

GENERAL ORDERS, HEAD-QUARTERS, DEPARTMENT OF S. C. AND GA.

No. 97.

CHARLESTON, S. C., November 13, 1862.

I. Before a General Court Martial, convened at Savannah, Georgia, pursuant to General Orders No. 63, current series, from the Headquarters, Department of South Carolina and Georgia, and of which Court Lieutenant-Colonel A. J. WILLIAMS, 25th Regiment, Georgia Volunteers, is President, were arraigned and tried:

1. Private *John Johnston*, Company "E," 47th Regiment, G. V.

CHARGE I.

"Violation of the 20th Article of War."

*Specification*.....In this; "That the said Private *John Johnston*, a duly enlisted private soldier in Company 'E,' 47th Regiment, G. V., and mustered into the service of the Confederate States, did, on or about the 28th day of June, 1862, desert said service of the Confederate States."

CHARGE II.

"Violation of the 99th Article of War."

*Specification 1st*.....In this; "That when the said Private *John Johnston* was discovered and arrested on or about the 26th of July, 1862, and while on his way to Oglethorpe barracks for confinement, under charge of a sergeant and guard, he did use the following language, viz: 'Damn the Confederate States and the Confederate States service,' and further added: 'Let them kill me if they please, I will never serve them,' to the prejudice of good order and military discipline."

*Specification 2d*.....In this; "That the said Private *John Johnston* did (while on James Island, being then and there a duly enlisted soldier in Company 'E,' 47th Regiment, G. V.) find fault with the amount of rations received, and did use such language as would naturally tend to disaffect the members of the company toward the government, to the prejudice of good order and military discipline."

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

FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Private *John Johnston*, of Company 'E,' 47th Regiment, G. V., as follows:

Of the Specification of 1st CHARGE: "Guilty, with the exception of the word 'desert.'"

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

Of the 1st Specification of 2d CHARGE: "Not Guilty of the specific language"

charged in the specification; but guilty of the language proved, to wit: 'that he (the accused) would not serve the damned Confederacy as a foot soldier.'

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

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

And the Court do, therefore, sentence the said Private *John Johnston*, of Company "E," 47th Regiment, G. V., "to wear a ball weighing thirty-two pounds, attached by a chain four feet long to the left leg, for a period of fourteen days. This punishment to be followed by hard labor at the camp of his company, under charge of the guard, for a period of one month; and further, to a forfeiture of all pay and allowances, just dues of the laundress only excepted, for a period of one month."

2.. Private *J. J. Blanchard*, Terrell Artillery.

CHARGE.

"Violation of the 9th Article of War."

*Specification*.....In this; "That the said Private *J. J. Blanchard*, of the Terrell Artillery, P. A. C. S., when ordered by senior First Lieutenant *John W. Brooks*, commanding Terrell Artillery, to perform certain extra duty as a punishment, the said senior First Lieutenant *John W. Brooks* being then and there his superior officer, and in the execution of his office, did openly and positively refuse to obey the order of his said superior officer, then and there adding, in the presence of his said superior officer, that he would not obey the order, that he would not perform the extra duty he was then and there ordered to perform, and would stand a court martial, or words to that effect." All this at Camp Jackson, near Savannah, Ga., on or about the twenty-second day of August, A. D., 1862.

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

FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Private *J. J. Blanchard*, of the Terrell Artillery, P. A. C. S., as follows:

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

*Of the CHARGE: "Guilty."*

And the Court do, therefore, sentence the said *J. J. Blanchard*, private of the Terrell Artillery, P. A. C. S., "to perform the duty required by his commanding officer, to wit: to mark time on a barrel for one hour, at alternate intervals of ten minutes, and to dig up two stumps within the lines of his encampment. Further, to march in front of the guard-tent in the camp of his company three hours each day—one hour and a half in the morning, and one hour and a half in the afternoon of each day for a period of fourteen days, bearing on his back a bag of sand weighing thirty pounds—in the intervals between these hours to be closely confined in the guard-tent, under charge of the guard. And further, after the expiration of the aforesaid, to perform hard labor six hours each day, digging up stumps within the lines of his encampment for a period of six days."

3.. Second Lieutenant *Christian Kuhlman*, Company "C," 56th Regiment, G. V.

CHARGE.

"Violation of the 42d Article of War."

*Specification*.....In that: "The said *Christian Kuhlman*, Second Lieutenant of Company 'C,' 56th Regiment, G. V., P. A. C. S., did lie out of his quarters and camp from on or about Thursday, four o'clock, P. M., the 24th day of July, 1862, until on or about Saturday, the 26th day of July, 1862, without leave from his superior officer."

