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battalion, P. A. C. S., are confirmed, and the sentences will be duly executed.

The proceedings, findings, and sentence of the General Court Martial, in the case of Private John Mathews, Company "B," Palmetto Battalion Light Artillery, are confirmed; Private Mathews will be turned over to the Provost Marshal to be confined in the Charleston jail—one of the three months confinement and the stoppage of four months pay is hereby remitted.

The proceedings, findings, and sentence of the General Court Martial, in the case of Corporal Geo. H. Burger, Company "E," 1st Regiment S. C. Artillery, are confirmed, and the sentence will be carried into execution under the direction of the officer commanding First Military District.

The proceedings, findings, and sentences of the General Court Martial, in the cases of Sergeant Wm. J. Aiken, Company "B," 1st Regiment S. C. Artillery, Privates John Brown Company "B," Lucas' battalion, P. A. C. S., and Wm. Lyon's, Lee's company, C. S. Artillery, are confirmed, and the sentences will be duly executed, except that portion which reads as follows: "To have their heads shaved and be branded on the left hip with the letter 'D,' and be drummed out of the service," which is hereby remitted. The remainder of the sentences having been duly executed, they will then be returned to duty with their companies.

III..The General Court Martial, of which Lieut.-Col. Wm. Butler is President, is hereby dissolved.

By order of Major-General PEMBERTON.

J. R. WADDY, Assistant Adjutant-General.

official
Clifton. H. H. H.
at a adj. gen.
REPRODUCED AT THE NATIONAL ARCHIVES
RECORD DIVISION
REBEL ARCHIVES
WAR DEP. RT. MINN.

REBEL ARCHIVES
GENERAL ORDERS, HEAD-QUARTERS, DEPARTMENT SO. CA. AND GA.,
No. 47.
DEPARTMENT.
CHARLESTON, S. C., August 18, 1862.

I. Before a General Court Martial, convened at Charleston, S. C., on May 27th, 1862, pursuant to Special Orders, No. 57, current series from these Head-quarters, and of which Court Lieut.-Col. Wm. Butler is President, was arraigned and tried, viz:

1..Private W. J. Parton, Company "I," 1st Regiment Regular Infantry, on the following charge and specification:

CHARGE.

"Violation of the 46th Article of War."

Specification.....In this: "That said Private W. J. Parton, of Company 'I,' 1st Regiment S. C. Infantry, having been regularly posted as sentinel, did sleep on his post." All this at Fort Moultrie, at or near the guard-house, April 26, 1862.

To which charge and specification the accused pleaded "Guilty."

FINDINGS AND SENTENCE.

The Court, after mature deliberation, find the accused "Guilty." And the Court do, therefore, sentence the said Private W. J. Parton, of Company "I," 1st Regiment Regular Infantry, "to be confined at hard labor in charge of the guard for six months, and to forfeit four months of his pay."

2..Private Ferdinand Kleinjohann, of Capt. Cordes' company, "German Hussars," C. S. P. A., on the following charge and specification:

CHARGE.

"Conduct highly prejudicial to good order and military discipline."

Specification.....In this: "That he, the said Ferdinand Kleinjohann, did, on or about the 18th May, 1862 attempt, without any authority for the same, to hold communication with a 'flag of truce,' sent from the enemy's blockading squadron off Charleston harbor, which flag had been brought to, near Sullivan's island beach, by riding his horse into the surf, getting within a few feet of the boat, and not returning until ordered by the sergeant of the guard to do so." This at Sullivan's island, on or about the 18th day of May, 1862.

To which charge and specification the accused pleaded "Guilty."

FINDINGS AND SENTENCE

The Court, after mature deliberation, find the accused **Guilty.**

And the Court do, therefore, sentence the said Private *Ferdinand Kleinjohann*, of Capt. Cordes' company, "German Hussars," C. S. P. A., "to be confined in some jail in South Carolina for six months, and forfeit his pay for the same period."

3.. Private *John Williams*, of Company "H," S. C. Regiment of Artillery, P. F. C. S., on the following charge and specifications:

CHARGE.

"Sleeping on post and neglect of duty."

Specification 1st......In this; "That the said Private *John Williams*, Company "H," S. C. Artillery, did, on or about the night of the 9th May, 1862, go to sleep on post, between the hours of one and three o'clock."

Specification 2d......In this; "That the said Private *John Williams*, Company "H," S. C. Artillery, did, on or about the night of the 9th, between the hours of one and three o'clock, lay aside his musket and go to sleep, thereby neglecting the duties of a sentinel."

To which charge and specifications the accused pleaded as follows:

To the 1st Specification: "Guilty."

