

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING A

REPORT OF EXECUTIONS

WHICH HAVE BEEN INFLICTED

IN THE ARMY OF THE UNITED STATES,

SINCE THE YEAR 1815.

PREPARED IN OBEDIENCE OF A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF
THE FOURTEENTH ULTIMO.

JANUARY 10, 1820.

Referred to the Committee on Military Affairs.

WASHINGTON :

PRINTED BY GALES & SEATON.

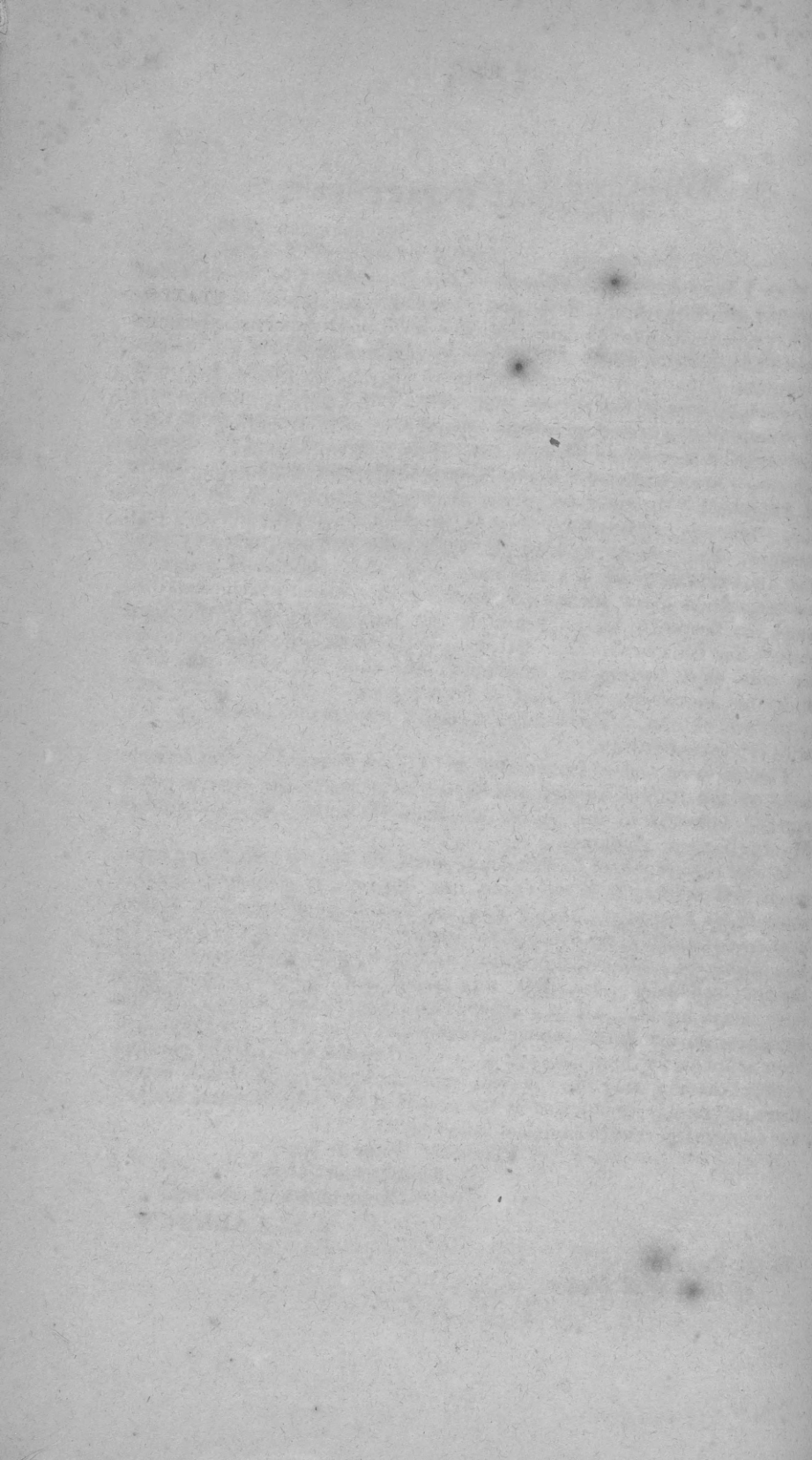
1820.

TO THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES :

In compliance with a resolution of the House of Representatives of the 14th December, 1819, requesting me "to cause to be laid before it any information I may possess, respecting certain executions which have been inflicted in the army of the United States, since the year 1815, contrary to the laws and regulations provided for the government of the same," I transmit a report, from the Secretary of War, containing a detailed account in relation to the object of the said resolution.

