

*U.S. War dept.*

CHARGES OF CRUELTY, ETC., TO THE NATIVES OF THE  
PHILIPPINES.

LETTER FROM THE SECRETARY OF WAR RELATIVE TO THE  
REPORTS AND CHARGES IN THE PUBLIC PRESS OF CRUELTY  
AND OPPRESSION EXERCISED BY OUR SOLDIERS TOWARD  
NATIVES OF THE PHILIPPINES.

FEBRUARY 19, 1902.—Ordered to be printed as a document.

WAR DEPARTMENT,  
*Washington, February 17, 1902.*

DEAR SIR: In reply to your letter of Saturday, the 15th instant, received yesterday, asking information regarding the reports and charges in the public press of cruelty and oppression exercised by our soldiers toward natives of the Philippines, I send you a number of documents which I think will furnish the information you wish. Every report or charge of this description which has at any time been brought to the notice of the War Department has been made the subject of prompt investigation; and among the inclosed papers you will find the records of thirteen such inquiries in which the results have been reported. You will perceive that in substantially every case the report has proved to be either unfounded or grossly exaggerated. The particular report which was called to the attention of the Senate last week, viz, that the "water cure" is the favorite torture of the American, and especially of the Macabebe scouts, to force the natives to give information, and that a soldier who was with General Funston had stated that he had helped to administer the "water cure" to 160 natives, all but 26 of whom died, was already under investigation, which is still in progress.

I inclose a copy of a letter received from General Funston, dated February 2, 1902, in which he declares the statement to be an "atrocious lie without the slightest foundation in fact;" and a letter from Lieutenant Batson, the commander of the Macabebe scouts, to the same effect.

As to orders governing our soldiers in the Philippines, I send you a copy of the instructions for the government of armies of the United States, promulgated under President Lincoln by General Orders, No. 100, of 1863. These rules have been republished from time to time in separate form and furnished to every commissioned officer of the Army, both regulars and volunteers, and are to-day, as they have been at all times since 1863, the practical and effective guide and rule of

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CHARGES OF CRUELTY, ETC., TO FILIPINOS.

conduct to which every officer understands that he must conform. Among these rules you will find the following:

RULE 16. Military necessity does not admit of cruelty—that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions. \* \* \*

RULE 44. All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force; all rape, wounding, maiming, or killing of such inhabitants are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense. \* \* \*

RULE 56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering or disgrace by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

RULE 75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. \* \* \*

RULE 80. Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the modern law of war permits no longer use of any violence against prisoners in order to extort the desired information or to punish them for having given false information.

I send you also copies of eighteen orders, issued at different times and under different commands in the Philippines, for the observance and enforcement of these humane rules, calling particular attention to the order in the Department of Southern Luzon, dated June 5, 1900; in the Department of the Visayas, dated June 26, 1900, and in the Department of Northern Luzon, dated July 14, 1900.

I send you a memorandum of 44 officers, soldiers, and camp followers who have been tried, and 39 of them convicted, for violation of such orders as are above described.

The war on the part of the Filipinos has been conducted with the barbarous cruelty common among uncivilized races, and with general disregard of the rules of civilized warfare. They deliberately adopted the policy of killing all natives, however peaceful, who were friendly to our Government, and in literally thousands of instances these poor creatures, dependent upon our soldiers for protection, have been assassinated.

The Filipino troops have frequently fired upon our men from under protection of flags of truce, tortured to death American prisoners who have fallen into their hands, buried alive both Americans and friendly natives, and horribly mutilated the bodies of the American dead. That the soldiers fighting against such an enemy, and with their own eyes witnessing such deeds, should occasionally be regardless of their orders and retaliate by unjustifiable severities is not incredible. Such things happen in every war, even between two civilized nations, and they always will happen while war lasts. That such occurrences have been sanctioned or permitted is not true. A constant and effective pressure of prohibition, precept, and discipline has been maintained against them. That there has been any such practice is not true. The cases have been few and far between, scattered infrequently over a great area of country along the course of three years of active conflict, through thousands of engagements, and among many thousands of troops. That these occasional cases have characterized our Army or its conduct is not true, any more than the deeds of lawless violence which constantly occur in every large city characterize the people of the city. The war in the Philippines has been conducted by the American Army with scrupulous regard for the rules of civilized warfare, with

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careful and genuine consideration for the prisoner and the noncombatant, with self-restraint, and with humanity never surpassed, if ever equaled, in any conflict, worthy only of praise, and reflecting credit upon the American people.

I send you a number of extracts from reports and court-martial proceedings, illustrating the character of insurrectionist warfare.

Very truly, yours,

ELIHU ROOT,  
*Secretary of War.*

Hon. HENRY CABOT LODGE,  
*Chairman Committee on the Philippines,  
United States Senate.*

*Inclosures.*

Exhibit A.—Copy of Brigadier-General Funston's letter, dated February 2, 1902.

Exhibit B.—Copy of Capt. Matthew A. Batson's letter of January 29, 1902.

Exhibit C.—Records of 13 inquiries regarding reports of cruelty.

Exhibit D.—Rules for government of armies in the field.

Exhibit E.—Eighteen orders issued for observance and enforcement of rules mentioned in Exhibit D.

Exhibit F.—Schedule of trials and convictions.

Exhibit G.—Extracts from reports and court-martial proceedings, illustrating the character of insurrectionist warfare.

EXHIBIT A.

KANSAS CITY, Mo., February 2, 1902.

SIR: My attention having been called to an extract from an article published in the City and State, of Philadelphia, January 2, 1902, I wish to make the following comment:

In this extract it is alleged that a soldier who claims to have been with me in the Philippines made the statement that he had helped to administer the "water cure" to 160 natives, all but 26 of whom died. This statement I wish to brand as an atrocious lie, without the slightest foundation in fact. During my service of three years in the Philippines I never had personal knowledge of the so-called "water cure" being administered to a native, or any other form of torture being used to extract information from them.

Statements of this kind made by returned soldiers are simply braggadocio, and a desire to attract attention to themselves. It is my belief that the "water cure" was very rarely, if ever, administered by American soldiers. It was a matter of common knowledge that occasionally the Macabebe Scouts, when not under the direct control of some officer, would resort to this means of obtaining information as to the whereabouts of concealed arms and ammunition. They did this, however, on their own responsibility and without orders from their superiors. It was utterly impossible to prevent a few offenses of this kind by the Macabebes, as they were merely repaying the insurgents for worse treatment received by them in the past.

The so-called "water cure," as it has been described to me by Macabebe soldiers, was by no means so severe an ordeal as would be indicated in the extract mentioned. The method was merely to throw a native on his back, hold his nose with one hand, and pour water down his throat from a canteen or other vessel. It occasioned nothing more than a few moments of strangling, and never resulted fatally.

I never heard of its having been administered to a native by a white man.

Very respectfully,

FREDERICK FUNSTON,  
*Brigadier-General, U. S. Army.*

The ADJUTANT-GENERAL, Washington, D. C.

## EXHIBIT B.

WASHINGTON, D. C., January 29, 1902.

SIR: Referring to an article published in the City and State, Philadelphia, January 2, 1902, alleging the use of the "water torture" as a means of extorting information from the natives in the Philippines by our troops, and especially Macabebe Scouts, I desire to make the following comments:

The first company of Macabebe Scouts was organized by me in September, 1899. This force was subsequently increased until I had under my command five companies, numbering 640 men. I was in command of these scouts until the latter part of November, 1899, being relieved on account of a wound received at Aringay. These men were in May, 1900, reorganized and officially designated Squadron Philippine Cavalry, though they were generally known as "Macabebe Scouts." Upon the reorganization I was again placed in command of them, and remained in command until these men were finally discharged from the service, in July, 1901.

At this time there were other bodies of scouts known as Macabebe Scouts, about the discipline and conduct of which I know nothing, as I never came in contact with them.

During the time that I was in command of these native troops the practice of torturing natives to obtain information was neither sanctioned nor practiced. On the contrary, it was prohibited under pain of severe punishment. I not only did not "knowingly allow it," but from the time I organized the first company of natives until my command was discharged, in July, 1901, my officers and men were strictly prohibited from mistreating prisoners or "piasanos" in any way.

From time to time charges similar to that made by Mr. Kennan in the article referred to have been made against my scouts. These charges have invariably been thoroughly investigated, and have nearly always been found to be without foundation. As a rule, these charges have not been made to me as commanding officer of the scouts, but have been sent direct to the division commander, and in a great many cases special inspectors have been sent out to investigate. These inspectors have always been given every assistance by myself and officers to get at the truth, and the natives encouraged in every way to make known any cruelty practiced against them. It has generally been found that the natives have been scared into making these charges, first, by insurgent officials, who sought that method of arousing the natives by telling them of the barbarous treatment that they would have at the hands of the Macabees, and, second, by American officers, who tried to intimidate the natives by threats of Macabebe vengeance. I am glad to be able to say, however, that those charges have almost invariably gone before my command, and not followed it. In proof of this I would call attention to the petitions which have been in a number of cases—but notably at Abando and at Montalbon—submitted, in which the natives have appealed to the department commander not to remove my command from their towns, as we had always afforded them absolute protection against "ladronism" and outrages of all sorts, and that my men, as they expressed it, treated them like brothers. I request that the Adjutant-General also compare the records of courts-martial of men in my command with those of the Army in general, both in the United States and in the Philippines.

I have heard a great deal about the "water torture," or "water cure," as it is generally called, and I do not doubt that it has been applied in a few cases. Outrages will be committed in any army in the world. They have been committed against our own citizens in our own country by our own soldiers. But I know that such methods were not sanctioned, as alleged in the article referred to, by the military authorities in the Philippines, and that when proof could be obtained that such methods had been practiced the offenders were promptly brought to justice.

