

THOMAS LITTLE.

JULY 1, 1886.—Laid on the table and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 4302.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 4302) to authorize the restoration of Thomas Little to the rank of captain, have considered the same, and find :

That Captain Little, by the official records, and by letters of commendation from brother officers, is shown to have been a brave and efficient soldier during the war. The bill asks for his restoration to the Army, from which he was dismissed in 1877. After carefully reviewing the evidence, a synopsis of which, with the indorsements of Generals Ord and Sherman, is published herewith, and made a part of this report, your committee believe that the sentence was proper; that there is no good reason why he should be restored to the Army; therefore report the bill back, and recommend that it lie on the table.

WAR DEPARTMENT,
BUREAU OF MILITARY JUSTICE,
November 23, 1877.

SIR: I have the honor to submit, with the record of his trial, the following report in the case of Capt. Thomas Little, Tenth Cavalry, tried by general court-martial, at Fort Clark, Tex., in October and November, 1877, and sentenced "to be dismissed the service."

This officer was arraigned upon the following charge and specifications:

CHARGE.—Conduct unbecoming an officer and a gentleman.

Specification 1.—In this, that he, Capt. Thomas Little, Tenth Cavalry, United States Army, did appear in uniform on the public street of the town of Brackett, Kinney County, Texas, in company arm in arm with a prostitute, known as Molly McKee, and did accompany her to her home, a house of ill-fame. This between the hours of 7 and 11 o'clock p. m., on or about the 4th day of September, 1877, and at the town of Brackett, Tex.

Specification 2.—In this, that he, Capt. Thomas Little, Tenth Cavalry, United States Army, having accompanied a prostitute, known as Molly McKee, to her home, a house of ill-fame, and having remained in said house for the space of one hour, more or less, on or about the 4th day of September, 1877, did on or about the day following, viz, the 5th day of September, 1877, go before a civil magistrate and enter a complaint against the said prostitute, Molly McKee, charging her with having stolen from him (Captain Little), the sum of \$45, more or less, and did voluntarily appear against her as prosecutor or principal witness at the ensuing trial, and give testimony in open court as follows:

"That on September 4, 1877, I came to the town, went to saloon, got some drinks; I paid for them, and defendant asked me for a dollar; I gave her a dollar. Mollie

McKee crossed the street and took my arm and for about twenty-five yards. I asked her if she would take me home, and she said "Yes." She went across the street and got the keys; she joined me and we walked up the street together; and we got to her house and struck a match and opened a window and door, and she asked me how much I was going to give her. I took my pocket-book out and gave her \$5 greenback. She then undressed, and after she undressed she said I did not give her any money. However, I put my pocket-book on the table, and it laid there about ten minutes. I went to the table and took up my pocket-book and put it on the bed, and then she said "couldn't (?) ———". Anyhow she got my \$5; and after I took my pocket-book from off the table and put it on the bed I never saw it afterwards, and it was taken away from the place where he placed it without his consent. I asked her to give me my pocket-book. She said she had not got it. I asked her to raise her clothes up that I may look for it. I could not find my pocket-book. About five minutes afterwards I heard some voices out-doors. I missed the purse before these soldiers came to the door. No one else was in the room from the time I left the purse on the bed till the time the soldiers came to the door. As near as I can recollect I had \$46, including one silver dollar. This was in the town of Brackett, Kinney County, Texas."

Cross-examined:

"I came to town about 7 o'clock. I was in town about two hours, I think, before I met the woman. I eat before I saw this woman. I drank beer. I was in the house about one-half hour where the girl took me before I missed my pocket-book, to the best of my knowledge. I did not have the money out of the pocket-book but once, and that was the time I gave her the \$5. I missed this pocket-book about one-half hour before Mrs. Sheedy came into the room. I did not go to sleep at any time. I lay down almost one-half second on the bed. I did not look around under the bed for thieves and rascals. She opened one window and one door. I think I had about \$49 or \$54 when I came to town."

Recalled:

"Mrs. Sheedy was beastly drunk when she came into the room. Dressed myself; had no assistance."

Thus, by shamelessly publishing his own dishonor, bringing reproach and discredit upon the service. This at the town of Brackett, Kinney County, Texas, on or about the dates hereinbefore specified.

The accused, who was assisted by military counsel, pleaded "not guilty" to the charge and both specifications.

The allegations in the specifications were fully established by the proof; the most material averments being made out by copies of the original complaint against the woman named, and of the testimony given by accused before the examining justice's court, both of which were signed by accused.

On the part of the defense, it is shown by the testimony of one Colwell, a post-trader, that it was at his suggestion that the accused entered the complaint, he taking the accused to the office of the county attorney for the purpose, and initiating the proceeding. It however fully appears that accused acquiesced in the action taken, and was sworn, and signed the complaint willingly, without objection. The subpoena, shown to have been issued at the time by the county attorney, to require the accused to appear before him as a witness, was in this case a mere form, the accused being there already. Moreover, it has no return of the sheriff, &c., indorsed upon it, and does not seem to have been legally served; and it is evident that accused did not appear either before the attorney or afterwards before the justice because compelled by this subpoena, but that he so appeared of his own free will and consent.

