

ARCHIE O. SPRAGUE

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JANUARY 15, 1927.—Committed to the Committee of the Whole House and ordered to be printed

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MR. CARPENTER, from the Committee on Claims submitted the following

REPORT

[To accompany H. R. 2589]

The Committee on Claims, to whom was referred the bill (H. R. 2589) for the relief of Archie O. Sprague, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

In line 6 strike out the figures "\$10,000," and insert "\$5,000, in full settlement against the Government,"

In line 7, after the word "wife", insert "Martha Unger".

STATEMENT OF FACTS

The death of the wife of the claimant was caused by a .30 caliber bullet fired from a Browning machine gun forming part of the armament of the First Tank Company then engaged in target practice at Camp Dix, N. J. The bullet after striking the ground in the vicinity of the targets, ricocheted over the trees in the rear of the targets and traveling in the direction of Mr. Sprague's home, struck his wife, Martha Unger Sprague, who was then standing in the yard. The evidence adduced by the investigating officers indicates that due precautions had been taken to safeguard persons and property from the direct fire of the guns and that Mr. Sprague's home was not in the danger zone of direct fire.

The unfortunate accident was the direct result of the target practice then being conducted in what was considered a safe manner. It has left Mr. Sprague with six minor children to care for. Your committee feels that Mr. Sprague should be given the maximum amount allowed in death cases, namely, \$5,000 and so recommends.

Attached herewith is the file of the War Department which is made a part of this report.

FEBRUARY 1, 1926.

HON. CHARLES L. UNDERHILL,  
*Chairman Committee on Claims, House of Representatives.*

MY DEAR MR. UNDERHILL: On January 16 you forwarded to me a copy of bill H. R. 2589, for the relief of Archie O. Sprague and requested, for use of your committee, all papers or copies thereof on file in the War Department.

In compliance with your request I am inclosing a photostatic copy of the report of the board of officers convened by the commanding officer, Camp Dix, to determine the cause of and fix the responsibility for the death of Mrs. Archie O. Sprague.

The death of Mrs. Sprague on June 8, 1925, was caused by a 30-caliber bullet fired from a Browning machine gun forming part of the armament of the First Tank Company then engaged in target practice at Camp Dix, N. J. The bullet, after striking the ground in the vicinity of the targets, ricocheted over the trees in the rear of the targets and, traveling in the direction of Mr. Sprague's home, struck Mrs. Sprague, who was then standing in the yard. The evidence adduced by the investigating officers indicates that due precaution had been taken to safeguard persons and property from the direct fire of the guns and that Mr. Sprague's home was not in the danger zone of direct fire.

The unfortunate accident was the direct result of the target practice then being conducted in what was considered a safe manner. It has left Mr. Sprague with six minor children to care for. I believe that the Government should promptly recognize the responsibility for the death of Mrs. Sprague. While any financial relief to Mr. Sprague would be a matter of grace, the exercise of which is exclusively within the province of Congress, I am deeply impressed with the justice of this claim and recommend that substantial relief be granted to him.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that same is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

CAMP DIX, WRIGHTSTOWN, N. J.

June 8, 1925.

Proceedings of a board of officers which convened at Camp Dix, N. J., on June 8, 1925, pursuant to the following order:

SPECIAL ORDERS}	HEADQUARTERS FIRST BRIGADE AND CAMP DIX,
No. 63 }	Camp Dix, N. J., June 8, 1925.

1. A board of officers consisting of Col. Stanley H. Ford, Sixteenth Infantry; Lieut. Col. Sheldon W. Anding, Sixteenth Infantry; Maj. Ellery Farmer, Eighteenth Infantry; Maj. John T. Aydelotte, Marine Corps; Capt. Fred C. Christy, Sixteenth Infantry, is appointed to meet at these headquarters, this date, to determine the cause of and fix the responsibility for the death of Mrs. Archie Sprague, Lemontown, N. J.

The services of a reporter are authorized.

By command of Brigadier General Brown:

JAMES C. CROCKETT,  
*Captain, Infantry, Brigade Executive.*

Official:

E. C. LICKMAN,  
*First Lieutenant, Infantry, Adjutant.*

The board met, pursuant to the foregoing order, at 4.30 p. m. June 8, 1925.

Present: Col. Stanley H. Ford, Sixteenth Infantry; Lieut. Col. Sheldon W. Anding, Sixteenth Infantry; Maj. John T. Aydelotte, Marine Corps; Capt. Fred C. Christy, Sixteenth Infantry.

Absent: Maj. Ellery Farmer, Eighteenth Infantry (on other duty and not immediately available).

Pvt. Edward J. Whalen, Quartermaster Corps, Camp Dix, N. J., was then sworn as reporter.

The board then proceeded to the firing point of the machine guns and 37-millimeter guns with which the tanks conducting target practice were equipped. The firing point is shown on the attached map. The targets are also shown thereon. At the firing point, four tanks were emplaced, the right two tanks

being of the light 6½ ton type, each being equipped with one machine gun. The left two tanks were of light 6½-ton type and equipped with a 37 millimeter-gun each. The board examined the ammunition in use in the machine guns and found it to be mixed ammunition consisting of that manufactured by the Winchester Arms Co., the Remington Arms Co., and the Frankford Arsenal. The ammunition all bore the date of 1918. The ammunition being used by the 37-millimeter guns was of the common shell low explosive type. The firing point upon which the guns were sighted was found to be on contour 145, whereas the contour upon which the targets were situated was found to be 120 and 135, respectively.

The board then proceeded to examine the sighting of the guns and found the sighting to be as follows. The machine guns were examined to determine whether or not they were blocked for elevation and both were found to be blocked against elevation greater than that which would sight the guns at contour 170. The targets for the machine gunners were situated on contours 120 and 135 approximately. The interval between the firing point and the target was found to be a ravine, the depth of which is 30 feet below the firing point. The distance between the guns and the target was found to be 400 to 425 yards. Upon an examination of the terrain, the board finds that immediately on the crest of the hill in the line of fire is a dense woods extending in the direction of the line of fire approximately 1,500 yards. In case either gun were sighted at the highest elevation permissible, the projectile could not have penetrated the dense woods. (It seemed to the board at this point that a projectile from either gun of the machine guns reaching the vicinity of crossroads 47.65-39.5 would of necessity have to go over the woods as a result of the sand stretch upon which the targets are situated causing a ricochet.)

The 37-millimeter guns with which the left tanks were equipped were not examined by the board, inasmuch as they can not possibly enter into the consideration required in this problem. The targets of these guns are shown by the left direction line on the attached map. (The character of the wound will determine definitely the projectile which took effect.)

The board then requested Lieutenant Jespersen, who commanded the First Tank Company, to prepare for and submit to the board a statement concerning the selection of the present target range, the firing position, the location of targets, and the precautionary measures taken by him to guard against accident.

The board then requested Lieut. T. H. Davies, Infantry, assigned to the First Tank Company, to prepare for and submit to the board a statement concerning the selection of the present target range, the firing position, the location of targets, and the precautionary measures taken by him to guard against accident.

The board then requested Lieutenant Colonel Watson, Sixteenth Infantry, permanent camp commander, to furnish a statement concerning the use of the present range that has been made in the past and also his instructions to Lieutenant Jespersen for its use during the present training season.

