

Court Martial Record of Elisha Thomas



Proceedings of a general court martial convened at Baton Rouge L a. by virtue of the following special order.

Head Qrs. Dist Baton Rouge L a.
Febuary 8th 1864

Special Order }
No. 121 } (Extract)

A General Court Martial is hereby appointed to meet at Baton Rouge on the 10th day of Febuary 1864 at 12 O'clock M for the trial of such prisoners as may be brought before it.

Detail for the Court.

- | | | |
|---|--|--|
| 1 | <u>Col. Geo. W. Monroe</u> | <u>22^d Ky. Vols.</u> |
| 2 | <u>Capt John Hughs</u> | <u>22^d Ky. Vols.</u> |
| 3 | " <u>J. J. Hoyt</u> | <u>156th New York</u> |
| 4 | " <u>John Maguire</u> | <u>175th New York</u> |
| 5 | " <u>S. E. Armstrong</u> | <u>1st Indiana Art.</u> |
| 6 | <u>Lieut James T. Davis</u> | <u>38 Mass. Vols.</u> |
| 7 | " <u>R. A. White</u> | <u>128 New York "</u> |
| | <u>1st Lieut Albert Mason</u> | <u>38th Mass. Vols. and</u> |

Acting Brigade Q.M. Judge Advocate.

No other officers than those named can be assembled without manifest injury to the service.

By command of

Brig. Genl. P. Sr Geo. Cooke

(Signed)

Geo. W. Durgin Jr.

Capt & A. A. A. Genl.



Baton Rouge L a. Feby 22 1864

11 A.M. *The court was in session pursuant to adjournment.*

Present

1	<u>Col. Geo. W. Monroe</u>	<u>22^d Ky. Vols.</u>
2	<u>Capt. John Hughs</u>	<u>22^d Ky. Vols.</u>
3	" <u>J. J. Hoyt</u>	<u>156th New York</u>
4	" <u>John Maguire</u>	<u>175th New York</u>
5	" <u>S. E. Armstrong</u>	<u>1st Indiana Art.</u>
6	<u>Lieut James T. Davis</u>	<u>38 Mass. Vols.</u>
7	" <u>R. A. White</u>	<u>128 New York "</u>
	<u>1st Lieut Albert Mason</u>	<u>38th Mass. Vols.</u>

Judge Advocate

*The court then proceeded to the trial of **Corporal Elisha Thomas**,
Co. D 7th Regt. Ky. Vols. who was called before the court and
having heard the order appointing the court read, was asked if he
had any objection to any member named in the order.*

*The accused having no objection to any member the court was then in
his presence duly sworn by the judge advocate and the judge
advocate was duly sworn by the president of the court.*

*The accused appealed to the court to be permitted to introduce **Major
E. B. Treadway** as his counsel, which application was granted
and he appeared as counsel for the accused.*

*The accused, Corporal Elisha Thomas Co D. 7th Ky. Vols. was
arraigned on the following charge and specification.*

Charge – – Mutiny

Specification – *In this, that he Elisha Thomas, Corporal Co.
D 7th Regt. Ky. Vols. Inftry, did on or about the night of the
5th Febuary 1864, join in mutiny with other men of said Regt.
and said that if he (Thomas) could get men to help him, that he
would engage in pulling up a post, where a man of the 7th Regt.
Ky. Vol. Inftry. was then tied by order of the commander of
said Regt: this at Baton Rouge L a.*

To which charge and specification the accused pleaded as follows.

To the Specification : – Not Guilty.

To the Charge : – Not Guilty.

Private Silas Wilder, Co. D 7th Ky. Vols. a witness for the prosecution was called and sworn.

Examination in Chief.

Question : – Were you present at a riot in your regiment on or about the 5th of February instant?

Answer : – I was.

Question : – State what you know of said riot and of the connection of the accused with the same

Answer : – The boys all went to the post and came back; we were trying to hush them up, accused kept on talking. Capt Clarke told him he would reduce him if he did not shut up. The accused told him he could reduce when he got ready, the post would be taken up. I heard a good deal, but I don't know who was talking, that was all I heard the accused say. I did not see any one touch the post, they were all gathered round the post and said it should be taken up, they did not think it was right for it to be there.

Capt. H. D. Clark Co. D 7th Ky. Vols. a witness for the prosecution was called and sworn.

Examination in Chief.

Question : – Were you present at any riot in your regiment on or about the 5th of Feb. instant?

Answer : – I was.

Question : – State what you know of said riot and of the connection of the accused with the same.

Answer : – On or about the 5th instant there was a man tied to a post which caused considerable excitement in camp, soldiers from different companies concluded to release the man; at evening roll call I had heard something of this thing and I told my men not to engage in it for they would be severely punished. Corporal Thomas stated that the man ought never to have been tied to the post and he was willing to pull the post up or help do it. I told him as he was a non-commissioned officer, instead of trying to induce others to go into it, he ought to try to keep it down. He replied that he had not tried to induce any others to go into it, but was willing to help take it up himself.

