

RECORD OF TRIAL BY GENERAL COURT-MARTIAL OF

Private William Buckner, No. 431189, Company B, 313th Labor Battalion,
 A. E. F., at A. P. O. No. 728, France, on July 27, 28 and
 30, 1918.

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TESTIMONY.

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✓ Georgette Thiebaut	: 6-11	: 11-24	: 24-26	: 26	: 128-131:
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✓ Gaston Bouchigny	: 33-36	: 36-37	: 38	: 37-38	:
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✓ Wm. M. Johnson	: 43-45	: 45-46	:	:	:
✓ Walter Alex Lee	: 46-47	: 47-50	:	: 50	:
✓ Rene Billon	: 51-53	: 53-56	: 56-57	: 56	:
✓ Eugenie B. Thiebaut	: 60-63	: 63-65	:	: 65	: 123-124:
✓ 2d. Lt. Geo. J. Gladney	: 66-67	: 67; 68	:	: 67-68	:
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✓ Celine Chateau	: 131-132	:	:	:	:
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EXHIBITS

Nature of Exhibit	: Number:	Page Where
Certificate of Medical Officer	: "A"	: 3
Statement of Detachment Commander	: "B"	: 3
Order C-in-C to C.O. Det. 313 Labor Battalion	: "C"	: 4
Order C.G., A.E.F., to C.G., A.A., First Army	: "D"	: 5

Carbon Copy of the Record Furnished Accused. ✓

P. G. U. S. O., 201-195 (Buckner, William)

(116)

Proceedings of a general court-martial which convened at Bar-sur-Aube, France, pursuant to the following order:

HEADQUARTERS ARMY ARTILLERY, 1st ARMY, A.E.F., FRANCE.

26 July, 1918.

Special Orders,)
No. 173.)

E X T R A C T

#

14. Pursuant to authority contained in cablegram No. 1562-R, paragraph 2, War Department, dated 19 June, 1918, a General Court-Martial is appointed to meet at A. P. O. #728, A. E. F., at eight o'clock, A. M., Saturday, 27 July, 1918, or as soon thereafter as practicable, for the trial of such persons as may be properly brought before it.

DETAIL FOR THE COURT:

1. Colonel Edward P. O'Hern, Ordnance Department, National Army.
 2. Colonel Jay P. Hopkins, Coast Artillery, National Army.
 3. Lieutenant Colonel Henry R. Casey, Quartermaster Corps, National Army.
 4. Major Ernest McCullough, Engineer Reserve Corps.
 5. Major William D. Frazer, Coast Artillery, National Army.
 6. Captain John M. Clark, Quartermaster, Reserve Corps.
 7. Captain Herbert Haseltine, Engineer Reserve Corps.
 8. First Lieutenant B. F. Harmon, Coast Artillery Corps.
 9. First Lieutenant Dixie B. Gynn, Infantry Reserve Corps.
 10. First Lieutenant Wesley C. Miller, Signal Reserve Corps.
 11. First Lieutenant Paul G. Pennoyer, Field Artillery, National Army.
 12. First Lieutenant Robert Bagnall, Coast Artillery, National Army.
 13. Second Lieutenant James L. Girardeau, Coast Artillery, Reserve Corps.
- Major P. J. Hurley, Judge Advocate Reserve Corps, Judge Advocate.
First Lieutenant Lee C. Knotts, Coast Artillery, National Army,
Assistant Judge Advocate.

#

By command of Major General McGLACHLIN:

R. E. CALLAN,
Colonel, G.S., Chief of Staff.

OFFICIAL:

R. K. CRAVENS,
Adjutant General.

The court met pursuant to the foregoing order at 2:10 P. M., July 27th, 1918, in Building "A", A. P. O. #728, Headquarters, Army Artillery, First Army, A. E. F., France.

PRESENT:

Colonel Edward P. O'Hern, Ordnance Department, National Army. ✓
Colonel Jay P. Hopkins, Coast Artillery, National Army.
Lieutenant Colonel Henry R. Casey, Quartermaster Corps, National Army.
Major Ernest McCullough, Engineer Reserve Corps.
Major William D. Frazer, Coast Artillery, National Army.
Captain John M. Clark, Quartermaster, Reserve Corps.
Captain Herbert Haseltine, Engineer Reserve Corps.
First Lieutenant B. F. Harmon, Coast Artillery Corps.
First Lieutenant Dixie B. Guynn, Infantry Reserve Corps.
First Lieutenant Wesley C. Miller, Signal Reserve Corps.
First Lieutenant Paul G. Pennoyer, Field Artillery, Reserve Corps.
First Lieutenant Robert Bagnall, Coast Artillery, National Army.
Second Lieutenant James L. Girardeau, Coast Artillery, Reserve Corps.
Major P. J. Hurley, Judge Advocate Reserve Corps, Judge Advocate. ✓
First Lieutenant Lee C. Knotts, Coast Artillery, National Army,
Assistant Judge Advocate.

The court proceeded to the trial of Private William Buckner, No. 431189, Company B, 313th Labor Battalion, who, on appearing before the court, introduced Captain R. B. Parker, M. R. C., and First Lieutenant (Chaplain) A. C. Oliver, as counsel.

Sergeant Major John J. Torpey, was sworn as reporter.

Lieutenant Louis Dumont, French Army, was sworn as interpreter.

The accused was informed of his right to demand a copy of the record of his trial, and was asked whether or not he desired a copy thereof.

Prosecution: Does the accused demand a copy of the record of his trial?

Counsel for defense: The accused desires a copy of the record of his trial.

The order appointing the court was read to the accused, and he was asked if he objected to being tried by any member present named therein; to which he replied: No.

Defense: The accused has no objection to any member of the court.

The members of the court, the judge advocate and the assistant judge advocate were then sworn.

Prosecution: In compliance with paragraph II, General Orders No. 56, G.H.Q., A.E.F., 1918, I wish to introduce and have inserted in the record, at this point, the certificate of the medical officer who examined the accused, which certificate in full, is as follows:

"INFIRMARY HEADQUARTERS, ARMY ARTILLERY.

July 14, 1918.

From: Attending Surgeon, Army Artillery, First Army.
To: Judge Advocate, Army Artillery, First Army.
Subject: Physical examination of Private William Buckner.

1. I certify that I have this day made a physical examination of Private William Buckner, and find him physically fit for military service and of sound mind.

(Signed) R. B. Parker
R. B. PARKER,
Captain, M. R. C."

In compliance with the same paragraph of the same General Orders, I desire also, to introduce and have inserted in the record, the statement of the detachment commander of the accused, which is, in full, as follows:

"Office of Commanding Officer,
Detachment 313th Labor Battalion,
A. P. O. 728, American Expeditionary Forces.

France 13 July 1918.

From: Commanding Officer, Detachment 313th Labor Battalion, (Company B), A.P.O. 728.
To: Judge Advocate, Army Artillery, First Army, A.E.F.
Subject: Physical and mental condition of Private William Buckner, Company B, Detachment 313th Labor Battalion.

1. Complying with the requirements of paragraph II, General Orders No. 56 (G.H.Q., A.E.F., 1918), and as detachment commander of Private William Buckner, Company B, 313th Labor Battalion, I certify that it is my opinion that the physical condition of this soldier is sufficient to enable him to render military service and that he is of sound mind.

(Signed) George J. Gladney,
GEORGE J. GLADNEY,
2nd Lieut., Q.M.C., N.A.,
Commanding Officer,
Detachment, 313th Labor Battalion."

3.

121766

✓ The originals of the two foregoing certificates were received in evidence and are attached to this record and marked Exhibits "A" and "B" respectively.

Prosecution: I now desire to introduce and have inserted in the record, the order of the Commander in chief of the American Expeditionary Forces, to the Commanding Officer, Detachment 313th Labor Battalion, directing him to deliver the accused, Private William Buckner, Company B, 313th Labor Battalion, into the custody and jurisdiction of the Commanding General of Army Artillery, First Army, for trial, which order is as follows:

"201 Buckner, Wm.

ECM/A

GENERAL HEADQUARTERS AMERICAN EXPEDITIONARY FORCES,
Judge Advocate's Office.

France, July 17, 1918.

FROM: Adjutant General.
TO: C.O., Det. 313th Labor Bn., Bar-sur-Aube.
SUBJECT: Private Wm. Buckner, Co. B.

✓ 1. You are directed to deliver Private William Buckner, Co. B, 313th Labor Bn., into the custody and jurisdiction of the Commanding General, Army Artillery, 1st Army, who has been directed to bring him to trial for violation of the 92d Article of War.

By command of General PERSHING:

C. J. Mudgett.
Adjutant General.

CC to
C.G., S.O.S.
C.G., Army Art."

Prosecution: I also desire to introduce and have inserted in the record, the order of the Commanding General, American Expeditionary Forces, to the Commanding General, Army Artillery, First Army, directing him to bring to trial, on the foregoing charges, the accused, Private William Buckner, which order, in full, is as follows:

"201 Buckner, Wm (JAO).

4th Ind.

ECM/A.

G.H.A., A.E.F., France, July 17, 1918. - To C.G., Army Artillery, who will bring Pvt. William Buckner, Co. B, 313th Labor Bn., to trial on the attached charges. The commanding officer of the accused has been directed to deliver him into your jurisdiction for the purpose of trial. By command of General PERSHING:

C. J. Mudgett,
Adjutant General."

Prosecution: True copies of the two foregoing orders were received in evidence and are attached to this record, as part hereof, and marked Exhibits "C" and "D" respectively.

The accused was then arraigned upon the following charge and specification:

Charge: Violation of the 92nd Article of War.

Specification: In that Private William Buckner, No. 431189, Company B, 313th Labor Battalion, did, in a field near the town of Arrentieres, in the Department of Aube, France, on or about the second day of July, 1918, forcibly and feloniously, and against her will, have carnal knowledge of one Georgette Thieboux, an adult female.

(Signed) George J. Gladney
George J. Gladney,
2nd Lieut., Q.M.C., N.A.

Prosecution: I now desire to ask the accused how he pleads to the specification?

Defense: To the specification, the accused pleads Not Guilty.

Prosecution: How does the accused plead to the charge?

Defense: To the charge, the accused pleads Not Guilty.

The paragraphs of the Manual for Courts-Martial that set out the gist of the offense with which the accused is charged, namely, rape, were read to the court by the judge advocate, which paragraphs appear on pages 251 and 252 of the Manual for Courts-Martial (1917), and are as follows:

"II. RAPE.

Rape is the having of unlawful carnal knowledge of a woman by force and without her consent.

As the carnal knowledge must be unlawfully had, a husband who has carnal knowledge of his wife forcibly where she does not consent is not guilty of this offense; but he is guilty when he assists another man in having such carnal knowledge.

Any penetration, however slight, of the woman's genitals is sufficient carnal knowledge, whether emission occurs or not.

The offense may be committed on a female of any age, on a man's mistress, or on a common harlot.

Force, actual or constructive, and a want of consent are indispensable in rape, but the force involved in the act of penetration is alone sufficient force where there is in fact no consent.

Where there is actual consent to the connection, though such consent be obtained by fraud, there is no rape; thus, where a woman agrees to connection with a physician on his false representation that the act is part of the required treatment, or where a man successfully passes himself off to a woman as her husband and is admitted by her to connection as such, the crime of rape is not committed.

There is no consent where the woman is so idiotic as to be incapable of consenting, and a man having connection with her not believing that he has her consent is guilty of rape. So also where the woman is insensible, unconscious, or asleep, or where her apparent consent was extorted by violence to her person or fear of sudden violence. A child under the age of 10 is presumed incapable of consenting.

Mere verbal protestations and a pretense of resistance do not of course show a want of consent, but the contrary, and where a woman fails to take such measures to frustrate the execution of the man's design as she is able to and are called for by the circumstances the same conclusion may be drawn.

It has been said of this offense that "it is true that rape is a most detestable crime x x x ; but it must be remembered that it is an accusation easy to be made, hard to be proved, but harder to be defended by the party accused, though innocent."

PROOF.

- (a) That the accused had carnal knowledge of a certain female, as alleged;
- (b) That the act was done by force and without her consent; or that the female was under the age of 10 years.

President: Plead the case.

Mademoiselle Georgette Thieboux, a citizen of the French Republic, a witness for the prosecution, was sworn and testified as follows:

Questions by the prosecution.

Q. What is your name?

A. Georgette Thieboux.

Q. Where do you reside?

A. Engente.

Q. How old are you?

A. Twenty-three.

Q. (The accused was asked to arise). Do you know the accused in this case?

A. Yes.

Q. Who is he?

A. I want the accused to speak.

Q. Answer the question. State whether or not you know the accused.

A. Yes.

Q. Where have you seen him before?

A. I never saw him until he attacked me.

Q. When did he attack you?

A. The second of July, about 9:30 in the evening.

Q. Where were you at the time he attacked you?

A. I was passing on the road, on the right side, and the accused was in a vineyard on the left side of the road.

Q. Of what road do you speak?

A. The road between Arrentieres and Bar-sur-Aube.

Q. At about what distance were you from Arrentieres when the accused attacked you?

A. About one kilometer.

Q. In what direction were you going at the time?

A. I was going towards Engente.

Q. Did the accused speak to you when you met him?

A. He spoke to me in English.

Q. What did you do when he spoke to you?

A. He caught hold of me by the throat and by the arms and dragged me on to the right side of the road.

Q. Did you attempt to free yourself from his grasp?

A. I did my best to begin with when he got hold of me but I was so overcome that I could not cry. It was only when he threw me down that I could scream.

Q. Did you run from him any distance before he threw you down?

A. I ran about twenty meters but I can not say exactly how far.

Q. In what direction did you run?

A. I went towards Arrentieres.

Q. What happened when he overtook you?

A. He threw me down.

Q. Did he throw you down by the roadside or some place else?

A. On the grass on the side of the road.

Q. How long did you remain on the grass on the side of the road?

A. Not long; about 2 minutes.

Q. What happened then?

A. He got hold of me and dragged me across the field, an oatfield, for about 50 meters, holding me by the head, the arm and the leg.

Q. Did you resist and attempt not to go with him into the field?

A. I did everything I could but I could not resist him. I did scream as he was taking me down to the oatfield.

Q. What did he do after he had carried you into the oatfield?

A. He threw me down in the oatfield. I resisted as much as I could while he was trying to take up my clothes, and I kicked with my right leg. Then he put his hand to my chest and raised his right arm, menacing me and speaking in English very loudly.

Q. What happened after that?

A. Then as I was getting so that I had no strength left, I thought the only thing to do was to scream and when I did scream he put his hand up to my throat and choked me with two fingers and put his other hand in my mouth. He put his handkerchief in my mouth.

Q. Did you not scream before that time?

A. Yes.

Q. Did he put anything else in your mouth besides his hand over your mouth?

A. He spit in my mouth while he was on me.

Q. Did he attempt to tie your mouth with a handkerchief, or to place a handkerchief in your mouth?

- A. At the end he tried to put his handkerchief around my head.
- Q. What did he do to you while he had you, in the field, in the position that you have described?
- A. He put himself three times after me.
- Q. Did he have sexual intercourse with you?
- A. I do not know what sexual intercourse means.
- Q. Did the accused rape you?
- A. Yes; three times.
- Q. How long were you in the oatfield with the accused?
- A. Twenty minutes.
- Q. I am handing you a hat. Have you ever seen that hat before?
- A. Yes. It is mine.
- Q. When did you last wear this hat?
- A. The 2nd of July.
- Q. Did you have it with you in the field which you have described?
- A. Yes.
- Q. What happened to the hat while you were there?
- A. The hat was under me.
- Q. How did it happen to be off of your head?
- A. Because the negro was holding me by the arm and by the head.
- Q. I am showing you a pair of shoes. Have you ever seen these shoes before?
- A. These shoes are mine.
- Q. When did you last wear these shoes?
- A. July 2nd.
- Q. Were you wearing them when you were in the field that you have just described?
- A. Yes.
- Q. When, if you know, was that heel removed from this shoe?
- A. Midway between the road and the place where we stopped in the oatfield, because he was carrying me by the left leg and holding me by the heel of the right leg.

Q. Was the heel broken from the shoe through your struggles?

A. The heel was pulled off by the negro's hand.

Q. I now show you a dress and I ask you if you know this dress?

A. I know it. It is mine.

Q. When did you last wear that dress?

A. July 2nd.

Q. Were you wearing it when you were with the negro in the oatfield that you have described?

A. Yes.

Q. I now show you an undergarment, a chemise. Is that yours?

A. Yes. It is mine.

Q. When did you last wear it?

A. July 2nd.

Q. Have you seen the blood on this garment?

A. I had not seen it.

Q. Have you never seen the blood on this garment before?

A. No. My monthly period had passed.

A. Have you seen this garment since it was made bloody? Who took the clothes off you?

A. I did.

Q. Did you see them when you took them off?

A. Yes.

Q. When did that garment become bloody?

A. July 2nd.

Q. Whose blood is on that garment?

A. The negro's.

Q. Was it the negro's blood or yours?

A. Both, because all can not be mine; my monthly period had passed. It could not be mine only.

Q. Was this blood put on this garment at the time the negro had intercourse with you?

A. Yes.

Q. I now show you another garment, a pair of drawers, and I ask you whose this is?

A. It is mine.

Q. When did this garment become bloody?

A. July 2nd.

Q. How did it become bloody?

A. Because the negro attacked me.

Q. Were you wearing this garment at the time you were attacked?

A. Yes.

Q. I would like to say to the court that these garments, while not formally introduced in the evidence at this time, will remain here for the court, in case anyone desires to examine them further. I will identify them further by the French gendarmes (policemen), who took them from the complaining witness.

Q. Did you consent to the accused having sexual intercourse with you?

A. No. Never.

Q. That's all.

Questions by the defense.

Q. How much do you weigh?

A. One hundred and twenty-five pounds.

Q. Have you ever worked?

A. Yes.

Q. Where did you last work?

A. At Mr. Bertrand's.

Q. How long did you work at Mr. Bertrand's?

A. Three years.

Q. Are you still working there?

A. No.

Q. You have left his employ?

A. I have.

Q. Why did you leave after three years?

A. It was to go back home to work in the vineyards. Then I had a little difficulty but nothing to speak of.

Q. When did you first see the accused?

A. July 2nd.

Q. Never before?

A. No. Never.

Q. Did the accused ever play policeman in Arrentieres?

A. I have never seen him.

Q. Did you ever give the accused one of your pictures?

A. No sir.

Q. Have you had any pictures of yourself taken in the last few years?

A. The last one that was made of me was two years ago.

Q. Is this the picture?

A. Yes. I gave it to you, sir.

Q. Did you ever give one like that to the accused?

A. No, never. I swear.

Q. Have you ever had any other pictures taken in the last few years?

A. No.

Q. Is this your picture?

A. Yes sir.

Q. When was that taken?

A. About five or six years ago.

Witness: Where did you get that?

Prosecution: The witness will not ask questions.

Defense: Then you had more than one picture taken in the last few years?

A. Yes. One two years ago and this one about six years ago.

Q. Was not this picture taken May 6th, 1915?

A. I do not know exactly.

Q. That would be, roughly, three years ago?

A. I can not say exactly.

Q. Where were you on the night of June 30th, Sunday?

A. I was at my parents' house.

Q. Did you see the accused on that night?

A. No sir.

Q. On the night of July 1st, Monday, where were you?

A. I left my parents' house at about five o'clock. I was in Bar-sur-Aube at about 6:30; at the station to catch a train for Brienne.

Q. Where were you during the day of July 2nd?

A. At Brienne.

Q. What time did you leave Brienne?

A. I left my sister's house at five o'clock and I took the train about 6:30. The train was very late.

Q. How late?

A. Between an hour and a half and two hours.

Q. What time did you arrive in Bar-sur-Aube?

A. Eight-thirty, quarter of nine.

Q. What time was that train due in Bar-sur-Aube?

A. About seven o'clock.

Q. You were not then on the train due in Bar-sur-Aube at 8:45?

A. No. The one you mean is the train which comes from Troyes.

Q. At what time did you meet the accused, July 2nd?

A. Nine-thirty in the evening.

Q. What did he do to you then, when he met you?

A. He caught hold of me by putting my two hands by my side, and by the throat.

Q. How did he hold your two hands by the side?

A. By passing his arm around me.

Q. You could not release your hand?

A. No. I did everything I could to defend myself but I could not master him.

Q. Describe how you were taken into the field?

A. He dragged me by the head, by the waist under the arms, and by the legs, and in the middle of the oatfield he pulled off my heel.

Q. Did he carry you in his arms?

A. He did everything to drag me. He dragged me by the arms, by the leg and then tried to push me.

Q. He carried you by the left leg and the heel of the right shoe you stated?

A. Yes.

Q. When he was dragging you thus, where was your head?

A. My head was on the ground. He was carrying me by all manners, while I was screaming and he looked very angry.

Q. And you saw his face?

A. No sir. He was so ugly that I would not look at him.

Q. So you saw him to see that he was ugly?

A. I say he is ugly because he is a nigger and niggers are disgusting.

Q. How long did the struggle in the road keep up?

A. Hardly five minutes.

Q. And you were screaming?

A. Always. I did not scream on the road but on the side of the road.

Q. During the struggle?

A. During the struggle. I started screaming when he threw me down on the right side of the road.

Q. What happened after you went in the field?

A. He put himself after me. He had intercourse with me.

Q. Did you lie down?

A. Yes.

Q. Were you thrown?

A. Yes.

- Q. How did you land on the ground?
- A. The head up and the feet lower down. The head nearer to the road-side.
- Q. Were you on your chest and stomach?
- A. On my back.
- Q. You landed on your back at once?
- A. At once. And he put himself after me and I kicked him with my right foot.
- Q. Was he on you when you kicked him?
- A. He was on me and raised to put his left hand on my chest and lifted his right hand to menace me as if he was angry.
- Q. That was when you kicked him?
- A. As soon as I had kicked him.
- Q. When you kicked him did he receive the blow on his body or protect himself?
- A. He received it but I do not know on what leg.
- Q. He did not grab the heel of your right shoe?
- A. Not then.
- Q. Was the handkerchief over your mouth all the time?
- A. He took it away from my mouth now and then.
- Q. When was your hat pulled off while you were on your back?
- A. When I was on my back the hat was under my back and part of my hair was still in the hat.
- Q. What did he then proceed to do?
- A. He put himself after me and I screamed so that some people could come to rescue me. I was afraid of only one thing, that he would kill me.
- Q. How were your dresses raised?
- A. He raised my dress. I did my best to defend myself but I had to go through it.
- Q. After he had shook his hand in your face did you stop resisting?

A. All through it I did my best to resist and defend myself, now and then succeeding in raising myself a little and kicking him and shouting for help. I did my best to defend myself but fear took my strength from me.

Q. Do you remember telling anyone that you made no further resistance, after he shook his fist in your face?

A. No. I have never said anything.

Q. How do you know that you had intercourse three times?

A. Because he now and then stopped while putting the handkerchief in my mouth and raised himself.

Q. Did he get up?

A. He never completely raised, merely lifting up a little, putting his hand up to my throat and his handkerchief in my mouth.

Q. How long were the rests between the connections?

A. About two or three minutes. He was speaking to me in English, and I understood, while he was on me, that he said, "yes, good".

Q. What did you do with your hands while his hand was on your throat?

A. At the end I was trying to resist with my hands but I could not because at the end I was getting choked, but after a minute I recovered. Everything I say now is the truth.

Q. Did the intercourse with the accused pain you?

A. I never felt anything.

Q. This had never happened to you before?

Prosecution: I believe we should give the defense the widest latitude in examining the witness, but this is getting into a personal matter, the bearing of which, on this case, I do not understand. However, I will not object if counsel considers the virginity of the witness a matter of importance in this case.

Defense: I withdraw the question.

Q. After he was through with you, what did he do?

A. He raised from me and I thought that he would let me go so I raised too, and he caught hold of me by two hands going up the oatfield and

he had his hand up to my throat.

