GENERAL ORDERS, No. 149.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, May 26, 1863.

I. Before a General Court-Martial, which convened at Benicia Barracks, in the State of California, March 26, 1863, pursuant to Special Orders No. 78, dated March 24, 1863, Headquarters Department of the Pacific, San Francisco, California, and of which Colonel FERRIS FORMAN, Fourth Infantry, California Volunteers, is President, were arraigned and tried—

Private *Peter Kleinkopf*, Company E, Fourth Infantry, California Volunteers.

CHARGE I.—"Desertion."

Specification—"In this; that he, Private *Peter Kleinkopf*, Company E, Fourth Infantry, California Volunteers, did desert the service of the United States, at Benicia Barracks, California, on or about the 12th day of February, 1863, and did remain absent until apprehended and delivered, (in citizen dress,) on or about the 19th day of March, 1863, to the Officer of the Day, at Benicia Barracks, California."

CHARGE II.—"Assault with intent to commit robbery."

Specification—"In this; that he, Private *Peter Kleinkopf*, Company E, Fourth Infantry, California Volunteers, did, on or about the 12th day of February, 1863, and in the night time, make an assault, with deadly weapons, upon one Private John Williams, of Company E, Fourth Infantry, California Volunteers, at or near the town of Benicia, with intent to rob him."

CHARGE III.—"Assault with intent to commit murder."

Specification—"In this; that he, Private *Peter Kleinkopf*, Company E, Fourth Infantry, California Volunteers, did, on or about the 12th day of February, 1863, and between the hours of eleven and twelve o'clock at night, at or near the town of Benicia, Cali-

fornia, make an assault upon the person of one Private John Williams, of Company E, Fourth Infantry, California Volunteers, without any just cause or provocation, with knife and pistol, inflicting great bodily injury and dangerous wounds upon the head and body of the said Private John Williams, with intent to kill and murder him."

To which charges and specifications the accused, Private *Peter Kleinkopf*, of Company E, Fourth Infantry, California Volunteers, pleaded as follows:

CHARGE I.

To *Specification*, "Guilty."
And to the CHARGE, "Guilty."

CHARGE II.

To *Specification*, "Not Guilty."
And to the CHARGE, "Not Guilty."

CHARGE III.

To *Specification*, "Not Guilty."
And to the CHARGE, "Not Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Private *Peter Kleinkopf*, Company E, Fourth Infantry, California Volunteers, as follows:

CHARGE I.

Of the *Specification*, "Guilty."
Of the 1ST CHARGE, "Guilty."

CHARGE II.

Of the *Specification*, "Guilty."
Of the 2D CHARGE, "Guilty."

CHARGE III.

Of the *Specification*, "Guilty."
Of the 3D CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Private *Peter Klamkopf*, Company E, Fourth Infantry, California Volunteers, "*To be shot to death with musketry, at such time and place as may be designated by the General Commanding the Department of the Pacific*," two-thirds of the Court concurring therein.

II.—The proceedings in the foregoing case have been approved by the General Commanding the Department of the Pacific, and forwarded for the action of the President of the United States, who approves the sentence, and directs that it be carried into execution.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,
Assistant Adjutant General.