

COURT
MARTIAL
RECORD

6TH. U.S.
INFANTRY

1824-1825

The COURT MARTIAL RECORD, 6TH U.S. INFANTRY 1824-1825 is transcribed from the original volume, held at Fort Atkinson State Historical Park at Fort Calhoun, Nebraska. This volume was donated to the State Park by Harold W. Andersen and Michael Yanney, in 1986.

The bulk of the transcription was accomplished by Wade Davis and Belinda Hall, volunteers, with assistance in transcribing and compilation from the staff at Fort Atkinson.

The transcription is word for word according to the original. Therefore, the reader will come upon "spelling errors," improper punctuation, and "words missing." Some words are written in the Old English style, and proper names are inconsistently spelled. Through the text, words are repeated, and this is indicated in the transcription with [sic].

The numbering scheme is not consistent with the book, but for the sake of confusion, has been properly numbered. The original text shows the two pages following page 257 as baring no number. After the second un-numbered page, the numbering scheme begins with 257 and continues until page 264, where the page numbers cease.

After years of work, it is a pleasure to have the transcription completed to the best of our ability.

Proceedings of a Regimental Court Martial
held at Fort Atkinson by virtue of the following orders

Orders

Head Qts 6 Infty
Fort Atkinson 4th June 1824

A Regimental Court Martial will convene
to day at 10 O Clock for the trial of such prisoners
as may be brought before it at such place as the
president thereof may direct.

Capt Gray President
Capt. Pentland & Lt. Richardson Members

By Order
GW Waters
Act Adjt 6

The court met pursuant to the above order and
adjourned to meet tomorrow at 10 O Clock

The Court met pursuant adjournment

5 June 1824

Present Capt Gray president
Capt Pentland & Lt Richardson Members

The Court being duly sworn in presence of the prisoner,
who being previously asked if He had any objections
to either of the members named in the order replied in
the negative

The Adjourned to meet Tomorrow at 9 O Clock

Head Quarters 6 inf
Fort Atkinson 5th June 1824

Major Wooley is Detailed a president of the Regimental Court martial now in session at this/post. To supply the vacancy occasioned by the arrest of Capt. Grey.

signed, By order
 G.W. Waters
 Act. Adj. 6 Inf.

The Court met pursuant Adjournment
Present Major Wooley president

Capt Pentland & Lt Richardson Members

The President being duly sworn in presence of the prisoner, who being previously asked if they have any objections and replying in the negative The court proceeded to the trial of Sergt R Ferguson of Ball Compy (H) 6th U S Infty on the following Charges

Sergt R Ferguson of Company (H) 6 Regt US Infty, is charged with being intoxicated to such a degree as to render him incapable of performing his duty as a non Comsd officer at Fort Atkinson on or about the 4th of June 1824

The said Sergt Ferguson is also charged with neglect of duty in not reporting or turning over to the Sergt Major, the man of Company (H) that was detailed for the police Guard at Fort Atkinson on or about the 4th June 1824

The said Sergt Ferguson is also Charged with being deficient two Gallons & Eight Gills of whiskey drawn for the men of Compy (H) which whiskey he had Charge of as Orderly Sergt of said Compy & when the Sergt Ferguson was relieved for the duty of Orderly Sergt did not nor has he yet accounted for it in any morning at Fort Atkinson on or about the 4th June 1824

Signed, W Wickliffe
Lt 6th Infty

To which prisoner pleaded not Guilty

Private Morand a witness for the prosecution being duly sworn says it is my opinion the prisoner was intoxicated on or about the 4th June 1824

Corpl Murphy a witness for prosecution being duly sworn say the man detailed for the Police Guard from Compy H marched

by himself to the grand parade on the days specified, also when I relieved Sergt Furgenson from orderly duty which was on the same day he was deficient two Gallons & eight gills of whiskey for which he has not accounted

Private Rash a witness for the prosecution being duly sworn says—about 6 O Clock on the morning of the 4th of June I found the prisoner lying on the floor of his room, myself & an other man put him into his Bunk. I do think he was drunk at the time—but did not see him drink any Spiritous Liquor. The prisoner did not march the man detailed, from Compy (H) for the police Guard to the Grand parade—I went to the Sergeant previous to his being relieved on the 4th of June & asked him for my rations of whisky. He informed me that he had no whiskey

Qus by the prisonir—Did not Corpl Palmer issue the rations of whiskey to the men of Compy (H) on the morning of the 4 June

Ansr he issued all there was but said he had not enough for all of the Company

Private Wilcox a witness for the prosecution being duly sworn says on the morning of the 4th of June the prisoner was late in getting up. I do not know whether he was drunk or not. The Sergt did not march the man detailed from Compy (H) for the police Guard to the Grand Parade. I have frequently seen the Sergt draw whisky from the keg containing the

rations for the men of the Compy—to drink himself & to give to others to drink he has frequently given me whiskey after having issued my rations to me. he was deficient in whiskey on the 4th of June when he was relieved.

Qus by the prisoner—Would the whiskey you have seen me appropriate to my own use amount

to more than my daily rations.

Anso I cant say. I never see him draw a great deal at a time

Ques by the prisoner. Do you know whether the key of the closet in which the whisky was kept was taken from me on the evening of the 3^d June & if so where it was found the next morning?

Ansr I do not know of its being taken from you on the evening of the 3d inst. I found it the next morning in the Lieut Wickliffs Kitchen the room in which I stay, on the Table where the Closet is in which the whiskey is kept. The morning of the 4th of June previous to my finding the said keg, Corpl Palmer, came & told me that he had orders for me to deliver to him (Corpl Palmer) the whiskey that he might issue it to the men. & for me to drain it I borrowed a key of one of the men of the Compy which fits the lock of the closet & gave the Corpl the whiskey—

Private Linscott a witness for the prosecution being duly sworn says, The Sergt did not turn over the man detailed from Compy (H) for the police Guard ? the Sergt Major on the morning of the 4 June

Musician Knight a witness for the prisoner being duly sworn says (when Questioned by the prisoner) viz

Do you know of my having received an injury or fall on the 4th June so to diasable him from the duty of Orderly Sergeant

Answer—I do not

7th June 1824

The Court were obliged lay by this case yesterday for want of witnesses—Sergt Clark who was called by the prisoner & who after having been duly sworn Says on the evening of the 3rd of June I was with the prisoner at the Dance which was held at the

Council house 4 a short time before revallie
I returned with him to the Garrison at which time
I did not think him sufficiently intoxicated to render him incapable of performing his duty as Orderly Sergeant

The testimony on the part of the prisoner having been heard. The prisoner laid before the Court the following Defence:

Mr President of the Court & Gentlemen of the Court I have been arraigned before you on three Charges for misconduct. Firstly, I am charged with being too much intoxicated on the morning of the 4 June as to render me incapable of performing my duty as orderly Sergt of Compy (H) 6 Infty which charge Gentlemen I humbly concur is not substantiated & requires from me no repetition of the testimony as given before the Court

Secondly – In not marching out the Guard detailed from the Compy of which I was orderly Sergt. to the grand parade & turning them over to the Sergt Major

Gentlemen it has never been the custom since I have been in the Regt of Report to the Sergt Major men detailed for guard. it has been usual for the Sergt Major to have his written detail order on parade & note the men as they arrive on the ground. As to my not conducting the man (there being but one) on the grand parade I humbly beg leave to say that on the night previous to my arrest I was in company, with other non comsd officers at the ball held at the Council house I having obtained permission to do so from my immediate Comd. officer. Lieut Wickliff – The permission given by Col Comdy the Regt to the non comisd officer was unlimited to the hours at which the ball should cease & we remained until a late hour, when finding myself I retired to bed in my Quarters & being excessively fatigued

not being used to late sitting, I slept unusually long I had requested Corpl Murphy to attend to the of the Compy previously to my leaving the Garrison for the Council House I had not the least doubt but he would have to every part of it until I relieved him.

Thirdly in being deficient of a quantity of whiskey belonging to the Compy at the time of my arrest Gentlemen than in possession of the Court & need no comments believing that the court will be assured that the whiskey was purloined from the Keg containing the Compy rations

Respectfully Submitted

R Furgeson Sergt 6 Infty

The Court being cleared & the whole of the proceedings read over to the court the following Sentence was pronounced.

The court after mature deliberation on the testimony adduced find the prisoner Sergt Robert Fergeson guilty of the Charges exhibited against him & sentence him to be reduced to the rank of a Private Sentinel and to undergo a Stoppage of the whiskey part, of his rations until he make good to the Compy the quantity, two Gallons & Eight Gills of which he has been found deficient.

The Court next proceeded to the trial of private George Stilson on the following Charge

Charge Drunkenness on duty

Specification, In this that he private George Stilson of Ball Compy. C, 6 Regt. Infy. was drunk while a sentinel No 1 of the police Guard at Fort Atkinson on or about the 4th of June 1824

Signed G Andrews

Lt 6 Infy

To which Charge & specification the prisoner pleaded not guilty

Private Wasington, a witness for the prosecution being duly sworn Says on or about the time specified I was ordered by the Sergt of the police Guard to relieve the prisoner (G Stilson) then sentinel No 1 – during which time, I thought him intoxicated.

Qus by the prisoner. Was I not at the time you relieved me capable of giving over my orders in a proper manner

Ans—you was

Sergt. Perry a witness for the prosecution being duly sworn Says on or about the time Specified in the Charge, I was Sergt of the police Guard & I saw the prisoner had been drinking previous to the guard, being turned off, & in the course of the day found him to much intoxicated that he had to be relieved while on post

The evidence on the part of the prosecution being Closed & the prisoner having no testimony to offer or defence to make The court was cleared & the whole of the proceedings read over to the court & the following sentence was pronounced

The court after mature deliberation on the testimony find the prisoner George Stilson guilty of the Charge & sentence him to be confined in the guard House by night & kept on police by day for one week to wear an Iron yoke on his neck for the period to be put into the Choke Box half an hour each day of his confinement

The Court next proceeded to the trial of Musn Knight of Compy. H 6 Infy on the following charges Musn Knight of Ball Compy. H, 6 Regt U.S. Infy is charged with unsoldier like conduct in obtaining

of the Sutler in a fraudulent manner a quantity
of Whiskey at Fort Atkinson on or about the 6 June 1824

The said Knight is also Charged with telling
a positive falsehood as to the manner he obtained
the whiskey above mentioned at Fort Atkinson on or
about the 6th June 1824

(Signed) W N Wickliffe

Lieut 6 Infy

To which Charges the prisoner pleaded not Guilty
Lieut Wickliff a witness for the prosecution being
duly sworn Says—on or about the time and place mention-
ed in the charge. I met the prisoner with a quantity of
Whiskey in a Buckett, I asked him where he got it. he
told me from the sutler on an order in favour of Musn.
Gardner of Compy. H, which was given him by some person
on board of the Steam boat. I told him the prisoner,
to give the whiskey in Charge of the Orderly Sergt of Compy
H, he answered no person shall have any of it & went
to his compy. This was when I was on my way to Breakfast
when I returned & further examined the prisoner he said
he would tell the truth & then said he had got the
whiskey on a permission which he the prisoner said he
found in front of the compy, the permission bears my signi—
ture—The names signed for have been copied & six
additional names inserted in the permission & for each
double the quantity of whiskey I signed for

7th June 1824

The court proceeded to examine the witness on the
part of the prisoner, who was absent yesterday when
called for by the court—private Lanning a witness
for the prisoner brought me a permission which is before
the court to read. I did so & the prisoner left me

Lieut Richardsen a witness for the prisoner

being duly Sworn says when questioned by the prisoner viz what has been my conduct since you have acted as Subaltern of the Company—

Ans—I have been the subaltern of the Compy to which the prisoner, belongs. Six months have never seen or heard any thing of the prisoner derogatory to the Character of a faithful & an obedient Soldier. this case excepted

The testimony on the part of the prisoner having been heard the prisoner having no defence to make. The was cleared & the whole of the proceedings read over to the Court & the following Sentence was pronounced.

The Court after Mature deliberation on the testimony adduced find the prisoner musician Knight Guilty of the Charges Exhibited against him. & Sentence him to be confined in the Guard house & to be kept on police by day for two weeks, to be put into the choke box a half an hour each day of his confinement to have the whiskey part of his rations Stopped for one month, & his half monthly pay two months to be appropriated for the use of the company to which he belongs.

The Court next proceeded to the trial of Musician Butler on the following Charges

Charge Theft

Specification. In this that he the said Mus. Butler of Ball Compy. D, 6th US Infy did Clandestinely take a quantity of Whiting, Lamp Black & Some Starch the property of Jonathan Shaw a private of the aforesaid Company & Regt at Fort Atkinson on or about the 2nd June 1824

Signed, D Ketchum

B Major 6 Infy

Additional Charge

Charge Disobedience of Orders

Specification. In this that he the said Butler Musician of Ball Compy. D. 6 Infy did disobey a post order

also the orders of Sentinel No 5. of the police
Guard by urinating on the post of said Sentinel this
at Fort Atkinson on the 2d June 1824

To which Charges & specification the prisoner
pleaded not Guilty

Private Ferrin a witness for the prosecution being
duly sworn say on or about the time specified I was
Sentinel No 5. of the police Guard that the prisoner did
urinate on the said post notwithstanding I ordered
him to desist.

Quest by the Court. Did you receive orders to
prevent any such practice on or near your post

Answer—yes

The Court Adjourned to meet tomorrow at 9 O Clock
AM 7th June 1824

The Court met pursuant to adjournment

Present Major Woolly President

Capt. Pentland & Lieut Richardson Members
private Shaw a witness for the prosecution being duly
Sworn says—on or about the time specified I had one
pound of Lamp Black on of Whiting & a quarter of a
pound of Starch that I had just purchased at the
Sutler Store & being ordered to go to Corn field I left
those articles in the room, where the prisoner & myself
Stay. On returning I found the Lamp Black & Starch
was gone—was informed that the prisoner had been
Seen with them in his possession previous to his being
Confined—I went to the Guard house where I found
the Lamp Black & Starch in the possession of the
Prisoner

Private Smith a witness for the prosecution being
duly sworn Says—on or about the time Specified in
the Charge the prisoner came into the room where I was
with a paper of whiting in his hand which he

attempted to Burn. I took the whiting from him & at the same time saw some Lamp Black & Starch in his bosom all of which I afterwards found belonged to Shaw. The prisoner appeared to be very much intoxicated at the time.

The evidence on the part of the prosecution being Closed & the prisoner having no testimony to offer or defence to make the Court was Cleared & the whole of the proceedings read over to the court & the following Sentence was pronounced

The Court after mature deliberation on the testimony adduced find the prisoner Musician Butler guilty as Charged & Sentence him to have the Whiskey part of his rations Stop= ped for one month to be appropriated for the use of the Company to which he belongs

The court next proceeded to the trial of private Billingsbee on the following Charges

Billingsbee a private Soldier of Ball Compy C, 6 Infty is Charged with refusing to stop playing at Cards when Ordered so to do by Corpl. Riley of said Company on or about the 4th of June 1824

The said Billingsbee is also Charged with refusing to Stop his noise & be silent when ordered so to do by the Said Corpl Riley at the time & place aforesaid

(Signed) Wm. S. Foster

Maj U S Army

To which charges the prisoner pleaded not Guilty Corpl Riley a witness for the prosecution being duly sworn says—on or about the time specified the prisoner was playing at Cards in the room of which I had command & when I ordered him to stop playing he (the Prisoner) said he would not that he had as much right to play as I had

I then ordered the prisoner to leave the room in order to prevent his making a noise in the room which order he also refused to obey by saying that he would not go

Quest. by the prisoner. Did I not ask your permission on to play at Cards in the room

Ansr—you did not

Ques. by the prisoner. Did you not when I was getting up from my chair catch the cards from my hand. & threw them on the floor and prevent me from going of the room.

Ans—you was not sitting at the time nor did I prevent you from leaving the room

Private Allen a witness for the prosecution being duly sworn Says—on or about the time Specified Corpl Riley did order the prisoner to Stop playing at cards and that the prisoner said he would not stop that he had as much right to play as he (the Corpl) The prisoner did also refuse to leave the room when ordered so to do by Corpl Riley, but the prisoner did not make a noise untill the Corpl Struck & cuffed him

Quest. by the prisoner. Did I not ask Corpl Rileys permission to play at Cards in the room

Ansr I not hear you ask for such permission
The evidence being Closed on the part of the prosecution & the prisoner having no testimony to offer of defense to make. The Court was Cleared & the whole of the proceedings read over to the Court the following Sentence was pronounced.

The Court after mature deliberation on the testimony adduced find the prisoner Billingsbee Guilty of the first charge. The Court finds the prisoner Billingsbee not Guilty of the 2nd charge. The Court sentence the prisoner Billingsbee private of Compy. C, to be confined in the Guard house one week to be put on police by day. to have the whiskey part of his rations Stopped two weeks to be appropriated for the use of the company to which he belongs.

The Court next proceeded to the trial of Varnum

Dixon on the following Charges

Varnum Dixon a private of Compy (C) 6 Infy is Charged with refusing to carry out of the Garrison Some dirt Swept up in the room to which he belongs when ordered so to do by Corpl Adams his Superior Non Comsd officer

The said Dixon is also Charged with refusing to go to the Guard house when ordered so to do by the Said Corpl Adams all this at Fort Atkinson on or about the 2d of June 1824

(Signed) W S Foster

Maj U.S. Army

To which the prisoner pleaded not Guilty Corpl. Adams a witness for the prosecution being duly Sworn. Says on or about the time Specified the prisoner did refuse to carry out some dirt when ordered so to do Saying that I was on the Sick report & he would not obey me. The prisoner did refuse to go to the Guard house unless takin there by a file of men. That he was going to work. he the prisoner being at the time on the Qr Masters detail. took his whip & went out of the room. I went to Sergt Clute for a file of men. Sergt Clute said he would take him to the Guard House & carried him to the Guard room.

Corpl. Riley a witness for the prosecution being duly Sworn. Says—on or about the time Specified I heard Corpl. Riley Adams order the prisoner to carry some dirt out of the room to which the prisoner belonged. The prisoner said he was going to work. the Corpl told him he should do it or go to the Guard house the prisoner then replied you must get a file of men to take me there

Corpl Walker a witness for the prosecution being duly Sworn. Says on or about the time Specified I heard Corpl Adams order the prisoner to take some dirt.

from the room to which the prisoner belongs. The prisoner refused to do it saying that he was on the Qr. Masters detail. & that Corpl Adams Should get of men to take him to the Guard house

The evidence on the part of the prosecution being Closed & the prisoner having no testimony to offer or defense to make The court was Cleared & the whole of the proceedings read over to the Court & the following Sentence was pronounced

The Court after mature deliberation on the testimony adduced find the prisoner Varnum Dixon Guilty of the Charges exhibited against him & sentence him to be confined in the Guard house one week to be kept on police by day & to wear an Iron yoke on his neck, during his his term of Confinement

The Court next proceeded to the trial of private Amos of Compy. (B) 6 Infy did at Fort Atkinson on or on the following Charges & Specifications

Charge 1st Theft

Specification. In this that he the said Charles Amos private of Light Compy. (B) did at Fort Atkinson on or about the 18th of May 1824 Steal on great Coat- from private Charlam & one Blanket from private Harris of the same Company thereby disgracing himself as a Soldier

Charge 2d Drunkenness

Specification. In this that In the above named Charles Amos of Light Compy. B, aforesaid did get so much intoxicated as to be unable to perform the duties. assigned him by his immediate Comg officer Capt. Riley. This at Fort Atkinson on or about the 2d of June 1824

Signed. B Riley
Capt U.S. Infy

To which charges & Specification the prisoner pleaded Guilty.

Sergt Winningham a witness for the prosecution being duly Sworn says on or about the time specified in the Charge. I was sent by Capt. Riley of Compy. B, of which Compy I am orderly Sergt to the Guard House to get a Great coat & Blanket which it was said Amos had. Amos who I found in confinement gave me the great coat, the Blanket he had sold. I afterward obtained the Blanket from the man to whom the prisoner had sold it (private Lacey) who was one of the police Guard & I returned the property to the persons from whom it was taken by the prisoner

On or about the 2d of June the prisoner was so much intoxicated, as to disqualify him from discharging the duties of a Soldier

The court confirms the plea of the prisoner & find him Charles Amos Guilty of the Charges And Specifications exhibited against him & Sentence him to be confined in the Guard house for one month & to be kept on police by day to be put into the Choke box one half hour each day during his Confinement to have the whiskey part of his rations Stopped for one month to have half of his monthly pay Stopped for two months to be appropriated for the use of the Compy to which he belongs

The Court next proceeded to the trial of private John Downey on the following Charge

Charge Drunkenness on duty
Specification. In this that he the said private John Downey of Ball Compy F 6 Infy was so much intoxicated while on post as to intirely disqualify him from performing his duty as a Sentinel of the police Guard at Fort Atkinson on or about the 7th of June 1824

Signed M W. Batman

Lt. & Off of Day

To which Charge the prisoner pleaded Guilty
The court confirm the plea of the prisoner John
Downey, & find him Guilty & sentence him to be confin-
ed in the Guard House one week to be kept on
police by day to wear an Iron yoke on his
neck for the same period to be put in the Chok-
box one half of an hour each day of his con=
finement.

The next proceeded proceeded [sic] to the trial
of Wm. Vidler on the following charge

Wm. Vidler a private of Ball Compy. E, 6 Infy
is Charged with wilfully & maliciously shooting
& killing one of the public cattle belonging to the
post of Fort Atkinson on or about the 6 of June
1824 in the vicinity of Fort Atkinson

(Signed) Z C Palmer

Lt A Asst Comy

To which Charge the prisoner pleaded guilty
The confirm the plea of the prisoner John
Downey find him Guilty & sentence him ~~to be~~
~~Confined in the Guard House, on~~
private Wm Vidler & find him Guilty & sentence
him to have half of his monthly pay Stopped
for two months to be for the use of the Regt
fund—

The Court having gone through with all
the charges laid before them except in the
case hereafter mentioned Adjourned to meet
tomorrow morning at 9 O Clock Am

Sergt Mum was brought before the court on the
5th of June for arraignment & upon being asked
if he had any objection to make to any

Member or Members of the Court objected to Lieut. Richardson Setting as a member on the Ground that he appeared as a prosecuter & witness against the accused. He considered the objection a valid one & decided than another officer Should be called for to supply his place: The Court then adjourned as previously Stated in the Record.

A. R. Woolley
Major Inf.

Head Qrts 6 Infy

Orders Fort Atkinson 9th June 1824

The proceeding of the Court Martial of which Major Woolley is president are approved

The sentences of the Court will be respectively executed

H Leavenworth
Col. Comg

Proceedings of a Regimental Court Martial held at Fort Atkinson on the 8th of June 1824 by virtue of the following orders

Head Qrts 6 Inf

Orders Fort Atkinson 4th June 1824

A Regimental court Martial will convene this at 10 Oclock for the trial of such prisoners as may be brought before it at such place as the president may direct Capt. Gray president. Capt. Pentland & Lieut. Richardson Members

By order G W Waters
Act Adj 6 Infy

Head Qrts 6 Regt Infty

Orders

Major Woolley is detailed as president of the Court Martial now in session at this post to supply the place of Capt Gray arrested

By Order
GW Waters
Act Adgt 6 Inf
Head Qrs 6 Infty

Orders

Fort Atkinson 7th June 1824

Lieut Nichols is detailed as a member of a Regt Court of which Major Woolley is president to supply the place of Lieut Richardson objected off

By order
G. Andrews Lt
Act. Adjt 6 Infty

June 8 1824

The Court met pursuant to the above orders
President Major Woolley President

Capt. Pentland & Lt Nichols members

The Court being duly sworn in the presence of the prisoner, proceeded to the trial of Sergt Mum of Battn Compy G, 6th US Infty who being asked if he had any objections to the Members named in the order and replying in the negative was arraigned of the following charges preferred against him by Lt Richardson 6th Infty

Charge 1 Drunkenness on duty

Specification in this that he Sergt. Mum of Batt Co "G" of 6th Regt Infty and while on duty Sergt of the guard, so much intoxicated as to render him incapable of performing his duty as such this at Fort Atkinson on or 2nd June 1824

Charge 2 Disobedience of Orders and conduct unbecoming a non Comsd Officer.

Specification In this that he the said Sergt Mum of Ball Compy. G, 6th Infy, did drink spiritous liquor with prisoners in the Guard room after having received orders to allow the prisoners to have no spiritous liquor in the Guard House this while a Sergt. of the police Guard at Fort Atkinson on the 2d June 1824

(Signed) A Richardson Lt 6 Infy

To which Charges & specifications the prisoner pleaded not Guilty

Lieut Richardson of the 6th Regt of Infy a witness for the prosecution, being duly Sworn Says on the 2d of June, I was officer of the Guard of which the Prisoner was Sergt. the prisoner Sergt Mum, was so stupid as to render him incapable of performing the duties properly as Sergt of the police Guard. This stupidity appeared to proceed from his having drank too much Spiritous Liquor. also while setting at or near the door of the Guard room he did admit a person to enter the Guard room without permission so to as In another instance he allowed a prisoner who was confined in the guard house & under his charge to run away from the Guard room & was going to his Company I called him back.

As respects the 2 Charge the prisoner had orders to let no Spiritous Liquor be carried into the Guard house nor to let any be kept there. That on the evening of the 2d June. The prisoner then, then Sergt of the Police Guard had a Bottle at his mouth & when I examined the bottle, I found it had contained liquor

The prisoner afterwards confessed that he had been drinking liquor from the bottle in the guard House

Sergt Lathrop A Prisoner Confined in the Guard House, a witness for the prosecution being duly Sworn

Says—The prisoner Sergt Mum was Sergt of the police Guard at the time Specified The officer of the Guard ordered the prisoner to be released. The prisoner did not appear to be any ways intoxicated at that time whether he had been drinking Spiritous liquor during the day. I could not ascertain the officer of the guard asked the prisoner if he had been drinking Spiritous Liquor he answered he had

Qus by the prisoner, was I not vigilant in discharging my duty during the day in preventing any liquor entering the Guard room

Ansr. The prisoner examined every person that brought rations to the Guard house during the day

Qust by the Court—Was the prisoner prompt in performing his duty or did he appear to be stupid & inactive

Ansr the prisoner appeared to be active. I did not see him lay down during the day he walked in or out of the guard room during the day

Corpl Vermillion a prisoner confined in the Guard House a witness for the prosecution being duly Sworn Says—on or about the time Specified the prisoner Sergt Mum was Sergeant of the Police Guard in the Evening my supper was brought in to the Guard room. The supper consisted of whiskey. milk & bread the whiskey was in a bottle & the milk in a cup & asked the prisoner Sergt Mum to come & eat he took up the bottle of whiskey I did not see him drink any

Qus by the Court. after the bottle was in the guard house how much whiskey did it Contain was any of it drank by yourself & Sergt Lathrop & if so was it in presence of Sergeant Mum

Ansr. I think the bottle contained about one pint of whiskey. I drank of it & I think Sergeant Lathrop also drank some but not in the presence of the prisoner

Ques by the court How much did the bottle Contain when Sergeant Mum took it up

Ansr. About three Gills at the moment the prisoner took up the bottle—the officer of the Guard entered the room, ordered him (the prisoner) under arrest. the bottle remained in the Guard room, with about a half pint of Whiskey remaining in it Sergt Lathrop & my self drank it

Ques by the Court—Did Sergt Mum the prisoner appear to be intoxicated at the time you speak off

Ans—He did not appear to be intoxicated

Ques by the prisoner. Did you not see that I was—vigilent in preventing liquor being carried into the Guard room

Ans. I did not see any liquor passed into the Guard House with the knowledge of the prisoner

The court being ordered to be cleared & the proceedings read over to the court the following sentence was pronounced

The Court after mature deliberation on the testimony adduced find the prisoner Sergt Mum of All Compy. K. 6th Regt Infy—Not Guilty of the Specification of the first Charge. Not Guilty of the first Charge

Guilty of the 2d Charge & specification & Sentence him to be reduced to the Station of a private Sentinel

The court Adjourned untill One O Clock

8th June 1824

The Court met pursuant to adjournment

Present Major Woolley President

Capt Pentland & Lt Nichols Members

The Court being duly sworn in the presence of the

prisoner proceeded to the trial of Sergt I Oliver of Battn compy. G, 6th Regt of Infy who being previously asked if he had any objections to the members of the Court & replying in the negative was arraigned on the following Charges preferred against him by Capt Gantt of the 6th Regt Infy

Charge 1st Repeated Drunkenness

Specification In this that he the said Sergt Oliver of Battn Compy G 6th Regt Infy did repeatedly get drunk between the 1st of May & the 7th of June 1824 at Fort Atkinson

Charge 2d Neglect of duty

Specification In this that he the said Sergt Oliver did neglect the duty assigned him by his immediate commanding officer particularly to the Compy Garden at Fort Atkinson on or about the 1st of June 1824

Specification 2d—In this that he the said Sergt Oliver did neglect the duty assigned him by his commanding officer in relation of police of said compy at Fort Atkinson in or about the 24th May & the 3d June 1824

Charge 3d—Misappropriation of the company Stores

Specification In this that he the said Sergt Oliver did neglect to turn over Two Gallons Twenty one gills of whiskey part of the ration Whiskey of said compy of the non. comsd officer who relieved him in the orderly duty at Fort Atkinson on or about the 7 of June 1824

Signed J. Gantt

Capt 6 Infy

To which Charges & specifications the prisoner pleaded as follows

Guilty to the first Charge & specification

Guilty to the second Charge & specification

Guilty to the Third Charge & specification
Capt Gantt of the 6th Regt of Infy a witness for the
prosecution being duly Sworn says—The prisoner has been
repeatedly drunk between the 1st of May & the 7th June 1824
I noticed it more particularly on the last days as respect
his neglect of duty. The prisoner about the time specified
officer in the Compy. Garden. When especially orders
to attend to it. Witness on the 2d Charge & specification
The prisoner Sergt Oliver did neglect the police of the
Compy. twice during the time Specified

Ques by the prisoner. What has been my previous
conduct & General Character, before the 1st of May 1824 &
Since you knew me as a Soldier & a non comsd officer

Ansr. I have known the prisoner Sergt Oliver since the
year 1819—his Character as a Soldier has been good & his
Conduct generally has also been good. I never had reasons
to find fault with him as a Soldier or a non comsd
officer untill or about the first of May 1824

Sergt Mc Clements a witness for the prosecution
being duly sworn says—on the day specified Capt Gantt
ordered me between the hours of 12 & 1 O Clock to take
over to me all the stores except the Whiskey. Capt. Gantt
ordered me to have the whiskey measured. when I received it
I found that there was a deficiency of 2 gallons & 21 gills
which deficiency was admitted by the prisoner

Capt Pentland being called upon by the prisoner to
testify to his previous conduct having been duly sworn
says—in answer to the following Question viz

Ques by the prisoner—what has been my previous
conduct & general character as Soldier and non
Comsd officer since you knew me

Ansr. I have known the prisoner Since the year 1819 his previous conduct has been good. I know the prisoner as a non comsd officer while in the Rifle Regt he stood very hight. & his conduct as non comsd officer & Soldier was correct & exemplary.

The court after mature deliberation on the Testimony adduced find the prisoner, In Confirmation of his plea Guilty of the 1st Charge & Specification

Guilty of the 2d Charge and Specification

Guilty of the 3d Charge & Specification

And Sentence him to be reduced to the Station of a private Sintenel. To have his Whiskey Stopped untill he makes good to the Compy the deficiency of two Gallons & twenty one Gills

The Court Adjourned Sine Die

A R Woolley

Major & Pt

Head Qts 6 Infy

Orders Fort Atkinson 11th June 1824

The following proceeding of the Court Martial of which Major Woolley is president are approved—Sergts Mum & Oliver of Compy (G) 6th Regt and accordingly reduced to the rank of private Sentinel

The Court is dissolved

H Leavenworth

Col Com

Proceedings of a Regimental Court Martial Convened at Fort Atkinson by virtue of the following orders

Head Qrts 6th Infy

Orders Fort Atkinson 16th June 1824

A Regimental Court Martial will Convene to day at 10 O Clock for the trial of Such prisoners as may be brought before it at Such place as the President There of may direct

Major Woolley President

Lieuts Andrews & Nichols Members

By Orders

Signed, GW Waters

Act Adj 6 Infy

The court met pursuant to the above order

Present—Major Woolley president

Lieuts Andrews & Nichols Members

The court being duly sworn in the presence of the prisoners to be tried, who being previously asked if they had any objections to the members & replying in the negative, proceeded to the trial of Corpl H Smith of Light Compy B 6 U S Infy of the following Charges & Specifications

Charge 1st conduct unbecoming a non comsd officer & soldier

Specification In this that he the said Corpl H. Smith of Light Compy B 6th US Infy did suffer. James Barnett & Joshua Mills private soldiers of the same Regt. to quarrel & fight at fist & skull in his presence at or near Fort Atkinson on or about the 13th June 1824

Charge 2d Drunkenness of duty
Specification. In this that he the said Corpl H. Smith of the above named Regt did get so drunk while in Command of a party Chopping wood so as to

incapacitate him from performing his duty
as such at or near Fort Atkinson on or about
the 13th June 1824 – (Signed) B Riley

Capt 6 Infy

To which Charges & specification the prisoner
pleaded not Guilty—Private Frost Co A being
duly Sworn as a witness for the prosecution says
to the 1st Charge That I was passing out from the
garrison to the Stables I saw a crowd of soldiers &
among them were two men, (privates Mills & Barnett, who
were fighting, by the time I reached the crowd, they
were parted—Corpl Smith was present at the
fight. I did not see Corpl Smith use any means
to stop the fight. Ques the prisoner, Did you see
before at the of—or after the fight—Ans—when I
came to the place where the crowd were I saw two
men fighting—one was down—in a few minutes one
Cried enough, they were parted, on looking around
I saw Corpl Smith there of the 2d Charge I know
nothing

Private Kilgore C H, a witness for the pro-
secution being duly Sworn—Says on or about the
13th June, I saw Corpl Smith after the fight but
I do not know that Corpl Smith was present at
the fight as I came on the ground after the fight
As to the 2d charge I know nothing

Private Mills a witness for the prosecution being
duly Sworn says—that he does not know that the
prisoner (Corpl Smith) was on the ground at the
time of the fight—of the 2d Charge he knows nothing

Sergt Winningham a witness for the prosecu-
tion being duly Sworn Says on or about 13 June
I saw Corpl Smith So much under, the influence
of Liquor that I considered him incapable of

of performing his duty, at this time he was on the Quarter Masters detail & had Charge of party Chopping wood. he was so much under the influence of of [sic] liquor, as to become noisy & riotous in the Compy that the intoxication to which I allude was both before & after his arrest—The evidence on the part of the prosecution being Closed—Lt Holmes a witness for the prisoner being duly Sworn says, on or about 13th June, Corpl Smith had the immediate Charge of a Chopping party on the Qr Masters detail. he came into my room about that time on business with me & after having finished it he retired—at the time he appeared to be stupid but I believed him to be of Such general good habits that I did not think of intoxication—The 13th June Sunday Corpl Smith & party were excused from Chopping The testimony being Closed. The prisoner requested the indulgence of the court of one day to prepare his defence, on the 7th The prisoner made the following defence

Honorable president & members of the Regt Court Martial now in session

Gentlemen—I am now before you & Charged which my dignity is in stake your cander & decided judgement is my only resourse. Gentlemen I beg only of you to turn your attention towards the testimony of Ford in the 1st Charge & specification, he says he saw a Crowd of men & say fighting going on but he did did [sic] not see until after the affair was over

Gentlemen of the court, I cant perceive wherein I can be criminated or found guilty on this testimony & this testimony of Kilgore Supports the testimony of Ford & Mills & Barnett says they know nothing of my being there or knowing any thing of the circumstance

I beg of all the Families of Justice how in nature

Could I have prevented this & only this intended injury of impious mankind

I take it that the forgoing testimony is entirely in My favor therefore I dont perceive it necessary to say any thing on that Subject any further

As to the 2d Charge. Drunkenness on duty This is only in the hands of the Gentlemen who then had the immediate direction. Lt Holmes says that he did not think that I was intoxicated when I came to him on business: he says he that I looked Stupid Suposing I did, I was on guard the remarkable Stormy night, & was exposed to the wet & cold all that night which I should say make any man looks a— this Stupid—now to take into Consideration drunkenness on duty that has been stated to the Court that I was not on duty at that time which was Sunday & the Chopping party was excused for that day—as to the testimony of Sergt Winningham. It was so various that its hardly worth naming he stated that I was intoxicated on duty, which has already been proven by Lt Holmes I was not on duty—Sergt Winningham further Stated that I became riotous that I said I might at any time have the same opportunity of preferring Charges against him & I hoped that the next report might be made to Peg that was alluding to his wife. I cant perceive how a witness could give testimony against a man that is Charged with Drunkenness & he swares to riotous conduct. I will close by saying that if I have said any thing offensive to the honorable Court I wish to be excused for my ignorance

Lieut Andrews-- A Smith Corpl 6 Infy

A witness for the prisoner Corpl Smith Says on or about Saturday 12th June 1824 I was officer of the Guard Police, Corpl Smith was

Senior Corporal of the guard the night of the 12th was extremely boisterous & stormy

The Court after due deliberation of the evidence & Charge find the prisoner Corpl. H. Smith guilty of the first Charge as specified guilty of the Specifications of the 2d Charge leaving out the words “While in Command of a part Chopping wood” and not Guilty of the charge of Drunkenness of Duty & Sentence him to be reduced to the Statue of a private sentinel but in Consideration of his general good habits we recommend him to the Col. Comg. for a remission of his sentence with a reprimand in order

Private Kelly was arraigned in the following Charge & Specifications

Charge—Disobedience of order & neglect of duty Specification 1st in this that he private James Kelly of Ball Co K 6 Regt Infy being a sentinel of the police Guard stationed in front of the guard house did fail to notify the Guard of the approach of the Officer Day thereby neglecting his duty as a sentinel this at Fort Atkinson on or about the 13th June 1824

Specification 2d In this that he private James Kelly of Ball Compy. K 6th Regt. Infy did while a sentinel of the police Guard order his arms & enter into conversation with one of the prisoners thereby disobeying orders & hereby neglecting his duty as a sentinel this at Fort Atkinson on or about the 13th June 1824

(signed) B Riley

Capt. 6 Infy

Lieut. Batman a witness for the prosecution being duly sworn says on or about the 13th June the prisoner James Kelly, was a sentinel of the police guard stationed in Front of the guard house of there was sentinel I saw him stand at ordered arms & in conversation with one of the

prisoner. Ques by the prisoner was it raining at the time, & did you see me within the porch apparently to avoid the rains ans. rain fell at intervals during the day but I cannot say whether it was raining at the time or not the prisoner (Kelly) was standing under the porch Conversing with one of the prisoner (who was seated at the time)

Ques. by the Court Did you give orders to have the sentinels walk Changed in case of bad weather ans.—I did not but it is practiced.

Sergt. Fleming a witness for the prosecution says on or about the 13th I was Sergt. of the police guard the prisoner was a sentinel & stationed in front of the guard house, the prisoner did not notify the guard of the approach of the offr Day the prisoner had order to do so, as to the 2d Spec. The prisoner (James Kelly) Stood with his face toward the guard house at ordered arms at the same time he was talking to some one I do not know who—Ques by prisoner Do you know the reason why I stood under the porch. answ It was on account of the rain—Qus—by the court Did you give any order to the sentinel to admit Sentinels in front of the guard power to Change this walk in bad weather. And in case of rain. I told him they might walk under the porch with arms secure

The testimony being closed & the whole of the evidence being read over the court upon mature deliberation find the prisoner James Kelly guilty of the 2d specification & guilty of the Charge, but from the facts disclose by the evidence in mitigating of the apparent ignorance of the prisoner of his duty of a soldier—The court do not attach much

Criminalty to the offence—The court sentence him to be subjective to the stoppage of the ration part of his whiskey for two weeks

The Court next proceeded to the trial of Joshua Mills a private Soldier of Ball Compy B 6th Infy is charged with quarrelling & fighting with private Barnett of Light Compy B 6th Rgt Infy at or near Fort Atkinson on or about the 13th June 1824

(Signed) B Riley

Capt. 6 Infy

To which Charge the prisoner pleads not guilty Ford a private Soldier of Co A US Infy & a witness on the part of the prosecution. being duly sworn says. On or about the 13 June 1824. I saw two men Barnett & Mills fighting. I saw them down & saw Mills pulled off Barnett & heard Barnett cry enough Kilgore of Co H a witness on the part of the prosecutn says I know nothing on the matter. I came there when it was all over. Barnett of Light Compy B a witness on the part of the prosecution says we, myself & he prisoner, went out together but not for the purpose of fighting. We got to shuffling near Doctor Gales Dog house Mills threw me against the fence we got angry & I told him to let me up or something of that kind.

The testimony being closed—The Court after deliberation find the prisoner, Joshua Mills, guilty of the Charge as Specified. leaving the out the words “quarrelling and” The Court sentence the prisoner to be put in the Choke box for $\frac{3}{4}$ of an hour each day for the period of two weeks.

The court next proceeded to the trial of private James Barnett on the following charge

James Barnett a private Soldier of Light Co B 6th US Infy is charged with quarrilling & fighting with private Mills

of Ball Compy G 6th Infy at or near Fort
Atkinson on or about 13th June 1824

(Signed) B Riley
Capt. 6th Infy

To which Charge the prisoner pleads not guilty
Ford of Co A witness for the prosecution being duly
sworn says. in or about the 13th June 1824. I saw
two men, Mills and Barnett fighting. I saw them
down. I saw Mills pulled off Barnett and heard
Barnett cry enough The testimony being closed
The Court after mature deliberation find the prisoner
James Barnett Guilty of the charge and Specified
leaving out the words “quarrelling” and The
Court sentence him to be put in the choke box
for $\frac{3}{4}$ of an hour each day for the period of
two weeks

The court proceeded to the trial of Joshua
L King a musician of Light Co B 6th Infy
on the following Charges and Specifications

Charge 1st Disobedience of orders
Specification. In this that he the said John L. King
a musician of Light Co B 6th US Infy when orders
by Sergt. Winningham. orderly Sergt. of the aforesaid
Compy to go the lower garden & report himself to
the gardener (private Parker) of Light Compy B
6 Regt. Infy & go to work in said garden which
order he disobeyed on or about 9th June 1824 at
Fort Atkinson

Charged repeated Intoxication
Specification in this that he the said John L King
a Musician of Light B 6th Infy has
been repeatedly Intoxicated at Fort Atkinson between
the 1st and 10th of June 1824 as to incapacitate him
from performing the sentry specified him by

his immediate Commanding officer Capt
Riley (signed) B Riley
Capt 6 Infty

To which Charges & specifications the prisoner
pleads not guilty

Sergt Wyatt a witness for the prosecution being
duly sworn says on or about 9th June 1824 the prisoner
John L. King was drunk he was ordered to go to the
Garden whether he went or not I do not know
As to the 2d Charge The prisoner for 3 or 4 days
between 1st & 9th was so drunk as to be incapable of
Doing his duty—Qus by the prisoner how could I
be three or four days drunk at a time when I could
only be three days at most off duty as orderly fifer

Ans. The prisoner was drunk three or four days at a
time & one day he was so drunk as to get Robinson
of Co G to perform his duty as orderly fifer. Robinson
came to me & told me to let King lay, that he would
go & perform his duty.

Sergt Winningham a witness for the prosecution says
on or about 9th June 1824, I ordered King to
the lower garden & report himself to Parker the
gardener, & he would tell him what to do and I
believe he disobeyed the order

Parker a witness for the prosecution says on or
about 9th June 1824. King came down to the garden
where I was but did not report to me. he then & there
went to sleep I thought he had been drinking rather
too much—Qus by prisoner what reply did I give
you when you attempted to wake me up Ans--you
said you did not care a damn that Sergt
Winningham might be damned

The testimony being closed, the court after mature delib=
eration find the prisoner John L. King Guilty of the

Specification & Charges exhibited against him
& sentence him to be confined to the Guard house for
one month to be subjected to the Stoppage of half
his monthly pay for two months & his whiskey part
of his rations to be stopped for the same period both
to be applied to the men of the compy to which he
belongs

The court in Closing its proceedings respectfully
represent to the Col. Comdg that they are apprehensive
that offences, prejudiced to good order & discipline
& the whole train of disorder growing out of drunken
ness, (repeated, & almost habitual drunkenness
will continue to multiply until course of punishment
is accepted differing essentially in the modes now in
& until an officer is specially Charged with the duty
of seeing that all sentences are strictly executed if this
executory duty does not appertain to the Adjt in virtue
of his office the court Concerning that it should be made
the duty of some one, was there a guard house at
the post suitable in every respect with cells for
solitary confinement in which convicts could be kept
on a spare & healthy diet seperate from prisoners who
are confined in a state of intoxication & at the pleasure
of the Comp officers merely during the drunkenness
and then thus confined. as also from those who are
regularly committed for Trial—The convicts thus
away from the fumes of whiskey & the excitement of
continued & never tiring dissipation would have
time to reflection and contrition and a Court mar
tial could graduate punishment upon the seav
of crime. Punishment would then appear neither
trifling not vindictive and they would become
both correctional & exemplary as they would
reform the offender & hold out a warning to others

The court having no further business before
them adjourned Sine Die-----

A.R. Woolley
Major & prsd

Head Qts 6th Infty

Order Fort Atkinson 18th June 1824

The proceeding of the court martial of which
Major Woolley is President are approved The sentence of
the Court in the case of Corpl Smith is also approved
It was the duty of the Corpl to prevent the fight between
the two privates & he should have been sufficiently active
in performing that duty to have attracted the attention
of the witness. He was at least guilty of a gross neglect
of duty in the respect & deserves to be reduced, but up
on the recommendation of the court that part of the
sentence is hereby remitted—The other sentence will be
respectively executed—The Adjut or officer performing
that duty is the executive officer of a Regt & it is his
duty to see that all sentences are executed by those
whose duty it is to carry them into effect for instance
that sentence which are to be executed at the guard
house are attended to by the guard by the direction of
the officer of the Day or in other words that the
officer of the Day is informed of the orders sentences
He & that Compy Commanding order are duly notified of
sentence which retake to stoppages He—The Comy officer
is not aware that this duty has been shortly attended
contrary he did suppose that ?

The remarks of the court in relation of a guard
house are very correct & they might also and

with equal property have recommended the execution of a new Confinement. For when the side of the latter ascertained, the former will no doubt be erectd

H Leavenworth
Col Comdy.

Proceeding of a Regt Court martial convenes at Fort Atkinson by virtue of the following order

order
Head Qts 6 Infty
Fort Atkinson 24th June 1824

A Regt court martial will convene today at two O Clock for the trial of such prisoner as may be brought before it at such place as this proceeding therof May direct

Capt Gantt President
Lieut Nute & Batman members
By Orders

G W Water Act Adt & Infty
June 24 1824

The court met pursuant to the above order
Present Capt. Gantt President

Lt. Nute & Batman Members
and being duly sworn in presence of the prisoners who being previously asked if they had any objections to the members named in the Regt order and replying in the negative. proceeded to the trial of Hannah a Laundress of Ball Compy G 6 Infty on the following Charges viz

Charge Disobedience of orders & disrespectful language to Capt Riley officer of the day
Specification In this that the Hannah a Laundress

of Ball Compy G 6 Infty did not obey the orders of the officer of the Day (Capt Riley) when ordered by him to go to her room & did at the same time use very disrespectful language towards the said Capt Riley, while officer of the Day at Fort Atkinson on or about the 26th June 1824

(Signed) By order of Col Leavenworth
B Riley & Off. Day

To which Charge & Specification the prisoners pleaded not guilty

Capt Riley a witness for the prosecution being sworn says on or about the 26 June 1824. I was off of the Day at this post I had assembled at Capt Gantts Quarters with several other Gentlemen, when the prisoners little boy passed near us he was called, we amused our selves with him as is done generally when he is among Gentlemen. the prisoner Came out and Commanded in a most boisterous manner, Immediately let the Child go & ordered her to disist & go to her room she did not go but continued with her disrespectful language about her boy. I again directed her to go to her room, she not going I pushed her over. I then ordered her to the guard house. I followed immediately after myself I then ordered a file of men to take her to the river for the purpose of dunking her. before I got to the river I was stopped. The Cols orderly who said the Col wished to see me immediately. I ordered the Corpe comdy the file of men to halt on the bank of the River & went to the Col who asked me what I meant. I told him what my intention were. He told me not to do it as there were other ways of punishing her if she had committed a crime I told him that my other kind of Punishment should be by his order he ordered me to confine her on the morning of the 26th he ordered

me to prefer charges against her, as I have done. I can't recollect the words made use of by the prisoner when she come to Capt. Gantt Quarters but her manners & behavior was very disrespectful in the presence of officers.

Lieut Richardson, a witness for the prosecution being sworn says on or about the 26th June 1824 I was sitting in Compy with Capt Riley and others in the rear of Capt. Gantts Quarters, Capt. Riley & others were playing the Boy of the accused & in consequence of a noise made by the boy, the accused came running round to back of Capt. Gantts Quarters & said to Capt Riley let my boy alone, I want him myself. Capt Riley warned her repeatedly to go away & go to her room which order she disobeyed in not going & still continued to make use of Language, similar to that before stated. Viz let my child alone I want him myself

Question by the prisoner. Did you not hear the child cry, & what was his situation at that time

Ansr The child was crying & was crying [sic] at this time across Capt Riley knee, but it was used harshly or injured to my knowledge

Lieut Nichols a witness for the prosecution being Sworn Says—on or about the 26th June 1824 the prisoners boy passed by Capt Riley called to him in a playful manner & told him to stop & caught hold of him for the purpose of diverting away a few moments he took him on his knee & asked him a Question or two he asked him if he wanted to be whopped the boy then began whinning immediately the prisoner came out of the house & said let the boy about ? the child her manner of speaking as well as deportment was rather violent Capt Riley ordered her back to her room. She still advanced towards

him he remained on his chair, he then arose and pushed him back & repeated his order. the prisoner still intent on passing him he took her by the arm & ordered her to go away & then ordered her to the guard house

Quest by the prisoner. Did you hear the child cry & what was its situation at the time.

Ans Capt Riley had the boy on his knee I heard the boy say take you hurt me Captain

The court Adjourned to meet to morrow morning at 10 Oclock June 28, 1824

The court met pursuant to adjourment
Present Capt Gantt president

Lieuts Nute & Bateman Members

And continued the trial of Hannah a Laundress of Ball Compy G 6 Infy

Laundress Lathrop a witness for the prisoner being sworn says on or about the 26th of June 1824 I heard the prisoners boy cry. I went to the the window. Capt Riley had the boy across his knee with his pantaloons down. The boy said Capt Riley let me down you hurt me. the prisoner called the child it was not let go She then went thru Lt. Nichols room & asked for the child saying she wanted the child her self that they were hurting him & she did not want him abused. Capt Riley then told her to be off or he would abuse her he then let the Child go & the prisoner & the prisoner [sic] told it to run thru Capt Gantt Quarters with this Capt Riley got up & seased her by and flung her on the ground & ordered her to the guard house

Major foster a witness for the accused being sworn says Ques by the prisoner. How long have you known me & what has been my general character

am I apt to be disrespectful or impertinent

Know I have known the prisoner previous to 1818 I am not aware of her ever being impertinent She was not so formerly She came from Pittsburgh to this post with the old 6 Regt I command that Regt a year during that time I considered her a young camp woman-----I have no particular knowledge of her character

Lieut Wickliffe a witness for the accused being duly sworn says

Quest by the prisoner How long have you known me & what has been my general character am I apt to be disrespectful or impertinent.