Q. Did he help you up?

A. No. I raised alone.

Q. Did you put your hat on?

A. No.

Q. As soon as you got up and he held your hands to your side, how did you get your hat?

A. Under my arm.

Q. Is that how it became crushed?

A. No sir. You can see that the hat is covered with mud.

Q. Had you picked the hat from the ground and put it under your arm?

A. Yes.

Q. Was your other hand free?

A. No. My hat was under my left arm.

Q. Was your other hand free?

A. No.

Q. What was in it?

A. Nothing.

Q. Then your other hand was free?

A. There was nothing in my hand but he was holding me against him.

Q. What did you have in your hand when you came from Bar-sur-Aube?

A. A little bag.

Q. Where was the bag?

A. It was thrown around on my arm. It is a ribbon bag.

Q. Where was the bag while you were in the field?

A. Still around my hand and I never left it.

Q. Did he drag or push you from the field?

A. No.

Q. Did you resist?

A. I was still screaming.

Q. Did you resist?

A. Yes. I was doing my best.

Q. You resisted his taking you out of the field?

- A. I was resisting in order that he should let me go home.
- Q. Did you touch him with your hand?
- A. I hardly touched his watch chain.
- Q. Did you see the watch?
- A. No.
- Q. Is this the watch chain?
- A. Perhaps. I never saw this. (Pointing to the locket suspended from the chain).
- Q. Was the chain like this?
- A. Like this.
- Q. How far did you pull the chain?
- A. I did not pull, just touched it and he took my hand off.
- Q. How did you free your hand from the side?
- A. The hat was under my arm and I just did this. It was in order to get away from him.
- Q. Did you come out of the field at the place where you went in?
- A. A little further.
- Q. Which way?
- A. On the right side of the road going to Arrentieres.
- Q. Was anyone there?
- A. Two French soldiers were going by.
- Q. Did they go by?
- A. They were on the road. From that the negro let me go.
- Q. The French soldiers went by you?
- A. They were coming as to meet us.
- Q. How far were they from you when you first saw them?
- A. About four or five meters.
- Q. Were they walking?
- A. Yes, they were coming to my help.
- Q. What did you do?

A. I threw myself in the arms of the French soldier who is from Thors, and I told him, "Kill him, he has raped me".

Q. What did the French soldiers do?

A. One of the French soldiers, the one from Thors, took the negro by the arm and gave him a knock under the chin.

Q. Was it a hard blow?

A. No.

Q. What did the accused do?

A. The accused tried to take something out of his pocket when the French soldier left him and the accused made for Bar-sur-Aube.

Q. Where did you go after the accused left for Bar-sur-Aube?

A. I went home to my parents, but meanwhile I remained in the road lying down for a quarter of an hour.

Q. Were the soldiers with you?

A. Yes. They never left me, and one of the soldiers gave me his coat to lie down on.

Q. And then you went home?

A. Yes.

Q. What time did you arrive?

A. On my way I stopped at my sister-in-law's, where I stopped for three-quarters of an hour, at Arrentieres.

Q. At what time did you arrive home?

A. Between 11:30 and 12:00 o'clock. The soldier from Troyes took me home to Engents.

Q. The soldiers did not go to your mother's home?

A. Yes, the one from Troyes, and did not leave until the next morning at three or four o'clock.

Q. Was your mother at home when you arrived?

A. Yes. My mother was in bed.

- Q. Did she get up to see you?
- A. Yes sir, and none of us went back to bed.
- Q. The garments that have been shown, when were they put on clean before July 2nd?
- A. My dress was new. It was the third time I had it on.
- Q. When had these clothes been put on clean before this night?
- A. The first of July, to go to Brienne.
- Q. When was your last menstrual period?
- A. It ended June 30th.
- Q. How long had you been flowing?
- A. It started on the 27th of June.
- Q. Did you bleed freely?
- A. Yes. It was finished.
- Q. Did you wear napkins?
- A. Yes, always.
- Q. You stopped flowing on Sunday, the 30th of June?
- A. I stopped flowing on the 29th.
- Q. Did you change your clothes after the period?
- A. Yes, to go to Brienne.
- Q. You did not change your clothes on June 29th, after the period had stopped?
- A. No. Neither did I on the 30th, only on the 1st.
- Q. What was done with the clothes that you had worn during your period?
- A. I washed them.
- Q. When did you wash them?
- A. The same week that this thing occurred to me.
- Q. Did you wear these clothes during your last period?
- A. No.
- Q. On removing your clothes, were there any marks on your body?

A. Yes. On the shoulders, especially on the left shoulder and on the neck.

Q. Were they bleeding?

A. A little on the shoulder.

Q. Is there blood on the underclothing?

Prosecution: The clothing is here and is the best evidence as to whether or not there is blood on it.

Defense: Where there any black and blue marks on your body?

A. A little blue mark here, and another here, but nothing to speak of.

Court: Where is "here"?

A. On the left leg and on the right thigh, and also on the right arm. The blue mark was somewhere here, on the left arm, and inside the right thigh. That's all.

Q. They were black and blue?

A. Yes.

Q. How long had they been there?

A. They were made there on the second of July, and lasted for about eight days.

Q. They were not there before the second of July?

A. No.

Q. The next morning, did you notify the police?

A. On Wednesday morning I came to the gendarmerie with my brother.

Q. At what time?

A. About eight o'clock in the morning.

Q. Did you show your brother the spot of the previous night?

A. Yes.

Q. You showed your brother, between the time you left it the night before, and when you saw the gendarme?

A. Yes.

Q. Had you missed your heel?

A. I missed it on the road.

- Q. Did you look for it when you went to the spot the next morning?
- A. Yes, it was discovered by the gendarme (policeman).
- Q. When you were there with your brother?
- A. No. I did not look for it.
- Q. Had you lost anything else the night before?
- A. The night before I lost combs out of my hair and I found them with the gendarme.
- Q. Did you look for the heel and the combs when you went to the field with your brother?
- A. No.
- Q. Did you show your brother the exact spot in the field where you had lain?
- A. Yes, from the road.
- Q. Did you go to the field with the gendarme?
- A. Yes.
- Q. Who was there?
- A. My brother.
- Q. How many policemen?
- A. Two.
- Q. Do you know them?
- A. I do not know their names.
- Q. Do you remember telling one of the policemen that you were dragged by your feet into the field?
- A. Yes.
- Q. What did the policeman say?
- A. He put down what I told him.
- Q. What did the police say when you told them you were dragged by your feet through the field?
- A. They said nothing.
- Q. Were there marks in the field where you had been dragged by your feet?

A. Not many.

Q. Did the police demonstrate pulling one another through the field?

A. Yes.

Q. Did you notice the mark that their demonstration left?

A. Yes.

Q. Were they the same as those that had been made by you?

A. Yes. The previous night the field was a little damp and the next morning the sun had changed it. The grass raised to the sun.

Q. Why did the police give you this demonstration?

Prosecution: May it please the court, I desire for the accused to have the greatest latitude in the examination of witnesses but I believe that we are unnecessarily encumbering the record by further evidence as to this demonstration, of what dragging a person over the grass will do to the grass.

Defense: May it please the court, the reason we have brought in this evidence - what we are trying to find - We were advised by the gendarme that there were no marks of anyone being dragged out of the field. The gendarme said she was dragged by her feet and then she said -

Prosecution: I submit that the counsel for the accused is testifying.

Court: Do you withdraw your objection?

Prosecution: No. If he wants to testify let him be sworn. He is not only testifying but his statements are hearsay.

Court: It appears to me that he is entitled to make a statement of his reasons.

Defense: I will state them. The reason is that she said she was dragged out of the field by her heels. There were no scars found there. The gendarme wished to show that if she had been dragged upon the field by her heels it would have left a distinct marking, and in order to prove that to her he took the man and dragged him upon the field.

Court: Why not call the gendarme and let him testify?

Defense: We are trying to show why we are bringing up this question.

Court: The court will be closed.

Prosecution: Before the court closes, may I say, in order to facilitate the action before the court, that I will withdraw my objection, although I do not see the relevancy of the evidence.

Court: Under those conditions the court will not close. The question will be repeated and answered.

Defense: Why did these police give you this demonstration?

A. To see how it happened.

Q. How did you identify the accused?

A. By his voice.

Q. Did he speak before you identified him?

A. No. I do not know the word "identify". (The question was repeated).

No. I did not recognize him before he spoke.

Q. How else would you know him?

A. His size.

Q. By anything else?

A. No.

Q. Did you identify his watch chain?

A. Not exactly. I recognized it in some way.

Q. Defense rests.

Questions by the prosecution.

Q. In response to the question by the counsel for the accused, you stated that the accused had not hurt you.

A. I did not notice that at all. I was thinking to save my life.

Q. Who made the cuts on your shoulder and your neck?

A. The negro.

Q. Did he make any cuts on your legs or any other place?

A. No.

Q. Did anyone examine you after this occurrence?

A. The doctor.

Q. Which doctor?

A. The doctor from the hospital.

Q. The field that you have been describing, was that on the right side of the road between Bar-sur-Aube and Arrentieres, when you are going in the direction of Arrentieres?

A. On the right side going to Arrentieres in the oatfield.

Q. From the road, about what distance did the accused carry or drag you into the field?

A. About 50 meters.

Q. During the time that he was carrying you from the road to this place, were you struggling?

A. Yes.

Q. During that time, did he seize you in many different ways, by the arms, by the legs, and drag, carry, and shove you in that direction?

Defense: May it please the court, I think that was a wrong question.

It suggests the answer. I object to that question as a wrong question.

Prosecution: Rather than to cause delay I withdraw the question, and will try to put it in a form that will not be objectionable to counsel for the accused.

A Member of the Court: I move that the court be closed. I think everything of importance should be in the record.

Prosecution: It will remain in the record but it will show that I have withdrawn the question. Every word spoken in the court will be in the record.

President: There appears to be no necessity for closing the court. The case will proceed.

Q. Did the accused take hold of you in any different forms while he was attempting to take you into the field?

A. Yes.

Q. In what different manners did he take hold of you?

A. Two or three different manners.

Q. Did he shove you?

A. Yes.

Q. Did he drag you?

A. Yes.

Q. Did he carry you?

A. Yes.

Q. During all this time were you struggling to free yourself from him?

A. Yes.

Q. When you met the two French soldiers, what were your first words to them?

A. "Kill him, the bounder, he has just raped me", and I was crying.

Q. (Pointing to the accused). Is this the person who attacked you?

A. Yes. Make him speak.

Q. Does the court desire to ask a question so that she may hear the sound of his voice?

Court: The court will be closed.

The court was closed, and on being opened the President in the presence of the accused and his counsel announced that the court did not desire to ask the prisoner a question at this time.

Court: When the accused left the two French soldiers in the road did he seem frightened? Did he run or did he walk?

A. He started running on the road. I do not know if he seemed frightened because I did not take any interest in him from that moment.

Court: When you first met the accused, was it still daylight?

A. Yes.

Court: Was it daylight when the accused left the party?

A. It was brown; dusk.

Court: Was it very dark?

A. Dusk.

Court: The court has no further questions to ask.

Prosecution: The witness is dismissed.

Private Fernand Martinot of the French Army, was sworn as a witness for the prosecution and testified as follows:

Questions by the prosecution.

- Q. What is your name?
- A. Martinot, Fernand.
- Q. Are you a member of the military service?
- A. Yes.
- Q. To what organization do you belong?
- A. 30th Battalion, Alpine Chasseurs.
- Q. How old are you?
- A. Thirty-six.
- Q. Do you know the accused, William Buckner?
- A. I could not certify exactly, that it is him.
- Q. Have you ever seen him before?
- A. I have not seen him before.
- Q. Before when?
- A. Before the accident.
- Q. Where were you on the night of July 2nd, 1918?
- A. I got off the train at Bar-sur-Aube at 8:30 or a quarter of nine in the evening.
- Q. Where did you go?
- A. I went to Thors.
- Q. Did anything unusual happen while you were on your way to Thors?
- A. Yes.
- Q. What happened?
- A. I met a young girl with a nigger, and before that I heard someone screaming.
- Q. How long before you met them had you heard screaming?
- A. Ten minutes to fifteen minutes.
- Q. Where were you when you first heard the screams?
- A. Between $2\frac{1}{2}$ and 3 kilometers from Bar-sur-Aube.
- Q. How far from you, if you know, was the person who was screaming?

- A. Between 500 and 600 meters.
- Q. Was there anyone with you?
- A. There was a young soldier walking with me.
- Q. Was there any remark made between you in regard to the cries that you heard?
- A. I told my friend, it can not be an animal's cry, so we must hurry up.
- Q. What did you do then?
- A. Then my friend whistled and then we walked faster and hurried to see what it was.
- Q. Did the cries continue?
- A. Yes, after the whistle was given.
- Q. Did you finally come upon the person who was crying?
- A. Not altogether. I saw them coming from the oatfield towards the road and we hurried on the road to meet them there.
- Q. Who was crying?
- A. The young girl.
- Q. What young girl?
- A. Mademoiselle Georgette Thieboux.
- Q. Who was with her when you first saw her?
- A. The nigger.
- Q. Is this the negro?
- A. I could not say for certain.
- Q. Does he look like the negro?
- A. By face, I could not say.
- Q. What did Mademoiselle Georgette Thieboux say to you when she saw you?
- A. When we came as close as four or five meters Mademoiselle Georgette Thieboux threw herself on us saying, "Kill him, assassinate him, he has raped me".

- Q. What was the condition of Mademoiselle Thiebaut when you met her?
- A. In a very sad condition.
- Q. What was the condition of her clothing?
- A. A very sad condition. Her hat was torn off; her clothes were creased, and looked like rags.
- Q. Was she excited?
- A. She looked like a mad woman. She cried as if she did not know where she was. She looked lost.
- Q. What did you do?
- A. First I was going to inquire what was the matter, but she told me to kill him because he raped her, so I left her and I caught hold of the nigger by the chest and I hit him under the chin, but nothing to speak of.
- Q. What happened then?
- A. Well, my friend was taking care of the girl and trying to make her pull together. I got hold of the nigger by the arm and I walked for about ten meters when I saw him pull something out of his pocket as if he was going to hit me with it.
- Q. Did you then release your hold of him?
- A. Then I let him escape.
- Q. What did he do when you released him?
- A. He went back to Bar-sur-Aube.
- Q. Did he walk or run?
- A. He walked, then he ran.
- Q. Did you attempt to take hold of him again after you had released him?
- A. We ran for about ten or fifteen meters but we had no hope of catching him.
- Q. Why did you release him?
- A. As I was getting a hold of his left arm I saw him pull something out of his right hand pocket and do this into me three times. I was just going on leave and did not want to be killed, so I let

him go.

- Q. Did you see what he took out of his pocket with his right hand?
- A. As soon as I released him I turned around to the girl and asked, "What has he got in his pocket?" She told me, "It is an electric torch, so I realized that an electric torch does not kill, so I tried to run after him but he had gone. It was too late.
- Q. Where did you go after the negro had escaped?
- A. We thought we had better take her home and did our best to take her to her home right away, but she was so upset and so tired, and so desperate we made her lie down on the coat by the side of the road, for about twenty minutes, may be for half an hour.
- Q. Then what did you do?
- A. Then we went to Arrentieres, to her sister-in-law's, and we had her sister get up and we had a little drop to enable her sister to recover.
- Q. Did she continue on to her home in Engente that night?
- A. Yes, with me.
- Q. How far is it from Arrentieres to Engente?
- A. About one kilometer.
- Q. At what time did she arrive at the home of her parents in Engente?
- A. About 11 o'clock. Eleven to eleven-thirty.
- Q. Did you see any scars on her body?
- A. I did not look on her body but I saw two marks on her neck under the chin; two red bars.

Prosecution: That's all.

Questions by the defense.

- Q. When you were coming along the road, how far were you from them, from Georgette Thieboux and the accused, when you saw them coming up from the field?
- A. About 100 meters. Not even that.
- Q. Could you see them plainly?

- A. We could not see plainly anything, but that it was a man and woman coming up the field. We could not recognize whether it was a negro or Frenchman.
- Q. When Georgette Thieboux and the accused, the negro, came from the field, how far were you from them?
- A. When we first saw them we were at 100 meters, and when we got on the road we were about five meters away from them.
- Q. What was the negro doing when they came on the road?
- A. I saw that he had his arm around her body.
- Q. What was the girl doing?
- A. I saw that they were close together but I could not see any more what the girl was doing.
- Q. Did Georgette Thieboux throw herself on you first?
- A. Yes.
- Q. Did she have her hat on?
- A. No.
- Q. Was her hair down?
- A. Yes.
- Q. When you went up to this negro, why did you hit him again?
- A. I was not going to hit him right away until I knew what had taken place. I heard screaming but I could not make out what it was.
- Q. But did not Georgette Thieboux tell you what had taken place?
- A. As soon as the girl saw me she threw herself on me and told me to "kill him"; "murder him", "he has raped me". Then I pushed her away and saw that my friend was taking care of her and I got hold of the negro by the arm and then I hit him once.
- Q. Why didn' you hit the negro again?
- A. Because I have a family and I did not know what the nigger would do to me. He may have had a knife and I was not going to risk it.
- Q. When Georgette Thieboux came into your arms, what did she have in her arms?
- A. She had a little bag.

Defense: That's all. Defense rests.

Questions by the prosecution.

Q. Do you recognize the accused as the man whom you struck on the jaw?

A. I can not say about the face but he is about the size and height, but nearer I can not say.

Q. Do you believe he is the same man that you struck?

Defense: I wish to object to that question. I understand it is not permitted to give opinions in a question like this.

Court: Has the judge advocate anything to say about the question?

Prosecution: I do not desire to withdraw the question.

The court was closed, and on being opened the President announced in the presence of the accused and his counsel that the objection was sustained.

Prosecution: Was the man whom you struck a black man?

A. Yes.

Q. Was he the same color as this man? (pointing to the accused).

A. It was after dusk and hard to recognize. It was a negro and not one of these brown ones you can see often.

Q. I will ask the accused to stand up. You (indicating the witness), stand up beside this man. Does he correspond in size to the man whom you struck?

A. About it.

Q. Is he about the same height and weight as the man whom you struck?

A. Yes.

Q. That's all.

Questions by the court.

Q. Did you hear screaming before the girl and the negro could have seen you?

A. Yes.

Q. Could they, the girl and the negro, by looking down the road toward you, have seen you at the time you heard the screams?

A. It could not have been possible.

Q. Did the negro have anything on his coat, peculiar, that you noticed?

A. A watch and chain which I could not recognize.

Q. Was it white or gold in color?

A. It was white.

Q. Did you see this same girl on the train that you got off of?

A. No.

Q. Did you see her after you got off the train near the station?

A. No.

Q. Did you go directly from the station to the place you met the girl and the negro?

A. Yes.

Q. How long did it take you?

A. About a small hour.

Q. Did you come on the train from Brienne?

A. No. From Troyes.

Court: The court has no further questions to ask.

Private Gaston Bouchigny of the French Army, was sworn as a witness for the prosecution and testified as follows:

Questions by the prosecution.

Q. What is your name?

A. Gaston Bouchigny.

Q. Are you a member of the French military service?

A. Yes.

Q. To what organization do you belong?

A. The Eight Chasseurs.

Q. How old are you?

A. Thirty-two years old.

Q. Where were you on the night of July 2nd, 1918?

- A. I was coming on leave but I was on the road.
- Q. On what road?
- A. I was getting off the train from the station at Bar-sur-Aube and on the road toward Arrentieres.
- Q. Was anyone with you?
- A. I was alone for a while, when I met another soldier who was on leave too, further away from the little crossing where there is a gasoline station.
- Q. Were you going in the same direction as the other soldier?
- A. As I am not from this country I asked this soldier if he knew the way to Arrentieres where I was going and he told me that he had himself to go to Arrentieres and that we should go together.
- Q. About what time of day was that?
- A. I left the station about a quarter of nine.
- Q. Did anything unusual happen while you were walking with the other soldier?
- A. I heard somebody scream.
- Q. About how far were you from the party who was screaming, if you know?
- A. About 800 meters.
- Q. What did you do when you heard the screams?
- A. We stopped to realize what it was and we thought that it might be some animal or bird, and then came the suggestion that it was screaming. We were walking on the road and we hurried up on the road.
- Q. Did you see anyone?
- A. We could not see anybody so I suggested to my friend that I give a whistle in order to locate those people but my friend told me not to do it because it might scare them away and we would not be able to catch them.
- Q. Did you proceed then in the direction from whence the screams were

coming?

A. Yes, but we were walking faster. The screams stopped for a while.

Q. Did you find anyone?

A. When we came to the place on the road I saw them about 40 meters away from the road.

Q. Were there any cries or any noise when you saw them?

A. When they were coming up from the field to the road I saw two beings talking together but could not hear what was said. I saw a nigger was holding someone close to him.

Q. Is the accused here, the negro whom you saw?

A. I can not say about the face but the size fits. Although I saw him in the night so it is difficult for me to recognize him firmly but he has all the features of the man that I saw that evening.

Q. What, if anything, did the girl say to you when she approached you?

A. The girl threw herself among us, asking for us to arrest the man who had just raped her. Her clothes were all torn and she was begging us to come to her rescue. I tried to quiet the girl and make her keep quiet and then I left her and tried to walk to the negro but he got on the other side of the road and I meant to go after him but he menaced us with something.

Q. Did you take hold of the negro at all?

A. No.

Q. Did the other soldier who was with you, take hold of the negro?

A. No. I was busy with the girl, so I do not know. I did not see him as I was busy with the girl.

Q. Did you see the negro leaving?

A. The negro had gone on the other side of the road.

Q. Did you remain with the girl after the negro had departed?

A. Yes.

Q. Where did you go after the negro had gone away?

A. We walked toward Arrentieres. We stopped there because I was to stop there.

Q. Did the young woman lie down at any place along the road after you had met her?

A. Yes. She rested for a while on the road. Then we came to a relative of hers in Arrentieres.

Q. Was she very excited in her talk and manner when you met her coming out of the field?

A. She was speaking to the negro who was holding her tight and I could not say if she was excited in her manner.

Q. Was she excited in her tone of voice?

A. Not too much. She was run down; depressed.

Prosecution: That's all.

Questions by the defense.

Q. How far were you from the negro and the girl when you first saw them?

A. About 40 meters in the field.

Q. What were they doing when you saw them?

A. They were coming from the field kind of crossway to reach the road.

Q. Could you see that it was a negro?

A. I could see it was a soldier dressed in khaki color but I could not distinguish him at first.

Q. Was this soldier carrying the girl or walking beside her?

A. Walking beside her.

Q. What was the girl doing?

A. She had to follow him by his side.

Q. Was she screaming?

A. No, we only heard the tone of her voice.

Q. When she and the negro came up on to the road, how far were they from you?

A. About the width of the road.

Q. When she saw you, did she scream?

A. Yes, she cried and threw herself on us.

Q. What did the negro do when she left him?

A. He placed himself on the other side of the road.

Q. What was the condition of her clothes when you saw her?

A. She was very dirty and her clothes were in great disorder and she looked as if she was very tired.

Q. Were her clothes torn?

A. I did not notice her clothes.

Q. Were her clothes dirty?

A. They were wet and damp.

Q. How did you know they were wet?

A. She showed us that they were wet.

Q. Did she sit down alongside the road?

A. I believe we sat down for one minute or two on the road.

Q. Did all three of you sit down together?

A. I did not sit down.

Q. Did the other soldier and the girl sit down?

A. I do not remember.

Q. Did the girl sit down on the ground?

A. On the coat which my friend loaned her.

Q. Did the girl lie down?

A. No.

Q. When the negro left you did he run?

A. Yes, he ran.

Q. Did you run after him?

A. I attempted to cut his way and when he saw I was doing it he ran away. He was ahead of me.

Q. Then you saw him leave?

A. Yes.

Defense: That's all.

Questions by the court.

Q. When the girl showed you her wet clothes did you see any evidence of blood?

A. No.

Q. Was there anything that gave you an idea that the girl might have been associating with the negro of her own free will?

A. We saw them come up from the field. We were not sure; we could not say, but when she saw us and threw herself in our arms, we had the conviction that she had been attacked.

Questions by the prosecution.

