

Case of Peter H. Sibley

HEAD-QUARTERS 1ST KANAWHA DIVISION.

CHARLESTON, VA., December 24th, 1862.

GENERAL ORDERS

No. 11.

I. At the General Court Martial which convened at Charleston, Va., pursuant to Special Order No. 22, from these Head-Quarters, and of which Lieut.-Col. H. F. DEVOL, 36th Reg. O. V. I. is President, were arraigned and tried :

1st. *Peter Hackenberry*, private Company G, 36th Reg. O. V. I.

CHARGE :—"Desertion."

SPECIFICATION I: In this that Peter Hackenberry, a private in Company "G," 36th Reg. O. V. I., on or about the 16th day of September, 1862, while in camp near the mouth of Antietam Creek, Md., did, without leave, absent himself from his Company and Regiment, going to his home in Washington County, Ohio.

SPECIFICATION II: That said Peter Hackenberry, a private in Company "G," 36th Reg. O. V. I., after having been ordered by his Captain, Jewett Palmer, to report to his Regiment, utterly refused and wholly neglected so to do until forcibly brought by his Captain to said Regiment.

To which charge and specification the accused pleaded as follows :

- Of the 1st Specification, "Guilty."
- Of the 2d Specification, "Not Guilty."
- Of the Charge, "Not Guilty."

FINDING AND SENTENCE :

The Court finds the accused "Guilty" of the Charge and Specifications exhibited against him, and does therefore sentence him, private Peter Hackenberry, Company "G," 36th Reg. O. V. I., to be sent to Camp Chase, Ohio, or wherever the General Commanding may direct, and to be kept at hard labor with ball and chain attached to his left ankle during the remainder of his term of service, and that he forfeit all pay and allowances during that time.

2d. *Westley Ackly*, private Company "E," 36th Reg. O. V. I.

CHARGE :—"Mutinous Conduct."

SPECIFICATION: In this that the said Westley Ackly, of Company "E," 36th Reg. O. V. I., did, with others of his Company, on the 26th day of November, 1862, at Camp Crook, W. Va., forcibly resist the lawful commands of his superior officer, 1st Sergeant Isaac C. Phillips, and attempt to prevent the arrest of private Wilson S. Ackly, of his Company, saying "he would be damned if he would stand by and see his brother imposed on," or words to that effect, and using other contentuous and improper language.

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

FINDING AND SENTENCE :

The Court finds the accused "Guilty" of the charge and specifications exhibited against him, and does therefore sentence him, private Westley Ackly, Company "E," 36th Reg. O. V. I., to be confined in the 36th Reg. O. V. I., under guard, at hard labor, for the term of twenty days, and that he forfeit one month's pay, to be stopped on his next muster and pay roll.

3d. *William Barker*, private Company "E," 36th Reg. O. V. I.

CHARGE I:—"Disobedience of Orders."

SPECIFICATION: In this that the said William Barker, of Company "E," 36th Reg. O. V. I., did on the 26th day of November, 1862 at Camp Crook, W. Va., when ordered by Corporal John H. Sole, his superior, to get his gun and accoutrements and assist in arresting private Wilson S. Ackly of his Company, did then and there refuse to do so, saying "I will not do it," or words to that effect.

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

FINDING AND SENTENCE.

The Court finds the accused "Guilty" of the charge and specification exhibited against him, and does therefore sentence him, private William Barker, Company "E," 36th Reg. O. V. I., to be confined in the jail at Charleston, Va., on bread and water diet, for the term of ten days, and that he forfeit one month's pay, to be stopped on his next muster and pay roll.

4th. *Wilson S. Ackly*, private Company "E," 36th Reg. O. V. I.

CHARGE I:—"Mutinous Conduct."

SPECIFICATION: In this that the said Wilson S. Ackly, of Company "E," 36th Reg. O. V. I., on being ordered under guard for disorderly conduct, by 1st Sergeant Isaac C. Phillips, of his Company, on the 26th November, 1862, at Camp Crook, near Charleston, W. Va., did, with others of his Company, treat the authority of the said 1st Sergeant Isaac C. Phillips, with utter contempt, saying that he would be "damned if he would go, that there was no Corporal that could take him, and he would knock the first man's brains out that attempted to," or words to that effect, and at the same time brandishing a club, thereby intimidating the guard and preventing them from executing the commands of the said 1st Sergeant Isaac C. Phillips.

