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MEMORANDUM OF THE GERMAN GOVERNMENT

IN REGARD TO

INCIDENTS ALLEGED TO HAVE ATTENDED
THE DESTRUCTION OF A GERMAN SUBMARINE AND
ITS CREW
BY HIS MAJESTY'S AUXILIARY CRUISER "BARALONG"
ON AUGUST 19, 1915,

AND

REPLY OF HIS MAJESTY'S GOVERNMENT
THERE TO.

*Presented to both Houses of Parliament by Command of His Majesty.
January 1916.*

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1916,

Memorandum of the German Government in regard to
Incidents alleged to have attended the Destruction of
a German Submarine and its Crew by His Majesty's
Auxiliary Cruiser "Baralong" on August 19, 1915, and
Reply of His Majesty's Government thereto.

No. 1.

*Mr. Page, United States Ambassador in London, to Sir Edward Grey.—(Received
December 6.)*

THE American Ambassador presents his compliments to His Majesty's Secretary of State for Foreign Affairs, and has the honour to transmit herewith a copy of a memorandum delivered by the German Government to the Ambassador at Berlin, from whom Mr. Page has received it direct, relating to the alleged destruction off the coast of Ireland on the 19th August last of a German submarine and its crew by a vessel described as His Britannic Majesty's auxiliary cruiser "Baralong."

Mr. Page has received explicit instructions by telegraph from his Government to transmit this document without comment to Sir Edward Grey.

*American Embassy, London,
December 6, 1915.*

Enclosure in No. 1.

(Translation.)

*Memorandum from the German Government concerning the Murder of the Crew
of a German Submarine by the Commander of the British Auxiliary Cruiser
"Baralong."*

BEFORE the public notaries, Mr. E. Ansley, in the county of Hancock in the State of Mississippi, and Charles J. Denechaud, in the municipality of Orleans in the State of Louisiana, on the 5th and 8th October, 1915, six citizens of the United States of America made the annexed sworn depositions concerning the murder of the crew of a German submarine by the commander of the British auxiliary cruiser "Baralong." (Annexes 1 to 3.)

The names of these witnesses are :—

1. J. M. Garrett, of Kiln, in the county of Hancock, Mississippi.
2. Charles D. Hightower, of Crystal City, Texas.
3. Bud Emerson Palen, of Detroit, Michigan.
4. Edward Clark, of Detroit, Michigan.
5. R. H. Cosby, of Crystal City, Texas.
6. James J. Curran, of Chicago, Illinois.

The ages of the witnesses are: Clark and Cosby, 21 years; Garrett and Hightower, 22; Palen, 27; Curran, 32. According to enquiries made on the spot, all enjoy a good reputation; Curran was for a considerable time employed as commercial traveller in various large American business houses.

According to the unanimous statements of these witnesses, the occurrence took place as follows: In August 1915 the British steamer "Nisus" was at sea.

When the witnesses were in the life-boats outside the line of fire from the submarine, a steamer which had been already noticed by the witnesses, Garrett, Hightower, Clark, and Curran, when still on board the "Nicosian," approached the spot. This, as afterwards transpired, was the British auxiliary cruiser "Baralong." As this steamer approached all the witnesses noticed clearly that she was flying the American flag at the stern and that she carried on her sides large shields with the American flag painted on them. As the steamer carried the distinguishing marks of a neutral ship and had shown signals, which according to the seafaring members of the crew of the "Nicosian" meant that she was willing to assist if desired, and as there was nothing in her outward appearance to indicate her warlike character, the crew in the life-boats presumed that she was merely concerned with their rescue.

While the submarine was firing at close range on the port side of the "Nicosian," the unknown steamer came up behind the latter and steamed past on her starboard side. When she was a short distance ahead of the "Nicosian's" bow, she opened fire on the submarine at first, as all the witnesses, with the exception of Garrett, affirm, with small arms, and immediately afterwards with cannon, which had been hidden up to that time by screens, and were only visible when the latter were removed. The witness Curran also deposed that the American flag flying at the stern of the unknown ship was only lowered after the rifle fire. He repeated this statement in the enclosed affidavit made before the public notary, Robert Schwarz, at New York, on the 21st October, 1915. (Annex No. 4.)

As the submarine after being struck several times began to sink, the commander and a number of seamen sprang overboard, the seamen having first removed their clothes. Some of them (the number is given by the witnesses Garrett and Curran as five) succeeded in getting on board the "Nicosian," while the remainder seized the ropes left hanging in the water when the "Nicosian's" life-boats were lowered. The men clinging to the ropes were killed partly by gunfire from the "Baralong" and partly by rifle fire from the crew, while the witnesses were boarding the "Baralong" from the life-boats or were already on her deck. With regard to this, the witness Curran also further testifies that the commander of the unknown ship ordered his men to line up against the rail and to shoot at the helpless German seamen in the water.

Next the commander of the "Baralong" steamed alongside the "Nicosian," made fast to the latter, and then ordered some of his men to board the "Nicosian" and search for the German sailors who had taken refuge there. The witnesses Palen and Curran testify regarding this incident that the commander gave the definite order "to take no prisoners." Four German sailors were found on the "Nicosian," in the engine-room and screw tunnel, and were killed.

The commander of the submarine, as the witnesses unanimously testify, succeeded in escaping to the bows of the "Nicosian." He sprang into the water and swam round to the bow of the ship towards the "Baralong." The English seamen on board the "Nicosian" immediately fired on him, although, in a manner visible to all, he raised his hands as a sign that he wished to surrender, and continued to fire after a shot had apparently struck him in the mouth. Eventually he was killed by a shot in the neck.

All the witnesses were then temporarily ordered back on board the "Nicosian." There the witnesses Palen and Cosby each saw one body of a German sailor, while the witness Curran—who remained on board the steamer with members of the crew absolutely necessary to man her—saw all four bodies, which were thrown overboard in the afternoon.

