

HEAD-QUARTERS DISTRICT OF MID. FLORIDA,

2D SEPARATE BRIGADE, DEPARTMENT OF FLORIDA,
TALLAHASSEE, October 31, 1865. }

GENERAL ORDERS, }

No. 14. }

I. Before a General Court Martial which convened at Tallahassee, Florida, September 7th, 1865, pursuant to Special Orders, No. 25, from Headquarters, District of Middle Florida, Second Separate Brigade, Department of Florida, dated September 4th, 1865, and of which Captain John Moore, 99th United States Colored Troops, is President, were arraigned and tried:

1. Private **CYRUS BANKS**, of Company I, 2d U. S. C. T.

CHARGE—Violation of the 50th Article of War.

Finding—Guilty.

SENTENCE :

And the Court does therefore sentence him, Cyrus Banks, private Company I, 2d U. S. C. T., to be confined at hard labor with a 24 pound ball attached to left leg for the period of one month, at such place as the Commanding General may direct.

2. Private **JOSEPH COLE**, of Company I, 2d U. S. C. T.

CHARGE—Violation of the 50th Article of War.

Finding—Guilty.

SENTENCE :

And the Court does therefore sentence him, Joseph Cole, private Company I, 2d U. S. C. T. to be confined at hard labor with a 24 pound ball attached to left leg, for the period of one month, at such place as the Commanding General may direct.

3. Private **ISAAC BARTON**, of Company I, 2d U. S. C. T.

CHARGE—Violation of the 50th Article of War.

Finding—Guilty.

SENTENCE :

And the Court does therefore sentence him, Isaac Barton, Private Company I, 2d U. S. C. T., to be confined at hard labor with a 24 pound ball attached to left leg for the period of one month, at such place as the Commanding General may direct.

4. First Sergeant **THEOPHILUS FUSSELL**, of Company E, 2d Florida Cavalry Volunteers.

CHARGE 1st—Absence without leave.

CHARGE 2d—Disobedience of orders.

CHARGE 3d—Conduct prejudicial to good order and military discipline.

Finding—Guilty.

SENTENCE :

And the Court does therefore sentence him, Theophilus Fussell, First Sergeant, Company E, 2d Florida Cavalry Volunteers, to be reduced to the ranks and confined at such place as the Commanding General may direct, for the period of six months. The Court is thus lenient, believing the accused to have acted more from thoughtlessness than from any intention of wrong.

5. Private CHARLES JAMES, of Company I, 2d U. S. C. T.

CHARGE 1st—Disobedience of orders.

CHARGE 2d—Violation of the 50th Article of War.

CHARGE 3d—Violation of the 45th Article of War.

Finding—Of charges 1st and 2d—Guilty; of charge 3d—Not Guilty.

SENTENCE :

And the Court does therefore sentence him, Charles James, Private Company I, 2d U. S. C. T., to be confined at hard labor, at such place as the Commanding General may direct, for the period of three (3) years, and to forfeit all pay and allowances that may become due him during said period.

6. WILLIAM JONES, Principal Musician of the 99th regiment U. S. C. T.

CHARGE 1st—Conduct prejudicial to good order and military discipline.

CHARGE 2d—Wilfully destroying property of the United States Government.

Finding—Not Guilty.

And the Court does therefore acquit him, William Jones, Principal Musician, 99th U. S. C. T.

7. Captain J. W. CHILDS, 2d regiment U. S. C. T.

CHARGE 1st—Conduct prejudicial to good order and military discipline.

CHARGE 2d—Defrauding the Government of the United States by wilfully misapplying and appropriating to his own use and benefit the property of the United States Government.

Finding—Not Guilty.

And the Court does therefore acquit him, Captain J. W. Childs, 2d regiment, U. S. C. T.

8. Private JOSEPH BUTLER, of Company H, 99th U. S. C. T.

CHARGE—Absence without leave.

Finding—Guilty.

SENTENCE :

And the Court does therefore sentence him, Joseph Butler, private Company H, 99th U. S. C. Troops, to two (2) months hard labor with a ball weighing twenty-four pounds attached to his left leg, at such place as the Commanding General may direct.

9. Private JOSEPH PATRICK, of Company H, 99th U. S. C. T.

CHARGE—Sleeping on Post.

