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GENERAL ORDERS, HEAD-QUARTERS, DEPT OF S. C., GA., AND FLA.,  
No. 80. CHARLESTON, S. C., June 30, 1863.

I. . Before a General Court Martial, convened at Charleston, S. C., by virtue of General Orders, No. 70, current series from these Headquarters, and of which court-Lieutenant-Colonel E. B. WHITE is President, were arraigned and tried:

1. . Corporal *John W. Tart*, Company C, siege train, P. A. C. S.

CHARGE.

*Absence without leave.*

*Specification*.....In this; "That the said Corporal *John W. Tart*, Company C, siege train, P. A. C. S. did, without leave from his commanding officer, absent himself from the camp of his company, near Charleston, S. C., on the 3d March, 1863, and did remain absent therefrom until the 26th of April, 1863, while his company was under orders to march at short notice." All this at the camp of the siege train, from the 3d of March, 1863, to the 26th April, 1863.

To which charge and specification the accused pleaded "Not Guilty."

FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the Specification of the CHARGE:* "Guilty."

*Of the CHARGE:* "Guilty."

And the court does, therefore, sentence the said Corporal *John W. Tart* "to be reduced to the ranks; to be confined for two weeks in custody of the guard, at his camp; and to forfeit one month's pay, the just dues of the laundress excepted."

2. . Private *R. J. Browder*, Company G, 21st S. C. V., P. A. C. S.

CHARGE.

*Violation of the 46th Article of War, in sleeping on post.*

*Specification*.....In this; "That he, the said Private *R. J. Browder*, Company G, 21st S. C. V., while on picket duty on the night of the 23d of April, 1863, having been regularly posted as a sentinel on the front beach of the island, was found sleeping on his post by the sergeant of the guard, between the hours of seven and ten o'clock." All this on Morris island, on the night of the 23d of April, 1863.

To which charge and specification the accused pleaded "Not Guilty."

FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the Specification of the CHARGE:* "Guilty."

*Of the CHARGE:* "Guilty."

And the court does, therefore, sentence the said Private *R. J. Browder*, Company G, 21st regiment S. C. V., P. A. C. S., "to be imprisoned for three months in custody of the guard at his camp, and to be placed at hard labor for six hours each day (Sundays excepted) during that period."

3.. Captain *W. E. Charles*, Inglis Light Artillery, P. A. C. S.

CHARGE I.

*Refusal to obey positive orders.*

*Specification 1st.....*In this; "That he, Captain *W. E. Charles*, commanding Inglis Light Battery, was, on the third (3d) and seventh (7th) of May, 1863, ordered to have the officers' stables removed to a distance of twenty-five (25) or thirty (30) yards to the rear and centre of the line of his officers' tents, which order he persistently refused to obey."

*Specification 2d.....*In this; "That he, Captain *W. E. Charles*, commanding Inglis Light Battery, was ordered on the fifth (5th) of May, 1863, to discontinue the practice of yelling and whooping in his company, which had become prevalent, particularly after the reading of orders from the head-quarters of the commander of the post, all of which orders were totally disregarded." All this at or near Battery White, near Georgetown, S. C.

CHARGE II.

*Disrespect to his commanding officer.*

*Specification 1st.....*In this; "That he, Captain *W. E. Charles*, commanding Inglis Light Battery, did address to the commanding officer of the post a communication dated May 1, 1863, making use of the following language:

"Captain JOSHUA WARD,

*Commanding W. L. Artillery.*

"CAPTAIN—I am aware of your authority as senior captain commanding this post, but I ask by what authority you stopped my negroes from building my private stables without consulting me, and dictate to me where they shall be put. Do the army regulations say where the officers' stables shall be put?

"Yours very respectfully,

(Signed)

"W. E. CHARLES,

*Captain commanding I. L. A."*

All this at or near Battery White, near Georgetown, S. C.

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

FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

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

*Of the 2d Specification of the 1st CHARGE:* "Guilty."

*Of the 1st CHARGE:* "Guilty."

*Of the Specification of the 2d CHARGE:* "Guilty, but attach no criminality thereto."

*Of the 2d CHARGE:* "Not Guilty."

