

GENERAL ORDERS, }
No. 52. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, March 6, 1863.

I. Before a General Court Martial, which convened at Winchester, Virginia, January 16, 1863, pursuant to "General Orders," No. 5, dated Headquarters, Milroy's Division, Winchester, Virginia, January 15, 1863, and of which Lieutenant Colonel WILLIAM C. STARR, 9th Virginia Volunteers, is President, was arraigned and tried —

First Lieutenant *Oscar H. Tate*, 12th Virginia Volunteers.

CHARGE 1st.—"Conduct unbecoming an officer and a gentleman."

Specification 1st—"In this; that the said *Oscar H. Tate*, 1st Lieutenant Company "E," 12th Regiment Virginia Volunteer Infantry, did, on the 11th day of December, 1862, at New Creek, Hampshire county, Virginia, and while on a march from New Creek, Virginia, to Burlington, Virginia, get drunk and remain behind his Company and Regiment."

Specification 2d—"In this; that the said *Oscar H. Tate*, 1st Lieutenant Company "E," 12th Regiment Virginia Volunteer Infantry, did, on the 17th day of January, 1863, at Martinsburg, Virginia, whilst in command of guard for train of supplies from Martinsburg, Virginia, to Winchester, Virginia, get drunk, and compel one of the drivers of a team in the train aforesaid to leave his said team in the the train [town] of Martinsburg aforesaid."

CHARGE 2d.—"Conduct prejudicial to good order and military discipline."

Specification 1st—"In this; that the said *Oscar H. Tate*, 1st Lieutenant Company "E," 12th Regiment Virginia Volunteer Infantry, did, on the 11th day of December, 1862, at New Creek, Hampshire county, Virginia, and while on a march from New Creek, Virginia, to Burlington, Virginia, get drunk, and remain behind his company and regiment."

Specification 2d—"In this; that the said *Oscar H. Tate*, 1st Lieutenant, Company "E," 12th Regiment Virginia Volunteer Infantry, did, on the 17th day of January, 1863, at Martinsburg, Virginia, whilst in command of guard for train of supplies from Martinsburg, Virginia, to Winchester, Virginia, get drunk, and compel one of the drivers of a team in the train aforesaid to leave his said team in the town of Martinsburg aforesaid."

To which charges and specifications the accused, 1st Lieutenant *Oscar H. Tate*, 12th Virginia Volunteers, pleaded "Not Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, 1st Lieutenant *Oscar H. Tate*, 12th Virginia Volunteers, as follows:

CHARGE I.

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty, as to that part charging him with being drunk whilst in command of guard for train of supplies from Martinsburg, Virginia, to Winchester, Virginia."

Of the 1st CHARGE, "Guilty."

CHARGE II.

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty, as to that part charging him with being drunk whilst in command of guard for train of supplies from Martinsburg, Virginia, to Winchester, Virginia."

Of the 2d CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, 1st Lieutenant *Oscar H. Tate*, Company "E," 12th Regiment Virginia Volunteer Infantry, "*To be dismissed the service.*"

II..The proceedings in the foregoing case, in compliance with the 5th section of the act approved July 17, 1862, have been forwarded for the action of the President of the United States, and the sentence is approved by him.

BY ORDER OF THE SECRETARY OF WAR:

L. THOMAS,
Adjutant General.

OFFICIAL:

Assistant Adjutant General.