

Head Quarters Dept. Cumberland
Chattanooga, Tenn.
1st 1865.



Respectfully forwarded.

The final orders of the receiving officer, are not endorsed in this case with the approval and confirmation, but inasmuch as the 20th Corps is now beyond the limits of this Department the case is forwarded in its present form.

Geo. H. Thomas

Major Genl. Comdg

Transmit

R.B./257

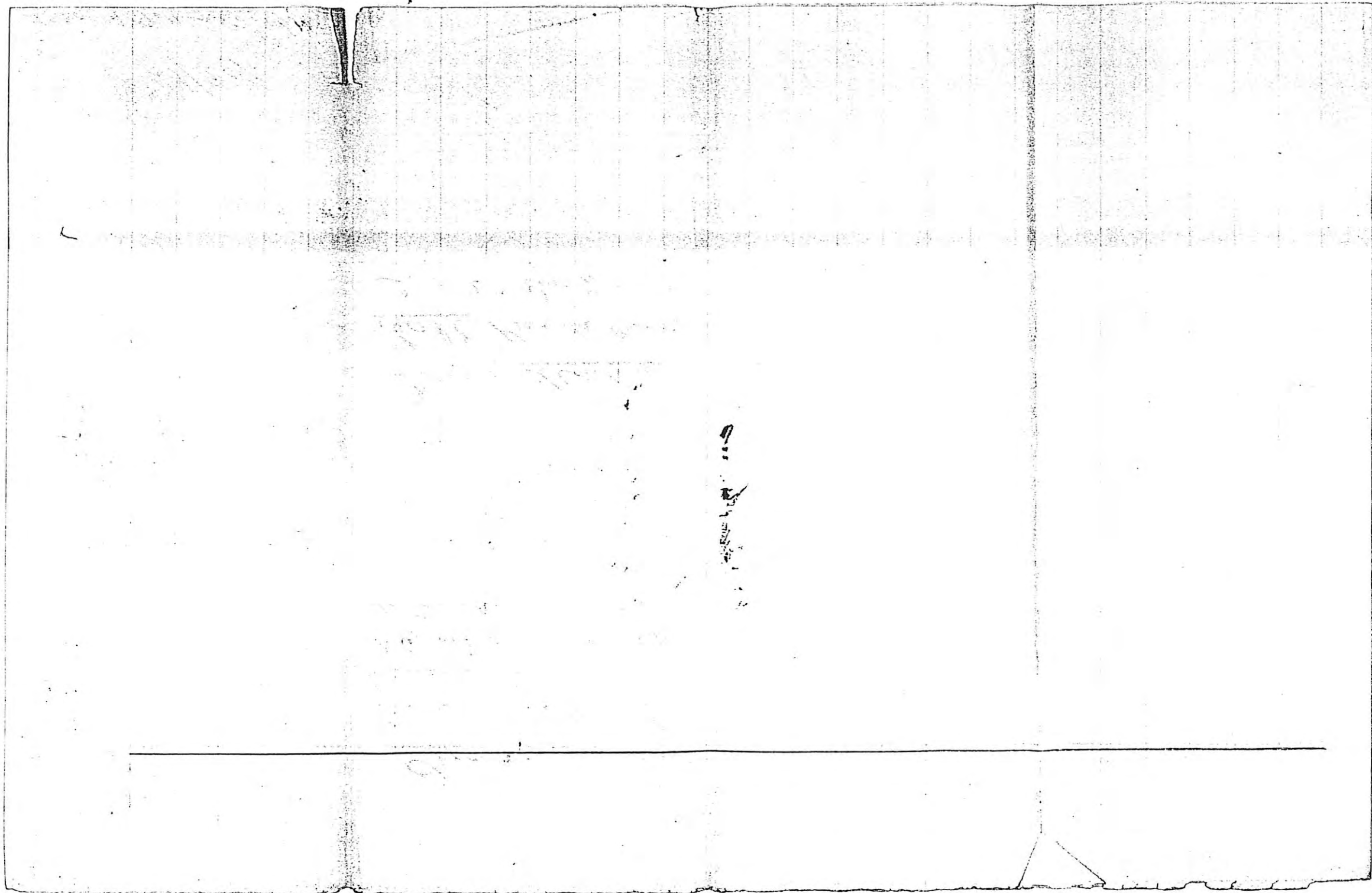
Recd. A. D. A. G. H. Feb 14/65

35
OO 209

Proceedings of the
General Court Martial
Commenced by Sp. Ord. No
46, Hd Qrs 2 Div XX
A. C. Aug 19, 1864

P. M. Jones
Col 154th Regt N Y V
President

Case of Martin
Hall, Private Corp
C. 154th Regt N Y V



Head Quarters 2^d Division 20th A.C.