Indeed, after nearly three years' service in the Philippines, I can conscientiously say that I believe the treatment which the natives received at the hands of the military has been extremely humane and tolerant.

Very respectfully,

MATTHEW A. BATSON,  
Captain, Fifteenth U. S. Cavalry.

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

## EXHIBIT C.

No. 1.

Mr. T. J. Henneberry, of Elkhart, Ill., in a letter to the President, dated April 5, 1899 (223308 A. G. O., 1899), incloses a newspaper clipping originally published in

the Clark County Democrat, which prints an extract from a letter of Private Edward Gard, Battery L, Third United States Artillery, which stated that it was the practice of soldiers in the Philippine Islands to put to death insurgent wounded and prisoners. This letter was referred to General Otis for investigation on April 18 1899. The report of the soldier's commanding officer is as follows:

[Fourth indorsement.]

MALOLOS, P. I., June 3, 1899

Respectfully returned.

Edward Gard is a private in this battery, and I inclose herewith his own statement concerning the letter to his mother published in the Clark County Democrat of March 29. It is not unusual among enlisted men—in fact, quite the contrary is true—for them to boast of what they have done. The most ridiculous stories are current about camp after every important engagement. Sometimes there is a basis of fact, but the stories gain in the repeated tellings until their own improbability proves their utter falsity, as in the case of the story herein referred to. Private Gard has admitted to me that never during our whole campaign in the Philippines has he seen a soldier strike a native with the butt of his gun, and I can say in addition that such a thing could not occur in Battery L without being reported to me. The battery is divided into four sections, each under a sergeant that would not countenance such an act. Further, each squad is in charge of a corporal or an acting corporal, who is held to strict accountability for the performance of any act outside the line of duty. I have been with the battery in every engagement during this war and I have never seen any member of it or of the Third Artillery perform an act of inhumanity, while numerous instances of kindness to the captured or wounded enemy have come to my notice. Private Gard, to account for his having written the letter to his mother, says he heard some soldiers of another regiment talking about the way they used the butts of their guns, and so when he wrote he told the story so as to include himself. The whole thing is simply the fiction of an ignorant soldier.

P. M. KESSLER,  
Second Lieutenant, Third Artillery, Commanding Battery L.

The statement of Private Gard to the officer conducting the investigation was as follows:

BATTERY L, THIRD ARTILLERY,  
Malolos, P. I., June 3, 1899.

The COMMANDING OFFICER,  
Battery L, Third Artillery.

SIR: In reference to the letter written by me and published in the Clark County Democrat of March 29, 1899, I would state that my statement contained therein—that if we found one still living we put the finishing touch on him with the butt end of our guns, etc.—is an exaggeration. The letter was written to my mother without the slightest idea that it would be published, and hence it was colored to suit my own fancy.

EDWARD GARD,  
Private, Battery L, Third Artillery.

[Fifth indorsement.]

HEADQUARTERS BATTERIES THIRD ARTILLERY,  
Malolos, Luzon, P. I., June 4, 1899.

Respectfully returned, inviting attention to fourth indorsement and inclosure.  
The treatment of wounded and unwounded prisoners has been in every respect kind and humane. I have had exceptional opportunities for knowing this.

W. A. KOBBÉ,  
Major, Third Artillery, Commanding.

## No. 2.

A letter dated West Alexander, Pa., April 6, 1899, addressed to the President, from Mr. R. M. Carson, incloses a clipping which asserted that outrages were being committed by United States troops against the insurgents, the newspaper clipping referring more especially to the conduct of the First Washington Volunteer Infantry.

This paper was referred to General Otis on April 18, 1899, for investigation, and was returned by him with report as follows:

MANILA, P. I., May 29, 1899.

Respectfully returned to the Adjutant-General of the Army. The inclosed newspaper clipping professes to report actions of the Washington Volunteers. While there is little truth in letters written by soldiers to their homes—especially by those who wish to impress their friends by their individual prowess—the conduct of the Washington Volunteers has been the subject of special investigations for some time. They deny wanton burning or cruelties, and still there are strong indications that they practiced those infractions to some extent. However, the number of prisoners captured on February 5 and during later engagements and the care they have received from the United States authorities show that the Army is practicing humane sentiments. We still hold a large number of prisoners and are releasing them gradually as their friends and acquaintances vouch for their future good conduct. Those now captured are turned loose unless they be officers of rank and importance.

E. S. OTIS,  
Maj. Gen., U. S. V., Commanding.

No. 3.

A newspaper clipping received at Headquarters Department of the Pacific and Eighth Army Corps, purporting to publish a letter from Capt. Albert Otis, First Washington U. S. Volunteer Infantry, in which that officer admits the improper disposition of private property and the destruction of other private property, was referred to the commanding general First Division, Eighth Army Corps, for investigation and report, as to whether the letter purporting to be from Captain Otis was in fact such, or whether the statements contained in the extracts could be verified, and if so Captain Otis was to be brought to speedy trial before a court-martial. The matter was investigated by the inspector-general of the First Division, Eighth Army Corps, whose report thereon is as follows:

OFFICE OF THE INSPECTOR-GENERAL,  
FIRST DIVISION, EIGHTH CORPS,  
Manila, P. I., June 9, 1899.

ADJUTANT-GENERAL FIRST DIVISION.

Sir: I return herewith statement of Capt. A. H. Otis, First Washington Volunteer Infantry, relative to the clipping inclosed, supported by the affidavit of the first sergeant of his company. He had no lieutenants on duty with his company at the period in question.

As seen, he denies all knowledge of such letter and that any conditions as stated ever existed. He was in Santa Ana but one night, and that night was passed in the street and without quarters.

I was myself twice in his quarters in Paco before his company was moved to Pasig, and certainly saw no indications of grand or any other pianos, nor any evidence of loot of any kind. The quarters were very plainly furnished, and what furniture there was was left (so Captain Otis tells me) by Lieutenant-Colonel Dubose, of the First California Infantry, and a rental of \$8 Mexican per month was paid to its owner for the use of it. The only piano that Captain Otis has had any connection with during his service in Paco is one which was found in the street and which has been unclaimed by its owner. It had been looted by Chinos, who had been unable to get away with it and had dropped it in the street.

Captain Otis had it placed under shelter and has made report of the matter to the quartermaster's department three different times (twice verbally and once by letter), with request that it be taken off his hands, but was told to let it remain where it was for the present. This statement is confirmed by Capt. C. C. Wolcott, chief quartermaster First Division. When the property of his company was moved to a new storehouse the piano was moved also, and is now there subject to order. The request that the quartermaster's department take charge of it, made by letter, was dated May 27.

I am convinced that this published letter was written by someone with intent to do harm to Captain Otis's reputation, and that his name, if signed to it, has been forged. Who may have done this can only be found out, if at all, through the newspaper which published the article. Certain conditions of affairs exist in the First

Washingtons which have been the subject of an investigation by Lieutenant-Colonel Miley, inspector-general, and in all probability the author of this letter will be found among those individuals who have caused trouble in other directions.

Very respectfully, your obedient servant,

C. G. STARR,  
*Major, Inspector-General, U. S. Volunteers.*

Captain Otis made the following statement:

PASIG, P. I., June 2, 1899.

Major STARR,

*Inspector-General First Division, Eighth Army Corps, Manila, P. I.*

SIR: In response to a conversation with you this date, I have the honor to submit the following statement:

First. After the capture of Santa Ana, on February 5, 1899, I was ordered to escort prisoners of war from Santa Ana to Manila. I left Santa Ana at 12.30 p. m., having been in Santa Ana about an hour. During that hour I was in conversation with General King and Major Weisenberger and also collected the prisoners, formed my company, and received my instructions relative to the prisoners. I did not return to Santa Ana until 12 o'clock p. m. Monday night, the 6th. Bivouacked in the street that night in front of quarters of Colonel Wholley. The next day (7th) I was engaged principally in moving my company from one place to another in a vain quest for quarters, resulting finally in being ordered back to Paco temporarily. During that entire time the only pianos I recollect of seeing were in the quarters of Colonel Wholley. At no time did I have any pianos in my possession, nor did I give or receive any orders regarding any piano or pianos. On February 5, while talking with an officer in Santa Ana, two pianos were taken from a house near the church and across the street from Colonel Wholley's headquarters, and brought out into the street. I had nothing whatever to do with them and do not know by whose orders they were moved nor what disposition was made of them. This was while the houses on that side of the street were being burned and prior to my departure with the prisoners.

Second. In regard to "six horses and three carriages." After my return to Paco the men gathered up all stray horses and carriages abandoned by the natives. These, in most cases, were returned to the owners on their appearing and claiming them. This could be done, as the men knew most of the parties personally, having been stationed there since January 5. I had left unclaimed three horses, one quilez, one caramata, and one market cart. These, pursuant to published orders, I turned in to the department quartermaster, taking receipt therefor. I was then issued two horses, one market cart, and one harness. These and a bull cart issued by regimental quartermaster constitute the transportation now on hand.

Third. In regard to "enough small plunder for a family of six." I can only say that I have none now nor have I had any at any time. There was at various times in my quarters in Paco small articles, such as a harp, left behind by Lieutenant-Colonel Dubose, of the First California; a bag taken by him from Chinamen, containing some dishes. The harp was claimed and identified by and delivered to a native woman. The bag (a gunny sack) of dishes were badly broken and wholly worthless. The lot was thrown on the rubbish pile as of no value whatever.