JAMES MONROE.

WASHINGTON, *January* 8th, 1820.



WAR DEPARTMENT,

6th January, 1820.

SIR: I have caused the records of this department to be examined for all the information it possesses "respecting certain executions or other punishments which may have been inflicted in the army, since the year 1815, contrary to the laws and regulations provided for the government of the same," conformably to a resolution of the House of Representatives of December 14th, 1819; and I now have the honor to state, that, as soon as it was reported to this Department that "Colonel King, of the 4th infantry, while commanding at Pensacola, had given orders to shoot down deserters if found within the limits of Florida," I directed the enclosed order (marked A) to be sent to him. His answer to this order was received during my absence last summer. The colonel reported that such order had been given by him, and that it was given in conformity with the established usage of service, when other means of checking desertion, which had become so frequent as to threaten the total reduction of the force under his command, had failed. He also stated that no deserter was shot during his command; but that the order was kept up by his successor, and that a man was shot by the party sent in pursuit of him. The colonel's report was made the basis of a military investigation.

The enclosed orders (marked B and C) were issued by this department on the 10th of August, and by the last reports, the general court martial were still in session, on the 4th of December, at Cantonment Montpelier, in Alabama.

It was also reported to this department, in August last, that a commissioned officer, at West Point, had improperly punished several soldiers by flogging. Major Thayer, the commanding officer at that post, was immediately ordered to inquire into and report the facts. His inquiry established the fact of whipping, without trial; on which the enclosed order (marked D) was issued, and no further complaints have been made. All the other cases which are known to this department, are found among the records transmitted after they have been acted on by commanding generals, "to the end that the persons entitled thereto may be enabled, upon application, to obtain copies thereof," and are embraced in the report of the Adjutant and Inspector General herewith enclosed (marked E.)

I have the honor to be,

Most respectfully,

Your obedient servant,

J. C. CALHOUN.

To the PRESIDENT
of the United States.

A.

[COPY.]

ADJ. AND INSP. GEN'S OFFICE,
29th March, 1819.

SIR: It has been reported to the War Department, from a source entitled to credit, that since you have had the command in Florida, and at Pensacola, "*orders have been given to the military to shoot down deserters, if found within the limits of Florida; that such orders emanated from Colonel King, military commandant, and have accordingly been executed.*"

The Secretary of War directs, that you forthwith make a particular and detailed report, stating the orders, by whom given, by whom executed, on whom executed, and the time when executed; with such other facts as you may deem important on this subject.

I have the honor to be,

Sir, your obedient servant,

D. PARKER,

Adjutant and Inspector General.

*Colonel Wm. King, 4th infantry,
Tensaw Post-office, Alabama.*

B.

[COPY.]

ADJ. AND INSP. GEN'S OFFICE,
August 10, 1819.

SIR: The commanding general of the south division has, this day, been ordered to detail and organize a general court martial, for the trial of colonel Wm. King, of the 4th infantry. You will, therefore, relieve colonel King in his command, put him in arrest, and direct him to remain at such place as you shall deem most convenient, to meet the orders of the general of division. You will report his arrest and station to general Jackson as soon as practicable.

By order.

D. PARKER,

Adjutant and Inspector General.

*Maj. Gen. Gaines, U. S. army,
Augusta, Georgia.*

C.

Extract of a General Order, dated

“ ADJ. & INSP. GEN. OFFICE,
August 10, 1819.

“GENERAL ORDER.

“The commanding general of the south division will detail and organize a general court martial, as soon as practicably consistent with the interest of the service, for the trial of Col. Wm. King, of the 4th infantry. Such charges, documents, and communications as the War Department possess, are herewith transmitted, to be put into the hands of the judge advocate of the south division, or such officer as may be detailed for that duty, in case he cannot attend the court.”

D.

[COPY.]

ADJ. & INSP. GEN. OFFICE,
30th September, 1819.

SIR: The President directs me to state that he has examined your report of the 2d instant, and the several communications referred to, relative to the troops attached to your command.

The corporal punishment inflicted on the men at West Point, being contrary to law, is not justified by the reasons given for it. It is a cause of much regret to see an officer of merit and discernment give his sanction to a proceeding so highly improper. If evils attain an alarming height, they should be stated to the Department, that such remedies as the laws authorize, and the means of the government are equal to, may be applied to them, but in no case should an officer take the remedy into his own hands, especially in a manner positively prohibited by law.

These acts are disapproved, and the President directs that you prevent their recurrence.

I have the honor to be,
Sir,
Your obedient servant,

D. PARKER, *Adj. & Insp. Gen.*

To Major S. THAYER,
Superintendent Military Academy,
Commanding West Point, N. York.

E.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,

3d January, 1820.

