

NATHANIEL LANG.

JANUARY 17, 1891.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany H. R. 3010.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3010) for the relief of Nathaniel Lang, having considered the same would recommend the passage of the bill as a measure of relief to a meritorious soldier.

The facts upon which your committee rely for such recommendation are set forth in the report from the Secretary of War, and various affidavits of parties who knew the facts, submitted herewith and made a part of this report; also, a copy of report made on a like bill in the Fiftieth Congress.

[House Report No. 1979, Fiftieth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 7189) for the relief of Capt. Nathaniel Lang, late Company F, One hundred and twenty-first Pennsylvania Volunteers, upon examination find that Lang enlisted in said regiment as a private on August 14, 1862, and that for good conduct, bravery, etc., he was promoted through the successive grades to the rank of captain in June, 1864. On the 17th day of October, 1864, while he was on duty as field officer of the day, he accepted the hospitality of some brother officers and took a mixed drink, which intoxicated him, and he was tried by court-martial and dismissed the service on January 25, 1865.

It is clear to your committee that the captain was a man who had not been in the habit of using intoxicating drinks, and doubtless from this cause the drink he took affected him when it would not have many other men, and while your committee would not have the Army or the country to understand that it fails to appreciate the gravity of the offense, it does think the sentence under all of the circumstances over-severe, and for this reason recommend favorable consideration of the bill as amended.

In line 5, section 1, after the word "the," insert "twentieth."

Same line, after the word "of," insert "January."

In line 6 strike out "four" and insert "five."

In line 10 strike out "required" and insert "directed."

In line 11 strike out "as of the" and insert "to."

In line 12, after the word "from," insert "October 31."

In line 13 strike out "four" and insert "five."

And add to the section:

Provided, the said Captain Nathaniel Lang shall not be entitled to any pay or allowances on account of the passage of this act.

Attention is invited to the fact that Captain Lang made no defense and pleaded guilty, thinking the court could extend clemency, which it was powerless to do; and particular attention is invited to the recommendation of his brother officers at the time, found in official report herewith.

NATHANIEL LANG.

[General Court-martial Orders, No. 4.]

HEADQUARTERS, ARMY OF THE POTOMAC,
January 20, 1865.

V. Before a general court-martial of which Col. E. L. Dana, One hundred and forty-third Pennsylvania Volunteers, is president, convened near Petersburg, Va., by virtue of General Orders No. 20, from headquarters, Third Division, Fifth Army Corps, of October 31, 1864, was arraigned and tried—

Capt. Nathaniel Lang, One hundred and twenty-first Pennsylvania Volunteers, upon the following charges:

CHARGE 1—Drunkenness on duty.

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

Finding: Of the first charge, "Guilty."

Of the second charge, "Not guilty."

Sentence—"To be cashiered."

IX. The proceedings, findings, and sentences of the general court-martial mentioned in paragraphs * * * V * * * of this order having been approved by the proper commanders, and the records forwarded for the action of the major-general commanding, the following are the orders thereon:

The proceedings, findings, and sentences in the case of Capt. Nathaniel Lang, One hundred and twenty-first Pennsylvania Volunteers and * * *, are approved. These officers accordingly cease to belong to the military service of the United States from the date of this order.

By command of Major-General Meade:

S. F. BARSTOW,
Assistant Adjutant-General.

WASHINGTON, D. C., February 28, 1865.

SIR: Permit me most respectfully to ask and petition your excellency to reinstate me to my command.

I make no reflections upon the court finding me guilty, but do say it was my first offense. I feel deeply the disgrace, should my sentence remain; and appealing to your kindness of heart, I most earnestly ask that executive clemency and authority may be exercised in my behalf. Permit me to refer you to the officers of my own regiment and those of the One hundred and forty-second Pennsylvania Volunteers. Also to Hon. A. Myers, the member of Congress from the district in which I live, who has known me from childhood.