In obedience to orders given me, I searched the houses in East Paco for arms and ammunition. All due precautions were taken to prevent looting. I do not make a practice of writing such statements as the one credited to me, and respectfully submit to you the improbability of my making false and injurious statements regarding myself.

I have no information as to the origin of this statement.

Very respectfully,

A. H. OTIS,  
*Captain, First Washington Infantry, U. S. Volunteers.*

I further desire to state that I did not write this letter nor have I ever at any time made any such statements; and, further, that they are groundless.

Respectfully,

A. H. OTIS,  
*Captain, First Washington U. S. Volunteers.*

First Sergt. Milo C. Corey, Company A, First Washington Infantry, U. S. Volunteers, made the following sworn statement:

PASIG, P. I., June 2, 1899.

Milo C. Corey, being duly sworn, deposes and says:

On the 4th day of February, 1899, he was and has at all times since been the first sergeant of Company A, First Washington Infantry, U. S. Volunteers, and that he has been on duty with his company continuously since that date.

He was with the company at Santa Ana while it was commanded by Capt. A. H. Otis, and that he was with and near him during the entire time the company was in Santa Ana. At no time did he see, hear, or know of any orders being given by Captain Otis regarding any pianos or other property. During the stay of the company in East Paco the enlisted men of the company gathered up a number of horses and several quilezes and caromatas which had been abandoned by the natives. These were delivered to their owners whenever claimed and satisfactory proof established as to ownership. This was possible from the fact that many of the parties were personally known to members of the company.

He detailed the men who took 3 horses, 1 quilez, 1 caromata, and 1 market cart to the depot quartermaster; 2 horses, 1 market cart, and 1 harness were then issued to and are now in possession of the company; he had constant access to the quarters of Captain Otis during the entire time the company was at East Paco; he had every opportunity to hear and observe, and that he neither saw nor heard of Captain Otis having "plunder" in his possession at any time; strict orders were issued by Captain Otis against looting and every effort made to suppress it and preserve order.

And further deponent saith not.

MILo C. COREY,

*First Sergeant Company A, First Washington Infantry, U. S. Volunteers.*

Subscribed and sworn to before me this 2d day of June, 1899.

C. T. SMITH,

*Captain, First Washington Infantry, U. S. Volunteers.*

*Summary Court Officer.*

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Under date of June 1, 1899, the commanding general, Department of the Pacific and Eighth Army Corps, called the attention of the commanding general of the Second Division of the Eighth Army Corps, to the statement of Corpl. Guy Williams, Company E, Fifty-first Iowa, U. S. Volunteers, as to the looting of the village of San Roque. The matter was investigated by the inspector-general, Second Division, Eighth Army Corps, whose report is as follows:

HEADQUARTERS SECOND DIVISION, EIGHTH ARMY CORPS,  
OFFICE OF THE INSPECTOR-GENERAL,  
*San Fernando, P. I., June 6, 1899.*

The ADJUTANT-GENERAL, SECOND DIVISION, EIGHTH ARMY CORPS,

*San Fernando, P. I.*

SIR: I have the honor to submit the following report of an investigation made by me, in compliance with the orders of the division commander, of a certain statement alleged to have been made by one Guy Williams, of the Fifty-first Iowa Infantry, U. S. Volunteers, in reference to the looting of a village (name not given), after its abandonment by the native inhabitants, by the Fifty-first Iowa Regiment (date not given), which statement was published in a newspaper (designation, place of publication, and date of issue of the newspaper not given).

I interviewed one Corpl. Guy Williams, Company E, Fifty-first Iowa Infantry, U. S. Volunteers, who stated, in reply to my questions, that he did write a private letter to his brother, Mr. Flor Williams, of Burlington, Iowa, in which he made statements to the effect quoted in the telegram which formed the basis of my investigation; that he did not write the letter for publication, but that it appears that his brother showed it to a newspaper man, who published it in a Burlington paper, he thinks in the Burlington Hawkeye; that what he said in his letter may have been exaggerated by the newspaper, but that it was of the same tenor, except that he does not think he mentioned a piano; that he referred to the village of San Roque, near Cavite, which was deserted by the insurgents and occupied by the Iowa regiment in the early part of February, 1899; stated that the statement is substantially true, but that the men did not find or take anything of great value; stated that this was the first time his regiment took the field against insurgents; that they were ordered out suddenly, and that he does not think any instructions were given not to loot. The foregoing statements were read to him and pronounced correctly taken down.

Capt. Charles W. Mount, commanding Company E (Corporal Williams's company), Fifty-first Iowa Infantry, U. S. Volunteers, stated that the village of San Roque was looted by the Iowa regiment and the other troops stationed at Cavite; that the men helped themselves to what they found, and destroyed articles of property they could not use; that the colonel and other field officers did not exert themselves to stop it, and that, while he disapproved of what was done, he did not feel called upon under the circumstances to do anything about it; stated that Major Rice, of the California

Heavy Artillery, commanded the outpost at San Roque, of which two battalions of the Fifty-first Iowa formed a part; also, that the insurgents burned a large part of the town before abandoning it. The foregoing statements were read to Captain Mount, and pronounced by him to be correctly recorded.

I next interviewed Lieut. Col. M. Miller, commanding the Fifty-first Iowa Infantry U. S. Volunteers, Colonel Loper, who commanded the regiment at the date of the alleged occurrences being absent sick. Col. M. Miller submitted a statement in writing, which is herewith inclosed, marked "A."

This completes the investigation as far as it is practicable for me to make it under existing conditions.

Very respectfully,

JOHN S. MALLORY,  
*Major and Inspector-General, U. S. Volunteers.*

The statement of the colonel and lieutenant-colonel of that regiment to the inspector-general are given herewith.

HEADQUARTERS FIFTY-FIRST IOWA INFANTRY, U. S. VOLUNTEERS,  
SECOND BRIGADE, SECOND DIVISION, EIGHTH ARMY CORPS.  
*San Fernando, P. I., June 9, 1899.*

ASSISTANT ADJUTANT-GENERAL,  
*Second Division, Eighth Army Corps.*

SIR: The village of San Roque was abandoned and burned by the insurgents February 9, 1899, and immediately occupied by troops of my command. I directed the provost-marshal, Capt. Dennis Geary, to take charge of the district, extinguish the fires, collect and store all articles of value he found in a building in San Roque, the amount of which was limited, as the insurgents were busy the night previous to abandonment removing property.

A part of the property so collected was afterwards removed to Cavite for use of officers and men in the quarters, which were found absolutely bare of furniture when my regiment took station there. All of the furniture so removed was stored in Cavite or turned over to the command that relieved mine, except that used at the palace, for which we hold receipt of the naval officer in charge of the navy-yard. The building in San Roque in which the property was stored was burned in March; fire incendiary origin.

Every precaution was taken to prevent looting of houses in San Roque, a strong guard being maintained under a most efficient officer. It is possible that enlisted men and some officers may not have known that the property was collected and removed under authority, and concluded the men they saw so employed were looting.

Very respectfully,

JNO. C. LOPER,  
*Colonel Fifty-first Iowa Volunteer Infantry.*

(A.)

SAN FERNANDO, P. I., June 4, 1899.

Maj. JOHN MALLORY, *San Fernando, P. I.*

SIR: In reference to dispatch received from assistant adjutant-general regarding the looting of San Roque by the Fifty-first Iowa, I was not in command at that time and know but very little about it. Captain Geary, First California Heavy Artillery, U. S. Volunteers, was the provost-marshal, and gathered all of the furniture that was of any value and stored it in a building that was set apart for that purpose. The officers had to get permission from Colonel Loper, who was in command at that time, to use a portion of the furniture for their quarters, for when the district of Cavite was turned over to our regiment very little furniture was left. All of the articles secured by us are being used by the Tenth Pennsylvania Infantry, U. S. Volunteers. We brought nothing away with us. As to the men, I do not think that they took anything of consequence, as the natives had been there previously and taken everything that was of any value.

Very respectfully,

M. MILLER,  
*Lieutenant-Colonel Fifty-first Iowa Infantry, U. S. Volunteers.*

All the papers in the case were forwarded to this office by the commanding general, Department of the Pacific and Eighth Army Corps, by indorsement dated June 25, 1899, in which he states:

"This is one of many reports of investigation made upon statements found in

United States newspapers and purporting to be extracts from soldiers' letters sent from here to their homes.

"San Roque adjoins Cavite, and in February Admiral Dewey directed the insurgents to evacuate the place on pain of a naval attack. They did evacuate, together with all the inhabitants, and then set fire to the town. Troops (Fifty-first Iowa) were immediately sent in to extinguish the fire, which they successfully fought for twenty-four hours.

"Soldiers may have picked up some articles of abandoned property, but I do not think to any great extent."

E. S. OTIS,  
*Major-General, U. S. Volunteers, Commanding.*

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#### No. 5.

The Hon. Edgar Weeks, M. C., in a letter to the Secretary of War dated September 8, 1899, calls attention to a publication in the Spokesman's Review, Spokane, Wash., referring to a private letter written by Private Edward D. Furman, Company A, First Washington Volunteer Infantry, in which the soldier makes allegations concerning the conduct of his regiment in the burning and looting of houses of natives. The letter of Mr. Weeks was referred to the commanding general, Department of California, San Francisco, Cal., for investigation upon the arrival of the First Washington Volunteer Infantry in San Francisco. The investigation was made by the judge-advocate-general, Department of California, whose report is as follows:

HEADQUARTERS DEPARTMENT OF CALIFORNIA,  
*San Francisco, Cal., October 24, 1899.*

Private Furman's written statement was not called for until after it appeared from his oral statements that he would welcome the opportunity to make it. He was given twenty-four hours to think the matter over, with leave to abide by oral statements he had already made and withhold the written one as to him might seem best. By his own statement he is 29 years of age. He is intelligent, and was from the first made to understand that his silence was preferred to any word of his, uttered or written, under a sense of obligation amounting to duress. From his oral statements, written down when made, I quote:

"As to jewelry, some of the men did find some in houses hastily abandoned by the occupants, and in others from which our men were fired upon. Our men sometimes got trace of buried treasure money and dug it up. The most I ever saw was shown by one of our men, some gold in a handkerchief; as much as one could hold in the hand.

