

him from the Invalid Corps, when two Surgeons who had constantly attended the case and given their professional opinion decided that he was unfit?"

Ans- "Dr. Baché decided ^{from} the certificates presented in the case as is uniformly done by reviewing officers"

Ques. by Acc. thro. J. A- "Did Dr. Baché pointedly say in his endorsement that this man should be transferred?"

Ans- "I do not know further than what appears in the official record."

Ques. by Acc. thro. J. A- "Why was not the papers referred back for a Surgeon's certificate which more fully set forth the disability, as is usual in such cases?"

Ans- "I am unable to explain why, neither do I think it proper to apologize for action taken in the office - I do not think it is usual to return certificates when the subject is ordered to be transferred to the Invalid Corps; unless there should be doubt as to what should be the decision in the matter. I would also further state that when Surg. Moses forwards a certificate of disability for discharge, it is fair to presume that all the causes of disability are set forth."

Ques. by Acc. thro. J. A- "When men are to be transferred to Invalid Corps, it ~~is~~ ^{is} not necessary or usual to make out Rolls with Surgeon's certificate, to be forwarded?"

Ans- Yes.

Ques. by Acc. thro. J. A- "If so, how could the man be transferred where no such certificates, Rolls were ever given?"

Ans- "Those rolls are usually made out by the Surgeon in charge of Hospital"

Ques. by Acc. thro. J. A. - How is it then that the man was directed to be transferred, where I, as Surg. in Charge of Hospitals never made out the rolls - nor gave any Surgeon's Certificate to that effect?

Ans. - "The decision was made by the Genl. Commanding and the proper Rolls should have been made by the Surgeon in charge of the Hospital in which the subject then was."

Ques. by Acc. thro. J. A. - If the man was ordered to be transferred, or the transfer actually concluded by this order, why should I have made out Rolls, which are purely recommendatory?

Ans. - "Because the order enjoins that the necessary Rolls be made out by the proper officer."

Ques. by Acc. thro. J. A. - Do not the certificates attached to ^{Transfer} ~~Master~~ Rolls make it purely recommendatory after due examination in the case?

Ans. - "Department and Corps Commanders have the authority to make transfers to the Invalid Corps, and the Rolls are sent to inform the Provost Marshall Genl. of such transfers having been ordered."

Ques. by Acc. thro. J. A. - Are not the Rolls made out by the Surgeon in charge of Hospitals or Regiments sent to Provost Marshall Genl. ^{direct} and the order then made out ~~for~~ their actual transfer by him or the Corps Commander and not the reverse as you have stated?

Ans. - "My impression is as I have just stated, that Dept. and Corps Commanders can make orders transferring subjects directly to the Invalid Corps."

Ques. by Acc. thro. J. A. - Does it not require Surgeon's Certificate of rec-

recommendation in all cases?"

Ans- "I believe it does."

Ques by Acc. thro. J. A- "Was there any Surgeon's Certificate given by any Surg. in the case of Stiekelman?"

Ans- There was a Surgeon's certificate given for his discharge which was not considered sufficient for discharge but was considered sufficient for transfer to Invalid Corps by the advising Staff Officer or Genl. Commanding.

Ques by Acc. thro. J. A- Was not the Surgeon's certificate forwarded in Stiekelman's case, amended and made more full each time it was referred back to your office?

Ans- "I believe it was. Not having seen it the first and second times, I cannot speak from personal knowledge. I saw it the third time it was sent, and it was then amended."

Ques. by Acc. thro. J. A- "Why was not the certificate thus amended, especially for the third time, acted upon instead of what appeared to be imperfect and insufficient in the first papers?"

Ans- "Because the reasons, as amended, did not appear to justify discharge, but transfer to the Invalid Corps as appeared from the endorsement."

Ques. by Acc. thro. J. A- "Point out in orders No 212, the Paragraph referring to the case, and upon which the decision was based?"

Ans- "I am unable to point out the Paragraph; but I believe it was the 2nd - "Paralysis, if confined to one upper extremities"

Ques. by Acc. thro. J. A- Was this Paralysis the nature of the Surg. Certificate

in the case of Stickelman?"

Ans- "I believe it was."

Ques. by Acc. thro. J. A- "Are there not discretionary paragraphs in orders No. 212. even where it ~~directs~~ ^{directs} men with certain disabilities, to be transferred?"

