

The Court here adjourned until to-morrow, the 15th instant, at 9 o'clock A. M.

Murfreesboro Tenn. April 15th 1864.

9 o'clock A. M.

The Court met pursuant to adjournment. Present, all the members, the Judge Advocate and the Accused.

The reading of the proceedings of the previous day were, by consent of Court and of the accused, deferred until to-morrow, the 16th inst.

Surgeon H. H. Selys, a witness for the defense, being first duly sworn by the Judge Advocate, testified as follows:—

Ques. by J. A. State your name, official position and how long you have been in the service?

Ans. Henry H. Selys, Surgeon 15th Regiment O. V. I., now acting as Surg. in charge of Hospital No 3 in this place. I have been in the service since 2nd of May 1861.

Ques. by Acc. thro. J. A. Do you know whether Surgeon Mooses was in the habit of visiting the Invalid's Camp at this place last summer, for the purpose of examining men for discharge and transfer to the Invalid Corps?

Ans. He was, to my certain knowledge.

Ques. by Acc. thro. J. A. Was it not been his habit, personally to see every case so recommended, in your Division of the General Hospital?

Ans. I think he has seen every case.

(99)
Ques by Accused thro. J. A. — Will you please read the Surgeon's certificate, as amended in the set of papers last sent to Surg. Perin (Here the papers referred to were handed to the witness and ^{hereto attached marked} exhibit "E") and would you not consider it sufficient to warrant the discharge of the man?

Ans- I would consider that under General Orders No 212 Series of 1863, War Dept, that the certificate would not be sufficient.

Ques. by Acc. thro. J. A. — Is it not intended that Surgeons are to exercise some discretion in the examination of those recommended for Invalid's Corps?

Ans- I had always supposed so until recently; but have lately changed my opinion.

Ques. by Acc. thro. J. A. — What has induced you to change your views?

Ans- Conversation with the Medical Director of the Department. I had cases in the Hospital, that I was convinced would be utterly worthless in the Service, but could not make out certificates for discharge in consequence of Genl. Orders, No 212. And I referred to the Medical Director of the Department for information, and was informed that they could not be discharged under that Order, as I could not exercise discretionary power in the matter.

Ques. by Acc. thro. J. A. — In your capacity as Surg. in charge of a Genl. Hospital, would you consider yourself justified in making out certificates of disability in a case of a wounded man, who, you were

resulting in ankylosis of elbow joint. I made out a certificate for discharge that was returned with the endorsement as shown by the original certificate. (Exhibit D) One day when Dr. Moses was at the hospital, I expressed my surprise and mortification at its being returned, never having had a certificate returned before. He suggested that the papers should be made out again. I hesitated about making them out again, and desired him to give me the language, in which I should make them out. He gave me the language, which I wrote down at the time; and in a few days I made out the certificates accordingly and sent them to the Medical Director - Dr. Moses. (Exhibit E)

Ques. by Acc. thro. J. A. - Was there any further defect produced by the wound, and what was the usefulness of the left arm?

Ans. - The arm was almost perfectly useless - He could not even reach his mouth with it.

Ques. by Acc. thro. J. A. - Did you believe that the disability was such as to render the man unfit for the Invalid Corps?

Ans. - I did.

Ques. by Acc. thro. J. A. - From your experience in the Hospitals, do you not consider the course adopted in the case of this man, by the Medical Director of the Department, as unusual?

Ans. - I cannot say that it was. The reason that I recommended him to be discharged, instead of transferred, was because he was not a bright or educated young man, and had but a short time to serve, and would not be of service, as an "Orderly," as he might otherwise

cases of transfer to the Invalid Corps, all of which cases he personally examined -

There being no further questions, the witness was dismissed. On motion Court adjourned until to-morrow the 16th inst, at 9 o'clock A. M.

Wurfbreboro Tenn.

April 16th 1864.

9 o'clock A. M.

The Court met pursuant to adjournment. Present, all the members, the Judge Advocate and the accused.

The proceedings of the 14th and 15th insts, were read by the Judge Advocate and approved by the Court.

Surgeon William Threlkeld, a witness for defense, being first duly sworn by the Judge Advocate, testified as follows: -

Ques. by J. A. - State your name and the official position you occupied during January and February 1864?

Ans - William Threlkeld, Surgeon of Volunteers, At that time, I was in charge of Division No 1. of the Genl. Hospital at this Post.

Ques. by Acc. thro. J. A. - Please give a short history of the circumstances in the case of the certificate of disability, given in the case of Private Stiekelman?

Ans - Stiekelman was wounded in fight at Chicamauga, and was sent to Hospital in this place for treatment. The wound was a gun-shot fracture of the left elbow joint.

Hospital at this Post.

Ques. by Acc. thro. J. A. - When you were on duty at the Invalid Camp last summer, do you remember whether Surgeon Moses was in the habit of visiting that Camp and examining Soldiers for discharge and transfer to the Invalid Corps?

Ans. - He was ^{in the habit of} examining personally all cases for discharge but I cannot answer as far as refers to the Invalid Corps.

Ques. by Acc. thro. J. A. - Was he been in the habit of seeing, personally, the cases in your Division of the Genl. Hospital at this Post, who have been recommended for discharge or transfer to the Invalid Corps before acting thereon?

Ans. - "He has."

There being no further questions, the witness was dismissed.

Surgeon Samuel Hart, a witness for the defense, being first duly sworn by the Judge Advocate, testified as follows:—

Ques. by J. A. - State your name and present official position?