CHARGE II:—"Striking a superior Officer while in discharge of his duty."

SPECIFICATION: In this that the said Wilson S. Ackly, a private of Company "E," 36th Reg. O. V. I., did, on the 26th day of November, 1862, at Camp Crook, W. Va., strike with a club, Sergeant Alfred R. Phillips, while the said Sergeant was in discharge of his duty, to-wit: assisting in the arrest of the said private Wilson S. Ackly.

To which charges and specifications the accused pleaded "Guilty."

FINDING AND SENTENCE :

The court finds the accused "Guilty" of the charges and specifications exhibited against him, and does therefore sentence him, private Wilson S. Ackly, Company "E," 36th Reg. O. V. I., to be sent to Camp Chase, Ohio, or wherever the General Commanding may direct, and there kept at hard labor during the remainder of his term of enlistment, and that he forfeit all pay and allowances during that time.

5th. *Samuel S. Brown*, private Company "E" 36th Reg. O. V. I.

CHARGE :—"*Mutinous Conduct.*"

SPECIFICATION: In this that the said Samuel S. Brown, of Company "E," 36th Reg. O. V. I., did, with others of his company, on the 26th day of Nov., 1862, at camp Crook, W. Va., forcibly resist the commands of his superior officer, 1st Sergeant Isaac C. Phillips, and attempt to prevent the arrest of private Wilson S. Aekly of his Company, by striking private Henry Bass, who was assisting in arresting the said Wilson S. Aekly.

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

FINDING AND SENTENCE :

The Court finds the accused "Guilty" of the charge and specifications exhibited against him, and does therefore sentence him, private Samuel S. Brown, Company "E," 36th Reg. O. V. I., to be confined in the jail at Charleston, Va., on bread and water diet for the term of ten days, and that he forfeit two (2) month's pay, to be stopped on his next muster and pay roll.

6th. *Josephus Bellows*, private Company "H," 36th Reg. O. V. I.

CHARGE :—"*Theft.*"

SPECIFICATION: In this that the said Josephus Bellows, private of Company "H," 36th Reg. O. V. I., did, on or about the 6th day of December, 1862, at Charleston, Va., wilfully steal one pair of woolen socks belonging to a citizen.

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

FINDING AND SENTENCE :

The Court finds the accused "Guilty" of the charge and specifications exhibited against him, and does therefore sentence him, private Josephus Bellows, Company "H," 36th Reg. O. V. I., to be kept at hard labor under guard in the 36th Reg. O. V. I., for the term of twenty days, and that he forfeit one month's pay, to be deducted from his next muster and pay roll.

7th. *Edward Doudle*, private Company "G," 36th Reg. O. V. I.

CHARGE :—"*Absent without leave.*"

SPECIFICATION: In this that the said Edward Doudle, private in Company "G," 36th Reg. O. V. I., on or about the 11th day of November, 1862, while in Camp at Summerville, W. Va., did without leave, absent himself from his Company and Regiment from about 5 o'clock in the evening until 6 o'clock the next morning.

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

FINDING AND SENTENCE :

The Court finds the accused "Guilty" of the charge and specifications exhibited against him, and does therefore sentence him, private Edward Doudle, Company "G," 36th Reg. O. V. I., to be kept in close confinement in the jail at Charleston, Va., on bread and water diet for the term of ten (10) days, and that he be reprimanded in General Orders.

8th. *George Munnell*, private Company "G," 36th Reg. O. V. I.

CHARGE :—“*Desertion.*”

SPECIFICATION: In this that the said George Munnell, a private in Company “G,” 36th Reg. O. V. I., on or about the 10th day of September, 1862, while on the march with his Company and Regiment from Washington City, D. C., did without leave, absent himself from his Company, going to his home in Washington County, Ohio.
To which charge and specification the accused pleaded “Not Guilty.”