As to the testimony before the justice, the defense shows that the same was not read over to the accused before he signed it. But it is shown that it was taken down in his presence, and by an apparently disinterested person, who acted for the justice in reducing it to writing, and that he then and there signed it without objection; and no good reason appears to doubt that it was his actual testimony before the court.

It is indeed shown on the part of the defense that the accused was not dressed in full uniform, and had no shoulder-straps on, and Colwell testifies to the effect that, if he had not known him, he should have taken him for a first-sergeant. But it is proved that he had an officer's blouse and a cavalry officer's trousers on, and the allegation that he appeared on the public street with the prostitute "in uniform" is thus substantially made out.

The defense introduced testimony to show that the Mrs. Sheedy mentioned in the second specification, and who was a witness for the prosecution, was a prostitute, and had a bad character for veracity. But all the substantial allegations in the specifications are made out quite independently of the testimony of this witness. Moreover, it is to be remarked that as to the alleged fact sought to be disproved by the evidence of Colwell, that accused walked "arm in arm" with the other prosti-

tute, this witness agrees exactly with accused's own testimony before the court. Even if accused had been injured by untruthful or exaggerated statements in the testimony of this witness, he would only have had himself to blame, since this woman was the companion of the prostitute with whom he associated on the evening referred to in the specification, and was with her in accused's society; the two being, as it would appear, invited by him to eat and drink with him. Also it was her room (of which she kept the keys and furnished them at the time to her companion) to which the accused and the other woman (Molly McKee or McCabe) resorted together.

The accused, by way of an address to the court, presented the following statement of his military services, which was admitted by the judge-advocate to be correct:

RECORD OF SERVICES.

"Enlisted in the United States Army September 29, 1856, and was assigned to the Fourth Artillery; re-enlisted August 31, 1861; discharged October 15, 1861, per Special Order No. 260, War Department, Adjutant-General's Office, 1861; re-enlisted November 5, 1861, in the Thirteenth Infantry, and was appointed second lieutenant May 31, 1862, and first lieutenant August 15, 1862.

"In the reorganization of the Army, was appointed first lieutenant in the Thirty-first Infantry, and captain November 1, 1867. In the consolidation of the Army was appointed captain in the Tenth Cavalry.

"Participated in the pursuit of the Seminole Indians through the Everglades of Florida in 1856 and 1857, and in the following battles and engagements during the late rebellion: Chickasaw Bayou, December 29, 1862; Arkansas Post, January 11, 1863; Walnut Hills, May 19, 1863; siege of Vicksburg, July 4, 1863; Colliersville, Tenn., October 11, 1863; Missionary Ridge, November 24, and 25, 1863; also in two engagements with Sioux Indians in Dakota, August, 1867 and 1868, and in pursuit of Comanches and Kiowas, in Texas and Indian Territory; in two engagements with Kiowas in 1872, and in the battle of the Wichita Agency, August 22, 1874, where my company captured the commissary and stockade, which was held by Indians.

"Was wounded twice, once in Florida (slightly), and once at Vicksburg (severely). Was brevetted captain in the Regular Army for gallant and meritorious services at the siege of Vicksburg, and major for same at Missionary Ridge.

"Have been in continuous service with the exception of a forty-day leave of absence.

The court found the accused guilty of the charge and both specifications (substituting only \$47 for \$46 in the second) and sentenced him as above. No recommendation is made by any member.

The department commander, Brigadier-General Ord, in forwarding the record for the action of the President under the 106th Article of War, approves the proceedings, findings, and sentence.

CONCLUSION.

It is impossible in a case of this kind to view with indulgence the offenses charged and proved. The gross act of the accused in walking arm in arm with a notorious prostitute on a public street, while so dressed in uniform as to be distinguishable as an officer of the Army, was greatly aggravated by his subsequent proceeding in voluntarily publishing the details of his disreputable conduct in open court, upon the hearing of a criminal complaint for theft, personally made by him against the woman. It does not even appear that the complaint thus made was a just one.

The county attorney is shown to have dismissed it by the entry of a *nolle prosequi*, on the ground that the testimony of the accused was insufficient; and whether the woman really stole the money as charged, or the same was lost by his own negligence, aggravated, perhaps, by his being under the influence of liquor, cannot be ascertained.

Even if the money were certainly stolen, the accused should at least have had sufficient respect for the military profession, if not for himself, to have refrained from scandalizing the Army and the public service by the exhibition made. Conduct such as his, in one who has, as he says in his communication to the General of the Army, herewith returned, a "young and large family," was especially disgraceful; and, in applying to the general to interest himself in his behalf, he evinces a marked insensibility to the disgraceful character of his offenses. I cannot hesitate to recommend the confirmation of the sentence.

W. M. DUNN,
Judge-Advocate-General.

Hon. GEO. W. McCRARY,
Secretary of War.

[Indorsement on the foregoing.]

HEADQUARTERS OF THE ARMY,
November 27, 1877.

I have carefully examined the record of this case of Captain Little, Tenth Cavalry—with the strongest possible desire to discover some excuse—because of a promise made under deep affliction to my comrades of the old Thirteenth Infantry, sanctified by their courage and devotion in the campaigns of 1863-'64, at Vicksburg, Arkansas Post, and Collierville; but I cannot construe gallant service in action to justify or palliate conduct considered scandalous and dishonorable the world over, and therefore approve the sentence.

W T. SHERMAN,
General.