Q. Didn't you think that she had been attacked when you heard her screams 800 meters away?

A. Yes. The screaming gave us the impression that something was attacked. There was not a single doubt about it.

Q. When those screams continued did you have any doubt when you approached her that the woman was being attacked?

A. The screaming had stopped for a while.

Q. Did it start again?

A. We heard some loud voices but no more screaming.

Q. Was there any doubt in your mind that the woman had been attacked?

A. When we came in sight and saw that they were walking close together, kind of speaking together, we were not so certain that the screaming was in connection with the attack.

Q. Did she say anything to you afterwards that would indicate that she had consented to the negro?

A. No, nothing.

Prosecution: That's all.

Madame Blanch Didier, a citizen of the French Republic, was sworn as a witness for the prosecution and testified as follows:

Questions by the prosecution.

Q. What is your name?

A. Blanch Didier.

Q. Where do you reside?

A. For the time being at Bar-sur-Aube.

- Q. How old are you?
- A. Thirty-eight.
- Q. Where were you on the night of July 2nd, 1918?
- A. On our way from the farm which is three kilometers from Bar-sur-Aube.
- Q. Is the farm in the direction of the town of Arrentieres?
- A. It is on the road to Colombey.
- Q. How far is it from Arrentieres?
- A. I do not know.
- Q. Did you hear any cries while you were on your way from the farm to Bar-sur-Aube?
- A. Yes, about a quarter of ten.
- Q. From whence did the cries come?
- A. Almost opposite the farm in the fields towards Arrentieres.
- Q. How far were you from where the cries were coming from?
- A. I do not know the place well enough to say anything about it, as I am not from this part of France.
- Q. Distances are measured by the same measurement in all parts of France, are they not?
- A. Not knowing the locality, I can not say where the screams were coming from.
- Q. Do you know where the farm is located, where you reside?
- A. Yes.
- Q. Do you know how far the farm is from the Arrentieres road?
- A. No. If I was on the road where I was that evening I could almost exactly show you where I was when I heard screaming.
- Q. Could you see the Arrentieres road from the farm in the daytime?
- A. Yes.
- Q. Was it 1, $1\frac{1}{2}$ or 2 kilometers from the farm?
- A. There is hardly a half kilometer from the farm to the road.
- Q. How far were you from the farmhouse when you heard the cries?

A. About one kilometer.

Q. In the direction of Bar-sur-Aube from the farmhouse?

A. Yes.

Q. How far was the party making the cries, from you?

A. I can not say the distance. We thought it was Mr. Malie, the farmer, shouting to the boys who had not brought the cows from the field, and we did not pay any attention.

Q. How did you find out who the cries were coming from?

A. I heard someone say; "You scoundrel, you are lucky we did not come earlier".

Q. Was this said in French?

A. Yes.

Q. Who did you hear say, "You scoundrel, it is lucky we did not come earlier"?

A. It sounded like a man's voice.

Q. From what direction did the man's voice come? In the direction of the Arrentieres Road?

A. In the direction of the Arrentieres Road.

Q. Do you know who screamed?

A. I was too far away to know who it was. It was dark.

Q. That's all.

Questions by the defense.

Q. What time of night was this?

A. Somewhere around a quarter of ten. I can not say precisely.

Defense: That's all.

Questions by the court.

Q. How long after hearing the screaming was it before you heard the remark about it being lucky for the scoundrel that the parties had not arrived sooner?

A. Five or six minutes. No more.

Q. Had there been screaming five minutes or ten before that which you heard, were you in a position to hear it?

A. I can not say if it was five or ten but it was not very long between this time and when we heard the remark.

Q. How long did the screaming that you heard, continue?

A. Five minutes, not very long.

Q. You heard no screaming before that?

A. No.

Court: The court has no further questions to ask.

2
Monsieur Jean Gabriel Didier, a citizen of the French Republic, was sworn as a witness for the prosecution, and testified as follows:

Questions by the prosecution.

Q. What is your name?

A. Jean Gabriel Didier.

Q. Where do you reside?

A. At Bar-sur-Aube.

Q. Where do you work?

A. At the farm of La Fallier.

Q. Where is the farm La Fallier located?

A. At about three kilometers from Bar-sur-Aube, on the road to Colombes.

Q. Is it near the town of Arrentieres?

A. About $3\frac{1}{2}$ kilometers.

Q. How far is it from the road running from Arrentieres to Bar-sur-Aube?

A. At about 3 kilometers.

Q. Where you at or near the farm on the evening of July 2nd?

A. I was leaving the farm about 9:30 or 10:00 o'clock, with my wife, when I heard screaming and then I stopped. We stopped for a while and we heard the same scream and we stopped to make out who it was and we could not succeed and we proceeded on our road.

Q. How long did the screams continue?

A. About two or three different times.

Q. Covering what period of time? Ten, fifteen, twenty or twenty-five minutes?

A. Three times altogether, for fifteen or twenty minutes. We went on about 100 meters and then the screams started again. Altogether between fifteen and twenty minutes.

Q. Did you hear any voices along with the screams?

A. I heard the voice of a man say, "You scoundrel, you are lucky we were not here before," but I do not know if it was within the limits where the screams took place.

Q. Where did the screams come from?

A. On the left side of the farm, in the direction of the road to Arrentieres.

Q. About how far from Arrentieres on the road that leads to Arrentieres?

A. Less than $2\frac{1}{2}$ kilometers from Arrentieres.

Q. Do you know who was screaming?

A. It was a woman.

Q. Do you know who the woman was?

A. I heard the woman scream but I do not know the woman.

Q. Did you see the woman?

A. No.

Prosecution: That's all.

Questions by the defense.

Q. How did you distinguish the scream as that of a woman?

A. It was a piercing voice.

Q. Could it have been a man's voice?

A. Not at all.

Q. How far were you from the farm when you heard the scream?

A. At about 300 meters coming to Bar-sur-Aube.

Q. And you heard the screaming for twenty minutes?

A. Altogether. There were some intervals.

Q. How far did you travel in twenty minutes?

A. About 100 meters.

Q. One hundred meters in twenty minutes?

A. Yes, because we stopped now and then to listen.

Q. You stopped for about twenty minutes to listen to a woman scream?

A. There were intervals. I mean altogether.

Q. You were going away from the voice or screaming?

A. We were opposite the place where the screams were coming from on the side, - just across.

Q. When you heard the man speak how far were you from the road which runs from Bar-sur-Aube to Arrentieres?

A. About two kilometers from the road.

Defense: That's all.

✓ Private William M. Johnson, Company C, 313th Labor Battalion, was sworn as a witness for the prosecution and testified as follows:

Questions by the prosecution.

Q. What is your name?

A. Private William Johnson, sir.

Q. To what organization do you belong?

A. Company C, 313th Labor Battalion Detachment.

Q. Where is the detachment stationed now?

A. It is stationed in Bar-sur-Aube, sir.

Q. How old are you?

A. Twenty-one years old.

Q. Do you know the accused, William Buckner?

A. Yes sir.

Q. Did you see William Buckner on the night of July 2nd, 1918?

A. Yes sir.

Q. When did you see him?

A. Well, I saw him there at the camp.

Q. About what time did you see him at the camp?

A. After supper. We had supper about six o'clock. He was there about

seven o'clock, because at the time we were shooting craps in the camp there and he was in the camp.

Q. Were you shooting craps with him?

A. I was in the camp.

Q. At about what time did the crap game stop?

A. The crap game kept on going but I quit.

Q. What time did you quit?

A. I went about seven o'clock, I suppose.

Q. What time did Buckner quit?

A. I don't know sir. I didn't see him any more until the next day.

Q. During the crap game, did he ask you to go with him any place?

A. No sir. He had asked me that afternoon to go but I told him no.

Q. Where did he say he was going?

A. He didn't mention any special place.

Q. Did he ask you to do anything with him?

A. No sir.

Q. He didn't ask you to play military policeman with him?

A. No sir, not then.

Q. Did he, at any time, ask you to play military policeman with him?

A. Yes sir.

Q. Have you ever gone with him?

A. Yes sir.

Q. Where did you go with him?

A. Up here in this little town.

Q. Arrentieres?

A. I reckon that's the name. I do not know the name.

Q. After William Buckner left the crap game, what was the next time you saw him?

A. Wednesday morning, July 3rd. I saw him there by the tent directly after breakfast.

Q. What were you doing at the tent?

A. I was putting my messkit in the tent.

Q. What, if anything, did William Buckner say to you at that time?

A. He said, "Man, you ought to had been with me last night". I said, "Yes, I know I had ought to been with you, but my mind kind of told me to stay in".

Q. Did he tell you why you should have been with him?

A. No, not then.

Q. Did he tell you what he had done the night before?

A. Later on he told me what he did.

Q. What did he say he had done?

A. Said he went up here and met a lady on the road and asked her to do business, and she said "All right", and she taken out and run, and run down the road, and he run after her and caught her and dragged her into a wheatfield.

Q. What did he say he did to her in the wheatfield?

A. Well, I wouldn't like to express it like he told me. He did business to her.

Prosecution: That's all.

Questions by the defense.

Q. William, on the afternoon of July 4th, what did you do? Where were you on the afternoon of July 4th?

A. Me and him and John C. Alred were down the street here, down in Bar-sur-Aube.

Q. Now let's get at this. Where were you living at this time, in Bar-sur-Aube?

A. Down here by this place where we were stationed at.

Q. In the farmyard?

A. Yes sir.

Q. And you and the accused and Alred went down the street? What did you go down the street for?

A. Well, we just went down. We had the afternoon off.

Q. What did the accused do down the street?

A. He went in a place and tried to get some hands for his watch.

Q. Then, after he tried to get some hands for his watch, he came back up the street?

A. Yes sir.

Q. What happened when he came back up the street?

A. We were on our way back to the camp. There were two girls in front of us. He said, "There's the girl, I don't want her to see this chain I have on me because I have promised it to her." He had his back to her and was putting the chain in his pocket.

Q. Did the accused, William Buckner, ever show you a key?

A. No sir, I do not remember any key at all.

Q. Never showed you a key?

A. No sir.

Q. You saw his chain?

A. Yes sir.

Q. He never showed you anything else?

A. No sir.

Q. Never showed you anything else?

A. No sir.

Q. And you only went with him to this town once?

A. Yes.

Defense: That's all.

Prosecution: The prosecution rests.

Private Walter Alex Lee, 313th Labor Battalion, was sworn as a witness for the defense and testified as follows:

Questions by the defense.

Q. Walter Alex Lee, did you ever see this chain?

A. Yes sir.

Q. Did you ever see this pendant?

A. Yes sir.

Q. What was in this pendant?

A. A picture.

Q. A picture of what?

A. A lady.

Q. Was it a picture of a white or black lady?

A. White lady.

Q. Of what white woman?

A. That lady sitting out there.

Q. Which lady, the lady who is accusing this man?

A. Yes sir.

Q. The lady who identified this man when your company was drawn up?

A. She did not recognize him but identified Mike Jackson.

Q. The same woman that identified Mike Jackson and identified the accused, is the woman whose picture was in this locket?

A. Yes.

Q. That's all.

Questions by the prosecution.

Q. When did you see this locket?

A. July 3rd.

Q. Are you positive that you saw it July 3rd?

A. The third day of July.

Q. Was this locket hanging on this chain on the day of July 3rd?

A. Yes sir.

Q. You are positive that it could not have been the second or fourth?

A. It was neither the second or the fourth, it was the third.

Q. And there was a picture of a white woman at that time, was there?

A. Yes sir.

Q. What has become of the picture, or do you know?

A. Destroyed, I think.

Q. How large a picture was it? Did it fill that frame; that is about 3/8 x 1/2 inch.

A. From her waist up.

Q. And the picture filled 3/8 x 1/2 inch from her waist up?

Defense: May it please the court, the witness has not used the word waist. It has been inferred.

Prosecution: Show on your own body about how much of the body of a woman was shown in the picture. (He places his hand about where the navel is on the body).

Q. You saw the picture in this frame, of a woman from about the center of her waist up to and including her head?

A. Yes sir.

Q. And you recognized this woman sitting in the hall-way, as the woman whose picture you saw?

A. Yes sir. The first time I saw the picture.

Q. The first time you saw the picture?

A. Yes sir.

Q. Had you seen the woman before the 3rd of July?

A. No sir.

Q. How did you recognize her picture that you saw the third of July, if you had not seen her before that time?

A. I seen her when we were lined up down at the station.

Q. Do you know that she identified Mike Jackson, who was standing in the line? Did you hear what she said?

A. No sir. I can not understand French.

Q. You said she did identify him?

A. I said she pointed out Mike Jackson.

Q. You do not know whether she identified Mike Jackson or not?

A. No sir. I could not swear to that.

Defense: I think this is a wrong question. I think it is a wrong way

in which the prosecutor is questioning the man. I do not know that he has any right to say that "You do not know". He has a right to ask him questions but not to intimidate or to say it in that manner.

I object to the manner in which he is questioning the witness.

Court: I think the counsel should take it slowly and more quietly with the witness.

Prosecution: My only object, your honor, is to get at the truth. He knows what is the truth and my object is to make him tell it.

Q. Did William Buckner ever show you this frame with the picture of the white woman in it?

A. I saw it there, down in the barracks.

Q. Where did he tell you he got it?

A. I asked him, if an officer come along, he would hang every one of us.

I said, "Your head is nappy and your feet is long, go ahead."

Q. When was the first time you saw this woman?

A. The day that you had us lined up.

Q. And did you recognize her from the picture?

A. Yes sir. I looked at the picture.

Q. But the first time you recognized her from the picture?

A. Yes sir.

Q. Why didn't you tell me that when I asked you if you had ever seen her before?

A. You said before the third. I said I never seen her before the third. It was after the third.

Q. But you didn't tell me that you had recognized her as the woman whose picture you had seen.

A. Yes sir. It is on my statement what I told you.

Q. Did William Buckner tell you he had done anything to this woman?

A. He said he had been keeping her ever since the 5th division left.

I don't know how long that has been.

Q. Did he tell you he had done anything to her the night before July 3rd?

A. No sir.

Q. He didn't tell you that he stuck a knife in her?

A. He said he had cut her but where I could not tell.

Q. Did he tell why he had cut her?

A. He told me he caught her with another man.

Q. Did he tell you that he stabbed her with a knife?

A. He said cut.

Q. You did not say knife?

A. Yes sir. I said with a knife.

Q. Did you say that you were going to get to testify in this case before it was over?

A. Testify?

Q. Yes. Make a statement.

A. I said that William Buckner told me he had been keeping this white lady ever since the 5th division left here. He said he stuck her with a knife. He caught her with another man.

Q. Whereabouts did he say he cut her with a knife?

A. I have never seen the place. I was not with him.

Q. Did he say he ever permitted the woman whom he was keeping to wear this chain and his watch?

A. He said he gave him that picture

Q. He did not say she was wearing his watch and chain?

A. Not to me.

Q. But you are positive he had his watch and chain on the third?

A. Yes sir.

Prosecution: That's all.

Court: Does the witness know the accused?

A. I know of him, since he has been in our company.

Monsieur Billon Rene, a French gendarme, was sworn as a witness for the defense, and testified as follows:

Questions by the defense.

- Q. When did you first see Mademoiselle Georgette Theibaux in relation to this case?
- A. July 3rd, 10 o'clock A.M.
- Q. What did Georgette Theibaux tell you had happened to her?
- A. She came about 10 o'clock in the morning to tell me about the night before. At 9:30 she had been raped on the road to Arrentieres by a negro.
- Q. Did you investigate the case?
- A. Yes.
- Q. Did you go immediately to the scene of the alleged assault?
- A. We first took the girl to the hospital and then we went together to the place where the assault took place.
- Q. What happened at the hospital?
- A. A doctor examined her and made a report, which is enclosed in the proces verbal of the gendarmerie.
- Q. When you arrived at the scene of the assault, describe briefly what you saw there.
- A. At about $1\frac{1}{2}$ kilometers from Arrentieres in an oatfield we were shown by the girl, about 20 meters away from the roadside, about $3\frac{1}{2}$ square meters of oats that had been soiled and trod on.
- Q. Did she tell you how the negro had attacked her?
- A. As she was coming on the road the negro was right after her. She walked away from him. He caught her by the corner of the field and dragged her through the field and raped her.
- Q. How did he drag her through the field?
- A. She said that she had been dragged by her feet but the result of the inquiry leads me to think that she was not dragged by the waist and the arms.
- Q. Were there any signs in the oats that she had been dragged?

- A. There were no signs of her being dragged but a sign in the place where the rape took place.
- Q. Did she tell you any other way that she had been taken into the field besides being dragged?
- A. Afterwards she said that through losing her head she could not be sure where she left the road.
- A. Did you try any experiments, demonstrations?
- A. I laid down and my friend dragged me for about two meters and there was some mark in the oats.
- Q. Why did you give this demonstration?
- A. I wanted to make sure that it would have left some marks.
- Q. Did the demonstration leave a mark?
- A. Yes.
- Q. Were there any other marks in the field similar to them?
- A. None.
- Q. Did this then change her story to you about the assault?
- A. It was from then that she said through losing her head she could not say exactly from where she left the road.
- Q. Did she tell you the extent of her resistance while going into the field?
- A. She said that she resisted for a while and said that she could not resist any longer, so she gave way in order to save her life.
- Q. What did you find at the spot that she showed you that had been dragged upon in the field?
- A. Two combs and one breast pin which belonged to her.
- Q. Did you find anything else in the field?
- A. We found one heel in the edge of the road beside the field where the rape took place.
- Q. You did not find this heel in the middle, half way down to the place where the assault had taken place?
- A. It was found on the grass on the road by the side of the oatfield.

Q. In what condition was the heel of the shoe?

A. There was but one nail left and the heel was not very securely fixed.

Q. Who was with you?

A. A gendarme and a brother and the young girl.

Q. They were with you when Georgette told you she had been dragged from the field?

A. Yes.

Q. Is that the heel?

A. I could not be certain.

Q. That was the heel that you picked up?

A. I can not be certain as to that.

Q. Was there but one nail in the heel?

A. There was a long one sticking out which was the one I remarked about.

Q. Did she tell you what time it was that she had been attacked and dragged through the field?

A. Nine-thirty.

Questions by the prosecution.

Q. Did you receive any garments from Mademoiselle Thiebaut?

A. There were some clothes wrapped in a parcel, which we did not open, which we kept and it was handed to the American authorities at the same time as her hat and shoes.

Q. Is this the hat you handed to the American authorities?

A. Yes.

Q. Do you know what garments there were in the package after you turned them over to the American authorities?

A. I know the dress she was wearing because she had it on when she came to make a report and I could see that there was some mud on the dress.

Q. Did you see the underwear she was wearing?

A. No.

Q. Have you seen the shoes she was wearing?

- A. Yes. She had them in her hands when she came to make the report, and she was wearing some others. She was carrying these in her hands.
- Q. Who found the heel that had been knocked off her shoes?
- A. The other gendarme.
- Q. You stated a while ago that the heel had but one nail in it and appeared to have been insecurely fastened to the shoe?
- A. It looked as if it was not very secure.
- Q. The heel which we have here, which appears to be the heel off the shoe, has three nails in it and there is one nail in the shoe.
- A. My colleague, who discovered it, may be able to give more information about this.
- Q. What I want to know is, why you got the idea that this heel was insecurely fastened on the shoe?
- A. It does not look very securely fastened, with these three nails on it. The other gendarme is a shoemaker and he made the opinion that it was not very secure.
- Q. As a matter of fact, you do not know whether that heel is any less securely fastened than any other woman's shoe, do you?
- A. It is the information of the other gendarme.
- Q. Then you were mistaken when you testified that it was fastened on by only one nail?
- A. It seemed to me that there was one sticking higher than, this.
- Q. But in this there are three nails still sticking in the heel and one in the shoe when it had been pulled off.
- A. Yes.
- Q. When you went upon the scene, did Mademoiselle Thiebaut attempt to describe to you all the different manners in which this man, who attacked her, had hold of her from the first time he attacked her to where he ran down the road and then down in the oatfield?
- A. Yes.
- Q. Did she say that he dragged her by the legs all the way?

A. By the leg and carrying.

Q. Then she did not necessarily tell you that he dragged her by the legs all the way across the oatfield?

A. To begin with she said that she had been dragged all the way, and when she realized that the demonstration would leave a mark, she said she had been carried.

Q. Did she tell you that he dragged her from where he first attacked her, at any time, beginning or after?

A. Yes.

Q. Why did you say then, that she testified to you that she ran and that the man overtook her?

A. She ran from the vineyard to the corner of the oatfield which is fifteen meters away.

Q. How many meters?

A. Fifteen meters. From the edge of the field to the vineyard there is about fifteen meters.

Q. Did he catch her at any time between the vineyard and the corner of the oatfield?

A. He seized her when she came flush with the oatfield.

Q. Did she tell you that he dragged her into the oatfield?

A. To begin with.

Q. Didn't you misunderstand her about being dragged? A person can be dragged otherwise than by the legs.

Defense: I wish to object to that question. It was a leading question.

Prosecution: This is cross-examination, your honor, and I have a right to ask a leading question.

Defense: I withdraw the objection.

Prosecution: You are sure she said she was dragged by the legs?

A. Yes.

Q. Did she afterwards change that statement?

A. When we made a demonstration of dragging she said she did not remember.

Q. When she was taken to the hospital the next morning, did you accompany her?

A. It was another gendarme.

Prosecution: That's all.

Questions by the court.

Q. Your experiment was made 12 to 14 hours after the time of the alleged assault. Were the marks made by your experiment visible 12 to 14 hours after the experiment?

A. I believe that during the night of the marks might fade away on account of dampness, but on a space of 40 meters something would be left to show that dragging had taken place. We did not return 12 to 14 hours later.

Q. Did the spot where the alleged rape take place show, from the condition of the ground, that there had been struggling, and how much space had been trampled down?

A. About 3 square meters, and it was plain that there had been struggling there.

Q. Did she tell you that she consented to his having intercourse with her, or did she consent to going to the oatfield? What did she consent to?

A. She never spoke to us.

Q. You just stated, in another incident, that she consented to something in order to keep from being killed but you did not say what you consented to.

A. In order to spare her life, she, at the end, gave way and let him do what he wanted.

Questions by the prosecution.

Q. When the woman came to you to report that she had been raped, she did not tell you that she consented to being raped, did she?

A. Never.

Q. As a matter of fact, you would have paid no attention to the case if she told you she had consented, would you?

A. If she had consented she would not have come to us.

Prosecution: That's all.

Defense: Do you wish to continue the trial at this time? There is one question that I would like to ask the court, if I may. I have been informed by the judge advocate that one of my most important witnesses is out of town, the doctor in the case, and will not return until the first. It is essential that the doctor's testimony be had and we would like to know what should be done in this matter. We called him as a witness and we did not know that he would not be here.

Court: Is it possible to get his deposition?

Defense: I do not know where he is.

Court: Every effort should be made to produce the doctor more promptly than the first but if he can not be induced to come and the defense states it is essential that they have his evidence, the court will, of course, authorize a delay until he can be secured.

Defense: We think it is absolutely essential. We did not know he wouldn't come or anything about it when we reached here this afternoon until 2 o'clock, so we could not obtain any statement from him. We did not know he was going to be away, and we just stated the facts as they are.

Court: Has the judge advocate anything further to state in connection with this subject?

Prosecution: We do not want the doctor's deposition. It would not be admissible in this case. I did not know that the doctor had left the city until the court was convened. I sent for him but I was informed that he was away on his vacation and would not return until the first of August. His certificate of examination is here and may be used by the defense if they desire. I will not introduce it. I do not know what they expect to prove by

the doctor's testimony, but we might be willing to admit what they want to prove in order to dispense with his testimony.

Court: I would like to know if that would be satisfactory to the counsel for the accused?

Defense: We have no objection to stating to the court what we expect to prove by the doctor.

Court: Counsel will state what he expects to establish by the doctor.

Defense: We want to prove about these scratches. If they were fingernail scratches that could be made through clothes. Where they were, and whether they had bled enough to have soiled these clothes to the extent that they are soiled, in the places that they are soiled. I also wish to prove about the mark around the genitals, which is said to have been a nick. Could a penis make a nick such as this. Another point is about the maiden head. According to his statement, it was not intact. It had been torn but there was healing tissue which was at least a month old, showing that the hymen had been broken by something previous to this assault. We also want to bring out about the black and blue mark; whether she was given a black and blue mark as he says she was. I think these are the principal points we desire to prove.

