

GENERAL ORDERS, HEADQUARTERS, DEPARTMENT OF THE MISSOURI, NO. 10.

St. Louis, Mo., February 4, 1863.

I.. .At the General Court Martial which convened at Lexington, Missouri, pursuant to Special Orders" No. 62, of Headquarters, Central District of Missouri, Jefferson City, December 4th, 1862, and of which Colonel JAMES MCFARRAN, 1st Regiment of Cavalry, Missouri State Militia, is President, were arraigned and tried, 1st: Captain *Horace B. Johnson*, commanding a company of artillery, (mustered as cavalry,) a portion of which is attached to the 5th Regiment of Cavalry, Missouri State Militia, on the following charges and specifications:

CHARGE 1st.—"*Disobedience of Orders.*"

Specification 1st—"In this; that he, Captain *Horace B. Johnson*, commanding a company of artillery, a portion of which is stationed at Independence, Missouri, being ordered by Colonel William R. Penick, of the Fifth Cavalry, Missouri State Militia, to forthwith report in writing, to the Quartermaster of said regiment, a description of all property taken by his command, with the names of owners, where known, and such other information as would assist in identifying the property, refused or neglected to make said report, thereby disobeying the lawful commands and orders of his superior and commanding officer, the said Colonel William R. Penick. This at Independence, Missouri, on or about the tenth day of September, 1862."

Specification 2d—"In this; that he, Captain *Horace B. Johnson*, commanding a company of artillery, a portion of which is stationed at Independence, Missouri, being ordered by Colonel William R. Penick, of the Fifth Cavalry, Missouri State Militia, on the thirtieth day of September, 1862, to report to him, the said Colonel William R. Penick, all horses taken by the said Captain *Horace B. Johnson*'s men on the march, and all the facts connected with taking them, refused or neglected to make said report, thereby disobeying the lawful commands and orders of his superior and commanding officer, the said Colonel William R. Penick."

Specification 3d—"In this; that he, Captain *Horace B. Johnson*, commanding a company of artillery, a portion of which is stationed at Independence, Missouri, being ordered by Colonel William R. Penick, of the Fifth Cavalry, Missouri State Militia, to send no teams to the country for forage except in charge of an officer detailed to take charge of the forage train, refused or neglected, for several days, to report his teams to said officer, and sent them to the country in charge of his own men, without an officer, thereby disobeying the lawful commands and orders of his superior and commanding officer, the said Colonel William R. Penick."

Specification 4th—"In this ; that he, Captain *Horace B. Johnson*, commanding a company of artillery, a portion of which is stationed at Independence, Missouri, being ordered by Colonel William R. Penick, commander of the Fifth Cavalry, Missouri State Militia, on the ninth day of September, 1862, to draw rations for his men from the Commissary of said regiment, refused to draw the rations as directed, thereby disobeying the lawful orders and commands of his superior and commanding officer, the said Colonel William R. Penick."

Specification 5th—"In this ; that he, Captain *Horace B. Johnson*, commander of a company of artillery, a portion of which is stationed at Independence, Missouri, being ordered by Colonel William R. Penick, and by several officers of the day, by order of the said Colonel William R. Penick, *not* to permit the men under his command to go outside of the lines of the encampment without passes from a company officer, approved by the Colonel commanding the Post, did permit his men to pass outside of said lines without passes, at a Post near his camp, without the knowledge or consent of said Colonel; and furthermore, the said Captain Horace B. Johnson forced or permitted his men to pass out of said lines to board at hotels and boarding houses, thereby disobeying the lawful commands and orders of his superior and commanding officer, the said Colonel William R. Penick."

