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Proceedings of a General Court Martial convened  
at Head Quarters, U. S. Forces Folly Island  
S. C. by virtue of the following order viz

Head Quarters U. S. Forces  
Folly Island S. C.

General order

No 7 } A General Court Martial is hereby  
appointed to meet at these Head Quarters on  
the 12<sup>th</sup> day of August 1868, at 10 o'clock AM.  
or as soon thereafter as practicable for the  
trial of Lieut Francis Hallenue and  
Baty M. S. and such other persons as  
may be brought before it.

Detail for the Court

- |                        |   |
|------------------------|---|
| Col H. S. Fairchild    | 89 <sup>th</sup> M. S. I.               |
| Major J. O. Cunningham | 59 <sup>th</sup> Pa. Vol.               |
| Major Alonzo Alden     | 169 <sup>th</sup> M. S. I.              |
| Captain Levi K. Brown  | 117 <sup>th</sup> M. S. I.              |
| " W. A. Chaddock       | 112 <sup>th</sup> M. S. I.              |
| " J. A. Colvig         | 169 <sup>th</sup> M. S. I.              |
| " J. O. Levy           | 3 <sup>rd</sup> M. S. I. Judge Advocate |

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

By order of Brig Genl V. G. ...  
S. L. McHenry  
Capt and A. A. ...

Head Quarters, U.S. Forces  
Folly Island S.C. Aug 19<sup>th</sup> 1863.

Special order  
No 10

III Lieut Col H M Hoyt 39<sup>th</sup> Pa Inf  
is hereby detailed as a member of the general  
court Martial as per general order No 7 from  
these Head Quarters, in place of Major  
J E Cunningham excused on account of having  
other important duties to perform.

By order of  
Brig General (Judge)  
E L M Kirby  
Captain & A G here

Folly Island S.C. Sept 10<sup>th</sup> 1863.  
10 o'clock. a.m.

The court met pursuant to adjournment Present  
Col H S Fanchilds, 29<sup>th</sup> MSB.  
Major Alanzo Allen 169<sup>th</sup> MSB  
Captains Lewis H Jones 117<sup>th</sup> MSB.  
" A H Chaddock 112<sup>th</sup> Sp S Co  
" J W Colomi 169<sup>th</sup> MSB.  
" J Ellery Lora. 3<sup>rd</sup> MSB. Enbge. Advocate

Asst Lt Col H M Hoyt 39<sup>th</sup> Pa Inf

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The proceedings of yesterday were then read over and approved.

The court then proceeded to the trial of Private Julian Perez Company "B" 47<sup>th</sup> Regt. N.Y. Inf. who having been called into court, and hearing heard the order commanding the court, read, was asked if he had any objections to any member named in the detail 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 of the court in the presence of the accused. Private Julian Perez Company "B" 47<sup>th</sup> Regt. N.Y. Inf. who was arraigned upon the following Charges and Specifications viz.

Charge 1<sup>st</sup> Drunkenness.

Specification In this that the said Julian Perez Co "B" 47<sup>th</sup> Regt. N.Y. Inf. became grossly intoxicated with alcohol and noisy. This on or about the 30<sup>th</sup> day of July 1863 in the camp of the 47<sup>th</sup> N.Y. Inf. on Folly Island. S.C.

Charge 2<sup>d</sup> Drawing a dangerous weapon on his superior officer.

Specification In this that the said Private Julian Perez Co "B" 47<sup>th</sup> Regt. N.Y. Inf. did when being held by a soldier, whom Lieut Oscar

O'Rourke in the execution of his office ordered to hold him  
call for his knife and I claim there is my knife had.  
damn you and there was did damn his knife and  
flung it over his head and I claim damn you  
who are you or rebels to that effect.

This is about the 20th day of July 1863 in Folly Island  
S.C. and in the camp of the 47th Regt

To which charges and specification the accused  
pleaded as follows

- To the specification of the 1st charge Not guilty
- To the 2nd charge Not guilty
- To the specification of the 3rd charge Not guilty
- To the 3rd charge Not guilty

1st Lieut Oscar G. Brown company C 47th Regt 1863  
a witness for the prosecution being duly sworn  
testified as follows

Ques (by the Judge Advocate) Do you recognize the accused  
of 20 State his name, company and Regt

A Yes I do as Julian Poy co C 47th Regt 1863

Ques (by the Judge Advocate) Did you see him on or  
about the 20th day of July 1863

A Yes I did Sir

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Ques (by the Judge Advocate) State his condition at that time.

Ans. He was, very drunk and quarrelsome

Ques (by the Judge Advocate) Was he unusually noisy

Ans Yes Sir. He made a great deal of noise and requiring considerable attention

Ques (by the Judge Advocate) Did you order a soldier to hold him for that day

Ans He made some ~~gesture~~ <sup>gesture</sup> and I thought that he was coming towards me. a soldier volunteered to hold him and then ordered him to close.

Ques (by the Judge Advocate) What did the accused then do

Ans At the time that the man held him, he began to curse me. and to God Damn, me he then said something in Spanish, which I could not understand, I then heard God damn you Lieutenant

Ques (by the Judge Advocate) Did he draw a knife on you

Ans Yes Sir While three men were holding him

Ques (by the accused) Did I draw the knife on you

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Ans His language was addressed to me, and his gestures were towards me, and when he got his knife (which was across his groin) he attempted to get to me.

