GENERAL ORDERS, No. 18.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, May 8, 1861.

I.—At a General Court Martial convened at Fort Union, New Mexico, by special orders No. 28, 1860, from the Headquarters of the Department of New Mexico, whereof Colonel B. L. E. Bonneville, 3d Infantry, was President, was arraigned and tried Captain William K. Van Bokkelen, Assistant Quartermaster, U. S. A., on the following charges and specifications, viz:

CHARGE 1ST.

Violation of the 39th Article of War.

Specification. In this, that he, Captain William K. Van Bokkelen, of the U. S. Quartermaster's Department, did pay or allow to be paid, out of the public funds in his charge, two hundred and twenty-five dollars, ($225,) on account of services as Transportation Clerk alleged by said Captain Van Bokkelen to have been rendered by R. A. Hanna during the months of July, August, and September, 1859, the said Hanna not having rendered the said service. This at Fort Union, New Mexico, on or about 30th September, 1859.

CHARGE 2D.

Rendering incorrect accounts to the Government.

Specification. In this, that he, Captain William K. Van Bokkelen, of the U. S. Quartermaster's Department, did allow to be signed, and did file in support of his Accounts, false vouchers for certain disbursements of Public money, viz: The receipts of R. A. Hanna for two hundred and twenty-five dollars, ($225,) certified by the said Captain Van Bokkelen to have been paid to the said Hanna by him on account of services as Transportation Clerk during the months of July, August, and September, 1859, whereas the said Hanna did not render the said services, nor did he in good faith, or for his own benefit, receive the money stated in the account to

have been paid him. This at Fort Union, New Mexico, on or about September 30th, 1859.

CHARGE 3D.

Habitual and Avowed Misapplication of the Public property under his charge.

Specification 1st. In this, that he, Captain William K. Van Bokkelen, of the U. S. Quartermaster's Department, having under his charge the Corrals, the Forage, and the men appertaining to the Quartermaster's Department at Fort Union, N. M., and having sold by proper Authority certain Public horses, did permit his public employés to buy some of them, bring them back to the Corral (and keep them there by Public means) for their private uses. This at Fort Union, N. M., during part of the summer and fall of 1859.

Specification 2d. In this, that he, the said Captain William K. Van Bokkelen, of the U. S. Quartermaster's Department, having under his charge the Corrals, the Forage, the Wagons and teams, and the men appertaining to the Quartermaster's Department at Fort Union, N. M., did improperly allow his public employés to use these public means in the cultivation of land for the purpose of raising forage thereon, and in hauling said forage into said Corral, and in storing it there. This at Fort Union, N. M., during part of the spring, summer, and fall of 1859.

Specification 3d. In this, that he, Captain William K. Van Bokkelen, of the U. S. Quartermaster's Department, did say that he made it his practice to use the Government means under his control for his private purposes, without having due regard to the public interests intrusted to him. This at Fort Union, N. M., on or about the 15th September, 1859.

Specification 4th. In this, that he, Captain William K. Van Bokkelen, of the U. S. Quartermaster's Department, did state that he had made seven thousand dollars ($7,000) since he came into this Department by means of his Government facilities. This at Fort Union, N. M., on or about the 15th September, 1859.

Specification 5th. In this, that he, Captain William K. Van Bokkelen, of the U. S. Quartermaster's Department, did say that if he had

not been a fool he would this year have taken the public men and teams, &c., under his control, have thereby raised forage to sell to the government, and so made five thousand dollars ($5,000) for his own pocket; and that if he remained here next year he would do it. This at Fort Union, N. M., on or about September 15th, 1859.

CHARGE 4TH.

Conduct unbecoming an Officer and a Gentleman.

Specification 1st. In this, that he, Captain William K. Van Bokkelen, of the United States Quartermaster's Department, did keep a black book against his brother officers, in which to record their transgressions in word or deed, so that he might, whenever he had personal motives for so doing, base charges on this record. This at Fort Union, New Mexico, during the year or a portion of the year 1859.

Specification 2d. In this, that he, Captain William K. Van Bokkelen, of the United States Quartermaster's Department, did state that he kept a black book against his brother officers, in which he recorded any transgressions of theirs by word or deed, in order to protect himself against charges which they might otherwise prefer against him, and that he had found it to work well. This at Fort Union, New Mexico, on or about September 15th, 1859.

