

6 Ans. I do not.

Lieut-William Morgan of the 23^d Reg Vol Inf. a witness for the prosecution, first being duly sworn, -
-days.

On the 31st of Dec. we were engaged with the enemy. About 10 o'clock at night I was asked by one of the officers if I had seen Capt Egan. I replied that I had not since falling back from a position we held in the morning, somewhere about nine or ten o'clock. This officer then said, "He must be either killed or taken prisoner as I have not seen him since that time."

About one hour after this some one exclaimed "There's Captain Egan." I then went and spoke to him, congratulating him on his escape. He remarked, "I got lost from the regiment."

On Sunday January 2^d we were attacked about three o'clock P.M. when the regiment broke and ran, and killed nearly one half of them, about one hundred yards to the rear, and went forward some five hundred yards beyond our former position. When we returned to the brigade the enquiry was, "Where's Captain Egan?" I did not see anything of him until the next morning, when he returned without his sword.

Question, Was Capt Egan acting, acting as a Field officer, or was he in command of his

5 On the 2 of January, my regiment was on the left of the brigade line, the 6th Ohio on my right and the 23rd Ky still farther to the right. In the evening when Vandever's Div. gave pursuit, we faced about which placed our regiment on the right of the line, most of the 23rd Ky. gave away in the first of the engagement, and a part of them under what came round and fought with me. About dark, and after the engagement was over I saw Capt. Egan for the first time, during that afternoon, he I now remembers. He rode up to my line, and enquired the position the 23rd Ky., occupied before the fight. I told him as near as I could. His reply was, "I must be mistaken", whereupon I said to him "I was not". He then said "I must be lost". After a few more words he rode away.

Ques by Q. B. - When did you next see the accused?

Ans. - The next day, Saturday and also Sunday.

Ques by Defense. - Do you know him to stand as an officer prior to this engagement?

Ans. I have always found him at his post discharging his duties as an officer.

Ques by Q. B. - At the time the accused rode up to you did he appear frustrated?

Ans. It was so dark I could not see him, in his conversation he did not appear to be.

Ques by Q. B. - Do you know what command Captain Egan had, on the day in question?

There is made from the facts in which the
Regiment was engaged.

Specification 2^d, — In this, that he, Capt. William P. Egan, 23^d Reg. of Ky. Vol. Inf., did on the 2^d day of Jan, 1863, at the Battle of Stone River, near Murfreesboro, Tenn., leave the command to which he belonged, and soon as the engagement with the enemy commenced, and during said engagement, was seen near or about a mile from the Reg. to which he belonged, and did not return until late in the evening, of said day, or early the following morning, after the enemy had been repulsed.

To which Charges, and Specifications, the accused pleaded as follows:

To the 2^d Specification, — Not Guilty.

To the 1st Specification, — Not Guilty.

To the Charges, — Not Guilty.

Col. — Lewis A. Staters, of the 84th Reg. Ill. Vol. Inf., a witness for the prosecution, first being duly sworn, says, —

I know nothing of the matter, as stated in the 1st Specification. The 23^d Ky. Vol. and my Regiment, are in the same Brigade.

3 Court met pursuant to adjournment,
Present, all the members except May S. A. -
Berrian, who is absent, on leave of ab-
sence

The Court then proceeded to the trial
of Capt. William P. Eager, of the 23^d Reg. of Ky. Vols.
who was called before the Court, and having
heard the order appointing the Court read,
was asked if he had any objections to any
member named in the order. The accused
replied in the negative.

The Court was then, in his presence,
duly sworn by the Judge Advocate, and the
Judge Advocate was duly sworn by the
President of the Court.

The accused, Capt. W^m P. Eager, of the 23^d
Reg. of Volunteers Infy, was arraigned on the fol-
lowing Charge and Specifications:

Charge - Cowardice

Specifications 1st - In that, the said Capt. W^m P. Eager, of the
23^d Reg. of Ky. Vols. Infy, did, on the 31st of Dec, 1862,
at the Battle of Stone River, near Murfreesboro,
Tenn, run away from his command in
a cowardly manner, early in the engagement
with the enemy, and did not return until late
in the evening of said day, after the enemy had
been repulsed, and was seen to retreat

Approved without manufacturing
with price

By order of Brig. Gen. Palmer
S. Childs, A. A. S.

Official
W. A. Furburth
A. A. S.

A. D. C.

Head Quarters, 2^d Div, Left Wing
First Army Corps Dep't
ment of the Cumberland Jan 30th / 63

Special Order
No 203

IV, 1st Lieut. Jules Mondragon
6th U. S. Judge Advocate, is here by relieved
from duty in that capacity.