Prosecution: Have you seen the doctor's report? It is a written report and it may cover most of these points.

Defense: I do not think it covers sufficiently the points we wish to bring out. There is no opportunity to ask whether the scratches could have produced all the bleeding on these clothes, which are produced as her clothes. He also speaks about a membrane. Now there is a membrane further in and if this nick is on the outside membrane it is nowhere near the hymen. He calls it a scratch. Could a penis make that scratch as he states it? I do not know whether this will mean anything to either side except that she found some scratches on her body; doesn't say whether they were fresh

or not. Black and blue marks do not come even two or three hours after a blow. It merely becomes black and blue from the coagulation of the blood, sometime after the injury.

Court: I regret that you can not come into an agreement.

Prosecution: Let me make my statement. Probably we are in agreement.

About all the doctor's certificate attempts to set forth is, I think, that he found some scratches on the woman's body and that some of these scratches were about her genitals. We do not feel it incumbent upon the prosecution to prove that this woman was a virgin. Her virginity is not properly an issue in this case. We expect this record to show that she is a young woman of good reputation. But the question to be determined here is not whether or not she was a virgin, but whether or not the accused had unlawful carnal knowledge of her by force. Now if the counsel for the defense desires the doctor's testimony to try to prove that she was not a virgin at the time she was attacked, we might eliminate the necessity for testimony on that point by stating that the prosecution is not going to try to prove that she was a virgin.

Defense: In reply to the statement of the judge advocate, the counsel for the defense feels that the testimony of the doctor in this matter determines the nature of the force that was used and so we request that the testimony of the doctor be presented to the court first hand in full.

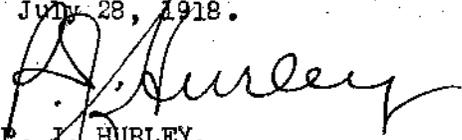
Prosecution: May it please the court, we have no desire to exclude from the record any evidence that counsel for the defense may deem necessary to a proper defense of the accused. If they want the doctor's testimony we will have him here as early as possible.

Defense: The counsel for the defense did not mean to infer that the judge advocate wished to exclude it. In all the dealings we have had with him, we found him very generous. Do you wish to proceed now?

Court: It is the opinion of the court that the case will proceed,

having in mind that the doctor will be here as early as practicable, unless the counsel for the defense changes his mind. The case will stand adjourned until 9 o'clock tomorrow morning when it will continue.

The court then, at 6:40 P. M. o'clock, adjourned to meet again at 9 o'clock A. M., the next morning, July 28, 1918.


P. J. HURLEY,
Major, J.A.R.C., Judge Advocate.

HEADQUARTERS, ARMY ARTILLERY, FIRST ARMY, A.E.F., A.P.O. 728, July 28, 1918.

The court met, pursuant to adjournment, at 9 o'clock A.M., in the presence of the accused and his counsel; all the members of the court, the judge advocate, assistant judge advocate and reporter and interpreter were also present.

Madame Eugenie B. Thieboux, a citizen of the French Republic, was sworn as a witness for the defense and testified as follows:

Questions by the defense.

Q. Are you the mother of Georgette Thieboux?

A. Yes.

Q. Do you know this man?

A. No.

Q. What was the date of the trouble your daughter had?

A. Tuesday, July 2nd.

Q. On the night of July 2nd, what time did your daughter return home?

A. Somewhere around 11 o'clock.

Q. Did you see her?

A. Yes.

Q. Did she tell you what had happened?

A. Yes.

- Q. What was the condition of her clothing?
- A. The hat was broken and one of the shoes had lost a heel. Her clothes were covered with mud and she was crying.
- Q. What was the condition of her underwear?
- A. I did not inquire about her underclothes. I did not go to bed at all.
- Q. Did you know when she took them off?
- A. She took them off before leaving to go to Bar-sur-Aube with her brother to see the gendarme.
- Q. Did she show you these clothes?
- A. No.
- Q. Did you keep a record of your daughter's menstrual periods?
- A. Yes.
- Q. When did she have her last period?
- A. The 27th.
- Q. When did this period end?
- A. Four days, about.
- Q. Did she change her underwear when this period was completed?
- A. Yes.
- Q. On what day was that?
- A. Just before going to Brienne.
- Q. What was done with these soiled clothes?
- A. They have been washed.
- Q. What was done with them when she took them off?
- A. She washed them.
- Q. Who is she?
- A. My daughter washed them.
- Q. When did she wash them?
- A. On Monday before leaving for Brienne. She went to the fountain in the field and washed them.
- Q. Have you seen these clothes before?
- A. Yes.

Q. When did you see them?

A. I saw them when she put them on before leaving for Brienne, Monday, the first of July.

Q. Have you seen them in this condition?

A. Yes, when she took them off. I saw them when she put them on but I did not see them when she took them off, and when she came back she showed me in what condition they were.

Q. Then you did see the clothes after your daughter returned home the night of the accident?

A. Yes.

Q. Were these the same clothes that your daughter wore at her last menstrual period?

A. She was not home at her last menstrual period; her previous period. She was not in my home when she had her period preceding this last one. She was in Bar-sur-Aube at Mr. Bertrand's.

Q. When did she leave Mr. Bertrand?

A. June 26th.

Q. And when did her last period begin?

A. The 27th.

Q. Then she was not at Mr. Bertrand's when the period began?

A. I mean the period before this last one; the May period.

Q. Are these the clothes that your daughter wore at her last period, from June 27th to the 30th?

A. No. She changed her clothes before going to Brienne.

Q. Were the marks on those clothes she took off before going to Brienne, similar to these?

A. No.

Q. Has your daughter had any pictures taken in the last few years?

A. No. She has the one the gentleman came to take.

Q. Is that the one she had taken in the past five years?

A. Yes.

Q. Did you ever see that picture?

A. I do not see.

Q. Is that the picture that your daughter gave to us?

A. I do not know, I think it is the other one.

Prosecution: May it please the court, this picture affair is quite unusual. The inference is being left with the court continually, that this young woman gave the accused a picture. One of the pictures in court was obtained from the prosecutrix, Mademoiselle Thieboux, by the attorneys for the defense. The other was purchased by them from the photorgapher. She gave neither of these pictures to the accused and counsel should not leave the inference with the court every time they are discussed that either of them was given to the accused.

Defense: May it please the court. Neither of these pictures were obtained from the accused. One was obtained from Mademoiselle Thieboux and the other from the photographer's. These identical pictures were not in the possession of the accused. We do not wish to imply that they were, What we have attempted to do is to prove that Georgette Thieboux gave the accused a similar picture which he cut down to fit this locket. This is the reason we are bringing the picture into the case.

Court: The court is inclined to give the defense very wide latitude in this case but it hopes that extraneous matters which are not necessary to the defense will be kept out of the record.

Questions by the prosecution.

Q. Have you any other children besides Georgette Thieboux?

A. Yes.

Q. How many?

A. Twelve.

Q. How many of them are boys?

A. Five.

Q. How many of them are alive?

A. One dead.

- Q. Are your sons here now?
- A. One of my sons was wounded in 1914; my other sons and my other sons-in-law are at the front, which makes eight of them at the front. And my next son is to go to the front very soon.
- Q. Where were you on Sunday night, June 30th?
- A. At my home.
- Q. Was your daughter, Georgette Thieboux, there?
- A. Yes.
- Q. Was she there from six o'clock in the evening until eleven o'clock at night?
- A. Yes.
- Q. Did she remain all night?
- A. Yes.
- Q. Who else was present in your home at that time?
- A. My husband and my 35 year old son and my next son.
- Q. Did Georgette Thieboux go any place away from home on Monday, July 1st?
- A. She stayed at home. She cleaned her clothes and got her clothes ready to go away to Brienne by the evening train.
- Q. What time did she leave home to go to the station?
- A. At five o'clock.
- Q. When did she return from Brienne?
- A. She came back on Tuesday at 11 o'clock in the evening.
- Q. At whose home did she visit while in Brienne?
- A. She stayed at her sister's place and also called to see a doctor because she was suffering with her eyes.
- Q. Is her sister married?
- A. Yes.
- Q. What is her name?
- A. Isabelle Lallouette.
- Q. Who brought her to your home on Tuesday, July 2nd?
- A. Mr. Martino from Thors.

Q. What was the condition of your daughter when she arrived at your home?

A. I could not say how she was but she was in a very sad condition. We did not go to bed and my other son went to get the mayor.

Q. Did she have any cut places on her body?

A. Her shoulders had been scratched.

Q. Did you examine any other portions of her body to see if she was scratched elsewhere?

A. No. She showed us her shoulder to show that she had been dragged.

Q. At that time did she say to you where she received these injuries?

A. Yes.

Q. Whom did she say inflicted these injuries on her?

A. A negro.

Q. Did she report the matter that night to any officer?

A. To the mayor. The mayor stayed with us.

Q. Had the mayor gone to bed before he was awakened to report the case to him?

A. Yes. He had gone to bed.

Q. Who awakened him to report the matter to him?

A. My boy.

Prosecution: That's all.

Court: Did your daughter state to you that she knew the man who had assaulted her?

A. She told me that he was a negro and that she could not recognize him but by his voice.

Q. Where did she hear his voice before, if at all?

A. She told me that she never spoke to a negro. I never saw her with this man before.

Court: The court has no further questions to ask.

Second Lieutenant George J. Gladney, Q.M.C., N.A., was sworn as a witness for the defense and testified as follows:

Questions by the defense.

Q. Lieutenant Gladney, do you know the accused?

A. Yes sir.

Q. Is the accused a member of your labor battalion, a detachment of the 313th Battalion?

A. Yes sir.

Q. Are you the commanding officer of this detachment?

A. Yes sir.

Q. Will you describe to the court the search that was conducted for the watch chain?

A. On July 4th, Major Hurley told me, at mess time, we would have a search of all watch chains in my detachment. Around mess time, approximately six o'clock, most of the men were in at that time, and I blew the whistle and the men assembled together. I spoke to the men. I wanted them all to show their watch chains. I think there were eight who had watch chains at that time in their possession. Four or five had watch chains but were in their barrack bags. Major Hurley, I do not know the captain's name who was with him, looked at the watch chains and collected them. The others were told to get their watch chains. I do not remember the names of those men who went for their watch chains. All came back with their watch chains except a man by the name of Private William Buckner, who came back with a watch which was broken. We also examined these chains and collected them. Major Hurley questioned Buckner for his. I do not recall whether he said he lost it or that he never had any. Several other questions concerning his watch chain were made by Major Hurley. There were five men absent at that time, who were seen later and we asked the same questions, whether they had watch chains and they did not have watch chains.

Q. On the night of July 2nd, did you or did you not know that William Buckner was in camp?

A. I did not know.

Q. Was there a check made of the men who were in camp?
A. A check was made, not that night, but in the afternoon.

Q. Will you describe the identification scene when William Buckner was identified?

A. I was not there. I can not describe it.

Questions by the prosecution.

Q. When William Buckner was questioned as to what had happened to his watch chain, what did he say he had done with it?

A. I do not remember.

Q. Do you recall whether he said he lost it or did not have a chain at all?

A. I think he said he had no chain at all.

Q. You do not recall then, anything about a baseball game he said he played in the morning of the 4th of July?

A. Yes, I do.

Q. What did he say became of his chain while playing ball?

A. I do not remember what he said, only what some others have said.

Q. What did some others say?

A. After the game he had it in his possession.

Q. What kind of a chain did he say he had?

A. I do not know.

Q. You were present all the time while the accused was being examined, were you not?

A. Yes sir. I was often, at times, two or three feet from him, at other times I walked around looking at the other men.

Prosecution: That's all.

Court: Was the accused at that time under arrest?

A. No sir.

Q. At the time of this investigation?

A. No sir.

Q. Did the judge advocate at that time, state to the accused that

anything he might say might be used against him?

A. No sir. The judge advocate did not.

Questions by the prosecution.

Q. As a matter of fact, you know that the accused was standing in line; was not arrested, and was accused of no offense at that time?

A. Yes sir.

Q. You know that to be a fact?

A. Yes sir.

Q. You know that he was not arrested or accused of any offense whatever at that time?

A. Yes sir.

Q. No one seemed to know who had committed the crime?

A. No sir.

Q. Do you know a man in your company named Walter Alex Lee?

A. Yes sir.

Q. Do you know his reputation for truth and veracity?

A. Yes sir, I do.

Q. Is it good or bad?

A. Bad.

Prosecution: That's all.

Defense: I would like to call another witness. A good deal of testimony that was taken here now, some of it was hearsay evidence. It was opinions. I am not very well versed in this matter but I do not think that it carries much weight.

Private John C. Alred, Company B, Detachment 313th Labor Battalion, was sworn as a witness for the defense and testified as follows:

Questions by the defense.

Q. Alred, do you know the accused?

A. Yes sir.

Q. When your detachment was at the old farm here on the east side of Bar-sur-Aube, did you sleep in the same tent with the accused?

A. For a while.

Q. Were you sleeping in the same tent with the accused on June 30th, 1st, 2nd, 3rd or 4th, during that period?

A. I am not sure, sir.

Q. You are not sure that you were sleeping in the same tent with the accused before he was accused of this crime?

A. I was.

Q. How long had you been sleeping with him?

A. I do not know.

Q. Had you been sleeping a week?

A. I guess about a week, something like that.

Q. Were you ever at Arrentieres?

A. Yes sir.

Q. Were you ever with the accused at Arrentieres?

A. Yes sir.

Q. Were you ever there alone?

A. Yes sir, once.

Q. Were you ever there with William Johnson?

A. Yes sir.

Q. Did you ever see Georgette Thieboux?

A. No sir.

Q. When you were at Arrentieres, did you ever see Georgette Thieboux?

A. No sir.

Q. Didn't you see Georgette Thieboux when she came to identify?

A. Yes sir. That was the only time.

Q. Describe how she identified the accused.

A. Well, we were all lined up and they had every one pass by her.

Q. Did she identify the accused first?

A. No sir. I do not know.

Q. Who did she identify first?

A. I do not remember who she identified first.

Q. When you slept in the tent with the accused, William Buckner, did you have a searchlight?

A. Yes sir, I did.

Q. Did he have a searchlight?

A. Yes sir.

Q. On the night of July 1st, what were you doing with this searchlight?

A. We had been fixing the searchlight several times during the night, every night.

Q. On the night of July 2nd, you were playing cards?

A. Yes sir.

Q. In the tent?

A. No sir, not in the tent.

Q. Was the accused's searchlight in the tent on the night of July 2nd, on the shelf?

A. I do not know sir.

Q. Did he leave it there on the night of July 1st, on the shelf?

A. I do not know.

Defense: That's all.

Questions by the prosecution.

Q. What did you do immediately after dinner on the night of July 2nd?

A. After dinner?

Q. Yes.

A. We went to put our mess kits in the tent and we dressed, and Johnson and Buckner and myself took a walk up town.

Q. Did you return to camp?

A. Yes.

Q. About what time did you get back?

A. A little before supper time.

Q. Supper time?

A. Yes sir.

- Q. What did you do after supper?
- A. After supper we was playing out there in the yard.
- Q. Were you in a crap game?
- A. Yes sir.
- Q. What time did the crap game break up?
- A. It broke up about 7 o'clock, I guess.
- Q. Where did you go then?
- A. Me and Johnson, we crossed the road and was playing cards.
- Q. Was William Buckner with you when you were playing cards?
- A. No sir.
- Q. What time did you return to your tent?
- A. We returned about - when we were supposed to be called in to quarters. 9:45 or 10 o'clock, by a quarter of nine or ten o'clock, something like that.
- Q. Did you go immediately to your tent when you came back to quarters?
- A. No sir.
- Q. About what time did you go to your tent?
- A. I went to bed about half past ten.
- Q. Was William Buckner bunking in the same pup tent with you?
- A. Yes sir.
- Q. Was William Buckner in his bunk when you went in at 10:30?
- A. No sir.
- Q. Did you have a light burning in the tent?
- A. Yes sir.
- Q. A candle?
- A. A candle.
- Q. You could see distinctly if William Buckner was in his bed?
- A. No sir, I could not see any distinctly.
- Q. Do you know that William Buckner was not in his bed?
- A. Yes sir, I do.
- Q. Had taps blown at that time?

A. I did not notice.

Q. About what time was it?

A. It was about half past ten when I went to bed.

Q. Did William Buckner come in before you went to sleep?

A. No sir. I do not know.

Q. When was the next time you saw William Buckner?

A. I saw him the next morning.

Q. Where were you on Sunday, June 30th?

A. I do not know.

Q. Were you at Arrentieres with William Buckner?

A. I do not remember.

Q. What day did you go up there with William Buckner?

A. I do not remember that.

Q. While you were up there, did you and he impersonate any officers or men of the military service?

A. We were playing military police.

Q. Tell the court how you were playing military policeman.

A. We had a handkerchief with initials "M.P." on it; had it on our arm and a stick in our hand and was walking around the town.

Court: Around what town?

A. Arrentieres.

Prosecution: On what arm did you wear the M.P. brassard?

A. It was on this arm, the right arm.

Q. Was it the regulation brassard or one that you had made?

A. One that had been made.

Q. Who made it?

A. William Buckner.

Q. Did you carry a policeman's baton or club?

A. Just a stick shaven off.

- Q. Who made this baton?
- A. William Buckner told me - we found one and then he said he made one himself.
- Q. Where did you find one?
- A. We found one at that little town.
- Q. Did he make one while you were with him?
- A. No sir, he did not.
- Q. He did not go to the woods with you, cut down a stick and cut out a baton for you?
- A. No sir.
- Q. Where did you get your club, the one you carried?
- A. The one he had found.
- Q. You carried the one he had found?
- A. Yes sir.
- Q. Did he have two clubs, when he found that one?
- A. No sir. I do not know.
- Q. Which of you was carrying this club? (Here the witness was shown a policeman's club).
- A. I think this is the one that he found.
- Q. And he gave the one he found to you to carry?
- A. Yes sir.
- Q. On what kind of a piece of cloth did you put the letters to make the "M.P."?
- A. On a handkerchief.
- Q. On a white handkerchief?
- A. Yes.
- Q. I am showing you now a white handkerchief marked with blue indelible pencil "M.P.", is that the handkerchief you wore?
- A. Yes sir.
- Q. Did William Buckner wear a handkerchief like that also?

A. Yes sir.

Q. I am showing you now a white handkerchief rather soiled, with "M.P." written on it in black ink, Have you seen that one before?

A. No sir. I have not seen it before.

Q. What was your purpose in impersonating military policemen.

A. He said, "Let's play M.P.". I said, "All right, come on". So we got a stick and were walking around the town.

Q. Did you speak to anyone?

A. No sir.

Q. Did you go to any house?

A. No sir, only when we got the wine.

Q. You got some wine?

A. Yes sir.

Q. Who was in this house when you got the wine?

A. A lady.

Q. How many drinks of wine did you take?

A. We only got one bottle.

Q. Is that a cafe or private house?

A. I think it is a cafe.

Q. Did you ever play military policeman more than once?

A. Yes sir, I have.

Q. How many times have you impersonated military policemen?

A. Twice that I know of.

Q. Was William Buckner with you each time?

A. Yes sir.

Q. What made you play military policeman?

A. Just having a little fun, that's all.

Q. Did you talk to the people in the town and in the road, while you were carrying these clubs and wearing the brassards on your arms?

A. Yes.

Q. Did you find that they talked to you more freely when they took you to be officers?

A. No sir.

Q. Then what gave you such great pleasure in impersonating policemen?

A. I just put it on to walk around the town.

Q. Why didn't you wear them in the city of Bar-sur-Aube where you were stationed?

A. I did not think of it.

Q. You knew that it would be rather uncomfortable for you were you caught wearing a military policeman's brassard in this town and impersonating a policeman?

A. No sir, I did not really think of that.

Q. Why did you go to Arrentieres to impersonate a policeman?

A. I do not know. Just in order to go up there.

Q. At this place where you stated you purchased some wine. Did you speak to a woman in that place?

A. No sir. I only spoke to her to tell her what I wanted.

Q. Did you buy any cigarettes from her?

A. No sir. William Buckner got a package of cigarettes.

Q. What did William do with the cigarettes?

A. Threw them away.

Q. At any time while you were in this cafe, was it necessary for the woman to show you the time on the clock?

A. Yes sir.

Q. Explain to the court what happened about the clock.

A. When one of us went to get some more cigarettes she told us it was too late and we walked away.

Q. Do you understand French?

A. Only a little bit.

Q. How did you understand it was too late?

A. By pointing at the clock.

Q. What day was that?

A. I do not remember.

Q. As a matter of fact, that was Sunday, June 30th, was it not?

A. No sir. I am not sure.

Q. Was it the second or third day or a week before William Buckner got in trouble?

A. I could not say for sure, because I did not pay any attention to it.

Q. When the officers went to your camp on July 4th, to search for watch chains were you present?

A. Yes sir.

Q. Did you stand up in line while the chains were being examined?

A. Yes sir.

Q. Did you see William Buckner in line that day?

A. Yes sir.

Q. Did William Buckner have a watch or chain on when he was examined?

A. No sir, he did not.

Q. What, if anything, was said to him?

A. They say, those who do not have watches go get them.

Q. What did William Buckner do?

A. He went to get his watch.

Q. Did he get his chain?

A. No sir.

Q. What kind of a chain did he have?

A. The chain that I saw was a brass looking chain.

Q. Was it white or yellow?

A. It was kind of darkish yellow.

Q. Would you know William Buckner's chain if you saw it?

A. No sir, I don't think I would.

Q. While you were living with William Buckner in the same tent, did he wear a picture of any kind hanging from his watch chain?

A. Yes sir, he did.

Q. Did you know whose picture that was?

A. No sir.

Q. Did William Buckner have other pictures of actresses and women?

A. Yes sir.

Q. Do you know whether or not it was a picture of an actress or a picture that he had purchased?

A. I do not know. He never told me anything about it.

Q. He lived with you in the same tent, did he not?

A. Yes sir.

Q. He never told you that it was a picture of a white woman he was keeping?

A. It was a white woman.

Q. Did he ever tell you anything about the woman?

A. No sir.

Q. Did William Buckner have his watch and chain on July 2nd?

A. I do not know for sure whether he did or not.

Q. What, if anything, did he say happened to his watch chain when he could not find it on July 4th?

A. He told me he lost the chain while playing ball.

Q. On what morning did he say he lost it?

A. I think it was July 4th, when we had some kind of doings.

Q. You do not know whether or not William Buckner's chain has been found?

A. No sir, I do not.

Q. The last you heard of the chain he told you he had lost it playing ball on the morning of July 4th?

A. Yes sir.

Prosecution: That's all.

Court: Did you see William Buckner the next morning, the morning of July 3rd?

A. Yes sir, I did.

Q. Did you notice anything about him, specially, then?

A. No sir.

Q. Did he engage in any conversation with you about his experiences the night before?

A. No sir.

Defense: Did you notice that he had any injury to his chin?

A. No sir.

Q. Was he scratched anywhere?

A. I did not notice.

Private Wilbert Sanders, Company B, 313th Labor Battalion, was sworn as a witness for the defense, and testified as follows:

Questions by the defense.

Q. Wilbert Sanders, do you know the accused, William Buckner?

A. Yes sir.

Q. Did you ever have a little letter "O"?

A. Yes sir.

Q. Tell the court, in your own words, about your experience with the accused and this letter.

A. It was in the afternoon, before we had supper.

Q. What day?

A. July 2nd. I was sitting on an old cart out there by my tent. I had the button and William Buckner was running around after it, and I ran around the cart until I got tired and so I just gave up and let him have it.

Q. What happened to William Buckner after he stopped running?

A. He sat down. He took the button and he put it on his coat and went to his tent. About 5:30 we had a baseball game and I was playing center field on one side and he was playing second base on the other side, that was on July 2nd. That night they had a dice game back there in the hay, where the man keeps his hay. There was a cart with a load of hay on it. I did not have any money and didn't shoot any dice. I got on the tongue of the cart and the cart upset. They all came out and asked who it was and

and I was scared to tell because I thought they might jump on me. They said to me, "You had better not do it any more," and they went back to their game and started to shoot.