To the 2d Specification: "Not Guilty."

To the CHARGE: "Guilty."

FINDINGS AND SENTENCE.

The Court, after mature deliberation, find the accused, of the charge and specifications "Guilty."

And the Court do, therefore, sentence the said Private *John Williams*, of Company "H," S. C. Regiment of Artillery, P. F. C. S., "to be confined in charge of the guard for six months: the first ten days in each month in solitary confinement on bread and water, the remainder of the time at hard labor; and to forfeit all his pay for the same period, except the just dues of the laundress."

4.. Private *Henry M. Boozer*, Captain Kinard's company, 20th Regiment, S. C. V., on the following charge and specification:

CHARGE.

"Desertion."

Specification......In this; "That the said *Henry M. Boozer*, a private in Captain Kinard's company, 20th Regiment, S. C. V., did desert the service of the Confederate States on James island, in the State of South Carolina, on or about the 1st April, 1862, and did remain absent until apprehended and brought back on or about the 22d May, 1862."

To which charge and specification the accused pleaded "Guilty."

FINDINGS AND SENTENCE.

The Court, after mature deliberation, find the accused "Guilty."

And the Court do, therefore sentence the said Private *Henry M. Boozer*, of

Captain Kinard's company, 20th Regiment S. C. V., "to be confined at hard labor in charge of the guard for six months and to forfeit four months of his pay, except the just dues of the laundress."

5.. Corporal *George H. Burger*, of Company "E," 1st Regiment S. C. Artillery, P. F. C. S., on the following charges and specifications:

CHARGE I.

"Intention to desert from the service of the Confederate States of America and join the forces of the enemy."

Specification......In this; "That he, Corporal *George H. Burger*, Company "E," 1st Regiment S. C. Artillery, P. F. C. S. A. did intend and declare his intention to Sergeant Wm. Marshall, Private James Gillespie, of same company, and Robert McKee of same company, and a prisoner under sentence of Court Martial, his intention to desert from the service of the Confederate States of America, and go to the enemy's fleet, now off Charleston bar." All this at Castle Pinckney, Charleston harbor, S. C., at or about the 19th day of May, A. D. 1862.

CHARGE II.

"Violation of the 2d Article of War."

Specification......In this; "That he, Corporal *George H. Burger*, Company "E," 1st Regiment S. C. Artillery, P. F. C. S. A., did advise and attempt to persuade Sergeant Wm. Marshall, Private James Gillespie, of same company, and Private Robert McKee, of same company, and a prisoner under sentence of Court Martial, to desert from the service of the Confederate States of America and go to the fleet of the enemy, now off Charleston bar." All this at Castle Pinckney, Charleston harbor, S. C., at or about the 19th day of May, A. D. 1862.

To which charges and specifications the accused pleaded "Not Guilty."

FINDINGS AND SENTENCE.

The Court, after mature deliberation, find the accused as follows:

Of the Specification of 1st CHARGE: "Guilty, except the words 'off Charleston bar.'"

Of the 1st CHARGE: "Guilty."

Of the Specification of 2d CHARGE: "Guilty, except the words 'off Charleston bar.'"

Of the 2d CHARGE: "Guilty."

And the court do, therefore, two-thirds of the members concurring therein, sentence the said Corporal *George H. Burger*, Company "E," 1st Regiment S. C. Artillery, "to be shot to death with musketry in the hands of twelve men of his own regiment, on the front beach of Sullivan's island, ten days after the promulgation of the sentence."

6.. Sergeant *Wm. J. Aiken*, Company "B," 1st Regiment S. C. Artillery, P. F. C. S., on the following charge and specification:

CHARGE.

"Desertion."

*Specification.....*In this: "That he, the said *Wm. J. Aiken*, a sergeant of Company 'B,' 1st Regiment S. C. Artillery, P. F. C. S., did, on or about the 6th May, 1862, obtain a leave of absence for twenty-four hours to visit Sullivan's island, and did not return, but was found in custody in the City of Charleston, on the 2d June, 1862." All this in Charleston harbor.
To which charge and specification the accused pleaded "Guilty."

FINDINGS AND SENTENCE.

The Court, after mature deliberation, find the accused "Guilty."

And the Court do, therefore, sentence the said *Wm. J. Aiken*, Company "B," S. C. Regiment Artillery, "that within ten days after the promulgation of the sentence he receive thirty nine (39) lashes on his bare back, laid on with a cowhide, that he have his head shaved, that he be branded upon the left hip with the letter 'D,' and be drummed out of the service; that he forfeit all pay due him for the time he was absent, except the just dues of the laundress." The Court is thus lenient on account of the good character given him as a soldier by his company commanders.

