. Every night before going to bed I turned the shower bath on myself. I pulled up my bed, my bunk. I had two large stalls for the horses. I put my bed right close to the horses, because there was a door on each and there was a good draft went through. I got my bed right there. I suppose that I went to sleep right quick. When I woke up Williams came up from the quartermaster's barn, right in the same yard, and called me. He says, "Ain't you going up to the garrison? They're raising hell up there." I says, "What is it?" He says, "They're playing fire call, to arms, and shooting up everything." I says, "No; I ain't going up there." He says, "I'm going up."

Q. Who woke you up?—A. Private Williams, of B Company.

Q. The noise didn't wake you?—A. No, sir; Williams woke me up and went up there himself, and then I sat up in my bed, threw the mosquito net up, to see whether the man were on post. A man walked post there always around the pumphouse, woodhouse, and stables. Corporal Burdett, of B Company, was sent out by Major Penrose to verify the absentees; there were only two men absent—that was myself and Private John Brown, of B Company, in the post bakeshop.

Q. Where did you go then?—A. Never went anywhere till the next morning.

Q. Go back to bed?—A. Yes, sir. It was the commanding officer's orders for me to stay with the horses, in case of fire or anything—that was his orders; and I did so. After that, the next morning, he issued orders different.

Q. That was the 13th of August?—A. Yes, sir.

Q. And you were discharged in November—22d of November?—A. Yes, sir.

Q. During all that time did you hear this affray discussed in the quarters or anywhere?—A. No, sir; I used to sit around and try to hear. Never could hear a word about it.

Q. Did you ever try to look into it yourself to see what had happened? That is, try to get any information?—A. Yes, sir; time and again I was trying. As I told Major Penrose, I went around and tried to seek into this affair. The first report made of this, there was a woman that made some talk around there among some of these soldiers that she knew who did this shooting, but she would not tell anything about it. This was a woman that ran in the garrison that night and made some talk around.

Q. Colored woman?—A. Yes, sir.

Q. What was her name?—A. Cora Jones.

Q. Husband living there?—A. Yes, sir; her husband was artificer of B Company. Of course, I used all I could to seek around, and couldn't learn anything of it. I went to the commanding officer. He sent for this woman—her and the first sergeant's wife—Frazier's wife. Couldn't get any news. They kept her in the garrison—Cora Jones—until we got ready to go away from there. She said she didn't know anything about it. I heard the women talking; that is, down on the line. I told the major, and he got a little from Mrs. Frazier, that this woman ran in the garrison the night of this shooting. Said she had to get out of the town because there was shooting going on. That is the information that I learned, and I gave that to the commanding officer.

Q. Ever get any more?—A. No, sir; I was considered, I was called a hundred times a dog robber and a plmp, because of sitting around trying to get information about this affair.

Q. The feeling was against you?—A. Yes, sir; it was against me by men of the organization. If I would go in the quarters, it has happened many a time, the boys shout, "Here comes Major Penrose's dog robber." That is the way the thing went on about me in the quarters among the soldiers; because I have never run with a crowd of men since I have been in the Army. I went over there to Reno. I listened. I got in places where there was all kinds of men, all kinds of games, trying to hear something of this affair. I didn't want to be discharged. I couldn't get any ins and outs of it.

Q. That was all that you heard, what you have told me?—A. Yes, sir.

Q. Had you any reason to suspect that any of them had been concerned in it and were concealing it?—A. No, sir; because I never heard anything about it.

Q. Now, let me have your address.—A. 1601 Q street.

C.

Testimony of Thomas Jefferson.

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, February 2, 1907—2.20 o'clock p. m.