To which charge and specification the accused pleaded as follows: "I am guilty of absence without leave from Thursday, ten o'clock, P. M., the 24th July last, until ten o'clock, P. M., Friday night, the 25th of July last, and of lying out of my quarters and camp for that period, without leave from my superior officer."

FINDINGS AND SENTENCE.

The Court, after mature deliberation, and due consideration and allowance of the plea of the accused, Second Lieutenant *Christian Kuhlman*, Company "C," 56th Regiment, G. V., find him as follows:

*Of the Specification of the CHARGE: "Guilty of so much of the same as alleges that the accused did lie out of his camp and quarters from ten o'clock, P. M., the 24th July, 1862, until ten o'clock, P. M., the 25th July, 1862, without leave from his superior officer."*

*Of the CHARGE: "Guilty."*

And the Court do, therefore, sentence the said Second Lieutenant *Christian Kuhlman*, Company "C," 56th Regiment, G. V., P. A. C. S., "to a suspension from rank and command for a period of two weeks; also to a forfeiture of pay for the same period of time, and during that time to be confined to the limits of the encampment of his regiment."

4.. Private *George Ireland*, Company "E," 4th Battalion, Louisiana Volunteers.

CHARGE.

"Violation of the 99th Article of War."

*Specification*.....In this; "That he the said Private *George Ireland*, of Company "E," 4th Battalion, Louisiana Volunteers, P. A. C. S., did, on or about the sixth day of September, 1862, go to the quarters of Company "A," 4th Battalion, Louisiana Volunteers, and did then and there make an assault with a deadly weapon, to wit: a grape shot enclosed in a sling, usually termed a sling shot, upon Private *Patrick White*, of said Company "A," 4th Battalion, Louisiana Volunteers, and did strike said *White* upon the head with the said deadly weapon, with intent to kill or wound him, the said Private *Patrick White*." All this at Camp Van Dorn, near Savannah, Ga.

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

FINDINGS AND SENTENCE.

The Court, after mature deliberation on the testimony elicited from the accused, Private *George Ireland*, of Company "E," 4th Battalion, Louisiana Volunteers, P. A. C. S., as follows:

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

*Of the CHARGE: "Guilty."*

And the Court do, therefore, sentence the said Private *George Ireland*, of Company "E," 4th Battalion, Louisiana Volunteers, P. A. C. S., "to a forfeiture of two months pay; also to mark time on a barrel-head for one hour each day for six consecutive days, also to carry upon his back a bag of sand weighing forty pounds, and to be thus marched for one hour each day for six days in front of his company tents; and after the fulfillment of the foregoing, to be confined at hard labor, under the charge of the guard, in the camp of his company, for a period of one month."

5. Private *John Nunnery*, of Company "A," 4th Battalion, Louisiana Volunteers.

## CHARGE.

"Violation of the 46th Article of War."

*Specification*.....In this; "That he, the said *John Nunnery*, private in Company "A," 4th Battalion, Louisiana Volunteers, did, on or about the 22d day of July, 1862, while on duty as a sentinel, and having been regularly posted as such at the guard-house, for the purpose of guarding prisoners within the lines of camp Van Dorn, quit his piece, laying the same on the ground, and was then and there found lying down and sleeping on his post."

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

## FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Private *John Nunnery*, Company "A," 4th Battalion, Louisiana Volunteers, as follows:

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

*Of the Charge*: "Guilty."

And the Court do, therefore, sentence the said Private *John Nunnery*, Co. "A," 4th Battalion, Louisiana Volunteers, "to confinement within the lines of the encampment of the battalion for a period of one month, and further, to a forfeiture of two weeks pay." The Court is thus lenient in its sentence in consideration of the fact, as disclosed in the testimony elicited, of the lax state of discipline in the battalion, in the matter of guard duty; in further consideration of the ill health of the accused, and his already protracted confinement, and in further consideration of the conflict of testimony as to whether explicit instructions had been given to the accused as to the performance of his duties when on post as a sentinel.

6. Private *W. A. Hazleton*, Company "F," 4th Battalion, Louisiana Volunteers.

## CHARGE.

"Violation of the 20th Article of War."

*Specification*.....In this; "That the said Private *W. A. Hazleton*, a duly enlisted private soldier in Company "F," 4th Battalion, Louisiana Volunteers, P. A. C. S., did desert the service of the Confederate States at Camp Van Dorn, near Savannah, Georgia, on or about the 18th day of August, 1862, and remained absent until arrested on or about the 22d August."

To which charge and specification the accused pleaded as follows: "I am guilty

of absence without leave for the period in the specification named. I am not guilty of desertion."

