

**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 9<sup>th</sup> Military Department pursuant to the following order, To wit.

Head Quarters  
9<sup>th</sup> Military Department  
Camp Council Bluffs  
August 31<sup>st</sup> 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 6<sup>th</sup> Regt. President  
One Captain and two Subalterns from the 6<sup>th</sup> 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. 31<sup>st</sup> 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 6<sup>th</sup> Regiment is appointed President ordered to convene at his quarters at ten oclock tomorrow morning.-- By Order

Signed Z.C. Palmer  
Adj. 6<sup>th</sup> 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 1<sup>st</sup> 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. Mansfield's quarters tomorrow morning Ten o'clock

September 2<sup>nd</sup> 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 1<sup>st</sup> Mutiny

Specification 1<sup>st</sup>. In this that the said John Shepherd  
did on the 28<sup>th</sup> 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  
9<sup>th</sup> Article of the rules and Articles of War  
for the Government of the Army of the United  
States.

Charge 2<sup>nd</sup> Disobedience of Orders

Specifications 1<sup>st</sup> – In refusing to obey the  
orders of the aforesaid Sergeant Slemmens  
when directed by him on the 28<sup>th</sup> 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

31<sup>st</sup> Aug. 1820

U.S. Riflemen

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

Sergeant Mum of the 5<sup>th</sup> 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 6<sup>th</sup> 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 28<sup>th</sup> 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 28<sup>th</sup> 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 5<sup>th</sup> 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 28<sup>th</sup> 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 6<sup>th</sup> 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 4<sup>th</sup> September 1820 at 10 oclock A.M.

September 4<sup>th</sup> 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 28<sup>th</sup> 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 28<sup>th</sup> 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 5<sup>th</sup> 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 28<sup>th</sup> 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. 5<sup>th</sup> 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 desecration

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<sup>t</sup> 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 1<sup>st</sup> Mutiny

Specification 1 In this, that the said John Shepherd  
did on the 28<sup>th</sup> 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 9<sup>th</sup> Article of the Rules and Articles of war for  
the government of the Army of the United States

Charge 2<sup>nd</sup> Disobedience of Orders  
Specification 1<sup>st</sup> 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 craming 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<sup>t</sup>. 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 9<sup>th</sup>

Military Department will cause the Sentence to be  
carried into effect accordingly

By Order