

THE
NAVASSA ISLAND RIOT.

ILLUSTRATED.

Published by The National Grand Tabernacle, Order of Galilean Fishermen, Baltimore, Md.

PRICE, TEN CENTS.

[FIRST EDITION.]

NOTE.

It has been determined to issue a second edition of this pamphlet, which will give the biographies of the entire 18 men held for rioting, as told by themselves. The arguments in full of Counsel Stirling, Waring and Davis, together with the final instructions of the Court to the Jury in the case of Key, will be given in the second edition.

Concerning the efforts of Messrs. Davis and Waring in this trial, we have only space here to emphasize their laudable endeavors in behalf of their clients' interests.

Should this pamphlet meet with the success such an enterprise deserves, it is intended by the publishers to issue a larger work, containing a complete history of this wonderful case, together with the biographies of all the Judges and Counsel employed therein, with their portraits, as well as a full record of the testimony taken and the entire Court proceedings.

THOMAS I. HALL,

R. W. N. G. Ruler,

Gallican Fishermen.

COLOMBUS GORDON,

Secretary.

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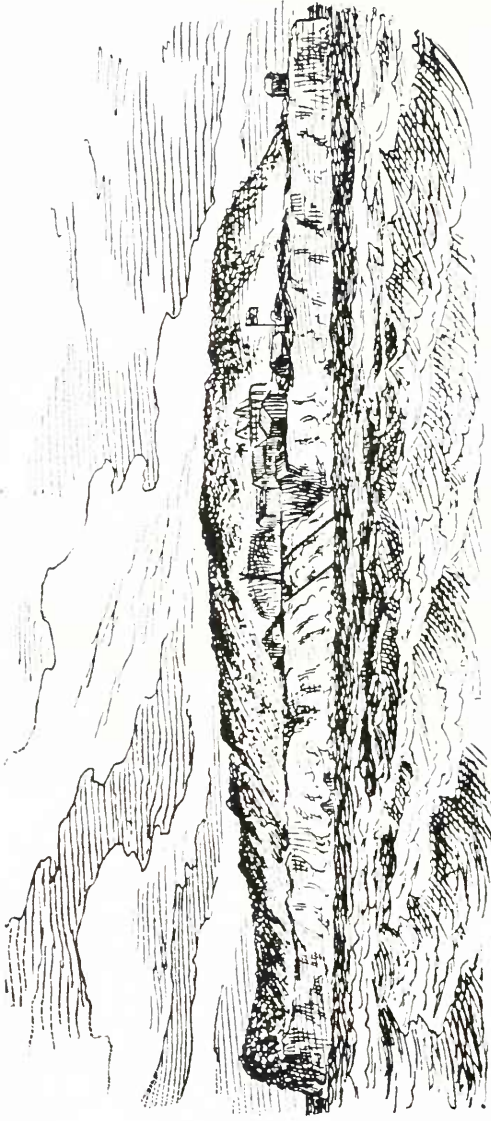
BALTIMORE :
THE AMERICAN JOB OFFICE.
1889.



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TO THE PUBLIC.

THE Humanitarian Order, known as The Gallilean Fishermen, and noted for its charity and benevolence to suffering humanity, has issued this little pamphlet as an aid in procuring funds to defray the legal expenses growing out of the trial of the eighteen men indicted for alleged riot, upon the Island of Navassa. The pamphlet has also been published in the hope that it may fall into the hands of some of the relatives of these unfortunate men, now residing in other places, and who from their portraits herein, will recognize them and aid in the general contribution started in their behalf.



ISLAND OF NAVASSA.

NAVASSA.

The Island of Navassa is situated in the Carribbean Sea, (West Indies) $18^{\circ} 25'$ north latitude, and $75^{\circ} 5'$ longitude west of Greenwich, 33 miles southwest of Hayti, and 72 miles east of Jamaica.

It is an upraised Coral Island, filled with Phosphate of Lime. In fact, all the cavities of the coral rock forming the frame-work of the Island, contain deposits of Phosphate of Lime.