At the above place and at the date and hour mentioned appeared THOMAS JEFFERSON, late private, Company C, Twenty-fifth Infantry, who, after being duly sworn, testified as follows:

Questions by the JUDGE-ADVOCATE-GENERAL:

- Q. State your name.—A. Thomas Jefferson.
- Q. Of what company and regiment?—A. C Company, Twenty-fifth Infantry.
- Q. How old are you?—A. Thirty-four years.
- Q. Where were you born?—A. In the State of Indiana; Indianapolis.
- Q. How long have you been in the service?—A. I have been in thirteen years and ten months.
- Q. When did you first enter the service?—A. In 1892.
- Q. Has it all been in the same company and regiment?—A. No, sir.
- Q. Just tell me what your service has been.—A. Five years in the cavalry, and the rest in the infantry.
- Q. What have been your discharges?—A. My discharges? First "good," and the second one was "excellent," and my third was "good," if I am not mistaken, and the last was this other.
- Q. When did you enlist on this last enlistment?—A. I enlisted in San Francisco, January 15, on this last enlistment; 1905, I think.
- Q. January 15, 1905?—A. Yes, sir; I think that is it.
- Q. Where did you serve; tell me the stations?—A. In this last enlistment, Niobrara and Brownsville.
- Q. Ever since you reenlisted?—A. Yes, sir.
- Q. Have you ever been tried by court-martial?—A. No, sir; not on this enlistment.
- Q. Have you been confined?—A. No, sir; not on this enlistment.
- Q. When did you go to Brownsville?—A. I don't remember the month—whether it was July or August; it was latter part of July or August.

Q. What were you doing after you got there? Were the barracks all cleaned ready to go into?—A. Well, yes, sir; I think they were; I am not sure; I don't think we had to do anything to them.

Q. You did not?—A. No, sir.

Q. What were the duties each day?—A. Just policing up around the garrison, and such duties as that.

Q. Were you on duty in the quartermaster's department, on extra duty?—A. No, sir.

Q. Not on special duty?—A. No, sir; I was room orderly, company room orderly.

Q. How long?—A. Ever since I have been in the company.

Q. Were you room orderly at Brownsville?—A. Yes, sir.

Q. Did the company use more than one room for its sleeping arrangements?—A. No, sir; only one upstairs, a long building.

Q. And you were on that duty all the time?—A. Yes, sir.

Q. Did you go to drill?—A. Yes, sir; once a day with the company.

Q. Go to roll calls?—A. I would not go only to roll calls at night—at 11 o'clock and 9. The day roll calls I didn't attend them on account of the duties.

Q. Did you have any duties in connection with the gun racks?—A. No, sir; not at all.

Q. How many gun racks were there in your company?—A. If I am not mistaken, I think 4.

Q. How many were broken?—A. There was 1; I won't say positive, but I think 2. I know 1 at least.

Q. But you think there were 2?—A. To the best of my knowledge 2, I think, damaged; one broken wide open.

Q. So that you could get at the guns?—A. Yes, sir.

Q. You did no guard duty?—A. No, sir; no guard duty at all.

Q. When you went to Brownsville, did you go into the town?—A. I went down into the town just to get little things that I wanted. It wasn't very often that I went to town at all.

Q. Did you ever enter any of the saloons?—A. No, sir; I never entered no saloons; because when I went down there I heard that we wasn't allowed in saloons, so I would not bother no saloons at all.

Q. Did you walk around the town to see what it looked like?—A. Yes, sir.

Q. Several times?—A. Yes, sir. I just walked around and came right back to the post.

Q. Did anybody bother you?—A. Nobody ever bothered me, and I never had anything to say to anybody else.

Q. When did you find out that there was a rule against the use of bars by colored people?—A. Well, I have never been refused in none. I have never had no opportunity to be refused; not to my knowledge.

Q. Have you ever served near other towns?—A. Yes, sir.

Q. What was generally the rule in that regard?—A. As a general rule the soldiers went most any place.

Q. Was that the rule in Brownsville?—A. Not that I know of. I heard the men say that it wasn't the rule.

Q. You heard the men say that?—A. Yes, sir.

Q. How did the Mexicans treat you?—A. Well, the Mexicans, as far as I knew them—I never had much to say to any of them—they seemed to be a pretty nice lot of people.

Q. Were they more or less friendly than the white people?—A. More friendly; they would come around and pick up old garbage, and they seemed to be kind of friendly.

Q. As you met them out in the town, were they friendly?—A. Yes, sir; lots of them were friendly.

Q. Were any unfriendly?—A. Not that I know of. I have never heard anybody say anything about it.

Q. What was the attitude of the white people in the town?—A. I never had much to do with the white people. Only we had a band there, and they would come around, and it seemed like they enjoyed themselves while they had that band there.

