

Transcript of the court-martial of Andrew J. Mandeville, 8th New Jersey Infantry, MM 3415, RG 153, National Archives, Washington, D.C.

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Andrew J. Mandeville, 8th NJ Trial Transcription

25th Case

Near Beverly Ford, VA Monday August 24th, 1863

The Court met pursuant to adjournment. Present all the members. The proceedings of Saturday August 22nd, 1863 having been read over to the Court by the Judge Advocate. On motion it was resolved they stand approved.

Proceedings of a General Court Martial held at Head Quarters 2nd Division 3rd Corps by virtue of the following orders viz.:

Head Quarters 3rd Corps
July 29, 1863

General Orders,

No. 60 A General Court Martial is hereby appointed to meet this day July 29th at such a place within the limits of the Camp of this Division as the Presiding Officer may direct, for the trial of such prisoners as may be brought before it.

Detail for the Court

- | | |
|---|------------------------------|
| 1 Lt. Col. Porter D. Sripp | 11 th Mass. Vols. |
| 2 Major Frederick Cooper | 7 th N.J. Vols. |
| 3 Captain F. A. Pelby | 1 st Mass. Vols. |
| 4 ""----- Lee | 6 th N.J. Vols. |
| 5 "" Lovell Purdy Jr. | 5 th Excelsior |
| "" Lockwood, 120 th N.Y Vols. Judge Advocate | |

No other officers than these named can be assembled without manifest inquiry to the service. The Court will sit without regard to hours.

By Command of Brig. Gen. Prince
(signed) Albert Ordway, 1st Lt. and [A.A.A.] Gen.
Head Quarters 2nd Division 3rd Corps
July 29th, 1863

Special Orders

No. 173 Part V General orders No. 60 from these Head Quarters July 29th is so far amended as to substitute Captain Snyder, **[page 2]** 120th N.Y. Vols. for Captain Lockwood, 120th N.Y. Vols. as Judge Advocate of the General Court Martial.

By Command of Brig. Gen. Prince
(signed) Albert Ordway, 1st Lt. and [A.A.A.] Gen.
Head Quarters 2nd Division 3rd Corps
July 31st, 1863

Special Orders

No. 174 Part II The Special Orders No. 172 from these Head Quarters is hereby amended so as to substitute Captain John Buckley Company A., 11th N.J. Vols. for Captain Pelby, 1st. Mass. Vols. as a member of the General Court Martial now in session.

Captain John Buckley will report at 9 o'clock AM to these Head Quarters.

By Command of Brig. Gen. Prince
(signed) Albert Ordway, 1st Lt. and [A.A.A.] Gen.
Head Quarters 2nd Division 3rd Corps
August 3rd, 1863

Special Orders

No. 178

“Extract”

II Captain Nolan, 2nd Regiment Excelsior Brigade is hereby detailed for duty with the General Court Martial of which Lt. Col. Sripp is President and will report at these Head Quarters without delay.

By Command of Brig. Gen. Prince
(signed) Albert Ordway, 1st Lt. and [A.A.A.] Gen.
Head Quarters 2nd Division 3rd Corps
August 10th, 1863

Special Orders

No. 185

“Extract”

IV Captain Lovell Purdy Jr., 74th N.Y. Vols. is hereby relieved from duty on the General Court Martial of which Lt. Col. Porter D. Sripp is President on account of sickness.

V Captain John Lawrence, 73rd N.Y. Vols. is hereby detailed for duty on the General Court Martial of which Lt. Col. Sripp is President and will report at **[page 3]** these Head Quarters without delay.

By Command of Brig. Gen. Prince
Charles Hamlin, Major and Assistant Adjutant Gen.
Head Quarters 2nd Division 3rd Corps
August 14th, 1863

Special Orders

No. 188 I On account of illness Captain Nolan, 1st N.Y. Vols. is relieved from duty with the General Court Martial of which Lt. Col. Porter D. Sripp is President.

II Captain Thornton, 84th Penn. Vols. is hereby detailed as a member of the General Court Martial of which Lt. Col. Porter D. Sripp is President and will report at these Head Quarters immediately.

By Command of Brig. Gen. Prince
Charles Hamlin, Major and Assistant Adjutant Gen.

Head Quarters 2nd Division 3rd Corps

Special Orders

August 22nd, 1863

No. 196

I Major R. L. Bodine of the 26th Regiment PA Vols. is hereby detailed for duty with the General Court Martial of which Lt. Col. Porter D. Sripp is President and will report to Lt. Col. Sripp at once.

