

(1)
Proceedings of a General Court Martial which com-
menced at Murfreesboro Tenn. by virtue of the following
order:—

Head Quarters Department of the Cumberland
Chattanooga April 4th 1864.

Special Field Order
No 95

VIII. A. General Court Martial
is hereby appointed to meet at Murfreesboro Tenn on
the 6th day of April 1864, at 10 A. M. or as soon thereafter
as practicable, for the trial of Sergeant A. Moser, U. S. &
and such other prisoners as may be brought before it.

Detail for the Court:—

St. Col. Geo. S. Rogers 31st Wis. Vol. Inf.

Maj. Asa W. Gilch 115th Ohio "

Capt. Lewis J. Hake " " "

" Abdell Sturgeon " " "

" Rice Morris 33rd Mo " "

1st St. Henry Sweten " " "

" " Jas. S. Todd " " "

Captain W. R. Hill 115th Ohio Inf. Judge Advocate
No other officers than those named can be assembled
without manifest injury to the service.

By Command of

Major General Thomas

Leathan Hoffman

Asst. Adjt. General

(Signed)

2)
Murfreesboro Tenn
April 14th 1864

The Court met pursuant to the foregoing order.

Present:—

St. Col. Geo. W. Rogers 31st Wis. Inf.

Major Asa. H. Fitch 115th Ohio "

Capt. Lewis G. Wake " " "

" Abdell Surgeon " " "

" Rice Morris 23rd Mo. "

1st Lt. Henry Sweeten " " "

" " James S. Todd " " " And

The Judge Advocate and the accused.

The Court then proceeded to the trial of Israel Moses Surgeon U. S. Volunteers, who was called into Court and having heard the order convening the Court was asked if he had any objection to any member named in the order. To this he replied in the negative.

The Court was then duly sworn by the Judge Advocate and the Judge Advocate was duly sworn by the President of the Court; all in presence of the accused. The accused Surgeon Israel Moses U. S. V. was then arraigned on the following Charges and Specifications:—

Charge 1st—Conduct to the prejudice of good order and Military Discipline

Specification 1st—In this, that he, Surgeon Israel Moses U. S. V. while serving as Medical Director of the Post of Murfreesboro Tenn. having forwarded to Department Head Quarters certificates of disability for discharge in the case of

Private Henry Stickelman, Co. K. 40th Ohio Vol. Infantry which certificates were received at Department Head Quarters, on the 30th day of January 1864, and were disapproved, the said Henry Stickelman Co. K. 40th Ohio Vol. Infantry, being ordered by the General Commanding the Department to be transferred to the Invalid Corps, did return to Department Head Quarters, a second time, said certificates of disability for discharge, in the case of said Private Henry Stickelman, Co. K. 40th Ohio Vol. Infantry, which certificates were received at Department Head Quarters on the 7th day of February 1864, thus evading the order of the General Commanding transferring the said Private Henry Stickelman Co. K. 40th Ohio Vol. Infantry, to the Invalid Corps. All this at Murfreesboro Tenn. during the months of January and February 1864.

Specification 2nd - In this; that he, Surgeon Israel Moses U. S. Vols. while serving as Medical Director of the Post of Murfreesboro, Tenn. did forward to Department Head Quarters new certificates of disability for discharge in the case of Private Henry Stickelman, Co. K. 40th Ohio Vol. Infantry, which certificates were received at said Department Head Quarters on the 29th day of February, 1864, being the second set of certificates of disability for discharge forwarded by the said Surgeon Israel Moses, U. S. Vols. in the case of the said Private Henry Stickelman, Co. K. 40th Ohio Vol. Infantry, after the said Private Henry Stickelman Co. K. 40th Ohio Vol. Infantry, had been ordered by the General Commanding

the Department transferring the said Private Henry Steikelman Co. K. 40th Ohio Vol. Infantry to the Invalid Corps — All this at Murfreesboro Tenn. during the month of February, 1864.

Specification 3rd — In this; that he, Surgeon Israel Moses, U. S. Vols, while serving as Medical Director of the Post of Murfreesboro, Tenn. having forwarded certificates of disability for discharge in the case of Private Henry Steikelman Co. K. 40th Ohio Vol. Infantry, a third time, said certificates being received at Department Head Quarters on the 31st day of February, 1864. and returned with the following endorsement of the the Medical Director of the Department, viz: —

Head Quarters Dept. of the Cumberland, Med. Director's Office
Chattanooga Tenn. March 4th 1864.