Q. Was it the regimental band?—A. No, sir; just a battalion band.

Q. How often did it play?—A. They played about every other evening.

Q. Where?—A. Up on the top porch in our quarters.

Q. Did many people come to hear it?—A. Yes; a good many white people and Mexicans.

Q. Did you mix in the crowd?—A. We generally stayed up on the porch, except men in the town; the biggest majority went up on the porch and sat down.

Q. How did the men like it there, the men of the company?—A. Well, I heard a good many say that they didn't want to go down to Brownsville; that is, at Nioberara, where we had been stationed at. I don't know whether many liked it or not. A good many didn't like to go to it like any other town.

Q. Where were the towns that they didn't like to go in?—A. Brownsville is about the only one they didn't.

Q. What other towns have you served near; have you served near any other towns?—A. Not on this enlistment; but on other enlistments, Crawford, Nebr., and Leavenworth, and such places.

Q. How did the men like the way that they were treated down in Brownsville?—A. Well, sir, the way they was treated, I don't see how I could explain—

Q. What did the men say? You heard them in the barracks?—A. They didn't like it so very well.

Q. Did they talk about it a good deal?—A. Right smart. They didn't like to be down where they wasn't liked in a saloon—barred from the saloons.

Q. They complained about the way they were treated in the saloons?—A. Yes, sir.

Q. Did they complain of the way in which the white people treated them in the town?—A. No, sir; I never heard them.

Q. Did you hear about the Tate-Newton incident?—A. Yes, sir; I heard about the matter.

Q. Did you talk with him?—A. I never did see the man.

Q. Who was the soldier who was struck?—A. The soldier was a fellow by the name of James Newton, C Company.

Q. One of your own company?—A. Yes, sir.

Q. What did he say to you about it?—A. He never spoke to me about it; he spoke to some of the rest about it.

Q. What was said about it in the company?—A. They just went and reported it to the commanding officer, and said it was too bad; that is all.

Q. That wasn't what they said in the company. What did the men say in the company?—A. I don't know.

Q. You were the room orderly?—A. I know, sir; but I didn't accompany the men at all times. I wasn't paying much attention. I went up there to see about his head. I think Captain Macklin, he came up and examined it; but anything more about it I didn't hear them say.

Q. Weren't they angry about it?—A. Didn't seem to be. I never heard any man say anything angry about it.

Q. Do you remember the other man's case—the one that was pushed off the boat?—A. Reid? Yes, sir; Oscar W. Reid. I just heard he was pushed off the boat. When he come in the quarters I don't know whether his clothes were dried or not. I didn't get up there. It was night, or evening some time. I didn't hear it only about the next morning.

Q. You were not kindly received by the white people; the saloon rule was sprung on you; one man got hit over the head with a pistol; another was pushed off into the water—do you mean to say that the company was not angry about that?—A. I could not say that. I know I was not. I didn't have anything to do with it. I had my work to do.

Q. What did the others say about it?—A. I never heard them say anything about it.

Q. You were right there, hearing everything that went on?—A. No; I could not hear everything.

Q. You want to tell us all about this. Here you were the room orderly; you were in a position to hear what was said, to know what the men felt, how they felt about it.—A. General, I don't know what they felt about it; I don't know no more what they said.

Q. You heard them talking?—A. I know; I was room orderly—

Q. They were talking about it. They resented it, didn't they—they didn't like it?—A. Well, I don't know whether they did or not; their actions might have showed it; I didn't stay there long enough to know what they was saying.

Q. Where were you on the night of August 13?—A. I was in the barracks, in bed.

Q. What did you do after dinner that day? Just tell us everything you did after dinner.—A. I filled up my lamps, and got everything perfectly clean. I

gets up of a morning, then I fill my lamps, get them trimmed for night. Then I scrape around and do things until it gets dark. After it gets dark, then I goes around and light the lamps, and do everything like that, and see that things are all straight until time for lights to go out. I remain around there all the time.