The commander of the "Baralong" had the "Nicosian" towed for a few miles in the direction of Avonmouth, and then sent back to the "Nicosian" the remainder of the crew who were still on the "Baralong"; at the same time he sent a letter to the captain of the "Nicosian," in which he requested the latter to impress on his crew, especially the American members of it, to say nothing about the matter, whether on their arrival at Liverpool or on their return to America. The letter, which the witness Curran himself has read, was signed "Captain William McBride, H.M.S. 'Baralong.'" That the unknown vessel was named the "Baralong" was discovered also by the witness Hightower from a steward of the steamer, when he (the witness) was on board this ship; while the witness Palen deposes that he, when he was leaving the ship, saw this name indistinctly painted on the bows.

The statements of the six witnesses are in substance corroborated by the 18 year-old witness, Larimore Holland, whose sworn statement before the public notary, Frank S. Carden, in the county of Hamilton, Tennessee, on the 12th October, 1915, is also

annexed (Annex 5). The witness, who was a stoker on board the "Baralong," was on board that ship when this unparalleled incident occurred.

According to his statement also, the "Baralong" hoisted the American flag, and, covered by the "Nicosian," steamed towards the scene where, as soon as the submarine was visible, she opened fire on the latter and sunk her. He further states that about fifteen men of the submarine's crew sprang overboard as she sank and were killed by rifle and gun-fire from the "Baralong," some while they were swimming in the water and others as they were trying to climb up the ropes of the "Nicosian." If his statement differs in details from the statements of the other witnesses, this evidently is caused by the fact that he himself only witnessed some of the incidents, and that he apparently only knows by hearsay of other incidents, notably those which occurred on board the "Nicosian."

By reason of the above evidence there can be no doubt that the commander of the British auxiliary cruiser "Baralong," McBride, gave the crew under his command the order not to make prisoner certain helpless and unarmed German seamen, but to kill them in a cowardly manner; also that his crew obeyed the order, and thus shared the guilt for the murder.

The German Government inform the British Government of this terrible deed, and take it for granted that the latter, when they have examined the facts of the case and the annexed affidavits, will immediately take proceedings for murder against the commander of the auxiliary cruiser "Baralong" and the crew concerned in the murder, and will punish them according to the laws of war. They await in a very short time a statement from the British Government that they have instituted proceedings for the expiation of this shocking incident; afterwards they await information as to the result of the proceedings, which should be hastened as much as possible, in order that they may convince themselves that the deed has been punished by a sentence of corresponding severity. Should they be disappointed in this expectation, they would consider themselves obliged to take serious decisions as to retribution for the unpunished crime.

Berlin, November 28, 1915.

Annex 1.

Statement on Oath by the United States Citizen J. M. Garrett, of Kiln, in the County of Hancock.

State of Mississippi.
Hancock County.

My name is *J. M. Garrett* and I am a citizen of Kiln, in Hancock County. I am 22 years old. Knowing that ships were continually sailing from New Orleans, Louisiana, with cargoes of mules for the use in the European war, and desiring to see the world and experience the adventure I went to New Orleans and on the 2nd August, 1915, signed an agreement to serve as muleteer on board the steamship "Nicosian" for 15 dollars per trip from New Orleans to Avonmouth, England, or any other port in the United Kingdom. The agreement, copy of which I have, required that I must feed and water animals and muck out stalls at command of foreman or captain of the vessel, and that on failure to comply with such command I would incur the penalty of 1 dollar fine for each offence. It further provided that I should be boarded at the port at which I was discharged until sailing of the steamer returning me, and on the return if I desired to work, should be paid 75 cents. for each day's labour performed to the satisfaction of the master. There were forty-eight muleteers, all white, of which about twelve were British subjects and thirty-six Americans. Each muleteer was required to attend from twelve to twenty mules. They were confined to their stalls and were not cleaned until they were discharged. The sleeping quarters were separated by a plank partition and the odours were disgusting. The ship sailed the 2nd August, 1915, for Avonmouth and about the 19th August, when to the south of Ireland, we were informed by wireless that German submarines were after the "Arabic." About 3 P.M. when about 70 miles south of

over some of the persons in the life-boats and the shots did not strike the water-line until all of the boats were out of the firing line.

The crew took to five life-boats, three off from the port side and two from the starboard side. I was in the boat in which Captain Manning of the "Nicosian" was. When we were getting into the life-boats I observed a vessel on the horizon, but could not tell in what direction she was going. About ten minutes after we had been in the life-boat I again observed the vessel, which came around from the starboard side of the ship, the view of which up to this time, had been shut off by the "Nicosian." She was flying the American flag, and she had a large American flag painted on her starboard side. She came to a stop and ran up two flags. I did not notice the colour nor am I acquainted with the meaning of the signals, but the mate told us afterwards that it was asking permission to stand by and rescue us. The German gave no answer. They moved closer to us and the submarine moved alongside the "Nicosian." Then she lowered the American flag and hoisted a British flag, and then dropped the walls that had concealed her guns in the after end of the ship and opened fire on the German submarine. The first shot hitting about 30 feet in front of the submarine, the second shot striking a gun on the submarine and killing two gunners, and the third shot struck the conning tower. The fourth shot hit just under the water-line about midway of the submarine and she exploded. Twelve of the men making their escape, and five got aboard the "Nicosian," and three were hanging to a rope on the side, which the British shot off with a 12 lb. shot, killing all three at one shot. There were three hanging to a rope in the water and one at the after end of the ship holding to the rudder. When the three at the side were shot by the marines, we were in the life-boats. We were then taken aboard the vessel and they moved on out to where the submarine was sunk to see that there were no Germans swimming around out there, and then came back alongside the "Nicosian." Then the marines opened fire on the men hanging to the rope in the water. Killing them, the marines went aboard the "Nicosian" and killed four Germans in the engine room and shaft tunnel. The commander, I suppose, being the only one in uniform, of the submarine, jumped overboard, and swam around to the bow of the "Nicosian" and about twenty-five marines opened fire on him, while pleading for life in the water. All but the officer were naked. They went aboard and dressed in clothes that we had left in the boat. Of the Germans killed on the "Nicosian," one was shot through the head and one was shot through the heart. I never gave any particular notice to the others, but they were shot pretty well all over. That afternoon, they were brought up and weights tied to them, and they were thrown overboard. After the submarine blew up, and before we were taken aboard the British patrol boat, Captain Manning ordered the men at the oars, that, if a German came near to hit him in the head.