I am, very respectfully, your obedient servant,

NATHANIEL LANG.

His Excellency ABRAHAM LINCOLN,
President of United States.

CAMP OF THE 121ST REGIMENT PENNSYLVANIA VOLUNTEERS,
Near Petersburg, Va., January 29, 1865.

SIR: We, the undersigned commissioned officers of the One hundred and twenty-first Regiment Pennsylvania Volunteers, believing that a petition from the few survivors of a war-worn regiment would meet with your consideration, beg leave to respectfully solicit your attention to the following facts concerning the case of Nathaniel Lang, late captain of Company F, One hundred and twenty-first Regiment Pennsylvania Volunteers, and as during your much-honored administration clemency has ever marked your course towards the unfortunate, we humbly ask that the said Nathaniel Lang's case may receive your reconsideration, and, if consistent with the interests of the service, that pardon be granted him.

Nathaniel Lang was enrolled August 14, 1862, and mustered into the United States service as a private in Company F, One hundred and twenty-first Regiment Pennsylvania Volunteers, August 29, 1862. He was subsequently appointed first sergeant, and as such was always faithful, performing his duties with marked skill and ability. He was promoted to be a first lieutenant in September, 1863, and to captain of Company F in June, 1864.

As an officer he has, by his sober and upright conduct and gentlemanly deportment, won the esteem of his fellow-officers and the respect of the men under his command. On the 17th of October, 1864, being then in command of the regiment, he was detailed as acting field officer of the day for the division, and was persuaded by some friends of another regiment to partake of a mixed drink. Being totally unused to drinking liquor, the effect was such as to unfit him for the duties of the day, for which offense he was tried by general court-martial and sentenced to be cashiered, this being the first time during his military career that he has been called to account for any misconduct.

We are, sir, very respectfully, your most humble petitioners,

CHARLES BARLOW,
Captain Company H, 121st Regiment Pennsylvania Volunteers.

PHILANDER R. GRAY,
First Lieutenant and Regimental Quartermaster.

D. B. LEVIER,
First Lieut. Company F, and Actg. Adj. 121st Pennsylvania Volunteers.

GEORGE W. LANSTER,
First Lieutenant, Comdg. Company K, 121st Pennsylvania Volunteers.

His Excellency ABRAHAM LINCOLN,
President of the United States.

CAMP OF THE 142D REGIMENT PENNSYLVANIA VOLUNTEERS,
Near Weldon Railroad, January 31, 1865.

His Excellency ABRAHAM LINCOLN,
President of the United States :

We, the undersigned commissioned officers of the One Hundred and Forty-second Regiment Pennsylvania Volunteers, do hereby respectfully petition that the sentence cashiering Capt. Nathaniel Lang, One hundred twenty-first Regiment Pennsylvania Volunteers, may be rescinded, and that he be reinstated to his former rank for the following reasons :

(1.) He is a brave, loyal, and patriotic officer; and was promoted from the ranks to the command of his company for efficient, energetic, and faithful services since his entry into the Army.

(2.) The cause of his sentence was his first offense. His moral character and his behavior as an officer and a gentleman were, with this one exception, perfectly irreproachable, and we feel perfectly assured that if he were restored to his former rank there would not be the slightest danger of a recurrence of his offense.

(3.) In our opinion his dismissal would be a manifest detriment and injury to the service.

N. H. WARREN, lieutenant-colonel.

C. R. EVANS, captain Company E.

NOAH BOWMAN, captain Company D.

D. S. WILKINS, captain Company B.

J. W. HOWELS, captain Company K.

D. S. TINSMAN, lieutenant, Company B.

ISAAC FRANCIS, jr., first lieutenant, commanding Company H.

J. R. WALTER, first lieutenant, commanding Company C.

JOSIAH LEPLEY, first lieutenant, commanding Company F.

JOHN W. DISSINGER, first lieutenant, commanding Company A.

