

Record Group 153  
Records of the Office of the Judge Advocate

Court Martial  
Col. Charles H. T. Collis  
LL813

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1975

Head Quarters 2<sup>nd</sup> Brigade  
1<sup>st</sup> Div. 3<sup>rd</sup> Corps May 25. 1864

Col Charles H. Collins.

114. Penn Vols.

You are respectfully notified  
to appear before General Court Martial  
convened at these Head Quarters, tomorrow  
Tuesday, May 26, at 10 o'clock A.M. to  
answer certain charges & specifications  
an official copy of which charges and  
specifications has been furnished to  
you.

Respectfully Yours

W. S. Taylor

20<sup>th</sup> Ind Vols

Lodge Advocate

2

Head Quarters 2<sup>d</sup> Brigade  
1<sup>st</sup> Division 3<sup>d</sup> Corps 15. 1863

Proceedings of a General Court Martial convened at  
Head Quarters 2<sup>d</sup> Brigade 1<sup>st</sup> Division 3<sup>d</sup> Corps  
by virtue of the following Special Order No.

Adj. Gen. 1<sup>st</sup> Div. 3<sup>d</sup> Corps  
May 14<sup>th</sup> 1863

Special Orders  
No 111

1 A General Court Martial is hereby  
appointed to meet at the Hd. Quarters 2<sup>d</sup> Brigade on Friday  
the 20<sup>th</sup> inst at 10 o'clock A.M. for the trial of Col Charles  
W. Hollis 114<sup>th</sup> Pa. Vols and such other cases as may  
be brought before it.

Detail for the Court  
1<sup>st</sup> Brig Geny J. H. Hobart Ward  
2<sup>d</sup> Col S. B. Gayman 37<sup>th</sup> N.Y. (Vol)  
3<sup>d</sup> Thos. Egan 40<sup>th</sup> "  
4<sup>th</sup> R. S. Leidy 99<sup>th</sup> Penn (Vol)  
5<sup>th</sup> Peter Liles 54<sup>th</sup> "  
6<sup>th</sup> B. R. Pierce 3<sup>d</sup> Michigan (Vol)  
7<sup>th</sup> Lieut Col E. Brist 3<sup>d</sup> Maine  
Major W. C. Taylor 20<sup>th</sup> Indiana (Vol)  
Judge Advocate

No other Officers than those named can be admitted  
Without Manifest Injury to the Service

J. H. Hobart

said without regard to hours or the temporary absence of any of its members; Provided the members present does not fall below the prescribed Minimum.

By Command of Brig Gen Birney  
Henry M. Rowson  
Assistant Adjutant General

Present.

Brig Genl. S. H. W. W. Ward  
Col S. B. Hayman 37<sup>th</sup> New York Regt  
.. Thos Egan 40<sup>th</sup> " "  
.. Peter Sides 57<sup>th</sup> Penn Regt  
.. B. R. Pierce 2<sup>d</sup> Michigan Regt  
Lt Col E. Burt 3<sup>d</sup> Maine Regt.

Major W. P. Taylor 20<sup>th</sup> Indiana Regt  
Judge Advocate,

Col. Charles H. Flellis, 114<sup>th</sup> Penn Regt. The accused was also present.

The Judge Advocate having read the order concerning the Court, asked the accused Col Charles H. Flellis, if he had any objection to any men here named therein, to which he replied.

That he objected to Col Thomas W. Egan 40<sup>th</sup> New York Regt, on the ground that he had signed the charges against him. Which objection, in writing signed by Col Charles H. Flellis is filed herewith marked "A".

The Court was then cleared

for deliberation. After mature  
deliberation the Court sustained  
the objection of the accused.

The accused was then asked if he  
had any objection to any other  
members named in the order  
to which the accused replied.

He objected to Col Peter Sides  
S. F. Pennells on the ground that  
he is on the list of witnesses  
for the prosecution. Which objection  
in writing signed by Col Charles H  
I Collier is filed herewith. Marked  
B. and made a part of this statement.

The Court was cleared for deliberation.  
After mature deliberation the Court  
sustained the objection of the accused.

The Court could not proceed with  
the trial of Col Charles H I Collier  
there not being a quorum of members  
present. Col H S Ledy. G. P. Pennells  
sent statement to the Court that he  
was sick and unable to attend.

~~J. H. [unclear]~~  
~~[unclear]~~  
Post

May 10 C. S. Taylor

Judge Advocate

A

Col. Collis objects Col. Thos. W. Egan  
40<sup>th</sup> New York Col. on the ground that  
he has signed the charges against him

Charles A. S. Collis

Col.

B

Col. Collis objects to Col. Peter Sides  
57 Penna. Col. on the ground that he is  
on the list of witnesses for the prosecution

Charles A. S. Collis

Col.

Head Quarters 2<sup>nd</sup> Brigade  
1<sup>st</sup> Division 3<sup>d</sup> Corps

May 25. 63

Proceedings of a General Court Martial con-  
vened at Head Quarters 2<sup>nd</sup> Brigade 1<sup>st</sup> Division  
3<sup>d</sup> Corps by virtue of the following special orders

Big Special Orders } No. 111. } 1 A General Court Martial  
Head Quarters 1<sup>st</sup> Div 3<sup>d</sup> Corps }  
Nov. 1. 1863. }  
is hereby appointed to meet at the "West. Quarters"  
2<sup>d</sup> Brigade on Friday the 22<sup>d</sup> inst at 10 o'clock  
a.m. for the trial of Col Charles A. Callie  
114<sup>th</sup> Regt. Penn Vols. and such other cases as  
may be brought before it

Detail for the Court

1 <sup>st</sup> Brig	Gen J. H. Hobart	Ward
2 <sup>d</sup>	Col S. B. Hayman	34 <sup>th</sup> N.Y. Vols.
3 <sup>d</sup>	Thomas Egarr	40 <sup>th</sup> " "
4 <sup>th</sup>	A. S. Leidy	99 <sup>th</sup> Penn Vols
5 <sup>th</sup>	Peter Sides	57 <sup>th</sup> " "
6 <sup>th</sup>	B. W. Pierce	3 <sup>d</sup> Mich Vols
7 <sup>th</sup>	Lieut Col Burt	3 <sup>d</sup> Maine "
	Major W. C. Taylor	20 <sup>th</sup> Ind Vols
		Judge Advocate

No other officers than those named can be  
assembled without manifest injury to the service

The Court will sit without regard to hours  
Or the temporary absence of any of its members  
Provided the number present does not fall  
below the prescribed minimum

By Command of Brig Gen Birney  
(signed) Henry W Brewster  
Assistant Adj. Genl.