SIR: On your order, requiring me to state all "executions, or other punishments which may have been inflicted, in the army, since the year 1815, contrary to the laws and regulations for the government of the same," if any such are known to have occurred, all the proceedings of court martial, on file in this office, have been referred to; from which I have made the extracts herewith enclosed.

A General Court Martial, ordered by General Gaines, in February, 1816, sentenced a soldier to receive *fifty cobbs, or lashes, on his bare skin.* This sentence was confirmed, but, by the orders of the General in other cases, of which extracts are enclosed, pointedly disapproving whipping, it appears that he makes a distinction between *cobbs* and "*stripes and lashes,*" which last are only mentioned in the act of May 16, 1812, repealing a part of the 87th article of the rules and articles of war.

It also appears, that, soon after the peace, two General Courts Martial, ordered by General Macomb, sentenced several soldiers to receive *fifty lashes each*, which sentences were approved by the General, and ordered to be carried into effect. As such sentences have not since occurred, it is presumed that an impression prevailed in that command, at that time, that the act fixing the peace establishment, by generally repealing the laws enacted during the late war, restored the provision which authorized punishments by stripes and lashes before the war.

These are the only cases I have been able to find on the records; and it will be observed that all, except that of Major McGlassin, were within the jurisdiction of the commanding generals, and never came up to the War Department, but as a place of deposit for the records of courts, "to the end that the persons entitled thereto may be enabled, upon application, to obtain copies thereof." In this case the sentence of the court was approved by the President, and the Major was accordingly dismissed the service.

I have the honor to be, sir,
With perfect respect,
Your obedient servant,

D. PARKER,
Adjutant and Inspector General.

TO THE SECRETARY OF WAR.

EXTRACTS

FROM THE PROCEEDINGS OF COURTS MARTIAL, SINCE THE PEACE IN 1815, ON FILE IN THE ADJUTANT AND INSPECTOR GENERAL'S OFFICE.

It appears, by the record of a General Court Martial, held at Detroit, on the 11th of September, 1816, that Lieutenant Dake, of the 5th infantry, was charged with, and found guilty of, "flogging John Meldrum," a private of Captain Pelham's company, and sentenced to be "reprimanded in GENERAL ORDERS."

It appears by the original record of a General Court Martial, held at Montpelier, in April, 1817, that privates Samuel Dean and J. V. Mounce were both severely whipped, by order of their commanding officer, after having been brought in from desertion, for having fired on the party which was sent in pursuit of them; the fact of which, was substantiated by evidence.

Extract from the order of Major General Gaines, in which he approved the sentence.

[They were found guilty of desertion, and sentenced to hard labor.]

"The General takes this occasion to observe, that the punishment of a prisoner, before trial, beyond what may be unavoidable, in putting on irons and keeping him in close confinement, is irregular, and cannot be tolerated."

Thomas Coles, a matross of company "F," regiment of light artillery, was tried, by a General Court Martial, in December, 1817, on the following charge, viz:

"Making a false and malicious complaint against Captain George N. Morris, regiment of light artillery, to Lieutenant Colonel Abraham Eustis, on the 22d of November, 1817."

[Signed]

"GEORGE N. MORRIS,

Captain Light Artillery."

To which "the prisoner pleaded NOT GUILTY."

"Lieutenant Colonel Abraham Eustis, being sworn, testified, in relation to the charge exhibited against the prisoner, as follows:

"On the 22d of the last month, the prisoner came to my office, and stated that Captain Morris had been beating him. Perceiving that he was very much irritated at the moment, I would not listen to his complaint, but directed him to come to me immediately after guard mounting the next morning; at that hour I sent for Captain Morris, to be present to hear the complaint. The prisoner came at the appointed hour. He then stated to me, in the presence of Captain Morris, that he (Captain Morris) had beaten him, very severely, with a club, and, I think, said he had knocked out, or loosened, all the teeth on one side of his head. I questioned him as to the provocation given for such treatment; he denied any disrespect in his conduct, and said, he had merely objected to receiving a great coat which was branded on the back. I read to him the Article, among the Rules and Articles of War, which relates to complaints made by soldiers, against their commanders, in order to inform him of the course necessary for me to pursue. Captain Morris denied the statement made by the prisoner, and the complaint not being withdrawn, the subject was referred to a Regimental Court Martial; from the decision of which, the prisoner appealed."