J. S. KERSTETER, lieutenant, and A. R. Q. M.

W. H. RHODES, first lieutenant, commanding Company I.

H. WARREN STIMSON, adjutant.

[Indorsement.]

His Excellency A. LINCOLN :

I know this officer and most respectfully ask that he may be reinstated. Will you request Judge Holt to report upon the case ?

Your obedient servant,

A. MYERS.

MARCH 3, 1865.

[Indorsement.]

Respectfully referred by the President to the Judge-Advocate-General.

J. G. NICOLAY,
Private Secretary.

MARCH 9, 1865.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,

April 21, 1865.

His Excellency the PRESIDENT:

In the case of Nathaniel Lang, late captain One hundred and twenty-first Regiment Pennsylvania Volunteers, the following report is respectfully submitted:

He was tried by court-martial November 2, 1864, on the following charges, viz: (1) Drunkenness on duty. (2) Conduct prejudicial to good order and military discipline; was convicted on the first charge, acquitted of the second, and sentenced to be cashiered.

The specification to the first charge set forth that the accused, on or about the 17th of October, 1864, at or near Yellow House, Va., was drunk while on duty as division field officer of the day of the Third Division, and was brought to his quarters at night in such state of intoxication as to be unable to ride without being held upon his horse.

He plead guilty to the specification and to the charge of drunkenness on duty.

Evidence was given at the trial showing that this was the first time he had ever been in this condition while on duty, and that he had previously borne a good reputation for ability and sobriety.

In view of the facts the members of the court unanimously recommend him to the clemency of the commanding general.

General Crawford, the reviewing authority, approved the proceedings, and in declining to interfere in his behalf remarks a follows, viz:

"The fact that an officer is not an habitual drunkard, or has not similarly offended before, is no palliation for so serious an offense as drunkenness on duty as field officer of the outposts of the command, and of which he has been found distinctly guilty."

The proceedings were also approved by General Meade.

The accused now applies for pardon and restoration to rank and duty.

His previous good character as an officer and his reputation for sobriety are certified to by Surgeon Ramsay, Major Fink, and four other officers of the One hundred and twenty-first Pennsylvania Volunteers, and by Lieutenant-Colonel Warren and by twelve officers of the One hundred and forty-second Pennsylvania Volunteers, all of whom earnestly request executive clemency on his behalf.

Hon. A. Meyers, member of Congress from the State of Pennsylvania, also states that he knows the accused, and respectfully asks that he may be reinstated.

The offense of which he was convicted, by his own confession, was of a very serious character, for which, as stated by General Crawford, the previous good character of the offender furnished no material palliation.

This bureau is therefore constrained to believe that the interests of the service will not permit the exercise of the clemency desired.

J. HOLT,

Judge Advocate-General.

WAR DEPARTMENT,
Washington City, May 3, 1865.

SIR: I am directed by the Secretary of War to acknowledge the receipt, by reference from the President, of your communication of February 28, asking executive clemency in relation to your dismissal from the service, and in reply to say that, upon an examination of the facts of record and submitted by you, it is believed that, an interests of the service will not permit the exercise of the clemency desired.

Very respectfully, your obedient servant,

JAS. A. HARDIE,

Inspector General, U. S. A.

Mr. NATHANIEL LANG,

*Late Captain One hundred and twenty-first Pennsylvania Volunteers,**Washington, D. C.*

DECLARATION FOR RESTORATION AND HONORABLE DISCHARGE.