Ans- Yes, sir; but in my opinion, that discretion remains with the reviewing officer.

Ques. by Acc. thro. J. A- "Are there not cases occurring, after gun-shot injuries, where men have been discharged although they would come under the category of those directed to be transferred by Genl. Orders, No. 212?"

Ans- Yes, sir.

Ques. by Acc. thro. J. A- "Do you consider the professional opinion of the reviewing officer who has never seen the case as good as that of two Surgeons who have had the case under their immediate charge?"

Ans- That depends upon who the reviewing authority is, and ~~who the Surgeons~~ ⁱⁿ charge of the case are. There must be an officer at H^Q. Drs., invested with authority to decide, and decision is made by that officer, whether he is as competent to decide as the officer in charge of the case or not.

Ques. by Acc. thro. J. A- Was the reviewing officer at Head Quarters a large practical experience in the examination and decision in cases for transfer to Invalid Corps?

Ans- The officers that passed upon the certificates in question have had greater experience in that matter than perhaps, any others in the Department.

Ques. by Acc. thro. J. A- Why is it that the Rolls for men in Hospital

recommended to be transferred to Invalid Corps, are by Orders, sent to the Provost Marshall Genl. direct, without having to pass through other reviewing authorities? Does it not show some confidence, in the opinion of Surgeons who present them?

Ans- I presume that the reason is to expedite transfers, in order that they- the subjects- may not remain long in Hospitals. It shows a great deal of confidence in the Surgeons who forward them.

Ques, by Acc. thro. J. A- "Has such object been attained in this Department?"

Ans- "To some degree- particularly in the case of Surgeons who are familiar with their duties in this respect- But not to the extent that is desirable."

Ques, by Acc. thro. J. A- What does Genl. Order No. 173, War Dept. Series, 1863, point out, as directing the transfer of this man (B. Steikelman) to Invalid Corps?

Ans- I don't understand the question -

Ques, by Acc. thro. J. A- "Was he not directed to be transferred in accordance with that order, by order of Genl. Thomas, over the official signature of Lieut. Col. Asst Adjt. General?"

Ans- Not having noticed the order of the Asst. Adjt. Genl. I am not able to say.

Ques, by Acc. thro. J. A- Did you ~~not~~ compose and write the endorsement, complained of by surgeon Moses?

Ans- I did not compose it; except "Although it may have been done to the interests of the individual ^{and} the good of the service," which parenthesis I added

when I signed the endorsement.

Ques. by Acc. thro. J. A. — "By whom was it written?"

Ans. — By Asst. Surgeon Robt. Bartholow.

Ques. by Acc. thro. J. A. — Do you know, if that officer has any prejudice against the accused?

Ans. — I think I heard him say that he and the accused had an altercation at a hospital in Washington but that he entertained no animosity against him.

Ques. by Acc. thro. J. A. — Did you read over carefully the endorsement so as to fully weigh its character?

Ans. — I did; and I am fully responsible for every word.

Ques. by Acc. thro. J. A. — Did it not appear to you, that there was an animus in the endorsement, which was not provoked or merited by any of the circumstances occurring in the official business contained in the papers before you, relating to the case of Stikelman?

Ans. — It did not so appear to me, or I would not have signed the endorsement. The necessity for the apparent severity of the endorsement arose in my mind because the certificate had been sent back the third time. There seemed to be but one of two courses: either to prefer charges against Surgeon Moses for disobedience of orders; or to write an endorsement that would not be misunderstood.

Ques. by Acc. thro. J. A. — Did that necessity for what you call apparent severity, appear before or after the endorsement, was written by Asst. Surg. Bartholow?

Ans. — I don't recollect whether before or after. My impression is, however, that the certificates and endorsements

were brought to me at the same time - My attention being then called to the points of the case, as well as to the endorsement.

Ques. by Acc thro, J. A - Did you not just testify that the new and more explanatory Surgeon's certificates of the extent of disability were forwarded in the third case?

Ans - "Yes, sir."

The Official papers referred to by the preceding witness ^{hereto attached marked "A" "B" "C" & "D"} were introduced as testimony on part of Prosecution - No objection being made to their authenticity.

The Prosecution here closed.

Surgeon G. Perin was re-called as witness for defense

Ques. by Acc thro J. A - How long have you known the accused as a Medical Officer of the Army?

