

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

7-1-1886

Charles H. Campbell.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 3183, 49th Cong., 1st Sess. (1886)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

CHARLES H. CAMPBELL.

JULY 1, 1886.—Laid on the table and ordered to be printed.

Mr. STEELE, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 289.]

The Committee on Military Affairs, to whom was referred House bill 289, to restore Charles H. Campbell to the rank of captain in the Army, have investigated the same, and find that Captain Campbell, while in the service, was tried four times by court-martial, and sentence imposed as follows: Twice reprimanded; once dismissed, but recommended for clemency upon taking the pledge to abstain from drunkenness; and once dismissed.

Should any members of the House desire to fully investigate Captain Campbell's military history, we invite their attention to Report No. 660, Senate, Forty-seventh Congress, by Senator Maxey, printed herewith; also report from Adjutant-General's Office.

The committee does not think the service would in any wise be benefited by the restoration of Captain Campbell, nor do they think he has any claims upon the Government looking to his restoration; therefore report the bill back, and recommend that it lie upon the table.

[Senate Report No. 660, Forty-seventh Congress, first session.]

The Committee on Military Affairs, to which was referred the bill (S. 1726) to restore Charles Harrod Campbell to the rank of captain in the Army, respectfully submits the following report:

The committee respectfully submits—

1. The military history and papers annexed of said Campbell, marked Exhibit A.
2. The letter of the Secretary of War, dated 18th May, 1882, marked Exhibit B.
3. Letter of Adjutant-General, dated 17th May, 1882, marked Exhibit C.
4. Report of the Judge-Advocate-General, marked Exhibit D.
5. Proceedings of a general court-martial, marked Exhibit E.
6. Letters of General Grant, Admiral Porter, Mr. Curtis, and General Barnes, asking his restoration.

The foregoing papers are made part of this report, but being voluminous, are referred to as part hereof.

A careful examination of the papers renders it entirely clear to the committee that the bill ought not to pass; wherefore the committee recommend that the bill (S. 1726) do not pass; that the same be indefinitely postponed, and that the committee be discharged from further consideration.

In making this report the committee begs to add that the restoration to the Army of an officer dismissed by sentence of a court-martial should, in the opinion of the committee, never be done, unless there has been gross, manifest, palpable injustice. Nothing of the kind is shown in this case.

CHARLES H. CAMPBELL.

FORT GRANT, ARIZ., November 24, 1880,

SIR: I have the honor herewith to tender my resignation as an officer of the United States Army.

Very respectfully, your obedient servant,

C. H. CAMPBELL,
Captain Sixth Cavalry.

The ADJUTANT-GENERAL, U. S. A.,
Washington, D. C.

[Inclosure accompanying the above letter.]

I, Charles H. Campbell, captain Sixth Regiment United States Cavalry, do hereby solemnly pledge myself to totally abstain from the use of intoxicating liquors of all kinds during the time I shall remain in active service in the Army of the United States, nor during the time aforesaid will I use the same medicinally except when prescribed by a physician, and then only in case of absolute necessity, and the aforesaid physician having been notified of this pledge.

Made and subscribed to at Fort Grant, Arizona, this 24th day of November, 1880.

C. H. CAMPBELL,
Captain Sixth Cavalry.

Witnesses:

STEPHEN C. MILLS,
Second Lieutenant Twelfth Infantry.

JOHN N. GLASS,
Second Lieutenant Sixth Cavalry.

[Indorsement of the President on the above letter of Captain Campbell's tendering his resignation.]

The foregoing resignation is hereby accepted.

R. B. HAYES.

FEBRUARY 15, 1881.

EXHIBIT A.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 17, 1882.

Statement of the military service of Charles H. Campbell, of the United States Army, compiled from the records of this office.

VOLUNTEER RECORD.

Mustered into service as first lieutenant First New York Artillery, February 4, 1865. Appointed captain and assistant adjutant-general of volunteers, June 1, 1865. (Brevetted first lieutenant of volunteers, April 9, 1865, for meritorious services during the campaign, terminating with the surrender of the insurgent army under General R. E. Lee.)

Service.—On the staff of General A. A. Humphreys, from February to August, 1865; assistant adjutant-general, district of Pennsylvania, to October 23, 1865, and awaiting orders until honorably mustered out, May 11, 1866.

REGULAR ARMY RECORD.

Appointed second lieutenant Sixth Cavalry, 25th July, 1866; promoted first lieutenant Sixth Cavalry, 7th May, 1867; promoted captain Sixth Cavalry, 20th September, 1874. (Brevetted first lieutenant and captain, 2d March, 1867, "for gallant and meritorious services in the battle of Petersburg, Va.")

Service.—On duty at Carlisle Barracks, Pennsylvania, from September 11 to October 31, 1866; conducting recruits to posts in Texas, to January, 1867; in arrest January to February, 1868; with regiment in Texas to October 28, 1870; in arrest to March 8, 1871 (see General Court-Martial Orders, No. 8, Department Texas, February 7, 1871, copy herewith); with regiment in Texas to April 20, 1871, and Indian Territory and Kansas to March 9, 1872; on leave to May 31, 1872, and surgeon's certificate of disability to September 23, 1872; with regiment in Kansas to December 16, 1873; on leave

to February 18, 1874; with regiment in Kansas to July 2, 1874; on expedition in the field, Indian Territory, to December 31, 1874; at Fort Hays, Kansas, to March 19, 1875; in the field on scouting duty to May, 1875; in Arizona to July 22, 1877; in arrest and before general court-martial to August 7, 1877 (see General Court Martial Orders, No. 18, Department Arizona, August 7, 1877, copy herewith); with regiment in Arizona to October 5, 1877; in arrest and awaiting sentence of general court martial to February 2, 1878 (see General Court-Martial Orders, No. 83, of December 27, 1877, from this office, copy herewith); with regiment in Arizona to January 27, 1880; on leave to September 15, 1880; in arrest from September 20 to October 2, 1880; commanding company at Fort Grant, Arizona, to November 1, 1880; in arrest and awaiting sentence of general court-martial until he resigned, February 15, 1881.

R. C. DRUM,
Adjutant-General.

[General Court-Martial Orders, No. 8.]

HEADQUARTERS DEPARTMENT OF TEXAS,
(TEXAS AND LOUISIANA),
San Antonio, Texas, February 7, 1871.

1. Before a general court-martial which convened at Fort Richardson, Texas, on Monday, December 19, 1870, pursuant to paragraph III of Special Order No. 151, headquarters Department of Texas, dated San Antonio, Tex., November 26, 1870, and of which Maj. Robert M. Morris, Sixth United States Cavalry, is president, was arraigned and tried:

1. First Lieut. Charles H. Campbell, Sixth United States Cavalry.

CHARGE I.—“Disobedience of orders, in violation of the ninth Article of War.”

Specification 1st.—“In this, that he, First Lieut. Charles H. Campbell, Sixth Regiment United States Cavalry, having received a lawful order at drill from his immediate commander and superior officer, Maj. A. K. Arnold, Sixth Regiment United States Cavalry (he being at the time in charge of the drill), to take his place in the line of file closers, he (Lieutenant Campbell) being at the time in command of a platoon, but incompetent through ignorance of his tactics to drill said platoon properly, did refuse to obey said order. All this at or near Fort Richardson, Texas, on or about the 28th day of October, 1870.”

Specification 2d.—“In this, that he, First Lieut. Charles H. Campbell, Sixth Regiment United States Cavalry, having received a lawful order at drill (a second time) from his immediate commander and superior officer, Maj. A. K. Arnold, Sixth Regiment United States Cavalry (he being at the time in charge of the drill), to take his place in the line of file closers, he (Lieutenant Campbell) being at the time in command of a platoon, but incompetent through ignorance of his tactics to drill said platoon properly, did refuse to obey said order. All this at Fort Richardson, Texas, on or about the 28th day of October, 1870.”

Specification 3d.—“In this, that he, First Lieut. Charles H. Campbell, Sixth Regiment United States Cavalry, having received a lawful order at drill from his immediate commander, Maj. A. K. Arnold, Sixth Regiment United States Cavalry (he being at the time in charge of the drill), to go to his quarters in arrest, did disobey said order for his arrest, and did reply, ‘I will go to my quarters, but will not obey your arrest.’ All this at or near Fort Richardson, Texas, on or about the 28th day of October, 1870.”

Specification 4th.—“In this that he, First Lieut. Charles H. Campbell, Sixth Regiment United States Cavalry, having received a lawful order at drill from his immediate commander, Maj. A. K. Arnold, Sixth Regiment United States Cavalry (he being at the time in charge of the drill), to go to his quarters in arrest (this being the second time he received said order), did refuse to obey said order for his arrest, and did reply, ‘I will go to my quarters, but I will not consider myself under arrest; you have no right to arrest me; the adjutant is the person who does that,’ or words to that effect. All this at or near Fort Richardson, Texas, on or about the 28th day of October, 1870.”

CHARGE II.—“Insubordinate conduct, to the prejudice of good order and military discipline.”

Specification.—“In this, that he, First Lieut. Charles H. Campbell, Sixth Regiment United States Cavalry, having been repeatedly ordered by his superior and commanding officer, Maj. A. K. Arnold, Sixth Regiment United States Cavalry, to take his place in line of file closers (he Maj. Arnold, being in the execution of his duty), did repeatedly refuse to obey said order, and did thus act in an insubordinate manner in the presence of enlisted men, to the prejudice of good order and military discipline. All this at or near Fort Richardson, Texas, on or about the 28th of October, 1870.”

To which charges and specifications the accused, First Lieut. Charles H. Campbell, Sixth United States Cavalry, pleaded “Not Guilty.”

FINDING.

The court, having maturely considered the evidence adduced, finds the accused :
 Of the first specification, first charge, "Guilty."
 Of the second specification, first charge, "Guilty."
 Of the third specification, first charge, "Guilty."
 Of the fourth specification, first charge, "Guilty."
 Of the first charge, "Guilty."
 Of the specification, second charge, "Guilty."
 Of the second charge, "Guilty."

SENTENCE.

And the court does therefore sentence him, First Lieut. Charles H. Campbell, Sixth United States Cavalry, "to be reprimanded in General Orders by the department commander."

The court is thus lenient on account of the evident misapprehension on the part of the accused as to the legality of the orders given by the officer in charge of the drill.

II. In the foregoing case of First Lieut. Charles H. Campbell, Sixth United States Cavalry, the mildness of the sentence is apparent on the face of the specifications, and the department commander is unable to see any adequate reason for the great leniency shown by the court. There could be no question in the mind of an officer of any experience whatever as to the legality of Major Arnold's orders, or his right to place Lieutenant Campbell in arrest, and the pretext of the accused that these orders were of doubtful legality does not redound much to his credit as a well-informed and sagacious officer.

