

GENERAL ORDERS, }
No. 189. }

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WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, June 24, 1863.

I.. Before a General Court Martial, which convened at the Headquarters, 3d Division, 3d Corps, May 16, 1863, pursuant to General Orders, No. 42, dated May 13, 1863, and Special Orders, No. 75, dated May 14, 1863, Headquarters, 3d Division, 3d Corps, and of which Colonel S. M. BOWMAN, 84th Pennsylvania Volunteers, is President, was arraigned and tried—

Captain *A. Von Puttkammer*, 11th New York Independent Battery.

CHARGE I.—“Disobedience of orders.”

Specification 1st—“In this; that Captain *A. Von Puttkammer*, of the 11th New York Independent Battery, having received a written order from Major General Sickles, through Captain George E. Randolph, Chief of Artillery, 3d Corps, to report with his Battery to Captain Randolph, at crest near General Slocum's headquarters, and in rear of the line of battle of the 3d Corps, did not obey said order, but marched his Battery to the rear, while the Corps to which it belonged was becoming rapidly exhausted and falling back. This on the morning of Sunday, May 3, 1863, near Chancellorsville, Virginia.”

Specification 2d—“In this; that Captain *A. Von Puttkammer*, when ordered by Captain T. W. Osborne to relieve a Battery of the 2d Division, 3d Corps, by command of Major General Sickles, did neglect and refuse to obey said order; and when ordered by Captain T. W. Osborne to take position, by command of Major General Hooker, did refuse to obey said order, and marched his Battery to the rear. This at or near Chancellorsville, on the morning of Sunday, May 3, 1863.”

CHARGE II.—“Cowardice.”

Specification—“In this; that Captain *A. Von Puttkammer*, when ordered to relieve a Battery of the 3d Corps, which was in an important position, and to assist in checking the masses of the

enemy, did move his Battery to the rear, and fail to do anything to save the line from breaking and the army from the ruin that threatened, saying, 'So many horses were shot that he could not move;' notwithstanding which he immediately mounted his drivers, without changing a horse, and moved towards the rear. This at the battle-field near Chancellorsville, Virginia, Sunday, May 3, 1863."

CHARGE III.—"Misbehavior in presence of the enemy."

Specification—"In this; that when the batteries of the 3d Division, 3d Corps, were threatened by the enemy on Saturday, May 2d, Captain *A. Von Puttkammer*, instead of at once placing them in a position of defence, did allow them, or a part of them, to gallop in confusion to the rear, and sought only safety, although it was in his power to do signal service, if not save a defeat, by a proper use of his command."

To which charges and specifications the accused, Captain *A. Von Puttkammer*, 11th New York Independent Battery, pleaded "Not Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Captain *A. Von Puttkammer*, 11th New York Independent Battery, 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."

CHARGE III.

Of the *Specification*, "Guilty," with the exception of the words, "did

allow them, or a part of them, to gallop in confusion to the rear, and sought only safety."

Of the CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Captain *A. Von Puttkamer*, 11th New York Independent Battery, "To be dismissed the military service of the United States, and forfeit all pay and allowances now due him from the Government."

II. Before a General Court Martial, which convened near Falmouth, Virginia, May 14, 1863, pursuant to General Orders, No. 53, dated April 5, 1863, and No. 67, dated April 24, 1863, Headquarters, 2d Division, 2d Corps, and of which Lieutenant Colonel CHARLES KOCHERSPERGER, 71st Pennsylvania Volunteers, is President, was arraigned and tried—

Private *Albert O. Smith*, Company "K," 15th Massachusetts Volunteers.

CHARGE—"Violation of the 46th Article of War."

Specification—"In this; that the said *Albert O. Smith*, a Private of Company "K," 15th Regiment Massachusetts Volunteers, while on picket as vidette or outpost duty on Rappahannock river, near Falmouth, Virginia, did, between the hours of four and seven o'clock a. m., lie down and go to sleep. This on or about the 29th day of April, 1863."

To which charge and specification the accused, Private *Albert O. Smith*, Company "K," 15th Massachusetts Volunteers, pleaded "Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Private *Albert O. Smith*, Company "K," 15th Massachusetts Volunteers, as follows:

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Private *Albert O. Smith*, Company "K," 15th Massachusetts Volunteers, "To be shot to death with musketry, at such time and place as the Commanding General may designate. Two-thirds of the members of the Court concurring therein."

III.. Before a General Court Martial, which convened at Falmouth, Virginia, December 1, 1862, pursuant to General Orders, No. 161, dated November 21, 1862; No. 162, dated November 22, 1862; and No. 166, dated November 29, 1862, Headquarters, 2d Division, 2d Corps, near Falmouth, Virginia, and of which Colonel J. A. SWITER, 34th New York Volunteers, is President, was arraigned and tried—

Private *Martin Troy*, Company "A," 34th New York Volunteers.