The Court find the accused, Captain William K. Van Bokkelen, Assistant Quartermaster of the United States Army, as follows:

Of the Specification of the 1st Charge, Guilty.

Of the 1st Charge, Guilty.

Of the Specification of the 2d Charge, Guilty.

Of the 2d Charge, Guilty.

Of the 1st Specification of the 3d Charge, Guilty of the facts as stated, *except* the words "*and keep them there by public means;*" but attach no criminality thereto.

Of the 2d Specifiation of the 3d Charge, Guilty of the facts as stated, *except* the word "*improperly;*" but attach no criminality thereto.

Of the 3d Specification of the 3d Charge, Guilty.

Of the 4th Specification of the 3d Charge, Guilty, except the words "*by means of his government facilities;*" but attach no criminality thereto.

Of the 5th Specification of the 3d Charge, Guilty.

Of the 3d Charge, Guilty, except the words "*Habitual and.*"

Of the 1st Specification of the 4th Charge, Guilty.

Of the 2d Specification of the 4th Charge, Guilty.

And the Court do, therefore, sentence him, Captain William K. Van Bokkelen, Assistant Quartermaster of the United States Army, to be cashiered.

II..The proceedings of the Court Martial having been transmitted to the Secretary of War, and laid before the President of the United States, the following are his orders on the case:

The court have convicted the accused of "avowed misapplication of public property" on three specifications: 1st. That he *said* he made it his practice. 2d. That he *said* he h d made a large sum of money, not, however, the court find "by means of his Government facilities," whatever that may mean; and 3d. That he *said* if he had not been a fool he would have made a large sum of money by use of public men and teams; and that he intended to do it next year. Such declarations would be proofs under proper specifications to a proper charge; but they are not specifications of fact to the charge stated. The verdict on this charge cannot therefore be sustained.

The accused is also convicted of keeping a "*black book or record of the transgressions of his brother officers.*" The contents of such private records, or the fact of his making or keeping them, are matters that public authority can have no more right to inquire into as ground of prosecution than into the contents of his memory. The charge is not tenable.

The other two charges, viz.: in the matter of Hanna's accounts, are sufficient, and are sustained by the plea of the accused, and by the evidence for the prosecution. But the court rejected legal evidence offered by the defence to rebut them; for the clerk of the quartermaster being offered to explain the accounts the court refused to allow him to be sworn upon evidence which did not go to his competency at all, and which, even as going to his credibility, was not in legal form. The accused is therefore entitled to a new trial, for the benefit of the evidence ruled out, if he claims it. He will therefore be allowed to say whether, the 3d and 4th Charges being dismissed, he abides the

verdict and sentence on the 1st and 2d charges, or claims a new trial on them.

JOHN B. FLOYD,
Secretary of War.

WAR DEPARTMENT, *July* 26, 1860.

Pursuant to which order and to special orders No. 155 of said date, and of special orders No. 192 of September 7, 1860, from the Adjutant General's Office, a new trial of the aforesaid 1st and 2d charges and the specifications was granted and had before a general court whereof Brevet Lieutenant Colonel Bomford, Captain of the 8th Infantry, was President, and the following is the finding and sentence of the said court.

That Captain William K. Van Bokkelen, Assistant Quartermaster U. S. Army, is "guilty of the specification to the 1st charge; that he is guilty of the 1st charge; that he is guilty of the specification to the 2d charge; that he is guilty of the 2d charge. And the court does therefore sentence Captain William K. Van Bokkelen, Assistant Quartermaster U. S. Army, to be cashiered."

III--The proceedings of the General Court Martial in the foregoing case have been submitted to the Secretary of War and by him laid before the President, by whom they are approved. Captain William K. Van Bokkelen accordingly ceases to be an officer of the U. S. Army from this date.

IV--The General Court Martial of which Colonel B L. E. Bonneville, 3d Infantry, is President, is dissolved.

By order of the Secretary of War.

L. THOMAS,
Adjutant General.

Official:

Assistant Adjutant General.

Recd
June 5, 61