

GENERAL ORDERS, }
No. 133. }

135
WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, May 16, 1863.

I. Before a General Court Martial, which convened at Detroit, Michigan, November 28, 1862, pursuant to Special Orders No. 127, dated Headquarters Department of the Ohio, Cincinnati, Ohio, November 21, 1862, and of which Colonel JOSEPH T. COPELAND, 5th Michigan Cavalry, is President, was arraigned and tried—

Private *John Sullivan*, Company "B," 27th Michigan Volunteers.

CHARGE.—"Drawing or lifting a weapon upon and disobeying the lawful commands of his superior officer, being in the execution of his office."

Specification 1st—"In this; that on the ninth day of November, in the year eighteen hundred and sixty-two, at the camp of the 27th Regiment of Michigan Volunteer Infantry, near the city of Port Huron, in the county of Saint Clair, State of Michigan, and known as Camp Huron; the said *John Sullivan*, then and there a private in Captain Samuel Moody's Company 'B,' in said regiment, did lift up a musket, loaded with gunpowder and a leaden bullet, against his superior officer, First Lieutenant James H. Slawson, of said Company 'B,' of said regiment, and with the said musket did shoot at the said Lieutenant Slawson, and with the said bullet did hit the said Lieutenant Slawson in his left leg—he, the said Lieutenant Slawson, being then and there in the execution of his office."

Specification 2d—"That the said Private *John Sullivan*, of said Company 'B,' of said Twenty-seventh Regiment of Michigan Volunteer Infantry, at the time and place aforesaid, did have in his hands a musket, loaded with gunpowder and a leaden ball, and did, in an angry and insubordinate tone, threaten to shoot the said First Lieutenant James H. Slawson, if he came near him, the said *Sullivan*; and that the said Lieutenant Slawson, being his superior officer, did, then and there, command the said Private *John Sullivan* to lay down and give up the said mus-

ket, which the said Private *John Sullivan* absolutely and profanely refused to do; but, on the contrary, he, the said Private *John Sullivan*, did, then and there, shoot the said musket at, and did hit and severely wound, him, the said Lieutenant James H. Slawson."

To which charge and specifications the accused, Private *John Sullivan*, Company "B," 27th Michigan Volunteers, pleaded "Not Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Private *John Sullivan*, Company "B," 27th Michigan Volunteers, as follows:

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Private *John Sullivan*, Company "B," 27th Michigan Volunteers, "To be shot to death."

II.—Before a General Court Martial, which convened in the city of Cincinnati, Ohio, March 14, 1863, pursuant to Special Orders, No. 89, dated Headquarters Department of the Ohio, Cincinnati, Ohio, March 7, 1863, and of which Major ASA H. FITCH, 115th Ohio Volunteers, is President, were arraigned and tried—

i. Private *Joseph F. Cole*, Company "C," 117th Ohio Volunteers.

CHARGE.—"Desertion."

Specification—"In this; that Private *Joseph F. Cole*, of Company 'C,' 117th Ohio Volunteer Infantry, did, on or about the 24th day of January, 1863, desert the service of the United States by leaving the Brigade Hospital in the town of Ashland, Kentucky, without authority, and did remain absent from his Company and Regiment until apprehended and brought back on or about the 19th day of February, 1863. This at or near Ashland, Kentucky."

To which charge and specification the accused, Private *Joseph F. Cole*, Company "C," 117th Ohio Volunteers, pleaded "Guilty."

FINDING.

The Court having maturely considered the evidence adduced, finds the accused, Private *Joseph F. Cole*, Company "C," 117th Ohio Volunteers, as follows:

Of the *Specification*, "Guilty."

Of the *CHARGE*, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Private *Joseph F. Cole*, Company "C," 117th Ohio Volunteers, "To be shot to death at such time and place as may be indicated by the Commanding Officer of the department in which he may be serving, two-thirds of the members concurring in the above sentence."

2. Private *Charles Brundridge*, Company "D," 117th Ohio Volunteers.

CHARGE I.—"Desertion."