## FINDINGS AND SENTENCE.

The Court having maturely considered the evidence adduced, and the plea of the accused, find the accused, Private *W. A. Hazleton*, of Company "F," 4th Battalion, Louisiana Volunteers, as follows:

*Of the Specification of the Charge*: "Guilty of the Specification, except the words 'did desert the service of the Confederate States.'"

*Of the Charge*: "Not Guilty of desertion, but guilty of absence without leave."

And the Court do, therefore, sentence the said Private *W. A. Hazleton*, of Company "F," 4th Battalion, Louisiana Volunteers, P. A. C. S., "to solitary confinement on bread and water, for a period of fourteen days; at the expiration of this time to perform the police duty of the camp of his company, under charge of a corporal of the guard, each day for a period of fourteen days."

7. Private *Ben Hill*, Company "C," 4th Battalion, Louisiana Volunteers, P. A. C. S.

## CHARGE.

"Violation of the 21st Article of War."

*Specification*.....In this; "That the said Private *Ben Hill*, a duly enlisted private soldier in Company "C," 4th Battalion, Louisiana Volunteers, P. A. C. S., did, on or about the night of the thirteenth day of August, 1862, absent himself, without leave of his commanding officer, from his camp and company, and remained absent until arrested on the day following."

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

## FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Private *Ben Hill*, Company "C," 4th Battalion, Louisiana Volunteers, as follows:

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

*Of the Charge*: "Guilty."

And the Court do, therefore, sentence the said Private *Ben Hill*, Company "C," 4th Battalion, Louisiana Volunteers, "to solitary confinement on bread and water for a period of fourteen days; at the expiration of this time to perform the police duty of the camp of his company, under charge of a corporal of the guard, each day for a period of fourteen days."

8. Private *Daniel Armstrong*, of Company "A," 4th Battalion, Louisiana Volunteers.

## CHARGE.

"Violation of the 9th Article of War."

*Specification*.....In this; "That the said Private *Daniel Armstrong*, a duly enlisted private soldier of Company "A," 4th Battalion, Louisiana Volunteers, P. A. C. S., did, on or about the morning of the 20th day of August, 1862, neglect and refuse to go on guard, after having been regularly detailed for that purpose, then and there disobeying the lawful command of his superior officer."

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

## FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Private *Daniel Armstrong*, of Company "A," 4th Battalion, Louisiana Volunteers, as follows:

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

*Of the CHARGE: "Guilty."*

And the Court do, therefore, sentence the said Private *Daniel Armstrong*, of Company "A," 4th Battalion, Louisiana Volunteers, "to wear a thirty-two pound ball, attached by a chain four feet long to the left leg, for two terms of fourteen days each, with an interval of fourteen days—during that interval to be kept in solitary confinement, under charge of the guard." After undergoing the aforesaid, further to perform the police duty of the camp of his company, under charge of the guard, each day for a period of one month."

9..Private *Laurence Sullivan*, of the City Light Guard, 1st Regiment, G. V., P. A. C. S.

## CHARGE.

"Violation of the 20th Article of War."

*Specification.....*In this: "That he, the said Private *Laurence Sullivan*, a duly enlisted private soldier in the City Light Guard, 1st Regiment, G. V., P. A. C. S., did, on or about the 16th day of August, 1862, at Causton's Bluff battery, where his company was then stationed, desert the said service of the Confederate States." All this at Causton's Bluff battery, near Savannah, Georgia, on or about the 16th day of August, 1862.

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

## FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Private *Laurence Sullivan*, of the City Light Guard, 1st Regiment, G. V., as follows:

*Of the Specification of the CHARGE: "Guilty of the Specification, except the words 'desert the service of the Confederate States.'"*

*Of the CHARGE: "Guilty, not of desertion, but guilty of absence without leave."*

And the Court do, therefore, sentence the said Private *Laurence Sullivan*, of the City Light Guard, 1st Regiment, G. V., "to one month's hard labor at the camp of his company, under charge of the guard." The Court is thus lenient in its sentence in consequence of the fact that the accused appeared to have acted in ignorance of the operation of the Conscript act, as affecting his status, at the expiration of his original term of enlistment. And in further consideration of the fact, as disclosed by the testimony in this case, that there was no effort on the part of the officers of the company to instruct the members as to the practical operation of the Conscript act, and the accompanying instructions of the Secretary of War as to the obligations of twelve months volunteers, and their powers under said act and instructions to leave their companies and select others upon the expiration of their original terms of enlistment.

10..Private *Barnard Rooney*, of Company "A," 25th Regiment, G. V.

## CHARGE I.

"Violation of the 6th Article of War."