Ansr. I have known the prisoner since 1820 the time I entered the army most of the time she has been a laundress in the compy to which I was attached and a great part of the time commanding her conduct as far as came under my knowledge has been correct I have never saw any things improper or disrespectful in her conduct on the contrary she has always been perfectly respectful I have always considered her a very good camp woman the present acquisition is the first I have known to have been made against her.

The testimony having all been heard the court in most mature deliberation on the testimony aduce do find the prisoner Hannah a Laundress of Ball Compy G, 6 Infty Guilty of Disobedience of orders and Guilty of Disrespectful language to Capt Riley officer of the Day And do Sentence her to be discarded as a Laundress of Regt and to leave the post by the first opportunity that may offer. But in consideration of the eleviateing circumstances spread on the record of the court

& the innate feelings of a parent on such an occasion The court beg leave to recommend the accused to the clemency of the comg officer

The Court adjourned to meet again at ½ past 12 oclock

The Court met pursuant to adjournment

Present Capt Gantt President

Lieuts Nute & Batman Members

and proceeded to intestigate a complaint made to the Comg officer by private David Mum of Ball Co G, 6 US Infty couched in words as following viz

Fort Atkinson June 29, 1824

Honored Colonel

Sir with wounded hart I feel myself in duty bowed to address myself to your honor for my grievances for yesterdays conduct which I shall state as far as my knowledge will allow Capt Riley & my woman it appears had some disturbances which I was not an eye witness of the first I saw he was sending her to the guard house under charge of Capt Elkins I immidiately Enquired what was the matter the ansr I recd that the Capt was angry with her & was going to throw her in the River I then reported the same to your Honor & your instructing I obeyed with that degree of politeness to Capt Riley as is due a soldier to his officers and more than I can express, The moment I addressed him for her pardon he turned a deaf year the second time he listened for a moment & he bid me be gone I answered I would but still was anxniou & repeated the words once again while returning he then drew his sword & begun to beat me I moved moderately in hopes he would hear to reason but all in vain for he turned the point still towards

my breast which caused me to take my flight. I now most seriously ask for justice which is allowance of both by god and man If I am the aggressor, I will humbly submit to punishment if not no doubt it will be excused for further information I wish the Col to inquire of Hagerman & Bartlet which were near at hand when the affair happened suppose may others

I am servant to your service
D Mum

Orders
Head Qrs 6th Inf
Fort Atkinson of 2nd June 24

The court martial of which Capt Gantt is president will investigate the forgoing complaint agreeably to the 55 art of the articles of war

Signed H Leavenworth
Col Comg.

Private D Mum the complaneant being sworn says on the 26 June 1824 being informed that Capt Riley officer of the Day was about to duck my woman I went to Capt Riley & begged him not to do so he made no reply. I then asked him again not to put my woman in the River Capt Riley replied that he would do it & told me to be off about my business. I answered I would and retreated back a few steps & repeated the request not to put her in the river Capt Riley ordered me a second time to be off. I continued moving slowly Capt Riley then struck me three or four times with his sword. I still continued my request when the Capt charged on me with the point of his sword. I then took to flight Private Wigman a witness for the

complainant being sworn says On the 21 June 1824, Capt. Riley was taking the complainants woman to the river for the purpose (as I understood) of ducking her Mum went to Capt Riley & spook to him Capt Riley ordered him off. he hesitated the Capt ordered Mum a second time he still hesitated Capt Riley ordered him a 3rd time he commencing moving still however keeping his face toward the Captain Capt Riley then struck him with his sword 2 or 3 times.

Private Bartlett a witness for the prosecution complainant being sworn says- on or about the 21 June 1824. I heard Capt. Rily ordered the complainant Mum to be off Mum said he would but did not go but continued talking to the Capt who ordered him a 2d time. Mum said he would but still continued talking Capt Rily ordered him a third time he not obeying the Capt struck him 2 or 3 times Mum then went away The parties concerned having no more testimony to produce. The court after mature deliberation on the testimony adduced are of opinion that private David Mum of Compy G 6 Infty was struck by a sword by Capt. Riley the Court is also of opinion that the punishment inflicted on the complainant was merited by his conduct

Was next tried private John Rogers of Light Co A 6th Infty charges as follows Viz

Charge unsoldier like conduct

The specification In this that he the private John Rogers of Light Compy A 6 Infty did quarrel & fight with Alfred S Alderick of Ball Co K 6 Infty at or near Fort Atkinson on the 27th June 1824

By Order of Col. Leavenworth
Signed G W Waters Adgt

To which the prisoner pleaded Guilty
The court confirm the plea of the prisoner and
find him guilty as charged & do sentence him
to be confined to the guard house for the period
of two days to ride the wooden horse one hour
in the morning & be confined in the Choke Box
one hour in the afternoon for two successive
days & to have his rations of whiskey stopped
for the same period

Was next tried Alfred S Aldrick a private
of Ball Company Charged as follows

Charged unsoldier like Conduct
Specification. In this that he private Alfred
S Aldrick of Ball Compy K 6 Infty did Quarrel
& fight with private John Rogers of Light Co
A 6 Infty at or near Fort Atkinson on the
27th June 1824

By orders of Col. Leavenworth
Signed G. W. Waters
Asst Adgt 6 Infty

To which Charge & specifications the prisoner
pleaded not guilty

Private Jones of Ball Compy G 6th Infty
a witness for prosecution being sworn says on
the 24th June 1824 the prisoner was coming up the
hill from the Sutler store & was over takin by
John Rogers who struck him saying he would
whip him the prisoner told Rogers that he was
drunk & did not want to hurt him they then
clinched then the prisoner struck Rogers
Capt Hoy a witness for the prosecution
being sworn says on the 24th June 1824 I saw
the prisoner & Rogers quarrelling near the Sutler
Store I ordered them to stop & they did so and

went off. I thought Rogers more in fault than Aldrick

The testimony having been heard the court find the prisoner Private Alfred S Aldrick Guilty of Quarrelling & fighting as charged (& the fighting appearing to be in self defence) & do sentence him to have the whiskey part of his rations stopped for the period of five days, the whiskey for the use of his company to which he belongs.

The Court Adjourns Sine Die
J Gantt
Capt 6 Infy

Head Qtrs 6 Infy

Orders Fort Atkinson 30th June 1824

The proceedings of the court martial of which Capt Gantt is President are approved. In the Case of Hannah a Laundress of Ball Company G 6 Regt under the recommendations of the court thus sentence is hereby remitted

In the case of Rogers private of Light Company A the sentence of the court will be carried into effect as it appears by the proceedings of the Court in the Case of Aldrich private of Company K 6 Regt. that what he did was in self defense the sentence of court in that case is hereby remitted he will return to duty

H. Leavenworth
Col Comd

Proceedings of a Regt court Martial held
at Fort Atkinson by virtue of the following order

Orders
Head Qrts 6 Infy
Fort Atkinson 4th July 1824

A Regt Court Martial will convene to
day at 10 O Clock for the trial of such prisoners
as may be brought before it at such place as
the president directs

Lt Wickliffe President
Lts Vinton & Richardson Members
8th July 1824

The court met pursuant to the above order
Present Lt Wickliffe President

Lts Vinton & Richardson members
The Court being duly sworn in presence of the
Prisoner, who being previously asked if he had any
objections to either of the members names in the
charge and replying in the negative, proceeded to
the trial of Peter Crowl a private of Light
Compy B, 6 Infy on the following Charges
& specification

Charge Lying
Specification in this that he Peter Crowl a private
of Light Compy B, 6 Infy did tell Sergt Winningham
(The Sergt Superintending the officers dinner) that
Capt Riley ordered him to receive from the said
Sergt Winningham whatever he the said Crowl would
eat & drink, which was false this at Fort Atkinson
on the 4th July 1824

Signed B. Riley
Capt. 6 Inf.

To which charge & specification the prisoner
pleaded not guilty.

Capt Riley a witness for the prosecution being duly sworn says when Questioned by the Court as follows, Did you on the 4th of July give the prisoner orders to call on Sergt. Winningham for any thing that he might wish wish [sic] for to eat or Drink

Answer. I did not

Sergt Winningham a witness for the prosecution being duly sworn says the prisoner came to me on the 4th of July & said he had an order from Capt Riley for me to give him (the prisoner) what he wishes to Eat & drink. I gave him a dram only, if he got anything to eat it was without my knowledge This at or near Fort Atkinson

Private Mum a witness for the prosecution being duly sworn says on the 4th July the prisoner came to the Council house & told Sergt Winningham that Capt

Rley had ordered him (the prisoner) to get of the said Sergt Winningham whatever he Crowl wished to eat and drink

The evidence on the part of the prosecution being closed & the prisoner having no testimony to offer or defence to make—the court was cleared & the whole of the proceedings read over to the court the following Sentence was pronounced

The court after mature deliberation on the testimony adduced find this Prisoner private Peter Crowl Guilty as charged & sentence him to be confined in the guard house for the period of two Days to be put to the choke box each day of his confinement for one hour- The Court having no further business Adjourned Sine Dio

Wm N Wickliffe
Lt 6th Infy

Orders Hd Qts 6th Regt
Fort Atkinson 7th July 1824

The proceedings of the Court Martial of
which Lt Wickliffe is President are approved
The Sentence shall be carried into execution

H Leavenworth
Col Comg

Orders Hd Qrts 6th Infy
Fort Atkinson 14th July 1824

A Regimental Court Martial will convene to
morrow morning at 10 O Clock for the trial of such
Prisoners as may be brought before it at such a place
as the president there of may direct

Major Foster President. Capt Rily & Lieutenant
Crosman Members By Orders

(Signed) G.W. Waters
Act Adjt 6th Infy

The court met agreeable to the above orders
present. Major Foster President—Capt Rily and
Lt Crosman members. And being duly sworn in the
presence of the prisoners who being previously asked
if they had any objections to either Members of the
Court mentioned in the above orders & replying in the
negative proceeded to the trial of Corpl Carroll of the
6th Infy. Charged with conduct unbecoming a
non Comsd officer & soldier

Specification In this that he Corpl Carrol did at
Fort Atkinson on the evening of the 10th July 1824
set up after tatoo & on a bench in front of one
of the Compy Quarters playing at cards with a
soldier of said Regt. altho the men belonging to Co H

had been expressly ordered & directed to extinguish lights
& retire to rest immediately after Tattoo

(Signed) A. R. Woolley
Major 6th Infty

To which Charge & Specification the Prisoner plead
not Guilty

Major Woolley a witness for the prosecution being
duly sworn states as follows, on the Day specified in the
charge the men of Comy H being unusually noisy
I proceeded to order them to return to quarters after
Tattoo extinguish their lights & remain perfectly quiet—a short
time after tattoo in passing along in front of the Quarters of
Compy K I saw a person whom I took to be the prisoner
with two other persons, who I do not know by name with
one of whom he was playing at cards. I took the pack of
cards, I believe from the hands of the prisoner & ordered
them all to their Berths which order they immediately obeyed
The find find [sic] the prison Guilty of the charge & Guilty
of the specification & sentence him to be reduced
to the Ranks as a private Sentinel

The Court next tried Sergt Harlow of Ball Compy K
6 Infy Charged with striking Musician Ramsay of said
Company with a sword

Specification & Charge, Sergt Harlow of Ball Compy K
6th Infty is charged with striking Musician Ramsey of said Compy
several times with his sword thereby violating Genl Army
Regulations. This at Fort Atkinson on the 11th July 1824

(Signed) G W Waters
Act Adjt

To which Charge & specification the prisoner pleaded
Guilty.

Corpl Carroll a witness for the prosecution being
duly sworn says—Musician Ramsay was fetching water into
Compy Quarters—on the 11th Inst He grumbled and

made a noise saying that he had been on duty 48 hours & that it was not fair that should go for water Sergt Harlow ordered him to be silent. He still continued however to make a noise when the Sergeant Struck him once with his sword

Qus by the Prisoner was not Musn Ramsay noisy & riotous at the time I struck him

Ansr. He was noisy while bringing the warter into the room & also after it was brought

Qus by prisoner. Did not Ramsey grumble & hesitate previous to bringing the water agreeable to my order?

Ansr. Not to my knowledge!

Musician Ramsey a witness for the prosecution being duly sworn says. I came into Compy Quarters about 8 O Clock on the morning of the 11th Inst & the Sergt (the prisoner) ordered me to go for water, & told him that I wanted to change my clothes as I had been 48 hours on duty & taken no breakfast I asked him if there was no other person but myself to bring water. He replied that there was not & that they were all gone to the cornfield to work. I then asked who would go with me for I supposed I must go when Alma? the gardner came to me & asked if I was ready to go I went with him for the warter & after we had brought the water into the room. I went to the Door when Sergt Harlow struck me twice with a sword.

Private Herington a witness for the prosecution being duly sworn says he knows nothing of the charges—Major Woolley being requested to answer the following questions by prisoner Viz (Has not Compy K been very riotous for several days since. & did you not order me frequently to preserve order Replied as follows

The men of Compy K have been very noisy & riotous & snered to such extent that it was necessary for me to report it specially to the comg officer yesterday I stated in my report that I should be compelled to the Summary necessary to put a stop to it. On Saturday afternoon (of the 10th inst) the noise in that compy mentioned it became outrageous to profanity was added obscenity. I found it necessary to interfere at once. In an ordinary case I should have left it to the habitual attention of a compy officer. I spoke to several of the Compy who were in front of their Quarters & ordered them to desist instantly to retire to their Quarters immediately after tattoo & remain silent. I called on the Orderly Sergt (the prisoner & reiterated the orders. For additional certainty I stepped out when the men were paraded for Tattoo & spoke to them respecting their outrageous conduct & informed them of my determination. which was to take an old sword blade & rap them over the sholder until I should break the blade. I called the Sergeant & again Observed that it behoved him to look well to the Compy & correct the evil—In going round next morning with the officer of the day. I spoke to the chief of squads. & again addressed the Prisoner telling him he must g thoroughly to work to put down such conduct.

After mature deliberation the court find the facts of the prisoner striking Musician Ramsey once—but from circumstances developed during the prosecution the find no criminality to the prisoner & do therefore acquit him of the charge

The court then Adjourned until tomorrow morning 10 O Clock

Fort Atkinson 15 July 1824

The court agreeable to Adjournment present all the

members & proceeded to the trial of Corpl Walker of Compy C 6th Infy.

Charge & Specification. Corpl Saml Walker of Ball Compy C. 6th Infy is charged with striking private Charles Sheffield of Ball Compy C 6 Infy with a Hoe on the head, thereby violating Genl Army Regulations This at Fort Atkinson on or about the 9th July 1824

(Signed) G W Waters
Act Adj 6th Infy

To which charge & specifications He plead not guilty. Private Charles Sheffield a witness for the prosecution being duly sworn says. I am cook of Compy C & on the 9th inst being engaged in my work as cook the Prisoner came into the room & commencing throwing dirty water on the table & floor. I told him not to do so as the officers had not visited the room that day & I wished to keep it in good order for inspection He immediately began cursing me & threatened to flog and he came at me for that purpose—when I took up a spade that was standing near & raised it to defend my self. The Corpl had at that time nothing in his hand. I then got out at the door & reported the circumstance to Sergt Bonners who came in & spoke to the Corpl about it & then left the room upon which the corpl became more enraged he took a tin cup off the table & threw it at me, it struck me over the eye. He then went out of the room & returned with a Hoe. I was stooping down washing my clothes when I saw him coming in with the Hoe I straightened up & picked up the spade again he came at me with the the hoe & gave me a blow on the back of the head. I defended my self as well as I could with the Spade untill he luded & threw me down

In this situation the Corpl Adams parted us
Major Foster came to the back window & seeing the
Corporal abusing me asked him if he was not ashamed
to be scolding the cook & ordered him to his room, the
Corpl replied that the damned Old rascal was drunk.
I went immediately afterwards to the Hospital to get
my head dressed.

Corpl Adams a witness for the prosecution being duly
sworn says, On or about the day mentioned in the charges
I heard a noise in the cook room of Compy C & went
in to learn the cause of it. When I went in I saw
Corpl Walker with a Hoe & Sheffield with a spade
scuffling together. Sheffield struck Walker twice with
the spade. The first blow fell on the back of Walker.
The second was warded off by Walker with the Hoe
at the same instant fell on his knees the Corpl then
pushed him with His Hoe which hid him on the
head. They then seized each other. I endeavoured
to separate them but finding I could not I ordered
him to assist me both of us were unable to
separate them I then left them & went to my work.

Private Muir a witness for the prosecution being duly
sworn says—On the day specified in the Charge hearing a
noise in the Cook room of Compy C, I went into the room
& saw Sheffield & Walker shaking each other. Sheffield
with a spade & walker with a hoe. I took hold of them
with Corpl Walker & seperated them, when the Major
came to the back window & I went away.

Private Higgins a witness for the prosecution being duly
sworn says, I saw Walker & Sheffield armed one with a
hoe & the other with a spade on the day specified
both were in the act of striking each other & saw
blood pass between them however I did not see the
commencement of the affair.

The Court then adjourned until 2 o'clock
PM., & then adjourned until tomorrow morning
10 O'clock

Fort Atkinson 14th July 1824

The court met pursuant to adjournment present
all the members & proceeded with the trial of
of [sic] Corpl Walker

Sergt Harris being called for by the Prisoner
& being duly sworn, States as follows on or about
the day specified in the charge the prisoner invited
me to his Quarters but said he had nothing except
Cold water to offer me to drink we went into
the cook room together when there was some ice
lying on the table he took a knife & cut some off
when about taking it up to put in the water it fell
from his hand on the floor He took a tin cup
to put the ice into it & in throwing out at the
window some dirty water that was then in the cup
a part of the water was spilt upon the table—
Sheffield told him that he had no business in
the Cook room to dirty it. The Corpl replied that
he had no intention to dirty it that he only
wanted a small piece of Ice.

Qus by the Court what was Sheffield's manner
when he told the Corporal he had no business in
the cook room was it such as a private usually
makes use of in addressing a non Comsd officer
or otherwise

Answer. His manner was rough & he appeared
to be angry. It was not such as privates generally use
toward non Comsd officers

The court after a patient hearing of the
evidence adduced for and against the prisoner
find the fact of striking forth in the

specification. But in consequence of the aggravating
Circumstances attending the affray they attach no
criminality to the prisoner & do therefore acquit him

The then Adjourned Sine Dio

Wm S Foster Maj.
Pres. Court

Orders
Head Qtr 6th Infty
Fort Atkinson 14th July 1824

The proceedings of the Court Martial of
which Major Foster is President are approved
The sentences of the court will be respectively
carried into effect. Corpl Carrol is reduced to
the rank of a private Sentinel

Sergt Harlow & Corpl Walker having been
respectively acquitted are released from arrest &
will return to duty—The court is Dissolved

H Leavenworth
Col Comg

Proceedings of Regimental Court Martial held
at Fort Atkinson on the 26th July in virtue of the follow
ing orders

Orders
Head Qrs 6th Infty
Fort Atkinson 15th July 1824

A Regimental Court Martial will convene tomorrow
morning at 10 O'clock for the trial of such prisoners
as may be brought before it at such place as the pre
sident thereof may direct Capt Pentland Pres. Lieuts Andrews
& Nichols members by orders

G W Waters
Act Adj 6 Infty

July 26th 1824

They met pursuant to the above orders

Present—Capt Pentland President

Lieuts Andrews & Nichols Members

The court being duly sworn in the presence of the prisoners proceeded to the trial of Sergt Bonners of Compy C 6th Regt 6 Infty. Who being previously asked if he had any objections to the members named in the order & replying in the negative was arraigned on the following charge

Charge & Specification

Sergt David Bonners of Battn Compy C 6 Infy is charged with Striking Private Francis Higgins of said Compy with a Sword & severly wounding him on the head Thereby violating Genl Army Regulations. This at Fort Atkinson on the 25th July 1824

To which the prisoner pleaded not Guilty Private John Gibbons of Ball C 6th Infty a witness for the prosecution being duly sworn. Says I was Sentinel in front of the Guard house on the 25th inst, I saw Sergt. Bonner coming with private Higgins to the Guard house when they arrived opposite to Capt Armstrongs Quarters Higgins halted & refused to go on. Then Sergt Bonner the prisoner ordered Higgins to go on & struck him with a sword over the head, Higgins appeared much intoxicated.

Sergt Morgan of Compy A 6 Infty a witness for the prosecution being duly sworn, Says on the 25 inst I saw Sergt Bonner the Prisoner bringing private Higgins to the Guard house Higgins appeared much intoxicated I heard him grumbling. I could not distinguish what he said. I heard the Sergt order him Higgins to be silent. They got past me. When opposite Capt Armstrong Quarters I saw Sergt Bonner the prisoner—strike him on the head with a sword.

Private Jones of Ball Compy H 6th Infty a witness for the prosecution being duly sworn, says— on the 25th inst I saw Sergt Bonner the prisoner bringing Higgins on to the Guard house opposite to Capt Armstrongs room. I saw Higgins turn around apparently to say something to the Sergt. I could not hear what Higgins said. I saw the prisoner Sergt Bonners strike Higgins on the head with his sword he then put his hand on his head I saw it was bloody

Private Bates of Ball Compy (G) 6th Infty a witness for the prosecution, being duly sworn, Says on the 25th inst I was near Capt Armstrongs Quarters, I saw the prisoner, & Higgins coming to the Guard house, when opposite to Capt Armstrongs room, Higgins said something to the Sergt. I did not hear what the prisoner Sergt Bonner struck him on the head with a sword Higgins was partly turned round by the blow & put his hand upon his head which was bloody.

Private Mead of the 6th Regt Infty a witness for the prosecution being duly sworn says, in answer to the following questions

Question by the prosecuter Higgins, Did you see the wound I received on the 25 inst. What was the character of the wound.

Answer. I did, being a nurse in the Hospital when private Higgins came to get his wound dressed the wound was about one Inch & a half in length besides it was nearly cut to the skull.

Private Wilson of Light Compy B 6th Regt Infty a witness for the prosecution being duly sworn says, on or about the time specified in the charges, when Sergt Bonner the prisoner was bringing Higgins to the Guard house, I heard the Sergt order Higgins to go on three or four times, Higgins went

a few steps then stop & turn round when opposite to Capt. Armstrongs Quarters he stoped again to say something to the Sergt. The prisoner Sergt Bonner ordered him to go on Higgins refused to do so & the prisoner struck him on the head with a sword

Private Ford for the prosecution being duly sworn Says, On the 25th inst I saw Sergt Bonner the prisoner strike Higgins. I heard the Sergt repeatedly order him to go on. Higgins made a sort of a half, the prisoner then struck him & raised the sword to strike him again.

Major Foster of the U S Infty a witness for the prisoner being duly sworn says, For many years since I have Commanded a Compy. It has been a standing order in all my Companies to the Orderly Sergt thereof, that when in actual discharge of their duties as such, that if their orders were positively disobeyed by any privates when in the presence of the Sergt. or if any private was personally insolent to him that he should inforce his orders on the spot & suppress such insolence. This order has been repeated several times to Sergt Bonner while he has been doing the orderly duty in the Company

Major Woolley of the 6th Regt U S. Infty a witness for the prisoner being duly sworn says on the morning of 25th Inst, I visited the rooms of Compy C, in Company with the police officer in Entering one of the rooms of said Company a soldier whos name I did not know, I have since recognised to be the Soldier Sergt Bonner struck stood in the middle of the floor near the door & paid no regard to the word that was given. In passing through the room toward the fire place I lifted his cap, upon which he turned & I saw he was intoxicated

Lieut Holmes a witness for the prosecution being duly sworn says on or about the time & place specified I passed the Compy Quarters of Compy C & as I

passed I saw Higgins enter one of the Compy rooms of that Compy he appeared much intoxicated & after having entered the room engaged in an outrageous noise, I saw him no more, until I saw him in the guard room where he behaved in a very disorderly and mutinous manner, both in language & gestures

Lieut Crosman of the 6th Regt of Infty a witness for the prisoner being duly sworn says, on the day Specified I saw private Higgins after he was confined to the Guard house he appeared much intoxicated.

Sergt McClements of Ball Compy G 6th Infty a witness for the prisoner, being duly sworn says nothing to the point.

Private Hollenback of Ball Compy C 6th Infty a witness for the prisoner, being duly duly [sic] Sworn says, in answer to the following, question by the prisoner.

I wish you to state the conduct of private Higgins in the Compy quarters previous to my taking him to the Guard house on the 25th inst

Ansr. While Higgins was at the dining table I saw him he was there quarrelling & appeared much intoxicated. He was noisy riotous & turbelent

Question by the prisoner. What is Higgins Genl Department when under the influence of liquor is he noisy turbelent & or otherwise.

Ansr. When drunk he Higgins is noisy turbelent & abusive to the non Comsd officers

The whole of the proceedings having been read over to the Court, the following Sentence was pronounced. Sentence

The court after mature deliberation on the testimony adduced find the prisoner Sergt David Bonner of Ball Comp C 6th Regt Infty, Guilty of the Charge & Specification & in consequence of the mitigating circumstances in his case Sentence him to be reprimanded in orders.

Before the Same Court was tried John Armstrong a private of Compy B 6th Infty who being asked if he had any objections to the members of the Court & replying in the negative was arraigned on the following Charges & specifications

Charge 1st selling a public Blanket

Specification In this that he the said John Armstrong of Light Compy (B) 6th Regt of Infty did at or near Fort Atkinson on or about the 24th of July 1824 sell a blanket the property of Thomas Ferrin a private of Compy B to Sithy Fennick a black woman Thereby disgracing himself as a Soldier

Charge 2nd Theft

Specification In this that the said Armstrong of the aforesaid Compy did at Fort Atkinson on or about the 24th July 1824 enter the Quarters occupied by Major O Fallon Indian agent & did Steal ten dollars in Silver or there about belonging to Sithy Fennick a black woman thereby behaving in a manner derogatory to the character of a Soldier

Signed B. Riley
 Capt 6th Infty

To which the Prisoner pleaded as follows Guilty of of [sic] the first Charge & Specification not Guilty of the 2nd Charge & Specification

Sergt Winningham of Light B 6th Infty a witness for the prosecution being duly sworn Says, on the evening of the 25th inst the black woman Sithy Fennick came & told Armstrong the prisoner that he had stolen from her. She assigned as a reason that had enduced her to believe he had stolen the money that no person knew where the money was but himself The prisoner saw her put the money in the Chest at the time. She paid him for the blanket. I asked Armstrong the prisoner if he had sold the Blanket belonging

to private Ferren he said he had sold the Blanket to this black Girl

Sithy Fennick a black woman a witness for the prosecution being duly sworn says on the day specified in the Charges, I bought a blanket of the Prisoner, he saw me after I had paid him for the blanket put the money in a small chest or box, & he the prisoner saw me put this small box in a Chest which I left unlocked. After this I left the house, fastened the door previous to my going out I had not proceeded but a short distance from the house before I discovered Armstrong the prisoner coming out of the back door, believing Peter (Major O Fallons Black man) must be in the house, I did not return immediately, when I returned I found the prisoner had been there alone & the money was taken out of the Chest & the Chest was standing open.

The evidence having been read over to the court the following Sentence was Pronounced / Sentence

The court after mature deliberation adduced confirm the plea of the prisoner John Armstrong on the first Charge & specification, & not Guilty of the 2nd Charge & Specification & sentence the prisoner to make good to Thomas Ferrin the Blanket Stolen & to undergo a Stoppage of the Ration part his whiskey for 30 days for the use of his Company

Before the same Court was tried Private Higgins of Compy C of the 6th Regt Infty, who being asked if he had any objections to the members of the court & replying in the negative was arraigned on the following charges

“ “ “

For that he the said Francis Higgins a private of Compy C, 6th Infty was drunk so much so as to his making a riotous noise in the cook room of said compy once endeavoring to quarrel with Several men while at the dining table, this at Fort Atkinson on or about the 25th July 1824

Charge 2nd Insubordinate conduct unbecoming a Soldier
Specification In this that he Francis Higgins. Private in
Compy. C 6th Infty did when ordered by Sergt Bonner orderly
Sergt of Compy C to go to the Guard house with him did
on the road from his quarters to the Guard house abuse
the said Sergt Bonner by saying that he Sergt Bonner
was a damned mean man, and that he Higgins, would
watch his (Sergt Bonner) conduct for the future thereby
Showing a disposition subversive of good order & military
Discipline. This at Fort Atkinson on or about the
25th of July 1824 Signed W S Foster Major

To which Charges & Specifications U S Army the
prisoner pleaded not guilty

Sergt Bonner of Ball Compy C, Inft being
duly sworn says on the 25th of July 1824, I went round
with the officer of the day & called attention to he, Higgins
Paid no regard to the orders, I staid a few moments in
the Cook room, & then went into another room with the
officer of the Day, as I was passing back to my room
I heard Higgins making a riotous noise in the Cook
room. I went into my own room & took my sword
ordered him to the Guard house Coming out of the
Cook room, Higgins asked me if he should his musket
I told him I should see Him there without his musket
on the way he commenced abusing me with insolent
language. Saying that I had watched him & had got
hold of him at last. I ordered him to be silent he
did not obey me but kept on grumbling & growling
he said it was a damn mean Compy that he belonged
to I ordered him to be silent he would not obey me
but made answer that I was a damned mean man
& hattier from thance as I had to push him to the
Guard house this was opposite to Capt
Armstrongs Quarters

Sergt Morgan a witness for the prosecution being duly sworn says on the 25th Inst. Saw Sergt Bonner taking Higgins to the Guard house the prisoner Higgins appeared much intoxicated. I heard the prisoner grumbling but could not hear what he said I heard the Sergt order the prisoner to be silent 3 or 4 times he continued talking

Capt Pentland a witness for the prosecution being duly sworn says, while inspecting the police of the Regt on the 25th Inst the prisoner was sitting at the mess table of Compy C he appeared much intoxicated & was talking & making a good deal of noise & did not attend to the word attention when ordered by the orderly Sergt untill I spoke to him my self

George Stevenson of the U S Infty a witness for the prosecution being duly sworn says about 12 Oclock on the 12th inst. I went from the Adj office to get my dinner The prisoner higgins, as I was passing into the door he spoke to me. I perceived he was intoxicated after entering the cook room he set near me. I saw him strike his fist 3 or 4 times on the table & damn the Compy & Regt at large he also saught to quarrel with me calling me by abusive names

Sergt Clute for the prisoner says about the time Specified in the Charges I was present in the cook room & heard Higgins the prisoner making considerable I could not say whether he was drunk or not I saw Sergt Bonner take the prisoner to the Guard house. I saw Sergt. Bonner & the prisoner come out of the cook room & go on to the Guard house. I did not hear the prisoner say any thing to Sergt Bonner within my hearing I saw when opposite to Capt Armstrongs Quarters Sergeant Bonner struck him the prisoner

Question by the Court, was Sergt Bonner & the

prisoner within your hearing while he was conducting the prisoner to the guard house

Answer. They were part of the time but when Sergt Bonner struck him the prisoner they were not within my hearing

Question by the Court. was Sergt Bonner appearantly influenced by passion when he took his sword in order to conduct Higgins to the Guard house

Answer. He did not appear so to me
The whole of the proceeding being read over to the Court The following Sentence was pronounced.

Sentence

The court after mature on the testimony adduced find the the [sic] prisoner private Francis Higgins Guilty of the first Charge & specification leaving out the words several men Guilty of the 2nd Charge & Guilty of the 2nd Specification leaving out the words "the he Higgins would watch his (Sergt Bonner) Conduct in future, & Sentence the prisoner Francis Higgins to undergo a Stoppage of the whiskey part of his rations for the period of 30 days to be appropriated to the use of his company

Before the same Court was tried Sergt McClements of Battn Compy G 6th Infy who being asked if he had any objections, to the member of the Court & replying in the negative was arraigned before the Court on the following Charges

Charge 1st intoxication & neglect of duty
Specification, In this that he Sergt McClements of Battn Compy G 6th Infy did get intoxicated at Fort Atkinson on or about the 23 July 1824 & did fail as a Sergt of said Compy to still a quarrel between the cook of said Compy & one of the camp women

Charge 2nd Conduct unbecoming a non Comsd officer & Soldier

Specification In this that the said Sergt McClements

of Battn Compy G, 6th Infty did at Fort Atkinson on or about the 23rd July 1824 in the cook room of afore said Compy quarrel & fight with Archibald B Bates of said Compy, without any call to do so, also stating to private Daily of said Compy who interfered to prevent the fight if he did not mind what he was about he would knock him down too, at the same time calling private Bates a damned scoundral & a damned liar or words to that effect to the disgrace of a non comsd officer & Soldier

Signed

Lt Nute
6 Infty

To which the prisoner pleaded not Guilty
Sergt Ralph Otis a witness for the prosecution being duly sworn says. on or about the time specified in the charge the prisoner came into the cook room. I saw the prisoner strike Bates, & knock him down, the Lt. Nute came in to the room & ordered Bates to the Guard house & sent Sergt McClements to his room

Question by the court. Did you think the Sergt intoxicated at the time

Ansr I did not think that he was intoxicated
Private Jones of Battn Compy G a witness for the prosecution being duly Sworn Says. on or about the time specified in the Charge. I think Sergt McClements the prisoner was much intoxicated, when I came into the cook room, Bates & the prisoner was quarrelling. Bates said that the woman had stolen some knives, Sergt McClements the prisoner said it was a damned lie, & called Bates a scoundrel afterwards the Sergt struck Bates & knocked him down

Lieut Nute a witness for the prosecution being duly sworn says on the 23rd of July being officer of the guard I went to my room. I heard a noise in my cook room between one of the camp women & the cook, when I went in the room I found the prisoner quarrelling with the cook himself instead of settling the quarrel, I called on the Sergt to ascertain the cause

of this disturbance, on his turning toward me I found him so much under the influence, of liquor, as to have rendered him self incapable of performing any sort of duty whatever—

Private Richman of Ball Compy, G, 6th Infty a witness for the prosecution, being duly sworn Says About the time specified in the charge. I went into the cook room of Compy G, one of the men of said Compy brought in a fork he gave the fork to private Bates and told here was a fork belonging to the Compy. Private Bates took the fork & the Sergts wife caught it out of his hand She said she had bought some knives & forks & she wanted to see if it was not one of them after this there was some words passed between woman & private Bates. I left the room for a few moments when I returned the prisoner was quarrelling with private Bates. I saw the prisoner strike Bates 2 or 3 times. They both used very improper language towards each other, I could not say whether the Sergt was intoxicated or not

Private Daley of Ball Compy G, 6th Infty a witness for the prosecution being duly sworn says on or about the time specified, I saw the prisoner. I thought he was much in liquor, when I entered the cook room of Compy. I saw the prisoner on top of Bates the prisoner Struck him in the face, 2 or 3 times. I interferred to stop the fight the prisoner told me if I did not mind my business he would knock me over too.

Private Oliver of Compy G a witness for the prosecution, being duly sworn Says about the time Specified—I was standing on the porch in front of the cook room and heard the quarrel between the prisoner & Bates. The prisoner had a child in his arms I took the Child & walked away from the cook room door I heard nothing more

Question by the Court, Did you think the prisoner was drunk.

Ansr He did not appear so to me
Private Bush of Compy G 6th Regt Infy a witness for the
prosecution being duly sworn says, on or about the 23rd July 1824
I went into the Cook room I heard the prisoner ask private Bates
what was the reason that his woman could not come into the
cook room without being abuse by him, you have abused her
by saying She stole knives & forks from you. I have not abused
her, said Bates the prisoner said he had then presently Bates
told the prisoner that he was damned liar & the Sergt struck
him in the face 2 or 3 times. I went out immediately & told Sergt
that there was disturbances in the cook room. I heard Bates repeat
again that the Sergt was a damned liar, then the prisoner struck
at him again, & private Daley struck at the Sergt but did
not hit him

Qust by the Prisoner, was I drunk or not on that Evening
Answer. I think not.

The whole of the proceedings having been read over to the
Court the following Sentence was pronounced

Sentence

The Court after mature deliberation of the testimony adduced
find the prisoner Sergt John McClements Guilty of
the first Charge & specification, Guilty of the 2nd Charge & speci
fication & Sentence him to be reduced to the station of a
Private Sentinel

The court next proceeded to the trial of Sergt Riley of
Ball Compy C, 6th Infy who being previously asked if he had
any objections to the members of the court & replying in the
negative, was arraigned on the following Charge

Charge & Specification

Sergt Luke Riley of Ball Compy C, 6th Infy is Charged
with Striking private John Rogers of said Compy with
a sword, several times & injuring him in such a manner as
to disqualify him from performing his duty as a Soldier
at present. Thereby violating Army Regulation.

This at Fort Atkinson on the 26th of July 1824

Signed G W Waters

Act Adj 6 Infty

To which the prisoner pleaded not Guilty

Private Mackey of Ball Compy C, 6th Infty a witness for the prosecution being duly sworn says, on the morning Specified. Rogers & myself were ordered to go on police after performing that duty we were ordered to carry water from the cart to the cook room when we had done it Rogers was ordered to go and remove some dirt in front of the Compy quarters, he said he would go and see the Major & he parted with me, & the next thing I heard, Sergt Riley the prisoner had some difficulty with Rogers I did not see it.

Major Foster a witness for the prosecution being duly sworn Says, on the morning of the 26th inst Private Rogers came to me & complained of having been struck with a sword by Sergt Riley the prisoner, I asked how it happened he replied that Sergt Riley appeared to have a greater share of the General police than he thought he ought to perform, that he was on his way to me to complain when Sergt Riley the prisoner followed him & again ordered him to go & perform the police, he said I admit that I positively disobeyed his orders & he would not obey it it [sic] until he had seen me upon which Sergt Riley the prisoner gave him a cut & which I saw upon his arm.

Qust by the prisoner. Is it not a standing order in your Compy to the orderly Sergt thereof to suppress personal insolence & enforce his orders while in the execution of his duty

Ansr. It was and has been for many years

Qustn by the Court, what were the character of the cuts Rogers a private of Compy C. Received

Ansr They appeared slight I should not suppose that they would render him unfit for duty. I did not however examine the particular.

Private Gauker of the 6th Regt Infty a witness for the prosecution being duly sworn says about the time specified I heard Sergt Riley order private Rogers to carry away some dirt in front of the quarters, Rogers replied to him that he should see the major first to know if he was to perform all the police duty or not he then went to the Majors Kitchen. The prisoner Sergt Riley followed him & struck him 3 or 4 times with a sword on the hand & back

Private Rogers of the 6th Regt Infty a witness for the prosecution being duly sworn says, on the 26th inst Sergt Riley ordered me to carry away some dirt. I told him I did not think it was right that I should perform all the police, Sergt Riley the prisoner said I grumble I should do it I then said I would go & see the Major before I would do it I started & went into the Majors Kitchen, the prisoner followed after me & when he got opposite to his room he took his sword & came to the kitchen & struck me several times

Allen a private of the 6th Regt of Infantry a witness for the prosecution being duly sworn says, In answer to the following questions

Question by the prisoner

Did you hear Rogers, use abusive language toward me?

Ansr I heard private Rogers tell the Sergt that he did not care & or for he could do to him

Question by the prisoner

Did you not hear private Rogers Say. that he would not take up the dirt until he had seen the major

Ansr I heard the Sergt order him to take a spade & put some dirt in the cart. I heard Rogers say he would not until he had seen the Major

The whole of the proceeding having been read over

to the court pronounced the following Sentence
Sentence

The court after mature deliberation on the testimony adduced find the prisoner Sergt Luke Riley Guilty as Charged. The court are of oppinion that the conduct of John Rogers Justified the prisoner Sergt Luke Riley & therefore attach no criminality to the prisoner

Before the Same Court was tried Sergt John Clute of Battln Compy C 6th Infty who being previously asked if he had any objections to the members of the court replying in the negative was arraigned on the following Charge

Sergt John Clute of Ball Compy C, 6th Infty is Charged with being intoxicated at Fort Atkinson on or about the 26th July inst while performing the orderly duty of said Compy

Signed W S Foster Major
U S Army

To which the prisoner pleaded not Guilty

Major Foster a witness for the prosecution being duly sworn Says. On the 26 July 1824 the prisoner was ordered to take Charge of my Compy as ordered Sergt in consequence of the arrest of Sergt Bonner & Riley on the forepart of the day I was before this court on business, on my return, home a little after 12 O Clock, I wanted the prisoner for Some Compy purpose I sent private Wallen after him he returned & said he could not find him in the Compy. I ordered Wallen to find him at any rate. he soon reported that the prisoner was coming & said that he found him lying on the floor in one of the rooms of Compy K the prisoner came to report to me, while I was standing in my front door when in the act of turning round he staggered and almost fell he was evidently intoxicated

Question by the prisoner. Did I not stub my toe

when I came near where you were

Ansr possibly he did I cannot say positively

Quest by the Court, At what time was Sergt Clute arrested

Ansr Between 12 & 2 O Clock

Qus by the prisoner. What has been my character since the first of Janry last as a non-Comsd & soldier

Ansr It has been generally tolerable good under the existing circumstances of the past

Lieut Vinton of the U S Infy a witness for the prosecution being duly sworn Says, at the time & place specified setting near my own Quarters between 2 & 3 Oclock the prisoner passed me when I observed him I thought him intoxicated so much so as to render him in capable of performing his duty.

Lieut Pentland of US Infy, a witness for the prosecution being duly sworn Says, on or about the time specified in the Charge I saw the prisoner Sergt Clute he was just passing Major Foster own Quarters this was between 10 & 1 O clock the moment he got opposite to Major Fosters Quarters I thought from his appearance, that he was intoxicated he was stopped by Major & questioned respecting some Compy business. I did not observe the particular degree of intoxication. I am unable to say whether he was able to perform his duty or not

Private Wallen of Battn Compy C, 6th Reg of Infy a witness for the prosecution being duly sworn Says, I saw Sergt Clute the prisoner was in Sergt Connelys room asleep near 12 Oclock, the prisoner was asleep. I waked him up in a hurry, I cannot say that he was Intoxicated or not he went to Major Fosters quarters. There I left him, I believe he was doing the Orderly duty of the Compy. at this time when I waked him up in Sergt Connolys room he appeared a little Stupid

Qus by the prisoner. Did you think after you had waken me that I was incapable of performing my duty

Answer. I cannot say whether he was capable of performing his duty or not

Sergt Connely of Ball Compy H, 6 Infty a witness for the prosecution being duly Sworn Says about 12 O'Clock on the day Specified in the Charge I saw the prisoner laying on the floor in my room on my discovering him laying there I went & waked him the prisoner immediately Spring upon his feet he had no appearance of intoxication at the time

The testimony being Closed the prisoner made made [sic] the following defence

Sergt John Clutes defence to the Charge of intoxication. I am Charged with being intoxicated on the 26 July 1824 at Fort Atkinson. So much so as to be incapable of doing my duty while acting as orderly Sergt of the Compy to which I belong. To which Charges as it will appear by record of this Court I pleaded not Guilty

The first witness called in proof of the Charges was the Comg officer of the Compy to which I believe whose evidence can only be Considered as Circumstantial in as much as this that he does not swear positively that I was drunk but that I appeared to him to be Stupid. The next witness called was Lieut Vinton whose evidence, I do not think consider of any weight with the Court, because I am charged with being intoxicated while doing the Orderly duty of Compy C, nor I can prove to the Court that I was arrested within the Space of half an hour after 12 O Clock whereas it was three O Clock or there about when Lieut Vinton saw me as Stated by him So that I could not possble have been doing the Orderly duty as Stated in the Charge.

Lieut Pentland the next witness called states that he was passing the Compy Quarters of Compy C & that he saw Major Foster talking to me from

Some expression that I made I appeared to him to be intoxicated which evidence can only be considered as Circumstantial because the witness did not Swear positively that I was drunk but that I appeared to him to be so

Private Walling of Compy C, 6th Infty was then called who Stated to the Court that he was sent by the Comg officer of the Compy to find me & tell me that he wanted to see me that visited all the Compy rooms & could not find me, that Major Foster then ordered him to go & look for me untill he did find, that he then went into the Compy quarters of Capt Clarks Compy where he found me asleep on the floor of Sergt Connelys room that he awoke me & that I appeared to him to be Stupid but that he could not swear that I was drunk

I have a permission which I can produce to the Court to celebrate anniversary of the Battle of Bridge Water & being up somewhat later than usual made me feel stupid & this circumstance might have induced some of the witnesses to think that I was drunk

To the Gentlemen	I am respectively yours
Composing the Court	John Clute
	Sergt 6 th Infty

The whole of the proceedings being read over to the Court the following was pronounced

Sentence

The Court after mature deliberation on the testimony adduced find the prisoner Sergt John Clute Guilty of the Charge & Specification & Sentence him the prisoner to be reprimanded by the Commander of his Compy

Before the Same Court was tried private Mellman of Balln Compy H on the following charges viz

Private Mellman of Battn Compy H 6th Regt is Charged with being so much intoxicated at Guard

Mounting as to render him incapable of discharging his
duty as Sentinel at Fort Atkinson on or about the
28th July 1824 (Signed) W N Wickliffe

Lt 6th Infty

To which the prisoner pleaded Not Guilty

Lt Wickliffe of the U S Infty a witness for the prosecution being duly sworn says At parade this morning this the 28th July 1824 as the Guard was passing one in reviewing the prisoner was one of the Guard, I discovered by him marching that he was intoxicated, as soon as he had got to the Guard house upon further Examination I was convinced in my belief that he was intoxicated so much as to render him incapable of performing his duty as a sentinel, I had him relieved

Lieut Rogers of the 6th Regt of Infty a witness for the prosecution being duly sworn says At guard mounting this morning 28th of July I went to the Guard house with the police Corpl for the purpose of turning out the prisoner, Private Mellman the prisoner was one he was taken out with the rest of the prisoners, at the time I observed that he the prisoner appeared very much intoxicated by his actions & his disrespect to me

The proceedings having been read over to the court proceeded to pass the following, Sentence

Sentence

The Court after mature deliberation on the testimony adduced find the prisoner private Mellman Guilty of the charge & specification & Sentence him the prisoner to undergo a stoppage of the whiskey part of his rations for 60 days to be by his Compy to be confined in the choke box for 6 days one hour Each day to perform the Compy police during the same period under the direction of his Compy commander

Before the Same Court was tried private Edward Reaves of Balln Compy E, 6th Infty on the following charges

Charge neglect of duty

Specificaion, In this that he Edward Reaves of Battn Compy E, did while a Sentinel of the police guard suffer private Swords a private then in confinement to empty a police tub in front of Compy C quarters 6th Infty thereby neglecting his duty as a Sentinel this at Fort Atkinson on or about the 22nd July 1824

Signed, W S Foster Major
U S Army

Private Cooper of Battn Compy C, 6 Infty a witness for the prosecution being duly sworn says, on or about the specified the prisoner was a Sentinel & had charge of the prisoner carrying out the police tub. Swords one of the police prisoners emtied a part of its contents in front of the quarter of Compy C, at this time the prisoner (private Reaves) was about 6 paces behind the police men. The Sentinel private Reaves did not attempt to prevent to police man (private Swords) from emptying the tub at the place mentioned

The prisoner being called upon for his defence said as follows

Mr President & Gentlemen of the Court
I beg leave to State to the Court, That I have been six years in the service I can say this is only the 2nd time I have been confined for any offence whatever During this period

I would further State to the Court in pariation of the offence I am now charged with. That I was not waked up—untill the police prisoners had left the Guard house & proceeded as far as Capt Armstrongs Quarters the police prisoner had emtied the tub before I discovered

Very respectfully yours & c
Edward Reaves

The whole of the proceedings having been read over
The following Sentence was pronounced

Sentence

The court after mature deliberation on the testimony adduced
find the prisoner private Reaves Guilty of the
Charge and Specification & Sentence him to a
stoppage of whiskey for four days

Before the same court was tried private
Benjamin Cassman of Batn Compy H, 6th Regt US Infty
on the Charges

Private Benjamin Cassman of Batn Compy H
6th Regt US Infty is charged with being so much in
toxicated on or about the 25th & 26th July 1824 at Fort
Atkinson as to render him incapable of performing
his duty as a Soldier. The said Cassman is also
Charged with disobeying the orders of Sergt Conley
Orderly Sergt of the aforesaid Compy at the time &
place specified above

Signed W N Wickliffe

Lieut 6th Infty

To which the prisoner pleaded not Guilty
Sergt Connely of Batn Compy H, 6th Infty a witness
for the prosecution being duly sworn says on or
about the time Specified the prisoner Cassman was
laying on the loft when I discovered him then I
ordered him to come down he did not come down
at the time when I ordered him he the prisoner
had the appearance of being intoxicated so much
as to be incapable of performing his duty, when I
went up to order him down he the prisoner attempted
to strike me with a pair of tongs. I had previous to
my going up ordered the prisoner 2 or 3 times to
come down, after having struck at me with the tongs
I took my sword & was going up again when the

prisoner struck me on the head with the tongs

Qus by the prisoner was I not on the sick report at the time you ordered me from the loft to go on duty

The prisoner was on the sick report at the time

Qus by the Court. Did you suppose at the time the prisoner struck you that he knew who you was

Ansr I am positive he struck at me with an intention to injure me. But I can not say that he knew who I was at the moment

Qus by the prisoner, was I not perfectly obedient when I knew who you was

Answer. Yes you was
Private Willcock of Battn Compy H, 6th Regt Infty a witness for the prosecution being duly sworn says I knew the prisoner to be intoxicated on the 25 & 26th of July 1824 as stated in the Charge so much so as to be incapable of performing his duty the prisoner was on the loft & the Sergt ordered him to come down, the prisoner told him positively he would not, he would see him damned first when the Sergt went up into the loft the prisoner struk him with a par of tongs the Sergt Started to come down the prisoner struck at him again with the tongs the Sergt threw up his sword to prevent the blow, & the prisoner struck him on the head & cut it. The Sergt edged back ordered him to come down the prisoner did so & the Sergt ordered the prisoner to the guard house

The whole of the proceedings having been read over to the court the following sentence was pronounced

Sentence

The court after mature deliberation on the testimony adduced find the prisoner Benjamin

Cassman Guilty as Charged, & Sentence him to a stoppage of the whiskey part of his ration for Sixty days & a stoppage of his half monthly pay for one money to be appropriated to the use of his Compy.

