

Court Martial of John Shepherd Sept. 1820

Proceedings of a General Court Marshal held at Camp Council Bluff, on the Missouri River and in the 9th Military Department pursuant to the following order, To wit.

Head Quarters
9th Military Department
Camp Council Bluffs
August 31st 1820

Department Order

A General Court Marshal to consist as follows, will convene tomorrow morning at 10 o'clock at the quarters of the President and try John Shepherd a private soldier of Captain Gray's Company U.S. Rifle Regiment

Brevet Major Foster 6th Regt. President
One Captain and two Subalterns from the 6th Regt.
two Captains and one Subaltern from the Rifle Regt.
more members cannot be detailed without injury to the service.

Lieut. Kavanaugh will perform the duties of Judge Advocate

By order
Signed Tho. Biddle
Actg. ass. adjt.

Camp Council Bluffs
Aug. 31st 1820

Detail Order

In compliance with the Department order of this date Capt. E. Shaler, Lieut Mansfield and Lieut. Mix are detailed as members of the General Court Marshal of which Brevet Major Foster 6th Regiment is appointed President ordered to convene at his quarters at ten oclock tomorrow morning.-- By Order

Signed Z.C. Palmer
Adj. 6th Infy

Camp Council Bluffs

Regimental Order

In obedience to a Department order of to day Captain Armstrong, Captain Riley and Lieut Gantt are detailed as members of a General Court Marshal of which Major Foster is President to convene tomorrow morning at 10 oclock at the quarters of the President for the trial of John Shepherd of Captain Grays Company

By order

Signed—L Shannon
Act. Adj. RR

September 1st 1820

The Court met pursuant to the above orders

Present

Brevet Major Foster President

Captain Armstrong		Captain Riley
Captain Shaler	Members	Lieut. Gantt
Lieut. Mansfield		Lieut. Mix

Lieut Kavanaugh Judge Advocate

The Court in consequence of the indisposition of the President of the Court and one of the members thereof adjourned to meet at Lieut. Mansfields quarters tomorrow morning Ten o'clock

September 2nd 1820

The Court met pursuant to adjournment

Present

Brevet Major Foster President

Captain Armstrong		Captain Riley
Captain Shaler		Lieutenant Gantt
Lieut. Mansfield		Lieutenant Mix

Lieutenant Kavanaugh Judge Advocate

The Court being duly sworn in the presence of the prisoner proceeded to the trial of private John Shepherd of Company E US Rifle Regiment who being previously asked if he had any objection to the members named in the Department and other orders and replying in the negative was arraigned on the following charges

Specification preferred against him by Colonel T.
Chambers of the U.S. Rifle Regiment

Charges and Specifications preferred against
John Shepherd a private soldier in Company E Rifle
Regiment Commanded by Captain Gray.

Charge 1st Mutiny

Specification 1st. In this that the said John Shepherd
did on the 28th August 1820 (the present month) at
Camp Council Bluffs resist the authority of Sergeant
Robert Slemmens (Orderly Sergeant of Company E.
Rifle Regiment) by refusing to repair to labor
when ordered to do so by the said Sergeant Slemmens
and by using violence towards the said Sergeant Slemmens
on raising a loaded gun and deliberately discharging
its contents into the body of the said Sergeant
Slemmens and deprived the said Sergeant Slemmens
thereby of his life.—The whole of which conduct
being in direct violation and contravention of the
9th Article of the rules and Articles of War
for the Government of the Army of the United
States.

Charge 2nd Disobedience of Orders

Specifications 1st – In refusing to obey the
orders of the aforesaid Sergeant Slemmens
when directed by him on the 28th August 1820
at Camp Council Bluffs to desist from his
angry and violent conduct and go to the

work assigned him, being then on fatigue in daubing
or cramming the new barracks

Camp Council Bluffs

Signed

T. Chambers Colonel

31st Aug. 1820

U.S. Riflemen

To which charges and Specifications the prisoner
pleaded "Not Guilty."