The board was then, at 6.10 p. m., June 8, adjourned until 7.30 p. m., the same date.

FRED C. CHRISTY,  
*Captain, Sixteenth Infantry, Recorder.*

CAMP DIX, WRIGHTSTOWN, N. J.,  
*June 8, 1925.*

The board reconvened at 7.35 o'clock p. m.

All members of the board were present.

The board proceeded to the home of Mr. Sprague, husband of the deceased, which is situated at Lemontown, N. J. Mr. Sprague was interviewed by the board as follows:

Q. You are Mr. Sprague? A. Yes.

(NOTE.—The witness then continued in a disconnected and somewhat irrelevant manner, as follows:)

The boy was on the roof looking to see if that bullet (here Mr. Sprague pointed to the upper front part of his home) had gone through. She was looking at the boy. I walked over and was standing here reaching to where this bullet had gone in. She says, "This will have to be repaired to-morrow." She swung around like that. I said, "What is the matter, Peggy," I always called her

"Peggy." I says, "Have you been hit?" She says, "Yes, I have been hit." She ran around and fell right over there. I——

Q. Had you noticed any bullets or the noise of any bullets this last week?—A. You can hear them sing and we have heard them for the last five years. They have the elevation too low. You can hear them go by. One day two years ago, I——

Q. Was that ever reported?—A. No, sir.

Q. Have any other people around here ever noticed this?—A. Yes, sir. There is a farmer who was in the cornfield. He was dodging when my wife was killed. He was back here. I was standing like this when the bullets were coming in. Four! Remember that—Four! One hit in the road, one between that tree and this one, and one hit the automobile body on the seat out there. Besides that one hit there before we got out.

Q. Did you notice any last week?—A. No, sir. You can hear them sing——

Q. You could hear them last week?—A. Yes, sir. You could hear them sing. You know that is only a revolver range out there. Nothing but a revolver range.

Q. You have never reported that?—A. Well, I will tell you. You are the one to look after that. If a bullet comes here and hits one, why, we have no chance to report it. You should look after that before the guns are fired. Is that not right? There is nothing that I want any further, but they can not repay me for my wife. She has left me with six. I don't know whether you were ever a widower or not, but I feel bad. But somebody should have set those guns so they would not have fired here. They should not have been that way.

Q. The elevations had been checked, Mr. Sprague.—A. Well, whoever checked them should have checked them more carefully. They could not have been very good.

Q. The general himself checked them.—A. They seemed to think those are glancing bullets. Has that bullet ever glanced?

Q. Yes.—A. There is no hard substances between here and there.

Q. There is sand that would have caused——A. And those bullets glanced in that sand?

Q. Yes, probably.—A. I don't know if you know the land around here?

Q. Yes.—A. Then, all right; I can't explain anything on that line. The shooting closes two public roads, and if they are to be traveled they should be shut off.

The board then drove to an undertaker's establishment in Pemberton, N. J., where the coroner for Pemberton County was met. The board was given an opportunity to view the bullet which was taken from Mrs. Sprague's body and, in the opinion of the board, the marks and scratches upon the projectile indicate that it was a ricochet bullet.

The board then proceeded to Browns Mills, N. J., where Mr. Daniel T. Lemmon, a witness, was interviewed. His statement and testimony are as follows:

Q. Mr. Lemmon, I believe you know something of the accident that happened to-day?—A. Well, I don't know. I was in the office there and two fellows came down and told us what happened, but did not tell us exactly. They said it was the first house, whereas it was the second, so we expected that the husband was intoxicated and had gotten in some disagreement and had either stabbed or killed her. We went over and the fellow came out and said it was the next house and so we went up there and Sprague told us what had happened. These bullets came over and one of them had hit his wife. They had been out there and she had come out and told him to come into the house. She just screamed and reeled and caught the post and fell—it was not more than 6 feet from where the bullet hit her it seems. I got over to the general and asked him to cease firing. We went into the general's office, and he wanted to know if I was interested. I said "Yes." I told him she was dead. He said it was a tank company and he wanted a car to get over there right away. We went out there and went over the situation. I know little of that. They asked us to look through the sights and telescope there. The gun I think it came from, I don't know, but the one we think it came from was elevated the highest. The one that way—farthest down next to the tree. There were two groups of targets, one lower and one in a place a little higher on the slope. The crest of the hill was a little above them. The two who were with me saw the same thing.

Q. You examined the sighting of the gun?—A. Yes, sir. I wrote a letter to our Congressman on the situation and you can see what kind of a report I gave him.

Q. What Congressman?—A. Bacharach, second district.



Q. When you went to the house were the bullets still coming?—A. No, sir.

Q. When you first went, were they still coming?—A. No, sir. The people said "You had better get back of a tree" because these bullets were coming.

Q. Did you hear any?—A. No, sir.

Q. How did they happen to stop? Just a lull in firing?—A. I don't think there was any firing.

Q. What time did you get there?—A. Well, from the time she was shot, a fellow came by—a salesman—

Q. What was his name?—A. H. W. Stratton.

Q. Where are his whereabouts now?—A. Moorestown, between Mount Holly and Camden. He came by and saw the lady lying there and reported it to Kinsley and the other.

Q. Where can we find Mr. Kinsley?—A. A mile and a quarter down on this side.

Q. Did he go out to the site of the guns?—A. He followed me from here to the house and then I went to Camp Dix with him and then back.

The board then proceeded to the home of Mr. Kinsley, another witness, and obtained the following testimony relative to the case:

Q. Mr. Kinsley, I believe you know something of the accident which happened to-day?—A. Well, a man named Stratton, a salesman for J. H. Collins Co.—I buy stuff off him—

Q. How can we get in touch with him?—A. He lives in Moorestown. He came by there and they must have stopped him to send for a doctor. He stopped and seen she was dead on the porch, or thought she was, and he came straight here and stopped. He thought maybe she might have been murdered and did not want to get dragged in and I said "You'd better go down and get a doctor." He thought maybe she had been stabbed. I asked him what house and he said the first house and I know a man there who beats his wife up any time. He had said bullets from Camp Dix were shooting over there. We jumped in the car and went to the doctor and he was not in so we went to another doctor and came back and went there—

Q. You went with General Brown?—A. Yes, sir.

Q. To look at the guns?—A. Yes, sir.

Q. Did you look through the sights?—A. Yes, sir.

Q. How did they seem to you?—A. I thought they were up so I could see the green trees over the top.

Q. Did you see the elevation?—A. That is what we looked through. We looked through the telescope sight and could see the green trees.

Q. Did you notice where the cross hairs were?—A. No.

Q. In that big telescope which you look through when aiming, it is like this, and here they intersect each other. That point of intersection is where the gun is laid?—A. I did not notice. I saw trees and the bottoms of the trees and the whole field.

Q. Did you look through one gun or the two?—A. We looked through the one up this way.

Q. How many guns did you look through?—A. One.

Q. Was it a machine gun?—A. They call them machine guns, I think. There were three in a row.

Q. There were four, weren't there?—A. Probably there was.

Q. You looked through the one facing that way; did you look through the first or second?—A. Yes; from the lower end.

Q. Closest to the barn?—A. Yes; the one here and the one there.

Q. Two of them?—A. Yes; the two lower ones; the two nearest guns to the barr.

Q. Was there anything you noticed to keep the guns from being raised higher?—A. All I noticed was a strand of wire. Nothing substantial. I did not examine closely. I suppose you know—just a wire that held a handle from going down.