And the court does, therefore, sentence the said Captain *W. E. Charles*, commanding Inglis Light Battery, P. A. C. S., "to be suspended for three months from rank and pay."

5.. Private *Edward Burns*, Company B, Charleston battalion, P. A. C. S.

CHARGE.

*Advising and persuading a soldier to desert the service.*

*Specification.....*In this; "That he, the said Private *Edward Burns*, Company B, Charleston battalion, P. A. C. S., did, on or about the 12th day of April, A. D. 1863, advise and persuade Private James Sweeney, Company B, Charleston battalion, P. A. C. S., to desert from his said company, and did then present the said Private James Sweeney, under the assumed name of Thomas Roney, to James A. Lancer, Esq., as a fit and proper substitute, and procure and persuade the said Private James Sweeney to enlist as a substitute in Company B, 6th regiment S. C. cavalry, well knowing at the time the said James Sweeney to be a duly enlisted soldier for the war in Company B, Charleston battalion." All this on or about the 12th April, A. D. 1863, at Charleston.

To which charge and specification the accused pleaded "Not Guilty."

FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the Specification of the CHARGE:* "Not Guilty."

*Of the CHARGE:* "Not Guilty."

And the court does, therefore, fully acquit the said Private *Edward Burns*, Company B, Charleston battalion, of every part of the aforesaid charge.

6.. Private *James Gallaher*, Company A, Lucas' battalion artillery, P. A. C. S.

CHARGE.

*Stealing.*

*Specification 1st.....*In this; "That the said Private *James Gallaher*, Company A, Lucas' battalion artillery, did, on or about the 1st day of January, 1863, feloniously take and carry away from the company store-room at Fort Pemberton, James Island, S. C., certain shoes, and did appropriate the same to his own use."

*Specification 2d.....*In this; "That the said Private *James Gallaher*, Company A, Lucas' battalion artillery, did, on or about the 17th day of April, 1863, take from the tent of First Sergeant S. A. Tynes certain articles of clothing, and did secrete the same or appropriate them to his own use." All this at Fort Pemberton, S. C., on or about the 1st of January and 17th April, 1863.

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

FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the 1st Specification of the CHARGE:* "Not Guilty."

*Of the 2d Specification of the CHARGE: "Not Guilty."*

*Of the CHARGE: "Not Guilty."*

And the court does, therefore, fully acquit the said Private *James Gallaher*, Company A, Lucas' battalion, P. A. C. S., of all and every part of said charge.

7. Private *Andrew Dayle*, Company B, Charleston battalion, P. A. C. S.

CHARGE.

*Desertion.*

*Specification.....*In this; "That the said Private *Andrew Dayle*, Company B, Charleston battalion, P. A. C. S., did, on or about the 18th day of May, A. D. 1863, absent himself from the camp of his company without the leave of his commanding officer, with intent to desert the service." All this at Charleston, on or about the date above specified.

To which charge and specification the accused pleaded "Not Guilty."

FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the Specification of the CHARGE: "Guilty."*

*Of the CHARGE: "Guilty."*

And the court does, therefore, sentence the said Private *A. Dayle*, Company B, Charleston battalion, "to be placed at hard labor for six months at Fort Sumter, or on any other fortification the general commanding may direct, and to forfeit all pay during that period, the just dues of the laundress excepted."

10. Private *Moses B. Sanders*, Company E, Rutledge cavalry, S. C. V., P. A. C. S.

CHARGE.

*Desertion.*

*Specification.....*In this; "That he, the said *Moses P. Sanders*, a private of Company E, Rutledge cavalry, S. C. V., did absent himself without leave from his company on the night of the 15th of July, 1862, and did remain absent until arrested by Corporal Joseph Newton, boiling salt on the coast of South Carolina." All this on or about the 27th of December, 1862, at Laurel Hill, S. C.

To which charge and specification the accused pleaded "Not Guilty."

FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the Specification of the CHARGE: "Guilty, but attach no criminality thereto, as the accused was absent under an honest but mistaken construction of the law, which appears to have been acquiesced in by his then officers."*

*Of the CHARGE: "Not Guilty."*

And the court does, therefore, acquit the said Private *Moses P. Sanders*, Company E, Rutledge cavalry, of every part of the said charge.