Respectfully returned to the Asst. Adjt. General, and attention called to the endorsement of Surgeon Moses U. S. V. — The explanation of Surgeon Moses is considered unsatisfactory by this office. The certificate, as amended, does not justify discharge; but by General Orders No 312, of 1863, only authorizes transfer to the Invalid Corps. The opinion of Surgeon Moses cannot be accepted as a substitute for an order of the War Department, and is evidently founded in ignorance of the regulations on the subject of the Invalid Corps. Moreover, the man having been transferred to the Invalid Corps by order of the Major General Commanding, in compliance with the Official list of disqualifications for field service, Surgeon

51.
Moses' attempt to evade this order by having prepared new certificates - although it may have been done with a view to the interests of the individual and the good of the service - is highly reprehensible

(Signed) G. Perin
Surgeon U. S. Army
"Medical Director"

did write and transmit the following letter to Brig. General W. D. Whipple, Assistant Adjutant General and Chief of Staff, Department of the Cumberland, viz:

"Office of Medical Director of Post.
Murfreesboro, March 9th 1864. General: - A most offensive endorsement of the Medical Director of this Department, on the discharge papers of Private Stiekelman (returned disapproved) (a copy of which is herewith inclosed) having been forwarded me through your U. S. Pos. I most respectfully protest against the official conduct of that officer as unwarranted by the circumstances of the case, and inconsistent with the official courtesy usually observed between officers and gentlemen - The charge "Surgeon Moses' attempt to evade this order by having prepared new certificates" is malignant and untrue.

The Medical Director of this Department has clothed himself with the power of reprimanding an officer a power exercised only by the President of the U. S. and officers of the highest Military rank, in accordance with the sentence of a General Court Martial

(6)
I would respectfully request that these papers be
laid before the Commanding General

(Signed) I. Moses, Surg. U. S. Vols. Med. Director
Brig. Genl. Whipple. A. A. G. H. C.

All this at Murfreesboro, Tenn. on or about the 9th
day of March 1864.

Charge 2nd — Disrespect to his superior officer.

Specification — In this; that he, Surgeon Israel Moses U. S. Vols.
while serving as Medical Director of the Post of Mur-
freesboro, Tenn. having forwarded certificates of dis-
ability for discharge in the case of Private Henry
Stickelman, Co K, 40th Ohio Vol. Infantry, a third time
said certificates being received at Department Head
Quarters, on the 29th day of February, 1864, and
returned with the following endorsement of the
Medical Director of the Department, viz:—

Head Quarters, Dept. of the Cumberland, Med. Director's Office

Chattanooga, Tenn. March 4th 1864.

Respectfully returned to the Asst. Adj't. General
and attention called to the endorsement of Surgeon
Moses U. S. V. — The explanation of Surgeon Moses
is considered unsatisfactory by this office. The
certificate as amended, does not justify discharge,
but by General Orders No 212 of 1863, only authorizes
transfer to the Invalid Corps. The opinion of Surgeon
Moses cannot be accepted as a substitute for an order
of the War Department, and is evidently founded

(7)
in ignorance of the regulations on the subject of the
Invalid Corps. Moreover, the man having been trans-
ferred to the Invalid Corps by order of the Major General
Commanding, in compliance with the official list
of disqualifications for field service. Surgeon Moses' at-
tempt to evade this order by having prepared new cer-
tificates, although it may have been done with a
view to the interests of the individual and the good of
the service — is highly reprehensible.

(Signed) G. Perin
Surgeon U. S. Army
Medical Director

did write and transmit the following letter to Brig. General
W. D. Whipple, Assistant Adjutant General and Chief of Staff
Department of the Cumberland, viz:—

Office of Medical Director of Post, Murfreesboro, Mar. 7th 1864.
General:— A most offensive endorsement by the Medical
Director of this Department, on the discharge papers
of Private Slickelman (returned disapproved) (a copy
of which is herewith inclosed) having been forwarded
me through your W^d Drs. I most respectfully protest
against the official conduct of that Officer, as unwar-
ranted by the circumstances of the case, and inconsis-
tent with the official courtesy usual observed between
officers and gentlemen. The charge "Surgeon Moses'
attempt to evade this order by having prepared new
certificates is malignant and untrue—

The Medical Director of this Department has clothed

himself with the power of reprimanding an officer -
a power exercised only by the President of the U. States
and officers of the highest Military rank, in accordance
with the sentence of a Genl. Court Martial. I would
respectfully request that these papers be laid before
the Commanding General.

