

RG 153 ENTRY 15 G33 1819

Proceedings of a General Court Martial held
at Martin Cantonment and reassemble at Camp
Missouri by virtue of the following orders

Head Quarters 9th Mil Dept
Martin Cantonment Sept 1st 1819

Department Orders

A General Court Martial to consist
of seven members of which Lieutenant Colonel W.
Morgan of the Rifle Regiment is President will
convene in this camp on tomorrow at 10 Oclock am
for the trial of such prisoners as may be brought before it

Tow Captains and one subaltern (sic) will be detailed
from the 6th Regiment and two Captains and one
Subbaltorn from the Rifle Regiment as members—
Lieutenant Kavanaugh of the Rifle Regiment as members
Lieutenant Kavanaugh of the Rifle Regiment Judge
Advocate—an orderly will be detailed by the
Commanding officer of the Cantonment to attend
the Court

By order

Signed T F Smith
Act Asst Adgt. Gen

Camp Martin

Regimental Orders September 1 1819
Captain Brevet Major Foster, Captain

Read and Lieutenant Durand are detailed as members of a General Court Martial to convene at this place tomorrow morning at 10 o'clock of which Lieutenant Col. W. Morgan of the Rifle Regiment is President in obedience of a Department Order of the first instant

By order
Signed T. Staniford
Adj. 6th Infty
Cantonment Martin
1st September 1819

Regimental Orders

In obedience to a Department order of this day Captains Magee, & Riley and Lieutenant McCray are detailed as members of a General Court Martial of which Lieutenant Morgan is President and will report accordingly.

By order
Signed Ch. Pentland
Adj. R. Regt.
September 2nd 1819'

The Court met pursuant to the above orders

Present

Lieut Col. W. Morgan President
Cap Brev Maj. Foster Captain Read
Captains Magee Members Captain Riley
Lieut Durand Lieut McCray
Lieut Kavanaugh Judge Advocate

The Court adjourned until tomorrow morning nine
O'clock

September 3rd 1819

The Court met pursuant to adjournment

Present

Lieut. Col W. Morgan President

Cap Brev Maj. Foster Captain Read

Captains Magee Members Captain Riley

Lieut Durand Lieut McCray

Lieut Kavanaugh Judge Advocate

The Court being duly sworn in the presence of the
prisoners proceeded to the trial of John Taylor
a private of Captain Grays Company of United
States Riflemen who being previously asked if he
had any objections to the members named in the
Department & Regimental orders and replying in
the negative was arraigned on the following
charges preferred against him by Captain Gray
of the United States Rifle Regiment

Charges & Specifications against John Taylor
of Captain Grays Company in the Rifle Regiment

Charges—Desertion

Specification—In this—That the said John Taylor
did Desert from a Detachment of the 5th? Infantry
some time in the month of June 1818

while ascending (sic) the Mississippi River

James S. Gray Capt
Reg. Riflemen

To which charge the Prisoner pleaded "Not Guilty"
Edmund Dotrey a witness for the prosecution being duly
sworn says I took the prisoner Taylor on my
return from the Arkansas he confesses to me when
I took him up that he had been a Soldier &
that he had left Captain Pratt when he came
up the river in June 1818

The Court being ordered to be cleared—The Court
after mature deliberation on the testimony adduced
find the prisoner John Taylor Guilty of the
charge exhibited against him and Sentence him
to forfeit all the pay due him to this date and all
his future pay (with the exception of one dollar
per month to be appropriated to the use of his
regiment under the direction of the commandant
thereof for the time being provided always that
so much of his pay (now due and such) sums
as may hereafter become due as will defray the
expense of his apprehension shall in all cases be
first stopped and appropriated by the proper
Officer to that purpose—to wear party coloured

clothing is such fashion and in such quantities that Commanding Officer of the Regiment or Post where he may be station shall direct half of his head to be shaved monthly his whiskey to be stopped during the period of enlistment, to be confined to the guard house during the night, & to be kept employed (sic) in the most menial labor of the Camp or post to which he may be attached.

The Court then proceeded to the trial of William Evans of Captain Grays Company of the Regiment of Riflemen—who being previously asked if he had any objections to the members named in the Department and Regimental orders and replying in the negative was arraigned on the following charge preferred against him by Captain Gray of the Rifle Regiment.

Charges & Specifications against William Evans of Captain Grays Company in the Rifle Regiment

Charge—Desertion

Specification—In this—That the said William Evans did desert from the Second Battalion of Riflemen on the voyage near the Missouri River near the village of Charrette on the 21st of June 1819—and was apprehended on the 22nd

June 1819

Signed

James L. Gray Capt
Regt. Riflemen

To which charge the prisoner pleaded “Not Guilty”

Sergeant Slemmons a witness for the prosecution being duly sworn says—The prisoner left the Second Battalion of Riflemen near the village Charrette about the 21st of June 1819—and was brought in by a party of three men on the day following.

John Porter a witness for the prosecution being duly sworn says:--about the day named in the charge the prisoner left us about 10 oclock & was dispatched after him about one oclock & overhauled him the same evening, he had hired himself out to work on a farm to get money to go on back—he had went 10 or 12 miles below where he had left us.

The Court being ordered to be cleared—the adduced—find the prisoner William Evans Guilty of the charge exhibited against him & Sentence him to forfeit all the pay due him to this date and all his future pay (with the exception

of one dollar per month) to be appropriated to the use of his Regiment under the direction of the Commander thereof for the time being—Provided always that so much of his pay (now due and so much as may hereafter become due) as will defray the expense of his apprehension shall in all case be first stopped & appropriated by the proper officer to that purpose—to wear party coloured clothing in such fashion and in such quantities as the Commanding officer of the Regiment or post where he may be stationed shall direct—half of his head to be shaved monthly, his whiskey to be stopped during his period of enlistment—to be confined to the Guard house during nights, and to be kept employed (sic) in the most menial labors of the Camp or post where he may be attached

The Court then proceeded to the trial of John Annan a private of Battalion Company C 6th Regiment of Infantry, who being previously asked if he had any objections to the member named in the Department & Regimental Orders, & replying in the negative was arraigned on the following charge preferred against him by Captain Boardman

of the Sixth Regiment of Infantry.

Private John Annon of Battalion Company
(C) 6th Regiment is charged with Deserting the
Service of the United States at or near Franklin
while ascending (sic) the Missouri river on or about
the 20th July 1819

Camp Martin
2nd Sept. 1819

Signed E. Boardman
Capt 6th Infy

To which charge the prisoner pleaded “Guilty.”

The Court being ordered to be cleared—The
Court on mature deliberation confirm the plea of the
prisoners and find the prisoner John Annon
Guilty of the charge adduce against him
and do Sentence him to forfeit all his pay due
him to this date and all his future pay with
the exception of One dollar per month, to be
appropriated to the use of his Regiment under
the direction of the Commandant thereof for the
time being—Provided always that so much of his
pay (now due and such sums as may hereafter become due)
as will defray the expense of his apprehension
shall in all cases be first stopped & appropriated
by the proper officer to that purpose—to wear

party coloured clothing in such fashion and in such quantities as the Commanding officer of the Regiment or post where he may be stationed shall direct—half of his head to be shaved monthly, his whiskey to be stopped during his period of enlistment—to be confine to the Guard house during the night, & to be kept employed (sic) in the most menial (sic) labor of the Camp or post to which he may be attached

The Court then proceeded to the trial of private Josiah Loomis of Light Infantry Company (B) 6th Infantry who being previously asked if he had any objections to the members named in the Department of Regimental Orders and replying in the negative was arraigned on the following charge preferred against him by Lieutenant William C. Givin of the 6th Regiment of Infantry

“Private Josiah Loomis of Light Infantry Company (B) 6th Infantry is charged with Deserting the service of the United States and about the 9th August 1819 from on board the transport Steam boat “Expedition” on Missouri river

Sept. 2nd 1819 Signed Wm. C. Givin Lieut.
6th Infantry

To which charge the prisoner pleaded “Not Guilty”
Major Foster a witness for the prosecution being duly
sworn Says—On or about the day mentioned in the
charge I was under the necessity of sending a
boat ashore to land a couple of boys that belonged to
~~some~~ citizens who had accidentally came on board—
It was a little after rush when I came on deck
and called for two men to go in the boat—Loomis
the prisoner appeared particularly anxious to go &
at once volunteered his services to go, some little
delay was occasioned & he was absent, he presented
himself to me again in Uniform, it created some
little suspicion & I put on board a good
man, in who I thought I could confide, they
had orders to return that evening, they did not,
but early in the morning the other man returned
without Loomis, and reported that he had been
indeavoring (sic) to get Loomis on board and that
he appeared very much intoxicated, that he
had laid down on the ground several times
& that he had flagged him up, that he
finally escaped from him owing to the
hight (sic) of the grass or bushes & that he had

left him to come board and report—I sent Sergeant Lears with ~~him~~ a party and they returned the same day—

Sergeant Lears a witness for the prosecution being duly sworn says:--I was ordered with a party of men to go in Search of Loomis, we were landed at a wood pile & proceeded down the river 4 or 5 miles where we found him and returned with him to the boat—we apprehended him about 2 or 3 o'clock on the day we were sent after him—The prisoner said he had been intoxicated—

Major Foster being further interrogated Says That he landed Loomis with the boys about two miles below the wood pile

Private Alferd (sic?) of the 6th Regiment of Infantry a witness for the prosecution being (sic) duly sworn Says:-- When I left the Steam boat with the prisoner & the boys we landed about one mile and an half below the steam boat near a slouch—we then went to a house about three quarters of a mile from the river, we remained there all night and set out early next morning to return to

the Company, when ^{we had} proceeded about thirty yards from the house the prisoner lay down in the grass—I returned to him and urged him to go on and return to the corps, when we proceeded about a quarter of a mile farther the prisoner lay down again in the hazel bushes I returned to him again and urged him to go on with me—we than went on. Loomis keeping a little ahead ~~at first~~ however he soon fell behind again. I called him and he answered me. I than proceeded to the canoe where we had landed the proceeding evening—when I got to the Canoe he returned back again about two hundred yards where I last seen him and searched for him half an hour but could not find him and I then returned to the Steam boat—The witness being further interrogated says that when he returned to him for Loomis—when he returned to the Canoe he called for him several-times took place about the time named in the charge

The Court being ordered to be cleared—
The Court after mature deliberation on the

testimony adduced find the prisoner Josiah Loomis Guilty of the charge adduced against him & do sentence him to forfeit all his pay due him to the date (with the exception of one Dollar per month) to be appropriated to the use of his regiment under the direction of the Commandant thereof for the time being. Provided always that so much of his pay now due and such sums as may hereafter become use) as will defray the expense of his apprehension shall in all cases be first stopped and appropriated by the proper officer to that purpose—to wear party coloured clothing in such fashion & in such quantities as the Commanding officer of the Regiment or post where he may be stationed shall direct—half of his head to be shaved monthly, his whiskey to be stopped during his period of entitlement, to be confined to the Guard house during nights and to be kept employed (sic) in the most menial labors of the Camp or post to which he may be attached.

The Court then proceeded to the trial of Clark Richards a private of Battalion Company (F) 6th Regiment of Infantry who being previously asked if he had any objections to the members named in the Department & Regimental orders and replying in the negative was arraigned on the following charge preferred against him by Captain Read of the 6th Regiment of Infantry.

The officer of the Guard will take charge of private Clark Richards of Battalion Company (F) charged with

Desertion

Specification—In this—That the said Clark Richards did on or about the 30th of July 1819 desert the service of the United States while ascending (sic) the Missouri River & did continue absent until the 3rd of August 1819 when he was taken up & brought back.

Signed

Camp Martin
Sept 2 1819

Thos. M. Read
Capt. 6th Inf.

To which charge the prisoner pleaded “Guilty”
The Prisoner introduced Captain Read as a

witness to prove to the Court his former good standing who being only sworn Says—

The General Character of the prisoner while on my boat coming up the river was very good and he (the Prisoner) on one occasion risked (sic) his life for the safety of the boats.

The Court being ordered to be cleared The Court on mature deliberation confirm the plea of the prisoner and find the prisoner Clark Richards—Guilty of the charge adduced against him—and Sentence him to forfeit all the pay due him to this date and all his future pay (with the exception of One dollar per month to be appropriated to the use of his Regiment under the direction of the Command and thereof for the time being—provided always that so much of his pay (now due and such sums as may hereafter become due)—as will defray the expense of his apprehension shall in all cases be first stopped and appropriated by the proper officer to that purpose—to wear party

coloured clothing in such fashion and in such quantities as the Commanding officer of the Regiment or post where he be stationed shall direct, half of his head to be shaved monthly—his whiskey to be stopped during his period of enlistment, to be confine to the Guard house during night, and to be kept employed (sic) in the most menial (sic) labor of the Camp or post to which he may be attached

But the Court, in consequence of the General good character of the prisoner Richards, and his having once risked (sic) his life for the safety of the boat, to which he belonged—The Court are induced to recommend him to the clemency of the Commanding officer.

The Court then proceeded to the trial of Henry Hamill a private of Captain Armstrongs Company of United States Riflemen who being previous asked if he had any objections to the members named with Department or Regimental Orders and replying in the Negative was arraigned

on the following charge preferred against him
by Lieutenant Scott of the Rifle Regiment
“Charges & Specification, exhibited against
Henry Hamill a private of Captain Armstrongs
Company Rifle Regiments

Charge—Desertion

Specification—In this—that the said
Henry Hamill deserted from Belle Fontaine
on or about the 22nd day of March 1819

Signed Martin Scott

Lieut U.S. Rifle Regt.

To which charge the Prisoner pleaded “Guilty”

The Court being ordered to be cleared the
Court on mature deliberation confirm the
plea of the prisoner and find him Guilty
of the charge adduced against him & do
Sentence the prisoner Henry Hammill to forfeit
all the pay due him to this date and all
all his future pay (with the exception of
One dollar per month) to be appropriated to
the use of his Regiment under the direction
of the Commandant thereof for the time being.
Provided always that so much of his pay

(now due and such sums as may here after become due us will defray the expense of his apprehension shall in all cases be first stopped and appropriated by the proper officer to that purpose—to wear party coloured clothing in each fashion & in such quantities as the Commanding Officer of the Regiment or Post where he may be stationed shall direct—half of his head to be shaved monthly, his whiskey to be stopped during his period of enlistment, to be confine to the Guard house during night, and to be kept employed (sic) in the most meneal (sic) labor of the camp or post to which he may be attached.

The Court then proceeded to the trial of Isaac Connover a private of Captain Armstrong's Company of United States Riflemen who being \previously asked if he had any objections to the members named in the Department or Regimental Orders & replying in the negative was arraigned on the following charge preferred against him by Lieutenant Scott of the Rifle Regt.

Charge & specification exhibited against Isaac
Connover a private of Captain Armstrongs Company
Rifle Regiment

Charge—Desertion

Specification—In this—That the said
Isaac Connover deserted from Lieutenant Scotts
rendezvous at Edwardsville on or about the 3rd
day of March 1819

Signed Martin Scott

Lieut U.S. Rifle Regt.

To which charge the prisoner pleaded “Guilty.”

The Court being ordered to be cleared, The
Court upon mature deliberation confirm the
plea of the prisoner & find him guilty of
charge adduced against him, and do sentence
the prisoner Isaac Connover to forfeit all
the pay due him to this date, and all his
future pay with the exception of one dollar
per month to be appropriated to the use of
his Regiment under the direction of the
Commandant hereof for the time being
provided always that so much of his

pay now due and so much as may hereafter become due as will defray the expense of his apprehension shall in all cases be first stopped and appropriated by the proper officer to that purpose—to wear party coloured clothing in such fashion & in such quantities as the Commanding officer of the Regiment or post where he may be stationed shall direct—half of his head to be shaved monthly—his whiskey to be stopped during his period of enlistment—to be confined to the Guard house during night & to be kept employed (sic) in the most menial labor of the Camp or Post to which he may be attached.

The Court then proceeded to the trial of Edward Valley of Battalion Company (C) 6th Regiment of Infantry who being previously asked if he had any objections to the members named in the Department or' Regimental Orders and replying in the negative was arraigned on the following charge preferred against him by Captain

Livingston of the sixth Regiment of United States
Infantry—

Charges & Specifications preferred against
private Edward Valley of Battlion (sic) Company
(C) 6th Infantry.

Charge—Desertion

Specification—In this—that he the said
Edward Valley deserted from the Military
Service of the United States between the Old
Miami fort & Petite Sioux bottoms—Missouri
river on or about the morning of the 31st
July 1819.

Camp Martin
3rd Sept 1819

Jno P Livingston
Cap. U.S. Army

To which charge the prisoner pleaded
“Guilty”—The Court being ordered to be
cleared—The Court after mature deliber-
-ation confirm the plea of the prisoner
Edward Valley and find him Guilty of the
charge adduced against him and Sentence
the prisoner Edward Valley
End of G-33 (pg 22)

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The Court then proceeded to the trial of Sergeant Clute of Light Company B 6th U.S. Infantry who being previously asked if he had any objections to the members named in the Departments of other orders & replying in the negative was arraigned (sic) on the following charge preferred by Major D Ketchum of the 6th Regt. of Infy

Charge

Sergeant Clute of Light Company B 6th U.S. Infantry is charged with neglect of duty and disobedience of orders—

Specification

In this—that the said Sergeant Clute when on command under Brevet Major Daniel Ketchum of the 6th U.S. Infantry of ordered by him to hunt through the woods to a given point named by Major Ketchum in order to obtain subsistence for himself & party who was transporting the Camp Equipage of said party's to a place call Southards camp at which place Sergeant Clute was ordered to meet him—Did not comply with said order but in direct violation thereof did neglect to hunt or meet us above ordered but proceeded

direct to Camp Missouri on or about the 20th of
February 1820—on the river near Camp Missouri
Camp Missouri Feby 21 1820
Signed D Ketchum
Maj U.S. Army

To which charge the prisoner pleaded Not Guilty
Their being no evidence offered on the part
of the prosecution—The Court was ordered
to be cleared & after mature deliberation
find the prisoner Sergeant Clute Not
Guilty of the Charge exhibited against
him & do therefore acquit him.

The Court then proceeded to the trial
of Corporal Upham of Batt. Company I
6th US Infantry who being previously asked
if he had any objections to the members
named in the Department & other orders
and replying in the negative was arraigned
on the following charge preferred by
Major D. Ketchum of the 6th Regiment
of Infantry

Proceedings of a General Court Martial held at the
United States Cantonment in Pittsfield, Massachusetts by
virtue of the following order:

Adt. Generals office 1 Military Dept.
Department orders. Boston June 6th 1820

A general Court Martial will be assembled at the
Cantonment in Pittsfield in the 8 instant for the trial of
such prisoners as may be brought before it.

Brevet Major Watson 6 Infany.	President
Lieut. Fitch 6 Infy	
Lieut. Taylor 6 Infy	
Lieut. Patrick Corps of Artil	Members
Lieut. Givens 6 Infy	
Lieut. Bradley 6 Inf	Judge advocate

By command of Brig. General Porter

(Signed) R. H. Rirbek?

Ass. Adj. General

The Court met pursuant to the above order

Present

Brevet Major Watson 6 Infany.	President
Lieut. Fitch 6 Infy	
Lieut. Taylor 6 Infy	
Lieut. Patrick Corps of Artil	Members
Lieut. Givens 6 Infy	
Lieut. Bradley 6 Inf	Officiating & Judge advocate

The Court present was then duly sworn.
In consequence of the absence of Lieut. Taylor the Court
adjourned to meet on Saturday the 10th instant at 12
O'clock. JH

June 10, 1820

Present

The Court met pursuant to adjournment

Brevet Major Watson 6 Infany.	President
Lieut. Fitch 6 Infy	
Lieut. Patrick Corps of Artil	Members
Lieut. Givens 6 Infy	
Lieut. Bradley 6 Inf	Officiating & Judge advocate

In consequence of the continued absence of Lieut. Taylor,
the Court adjourned to meet on Monday the 12th instant
at 12 oclock R.M

June 12, 1820

The Court met pursuant to adjournment

Present

Brevet Major Watson 6 Infany.	President
Lieut. Fitch 6 Infy	
Lieut. Taylor 6 Infy	
Lieut. Patrick Corps of Artil	Members
Lieut. Givens 6 Infy	
Lieut. Bradley 6 Inf	Officiating Judge advocate

Lieut. Taylor having arrived and taken a seat in the
Court as a member in consequence of the following order

U S Cantonment

Pittsfield June 5 1820

Sir,

I am directed to order you to this place as member of
a General Court Martial.

Yours

B. Watson

Lieut. Taylor N York.

Major U.S. Army

The Court then proceeded in the case of Asil Newton,
a private of the sixth Infantry—refer to proceedings
marked (A) page 3.

The Court adjourned to meet tomorrow morning at 10 oclock
A.M.

June 13, 1820

The Court met pursuant to adjournment

Present

Brevet Major Watson	6 Infty	President
Lieut. Fitch	6 Infty	
Lieut. Taylor	6 Infty	Members
Lieut. Patrick	Corps Artly	
Lieut Givens	6 Infy	
Lieut. Bradley	6 Infy, officiating	Judge Advocate

The Court proceedings in the case of Noel Newton a
private of the 6th Infty—refer to proceedings marked
(A) page 4.

The Court then proceeded to the trial of Samuel Bailey a private of the Sixth Infantry, after being duly sworn in his presence, and he asked if he had any objections to the members composing the Court, and replying in the negative, was arraigned on the following charge and specification preferred against him by Lieut. Bradley. Judge advocate of the Court.

Charge "Desertion"

Specification. That the said Samuel Bailey did desert the service of the United States on the 16 day of February 1820 from the United States Cantonment Pittsfield, Mass.

To which charge and specification the prisoner Samuel Bailey pleaded "Guilty."

The Court find the prisoner Samuel Bailey, "guilty" as charged; but on considerations of the youth of the prisoner, he being a recruit of but short experience and service and not having had the rules and articles of war read to him previous to his desertion, as offered by the prisoner in extenuation of the offence.

The court duly sentence him to Solitary confinement to subsist on bread and water for forth five days, and to have so much of his pay now due or that may become due him

here after or will defray the expenses of his apprehension stopped

J Bradeley Lt. 6th Inft
Judge Advocate

B. Watson Major U.S. Army
President of the Court

The Court then proceeded to the trial of Josiah Stedson, a private of the 6 Infy, after being duly sworn in his presence, and asked if he had any objections to the members composing the Court and replying in the negative, was arraigned on the following charge and Specification preferred against him by Lieut. Bradley Judge advocate of the Court

Charge—Desertion

Specification that the said Josiah Stedson did desert the service of the United States on the 25 day of November 1819 from the United States Cantonment Pittsfield, Massachusetts. To which charge the prisoner pleaded “Guilty” but produced the following testimony in extenuation of his offence.

Private Mahon of the 6 Infy a witness on the part of the prisoners, being duly sworn answered the following interrogatories.

Question by the prisoner “Do you know of any variance

having taken place between Sergeant Perkins
myself a short time previous to my desertion, and
what was the nature of it?

answer "I saw Sergeant Perkins and the prisoner
engaged in a dispute a short time previous to the
desertion of the prisoner;--I saw Sergeant Perkins strike
him and take him to the Guard House.

Question by the Court "Did you hear Sergeant's
at the time aforementioned threaten to take the prisoners life?

Answer: I did not. I was not near enough to have
heard it.

The Court find the prisoner Josiah Stedson guilty
as charged, but in consideration of the short time he had rules
and articles of war near to how, as stated by the prisoner did the
circumstance of his offray with Sergeant Perkins. The court duly sentence
the prisoner to Solitary confinement on bread and water for two months,
and to have So much of his pay now due, or as may become due
him hereafter, or will remunerate the United States the expenses in
=cured (sic) by his apprehension stopped.

J. Bradley Lt. 6 Infy
Judge Advocate

R Huston? Major U.S. Army
President of the Court

Lieut. Barnum of the 5th Infantry appeared and took a seat as supernumery member of the Court after being duly sworn by virtue of the following order.

Adj. General's officer 2nd Military det.
Boston June 12 1820

Department orders

Lieut. Barnum of the 5th Infy will attend as a Supernumery member of the General Court Martial of which Major Watson is president now in session at the Cantonment in Pittsfield.