Head Quarters 1<sup>st</sup> Div 3<sup>d</sup> Corps  
May 26<sup>th</sup> 1863

Special Orders  
(No 115)

1 The following named officers  
are added to the detail for a General Court  
Martial convened by Special order 111 Part from  
these Head Quarters dated May 18<sup>th</sup> 1863

Col. De Trobriand 38<sup>th</sup> NY Vols.

Col. E Walker 4<sup>th</sup> Maine "

Col. M B Lakiman 3<sup>d</sup> Maine "

The Court meets at the Head Quarters  
of 2<sup>nd</sup> Brigade

By Command of Brig Gen Birney  
Henry W Brewster  
A. A. Genl.



The Court met pursuant to adjournment.

Present.

Brig Genl J. L. Hobart Major.  
Col S B Gayman. 37<sup>th</sup> New York Regts  
" Regis Dr. Inobriand. 38.  
" B. W. Her. 4<sup>th</sup> Maine Vols  
" M B Latham 3<sup>d</sup> Maine Vols  
" B R Perce 3<sup>d</sup> Michigan Vols  
Col E Burt 3<sup>d</sup> Maine Vols.  
Major W C Taylor. 50<sup>th</sup> Indiana Vols.  
Judge Advocate.

The accused, Colonel Charles  
H T Collis, 114, Penna Vols was also  
present.

Colonel. Thos W Egan. 40<sup>th</sup> New York Regts  
and Colonel Peter Sides. 57<sup>th</sup> Penna Vols.  
do not participate in the proceedings  
of the Court, in the case of Colonel  
Charles H T Collis, they have been  
objected to by the accused, and the  
objections sustained by the Court.  
which objections, together with the  
decision of the Court thereon  
are duly recorded and filed, in the  
proceedings of the Court in the case  
of the accused, May 23<sup>d</sup>, 1863, as shown  
in the previous portion of this record.

The Special orders concerning  
the Court were then read to the  
accused, (the names of Colonel Thomas  
W Egan, and Colonel Peter Sides being  
omitted in the reading) and the accused  
asked if he had any objections to

Copy of the numbers named in said orders, to which the accused responded in the negative.

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

The accused made request to the Court for the privilege of introducing his counsel, which request was granted. St. Romfordin Counsel for the accused was introduced.

The accused then requested the Court that the Judge Advocate be directed to furnish him (the accused) with a copy of the order under which the Court is convened, with the detail named to serve on the same, and also asked that an adjournment be granted, that he might have time to show the above stated papers to his counsel for the purpose of consultation, which rewritten request reads as follows to wit:

"Col Callis respectfully presents a  
" copy of the notice to attend, and proposes  
" to ask for a copy of the order under which  
" the Court is convened with the detailed  
" named to serve on the same, and time  
" to show the same to his Counsel for the  
" purpose of consultation. He therefore  
" requests that an adjournment be granted

"with direction to the Judge Advocate  
to furnish him with the papers above stated."

(Signed) "Charles H. Collis"

Which said written request is filed  
herewith, marked (A).

The Court was then cleared for deliberation.  
After mature deliberation the Court decides  
as follows by.

"The Court will furnish the accused  
Colonel Charles H. T. Collis a copy of the  
orders concerning the Court, with the details  
named to search on the same, as a matter  
of accommodation, but is of opinion  
that the fact of the accused not having  
a copy of said orders is not a sufficient  
cause for an adjournment of his trial."

The accused Colonel Charles H. T. Collis, requested  
the Court to decide upon the following question  
which request, which was filed in writings,  
reads as follows by.

"Col Collis respectfully asks the  
Court to determine upon this question.

The charges were prepared and made by  
direction of General Birney Comd of the  
1<sup>st</sup> division, and by his order or request  
were presented. Col Collis is therefore  
entitled to have the Court appointed  
by his Corps Commander, so that Genl  
Birney may be enabled to become  
a witness, as he is already a party to

these proceedings. Col Collis expects to be able to prove, if his point is sustained by that the officer who prefers the charges cannot appear to the Court, that the facts were as he alleges."

The Court was then cleared for deliberation. After mature deliberation the Court. The Court finds as follows by.

"The Court is of opinion that there is no evidence to justify the assertion that Genl. Birney is in any way a party to the trial and that the fact of General Birney's ordering the Court does not prevent his being a witness in the case.

The Court is further of opinion that if Genl. Birney had preferred the charges it would not be fatal to the legality of the Court.

To which decision of the Court the accused excepted.

The Court was again cleared for deliberation. and proceeded to reconsider the opinion last given.

After mature deliberation, the Court repeats and strikes out so much of the opinion last given. as follows by.

"The Court is further of opinion that if Genl. Birney had preferred the charges, it would not be fatal

to the loyalty of the Court."

The accused Col. Charles S. F. Colles 114  
Penn'a Vols. was then arraigned on  
the following charges & specifications  
Pg:

Charges & Specifications against Colonel  
Charles H. Collier 114<sup>th</sup> Regiment P. V.