Atlanta Ga. Nov 8th 1864.

General Orders)
No 35.)

I. . . . Before a General Court Martial of which Col. P.H. Jones
154th New York Vols. was President, convened at Atlanta Ga. by virtue of
Special Orders No. 46 c.s. from these Head Quarters was arraigned and tried,
Private Martin Hall 154th New York Vols on the following

Charge: "Desertion"

Finding; Not guilty of "Desertion" but guilty of Absence without
leave.

Sentence: "To forfeit all pay and allowances accruing to him during
the period of his absence to-wit- five months and twenty
two days, and that thirty three dollars and seventy four
\$ 33.74 the amount of expense incurred in his arrest and
return to his Regiment be deducted from his pay as
charged upon the Muster Rolls of his Company.

II. . . . The proceedings finding and sentence of the General
Court Martial in the foregoing case are approved and confirmed

Private Martin Hall Co. C. 154th New York Vols will be
released from arrest and returned to duty. His Regtl Comdr is
directed to see that the forfeiture of pay awarded by the
sentence of the Court is duly made.

By command of Brig Gen. W. George.
Comd'g Divn
W. Forbes
Capt.

Maj. G. P. Houston
M. J. A. S. Dept. Comm.

00209

Proceedings of General Court-Martial
convened at Head Quarters 2^d Division 20th A. C. Atlanta
Ga by virtue of the following order

Head Quarters 2^d Div. 20th A. C.
Near Atlanta - Ga August 19th 1865

Special Order
No 86

I. A General Court-Martial is appointed to meet at these Head Quarters at nine (9) o'clock A. M. tomorrow the 20th inst - or as soon thereafter as practicable for the trial of Prisoner-George Judd Co "B" 134th N. Y. Vols and such other prisoners as may be brought before it

Detail for the Court

- 1 Colonel P. H. Jones 154th New York Vols
- 2 Lt-Col James Critzpatrick 28th Penna "
- 3 Captain O. H. Ferguson 111th " "
- 4 " P. L. Sinclair 60th N. Y. "
- 5 " Otis Giffin 134th " " "
- 6 1st Lieut Nelson Gard 66th Ohio "
- 7 2^d " A Parslow 134th N. Y. "
- 8 Captain H. M. Burhans 149th " " " Judge Ad-
vocate. No other Officers than those named can be
assembled without manifest injury to the service

The Court will sit without respect to hours

By Command of Brig. Genl. Geo. W. Carey
(Signed) W. W. Forbes

Capt. & A. A. G.

12 o'clock M. Sept. 6th 1864

Court in session

Present -

1 Colonel	<u>P. H. Jones</u>	184 th N. Y. Vols.
2 Lt. Col.	<u>James Britzpatrick</u>	28 th Pa. " "
3 Captain	<u>P. S. Sinclair</u>	60 th N. Y. " "
4 " "	<u>Otis Puffin</u>	184 th " " "
5 1 st Lieut.	<u>Arthur Card</u>	66 th Ohio " "
6 2 ^d " "	<u>A. Parslow</u>	194 th N. Y. " "
Captain	<u>H. B. Burhang</u>	149 th " " " Judge Advocate

The Court then proceeded to the trial of Private Martin Hall Co "C" 154th N. Y. Vols. and he was called into Court - The order convening the Court was then read by the Judge Advocate and the accused was asked if he had any objection to any member named therein to which he replied that he had none.

The Court was then duly sworn by the Judge Advocate and the Judge Advocate was then duly sworn by the Presiding Officer of the Court in presence of the accused when permission being granted by the Court Sgt. Gallagher 154th N. Y. V. was introduced as counsel for the accused when the following charge and specification were read aloud by the Judge Advocate -

Charge and specifications against Private
Martin Hall of Co "C." 154th Regt. N.Y.V.

Charge Desertion

Specifications In this that the said Private
Martin Hall left Convalescent Camp Alexandria
Va. on or about the 15th day of August 1863. without
leave, was apprehended at Williamsburg Pa. by
a Fowler for which he was paid thirty (\$30) Dollars
by Frank W. Bardell Capt. U.S.A. Prof. and Disbursing
Officer Washington D.C. and was delivered to the
Regt on the 7th day of February 1864

Cost of Arrest \$30. of Transportation \$5.74
Total \$ 35.74

(Signed) Henry Martin Pvt. Lt.
Witnesses Company Co "C." 154th N.Y.V.
Giles H. Sherman Priv. Co. "C." 154th N.Y.V.
Ernestus Wright " " " " " " "
Meriam Streit " " " " " " "

To which the accused Private
Martin Hall Co "C." 154th N.Y.V. pleads as follows

To Specifications Guilty

To Charge Not Guilty

Private Giles H. Sherman a witness for the prose-
cution being duly sworn testifies as follows