The proceedings, findings, and sentence are approved. Lieutenant Campbell will be released from arrest and resume his sword.

By command of Col. J. J. REYNOLDS.

ROBERT H. CLAY WOOD,
Assistant Adjutant-General.

[General Orders, No. 18.]

General court-martial at Prescott, Ariz.

Case tried: Capt. CHARLES H. CAMPBELL, Sixth Cavalry.

HEADQUARTERS DEPARTMENT OF ARIZONA,
Prescott, August 7, 1877.

I. Before a general court-martial, of which Maj. Rodney Smith, paymaster, U. S. A., is president, which convened at these headquarters on the 25th day of July, 1877, by virtue of paragraph 2, Special Orders No. 72, current series, from these headquarters, was arraigned and tried:

1. Capt. Charles H. Campbell, Sixth Cavalry.

CHARGE.—"Conduct unbecoming an officer and gentleman, in violation of the sixty-first Article of War. (New.)"

Specification.—"In this, that Capt. C. H. Campbell, Sixth United States Cavalry, did write the following letter to Capt. W. S. Worth, Eighth Infantry, relative to his (Captain Worth) official acts as commanding officer, commanding Camp Apache, Arizona, to wit:

"CAMP VERDE, ARIZONA, June 19, 1877.

"Maj. W. S. WORTH:

"SIR: I have been informed of the manner in which you have acted towards one of my laundresses, left at Camp Apache, because I had not sufficient transportation to bring her with me.

"Under different circumstances I should endeavor to have you tried by court-martial for your conduct.

"I have long since known that you were devoid of all honor, but (until I heard of your late action) I did not think all gentlemanly instincts had left you.

"The vindictive feelings you have towards me, but dare not exhibit in my presence you vent upon a poor old woman.

"Your conduct is low and dirty, and I consider you an unfit associate for gentlemen,
 "C. H. CAMPBELL."

"This on or about the 19th day of June, 1877, at Camp Verde, Arizona."

ADDITIONAL CHARGE.—"Conduct unbecoming an officer and gentleman."

Specification first.—"In this, that he, Capt. Charles H. Campbell, Sixth United States Cavalry, did appropriate to his own use the sum of \$70 company fund, belonging to

Company A, Sixth United States Cavalry. This at Camp Apache, Arizona, between July 15 and September 30, 1875.

Specification second.—"In this, that he, Capt. C. H. Campbell, Sixth United States Cavalry, when called upon by Maj. James Biddle, Sixth United States Cavalry, acting assistant inspector general, Department of Arizona, in his official capacity as inspector, for a statement of company funds on hand, did officially present to said inspector, Maj. James Biddle, Sixth United States Cavalry, the accounts of his (Capt. Charles H. Campbell) company fund of Company A, Sixth United States Cavalry, showing a balance of \$72.57 as being on hand for the second quarter ending June 30, 1876, which statement was false. He, the said Capt. Charles H. Campbell, Sixth United States Cavalry, having appropriated the said company fund to his own use. This at Camp Apache, Arizona, on or about July 4, 1876."

Specification third.—"In this, that he, Capt. Charles H. Campbell, Sixth United States Cavalry, when called upon for a statement of his company-fund account did present the following statement to Maj. James Biddle, Sixth United States Cavalry, acting assistant inspector-general, Department of Arizona, while acting in his official capacity as inspector, viz :

"CAMP APACHE, ARIZONA, July 5, 1876.

"Total amount of company fund on hand in possession of Capt. Charles H. Campbell, Sixth United States Cavalry, commanding Company A, \$72.57."

"The said statement being false and intended to deceive, in that the amount therein carried on as accruing, viz, \$73.57, during the period of the second quarter of 1876, was not on hand, but was appropriated by the said Capt. Charles H. Campbell, Sixth United States Cavalry, to his own use. This at Camp Apache, Arizona, on or about July 5, 1876."

PLEA.

To the specification, 1st charge, "Guilty."
 To the 1st charge, "Not Guilty."
 To the 1st specification, additional charge, "Not Guilty."
 To the 2d specification, additional charge, "In bar of trial." Not sustained by the court. Whereupon the accused pleaded "Not Guilty."
 To the 3d specification, additional charge, "Not Guilty."
 To the additional charge, "Not Guilty."

FINDINGS.

Of the specification, 1st charge, "Guilty."
 Of the 1st charge, "Not Guilty," but "Guilty" of conduct prejudicial to good order and military discipline
 Of the 1st specification, additional charge, "Not Guilty."
 Of the 2d specification, additional charge, "Not Guilty."
 Of the 3d specification, additional charge, "Not Guilty."
 Of the additional charge, "Not Guilty."

SENTENCE.—"To be reprimanded in orders by the reviewing authority."

The proceedings in the foregoing case of Capt. Charles H. Campbell, Sixth Cavalry having been thoroughly examined, the following are the orders in the case:

No evidence having been submitted by the accused in mitigation of the specification to the first charge, to which he plead guilty, the court has virtually ruled that the specification does not sustain the charge. The plea of guilty to the specification was manifestly made to forestall investigation. Had the court called for witnesses and obtained evidence of some provocation to influence the modification of the charge, there might have been some justification for such a finding.

It is impossible to understand how a court-martial could take so lenient a view of such an offense against military propriety. Let it pass into a precedent that an officer can write such letters to a late commanding officer, with no heavier penalty than a reprimand, then all who think they have a grievance—and think it revenge to insult and call names—will await a change of station to avail themselves of it, for there could be no restraining influence in a reprimand to a mind that had no higher sense of redress than to write such a communication; for their official acts commanding officers would be subjected to abuse and insult from non-appreciative subordinates as soon as the latter were beyond their control; and official courtesy and respect for authority would cease to exist in the Army.

Had the court found the accused guilty of the specifications to the additional charge and attached no criminality thereto, the findings would at least have been consistent with the evidence, whatever view might be taken of the court's judgment of the offense.

A court may entertain its own view of the nature and degree of the charges, but it is sworn to "well and truly try and determine according to evidence." How the court could find him not guilty of these specifications cannot be ascertained by reading

the testimony. The evidence is very clear and goes to show that, at the time the accused borrowed \$70 to buy pigs for his company, he should have had \$68.29 company fund on hand, in the third quarter of 1875. On the 15th of July he charged six hogs on his company-fund account, which is the first entry for the quarter.

The money borrowed for this purpose was not paid until after the charges were preferred—two years after the transaction.

One year after, it is in evidence, he obtained \$70 from a fellow officer to present to the acting assistant inspector-general as his company fund, which was returned after serving this purpose.

The acting assistant inspector-general who investigated the accused is very positive as to the confession of the accused, and the testimony of a fellow officer shows that he (the accused) was furnished the money to present to the inspector. No evidence is produced by the accused to disprove the main fact that he did not have his company fund balance on hand when it was wanted for the use of the company, or when required to produce it by the inspecting officer. The submission of his returns to show that he had accounted for all of his company fund, is no proof to the contrary in face of the evidence that he did not have the money when it was required.

A careless administration of the company fund may be frequent with officers commanding companies, but it cannot be recognized as right, and if an officer is arraigned he must expect to be held to as strict an accountability for this fund as for any other. The fact that the fund is generally small, and officers as a rule believed to be above such petty embezzlement, may be considered in case of doubt, or where the officer is in good standing, but when the fact is found that he cannot produce the fund when required, he should be held as strictly accountable as if the fund was large; an officer who cannot manage a small fund has no business in a service where he may at any time be required to manage a large one. The accounts of the accused are notoriously in a bad state, and it is in evidence that he is receiving only a fraction of his salary in consequence of stoppages, an experience which should have protected him against such accusations.

The proceedings are approved, the findings and sentence are disapproved. Captain Campbell will be released from arrest and restored to duty.

II. The general court-martial, of which Maj. Rodney Smith, paymaster, U. S. A., is president, is dissolved.

By command of August V. Kautz, colonel Eighth Infantry, brevet major-general (assigned).

J. P. MARTIN,
Assistant Adjutant-General.

[General Court-Martial Orders, No. 83.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 27, 1877.

I. Before a general court-martial, which convened at Prescott, Ariz., October 12, 1877, pursuant to Special Orders, No. 108, headquarters Department of Arizona, Prescott, September 25, 1877, and of which Surgeon James C. McKee, U. S. Army, is president, was arraigned and tried—

Capt. Charles H. Campbell, Sixth Cavalry.

CHARGE I.—“Violation of the 60th Article of War.”

Specification 1st.—“In that Capt. Charles H. Campbell, Sixth United States Cavalry, did appropriate and unlawfully apply to his own use and benefit the following articles of clothing, the property of the United States, furnished for the military service thereof, on or about the dates prefixed to the respective articles:

	Value.
September 29, 1875, one forage cap.....	\$0 76
October 22, 1875, four pair drawers.....	2 64
November 11, 1875, one great coat, mounted.....	6 44
November 11, 1875, five pairs gloves.....	80
June 27, 1876, one pair trousers, unmade.....	5 50
June 27, 1876, four pairs drawers.....	2 60
October 4, 1876, one pair trousers, mounted, unmade.....	4 82
October 4, 1876, one pair sergeant's stripes.....	26
October 15, 1876, one poncho.....	2 63
December 20, 1876, one pair brass-screwed boots.....	3 28

	Value.
January 10, 1877, four pairs drawers	\$2 60
January 11, 1877, two sergeant's stripes	52
March 16, 1877, five pairs gloves	75
March 16, 1877, three woolen blankets	11 94
June 9, 1877, four stable frocks	3 72

"This near Fort Lyon, Colo., at Camp Apache, Ariz., and Camp Verde, Ariz., between September 29, 1875, and June 9, 1877."

Specification 2d.—"In that Capt. Charles H. Campbell, Sixth Cavalry, having received from Lieut. E. C. Hentig, Sixth Cavalry, the sum of \$27.82, more or less, in payment for clothing belonging to Company A, Sixth Cavalry, and which the said Lieutenant Hentig had used, did fail, and still fails, to render to the United States any account or return of said money, but has appropriated it to his own use and benefit. This at Camp Apache, Ariz., on or about the 8th day of October, 1876, and up to the present date, September 13, 1877."

CHARGE II.—"Violation of the 8th Article of War."

Specification 1st.—"In that Capt. Charles H. Campbell, Sixth United States Cavalry, did knowingly make to the Quartermaster General, U. S. Army, a false return of the clothing of the company under his command, said return being false; in that one old-pattern blouse; four pairs brass-screwed boots; nine campaign hats; one pair trousers, made; three pairs trousers, unmade; seventeen pairs drawers; one forage cap; one great coat, mounted; ten pairs gloves; one pair trousers, mounted, unmade; five sergeant stripes; one poncho; and five woolen blankets, reported by him (the said Captain Campbell) as being 'on hand,' were not on hand as reported in his return, but had been appropriated by him, said Captain Campbell, to his own use and benefit. This at Camp Apache, Ariz., on or about the 31st day of March, 1877."