Q. Was William Buckner in the game?

A. Yes sir, he was there when I left the game.

Q. About what time was this?

A. I did not hear the taps blow at the hospital.

Q. And he was there in the game?

A. Yes sir. I went on to my tent.

Q. After you had ran around with this letter "O" and he had chased you, did his nose bleed?

A. He said it was bleeding, but I do not know. He had a handkerchief in his pocket that had a few drops of blood on it but I do not know whether it came from his nose or not.

Q. Did he hold the handkerchief up to his nose?

A. Yes sir.

Q. Did William Buckner have a watch?

A. Yes sir, he owned one.

Q. Did he have a chain?

A. The one I saw was a wrist watch.

Q. Did you ever see him have a chain?

A. Yes sir. I saw him with a chain.

Q. Did he have a locket on the chain?

A. Yes sir. I seen a locket.

Q. What was in the locket?

A. There was a picture of a woman.

Q. Was it a white woman or black woman?

A. It was a white woman.

Q. Did you ever see that woman?

A. No sir. Not until I heard about the rape when she came down.

Q. Then the same woman was the woman in the picture that he had in the locket?

A. It looked something like her.

Q. Tell us about what happened on the 4th of July in the afternoon.

A. On July 4th, in the afternoon, I comes in the tent in the morning, I was on detail. It was a wood pile alongside of the railroad. In the afternoon I was supposed to go back again. One fellow went away and spoiled the detail so the lieutenant let us have the afternoon off. We got our bugles and sits on the bridge. We placed ourselves up there on the bridge while the trains were passing through.

Q. Who went with you?

A. William Buckner and me.

Q. Did he have a horn?

A. Yes sir.

Q. Then what happened?

A. Then we sat up there and blew until I got tired, so I quit blowing.

Q. Then what happened?

A. I came back on to the camp. I left him there still blowing.

Q. Did you walk down town towards evening with the accused, William Buckner?

A. No sir.

Q. This is July 4th, in the afternoon?

A. Yes sir.

Defense: That's all.

Questions by the prosecution.

Q. Did you ever go to Arrentieres with William Buckner?

A. Yes sir.

Q. Did you ever go into any house in Arrentieres while you were with him?

A. No sir. I haven't been in any house.

- Q. Did William Buckner go into the house?
- A. Yes sir.
- Q. Did you see the woman in the house in which he entered?
- A. I saw the woman standing in the gate.
- Q. Did you take anyone to that house since you saw Buckner enter?
- A. Yes sir.
- Q. Did you recognize the woman who was there as the same woman who had let him enter?
- A. No sir.
- Q. You do not know whether she is the woman that was there at the time or not?
- A. No sir.
- Q. Did Buckner admit that he had been to this house with you?
- A. Yes sir.
- Q. You mean to say that he had been there?
- A. He said he had been there.
- Q. Are you positive that he had been there?
- A. Yes sir.
- Q. Did you see him go in the house?
- A. Yes sir.
- Q. This picture that you say you saw Buckner wear, do you know whose picture that was?
- A. No sir.
- Q. Did you ever see a bunch of actress' pictures that Buckner carried, lewd, unclean pictures?
- A. Yes sir.
- Q. So far as you know, this picture he carried as a charm might have been one of these pictures?
- A. Yes sir. I do not know whose picture that was he was carrying.
- Q. What kind of a watch chain did Buckner have?

A. A goldish kind of chain; looked like brass.

Q. Are you sure that you have seen his watch chain?

A. Yes sir.

Q. And you are positive it was gold colored or brass?

A. It looked like brass colored.

Q. What color was this locket you speak of that he had hanging to his chain?

A. The same color as his chain.

Q. You are sure that you have seen this locket and chain?

A. Yes sir.

Q. You are positive that you saw the white woman's picture in the locket?

A. Yes sir.

Q. And you are positive that the chain and locket are the same kind?

A. Yes sir.

Q. I now present you William Buckner's chain and locket and ask you if this chain and locket are the same that you saw?

A. This is the locket but not the chain.

Q. It isn't the same chain?

A. No sir.

Q. When did you last see that locket and chain?

A. The last time that I saw it was the day before we were lined up to take all watch chains. That was the last time I seen it.

Q. That was July 3rd?

A. Yes sir.

Q. Did you see it on the day previous to that, July 2nd?

A. I did not see it on July 2nd.

Q. Did you see it on Sunday, June 30th?

A. No sir.

Q. Did you see it on Monday, July 1st?

A. No sir.

Q. You are only positive that you saw it on the 3rd?

A. Yes sir.

Q. Did you see it on July 4th?

A. No sir.

Q. Were you in camp with him all these days I mentioned?

A. No sir. I haven't been in camp with him all the time.

Q. You were with him on June 30th, July 1st, 2nd, 3rd and 4th, were you not?

A. Yes sir, I was working with him.

Q. You did not sleep in the same camp with him?

A. Yes sir.

Q. Did you mess at the same mess with him?

A. Yes sir.

Q. Did you shoot craps with him?

A. No sir.

Q. You are positive that you did not shoot craps with him?

A. Yes sir.

Q. All this time you only saw his chain once and that was on the 3rd?

A. Yes sir.

Q. Did you ever shoot craps?

A. No sir. I only shoot one time and I lost all my money.

Q. On the night of July 2nd, when this crap game was going on, did you remain present throughout the crap game?

A. No sir, I went on into my tent.

Q. What time did they come out of this barn?

A. It was after 9 o'clock.

Q. How did you know it was after 9 o'clock?

A. Because I heard the taps blow at the hospital, sir.

Q. Was William Buckner there at 9 o'clock?

A. He was there when I left.

Q. When did you leave?

A. I left right after I heard taps blow.

Q. Did you leave before or after 9 o'clock?

A. After 9.

Q. How do you know William Buckner was there?

A. I seen him when I left there.

Q. As a matter of fact, the men who were playing in that crap game started a card game before half past eight. Were you present at the card game? Don't you know that William Johnson started to play cards and left the crap game?

A. I did not notice that he was playing craps or playing cards.

Q. Don't you know that William Buckner went up on the bridge and blew the bugle up there after the crap game and before 9 o'clock?

A. No sir.

Q. As a matter of fact, you don't know what time the crap game ended or started?

A. No sir.

Q. Then why did you swear positively that it ended after 9 o'clock? Why did you swear that you knew when it started and knew when it stopped when you didn't know either?

A. I knew that taps had blown and I seen William Buckner at the time.

Q. Was there a baseball meeting in the camp that night?

A. I am not so positive if there was or not.

Q. Didn't you attend a baseball meeting on the night of July 2nd?

A. I do not know what night it was on.

Q. Did you or did you not attend a baseball meeting?

A. Yes sir.

Q. Who was present?

A. A fellow by the name of Jesse White and Charles K. Lee.

Q. And you were present at that meeting? Was the crap game going on the night of the meeting?

A. No sir, not the night of the meeting.

Q. Wasn't the baseball meeting going on the same time as the crap game?

A. I do not know.

Q. Did you notice whether those who were in the crap game attended the baseball meeting?

A. No sir.

Q. You did know positively, however, that you attended the baseball meeting?

A. Yes sir.

Q. Your name is on the list of those present at this meeting?

A. Yes sir.

Q. Did you sign any slip as to what team you wanted to play ball on?

A. Yes sir.

Q. Was William Buckner present at the baseball meeting?

A. I do not know.

Q. About what time of night did the baseball meeting begin?

A. I do not know just exactly what time it began but I know they did not stay there very long.

Q. About what time did it begin; while you were at the crap game?

A. I do not know, I think it was.

Q. It was going on when you got there?

A. Yes sir.

Q. Did you go to the baseball meeting?

A. Yes sir.

Q. When you returned, where did you go?

A. I went to the little spring there to get a drink of water and from there I got up to the yard and to my tent.

Q. This was after the close of the baseball meeting?

A. Yes sir.

Q. The baseball meeting had finished?

A. Yes sir.

Q. What time did you go to your tent?

A. It was going on 10 o'clock then.

Q. The baseball meeting had finished and you had gone to your tent before 10 o'clock? Are you positive that you understand that question and that you know your answer to it?

A. Yes sir.

Q. You have stated that the baseball meeting finished before 10 o'clock and that you went to your tent before 10 o'clock.

A. Yes sir.

Q. Do you know now when the baseball meeting started?

A. No sir.

Q. Do you know whether it started before 7, 7:30 or 8 o'clock in the evening?

A. No sir.

Q. You do know positively that you were at the baseball meeting?

A. Yes sir.

Prosecution: That's all.

Defense: Do you know whether the baseball meeting was the same night as the crap game or not?

A. No sir, I do not.

Q. When you went down to get a drink after the baseball meeting, who went with you?

A. Nobody went with me after the baseball meeting.

Defense: That's all.

The court has no questions to ask.

Private Mike Jackson, Company B, Detachment, 313th Labor Battalion, was sworn as a witness for the defense and testified as follows:

- Q. Mike Jackson do you know the accused, William Buckner?
- A. No sir.
- Q. Did you ever see William Buckner before?
- A. Yes sir.
- Q. Then you know him?
- A. Yes, I know him.
- Q. Did you ever see Georgette Theibaux; the woman who came to identify the different men?
- A. I never see her until that day she identified me.
- Q. She identified you first?
- A. Yes sir.
- Q. Describe how she came to identify you. You were in line. Did you pass in front of her?
- A. Yes sir. We came by and I gave her my name.
- Q. Gave who your name?
- A. Gave Major Hurley my name.
- Q. Then she said it was you?
- A. No sir. They all looked at me and she identified me.
- Q. After she identified you were you placed under arrest?
- A. Yes sir.
- Q. How long did you stay in the guardhouse?
- A. Three or four days, I think. I disremember.
- Q. While in the guardhouse, what did the accused, William Buckner, say to you? Did he say anything to you about this woman?
- A. No sir. Said he didn't know her.
- Q. What did he say about the night of July 2nd?
- A. He told me in the guardhouse that he wasn't in camp.
- Q. On the night of July 2nd?
- A. Yes sir.
- Q. Did you ever see this chain before?

A. Yes I saw him with it.

Q. Was the accused wearing this chain?

A. William Buckner.

Q. Did you ever see William Buckner with this locket?

A. I seen the picture in this locket.

Q. You have seen the locket and you have seen a picture in it?

A. Yes sir.

Q. Was the picture of a white woman or black woman?

A. It was the picture of a white woman.

Q. Did you ever see this white woman, whose picture was in this locket?

A. No sir. I never paid no attention to the picture.

Q. You never seen the woman?

A. I seen her picture but I did not know who it was.

Q. Have you ever seen the woman in the picture?

A. I do not know. I do not know if it was the same woman or not.

Q. When you were led before this woman for her to identify you, did you speak to her?

A. No sir.

Defense: That's all.

Questions by the prosecution.

Q. When you were taken out of line, when these people, as you state, were looking at you, did you know why they were taking you out of line?

A. No sir.

Q. Were you afterwards confronted by this woman; that is, were you led up to this woman and told to speak and talk in her presence, and to look at her?

A. No sir. Some of the boys said she was looking straight at me.

Q. I am not speaking about what happened when you were in line. When you were brought before the woman, did she ever, at any time, identify you as the man who had assaulted her?

- A. She did not identify me there.
- Q. You know positively, Mike, that she did not identify, do you not?
- A. Well, no sir, she did not identify me. They were all looking at me, so they called me out of line.
- Q. After you had been taken out of line and when you were led before this woman, did she say then that you were the man who assaulted her?
- A. No sir.
- Q. As a matter of fact, she told you you were not the man who assaulted her, did she not?
- A. She said, "I don't think he is the man".
- Q. This picture that William Buckner had in his watch charm, did you know how that was effaced, destroyed, and can you recognize what kind of a picture it was?
- A. No sir.
- Q. Do you know why William Buckner destroyed that picture?
- A. No sir.
- Q. Do you know whose picture that was?
- A. No sir.
- Q. Have you ever seen the pictures of lewd actresses, or women, that William Buckner carried?
- A. Not until the other day.
- Q. You have seen the pictures of actresses, undressed, lewd women, that he carried?
- A. Yes sir.
- Q. Do you know whether or not he had the face of one of these women in this locket?
- A. No sir.
- Q. So far as you know, it might have been one of these lewd women?
- A. I do not know.
- Q. You don't know why he destroyed the picture?
- A. No sir.

Q. Do you know whether or not this is his chain?

A. I saw him with one like it.

Prosecution: That's all.

Questions by the court.

Q. How many times did William Buckner come to see you while you were in confinement?

A. I was in there with him.

Q. You were both locked up in the same cell?

A. Yes sir.

Q. How often did you talk to him?

A. I didn't talk to him at all except that once when he told me he wasn't out of camp.

Questions by the defense.

Q. Why were you placed in the guardhouse?

A. I do not know, sir. That was the orders of Major Hurley. I do not know, sir.

Q. This woman you saw, whose picture was in the locket, did she have a dress on or not?

A. I do not know except the waist part.

Q. Did she have a waist on?

A. I do not know.

Questions by the prosecution.

Q. How much of the woman's body could you see in the picture?

A. From about the waist up.

Q. This place for the picture in the locket is about $\frac{1}{2}$ x $\frac{3}{4}$ inch. Was the entire form of the woman from the waist up in that space?

(The witness indicates from about the middle of the body on up, including the head).

Prosecution: That's all.

Regimental Sergeant Major Frank C. Haymond, Judge Advocate General's Department, was sworn as a witness for the defense and testified as follows:

Questions by the defense.

Q. Will you describe, for the benefit of the court, Sergeant Haymond, how the search was made for the chain?

A. Well, what particular phase of the search, sir?

Q. Describe the whole thing.

A. Of course, when the case came to the office, the question of locating the chain was regarded as of some importance to the judge advocate. There was a good deal of investigation conducted to try to locate the chain, but the chain itself was not located until several days after the investigation started. As I recall it, the accused, Buckner, his counsel, Chaplain Oliver -

Q. Please, you misunderstand. I wish you to tell about the first search that was made of the barrack bag for the chain.

A. Your question was rather indefinite and covered almost a period of two weeks.

Prosecution: I suggest that the counsel ask the witness what he wants him to testify to.

Defense: I wish the witness to testify to the time when the chain search was made for the chain, of all the detachment of the 313th Battalion.

A. I was not present at the time the men were lined up and what I know about what occurred at that time is hearsay and would be inadmissible. Buckner's barrack bag and his haversack were brought to the Judge Advocate's Office some time after he was placed in arrest. I do not recall the exact time.

Q. I would like you to tell if you were present when the identification took place?

A. The identification of the chain or what?

Q. The identification of William Buckner.

A. I was present with Major Hurley, Lieutenant Knauer, and perhaps some others whom I do not recall. I believe one of the French gendarmes

was there; Mademoiselle Thieboux and the two French soldiers, who testified before the court yesterday, at the railway station in Bar-sur-Aube on the forenoon of July 5th. There the detachment, a large part of the detachment, all who could be located at that time, were lined up and each man in the detachment was ordered to pass before Mademoiselle Thieboux, who stood off to one side with the officers. I was standing near her also. Out of the whole detachment there were two negroes who appeared to attract her attention. I believe the first one whom she indicated, was Mike Jackson, and he was taken into custody. He was told to step out of line, and I believe Lieutenant Knauer was directed to take him into custody. Buckner was also under suspicion by the young lady, at that time, but my recollection is not exact as to just what took place. Each of these men was asked, when picked out of line, to speak in her presence.

Q. When was the accused arrested?

A. I am not prepared to say exactly, sir, when he was placed under arrest. He was under suspicion from the beginning, because of the chain incident. I think he was formally taken into custody sometime in the afternoon of July 5th, although I would not want to swear to that. So many clues were being investigated that I am not quite clear on all the details.

Q. When was a copy of the charges served on the accused?

A. I served the copy of the charges on the accused, myself. He was then in the guardhouse but I am not positive of the exact date. I think, however, it was about the 16th of July.

Q. He was placed under arrest, then, to the best of your knowledge, on the 5th of July and charges were served upon him on the 16th of July?

A. I am not positive about either one of these dates, sir, but that is my recollection. I think the charges were dated the 11th of July

but not read until the 16th. It was several days after the date, on account of having to be properly indorsed, and so forth.

Q. Who first acted as counsel for the accused?

A. You mean actually acted as counsel?

Q. Who was supposed to act as counsel for the accused?

A. I do not know, sir. I think the name of Lieutenant Frazer was suggested but something arose to disqualify him. You were the first one that acted, to my knowledge. I do not remember of anybody else having formally taken the case.

Q. You never remember that Second Lieutenant William F. Knauer, at any time, acted for the accused?

A. Not as counsel. I think that his name was also suggested, since you mention it, but for reasons that seemed to satisfy Lieutenant Knauer, he thought he should not act as counsel.

Q. As far as your knowledge of the case goes, there was no regular counsel who acted for the accused until I came into the case?

A. Not to my knowledge, sir.

Q. When did Lieutenant Knauer give a signed statement against the accused?

A. I can not fix the date. I prepared, or helped to prepare the type-written statement which Lieutenant Knauer signed, but did not date it. It was prepared to comply with court-martial requirements, to transmit with the charges. There is no date on it.

Q. When did the accused, William Buckner, first acknowledge that he had connection with Mademoiselle Georgette Thieboux? It was after I took the case, was it not?

A. Yes sir.

Q. What did the accused tell you at that time?

A. At the time, Major Hurley and yourself, William Buckner and myself, were in the inner room of Major Hurley's office, in this building. I do not know whether Buckner told the story himself or made answers to questions propounded to him by you. He admitted that he had been

with this girl on that night, the night of July 2nd.

Q. Did he say he had been with her on other nights?

A. I am not positive if he did in the office, but he did that day because we went to the place where he said he had connection with the same girl.

Q. Did he not show us two places in the wheat field and one place in the oatfield adjoining this wheatfield, where he said he had connection with this girl?

A. Yes sir. After the interview in the office, of which I spoke, we obtained an automobile, and Buckner, with you, Major Hurley, myself, and the chauffeur went to the oatfield and the adjoining wheatfield, and Buckner indicated the places in the field, below the road, or on the right of the road, as you leave Bar-sur-Aube, where he said he had connection on two or three other occasions with the same girl. That was what he said.

Q. Were not the indications in the wheat field very evident that someone had laid down in the wheatfield or trampled the wheat down in distinct spots?

A. At three different places in that vicinity there was unmistakable evidence that something had taken place in the wheatfield, that had broken down the wheat and the oats. Buckner indicated each of these places.

Q. How did you find the necklace, and whom did the accused say gave him the necklace?

A. I do not know of any necklace.

(The witness is shown a Catholic rosary, prayer beads).

I call them beads. I was just trying to recall how the beads did come for the first time into our possession. I do not recall just where they came from but I believe that Buckner said, at one time, in your presence in the judge advocate's office, that this girl had given him these beads.

- Q. Do you not remember that while I was with him and Major Hurley, and you were present in Major Hurley's office, that I asked him to see if he had anything else about his person, and he reached into his pocket and drew out these beads?
- A. I do not recall that exact incident, but I remember on more than one occasion, after Buckner was asked if he had been searched, he would have other things on his person.
- Q. I wish you would describe to the court how the chain was discovered, and what William Buckner told you in regard to the locket.
- A. To the best of my recollection it was on a Saturday afternoon, probably a week ago yesterday, that Buckner, accompanied by you, came to the office of the judge advocate, and the question of the chain was brought up in conversation there. Buckner said that he could find the chain in a very short time. Up to that time all efforts to locate his chain had been unsuccessful. We obtained a car, I believe Captain Beurkett was along, I do not know if he was in the office at the time but I remember distinctly that he went with us. Buckner, under guard, yourself, Major Hurley, Captain Beurkett and myself, and the driver of the car, went to the place which is spoken of as the farm on the outskirts of Bar-sur-Aube, about three to five minutes ride from here, where the negro detachment had formerly been billeted or located. Buckner went to a place a few feet inside the furthest gate approaching the farm from this direction, and started to dig in the ground with a little wooden stick. Following the information the accused gave us in conversation, some others in the party assisted him in digging the ground there. We cut around the ground that way for a few minutes and then Buckner said, "I am mistaken as to the place where my tent was. It is further from here." And he went about ten feet further inside the entrance of the farm, and by the use of a pickax, which someone at the farm furnished us, all of us commenced to dig there.

Someone came upon the chain which lies upon the table there. I do not know which one of the party found it, but that was the chain, that the accused, William Buckner, said was his chain, and he told us he had buried it in his tent. We took the chain back to the office and it is now in the possession of the judge advocate.

Q. What did he tell us in regard to the locket at that time?

A. I do not recall anything particular that he said about the locket. I noticed the locket on the chain.

Q. Did he not say in the office, before we went out for this locket, that it contained the picture of the girl who has accused him, Georgette Thieboux?

A. I haven't any recollection of his making that statement. You will recall that I was in and out on different matters, and perhaps some things transpired which you thought I heard but which I have no recollection of having heard.

Q. When the accused, William Buckner, was placed under arrest, was he examined; his clothing, etc., for blood?

A. His clothing in his barrack bag and haversack ~~was~~ examined but I do not believe the examination took place on the same day upon which Buckner was arrested. As I recall it, Buckner was arrested sometime on the 5th of July, 1918. I recall distinctly that Buckner's barrack bag and his haversack, which were sent to the judge advocate's office, were searched in the judge advocate's office, and that those present conducting the search were Major Hurley, Lieutenant William F. Knauer, the negro, John C. Alred, I believe, and myself. As I recall it, and I recall it because I realized that probably the question of the date of the search would come up on the trial, -I noted the date as the 8th of July. I am rather positive about this search, which as I have stated, took place on the 8th day of July.

Q. Was any blood found on any of the clothing?

A. There was a handkerchief in his barrack bag or haversack, a khaki

colored handkerchief, which showed blood stains.

Q. Was there any blood found on his pants and undergarments?

A. We were not able to ascertain if there was any blood on his trousers or underclothes. There was some dirt but we found nothing that we could positively state to be blood.

Q. Did the accused take us to Arrentieres and show us the house where he had a drink of wine with the other man that he went out and played M.P. with?

A. Yes sir. Rather recently. Accompanied by the judge advocate, yourself, and the accused, Buckner, under guard, went to Arrentieres, and I recall that on one trip the automobile was stopped directly in front of a small cafe and that Buckner said there was the place he had been drinking. I do not know if he said wine or not, but he bought a drink from the girl who had given the drink to him just outside the cafe.

Defense: That's all.

Questions by the prosecution.

Q. After William Buckner was arrested and formally charged with the offense for which he is here being tried, did he continue to deny any knowledge of the affair?

A. He did, sir.

Q. Was he advised, after the arrest, that he was charged with an offense and that he had a constitutional right not to speak or say anything that would incriminate him?

A. I recall one time when you advised him of his constitutional rights.

Q. As the defendant, he was told he had a right to choose his counsel and that he did not have to answer any questions that would tend to incriminate him.

A. I do not recall exactly when that was but it was subsequent to his arrest.

Q. Was it the day he appeared at the office of the judge advocate with his counsel, Chaplain Oliver?

A. It was sir.

Q. Did you hear or know of any statement made by Buckner in regard to his implication in this matter except a complete denial, until you heard him state the matter in the presence of his counsel?

A. No sir. I recall that the first day, while he was under suspicion, he gave a statement which I took.

Q. Just a moment. Was that statement a complete denial of any connection with the affair, and did he not state that he was in camp asleep at the time the crime was committed?

A. I can not recall everything that was in the statement but that was the gist of it.

Q. He made no admissions whatever?

A. No sir. Not at that time.

Prosecution: That's all.

Questions by the court.

Q. You testified that the accused showed you three or four places where he claims to have had connection with the girl in question.

A. Yes sir.

Q. Did he ever, during his examination, tell why she could not identify him?

A. No. He gave no reason for that.. Buckner was rather reticent. He never offered any detailed explanation of the matters you mention.