"Have heard of other and larger sums being found.

"I saw no highway robbery, no wanton cruelty nor illtreatment of wounded Filipinos; on the contrary, I saw them as kindly cared for as our own. Our men were not cruel; they were kindly.

"I think I wrote the letter after the first battle, February 4 and 5, 1899. The burning was at Paco, a few miles from Manila. The whole place was burned, except a few buildings the troops occupied. Two companies (A and I) were there before the fight. During the fight the enemy fired on us from the buildings, and they, in that manner, killed some of our men. We burned the outlying portion of the town to drive out the sharpshooters. Most of the houses were Nipa huts, built of bamboo frames with thatched roof; but some were more substantial, with stone foundations and second story of wood, with roof of tile or galvanized iron. All the houses were not burned on the day of the battle, many being burned subsequently and at different dates. I wrote the letter to a personal friend who was in Spokane, in the post-office there. He was there when I volunteered. We had once been partners in the publication of the Cheney Free Press. I did not desire its publication and did not think it would be published. I did not, in fact, think much about it one way or the other. I was surprised when I saw it in the papers, and regretted it. I had not for a moment anticipated the construction put upon it. The fact is, the burning was a military necessity to save the lives of our men. When the buildings were on fire it was both natural and right to save as much of the contents as would be useful to us or add to our comfort. When the Filipinos remained in their houses they were not disturbed, but were protected."

Chinamen were persistent and industrious in looting property from abandoned houses, and the men knew that to leave anything that they could apply to their own comfort was to let the Chinamen carry it off. But this, as far as practicable, was stopped later on.

Capt. Albert Otis commands the company to which Furman belongs. He and

other officers confirmed the facts of his published letter regarding the burning of houses and the taking and using of furniture. That individual men behaved badly they do not doubt, but their evil work was done secretly and in defiance of orders and the general sentiment of the troops. The men did search for money. They also secured many things in the way of mementoes. There was little Filipino clothing found, rescued from burning houses, or otherwise obtained that was of much value or could be used by the men.

So far as Furman's letter implies general license to steal, rob, and loot generally, they hold it to be false. The scenes he refers to attended the conditions of actual battle and the destruction by burning of dwellings, etc., under orders made imperatively necessary to save the lives of our men, to drive off the enemy, and prevent his returning under cover to renewed attacks, especially by sharpshooters. Some of the officers insisted that they lost men through too tender a regard for property that should have been given to the flames with greater promptness and thoroughness than was actually done.

The foregoing facts, carefully sifted from notes taken at many interviews with members of the First Washington Infantry Volunteers, give to Furman's letter, it is believed, its truthful setting. Taken by itself it implies unprovoked outrages upon defenseless people; but when related to the scenes of destruction and disorder that usually attend upon actual battle, it is shorn of most of its malicious suggestion. That the writer intended to make the impression the publication of his letter created is doubtful. Unfortunately for him, however, his reputation as a soldier does not stand high with his comrades. No attempt was made by me to fathom his motive nor question his character. Men and officers are inclined to the belief that his letter, like those written by many other soldiers and some officers following upon the opening of hostilities, was a thoughtless act. The appearance of letters printed in full or in part in the papers from home, wherein a spirit of boastfulness or effort at vivid description with little regard to the truth was evident on the part of the writers, subjected them to such "merciless guying" at the hands of their comrades that a noticeable modification for the better speedily followed.

As an illustration of the disposition "to draw the long bow," Maj. Lewis R. Dawson, First Washington Infantry Volunteers, instanced his surprise at finding in a Tacoma paper an account of a deadly assault made upon him by a Filipino soldier whose wounds he at the time was dressing. The story was a pure fiction. He called the soldier before him and, asking him why he had written it, received as a reply that he did not know. The soldier also confessed that he had not even heard of such an act. Speaking of Furman, Dr. Dawson volunteered the statement that this man had been ever persistent in asking to be placed on "sick report," and on one occasion he had to return him to duty against pretexts of illness too specious to make any mistake in his, the surgeon's, diagnosis of practically normal health doubtful. He gave it also as a psychological fact that men of doubtful courage and lacking in rugged manliness are prone to shout loudest over wonderful deeds done or witnessed by them. This is but the confirmation anew of a truth as old as the race.

Respectfully submitted.

S. W. GROESBECK,  
Judge-Advocate, U. S. A.

The written statement of the soldier himself, made to the officer investigating the case, is as follows:

PRESIDIO OF SAN FRANCISCO, CAL., October 18, 1899.

The article in question is as a whole correct, but the word "looted" should have been omitted. The articles quoted were taken from houses that were abandoned by insurgents at the time hostilities began and at a time when everything was in an unsettled condition. The Chinese were carrying away everything in sight, and what remained was consumed by fire. All furniture, etc., was left in our quarters when we moved, and the horses, carriages, etc., were turned in to the quartermaster, who in turn restored them to their owners when called for.

I never knew of a case of any occupied house being entered or inmates molested. On the contrary, they were given every protection. There was no case of wanton burning. The buildings were only fired to dislodge armed insurgents who fired upon and killed and wounded our men.

The letter I wrote to a personal friend, and it was of a strictly private nature and was not intended for publication. It was written a few days after hostilities began, when everything was in a turmoil and before any orders had been issued regarding entering abandoned houses. Later order was restored, and orders were issued from department headquarters forbidding the men to enter or take articles from deserted houses.

EDWARD D. FURMAN,  
Private, Company A, First Washington Infantry, U. S. Volunteers.

In forwarding the papers to this office the commanding general, Department of California, states in his indorsement that:

HEADQUARTERS DEPARTMENT CALIFORNIA,  
*San Francisco, October 26, 1899.*

Respectfully returned.

The reputation of this man, as shown by Major Groesbeck, is such that his boastful and untrue statement of actual conditions is not to be wondered at.

It is very well known and understood that under the circumstances men become very careless, and it seems to be admitted that much property was taken for temporary use of troops to increase their comfort.

W. M. H. SHAFTER,  
*Major-General, Commanding.*

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No. 6.

W. J. Kennard, writing from Ventura, Cal., to the Secretary of War, under date of June 7, 1900, incloses a copy of a letter from Private E. E. Baker, Company I, Forty-sixth Infantry, U. S. Volunteers, which was published in the Western Independent under date of June 7, 1900, in which the soldier states that the indiscriminate killing of the natives is practiced, and their houses wantonly burned. The papers were referred to Major-General MacArthur by letter dated June 16, 1900, for investigation, which was conducted by Lieut. Col. E. M. Hayes, Fourth U. S. Cavalry, whose report thereon is as follows:

PASAY CAVALRY BARRACKS, P. I.,  
*August 9, 1900.*

The ADJUTANT-GENERAL, DEPARTMENT OF SOUTHERN LUZON,  
*Manila, P. I.*

SIR: In compliance with instructions contained in letter from your office dated August 4, 1900, I have the honor to report that I have made a full and thorough investigation of the statements made by Private E. E. Baker, Company I, Forty-sixth Infantry, and published in the Ventura Independent, a newspaper of Ventura, Cal.

Said statements have only a slight foundation, and in this connection I respectfully call attention to the letter of First Lieut. J. B. Webb, Forty-sixth Infantry, commanding the scouting and surveying party on the occasion mentioned in Private Baker's letter, giving a detailed statement of the affair. In my opinion he adopted the only course open to him for a successful resistance when he fired the bamboo thicket and the shacks (not houses) from which the shots were fired at his party, and the fact that he made prisoners of the occupants of the shacks is proof of the mercy shown the natives by our troops. He would have been justified in using drastic measures in retaliation for the cowardly and unprovoked attack on his men.

I also inclose letter of Private E. E. Baker, voluntarily written and submitted, in which he makes retraction of these many highly colored statements in his former letter published in the Ventura Independent, and claims that said letter was only intended for "jollying" his parents and was not intended for publication.

In addition I will state that no detachment, however small, has been or is allowed to leave Silang without definite and pointed instructions; and authority to maltreat the natives or to commit the slightest injury has never been granted to any party or individual. There has never been any wholesale burning of houses; on the contrary instructions have always been given to preserve houses and shacks of natives, unless absolutely necessary to destroy them to reach the enemy. All officers and men have been and are held to a strict accountability for their actions toward the natives, who are encouraged to present their complaints to the commanding officer. I believe the commanding officer, Col. W. S. Schuyler, Forty-sixth Infantry, maintains excellent discipline, and through his wise management the natives can have no foundation for complaint.

It is ascertained that the letter published in the Ventura Independent was strictly private correspondence and not intended for publication. It seems that the character of this man is excellent and that he is a good soldier. The statements contained in his letter of explanation are believed to be true, and I am convinced that this investigation will prove sufficient punishment for the offense and warning against anything of the kind in the future.

Very respectfully,

E. M. HAYES,  
*Lieutenant-Colonel, Fourth Cavalry.*

In connection with the investigation First Lieut. J. B. Webb, Forty-sixth Volunteer Infantry, the soldier's company commander, reported as follows:

SILANG, P. I., August 6, 1900.