There were forty-eight muleteers and about twelve of them were British subjects, and the balance Americans. The muleteers were all white. The transport towed us until about 3 o'clock in the morning, towards Avonmouth. They left after we came to Lundy Island. An Irish patrol boat took us up to Bristol Channel. We landed at Avonmouth on the 21st, and discharged the mules. We went on dry dock for temporary repairs. We sailed for Liverpool on the 24th, reaching Liverpool the 25th in the evening. We were discharged there, put in a hotel, while the ship was being repaired. The British soldiers were after us Americans to join the army, wanting to know why we did not fight for our mother country. About eight or ten American boys did join the army. We were in Liverpool from the 25th August until the 10th September. We sailed from Liverpool on the 10th direct for New Orleans. We had timber and wool aboard, and reached the mouth of the Mississippi River Tuesday afternoon, about half-past one. The pilot would not bring us in for fear of the storm. He had to turn back and face the storm until Thursday morning. Then returning back to New Orleans.

I put in fourteen days' labour returning, for which I was paid 75 cents per day according to contract. The sleeping accommodations were a shaving mattress on a plank bunk, with one woollen blanket and a shaving pillow. The fare consisted of Irish potatoes, spoiled meat, and pea soup. Coffee in the morning and tea at night, and one small bun twice a day, one in the morning and one at night. For dinner, a tin cup of pea soup, a little slice of meat, and three or four potatoes. Breakfast, a cup of coffee and a small bun. Supper was tea and stewed potatoes. The meat we supposed to be beef. I wouldn't swear to it.

I make this statement and swear to it, hoping that if it is read by some other young American, fired with adventure, it will make him pause before going through the experience which I have. I hope never to see or hear of again a scene like I witnessed when the naked Germans in the water, and hanging to ropes on the side of the "Nicosian," and the officer were murdered. We were instructed by British members of the crew not to say anything about how the Germans were killed who escaped from the submarine.

State of Mississippi.
Hancock County.

Personally appeared before me, M. E. Ansley, a Notary Public in and for the Fifth District of said County and State, J. M. Garrett, who being duly sworn on his oath says that the matters and things contained in the foregoing statement are true and correct as therein stated.

J. M. GARRETT.

Sworn to and subscribed before me, this, the 5th day of October, A.D. 1915.

(L.S.) M. E. ANSLEY, *Notary Public*.

Annex 2.

Statement on Oath by the United States Citizen Charles D. Hightower, of Crystal City in the State of Texas, Bud Amerson Palen, and Edward Clark, of Detroit, in the State of Michigan, and R. H. Cosby, of Crystal, in the State of Texas.

State of Louisiana.
Parish of Orleans.

October 8, 1915.

Charles D. Hightower, residing in Crystal City, Texas, age 22 years; born in Lake Coma, Jasper County, Mississippi,

Bud Amerson Palen, born in Toronto, Canada, on the 6th January, 1888, now residing in the United States at 235 Division Street, Detroit, Michigan,

Edward Clark, born in Detroit, Michigan, on the 17th October, 1894, and now residing at 235 Division Street, Detroit, Michigan, and

R. H. Cosby, born in Brantley, Alabama, on the 2nd January, 1894, now residing in Crystal City, Texas,

all having been duly sworn, depose and say:—

That the statements above mentioned as to their ages, births, and places of residence are true and correct.

Deponents further state that on the 2nd day of August, 1915, they were employed as muleteers by shipping agent George Schwartz, to assist in taking from New Orleans to Avonmouth, England, a cargo of mules, on the steamship "Nicosian."

The "Nicosian," after having been loaded with the proper number of mules, left the harbour of New Orleans on the 2nd August, 1915, about 11 A.M.

Early in the afternoon of the 18th August, the speed at which the "Nicosian" had been travelling was considerably reduced, and the report went around that this was done so that the ship would not reach the dangerous part of the voyage before dark. The "Nicosian" continued to travel at the reduced rate of speed until about noon of the 19th, when the speed was again increased to what it had been before. During the night all lights had been ordered out, and so far as we could see the ship was entirely in darkness, even to the headlight.

Between 1 and 2 o'clock in the afternoon of the 19th, other muleteers informed us that a German submarine had been sighted. All of us immediately got life-belts and went to our respective stations with the various life-boats to which we had been assigned. This warning on the part of the other muleteers was the only warning that we received of any danger. When we got on the deck we saw a submarine off to our port bow, about 2 miles away. She was coming towards us on the surface.

dumny gun.

The submarine then fired a warning shot over the ship, and the signal was hoisted and we were ordered to abandon the "Nicosian." The captain of the "Nicosian" came running from the bridge aft very much excited, and on reaching the wireless station (near which deponents Palen and Cosby were standing) he was heard by said deponents to call to the wireless operator several times saying "For God's sake, S.O.S." But the deponents did not hear the captain give the operator either the latitude or longitude in which the "Nicosian" lay.

Deponents Clark and Hightower did not hear the captain say this to the operator, because they were at their life-boats' stations towards the bow end near the bridge, but they saw the captain leave his bridge and run aft to the wireless station.

Deponents Clark and Hightower say that the captain, after having remained at the wireless station some little time, returned to his bridge, and deponent Clark called the attention of the captain to another vessel which was just then rising on the horizon, at right angles to the starboard side.

Deponent Hightower was with the captain and Clark at that time, and when the attention of the captain was called to this other vessel, he looked in that direction and also saw it.

All parties were then ordered to the life-boats, Clark and Hightower getting into life-boat No. 2 of the forward port side, and deponents Palen and Cosby into No. 4 on the port side aft, and both boats pulled away about 100 yards from the "Nicosian," where they waited for the other boats from the starboard side to join them so they could go on together.