The Court adjourned—Sine Die
C Pentland
Capt 6 Inf
& Pres & of the Court

Order
Head Qrs 6 Inf
Fort Atkinson 1st Augt 1824

The proceedings of the Court Martial of which Capt Pentland is president are approved

In executing the Sentence of the Court in the Case of Sergt Bonner of Battn Compy C, the Col Comg is at a loss for words sufficient to Express his disapprobation of the Conduct of the Sergt in Striking private Higgins in the manner he did. The order of the Compy Commander Could not have been intended to justify a now Comsd officer in Striking & wounding any private altho he may be refractory & disorderly from the effects of intoxication. If it was it will be immediately countermanded, & shall not in future be pleaded or given in evidence to justify So gross a violation of the laws of the land & the regulations of the army

If the Sergt does not alter his conduct in this particular he is to Expect that a different course of proceeding will be adopted in relation to such cases, than has heretofore been & pursued

Sergt Bonner is released from arrest & will return to duty

The Sentence of the court in the case of John

Armstrong of Co B, 6th Infty will be carried into effect

Taking into consideration that private Francis Higgins of Compy C, 6th Infty is yet in Hospital in consequence of the wound recieved from Sergt Bonner & that there is some reason to fear that it may yet cause him to loose his life the Col Comg—believes that Higgins has been sufficiently punished & therefore hereby remits the sentence of the court in his case

Sergt John MClements of Compy G 6th Infty on purusance of the Sentence of the court is hereby reduced to the Station of a private Sentinel

Sergt Luke Riley of Compy C, 6th Infty having been justified by the court, is released from arrest & will return to duty

The Sentence of the court in the case of Sergt Clute will be executed. It is therefore for his company Commander to reprimand the Sergt in Such a manner as he may think the crime of intoxication under the existing circumstances of the post may deserve. The Sergt is released from arrest & will return to duty

The Sentence of the Court in the Case of Mellman of Compy H 6 Infty will be carried into effect except that part which relates to his being confined in the choke box part which hereby remitted

The Sentence of the Court in the case of Edward Reaves will be carried into effect

Also the Sentence in the case of Benjamin Cassman

The Court is dissolved

H Leavenworth

Col Comg

Proceedings of a Regimental Court Martial Convened at Fort Atkinson Council Bluffs by virtue of following orders

Orders Head Qrs 6th Infty
Fort Atkinson 3rd Augt 1824

A Regimental Court Martial will convene this morning at 10 O'clock for the trial of such prisoners as may be brought before it at such place as the president thereof may direct. Major Woolley President. Lieuts Rogers & Batman members

By order of Col Leavenworth
G W Waters
Act Adj 6th Infty

The Court met pursuant to the above order
Present Major Woolly President

Lieuts Roger & Batman Members

And being duly sworn in presence of the prisoners who being previously asked if they had any objections to the members named in the Regt Order & replying in the negative proceeded to the trial of private James Barnett of Light Compy B, 6th Infty Charged as following viz

James Barnett a private of Light Compy B, 6th US Infty is Charged 1st with rioting & quarrelling with private Nation of said Compy, at Fort Atkinson on or about the 31 July 1824 and 2nd with drunkenness at Fort Atkinson on or about the time above mentioned Signed B Riley

Capt 6th Infty

To which charges the prisoner pleaded not guilty Sergt Winningham a witness for the prosecution being sworn says on or about the time Specified in the charges the prisoner James Barnett was so much drunk as to render him incapable of performing his duty

Sergt Dillon a witness for the prosecution being sworn Says, On or about the 31st July 1824, I heard noise in one of

Compy B rooms I went into that room, where the prisoner was quarrelling & Speaking very loud & Shaking his fist at Nation he also appeared to be intoxicated. I ordered him to the Guard house

Private James Davis of Compy B 6th Infty a witness for the prosecution being sworn says. on or about the 31 July was tossing a Dollar with Nations little Boy, he was bring Nation to change the Dollar, Nation went to his trunk for the change, during this time the dollar was dropped & rolled under the bunks. Nation not having recd the Dollar insisted on keeping the change, which he held in his hand, the prisoner told him the dollar was under the bunk Nation then undertook to take back the money from the prisoner by force, a slight quarrel insued. I dont what word passed The prisoner then shook his fist in Nations face, Sergt Dillon then entered the room & took the prisoner to the Guard house

Private Nation of Light Compy B 6th Infty a witness for the prosecution being sworn says, on or about the 31 July 1824, the prisoner was tossing as dollar with my little Boy I told him I would give him two half dollars for it and went to my trunk for my change & give it to him I then asked him for the dollar, he said it was under the bed, I looked for it but could not find it. I then asked him to give me the two half dollars back again, he said he would not he was then holding the half dollars in his hand & then threw them on the floor saying I was a damned rascal, & shook his fist in my face. Sergt Dillon then took him to the guard house, after the prisoner was taken to the guard house. I found the Dollar under the bed

The testimony having all been heard the court after mature consideration find the prisoner James Barnett Guilty as charged leaving out the word, riotous, & Sentence

him to a Stoppage of the whiskey part of his Rations
for ten Days

Next was tried Private James Brown of Battn Compy
I 6th Regt US Infty Charged as follows

Charge Theft

Specification, In this that he private James Brown of
Compy I 6th Infty, did take from room no 1 Compy I
Keg containing the compy whiskey & did clandestinely move
it to the garret of Loft of said room & then take from it
a quantity of whiskey. This at Fort Atkinson on or about
the 2nd Augt 1824 Signed M W Batman

Lt 6 Infty

To which charge & Specification the prisoner not Guilty
Sergt Perry being duly sworn answered the following
interogations

Qus by the Court. How much whiskey was taken
from the keg by the prisoner

Ansr. Not less than 25 or more than 27 gills

The Court confirm the plea of the prisoner & find him
Guilty as Charged & do Sentence him to walk in front
of his Compy Quarters two hours each day for six sucissive
days, with a knapsack on his back containing 4 six
pound Balls, with the word Thief written on the back
of it. To have so much (26 gills) of the whiskey part
of his rations stopped as will make good the loss
Sustained by the Company

Was next tried Sergt Ralph Otis of Balln Co
G 6th Infty charged as follows

Charge Disobedience of orders

Specification In this that he the said Sergt Otis did
on or about the 1st day of August 1824 at Fort Atkinson
Council Bluffs, Strike with his fist Wm Kitchen a private
of said Compy & did also kick and abuse the said
Kitchen very unproperly

Charge 2nd Disrespect toward his Comg officer
Specification In this that he the said Sergt Ralp. Otis
of Baln Compy G 6 Infty did on or about the 1st Augt
1824 at Fort Atkinson. Say there goes old Spike meaning
Col Leavenworth, Comg officer 6th Infty, and the said Sergt
Otis did Say at the time & place aforesaid that he did not
care a damn for old Spike nor any of the rest, meaning
Col Leavenworth & the comg officer of his Compy, if they
did not beat (Kitchen) he would or words to that effect

(Signed) L N Nute

Lt Comg Compy

Private Washington of Compy G 6 Infty a witness for the
prosecution being sworn says, on or about the first of Augt
I was eating my dinner in the cook room of Compy G 6 Infty
& while at dinner, Sergt Otis & Kitchen came into the
room. Sergt. Otis ordered Kitchen to do something Kitchen
said he was going to do it immediately, Sergt Otis then
said why dont you do it, why dont you do it as I tell you
Kitchen said I am going if you will only have patience
I will go when the Sergt saw that he was not going quick
enough, he up and give him a kick & a box which Stagered
him against the door

Private Samuel Richman of Baln Compy G a witness
for the prosecution being duly sworn says, on or about the 1st
August I was eating my dinner in the cook room of Compy
G, Sergt Otis, told Kitchen to get up his team & go out
to where the mowers were at work he said he would as
as soon as the hay got dry, that he was not going just then
that he would go when he thought proper he remained in
the cook room some time afterward. The Sergt ordered
him two or three times to go, at length he struck & kicked
him, Kitchen then said he would go & report him to Old
Spike. The Sergt told him that he did not care who he
reported him to wheather it was to old Spike or not

Private M Whaling of Compy G 6th Infty a witness for the prosecution being sworn says on or about the 1st Augt Sergt Otis ordered Kitchen to do something I know not what Kitchen said he would go but not going immediately. Sergt Otis struck him with his fist & gave him a kick—he then left the room as to the 2nd charge I know nothing

Private J B Gay of Compy G a witness for the prosecution being Sworn says, I have frequently heard Sergt Otis Say there goes Old Spike meaning Col Leavenworth but I have not heard him make use of the expression within ten days. I do not know that Sergt has used the expression oftener than others, as I have heard other men of the Regt make use of the same words, I do not believe the expression or term was used through any disrespect to the colonel.

Private Kitchen a witness for the prosecution being Sworn Says—on or about the 1st Augt I entered the cook room of Compy G Sergt Otis told me to get up my oxen & struck me with his fist & kicked me I told him I would report him to Col Leavenworth he said he did not care a damn for Old Spike not the Colonel nor the rest of them, if they dont thrash you myself. I have not long to stay any how I went & reported him to the Colonel after getting my oxen up

Qus by the prisoner. Did I not previously to meeting you in the cook, as stated in your narative order you to go & get up the oxen

Ansr you did

Qus by the prisoner, after I struck you as stated in you naritive, did you obey my order or had I not to Send a man with you to perform your duty

Ansr I met Dillon as I was returning with the oxen

who said he had been sent to see me bring up the cattle

Qust by the prisoner. did you take the team to the hay field as I had ordered you after you had got it up

Answer. I did not. I went & reported to the Col
The court adjourned to meet tomorrow morning at 10 O Clock

August 4th 1824

The Court met pursuant to adjournment

Present

Major Wolly President

Lieut Rogers and Batman members

The court continued the case of Sergt Otis & after the most mature deliberation find that the prisoner Sergt Otis did kick & box or Strike Private Kitchen but not improperly, as the circumstances of the case appear to justify the energetic means of the Sergt and do therefore find him not Guilty of the first Charge

Not Guilty of the facts as set forth in the specification of the 2nd charge & not Guilty of the Charge—and do therefore acquit him

The Court in Concluding its proceedings conceived it accord with their duty to represent, that in their view the conduct of Kitchen a witness & informer in the highest degree reprehensible & merits exemplary punishment

The court Adjourned Sine Die

A R Woolley

Major & Pres.

Head Qrs 6th Infty
Fort Atkinson 3rd Augt 1824

Orders

The proceedings of the Court Martial of which Major Woolly is President are approved the Sentences of the court will be respectively executed

Sergt Ralph Otis of Compy G 6th Infty having been acquitted by the court will be released from arrest & return to duty

The Court is Dissolved
H Leavenworth
Col Comg

Proceedings of a Regimental Court Martial held at Fort Atkinson by virtue of the following Order

N240 Head Qrs 6th Infantry
Orders Fort Atkinson 24th Aug 1824

A Regimental Court Martial will convene tomorrow morning at 10 O'clock at such place as the President may direct for the trial of such prisoners as may be brought before it

Capt Gantt President
Lieuts Folger and Waters Members
By Order of Col. Leavenworth
(Signed) J. Pentland Adj. 6th Inf

The Court met pursuant to the above Order, and the Court being sworn in the presence of the prisoner proceeded to the trial of Serg Luke Riley of Company C 6th Infty, who being previously asked if he had any objections to any of the above named Members and replying in the negative was arraigned on the following Charges preferred against him by Brevet Major Foster 6th Regiment US Infantry

Charges

1st Charge—Sergeant Luke Riley of Battn Company C 6th Infty is charged with conduct unbecoming a non Comissioned Officer in quarrelling with his superior non Commissioned Officer Serg David Bonner of Battallion Company C 6th Infy in presence of several

of the private soldiers of said company at Fort Atkinson on or about the 23rd of Aug 1824.

2nd The said Sergt Luke Riley is also charged with disobeying the orders and resisting the authority of Serg David Bonner his superior non Commissioned Officer, for not remaining in his room in arrest when ordered so to do by the said Sergt David Bonner at Fort Atkinson on or about the 23rd August 1824

3rd The said Sergt Luke Riley is also charged with making use of disrespectful and insulting language to his superior non Commissioned Officer (Sergt David Bonner) while he the said Sergt David Bonner was in the actual execution of his duty as orderly Sergeant of Company C 6th Infy. in presence of several of the private Soldiers of said company by “damning” him the said Sergt David Bonner this at Fort Atkinson on or about the 23th August 1824

Witness

Sergt Bonner

Fort Atkinson

Prvts O’Harra, Curran and Ball

24th Aug. 1824

4th Sergt Luke Riley of Battn Company C 6th Infy is charged with clenching and scuffling with Sergt David Bonner in presence of several of the private Soldiers of said Company while going an order to private William Curran of said Company at Fort Atkinson on or about the 23rd August 1824.

Witnesses as above

Fort Atkinson (Signed) Wm S Foster Major US Army

23rd Augt 1824

To which Charges the prisoner pleaded Not guilty
Sergt Bonner witness on the part of the prosecution being duly sworn says on the 23rd of Augt Private Curran of C company was cleaning a musket in one of the Company rooms of C company and I Sergeant Bonner told Curran that it was an order from Major Foster to have a tampion in his musket and Curran asked me when that order came out. I told him that the Major gave it out on the preceeding Sunday inspection and the prisoner who was at that time within hearing

the conversation, came into the room and said to us that the Major had given the Order and if he the prisoner, had paid attention he might have heard it and now it was my orders that he the prisoner, should put a tampion in his own musket, to which the prisoner said that it was time enough to do it when the Major ordered him—I then told him I wished no remarks at all upon the Major's orders, (at the same time damning him), he then damned me. I clenched him, he clenched me, and a scuffle ensued in presence of several soldiers, who were in the room. after the scuffle I ordered the prisoner over to confine himself to that room and to consider himself under arrest. immediately after I saw the prisoner leave the room

Question 1st by the Prisoner

State to the court the cause of the interruption of the scuffle between you and me and whether it ended in blows or not?

Ansr it ended by my pushing the prisoner from me---

Question 2nd by the prisoner to Sergt Bonner a witness on the part of the prosecution

Did you at any other time previous to the time you have stated quarreled and scuffle with the prisoner?

Ans: I did not

Question 3rd by the prisoner—did not the prisoner tell you that he did not hear the Major give the order you have before mentioned?

Ansr. He did but it was not untill after he had positively told me the Major had given us such order

Question 4th by the Prisoner—What words did the prisoner use towards you that were in any way disrespectful

Ans. He said he would damn me when he pleased, and that he would get a tampion when the Major ordered him and pass as many remarks as he thought proper—

Question 5th by the Prisoner—Were there any persons present when I made use of such expressions as you have stated and who were they. Ansr yes several, private Curan, Deforest, Ball

Questn 6th by the prisoner--Did the prisoner curse you and what do you think was the cause of such language

Ansr. he did. The cause I know not

Questn 7th by the prisoner—The day before this did you not say in front of Sergt Clute's room, if I made reports about you to Lieut Vinton that you would give me a flogging

Ansr. No I did not

Questn 8th by the Prisoner—What hour of the day was it when you ordered the prisoner in arrest—Ansr between three O'clock P.M. and sundown

Questn 9th by the Prisoner—were there any person present when you ordered me in arrest---Ansr yes Privates Curran Deforest, and Ball.

Quest. by the prisoner Did you report my arrest to my immediate Commanding Officer Lieut Vinton, and did you all leave the room previous to notifying Major Foster of my arrest.

Ansr. I did not, I had not time to report before Major Foster arrested the prisoner, and the prisoner left the room before he saw Major Foster

Questn 11th by the Prisoner—Did not Major Foster enquire the cause of the fracas and was it not at the Majors call that the promptly I left the room.—Ansr. he did of me and not to my knowledge did the prisoner leave the room by order of the Major

Questn 12th by the same—Did I not leave the room to report my arrest to Major Foster and to enter my complaint.

Ansr. I don't know what induced the prisoner to leave the room

Questn 13th by the same—Did you see the prisoner go elsewhere than to the Major's previous to your arrest and was not the Major in front of the Company quarters, when I went to him:

Ansr. I dont know that I saw the prisoner go any where else previous to my arrest, the Major was standing in his own door at the time that I saw the prisoner leave his room.

Private Ball of Battn Compy C witness on the part of the prosecution after having been duly sworn states that private Curran was cleaning his musket in one of the Company rooms of C

company and that Sergt Bonner told him that he must have a tampion in his musket, and that it was the Major's orders for to have one. . . Sergt Riley the prisoner who was at that time coming into the door of the room—said to Sergt Bonner he (the prisoner) had not heard Major Foster give any such order I then turned my back towards the prisoner and Sergt Bonner in order to clean my belts. I heard a noise immediately after turning from them and I inferred from it that the prisoner and Sergeant Bonner clenched each other and a scuffle ensued and they both fell to the floor of the room, immediately after the scuffle I heard Sergt Bonner arrest the prisoner and order him to stay in the room in which he was at that time, and Sergeant Riley the prisoner left the room in four or five minutes after his arrest . . . I heard some damning pass between them, but dont know which commenced it. Questn by the Prisoner—Did not Sergt Bonner say to me previous to any abusive language, having passed on either side “damn you” you shall obey my order, and did I not say that I would do so and have a tampion in my gun in five minutes Ansr: I did not hear Sergt. Bonner damn the prisoner, but I heard the prisoner say he would have a tampion for his Musket in a few or five minutes.

Questn by the same . . . Did you hear the prisoner damn Sergt Bonner at any time?

Ansr. Yes

Questn 3rd by the same . . . What hour of the day was it when I was arrested by Sergeant Bonner?

Ansr. Between five and six O'clock on the 23rd August

Questn 4th by the same. . . You say that the prisoner damned Sergt Bonner and that there was cursing on both sides was it previous to, or after Sergeant Bonner cursed the prisoner?

Ansr. Not untill after Sergt Bonner cursed the prisoner

Questn 5th by the same—Was there clenching or scuffling between them while Sergt Bonner was giving an order to Curran?

Ansr. No it was immediately after Sergt Bonner had given

the order.

Question 6th by the Prisoner—Did you not see the prisoner go immediately to Major Foster when he (the Prisoner) left the room in which he was arrested.

Ansr: I saw the prisoner go towards the Major and return again, immediately to the room in which he was arrested.

Private William Curran of Company C 6th Regiment Infantry witness on the part of the prosecution, being duly sworn says I was cleaning my musket in one of the Company C rooms on or about the Time stated in the charge. Sergeant Bonner Orderly Segeant of the said company, told me that I must have a tampion for my musket and that the order was given out on Sunday inspection by Major Fos=ter the prisoner who about the same time was speaking, came into the room and said to Sert Bonner that he (the prisoner) had heard no such order. Sergt Bonner told the prisoner to make no remarks upon the Major's order, but to get a tampion for his own (the prisoner's) musket, the prisoner said he would make one in a few minutes. I then happened to turn my back to them, and immediately after I heard several hard words pass between them, and a scuffle when I turned towards them. I saw the prisoner upon the floor and Sergt Bonner standing over him (the prisoner) and I heard the prisoner say to Sergt Bonner let me alone . . . Sergt Bonner said to the prisoner consider yourself in arrest and confined to your room. (these were the precise words as near as I can recollect) After this Sergt Bonner left the room and the prisoner followed him out of the door two or three steps. Sergt Bonner ordered the prisoner back to the room, then the Major who was standing in his (the Major's) door call out, to know what noise that was there and Sergt Bonner and the prisoner went up to the Major.

Questn by the Court. After Sergt Bonner had ordered the prisoner to get a tampion for his musket did you hear the prisoner say it was time enough for him to get a tampion when the Major ordered him?

Ansr. No I did not

Questn 2nd by the same . . . Did you hear Sergt Bonner damn the prisoner

Ansr. I did

Questn 3rd by the same . . . did you hear the prisoner damn Sergt Bonner

Ansr. No I did not, but I heard the prisoner say to Sergeant Bonner, Sir dont damn me and immediately after these words looked around and saw the prisoner lying on the and Sergeant Bonner standing over him

Question by the prisoner. . . Did you hear the prisoner use any disrespectful language to Sergt Bonner?

Ansr. No

Questn 2nd by the same . . . was there any scuffling while Sergt Bonner was giving an order to you, or was it afterwards—

Answer it was afterwards.

Private O'Harra witness on the part of the prosecution being duly sworn says, on the 23rd inst. About four or five O'clock P.M. I heard Sergt Bonner tell the prisoner to get a tampion for his the prisoner's Musket and that it was the majors orders, the prisoner said he would get one, I was this time on the stoop in front of one of Company C company rooms after I heard what I have stated went off and heard nothing more.

Brevt Major W. S. Foster a witness on the part of the prosecution being duly sworn. Questioned by the Court

Was Sergeant Riley or the prisoner out of the room when you (gave?) him permission, or ordered him to come to you

Ansr. Yes, he was but not off of the Piazza, nor more than two or three steps from the door. question by the prisoner— at the time of the fracas mentioned in the charge, was it reported to you, did I not approach you to make my complaint of Sergt Bonner's treatment towards me, and did you not at that time give me liberty of the Garrison? Answer The fracas was not known by me until it had partly ceased. I came to my front door on hearing an unusual noise in the second room from me—and Sergt Bonner and the prisoner

came out of the company room door, and came both towards me, and then Serg Riley (the prisoner) made his complaint to me saying he had been abused and struck by Sergt. Bonner. Sergt Bonner also made a complaint against the prisoner, their stories were contradictory so also were the stories of the men to whom they both referred me—and I arrested the prisoner and Sergt Bonner and gave them the liberty of the garrison

Question by the prisoner,--Did you order me to you?

Answer—I think I did

Question by the same—Where did you consider the quarters of the prisoner

Answer He sleeps and works at the Armory shop and messes in my company cook room

Private Deforest of Company C witness on the part of the prosecution being duly sworn says Private Curran was cleaning a musket in one of Company C rooms and I heard Sergt Bonner say to Curran it was the Major's orders for him Curran to have a tampion in his musket, the prisoner who was there said that he had heard of no such order. Sergt Bonner said to the prisoner that he the prisoner had heard the order given on parade as well as himself and Sergt Bonner then told the prisoner not to dictate the Majors orders the prisoner told Sergt. Bonner that he (the prisoner) had no intention to dictate the Majors orders but would have a tampion made in five minutes. Sergt Bonner continued to say to the prisoner dont dictate the Majors orders and at the same time approaching the prisoner Sergt Riley the prisoner told Sergt Bonner not to strike him I turned then in order to go out of the room before I left it I heard a blow and I turned back and saw Sergt. Riley kneeling on the floor and Sergt Bonner standing over him, then the prisoner said let me alone—afterwards, Sergt Bonner kicked and struck the prisoner and arrested him and told him to confine himself to his room—when Major Foster called to Sergt. Bonner to know what was the noise Sergt. Bonner went towards the Major and Sergt Riley the prisoner attempted to follow him and Sergt Bonner ordered the

prisoner back into the room

Questn by the Court—Did the prisoner say to Sergeant Bonner after he (Sergt Bonner) had gave the prisoner an order to have a tampion in his musket, say that it is time enough when the Major orders me

Answer No I did not hear him

Questn by the prisoner . . . Did you hear Sergt Bonner damn the prisoner. . .

Answer Yes

Question by the court . . . did you see the prisoner leave the room more than once . . . Ansr. No I did not

Questn by the prisoner . . . Did you hear Sergt Bonner damn the prisoner . . . Ansr. Yes

Questn. Same Did you hear the prisoner damn Sergt Bonner
Ansr. No

Questn (same) Did you hear the prisoner use any disrespectful or insulting languages to Sergt Bonner . . .

Ansr. No

Questn by the same . . . Did you the prisoner clench Sergt Bonner . . . Ansr. No, I saw him make no resistance

The Court adjourned to meet tomorrow morning at 10 O'clock—
The Court met pursuant to their adjournment.

Present

Captn Gannt President

Lieuts Folger and Waters Members

The evidence on being closed the prisoner made the following defence

Mr. President

and Gentlemen of the Court

Arraigned before you or charges as dangerous in their import as they are frivolous in their effects . . . I shall rely upon your superior judgement in weighing the tenor of the evidences and conferring my efforts at exculpation on that part of the testimony which tends to endanger my safety

The testimony of Sergt. Bonner is in itself (free from contradiction, but when compared with that of the other witnesses

I hope no fallacy as well as its design will appear to the minds of the Court and have that influence which it deserves

He has stated in his evidence, that I clenched him, This is positively contradicted by the evidence of Deforest who asserts still farther. . . That “I made no resistance to Sergt. Bonner”

It is also stated in the evidence of Sergt. Bonner that I replied to his order “That it was time enough to get a tampion when Major Foster ordered me to do so”—this is also contradicted in the evidence of both Deforest and in Currans—He testified that when ordering me in arrest that he also confined me to the room that I was then in, whereas these witnesses are explicit in saying that I was confined to my own room.

Now it is to be understood that to confine myself to the room I then occupied I must necessarily leave that one in which I was arrested—to eat my meal in the Company Cook room does not imply that I occupy a part of any room of that company—on the contrary, my duties required my presence at the armorers shop (where I lodged) both day and night—It would be an incongruity to say that the mess room of any officer was his quarters from his attendance there these times a day—It must then appear to the minds of the honorable court that in leaving the quarters of Company C (no part of which is assigned me) I neither committed a breach of arrest nor disobeyed the orders of Sergeant Bonner—but granting this was my room, and that I did leave it—the testimony of Major Foster is sufficient to palliate the offence, if not to refute charges, as he states that it was countenanced by his order.

Much might be said of the intention of the act committed but further remarks on this subject I shall refrain from, feeling as I do that the honorable court are satisfied that my intentions were not to set at defiance the orders of my superior, as the witness Deforest has stated that I obeyed the orders of Sergt Bonner when he ordered me to my room . . . It is to be regretted that the testimony of Deforest has not been corroborated by that Ball, owing to his unfortunate delicacy of feeling in turning his back towards us at the crisis of the fracas—But can this many testimony influence the court in any other way

than by creating feelings of disgust, when he states one moment that he did not hear Sergt. Bonner “damn me” and in the next that I did not curse Sergt. Bonner until he had damned me—He little knew the tenor of Segeants testimony before him—who states that he did damn me & Curran states that he did not hear me use any disrespectful language to, nor damn Sergeant Bonner and Deforest testifies that I did not use abusive and insulting language as it stated in the third charge.

Ball, Curran & Deforrest all state that the scuffle as mentioned in the 4th charge ended subsequent to the order given to Curran by Sergeant Bonner and not while he was in the execution of that order—Thus Gentlemen have the particulars of these charges been made unconstitutional with the testimony as brought before you. Trusting in the impartiality and justice of the decision of the court and feel confident that it will not only appear to them that the charges alledged against me are groundless, but that I have been the innocent sacrifice of a man who for the gratification of caprice or some personal grudge has left nothing undone in promoting the difficulties with which I have been surrounded With my thanks for the patience with which the honorable court has exhibited during this trial, as well as for their equitable investigation of the charges I subscribe myself your obliged Servant

Luke Riley

Sergt. Compy (C)

The court being cleared and the whole of the proceedings and defence read over to the court they pronounce the following findings and sentence. The court after mature deliberations find the prisoner Sergt Luke Riley Guilty of the 1st charge leaving out the words “conduct unbecoming a non commissioned Officer” Not Guilty of the 2nd charge—Not Guilty of the 3rd charge—Guilty of so much of the 4th charge as relates to scuffling—but the court attach no criminality to so much of the 1st and 4th charges as they have found Sergt Luke Riley Guilty of and do therefore acquit him

Before the same Court was tried Sergt David Bonner of Battn Compy C, 6th Infy who being previously asked if he had any objections to any of the above members and replying in the negative, was arraigned on the following charges preferred against him by Brevet Major Foster 6th Regt US Infy

Serg David Bonner of Battn Company C 6th Infy is judged with quarreling and making a disturbance with Sergt Luke Riley of the same company at Fort Atkinson on or about the 23rd Aug 1824 in presence of several of the privates of said company—The said Sergt David Bonner of Battn Company C 6th Infy is also charged with striking or mal treating with fists and cuffs the said Sergt Luke Riley of Battn Comy C 6th Infy in presence of several of the privates of said company this at Fort Atkinson on or about the 23rd Augt 1824

Witness	(Signed) W S Foster
Serg Riley	Fort Atkinson Major US Army
Privates Curran	24 th Augt 1824
OHarro	
Ball	

To which charges the prisoner pleaded Not Guilty
Sergt Riley a witness for the prosecution being duly sworn says on the evening of the 23 Inst Sergt Bonner was in one of Compy C rooms and I was on the stoop—I heard him tell private Curran of the said company to get a tampion for his gun. Curran asked him then at what time that order came about The prisoner told him it was given out on Sunday inspection by Major Foster I went into the room then and said I did not hear the Major give the order & the prisoner then told me, I give you the order now, and you have one in you Musket. I told him I would have one in five minutes. He then told me not to dictate to his or the Majors orders. He then approached and struck me clenched me and threw me down on the floor and kicked me several times. I told him to let me alone. The prisoner then went

as far as the door. I followed him, He told me to consider myself in arrest and to confine myself to the room

Questn by the Court—Did the prisoner damn or curse you?

Ansr. Yes

Questn 2nd by the Court You state the prisoner struck you and kicked you, did the blow injure you or did it leave any marks on your body—Answer—He struck me in the face and side and I have not been able to chew much bread since, he also kicked me on the Hips which hurt me very much

Questn 3rd by the same—was there any private soldiers present at this riot—State to the court who they were—

Answer private Curran, Ball and Deforest of C Company—

Question by the prisoner—What has been my general conduct to you since you have known me—has it been enemical or friendly—Answer. It has been brotherly and friendly until the 22nd Inst when the prisoner told me if I made my reports about him to Lieut Vinton, he would flog me.

Question by the prisoner—Did you follow me to the Majors after I had arrested you, Answer Yes, after the Major had ordered me to come to him—Question by the prisoner. Where was you when the Major ordered you to come to him—Standing opposite my room door a step or two from it—

Deforest a private of C Company being duly sworn says, Curran was cleaning a musket about the time mentioned in the charge, in one of Company C rooms, the prisoner told Curran it was the Majors orders to have a tampion in his Musket—Sergt Riley said to the prisoner he heard no such order—the prisoner told Sergt Rily that the Major had given out the order on parade, and he Sergt Riley had heard it as not to dictate to the Majors Orders---Sergt Riley said he could have a tampion in five minutes—The prisoner continued to say dont dictate to the Majors orders at the same time approaching him—I then turned my back to them and immediately after heard a blow, and on turning round saw Sergt Rily kneeling

On the floor, and the prisoner standing over him, I heard him say to the prisoner, "let me alone—Then the prisoner struck and kicked him several times, and ordered him to consider himself in arrest and not to leave his room

Question by the court—Did you hear any quarrel or cursing previous, to any blows being given—Answer—Yes high words on both sides, and I heard the prisoner around Sergt Riley, and told him not to dictate to the Majors Orders

Question by the same did Sergt Riley use any manacing signs or gestures towards the prisoner, to provoke him, and did not he beat the prisoner with contempt—Answer, he walked backwards, and forwards in the room in a very quick pace talking about the order relative to the tampion in a very high tone . . . Question by the court, was there any private soldiers in the room—answer yes, privates Ball, Curran & myself
Question by the Prisoner—When Sergt Riley came into the room was I not giving an order to private Curran about tampion, and did not Sergt Riley appear to be angry previous to my saying any thing to him—Answer
Sergt Riley spoke very loud but I don't know whether he was angry or not—The court adjourned until One Oclock P.M.

The court met pursuant to their adjournment

Present Capt Gray President

Lieuts Folger & Waters Members

Private Curran a witness on the part of the prosecution being duly sworn says about the 23 Inst. I was cleaning my musket in one of the company C rooms, and the prisoner told me it was the Majors orders to have a tampion in my musket, and that the Order was given out on Sunday Inspection—Sergt Riley said he had not heard that order given out on Sunday inspections—The prisoner told him there had been an order to that effect, and told him to have a tampion himself & Sergt Riley said he could have it in five minutes, then I turned my back to them, I heard a

Scuffle, and turned round, saw Sergt Riley on the floor and the prisoner standing over him. Sergt Riley said let me alone. The prisoner let him up, and ordered him in arrest and confine himself to his room.

Question by the Court, did you see any disposition on the part of Sergt Riley to quarrel with the prisoner or did you see any contempt or disrespect manifested towards the prisoner—Answer I did not see any disposition on the part of Sergt Riley to quarrel with the prisoner, but seemed to dispute the words of the prisoner that there was such an order given on parade relative to the tampion—

Question by the prisoner, Did not Sergeant Riley endeavor to impress on the minds of the men present that no such order was given in relation to the tampion, and thereby counteract my orders on that subject.

Answer, yes he appeared so to do—

Question by the court, Did you hear Sergt Riley say he would make as many remarks as he pleased.

Answer Yes

Private Ohara of Company C a witness on the part of the prosecution being duly sworn says he was standing on the stoop and heard the prisoner give an order to Sergt Rily to have a tampion in his Musket, Sergt Riley said he would have one, after this I went off and heard no thing more The Court being cleared, and the whole of the proceeding read over to the court, they pronounced the following finding and Sentence

The court after mature deliberation on the testimony adduced find the prisoner Sergt David Bonner Guilty as charged, and sentence him to be reduced to the station of a private Sentinel.

Before the same court was tried private Billingsbee a private of C company 6 Infty on the following charges preferred against him by Brevet Major W.S. Foster US Army

Charge—Private Billingsbee of Battn Company C 6 Infty is charged with Disobedience of orders in absenting himself from the General fatigue of the company to which he belongs on or about the morning of the 8th of August 1824 at Fort Atkinson

Witnesses

Segt Bonner	Compy C	Signed W.S. Foster
Pt Oharra	Fort Atkinson	Major US Army
	8 Aug. 1824	

To which charge the prisoner pleaded Guilty

The court confirm the plea of the prisoner Thomas Billings= =bee and sentence him to have his ration of Whiskey stopped for ten days, but in consideration of the prisoners long confine ment in the Guard House recommend him to the Commdg Officer for a remittance of the sentence awarded against him.

The Court Martial of which Capt Gantt is president on looking over the testimony of Private Ball of Comy C in the case of Sergt Riley find that the said Ball did state a willful falsehood before the said court—and for such contempt the court do sentence him the said Ball to be drummed from the right to the left and from the left to the right of the Battallion with a rope halter about his neck with a tune of the rogues march

J Gantt
Capt 6 Infty

The Court then adjourned to meet again on the 29th August at 10 Oclock A.M.

Orders
Head Qr 6th Infty
Fort Atkinson 29 Aug. 1824
The proceedings (in part) of the Court Martial of

Captn Gantt is president in the cases of Sergt Riley, Sergt Bonner and private Billingsbee are approved. Sergt Riley is released from arrest & will return to duty – Sergt Bonner is reduced to the station of a private sentinel

Upon the recommendation of the court in the case of Billingsbee the sentence of the court is hereby remitted. He will be released and return to duty. The Court are incorrect in their proceedings as to Ball of Compy C. To state a willful falsehood before a Court is not a contempt of that Court but one of the highest crimes known to the laws of the land & of which a regimental Court Martial has not cognizance. That portion of the foregoing proceedings in relation to private Ball of Compy. C are therefore disapproved.

H Leavenworth
Col. Comg

The Court met pursuant to adjournment. Next was tried Francis Burns of D Company 6th Regt of Infantry. The Court being sworn in the presence of the prisoner who being asked if he had any objections to the members and replying in the negative was arraigned on the following charges

Charge 1st Theft

Specn 1st. In this that he the said Francis Burns did take a pair of Grey Woollen Overalls the property of Corpl Whipple and disposed of them to private John Gaskin of the aforesaid company at Fort Atkinson on or about the 13th July 1824

Spec. 2nd In this that he the said Francis Burns of Battn Compy D 6th Infy. did take a Grey Woollen jacket and make way with of the property of Corpl Whipple of the aforesaid company and Regiment at Fort Atkinson on or about the 25th Augt. 1824

Charged 2nd Disobedience of Orders and abusive language
Specn. 1st. In this that he the said Francis Burns of Battn Company D 6th Infy. did after having been repeatedly ordered

by Corpl Whipple orderly of Battn Compy D, 6th Infy. to stop putting dirty clothes under the Bed sack did still continue so-to do at Fort Atkinson on or about the 25th and 26th Augt. 1824

Spec 2nd In this that he the said Francis Burns of Battn Company D 6th Infy did defy the authority of Corpl. Whipple orderly of the aforesaid company and Regt. and also making use of improper language by calling Corpl Whipple a Liar or words to that effect and saying he would have satisfaction of him if he should confine him the said (Burns) this at Fort Atkinson on or about the 25th and 26th of August 1824

Witnesses } (Signed) G.W. Folger

Corpl Whipple

Ptes Gaskin & Gibson } Compy D Lt. 6th Infy.

To which charges and specifications the prisoner pleaded

Not Guilty

Corpl Whipple of Company D a witness for the prosecution being duly sworn says about the time mentioned in the charge I lost a pair G.W. Overalls – I found them on private John Gaskin of Company D I asked Gaskin how he came by them – Gaskin said the prisoner gave them to him in exchange for another pair.

About the 25th of Augt. 1824 I lost a Grey Woollen Jacket I found it on the back of the prisoner, the next morning I asked the prisoner for my Jacket he told me he had thrown it in one of the upper Bunks in the room – I went in search of it and could not find it and when I asked him again for my Jacket, he said he defied my authority in all I could do in confining him.

I have ordered the prisoner not to put any dirty clothes under the head of his bed after which order I have found under the head of his bed, dirty clothing with his name on them

Quest by the Court. Where did you leave your Jacket?

Ansr. Hanging up in the loft

Questn by the court – Did you see the prisoner put dirty clothes under his bed

Ansr. No

John Gaskin a private of D Company being duly sworn says about the time mentioned in the charge I lent the prisoner a pair of G Woollen Overalls and afterwards when I asked for them he gave me a pair which Corpl Whipple claimed

Questn by the prisoner – Did not the pantaloons I returned to you resemble those I borrowed from you and did you not believe them to be yours at the time I gave them to you?

Ansr Yes they did resemble those and I believed at the time they were mine

Private Gibson of Compy D being duly sworn a witness for the prosecution says about the time mentioned in the charge I was in company with Corpl Whipple and the Prisoner Corpl Whipple said to the prisoner you have my Jacket on the prisoner saw he had . . . the next morning Corpl Whipple asked the prisoner for the Jacket . . . the prisoner said he had thrown it in one of the upper bunks in the company room

Questn by the Court – State to the Court how much the Jacket alluded to was worn

Ansr. More than half worn

Private Phillip Moore a witness on the part of the prisoner says on or about the time mentioned in the charge I saw the prisoner throw a Jacket into one of the bunks of the room at the same time saying he was ashamed to go before the Lieutenant with dirty short sleeves for he had been carrying police tubs all day on his shoulders – that is the reason of his wearing Corpl. Whipple's Jacket into the Lieutenants room

Questn by the court – Did you see the Jacket afterwards?

Ansr. No

The evidence being closed and the prisoner being asked if he had any defence to make and replying in the negative. The Court was cleared and the whole of the proceedings read Over to the Court The following findings and sentence was pronounced. The Court after mature deliberation find the prisoner Not Guilty of the 1st Charge – Guilty of so much of the 1st & 2nd Specifications

to the 1st charge as relates to the pantaloons & Jacket and disposing of them but attach no blame to it as it appears to have not been the intention of the prisoner to steal the property

Not Guilty of the 2nd Charge.

Not Guilty of the 1st Specn to the 2nd charge – Guilty of so much of the 2nd Specn of the 2nd charge as relates to the prisoner saying he would defy the authority of Corpl Whipple.

The court pronounced the following sentence

Sentence

Ten days of his ration whiskey stopped of it appropriated to use of his company

The Court having no further business before them adjourned Sine Die

J Gantt

Capt 6th

Head Qrts 6th Infy.

Fort Atkinson 20th Aug. 1824

Orders

The further proceedings of the Court Martial of which Captn Gantt is President are approved and will be carried into effect

The Court is Dissolved

H Leavenworth

Col. Comg

Head Qrts 6th Inf.

Proceedings of a Regimental Court Martial held at Fort Atkinson by virtue of the following order

Head Qrts 6th Infantry

Fort Atkinson 30th Augt. 1824

A Regimental Court Martial will convene immediately for the Trial of such prisoners as may be brought before it at such place as the president may direct

Lieut. Wickliffe President

Lieuts. Nute and Nichols Members

By Orders of Col. Leavenworth
J. Pentland
Adj 6th Infy.

The Court met pursuant to the above Order

Present

Lieut. Wickliffe President

Lieuts Nute and Nichols Members

The Court adjourned to meet again at one Oclock P.M.

Augt 30th 1824.

The Court met pursuant to adjournment

Present

Lieut. Wickliffe President

Lieuts Nute and Nichols Members

The Court being duly sworn in the presence of the persons, proceeded to the trial of Private Jacob Hoff of Battn company H 6th Regt. Infy. who being previously asked if he had any objections to the members mentioned in the order and replying in the negative, was arraigned on the following Charge preferred against him by Lieut. Andrews of 6th US Infy. (Charge)

Jacob Hoff a Private of Battn Compy H 6th Infy is charged with losing, selling or disposing of a silver watch the property of Lieut Andrews at or near Fort Atkinson on or about the 22nd Augt 1824

(Signed) G. Andrews

Lieut. 6th Regt. Infy.

To which charge the prisoner pleaded Not Guilty

Lieut Andrews a witness for the prosecution being duly sworn says on or about the time specified in the charge I sent my watch to Hoff the prisoner to be repaired, who has since acknowledged that he received it and on Monday evening I sent for the watch and he the prisoner returned answer by my Servant that he had not mended it, and on Thursday I sent again and received the same answer – I think it was on Friday morning that the prisoner told me that my watch had been stolen from him as Early as Sunday evening or Monday morning when he reported to me that it had been stolen, gave as an excuse for not

reporting sooner, that he was fearful I would be angry with him for the loss of it.

The Court being cleared and the whole of the proceedings read over to the Court, the following sentence was pronounced

Sentence -- The Court after mature deliberation on the testimony adduced find the prisoner private Jacob Hoff Not Guilty of the Charge and do therefore acquit him

The Court next proceeded to the trial of John Brown of Battn company G 6th Infy on the following charges

Charge – Neglect of Duty

Spec. In this that he the said John Brown a private of Battn Company G 6th Infy. did on or about the 30th of August 1824 while a sentinel No 2 of the Police Guard of Fort Atkinson grossly neglect his duty as such by suffering a communication between one of the prisoners confined in the Guard House and a person outside the Garrison in violation of his particular instructions as Sentinel

(Signed) Geo H Crossman

Augt 30th 1824

Lieut & Offr Guard

To which the prisoner pleaded Not Guilty

Corpl Johnson a witness for the prosecution being duly sworn, says on or about the time specified in the charge the prisoner was Sentinel No 2 and has received particular orders to let no person have any communication with the prisoners also not to speak to them himself or to let anything be passed out of the windows of the Guard House

Corpl Stanley of Battn Compy K a witness for the prosecution being duly sworn says on or about the time specified in the charge the prisoner was Sentinel No 2. I saw the prisoner J. Brown conversing with Maxwell one of the prisoners while he (Brown) was on post Lieut Crossman Offr Guard went to the sentinel and asked him what he was conversing for while on post. Lieut Crossman had him the prisoner charged for doing so.

The Court being cleared and the whole of the proceedings being read over, the following sentence was pronounced

Sentence

The court after mature deliberation on the testimony adduced find the prisoner Private John Brown of Battn Company G Guilty of of [sic] the Charge and Specification & sentence him to be confined to the Guard house for 10 days, to have the ration part of his whiskey stopped for the same period, to ride the wooden horse for one hour each day during the time of his confinement.

The Court adjourned untill 9 Oclock tomorrow morning
Sepr. 1st. The Court met pursuant to adjournment

Present Lieut Wickliffe President
Lieuts Nute and Nichols Members

The court was proceeded to the trial of Private James Webster of Light Company B 6th Infy on the following Charges

Charges Fort Atkinson 29th August

James Webster a private soldier of Light company B, 6th US Infantry is charged with absenting himself from his company without leave and remaining absent near two days and one night at Fort Atkinson on or about the 27th of August 1824.

(Signed) B Riley (Captn 6 Infy.

To which the previous pleaded Guilty

Captn Riley a witness for the prosecution being duly sworn says on or about the time & place stated in the charge of my orderly Sergt reported to me that the prisoner was about, I ordered that Sergeant to send all the men he could spare from the company and near night the men returned and reported that he could not be found, I reported it to the Adjutant immediately that he was absent and could not be found, either that evening or the next morning a report reached me that Corpl Rash had seen him going in the direction of the lower Gardens I sent men a second time and directed them to search in that direction but they returned without effecting their object. The next morning I reported him deserted on the morning Report, sometime in the evening after retreat he returned and I had him confined

Serg Winningham a witness for the prosecution being duly sworn says, on or about the time specified in the charge the prisoner absented himself immediately after Revellie and was gone that day and

untill ----- ~~retreat~~ the next evening after Tattoo – When the prisoner returned he had an unnatural appearance, a wildness of expression that gave him the appearance of Insanity
Corpl Rash of Compy. 6th Infy. a witness for the prosecution being duly sworn says on or about the 27th of Augt 1824 I saw the prisoner near this place he was running about and had every appearance of a person in a state of Insanity.

The Court having been cleared and the proceedings having been read over to the Court the following sentence was pronounced
Sentence – The Court after mature deliberation on the testimony find the prisoner James Webster a private of Light Company B 6th Infy in confirmation of his plea Guilty of the charge and specification and sentence him to be confined to the Guard House for ten days, to wear an Iron Collar not weighing more than 6 nor less than 4 pounds weight and to have his ration of whiskey stopped for the same period

The Court next proceeded to the trial of Peter White a private of Battn Company E on the following charges preferred against him by Lieut Pentland Adjutant

Charge – Private Peter White of Co E 6th Infy is charged with disgraceful conduct

Spectn. In this that he the said Peter White of Co E 6th Infy did on or about the 30th of August 1824 at Fort Atkinson, steal from the private Garden of Major Woolley 6th Infy one or more Muss Melons

(Signed) J. Pentland Adj 6th Infy

To which Charge and specification the prisoner pleaded Not Guilty
Private Harrison of Battn company 6th Infy. a witness for the prosecution being duly sworn says – on or about the time specified in the charge, I saw White the prisoner come out of Major Woolleys Garden and immediately reach through the fence and take 2 Mus-Melons from inside the Garden

Private Jennett of Battn Compy. 6th Infy. a witness for the prosecution being duly sworn says, I did not see the prisoner take

Melons from Major Woolleys Gardens, on or about the time specified in the charge, I saw him, the prisoner by the Ordnance Store with a Mus-Melon but cant say where he got it.

Private Robinson of Battn Co F 6th Infy a witness for the prosecution being duly sworn says on or about the time specified, I saw White the prisoner, go up on the bank of the river opposite to Major Woolleys Garden, when he, came down I saw him have a piece of Muss Melon & a whole one; I asked him what he was going to do with the whole one – he said he was going to take it to the Guard house, I said he better take care, for fear he might be caught, with that he went behind the Ordnance Store and laid it by, when he came back. I asked him what he had done with it, he said that he had laid it by for the present, I went round the shop and found the Mus-Melon behind the Grind Stone I did not see the prisoner take the Mus-Melon from the Garden

The proceedings having been read over to the Court, the following sentence was pronounced

--Sentence

The Court after mature deliberation on the testimony adduced find the prisoner Peter White a private of Battn. Company E 6th Infy Guilty of the charge and specification preferred against him and sentence him to be confined to the Guard House for Ten Days, to wear an Iron Collar not weighing more than 6 pounds nor less than 4 pounds weight and to have the ration part of his whiskey stopped for the same period

There being no further business before the Court adjourned Sine Die,

Wm. N. Wickliffe
Lt. & Presd.

Head Qrs. 6th Regiment

Fort Atkinson 1 September 1824

The foregoing proceedings of the Court Martial of which Lieut Wickliffe is President are confirmed and the sentences of the Court will be respectively executed except the sentence in the case of Private Webster of Light Compy B which is hereby remitted

H Leavenworth
Col Comg

Proceedings of a Regimental Court Martial held at
Fort Atkinson by virtue of the following order

No 258

Head Qr 6th Infantry

Orders

Fort Atkinson 11th Sepr 1824

A Regimental Court Martial will convene
this morning at such place as the President may direct, for the
trial of such prisoners as may be brought before it
Captn Pentland President By Order of Col. Leavenworth
Lieuts Vinton & Richardson Members

J Pentland Adj. 6th Inf

The Court met pursuant to the above Order and adjourned to
meet tomorrow morning at 9 O'clock A.M.

The Court met agreeable to adjournment – present all the members
12th Sepr 1824

The Court being duly sworn in presence of the prisoners who being
previously asked if they had any objections to any of the members present
in the above order and replying in the negative – proceeded to the trial of
Sergt Erskine of Company E on the following Charges and Specifications

Sergt. Erskine of Company E 6th Infy is charged with embez-
-zelment of Company Whiskey – The rations of several men of the company
to which he belongs – Sergt Erskine doing Orderly duty at the time –
this at Fort Atkinson on or about the 1st Sepr 1824.

Charge 2nd Lying

In this that he the said Sergt Erskine of Company E 6th
Infantry did tell Lieut. Rogers, his commdg. Officer a positive
falsehood by saying that he had issued a full allowance of whiskey
to the men of the Company, when he knew that he had issued but
Five Gills instead of twelve – the full allowance this at Fort
Atkinson. on or about the 1st Sepr. 1824.

(Signed) J Rogers

Lt. Comg Comy. E 6th Infy

To which Charges and specifications the prisoner pleaded “Not Guilty”
Lieut Rogers a witness for the prosecution being duly sworn says. On or
about the time specified in the charge, several men in the company
reported to me that the prisoner who was then doing Orderly duty

would not give them their Rations of Whiskey – at the time there was twelve Gills of back Whiskey due them – that they had not received but ten – I sent for the prisoner and asked the reason why he did not give the men their whiskey – he said he had given them their full allowance – After he was arrested the prisoner gave the men the quantity of Whiskey due them

Corporal Schutes a witness for the prosecution being duly sworn says on or about the time specified in the charge the prisoner was doing Orderly duty in the company – that the men doing duty in the company had received but ten Gills of the back whiskey out of the twelve due them – that the prisoner issued the two remaining Gills after he was arrested.

Private Lovell a witness for the prosecution being duly sworn says on or about the specified in the Charges the prisoner was doing Orderly duty in the company at which time he the prisoner kept back two Gills of Whiskey due several of the men in the company – nor did he give it them until he was arrested at which time we received our Whiskey

The evidence on part of prosecution being closed and the prisoner having no testimony to offer or defence to make – The Court was cleared and the proceedings read over to the Court – the following sentence was pronounced

The Court after mature deliberation on the testimony adduced find the prisoner Sergt. Erskine guilty of the charges and specification exhibited against him and sentence him to be reduced to the rank of a private sentinel

The Court next proceeded to the trial of Private E Smartwood of Company C 6th Infy on the following charge.
Charge. For that the said Private E Smartwood of the company of said, did when ordered by Sert. Clute of the aforesaid company to prepare and make himself ready to mount Guard – did say to Sergt Clute aforesaid he would not, nor could not mount Guard – not having, nor yet endeavoring to Comply with the order of the aforementioned Sergt. Clute – this at Fort Atkinson on or about the 8th Sept. 1824.

(Signed) Wm. S. Foster

Major US Army

To which charge the prisoner pleaded “Not Guilty”

Sergt. Clute a witness for the prosecution being duly sworn says whilst doing orderly duty – I warned the prisoner for Guard – He told me that he could not get ready – nor did he make any preparations for Guard although I told him repeatedly

Question by Court -- How long had the prisoner been doing duty in the company previous to your ordering him to prepare for Guard mounting

Ansr.—He was dismissed from the haying party the day before and reported for duty on the morning of the day specified in the charge,

Question by the Prisoner – Was I not confined in the Guard house the night before you ordered me to prepare for Guard mounting and what time was I released

Answer – You was confined and was released between 6 and 7 O'clock in the morning.

Corpl Enright a witness for the prosecution being duly sworn says: on or about the time specified I heard Sergt. Clute warn the prisoner for guard – the prisoner said that he could not get ready for guard – this I heard about 9 O'clock A.M

Private O'Harra a witness for the prosecution being duly sworn says: about 9 O'clock on the day specified Sergt. Clute warned the prisoner for Guard – who said he could not get ready for guard that his Musket was in the company store room and had been there ever since last spring

The evidence on the part of the prosecution being closed; and the prisoner having no testimony – said by way of defence, that he had been on out parties for the last Eight Months, that it was not in his power to put his gun and accoutrement in order in the time allowed him – The Court was cleared and the proceedings read over for the court – the following sentence was pronounced ---

The Court after mature deliberation on the testimony adduced find the prisoner Private E Swartwood Guilty of so much of the charge as relates to his saying “that he could not—nor did he endeavor to prepare “for Guard mounting” Not Guilty of the remainder – and sentence him to have the Whiskey part of his rations stopped for one week – to be appropriated for the use of the company to which he belongs.

The Court next proceeded to the trial of Private John Danly of Company K 6th Infy. on the following charges and specifications

Charge 1: Drunkenness on Duty

Spec: In this that he the said John Danly Private of Compy. K 6th Infy. did get so much intoxicated as to render him incapable of performing his duty as a Soldier at Fort Atkinson on or about the 1st September 1824.