Specification 2d.—"In that Capt. Charles H. Campbell, Sixth United States Cavalry, did knowingly make to the Chief of Ordnance, U. S. Army, a false return of the arms of the company under his command, said return being false, in that one Springfield carbine, cal. .45, and nine Colt's revolvers, cal. .45, reported by him, the said Captain Campbell, as being 'on hand,' were not on hand as reported in his return, but had been unlawfully disposed of by him, the said Captain Campbell. This at Camp Apache, Ariz., on or about the 31st day of March 1877."

CHARGE III.—"Conduct unbecoming an officer and a gentleman, in violation of the Sixty-first Article of War."

Specification 1st.—"In that Capt. Charles H. Campbell, Sixth United States Cavalry, did appropriate to his own use and benefit the sum of \$36.67, company fund, belonging to Company A, Sixth Cavalry. This at Camp Verde, Arizona, between the 6th day of June, 1877, and the 21st day of July, 1877."

Specification 2d.—"In that Capt. Charles H. Campbell, Sixth Cavalry, did make in the company-fund account book of Company A, Sixth Cavalry, an official record book of said company, a return of the company's fund account, in the following words and figures, to wit:

Company-fund account of Company A, Sixth Cavalry, for part of third quarter, 1877.

June 30	Balance on hand.	\$69.47	July 6	50 pounds beef, @ 10 cents	\$5 00
			July 20	40 plates, @ 50 cents	20 00
			July 20	40 cups and saucers, @ \$5 per dozen	16 67
			July 21	Transferred to Lieut. A. Henley, Sixth Cavalry ..	27 80

I certify that the above account is correct.

C. H. CAMPBELL,
Captain Sixth Cavalry, Commanding Company A,

which return was false, in that \$36.67, alleged to have been paid by him (the said Captain Campbell) for plates, cups, and saucers, had not been expended, but had been appropriated by him (the said Captain Campbell) to his own use and benefit. This at Camp Verde, Arizona, on or about the 21st day of July, 1877."

Specification 3d.—"In that Capt. Charles H. Campbell, Sixth Cavalry, while being tried by a general court-martial, in session at Prescott, Ariz., did submit in his defense, before said court, the following account, in words and figures, to wit:

Company-fund account of Company A, Sixth Cavalry, for part of third quarter, 1877.

June 30	Balance on hand .	\$69 47	July 6	50 pounds beef, @ 10 cents	\$5 00
			July 20	40 plates, @ 50 cents	20 00
			July 20	40 cups and saucers, @ \$5 per dozen	16 67
			July 21	Transferred to Lieut. A. Henley, Sixth Cavalry ..	27 80

I certify that the above account is correct.

C. H. CAMPBELL,
Captain Sixth Cavalry, Commanding Company A,

which account was false. This at Prescott, Ariz., between the 25th day of July, 1877, and the 3d day of August, 1877."

Specification 4th.—"In this, that Capt. Charles H. Campbell, Sixth Cavalry, while being tried by a general court-martial, in session at Prescott, Ariz., did submit in his defense, before said court, the following affidavit, in words and figures, to wit:

" 'TERRITORY OF ARIZONA,

" 'County of Yavapai, L. S.:

" 'Before me, the undersigned, a notary public in and for the county and Territory aforesaid, personally appeared Capt. C. H. Campbell, Sixth United States Cavalry, who, being duly sworn, disposes and says that he did not admit to Maj. James Biddle, Sixth Cavalry, at any time or in any place, that he had presented borrowed money to him with intent to deceive him, and that he has not, since he has been in command of a company, ever received one cent of company funds for which he has not properly accounted.

" 'C. H. CAMPBELL,
" 'Captain Sixth Cavalry.'

" 'Sworn and subscribed before me this 1st day of August, 1877.

" 'JAMES GOUGH,
" 'Notary Public.

which affidavit, sworn to and subscribed by the said Captain Campbell, before the said James Gough, notary public, at the time and place above mentioned, was false. This at Prescott, Ariz., between the 25th day of July, 1877, and the 3d day of August, 1877."

ADDITIONAL CHARGE I.—"Conduct unbecoming an officer and a gentleman, in violation of the Sixty-first Article of War."

Specification 1st.—"In that Capt. Charles H. Campbell, Sixth United States Cavalry, did write and forward to the Quartermaster-General, U. S. Army, Washington, D. C., the following letter, in words and figures, to wit:

" 'CAMP VERDE, ARIZONA, August 18, 1877.

" 'To the QUARTERMASTER-GENERAL,

" 'United States Army, Washington, D. C.:

" 'SIR: I have the honor to inclose herewith quarterly return of quartermaster stores, pertaining to Company A, Sixth United States Cavalry, for the second quarter, 1877. My return is rendered at so late a date owing to the tardiness and neglect of the A. A. I. G. of this department, from whom I have been unable to procure, until recently, certain inventories necessary to complete my papers.

" 'C. H. CAMPBELL,
" 'Captain, Sixth Cavalry, Commanding Company A,'

which letter was false, in that it was not owing "to the tardiness and neglect" of the acting assistant inspector-general of the Department of Arizona that his returns were rendered at so late a date. This at Camp Verde, Ariz., on August 18, 1877."

Specification 2d.—"In that Capt. Charles H. Campbell, Sixth United States Cavalry, did write and forward to the Quartermaster-General, U. S. Army, Washington, D. C., the following letter, in words and figures, to wit:

" 'CAMP VERDE, ARIZ., August 18, 1877.

" 'To the QUARTERMASTER-GENERAL,

" 'United States Army, Washington, D. C.:

" 'SIR: I have the honor to inclose herewith quarterly return of quartermaster stores, pertaining to Company A, Sixth Cavalry, for the second quarter, 1877. My return is rendered at so late a date owing to the tardiness and neglect of the acting assistant inspector-general of this department, from whom I have been unable to procure, until recently, certain inventories necessary to complete my papers.

" 'C. H. CAMPBELL,
" 'Captain, Sixth Cavalry, Commanding Company A,'

which letter did unwarrantedly and unjustly reflect upon his superior officer, Maj. James Biddle, Sixth United States Cavalry, acting assistant inspector-general, Department of Arizona, because it was not owing 'to the tardiness and neglect' of the acting assistant inspector-general of the Department of Arizona that 'certain inventories' were not received by him (the said Capt. Charles H. Campbell) in time to complete his returns. This at Camp Verde, Arizona, on August 18, 1877."

ADDITIONAL CHARGE II.—"Violation of the Sixtieth Article of War."

Specification.—"In that Capt. Charles H. Campbell, Sixth United States Cavalry, did misappropriate one Colt's revolver, caliber .45, the property of the United States, and for which Capt. Charles H. Campbell, Sixth United States Cavalry, was responsible,

and did give the said Colt's revolver to P. S. O'Kelly, a civilian employed by the quartermaster department at Camp Apache, Arizona. This at Camp Apache, Arizona, on or about May 11, 1877."

To which charges and specifications the accused, Capt. Charles H. Campbell, Sixth Cavalry, pleaded as follows:

CHARGE I.

To the 1st specification, "Not Guilty."
To the 2d specification, "Not Guilty."
To the charge, "Not Guilty."

CHARGE II.

To the 1st specification, "Not Guilty."
To the 2d specification, "Not Guilty."
To the charge, "Not Guilty."

CHARGE III.

To the 1st specification, "Not Guilty."
To the 2d specification, "Not Guilty."
To the 3d specification, "Not Guilty."
To the 4th specification, "Guilty, except so much thereof as alleges said 'affidavit was false,' and of the excepted words Not Guilty."
To the charge, "Not Guilty."

ADDITIONAL CHARGE I.

To the 1st specification, "Guilty, except so much thereof as states 'which letter was false, in that it was not owing to the tardiness and neglect of the acting assistant inspector-general of the Department of Arizona that his returns were rendered at so late a date,' and of the excepted words Not Guilty."

To the 2d specification, "Guilty, except so much thereof as states 'which letter did unwarrantedly and unjustly reflect upon his superior officer, Maj. James Biddle, Sixth United States Cavalry, acting assistant inspector-general Department of Arizona, because it was not owing to the tardiness and neglect of the acting assistant inspector-general of the Department of Arizona that certain inventories were not received by him (the said Capt. Charles H. Campbell) in time to complete his returns,' and of the excepted words Not Guilty."

To the charge, "Not Guilty."

ADDITIONAL CHARGE II.

To the specification, "Not Guilty."
To the charge, "Not Guilty."

FINDING.

The court, having maturely considered the evidence adduced, finds the accused, Capt. Charles H. Campbell, Sixth Cavalry, as follows:

CHARGE I.

Of the 1st specification, "Guilty."
Of the 2d specification, "Guilty."
Of the charge, "Guilty."

CHARGE II.

Of the 1st specification, "Guilty."
Of the 2d specification, "Guilty, except the words, 'but had been unlawfully disposed of by him, the said Captain Campbell,' and of the excepted words Not Guilty."
Of the charge, "Not Guilty, but guilty of conduct to the prejudice of good order and military discipline."

CHARGE III.

Of the 1st specification, "Not Guilty."
Of the 2d specification, "Not Guilty."
Of the 3d specification, "Not Guilty."
Of the 4th specification, "Not Guilty."
Of the charge, "Not Guilty."

ADDITIONAL CHARGE I.

Of the 1st specification, "Guilty."
 Of the 2d specification, "Guilty."
 Of the charge, "Guilty."

ADDITIONAL CHARGE II.

Of the specification, "Guilty."
 Or the charge, "Guilty."

SENTENCE.

And the court does therefore sentence him, Capt. Charles H. Campbell, Sixth Cavalry, "To be dismissed the service of the United States."

II. The record of the proceedings of the general court-martial in the foregoing case of Capt. Charles A. Campbell, Sixth Cavalry, having been forwarded to the Secretary of War and by him submitted to the President of the United States for his action, the following are his orders thereon, viz:

EXECUTIVE MANSION, *December 26, 1877.*

The foregoing findings and sentence in the case of Capt. Charles H. Campbell, Sixth Cavalry, are disapproved and set aside.

R. B. HAYES.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General.

EXHIBIT B.

WAR DEPARTMENT,
Washington City, May 18, 1882.

SIR: In reply to your communication of the 26th ultimo, transmitting Senate bill 1726, to restore Charles H. Campbell to the rank of captain in the Sixth Cavalry, United States Army, for such report as may aid the committee in its conclusions, and such suggestions as to the effect of restorations upon the service, as I may deem proper to make, I have the honor to inclose a report of the Adjutant-General of the Army, bearing date the 17th instant, accompanied by a transcript of the record of the court-martial proceedings which resulted in Captain Campbell's resignation, with the report thereon of the Judge-Advocate-General, and a copy of the resignation of Captain Campbell; also a statement of his military services. I return also the commendatory letters inclosed by you.