11. Private *Evander Grooms*, Company E, Rutledge cavalry, S. C. V., P. A. C. S.

CHARGE.

*Stealing.*

*Specification 1st.....*In this; "That the said Private *Evander Grooms*, of Company E, Rutledge cavalry, did, on or about the 15th of February, 1863, steal a pair of trowsers from John Brigman, a private of Company E, Rutledge cavalry, and sold the said trowsers to a negro." All this at Laurel Hill, S. C., on or about the 15th of February, 1863.

*Specification 2d.....*In this; "That he, the said Private *Evander Grooms*, of Company E, Rutledge cavalry, S. C. V., did, on or about the 15th of February, 1863, steal a pair of shoes from Private John Fraser, Company E, Rutledge cavalry, and secreted them in his wallet till found by said Fraser." All this at Laurel Hill, Waccamaw neck, S. C., on or about the 15th of February, 1863.

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

FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the 1st Specification of the CHARGE: "Not Guilty."*

*Of the 2d Specification of the CHARGE: "Not Guilty."*

*Of the CHARGE: "Not Guilty."*

And the court does, therefore, acquit the said Private *Evander Grooms*, Company E, Rutledge cavalry, S. C. V., P. A. C. S., of every part of the said charge.

12. Private *William Harrington*, Company F, Charleston battalion, S. C. V., P. A. C. S.

CHARGE.

*Desertion.*

*Specification.....*In this: "That he, the said *William Harrington*, a private of Captain Lord's company, F, Charleston battalion, P. A. C. S., did leave the camp of his company without leave on Sunday, 17th May, 1863, and was arrested on Monday, 18th May, 1863, at the new bridge, on his way to James island, where he intended re-enlisting as a substitute in some other company." All this at Charleston, S. C., on or about Monday, 18th May, 1863.

To which charge and specification the accused pleaded "Not Guilty."

FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the Specification of the CHARGE: "Guilty."*

*Of the CHARGE: "Guilty."*

And the court does, therefore, sentence the said Private *William Harrington*, Company F, Charleston battalion, P. A. C. S., "to be placed at hard labor at Fort Sumter, or on any other fortification the general commanding may direct, for six months, and during that period to forfeit all pay, the just dues of the laundress excepted."

13. Private *Joseph Hines*, Company D, P. B. L. A., P. A. C. S.

## CHARGE.

*Disobedience of orders.*

*Specification*.....In this; "That the said Private *Joseph Hines*, having been sentenced by a battalion court martial as follows, viz: 'Forfeit one month's pay, and do extra duty every alternate day for two weeks,' was detailed to do extra duty as one of the guard on this day (May 23, 1863), and refused to perform said duty." All this at camp Company D, P. B. L. A., Gadsden's green, on the morning of 23d May, 1863.

To which charge and specification the accused pleaded "Not Guilty."

## FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the Specification of the CHARGE:* "Guilty"

*Of the CHARGE:* "Guilty."

And the court does, therefore, sentence the said Private *Joseph Hines*, Company D, P. B. L. A., P. A. C. S., "to be confined for one month, after the expiration of his former sentence, under the charge of the guard at his camp, and to do such police and other duty as his commanding officer may direct during that time."

14. Private *Edward Terry*, Company B, Lucas' battalion artillery, P. A. C. S.

## CHARGE.

*Desertion.*

*Specification*.....In this; "That he, the said Private *Edward Terry*, Company B, Lucas' battalion artillery, P. A. C. S., did, on or about the 22d of April, 1863, leave his company without permission, and remain absent until arrested in Charleston on or about the 29th of April, 1863." All this at Fort Pemberton, on or about the above-mentioned dates."

To which charge and specification the accused pleaded "Not Guilty."

## FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the Specification of the CHARGE:* "Guilty."

*Of the CHARGE:* "Guilty."

And the court does, therefore, sentence the said Private *Edward Terry*, Company B, Lucas' battalion artillery, "to be placed at hard labor at Fort Sumter, or on any other fortification the general commanding may direct, for six months, and during that period to forfeit all pay, the just dues of the laundress excepted."