Q. You stayed around all that afternoon?—A. Yes, sir.

Q. What time did you light the lamps?—A. About 6 o'clock, when it gets dark; then they stay light until 9 o'clock.

Q. Did you put them out?—A. Yes, sir.

Q. Then what did you do?—A. After the lights went out I lit the lantern and put it down aside my bed.

Q. What for?—A. For the sergeant in charge of quarters to take the light and go around to each man's bunk and see whether this man were in bed or not, and if they are out they are reported to the officer of the day that night or in the morning.

Q. Well, did you leave the lamp there?—A. I left the lamp there. I went to bed just as soon as I get the lamp lit, and I never wake up no more until that I hear shots fired.

Q. Didn't you wake up at check roll call?—A. No, sir; he is not supposed to wake you up; only to see if the men are there.

Q. Who was absent from check roll call?—A. Two men absent, I think at that time.

Q. What were their names?—A. One Sergt. George Thomas, the other William Miller.

Q. Where were they?—A. I understood in town, or around some fast woman's house.

Q. They were absent from check roll call?—A. Yes, sir; absent that night.

Q. When did they get back?—A. They got back about 2 o'clock; somewhere in the middle of the night, after 12 o'clock.

Q. Go on; what wakened you?—A. The first shots fired. I taken it to be fire alarm of the sentry in rear of the quarters. We had a sentry in rear of the quarters. I taken it to be firing, just as the sentry would do. That gets everybody up out of bed. Well, a few minutes after that I sat there on my bed, and I heard several rapid shots fired.

Q. Where were they?—A. Downstairs, seemed like. I don't know whether they was inside the garrison or outside the fence; but it seemed to be pretty close to the garrison, that is to the post. The wall divides the town and the post. It seems like they were on that side of the wall, or on this side—I couldn't tell which. They seemed to be very fast. Well, then I just—everybody when we heard the firing got up quick. "To arms" went, and everybody jumped for the gun racks; Well, the gun racks then was locked. Sergeant Brawner had the keys, and he was supposed to be there in an instant to open the racks.

Q. What about the racks—two were broken, you said?—A. They were broken after the call went, the fire call went.

Q. How did you know they were broken after the fire call went?—A. The men there broken open the rack after call went.

Q. But they had been broken all along, hadn't they?—A. No, sir; not all along. When I told you they were broken before I thought—

Q. Who was the noncommissioned officer in charge of quarters?—A. Sergeant Brawner.

Q. He was there?—A. It was a long time before he came there. I don't know how long. Major Penrose came around and told the men to get them gun racks open. The men says, "We can't find the sergeant in charge of quarters." It was quite a little while and they couldn't find him yet. Some of the men taken axes and bust the gun racks open. They went downstairs. We had a quartermaster's sergeant named McMurray, George McMurray. He got the ammunition, and Lieutenant Grier, he taken command of the company, and we stayed out there waiting for orders.

Q. Did you go to roll call?—A. I went there and stayed until order to stay in the quarters.

Q. The shots continued all this time?—A. No, sir; they had ceased. Understand, that D Company was out before C Company got its firearms. Two companies was out before ever we got out.

Q. Where was the first sergeant of your company?—A. We had an acting first sergeant; our real first sergeant was up to target practice in Oklahoma some place. We had an acting first sergeant.

Q. Did the company form and wait?—A. After they got their guns; yes, sir.

Q. Who were absent?—A. Them same two men, Sergeant Thomas and Corporal Miller.

Q. What other men?—A. That was all in my company, them two men.

Q. How much time was there from the time you woke up until the time the company formed?—A. I could not say. It was a terrible long time.

Q. A long time?—A. Yes, sir; a terrible long time. I never see anything move so slow. Men moved so slow; the noncommissioned officers were slow. It was a long time before ever they got out.

Q. You don't know, then, whether any men that were absent could have gotten back just as the company formed?—A. No, sir; only them two men was absent, Sergeant Thomas and Corporal Miller.

Q. What did they do then, after the company formed?—A. After the company formed they got orders to start across, round the inside of the garrison, inside the wall, rather.

Q. How long did they stay there?—A. Stayed until morning.

Q. When were the guns inspected?—A. That I couldn't say—only one company I seen.

Q. Your own company we are talking about; your own company?—A. I don't know whether they was inspected right or not. They must have been inspected when they went inside the quartermaster's room.