By command of Brg. General Porter
(Signed) Th. Jh. Kirby
Ass. Adjt. General

The Court thus organized proceeded to the trial of James Laidley a private of the 6th Infy after being duly sworn in his presence and he asked if he had any objections to the members composing the Court, and replying in the negative was arraigned on the following charge and specification preferred against him by Lieut Bradley Judge Advocate of the Court.

Charge "Desertion"

Specification. That the said James Laidly did desert the service of the United States on the 24th day of May 1820 from the U.S. Cantonment at Pittsfield, Mass
=achusetts

To which charge and Specification the prisoner pleaded "Not Guilty" Lieut. Fitch of the 6 Infty a witness in the part of the prosecution being duly sworn says: on the evening of the day stated in the charge, I received information that some men of the camp were preparing to desert—I left the Camp with some others and went a distance of between a quarter and half a mile after tattoo—after laying in wait for some time, the prisoner Laidly with three others came within my hearing, from the noise I heard from them, I supposed them to be employed in "snapping" or opening the pay of their muskets—I supposed that they were preparing to load them.—on meeting them they appeared to show some degree of resistance;--They immediately surrendered and I brought them into Camp and confined them. The prisoner and the other three had muskets with them at the same time.

Question by the Judge Advocate. "Did you not receive information in the afternoon previous to the apprehension of the prisoner, that he was one of the numbers preparing to desert that night?"

Answer "I am uncertain whether I did or not."

Question by the Court. "You spoke in your testimony of some slight degree of resistance on the part of the prisoner. State what that resistance was."

Answer "by coming near them they appeared to have their muskets at a charge or in the attitude of firing them."

Question by the Judge Advocate. "did not the prisoner at the time you apprehended him, appear to have prepared himself for desertion by having provisions and some articles of clothing more than his then wearing apparel with him?"

Answer. "I think that he had not to my recollection."
The Court adjourned till tomorrow morning at half past 2 o'clock.

June 1st 1820

The Court met pursuant to adjournment

Present

Brevet Major Watson	6 Infy	President
Lieut Fitch	6 Infy	
Lieut Taylor	6 Infy }	Members
Lieut. Patrick	Corp Artily	
Lieut. Givens	6 Infy	
Lieut. Barnum 5 th	Infy Supernumerate	
Lieut. Bradley	Officiating Judge advocate	

In consequence of the indisposition of the Judge advocate and the absence of an important witness, the Court adjourned to meet tomorrow morning at 9 O'clock.

June 15, 1820

The Court met pursuant to adjournment

Present

Brevet Major Watson	6 Infty	President	
Lieut. Taylor	6 Infty		
Lieut. Barnum	5 Infty	}	Members
Lieut. Patrick	Corps Artilry		
Lieut. Givens	6 Infty		

Lieut. Bradley, Officiating Judge advocate

In consequence of indisposition, Lieut. Fitch being unable to attend the Court, Lieut. Barnum took a seat as member

In consequence of the absence of a witness in the case of Private Laidley, whose case is now before the Court, it proceeded to the trial of Samuel Ridgeway a private of the 6 Inf. (refer to proceedings marked A. page 6)

The Court then proceeded to the trial of James

Tuttle a private of the 6 Infy (report to proceedings marked A page 6.

The Court adjourned to meet tomorrow morning at 9 O'clock

The Court met pursuant to adjournment.

Present

Brevet Major Watson	6 Infty	President
Lieut. Fitch	6 Infty	
Lieut. Taylor	6 Infty	
Lieut. Patrick	Corps Artilry	
Lieut. Givens	6 Infty	
Lieut. Barnum	5 Infty }	Members
Lieut. Bradley	6 Infty Officer	Judge advocate.

The Court then resumed the trial of private James Laidley—Samuel Smith a private of the 6th Infantry a witness for the prosecution being duly sworn answered the following interrogations.

Question by the Judge advocate. “Did not the prisoner on the evening of his desertion intimate to you his intention to desert that night?”

Answer. “He did.”

Question by the Judge advocate. Had not the prisoner provisions with him at the time of his apprehension and some articles of clothing more than his then wearing apparel?”

Answer “He had provisions with him at the time of leaving the Cantonment also his arms and some ammunition.

Question by the Judge advocate. "To what place did the prisoner contemplate going to in the event of not being apprehended"?

Answer "To Philadelphia".

Question by the Judge advocate. "At what time did the prisoner leave the Cantonment, and did he leave it with an intention of not returning to your Knowledge"?

Answer. "He left the Cantonment between ten and eleven at night and said that he was "a going to Philadelphia".

Question by the Judge advocate. "Did you hear the prisoner intimate to the use that he should make of his communication before or at the time he left the Cantonment"?

Answer his own defense, on the event of an attempt being made to apprehend him.

Question by the prisoner "At what place did you see me in the possession of the provision you spoke of in your testimony"?

Answer. "Down by the old prison".

The evidence being closed on the part of the prosecution Lieut. Fitch was again called on the part of the prisoner and answered the following interrogation.

Question by the prisoner. "Was I not laying on the ground at the time you apprehended me"?

answer. "I saw a man on the ground but did not recognize him to be the prisoner."

Corporal McIntosh a witness for the prisoner being duly sworn answered the following interrogations—

Question by the prisoner “What was my situation on the evening of which I am charged with deserting?”

Answer. “He had been drinking very freely” I asked him to sing a few songs—he had got so as not to sing well—

Question by the prisoner. “Did you not see Smith in the room at different times during the day and on the evening of which I am charged with deserting.”

Answer. “I saw Smith in the room just before tattoo, and once after”.

The evidence being closed in the case, the prisoner submitted the following defence.

“Defence”

Mr. president and gentlemen of the Court.

That I have been drinking freely the day proceeding the occurrence, and that then Corporal Smith being in the room several times that day and drinking also, he thought this the proper time to take advantage of me, accordingly in the afterword of that day he sent word to me by John Harm’s that he would be glad to see himself and me down at his house, we went accordingly and he invited us into the south prison which very much surprised us, as we were

were wholly ignorant of his business with us. he then told us it was his intention to desert that night and used all the arguments he could possibly think of to induce us to accompany him by saying I should never receive any pay for my services and that the men in the Cantonment were damned fools if they did not desert likewise: we gave him no direct answer but returned to our quarters; after retreat he came into our room again and made use of the same arguments with many others to prevail on me to accompany him as also to seduce as many of the men as I could to desert also, I gave him no satisfaction then, so he left me as I suppose thinking me not sufficiently intoxicated yet. After tattoo he came again—I was then drinking freely of some gin and he called me out of the room and told me he had every thing in readiness and asked me for my musket and took it into his had and carried it down to his house saying if he saw any prisoner he would tell them he had been getting it cleaned, he left me with these words, that if I did not come he should always think me a damned cowardly son of a bitch. I went down accordingly and was so much intoxicated I was scarcely able to walk.

==and next morning had not the faintest recollection of the transaction of the night until informed by others in confinement with me.” (Signed “Jonas Laidly”

The Court was then cleared and the proceedings read over the Judge Advocate, after which the following Sentence was pronounced.

Sentence

The court find the prisoner James Laidley after mature deliberation on the testimony adduced guilty and charged and Sentence him to Solitary confinement on bread & water for two months, and to have four fifths of his pay stopped for the same period.

J Bradly Lt &
Judge advocate

Watsen, Major U.S. Army
President of the court

The court then proceeded to the trial of Sacket Davis of the 6th Infty—refer to proceeding to trial of Philander Green of the 6 Regt refer to proceedings marked A Page 12.

The court then adjourned to meet on Monday the 19 at half past 8 oclock in the morning

June 19, 1820

The court met pursuant to adjournment.

Present

Brevet Major Watson	6 Infty	President
Lieut. Fitch	6 Infty	
Lieut. Taylor	6 Infty	
Lieut. Patrick	Corps Artilry	}Members
Lieut. Givens	6 Infty	
Lieut. Barnum	5 Infty }	
Lieut. Bradley	6 Infty	Officer Judge advocate.

The court having no further business reported
& adjourned Sine Die.

J. Bradley Lt 6 th Infty	B. Watson	Major U.S.A.
Officiating Judge Advocate	President of the Court	

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Present

Col. Chambers President

Capt Bliss		Capt. Hamilton
Capt. Martin	Members	Capt. Magee
Lieut. Scott		Lieut. Wickliffe

Lieut Kavanaugh Judge Advocate

Adjutant Staniford being again called

before the Court and interrogated says:--

Question by the Court:--Can you produce the morning report of Company H 6th Infantry signed by the accused on the 7th May last which you were required by the Court on yesterday to produce to the Court today? if not can you account for it?

Answer: The morning report of Company H 6th Infantry Signed by Captain Haile of May 7 and afterwards Signed by Lieut. Wickliffe as Commanding the Company is in possession of Major Humphreys

Question by the Court—Is the morning report carried? by you to the Court the one which led to the arrest of Captain Haile?

Answer: I believe it to be the same.

Sergeant Major Stockton of the 6th Infantry a witness for the prosecution being duly sworn says. On or about the 7th May 1820 at Cantonment Missouri Adjutant Staniford directed me to give orders to the orderly Sergeants of Camp Missouri? to have their morning reports altered at the same time telling me to State to them that it was Major Humphreys order that alteration? to be made in Captain Haile's last report was that of reporting two men absent as they had been before—that were reported dead—those two men had been reported dead.

The morning report of Company H?
to the orderly & Sergeant (Sergeant Hoskins)
and directed him to alter it—Sergeant
Hoskins refused to alter it and said?
he would carry it to the Captain—
told Sergeant Hoskins at the time to
say to Captain Haile that it was?
Major Humphreys orders—the report
was brought to me a few minutes
afterwards in the Adjutants office of
6th Infantry not altered.

Question by the Prisoner—Was my name
to the report at the time you ordered
Sergeant Haskins to alter it?

Answer: I cannot recall it tho I believe?
it was, as no morning reports were sent ?
to the Adjutants office to my
recollection ? being Signed
Sometimes there were commanding
officers to some Companies present.

Question by the Court—Do you
recollect to have seen this morning

report. Line cut off
from first to last?

Answer I do—It is the same report
sent back to Captain Haile to be altered
and Signed by Lieut. Wickliffe—

Sergeant Hoskens of Company H
6th Infty a witness for the prosecution being duly
sworn Says—On or about the 7th of May
the morning report was made out and
Fuller and Martin were reported dead
the morning report was taken to the
Adjutants office and the Sergeant Major
brought it to me and told me it was
not right and said it was orders for
it to be altered and not to report
those two men dead—I told him I could
not alter the report until I could see
the Captain—immediately after the
Captain came into his quarters and I took
the report to him and told him it
was the orders for it to be altered—that
those two men were not to be reported

dead—the Captain told me he could not alter it—I then took the report to the Adjutants Office and told the Sergt.? Major that the Captain said he would not alter the report

Question by the Prosecution—Did those? circumstances take place at Cantonment Missouri and was Major Humphreys then the Commander of Officer of the 6th Regiment.

Answer—it was at Cantonment Mi?

Question by the Prisoner—Do you or do you not recollect of saying it at? the time you brought me the morning report that it was orders the report should be altered and the men should not be report dead 'til? tomorrow.

Answer—I do not recollect whether I said so or not—

The evidence on the part of the pro

secution?

David B. Nelson a private in Company
I 6th Regt a witness for the prisoner being
duly sworn Says—

Question by the Prisoner—Do you know
any thing concerning the deaths of Fuller
and Martin two privates^{late} of Company
I? 6th Infantry? If so relate to the Court
what you know & state the time of
their decease.

Answer I believe in last April between
the mouth of the river Platte & Cow Island
the two privates named above (Fuller & Martine)
died and I helped to bury them both.

Question by the Same—Do you know when
the Detachment left Cantonment Missouri
with the sick & when they reached
Cow Island.

Answer I do not

Question by the Same—Are you possative (sic) those
men died before the detachment of sick of which
those men are a part reach Cow Island
(cut off)

Question by the same—Who commanded this detachment.

Answer—Major Ketchum.

Question by the Prosecutor—Do you or do you not know whether Fuller & Martin the men just mentioned were those reported dead on the 7 May last?

Answer—I do not know whether the report had got up here at that time or not—

Question by the Prisoner—Were there any other men having those names in my Company?

Answer—No there were not.

Question by the prosecution How do you know that there were no others persons in Captain Hailes Company of the names of Fuller & Martin

Answer—I know there were none other with the? Sick nor none other left behind? with that second when I went away

Doctor Thomas G. Mower Surgeon of the
6th Regiment of Infantry a witness for the
prisoner being duly sworn Says—

Question by the Prisoner—Please do relate to
the Court what information you gave Captain
Haile as regards the death of Fuller and
Martin of his Company?

Answer In the early part of may I rece=
=ived a letter from Doctr. Nicoll dated Fort
Osage 20th April 1820 Captain Haile came
in my quarters wither before I had opened
the letter or while I was perusing it—
I informed him at the same time of having
received a letter inclosing a list of deaths
which had occurred among the Sixth
Regiment of Infantry who descended the Missouri
under Major Ketchum.. On or about
the 25th of March last I handed
Captain Haile the list of deaths aboard
mentioned—he said he would take the
names of his Company who had died
he took up a pen & ink & I suppose
wrote them off.

Question by the Court—Did you communicate information of us like nature in relation to death, to other officers commanding companies?

Answer the like information was communicated to three commandants of Companies—at the receipt of the letter and the two other commandants of Companies of the following morning. On the same evening which I received the letter and just after I had communicated the above information to Capt. Haile—Lieut Wilcox Commng. Captain Boardmans Company and Lieut Mix then Commanding Major Ketchums came into my quarters—I wrote off the names of the men belonging to their Companies that evening imbraced (sic) in the list—It rained violently that evening and I do not recollect seeing any other Officers Commanding Companies that evening—the following morning Capt Shaler came into my quarters I think very soon after breakfast enquired what information I had

received from the invalids who had descended the river to Fort Osage—I told him I had received a list of deaths from Doctor Nicole and wrote off the names of the men of his Company & gave them to him I then wrote off the names of the men belonging to Captain Bliss Company and handed it to him in the Adjutant Office of the Rifle Regiment.

Question by the Judge Advocate—What part of the letter you received from Doctor Nicoll did you read to Capt. Haile?

Answer As well as I recollect I read to Captain Haile So much of Doctor Nicoll letter as mentions—that I sends you the list of deaths that has taken place since we left Cantonment Missouri

Question by the Prisoner—Was I present when you wrote off the names of the men dead& give to W. Wilcox & M Mix & is the list you handed me vis the hand

writing of Doctor Nicoll?

Answer—One or both of the Gentlemen came into my quarters while Capt. Haile was present whether the latter retired before the names were given to the Gentlemen I cannot possibly (sic) say but I think he did not retire—the list was in the hand writing of Doctor Nicoll

Question by the Same—Was the Mark “Private” on the letter which has been shown to this Court—those shown to me.

Answer I have no recollection of showing the indorsment (sic) or superscription on the letter to Captain Haile.

Question by the Same—Is Doctor Nicoll an officer of the army.

Answer I believe he is

Question by the same—Did the sick of the Sixth Regiment leave Cantonment Missouri under his charge

Answer I judge they did agreeable to an order published by the Commandant of the post at ?

Captain Martin is witness for the prisoner being duly sworn says—
Question by the prisoner—When did the detachment of sick under the orders of Major Ketchum arrive at Cow Island?

Answer As well as I recollect they arrived at Cow Island on the 6th or 7th of April last.

Lieut Wickliffe a witness for the prisoner being duly sworn says—

Question by the Prisoner—Please to relate to the Court what Sergeant Haskins said to me at the time he came to me to have the morning report altered?

Answer—as well as I recollect on or about the date mentioned in the Charge at Cantonment Missouri I was standing at the door of my quarters—I saw it Orderly Sergeant of Capt. Hailes Company
?

and heard him tell him that “it was
Major Humphreys order that it should
be altered—and I will not be possative (sic)
but think he added that the men
then reported dead should not be
reported so until next morning.—

Question by the Same—Have there
been any alterations in the morning
report now before the Court since
you signed it.

Answer It has bee altered since I signed it.

The Testimony on the part of the prisoner
having been heard the prisoner requested
the indulgence of the Court of four
days to prepare his final defence which
was accordingly granted

The Court adjourned until tomorrow
morning half past nine oclock

Mr. President

& Gentlemen of the Court

For the first time in my life, I appear before a Court of Justice, not a supplicant for your mercy; not to beg for pity and commiseration, for, however awkward I may appear in this new situation, I disdain to ask any thing more of you than the simple exercise of justice—and that you will measure my conduct by the rules of Right reason. I believe there are some opinions, some established customs among men which are almost universal; things on which few or none can be found to disagree. It is well to remark that wherever this sameness of opinion exists to an extent almost unlimited, the subjects of these beliefs and opinions are founded on the innatable laws of truth; they are formed in the nature and existence of Deity himself, they govern all his works, they are found to be the very laws of nature, unalterable, wholly unchangeable. When any thing transpires, when an event takes place, our minds in forming an opinion are led in the first place to apply these principles and if the result is Satisfactory, if these well established Principles may be reasonably applied, an opinion is instantly formed of the correctness of which there can be no Doubt. But among the many occurrences of life, there are times and occasions when such a state of things exist as will not admit of the application of these simple rules in the forming an opinion. Some deductions from the rules a proof of reasoning more or less complex is necessary before we can hold? true judgment on the subject.

I will now offer you my own case not as such as one as requires a tedious course of metaphysical research but of a different description—A matter to which axioms indeed self evident truth may be almost instantly applied We will strip it of unimportant circumstances and view it almost in the abstract

I believe it will be readily granted by every military man that the two essentials, indeed the only requisites of an official report are, that it should embrace the prescribed form and that it should be in itself true: That it should not exhibit as facts things which do not exist neither should it seek?

On a first? view of the subject now before the Court, I ?

you are not a little surprised that I am arraigned for having made, a ?
and having refused to alter a report, the truth of which has not been questioned?
neither has it been found in the least incorrect as regards its form. I will say?
farther. I will say that this report was absolutely true; that it could not be?
questioned either in form or fact and in doing this I am fully warranted
the testimony on the records of this court. My accuser requires me to alter the
report. O refuse the truth does not suit his purpose or his fancy; he requires
to subscribe to an instrument which is in itself untrue; to contradict one which
Knows I believe true. Astonished and vexed past expression, I replied with as
little passion as was possible and with all the coolness of which I was then ?
ter that I should not report dead men alive on any ones order. In the
case, Gentlemen at whose conduct are you surprised, at whose are you most Aston=
ished. I should be sorry, I should be mortified indeed if mine should excite ?
least surprise. I cannot but hope you would think one incapable of acting other ?
than I did. Of then, my conduct was such as should have been expected
are under the circumstances I believe you must marvel at the court of my ac=
cuser To soon as this astonishment ceases, the mind will very naturally engra?
what envious purpose he had in view. Where would falsehood do better than tra?
what design would the former better subserve—why is truth cast off by this
side and her mortal enemy called to her place called to her place It is not for the emp?
the motives of my accuser & may be they were very good, but I cannot help
pressing my surprise that he should have ever attempted to make contribute
a design, which, to say the least, would involve me in willful falsehood.—

It is perhaps time to notice the subject before the
Court is either circumstances having a hearing upon it. I know of no be?
made of accomplishing this purpose than by laying before you a short history
of the transactions which preceeded and led to my arrest. In relating these
affairs, the most material circumstances, it will be proper for me to say are al
ready on the records of the Court, but they are not in that connected form which
enables the mind fully to comprehend them at one view. On the 25th of March
last a party of sick under the orders of Major Ketchum left Cantonment
Missouri, for Fort Osage. Many of the men were in a precarious state of
health, they were sick of a disorder which had raged with extreme violence
for some time previous to their departure. Such was their situation that the
deaths might be expected. It will be found by referring to the testimony of

? that two men of my company (Martin and Fuller) died before the Detachment reached Cow Island, and that he helped to bury them. Capt Foster says the Detachment reached Cow Island as early as the 6th or 7th of April. Early in May, Doctor Mower received a letter from Doctor Nichol in whose charge the sick then were. This letter enclosed a list of patients who had died since the party left the Regiment. The letter was most ? to me , and it specially mentions and refers to the list which it enclosed. That list contained the names of two of the men of my company (Martin & Fuller) and gives the dates of their decease. I, to be sure, did not look to see the signature of Doctor Nicoll to this letter, nor did I view it in any part. I believe I did not betray an impertinent curiosity on the occasion. I perhaps ached? as most gentlemen would. I gave credit to what the Doctor read me without looking over his shoulder to see that he read rightly. I believed him at his word when he told me the letter was from Doctor Nicoll. I saw the list was in the hand writing of Doctor Nicoll. After staying an hour, perhaps more, with the Doctor, I went to my Company, gave the clerk what I had taken from the list, with directions to make the entries of the death of these two men in the Company book. The next morning the daily report required of Commandants of Companies was brought to me. It stated that two men were dead, and their names were written on the back of the Report. I sined it. A while after, the orderly Sergeant returned with the Report and said it was "Major Humphreys' order to alter the Report—the men reported dead should not be report so 'till tomorrow morning." I told the Sergeant I would not alter it or perhaps as he testifies, said I could not Directly after I was approached to the adjutant in a manner not altogether pleasant to me, with "Sir, your Sergeant says you refuse to alter your report I replied with a little warmth "Yes, I shall not report dead men alive on the order of any one." A few minutes after this I was arrested. Thus far, Gentlemen, I have, I believe, stated the history of the case No material circumstances now within my recollection has been omitted. I may now be expected of me to speak of the testimony in support of the Charge and Specification, but, I must here? observe, that the almost total failure of the prosecution to support his statement in the specification, has rendered it useless for me to speak of any other testimony

than that which feebly essays to prop the trembling fabric The person ?
templated as communicating the order in the Specification is particularly ?
and his function defined with some precision—The person who is supposed
have communicated the order (to use the language of the Specification, is
Adjutant Staniford, Adjutant of the Regiment to which the said Captain
Haile belongs By referring to the testimony it will be seen that witness
Adjutant put the order in the way of reaching me. He told one man to
another man to tell me such an order was in existence. This was all he did
and is, in truth? all he knows about it. When asked in the simple language
of a child, language which a child could not mistake, “Did you say a word
or write a word to the prisoner, directing an alteration in his report he is ?
ged to give a negative answer. What was the Answer of this witness a moment?
previous. He was asked in the broad language of the Specification if he?
communicated the He conceives he did I purposely put this question in
language of the Specification, or nearly so It went to fix the fabric form on
base, or prepare its fall. The Kind witness stretches out his hand to support
tumbling walls. He conceives he did communicate the order I have already
shown what was his answer on the subject of communicating the
order. “He conceives he did.” This is really concerning at “Arms length” Would
it be esteemed a greater wonder—would it be supported more out of the
usual course of Nature if a lady should conceive at the sight of a pants?
or breeches. Strange and uncommon as there conceptions are they have parallel
the case of an unmarried lady’s conceiving by barely sleeping with her sister
who but a short time previous had known her husband. But nature seldoms
play. She is unwell to make merriment for the gay world at the ex—
--pense of perplexing the Philosopher. She esteems him as her best fund as
hardly ever a found in a humour to break with him. she well knows
that her little slips of this Kind always puzzle him, it is impossible
for him to account for them It is difficult for they never occur in public
we never expect them to happen openly and if such things should, to the view.

view of any on "Seem to be" we must believe him in error. I such a thing occurs to a witness in open court it is charitable to suppose the whole affair a mistake.

If the witness who conceived he had communication, we may call it a miss=
=take. I hardly feel willing that it should be called a conception in the order of nature and he maintained at my expense Of this witness has conceived when he ought not to have conceived, if he has been a little loose in point of Chastity, I beg the Court may look well to the offspring, its legitimacy may be of some importance on the present occasion Of the form of Communicating under=
fined by the witness be correct. I know not who will be safe—it will jeap=
-ardize every one An Adjutant communicated an order to C, when he has told A. to tell B to tell C and C is accountable for the immediate and prompt execution of this order; this is strange indeed. What a state of things is this. No man is safe from arrests and if this course is legal and proper few will be free from the pains of Condemnation—Or this state of things an order from the Commanding officer may be given out This thrown down like a foot=ball, for a while it is urged to and fro, 'till at length some gooly fellow some bandy legged drummer perhaps kicks it to the goal.