16. Private *J. P. Weaver*, Company E, 2d regiment artillery, S. C. V., P. A. C. S.

## CHARGE I.

*Sleeping on post.*

*Specification*.....In this; "That he, the said Private *J. P. Weaver*, Company E, 2d regiment artillery, S. C. V., did, on the night of the 6th May, 1863, while on post as a sentinel, go to sleep, and remain asleep until aroused by the corporal of the guard." All this on Morris island.

To which charge and specification the accused pleaded "Not Guilty."

## FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the Specification of the CHARGE:* "Guilty."

*Of the CHARGE:* "Guilty."

And the court does, therefore, sentence the said Private *J. P. Weaver*, Company E, 2d regiment artillery, S. C. V., "to be confined for three months in custody of the guard, at his camp, and to do fatigue duty and such other duty, except guard duty, as the commanding officer of his company may direct."

17. Sergeant *William Restig*, Company F., Charleston battalion, S. C. V., P. A. C. S.

## CHARGE.

*Stealing.*

*Specification*.....In this; "That he, the said *William Restig*, being sergeant of the guard, did, at the guard-tent at or near Market wharf, steal and take away from one John McDavid, a prisoner in charge of the guard, one hundred dollars." This at the said place, on the 30th May, 1863.

To which charge and specification the accused pleaded "Not Guilty."

## FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the Specification of the CHARGE:* "Not Guilty."

*Of the CHARGE:* "Not Guilty."

And the court does, therefore, acquit the said Sergeant *William Restig*, Company F, Charleston battalion, of every part of the said charge.

20. Junior First Lieutenant *L. A. Rice*, Company B, 2d regiment artillery, S. C. V., P. A. C. S.

## CHARGE I.

*Sending and accepting a challenge to fight a duel.*

*Specification 1st*.....In this; "That the said Lieutenant *L. A. Rice*, 2d regiment artillery, S. C. V., did send a communication to Lieutenant *J. A. Bellinger*, of the same company and regiment, on the 24th or 25th day of April, 1863, arranging to meet him, the said Lieutenant *Bellinger*, for the purpose of fighting a duel."

*Specification 2d*.....In this; "That the said Lieutenant *L. A. Rice* did receive and accept, and consent to a communication sent to him by Lieutenant *J. A. Bellinger*, arranging to fight a duel on the 24th or 25th of April, 1863." All this at Secessionville, James island, on the day and dates above specified. To which charge and specifications the accused pleaded "Not Guilty."

## FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the 1st Specification of the CHARGE:* "Not Guilty."

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

*Of the CHARGE:* "Guilty of accepting a challenge to fight a duel."

And the court, although satisfied from the evidence that Lieutenant *L. A. Rice*, acted only, under the circumstances, as all high-minded and honorable men would

feel constrained to do, yet having felt bound under their oaths of office to find him guilty under the 25th Article of War, have no other option than to sentence the said Junior First Lieutenant *L. A. Rice*, Company B, 2d regiment artillery, S. C. V., "to be cashiered."

II.. The proceedings, findings, and sentences of the General Court Martial in the cases of Privates Andrew Dayle, Wm. Harrington, Joseph Hines, and Edward Terry are approved, and the sentences will be duly executed.

In the cases of Privates Edward Burns, Jas. Gallaher, Moses P. Sanders, Evander Grooms, and Sergeant Wm. Restig, the proceedings, findings, and sentences are approved, and they will be returned to duty with their respective companies.

In the case of Corporal J. W. Tart, the sentence is approved; but, in view of the long time he has already been in confinement, he will at once be returned to duty with his company as a private soldier.

The sentence in the case of Private R. J. Browder, although entirely too light for the offence proved, will nevertheless be executed.

In the case of Private J. P. Weaver, the proceedings, findings, and sentence are approved; but, in consequence of his extreme youth, his previous good behavior, and the recommendation of the court, the commanding general is pleased to remit his sentence, and return him to duty with his company.

The findings are approved, and the sentence, in the case of Captain W. E. Charles, Inglis Light Artillery, will be executed, although it is a matter of surprise to the commanding general that the court should have adjudged one so light. Captain Charles was convicted of specifications and a charge which show in him the existence of a spirit of insubordination which unfits him for command. He who can not obey orders will not insure obedience in others; and it is feared that three months suspension will be no cure for such a spirit.

