

rounded or taken prisoner. The regiment had changed its position several times during the day, moving in good order, and I could not see how any officer could get lost from his regiment. On the night of the 31st we were on guard, on the "Battle Field" Major Hamrick went to a house, and left me in command of the regiment. About eleven o'clock Capt. Egan came up and spoke to me, giving me some account of his absence saying that while he was lying down the regiment had moved, and he became separated from it.

On the second of April, 1863 we moved across the river, and took position on the left of a house. Capt. Egan still occupying the position of a field officer, we remained there until the battle commenced. Capt. Egan still in the same position. The enemy appearing in heavy force Major Hamrick ordered us to "rise up" "Right Face" "File Right" down the river. During the execution of which the regiment became confused, and retreated in disorder. After falling back some four hundred yards, a portion of the regiment were rallied by Major Hamrick and other officers, and immediately commenced a brisk fire on the enemy, which was

24 kept up until the enemy commenced to retreat when we followed them with other troops until presumptively ordered by Col. Hayden to disband. I saw nothing of Capt. Egan after we broke until we bivouaced for the night.

Questy J. A. When Capt. Egan offered you the command of the regiment, was Capt. Smith present for duty?

Ans. Capt. Egan informed me that Capt. Smith was on Court Martial.

Questy J. A. During the engagements of the 31st Dec and second of Jan. - did Capt. Egan act in your opinion cowardly?

Ans. He did.

Questy J. A. Upon what do you base your opinion?

Ans. From the fact of his absence from the regiment.

Questy J. A. While under your observation did you think that he acted in a cowardly manner?

Ans. No Sir.

Questy J. A. What was the reputation of the accused Prisoner?

Ans. Good.

Questy J. A. Was this the first engagement your regiment was ever in?

Ans. This was the first Battle that the regiment was actively engaged.

251 Ques by Jd. Have you ever heard any previous
imputation of cowardice against Capt. Egan?

X
Ans. I did hear, on Christmas thig ht. that
the "boys" were somewhat afraid of the Capt.,
alluding to the accused,

Ques by Jd. Who made the remark?

Ans. The following persons were in the tent at
the time, cannot say which of them
made the remark, to wit. Maj. Hamrick
Dr. Black, Dr. Hasbroke, Capt. Marth,
myself and two, or three, of the hospital men.

Ques by Jd. Was there any illfeeling, toward Capt
Egan previous to this Battle by any of
the officers of the regiment?

Ans. Not the least that I know of.

Ques by Jd. Was Capt. Egan on the 31st of Dec
or 1st of January, wounded?

Ans. When I saw him he was not.

Ques by Jd. Did you report yourself on the 2nd of
Dec. to Major Hamrick, as Lt Col?

Ans. I did not, but did to the Ady. also at the
same time told Capt. Pennington that I
was acting on the right when he immen-
ediately went to the left.

Ques by Jd. Did you repeat the orders of Major
Hamrick, the 31st day of Dec. as Lt Col?

Ans. I did.

Ques by Jd. Do you know of the reg. of Hamrick,

and left wing of your regiment being separated on the 3rd day Dec 1763.

Ans. I do.

Questy J. A. How did it occur?

Ans. By the Major's order being misunderstood the right wing facing by the rear, and marching some ten, or fifteen paces, while the left marched by the left flank. The Major gave the order to "Halt" when we immediately marched back and joined the left wing.

Questy J. A. What length of time elapsed after being separated before you were again rejoined?

Ans. Not more than five minutes.

Questy J. A. What time of day was this?

Ans. Somewhere between half past twelve and two o'clock.

Questy J. A. Was the accused with you at the time?

Ans. No.

Questy J. A. Is your notion of Capt. Egans being sent to the front, by Major Hamrick to ascertain the whereabouts of a battery reported to Col. Howe?

Ans. I heard Major Hamrick say he had sent Capt. Egan for me. I understood to Col. Howe.

Questy J. A. Was this before or after you had spent five, on the journey?