FINDING AND SENTENCE :

The Court finds the accused “Guilty” of the charge and specification exhibited against him, and does therefore sentence him, private George Munnell, Company “G,” 36th Reg. O. V. I., to be confined at Camp Chase, Ohio, or wherever the General Commanding may direct, at hard labor during the remainder of his term of service, and that he forfeit all pay and allowances during that time.

9th. *William T. Roades*, private Company G, 36th Reg. O. V. I.

CHARGE :—“*Desertion.*”

SPECIFICATION 1: In this, that William T. Roades, private in Company G, 36th Reg. O. V. I., on or about the 10th day of September, 1862, while on the march with his Regiment from Washington City, D. C., to Frederick, Md., did absent himself from his Company and Regiment, going to his home in Washington county, Ohio.

SPECIFICATION 2: The said William T. Roades, private in Company G, 36th Reg. O. V. I., after having been ordered by his Captain, Jewett Palmer, to report to his Regiment, utterly refused and wholly neglected so to do until forcibly brought by his Captain to said Regiment.

To which charge and specifications the accused pleaded as follows :

Of the 1st Specification,	“Guilty.”
Of the 2d Specification,	“Not Guilty.”
Of the Charge,	“Guilty.”

FINDING AND SENTENCE :

The Court finds the accused as follows :

Of the 1st Specification,	“Guilty.”
Of the 2d Specification,	“Not Guilty.”
Of the charge,	“Guilty.”

and does therefore sentence him, private William T. Roades, Company G, 36th Reg. O. V. I., to be confined at hard labor at Camp Chase, Ohio, or wherever the General Commanding may direct, during the remainder of his term of service, and that he forfeit all pay and allowances during that term.

10th. *James Alban*, private Company G, 36th Reg. O. V. I.

CHARGE :—“*Desertion.*”

SPECIFICATION : In this that James Alban, a private in Company G, 36th Reg. O. V. I., on or about the 16th day of October, 1862, while on the march with his Regiment from Clarksburg, Va., to Summerville, Va., did, without leave, absent himself from his Company and Regiment, going to his home in Washington county, Ohio, and there remaining until forcibly brought by his Captain, Jewett Palmer, to his Regiment.
To which charge and specification the accused pleaded “Guilty.”

FINDING AND SENTENCE :

The Court finds the accused "Guilty" of the charge and specification exhibited against him, and does therefore sentence him, private James Alban, Company G, 36th Reg. O. V. I., to be confined at Camp Chase, Ohio, or wherever the General Commanding may direct, at hard labor during the remainder of his term of service, and that he forfeit all pay and allowances during that time.

11th. *William H. Coy*, private Company B, 36th Reg. O. V. I.

CHARGE :—"Desertion."

SPECIFICATION : In this that the said William H. Coy, private of Company B, 36th Reg. O. V. I., on or about the 8th day of December, 1862, did desert his Company in Camp near Charleston, W. Va., and go to his home in the State of Ohio, remaining absent from his Company until arrested and brought back one week afterward.

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

FINDING AND SENTENCE :

The Court finds the accused "Guilty" of the charge and specifications exhibited against him, and does therefore sentence him, private William H. Coy, Company B, 36th Reg. O. V. I., to be confined at Camp Chase, Ohio, or wherever the General Commanding may direct, at hard labor during the remainder of his term of service, and that he forfeit all pay and allowances during that time.

12th. *George Walter*, Private Company B, 36th Reg. O. V. I.

CHARGE :—"Desertion."

SPECIFICATION : In this that the said George Walter, private of Company "B," 36th Reg't O. V. I., on or about the 8th day of December, 1862, did desert his Regiment in camp near Charleston, W. Va., and go to the State of Ohio, wilfully remaining absent from his Regiment until arrested and brought back one week afterward.

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

FINDING AND SENTENCE :

The Court finds the accused "Guilty" of the charge and specification exhibited against him, and does therefore sentence him, private George Walter, Company "B," 36th Reg't O. V. I., to be confined at Camp Chase, Ohio, or wherever the General Commanding may direct, at hard labor during the remainder of his term of service, and that he forfeit all pay and allowances during that time.

13th. *Michael Ward*, private Company "B," 36th Reg't O. V. I.

CHARGE :—"Desertion."