Finding—Guilty.

SENTENCE :

And the Court does therefore sentence him, Joseph Patrick, private Company H, 99th U. S. C. T., to be confined at hard labor for the balance of the term of his enlistment at Dry Tortugas, or such other place as the Commanding General may direct.

10. Private RANDAL FELTON, of Company C, 99th U. S. C. T.

CHARGE 1st—Exciting mutiny in violation of the 7th Article of War.

CHARGE 2d—Disobedience of orders.

Finding—Guilty.

SENTENCE ;

And the Court does therefore sentence him, Randal Felton, private Company C, 99th U. S. C. T., to be confined at hard labor for the period of ten (10) years, at Dry Tortugas, or such other place as the Commanding General may direct, with the loss of all pay that is or may become due him.

11. Private MARSEILLES WARDEN, of Company C, 99th U. S. C. T.

CHARGE 1st—Disrespect to his Commanding Officer.

Specification: In this, that he, Marseilles Warden, private Co. C, 99th U. S. C. T., having been ordered by his commanding officer, E. W. Sagendorph, 1st Lt. 99th U. S. C. T., to go to his quarters, did reply to said E. W. Sagendorph, 1st Lt. Co. C, 99th U. S. C. T., in a disrespectful manner in words or figures, to-wit: "I will not go until that man is released," (referring to the man undergoing punishment,) or words to that effect. This at Punta Rasa, Fla., April 22, 1865.

CHARGE 2d—Disobedience of orders.

Specification: In this, that he, private Marseilles Warden, Co. C, 99th U. S. C. T., having been ordered by his commanding officer, E. W. Sagendorph, 1st Lt. 99th U. S. C. T., to go to his quarters, the said 1st Lt. E. W. Sagendorph being in the execution of his office, did wilfully refuse to obey said order, and did reply in words or figures to-wit: "I will not go until that man is released," (referring to the man undergoing punishment,) or words to that effect. This at Punta Rasa, Fla., April 22, 1865.

To which charges and specifications the accused, private Marseilles Warden, Company C, 99th U. S. C. T., pleaded "Not Guilty."

Finding—Of the specification 1st charge, Guilty, except the words "I will not go until that man is released," or words to that effect.

Of the 1st Charge—Guilty.

Of the specification 2d charge—Guilty, except the words "I will not go until that man is released," or words to that effect.

Of the 2d Charge—Guilty.

SENTENCE :

And the Court does therefore sentence him, Marseilles Warden, private Company C, 99th U. S. C. T., to be confined at hard labor for the period of six (6) months with a ball weighing 24 pounds, attached to his left leg, at such place as the Commanding General may direct.

12. Private JAMES PRESTON, of Company C, 99th U. S. C. T.

CHARGE 1st—Disobedience of orders.

CHARGE 2d—Conduct prejudicial to good order and military discipline:
Finding—Guilty.

SENTENCE :

And the Court does therefore sentence him, James Preston, private Company C, 99th U. S. C. T., to be confined at hard labor with 24 pound ball and chain attached to left leg for the period of six (6) months, at such place as the Commanding General may direct.

13. Private ISAAC HARRIS, of Company C, 99th U. S. C. T.

CHARGE 1st—Disobedience of orders.

CHARGE 2d—Conduct prejudicial to good order and military discipline:
Finding—Guilty.

SENTENCE :

And the Court does therefore sentence him, Isaac Harris, private Company C, 99th U. S. C. T., to be confined at hard labor for the period of six (6) months with a ball weighing 24 pounds attached to his left leg, at such place as the Commanding General may direct.

14. Private PETER FOSTER, of Company C, 99th U. S. C. T.

CHARGE 1st—Disrespect to his commanding officer.

CHARGE 2d—Disobedience of orders.

CHARGE 3d—Absence without leave.

Finding—Guilty.

SENTENCE :

And the Court does therefore sentence him, Peter Foster, private Company C, 99th U. S. C. T., to be confined at hard labor for the balance of the term of his enlistment, at such place as the Commanding General may direct, and to forfeit all pay that may become due him.

15. Private WILLIS JOHNSON, of Company F, 82d U. S. C. T.

CHARGE 1st—Disobedience of orders.

