

GENERAL ORDERS, }  
No. 269. }

WAR DEPARTMENT,  
ADJUTANT GENERAL'S OFFICE,  
Washington, August 4, 1863.

I..Before a General Court-Martial, which convened at Lexington, Kentucky, November 5, 1862, pursuant to General Orders, No. 16, dated Headquarters 2d Division Army of Kentucky, Lexington, Kentucky, November 3, 1862, and of which Colonel S. A. GILBERT, 44th Regiment Ohio Volunteer Infantry, is president, was arraigned and tried—

Private *George W. Hiner*, Company "E" 44th Regiment Ohio Volunteer Infantry.

CHARGE I.—"Desertion."

*Specification*—"In this; that the said Private *George W. Hiner*, of Company 'E' 44th Regiment of Ohio Volunteer Infantry, being stationed with his company at Camp Piatt, Western Virginia, was granted a furlough for fifteen (15) days, commencing on the 28th day of January, 1862, and ending on the 13th day of February, 1862, and did fail to report himself to his regiment on the expiration of said furlough, and was eventually arrested at Lexington, Kentucky, on the 1st day of November, 1862."

CHARGE II.—"Conduct prejudicial to good order and military discipline."

*Specification*—"In this; that the said Private *George W. Hiner*, of Company 'E' 44th Regiment of Ohio Volunteer Infantry, without being legally discharged from said regiment, did re-enlist in another regiment for the purpose of procuring the bounty money."

To which charges and specifications the accused pleaded as follows:

CHARGE I.

To the *Specification*, "Guilty."

To the CHARGE, "Not Guilty."

CHARGE II.

To the Specification, "Not Guilty."  
To the Charge, "Not Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the prisoner, Private George W. Hiner, of Company "E" 44th Regiment of Ohio Volunteer Infantry, as follows:

CHARGE I.

Of the Specification, "Guilty."  
Of the Charge, "Guilty."

CHARGE II.

Of the Specification, "Guilty of re-enlistment in another regiment without being legally discharged from the 44th Regiment Ohio Volunteer Infantry."

Of the Charge, "Guilty."

SENTENCE.

And the Court does therefore sentence him, the said Private George W. Hiner, of Company "E" 44th Regiment Ohio Volunteer Infantry, "To be shot to death, at such time and place as the Commanding General may direct, two-thirds of the members of the Court concurring therein."

II.—Before a General Court-Martial, which convened at Louisa, Lawrence County, Kentucky, April 11, 1863, pursuant to Special Orders, No. 12, dated Department of the Ohio, Headquarters District Eastern Kentucky, Louisa, Kentucky, March 4, 1863, and Special Order, No. 19, of March 18, 1863, and of which Major S. M. Ferguson, 39th Kentucky Volunteer Infantry, is president, was arraigned and tried—

Private Henry P. Esker, Company "H" 14th Kentucky Volunteer Infantry.

CHARGE I.—"Desertion."

Specification—"In this; that the said Henry P. Esker, Private of Company 'H' 14th Kentucky Volunteer Infantry, did absent himself from his company and regiment, without leave, on the 21st day of April, 1862, while on the march to Cumberland Gap, at or near London, Kentucky, and did not return until arrested and brought back under guard the 3d of April, 1863."

CHARGE II.—"Aiding the enemy."

Specification—"In this; that the said Henry P. Esker did, on or about the 15th day of September, 1862, join the confederate forces under Captains Blevins and Henry, and did so remain with the enemy for six weeks or thereabouts, at the expiration of which time the regiment (5th Kentucky rebel) was disbanded, and he returned to his home, and remained there until arrested by federal forces, under William Sparks, the 3d day of April, 1863."

To which charges and specifications the accused pleaded, "Guilty."

FINDING.

The Court, having maturely considered the case, finds the accused, Private Henry P. Esker, of Company "H" 14th Regiment Kentucky Volunteer Infantry, as follows:

CHARGE I.

Of the Specification, "Guilty."  
Of the Charge, "Guilty."

CHARGE II.

Of the Specification, "Guilty."  
Of the Charge, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Private Henry P. Esker, Company "H" 14th Regiment Kentucky Volunteer Infantry, "To be shot to death, at such time and place as the General Commanding may direct, two-thirds of the members concurring therein. Sentence subject to the approval of the President of the United States."