The Island was discovered in 1856 by an American, being elevated 300 feet above sea level, and is without a sand beach—standing conspicuously with its rocky bluff as a perpendicular wall. The foot of the Island is incessantly battered by the waves, and much of it has already been undermined, forming a deep cut several feet high, which would necessarily cause it to tumble down, were it not protected by a fringed reef of living corals, this reef forming a breaker several feet wide. A man could easily walk around the whole Island of Navassa, following the foot of the bluff, did the sea not break over it so constantly.

The upper summit of this Island, at its highest point, is 310 feet above the level of the sea from southeast to northwest. It is heavily timbered by gum and palm trees. The edges of the bluff towards the sea and the reef traversing the summit, have the form of a basin depressing toward the centre; indeed, the whole summit is similarly shaped. The edges of the upper bluff are raised in the shape of an immense brim, followed at variable distances by a second elevation of the same character. Many caves or holes of various sizes are found in the upper summit of the Island, principally near the reefs, and at a depth of some 45 feet perpendicular and about 30 in diameter. This up-

per summit is encircled by a terrace or shore platform, the bluff descending without interruption down to the sea, except at the northerly point of the Island.

From an elevation of 15 or 20 feet above sea level, at its extremity, or west of what is known as North Point, the height rises at Lulu Bay, (the shipping point), to 60 feet, and at the southeastern end the Island rises to the height of 65 feet. The north side forms a low rocky bed, and in many places slopes down to the level of the sea, until it terminates against the side of the Cliff of "North Point."

The limestone found upon the Island of Navassa is very hard, and clinks under the hammer when struck. In sailing around the Island, the lowest beds above the level of the sea present themselves as a compact rock made of carbonate of lime.

THE RIOT.

The eighteen colored laborers indicted by the United States Grand Jury, under Section 5323 of the Revised Statutes of the United States, for rioting on the Island of Navassa on the 14th of September, 1889, are George S. Key, Henry Jones alias "Texas Shorty," Cæsar Fisher, Edward Smith alias "Devil," Stephen Peters, Charles H. Smith, Charles H. Davis, James H. Robinson alias "Snow," Alfred Jones, James Philips, Edmund Francis alias "Blue Ball," Edward Woodfork, James Johnson, Alfred Brown, Norman Wooster alias "Juggler," Moses Williams alias "Dakota," Amos Lee and James Tascar.

The indictment is in five counts. The first count charges George S. Key with the murder of James Mahon with a pistol, and the other seventeen as accessories before the act; the second count charges Cæsar Fisher and Henry Jones with the murder of

Thomas N. Foster with an axe and stone, and the other sixteen as accessories before the act. The third count charges Henry Jones with the murder of Joseph Fales with an axe, and the other seventeen as accessories before the act. The fourth indictment charges Edward Smith with the murder of Samuel Marsh with a stone, and the other seventeen as accessories before the act; and the fifth count charges Stephen Peters, Charles H. Smith alias John Ward and Charles H. Davis with the murder, by means unknown, of Wm. T. Shea, with the other fifteen as accessories before the act.

THE COUNSEL.

The Counsel for the men are Messrs Archibald Stirling, Jr., J. Edward Stirling, E. J. Waring, Joseph S. Davis, James D. Cotter and Robert B. Graham.

THE JURY.

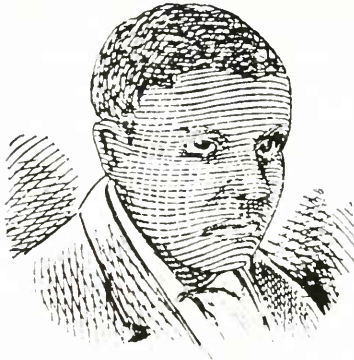
For the trial of George S. Key on the first count, the following jury were selected. Messrs. Oliver P. Merryman, John B. Herold, John Van Tromp, Robert Augustus Denny, James S. Beaver, Dr. J. William S. Jordon, Rollins E. Barnes, James H. Stone, Joseph Renshaw, Jr., William McLean, August Deichman and John Meushaw.

The Guano deposits on the Island of Navassa are owned and controlled principally by Baltimoreans, who are combined into stock companies. The Navassa Phosphate Company, with offices in the Chamber of Commerce Building, Baltimore, are the principal owners, and it is on their property that the trouble occurred.