Capt. Nathaniel Lang, being sworn, says that he is fifty-two years of age; that he lived from childhood most of his life, till he went into the service, at Shippenville, Clarion County, Pa; that he was always a sober man before, during, and since his Army life; and that he was never in said service intoxicated, or charged with being intoxicated, except as hereinafter mentioned, if that should be so considered; that he is the identical Capt. Nathaniel Lang that was the captain of Company F, One hundred and twenty-first Pennsylvania Volunteer Infantry; that he enlisted about

the 14th day of August, 1862; was orderly sergeant when he went into the service, and was promoted to second lieutenant, then to first lieutenant, then to captain, and commanded his regiment some months; that he was division officer of the day on October 17, 1864; that toward evening of that day his duty took him to or near some regiment headquarters—he can not now tell what regiment. Here he found several officers together. As he met them they were drinking, and invited and urged him to drink with them. He was not in a habit of drinking, nor had he drank anything that day, and at first declined to drink, but finally did drink a small amount of what he then supposed was liquor. He did not stay with them over twenty or thirty minutes, but when he started to mount his horse he was unable to do so, and was assisted to mount. Immediately thereafter he became unconscious, and knew nothing further of what occurred until the next morning; that he was soon after charged with drunkenness, on duty, and conduct prejudicial to military discipline; that he plead guilty to, and was found guilty of, the first charge, namely, drunkenness on duty; that he was for the same discharged; that a copy of the court-martial proceedings is hereto attached, marked Exhibit A.

That, as a matter of fact, as he was told next day, he was taken at once to his own quarters in an unconscious condition; and his comrades, including, as he thinks, one of the doctors, rubbed him and worked over him a great portion of the night, and some of them thought he might not recover; that when he became conscious next morning he believed, and has always since believed, that he was drugged in what little he drank.

That when he was charged with drunkenness he had no means that he knew of to show that he had been drugged, and so plead guilty of drunkenness; that within a few years he has learned from correspondence with comrades that he was drugged, or, as the comrade says, "it was a put up job;" that until quite recent years he had no knowledge that he could in any way be relieved from the decision of the court martial; that he has always felt himself greatly wronged in the premises, and now asks to be restored to his rank and honorably discharged as of the day when he left the service. To this end he submits the proof herewith filed.

NATHANIEL LANG.

THE STATE OF OHIO, *Trumbull County*, ss :

Nathaniel Lang, being first duly sworn according to law, says that the statements in his foregoing declaration are true.

NATHANIEL LANG.

Signed in my presence and sworn to before me by Nathaniel Lang in both instances, as above, this 24th day of January, A. D. 1888.

[SEAL.]

JOHN R. LACHMEN,
Deputy Clerk of Probate Court.

EXHIBIT A.

Proceedings of a General Court Martial, convened near Petersburg, Va., November 2, 1864, by virtue of the following order:

GENERAL ORDERS } No. 20.	HEADQUARTERS THIRD DIVISION FIFTH ARMY CORPS, October 31, 1864.
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A general court-martial is appointed to meet at these headquarters at 9 o'clock a. m., on Tuesday, November 1, 1864, or as soon thereafter as practicable, for the trial of such persons as may be properly brought before it.

DETAIL FOR THE COURT.

1. Col. E. L. Dana, One hundred and forty-third Pennsylvania Volunteers.
2. Lieut. Col. A. B. Farnham, Sixteenth Maine Volunteers.
3. Maj. H. Richardson, Seventh Wisconsin Volunteers.
4. Capt. D. J. Dickson, Fifty-sixth Pennsylvania Volunteers.
5. Capt. H. M. Jennings, Ninety-fifth New York Volunteers.
6. Capt. H. R. Whiting, Twenty-fourth Michigan Volunteers.
7. First Lieut. M. J. Slocum, Fifty-sixth Pennsylvania Volunteers.
- First Lieut. Jas. P. Mead, division commissary of musters, judge advocate.

The court will proceed with and continue the business brought before it without regard to the temporary absence of any of the members, provided the number present does not fall below the minimum prescribed by law.

The above is the greatest number that can be detailed without manifest injury to the service.

By command of Brigadier-General Crawford.

E. C. BAIRD,
Assistant Adjutant General.

HEADQUARTERS COURT-MARTIAL,
Near Petersburg, Va., November 2, 1864.

