

1861

**General Orders. No. 76 / Adjutant General's Office, Washington,
September 12, 1861.**

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GENERAL ORDERS, }
No. 76. }

ADJUTANT GENERAL'S OFFICE,
Washington, September 12, 1861.

I..At the General Court Martial which convened at Fort Monroe, Va., pursuant to "Special Orders" No. 190, of July 16, 1861, from the War Department, and of which Col. JOHN W. PHELPS, 1st Regiment Vermont Volunteers, is President, was arraigned and tried Colonel *William H. Allen*, 1st Regiment N. Y. Volunteers, on the following charges and specifications, viz:

CHARGE I.

"Disobedience of Orders."

Specification—"In this; that Colonel *William H. Allen*, commanding the 1st Regiment New York Volunteers, did go himself and did send a portion of his command beyond the line of Pickets of Camp Hamilton, Va., in direct violation of Special Orders No. 27, from Major General Butler, dated June 7, 1861. This on or about the 27th day of June, 1861, at or near Buck Roe farm, Va."

CHARGE II.

"Conduct to the prejudice of good order and military discipline."

Specification 1st—"In this; that Colonel *William H. Allen*, commanding the 1st Regiment of New York Volunteers, did arrest or cause to be arrested in his, said Colonel William H. Allen's, camp, one Patrick H. Hopkins, a citizen of the State of Virginia, having and exhibiting at the time of his arrest a written protection or safeguard from Major General Butler, commanding the Department of Virginia, &c., and did keep said Hopkins a prisoner in his said Colonel Allen's camp several hours without reporting said Hopkins's arrest to General Peirce, his immediate commanding officer. This at the camp of the 1st Regiment New York Volunteers, near Fort Monroe, Va., on or about the 27th of June, 1861."

Specification 2d—"In this; that Colonel *William H. Allen*, commanding the 1st Regiment New York Volunteers, did arrest or cause to be arrested one Robert Jackson, a citizen of the State of Virginia, said Jackson having and exhibiting at the time of his arrest a safeguard or protection in writing from Major General Butler, and did fail to report such arrest to Brigadier General Peirce, his immediate commanding officer. This at or near Buck Roe farm, Virginia, on or about the 27th of June, 1861."

Specification 3d—"In this; that Colonel *William H. Allen*, commanding the 1st Regiment New York Volunteers, did arrest or cause to be arrested, Richard Arrington, James Hopkins, and John Clinton, citizens of the State of Virginia, and did send them to Major General Butler, commanding the Department of Virginia, without Major General Butler, or his immediate commander, Brigadier General Pierce's orders, or without reporting to Brigadier General Peirce that he had made such arrests. This at or near Buck Roe farm, Va., on or about the 27th of June, 1861."

CHARGE III.

"Maliciously causing private property to be destroyed."

Specification—"In this; that Colonel *William H. Allen*, commanding the 1st Regiment New York Volunteers, caused to be burned on a place called Buck Roe farm, Va., a quantity of wheat in shocks, the produce of about twenty-five acres; this without any authority from the Commander-in-chief of the armies of the United States. This at or near Buck Roe farm, on or about the 27th of June, 1861."

CHARGE IV.

"Conduct unbecoming an officer and a gentleman."

Specification—"In this; that Colonel *William H. Allen*, commanding the 1st Regiment New York Volunteers, did inform General Peirce, in the presence of his aides, and did inform other officers,

that he (Colonel Allen) had not sent a party to burn a wheat crop, referring to a crop of wheat which had been burned in the neighborhood. This after he had sent a party to burn the wheat, and had approved the report of the officer commanding the party sent. This at or near Camp Hamilton, Virginia, on or about the 27th June, 1861."

CHARGE V.

"*Breach of Arrest.*"

Specification—"In this; that Colonel *William H. Allen*, commanding the 1st Regiment New York Volunteers, after being placed in arrest by Major General Butler, in Special Orders dated June 28, 1861, did leave his confinement before he was set at liberty by his commanding officer or by a superior, by going beyond the limits assigned to him by orders, dated June 28, 1861, and signed by Major General Butler, commanding the Department of Virginia, &c. This at or near Hampton, Va., on or about the 2d July, 1861."

CHARGE 6.

"*Drunkenness on duty.*"

Specification—"In this; that Colonel *William H. Allen*, commanding 1st Regiment New York Volunteers, was drunk at Major General Butler's office, when visiting said office by order of Major General Butler. This at Fort Monroe, Va., on or about the 28th of June, 1861."

To which charges and specifications the accused pleaded as follows, viz :

To the *Specification* 1st CHARGE, "Not Guilty."

To the 1st CHARGE, "Not Guilty."

To the 1st *Specification* 2d CHARGE, "Not Guilty."

To the 2d *Specification* 2d CHARGE, "Not Guilty."

To the 3d *Specification* 2d CHARGE, "Not Guilty."

To the 2d CHARGE, "Not Guilty."

To the *Specification* 3d CHARGE, "Not Guilty."

- To the 3d CHARGE, "Not Guilty."
- To the *Specification* 4th CHARGE, "Not Guilty."
- To the 4th CHARGE, "Not Guilty."
- To the *Specification* 5th CHARGE, "Not Guilty."
- To the 5th CHARGE, "Not Guilty."
- To the *Specification* 6th CHARGE, "Not Guilty."
- To the 6th CHARGE, "Not Guilty."

FINDINGS OF THE COURT.

After mature deliberation the Court found the accused, Colonel *William H. Allen*, commanding the 1st Resiment of New York Volunteers, as follows :

Of the *Specification* to 1st CHARGE, "Guilty, except the words "did go himself and," and except the words "No. 27," and the words "dated June 7, 1861."

Of the 1st CHARGE, "Guilty."

Of the 1st *Specification* to 2d CHARGE, "Not Guilty."

Of the 2d *Specification* to 2d CHARGE, "Not Guilty."

Of the 3d *Specification* to 2d CHARGE, "Not Guilty."

Of the 2d CHARGE, "Not Guilty."

Of the *Specification* to 3d CHARGE, "Guilty."

Of the 3d CHARGE, "Guilty."

Of the *Specification* to 4th CHARGE, "Guilty, except the words Gen. Peirce in the presence of his aides."

Of the 4th CHARGE, "Guilty."

Of the *Specification* to 5th CHARGE, "Guilty."

Of the 5th CHARGE, "Guilty."

Of the *Specification* to 6th CHARGE, "Not Guilty."

Of the 6th CHARGE, "Not Guilty."

SENTENCE.

And the Court did, "therefore sentence him, Colonel *William H. Allen*, commanding the 1st Regiment New York Volunteers," "To be cashiered."

II..In conformity with the 65th Article of War, the proceedings of the General Court Martial in the foregoing case have been transmitted

to the Secretary of War, and by him laid before the President of the United States, and the following are the orders thereon :

WASHINGTON, *September 10, 1861.*

The proceedings, findings, and sentence of the Court in the case of Colonel *William H. Allen*, 1st Regiment New York Volunteers, are confirmed and approved.

A. LINCOLN.

The name of Colonel *William H. Allen*, 1st Regiment New York Volunteers, will accordingly be stricken from the rolls of the service, to date from September 10, 1861.

III.—The General Court Martial of which Colonel JOHN W. PHELPS, 1st Regiment Vermont Volunteers, is President is dissolved.

BY ORDER :

L. THOMAS,
Adjutant General.

OFFICIAL:

Assistant Adjutant General.