Prosecution closed here.

The defence having no testimony to offer, the court was then closed for deliberation and after mature consideration of the evidence adduced, find the accused Corporal Elisha Thomas Co D. 7th Ky Vols. as follows,

*Of the Specification. **Guilty***

*Of the Charge. **Guilty***

and do therefore sentence him Corporal Elisha Thomas Co D. 7th Ky Vols. to be reduced to the ranks and confined on Ship Island Miss. to hard labor on government fortifications for one year.

The court then adjourned to meet again tomorrow at 9 O'clock A.M.

Geo. W. Moners

*A lbert Mason L ieut 38th Mass, Judge A dvocate Col. 22 Reg. Ky. V.S.
President*

.....

Proceedings approved: the sentence will be carried into effect.

*P St Geo. Cooke
Brig. Genl.*

There were six other men from the 7th KY Vols. that were tried for the same incident.

<i>They are:</i>	<i>Sentence:</i>
Cpl. Harrison Frances	– One year on the "Dry Fortugas"
Andrew Frazier	– Acquited
Josephus Henderson	– Acquited
Madison Schoolcraft	– Two months in jail with ball & chain
Nathan Schoolcraft	– Acquited
Daniel Sutherland	– Confinement on Ship Island for the remainder of his term of enlistment

The following is the Court Martial record of Corp. Harrison Frances which adds a little more detail to the incident.

Court Martial Record of Harrison Francis



Proceedings of a general court martial convened at Baton Rouge L a. by virtue of the following Special Order.
Head Qrs. Dist Baton Rouge L a.

Special Order }
No. 121 } (Extract)

A General Court Martial is hereby appointed to meet at Baton Rouge on the 10th day of February 1864 at 12 O'clock M for the trial of such prisoners as may be brought before it.

Detail for the Court.

- | | | |
|---|--|------------------------------------|
| 1 | <u>Col. Geo. W. Monroe</u> | <u>22^d Ky. Vols.</u> |
| 2 | <u>Capt John Hughs</u> | <u>22^d Ky. Vols.</u> |
| 3 | " <u>J. J. Hoyt</u> | <u>156th New York</u> |
| 4 | " <u>John Maguire</u> | <u>175th New York</u> |
| 5 | " <u>S. E. Armstrong</u> | <u>1st Indiana Art.</u> |
| 6 | <u>Lieut James T. Davis</u> | <u>38 Mass. Vols.</u> |
| 7 | " <u>R. A. White</u> | <u>128 New York "</u> |
| | <u>1st Lieut Albert Mason</u> | <u>38th Mass. Vols.</u> |

and Acting Brigade Q.M. Judge Advocate.

No other officers than those named can be assembled without manifest injury to the service.

By command of

Brig. Genl. P. Sr Geo. Cooke

(Signed)

Geo. W. Durgin Jr.

Capt & A. A. A. Genl.



Baton Rouge L a. Feb 20 1864

9 A.M. The court was in session pursuant to adjournment.

Present

1	<u>Col. Geo. W. Monroe</u>	<u>22^d Ky. Vols.</u>
2	<u>Capt. John Hughs</u>	<u>22^d Ky. Vols.</u>
3	" <u>J. J. Hoyt</u>	<u>156th New York</u>
4	" <u>John Maguire</u>	<u>175th New York</u>
5	" <u>S. E. Armstrong</u>	<u>1st Indiana Art.</u>
6	<u>Lieut James T. Davis</u>	<u>38 Mass. Vols.</u>
7	" <u>R. A. White</u>	<u>128 New York "</u>
	<u>Lieut Albert Mason</u>	<u>38th Mass Vols Judge Advocate</u>

The court then proceeded to the trial of **Corporal Harrison Frances** Co. D 9th Ky. Vol. Infantry, who was called before the court and having heard the order appointing the court read, was asked if he had any objection to any member named in the order.

The accused having no objection to any member, the court was then, in his presence duly sworn by the judge advocate, and the judge advocate was duly sworn by the president of the court.

The accused applied to the court to be permitted to introduce **Major E. B. Treadway** 7th Ky. Vols. as his counsel, which application was granted, and he appeared as counsel for the accused.

The accused, Corporal Harrison Frances, Co. D 7th Ky. Vols. was arraigned on the following charge and specification.

Charge . - Mutiny

Specification . In this, that he Harrison Frances, Corp. Co. D 7th Regt. Ky. Vols. Infantry, did join in and excite mutiny in an attempt to tear down a post, set in the ground to tie offenders against military order and discipline, against the orders of his commander and the commanding officer of the Regiment and that after the commander of said 7th Ky. Vol. Infantry had stationed a guard to protect said post, he remarked "get your guns boys, and lets tear it down"; all this at Baton Rouge L a. Feby 6th 1864

To which charge and specification the accused pleaded as follows:

To the Specifications Not Guilty

To the Charge Not Guilty

Sergt. Jesse B. Boling Co. B 7th Ky. Vols. a witness for the prosecution was called and sworn. –

Examination in Chief.