Ans. - Samuel Hart, Asst. Surgeon, U. S. V., in charge of the 4th Division of Genl. Hospital at this Post.

Ques. by Acc. thro. J. A. - Was Surgeon Moses been in the habit of seeing personally, the cases in your Division of the Genl. Hospital at this Post, who have been recommended for discharge or transfer to the Invalid Corps, before approving the papers?

Ans. - There has been no cases of discharge since my connection with the Hospital. - There have been a few

ther information; but generally a certificate is supposed to show clearly all the causes of disability that may exist. I cannot therefore altogether see the necessity for referring it back; although it might be courteous to do so, if there were any ground to suppose the certificate did not set forth clearly the extent of disability.

Ques. by Acc. thro. J. A. - Had not such a proceeding been usual in all similar cases, instead of final action being taken at H^q. Quarters; and have not such certificates been sent back to you for correction?

Ans. The question is partially answered by my preceding answer. I have had certificates returned to me for enlargement, and have, myself, returned them to subordinates, when acting as Medical Director of a Division; and in other capacities, where I was required to pass upon such papers.

Ques. by Acc. thro. J. A. - Read the endorsement complained of by Surgeon Mores and signed by Surgeon Perin, and state whether you think its tone is in accordance with the usually courtesy of official endorsements?

Ans. - I don't think it is.

There being no further questions, the witness was dismissed.

Surg. D. L. Giddball, a witness for the defense, being first duly sworn by the Judge Advocate, testified as follows: -

Ques. by J. A. - "State your name and present official position?"

Ans. - David L. Giddball, Asst. Surgeon 35th Ill. Vols, until within a few days in charge of Division No 2, General

convinced, would never be of any use to the U. S.; although the disability may not entitle him to discharge by Genl. Orders, No 212?

Ans- I would not, as I understand my duties in reference to that order.

Ques. by Acc. thro. J. A- Would you consider yourself justified in recommending for discharge a Soldier who had been transferred to the Invalid Corps, by Competent authority, and who still remained in Hospital, under your charge, if in your judgement the interests of the U. S. demanded it

Ans- In my opinion, I now have no discretionary power- The law defines what cases may be discharged and what not; and I considered that my action, in any case, must be determined thereby.

Ques. by Acc. thro. J. A- Can a Soldier be transferred to the Invalid Corps, without the certificate of the Surgeon; in whose charge he is; that he is unfit?

Ans- I do not know.

Ques. by Acc. thro. J. A- From your familiarity with routine of duties in the Medical Director's office, would it not have been proper, after the first endorsement by Asst. Surgeon Bache, to have referred the papers back to Surg. Moses, for a more full history of the disability?

Ans- The endorsement of Assistant Surgeon Bache, clearly implying doubt as to whether the full extent of the disability may have been stated. It would therefore, have been proper to have returned it for fur-

have been, having the use of his right arm -
Query J. C. - Was it not very unusual to send up certificates
three times in so short a period, in consideration of
the endorsement on the first one?

Ans. I never knew of a parallel case.

There being no further questions, the witness was
dismissed.

The accused then offered in testimony, the original
papers referred to, with the endorsements thereon. Said
papers are hereto attached, marked "E", "F", "G", "H", "I", "J", "K",
and made part of this Record.

The accused then made the written defense, appended
to these proceedings, marked "L".

The Judge Advocate, having no reply to make, the case
was then submitted to the Court.

The Court was then duly cleared and closed.

After having maturely deliberated upon the testimony
adduced, the Court finds the said Surgeon Israel
Moses United States Volunteers, to be -

Guilty of 1st Specification of 1st Charge

Guilty of 2nd Specification of 1st Charge

Guilty of 3rd Specification of 1st Charge

Guilty of 1st Charge.

Guilty of Specification of 2nd Charge.

Guilty of 2nd Charge.

The Court here adjourned until nine o'clock
Monday morning, 18th inst.

Murfreesboro, Tenn

April 18th 1864-

9 o'clock A. M.

Court met pursuant to adjournment -
Present All the members & the Judge Advocate -
The proceedings of the 16th inst were read and
Approved -

The Court then sentenced the accused, Israel
Moses, Surgeon, United States Volunteers, to be dismissed
the service.

H. R. Hill

Capt. 115th O. V. I.

Judge Advocate -

Geo D Rogers

Lt Col 31 Miss Vols

President

The Court, having no further business before
it, then adjourned sine die.

Geo D Rogers

Lt Col 31 Miss Vols

President

H. R. Hill

Capt. 115th O. V. I.

Judge Advocate -

Head Quarters Department of the Cumberland
Chattanooga April 25 1864

The proceedings, findings, and sentence of the court in the case of Surge Israel Moses U.S. 1000 are approved.

The neglect on the part of Surge Moses, in forwarding certificates of disability for discharge, when the Signal Officer stated, showed the case to be a proper one for transfer to the Invalid Corps, his subsequent attempt to procure a discharge upon these certificates, against the decision of the Medical Director of the Department, and in violation of previous orders in the case, and his insubordinate protest against a proper reprimand for proper cause, from his superior officer - are regarded as highly censurable, but in consideration of the long services of Surge Moses, these proceedings are respectfully forwarded for final action, with the recommendation that the sentence be permitted, and that Surge Moses be reprimanded in General orders.

The execution of the sentence will be suspended until the pleasure of the President is known.

Geo. A. Thomas
Major General Comd'g