Q. Who did that?—A. The captain.

Q. When?—A. When he come there.

Q. When did he come there?—A. He come there way after the thing, the trouble, was on; because Lieutenant Grier he had our company; I don't know just exactly—

Q. Lieutenant Grier?—A. I think that is his name.

Q. Did he inspect the arms?—A. No; I think the captain come and relieved him.

Q. How long after the company formed?—A. The captain didn't have the company; he was supposed to have been officer of the day. He came over and ordered the guns in the quartermaster-sergeant's room.

Q. When was that?—A. That was way after Lieutenant Grier had had us.

Q. Before daylight?—A. That was before daylight. No, sir; that wasn't before daylight, either; that was after daylight.

Q. The guns were inspected after daylight?—A. After daylight.

Q. Who inspected them?—A. Captain Macklin.

Q. Had any of them been fired?—A. He reported none had been fired. I don't know myself; the report was none had been fired.

Q. What is your best recollection of it; had any been fired or not?—A. General, I don't know; I couldn't say.

Q. Did you never hear it mentioned in the company?—A. No, sir; I went round and tried to listen, and tried to seek and find out. Every crowd I seen I tried to get in to see what I could hear. I couldn't hear nothing of the trouble at all.

Q. Did men who were talking stop talking when you came around?—A. Well, they wasn't talking on no subject of that kind; I tried to listen.

Q. When you tried to listen, did they keep on talking?—A. They kept on talking, but they did not talk about any trouble at all.

Q. Were there any men on passes?—A. Well, I think there were several men on passes, if I am not mistaken.

Q. That is, on written pass? What was the permission for the men to be out—that is, until what hour every night?—A. When they write out a pass, they can be absent all night.

Q. No; leaving out written passes; on the general permission to be out?—A. We never have no passes on that; all ours are written passes.

Q. Couldn't you walk out in the town?—A. Oh, yes, sir; 11 o'clock; after 11 o'clock, when the call goes, you are supposed to be in; or a little before the call.

Q. Were the men out often up to 11 o'clock, any of them?—A. I suppose a few might have been out.

Q. On the 13th of August, when this thing occurred, were men out that evening?—A. No, sir; because the order was, from Major Penrose, that evening at 6 o'clock, for every man to be in the barracks or garrison at 8 o'clock. Those orders were received that evening at retreat; that every man in the garrison, member of the battalion, should be in barracks or quarters by 8 o'clock.

Q. How many were out after 8 o'clock?—A. That I couldn't tell you—whether they got them all in or not; except them two men of my company.

Q. Was any patrol sent out?—A. I understood there were, but I didn't see any.

Q. Did you hear whether any men were brought in by the patrol?—A. Not that I know of; I didn't hear that.

Q. Was the roll called when "To arms" was sounded?—A. Yes, sir.

Q. Who called it?—A. Our acting first sergeant, named Harley.

Q. That was some time after "To arms" was sounded?—A. When "To arms" was sounded we got our rifles, and roll was called then.

Q. You said it was a long time—how long after?—A. Yes, sir; a long time before we gotten down there.

Q. Was it ten or fifteen minutes?—A. I don't know; it seemed to me it was longer than that; to the best of my recollection I believe it was fully half an hour. It may have been over that; they were mighty slow.

Q. Had the firing continued all this time?—A. No, sir; not to my knowledge.

Q. How long did it last?—A. I judge it must have lasted about as fast as you can fire a rapid-firing pistol; about two or three minutes, I guess; maybe a little longer than that.

Q. Did no O Company men come back while you were getting the arms out?—A. Not that I know of.

Q. Were you where you could see them?—A. Right at the head of the steps. After I was ordered to come back I was with the sergeant; we seen that every man gets his rifle out of the rack.

Q. If any man did come from the outside and come up the steps you would have seen him?—A. Yes, sir; most of them got out of bed—all of them got out of bed that I seen.

Q. You don't know whether they were all there?—A. I don't know myself.

Q. Did they come from around the room to where you were to get the guns?—A. They had a rack on this side—two racks on this side, and two on that.