Capt. J. H. Wellington 41st U. S. I. is
appointed in his stead.

V, Eliza Redden 6th U. S. I. is
appointed an additional member of the
General Court Martial, appointed by General
Order No 14.

By order of Brigadier Gen. Palmer
D. W. Norton
Capt & A. A. S.

Eighth Day
Monday February 9th 1863

Proceedings of a General Court-Martial, which commenced at Head Quarters, 2^d Division, Left Wing, Army of the Cumberland, by virtue of the following General and Special orders

Head Quarters, 2^d Div, Left Wing
 January, 29th 1863

General Order
 No. 14

A General Court-Martial is hereby appointed, to convene within the limits of this Camp on Saturday, the 31st day of Jan. 1863, or as soon thereafter as practicable, for the trial of such persons as may be brought before it.

Detail for the Court

- | | | | |
|-----------------|-------|---------------------------------------|--------------------------|
| 1 st | Major | Jacob A. Sherman | 30 th U.I. |
| 2 ^d | | A. B. Russell | 1 st Reg |
| 3 ^d | Capt | H. W. Bacon | 24 th " " |
| 4 th | " | W. W. Mason | 41 st " " |
| 5 th | " | J. H. Williston | " " " |
| 6 th | " | J. A. Harding | 9 th Ind Br |
| 7 th | " | J. B. Hallowell | 21 st " " |
| 8 th | " | Thomas Cox Jr | 1 st Reg " " |
| 9 th | " | J. N. Johnson | 6 th " " |
| | | <u>Judge Advocate</u> | |
| | | 1 st Lieut Jules Montaigne | 6 th I. R. I. |

No other officers than those named can

Written Address
Lt Col. Wm. C. Egan
23rd Regt. P.V. Inf.

Respectfully forwarded as
part of the Report on the
Case of Capt. W. C. Egan. 23rd
Regt. P.V. Inf. The Report
is on your file.
Wm. C. Egan
Master Sergeant

Respectfully signed to Capt.
Brook

Judge Advocate General
Wells, 268.
Capt Logan is to be
and certified of Amos
and sent to the
missed.

The proceedings were
- proved by General
Case and the order
dismissed promulgated

The record is deposited
the sentence and the
authenticated by the
President of the Court

The record should
Clear case of the
before the Court
and the Court
and the defendant

The record, since the
allow the order
of such an order
to the service and
position, which is
has disappeared

1900/1/163
Ch. 40

For further information
that Capt Logan is
disorderly and
by order of the President

not
magistrate
Beyers

Let Capt Logan be
temporarily dismissed
with the record
of the Judge Advocate
General
Almeda
June 24, 1868

by
Company during the engagement referred to?
Ans. He was not acting, as Field officer, cannot
say whether he was in command of his Co.
or not.

Questy J. A. Did you hear Capt Eggon give com-
-mands to the regiment as a Field officer?

Ans. I cannot say that I did,

Questy J. A. Was the accused wounded?

Ans. Not when I saw him,

Questy J. A. What Co, are you Lt of?

Ans. Co "78"

Questy J. A. What Co is Capt Eggon of?

Ans. Co "8"

Questy J. A. Was the accused in command of his
Co the day in question?

Ans. If he was in command, he did not act as
such.

Questy J. A. When did you see the accused in connec-
-tion with the regiment on the 31st day of Dec?

Ans. In rear, and near the center of the regiment,

Questy J. A. How far to the rear was he?

Ans. About four or five paces.

Questy J. A. At the time you saw him did he
show any symptoms of fear?

Ans. I cannot say he did,

Questy Const. Had Capt Eggon prior to the
Battle been acting as Field officer?

Ans. He had

Questy J. A. Who was in command of the reg-

8 - went at the time?

Ans. Major Hamrick.

Quest by J. A. Who was acting as second in command

Ans. Capt. Long of Co. "A."

Quest by J. A. Who was acting Major?

Ans. - Capt. Northrup, Co. "B"

Quest by J. A. Has the accused been in command of the regiment?

Ans. He has

Quest by J. A. Was he in command up to the day of the Battle?

Ans. He was not.

Quest by J. A. Who relieved him from his command of the regiment?

Ans. Capt. Northrup.

Quest by J. A. What time was he thus relieved?

Ans. Some two or three weeks before the Battle.

Quest by J. A. What has been the standing of the accused as an officer, up to the day of the Battle?

Ans. Very good.

Quest by J. A. After being relieved of the command of the regiment, did he resume the command of his company?

Ans. He did not.

Quest by J. A. After being relieved of the command of his regiment, did he still act as field officer

Ans. He did, as second in command.

