ORDER OF THE PRESIDENT

In the case of Major BENJAMIN P. RUNKLE, *U. S. A., Retired.*

EXECUTIVE MANSION,
Washington, August 4, 1877.

In the matter of the application of Major BENJAMIN P. RUNKLE, *U. S. Army (Retired.)*

The record of official action heretofore taken in the premises shows the following facts, to wit:

First. That on the 14th of October, 1872, *Major Runkle* was found guilty by Court Martial upon the following charges, to wit:

CHARGE 1.

"Violation of the act of Congress, approved March 2, "1863, Chapter 67, Section 1."

CHARGE 2.

"Conduct unbecoming an officer and a gentleman."

Second. That on the 16th of January, 1873, W. W. Belknap, then Secretary of War, approved the proceedings of said court, and thereupon caused General Order No. 7, series of 1873, to issue from the War Department, by which it was announced that *Major Benjamin P. Runkle* was cashiered from the military service of the United States.

Third. That subsequent to the date of said General Order No. 7—to wit, on the 16th day of January, 1873, *Major Runkle* presented to the President a petition, setting forth that the proceedings of said Court had not been approved by the President of the United States as required by law; that said conviction was unjust; that the record of said proceedings was not in form or substance sufficient in law to warrant the issuing of said order, and asking the revocation and annulment of the same.

Fourth. That in pursuance of this petition, the record of the official action theretofore had in the premises was, by direction of the President, Ulysses S. Grant, referred to the Judge-Advocate General of the United States Army for review and report.

Fifth. That thereupon the Judge-Advocate General reviewed the case, and made his report thereon, in which it is reported and determined, among other things, that in the proceedings had upon the trial of the case by said Court, "it is nowhere affirmatively established that he (*Major "Runkle*) actually appropriated any money to his own use."

It also appears in said report that the conviction of said *Runkle*, upon charge one as aforesaid, is sustained upon the opinion that sufficient proof of the crime of embezzlement on the part of the accused was disclosed by the evidence before the Court. And with respect to charge two no reference to the same is made in said report, except to deny the sufficiency of the evidence in the case, for a conviction upon the fourteenth specification thereof; and it is to be observed that the thirteen remaining specifications under this charge are identical with the thirteen specifications under charge one.

The Judge Advocate General further finds and determines in said report as follows, to wit. "*For alleged failures "to pay, or to pay in full," on the part of the Sub-Agents, "I "am of opinion that the accused cannot justly be held liable.*"

Sixth. That no subsequent proceedings have been had with reference to said report, and that the said petition of said *Runkle* now awaits further and final action thereon.

Whereupon, having caused the said record, together with said report, to be laid before me, and having carefully considered the same, I am of opinion that the said conviction is not sustained by the evidence in the case, and the same, together with the sentence of the Court thereon, are hereby disapproved; and it is directed that said order No. 7, so far as it relates to said *Runkle*, be revoked.

R. B. HAYES.