

34.V.

with a favorable endorsement by General SULLY, but subsequently were returned by General GIBBON without his approval. On May 1st, General SULLY sent General GIBBON the note marked "A," in which he stated that the "Colonel commanding the 34th N. Y. Volunteers reports that some companies of his Regiment refused to do duty this morning." To which General GIBBON replied in an endorsement, directing General SULLY to send a good Regiment to their camp to disarm them—to separate them from the rest of their Regiment—to keep a strict guard over them, and to allow no communication with them. Shortly afterwards General GIBBON sent General SULLY the communication marked "B," in which he directs him to use any and every means to quell the mutiny in the 34th N. Y. Volunteers, and bring the men back to their duty; promising that any respectful representation these men might see fit to make after their return to duty, would be forwarded to the proper authority, and stating that in the meantime they must be compelled to do their duty—and that General GIBBON did not desire to interfere in the matter until General SULLY had announced his inability to maintain his authority in his own command.

To this General SULLY replied in the letter marked "C," acknowledging the receipt of General GIBBON's communication, and stating previously he had received from him a note instructing him to march a Regiment to the Camp of the 34th N. Y. Volunteers—separate the men who refused to do duty from those who were willing—disarm them and place them under a guard, which he had done to some sixty or seventy men, a part of whom were intoxicated. He also stated that the rest still refused to do duty. General GIBBON then sent General SULLY a verbal message by an officer of the Staff of the latter, to send the men who were intoxicated to the Provost Marshal of the Division, asking at the same time whether the letter, the last mentioned, was intended as an announcement of his inability to maintain discipline in his own command. After this message had been reiterated by an officer of General GIBBON's Staff, General SULLY sent the communication marked "D," wherein he stated that it was not in his power to force the men in the 34th N. Y. Volunteers who refused to do duty, to return to their duty, that they were most of them perfectly quiet and respectful in their deportment—that they were still confined as prisoners—that he had not threatened them, and thought that it would be useless to do so. In the same paper he further stated that he knew of only one way to make them return to their senses, and that was by shooting, suggesting that some could be selected by lot and tried on the spot for mutiny. A few examples, he thought, might convince the rest of the necessity of obeying orders. To this General GIBBON replied by an order (read evidence of General GIBBON) in which he failed to state that

34. V.

he was willing to take the responsibility of such extreme measures but directing General SULLY to have the loyal part of the Regiment paraded under arms, and another Regiment with loaded muskets, paraded in front of the mutineers, and then to meet him on the ground. This General SULLY did, and General GIBBON then addressed the mutineers, between sixty and seventy in number, beseeching them to return to their duty, declaring that if they did not he would have their ring-leader shot on the spot, and promising that after they had returned to duty, if they would forward any respectful communication, setting forth what they consider their wrongs, he would forward it with a favorable endorsement.

On a final appeal made to the men who were willing to return to duty, to step to the front, all, after some little hesitation did so, and the mutiny was essentially quelled. Then General Gibbon, by his Special Order No. 122, relieved General Sully from the command of his brigade "for having reported to the General commanding the Division that it was not in his power to enforce discipline in his own command." The men who refused to do duty were orderly and quiet, and expressed a willingness to fight if necessary, provided they could be discharged immediately after the engagement. Previous to Gen. Gibbon's remarks to them, they fell in and were marched to the place designated, without the use of armed force. When their Regiment was called upon for twenty-five (25) men for a forlorn hope, eighteen of those who had refused to do

duty, volunteered. It appears that during the whole occurrence the Brigade remained in the camp it had occupied all winter, and there was no necessity for such immediate action on the part of General Sully as would prevent the reference of the matter to higher authority. Evidently he desired that the responsibility of ordering extreme measures, should rest with General Gibbon as the Commanding General of all the troops in that vicinity. And in the opinion of the Court, there it should have rested.

There is every reason to believe that if the petition had been forwarded when first submitted, the greater part of the trouble would have been avoided.

In view of these facts, the Court is of the opinion that Brigadier General Sully probably doubted his authority, under existing circumstances, to order extreme measures, and that therefore his action and conduct were not such as to warrant the issue of Brigadier General Gibson's Special Order No. 122, of May 1st, 1863.

II.—The proceedings, statement and opinion of the Court are approved.

III.—The Court of Inquiry of which Major General W. S. Hancock, U. S. Volunteers is President, is dissolved.

By command of MAJOR GENERAL COOPER.
JOHN B. SCHULTZ, Capt. A. D. C. & A. A. G.