Key was convicted of murder in the first degree on December 2d, 1889, after a trial of twelve days and by a jury that deliberated upon his guilt or innocence for two days and two nights. He was indicted for the killing of James Mahon, one of the five white officers on the Island of Navassa, September 14th.

THE COURT'S INSTRUCTION TO THE JURY IN REGARD TO
KEY, FOR THE MURDER OF MAHON.

Gentlemen of the Jury: We feel it our duty to give you in a form somewhat less technical than the prayers submitted by counsel, some instruction as to the law applicable to the evidence in this case, so that after you find the facts proved by the evi-



*GEORGE SINGLETON KEY.

dence (which is your exclusive province) you may be able to apply the law to them by your verdict. George Singleton Key, one of the prisoners at the bar, stands indicted for the murder of James Mahon, at Navassa Island, on the 14th of September, 1889. Murder, under the law of the United States, is the felonious, wilful killing of a human being, with malice aforethought. Malice has been defined to be that condition of a man when he is totally devoid of social feeling, and fatally bent on mischief, and includes not alone hatred and ill will, but every bad and unjusti-

*The biography of Key will appear in full in the second edition of this pamphlet, along with the biographies of Edward Smith, James Tascar, Henry Jones and Cæsar Fisher.

fible motive, and the law presumes that every homicide is with malice which has resulted from general malignity and reckless disregard of the lives of others. Malice may be expressed or implied; that is to say, it may be evidenced by the express declarations of the party charged, or acts showing premeditation



EDWARD SMITH alias "Devil"

or previous preparation. Such is express malice. Or it may be inferred from the fact accompanying the homicide or the character of the weapon with which the fatal act was committed. This is implied malice. There cannot be two kinds of malice. The only difference between implied and express malice is in the means of proof. Malice is implied in every intentional homicide, and where a party is found to have committed an intentional homicide it is for him to show the absence of malice.

"If you find the jurisdictional facts set out in the indictment, and under the first count find that George S. Key, on the 14th of September, 1889, at Navassa Island, the place described in that indictment, and by the means described in the indictment, did feloniously, wilfully, and of his malice aforethought, kill James

Mahon, you must find him guilty in the first count. If you find that though Key was guilty of the homicide of Mahon, it was without malice aforethought, the unpremeditated result of a sudden paroxysm of passion upon sufficient provocation, but that the killing was yet unlawful, you may find him guilty of



JAMES TASCAR.

manslaughter, and not guilty of murder. But, the jury are instructed, that no words or actual assault will excuse a homicide, unless the person committing it had reason to fear immediate great personal danger, or extreme bodily harm. Unless you shall believe that the witnesses for the United States in their testimony have greatly perverted the facts attending the killing of Mahon, we do not anticipate that you will have any great difficulty with regard to the charge contained in the first part of the first count. The second part of the first count also charges that the seventeen other persons therein named, and who are here arraigned in court, were present with George S. Key at the alleged murder, aiding, abetting and assisting him to commit it. These parties are charged not with being what are technically in the law accessories, but with being aiders and abettors who were

present—sometimes called principals in the second degree. And although in this second part of the count those seventeen defendants are charged as being present aiding and abetting, the murder is charged in the first part as having been committed by Key. The whole charge is in law one count against them all, Key included, as joint offenders in the same crime, and if you find that any or all of them were present, and wilfully, feloniously and with malice aforethought, aided, abetted or assisted in killing Mahon, then those who were so present are guilty of murder, and may be convicted of murder under the first count.

“By being present is not meant an actual bodily presence—so near that the party might have actually taken a hand in the killing of Mahon—but is meant also any who were in the neighborhood of the place where the crime was committed, performing some part in an unlawful undertaking expected to result in great bodily harm or death to Mahon, such as preventing his escape, keeping watch to prevent escape or to prevent others from interfering to protect him, disabling, killing or wounding or terrorizing those who might interfere to protect him, or doing some such act in furtherance of a common design to put Mahon to death or to do him great bodily harm. Persons near enough to perform such acts, and in that manner to aid, abet and assist, are said to be constructively present.