Charge 2nd Riotous Conduct:

Spec: In this that the said Danly of Battn. Compy. K 6th Infy. did quarrel and fight fist and scull with Private Ramsey of the aforesaid company in the Cook room of Company K at Fort Atkinson on or about the 1st September 1824.

(Signed) J. Nichols

Lt. Comg Comy. K.

To which Charges and specifications the Prisoner pleaded “Not Guilty.”

Private James Connors a witness for the prosecution being duly sworn says: on or about the time specified, the prisoner came into the Cook room and commenced a quarrel with Private Ramsey then cook for the company, by eating a piece of Water Melon belonging to Ramsey – when Ramsey ordered the prisoner out of the room – they clinched and the prisoner threw Ramsey on the floor, immediately I heard Ramsey exclaim “my leg is broke.”

Private Sanders a witness for the prosecution being duly sworn says: I went into the Cook Room on or about the time specified – where I saw the prisoner on his knees and had Ramsey by the thigh with his teeth and hold of his private parts with his hand – they both fell to the floor – I heard Ramsey’s leg snap and shortly heard him say “my leg is broke” I then parted them – I thought at the time the prisoner had been drinking too much.

The evidence for the prosecution being closed and the prisoner having neither testimony to offer or defence to make the Court was cleared and the proceedings read over – the

following sentence was pronounced

The Court after mature deliberation on the testimony adduced find the prisoner John Danly “Not Guilty” of the 1st Charge or its specification – Guilty of the 2nd charge – Guilty of the specification of the 2nd charge and sentence him to be confined in the Guard House twenty days, to wear an Iron yoke on the neck for the same time – to have the Whiskey part of his rations stopt one month to be [sic] appropriated for the use of the company to which he belongs.

The Court having no more business on hand adjourn Sine Die

C. Pentland
Capt. 6th Infy.
& Presd. of Court

Orders

Head Qr 6th Regiment
Fort Atkinson 13th Sepr. 1824

The proceedings of the Court Martial of which Captn Pentland is President are approved – The Sentences of the Court of the Court [sic] will be respectively executed with the exceptions of the Sentence of the Court in the case of Smartwood of Co. C which Sentence (under all the circumstances of the case) the Col. Commg. thinks proper hereby to remit.

H. Leavenworth
Col. Comg.

Fort Atkinson 21st Sepr. 1824

No 263 Orders

A Regimental Court Martial will convene to day at such time and place as the President may direct for the trial of such Prisoners as may be brought before it.

Maj. Foster President

Capt Riley & Lt. Crossman Members By Order of Col. Leavenworth
J. Pentland Adj 6th Infy

The Court met in pursuance with the above order and adjourned until tomorrow at 9 O'clock A.m.

Fort Atkinson 22nd Sepr. 1824.

The Court convened agreeable to adjournment present Major Foster Prest. Capt. Riley and Lieut Crossman Members and being duly sworn in presence of the prisoners who being previously asked if they had any objection to the members of the Court Martial and replying in the negative proceeded to the trial of Corpl. H. Lathram of Compy. A, 6th Infy. charged with Gambling

Spec: In this that he the said Corpl. H. Lathram of Light Company A 6th US Infy. did at or near Fort Atkinson on or about the evening of the 17th. Sept. 1824 gamble and play at cards with men belonging to the room he had charge of as a non-Commissioned Officer, thereby behaving in a manner derogatory to his rank and contrary and in direct violation of the rules and articles of War for the Government of the Army of the United States.

Witnesses

Lt. Vinton

Sutherland }

Rogers } Compy. A.

Sergt. Riley }

(Signed) Wm. Armstrong

Captn. 6th Infy

To which charges and specifications the prisoner pleaded

Not Guilty.

Lieut. Vinton a witness for the prosecution being duly sworn states on the 17th Sept I was officer of the Guard; on the evening of the 17th soon after Tattoo is I was going with the Patrole round the entrance of the Garrison I discovered a light in the loft of the room occupied by the Prisoner. I immediately conducted the Patrole to this room and ascended the loft where I discovered the Prisoner and three others two of whom I afterwards to be of Comy. A I recognized the Prisoner the Prisoner [sic] from the first on entering the loft he was sitting by the side of a bench with the others with cards in his hands – Previous to entering the loft I heard the sum of a Dollar mentioned from door whether the Prisoner was playing for money I can't say.

The Court find the Prisoner Guilty of the Charge and Specification preferred against him and sentence him to be reduced to the ranks.

The Court adjourned to 1 O'clock P.M.

The Court next tried Corpl Rash of Compy. H charged with striking Private Wellman of Compy. H

Spec: Corpl. Wilburn Rash of Battn. Compy. H 6th Regt. U.S. Infantry is charged with striking Private Wellman of said Compy. with a stick and severely wounding him on the head without cause or provocation thereby violating General Army Regulations this at Fort Atkinson on or about the 19th Sept. 1824.

Witnesses

(Signed) Wm. N Wickliffe

Pte. J. Hoff, Wellman, Smith

Lt. 6th Infy.

To which charge and specification the Prisoner Corpl. Rash pleaded Not Guilty.

Private Hoff a witness for the prosecution being duly sworn says – on the day specified in the charge Corpl Rash came into the Cook room of Compy. H and inquired for a cup – I went and brought him a tin cup and handed it to him, he threw it on the floor and stamped upon it and broke it – Wellman said that was a “Corn cracker trick”.

Corpl Rash then raised a stick of wood and struck above his head Wellman told him he thought it was not right to strike a man with such a stick upon which he the Corpl. struck him on the head which beat him down and blood came from the wound

Pte. Benj. Carman a witness for the prosecution being duly sworn says on or about the day specified in the charge I was sitting on the same bench in the Cook room of the Compy. H with Wellman – I saw Corpl. Rash throw a tin cup on the floor and stomp on it. – Wellman said “That was a corn-cracker for you” Corpl. Rash threatened him and told him not to say so again, Wellman replied that he would say so, for that none but a “corn cracker” would do so – upon this the Corpl. picked up a stick of wood off the floor and struck at him with it but missed him – Wellman came towards him within arm’s length when Corpl Rash struck him on the head I got up and ordered them to stop; Corpl. Rash threw down the stick of wood and Wellman fell on the floor

The Court find the Prisoner Guilty of the charge and specification with the exception of the words “without cause or provocation”. – The Court are of opinion that there was slight provocation offered the prisoner, but by no means sufficient to justify the measures resorted to by the Corpl. The Court sentence the Prisoner to be reduced to the ranks.

The Court then adjourned. Sine Die

Wm. S Foster Maj & Prest.
Court,

Head Qr. 6th Regiment

Orders Fort Atkinson 23 Sept. 1824

The proceedings of the Court Martial of which Major Foster is President are approved – Corpl. Latham of Co A and Corpl. Rash of Co. H are reduced to the ranks. The Col. Commdg. feels bound to remark that if the frequency of the violation of the regulations by playing Cards was any palliation of the offence, the sentence of the court in the case of Corpl Latham would have been remitted.

H Leavenworth
Col. Comg

Proceedings of a Regimental Court Martial held at Fort Atkinson by virtue of the following Order. –

No. 272

Head Qr. 6th Infty

Orders

Fort Atkinson 6th October 1824

A Regimental Court Martial will convene this day at such place as the President may direct for the trial of such prisoners as may be brought before it

Captn. Gantt President

Lieuts. Andrews & Nichols Members

By Order of Col. Leavenworth

J. Pentland Adj 6th Infy.

Oct: 6th 1824

The Court met pursuant to the above Order
Present Captn Gantt President

Lieuts Andrews & Nichols Members

The Court being duly sworn in presence of the President proceeds to the trial of private Lacount of Compy. E 6th Infy who being previously asked if he had any objection to the members named in the order, & replying in the negative was arraigned on the following charges preferred against him by Lieut Rogers 6th Infy

Charge – Selling his Clothing

Specn. In this that he the said Private Lacount of E Compy. 6th Infy did on or about the 3rd October 1824 at Fort Atkinson sell or otherwise dispose of his Uniform Clothing (viz) one Great coat, two pair of Grey Overalls, one pair of Boots, one pair of stockings, one Grey Jacket this in violation of the 30th Article of war

Charge 2nd Repeated Intoxication

Specn. In this that he the said private Lacount of E company 6th Infy was intoxicated on the 2nd, 3rd, & 4th days of October 1824.

(Signed) Lieut J. Rogers

Comdg Compy.

To which the prisoner pleaded Guilty
Lieut Rogers 6th US Infantry a witness for the prosecution being duly sworn says on the 2nd of the month I issued winter clothing to to [sic] the prisoner – on the morning of the 3rd the Orderly Sergt of the Company informed me that the prisoner had sold or otherwise disposed of his winter clothing, I asked the prisoner if he had sold them he said he had. the clothing I have since had returned to me by the persons to whom he had sold them.

The court being closed and the whole of the proceedings read over the following sentence was pronounced.

Sentence

The Court after mature deliberation on the testimony adduced confirm

the plea of the prisoner Private Lacount of (E) company and find him guilty of the charge exhibited against him and sentence him to be confined in solitary confinement in one of the cells near the Qr. Mr. Store for Twenty days to subsist entirely on bread and water and to wear an Iron yoke for the same period his rations except the bread part to be appropriated to the use of his company.

Before the same court was tried Private Whitcraft of Company E 6th Infy on the following charges preferred against him by Lieut J. Pentland Adjt 6th Infy

Charge – Whitcraft of Company E 6th Infy is charged with disgraceful conduct – In this that he the said Whitcraft of Company E 6th Infy did on or about the 18th Sept 1824 at Fort Atkinson obtain from the Asst. Commy of Subsistance One Gallon of Whiskey on a permission signed J. Pentland Adjt 6th Infy when no such permission was given him or any other person

Signed J. Pentland Adjt. 6th Infy.

To which charge the prisoner pleaded Not Guilty
Lieut J. Pentland Adjutant 6th Infy a witness for the prosecution being duly sworn, says on the 30th Sepr. the Commissary presented his account and among the orders the one now before the Court, for a Gallon of Whiskey obtained from the Commissary as appears from a note made on the back of the order, by Whitcraft on the 18th Sept—I never gave an order to Whitcraft or any other person on that day, the signature of the note is my hand writing, but the rest of the note was written without my knowledge or consent.

Sergt. Haverty a witness for the prosecution being duly sworn says in answer to the following Question

Question by the Court – Did Whitcraft the prisoner present the order now handed to you, to the Commissary and obtain the Whiskey on the same

Answer – He did on the day specified in the order which was on 18 Sept

Question by the Court – What induced you to make that note on the order?

Answer – The difference between the hand writing of the order and the signature, also the observation made by the previous that he had obtained the order of Musn. King & on account of its having no date—

Private Hough of Company E 6th Infty a witness for the prosecution being duly sworn says Whitcraft of Company E (the prisoner) went and obtained from the Commissary one Gallon of Whiskey in a permission obtained from King when he returned he received half the Whiskey for getting it.

Lovell a private of company E a witness for the prosecution being duly sworn says on the day specified in the charge King was endeavoring to get some one to go get the Whiskey from the Commissary when Whitcraft the prisoner came into the room and consented to get the Whiskey if King would give him a part of it, the prisoner did not hear King mention in what manner he had obtained the order for the Whiskey until he had returned.

The Court after mature deliberation on the testimony adduced find the prisoner private Whitcraft Guilty of the charge and sentence him to have the Whiskey part of his rations stopped for 16 Days to be appropriated to the use of his company.

Before the same court was tried Musn. John King of Light Compy. B 6th Infty on the following charge preferred against him by Lieut J. Pentland Adj. 6th Infty
Charge ... Musn. John King of Company B 6th Infty is charged with disgraceful conduct—In this that he the said King of Compy. B 6th Infty did on or about the 18th Sepr 1824 fraudulently assist in obtaining from the Adjutant Commissary of Subsistence One Gallon of Whiskey on a permission signed J. Pentland Adj. 6th Infty when he knew said permission was not given to him and that it did not belong to him

Signed J. Pentland Adj. 6th Inf.ty

To which charge the prisoner pleaded Not Guilty
Lieut J. Pentland Adj 6th Infty a witness for the prosecution being duly sworn says, on the 30th of Sepr the Commissary presented me my account, among the orders, the one now before the Court for a Gallon of Whiskey obtained from the Commissary as appears from a note made on the order; by Whitcraft on the 18th Sepr. I never gave such an order to King or any other person. – The prisoner must

have known that the Order did not belong to him as I never gave him such an order for a Gallon of Whiskey since I have been at the Post

Private Lovell a witness for the prosecution being duly sworn says (the Prisoner) King came over into one of the rooms of Company E and said he had an order for a Gallon of Whiskey which he said he had found, the order was signed by J. Pentland Adjut 6th Inftry The prisoner gave the order to Private Whitcraft, he (the prisoner) told Whitcraft if he would get the Whiskey he the prisoner would give him a part of it.

The Court being cleared and the whole of the proceedings read over to the Court the following sentence was pronounced. – Sentence. The Court after mature deliberation on the testimony adduced find the prisoner Musician King guilty of the charge exhibited against him and sentence him to be confined in solitary confinement for the space of Twenty days & to have his rations stopped with the exception of the bread part, to wear an Iron collar on his neck for the same period & to be fed only on bread and water during the term of his confinement.

The Court adjourned Sine Die

J Gantt
Captain 6 Inf
President of the Court

Head Qr 6th Regt.
Fort Atkinson 7th October 1824

Orders

The proceedings of the Court Martial of which Captn Gantt is President are approved and will be carried into execution with the exception of that part of the Sentences in the case of King of Compy. B & Lacount of Compy. E

which sentences them to “wear an Iron Collar” which part
of their sentence the Comm^{dg} Officer is pleased to remit

The Court is Dissolved

H Leavenworth
Col. Comg

Proceedings of a Regimental Court Martial held at
Fort Atkinson Council Bluffs, by virtue of the following order

Orders

N^o 275

Head Q^r 6th Regiment

Fort Atkinson 16 Oct^r, 1824

A Regimental Court Martial will
convene to day for the trial of such prisoners as may be
brought before it at such place as the President may direct

Captⁿ Gantt President

Lieut^s Rogers and Waters Members

By Order of Col Leavenworth

(Signed) J. Pentland

Adj 6th Inf^{ty}

The Court met pursuant to the above Order.

Present

Captⁿ Gantt President

Lieut^s Rogers and Waters Members

The Court adjourned to meet tomorrow at 10 O clock

Oct. 17th 1824

The Court met pursuant to adjournment

Present

Captⁿ Gantt President

Lieut^s Rogers and Waters Members

The Court being duly sworn in the presence of the prisoners who
being previously asked if they had any objections to the members
of the Court and replying in the negative, proceeded to the trial
of Serg^t S Harlow on the following Charges preferred against
him by Lieut Nichols 6th Reg^t Inf^{ty}

Charge 1st Intoxication

Spec: In this that he the said Serg^t S. Harlow of Battⁿ Comp^y K 6th Inf^{ty} did get so much intoxicated as to be incapable of performing his duty as a non Commissioned Officer, thereby degrading himself in presence of the men of the aforesaid company, at Fort Atkinson on or about the 15th Oct^r 1824.

Charge 2nd Disobedience of Orders

Spec: In this that he the said Serg^t S Harlow of Battⁿ Company K 6th Inf^{ty} after having been ordered to confine himself to his room by Lieut Nichols his immediate Commanding Officer—leave it without the knowledge or permission of the same Lieut Nichols—this at Fort Atkinson on or about the 15th October 1824.

Charge 3rd Misapplication and embezzlement of Company Stores.

Spec: In this that he the said Serg^t S. Harlow of Battⁿ Comp^y K 6th Inf^{ty} did make way with a quantity of Comp^y Whiskey entrusted to his care, in as much as he never accounted for about 30 gills to his commanding Officer—this at Fort Atkinson on or about the 15th Oct^r. 1824

Charge 4th Lying

Spec: In this that he the said Serg^t S. Harlow of Battⁿ Comp^y K 6th Inf^{ty} did after having put what whiskey remained in his charge on the table of his room when questioned there by Lieut Nichols say that the whiskey was placed there without his knowledge and that he still had some of the company rations Whiskey in his, the said Serg^t Harlow's charge when in fact he had none but what remained on the table (about two gills) hereby telling a willful falsehood calculating to deceive his Comm^{dg} Officer Lieut J Nichols—this at Fort Atkinson on or about 15th Oct^r 1824.

Charge 5th Conduct unbecoming a Non Commissioned Officer

Spec: In this that he the said Serg^t S. Harlow of Battⁿ Comp^y K 6th Inf^{ty} did deliberately load a musket with powder and

ball and attempt to discharge its contents in the room in which he had charge as a Non Commissioned Officer thereby endangering his own life and those of the men who were in the room—this at Fort Atkinson on or about 15th Oct^r 1824.

To which charges the prisoner pleaded as follows, Guilty to the 1st charge, Not Guilty to the 2nd charge—Guilty to the 3rd Charge—Not Guilty to the 4th Charge and Not Guilty to the 5th charge

Private Peter Joyce of Battⁿ Comp^y K 6th Inf^{ty} a witness for the prosecution being duly sworn says: to the 2nd charge, on the evening of the 15th Ins^t Serg^t S Harlow, the prisoner came into his room and said he was arrested, in ten or fifteen minutes after he left the room—to the 4th Charge the witness says: Lieut Nichols came into the room, there was a quantity of Whiskey in a pail setting on the table which Serg^t Harlow had turned out of the keg containing the comp^y Whiskey—Lieut Nichols asked Serg^t Harlow how that Whiskey came on the table—Serg Harlow said he did not know and turned towards the men in the room and asked them how the Whiskey came there, they gave him no answer—Lieut Nichols asked Serg^t Harlow if he had any comp^y Whiskey on hand--Serg^t Harlow said he had—Lieut Nichols told Serg^t Harlow to show him the keg, at the same time asked Serg^t Harlow if he was deficient in Whiskey--Serg^t Harlow said he was Lieut Nichols examined the keg but found no Whiskey of any amount in it—Lieut Nichols then ordered me to take the keg to his quarters.

Private J. Braunon of Comp^y K 6th Inf^{ty} a witness for the prosecution being duly sworn says: to the 4th Charge: on the evening of the 15th Ins^t. some Whiskey was set on the table by Serg^t Harlow Lieut Nichols came into the room and asked Serg^t Harlow if he had any company Whiskey on hand—Serg Harlow said he had some in the keg—Lieut Nichols told Serg^t Harlow to let him see the keg--Serg^t Harlow brought the keg, but found not more than one gill of whiskey in it—to the 5th charge the witness says: I did not see the Musket loaded, but on examining it

I found it loaded and a string tied to the trigger.

Corp^l Almy of Comp^y K 6th Inf^{ty} a witness for the prosecution being duly sworn says to the 5th Charge: on the evening specified in the charge Ferrel of Comp^y K delivered me a loaded musket, which he said he took from Serg^t Harlow on examining the musket I found it was Serg^t Harlow I delivered the musket to Lieut Nichols.

Private R. Atkins of Batt. Comp^y K 6th Inf^{ty} a witness for the prosecution says to the 4th charge: on the evening of the 15th Ins^t I see Serg^t Harlow open the comp^y store room door and turn some Whiskey into a tin pail—he set it upon a table in the room and immediately left the room—in a few minutes after Lieut Nichols entered the room, he took up the pail and asked what was in it, at that moment Serg^t Harlow entered the room, said it was Whiskey Lieut Nichols asked how it came there--Serg^t Harlow said some of the men put it there—Lieut Nichols asked Serg^t Harlow if there was any Whiskey in the Comp^y keg—Serg^t Harlow said there was Lieut Nichols told Serg^t Harlow to open the store room door and let him see if there was any Whiskey in the keg—Lieut Nichols examined the keg but found no whiskey of any account in it—Lieut Nichols ordered one of the men to take the keg to his room, as to the 5th charge on the evening of the 15th Ins^t. I was going out of the room Tattoo roll call Ferrel of Comp^y K told me that Serg^t Harlow had a loaded musket and was going to shoot himself I went to the store room door where Serg^t Harlow was he had the muzzle of the musket against his breast—I stepped towards him and pushed the musket away—I asked Serg^t Harlow what he was going to do, he told me to go away—I said to Ferrel the musket is not loaded and Ferrel said it was loaded & stepped into the room, took the musket, sprung the ramrod, and found the musket loaded—Ferrel fetched the musket out of the room.

Question by the Prisoner—Did you hear Lieut Nichols ask me if I was deficient in whiskey and what did I tell him.

Ans^r. I did—you told you were deficient

Private Ferrel of Battⁿ Comp^y K 6th Inf^{ty} a witness for the prosecution being duly sworn says to the 2nd charge: on the evening of the 15th ins^t. I heard Lieut Nichols order Serg^t Harlow to confine himself his room in 10 or 15 minutes after Serg^t Harlow left the room and was about 5 minutes.—as to the 4th charge Serg^t Harlow turned some Whiskey out of the comp^y keg into a tin pail and set it on the table, in a few minutes after Lieut Nichols came into the room asked how that Whiskey came there, Srg Harlow said he did not know—to the 5th Charge the witness says on the time specified in the charge I see Serg^t Harlow load his musket with a Ball cartridge, after loading it I see him go to his chest and take out a string—he made it fast to the trigger—he left the musket in the comp^y store room at Tattoo when the men left the room to attend the roll call. Serg^t Harlow went into the store room I returned to the room found Atkins of Comp^y K there I asked him what Serg^t Harlow was doing, Atkins stepped to the Store room door and asked Serg^t. Harlow what he was doing--Serg^t Harlow told him to go away—I stepped into the room Serg^t Harlow had the musket and was fixing his foot in the string—I took the musket away from him (the musket was cocked) & gave it to Corp^l Atkins of said comp^y.—

Question by the Prisoner—Where was Lieut Nichols when he ordered me to confine myself to the room.

Ans^r He was in your room.

Lieut Nichols 6th Reg^t . Inf.^{ty} a witness for the prosecution being duly sworn on the evening 15th instant I visited the company rooms which I have charge of, and having put a stop to some irregularities in one of the Comp^y rooms—I was returning to my quarters--Serg^t Harlow spoke to me opposite to one company & rooms having followed me from the quarters of comp^y K as he spoke to me perceived he was much intoxicated and without making him any answer I ordered him to go to and to confine himself to his room—in about 10 or 20 minutes after I again visited company K rooms and found Serg^t Harlow out of his room—as to the 4th charge on entering Serg^t Harlows

room I discovered Whiskey on the table Serg^t Harlow immediately entered the room after me I enquired of him how the Whiskey came there, he told me he knew nothing about it, that he had been out of the room—I then asked him if there was any Whiskey in the company keg—he said there was I then asked him if he was not deficient in whiskey, he replied that he might be some deficient—I then ordered him to show me the company keg and found not more than one gill in it.—as to the 5th charge I received a musket from Corp^l Almy of Comp^y K on examining it I found it loaded and primed—it was Serg^t Harlow's musket

The Court being ordered to be cleared and the whole of the proceedings read over the following sentence was pronounced Sentence—The Court after mature deliberation on the testimony adduced find the Prisoner (Serg^t Harlow) Guilty of the Charges exhibited against him and sentence him to be reduced to the rank of a private Sentinel to be stripped of his Chevrons in presence of the Regiment at Regimental parade, to be confined to the Guard house with a Ball and chain attached to his neck for the period of fifteen days and to have his rations part of his whiskey stopped for thirty days to remunerate to the company the thirty gills of whiskey embezzled by him.

The Court next proceeded to the trial of Corp^l Jennings of Battⁿ Comp^y (G) 6th Inf^{ty} on the following Charges preferred against him by Lieut G.W. Folger 6th Inf^{ty}

Charge . . . Neglect of Duty . –

Specⁿ . In this that he the said Corp^l Jennings of Battⁿ Comp^y G 6th Inf^{ty} did permit the prisoners to visit the company quarter and obtain whiskey or other spiritous liquors thereby permitting one of them to become so much intoxicated as to render him incapable of performing his duty while under his command contrary to existing orders of the Post This at Fort Atkinson on or about 15th Oct^r 1824

To which Charges the prisoner pleaded Not Guilty Corp^l Stanly of Battⁿ Comp^y K 6th Inf^{ty} a witness for the prosecution being duly sworn says: I know nothing relative to the case

Serg^t Flemming of Battⁿ Comp.^y F 6th Inf.^{ty} a witness for the prosecution being duly sworn says: I know nothing relative to the Charge or specification exhibited against the prisoner Corp^l Jennings

The testimony being closed in case of Corp^l Jennings the Court after mature deliberation find the prisoner Corp^l Jennings, Not Guilty of the charge and Specification exhibited against him and do therefore acquit him.

The Court next proceeded to the trial of Private Jerra Driscoll of Battⁿ Comp.^y K 6th Inf.^{ty} on the following charges preferred against him by Lieut Nichols 6th Reg^t Inf.^{ty}.

Charge 1st Riotous Conduct.

Spec. 1st. In this that he the said private J. Driscoll of Battⁿ Comp.^y K 6th Inf.^{ty}, did wantonly quarrel with some of the men to which he the said Driscoll belonged—This at Fort Atkinson on or about the 15th Oct^r 1824.

Spec. 2nd. In this that he the said Private J. Driscoll of Battⁿ Comp.^y K 6th Inf.^{ty} did when ordered by Serg^t Hory of aforesaid Company to go to the guard house damn you I will not go for you Serg^t Hory are a damned whiskey stealing son of a bitch or words to that effect—this at Fort Atkinson on or about the 15th Oct. 1824.

Charge 2nd Drunkenness

Spec. In this that he the said Private J. Driscoll of Battⁿ. Comp.^y K 6th Inf.^{ty} did while on the sick report get so much intoxicated as to be incapable of performing his duty as a soldier at Fort Atkinson on or about the 15th Oct^r 1824.

To which Charges the prisoner pleaded Guilty

The Court confirm the plea of the Prisoner and find him Guilty of the Charges and specification exhibited and do sentence to have the whiskey part of his rations stopped for one month to be appropriated to the use of the company to which he belongs—to be confined to the Guard house for two days and to ride the wooden horse two hours each day during his confinement.

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

Oct. 18. 1824

The Court met pursuant to adjournment

Present

Capt.ⁿ Gantt President

Lieut^s Rogers and Waters Members

The Court next proceeded to the trial of private M. Ford of Light Company A. 6th Inf.^{ty} on the following Charge exhibited against him by Capt.ⁿ W Armstrong 6th Reg^t Inf.^{ty}

M. Ford a Private of Light Company A 6th Reg.^t Inf.^{ty} is charged with using insubordinate and Mutinous language to his Commanding Officer.—

Spec.ⁿ In this the aforesaid Maston Ford of Light Company A at Fort Atkinson on the 11th Oct 1824 did refuse to give up a horse (the property of Geo Williams) when ordered to do so by Capt.ⁿ Armstrong his Commanding Officer and further said he would kill or cut its throat before night. All of this in presence of and addressed to Captⁿ Armstrong his Commanding Officer

To which charge the prisoner pleaded Not Guilty.

Capt.ⁿ W. Armstong 6th Reg^t Inf.^{ty} a witness for the prosecution being duly sworn says: Sometime last summer or spring I understood Geo. Williams a discharged soldier late of my company left a Horse in charge of William Williams of said company to be taken care of and sent to him to Liberty (M^o) by some opportunity by what I do not know after he left the Horse, W Williams sold it to the prisoner (M. Ford)—G. Williams returned some few days since to the post and informed me that W. Williams had sold his horse and disposed of the money and could not get it—I told him to bring Ford the prisoner and W Williams to me and I would inquire into the matter—on enquiry to W. Williams he admitted that he was not authorized to sell the horse it had only been left in his charge—but alledged that Geo. Williams had offered it for sale & he had taken the liberty to sell it as he thought Geo. Williams would have no objections to it; he at the same time said the was willing to make good the money to Ford at the next Pay

ment as he had not the money then on hand.—under these circumstances I told Ford that he must return the Horse to Geo. Williams and on the next payment I would see that W. Williams the money he had paid for the Horse—Ford refused, he was willing to give up the horse if the money was refunded to him then—but until the money was paid to him he was unwilling to give it up—I told him the horse must be given up—Ford turned to go out; as he was leaving my room replied that the horse would not be given up until it was dead, and added that he would cut its throat before night, on which I confined him and told Geo. Williams to take the horse where he could find it, at the same time ordered my Orderly Sergeant to see that W. Williams gave an obligation to Ford what he had paid for the Horse—this took place on the day specified in the charge.

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

Present

Capt.ⁿ Gantt President

Lieut^s Rogers and Waters Members

The Court after mature deliberation on the testimony adduced find the prisoner (M. Ford) Guilty of the charge exhibited against him and sentence him to be confined in solitary confinement for ten days, to be fed on bread and water for the same period, to have all his rations stopped for the same period, to be appropriated to the use of the company to which he belongs

The Court next proceeded to the trial of Corp.¹ C Boyd of Light Company B 6th Inf.^{ty} on the following charge preferred against him by L^t. & Adj^t. 6th Inf.^{ty}.—

Charge . . . Disobedience of Orders.—

Spec: In this that he the said Corp.¹ C. Boyd of Light Company B 6th Inf.^{ty} did on or about the 14th Oct^r 1824 while in charge of a party at the Cornfield near Fort Atkinson strike with a switch or stick and otherwise maltreat Private

Smartwood of Battⁿ. Company C 6th Inf.^{ty} in direct violation of the General Army Regulations.

To which Charge the Prisoner pleaded Not Guilty Private Sullivan of Comp^y. I 6th Inf.^{ty} a witness for the prosecution being duly sworn says at the time and place specified in the charge I was at the farm house, Smartwood the prisoner came from the Cornfield to the farm house he appeared somewhat intoxicated in a few minutes after Corp^l. Boyd came from the Cornfield to the farm house—I heard Hill of company (K) 6th Inf.^{ty} tell Corp^l Boyd that he thought Smartwood had been to the ration whiskey. I then went to cooking in rear of the farm house—in a short time after I heard a noise in one of the rooms I went to the door and saw Smartwood the prisoner tied up & see Corp^l Boyd give him four or five lashes with a bunch of switches.

Question by the Court—Did you hear Smartwood make use of any insubordinate language to Corp^l Boyd

Answer—I did not.

Private Smartwood of Battⁿ. Comp^y. C 6th Inf.^{ty} a witness for the prosecution being duly sworn, says: on or about the time & place specified in the charge I reported sick to Corp^l. Boyd in the Cornfield and went to the farm house in about 10 minutes I arrived there Corp^l. Boyd come from the Cornfield to the farm house Private Hill of Comp^y K 6th Inf.^{ty} reported to Corp^l Boyd that I had stolen some of the ration whiskey—Corp^l Boyd ordered the aforesaid Will to assist him in tying me up—they tied me up to one of the joists in the room—Corp^l Boyd then ordered the aforesaid Will to stand by with a club in his hand and to knock me down if I attempted to break or get away—Corp^l Boyd gave me as near as I could calculate fifty or sixty lashes with switches—he then released me & ordered me some eating utensils to the men in the field—I told him I was sick and was going into the Garrison he told me I should not go to the Garrison that I should go to

the field with the things—I took the things to the field, as soon as I got there I came to the Garrison.—

Private Hill of Battⁿ. Comp^y. K 6th Inf.^{ty} a witness being duly sworn, says: on the time and place specified in the charge the prisoner Smartwood came from the Cornfield to the farm house and went into the room where the ration whiskey was: I had reason to believe he took as the bung was out of the keg, which contained the Whiskey, and turned over on the side, I reported the circumstance to Corp^l Boyd when he came to the farm house. Corp^l Boyd asked Smartwood if he had been to the whiskey. Smartwood said he had not—Corp^l Boyd then tied Smartwood up to one of the joists in the room—Corp^l Boyd ordered me to stand by with a club & to strike him if he made any resistance and Corp^l Boyd gave him about twenty lashes with a stick

Corp^l Boyd untied Smartwood and ordered him to go to the field to work.

Question by the Court. Did the prisoner use any insubordinate language to Corp^l Boyd or was his conduct in any way disrespectful or improper towards him.

Ans^r. Yes Corp^l Boyd ordered him to go to work—Smartwood swore he would not—Corp^l Boyd also asked the prisoner where he got the whiskey to get drunk on—Smartwood told him it was none of his business

Question by the Court: Did this language pass before or after Corp^l Boyd whipped Smartwood.

Ans^r. Before—in one of the rooms.

Captⁿ Armstrong 6th Reg^t. Inf.^{ty} a witness on the part of the prisoner being duly sworn says:

Question by the Prisoner. Please state to the Court the instructions you gave me with respect to the men at the Cornfield under my charge.

Answer. A few days previous to this transaction the prisoner, Corp^l Boyd, reported to me that Myers of my

company (one of the party) had been punished by him --on inquiry I found Myers had resisted his authority and disobeyed his orders—I approved of the punishment which Corp^l Boyd had inflicted on Myers as I considered it an act of mutiny and told Corp^l Boyd at the same time whenever his authority was resisted in the like manner to enforce his orders promptly.

The witness being closed in case of Corp^l Boyd the Court after mature deliberation on the testimony adduced find the prisoner Corp^l Boyd Guilty of the Charge exhibited against him & sentence him to be reduced to the rank of a private sentinel.—

The Court next proceeded to the trial of Private J. Gay of Battⁿ. Comp^y. G 6th Inf.^{ty} on the following Charges preferred against him by Capt Gantt 6th Reg.^t Inf.^{ty}

Private Jesse Gay of Company G 6th Inf.^{ty} is charged with creating a riot and noise in one of the company rooms of G Company by striking private Boswick and behaving otherwise in a disorderly manner this at Fort Atkinson on or about 10th Oct. 1824—Gay is also charged with contempt to his superiors and not obeying or refusing to obey the order given him by Serg^t Bird on or about 10th Oct. 1824

To which charges the prisoner pleaded Not Guilty Serg^t Bird of company G. 6th Inf.^{ty} a witness for the prosecution being duly sworn says: at the time & place specified in the charge the prisoner was in one of the company rooms. I sent Gay to Boswick, a private of said company to get a dollar which Gay wished to borrow of me—some time after this the prisoner & Boswick got into conversation respecting the Dollar. Boswick said to Gay I gave you the dollar when you asked me for it Gay rose up from his seat—do you say that you gave me a dollar—Boswick said I do say so—Gay then pulled off his Jacket, thru it on the floor—Gay struck Boswick in the neck and knocked him against to the Bunks—I immediately

interfered and quelled the quarrel by the force of Arms—I told Gay that he should go to the Guard house—Gay said he would be damned if he would.

Private Boswick of company G 6th Inf.^{ty} a witness for the prosecution being duly sworn says: on the time and at the place specified in the charge, Serg^t. Bird sent the prisoner to me to get a dollar. I gave him the he took it went to the light after examining it said it was right—Gay told me to go with him to his room and said to me do you say you gave me a dollar—I said yes—at that Gay took off his Jacket and struck me---Serg^t Bird stepped up and knocked Gay down.

The testimony being closed on the part of the prosecution Private Gladden of Comp^y J a witness on the part of the prisoner being duly sworn says: on or about the time specified in the charge I was a sentinel on post near company G quarters I heard some noise in one of the aforesaid comp^y. rooms at the same time I heard Serg^t Bird order all the men who did not belong there to go to their own quarters—I heard Serg Bird tell the prisoner to go with him to the Guard house, Gay, the prisoner, said something, I do not know what it was, but Serg Bird took hold of the prisoner thumped his face on the floor several times—Serg Bird then said I have had my eye on you for some time—Sergt Bird then told Gay to get his coat and go with him to the Guard house.

The Court after mature deliberation on the testimony adduced find the prisoner Jesse Gay Guilty of the Charges exhibited against him and sentence him to be confined in solitary confinement for ten days, to be fed on bread and water for the same period but the Court taking into consideration the punishment which the prisoner has already received the Court beg leave to recommend him to the favour of the Comm^{dg} Officer.

The Court next proceeded to the trial of of [sic] Private E Smartwood of Comp^y. C 6th Inf.^{ty} on the following charges preferred against him by Capt Armstrong 6th Regt Inf^{ty}

Charge . . . Theft

Spec: In this that he the said private E Smartwood of Comp^y C 6th Inf.^{ty} did at the farm house near Fort Atkinson on or about 14 Oct 1824 after he the said Smartwood had been ordered by Corp^l Boyd the Corporal in charge of the party at that place to go home and report himself to Captⁿ Armstrong superintending the Farming party at Fort Atkinson enter the room in which the parties rations of whiskey was placed and steal therefrom a quantity of whiskey belonging to the said party and making himself incapable of walking from the farm house to the Garrison as ordered by the said Corp^l Boyd.

To which Charge the prisoner pleaded Not Guilty Private Sullivan of Comp^y. J a witness for the prosecution being duly sworn said: I know nothing about the charge.

Private Hill of Comp^y. K 6th Inf.^{ty} a witness for the prosecution being duly sworn says: on or about the time and at the place specified in the charge I was at the farm house I see Smartwood come out of the room where the ration whiskey was kept belonging to the party—I went into the room—the keg which contained the whiskey was turned over with its bung out—I do not know whether the prisoner took any Whiskey or not he appeared to me drunk, but I do not know know [sic] whether he could walk to the Garrison or not.

The Court after mature deliberation on the testimony adduced find the prisoner Private E. Smartwood Not Guilty of the charge exhibited against him and do therefore acquit him.

The Court next proceeded to the trial of private Stevenson of Battⁿ. Comp^y. C 6th Inf.^{ty} on the following Charge preferred against him by Lieut Vinton 6th Inf.^{ty}

Charge Drunkenness

Spec: In this that he the said private Stevenson of Battⁿ. Comp^y. C 6th Inf.^{ty} did at Fort Atkinson on or about 17 Oct. 1824 get so much intoxicated as to render him incapable of performing

his duty as a soldier.

To which charge the prisoner pleaded Not Guilty
Serg^t. L Riley of Battⁿ. Comp^y C 6th Inf.^{ty} a witness for the
prosecution being duly sworn says: on the evening of the 17th ins^t.
Lieut Vinton turned Stevenson off parade he was so much
intoxicated as to be incapable from performing his duty on evening
dress parade.

Lieut Vinton 6th Reg^t. Inf.^{ty} a witness for the prosecution
being duly sworn says: on or about the time and at the place
specified in the charge while inspecting the company I found the
prisoner so much intoxicated that I ordered him from the ranks
to his quarters—he was unfit to perform his duty as a Soldier

The Court after mature deliberation on the testimony ad-
duced find the prisoner private Stevenson Guilty of the charges
exhibited against him and do sentence him to have the ration part
of his Whiskey stopped for the period of ten days to be appropriated
to the use of the Comp^y. to which he belongs.

The Court next proceeded to the trial of Private Thomas
Dougherty of Battⁿ. Comp^y. C 6th Inf.^{ty} on the following charges
preferred against him by Lieut. Vinton 6th Reg^t. Inf.^{ty}

Charge 1st Unsoldierlike Conduct.

Spec: In this that he the said private T. Dougherty of Company
C 6th Inf.^{ty} at Fort Atkinson on the 19th Oct. 1824 did behave
in a disorderly manner by throwing bread and meat from the Cook-
room of the aforesaid company on the company parade ground.—

Charge 2nd Disobedience of orders.

Spec: In this that he the said private T. Dougherty of Battⁿ C^o
6th Inf.^{ty} at the time and place aforesaid when ordered by Luke
Riley orderly Serg^t. of said company, to pick up the bread and
meat did refuse to obey the said order.

To which Charges the prisoner pleaded as follows, Guilty to
the 1st Charge and Not Guilty to the 2nd Charge.

Private De Forrest of Battⁿ. Comp^y. C 6th Inf.^{ty} a witness for
the prosecution being duly sworn says: on the time and at the place

specified in the charge the prisoner and myself were playing together on the porch of Comp^y. C the prisoner threw a piece of bread and meat at me which he had in his hand. Serg^t. Riley of the aforesaid company told the prisoner to pick up the bread & meat which he had thrown. he did not pick it up but went off

Serg L. Riley of company C 6th Inf.^{ty} a witness for the prosecution being duly sworn says: on the time and at the place specified in the charge I ordered the prisoner to go out and pick up the bread and meat which he had thrown on the company parade ground, the prisoner said he would not that it was his own rations and he would do as he pleased with his own rations --he went off.

The Court after mature deliberation on the testimony adduced find the prisoner private Dougherty Guilty of the Charge exhibited against him and do sentence him to have the ration part of his whiskey stopped for ten days to be appropriated to the use of the company to which he belongs.—

The Court having no more business before it adjourned
Sine Die

J. Gantt
Cap^t 6 Inf
President of the Court

Orders
Head Q^r 6th Regiment
Fort Atkinson 21st Oct 1824

The proceedings of the Court Martial of which Captⁿ Gantt is President in the cases of Serg^t Harlow of C^o K Corp^l Jennings of C^o G Private Driscoll of C^o K Private Ford of C^o A Corp^l Boyd of C^o B Private Smartwood of C^o C and Privates Stevenson and Dougherty of C^o C 6th Inf^{ty} are approved and will be carried into effect

Serg^t Harlow, Corp^l Boyd are accordingly reduced to the station of Private Sentinels. Corp^l Jennings will return to duty. The Sentence of the Court in the case of Gay of C^o G is hereby remitted on the recommendation of the Court

The Court Is Dissolved

H. Leavenworth
Col. Comg.

Proceedings of a Regimental Court Martial held at Fort Atkinson by virtue of the following Order

N^o 280 Head Q^{rs} 6th Infantry
Orders Fort Atkinson 29th Octob^r 1824

A Regimental Court Martial will convene immediately for the trial of such prisoners as may be brought before it, at such time and place as the President thereof direct.

Lieut. Wickliffe President
Lieut^s Bateman & Richardson Members

By Order of Col Leavenworth
Signed J. Pentland
Adj^t. 6th Inf.^{ty}

The Court met agreeably to the above order, but in consequence of the absence of one of the Members, the Court adjourned to meet tomorrow at 10 O'clock A.M.—

Oct. 30th 1824.—The Court met pursuant to adjournment
Present—Lieut Wickliffe President

Lieut^s Bateman & Richardson Members

The Court being duly sworn in presence of the prisoners who being previously asked if they had any objections to the Members in the Order and replying in the negative—proceeded to the trial of Serg^t. James Dillon of Light Company (B) 6th Inf^{ty} on the following charge
Charge 1st Violation of the General Army Regulations

Spec. In this that he Serg^t James Dillon of Light Company (B) 6th Inf did strike and otherwise maltreat Private Brown of Light Company (B) 6th Inf. without any just cause or provocation, this at Fort Atkinson on or about the 22nd October 1824.—

Charge 2nd Conduct unbecoming a Non Commissioned Officer.

Specⁿ. In this that he Serg^t. J Dillon of Light Company (B) 6th Inf did at Fort Atkinson on or about the 22nd October 1824, get intoxicated whilst doing the duties of Orderly Sergeant in said company.

Fort Atkinson

Signed R. Holmes

23rd Oct^r. 1824

L^t. 6th Inf.

Additional charge preferred against Serg^t James Dillon of Light Company B 6th Inf.

Charge. . . Embezzlement of Company Stores

Specifn. In this that he the said Sergt. James Dillon of Light Company B 6th Inf, did at Fort Atkinson on or about the 23rd Octob. 1824 make way with or otherwise dispose nineteen Gills of Whiskey—the rations belong=
=ing to the company, thereby disgracing himself as a Non Commissioned Officer and behaving in a manner derogatory to his rank

Signed B. Riley

Capt. 6th Inf

To which Charges and Specifications the Prisoner pleaded Not Guilty Private Brown a witness for the prosecution being duly sworn says on or about the time specified, Serg^t. Dillon did strike me with his fist, twice on each side of the head, this at Fort Atkinson, at the company quarters of Company (B)—of the 2nd Charge the witness knew nothing Private McGuinn, witness for the prosecution being duly sworn says, on or on or [sic] about the time specified, the Serg^t ordered me to go after Fresh Beef & at the same asked Brown if he would go. Brown said he would not then said I would take charge of Brown, who replied that he would go with the Sergeant, at which the prisoner struck Brown with his fist—of the 2nd charge the witness knew nothing.

Question by the Prisoner—did I not say to Brown that I would not attend to the drawing, previous to his saying that he would go with me, Answer . . . I do not know

Corp^l Smith, a witness for the prosecution, being duly sworn says on or about the time specified, Serg^t Dillon ordered Brown and McGinn of Company B to go and draw the Beef for the company.—Brown asked who would go with him, and how he should bring the Beef The Serg.^t replied that McGinn would go, that they could bring it in their hands.—McGinn said he would take charge of Brown.—Brown then stepped behind the Serg.^t and said he would follow the Sergeant.—when the Serg.^t struck Brown with his fist.—Brown's conversation was not as respectful as usual, but he did not refuse to go. I thought the prisoner was intoxicated from his not being able to walk steadily and from his talk and actions.—

Question by the prisoner, did you think me so much intoxicated as to be incapable of performing my duty as Orderly Serg^t ?

Answer . . . I did!

Captⁿ Riley a witness for the prosecution being duly sworn says, Serg^t Dillon on or about the time specified, was put in Arrest on Charges preferred by Lieut Holmes, on finding him in arrest, I ordered him, to turn over the company stores to Corp^l Baird.—Corp^l Baird reported to me immediately after, that there was a deficiency of nineteen gills of Company Whiskey.—I brought the prisoner and Corp^l together, and asked him (the prisoner) to account for the whiskey some way or another—he did not account for the Whiskey.

Corp^l Baird a witness for the prosecution being duly sworn, says on or about the time mentioned in the charge, I was ordered to relieve Serg^t Dillon from the Orderly duty of the company, on doing so, found the company stores deficient nineteen gills of Whiskey.—Corp^l Baird was then called upon as a witness for the prisoner, on the 2nd charge proper: by Lieut Holmes . . . Question.—was I intoxicated on or about the 22nd October, to such a degree as to render me incapable of performing my duties.? Answer—I did not think the prisoner was

Adj Pentland, witness for the prisoner being duly sworn says as follows Question by the prisoner. Do you recollect whether I was intoxicated on the evening parade of the 22nd Ins^t.?

Answer I have no recollection of ever seeing the prisoner intoxicated

on parade.—nor do I know whether he was on parade on the time mentioned.—The evidence being closed.—The prisoner requested untill tomorrow at 11 O'clock to make his defence which was granted.

The Court next proceeded to the trial of Corp^l. J. Oliver charged as follows

Corp^l. J. Oliver of Battⁿ. Comp^y. G 6th Infantry is charged with being so much intoxicated on or about the 26th Octob^r. 1824 when for Guard as to render him incapable of performing his duty as Corporal of the police Guard at Fort Atkinson

Signed J. Pentland
Adj^t. 6th Inf.

To which charge the prisoner pleaded Not Guilty

The Court adjourned to meet tomorrow at 10 O'clock 31st October 1824. The Court met pursuant to adjournment Present .—Lieut Wickliffe President

Batman & Richardson Members

Lieut Rogers a witness for the prosecution being sworn, says, on or about the time specified in the charge I was officer of the Police Guard the Prisoner Corp^l. Oliver was Corp^l of Police Guard, at the Adj^t. ordered the inspection of the Guard on the Grand Parade ground, I observed the prisoner in repairing to his Post, staggered very much, when I was preparing the guard for inspection the prisoner appeared very awkward and when I approached him I discovered he was intoxicated.

Serg^t. Bird witness for prosecution being sworn says, on or about the time specified in the charge, when Corp^l Oliver was inspected as Corp^l. of the Police Guard he appeared so much intoxicated as to render him incapable of performing his duty as Corporal of the Police Guard . . . Question by the Prisoner—Was I intoxicated on the company parade previous to my being marched on the grand parade—Answer—When I marched the on the grand parade, I told him he was a little warm, and if he was not careful he would be turned off parade.

Serg^t. Morgan witness for the prosecution being sworn says

on or about the 20th Ins^t. Corp¹ Oliver was brought on the grand parade as Corp¹ of the Police Guard and when he was inspected he appeared so much intoxicated as to render him incapable of performing his duty.

Corp¹ Jennings witness for the Prisoner being sworn says on or about the time specified in the the [sic] charge I saw Corp¹ Oliver go from his room for the purpose of going on guard.—I did not observe any thing in him that indicated intoxication.

The testimony having all been heard—The Court after mature deliberation find the prisoner Corp¹. J. Oliver Guilty of the Charge exhibited against him, and do sentence him to be reduced to the station of a Private Sentinel.

The Court next proceeded to the trial of Corp¹ Isaac O Donnell charged as follows viz

Charge . . . Absence without leave and Drunkenness
Specⁿ: 1st In this that he Corp¹ I ODonnell of Battⁿ Company (I) 6th US Infantry on or about the 25th October 1824 did entice away one of the public teamsters employed at the Farm House in the security of Fort Atkinson, without permission from the Officer in command of the party.

Specⁿ. 2nd In this that he Corp¹ ODonnell did on or about the time aforesaid, absent himself from his party at the Farm House and come into the Garrison without the permission of the Officer in command of the party, and did remain there untill ordered back by Lt. Crossman

Specⁿ. 3rd In this that he the said Corp¹ ODonnell on or about the 25th Ins^t. was so much intoxicated as to be totally incapable of performing his duty as a Non Commissioned Officer.

Signed G. H. Crossman

Lt. Comm^{dg} Fatigue party.

To which Charge and Specifications the prisoner pleaded Guilty
The Court confirm the plea of the prisoner and find him Guilty as charged and do sentence him to be reduced to the station of a private Sentinel.

The Court next proceeded to the trial of Richard Newman

of Battⁿ. Comp^y (I) 6th US Infantry on or about the 25 October 1824, did absent himself from the party to which he belonged, and come into the Garrison without the knowledge or permission of the Officer in Command of the party.

Signed G.H. Crossman

L^t. Comm^{dg} Fatigue party

To which Charge the Prisoner pleaded Guilty

The Court confirm the plea of the prisoner and find him Guilty as Charged and do Sentence him to have his rations of Whiskey stopped for ten days to be appropriated to the company to which he belongs

The Court next proceeded to the trial of Private William Kitchen of Battⁿ Comp^y G 6th US Inf.^{ty} Charged as follows viz.

Private William Kitchen is charged with introducing spiritous Liquor into Comp^y. G. 6th Inf. without permission so to do, and he is charged with selling a pair of Grey Woollen Overalls for Whiskey or other Ardent Spirits on or about the 20th October 1824

Signed J Gantt

Captⁿ. 6th Inf.^{ty}

To which Charge the prisoner pleaded Guilty

The Court confirm the plea of the prisoner and find him guilty as charged—and sentence him to have his Whiskey stopped for ten days, and half of his pay for one month, to be appropriated to the use of the Company to which he belongs.

The Court next proceeded to the trial of Private Barnett of Light Company B charged as follows viz.

James Barnett of Light Comp^y. B 6th Inf is charged with Quarrelling and fighting with Private Montgomery of said company and Reg^t. at Fort Atkinson on or about the 29 Oct. 1824

Signed B Riley

Capt. 6th Inf

To which charge the prisoner pleaded guilty

The Court confirm the plea of the prisoner, and find him Guilty as charged and sentence him to have his rations of Whiskey stopped

for ten days and to be privately reprimanded by his Company Officer.

The Court adjourned to meet tomorrow at 10 O'clock Nov^r 1st 1824. The Court met pursuant to adjournment.

Present Lieut Wickliffe President

Batman & Richardson Members

The Court then proceeded to the trial of Private Harrington of Battⁿ. Company (K) 6th Inf. charged as follows viz

Joseph Harrington of Battⁿ. Comp^y (K) 6th Inf. is charged with neglect of duty.

Spec: In this that on or about the 28th October 1824 when he the said Harrington was placed as a watch over the public cattle appertaining to the dairy establishment in the vicinity of Fort Atkinson with instructions to keep them out of the Corn, Potatoes & he neglected to do so—and through his neglect, the public Cattle aforesaid got to the public potatoes and eat many of them and damaged many more.