Specification 6th—"In this; that he, Captain *Horace B. Johnson*, commanding a company of artillery, a portion of which is stationed at Independence, Missouri, being ordered by Colonel William R. Penick, commanding Fifth Cavalry, Missouri State Militia, to prevent his men from molesting private property, or from taking the property of private individuals, and converting it to their own use, did permit his men under his command, at the town of Pink Hill, or at a small town near Independence, Missouri, on or about the sixth day of October 1862, to enter a house belonging to or used by Dr. Jacobs, a man who was not engaged in war against the Government of the United States, and take from it books, medicines, and many other valuable articles, and haul them to the city of Independence, and conceal them in their tents ; and furthermore, that he, the said Captain Horace B. Johnson, had good reason to believe that the men under his command were taking horses, mules, etc., from Union men and rebels, and disposing of them for their own use and benefit, and that he did not use his influence to prevent it, nor give information of the conduct of his men to the Colonel commanding the Post, thereby disobeying the lawful orders of his superior and commanding officer, the said Colonel William R. Penick."

CHARGE 2d.—"Conduct unbecoming an officer and a gentleman."

Specification—"In this ; that he, Captain *Horace B. Johnson*, commanding a company of artillery, a portion of which is stationed at Independence, Missouri, did permit Lieutenant Caldwell, an officer of his company, to insult Mr. James D. Meador, an unconditional Union man, who was visiting his camp for the purpose of assisting a Union woman in recovering her horses, supposed to be in the said Captain Horace B. Johnson's hands, by threatening his life, or by giving him to understand that his life would be in danger if he came about that camp hunting horses; and furthermore, that he, the said James D. Meador, asked the said Captain Horace B. Johnson, who was present and heard the threats, for protection, and he did not grant it."

CHARGE 3d.—"Exciting Mutiny "

Specification 1st—"In this ; that Captain *Horace B. Johnson*, commanding a company of artillery, a portion of which is stationed at Independence, Missouri, did assist in exciting or causing an insurrection or sedition in the Fifth Regiment of Cavalry, Missouri State Militia, by causing the soldiers under the command of Colonel William R. Penick to believe that he, the said Colonel William R. Penick, had placed arms in the hands of notorious rebels, with permission or instructions to shoot Federal soldiers if they came into their orchards, or in any way molested them or their property, thereby violating the 7th Article of War. This at Independence, Missouri, on or about the tenth day of September, 1862."

Specification 2d—"In this; that he, Captain *Horace B. Johnson*, commanding a company of artillery, a portion of which is stationed at Independence, Missouri, did excite or cause a mutiny or sedition in his company by causing the men to believe that Colonel William R. Penick, commander of the post at Independence, had refused to furnish them with rations, and forced them outside of the lines of the encampment of Colonel William R. Penick, to board at hotels and boarding houses. This at Independence, Missouri, between the tenth of September, 1862, and the thirtieth of October, 1862."

To which charges and specifications the accused pleaded as follows :

To the 1st *Specification*, 1st Charge, "Not Guilty."

To the 2d *Specification*, 1st Charge, "Not Guilty."

To the 3d *Specification*, 1st Charge, "Not Guilty."

To the 4th *Specification*, 1st Charge, "Not Guilty."

To the 5th *Specification*, 1st Charge, "Not Guilty."

To the 6th *Specification*, 1st Charge, "Not Guilty."

To the 1st **CHARGE**, "Not Guilty."

To the *Specification*, 2d Charge, "Not Guilty."

To the 2d **CHARGE**, "Not Guilty."

To the 1st *Specification*, 3d Charge, "Not Guilty."

To the 2d *Specification*, 3d Charge, "Not Guilty."

To the 3d **CHARGE**, "Not Guilty."

FINDING OF THE COURT:

The Court having maturely considered the evidence adduced, finds the accused, Captain *Horace B. Johnson*, commanding Light Artillery Battery, Missouri State Militia, as follows:

Of the 1st *Specification*, 1st Charge, "Not Guilty."

Of the 2d *Specification*, 1st Charge, "Not Guilty."

Of the 3d *Specification*, 1st Charge, "Not Guilty."