II On account of illness, Major Frederick Cooper of the 7th N.Y. Vols. is hereby relieved from duty with the General Court Martial now in session at these Head Quarters.

By Command of Brig. Gen. Prince
Charles Hamlin, Major and Assistant Adjutant Gen.

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Near Beverly Ford, VA, August 24th, 1863

The Court met pursuant to the above orders. Present

1 Lt. Col. Porter D. Sripp	11 th Mass Vols.	President
2 Major R. L. Bodine	4 Captain ----- Lee	
3 Captain --- Thornton	5 Captain John Lawrence	

Captain J. L. Snyder Judge Advocate

The Court then proceeded to the trial of 2nd Lt. Andrew J. Mandeville, 8th N.J. Vols. who being called into Court and having heard the General Order and other orders read was asked if he had any objection to any of the members named in those orders, to which he replied in the negative. The Court was then duly sworn by the Judge Advocate and the Judge Advocate by the Presiding Officer in the presence of the accused and he was arraigned on the following charges and Specific actions:

Charge 1st: Misbehavior before the enemy.

Specification 1st: In this that the said 2nd Lt. Andrew J. Mandeville, Company D 8th N.J. Vols. did attempt to leave his company and regiment while actively engaged with the enemy at the battle of Gettysburg and was stopped [page 5] by the Colonel commanding.

This at or near Gettysburg on or about the 2nd of July 1863.

Specification 2nd: In this that the said 2nd Lt. Andrew J. Mandeville, Company D 8th N.J. Vols. did after his commanding officer was wounded leave his company and regiment while actively engaged with the enemy and go to the rear.

All this at and during the battle of Gettysburg on or about the 2nd of July, 1863.

Specification 3rd: In this that the said 2nd Lt. Andrew J. Mandeville, Company D 8th N.J. Vols. when ordered by the Col. of his regiment at Littletown [Mo] to return to his regiment did reply that he was not going back again.

This on or about the 3rd day of July, 1863.

Charge 2nd: Absence without leave.

Specification: In this that 2nd Lt. Andrew J. Mandeville, Company D 8th N.J. Vols. did absent himself from him company and regiment from the 2nd of July until the 10th of August, 1863 without permission from proper authority.

All this while the army was in pursuit of the enemy.

John Ramsey
Col. commanding 8th N.J. Vols.

To which he pleaded as follows:

To 1 st Specification of 1 st Charge,	Not Guilty
To 2 nd ""	Not Guilty
To 3 rd ""	Not Guilty
To 1 st Charge	Not Guilty
To Specification of 2 nd Charge	Not Guilty
To 2 nd Charge	Not Guilty

All persons required to give evidence were directed to withdraw and remain in waiting until called for.

Col. John Ramsey, 8th N.J. Vols., a witness for the prosecution, being duly sworn, says

Question by Judge Advocate: Are you Col. Ramsey commanding 8th N.J. Vols.?

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Answer: I am.

Question by J.A.: Are you acquainted with the accused?

Answer: I am.

Question by J.A.: State what you know of accused's misbehavior before the enemy and absence from regiment.

Answer: Shortly after the regiment became actively engaged during the afternoon of July 2nd, he made the attempt to go to the rear. I ordered him back to his company which order he failed to comply with until I drew a pistol, then he went back. I believe he remained with the regiment until after I was wounded. I was wounded in the afternoon and left the field and remained at the 3rd Corps hospital until Friday July 3rd when I went to Littletown. On arriving there I met the accused. I asked him how he came there. He said he was wounded in the leg. I looked at his pants but did not see anything that would indicate that he was wounded. I then ordered him back to his regiment. He said he was not going back to the regiment again. At that time a gentleman asked me a question. I turned to answer and when I looked around again the Lt. was gone. I saw him going down the street. He walked without any cane. This was on Friday July 3rd. I did [not] hear any word from him until the 10th day of August.

Question by Court: Have you ever received any official notice that the accused had any surgeon's certificate or any permission from proper authority to be absent on the 2nd day of July 1863?

Answer: No sir I have not.

Question by Court: What reply did he make when you drew your pistol and ordered him to return to his company?

Answer: No reply.

Question by Court: Do you know whether or not of your own knowledge the accused was wounded at Gettysburg?