CHARGE I.—"Violation of 21st Article of War."

Specification—"In this; to wit: that he, the said *Martin Troy*, Private, 'A' Company, 34th New York Volunteers, (in service of the United States,) did, in violation of Article of War, No. 21, 'without leave from his commanding officer, absent himself from his Company and Regiment.' This at or near Rectortown, Virginia, on or about 7th November, 1862, on the march towards Warrenton, Virginia."

CHARGE II.—"Disorderly and unsoldierly conduct."

Specification—"In this; to wit: that he, the said *Martin Troy*, Private, 'A' Company, 34th New York Volunteers, (in service of the United States,) did, in violation of strict and explicit orders from his superior and commanding officers, particularly in violation of General Orders, No. 27, Headquarters, 2d Army Corps, of November 5th, (said order having previously been read to the Company and Regiment to which said Private Troy belongs,) go to and enter a house against the wishes of the occupants, and behave in a riotous, disorderly, and unsoldierlike manner; that he used abusive, insulting, and threatening language to the occupants of the house, and engaged with other or others in breaking and destroying furniture and other articles. This on or about November 7, 1862, at or near Rectortown, Virginia, while on the march towards Warrenton, Virginia."

CHARGE III.—“Violation of 9th Article of War.”

Specification—“In this; that he, the said *Martin Troy*, Private, ‘A Company, 34th Regiment New York Volunteers, did, in violation of the 9th Article of War, disobey the lawful commands of 2d Lieutenant William Harding, 6th Pennsylvania Reserves, Ordnance Officer of General Meade’s Division, his superior officer, the said 2d Lieutenant Harding exercising at the time legitimate authority as an officer of the United States Army, in endeavoring to suppress noise and disturbance, and to prevent the said *Martin Troy*, Private, &c., from committing abuse and damage to persons and property. That the said *Martin Troy*, Private, &c., not only used insulting and abusive language to the said Lieutenant Harding, (while in the execution of his office,) but did offer to him personal violence, and did actually strike him (2d Lieutenant Harding) with his fist in the face, abrading the skin of one of the cheeks. This in violation of the 9th Article of War, on or about November 7, 1862, at or near Rectortown, Virginia, on the march towards Warrenton, Virginia.”

To which charges and specifications the accused, Private *Martin Troy*, Company “A,” 34th New York Volunteers, pleaded as follows:

CHARGE I.

Of the *Specification*, “Guilty.”

Of the CHARGE, “Guilty.”

CHARGE II.

Of the *Specification*, “Not Guilty.”

Of the CHARGE, “Not Guilty.”

CHARGE III.

Of the *Specification*, “Not Guilty.”

Of the CHARGE, “Not Guilty.”

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Private *Martin Troy*, Company “A,” 34th New York Volunteers, as follows:

CHARGE I.

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

CHARGE II.

Of the *Specification*, "Guilty," except the words "did, in violation of strict and explicit orders from his superior and commanding officers, particularly in violation of General Orders, No. 27, Headquarters, 2d Army Corps, of November 5th, (said order having previously been read to the Company and Regiment to which said Private Troy belongs,) go to and enter a house against the wishes of the occupants;" "that he used abusive, insulting, and threatening language to the occupants of the house, and engaged with other or others in breaking and destroying furniture and other articles."

Of the CHARGE, "Guilty."

CHARGE III.

Of the *Specification*, "Guilty," excepting the words "abrading the skin of one of the cheeks."

Of the CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Private *Martin Troy*, Company "A," 34th Regiment New York Volunteers, "To be shot to death. Two-thirds of the members of the Court concurred in this sentence."

IV..The proceedings of the Court in the case of Captain *A. Von Puttkammer* have been forwarded for the action of the President of the United States. The sentence was dismissal from the service with loss of pay; but the requirements of the 85th Article of War respecting publication in the newspapers were not complied with, and the sentence is therefore inoperative. The President, however, directs that the accused be dismissed the service, and Captain *Von Puttkammer* accordingly ceases to be an officer of the United States service from the 15th day of June, 1863.

The proceedings of the Court in the case of Private *Albert O. Smith*, Company "K," 15th Massachusetts Volunteers, have been approved by the proper Commanders, and forwarded for the action of the Presi-

dent of the United States. Upon the recommendation of the Court, and the Generals Commanding, the President remits the sentence, and directs that the prisoner be restored to duty.

The proceedings of the Court in the case of Private *Martin Troy*, Company "A," 34th New York Volunteers, have been approved by the proper Commanders and forwarded for the action of the President of the United States, who directs that the sentence in the case of *Troy* be commuted to "*imprisonment for three months, and disgraceful discharge at the expiration of that period.*"

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,
Assistant Adjutant General