Specification 1st: In this, that he, the said private Willis Johnson, Co. F, 82d U. S. C. T., did, contrary to orders, leave his company quarters at the U. S. Arsenal, Chattahoochee, Fla., without permission from his commanding officer, and did go to the house of Mr. Jesse Wood, near Mt. Pleasant, about six miles from said Arsenal. This on or about the 20th day of August, 1865.

Specification 2d: In this, that he, the said private Willis Johnson, Co. F, 82d U. S. C. T., after being personally ordered by his commanding officer, Capt. Thos. James, Jr., not to leave the Arsenal enclosure without a written pass from him, (Capt. James,) did leave the same and go to the house of Mr. Jesse Wood, near Mt. Pleasant, a distance of about six miles from said Arsenal. This at Chattahoochee, Fla., on or about the 2d day of September, 1865.

CHARGE 2d—Absence without leave.

Specification: In this, that he, the said private Willis Johnson, Co. F, 82d U. S. C. T., did, without authority, repeatedly absent himself from his company quarters at the U. S. Arsenal, Chattahoochee, Fla., and did repeatedly visit the house of Mr. Jesse Wood, near Mt. Pleasant, a distance of about six miles from said Arsenal. This between the 20th day of August, 1865, and the 4th day of September, 1865:

To which charges and specifications the accused, private Willis Johnson, company F, 82d U. S. C. T., pleaded—"Not Guilty."

Finding—Of the specification 1st charge, Guilty, except as to the words, "Did go to the house of Mr. Jesse Wood, near Mt. Pleasant, about six miles from said Arsenal."

Of the 2d specification 1st charge, Guilty, except as to the words "Did go to the house of Mr. Jesse Wood, near Mt. Pleasant, about six miles from said Arsenal."

Of the specification 2d charge—Guilty.

Of the 2d charge—Guilty.

SENTENCE:

And the Court does therefore sentence him, Willis Johnson, private Company F, 82d U. S. C. T., to be confined at hard labor with a ball weighing 24 pounds attached to his left leg, for the period of two (2) months, at such place as the Commanding General may direct.

16. Private LEVI G. TAYLOR, of Company D, 2d U. S. C. T.

CHARGE 1st—Disobedience of orders.

Specification: In this, that he, the said private Levi G. Taylor, Co. D, 2d U. S. C. T., did in violation of standing orders in his company and regiment, carry about with him a revolver, without the knowledge and consent of his commanding officer. This, at or near Belair, Fla., on or about the 14th day of July, 1865.

CHARGE 2d—Absence without leave.

Specification: In this, that he, the said private, Levi G. Taylor, Co. D, 2d U. S. C. T., was absent from his company without permission from proper authority, between the hours of 1 P. M. and 6 P. M., on or about the 14th day of July, 1865. This at or near Belair, Fla.

CHARGE 3d—Conduct prejudicial to good order and military discipline.

Specification: In this, that he, the said Private Levi G. Taylor, Co. D, 2d U. S. C. T., did assault and strike the son of a Mr. Footman, also using highly abusive language to Mr. Footman, drawing a revolver, and threatening his life and that of his wife, and for a long time conducting himself in a disorderly and unsoldier-like manner. This, at or near Belair, Fla., on or about the 14th day of July, 1865.

To which charges and specifications the accused, Private Levi G. Taylor, Company D, 2d U. S. Colored Troops, pleaded "Not guilty."

Finding—Of the specification 1st charge, Guilty.

- Of the first charge, Guilty.
- Of the specification 2d charge, Not Guilty.
- Of the 2d charge, Not Guilty.
- Of the specification 3d charge, Guilty.
- Of the 3d charge, Guilty.

SENTENCE :

And the court does, therefore, sentence him, Levi G. Taylor, Private Company D, 2d U. S. C. Troops, to be confined at hard labor, for the period of two (2) months, at such a place as the Commanding General may direct, and to forfeit ten (10) dollars per month of his monthly pay for the same period.

17. Private LLOYD WILLIAMS, of Co. I, 2d U. S. Colored Troops.

CHARGE—Sleeping on Post.

Finding—Guilty.

