

HEADQUARTERS TENTH ARMY CORPS,  
DISTRICT OF RALEIGH

Raleigh, North Carolina, July 25<sup>th</sup>, 1865

GENERAL ORDERS

NO. 45.

- I. Before a General Court Martial, which convened at Headquarters 10th Army Corps, Raleigh, North Carolina, July 20<sup>th</sup>, 1865, pursuant to Special Orders No. 100, Headquarters 10th Army Corps, District of , Raleigh, North Carolina, July 20<sup>th</sup>, 1865, and of which Colonel, C.R. Macdonald, 47<sup>th</sup> Regiment New York Volunteers, is President, were arraigned and tried:

Sergeant Edward Burns, Sergeant John Spahn, Sergeant Samuel M. Freeman, Sergeant John C. Gregory, Sergeant John Eisenberger, Sergeant Cordelius Cummings, Corporal Conrad Wagner, Corporal Osman Hinkley, Corporal William Serace, Private George Solten, Private Dennis Wheelan, Private Nicodemus Thompson, Private Michael Sykes, Private James F. Wood, Private Frank Schelling, Private John Signold, Private Louis Smith, Private W. L. Clark, Private John Schamberger, Private George B. Ross, Private John Ryan, Private Henry Metzger, Private George Koberlein, Private Edward McGuire, Private Patrick MaCarty, Private Frank Lewis, Private John Gethoeffler, Private Benjamin J. Carr, Private Stewart Hadlock, Private Andrew Hanford, Private George Heppel, all of "M" Troop, 12<sup>th</sup> New York Cavalry.

CHARGE.

*"Beginning, exciting, causing, and joining in a Mutiny."*

Specification, - " In this, that they, Sergeant Edward Burns, Sergeant John Spahn, Sergeant Samuel M. Freeman, Sergeant John C. Gregory, Sergeant John Eisenberger, Sergeant Cordelius Cummings, Corporal Conrad Wagner, Corporal Osman Hinkley, Corporal William Serace, Private George Solten, Private Dennis Wheelan, Private Nicodemus Thompson, Private Michael Sykes, Private James F. Wood, Private Frank Schelling, Private John Signold, Private Louis Smith, Private W. L. Clark, Private John Schamberger, Private George B. Ross, Private John Ryan, Private Henry Metzger, Private George Koberlein, Private Edward McGuire, Private Patrick MaCarty, Private Frank Lewis, Private John Gethoeffler, Private Benjamin J. Carr, Private Stewart Hadlock, Private Andrew Hanford, Private George Heppel, all of "M" Troop, 12<sup>th</sup> New York Cavalry, on or about the 16<sup>th</sup> day of June, 1865 did assemble in their Camp for the purpose of resisting the lawful authority of their superior Officers, and did march to the Headquarters of their regiment, and, [ with pistols drawn ] did [ demand the ] release [ of ] four men, Sergeants Mores, Garwin, Rarguil, and Montgomery, of "M" Troop, 12<sup>th</sup> New York Cavalry, who were in confinement and undergoing punishment, [ and did forcibly release the said men, and did threaten to shoot any Officer who interfered with them], and, when ordered by Lieutenant Colonel Vought, Commanding 12<sup>th</sup> New York Cavalry, to disperse and go to their quarters, [ did refuse to obey said order, and did point their pistols at the said Lieutenant Colonel Vought, and did threaten to shoot him and ] did say [ that they would not allow their comrades to be punished, ] the soldiers had rights, ( and that they would take the law into their own hands, or words to that effect, ), all this at or near the Camp of the 12<sup>th</sup> New York Cavalry, near Tarboro, North Carolina."

To which *Charge* and *Specification* the accused Sergeant Edward Burns, Sergeant John Spahn, Sergeant Samuel M. Freeman, Sergeant John C. Gregory, Corporal Conrad Wagner, Corporal Osman Hinkley, Corporal William Serace, Private George Solten, Private Dennis Wheelan, Private Nicodemus Thompson, Private Michael Sykes, Private James F. Wood, Private Frank Schelling, Private John Signold, Private Louis Smith, Private W. L. Clark, Private John Schamberger, Private George B. Ross, Private John Ryan, Private Henry Metzger, Private George Koberlein, Private Edward McGuire, Private Patrick MaCarty, Private Frank Lewis, Private John Gethoeffer, Private Benjamin J. Carr, Private Stewart Hadlock, Private Andrew Hanford, Private George Heppel, all of "M" Troop, 12<sup>th</sup> New York Cavalry severally and separately pleaded as follows:

To the *Specification* of the *Charge*, "*Guilty*"

except the words: - 'with pistols drawn,' 'demand the,' 'of,' 'and did forcibly release the said men and did threaten to shoot any Officer who interfered with them,' 'did refuse to obey said order, and did point their pistols at the said Lieutenant Colonel Vought, and did threaten to shoot him and,' that they would not allow their comrades to be punished,' and that they would take the law into their own hands, or words to that effect,' included in the brackets as above.