"Captain Morris, being sworn, testified as follows:

"On the evening of the 22d of November, 1817, I ordered the orderly sergeant to march the company to my quarters, to receive the great coats. The company was paraded directly in front of my quarters, the orderly sergeant and one of the men, the inside. The fixed numbers were then called, for the men to receive their great coats: when the prisoner's name was called, he came to receive his coat, immediately went out, and was gone about two minutes; he then rushed into my quarters, came very near me, appeared much agitated, and asked me if that was the coat he had paid for, the last pay day. I told him it was. What, said he, holding the coat out, marked in that way? Yes, said I, repeating his words, marked in that way! I told him to take the coat and be off; he spitefully threw the coat down, and said, he would be *darned* if he would take it, or accompanied the act with *some* oath; said he would as willingly be branded on the forehead as on the back, and was going out of the door. I ordered him into the next room; he refused. I clinched him, and pulled him into the room; I ordered him to pull off his coat, which he refused to do. I took a small stick about two feet long, half an inch thick, and from an inch and a half to two inches wide, and struck him two or three times. He was then pulling the coat off, and offered to take the great coat, if I would not strike him again, which I did not do, when I found he meant to obey me. I then told him to take his great coat and go to his quarters. He did so."

"The court find the prisoner GUILTY of the charge exhibited against him, and sentence him to be confined to the black hole on bread

and water for thirty days, and one year to hard labor, with a ball and chain attached to his leg."

Extract from the "DEPARTMENT ORDER" of general Miller, on the foregoing case.

"The commanding general disapproves the proceedings in the case of Thomas Coles, a matross of the regiment of light artillery, and directs that he be released from confinement, and returned for duty."

It appears, from the records of a general court martial, convened at Plattsburgh, N. Y. for the trial of brevet major George M'Glassin, of the 6th infantry, on the 23d February, 1818, that said major M'Glassin was charged with, and found guilty of, "unnecessarily and cruelly whipping soldiers of his company," and sentenced to be "CASHIERED," which was approved by the President.

It appears, by the original proceedings of a general court martial, held in the harbor of Boston, in November, 1818, that Joseph Ham, a private of the 5th infantry, was arraigned on a charge for desertion, and pled as follows, viz.

"The prisoner pleaded **GUILTY**. The prisoner pled in justification of the crime, that he had been compelled, by cruel and illegal punishment, to desert, and called on sergeant Wm. Kelly to prove the fact, who was accordingly cited before the court and duly sworn."

"*Question.* Do you know any thing of the prisoner's receiving, prior to his desertion, severe or cruel punishment?"

"*Answer.* Yes. The prisoner, a short time previous to his desertion, being *suspected* of writing some observations relative to the soldiers not receiving their pay, was severely flogged for two or three mornings in succession; he was flogged with a raw hide, fifty or sixty lashes at a time, and was threatened with a repetition of the punishment until he would acknowledge the offence; during which time he was kept in close confinement, from which he at length escaped."

"*Question by the court.* By whose order was he thus punished?"

"*Answer.* By order of Captain Foster, of the 5th infantry."

"*Question.* Were you then stationed at Detroit?"

"*Answer.* I was, and was quarter-master-sergeant of the regiment."

"*Question.* What was the prisoner's character before this?"

"*Answer.* His character was very good."

"The court, after mature deliberation in the case of Joseph Ham, find him guilty, and do sentence him to hard labor, with a 12 lb. ball

and chain attached to his leg, during his term of enlistment, and make good the time lost by desertion. But in consequence of mitigating circumstances appearing to the court in favor of the prisoner, the court recommend him to the commanding general for a full pardon."

Extract of the Department Order, of general Porter, on the foregoing case.

"The sentence of the court in the case of Joseph Ham is remitted; he will return to duty."

It appears, by the record of a general court martial, held at Trader's Hill, Georgia, in August, 1819, that John Best, Claudius Thornton, Benjamin Brandige, Jacob Betiz, and Hiram Atkins, all privates of the United States' army, were severally tried by said court, for desertion, and proved on trial that they had been flogged (after being apprehended) for desertion, without a trial, and severally pled that they "*had once been punished, and should not be punished twice for the same offence.*"

They were severally found guilty of desertion, and sentenced to hard labor.

Extract from the order of major general Gaines, in which he approved the sentences in the preceding cases.

"The commanding general is constrained by a sense of duty to protest against the gross irregularity, which is evident from the testimony in the cases of the prisoners, previous to their trial. It appears that they were *severally flogged* by the orders of *commissioned officers*, without the least shadow of authority, in open contempt and defiance of law, and who have not only usurped the powers of courts martial, which alone have the authority of awarding punishment, but have ordered the infliction of punishments which no military tribunal has power to award. A prisoner in actual confinement, may, if disorderly, be ironed, and even chained to a block, but no conduct of his can justify his receiving a blow, nor can he be otherwise punished until regularly tried and convicted."

"A repetition of such unauthorized punishments will be immediately followed by the arrest of the officer ordering it."