Ans - I have known the accused about seventeen years - During about ten years, as a Medical Officer of the Army.

Ques. by Acc thro J. A - How long has he been on duty in this Department?

Ans - About one year.

Ques. by Acc thro, J. A - What has been his general reputation as a Military Surgeon?

Ans - His reputation with me, has been that of an efficient and capable officer.

Ques by Acc. thro, J. A - "Have you regarded his professional opinions as judicious and reliable since his arrival in this Department?"

Ans - "I have"

Ques. by Acc, through J. A - Has not the accused been constantly

employed, ^{since} ~~and~~ his assignment to duty in this Department in examining men for the Invalid Corps; both at the Invalid ~~Camp~~ ^{Camp} and in Genl. Hospital?

Ans- I do not know how far he has personally been in the habit of conducting such examinations- He has been acting as Medical Director of Post where stationed.

Ques. by Acc. thro. of A- Have you not testified that he was also performing the duties of Surgeon in charge of Hospitals?

Ans "I have."

Ques. by Acc thro. of A- And if so, has he not, if he ^{has} ~~done~~ his duty, personally examined all cases for transfer to Invalid Corps?

Ans- In the strictest sense of the of the word, I presume that it has been his duty to examine all such cases, since stationed at Murfreesboro the last time.

Ques. by Acc. thro of A- Do you not recollect, that he did visit the Invalid Camp before the advance of the Army of the Cumberland from this Post, for the express purpose of examining men for the Invalid Corps?

Ans- I presume that he did visit the Invalid Camp frequently; but how far he examined the cases, personally, I am not aware.

Ques. by Acc. thro. of A- Would it not have been his duty, before approving Rolls, to examine men, whatever may have been his official position, if he were the receiving officer at the Post?

Ans- Not necessarily; provided, he had a competent Medical

Board to examine and pass upon the cases.

Ques. by Acc. thro. of A- Now, if there were no competent Medical Board?

Ans- In that event, I should say that it would be his duty to undertake a personal examination.

Ques. by Acc. thro. of A- Do you know of any Board having been permanently on duty at this Post, for that purpose?

Ans- I do not recollect of any permanent Board having been put upon duty at this Post.

Ques. by Acc. thro. of A- Is it not a fair presumption, that Surgeon Moses, has personally examined all cases?

Ans- I would presume that it was fair to suppose, that he has personally examined all cases that have passed through his hands since having been placed in charge of the Hospitals in this place.

Ques. by Acc. thro. of A- Did not the papers at the Invalid Camp last summer, pass through my office for approval before reaching you?

Ans- I do not recollect, certainly; but I presume they did.

Ques. by Acc. thro. of A- Do you think his judgement as to whether a man should be discharged or transferred to the Invalid Corps, good?

Ans- "Yes."

Ques. by Acc. thro. of A- Do you consider a recommendation for discharge, signed by Surg. Thelkeld, U. S. V. and approved by Surgeon Moses as good and sufficient professional opinion?

Ans- I consider their professional opinion good; but do

not consider that it would necessarily be final, or
 bar review in the case.

Ques. by Acc. thro. J. A. - Suppose a man has been transferred to
 the Invalid Corps, by proper authority and he becomes
 a patient in a Genl. Hospital, has not the Surgeon
 in charge a right to forward certificates of disabilit-
 y for discharge, if he feels satisfied, that the man
 is never going to be of any further service to the
 U. S., even in the Invalid Corps?

Ans. - I believe he has.

Ques. by Acc. thro. J. A. - What has been the social and official rela-
 tions existing between you and Surgeon Moses, up to
 the occurrence of the circumstances, which has in-
 duced you to prefer charges against him?

Ans. - They have been uniformly pleasant.

Ques. by Acc. thro. J. A. - Do you not believe that Surgeon Moses
 was actuated by the desire to do what was most
 consistent with the interests of the U. S. in recom-
 mending Stickelman for discharge?

Ans. - "I do."

Ques. by J. A. - Suppose that Surgeon ^{Moses} might have considered that
 a patient should be discharged - considering that he
 would be of no service to the U. S. in the Invalid Corps
 Would it not still have been his duty to see that he
 was properly transferred to the Invalid Corps? If
 so ordered by endorsements, such as were on the
 papers in question?

Ans. - Yes, Sir.