Ans. It was before.

24 Ques by J.A. Had the regiment become disordered or broken before Capt Ryan was missed?

Ans. No Sir.

Ques by J.A. Did you see Capt Ryan go out in front of the regiment towards the wood across an open field. on Jan. 2^d 1863?

Ans. I did not.

Ques by J.A. On the 31st was your regiment broken, any time so that you had to rally them?

Ans. It was not.

Capt. Ephraim P. Mearns, 3^d Ky Vol' Infy a witness for the prosecution, first being duly sworn

On the morning of the 31st Dec Capt Ryan was with me until we fell back to a ledge of rocks. That was the last I saw of the accused until ten or twelve o'clock that night he began coming up and I remarked to him "we thought ^{him} killed or taken prisoner" he replied "that he got lost from us and fell in with some other regiment." On the second of Jan he was with me on the morning. On that day his Co. with others were deployed as skirmishers. He left the line of Battle and went to his Co., then returned to the balance of the regiment. From which time I do not recollect of seeing him until after the engagement. I next saw him after we had

as to the necessity for the capture of the vessel,
Questy J. A. Do you know of his being seen on
the 21st three miles from the scene of action?

Ans. I do not.

Questy J. A. Who reported having seen him that dis-
tance to the rear?

Ans. I think it was Private King of Co F, who
is attached to the "firmer corps"

Questy J. A. - Who reported having seen him to
the rear on the 2^d day of January?

Ans. I do not know.

Questy J. A. Do you know whether Capt. Egan
assumed command of this company pre-
-viously to the engagement?

Ans. I do not.

Questy J. A. I know what you saw of Capt. Egan
on the Battle Field, do you think he
acted cowardly?

Ans. I cannot say he did.

Questy J. A. Have you heard the opinion expres-
-ed by officers or men previous to the 31st Dec
or Jan-2, that the accused was a coward?

Ans. I have not.

Questy J. A. What has been the standing of the ac-
-cused. as a man, officer previous to Dec 31st 1812

Ans. It has been good.

Questy J. A. Did you hear, on Christmas night
any one of the officers express a doubt as to the
courage of the accused?

29 Ans. I did not.

Quest by Defence, - In the tent of Dr. ~~Winn~~ May Hamrick, Dr. Black, or others, have you heard any one doubt the courage of the accused previous to the 31st of Dec 1862?

Ans. I have not.

Quest by D., Did you ever hear any of the soldiers of the regiment doubting the courage of Capt. Egan?

Ans. No, Sir.

Quest by J.A. - Had your regiment been engaged with the enemy before or missed, Capt Egan on the 31st Dec?

Ans. Yes, Sir.

Quest by J.A. How long had it been engaged?

Ans. I suppose three hours previous to the time I last saw him.

Quest by J.A. - At the time you last saw him had the regiment fallen back from its first position?

Ans. It had.

Quest by J.A. At the time you fell back, did you fall back in disorder?

Ans. No, Sir.

Quest by J.A. The last time you saw Capt Egan, what position did he occupy in relation to this regiment?

Ans. He was on the right some five or six paces from it.

The Court that adjourned until midday
day morning Feb 11th At 8 o'clock A.M.

Fifth Day

Wednesday Feb. 11th 1863.

Court met pursuant to adjournment.

Present, same members as yesterday.

Private John King, of Co "E" 23^d Reg. Inf
Colo. a witness for the prosecution, first being
duly sworn, says -

On Wednesday the 3^d day
of Dec. 1862, I was just beyond the seven mile
post from Minneapolis on the Washburne trail,
I saw Capt. Egan there. I asked him about the
regiment. He said it was all right, he said
the boys were fighting in front. This was about
half past three or four o'clock P.M. A team-
ster came out, and gave him an old hat, which
was of no account, so I gave him mine. He
then turned and went towards Minneapolis.
Ques by J.A. What were you doing, at the place you
speak of?