In the case before you, the order left the lips of my accuser in fall and around periods, and of Considerable dimensions, and moreover it contained some reason =ing on the measure he was about to require me to adopt as may be seen by a reference to his testimony. How does this order finally reach me The Parable of the Prodigal Son is familiar to every person: Was the fate of this order unlike his to personify the order, he left his fathers house in good apparel, his pockets well stored with Gold, he was robbed by the way—he reached me in rags and What was worse he was insane—he spoke a language not to be understood.

It would see that this one trial of the Channel even in my case ought to condemn it as a very unsafe mode of Conveyance. I doubt whether an order from a Major General to a private Soldier given in the prescriber was pas=
--er through more hands than did this from a Major to a Captain. How much too did the order suffer; it had like to have died by the way, for it would appear by the Testimony of Sergeant Haskins, that the Sergeant Major fell upon him and ordered him to alter the Report. If this had been done

we may well suppose the order would have here rested, without having reached me at all. But no, it seems the Sergeant had too great a sense of propriety to alter my report without first consulting me.—

Gentlemen, I once knew a way of Communicating verbal orders, to be sure it may be an old fashioned way, but I thought it a very good one. He was for the Adjutant (and he was esteemed (sic) a very correct young man to voluntarily apologize to an officer for having unavoidably pusuade (sic) a different course. Indeed I may have been mistaken but I thought if the peculiar business of the Adjutant when charged with a verbal order to an officer declare that order in person—He made use of his own legs on the occasion not of a Sergeant's or a Drummers' But now alas! how is the scene chang=
=ed It certainly is given up for an uncertainty. The Commanding officer endeavoring to fix the principle: an order of the 13th April best shows who is intended. I will read our extract—“In receiving the proceedings of the Regim=
=tal Court Martial in the Case of Sergeant French, the Commandant is much perplexed in his attempt to discover the grounds upon which the acqui=
=tal of the accepted is predicated; the Court not having deigned explanation the subject, but one reason (and that seemingly insufficient presents itself support of the decision, viz—That the order of the Sergeant Major commu=
=nicated by the orderly drummer was not legal or binding upon the prisoner—such an opinion appears unjust in its present hearing and dangerous in its general tendency, and the plea of it on evident inconsistency on the part of the accused. It must be well known by most of the officers, that the practice of making the orderly drummer or fifer the organ of Communication be=
=tween the Sergeant Major and the orderly Sergeants of Companies, is of long standing in the Regiment and orders for special details particularly, have almost uniformly been given through one of these channels; the accused him self has often and generally conformed to this practice and has never it would appear deemed it exceptionable, until a non-compliance with it was charged in matters of duty are disrespectable and injurious and should not be encouraged The decision of the Court in the case of Sergeant French is disapproved—The Sergeant will return to duty”—

By this order it will be seen that a Sergeant Major (in the opinion of the Commanding officer of the Regiment) communicates an order to a Sergeant, when in fact a drummer does it, and he censures a Court for being of an opinion contrary to his own. Here in the Case of Sergeant French, a Sergeant Major could not march a few steps to deliver his order in person, but he must be indulged with an orderly for these purposes. A Sergt Major have an orderly! here is a new thing under the Sun. As it respects the long standing of the practice in the orders I know not how it is, but I have not until lately noticed the Drummer as the organ of Communication between the Sergeant Major and the orderly Sergeants, in any other way than in the prescribed way, that is by beating a call on his drum It seems that this principle is now to be applied to my Case, or why are my Charges drawn as in their present form, why did they not say I refused to obey an order which was communicated to one by Sergt. Hoskins, orderly Sergt of the Company to which the said Capt. Haile belongs. Perhaps this would not have looked quite as well on papers; but it would have been much nearer the truth. all events Sergeant Hoskins said something to me about an order to alter my report, but it bore a contradiction on the face of it. It went to say the account of the death of these men is believed, you may upon this very information report your men dead tomorrow, but, you must not do it to day notwithstanding. It was as much as saying pray tell a lie to day. Captain and I will indulge you in expecting the truth to-morrow.

The Adjutant has told you in his testimony what kind of an order he conceived he had delivered to me. The contradiction of reporting my men dead tomorrow it seems had not then hauled into order. This ugly little deformity was conceived by some one on the way. Some one else had bee playing the rogue with his chastity and the unlucky child was born in my presence.

How the prosecutor will extricate himself from all these things. I who the Witness gave me as order & one kind or conceives he did and another witness gave me another order of one kind or Conceives he did and another witness gave the Charge is giving the order, but at length he has to allow in the very face of the Charge, that he did not say or write a word to me, but told a man to tell the latter witness to tell, not what the witness told me exactly but something else, and my prosecution comes into Court and asks you to convict me of a Capital offence on the grounds. When shall we have done with wonders. no gentleman you

must hear with a little impatience. Will he contend in pursuant the rule he has attempted to impose on the Service that Adjutant Staniford Adjutant of the Regiment to which I belong communicated the order to me. when it turns out in evidence that the very thing which finally reached me was an order or something else which neither of them will own a little monster which neither of this will father or even continece. Gentlemen, I believe the doctrine good that a verbal order should pass through as few hands as is possible it is always liable to accidents and it is always desirable that the order should reach the officer for whom it is intended as nearly as may be in the very words it was uttered. But allow the principle, that any body indeed every body drummer and all may be used, and notwithstanding the blunders and mistakes an officer may be arraigned and tried on the matter of the order, not as it reaches him? but as it stood in the head of some person, when it had not half way reached him and you destroy me you destroy every one Notwithstanding all guessing, con? niving, fancying, etc. I must contend that an officer is bound to obey and be governed? by the order, as it reaches him not as it leaves the commanding officer; that when a? uncertain mode of Conveyance is used, (which should be as seldom as possible) a Certain Solitude may be justly expected; indeed it might be well for the Com= manding officer to enquire of the one who seems not to obey it if it reached him at all, or if it got any wise changed on the way. All this might be expected before he proceeded to extremities. But, notwithstanding, the contradictions and absurdities involved by the way and manner of Communicating the orders, to? the misfortune that repel the order intended for me, the unlucky mistake made in forming the charges, or rather in naming the person who delivered the order. I have merely noticed the things not in particular to avail myself of them but to show you the situation in which I was placed, and my only objection to admitting that the order was communicated by Adjutant Staniford, is, that it would go to admit what was untrue. If he had done so, I have still very good reasons to urge why it would not have been obeyed, and this brings me to speak of the thing the original order required, and in doing this, I ? perhaps to say, a few words of the report now before you, as it is the identical report which the order have me utter. This paper, Gentleman purports to be my morning Report of the Company under my Command. I know not in what light you may view it. It has been so mangled and changed so marred and blotted that it

it may be difficult to say what it was originally and of Course unless you can tell what it was by some marks now on it. I have it not further in my power to show you what was my original report except as it is casually spoken of by that witness and the statements it contained incidentally mentioned.

I am indebted to some person, I do not at present know, for these alterations. I know not what design was in view, but this much I will say, I know of no good one that requires the Commission of a crime of so deep a dye for its honest accomplishment. But as the thing is without present remedy it would be useless at this time to pursue it farther. I can not, however, dismiss it without saying in justice to my own feelings and in justice to my prosecutor, although this paper was handed to the Court by him. I can not bring myself to believe he had any agency in this affair. I can not believe he could descend so low, no, gentlemen, so far as regards myself so far as my belief may go, I think him incapable of such an act and I must in Conscience acquit him.

This report, in its original state contained a numerical statement of the men of my Company as far as their situations came within the limits of my knowledge and belief.—This report like all other Company reports was made for the information of the Commanding officer of the Regiment I believe this is the original and only purpose of reports. It was made on a prescribed and printed form at contained information under every head where there was any information to impart it told the commanding officer how many men I had for duty, how many were sick, etc. etc. It told him two men were dead (Martin and Fuller) These men, to be sure, had been dead a month, but I had not before learnt it. I was careful to give him this information in the very first report I made after receiving it. But, alas! he thought I was mistaken. I had entirely misunderstood the object of a report. It was not for me to inform him of the State of my Company, it would seem. If I was not to do so, where the use of making a report at all why desire a report? but no. I must make a report but in a matter of fact not of form. I am to be governed by his belief, not my own and this report my own report too; and moreover given to him for his information. It is impossible for me to clear this affair of a perplexing absurdity. I will therefore have it to the ingenuity of the prosecutor and proceed to consider the subject in another light. Perhaps there is a view of the thing which has escaped the light of my accuser. Once admit that the Commanding officer has the right to control my report as regards a matter

a matter of fact; that I shall be compelled to report upon my word such things for facts as he pleases and not as I believe. Does it not do away all responsibility on my part My report is not to be made according to my belief. Knowledge or opinion, but according to his. The report, therefore, which I am to make to him as Captain of the Company under my command is not to contain what I may know and believe; but, what he may know and believe. Admit this principle and you at one blow destroy all accountability. I am a mere tool on his hands. It is not my report, but his report. Does he not in this way most seriously impair himself. Should his report as commanding officer of the Regiment be impeached, would he not at once take shelter behind the reports of his Captain as so many shields. Is he not very careful for this very purpose too, to make his report agree with theirs So that if his report is questioned would he not say “if my report is untrue, some Captain has deceived in his. I report upon his faith and knowledge of his Company. It’s impossible I should know from personal observation the situation of every man in my regiment A Captain may of his Company—he is bound to make true reports, if he deceives me he causes the error, not me, my reports are made from his. Would not any Court admit this as good and secure defence. (sic) But let him Control (sic) his Captains reports, let them all ? truth he his reports, perhaps containing statements in which the Captains do not believe, does he not destroy this defence. (sic) The Captains are mere shadows regards reports, he is accountable alone.

It would certainly be a novelty if an officer be called on to report his knowledge and belief on any subject and he should sit down and write the knowledge and belief of another man perhaps contrary to his own; who would not laugh at him would he not appear ridiculous. To what does this principle for which my accuser contends, amount, why to this; that I must write down his opinions, and then by subscribing to the paper, adopt them as my own, even if they are entirely opposite to my own.

An established rule of Service requires each day a report of the state of every Company. In compliance with this rule of Service I made the report now before you. It contained such information as I possessed regarding my Company; or at least it contained my opinion, belief and knowledge of, the state of the Company under Command. It was my report not another mans. It seems this report did not contain the opinion of my accuser He orders me to adopt his opinion and then say

it to go as my own by my name being to the paper. What! my report contains another man's opinions contrary to my own, and then I declare under my hand (in defence of truth to be sure) that these opinions are my own. Pray, Gentleman, whatever shall we expect next. This is but a Solitary instance under this principle, it is but the out? it has just commenced its operations. If the Principle expoused? by the prosecution is correct in that instance it will be so in a thousand? To mention one: Suppose my accuser and myself to have seen the same object we may honestly differ in opinion concerning some of its prospects, its colour declare my opinion of it; compel me to say under my hand and seat and is black, although I may have already told him I entertain a different? In pursuance of the principle, he may direct me to declare black white, black—a Lamb a lion—an Elephant a Mouse If the principle is correct and military; if it is legal for him to compel me to do violence to my understanding; to utter or in any way publish as my own opinions in which I wholly disbelieve; if he may lawfully make me say such and such things are so, when I think quite the Contrary. I can have no just cause to complain. He acts upon a principle correct in itself his orders must, therefore, be lawful; my mouth is closed to all remonstrance. I would be absurd indeed for me to Complain of a lawful order, growing out of a correct principle.

For the sake of argument we will admit that the portion for which the prosecutor contends with so much earnestness is entirely and absolutely correct it follows of Course that a man is responsible not only for his own acts and opinions, but for those of his neighbours too. If this seems too absurd such is the nature of the principle, we have but a single alternative left, that is, there is no responsibility (sic) at all in the case. If I am not responsible for a report containing another mans opinion, the question will arise where is the use of my signature to the report. I can be of no use at all in the transaction A mere cipher, nothing of my own to offer, why not let some other person do the whole business; why take so much unnecessary trouble; why not place some labour saving machinery in the Adjutants office; some mechanical cons= tinance which will furnish the requisite number of reports, fit and prepare in every way for their destined purpose. Certainly we have here no use for

Captains, and if this may not be trusted in reports you would scarcely think in any other Situation where there was the least responsibility (sic). The greatest expense of introducing the rule or principle into the army will be that of Destroying the responsibility of half the officers in it. Whether its use will meet the price is doubtful We may ask the questions, will this state of things promote the good of the Service. Will it not be like preferring brass to Gold—would the interests of a Bank be equally advanced by receiving bars of lead instead of bars of Silver.

We will view this principle in its operations in another respect. I presume an officer can not be found, who does not possess some pride of understanding & who does not feel a little intellectual independence. It is one of the properties the principle contended for to destroy all this. The officer may be mortified extremely yet if the position is correct, the order lawful, he must bear the further of his woes in silent sorrow—he has no legal remedy. How unpleasant for a gentleman of the least pretensions to understanding or even intellectual competing to adopt by Compulsion, the opinions of another, and then be further compelled by his own he is? to declare them to be his own, no matter how repugnant to his knowledge.

I believe the constitution and laws of our Country are at war with this principle. I believe they make a man responsible for publishing his opinions when they produce an evil; but I think they do not allow one man to form his opinion upon another they rather leave him to think for himself, always cautioning in as much as they allow him this liberty he must not infringe upon that of another. I believe this same principle which is now the subjects of controversy (sic) was complained of by the Congress of “Seventy Six” It existed a thousand years ago and strange and as intolerable as it appears A? exercise has been frequently attempted. Its establishment has been frequently accomplished. If we turn back to the block and bigoted scenes of the fifteenth and sixteenth centuries we shall see this principle in the “full-tide” of experiment. Europe enslaved and bound in the fetters of Superstition for the supremacy of the Papal Throne. Infuriated Monks and priests with the Crucifix in one hand, and the sword in the other led armies to the slaughter of those who could not change on honest belief at the word of Command. The soil of Germany, of France, and of Italy was fathered

with the blood of unbelievers. The bones of thousands were to be found bleaching on the fields of their Country; and he who enquired, might learn that they once belonged to the witches who, when called on to express their sentiments, dared to express, not the opinions of another man, but presumed to tell their own. Hands imbraced (sic) in the blood of a neighbor were lifted up on fervent prayer to Heaven; the reeking entrails of an honest protestant were laid on the alter as an acceptable offering to a merciful God. The axe, the gibbet and the fiery furnaces of the inquisition were hourly terminating the lives of those who refused to seal the record of their own shame, but subscribing to articles which they believed untrue. Whenever an individual was found suspected of entertaining an opinion of his own he was murdered in the streets or dragged before a merciless tribunal, and required to give the lie to the dictates of his own reason—he must do this, or yield to the one? and only alternative: the executioner stood by his side ready to perform his office, burning with impatience to off the head of a dissenter to the Mammon of Superstition. Happily for mankind the mild reign of reason has succeeded to anarchy of bigoted zeal, and calmed the boisterous passions raised by intemperate fanaticism. The temples of justice have been raised on the ruins of the prisons which once incarcerated the bodies of thousands for the hopeless purpose of fettering the human mind. The once powerful representative and succession of St. Peter cannot now “lord it over the minds of men rejecting all controul (sic). The mind of man at least is free. He may alter his opinions, and is accountable only when they produce mischief. He may not now be treated as a malefaction for uttering the truth on rejecting falsehood. He is now accountable only for his own opinions. Armies are not now kept in pay to make him by force adopt another man’s opinion, and call it his own. The principle has now lost its most powerful advocates, bigoted priests at the head of zealous but ignorant multitudes. Few are now to be found, who have the hardihood to suppose they may compel another man to expouse their belief and then call it an act of his own. No, the thing is too odious it can not be submitted to. It will not do in a Country where a vestige of freedom remains. Turn it as you please, ask a man to accept of your articles of

faith endeavour (sic) to force him to call them his own, and you elicit a spark from the most unfeeling mind. Disguise the principle as you will, dress the ugly master in robes of silk; load him with the diamonds of Goleonda array him in all the sparkling gems of India, he is unwelcome still. Like the back of the ill shaped Dromedary, like the shoulders of old King Richard it carries with it the burthen of its own deformity.

I will now spread before this principle and the principle opposed to it. The first supposes the legality of compelling a man to adopt opinions, even in direct opposition to his own, and then by a sudden turn of Singular honesty call on other mans belief his belief and become accountable for the truth of a thing which he disbelieves. The latter and opposite principle, supposes a man a free agent in signing an instrument containing his belief and knowledge. It makes him and him only accountable in the fullest extent for the truth and correcting of the instrument in as much as the making it and signing it was an act of his own free will and accord.—

On making the report now before the court, I was influenced by my own belief and knowledge alone. I was accordingly accountable for it in every respect; but can my conduct be justly impeached without first impeaching the report? If I should say to my commanding officer what more will you have of a report, then that it should be correct in form, and in every respect true. He might pause a considerable time before he could think of any thing else he ought to require. Should he at length say but Sir, I want it to please me, would it be ingenuous, would it be correct in me to say, Sir, O did not know how I could better please you, then by making you a report in the prescribed form, and true in every respect. But he is still displeased, must I then demean myself to please him; must I declare a thing which I believe untrue to please him. Indeed this is a heavy tax. I can not better dispare of the question than by asking each of my judges to place them selves for a moment in the situation. Would either of you, Gentlemen, utter what you believed a falsehood to please any man. Would you contradict what you believed to be the truth to please him. Would you do it to prevent death itself. Could you submit to the servitude? no, the man who attempted it would meet with disappointment, perhaps something more. I will now leave this most unpleasant subject and hurry to the Consideration of the chief?

complaint of my Prosecutor.

He thought me too Creditous, or to use his own words “in making my report I acted on improper information” or presumed to use information intended solely for the medical department. Doctor Mower, it seems, on parting with Doctor Nicoll, had required him to give the earliest possible information of the patients placed in his charge. Doctor Nicolls letter of the 20th of April contained the information required, it stated the situation of the sick, noticed the progress of disease, and enclosed a list of patients who had died and among all these things, and in the same letter, he had written some private opinions, he had blended with other subjects, things which he intended only for Doctor Mower and some of his friends. The whole letter would not become public of course. But, nevertheless, it might and actually did contain some useful public information. This letter and its list, served to Corriner (sic) Doctor Mower that several of his patients were dead, of which he gives proof in his testimony. The Doctor gave me this same information; why should it not convince me? He read me most, if not all of the letter, and gave me the list it specially mentioned and enclosed. Can any reasonable man suppose me to doubt the death of the two men of my Company. Every thing was done in good faith. I was not disposed to quibble on the subject. It was my misfortune to believe this information even if it was originally intended for the medical department I cam honestly and openly by it. It was a free gift from the Medical Department to me. The Doctor, I believe, why should I not believe, An almanac calculated for the meridian of Washington City. I think would do very well for the inhabitants of Georgetown and Alexandria, at best I think they would be but little danger of error in their using it. If the doctor who had so after wrestled with death, who had watched him in all his approaches, sought him in all his disguises, and even snatched prey from his jaws, if he acknowledged himself overcome, and proclaimed the victory of his greatest adversary, was it not time for me (alas! I am no Doctor) was it not time for me to believe? Yes, when the doctor pronounces a man dead, I have been in the invariable habit of believing, and never, in all my life was I deceived. What object could have been in view, when it was pretended as attempted to put this letter of Doctor Nicoll in doubt, I am at a loss to imagine. I will ? ask now

to look to the Countenance and appearance it wears. No attempt was in Court to impeach this testimony: no, its truth was not doubted, but the prescription of the letter marked "Private" was apparently sought with some eagerness and shown with no little ostentation to the Court. Indeed it was handed round to every member. I presume, Gentlemen, all this did not operate to make you think a single word of the letter was untrue. I will not think you could be deceived by this: in fact, no one has pretended to doubt the truth of this letter. I presume the prosecutor never did, but he has either a peculiar dislike, or an uncommon fancy to the word private on the back of it.

To every unbiased person this letter and its enclosure, I have no doubt offer good and sufficient evidence of facts. I can not but wish, Gentlemen, I might always have as good information to act upon. I need not then fear being deceived. When I receive information, I look to the standing and character of the person who gives it, not to a mark on the cover of his letter. I care not whether he says public or private. If I regard him as a man of veracity I have no disposition to trifle with unimportant circumstances. I would think myself in ill business to question the truth of Doctor Nicoll even in the most private communication, and when my accuser thinks I may not safely act upon the information of any gentleman of the army it will be both mind & proper ? in him to point out an instance of that gentleman's disregard to truth, and caution me accordingly.

I believe, Gentlemen, both doctor Nicoll are personally known to you all I believe each of you would place implicit confidence in what they should say. I believe the prosecutor would likewise, pray then, Gentlemen, how is it that he can turn to me and say, Sir, you have done wrong in believing them, you have "acted on improper information. Why do I appear as a Criminal before you. Is it not for believing them steadfastly too. Have what they told me proved untrue; no, it has been confirmed. Have I in any respect deceived my Commanding Officer. No. I gave him the earliest information. I told him the truth before he was ready to receive it as the matter seems.

There is a regulation of the war Department which points out the duty.

duties of the Surgeon or Commanding Officer on the event of the death of any one of the party in the charge. This regulation goes to show that the information is to go to the Commanding Officer of the Company, not of the Regiment. It presumes the ability of the company officer to inform the Commanding officer of the Regiment. It further shows that such evidence on the Surgeon gives, may be received. If in my instance the information was not given directly to me, but it is given me either by accident or design, why may I not give it credit. I have not introduced this regulation because it might particularly affect any opinion in my case, but have noticed it merely to show that it might have been applied. Indeed I am not certain whether it was received at this post previous to my arrest. Nearly twenty days after my arrest an order was issued requiring the same men to be reported dead whose names are on that list. I will read a part of the order, as taken from the orderly book.

Cantonment Missouri, March 24th 1820

The commanding officer has received from Fort Osage, official advices of the deaths of the men below named, who left here for Fort Osage (sic) with Major Ketchum, viz—

No...Names.....Rank....Date.....No...Names.....Rank...Date.....

Company A		Pvts.			
1.	Stephen Roberts	“	39 th March 1820	2.	Roskennetts Martin Pvt. 31 st March 1820
2.	Phebius Roberts	“	1 st April 1820		I
Company B				1.	Lewis M. Elant Pvt. 29 th March 1820
1.	Henry Fox	“	3 rd April 1820	2.	Patrick Meloan “ 31 st March 1820
2.	John Haynes	“	25 th April 1820	3.	Henry MGross “ 1 st April 1820
3.	Josiah Loomis	“	31 st March 1820	4.	Peter Perris “ 13 th April 1820
4.	Mich ^l Marra	“	4 th April 1820	5.	Leonar Survant “ 7 th April 1820
5.	Roby Marston	“	11 th April 1820		C
6.	Peter MHugh	“	1 st April 1820	1.	James Thompson “ 31 st March 1820
7.	John Shayse	“	6 th April 1820	2.	Ira Butler “ 30 th March 1820
Company H				3.	William Cox “ 11 th April 1820
1.	John Fuller	“	5 th April 1820	4.	Charles Dobson “ 24 th March 1820
				5.	Edward Slater “ 28 th March 1820

I know that this order received in the light we usually view orders would have a tendency to throw my case a little in the back ground in public opinion, but view it as a new and an unexpected order and it has not that affect. The order in itself supposes that some improper and strange ideas had existed among the officer touching reports or why is it then necessary after informing them their men are dead to say anything more—why ~~go on and say~~ to tell them to report men as dead men and govern themselves accordingly.

Certainly the officers must have had some very curious notions on the head of reports or why is the caution? given. But I will not waste too much time. I have now, Gentlemen, given you a full history of my case as well treated? at large some of the principles which it involves.

The testimony before you may have served to convince you that my original report was in itself I have shown you in many of its asserations the odious tendency of the principles which supposes it lawful to compel a man to do violence to his understanding, so seal the record of his own shame by subscribing to an instrument in which he does not believe.—The way and manner of communicating orders contemplated in the Specification has been noticed.