*Specification.....*"For that he, the said *Barnard Rooney*, a private soldier regularly enlisted in Company 'A,' 25th Georgia Regiment, and mustered into the service of the Confederate States, did, on or about the thirteenth day of September, 1862, at or near Causton's bluff, where his company is now stationed, behave himself with contempt and disrespect toward his commanding officer, Captain W. H. Wylly, calling him a 'son of a bitch' repeatedly, and using other insulting and abusive epithets, such as 'you robber,' 'you damned loafer.'"

## CHARGE II.

"Violation of the 9th Article of War."

*Specification.....*"For that he, the said Private *Barnard Rooney*, a duly enlisted private soldier in Company 'A,' 25th Georgia Regiment, and mustered into the service of the Confederate States, did, on or about the morning of the 13th September, 1862, at or near Causton's bluff, where his company is now stationed, strike and kick his commanding officer, Captain W. H. Wylly, he, the said Captain Wylly, then and there his superior officer, being then and there in the execution of his office."

## CHARGE III.

"Violation of the 99th Article of War."

*Specification.....*"For that he, the said Private *Barnard Rooney*, a duly enlisted private soldier in Company 'A,' 25th Georgia Regiment, and mustered into the service of the Confederate States, did, on or about the 13th day of September, 1862, at or near Causton's bluff, where his company and regiment were then stationed, behave himself in a manner prejudicial to good order and military discipline—in that he, the said *Barnard Rooney*, did use abusive and insulting language to Captain W. H. Wylly, Company 'A,' 25th Georgia Regiment, he, the said Captain Wylly, being there and then the regimental officer of the day, and the said *Barnard Rooney* a prisoner in the regimental guard-tent, in the presence of the guard and various members of the regiment."

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

## FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Private *Barnard Rooney*, of Company "A," 25th Regiment, G. V., P. A. C. S., as follows:

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

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

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

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

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

*Of the 3d CHARGE: "Guilty."*

And the Court do, therefore, sentence the said *Barnard Rooney*, of Company "A," 25th Regiment, G. V., P. A. C. S., "to wear a ball, weighing thirty-two

pounds, attached by a chain four feet long to his neck, for a period of eight months; during that period to perform hard labor, under charge of the guard, at the encampment of his company; and further, during said period to forfeit all pay and allowances, the just dues of the laundress excepted."

11. Private *Henry H. Hutchinson*, of Company "G," 32d Regiment, G. V.

## CHARGE.

"Violation of the 20th Article of War."

*Specification*.....In this; "That he, the said Private *Henry H. Hutchinson*, a duly enlisted private soldier of Company 'G,' 32d Regiment, G. V., P. A. C. S., mustered into the service of the Confederate States, without the permission of his commanding officer, did leave the camp of said regiment on or about the 21st day of September, 1862, and did not return until arrested and brought back, under charge of a guard, on or about the 30th day of September, 1862." All this at camp, at Battery Harrison, on or about the 21st day of September, 1862."

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

## FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Private *Henry H. Hutchinson*, of Company "G," 32d Regiment, G. V., as follows:

Of the Specification of the CHARGE: "Guilty."

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

And the Court do, therefore, sentence the said Private *Henry H. Hutchinson*, of Company "G," 32d Regiment, G. V., P. A. C. S., "to hard labor, under the charge of the guard, at the camp of his company, for five hours each day for a period of twenty days."

12. Private *Andrew E. Hutchinson*, of Company "G," 32d Regiment, G. V.

## CHARGE.

"Violation of the 20th Article of War."

*Specification*.....In this; "That he, the said Private *Andrew E. Hutchinson*, a duly enlisted private soldier of Company 'G,' 32d Regiment, G. V., P. A. C. S., mustered into the service of the Confederate States, without the permission of his commanding officer, did leave the camp of said regiment on or about the 21st day of September, 1862, and did not return until arrested and brought back, under charge of a guard, on or about the 30th day of September, 1862." All this at camp, at Battery Harrison, on or about the 21st day of September, 1862."

To which charge and specification the accused pleaded as follows: "I am not guilty of desertion; I am guilty of absence without leave, under the facts of the specification."

## FINDINGS AND SENTENCE.

The Court, after having maturely considered the plea of the accused, find the

accused, Private *Andrew E. Hutchinson*, of Company "G," 32d Regiment, G. V., as follows:

Of the Specification of the CHARGE: "Guilty."

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

And the Court do, therefore, sentence the said Private *Andrew E. Hutchinson*, of Company "G," 32d Regiment, G. V., "to hard labor, under the charge of the guard, at the camp of his company, for five hours each day for a period of twenty days."

13. *Martin Holland*, an enrolled conscript.

## CHARGE I.

"Violation of the 20th Article of War."