The court met pursuant to orders.

Present: (1) Col. E. L. Dana, One hundred and forty-third Pennsylvania Volunteers; (2) Lieut. Col. A. B. Farnham, Sixteenth Maine Volunteers; (3) Maj. H. Richardson, Seventh Wisconsin Volunteers; (4) Capt. D. J. Dickson, Fifty-sixth Pennsylvania Volunteers; (5) Capt. H. R. Whiting, Twenty-fourth Michigan Volunteers; (6) Capt. H. M. Jennings, Ninety-fifth New York Volunteers; (7) First Lieut. M. J. Slocum, Fifty-sixth Pennsylvania Volunteers; First Lieut. James P. Mead, division commissary of muster, judge advocate.

The court then proceeded with the trial of Capt. Nathaniel Lang, One hundred and twenty-first Pennsylvania Volunteers, who being called into court and having heard the order convening the court read was asked if he objected to any of the members named therein, to which he replied in the negative.

The court was then duly sworn by the judge-advocate and the judge-advocate was duly sworn by the presiding officer in the presence of the accused, and Capt. Nathaniel Lang, One hundred and twenty-first Pennsylvania Volunteers, was arraigned for trial on the following charges and specifications:

CHARGE 1.—Drunkenness on duty.

Specification 1: In this, that Capt. Nathaniel Lang, One hundred and twenty-first Pennsylvania Volunteers, on or about the 17th day of October, 1864, at or near Yellow House, Virginia, was drunk while on duty as division field officer of the day of the third division, and was brought to his quarters at night in a state of intoxication and unable to ride without being held upon his horse.

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

Specification 2: In this, that Capt. Nathaniel Lang, One hundred and twenty-first Pennsylvania Volunteers, being division field officer of the day, did become grossly drunk and remained under the influence of liquor next day, making him unfit to command his regiment and unable to act as instructor to the officers of the regiment at the time specified for school hours in the brigade.

All this on or about the 17th and 18th days of October, 1864, at or near Yellow House, Virginia.

To which charges and specifications the accused pleaded as follows:

To the specification of first charge, "guilty."

To the first charge, "guilty."

To the specification of second charge, "not guilty."

To the second charge, "not guilty."

Capt. Charles L. Allen, of the One hundred and twenty-first Pennsylvania Volunteers, a witness for the prosecution, being duly sworn, says:

Q. (By judge-advocate.) The accused is charged with conduct prejudicial to good order and military discipline, and being unable to command his regiment on the 18th of October, 1864, from intoxication. State to the court your knowledge of the facts.—A. On the evening of the 17th day of October, 1864, the accused was brought into camp in a state of intoxication, so much so that it was impossible for him to walk. He was carried by two men to his quarters, where he remained during the night. The school of instruction for officers was held by Captain Barlow, the next in command. Captain Lang was at the time in command of the regiment. On the 19th instant the accused was on duty as field officer of the day. I saw the accused about 5 o'clock on the afternoon of the 18th instant; he was not intoxicated then.

Q. (By accused.) Was you present at the school of instruction on the 18th?—A. I believe I was.

J. Allen Ramsey, surgeon of the One hundred and twenty-first Pennsylvania Volunteers, a witness for prosecution, being duly sworn, says:

Q. (By judge-advocate.) The accused is charged with conduct prejudicial to good order and military discipline in being unable to command his regiment on the 18th of October, 1864, from intoxication. State to the court your knowledge of the facts.—A. The accused had been very much intoxicated on the evening of the 17th of October, and had not become sober till some time during the 18th. There was no school of instruction during the day. If there had been one I should judge he was in a condition to act as instructor. He complained of being ill from the effects of his previous intoxication, but was not intoxicated at 1.30 o'clock, the hour for holding the school.