Charge 1<sup>st</sup> Misbehavior before the  
Enemy

Specification 1<sup>st</sup>

In this that he, the said Colonel Charles H. Collier 114<sup>th</sup> Regiment Penna. Vols did, with  
out proper authority leave his command  
and go to the rear during the action  
with the enemy near Chancellorville Va  
and while his Regiment was exposed  
to the fire of the enemy's Artillery  
Thus on or about the 3<sup>rd</sup> day of May 1863

Specification 2<sup>d</sup>

In this that he the said  
Colonel Charles H. Collier 114<sup>th</sup> Penna. Vols  
did seek himself from danger by stand-  
ing behind a tree while his Regiment  
was actively engaged with the enemy &  
exposed to a galling Musketry fire this at  
or near Chancellorville Va. Va. on or about  
the 3<sup>rd</sup> day of May 1863

Charge 2<sup>d</sup> Conduct prejudicial to good Order  
and Military Discipline

Specification 1<sup>st</sup>

In this that he the said  
Colonel Charles H. Collier 114<sup>th</sup> Regt P. V.,  
did conduct himself in such a manner  
as to alarm the men of his Command  
and cause them to believe that they were  
Outflanked by saying to Officers near hand

There is no use of our staying here: do you not see we are outflanked" Or words to that effect thereby dispiriting his men and tending to demoralize them this during the battle of Chancellorville Va. on or about the 3<sup>d</sup> day of May 1863

Specification 2<sup>nd</sup>

In this that the said Colonel Charles H. Follis, 114<sup>th</sup> Regt Penna Vols, did not manifest the enthusiasm and the alacrity to be expected of a regimental commander, and did fail to use the exertions necessary to rally his command when they were falling back in confusion but marched quietly and sullenly ahead of them until repeatedly urged to form his command

This during the engagement with the enemy near Chancellorville Va. on or about the 3<sup>d</sup> day of May 1863.

Specification 3<sup>d</sup>

In this that the said Colonel Charles H. Follis, 114<sup>th</sup> Regt Penna Vols did report officiously to one of the Staff of Brig. Gen. Graham that he could not promise to lead his men again under fire, that he would do all man could do, but doubted his ability to make them follow, or words to that effect. This at or near Chancellorville Va. on or about the 3<sup>d</sup> day of May 1863.

Specification 4<sup>th</sup>

In this that he the said Colonel Charles F. Collins, 114<sup>th</sup> Penna Vols. when called upon by order from Corps and Division Head Quarters to explain his absence from his Regiment did return an insulting communication thereto. which said communication among other things reads as follows (V).

C. 633 (VS) 68  
Copy of 4<sup>th</sup> Specification  
2<sup>d</sup> charge Antipri  
Ialpen, sent for duty.  
Oct 10, 68  
see letter from A.G.  
to him

"In answer to Special order No 100. Head Quarters 1<sup>st</sup> Division 2<sup>d</sup> Corps. Calling upon me to explain my conduct in leaving my Command on the field of battle and reporting to the hospital as unfit for duty. I have the honor to report that I did neither the one nor the other and I feel indignant at being called upon to explain a course of conduct which thank God is endorsed by every officer and man of my Regiment and every officer of my Brigade.

Again  
trifling and insignificant as the imputation in Special Order No 100 is. to do harm to the reputation of an officer who has devoted his untiring exertions, and his life for the Common Cause its spirit is nevertheless calculated to weaken the confidence we which our



inferior should hold his superior  
again

In Conclusion I desire to  
add that I will permit no  
man living to accuse me  
of a want of courage or devotion  
to the Cause. Whenever and where  
ever called upon

Was at Camp Siekles on  
or about the 9<sup>th</sup> day of May 1863.  
1863.

(Signed) Thomas W. Egan.  
Charge 3<sup>d</sup>

Disobedience of Orders.

Specification 1<sup>st</sup>

In this that he  
the said Colonel Charles A. S. Collier  
114<sup>th</sup> Penna. Vols. when ordered to make  
an oblique change of front forward  
on to a line parallel to and in rear  
of the 105<sup>th</sup> Penna. Vols, did fail to do  
so, but began to change front to rear on  
his left Company, thus throwing his own  
regiment and the four rear Regiments  
of the Brigade into confusion This at or  
near Chancellorsville Va on or about the 8<sup>th</sup>  
day of May 1863.

Specification 2<sup>d</sup>

In this  
that he the said Col Charles A. S. Collier  
114<sup>th</sup> Regiment Penna. Vols. when in the im-  
mediate front and under the fire

of the enemy and when ordered to rally his men and form his lines connecting the 57<sup>th</sup> and the 63<sup>d</sup> Regts Penna Vols did fail to use the proper exertions to do so although repeatedly urged. This during the battle at or near Chancellorsville Va. Over about the 3<sup>d</sup> day of May 1863

J. M. Egan Col.  
40<sup>th</sup> N. Y. Vols.  
Comdy Brigade

The above is a correct copy of the charges & specifications against Colonel Charles H. F. Collins 114<sup>th</sup> Regt Penn Vols.

W. L. Taylor Major  
10th Ind Vols.

Judge Advocate.

To which said charges and specifications the accused <sup>declined</sup> refused to plead, which refusal in writing, filed by the accused, reads as follows

B.

Col Collis very respectfully declines to plead to the charges & specifications on the ground that his last objection has not been sustained. for by pleading he would admit that this Court was of competent jurisdiction. he is advised that this Court has no legal cognizance of his case, in consequence of its being appointed by the Division Commander who directed the charges to be preferred, when it should have been appointed by the Corps Commander, as the next highest Commander.

The Court was then cleared for deliberation, after mature deliberation the Court finds as follows B.

The Court decides that as the accused Colonel Charles L. T. Collis has refused to plead to the charges and specifications against him, the Court will proceed with the trial, as if the accused had stood mute, or pleaded Not Guilty.

The Court then proceeded with the trial of the accused Colonel Charles L. T. Collis. 114. Penn. vols. as

if he the accused had pleaded  
to the Specifications + Charges  
Against him as follows viz.