Ans. I am teamster for the Third Battalion,
Pioneer Corps.

Ques by J.A. Had you been in that position all
day?

Ans. - We had not, only since about eleven o'clock
A.M.

Ques by J.A. - Was this the first time you saw the

occurred that day?

Ans. - It was.

Quest by J.A. At the time you saw the accused, did he appear excited?

Ans. He did not.

Quest by J.A. Did he give any reasons for his being back there?

Ans. He did not.

Quest by Bontz - Did the accused say when he came back to how, by whom, that he was on business for the regiment?

Ans. He did not.

Quest by DePence. At all, did you regard Capt. Logan as an officer. Hunt for?

Ans. I regarded him as a private and a good officer.

Quest by Clark. Did the accused tell you in what manner he lost his hat?

Ans. He did not.

Capt. William Beden of the 23rd Regt. 4th Infy. was witness for the prosecution, first being duly sworn to say.

On the morning of the 31st day of Dec 1862, I saw Capt. Logan, about eight or nine o'clock. This was the last I saw of him that day. On the 2nd of Jan. 1863 I saw him with the regiment. The last time I saw him that day was at the time he

3-1
+ // Upon the 6th those who were to their front and right. As I passed from their left, looking back, I discovered the defendant, passing quickly from his regiment. He went some fifty or sixty yards, and got behind a large tree. I passed from there to the right, and to the 24th Ill. I saw no more of the accused that day. I have no recollections of seeing Captain Egan during the engagement of Jan. 2^d 1863, but am sure the regiment was in a very exposed position. I went to them, as the fire commenced, for them for the purpose of giving them some directions. I saw the Major or Hancock in command. I went from them to the 24th Ohio, which was a little to the rear, at that time. The regiment was exposed to a heavy fire.

Ques by the Court, Do you know of Capt Egan's being detailed a Brigadier, officer of the day at or about Stewart's Creek?

Ans. I have no personal recollections of it.
Ques by J. B. What has been the standing of the defendant as an officer prior to the 31st Dec?

Ans. His standing with brigade headquarters was good.

Ques by D. Did Capt Egan pass to the rear of the left or right of the regiment?

Ans. From the left, if they were faced by the

32

left the regiment to go to 1st Co. which was
deployed as skirmishers. I considered I went
to the front with a message from Col. Brown,
cautioning the skirmishers to keep as sharp
look out in front, as he suspected the enemy
would endeavor to frost a battery there. I met
the accused on the 3^d of January.

Quest by J. B. Did you raise the accused before
your regiment, opened fire upon the enemy?

Ans. I did not.

Quest by Deane. When the left of General Vandever's
line was seen, and some of the men ran
by near our left, did you see Capt. Logan
rally some of them on the left of your
Company Jan 3^d 1863?

Ans. I did not.

Quest by D. How did you regard, Capt. Logan
as an officer worth for?

Ans. I always regarded him as a good officer.

Private William Jenks of Co. F. 23^d Reg. Ind. Vols
a witness for the prosecution first being duly
sworn says -

X

On Wednesday the 31st day of Dec 1862
between three and four o'clock P.M. I saw
the accused about a quarter of a mile beyond
the seven mile post on the Nashville Pike
in the direction of Nashville from Murfreesboro.
I spoke to him asking him how they got

along the which that it was a party that

right and that there was a good many of

the boy's mind and the legs and arms

of a day to the last time I have seen from

comes that time. I am, on that night the

former order.

to say to the last time I have seen from

the boy's mind and the legs and arms

comes that time. I am, on that night the

former order.

to say to the last time I have seen from

the boy's mind and the legs and arms

comes that time. I am, on that night the

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the boy's mind and the legs and arms

comes that time. I am, on that night the

former order.

to say to the last time I have seen from

the boy's mind and the legs and arms

comes that time. I am, on that night the

former order.