Specification 1st—"In this; that Private *Charles Brundridge*, of Company 'D,' 117th Ohio Volunteer Infantry, being duly enlisted and having received bounty therefor from the United States, did desert the service of the United States on or about the 23d day of November, 1862, and did remain absent until apprehended on or about the 26th day of January, 1863."

Specification 2d—"In this; that Private *Charles Brundridge*, of Company 'D,' 117th Ohio Volunteer Infantry, did desert the service of the United States on or about the 29th day of January, 1863, and did remain absent until apprehended on or about the 13th day of February, 1863. All this at or near Ashland, Kentucky."

CHARGE II.—"Conduct to the prejudice of good order and military discipline."

Specification—"In this; that Private *Charles Brundridge*, of Company

'D,' 117th Ohio Volunteer Infantry, on being arrested as a deserter by Sergeant Slaughter, Company 'D,' 117th Ohio Volunteer Infantry, did express his determination to again desert after being next paid by the United States. This at or near Beaver, Kentucky, on or about the 13th of February, 1863."

To which charges and specifications the accused, Private *Charles Brundridge*, Company "D," 117th Ohio Volunteers, pleaded as follows:

CHARGE I. .

To *Specification 1st*, "Guilty."

To *Specification 2d*, "Guilty."

To the CHARGE, "Guilty."

CHARGE II.

To the *Specification*, "Not Guilty."

To the CHARGE, "Not Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Private *Charles Brundridge*, Company "D," 117th Ohio Volunteers, as follows:

CHARGE I.

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the CHARGE, "Guilty."

CHARGE II.

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Private *Charles Brundridge*, Company "D," 117th Ohio Volunteers, "To be shot to death at such time and place as may be designated by the Commanding Officer of the department in

which he may be serving, two-thirds of the members concurring in the above sentence."

3. Private *Jackson McFann*, Company "D," 117th Ohio Volunteers.

CHARGE.—"Desertion."

Specification 1st—"In this; that the said *Jackson McFann*, of Company 'D,' 117th Ohio Volunteer Infantry, did, on or about the 8th day of November, 1862, desert the service of the United States, and did remain absent several days. This at Ashland, Kentucky."

Specification 2d—"In this; that the said Private *Jackson McFann*, of Company 'D,' 117th Ohio Volunteer Infantry, did, on or about the 14th day of December, 1862, desert the service of the United States, and did remain absent for a period of six days. This at or near Callettsburg, Kentucky."

Specification 3d—"In this; that Private *Jackson McFann*, of Company 'D,' 117th Ohio Volunteer Infantry, did, on or about the 16th day of February, 1863, desert the service of the United States, and did remain absent until on or about the 10th day of March, 1863. This at Ashland, Kentucky."

To which charge and specifications the accused, Private *Jackson McFann*, Company "D," 117th Ohio Volunteers, pleaded "Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Private *Jackson McFann*, Company "D," 117th Ohio Volunteers, as follows:

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the 3d *Specification*, "Guilty."

Of the CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Private *Jackson McFann*,

Company "D," 117th Ohio Volunteers, "*To be shot to death at such time and place as may be designated by the Commanding Officer of the department in which he may be serving, two-thirds of the members concurring in the above sentence.*"

III. The proceedings of the Court in the case of Private *John Sullivan*, of Company "B," 27th Michigan Volunteers, have been approved by the General Commanding the department of the Ohio, and forwarded for the action of the President of the United States, who disapproves the sentence on account of informality in the proceedings.

The proceedings of the Court in the cases of Privates *Joseph F. Cole*, *Jackson McFann*, and *Charles Brundridge*, 117th Ohio Volunteers, have been approved by the General Commanding the department of the Ohio; but, as the prisoners were tried and sentenced before the expiration of the time fixed by the President's Proclamation for the voluntary return of deserters, the execution of the sentences were suspended by him and forwarded for the action of the President of the United States, with a recommendation to mercy.

In accordance with this recommendation the President is pleased to remit the sentence awarded in each case.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,
Assistant Adjutant General.