Quest by J. A. From your knowledge of the conduct

9 ^{of the accused}
Q. On either day of the Battle do you regard him as
having acted cowardly?

H
A. I never considered him a coward, but he
did not act, as an officer should, during
the Battle.

Q. In your opinion - Can you state positively as
to the time of day I was dismissed from the
regiment?

A. I cannot.

3 o'clock P.M.

By order of the General Commanding
and permission of the witnesses, the Court
was continued open until 4 o'clock.

Capt. C. T. Left of the 23rd Reg^t Vol. Inf., a
witness for the prosecution. First being the
prisoner.

Capt. Egan was acting as
field officer, either as Lieut. Col. or Major
when we left Washville Dec 26th. He
acted as such until the next day, when
Major - Merrick, came up, and assumed
command of the regiment. About the 30th
I was informed, that Capt. Egan had
been relieved by Capt. Worthup, whom
I saw in command of the left wing, and
Capt. Loy of the right. On the 31st of Dec
I saw Capt. Egan in the morning, about 8 or
9 o'clock, at the time we were attacked on

10 the night. The next time I saw him it was about 10 or 11 o'clock at night. I met him coming from a house. I was glad to see him as we supposed him either killed or wounded.

We remained on duty that night 12 or 1 o'clock, when we went to the rear. The next day we moved early in the morning near to the river, we crossed the river that day, and returned. Capt Egan was with me. I saw him several times during the day.

On Friday the 2^d of January, we crossed the river again. Capt Egan was with me at the time, we went to the left and front. My Co. went out on picket duty and remained there until 12 or 1 o'clock that day, when I was relieved, and returned to the regiment. It was then lying as re-

serves to a line of skirmishers, in a lane. Soon after joining the regiment, it changed its front perpendicular to the lane, the right flank being on it. We were in rear of an open field. The ^{1st} Co. ^{of the 1st} ^{regiment} were acting as skirmishers. Capt Egan was with me then, when the enemy made the attack. The skirmishers fell back half or two thirds across the field. Col. Furse rode up and ordered them back and hold their old position until forced to give way. Lt. Barnes of Co. C. was in command of the right of the skirmish-

11 - was that Co. being deployed, on the right. At that time Capt Egan was in rear of our line of Battle. I was looking to see Capt Egan take command of his Co. as Lt Barnes seemed to have some difficulty ^{getting} in, them to return. What made me think, Capt Egan was going to take command, was that he passed by me, to the ^{left} of the regiment. About that time a regiment, came running back through our lines, I saw Capt Egan stop, and partly turn around. Some of our officers, including Capt Egan, attempted to rally these men behind fence they succeeded in rallying some of them, but they soon broke and ran again, since that I do not recollect of seeing Capt Egan that day, but regiment commenced firing at this time. I next saw Capt Egan. I think the next morning. He told me he had slept in a house, which that night and some one had relieved him of his sword and pistols, but he had got over the pistols. Ques by J.A. Was Capt Egan in command of his company, at the time specified? Ans. I suppose not, as I saw Lt Barnes in command. Ques by J.A. Did you hear the account of any commissions to the regiment, at the time specified?

12. Ans. I did not.

Quest by Defense. - Do you know of any asking Major Hamrick, to go out in front to ascertain the location of a Battery and the enemies line of Battle which had been reported to us?

Ans. I did not.

Quest by Court. Do you know if Capt Egan was ordered to take command of this Co. after being relieved of the command of this regiment?

Ans. I do not.

Quest by J.A. While Capt Egan was under your observation, did he show any symptoms of cowardice?

Ans. I do not think he did.

Quest by J.A. Have you seen the accused in any engagement prior to this?

Ans. I have not.

Quest by J.A. Did you know of any hard feeling towards Capt Egan on the part of any officer in the regiment prior to the engagement?

Ans. I did not.

Quest by J.A. What has been your opinion of him as an officer here before?

Ans. I considered him a good officer.

Quest by Defense. Have you ever known him to remain ^{behind} the regiment, or strike camp

duty?
 Ans, I do not know that he has;
 The court here, adjourned until Tuesday at 8 o'clock

Winth Day.

Tuesday Feb 10th 1863
 8 o'clock A.M.