Deponents further say that boats Nos. 1 and 3 came from the starboard side of the "Nicosian," around the stern, and passed between it and the submarine, which was astern of the "Nicosian."

While deponents were in their respective life-boats, and as soon as the boats had all gotten away from the "Nicosian," they saw the submarine fire into the "Nicosian," at first firing quite high, apparently to avoid hitting boats Nos. 1 and 3, which were then coming round astern between it and the "Nicosian." As the boats were coming around astern of the "Nicosian," the "Nicosian" swung around, and the boats had to travel alongside of the "Nicosian" for the purpose of joining boats Nos. 2 and 4, which had been launched from the port side.

In the meantime the submarine kept coming closer to the "Nicosian," which was then exposing its entire side to the firing of the submarine, and deponents then saw every shot of the submarine taking effect in the side of the "Nicosian."

When the life-boats were approaching each other, all of us began to see clearly the boat which deponents Clark and Hightower had seen after the warning shot was fired by the submarine. All of deponents saw the American flag flying on the stern, while on each side of the vessel appeared a large American flag, apparently painted on the sides of the boat. This vessel continued to come on, apparently trying to get behind the "Nicosian," and deponents say that on the signal line of the vessel there were exposed flags, which deponents were told were flags indicating that the vessel was coming for the purpose of rescuing all those who might be in need of assistance.

Deponents say the vessel continued to come towards the "Nicosian," and while yet some distance away from her changed her course, so as to run a short distance parallel to the "Nicosian" until the on-coming boat was some distance ahead of the "Nicosian." When she reached that point she suddenly began firing on the submarine with small-arm, and almost immediately thereafter there fell from her sides what deponents then discovered to be screens, disclosing cannon, which immediately began firing on the submarine.

Deponent Clark, however, says that while he saw the shot from the cannon, yet he did not see the screens fall.

When the firing began some of the men on the submarine succeeded in getting into the conning tower, but immediately thereafter the men came out again and deponents say they saw the boat apparently sinking and all the men took to the water. When the third shot from the boat struck the submarine on the conning tower there was apparently some kind of an explosion, which blew two men in the air.

Just after the men got into the water the submarine sank and deponents began to row towards the boat which had done the firing. At the same time, while deponents were rowing towards the vessel that had done the firing, some of the men

from the submarine began climbing on board the "Nicosian," while the others from the submarine held on to the fall ropes of the "Nicosian," which had been used in lowering the life-boats. While the men were climbing on board the "Nicosian," deponents say one of the gunners on the boat which had done the firing, fired one to three shots from his cannons at the helpless men alongside the "Nicosian."

Deponents then got on board the boat which had done the firing, and soon observed that the crew aboard the boat were not Americans, but were Englishmen, and it was then also that they, for the first time, observed that the English flag was flying from where the United States flag had formerly appeared, and the United States flag, by some contrivance, had been reversed and was almost in the water, hanging on the stern. The flags of the United States on the sides of the "Baralong" remained there until after all firing had closed, and deponents then saw that these flags were painted on canvas stretched on wooden frames which were removed after all excitement was over.

Deponent Hightower says that on the morning following the day of the shooting, the commander of the vessel which had done the firing asked him to call the attention of the other muleteers to the fact that the English navy ensign was flying from the stern of the boat when the firing began. Deponent does not know, outside of this information, what was the character of the flag which was actually displayed after the flag of the United States had been lowered.

Shortly after getting on board the boat which had done the firing, deponents were told, in answer to their questions, as to the name of the boat, that it had no name, that it came from nowhere, and was going nowhere. But deponent Hightower says that after he was on board the boat a little while, a steward of the boat informed him that the boat was the H.M.S. "Baralong." All this time, the men on board the "Baralong" continued firing with rifles and some cannon, but the men had not yet climbed on board the "Nicosian."

The "Baralong" was during all this time slowly moving towards the "Nicosian." Deponents all stood at the rail and saw the firing and saw the men in the water hit repeatedly. Then the two boats came together and the stern of the "Baralong" was made fast to the bow of the "Nicosian."

A detachment of the men from the "Baralong" was then ordered aboard the "Nicosian" for the purpose of finding the German sailors, who were seen climbing on board the "Nicosian." Deponent Palen says that he heard the captain say to one of the men so ordered aboard the "Nicosian" that "My orders are to take no prisoners." This detachment of men were seen going on board the "Nicosian," and later the detachment returned to the "Baralong" and reported that they had killed four; and deponent Hightower says that one of the members of the detachment told him that he had killed two in the screw tunnel, and showed deponent Hightower a wrist watch and a pair of shoes which he had taken from the two dead men.

Just before all the men that had been sent aboard the "Nicosian" returned, and while some of them were still on board the "Nicosian," one man whom we believe to be the captain of the submarine, because of the uniform he wore, ran to the bow of the "Nicosian," and from there jumped into the water and tried to and did swim around the bow of the "Nicosian," apparently for the purpose of boarding the "Baralong." But while he was in the water, he clung to a life-belt with one hand and raised the other one in token of surrender to the men on the deck of the "Baralong," and while in that position the men on the deck of the "Baralong" fired on him and continued to fire on him until he was apparently dead, and his body floated away supported by the life-belt. Deponents were later informed that his body was seen to sink; deponents say that so far as they could see that with the exception of some of the officers who wore some kind of uniform, the other officers and men on board the "Baralong" wore no uniform at all. That a number of the men had sweaters on which bore the letters "R.N.R." and others bore the letters "G.E.R.," which deponents Hightower and Palen say they were informed (laughingly) meant "German Emperor's Reserve." Many of the men wore sweaters that had on them "Allan Line" and other insignia.

While the boats were still tied together, deponents were ordered aboard the "Nicosian," where they remained for only fifteen or twenty minutes, when they were again instructed to go back and board the "Baralong." While on board the "Nicosian," deponents Palen and Cosby say that they saw the body of a German sailor on the first landing leading into the engine-room, and deponent Palen says that he saw one of the

tow line between the two having broken during the night.

