

GENERAL ORDERS, }
 No. 184. }

WAR DEPARTMENT,
 ADJUTANT GENERAL'S OFFICE,
 Washington, June 23, 1863.

I.. Before a General Court Martial, which convened at Fort Snelling, Minnesota, May 6, 1863, pursuant to General Orders, No. 16, dated March 2, 1863; No. 17, dated March 11, 1863; Special Orders, No. 200, dated April 12, 1863; and No. 226, dated May 2, 1863, Headquarters, District of Minnesota, Department of the Northwest, Saint Paul, Minnesota, and of which Colonel J. H. BAKER, 10th Minnesota Volunteers, is President, was arraigned and tried—

Captain *James Starkey*, 1st Minnesota Mounted Rangers.

CHARGE I — "Making false muster."

Specification 1st—"In this; that said Captain *James Starkey* did fraudulently enter, or cause to be entered, upon the muster rolls of his said Company 'M,' 1st Minnesota Mounted Rangers, the names of Thornton Bishop, Alexander Darling, and John Shiner, respectively, as having been enlisted by himself, when, in fact, said men never were, nor was either of them, enlisted into the service of the United States; and when said Company was mustered into the service of the United States by Captain A. D. Nelson, Mustering Officer, said Captain Starkey procured, or caused to be procured, other men to personate and answer to the names of said Thornton Bishop, Alexander Darling, and John Shiner, respectively. This at Fort Snelling, Minnesota, on or about the thirtieth day of December, in the year one thousand eight hundred and sixty-two."

Specification 2d—"In this; that said Captain *James Starkey* did fraudulently enter, or cause to be entered, upon the muster rolls of his said Company 'M,' 1st Minnesota Mounted Rangers, the name of one Leander Capistrant as having been duly enlisted by himself, when, in fact, said Leander Capistrant never was examined by the examining surgeon appointed to examine recruits for the volunteer service of the United States; but was, with the knowledge of said James Starkey, personated by another man, who was examined by and passed the examining surgeon in his name; and when said Company was mustered into the service of the

United States by Captain A. D. Nelson, Mustering Officer, said Captain James Starkey procured, or caused to be procured, another man to represent and answer to the name of said Capistrant. This at Fort Snelling, Minnesota, on or about the thirtieth day of December, in the year eighteen hundred and sixty-two."

Specification 3d—"In this; that said Captain *J. Starkey* did fraudulently enter, or cause to be entered, upon the muster rolls of his said Company, the name of Truman D. Chapman as duly enlisted by himself, when, in fact, said Chapman never was examined by the examining surgeon appointed to examine recruits for the volunteer service of the United States; and when said Company was mustered into the service of the United States by Captain A. D. Nelson, Mustering Officer, said Captain Starkey procured, or caused to be procured, another man to personate and answer to the name of said Chapman. This at Fort Snelling, Minnesota, on or about the thirtieth day of December, in the year eighteen hundred and sixty-two."

Specification 4th—"In this; that said Captain *James Starkey* did fraudulently enter, or cause to be entered, upon the muster rolls of his said Company, the names of Henry Disher and Peter Leonard, who never had, nor had either of them, been examined by the examining surgeon appointed to examine recruits for the volunteer service of the United States; but other men had been procured by, or with the knowledge and consent of, said Captain James Starkey, to personate them before said examining surgeon; and when said Company was mustered into the service of the United States by Captain A. D. Nelson, Mustering Officer, other men were procured by, or with the knowledge and consent of, said Captain Starkey, to personate and answer to the names of said Henry Disher and Peter Leonard, respectively. This at Fort Snelling, Minnesota, on or about the thirtieth day of December, in the year eighteen hundred and sixty-two."

CHARGE II.—"Willingly signing muster rolls containing false musters."

Specification—"In this; that said Captain *James Starkey* did willingly sign upon the muster-in rolls of his said Company 'M,' 1st

Minnesota Mounted Rangers, a certificate in the following words, to wit: 'I certify, on honor, that the muster rolls exhibit the true state of Captain James Starkey's Company of the 1st Regiment Minnesota Mounted Rangers for the period herein mentioned; that each man answers to his own proper name in person; and that the remarks set opposite the name of each officer and soldier are accurate and just.

('Signed)

'JAMES STARKEY,

' Captain Commanding Company.

'Date: December 30, 1862.