Q. Did you put any weight on the handle?—A. No; I did not touch the handle.

Q. You did not know if that would keep it down?—A. I guess it did.

Q. You don't know though?—A. No; I don't know.

Q. Have bullets ever come over your house?—A. No, sir.

Q. Have you ever heard them at all?—A. I have heard them from the field.

I have heard the big ones go zzzzz-zzzzz.

Q. This year?—A. Yes; I heard them go over.

Q. Have you ever reported that?—A. No; I never supposed they were shooting this way. Years ago they used to fire with revolvers and we never noticed them at all.

Q. Where is the house where the woman was killed?—A. One mile up there. Q. Are you in line?—A. No; the tanks set off there in this direction from the house. My farm bears off at the fields this side of the Pemberton Road.

Q. You don't go to the Pointsville Road?—A. No; but I was planting corn up there in the field one morning and they sounded pretty loud. I told the man with me that they sounded pretty loud.

Q. When was this?—A. This morning.

Q. This morning?—A. Yes; they sounded like machine guns. Quick and snappy—ZZZZ—ZZZZ.

Q. You mean you heard the sound of the guns but not the bullets?—A. Yes.

Q. The guns or the bullets?—A. The guns.

Q. Have you heard bullets in that field?—A. Yes, I have.

Q. This year?—A. No, not this year. I used to hear them quite a bit. They did quite a lot of shooting up here.

Q. You never reported that, did you?—A. No. I would have thought he would have done so though because Saturday the bullets were flying around his house. That is what Mr. Bowker said—the man next house to him.

Q. I don't believe it could have been last Saturday because on Saturday morning the troops were on parade.—A. Well, may be it was Friday.

The board then proceeded to Camp Dix and adjourned until June 9, 1925.

FRED C. CHRISTY,  
*Captain, Sixteenth Infantry, Recorder.*

CAMP DIX, WRIGHTSTOWN, N. J.,  
June 9, 1925.

Capt. Fred C. Christy, recorder of the board, accompanied by the reporter, proceeded to Moorestown, N. J., pursuant to instructions received from the president of the board, for the purpose of securing testimony of Mr. H. W. Stratton, a witness in the case. The testimony of Mr. Stratton was as follows:

Q. Mr. Stratton, I am Captain Christy from Camp Dix and am a member of the board which is investigating the death of Mrs. Sprague yesterday afternoon. I understand that you know something which may aid us and would appreciate hearing anything that you may be able to tell us.—A. Well, I did not see anything. When I came along by there there were two women running up the road and as I got to the house where this accident occurred I went by and the fellow living there yelled for me to come back and I came back and he said, "Oh, My God. A bullet from Camp Dix just killed my wife. Get me a doctor quick." As I was going down for the doctor I met Kinsley and I told him. He said he would go to Browns Mills. He said, "I know the authorities there and I will be able to straighten things out." He said, "You wait here until I come back."

Q. While there, did you hear any bullets going over?—A. No; I got out of my car and went to the front porch and turned around and went back. I was in a hurry.

Q. Did you go with Mr. Kinsley to the gun positions?—A. Yes; I went up with Kinsley to the guns.

Q. Did you look through them?—A. Yes; I just glanced through them. I did not get right down and look.

Q. Well, there is a round telescopic glass. In the center of this glass there are two cross hairs. If you look through the telescope there are two very fine wires and the point where these wires intersect is the point upon which the gun is laid. Did you notice that?—A. No; I did not see anything like that. I just poked my head down and saw green trees ahead and that is all.

Q. That is what Mr. Kinsley did. You just looked through at one point.—A. Yes.

Q. Had the guns stopped firing when you got there?—A. Yes; they were cleaning the guns, I think.

The foregoing was all the testimony that Mr. Stratton had to offer.

FRED C. CHRISTY,  
*Captain, Sixteenth Infantry, Recorder*

CAMP DIX, WRIGHTSTOWN, N. J.,  
June 10, 1925.

The board reconvened at 9 o'clock a. m.

All members of the board and the reporter were present.

First Lieut. H. Jespersen, Infantry, commanding the First Tank Company, was sworn in as a witness. His testimony follows:

Q. Lieutenant Jespersen, it is desired by the board that the testimony submitted in your written statement be supplemented somewhat by further statements in answer to questions by the board. Please state to the board the arrangements made by you with the commanding officer, special troops, for the use of the present target range; the precautionary measures in detail taken by you to avoid accident, including a reconnaissance of the terrain back of the targets and in the line of fire, the posting of danger flags, and the preparation of the area upon which the targets were located if any such preparations were made.—A. The day following our arrival in Camp Dix, I went to the commanding officer, special troops, and requested permission to use the target range that the tanks had used the previous season. I explained to him where the range was and he at first denied his permission to use the range. He questioned about the previous use of the range and I told him that Major Bartholf the year before had approved of the range. He then consented to go out and inspect the range with me and we went out the same day, I believe. After seeing the range, the commanding officer, special troops, approved of the Tank Company using the range for regular firing.

Q. What instructions, if any, did he give you at that time?—A. He instructed me to have danger flags displayed in a conspicuous place on each end of the range and a sentry posted on each side of the range to prevent people from going into the danger zone. I believe I told him where the sentries were posted and that appeared satisfactory to Colonel Watson.

Q. Where were those flags posted and the sentries posted the previous year and were you present at the firing last year?—A. I conducted the firing under Captain Osborn last year, who was then the company commander. The danger flags were displayed in approximately the same positions as this year, on each side of the range on each road so that anyone coming into the range on either side could not help seeing the flags. One sentry was posted on Delaware Avenue, half-way between the firing point and the targets, and the other close to the road running on the right side of the target range, where he could stop anyone from passing from that road in on the target range.

Q. How far from the firing point were the so-called danger flags placed? Were they on line with the targets?—A. No; I should say they were halfway between the targets and the firing points and approximately 200 yards up from the line of fire. One was about 200 yards and the other about 300 yards.

Q. Were there any other danger flags placed on the range or in the rear of the range?—A. Each sentry was provided with a short red signal flag so he could wave back to stop firing or to warn people.

Q. Then you had two sentries and two danger flags?—A. Yes.

Q. And both sentries and both danger flags were posted within an area bounded by the firing point, the line of targets, and 200 yards on either flank of the line of fire?—A. Yes, sir; 300 yards.

Q. And there were no danger flags or sentries or patrols back of the line of targets in the direction of the line of fire?—A. No, sir.

Q. You state in your written statement that during last year's firing you spent an entire afternoon on the roads back of the range to assure yourself there would be no danger while firing on the range and you heard no projectile come over?—A. Yes, sir.

Q. On that occasion, what roads did you patrol and how far from the firing point did you go? Did you go along the Pointsville-Pemberton Road?—A. Yes, sir.

Q. Along the road where the house is situated where the accident occurred a few days ago?—A. Yes, sir. I passed it.

Q. Was the range being used at that time?—A. Yes, sir.

Q. The range was being used at that time and you heard no "overs"?—A. No, sir.

Q. That was last year?—A. Yes, sir.

Q. You say that this year you went over the entire range and all roads in the vicinity but could not see where any firing would result in accident?—A. Yes, sir.