Deponent Palen says that, when he was leaving the "Baralong" in the life-boat, he noticed the name of the boat which had done the shooting. That name was up on the bow of the boat in raised letters, that had been painted the same colour as the boat and were rarely visible. After some delay, the "Nicosian" landed her mules at Avonmouth and proceeded to Liverpool, after having been in the dry dock for two days.

At Liverpool we were paid off, a pound being retained from the salary of each; and in time we were brought back to New Orleans, where our full salary was paid us.

Signed and sworn to before me this the 8th day of October, 1915, at New Orleans, Louisiana.

EDWARD CLARK.
BUD EMERSON PALEN.
CHARLES D. HIGHTOWER.
R. H. COSBY.

[L.S.) CHARLES J. DENECHAUD, Notary Public.

Annex 3.

Statement on Oath by the United States Citizen James J. Curran, of Chicago, in the State of Illinois.

State of Louisiana.
Parish of Orleans.

October 8, 1915.

James J. Curran, being duly sworn, deposes and says that he is a resident of Chicago, Illinois, his home being at 4653, Sheridan Road, in that city. That he was born in Cincinnati, Ohio, on the 2nd day of November, 1883. That he is by occupation a travelling salesman, having been employed by the Blue Valley Creamery Company, the Murphy Chair Company, and the Butterick Publishing Company.

Deponent further states as follows: I was on my way from Los Angeles, California, to Chicago, Illinois, and when I arrived at Fort Worth, I was informed that the English Government was shipping mules from Fort Worth to Chalmette, Louisiana. I went to the stock yards to seek what employment I could get in that capacity and was employed to take mules to New Orleans from the C. B. Team Mule Barn. When I arrived at New Orleans with the mules, I met Captain Fenner at the Mounteleone Hotel, and having been informed that the English Government wanted to employ men to take mules over to England, I expressed my desire to be employed in that capacity.

Captain Fenner then gave me a letter to Mr. George Schwartz, shipping master, who employed me as foreman of the gang in charge of some 354 mules shipped on the steamship "Nicosian."

While on my way over there in the capacity already mentioned, we reached the war zone at about 11 o'clock on the night of the 16th August, and early in the afternoon of the 18th our speed was cut down from 13 knots, at which we had been travelling, to about 6 knots, and the report went around that we were to make a dash through the dangerous portion of the war zone at night. When night came, our speed was again increased to 13 knots, but this speed was only sustained for one hour, and thereafter we continued travelling at about 6 knots until midday of the 19th—the day of the attack. At that time the speed was increased to about 12½ knots. This change of speeds brought us to about 40 miles off Lundy Island and right into the zone where the "Baron Erskine," the "Arabic," and two English merchantmen had been sunk the same day.

Dr. William Banks, Assistant Veterinary Fisher, and myself were playing cards in Dr. Banks' office when the first mate of the "Nicosian" came along much excited and ordered us on deck, saying that a submarine had been sighted. We all rushed for life-belts and went up to our respective life-boat stations.

The submarine we saw lay off our port bow about 2 miles; she was on the surface

and heading towards us. The captain of the "Nicosian," thinking that the submarine was about to torpedo us, swept his boat around so that the stern was towards the on-coming submarine. We had a dummy gun on the poop-deck, and the German submarine on sighting this gun kept swerving, but within sight of us, apparently fearing that we were carrying a real gun.

Finally, seeing no one at the gun station, the submarine fired a warning shot way over the ship and hoisted a signal directing us to abandon the ship.

Captain Manning, the commander of the "Nicosian," came running aft where I stood in front of the wireless station, and on reaching the wireless station he called repeatedly to the wireless operator "For God's sake, S.O.S.," but he neglected to give the operator the latitude and longitude.

While Captain Manning was giving his orders to the wireless operator, a ship was sighted on the horizon by various members of the crew, but no special attention was paid to it, the men concentrating their efforts on getting into the boats.

About this time, the submarine fired another shot far over our heads, which cut our wireless; the shot was to the starboard side of the ship and all of the men at the No. 3 boat, that is, the starboard aft, rushed over to No. 2 boat on the port side, which boat was in command of the second officer. The submarine at this time was about a mile and a half astern of us. We had shut off our steam at the first shot. Several of the men from No. 3 boat climbed into No. 2, and the second officer in charge of No. 2 pulled out his revolver and threatened to shoot anyone who got into his boat. I told him, "Look out there, pal, it might go off on you." I could see it was not loaded, and subsequently he gave the revolver to one of the men in my gang, who showed me the gun, and I saw that my previous belief that it had not been loaded was correct.

It may be well to add right here that, upon our return to the "Nicosian" (which I will speak of more in detail later on), the second mate handed me a number of cartridges and said "Get my pistol from the man in your gang to whom I gave it, load it and keep it, because I believe there is still a German on board."

Coming back now to what happened before we left the steamship "Nicosian," deponent says, eventually after much confusion boats Nos. 2 and 4 were lowered on the port side and the men started to row for safety. Subsequently boat No. 1 was lowered on the starboard side. I got into No. 1 in charge of the third officer. The boat was lowered away, and instead of going around the bow to safety, the third officer headed directly out to sea on the starboard side, on which we had been lowered.

From my position in No. 1 boat, I could see that shortly after our boat struck the water, the No. 3 boat had completed loading and was lowered into the water. After the boat struck the water, Captain Manning came down to the boat over the ship's side sliding on a rope. He was very much excited and ordered his men to row around the stern of the ship directly in the line of the submarine's fire, which has started as soon as the last boat had been lowered.

The third officer gave us instruction to follow Captain Manning's boat, which, as already stated, was boat No. 3. We were the last boat to cross the line around the stern of the "Nicosian" between the "Nicosian" and the submarine. It appeared to me that the German captain was deliberately shooting high to avoid hitting our boats.

We crossed the line above mentioned about twenty-five minutes after we had first sighted the submarine, and the ship which we had sighted on the horizon was sufficiently close to us now to make out her flag, which we recognised as the American flag. She was a ship of about the same tonnage as the "Nicosian"; I should judge about 4,500 tons.