The record of the last court-martial proceeding, in consequence of which Captain Campbell tendered his resignation, shows, in my opinion, that he was entirely unfit to hold any commission in the Army, and especially that of a captain directly responsible for the safety, discipline, and welfare of his company.

The records of previous courts-martial, the general orders relating to which are inclosed by the Adjutant-General, indicate, if they do not show clearly, a general unfitness in Captain Campbell as an officer of the Army.

I do not overlook the letters from strong and influential friends of Captain Campbell and his family, inclosed in your letter, and if the position of captain in the Army had no responsibilities and could be bestowed as an act of kindness or charity without injustice to others and harm to the public service, I would not feel called upon to recommend unfavorable consideration of the bill.

The evil of intemperance in the Army is great. The friendly feeling of his brother officers, which shelters an intemperate officer until all his Army friends consider him past redemption, is well known. When he has gone so far as to be brought before a court-martial, and the sentence has been confirmed in spite of the remonstrances of friends at Washington, I think for the welfare and discipline of the Army that the offender's military career should be considered closed.

As to the effect upon the service of restorations by special acts, I can add nothing of value to what the Adjutant-General has said in his inclosed report, to which I invite your special attention. I concur entirely in his view.

I have the honor to be, very respectfully, your obedient servant,

ROBT. T. LINCOLN,
Secretary of War.

Hon. S. B. MAXEY,
Of Committee on Military Affairs, U. S. Senate.

EXHIBIT C.

ADJUTANT-GENERAL'S OFFICE,
May 17, 1882.

SIR: I have the honor to return herewith Senate bill 1726, "to restore Charles Harrod Campbell to the rank of captain in the Army," and the accompanying papers, which were referred to the Secretary of War by Hon. S. B. Maxey, of the Senate Committee on Military Affairs, for report and "suggestions as to the effect of restorations upon the service," &c. I inclose a statement of the military service of Captain Campbell, and copies of the court-martial orders, referred to therein, and also copy of the record of his last trial by court-martial, in November, 1880, and of the report of the Judge-Advocate-General thereon, and of Captain Campbell's tender of resignation and its acceptance. It will be seen from these papers that his resignation was tendered and accepted after he had been tried and sentenced to be dismissed.

The effect of restoring officers of the Army by special legislation has frequently been characterized by the Department as extremely hurtful and injurious to the service, and the Adjutant-General is impelled to express his entire concurrence in this view. When an officer has been tried by court-martial, and sentenced to be cashiered or dismissed from the service, and the sentence has been approved and given effect by the proper authority, he must be held to have justly forfeited his commission. He is tried by his peers, and may appeal to the Secretary of War, and finally to the President, and is not likely to be denied any consideration which his case merits. The restoration of officers who, by their own misconduct, or voluntary acts, have forfeited or relinquished their position in the Army, involves, in most cases, vacancies to which officers who have not forfeited their commissions are, by law and of right, entitled to be promoted. Such restorations tend to lower the regard and respect of the Army for military regulations and law, and to destroy, in a great measure, the incentives for officers to render creditable and efficient service, and to maintain unstained records.

Very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The honorable SECRETARY OF WAR.

EXHIBIT D.

WAR DEPARTMENT
BUREAU OF MILITARY JUSTICE,
February 3, 1881.

SIR: The record of the trial of Capt. C. H. Campbell, Sixth Cavalry, is respectfully submitted with the following report:

Captain Campbell was tried by general court-martial at Fort Grant, Ariz., on the 18th of November last, under the following charges:

I.—Drunkenness on duty.

Six specifications are laid under this charge, alleging successively that accused was drunk when reporting for duty to his commanding officer, Major Arnold, on the morning of September 17 last; drunk when marching out of camp on the 19th September; drunk on the same day while in temporary command of the second battalion of troops in the field; so drunk as to be unfit and unable to present himself at headquarters at officers' call; and drunk on the following morning, September 20, in the presence of his commanding officer, during an examination of witnesses as to his conduct on the preceding day.

II.—Conduct to the prejudice of good order and military discipline.

The ten specifications under this charge allege the drunken vomiting of accused in the tent of Lieutenant Toucy, and in the presence of other officers, on the 17th of September; his vomiting and drunkenness in his own tent on the same day; his drunkenness at the trader's store, in the presence of other officers, on the 18th of September; his continued drunkenness on the same day; his leaving his company while on the parade ground, on the 19th of September, and drinking from a bottle behind the officers' quarters; his publicly and repeatedly drinking from a bottle on the 19th of September, while on the march and in command; his renewed and disorderly drunkenness on the 20th September while in arrest and on his way from the field to Camp Bowie, and his persistent neglect of all his duties as company commander on the 17th, 18th, 19th, and 20th days of September last.

An additional charge alleges the drunkenness of the accused on the 1st of November last, while officer of the day.

The accused pleaded guilty and tendered to the court a pledge of total abstinence and a resignation of his commission, the latter to be sent forward in case of said pledge being violated.

The court find accused guilty under every specification and charge, and sentence him to be dismissed the service.

General Willcox, department commander, submits the proceedings for the President's action, and recommends the execution of the sentence, inasmuch as it will be seen from the papers, herewith accompanying the record, that Captain Campbell has already violated the pledge submitted with his final plea.

The resignation tendered by the accused at his trial, and which is unconditional, is appended to the record, as is also the pledge of abstinence given by him, which is in the following words:

"I, Charles H. Campbell, captain Sixth Regiment United States Cavalry, do hereby solemnly pledge myself to totally abstain from the use of intoxicating liquors of all kinds during the time I shall remain in active service in the Army of the United States. Nor during the time aforesaid will I use the same medicinally, except when prescribed by a physician, and then only in a case of absolute necessity, and the aforesaid physician having been notified of this pledge.

"Made and subscribed to at Fort Grant, Arizona, this 18th day of November, 1890."

By the tender of the foregoing pledge and resignation by the accused, four members of the court and Major Egbert, the judge-advocate, were led to sign a recommendation for a favorable consideration of his case. A later paper signed by all the members of the court is found with the record, in which occurs the following statement: "It has since come to the knowledge of all the members of the court that Captain Campbell has, since he submitted his pledge to the court, drank intoxicating liquors, and for that reason the recommendation above referred to has been withdrawn by the members who signed it." This statement, it is seen from the opening clause, is made by the court, "for the information of the reviewing authority."

A letter to the assistant adjutant-general, Department of Arizona, from Maj. A. K. Arnold, Sixth Cavalry, commanding Fort Grant, also accompanies the record. In it Major Arnold writes:

"I desire to withdraw my recommendation made to the commanding general in telegram in the case of Captain Campbell. Captain Campbell has already violated his pledge, it having been reported to me that on the evening of the 20th November, two days after taking his pledge, and immediately after his trial, he was drunk, said drunkenness being the result of drinking intoxicating liquors. I inclose copies of correspondence on this subject (marked A, B, C, D, and E), which fully substantiate the report."

The correspondence referred to consists of letters of Major Arnold to the accused and the latter's replies. In these Captain Campbell acknowledges intoxication subsequently to tendering his pledge, and states that it was chiefly due to large doses of bromide of potassium; and on being informed that the explanation was unsatisfactory, admits having drunk liquor, and claims that he "considered his pledge as taking effect from the time when action should be taken upon his case by the proper authority."

Upon this record, this Bureau can but advise that the sentence is fully justified by fact and law, and that the interests of the service call for its confirmation. It may be noted in this connection that Captain Campbell has heretofore (in October, 1877) been dismissed the service by the sentence of a general court-martial, the proceedings of which were, however, not approved by the President. (See General Court-Martial Order 83, Headquarters of Army, 1877; also proceedings on a previous trial in General Order 18, Department of Arizona, 1877.).

W. WINTHROP,
Acting Judge-Advocate-General.

Hon. ALEXANDER RAMSEY,
Secretary of War.

Official copy:

D. G. SWAIM,
Judge-Advocate-General.

CASE 1.—DAY 1.

Proceedings of a general court-martial, convened at Fort Grant, A. T., by virtue of the following orders:

[Special Orders No. 142.]

HEADQUARTERS DEPARTMENT OF ARIZONA,
Whipple Barracks, Prescott, November 3, 1880.

[Extract.]

I. A general court-martial is hereby appointed to meet at Fort Grant, A. T., at 10 o'clock a. m., on Tuesday, the 16th day of November, 1880, or as soon thereafter as practicable, for the trial of Captain C. H. Campbell, Sixth Cavalry, and such other persons as may be properly brought before it.

DETAIL FOR THE COURT.

1. Lieutenant-Colonel R. L. La Motte, Twelfth Infantry.
2. Surgeon Andrew K. Smith, U. S. Army.
3. Captain G. M. Brayton, Eighth Infantry.
4. Captain A. T. Smith, Eighth Infantry.
5. Captain C. B. McLellan, Sixth Cavalry.
6. Captain S. M. Whitside, Sixth Cavalry.
7. Captain E. F. Thompson, Twelfth Infantry.
8. Captain A. R. Chaffee, Sixth Cavalry.
9. Captain Adam Kramer, Sixth Cavalry.

Captain Harry C. Egbert, Twelfth Infantry, judge-advocate.

No other officers than those named can be assembled without manifest injury to the service.

* * * * *
By command of O. B. Willcox, major-general (by assignment).

FRED. A. SMITH,
First Lieutenant and Adjutant, Twelfth Infantry,
Acting Assistant Adjutant-General.

[Special Orders, No. 148.]

HEADQUARTERS DEPARTMENT OF ARIZONA,
Whipple Barracks, Prescott, November 12, 1880.

[Extract.]

I. The general court-martial appointed to meet at Fort Grant, A. T., by virtue of paragraph 1, Special Orders No. 142, current series, from these headquarters, is authorized to sit without regard to hours.

* * * * *
By command of O. B. Willcox, major-general (by assignment).

FRED. A. SMITH,
First Lieutenant and Adjutant, Twelfth Infantry,
Acting Assistant Adjutant-General.

FORT GRANT, A. T., Nov. 16th, 1880—10 o'clock a. m.

The court met pursuant to the foregoing orders. Present:

1. Lieutenant-Colonel R. S. La Motte, Twelfth Inf'y.
 2. Surgeon Andrew K. Smith, U. S. Army.
 3. Captain G. M. Brayton, Eighth Infantry.
 4. Captain A. T. Smith, Eighth Infantry.
 5. Captain C. B. McLellan, Sixth Cavalry.
 6. Captain S. M. Whitside, Sixth Cavalry.
 7. Captain E. F. Thompson, Twelfth Infantry.
 8. Captain A. R. Chaffee, Sixth Cavalry.
- Also, Captain H. C. Egbert, Twelfth Infantry, judge-advocate.