Of the 4th *Specification*, 1st Charge, "Not Guilty."

Of the 5th *Specification*, 1st Charge, "Not Guilty."

Of the 6th *Specification*, 1st Charge, "Not Guilty."

Of the 1st **CHARGE**, "Not Guilty."

Of the *Specification*, 2d Charge, "Not Guilty."

Of the 2d **CHARGE**, "Not Guilty."

Of the 1st *Specification*, 3d Charge, "Not Guilty."

Of the 2d *Specification*, 3d Charge, "Not Guilty."

Of the 3d CHARGE, "Not Guilty."

And the Court does therefore honorably acquit him.

II.. Finding and acquittal approved. Captain *Horace B. Johnson*, Light Artillery Battery, Missouri State Militia, will be released from arrest, resume his sword, and return to duty.

III.. 2d. Captain *George Wakerlin*, Company "E," 5th Regiment of Cavalry, Missouri State Militia, on the following charge and specifications :

CHARGE.—"*Neglect of Duty*"

Specification 1st—"In this; that he, Captain *George Wakerlin*, of Company 'E,' 5th Regiment of Cavalry, Missouri State Militia aforesaid, while in command at Tipton, Moniteau county, Missouri, did permit four (4) men of his company to leave his camp and go to a place known as Round Hill, some three (3) or four miles distant, and rob one W. T. Seely of goods, wares and merchandise and money amounting to about fourteen hundred dollars, (\$1,400,) and return to the camp with the stolen property. This on the night of the twenty-second (22d) of November, 1862."

Specification 2d—"In this ; that he, Captain *George Wakerlin*, Company 'E,' 5th Regiment Cavalry, Missouri State Militia aforesaid, did, between the fifteenth (15th) and twentieth (20th) days of November, 1862, at Tipton, Moniteau county, Missouri, permit the soldiers under his command to take away and destroy lumber to the value of thirty-five dollars, (\$35,) said lumber being the property of one B. Woodman, a Union citizen of Tipton, Moniteau county, Missouri."

To which charge and specifications the accused pleaded as follows : To the 1st *Specification*, "Not Guilty."

To the 2d *Specification*, "Not Guilty."

To the CHARGE, "Not Guilty."

FINDING OF THE COURT :

The Court having maturely considered the evidence adduced, finds the accused, Captain *George Wakerlin*, Company "E," 5th Cavalry, Missouri State Militia, as follows :

Of the 1st *Specification*, "Not Guilty."

Of the 2d *Specification*, "Not Guilty."

Of the CHARGE, "Not Guilty."

And the Court does therefore honorably acquit him.

IV.. Finding and acquittal approved. Captain *George Wakerlin*, of Company "E," 5th Cavalry, Missouri State Militia, will be released from arrest and returned to duty.

The record in this case is defective in not showing that the order changing the original detail of the Court was read in the presence of the accused. His legal right to challenge the members of the Court by whom he was to be tried was thus ignored.

V.. 3d. Sergeant *Francis M. Patten*, Company "E," 1st Regiment of Cavalry,

Missouri State Militia, on the following charge and 1 specification :

CHARGE.—"*Desertion.*"

Specification—"In this ; Sergeant *Francis M. Patten*, Company ' E,' 1st Regiment of Cavalry, Missouri State Militia, did, on the seventh day of October, 1862, leave his company and regiment in camp near Lexington, Missouri, without leave from his commanding officer, with the intent thereby to abandon the service, and remained absent until apprehended at St. Joseph, Missouri, on the twenty-first day of November, 1862."

To which charge and specification the accused pleaded as follows:

To the *Specification*, "Not Guilty."

To the CHARGE, "Not Guilty."