Q. Was that while firing was going on?—A. No, sir. It was the day before. I was out there the year previous while the firing was going on, so this year I

went out before the firing started in order to ascertain whether or not conditions had changed in any way, that is, whether houses had been built closer to the range.

Q. Had it ever been reported to you that projectiles were dropping in the vicinity of the Pointsville-Pemberton Road at any time during your experience on this range?—A. No, sir.

Q. Do you consider you took every reasonable precaution to guard against danger?—A. I honestly do.

Q. What effect, if any, do you think the change in the location of the firing points this year from that which obtained last year would have on the flight of the projectile in case of ricochet?—A. It would swing the cone of fire further to the left and consequently decrease the danger.

A. How do you figure it would swing the cone of fire to the left? Did you move the tanks to the right?—A. Yes, sir.

Q. On what kind of ground were the targets placed?—A. The ground is mostly sandy all over the range.

Q. Were they in pits of butts or anything of that nature?—A. No, sir.

Q. Was the ground abruptly sloped or gently sloped where the targets were?—A. Where the targets were that we were using there was a sort of shelf formation—a somewhat level stretch with a bank in rear approximately 4 or 5 feet high.

Q. In other words, it was stepped?—A. Yes, sir.

Q. Did you have any targets up there where those two poles are, with cross pieces over the tops?—A. Yes, sir; our farthest targets were in that vicinity, and we fired at them with the 37-millimeter guns only.

Q. Did you examine the ground to determine whether or not you were getting ricochets from the machine-gun fire?—A. I went over the entire range, and from the condition of the ground I did not think it would induce ricochet shots. The soil was rather loose, particularly around the targets, and I thought that the greatest part of the bullets would embed themselves in the soil.

Q. Then after the firing started you did not examine to find out positively whether or not you were getting ricochets?—A. Lieutenant Davies and I went out practically every night after firing had ceased to examine the targets, and we found a great many bullets in the soil, which would indicate that the percentage of ricochets would be comparatively low.

Q. Did you see any sign on the ground where bullets had ricocheted and come out?—A. That would not be plain to be seen in the case of the machine guns. With the 37-millimeter shells it would show that the projectiles had ricocheted—that is, struck the ground and exploded immediately after. It is a slow fuse. It strikes the ground and comes up and explodes immediately after.

Q. Did you think it might be advantageous to plow that ground crosswise to the line of fire to prevent ricochets?—A. A thing like that never entered my mind. I hardly think it would have made any great difference.

Q. Did it occur to you at all that there might be danger to the population in the rear from ricochets?—A. No, sir.

Q. Did you inquire from any of the inhabitants along the Pointsville-Pemberton Road when you made your reconnaissance as to whether or not they ever heard ricochets?—A. No, sir.

Q. You interrogated no one?—A. No, sir. I took it for granted that people hearing anything come over would report it immediately.

Q. Where on this map were the tanks located at the time this accident occurred? Can you tell about where they were there?—A. It was just to the left of this building and a little to the rear.

Q. Where were the targets?—A. They were directly across—about here.

Q. Where were those two flags you spoke of?—A. Down across to the road.

Q. About midway between the guns and the targets?—A. Yes, sir.

Q. Near the pumping plant?—A. A little below the pumping plant.

Q. This way?—A. No; beyond the pumping plant.

Q. Where was the red streamer you spoke of on this side?—A. Approximately in here.

Q. Where was the guard you spoke of?—A. The guard was down on the road. A flag was here and the sentry was on the road.

Q. Did you have any guards along here in front of the targets—beyond the targets from the guns?—A. No, sir.

Q. Did you have anybody along this road here?—A. No, sir. That is the road I patrolled last year. I patrolled all of this territory here.



Q. Last year where were those tanks located when you were firing?—A. Farther over this way, to the left here.

Q. Still on the edge of the woods or in that ravine?—A. On the edge of the woods.

Q. The same as now?—A. Yes, sir.

Q. The targets were the same as now?—A. Yes, sir.

Q. When you moved them over this way it threw the cone of fire that way?—

A. Our cone of fire would be about like that as it was this year—last year like that.

There being no further questions, Lieutenant Jespersen was then excused.

Lieut. Col. J. T. Watson, Sixteenth Infantry, commanding special troops, First Division, was then summoned by the board and sworn as a witness.

Q. Colonel Watson, the board has decided that it would like to supplement your written statement by further statements in answer to questions by the board. Supplementing your written statement, will you please state to the board, as near as you can recall, the exact conversation which you had with the commander of the First Tank Company concerning the use of the present target range, the arrangements made by you with him concerning its use, and the instructions given by you to him for its use.—A. So far as I can remember, the adjutant, Mr. Lickman, said to me—I think it was about the morning of the 27th—that Lieutenant Jespersen wished to use the same range that the Tank Company had used when firing last year. Lieutenant Jespersen came in about that time and I told him that I would not agree to their using that range. I do not know whether I said I did not consider it safe, but that was the reason. He assured me that they had used the range for the year previous, and I said "On whose authority did you use it?" He said "On the camp executive, Major Bartholf's authority." He said that Major Bartholf went out there and approved the use of it. I looked at the map and told him that I would consider the matter and that I would go up there with him. I think we went up there immediately. If not, it was the next day.

Q. You and the adjutant?—A. No, sir. Mr. Jespersen and myself. When we got up there, there was an old thousand-inch target range on a cut bank, and he had picked out that site. I told him that he could use that range if they fired so their line of fire was well down on that slope below the crest, so that the line of fire would be to the left of a line parallel to that road on the right of the reservation, and that he would select the positions of the tanks on that old thousand-inch range. I told him to put out the necessary guards to see that no people walking along the roads there would be in danger. I then discussed with him how to get his tanks up there without destroying the roads, and he finally came to the conclusion that he would bring his tanks up in trucks. Two or three days afterwards I was going to luncheon and I heard the firing, and immediately after luncheon I drove up there and found he had moved the tanks to a site about 30 yards farther to the north and up on the bank, and he said that he had found he could not get a plunging fire in the other position; that he would be below the level of the targets and his fire would be a rising line of fire, and he desired a plunging fire and he had moved his tanks for that reason to where they then were. I approved that. He also told me in his first conversation that he would block his guns so that they would not be elevated beyond the crest of the hill; that he would block them mechanically. I do not remember whether I looked at the blocking when I went up there or not.

Q. When the request was first made for the use of this range, what was in your mind which induced you to come to the conclusion it was unsafe?—A. I thought it was unsafe and had been the year before because it was too close to that boundary line and I thought possibly the fire would cross those roads on the right.

Q. Then it was the right boundary line you were thinking about particularly rather than the boundary line in rear of the targets in line of fire?—A. Principally that. I don't know whether or not I discussed with Lieutenant Jespersen the patrolling of that Pointsville-Pemberton Road, but I had it in my mind that that road should be patrolled. I do not remember whether or not I discussed that with him.

Q. You mean that it should have been patrolled during the firing or at frequent intervals?—A. So as to keep people from passing along it.

Q. Do you consider Lieutenant Jespersen took reasonable precautions against accident under the instructions given him by you?—A. Yes, sir.