Answer: I would not swear positively, but to the best of my knowledge I [believe] he was not wounded.

Question by Court: How long was the accused absent from his company and regiment?

Answer: He left on the 2nd of July and returned the 10th of August.

Question by Court: Are you acquainted with the signature of the Adjutant Gen on Gen. Schenck's staff?

Answer: No sir I am not.

Captain Abram N. Frieling, 8th N.J. Vols., a witness for the prosecution, being duly sworn, says,

Question by J.A.: Are you Captain A. N. Frieling, 8th N.J. Vols.?

Answer: Yes, I am.

Question by J.A.: Are you acquainted with the accused?

Answer: I am.

Question by J.A.: State what you know of accused's misbehavior before the enemy and absence from his regiment.

Answer: During the time the regiment was engaged on the 2nd of July, I took no notice of the accused. The first time I saw him after the regiment was repulsed, was to the rear. He said he was wounded. I do not know that he was wounded. I did not see him again until the 11th of August. I am not aware that he had any permission to be absent.

Question by Prisoner: Did you see Col. Ramsey draw a pistol on me?

Answer: No sir, I did not.

Question by Court: Was the accused with his company and regiment when you saw him to the rear?

Answer: No sir. I do not think there was more than 15 men with the regiment and colors.

Question by Court: Did the accused tell you where he was wounded?

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Answer: He limped and placed his hand on his thigh.

Question by Court: Could the accused walk without the appearance of trouble?

Answer: He was walking alone when I saw him.

Question by Court: Could or not the Col. have drawn his pistol on the accused without your knowledge?

Answer: He could.

Question by Court: How long has the accused been with the regiment?

Answer: He has been with it since its organization.

Question by Court: Did the accused enter the service as an officer?

Answer: No sir.

Question by Court: When was the accused promoted to 2nd Lt.?

Answer: I think it was December 1862 that he was mustered.

Question by Court: Has the accused been with the regiment in all its engagements, if so, what engagements?

Answer: He was with us at Chancellorsville and Gettysburg.

Question by Court: Was the accused with the regiment during the engagement at Gettysburg on the 2nd of July till the regiment had orders to fall back or was repulsed?

Answer: I could not say.

Adjutant William B. Mason, 8th N.J. Vols., witness for the prosecution, being duly sworn, says,

Question by J.A.: Are you Adjutant of the 8th N.J. Vols.?

Answer: I am.

Question by J.A.: Are you acquainted with the accused?

Answer: I am.

Question by J.A.: State what you know of accused's being absent from the regiment and of his misbehaving before the enemy.

Answer: I saw the Lt. leave his company before the engagement was over on the 2nd day of July at Gettysburg. I told him to stop. He did not. That was the last I saw of him until the 10th day of August, 1863.

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Question by J.A.: Do you know whether Lt. Mandeville was wounded or not?

Answer: I do not know.

Question by Court: Did the accused walk or show any symptoms of being wounded?

Answer: He did not. He was running when I saw him.

Question by Court: Did you see Col. Ramsey draw a pistol on the accused to drive him back to his company?

Answer: I did not.

Question by Court: Do you know whether the accused had permission to be absent from his company between the 2nd of July and the 10th of August, 1863?

Answer: No sir I do not know.

Lt. Robert S. Brown, 8th N.J. Vols. witness for the prosecution, being duly sworn, says,

Question by J.A.: Are you Lt. Brown of the 8th N.J. Vols.?

Answer: I am.

Question by J.A.: Are you acquainted with the accused?

Answer: I am.

Question by J.A.: State what you know of the accused being absent from his company and misbehaving before the enemy.

Answer: I know nothing of his misbehavior before the enemy. I saw Lt. Mandeville with his company trying to keep the men together during the engagement on the 2nd of July at Gettysburg. He was with the regiment until we were forced to retire. I missed him then and did not see him until the regiment was in the woods. Then I saw him and we went to the rear. He said he was wounded. I did not see anything more of him until he returned to the regiment about a week ago. I was away sick and did not return until about 2 weeks ago. I can not tell whether he was with the regiment during that time or not.

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Question by Court: Was the accused coming from the front when you saw him after the regiment had fallen back?

Answer: I do not know which way he came from.

Question by Court: Did the accused show any symptoms of being wounded when you saw him after the fight on the 2nd of July, 1863?

Answer: He did, he walked lame.

Question by Court: Do you know if the accused had permission to be absent during that time between the 2nd of July and the 10th of August?