*Specification*.....In this; "That he, the said *Martin Holland*, a conscript and private soldier, duly enlisted, enrolled, and mustered into the service of the Confederate States, under and by virtue of the operation of the Conscription Act of the Confederate Congress; did, on or about the 18th day of September, 1862, leave the employment of the Confederate States without authority, and in direct violation of the orders of Captain F. C. Humphreys, commanding Ordnance Depot at Columbus, Ga., after consulting him as to his liability as a conscript, then and there deserting the service of the Confederate States."

## CHARGE II.

"Violation of the 8th Article of War."

*Specification*.....In this; "That he, the said *Martin Holland*, a conscript and private soldier, duly enlisted, enrolled, and mustered into the service of the Confederate States, under and by virtue of the operation of the Conscription Act of the Confederate Congress, did, on or about the evening of the 20th day of September, 1862, while under arrest and in custody of the Sheriff, enter the office of the said Captain Humphreys, and use toward him highly insulting and mutinous language; then and there behaving himself with contempt and disrespect toward his commanding officer, and then and there cursing him, the said Captain Humphreys, 'a damned son of a bitch,' or words to that effect."

## CHARGE III.

"Violation of the 8th Article of War."

*Specification*....."Upon the happening of the foregoing, as set forth in the specification to the second charge, upon being ordered to leave the presence of the said Captain Humphreys; and being followed up to enforce the order, the said *Martin Holland*, a conscript as aforesaid, did put his hand into his breast pocket as if to draw a weapon, and upon being laid hold of by said Captain Humphreys, did strike him; the said Captain Humphreys, then and there his superior officer, knocking him down and severely injuring him." All this at Columbus, Ga., on or about the 20th day of September, 1862.

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

## FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, *Martin Holland*, an enrolled conscript, as follows:

*Of the Specification of 1st CHARGE:* "Guilty, except the words 'duly enlisted.'"

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

*Of the Specification of 2d CHARGE:* "Guilty, except the words 'duly enlisted.'"

*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 *Martin Holland*, an enrolled conscript, "to hard labor for a period of twelve months; further, to a forfeiture of all pay and allowances during that period—clothing and the just dues of the laundress excepted; further, to alternate periods of solitary confinement of fourteen days each, for a period of two months—during the intervals to wear a thirty-two pound ball, attached by a chain four feet long, to the ankle of his left leg; and further, to receive twenty-five lashes, at three different times, at intervals of two weeks between each infliction of twenty-five lashes, said punishment to be inflicted upon his bare back with a strap of thick leather two inches in width." The Court is thus lenient in its sentence, because it is apparent that the accused was not aware of the fact that he was a *soldier* in the Confederate army, and subject to the Rules and Articles of War, he having never been "mustered in" in the usual way of receiving men, or companies of men into the army service, but deeming himself only a *mechanic* in the service of the Confederate government.

14. . Captain *Joseph C. Bryan*, of Company "G," 25th Regiment, G. V., P. A. C. S.

## CHARGE I.

"Violation of the 9th Article of War."

*Specification.....* "In that the said Captain *Joseph C. Bryan*, of Company 'G,' 25th Regiment, G. V., P. A. C. S., on or about the 15th day of September, 1862, at or near Causton's bluff, where his company and regiment were then stationed, did receive an order from Colonel C. C. Wilson, then and there his commanding officer, to proceed to Springfield, to the Convalescent camp, and bring to the post of his company such men of the said company as were able to return to duty, and to return himself within twenty-four hours from the time of receiving the said order. Yet, notwithstanding this order, the said Captain *Joseph C. Bryan* did not return at the expiration of said time, and did not return from Springfield, Ga., as directed and ordered by his commanding officer, but went to Scriven county, Ga. where he remained, in violation of said orders and without leave, until on or about the 7th day of October, A. D., 1862, at which time, and not before, he reported himself to his commanding officer, the said *Claudius C. Wilson*, Colonel, as aforesaid."

## CHARGE II.

"Violation of the 9th Article of War."

*Specification 1st.....* "In that the said Captain *J. C. Bryan*, of Company 'G,' 25th Regiment, G. V., P. A. C. S., at Cedar Hill battery, near Savannah, Ga., where

his company was then stationed on detached service, on or about the 5th day of August, 1862, having obtained a leave of absence for a period of six days, and having accordingly left the camp of his said company pursuant thereto, did not return to his said camp and company at the expiration of said leave of absence, but remained absent, without leave, from his said camp and company until on or about the tenth day of September, 1862, in disregard of his own duty and the interest of his command, and to the prejudice of good order and military discipline—only returning to his camp and company after receiving a positive order so to do, from Colonel C. C. Wilson, commanding."