Q. Had it ever been reported to you that "overs" were reaching the Pointsville-Pemberton Road?—A. No, sir; such a thing was never reported to me. In fact, in 1923 I was here as division and camp inspector and it would have come to

my knowledge if such report had been made. I investigated all such reports which came in for General Graves and made reports to him in every instance. The reports always came to me from his office for investigation.

Q. Did the danger of a ricochet from that target range ever enter your mind?—A. It never occurred to me. The strike of direct fire was the only thing that came to my mind.

Q. An examination of the range and terrain and the wooded character of it would answer that question of a direct hit in the negative, would it not?—A. After an inspection of the map and the site of the range, I figured that that screen of woods just back of the crest of that slope on which the targets were placed would make it impossible for bullets to pass that screen and make a direct hit, as the sector of fire was so directed as to be within the limits of that line of timber.

Q. Did you note by an examination of the map that the timber is not properly shown on the map, but that the timber covers much more of the area than is shown directly back of the targets?—A. Yes. I was familiar with that timber and have been since 1917. We built a trench system in that timber and along that ridge.

Q. You stated that the matter of ricochets never entered your head, I believe. Would it not have seemed reasonable to terrace that ground to some extent? Or plow it?—A. Yes. When I examined the targets the right-hand target was about 25 feet below the crest of the hill. The bank immediately behind the target was more perpendicular than the ground outside the limits of the target and very rough and much pitted, and I noted the firing, and they were practically right on the target. The burst was on the target.

Q. What was the nature of the soil?—A. A sandy topsoil with a sand in place subsoil. You go a foot and a half down before you strike clay.

Q. Do you think the dry weather we have had might have hardened the ground sufficiently to get ricochets from it?—A. No. In looking back on the thing, it is apparent to me that ricochets would be expected on that ground.

Q. Would be or would not be?—A. Would be.

Q. You stated that last year the tanks were in a certain position?—A. I don't know the exact position of the tanks last year. I think they were approximately in the same position. I have no knowledge except that they were firing over the same ground.

Q. Colonel, in your estimation would raising the elevation of the guns from 25 to 30 feet increase or decrease the liability of ricochets?—A. It would decrease it. The line of fire was then descending instead of ascending. Lowering the fire, that is, raising the guns and lowering the angle of fire, would bring the bullet more perpendicular and reduce the chances of ricochets.

There being no further questions, Lieutenant Colonel Watson was then excused.

Capt. C. A. Osborn, Sixteenth Infantry, was then summoned by the board and sworn in. His testimony follows:

Q. Captain Osborn, this board which is in session desires to ask you some questions relating to the target range in use by the First Tank Company. Are you familiar with the range in question?—A. Yes, sir.

Q. Please state to the board the use that has been made by you of this range and your knowledge as to its safety?—A. During the summer training period of 1924 this range was used by the First Tank Company for both machine gun and 37-millimeter gun firing, by and with the consent of the commanding general, General Graves, through his executive officer, Major Bartholf, it having been used in previous years for the same purpose—at least in 1923. In order to insure safety on the range in 1924 a device was arranged on the guns which prevented their being raised to an elevation in which the line of sight would fall above the top of the hill on the slope of which the targets were located. Guards were also placed on either side of the range beyond the targets and on the front slope of the hill to prevent persons passing across the range. No complaint was made by any person and to the best of my knowledge no bullets went over the hill. Immediately after the accident in question, I inspected the location of the tanks and of the targets and found that safety devices were rigged on the tanks which prevented the line of sight from falling above the top of the hill, which hill was also wooded with trees probably 25 feet in height. I found that the tanks were approximately 25 feet higher this year than last, making the line of sight of the guns when laid on the upper target practically level, if anything slightly depressed.

Q. Were the precautions against accident this year similar to those taken by you last year?—A. As far as the material precautions are concerned they were. By "material," I mean the preparation of the devices on the guns of which I spoke.

Q. The posting of danger flags and the sentinels were the same?—A. I don't know, sir.

Q. Last year did you patrol the roads in rear of the targets and line of fire?—A. Yes, sir. I had it done by Lieutenant Jespersen.

Q. Were any reports of "overs" ever received by you in your experience on this range?—A. No, sir.

Q. Do you consider the precautions taken this year to guard against accident were satisfactory and sufficient from your examination of the range this year?—A. I am not familiar with the precautions taken other than the rigging of safety devices.

Q. When you were using the range last year did you note whether or not you were getting ricochets from that ground?—A. I did not. I do not believe it would be able to be told readily from the firing, as the ground beyond the targets was largely covered with grass and foliage.

Q. After a few bursts of machine-gun fire would not the ground be such as would show whether there were ricochets or whether the bullets were burying themselves in the ground?—A. It probably would, but no examination was made by me for that condition.

Q. Imagine this represents two slopes of ground, the guns here and the targets here. Last year you had those guns so they were down where my knuckles are and they were shooting at targets along here. This year the targets were the same but they had the guns up here. Do you understand?—A. Yes, sir.

Q. When the guns were down here they were firing up in the air to hit the target?—A. Yes, sir.

Q. There were not so many ricochets—is that your idea—as when the guns were here and were shooting with the line of fire flatter, or perhaps a plunging line of fire?—A. No, sir. My idea would be that there was more opportunity for ricochets when the guns were in their lower positions, because the angle between the slope of the hill and the trajectory of the bullet was greater and more easily overcome.

Q. The position the guns were in last year when firing, the cone of fire in that position was slightly in a different direction than when they were moved to this year's position?—A. It was probably longer.

Q. And it pointed in a somewhat different direction, did it not? In other words, the bullets at the end of their flight were falling to the right of where they are now. Is that right? Now, on this map these are the guns along here. Here were the targets. Last year your guns were on this flank of that position and further from the barn. This year they are over here and the targets are in the same place. Therefore, when you shot last year from this position it threw the projectiles down in here, whereas this year it threw them over in here. Is that it?—A. Yes, sir.

Q. Did you ever, when in charge of the tank company, take into consideration these people living in these houses and the liability of an accident occurring to them?—A. Yes, sir.

Q. You said you sent Lieutenant Jespersen along that road?—A. Yes, sir.

Q. On which road?—A. On this road here.

Q. Did he ever go along this road here or this road here?—A. I don't know, sir. He came along here and I know we had sentinels along here.

Q. You mean along this north and south road?—A. Yes, sir. That was to prevent persons from crossing over.

Q. Was there anyone along this road or this road here to prevent traffic from getting into trouble?—A. Both ends of this road were, to the best of my knowledge, protected.

Q. Did you estimate where your bullets were falling when you were shooting there?—A. On the near slope.

Q. Did you estimate any of your bullets were going over at all?—A. No, sir.

Q. You never sent anyone over there to find out?—A. Lieutenant Jespersen was in those woods and heard or saw no evidence of the bullets coming over there.

Q. That was in 1924?—A. Yes, sir.

There being no further questions, Captain Osborn was then excused.

Lieut. T. H. Davies, Infantry, assigned to the First Tank Company, was then summoned by the board and sworn in.

Q. Lieutenant Davies, the board desires to supplement your written statement by answers to questions by the board. Please state to the board the precautionary measures taken by you at the target range this year on your own volition or in response to instructions given to you by higher authority. How long has that range been used; do you know?—A. The range was used last year.