'Station: Fort Snelling, Minnesota.'

The said Captain James Starkey then well knowing that said rolls contained false musters of the following men, respectively, to wit: Thornton Bishop, Alexander Darling, John Shiner, Leander Capistrant, Truman D. Chapman, Henry Disher, and Peter Leonard; and also well knowing that said Bishop, Darling, Shiner, Capistrant, Chapman, Disher, and Leonard did not, nor either of them, answer to their own proper names in person; but that they were each of them personated by other men, who answered and appeared for them when mustered into the service of the United States by Captain A. D. Nelson, Mustering Officer. This at Fort Snelling, Minnesota, on or about the thirtieth day of December, in the year eighteen hundred and sixty-two."

CHARGE III.—"Making false return to his superior officer of the state of his Company."

Specification—"In this; that said Captain *James Starkey*, commanding Company 'M,' 1st Minnesota Mounted Rangers, in his report of the state of his Company to his Commanding Officer, pursuant to the orders of said officer, did report Thornton Bishop, Alexander Darling, John Shiner, Leander Capistrant, and Truman D. Chapman, as members of his Company absent without leave, when, in fact, said men were not, nor was either of them, ever members of said Company; nor were they, or either of them, ever mustered into the service of the United States; all which the said Starkey well knew. This at Fort Snelling, Minnesota, on or about the 5th day of March, 1863."

CHARGE IV.—“Conduct unbecoming an officer and a gentleman.”

Specification 1st—“In this; that said Captain *James Starkey* did fraudulently enter, or cause to be entered, upon the muster rolls of his said Company ‘M,’ 1st Minnesota Mounted Rangers, the names of Thornton Bishop, Alexander Darling, and John Shiner, respectively, as having been enlisted by himself, when, in fact, said men never were, nor was either of them, enlisted into the service of the United States; and when said Company was mustered into the service of the United States by Captain A. D. Nelson, Mustering Officer, said Captain *Starkey* procured, or caused to be procured, other men to personate and answer to the names of said Thornton Bishop, Alexander Darling, and John Shiner, respectively. This at Fort Snelling, Minnesota, on or about the thirtieth day of December, in the year one thousand eight hundred and sixty-two.”

Specification 2d—“In this; that said Captain *James Starkey* did fraudulently enter, or cause to be entered, upon the muster rolls of his said Company ‘M,’ 1st Minnesota Mounted Rangers, the name of one Leander Capistrant as having been duly enlisted by himself, when, in fact, said Leander Capistrant never was examined by the examining surgeon appointed to examine recruits for the volunteer service of the United States; but was, with the knowledge of said *James Starkey*, personated by another man, who was examined by and passed the examining surgeon in his name; and when said Company was mustered into the service of the United States by Captain A. D. Nelson, Mustering Officer, said Captain *James Starkey* procured, or caused to be procured, another man to represent and answer to the name of said Capistrant. This at Fort Snelling, Minnesota, on or about the thirtieth day of December, in the year eighteen hundred and sixty-two.”

Specification 3d—“In this; that said Captain *James Starkey* did fraudulently enter, or cause to be entered, upon the muster rolls of his said Company, the name of Truman D. Chapman as duly enlisted by himself, when, in fact, said Chapman never was examined by the examining surgeon appointed to examine recruits for the

volunteer service of the United States; and when said Company was mustered into the service of the United States by Captain A. D. Nelson, Mustering Officer, said Captain Starkey procured, or caused to be procured, another man to personate and answer to the name of said Chapman. This at Fort Snelling, Minnesota, on or about the thirtieth day of December, in the year eighteen hundred and sixty-two."

Specification 4th—"In this; that the said Captain *James Starkey* did fraudulently enter, or cause to be entered, upon the muster rolls of his said Company, the names of Henry Disher and Peter Leonard, who never had, nor had either of them, been examined by the examining surgeon appointed to examine recruits for the volunteer service of the United States; but other men had been procured by, or with the knowledge and consent of, said Captain *James Starkey*, to personate them before said examining surgeon; and when said Company was mustered into the service of the United States by Captain A. D. Nelson, Mustering Officer, other men were procured by, or with the knowledge and consent of, said Captain *Starkey*, to personate and answer to the names of said Henry Disher and Peter Leonard, respectively. This at Fort Snelling, Minnesota, on or about the thirtieth day of December, in the year eighteen hundred and sixty-two."