On her respective sides amidships were two boards with the American flag painted on each. The size of these painted flags was about 12 x 16 feet. The boys in the boats were highly elated to think a neutral ship was near and that we were sure of being picked up. The "Nicosian" at this time had swung around and had exposed the entire port broadside to the fire of the submarine, thus making the "Nicosian" a very neat mark for the Germans to shoot at.

About this time the submarine started towards the "Nicosian," came up to within about 100 yards towards her and started close-range fire. Every shot took effect. She fired nine shots at close range. Seven of them did material damage.

The ship flying the American flag, which subsequently proved to be H.M.S. "Baralong," commanded by Captain William McBride, came up from behind the "Nicosian" and passed her on the starboard side and

indicate that she was armed in any way.

After the screens above mentioned fell away, and the guns began to fire, the American flag at the flag-pole at the stern of the "Baralong" was dipped and the British flag hoisted instead. Immediately after the "Baralong" had opened fire on the submarine with small guns, the gunner aboard the submarine threw up his arms and fell backwards into the water. The German sailors aboard the submarine all made a rush for her conning tower, and a few of them succeeded in getting down.

About this time one of the heavy guns of the "Baralong" opened fire. The first shot seemed to fall short, but in some way affected the submarine, as a slight list to port was noticeable. It was then that I saw some of the Germans who had gone into the conning tower of the submarine coming out on the deck.

The second shot from the "Baralong" carried away the periscope and the flag from the German submarine. There was a heavy list to port at this time. The third shot from the "Baralong" hit the base of the conning tower and carried it away and with it several of the Germans. The remainder of the Germans on top of the boat rushed to the stern of the boat, which was about 300 feet long, and began taking off their clothes. The submarine was sinking slowly at that time and the men were up to their waist in the water. Eleven of the German sailors, including the captain, dove into the water and swam towards the "Nicosian." Five of them were successful in reaching the rope ladder and clambered aboard. The other six swam around to the fall lines, that is, the lines used for the life-boats, which had been lowered, and gramped the ropes. They were in plain sight to all of the boats, and as well of the "Baralong."

The submarine then sank—or at least disappeared—and all of our boats went alongside the "Baralong" and then went up her ladder to the deck. The captain of the "Baralong" went around shaking hands with us, as we came aboard, seemed to be highly elated over the outcome of the encounter, as he informed us that they had been cruising around for several months looking for the submarine.

He then ordered his men to line up alongside the rail, making the statement, "Boys, we'll shoot those poor wounded devils in the water," thereby meaning the six men that were holding on the fall lines.

Some of the men started firing and all of the six men in the water were killed in cold blood. The men who fired were dressed in civilian clothes, but I was specifically informed they were picked British marines. There was a remark made that five of the Germans had been seen going up the side of the "Nicosian," and the captain of the "Baralong" ordered his ship over to the "Nicosian." When she reached there, she was made fast and the British marines, still not in uniform, accompanied by some of the officers of the "Nicosian," boarded that boat, started aft, all armed to look for the five Germans.

Captain McBride, of the "Baralong," when ordering out the marines in charge of a petty officer, gave the command "Get them all, take no prisoners." The ship carpenter of the "Nicosian" was one of the first to board her, and he was off in the lead, when the British marines and the chief engineer followed. Some of the marines rushed to the engine-room hatch, while the carpenter and the remainder went down the hatch to the fire-room.

After the shooting, I was told that one of the German sailors, whose body I saw later, was shot in the engine-room hatch by the marines as he was coming down the ladder. I was further told that the carpenter of the "Nicosian," and the marines, who had gone down the fire-room hatch, got way down below before encountering any of the Germans, and that the carpenter was the first to strike the Germans; that he levelled his revolver at one of them and ordered him to throw up his hands, and told him to come towards him. When the German sailor had done so and approached the carpenter, he shot him in cold blood.

He then rushed on deck and reported to Captain Manning, shouting, "I got one of them." He was highly elated and described the shooting specifically, telling the story to everyone on the ship, where I heard the story from him. The chief engineer claimed to have shot one of the remaining and the marines got the rest. I saw the bodies of the five Germans, and each one of them had a hole in the forehead made by shots, and which I was told were fired by the marines to make sure a good job was done.

I was also told that two of the men had reached the engine-room tunnel, the engineer following upon their heels. The Germans ran into one of the bunkers, and

the engineer shut the door upon them and called the marine, saying, "Come on, boys; I have got two of them in here." The engineer then opened the door, firing himself, killed one of the Germans, while the other one was killed by a marine.

The German captain was hiding in the bow of the "Nicosian," and while the firing was going on below he rushed to the side of the ship and dived overboard. The shout went up, "There is one of them!" The marines and Captain Manning went over to the bow of the "Nicosian." The German captain was seen swimming toward the "Baralong" around the bow of the "Nicosian." The marines opened fire on him from the bow of the "Nicosian." The German captain looked up at the "Baralong," threw up his hands in token of surrender. Apparently he was hit in the mouth, as blood was seen streaming from his chin. He clenched his teeth and waited for the end, but continued to swim.

All this time he was in plain sight of everybody on board the "Nicosian" standing on the bow and at the rail of the "Baralong," among whom I was standing. One of the shots in the next volley hit the German captain in the neck and he rolled over on his back dead, floated some distance, and then sunk.

After the captain was shot the marines returned to their own ship and there was great rejoicing among them. The steward of our ship opened up a bottle of whisky and presented it to the gunner and his friends. They served tea to a number of the crew of the "Nicosian" and a number of the men.

The "Nicosian" was at that time in a sinking condition, and only enough men to man the ship returned to the "Nicosian," together with the engine-room force, the officers, the foreman and about thirteen muleteers to take care of the stock. I repeat, the "Nicosian" was then in a sinking condition, as we had about 26 feet of water in the forward hold. I was one of those to return to the "Nicosian." The captain thought there was enough buoyancy to save the vessel. All of our life-boats, with the exception of one, were crushed between the "Nicosian" and the "Baralong" when we came alongside. The one which had not been so crushed was filled with water and an effort was made to hoist it, but it was in vain. It was then abandoned.