Question. Were you present at any riot or disturbance in your regiment on or about the 5th of Febuary instant?

Answer: – I was present.

Question : – State what you know of said riot and of the connection of the accused with the same.

Answer : – The accused said to the boys "come ahead and lets take down the post." There was a crowd out there, I did not see them do anything; just threatening was all I heard. I heard none of the crowd, only him. I have stated all I heard him say.

Cross Examination

Question : – How long have you known the accused?

Answer : – I have known him ever since we have been in the service, two years and five or six months.

Question : – What has been his military character since you have known him?

Answer : – I have always taken him to be a straight forward, nice boy up to this time.

Question : – Has the accused been generally in good health and ready for duty or not?

Answer : – To the best of my knowledge he has.

Lieut. Melvin Phelps Co. C 7th Ky. Vols. a witness for the prosecution was called and sworn.

Examination in Chief

Question : – Were you present at any riot or disturbance in you regiment on or about the 5th of Febuary instant.

Answer : – I was, about the time it was quelled.

Question : – State what you know of said riot and of the connection of the accused with the same.

Answer : – A bout all I know is that when I got there it was pretty near through. Corporal Frances, the accused, said "come boys, get your guns", as near as I can recollect "and let us take up the post". That is about all I heard him say. A t that time the

crowd were going back to their tents, scattering off. I don't remember that I heard any others of the crowd make threatening remarks in his presence.

Cross Examination.

Question : – *How long have you been acquainted with the accused and what has been his general character as a Soldier for discipline and duty?*

Answer : – *I have been acquainted with him pretty much ever since the regiment has been in service, and so far as I know, he has always been a good soldier.*

Henry J. Clark, Capt. Co. D 7th Ky. Vols., a witness for the prosecution was called and sworn.

Examination in Chief.

Question : – *Were you present at any riot in your regiment on or about the 3^d of Febuary instant?*

Answer : – *I was present. if you term it that.*

Question : – *State what you know of that disturbance and of the accuseds connection with the same?*

Answer : – *There was a man tied to a post in the regiment on the evening of the 5th instant and the boys of the regiment concluded that the commanding officer had no right to tie men to a post, and to pull the post up. I heard Corporal Francis, the accused say if he could get help he would help pull up the post ; that he had been treated bad by Capt. Maret, then commanding the regiment. I thought it was my duty to instruct him and try to get him not to engage in such a scrape, he did not seem to pay any attention to what I said. They did not pull the post up, and I don't know that he went near the post. I did not see him do anything and that was all I heard him say.*

Question : – *What were the acts of the accused that led you to think he took no notice of what you said to him?*

Answer : – *He kept talking, so I understand, after I left. He also kept talking while I was talking to him and said if he could get help he would help pull up the post.*

Questions by the Court.

Question : – *Did you see the accused with a gun, when he appealed to the boys to get their guns and help to tear down the post?*

Answer : – *I did not.*

Question : – *Are you a soldier in the service of the United States, if so what is your rank and to what company & regiment do you belong?*

Answer : – *I am captain of Co. D 7th Ky. Vols.*

The prosecution closed here.

*The defense having no testimony to offer, the court was then cleared for deliberation, and having maturely considered the evidence adduced, find the accused **Corporal Harrison Francis**, Co. D 7th Ky. Vols. as follows;*

of the Specification – "Guilty"

of the charge – – "Guilty"

and do therefore sentence him Corporal Harrison Francis Co D 7th Ky Vols. to be reduced to the ranks as a private soldier and that he be then confined at hard labor on the "Dry Fortugas" for the period of one year.

*Albert Mason Lieut 38th Mass. Vols
Judge Advocate*

*Gen. W. Moners
Col. 22 Reg. Ky. V.S*

.....

The proceedings approved: the sentence will be carried into execution.

*P Sr Geo. Cooke
Brig. Genl. U.S.A.
Comdg –*

Copy

A djutant Generals Office
Washington D.C.
Oct 7th / 64

General: –

*A communication has been adressed to his Excellency, the President, requesting the release from confinement and discharge from service of **Private Harrison Francis and Elisha Thomas** of Co "D" 7th Ky. Vols. now undergoing sentence of Court Martial at Dry Fortagus, Fla.*

I n reply I have the honor to inform you that this Dept. sees no sufficient cause to justify the interposition of the pardoning power and it is deemed best for the interests of the service that the sentence in this case be fully executed; therefore no action can be taken for their pardon.

*I am General Very R espectfully
Y our Obedient Servant
(Signed)*

*Genl Canby
Comdg Mil. Div. West Miss.*

A sst. A djt Genl



Transcribed & Contributed by Betty Thomas Finger – bfinger@sacranet.com

(Graphic above by Rhio Gillis)