1<sup>st</sup> Lieut George Douglas, Co. "C" 47<sup>th</sup> Regt MSB a witness for the prosecution being duly sworn testified as follows.

Ques by the Judge Advocate) Does the accused belong to your company

Ans He does.

Ques by the Judge Advocate) Did you see him on the 30<sup>th</sup> day of July 1863.

Ans I dont remember exactly the date, but I think that it was on the 30<sup>th</sup> at Pembree Landing.

Ques by the Judge Advocate) Will you state his condition at that time

Ans He was grossly intoxicated

Ques by the Judge Advocate) Was he unusually quarrelsome and noisy

Ans Yes sir.

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Ques (by the Judge Advocate,) Did you hear what he said to Lt. Povey,

Ans: I was there a part of the time and while I was there I heard him say Damn you Lieut who are you and said something about this being an article and did not want him to say anything to him

Ques (by the Judge Advocate,) Do you know anything of his drawing a knife on the Lieut

Ans: I dont know on whom he drew the knife I heard him call for his knife and he was swearing at the Lieut at the time but I do not know whether he drew his knife on the Lieutenant or not

Ques (by the Judge Advocate,) What is the general character of the accused.

Ans: Peaceable he is willing to do his duty and never gives any trouble.

The prosecution here closes.

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Sergt. Daniel Pungborn Co "C" 47<sup>th</sup> Regt. M. G. B. A.  
admitted for the defence being duly sworn to testify  
as follows.

Ques (by the accused) Did you see me in or about the 30<sup>th</sup> of July

Ans Yes or in somewhat about that time

Ques (by the accused) Did you see me have a knife in my  
hand.

Ans Yes or in

Ques (by the accused) Did I draw the knife on the Lieut  
Powell, or was I merely flourishing it over my head.

Ans He neither was flourishing it over his head nor  
drawing it on the Lieut I don't think, as the Lieut  
stood back at the time some ten paces. I should  
think.

Ques (by the accused) What has been my general character  
while in the company.

Ans It has always been <sup>very</sup> good. This is the first time I  
ever saw anything out the way with him he has  
always done his duty

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Ques (by the Court) How long have you been with the  
Regt and company.

Ans since July 1861.

Ques (by the Court) How long a period has the accused been  
in the company.

Ans. pretty much since that time, he joined us  
before we came away.

Supt. Charles Odell. Co. D. 47<sup>th</sup> Regt. NY S. Co. a witness  
for the defense. being duly sworn, testifies as follows

Ques (by the accused) Did you see me on or about the 20<sup>th</sup>  
of July, 1863.

Ans I did see.

Ques (by the accused) Did I draw a knife on Lieut Bowen.

Ans I saw him have a knife in his hand. Lieut Bowen  
was at that time about 10 or 15 paces from him a few  
minutes after Lt Bowen was near. him the same  
time that he had the knife.

Ques (by the accused) What has been my general character  
while in the company.

Ans: As far as ever I knew anything about him he was always appeared to be a quiet peaceable man I never saw him under the influence of liquor before that day.

Directly the Court, had the accused menacing Lieut Powell with the knife either by looks or action.

Ans: If that I saw, I could not say that he was, I was down with my company looking after stores and did not see all of it. The first that I saw Lieut Powell he had hold of the prisoner, trying to pacify him.

The accused having no more witnesses to call, in his defense ~~said~~ I have never been Court Martialled before, or punished for any crime. I have been punished before for this crime by being sent to the trenches on Morris Island for eight days, and 12 days under guard, at the Post. Marshall, and General Gilmore and the Post. Marshal. Genl. gave <sup>me</sup> my release and I have done my duty with the company until day before yesterday.

The accused having nothing more to say in his defense the Court was closed and after mature deliberation, upon the evidence adduced, finds the accused Private Indian Perry Co "C" 47<sup>th</sup> Regt. U.S. A., as follows

Of the Specification of the 1<sup>st</sup> Charge in Guilty  
 Of the 1<sup>st</sup> Charge in in in in in Guilty  
 Of the Specification of the 2<sup>d</sup> Charge in Guilty.  
 Of the 2<sup>d</sup> Charge in in in in in Guilty

And the Court does therefore sentence  
 the said Powale Parlian Perez Esq<sup>r</sup>  
 47<sup>th</sup> Regt U.S. To be confined at hard  
 "labor at such place as the Commanding  
 "General may direct, for the term of  
 "One year, with a ball and chain attached  
 "to his leg, and to forfeit to the United-  
 "States all pay and allowances during  
 "the same period."

The Court then adjourned to meet at  
 10 o'clock A. M. on the 4<sup>th</sup> Inst.

H. S. Fairchild  
 Col 87<sup>th</sup> Regt. U.S. and  
 President of the Court Martial

Wm. E. Ford  
 Capt. 5<sup>th</sup> Regt. U.S.  
 Judge Advocate

Proceedings and findings affirmed, are confirmed  
the sentence awarded will be carried into effect, the  
prisoner will be confined at such place as the General  
Commanding the Dept. may select. designate,  
The taking of testimony as to the gen. character of  
the accused, on the part of the prosecution, ~~is not~~  
unless to rebut testimony on the part of the defense  
is irregular and should not have been admitted.

Wm. G. ...  
By the ...

1862/11/11