34 When we first met I asked him "where the
regiment were" he said it "were on the Battle
field" he said it was badly cut up. I then
asked him if "any of the officers were killed
or wounded". He answered "not that I know of"
"though the Major's horse had been shot
under him". We started down the pike at
this time in the direction of Nashville,
we had not gone far when there was some
excitement among the teams, when
we started. I did not see him again until
January 3^d the day after the Battle.
Ques by J. A. At the time you saw him, did he
have on a hat or cap?

Ans. He had on a hat.

Ques by J. A. What were you doing back there?

Ans. I had Capt. Northrup's horse he having
directed me to take charge of it.

Lewis Richardson Private Co. C. 93^d Reg. Inf.
a witness for the prosecution. first being
duly sworn & sworn.

I know nothing in regard
to the matter on the 31st day of Dec;

Friday evening the 3^d day of Jan. I saw
the accused on the turnpike. I saw five about
miles from Col. Gross' head quarters. I think
it was about ^{four} miles from Humphreys in the
direction of Nashville, this was just before

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ground down, we conversed a moment, when he
left. I did not take notice, the direction he went
when he met me. "He said it was a terrible state
of affairs" it being the first time our little reg-
iment had been, compelled to run. He said the
regiment had been driven in off from
picket, after we parted I did not see him
for several days. I asked him where the
regiment was then. He said it was at the
Creek. I am, am, am, am, am, am, am, am, am, am,
Doubt by DeFener. Did Capt. Egan seem excited
when you saw him?

Ans I do not think he did,

Quest 9 - How have you regarded Capt. Egan
as an officer, here to you?

Ans. - I liked him very much as an officer

Harrison J. Prentiss, member 3. Brigade
Band, appointed for the prosecution, his
being duly sworn to, says -

On the 31st day of Dec
I saw the accused at out, a mile or mile and a
half from the "Battle field" This was some-
where about ten o'clock A.M. I saw him
again about four o'clock P.M. returning.
When I first saw him I asked him
where he was going. He told me he was
going to the train and asked me if I had
seen it. I asked him then how the boys

36

was getting ailing. He said the regiment was put up pretty good. I did not see him on the second of January.

Questy J. A. At the time you first saw the accused how far was he from Wimpeters?

Ans. I should think it was about four and a half miles.

Questy J. A. Was this on the spike running from Wimpeters to Wastville?

Ans. It was.

Questy J. A. At the time you saw the accused, did he appear frightened?

Ans. I cannot say that he did.

Questy J. A. At the time you saw him, did he have on a hat or cap?

Ans. I think he had on a cap.

Questy J. A. At the time he left you, in what direction did he go?

Ans. The first time I saw him he went in the direction of Wastville.

Questy J. A. Where did you see Capt. Fegan, about half past ten o'clock A.M. Dec 31st 1862?

Ans. On the Wimpeters spike, about one mile and a half from the "Battle Field".

Questy J. A. Was there any one in company with Capt. Fegan the first time you saw him?

Ans. There was.

Questy J. A. Who was with him?

Ans. A member of his regiment. I think the

T 34

sergeant Major,
Questy D - What kind of a coat, did Capt Eggen
have on when you first saw him?

Ans. I think he had on a blue overcoat.

Questy D - Was Capt Eggen riding or walking?

Ans - He was riding,

Questy J. A. Was he riding when you saw him
return?

Ans. He was.

Questy J. A. Whose horse was he riding?

Ans. I do not know.

Questy J. A. Was it the horse he had previously
ridden while acting as Field Officer?

Ans. I cannot say.

Col Grove of the 36th Ind Vol. Inf. Comdg. Bri-
gade, a witness for the prosecution first being
duly sworn says -

On Wednesday, Dec. 3rd in the
early part of the engagement between 8 and 9 oc-
lock A.M. I had just given some directions to

the commandant of the regiment, Maj Ham-
rick, which the regiment must have heard

The regiment was then under heavy fire
I directed the regiment to lie down, and keep
under cover as much as possible. I was near
the left of the regiment - I moved down the rear
of it towards the center with a view of preventing
their premature firing, firing their might

front rank.