The court met pursuant to adjournment. Present, some members as yesterday. Adj. At W. Prumond, 33rd Ky. Vols. a witness for the prosecution first being duly sworn, says -

I joined the regiment in November, I think the 24th, Capt. Northrup of Co "B" was then in command. Capt. Egan was acting as second in command. Capt. Fay of Co "A" reported for duty. I think the 26th or 27th of Dec. on the morning we left Knoxville. Major Hamrick reported for duty and assumed command. Capt. Fay then relieved Capt. Northrup and Capt. Northrup relieved Capt. Egan as acting Major. At "Stewart's Creek" I was called upon to furnish a "Brigade officer of for the day". I think I detailed Capt. Egan. When we advanced on Knoxville I do not know what command he was in. He had been relieved

14

Previously, re-acting Lt Col, & Major.
 on the morning of the Battle Capt's Fry and
 Mottup, were in their places, re-acting Lt
 Col, and Major, when we advanced, our front,
 the enemy, appeared, driving our forces be-
 fore them. we were ordered to unloading knap-
 sacks, and lie down, to avoid the stray bullets
 which were passing over us. When the enemy
 came in range, we were ordered to rise up
 and commence firing. I passed up the
 line and they were firing to the center of
 the regiment, where I found one of the
 men in Lt "H" wounded severely. I went
 then to find a stretcher, to have him carried
 to the rear; I went, I went to the rear some
 thirty five paces, expecting to find the paper
 boy who had it in charge. As I started to
 return, in looking around, I saw Capt
 Cajon between two rocks in the act of dying.
 I then returned to my position on the
 right of the regiment. I think I did not see
 anything to him, at the time. The regiment
 was then advanced to the support of the 36th Ind.
 and I supposed we went forward some four
 hundred yards. we were then I think pushed
 off by the flank, passing through a little
 thicket. we then came into position, by the
 the right into line, our right resting towards
 the woods, our left towards the railroad.

Museum
 as letter
 source

15 we saw them, ordered to take position, behind a ledge of rocks to our left, and near the river was ordered to lie down, the enemy getting the range of me towards the left. we were ordered to fall back towards the railroad, just as we were crossing the trestle. I saw a man running ahead of the regiment going up a slope towards the railroad, we being faced to the rear, marching in line. The man's back was turned towards me, so that I could not see his face, but I am perfectly convinced that it was Capt. Egan. He had on a light blue overcoat, his sword belt outside of it and he had on a cavalry sabre and steel scabbard. His height was about that of Capt. Egan, and I think he had on a low black hat. I am that time I did not see Capt. Egan until about half past nine o'clock that night. While we were on picket duty, we came up. Major Hamaker was in our old building on our left. I heard Capt. Egan was there and I went up and spoke to him.

On the 2^d of Jan 1863, we were marched across the river to take position, on the extreme left. Col. Grose placed us in position, forming his front line. We threw out three companies as skirmishers. Co. E, G, and C were out when the enemy first made their appearance. Capt. Holde commanded Co. E. Capt.

16. William C. "G" and Al Barnes Co. "C" why
Capt Egan did not take command of this
Co. I do not know. The enemy appeared
showing our force on the left and front, the
Major changed our front so as to open fire
on them. we had fired some half dozen
rounds when the enemy appeared to our
left in the woods, giving us a cross fire
the Maj. seeing the danger attempted to
to move us by the right flank. we were
moving steadily along, when I saw a man
about forty yards to the front and twenty
yards to the right, going as fast as his
legs would carry him. That man, I should
judge from all appearances was Capt Egan
for the reason that he was dressed as before
described. For a few moments the regiment
moved steadily, when someone exclaimed
"we are surrounded", when they all broke
and ran. I saw Capt Egan again
that evening, after we had put a campfire
built and the men were cooking their
suppers. He looked as if he had just come
in. I did not see him have either sword
or belt.

Ques by J.A. Was Capt Egan in command of
his company on either of the days specified?

Ans. I did not see him in command.

Ques by J.A. Who was in command?

17) Ans. I do not know I carried orders to Capt Egan, he being in command, but Lt Barnes went out in command of the Co. he then mistook.

Quest by J.A. Had Capt Egan reported himself sick before this?

Ans. He had not.

Quest by J.A. Is it customary in your regiment to allow the commanding officer of a Co. to turn over his command to another officer, without authority from the commanding officer of the regiment?

Ans. It is not.

Quest by J.A. While Capt Egan was under your observation, did he show symptoms of Convulsions?

Ans. By his leaving his command in the manner he did, I should think he did.

Quest by J.A. What has been his character as an officer, prior to Dec 31st 1862?

Ans. I have always considered him a good officer, both as Captain and while acting as Field Officer.

Quest by De foren, - What day, or order, delivered by you to Capt Egan?

Ans. - On the 2^d day of January, 1863

Quest by J.A. What orders did you carry to him?

Capt Egan?

Ans. He reports the number of men of his own
- and sends down one day's returns from
them -

Ques by J.A. Did he personally report to you in
regard to it?