SENTENCE :

And the court does, therefore, sentence him, Lloyd Williams, Private Co. I, 2d U. S. Colored Troops, to be confined at hard labor, at such place as the Commanding General may direct, for the balance of his term of enlistment, and to forfeit to the United States Government all pay that may become due him.

18. Corporal DALLAS LANE, Company D, 99th U. S. Colored Troops.

CHARGE—Conduct prejudicial to good order and military discipline.

Finding—Not Guilty.

And the court does, therefore, acquit him, Corporal Dallas Lane, of Co. D, 99th U. S. Colored Troops.

II. Before a General Court Martial, which convened at Barrancas, Fla., August 7th, 1865, pursuant to Special Orders, No. 156, and Special Orders, No. 169, from Head-Quarters District of West Florida, dated respectively Barrancas, June 26th, 1865, and July 9th, 1865, and of which Lieutenant-Colonel William B. Kinsey, 161st New York Volunteers, is President, were arraigned and tried :

1. Private HENRY WILLIAMS, of Company M, 1st Indiana Heavy Artillery.

CHARGE—Burglary.

Finding—Guilty.

SENTENCE :

And the court does, therefore, sentence him, Henry Williams, Private Company M, 1st Indiana Heavy Artillery, to be confined at hard labor, at Dry Tortugas, for the period of three years, and to forfeit to the United States all pay now due him or that may become due him for the remainder of his term of service.

2. Private JOHN SPEARS, of Company F, 1st Florida Cavalry.

CHARGE—Desertion.

Finding—Guilty.

SENTENCE:

And the court does, therefore, sentence him, John Spears, Private Company F, 1st Florida Cavalry, to be confined at Fort Pickens, for the period of four months, with the loss of all pay while absent, being from the twenty third day of March, 1865, to the second day of July, 1865, and to forfeit to the United States ten dollars per month of his monthly pay for the period of four months.

3. Private JAMES H. MILLER, of Company K, 25th U. S. C. Troops.

CHARGE 1st—Disobedience of orders.

CHARGE 2d—Insubordinate conduct, to the prejudice of good order and military discipline.

Finding—Guilty.

SENTENCE:

And the court does, therefore, sentence him, James H. Miller, Private, Company K, 25th U. S. Colored Troops, to be confined, at hard labor, at Fort Jefferson, Florida, or such other place as the Commanding General may direct, for the period of two years, and to forfeit to the United States all pay and allowances that are now due or that may become due him, for the remainder of his term of service.

4. Captain J. R. ALLEN, Co. M, 2d Maine Cavalry.

CHARGE—Conduct unbecoming an officer and a gentleman.

Finding—Not Guilty.

The court further find that the facts upon which the charge is founded are of the most trivial and frivolous nature, and that Col. J. H. Alexander is highly censurable for preferring said charge, and the court do therefore acquit him, Captain J. R. Allen, Co. M, 2d Maine Cavalry.

5. First Lieutenant L. W. ROWLEY, Co. I, 1st Florida Cavalry.

CHARGE 1st—Drunkenness.

CHARGE 2d—Conduct unbecoming an officer and a gentleman.

CHARGE 3d—Embezzlement.

Finding—Not Guilty.

And the court do therefore acquit him, First Lieutenant L. W. Rowley, Co. I, 1st Florida Cavalry.

III. The proceedings, findings and sentences, in the cases of Privates Cyrus Banks, Joseph Cole and Isaac Barton, of Company I, 2d U. S. C. Troops, are approved and confirmed, and in each, the place where the prisoners' company may be at the date of publication of this order, is named as the place of punishment.

The proceedings, findings and sentence, in the case of First Sergeant

Theophilus Fussell, Company E, 2d Florida Cavalry, are approved and confirmed, and Fort Pickens, Pensacola Harbor, is named as the place of confinement. The prisoner will be turned over to the Post Commandant at Tallahassee, who will cause him to be delivered to the Commanding Officer at Fort Pickens, Pensacola Harbor, with his descriptive list and a copy of this order.