The prosecution here, closed.

Capt George W. Worthington of the 23^d Regt. Ill. Inf. a witness for the defence, first being duly sworn says, -

I joined the regiment early in December, on leaving Nashville. I was in command of the regiment until we arrived at Livermore. The next morning I was relieved by Major Hamrick, and was the acting Lt. Col. until we arrived at Stewart's Creek. I was then relieved by Capt. Fox, Co. "A". I then reported to the Major who ordered me to relieve Capt. Egan, who was then the acting Major. I was the acting Major up to the 4th or 5th of January, 1863. I then obtained permission from the Major to report back to my Company.

Ques. by defence, What day of the month of December did you relieve Capt. Egan, as acting Major?

Ans. I think it was the 29th.

Ques. by Id. At that time, did Capt. Egan resume command of his Company?

Ans. I do not think he did.

Ques. by Id. Do you know the reason he did not take command of his company?

Ans. I do not.

Ques. by defence, Did Major Hamrick, yourself and Capt. Egan have any conversation on the

night of Dec. 29th 1861, the command was
by Capt. Loy.

Ans. I do not remember that we did
meet by order of Capt. Loy and myself with Capt
Cogan?

Ans. The commissions all rank the same time, but
Capt. Loy was mustered in the latter part of Oct
1861. I was mustered in November 11th 1861. and
Capt. Cogan sometime afterward. There always been
considered as ranking Capt. Cogan. I have acted
as Field Officer on all occasions when the Field
Officers were absent.

Query Defense. Was there any agreement between
the Line and Field Officers of the Regiment to
assign position to the Co. at least drill at
Camp King B., and the Capt. of the Co. to
rank accordingly?

Ans. I think there was; Before the regiment was
fully organized, the Colonel, made a propo-
sition to the Commandants of Companies,
that the different positions in the Regiment,
of the Companies, should be assigned ac-
cording to drill of said Companies, from
the last part of Dec. 1861, or the first part of Jan
1862. The Companies were ordered out for
drill, and I think, all the Companies went
out with the exception of Co. A. Co. B. was
assigned to the right, Co. D. to the left, Co. C.
to the center, or color company, and the

Gentlemen /
In being brought before
you here to be tried by a Court Martial
I find myself in a position unbecoming a
Gentleman and Soldier, and hard to realize -

The charge preferred against me is that of
Cowardice on the two occasions of the Battle
on "Stone River" on the 31st Dec '62 and 2nd Jan'y
'63 - and that Charge too, signed by my
Fellow Soldier & Brother Officer Capt. C. Liff. -

It is well remembered that on the arrival of
Capt. Northrup at the Camp near Nashville I handed
over to him the Command of the Regiment which
he received. This placed me then in the rank
of acting Major. Again on the arrival
of the Regiment at Livermore Major Hamrick
assumed the Command, as shown in the
Testimony, - on our arrival at "Stewart's
Creek" Capt. J. C. Loy took the acting position
of Lt. Colonel. Capt. Northrup relieved me as
acting Major. This would then have
thrown me back to the Command of my Com-
pany, but as I had been doing duty as a
Field Officer from the date of our leaving
Louisville Oct. 2nd, to this time and as my
Company was now become very small, I did
not wish to depose Lt. John Barnes from that
Command which he had so well performed,
whilst I was doing the duty of the highest of these
Officers already named / Hamrick, Loy & Northrup /
during their absence and whilst we were on
that hard & laborious March from Louisville to
Wild Cat and then to Nashville.