I have shown you the extraordinary conception of a witness who immigines (sic) an order was communicated when all he kew (sic) of it, was, that it had taken one step towards reaching its destination, as the way and manner of communicating orders is of deep interest both to the service and individuals. I cannot but hope that the subject will meet with all the consideration its importance demands

May we put the question—why is it necessary to have a report altered are obvious answer would be, that there was some error in it, if none then would? make it erroneous, would make it false. If my report cannot be impeached, if I have not in any respect, if in the whole transactions I acted on evidence which my prosecutor never pretended or rather never actually did doubt, why amid her? Is because I have disobeyed a lawful order. Indeed I cannot think so. How shall we test the legality of an order I know of no better way than this. If the order requires a lawful action it then is unquestionably a lawful order. If on the contrary it requires an unlawful action, the making of a false report for instance, or if it goes to violate any right secured by the constitution and laws of the Country, or any right founded on common law that is common sense and right reason we are bound to pronounce the order unlawful.

order unlawful. The question again occurs, why am I here?
why have I been deprived of my sword & for nearly tow
months held up to the view of the world as a criminal?

Are these feelings unfriendly to me in existence? Are
they to be gratified at my expence? All these questions
very naturally press themselves upon me.

It has been a subject of complaint from the Prosecutor
that I have while before you betrayed an acrimony, an
improper warmth, if so, no one is more ready to confess
the fault than myself. Arraigned as I can for de=
claring the truth and adhering to it. I hope it may be
thought I have made some efforts to suppress feelings, then
of warmth too. If my prosecution but knew the ?
it has cost me, the care I have taken to suppress passion
he would have more cause to wonder then to complain.

Had I been arraigned for performing the very act
which the order required and made a report I believe untrue
I should then have held down my head in silent shame.

But as my case now stands I have not seen or
heard any thing which would go to deprive
one of a conviction. I then have? and still have that
the very conduct on which I am arraigned
was such as the occasion required.

Signed W. F. Haile
 Capt. 6 Inf

The court being ordered to be cleared
& the whole of the proceedings read
over to the Court by the Judge Advocate.

The Court after mature deliberation
on the testimony adduced find the prisoner
Captain William F. Haile of the Sixth
Regiment of United States Infantry, did
refuse to alter his morning report after
having received an order through the
Sergeant Major and his orderly Sergeant—
but attach no criminality thereto as they
deem the order to have been illegal.

The Court find the prisoner Captain
William F. Haile of the Sixth Regiment
of United States Infantry Not Guilty of
Charge adduced against him & do
therefore honorably acquit him.

The Court then adjourned until tomorrow morning 10 oclock

Th. W. Kavanaugh
Lt. R Ad Judge Advocate

T. Chambers Colonel &
President

RG 153 ENTRY 15 S 23 1820

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On the 19th inst at 10 o'clock a.m. in
obedience to a Department Order of the 17th
instant By order

Signed T. Stanford
Adgt 6th Infty
Camp Council Bluffs
18th June 1820

Regimental Orders
Captains Martin and Magee and
Lt. Scott are detailed as members of a General
Court Martial of which Colonel T. Chambers
is President to convene at this Camp on
the 19th inst in obedience to a Department
order of the 17th inst.

By order
Signed Capt. Pentland
Adj RR

June 19 1820

The Court met agreeable to the above orders
Present

Colonel Chambers President

Captain Bliss		Captain Hamilton
Captain Martin	Members	Captain Magee
Lieutenant Scott		Lieut Wickliffe

Lieut. Kavanaugh Judge Advocate

The Court then adjourned from
day to day until the 28th June 1820
(being engaged in the trial of other
prisoners when the following order
was issued & with ?

named in the charge at Cantonment Missouri the prisoner told Corporal Elkins that he was a liar and got up and pushed him over a bench

Question by the Court—Did or did not Corporal Elkins order the prisoner to get clean water to Cook with.

Answer No—

Question by the Judge Advocate—Did Corporal Elkins give the prisoner any order at the time you speak of

Answer No

Question by the Court—What lead to the cause of the prisoner calling the Corporal a liar?

Answer—The Corporal said the water was not clean enough to wash the dishes with, and the prisoner told him he was a liar Lieut. Wickliffe a witness for the prosecution being duly sworn says—

Question by the Judge Advocate

Did Corporal Elkins have charge of the room to which the prisoner was a cook on or about the time named in the charge at Cantonment Missouri

Answer—It was the orderly Sergeants room but at the time the transaction took place the orderly Sergeant was not in—the Corporal was the Senior non-Commissioned officer present and

belonged to the room at the transact.

The Court being ordered to be cleared and after mature deliberation on the testimony ordered find the prisoner William Kitchen of Battalion Company H 6th Infantry—Guilty of insolent and abusive language to Corporal Elkins—but not Guilty of striking him—and do Sentence the prisoner private William Kitchen of Battalion Company (H) 6th Regiment of Infantry to undergo a stoppage of one months pay, and two months whiskey rations to be appropriated to the use of the Company to which he belongs—

The Court then proceeded to the trial of private James E. Wilson of Battalion Company H 6th Infy who being previously asked if he had any objections to the members named in the Department and other orders and replying in the negative was arraigned on the following charge preferred against him by Lieut. Durand 6th Infy

Private James E. Wilson of Battalion Company H 6th Infantry is charged with being drunk while a Sentinel on post at Camp Council Bluffs on or about the night of the 4th of

July 1820-- Signed Chas? F. L. Durand
Camp Council Bluff Lt. 6th Infty

July 5 1820

To which charge the prisoner plead Not Guilty
Corporal Moor a witness for the prosecution
being duly sworn says

Question by the Judge Advocate

Was the prisoner Wilson drunk while
a Sentinel on post at Camp Council
Bluffs on or about the night of the 4th
of July 1820?—

Answer—Yes—

Question by the Court—Was the prisoner
drunk or sober when he mounted Guard?

Answer—He was sober when he
first mounted guard but he was drunk
when he was put on post.

Sergeant Haskins a witness for
the prisoner being duly sworn says

Question by the Judge Advocate—was
the prisoner Wilson drunk when he
mounted guard on the 4th July last
at Camp Council Bluffs?

Answer—I did not consider him so
he appeared sober and capable of
performing his duty.—

The Court being ordered to be
cleared and after mature deliberation
on the testimony adduced find

the prisoner James E. Wilson a private of Battalion Company H 6th Infantry Guilty of the Charge adduced against him and as Sentence him to undergo a stoppage of his pay to the amount of fifteen Dollars to be appropriated to the use of the Regiment to which he belongs—and to be branded on the right cheek with the letter **D**

The Court then proceeded to the trial of Musician George Dawson of Battalion Company I 6th Infantry who being previously asked if he had any objections to the members named in the Dept. and other orders and replying in the negative was arraigned on the following charges & specifications preferred against him by Lieut. Field of the Rifle Regiment.

Charges and Specifications preferred against
George Dawson Musician of Battalion
Company I 6th Infantry
Charge—Disobedience of orders

Specification—In this that he the said George Dawson Musician of Battalion Company I 6th Infantry—did on or about the 8th June 1820, when ordered to leave Lieut Fields kitchen, refused to obey the orders given him by Lieut. Fields and said he would be damned if he would and until he pleased or words to that effect at Cantonment Missouri on or about the 8th June 1820

Charge 2nd Muting—

Specification—In this—that he the said George Dawson Musician of Battalion Company I 6th Infty and on or about the 18th June 1820 call Lieut Scott a damned rascal and said that he (Lieut. Scott) or Lieut. Palmer knew better then to strike him or words to that effect at Cantonment Missouri on or about the 8th June 1820.

Signed Gabriel Fields
Lt. Rifle Regt.

To which charges and specifications the prisoner pleaded Not Guilty

Lieutenant Scott a witness for the prosecution being duly sworn says—On or about the time mentioned in the specification to the Second Charge the prisoner came in front

of my quarters was rather quarrelsome,
I thought with some soldiers. I ordered him
from there—he told me that his officer
was there and that he wanted not go
until he was ordered by his own officer or
to that amount?—he was than ordered
away by Lieut. Palmer immediately
he soon after returned and began to
quarrel again & again ordered him
away—he told me he should not go
until he please & that I dare not
strike him.

Question by the Judge Advocate

Did the prisoner call you a
damned rascal at the time?

Answer—Not in my hearing he
did not make use of them very words
but very insolent language to that effect.

Lieut Field a witness for the prosecution
being duly sworn Says—

On or about the time mentioned
in the Specification of the first charge
I was near the center of the Garrison
at Cantonment Missouri I heard a
riot in my kitchen and went over to
see what was the cause of it, so soon
as I got to the door of my quarters
one of the men of Captain Martin's
Company told me there was an
Infantry ~~man~~ soldier in the

kitchen, there were several men in there and that he wanted to fight them—I went into the kitchen and found the prisoner in there quarreling with my waiter or some other person. I immediately ordered him out he refused to go—I directed two of the men to take him and drag him out—so on (sic) as he got to the door the men let him go—he turned round to me and said that he would be damned if he would go ^{until he pleased} or words to that effect—I had a small stick in my hand & struck him across the shoulders—

The Court being ordered to be cleared & after mature deliberation on the testimony adduced find the prisoner George Dawson Musician of Battalion Company H 6th Infantry guilty of the Specification to the first charge & guilty of the specification to the Second charge and not guilty of the second charge & do sentence the prisoner to undergo a stoppage of his pay and rations of whiskey for the period of six months to be appropriated to the use of the Regiment to which he

belongs, and to be branded on both cheeks with the letter **M**

The Court than adjourned until tomorrow morning half after nine oclock

June 7 1820

The Court met pursuant to Adjournment

Present

Colonel Chamber President

Brevet Major Biddle

Brevet Major Foster

Captain Hamilton Members

Captain Martin

Lieut. Scott

Lieut Wickliffe

Lieut. Kavanaugh Judge Advocate

The Court then proceeded to the trial of private William Norman of Captain Gray Company Rifle Regiment who being previously asked if he had any objections to the members named in the Department & other orders and replying in the negative was arraigned on the following charge preferred against him by Lieut Chs. F. L. Durand 6th Infty

Private William Norman of Capt Grays Company Rifle Regiment is charged with being drunk on guard at Camp

Council Bluffs Signed Chs F. L. Durand

July 5th 1820

6th Infty

To which charge the prisoner pleaded Guilty

The Court being ordered to be cleared and after mature deliberation confirm the plea of the prisoner ^{Private} William Norman and find him Guilty of the Charge exhibited against him and do Sentence him to undergo a stoppage of three months of his pay and rations of whiskey, to be appropriated to the use of the Regiment to which he belongs— But the Court recommend the prisoner to the clemency of the Commanding officer to remit so much of the Sentence of the Court? and Sentences the prisoner to a stoppage of his pay.

The Court then proceeded to the trial of private George Sutherland of Light Compy B 6th Infantry, who being previously asked if he had any objections to the members named in the Department and after orders and replying in the negative was arraigned on the following charge preferred against him by Lieut. Durand 6th Infantry.

Private George Southerland of light Company B, 6th Infantry is charged with being drunk while a Sentinel on post at Camp Council Bluffs on or about the night of the 4th of July 1820
Camp Council Bluffs
July 5th 1820

Signed Chas. F. L. Durand
Lt 6th Infy

To which Charge the prisoner pleaded
Guilty

The Court being ordered to be cleared and after mature deliberation confirm the plea of the prisoner Private George Southerland and find him Guilty of the charge exhibited against him and do Sentence him to undergo a stoppage of three months of his pay and rations of whiskey, to be appropriated to the use of the Regiment to which he belongs.

The Court then proceeded to the trial of private Augustus Miers of Company G 6th Regt. of Infantry who being previously asked if he any objections to members named in the Department and other orders, and replying in the negative was arraigned on the following charge and Specification preferred against him by Lieut. Duncan of the Rifle Regiment.—

Camp Council Bluff
July 6 1820

Charge and Specification exhibited against Augustus Miers of Company G of the 6th Regt. U.S. Infantry

Charge—Violating the forty sixth Article of war.

Specification—In this that the said Augustus Mier on the night of the second of July 1820 while a Sentinel was found sleeping at his post at relief No. 3 at Camp Council Bluffs

Signed John Duncan
Lieut. R.R.

To which Charge and Specification the Prisoner Pleaded Guilty

The Court being ordered to be cleared

and after mature deliberation confirm the plea of the prisoner and find him guilty of the Charge and Specification exhibited against him and do Sentence the prisoner Augustus Mier to undergo a stoppage of six months of his pay and rations of whiskey to be appropriated to the use of the Regiment which he belongs.

The Court then proceeded to the trial of Musician Thomas Kelly of Light Company A 6th Infantry who being previously asked if he had any objections to the members named in the Department and other orders and replying in the negative was arraigned on the following charge and Specification preferred against him Adjutant Staniford of the 6th Infantry

Charge and Specification preferred against Musician Thomas Kelly of Light Company A 6th Infy

Charge—Disobedience of orders

Specification—In this that he the said Kelly did at Camp Council Bluffs on or about the 30th June 1820 refuse to obey an order from Major Humphreys (delivered through the Sergeant Major to report himself to Major Humphrey commanding sixth Infantry—in open violation of the 9th Article of the rules & articles of war

Signed—T. Staniford

Adj. 6th Infy

To which charge and Specification the prison pleaded “Not Guilty”—

Major Humphreys a witness for the prosecution being duly sworn says—on or about the date named in the charge & give the Sergt. Major orders to send two of the musicians to me that I wanted them for fatigue he told me that there were none off duty but Kelly & one other whose name I do not recollect I directed him to send those two to me Kelly & the other man, shortly afterwards I discovered a scuffle between the Sergeant Major and this man Kelly.—

Sergeant Major Stockton of the Sixth Infantry a witness for the prosecution being duly sworn says—On or about the 30th June 1820 of Camp Council Bluffs, Major Humphreys Commanding 6th Infantry delivered me an order to send musician Kelly the prisoner and Butter to him—Butter was not to be found and did not come—Kelly came to me at the Actg. office 6th Infantry—I directed him to go to Major Humphreys agreeable to his order—Kelly hesitated. I got up & showed him out of the office and then asked him if he would go he replied (sic) he would not.

Sergeant Andres a witness for the prosecution being duly sworn says—

Question by the Judge Advocate—Did you hear the prisoner Kelly refuse to obey

an order from Major Humphreys through the Sergeant Major to him on or about the 30th from 1820 at Camp Council Bluffs?

Answer I heard the Sergeant Major order him to go to Major Humphreys three or four times that the Major wanted him—he did not go?

The Court being ordered to be cleared and after mature deliberation on the testimony adduced find the prisoner Musician Thomas Kelly guilty of the Specification and charge exhibited against him and do sentence him to under go a stoppage of his pay and rations of whiskey for the period of three months, to be appropriated to the use of the Regiment to which he belongs—and to be severely ducked in the Missouri river for three successive mornings.

The Court then adjourned until tomorrow morning half after nine oclock

July 8th, 1820

The Court met pursuant to adjournment

Present

Colonel Chambers President

Brevet Major Biddle

Brevet Major Foster

Captain Hamilton Members

Captain Martin

Lieut. Scott

Lieut. Wickliffe

Lieut. Kavanaugh Judge Advocate

The Court then proceeded to the trial of

Private Adam Brady of Company E Rifle
Regiment who being previously asked if he had
any objections to the members named in the
Department & other orders and replying
in the Negative was arraigned on the
following Charges & Specifications preferred
against him by Lieut. Shannon 6th Infty
Charges and Specifications preferred against
private Adam Brady of Company E U.S
Rifle Regiment

Charge 1st Desertion

Specification—In this that he the said
Adam Brady did leave the Garrison of
Fort Osage on or about the 1st May 1820
without permission and did not return
until brought back on or about the 7th of
the same month by two soldiers who had
been ordered in pursuit of him.

Charge 2nd Stealing

Specification—In this that he the aforesaid
Brady did some time in the month of
April and at the place above mentioned
stole a public rifle supposed to have
been in the possession of one of the soldiers
who had died a few days previous which
Rifle be the above named Brady sold

Charge 3rd Unsoldierlike conduct

Specification—In this that he the before
mentioned Adam Brady did between

the date of the 1st and 7th May 1820
on about that time (while absent and reported
as having Deserted) sell his arms and
accoutrements to a citizen, the said arms &
being the property of the United States
which sale he emitted in direct violation
of the Articles of War

Signed L Shannon
 Lt. R. Regt.

The prisoner being put to his plea—pleaded
guilty to the first charge and its specifica=
tion—Not Guilty of the second charge
and its Specification—and guilty of
the third charge & its specification

The Court being ordered to be cleared
and after mature deliberation ~~fur~~ confirm
the plea of the prisoner to the first charge
and its specification & find him Guilty
there of—The Court find the prisoner Not
Guilty of the second Charge & its specification
and confirm his plea to the third charge
and its specification and find him guilty
thereof—And do Sentence the prisoners
private Adam Brady to undergo
a stoppage of his pay to the amount
of fifty Dollars to remunerate government
for money laid out by them in his appre=
=hension and for the arms & accouterments
sold by him—and to undergo a further
stoppage of his pay and rations

of whiskey for the period of six months
to make good the time cost by his desertion
and be severely ducked in the Missouri
river for six successive mornings & be
rendered unworthy of again appearing
in the ranks during the residue of his
term of service.

The Court then adjourned Sine die
Th. M. Kavanaugh
Lt. RR & Judge Advocate

T. Chambers Colonel &
President

RG 153 Entry 15 T-22 August 1820

Department Orders

Head Quarters
Camp Council Bluff

Aug. 1, 1820

At a general Court Martial of which Major Thomas Biddle is president Constituted by the authority of a Department order of August 13th 1820 which convened on the 14th and was continued by adjournment until the 16th of Augt. there was there Lieut. Martin Scott US Rifle Regiment as the following charge and specifications.

Charge Disobedience of orders
Specification 1st In this, that the said Lieut. Martin Scott of the Rifle Regiment on or about the 10th of August 1820 near Camp Council Bluff, inflicted or caused to be inflicted corporal punishment on the body of John Crosby a private soldier of Capt Martins company of the Rifle Regiment without the order or consent of any Superior Officers In direct violation of a Regimental Order issued at Cantonment Missouri on the 4th of May 1820

Specification 2 In this that the said Lt. Martin Scott on or about the 10th of August 1820 near Camp Council Bluff inflicted or caused to be inflicted corporal punishment on the body of Lewis

Lewis Monique a private soldier of Capt
Martins Company Rifle Regiment without the order
or command of any superior Officer & in direct
violation of a Regimental Order issued at Can-
--tonment Missouri on the 4th of May 1820.

To which charge & Specification the
prisoner pleaded Not Guilty

The Court after mature deliberation
found the prisoner not Guilty as charge
& did therefore acquit him

The Commanding Officer approves of
the finding & Sentence in the case of
Lt. Scott & direct that he assume his
? & return to duty

By orders
Signed Thos Biddle
Act. Ass Adj

Proceedings of a General Court Martial
held at Camp Council Bluffs on the Missouri
River, and in the ninth Military Department
Pursuant to the following orders Viz.

“Head Quarters

“Camp Council Bluffs

“Department Order

“A General Court Martial to consist as
follows will convene tomor. morning at 10 o'clock
at the quarts of the Preside and try such
prisoners as may be brought before it

Major Thomas Biddle President

Captain Haile 6th Regt Captain Riley RR

Captain Smith R.R.

and two Sub alterns to be detailed from the
Sixth Regiment and one Subaltern to be detailed
from the Rifle Regiment—Lieut. Kavannaugh
will perform the duties of Judge Advocate—
more members can not be detailed without
injury to the Service.

“By order

Signed-- “T Biddle

Act Ass. Adj”

Camp Council Bluffs
August 13th 1820

Regimental Order

In obedience to a Department order of today Lieut. Wilcox and Durand are detailed as members of a general Court Martial, of which Major Thomas Biddle is President ordered to convene at the quarters of the President at 10 o'clock tomorrow morning

“By order

Signed—“ Z. C. Palmer
Adj 6th Infty

Camp Council Bluffs
“15th August 1820

“Regimental Orders

In obedience to a Department order of today Lieut. Field is detailed and member of a general Court Martial of which Major Biddle is President to convene tomorrow morning 10 o'clock at the quarters of the President

By order

Signed—S. Shannon
Act. Ad. RR
August 14th 1820

The Court met pursuant to the above orders

Present

Major Thomas Biddle President

Captain Haile Captain Riley
Captain Smith Members Lieut. Wilcox

Lieut. Field

Lieut. Durand

Lieutenant Kavanaugh Judge Advocate.

The Court then proceeded to the trial of Lieutenant Martin Scott of the Rifle Regiment who being asked if he had any objections to the members named in the Department and other orders—objected to Captain Riley on the ground “that he was present at a meeting of the officers of the Rifle Regiment and former occasion that had placed him (Lieut. Scott) in Coventry and that they had come to a determination at said meeting to run him out of the Regiment, which information had been communicated to him by Captain Magee of the Rifle Regiment”—The Court being ordered to be cleared and after mature deliberation on the objections of the prisoner to Captain Riley Sustained the objections of the prisoner, and Captain Riley then withdrew from the Court

Head Quarters

Aug. 14, 1820

Department Order

The General Court Martial of which Major Biddle is President having sustained the objections of Lieut. Scott to Captain Riley on

of its members—Captain Gray of the Rifle Regiment is detailed to supply his place and a Subbalton will be detailed from the same Regiment to ~~supply his place~~ as a Supernumary member to meet at one o'clock

By order

Signed—Tho Biddle
Actg. Ass. Ag.
Camp Council Bluffs
14th Augt. 1820

Regimental Orders

In obedience to a Department order of to day Lieut. Duncan is detailed as a Supernumary member of a General Court Martial of which Major Biddle is President to meet at one o'clock.

By order

Signed S. Shannon
Act. Ad. RR

The Court as now organized stood as follows

Present

Major Thomas Biddle President		
Captain Haile		Captain Gray
Captain Smith	Members	Lieut. Wilcox
Lieut. Field		Lieut. Durand
Lieut. Duncan Supernumary		
Lieut. Kavanaugh Judge Advocate		

The prisoner being again asked if he had any further objections to the members of the Court objected to Lieut. Field on the grounds "that he had been informed that the officers of the Rifle Regiment had placed him in Coventry and that Lieut. Fields had been a member of a Regimental Court Martial which had tried Corporal Boyd of the Rifle Regiment who had tried by said Court on charges similar to those preferred against Lieut. Scott—

The Court ^{being ordered to be cleared &} after mature deliberation on the objections of the prisoner to Lieut. Fields, overruled his objection.

The prisoner then objected to Captain Gray a member of the Court on the same grounds that he did to Lt. Fields—The Court was then ordered to be cleared and after mature deliberation on the objections of the prisoner to Capt. Gray—Overruled his objection.

The Court being then duly sworn in the presence of the prisoner, Lieut. Scott was arraigned on the following charge and Specifications preferred against him by Captain Martin of the Rifle Regiment.

Charges and Specifications preferred by Captain Martin of the Rifle Regiment against Lieut Martin Scott of the same Regiment.

Charge—Disobedience of Orders.

Specification 1st In this—that the said lieut. Martin Scott of the Rifle Regiment on or about the 10th of August 1820 near Camp Council Bluffs, inflicted or caused to ^{corporal punishment} to be inflicted on the body of John Crosby a private Soldier of Captain Martins Company of the Rifle Regiment without the order or consent of any Superior officer and in direct violation of a Regimental order issued at Cantonment Missouri on the 4th of May 1820.

Specification 2nd In this that the said Lt. Martin Scott on or about the 10th of August 1820, near Camp Council Bluffs inflicted or caused to be inflicted Corporal punishment on the body of Lewis Manague a private soldier of Captain Martins Company of the Rifle Regiment without the order or consent of any Superior officer and in

direct violation of a Regimental Order issued
at Cantonment Missouri on the 4th of May
1820.

Signed Wyly Martin

Camp Council Bluff Capt U.S. R.R.
August 12 1820

To which Charge and Specifications the
prisoner pleaded “Not Guilty”

Azariah Stilwell a private of the
Rifle Regiment and a witness for the
prosecution being duly sworn Says,

I saw Corporal Boyd flogging Manaigue
and ^{also} Crosby—Lieut. Scott came up at the same
time and desire him to give them more—

August 1820 near Camp Council Bluffs

Question by the Judge Advocate—Did
Corporal Boyd again flog Crosby & Manaigue

Answer—Yes

Question by the Court—Was Crosby & Manaigue
on a party under the command of Lt.
Scott?

