

Brigade Orders

Brigadier General Carpenter
having received the following several Orders
from the Commander in Chief, considers it his
duty to cause the same to be issued to the
different Commandants of Regiments within
his Brigade —

By order of the

Brig. Genl.

Hachaliah Brown A.D.C.

State of New York.

General Orders.

Head Quarters Albany 30th Nov 1809

The proceedings of the second meeting of the
Court Martial for the trial of Captain David
Verris having been reported to the Commander in
Chief on Tuesday the twenty first instant, and
he having duly considered the same feels it incumbent
upon him to assign in orders the reasons
which have constrained him to disapprove, not
only the decision made by the said Court on the
sixth instant but also its determination on
the eighteenth day of October.

In doing this he is persuaded the mem-
bers of the Court will duly appreciate his motives,
which arise from a sense of duty and injus-
tification of an honest difference from them in
opinion, and that this course will be regarded
as perfectly consistent with the sentiments of
confidence and respect which he entertains
for all the members of the Court.

In the exercise of their discretion on the

eighteenth day of October, the Commander in
Chief feels persuaded that the case cited as
the inducement to that decision was wholly in
adversity, and bore no resemblance to the case then
before them, and he will advert to a few of the circum-
stances which constitute the inapplicability of
Powlett's case.

I That was a naval Court Martial, the
officers composing which were in actual service.
The adjournment ~~was intended~~ was to obtain the at-
tendance of witnesses beyond sea, the period of whose
return was wholly uncertain, and therefore the
adjournment must have been to a remote period
and the public service, in the mean time, might
have been prejudiced by the detension therefrom
of the high and respectable officers who composed
the Court.

II The charges were in that case exhib-
ited by an individual who had been previously
arrested & convicted upon charges presented against
him by Captain Powlett, from which fact the Court
reasonably presume that the charges were there
arose from a disposition to retaliate, & from ma-
licious motives.

III The application for postponement in
that case was to a remote and uncertain period,
and neither stated that any measures had been
taken to prevent the witnesses from departing, nor
disclosed their names or number, nor the places
to which they had gone, nor the points to which
their testimony would be material. It did not ap-
pear possible to assign a remote day at which those
witnesses would be more likely to attend; and there-
fore it was deemed not unreasonable to put off the
trial to a distant and uncertain day.

IV In that case there was an exist-
ing Judge Advocate with whom the accuser might have
consulted preparatory to the meeting of the Court, and
from whom he might have obtained advice, and summones

Lieut. Col. J. J. J.
P. J. Carthage, Tenn.

Carthage, Tenn.

250.00

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241.20

August 5. 1877

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