Absent: Captain Adam Kramer, Sixth Cavalry.

The judge-advocate stated to the court that authority to employ a reporter had been granted by the department headquarters, but that a copy of the authority had not yet been received.

The court then proceeded to the trial of Captain Charles H. Campbell, Sixth Cavalry, who was called into court. The judge-advocate stated to the court that the counsel for Captain Campbell not having arrived, he would suggest an adjournment until to-morrow.

The court, therefore, adjourned, to meet to-morrow morning, the 17th instant, at ten o'clock.

HARRY C. EGBERT,
Captain Twelfth Inf'y, Judge-Advocate.

DAY 3.

FORT GRANT, A. T., November 18th, 1880—10 o'clock a. m.

The court met pursuant to the foregoing orders and adjournment of the seventeenth instant. Present:

1. Lieut. Col. R. S. La Motte, Twelfth Infan'y.
2. Surgeon A. K. Smith, U. S. Army.
3. Capt. G. M. Brayton, Eighth Infantry.
4. Capt. A. T. Smith, Eighth Infantry.
5. Capt. C. B. McLellan, Sixth Cavalry.
6. Capt. S. M. Whitside, Sixth Cavalry.

7. Capt. E. F. Thompson, Twelfth Infantry.

8. Capt. A. R. Chaffee, Sixth Cavalry.

9. Capt. Adam Kramer, Sixth Cavalry.

Also, Capt. Harry C. Egbert, Twelfth Infantry, judge-advocate.

The proceedings of the previous day were read and approved. The court then proceeded with the trial of Captain C. H. Campbell, Sixth Cavalry, who appeared in court and asked permission to introduce the Hon. John Haynes, as his counsel, which request was granted.

The orders convening the court were then read to the accused, who was asked if he had any objection to any member named in the order. He replied in the negative. The members of the court were then severally duly sworn by the judge-advocate, and the judge-advocate was duly sworn by the president of the court, all of which oaths were administered in the presence of the accused.

Thomas E. Atkinson was then sworn as reporter in the presence of the accused.

The accused, Captain C. H. Campbell, Sixth Cavalry, was then duly arraigned on the following charges and specifications:

CHARGE 1.—Drunkenness on duty, in violation of the thirty-eighth Article of War.

Specification 1st. In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry, was drunk while reporting for duty to his battalion commander, Major A. K. Arnold, Sixth U. S. Cavalry, in camp near Fort Bowie, A. T., on or about the morning of September 17, 1880.

Specification 2d.—In this, that he, Captain Charles H. Campbell, Sixth Cavalry, was drunk while in command of his company; when marching out of camp; when forming on the parade ground at Fort Bowie; when marching out of said post, on an expedition against hostile Indians; and when marching down the hill from said post (at that time swaying in his saddle).

All this near and at Fort Bowie, A. T., on or about September 19th, 1880.

Specification 3d.—In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry, was drunk when in temporary command of the second battalion of the troops in the field in SE. Arizona, on the march from near Fort Bowie to camp, about eleven miles from said post, on or about September 19th, 1880.

Specification 4th.—In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry, was drunk when in command of his company while going into camp, about eleven miles from Fort Bowie, A. T.

All this during an expedition against hostile Indians, on or about the afternoon and evening of September 19th, 1880.

Specification 5th.—In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry, was, when officers' call sounded, unable or unfit, from drunkenness, to present himself at headquarters.

All this during an expedition against hostile Indians, on or about the afternoon and evening of September 19th, 1880.

Specification 6th.—In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry, was drunk when sent for by, and while reporting to, his commanding officer, and while answering for his conduct during a formal examination of witnesses; this examination being conducted in his presence, and in the presence of other officers of the command, by his commanding officer, Colonel E. A. Carr, Sixth U. S. Cavalry. All this at camp in the field, about eleven miles from Fort Bowie, A. T., on or about the morning of September 20th, 1880.

CHARGE 2D.—Conduct to the prejudice of good order and military discipline, in violation of the sixty-second Article of War.

Specification 1st.—In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry, was drunk and vomiting in the tent of Lieut. Toney, Sixth U. S. Cavalry, in the presence of subaltern officers, at camp near Fort Bowie, A. T., on or about September 17th, 1880.

Specification 2d.—In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry, was drunk and vomiting in his tent, the back of which was raised so that he was observed by subalterns. All this at camp in the field near Fort Bowie, A. T., on or about September 17th, 1880.

Specification 3d.—In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry, was drunk at the trader's store at Fort Bowie, Arizona, in the presence of officers and civilians, on or about September 18th, 1880.

Specification 4th.—In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry, was drunk on his way from the trader's store at Fort Bowie, A. T., to camp near Fort Bowie, A. T., on or about the evening of September 18th, 1880, in the presence of the second lieutenant of his company.

Specification 5th.—In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry did, while in command of his company, waiting on the parade ground, leave his company, go behind the officers' quarters, and drink from the mouth of a bottle.

This to the knowledge of officers and soldiers at Fort Bowie, A. T., on or about September 19th, 1880, about the time the line was forming for the march.

Specification 6th.—In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry, did, while on the march, and while in temporary command of the second battalion of troops in the field, in SE. Arizona, on the road, publicly and repeatedly, drink from the mouth of a bottle, generally presumed to contain intoxicating liquors,

This between Fort Bowie, A. T., and camp, about eleven miles from that post, on or about September 19th, 1880.

Specification 7th.—In this, that he, Captain Charles H. Campbell, while in arrest in camp, and while on his way from camp, about eleven miles from Fort Bowie, A. T., to that post, was drunk in the presence of enlisted soldiers, and gave them much trouble to take care of him.

All this on or about September 20th, 1880.

Specification 8th.—In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry, having reported for duty in the field, in camp near Fort Bowie, A. T., on or about the morning of the 17th of September, 1880, did not attend any stable duties or roll-calls, did not inspect his company messes, or perform any other duty on that day except to speak a few words to his orderly sergeant.

¹ All this at or near camp in the field near Fort Bowie, A. T., on or about September 17th, 1880.

Specification 9th.—In this, that he, Captain Charles H. Campbell, Sixth Cavalry, being in command of his company in the field, in camp near Fort Bowie, A. T., on or about the morning of September 18th, 1880, did not attend reveille roll-call, morning stable duties, or any other duties, except to sign his morning report.

All this at or near camp in the field near Fort Bowie, A. T., on or about September 18th, 1880.

Specification 10th.—In this, that he, Captain Charles H. Campbell, Sixth U. S. Cavalry, being in command of his company in camp in the field, about eleven miles from Fort Bowie, A. T., on or about the afternoon of the nineteenth and the morning of the twentieth of September, 1880, did not attend afternoon stable duty, reveille roll-call, morning stable duty, or perform any duties except to sign the morning report and a memorandum of the strength of his company.

All this at or near camp of troops in the field in Southeastern Arizona, about eleven miles from Fort Bowie, A. T., on or about the 19th and 20th of September, 1880.

And the following additional charge and specification :

CHARGE. Violation of the 38th Article of War.

Specification.—In this, that he, Captain Charles H. Campbell, Sixth Regiment U. S. Cavalry, being on duty as officer of the day, was found drunk.

All this at or near Fort Grant, A. T., on or about the first day of November, 1880.

The accused through his counsel then asked for a short time to consider upon his plea. The court took a recess for this purpose until 1.30 p. m.

To which charges and specifications the accused, Captain C. H. Campbell, Sixth Cavalry, pleads as follows :

To the first specification, first charge, the accused pleads in bar, and moves the court to strike out the first specification, under charge first, upon the ground that the said specification shows upon its face that accused was not on duty at the time covered by the specification, the language being, "while reporting for duty."

To which the judge-advocate replies that the accused was on duty as soon as he commenced the act of reporting for duty to his commanding officer.

The accused replies to the point of the judge advocate that reporting for duty implies, necessarily, that he was not on duty prior to the time he reported; whether he was thereafter on duty would depend upon the order of his superior to whom he reported. If such superior should not assign him to duty, he would not be on duty.

It has been held that the mere fact that the accused is an officer, and so liable to be ordered to duty, is not thereby necessarily on duty, as in case of absence on leave or the like.

The language of the article is on guard, party, or other duty, signifying some specific duty, in distinction from the general duty of a soldier, or the liability to be ordered to special duty.

The judge-advocate replies that the act of reporting for duty was an act of military duty.

Should the commanding officer decline to assign the officer to any duty, specific or general, his status would then change, but this was not the fact in this case.

To the second specification, first charge: "Not guilty."

To the third specification, first charge: "Not guilty."

To the fourth specification, first charge: "Not guilty."

To the fifth specification, first charge: "Not guilty."

To the sixth specification, first charge: "Not guilty."

To the first charge: "Not guilty."

To the first specification, second charge, the accused pleads in bar, and moves the court to strike out the first specification under the second charge, upon the ground that

10998

the same does not state any offense under the sixty-second Article of War, nor under any article of war.

Accused insists that, in the absence of enlisted men, and in the absence of a statement of facts showing conduct unbecoming an officer and gentleman, that no offense against the sixty-second article, or any Article of War, is stated.

To constitute an offense under the sixty-second Article of War the facts stated must be such as directly tend to the prejudice of good order and military discipline. "The facts stated must *prima facie* be to the prejudice of good order and military discipline." (Winthrop's Digest, page 46, paragraphs 8 and 9. See also same, page 42, paragraphs 2 and 3.)

If the facts stated are consistent with the innocence of the accused under any reasonable hypothesis, no offense is stated. It might be true, for example, that the accused was drunk and was also vomiting on that occasion, and it might also be true that intoxicating liquor had been taken by him under the direction and advice of a surgeon, or for some other purpose and in proper quantity, but the effect was exaggerated by the condition of his system or other unknown cause. Besides, the fact of vomiting is not alleged to have been produced by the liquor, but if it were it does not tend to show that the liquor was improperly taken. The place where it occurred does not make it an offense, or in any manner aggravate the circumstances, and no enlisted man is alleged to have witnessed it.

To the second specification, second charge, the accused pleads in bar of trial upon the second specification of charge second that the same does not state any offense under the sixty-second or any Article of War.

In support of this plea, and his motion to strike out said specification, accused urges the same reasons stated and urged by him under the first specification of charge second.

Adding the single remark that it does not appear from the specification whether the back of his tent was raised by others, for the purpose of enabling them to act as spies upon him, or whether it, as well as the observations made, were accidental. In either case a single act of drunkenness, and sickness arising therefrom (if it did arise from it, which is not alleged), in an officer's tent, where he has a right to suppose that he will not be clandestinely observed, does not on its face or otherwise tend to the prejudice of good order or military discipline, and the specification should be stricken out.

