

U. S. DEPARTMENT OF LABOR
IMMIGRATION SERVICE

IN ANSWERING REFER TO
No. 4007/3

Office Chief Patrol Inspector
El Paso, Texas
April 29, 1931.

District Director,
U. S. Immigration Service,
El Paso, Texas.

RECEIVED
OFFICE OF DISTRICT DIRECTOR

MAY 1 1931

IMMIGRATION SERVICE
EL PASO, TEXAS

There are being transmitted herewith statements of Patrol Inspector David L. Scoles, concurred in by Patrol Inspectors Brett B. Hurff and C. J. McHatt, together with newspaper clippings, all concerning an exchange of shots between these officers and unknown smugglers at about 7.30 P.M. on the night of the 24th instant, in the vicinity of Pearson's Box Factory. At the conclusion of this encounter, there were seized 10 pints of whiskey and 9 gallons and 1 pint of Alcohol.

The officers while working at the above mentioned place and time, saw 3 smugglers, one of which appeared to be carrying a load, come in their direction and upon being commanded to halt, one of the smugglers opened fire with a pistol upon our officers. This fire was returned and the smugglers apparently uninjured, turned, ran and made good their escape. After the escape of the smugglers, two of whom apparently returned to Mexico, unknown persons on the Mexican river bank, opened fire upon our officers with rifles, shooting 15 or 20 shots. This fire was returned by our officers, none of whom were injured in the encounter.

The above mentioned liquor was delivered to the office of the local Chief Mounted Inspector of Customs on the 27th instant and the receipt of Grover C. Webb taken therefor.

GWL/w

H. C. Horsley
Chief Patrol Inspector

Statement of Patrol Inspector DAVID L. SCOLES, occurred in by Patrol Inspectors, BRETT B. HURFF and CHLOE J. McNATT, as made before Chief Patrol Inspector H. C. HORSLEY, in the office of the Chief Patrol Inspector, El Paso, Texas, April 28, 1931.

H. C. Horsley	Chief Patrol Inspector	Examining Officer
David L. Scoles	Patrol Inspector	Witness
Brett B. Hurff	Patrol Inspector	Witness
Chloe J. McNatt	Patrol Inspector	Witness
W. G. Wailes	Clerk-Typist	Stenographer

BY THE EXAMINING OFFICER:

You are each advised that I desire to take a statement from you concerning an exchange of shots between yourselves on one hand and unknown smugglers on the other, at about 7.30 on the night of the 24th instant, in the vicinity of Pearson's Box Factory, after which was seized 10 pints of whiskey and 9 gallons and 1 pint of Alcohol.

WITNESS BEING FIRST DULY SWORN TESTIFIED AS FOLLOWS:

- Q. State your name and occupation? A. David L. Scoles, Immigration Patrol Inspector, Border Patrol, El Paso, Texas.
- Q. What was your duty assignment on the 24th instant? A. I was assigned to duty with Inspectors Brett B. Hurff and G. J. McNatt and we were to guard the border from the Head Gates to the Stock Yards.
- Q. State fully the circumstances leading up to the above described gun fight? A. Inspector Hurff, McNatt and myself left headquarters and walked into the territory covered by the Box factory and the Stock Yards. We arrived directly opposite shed No. 1 and about 15 yards from the levee at about 7.15 P.M. Within 5 minutes after our arrival a man was seen to come from under the Box Factory platform and go around this shed. We thought that he was a "spotter" and that he was to signal to the other smugglers as he appeared from behind the shed from time to time. In less than 15 minutes after he appeared, two other men were seen to come over the top of the levee and pass a double load through the Box Factory fence, assisted by the third man who was on the inside. These men carried the load between them down toward us at a distance of about 25 yards and stopped and set the load down. They picked the load up and started off away from us. I ran out, followed by Inspectors Hurff and McNatt, who were stationed some distance from them. I called upon them to halt. Upon my command to halt, one of the three men began firing a pistol at us. I returned the fire with my rifle. All three men began running and threw the load down as they ran. One of the men ran into the settlement while the other two ran towards Mexico, Inspector Hurff pursuing the man running towards the settlement while Inspector McNatt and myself pursued the two running towards Mexico. All three made good their escape. When the one man opened fire on us with the pistol, two or three rifles began firing upon us from the Mexican side of the river, firing 15 or 20 shots. We returned their fire also.
- Q. About how many shots were fired by the man with the pistol? A. one. At that time 15 shots were fired from across the river.
- Q. Do you think there was anyone injured? A. I don't know. When the first shot was fired one man fell down.
- Q. Were there any known witnesses to this encounter? A. There were none.

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Statement of Patrol Inspector DAVID L. SCOLES (Continued)

EXAMINING OFFICER ADDRESSING Patrol Inspector Brett B. Hurff: You have heard the statement of Patrol Inspector Scoles. Is it true in every respect and have you anything to add thereto? A. I concur with Inspector Scoles and have nothing to add to his statement.

EXAMINING OFFICER ADDRESSING Patrol Inspector Chloee J. McHatt: You have heard the statements of Patrol Inspectors David L. Scoles and Brett B. Hurff. Are they true in every respect and have you anything to add thereto? A. They are true in every respect and I have nothing to add.

I certify that the above is a correct and complete transcript of my notes as taken by me in the above mentioned case.

(Signed) W. G. Wailes.