To Specification 1 <sup>st</sup> under Charge 1 <sup>st</sup>	Not Guilty
" Specification 2 <sup>nd</sup> " Charge 1 <sup>st</sup>	Not Guilty
" Charge 1 <sup>st</sup>	Not Guilty

To Specification 1 <sup>st</sup> under Charge 2 <sup>nd</sup>	Not Guilty
" Specification 2 <sup>nd</sup> under Charge 2 <sup>nd</sup>	Not Guilty
" Specification 3 <sup>d</sup> " Charge 2 <sup>nd</sup>	Not Guilty
" Specification 4 <sup>th</sup> " Charge 2 <sup>nd</sup>	Not Guilty
To Charge 2 <sup>nd</sup>	Not Guilty

To Specification 1 <sup>st</sup> under Charge 3 <sup>d</sup>	Not Guilty
" Specification 2 <sup>nd</sup> " Charge 3 <sup>d</sup>	Not Guilty
To Charge 3 <sup>d</sup>	Not Guilty

Evidence

Brig Gen C R Graham, a witness for the  
Prosecution was duly sworn  
Questioned By Judge Advocate

Ques. State your name

Ans. Charles R Graham

Ques. Do you belong to the Military service  
of the United States, if so, in what  
capacity, and how long have you acted in  
that capacity

Ans. I am Brig. Gen; since the 29<sup>th</sup> day of  
November 1862

Ques. Are you acquainted with the accused  
Colonel Charles A T Collins of the 114<sup>th</sup> Regiment  
Penn. Vols - if so, how long have you known  
him

Ans. I have known him since early in  
March 1863

Ques. Who was in command of the 1<sup>st</sup> Brig  
ade, 1<sup>st</sup> Division 3<sup>d</sup> Corps at the battle of  
~~Chancellorsville on the 30<sup>th</sup> day of May~~

Ans. I was; I was in command of the  
Brigade on the morning of the 4<sup>th</sup> but was  
relieved on that day to take command of  
Gen Whipple's Division

Ques. Was the 114<sup>th</sup> Regt. Penn. Vols. in that

Brigade on the 3<sup>d</sup> and morning of the 4<sup>th</sup> day of May 1863; If so who was in command of that Regiment

Ans. - It was: Col Charles A T Hollis was in command on the 3<sup>d</sup>, It was reported to me officially that he had left his Regiment on the afternoon of the 3<sup>d</sup> & went to the Hospital sick and Lieut Col Canada was in Command of the Regiment

Ques. - What do you know, if anything of Col Charles A T Hollis the occurred on the 3<sup>d</sup> day of May 1863, during the action with the Enemy near Chancellorville Va and while his Regiment was exposed to the fire of the Enemies Artillery, leaving his command and going to the rear; State fully;

Ans. - I know nothing of my own knowledge of that fact

Ques. - What was Colonel Charles A T Hollis' conduct during the engagement at Chancellorville Va May 3<sup>d</sup> 1863; State fully

Ans. - I thought his conduct unequal; At one time he appeared to be thoroughly himself, at another time confused, at another time almost prostrate, When we left our Position early Sunday - MAY 3

morning he marched off with his Regiment quite Rapidly: My orders that morning were, to send One Regiment to repair the Bridges, to allow three others to follow as soon as the rest of the Division had moved off and to cover the withdrawal of the Artillery with the other two. The 105<sup>th</sup> Penn built the Bridge. The 114<sup>th</sup> Pa & 68<sup>th</sup> Pa vol immediately followed, the remainder of the Division. The 65<sup>th</sup> Penna Bats followed next, the 57<sup>th</sup> & 141<sup>st</sup> Penna Bats covered the Artillery. On looking for my Horse I discovered that the orderly had taken it away, and was obliged myself to retire on foot, the enemy keeping up a very brisk fire. When I reached the Hill on the other side I saw the 114<sup>th</sup> Penn Vale, which I distinguished by its dress, at a considerable distance in advance; I directed Lieut Col Kirkwood of the 65<sup>th</sup> Penn Bats who was the only mounted officer near me to dismount and direct Lieut Collins to halt & wait for further orders, or until I came up, and received orders from Gen. Binney. At this time my horse was brought to me and I led all the Brigades except the 105<sup>th</sup> Penna Vale which had already taken its position, assigned by Gen Binney in rear of the Grave Yard near Fair View. Immediately thereafter I received orders to make an oblique change of front on left company (we were then formed in column of Regiment) I gave the order

to Col Mc Knight and he executed the  
change immediately and I repeated the  
order to Col Colles and he appeared con-  
fused & I think a portion of his Regiment  
changed front forward on left company  
and a portion changed front to rear  
on right company. While this <sup>was</sup> occurring  
I received an order from Gen. Brainerd  
for an Division Column, and marched as  
rapidly as possible to the relief of a  
Brigade of Gen. Slocums, which was en-  
gaged in the woods on the left of the  
Blank Road. I immediately gave the order  
to Colonel McKnight to march and  
forward in double Column while on the  
march at Double quick. I left Captain  
Parney, and Captain Duff, to repeat those  
commands to the other Regiment, taking  
Lieut. Bullard with me <sup>at a distance</sup>  
about one hundred yards with the 105<sup>th</sup>  
Penna. Vols, I turned around and saw  
that the 114<sup>th</sup> Penna Vols had changed di-  
rection, but not advanced. I told my  
aid Lieut Bullard for Gods sake to  
go back, & tell Col. Colles to execute  
his movements with celerity; that he is  
entirely too deliberate; I want this  
movement executed at Double quick  
Lieut Bullard rode off and I presume  
delivered the Order, for it was promptly  
executed. Captains Duff & Parney de-  
livering the order to the other Regiment  
to follow. On reaching the woods the