Specification 5th—"In this; that said Captain *James Starkey* did willingly sign upon the muster-in rolls of his said Company 'M,' 1st Minnesota Mounted Rangers, a certificate in the following words, to wit: 'I certify, on honor, that the muster roll exhibits the true state of Captain *James Starkey's* Company of the 1st Regiment Minnesota Mounted Rangers, for the period herein mentioned; that each man answers to his own proper name in person; and that the remarks set opposite the name of each officer and soldier are accurate and just.

('Signed,) 'JAMES STARKEY,
'*Captain Commanding Company.*

'Date: December 30th, 1862.

'Station: Fort Snelling, Minnesota.'

The said Captain *James Starkey* then well knowing that said rolls contained false musters of the following men, respectively, to wit:

Thornton Bishop, Alexander Darling, John Shiner, Leander Capistrant, Truman D. Chapman, Henry Disher, and Peter Leonard; and also well knowing that said Bishop, Darling, Shiner, Capistrant, Chapman, Disher, and Leonard did not, or either of them, answer to their own proper names in person; but that they were each of them personated by other men, who answered and appeared for them when mustered into the service of the United States by Captain A. D. Nelson, Mustering Officer. This at Fort Snelling, Minnesota, on or about the thirtieth day of December, in the year eighteen hundred and sixty-two."

Specification 6th—"In this; that said Captain *James Starkey*, commanding Company 'M,' 1st Minnesota Mounted Rangers, in his report of the state of his Company to his Commanding Officer, pursuant to the orders of said officer, did report Thornton Bishop, Alexander Darling, John Shiner, Leander Capistrant, and Truman D. Chapman, as members of his said Company, absent without leave, when, in fact, said men were not, nor was either of them, ever members of said Company; nor were they, or either of them, ever mustered into the service of the United States; all which the said Starkey well knew. This at Fort Snelling, Minnesota, on or about the 5th day of March, 1863."

Specification 7th—"In this; that said Captain *James Starkey*, while recruiting for Company 'M,' 1st Minnesota Mounted Rangers, on or about the month of December, in the year eighteen hundred and sixty-two, did impose upon and deceive the examining surgeon, Dr. T. R. Potts, appointed to examine recruits for the volunteer service of the United States, by procuring, or causing to be procured, men who had never enlisted in such service to personate and appear under the names of Leander Capistrant, Truman D. Chapman, Henry Disher, and Peter Leonard, respectively, which names appear upon the enlistment papers presented to said examining surgeon; and the men so procured were, by the deceit and fraud of said Starkey, examined, passed, and certified to upon said enlistment papers, under said assumed names, by the said examining surgeon, the said Capistrant, Chapman, Disher, and Leonard never appearing, nor either of them, before or being examined by said Surgeon. This at Fort

Snelling, Minnesota, in or about the month of December, in the year eighteen hundred and sixty-two."

To which charges and specifications the accused, Captain *James Starkey*, 1st Minnesota Mounted Rangers, pleaded "Not Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Captain *James Starkey*, 1st Minnesota Mounted Rangers, as follows:

CHARGE I.

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

Of the 2d *Specification*, "Guilty."

Of the 3d *Specification*, "Guilty," except the words, "when, in fact, said Chapman never was examined by the examining surgeon appointed to examine recruits for the volunteer service of the United States."

Of the 4th *Specification*, "Guilty."

Of the CHARGE, "Guilty."

CHARGE II.

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

CHARGE III.

Of the *Specification*, "Not Guilty."

Of the CHARGE, "Not Guilty."

CHARGE IV.

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

Of the 2d *Specification*, "Guilty."

Of the 3d *Specification*, "Guilty."

Of the 4th *Specification*, "Guilty."

Of the 5th *Specification*, "Guilty."

Of the 6th *Specification*, "Not Guilty."

Of the 7th *Specification*, "Not Guilty."

Of the CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Captain *James Starkey*, 1st Minnesota Mounted Rangers, "*To be cashiered, and to be forever disqualified from holding any office of trust or profit under the Government of the United States.*"

II..The proceedings in the foregoing case have been approved by the General commanding the District of Minnesota, and forwarded for the action of the President of the United States, who directs that the sentence be commuted so far as to remove the disability of Captain *James Starkey* to hold office or be employed in the service of the United States.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,
Assistant Adjutant General.