I believe the year before that I was down here and it was the same range. We used the range on the crest of the hill from which we were firing this time. We fired in the same direction but were—

Q. In other words, your guns were over where your targets are now on the crest of the hill?—A. Yes, sir.

Q. What year was that?—A. That was 1923. I was not here last year.

Q. Did you ever fire on this present range before?—A. I have never done so personally.

Q. What precautionary measures were taken this year to safeguard the population beyond the targets on the line of fire?—A. After a conversation with Lieutenant Jespersen it was decided that the tanks should be braced, as they had been the previous firing, to prevent the guns being elevated enough to clear the crest of the hill against which we were firing.

Q. Please explain "that the tanks were to be braced."—A. By "bracing" I mean placing a 2 by 4 or similar plank beneath the gun inside of the tank, so that the breech could not be depressed below a certain point. The bracing on the machine gun consisted of a wire very similar to hay wire, looped from two bolts in the top of the turret underneath the shock-absorbing group of the Browning machine gun. When machine guns are equipped with horizontal shoulder piece, this wire brace can not be removed without first removing the shoulder piece. The turret itself was clamped and marked so that it could be checked readily in case it revolved either to the right or left.

Q. Now, tell us about the danger flags that were posted.—A. Two large red streamers were placed about half-way up in rather tall dead trees on either flank, and they could be seen by anyone who would attempt to cross the range. A range guard was also placed, consisting of one noncommissioned officer or one private, to the left of each target, in line of fire to stop anyone from crossing the range or to warn the officer in charge to cease firing if persons or animals were seen in the woods behind the range.

Q. Did you make any reconnaissance of the area behind the target?—A. No, sir. I did not.

Q. Did the danger of ricochets or "overs" occur to you at any time?—A. Yes, sir. I can further add that the day I was placing braces in the tanks Lieutenant Jespersen made a reconnaissance in the woods and firing line in back of the targets.

Q. At the time of firing did you know the approximate distance from the firing point to the nearest inhabited area in line of fire?—A. I considered it over 2,000 yards. I did not know exactly.

Q. Did you dismiss the possibility of danger to inhabitants in the area back of the targets as of no consequence?—A. I considered the slope of the ground with the forest on the crest and beyond as ample to stop any bullet before it had traveled far enough to do any harm to any inhabitants in the area back of the targets.

Q. And the possibility of any ricochet which would deflect the flight of the bullet above the forest did not occur to you?—A. I did not consider a ricochet would travel that far, sir.

Q. Did you know from the ground whether there were ricochets from that location or not?—A. I observed practically all of the fire, as I kept the record of each man who fired and with the exception of a very few bursts I observed where each burst struck the ground. Except for tracer ammunition I did not see any ricochets. We could see them bury themselves near the targets but I do not recall seeing any ricochets.

There being no further questions, Lieutenant Davies was then excused.

FRED C. CHRISTY,  
Captain, 16th Infantry, Recorder.

CAMP DIX, WRIGHTSTOWN, N. J., June 10, 1925.

The board met, pursuant to adjournment, at 12.35 o'clock.

All members of the board and the reporter were present.

Capt. John Huling, jr., Ordnance Department, was summoned before the board and sworn in. His testimony follows:

Q. Captain Huling, the board desires to supplement your written statement by such answers as may be given to questions by the board. In your inspection of the ground upon which the targets were placed, what led you to the conclusion that a bullet striking that ground would be likely to ricochet?—A. Well, sir, the level of the guns and the place at which the upper targets were located were very



nearly the same, and assuming that the firing had taken place from the points at which I saw the tanks located yesterday morning on the wooded ridge above the old 1,000-inch range, I believe that the tanks were slightly higher than the targets. Yesterday morning it appeared to me there had been two sets of targets. The upper set which was farthest away from the firing point seemed to consist of G. I. cans placed on posts and appeared to me very little lower than the firing point. The lower set of targets, which consisted of a skirmish line of "E" targets, was considerably lower than the firing point. I don't know which set of targets was being fired at. The ground at the targets was a gently sloped hill with various small irregularities on it such as the sandy mound on which the G. I. cans were located, but I don't feel that I am qualified to make any important statement about that because I never saw the place until I went there yesterday morning and I don't know whether the guns were located as I saw them or not and I don't know which targets were being fired at.

Q. It is true then that an examination of the bullet, coupled with the examination of the ground, led to the conclusion that a ricochet was possible?—A. At the camp adjutant's direction I went with Major Aydelotte to Pemberton where the body was examined, and the next morning I went to the range, as the colonel suggested to me, and saw the ground where the old 1,000-inch range is, but I never have seen it before. That, coupled with an examination of the bullet, led me to the conclusion that a ricochet would be likely. I do not doubt but what the scratched appearance of the bullet, together with the condition of the ground, led me to believe that a ricochet was likely.

Q. Do you know of your own knowledge that the bullet you examined was the one which produced the death of this woman?—A. Yes, sir. I saw the bullet removed from the woman's body.

There being no further questions, the witness was then excused.

Sergeant McCarthy, First Tank Company, was then summoned before the board and sworn in. His testimony follows.

Q. What is your name, rank, organization, and station?—A. Staff Sergeant McCarthy, First Tank Company, Camp Dix, N. J., sir.

Q. How long have you been a member of the First Tank Company?—A. Since September, 1922.

Q. Where were you stationed then?—A. At Miller Field, sir.

Q. Were you with the First Tank Company during its target practice in the summer of 1923?—A. Yes, sir.

Q. Where was that target practice held?—A. About the same place it was this year, sir.

Q. At Camp Dix, was it?—A. Yes, sir.

Q. Exactly the same place?—A. No, sir.

Q. Where were they placed in 1923?—A. As far as I remember they were placed to the left of where they are now. On a hill.

Q. You were on a hill shooting across a ravine at some targets on the hill opposite—on the opposite side of the ravine?—A. Yes, sir.

Q. Where were your tanks in 1923 in regards to those targets?—A. Closer, sir.

Q. Were they on the same hill the targets were on this year, or closer, or do you remember?—A. I don't exactly remember, sir. I was only on the range once in 1923. The way I remember they were closer on the same hill they are on now. The Infantry was using the range where we are now for pistols.

Q. Someone was shooting pistols in front of where the tanks were?—Yes, sir.

Q. Last year?—A. Yes, sir. We were back to back and closer to the targets.

Q. The tanks then last year were placed on a lower elevation than this year?—A. Yes, sir.

Q. Were the targets lower down also?—A. The 37-millimeter was but I don't believe the machine-gun targets were.

Q. The machine-gun targets were the same as this year?—A. Yes, sir.

There being no further questions, the witness was then excused.

The board then examined airplane photographs of the target range and of the area surrounding the range.

#### FINDINGS

Upon due consideration, the board finds:

That the death of Mrs. Martha Unger Sprague was the result of a gunshot wound inflicted by a .30 caliber bullet fired from a Browning machine gun; that said bullet was fired from a Browning machine gun which was part of the arma-

ment of the tanks which were having target practice; that the bullet took effect by reason of a ricochet from the sandy ground in the vicinity of the targets and cleared the wooded area between the line of targets and point of fall in the vicinity of the house of Archie Sprague, husband of the deceased, on the Pointsville-Pemberton Road.

