

D.P. Johnson  
about Davis  
Johnson

Copy

Caddo, C. N.

Col P. P. Pitchlynn.

March 20, 1880

Washington, D. C.

Dear uncle:

As the Grand Jurors of Blue County at the March term of Circuit Court did not understand the ~~best~~ English language except one, and that the witnesses in ~~the~~ regard to the murder of David Johnson were white men who did not understand the Choctaw language except two, it became necessary to have an interpreter and I was, at the request of the Grand Jurors and the Prosecuting Attorney, appointed interpreter for them and was present with them during the investigation of that murder. So the judge J. S. W. Johnson supposes that I might be more able to give you a full and correct statement of the case than <sup>as he</sup> ~~he~~ would, and I have consented to do so, and I will make brief statements of the facts in the case as were revealed by the investigation as follows:

1<sup>st</sup> That David Johnson and Ben Hampton went from Caddo on the morning train to Denison, Texas, on the 17<sup>th</sup> day of February, 1880, and returned to Caddo, on the freight train in the evening of the same day between 8 and 9 o'clock

2<sup>d</sup> That a U.S. Marshal by the name of Stephenson was on the same train from Denison, Texas, but David and Ben did not know it, being unacquainted with him.

3<sup>d</sup> That when the train stopped, the caboose was near the stock pen for shipping, and David Tolson and Ben Hampton started directly towards Wilson N. Jones' store, and Stephenson hastened to the depot where another U.S. Marshal by the name of C.C. Ayers was waiting for him and they met on the platform of the depot and they stepped aside and spoke to each other ~~in~~ low voice and hastened off.

4<sup>th</sup> That these two U.S. Marshals intercepted David Tolson and Ben Hampton at the south side of the <sup>little</sup> enclosure around the ice house and barn of George Callie and halted them with threats of shooting them instantly. Then Ben Hampton started rapidly in the direction of the depot repeated-ly begging them not to shoot and passed them in a few ~~Marshals~~ steps of them and he saw both of them aiming their pistols on David Tolson alone, and he hurried on towards the depot, and he heard the pistols fired four or five times. The pistols were fired so rapidly

that he did not know exactly how many times pistols were fired.

- 5 That there were two young white men passing from the Depot to Wilson N. Jones' store and were within few yards of the Marshals when they heard a loud voice saying, "Drop it, drop it or I will kill you God damn you". These words were scarcely finished when firing commenced. These two young men saw a man start to run from the Marshals with a package under his right arm when shooting commenced, but the man fell and groaned and they started to go to see who was shot, but one of the Marshals brandishing his pistol ~~and~~ ordered them to go back and they returned to Depot. But they returned soon with several persons from the Depot, and they saw it was David Tolson mortal<sup>ly</sup> wounded. And these two young men saw the blaze of the fire from the pistols all from the U. S. Marshals and none from David Tolson. The firing was so rapidly done that they could not tell exactly how many times the pistols were fired, but they thought the pistols were fired about four times.

6<sup>th</sup> That these two U. S. Marshals forbade the people to come up and kept them off for some time by threats until J. A. Norris and C. Hancock disregarding their threats came up to them anyhow, and presently others came up, and they saw it was David who had been shot. And then the Marshals picked up a package from near David and opened it and broke the bottles containing liquor.

7<sup>th</sup> That after breaking the bottles these Marshals hastened to the cars and the train went on north.

8<sup>th</sup> On the following day, C. C. Ayers returned to Caddo. He acknowledged of shooting twice and Stephenson shooting three times at David Tolson.

9<sup>th</sup> That David Tolson declared that he did not shoot any, and that he ~~did~~<sup>did</sup> not know what he was killed for.

The above are the leading facts elicited before the Grand jurors. The Grand jurors were unanimous in the belief that David was murdered in cold blood. Witnesses <sup>also</sup> said it was a murder in cold blood.

I like to hear from you and your family—

Respectfully—

J. P. Tolson