The "Baralong" then took us in tow for about five hours. The intention was to bring us into Queenstown harbour, as we were about 50 miles from there. But they found that there was enough buoyancy in the "Nicosian" to take her into Avonmouth, where our stock was to be unloaded. On the way we picked up another patrol boat, a converted yacht, which escorted us to the Bristol Channel. This boat was flying the British flag.

About midnight the hawser parted, and as there would be an awful lot of trouble entailed in throwing another line the captain decided to go under his own steam. When we reached the Bristol Channel steam was shut off, and a boat from the "Baralong" brought the rest of our crew and muleteers back to us.

The captain of the "Baralong" sent a letter to Captain Manning, which the captain sent to our veterinary officer, who in turn let us read it. The letter requested the captain to caution the men, particularly the Americans aboard, to say nothing about the matter, either on their arrival in Liverpool or their return to America. The letter was signed, "Captain William McBride, H.M.S. 'Baralong.'" I saw that letter and read it myself.

We eventually reached Avonmouth about midnight of the 21st, and the next morning a detachment of English soldiers appeared, and the crew, foreman, and muleteers, including myself, were escorted ashore under the military guard to the railway station on the docks. While on the docks I saw another detachment go aboard the ship and search it from stem to stern, as there was a rumour that there was still one German on board. After the search was completed the crew, foreman, and muleteers were marched back to the ship, and no one was allowed ashore in Avonmouth for the rest of our stay there.

The mules were unloaded on the 22nd, and the ship went in the dry dock for temporary repairs. It took two days to make those repairs, and then the ship sailed for Liverpool, arriving there after a twenty-four-hour run.

The following day the men were paid off, and one pound was withheld from the pay of the muleteers and foreman, to be paid them on their return to New Orleans.

One phase of the whole affair that struck me as being particularly revolting was

I have no complaint to make of the treatment I received. I was well cared for, received all the pay which had been promised me, and I repeat I have no personal complaint to make on that score.

JAMES J. CURRAN.

Signed and sworn to before me, this 8th day of October, 1915, at New Orleans, Louisiana.

(L.S.)

CHARLES J. DENECHAUD, *Notary Public.*

Annex 4.

Further Statement on Oath by the United States Citizen James J. Curran, of Chicago, in the State of Illinois.

State, City, and County of New York.

On this 21st day of October, 1915, before me personally came *James J. Curran*, being by me duly sworn, does depose that he was the foreman on the steamship "Nicosian" on the 19th August, 1915, when she was attacked by a German submarine; that he wishes to say that the steamship "Baralong," the British ship which eventually sunk the German submarine, was flying the American flag from her stern flagpole, and also had two flags painted on board, which were hung over the sides of the ship; the American flag at her stern was not lowered until after the rifle fire, and the flags on her sides remained there during the entire engagement.

JAMES J. CURRAN.

Sworn to and subscribed before me, this 21st day of October, 1915.

(L.S.)

ROB. SCHWARZ, *Notary Public Bronx Co. 101.*

Bronx Reg. No. 699.

Certificate Filed N.Y. Co. No. 261.

N.Y. Reg. No. 6443.

Annex 5.

Statement on Oath by the United States Citizen Larimore Holland, of Chattanooga, in the State of Tennessee.

State of Tennessee.

County of Holland.

Larimore Holland, being duly sworn, makes oath before me, Frank S. Carden, a notary public in and for the State and county aforesaid, and in the presence of A. E. Holland and A. W. Meyer, that the following facts are true:—

Affiant is 18 years of age, and is a son of A. E. Holland, a resident of Chattanooga, State of Tennessee, United States of America. Affiant left his home in Chattanooga on the 5th day of April, 1915, and was in search of employment. He visited Atlanta, Macon, Birmingham, Meridian, and finally arrived at New Orleans on or about the 16th day of April, 1915. While searching for employment in New Orleans affiant made an effort to ship upon a banana boat, but failed. After some enquiries he was advised that he could probably obtain employment on a mule boat destined for the port of Avonmouth, England, with a load of mules from the city of New Orleans.

Affiant applied to George Schwartz, of the National Shipping Company on Market Street, in the City of New Orleans, for said employment, and was employed by said company as a muleteer on the steamship "Antillian."

Pursuant to this employment affiant, on or about the 16th day of April, 1915, boarded said steamship and began his voyage to England. The voyage was continuous and without stops, with the exception of one made shortly before reaching the destination, and in order to pick up a pilot. Said steamship landed at Avonmouth, England, on or about the 5th day of May, 1915. After remaining in said port for about a day, the steamship, with affiant, thereon resumed its

journey to Liverpool, England, arriving at said port on the 7th day of May, 1915. Affiant, with other muleteers, upon their landing at Liverpool, were discharged from their employment and informed that the steamship would remain in said port for about seven days, after which it would begin its return voyage by Jamaica. Affiant was paid 5 dollars for his services, and was given no assurances of re-employment on said steamship.

On or about this time the recruiting officer of the 8th Irish Regiment was in the city of Liverpool.

This recruiting officer approached affiant, together with the other muleteers who had made the voyage with affiant on said steamship, and asked how many of them were Canadians. Only one, out of probably a total of fifty, replied that he was a Canadian. Whereupon said recruiting officer solicited the other members of the party to either join the English army or navy. This recruiting officer spent a good part of his time around the Maddoy Boarding House or Hotel, which was much frequented by muleteers. He urged affiant and the other members of the party to enlist, preferably in the English army, and assured affiant that he and his companions could, by enlisting at a greater age than they were, draw higher pay, namely, 8s. per week. He stated that the war would be over within six months; that affiant and his companions would be drawing 8s. per week and would, in the meantime, receive valuable training, and at the end of their enlistment could be discharged and return home. Affiant understood that to mean that he and his companions, if they enlisted, would go into training in England for the period of six months. After about two days affiant decided that he would rather enlist in the navy, and this he did. About twenty of his companions enlisted in the army.