That firing of machine guns and 37-millimeter guns at target practice by the tank company had been conducted at Camp Dix, N. J., in the area indicated for three or more years with apparent safety and without complaint of danger on the part of neighboring inhabitants; that no complaint or report of damage has been received by the military authorities during the present training season.

That the area surrounding the range was inspected by the officer in charge to determine the factor of safety required and that as a result of such inspection the officer in charge took such precautionary measures as appeared to him necessary to guard against accident.

That, notwithstanding the nature of the terrain, which included a thick body of woods approximately 1,500 yards in depth between the targets and the house where the accident occurred, and, notwithstanding the precedent established for the use of the range and the measures taken to prevent accident, protective measures have proven ultimately to be ineffective.

That the board believes the location of the guns during the target practice this year was such as would tend to reduce rather than increase the danger which may have existed in previous years.

The board is of the opinion, in view of the long period of use of this range without accident or complaint of danger and in view of the precautionary measures taken by those engaged in target practice on the range and by those under whose supervision the practice was being conducted, that no person or persons can be reasonably held responsible for the accident.

STANLEY H. FORD,  
*Colonel, Sixteenth Infantry, President.*

SHELDON W. ANDING,  
*Lieutenant Colonel, Sixteenth Infantry.*

JOHN T. AYDELOTTE,  
*Major, Medical Corps.*

ELLERY FARMER,  
*Major, Eighteenth Infantry.*

FRED C. CHRISTY,  
*Captain, Sixteenth Infantry, Recorder.*

Approved:

PRESTON BROWN,  
*Brigadier General, Commanding.*

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STATEMENT OF CAPT. C. A. OSBORN, SIXTEENTH INFANTRY

JUNE 9, 1925.

Capt. C. A. Osborn, Sixteenth Infantry, being duly sworn, testified that he was in command of the First Tank Company for 14 months ending in May, 1925, which included the period of summer training for 1924; that during this period the target practice of the First Tank Company at Camp Dix was held on the same range as was used at the time of the accident; that the location of the targets in 1924 was the same as in 1925; that the location of the tanks from which the firing was done in 1924 was approximately 25 feet lower than in 1925; that he examined the tanks from which the firing was done shortly after the accident occurred and before any of the officers or men present knew that an accident had occurred; that the guns were so arranged with a safety device located in the tanks as to throw the strike of the bullets below the top of the hill and that this device prevented the elevation of the muzzles of the guns to a degree that would throw the strike over the top of the hill; that the location of the tanks this year was even safer than last year in that the angle of fall was greater and left a greater margin of safety; that, in his opinion, the strike of the bullet which caused the accident could not have been where it was except through a ricochet.

C. A. OSBORN,  
*Captain, Sixteenth Infantry.*

HEADQUARTERS SPECIAL TROOPS,  
*Camp Dix, Wrightstown, N. J., June 8, 1925.*

The First Tank Company arrived at Camp Dix on the evening of May 26. On the 27th or 28th Lieutenant Jespersion, commanding the First Tank Company asked permission to have target-range practice with machine guns and 37-millimeter guns mounted in tanks on the range just east of the barn on the Lippincott Farm on the Camp Dix Reservation, where they fired last year. I refused this permission, saying that I did not think it was safe. He assured me that he had fired there last year (1924) and that the camp executive, Maj. J. C. P. Bartholf, Infantry, had given permission for them to fire on that ground. Knowing how careful Major Bartholf was, I went with Lieutenant Jespersion in his car to the ground, and after looking at the map of the reservation and after looking it over, told Lieutenant Jespersion he could fire there and that his line of fire must not cross the Lewistown-Lemonstown Road, but must parallel that road. We selected the location for the tanks and I directed him to put out necessary guards.

Firing started, I think, on June 1. I heard the firing and drove to the range at 1.30 p. m. and looked at the location of the tanks, the firing point, and the location of the targets.

Both Lieutenant Jespersion and Lieutenant Davies reported that the guns were blocked so that the elevation could not be raised sufficient to bring the point of strike up to the crest of the hill, which is crowned along the sector of fire with a deep growth of wood about 40 feet high and very dense. Danger flags were displayed on New Jersey Avenue and on the road along the western boundary of the reservation on or near line of the targets.

I think this range was used by the tanks in 1923 and it was so used in 1924.

I was here as division inspector in 1923 and if it was so used in 1923 any reports of bullets from there passing over or striking near houses at Lemonstown or elsewhere would have been referred to me for investigation immediately upon receipt by camp headquarters, and firing therefrom stopped at once. No such report was referred to me.

J. T. WATSON,  
*Lieutenant Colonel Sixteenth Infantry,*  
*Commanding Special Troops.*

JUNE 9, 1925.

Pursuant to instructions from the camp adjutant, I attended at 7 p. m., June 8, 1925, the autopsy of the woman killed near the First Tank Company range. The bullet had apparently entered the body of the victim while moving in the normal manner—i. e., not tumbling—because the wound was a clean slit about three-tenths of an inch long. The bullet appeared to have passed through the shoulder blade and thence through the interior organs of the body to the abdomen, where it lodged without striking any more bones. The general outline of the bullet was normal and not deformed. The tip of the bullet was smooth and normal and showed no scratches, but the remainder of the surface as far back as the cannellure was thickly covered with shallow pits about the size of an ordinary pinhead. This pitting or abrasion was so deep as to eradicate almost the marks of the lands of the barrel on the cylindrical surface of the bullet. The bullet was the type used in the caliber .30, model 1906, cartridge, which is now used in rifles and machine guns.

I inspected the First Tank Company range west of old division headquarters, and it is my belief that the nature of the ground at the targets and the angle at which the bullets struck would make ricochets very likely.

It is my opinion that the bullet could not have been so scarred by impact with the body of the victim, because, judging from the short distance that it passed through the body before lodging in soft tissue, its force was nearly spent when the victim was hit. It therefore appears that the bullet ricocheted on sand early in its flight and was scarred and later struck the victim while moving slowly.

JOHN HULING, Jr.,  
*Captain, Ordnance Department.*

The following is the statement of First Lieut. T. H. Davies, Infantry, assigned to First Tank Company, with reference to the death of Martha Unger Sprague on June 8, 1925:

About June 1, I took the company to the range for the first time to fire. It was decided to move the tanks straight back of their location to a point on top of the hill in the rear of their positions, which would give them about 30 feet more elevation. All of this day was spent in moving the tanks and installing a safety device in each tank to prevent the gun being elevated enough to fire over the crest of the rise on the slope of which our targets were placed. No firing occurred on this date.

About June 2 preliminary firing was started. Each tank and gun were under direct supervision of an experienced enlisted man who watched each burst and acted as coach. When Lieutenant Jespersen and I were both on the range I observed the two machine-gun tanks and he the two 37 millimeters. When either of us were alone we supervised all four tanks and graded the firing. Instruction practice continued through June 2 to June 5. About June 8, record practice was started.

About 2.10 p. m. on June 8, firing was discontinued and the men started to police and clean guns preparatory to leaving the range. After about 10 minutes or so, about 2.20 p. m., Lieutenant Colonel Watson notified us to stop all firing as a report had come into headquarters that a woman on the Pointsville Road had been killed. Lieutenant Jespersen accompanied the colonel, while I remained with the Company. The machine guns were at this time out of the tanks, being cleaned, and I had each coach replace his gun and then I checked them to see if it were possible to fire over the crest of the hill in front of us. I found the safety devices were O. K. Hardly had I climbed out of the second tank when General Brown with a party of civilians came up. He ordered Captain Osborn, who was with him, to inspect the safety devices. Captain Osborn did so and reported that they were absolutely adequate. I then accompanied General Brown to the house on Pointsville Road where Lieutenant Jespersen was waiting with Lieutenant Colonel Watson.