Q. (By accused.) What time did I come to my quarters on the morning of the 18th?—A. About 9.30 a. m.

Q. (By accused.) What is my general character for sobriety?—A. I have known the accused since he has been in the service, since August 29, 1-62. I have never known him to be intoxicated before while on duty. Sometimes when in winter quarters he has become a little lively, but I always looked on him as a sober man.

Q. (By court.) State whether his intoxication, of which you speak, on the 18th, was the remainder of the previous day's debauch or whether he continued it by drinking also on the 18th?—A. I did not know of his drinking on the 18th. In my opinion it was the remains of the previous day's debauch.

The prosecution here rested, and the accused offered the following evidence in his defense:

Capt. Charles Barlow, of the One hundred and twenty-first Pennsylvania Volunteers, a witness for the defense, being duly sworn, says:

Q. (By accused.) State to the court my condition as to sobriety on the 18th of October, 1864.—A. I saw him at the hours of 10, 11, and 12 a. m., and 4 p. m. during the day; he was sober then. I did not see him drunk at all during the day.

Assistant Surgeon F. F. Davis, One hundred and twenty-first Regiment Pennsylvania Volunteers, a witness for the defense, being duly sworn, says:

Q. (By accused.) State my condition as to sobriety on the 18th of October, 1864.—A. I saw him at intervals during the day or afternoon of the 18th; he was sober when I saw him. I did not see him drink anything at all during the day.

The accused having no further evidence to offer in his defense made the following statement:

"On the morning of the 18th I was able and willing to hold school but was ordered by Dr. Ramsey not to do so and did not."

The accused having no further statement to make the court was here closed, and after having maturely weighed and considered the evidence, adduced do find the accused as follows:

Of the specification, first charge, the court confirms the plea of the accused and find him "guilty."

Of the first charge the court confirms the plea of the accused and find him "guilty."

Of the specification, second charge, the court finds the accused "not guilty."

Of the second charge the court finds the accused "not guilty."

And the court do therefore sentence him, Capt. Nathaniel Lang, of the One hundred and twenty-first Regiment Pennsylvania Volunteers, to be cashiered.

EDM'D L. DANA,

Colonel One hundred and forty-third Pennsylvania Volunteers, President.

JAMES P. MEADE,

First Lieut., Judge-Advocate.

RECOMMENDATION OF THE COURT.

In consideration of the facts that Capt. Nathaniel Lang, Company F, One hundred and twenty-first Pennsylvania Volunteers, has always borne a good reputation, not only for ability to command but also for sobriety, that this is the first instance in which he has so offended, we, the undersigned officers composing the court before which Captain Lang was tried, ask that the clemency of the commanding general be exercised in this case.

EDM'D L. DANA,

Colonel One hundred and forty-third Pennsylvania Volunteers.

A. B. FARNHAM,

Lieutenant-Colonel Sixteenth Maine Volunteers.

H. RICHARDSON,

Major Seventh Wisconsin Veteran Volunteers.

H. M. JENNING,

Captain, Ninety-fifth New York State Volunteers.

D. J. DICKSON,

Captain, Fifty-sixth Pennsylvania Veteran Volunteers.

H. REES WHITING,

Captain, Company E, Twenty-fourth Michigan Volunteers.

M. J. SLOCUM,

First Lieutenant, Fifty-sixth Pennsylvania Volunteers.

HEADQUARTERS THIRD DIVISION FIFTH ARMY CORPS,

December 29, 1864.

The proceedings, finding, and sentence in this case are approved. In regard to the recommendation of clemency made by the court the general commanding regrets that he can not agree with the court. The fact that an officer is not an habitual

drunkard or has not similarly offended before is no palliation for so serious an offense as drunkenness on duty as field officer of the outposts of the command and of which he has been found distinctly guilty.

S. W. CRAWFORD,
Brevet Major-General Commanding Division.

HEADQUARTERS ARMY OF THE POTOMAC,
January 20, 1865.

Approved.

GEO. E. MEADE,
Major-General Commanding.