*Specification 2d.....* "In that the said Captain *J. C. Bryan*, of Company 'G,' 25th Regiment, G. V., P. A. C. S., at or near Causton's bluff, on or about the 15th day of September, 1862, having been ordered to the Convalescent camp, at Springfield, on business, and having received a leave of absence for that purpose for a period of twenty-four hours, did proceed to Scriven county, where he remained without leave until on or about the 7th day of October 1862, when he returned to camp in obedience to a positive order to report himself at camp."

*Specification 3d.....* In this; "That Captain *J. C. Bryan*, of Company 'G,' 25th Regiment, G. V., P. A. C. S., by continually absenting himself from his company, as alleged in the foregoing specifications, by persistent neglect of the discipline and the economy of his command, and by allowing his men to remain absent without leave, without any effort on his part to compel their return to duty—himself setting them an example of disobedience and neglect—has permitted his company during the past three months to fall into a state of discipline disgraceful to the service." All this to the prejudice of good order and military discipline.

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

## FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Captain *Joseph C. Bryan*, of Company "G," 25th Regiment, G. V., as follows:

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

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

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

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

*Of the 3d Specification of 2d CHARGE:* "Guilty."

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

And the Court do, therefore, sentence the said accused, Captain *J. C. Bryan*, of Company "G," 25th Regiment, G. V., P. A. C. S., "to be cashiered."

15. . Private *Spencer Carlton*, of the Joe Thompson Artillery, P. A. C. S.

## CHARGE I.

"Violation of the 6th Article of War."

*Specification.....* In this; "That he, the said Private *Spencer Carlton*, a duly enlisted private of the Joe Thompson Artillery, P. A. C. S., on or about the evening of the 12th day of October, 1862, in reply to an inquiry addressed to him by his captain relative to his disorderly conduct, did then and there use the fol-

lowing contemptuous and disrespectful language toward his commanding officer, to wit: "I want to go home; my furlough has been signed, and you must let me go; but, by God! I intend to go to-night, if I have to wade up to my neck in mud, blood, or shit!" or words to that effect."

## CHARGE II.

"Violation of the 9th Article of War."

*Specification.....* In this; "That he, the said Private *Spencer Carlton*, a duly enlisted private soldier of the Joe Thompson Artillery, P. A. C. S., on or about the evening of the 12th day of October, 1862, when ordered by Captain C. R. Hanleiter, then and there his superior officer, to be arrested for the utterance of the expressions set forth in the preceding Specification, did seize a billet of wood, and afterward a knife, and brandishing the same in direct disobedience of said lawful command of his said superior officer, did swear by God and Jesus Christ that he would not be taken; and after he was arrested, he, the said Private *Spencer Carlton*, did further resist and disobey the orders of his said superior officer by striking in the face Corporal A. M. Holmes, who had hold of him, and Private S. H. Shaw, who was assisting the said Corporal Holmes in securing him, the said Private *Spencer Carlton*, in obedience to the command of his superior officer, the said Captain C. R. Hanleiter." All this at Beaulieu, in Chatham county, State of Georgia, on or about the time above specified.

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

## FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Private *Spencer Carlton*, of the Joe Thompson Artillery, P. A. C. S., as follows:

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

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

*Of the Specification of 2d Charge:* "Guilty, except so much thereof as alleges that the accused 'afterward seized a knife and brandished the same.'"

*Of the 2d Charge:* "Guilty."

And the Court do, therefore, sentence the said Private *Spencer Carlton*, of the Joe Thompson Artillery, P. A. C. S., "to wear a ball weighing thirty-two pounds, attached by a chain four feet long to the left leg, for a period of six months. During the same period to perform hard labor at the camp of his company, under charge of the guard. And further, during the same period to forfeit all pay and allowances — clothing and the just dues of the landress only excepted." The Court is thus lenient in its sentence in consideration of the previous good character of the accused, as disclosed by the testimony elicited upon the trial of this cause.

16. Private *Henry Reynolds*, of Captain Russell's company, Major White's Battalion Partisans, P. A. C. S.

## CHARGE I.

"Violation of the 20th Article of War."

*Specification.....* In this; "That the said Private *Henry Reynolds*, a duly enlisted private soldier of Captain Russell's company, Major White's Battalion Par-

tisans, mustered into the service of the Confederate States, did, on or about the 25th day of August, 1862, desert the camp of his company near Savannah, Ga., and the service aforesaid, and remain absent therefrom until on or about the evening of the 19th day of September, 1862, when he was lodged in Oglethorpe barracks, at Savannah, having been arrested in Augusta, Ga., on or about the 10th of September, 1862."

## CHARGE II.

"Violation of the 99th Article of War."