To the *Charge*, "*Not Guilty*"

To which *Charge* and *Specification* the accused Sergeant John Eisenberger, Sergeant Cordelius Cummings, Private Louis Smith, all of "M" Troop, 12<sup>th</sup> New York Cavalry severally and separately pleaded as follows:

To the *Specification* of the *Charge*, "*Not Guilty*"

To the *Charge*, "*Not Guilty*"

#### FINDINGS

The Court, having maturely considered the evidence adduced, finds the accused, Sergeant Edward Burns, Sergeant John Spahn, Sergeant Samuel M. Freeman, Sergeant John C. Gregory, Corporal Conrad Wagner, Corporal Osman Hinkley, Corporal William Serace, Private George Solten, Private Dennis Wheelan, Private Nicodemus Thompson, Private Michael Sykes, Private James F. Wood, Private Frank Schelling, Private John Signold, Private Louis Smith, Private W. L. Clark, Private John Schamberger, Private George B. Ross, Private John Ryan, Private Henry Metzger, Private George Koberlein, Private Edward McGuire, Private Patrick MaCarty, Private Frank Lewis, Private John Gethoeffer, Private Benjamin J. Carr, Private Stewart Hadlock, Private Andrew Hanford, Private George Heppel, all of "M" Troop, 12<sup>th</sup> New York Cavalry as follows:

Of the *Specification* of the *Charge*, "*Guilty*" except the words: - 'with pistols drawn,' 'demand the,' 'of,' 'and did forcibly release the said men and did threaten to shoot any Officer who interfered with them,' 'did refuse to obey said order, and did point their pistols at the said Lieutenant Colonel Vought, and did threaten to shoot him and,' that they would not allow their comrades to be punished,' and that they would take the law into their own hands, or words to that effect,' included in the brackets as above.

Of the *Charge*, "*Guilty*"

And the accused Sergeant John Eisenberger, Sergeant Cordelius Cummings, Private Louis Smith, all of "M" Troop, 12<sup>th</sup> New York Cavalry severally and separately pleaded as follows:

To the *Specification of the Charge*, "*Not Guilty*"

To the *Charge*, "*Not Guilty*"

And the Court does therefore acquit them, Sergeant John Eisenberger, Sergeant Cordelius Cummings, Private Louis Smith, all of "M" Troop, 12<sup>th</sup> New York Cavalry.

#### SENTENCE

And the Court does sentence them, Sergeant Edward Burns, Sergeant John Spahn, Sergeant Samuel M. Freeman, Sergeant John C. Gregory, Corporal Conrad Wagner, Corporal Osman Hinkley, Corporal William Serace, Private George Solten, Private Dennis Wheelan, Private Nicodemus Thompson, Private Michael Sykes, Private James F. Wood, Private Frank Schelling, Private John Signold, Private Louis Smith, Private W. L. Clark, Private John Schamberger, Private George B. Ross, Private John Ryan, Private Henry Metzger, Private George Koberlein, Private Edward McGuire, Private Patrick MaCarty, Private Frank Lewis, Private John Gethoeffler, Private Benjamin J. Carr, Private Stewart Hadlock, Private Andrew Hanford, Private George Heppel, all of "M" Troop, 12<sup>th</sup> New York Cavalry, "*To be dishonorably discharged the service of the United States, with the forfeiture of all pay, bounty, and allowances that are now or may hereafter become due them, and to be confined at hard labor, at such place as the Commanding General shall direct, for the term of one (1) year.*"

- II. The proceedings and findings in the foregoing cases of , Sergeant Edward Burns, Sergeant John Spahn, Sergeant Samuel M. Freeman, Sergeant John C. Gregory, Corporal Conrad Wagner, Corporal Osman Hinkley, Corporal William Serace, Private George Solten, Private Dennis Wheelan, Private Nicodemus Thompson, Private Michael Sykes, Private James F. Wood, Private Frank Schelling, Private John Signold, Private Louis Smith, Private W. L. Clark, Private John Schamberger, Private George B. Ross, Private John Ryan, Private Henry Metzger, Private George Koberlein, Private Edward McGuire, Private Patrick MaCarty, Private Frank Lewis, Private John Gethoeffler, Private Benjamin J. Carr, Private Stewart Hadlock, Private Andrew Hanford, Private George Heppel, all of "M" Troop, 12<sup>th</sup> New York Cavalry are approved. The sentences are confirmed, and so much thereof as provides that the prisoners shall be confined at hard labor, will be carried into effect in the cases of Burns, Spahn, Freeman, Gregory, Wagner, Hinkley, Serace, Solten, Wheelan, Thompson, Sykes, Wood, Schelling, Signold, Smith, Clark, Schamberger, Ross, Ryan, Metzger, Koberlein, McGuire, Private Patrick MaCarty, Lewis, Gethoeffler, Carr, Hadlock, Hanford, and Heppel, at Fort Caswell N.C. under the direction of the Commanding Officer thereof respectively, to whom the prisoners will be sent, under guard.

The Quartermaster's Department will furnish the necessary transportation.

The proceedings and findings in the cases of Sergeant John Eisenberger, Sergeant Cordelius Cummings, Private Louis Smith, all of "M" Troop, 12<sup>th</sup> New York Cavalry, are approved. The prisoners will be released from confinement, and return to duty.

BY ORDER OF THE BREVET MAJOR GENERAL A. AMES:

CHARLES A. CARLETON,

Lieut. Col. and Assistant Adjutant General

OFFICIAL:

A handwritten signature in cursive script, reading "Chas. A. Carleton". The signature is written in dark ink and is positioned above the printed name.

Assistant Adjutant General