Sergeant Mum of the 5th Regiment*
United States Infantry a witness for the
prosecution being duly sworn says—

When I was going through the Garrison
Sergeant Slemmens called me and asked me
if I would go to his tent I went down to his
tent with him and he told me to go into
his tent that he had some details to make
to go with Lieut Field when he returned
the prisoner (Shepherd) came and told him
that some of the men had joined his rest? rist?
that was then at work on the top of the
buildings—he then told Shepherd to go
away to his work that he was always
quarrelling, when he went and he saw
this Shepherd with a loaded rifle he (the
Sergeant then took it from him and told
him to go and lie down in his tent, Shepherd

Sergeant Mum was on the muster for the 6th Infantry

went and lay down in a few moments he came and asked Sergeant Slemmens for his rifle. Sergeant Slemmens told him he should not have it.—Sergeant Slemmens was sitting on the bunk on the left of me I then heard the report of a rifle. I sprang up and caught the prisoner with rifle in his hand. The prisoner then said he was willing to go to the guard house—there was some men took him and carried him to the guard house—this transaction took place at Camp Council Bluffs on the 28th august 1820.

Question by the Judge Advocate—How long a time had elapsed between the time Sergeant Slemmens refused to give the prisoner his rifle and the time you heard the report of the rifle?

Answer—Not more than time to load a rifle.

Question by the Same. Did the prisoner absent himself from the tent of Sergeant Slemmens during this interval

Answer—Yes

Question by the Same. Was Sergeant Slemmens

killed by the discharge of the rifle?

Answer—The Sergeant jumped up & the blood ran out of his side.

Question by Same. How long did Sergeant Slemmens live after the discharge of the rifle?

Answer About ten minutes

Question by the Same Where did you first see the prisoner after the discharge of the Rifle?

Answer—He was in front of the tent about Ten steps and the center of its front.

Quest. by the Same. In what situation as near as you can recollect did the prisoner hold the rifle when you seized him?

Answer—He held it across his breast with one hand below the small of the britch and the other on the barrel.

Sergeant Fielding G. Brown of the Rifle Regiment a witness for the prosecution being duly sworn says:--On or about the time named in the charge at Camp Council Bluffs I saw the prisoner go in front of Sergeant Slemmens tent and discharge his rifle into the mouth of

the tent, he then turned off and Sergeant Slemmens came out of the tent with one hand on his breast and the blood streaming down and screamed out two or three times, he was then eased down by some person who was standing near by.

I immediately went up where the Sergeant was laying and saw him expire about three minutes after I got there.

Corporal Davis of the United States Rifle Regiment a witness for the prosecution being duly sworn says:--On ~~or about~~ the 28th August 1820 at Camp Council Bluffs Sergeant Slemmens told the prisoner John Shepherd to go to his work, he told the Sergeant that Corporal Ronley had dismissed him, the Sergeant told him that he had better go to his work that if he did not he would send him to it—I then went off and I suppose ten or fifteen minutes after that I seen the prisoner draw up his rifle to his face and fired into the mouth of Sergeant Slemmens tent I heard Sergeant Slemmens holler “My God, I am gone! I am gone! he then ran out of his tent and Sergeant Johnson

caught the Sergeant—and Shepherd came to the right about? and went to his tent, Sergeant Mum of the 5th Infantry* caught him and I ran for the Doctor.

Question by the Judge Advocate. At the time you saw the prisoner draw up his rifle how far was he from the Sergeants tent, and was he standing or approaching the tent?

Answer—He was standing about two feet from the tent on the right of its center.

