

1-11-1895

Report : Mr. Manderson

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

 Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

S. Rep. No. 756. 53rd Cong., 3rd Sess. (1895)

This Senate Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

IN THE SENATE OF THE UNITED STATES.

JANUARY 11, 1895.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 1074.]

The Committee on Military Affairs, to whom was referred the bill (S. 1074) entitled "A bill for the relief of the estate of Emmet Crawford, deceased, late captain of the Third Regiment United States Cavalry," having had the same under consideration, with the accompanying papers, report it back favorably with an amendment, and recommend its passage.

It is proposed to amend the bill by reducing the amount to be granted to the estate of Captain Crawford from \$25,000, asked for in the bill, to \$5,000.

Capt. Emmet Crawford, while in command of United States troops and Indian scouts, entered the territory of the Mexican Republic in January, 1886, in pursuit of hostile Apache Indians led by the chief, Geronimo. The entrance of American soldiers into Mexican territory on such a mission was authorized by treaty stipulation between the two countries.

On the early morning of January 11, 1886, after the hostiles, who had been pursued laboriously for days and weeks, had asked for terms of capitulation, Captain Crawford's command was attacked in camp by Mexican troops. Among other casualties this assault resulted in the killing of Captain Crawford. The Mexicans claimed to have mistaken Crawford's command, in which Indian scouts predominated, for the Apache hostiles, whom they also claimed to be pursuing. The Americans claimed, and with evident truth, that the Mexicans continued firing, after repeated assurances that Crawford and his command were Americans. Captain Crawford was in advance of his troops endeavoring to make known to the Mexicans the identity of his command and put an end to the unfortunate encounter. In this exposed position he was shot down, and died a few days after, never regaining consciousness.

Full investigation of the circumstances was made by the authorities of the United States, and it resulted in the conclusion by both Mr. Bayard, Secretary of State, and Mr. Endicott, Secretary of War, that the conditions failed to present a case for indemnity claim by the United States against the Mexican Government, and that Captain Crawford's untimely death resulted from his courageous and strict pursuit of his duty as a soldier of the United States.*

* Full details of the encounter which resulted in the death of Captain Crawford, together with the correspondence had between the authorities of this Government and those of Mexico, will be found in the volume on Foreign Relations for 1886, beginning on page 567.

At the time of his death Captain Crawford was 44 years of age and unmarried. For a period of sixteen years previous to his death he had dependent upon him an invalid brother with a family of four children, and an insane mother, all of whom are now living and are the beneficiaries under this bill. It is shown by letters filed with your committee that Captain Crawford regularly contributed to the support of his mother and brother, and recognized their dependence upon him.

Capt. Emmet Crawford was a brave and gallant officer, who sacrificed his life in an endeavor to explain a misunderstanding which, but for his promptness and courage, might have led to grave international complications.

APPENDIX.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Chicago, Ill., February 23, 1892.

MY DEAR SIR: I see that you have introduced a bill for the relief of Mr. Z. T. Crawford, of Kearney, Nebr., brother of the late Capt. Emmet Crawford, Third Cavalry, who was killed in Mexico some years ago. Captain Crawford, who was a gallant officer, lost his life in the line of duty, leaving a number of worthy and destitute relatives. I believe this case to be one well worthy of the consideration of Congress.

Very respectfully, yours,

NELSON A. MILES, U. S. A.

Senator CHARLES F. MANDERSON,
Washington D. C.

PETITION.

To the the honorable Secretary of State of the United States of America:

Your memorialist, Zachary T. Crawford, a citizen of the county of Buffalo, State of Nebraska, would respectfully represent that he is a brother and the administrator of the late Emmet Crawford, who was a captain in the Third Regiment of Cavalry, United States Army, and of natural right the curator of the estate of Jemima Crawford, the insane mother of memorialist and the said Emmet Crawford; that letters of administration as aforesaid were issued to him by the county court of Buffalo, State of Nebraska, on the 29th day of April, 1886, and are filed herewith; that as dependent brother, administrator, and curator as aforesaid, he has a just claim against the Republic of Mexico for the sum of \$150,000; that said claim has its origin in the unlawful killing of the said Emmet Crawford by Mexican troops, on or about the 11th day of January, 1886, at or near a point on the Haros River, in the State of Sonora, about 60 miles south of Nacori, a town in said State, in the manner as follows, to wit:

The said Capt. Emmet Crawford, in command of a regular battalion of United States scouts, organized and enrolled in the service of the United States at Fort Apache, in the Territory of Arizona, on or about the 9th day of November, 1885, left Fort Bowie, Ariz., the headquarters of the military department, on the 29th day of November, 1885, for the purpose of intercepting a party of raiding hostile Apache Indians from the Republic of Mexico, reported to be operating in the Dragoon Mountains, and while in the discharge of the duties incident to the orders under which he was acting, he did, on or about the 11th day of December, 1885, in virtue of the provisions of an agreement mutually entered into by the Government of the United States and the Republic of Mexico on the 29th day of July, 1882, and subsequently renewed by said Governments under the two several dates of October 31, 1884, and October 16, 1885, cross over with his command into Sonora, a State of Mexico, at a desert and unpopulated part of said State, at a point almost due south of Fort Bowie, Ariz; that upon crossing as aforesaid into Mexican territory said Crawford held communications with the authorities of the Mexican Government, making clearly understood to them, in accordance with the terms of agreement referred to, the nature of his mission and the authority under which he acted, and in turn received from said authorities respectful recognition and advices concerning the movements of the hostiles he pursued; that from said point of crossing over on to Mexican soil said Crawford marched by a tortuous route through a rough and almost desert country in pursuit of the hostiles, till he overtook and routed

them on January 10, 1886, south of Nacori on the river Haros, capturing their camp, animals, and other effects, and rendering their circumstances so necessitous that an unconditional surrender would have resulted within forty-eight hours of this relentless Apache foe, the common enemy of the United States and Mexico, but for the ill-timed outrage of Mexican troops herein complained of, and which occurred in detail as follows, to wit: That about 7 o'clock a. m. on the morning of January 11, 1886, while the said Crawford and his command of United States scouts were resting from their fatigue in the camp from which they had routed and driven, as aforesaid on the day previous, the hostile Apaches, their camp was attacked by a large force of Mexican troops under one Perrez as commanding officer, who, without warning of any kind, opened a deadly fire of musketry upon the United States forces, wounding several of the sleeping scouts, and continued firing for some fifteen minutes, notwithstanding loud calls in the Spanish language were made by several of the subaltern officers of said Crawford's command wearing the uniforms of the United States "that the command were United States soldiers;" that after the firing of the Mexican troops, and that of the United States scouts in necessary defense of their lives, had been stopped, and said Crawford and several others of his command, wearing unmistakable marks of their official character, had gone forward for a parley and explanation with the assaulting force of Mexican troops, and after interchange of explanations had taken place between the representatives of the conflicting forces, who were at the time separated by not more than 25 yards, the said Mexican troops wickedly and treacherously, and without warning, reopened a murderous fire upon the United States forces, shooting and killing the said Crawford, and wounding more or less seriously several others of the command, and only ceased their deadly and inexcusable assault when, by the well directed fire of the American troops, they had been routed and driven off beyond rifle range.

Your memorialist says that at the time of his murder as aforesaid the said Emmet Crawford was unmarried; that he was born September 6, 1842; that he was a citizen of the United States, holding at the time of his death the rank of captain of cavalry, with a handsome salary, and his many soldierly qualifications opening to him reasonable hopes of attaining the highest rank and pay in the army, and by his sudden and violent death his country has been deprived of the services of a brave and accomplished officer and the dependent members of his family of a dutiful, kind, and loving brother and son.

Memorialist says both himself and mother, the said Jemima Crawford, are citizens of the United States; that said Emmet died leaving neither father, widow, nor children, nor child, and that as dependent brother, administrator, and, of natural right as son, curator of the estate of his insane mother, the said Jemima Crawford, he alone is, in the several capacities set out, entitled to receive the claim herein announced, no part of which has been paid by nor demanded of the Republic of Mexico in other than the claim herein set up; and that no part of said claim has been alienated, pledged, or sold, except so much as will pay a reasonable contingent fee to his counsel, Allan Rutherford and W. J. Moberley, of Washington, D. C.

Memorialist further says that from sickness contracted in the public service during the war of the rebellion he is, and for years has been, totally disabled from earning a support for his family, consisting of a wife and four children, and that for their support and education, by reason of his physical incapacity, he has been, and is, wholly unable to suitably provide; and that during his life, even up to his very death, the said Emmet Crawford recognized his obligation of natural affection to contribute to the support of memorialist's family, and did so liberally contribute, in both money and goods, and that by reason of the killing of said Emmet Crawford memorialist has suffered loss and been damaged, pecuniarily in the sum of \$150,000, for which sum he prays a demand may be enforced against Mexico, and that the power of the United States may, if necessary, be used to bring to justice the murderers of his brother, the said Emmet Crawford, and for this he will ever pray.

ZACHARY T. CRAWFORD,
By ALLAN RUTHERFORD, and
W. J. MOBERLEY,

Counsel and Attorneys in fact of said Zachary T. Crawford.

DISTRICT OF COLUMBIA, ss :

Allan Rutherford and W. J. Moberley, being duly sworn, say that, at the instance and request of the memorialist, they prepared the above petition; that the averments therein made from information and belief are true, and that the memorialist, if personally present to act in his own behalf, would make oath to the same.

Sworn and subscribed to before me this 14th day of January, A. D. 1887. Witness my hand and official seal.

[SEAL.]

J. A. TERRY, *Notary Public.*