Signed Z. C. Palmer

Ass. Comm. Sub

To which Charge the prisoner pleaded Not Guilty Col. Leavenworth witness for prosecution being sworn says—all I can say on the subject is, I gave orders to L^t. Palmer to cause the men at the Dairy to watch the Dairy cattle to prevent them doing any damage to the public field—that is all I know of the specification, I do not know that the cattle did destroy the potatoes. The Corp^l. who had charge of the Potatoe field reported it to me by order of Captⁿ. Armstrong and gave me of the prisoner and a man by the name of Briant, who he said had charge of the dairy cattle.

Captⁿ. Armstrong a witness for prosecution being sworn says, I know nothing of the charge myself, the circumstances set forth in the specification was reported to me by my Corporal

The Court after mature deliberation on the testimony adduced find the prisoner Private Harrington Not Guilty, and do therefore

acquit him.

The Court next proceeded to the trial of Private Briant of Battⁿ Comp^y. (G) 6th Inf charged as follows viz

Private Leonard Briant of Captⁿ Gantt's Company 6th Inf is charged with Neglect of Duty—

Spec:--In this that on or about the 28th October 1824, when the said Leonard Briant was placed as a watch over the public Cattle appertaining to the Dairy establishment in the vicinity of Fort Atkinson with instructions to keep them out of the Corn, Potatoes & he neglected to do so, and through his neglect the public cattle aforesaid got to the public potatoes and eat many of them and damaged many more.

Signed Z. C. Palmer

Ass. Comm: of Sub

To which Charge the prisoner pleaded Not Guilty

Col. Leavenworth a witness for prosecution being duly sworn says all that I can say on the subject is, I gave orders to L^t. Palmer to cause the men of the Dairy to watch the Dairy cattle to prevent them from doing any damage to the public field that is all I know of the specification—I do not know that the cattle did destroy the Potatoes—the Corp^l. who had charge of the Potatoe field reported it to me by order of Capt. Armstrong he said and gave me the names of Harrington & Briant who he said had charge of the Dairy Cattle.—

Captⁿ Armstrong witness for prosecution being sworn says, I know nothing of the charge myself—the circumstances were reported to me by Corporal Parsons who had charge of the potatoe field.

The Court after mature deliberation find the Prisoner Briant Not Guilty of the charge exhibited against him and do therefore acquit him.—

Was next tried Corp^l Duffy of Battⁿ Comp^y. E 6th Inf. charged as follows viz.

Charge . . . Repeated intoxication

Spec. In this that he Corp^l. Duffey of Comp^y. (E) 6th Inf.
was intoxicated on the 29th, 30th and 31st days of October 1824.
at Fort Atkinson

Signed J. Rogers
Lt. Comm^{dg} C^o E

To which charge the prisoner pleaded Guilty
The Court confirm the plea of the prisoner and find him Guilty as
charged—and sentence him to be reduced to the station of private sentinel
Serg^t. Dillon having informed the Court that he was ready
to proceed—produced the following Defence:

Fort Atkinson 1st November 1824

Mr. President & Gentlemen of the Court.

I commence my defence on charges prepared against
by D. C. Brown of Light Company B. The first charge I am
arraigned for is “violating Army Regulations”—on this charge I
have only to say that the said Brown by his own testimony said “who
should go with me” I told him McGinn would go with him after
Beef, to which Brown replied “I will go with the Serg^t. thereby
transcending his rank as a private, and showing that he would do
his duty only as he pleased.—McGinn a witness says that I
ordered him and Brown to go after Beef to the Commissary Store,
McGinn then said “I will take charge of him” and the said Brown
immediately jumped in behind me & said “I will go with the Serg^t.”
and when he said that I struck him once with my fist. Corp^l Smith
being sworn by the Court says—that I ordered Brown to go for Beef
and that Brown asked who was to go with him, McGinn the
preceeding witness says I am going with you, he then appeared
angry, and showed more disrespect to me than he ought to do, I beg
leave to call the attention of the Court to the inference in the testimony
of the witness. But Gentlemen of the Court had I struck him
once, twice or three times I was only doing my duty as a Non
Commissioned Officer, for by the evidence sworn in Court he should
showed an intention to mutinize & not obey my orders. Another thing
I have to say, why no visible marks of violence was seen or found on

on him—I did not mean to hurt or injure him only to let him know that my orders should be obeyed.—He next says that I was intoxicated on his 2nd Charge—He being sworn says he knows nothing of my being intoxicated as charged. McGinn another witness says the same, Corp^l Smith another witness says in one place I was intoxicated and in another that I was incapable of performing my duty—Now Gentlemen it appears strange to me, and there is no doubt it appears so to ~~you~~ the Court that the other men who were present, at the same time could not discover that I was intoxicated as well as Corp^l Smith—The Adj^t of the Reg^t. L^t. Pentland says that I performed my duty and if I had neglected doing so at Retreat he should have taken notice of it—Corp^l Baird another witness says that I was in=
=capable of doing my duty at Retreat the evening I was charged with being intoxicated—as to the additional charge I have only to say, that it was not my intention to defraud the Company of any part of their rations, far be it from me to do so, I have served my Country as a good and faithful servant for a long time and I expect never to defraud or cheat any one, I have done Orderly duty a long time & have never defrauded a man of any part of his rations & I hope the Court will consider for an old and faith=
=ful soldier—my deficiency should have been made good had I had time before that charge was filed against me
I lay myself entirely on the Honorable Court for their due consideration of all the circumstances of my case and hope that they will also take into consideration my long services in the army.

I am with due respect

Your most Ob^t. Serv^t.

James Dillon

The Court having been cleared and the testimony all read over the Court after mature deliberation find the Prisoner James Dillon Guilty of the first charge, leaving out the words “without provocation” Guilty of the second Charge

and Guilty of the Additional Charge & Specification and do sentence him to be suspended from his rank and pay as a Sergeant for one month, to have his rations of Whiskey stopped for 19 Days to be appropriated to the Company to which he belongs

The Court adjourned

H Leavenworth
Col. Comg

Orders
Head Q^{rs} 6th Inf
Fort Atkinson 3rd Nov 1824

The proceedings of the Court Martial of which Lieut Wickliffe is President are approved and the sentences will be carried into effect.

The Court is Dissolved

Proceedings of a Regimental Court Martial held at Fort Atkinson by virtue of the following Order:

Orders
Head Q^r. 6th Infantry
Fort Atkinson 4th Nov. 1824

A Regimental Court Martial will convene to day at ten O'clock and at such place as the President may direct for the trial of such prisoners as may be brought before it

Captⁿ Pentland President

Lieut^s. Folger & Andrews Members

By Order of Col. Leavenworth

Signed J. Pentland

Adj^t. 6th Inf.

The Court met pursuant to the above order:

Present. Captⁿ Pentland President

Lieut^s Folger and Andrews Members

The Court being duly sworn in the presence of the prisoners who being previously asked if they had any objections to the Members named in the order & replying in the negative, proceeded to the trial of Private Hatton C^o E 6th Inf. on the following Charge, preferred by Lieut Rogers 6th Inf
Private Hatton (of C^o E 6th Inf) is charged with
Unsoldierlike Conduct.

Spec: In this that he the said Hatton of (C^o E 6th Inf) did while in confinement in one of the cells near the Q^rM^a. Store tear down or assist in tearing down the Stone wall the partition between the cells this at Fort Atkinson on or about the 1st Nov. 1824

To which Charge the prisoner pleads Not Guilty
Corp^l Jennings of (C^o E 6th Inf) a witness for the prosecution being duly sworn says—That he knows nothing of the Charge & specification.

Corp^l Huey a witness for the prosecution being duly sworn says that he knows nothing of the charge & Specification

The evidence on the part of the prosecution being closed—The Court find the prisoner (Private Hatton) Not Guilty of the Charge as specified & do therefore acquit the Prisoner.—

The Court next proceeded to the trial of Corp^l Edward Desmond of (C^o I 6th Inf) on the following Charge
Charge . . . Conduct unbecoming a Non Commissioned Officer & soldier.

Spec: In this that he the said Corp^l E. Dismond of Battⁿ C^o. I 6th Inf did beat, strike, abuse and maltreat Private David Mhon of Battⁿ. C^o D 6th Inf without cause or provocation in such a manner as to cause him to be removed to the Hospital this at the Kitchen of Capt. Gray on or about 1st November 1824 at Fort Atkinson.

Signed G. W. Folger
Lieut 6th Inf.^{ty}

Corp^l Johnson a witness for the prosecution being duly sworn

says—I was in the room about the time specified—The Candle was put out & a scuffle took place but I did not see Corporal Dismond strike Mhon, a moment after the Candle was put out I left the room.—

Antony Crevia (a Waiter to Lieut Batman) & a witness for the prosecution being duly sworn says—I was in the Kitchen (about the time specified in the charge) when some words passed between Corp^l. Dismond & Mhon, I saw Corp^l Desmond strike Mhon, but I do not know if it was with his fist or not—Mhon then ran out of the room—I heard Mhon abuse Corp^l Dismond (before he was struck) & say he had no command over him.

D^f. Gale (a witness for the prosecution) says Mhon was brought to the Hospital from an injury he received—on examining him I found one of his ribs had been broken & that he had received two cuts over the left eye. –

The evidence on the part of the prosecution being closed—Private Harris (C^o J) 6th Inf a witness for the prisoner (being sworn) says I heard Mhon call Corp^l Dismond a damn son of a bitch once or twice—I heard Corp^l Dismond order him to be silent, but he still kept talking. The testimony being closed.—The Court after mature deliberation find the prisoner Corp^l. E. Dismond not Guilty of the charge. Guilty of so much of the specification as relates to his striking Mhon, leaving out the words: “without cause of provocation” but the Court taking into consideration all the circumstances of the case, Justify Corp Dismond in his conduct towards Mhon and attack no criminality thereto.

The Court next proceeded to the trial of Private John Myers of Major Ketchum’s Co.^y D 6th Inf. is charged with neglect of duty & disobedience of orders—Specⁿ.—In this that he the said John Myers on or about 2nd day of Nov. 1824 after having been detailed & reporting to Lieut Palmer A.C. of Sub^{ce} & after he the said Myers had received particular orders from L^t. Palmer to go with Jenness & other men and report to Corp^l. Elkins to assist in helping one of the public Cattle out of the mud or mire in the vicinity of

Fort Atkinson did neglect to do so, but left the party in a few minutes after receiving the order of L^t Palmer as aforesaid
 To which Charge the prisoner plead Not Guilty
 Lieut Palmer a witness for the prosecution being sworn says on or about 2nd Nov^r. 1824 I applied to the Comm^{dg} Officer of this Post for a detail of Six men, he had them detailed—Myers reported to me that himself and four other men had been directed to report to me—I ordered him to go with Jenness and report to Corp^l. Elkins and assist in getting an ox or some Cattle out of the mud or mire—In a few minutes after I saw Myers ascending the hill near my quarters—I enquired the cause of his leaving the party—he said that Madden had left the party and that he came back after him—I ordered him to look for & find him & if he did not find him to go & report to the Corp^l. directly
 Corp^l. Elkins a witness for the prosecution being sworn was questioned as follows—Question by the Court—Did the prisoner (Myers) report to you on or about 2nd Nov. 1824—Ans^r. He did not.—Jenness a witness for the prosecution being sworn says That Lieut Palmer ordered six men one of whom was Myers to go with me & report to Corp^l Elkins, to assist in getting an Ox out of the mud or mire—Myers & two other men left me at the Brick yard & did not afterwards join the party in getting the Ox out of the mire.—The testimony being closed the Court find the prisoner (Myers) Guilty of the charge as specified and sentence him to have his Whiskey stopped for 30 days, to be confined to the Guard House for 7 days to ride the wooden horse one hour each day for the same period & to have a Ball & chain attached to his leg for the same time.

The Court then proceeded to the trial of Private Joyce Charge . . . Private Joyce of Battⁿ. C^{oy} K 6th Inf is charged with leaving his party after having been detailed & received orders from L^t. Z. C. Palmer A.C. of Sub: to report to Corp^l Elkins to assist in helping one of the public Cattle out of the mud or mire in the vicinity of Fort Atkinson on or about 2nd Nov^r. 1824.

Signed Z. C. Palmer
Aj. Comm^{dg} of Sub.

To which charge the prisoner plead as follows
Guilty of leaving the party, but not Guilty of receiving any orders
from L^t. Palmer.

Lieut Palmer a witness for the prosecution being sworn says
(in answer) Questⁿ. by the Court—Did you give orders to the
prisoner as specified in the charge—Answer—About the time
specified at this Post Myers came to my room & reported that
himself and five men were directed to report to me—I went near
to the gate of my yard. (near where the prisoner Joyce & the other
men were standing) I spoke in a very clear and audible voice “to
go all of you & report to Corp^l. Elkins & assist in the getting out
of the mud or mire the public Cattle.”

The testimony being closed—The Court find the prisoner
(Private Joyce) guilty of the Charge as specified & Sentence
him to have his Whiskey stopped for 30 days, to be confined to
the Guard house for 7 days, to ride the wooden horse for the same
period and to wear a Ball and Chain to his leg for the same time.

The Court proceeded to the trial of Private Madden.
Charge—Private Madden of (C^o E 6th Inf) is charged with
leaving his party after having been detailed and received orders
from L^t. Palmer A.C. of Sub^{ce}. to report to Corp^l Elkins to
assist in helping one of the public Cattle out of the mud or
mire in the vicinity of Fort Atkinson on or about 2nd of Nov.
1824.

Signed Z.C. Palmer
Ass: Comm^g of Sub.

To which charge the prisoner pleaded as follows—Guilty
of leaving the party but not Guilty of receiving any orders from
Lieut. Palmer.—Myers a witness for the prosecution says
Question by the Court—Was Madden one of the party which you
reported to Lieut. Palmer for the purpose of getting one of the
public Cattle out of the mire as specified in the Charge

Ans^r—He was one of the Party

Questⁿ by the Court—Did Lieut Palmer give any orders to the party and what was those orders

Ans^r. Lieut Palmer did give orders to the party and direct them to report to Corp^l. Elkins for the purpose of getting one of the public Cattle out of the mire.

The evidence being heard—The Court find the Prisoner (Private Madden) Guilty of the charge as specified and sentence him to have his Whiskey stopped for 30 days, to be confined to the Guard House for 7 days, to ride the Wooden horse one hour each day for the same time and to have a Ball and Chain attached to his leg for the same period.

The Court having no further business before it adjourned
Sine Die.

C Pentland
Capt Adj
& Pres of Ct

Orders

Head Quarters 6th Regiment
Fort Atkinson 6th Nov^r. 1824

The proceedings of the Court Martial of which Captⁿ Pentland is President are approved and the Sentences will be respectively carried into effect.

Corp^l Desmond having been acquitted by the Court is hereby released from arrest and will return to duty as before his arrest

H Leavenworth
Col. Comg

Proceedings of a Garrison Court Martial convenes at Fort Atkinson Council Bluffs by virtue of the following order

Head Quarters Fort Atkinson

Order November 8th 1824.

A Garrison Court Martial will convene immediately for the trial of such prisoners as may be brought before it and at such place as the President may direct

Captⁿ Spencer President

Lieut^s Harney and Stuart Members

By Order of Col. Leavenworth

Signed J. Pentland

Adj^t. 6th Inf

Novemb^r. 8th 1824.

The Court met pursuant to the foregoing order Present Captain Spencer President, Lieut^s Harney and Stuart Members. The Court being duly sworn in presence of the prisoners to be tried, who being previously asked if they had any objections to the Members mentioned in the order and replying in the negative the Court adjourned, till tomorrow at 10 O'clock.—

9. Nov. 1824. The Court met pursuant to adjournment Present Captⁿ Spencer President Lieut^s Harney and Stuart Members and proceeded to the trial of Serg^t M^cClements of Comp^y G 6th Inf. who was arraigned on the following Charge and Specification preferred against him by Lieut Andrews Charge . . . Serg^t M^cClements of Comp^y G 6th Inf. is charged with being drunk on Guard, while on duty as Sergeant of the Police Guard this at Fort Atkinson on or about the 7th November 1824.

Signed G. Andrews

L^t. 6th Infantry

To which charge and specification the prisoner pleaded Guilty The Court confirm the plea of the Prisoner and sentence him to be reduced to the station of a Private sentinel.

The Court next proceeded to the trial of Serg^t Wyatt of Light C^o B 6th Inf. who was arraigned on the following Charge and Specification preferred against him by Lieut Andrews—Charge—Serg^t. Wyatt of

Light Company B 6th Inf. is charged with Gambling or playing cards with private Boyd of the same Company and Regiment. This at Fort Atkinson on or about the 5th and 6th November 1824.

Signed G. Andrews
L^t. 6th Infantry

To which Charge the Prisoner pleaded Not Guilty
Private Waterhouse a witness for the prosecution being duly sworn says about the time specified I saw the Prisoner Sergeant Wyatt playing at cards with Private Boyd and others. I heard the rattling of money whether or not they were gambling I cannot say. The testimony on the part of the prosecution being closed and the prisoner having nothing to say the Court was ordered to be cleared. The Court after mature deliberation on the testimony adduced do find the prisoner Guilty as charged and do sentence him to be suspended from his rank for one month and to do duty in his company as a private sentinel for the same length of time.

The Court adjourned till tomorrow at 10 O'clock

Nov^r. 11th 1824. The Court met pursuant to adjournment—Present Captⁿ Spencer President—Lieut^s Harney and Stuart Members owing to the indisposition of Capt. Spencer the Court adjourned to meet tomorrow at 10 O'clock Novr 11th 1824. The Court met pursuant to adjournment –Present-Captn Spencer President- Lieuts Harney and Stuart Members and proceeded to the trial of Corp^l. Parsons of Comp. B 6th Inf is charged with intoxication, and with breaking open the door of the Cook room of Light Company B 6th Inf. after tattoo on or about the 5th of March 1824 at Fort Atkinson.

Signed G. Andrews
L^t. 6th Infantry

To which charge and Specification the Prisoner pleaded Not Guilty
Private Caldwell of Comp^y. B 6th Inf. a witness for the prosecution being duly sworn says I heard the Prisoner Corp^l Parsons at the door of Comp^y. B Cook room about the time specified—The prisoner told private Barnett of Comp^y. B to break open the door and he the prisoner would see him (Barnett) out in it. The door was broken open, the prisoner,

Privates Amos and Barnett entered the room, The Prisoner was intoxicated Private Amos a witness for the prosecution being duly sworn says—about the time specified the time specified [sic] the prisoner (Corporal Parsons) Barnett and myself went to the door of Comp (B^s) Cook room. Corporal Parsons ordered the door to be opened. They would not open it. The door was then forced open. I know not by whom. I do not know whether or not the prisoner was intoxicated. He appeared to have been drinking.—

Questⁿ. by the Court—Was you near the door when it was forced open

Ans^r. I was within a few feet of it.

Questⁿ. by the Court.—Was the moon shining at the time the door was forced open.

Ans^r. I do not know whether the moon was shining or not.

Private Edsell a Witness for the prisoner being duly sworn says—as near as I can judge between the hour of 2 & 3 on the night specified I heard the prisoner at the door of Comp^y. B^s Cook room—He asked me to open it I was in the adjoining room when I heard him; I left my bunk and went to the kitchen door. They would not let me in. I returned immediately to my bunk, leaving the Prisoner (Corp^l Parsons) and others at the door I should judge that the prisoner was not intoxicated.

Questⁿ by the Court. . . Was it light enough to distinguish a man?

Ans^r. It was.

The testimony on the part of the prosecution being closed and the Prisoner having no defence to make, the Court was ordered to be cleared

The Court after mature deliberation on the testimony adduced do find the Prisoner Guilty as charged, and do sentence him to be reduced to the station of a Private Sentinel. The Court then adjourned till tomorrow at 10 O'clock

Nov. 12th 1824. The Court met pursuant to adjournment Present Captain Spencer President—Lieut^s Harney & Stuart Members and proceeded to the trial of Serg^t. Rob^t. Ferguson of Company H 6th Inf. who was arraigned on the following Charges and Specifications preferred against him by Lt Richardson Charge 1st Conduct unbecoming a Non Commissioned Officer.

Specⁿ. 1st In this that he the said Serg^t. Rob^t. Ferguson did take and ride a horse, the property of Lieut. Wragg, to the Cornfield without the

knowledge and permission of the said Lieut Wragg this at Fort Atkinson on or about the 9th Novemb^r. 1824

Specⁿ. 2nd. In this that he the said Sergeant Rob^t. Ferguson did absent himself from his quarters without the knowledge or permission of his immediate commanding Officer Lieut. Richardson and remain absent during the greater part of the day.—

Charge 2nd Embezzlement of Company Stores.

Specification. In this that he the said Serg^t. Rob^t Ferguson did make way with a quantity of company whiskey that was entrusted to his care as Orderly Sergeant of the Company in as much as he was deficient of about thirty Gills. this at Fort Atkinson on or about the 9th of November 1824.

Charge 3rd Drunkenness and Riotous conduct

Specification 1st In this that he the said Sergeant Ferguson did get so much intoxicated as to render himself incapable of performing his duty as a Non Commissioned Officer This at Fort Atkinson on or about the 9th November 1824.

Specification 2nd—In this that he the said Sergeant Ferguson did quarrel with and abuse private Wilcox of said Company by cursing and Jerking him from his seat whilst the said Wilcox was sitting peaceably in his room all this at Fort Atkinson on or about the 9th of November 1824.

Signed A Richardson
L^t. 6th Inf.^{ty}

To all and each of which Charges and specifications the prisoner pleaded Not Guilty. Lieut. Wragg a witness for the prosecution being duly sworn says Relative to the 1st Specification the 1st Charge the prisoner had not my permission to ride my horse on the 9th Nov. 1824 The witness knows nothing of the remaining specifications and Charges. Lieut Richardson a witness for the prosecution being duly sworn says I know nothing of the 1st specification of the 1st charge—Relative to the 2nd Specification—he says I went to the company quarters several times on the 9th November and was not able to find the Prisoner. He absented himself without my permission of knowledge. To the

specification to the 2nd Charge he says, on the Prisoner's return to Camp he was arrested and the Company Stores were given over to Corporal Evans of the same Company. In measuring the Whiskey it was found deficient of about thirty Gills. To the 1st Specifⁿ to the 3rd Charge the witness states that the prisoner was too much intoxicated to do his duty. Relative to the 2nd spec to the 3rd charge the witness says, I entered the room of the prisoner Serg^t Ferguson of Comp^y H on the evening of the day specified found him and Private Wilcox of the same Comp. quarrelling and making a noise. The prisoner was hollowing and making a noise on the porch I ordered him to confine himself to his quarters and stop his noise immediately after he entered the room he again commenced his noise.

Corporal Evans of Comp^y H a witness for the prosecution being duly sworn says To the 1st Specification of the 1st charge about the time specified I saw the prisoner riding on horse. I do not know whose horse it was of the 2nd Spec to the 1st charge the witness knows nothing. To the speci=
=fication to the 2nd charge he says when the company whiskey was measured and turned over to me there were thirty Gills wanting to complete the rations. To the 3rd Charge the witness says on the 9th of November the prisoner was so much intoxicated as to be incapable of doing his duty his conduct was riotous.—

Questⁿ. by the Prisoner . . . Was I present when the Whiskey was measured and turned over to you?

Ans^r. The prisoner (Sergeant Ferguson) was not Present

Questⁿ by the Prisoner . . . Did you see any person take whiskey from the Company store whilst I was lying on my bunk previous to my arrest.

Ans^r. I saw Wilcox get the key from the prisoner (Sergeant Ferguson) whilst he was lying on his bunk and draw Whiskey twice.

Questⁿ by the Prisoner. Was I in arrest or doing the duty of Orderly Sergeant at the time you state I was so much intoxicated as to be incapable of doing my duty?

Ans^r. The Prisoner was doing the duty of Orderly Sergeant

Questⁿ by the Court. Did the prisoner (Serg^t Ferguson) give the key to Private Wilcox, or did private Wilcox take it without the prisoner's knowledge

Answer. The prisoner gave Wilcox the key.

Private Wellman a witness for the prosecution being duly sworn says I know nothing of the 1st Spec: 1st Charge relative to the 2nd Spec. I know the prisoner was absent from Camp about the time specified. I do not know whether he had permission or not. The Witness knows nothing of the Specⁿ to the 2nd charge. To the 1st Spec. 3rd Charge he says on the evening of the 1st Nov^r. The Prisoner (Serg^t Ferguson) was too much intoxicated to perform his duty. To the 2nd Spec: 3rd charge. The Prisoner came into the room and told Wilcox that he had a mind to beat him. Wilcox asked him for what cause. The prisoner then took hold of Wilcox pulled him from his seat and cursed him.

Questⁿ by the Prisoner . . . Do you know that I had orders from the Adjutant to go to the Cornfield after two men to attend the Court?

Ans^r. The Orderly call was sounded the prisoner went to the Adjutants Office, when he returned he said he was going to the Cornfield after men I then thought he had orders.

Private Martin a Witness for the prisoner being duly sworn says in answer to the prisoners question. (Questⁿ Did you give me an order to leave the Camp on the 9th November) When I was doing the duty of Serg^t. Major on the 9th November, I gave the prisoner orders to furnish certain men (who were then absent from camp) to appear before the Court. The testimony on the part of the prosecution and of the Prisoner being closed, the Court was cleared and after mature deliberation on the evidence collected the court do find the prisoner not Guilty of the 1st Spec: to the 1st Charge Guilty of the 2nd Specⁿ. of the 1st Charge and Guilty of the Charge. Guilty of the Spec: to the 2nd Charge and Guilty of the 2nd Charge. Guilty of the 1st Specⁿ to the 3rd charge. Guilty of the 2nd to the 3rd Charge and Guilty of the 3rd charge and do sentence him to be reduced to the station of a Private Sentinel, to have his rations of Whiskey stopped for thirty days, the whiskey so stopped to go to the company to which the prisoner belongs.

The Court then proceeded to the trial of Corporal Josiah Elkin of Captain Gantts Comp. 6th Inf. who was arraigned on the following charges

and specifications preferred against him by L^t. Palmer.
Charge . . . Disobedience of Orders & Neglect of Duty
Spec. In this that the said Corp^l Elkins did (on or about the 9th
of November 1824 at the Farm House in the vicinity of Fort Atkinson
when the Orders of Lt. Palmer were communicated to him respecting the
Cattle which he had charge of, with two men to assist in herding them
with orders to keep them from the Corn and turnips in the vicinity of Fort
Atkinson) say that he would drive them to Hell if he (L^t. Palmer)
wanted him to, but he would not watch them a minute, notwithstanding
he had particular orders to do so. Specⁿ. 2nd In this that when the
said Corporal Elkins was in charge of a guard of two men, with orders
to keep an herd of the public cattle off from or out of the Corn and
turnips in the vicinity of Fort Atkinson on or about the 10th Novemb^r. 1824
the said Corp^l. did neglect to do so, and through his neglect a large
quantity of turnips and Corn has been destroyed or much damaged.
Specⁿ 3rd In this that the said Corp^l. Elkins did leave his guard on or
about the 9th Nov^r. 1824 and remain in or about the Cant^t. Fort Atkinson
untill the 10th Nov^r. 1824 without permission and during his absense on
the nights of the 9th & 10th of Nov^r. 1824 the cattle were in the Corn
and turnips and did much damage.
Spec: 4th In this that the said Corp^l. Elkins has been guilty of and
uniform series of neglect of duty from the 7th to the 10th Nov^r. 1824.
when in charge of a guard of two men with orders to herd and keep
from the corn and turnips as aforesaid the public cattle, and through his
neglect the cattle have repeatedly and frequently been in the corn and turnips
and have done much damage

Signed Z.C. Palmer

L^t. 6th Inf.

To which charge and specifications the prisoner pleaded Not Guilty
Corp^l Briggs a witness for the prosecution being duly sworn says relative
to the 1st Spec. The prisoner Corp^l Elkins was in charge of the Cattle
with orders to keep them off the corn and turnips about the time specified.
To the 2nd Specⁿ. The witness says: about the time specified the Cattle
which the prisoner (Corp^l. Elkins) had charge of, was on the Corn

and a considerable quantity destroyed. I drove them off. The prisoner Corp^l Elkins was not present. To the 3rd Specⁿ. much of the Corn and many of the turnips was destroyed on the nights of the 9th & 10th of Nov. 1824. To the 4th Specⁿ. The Witness says, the Cattle were on the Corn and turnips frequently between the 7th and 10th Nov. 1824 and did much damage. I do not know that it was through the prisoner's neglect.

Question by the Court . . . If the Prisoner (Corp^l Elkins) had been there with his guard, could he have kept the Cattle from the Corn and turnips?

Ans^r. I believe he could not.

Private Toleman a witness for the prosecution being sworn says, about the time specified I heard Mr Savey tell the prisoner (Corp^l Elkins) to drive the cattle around the pond. The prisoner said he would do so or drive them to Hell if he was ordered, but he would not keep them there. He had driven them around the pond once, and they got back nearly as soon as he did himself.

Relative to the 2nd Spec. The Witness knows nothing. 3rd and 4th Specⁿ. nothing. Private Fish a witness for the prosecution being duly sworn says, to the 1st Spec: I heard Mr. Savary tell the prisoner (Corp^l Elkins) to drive the cattle around the pond. The prisoner said he would or dive them to Hell if ordered, but he would not watch them a minute.

Question by the Court . . . Do you know that the Prisoner had orders from L^t. Palmer to watch the Cattle, and keep them from the turnips?

Answer I do not. The Witness knows nothing of the other specifications.

Serg^t Bird a witness for the prosecution being duly sworn says: To the 1st Specification: On or about the evening of the 9th Nov^r. the prisoner staid in Captⁿ Gantts Company quarters, he said he was unable to go out owing to lameness. The witness knows nothing of the other specifications. Questⁿ by the Court—Was the prisoner (Corp^l Elkins) under the direction of L^t. Palmer? Ans^r. He was on special detail with orders to report to L^t. Palmer.

Private Smith a Witness for the prosecution being duly sworn

says; relative to the 1st Specifⁿ. I was one of the guard and understood that Corp^l Elkins had orders to keep the Cattle from crossing the Creek to the side where the Corn was. To the 2nd Spec. he says the guard watched and kept the Cattle from the Corn, from daylight till dark, but did not watch them during the night.

Question by the Court . . . Do you believe the Corporal and his guard could have kept the Cattle from the Corn and turnips during the night had they watched him? Ans^r. I do not believe they could

To the 3rd Spec. The Witness says; the prisoner was absent one night about the 9th Nov^r. some Corn destroyed that night by the cattle.

Questⁿ by the Court—Had the Corporal permission to be absent that night?

Ans^r. I do not know. 4th Specⁿ. The witness states that the Cattle were on the turnips frequently between the 7th and 10th Nov^r. 1824.

Question by the prisoner. When I left my guard, did I not say that I was going in pursuit of Cattle, by order of Lieut Palmer?

Ans^r. The prisoner did say so.

The Court being cleared, and after mature deliberation on the testimony adduced, do find the prisoner Corp^l Elkins, Guilty of the 1st Spec. guilty of the 2nd Spec. Guilty of 3rd Spec. Guilty of 4th Spec. and Guilty of so much of the charge as relates to neglect of duty and do sentence him to be reduced to the station of a private sentinel. The Court then adjourned 'till tomorrow at 10 O'clock.

Nov^r. 13th 1824. The Court met pursuant to adjournment Present

Captⁿ Spencer President

Lieut^s Harney and Stuart Members

And proceeded to the trial of Musician Cleveland of Light Company A. 6th Inf. who was arraigned on the following charges and Specifications preferred against him by Captⁿ Gantt 6th Inf

Charge 1st Insubordinate and disrespectful Conduct.

Specⁿ. In this that he, the said Warren Cleveland a musician of Light Comp. A 6th Inf. did at the Sutler's store near Fort Atkinson strike Corp^l Hollis of Comp. (G) 6th Inf with his fist or otherwise in presence of Private Soldiers of the 1st and 6th Regiments thereby treating with disrespect and contempt his superior on or about the 7th Nov^r.

Charge 2nd Riotous Conduct

Spec: In this that he the said Cleveland of the aforesaid Comp^y and Reg^t. did create a riot and noise in or at the Sutler's store near Fort Atkinson by striking Corp^l. Hollis of Comp^y G 6th Inf On or about the 7th Nov^r. 1824.

Signed J Gantt

Captⁿ 6th Inf

To the 1st of which charges and Specifications the prisoner pleaded Guilty. Not Guilty to the 2nd Charge and Specification.

Mr. Sagrande a witness for the prosecution being duly sworn says I saw the prisoner strike Corporal Hollis I heard no noise Corp^l Hollis Comp^y G 6th Inf a witness for the prosecution being duly sworn says about the time specified I went to the Sutler's store to purchase some articles, the prisoner came in, some conversation passed between us, and he struck me, no noise was made.

The evidence on the part of the prosecution being closed, the prisoner having no defence to make the Court was cleared. The Court confirm the plea of the prisoner to the 1st Charge and Specification and after mature deliberation on the testimony before them do find the prisoner Warren Cleveland guilty of so much of the Specification of the 2nd Charge as says he was creating a riot Not Guilty of the remainder of the specification. Guilty of the 2nd Charge. And do Sentence him to solitary confinement for one month, except one hour each day, which hour he shall ride the Wooden horse, his rations of Whiskey be stopped for one month.

The Court adjourned Sine Die

C Spencer

Capt. Infy

President

Orders

Head Q^{rs} Fort Atkinson
13th Nov^r. 1824.

The proceedings of the Garrison Court
Martial of which Captⁿ Spencer is President are approved.
The Sentences of the Court will be severally and respectively carried
into full effect.

The Court is Dissolved

H Leavenworth
Col Comg

Post Orders

Head Q^{rs} Fort Atkinson
Nov. 15th 1824

A Garrison Court Martial will convene
immediately for the trial of such prisoners as may be brought
before it and at such place as the President thereof may direct

Captⁿ Riley President
Lieut Gwyne 1st Inf. Members
Lieut. Crossman 6th Inf.

An Orderly from the Music will attend the Court.

By Order of Col. Leavenworth
J. Pentland
Adj^t. 6th Infy

The Court met pursuant to the above order.

Present Captⁿ Riley President
Lieut^s Gwyne & Crossman Members

and being duly sworn in presence of the Prisoner who being previously
asked if he had any objection to either of the members of the
Court and replying in the negative proceeded to the trial of Serg^t
Thomas C Bird of Battⁿ Comp^y (G) Charged with—Oppressive
and Tyrannical Conduct to his Inferiors.—

Specification.—In this that he the said Serg^t Bird of the
Company and Regiment aforesaid did at Fort Atkinson on or

about the 13th Nov^r. 1824, Kick, strike or otherwise maltreat
Private Charles Gibson of the aforesaid company thereby treating
with oppression and Tyranny the men under his command.

Witnesses Pr^{te} Gibson

“ Washington

“ Kelly Richmond

To which Charge and Specification the prisoner pleaded Not Guilty
Private Charles Gibson a witness for the prosecution being duly sworn
says: on or about the time mentioned in the Charge I went into one
of the rooms of Comp^y. (G) when Childers began to say something to me
and I forbid, telling him that if he repeated it, he and I should
come together.--Serg^t Bird ordered me out of the room saying I
was on furlough and had no business there.—I told him I could come
into the Comp^y. room whenever I pleased if I behaved myself and if
I did not behave properly he could order me out. The Serg^t. then
ordered me again to leave the room and I obeyed him but while going
out told him that if I behaved myself I would come into the
room whenever I pleased.

Priv: Washington a Witness for the prosecution being duly sworn
says: on or about the 13th Ins^t. I was in one of the rooms of Comp^y.
(G). Charles Gibson came into the room and the Serg^t. ordered him
to leave it—Gibson told him that he thought when he behaved
himself civilly he had as much right to be there as in any room of
the Company—As Gibson was going out according to the Serg^{ts}
order—the Serg^t. made a kick at him and ordered him to be gone
immediately—Gibson replied “I am going Serg^t. don’t abuse me”
The Serg^t. then ordered Ames and myself under arms to bring Gibson
to the Guard House.—As the Serg^t., Ames and myself went out to take
him we saw Gibson at the door of the Capt^{ns} quarters arrive with
a stick with which he threatened to strike the Serg^t. if he came near
him.—The Serg^t. went up to him when Gibson struck him with
the stick and knocked him down

Questⁿ by the Prisoner—When I ordered Gibson to leave the room
did you or did you not hear him tell me to kiss his posteriors?

Ans^r. I did.

Private Kelly a witness for the prosecution being duly sworn says.—I was in one of the rooms of Comp^y. (G) about the time mentioned in the specification—I heard a quarrel between Childers and Gibson.—The Serg^t ordered Gibson to leave the room and he did not go out—The Serg^t ordered him out again and as he was going out the Serg^t kicked him.

Captⁿ Gantt being called upon by the Prisoner states in answer to the following question by the Prisoner.—Will you have the goodness to state to the Court what has been my general conduct as a Non Commissioned Officer while under your command?

Ans^r. The Serg^t has generally done the duty that I required of him and I know nothing to his prejudice except that he is Intemperate and frequently carries his intemperance to an excess I have no reason to complain of him otherwise.—

Private Hedrick a witness for the prosecution being duly sworn says—I was in one of the rooms of Comp^y (G) about the time mentioned in the Specⁿ and heard a quarrel between Childers and Gibson—Serg^t. Bird ordered Gibson to leave the room—Gibson walked slowly towards the door saying as he went that he had as much right there as any of the men. The Serg^t. went to the door and struck him with his hand. Gibson went away but in a short time returned again walking in front of the door on the porch and when opposite the door told the Serg^t. to kiss his backsides.

The Court after deliberating on the evidence adduced find the facts of kicking and striking as stands in the specification but attach no criminality to it, inasmuch as the Serg^t. did no more than his duty and do there fore acquit him.

The Prisoner here read his defence which was as follows—
Gentlemen of the Court; I am but a Pot of Incense to the Army.—
Kindness and condescension to my superiors has been an availing duty.—
Malice must bear its own weight.—Gentlemen if I have made use
of any incoherent expressions it is owing to my warmth of feelings.
Gentlemen here rests my defence Signed J.C. Bird

The Court adjourned to 10 O clock tomorrow

Fort Atkinson Nov. 16th 1824

The Court met according to adjournment—Present—all the Members and proceeded to the trial of Corporal C. Hollis of Company (G) 6th US Infantry—Charged with Conduct unbecom=
=ing a Non Com- Officer.

Specification. In this that he the said Corp^l Hollis of the above mentioned company and Regiment did suffer Musician Cleveland of Company A 6th Infantry to strike and otherwise him (Corporal Hollis) and treat his authority with contempt and disrespect at the Sutler's Store near Fort Atkinson on or about the 7th Nov^r. 1824.

Witnesses

Signed J. Gantt

M^r. Payne & M^r. Sagrande

Captⁿ 6th Infy

To which Charge and Specification the prisoner plead Not Guilty

M^r. Sagrande a witness for the prosecution being duly sworn says.—on or about the time mentioned in the specification while in the Store I saw Musician Cleveland strike Corp^l. Hollis.

Captⁿ Gantt being called upon by the Prisoner and duly sworn states in answer to the following Question by the Prisoner viz—Did I not report to you that I had been struck by Musician Cleveland? And did you not prefer Charges against him for it?

Answer. You did report it, and I preferred Charges against him on that account.

The Court find the Prisoner Not Guilty and do acquit him of the Charge and Specification preferred against him.

In closing these proceedings with regard to this case the Court deem it their duty to say that in their opinion there was no ground for a charge against Corp^l Hollis, he having reported the circumstance to his Captⁿ as was his duty.

The Court adjourned Sine Die

B Riley

Capt & Prest of Ct

Head Q^{rs} Fort Atkinson
17th Nov^r. 1824

Orders

The proceedings of the Garrison Court
Martial of which Captⁿ Riley is President are approved

Serg^t Bird and Corporal Hollis having been respectively
acquitted by the Court they are released from arrest and will
return to duty.

The conduct of Private Gibson on whose complaint Serg^t.
Bird was arrested & tried appears to have been highly improper

The Adj^t. of the 6th Regiment will cause him to be confined
and will prefer charges against him for striking & insulting his
superior.

The Col. Comm^{dg}. fully coincides with the Court as to the
case of Corporal Hollis his conduct appears to have been
correct & Soldierly.

The Court is Dissolved

H Leavenworth
Col. Comg

Proceedings of a Garrison Court Martial held at Fort
Atkinson by virtue of the following Order:

Head Q^{rs} Fort Atkinson

Post Order

19th Novem^r 1824

A Garrison Court Martial will convene this
day at 10 Oclock for the trial of such prisoners as may be
brought before it and at such place as the President thereof may
direct

Captⁿ Gantt President
Lieut^s Rogers and Waters Members
By Order of Col. Leavenworth
J. Pentland
Adj^t. 6th Inf.

The Court met pursuant to the above Order

Present Captⁿ Gantt President

 Lieut^s Rogers & Waters Members

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 named in the foregoing Order and replying in the negative proceeded to the trial of Private Smith of Battⁿ Comp^y D 6th Reg. of Inf. on the following Charges and Specifications:

Charge 1st Theft

Specification . . . In this that he the said Matthew Smith a Private of Company D 6th Inf did at Fort Atkinson on or about the 15th Novemb^r 1824 steal from Private Powell two dollars and fifty cents in silver the property of said Powell thereby behaving in a manner derogatory to his characters as a soldier.

Charge 2nd Riotous Conduct

Specification . . . In this that he the said Smith of the company & Regiment aforesaid did strike abuse and maltreat the said Powell of the company and Reg. aforesaid in the Cook room of Company D 6th Inf without any cause or provocation thereby behaving in a manner unbecoming a soldier and contrary to the existing General Army Regulations

Signed G. W. Folger

L^t. Comm^{dg} D Comp^y

Private Dennis of Company D 6th Inf being duly sworn in the presence of the Prisoner says as follows. I know nothing relative to the Charges and Specifications.

Private Matoon of Company D 6th Inf. being duly Sworn in presence of the Prisoner says as follows—On or about the time specified in the Charge I heard Private Powell of Company D 6th Inf accuse the prisoner of stealing some money from him (Powell) The prisoner said, what money? I have stolen no money from you—this is all I know in relation to the Charge.

The Court after mature deliberation on the testimony adduced find the Prisoner Matthew Smith Not Guilty of the first charge and its Specification and the Court are also of opinion that the second Charge and its Specification are informal and do therefore acquit him the said Matthew Smith of the Charges and Specifications preferred against him.

Private Charles Gibson of Company (G) 6th Inf being then brought before the Court on the following Charges and Specifications

Charge 1st Disgraceful Conduct

Specification . . . In this that he the said Charles Gibson a Private of Company G 6th Inf did say to Serg^t Bird of the company aforesaid “Kiss my Posteriors” or words to that effect thereby disgracing himself as a Soldier this at Fort Atkinson on or about the 13th Novem^r. 1824

Charge 2nd Mutinous Conduct.

Specification . . . In this that he the said Gibson of the Company and Regiment aforesaid did disobey the Orders of Serg^t Bird of the said company by returning and abusing the said Sergeant after he (Gibson) had been repeatedly ordered away by Sergeant Bird his superior on or about the 13th Novemb^r 1824

Specification 2nd In this that he the said Gibson of the Company and Regiment aforesaid on or about the time and place abovementioned did threaten, strike and knock down the said Serg^t Bird of the Comp^y and Regiment before mentioned with a stick of wood, he the said Sergeant being in the discharge of his duty as a Non Commissioned Officer

Fort Atkinson
12th Nov 1824

By Order of Captⁿ Riley
President of the Court Martial
G. H. Crosman
L^t & Recorder

The Court after referring to the 9th Article of the Rules and Articles of war are of opinion that a Garrison Court Martial are not a competent tribunal to investigate the

foregoing Charge and Specifications preferred against Private Charles Gibson of Company (G) 6th Inf

No more business appearing before the Court it adjourned Sine Die . . .

J. Gantt
Cap^t 6th Inf
President of the
Court

Orders
Head Q^r. Fort Atkinson
19th Nov^r. 1824.

The proceedings of the Garrison Court Martial of which Captⁿ Gantt is President are approved
Smith of C^o D will be released from confinement and will retain to duty.—Gibson of C^o G will (of course) be continued in confinement untill further orders.

The Court is Dissolved

H Leavenworth
Col Comg

Proceedings of a Garrison Court Martial held at Fort Atkinson by virtue of the following Order:

Post Orders
H^d Q^r Fort Atkinson
24th Nov^r 1824

A Garrison Court Martial will convene immediately for the Trial of such prisoners as may be brought before it. Capt Pentland Pres^t. Lieut^s Day and Richardson Members By order of Col. Leavenworth

Signed J. Pentland Adj^t 6th Inf.^{ty}

The Court met pursuant to the above Order

Present

Captⁿ Pentland President

Lieut^s Day & Richardson Members

The Court being duly sworn in presence of the Prisoner who was previously asked if he had any objections to either of the Members & replying in the negative proceeded to the trial of Private John Bridges of Battⁿ Comp^y K 6th Inf on the following Charges and Specifications

Charge 1st Disorderly Conduct

Spec: In this that he the said Private John Bridges of Battⁿ Comp^y K 6th Inf did quarrel with and abuse William Carroll of the aforesaid Company and Regiment without any just cause or provocation this at Fort Atkinson on or about the 19th Nov^r 1824

Charge 2nd Disobedience of Orders

Spec: In this that he the said Private John Bridges of Battⁿ Comp^y K 6th Inf.^{ty} when ordered by Serg^t Hoey orderly Serg^t. of the abovementioned company to go to the Guard House did disobey the said order by going to the Quarters of Colonel Commanding this at Fort Atkinson on or about the 19th November 1824.

Signed J. Nichols

L^t. & Commd. Comp^y K

The prisoner pleaded Not Guilty to the 1st Charge or its Specification—Guilty to the 2nd charge, and its Specification. Serg^t Hoey Witness for the prosecution being duly sworn says on or about the time specified I was doing orderly duty in the Company and heard a noise in the Cook room I saw the prisoner quarelling with W^m Carroll; I ordered the prisoner to desist—he said he would not.—I then ordered him to the Guard house, which order he also refused to obey—he then broke from me and went to the quarters of the Comm.^{dg} Officer, shortly after the prisoner told me that the Comm^{dg} Officer had ordered him (the prisoner) in confine=
=ment.

Private Carroll a witness for the prosecution being duly sworn

says on or about the time specified the Prisoner came into the Cook room of Comp^y K and commenced a quarrel with me & was very noisy and attempted to strike Serg^t Hoey ordered him to desist, but the prisoner did not obey him. Question by the Prisoner. . . Did you not call me a mean trifling puppy?

Answer . . . I did not

The evidence on the part of prosecution having been heard and the prisoner having no testimony or defence to offer, The Court was cleared, the whole of the proceedings read over to the Court—The following sentence was pronounced—

The Court from the testimony produced find the prisoner Pr^t John Bridges Guilty of so much of the specification of the 1st Charge as relates to quarreling with W^m Carroll Guilty of the 1st Charge.—The Court confirm the plea of the Prisoner and find him Guilty of the 2nd Charge and its specification and do sentence him to be in solitary confinement one week to live on bread and water.

The Court having no more business to transact adjourned
Sine Die

C Pentland
Capt. Infantry
& Pres^t of Court

H^d Q^r Fort Atkinson

Orders

25th November 1824.

The proceedings of the Garrison Court Martial of which Capt. Pentland is President are approved:

The sentence of the Court in the case of Bridges of C^o K 6th Inf. will be carried into effect.

The Garrison Court Martial of which Captⁿ Pentland President will reassemble at One O'clock P M this

day for the trial of such prisoners as may be brought before it
H Leavenworth
Col. Comg

Further proceedings of the Garrison Court Martial
of which Captⁿ Pentland was President reassembled by
virtue of the following Order

Head Q^{rs} Fort Atkinson
25th November 1824

The Garrison Court Martial of which Captain
Pentland is President will reassemble at 1 O'clock pm
this day for the trial of such prisoners as may be brought
before it.

Signed H Leavenworth
Col. Comm^{dg}
True Copy
J. Pentland Adj^t 6th Inf
25th November 1824

The Court met pursuant to the above Order.

Present

Captⁿ Pentland President
Lieut^s Day & Richardson Members

The Court having been sworn in presence of the prisoner who being
previously asked if he had any objections to any of the Members
named on the above Order and replying in the negative proceeded
to the trial of Serg^t. Edwin Kelton of the 1st Light Company A
1st Reg^t. Inf^{ty}.

Charge. Conduct unbecoming a Non Commissioned Officer and
Neglect of Duty.—

Specⁿ 1st In this that he Serg^t E. Kelton of the Company

and Regiment aforesaid did on the 22nd day of Nov^r 1824 at Fort Atkinson C. Bluffs, become so much intoxicated as to render him incapable of performing his duty.

Specⁿ 2nd. In this that he Serg^t E. Kelton of the Company and Reg^t. aforesaid did on or about the 15th Nov^r. 1824 at Council Bluffs Fort Atkinson when ordered by L^t. Harney (his immediate Comm^{dg} Officer) to send one or more men to the woods for the purpose of making a sled, Neglect to do so.

Signed W^m S. Harney
L^t. 1st Inf^{ty}.
Comm^{dg}. C^o. A.

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

Corp^l Lash a Witness for the prosecution being duly sworn says:

I cannot say that the prisoner was intoxicated on the time specified but thought he had been drinking from his appearing stupid I know nothing of the 2nd Specification.—

Corp^l Lovett a Witness for the prosecution being duly sworn says:

I cannot say that the prisoner was intoxicated on the day specified but thought he had been drinking pretty freely.—

Ques. by the Court—Did you think the prisoner incapable of performing his duty at the time?

Answer . . . I did not think him as capable of performing his duty then as at other times.—

Private Green a Witness for the prosecution being duly sworn says: I saw the prisoner on the day specified in the 1st Specification but did not observe whether he was intoxicated or not—On the day specified in the 2nd Specification the prisoner ordered me to go to the woods to work—I replied that it was too late (then about 3 O'clock PM) and the Serg^t. told me that I need not go.

There being no more Witnesses to examine & the prisoner having no defence to make the Court was cleared, the proceedings read over to the Court the following sentence was pronounced.

The Court after mature deliberation on the testimony adduced find the prisoner Serg^t E Kelton Not Guilty of the 1st Specification

Not Guilty of the 2nd Specification and Not Guilty of the Charge. The Court therefore acquit the prisoner E. Kelton Serg^t.

The Court having no more business to transact adjourn Sine Die.

C Pentland
Capt Infantry
& Pres^t of Court

Head Q^r Fort Atkinson

Orders 26th November 1824.

The further proceedings of the Garrison Court Martial of which Captⁿ Pentland is President are approved
Serg^t E Kelton of the 1st Reg^t having been acquitted by the court will be released from arrest and return to duty
The Court is Dissolved

H Leavenworth
Col Comg

Proceedings of a Court of Enquiry held at Fort Atkinson by virtue of the following Order

Head Q^r. Fort Atkinson

Orders 27th Novemb^r 1824

Upon the request of Noah Wiswell a Soldier of the 6th Reg^t of Infantry, a Court of Enquiry will convene this morning at 10 O'clock to investigate an accusation against him said Wiswell of which he complains. The Court will report the evidence and their opinion on the merits of the case

Captⁿ Spencer President
Lieut Harney and Nute Members

Lieut Nichols Recorder

By Order of Col. Leavenworth

Signed J. Pentland

Adj^t 6th Inf^{ty}

27th November 1824.—The Court met pursuant to the above Order.