Answer—Yes—

Question by the Same. What did Lieut. Scott have them flogged for.

Answer—They had been fighting?

Question by the same—Did Lt. Scott order them to desist fighting when he ordered Corporal Boyd to flog them a Second time?

Answer—yes he knew they had been fighting I did not hear him order them to desist fighting.

Question by the same—where was Lieut. Scott at the time they were fighting or was he on board of the boat?

Answer—He as between the place where we were unloading and (sic) the Sutlers.

Question by the same. Did Lieut. Scott see Corporal Boyd flog them previous to Lois (Lieut. Scott)ordering him to do so?

Answer—He came up about the time Corporal Boyd was flogging them, but I cant say whether he saw it or not.

Question by the same—Where were you at the time this transaction took place?

Answer I was about fifteen steps from the place they were fighting.

The Court then adjourned until tomorrow morning 9 o'clock

August 15th 1820

The Court met pursuant to adjournment

Present

Major Thomas Biddle President

Captain Haile		Captain Gray
Captain Smith	Members	Lieut. Wilcox
Lieut. Field		Lieut. Durand

Lieutenant Kavanaugh Judge Advocate.

Corporal Talbot a witness for the prosecution being duly sworn says:--I was present at the time the transactions mentioned in the specifications to the Charge took place—Lieutenant Scott landed with a boat and ordered it to be unloaded as soon as possible. Crosby and Manaique were quarrelling and one gave the other the damned lie—Lieut. Scott ordered them to quit quarrelling that he would have no swearing in his presence

and then went off—"when he went away they got to fighting and Corporal Boyd ran in between them with a stick and struck them. Lieut. Scott then came and told Corporal Boyd to give them both alike this took place on or about the time mentioned in the charge near Camp Council Bluffs.

Question by the Prisoner. Did I see them fighting?

Answer—Yes about the time Corporal Boyd was parting them.

Question by the Court—Did you hear Corporal Boyd order Manaique and Crosby to stop fighting and did they obey him?

Answer—Lt. ordered them quit fighting but they did not obey him—he then jumped in between them and parted them with a stick.

Question by the same—Did you hear Lt. Scott order Manaique and Crosby to stop fighting when he came up.

Answer No I did not.

Question by the Same. Did the quarrel or rival of these men make a riot or disturbance so as to stop the business of unloading the boat

Answer—Yes I presume it did.

Colonel Chambers a witness for the prosecution being duly sworn Says

Question by the Judge Advocate—Has the Regimental order issued by Lieut. Col Morgan. On the 4th of May 1820 at Cantonment Missouri ever been countermanded by you.

Answer—No it is yet in force it never has been countermanded by me.

John Crosby a private in the Rifle Regiment and a Witness for the prosecution being duly sworn Says—Manague & myself were clinched and Corporal Boyd came up and struck us with a hoop 10 or 12 times—Lieut. Scott was in the store and he came out and asked Corporal Boyd what was the matter he told him we were fighting Lieut. Scott then told

Corporal Boyd to give us some more, this took place on or about the time mentioned in the Charge near Camp Council Bluffs.

Question by the Court. When you told Manaigue he was a liar did Lieut. Scott order you to be silent?

Answer Not that I heard

Question by the Same. did Corporal Boyd strike you before you clinched Manaigue?—

Answer No—

Question by the same—Did he not order you to stop fighting

Answer—No I did not.

Captain Riley a witness for the prosecution being duly sworn says.

Question by the Judge Advocate. How long have you served with Crosby & Manaigue of Captain Martins company and what has been their character during that time?

Answer I have served with Crosby since May 1818—and Manaigue since fall 1818 and I have had them with me frequently and

I thought them the best boys in the army. I have heard the remarks of their Captains to the same ?

Louis Manaique a private in the Rifle Regiment and a witness for the prosecution being duly sworn says—Crosby and myself were fighting and Corporal Boyd came up and struck us with that Lieut. Scott came on the bank and asked what was the matter. Corporal Boyd told him we were fighting—Lieut. Scott then told Corporal Boyd to give us some more—

Question by the Court—How much did Corporal Boyd give you after he had been ordered by Lieut. Scott to give you more?

Answer—To the best of my recollection it was 5 or 6 piece with the hoop of a barrel.

Question by the same—Did Crosby call you a liar in the presence of Lt. Scott when the boat first landed?

Answer—Lt. was not there that I know of at the time Crosby called me a liar.

The evidence on the part of the prosecution being closed

Maston Ford a private in the US. Rifle Regiment and a witness for the prisoner being duly sworn says—when the boat landed from the opposite side of the River under Lieut Scott, some of his men got to quarrelling and he ordered them to hush and he went off a few paces and they got to fighting and Corporal Boyd got in between them to part them and struck them Lieut. Scott came up and ordered Corporal Boyd to give them both alike ~~be them~~ he then picked up a hoop and gave them five or six a piece

Question by the Court—Were they quarrelling at the time Mr. Scott ordered the Corporal to to (sic) give them some more?

Answer—Yes.

Ques; by the same. Had the men been fighting when Lt. Scott ordered them to be silent?

Answer—They had been fighting

Ques. by the same—Did you hear Lieut. Scott.

order them to unload the boat, and were they not disobeying the order when he ordered them flogged.

Answer—They were standing rioting. I did hear Mr. Scott order them to unload the boat.

Question by the Prisoner—Were they not disobeying my orders at the time?

Answer I believe they were disobeying you orders.

Question by the Court Mr. Scott order them to desist quarrelling before he came up a Second time and order them flogged.

Answer—Yes he did.

Mrs. Ramsay & Potts a witness for the prisoner being duly sworn says—

Question by the prisoner—will you please state to the Court how hard Manaique & Crosby were flogged by my order on or about the 10th of Aug. last near the Steam boat?

Answer I should suppose from the distance I was from them that they were not flogged hard enough to turn the skin red under their shirts.

Question by the Court—Did the noise or riot made by the fighting interrupt the loading of the boat?

Answer I was not there at the time they were fighting.

Mr. William D. Hubbell a witness for the prisoner being duly sworn says—

Question by the Prisoner—Pleas to state to the Court how hard Manaigue & Crosby were flogged by my order on or about the 10th of August last near the Steam boat.

Answer—I saw two men flogged by Mr. Scotts order—they appeared to be very slightly flogged.

Question by the same—what was the order I gave on the occasion.

Answer I heard Mr. Scott tell him to give them both alike.—

The following is a copy of the Regimental order mentioned in the two specifications to the charge to writ.

Cant. Missouri 4th May 1820

Regt. order

In future no soldier of the Rifle Regiment will be punished otherwise than by sentence of a Court Martial without the permission of its Commanding Officers of the Regiment for the time being. Somery? punishment are no doubt necessary on some occasion but should be administered with great discretion; no soldier whose conduct is generally good, should be subject to an ignominious (sic) punishment without the intervention of a legal tribunal prompt and immediate punishment should only be inflicted on incoragable (sic) offenders—there are however exceptions to this rule, in cases of mutiny, sedition, or personal insolence—there is another exception to be made, when an officer gives a verbal command, which the Soldier disobeys in his presence or executes in such a manner, as shows

an indifference or contempt for his authority, in this case the officer from the nature of Military service, may adopt the most prompt and efficacious (sic) method, to cause his orders to be respected and expected in a proper manner in some situations the most the most (sic) prompt obedience to orders is requisite and the officer must adopt the most prompt measures to enforce his orders, ordinary cases ought, always to await the decision of a Court Martial, no Soldier should be cursed and abused or struck on parade.

If officers would take pains (sic) to appeal to the feelings and pride of Soldiers (for Soldiers have feeling and pride) frequent punishment would be unnecessary, --Officers ought to take pains to acquire a knowledge of the whole circle of their duties, for when Soldiers perceive officers are acquainted with their professions, when they perceive they are regular, temperate? and subordinate in their

Conduct they will yield a ready cheerful, and prompt obedience to all their orders.

The pernicious effects of intemperance has been severely felt at this place, two Soldiers have committed Suicide, and one died from the intemperate use of ardent spirits—The officers therefore must be spareing (sic) in their permissions for whiskey or other ardent Spirits—frequent intoxication is ruinous to the health as well as for the decipline (sic) of the corps. All permissions for absence must be Signed by the Commandant of the Regiment find while there is so much labor to be done not more than three Soldiers can be absent at a time from each company.

Signed—W Morgan

Lt. Col RR Comg

The prisoner being asked then put upon his defence replied that he had intended making out one, but considered it unnecessary and submitted the matter to the Court

that he considered the men as having disobeyed his orders, and that it was difficult for him to discriminate the difference between men as directed by the Regimental order—

The Court being ordered to be cleared and the whole of the proceedings read over to the Court by the Judge Advocate

The Court after mature deliberation on the testimony adduced find the prisoner Lieut. Martin Scott of the United States Rifle Regiment Not Guilty of the 1st Specification of the Charge and Not Guilty of the second⁷ Specification of the Charge—They also find him Not Guilty of the charge and do therefore acquit him.

The Court then adjourned until tomorrow morning 9 o'clock

Tho. Biddle

Th W. Kavanaugh
Lieut: U.S. Rifle Regiment
& Judge Advocate

Order of today Lieutenant Wilcox and Lieutenant Durand are detailed as members of a General Court Martial of which Major Thomas Biddle is President ordered to convene at the quarters of the President at 10 o'clock tomorrow morning

By order

--Signed--Z. Palmer
Adj. 6th Infy.

Camp Council Bluffs

Regimental Orders 13th August 1820

In obedience to a Department order of today Lieut Filed is detailed as a member of a General Court Martial of which Major Biddle is President to convene tomorrow ten o'clock at the quarters of the President

By order

S. Shannon
act. ad. RR
August 14th 1820

The Court met pursuant to the above orders.

Present

Major Thomas Biddle, President
Captain Haile Captain Riley
Captain Smith Members Lieut Wilcox
Lieut. Field Lieut Durand
Lieut Kavanaugh Judge Advocate
Captain Riley having been

objected off the Court in consequence of objections made against him in a former trial—Cap[tain Gray took his seat as a member of the Court and Lieut Duncan reported himself as a Supernumery member there of in pursuance of the following orders

Head Quarters
Department Order August 14, 1820

The General Court Martial of which Major Biddle is President having sustained thje objections of Lieut Scott to Captain Riley one of its members—Captain Gray of the Rifle Regiment is detailed to Supply his place and a Subaltern will be detailed from the same Regiment as a supernumery member to meet at 1 oclock

By order
--Signed—Tho. Biddle
Actg Ass. AG

Camp Council Bluffs
14th August 1820

Regimental order

In obedience of a Department Order of ? Lieut. Duncan is detailed as a Supernumery member of a General Court Martial of which Major Biddle is President to meet at One oclock—

By order
Signed S. Shannon
Act. Ass. RR

Objected off the Court in consequence of objections
made against him in a former trial—Captain
Gray took his seat as a member of the Court
and Lieut. Duncan reported himself as a Supernumery
member there of in pursuance of the following
orders

Head Quarters
Department Order August 14, 1820

The General Court Martial of
which Major Biddle is President having sustained
the objections of Lieut. Scott to Captain Riley
one of its members—Captain Gray of the rifle
Regiment is detailed to Supply his place and
a Subultern will be detailed from the same
Regiment as a Supernumery member to meet at 1
oclock

By order

-Signed-Tho. Biddle

Actg Ass. A.G.

Camp Council Bluffs

Regimental Order 14th August 1820

In obedience of a Department Order of today

Lieut. Duncan is detailed as a Supernumery
member of a General Court Martial of which
Major Biddle is President to meet at One

oclock--

By Order

Signed

S. Shannon

Acct. ad RR

The Court as now organized stood as follows

Present

Major Thomas Biddle President

Captain Haile		Captain Gray
Captain Smith	Members	Lieut. Wilcox
Lieut. Field		Lieut. Durand

Lieut. Duncan Supernumary

Lieut. Kavanaugh Judge Advocate

The Court then adjourned from day to day
until the 16th August 1820

When the Court met pursuant to adjournment

Present

Major Thomas Biddle President

Captain Haile		Captain Gray
Captain Smith	Members	Lieut. Wilcox
Lieut. Field		Lieut. Durand

Lieut. Duncan Supernumary

Lieut. Kavanaugh Judge Advocate

The Court being duly sworn in the
presence of the prisoner proceeded to the trial
of William Frost a private of the United
States Rifle Regiment who being previously
asked if he had any objections to the mem
bers named in the Department ^{& other} Orders and
replying in the negative was arraigned and
the following charge preferred against

him by Lieutenant Kavanaugh of the Rifle
Regiment—

William Frost a private of the United
States Rifle Regiment is charged with deser=
=ting the service of the United States from
the recruiting rendezvous at Newport Kentucky
under the command of Captain W.
Armstrong on or about the 8th of November 1819

Signed Th. W. Kavanaugh

Lt U.S. R. Regt.

To which charge the prisoner pleaded “Guilty—“

The Court being ordered to be cleared and
after mature deliberation Confirm the plea
of the prisoner and find him Guilty of
the charge adduced against him & do
Sentence the prisoner William Frost to
undergo a stoppage of his pay and rations
of whiskey for the one year—and to under go
hard labor for the same length of time.

The Court then proceeded to the trial of
John Bridges a private of company I
United States Rifle Regiment who being
previous asked if he had any objections
to the members named in the Department

and other orders and replying in the negative was arraigned on the following charge preferred against him by Lieut. Kavanaugh of the Rifle Regiment.

John Bridges a private of Company I United States Rifle Regiment is charged with deserting the service of the United States from the recruiting rendezvous at Newport Kentucky under the command of Capt. William Armstrong on or about the 13th of April 1820.

Signed—Th. W. Kavanaugh
Lieut. U.S. Rifle Regt.

To which charge the prisoner pleaded “Not Guilty” Private Henry Smith of the Rifle Regiment ~~being~~ ^{duly} a Witness for the prosecution being duly sworn says—On or about the 13th of April 1820, the prisoner deserted from the recruiting rendezvous at Newport Kentucky under the Command of Captain Armstrong—he was gone a few days when he was brought back by a Detachment of men and a citizen.

Questions by the Prisoner—Was I absent more than two days?

Answer As near as I recollect

it was between two and three days?

Question by the same—Did not you see me flogged when I returned?

Answer I was present when he was punished.

Question by the same—What punishment have I received since I was brought back?

Answer—The prisoner got about twenty five lashes with the cats and wore a ball and chain from the time he was taken & remained under guard until he arrived here—

Sergeant Dillon a witness for the prosecution being duly sworn says—I was present when Captain Armstrong paid Thirty Dollars for the Apprehension of the prisoner—

The evidence on the part of the prosecution being closed and there being no testimony offered on the part of the Prisoner—

The Prisoner said in justification that he was a new recruit at the time of his desertion and was not acquainted with the rules and articles of war—and that he had some friends that lived about ninety

miles from the rendezvous, that he wanted to visit them.

The Court being ordered to be cleared and after mature deliberation on the testimony adduced find the prisoner John Bridges Guilty of the charge adduced against him— and do Sentence him to undergo a stoppage of his pay and rations of whiskey for one year and to undergo hard labor for the same length of time—

The Court then proceeded to the trial of private Ananias Hager of Company I United States Rifle Regiment who being previously asked if he had any objections to the members named in the Department and other orders and replying in the negative was arraigned on the following charges and specifications preferred against him by Lieut. Kavanaugh of the Rifle Regiment.

Charges and Specifications preferred against private Ananias Hager of Company I United States Rifle Regiment by Th. W. Kavanaugh of the same Regiment

Charge—Desertion

Specification—In this—That the said private Ananias Hager did on or about the 17th September 1817—desert from a Detachment of United States Riflemen, on their march from Albany New York to Bell Fontaine Missouri Territory under the command of Captain James H. Ballard of the Rifle Regt. and was absent until he gave himself up to Captain William Armstrong of the Rifle Regiment at New Port Kentucky on the 9th of October 1819.

Charge—2nd Repeated Desertion

Specification—In this that the said private Ananias Hager did on or about the 15th November 1819 at Newport Kentucky again desert the service of the United States and was absent until the 19th November 1819 when he was brought back

Th. W. Kavanaugh

(Signed) Lt. US. R. Regiment

To which Charge and Specifications the prisoner pleaded “Guilty”

The prisoner introduced the following testimony
in mitigation of his ~~testimony~~^{punishment} Viz

Sergeant Dillon being duly sworn says.

Question by the Prisoner—What punishment
did I receive for deserting when I returned
from desertion at New Port Kentucky and
since that time?

Answer—He was flogged two different times
and was confined and wore a ball and
chain until he came up to Belle Fontain,
he left us there and came on ~~to Newport~~
in the Steam Boat—he also remained on
bread and water some time & wore leg Irons.

Private Henry Smith being duly sworn says

Question by the Prisoner—How long did
I live on bread and water as a part
of my punishment for deserting.

Answer I suppose it was between two
and three months.

Question by the Judge Advocate

How much was paid for the
apprehension of the prisoner

Answer—Thirty Dollars

Question of the prisoner—Did not my

back mortify in Several places in consequence of the flogging I received for Desertion?

Answer—It was very bad I don't know whether it extended to mortification or not.

The Court being ordered to be cleared and after mature deliberation confirm the plea of the prisoner (sic) Ananias Hager and find him Guilty of the charge adduced against him—and do Sentence the prisoner Ananias Hager to make good the time lost occasioned by his desertion and to serve out the ballance (sic) of his term of service without pay or rations of whiskey.—

The Court then proceeded to the trial of ~~private~~ Ebenezer Drake a private of light company B 6th Regt. of U.S. Infantry—who being previously asked if he had any objections to the members named in the Dept. & other orders and replying in the negative was arraigned on the following Charge preferred against him by Lieut. Gantt Rifle Regt.

Private Ebenezar Drake a light Company
B Sixth Regiment of United States Infantry
is charged with lying down & sleeping on
his post while a Centinel (sic) of the main
Guard at Camp Council Bluffs on or about
the 10th of August 1820

Signed J. Gantt Lt.
US Rifle Regt.

To which charge the prisoner pleaded
Not Guilty—

The Court then adjourned until tomorrow
morning nine oclock—

August 17th 1820

The Court was adjourned until tomorrow morning
Nine Oclock—by Order of the President of the
Court

August 18th 1820

The Court met pursuant to adjournment

Present

Major Thomas Biddle President

Captain Haile		Captain Gray
Captain Smith	Members	Lieut. Wilcox
Lieut. Field		Lieut. Durand
Lieut. Kavanaugh	Judge Advocate	

Lieutenant Gantt a witness for the prosecution being duly sworn says—On or about the 10th of August as mentioned in the charge I was officer of the day—I left the main guard in Company with Corporal Green to visit the Centinels (sic), when I came to Ebenezer Drake I found him lying down & rapped (sic) up in a piece of canvass that was lying near his post—after standing a few seconds near him and talking and to the best of my knowledge I supposed him to be a sleep.

Question by the Prisoner—Did I hail you when you approached my post?

Answer—Not until we had got up to you some time and you had apparently awoke from sleep.

Corporal Green a witness for the prosecution being duly sworn says:--Visiting the guard with Lieut. Gantt on the night of the 10th of August we approached the post where the prisoner was stationed as a Sentinel he was laying down and apparently asleep some remark escaped me and he

turned over & got up & challenged us tho
with some imbarresment (sic)

Question by the A Prisoner—How high? was
you to me when I hailed you?

Answer I suppose 8 or 10 steps.

There being no testimony offered on the
part of the prisoner—the prisoner was
put upon his defence (sic) when he stated to
the Court that he was taken unwell
when on post and had called to the
Sergeant of the Guard, whom he could
not make hear aka that he had lain
down about fifteen minuets.

The Court ~~of~~ being ordered to be cleared
and after mature deliberation on the
testimony adduced find the prisoner
Ebenezar Drake a private of light
Company B 6th Regt. U.S. Infantry Guilty
of laying down when posted as a Sentinel
But not guilty of sleeping on post
and do Sentence the prisoner Ebenezer
Drake to undergo a stoppage of

Six months of his pay & rations of whiskey to be appropriated to the Company to which he belongs and to be severely ducked in the Missouri River three successive mornings.

The Court then adjourned Sine die

Th. W. Kavanaugh

Lieut. U.S. Rifle Regt

Judge Advocate

Tho. Biddle

Major Pres.

Department Order

Head Quarter Camp Council

Bluff August 18, 1820

At a General Court Martial of which Major Thomas Middle is president held by authority of the Department of War of 13th of August 1820, the following prisoners were tried.

William Frost a private of the United States Rifle Regiment was found guilty of deserting the service of the United States from the recruiting rendezvous at New port Ky. on or about the 8th of November 1819 and sentence to undergo a stoppage of his pay & rations of whiskey for the space of One year and to undergo hard labor for the same length of time—

John Bridges a private of Compy I Rifle Regt was found guilty of deserting the service of the United States from the vicinity rendezvous of Newport Ky.

on or about the 13th of April 1820 & Sentenced to undergo a stoppage of his pay and rations of whiskey for One year and to undergo hard labor for the same length of time.

Ananias Hager of Company I United States Rifle Regiment was found guilty of repeated desertions from the service of the United States and sentenced to make good the time lost by the occasion of his desertion and to serve out the balance of his term of service without pay or rations of whiskey.—

Ebenazar Drake a private of company B 6th Regiment was found guilty—of laying down on his post while a Sentinel of the Main guard at Camp Council Bluffs, on or about the 10th Augst. 1820= and sentenced to undergo a stoppage of six months of his pay and rations of whiskey to be appropriated to the company to which he belongs and to be severely ducked in the Missouri River three successive mornings.

The Commanding Officer approves of the findings & sentences of the Court and directs that the Officer Commanding the 6th & Rifle Regiment with all them carried into affect with the exception of the Corporal punishment upon Ebenazar Drake, which is remitted.

The General Court Martial of which Major Biddle is President is dissolved.—

By Order

(Signed) Tho. Biddle
Actg Ass. A.G.

Proceedings of a Court of Enquiry, held at Fort Atkinson
(Council Bluffs) by virtue of the following order.

No. Head Quarters Western Dept.
Orders Fort Atkinson Nov. 8 1824

At the request of Major A.R. Woolley 6th Regt.
Infy. a Court of Enquiry will assemble this day at four o'clock
P.M. at this Post for the purpose of investigating certain reports
that were in circulation, injurious to his character, relating to his
conduct before the Aricara Tours in August 1823—also to
investigate certain reports injurious to his character, circulated
in the interior of the Country, as stated in a letter to him by
Lieut. Smith. Aid de Camp to Major Genl. Scott. The Court will
report its opinion on the merits of the Court.—

The Court will consist of.—

Brevet Col. Leavenworth	6 th Infy	President
Major Kearney	1st Infy and Capt Mason	1 st Infy Members
Lieut. Joseph Pentland--	Recorder—	

(Signed) H Atkinson
Brt. Genl U.S. Army
November 8th 1824

The Court met pursuant to the above order.

Present Col. Leavenworth President
Brevet Major Kearney and Capt Mason Members

The following letters were then laid before the Court as
a basis on which to ground their Proceedings.—

Fort Atkinson 8th November 1824

Sir,

Having been, this morning informed, that a report has been circulated, injurious to my character, as an officer in having yielded the Command of a Column of Infantry to a Junior; at a time, when an attack was meditated on the Arikara Towns in august 1823. I demand a Court of inquiry, to investigate the same, and I reiterate my demand for a Court to investigate the reports, which Lieut. Smith, the Aid-de-Camp to Major General Scott, has stated, were in circulation, derogatory to my character.

	I have the honor to be
	Very Respectfully
	Your Obt. Servant
To Grig. Genl. H. Atkinson	(signed) A. R. Woolley
Comdg. Depart.	Major 6 th Infty

Louisville Kent. 28th July 1824

As a Member of the same Regiment with you, I should consider myself culpable, did I not make you acquainted with some circumstance of much consequence, to your reputation in the world as an officer, and a Gentleman. You are accused by common report of having been guilty of extremely improper conduct (not to say Fraudulent) in pecuniary transactions with many different persons. Among the number of whom are Lieut. Butler of the 7th Regiment, Mr. Andrews, (late Contractor at Fort Smith) Mr. Parsons, a Merchant of=

of Lexington, Mr. Walerndorff, a Merchant of St. Louis, Geo Miller of Arkansas, certain Missionaries, above Fort Smith, on the Red River, Lieut. Ward and Lieut. Syrington of the Artillery, and the Servant of the General Porter.