Spot designated by the aid to Gen Slocum  
who came with me; I ordered the Reg-  
iments to Deploy; The 105<sup>th</sup> Penna Vols  
being on the left, & 114<sup>th</sup> Penna Vols im-  
mediately on the right of the 105<sup>th</sup> Ser. Co.  
When the whole Brigade had deployed  
I advanced in line of battle to the crest  
of the hill about one hundred and fifty  
yards from my former Position (in advance)  
There I found a portion of a Brigade  
engaged and rode up to the officer  
commanding and told him that I had  
been ordered to relieve him; This of-  
ficer I think was Colonel Calgrove  
of the 27<sup>th</sup> Indiana Vols; His ammunition  
not having been exhausted expressed  
a desire to remain, to which I acceded.  
Some fragments of Regiments withdrew  
The 27<sup>th</sup> Regt Ind Vols partially covered  
the 114<sup>th</sup> Penna Vols; After we had been  
engaged on this hill for some time I sup-  
pose three quarters of an hour I noticed  
that the fire of the enemy had considerably  
slackened, and I proposed to Col Calgrove  
that we should make an advance; he  
acquiesced & I immediately gave the order  
to advance in line of battle Double quick

march which was obeyed with great alacrity and we charged up to the Barricade being repulsed by the enemy the enemy retreating in confusion; At this Point we were engaged some time; suppose 20 or 25 minutes during this time I rode up and down the line frequently cheering the men and doing my duty & while so engaged I saw Colonel Collis covering himself by a tree, I stopped and spoke to him and he told me that he had been very unwell that morning suffering from an attack of vertigo and scarcely felt able to perform his duty; Shortly afterwards when the prisoners were appearing I saw him in the advance with his Regiment, & I think one or two Officers had surrendered to him; I think he had the swords of one or two; Whilst in this position I was informed by members of my staff, that the 141<sup>st</sup> Penna Cal was suffering terribly; the enemy having advanced on the Blank Road and were pouring into it an enfilading fire on its flank I ordered the 114<sup>th</sup> Penna to face to them ~~the~~ the 141<sup>st</sup> having closed up their intervals occasioned by their severe loss

With as much coolness as could have been done on parade. This movement was executed and I rode to the right of the line myself. Immediately afterwards Captain Duff who was near me called my attention to the 114<sup>th</sup> Penna. vol. which was falling back and I immediately proceeded there finding Captain Birney already there and endeavored to rally it. Before this could be ~~entirely~~ accomplished the enemy appeared in large force probably not fifty yards distant, advancing by the flank to occupy the position from which we had driven the force with which we had been first engaged. Finding it impossible to bring the 114<sup>th</sup> up, I was obliged to return with the entire Brigade to the crest of the hill which we had occupied after advancing into the woods, and which we held until our ammunition was almost entirely exhausted & the enemy were pressing on us in large numbers. Then we retired rapidly & in comparative confusion having been flanked on both sides and a Battery playing almost on our rear. A portion of the command embracing

a fragment of the 114<sup>th</sup> Pa vols with which  
Colonel Ballis was, proceeded to Chan-  
cellorville House, where it formed under  
orders from Gen Sickles in rear of the  
Batteries! Upon reaching this place  
Colonel Ballis came to me and asked  
me if I had any objections to his sitting  
down in the rear of the House! I said  
No because he appeared to be very  
much exhausted and greatly affected  
for the loss of Major Chandler and  
the other Galant Officers and men that  
he had lost &c evidently was not him-  
self because he asked What time it was  
when I told him it was about eleven  
he said he thought it was about about  
five o'clock in the afternoon! He also  
reported to me that he had been suf-  
fering severely from vertigo and was  
not himself & further hoped that  
I had no feelings against him for  
his want of energy! That was the  
idea but I can't recollect his exact  
expression. Shortly afterwards by di-  
rections from Gen Sickles we retired  
to the skirt of the woods and lay  
there a couple of hours under a very

11 A.M.

heavy fire of artillery: Withdrawing  
from that position, we marched on  
the road towards W. S. Ford & halted  
to minister the command; whilst here  
Gen Meagher rode up, and Colonel  
Collis came to me and asked me if I  
had any objections to his men giving  
three cheers for him. I replied not  
and he, Colonel Collis, proposing it  
the cheers were given; Shortly after-  
wards Lieut Colonel Cavada came  
up and reported to Colonel Collis  
that he had been freed from arrest  
and restored to duty by General  
Birney in consequence of his good services  
that day: Immediately thereafter Col.  
Collis asked me if I had any objections  
to Colonel Cavada's taking command  
of the Regiment as <sup>he</sup> Colonel Collis felt  
too feeble to continue in command  
I said No; I took it that we had  
retired from the engagement. Colonel  
Collis wanted Colonel Cavada to take com-  
mand for a short time in con-  
sequence of his feeble condition.  
After that the whole Division marched to the front  
of the Salient and there we rested for the  
night. I did not see Colonel Collis after that

Prof Examination.

Questions by the Accused.

Ques. State if you please when it was that you lost your horse, or when you were dismounted, when you obtained the horse again, (and when it was shot) how long were you on horse back and how long on foot, and during how much of each part of the engagement as you have described it, were you on horse back or on foot.

Question objected to by a member of the Court.

The Court was cleared for deliberation. After mature deliberation the Court is of opinion, that the question can be propounded to the witness, except the following part, viz. "And when was it shot."

Ans to question. My horse was taken away by the orderly in the morning and when we got up near Fairview house I got my horse. I went some in rear of the house & formed the Brigade. Led them down to the woods and led them up to the crest of the hill. I think my horse was wounded near the second Barricade. A portion of the time near the Barricade I was dismounted. One of Genl. Collier's men held my horse. I got off

to relieve the nurse. It is impossible to tell how long I was on horse back and how long on foot, I should judge, I was on foot about twenty minutes in the woods during the greater part of the engagement I was on horse back.

Ques. You say that early in the morning on Sunday My Regt. moved off rapidly please explain at what time were they moving, whether quiet, or double quick time?

Ans. They were moving in pretty quiet time. They were moving lively.

Ques. Were you not on foot when you came up to me & saw the prisoners handed over to me?