“In determining whether or not these defendants, or any of them, have been proven to have been either actually or constructively present, and whether they have been proven to have aided or abetted or assisted, you are to find from the testimony where they were when Mahon was killed, and what they were doing at that time and immediately preceding that time, and what was their design and intention, as indicated by their acts and words in the occurrence which preceded the killing of Mahon. If from the evidence you find that the white officers were driven from the superintendent’s house, and were attacked and disarmed and some of them killed and wounded, with the purpose and

design that Mahon, or Mahon together with others, should be overpowered and wounded or killed, and that the persons charged took part in carrying out that purpose, and at the time of the actual killing were so situated that they could be of assistance in carrying out that purpose, and did so assist, then these are facts from which you may find that any of the defendants who so assisted, with knowledge of such common design, are guilty as charged in the first count.

“By the second count Key is charged with the murder of Mahon, and the other seventeen defendants are charged with being accessories—that is to say, persons who, without being either actually or constructively present, did, before the alleged murder, feloniously, wilfully, knowingly and maliciously aid, abet, cause, procure, command and counsel Key to do the murder.

“In order to find any conviction under this count you must first determine whether, under the instructions hereinbefore given to you, with regard to the crime of murder and of malice aforethought, Key is guilty of the murder of Mahon, and whether the jurisdictional facts alleged in the count have been proved. For if Key is not guilty of murder, none of the other defendants can be found guilty of being accessories under this second count. If you find Key guilty of murder as charged, then you are to consider the evidence affecting those of the seventeen other defendants not found by you to have been either actually or constructively present assisting in the murder.

“If you find from the evidence that any of the seventeen defendants charged in the second count as accessories who were not present assisting, did, before the killing, maliciously counsel, incite and abet Key to murder Mahon, then you may find them guilty under the second count. In determining whether the defendants, or any of them, have been proven guilty under this count, you may consider the nature and purpose of any enterprise in which you may find any of the defendants engaged on the day of the murder, or before that day, and what was said

and done by those engaged in it, to the knowledge of the defendants in respect to taking the life of Mahon. And if you find that any of them took part in a combination or riot, or tumult, in which the killing of Mahon was incited or instigated, or that any of them took part in an attack upon the officers of such a desperate character that in the ordinary course of things it must incite some of those engaged in it to murder, and that it did



HENRY JONES.

incite Key to murder Mahon, then these are facts from which, if you find the other facts charged in the second count, you may find such of the defendants guilty under the second count.

“Under the law of the United States any defendant may be found guilty of any offense, the commission of which is necessarily included in that with which he is charged. The crime of manslaughter is always necessarily included in the charge of murder, and you are instructed that under the first count of this indictment as to any of the defendants whom you find were either actually or constructively present assisting in the intentional killing of Mahon, but as to whom the evidence does not

convince you beyond a reasonable doubt that they acted with malice aforethought, then as to such defendants you may find a verdict of not guilty of murder, but guilty of manslaughter. But under the second count, you must bear in mind that if you find Key not guilty of murder, but guilty of manslaughter, you cannot find any of the other defendants guilty at all under the second count, because accessories who are not either actually or



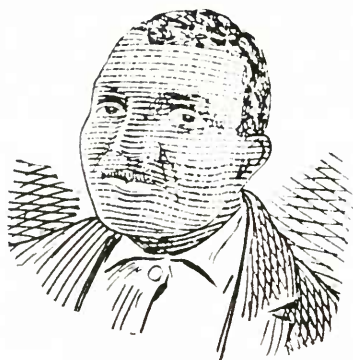
CÆSAR FISHER.

constructively present cannot be found guilty of aiding and abetting a manslaughter. The guilt or innocence of any party charged here is not to be determined by mere preponderance of testimony, but the jury must be satisfied of the truth of every fact necessary to constitute the crime of which they find him or them guilty beyond a reasonable doubt."