It is also said, publicly, that you have suffered yourself to be stigmatized with grossly insulting language, from Gentleman without endeavoring to obtain redress.

I must confess, also, that so common were these reports that To, for no other reasons than those assigned above had determined to exhibit charges against you, but on reflection I deem it better, simply to make you acquainted with the facts, that your new discretion may suggest the remedy.

Let me entreat of you, Sir, to consider this letter, in a correct point of view, written solely from a desire to see these reports refuted, which from your present situation, you could hardly hear, unless from a Brother officer, guided by motives like mine, from the more unpleasant source of verbal accusation from one of your enemies, or official motive from Military Superior.—Having never had the honor of an acquaintance with you, it is unnecessary to say my motives cannot be personal.—

With proper Respect, Sir
Your Obt. Servt.

Major A.R. Woolley
6th Inf

(Signed)

Henry Smith
Lieut. 6th Inf

Major Kearney was then sworn, as a Witness to prove the fact of the reports, being in circulation, injurious to the Character of the accused --and says,--About June last, being in St. Louis, and walking with Lt. Smith, and speaking of the 6th Infty, he informed me that there were certain reports, in circulation, highly prejudicial to the character of Major Woolley, amongst others, he mentioned that in the summer of 1823, being in the Command of the 6th Infty near the Aricara Towns, had given up that command to a Junior officer.

The impression left upon my mind, (as I thought intended by Lieut. Smith, was that Major Woolley had given up this command, not being competent to lead it.—The above report I have not heard, elsewhere, except from Lieut. Smith.

Question by Court.—Did Lieut. Smith inform you upon what testimony he founded his assertion.—

Answer—I do not recollect that he did—if so the impression left upon my mind was so slight, that it had been entirely obliterated.

Question by Major Woolley.—Why did a Charge of this nature made against an Officer, with whom you had been long acquainted make so slight impression on you.—

Answer—I gave no credit to it.

Capt Armstrong, a Witness, being duly sworn, answered to the following interrogation.

question by Major Woolley,--Did you see me in the Front of the Aricara Towns in August 1823, If so what was my conduct while there, and have you understood that I yielded the Command of

of the Infantry, to a Junior,--Answer.—

In reply to the first part of the Question, I would remark that my company was stationed on the morning of the 10th Aug. 1823, near one of the 6 pounders, then firing on the Aricura Towns Major Woolley was stationed at this piece, and I saw him giving directions and supposed he conducted it.—I approached him while so engaged, and entered into conversation with him—his manner was cool, collected and Soldierly.—I saw him frequently during that morning and conversed with him frequently, his conduct was uniformly the same.—

To the latter part of the Question, I would reply that I understood Major Woolley, waved the command of the Inftry in favor of Major Ketchum—his reasons for doing so, as stated then to me, and as I sincerely believe was because he was unacquainted with the duties of that Crew, and that from his experiences, he would be able to render more important Service in the management of the Artillery.—

This conversation took place on the 12th—The Regiment was under Arms for the purpose of charging the Village—I met an officer of the Regiment, as I ascended the Hill from the Boat, for the purpose of joining any Company, who remarked to me, that Major Woolley, had waved the Command of the Infantry to Major Ketchum --after, I got on the Hill, I me Major Woolley and it was at this time, that he informed in conversation, of his reasons for waving the Command of the Infantry.

Skip pg 7 & 8?

the Country.

Lieut. Butler, 7th Infty. as mentioned in Lieut. Smith's letter, I heard Lieut. Butler, say sometime after, Major Woolley, left Fort Smith, that he should not get his money very soon, I at the same time understood, that Major Woolley had either given him his pay Accounts or an order on the Pay Master for the Amount on being asked why he could not get it, he replied, there Stoppages against Major Woolley and he could not receive his pay.—The list of stoppages, I am under the impression were received some time after Major Woolley left there;—

I am certain it arrived after he left—

Lieut. Palmer, a witness being duly sworn, says, Major Woolley paid me \$240. in a draft drawn by Pay Master Wetmore, on the Branch Bank of Louisville for Lieut. Butler, to be transmitted to him, which has been done.—

The following letters were then read by the Court , as testimony offered by Major Woolley—

Fort Atkinson 18th March 1824

Major A.R. Woolley
20th June?

I acknowledge with thanks, the receipt of your esteemed favor of 2 Feby.—per Geo Kennerly, covering your Draft on Capt. Wade, for three hundred Dollars.—

I have not time now, to enter into the detail of our hitherto unpleasant correspondence, suffice to say, my Dear Sir, you have been badly treated, by Mr. Demman, and in regard to the

con=

consequences arising from this "ill usage," appearances are against you.—
From the fullness of my heart, I retract any inference I had the right
to draw under this perverseness of circumstances, which will be mitigated,
upon the reflection, that your motives of conduct, are now justly under=
stood, and considered by me, and allow me to add, it shall give me
pleasure to give you proofs of this, whenever opportunity offers.

The Amount of Bill, groceries etc. furnished you, is \$96.68
instead of \$68.68 as mentioned in your letter; That of Draft damages
paid Paul and Ingram, is \$223.50 you may arrange this difference
through Capt. Wesmon, who will shortly return from Washington, and
then proceed to Fort Atkinson.—

I beg leave to be remembered, to Mrs. Woolley & family,
and my wife —The oldest daughter of Mr. Chasless joins me in this
request.—

Believe me Dr. Sir,
Respectfully yr frd, Obdt. Servt
(Signed) Shas. Wahrendorff
Cambridge, November 28th, 1822

Dear Sir,

I have this moment received your letter of the 23 from
Springfield—I am now exerting myself to the utmost, to reimburse
you to the utmost partling? every thing shall be paid, and I trust in the
course of a few weeks,—During any absence my business was
shamefully neglected,—I ought at this moment, be in possession
of thirteen hundred Dollars, if a little attention only had been paid
to my concerns—I received no letters from home, during my absence,
except--

except one from Mr. Dana, dated a month after my defendant and I had every reason to believe, that any drafts had been paid.

With respect to Mr. Murray, I had his permission to draw under the circumstances, that I stated to you before I left New York, for New Orleans, and my Brothers ought to have been in possession of funds at the time, amply, sufficient to cover my Drafts.

I am now in treaty with a few friends, here, who will probably furnish me with a sufficient sum to open the Spring Grade in Arkansas.—I shall have to go on to Baltimore.

I trust it will be in about 3 weeks from this time, on my way I will continue to see you, in person, and I hope by that time, that every thing may be settled to your satisfaction.

I wish you would write a few lines to Mr. Mounts stating what I have written to you, I am desirous of standing well in your and his opinion, and notwithstanding present appearances. I trust to be able to satisfy you both, that I have not conducted dishonorably.—Be so good as to let me hear from you, on the receipt of this.—I think I shall be able to return with you if you are not off too soon.—

Start
Here

Start
Here

Start Here!!!!!!!!!!!!!!

Hello!

Bud

p.s. BOO!

to constitute a Genl. Court Martial which Court will convene at ten O'Clock tomorrow morning at such place as the President may direct.

Capt. W Armstrong, Capt. B. Riley, Capt. Grey & Captain Shaler 6th Inf.—Capt. RB Mason and Capt. G. C. Spencer 1st Inf S Kearny 1st Inf, Lt Z.C. Palmer 6th Inf. 6th Inf. Lts. Noel Rogers & Hutter 6th Inf & Lt Day 1st Inf.

By Order of Col. Leavenworth
(Signed) J. Pentland
Adj. 6th Regt.

Hd. Qrs Fort Atkinson
22nd April 1825

Orders

Capt Smith 6th Inf & Lieut. Gwynn of 1st Inf are detailed as Members of the Genl. Court Martial of which Maj. Ketchum is President to supply the places of Capt Riley & Lt Rogers who are absent”

By Order of Col. Leavenworth
(Signed) J. Pentland
Adj 6th Regt.

22nd April 1820

The Court pursuant to the foregoing Orders—
Major Ketchum president

Capt. Armstrong	6 th Inf		Capt. Gray	6 th Inf
“ Shaler	6 th “		“ Mason	1 st “
“ Spencer	1 st “		“ Gantt	6 th “
Lt. Harney	1 st “	Members	Lt. Palmer	6 th “
Lt. Noel	6 th “		“ Hutter	6 th “
Lt. Day	1 st “		“ Gwynne	1 st “

Lt. J. Pentland 6th Regt. Inf special Judge Advocate—

The Court being duly sworn in the presence of the prisoners who being previously asked if they had any objections to any of the members name in the foregoing orders and replying in the negative proceeded to the Trial of Alexis Ruelle who was arraigned on the following Charge and Specification preferred against him by order of Colonel Leavenworth.

Charge	Desertion
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Specification In this that the said Alexis Ruelle of Light Co B 6th Regt. Inftry did Desert from the service of the United States at Fort Atkinson on or about the 4th day of February 1825 thereby incurring an expense of \$30 paid for his apprehension—

	By order of Colo. Leavenworth
Colo. Leavenworth	Signed J. Pentland
Sergt. Lathrop	Adj 6 th Regt.

To which Charge & Specification the prisoner pleaded “Not Guilty”

Sergt. Lathrop a witness for the prosecution being duly sworn says on or about the 4th day of Feby. 1825 at Fort Atkinson I was ordered by Col. Leavenworth to go in pursuit of Ruelle, we pursued him across the river & overtook him, with a shot gun & brought him back & delivered him to the Guard. he was about 300 yards from the river on the trail leading to Liberty. Colo. Leavenworth told me he was Deserting at the time he sent me after him.

Quest. by Prisoner.---Had I any ammunition with me or any Clothes or any provisions at the time you apprehended me?—

Answer. I do not know that the prisoner had any— but Robinson the Soldier who deserted with him had 18 rounds of musket ball cartridges—I do not know that he had any provisions or Clothes except those he had on.—

Questn. by Court. What time in the day or night was it you apprehended the prisoner?—

Answer.—About ½ an hour after sun down—

Questn. by Prisoner.—Was the gun I had when you overtook me fit for any kind of service?—

Answer: I did not examine it—I do not know if it was.—

Questn by Court—Was the prisoner intoxicated at the time you apprehended him?

Answer. He appeared to be a little intoxicated but not so much so as not to know what he was about.

The Court Adjourned to meet tomorrow morning at 10 O'Clock—

23rd April 1825

The court met pursuant to adjournment

Present

	Major Ketchum	President	
Capt. Armstrong	6 th Inf	Capt. Gray	6 th Inf
“ Shaler	6 th Inf	“ Mason	6 th Inf
“ Spencer	1 st Inf	“ Gantt	6 th Inf
Lt. Harney	1 st Inf	Members Lt. Palmer	6 th Inf
“ Noel	6 th Inf	“ Hutter	6 th Inf
“ Day	1 st Inf	“ Gwynne	1 st Inf

Lt. J. Pentland 6th Inf Special Judge Advocate

Colo. Leavenworth a witness for the prosecution being duly sworn says: on or about the time specified at ^{Fort Atkinson} it was reported to me that the prisoner & others were about to desert—I directed Serg^{ts} Grubb & Lathrop to watch them—the evening following those Sergts & Corpl. Wilson brought to me the prisoner Robinson of Co. G who they said they had found on the opposite side of the river near the old block house

Sergt. Lathrop or Grubb I do not recollect which subsequently brought to me a tin pail containing 18 Ball Cartridges.—

the same number of Cartridges I saw in a Cartridge box which Drum Major Contal found in possession of Robinson—the Cartridge box was without straps and the Drum Major informed me that Robinson had it secreted under his Great Coat and was carrying it down the hill towards the river and that Robinson attempted to drop it unobservedly when he ordered him back to the Guard house—subsequently to that time Robinson and the prisoner went off together—30 Dollars was paid for the apprehension of the prisoner by my order—no other ammunition was found with them—the only arms that was found was an old Shot gun, 11lb hammer spring of which was entirely gone—the gun made excellent fire for a gun in that situation--\ Private Harrow of Co. D a witness for the prosecution being duly sworn testifies as follows:

Questn. by the Judge Advocate—Did the prisoner on or about the 4th Feby 1825 bring a gun to you to the Armorer's shop to repair?

answer—Yes—He appeared to be anxious to have the gun repaired immediately—he wanted to have a hammer spring put in it but did not say for what purpose he wanted the gun—I told him I could not do it—this was about Retreat in the evening and I was just leaving the shop to go home—this was the last I saw of him until I saw him in the Guard house.

Questn by the prisoner. Did I not tell you that if you repaired it I would sell the gun and give you whiskey for doing it.—

Answer He said he would

The evidence on the part of the of the part of the (sic) prosecution being closed—Gamble of Co D 6th Infty a witness for the prisoner being duly sworn testifies as follows.

Questn. by the prisoner—Did you not see me at the Soap house on or about the 4th Feby 1825 about half an hour previous to my apprehension as a Deserter.—

Answer—Yes I saw him there—some Indians came there at that time and he went with them across the river.

Questn. by the same—Was I not very much intoxicated at that time.—

Answer—He was there but a few minutes and I can say whether he was or not

Questn by the same—Did you see me have any Clothes, provisions or any thing else about me that indicated my intention to desert.

Answer:--No I saw nothing of the kind.
Sergt. Smith of Co D a witness of the prisoner being duly sworn testifies as follows.

Questn by the prisoner—Did you on or about the 4th of Feby 1825 inspect my Clothing, Arms & c—if so was there

any thing missing.

Answer I did inspect them, there was nothing missing from his clothes or arms—I also inspected his Cartridge box and found all his ammunition.—

Questn by the prisoner.—About the time I resigned my appointment as Sergeant in Co B, state to the court if I had not been intoxicated for some time previous to my apprehension as a deserter and at that time—

Answer I thought him very much intoxicated for 3 or 4 days previous to his resignation & at that the time he was apprehended as a Deserter.

Capt Gray a witness for the prisoners being duly sworn testifies as follows:-- Questn by the prisoner—How long have you known me and what has been my general character.—

answer.—I have known the prisoner since the summer of 1814 he has always borne an excellent character as a Soldier with the exception of a habit of intoxication—he has served in the same company with me nearly all this time.—

The evidence on the part of the prisoner having closed the prisoner then stated to the Court (after denying his guilt of the Charge, that he threw himself on the mercy of the Court and the clemency of the Commdg General.

The Court was then cleared and after mature deliberation

on the testimony adduced find the prisoner Alexis Ruelle Guilty of the Charge and Specification exhibited against him and Do Sentence him as follows—

To have \$30 stopt from his pay to reimburse to the U.S. the expense paid for his apprehension and to be kept in Solitary confinement and fed on Bread & Water for 3 Months but in consequence of the Prisn. former good conduct the Court recommends the confinement on Bread & water to be remitted

The Court next proceeded to the trial of Nelson Davidson a soldier of the 7th Regiment US Infantry charged with

Desertion

Specification—In that the said Davidson did desert from a detachment of recruits under the command of Capt Shaler near the mouth of the Ohio River on or about the 16th September 1824.

Thirty dollars has been paid for his apprehension

Signed E. Shaler

Witnesses Capt 6th Inf

Lt. Noel 6th Inf

Sergt. O'Rearden

To which Charge and specification the prisoner pleaded "Guilty"

Lt Noel a witness for the prosecution being duly sworn says: I know that about the time specified Davidson

the prisoner deserted from a detachment of Recruits under Captain Shaler near the mouth of the Ohio river Thirty dollars was paid for his apprehension he was absent from 4 to 6 days or near that time.

The evidence on the part of the prosecution being closed and the prisoner having none to offer the Court ^{was cleared and} after mature deliberation on the testimony adduced find the prisoner Nelson Davidson of the 7th Regt of Infantry Guilty of the Charge & Specification exhibited against him and do Sentence him to Serve the remainder of his term of enlistment at hard labor with a Iron yoke around his neck with two prongs each one foot long and to refund to the United States all Expenses paid for his apprehension.

The Court met proceeded to the trial of Shubal Robinson a Musician of Company G 6th Infty charged as follows

Charge—Desertion

Specification 1st That the said Shubal Robinson a musician of Compy G 6th Regt. Inf did desert from the ^{service of the} United States at Fort Atkinson on or about the 12th day of Sept. 1824.—

Specification 2nd That the said Shubal Robinson a Musician of Co. G 6th Infty did desert from the service

of the United States at Fort Atkinson on or about the
4th day of Feby 1825 & did incur an expense of \$30
paid for his apprehension

By Order of Colo. Leavenworth

Doctor Gale

Signed J. Pentland

Colo. Leavenworth

Adj. 6th Regt.

To which Charge and Specification the prisoner
pleaded Not Guilty

John Lynch a private of Comp. C 6th Inf & a witness on
the part of the prosecution being duly sworn says, On or
about the 12th of Sept. 1824 at Fort Atkinson, the prisoner
stated to me that it was his wish & intention to desert
from the service of the United States & wished me to go
along with him, I agreed to go with him & then went to
Colo. Leavenworth & Doctor Gale & informed them of these
facts.—The prisoner left the Fort, through Doctor Gales
room & went to the river—about 8 O'clock at night, the
prisoner had no arms or ammunition—He was apprehended
by Colo. Leavenworth & Doctr. Gale & Lt. Nute—I received
\$30 for his apprehension paid by the A.A. QrMaster
Lt. Holmes—The prisoner in Compy with others were
seen to leave here in a skiff—they were to cross the

River & have the Skiff on the other side—Two others were in company with the prisoner—Childers & Maxwell. These men had Arms & Ammunition. I saw no clothing or provisions with them—The previous evening was the first time I was aware of their intention.—

Colo. Leavenworth, a witness for the prosecution being duly sworn testifies as follows: On or about the time specified in the 1st Specification it was reported to me by Private Lynch of Compy C 6th Inf & that the prisoner & others were about to desert—I directed the Officers of the Guard to station some men on the bank of the river to watch them, fearing that the men would not arrive there soon enough to detect them. I went down myself, after being near the river a few minutes the prisoner & some other men of the Regt. passed me toward the river in the direction of some boats that lay there—when they got near the boats I hailed them & found that they had evidently made preparation for Desertion—Doctor Gale joined me about the same time & also the officer of the Guard with several men—the prisoners & others were brought up & confined in the Guard house.—The prisoner & the other men subsequently made frequent applications to be released from confinement by paying the expense of their apprehension at the same time making very fair promises

of their future good conduct the last of which appli—
=cations I laid before my immediate Commdg. Officer &
with his consent released them from confinement on the terms
before mentioned—as to the 2nd Specification my testimony
in this case is the same as heretofore given in the care of
Ruelle of Co D? 6th Inf--\$30 was also paid for the
apprehension of the Prisoner for his his (sic) last Desertion—

Question by the prisoner—Was it the same night I
am charged with Desertion (12 Sept) it was reported to
you or the night previous.

Answer I do not recollect precisely the evening on
which the report was made to me I understand however
from Doctr. Gale and also from Lynch who reported to
me that the prisoner & others had that evening held
a consultation in Doct. Gales, Kitchen whether to go
down the river or to Sata Fe—perhaps the prisoner
may ascertain the particulars evening on which it occurred
by inquiring of Doct. Gale?

Question by the prisoner—Was I not intoxicated
at the time you apprehended me?

Answer I presume he was more or less—he
however could walk very well

The Court adjourned to meet tomorrow morning at 10 O'clock

25th April 1825
The Court met pursuant to adjournment
Present

Major Ketchum		President
Capt. Armstrong 6 th Inf		Capt. Gray 6 th Inf
Shaler 6 th “		“ Mason 1 st “
Spencer 1 st “	Members	“ Gantt 6 th “
Lt. Harney 1 st “		Lt. Palmer 6 th “
“ Noel 6 th “		“ Hutter 6 th “
“ Day 1 st “		“ Gwynne 1 st “

Lt. Joseph Pentland 6th Regt. Inf Special Judge Advocate
Judge Advocate here introduced the testimony of
Col. Leavenworth as given by him in the trial of Alexis
Ruelle and referred to by him in this case—and is as
follows; on or about the time specified at Fort Atkinson
it was reported to me that the prisoner & others were about to
desert—I directed Sergt. Graff & Lathrop to watch them—
the evening following those Sergts & Corpl Wilson brought to
me the prisoner & Ruelle of Co B whom they said they had
found on the opposite side of the river near the old Block
house.—

Sergt. Lathrop or Graff I do not recollect which
subsequently brought me a tin pail containing 18 Ball
cartridges, the same number of Cartridges I saw in a
cartridge box which Dum Major Countal found in posses
sion of the prisoner—the Cartridge box was without
straps and the Drum major informed me that the prisoner
had it secreted under his Great Coat and was carrying it
down the hill towards the river and that Robinson attempted

to drop it unobservedly when he ordered him back to the Guard house—subsequently to that time the prisoner and Ruelle went off together--\$30 was paid for the apprehension of the prisoner, by my order—no other ammunition was found with them—the only arms that was found was an old shot gun, the hammer spring of which was entirely gone The gun made excellent fire for a gun in that situation.

Sergt. Lathrop a witness for the prosecution being duly sworn testifies as follows: on or about the 4th Febr 1825 at Fort Atkinson I was ordered by Colo. Leavenworth to go in pursuit of Robinson & overtook him & ordered him to surrender himself as a prisoner—he gave himself up to me, after that he went as far as the Block house on the other side of the river—after we went to the Block house Robinson threw 18 musket Ball Cartridges on the ground.— I brought him back to the Garrison and delivered him as a prisoner—he was apprehended about 300 yards from the other side of the river—

Question by the prisoner—Did you see me in possession of the 18 Musket Ball Cartridges?

Answer—I saw him throw them out of his Pocket or handkerchief he was carrying them at the

Answer—I examined the prisoner to see if he had a powder horn—no further The prisoner had no gun but Ruelle who was in company with him had one.

The evidence on the part of the prosecution being closed and the prisoner having none to offer the Court was ordered to be cleared and after mature deliberation on the testimony adduced find the prisoner Shubail Robinson of Co (G) 6th Inf Guilty of the Charge & Specifications preferred against him and Sentence him to Serve at hard labor with an Iron yoke round his neck having two prongs each one foot long for the remainder of his term of Service. To have all his pay stopped until \$60 the amount of expence (sic) paid for his apprehension ^{“have been paid”} and to be deducted? of Three fifths of his pay for the remainder of his term of Service.

The Court next proceeded to the trial of William Knight of Co. H 6th Inf who was arraigned on the following Charge & Specification preferred against him by order of Colo. Leavenworth.

Charge Desertion
Specification In this that the aforesaid William Knight of Compy H 6th Inf did desert the service of the United States from Fort Atkinson Council Bluffs on or about the 20th Aug 1824 incurring an expence to the United States of \$Sixty & two thirds Dollars—

Signed J. Pentland
Adj. 6 Regt.

To which Charge & Specification the prisoner pleaded "Not Guilty"

Colo. Leavenworth a witness for the prosecution being duly sworn says: I know that the prisoner deserted on or about the time specified from Fort Atkinson—I ordered the Quarter Master to pay 30 Dollars for his apprehension.—

QM Sergt. Cedars a witness for the prosecution being duly sworn testifies as follows: on or about the time specified the prisoner did desert from the service of the United States from Fort Atkinson—I was sent from this place on the 11th Sept 1824 for the purpose of apprehending him—he was apprehended at Walnut Creek about 500 miles from this in the direction of St. Fe—at the time I arrived at Walnut creek the prisoner and two others were encamped there with a party of Traders as I was informed by Capt. Anderson.

When I spoke to Capt. Anderson he said he knew where they were they had to some blankets and went off and made their camp—I lost one mule in returning with the prisoners.—I delivered the prisoner to Capt Shaler on or about the 14th Jany. 1825—The mule was left behind in consequence of being worn down and unable to travel—the mule was a first rate one.

Questn. by the prisoner—When I returned to the Camp on Walnut Creek—did I not deliver my self up to you?