The finding of guilty, and the sentence in the case of First Lieutenant L. A. Rice, 2d S. C. artillery, must be approved, and he will accordingly cease to be an officer of the Confederate States army from the date of the publication of this order at his post.

The commanding general must remind officers that he had in General Orders called on them to postpone or put aside personal quarrels and combats, for the sake of the honor, the independence, and the national existence of a whole people, for which we are fighting against the heaviest odds, and almost unbounded resources. Nor can the commanding general admit or assent to the proposition of the court so improperly prefixed to their sentence, that "all high-minded and honorable men would feel constrained to do as Lieutenant Rice had done." Aside from the fact that the combatants had due notice that private

conflicts were forbidden, and would be noticed, the fight in which Lieutenant Rice engaged was of a character he was not constrained to accept by any rule of the code of honor. Unquestionably, Lieutenant Rice was subjected to great provocations, and loyally sought for some time to avoid the fatal issue, but unfortunately he yielded at the last and critical moment, and, as the survivor, it is necessary for the ends of discipline that he should suffer the penalty of the law.

III.. The General Court Martial of which Lieutenant-Colonel E. B. WHITE is President is hereby dissolved.

IV.. Before a General Court Martial, convened at Sullivan's island, S. C., by virtue of General Orders No. 74, and of which court Lieutenant-Colonel O. M. DANTZLER is President, was arraigned and tried:

I.. Private *Aaron Bates*, Company G., 1st S. C. artillery.

CHARGE.  
*Desertion.*

*Specification*.....In this; "That he, the said Private *Aaron Bates*, Company G., 1st S. C. artillery, did desert the service, and was arrested at the railroad depot, while attempting to use a forged furlough, to which he had applied the names of the captain commanding his company, the colonel commanding his regiment, and the A. A. General first military district South Carolina, Georgia, and Florida." All this at Charleston, on or about the 19th of May, 1863.

To which the accused pleaded as follows: .

*To the Specification of the CHARGE*: "Guilty, except the words 'did desert the service;' as to these words, Not Guilty."

*Of the CHARGE*: "Not Guilty."

#### FINDINGS AND SENTENCE.

The court, after mature deliberation, finds the accused as follows:

*Of the Specification of the CHARGE*: "Guilty, except the words 'did desert the service, and;' as to these words, Not Guilty."

*Of the CHARGE*: "Not Guilty, but guilty of an attempt to absent himself without leave."

And the court does, therefore, sentence the said *Aaron Bates*, private Company G., 1st S. C. artillery, "that he be confined for three months in charge of the guard, with a twenty-four-pound ball attached by a chain two and a half feet long to his left leg, and be required to perform such hard labor as the ball and chain will admit of; and that he forfeit to the Confederate States two months pay."

V.. The proceedings, findings, and sentence of the General Court Martial in the case of Private Aaron Bates, Company G, 1st regiment S. C. artillery, are approved, and the sentence will be duly executed.

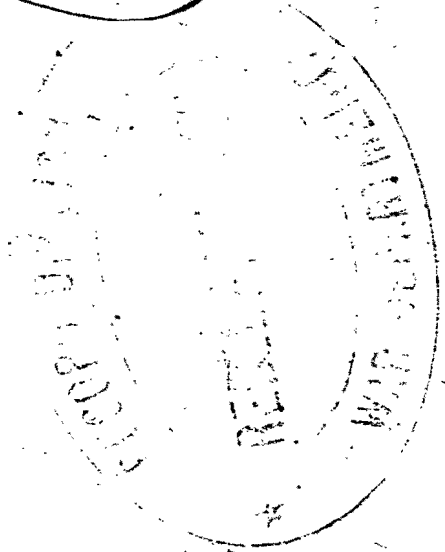
VI.. The General Court Martial of which Lieutenant-Colonel O. M. DANTZLER is President is hereby dissolved.

By command of General BEAUREGARD.

THOMAS JORDAN,  
*Chief of Staff.*

Official:

*Wm M. Dyer*  
A. A. General



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