Q. Did he admit having had connection with her on that night of July 2nd?

A. Yes sir.

Q. In the presence of his counsel?

A. Yes sir. Both in the office of the judge advocate and on the road to Arrentieres.

Q. Did he admit having had connection with her at the place which she claims the alleged rape took place?

A. Yes sir. He took Major Hurley, Chaplain Oliver and myself to the place which is about 40 meters to the right of the Arrentieres road, in an oatfield.

- Q. His story then, in the presence of his counsel, corresponds with the times and dates set by the young lady in her testimony?
- A. Yes sir. He said, however, that she had consented to it. That was his story, but he admitted actually being there and having had connection with her at the time and in that place.
- Q. In your examination of the case, was there anything of a certain nature developed that would corroborate his statement that he had had relations with this girl?
- A. In his statement he told us a story of what had occurred and of course, the only circumstance that corroborated his story was the location. He took us right to the place where he said he had been with this girl and there were unmistakable marks that something had taken place there.
- Q. Were there any signs that you noticed, of recognition between these two, anything that the girl knew him or that he knew the girl?
- A. No sir. Nothing occurred in my presence that would indicate that they knew each other. This is only my opinion about it.

Court: The court has no further questions to ask.

The court then, at 11:40 A. M., o'clock, adjourned to meet again at 2 P. M., the same afternoon.


P. J. HURLEY,
Major, J.A.R.C., Judge Advocate.

HEADQUARTERS, ARMY ARTILLERY, FIRST ARMY, A.E.F., A.P.O. 728, July 28, 1918.

The court met, pursuant to adjournment, at 2 o'clock P.M., in the presence of the accused and his counsel; all the members of the court, the judge advocate, assistant judge advocate, the reporter and interpreter were also present.

Second Lieutenant William F. Knauer, Q.M.C., Detachment 313th Labor Battalion, was sworn as a witness for the defense, and testified as follows:

Questions by the defense.

- Q. Lieutenant Knauer, do you know the accused?
- A. Yes sir. I do.
- Q. When did you become counsel for the accused?
- A. I was never informed that I was ever counsel for the accused.
- Q. Did you not tell the accused that you would act as his counsel?
- A. I would act as counsel if appointed.
- Q. Did you not think that the accused understood that you were his counsel?
- A. No thing I ever did gave him any grounds to think that I was his counsel.
- Q. Did you not go to see the accused in confinement to consult with him about his case?
- A. I did not see the accused from the time he was first examined by the judge advocates until I signed a statement that I made as investigator of this case.
- Q. After you signed that statement did you tell the accused that you would not be his counsel?
- A. I never told the accused that I would not be his counsel.
- Q. Then to the best of your knowledge he was still under the impression that you were to represent him?
- A. I never told him I was his counsel. He had no grounds whatever to think that I was his counsel.
- Q. Did you do any work for the case at all, whether you told him or not?
- A. No. I did not. I did not do any work except as investigator of the case.
- Q. Did you tell him that you at first expected to be his counsel?
- A. I did not tell him that I expected to be his counsel.
- Q. Did you not tell him that you worked on his case as his counsel?
- A. I did not. As investigator of the case I looked to his interests as well as the judge advocates's. As summary court officer it is my duty to investigate the charges before they are forwarded, and in that capacity I looked at all sides of the case.

Q. When the accused was searched for blood spots, were you present?

A. When he was first searched personally, I was not present.

Q. Did you ever search any of his clothes?

A. I did.

Q. Did you ever find any blood spots on his clothing?

A. I found clothing which was soiled.

Q. I would like you to answer, yes or no.

A. That is a matter of opinion which I am not in position to give.

It is in the power of the court to decide whether it is.

Q. In your own opinion, was it blood stain?

A. I have no right to give any opinion.

Defense: That's all.

Questions by the prosecution.

Q. Did William Buckner ever confess to you that he was guilty of the offense of which he is charged?

A. No sir.

Q. Under all circumstances he has denied his guilt constantly to you?

A. Yes sir.

Q. The stains you saw on his clothing, you were unable to determine whether they were ordinary grease spots or blood spots?

A. I have no right to state what they were.

Q. Did you see a handkerchief in his barrack bag?

A. Yes sir.

Q. What was the condition of that handkerchief.

A. I saw one handkerchief in his barrack bag which had the initials M.P. in indelible ink and another handkerchief had on the same initials M.P., possibly with paint.

Q. Do you understand the inferences made by the questions asked you by the counsel for the accused, are to the effect that probably you have obtained from the accused information detrimental to him while representing yourself as counsel for the accused?

Defense: I wish to object to that. That was not the inference at all that we intended to convey to the court.

Prosecution: Then I ask the court, inasmuch as that is all they have attempted to show by him, why have they put this witness on the stand?

Defense: The reason we have him on the stand is because we were led to believe by him, and by what the accused told me, that he represented him and that he had not done any work for his case. We want to show that the accused, as soon as he had someone who was interested in him, came through with the facts and told the whole story. I think from the 5th to the 16th, he had only visited the accused once, and the accused, in that period, thought that he was his counsel, and told me so. That was the reason I put Lieutenant Knauer on the stand.

Prosecution: The fact remains the same that the accused never made any confession to you, has he?

A. The accused spoke to me after I put in my report and what he told me at that time is strictly confidential, which I have not divulged to any person at all. It was not in the nature of a confession as to the crime.

Q. That was when you had finished all investigation in the case and after you had made your statement which accompanied the record in the case, asking for a general court-martial?

A. Yes sir.

Q. That statement, whatever it may have been, is not a part of the record, and you have not divulged it in any manner to the prosecution?

A. No sir.

Q. I would like to ask you now, if you know Walter Alex Lee, a member of the 313th Labor Battalion Detachment?

A. Yes sir. I do.

Q. Do you know his reputation for truth and veracity?

A. Yes sir.

Q. Is it good or bad?

A. It is very bad. He had no respect for the truth whatever.

Q. Did Walter Alex Lee present himself to you during your investigation of this case as a witness against William Buckner?

A. Yes sir.

Q. What did you do with Lee?

A. He told me what he knew about the matter and knowing his reputation, and from the report that he gave me, I put it down as being a lie, and I reported the same to you and told you that it would not be necessary for him to give any evidence as it was very likely all manufactured.

Q. Were you present when the judge advocate examined Walter Alex Lee as a possible witness in this case?

A. Yes sir. I was present.

Q. Did you hear a number of different stories told by him that were based on rumours that were floating in this case?

A. Yes sir.

Q. What, if anything, did the judge advocate tell him in regard to his statement?

A. The judge advocate stated that he did not believe what he was saying.

Q. Did he then dismiss Lee?

A. Yes sir.

Prosecution: That's all.

Court: The court has no questions to ask.

✓ Defense: May it please the court, we will now call as our next witness, William Buckner, the accused.

Court: Do you, the accused, understand that you have a right to make an unsworn statement, or that you may be sworn as a witness in your own behalf?

A. Yes.

Prosecution: Do you, William Buckner, fully understand that, as the accused, you may decline to be sworn and may decline to make any statement that will incriminate you, but that if you are sworn and submit yourself as a witness in your own behalf, you may be cross-examined as any other witness?

Defense: Do you understand that?

Accused: Yes.

Private William Buckner, Company B, 313th Labor Battalion Detachment, the accused, was sworn as a witness in his own behalf, and testified as follows:

Questions by the defense.

Q. What is your name?

A. William Buckner.

Q. How old are you?

A. Nineteen.

Q. When were you arrested?

A. Fifth of July.

Q. In the afternoon or morning?

A. In the afternoon.

Q. Who became your attorney, your counsel? Who came to see you as your counsel?

A. Lieutenant Knauer.

Q. Did you ask him to be your counsel?

A. Yes sir.

Q. Did he say he would be your counsel?

A. No sir. He said he was going up to Major Hurley.

Q. Did he ever come back and see you again?

A. No sir.

Q. Did you believe that he was your counsel?

A. Yes sir.

Q. Major Hurley told you that you did not have to say anything that would incriminate you, didn't he?

A. Yes sir.

Q. Did anyone come to see you as your counsel between the time Lieutenant Knauer came and the time I came?

A. No sir.

Q. When I came to see you as your counsel, what did you tell me?

A. I told you Lieutenant Knauer was to be my counsel.

Q. How did I become your counsel?

A. Major Hurley -

Q. In Major Hurley's office?

A. Yes sir.

Q. After I became your counsel, did you or did you not tell me the whole story about your relationships with Georgette Thieboux?

A. Yes sir.

Q. You did?

A. Yes sir.

Q. What did I say you had better do?

A. You had better tell the truth.

A. Did I take you to see Major Hurley?

A. Yes.

Q. Then you took Major Hurley and I out to see the house in Arrentieres where you had been?

A. Yes sir.

Q. Out to see one of the places where you had been?

A. Yes sir.

Q. You took us to a store where you said you first met the girl?

A. Yes sir.

Q. You took us to the place where you had hid the chain?

A. Yes sir.

Prosecution: May I interrupt just a moment? The counsel for the defense probably doesn't notice it but he is making an address and asking the witness to corroborate him, in place of asking the witness the questions letting the witness answer them. Counsel is stating all the facts himself. It is preferable to permit the witness to answer the questions.

Defense: The counsel for the defense has no desire to state the proposition or to lead the witness to say anything. He is merely trying to ascertain the facts.

Q. Was there an order out about colored men going with white girls?

A. I do not know, sir. I never saw any.

Q. Did any of your officers speak to you that you should not go out with white girls?

A. Yes sir.

Q. Why did you hide your chain?

A. To keep them from seeing the picture.

Q. Where was this picture?

A. It was on my chain.

Q. On what chain?

A. In the locket.

Q. What was this picture of?

A. Of that girl.

Q. Which girl?

A. Of that girl out there. The girl that was in here.

Q. The girl that accused you, Georgette Thieboux?

A. Yes sir.

Q. When did you first see Georgette Thieboux?

A. In town, In Bar-sur-Aube.

Q. In Bar-sur-Aube?

A. Yes sir.

Q. Where did you first see Georgette Thieboux?

A. In a store.

Q. What kind of a store?

A. Grocery store.

Q. What did you do in this store while you were there with Georgette Thieboux?

A. She asked me to buy her some nuts and I took and bought her some nuts, and then she gave me this picture.

Q. She gave you the picture that you now have in your locket?

A. Yes sir.

Q. How did it get so that you could put it in your locket?

A. I took and cut it up.

Q. When did you next see Georgette Thieboux?

A. I seen her up there in the town. I do not know the name of the town.

A. Arrentieres?

A. Yes sir.

Q. What were you doing when you saw her?

A. I was up there sitting on the water trough up there.

Q. What did you do?

A. Nothing, just sit there.

Q. When did you next see her?

A. The next time, me and Wilbert was up there and she gave me a drink.

Q. Wilbert who?

A. Wilbert Sanders.

Q. A drink of what?

A. A drink of wine.

Q. When did you next see her? Did you see her on Sunday, June 30th?

A. Yes sir.

Q. Tell the court what you did on Sunday, June 30th, while out at Arrentieres.

A. I sat there on the rock pile.

Q. Sat on what rock pile? Where was this rock pile?

A. Out there by the row of trees.

Q. How far is this rock pile from Arrentieres?

A. I do not know, sir.

Q. About how far?

A. I do not know, sir.

Q. Was it so you can see Arrentieres?

A. Yes sir.

Q. Which direction was it, toward Bar-sur-Aube or away from Bar-sur-Aube?

A. This way from Bar-sur-Aube.

Q. The rock pile is away from Bar-sur-Aube and near Arrentieres?

A. Yes, sir.

Q. You were out on the rock pile?

A. Yes sir.

Q. Then she came up there? Coming which way?

A. Coming from Arrentieres.

Q. She came along the road from Arrentieres?

A. Yes sir.

Q. Did you speak to her?

A. Yes sir.

Q. Did she speak to you?

A. She came over where I was.

Q. Did she sit down with you?

A. Yes sir.

Q. Then what did you do?

A. She went and talked about that watch.

Q. Began to talk about your watch?

A. Yes sir.

Q. What did she want to know about your watch?

A. She wanted the watch.

Q. She wanted your watch?

A. Yes sir.

Q. Then what did you do?

A. Then we went on up the road.

Q. You went on up the road toward Bar-sur-Aube?

A. Yes sir.

Q. Then what did you do?

A. We went in the wheatfield.

Q. You went in the wheatfield?

A. Yes sir.

Q. Then what did you do?

A. Then I had intercourse with her in the wheatfield.

Q. Did you see her on Monday night?

A. Yes sir.

Q. Did you have intercourse with her again on Monday night?

A. Yes sir.

Q. Where did you have intercourse with her on Monday night?

A. In the same wheatfield.

Q. In the same place?

A. Yes sir.

Q. In the same place?

A. The place right behind it.

Q. Why did you go behind it?

A. That is where she wanted to stop.

Q. On Tuesday night did you see her again?

A. Yes sir.

Q. Where did you see her on Tuesday night?

A. She was coming from Bar-sur-Aube.

Q. Where did you see her?

A. I was on that rock pile and she came over where I was on that rock pile.

Q. About what time was that?

A. About half past nine.

Q. Then what did you do?

A. Then we went up the road.

Q. Which way up the road?

A. Up towards Bar-sur-Aube.

Q. Then what did you do?

A. Then we talked and went into the oatfield.

Q. What were you talking about?

A. About that there watch.

Q. You went into the oatfield?

A. Yes sir.

Q. Well, did you have the watch then?

A. No sir. She had the watch.

Q. When did you give her the watch?

A. On Monday night.

Q. On Monday night?

A. Yes sir.

Q. You went into the oatfield? Why did you go into the oatfield?

A. Because it was too close to the road in the wheatfield.

Q. You had connection with her in the oatfield?

A. Yes sir.

Q. How many times?

A. Three times.

Q. How long did it take you?

A. About twenty minutes.

Q. Then did she struggle when you took her down to the wheatfield?

A. No sir.

Q. Did she scream?

A. No sir.

Q. Did she struggle while you had connection with her?

A. No sir.

Q. What did she say?

A. She said nothing.

Q. When you got through what did you do?

A. When we got through she caught me by the arm and she had my watch and she broke a minute hand off it. Then I took the watch away from her.

Q. What did she do?

A. She got mad.

Q. You went to the road where you thought she got mad?

A. It was right at the road.

Q. How close were the two Frenchmen to you?

A. They were about ten feet away, sir.

Q. What did she do then?

- A. She went from there out to the Frenchmen and said something about "Bush him".
- Q. Did she say anything before she left you?
- A. She said, "Me and you are finish".
- Q. What did the Frenchmen do?
- A. One of them opened his knife.
- Q. What did he do then?
- A. Nothing.
- Q. Did either of the Frenchmen hit you?
- A. No sir. They did not come within ten feet of me.
- Q. Did they chase you up the road?
- A. No sir. I never ran. They started first back towards Arrentieres and I went back towards Bar-sur-Aube.
- Q. When you were searched, were you searched for blood stains?
- A. Yes sir.
- Q. Were there any blood stains found on you?
- A. No sir. Nothing but my handkerchief.
- Q. How did you get your handkerchief bloody?
- A. My nose bled.
- Q. When did your nose bleed?
- A. It bled Tuesday, the 2nd of July.
- Q. How did it come to bleed?
- A. Fred Neal got after me and was chasing me and I came back to him and he went down to the gate so I started down there and my nose started bleeding and I turned around and came back.
- Q. When you were in Major Hurley's office did you reach in your overalls pocket and find this?
- A. Yes sir.
- Q. What is this?
- A. I call it a necklace.

Q. Where did you get it?

A. She gave it to me Sunday night coming out of the oatfield.

Defense: That's all.

Questions by the prosecution.

Q. What do you say these beads are?

A. I say it is a necklace.

Q. Do you know what this is on the end of it?

A. Yes sir.

Q. What is it?

A. A cross.

Q. What is on the cross?

A. That is Jesus Christ.

Q. This is what is called a crucifix, isn't it?

A. Yes sir.

Q. Do you know that they are prayer beads?

A. Yes sir.

Q. You know then that it is not a necklace.

A. Yes sir.

Q. Who gave this to you Sunday night.

A. She gave them to me.

Q. Where did she give them to you?

A. Coming out of the wheatfield.

Q. What day was Sunday? What day of the month?

A. The 30th.

Q. The 30th of June?

A. Yes sir.

Q. You are positive that you saw her in the wheatfield Sunday night?

A. Yes sir.

Q. Where did you see her Monday night?

A. On the rock pile.

Q. Where did you go with her Monday night?

A. We came up to that wheatfield.

Q. What day of the month was Monday?

A. It was the 1st of July.

Q. Did you go into the wheatfield with her Monday night?

A. Yes sir.

Q. About what hour?

A. About nine o'clock.

Q. What time did you come out of the wheatfield?

A. I do not know exactly what time.

Q. Was it between 9 and 11, or was it later than that?

A. It was about 10.

Q. About 10?

A. Yes sir.

Q. What time did you go into the wheatfield with her Sunday night?

A. I do not know exactly what time it was.

Q. Was it after or before dark?

A. It was before dark.

Q. What time did you come out?

A. About half past nine.

Q. Did she give you anything on Monday night?

A. Yes sir.

Q. What did she give you?

A. She gave me a key.

Q. What did she say it was the key to?

A. To her door.

Q. Where is the key?

A. I lost it.

Q. Did you give her anything Monday night?

A. Yes sir.

Q. What did you give her?

A. My watch.

Q. And did she keep this watch?

A. Yes sir.

- Q. What time did you give her your watch Monday night?
- A. I gave it to her about 10 o'clock.
- Q. Ten o'clock Monday night?
- A. Yes sir.
- Q. Did she ever give the watch back to you?
- A. Yes sir.
- Q. When did she give it back to you?
- A. Tuesday.
- Q. You were not wearing your watch Tuesday, then, were you?
- A. I took the watch Tuesday. She gave it to me Tuesday night.
- Q. She had it all day Tuesday?
- A. Yes sir.
- Q. Then you were not wearing your watch and chain Monday night after you left her, nor on Tuesday, until you met her Tuesday night? —
- A. No sir.
- Q. When did she give you back the watch?
- A. She had broken the minute hand on it and I took the watch.
- Q. When did you take the watch from her?
- A. I took it Tuesday night.
- Q. Is this the watch?
- A. Yes sir.
- Q. Is this the chain you were wearing?
- A. Yes sir.
- Q. Was the chain attached to the watch?
- A. Yes sir.
- Q. And she had the watch Monday night and all day Tuesday?
- A. Yes sir.
- Q. Did you state that the first time you met her was in a grocery store?
- A. Yes sir.
- Q. What was she doing in the store?
- A. I do not know sir.
- Q. Did you speak to her?

- A. No sir. She asked me to buy her some nuts and I took and bought them.
- Q. Did she speak to you in English?
- A. Yes sir.
- Q. She asked you to buy some nuts?
- A. Yes sir.
- Q. Did she ask you anything else?
- A. No sir.
- Q. What did she say to you about the picture?
- A. She just gave me the picture.
- Q. That was the first time you ever met her?
- A. Yes sir.
- Q. And she handed you her picture?
- A. Yes sir.
- Q. Did you ask her for it?
- A. No sir.
- Q. What was said about the picture that induced her to give it to you?
- A. Nothing.
- Q. Was the picture in a locket or was she carrying it in her hand?
- A. She went into her bosom and got it. A picture about that wide and that long. (Witness indicated about $2\frac{1}{2}$ inches wide and 4 inches long).
- Q. Was it a picture of a woman standing up or sitting down?
- A. Standing up.
- Q. Standing up?
- A. Yes sir.
- Q. What did you do with the picture?
- A. I took and cut it out.
- Q. How much did you cut out?
- A. About the waist.
- Q. Then your picture would be more than $2\frac{1}{2}$ inches long, where you cut it.

- A. No sir.
- Q. Show me how long it would be with your fingers.
- A. (Witness indicates about 2 inches).
- Q. Then what did you do with the picture?
- A. Then I took and framed it and put it in the frame.
- Q. Is this the frame of which you speak?
- A. Yes sir.
- Q. The frame is less than an inch long. How did you succeed in getting a $2\frac{1}{2}$ inch picture in the frame?
- A. I took and trimmed it up and put it in the frame.
- Q. You stated and another witness stated that you had from the waist line up in this frame. Now the picture you are speaking of is too big to put in, from the waist line up. Can you explain to the court?
- A. The card was that big but the picture was not that big.
- Q. Why did you scratch the picture so it could not be identified?
- A. I did not scratch it.
- Q. How did it become scratched?
- A. I guess it became that way from putting it in the ground so long.
- Q. Who put it in the ground?
- A. I did.
- Q. Why did you put it in the ground?
- A. To keep them from seeing the picture.
- Q. Why didn't you want anyone to see the picture?
- A. To keep them from knowing who the girl was.
- Q. Why did you want to keep them from knowing who the girl was?
- A. I do not know, sir.
- Q. What day was it that you stated this young woman, Mademoiselle Theibaux, gave you a drink of wine in Arrentieres?
- A. I do not know what day it was.
- Q. You do not know whether it was the 30th of June or the 1st or 2nd of July? Was it Sunday or Monday?
- A. I do not know what day it was.

- Q. Where did she give you this drink of wine?
- A. Up there at that cafe.
- Q. The cafe that you took your counsel and myself to?
- A. Yes sir.
- Q. At what time of day was it?
- A. It was about 9 o'clock.
- Q. Have you seen the photograph that your counsel has of this young woman?
- A. Yes sir.
- Q. Was the picture you had like either of these?
- A. No sir. In it she had a striped dress on.
- Q. Did the stripes show up in the picture?
- A. Yes sir.
- Q. Did she have a hat on in the picture?
- A. No sir.
- Q. Did you tell her Monday night, when you gave her the watch that she could keep it?
- A. No sir. I did not tell her she could keep it but she could wear it for a while.
- Q. Was she wearing it when you met her Tuesday night?
- A. Yes sir.
- Q. Did she have it on when you went into the oatfield with her?
- A. Yes sir.
- Q. What did you do to her in the oatfield Tuesday night?
- A. I had intercourse with her.
- Q. You stated you had intercourse? Did you have actual entry, did you actually penetrate her sexual organ with yours?
- A. Yes sir.

Q. Did she resist or submit to you?

A. No sir.

Q. Which did she do? Did she submit or did she resist? Did she let you do it or did she oppose you?

A. She let me do it.

Prosecution: That's all.

Questions by the court.

Q. Did you speak with this girl on the several times that you said you met her?

A. Yes sir.

Q. In French?

A. In English.

Q. She speaks English?

A. She can speak English.

Q. She speaks it fairly well?

A. Yes sir.

Q. You state that you took the watch from her while you were with her Tuesday night?

A. Yes sir.

Q. What did she do when you took that watch?

A. Nothing.

Q. Did she try to get it back?

A. No sir. I told her I was going to have the watch fixed.

Q. Did she scream?

A. No sir.

Q. Did she get mad?

A. Yes sir. She got made because I took the watch.

Q. What did she do?

A. She seen the two Frenchman and called to them and said, "Bush him", and said, "Me and you are finish".

Q. Was anyone with you when you state that she sold you a bottle of wine?

A. No sir. She gave it to me with Wilbert Sanders.

Q. What day was this?

A. I do not exactly know what day it was.

Q. Where was it?

A. Up at Arrentieres.

Q. Was there anyone else present when she gave you this bottle of wine?

A. Yes sir. Me and Wilbert Sanders.

Q. Anyone besides you three? Anyone besides the girl, present?

A. No sir.

Q. Was this in the cafe?

A. She got it in the cafe and came outside.

Q. Was anyone with you at the time when you talked to her?

A. No sir.

Q. When you got this bottle of wine, what did she say to you?

A. She showed me the time on the clock and told me to come back at half past eight, and it was so late when I got to the camp that I did not come back.