Q. And you and the sergeant stood at the head of the steps?—A. Yes, sir; we stood at the head of the steps.

Q. How many men came up while you were standing there?—A. Not any.

Q. None came up?—A. No, sir.

Q. How long did you stand there?—A. I stood there—I went down to roll call and they told me not to come down. That is when the firing commenced, when I went down; the company was falling in—

Q. How many guns were in the racks when you came back upstairs?—A. I don't know, sir.

Q. You became responsible for them, didn't you? How many were in the racks when you came back upstairs from this roll call, after "To arms" was sounded?—A. I never noticed.

Q. Were there any?—A. I didn't look and see.

Q. There was but one gun for each man; if any guns were there somebody was absent?—A. Yes, sir.

Q. Did you see any guns?—A. I never noticed. I had never noticed the racks after we had got the guns out. Being that these two men were out, there must have been two guns in the rack.

Q. What did you do afterwards—after you came back upstairs?—A. I stood right by the sergeant in charge of quarters.

Q. Who was the sergeant?—A. Sergeant Brawler.

Q. The next day, and the days following this affair, was it talked about in the company, or not?—A. Yes, sir; that is, kind of talked about—who had done it and such as that.

Q. And what did you hear about it?—A. The only thing that I did hear, the men wanted to know where the sentry was that night, that was on that post; that was discussed; that I heard. Where was the sentry on that post that night? It seemed to them that he should know something about it.

Q. Who was the sentry?—A. If I am not mistaken; I won't say true; if I don't mistake, the man was named Rogers, O Company; I think he is the man; I may be mistaken.

Q. What else was said about it in the company? There must have been something more said; you must have talked about it a good deal.—A. General, I didn't follow the men to see what they was talking about; they generally would be talking about something else. Whether they was scared of me, I don't know. I was a man that didn't believe in no trouble like that and never was into any, and I would tell if I did hear or see it myself, but I didn't.

Q. Have you ever been a noncommissioned officer?—A. Yes, sir.

Q. Have you in this enlistment?—A. No, sir; the places have been filled up.

Q. You have been a private through this enlistment?—A. Yes, sir.

Q. Had you any expectation of being appointed?—A. Yes, sir; I was a non-commissioned officer before and just went out, that is all; stayed out the length of time.

Q. Then, I understand that there were some men in the company who were talking about this matter that avoided you?—A. Well, I don't know whether they was talking about it.

Q. What is your best knowledge about it?—A. They might. They might have been.

Q. Might have been what?—A. Might have been talking around about like that; they didn't say anything about it when I come up.

Q. Didn't you see them getting together, talking, here and there, three or four of them in groups?—A. Well, as you say, there might have been men getting up to one side and talking. Some men wouldn't let you hear anything. I might have been one of the men that they wouldn't let hear anything. I always attended to my own business. I went by myself and never bothered with any of them.

Q. Weren't there some men in your company that would be likely to get into trouble like that; those who were not so quiet as you were?—A. There might be.

Q. You know all about the men in the company, don't you?—A. No; I don't know.

Q. You know all about the men in the company?—A. Yes, sir; I know we have got some pretty noisy men; men that gets into trouble and gets court-martialed pretty often, and such as that.

Q. What were those noisy fellows doing? What were they doing all this time?—A. They was there in bed.

Q. What were they doing on the days after this thing occurred, when it was known that this thing had happened?—A. They were just jollyng and hurrahing—that is, laugh and talk hurrah about it.

Q. What do you mean by "hurrahing" about it?—A. Cracking jokes and laughing, and all such as that. Other people might possibly know what they meant; those who did not know, they could not say anything or suspicion anything.

Q. You have an idea in your mind that some of these men were out that night?—A. Well, General, I don't know about that.

Q. You knew the company before this thing happened, and you know by their difference in demeanor that some of these men knew something about it and were out that night; that is, by the way they behaved after the thing had gotten out. Now, remember, you are under oath; you are under oath to tell the truth, the whole truth, and nothing but the truth. Now, what have you to say about them?—A. Well, sir, I have nothing to say about them. I don't believe that men of C Company were out, or some men of other companies. I actually don't believe that men of C Company did this. I won't say that there ain't a man in the organization that wasn't in it. That all men are innocent. I actually believe no man of C Company did it.