Official copy.

D. G. SWAIM,
Judge-Advocate General.

1307 WALNUT STREET,
Philadelphia, February 24, 1888.

MY DEAR CAPTAIN: I have a clear recollection of Lang, when a sergeant of his company, as an active, intelligent, meritorious man, and believe his promotion to the position of a commissioned officer was upon my recommendation, a step I would not have taken had there been any one else in his company more deserving. I do not know that I can say anything more than this, as my term of service ended in the early part of 1864 and I have no knowledge of subsequent affairs in which he may have found temptations too great for him.

I have put this in the letter form you speak of.

Yours, etc.,

A. BIDDLE.

Captain CLAPP.

In the matter of the petition of N. F. Lang to be restored to his commission as captain Company F, One hundred and twenty-first Pennsylvania Volunteers.

Richard S. Shute, being duly sworn, says: I live at No. 1832 Camac street, Philadelphia. I was lieutenant of Company H and acting adjutant of the One hundred and twenty-first Pennsylvania Volunteers in the winter of 1864-'65, when Captain Lang was dismissed the service. He was at that time in command of the regiment. After the war I was informed by the officers of a New York regiment that they had "set up" a job to have Lang dismissed; that when he was officer of the picket, while the army was guarding the Welden Railroad they (being on duty on the picket line) induced Lang to drink; so they told me. He was not a drinking man, and I never knew him to be under the influence of liquor then or at any time. The weather was very severe, and Lang, having been overpersuaded by these officers, was induced to drink and was easily overcome. It was on his return to camp that he was seen in this condition, and having been reported, charges were preferred against him, and he was subsequently tried, found guilty, and sentenced to be dismissed, and thus lost his commission. If I can ascertain the names and addresses of the New York officers who gave me this information I will do so. I think that Lang was severely punished for his first and only offense.

RICHARD S. SHUTE,
*Late Capt. Company H, One Hundred and Twenty-first Regiment
Pennsylvania Volunteers.*

Sworn and subscribed to before me this 6th day of December, A. D. 1886.

[SEAL.]

H. S. PRENTISS NICHOLS,
Notary Public.

In the matter of the petition of Captain Lang, late captain Company F, One hundred and twenty-first Pennsylvania Volunteers.

The undersigned officers and soldiers of the One hundred and twenty-first Pennsylvania Volunteers have read the foregoing affidavit of Richard S. Shute, and declare that the facts therein set forth are true, and in their opinion right and justice would be done by relieving Captain Lang from the punishment under which he has so long

suffered, by restoring him to his commission and thus atoning for a great and unfortunate result of an unintentional offense. The undersigned heartily second the petition of Captain Lang, and attest the correctness of the statement made by Lieutenant Shute:

Samuel Arrison, Captain K, One Hundred and Twenty-first Regiment.
 William W. Strong, late Captain Company E, One hundred and twenty-first Pennsylvania Volunteers.
 John Galbraith, Private Company D, One Hundred and Twenty-first Pennsylvania Volunteers.
 Robert Moffat, Sergeant K Company, One Hundred and Twenty-first Pennsylvania Volunteers.
 Edward D. Knight, Orderly Sergeant Company K, One Hundred and Twenty-first Pennsylvania Volunteers.
 James D. Curry, Company G, Sergeant.
 Chas. B. Duncan, Company D.
 B. V. Markward, Company B.
 A. C. Matthews, Company H, One Hundred and Twenty-first.
 Albert Miles, Company H, One Hundred and Twenty-first.
 Comly S. Robinson, Company G, One Hundred and Twenty-first Pennsylvania Volunteers.
 Robert Johnston, G, One Hundred and Twenty-first Pennsylvania Volunteers.
 George S. DeDier, Company C, One Hundred and Twenty-first Pennsylvania Volunteers.
 Malcom Murray, Company I, One Hundred and Twenty-first Pennsylvania Volunteers.
 Jacob Latch, Company I, One Hundred and Twenty-first Pennsylvania Volunteers.
 Lewis Clappe, Company C.
 Thos. F. Clarke, Company B.
 Wm. D. Baldwin, Company I.
 John B. Wilson, Company I.
 H—— Alviniss, Company I.
 William G. Pendleton, Company E.
 W. W. Bradley, Company H.
 Samuel T. Plum, Company C.
 John Cromie, Company I.
 Thomas Simpson, Company I.
 John Kettle, Company I.
 James Sullivan, Company K.
 Charles L. Atlee, Company C.
 Davis R. Shaw, Company H.
 C. H. WinRuorst, First Sergeant Company K.