Answer—Yes—

Questn by the prisoner—What was my conduct whilst on the journey from Walnut Creek to Camp Shaler on the Missouri?—

Answer—When I left there I gave them orders to keep up with my party and not fall to the rear about 3 days afterwards they fell in the rear and remained there three or four hours—I got the party to stop and three of them went back with me and we saw them on the trail and we remained until they got up—I then asked them the reason of their remaining behind the reply was that being very cold they stopped at fire till they supposed we had got some distance ahead at which time they could overtake us—after that their conduct was very good—the prisoners feet were frozen previous to my meeting them.—

Lt. Holmes a witness for the prosecution being duly sworn testifies as follows:

Questn. by the Judge Advocate—Please state to the Court the amount of expences that have been or are to be paid for the apprehension of the prisoner as a Deserter

Answer—Thirty Dollars for his apprehension, & Four Dollars for incidental expenses—such as lodging

the keeping of a horse at Liberty &c One mule was lost while the Qr.MsSergt was in pursuit of the prisoner—the mule cost Forty Dollars I was informed.—

The evidence on the part of the prosecution being closed Captn. Shaler a witness for the prisoner being duly sworn testifies as follows:

Questn. by the prisoner.—What was my conduct whilst under your command?

Answer—It was very good—his conduct was so good that I did not confine him after he was delivered to me but put him to duty.

The evidence on the part of the prisoner having closed he requested until tomorrow morning at 10 O'clock to make his defence which was granted and the Court proceeded to the trial of John Wyand (see page 25?)

April 26th 1825

The Court met pursuant to adjournment Present

Major Ketchum president

Capt. Armstrong	6 th Inf		Capt. Gray	6 th Inf
“ Shaler	“ “		“ Mason	1 st “
“ Spencer	1 st “	Members	“ Gantt	6 th “
Lt. Harney	1 st “		Lt. Palmer	6 th “
“ Noel	6 th “		“ Hutter	6 th “
“ Day	1 st “		“ Gwynne	1 st “

Lt. J. Pentland 6th Inf Special Judge Advocate

The prisoner then submitted to the Court the following
defence Fort Atkinson 26 April 1825

To the Honorable Court
and to the Gentlemen composing it .

Being arraigned before you
on Charges which in many instances degrade the
Soldier I consider that in the first instance I was doing
injustice to myself and my Country which I ought to have
a patriotic zeal for, but throwing myself on the mercy
of the honorable Court—the justice of which I according to
the circumstance of my unfortunate route ought to receive.

From the time I joined Sergt. Cedars and having a
recommendation from Capt. E. Shaler of my conduct
while under his command and having been thirteen years
in the service of the United States and during the war
and having honorable discharges from time to time I humbly
ask why I cannot appeal to the honorable Court for
their humanity—I do not wish to tire the honorable Court for
Court with a journal of my past conduct but I wish
them to make what inquiries they many deem proper
towards it—Sergt. Cedars who from the information
I have gained has rather exaggerated his account of
himself and not given me the credit due to an unfortunate
being I was taken prisoner during the last war at the
battle of Stoney Creek by the British and was con=

fined 13 months

Signed William Knight

The prisoner then called on Colo. Leavenworth to testify to his general character—who being duly sworn answers as follows—

Questn by Prisoner How long have you known me and what has been my general character?

Answer—I first knew the prisoner in September 1818 at Detroit—he was then a musician in the 5th Regt of Inf. He served under my command until September 1820—he was a very good boy and I was very much attached to him—he re-enlisted in the 6th Regt. in 1822 in April or May and I believe was a good soldier until he deserted.

The Court was then ordered to be cleared and after mature deliberation on the testimony adduced find the prisoner William Knight Guilty of the charge & specification exhibited against him and Sentence him to make good the time lost by Desertion Four months and twenty four days to serve the remainder of his term of Service at hard labor with an Iron yoke round his neck with two prongs each one foot long—to have all his pay Stopped until forty seven and one thirds dolls. the amount paid for his apprehension be paid to be marched? on Three fifths of his monthly pay for the remainder of his term of Service.

The Court next proceeded to the trial of John Wyand of Co H 6th Inf (see page 17) who was arraigned on the following charges and Specification preferred against him by order of Colo. Leavenworth.

Charge—Desertion

Specification—In this that the aforesaid John Wyand of Co H 6th Regt. US Inf did desert the service of the United States from Fort Atkinson Council Bluffs on or about the 20th Aug. 1824 incurring an expense to the United States of Sixty & two thirds Dollars—

Signed J. Pentland

Adt. 6th Regt.

To which Charge & Specification the prisoner pleaded “Not Guilty.”

~~Colo. Leavenworth a witness for the prosecution being duly sworn says: I knew that the prisoner deserted on or about the time specified from Fort Atkinson. I ordered the Qr. Master Sergeant to pay 30 Dollars for his apprehension~~

QrMaster Sergeant Cedars a witness for the prosecution being duly sworn testifies as follows: On or about the time specified the prisoner did desert from the service of the United States from Fort Atkinson—I was sent from this place on the 11th Sept 1824 for the purpose of apprehending him—he was apprehended at Walnut Creek about 500 Miles from this in the direction of St. Fe.

At the time I arrived at Walnut creek the prisoner and two others were encamped there with a party of Traders as I was informed by Capt Anderson.—When I spoke to Capt. Anderson he said he knew where they were—they got some blankets and went off and made their camp—I lost one mule in returning with the prisoner.—I delivered the prisoner to Capt. Shaler on or about the 14th Jan. 1825—The mule was left behind in consequence of being worn down and unable to travel—the Mule was a first rate one—

Questn. by the prisoner:--When I returned to the Camp on Walnut creek did I not deliver myself up to you?

Answer—Yes

Lt. Holmes a witness for the prosecution being duly sworn testifies as follows:

Question by the Judge Advocate—please state to the Court the amount of expenses that have been paid or are to be paid for the apprehension of the prisoner or a Deserter

Answer Thirty Dollars for the apprehension & Four Dollars for incidental expenses, such as lodging, the keeping of a horse at Liberty &etc—one mule was lost while the QMSergt. was in pursuit of the prisoner—the mule cost Forty Dollars I was informed.

The evidence on the part of the prosecution being closed was the prisoner having none to offer and requesting until tomorrow morning at ½ past Ten O'clock to make his

defence it was granted and the Court proceeded to the trial of John Jones of Co. H 6th Inf (see page 24)

The Court having met pursuant to adjournment (see page 17) the prisoner ~~submitted to the Court the following defence~~ called on Capt Shaler as a witness who being duly sworn testified as follows:

Questn. by the prisoner—What was my conduct while under your command?

Answer It was that of a good and correct soldier—the prisoner was not confined while under my command.

Lt. Noel a witness for the prisoner being duly sworn answers to the following question—Questn. by the prisoner How long have you known me and what has been my general character? Answer—I have known the prisoner since Sept. or Octobr. 1820 and so far as his conduct has come to my knowledge it has been that of a good soldier.

The prisoner then submitted to the Court the following defence Mr. President & Gentlemen of the Court.—

Availing myself of the indulgence of the Court I beg leave to submit the following defence.—

As to the evidence on the part of Colo. Leavenworth all he testifies is that he knows I deserted—any other evidence that he could give before the Court must have been circumstantial or from hearsay.—

QrMsSergt Cedars appears to be guilty of a contradiction in his testimony inasmuch as he testified that we were apprehended and immediately afterwards says I delivered myself up to him.

When he came near to where we were encamped he was in=

=formed that we were not far from them—Capt. Anderson informed him from us that we were willing to give ourselves up to him and return to our Regiment—on which condition he received us and he further said that he had permission to pledge the word and honour of Colo. Leavenworth that we should not be molested if we returned with him to this place—on these conditions we consented to return with him and his testimony as to our behaviour during that time is already before the Court—I would also wish to state to the Court that we often stood guard over the public property in possession of Sergt. Cedars and Capt Shaler has testified that my conduct was good while with him that he did not confine me—The only apology I have for this defence is that I am charged with incurring expenses which I do not think I am guilty of—QrMsSergt. Cedars lost a mule while he was returning with us and we done our utmost to endeavor to save the mule and it is altogether probable that the mule would have been lost had we not been returned with Sergt. Cedars—The sufferings that we underwent and the hardships that we experienced I hope will have due weight with the court and throwing myself on the mercy of the Court and the clemency of the Commanding General

I am respectfully

Yr. Obt & dutiful soldier

John Wyand

The Court was then cleared and after mature deliberation on the testimony adduced find the prisoner John Wyand Guilty of the Charge and Specification exhibited against him and Sentence him to make good the time lost by Desertion four months and Twenty four Days to Serve at hard labor the remainder of his term of enlistment with an Iron yoke round his neck having two prongs each one foot long—to have all his pay Stopped until forty seven and one third Dollars the amount paid for his apprehension are paid and to be mulct of Three fifths of the monthly pay for the remainder of his term of enlistment.

The Court next proceeded to the trial of John Jones of Co. H 6th Inf who was arraigned on the following Charge and Specification preferred against him by order of Colo. Leavenworth.

Charge Desertion

Specification In this that the aforesaid John Jones of Co. H 6th Regt. US Infantry did desert the service of the United States from Fort Atkinson Council Bluffs on or about the 20th Aug 1824 incurring an expence to the United States of Sixty and two thirds Dollars signed

Signed J. Pentland

Adj. 6th Regt.

To which charge and Specification the prisoner pleads
“Not Guilty.”—

QrMsSergt. Cedars a witness for the prosecution being duly sworn testifies as follows: on or about the time specified the prisoner did desert from the service of the United States from Fort Atkinson—I was sent from this place on the 11th Sept. 1824 for the purpose of apprehending him he was apprehended at Walnut Creek about 500 miles from this in the direction of St. Fe—At the time I arrived at Walnut Creek the prisoner and two others were encamped there with a party of Traders as I was informed by Capt Anderson—when I spoke to Capt. Anderson he said he knew where they were—they had got some blankets and went off and made their camp—I lost one mule

in returning with the prisoner—The prisoner was lost a few days previous to my arrival at Fort Osage and delivered himself up to Capt. Shaler, the mule was left behind in consequence of being worn down and unable to travel—the mule was a first rate one—

Questn. by the prisoner—When I returned to the Camp on Walnut Creek did I not deliver myself up to you?

Answer—Yes

Lieut. Holmes a witness for the prosecution being duly sworn testifies as follows

Questn by the Judge Advocate—please state to the Court the amount of expenses that have been order to be paid for the apprehension of the prisoner as a deserter.

Answer.—Thirty Dollars for his apprehension and Four Dollars for incidental expenses—such as lodging keeping of a horse at Liberty &s—One Mule was lost while the QrMsSergt. was in pursuit of the prisoner the mule cost Forty Dollars I was informed—

The evidence on the part of the prosecution being closed and the prisoner having none to offer and requesting until to morning at 11 O'clock to wake his defence it was granted and the Court adjourned to meet tomorrow morning at 9 O'clock.

The Court having met pursuant to adjournment (see page 17) the prisoner ~~submitted to the Court the following~~ defence-called on Capt Shaler as a witness who being duly sworn

testifies as follows.

Questn. by the prisoner—What was my conduct while under your command?

Answer—It was that of a good and correct soldier—The prisoner was confined for two or three days in consequence of my absence by Lt. Noel.—

~~Lt Noel a witness for the prisoner being duly sworn answers to to (sic) the following question. Question by the prisoner—How long have you known me and what has been my general character?~~

~~Answer~~ The prisoner then submitted to the Court the following defence.

The president and Gentlemen of the Court.
Availing myself of the indulgence of the Court I beg leave to submit the following defence.

As to the evidence on the part of Colo. Leavenworth all he testifies is that he knows I deserted—any other evidence that he could give before the Court must have been circumstantial and from hearsay—

QrMsSergt. Cedars appears to be guilty of a contradiction in his testimony inasmuch as he testified that we were apprehended and immediately afterwards say I delivered myself up to him—when he came near to where we were encamped he was informed that we were not far from them—Capt. Anderson informed him from us that we were willing to give ourselves up to him and return to our Regiment—on which condition he received us and he further said that he had permission to pledge the word and honor of Colo. Leavenworth that we should not be molested if we returned with him to this place—on these conditions we consented to return with him and his testimony as to our behavior during that time is already before the Court—I would also wish to state to the Court that we often stood guard over the public property in possession of Sergt. Cedars

And Captn. Shaler has testified that my conduct was so good while with him that he did not keep me confined.—

The only apology I have for this defence is that I am charged with incurring expenses which I do not think I am guilty of—QMSergt Cedars lost a mule while he was returning with us and we done our utmost endeavours to save the mule and it is altogether probable that the mule would have been lost had we not returned with Sergt. Cedars—The sufferings that we underwent and the hardships that we experienced I hope will have due weight with the Court and throwing my self on the mercy of the Court and the clemency of the Commanding General

I am respectfully
YBB & dutiful Soldier
John Jones

The Court was then cleared and after mature deliberation on the testimony adduced find the prisoner John Jones Guilty of the Charge and Specification exhibited against him and Sentence him to make good the time lost by Desertion four months and Twenty four Days, to Serve at hard labor the remainder of his term of Service with an Iron yoke round his neck having two prongs each one foot long—to have all his pay Stopped until forty seven and one third Dolls are paid the amount paid for his apprehension and to be mulct of Three fifths of his monthly for the remainder of his term of Service.

The court next proceeded to the trial of private Charles Gibson of Co G 6th Infantry on the following Charge & Specifications.

Charge—Violation of the Twentieth, Twenty first and Twenty third Articles of the rules & Articles of War.

Specn. 1st In this that he the said Charles Gibson did on or about the 12th of March 1825 at Fort Atkinson on Desert or attempt to Desert from the service of the United States—

Specn 2nd In this that the said Charles Gibson did absent himself from his Company after Tattoo on or about the 12th March 1825 at Fort Atkinson and did remain absent until brought back.

Specn. 3rd The said Charles Gibson is charged with violation of the 23rd Article of the rules & Articles of War in persuading private Kelly of Co. G 6th Inf to desert from the service of the United States on or about the 12th March 1825 at Fort Atkinson—

By order of Colo. Leavenworth

Signed J. Pentland

Adjt. 6th Reg.

To which Charge and Specifications the prisoner pleaded “Not Guilty.”

Colo. Leavenworth a witness for the prosecution being duly sworn testifies as follows: I believe on or about the time mentioned in the 1st Specn. it was reported to me by Private Rash of Co H 6th Infy that the prisoner & one or two others were about to desert & that he had promised to go with them I directed him to start with them if they wished it—he informed me that they were to rendezvous at the Blacksmith shop. I immediately ordered the Offs. of the Guard to go

down to the river with some one & keep watch for them & to apprehend them if they attempted to embark in the boats.

I also went down myself for the same purpose—while descending the hill. I heard some person cough who was out the top of the hill near the hospital—it was immediately answered by some person near the Black Smith Shop.

I then thought & still think that it was a signal for the prisoners—given for the purpose of putting him on his guard or to inform him he was watched—I found Rash near the Black smith shop—but could not find the prisoner or the others who were expected to desert with him—I came into the Cantonment & called into my office private Kelly of Co. C 6th Inf. one of the men whom Rash had informed me was to desert with the prisoner—he (Kelly) informed me that he & the prisoner had intended to desert; I subsequently called the prisoner & Kelly into my office together they both confessed the same thing—the prisoner observed to me that he could not serve in the Co to which he belonged and that he must & should desert unless he could be transferred.

Private Rash of Co. H 6th Inf was then called by the Judge Advocate as a witness on the part of the prosecution and was objected to by the prisoner on the following grounds That the prisoner is a deserter himself and has been convicted of Stealing—the Court was then cleared and after deliberation decided that the evidence of the witness should be received—Rash was then duly sworn and testifies as follows: on the 12th of March 1825 at

Fort Atkinson between Retreat and Tattoo the prisoner asked me if I would desert with him & Kelly I told him certainly & afterwards I made several excuses to leave him & done so & immediately reported him to the Commng Officer & I went to the river opposite the Black Smith Shop & him & Kelly were there with their things—I went to the Commng Officer ~~Officer~~ and again returned to the river and they had gone—We had agreed to meet on the bank of the river opposite the Black smith shop—he was to leave here by water—The prisoner said he had Ammunition, Clothes, and provisions enough to take him down.—

Private Kelly of Co G 6th Infty a witness for the prosecution being duly sworn testifies as follows: on or about the 12th March 1825 at Fort Atkinson I know the prisoner did make an attempt to desert from the United States service, he had got as far as the bank of the River, and then returned as he suspected he would be taken—this was between Retreat and Tattoo—on or about the 12th of March 1825 the prisoner asked me to desert with him and said it would be a good chance. I told him I would not go. I told him I would let him through the day positively. He came to me a second time and asked me to go & I then gave him an answer—he said I would have a good friend & he would insure my getting as far as Pittsburg.—

The evidence on the part of the prosecution having closed and the prisoner having none to offer and requesting until 10 Oclock tomorrow to make his defence it was granted and the Court proceeded to the trial of Michael Halen (see page 32)

April 27th 1825

The Prisoner submitted to the Court the following defence
I have been allowed the privilege of making a defence
and now submit the following:

Colo. Leavenworth the first witness that was sworn testi=
fies that he was informed by Rash of Co H 6th Inf that
my self & others intended to desert—He ordered the Offc. of
the Guard to watch us and the Colonel says that while we was
descending the hill to go down to the boats he heard what
he supposed to be a signal for us—that we were that we were discovered—
he does not say that he saw me or any other person who Rash
said intended to desert—there is no proof that I was absent from
my quarters after Retreat and Tattoo.

There is a question which I intended to ask Kelly a
witness for the prosecution but which was over ruled by the Court
which was whether I persuaded him to desert or whether I did not
ask him or tell him not to desert himself without he thought it
was proper or not to be persuaded by any one—If he had answer=
ed the question it must have exempted me from the charge of
endeavoring to persuade him to desert

I am respectfully
Yr. Ob. & dutiful Soldier
Charles Gibson

The Court was then cleared and after mature deliberation
on the testimony adduced find the prisoner Charles Gibson of Compy
G 6th Inf Guilty of the 1st Spec leaving out the words Desert or “not guilty of the 2nd Spec and
guilty of the 3rd Spec and Not guilty of a violation of the 20th or 21st article But Guilty of
violating the 23rd Article of the rules & articles of war and Sentence him to serve the remainder
of his term of Service with an Iron yoke round his neck having Two
prongs each one foot long and to be Mulch of Three
fifths of his monthly pay to the end of his enlistment.

The Court next proceeded to the trial of private Michael Halen who was arraigned on the following charge & Specification preferred against him by Capt. Gantt 6th Inf

Charge Mutinous Conduct

Specification In this that he the said Michael Whaling did resist the authority and disobey the orders of Sergeant Samuel Walker orderly Sergeant of Company (G) 6th US Infantry and did dare and defy the said Sergeant to execute his orders and stab him Sergeant Walker with a pointed or edged weapon The Sergeant being then in the execution of his duty at Fort Atkinson on or about the 17th March 1825

Sergeant J. Gantt
Captn 6th Infy

To which Charge & specification the prisoner pleaded “Not Guilty.”

Capt. Gantt a witness for the prosecution being duly sworn testifies as follows—on or about the time mentioned in the Specification at Fort Atkinson I heard the prisoners quarreling with one of the men in the Cook room of Company G 6th Infantry—Sergt. Walker entered the room and ordered him to be silent—the prisoner did not obey his order—The Sergt. then ordered him to the Guard house—the prisoner said he would not go to the Guard house and observed “I defy you” a scuffle ensued and he was taken to the guard house.

Sergt. Walker a witness for the prosecution being duly sworn testifies as follows: on or about the date specified at Fort Atkinson I went into the Cook room and found the prisoner

quarrelling with the cook of Company G 6th Infy—I asked him what was the matter, he said this damn'd rascal had baked such bread that no person could eat it—I ordered the prisoner to be silent and told him if he did not I would strike him—he then dared & defied me to do so and did not obey my order—I then went up to him & struck him with my hand and he made a lunge at me with a Fork that he had in his hand—the fork struck me in the groin and penetrated just through the skin I took the prisoner to the guard house and he caused me the whole of the way there

Questn by the Court—Was the prisoner intoxicated at the time?

Answer I believe he was a little so.

Private Bird a witness for the prosecution being duly sworn testifies as follows: on or about the 17th March 1825 at Ft. Atkinson the prisoner came into the Cook room for his dinner and stated that his piece of bread was not so good as that of the other men and wanted another piece—Sergt. Walker came in and told him to eat his dinner & be silent which order he disobeyed—the Sergt. told him that if he was not silent he would make him so and break his head or something to that effect—the prisoner then said “I defy you to do so” I did not see the prisoner stab the Sergt. with the fork but saw blows pass between them—previously however the Sergt. ordered one of the men to give the prisoner another piece of bread which was given to him—I helped to bring him

the guard house—the conduct of the prisoner was very abusive to Sergt. Walker whilst going there.

The evidence on the part of the prosecution having closed and the prisoner having none to offer the Court was cleared and the mature deliberation on the testimony adduced find the prisoner private Michael Whaling Guilty of the Charge & Specification exhibited against him and Sentence him to be confined in Solitary Confinement for 3 Months to be fed on Bread & Water Duly during that period afterwards to Serve at hard labor for 12 Months & to wear an Iron Collar with Two prongs, each one foot long ^{during the project} the whole to weigh not less than 12 Pounds and to be mulch of Three fifths of his pay to the end of his Enlistment—

The Court next proceeded to the trial of Edward J Murden of Light Co B 6th Regt. US Infy who was arraigned on the following Charges & Specifications

Charge 1st Insubordinate & abusive conduct to his superior Specification In this that he the said Edward J Murden of Light Co B 6th Regt. did when asked by Sergt Major Mitchell 6th Regt. how he the said Murden had obtained a tent belonging to the United States which he the said Murden had endeavored to induce Millet of Co F, 6th Regt. to steal from the loft of the Adjutants Office reply that

it was none of his the said Sergeant Majors business and did use the abusive language at the same time this at Fort Atkinson on or about the 1st of April 1825

Charge 2nd Mutinous Conduct

Specn. In this that he the said Edward J Murden of the Company & Regiment aforesaid did when ordered to the guard house by Sergt. Major Mitchell of the 6th Regt. resist the authority of the said Sergeant Major Mitchell by striking with his fist and otherwise abusing the said Sergt. Major Mitchell this at Fort Atkinson on or about the 1st of April 1825—

Signed J. Pentland
Adjt. 6th Regt.

To which Charges & Specifications the prisoner pleaded “Not Guilty”—

Sergt Major Mitchell a witness for the prosecution being duly sworn says: on or about the 1st April 1825 at Fort Atkinson Millet who was orderly for the Adjt. of the 6th Regt came into my room & told me that Murden had tried to induce him to steal a tent out of the loft of the Adjutants Office & that Murden observed that I must know nothing of it or I would put a stop to it—on my inquiring of Murden how he came by said tent he told me it was none of my business and that I might kiss his Arse—I immediately ordered him to the Guard room—he then drew his fist and struck me several times observing at the same time that he would not go to the guard house for me—

Questn by Prisoner—Did you not push me and order me to go home previous to my striking you?

Answer: I did push him for the purpose of enforcing my authority and to get him to the Guard house I did not order him to his own quarters—

John Millett of Co F 6th Infty a witness for the prosecution being duly sworn testifies as follows: I went into the Adjutants Office on the evening of the 1st April 1825 at Fort Atkinson, the prisoner asked me if I wanted any Trousers he said he had some sail Cloth up on the loft that would make three or 4 pair a piece for us—I asked him if it belonged to him—he said never mind—I said no more to him but reported it to the Sergt (he had previously asked me not to report it to the Sergt. Major) when the Sergt Major came in he asked the prisoner what canvas it was of his business & told him to kiss his Arse with that the Sergt. Major gave him a push—the prisoner immediately struck the Sergt. Major & kicked him in the fire place and gave him two or three other blows—The Sergt then ordered the prisoner to the Guard house—The prisoner left the office and in about 10 or 15 minutes returned a second time without going to the Guard house—The Sergt Major ordered him out of the Office, with that the prisoner clenched the Sergt. Major by the Collar & struck him several blows before I parted them.—

Questn by the prisoner Did I endeavor to entice you to steal the tent in question?