(Signed) J. Moses, Surg. U. S. Vol. Med. Director
Brig Genl. Whipple, A. A. G. D. C.

All this at Murfreesboro Tenn. on or about the 9th day of
March 1864.

(Signed)

G. Perin
Surgeon U. S. Army
Medical Director

To which Charges and Specifications the accused
pleaded as follows:—

To the 1 st Specification of first charge	<u>"Not Guilty"</u>
To the 2 nd Specification of first charge	<u>"Not Guilty"</u>
To the first Charge	<u>"Not Guilty"</u>
To the Specification of second Charge	<u>"Not Guilty"</u>
To the second Charge	<u>"Not Guilty"</u>

Surgeon G. Perin, U. S. A. Medical Director Department
of the Cumberland being first duly sworn by the Judge
Advocate, testified as follows:—

Ques by J. A. — State your name, official position and what you know
with reference to the matter at issue?

Ans. — G. Perin, Surgeon, U. S. A. Medical Director, Depart-
ment of the Cumberland. Was acting in the same capac-

(17)
ity during January and February last. The accused occupies the position of Surg. in the U. S. Service, and has control of the Genl. Hospitals in this place. (He occupied the same position during January & February last) as appears from official papers, which I here submit to the Court, Cherets attached, marked "A", "B", "C", "D". The forwarded at the dates appearing thereon, certificates of disability for discharge, in the case of Private Henry Steikelman, Co "K" 40th O. V. I. The action taken upon the papers submitted, will appear thereon, as well as the further action taken on similar papers afterwards forwarded by him in the same case. The endorsement, complained of, by Surg. Moses (Exhibit B) was made on the certificate that was the third time forwarded. My attention was called by the Asst. Adjt. Genl. to the fact, that these were papers, submitted for the third time; or rather that they were new certificates - as new matter being introduced they would come under the denomination of new certificates. The next official document, in reference to the subject, submitted to me by the Adjt. General, was the letter from Surgeon Moses, protesting against the endorsement; which letter was returned; as appears upon the official copy - ^{Exhibit "C"} both charges and Specifications accompanying.

Ques. by J. A. - State, what are the orders governing discharges and transfers to the Invalid Corps?

Ans. - The principal orders upon that subject, are General Orders, No 212, War Department, Series, of 1863, with reference to transfers to the Invalid Corps, which order abolishes any previous orders, that may conflict

therewith -

Ques. by J. A. - State if any discretionary power was allowed to ^{be exercised} ~~dis-~~
~~charge~~, in the cases required by that order to be trans-
ferred to the Invalid Corps -

Ans. - There is a Circular from the Surgeon Genl. Depart-
ment requiring Medical Officers to state in the cer-
tificate all the causes of disability; and then the
reviewing officer must decide upon the certificate
as presented, subject to such orders as may be in
force governing the subject -

Ques. by Accused thro. J. A. - Are you in the habit of seeing and en-
dorsing certificates of disability for discharge sent to
your office?

Ans. - No, sir.

Ques. by Acc. thro. J. A. - Did you see the papers of Steikelman when first
forwarded by Surg. Moses?

Ans. - No, sir.

Ques. by Acc. thro. J. A. - Who wrote the endorsements in your office
in this case?

Ans. by Acc. thro. J. A. - I presume that assistant Surg. Dolas Bache as
he was at that time Asst. Medical Director, and in
charge of that portion of the duties of the office -

Ques. by Acc. thro. J. A. - Do you know what they were?

Ans. - I know no further than appears from the official
record.

Ques. by Acc. thro. J. A. - Did he ever see the case?

Ans. - I presume not.

Ques. by Acc. thro. J. A. - How could Dr. Bache, who never saw the case
decide that the man's disability did not incapacitate