FINDING OF THE COURT:

The Court having maturely considered the evidence adduced, finds the accused, Sergeant *Francis M. Patten*, of Company "E," 1st Regiment of Cavalry, Missouri State Militia, as follows:

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

SENTENCE:

And the Court does therefore sentence the accused, *Francis M. Patten*, Sergeant Company "E," 1st Regiment of Cavalry, Missouri State Militia, " *to imprisonment for during the war in Missouri, at such place as the General Commanding may direct, and the forfeiture of all pay and allowances due him from the thirty-first day of August, 1862, and to be dishonorably discharged at the end of such imprisonment.*"

VI. ..Finding and sentence confirmed. Sergeant *Francis M. Patten*, of Company 1st Cavalry, Missouri State Militia, will be confined for the time specified in the Military Prison at Alton, Illinois, under the direction of the Provost Marshal General, and at the expiration of his term of imprisonment, be dishonorably discharged the service. That part of the sentence relative to stoppage of pay will be carried into effect by the proper commanding officer.

VII. ..4th. *Stephen Parker*, private, Company "E," 1st Regiment of Cavalry, Missouri State Militia, on the following charge and specification :

CHARGE.—"*Desertion.*"

Specification—"In this; private *Stephen Parker*, Company ' E,' 1st Regiment of Cavalry, Missouri State Militia, did, on the seventh day of October, 1862, leave his company and regiment in camp near Lexington, Missouri, without leave from his commanding-officer, with the intent thereby to abandon the service, and remained absent until apprehended at St. Joseph, on the twenty- first day of November, 1862."

To which charge and specification the accused pleaded as follows :

To the *Specification*, "Not Guilty."

To the CHARGE, "Guilty."

FINDING OF THE COURT:

The Court having maturely considered the evidence adduced, finds the accused, private *Stephen Parker*, of Company "E," 1st Regiment of Cavalry, Missouri State Militia, as follows :

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

SENTENCE:

And the Court does therefore sentence the said private *Stephen Parker*, of Company "E," 1st Regiment of Cavalry, Missouri State Militia, "*that he forfeit all pay and allowances due him from the thirty-first day of August, 1862, up to this date, and that he be imprisoned for six months at such place as the Commanding General may direct, and on the expiration of his imprisonment, to be returned to duty in his company.*"

VIII...Finding and sentence approved, but on account of mitigating circumstances, and the recommendation of members of the Court, so much of the sentence as relates to the imprisonment of the accused is hereby remitted. The sentence, thus mitigated, will be carried into effect by the proper commanding officer.

Private *Stephen Parker*, Company "E," 1st Cavalry, Missouri State Militia, will be released from arrest and returned to duty.

IX. ..5th. *Austin Rainey*, private, of Company "H," 1st Regiment of Cavalry, Missouri State Militia, on the following charges and specifications :

CHARGE 1st.—" *Violation of the 6th Article of War.*"

Specification—"In this ; that the said *Austin Rainey*, private in Company 'H,' 1st Regiment Cavalry, Missouri State Militia, did behave himself with contempt and disrespect towards his commanding officer, Meredith Marshal, Quartermaster Sergeant of said company. This at Lexington, Missouri, on the first day of January, 1863."

CHARGE 2d.—" *Violation of the 9th Article of War.*"

Specification—"In this; that the said *Austin Rainey*, private in Company 'H,' 1st Regiment of Cavalry, Missouri State Militia, did strike his superior officer, Meredith Marshal, Quartermaster Sergeant of said company, while in the execution of his office. This at Lexington, Missouri, on the first day of January, 1863."

To which charges and specifications the accused pleaded as follows :

To the *Specification*, 1st Charge, "Not Guilty."

To the 1st CHARGE, "Not Guilty."

To the *Specification*, 2d Charge, "Not Guilty."

To the 2d CHARGE, "Not Guilty."

FINDING OF THE COURT :

The Court having maturely considered the evidence adduced, finds the

accused, private *Austin Rainey*, of Company "H," 1st Cavalry, Missouri State Militia, as follows :

Of the *Specification*, 1st Charge, "Guilty."