Lieut. Col. EDWARD M. HAYES,  
*Fourth U. S. Cavalry.*

SIR: In compliance with your verbal request I have the honor to state that Private E. E. Baker, Company I, Forty-sixth Infantry, U. S. Volunteers, probably refers to an engagement between about 60 natives and a surveying party of 20 soldiers under my command, which occurred about 6 miles south of here on the afternoon of March 19, 1900, in which six houses or huts were burned and a trench and sharpshooters' nest destroyed.

Shots were first fired at us from a house 200 yards to our right and out of which 4 natives were captured. We were then fired upon from some houses or huts concealed in a bamboo and banana thicket, which it was necessary to set on fire in order not to unnecessarily expose my men to the fire of an unseen enemy. Four men surrendered from this place, which we found afterwards had a trench and sharpshooters' nest above referred to. No other house or houses were burned that I know of. During this time we were under fire from two houses near by, 1,000 yards farther away, and which we could not reach owing to an impassable ravine. We drove the enemy from these last two houses by firing volleys into them and driving out between 50 and 60 natives at whom we continued to fire until they were hidden from view in the brush or ravines.

No dead bodies were found, but I presume some natives were hurt, as the firing continued for some time, and the next morning I discovered a party of natives carrying a wounded Filipino in an insurgent uniform on a stretcher.

I have never ordered, nor have my men killed an unarmed native, nor has the wanton destruction of property been permitted. On the contrary, every consideration has been given the inhabitants of the hostile country, in which my work has been performed, not inconsistent with the safety of my men.

Very respectfully,

J. B. WEBB,  
*First Lieutenant, Forty-sixth Infantry, U. S. Volunteers.*

The statement of the soldier is as follows:

SILANG, P. I., August 7, 1900.

Lieutenant-Colonel HAYES,  
*Fourth Cavalry.*

SIR: I desire to say with regard to a letter that I wrote home and which was published in the papers, that I did not suppose that anyone would publish it and that I made certain statements in it that were not correct, more to amuse my parents and show them that I was not in any great danger than anything else.

The statement that we shot people like rabbits was not so, of course, and I thought they would understand it was intended as a joke. When we were attacked we fired back like soldiers at anyone who had a gun, and afterwards burned the shacks which they fired at us from, but no others.

We have always had orders to treat natives kindly and observe their rights, and have never been ordered to burn houses unless they were known to be hiding places of the ladores.

I have been asked to make this explanation of my letter, which, as I said before was only intended for my father and mother to see, and I do so freely and willingly to correct any wrong impression which my half-joking letter may have caused.

Respectfully,

EDWARD E. BAKER,  
*Company I, Forty-sixth Infantry, U. S. Volunteers.*

7.

Mr. W. W. Brown, Auditor for the Navy Department, Treasury Department, in letter dated June 12, 1900, addressed to the Secretary of War (328840 A. G. O., 1900), inclosed a clipping from the Bradford, Pa., Evening Star, publishing a letter from Private Burt A. Stanley, Company B, Forty-seventh Infantry, U. S. Volunteers, which recites instances of robbery committed by the Forty-seventh U. S. Volunteers against the Filipinos. The statements of this soldier were referred to Major-

General MacArthur by letter dated June 16, 1900, for investigation, which was conducted by Lieut. Col. E. M. Hayes, of the Fourth U. S. Cavalry. Lieutenant-Colonel Hayes's report is as follows:

PASAY CAVALRY BARRACKS, P. I., September 15, 1900.

ADJUTANT-GENERAL, DEPARTMENT SOUTHERN LUZON,  
Manila, P. I.

SIR: In compliance with instructions contained in letter from your office dated August 4, 1900, I proceeded to Bulan, P. I., for the purpose of investigating the statements made by Private Burt A. Stanley, Company B, Forty-seventh Infantry, U. S. Volunteers, and published in the Bradford Evening Star of Bradford, Pa.

Private Stanley disclaimed having written the article as published in the Bradford Evening Star, but admitted that portions of the same were taken from letters written to his mother and that he never authorized the publication or his signature to the article, and was surprised and indignant at the liberties taken with his private correspondence.

He bears a good character in his company, but is not, in my opinion, sufficiently educated to be the author of the article contained in the clipping.

The conditions mentioned in the statement are without foundation, and to a great extent, purely imaginary.

The affidavit of Private Stanley, in which he admits the falsity of the statements and the certificates of his company officers to the same effect, are herewith attached.

I respectfully recommend that these papers be referred to the editor of the Bradford Evening Star for his guidance in the publication of such articles in the future.

Very respectfully,

E. M. HAYES,  
Lieutenant-Colonel Fourth Cavalry.

The officers of Company B, Forty-seventh Infantry, U. S. Volunteers, unite in the following statement:

BULAN, P. I., September 10, 1900.

We, the undersigned, officers of Company B, Forty-seventh Infantry, U. S. Volunteers, certify that the following statements contained in clipping from the Evening Star, Bradford, Pa., June 8, 1900, entitled "Letter from the front," and written by Private Burt A. Stanley, Company B, Forty-seventh Infantry, U. S. Volunteers, are not true and without any foundation whatever.

#### STATEMENTS.

I. "It would mean something to us, as there are millions of dollars in this town, and if there were an outbreak here the people would have to get out, for they would be killed if they didn't, and that would give us clear sailing in this town."

II. \* \* \* "I could go back to the United States a rich man, for there is money enough in this town to make every man in our company well to do." \* \* \*

III. "After the soldiers searched the town they found no less than \$500,000 Mexican money." \* \* \*

"The natives returned to their town, but upon finding their money all gone they would have fought. Oh, we always manage to get the money, and we are allowed to do so when they take up arms against us. We are allowed to ransack any town that is insurgent." \* \* \*

"Oftener the boys find a belt on a dead nigger containing quite a large stake." \* \* \*

CHARLES C. McLAIN,  
Captain, Forty-seventh Infantry, U. S. Volunteers,  
Commanding Company B.

CHARLES H. MORROW,  
First Lieutenant, Forty-seventh Infantry, U. S. Volunteers.

B. P. DISQUE,  
Second Lieutenant, Forty-seventh Infantry, U. S. Volunteers.

The sworn statement of Private Stanley is as follows:

Personally appeared before me the undersigned authority, Burt A. Stanley, private, Company B, Forty-seventh Infantry, U. S. Volunteers, who, after being duly sworn according to law, deposes and says: That he makes this affidavit of his own free will and accord, and that his object is to deny and disavow the truth of an article pub-

lished in the Bradford, Pa., Evening Star of June 8, 1900. That the article above mentioned in the paper and of the date above mentioned was taken from several letters that he had written to his mother. That he never intended these letters for publication, and that his letters as appearing in said paper has to some extent been changed and rearranged by the editor or correspondent of said paper.

The deponent further says that his words in paragraph I, as follows: "It would mean something for us, as there are millions of dollars in this town, and if there were an outbreak here the people would have to get out; they would be killed if they didn't, and that would give us clear sailing in this town," are without foundation and untrue. That further words in paragraph III, as follows: "The natives returned to the town, but finding the money all gone would have fought," are also untrue and without foundation. That the sum of \$500,000 was not taken, or any other sum of money. That his words, "Oh, we always get the money; we are allowed to do so when they take up arms against us. We are allowed to ransack every town that is insurgent," are also untrue and without foundation, as he has never taken himself, seen others take, or heard permission given to others to take money or loot any insurgent town. Further deponent saith not.

BURT A. STANLEY,  
*Private, Company B, Forty-seventh Infantry.*

Subscribed and sworn to before me this 10th day of September, A. D. 1900.

CHARLES H. MORROW,  
*First Lieutenant, Forty-seventh Infantry, U. S. Volunteers, Summary Court.*

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8.

George A. Lickiss, in a letter dated Arlington, Iowa, July 30, 1900, addressed to the President, incloses a newspaper clipping publishing an Associated Press dispatch from Manila, which relates that Company I, Fortieth U. S. Volunteer Infantry, killed 89 natives at Oroquieta, island of Mindanao, and subsequently the gunboat *Callao* shelled the city, burning the warehouses, all of which was done in the retaliation of the killing of two soldiers. This communication was referred on August 7, 1900, to the commanding general, division of the Philippines, for investigation and report, and was returned with the report of the company commander, which is as follows:

OROQUIETA, P. I., October 13, 1900.

GEO. A. LICKISS, *Arlington, Iowa.*

SIR: In answer to your communication addressed to the President and by him referred through channels to this post to be answered, I have the honor to write as follows:

The post of Oroquieta, Mindanao, was garrisoned by Company I, Fortieth Infantry, U. S. Volunteers, upon July 9, 1900, the troops going into quarters in the former convent next the church. The company was sent to the post to open the port as requested in an act formed by the town council, assembled and all members present.