Ans. I did not see any prisoners handed over to Col Collis. They came over of their own accord. I directed Lieut Bullard to take them to the rear. I was on foot at the time.

Ques. You say that when you reached the hill you saw the 114<sup>th</sup> a considerable distance in advance, was not another Regiment of your Brigade with it, and what Regiment?

Ans. The 114<sup>th</sup> was leading off the 105<sup>th</sup> as I understood afterwards had taken position with Lieut Birney. The 114<sup>th</sup> was in advance

I distinguished it by its uniform  
other Regiments were following it.

Ques. Are you sure, that in answer  
to my question as to what time  
it was, "was" Eleven" or ten minutes of  
nine.

Ans. My impression is that I said  
about eleven o'clock.

Ques. You have said that when a  
portion of the 114<sup>th</sup> changed front to  
rear on right Company, and another  
portion changed front forward on  
left Company, Col Collins appeared  
confused, did this mistake arise  
from his fault or that of any of  
his officers, and did he succeed in  
executing the order in time to obey  
your next order to form Division  
Column, and show that his confusion  
was only temporary?

Ans. I have already stated, that before  
the movement was executed I received  
an order from Genl. Birney to form  
Division Column. I left the matter  
to Capt Birney & Capt Duff to see  
the <sup>order</sup> ~~matter~~ executed. I saw there  
was confusion in the 114<sup>th</sup>. It was  
enough for me to have given the  
order for him to form parallel to  
Col. McKnight. It was not performed



in the given time.

Ques. How long a time did you see me behind the tree.

Ans. At least 15 or 20 minutes.

Ques. How far was the tree in rear of my Regiment.

Ans. Within a very few feet I suppose about 25 or 30. I suppose about the center of it.

Ques. Was my Regiment protected by the masses of fallen timber?

Ans. There was a barricade there. I thought it was a barricade of logs about 2 or 2 1/2 feet high.

Ques. Did you see me at any time take the Colors of my Regt. & rally it or attempt to rally it.

Ans. I did not. The man however done so at the time he attempted to rally the Regiment but I did not notice that fact.

Quests by the Court.

Q. Were the men in a standing attitude at the barricade or were they lying down.

Ans. Standing. I think a portion of the 114<sup>th</sup> were lying down in

consequence of being covered by the  
27th Indians.

Ques. As the names of Capt. Birney and  
Duff and Lieut Bullard: have frequently  
been mentioned in the direct examination  
please state in what capacity they  
were acting when conveying and  
executing your orders.

Ans. Capt Birney was Acting Adjt. Genl  
Capt Duff. Inspector General. and Lt  
Bullard. Aid. They were all acting  
as Aids on that occasion.

Ques. by the Accused.

Ques. Do you remember my asking  
you in the woods whether we would  
have a passport, and what was  
your reply, and did I not ask  
you if you would send to the  
rear for a passport, & did you  
not send Lt Bullard of your staff  
on that errand.

Ans. No. Col Collis may have  
spoken <sup>to me</sup> after I had directed Lieut  
Bullard on that errand, but Col  
Collis never suggested the matter  
before. I sent Lt Bullard to the  
rear for passport without the  
knowledge of any one, <sup>though at the</sup>  
time I sent Lt Bullard with the prisoners.

Ques. Do you remember how we

asking you if you would order up  
to the 114th a Regiment which  
was on my right & near.

Srs. No. I do not remember any  
thing of the kind. I intended to move  
all the Regiments on the left to  
the right. After the 114<sup>th</sup> broke it  
was useless to bring up the other  
regiments. The panic was communicated  
to them.

The Court adjourned until tomorrow  
morning May 27<sup>th</sup> at 10 o'clock A.M.

May 27. 10 o'clock A.M.

The Court met pursuant to adjournment.  
Present the same members as yesterday.

The proceedings of yesterday were read over  
and approved by the Court.

The Court then proceeded with the trial of  
Capt. Charles H. ... 114th Penna. Vols.

Captain F Birney a witness for the Prosecution was duly sworn  
Questions by Judge Adcock

Que: state your name

Ans: My name is Fitzhugh Birney

Que: Do you belong to the Military service of the United States; if so, <sup>in what capacity &</sup> how long have you acted in that capacity

Ans: I belong to the Military service of the United States as Assistant Adjutant General, and have acted in that capacity since the 4<sup>th</sup> of August 1862

Que: Are you acquainted with the accused Colonel Charles F. Collins 114<sup>th</sup> Penna. Vols., if so, how long have you known him

Ans: I am acquainted with Col. Collins and have known him since I joined the Brigade on the 8<sup>th</sup> of January 1863

Que: Did you see the accused Col. Charles F. Collins during the engagement at Chancellorsville Pa. on the 3<sup>rd</sup> day of May 1863, if so what was his conduct during the engagement state fully

And I did see him at the time the Brigade had been formed the night before in support of the Batteries that were Facto, where two Divisions of the Corps were massed on the night of the 2<sup>d</sup> About 5 o'clock A. M. May 3<sup>d</sup> as our Troops were falling back we received an Order to follow Whipple's Division About that time the Enemy advanced in force up our front and our left flank, we then commenced falling back the 114<sup>th</sup> Prussia Vol taking the lead, we fell back along the front of the Batteries near Fairview passing to their right, the 114<sup>th</sup> at the Head of the Brigade had got some distance ahead and as there was no mounted Staff Officers there with Gen Graham Lieut Col. Robinson was sent by Gen Graham to carry an order to Colonel Callis An Order then came from Gen Birney to form the Brigade in Column of Regiment just behind and to the left of Fairview The 105<sup>th</sup> was formed in line of Battle the Brigade front was formed obliquely to the front of the 105<sup>th</sup> Gen Graham gave the Order to make an oblique change of front forward so as to form the front of the rest of the Brigade parallel to to the 105<sup>th</sup> I gave the order to the Regiments in the Rear of the 114<sup>th</sup> to perform the same movements that the 114<sup>th</sup> performed as another Aid carried the order to the 114<sup>th</sup> I did not know what that order to the 114<sup>th</sup> was The beginning of the movement made by the 114<sup>th</sup> was a change of front to rear on the left company I would modify