Of the **1st CHARGE**, "**Guilty.**"

Of the *Specification*, 2d Charge, "Guilty."

Of the 2d **CHARGE**, "Guilty."

SENTENCE:

And the Court does therefore sentence the accused, private *Austin Rainey*, of Company "H," 1st Regiment of Cavalry, Missouri State Militia, "*to forfeit all pay and allowances due him from the United States for the term of two months, to he entered against his name, as a stoppage, on the muster roll of the company to which he belongs, at its next muster.*"

X. ..Finding and sentence confirmed. Sentence will be carried into effect by the proper commanding officer.

XI. ..6th. Private *Alexander Aldridge*, Company "A" 6th Regiment Cavalry, Missouri State Militia, on the following charges and

specifications :

CHARGE 1st.—"Mutiny"

Specification—"In this; that private *Alexander Aldridge* did, on or about the eleventh day of November, 1862, attempt to create a mutiny in his company against his superior officers, and did set the example by striking his Captain (Dundin) twice in the face with his fist, and did openly and in the presence of other soldiers of his company, threaten to shoot Captain Dundin and Lieutenant Stoffee. All this at Kansas City, Missouri."

CHARGE 2d.—"Striking his superior officer"

Specification—"In this; that private *Aldridge* did raise his hand and strike his superior officer (Captain Dundin) while in the execution of his office. All this at Kansas City, Missouri, on or about the eleventh day of November, 1862."

CHARGE 3d.—"Disobedience of Orders."

Specification—"In this; that private *Aldridge*, when ordered by his superior officer, Captain Dundin, not to go down town to get liquor, did, in disobedience of said order, go and get beastly drunk, thus violating and disobeying the lawful orders and commands of his superior and commanding officer, Captain James Dundin. All this at Kansas City, Missouri, on or about the eleventh day of November, 1862."

To which charges and specifications the accused pleaded as follows :

To the *Specification*, 1st Charge, "Not Guilty."

To the **1st CHARGE**, "Not Guilty."

To the *Specification*, 2d Charge, "Not Guilty."

To the 2d **CHARGE**, "Not Guilty."

To the *Specification*, 3d Charge, "Not Guilty."

To the 3d **CHARGE**, "Not Guilty."

FINDING OF THE COURT:

The Court having maturely considered the evidence adduced, finds the accused, private *Alexander Aldridge*, of Company "A," 6th Regiment of Cavalry, Missouri State Militia, as follows:

Of the *Specification*, 1st Charge, "Guilty."

Of the 1st **CHARGE**, "Guilty."

Of the *Specification*, 2d Charge, "Guilty."

Of the 2d **CHARGE**, "**Guilty**."

Of the *Specification*, 3d Charge, "Guilty."

Of the 3d **CHARGE**, "Guilty."

SENTENCE:

And the Court does therefore sentence the accused, private *Alexander Aldridge*, of Company "A," Sixth Regiment of Cavalry, Missouri State Militia, "*to be imprisoned for one month at this Post, or at such place as the Commanding General may direct, and to forfeit all pay and allowances due him from the eleventh day of November, 1862, to the time when he shall be returned to his Company for duty.*"
Endorsed as follows:

. "Finding and sentence approved as to the second and third charges ; disapproved as to the first charge, the specifications being deemed insufficient to support the charge. It is to be regretted that Courts, in their discretion, will assess such mild punishments against those who are found guilty of such grave offences. Drunkenness is no cause for extenuation it should be severely punished as an offence.

BEN. LOAN,

Brig. Gen. M. S. M."

XII. ..Finding on first charge disapproved; the specification is insufficient to support the charge. Although mutiny is not necessarily an aggregate offence, committed by many individuals, but may originate and conclude with a single person, it is nevertheless a high degree of insubordination and resistance to lawful military authority, and must be so alleged, and the particular act of resistance clearly set forth in the specification. The other charges and specifications are approved. The remarks of the General commanding the district are also approved. Sentence confirmed, and will be carried into effect at the Post of Lexington, Missouri, by the proper commanding officer.