SPECIFICATION : In this that the said Michael Ward, private of Company "B," 36th Reg't O. V. I., on or about the 8th day of December, 1862, did desert his Regiment in camp near Charleston, W. Va., and go to his home in the State of Ohio, remaining absent from his Company until arrested and brought back one week afterward.

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

FINDING AND SENTENCE:

The Court finds the accused "Guilty" of the charge and specification exhibited against him, and does therefore sentence him, private Michael Ward, Company "B," 36th Reg't O. V. I., to be confined at Camp Chase, Ohio, or wherever the General Commanding may direct, at hard labor, during the remainder of his term of service, and that he forfeit all pay and allowances during that time.

14th. *Ansel Walter*, private Company "B," 36th Reg't O. V. I.,

CHARGE:—"Absence without leave."

SPECIFICATION: In this that the said Ansel Walter, private of Company "B," 36th Reg't O. V. I., having gone to his home in the State of Ohio, on furlough from General Hospital at Charleston, W. Va., on or about the 20th day of June, 1862, did remain absent from his Company without leave or sufficient reason, until brought to his Regiment at Charleston, W. Va., by Sergeant Adney of said Company, on the 15th day of December, 1862. To which charge and specifications the accused pleaded "Guilty."

FINDING AND SENTENCE:

The Court finds the accused "Guilty" of the charge and specifications exhibited against him, and does therefore sentence him, private Ansel Walter, Company "B," 36th Reg't O. V. I., to be confined in the guard house of his Regiment, at hard labor for the term of (10) ten days.

15th. *Charles R. Fuller*, private Company "C," 36th Reg't O. V. I.,

CHARGE 1:—"Conduct highly prejudicial to good order and military discipline."

SPECIFICATION: In this that on the 12th day of December, 1862, private Charles R. Fuller, of Company "C," 36th Reg't O. V. I., did without permission, absent himself from drill, and go to Charleston, W. Va., without a pass from proper authority.

CHARGE 2d:—"Disobedience of Orders."

SPECIFICATION: In this that on the 14th day of December, 1862, private Charles R. Fuller, of Company "C," 36th Reg't O. V. I., (being then in confinement in the guard house,) was ordered by Lieutenant W. S. Stanly, officer of the guard, to perform certain duty, when he utterly refused and wholly neglected to obey said order.

To which charges and specifications the accused pleaded "Guilty."

FINDING AND SENTENCE:

The Court finds the accused "Guilty" of the charges and specifications exhibited against him, and does therefore sentence him, private Charles R. Fuller, Company "C," 36th Reg't O. V. I., to be kept in close confinement in the Charleston, Va., jail, on bread and water diet, for the term of ten (10) days, and that he forfeit two month's pay, to be stopped on his next muster and pay roll.

16th. *Nicholas Blancet*, private Company "B," 36th Reg. O. V. I.

CHARGE:—"Persuading soldiers to Desert."

SPECIFICATION : In this that the said Nicholas Blancet, private of Company "B," 36th Reg. O. V. I., did on or about the 8th day of December, 1862, persuade and urge divers soldiers of Company "B," 36th Reg. O. V. I., to desert, saying that he was "going to leave, and wanted as many as he could get to go with him," or words to that effect. Furthermore, that privates William H. Coy, Michael Ward and George Walter, of said Company, on or about the night of December 8th, 1862, were induced to desert their Company by the persuasions of the said private Nicholas Blancet. This done at the Camp of the 36th Reg. O. V. I., near Charleston, W. Va. To which charge and specifications the accused pleaded "Not Guilty."

FINDING OF THE COURT :

The Court finds the accused "Not Guilty" of the charge and specifications exhibited against him, and does therefore acquit him, private Nicholas Blancet, Company "B," 36th Reg. O. V. I.

17th. *Peter Doehn*, a private of the 28th Reg. O. V. I.

CHARGE :—"Desertion."

SPECIFICATION : In this that on or about the 1st day of November, 1862, said Peter Doehn, a private of the 28th Reg. O. V. I., deserted from a detachment of recruits stationed at Camp Dennison, Ohio, and remained absent until on or about the 3d day of November, 1862, when arrested and brought back to the Regiment. To which charge and specifications the accused pleaded "Guilty."