Each day, during firing, each tank was fired by myself at several different times and safety devices inspected to assure myself they were functioning properly. In addition, Lieutenant Jespersen would inspect the tanks and guns, firing them to see whether they were operating all right.

I was recording scores to-day (June 8) and carefully observing all the 37-millimeter bursts and machine-gun bursts. I saw no shots from a machine gun strike near the crest and very few were high enough to clear the "Far Range" targets which are considerably below the crest. The "Far Range" targets consist of two G. I. cans placed against a sand-bank and it is very easy to see each shot as considerable dust is kicked up.

After checking up to-day on the line of fire on the extreme right of the range it is my opinion that a line drawn from the tanks through the right of the targets would place the house in front of which the woman was struck about 100 or 125 yards outside the line of fire.

T. H. DAVIES,  
*First Lieutenant, Infantry Tanks.*

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The following is a statement of First Lieutenant Jespersen, commanding the First Tank Company, with reference to the death of Martha Unger Sprague on June 8, 1925:

We arrived in Camp Dix on May 26. The next day, May 27, I requested the permanent camp commander, Lieutenant Colonel Watson, who also is commanding officer, special troops, First Division, for permission to use the same range the company had used the two previous years, 1923-24. This request was at first denied, but Lieutenant Colonel Watson later consented to inspect the range and, after inspecting the range and indicating the firing point and target site to me, granted his permission to use the range.

I placed the tanks on the range about May 28, but moved the firing point back about 30 yards, placing same on a bluff about 25 feet higher in order to increase the angle of fall. When Lieutenant Colonel Watson later visited the range, this was explained to him and no objection was raised.

About June 1, Lieutenant Davies fixed blocking for the guns that positively would prevent the projectiles from clearing the ridge against which we were firing. The same date I personally went over the entire range and all the roads



in the vicinity, but could not see where any firing we were going to do could endanger anyone.

About June 2 we started firing. As an additional safety measure, two sentinels were posted, one on each side of the range in line with the targets to prevent anyone from entering the danger zone. Further, two large red streamers were displayed during the firing on each side of the range. No firing was allowed until either Lieutenant Davies or I had made our daily inspection of the safety blocks and tried the guns out. No firing was allowed at any time unless an officer was present.

I wish to state that during last year's firing I spent an entire afternoon on the roads back of the range to assure myself that there was no danger of hurting anyone and on this occasion I did not hear a single projectile come over, although the sound of firing and the explosions of 1-pound shells was clearly heard.

Shortly after firing had ceased for the day, about 2.15 p. m., Lieutenant Colonel Watson arrived on the range and informed me that an accident had occurred. I accompanied him to the place of the accident and was informed that a woman had been killed by gunshot wound.

HANS JESPERSEN,  
First Lieutenant, Infantry,  
Commanding First Tank Company.

STATEMENT OF MAJ. JOHN T. AYDELOTTE, MEDICAL CORPS, IN THE CASE OF  
MARTHA UNGER SPRAGUE

STATION HOSPITAL,  
Camp Dix, N. J., June 9, 1925.

The undersigned was ordered to attend an autopsy on the above-named woman.

The autopsy was held at Pemberton, N. J., at 7 p. m., D. S. T., June 8, 1925.

The undersigned performed the autopsy at request of corner's physician, Dr. E. P. Darlington. Autopsy revealed cause of death to be a gunshot wound inflicted by a .30-caliber service missile. Wound of entrance was left side of back, fifth interspace, through scapula, near vertebral border, through left ventricle of heart, through diaphragm, through left lobe of liver. Missile was found loose in abdominal cavity. The missile showed numerous excoriations on all surfaces but no distortion. The missile had the appearance of having perforated a small furrow of sand in its flight but showed no evidence of having ricocheted from a hard surface.

JOHN T. AYDELOTTE,  
Major, Medical Corps, Surgeon.

[First indorsement]

Headquarters Second Corps Area, Governors Island, N. Y., June 25, 1925.  
To Commanding General, First Brigade and Camp Dix, N. J.

1. The board appointed to determine the cause of and fix the responsibility for the death of Mrs. Archie Sprague, Lemontown, N. J., will be reconvened and consider the following matters:

(a) Attention is invited to the provisions of paragraph 83c, TR 150-10. Investigation and report will be made as to whether the provisions of this subparagraph have been complied with, and if not, the reason and the responsibility therefor. Particular attention is invited to the fact that the evidence does not show whether there was a natural or artificial butt sufficiently extensive to stop wild shots. The evidence does indicate that there were a road, building, and cultivated ground nearer than 2 miles to the rear of the range.

(b) Investigation and report will be made as to what precautions were taken under paragraph 84 j of TR 150-10 to observe the roads in the danger zone, with the view of controlling the firing so as to avoid any possible danger to persons traveling along same.

(c) Investigation and report will be made as to the reason why the regular target range was not used for the firing of the tanks.

(d) Attention is invited to the statement of Mr. Sprague on page 3 as to four bullets striking in the immediate vicinity of the house at about the time his wife was struck, and details are given to the effect that the boy was on the roof looking to see whether the bullet had gone through and that the automobile body was

struck on the seat. It does not appear that these shots were verified in any way by the board. The practically simultaneous grouping of bullet hits within a small area is characteristic of machine-gun fire. If possible, the points of impact of the bullets testified to by Mr. Sprague should be located.

2. The investigation and report will be expedited.

By command of Major General Summerall.  
 ARCHIBALD CAMPBELL,  
 Colonel, A. G. D., Adjutant General.

[Second indorsement]

HEADQUARTERS CAMP DIX, N. J.,  
 June 26, 1925.

To: Col. Stanley H. Ford, president board of officers appointed by paragraph 1, Special Orders, 63, Headquarters Camp Dix, N. J., June 8, 1925.

For compliance with first indorsement.

By command of Brigadier General Brown.

E. C. LICKMAN,  
 First Lieutenant, Infantry, Adjutant.

[Third indorsement]

CAMP DIX, N. J.,  
 July 7, 1925.

From: Col. Stanley H. Ford, Sixteenth Infantry.

To: The Commanding General First Brigade, and Camp Dix, N. J.

First indorsement has been complied with.

STANLEY H. FORD,  
 Colonel, Sixteenth Infantry.

[Fourth indorsement]

HEADQUARTERS CAMP DIX, N. J.,  
 July 10, 1925.

To: The Commanding General Second Corps Area, Governors Island, N. Y.

First indorsement complied with.

For Brigadier General Brown.

E. C. LICKMAN,  
 First Lieutenant, Infantry, Adjutant.

[Fifth indorsement.]

HEADQUARTERS SECOND CORPS AREA,  
 Governors Island, N. Y., July 15, 1925.

To The ADJUTANT GENERAL,  
 Washington, D. C.

Forwarded without approval.  
 For the commanding general.

ARCHIBALD CAMPBELL,  
 Colonel, Adjutant General's Department,  
 Adjutant General.