that by saying that that was the beginning  
of the movement but they did not finish  
it. Seeing that this was confusing the other  
Regimental Commanders I rode up to find  
Col. Collis at that time he was speaking  
to some mounted Officers at some little  
distance from me. As it was important  
that the movement should be made at once  
I told Captain Elliott the Senior Captain  
of the Regiment, whom I presumed com-  
manded the right wing, to throw the right on  
a line parallel to the 105<sup>th</sup>. The left of the  
Regiment was in great confusion at this time  
At the time I spoke to Captain Elliott he  
was in great confusion as to what the order  
was that had <sup>been</sup> given to him; The order was then  
given to Double column at half distance an  
order was also given to advance. But I  
am not certain which order was given  
first. There was so much delay in the  
movements of the 114<sup>th</sup> that the 105<sup>th</sup> got some  
distance ahead of the balance of the Brigade.  
When we got to the edge of the woods the  
Brigade was deployed the 105<sup>th</sup> being on the left  
the 114<sup>th</sup> being next to it after the line of  
Battle was formed. We advanced to the  
crest of the hill in the woods after firing  
there for some time the order was given to  
cease firing we then advanced down the  
slope of the hill until about the left  
wing of the Brigade was up to the  
works. The 141<sup>st</sup> Pen Bobs being exposed  
to the heavy fire on the right and unable to

advance the 114<sup>th</sup> was ordered to march by the right flank to strengthen the right of the line; It formed and after firing for a short time gave way and fell back I would state that before the Regiment marched up to strengthen the right I saw Col Collis I would like to strike out before the Regiment marched up to strengthen the right) During part of the engagement while we were in the woods, under heavy fire from the enemy behind a tree at the same time his Regiment was standing up and returning the enemys fire about the time of its falling back of the 114<sup>th</sup> the whole line retired just behind the crest of the hill and the Order was here given to form & lie down. all the Regiments of the Brigade except the 114<sup>th</sup> formed as ordered A great deal of confusion however still existed in the 114<sup>th</sup> I urged Col Collis to rally his men I thought he did not make sufficient overtures to do so I rode up to his Color Guard and Ordered them to halt and face about which they did; about this time Col. Collis manifested more desire to rally his men In a short time the Regiment had formed holding its proper position in line; after lying down some time the enemy was perceived advancing on our Right. The men rose up and commenced firing; very soon the 114<sup>th</sup> gave way I rode up and urged them to stand fast I was popping behind their line Col. Collis came up to me

and said to the best of my recollection, what is the use of staying here, do you not see that they have outflanked us, almost this same remark he had made to me once before during the action, at this time the whole line commenced falling back the Brigade retiring to the Chancellor House. The only other thing I would like to state is that just before ordered to advance to the point occupied by the Brigade on the evening of Sunday May 13<sup>th</sup>. I went to give an order to Col. Collins and was informed that Lieut Colonel Caroda would take command of the Regiment throughout the entire day. The actions of Col Collins were very strange

The accused objected to this testimony on the ground

1<sup>st</sup> That the opinion of the witness has not yet been asked for — 2<sup>d</sup> That the evidence is not to form any particular specification

The Court was cleared for deliberation; after mature deliberation the Court overruled the objection of the accused.

The witness proceeded with his testimony such as to lead me to suppose that he was either worn out by fatigue or frightened as we were retiring. Colonel Collins came up to me and said as nearly as I can remember I cannot promise to lead



my men into the fight again I  
will do all that a man can do but  
I am glad that we have not to go into  
those woods again.

The Court adjourned until tomorrow  
morning 10 o'clock A.M. May 28<sup>th</sup> / 69

Thursday Morning, May 28<sup>th</sup> 1863.

10 o'clock A.M.

The Court met pursuant to adjournment  
present the same members as yesterday  
Col Charles A F Collis, the accused  
forwarded to the Court, <sup>& Communication</sup> requesting the  
General Court Martial to adjourn  
until tomorrow morning in consequence  
of his ill health, which request was  
accompanied by a Medical Certificate  
setting forth that Col Charles A F Collis  
was suffering from Remittent Fever  
and that by care cure and the use  
of proper remedies he may be able  
to resume his attendance upon the  
General Court Martial May 29, 1863.  
which said certificate signed J. H.  
Cummings Surg. 114. Pa ~~is~~ together  
with the statement of the accused is  
attached hereto marked (A) & (B) and made  
a part of this record

The Court adjourned to meet  
tomorrow morning May 29<sup>th</sup> at  
10 o'clock A.M.

'A'

Head Quarters 114<sup>th</sup> Penna. Vols

May 28<sup>th</sup> 1863.

Major

I would respectfully ask the General Court

Martial to adjourn until to morrow morn-  
ing in consequence of my ill health as set forth  
in the accompanying <sup>Jan</sup> medical certificate.

I am very respectfully,

yr ob serv

Charles F. Collins

Major Taylor

Pres adv.

"B"

Charles H J Collins led<sup>g</sup> 114<sup>th</sup> Reg. Pa 700  
having applied for a certificate  
on which to ground an applica-  
tion for the adjournment of the  
General Court Martial I do hereby  
certify that I have carefully examined  
this officer and find that he is  
suffering from Remittent Fever  
the fever appears to be checked but  
he is suffering from the prostration  
consequent upon the fever. His at-  
tendance whilst suffering from  
this fever has been contrary to my  
advice. I further declare my  
belief that by care and the use  
of proper remedies he may be  
able to resume his attendance  
upon the General Court Martial

May 29<sup>th</sup> 63

Camp Sicker

May 28 63

W. M. M. M. M.  
Surg 114<sup>th</sup> Pa 700

Friday Morning May 29<sup>th</sup>

10 o'clock A M

The Court met pursuant to adjournment. Present.

