

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, July 23, 1863.

GENERAL ORDERS, }
No. 100. }

I. Before a General Court Martial, convened in the City of Richmond, by virtue of Special Orders, No. 23, current series, from Head Quarters Department of Henrico, was arraigned and tried:

Private Z. M. KENT, 3d Company, Battalion of Washington Artillery, on the following charges:

CHARGE 1st—Violation of the 20th Article of War.

CHARGE 2d—Violation of the 52d Article of War.

FINDING.

Of the Specification of the 1st Charge,	Guilty.
Of the 1st Charge,	Guilty.
Of the Specification of the 2d Charge,	Guilty.
Of the 2d Charge,	Guilty.

SENTENCE.

To confinement at hard labor for two years, in such penitentiary as may be designated by the Commander of the Department of Henrico, and to close confinement until such designation is made.

The proceedings in the foregoing case having been laid before the Secretary of War, for the decision of the President, the following order is made:

Neither the 20th nor the 52d Article of War prescribes any duty to be performed or any act to be avoided, but simply announce punishments to be inflicted for certain offences. The charges are improperly laid. The proceedings are therefore set aside. Private Z. M. Kent will be released and returned to duty.

II. Before a General Court Martial, convened at Chattanooga, Tennessee, by virtue of Special Orders, No. 69, from Head Quarters Army of Tennessee, was arraigned and tried:

Capt. G. D. MITCHELL, A. Q. M., upon the following Charges, viz:

CHARGE 1st—Conduct to the prejudice of good order and military discipline.

Specification 1st—In this, that he the said Capt. G. D. Mitchell, A. Q. M. (hospital Q. M. at Ringgold, Ga.), failed to supply wood for the use of the hospitals at Ringgold, Ga. All this at or near Ringgold, Ga., between the 12th October and 20th November 1862.

Specification 2d—In this, that he the said Capt. G. D. Mitchell, A. Q. M. (hospital Q. M. at Ringgold, Ga.), failed to procure negroes as servants for the hospitals at Ringgold, Ga., either by hiring or impressing, as required by an order from Gen. Bragg; which states, "that if negroes cannot be hired, they must be pressed into service—free as well as slaves." All this at or near Ringgold, Ga., between the 20th day of August 1862 and the 15th January 1863.

CHARGE 2d—Absence without leave.

Specification 1st—In this, that he the said Capt. G. D. Mitchell, A. Q. M. (hospital Q. M. at Ringgold, Ga.), did absent himself from his post, without authority, for three days. All this at or near Ringgold, Ga., between the 7th October and the 12th October 1862.

Specification 2d—In this, that he the said Capt. G. D. Mitchell, A. Q. M. (hospital Q. M. at Ringgold, Ga.), did absent himself from his post, without authority, for two days. All this at Ringgold, Ga., between the 23d and 26th December 1862.

CHARGE 3d—Conduct unbecoming an officer and a gentleman.

Specification 1st—In this, that the said Capt. G. D. Mitchell, A. Q. M., was drunk in the streets of Ringgold, Ga., on or about the 16th November 1862.

Specification 2d—In this, that the said Capt. G. D. Mitchell, A. Q. M., did walk through the streets of Ringgold, Ga., using profane language, and declaring that he could whip any man who had any thing against him, or words to that effect.

Specification 3d—In this, that the said Capt. G. D. Mitchell, A. Q. M., did make charges and statements to Surgeon A. J. Ford, P. A. C. S., in writing, hereto annexed, against Surgeon Francis Thornton, P. A. C. S., all of which are false. All this at Ringgold, Ga., on or about from the 16th to the 19th day of November 1862.

FINDING.

Of the 1st Specification of 1st Charge, but attach no criminality thereto.	Guilty,
Of the 2d Specification of the 1st Charge, but attach no criminality thereto.	Guilty,
Of the 1st Charge,	Not Guilty.

Of the 1st Specification of the 2d Charge,	Guilty.
Of the 2d Specification of the 2d Charge,	Guilty.
Of the 2d Charge,	Guilty.
Of the 1st Specification of the 3d Charge,	Not Guilty.
Of the 2d Specification of the 3d Charge,	Guilty.
Of the 3d Specification of the 3d Charge,	Guilty,
except as to the words "all of."	
Of the 3d Charge,	Guilty.

SENTENCE.

To be cashiered.

The proceedings in the above case having been laid before the Secretary of War, for the order of the President, the following decision is made:

The conduct of Capt. G. D. Mitchell, as exhibited by the record, was certainly reprehensible, but does not seem to have justified the finding and sentence.

Conduct may be prejudicial to good order and military discipline, and deserve punishment, even to the extent of dismissal, without being scandalous or disgraceful, as is implied by the description "unbecoming an officer and a gentleman."

The sentence is remitted.

III. Before the Military Court attached to the command of General Beauregard, was arraigned and tried:

Capt. J. J. MAGUIRE, Company H, Aiken's Regiment Partisan Rangers, on the following Charges:

CHARGE 1st—Conduct highly unofficerlike and prejudicial to good order and military discipline.

CHARGE 2d—Knowingly making a false muster.

FINDING.

Of the 1st Specification of the 1st Charge,	Guilty.
Of the 2d Specification of the 1st Charge,	Guilty.
Of the 1st Charge,	Guilty.
Of the Specification of the 2d Charge,	Guilty.
Of the 2d Charge,	Guilty.

SENTENCE.

To be cashiered.

The proceedings in the above case having been laid before the Secretary of War for the final order of the President, the following decision is made thereon:

That in consideration of the inexperience of Capt. Maguire in matters of military detail, and of his good character, on the recommendation of the members of the Military Court, before whom he was tried, and of his commanding officer, the sentence is remitted, and he will be released from arrest and return to duty.

By order.

S. COOPER,

Adjutant and Inspector General.