FINDING OF THE COURT :

The Court finds the accused "Not Guilty" of the charge and specifications exhibited against him, and does therefore acquit the said Peter Doehn, a private of the 28th Reg. O. V. I.

18th. *Reinhard Kist*, a private of the 28th Reg. O. V. I.

CHARGE :—"Desertion."

SPECIFICATION : In this that on or about the 1st day of November, 1862, said Reinhard Kist, private of the 28th Reg. O. V. I., deserted from a detachment of recruits stationed at Camp Dennison, Ohio, and remained absent until on or about the 3d day of November, 1862, when arrested and brought back to the Regiment. To which charge and specification the accused pleaded "Not Guilty."

FINDING OF THE COURT :

The Court finds the accused "Not Guilty" of the Charge and Specifications exhibited against him, and does therefore acquit the said Reinhard Kist, a private of the 28th Regiment O. V. I.

19th. *Patrick Ward*, private Company "F," 36th Reg. O. V. I.

CHARGE :—"Drunk when on duty."

SPECIFICATION : In this that Patrick Ward, a private of Company "F," 36th Reg. O. V. I., was drunk and incapacitated for duty when on guard, at the Wharf-boat at Charleston Landing, W. Va., on or about the 4th day of December, 1862. To which Charge and Specifications the accused pleaded Guilty."

FINDING AND SENTENCE :

The Court finds the accused "Guilty" of the Charge and Specifications exhibited against him, and does therefore sentence him, private Patrick Ward, Company "F," 36th Reg. O. V. I., to forfeit one month's pay, to be stopped on his next muster and pay rolls.

20th. *William Ross*, private Company "A," 36th Reg. O. V. I.

CHARGE :—"Disobedience of orders."

SPECIFICATION : In this that the said private William Ross, of Company "A," 36th Reg. O. V. I., being ordered by his Captain, James G. Barker, to receive a gun and accoutrements, and to do a duty as a soldier in his Company, did positively refuse to obey said order. This done at Camp near Charleston, W. Va., on the 12th day of December, 1862, and repeated on the 18th day of the same month.

To which Charge and Specifications the accused pleaded "Guilty."

FINDING AND SENTENCE.

The Court finds the accused "Guilty" of the Charge and Specifications exhibited against him, and does therefore sentence him, private William Ross, Company "A," 36th Reg. O. V. I., to be kept in close confinement in the Charleston, Va., jail, on bread and water diet, for the term of seven (7) days, and that he forfeit three (3) month's pay, to be stopped on his next muster and pay rolls.

21st. *W. R. Ford*, Lieutenant 36th Reg. O. V. I.

CHARGE :—"Neglect of duty."

SPECIFICATION :—In this that on or about the 17th day of December, 1862, said Lieutenant W. R. Ford, 36th Reg. O. V. I., while in command of the Provost Guard, being in charge of the safe keeping of the prisoners confined in the Provost Guard-house, did permit two prisoners of war—one Reuben Fink and one Andrew Gaunde—to escape from said guard-house, thereby grossly neglecting his duty, all this at Charleston, Va., on or about the 17th day of December, 1862.

To which Charge and Specification the accused pleaded "Not Guilty."

FINDING OF THE COURT :

The Court finds the accused "Not Guilty" of the Charge and Specifications exhibited against him, and does therefore honorably acquit the said Lieutenant W. R. Ford, 36th Reg. O. V. I.

II. The sentences in the cases of privates Barker, Ackly, Brown, and Ward, are inadequate to their offences. In the case of Nicholas Blancet, the testimony does not warrant the finding, and the sentence being such a farce, is disapproved. Owing to the unanimous recommendation of the Court, the sentences in the cases of privates George Munnell, William T. Roades and James Alban, are remitted. The proceedings, findings and sentences in the other cases are approved, and will be carried into effect accordingly.

Lieut. W. R. Ford, privates Munnell, Roades, Alban, Blancet, Doehn and Kist, are released from arrest, and will return to duty.

III. The General Court Martial, of which Lieut.-Colonel H. F. Devol, 36th Reg. O. V. I., is President, is hereby dissolved.

By Command of

BRIGADIER-GENERAL CROOK.

L. MARKBREIT,

Lieut. A. D. C. & Acting Assistant Adjutant General.