7. Private *John Brown*, Company "B," Lucas' battalion, on the following charge and specification:

CHARGE.

"Desertion."

*Specification.....*In this: "That the said Private *John Brown*, Company 'B,' Lucas' battalion, did desert from his company and remain absent until identified by Capt. R. Pringle, in Charleston jail, on or about the 30th of April, 1862." All this at Cole's island, S. C., on or about the 1st of October, 1861.

To which charges and specifications the accused pleaded "Not Guilty."

FINDINGS AND SENTENCE.

The Court, after mature deliberation, find the accused "Guilty."

And the Court do, therefore, sentence the said *John Brown*, Company "B," Lucas' battalion, C. S. P. A., "that within ten days after the promulgation of the sentence, he receive thirty-nine (39) lashes on his bare back, laid on with a cowhide, that he have his head shaved, that he be branded on the left hip with the letter 'D,' and be drummed out of the service; that he forfeit all pay that may be due him up to the promulgation of the sentence, except the just dues of the laundress."

8. Private *Wm. Lyons*, Lee's company C. S. Artillery, on the following charge and specification:

CHARGE.

"Desertion."

*Specification.....*In this: "That the said *Wm. Lyons*, a private in Lee's company, S. C. Artillery, being in the City of Charleston, in attendance on a Court

Martial, did desert and enlist himself in Capt. Chichester's company, S. C. V." All this at or about the 1st April, 1862.
To which charge and specification the accused pleaded "Not Guilty."

FINDINGS AND SENTENCE.

The Court, after mature deliberation, find the accused "Guilty."

The Court do, therefore, sentence the said *Wm. Lyons*, of Lee's company, C. S. Artillery, "that within ten days after the promulgation of the sentence he receive thirty-nine (39) lashes upon his bare back, laid on with a cowhide; that he have his head shaved, that he be branded on the left hip with the letter "D," and be drummed out of the service; that he forfeit all pay that may be due him up to the promulgation of the sentence, except the just dues of the laundress."

9. Sergeant *Peter Wilson*, Company "A," Lucas' battalion, C. S. P. A., on the following charges and specifications:

CHARGE I.

"Desertion."

*Specification.....*In this: "That he, the said Sergeant *Peter Wilson*, Company 'A,' Lucas' battalion, C. S. P. A., did, on the night of the 21st May, 1862, break his arrest, and, without permission, leave the encampment of his company, then stationed at Fort Pemberton, on Stono river, and was arrested several miles distant from said encampment.

CHARGE II.

"Attempt at deserting to the enemy."

*Specification.....*In this: "That he, the said Sergeant *Peter Wilson*, Company 'A,' Lucas' battalion, C. S. P. A., did, on the night of 21st May, 1862, break his arrest, and, without permission, leave the encampment of his company, then stationed at Fort Pemberton, on Stono river, and made his way toward the enemy, when arrested in the vicinity of their gunboat, he having previously expressed his determination of joining the enemy. All this at Fort Pemberton, on Stono river, S. C., on or about the 21st May, 1862.
To which charges and specifications the accused pleaded "Not Guilty."

FINDINGS AND SENTENCE.

The Court, after mature deliberation, find the accused as follows:

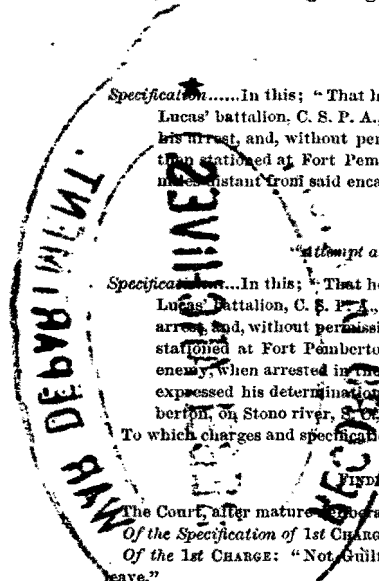
Of the Specification of 1st CHARGE: "Guilty."

Of the 1st CHARGE: "Not Guilty of desertion, but Guilty of absence without leave."

Of the Specification of 2d CHARGE: "Guilty, except the words 'and made his way toward the enemy, when arrested in the vicinity of their gunboat, he having previously expressed his determination of joining the enemy.'"

Of the 2d CHARGE: "Not Guilty."

