

6141 1863

86. 6
Capt. 154. vols

Proceedings of a
Court of Inquiry in
his case, commenced
by S. O. 184, Hd. Trs. 11th
et. C. J. 849.

Ed. W. Sec #. 1433
165. Respectfully sub-
mitted to the Secretary of
War, with recommenda-
tion that this Officer be
dismissed the service,
in accordance with ad-
verse report of Court of In-
quiry.
Rec'd back 23, 1863
S. O. Office,
Oct. 23, 1863.
Rec'd 146 Oct. 17, 1863.

Jan 1864

Genl's office
Washington Nov 2/63

Approved
By order of the
Secretary of War

Thomas M. Vincent
Asst. Adjt. Genl
S. O. No. 53, Nov 3/63

Judge Adv Genl
Report

Judge Adv. General's Office
Washington, 2 Nov. 1863.

Respectfully returned to
Major Genl. Howard. The
Secretary of War has hesi-
tated to approve the pro-
ceedings in the within
case and to act upon
the recommendation of
the Adjutant General,
because no approval or
action by the Corps Com-
mander (by whom the Commis-
sion was convened) appears
at the end of the proceedings
in the record. Though
Gen. Order 700 of War Depart-
ment of Aug 11th '62 does
not in terms require that
the officer calling the Commis-
sion should formally act
upon the ^{proceedings} before transmitting the
record to the Secretary: yet
the rule which prevails in the
case of the records of all other
Military Courts should pre-
perly be observed in the pre-
sent instance. Otherwise
the record cannot be deemed
authentic.

Walt
Judge Adv Genl.

Present all the members and Recorder

The Commission then proceeded to consider the case of Capt H. Cheaney 154th N.Y. Vols. who was present. The Recorder read the order convening the Commission and then a paper of which the following is a copy.

"Head Quarters Military District of Washington
Washington D.C. Sept 7th 1863.

Colonel -

I have the honor to report the following named officers for the offenses set opposite their names respectively, and recommend that they be ordered to show cause before a Military Commission why they should not be dismissed from the service of the United States.

Captain H. Cheaney, Co D, 154th N.Y. Vols. No Papers. Reported Aug 25/63. for pass to join regiment.

Chaplain Wm Wussell, 68th N.Y. Vols. Leave of Absence dated Aug 4th 1863. for twenty days. Reported for pass to join reg^t. Aug 26. 1863.

2^d Lieut Christian Stock, Battery "I", 1st N.Y. Arty. No papers. Reported Aug 28th 1863 for pass to join Regiment.

I am, Very Respectfully
Yours at Serv^t.

(Signed) J. H. Martindale.

Genl & Military Gov.

Col J. C. Kelton
Asst. Adj. Gen.

Official
(signed) T. J. Palmer
a. a. a. g.

The Commission was then duly sworn by the Recorder, and the Recorder was duly sworn by the President of the Commission, in the presence of Capt. Cheney.

Under oath duly administered by the Recorder Captain St. Cheney. 154th N.Y. Vol. then made the following statement.

At the battle of Gettysburg on the 1st day of July 1863 I was taken prisoner. The enemy kept me nine days. I made my escape on the night of July 10th near Martinsburg. Va. I was ten days in getting back to the Potomac which I crossed on the 20th of July. I first fell in with the Pennsylvania militia at Hagerstown. I could get no positive information from them about the whereabouts of the Army. They told me they had understood that what was left of the 11th Corps had gone to Baltimore to guard prisoners. I was out of money, nearly naked and not well. As I could go home to Rochester N.Y. in 36 hours I thought I would go, and get some money and clothing, and get back when I could. I didn't

feel able to do duty. I started for home, and met Col Jones of my regiment at Elmira N.Y. He had been captured at Chancellorville, and was on his way back. He told me he was going to the regiment and would write and inform me where it was. He was not yet exchanged and could not get to the regiment. I did not hear from him. I wrote to the surgeon of my regiment, and received no reply. I finally heard from the regiment through some of my men, and started for Washington Aug 23^d, and reported Aug 25th to the Provost Marshal there, and got a pass for my regiment. If I had been well enough I should have returned sooner to my Command. My health had been much impaired by the exposure incident to my escape.

In answer to further questions of the Commission, Captain Cheeny stated in addition -

I went home by way of Harrisburg. I did not obtain a pass or a surgeon's certificate. I did not obtain a medical certificate at home, nor forward one to my regiment. I have no further evidence to offer to the Commission.

The Commission having carefully and fully considered the statement of
 Captain H. Cheeny.

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that in their opinion Captain Cheeney has
not sufficient cause why he should not
be dismissed from the service of the United States.

W. Osborn

Major Genl. Commanding
Army of the United States

Alvin Kall
Capt. A.D.C.
Recorder

The foregoing proceedings are
approved
O. O. Hobart
Major Genl.