XIII. ..7th. Private *William Heam*, Company "A," 6th Regiment of Cavalry, Missouri State Militia, on the following charges and specifications:

CHARGE 1st.—"Attempting to create mutiny in his Company."

Specification 1st—"In this; that private *William Heam* did attempt to create a mutiny in his company, by openly and in the presence of the other men of the company, curse and abuse his superior officer, Lieutenant Milldaugh, and did use the most contemptuous and disrespectful and mutinous language towards him while in the execution of his office. All this at Kansas City, Missouri, on or about the tenth day of November, 1862."

CHARGE 2d.—"Disobedience of orders."

Specification 1st—"In this; that private *William Heam* did refuse to obey the orders of his superior officer, Captain Dundin, and did tell Captain Dundin that he would not do duty or obey orders.
All this at Kansas City, on or about the tenth day of November, 1862."

To which charges and specifications the accused pleaded as follows :

To the *Specification*, 1st Charge, "Not Guilty."

To the 1st **CHARGE**, "Not Guilty."

To the *Specification*, 2d Charge, "Not Guilty."

To the 2d **CHARGE**, "Not Guilty."

FINDING OF THE COURT :

The Court having maturely considered the evidence adduced, finds the accused, private *William Heam* of Company "A," 6th Regiment of Cavalry, Missouri State Militia, as follows:

Of the *Specification*, 1st Charge, "Guilty."

Of the 1st **CHARGE**, "Guilty."

Of the *Specification*, 2d Charge, "Guilty."

Of the 2d **CHARGE**, "Guilty."

SENTENCE:

And the Court does therefore sentence the said private *William H. Hearn*, of Company "A," of 6th Regiment of Cavalry, Missouri State Militia, "to forfeit two months pay and allowances, and that he be discharged from the service, subject to the approval of the General Commanding" Endorsed as follows :

"The first charge in this case is very inaccurately stated. The facts stated in the specification to the first charge are insufficient to sustain it.

"The specification to the second charge is insufficient to sustain it, and whilst it is manifest from the record that the accused is guilty of serious offences, for which he merits severe punishment, yet a regard for the substantial rights of all defendants will prevent the infliction of punishment that is not awarded in substantial compliance with the rules of war and the known usages of Courts. Finding and sentence disapproved.

BEN. LOAN,

Brig. Gen'l M. S. M'

XIV. ..Finding and sentence disapproved. The specifications are not sufficient to support the respective charges under which they are brought; neither is the charge of " attempting to create a mutiny" a proper one. The facts and circumstances declared in the specification to the first charge clearly point to the 6th Article of War, and the prosecution should have been had under that Article, or under the general charge of "conduct prejudicial to good order and military discipline." The record should also show that the subsequent order changing the original details of the Court was read in the presence of the accused, that his legal right to challenge the present members might not be ignored. The remarks of the General commanding the district are approved.

Private *William Heam* of Company " A," 6th Regiment of Cavalry, Missouri State Militia, will be released from arrest and returned to duty.

XV. ..8th. Private *Thomas E. Thompson*, Company "A," 6th Regiment of Cavalry, Missouri State Militia, on the following charges and specifications:

CHARGE 1st.—"*Mutiny.*"

Specification 1st—^f In this ; that private *Thomas E. Thompson* did start a mutiny in his company against his superior officers, and did openly defy their authority, and did attempt to kill his Captain (Dundin) by raising or striking at him with an axe, and did draw his pistol and attempt to shoot his superior officer, Lieutenant Stoffee, and was only prevented from carrying into effect his design by being caught and tied. All this at Kansas City, Missouri, on or about the eleventh day of November, 1862.