*Specification.....* In this; "That the said *Henry Reynolds*, private of Captain Russell's company, Major White's Battalion Partisans, P. A. C. S., did, on or about the 25th day of August, 1862, receive from John Winter, of Burke county, Ga., the sum of one thousand dollars to enter the service of the Confederate States as his substitute, and after having received said sum, and having been duly enlisted and mustered as said substitute, the said Private *Henry Reynolds* did desert the camp of his company, near Savannah, Ga., and service aforesaid, and did remain absent until brought to Savannah under arrest by Captain Russell, on or about the evening of the 19th of September, 1862."

To which the accused, Private *Henry Reynolds*, of Company "A," 21st Georgia Battalion Partisan Rangers (Major White's battalion), P. A. C. S., pleaded as follows: "I am guilty of absence without leave, but not of desertion, under the Specification."

## FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Private *Henry Reynolds*, of the 21st Georgia Battalion Partisan Rangers (Major White's battalion), P. A. C. S., as follows:

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

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

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

*Of the 2d Charge:* "Guilty."

And the Court do, therefore, sentence the said Private *Henry Reynolds*, of Company "A," 21st Georgia Battalion Partisan Rangers (Major White's battalion), P. A. C. S.—two-thirds of the members of the Court voting for said sentence—"to be shot to death with musketry, at such time and place as the commanding General may direct."

17. Captain *W. J. Powell*, of Company "A," 4th Battalion, Louisiana Volunteers, P. A. C. S.

## CHARGE.

"Violation of the 99th Article of War."

*Specification.....* In this; "That he, the said Captain *W. J. Powell*, of Company 'A,' 4th Battalion, Louisiana Volunteers, P. A. C. S., at that time in charge of Battery Walker, was, on or about the night of the 28th day of Septem-

ber, 1862, found drunk in the City of Savannah, to the prejudice of good order and military discipline."  
To which charge and specification the accused pleaded "Not Guilty."

FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Captain *W. J. Powell*, of Company "A," 4th Battalion, Louisiana Volunteers, as follows:

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

*Of the CHARGE:* "Not Guilty."

And the Court do, therefore, acquit the said Captain *W. J. Powell*, of Company "A," Fourth Battalion, Louisiana Volunteers, P. A. C. S.

19.. *James F. Burch*, Hospital Steward.

CHARGE I.

"Violation of the 99th Article of War."

*Specification.....*In this; "That he, the said Hospital Steward *J. F. Burch*, a duly enlisted private soldier of Company 'G,' 2d Regiment, G. V., P. A. C. S., mustered into the service of the Confederate States, having been ordered to report for duty to Assistant Surgeon *W. H. Prioleau*, Medical Purveyor, Confederate States army, and by the said Assistant Surgeon *W. H. Prioleau*, ordered to report at Macon, Ga., to Mr. *James Stewart*, agent of the said Assistant Surgeon *W. H. Prioleau*, upon being ordered by the said agent, *James Stewart*, to perform certain duties in the Purveying Depot of the Confederate States, at Macon, Geo., under charge of the said Assistant Surgeon, and his said agent, *Stewart*, did make use of the following language: 'Assistant Surgeon *Prioleau* nor any one else can, or shall employ me elsewhere than at the laboratory,' or words to that effect." All this at Macon, Ga., on or about the 24th day of October, 1862.

CHARGE II.

"Violation of the 9th Article of War."

*Specification 1st.....*In this; "That he, the said Hospital Steward *J. F. Burch*, a duly enlisted private soldier of Company 'G,' 2d Regiment, G. V., P. A. C. S., mustered into the service of the Confederate States, having been ordered to report for duty to Assistant Surgeon *W. H. Prioleau*, Medical Purveyor, Confederate States army, and by the said Assistant Surgeon *W. H. Prioleau*, ordered to report at Macon, Ga., to Mr. *James Stewart*, agent of the said Assistant Surgeon *W. H. Prioleau*, upon being ordered by the said agent, *James Stewart*, to perform certain duties in the Purveying Depot of the Confederate States, at Macon, Ga., under charge of the said Assistant Surgeon *Prioleau*, and his said agent, *Stewart*, did refuse to perform said duties, saying that he had made up his mind to work no more in the depot, or words to that effect." All this at Macon, Ga., on or about the 24th day of October, 1862.

*Specification 2d.....*In this; "That he, the said Hospital Steward *J. F. Burch*, duly

enlisted and mustered as aforesaid, did address a letter to Assistant Surgeon *W. H. Prioleau*, Medical Purveyor Confederate States army, using the following language, viz: 'Sir, I have the honor to report that to-day I have refused to do further duty under Mr. *Stewart*, until the special department for which the Surgeon-General had me detached is ready. I am ready and willing to submit to your orders; but if I am again put under his immediate supervision, except in the department of preparing indigenous plants, for which I was detached, I will report myself to the Secretary of War to be returned to my regiment.'" All this at Macon, Ga., on or about the 24th day of October, 1862.