The day following the arrival the people commenced to leave the town, and we received word indirectly that the insurrectos were going to attack. No word was given by any native of authority, though many knew it before the attack took place. Being the first American troops to land here, the formations for roll calls and all other purposes were watched by large numbers of people daily and at reveille roll call, upon the 12th of July conditions were the same, and though the women had nearly all left town there were a large number of men watching the roll call. Lieutenant Masteller was at the time commanding the post. The soldiers were allowed to leave quarters in groups of not less than two, and then they were required to be armed. Following the reveille roll call two sergeants proceeded down the street two blocks and just out of sight of barracks to a native store (bakery). Here, while standing in the street with butts of their rifles upon the ground, each was jumped upon by three natives armed with knives, and one was stabbed in the stomach, dying upon the spot, and the other was stabbed under the arm (wound moderate). The former in the scuffle before being killed, managed to fire his rifle, giving the alarm to the garrison. The other sergeant escaped to the quarters also immediately. By now the insurrectos had surrounded the barracks and commenced to fire at the barracks from both front and rear. The convent itself is surrounded by a stone wall about a large yard, and behind this wall and the church (distant 75 feet) were about 200 insurrectos, some with rifles, the majority with knives. The insurrectos firing

from the front were hidden by an old stone-house foundation, and also by high weeds and brush. The orders were such that in case of attack the most of the company should go to the windows and porch and a squad report to Lieutenant Masteller in front of the barracks.

This squad the latter officer deployed and charged around the church and wall, not knowing what hostile troops were there nor how they were armed. This was where the majority of the 89 "innocent" natives were killed and a firearm or bolo or spear removed from each. The number of firearms taken was six, one of which was a Krag rifle which had been taken from an American soldier killed at Loculan, 12 miles from here, by the same troops in part that attacked this garrison. There the attack was more successful, as the natives rushed into the house where the American troops were, and before they could be repulsed had stabbed to death seven American soldiers, being the whole guard, and wounding a number of others. The method they follow is to get close and then draw their bolos, always concealed until the moment of using under loose trousers, and you can easily guess what mischief they can do when they are mixed with your own men so the latter can not fire. Vigorous measures have to be taken against large numbers, when they are close, to prevent this occurring, as it did in the instance referred to. By each of the prisoners captured that morning we were told that they had come in to fight the American soldiers. From later knowledge it is known that near 1,000 natives were engaged in the attack, but all had not gotten to the quarters when it commenced.

As to the gunboat *Callao*, spoken of in the same dispatch, it was lying in the bay in front of the barracks, and when the firing commenced it also opened up on the town, which was deserted (with the exception of the insurrecto soldiers), and the shells of said boat burned a small wooden warehouse and one nipa house. One sailor aboard was shot, while handling a Colt gun, from the shore by insurrectos.

A word as to the personnel of the troops concerned, and of the revolutionists, who still hold together as an organized force in this vicinity. The most of the officers are renegade Tagalos and many of the soldiers disciplinarios; the latter are men who were sent to this island by the Spaniards for having committed some crime in Luzon. Here they were placed between the sea and the Moor country, which they could not enter, and compelled to be soldiers. These people have in their possession the rifles, and intimidate and impress the unwilling into service. It is an absolute fact that they have punished even to death some natives who have been no more than friendly to our troops. The general who is in command of them is not really in command, for they have the rifles and have a guard over him. He desires that they surrender. Their only other general was captured by us two weeks ago, and he himself says the men are robbers and hard characters and most of the officers are the same. Being captured, he stated, was the only way he could get away from them without great peril to himself, family, and belongings.

In conclusion, I wish to say that Lieutenant Masteller and his command have received very unjust notices through the press of the United States. The cable as sent and published was never more than a hearsay recital of the things that occurred, and it was twisted worse than the story of the three black crows.

It is unnecessary to tell you how outraged the soldiers of this and all other organizations are when such lying reports are circulated, which if true would be blots upon the American Army and nation.

Respectfully,

W. B. ELLIOTT,  
*Captain, Fortieth Infantry, U. S. Vols., Commanding Post.*

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9.

Under date of September 8, 1900, Charles M. F. Striger, in a letter dated Covington, Ky., wrote to the Secretary of War relative to a speech made by the Hon. John P. Altgeld, of Illinois, in which letter Mr. Striger stated that the Hon. John P. Altgeld referred to a newspaper clipping purporting to publish a private letter from Private Thomas W. Jones, Company G, Eleventh Volunteer Cavalry, in which the soldier is quoted as having written detailing the firing by our soldiers into a wedding party, killing the bride and wounding or killing the groom and several others attending the wedding. An investigation of this matter by the commanding general, Division of the Philippines, was directed under date of August 20, 1900, and the report of Maj. S. W.

Miller, Forty-sixth U. S. Volunteer Infantry, acting inspector-general second district, Department of Southern Luzon, is as follows:

CALAMBA, P. I., October 17, 1900.

The ADJUTANT-GENERAL,  
*Second District, Department of Southern Luzon.*

SIR: I have the honor to submit the following report of an investigation made by me pursuant to third indorsement on communication, to which this forms an inclosure. Upon receipt of communication I went to Santa Cruz and Pagsanjan, province of Laguna, and entered upon the duty assigned, viz: to investigate the alleged "massacre of Filipinos at Santa Cruz, P. I., June 25, 1900, where 12 Filipinos were killed and the like number wounded, an elderly lady shot through the leg, and a little child had her arm shot off."

At 6.10 o'clock on the morning of June 25, 1900, an expedition of United States troops numbering 6 officers and 126 men, composed as follows, viz, 30 men each from troops A and G, Eleventh Cavalry, U. S. Volunteers, under Capts. E. A. Sturges and E. L. Glasgow; 42 men from troops E and L, Eleventh Cavalry, U. S. Volunteers, under Capt. William J. Kipp, Eleventh Cavalry, U. S. Volunteers, and 24 men from Company H (mounted), Thirty-seventh Infantry, U. S. Volunteers, Lieut. E. S. West, Eleventh Cavalry, U. S. Volunteers, commanding temporarily, and Maj. Francis A. Winter, surgeon, Thirty-seventh Infantry, U. S. Volunteers, all under the command of Capt. E. D. Scott, Thirty-seventh Infantry, U. S. Volunteers (second lieutenant, Sixth U. S. Artillery), left Pagsanjan; the object of the expedition was the capture of the insurgent General Cailles. A native furnished by Capt. A. F. W. Macmanus, Thirty-ninth Infantry, U. S. Volunteers, in charge of the secret service at the headquarters of the second district, Department of Southern Luzon, and for whose ability and knowledge of the country Captain Macmanus vouched, accompanied the command as guide.

The command marched to Cavinti, P. I., where the guide took a trail to the east, but gradually changed direction until at 10 o'clock a. m., same day, the expedition found itself headed due west and at the ford of the Pagsanjan River, not over 3 miles east of the town of Pagsanjan. At this point Captain Scott asked the guide if he knew where he was going. He acknowledged that he had lost the trail, and was permitted to cross the stream to get another native, who he said would put him right. The guide returned with the native, the command took up the march, and at 4 o'clock p. m., after eight hours' riding, reached a point near San Antonio, ordinarily reached in two and one-half hours from Pagsanjan, the guide furnished having impressed at least one other native as guide since leaving the ford of the Pagsanjan River.

At this point it became necessary to leave the horses. Captain Scott then took ten men each from Troops A, G, E, and L, Eleventh Cavalry, U. S. Volunteers, and Company H, Thirty-seventh Infantry, U. S. Volunteers, and with Captains Kipp and Sturges, Eleventh Cavalry, U. S. Volunteers, and Major Winter, surgeon Thirty-seventh Infantry, U. S. Volunteers, proceeded on foot along a trail to the eastward from San Antonio, the guide still leading. After marching about a mile the guide pointed out a house as that of General Cailles. The house was surrounded and searched, but proved to be that of an ordinary native family. Other houses were pointed out by the guide as occupied by the insurgents, but upon examination were found to be vacant. The command proceeded, and toward sunset, about 3 miles from where the horses were left, loud voices and laughter were heard. A reconnaissance was made, and a large number of natives were located in a house about 400 or 500 yards distant. The guide said they were insurgents.

Captain Scott divided his command with the intention to surround the house. Sent Captain Kipp with the detachments from L and E Troops to the right. Held the detachments of A and G Troops and Company H, Thirty-seventh Infantry, with Major Winter and Captain Sturges, under his own immediate command. After Captain Kipp had been gone a short time Captain Scott gave orders to his immediate command to advance rapidly on the house. The troops were concealed by the brush, and when they emerged from the same about 75 yards from the house it was discovered that the house was situated on the far side of a stream not fordable. The only way of crossing was a bamboo rail. As soon as the troops came in sight the natives in the house started to run away. Captain Scott was in the advance, saw armed men running around the corner of the house, and shot at them. One of these men was later killed by Corporal (now First Sergt.) Robert Anderson, Company H, Thirty-seventh Infantry, U. S. Volunteers. Captain Scott crossed the stream on the bamboo rail, ran around the corner of the house to the rear of it where the armed men had disappeared, but was obliged to return, owing to the fire of his own men. This fire came from the men of Company H, Thirty-seventh Infantry, U. S. Volunteers (in the lead), and Troops A and G, Eleventh Cavalry, U. S. Volunteers,

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who opened fire on the house without command and continued to fire into same until threatened by their officers if they did not cease. Captain Sturges drew his revolver and threatened to shoot the next man who shot toward the house. The firing then ceased. A few shots were fired by the troops under Captain Kipp, but as far as I could learn only at native men running away.

A few, probably three, armed native men were seen. They ran to the brush, as did many others. Orders were given to fire upon them. They were pursued some distance. After the affair was over (it lasted but a short time) it was found that the house was a new one, very large, as native houses go, more of shelter than a house, partly open on one side. In it were found many women and children huddled under a floor raised probably  $3\frac{1}{2}$  feet from the ground. A table was set, and food (chicken, pig, rice, etc.) was found on it, as though the natives were engaged in a feast. A large quantity of rice was stored in one end. About 20 war bolos and some ammunition were also found in the building. A number of women and children were found outside, sheltered by the bank of the stream, where they had taken refuge when the firing opened. Three rifles were captured.