To have it said of me that I absconded
or absented myself on the day of Decr 31st
1/2 is incorrect. -

I felt as I have before intimated,
without a Command, remained with the
Regiment through all its movements till we
reached the Railroad - this was about half
past One o'Clock P.M. I in a feeling
of Curiosity to look at the "Field" and
after walking around looking at the Rights
found myself detached from my Regiment -

Hearing of an attack being made upon
an Ammunition Train, I rode back to it
remained there about ten or fifteen mi-
nutes when I again went to the front
where I expected to find my Regiment. this
was about 4 1/2 o'Clock P.M. After looking for
it for some time, I met Lieutenant J. P. Dutler,
(Brig Inspector) and he told me of its whereabouts
whilst on my way to join it. I also met
Major Russell of the 6th Ohio who directed
me towards its position, but I did not
find it till about 8 o'Clock P.M. -

In the 2nd Specification I am accused
of leaving the Command to which I belong
to this I must again plead, Not Guilty -
After the Regiment had been, by the Brigade
Commander's Orders, posted on the outside of
the Brigade and whilst three Companies of it
was used as Pocket Skirmishers, I volunteered
to go to the front and try find the locality
of a Rebel battery which was said to be in the
act of being bro't in position. I failed to
discover it and returned to the Regiment.

Then when the troops on our right and front retreated so as to overrun my Regiment and caused them to retire I was forced to go too, and crossed the river - I returned however as soon as I found that the enemy had been repulsed and rejoined my Regiment in bivouac -

This Gentleman in the same and substance of the Charge bro't against me - Gentleman, I was one of the early ones to leave my home and business on the Presidents Call for three months in the beginning of the war, and went with my comrades to Washington and Manassas and altho' I was at the battle of "Bulls Run," was one of the few who did not run on that day, and consequently find it hard, extremely hard to be now accused of cowardice at the battle of Stone River -

Gentleman I flatly deny the charges and plead in both instances Not Guilty -

I Am &c

W. J. Egan

Lt Col 23rd Reg Infy

other companies according to their drill
 Co "A" the third from the right
 Query Comb, What was the conduct of the regiment
 during the two days fight before Mansfield?
 Answer. After our brigade had changed its front
 and the troops were coming out of the woods,
 I was at the left of the regiment. Capt Eggon
 was there, also. he was urging the men on, un-
 -till his own men were coming, when he suddenly
 stopped speaking, and I did not hear ^{him say} ~~any~~
 -thing more that day. I did not miss him
 until we got back to the railroad, about 10
 or 11 o'clock A.M. I did not see him again
 until that night, about 10 o'clock P.M. all
 this was on the 31st day of Dec 1862.

On the 2^d day of Jan, -1863. I saw the Capt.
 with the regiment. we were then stationed in
 front of a strip of woods, when I saw him
 going toward the front, the regiment
 soon after changed its front, so as to ob-
 -tain a fire on the evening. I saw him af-
 -ter the regiment changed front. The fire
 being pretty heavy, the regiment was or-
 -dered to retreat. we retreated, a short dis-
 -tance in good order and then broke. I do
 not remember seeing Capt. Eggon then until
 the next day.

Query by defense. During any of the days specified
 did you see Capt. Eggon act so much?

42. Ans. I do not know that I did.

Ques. By defense, A few morning officers of the 23^d Regt
crossed the creek, toward the railroad on
the evening of Jan. 2^d 1863?

Ans. I saw Lt Leiter, Lt Shinn, Adj. Monday,
Lt Hennessy and I think I saw Lt Bents
together with myself.

Ques. By Court Was the engagement with every
one when, ^{now} ~~only~~ those officers on the oppo-
site side of the creek?

Ans. No: the engagement was progressing.

Ques. By D. What has been the standing of Capt Egan
heretofore, as an officer?

Ans. He has had a good reputation.

Ques. By J. Was Capt Egan, at the time of our con-
flict on either day specified, mounted?

Ans. He was not.

Court here, adjourned until
Friday morning, Feb. 13th 1863.

Friday, February 13th 1863

Court met pursuant to adjournment,
and, again adjourned until Monday Feb-
16th 1863, at 1 o'clock, P. M.

Monday February 16th 1863
1 o'clock, P. M.

Court met pursuant to adjournment.
Present, all the members except Maj German.