SOUTH OIL CITY, PA., *February 7, 1888.*

To whom it may concern :

This certifies that from September 9, 1863, till the close of the war, *i. e.*, June 2, 1865, I was assistant surgeon of the One hundred and twenty-first Regiment Pennsylvania Volunteers, and well acquainted with Lieut. Nathaniel Lang, of Company F, One hundred and twenty-first Pennsylvania Volunteers. It seems to me that Lieutenant Lang was during his term of service commissioned captain of Company F. I remember the manner and time of his dismissal from the United States service, which occurred in the fall of 1864, near Yellow House, Va. The captain was officer of the day, and was brought home in a stupefied condition; he was brought home on a horse. He remained in such condition during the evening and on into the night. Subsequently he was placed in arrest and tried by a court-martial and dismissed the service. I thought at the time that the charge of drunkenness on duty (the charge against him) was but poorly sustained, inasmuch as he had more the appearance of a very sick man than one drunk, and I advised him to fight the charges all he could, but he seemed overwhelmed with shame, and I afterward heard that he not only made no defense, but admitted that he was drunk.

Captain Lang had always borne a good reputation in the regiment for sobriety, honesty, and as a good soldier, having been promoted from the ranks for gallantry and general soldierly bearing. I never knew him to drink anything either before or after the occurrence named, and never even heard it hinted at that he was a drinking man. Indeed I have frequently heard the colonel, Chapman Biddle, speak of him in terms of commendation for his good qualities. I believed at that time and do be-

lieve now that whatever Captain Lang drank that day, which I understood then was wine, was drugged, and I also believe that had he defended his case properly he would have been acquitted by the court-martial before which he was tried.

I have heard it stated in the regiment that there was a difference between him and some officers in and out of the regiment and that they had fixed up a job on him, but of the nature of such job, if any, I know nothing.

F. F. DAVIS, M. D.,

*Late Assistant Surgeon One Hundred and Twenty first
Pennsylvania Volunteers.*

Sworn and subscribed to before me this 7 day of February, 1888.

[SEAL.]

I. HOLLOWAY,

Justice of the Peace in and for Venango County, Pa.

PHILADELPHIA, February 25, 1888.

DEAR CAPTAIN: Referring to your letter of the 20th instant: As I was taken prisoner October 1, 1864, and was not returned to the regiment for several months, I, of course, can not say of my own knowledge what the merits of the particular case against Capt. Nathaniel Lang were prior to October 1, 1864. However, so far as my recollection goes, his connection with the regiment was in every way honorable either as an enlisted man or as a commissioned officer. I certainly have no recollection of ever seeing him intoxicated or under the influence of liquor. I would like very much to see him restored to good standing.

Very truly, yours,

W. W. STRONG,

*Late Captain Company E, One Hundred and Twenty-first Regiment
Pennsylvania Volunteers.*

Capt. J. M. CLAPP, Washington, D. C.

Before me, a notary publicin and for the county of Philadelphia, personally appeared W. W. Strong, who, being by me duly sworn, deposed and said that the above statement is true to the best of his knowledge and belief.

[SEAL.]

FRANK D. HOWELL,

Notary Public.

FEBRUARY 25, A. D. 1888.