Questioned by Judge Advocate

Ques. Were you with the accused at Alexandria Va

last summer

Ans I was

Ques What do you know of his leaving there

Ans I know that he left about the middle of August 1863

Ques Did he go away in citizens clothes

Ans I think not; I think he wore his uniform

Ques Did you have any conversation with him about his going

Ans I did not

1st Lieut. Stephen Welch a witness for the defence being duly sworn says that he is the commanding officer of the company to which the accused belongs and that he has received notice of stoppages to the amount of (\$33.74) thirty-three dollars and seventy-four cents to be stopped against the pay of the accused for arrest and transportation and that the same have been entered against his name on the Company Muster and Pay Rolls for January and February 1863

Question by the Accused

Ques Have the Rules and Articles of war ever been read to the accused

Ans Portions of them have been read to the Company when he was present

Questioned by the Court -

Ques. Have you been acquainted with the accused since he has belong to the Regiment -

Ans. Pham: and before

Ques. Is he mentally deficient or demented so that he would not realize the crime of desertion -

Ans. I think that he is

Court adjourned to meet at 10 o'clock A.M. tomorrow the 1st inst.

10 o'clock A.M. Sept 7th 1864

Court met pursuant to adjournment -

Present -

1 Colonel	<u>C. H. Jones</u>	154 th N. Y. V.	
2 Lt-Col	<u>James Fitzpatrick</u>	28 th Pa.	"
3 Captain	<u>P. S. Sinclair</u>	60 th N. Y. V.	
4 "	<u>Otis Puffin</u>	134 th " "	"
5 th 1 st Lieut	<u>Nelson Card</u>	66 th Ohio	"
6 2 ^d "	<u>A. Passlow</u>	134 th N. Y. V.	
7 Captain	<u>H. N. Burhans</u>	149 th " "	Judge Advocate
8 1 st Lieut	<u>J. M. Gallagher</u>	154 th N. Y. V.	Counsel for the accused

The proceedings of yesterday having been read by the Judge Advocate the accused Private Martin Hall was then brought into the Court -

Surgeon Henry Van Arman - 154th N.Y. Vols.
a witness for the defence being duly sworn testifies
as follows

Questioned by the Accused

Ques. Are you surgeon of the 154th N.Y. Vols.

Ans. I am

Ques. Do you know the accused

Ans. I do

Ques. How long have you known him

Ans. I have known him for the last fifteen years
more especially for the last two years.

Ques. Have you sufficient knowledge of the man
so that you could judge of his mental capacity

Ans. I think I have; I have that knowledge acquired
by intercourse with him as Surgeon of the Regiment.

Ques. State what you know of his mental capacity

Ans. I should consider him a simple minded
well disposed person not capable of judging of
any complex question that would require any
reasoning faculties

Ques. Is he educated?

Ans. We cannot read nor write nor can any
of his family

Question by the Court -

Ques. How do you characterize? is he insane?

Ans. He is imbecile in mind and his faculties
have not been developed by education; his surround

ings in youth were such as would tend to blunt -
even his natural capacity

Ques Do you think his mind so weak that
he cannot realize the difference between right
and wrong?

Ans If the question of right or wrong was
very simple he might know but if it required
any reasoning faculties he would not be able to
come to a very correct conclusion (P.E.) he would
know that it was wrong to disobey an order; he
has told me that he knew it was wrong to desert from
his regiment but that he did not know that it was
wrong to desert from parole Camp

The evidence in the case here closed

The Court was then cleared for deliberation and
having maturely considered the evidence adduced
find the said ^{Private in} Martin Hall, Co "C", 15th U.S. Inf. A. G. V.
as follows

Of the Specification - Guilty
Of the Charge - Not Guilty of Murther
but Guilty of Absence without leave

The Court do therefore sentence him
the said Private Martin Hall Company
C. One hundred & fifty Dollars (150th Reg. N. & Vols.
To forfeit all pay and allowance accruing
to him during the period of his absence without

Five months and twenty two days, and
the thirty three dollars & seventy four cents
(\$33.74) the amount of expense incurred in
conveying his arms and return to his Regiment,
be deducted from his pay as charges upon
the Muster Rolls of his Company

The Court is this lenient because of the
good character sustained by the accused
and because of the nervous state of his mind
rendering him almost irresponsible for
his own acts. His criminal intent being
accompanied the breach of military law
struck upon him.

P. H. Jones
A. R. Bushman Co. 154 1/2 Pa. N. Y. Vols
Capt 149th N. Y. V. Medical G. C. M.
Judge Advocate

The proceedings, finding, and sen-
tence of the General Court Martial in the fore-
going case are approved and confirmed

Geo. W. Geary
Brig Gen. M. D. S.
Comdg 20th Div 20th Corps