Patrick Mahar a private of the United States Rifle Regiment a witness for the prosecution being duly sworn says.—On the 28th August 1820 at Camp Council Bluffs Sergeant Slemmens ordered the prisoner Shepherd to go to work the prisoner said Corporal Rowley had dismissed him, he then told him to go and carry weeds for the company lowery I don't know whether the prisoner made him any answer or not, and went and lay down in his tent and in a few minutes afterwards at fathered? not more than six or eight, the prisoner came to the mouth of his own tent with a rifle, Sergt. Slemmens asked him what he was doing with

*Listed in the muster with the 6th Infantry

it, he said he was wiping it out, the Sergeant then took hold of the rifle & ran the wipers down he and found she was loaded. I opened the pan of the lock and found it was primed as part of the powder fell on the ground and the remainder in my hand. the Sergeant then took the rifle away from him and took it to his own tent.

The prisoner then went in his tent again and I went in the rear of the tents, and in about fifteen minutes after while talking with Lieut Keith I heard the report of a rifle—I immediately ran to where I heard the report of the rifle and heard Sergeant Slemmens holor “My God—My God” I then saw Sergeant Slemmens come out of the tent wounded and Sergeant Johnson brought him in his arms and Sergeant Mum had hold of Shepherd and hollored to the men who was standing by to run for the Doctor. I went for the Doctor with others who was present—Sergeant Slemmens lived but a few moments after my return.

The Court then adjourned to meet on the 4th September 1820 at 10 oclock A.M.

September 4th 1820

The Court met pursuant to adjournment

Present

Brevet Major Foster President

Captain Armstrong

Captain Riley

Captain Shaler

Members

Lieut. Gantt

Lieut. Mansfield

Lieut. Mix

Lieut. Kavanaugh Judge Advocate
Sergeant Williams of the United States
Rifle Regiment a witness for the prosecution
being duly sworn Says:--On or about the 28th Aug.
last at Camp Council Bluffs I saw
the prisoner have a rifle which was said
to be his own, and afterwards I heard the report
of a rifle. I went to the tent of the prisoner
and found a rifle laying over a chest with the
barrel about one third out of the mouth of the
tent I picked it up and examined it and
found it had just been discharged, the
rifle I speak of I found to belong to John
Stiles of Company E Rifle Regiment

Question by the Judge Advocate—How long
a time as near as you can recollect from
the time you saw the first rifle and the
one you last spoke of?

Answer I suppose between twenty & thirty
minuets

Private George Stephenson of Company E United States Rifle Regiment witness for the prosecution being duly sworn says—I was sitting in the mess house in the rear of the Company and I saw Shepherd the prisoner standing in front of Sergeant Slemmen's tent with a Rifle at an aim and saw him fire into the mouth of the tent. On or about the 28th August 1820 at Camp Council Bluffs

Question by the Court. How long did you see the prisoner at an aim before he fired?

Answer. About as long as men usually require to take aim when in the act of firing.

The evidence on the part of the prosecution having been gone through with and their being no testimony offered on the part of the prisoner.

The Court informed the prisoner of his right to Council (he having initiated a wish to the Court to have that privilege) the Court adjourned until tomorrow morning 10 o'clock to enable the prisoner to procure Council and make out his final Defence.

September 5th 1820

The Court met pursuant to adjournment

Present

Brevet Major Foster President

Captain Armstrong Captain Riley

Captain Shaler Members Lieut. Gantt

Lieut. Mansfield Lieut. Mix

Lieut. Kavanaugh Judge Advocate

The Prisoner being asked if he were ready to proceed
made the following

Defence

Mr. President

and Gentlemen of the Court

The Prisoner John Shepherd new before the Court having
him accused with mutiny and murder of Sergeant
Robert Slemmens of the U.S. Rifle Regiment
begs leave to make a few remarks to the Honorable
Court respecting the aforesaid charges

That the prisoner John Shepherd on or about
the 28th day August 1820 employed in daubing the
new Barracks at Camp Council Bluffs render
charge of Corporal Rowley R.R. and that the
said prisoner being intoxicated from the use of
spirituous liquor was dismissed by the said
Corporal Rowley from the said duty.