And the Court do, therefore, sentence the said Sergeant *Peter Wilson*, Company "A," Lucas' battalion, C. S. P. A., "that he be reduced to the ranks, that he be reprimanded by his commanding officer, and be returned to duty with his com-



pany. The Court is thus lenient in consideration of the time that he has already passed in confinement.

10..Private *Jno. Mathews*, Company "B," Palmetto Battalion Light Artillery, on the following charges and specifications:

CHARGE I.

"Desertion."

Specification.....In this; "That he, Private *Jno. Mathews*, Company 'B,' Palmetto Battalion Light Artillery, did, whilst under orders to perform guard duty, leave camp without permission, and did not return, but was arrested by a guard detailed and sent for that purpose in the City of Charleston, and brought back to camp on the 4th of May, 1862." This at Simons' farm, on Saturday, the 3d May, 1862.

CHARGE II.

"Violation of the 9th Article of War."

Specification.....In this; "That he, Private *Jno. Mathews*, of Company 'B,' Palmetto Battalion Light Artillery, did, whilst under orders to perform guard duty, in utter contempt for and disobedience of said orders, leave camp without permission, and was not present when called for to take his post." This at Simons' farm on the 3d May, 1862.

CHARGE III.

"Violation of the 21st Article of War."

Specification.....In this; "That he, Private *Jno. Mathews*, of Company 'B,' Palmetto Battalion Light Artillery, did leave camp without permission." This at Simons' farm, on the 3d May, 1862.

To which charges and specifications the accused pleaded as follows:

To the Specification of 1st CHARGE: "Guilty."

To the 1st CHARGE: "Not Guilty."

To the Specification of 2d CHARGE: "Guilty."

To the 2d CHARGE: "Not Guilty."

To the Specification of 3d CHARGE: "Guilty."

To the 3d CHARGE: "Guilty."

FINDINGS AND SENTENCE.

The Court, after mature deliberation, find the accused as follows:

Of the Specification of 1st CHARGE: "Guilty."

Of the 1st CHARGE: "Not Guilty of desertion, but Guilty of absence without leave."

Of the Specification of 2d CHARGE: "Guilty."

Of the 2d CHARGE: "Guilty."

Of the Specification of 3d CHARGE: "Guilty."

Of the 3d CHARGE: "Guilty."

And the Court do, therefore, sentence the said Private *John Mathews*, Company "B," Palmetto Battalion Light Artillery, "to be confined in any jail in this state, for three months after the promulgation of the sentence, and to forfeit six months pay."

11..Private *John Aikens*, Company "I," 1st S. C. Regiment Artillery, on the following charges and specifications:

CHARGE I.

"Violation of the 7th Article of War."

Specification.....In this; "That the said Private *John Aikens*, Company 'I,' 1st S. C. Regiment Artillery, referring to a probable attack on Fort Sumter by Lincoln's forces, said: 'He'll have you all.' 'There are not thirty men in Fort Sumter who'll fight against him if he does come,' or words to that effect."

CHARGE II.

"Violation of the 8th Article of War."

Specification.....In this; "That he, the said Private *John Aikens*, Company 'I,' 1st S. C. Regiment Artillery, having asserted the existence of a seditious spirit at Fort Sumter, did not report the same to his commanding officer." All this at Mr. Cohen's store, No. 104 King street, Charleston, on or about the 16th May, 1862.

To which charges and specifications the accused pleaded "Not Guilty."

FINDINGS AND SENTENCE.

The Court, after mature deliberation, find the accused "Not Guilty."

And the Court do, therefore, acquit the said *John Aikens*, Company "I," 1st Regiment S. C. Artillery.

II. The proceedings, findings, and sentence of the General Court Martial in the case of Private Ferdinand Kleinhjohann, Captain Cordes' company, "German Hussars," C. S. P. A., are confirmed. The Major-General commanding is, however, of opinion the offence was committed owing to ignorant presumption on the part of the accused, and not with any intention of doing wrong. Owing to this fact, and to the fact that he has already been confined for a long time, the Major-General commanding is induced to remit the sentence awarded by the Court: he will, therefore, be released from confinement and returned to duty with his company.

The proceedings and findings of the General Court Martial in the case of private John Aikens, Company "I," 1st Regiment S. C. Artillery, are approved. Private Aikens will be released from confinement and returned to duty with his company.

The proceedings, findings, and sentences of the General Court Martial, in the cases of Privates W. J. Parton, Company "I," 1st Regiment S. C. Infantry; John Williams, Company "H," S. C. Regiment Artillery, P. F. C. S.; Henry M. Boozer, Capt. Kinard's company, 20th Regiment S. C. V., and Sergeant Peter Wilson, Company "A," Lucas'