Answer—He wanted me to assist him in stealing it—

The Court adjourned to meet tomorrow morning at 10
O'clock

April 27th 1825

The Court met pursuant to adjournment

Present

Major Ketchum			President		
Capt Armstrong	6 th Inf		Capt Gray	6 th Inf	
“ Shaler	6 th “		“ Mason	6 th “	
“ Spencer	1 st “		“ Gantt	6 th “	
Lt. Harney	1 st “	Members	Lt. Palmer	6 th “	
“ Noel	6 th “		“ Hutter	6 th “	
“ Day	1 st “		“ Gwynne	1 st “	

Lt. J. Pentland 6th Inf Special Judge Advocate

The evidence on the part of the prosecution having closed

Lt. J. Pentland a witness for the prisoner being duly sworn

testifies as follows: on or about the 1st April 1825 the

prisoner who was under my direction requested and obtained

permission from me to take a frolic. The Conduct of the prisoner

when he is not intoxicated has always been correct and

soldierlike since he has been under my charge which has

been nearly one year.

The evidence on the part of the prisoner having closed

and he having no defence to make the Court was cleared and

after mature deliberation in the testimony adduced find the

prisoner Edward J Murden of Light Company B 6th Infy

Guilty of the first Charge & Specifn and Guilty of the

Second Charge & Specification exhibited against him

and Sentence him to be confined to Solitary Confinement for 3 Months and to be fed on Bread & Water only during that period. Afterwards to serve at hard labor for three months During which time he is to wear an Iron Collar round his neck having Two prongs each one foot long To weigh not less than 12 pounds and to be mulch of Three fifths of his monthly pay To the end of his enlistment. The Court from all the circumstances of the Case recommend that the stoppage of Pay in the Case be remitted The Court next proceeded to the trial of Peter Brown of Company B 6th Regt. of Infy on the following Charge & Specification preferred against him by order of Colo. Leavenworth

Charge: Unsoldierlike Conduct

Spect. In this that he the said Peter Brown did on or about the 26th Feby 1825 shoot a horse belonging to an Ioway Indian, to the prejudice of good order & military discipline & such conduct having a tendency to destroy the peace now existing between the U. States & said Indians

By order

Signed J. Pentland

Adjt. 6th Regt

To which Charge & Specification the prisoner pleaded "Not Guilty"

Lt. J Pentland a witness for the prosecution being duly

sworn testifies as follows: on or about the time mentioned in the specification I was ordered by Colo. Leavenworth to accompany Mr. Dougherty Sub. Indian Agent at the place into the bottom about 2 miles below the Fort for the purpose of inspecting an Indian horse said to be shot by the prisoner and also for the purpose of examining the tracks of the prisoner who had followed the horse and comparing them with the shoe of the prisoner.— The Colonel informed me that I would receive the shoes of the prisoner from a soldier in the lower gardens with which he wished me to compare the tracks of the person who had followed the horses. I went into the bottom and after striking the trail of the horses found that some person had evidently followed them one or two miles I compared the shoe with the track and they corresponded exactly in size and shape—the track was made in the sand which was wet and left the track perfectly plain --we followed the track until we came up with the horse and found that he had been shot in the head apparently with shot—both the eyes were out and it was my impression that the horse was rendered useless—I suppose the horse was worth Thirty Dollars before he received ^{the} injury. I was afterwards ordered by Colo. Leavenworth to inquire whether any other soldier of either Regiment had been absent that day in that direction for the purpose of hunting—none were reported to have been absent except the prisoner.

Mr. Dougherty Sub. Indian Agent a witness for the prosecution being duly sworn testifies as follows: some time in the month of Feby 1825 at Fort Atkinson—The “Little Star?” an Ioway Indian accompanied with two

other Indians informed me that a white man had shot one of their horses and that they had followed him and caught him in the prairie and had attempted to bring him up to the Garrison but did not succeed—the “Little Star” stated that he had come on in advance that he might inform some officer who would take measures to secure the Soldier who had shot the horse and while in conversation with me pointed out and said there comes the same man some Officer (I do not know who) was present sent for the soldier who was brought and proven to be the prisoner—the Officer questioned him about the fact but he denied having shot the horse and said he had been down in that directed hunting and had saw the same Indians and they had attempted to take his gun from him—the Indians on being further questioned by me had no doubt it was the same man—they were near him when they heard the report of the gun—they had went immediately and found the horse shot in the head—they then took the track of the man who they supposed had shot him and followed the track until they overtook the prisoner—they further stated that there was no other track to be seen and to use their own words it was like following the track of a bear in the snow—very plain I afterward took the Little Star to the Commdg. Officers Office and related the circumstances to him—he then sent for the prisoner who came in all muddy and wet and asked him if he had been hunting in the bottom below—the prisoner said he had—the Colo. asked him if he had a shot gun or a Rifle—he said a shot gun—the Colo. asked him if the shoes he had on were the same he wore that day when out hunting

when he met the Indians. The prisoner answered they were the same—the Colo then directed him to take them off and he done so ^{and the Col. marked them} and then requested me to go down with Adj. Pentland and one of the same Indians who conducted us to the place and a short distance below the Company Gardens the Indians showed us some horse tracks, and a mans track which he said were the same we followed them I should say 1 or 2 miles and compared the shoe and track together several times—they corresponded exactly the mans track appeared to be in the same direction as the horses until we came to the place where the horse was shot --she was not dead but apparently both her eyes were out. Evidently done with shot—I have since understand that the horse died a few days afterwards and I believe there is no doubt of her death—the mare was with foal at the time. I suppose the mare was worth between 30 and 40 Dollars From the appearance of the wound she had not been shot long not more than 3 or 4 hours—I think that this conduct would leave a tendency to make the Indians retaliate \on the same man or any other white man in the same manner and have a tendency to interrupt the friendship now existing between the U. States and those Indians.—

Questn by the Court—Can the Indians who gave you the information above stated be relied on and have you any doubt of their statement

Answer—I am confident that they believed it to be the prisoner their statement I think can be relied on.—

The evidence on the part of the prosecution having closed the Court adjourned to meet tomorrow morning at 10 O'clock

April 28th 1825

The Court met pursuant to adjournment

Present

Major Ketchum President

Capt.	Armstrong	6 th Inf	Capt	Gray	6 th Inf	
“	Shaler	6 th “	“	Mason	1 st “	
“	Spencer	1 st “	Members	“	Gantt	6 th “
Lt.	Harney	1 st “	Lt.	Palmer	6 th “	
“	Noel	6 th “	“	Hutter	6 th “	
“	Day	1 st “	“	Gwynne	1 st “	

Lt. J. Pentland 6th Infy Special Judge Advocate

The prisoner submitted to the Court the following defence

Mr. President & Gentleman of the Court.

The Court having allowed me the privilege of making a defence—I beg leave to lay the following before them—

The evidence on the part of the prosecution does not appear to consist of any thing that can in my opinion convict—Mr. Dougherty the Sub Indian Agent was informed by some Indians that a white man shot one of their horses—you Mr. Dougherty shortly afterwards says that the Indians did not see me shoot the horse but that they heard a gun fire and following the

direction of the report came across me—All the other evidence appears to be of the same import and I would wish to state to the Court that men are in the habit of going down as are into the bottom as I was without papers

I am respectfully
YOB soldier
Peter Brown

The Court was then cleared and after mature deliberation on the testimony adduced find the prisoner Peter Brown of Co B 6th Infty Guilty of the Charge and Specification preferred against him and Sentence him to be Soli=
=tarily confined for One month to be fed on Bread and Water duly during that Period afterwards to be confine in the Guard house One Month to ride the Wooden horse 3 hours a Day with the Words “Indian horse Shooter” written in large letters on his back and to be Mulch of 4/5 of his monthly pay until 30 Dolls is Stopped to pay the Indian for his horse.

The Court next proceeded to the trial of private James Fanning who was arraigned on the following Charge & Specification preferred against him by order of Colo. Leavenworth
Charge Unsoldierlike Conduct & Neglect of Duty Specn. In this that the said James Fanning being

lines missing
fraudulently broken open & two barrels of whiskey were
therefrom

By Order of Colo. Leavenworth
Signed J. Pentland
Adj. 6th Regt.

To which Charge & Specification the prisoner pleaded
“Not Guilty.”

Lt. Richardson a witness for the prosecution being
duly sworn testifies as follows: on or about the time
specified in the specification at Fort Atkinson I was
directed by Colo. Leavenworth to call the prisoner to
my room and make him tell me in what manner—
whiskey had been taken from the store room of the Sutler
of the 6th Reg. then used by the Sutler of the 1st Inft.
and to learn what had become of one barrel that had
been taken from there—I told the prisoner that he
would have to be tried and that he must tell me all he
knew about it. The prisoner said that black boy of Mr.
Dougherty’s (Jim) came to him in the course of the day
that the Whiskey was taken and told him he knew where
he could get 2 Barrels of Whiskey and that if he the
prisoner would give him the Countersign—he (Jim) would
? get it that night (The prisoner was at that
time? on the police Guard) the prisoner informed me that

(line missing)

barrels of whiskey which were afterwards concealed
saw dust near the mill—some time the
negro boy moved one of the barrels down to or near the
stables and on finding they were discovered he ?
said he had heard that one barrel (The one taken to the?
stable had been stove in and the Whiskey spilled on?
ground—the other was found by Colo. Leavenworth and delivered to?
Mr. Kennerly's store—I can state that I told ?
that the Colo. had said he would be whipt until he?
confessed all he knew about it.—

Capt. Culbertson the Sutler of the 1st Regt testified
for the prosecution being duly sworn testifies as follows:?

Questn. by Judge Advocate—pleas state to the
Court the amount of whiskey you lost on or about
4th April 1825?—

Answer—I lost on Barrel—the ?
quantity in each barrel is about 35 Gallons
worth to me \$1.62 ½ per Gallon

Capt. Gantt a witness for the prosecution
sworn testifies as follows: on or about the time stated
at Fort Atkinson the prisoner was a sentinel of the
Guard on the bank of the river I visited him (as?)

Officer of the Day about 12 or 1 O'clock at night and he had left his post 8 or 10 paces and came in towards the Sutlers store I directed him to go back to his post again—he appeared as if he was looking toward the Sutlers store in search of something—the day previous to this I saw the prisoner in very close conversation with Mr. Dougherty's negro boy Jim at Mr. Dougherty's kitchen door.—

Questn. by the Prisoner How far does the sentinel's post at that post extend?—

Answer—About 20 or 30 yards on a line parallel with the river—but does not extend at all in the direction I found him.—

Questn by the Prisoner Does not the post or Sentinel extend 5 or 6 paces from his post in every direction?

Answer.—I do not conceive it does
The evidence on the part of the prosecution being closed the Court adjourned to meet tomorrow morning at 9 O'clock

29th April 1825

The Court met pursuant to adjournment

Present

Major Ketchum President

Capt.	Armstrong	6 th Inf	Capt	Gray	6 th Inf	
“	Shaler	6 th “	“	Mason	1 st “	
“	Spencer	1 st “	Members	“	Gantt	6 th “
Lt.	Harney	1 st “	Lt.	Palmer	6 th “	
“	Noel	6 th “	“	Hutter	6 th “	
“	Day	1 st “	“	Gwynne	1 st “	

Lt. J. Pentland 6th Infy Special Judge Advocate

The prisoner submitted to the Court the following defence

Fort Atkinson April 28th 1825

To the Hon. President and Gentleman of the Court.

To men of as good understanding, abilities, honor and integrity as those whom I know have the honor to address, I think very few words in my defence, on the case before them is sufficient—I shall relate the circumstances of the case as they have since come to my knowledge—On the evening of the 4th of April I was called into an Officer's room, and by him told that I had suffered, while on post two barrels of Whiskey to be taken from it, and that I must either confess it, or take a flogging. He at the same time held in his a loaded riding whip, which he kept flourishing round my head, as though he designed to show me how well he knew the use of it. I refused. He rose from his seat and came towards me. At that ~~time~~ instant the feelings of a criminal on the rack were envious in comparison with mine. He however passed me and as he was passing said—“Farming I will leave you for a few moments to reflect” and went (sic) the door—I did reflect. I knew if I did not confess it—I should be flogged and if I did and he cross=questioned me, I thought it probable he would flog me for lying—However there was only one course in which there was any prospect of getting off

I fabricated a story which I thought would pass unless cross-examined too close, it answered my most sanguine expectations—He returned after being absent about five minutes and asked if I had concluded—I still hesitated. He again rose from his seat and came towards me and I then did confess. I said “Yes” to every question he asked and afterwards told him if he wished me to confess murder I would do it—He dismissed me. He awoke me afterwards at midnight and my anticipations with respect to the flogging were dearly realized. I however escaped it and was confined.

All this was on account of a negro who was tortured to confess that some one was his accomplice, and while the practitioner=ed of this admirable method of discovering secrets, one armed with a cow hide, the other with an Indian whip, were exhasted for want of breath, he was interrogated and confessed every thing they asked him, or he would have been cut in pieces. I should ask the gentlemen of the Court if any weight should be attached to a confession made under the like circumstances? I am confident they would unanimously Answer “No” Yet on these same circumstances I have confined and tried—I do not recollect either in Ancient or modern history of any enlightened people, of its having been violated but once, with which and other charges Robespierre was sent to the Guillotine. It reminds of that institution which was founded in the dark ages of Tyranny, Cruelty, and Superstition which was a disgrace to the Religion it was

intended

to propagate and to every human being called the Holy Office or Inquisition. Every one on whom suspicion rested was its detained victim.—

The only evidence to whom any weight can be attached is Capt. Gantt, I will relate the circumstances on which the Capt. founds his evidence. There was a large Cask or tierce standing four or five paces from my walk and although it had been a very fine day, the wind, in the evening blew very cold from the South. I walked to the cask and stood with my back against it to shelter myself from the wind and seeing the Capt. coming down the hill I left it and was walking to and fro on a parallel line with the cask at the time the Capt. came up—He asked my orders and passed on, without making any observations. I was directly in front of Mr. Kennerly's House. Had I been as the Captn states in front of the store I must have been thirty yards from my post—The Capt. is guilty of seeming contradiction in his evidence—He say first, that I was ten or 15 paces from my post and after being cross=questioned says it was twenty five or thirty.

I am charge with “neglect of Duty” which has not been proved, but on the contrary I could easily have proved that I never had charge of the store, nor has the sentinel on that post—Therefore all the proof there is of being an accomplice in that crime is a confession

made to avoid marks of disgrace which had I not confessed it, I must have borne on my back to my grave. I will appeal to the feelings of every Gentleman on the Court—were he in the situation in which I was placed and those courses given him for a choice, would he hesitate a moment which of those expedients to adopt? Yes, was I called up and actually knew there was no other way of avoiding a flogging I would swear by all the saints in the Calendar, that black was white and that white was no color at all and still would I count my oath as good as it is at the present moment. But I beg pardon of the Court for wasting so much paper, ink and time on a subject which must be so clear to every member.

With great respect I remain
Your faithful Soldier
James G. Fanning

The Court was then cleared and after mature deliberation in the testimony adduced find the prisoner James G Fanning Not Guilty of the Charge or Specification exhibited against him and do therefore acquit him.—

J. Pentland	D Ketchum
Lt. Sped. Judge	Morris it?
Advocate	President of the Court

The Court was then about to proceed to the Trial of Pvt. Rash of Co H 6th Regt. when Lt. Hutter rose & objected to himself as a member of the Court in this case in consequence of his having been a member of the Court Inquiry instituted in this case and having expressed an opinion on its general merits—The Court was cleared & decided that the objection of Lieut. Utter was good and he was permitted to withdraw.

Lt. Rogers of the 6th Inf then appeared and took his seat by virtue of the following order.

Hd. Qrs. Fort Atkinson

Orders 29th April 1825

Lt. Rogers is detailed as a member of the Genl. Court Martial of which Major Ketchum is president to supply the place of Lt. Hutter relieved by order of the Court.—

By order of Colo. Leavenworth

Signed J. Pentland

Adjt. 6th Reg.

The Court being thus constituted consisted of

Major Ketchum			President		
Capt.	Armstrong	6 th Inf	Capt	Gray	6 th Inf
“	Shaler	6 th “	“	Mason	1 st “
“	Spencer	1 st “	Members	Gantt	6 th “
Lt.	Harney	1 st “	Lt.	Palmer	6 th “
“	Noel	6 th “	“	Rogers	6 th “
“	Day	1 st “	“	Gwynne	1 st “

Lt. J. Pentland 6th Inf Special Judge Advocate—
The Court was then duly sworn in presence of the prisoner
who being previously ^{asked} if he had any objections to any of the
members named in the foregoing orders and replying in the
negative the Court proceeded to the trial of private
Willbourn Rash of Co H 6th Regt. Inf on the following
Charge & Specification.

Charge—Theft

Specification—In this that he private Rash (Co H
6th Regt. US Inf.) did steal take or obtain from Pvt.
Huff of the same company and Regiment a Silver Re=
=peater watch (valued at Thirty Dollars the property
of Lieut Andrews 6th Inf on or about 22nd August 1826
at or near Fort Atkinson

Signed G. Andrews
Lieut. 6th Inf

To which Charge and Specification the prisoner pleaded
“Not Guilty.”

Private Huff of Co H 6th Inf a witness for the prosecution
being duly sworn testifies as follows: on or about the 22nd
Aug. 1824 at Fort Atkinson I had a Silver Repeating watch
in my possession belonging to Lieut. Andrews. The watch was
stolen out of the Reading room at the time specified but I
do not know that the prisoner stole it—Co
Corpl King of Co J 6th Inf a witness for the prosecution
being duly sworn testifies as follows

on the evening that private Gibson was confined for ?
to desert about the 11th of March 1825 at Fort Atkinson I
heard him and the prisoner in conversation previous to him
attempting to desert—but on the same day Gibson was urging
the prisoner to make haste, that he wanted to be gone—
the prisoner asked him to wait until he got his watch
Gibson observed never mind the watch it is of no value
the prisoner replied that it was a very good watch
that it was one that formerly belonged to Lieut. Andres
and that it was the one that was stolen from Huff out of
the Reading room.

Private Gibson was then called as a witness on the
part of the prosecution and was objected to by the prisoner
on the following grounds—that the prisoner had past been
tried for having attempted to Desert and that he was a
notorious Thief—the Court was cleared and decided
that the testimony of the witness should be received
The witness was then duly sworn and testifies as follows
on or about the 11th of March 1825 at Fort Atkinson which
in conversation with the prisoner in front of the Quarters of
Co H 6th Inf he told me that he had a watch in his possession
that formerly belonged to Lieut Andrews and that he had stolen
it from private Haff of Co H 6th Inf and had given it to
Corpl. Connors to keep for him

Question by the Court:--Were you and the prisoner very intimate and friendly at that time?

Answer:--We were very intimate and I was very friendly to the prisoner.

Question by the prisoner—Was you not reported by me to Colo. Leavenworth as intending to desert and were you not confined for that circumstance previous to your making this declaration as to my having stolen the watch.

Answer—I was confined previous to my saying any thing about the watch—but the circumstance had only come to my knowledge about 20 minutes before—I was confined after Tattoo and told of it the next morning.

Lieut Andrews a witness for the prosecution being duly sworn testifies as follows on or about the 11th March 1825 at Fort Atkinson I went out to the Corn Cribs where the prisoner was and asked him where that watch was that he had the evening previous—the prisoner said he had lost it—the King who had been there the evening present must have stolen it—the prisoner appeared to be confused at the time I was talking to him—while bringing the prisoner to the Garrison under arrest he told me in the course of conversation that he would rather pay me the value of the watch than be confined in the Guard house—I gave Lieut Richardson 30 Dollars for the watch.

Questn. by the Court Did he knowingly ?

acknowledge in your presence that he had told King that he had stolen your watch?

Answer—He did acknowledge that he might have told King (so in the presence of King) he had previously denied to me that he had had any conversation with King until confronted with him.

The evidence on the part of the prosecution having closed the prisoner the stated to the Court in substance as follows—that the evidence of Gibson ought to weight very little with the Court as it appears that he was reported by him for desertion and that the report of Gibson was not made until after he was confined for that fact and therefore the report must have originated in malice and revenge—his evidence ought not to be entitled to my credit from the circumstance of his having been tried by the Court for Desertion. The prisoner wished the Court to take these circumstances into consideration and denied positively his guilt of Charge & Specification.

The Court was then cleared and after mature deliberation on the testimony adduced find the prisoner private Wilbourn Rash Guilty of the Charge & Specification preferred against him and Sentence him to be Drummed Three times round

The Garrison and to be Mulch of Four
fifths of his Monthly pay until Thirty Dolls
be Stopped to reimburse Lt Andrews for
the loss of his Watch—
The Court having no further business before it
adjourned “Sine Die”

Jos. Pentland
Lt & A. Judge Adv.

D Ketchum
Major USA
President of Court

This perhaps is not in order

having been a member of the Court of Enquiry in the case of Lieut. Biddle and Captain Magee being arraigned on distant Command are relieved from the General Court Martial of which Colonel Changers is President and Brevet Major Biddle of the Rifle & Brevet Major Foster of the 6th are detailed as member to Supply the deficiency.

By order

Signed Step. W. Kearney

Capt. & Act. Agt

June 28th 1820

The Court being thus organized stood as follows—

—Present—

Colonel Chambers President

Brevet Major Biddel		Brevet Major Foster
Capt. Hamilton	Members	Capt. Martin
Lieut. Scott		Lieut Wickliffe

Lieut. Kavanaugh Judge Advocate

The Court then adjourned from day to day until the 6th of July 1820 when the Court met pursuant to adjournment

Present

Colonel Chambers President

Brevet Major Biddel		Brevet Major Foster
Capt. Hamilton	Members	Capt. Martin
Lieut. Scott		Lieut Wickliffe

Lieut. Kavanaugh Judge Advocate

The Court being duly sworn in the presence of the prisoner proceeded to the trial of private William Kitchen of Battallion

The following is an additional Court Martial from the National Archives

Present
Col. Chambers President

Capt. Bliss		Capt. Hamilton
Capt. Martin }	Members	Capt. Magee
Lieut. Scott		Lieut. Wickliffe

Lieut. Kavanaugh Judge Advocate
Adjutant Stern for being again called
before the Court and interrogated says:
Question by the Court: Can you produce
the morning report of Company H 6th
Infantry signed by the accused on
the 7th May last which you were
required by the Court on yesterday
to produce to the Court today?
if not can you account for it?
?: The morning report of
Company H 6th Infantry Signed by
Captain Haile of May 7th and
Afterwards Signed by Lieut. Wickliffe
as Commanding the Company is in
possession of Major Humprey.

Question by the Court—I have morning report handed by you to the Court eh the one ? by the Court and the one which led to the arrest of Captain Haile.

Sergeant Major Stockton of the 6th Infantry a witness for the prosecution being duly sworn says. On or about the 7 May 1820 at Cantonment Missouri Adjutant Stamford ordered me to give orders to the orderly Sergeants of ? to have their morning reports altered at the same time telling me to State to them that it was Major Humphrey's order these alterations directed to be redone in Captain Hailes report that of reporting two men absent as they had been before—that were reported dead—these two men had been reported dead

? ? morning report of Company H
to the orderly Sergeant ?
and directed him to alter it & Lieut.
Haskins refused to alter it
he would carry it to ? Captain
told Sergeant Haskins at the time to
say to Captain Haile that it was
Major Humphreys orders the report
was brought to me a few minuets
afterwards in the Adjutants office of
6th Infantry not altered
Question by the Prisoner—Was my name
to the report at the time you ordered
Sergeant Haskins to alter?
Answer: I cannot recall tho I lost?
no morning reports were
sent to the Adjutants office to my
recollection ? being signed
Some time ? ? meaning
Officers to same companies present
Question by the Court Do you
recollect to have seen this morning

report ?

from first to least?

Answer I do It is the same report sent back to Captain Haile to be altered and Signed by Lieut Wickliffe Sergeant Hoskins of Company H 6th Infantry witness for the prosecution being duly sworn says—on or about the 7 of May the morning report was made out and Fuller and Martin were reported dead the morning report was taken to the Adjutants office and the Sergeant Major brought it to me and told me it was not right and said it was orders for it to be altered and not to report those two men dead I told him I could not alter the report until I could see the Captain came into his quarters and I took the report to him and told him it was the orders for it to be altered that those two men were not to be reported