The proceedings, findings and sentences, in the cases of Privates Charles James, Co. I, 2d U. S. C. T., Joseph Patrick, Co. H, 99th U. S. C. T., Randal Felton, Co. C, 99th U. S. C. T., Peter Foster, Co. C, 99th U. S. C. T. and Lloyd Williams, Co. I, 2d U. S. C. T., are approved and confirmed; and for each, Fort Jefferson, Florida, is named as the place of confinement. The prisoners being at present in the custody of the Commanding Officer of the Post of Tallahassee, he will cause them to be delivered to the Commanding Officer at Fort Jefferson, Florida, with their several descriptive lists and a copy of this order.

In the case of William Jones, principal musician of the 99th U. S. C. T. the proceedings and findings are confirmed and approved. He will be released from arrest and restored to duty.

In the case of Captain J. W. Childs, 2d U. S. C. T., the proceedings and findings are approved and confirmed. Captain Childs is hereby released from arrest.

The proceedings, findings and sentences, in the cases of Privates Joseph Butler, Co. H, 99th U. S. C. T., and Marseilles Warden, James Preston, Isaac Harris, of Co. C, 99th U. S. C. T., are approved and confirmed; and in each, Tallahassee, Florida, is named as the place of punishment. The Commanding Officer of the Post of Tallahassee, who has the prisoners in custody, is charged with the execution of sentence.

In the case of Private Willis Johnson, Co. F, 82d U. S. C. T., the court has neglected to record its finding on the 1st charge, and the findings, therefore, on the specifications to that charge must be set aside, as it is impracticable to refer the record back for correction. The findings on the 2d charge, and the sentence, are approved and confirmed, and Tallahassee is designated as the place of punishment. The commanding officer of the Post of Tallahassee, by whom the prisoner is now held in custody, is charged with the execution of his sentence.

In the case of Private Levi G. Taylor, Co. D, 2d U. S. C. T., the findings except to the 2d charge and specification, and the sentence, are disapproved. The identity of the prisoner is not established, nor the existence of the order prohibiting the carrying of revolvers. Private Levi G. Taylor, Co. D, 2d U. S. C. Troops, will be released from confinement and returned to duty.

The proceedings and findings in the case of Corporal Dallas Lane, Co.

D, 99th U. S. C. T., are confirmed and approved. The prisoner will be released from arrest and returned to duty.

2. In the absence of the proper commander to act at Barrancas, the records of the General Court Martial, of which Lieutenant-Colonel Kinsey was President, in the foregoing cases, were forwarded for the action of the General Commanding the District of Middle Florida, who has ordered:

In the cases of Captain J. R. Allen, Co. M, 2d Maine Cavalry, 1st Lieutenant L. W. Rowley, Company I, 1st Florida Cavalry, Private John Spears, Company F, 1st Florida Cavalry, Private Henry Williams, Co. M, 1st Indiana Heavy Artillery, and Private James H. Miller, Company K, 25th U. S. Colored Troops, the proceedings of the court are set aside.

The order assembling the court, from "Headquarters, District of West Florida, Barrancas, June 26th, 1865," which derived its validity from "General Orders, No. 136, Headquarters, Department of the Gulf, New Orleans, September 18th, 1864," announcing the District of West Florida as a "Separate Brigade," became inoperative when "General Orders, No. 81, Headquarters, Department of the Gulf, New Orleans, La., June 3d, 1865," constituting the whole State of Florida one district, were published. The interests of the service not permitting other trials to Captain J. R. Allen, 2d Maine Cavalry, First Lieutenant L. W. Rowley, 1st Florida Cavalry, and Private John Spears, Company F, 1st Florida Cavalry, they will accordingly be released from arrest, to be mustered out with their respective regiments.

Private Henry Williams, Co. M, 1st Indiana Heavy Artillery, and Private James H. Miller, Co. K, 25th U. S. C. T., will be kept in confinement and sent to Tallahassee, with the witnesses, for trial before a legally constituted court.

IV. The General Court Martial, of which Captain John Moore, 99th U. S. Colored Troops, is President, is hereby dissolved.

V. The General Court Martial, of which Lieutenant-Colonel William B. Kinsey, 161st New York Volunteers, is President, is hereby dissolved.

By command of Brigadier General NEWTON—

A. C. PRETZ,

1st Lieut. & A. A. A. G.

OFFICIAL:

Acting Assistant Adjutant General.

St. Col. Kinsey