Answer: I do not know that he had.

Question by Court: Was you with the regiment during the whole of the engagement on the 2nd of July, 1863?

Answer: I was.

Question by Court: Did you see Col. Ramsey draw a pistol on the accused?

Answer: No sir.

Question by Court: Where was the accused when the Col. drew the pistol?

Answer: He was in the rear of the regiment about 15 paces from the Col.

Question by Court: Did the Col. say anything to the accused about leaving the regiment on the 2nd of July?

Answer: Not to my knowledge.

Question by Court: Did you see the accused during the whole of the engagement on July 2nd?

Answer: No sir, not all the time.

Question by Court: Could or not the accused have been absent without your knowledge during the engagement on the 2nd of July?

Answer: He could not.

Question by Court: What caused the Col. to draw his pistol?

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Answer: There was a man going away wounded. The Col. drew his pistol and ordered him back.

Assistant Surgeon James J. B. Ribble, a witness for the prosecution, being duly sworn, says,

Question by J.A.: Are you Surgeon Ribble of the 8th N.J. Vols.?

Answer: I am.

Question by J.A.: Are you acquainted with the accused?

Answer: I am.

Question by J.A.: State what you know of accused being absent from regiment and misbehavior before the enemy.

Answer: I know nothing of his misbehavior before the enemy. I saw Lt. Mandeville coming out of the engagement on the 2nd of July at Gettysburg at a time when the wounded men from different corps were passing me. He reported to be as wounded by a piece of shell on the leg as near as I can recollect. I did not investigate whether he was wounded or not. His wound was represented as contused. I do not remember of seeing afterward. I next saw him in this camp.

Question by Court: Did you give the accused permission to go to the rear on the 2nd of July, 1863?

Answer: I did not formally, but the permission was implied by directing him to go to the hospital for treatment.

Question by Court: Did the accused ask permission?

Answer: No sir he did not.

Question by Court: Do you think the wound was so severe as to unable him to do duty?

Answer: It depended on the duty that would be exacted of him.

Question by Court: Did he express a desire for you to attend or look at his wound?

Answer: He did.

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Question by Court: Did you in your opinion think the accused was wounded sufficiently to be sent to the hospital for treatment after examining his wound?

Answer: I did so, or I would not have sent him there.

The prosecution was then closed and the prisoner having no testimony to offer asked that the order marked [...] and might be attached to the proceedings of the Court.

The Court granted his request. The proceedings having been read over to the Court by the Judge Advocate the Court then closed and proceeded to deliberate on the testimony adduced and produced the following sentence.

The Court having maturely weighed and considered the evidence adduced is of the opinion that 2nd Lt.

A. J. Mandeville, Company D, 8th regiment N.J. Vols. is

Not Guilty of 1st Specification of 1st Charge

Not Guilty of 2nd ""

Not Guilty of 3rd ""

Not Guilty of 1st Charge

Not Guilty of Specification of 2nd Charge

Not Guilty of 2nd Charge.

and the Court does thereby acquit him.

[signed] Porter D. Sripp

Lt. Col., 11th Mass. Vols.

And President of General Court Martial

[signed] J. L. Snyder

Captain and Judge Advocate-General Court Martial

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Head Quarters, Middle Department

8th Army Corps.

Baltimore, MD.

July 5th, 1863

Special Orders

No. 180

I 2nd Lt. A. J. Mandeville Company D 8th N.J. Vols. Army of the Potomac, wounded in the late battle at Gettysburg, having procured a Surgeon's Certificate of his disability, is, in accordance with instructions from the Secretary of War, allowed to proceed to his home – Immediately on his arrival there he will report to the Adjutant General at Washington D.C.

2nd Lt. A. J. Mandeville
Company D 8th N.J. Vols.

By Command of Major General Schenck,
[signed] N. N. Chesebrough
Assistant Adjutant General

[written perpendicular] Paid for May and June 1863

July 7/63 H.A [Haletnin] Paymaster [MS. illegible]

[page 14] G.O. 63 August 28th, 1863
P.I.

L. L. 11/11

The written proceedings in case of 2nd Lt. A. J. Mandeville 8th N.J. Vols. are approved the [MS. illegible]
[MS. illegible] from [MS. illegible].

Henry Prince
Major General

Lt. A. J. Mandeville
8th N.J. "D."

[stamped] Judge Advocate Generals Office
Jan 25 1864