To the third specification, second charge, the accused pleads in bar, and moves the court to strike out the same for the reason that the same does not state any offense under said sixty-second or any Article of War. The mere fact that accused was drunk at the trader's store in presence of officers and civilians, without the statement of other facts, does not show a violation of the sixty-second article. Neither in this specification, nor in the first or second, is any disorder charged or stated, and accused insists that being drunk is not an offense except in three well-defined cases:

1st. When accused is on duty.

2d. When off duty, in the presence of enlisted men, or amounts to a disorder. (See Winthrop Digest, page 18, section 9.)

3d. When off duty and attended by such behavior as may be held to be "unbecoming an officer and a gentleman."

This third specification comes within neither of these cases, and should be stricken out.

To the fourth specification, second charge, the accused pleads in bar of this specification, and moves the court to strike out the same, and in support thereof urges the reasons above specified under the first, second, and third specifications.

To the fifth specification, second charge, the accused pleads in bar of this specification, and moves the court to strike out said specifications for the reason that the same does not state any offense whatever. Besides the above-stated objection, the accused urges the additional reason that this specification be stricken out that the same is ridiculous and is an effort to make this court the medium of investigating the conduct of an officer when the accuser is wholly unable to state as a fact the inference he wishes the court to draw. It would have been supremely ridiculous to present to this court a specification that the accused drank water out of a bottle, but being unable to say that he drank whisky out of a bottle he simply specifies that he drank out of a bottle, leaving the court to speculate and guess as to what the bottle in fact contained.

To the sixth specification, second charge, the accused pleads in bar of this specification, and moves the court to strike out the same upon the same grounds and for the same reasons stated under specification fifth—adding only to his remarks, that in this the accuser alleges that the bottle was generally presumed to contain whisky. Such charge is wholly insufficient, and besides there is no offense in drinking whisky from a bottle. The mere fact of drinking is never an offense under military law. The effect, or the conduct resulting from the effect, is all that can be inquired into, and there is no allegation that there was any effect from the alleged drinking of the presumed whisky.

To the seventh specification, second charge: "Not guilty."

To the eighth specification, second charge: "Not guilty."

To the ninth specification, second charge: "Not guilty."

To the tenth specification, second charge: "Not guilty."

To the second charge: "Not Guilty."

To the specification of the additional charge: "Not Guilty."

To the additional charge: "Not Guilty."

The court was then cleared and closed for deliberation, the accused and his counsel retiring.

The court was opened, the accused and his counsel present, then the judge-advocate announced the action of the court as follows:

To the first specification, first charge, the plea in bar overruled by the court.

To the first specification, second charge, the plea in bar overruled by the court.

To the second specification, second charge, the plea in bar sustained by the court.

To the third specification, second charge, the plea in bar sustained by the court.

To the fourth specification, second charge, the plea in bar sustained by the court.

To the fifth specification, second charge, the plea in bar sustained by the court.

To the sixth specification, second charge, the plea in bar sustained by the court.

The accused then pleaded as follows:

To the first specification, first charge: "Not guilty."

To the first specification, second charge: "Not guilty."

The court then adjourned to meet at ten o'clock a. m. on the nineteenth instant.

HARRY C. EGBERT,
Captain 12th Inf'y, Judge-Advocate.

DAY 4.

FORT GRANT, A. T., November 19th, 1880—11.15 a. m.

The court met pursuant to the foregoing orders and adjournment of the eighteenth instant. Present:

1. Lt. Col. R. S. La Motte, Twelfth Infantry.
 2. Surgeon Andrew K. Smith, U. S. Army.
 3. Captain G. M. Brayton, Eighth Infantry.
 4. Captain A. T. Smith, Eighth Infantry.
 5. Captain C. B. McLellan, Sixth Cavalry.
 6. Captain S. M. Whitside, Sixth Cavalry.
 7. Captain E. F. Thompson, Twelfth Infantry.
 8. Captain A. R. Chaffee, Sixth Cavalry.
 9. Captain Adam Kramer, Sixth Cavalry.
- Captain H. C. Egbert, Twelfth Infantry, judge-advocate.

The accused and his counsel also present.

The proceedings of the eighteenth instant were then read and approved. The court then took a recess until 1.30 p. m.

The court resumed case. Accused through his counsel presents to the court the following papers:

First. Copy of pledge of Captain Charles H. Campbell, appended, marked B.

Second. Copy of resignation of Capt. Charles H. Campbell, appended, marked C.

Third. Copy of letter of Captain Charles H. Campbell to Maj. A. K. Arnold, appended, marked D.

Fourth. Copy of telegram to Major Arnold from the acting assistant adjutant-general, appended, marked E.

By permission of the court the counsel for the accused addressed the court upon the subject of the above-mentioned papers.

The court was then cleared, the accused and his counsel retiring.

The court was opened, and the judge-advocate stated that the court had instructed him to send the following telegram:

To the Acting Assistant Adjutant-General, Department of Arizona:

Court directs me to send the following: Some doubt has arisen in the minds of the court which will be settled by reply to the following dispatch:

Captain Campbell, through his counsel, has presented for the consideration of the court a pledge not to drink intoxicating liquors while on active list, with his resignation to be forwarded in case he violates his pledge, and a telegram to Major Arnold from the A. A. A. G., Department of Arizona, to the effect that Captain Campbell may submit the pledge and resignation to the court. No evidence has been taken in the case. Does the commanding general wish the court to make any recommendation re-

garding the acceptance or non-acceptance of the pledge of Captain Campbell on condition of the withdrawal of the charges before the case goes any further? Court awaits reply.

EGBERT, *Judge-Advocate.*

The court then adjourned to meet to-morrow, the twentieth instant, at ten o'clock a. m.

HARRY C. EGBERT,
Captain 12th Infantry, Judge-Advocate.

DAY 5.

FORT GRANT, A. T., Nov. 20th, 1880—10 a. m.

The court met pursuant to the foregoing orders and adjournment of the nineteenth instant. Present:

1. Lt. Col. R. S. La Motte, Twelfth Infantry.
 2. Surgeon Andrew K. Smith, U. S. Army.
 3. Captain G. M. Brayton, Eighth Infantry.
 4. Captain A. T. Smith, Eighth Infantry.
 5. Captain C. B. McLellan, Sixth Cavalry.
 6. Captain S. M. Whitside, Sixth Cavalry.
 7. Captain E. F. Thompson, Twelfth Infantry.
 8. Captain A. R. Chaffee, Sixth Cavalry.
 9. Captain Adam Kramer, Sixth Cavalry.
- Captain Harry C. Egbert, Twelfth Infantry, judge-advocate.

The accused and his counsel also present.

The proceedings of the nineteenth instant were then read and approved.

The judge-advocate presented to the court the following telegram:

[Whipple Barracks, 19th, 1880. Received at Fort Grant, A. T., Nov. 19, 1880.]

To H. C. EGBERT,
J. A. G. C. M., Grant:

Dispatch received. Before the case goes any further the commanding general wishes the court to make recommendations as regarding the acceptance or non-acceptance of the Capt. Campbell pledge, as stated in your dispatch, on condition of the withdrawal of the charges.

FRED. A. SMITH,
A. A. A. G.

The counsel for accused, by permission of the court, briefly addressed the court.

The court was then cleared, the accused and his counsel retiring.

The court was then opened, accused and his counsel present, when the judge-advocate announced that the court had directed him to send the following telegram:

FORT GRANT, Nov. 20th, 1880—10.30 a. m.

To A. A. A. GENERAL,
Dep't Arizona, Whipple Barracks:

Court instructs me to send the following dispatch: "The department commander having power to withdraw the charges against Captain Campbell, the court desires to be excused from making any recommendation for or against such a course." The court awaits action of department commander before proceeding with case.

EGBERT,
Judge-Advocate.

The court then proceeded to other business.

FORT GRANT, A. T., Nov. 20th, 1880—7 p. m.

The court resumed proceedings after recess. Present:

1. Lieut. Col. R. S. La Motte, Twelfth Inf'y.
2. Surgeon Andrew K. Smith, U. S. Army.
3. Captain G. M. Brayton, Eighth Inf'y.
4. Captain A. T. Smith, Eighth Inf'y.
5. Captain C. B. McLellan, Sixth Cavalry.
6. Captain S. M. Whitside, Sixth Cavalry.
7. Captain E. F. Thompson, Twelfth Inf'y.
8. Captain A. R. Chaffee, Sixth Cavalry.

9. Captain Adam Kramer, Sixth Cavalry.
 Captain Harry C. Egbert, Twelfth Inf'y, judge-advocate.
 The accused and his counsel present.
 The judge-advocate presented to the court the following telegram:

[Whipple Barracks, 20, 1880. Rec'd at Fort Grant, A. T., Nov. 20, 1880, 12.45 p. m.]

To H. C. EGBERT,
Judge-Advocate Gen. Court Martial, Fort Grant:

The commanding general thought it was no more than due to the court, consisting of members of rank and reputation called from a distance, that their views should be consulted, particularly as they were on the ground, and before accepting Capt. Campbell's pledge, hence telegram of last night, but as the court declines to make any recommendation you will proceed to trial.

[Signed]

FRED. A. SMITH,
A. A. A. G.

Accused through his counsel then requested permission to withdraw the plea of not guilty on the several charges and specifications on which he had pleaded not guilty and to enter the plea of guilty. The court granted permission, and the accused pleaded as follows:

To the first specification, first charge, "Guilty."
 To the second specification, first charge, "Guilty."
 To the third specification, first charge, "Guilty."
 To the fourth specification, first charge, "Guilty."
 To the fifth specification, first charge, "Guilty."
 To the sixth specification, first charge, "Guilty."
 To the first charge, "Guilty."
 To the first specification, second charge, "Guilty."
 To the seventh specification, second charge, "Guilty."
 To the eighth specification, second charge, "Guilty."
 To the ninth specification, second charge, "Guilty."
 To the tenth specification, second charge, "Guilty."
 To the second charge, "Guilty."
 To the specification, additional charge, "Guilty."
 To the additional charge, "Guilty."

Major A. K. Arnold, Sixth U. S. Cavalry, a witness for the defence, then came before the court, and was duly sworn by the judge-advocate, in the presence of the accused, and testified as follows:

Question by judge-advocate. Please state name, rank, and regiment.

Answer. A. K. Arnold, major, Sixth Regiment U. S. Cavalry, post commander Fort Grant, A. T.

Question by accused. Will you please state to the court whether you have in your possession the original pledge and resignation of the accused and letter of Captain Campbell to you, copies of which appear in the record in this case?

Answer. I have.

Question by accused. Will you produce and give the court a copy of the telegram first sent by you to headquarters, transmitting copies of the pledge, resignation, and letter of the accused?

(Witness here produced copy of his telegram of November 18th, 1880, which was read to the court, and is appended, marked Exhibit H.)

The statement of the accused was then read by his counsel, and is appended, marked Exhibit I.