CHARGE 2d.—"*Drawing a weapon upon his superior officer while in execution of his office.*"

Specification 1st—" In this ; that he, private *Thompson*, did draw his pistol and cock the same upon his superior officer, Lieutenant Stoffee, and was only prevented from shooting him by Captain Dundin, who caught the pistol and took it from him. All this at Kansas City, Missouri, on or about the eleventh day of November, 1862."

Specification 2d—" In this ; that private *Thompson* did raise an axe, and did strike at his superior officer, Captain Dundin, whilst in the execution of his office. All this at Kansas City, Missouri, on or about the eleventh day of November, 1862."

Specification 3d—" In this; that after said private *Thompson* had been tied, he managed to get a pistol out of a saddle close by, and did

again attempt to shoot his Captain. All this at Kansas City, Missouri, on or about the eleventh day of November, 1862."

CHARGE 3d.—" *Threatening to murder his officers.*"

Specification—"In this; that private *Thompson* did, after being arrested and tied, swear he would yet kill both his officers. All this at Kansas City, Missouri, on or about the eleventh day of November, 1862."

To which charges and 'specifications the accused pleaded To the *Specification*, 1st Charge, "Not Guilty."

To the 1st CHARGE, "Not Guilty."

To the 1st *Specification*, 2d Charge, "Not Guilty."

To the 2d *Specification*, 2d Charge, "Not Guilty."

To the 3d *Specification*, 2d Charge, "Not Guilty."

To the 2d CHARGE, "Not Guilty."

To the *Specification*, 3d Charge, "Not Guilty."

To the 3d CHARGE, "Not Guilty."

FINDING OF THE COURT :

The Court having maturely considered the evidence adduced, finds the accused, private *Thomas E. Thompson*, of Company "A," 6th Regiment of Cavalry, Missouri State Militia, as follows :

Of the *Specification*, 1st Charge, "Guilty."

Of the 1st CHARGE, "Guilty."

Of the 1st *Specification*, 2d Charge, "Guilty."

Of the 2d *Specification*, 2d Charge, "Guilty."

Of the 3d *Specification*, 2d Charge, "Guilty."

Of the 2d CHARGE, "Guilty."

Of the *Specification*, 3d Charge, "Guilty."

Of the 3d CHARGE, "Not Guilty."

SENTENCE:

And the Court does therefore sentence the accused, private *Thomas E. Thompson*, of Company "A," 6th Regiment of Cavalry, Missouri State Militia, "to be imprisoned for one month at this Post, or at such place as the General Commanding may direct, and to forfeit all pay and allowances due him from the United States from the eleventh day of November, 1862, to the time when he shall be returned to his Company for duty." Endorsed as follows :

"The specification to the first charge is insufficient to sustain the charge. Upon it the finding should have acquitted the accused of the first charge. The finding upon this charge is disapproved. The finding relating to the specifications to the second charge, and to the second charge, is

approved. The specification to the third charge is sufficient to sustain the charge, and the Court having found the accused guilty of the specification, should, have found him guilty of the charge. The finding in relation to the specifications to the second charge, and to the second charge, fully authorize the sentence in this case; indeed, it is considered a very mild one, considering the enormity of the offence, which is not mitigated by reason of the intoxication of the accused. Drunkenness is a military offence which ought, in all cases, to be promptly and severely punished. Sentence approved.

BEN. LOAN,
Brig. Gen. M. S. M."

XVI. ..Finding on first charge and specification, and on third charge, disapproved for the reason set forth in the above endorsement of Brigadier General BEN LOAN. Finding on second charge and specifications thereto, and on specification to third charge, approved. Sentence confirmed, with the remark, however, that it

appears uncertain as to place of punishment. The sentence will be carried into effect at the Post of Lexington, Missouri, by the proper commanding officer.

BY COMMAND OF MAJOR GENERAL CURTIS :

H. Z. CURTIS,
Assistant Adjutant General.

OFFICIAL :

Assistant Adjutant General.