Q. Did she talk English to you all the time that Wilbert Sanders was with you? When she sold you this wine?

A. She did not sell it to me she gave it to me.

Q. Was she speaking English to you at this time?

A. Yes sir.

Q. What did she tell you in English?

A. She told me to come back there. She showed me on the clock.

Q. Did Wilbert Sanders hear her tell you?

A. I do not know.

Q. Was he with you?

A. Yes sir. He was with me.

Q. How far was he from you?

A. About as far as the wall. (Indicating about 10 feet).

Q. She spoke English to you when she gave you the wine?

A. Yes sir.

Q. He was with you when she gave you the wine?

A. Yes sir.

Q. Then he heard her speak English to you when she gave you the wine?

A. I do not know, sir.

Q. You were sitting together?

A. No sir. We were standing up.

Q. But you were close together?

A. Yes sir.

Court: The court has no further questions to ask.

Defense: May it please the court, the defense is closed except for the testimony of Dr. Siommesnesco.

Court: When do you expect him?

Interpreter: We sent a telegram last night. He is now in the country around Limoges. In fact I got a telegram this morning stating that he was leaving by the night train. That will get him here tomorrow. He can not be here before noon tomorrow. I made arrangements with the officer to extend his leave.

Court: The defense considers it essential to have his testimony in the case?

Defense: Yes sir.

Prosecution: May it please the court, and if satisfactory to the defense, the prosecution is ready to put on rebuttal now and hold the case open for the testimony of the doctor.

Court: Has the defense any objection to that proceeding?

Defense: No sir.

Madame Isabelle Lallouette, a citizen of the French Republic, was sworn as a witness for the prosecution and testified as follows:

Questions by the prosecution.

Q. What is your name?

A. Isabelle Lallouette (Thieboux).

Q. Do you know the accused, William Buckner?

A. No.

Q. Where do you reside?

A. Brienne-le-Chateau.

Q. How far is that from here?

A. I do not know how far it is. I know it costs 43 sous for a return ticket; 43 sous on the railroad. I can add that the rate is about 1 sous for a kilometer which makes about 20 or 23 kilometers from here.

Q. Where were you on the afternoon of Monday, July 1st?

A. At my house.

Q. Where is your house?

A. 60 Rue d'Ecole Militaire, Brienne-le-Chateau.

Q. Do you know Georgette Thieboux?

A. Yes. She is my sister.

Q. Did you see her on July 1st, Monday?

A. Yes. At 8 o'clock I went to the station to get her.

Q. What station did you go to to get her?

A. Brienne-le-Chateau.

Q. Did she arrive on the train at the station at Brienne-le-Chateau?

A. Yes sir.

Q. At what time did she arrive?

A. 8 o'clock.

Q. State, if you know, what time the train on which she arrived left Bar-sur-Aube?

A. Between 6:30 and a quarter of seven.

Q. Did she remain at your house Monday night?

A. Yes.

Q. Was she there at 9 o'clock Monday night?

A. Yes.

Q. Was she there at 10 o'clock Monday night?

A. Yes.

Q. Did she remain all night in your house?

A. Yes.

Q. At what hour the next day did she leave Brienne-le-Chateau?

A. Eight o'clock, by the train.

Q. Are you positive that the train leaves at 8 o'clock?

A. Yes. I saw her leave.

Q. Where was she going?

A. To Bar-sur-Aube.

Q. Was that Tuesday, July 2nd?

A. Yes.

Prosecution: Take the witness.

Questions by the defense.

Q. The train left at 8 o'clock on Tuesday night?

A. Yes.

Q. Was that the time the train was due to leave?

A. No.

Q. What time was the train supposed to leave?

A. A quarter past five.

Defense: That's all.

Questions by the prosecution.

Q. I will ask you to examine this set of prayer beads. Have you ever seen them before?

A. No.

Q. Do you know whether your sister, Georgette, is the owner of them?

A. No. I have not seen it.

Prosecution: That's all.

Questions by the court.

Q. Was Mademoiselle Thieboux at your house from 8 o'clock on June 30th, until July 1st?

A. No.

Q. Was Mademoiselle Thieboux at your house at 8 o'clock the night of July 1st?

A. Yes.

Defense: What time did you leave the house for the train, Tuesday night?

A. Five o'clock.

Q. When Mademoiselle Thieboux visited your house on July 1st, did she have a watch with her?

A. No.

Defense: That's all.

Madame Eugenie B. Thieboux, a citizen of the French Republic, who was sworn as a witness for the defense, was recalled as a witness for the prosecution. The witness was reminded that she was still under oath, and testified as follows:

Questions by the prosecution.

Q. You are the mother of Georgette Thieboux?

A. Yes.

Q. Did Georgette Thieboux leave your home at any time Monday, July 1st, to go to another town?

A. She left my house on Monday at five o'clock to catch the train for Brienne-le-Chateau, where she was going to see a doctor about her eyes.

Q. At what time did she return from Brienne-le-Chateau?

A. She returned Tuesday night at 11 o'clock after she had had her accident.

Q. Was Mademoiselle Thieboux in your home on Sunday night between the hours of 7 and 11 o'clock?

A. Yes.

Q. Did she remain at home all night?

A. Yes.

Q. You are positive that she was not away from the home at any time after 6 o'clock Sunday, June 30th?

A. She never did.

Q. Have you ever seen these prayer beads before?

A. Never. My daughter never used prayer beads.

Q. Your daughter has never had these at your home, to your knowledge?

A. I never seen these beads in my daughter's hands, if she had any.

Q. She doesn't use prayer beads?

A. No. My daughter was in service in the store where people do not go to church and she did as they did and did not use prayer beads.

Q. How long is it since your daughter went to church, if you know?

A. Since her communion. My daughter left my house to go into service and it is customary to do the same thing they do.

Q. How long is it since she went to church?

A. Since her communion.

Q. How long ^has that been?

A. About 13 or 14 years.

Prosecution: That's all.

Court: Has your daughter ever taken English lessons?

A. No.

Q. Have you ever heard her speak in English?

A. No.

Q. Have you ever heard that she had learned to speak English since the American soldiers were here

A. No.

Q. Did the people for whom she was working speak English?

A. Mr. Bertrand, her employer, has a girl interpreter since the Americans have been here.

Court: That's all.

✓ Monsieur August Thieboux, a citizen of the French Republic, was sworn as a witness for the prosecution, and testified as follows:

Questions by the prosecution.

Q. Are you the father of Georgette Thieboux?

A. Yes.

- Q. Do you know the accused, William Buckner?
- A. No. I have never seen him before.
- Q. Where were you on Sunday night, the 30th day of June, 1918?
- A. I was in my house.
- Q. Was your daughter, Georgette Thieboux, at your home on that night?
- A. She was.
- Q. Where is your home?
- A. Engente.
- Q. How far is Engente from Bar-sur-Aube?
- A. Five kilometers.
- Q. Did your daughter, Georgette Thieboux, leave your house at any time after 6 o'clock during Sunday night?
- A. No. She went to bed the same time we did.
- Q. What time did you go to bed?
- A. Between 9 and 10 o'clock.
- Q. She was in the house at the time you went to bed and retired when you did?
- A. Yes.
- Q. Did she go away from Engente Monday, July 1st?
- A. On the 1st of July she left my house to take a train at Bar-sur-Aube.
- Q. Where did she go?
- A. Brienne.
- Q. How long did she remain in Brienne?
- A. About one day. She left the evening of one day and returned the evening of the next day.
- Q. Did she go to Brienne-le-Chateau on Monday night, July 1st?
- A. Yes, she arrived there that night.
- Q. Did she return Tuesday afternoon or Tuesday night?
- A. Tuesday evening.
- Q. Did anything unusual happen to her Tuesday evening?
- A. Yes. She was attacked on her way.
- Q. At what time in the night, Tuesday night, did you first see her?
- A. She arrived at our place about 11 o'clock, and she had stopped

for a while at her sister-in-law's and she came home with two French soldiers.

Q. What was her condition when she arrived at your home?

A. Her clothes were in very poor condition. Her hat was broken and you could see that she had been through a hard time and she had marks on her face as if she had been strangled.

Q. Did you see any marks on her body?

A. I could see lines on her throat showing that she had been choked.

Q. Did you report the situation to anyone that evening?

A. The mayor. We went to fetch him.

Q. Did he come to your house?

A. Yes. At once.

Q. Did he examine your daughter to find out what her condition was?

A. Yes. He examined her.

Q. What did your daughter tell you had happened to her?

A. She said she was coming home very quietly when she was attacked by someone who was hiding himself in the vineyards and ran after her.

Q. Did she tell you what he did to her when he caught her?

A. She told us that he had raped her.

Prosecution: That's all.

Court: Do you run a cafe?

A. No sir.

Q. Do you sell wine or liquor?

A. Nothing at all. We have none for ourselves.

Prosecution: As a matter of fact, your home is not in Arrentieres, it is in Engente, is it not?

A. At Engente.

Q. Your daughter lived with you in Engente, did she not?

A. Yes.

Q. Did your daughter ever work in a cafe in Arrentieres?

A. No. Never.

Defense: Have you not a daughter who lives in Arrentieres beside the cafe.

A. I have a daughter who lives in Arrentieres beside the cafe.

Prosecution: Is your daughter who lives in Arrentieres married?

A. Yes.

Q. Does she live with her husband?

A. He is a soldier at the front.

Q. Does she run a cafe?

A. No.

Monsieur Emile Giblas,, a citizen of the French Republic, was sworn as a witness for the prosecution, and testified as follows:

Questions by the prosecution.

Q. Where do you reside?

A. Engente.

Q. What official position, if any, do you hold?

A. I am the mayor.

Q. Do you know the accused?

A. No.

Q. Were you in Engente on the night of July 2nd, 1918?

A. Yes.

Q. Did anything unusual happen during that night?

A. Someone came to wake me up and tell me that Georgette Thieboux had been attacked between Bar-sur-Aube and Arrentieres. It was then 11 to 11:30.

Q. What did you then do?

A. I got up and went to their house.

Q. On arriving at the Thieboux home, did you see Georgette Thieboux?

A. Yes.

Q. What was her condition when you saw her?

A. She was in a very poor condition. It was desperate; excited.

Q. Did you take any particular notice of the clothes that she was wearing?

A. Yes.

Q. What was the condition of her clothes?

A. Covered with mud. Her hat was torn off and her clothes wrinkled.

Q. Did you notice any scars or cuts on her any place?

A. Around her neck, which was a little swollen, there was a scratch.

Q. Did you make any report of the case?

A. No. But I caused her to go to the gendarmerie to make a statement.

Q. The gendarmerie at what place?

A. At Bar-sur-Aube.

Q. How long have you resided in Engente?

A. I was born in Engente. I have been employed in a town near by. It will be five years the 1st of September that I have returned to Engente.

Q. How long have you known Georgette Thieboux?

A. Since she was born.

Q. Do you know her reputation?

A. Yes.

Q. Is it good or bad?

A. It is good. I have never seen or heard anything bad about her behavior.

Q. Did you ever hear of her chastity being in question?

A. No.

Prosecution: That's all.

Court: Do you know whether she speaks English?

A. No. She does not speak it.

Mademoiselle Georgette Thieboux, a citizen of the French Republic, was recalled as a witness for the prosecution and testified as follows:

Questions by the prosecution.

The witness was reminded that she was still under oath.

Q. Where were you on Sunday night, June 30th, 1918?

- A. I was at Engente, at my parents' home.
- Q. Did you remain at their home all night?
- A. Yes.
- Q. Did you meet the accused, William Buckner, in a wheatfield on the road to Arrentieres, between 8 and 10 o'clock that night?
- A. No.
- Q. Where were you on Monday, the first of July, 1918.
- A. I was at home.
- Q. You did not go to Brienne-le-Chateau?
- A. I stayed at the house with my people in the afternoon.
- Q. What did you do in the evening?
- A. I left my house at five o'clock. I walked to Bar-sur-Aube, which I reached at 6:30 and I took the train which leaves five minutes to seven for Brienne-le-Chateau, where I reached about 8 o'clock.
- Q. Did you remain in Brienne-le-Chateau all night?
- A. Yes.
- Q. At whose home did you remain?
- A. My sister's.
- Q. When did you return?
- A. Tuesday, July 2nd.
- Q. How far is Brienne-le-Chateau from your home?
- A. I do not know. From Bar-sur-Aube to Engente there is 5 kilometers.
- Q. From Bar-sur-Aube to Brienne-le-Chateau there is how many?
- A. Somewhere around 20 kilometers.
- Q. What time was it when you arrived in Bar-sur-Aube, returning from Brienne-le-Chateau, Tuesday, July 2nd?
- A. I arrived at Bar-sur-Aube between 8:30 and a quarter of nine.
- Q. On Monday night did you meet the accused, William Buckner in a wheatfield by the roadside on the way to Arrentieres?
- A. No.
- Q. Did William Buckner give this watch and chain to you Monday night?

A. No.

Q. Did you return this watch and chain to him Tuesday night?

A. No. I never took it from him.

Q. Have you ever had this watch and chain in your possession?

A. No.

Q. Have you ever seen these chaplets before?

A. No.

Q. Did they ever belong to you?

A. No.

Q. Did you ever give these to William Buckner?

A. No. I could not give him anything as I did not know him.

Q. Have you chaplets of this kind?

A. I had one when I made my communion. I was then ten years old but about seven or eight years ago I gave it to a little neice of mine.

Q. Was it like this?

A. No. It was dark blue.

Q. Did you ever see William Buckner at any time or at any place except the time and place where you were attacked by him?

A. I never saw him except the moment he attacked me.

Q. Do you speak English?

A. No. The only English I know is to say "yes".

Q. Did you ever meet William Buckner in a grocery store in Bar-sur-Aube?

A. No. Never.

Q. Did you ever give him your picture in a grocery store at Bar-sur-Aube?

A. No.

Q. Did you ever work in a cafe at Arrentieres?

A. No.

Q. Did you ever go into a cafe and give William Buckner or bring William Buckner a drink of wine?

A. No. Never, Never.

Q. On Tuesday night, July 2nd, when the accused attacked you in the oatfield, did he actually have intercourse; did he actually penetrate your genitals?

A. He did.

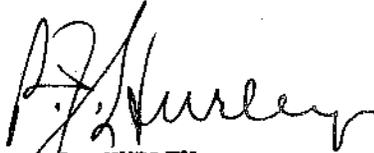
Prosecution: May it please the court. If the court is going to hold over to receive the evidence of the doctor, I would like at that time, to introduce another witness to show that this young woman was in Brienne-le-Chateau. The witness, I am advised, is in the city but not present in court just now.

Court: The court sees no objection to that.

Court: Any further witnesses to be called at the present time?

Defense: No sir.

The court then, at 3:50 P.M., adjourned to meet again at the call of the president.


P. J. HURLEY,
Major, J.A.R.C., Judge Advocate.

HEADQUARTERS, ARMY ARTILLERY, FIRST ARMY, A.E.F., A.P.O. 728, July 30, 1918.

The court met, pursuant to adjournment, at 2:00 o'clock P.M., in the presence of the accused and his counsel; all the members of the court, the judge advocate, the assistant judge advocate, the reporter and the interpreter were also present.

Madame Celine Chateau, a citizen of the French Republic, was sworn as a witness for the prosecution, and testified as follows:

Questions by the prosecution.

Q. What is your name?

A. Widow Chateau.

Q. What is your first name?

A. Celine.

Q. Where do you reside?

A. At Bar-sur-Aube.

Q. Were you ever in Brienne-le-Chateau?

A. I went to Brienne-le-Chateau to see the doctor about my eyes.

Q. What day did you go to Brienne-le-Chateau?

A. Tuesday, July 2nd.

Q. What time did you go to Brienne-le-Chateau?

A. By the quarter past seven train from here.

Q. Did you see Georgette Thieboux in Brienne-le-Chateau on that day?

A. I saw her at the hospital waiting for the doctor.

Q. Did you go from Bar-sur-Aube to Brienne-le-Chateau by train that morning?

A. Yes.

Q. Was Georgette Thieboux on that train with you that morning?

A. I did not see her in the train. I only saw her at the hospital.

Q. When did you return from Brienne-le-Chateau?

A. I came back by the train which arrived here at 9 o'clock in the evening.

Q. Was Georgette Thieboux on that train?

A. Yes. She got off this train.

Prosecution: That's all.

Defense: No questions to ask.

Court: The court has no questions to ask.

Dr. Constantin Siommesnesco of the French Army, was sworn as a witness for the defense and testified as follows:

Questions by the defense.

Q. Doctor, did you examine Georgette Thieboux?

A. Yes.

Q. When did you examine Georgette Thieboux?

A. I do not exactly know the date but it was at the beginning of the month. I signed a certificate which had the date on it. The date on the paper. (The certificate was shown the doctor). July 3rd.

Q. What was the condition of the hymen at that examination?

A. I found the hymen not to be complete, but the tearing dated sometime ago.

Q. Was there scar tissue?

A. There was an old mark, tearing.

Q. Were there any fresh wounds on the hymen?

A. No.

Q. The hymen was perfectly elastic?

A. It had lost its elasticity.

Q. Did you find any marks upon the body?

A. I found some scratches on the thighs but very light.

Q. Were there any other marks?

A. No.

Q. No blue mark; no blue and black mark?

A. No.

Q. Were there any other scratches on the body?

A. A few on the neck.

Q. Were these scratches bleeding?

A. No.

Q. Were they of the character which would bleed?

A. No.

Q. These are said to be the clothes worn by Georgette Thieboux when she was attacked. (The witness is shown a chemise).

A. When she came to see me I did not notice any blood mark on her clothes.

Q. Could the scratches on the body of Georgette Thieboux have produced as much blood as this on her clothing?

A. I do not think so.

Q. Did you see any black and blue marks on the body?

A. No.

Q. Did she show you any?

A. No.

Defense: That's all.

Questions by the prosecution.

Q. What is your full name, doctor?

A. Constantin Siommesnesco.

Q. Are you an officer in the French Army?

A. Yes.

Q. What is your rank?

A. It corresponds to that of a lieutenant. Doctors are not called lieutenants and captains, etc. My rank is Aide Major of 1st Class.

Q. Do you know the accused, William Buckner?

A. No.

Q. What time on July 3rd, did you examine Georgette Thieboux?

A. Somewhere around 10 o'clock in the morning.

Q. Would bruises made around 10 o'clock on the previous night, that is to say, 12 hours before your examination, have turned black before you made the examination?

A. Yes. If one has been hit, shocked.

Q. You saw no black marks on any part of her body?

A. No.

Q. You saw no cuts on any part of her body that in your opinion had bled?

A. No.

Q. You stated that there were scratches on her neck and on her thighs.

A. Yes.

Q. In your opinion, did any of these scratches bleed?

A. They looked like scratches look when one is itching.

Q. Did you state that you found a cut or a scratch inside of what you term technically the large lip of the vagina?

A. I did not testify to a cut. I said some red marks, irritation, inflammation.

Q. Does one make that kind of inflammation in the vagina, usually, by scratching?

A. It is sometimes made naturally by the bearing of the lips against each other.

- Q. In other words, the lips of the vagina may scratch each other?
- A. When a woman is strongly built and fairly fat, during the hot weather, when walking, it can cause irritation by the rubbing of these two lips against each other.
- Q. Why did you not say that in the certificate you made at the time you examined this person?
- A. My attitude as the examiner was to certify to what I saw without trying to explain how it happened. I just said there had been some irritation without testifying how it occurred.
- Q. As a matter of fact, you did not say "irritation"; you said "scratches", didn't you?
- A. I do not think I put scratches, I put marks.
- Q. As a matter of fact, you used the word "scratches" in two parts of the sentence. (The witness is shown his signed certificate).
- A. Marks and scratches on the thighs and on the mucus of the large lips. I ought to have mentioned after thighs, "and red marks on the mucus". It was my spirit but I omitted the words. They were so light that they did not strike me as very important, but I left things as they were but I ought to have put "red marks on the mucus" when it concerned the vaginal region.
- Q. Why do you now desire to change your statement that you made in the beginning, from scratches to red marks?
- A. Because, as I recall the facts now, they were red marks and not a wound.
- Q. You have not told anyone since then that you actually found a wound inside the large lips of the vagina?
- A. No.
- Q. You have not told anyone that that wound might have been an old wound?
- A. When the commissaire, whom I met since, asked me if I had seen any wound, first I said, "No," I did not think there was any.
- Q. Who was the commissaire who asked you this?
- A. The man with the gendarme. He is a little man who spoke about the matter and asked me if I found any wound inside the vaginal region

and I said I did not think there was a recent wound there.

- Q. State, if you have any way of knowing, whether or not Georgette Thieboux was injured in any way in her genital organs by intercourse having been had with her.
- A. When I examined her on the spot, I found what I have stated, but a week later, Georgette Thieboux came to see me at a consultation, complaining of certain overflowing. I examined her and found some inflammation. I gave her some drugs, injections, but I could not state what is the origin of this inflammation, and I have not been able to follow this matter as she has not returned to see me again.
- Q. Did she make any statement to you when you were examining her as to the cause of her condition?
- A. No.
- Q. Had you ever examined her before this incident occurred?
- A. No. I do not know her.
- Q. Do you know why she returned to you as a public officer, to be examined when she was sick?
- A. She was afraid of having obtained a contagious disease or of being in a family way.
- Q. Then she did make a statement to you when she came back to be examined?
- A. Yes. She came back and said, I come back to you about this trouble and I want you to tell me if I am running any risk of having any contagious disease, syphilis or any other one, and if I am in danger of being in a family way.
- Q. What did you tell her?
- A. I told her that there was no danger for the time being of her having any contagious disease. If she was in a family way she had better wait until her period came or did not come.
- Q. When she came to you the first time to be examined, who brought her to you?
- A. A gendarme.

Q. Why did he bring her to you for examination?

A. Because as I am the doctor of the civilian population I had to examine all cases which are brought to the hospital.

Q. Did anyone tell you why you were to examine this case?

A. The gendarme told me that she had been attacked the night before and that I was to certify if there was any wound to be seen and if it was a case of rape.

Q. How were you to know whether or not it was a case of rape?

A. If the hymen had been forced through there would have been marks of a fresh cut. I could have seen the forcing and there would have been a hemorrhage which could have been noticed.

Q. In your opinion, then, the hymen must be broken for the first time before there can be rape? Is that what you want the court to understand?

A. A woman can be raped gradually by a man having frequent intercourse with her, gradually extending and opening the mucus. Rape is the complete tearing of the tissues of the hymen which causes hemorrhage.

Q. That is, in case the woman has never had intercourse before. Is that what you mean?

A. Yes.

Q. Then your idea is that a woman is not raped unless it is the first time she has had intercourse?

A. A woman can be raped at any age and although she has no hymen, but I only wanted to specify that if she is a virgin, a maiden, there will be a tearing off and there will occur a flow of blood.

Q. Your testimony then, is to the point that she was not a virgin before this occurred?

A. Yes.

Q. You are not certifying, as I understand you, that she had not been raped?

A. I do not mean to state if she has or has not been raped, the only

thing I can rely on is that I asked her if she had felt the penetration of the penis in her genitals and she told me she had not felt anything, and as to knowing if he had been raped, I could not know better than the witnesses who report that she has been.

Q. What, in your opinion, caused the flow of blood which you have been testifying concerning?

A. It is the breaking of the mucus. The breaking of the mucus causes the flowing of blood that came after the affair.

Defense: I beg your pardon, I think you asked a general question.

(The question was repeated by the reporter).

Defense: I wish to object. This is an effort on the part of the prosecution to trap this man.

Prosecution: I am not responsible for what the counsel for the defense heard or did not hear, and I am not trying to trap the witness. The witness on the stand has stated that the person whom he examined, returned to him to be re-examined because of an unusual flow of blood. I asked the question, "What caused the flow of blood"?

Prosecution: Will you state what the character of the discharge was that was coming from Georgette Thieboux when she came to you a week after this occurrence, to be re-examined?

A. It was a white-yellow secretion.

Q. Was it blood?

A. No.

Prosecution: Then I apologize to the counsel for the defense. I understood the witness to say it was blood.

Defense: I wish to apologize to the judge advocate for intimating that he attempted to trap the witness.

Prosecution: When you examined Georgette Thieboux was she undressed in the hospital or did she have clothes upon her?