Affiant, in order to enlist in the navy, was directed to the Admiralty Recruiting Station just across the street from the Sailors' Rest. There were about seven Liverpool boys and two of affiant's companions on the steamship voyage who applied at the recruiting office at the same time and who were examined and enlisted about the same day. Affiant was informed by the recruiting officer that as member of the British Navy he would receive 10s. 6d. a week, and that in addition to this, 1l. would be put in the dockyard bank to his credit every month. Affiant was further informed that he might enlist in any position as carpenter, painter, seaman, cook's mate, or stoker. Affiant stated that he preferred being a painter. Whereupon the recruiting officer asked him what recommendations he could furnish as to his qualifications. Affiant stated none. He was then informed that he could not be taken for this position, but was advised to enlist as either a stoker or seaman. Affiant stated that he had had no experience in either one of these positions. He was informed that he would be given six months' training and would thereby obtain ample experience. Affiant passed the physical examination.

When affiant was asked to give his name by the recruiting officer and his address he stated that it was Larimore Holland, 16, Stanfield Street, East Chattanooga, Tennessee, United States of America. The recruiting officer said, "No, that is not your name or address. Have you no other name?" Affiant then replied that he did have another name, and gave the name of T. W. Hicks, under which he had sailed on the steamship "Attalian" from New Orleans, in order to avoid being caught and brought back home by his father. The recruiting officer then stated, "Your address is St. George Street, Montreal, Canada, and not Chattanooga, Tennessee." It was under this name and address he enlisted and served in the British navy.

After four weeks' training in the Royal Barracks affiant was assigned to the "Iron Duke," Admiral Jellicoe's flagship, on which he served as a stoker for sixteen days. Then this ship came to Portsmouth. At Portsmouth affiant left the "Iron Duke" and was assigned to the cruiser "Victory." Affiant remained on this cruiser until about the 18th day of August. Then he was shifted to a ship the name of which he did not know, but was later told was called the "Baralong," which seemed to be an old merchant vessel, disguised and carrying guns, but commanded by naval officers. We were instructed to take off our uniforms and wear civilian clothes on this ship.

We shipped with this disguised vessel on the morning of the 19th August, and in the afternoon received a wireless message to the effect that a German submarine had sunk the "Arabic," and was attacking the "Nicosian." Our ship was then about 10 miles off the coast from Queenstown. When we received this message our wireless operator asked what longitude and latitude the "Nicosian" was in, in order that we

ship manoeuvred slightly and came partially out from behind the "Nicosian," into a position where we could see the submarine lying above the surface on the water. Our captain commanded the chief gunman to fire, whereupon three shots were fired by our boat at the German submarine. The first shot took off the periscope. The second shot hit about 15 feet in the water before it reached the submarine. The third shot hit the gas tank, which exploded, and the submarine sank. In the meantime, the crew on the submarine, after the second shot, began to jump into the water. There were about fifteen of them and they began to swim to the "Nicosian." While they were in the water and swimming towards the "Nicosian," our gunman shelled them by orders from our commanding officer, with 15-lb. shells and also fired rifles at them. From the best I could see several of the crew on German submarine were killed by our shell and rifle firing while in the water. Others were killed while attempting to climb up the ropes which had been thrown to them from the "Nicosian." I should judge that three or four or five were killed while on these ropes. Some of our shots hit the side of the "Nicosian." Only one of the crew of the submarine reached the deck of the "Nicosian." This man, affiant afterwards learned, was the commander of the submarine. The way in which affiant learned this was as follows: After the firing was over affiant, together with about twenty others of his crew, boarded the "Nicosian" and gathered from the conversation and from the uniform of the only one of the crew who had escaped that he was the commander of the submarine.

After our crew boarded the "Nicosian" we found the only one of the crew of the submarine who had escaped on the deck, and, as stated, found him to be the commander of the submarine. Our captain and others of our crew asked him for information concerning other German submarines. He refused to give such information. He was also asked if his submarine had sunk the "Arabic." I do not remember certainly his reply. He was commanded to stand back and hold up his hands. He asked, as he stepped back and held up his hands, "What for you shoot?" One of our marines, known as our engineer, fired one shot from his pistol into the body of the German commander. He fell upon the deck on his face. Our crew, after ascertaining that he was dead, picked him up and threw him overboard.

After this our commander, who was on the deck of the "Nicosian," saluted the commander of that ship and asked him what damage had been done to his ship. He replied that No. 5 hatchway was full of water.

After this we took about twenty-five of the crew of the "Nicosian" on board of our ship and escorted the "Nicosian" to Queenstown, where we arrived the next morning. Upon reaching Queenstown the "Nicosian" decided not to stop, and proceeded to Avonmouth, where she went into dry dock. We put that part of their crew which were with us back on board the "Nicosian," and parted company with this ship at Queenstown.

Our ship also proceeded towards Avonmouth, not stopping at Queenstown.

Affiant further states that the crew of his ship celebrated the sinking of the German submarine that night by drinking whisky, a number of them getting drunk.

Through the efforts of affiant's father and the medium of the American Ambassador, Mr. Page, affiant's release from the Royal Navy was secured, and he returned to New Orleans on or about the 1st day of October, 1915, in company with L. Kaye, who had also been with affiant, and witnessed the sinking of the German submarine. L. Kaye came from New Orleans to Chattanooga with affiant, but went on to Boston.

Affiant made his return voyage to New Orleans on the "Nicosian," which had been repaired. This steamship on its return voyage to New Orleans was armed with rifles and machine guns.

LARIMORE HOLLAND.

Sworn to and subscribed before me on this the 12th day of October, 1915.

(L.S.) FRANK S. CARDEN, *Notary Public*.

My commission expires February 21, 1917.

This affidavit was also made in the presence of the following subscribing witnesses:—

A. E. HOLLAND and

A. W. MEYER.