The next thing the prisoner John Shepherd
knew the day following was that he found

himself under guard and in Irons for the forgoing charge, which the aforesaid Prisoner do solemnly declare that he knew not one sentence of the decantion? and further the aforesaid prisoner do declare that he had no envy or malice against the deceased Sergeant Robert Slemmens which the Honorable Court will take into consideration

The Prisoner begs to say before this Honorable Court the former good character he has boren since he has been in the United States service which is nearly two years—the said prisoner has always done his duty as a soldier in every respect, but now from the circumstances before the Honorable Court the prisoner John Shepherd offers himself up to the Honorable Gentleman of the Court for their mercy & goodness toward a poor afflicted wretch.

Camp Council Bluff Signed "John Shepherd."
Septem. 5th 1820

The Court being ordered to be cleared & the whole of the proceedings read over to the Court by the Judge Advocate the following Sentence was pronounced

Sentence

The Court after mature deliberation on the testimony addressed find the prisoner private John Shepherd of the United States Rifle Regiment Guilty of the Specification to the first Charge and Guilty of the first Charge—They also fine him Guilty of the Specification of the Second Charge and Guilty of the Second charge and do Sentence the prisoner John Shepherd of the United States Rifle Regiment (two thirds of the members of the Court concurring therein) to be hanged by the neck until he be dead and that his body be offered to the Surgeons of the post for desection

The Court then adjourned Sine die

Th. M. Kavanaugh
Lieut US Rifle Regt & Judge Advocate of the Court

Wm S. Foster Maj
U.S. Army
Pres^t Court

? & Insp Genl. Office
December 9 1820

General Order

A General Court Martial begun
and holden at Camp Council Bluffs in the 9 Military
Department on the first day of September in the year
eighteen hundred and twenty of which Brevet
Major Foster of the 6 Infantry is President, was
tried private John Shepherd of the Rifle Regiment
on the following charges and specifications, viz

Charge 1st Mutiny

Specification 1 In this, that the said John Shepherd
did on the 28th august, 1820, the present month
at Camp Council Bluff, resist the authority of
Sergeant Robert Slemmens, orderly Sergeant of Company
E Rifle Regiment by refusing to repair to labor
when ordered to do so, by the said Sergeant Slemmens
and by using violence towards the said Sergeant
Slemmens, in raising a loaded gun, and deliberately
discharging its contents, into the body of the said
Sergeant Slemmens, and depriving the said Sergeant
Slemmens thereby of his life—the whole of which
conduct being in direct violation & contravention
of the 9th Article of the Rules and Articles of war for
the government of the Army of the United States

Charge 2nd Disobedience of Orders
Specification 1st In refusing to obey the orders of the
a foresaid Sergeant Slemmens when directed by him
on the 28 August 1820, at Camp Council Bluffs, to
? from his angry and violent conduct and go
to the work assigned him, being then on fatigue in
daubing or cramming the new barracks.

(signed T Chambers

Camp Council Bluffs Colonel U. S. Riflemen
31 August 1820

Sentence

The Court after mature deliberation on the
testimony adduced find the prisoner private John
Shepherd of the United States Rifle Regiment Guilty
of the Specification to the first charge and Guilty
of the first Charge. They also find him Guilty of
the specification of the Second Charge & Guilty
of the Second Charge and do Sentence the prisoner
John Shepherd of the United States Rifle Regiment
two thirds of the members of the Court concurring
therein, to be Hanged by the neck until he has died
and

and that his body be offered to the Surgeons of the
post for desecration

Signed, W. S. Foster
Major U S Army
Pres^t. Court

To. W. Kavanaugh

Lieut U S. Rifle Regt.

& Judge Advocate of the Court

The president of the United

States having approved the proceedings and Sentence

of the General Court Marshal in the case of private

John Shepherd

The Commanding General of the 9th

Military Department will cause the Sentence to be

carried into effect accordingly

By Order