Present

Captⁿ Spencer President

L^{ts} Harney and Nute Members

Lieut Nichols Recorder

The Court being duly sworn in presence of the accused Private N. Wiswell a Soldier of the 6th Reg^t. was arraigned on the accusation of having stolen a sum of money from L^t. Vinton of the 6th Reg^t. of Infantry.

Lieut Vinton of the 6th Reg^t of Inf^{ty} a witness against the accused being duly sworn says, between the 23rd & 24th Ins^t. I missed a quantity of money from my trunk, previous to this time however for 2 or 3 nights in succession I slept out of my room in L^t. Holmes—from the belief that no one knew where I slept but the accused and then in the room I suspected him to be the thief. I was confirmed in my suspicion subsequently to this by an examination of the money in his possession—among other pieces of the same description as those I had in my trunk I found one similar to one of an uncommon description, that I had in my possession I could not swear that it was the I had but I am confident in my suspicion it was mine, as it was mingled with other pieces of similar value of those I lost from my trunk. The accused not being able to account when & where he obtained the pieces I was further strengthened in this belief that I was not incorrect in suspecting him, with the exception of 2 pieces all that was taken from my trunk and it could have been done by no one unless he was acquainted with my room and familiar with the arrangement of it. The accused previous to this had frequent

access to it.—I would also state the accused had in his possession the same number of 5 franc pieces that I had lost which he could not account for, as well as the other pieces—When I accused him I perceived that he was more confused than I think an innocent man would be when accused of a similar offence. I would also state that the money lay at the bottom of my trunk, my clothes was taken out and replaced again in the same manner. This circumstance ~~indeed~~ indicated that the one who took the money fell confident that he had sufficient time to accomplish his purpose before he could be disturbed. The key of my trunk lay on my table draw—the trunk was unlocked and locked again and the key and the key [sic] returned to the draw—

Lieut Holmes of the 6th Reg^t of Infantry a witness for the accused being duly sworn says, (being called upon to testify to the character of the accused) N. Wiswell was put on my detail last Feb^y.—I have always found him honest and faithful so far as his conduct came under my knowledge and I never have heard him charged with dishonesty until this present time.—

Private Stewart of the 6th Reg^t of Inf^{ty} a witness for the accused being duly sworn, says, I have had in my possession 2 of those 5 franc pieces, some time last summer and do not recollect that the pieces I paid him was similar to the one now presented to me.

Bartlet a private of the 6th Reg^t of Inf^{ty} being duly sworn says, that Private Stewart of the 6th Reg^t Inf^{ty} gave the accused N Wiswell a 5 franc piece some time last summer.—

Corp^l Ward of the 6th Reg^t. Infantry a witness for the accused being duly sworn says I recollect of having some time last summer given the accused two 5 franc pieces similar

to those now presented to me.—

Major Foster of the US Army a witness for the accused being duly sworn says since I have known the accused, his character has been good up to this time.

He (the accused) has been in company about one year, he served in the same Reg^t previous to his joining my company—as far as my knowledge goes he sustained a Good character.

The evidence being closed the Court proceeded to pass the following opinion Viz.

The Court after examination of all the evidence that could be adduced are of an opinion that the accused is innocent of the crime alledged against him and do entirely exculpate him from any suspicion of guilt.

The Court adjourned Sine Die
GC Spencer
Capt Infty
President

Orders
Head Q^r Fort Atkinson
29th November 1824

The proceedings of the Court of En=quiry of which Captⁿ Spencer is President are approved. The Col. Comm^{dg}. fully coincided with the Court in the opinion they have given.

H Leavenworth
Col. Comg

Proceedings of a Garrison Court Martial held at Fort Atkinson by virtue of the following Order.

H^d Q^r Fort Atkinson
5th December 1824

Post Orders

A Garrison Court Martial will convene at 10 O'clock this day for the trial of such prisoners as may be brought before it at such place as the President may direct

Captⁿ Riley President
Lieut^s Bateman and Andrews Members
By Order of Col. Leavenworth
(Signed) J Pentland
Adj^t. 6th Inf.^{ty}

The Court met pursuant to the above Order present Captⁿ Riley President—Lieut^s Bateman and Andrews Members

The Court being sworn in the presence of the Prisoners to be tried proceeded to the trial of Private John Baird of C^o F 6th Inf.^{ty} who being previously asked if he had any objections to the Members named in the Order and replying in the negative was arraigned on the following Charge.—

Private John Baird of Battⁿ C^o F 6th Inf.^{ty} is charged with leaving his party when he was ordered to cross the Missouri River under the charge of Serg^t Fleming of the same company for the purpose of assisting in bringing to the river some fresh beef on or about 29th Nov: 1824 in the vicinity of Fort Atkinson.--

Signed Z. C. Palmer
Lt & A C of Sub.

To which charge as specified the prisoner plead Not Guilty.

Spafford a witness for the prosecution says on or about the time specified I was one of the party detailed to bring over some beef—Baird joined the party and crossed the river and there left the party.—

Serg^t Fleming a witness for the prosecution says on or about the time and place specified I was Serg^t of the party—Baird crossed the river with the party. I saw him when he got out of

boat—I went on to the place where the beef was—the men were all present except Baird (the prisoner) when I got near the river returning Baird joined the party. The testimony being closed.—The Court find the prisoner (private John Baird) Guilty of the Charge as specified and sentence him to have his whiskey (rations part) stopped for ten days and to be privately reprimanded by the Ass^t Comm^y

The Court next proceeded to the trial of Corp^l Whipple on the following Charges and Specifications preferred against him by Lieut Holmes 6th Inf.^{ty}

Charge 1st Riotous Conduct

Specⁿ. In this that he Corp^l George Whipple of Battⁿ. C^o D 6th Inf.^{ty} at the Sutlers store on or about 29th Nov. 1824 did in a loud boisterous and menacing manner, call M^r. Sougrand the Sutler's Clerk a damned liar or something to that effect.

Charge 2nd. Conduct unbecoming a Non Commissioned Officer

Specⁿ In this that he the aforesaid Corp^l Whipple whilst in charge of the chopping party beyond the Farm House on or about 29th Nov^r. 1824 did drink himself or allow others to drink or otherwise make way with the Whiskey or some part of the Whiskey belonging to the men under his charge.—

To which Charges and Specifications the prisoner pleads Not Guilty. Lieut Nute a witness for the prosecution says I was setting in Lieut Holmes quarters on or about 2nd Dec^r 1824 I heard the prisoner say that “he had been deficient twice in the rations of Whiskey belonging to the Chopping party, one of those times the deficiency was owing to his fault the other time it was stolen from him.”—

Ma^r. A^m. Woolley a witness for the prosecution says on or about the time specified in the course of a difference between Corp^l Whipple and M^r Sougrand (in the Sutlers store) I heard M^r. Sougrand call Corp^l Whipple a liar and he Whipple called him a liar back again—they both appeared to be very angry

M^r. Payne a witness for the prosecution says on or about time specified I was in the Counting room (of the Sutler's Store) when I heard a noise in the Store and I heard Corp^l. Whipple call M^r Sougrand a liar. I went into the store and requested Corp^l Whipple to go away—he would not do it. I then ordered him to go away, which he refused to do.—I then ordered Johnson of C^o J to put him out doors.

Questⁿ by the Pres^t Did you see M^r Sougrand strike me several times? Ans^r. I did not--Questⁿ by the Pris^r. Did you not hear M^r Sougrand call me a liar previous to my calling him one? Ans^r. I did not.

Lieut Holmes a witness for the prosⁿ. says on or about the 29th Nov^r I was in Lieut Nute's quarters when the prisoner entered on business with Lieut Nute and after having finished his business with Lieut Nute he began a conversation with me in which conversation he informed me either by way of confession or report, that he had been deficient in Whiskey (extra rations) for the men of the Chopping party under his charge and that he alone was to blame for the deficiency—he informed me also that he had obtained an order or permission on the Sutler from the Col to supply the deficiency above stated.—

M^cKenny C^o K a witness for the prosecution says on or about the time specified I was runner for the Chopping party I know the prisoner (Corp^l Whipple) was deficient in Whiskey I heard him say it was stolen from him.

Private Porter (C^o H) a witness for the prosecution says on or about the time specified I was at the Sutlers store—Corp^l Whipple came to the store with an order or permission for a gallon of Whiskey he presented it to M^r Sougrand he took the order and gave him the Whiskey. The Corp^l took out his pocket book and gave a one Dollar due bill to M^r Sougrand he opened the drawer and put it in.—Corp^l Whipple gave two pica unes* & one bit due due [sic] bills to M^r Sougrand—the Corp^l said that made a dollar and quarter—M^r Sougrand said he did not know how he could

*Picayune had the value of 1/16 of a dollar, or 1/2 of a Spanish reale
Webster Ninth new Collegiate Dictionary, Merriam-Webster, Inc, 1983

make a dollar and quarter out of this—the Corp¹ said I gave you a dollar before—M^r Sougrand said he did not—the Corp¹ said he did—M^r S. you did not—The Corporal said I will leave it to this man (the witness) I told M^r. S that the Corp¹ did give the dollar and that he had put it in the drawer. M^r Sougrand said that Corp¹. Whipple was a liar—The Corp¹ said he was a liar back again in a mild manner—I know nothing of the Corp¹. acting in a loud boisterous and menacing manner.

Welsh a private (C^o G 6th Inf^{ty}) a witness for the prisoner says on or about 28th November 1824. I went into the room occupied by the Chopping party and found a Big Coat thrown over the keg of Whiskey and it appeared as if the Whiskey had been poured out—I do not know who did it—M^cIntosh and Connely were in the room at the time—they both appeared to be intoxicated—I saw them drinking something which I thought was Whiskey—but I cannot say positively. The testimony being closed the Court after mature deliberation find the prisoner (Corp¹ George Whipple) Guilty of the Charges and Specifications exhibited against him and sentence him to be reduced to the ranks.—

The Court next proceeded to the trial of Serg^t Bird on the following charge—

Charge—Conduct subversive of good Order and discipline Specⁿ —In this that he the said T.C. Bird Serg^t in (C^o G 6th Inf^{ty}) did on or about 5th Dec^r 1824 at Fort Atkinson sell a pint, more or less of Whiskey to Corp¹ Hollis of (C^o G 6th Inf^{ty}) in violation of orders and to the prejudice of good order and discipline.—

By Order of Col. Leavenworth

Signed J. Pentland

Adj 6th Inf^{ty}

To which Charge and Specification the prisoner pleads Not Guilty Corp¹ Hollis a witness for the prosecution says on or about 5th Dec^r 1824 I went into Comp^y room and observed that I had been on the sick report for some time I said that I thought a

little to drink would help me and wished Jones to get me some I pulled out a dollar at the same time Serg^t Bird said to me let me have the Dollar and I will let you have a pint—the Serg^t took the dollar and told Corp^l Jennings (as he the Sergeant was then sent for by the Captain) to let him have a pint—which he did.

Questⁿ by the Presⁿ. Did you not agree to return the Whiskey to me and that I was to have the loan of the dollar and did I not tell you it was Captⁿ Gantts Whiskey.—

Ans^f. I agreed to return the whiskey, but do not recollect any particular time.—

Corp^l Jennings a witness for the prisoner says on or about 5th Decem^r 1824. Corp^l Hollis came into the Comp^y room after having rec^d his pay (extra) and pulled out a dollar and said he would give it for Whiskey.—Serg^t Bird took a bottle of Whiskey out of his trunk (he was sent for at this time by Captⁿ Gantt) he gave me the bottle of Whiskey and told me to give him (Corp^l Hollis) a pint of it—which I did.

The testimony being closed—The Court after mature deliberation find the prisoner (Serg^t T. C. Bird) Not Guilty of the Charge and specification and do therefore acquit him.

The Court then proceeded to the trial of Private Joseph Saunders (C^o K 6th Inf.) on the following charge preferred by Lieut. Nichols 6th Inf

Charge Riotous Conduct

Specⁿ In this that he the said Joseph Saunders of Battⁿ (C^o K) 6th Inf.^{ty} did create a riot in the Cook room of the aforesaid company by striking with his fist and otherwise abusing Corp^l Almy of (C^o K 6th Inf) he the said Corp^l Almy being in the execution of his duty as a Non Commissioned Officer—this at Fort Atkinson on or about 4th Dec^r 1824.

To which Charge the prisoner plead Not Guilty Corp^l Dimmick a witness for the prosecution says on or about the time mentioned—I went into the Cook room (C^o K)

where there was a scuffle—Corp¹ Almy ordered the room to be cleared—Saunders came into the room and asked who had abused Tommy Miller—upon which Corp¹ Almy and Saunders clinched together—I thought the Corp¹ had been drinking rather freely, he had been scuffling (during the evening) with several of the men—I saw blows pass between them.—

Private Will a witness for the prosecution says on or about the time specified I saw Corp¹ Almy and Saunders quarrelling but I do not know how it began—I heard Corp¹ Almy order Saunders out of the room, he did not go—Corp¹ Almy then put him out.—

The testimony being closed the Court find the prisoner Private Saunders Not Guilty of the Charge and Specification and do therefore acquit him.—

The Court having no further business before them adjourned Sine Die.—

B Riley
Captⁿ 6 Inf Prst

Head Q^{rs} Fort Atkinson
Dec^r 9th 1824

Orders

The proceedings of the Court Martial of which Captⁿ Riley is President are approved with the exception of the sentence and finding of the Court in the case of Corporal George Whipple of C^o D 6th Reg—the Col. Comm^{dg} is of opinion that the testimony required that he should have been found Not Guilty and of course been acquitted of the first and its specification.—

As to the 2nd Charge and its specification it is clear that he was deficient in Whiskey belonging to his party. But under all the circumstances the Col. Comm^{dg} is of opinion that a

drawn for the Company “he was on the Quarter Master’s detail and that he would not do it.” (“I am not subject to your Orders”) meaning (Serg^t Bonner above mentioned) and that he (Private Higgins) said to Serg Bonner “put me under guard” with other abusive language to him (Serg Bonner) thereby showing a manifest desire of disobeying the Orders of his superior Non Commissioned Officer (Serg^t Bonner) while in the actual line of his duty, this at Fort Atkinson on or about the 19th December 1824.

Signed G. W. Waters

L^t & Comm.^{dg} C Comp^y

To which Charge and specification the Prisoner pleaded.
“Not Guilty”

Serg^t Bonner a witness for the prosecution being duly sworn says: yesterday about 3 Oclock pm I ordered Higgins to assist in unloading the water from the company cart—he got up from his seat, turned around to me and said he was on the Quarter Master’s detail and not subject to my orders, I then took hold of the Collar of his great coat and led him towards the door, he then said don’t shove me, don’t shove me, put me under guard, this in a menacing tone, seeing nothing near me I knocked him down with my fist and then led him to the cart and told him to assist in getting off the water, which he refused to do, and did not do it; his language to me during this time was very abusive viz: you are not fit for a Non Commissioned Officer; that he was not a damn’d dog; that I struck him for an old grudge.—

Questⁿ by the Prisoner—Did I not tell you when you ordered me to assist in unloading the water, that I had a pain in my shoulder and could not lift?

Ans^r. You did not; after I had taken you to the Cart you told me that you was not able to do it—that you would rather go under guard than do it.

Private Gould a witness for the prosecution being duly

sworn says: on or about the time specified I was walking on the stoop in front of the Comp^y and see Serg^t Bonner strike the prisoner and heard him (the Serg^t) tell the prisoner to keep silent or he (Serg^t B) would repeat the blows.—

Private Billingsbee a witness for the prosecution being duly sworn says: the first I see of the transaction, was the Serg^t. pushing or dragging the prisoner to the Cart.—I heard the prisoner say that he was not able to assist in unloading the Cart—when the Serg^t replied that if he (the prisoner) did not obey, he would cut his head open this on the day specified in the charge.—

Private Rogers a witness for the prosecution being duly sworn says: on the day specified I heard Serg Bonner order the prisoner to assist in unloading some water from the Comp^y cart—who replied that he was on the Q^tMaster's detail and did not think he was subject to his (Serg^t B's) orders, the Serg^t. cursed him and told him to be off. The prisoner then told the Serg^t. that he was not able to do it—I do not think the prisoner intended to disobey the order.

The Court adjourned to meet tomorrow ½ past 9 O'clock am Dec^r. 21st. 1824.—The Court met pursuant to adjournment.

Present.— Captⁿ Pentland President

Lieut^s Hutter and Richardson Members

Serg Riley a witness for the prisoner being duly sworn says: on the day specified in the charge I was in the room with the prisoner when Serg^t Bonner ordered Higgins to go and bring in some water—The prisoner replied that he was on the Quarter Master's detail. The Serg^t said he did not care a god damn what detail the prisoner was on, that he should assist in bringing in the water; the prisoner again replied that as soon as he could tie up his boots he would do it, and stooped down to tie on his boots, when the Serg^t struck him (the pris^r) repeatedly and kicked him once

also told the prisoner if he did not do it he (Serg^t B) would kill him (the pris^r) on the spot—Higgins then said he would try to do it--Serg^t Bonner then says “no reply damn you” and struck him again when going out of the door—on getting out of the door Higgins said that he was not able to bring the water, and one of the men offered to do it for him, but Serg^t Bonner refused by saying no you shall not, he shall do it himself or I will kill him.—

Question by the Court—Was the punishment inflicted on the prisoner by the Serg^t very severe?

Ans^r. It was

Question by the Court—What has been the general deport=ment of Serg Bonner towards the prisoner, Higgins—and has it differed from that towards the other men of the Comp^y?

Ans^r. I think Serg^t Bonner has treated the prisoner Higgins with more severity than he has the other men of the Company.

Question by the Court.—What has been the general deportment of the prisoner?

Ans^r. His general deportment has been correct.

Private Dougherty a witness for the prisoner being duly sworn says: on or about the time specified—I heard the Sergeant talking to the prisoner on the stoop in front of the Comp^y. the prisoner’s face was bleeding—the Serg^t then shoved the prisoner in the room and told him not to speak—imme=diately after the Serg^t struck and knocked the prisoner down after which he threw him with the small of the back across a bench—the prisoner said nothing all this time.—

Question by the Court—What has been the general deportment of the prisoner?

Ans^r. It has been tolerably good

Question by the Court—What has been the general deportment of Serg^t Bonner to the prisoner?

Ans^r. I think it has been more severe than to the

other men of the company.

Private Stiles a witness for the prisoner being duly sworn says: on or about the time specified I saw Serg^t Bonner with the prisoner on the stoop. The Sergeant ordered the prisoner into his room—he went in, and Serg Bonner struck him several times, and ordered him (the prisoner) to set down, Higgins said I will set down Serg^t. don't strike me any more—The prisoner attempted to set down and Serg^t Bonner threw him over on the edge of the bench ---the general deportment of the prisoner has been good.

The evidence having been heard both on the part of the prosecution and prisoner and the prisoner having no defence to make—the Court was cleared and the whole of the proceedings read over to the Court—the following sentence was pronounced—the Court after mature deliberation on the testimony adduced find the prisoner Private Francis Higgins Guilty of so much of the specification as relates to the prisoner's disobeying Serg^t Bonner's order by saying "he was on the Quarter Master's detail" and that the prisoner Higgins manifested a desire to disobey the order of Serg^t Bonner while in the actual line of his duty, and Guilty of the charge—The Court are of opinion that the prisoner Higgins has been sufficiently punished by Serg^t Bonner for the offence he has been guilty of.

The Court next proceeded to the trial of Joseph Riter a follower of the Army on the following Charge and Specification:

Charge. Conduct subversive of good order and Military Discipline.—

Specⁿ. In this that he the said Joseph Riter did on or about the 20th. Dec^r. 1824. (bring then a clerk or hired man of the Sutler's at Fort Atkinson) deliver a Gallon and one quart more or less of Whiskey on an order signed Contal D.M. in violation of the orders of the post and of 99 Article of War.

Signed J. Pentland
Adj.^t 6th Inf

To which Charge and Specification the prisoner pleaded Guilty and said by way of defence that he had shown an [sic] order some time since to M^r Sogrande the Sutlers clerk signed by the Fife Major of the 1st Reg^t for a quantity of Whiskey who said that the Non Commissioned Staff of that Reg^t. could have what they wished from the store and I thought those of the 6th enjoyed the same priviledge when I gave the Whiskey on the order marked Contal D. M.

Drum Major Contal a witness for the prosecution being duly sworn says: on the day specified in the charge I received One Gallon and a quart of Whiskey on an order signed Contal D. M. which I sent to the Prisoner by Musician Rinalda of the 1st Reg^t.—the Prisoner was then a clerk or hired man to the Sutler.

The evidence having been heard—The Court was cleared and the whole of the proceedings read over to the Court the following sentence was pronounced: The Court confirm the plea of the prisoner and find him Joseph Riter Guilty as charged except so much of the specification as relates to the “99th Article of War”. The Court taking into consid=
=eration the unfortunate situation of the Prisoner sentence him Joseph Riter a follower of the Army to be confined in the Guard house for the period of two weeks.

The Court next proceeded to the trial of Private Tho^s. Doyle of Battⁿ. Comp^y. C 6th U.S. Infantry on the fol=
=lowing Charge and Specifications.

Charge. Unsoldierlike Conduct

Specⁿ. 1st. In this that he the said private Doyle of Battⁿ. Comp^y. C 6th Inf. did enter the quarters of Lieut Nichols Comm.^{dg} C^o K of the Reg^t. aforesaid without the permission, this at Fort Atkinson on the night of the 20th Dec^r 1824.—

Specⁿ. 2nd. In this that he the said Private Doyle of Battⁿ. C^o. C 6th Inf. did approach the bed of the aforesaid Lieut Nichols and clandestinely endeavor to to [sic] take therefrom a Blanket apparently with an intention of stealing it; this at Fort Atkinson on the night of the 20th Dec^r. 1824

Signed J. Nichols

L^t. 6th Inf.

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

Lieut. Nichols a witness for the prosecution being duly sworn says: on the evening of the 20th between dark & 8 O'clock I entered my room and discovered a person standing by the bed and facing it—I took no particular notice of him thinking him to be my waiter, until I had walked across the room and was in the act of taking my seat when I looked up again, the person was facing me, I discovered it was the prisoner; I perceived he was much confused, I asked him what he was doing there he answered me in a confused and faltering manner “will you give me permission to go to the dairy”—I repeated the question; his reply was, I wish to go & get my clothes: I then asked him how he came in my room, he said he knocked and some one told him to come in—I asked what he was doing at the Bed he said he thought the person who told him to come in ~~I asked what he was doing~~ was in the bed—I then asked in an angry tone how the Blankets came pulled down in that manner he replied Lieut. I thought you were in the bed and pulled them down to see—a few minutes after he became a little more calm—he (the pris^r) then denied having pulled the Blankets down and said that they were so when he came into the room.

The evidence on the part of the prosecution being closed and the prisoner having no defence to offer—The Court

was cleared and the whole of the proceedings read over to the Court, the following sentence was pronounced—The Court after mature deliberation on the testimony adduced find the prisoner private T. Doyle Guilty of the 1st Specification, Guilty of the 2nd Specification and Guilty of the charge and sentence him to be confined in a solitary cell for the period of thirty days to live on bread and water—The remainder of his rations to be appropriated for the use of the Company to which he belongs.

The Court adjourned to meet tomorrow at ½ past 9 O'clock am 23rd Dec^r 1824. The Court met pursuant to adjournment

Present. Capt. Pentland President
Lieut^s Hutter & Richardson Members

The Court next proceeded to the trial of Serg^t Luke Riley of Battⁿ. Comp^y. C 6th U. S. Infantry on the following Charge and Specifications:

Charge . . . Insubordinate Conduct.

Specⁿ 1st In this that he the said Serg^t Luke Riley of Battⁿ. C 6th Inf.^{ty} while Serg^t Bonner (his superior) was in the performance of his duty as orderly Serg^t. of the aforesaid Company did call Private Stiles to witness Serg^t Bonner's conduct with the intention of reporting the same to his superior Officers. Thereby behaving in an insubordinate manner and promoting and encouraging the same in his inferiors, this at Fort Atkinson on or about the 19th Dec^r. 1824—
Specⁿ. 2nd In this that he the said Serg^t Luke Riley of Battⁿ C^o C while Serg^t Bonner was in the actual performance of of [sic] his duty as Orderly of the aforementioned Company did interfere with the said Serg^t Bonner by directing him to desist from a punishment which the said Bonner was inflicting on Private Higgins and at the same time exclaiming “He'd be damned if he would not see the man (meaning Higgins) righted thereby behaving to the manifest prejudice of good order and discipline in the presence of his inferiors this at Fort Atkinson on or about the 19th December 1824.

Signed D. H. Vinton
L^t. 6th Inf.^{ty}

To which charge and specifications the Prisoner pleaded
“Not Guilty.”

Serg^t Bonner a witness for the prosecution being duly sworn says: on or about the time Specified in the charge I had some difficulty with Private Higgins of Comp^y C of which I was orderly Serg^t. when the prisoner after I had set Higgins on a bench came up behind Higgins and shaking his fist over Higgins’ head said “don’t you speak Higgins, if you do, I will massacre you—Damn my soul if I don’t see you righted” he then turned to me and said that he would report my conduct to the Col. Commanding.—

Question by the Court. Are you or Serg^t Bonner senior Serg^t.?

Ans^r. I was Ord^y Serg^t of Comp^y C but the prisoner’s ap=
=pointment is older than my own.—

Private Stiles a witness for the prosecution being duly sworn says: on or about the time specified I heard the prisoner Serg^t. Riley ask Higgins why he did not go to the Lieut. Comm^{dg} the Company and show him the treatment he had received from Serg^t. Bonner—Higgins started to do so when Serg^t Bonner told him to stay in his room, then Serg^t Riley said he would go with him and did so—when Serg^t Riley returned to his room, he called on me and several other men to take notice or recollect Serg^t. Bonner’s treatment to Higgins, that he Serg. Riley thought he should call on us to testify to it.—

Private Billingsbee a witness for the prosecution being duly sworn says: on or about the time specified after the water (that Serg^t Bonner had ordered Higgins to, was put into the cook room) I heard Serg^t Riley (the prisoner) tell Sergeant Bonner that he would report him to the Col. Comm.^{dg}—that he thought he (Serg^t B) had abused Higgins out of reason --this took place before the prisoner had been to the Officer

Comm.^{dg} the Comp^y.

Private Gould a witness for the prosecution being duly sworn says: I know nothing of the Charge or Specifications.—

The evidence on part of the prosecution being closed the Court commenced to examine the witnesses for the prisoner.—

Private Doyle a witness for the prisoner being duly sworn says: on or about the day specified, after the water had been taken into the Quarters Serg^t Bonner took hold of Higgins and shoved him into the room—after Serg^t Bonner had struck and thrown Higgins across a bench—Serg^t Riley told Serg^t Bonner that it was wrong to abuse Higgins in that manner, that he had done it once before—Serg^t. Bonner replied that it was none of his (Serg^t B^s) business—that if it was to report it—Serg^t. Riley said he would do it—Serg Bonner then told the prisoner that he was a mean puppy any how and if he said much he would throw him behind the fire.—

Question by the prisoner—Did I (after Serg^t Bonner had set Higgins on the bench) shake my fist over Higgins' shoulder and say a word for if you do I will massacre you?

Answer—You did tell Higgins not to say a word, but did not shake your fist over his shoulder or say you would massacre him.—

Lieut. Waters a witness for the prisoner being duly sworn says: when questioned by the Prisoner were not Serg^t. Bonner and myself both arrested in your quarters after I had reported the transaction between Serg^t Bonner & Higgins?

Answer—At the time specified I was in command of Comp^y. C—Serg^t Riley and Higgins came to my room—Serg^t Riley said that he had come to report Serg^t Bonner for striking Higgins he gave as a reason for coming to me that the Col. was not in.

I enquired of the prisoner and Higgins what the difficulty was and what was the cause of it.—about that time Serg^t Bonner came into my room, of whom I also enquired of the cause of the

difficulty between himself and Higgins and the Prisoner— I told them I would have the affair investigated & ordered Serg^{ts} Riley & Bonner to their rooms in arrest. & sent Higgins to report himself to the Hospital Steward.

Question by the Prisoner—Did I not inform you (when questioned by you why I went to the Col. previous to coming to you) that I did not know that you were in command of the Company and that I had just come off the Chopping party?

Answer—He did

Private Higgins a witness for the Prisoner being duly sworn says: on the day specified Serg^t Bonner had been beating me some time, Serg^t Riley spoke and said Serg^t Bonner I believe you have beat that man about enough—Serg^t Bonner replied “Damn you it is none of your business and if you say much more Damn you I will put you behind the fire.—

Question by the Prisoner—Did I when (Serg^t Bonner put you behind the fire— Question by the Prisoner—did I when (Serg^t Bonner put you on the bench) shake my fist over you and say hold your tongue or I will massacre you & that I’d be damned, if I would not see you righted?

Answer—I don’t recollect of any thing of the kind taking place.—

The Court adjourned to meet to morrow at 9 Oclock A.M Dec^r. 24th 1824.—The Court met pursuant to adjournment.

Present.—Captⁿ Pentland President

Lieut^s. Hutter and Richardson Members

The testimony on the part of the prisoner having been heard and the prisoner having no defence to make—the Court was cleared and the whole of the proceedings read over to the Court—the following sentence was pronounced. The Court after mature deliberation on the testimony adduced find the prisoner Serg^t Luke Riley Not Guilty of the 1st Specification, Not Guilty of the 2nd specification & consequently

Not Guilty of the Charge.—

The Court next proceeded to the trial of Private Harrow of Battⁿ Comp^y D 6th US Infantry on the following charges & Specifications.—

Charge 1st. Neglect of Duty

Specification In this that he the said private W^m Harrow of Battⁿ Comp^y D 6th US Inf.^{ty} did absent himself from evening parade when he the said Harrow knew it was his duty to attend said parade this at Fort Atkinson on or about the evening of the 21st. Dec^r 1824.—

Charge 2nd. Drunkenness

Specification—In this that he the said Harrow was too much intoxicated on the evening of the 21st Dec^r 1824 as to render him incapable of performing his duty as a soldier—this at Fort Atkinson on or about the 21st Dec^r 1824

Signed George C. Hutter
L^t. 6th Inf^{ty}.

To which the Prisoner pleaded “Guilty to the specification of the 1st. Charge and Guilty of the 1st. Charge.” Not Guilty of the specification of the 2nd Charge and Not Guilty of the 2nd Charge.—

Corp^l Moore a witness for the prosecution being duly sworn says: The prisoner was absent from evening parade of the 21st Dec^r 1824.—I went into his room on the same evening & found the prisoner in bunk & shook him—he had all the appearances of a drunken man and I have every reason to believe he was so.

The evidence having all been heard and the prisoner having no defence to offer, The Court was cleared and the proceedings all read over to the Court, The following sentence was pronounced—The Court confirm the plea of the prisoner on the 1st Charge and find him Guilty of the specⁿ of the 2nd Charge and do sentence him Private W^m Harrow to have the Whiskey part of his rations stopt for thirty days—to be

appropriated to the use of the company to which he belongs to be confined in the Guard house two days & to ride the Wooden horse two hours each day.

The Court next proceeded to the trial of Private John Gaskin of Battⁿ Comp^y. D 6th US Infantry on the following charge and specification.

Charge Theft.

Specⁿ. In this that he the said John Gaskin did feloniously take and carry away one or more bags of vegetables, consisting of onions, potatoes, Beets &c—The vegetables belonging to the afore= said Company from the Company root house—this at Fort Atkinson on or about the evening of the 21st Dec^r 1824.

Signed George C. Hutter
L^t. 6th U.S. Inf.^{ty}

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

Corp^l Moore a witness for the prosecution being duly sworn says: on or about the time specified, the Cook of Comp^y D informed me that he had loaned the key of the root house to the prisoner (Gaskin)—I asked him how long since he had lent it to him, he replied about a half an hour, I ordered him to go and find the prisoner—I went myself to the root house where I found the prisoner (Gaskin) and Buchanan of the 1st Reg^t. of Inf^{ty}.—on enquiring who they were the prisoner told me it was him & Siddins—I ordered them to come & bring the bag of vegetables (which I see them have) to the Cook room—they did so.

Private Green a witness for the prosecution being duly sworn says: on or about the time specified I saw the prisoner coming apparently from the company root house with a bag on his shoulder.—I suppose it contained vegetables—I went to the Cook room of the Comp^y. for the purpose of getting an Onion when the cook told me he had none, that the prisoner had the key of the root house.—

The evidence having been heard and the prisoner having no defence to offer, the Court was cleared, The proceedings read over to the Court, the following sentence was pronounced

The Court after mature deliberation on the testimony adduced find the Prisoner John Gaskin Guilty as charged and sentence him to be confined in the cells for the period of three weeks on bread & water, the rest of his rations to be appropriated for the use of the Company to which he belongs.—

The Court having no more business to transact adjourned Sine Die.

C Pentland
Capt 6 Infty
& Pres^t of Court

Head Q^r. Fort Atkinson
25th Dec^r 1824.—

Orders

The proceedings of the Court Martial of which Captⁿ Pentland is president are approved.—The sentences will be respectively carried into effect except that in the case of Riter which is hereby remitted—He will leave this post and the Indian Country with the next express that leaves this post

The Court is dissolved

H Leavenworth
Col. Comg

Proceedings of a Garrison Court Martial
convened at Fort Atkinson by virtue of the following
Order

Post Orders

Head Q^{rs} Fort Atkinson
30th December 1824

A Garrison Court Martial will convene
immediately for the trial of such prisoners as may be brought
before it

Capt Gray President
Cap^{ts} Spencer & Capt Gantt Members
Lieut Batman recorder
By order of Col Leavenworth
J Pentland
Adj^t 6th Infy

The Court met pursuant to the above order

Present
Capt Gray President
Capt^s Spencer & Gantt Members
L^t. Batman recorder

The Court being duly sworn in presence of the prisoners, who
being previously asked whether they had any objections to the
members named in the post order, and answering in the negative
proceeded to the trial of Private William Curran of Battalion
Company C 6th Infy Charged as follows

Charge 1st Drunkenness

Spec. In this, that he the said William Curran of the
Reg^t & Comp^y aforesaid was intoxicated at Fort Atkinson on
the 25th & 26th day of December 1824 to such a degree as to
render him entirely incapable of performing the duty assigned
to him to wit. Cook for Company C 6th Infy

The said William Curran is also charged with unsoldier
like conduct in saying to Serg^t Bonner when ordered by him to
Cook dinner for the Company, that if any body would cook
they might & be damn^d, for he would not or words to that

effect. This at Fort Atkinson on or about the 25th Dec^r 1824

Sign^d D H Vinton

Lieut 6th Infy

To which charges and specifications the Prisoner
plead as follows—

Guilty of the 1st Charge—

Not Guilty of the 2nd Charge

Serg^t Bonner of Company C 6th Infy a witness for the prosecution
being sworn says:

On or about the 25th or 26th of Dec^r 1824, I do or=
=derly Sergeant of Company C order the prisoner Curran to Cook
some fresh pork for the Company he replied if any body would
Cook it they might and be damned for he would not, he
appeared some what Intoxicated—

Question by the Prisoner

Did I not say that I had cooked for the Company two
Conks* (one Conk longer than my time) and that I wished
to be relieved from Cooking—

Answer—He did not

Private Rogers of Batt^l. Company C 6th Infy a witness
for the prosecution being sworn says

On or about the 25th Dec^r. Serg^t Bonner ordered the prisoner
to go to cook & cook the mens Dinner—He answered that
he would not, that he has already cooked longer for the
Company than was his turn by the regulations.

The testimony having all been heard the Court after
mature deliberation, confirm the plea of the prisoner, and
find him guilty of the 1st Charge, guilty of the 2nd Charge
and as sentence him to have his rations of whiskey stopped
for the period of twenty days, to ride the wooden horse for
two hours each day for three successive days, and to be
confined to the guard house for the same period, the
whiskey for the care of the Company to which the prisoner
belongs.

*Possibly an obsolete cooking term

The Court next took into Consideration the following charge and Specification preferred against Serg^t John Lathrop of Company G 6th Inf viz

Charge Mutinous Conduct

Spec In this, that he the Said Serg^t John Lathrop of Comp^y G 6th Inf did on or about the 20th Dec^r 1824 at Fort Atkinson in the presence of Enlisted men of the 6th Inf say of his superior Officer Ass^t Surgn W. H Nicoll of the US. Army that it was wild for the damnd Son of a bitch that he was not at home or he (Serg^t Lathrop) would run his bayonet through him and did over again threaten to take the life of the said Ass^t Surgⁿ W H Nicoll of the US. Army by Similar expressions & did also say that if he the Said Serg^t J Lathrop of Comp^y G 6th Infy, met him him [sic] the Said Asst Surgⁿ W. H Nicoll out he believed he would run his bayonet through him at all events— and did by such language and conduct disobey the rules of Service and the articles of war, and particularly the 9th Article of the rules & articles of war all this at Fort Atkinson on the 20th Dec^r. 1824

By order of Col Leavenworth

Signd. J Pentland

Adj^t 6th Infy

The Court after mature deliberation are of opinion that they are not vested with sufficient authority to award a punishment adequate to the offence with which he the said Serg^t John Lathrop is charged—they therefore decline acting in his care as they deem it a proper Subject for a Gen^l Court Martial

Before the same Court was tried Private W. Ball Co C 6th Infy Charge—Disobedience of Orders and unsoldier like Conduct for that the said William Ball of the Comp^y C Reg^t aforesaid when ordered by Sergt Riley orderly Sergeant of said Company to take away the ashes out of the room to which he said Ball belongs did refuse so to do it—

by saying that he would soon go to the guard house than do what he was ordered by Serg^t Riley to do, this at Fort Atkinson on the 28th Dec^r 1824

Signd D H Vinton
L^t 6th Infy

To which charge the prisoner pleaded not Guilty Serg^t L Riley of Comp^y C 6th Infy a witness for the prosecution being sworn says—on or about the 20th Dec^r. 1824 I ordered Hollenbeck to lift some ashes which he did. I then ordered the prisoner to carry the ashes out, he answered he would not. I replied do you say you will not he no I will not—I will go to the guard house first—I then told him that I would not give him his choice, that he should take out the ashes he then took out the ashes, when he returned he told me that he would go and report me, I then confined him to the Guard house

Private Hollenbeck a witness for the prosecutions being sworn says on or about the time stated in the Charge I heard Serg^t Riley order the prisoner to take some ashes out of the room, Ball said that he would not that he would go to the guard house first—Serg^t Riley asked him if he refused to do it—Ball answered, I do not Say that I will not do it, but I will go to the guard house first, after being ordered repeatedly, Ball took out the ashes.

The testimony having been all heard and after mature deliberation the Court find the prisoner Prvt William Ball guilty as charged and do sentence him to have his rations of whiskey stopped for the period of twenty days and to ride the wooden horse for two hours each day for three successive days and be confined to the guard house for the same period. His whiskey for the use of the Company to which the prisoner belongs.

The Court adjourned Sine Die—

J S Gray Captⁿ
President

Orders
Head Q^{rs} 6th Regt
Fort Atkinson
Dec 30th 1824

The proceedings of the Garrison Court Martial
of which Capt Gray is President are approved—
The Sentences will be respectively executed
The Court is Dissolved

H Leavenworth
Col Comg

Orders
Head Q^{rs} Fort Atkinson
5th January 1825
A Garrison Court Martial will convene
immediately for the trial of such Prisoners as may be
brought before it

Captⁿ Gantt President
Lieut^s Waters and Stewart Members
L^t. Crosman Recorder

By Order of Col. Leavenworth
Signed J. Pentland
Adj^t 6th Inf.^{ty}

The Court met agreeably to the above Order, Present.
Captⁿ Gantt President, Lieut^s Waters and Stewart Members
L^t. Crosman Recorder and being duly sworn in presence of
the prisoners who being previously asked if they had any

objections to either of the Members mentioned in the order and replying in the negative proceeded to the trial of Private J Connerly of C^o A charged with “igniting Powder in one of the C^o rooms to which he belongs—thereby endangering his own life as well as the lives of those in the room—this at Fort Atkinson on or about the 2nd of January 1825.

Witnesses

Smith

Signed

G. W. Waters

M^cLeod

L^t. 6th Inf^{ty}

Thomas

To which charge and specification the Prisoner plead Not Guilty.

Private Smith a witness for the prosecution being duly sworn says, on or about the time specified in the Charge as I was engaged in turning some powder from a H’d’k’f into a bag (in one of the rooms of C^o A I saw Connerly take some powder in his hand in order to “try it” at the same time instant the powder in the H’d’k’f exploded and burnt me much—if the spark of the fire which set off the powder came from the fork, I do not think it was thrown by the Prisoner, nor do I think it was his intention to ignite the Powder in the Hdkf

The Court find the prisoner Guilty of igniting powder in the room of C^o A but attach no criminality to it inasmuch as it appears to have been an accident.

The Court adjourned to, tomorrow at 10 O’clock A.M.

Fort Atkinson

Jan^y. 6th 1825

The Court met pursuant to adjournment Present Captⁿ Gantt Pres^t. L^{ts}. Waters and Stewart Members; L^t Crosman Recorder and proceeded to the trial of Private Smith of C^o D 6th Inf^{ty}. charged with Drunkenness Specⁿ. In this that the said Smith of C^o D 6th Inf^{ty} was, on the evening of the 2nd. January 1825 much intoxicated

at Fort Atkinson, Council Bluffs.

Charge 2nd. Unsoldierlike Conduct

Specⁿ. In this that the said private Smith of C^o D
6th Inf.^{ty} was when on guard at Fort Atkinson on the 2nd
of Jan^{ry} 1825 so much intoxicated as to be incapable of
doing his duty as Sentinel.

Witnesses

Serg^t. Preston

Signed R H Stuart

Corp^l Lovett

L^t. 1st. Inf^{ty} Off Guard

To which Charges and Specifications the prisoner plead
Guilty.—The Court confirm his plea and sentence him Pr^{te}
Smith to solitary confinement for thirty days—to subsist
during that time on bread and water only—his rations of
whiskey stopped during the same period and given to his Comp^y.

Captⁿ Riley being called upon by the Prisoner to state
what he knows of the Prisoner's general character as a
Soldier, states as follows—after being duly sworn I have known the
prisoner a long time—he has been frequently under my command
and has generally behaved well—I have always considered
him a good soldier—have however occasionally seen him
intoxicated and noisy.

The Court then adjourned to tomorrow at 10 O'clock am

Fort Atkinson Jan^y 7th 1825

The Court next proceeded to the trial of Serg^t. Bonner of
Comp^y C 6th Inf charged with 1st Riotous Conduct
Spec. In this that he the said Serg^t D. Bonner of Battⁿ
C^o C 6th Inf^{ty}. on or about the evening of the 3rd of Jan^y 1825
did quarrel with and maltreat Laundress Mary Johnson of the
6th Inf^{ty}. so as to create a disturbance and not at or in the
precincts of Fort Atkinson.—

Charge 2nd. Unsoldierlike Conduct

Specⁿ In this that he the said Serg^t D. Bonner of Battⁿ.
C^o C 6th Inf^{ty}. at the time and place aforesaid did strike, beat
and otherwise abuse Laundress Mary Johnson 6th Inf^{ty}. to

such a degree as to lacerate her back with a raw Hide in a brutal manner, thereby disgracing himself as a man and derogating him from his duties as a soldier.—

Witnesses

L^t. Vinton

Pr^{te} Thomas

“ Ranson

“ Allen & Laund^s Johnson

Signed D H Vinton

L^t 6th Inf^{ty}

To which Charges and specifications the prisoner plead Not Guilty.

In consequence of the illness of L^t. Vinton one of the principal witnesses on the part of the prosecution the Court was adjourned to, tomorrow at 10 O'clock A.M.

Fort Atkinson Jan^y 8th. 1825

The Court met pursuant to adjournment present all the Members and proceeded with the trial of Serg^t. D. Bonner.

Private Thomas a witness for the prosecution being duly sworn says on or about the time mentioned in the charge as I was going down to the Sutler's store, M^{ts}. Mitchell called to me to assist Mary Bonner as Serg^t Bonner was whipping her to death—I went immediately to the house occupied by the Prisoner, but hearing no noise went into the next House a few steps distant.—I had been there about half an hour, when as I was coming out, I heard a woman scream and the next moment I saw Mary Bonner scuffling with the prisoner—her back was much lacerated—she called to me to assist her and to stay there with her—I went into the Serg^{ts}. house, but did not interfere, further than to beg the Serg^t not to flog her any more—I left the house and returned to the one I had just come from—In about ten minutes afterwards I saw Mary Bonner come out of the house and heard her scream, she ran towards the bake house pursued by the Prisoner—about twenty or thirty paces from the bake house

the Serg^t. came up with her—He caught hold of her and she begged of him to let her go—The Serg^t said he would not let her go, until she had gone back and put on her clothes and then she might go. The Serg^t insisted on her going back with him she said she was afraid to go back alone as he might take her life—I told her that I would go back with her we all three then returned to the Serg^{ts}. house—she put on her clothes, the Serg^t opened the door and told him to “clear herself.”

Quesⁿ by the Court.—Whom do you mean by Mary Bonner is it Laundress Mary Johnson alluded to in the charge?

Answer—Yes it is the same.

Ques. by the Court—Did you see the marks of stripes or lashes on the back of Mary Bonner if you did, state to the Court to what extent they appeared to have been inflicted.—

Ans^f. I did think they were very deep—her back was lacerated from her shoulders down.—

Ques by Court. Did you see the prisoner maltreat or strike Laundress Mary Johnson

Ans^f. No I did not

Ques. by Prisoner—At the time alluded to, did you hear me make a riotous noise?

Ans^f. I did not hear the prisoner make any unsocial noice

Ques. by Court. At the time referred to was the prisoner’s conduct riotous, disgraceful or unsoldierlike?

Ans^f.—Yes it was riotous, Disgraceful and Unsoldierlike.—

Quesⁿ. by Prisoner—What did you see at the time in my conduct which was disgraceful, riotous or unsoldierlike?

Ans^f. I saw the woman and screaming and the Prisoner in pursuit of her.—

Ques. by Court.—Did you see or hear the Prisoner

quarrel with Mary Johnson on or about the time mentioned in the charge.

Ans^t. I did not.

M^r Kennerly the Sutler being called as a witness on the part of the prosecution and duly sworn states as follows—about the time mentioned in the charge as L^t. Vinton and myself were coming into the Garrison we heard a voice which we supposed to be that of a female a short distance from the hut or cabin occupied by Serg^t Bonner. The words that we could distinguish as coming from the woman were, “Let me go and I will go with you”—the person using this language appeared, by the tone, to have been in distress—L^t. Vinton and myself immediately returned in the direction from where we heard the the[sic]voice and coming within a few steps of the door of the house occupied by the prisoner we met the woman Mary Bonner who appeared to have just come out of the house in a hurried manner with her dress loose behind, and we discovered by the stripes on her back that she had been flogged.—as soon as she discovered who we were she stopped and turning her back towards L^t. Vinton observed “look how this man has beat me.”—the prisoner was then standing within a few paces of us in the door of his house.—L^t. Vinton spoke to the prisoner and as well as I recollect asked him what was the cause of the disturbance, upon which the prisoner replied as near as I can recollect “to tell the truth Lieut. this woman has got drunk and has been raising Hell.” L^t. Vinton ordered the prisoner to the guard House.

Ques. by the Court. At the time referred to was the prisoner’s Conduct riotous, disgraceful, or unsoldierlike?

Ans^t. Not that I saw or heard.

Ques. by Court.—Did or did not the woman appear to have been flogged severely?

Ans^t. There were two or three marks on her back from whence the blood had been drawn.

Private Allen a witness for the prosecution being duly sworn

says—about the time mentioned in the charge I went down to Serg^t Bonner's house to get a great coat that I had left there upon coming to the house I heard a woman scream in the house and at the same time could distinguish by the noise that blows were received, by some one—at the same instant I heard in a female voice the following words repeated several times—“Bonner for God's sake don't strike me any more.”

Ques. by Court After you heard the noise at Bonner's house did you see the woman previous to her going to the Hospital

Ans^f. No.

Ques. by Prisoner. Have you had a good opportunity (from being in the same Com^y. with me) to know what has been my general deportment towards Mary Bonner for the last ten months and if so state it?

Ans^f. I have lived in the same room with the prisoner and Mary Bonner for some time past.—the prisoner has to the best of my knowledge always treated her kindly and affectionately

The Court then adjourned to meet again tomorrow morning at 10 O'clock.—

Fort Atkinson 9th Jan^y. 1825

The Court met pursuant to adjournment—Present Captⁿ. Gantt, President, L^t. Waters & Stewart Members—L^t. Crosman Recorder and proceeded with the trial of Serg^t Bonner.

Mary Johnson a witness for the prosecution being duly sworn says in answer to the following question by the Court viz—at the time mentioned in the charge did or did not the prisoner strike or maltreat you and lacerate your back with a raw Hide.

Ans^f. He did.

Questⁿ by Court.—At the same time and place did or did not the prisoner create a riot and disturbance—

Ans^f. He did—

Ques. by Court—Can you state to the Court the probable number of stripes or lashes inflicted on you by the Prisoner.

Ans^r. As near as I recollect there must have been near sixty.—

Quesⁿ by Court—Have you ever considered yourself the wife of Serg^t Bonner.

Ans^r. I did consider myself his wife
Serg^t Lathrop a witness for the prisoner being duly sworn says in answer to the following question by the Prisoner—Did you know Mary Vazer previous to her husband's death?--

Ans^r. Yes

Ques. by Prisoner—What was her general character at that time
Ans^r She was of a loose character and was in the habit of co=
=habiting with different men.—

Ques. by Court.—Is Mary Johnson (the woman alluded to in the charges) the person formerly known by the name Mary Vazer and now generally called Mary^{by} Bonner.

Ans^r. The woman formerly known by the name of Mary Vazer is now called Mary^{by} Bonner.

Billingsbee a private of Comp^y C being duly sworn says in answer to the following question by the Court (how long have you been acquainted with Mary^{by} Bonner?)

Ans^r. I have known her for the last eight or nine months.—

Quesⁿ by Prisoner.—What was the general character of Mary^{by} Bonner is it that of a prostitute or does she bear a virtuous character.

Ans^r. I consider her to be a prostitute from having seen her in company with men at night and from general report.

Ques. by Prisoner. Did you at any time during the last month hear a conversation between Mary Bonner and myself relating to her conduct.—

Ans^r. I did—I heard the prisoner say to her that if she would quit “those ways” that she might live with him and that he would never speak a cross word to her, that if she did come to live with him and did not quit those ways he would flog her.—

The Court then adjourned to 10 O'clock tomorrow morning.—
Fort Atkinson 10 Jan^y. 1825.

The Court met pursuant to adjournment Present Captⁿ.
Gantt Pres^t. L^{ts} Waters and Steward Members, L^t. Crosman
Recorder and proceeded with the trial of Serg^t Bonner.

Mary Johnson being again called says in answer to the
following question by the Court; What has the general deportment
of the prisoner towards you?

Ans^r. He has always treated me well untill very lately.

Ques. by the Prisoner What was the name of the man to whom
you were last legally married?

Ans^r. Joseph Vazer.

Ques. by the Prisoner.—To a question asked by the Court “have
you ever considered yourself as the wife of Serg^t Bonner” you
answered—Yes—I now ask you if you have treated me as a
wife should do a husband?

Ans^r. I did while living with you

Ques. by Prisoner—How long is it since you ceased living with me?

Ans^r. About three weeks

Ques by Prisoner. Did you not repeat your promise to me to
be my wife and conduct yourself as such as late as the 26th or 27th
of last month?

Ans^r. Yes—on conditions that you would never strike, beat or abuse me

Ques. by Prisoner.—At the time I moved out of the Garrison
did you not promise me that you would not go M^r Mamford’s room
nor to his boarding house or have any intercourse with him?