III.—Before a General Court-Martial, which convened at Cincinnati, Ohio, May 16, 1863, pursuant to Special Orders, No. 131, dated Headquarters Department of the Ohio, Cincinnati, Ohio, April 17, 1863, and of which Brigadier General R. B. Porter, United States Volunteers, is president, was arraigned and tried—

*William S. Walker.*

CHARGE I.—“Being found and arrested within the lines of the United States forces as a spy.”

*Specification*—“In this; that the said *William S. Walker*, now, or late, of the so-called Confederate Army, on or about the 7th day of May, 1863, was found and arrested within the lines of the United States forces, near Maysville, Mason County, Kentucky.”

CHARGE II.—“Aiding and abetting those in arms against the United States Government.”

*Specification*—“In this; that the said *William S. Walker*, now, or late, of the so-called Confederate Army, on or about the 7th day of May, 1863, at or near Maysville, Mason County, Kentucky, did meet several persons for the purpose of joining with them to pass our lines to enter into the service of the enemy.”

To which charges and specifications the prisoner pleaded, “Not Guilty.”

#### FINDING.

The Court, after maturely considering the testimony adduced, finds the prisoner, *William S. Walker*, now, or late, of the so-called Confederate Army, as follows:

#### CHARGE I.

Of the *Specification*, “Guilty.”  
Of the CHARGE, “Guilty.”

CHARGE II. } *withdrawn.*  
Of the *Specification*,  
Of the CHARGE,

#### SENTENCE.

And the Court does therefore sentence him, the said *William S. Walker*, now, or late, of the so-called Confederate Army, “*To be hung by the neck until he be dead, at such time and place as the Commanding General shall direct, two-thirds of the Court concurring in the above sentence.*”

IV.—Before a General Court-Martial, which convened at Cincinnati, Ohio, June 6, 1863, pursuant to Special Orders, No. 213, dated Headquarters Department of the Ohio, Cincinnati, Ohio, June 3, 1863, and of which Brigadier General Jacob AMNER, United States Volunteers, is president, was arraigned and tried—

*John T. Dick.*

CHARGE.—“Aiding and abetting the enemies of the government of the United States.”

*Specification 1st*—“In this; that the said *John T. Dick*, on or about the twenty-third day of March, A. D. 1863, did associate himself with one E. M. Grindle, a member of, or connected with, the so-called Confederate States Army, then at enmity with and in arms against the government of the United States, and did with said Grindle forcibly deprive one Lewis Dicken, a loyal citizen of the United States, of two valuable horses, the property of the said Dicken, for the purpose of having the same delivered to the enemies of the government of the United States for their use and benefit.”

*Specification 2d*—“In this; that the said *John T. Dick* did associate himself with one E. M. Grindle, on or about the 23d day of March, 1863, the said Grindle then being, or pretending to be, a member of the so-called Confederate States Army, and did, in company with said Grindle, on or about the 29th day of March, 1863, arrest and parole, or attempt to parole, John Ingram and William Welsh, soldiers of the army of the United States, and did, then and there, forcibly administer to said soldiers an oath or obligation not to take up arms against the so-called Confederate States of America, then at enmity with and in armed rebellion against the government of the United States. All this at Fleming County, Kentucky, and within the lines of the army of the United States.”

To which charge and specifications the prisoner pleaded as follows:

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

FINDING.

The Court, after mature consideration of the evidence adduced, finds the accused, *John T. Dial*, as follows:

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

SENTENCE.

And the Court does therefore sentence him, the said *John T. Dial*, "two-thirds of the members concurring therein, to be shot to death at such time and place as the Commanding General shall direct."

V.-The proceedings of the Court in the case of Private *George W. Hiner*, Company "E" 44th Ohio Infantry, have been submitted to the President of the United States, who disapproves the sentence on account of irregularity in the proceedings. The prisoner will be released from arrest and returned to duty.

The proceedings of the Court in the case of Private *Henry P. Estep*, Company "H" 14th Kentucky Infantry, have been submitted to the President of the United States, who approves the sentence, and directs that it be carried into execution.

The proceedings of the Court in the case of *William S. Waller* have been submitted to the President of the United States, who, upon the recommendation of the Court, and of the Major General commanding the Department of the Ohio, directs that the sentence be commuted to imprisonment during the war on Johnson's Island.

The proceedings of the Court in the case of *John T. Dial* have been submitted to the President of the United States, who disapproves the sentence, and directs that the prisoner be turned over to the civil authorities, the Court-Martial having no jurisdiction in the case.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,  
Assistant Adjutant General.

*[Edward Davis Townsend]*