The casualties were 2 men and 1 woman dead, 1 woman and 2 children wounded, all natives, and found in the building. The gathering in the house was no doubt that of a celebration or feast of some kind, most probably a wedding, but I could find no evidence that the bride had been killed or the bridegroom wounded in the unfortunate occurrence. The house was destroyed, and after caring for the wounded as much as circumstances permitted, the command returned to their stations. Private Thomas W. Jones, Troop G, Eleventh Cavalry, U. S. Volunteers, admitted writing a letter to his brother at Washington, D. C., concerning the affair, but told me he had exaggerated the number killed, and that the clipping is a gross exaggeration of the letter he wrote.

Very respectfully,

S. W. MILLER,  
Major, Forty-sixth Infantry, U. S. Volunteers,  
Acting Inspector-General.

In forwarding the report of Major Miller to division headquarters, Maj. Gen. J. C. Bates, U. S. Volunteers, commanding Department of Southern Luzon, states:

MANILA, P. I., October 23, 1900.

This matter seems to have been grossly exaggerated in the newspaper report, and the occurrence, deplorable as it is, seems to have been due to armed insurrectos mingling with a festive gathering. It is gratifying to learn that the officers were not responsible for the indiscriminate shooting upon the house, but took stern measures to stop the firing.

The harrowing account of the killing of a bride and bridegroom seems to be pure fiction.

In forwarding the papers to the Adjutant-General of the Army, Major-General MacArthur, commanding the Division of the Philippines, says:

MANILA, P. I., November 11, 1900.

Respectfully returned. The circumstances described was undoubtedly the result of an accident arising largely from the misdirection of the guide, who assumed to know more of the situation than the facts justified; a not uncommon thing in this country.

The result was deplorable from every point of view, but was the consequence of one of those unavoidable accidents continually arising in war, more especially under such difficult conditions as have arisen from the system inaugurated by the insurgents.

Although the soldier in writing his letter exaggerated in an indefensible manner, the circumstances themselves are so tragic as to arouse a sense of keen regret on the part of all the officers concerned.

ARTHUR MACARTHUR,  
Major-General, U. S. Volunteers, Commanding.

In December, 1900, a newspaper clipping originating with the Valparaiso (Ind.) Evening Messenger, published an alleged letter from Benjamin Sierks, Sixteenth U. S. Infantry, in which was recited the inhuman treatment of certain Filipino prisoners by the commanding officer at Cabagan, Nuevo, P. I. The clipping was referred

to the commanding general, Division of the Philippines, for investigation on January 3, 1900. The report of Second Lieut. Ernst. Hagedorn, Sixteenth U. S. Infantry, commanding officer at the above-named station, who was the officer concerned, is as follows:

[Third indorsement.]

ILAGAN, P. I., April 19, 1901.

Respectfully returned to the adjutant, Ilagan.

The special diet mentioned in this communication was used in June, 1900, at Cabagan, Nuevo, by my orders and for the following reasons:

I was ordered to take command of Cabagan, Nuevo, on June 12, twelve days after an attack made on the detachment of Lieutenant Butler, Forty-ninth Infantry, U. S. Volunteers, and about two months after the assassination of Private Anderson, Company E, Sixteenth Infantry. After looking over the situation I came to the conclusion that the attack had been made mainly by inhabitants of the town itself. All other means of obtaining information about the occurrence proving failures, I seized three suspicious characters; these on being questioned refused to give any information at all. I then ordered them confined to the stocks, with a diet of salt fish without water. This diet had excellent direct results. After forty-eight hours all three gave more or less information which led to the capture and wounding of 1 Tagalo, the capture of 15 guns and rifles of different makes, several revolvers, and over 50 war bolos. An order issued by me to turn in all the arms in the possession of the people had resulted in the delivery of a single bolo. On information given by these three I was enabled to arrest 60 persons that had participated in the attack on Cabagan; these people were put to work on the streets of the town and were released after three or four weeks. The ultimate results which were achieved after I had left Cabagan on July 14 were considerably more important. Of the three prisoners who underwent the treatment, one is now sergeant of police of Cabagan, Nuevo. He has captured one Mauser rifle from the enemy, and has lately been commended by the district commander for repulsing with loss a party of insurgents. There is no doubt that previous to his capture he was one of the desperate characters of the community and that he had full knowledge of all that happened on May 30. Another, Silvestre Gallardo, has recently been assassinated on account of services rendered our forces. The third one, a certain Pio Bani, after working diligently for some time, was lost sight of, probably having backslidden; in his case another application of the treatment would probably renew his ardor for the cause.

The health of none of these men was ever injured by this treatment, nor was it administered in any spirit of revenge or anger, but solely for the best interest of the service and as the only means of obtaining information and protecting the lives of my men and of peaceful citizens—if there were any at that time—against assassination. As the ultimate result of this treatment Cabagan Nuevo, which, as every officer who has served in the subdistrict of Tuguegarao knows, was one of the most violent and rabid towns of the Cabagan Valley, is now probably the most peaceful. None of the men taken prisoners could properly be called prisoners of war. They were inhabitants of Cabagan Nuevo, who would from time to time take to the woods for such military operations as they thought they could perform without danger to themselves. According to the laws and customs of war, I should have been justified in summarily executing them. In connection with this I respectfully cite from Mercur's Elements of the Art of War, a recognized text-book at the United States Military Academy. Speaking of guerrillas, he says in section 314: "Or they may be independent bodies of ununiformed men, banded together under their own chiefs, uniting for execution of some object, legitimate or not, and dispersing to their homes when they think it expedient." In section 315 he says: "The members of bodies of the second class are not subject to the authorities of a country, are not restricted by the laws of war, and are generally treated as outlaws and summarily executed if captured."

Again he says, in section 310: "In a hostile country all organized bands must be hunted down and destroyed, and most severe measures used if necessary."

ERNST HAGEDORN,  
Second Lieutenant, Sixteenth U. S. Infantry.

In forwarding the report of Lieutenant Hagedorn, Col. Charles S. Hood, regimental commander, remarks as follows:

HEADQUARTERS SECOND DISTRICT,  
DEPARTMENT NORTHERN LUZON,  
*Aparri, P. I., May 2, 1901.*

Lieutenant Hagedorn has been most energetic in the performance of his duties and has rendered valuable service in the pacification of this district. It is believed he acted in the best interest of the service, even if mistakenly, and it is recommended that no further action be taken in this case.

CHAS. S. HOOD,  
*Colonel Sixteenth Infantry, Commanding.*

No. 11.

In a letter written by Sergt. Charles S. Riley, Company M, Twenty-sixth U. S. Volunteer Infantry, which was published in the Northampton, Mass., Herald about March 8, 1901, in which letter the soldier related various crimes of violence against natives, it was stated that the "water cure" was administered to extort information, and that the town of Igbaras, Panay, was burned to the ground. This publication called forth a number of letters to the Department protesting against such outrages. One letter, from Isaac Bridgeman, dated Northampton, Mass., March 13, 1901, was on March 19, 1901, referred to the commanding general, Department of California, for reference to the commanding officer Twenty-sixth U. S. Volunteer Infantry, upon its arrival in the United States, for report. This letter was returned by indorsement of the commanding officer of the Twenty-sixth U. S. Volunteer Infantry, dated April 24, 1901, with his report, as follows:

[Fourth indorsement.]

HEADQUARTERS TWENTY-SIXTH INFANTRY, U. S. VOLUNTEERS,  
*Presidio of California, \_\_\_\_\_, \_\_\_\_\_.*

Respectfully returned.

Sergeant Riley, Company M, Twenty-sixth Infantry, U. S. Volunteers, states that the publication inclosed was of a private letter and without any authority whatever. The tendency of enlisted men to draw the long bow in such cases is well known. Major Cook, Captain McDonald, and Sergeant Riley state that no officers or soldiers of this regiment took part in any so-called water-cure proceedings or other threats against the natives on the occasion stated. Undoubtedly there were violations of the rule and custom of war; and as the complainants may have overlooked notice thereof, I shall state a few cases within my personal knowledge. In November, 1899, at Jaro, a large flag of truce was used to entice officers into ambush. By order of the commander all persons displayed white flags in the country where our troops operated. This was not for protection, but to give warning to insurgents to hide their guns and disguise themselves. Privates Dugan, Hayes, and Tracy, of Company F, were murdered by the town authorities at Calinog. Private Nolan, at Dingle, was tied up by the ladies while in a stupor; the insurgents were sent for and cut his throat with a sangut. The body of Corporal Donehy, of Company D, was dug up, burned, and mutilated at Dumangas. Private O'Hearn, captured by apparently friendly people near Leon, was tied to a tree, burned for four hours with a slow fire, and finally slashed up. Lieut. Max Wagner was assassinated on the road to Pototan, October 1, by insurgents disguised in American uniform. These are only a few instances confined to this regiment. Atrocities committed by Sandatajanes or Pulajanes are too numerous to mention. Details can be furnished of the butcheries at Leganes and Mina and of burial alive near Barotac Nuevo. The conduct of the American troops in the Philippines has been so humane as to be a continued source of surprise to all foreigners and to the natives. Although General Orders, No. 100, has not been revoked, its provisions against treachery, according to the law and custom of war of all civilized nations, have never been applied to my knowledge.