The court was then cleared and closed for deliberation, and having maturely considered the evidence adduced, finds the accused, Captain Charles H. Campbell, Sixth U. S. Cavalry—

Of the first specification, first charge, "Guilty."
 Of the second specification, first charge, "Guilty."
 Of the third specification, first charge, "Guilty."
 Of the fourth specification, first charge, "Guilty."
 Of the fifth specification, first charge, "Guilty."
 Of the sixth specification, first charge, "Guilty."
 Of the first charge, "Guilty."
 Of the first specification, second charge, "Guilty."
 Of the seventh specification, second charge, "Guilty."
 Of the eighth specification, second charge, "Guilty."
 Of the ninth specification, second charge, "Guilty."
 Of the tenth specification, second charge, "Guilty."
 Of the second charge, "Guilty."

Of the specification, additional charge, "Guilty."

Of the additional charge, "Guilty."

And the court does therefore sentence him, Captain Charles H. Campbell, Sixth Regiment, U. S. Cavalry, to be dismissed the service of the United States.

R. S. LA MOTTE,
Lt. Col. 12 Inf., President.

HARRY C. EGBERT,
Captain 12th Infantry, Judge-Advocate.

The court then adjourned until half-past 9 a. m. on the twenty-second instant.

HARRY C. EGBERT,
Captain Twelfth Inf., Judge-Advocate.

FORT GRANT, Nov. 22, 1880—9.30 a. m.

The court met pursuant to the foregoing orders and adjournment of the twentieth instant, at nine and a half o'clock a. m. Present:

1. Lt. Col. R. S. La Motte, Twelfth Inf'y.
2. Surgeon Andrew K. Smith, U. S. Army.
3. Captain G. M. Brayton, Eighth Inf'y.
4. Captain A. T. Smith, Eighth Inf'y.
5. Capt. C. B. McLellan, Sixth Cavalry.
6. Captain S. M. Whitside, Sixth Cavalry.
7. Captain E. F. Thompson, Twelfth Inf'y.
8. Captain A. R. Chaffee, Sixth Cavalry.
9. Captain Adam Kramer, Sixth Cavalry.

Captain Harry C. Egbert, Twelfth Infantry, judge-advocate.

The proceedings of the twentieth instant were then read and approved.

There being no further business before it, the court then, at 11 o'clock a. m., adjourned *sine die*.

R. S. LA MOTTE,
Lieut. Col. Twelfth Infantry, President.

HARRY C. EGBERT,
Captain Twelfth Infantry, Judge-Advocate.

HEAD'S DEPT. OF ARIZONA,
Whipple Barracks, Prescott, A. T., November 29, 1880.

In conformity with the 104 and 106 Articles of War the proceedings [findings & sentence] of the general court-martial in the foregoing case of Captain Charles H. Campbell, 6th Cavalry, are [approved and] respectfully forwarded through the Judge-Advocate-General to the Secretary of War, to be by him submitted to the President of the United States.

The undersigned, in submitting the case for the final action of the President, respectfully recommends the execution of the sentence, inasmuch as it will be seen from the papers herewith accompanying the record that Captain Campbell has already violated the pledge submitted with his final plea.

O. B. WILLCOX,
Colonel Twelfth Infantry, Major-General (by assignment), Commanding Department.

The above interlineations of 3 words & 2 words, respectively, were made by me at h'dq'rs Dept. of Arizona, Whipple Barracks, Arizona, this 16th day of January, 1881.

O. B. WILLCOX,
Colonel 12th Infantry, Maj. Gen'l, by assignment, Com'd'g Dept.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., Feb. 5, 1881.

The proceedings, findings, and sentence of the general court-martial in the foregoing case of Captain C. H. Campbell, 6th Cavalry, are approved, and it is recommended that the sentence be carried into execution.

W. T. SHERMAN,
General.

EXECUTIVE MANSION,
February 8th, 1881.

The sentence in the foregoing case of Captain Charles H. Campbell, 6th Cavalry, is hereby confirmed.

R. B. HAYES.

Exhibit A.

{War Department, Signal Service, U. S. A. United States telegraph, dated Whipple Bks., 16, 1880, m.
Received at Fort Grant Nov. 16, 1880, 3.05 p. m.]

To EGBERT,

Judge-Advocate, Grant:

Authority granted for hire of clerk, at five dollars per day.
Letters to this effect mailed to you on Saturday.

SMITH, A. A. A. G.

29 O. B.

True copy.

HARRY C. EGBERT,
Captain 12 Inf'y, J. A. G. C. M.

Exhibit B.

I, Charles H. Campbell, captain 6th Regt. U. S. Cavalry, do hereby solemnly pledge myself to totally abstain from the use of intoxicating liquors of all kinds during the time I shall remain in active service in the Army of the United States, nor during the time aforesaid will I use the same medicinally except when prescribed by a physician, and then only in a case of absolute necessity, and the aforesaid physician having been notified of this pledge.

Made and subscribed to at Fort Grant, Arizona, this 18th day of November, 1880.

C. H. CAMPBELL,
Capt. 6th Cav.

Witnesses:

ROBERT HANNA,
1st Lieut. 6th Cav.
JOHN HAYNES.

FORT GRANT, Nov. 19, 1880.

I hereby certify that the foregoing is a true copy.

HARRY C. EGBERT,
Captain 12th Inf'y, Judge-Advocate.

Exhibit C.

FORT GRANT, ARIZONA,
Nov. 18, 1880.

To the ADJUTANT-GENERAL, U. S. ARMY,
(Through intermediate channels):

SIR: I have the honor to tender herewith my resignation as an officer of the Army of the United States.

C. H. CAMPBELL,
Capt. 6th Cav.

I hereby certify that the foregoing is a true copy.

HARRY C. EGBERT,
Captain 12th Inf'y, Judge-Advocate.

Exhibit D.

FORT GRANT, A. T.,
Nov. 18, 1880.

Major A. K. ARNOLD,
Post Commander:

SIR: I hand you herewith my pledge of total abstinence from the use of intoxicating liquors during my continuance in the active service in the Army, and also my resignation as an officer therein, and authorize you to forward the latter to the President in case I should violate my pledge, if in your discretion you see proper to do so. I cannot to-day say more than I have written, but in the near future I hope to have the opportunity of saying more than I can now express.

C. H. CAMPBELL,
Capt. 6th Cav.

I hereby certify that the foregoing is a true copy.

HARRY C. EGBERT,
Captain 12th Inf'y, Judge-Advocate.

Exhibit E.

(Copy of A. A. A. G. telegram.)

[Whipple Barracks, 19th, 1880. Received at Fort Grant Nov. 19, 1880, 10.45 a. m.]

To Maj. ARNOLD,

Fort Grant :

Your dispatch was received last night. I am directed by the commanding general to say Captain Campbell stands charged with drunkenness on duty in the field and after returning to his post. One set of charges is preferred by the colonel of his regiment. A court-martial has been called at great expense to the Government, and has been delayed three days. Captain Campbell can submit the papers you mention to the court, and their recommendation is necessary and will have due weight with the department commander.

SMITH, A. A. A. G.

A true copy.

HARRY C. EGBERT,
Captain 12th Inf^{try}, Judge-Advocate.

Exhibit F.

[War Department, Signal Service, U. S. A. United States telegraph, dated Whipple B'ks, 19th, m. Received at Fort Grant, A. T., Nov. 19, 1880, 8.40 p. m.]

To H. C. EGBERT,

J. A. G. C. M., Grant :

Dispatch rec'd. Before the case goes any further the com'd'g gen'l wishes the court to make recommendations as regarding the acceptance or non-acceptance of the Capt. Campbell's pledge, as stated in your dispatch, on condition of the withdrawal of the charges.

FRED. A. SMITH,
A. A. A. G.

55, O. B.

Exhibit G.

[War Department, Signal Service, U. S. A. United States telegraph dated Whipple Bks., 20th, 1880, m. Received at Fort Grant, A. T., Nov. 20, 1880, 12.45 p. m.]

To H. C. EGBERT,

Judge-Advocate Gen. Court-Martial, Fort Grant :

The commanding general thought it was no more than due to the court, consisting of members of rank and reputation called from a distance, that their views should be consulted, particularly as they were on the ground, and before accepting Capt. Campbell's pledge; hence telegram of last night, but as the court declines to make any recommendation you will proceed to trial.

FRED. A. SMITH,
A. A. A. G.

77, O. B.

Exhibit H.

GRANT, Nov. 18, 1880.

To A. A. GENERAL,

Whipple Barracks, Prescott, A. T. :

Please lay before the commanding general the following, forwarded to me by Capt. Campbell, and which I hold in my possession :

"FORT GRANT, A. T., Nov. 18, 1880.

"Major A. K. ARNOLD,

"Post Commander :

"SIR: I hand you hereby my pledge of total abstinence from the use of intoxicating liquors during my continuance in the active service in the Army, and also my resig-

nation as an officer therein, and authorize you to forward the latter to the President in case I should violate my pledge, if in your discretion you see proper to do so. I cannot to-day say more than I have written, but in the near future I hope to have the opportunity of saying more than I can now express.

“C. H. CAMPBELL,
“*Captain 6th Cavalry.*

“*Pledge.*

“I, Charles H. Campbell, capt. 6th reg't, U. S. Cavalry, do hereby solemnly pledge myself to totally abstain from the use of intoxicating liquors of all kinds during the time I shall remain in active service in the Army of the United States, nor during the time aforesaid will I use the same medicinally, except when prescribed by a physician, and then only in a case of absolute necessity, and the aforesaid physician having been notified of this pledge.

“Made and subscribed to at Fort Grant, Arizona, this 18th day of November, 1880.

“C. H. CAMPBELL,
“*Capt. 6th Cav'y.*

“Witnesses:

“ROBERT HANNA, *1st Lt. 6th Cav'y.*

“JOHN HAYNES.

“*Copy of resignation.*

“FORT GRANT, ARIZONA, *Nov. 18th, 1880.*

“To the ADJUTANT-GENERAL, U. S. ARMY:

“*(Thro' intermediate channels.)*

“SIR: I have the honor to tender herewith my resignation as an officer of the Army of the United States.

“C. H. CAMPBELL,
“*Capt. 6th Cav'y.*”

In consideration of the above papers I recommend that the charge be withdrawn. I do this as I think the ends of justice and the good of the service will be accomplished.

The court has just entered upon this case, but no testimony has been taken, and the judge-advocate informs me that nothing has been done, so that action on this matter would not interfere in any manner with the proceedings so far.

I respectfully request immediate action if possible.

ARNOLD,
Post Commander.

Official copy respectfully furnished to judge-advocate of general court-martial, convened pursuant to Special Orders 142 & 148, Nov'b'r 3d and 12th, 1880, h'd'q'rs, dept. of Arizona.

A. K. ARNOLD,
Major 6th Cavalry, Commanding.

Exhibit I.