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

FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Hospital Steward *J. F. Burch*, as follows:

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

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

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

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

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

And the Court, do therefore, acquit the said Hospital Steward *J. F. Burch*.

20.. Private *E. Flesch*, of Company "E," 29th Regiment, G. V.

CHARGE.

"Violation of the 9th Article of War."

*Specification.....*In this; "That he, the said Private *E. Flesch*, a duly enlisted private soldier of Company 'E,' 29th Regiment, G. V., P. A. C. S., mustered into the service of the Confederate States, when ordered by Captain *W. W. Spencer*, then and there his superior officer, to repair with the rest of his company to the parade ground, did then and there refuse to obey the lawful command of his superior officer." All this at camp, near Savannah, on or about the 21st day of October, 1862.

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

FINDINGS AND SENTENCE.

The Court, after mature deliberation on the evidence adduced, find the accused, Private *E. Flesch*, of Company "E," 29th Regiment, G. V., P. A. C. S., as follows:

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

*Of the CHARGE:* "Guilty."

And the Court do, therefore, sentence the said Private *E. Flesch*, of Company "E," 29th Regiment, G. V., P. A. C. S., "to solitary confinement at the camp of his company, under charge of the guard, for a period of ten days." The Court is thus lenient in its sentence, in consideration of the physical inability of the accused to execute the order of his commanding officer, as disclosed by the testimony in this case.



II.—The proceedings, findings, and sentences of the General Court Martial in the cases of Privates John Johnston, Company "E," 47th Regiment, G. V.; W. A. Hazleton, Company "F," 4th Battalion, Louisiana Volunteers; Ben Hill, Company "C," 4th Battalion, Louisiana Volunteers; Daniel Armstrong, Company "A," 4th Battalion, Louisiana Volunteers; Laurence Sullivan, City Light Guard, 1st Regiment, G. V.; Barnard Rooney, Company "A," 25th Regiment, G. V.; Henry H. Hutchinson, Company "G," 32d Regiment, G. V.; Andrew E. Hutchinson, Company "G," 32d Regiment, G. V.; Spencer Carlton, of Joe Thompson Artillery; E. Flesch, Company "E," 29th Regiment, G. V., are approved, and the sentences will be duly executed.

The proceedings, findings, and sentences in the cases of Captain W. J. Powell, Company "A," 4th Battalion, Louisiana Volunteers, and Hospital Steward Jas. F. Bureh, are approved, and they will be released from arrest and restored to duty.

The proceedings, findings, and sentences in the case of Captain J. C. Bryan are approved, and he will cease to be an officer of the Confederate States army from the promulgation of this order.

In the case of Private Henry Reynolds, of Company "A," 21st Georgia Battalion, Partisan Rangers, the proceedings, findings, and sentence are approved, and the District commander is charged with the execution of the sentence, at such place as he may direct, any time after the lapse of a week from the promulgation of this order.

In the case of Second Lieutenant Christian Kuhlman, 56th Regiment, G. V., the sentence will be carried out, although it is altogether inadequate to the offence.

In the cases of Privates J. J. Blanchard, of Terrell Artillery, and George Ireland, of Company "E," 4th Battalion, Louisiana Volunteers, the sentences are approved, and will be carried out, except so much as imposes upon them severally to mark time on a barrel-head for one hour each for a prescribed period. The commanding General cannot sanction this species of punishment in these serious times. Soldiers cannot, with any benefit to the service, be treated as school-boys, and only such punishments should be resorted to as are approved by wise military customs and the Articles of War.

In the case of Private John Nunnery, of Company "A," 4th Battalion, Louisiana Volunteers, the sentence will be executed, though far short of that contemplated by the 46th Article of War; the offence of the prisoner was unquestionable and flagrant.

In the case of Martin Holland, an enrolled conscript, the sentence will be executed, with the exception of the clause referring to corporal punishment. The commanding General is averse to inflicting the lash on any soldier of our army.

It is observed that all the charges before this court martial set up a violation of some particular, specified Article of War. This is an error: the Articles of War merely provide a measure of, or authority for punishment in certain particular cases. Every offence charged must be of such character as to be punishable under some Article of War; but that offence must be stated in the charge generally, while in the specification there must be distinct allegation of time and place of the particular act done, or duty omitted, which, if established by evidence, shall constitute a crime under the charge: as for example, in connection with the 46th Article of War—the charge should generally set up "sleeping on post," and the specification must allege the particular act of sleeping on post, with details as to time and place.

The records and proceedings in the several cases just reviewed are very creditable to the Judge Advocate of the court.

By command of General BEAUREGARD.

THOMAS JORDAN,  
Chief of Staff, and A. A. G.

Official.