J. T. WICKMAN,  
*Lieutenant-Colonel Twenty-sixth Infantry, U. S. Volunteers, Commanding.*

## No. 12.

Peter Pearl, a colored man, in a letter to the President, written from St. Louis, Mo., under date of July 17, 1901, states that he was an "attaché" of the Thirty-eighth U. S. Volunteer Infantry, and saw while with that regiment many cases of illtreatment of Filipinos, specifying an assault on a native woman 70 years of age, to whom was administered the "water cure" to such an extent that she was rendered insensible by the treatment she received, and that "Lieutenant Congo, at Nabolos, island of Negros," administered the "water cure" to a priest and the town officers of that place under circumstances of great cruelty and brutality. In connection with these charges against the Thirty-eighth U. S. Volunteer Infantry, he refers to the harsh treatment experienced by the natives at the hands of the Twenty-first U. S. Infantry, stating that the Filipinos were beaten and otherwise abused by men of that regiment. These papers were referred to the commanding general, Division of the Philippines, under date of July 22, 1901, and were returned with the report of the commanding officer of the Twenty-first U. S. Infantry, and also of Maj. George S. Anderson, Sixth U. S. Cavalry, formerly colonel of the Thirty-eighth U. S. Volunteer Infantry, which latter regiment had been at that time mustered out of service. The reports are as follows:

[Fourth indorsement.]

HEADQUARTERS TWENTY-FIRST INFANTRY,  
Lipa, Batangas, Luzon, P. I., September 22, 1901.

Respectfully returned.

From inquiries made of the president and the principal people of the town, I have not been able to find anyone who knows this man.

The regimental commander desires to state that the charges which appear in the letter in regard to the Twenty-first Infantry are unqualifiedly false.

JACOB KLINE,  
Colonel Twenty-first Infantry, Commanding.

[Seventh indorsement.]

PANAY CAVALRY BARRACKS, P. I., October 6, 1901.

Respectfully returned to the adjutant-general, Department Southern Luzon. I indorse the statement of Colonel Kline that, "so far as the charges refer to the Twenty-first Infantry, they are unqualifiedly false." They are equally false as regards the Thirty-eighth Infantry, U. S. Volunteers. There were but four colored men ever associated with the Thirty-eighth Infantry. One, a mere boy, called "Snowball," was sent to Manila from Batangas for robbing and striking a native woman; another, Eugene Hunt, my personal servant and brought by me from Washington, D. C., was sent to Bilibid for a term for robbing me. This was also from Batangas, and neither of them was in Panay. There were two elderly colored men who came over with the regiment as cooks for officers' messes. The only names I ever knew for them were "Pete" and "Sam." After we arrived here they were never at the same post that I served at. I believe that both returned with the regiment to the United States. One of them was a crazy exhorter, who, on all occasions, insisted on preaching most ridiculous sermons, to the great amusement of the soldiers. I think this was "Sam."

It is safe to say that the writer of the letter never "picked up much of their language" or "met any of the more intelligent of them." There was no censorship on private letters; he might have written whatever he chose. It is true that the word "nigger" was very often used as applied to the natives, probably correctly. I never used the word myself. The incident of the "water cure" being applied to the "old woman 70 years of age" is in every respect false. I never heard of a case where information was sought from women, by force or otherwise, except where they volunteered it. I never knew or heard of a Lieutenant Congo. No part of the Thirty-eighth was ever at Nabolas or at any other place on Negros. No soldier of the Thirty-eighth was ever arrested for making protest against cruel or any other acts. The strictest orders were given and enforced against looting. I do not believe that either a woman or a child were ever hit by a shot fired by the regiment, except perhaps as an accident of the battlefield. Many men were shot as they fled, but they probably all deserved it. I never heard the term "shooting rabbits" used in the regiment. Raping of natives, had it occurred, would have received the severest punishment possible. I am confident that not a case of it occurred in the regiment. Inasmuch as these charges are unqualifiedly false in every word, I suggest that the writer be proceeded against by law. Witnesses in abundance can be found who were in the Thirty-eighth and who now reside in or near St. Louis.

GEO. S. ANDERSON,  
Major, Sixth Cavalry, lately Colonel Thirty-eighth Volunteer Infantry.

## No. 13.

A private letter published in the Monroe County (W. Va.) Watchman of September 6, 1901, from Alexander Grant, late private of Company D, Sixth U. S. Infantry, called forth a letter from J. F. Houchins. The letter of the soldier refers to an engagement between his company and the Filipinos at Isabela, Island of Negros, and relates the wanton killing of a number of natives and the burning down of a number of houses, and states that a native woman was burned to death in the conflagration which destroyed her house. The papers were referred to the commanding general, Division of the Philippines, for investigation and report, and were returned with the report of First Lieut. W. F. Nesbit, Sixth U. S. Infantry, which is as follows:

BACOLOD, NEGROS, P. I., October 24, 1900.

## The ADJUTANT SIXTH INFANTRY.

SIR: In regard to an article published in the Cincinnati Enquirer of August 12, 1900, containing statements of one Private Grant, formerly of Company D, Sixth Infantry, I have the honor to state that the barrio referred to was the rendezvous of ladrones and insurgents, the proof of which we found only after thorough search, and which were ammunition, spears, bolos, and uniforms.

I have no doubt that a part of the band we chased from Cabug were among those found in the barrio. The men of the barrio were accordingly grouped together and placed under guard, and the place burned. I know of no such occurrence as the burning of a woman, and I believe that statement to be absolutely false and malicious. My men were as much engaged in guarding prisoners and burning as those of Company D, and I never heard from them or from anyone else of any such incident. I saw prisoners trying to escape from the guard by running into the rice fields. No order was given to fire upon them, as it was not necessary, the guard doing its duty at the first attempt to escape.

The statement as to treatment of soldiers here in the Philippines is so ridiculous and malicious that it does nothing but show the animus of the man toward the service and his country.

I know of no soldier being tried for writing home about the treatment of soldiers, and I believe such statement of Grant's to be false. It seems needless to refute any of these apparently malicious machinations of a dissatisfied soldier.

Very respectfully,

W. F. NESBIT,  
*First Lieutenant, Sixth Infantry, Commanding Company K.*

and report of Capt. Omar Bundy, Sixth Infantry, which is as follows:

HEADQUARTERS DEPARTMENT OF THE VISAYAS,  
OFFICE OF THE INSPECTOR-GENERAL,  
Iloilo, P. I., November 19, 1900.

Respectfully returned to the adjutant-general Department of the Visayas. This article first appeared in the Cincinnati Enquirer of August 12, 1900, and was undoubtedly published for political effect. It is manifestly false in many particulars, and where based upon truth the latter has been perverted to suit the needs of sensational newspapers.

The barrio referred to, consisting of a few nipa huts, had for some time been the rendezvous of ladrones and insurgents. The huts were destroyed, as a necessary military measure, to prevent their further use by lawless natives. The story of the burning of a woman I believe to be entirely false. I never heard any mention of this until this newspaper article appeared, eight months after the huts were burned. No unarmed insurgents were shot in the manner described. The firing that occurred was at men who were running away from the guard that had been placed over them. It was justified by the circumstances as I saw them. I inclose herewith a copy of a report of First Lieut. W. F. Nesbit, Sixth Infantry, bearing on this subject. He was with me at the time, in command of K Company, Sixth Infantry.

OMAR BUNDY,  
*Captain, Sixth Infantry.*

In returning the report of this second officer to the headquarters Division of the Philippines, Brig. Gen. R. P. Hughes, U. S. Volunteers, commanding the Department of the Visayas, remarks as follows:

HEADQUARTERS DEPARTMENT OF THE VISAYAS,  
*Iloilo, P. I., November 20, 1900.*

Respectfully returned.

I have never heard of such an incident as this clipping relates. The statements of the two officers who were present at the time are returned herewith. They are both men of cultivation and refinement, and the outrages stated by Grant could not possibly be caused or countenanced by either of them.

R. P. HUGHES,  
*Brigadier-General, U. S. Volunteers, Commanding.*

EXHIBIT D.

GENERAL ORDERS, }  
No. 100. }

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, April 24, 1863.*

The following "Instructions for the government of armies of the United States in the field," prepared by Francis Lieber, LL. D., and revised by a board of officers, of which Maj. Gen. E. A. Hitchcock is president, having been approved by the President of the United States, he commands that they be published for the information of all concerned.

By order of the Secretary of War:

E. D. TOWNSEND,  
*Assistant Adjutant-General.*

INSTRUCTIONS FOR THE GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD.

SECTION I.—*Martial law—Military jurisdiction—Military necessity—Retaliation.*

1. A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the martial law of the invading or occupying army, whether any proclamation declaring martial law, or any public warning to the inhabitants, has been issued or not. Martial law is the immediate and direct effect and consequence of occupation or conquest.

The presence of a hostile army proclaims its martial law.

2. Martial law does not cease during the hostile occupation, except by special proclamation, ordered by the commander in chief; or by special mention in the treaty of peace concluding the war, when the occupation of a place or territory continues beyond the conclusion of peace as one of the conditions of the same.

3. Martial law in a hostile country consists in the suspension, by the occupying military authority, of the criminal and civil law, and of the domestic administration and government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution, or dictation.

The commander of the forces may proclaim that the administration of all civil and penal law shall continue, either wholly or in part, as in times of peace, unless otherwise ordered by the military authority.

4. Martial law is simply military authority exercised in accordance with the laws and usages of war. Military oppression is not martial law; it is the abuse of the power which that law confers. As martial law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity—virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.

5. Martial law should be less stringent in places and countries fully occupied and fairly conquered. Much greater severity may be exercised in places or regions where actual hostilities exist, or are expected and must be prepared for. Its most complete sway is allowed—even in the commander's own country—when face to face with the enemy, because of the absolute necessities of the case, and of the paramount duty to defend the country against invasion.

To save the country is paramount to all other considerations.