Ans^r. I did not

Ques by Prisoner—Did or did you not promise me that if
you did not behave towards me as a wife I might flog you as much
as I pleased?

Ans^r. No I did not

Ques by Prisoner Is your former husband Vazer still alive
and if so were you not legally divorced from him?

Ans^r He is not alive

The whole of the testimony having been closed in this case and read over to the Court the Court after mature deliberation find the prisoner Sergeant David Bonner as follows—Guilty of the Charges and specifications preferred against him, and sentence him to be reduced to the rank of private Sentinel and to be stripped of his chevrons on the Reg^t. parade and to be reprimanded in Reg. Orders.—The Court taking into consideration the outraged feelings of the Serg^t when urged on by the peculiar situation of his case, have tho't proper to recommend to the Comm^{dg} Officer to remit that part of his sentence which relates to the prisoner's being publicly stripped of his Chevrons on Reg^t. parade and beg leave to submit the whole of his case to the further consideration of the Comm^{dg} Officer.

The annexed sheet containing the prisoner's defence was submitted to the Court

M^r President and
Gentlemen of the Court

The two days indulgence which you have thought proper to grant me for making my defence should not, be the cause of my trespassing more upon your time and patience was there a proper and just statement of my case before the Court, that there is not, I give my word and honor pledged with the honor of a Soldier; my object in addressing the Court is to give one and for its truth I refer you to its own plausibility and appearance.

When Mary Johnson (as she calls herself first became my wife, I anticipated, and in fact, for the first six months, I realized all the pleasure and happiness which the matrimonial state is capable of yielding.—during these six months I did not even dream that I was supporting and cherishing a woman who sought only the embraces of another and courted only his addresses. But the frequency of her visits and the repetitions of her

absence she at length excited my suspicions, I observed her closely and soon detected her in the bunk of another, notwithstanding her open and apparently candid professions of attachment to me.—I remonstrated with her and threatened to turn her off, but by her promises she reconciled me to her and I was induced to believe she would conduct herself properly and decently—Again she deceived me and returned blushing to that course of life, which, from the evidence of her former character she appears to have followed and delighted to follow for several years.—so indifferent and unconcerned was she respecting me, that I again detected her in her former favorite's bunk and hesitated no longer to put my threat in execution—I took her by the arm, led her to the door and told her to go back to the place from whence she had come.—She went and I then considered that we were no longer man and wife and was determined to have no more intercourse with her—Six days had hardly elapsed before she began to entreat me to receive her again, and I consented only on the condition that if she did not behave herself I might flog her, a condition to which she agreed both by consent and by her living with me, she continued her old crime until the time stated, in the specifications of my charge when her conduct was past all forbearance—she got intoxicated and upbraided me with keeping her for the convenience of others with drinking unknowingly, whiskey which she had obtained at the price of favors, and with expending my wage on one who hated me and lived with me only for the purpose of accommodating others whom she liked—such, M^r President, was the conduct of the woman who testified under oath that she had always treated me as a wife should treat a husband whose conduct towards her had been that of main tempted kindness—under the influence of such feelings—awakened by such conduct I did no more than she could expect, no more than

she could expect [sic]—no more than she had agreed I should do.—Our second contract was sealed on the very condition for the fulfilment of which I am now arraigned before you—M^r President I appeal to you, and, Gentlemen of the Court I appeal to you, whether, under the influence of these the most powerful and most galling feelings to the pride of one who feels like a man, you would or could have done less—the feelings of nature on this subject are like the sensitive plant, they recoil at the touch, nay, they curl at the breath of shame, the coldest bosom the most callous heart must acknowledge their influence. To make me the tool of her shameful desires was not enough for her, she could be satisfied only when her sneers and scoffs had directed the “finger of scorn” for those who delight to eke out their malice on one who has become hateful for doing his duty—It remain with you, Gentlemen, to say, whether this woman has effected her purpose, whether, in fact I or she was guilty of riotous conduct.—whether my conduct towards her or her’s towards me produced the charge now exhibited against me, for, certain it is, that had my feelings not been wrought to the highest pitch of madness by the nature of her taunts and allusions there would have been no riot in the case.—The disgraceful and shameful part of the charge must certainly recoil on the one whose conduct best merits it, and if on her, she must assuredly be the mother of the riot, as it was generated by shame and disgrace.—I intended to have brought witnesses to prove that she sought instructions relative to the answers she should give relative to the questions I should ask her in Court, but on reflection I concluded that your patience was already practised enough on and that her testimony was sufferably weakened, and of consequence let the case rest where it now stands hoping at the same time that the Court from the evidence adduced the nature of the case, and the circumstances developed will not be compelled to gratify the vindictive malice of the unprincipled woman who has been the means of troubling me this much.

Respectfully, the

Fort Atkinson
Jan^y 10th, 1825

Courts, Obedient
and very humble
Soldier

Signed D. Bonner
Serg^t 6th Inf^{ty}

The Court adjourned to meet again to morrow morning at 10
O'clock.—

Fort Atkinson
Jan^y 11th 1825

The Court met pursuant to adjournment—present Captⁿ
Gantt, president Lieut^s Waters and Stewart Members, Lieut
Crossman Recorder, and tried private James W Allen of C^o C
6th Inf^{ty} charged with drunkenness.

Spec. In this that the said Private James W Allen of the
company and Regiment aforesaid did get so much intoxicated as
to render him incapable of performing his duty as a Soldier
while driving the company Team of the company aforesaid this
at or near Fort Atkinson on or about the 11th January 1825.

Witnesses Signed D H Vinton
Ripler and Hanlenbeck C^o C Lt. 6th Inf^{ty}
Whitty C^o A Serg^t Shoults C^o E

To which Charge and Specification the prisoner plead
Guilty.

The confirm his plea and sentence him to be deprived of his
rations of whiskey for 30 days—for the benefit of his company

The Court next tried private Goddell of Battⁿ Company H
6th Inf^{ty} charged with disobedience of orders.

Specⁿ In this that he the said Abner Goddell of Battⁿ C^o H 6th
Inf^{ty} did positively refuse to obey the orders of Serg^t Sutherland
of the Comp^y and Reg^t aforesaid by telling him that he would not as-
-sist in the moving a barrel of ashes that had been previously placed in front
of the quarters of said company this at Fort Atkinson on or about the 8th
Jan^y 1825

Signed A. Richardson
L^t. 6th Inf^{ty}

Witnesses Waterhouse
Ayers Serg^t Sutherland
Masters

To which Charge and Specification the prisoner plead Not Guilty

Private Ayers a witness for the prosecution being duly sworn says I heard the prisoner say that he would not help to remove a barrel of ashes that stood in front of the company quarters.—

Serg^t Sutherland a witness for the prosecution being duly sworn says at the time mentioned in the charge I told Corporal Evans to order the prisoner to assist in removing a barrel of ashes in front of the company quarters. A short time afterwards the prisoner came to me and asked me if I ordered him to assist in removing the ashes, I replied that I did order him upon which he said I will not do it.

The Court find the prisoner Guilty of the Charge and specification and sentence him to be confined in the G^d House ten days to ride the wooden horse two hours each day.—

The Court next tried Private Gibson of Comp^y G 6th Inf^{ty} Charged with 1st Disobedience of Orders

Specⁿ In this that he the said private Charles Gibson of the abovementioned Company and Regiment did absent himself from the post of Fort Atkinson and go beyond the distance of one mile without the consent or knowledge of his Comm^{dg} Officer thereby disobeying the orders of the post and violating the Rules and Articles of War at Fort Atkinson on or about the 8th January 1825.

Charge 2nd. Unsoldierlike Conduct

Specⁿ In this that he the said Gibson did report sick at a time when he was not sick and absent himself from the post without the permission of the Surgeon and go beyond the distance of one mile thereby disgracefully avoiding his duty as a soldier at Fort Atkinson on or about the 8th Jan^y. 1825.

Witnesses

Ass. Surgeon Coleman

Signed J. Gantt

Captⁿ Gantt

Captⁿ 6th Inf^{ty}

To which Charges and Specifications the prisoner plead as

follows—Guilty of the 1st Charge and Specification, Not Guilty of the 2nd Charge and its specification.

Captⁿ Gantt a witness for the prosecution being duly sworn on or about the 8th January 1825 the prisoner was on the sick report of the company and did absent himself on the night following without my knowledge and was gone that night and part of next day.—

Doctor Coleman a witness for the prosecution being duly sworn says the prisoner was on the sick report on or about time specified in the 2nd Charge. I did not believe at the time that there was any thing the matter with him and I reported him for duty. I don't know whether he was absent or not as he did not get my permission after I had reported him for duty.

Ques. by the Court. Had the prisoner been borne on the sick report previous to the day alluded to in the Specⁿ?

Ans^r He was on the sick report but one day and I believe it was the day specified.

Ques. by the Prisoner. If you did not suppose me to be sick at the time why did you give me medicine?

Ans^r. I gave it to the prisoner as a punishment as I felt well convinced that there was nothing the matter with him.

Serg^t Bird Ord^y Serg^t of C^o G a witness for the prosecution being duly sworn says—In answer to the following question by the Court—How was the prisoner reported on the Morning report of Comp^y G on the 8th and 9th Ins^t.

Ans^r. On the 8th he was reported sick and on the morning of the 9th he was reported deserted.—

The Court confirm the plea of the Prisoner to the 1st Charge and specification and find him Guilty of so much of the Specⁿ. under the 2nd charge as relates to his absenting himself from the Garrison without the permission of the Surgeon—Guilty of the 2nd Charge and sentence him to be confined in the Guard house for 30 days to ride the wooden horse one hour each day

during his confinement, to wear an Iron Collar and Ball and Chain and perform the menial Police of the Garrison for the same period.

The Court next tried Private John Haddock of Light Comp. A 6th Inf.^{ty} charged with stealing a quantity of Pork from Capt. Grays kitchen at Fort Atkinson on or about the 8th Jan^y. 1825.

Witnesses

Signed G.W.Waters

Elkins C^o I. West C^o A

L^t. 6th Inf.^{ty}

To which Charge and specification the prisoner plead Guilty.—The Court confirm his plea and sentence him to be reprimanded by his Comp^y. Officer.

The Court next tried Corp^l. Duffey of Comp^y. E 6th Inf charged with conduct unbecoming a Non Comm^d Officer. Specⁿ. 1st. In this that he the said Corp W^m Duffey was so much intoxicated on the 9th Jan^y. 1825 at Fort Atkinson as to render him incapable of performing his duty as a soldier and Non Commissioned Officer.

Specⁿ 2nd In this that he the said Corp^l W Duffey did with= =out permission absent himself from evening dress parade on the 9th Jan^y. 1825 at Fort Atkinson.

Witnesses Serg Harris & Prv: Anderson Signed J. Rogers

L^t. Comm^{dg} Comp^y

To which charge and specifications the Prisoner plead Not Guilty Serg^t. Harris Orderly Serg^t. of Comp^y. E witness for the prose= =cution being duly sworn says, the prisoner was intoxicated on the 9th. ins^t. so much so as to be incapable of performing his duty and also was absent without leave from the evening dress parade of that day.

Ques. by the Prisoner. What did you see in my conduct which appeared like that of a man intoxicated?

Ans^r. I saw you staggering about the room and making a noise Private Anderson of Comp^y. E a witness for the prosecution being duly sworn says the prisoner was intoxicated on the 9th Ins^t but not so much so as to be in capable of performing his duty.

he was absent from dress parade that evening.

Quesⁿ by the Prisoner—What did you see in my conduct which appeared like a man intoxicated?

Ans^r. You staggered a little and was noisy—
The Court find the prisoner Guilty of the charge and specifications preferred against him and sentence the prisoner Corp^l Duffy to be reduced to the rank of private Sentinel.

The Court next tried Private Lovell of Company E 6th Infantry charged as follows viz^t.

Charge 1st. Intoxication

Spec. In this that he the said Lovell of Comp^y E 6th Inf. was so much intoxicated on the 9th Jan^y 1825 at Fort Atkinson as to render him incapable of performing his duty as a soldier.—

Charge 2nd. Unsoldierlike Conduct

Specⁿ. In this that he the said Lovell of Comp^y E 6th Inf^{ty}. did absent himself from evening dress parade on the 9th January 1825 at Fort Atkinson without permission

Witnesses

Serg ^t . Harris	} Comp E	Signed J. Rodgers
Priv. Anderson	}	L ^t . 6 th Inf ^{ty} .

To which Charges and specifications the prisoner plead Guilty.

The Court confirm the plea of the prisoner priv. Lovell and sentence him to be confined in the Guard house 5 days to ride the wooden horse 2 hours each day and his whiskey stopped 30 days for the use of his company.—

The Court next tried Priv. Hatton of Comp^y E 6th Inf charged as follows viz.

Charge 1st Intoxication

Spec. In this that he the said Hatton of Comp E 6th Inf^{ty} was so much intoxicated on the 9th Jan^y 1825 at Fort Atkinson as to render him incapable of performing his duty as a

soldier.

Charge 2nd. Unsoldierlike Conduct

Spec. In this that he the said Hatton of Comp. E 6th Inf. did without permission absent himself from evening dress parade at Fort Atkinson on the 9th January 1825.

Witnesses

Serg ^t . Harris	}	Comp E	Signed J. Rogers
Priv. Anderson	}		L ^t . 6 th Inf

To which Charges and specifications the prisoner plead Guilty.

The Court confirm the plea of the prisoner private Hatton and sentence him to be confined in the Guard house 5 days to ride the wooden horse 2 hours each day and to be deprived of his rations of Whiskey for 30 days for the benefit of his company.—

The Court adjourned to Thursday 13th Ins^t

Fort Atkinson 13th Jan^y. 1825

The Court met pursuant to adjournment Present Capt Gantt L^{ts}. Waters and Stewart Members L^t. Crosman Recorder

The additional Charges against Serg^t Bonner having been withdrawn and no more business appearing before the Court they adjourned Sine Die.

J. Gantt
Captain 6 Infy
President of the Court

Head Q^r. 6th Regiment
13th January 1825

Orders

The proceedings of the Garrison Court Martial of which Capt Gantt is President are confirmed

In the case of Serg^t. D. Bonner of C^o. C 6th Inf.^{ty} the sentence of the Court is approved but upon the reccom=

=mendation of the Court that part of the sentence relating to his Chevrons and a reprimand is hereby remitted.—

Serg^t. D. Bonner of C^o C 6th Inf.^{ty} is accordingly reduced to the rank of a private sentinel.—

In the case of Gibson of C^o G 6th Inf. the Comm.^{dg} Officer thinks proper hereby to mitigate the sentence of the Court to 30 days confinement and to do menial police duty for the same time.—

In the case of Haddock of C^o A the Comm.^{dg} Officer feels bound to remark that he thinks the punishment sentence by the Court entirely too light. A man who is mean enough to steal from his Officers deserves a heavier punishment than can be inflicted on such a character by words.—

In the cases of Lovell and Hatton of C^o E the Comm.^{dg} Officer thinks proper to mitigate the sentence in each case to the stoppage of the whiskey part of their rations for thirty days and that each ride the wooden horse 2 hours for two days in suc=
=cession.—The other sentences will be respectively executed as stated by the Court.

The Court is Dissolved.

H. Leavenworth
Col. Comg

The proceedings of a Garrison Court Martial convened at Fort Atkinson on the 21st Jan^y. 1825 by virtue of the following order viz^t.

Head Q^r. Fort Atkinson

Post Order

21st January 1825.

A Garrison Court Martial will convene immediately for the trial of such prisoners as may be brought before it Captⁿ Riley President Lieut^s Rogers & Day Members

L^t. Folger Recorder

By Order of Col. Leavenworth
Signed J. Pentland Adj^t. 6th Inf

The Court being duly sworn in presence of the prisoners who being previously asked whether they had any objections to the Members named in the order and answering in the negative proceeded to the trial of Private Iehn Lloyd of Company B 6th Inf.^y on the following Charges and Specifications viz^t.

Charge 1st. Intoxication

Spec. In this that he the said Iehn Lloyd a private of Light Company B 6th Infantry did on or about the 12th Jan^y 1825 at Fort Atkinson get so much intoxicated as to be unable to perform the duties assigned to him by his immediate Commanding Officer Capt Riley.

Charge 2nd. Neglect of Duty

Spec. In this that he the said Iehn Lloyd of the Company and Regiment aforesaid did on or about the 12th Jan^y. 1825 at Fort Atkinson after being ordered to go to work at the stable belonging to the Company absent himself from the same without permission so to do thereby neglecting his duty as a soldier

Signed B. Riley

Capt 6th Inf^{ty}

To which Charges and Specifications the prisoner pleaded Guilty
Finding and Sentence

The Court confirm the plea of the prisoner Private Iehn Lloyd of B. Comp^y. 6th Reg^t US Infantry and do sentence him to have his rations of whiskey stopped fifteen days to be confined in the Guard house for the same period, to ride the wooden horse two hours each day during his confinement—The stoppage of Whiskey to be appropriated to the use of the company to which he belongs.

Before the same Court was tried Private Robert C Harris of Battⁿ Comp^y. I 6th Inf on the following Charge and Specification viz.

Robert C Harris a private soldier of Company I 6 Regiment US Inf^{ty} is charged with getting drunk and absenting himself from parade at retreat roll call at Fort Atkinson on or about the 17th Jan.^y 1825.

Signed J. L. Gray

Capt 6 Reg US Inf

To which Charge and specification the prisoner pleaded

Not Guilty.—

Serg^t. Perry of I Company 6th Reg^t of Inf a witness for the prosecution being duly sworn says on or about the time specified in the charge I called the roll at evening parade at Fort Atkinson and the prisoner was absent from roll call and the witness says he knows nothing further relative to the charge.—

Finding and Sentence

The Court after mature deliberation on the testimony adduced find the prisoner Rob^t. C. Harris I Comp^y 6th Reg^t. U.S. Inf. Guilty of so much of the charge & specⁿ. as relates to his being absent from parade roll call and Not Guilty of the remainder of the charge & Specⁿ. and do sentence him to have fifteen days of his rations of whiskey stopped the stoppage of Whiskey to be appropriated for the use of his company.—

The Court next proceeded to the trial of Private Zena Wellman of Battⁿ Comp^y. H. 6th Inf^{ty} charged as follows viz

Charge Drunkenness on Duty
Specⁿ. In this that he the said Zena Wellman of Battⁿ Comp H 6 Inf whilst a private of the police Guard at Fort Atkinson on or about the 11th Jan^y. 1825 was so much intoxicated as to be incapable of performing his duty as a sentinel.—

Signed J. Nichols

L^t. 6 Inf^{ty}.

To which Charge and specification the prisoner Wellman pleaded Not Guilty.—

Capt Riley a witness on the part of the prosecution being duly sworn in the presence of the prisoner says on or about the time stated in the charge I was on parade at Fort Atkinson being relieved as Hd Officer of the day and saw the prisoner in the ranks of the sick guard so much intoxicated as he could not walk straight. I remarked to the new Officer of the Day that the prisoner was very much intoxicated, he replied to me he saw it, and he gave an order to have him relieved and confined.

Corp^l Stanley a witness on the part of the prosecution being duly sworn in presence of the prisoner says about the time specified

in the charge I was corporal of the guard at Fort Atkinson the prisoner was confined by L^t. Nichols the Officer of the Guard and he the prisoner appeared to me to be unable to do his duty as a Sentinel.

Serg^t. Sutherland a witness on the part of the prisoner being duly sworn in the presence of the prisoner says, on the day specified in the charge I inspected the prisoner for guard at which time I observed he had been drinking ardent spirits, but thought he was capable of performing his duty.—

Quesⁿ by the Court How did you that the prisoner had been drinking ardent spirits

Ans^r. He appeared to be a little intoxicated

Private Goddell a witness on the part of the prisoner being duly sworn in the presence of the prisoner says, at the time stated in the charge I was under guard and saw the prisoner confined and he did not appear to me to stagger or to be drunk.

Finding and Sentence

The Court after mature deliberation on the testimony adduced find the prisoner private Wellman of H Company 6th Reg^t. U.S. Inf^{ty}. Guilty as charged and do sentence him to have his rations of Whiskey stopped for twenty days—to be confined in the public cells in solitary confinement for eight days—on bread and water—the stoppage of whiskey to be appropriated for the use of the company to which he belongs.—

Before the same Court was next tried private George Stevenson of Company C 6 Inf charged as follows viz.

Stevenson a private of Company C 6 Regiment US Inf is charged with forging a permission with an intention of obtaining whiskey in a clandestine manner in the words and figures as follows

Blanchard has permission to purchase One Quart of Whiskey Jan^y. 16th 1825 J Gantt Capt 6 inf. on or about the 16th January 1825 at Fort Atkinson

Signed J. Gantt
Capt 6 Inf

To which Charge and specification the prisoner pleaded Guilty
The Court confirm the plea of the prisoner and do sentence him to
be confined in the public cells in solitary confinement on bread and
water for twenty days—the remainder of his rations stopped and
appropriated to his company for the same period.—

The Court next proceeded to the trial of Serg^t. George Hoey
of Battⁿ Comp^y K 6 Inf. charged as follows viz.

Serg^t Hoey of Battⁿ Comp^y. K. Regiment U. S. Infantry is
charged with permitting private Gibson to be absent from the Guard
house, while a prisoner under his charge. Serg^t. Hoey being Serg^t.
of the Police Guard thereby neglecting his duty and betraying the
confidence placed in him as Sergeant of Police Guard and disgracing
himself as a Non Commissioned Officer this at Fort Atkinson on or
about the 19th January 1825.

Signed A Richardson
L^t. & Officer Guard

To which charge and specification the Prisoner pleaded Not Guilty

The Court adjourned untill tomorrow at 10 O'clock
22nd Jan^y. 1825. The Court met pursuant to the adjournment

Present Capt Riley President
Lieut^s Rogers and Day Members
L^t. Folger Recorder

Capt Riley a witness on the part of the prosecution being duly sworn
in presence of the prisoner says about the time stated in the charge
I was Officer of the day at Fort Atkinson and the prisoner was
Serg^t of the police Guard. I visited the guard about 2 O'clock in
the morning after having been received by the Officer of the Guard
I ordered the Officer of the Guard to turn his Guard into the Guard house,
he replied to me it would be better to let the Guard stand that he believed
that some of the prisoners were absent—we entered the Guard room
together and found Private Gibson of Company G a prisoner absent. I
then ordered him to send a file of men in search of him which he did
immediately—they found Gibson a prisoner in one of the rooms of
Comp^y. D. and brought him to the Guard house, I ordered the Officer

of the Guard to arrest the three Non Commissioned Officers of the Guard as soon as it was light—which he did—

Private Allen a witness on the part of the prosecution being duly sworn in presence of the prisoner says, I was one of the file of men who found Gibson a prisoner in one of the rooms of Company D laying in bunk and brought him to the Guard house at the time stated in the charge at Fort Atkinson.—

The Court adjourned untill 10 O'clock day after tomorrow in consequence of absence of witnesses

The Court met pursuant to their adjournment

Present Cap^t. Riley President

Lieut^s Rogers &

Day

Lieut. Folger Recorder

Lieut Richardson a witness on the part of the prosecution states that on or about the time specified in the charge I was Officer of the guard and the prisoner was Sergeant of the Police Guard, on my visiting the guard room about tattoo I found one of the prisoners absent from the Guard house, I enquired of the Post Corporal where the prisoner had gone, he replied he did not know, one of the prisoners said he had gone to the police tubs. About two O'clock in the morning I visited the Guard room and found the same prisoner absent again, I then ordered the Post Corporal with a file of men to go in search of him, the post Corporal went immediately to one of the rooms of D. Company where private Gibson of G. Company a prisoner was found and brought to the Guard house. The prisoner Serg^t. Hoey told me he was totally ignorant of Gibson a prisoner being absent all this at Fort Atkinson—

Private Ferguson of (H) Company—a witness on the part of the prosecution being duly sworn in the presence of the prisoner states that on or about the time stated in the charge I was on guard at Fort Atkinson the prisoner was Sergeant of the Guard, when the Officer of the day visited the Guard, I heard the Officer of the Guard enquire of the prisoner where Gibson a prisoner was the prisoner replied he did not know where he was, nor had he seen Gibson a prisoner since Tattoo—

I was then sent as one of the file of men in search of Gibson a prisoner and found him in one of the rooms of Company (D) in bunk also between 4 and 6 O'clock P.M. saw the prisoner and Gibson a prisoner standing front to front in the door of the Guard room, they appeared to be conversing together—

Private Hanley a witness on the part of the prosecution being duly sworn in presence of the prisoner states that on or about the time stated in the charge at Fort Atkinson I was on guard the prisoner was Sergeant of the Guard when I came off post at 10 O'clock I saw the prisoner and Gibson a prisoner conversing together and heard the prisoner say to Gibson a prisoner that he might go, Gibson replied that the sentinel would not let him go, he then went to the door and returned immediately, I then laid down and do not know what passed until the Officer of the Day visited the Guard at which time Gibson a prisoner was absent—

The Court asked the prisoner if he had any defence to make and he replying in the affirmative handed in the following defence—

Defence

Gentlemen of the Court I stand charged with permitting private Gibson of Battⁿ. Company G 6th Inf^{ty} while a prisoner under my charge as Sergeant of the Guard at Fort Atkinson on the 19th January to be absent from the Guard room I wish to inform the Court that it has been already proved by the witnesses produced against me that I have not neglected my duty in any respect while Sergeant of the Guard on the 19th January. The Court will be so good as to take into consideration that although I was Sergeant of the Guard and have charge of the prisoners in the Guard room that the centry at the Guard room door N^o 1 is stationed there permanently for that purpose as were as others; and that I during my tour as Sergeant of the Guard might have and had some occasions to be for some time say ten minutes or more absent from the Guard by permission from the Commandant of the Guard for instance to visit the sentinel or the police tubs &^c. during the night, I could not be possibly held accountable for a prisoner who might escape the guard during my absence on such occasions. I paraded the guard at 12 O'clock in the night dismissed them when the relief returned. I saw Gibson the prisoner laying on the Guard bed about half past 12 O'clock

and about a quarter of an hour before 2 O'clock I was informed that the prisoner Gibson was absent. I am totally ignorant of which way he escaped the Guard and am confident that during my tour as Sergeant of the Police Guard on the 19th January at Fort Atkinson I did not neglect my duty in any respect whatever—

George Hoey

Serg^t. Compy K. 6 Inf^{ty}

The Court after mature deliberation on the evidence adduced find the prisoner Serg^t. George Hoey (K) Company 6th Reg^t. U. S. Infantry guilty as charged and do sentence him to be reduced to the rank of a private sentinel to be deprived of his chevrons in presence of the Reg^t. at a Regimental parade—

Before the same Court was tried Corporal Varney Lovette of Light Company A 1st. Reg^t. U. S. Inf^{ty} on the following charge and specification—

Corp^l Varney Lovette of Light Company A 1st Reg^t. U. S. Inf^{ty} is charged with permitting private Gibson of Battⁿ Compy G 6th Regiment U. S. Inf^{ty} to be absent from the Guard house while a prisoner under his charge, Corp^l Varney Lovette being at the same time relief Corporal of the Police Guard, thereby neglecting his duty and betraying the confidence placed in him as relief Corporal of the Police Guard and disgracing himself as a Non-Commissioned Officer, this at Fort Atkinson on or about the 19th January 1825—

A Richardson

L^t. & Officer Guard

To which charge and Specification the prisoner pleaded not guilty—

Captⁿ Riley a witness on the part of the prosecution being duly sworn in presence of the prisoner says about the time stated in the charge I was Officer of the day and the prisoner was relief Corporal of the Police guard, I visited the guard about two O'clock in the morning after having been received by the Officer of the Guard, I ordered the Officer of the Guard to turn his guard into the Guard house, he replied to me it would be better to let the guard stand, that he believed some

of the prisoners were absent, we entered the Guard room together and found private Gibson of Comp^y. G a prisoner absent. I then ordered him to send a file of men in search of him which he did immediately, they found Gibson a prisoner in one of the rooms of Company D. and brought him to the Guard house. I ordered the Officer of the guard to arrest the three Non Commissioned Officer of the Guard as soon as it was light which he did—

L^t. Richardson a witness on the part of the prosecution being duly sworn in presence of the prisoner states on or about the time specified in the charge I was Officer of the Police Guard and the prisoner was relief Corporal of the same at Fort Atkinson, I ordered the prisoner before tattoo to see the prisoner properly secured and to allow no communication with them and to communicate this order to the Post. Corp^l. I gave this order in consequence of the Sergeant of the guard being absent at meals as it was reported to me—

About Tattoo I visited the guard room found one of the prisoners absent, I asked the Post Corporal where he had gone to he replied he did not know, one of the prisoners said he had gone to the Police tubs. About 2 O'clock in the morning I visited the guard room and found the same prisoner absent again. I sent the Post Corp^l. and a file of men in search of him—they went immediately to one of the rooms of (D) Company where they found Gibson of G Company prisoner and brought him to the Guard house—

Private Stanley a witness on the part of the prosecution being duly sworn in presence of the prisoner says at the time stated in the charge I was on guard and the prisoner was relief Corporal of the guard at Fort Atkinson Gibson of G. Company a prisoner was absent from the Guard house, but I do not know if the prisoner permitted him to leave it or to his knowing to Gibson's (a prisoner) absence

Corp^l Moore a witness on the part of the prisoner being duly sworn in presence of the prisoner—
Question by the Prisoner—Did you see Sergeant Hoey of Comp^y K. 6th Regiment U. S. Inf^{ty} and Gibson of G. Company in any of the rooms of the Company on or about the time stated in the charge at Fort

Atkinson—Ans: Yes—I saw them both in one of the rooms of the Company at the time stated in the charge and they were conversing together—

The Court after mature deliberation on the evidence adduced find the prisoner Corp^l Varney Lovette (A) Company 1st. Reg^t. U. S. Infantry not guilty as charged—The Court although are of an opinion the Conduct of Corp^l Lovett was highly reprehensible and do sentence him to be reprimanded in orders—

Was also tried before the same Court Corp^l George Jolly on the following charge and specification—

Corp^l George Jolly of Light Company (A) 6th Reg^t U. S. Inf^{ty} is charged with permitting private Gibson of Battⁿ Company G 6th Inf^{ty} to be absent from the guard house while a prisoner under his charge Corp^l George Jolly being at that time Post Corporal of the Police Guard thereby neglecting his duty and betraying the confidence placed in him as Post Corporal of the Police Guard and disgracing himself as a Non Commissioned Officer this at Fort Atkinson on or about the 19th Jan^y. 1825—

A. Richardson

L^t & Officer Guard

To which charge and Specification the prisoner pleaded not guilty—

Captⁿ Riley a witness for the prosecution being duly sworn in presence of the prisoner says about the time stated in the charge I was Officer of the Day at Fort Atkinson and the prisoner was post Corp^l of the Police Guard, I visited the Guard about 2 O'clock in the morning after having been received by the Officer of the Guard I ordered the Officer of the Guard to turn the Guard into the Guard house, he replied to me it would be better to let the guard stand, that he believed some of the prisoners were absent, we entered the guard room together and found private Gibson of Company G a prisoner absent, I then ordered him to send a file of men in search of him which he did immediately, they found Gibson a prisoner in one of the rooms of Company D, and brought him to the Guard house, I then ordered the Officer of the Guard as soon as it was light to arrest the three Non Commissioned

Offices of the Guard which he did—

Lieu^t Richardson a witness on the part of the prosecution being duly sworn in presence of the prisoner states on or about the time specified in the charge I was Officer of the Police Guard and the prisoner was Post Corporal of the same at Fort Atkinson I ordered the prisoner (Corp^l Jolly) through the relief Corp^l to see the prisoners properly secured and no communication with them—About tattoo I visited the Guard house and found one of the prisoners absent, I asked the prisoner the post Corporal where he had gone, he replied he did not know, one of the prisoners said he had gone to the police tubs, about two O'clock in the morning I visited the guard and found the same man absent again I ordered the prisoner the Post Corporal with a file of men to go in search of him, they went immediately to one of the rooms of D. Comp^y. where they found Gibson of G. Company a prisoner and brought him to the Guard house—

Private Stanley a witness on the part of the prosecution being duly sworn in presence of the prisoner says at the time stated in the Charge I was on guard and the prisoner was Post Corporal of the Guard at Fort Atkinson, Gibson a prisoner of G. Company was absent from the Guard house but I do not know the prisoner permitted him to leave it or to his knowing to Gibson a prisoner's absence—

Finding and Sentence

The Court after mature deliberation on the evidence adduced find Corp^l George Jolly A. Company 6th Reg^t. U. S. Inftry not guilty as charged— The Court although are of an opinion that Corp^l. G. Jolly's conduct is highly reprehensible and do sentence him to be reprimanded in orders.

The Court adjourned untill the day after tomorrow the 26th Ins^t. at 10 O'clock—

The Court met pursuant to the above adjournment

Present Cap^t. Riley President

Lieut^s Rogers &

Day

Lieut. Folger Recorder

Before the same Court was tried private William Duffey

of Batt^l. Company E 6th Infantry on the following charge—

Private William Duffey of Company E 6th Reg^t. U. S. Infantry is charged with being so much intoxicated while on post as a sentinel of the Police Guard as to render him incapable of performing his duty at Fort Atkinson on or about the 24th January 1825—

(Signed) W^m. Day

L^t. 1st Inf^{ty}.

To which charge and Specification the prisoner pleaded Not Guilty—

Serg^t Preston a witness on the part of the prosecution being duly sworn in presence of the prisoner on or about the time and place stated in the charge I saw the prisoner somewhat intoxicated but not so much so as to render him incapable of performing his duty.

Corp^l Adams a witness on the part of the prosecution being duly sworn in presence of the prisoner on or about the time and place stated in the charge I saw the prisoner somewhat intoxicated but not so much so as to render him incapable of performing his duty—

Captain Gantt a witness on the part of the prosecution being duly sworn in presence of the prisoner says the prisoner was on post N^o 2 in passing his post on my way to Doctor Gale's quarters I thought the prisoner appeared to be intoxicated but not so much so as to be incapable of performing his duty. I set some time at D^f. Gale's quarters and on my return I found the prisoner still on post, & very drunk and so much so as to be totally incapable of performing his duty as a sentinel and had him releived—

The testimony on the part of the prosecution being closed and the prisoner being asked if he had any defence to make and he answering in the affirmative handed in the following defence—

Defence

Honourable Gentlemen of the Court I have to say in palliation of my conduct that I have the day previous to my being on guard been releived from an out party—In the evening I drank a great deal with my friends, but the morning I went on guard I only drank my rations and a half a gill, I thought I could stand that or I would

not have drank that, it was not my intention to be drunk on duty but so much of the charge as I am guilty of I am willing to be punished for for [sic] my indiscretion—

I am Gentlemen

Respectfully Yours &o/h

Finding & Sentence

W^m Duffey

The Court after mature deliberation on the testimony adduced find the prisoner W^m Duffey guilty as charged and do sentence him to be confined in the public cells in Solitary confinement for eight days on Bread and Water and to have his rations of Whiskey stopped twenty days to be appropriated to his Company

The Court having no further business before them adjourned—Sine Die—

The Court met by virtue of the following order 30th January 1825.

Present Cap ^t . Riley	President
Lieut ^s . Rogers & Day	Members
Lieu ^t . Folger	Recorder
H ^d Q ^{rs} . Fort Atkinson	
	29 th Jan ^y . 1825

Orders

The Court Martial of which Cap^t. Riley is President will reassemble tomorrow morning at 10 O'clock A. M. to reconsider their proceedings in the cases of Corp^l Varney Lovett 1st Inf^{ty} and Corp^l. Jolly 6th Inf^{ty}—It is considered irregular to acquit a prisoner or find him not guilty and at the same time sentence him to receive punishment

(Signed) H. Leavenworth
Col. Comm.^{dg}

The Court reviewed their proceedings in the case of Corp^l. Varney Lovett and Corp^l. G. Jolly and do still adhere unani=

=mously to their former proceedings—
The Court adjourned Sine Die—

B Riley
Cap^t. 6th Infy Post

H^d Q^{rs}. Fort Atkinson
30th January 1825

Orders

The proceedings of the Garrison Court Martial of which Cap^t. Riley is President are confirmed and the sentences of the Court will be respectively executed with the exception of those in the cases of Corp^l. Varney Lovett 1st Inf^{ty} and Corporal Jolly 6th Inf^{ty} which are hereby respectively remitted—

Corporal Lovett & Jolly are hereby released from arrest and will return to duty—

The Court is dissolved

H Leavenworth
Col Comg

Proceedings of a Garrison Court Martial held at Fort Atkinson by virtue of the following order—

Head Qr: Fort Atkinson
3rd February 1825

Orders

A Garrison Court Martial will convene tomorrow Morning at 10 O,Clock for the trial of such prisoners as may be brought before it—

Cap^t. Pentland President
Lieut^s. Harney & Gynne Members
Lieu^t. Andrews Recorder

By order of Co^l. Leavenworth

(Signed) J. Pentland Adj^t. 6th Inf^{ty}

The Court met pursuant to the above order—Present Cap^t. Pentland President, Lieu^t. Harney & Gwynne members—L^t. Andrews Recorder

The Court being duly sworn in presence of the prisoners to be tried (who being previously asked if they had any objections to the members named in the order and replying in the negative) proceeded to the trial of private Hancock (Compy. D. 6th Inf^{ty}) on the following charge—

Private Hancock of the above mentioned Comp^y. & Regiment is charged with leaving his Q^{rs}. after Tattoo and endeavouring to pass sentinel N^o 5 of the Police Guard at Fort Atkinson on or about the night of the 1st February 1825

By order of Co^l. Leavenworth
(Signed) J. Gantt Cap^t. 6th Inf^{ty}
& Officer Day

To which charge the prisoner pleads Not guilty

Serg^t. Harney (Comp^y I 1st Inf^{ty}) a witness for the prosecution Says—on or about the 1st Feby 1825 between the hours of 9 & 10 O'clock at night I went (by order of the Off^r. Guard) to visit the sentinels—I found the prisoner then in possession of sentinel (N^o 5 stationed at the Q^r. Masters Store)—I asked the prisoner where he was going—he said he was going to the Sutlers Store for some Segars I took him to the Guard house, he was confined by order of the Officer of the Guard—

Private M^cCoy (C^o. I 1st Inf^{ty}) a witness for the prosecution says, I was sentinel (N^o 5) stationed at the Q^r Masters Store on the 1st Feby 1825 between 9 & 10 O,Clock at night, the prisoner was about to pass my post. I took him prisoner and turned him over to the Serg^t. Guard—

The testimony being closed—The Court after mature deliberation find the prisoner (private Hancock) guilty of the charges as specified and sentence him to have his rations of whiskey stopped for ten days to be applied to the use of the Hospital—

The Court next proceeded to the trial of private Lunt on the following charge preferred by Captain Gray 6th Infantry—

Charge—Josiah Lunt a private Soldier of Company (I) 6th Reg^t. U. S. Inf^{ty} is charged with absenting himself from parade at

revillie roll call on or about 3^d. Feby 1825 at Fort Atkinson—

To which the prisoner pleads guilty

Serg^t. Perry a witness for the prosecution Says—On or about the time specified when I called the roll (or Orderly Serg^t) the prisoner was absent—

Smith a private (C^o. I. 6th. Inf^{ty}) a witness for the prisoner Says at reivelle roll call on or about the 3^d. Feby. 1825 the prisoner complained of being sick—

Ques^t. By the Pres^{nt}. Did I not ask you to report to the Orderly Serg^t. that I was sick and had to go to the sinks and had not time to see the Serg^t. myself--?

Ans: He said something to me but I did not understand distinctly what it was—I know the prisoner has complained of being sick for two nights past and has had to get up frequently during the night—The prisoner is my Bunk Mate—

The testimony being closed—The Court confirm the plea of the prisoner, but in consequence of the indisposition of the prisoner attach no criminality to his conduct—

Private Philip Brown of (Light Comp^y A 6th Inf^{ty}) was tried on the following charges and Specifications preferred by L^t. Waters 6th Inf^{ty}

Charge 1st. Theft

Spec. In this that the said private P. Brown of Light (C^o A 6th Inf^{ty}) did while on the chopping party near Fort Atkinson on the evening of the 1st Feb^y. 1825 take a quantity of the ration Whiskey belonging to the said party—

Specⁿ 2nd. In this that he the said private P. Brown of Light (C^o A. 6th. Inf^{ty}) did at the time and place above specified take a pair of Laced boots the property of private W^m. Smith (of Light C^o. A. 6th. Inf^{ty}) without the knowledge of the said Smith

Charge 2nd. Disobedience of Orders

Specⁿ. In this that he the said private P. Brown of (Light Company A. 6th. Inf^{ty}) did while on the chopping party near Fort Atkinson on the evening of the 1st Feby 1825 leave the said party

and go to the Garrison without the permission of the Non Commission Officer in charge of the party at the time—

To which charges and Specifications the prisoner pleads as follows—

Not Guilty to the 1st Charge & Specifications—Guilty to the Specification of the 2nd. Charge—

Serg^t. Shouts (C^o. E. 6th. Inf^{ty}) a witness for the prosecution Says—on or about the evening of the 1st Feby 1825 I had been to the Garrison and on returning I met the prisoner coming to the Garrison, I took him back to the party, he remained with the party untill after Tattoo, when the prisoner left it without leave—I had previously given orders to the men, that no one should leave the party without permission from L^t. Waters except on Saturday & Sunday evening—

Private Elkins (of C^o. G. 6th. Inf^{ty}) a witness for the prosecution Says on or about the time specified the whiskey belonging to the party (chopping) was left in my charge by Serg^t. Shouts, I saw the prisoner have the keg of Whiskey in his hands and it appeared as if he had been drinking it, on examination there was found from 7 to 8 gills missing.—

The Court after mature deliberation find the prisoner private (P. Brown) not guilty of the 1st charge & specification—Guilty of the 2nd Specⁿ. 2^d charge and guilty of the charge—and sentence him to have his rations of Whiskey stopped for ten days to be applied to the use of the Company—to which he belongs

The Court next proceeded to the trial of private Thomas Doyle (C^o. C. 6th. Inf^{ty}) on the following Charges preferred by L^t. Vinton 6th Reg^t

Charge 1st Theft—

Spec. In this, that he private Thomas Doyle (of Battⁿ C^o. C 6th. Reg^t U. S. Inf^{ty}) did steal from the room of Serg^t. Riley a blanket, this derogatory to the character of a Soldier—This at Fort Atkinson on or about the evening of 2^d. Feby. 1825.

Charge 2nd. Disobedience of Orders

Spe: In this that the said Thomas Doyle of the Compy & Regiment

aforesaid, on being ordered to the Guard house by Corp^l. Enright refused so to do by saying that he would not go for him. This in violation of good order and discipline, and shewing respect to the orders of his superior officer, this at Fort Atkinson on or about 2^d. Feby 1825—

To which the prisoner pleads as follows—Not Guilty of the 1st charge and Spec: guilty of the 2^d. charge & Spec:--

Corp^l. Enright a witness for the prosecution says on or about the time specified, I detected the prisoner with a blanket. I took it from him and ordered him to the Guard house he refused to go.

Private Stiles a witness for the prosecution Says, I know nothing of the 1st Charge & Spe: as to the 2^d. Charge & Spec: I heard the prisoner refuse to go to the Guard house when ordered by Corporal Enright—

Curran (a private 6th Reg^t.) and a witness for the prosecution Says, on or about the time specified, I saw the prisoner brought into the room by Corp^l. Enright with a blanket in his possession, which after some dispute between him and the Corp^l. whether it was his or not he threw it on the bunk, I heard him refuse to go to the Guard house when ordered by the Corporal

The Court find the prisoner (Doyle) guilty of the 1st. Charge and Spe:, and confirm the plea of the prisoner on the 2nd. Charge and Spe: and sentence him to be confined to the cells for ten days to be fed on bread and water for the same time, his rations of whiskey &^c. to be stopped for the benefit of his Comp^y.

The Court having no further business before it adjourn-ed Sine Die

C Pentland
Capt 6th Inf
& Pres^t of Court

The proceedings of the Court Martial of which Cap^t. Pentland is President are approved—The sentences will be respectively executed except that in the case of Hancock

of Compy (D) which is hereby remitted—

The Court is dissolved—

H Leavenworth

Col. Comg

Proceedings of a Garrison Court Martial held at Fort
Atkinson by virtue of the following order—

Head Q^{rs}. Fort Atkinson

Post Orders

9th February 1825

A Garrison Court Martial will convene
immediately for the trial of such prisoners as may be brought
before it—

Captain Gantt

President

Lieut^s Nute & Stewart

Members

Lieu^t. Richardson

Recorder

By order of Co^l. Leavenworth

Signed J. Pentland Adj^t. 6th Inf^{ty}

The Court met pursuant to the above order

Present

Capt. Gantt

President

Lieut^s Nute. & Stewart

Members

L^t. Richardson

Recorder & after

being duly sworn in presence of the prisoners who being previously
asked if they had any objections to any of the members named in
the order and replying in the negative, the Court proceeded to the trial
of Sergeant Riley on the following charge and Specif. viz. Charge
and Specification preferred against Serg^t. Luke Riley of Battⁿ Comp^y
C 6th Reg^t. of Infantry. By order of Co^l. Leavenworth Commanding
said Reg^t.

Charge. Disobedience of Orders

Specification. In this that the said Serg^t. Luke Riley of the Company
aforesaid at Fort Atkinson on the evening of the 8th Feby 1825. Did
repeatedly strike with a sword or some other weapon private D. Bonner
of the aforesaid Company while the said Bonner was under his charge
as a prisoner then proceeding toward the Guard house.

Fort Atkinson
8th Feby. 1825

(Signed) D. H. Vinton
Lieu^t. 6th Inf^{ty}

To which charge and Specification the prisoner
pleaded “not guilty”

Private Ball a witness for the prosecution being duly sworn, Says: on or about the time specified the prisoner Serg^t. Riley ordered me and private Cooper to get our guns and take Bonner to the Guard house, and while going there Serg^t. Riley ordered Bonner to go faster and at the same time pushed him along, Bonner asked the prisoner Serg^t. Riley if he wished him to run, and when passing the magazine Bonner commenced running and at the same time said “it will take a Damned hard horse to catch me” when he run towards the West Gate in a direction from the Guard house, Serg^t. Riley followed him and I heard some blows given, but it was so dark that I could not tell who they were from or to whom given—

Question by the Prisoner—How far did Bonner run before he changed his direction towards the Guard house, and did he change his direction in consequence of my pursuing him?--

Answer. Bonnar run about half way from the magazine to the West Gate. Serg^t. Riley was very near Bonnar when he changed his direction—

Question by the Prisoner—Did not Bonnar walk unusually slow and appear to take his own time before I pushed him?--

Answer. He did—

Private Bonnar a witness for the prosecution being duly sworn; Says: on the evening specified Serg^t. Riley ordered me to the Guard house under a file of men and while going there Serg^t. Riley (the Prisoner) pushed me repeatedly and told me to move myself, I replied that I was going as fast as he was he again ordered me to move myself—I told him I would run if he wished it—he then said “start God damn you or I will break your head,” on turning the corner of the magazine I started and run three or four rods towards the West Gate and then turned towards the Guard house—I got near

the wood pile in front of the Guard house where I slackened my pace, when Serg^t. Riley came up with me and commenced cursing and beating me with his sword and said he would learn me to run away from him again—He struck me several times on the head, shoulder & arm—

The Court adjourned to meet again tomorrow at 10 O,Clock A.M.—

10th Feby. 1825

The Court met pursuant to adjournment

Present

Cap^t. Gantt

President

Lieut^s Nute & Stewart

Members

Lieu^t. Richardson

Recorder.

Private Cooper a witness for the prosecution being duly sworn: Says: on the evening of the day specified I was ordered by the prisoner Serg^t. Riley as one of the Guard to take Bonnar to the Guard house and on the way there Bonnar walked very slow, Sergeant Riley ordered him to go faster Bonnar replied “I will run if you wish it,” Bonnar continued to walk slow, Serg^t. Riley repeated the order for Bonnar to move faster and at the same time pushed him along, when Bonnar started and run towards the west gate, after having run half way there, he turned towards the Guard house before Bonnar reached the guard house Riley (the prisoner) overtook and beat him (Bonnar) with his sword—

Question by the Prisoner. Did I signify by language or gesture my consent to his running?--

Answer. You did not.

Lieut. Vinton a witness for the Prisoner being duly sworn Says: on being questioned by the prisoner “Viz” Did you have command of the Company to which I belong at the time of this transaction—and what orders and instructions have you given me?

Answer. I did have command of the Company to which the prisoner belongs at the time of the transaction, heretofore I have found cause to instruct him that whenever a prisoner under his charge disobeyed his

orders or attempted to resist them or his authority to use harsh means to cause an obedience provided mild ones would not answer and in cases similar to the present, I have ordered him to cut the man down.

The evidence on the part of the prosecution and prisoner having been heard, the Court was cleared and the whole of the proceedings read over to the Court when the following sentence was pronounced, The Court find the prisoner guilty of so much of the Specification as relates to his striking Bonnar with a sword or some other weapon, but attach no criminality to it and find the prisoner not guilty of the charge.

Was next tried Serg^t. J. Clute on the following charges and Specification viz Charge and Specification preferred against Serg^t. J Clute of Battⁿ. Company C 6th U. S. Inf^{ty}.

Charge. Intoxication on duty—

Specification In this that the said Serg^t. J. Clute of Batt^l. Comp^y. C did attend Regimental parade on the evening of the 8th Feby 1825 in a state of Intoxication in so much as to disgrace himself as a Non Comm^d. Officer—

Fort Atkinson
8th Feby 1825

(Signed) D. H. Vinton
Lieu^t. 6th Inf^{ty}—

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

Lieu^t. Richardson a witness for the prosecution being duly sworn Says, on the evening of the 8th Feby 1825 while going on Regimental parade I saw the prisoner Serg^t. Clute marching on to the parade ground— He appeared to be very much intoxicated and in my opinion so much so as to render himself incapable of performing duty properly—

Lieut Vinton a witness for the prosecution being duly sworn Says On the time and place specified in the charge the prisoner did attend Regimental parade in a state of intoxication, and in my opinion so much so as to disgrace himself as a Non Commissioned Officer, I commanded the Comp^y to which the prisoner belongs and had an opportunity of observing his appearance, This intoxication and

not totally incapacitating him from performing his duty, at any rate he could not have performed it well—The evidence on the part of the Prosecution being closed and the prisoner having no testimony to offer said by way of Defence that he had just returned from Command, that he had drank nothing for several days, and that what he drank on his return had a greater effect than he expected it would, after which the Court was cleared and the whole of the proceedings read over to the Court when the following sentence was pronounced—

The Court after mature deliberation on this testimony adduced find the prisoner Serg^t. J. Clute guilty as charged; and do sentence him to be reduced to the rank of a private sentinel—

The Court having no more business before this adjourn Sine Die

J Gantt

Captain 6th Infy

President of the Court

Head Q^r. Fort Atkinson

11th Feby 1825

Orders

The proceedings of the Court Martial of which Cap^t. Gantt is President are approved—The sentences will be respectively executed—

H. Leavenworth

Col. Comg.

Proceedings of a Garrison Court Martial convened at Fort Atkinson by adjournment on the 15th Feb^y. 1825 by virtue of the following order viz.

H^d Q^r. Fort Atkinson

14th Feb^y. 1825

A Garrison Court Martial will convene at 10 Oclock

this morning for the trial of such prisoners as may be brought before it

President

Captⁿ Spencer 1st Inf
Lieut^s Hutter & Nichols Members
L^t. Miller Recorder

By Order of Col. Leavenworth

Signed J. Pentland

Adj^t. 6th Inf

Serg^t. T. C. Bird being summoned as a witness on the part of the prosecution in the case of Private W^m. Dailey Comp^y G 6th Inf and refusing to appear after being so summoned, The Court find him (Serg^t. T. C. Bird) Guilty of contempt of Court and sentence him to be reduced to the ranks.