Ans. He did not. I think it was his orderly Sergt.

Ques by J.A. - Have you seen Capt Egan in any
engagement prior to these?

Ans. I have not.

Ques by Defence. - Do you know of any officer in
the regiment entertain hard feelings
towards Capt Egan?

Ans. No Sir; they all respected him as an
officer and loved him as a brother sol-
-dier

Lieut John Barnes of the 93^d N.Y. vol's a wit-
-ness for the prosecution first being duly
sworn. Says -

I commanded Co "E" on the
31st of December 1862. I think Capt Egan
was regarded as a field officer on that
day. I saw Capt Egan in the rear of the regi-
-ment after the engagement began. The regi-
-ment was moved from the position it
first occupied, after that move I did
not see Capt Egan until about eight
o'clock P.M. That is all I saw of Capt

19. began that day. on the second of Jan.
I knew Capt Egan had no command. I
knew nothing of his conduct that day,
being with my Co. skirmishing.

Quest by Jd. - Who was in command of
the regiment on the 31st day of Dec?

Ans. Major Hamrick.

Quest by Jd. Who was second in command?

Ans. Capt Log. I think.

Quest by Jd. Who was acting Major?

Ans. Capt Purthup.

Quest by Jd. Do you know on what day Capt
Egan was relieved from acting Act Field
officer?

Ans. I do not.

Quest by Jd. Were these several Field officers prom-
-oted on the 31st Dec?

Ans. There were none of them promoted.

Quest by Jd. What time did Capt Egan take com-
-mand of his Company?

Ans. After the fight of the 2^d I think on
the fourth or fifth of January 1863.

Quest by Jd. When you saw Capt Egan on
the 31st did you see any symptoms of con-
-vulsions?

Ans. No Sir.

Quest by Jd. What position did he occupy in
relation to the regiment?

Ans. - I saw him in the rear, at several

different points

Ques by J.A. How far in the rear did you
sublime?

Ans. Not more than four or five paces.

Ques by J.A. Did you hear Capt Egan give
any commands to the regiment?

Ans. No Sir;

Ques by J.A. - Have you seen him in any
engagement prior to the 31st Dec?

Ans. I have not.

Ques by J.A. What has been his character as
an officer prior to this date?

Ans. Good.

Ques by J.A. When you moved forward did
you see Capt Egan in rear of the regiment?

Ans. No Sir;

Ques by J.A. When you occupied that advanced
position ^{did you see} Capt Egan there?

Ans. I did not.

Ques by J.A. When you occupied that advanced
position, would you have been likely to
have seen Egan if he had been there?

Ans. He might have been there and I not
known it.

Ques by Court. - Did Major Harnick issue
an order either written or verbal, re-
leasing Capt Egan and placing
Capt Worthup in the position of a
Field Officer?

21 Ans. If he did I neither saw or heard of it.
Questy Cr. As the accused was not acting
as field officer on the 2^d of January
why did he fail to take command
of his company on that day?

Ans. I do not know.

Questy De. When you were forced to retire on
the second of Jan. were you ordered
to move up to your former position?

Ans. No sir. I moved up of my own accord.

Questy D. When your regiment was in the
line on the 2^d of Jan. did you receive
orders from Adj. Munday to get rations
for the company?

Ans. I did.

Questy J. A. Did Adj. Munday deliver the order
to you personally?

Ans. Yes sir.

Capt James C. Fay 23^d 14 vols. to wit -
need for the prosecution first being duly
sworn pages.

I joined the regiment at
Marshall on the morning of the 24th Dec
Capt Egan was then in command of
the regiment being senior officer
present for duty. He offered to loan the
command to me, but I told him
I did not feel well qualified to hold it.

22 day of two. We started on the 26th but
not firing, with a side on a wagon
on the 29th I notified some of the officers
that I would take command of the
regiment. On the 29th I took my
position, as Lt. Col. notifying Capt. Mott
Mayer, who took his position as acting
Major. I have filled that position up to
the present time, on the evening of the
29th I asked Major Hamrick, why
Capt. Egan did not take command of
his Co. His reply was that he did not
know but believed him as acting Field
officer of the day. My reason for asking
this question was that two Co. were absent
and we could not find it for 13 or 20
minutes. The Co. however, soon arrived
and joined the balance of the regiment,
where we remained in position for two
hours, then ordered to retire for the
night.

On the 31st we were marched out in
line of Battle. Capt. Egan, occupying the position
as a Field officer on the left. After eleven o'
clock that morning I did not see him. Up
to this time we had not been in the hottest
part of the engagement. I did not see him
again until about eleven o'clock that
night, and supposed him either killed or