A. She had clothes on.

- Q. Did she have these clothes on her the first time?
- A. The first time I did not notice these blood spots.
- Q. Did you notice the blood spots the second time?
- A. The second time the spots were yellow but not bloody.
- Q. You never saw these blood spots before?
- A. No.
- Q. Were the clothes she wore the first time you examined her, clean clothes?
- A. I did not notice any spots on her clothes.
- Q. As a matter of fact, her clothes had been changed and these had been taken by the gendarmes before you examined her the first time, had they not?
- A. I did not notice them.
- Q. Did she have that dress on the first time. (Here the witness was shown the dress worn by Mademoiselle Georgette Thiebaut on the night of the attack).
- A. Yes, she had this dress.
- Q. She had that dress on the first time you examined her?
- A. Yes, she had these clothes on.
- Q. Did you notice these stains on the dress?
- A. Yes.
- Q. You noticed blood stains on the dress but you did not on the underwear?
- A. I did not see any blood spots on the dress.
- Q. What do you think that is on the dress?
- A. I do not think this is blood.
- Q. What do you think that is on the underwear?
- A. This is blood but the others are not. Some are blood spots and some ~~white~~ secretions.
- Q. During your examination of this patient you never saw blood secretions of that kind?
- A. Yes, I noticed some but they did not have the amount of blood that

these clothes have.

Q. You have never seen any blood about the scratches or the wounds that you have spoken of, on this woman's body?

A. No I did not see any blood.

Q. At any time?

A. At any time.

Prosecution: That's all.

Questions by the court.

Q. You stated that there were a few marks on this young woman's throat. Is that not true?

A. I object to the word "marks". I saw scratches.

Q. On the throat?

A. On the throat. On each side of the neck.

Q. Were there very many?

A. No.

Q. Were there not black and blue marks on the neck and shoulders?

A. No.

Q. Did she complain of being bruised around the throat or shoulders?

A. She complained of having been bruised around her neck, but in examining her I did not see any blue marks which sometimes takes place when someone has been choked by the hands. The finger nails leave marks. Blue or black marks, I did not find any, unless some very light marks, superficial marks.

Q. Did she explain to you how this attack occurred?

A. Yes.

Q. Fully or in part?

A. She told me how she had been taken and carried in the grass.

Q. Did she state that she had been dragged across a field at any time?

A. Yes.

Q. Did she complain of any bruises on her body as a result of this particular method of attack?

A. She complained of a pain in her kidneys.

Q. You were not able to see any marks on her body because you did not

see her whole body, is that not true?

A. I saw her neck, chest and her sexual parts. I saw nothing but her neck, chest and sexual parts.

Q. In what condition was her voice when she was taken to you?

A. Very clear.

Q. Were there any signs of hoarseness?

A. No.

Q. Is the hymen always in perfect condition in a woman up to the time of the first sexual connection with a man?

A. Up to a certain age it is absolutely intact, generally, it depends upon the shape of the hymen itself, but as a rule it remains intact.

Q. Up to what age?

A. If she has no intercourse it must be intact all through life.

Q. Is that absolutely true? Is that believed by the whole medical profession?

A. In some particular cases the shape of the hymen is such that after a certain time the hymen fades away; takes a semi half-moon shape and disappears.

Q. I do not care about the details. The question is, does the fact that the hymen was found to have an old scar indicate that the scar had been made by sexual connection?

A. As a general rule, yes.

Q. Is that stated as a general rule in medical works, that the hymen is always intact?

Prosecution: May I just make a remark before this question is answered?

All this testimony is irrelevant and we are encumbering the record.

The question of her virginity is not at issue in this case at all.

Court: I withdraw the question.

Q. I would like to ask the doctor how long he spent in making this first examination?

A. Twenty minutes.

Q. Could you form a definite conclusion as to whether Mademoiselle Theibaux had been subjected to violence the night before?

A. The scratches on the body are a proof of a struggle, but when it comes to the rape marks on the internal parts of the body, I can not say they came from a struggle because they may occur frequently without any forcing.

Prosecution: Did you know Georgette Thieboux before this occurrence?

A. No.

Q. You are not an enemy of hers or her family?

A. I saw her for the first time in my life, that day.

Prosecution: That's all.

Mademoiselle Jeanne Janin, a citizen of the French Republic, was sworn as a witness for the defense and testified as follows:

Questions by the defense.

Q. What is your name?

A. Jeanne Janin..

Q. Where do you reside?

A. The Rue d'Aube at Bar-sur-Aube.

Q. Where do you work?

A. At Mr. Bertrand's. At the stores gallery.

Q. Do you know Georgette Thieboux?

A. Yes.

Q. Did you see Georgette Thieboux on the morning after she claimed to be attacked?

A. Yes sir.

Q. What hour of the day was it that you saw her?

A. Somewhere around 12 o'clock, noon.

Q. Where did you see her?

A. As she was coming up the Rue d'Aube, where I live.

Q. What did she say to you?

A. That she had been walking along with a negro on the road to Arrentieres.

Q. Did she say she had been talking with this negro?

A. Yes.

Q. Did she say that she had looked at his watch and chain?

A. She tried to go to touch his chain and watch in order to drag him along towards Arrentieres.

Q. When was it that she was walking with this negro?

A. The day she was attacked. Perhaps two minutes before the attack took place.

Defense: That's all.

Questions by the prosecution.

Q. You say you saw her perhaps two minutes before the attack took place?

A. No. I said that she told me that she had spoken to the man perhaps two minutes before the attack took place.

Q. On what day did she tell you this?

A. The next day after she was attacked.

Q. Where did you see her the day after she was attacked?

A. In the street where I live, Rue d'Aube.

Q. What number do you live on Rue d'Aube?

A. 26.

Q. What day of the week was that?

A. I do not remember.

Q. How do you know it was the day after the attack?

A. Because she told me so.

Q. Who else talked to you about this chain incident?

A. Nobody but her.

Q. Who did you tell about this incident?

A. To my lady boss, the following day.

Q. She was at 26 Rue d'Aube when she told you this?

A. Yes. She was going by.

Q. Did you stop her or did she stop you?

A. She stopped.

Q. What other conversation did you have with her besides that you have related?

A. That was all because it was noon and she went away.

Q. She just ran up to you to tell you that she dragged a negro by the chain and when on. Is that what you want the court to understand?

A. Yes.

Q. Are you positive what time of day this occurred?

A. Yes.

Q. What time?

A. She didn't tell me what time it occurred, She told me she got off the train and two minutes before the attack she had tried to drag a man away by his chain.

Q. Did she tell you that she had been assaulted by the man?

A. She told me that she took him along the road for a while and afterwards he had attacked her.

Q. Did she tell you what he did when he attacked her?

A. No.

Q. Did she tell you that she had resisted?

A. Yes.

Q. How old are you?

A. 15½ years.

Q. How long have you worked for Mr. Bertrand?

A. One year the first of October.

Q. Do you know Georgette Thieboux well?

A. Yes, very well.

Q. Did you ever see her talking to a negro in the store?

A. No.

Q. Did you ever see her speaking to this negro in the store?

A. No.

Q. Did you ever see this negro in the store?

A. He came sometimes to buy something but not often.

Prosecution: That's all.

Questions by the court.

Q. What colored dress did Georgette Thieboux have on the day you saw her?

A. She had a blue and white dress, the one she was wearing the night before.

Q. Did she tell you that she had on this dress the night before?

A. Yes.

Q. How long did you talk to her?

A. Not more than a quarter of an hour.

Q. Are you certain that you have seen this negro in the store of Monsieur Bertrand?

A. He came once or twice, but Georgette Thieboux was never there.

Q. What did he get the first time he came?

A. I do not remember.

Q. Was there someone with him?

A. Yes, some friend of his.

Q. The second time he came, what did he get then?

A. I do not know because there is a girl who speaks English and she tends to those who speak English.

Q. What were you doing when he came in the next time you saw him? The second time you saw him?

A. I was tending to some other patrons. I saw him and I looked at him as I do anyone.

Q. Did you see many colored men in that store?

A. Yes. More often in the evening.

Q. In what way do you recognize him from those other colored men?

A. I can not say but I recognized him because I saw him before.

Q. You are absolutely certain that you have seen this man in that store before?

A. Yes.

Q. They have an interpreter to interpret English in that store?

A. Yes.

Q. Was Georgette Thieboux a friend of that interpreter?

A. No, because this interpreter had only been there a week when Georgette Thieboux left.

Q. Did Georgette Thieboux know very many English words?

A. Nothing at all. She was using yes when she wanted to use no.

Prosecution: Do you sell nuts in that store?

A. No.

Prosecution: That's all.

Monsieur Adolph Bertrand, a citizen of the French Republic, was sworn as a witness for the prosecution, and testified as follows:

Questions by the prosecution.

Q. State your full name.

A. Adolph Bertrand.

Q. Where do you reside?

A. Bar-sur-Aube.

Q. In what business are you engaged?

A. Merchant.

Q. Do you know the accused?

A. It seems that I have seen him sometimes in the store.

Q. Have you ever seen him speaking to Georgette Thieboux?

A. I have not noticed him enough to say that I have seen him do such a thing.

Q. Do you know Georgette Thieboux?

A. Yes, she was in my service.

Q. How long did she work for you?

A. About three years.

Q. When did she separate from your service?

A. Wednesday, June 26th.

Q. Why did she stop working for you?

A. We had a little difficulty on Sunday. Things went on fairly for two days, Monday and Tuesday, but on Wednesday she asked for a week's time. We granted her that week and she left. She gave us a week's notice but we let her go without service for that week.

Q. Does she speak English?

A. No. Sometimes on Saturday afternoon, when the stores are busy, she was going in to the stores. Although she did not understand, she had a mania of always saying "yes" whatever the man was saying to her.

Q. In what capacity did she serve you?

A. Waitress and cook.

Q. Did she have a good or bad reputation?

A. As long as she stayed with us she never misbehaved and I knew nothing.

Q. Was there any question of her moral character involved in the affair that led up to her separation from your service?

A. Not at all.

Prosecution: That's all.

Questions by the defense.

Q. When did she work in the store and when did she work in the house as a waitress and cook?

A. She was working in the house all day long during the week. She was working in the stores between 10 in the morning and noon on Saturday.

Q. Did she ever wait on any American soldiers?

A. Yes.

Q. Before she left your employ had you not heard rumours in connection with her character?

Prosecution: May it please the court. That question is far too broad and will lead to a confusion of issues. Let counsel ask the witness if he knows any specific instances of misconduct, or has heard any specific statements derogatory to her character. This is an exception to the hearsay rule and if the court desires to hear it I will not object. But the question in its present form is not proper.

Defense: I am cross-examining the witness. I am trying to bring out

the facts in the case. If he has testified to something that is not so and I can establish that, I am permitted to do so.

Prosecution: Then I interpose an objection against the question in its present form.

The court was then closed and upon being opened the President announced, in the presence of the accused and his counsel, that the objection was sustained and that the witness should not answer the last question.

Defense: Did you know the general reputation of Georgette Thieboux for chastity before she left your employ?

A. I knew nothing about it as I said before. I never saw anything while she was in my house. When it comes to what took place outside of my house, I do not bother about it because it is a rule for me not to bother what my employes do outside of my house.

Q. Did anyone ever tell you anything derogatory to the character of Georgette Thieboux?

A. No. Never.

Defense: That's all.

Court: Had anybody told you that Georgette Thieboux had been seen going with any negro soldiers?

A. No. Never.

Defense: I would like to make a statement to the court regarding the facts in this case. The reason I asked these questions of this man is because of the fact that Captain Smith of the Quartermaster Department, who is there with the negroes, - I do not know what relation he bears to the negroes, - the 313th Labor Battalion, went to see this man and his wife at the beginning, the day after this thing happened.

Prosecution: If the counsel for the defense is going to tell what Captain Smith told him, I think that Captain Smith's evidence would be the best evidence on that subject.

Court: The court does not see the exact necessity of talking about these matters at this time.

✓
Madame Juliet Brivois, a citizen of the French Republic, was sworn as a witness for the prosecution and testified as follows:

Questions by the prosecution.

Q. Where do you reside?

A. Arrentieres.

Q. How old are you?

A. 35.

Q. Do you know the accused?

A. No.

Q. Did some officers, with the accused, come to your cafe?

A. No. I have not seen them.

Q. Did anyone tell you that they had been in your cafe?

A. Some came Sunday while I was away to see my husband at the station.
The Sunday before last.

Q. Did Georgette Thiebaut ever work in your cafe?

A. No. Never.

Q. Did Georgette Thiebaut ever serve a drink to this man, the accused, in your cafe?

A. No. Never.

Q. Was Georgette Thiebaut ever in your cafe with this man, the accused?

A. No. Never.

✓
Mademoiselle Isabelle Philezot, a citizen of the French Republic, was sworn as a witness for the prosecution and testified as follows:

Questions by the prosecution.

Q. Your name is Isabelle Philezot?

A. Yes.

Q. Where do you reside?

A. Arrentieres.

Q. How old are you?

A. Twenty.

Q. Do you know the accused. (The accused was asked to stand up).

A. No.

- Q. Have you ever seen him before?
- A. Yes. I have seen him before.
- Q. Where did you see him before?
- A. At Arrentieres.
- Q. Are you related to Madame Juliet Brivois?
- A. Yes. I am her sister.
- Q. Were you present at your sister's cafe when William Buckner, the accused, came there with some officers?
- A. Yes. I was there.
- Q. Did you ever sell William Buckner a drink of wine in that cafe?
- A. No.
- Q. Did you ever sell him cigarettes?
- A. No.
- Q. Were you ever present when he bought wine or cigarettes?
- A. No.
- Q. Did you ever show William Buckner or anyone with him, the time of day on the clock in that cafe?
- A. Yes. Some negroes came to buy some cigarettes. I was not present, but the same evening as I was in my sister's cafe one negro came and wanted some more cigarettes and he was told there was none to be got. I pointed and showed the clock to the negro telling him that the cafe was closed.
- Q. Did you see the negro any more on that day, in the evening about 8 o'clock on the road between Bar-sur-Aube and Arrentieres?
- A. No. It was not that day.
- Q. What day did you see him on the road?
- A. On a Sunday but I do not remember if it was - it was a Sunday.
- Q. What time of day was it?
- A. Perhaps between 6 and 7 o'clock.
- Q. Was that Sunday the 30th of June?
- A. Yes. It must be that.

Q. Did you ever see the accused any other time?

A. It was that Sunday, and I saw the accused and another negro on the road.

Q. At any other time were you ever in a hay field with the accused?

A. Yes.

Q. State, if you recall, what day that was?

A. I know it was a Sunday.

Q. Were you ever at any time in a hay loft at the same time with the accused?

A. Five of us together went in the loft of the barn where we put hay.

Q. Did you ever take the accused to your house and give him a drink of wine?

A. No.

Q. Were you ever present when he was given a drink of wine?

A. They had been hay making with us and as we were thirsty, the men of the farm took them to the water pump where they drank.

Q. You did not see anyone give them wine while you were present?

A. They drank on the farm but I was not present.

Q. Do you know Georgette Thieboux?

A. Yes.

Q. Was she with you any time that you met this negro?

A. No.

Q. Was she ever in the cafe with you when this negro was present?

A. No.

Q. Did she ever give this negro a drink of wine in your sister's cafe?

A. No.

Q. Did she ever work in the cafe?

A. No.

Q. Did you ever see her at the same time as this negro?

A. No.

Q. Did you see the negro the Sunday evening before the attack on Georgette Thieboux?

A. Yes.

Q. Do you know that Georgette Thieboux was attacked by a negro?

A. Yes.

Q. Do you know whether it was on Sunday or some other day of the week?

A. I do not know.

Q. Do you know who attacked Georgette Thieboux?

A. No.

Prosecution: The prosecution rests.

Defense: The defense rests.

Court: Does the defense desire to make any statement for the record?

Prosecution: Before the argument of counsel for the accused, I wish to state to the court that I have not formally introduced, in evidence, the clothing and articles that the court has examined, because they are too cumbersome and numerous to be transmitted with the record. I will, however, retain all of the garments and articles in the possession of the judge advocate until the case has been reviewed and acted upon by the final authority. I wish specifically to call the court's attention to the brass frame, which has been referred to as a locket, on the watch chain of William Buckner. On it is inscribed the words, "Modern Dancers". All these articles and clothing will remain in the court-room until the court is finished with this case.

Defense: May it please the court. I believe the nature of the accusation against the accused is of such a severe character that it merits a summing up of the facts as presented by the defense. I will sum up what I have to say under two heads. The first is that I wish the court to bear in mind in their judgment of this case, that verbal protestations and a pretence of resistance do not show want of consent. I trust that the court will, at all times, remember that this girl who has made this accusation is not an immature child but is a full grown woman; that for years she has worked hard, and that they will take into consideration

her size and her bodily vigor. I trust the court will remember that through her opportunities as a saleswoman in the "Galleries Modern", she would be able to pick up some English. I trust that the court will remember that she stated she did not feel the intercourse which she had with the accused, and although she had intercourse with the accused three times within fifteen minutes, by the testimony of herself and the testimony of the accused, she did not suffer any inconvenience from the intercourse itself. She stated, in her testimony, that because of the struggles that she made the heel of her shoe came off half way down the oatfield. I trust that the court will remember the testimony of the French gendarme, which was to the effect that the heel of the shoe was found alongside of the road. She testified that she was overcome by what had happened, and that she laid down for fifteen minutes on the coat of one of the French soldiers. The French soldier testified to the fact that she sat down for a couple of minutes on his coat. The testimony of one of the French soldiers was to the effect that when they saw them, they were seemingly walking up together out of the oatfield, talking to one another. The testimony of Mademoiselle Jeanne Janin was to the effect that Georgette Thieboux told her that she walked along the road talking to the accused. In the second place, I wish the court to bear in mind that the prosecution must show beyond a reasonable doubt that force was used. I wish the court to remember that Buckner, the accused, came and told his story of his own free will; that he showed the prosecutor and his attorney and other witnesses, three places, two in a wheatfield and one in an oatfield, where he claimed to have connection with the accused. That this demonstration corresponds to the story that he told previously; that he produced a chain that he helped to find; that he produced a locket, and I wish, above everything else, that the court will bear in mind that there were no marks of any character on the person of the accused; no scratches, and I think the counsel for the defense is right in the presumption that if a woman of the

strength and bodily vigor had been in contact with a man and shown resistance at all, she would have left a mark by either tearing his clothing or by some scratch of some character, some mark upon his person. I wish another fact to be borne in mind. Georgette Thieboux has stated positively, that the blood on the clothes which she has presented were caused by cuts. That the blood on these clothes was the result of a struggle. The testimony of the doctor went to disprove that fact; and I also believe that if any man had, for twenty minutes, been in close contact with a woman that had bled to the extent that Georgette Thieboux claims that she had bled, there would have been some marks on his under-clothing. The examination that has been made of his clothing and the clothing that was found in his barrack bag did not show a spot of blood. In summing up, I would say, that it is the opinion and the firm belief of the counsel for the defense that the one who has made the accusation, Georgette Thieboux, who has accused William Buckner, made no resistance but consented to intercourse with him. And so we believe firmly, after working upon this case, that William Buckner is not guilty of the charge.

Prosecution: I am not going to attempt to meet the argument of counsel for the defense that there are conflicts in minor details in the evidence in this case. It would be passing strange if such minor conflicts did not exist. The four gospels are in hopeless conflict on certain minor details but they all corroborate the salient facts of the incident concerning which they were written.

In this case it is necessary for the prosecution to prove that William Buckner, the accused, had unlawful carnal knowledge of Georgette Thieboux by force and without her consent.

William Buckner did have carnal knowledge of Georgette Thieboux; she alleges that he had such knowledge, and he admits it. The parties concerned are not married, consequently the carnal knowledge was unlawful. Thus we can dispose of two of the elements of rape

as being settled so far as this case is concerned. The only element of rape left to be proved is that the carnal knowledge was had by force and without the consent of Georgette Thieboux. On this point you have had the evidence of four witnesses who heard her cries for help while she was being assaulted. You have evidence that the cries were heard for more than a kilometer from where the assault occurred. You have the evidence of the two soldiers whom she first saw after the affair and to whom she cried, "Kill him, he has raped me". You have their evidence as to her nervous and exhausted condition. You have before you the shoe and the heel that was wrenched from it during the struggle. You have seen her torn and crushed hat that she wore on that night. You have heard the evidence of the marks on her throat and shoulders and other parts of her body. You have seen her bloody garments. In corroboration of these facts you have the testimony of her mother, and her father and of the mayor of Engente, as to her deplorable condition at the time she reached her home. Against all these facts and circumstances which show that she was assaulted forcefully and violently, you have the uncorroborated word of the accused, William Buckner.

How much weight should be given to William Buckner's word? William Buckner is a soldier in the Army of the United States, and he is entitled to such protection as his conduct justifies. He testified that he met Georgette Thieboux, at one time, at a cafe at Arrentieres, when she showed him by the clock, what time she would meet him in the field, and that she served him with a drink of wine. The cafe in which William Buckner says he met her is owned by Madame Brivois, who was a witness on this trial. She testified that Georgette Thieboux never worked for her and never served a drink of wine in her cafe to William Buckner or to anyone else. It appears, however, that Madame Brivois' sister

was in the cafe with William Buckner; that she, not Georgette Thieboux, showed him the time that the cafe would close by pointing to the face of the clock. She testified that she did afterwards meet him on the road between Arrentieres and Bar-sur-Aube, and that at one time she was in a hay field and in a barn loft with him but that on none of these occasions was Georgette Thieboux present. The accused has not presented one witness who could testify to having seen him at any time with Georgette Thieboux. He says that he met her in a field and had intercourse with her there on Sunday night, the 30th of June. The evidence showed that she was in her home on Sunday night at the time he claims to have been with her. He testified that he met her on the road and took her into a field and had intercourse with her there on Monday night, July 1st. The evidence shows that Georgette Thieboux was in the home of her sister in the town of Brienne-le-Chateau, some 23 kilometers away, on Monday night, at the time William Buckner claims to have been with her in the field. William Buckner says that she gave him her picture the first time he met her but that he destroyed the picture. He attempted to corroborate this story by Walter Alex Lee. Lee has been impeached by the testimony of two officers. There is an entire failure to prove that William Buckner ever had any picture of Georgette Thieboux.

We have heard numerous stories about the watch chain, the most fantastic is the one told by the little girl who says that Mademoiselle Georgette Thieboux told her that she dragged the negro. The fact is that one of the soldiers who saw William Buckner on the night of the assault, and Georgette Thieboux, both report that the negro who assaulted her wore a white metal chain. This chain was the one clue to the identity of the man who had committed the assault. William Buckner found out that a chain was being looked for and he hid his watch chain. This was the

basis of the information that finally led to his identification and arrest. So far as the prosecution knows, that is all the watch chain ever had to do with this case.

William Buckner did not receive a picture from Georgette Thieboux. He was not served by her with a drink of wine at her home or in a cafe at Arrentieres. She does not live in Arrentieres, but lives at Engente. He was not shown by her the time on a clock when she would meet him. He did not have intercourse with her in a field near Arrentieres on Sunday night, June 30th, 1918, because she was not there then. He did not have intercourse with her in a field near Arrentieres on Monday night, July 1st, 1918, because she was at that time in her sister's home in Brienne-le-Chateau. On these matters William Buckner did not tell the truth. Did he state the truth when he said Georgette Thieboux consented? This is the question for the court to decide.

The court was closed and finds the accused:

Of Specification 1, Charge I: *Guilty*

Of Charge I: *Guilty*

The court was opened and the judge advocate stated, in the presence of the accused and his counsel, that he had no evidence of previous convictions to submit.

The court was then closed, and sentences the accused, Private William Buckner, No. 431189, Company B, 313th Labor Battalion:

To be hanged by the neck until dead;

Two thirds of the members of the Court concurred in the sentence.

Thereupon, at 6:15 P.M., the court adjourned to meet at the call of the president.

Edward P. O'Hern ✓

EDWARD P. O'HERN,
Colonel, Ordnance Department, N.A.,
President.

F. J. Hurley ✓
F. J. HURLEY,
Major, J.A.R.C., Judge Advocate.