The accused, in connection with his plea of guilty to the charges preferred against him, asks the indulgence of the court in making the following statement:

That prior to the 17th of September last he had been for several months absent on leave, visiting his friends in the East; that on his return trip across the continent to San Francisco, and from San Francisco to this post, he was in ill health, and could eat but little, and the condition of his stomach became such that it was difficult to retain anything upon it; that this condition of his system was aggravated after he reached Yuma by the heat and the excessive use of ice-water on the cars.

During his journey he indulged in the use of intoxicating liquors, but not to such an extent as to produce drunkenness, but yet sufficient to keep him under its influence.

That upon his arrival at Tucson he met Capt. W. A. Rafferty, of the 6th Cavalry, from whom he learned of General Carr's expedition against the Indians, and that his company (Co. A. 6th Cav.) had been ordered out to take part in this expedition; that he thereupon determined to hasten on and join his command, though advised by Capt. Rafferty to remain at Camp Lowell until he should be better; that he came to Fort Grant on the evening of September 15th, and about four o'clock on the evening of the

16th he left for Fort Bowie to join his command; that he made the trip, a distance of about forty-five miles, in his private ambulance, sitting on the front seat with the driver, riding all night without sleep, and arriving at Bowie about 8 o'clock in the morning.

That owing to loss of sleep and fatigue, and his debilitated condition, he felt badly, and indulged moderately after his arrival at Bowie in the use of liquor, the effect of which was, however, greatly increased by his condition of health.

That upon or soon after his arrival he went to the quarters of his battalion commander, Major A. K. Arnold, and delivered to him some letters which had been sent by accused, and reported for duty; that at that time he was not, as he believes, incapacitated for duty by intoxication, but had no doubt that his appearance, owing to the causes above named, indicated a greater degree of intoxication than in fact existed.

That during all the times named in the specifications under the first charge, the condition of his health was not improved, and he felt compelled, in order to remain with his command at all, to continue the use of liquor, but that if he had been in his ordinary health and able to eat, the quantity of liquor so used by him would not have produced any visible effect whatever, and that the effect of the liquor did not, as he believes, impair his mental faculties so as to materially interfere with the discharge of his duties, or at least to the extent that the condition of his system might indicate to others. And so far as the first charge is concerned, he most positively states that nothing but his anxiety to be with his command upon said expedition could have induced him voluntarily to leave Fort Grant at the time he went to Bowie, as above stated, and having gone, that any excess, apparent or real, into which he may have fallen, would not have occurred if he had been in ordinary health and condition when he so joined his command.

That having been sent back in arrest and no charges having been preferred against him, at the expiration of eight days he asked to be discharged from arrest, and was discharged accordingly.

That upon being relieved from arrest, he was put on duty for a week as officer of the day, there being then but few officers at the post, and after the return of the battalion, continued to discharge all his duties as officer of the day, drill and other duties until he was placed in arrest by Major Arnold on November 1st.

That during all this time he was not in good health, and the mortification and disappointment caused by his first arrest, and not being permitted to remain with his command upon the expedition, caused him a great deal of unhappiness, and, as is so often the case under like circumstances, compelled him frequently to use intoxicating drinks, but that such use did not, until the 1st day of November, cause perceptible intoxication so far as he knows.

That on the morning of the first he was on duty as officer of the day, and discharged the duties of such officer until at or about the hour of three o'clock p. m., when he was ordered to appear at the office of the post commander, and was there placed in arrest.

While admitting the charge preferred by Major Arnold, he is conscious of a fact that may not be apparent to others, that but for the first offense and its immediate consequences the second would not have occurred. He is perfectly aware that explanations and reasons or excuses cannot change the findings or sentence of this court, but he deems it due to himself to show that his offense was committed under circumstances which may in some degree palliate it.

He further states that he desires that his pledge, which appears in the record, and his resignation which accompanies it, and is conditional upon his keeping it, shall not be withdrawn, but shall continue in force; and he now declares most solemnly not only his determination but his ability to keep it.

C. H. CAMPBELL,
Capt. 6th Cav.

[First indorsement.]

BUREAU OF MILITARY JUSTICE,
Dec. 17, 1880.

The within record is respectfully returned to Maj. Gen. O. B. Wilcox, comm'd'g Department of Arizona, and his attention invited to the omission from his indorsement thereon of the approval of the reviewing authority, made necessary by the 104th Article of War. That the proceedings were in fact approved by the department commander may probably be inferred from his recommendation that the sentence be enforced; but as the language of the 104th article will be seen to be imperative, its requirements, as well as those of the 106th article, must be observed in order to give to the record the necessary legal validity.

W. M. DUNN,
Judge-Adv. General.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF ARIZONA, WHIPPLE BARRACKS,
Prescott, January 17, 1881.

Respectfully returned to the Judge-Advocate-General of the Army, my original indorsement on the within proceedings completed, as suggested in the preceding indorsement hereon.

O. B. WILLCOX,
Colonel 12th Infantry, Major-General, by assignment, Commanding Dept.

[Third indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February, 16, 1881.

These proceedings will be filed in the office of the Judge-Advocate-General without further action, the President having accepted the resignation of Capt. Charles H. Campbell, 6th Cavalry, to take effect February 15, 1881. (See par. 12. S. O., No. 38, A. G. O., Feb'y 15, 1881.)

By order of the Secretary of War:

R. C. DRUM,
Adjutant-General.

Official copy:

D. G. SWAIM,
Judge-Advocate-General.

WASHINGTON, March 24, 1882.

DEAR GENERAL: I understand the case of Lieutenant Campbell, late of the Army, is before the committee of which you are chairman for consideration as to the propriety of his restoration. I do not know the circumstances connected with his leaving the Army, but I want to say a word for the family, and, if possible, for the sake of the family, that he be restored. Colonel and Mrs. Campbell, the father and mother, have for many years been associated with the best families, resident and official, in this city. They have but two children, a son and daughter, the latter married and living abroad. They are getting old and are possessed of but small means. Colonel Campbell is a hopeless invalid, who will never again be able to do anything to aid his family. For these reasons I ask that you take as favorable a view of the case of the son as you can, consistently.

Very truly, yours,

U. S. GRANT.

Gen. J. A. LOGAN, U. S. S.

OFFICE OF THE ADMIRAL,
Washington, D. C., February 28, 1882.

SIR: I have been called upon to express my opinion in regard to Capt. Charles Campbell, late of the Army.

I know nothing of the circumstances which led to Captain Campbell's dismissal. I know that since that time he has been under my continual observation and that of my family. He has visited at my house more frequently than perhaps anywhere else, and has behaved in a most exemplary manner, like a perfect gentleman.

I have taken great trouble to ascertain the facts, and am satisfied that in no instance has Captain Campbell deviated from the pledge which he made since he left the Army.

I am satisfied that he has the power and the will to give up what has so far to him been the source of so much mortification.

I am convinced that his conduct was more the result of youthful indiscretion than anything else. I do not think his habits confirmed ones. This he has shown by his example during the past year.

I would be the last person to give a recommendation to any one whose habits were intemperate and who could not restrain himself, but in this case I think the lesson he has received is such a one as Captain Campbell will not fail to remember and profit by. I am sure the leniency of the Department must be highly appreciated by Captain Campbell and his friends.

I have the honor to remain, very respectfully, your obedient servant,

DAVID D. PORTER,
Admiral.

Hon. ROBERT T. LINCOLN,
Secretary of War.

WASHINGTON, *February 27, 1882.*

DEAR SIR: Permit me to express my sincere hope that Capt. Charles H. Campbell may be reinstated in the Army.

As one of his neighbors, and of those who know him best, it gives me pleasure to say that during the last fifteen months the oath of total abstinence taken by him in November, 1880, has been strictly observed, and that, with others of his friends, I feel assured that, devoted as he has been, and still is, to his profession, he will do credit to the service and to those who recommend his reinstatement.

I am, yours, respectfully,

RICH'D D. CUTTS.

Hon. SAMUEL SHELLABARGER, &c.

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, March 1, 1882.

During last summer, fall, and the present winter, Capt. Charles H. Campbell (late United States Army) has resided with his parents' within three doors from me. In all this time I have seen him almost daily, and have frequently conversed with him, and can say most confidently that his habits have been irreproachable, his deportment correct and gentlemanly. For several weeks during the summer he was without the restraining influence of his parents' presence, but adhered to his good resolutions, showing his determination and ability to refrain from excess.

JOS. K. BARNES,
Surgeon-General, U. S. A.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 24, 1886.

SIR: I have the honor to return herewith a bill (H. R. 289, Forty-ninth Congress, first session) to restore Charles H. Campbell, late captain Sixth United States Cavalry, to his former position in the Army, submitted to the War Department by Hon. E. S. Bragg, chairman of the Committee on Military Affairs, House of Representatives, and to transmit an original petition from twenty-two officers of his former regiment, addressed to the House Military Committee, praying that Captain Campbell be not restored to the service.

This petition was submitted to the Secretary of War June 6, 1882, together with a similar one addressed to the Senate Military Committee, but was not forwarded for the reason that the Senate Committee had already made an adverse report in the case.

A protest against the restoration of Captain Campbell, signed by twenty-six officers of the Sixth Cavalry, was transmitted by the Secretary of War to the chairman of the House Military Committee on February 12, 1884.

During the first session of the Forty-seventh Congress the Senate Military Committee, having under consideration a bill similar to the one now before the House Committee, called upon the War Department for information and for the views of the Department relative to the case.

In response a full statement of Captain Campbell's services was furnished, with the court-martial orders relating thereto, a copy of the record of his last trial, and the review thereof by the Acting Judge-Advocate-General, also a copy of the officer's resignation, with inclosure and indorsements. The views of the Adjutant-General and the Secretary of War were given the committee in communications dated the 17th and 18th of May, 1882, respectively.

These documents were all printed with the report of the Senate Committee on Military Affairs, dated May 31, 1882 (Report No. 660, Forty-seventh Congress, first session), and it is suggested that the attention of the House Military Committee be invited to said report.

As the documents referred to set forth what is derogatory to the character of Captain Campbell, it is deemed but just to submit the following facts of a favorable character:

During the period of Captain Campbell's service the troops of his regiment to which he belonged as lieutenant and captain were in active service, much of the time in the field, in Texas, Kansas, Indian Territory, Arizona, and New Mexico, scouting, pursuing hostile and renegade Indians, &c.

He participated in the battle with Kickling Bird at Little Wichita River, Texas, July 12, 1870, and was commended by his commanding officer for his gallantry on that occasion.

He commanded his troop in the campaign against the Cheyenne Indians in Texas and Indian Territory, from August 1, to December 31, 1874, and in the operations against Indians in Arizona and New Mexico from September 25 to November 16, 1879.

Very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The SECRETARY OF WAR.



REPORT