G C Spencer

Capt 1st In

President

Orders
H^d. Q^r. Fort Atkinson
11th Feb^y. 1825

The foregoing proceedings of a Garrison Court Martial of which Capt Spencer of the 1st Inf is President are approved.—The sentence of the Court will be carried into execution—Serg^t Bird of C^o G 6th Inf is accordingly reduced to serve in the ranks as a private soldier.

H. Leavenworth
Col. Comg

Proceedings of a Garrison Court Martial convened at Fort Atkinson on the 14th Feb^y. 1825 by virtue of the following order (Viz)

Post Orders
Head Q^r. Fort Atkinson
14th Feb^y 1825—

A Garrison Court Martial will convene at 10

present in the Company, the prisoner did not attend roll call at the time specified—

Corp^l. Wilson a witness for the prisoner being sworn Says: The prisoner was excused from all roll calls with the exception of those at Tattoo and Revellie by the Co^l. the order was given by the Colonel two or three nights ago.

Ques^t. by the Court—Was the prisoner ordered to attend all roll calls by Serg^t Smith after you had communicated the order given by the Colonel to him?--

Answer—Yes he was—

Quesⁿ. By the prisoner. Did you not tell me two or three days previous to my confinement that I was excused from all roll calls, with the exception of those at Tattoo and Reveille—

Answer. Yes I did.

The testimony on the part of the prisoner being heard, the Court was cleared and after mature deliberation on the testimony adduced they find the prisoner James Webster guilty of the charge and Specification preferred him and sentence him to be confined to the black hole for the period of ten days to be fed on bread and water and to have his whiskey stopped for the same period—

Taking into consideration the circumstances of the case the Court are of opinion that the prisoner did not intentionally err in as much as he (the prisoner) was repeatedly told by Corp^l. Wilson that he was excused from all roll calls, with the exception of those at Tattoo and Reveille, the Court therefore recommend him to the mercy of the Commanding Officer

The Court Adjourned to meet tomorrow at 9 O'clock

February 13th 1825

The Court met pursuant to adjournment

Present

Capt. Spencer

Lieut^s Hutter & Nicolls

Lieu^t. Miller

President

Members

Recorder

Private Gibson was next brought before the Court on the following charge and Specification (Viz), Charge and Specification In this that he private Charles Gibson of Company G 6th Regiment Inf^{ty} did create a riot and disturbance (in one of the rooms of the Company aforesaid) after Tattoo on or about the night of the 11th February 1825 at Fort Atkinson—

(Signed) J. Gantt Cap^t. 6th Inf^{ty}.

To which charge and Specification the prisoner pleaded “Not guilty”—

Private Murtee a witness for the prosecution being duly sworn Says; I was in one of the Company rooms with the prisoner when his wife came in, after they had a few words together she went out, he followed her and brought her back, she left the room two or three times being brought back each time by the prisoner and the last time he brought her in he pushed her over the bench, as soon as they commenced the noise the sentinal called for the Corporal of the Guard—

Serg^t. Bird a witness for the prosecution being duly sworn Says; on or about the 11th I got out of my bunk on account of a riot in the room, the prisoner struck the woman two or three times and knocked over the bench, I ordered him two or three times to be silent and he did not obey me—

Question by the Prisoner. Did I make any more noise than was occasioned by knocking over the bench?

Answer. Yes you did.

Hageman a witness for the prisoner being duly sworn Says; I was in the room at the time specified in the charge but I do not recollect of the prisoners going out more than once after his wife. I was not at all concerned & did not pay much attention to what was going on, but I recollect that the prisoner went out once after his wife—

Question By the prisoner. Did I make any noise in the room?

Answer. No you did not.

Mills a witness for the prosecution being sworn Says; I was

in the room at the time specified, the prisoners wife went out of the room and he brought her back, she wanted to go— out again but he would not let her; the prisoner struck his wife and pushed her on the bench and knocked it over, Serg^t. Bird in endeavouring to quell the disturbance between the prisoner and his wife made the noise—

Question by Court. Did Serg^t. Bird order the prisoner to be silent?

Answer. No he said nothing to him.

Question by prisoner Did I make any unusual noise at that time?

Answer No.

The testimony on the part of the prisoner being heard the Court was cleared and after mature deliberation on the testimony adduced find the prisoner Charles Gibson “Guilty” of the charge and Specification preferred him and sentence him to be confined in the cells for six days and to have his rations of whiskey stopped for the same period.

Private William Dailey was next brought before the Court on the following Charges and Specifications preferred against him by Capt. Gantt.

Charge. Riotous Conduct.

Specification. In this that he the aforesaid William Dailey a private of Company G. 6th Regiment Inf^{ty} did create a noise and disturbance in one of the rooms of the aforesaid Company on or about the night of the 11th Feb^y. 1825 after tattoo at Fort Atkinson.

Charge 2^d. Insubordinate conduct.

Spec^{fn}. In this that the aforesaid private William Dailey of Comp^y G. 6th Reg^t. Inf^{ty} did use menacing signs or gestures to his Superior Serg^t. Bird of said Company on or about the 11th Feb^y. 1825 at Fort Atkinson.

(Signed) J. Gantt

Capt. 6th Inf^{ty}

To which charges and Specifications the prisoner pleaded “not guilty.”

The Court adjourned to meet tomorrow at ½ past 9 Oclock.

Feb^y. 16th 1825

The Court met pursuant to adjournment.

Present. Capt. Spencer 1st Inf^{ty} President
Lieu^t. Hutter & Nicolls Members
Lieu^t. Miller Recorder. And proceeded to

the examination of Serg^t. Bird a witness for the prosecution being duly sworn says; on or about the 11th I was quelling a riot in the Company room when the prisoner came in and doubled his fist I supposed for the purpose of striking me, I then ordered him to his room, which order he obeyed.

Question by the Court. Did the prisoner make a noise?

Answer. He made a noise and talked loud.

Question. By the Court. Did he shake his fist at you?

Answer. Yes he did.

Murtee a witness for the prosecution being duly sworn Says: I was in the room at the time specified when the prisoner came in & said Serg^t. Bird should not strike Gibson, I was lying in Bunk & did not see the prisoner double his fist.

Hageman a witness for the prosecution being duly sworn Says: I was in the room on the night of the 11th after tattoo when the prisoner came in and told the Serg^t. not to strike Gibson any more I did not see him double his fist.

Question. By the Court. Do you think if the prisoner had doubled his fist you would have seen him?

Answer. Yes the prisoner was standing in the door and I was looking at him.

Question. By the Court. Did he speak in a loud tone of voice?

Answer. Yes he spoke louder than usual.

Question. By the Court. Did the prisoner appear to be angry when he came in the room?

Answer. No I did not think he did.

Mills a witness for the prosecution being duly sworn Says: I was in the room at the time specified when the prisoner came in and asked what was the matter and Serg^t. Bird ordered him out of the room, I was laying down at the time and did not see whither the Prisoner doubled his fist or not.

Question by the Court. Did the prisoner make a noise in the room?

Answer. No he had only time to ask what was the matter before Serg^t Bird ordered him out of the room.

The evidence on the part of the prosecution being closed and there being no testimony on the part of the prisoner the Court was cleared and the proceedings were read over by the Recorder. The Court after mature deliberation on the testimony adduced find the prisoner William Dailey “not guilty” of the Specifⁿ of the 1st charge and “not guilty” of the 1st charge “not guilty” of the Specifⁿ of the 2nd charge and “not guilty” of the 2^d. charge they therefore acquit him.

Serg^t. T. C. Bird was next brought before the Court on the following charge and Specification preferred against him by order of Co^l. Leavenworth—

Charge. Oppressive & Tyrannical conduct, towards his inferior. Spec: In this that he the said Serg^t. Bird did treat with oppression and tyranny private Lewis Louis of Company E 6th Inf^{ty} by striking him said (Louis) with a sword or some other weapon without a just cause for so maltreating his inferior at Fort Atkinson on or about the 13th Feb^r. 1825.

Signed J. Gantt

Capt. 6th Inf^{ty}

To which charge and Specification the prisoner pleaded not guilty—

Gordon a witness for the prosecution being duly sworn Says: I was not present at the time & know nothing about it.

Martee a witness for the prosecution being duly sworn Says: I wa in the room at the time specified and heard the prisoner order Louis to go to his quarters. I was called away.

Question by the prisoner. Did you hear me repeat the order?

Answer. No I was called out of the room.

Private Hageman a witness for the prosecution being sworn Says: I was not present at the time & know nothing about it.

Private Lewis Louis of Company E. a witness for the prosecution being duly sworn says: I went into the room and sat down on one of the chests at the time specified & Oliver asked me to sing a song

but I did not sing, Serg^t. Bird then came up to me and struck me, with his fist without my saying a word to him, I then pushed him away thinking that he was playing with me, the Serg^t. ordered me out of the room he followed me out and struck me two or three times with his sword inflicting one deep cut on the head.

Serg^t. Harris a witness for the prosecution being duly sworn Says: I was in the room with Louis at the time specified when he was asked to sing a song, then Serg^t. Bird ordered him out of the room, & said he would have no noise there, he (Louis) got up to go out of the room when Serg^t. Bird struck him with his fist, they then clenched & after I had parted them Serg^t. Bird caught up his sword and as Louis went out of the door struck at him two or three times but I could not see whither he hit him or not, but after Louis got out of the room Serg^t. Bird struck him on the head with his sword.

Question by the Court. Did Louis say anything to Serg^t. Bird when he Serg^t. Bird ordered him to leave the room.

Answer. I did not hear him say any thing.

Ques^t. by the Court. Was Louis intoxicated at the time specified.

Answer. Yes he was.

Ques^t. by the Prisoner. Did you not hear me give Louis the second or third order to leave the room before I struck him?

Ans^r. No

Ques^t. by the prisoner. Did you not see Louis strike me with his fist?

Ans^r. He may have struck you when you clenched with him but as you both clenched at the same time I did not see whither he struck you or not.

L^t. Rodgers of the 6th Inf^{ty} a witness for the prisoner being duly sworn says: I have commanded the Company to which Louis belongs nearly a year and as far as came under my observation his character has been that of a good and correct soldier, he has always been subordinate and obedient to orders given him by his superiors.

The evidence on the part of the prosecution being closed Cap^t. Gantt a witness for the prisoner being sworn answered as follows to a question asked him.

Ques^t. by the Prisoner. Did you not order me to keep all straglers out of the Company rooms

Ans^r. Sometime ago there were frequent noises made in the Comp^y. rooms & I discovered that they were caused by the men of other companies coming into them, I then ordered Serg^t. Bird to suffer no men of other Companies to come into them or to loiter about them. I particularly ordered him to keep all drunken men off if any should come there and after tattoo to suffer none to come in the rooms unless it was by my permission—

The evidence on the part of the prisoner being closed the Court was cleared and after mature deliberation on the testimony adduced they find the prisoner Serg^t. T. C. Bird guilty of the specification of the charge with the exception of the word “oppression” and guilty of the charge striking out the word “oppressive” and do sentence him to be confined in the cells fifteen days and to be fed on bread and water only for the same period.

Benjamin Carman a private of Company H 6th Inf^{ty} was next arraigned on the following charges & specifications viz—

Charge 1st Unsoldierlike Conduct—

Spec: In that the said B. Carman of the Comp^y. and Reg^t. aforesaid did refuse to stop from urinating in the chimney corner when ordered so to do and did swear that he would not go to the Guard house when ordered by Corp^l. Evans, this at Fort Atkinson on the 31st. January 1825—

Charge 2^d. Drunkenness.

Spec: In this that he the said Benjamin Carman of the Comp^y & Regiment aforesaid was so much intoxicated on the 31st. Jan^y 1825 at Fort Atkinson as to render him totally unfit for any duties whatever that might have been assigned to him this at Fort Atkinson on or about the 31st. Jan^y. 1825—

(Signed) A. Richardson

Lieut. 6th Inf^{ty}

To which charges and Specifications the prisoner pleaded “guilty” Corp^l. Evans of Company H. a witness for the prosecution being duly sworn Says: I ordered the prisoner to stop urinating in the chimney corner and he refused to obey me, I then ordered him to go to the Guard house and he swore he would not go for me this transpired at the time specified in the charge. The evidence being closed the Court was cleared. The

Court confirm the plea of the prisoner (Benjamin Carman) and sentence him to be confined in the Guard house thirty days and to have his rations of whiskey stopped for the same period.

Corp^l. Jephtha Yarborough was next arraigned on the following charges and Specifications preferred against him by Lieut G. W. Waters (Viz)

Charge 1st Drunkenness

Spec: In this that he Corp^l. J. Yarborough of Light Company A. 6th Inf^{ty} was intoxicated on or about the 14th Feb^y. 1825 at Fort Atkinson—

Charge 2nd Embezzlement or misapplication of Comp^y. Stores.

Spec: In this that he the said Corp^l. Yarborough of Light Comp^y. A. 6th Inf^{ty} did while doing the duty of Orderly Sergeant of said Company improperly dispose of twelve quarts or thereabouts of the ration whiskey belonging to the said Company this at Fort Atkinson between the 12th & 15 of February 1825

(Signed) G. W. Waters

L^t. & Comm.^d Comp^y.

To which charge and Specification the prisoner pleaded “not guilty”

Private Thomas of Comp^y A. a witness for the prosecution being duly sworn says: at the time specified I think the prisoner was a little intoxicated but not so much so as to render him incapable of performing his duties. Relative to the 2^d. charge the prisoner says: on the evening of the 14th. I went to the Store room with the prisoner, he found the ration whiskey leaking out of the keg and a bucket placed so as to catch the whiskey as it leaked out, we also discovered that the whiskey had run over the bucket and was then running on the floor, he drew some whiskey out of the keg and gave a gill in advance to myself and two other persons then in the room—

Quesⁿ by the Court. Do you know if any of the ration whiskey was missing?

Ans^r. Some of the whiskey was missing but I dont know how much or how disposed of

Ques^t. by the Prisoner. Was I not engaged in doing my duty when informed by M^{rs} M^cCullough that the keg was leaking?

Ans^r You was busied with some knapsacks when M^{rs}. M^cCullough came into the room but I did not hear her say any thing to you about the whiskey—

Private Latham of Light Company as a witness for the prosecution

being duly sworn Says: At the time specified the prisoner appeared to have been drinking but I cant say he was intoxicated and was able to walk straight, relative to the 2^d. charge the witness says: some of the ration whiskey was missing but I dont know how much or how disposed of—

J. Smith a private of Comp^y. A a witness for the prosecution being duly sworn Says: at the time specified the prisoner was lying on the bed and complained of a cholic, he sent me for some whiskey & pepper and I brought it to him, I cant swear that the prisoner was drunk but I think he felt his liquor a little. Relative to the 2^d. Charge the witness says; I never saw the prisoner misapply any of the ration whiskey, I saw that some of the ration whiskey had leaked out of the keg, but I dont know how much—

The evidence on the part of the prosecution being closed
M^{rs}. M^cCullough a witness for the prisoner being duly sworn Says;
Ques^t. by the Prisoner; Was I not at the time specified engaged in an=
=other room from that in which the ration whiskey was kept and
was not the Store room locked—

Ans^r. Yes, he was in another room, I heard the ration whiskey run=
=ning and I went and informed him of it, he attended to it immediately
I went into the Store room with him and I saw that a considerable
quantity of Liquor run out of the keg I suppose as near as I could
tell as much as two or three gallons—

The testimony on the part of the prisoner being heard
the Court was cleared. The Court after mature deliberation on the
testimony adduced find the prisoner Corp^l. Jephtha Yarborough of
Light Comp^y. A “not guilty” of the Spe: of the 1st. charge, “not guilty”
of the 1st charge, “not guilty” of the Spe: of the 2nd charge, & “not guilty”
of the 2^d. charge, the Court therefore do acquit him—

No other business appearing the Court adjourned Sine Die

GC Spencer
Capt 1 In
President

Orders

Head Q^r. Fort Atkinson
17th Feb^y. 1825

The proceedings of the Garrison Court Martial of which Capt. Spencer is President are approved. The sentences of the Court will be respectively executed except that in the case of Webster of Comp^y. B 6th Inf^{ty}. The order excusing him & some others from roll calls (except reveille and Tattoo) was made to enable them to perform certain duties which were incompatible with such attendance, but not to exempt them from attending roll calls when present in the company, but upon the recommendation of the Court the sentence is remitted—Those acquitted will return to duty—The Court is dissolved

H Leavenworth
Col. Comg

Orders

Head Q^{rs}. Fort Atkinson
21st February 1825

A Garrison Court Martial will convene immediately for the trial of such prisoners as may be brought before it

Capt Riley President
L^{ts} Folger & Batman
L^t Crossman recorder

By order of Col Leavenworth
J. Pentland
Adj^t 6th Regt

The court met pursuant to the above orders present Captain Riley president. Lts Folger & Batman members, Lt. Crossman recorder, and being duly sworn in the presence of the prisoners who being previously asked if they had any objections to either member mentioned in the Order & replying in the negative proceeded to the trial of private D. Bonner of Comp^y. C charged as follows viz
Charge 1st Unsoldier like & disgraceful conduct

Spec. In this that he the said David Bonner a private of Company C 6th Inf^{ty} did follow Mary Johnson a Laundress of Company H into one of the vaults & did then and there strip her Mary Johnson of her cloak & swore that if the said Mary Johnson did refuse giving up the cloak that he would knock her Mary Johnson down, and then she might go and look for redress, this at Fort Atkinson on the 21st of February 1825.

Charge 2^d. Disobedience of Orders

Spec. In this that the aforesaid David Bonner of Battⁿ. Company C 6th Inf^{ty}, did when ordered by Sergt. Southerland to give up the cloak aforesaid positively refuse to do so saying in an insulting manner that if he Sergt Southerland wanted the cloak that he might pick up the ashes for he Bonner had burnt it up. This at Fort Atkinson on the 21st February 1825.

Witnesses

(Sign^d) A. Richardson

Oharra { Mitchell
Sergt Southerland { Brown
Wilcox { Muttows

L^t. 6th Inf

Mary Johnson

Additional charge and Specification preferred against private David Bonner of Battalion Comp^y. C. 6th Inf.

Charge—Lying

Spec In this that he private David Bonner a private of Bat. Co C 6th Infy did when ordered by Sergt Southerland to give up a cloak the property of Mary Johnson deny having the same when he the said Bonner knew at the same time that the cloak was in his possession or secretly deposited by him in the Ordinance Store, this at Fort Atkinson on the 27th Febuary 1825

Witnesses

(Sign^d). A. Richardson

Sergt Lathrop {
Pvt Harrow {

L^t. 6th Inf

To which charges & Specifications the prisoner plead
Not Guilty—

Laundress Mary Johnson a witness for the prosecution being duly sworn states as follows viz I went to the vaults this morning & while there the prisoner came in and ordered me to give him the cloak which I wore, upon my refusing to do so shook his fist in my face and threatened to knock me down, saying at the same time that unless I gave it to him that unless I gave it to him [sic] he would make me suffer for it, upon which he took it from me and went out adding that I might report it as soon as I pleased, but that he would burn it before I could get into Garrison—

Private Mitchell a witness for the prosecution being duly sworn says, I know nothing of the circumstances related in the 1st charge—I heard Sergt Southerland order the prisoner to give him the cloak—The prisoner replied that it was in ashes, and he might have it if he wished

Private Brown a witness for the prosecution being duly sworn says, while at work this morning in the armory shop, I heard Sergt Southerland order the prisoner to give him the cloak, the prisoner replied that he the Sergt might get it from among the ashes—

Private Harrow a witness for the prosecution being duly sworn says, I heard Sergt Southerland this morning order the prisoner to give him the cloak. The prisoner replied that he had not the cloak that he had burnt it & that he the Sergt might get it from among the ashes—afterwards I says Sergt Lathrop find a cloak in one of the rooms of the same building

Question by prisoner—Do you or not know of my having in my possession a cloak belonging to Mary Johnson

Answer. I do not
Sergt Lathrop a witness for the prosecution being
duly sworn says—Lieut Vinton ordered me this mor-
-ning to search the armourers Shop for a cloak—
I did so & found one in one of the rooms of the same
building— The Court adjourned to meet again
to morrow morning at 10 Oclock A.M.

Feb^y 22^d. 1825

The Court met pursuant to adjournment Present
Capt Riley President Lts Folger & Batman Members
L^t Crossman Recorder—The evidence on the part
of the prosecution having been closed yesterday, M^r
Payne Sutlers Clerk a witness for the prisoner being duly
sworn says. The prisoner purchased a plaid cloak of
the Sutler on the 22^d. Nov^r. 1824 as for receipt of payment
produced in Court—Mary Johnson being called
as witness for the prisoner says in answer to the fol-
-lowing questions by Prisoner—Was not the cloak
which you say I took from you the same that I
paid for at the Sutlers store.

Ans. you paid for it with my money,

Question by the Prisoner. Did you give me the money
with which I purchased the cloak

Answer—No I did not, but you received from Major
Foster a sum of money which was due to me, out of
which you paid for the cloak

The testimony on the part of the prisoner having
been closed & the proceedings read over to the Court the
following sentence was pronounced. The Court on ma-
-ture deliberation find the prisoner D Bonner guilty of the
1st Charge & specification—The Court find the facts as
stated in the 2^d. Charge & its specification but attach no
criminality to it in as much as the order did not come

through the proper channel Not guilty of the additional charge & Specification—The court sentence the prisoner David Bonner to march round the interior of the Garrison in a Petticoat under guard of a corporal & file of men—

The Court next tried private Murden of Comp^y B Edward J Murden a private Soldier of light Comp^y (B) 6th Regt Infy is charged with quarrelling & fighting with James Barnett of the same Company & Regiment at Fort Atkinson on or about the 19th February 1825
Witnesses (Sign^d) B Riley
private Thompson Capt 6th Infy

King & Cape

To which charge & specification the prisoner private Murden plead guilty—The Court confirmed the plea of the prisoner private Murden & sentence him to a stoppage of his rations of whiskey for twenty days for the use of his Company

The Court next tried private James Barnett on the following charge and specification. James Barnett a private soldier of Co. B 6th Infy is charged with quarrelling & fighting with E. J. Murden a private of the same Co. & Regt. at Fort Atkinson on or about the 19th February 1825

Witness pt Thompson (Sign^d) B. Riley
“ King Capt 6th Infy
“ Cape

To which charge and Specification the prisoner plead Guilty—The court confirm the plea of the prisoner private James Barnett & sentence him to a stoppage of his ration whiskey for 20 days for the benefit of his company—

The Court next tried private Nobbs of Comp^y C charged

with 1st unsoldierlike conduct

Spec In this that he the said Alexander Nobbs of the Company and Regiment aforesaid did on or about the 17th February 1825 at Fort Atkinson take the Company bread book without permission, and get from the bake house of the Regiment 16 Rations of bread

Charge 2^d Misapplication of Company Stores

Spec In this that he the aforesaid A. Nobbs did after obtaining the sixteen rations of bread from the Bake house take it from the post to the beef guard on the opposite side of the river and there dispose of or make use of the same without permission. This at Fort Atkinson on or about the 17th February 1825

	Serg ^t Harris	Sign ^d J. Rogers
Witnesses	“ Mitchell	L ^t 6 th Infy
	Prv. Boyand & Madden	

To which charge and Specifications the prisoner plead guilty—The court confirm the plea of the prisoner private Alexander Nobbs & Sentence him to forfeit \$2.50 of his pay & to be confined in one of the cells ten days to subsist during that period & Bread & water, The stoppage of his pay & the remainder of his rations of ten days to be given to his Company

The Court next tried Musician King of L^t. Company ,B, charged as follows, John L. King a musician of Comp^y (B) 6th Inf^{ty} charged with getting drunk, and being absent from parade at Fort Atkinson on or about the 21st Feb. 1825

Witnesses Sergt Contal
“ Stilson

To which charge & specification the prisoner pleaded as follows—Guilty of absence from parade—Not guilty of being drunk

Sergt Stillson a witness for the prosecution being duly sworn says on the day mentioned in the charge I was ordered by the Captain to go & find the prisoner & bring him to the Captain—I found the prisoner on the loft of the Company room, he appeared to be drunk at the time

Private Brown a witness for the prisoner being duly sworn says, I saw the prisoner on the evening of the day mentioned in the charge he appeared to be intoxicated

The Court confirm the plea of the prisoner on part of the Specification & find him guilty of the remainder of the charge & Specification & Sentence him to a stoppage of his whiskey for twenty days for the benefit of his Company & to be confined in the cells five days on bread & water

The Court adjourned Sine Die

G H Crossman L^t
& Recorder

Orders
Head Q^{rs} Fort Atkinson
23^d February 1825

The proceedings of the Garrison Court Martial of which Capt Riley is President are approved. The Sentences will be respectively executed,

The Court is dissolved

H Leavenwoth
Col. Comg

Proceedings of a Court of Inquiry held at Fort
Atkinson by virtue of the following order

H^d. Q^r. Fort Atkinson

Orders

1st March 1825

At the request of Peter of C^o B 6th Reg^t

Inf^{ty}. a Court of Inquiry will convene at 11 O'clock
this mor^g to investigate an accusation against him relative
to his shooting a horse belonging to an Iowa Indian—The
Court will report their opinion & the evidence in the case

Capt. Gray President

Lieut^s. Rogers & Day Members

Lieut. Andrews Recorder

By Order of Col. Leavenworth

Signed J. Pentland

Adj^t. 6th Inf

The Court met agreeably to the above order—Present

Capt Gray President Lieut^s. Rogers & Day Members

Lieut. Andrews Recorder.—The Court being duly sworn

proceeded to the examination of the evidence on the part of the prosecution
(none being brought forward on the part of the prisoner).

M^r. Dougherty (Sub Indian Agent & a witness on the part of

the prosecution, being duly sworn says on or about 26 Feb^y 1825

Three Indians brought the prisoner up to the garrison and reported

him to me as having shot one of their horses—I asked them how
they knew he had done it—one of them said he saw his horses cross
the prairie and go into the timber and that he had followed them.—

when he struck their trail he discovered the tracks of a white man
following the tracks of the horses—he went out on the sand bar below
the prairie (the white man's tracks still after them) when he got to

the lower edge of the bar near the willows he heard a gun, he followed
the horses tracks with the man's into the willows and found one of the
horses with both eyes shot out—he then called to one of the above

mentioned Indians, who took the tracks of the white man and
followed him until he caught him—which they said was the

prisoner—they said when they came up with the prisoner he appeared to be much alarmed and offered them some Tobacco and powder and other articles which they refused to accept—they said there was no doubt but it was him who shot the horse as there was no other track but his and they tracked him with as much ease as if there had been a deep snow—

(M^r Dougherty) a few minutes after went down with one of the above mentioned Indians and found the horse's tracks and the man's exactly as stated by the Indian & compared with the white man's track, which corresponded exactly in length and breadth—we followed the horses tracks and the mans' into the willows and found the horse with both his eyes shot out as reported by the Indian—when the prisoner was brought to me by the Indian he had a shot gun—I thought the horse was rendered useless by the wound—

Col. Leavenworth a witness for the prosⁿ. says on saturday last 26 Fe. 1825. M^r. Dougherty Sub. Indian Agent at this post came to my Office with an Indian called the (Little Star) of the Iowa tribe—M^r Dougherty informed me that the Indians had reported to him that a horse of their's had been shot as stated by M^r Dougherty in his preceeding testimony and that the probability was that Peter Brown (the prisoner) had done it.

I ordered the pris^r. to be arrested and brought to my Office—on questioning him as to shooting the horse—he denied it & said he had been no lower than the pond in the bottom—I then inquired of him if he saw any other men while he was out—he replied that he had seen two Frenchmen—on inquiring where he saw them, he said near the pond above the lime kiln.— I then directed him to take off his shoes & leave them in the Office I requested M^r Dougherty and directed Adj^t. Pentland to go with one of the Indians & examine the horse & compare the shoe of the prisoner with the tracks of the man who had probably shot the horse—On that day the pris^r. had a pass for that day for the purpose of hunting—I directed the Adj^t.

to inquire of the Comp^y. Commanders 6th Inf^{ty} whether any other men were out that day in that direction—I directed similar inquiry to be made in the 1st Inf^{ty}—L^t. Wragg Adj^t 1st Inf^{ty} reported to me by order of Major Kearney Com^g. that no men of that Reg^t. were out that day in that direction—Adj^t Pentland & M^r Dougherty on their return to the Garrison reported in substance as stated in M^r Dougherty testimony—The prisoner stated to me that his shot gun had not been fired while he was out & requested me to have it examined.

Adj^t. Pentland a witness for the prosⁿ. says on or about 26th Feb^y 1825 I was ordered by Col. Leavenworth to accompany M^r. Dougherty some distance in the bottom below for the purpose of examining a track made by some person who had followed some Indian horses and shot one of them—The Comm^{dg} Off^r. informed me that I would meet a man at the garden gate's with the shoes which I was to compare with the track—I met the man and got one of the shoes and conducted by an Indian struck the tracks of the horses a short distance below the garden's there was the track of a man following the horses, which the Indian pointed out to us & with which we compared the shoe several times—it corresponded exactly in size & shape with the track—we followed the tracks of the horses down the slough—in every place we saw the tracks of the horses we saw the same track of the man—there was but one track of a man to be seen where we were or that we could discover—there is no doubt but the person who wore the shoes or one of the same kind was the person who followed the horses.—M^r Dougherty & myself found the horse near the edge of the willows with both its eyes out & wounded in the head apparently with a charge of shot.—The horse in my estimation was rendered useless by the wound he had received.—

L^t. Crosman a witness for the prosⁿ. says on or about 26 Feb^y 1825 as I was riding around the south west corner of the public field on my way to the Indian Camp I saw a number of Indian horses near the Camp

one of which appeared to be wounded in the head—I took particular notice of this horse from having been just releived from Guard and having had under my charge (while off guard) a man accused of shooting an Indian horse and from having understood that the horse was dead. After having been at the Indian Camp some time I again saw the horse and an Indian in the act of blowing water in his eyes—his eyes appeared to be much injured & swollen—I cannot say whether he was blind or not—

The testimony being closed the Court came to the following opinion—

That although there was no positive evidence before the Court of the Guilt of the prisoner—yet the Court are of opinion that the circumstances are sufficiently strong to require the investigation of a Court Martial

J. Gray Capt
6 Infy
President

H^d. Q^r. Fort Atkinson
4 March 1825

Orders

The proceedings and opinion of the Court of Inquiry of which Capt. Gray is President are approved.—
The Adj^t. of the 6th Inf^{ty} will prefer charges accordingly
The Court is Dissolved

H Leavenworth
Col Comg

Proceedings of a Garrison Court Martial held at
Council Bluffs Fort Atkinson by virtue of the following Order.—

H^d. Q^r. Fort Atkinson

Orders

4th March 1825.—

A Garrison Court Martial will convene immediately
for the trial of such prisoners as may be brought before it.—

Major Ketchum President

Lieut^s Harney and Gwynne Members

L^t. Richardson Recorder

By order of Col. Leavenworth

Signed J. Pentland

Adj^t. 6th Inf^{ty}

The Court met agreeably to the above order and in consequence of the
absence of L^t. Gwynne adjourned to meet again tomorrow at 9 O'clock A.m.
5th March 1825. The Court met agreeably to adjournment.—

Present Maj^r Ketchum president, Lieut^s Harney & Gwynne Members
L^t. Recorder.—

The Court having been sworn in presence of the prisoners who were
previously asked if they had any objections to either of the Members named
in the order & replying in the negative proceeded to the trial of
Private Stilson on the following Charge & Specⁿ.

Private George Stilson of Company C 6th Inf^{ty} is charged with
Drunkenness on Duty

Spec. In this that he the said Stilson of Comp^y. C 6th Inf^{ty} did get
so much intoxicated while one of the Police Guard at Fort Atkinson
on the 23rd of Feb^y 1825 as to render himself incapable of performing
his duty as a Sentinel.—

Signed J. Rogers

L^t. Comm.^{dg} Guard

To which Charge & Specⁿ. the prisoner pleaded “Guilty.”
The Court confirm the plea of the Prisoner & find him guilty as
charged & do sentence him Private George Stilson to have the
Whiskey part of his rations stopped for the period of thirty days
to be appropriated for the use of the Company to which he belongs

to be confined in the cells ten days to be fed on bread and water; at the expiration of which time to be put in the Guard house where he is to remain ten days more & each day to ride the wooden horse one hour—

Was next tried private Benner on the following charge and Specⁿ.

Charge. Stealing

Specⁿ. In this that the said Private Reuben Benner of Light Comp^y. B 6th Inf^{ty}. did at Fort Atkinson on or about the 25th Feb^y 1825 take from a box or trunk belonging to private D. C. Brown of the same company & Reg^t. one pair of Grey Woollen overalls—this derogatory to the character of a Soldier—

Signed B. Riley

Capt. 6th Inf^{ty}.

To which Charge & Spec the prisoner pleaded “Not Guilty” Private D. C. Brown a witness for the prosecution being duly sworn says; on or about the 25th Feb^y 1825 I went to my trunk to get some clothing and found it broken open and the most of my Clothing taken out—on searching for them I found my overalls on the prisoner Serg^t Smith obtained them for me.—

Serg^t. Smith a witness for the prosecution being duly sworn says: on or about the 25th Feb. D. C. Brown reported to me that he had lost from his Trunk a pair of Grey Woollen Overalls and in searching for them found them on the prisoner (or a pair said to be his marked D. C. B.) I took and delivered them to Brown.—

All the testimony having been heard the Court was cleared and the whole of the proceedings read over to the Court when the following sentence was pronounced—The Court after mature deliberation on the testimony adduced find the prisoner private Reuben Benner Guilty as charged and do sentence him to have the whiskey part of his rations stopped for the period of thirty days to be appropriated for the use of the company to which he belongs, to be confined in the cells for ten days on Bread and water after which to be confined in the Guard House

ten days.

Was next tried private John Rogers on the following Charge & Specⁿ.

Charge Lying

Specⁿ. In this that he the said John Rogers of Battⁿ Comp^y C 6th Inf^{ty}. did tell a willful lie to Col. Leavenworth by saying that he (Rogers) had received his Whiskey rations from Serg^t. Riley orderly Serg^t. of Comp^y. C 6th Inf^{ty} for several days past & that he Rogers had saved it in a bottle or some other vessel and that the whiskey so saved he had drank so freely as to render him intoxicated to such a degree as to ~~render~~ cause him to be confined in the Guard house—This at Fort Atkinson on or about the 26th Feb^y. 1825

Signed D. H. Vinton

L^t. 6th Inf^{ty}

To which Charge & Specⁿ the prisoner pleaded “Not Guilty” Col. Leavenworth a witness for the prosecution being duly sworn says: a short time previous to the time specified in the Charge, the prisoner had been confined for intoxication—I sent for him to my office and inquired of him how and where he had obtained the Liquor that made him drunk—he said he had saved his rations for several days & it was that liquor and his extra whiskey that made him drunk—As it was contrary to my orders to permit men to lay up their whiskey—I communicated what he had said to Lieut Vinton commanding the company to which he belongs.—

Serg^t. Riley a witness for the prosecution being duly sworn says the prisoner drank his whiskey for four or five days previous to the time specified in the charge before me:--

Stiles a witness for the prosecution being duly sworn says on the day the prisoner was confined I see him drink his rations of Whiskey—but I do not know of his ever saving any part of his rations.

Private Billingsbee a witness for the prosecution being duly sworn says on the 25th Feb^y. 1825 I saw the prisoner drink his rations of Whiskey at the pail from the cup—I do not know of the prisoners saving his Whiskey.—

Private Stevenson a witness for the prosecution being duly sworn says; I saw the prisoner drink his ration of whiskey on the 24th Feb^y. when delivered him by the Serg^t.—The prisoner has generally drank his whiskey at the Bucket.—

The evidence on the part of the prosecution being through Private Clute a witness for the prisoner was duly sworn and says for several days previous to the prisoners being confined I knew him to have from four to five gills of whiskey in a Bottle some part of which I know was saved from his rations have also seen him put Whiskey in the Bottle (a part of his rations) within ten days of the time specified.—

Private Jenness a witness for the prisoner being duly sworn says: on or about the time specified & for several days I saw the Prisoner take the whiskey he drew from Serg^t. Riley to his room and put it into a bottle & especially on the 25th Feb^y.

Private Gawker a witness for the prisoner being duly sworn says about the middle of the last month for several days I have seen the prisoner draw his whiskey from Serg^t. Riley & take it to his room, where he kept it in a bottle & have known him to have from three to five gills at a time.—The testimony being closed.—The Court was cleared and the whole of the proceedings read over to the Court when the following sentence was pronounced.—The Court find the prisoner private John Rogers “Not Guilty” as charged do therefore acquit him.—

Was next tried private Gaskin on the following Charge Private John Gaskin of Battⁿ Comp^y. D 6th Inf^{ty} is charged with Drunkenness on Duty.

Specⁿ. In this that he the said Gaskin of Comp^y. D 6th Inf^{ty} was so much intoxicated on the 23rd Feb^y. 1825 at Fort Atkinson while a Sentinel of the Police Guard as to render him totally incapable of performing his duty as such.

(Signed) J. Rogers

L^t. & Off^r. Guard

To which Charge & Spⁿ. the prisoner pleaded Guilty

The Court confirm the plea of the prisoner John Gaskin and sentence him to have the whiskey part of his rations stopped for the period of thirty days to be appropriated for the use of the company to which he belongs—to be confined in the cells ten days to live on bread & water after which to be confined in the Guard house ten days and to ride the wooden horse—one hour each day of his confinement in the Guard house.—

Was next tried Private John Huff on the following charge and Specⁿ. viz Private John Huff of Comp^y E 6th Inf^{ty} is charged with unsoldierlike conduct.

Spec. In this that he the said Hough of Comp^y. E 6th Inf^{ty} did at Fort Atkinson on or about the 25th Feb^y. 1825 sell or otherwise dispose of his uniform clothing viz one Great Coat contrary to orders and in violation of the 38th Article of War.—

Signed. J. Rogers

Lieut 6th Inf^{ty}

To which charge & Specⁿ. the prisoner pleaded “Guilty.”

The Court confirm the plea of the prisoner John Hough and find him guilty as charged & sentence him to have his rations of whiskey stopped for the period of thirty days—to pay three dollars and twenty five cents—both of which to be appropriated for the use of the company to which he belongs.—

The Court adjourned to meet on the 7th March at 9 O'clock AM
The Court met agreeably to adjournment

Present Major Ketchum President
Lieut^s. Harney & Gwynne Members
Lieut. Richardson Recorder

The Court next tried private Libertine on the following Charge & Specⁿ.
Charge & Specⁿ preferred against private Anthony Libertine of Comp^y
A 1st Inf^{ty}.—

Charge Unsoldierlike Conduct
Specⁿ. In this that he private Anthony Libertine of Comp^y A 1st Inf^{ty}
did on or about the evening of the 2nd of March 1825 at Fort Atkinson
lay down his arms leave his post and converse in a clandestine manner

with private Stevenson of the 6th Inf^{ty} without the knowledge or permission of either the Officer or non Comm^d. officer of the Guard—he at the time mentioned being a Sentinel on post N^o 6 Fort Atkinson.

Signed R Holmes

March 4th 1825

L^t. 6th Inf.^{ty}

To which charge & Specⁿ. the prisoner pleaded “Not Guilty” Lieut Holmes a witness for the prosecution being duly sworn says: on or about the time specified I saw the prisoner absent from his post number 6 (at the west gate) conversing with private Stevenson of C^o C 6th Inf^{ty} apparently on a subject that did not refer to his duty—after conversing for a short time he went to his post and resumed his Arms—I then discovered that he had left his arms on his post—I had him relieved and confined for the Offence mentioned in the Charge.

The testimony having been heard the Court was cleared & the whole of the proceedings read over to the Court when the following sentence was pronounced.—

The Court find the prisoner Guilty as charged and do sentence him private Anthony Libertine to have the Whiskey part of rations stopped for the period of thirty days to be appropriated for the use of the company to which he belongs—to be confined in the cells ten days to be fed on bread & water—after which time to be confined in the Guard house ten days & to ride the wooden horse on hour each day.—

Was next tried private Akins on the following Charges & Specifications

Charge 1st. Theft

Specⁿ 1st. In this that he the said private Henry Akins of Comp^y E 6th Inf^{ty} did on or about the 2nd Feb^y 1825 at Fort Atkinson steal from private Vincent of the same Comp^y. the following articles of Clothing viz. Two pairs of Gray Woollen Overalls, one Flannel Shirt, One Cartridge box belt & one Bayonet belt.

Specⁿ 2nd In this that he the said Akins of Comp^y E

6th Inf.^{ty} did on or about the 22nd Feb^y 1825 at Fort Atkinson steal from private Thompson one pair of Gray Woollen Overalls.—

Charge 2nd Selling or disposing of clothing contrary to Orders

Specⁿ. In this that he the said private Akins of Comp^y. E 6th Inf^{ty} did ~~steal~~ sell or otherwise dispose of the following articles of Clothing &c viz Two pairs of Grey Woollen overalls, one cartridge box belt, & one Bayonet belt this at Fort Atkinson between the 2nd & 22 of Feb^y. 1825 contrary to orders & in violation of the 38th Article of War.—

(Signed) J. Rogers

Lieut. 6th Inf^{ty}

To which the prisoner pleaded “Not Guilty” to the 1st charge or its specification.—The prisoner pleaded “Guilty” of the 2nd charge and its specification.—

Serg^t Brown a witness for the prosecution being duly sworn says: on or about the time specified in the charge I went with the prisoner to one of the men of the 1st Reg^t. & got a Cartridge box belt & one bayonet belt which belonged to private Vincent I also went to a man of Comp^y K 6th Inf^{ty} and got a pair of Gray Woollen Overalls the property of private Thompson which the prisoner acknowledged having sold.—

Corp^l. Lovett a witness for the prosecution being duly sworn says: the prisoner came to me with a pair of Gray Woollen overalls which he said belonged to him & that he wished to sell them. I bought them & a few days after Serg^t. Harris came & got them saying that they belonged to private Vincent of Comp^y E 6th Inf^{ty} this on or about the time specified in the charge.—

Private Thompson a witness for the prosecution being duly sworn says on or about the time specified the prisoner was charged with having stolen a pair of G. Woollen Overalls belonging to me—He went immediately to a man in Comp^y. K 6th Inf^{ty} to whom he had sold them & returned them to me.—

Private Vincent a witness for the prosecution being duly sworn says: on or about the time specified I lost I lost [sic] two pairs of G. Woollen overalls, one Flannel Shirt, one Cartridge box belt & one bayonet belt—Serg^t Harris obtained & returned one pair of G. Woollen overalls & the belts, one pair of G. Woollen Overalls I found in the loft of my quarters—The Flannel shirt I have not yet found.

The testimony being closed the Court was clear'd & the whole of the proceedings read over to the Court when the following sentence was pronounced.—The Court find the prisoner private Henry Aken as follows Guilty of so much of the 1st specⁿ of the 1st charge as relates to his having stolen one pair of G. Woollen Overalls—one Cartridge box belt, one bayonet belt—Guilty of the 2nd Specⁿ of the 1st charge, Guilty of the 1st charge. The Court confirm the plea of the prisoner on the 2nd charge & find him Guilty of the 2nd Charge and its specification and do sentence him private Henry Akin to have the whiskey part of his rations stopped thirty days to have his half monthly pay stopped for one month—both of which to be appropriated for the use of the Company to which he belongs to be confined in the cells ten days & fed on bread & water after which to be confined in the Guard house ten days & to ride the wooden horse one hour each day—

Was next tried Corp^l. Beard on the following Charge Corp^l. Rob^t. D. Baird of Light Company B 6th Inf^{ty} is charged with being drunk on drill at Fort Atkinson on or about the 5th March 1825.—

Signed B. Riley
Capt 6th Inf^{ty}

To which charge the prisoner pleaded “Not Guilty” Capt Riley a witness for the prosecution being duly sworn says on or about the time specified in the charge at Fort Atkinson I was Instructor to a Comp^y on Drill, to which the prisoner was attached, he was so drunk that I had to arrest and send him

from drill.—

The testimony being closed the prisoner requested an indulgence of one day to make his defence which was granted him.—

Was next tried private John Lynch on the following charge John Lynch a private of Company C 6th Inf^{ty} is charged with having received several articles of property from his son John a private servant boy in the family of Col. Leavenworth—which articles were improperly obtained by his said son, as he had reason to know, at Fort Atkinson on or about 1st March 1825.

Signed H. Leavenworth Col. USA

To which Charge the prisoner pleaded “Not Guilty”.—

M^r Ranny a witness for the prosecution being duly sworn says on or about the time specified in the charge Col. Leavenworth’s servant boy (John) did obtain several articles from the Sutler’s store of the 1st Reg^t. which articles he (John) said was for Col. Leavenworth.—

The Court adjourned to meet tomorrow morning at 10 Oclock

8th March 1825.—The Court met agreeably to adjournment

Present Major Ketchum President

Lieut^s Harney & Gwynne Members

Lieut Richardson Recorder

The following defence was submitted to the Court

Fort Atkinson

M^r. President and 8th March 1825

Gentlemen of the Court

Agreeably to the indulgence allowed me by the Hon^{ble}. Court. I have only to state in my defence that having been at a ball the night previous to my arrest and having not recovered from the effects of it at the time I was arrested I hope the Hon^{ble}. Court will allow something for my being a little out of the way—I have served almost Six years in the American Service and have never been tried by a Court Martial before.—

Major Ketchum I presume has known me since I arrived at Fort Osage in 1820. I also believe that Lieut Richardson since he arrived at the Bluffs—has been where I was on duty with him & I believe he can faithfully say that I always did my duty as a soldier.—The other Hon^{ble} Members I am not acquainted with—my former Captⁿ (Armstrong) is absent or I could prove by him my faithfulness in performing my Duty. my present Capt (Riley) I expect can also testify that I have performed my duty as all times before the present—but I shall leave all this to the Gentlemen above named

Very Respectfully

Your Humble Soldier

R. D. Baird

The Court after mature deliberation on the testimony adduced in the case of Baird find him Guilty as Charged & do sentence him R. D. Baird to be reduced to the station of a private Sentinel.

The Court next examined Col. Leavenworth in the case of (Lynch) who being duly sworn says; a few days since I learnt that a boy that lives in my family—a son of the prisoners whose name is John—had purchased articles in my name without authority from the Sutler of the 1st Reg^t. to the amount of Twelve Dollars—He stated that he had given several of those articles to his father (the Prisoner) I sent for the prisoner and questioned him on the subject—he confessed that he had received two knives from the boy (the cost of which was one Dollar each) and one pound of Tobacco which was one Dollar per pound & one pair of Suspenders.—The prisoner at the same time denied having received other articles that the boy had said he had given him.—I gave a list of the Articles the boy said he had given the Prisoner to L^t. Vinton the officer Comm.^{dg} the company to which the prisoner belongs who promised that the amount of the articles on the list should be stopped from the prisoners pay—who has consented to such

stoppage.—The whole amount of which is five Dollars & some cents.—

The evidence on the part of the prosecution being closed private Allen was called before the Court by the prisoner who being duly sworn answers the following questions.—

Question by the Prisoner. Were you present when I received the articles from my son which I am charged with having received?

Answer I saw the prisoner receive some candles from his Son (John) on or about the 1st of March.—

Questⁿ by the Prisoner What did I say to the boy when he brought me the Candles?--

Answer. The prisoner asked the boy where he got them—he said he bought them at the Sutler's store.

Wallen a witness for the prisoner being duly sworn: answers the following Questions.

Question by the prisoner. Were you present when I received the articles from my Son which I am charged with?

Answer I know of the prisoner's receiving some Candles and a plug of Tobacco from his son.—

Questⁿ by the Prisoner What did I say to my son (John) when he brought be those articles?

Answer.—The prisoner asked him when he brought those articles if stole them—the boy said he did not—The prisoner again asked him if he was sure he did not steal them—the boy replied that he was & said that he bought them at the Sutler's store.

The testimony being closed the Court was cleared & the whole of the proceedings read over to the Court, when the following sentence was pronounced. The Court find by the testimony that the prisoner has received some articles from his son—but there is nothing to show that he had sufficient reason to know that they were obtained in-
-properly—The prisoner having consented to pay for the articles re-
-ceived—the Court award no further punishment—

Was next tried Corp^l. Ward on the following Charges & Spec^{ns}
Charge & Specⁿ preferred against Corp^l Lewis Ward of Battⁿ

Comp^y. D 6th Inf^{ty}

Charge 1st Intoxication

Specⁿ. In this that he the said Lewis Ward of the Comp^y & Reg^t. aforesaid did become so much intoxicated as to be unable to perform the duties of a soldier this at Fort Atkinson on or about the 7th March 1825.—

Charge 2nd Unsoldierlike Conduct

Spec. In this that he the said Lewis Ward Corp^l of the Comp^y & Reg^t aforesaid abuse, strike & maltreat Private W^m. Butler of said Comp^y in a manner unbecoming the character of a Non Commissioned Officer.

Signed G. W. Folger

Lieut 6th Inf.^{ty}

To which the prisoner pleaded “Guilty” to the 1st Charge and its specification & “Not Guilty” to the 2nd or its specification.

Private Poinier a witness for the prosecution being duly sworn says: last evening about five oclock I was walking with the prisoner when he told me that Butler (one of the Police party of which the Corp^l. had charge) had run away from him two or three times, each time he had to follow him some distance before he could overtake him & that the last time that Butler run away he caught him & threw him down and stamped on him after which Butler was peaceable.—

Musⁿ Baker a witness for the prosecution being duly sworn says: on or about the time specified I saw the Corp^l and Butler going down the hill—after that I saw Butler come back—The Corp^l came after & caught him when the Corp^l commenced pulling him along by the collar of his Great Coat—when they to the store I saw the prisoner throw him down on the ground I did not see the prisoner strike or kick Butler.—at the time the prisoner was pushing Butler along Butler was leaning against him.—

The evidence having been heard the Court was cleared & the

whole of the proceedings read over to the Court—the sentence was pronounced The Court confirm the plea of the prisoner on the 1st Charge & find him Corp^l. Ward Guilty of the 1st charge The Court find the fact of the Prisoner's having thrown Butler down & stamped him but do not attach any criminality to the case— The Court find the prisoner Corp^l. Ward Not Guilty of the 2nd charge.—

The Court sentence the prisoner Corp^l. Ward to be reduced to the station of a private Sentinel

The Court adjourned to meet again on the 10th March 1825 at 10 O'clock A.M.

10th March 1825. The Court met agreeable to adjournment

Present	Major Ketchum	President
	Lieut ^s . Harney & Gwynne	Members
Lieut. Richardson	Recorder	

The Court closed the proceedings of their session & adjourned to meet again at 1 O'clock P.M.—

D. Ketchum
Maj USA Pres^t Court

H^d Q^r Fort Atkinson

Orders 10th March 1825

The proceedings (in part) of the Garrison Court Martial of which Br^t. Major Ketchum is approved—The sentences of the Court will be respectively executed (except or hereafter excepted and those prisoners who have been acquitted by the Court will be released from confinement and return to duty.

In consequence of the great number of prisoners in confinement and the necessity of having as many men on duty as possible the Comm.^{dg} Off^r. thinks proper to remit that part of the sentence of the Court which relates to confinement in the Guard house & riding the wooden horse in each of the following cases (viz), In that of Private Stilson of C^o C 6th Inf^{ty}—Reuben Benner of Light C^o B 6th Inf^{ty}—John Gaskin of C^o D

6th Inf^{ty}—Anthony Libertine C^o A 1st Inf^{ty}—Henry Akens of
C^o E 6th Inf.^{ty} and the same hereby is remitted—Corp^l Baird &
Ward of the 6th Inf^{ty} are respectively reduced to the rank of
private.—

H Leavenworth
Col Comg

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