Fifty additional jurors were drawn for the United States District Court from which to select a jury for the trial of the Navassa rioters. Their names are as follows: T. D. Tormey, Charles Hope, John E. Swift, Joseph F. Snyder, Jacob Mitnick, John H. Smith, Wm. M. Sindall, J. William S. Jordon, Nathan

Dorsey, colored, E. Mills, Jr., Abraham G. Mott, H. E. Challis, R. Lertz, R. E. Barnes, John R. Monroe, Robert Rennert, Jr., Michael Shannon, Charles J. R. Thorpe, Wm. Henry Shirley, John H. Anderson, Brice H. Hobbs, Wm. S. Chew, Henry W. Marston, Benjamin T. Simms, Wm. T. Murphy, Edward Kimberly, Wm. H. Welsh, J. H. Stone, Charles C. Eichler, Albert Felber, Frank Sullivan, Joseph Renshaw, Jr., Gabriel D. Clark, Richard Powell, Dr. F. G. Connolly, William P. Reilly, William H. McLean, August Deichman, E. A. S. Blogg, Gabriel H. Charbot, Marcus Hartman, Samuel D. Buck, John W. Wakeland, J. Henry Sirech, Joseph Robb, W. L. Richards, George H. Brightman, Justis Snyder, John Mushaw and James W. Thompson.

BIOGRAPHIES.



***ALFRED JONES** alias "Texas Shorty."

Alfred Jones, or "Texas Shorty," as he is generally called, was born in Philadelphia in 1864, being 25 years of age, and says he went to Navassa last April.

*Names marked with an asterisk have been reserved for a fuller account of their careers.



***CHARLES H. SMITH.**

Charles H. Smith, (alias John Ward), was born in 1858, and has been to Navassa five times.



JAMES PHILIPS.

James Philips was born in Greensboro, and is 22 years old,
He was at Navassa about eight months.



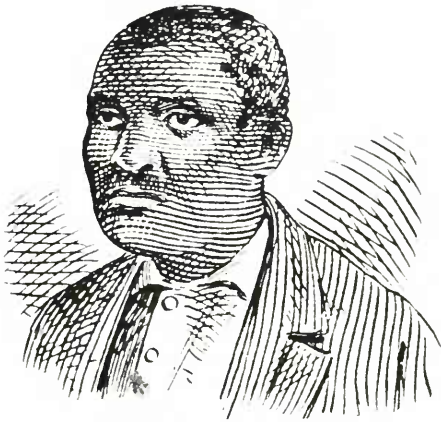
ALFRED BROWN.

Alfred Brown was born in 1844, and is 45 years old; says he went to Navassa three times, the last time being in Sept., 1888.



***EDMUND FRANCIS.**

Edmund Francis (alias Blue Ball), went to Navassa in January 1889.



***JAMES H. ROBINSON.**

James H. Robinson (alias Snow) was born in Norfolk, Va., in 1864 and went to Navassa in March, 1889.



JAMES JOHNSON.

James Johnson (alias Thos. Welsh), was born in Carlisle, Pa., and is 22 years old. He went to Navassa last March, arriving there on April 3d. His mother lives in Chambersburg, Pa., and he lived for 15 years in Washington, D. C., with his father, Thomas Welsh, who is a messenger to the Supreme Court.



MOSES WILLIAMS.

Moses Williams (alias Dakota), was born in Dakota. He is a half-breed indian, and was educated at Carlisle, Pa. He is 22 years old and went to Navassa in March, 1889, and worked in the bake shop. He was held as a prisoner with Key and the others, but the jury that convicted Key acquitted Williams and disagreed as to the other sixteen men indicted for rioting.



***EDWARD WOODFORK.**

Edward Woodfork was put on the stand as a witness in the Key case.



NORMAN WOOSTER.

Norman Wooster (alias Juggler) was born in 1867, his home being in Stockbridge, Mass. He was called "Juggler" on the Island and went there in January, 1889.



CHARLES H. DAVIS.

Charles H. Davis (alias Pompey) was born in Philadelphia, Pa., and is 22 years old. He went to Navassa in August, 1888.



STEPHEN PETERS.

Stephen Peters was born in Salisbury, Md., and is 28 years old. The last time he went to Navassa was in September, 1888, but he had been there previously.

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7 to 8 P. M.

Hours: 8 to 9 A. M., 1 to 2 P. M.,
6 to 7 P. M.

TELEPHONE, 2621-3.



*AMOS LEE.

Amos Lee was born in 1862, and belongs in Georgetown, D. C. He went to Navassa July last.