Q. C Company was no better than any other company, was it?—A. I know, sir; but it seemed as though they didn't get out there in time, didn't seem like to me, to do anything like that. Everybody else was out there but C Company. Everything, seemed like to me, was over when C Company went down. They were so slow. The noncommissioned officers were so slow. Sergeant McMurray, Sergeant Brawner, don't do nothing promptly. Sergeant Brawner didn't come to the rack for fully twenty-five minutes. The men stand around in the dark. First Sergeant McMurray wouldn't give out ammunition until he got orders from the officer—that is, Lieutenant Grier. The first sergeant had to go out on the parade ground to get another to command the company; he wouldn't take the responsibility upon himself.

Q. You remember when the inspector came down there—Major Blocksom—down to Brownsville?—A. Yes, sir.

Q. When he talked with the men about it when he was there?—A. Yes, sir.

Q. What did they say about that in the company? He was down there to find out about it.—A. He examined only a few men in the company; those men who didn't know nothing about it. I don't know who in the world he examined. He only examined but a very few men. I know he never did examine me. He only examined a few men in the company; and I never heard them say whether they was examined or not. I never heard any one of C Company that was examined. If any of C Company was examined, I don't know it.

Q. After Major Blocksom had been there a few days, you must have heard that it was reported that the men did it?—A. Yes, sir; I heard first that the citizens did it; afterwards I heard that the soldiers did it.

Q. What do you think of that?—A. Well, sir; I didn't know what to think of that; I didn't believe it myself. After the first report was made I didn't believe it.

Q. What reason had you for disbelieving it?—A. Just because I thought it was a false report; that maybe the citizens might have done it for revenge or something of that kind. Maybe they don't want us there. That is the reason I didn't believe the soldiers did it.

Q. What was said in the company about the charge that the soldiers did it?—A. I don't know, sir.

Q. You heard them talking about it?—A. I heard them say they don't believe the companies did it; they didn't believe the men of the company did it.

Q. Did anybody go and see the captain and tell him of it?—A. No, sir; it seemed like the captain should have known about it as much as the men.

Q. The captain was not there?—A. He was supposed to be there.

Q. He wasn't in the barrack room?—A. He was supposed to be officer of the day that same night; he should get out the same as anybody else; he was officer of the day.

Q. Were there a number of old men in the company, in C Company?—A. Well, yes, sir; we had several old men in C Company. Well, we had only one right old man, the quartermaster-sergeant; he didn't only have about six years, and he was about 64 years old, but the other men had maybe twenty and fifteen, eighteen and twelve years in the service.

Q. Were there many recruits?—A. Well, the youngest recruits we have just come there a little bit before we got discharged. Several men in the company had served two enlistments.

Q. Did you know the men in their first enlistment?—A. A few, but they were men who were discharged in about three to six months.

Q. Now, from the 13th of August, when were you discharged? What was the date of your discharge?—A. I was entitled to be discharged the 15th day of February, 1908; 1908 I would have been discharged.

Q. Do I understand you to say that you never had any reason to believe that any man in the company was connected with it?—A. No, sir; I don't believe that no man had any connection with it.

Q. Why do you believe that?—A. It seems to me I believe it because of my eyesight and knowledge. Every man seemed to have been there to get his gun. Every man was at retreat, except that sergeant and that corporal. That is the way I judge it. I know there was nobody come up those stairs.

Q. Do you know that you wakened up at the first shot?—A. Yes, sir.

Q. Then where did you go?—A. I stayed right in my bunk.

Q. What did you do next?—A. I put on my clothes and stayed there until the rest of the men got up and call to arms went.

Q. Could you see the head of the stairs?—A. I slept, just like them books there (indicating bookshelf a few feet away) were the stairs, here's my bunk (pointing to waste-paper basket—a little way from the bookshelf).

Q. How far away from the head of the stairs?—A. I don't think I was over 2 feet away from the head of the stairs.

Q. Did nobody come up the stairs?—A. Nobody came up the stairs.

Q. What is your address here? Where can you be found?—A. My address is 20 McCullough street NW., near the new station.