Brief by J H Hobart Ward.

Col Regis D<sup>r</sup> Lohriand 38<sup>th</sup> N Y Vols.

" J B Hayman 37 " "

" G Walker 4<sup>th</sup> Maine "

" M B Leman 8<sup>th</sup> Maine "

" B R Purce 3<sup>rd</sup> Mich "

At Col E Burt 3<sup>rd</sup> Maine Vols

May W C Taylor 10<sup>th</sup> Indiana Vols

Judge Advocate.

The accused

asked permission of the Court to introduce Samuel C Perkins Esq of Philadelphia as additional Counsel on his behalf. Which request was granted by the Court and Samuel C Perkins Esq was introduced

The proceedings of yesterday were read over and approved by the Court

The Court then proceeded with the trial of Col Charles H Tullis 1<sup>st</sup> Regiment Penn Vols.

Capt Fitzhugh Pirney continued his testimony as follows viz.

Ques. When the order was given to make an oblique change of front; that the remainder of the Brigade might be formed parallel to the 105<sup>th</sup> Pen-ols. What effect did the movements of the 114<sup>th</sup> Pen ols have upon the other Regiments of the Brigade.

Ans. As the other Regiments had had orders to perform the same movements that the 114<sup>th</sup> did and at the same time knew what the intended change was to be, it threw them into confusion.

Q. You say that at the time you went up to find Col. Collier he was speaking to a mounted officer. How far was he from his regiment at that time.

Ans. About Eight paces in rear  
of it.

Ques. What Regiments joined the  
114<sup>th</sup> on the right and left, after  
it had gone to the right - through  
the right and previous to the time it  
fell away?

Ans. I am not certain. The 141<sup>st</sup>  
I know was on its right, and I  
think the 13<sup>th</sup> Reg. the 57<sup>th</sup> was on  
its left. I would like to say there that  
that depends whether the 13<sup>th</sup> was  
on its right - its referring to the  
114<sup>th</sup>, otherwise the 13<sup>th</sup> was on  
its left.

Ques. When was it that ~~Col. Collier~~  
Saw Col. Collier behind a tree

Ans. While we were in the front  
line

Ques. How far was it from where  
the 114<sup>th</sup> fell away the first time  
to where the Brigade formed on  
the crest of the hill.

Ans. About one hundred yards  
I think.

Ques. What efforts did Col. Collier  
make to rally his regiment  
when it was falling back

Ans. Same that I said.

Ques. When the line was formed on the crest of the hill what Regiments joined the 114<sup>th</sup> on the right and left.

Ans. The line there was the same as in the advanced position.

Ques. When Col Lolis said to you "What is the use of staying here so you not see that they have outflanked us" or words to that effect? how far was he from his Regiment?

Ans. There were men of his Regiment within ten or fifteen feet of us.

Ques. At what other time during the engagement, had he made a similar remark to you, and how near was he to his Regiment - was he when he made the remark?

Ans. It was while we were in the front line, and he was about two or three paces in the rear of his Regiment.

Ques. What orders, if any, were



join to Col Bullis when his  
Regiment was in front and under  
the fire of the enemy's to rally  
his men and form a line connecting  
the 5<sup>th</sup> & 15<sup>th</sup> and B. Pen Bns. Who gave  
that order and how was it executed.  
Ans. I gave the order to rally his  
men, it was executed with  
considerable difficulty.

Ques. In what Capacity were you  
acting on 3<sup>rd</sup> of May 1863.

Ans. I was acting an Assistant  
Adjutant General acts in the field  
as aid to General Graham.

Ques. When you went to give an  
order to Col Bullis, and found  
Lt Col Canada in Command  
of the Regiment, was there any  
or heavy firing from the  
enemy in front of the 114<sup>th</sup>.

Ans. There was heavy Artillery  
firing at the spot we were  
then ordered to occupy.

Ques. At what time in the day was  
this.

Ans. I should think it was between

two and three o'clock.

Cross Examination  
Question by Accused.

Ques. Who was the mounted officer with whom you saw Col Collis, the accused, talking, at or about the time when you say the 114<sup>th</sup> Regiment had commenced ~~the~~ a change of front to rear on the left company

Ans. I am not positive I think it was Amb Graham or one of his staff.

Major L B Duff, a witness for the prosecution, after having been duly affirmed, testified as follows  
Q.

Questions by the Judge Advocate.

Ques. State your name.

Ans. Livi B Duff.

Ques. Do you belong to the Military Service of the United States, if yes, in what Capacity and how long have you acted in that Capacity

Ans. I am now Major of 105<sup>th</sup> Pen Vols  
I have been in the service about

two years. I have been Major since  
3<sup>d</sup> of May.

Ques. In what Capacity were you  
acting on 3<sup>d</sup> of May 1863.

Ans. I was a Captain in 105<sup>-15</sup> Pen-  
sals. and Acting Assistant Inspector  
General on the staff of General Graham  
Commanding 1<sup>st</sup> Brigade. 1<sup>st</sup>  
Division 3<sup>d</sup> Corps.

Ques. Are you acquainted with the accused  
Col. Charles H. Collins. 114<sup>15</sup> Pen Regts.  
if you how long have you known  
him.

Ans. I am ~~acquainted~~ acquainted with  
Col. Collins have known him  
since 1<sup>st</sup> of September last.

Ques. What do you know, if any thing  
of Col. Collins leaving his Regiment  
at the battle of Chancellorsville on  
May 3<sup>d</sup> 1863. What time did he leave  
and when did he return.

Ans. He left his Regiment between  
twelve and one o'clock perhaps  
one o'clock. The Regiment was  
then lying on the right of the  
road leading to the United States.

ford. After leaving the Chancellor house our Brigade formed on the right of the road leading to United States ford. an order was received from Genl Birney to move the Brigade to the front to the position it occupied last. (on the other side of the river) I executed the order and moved the Brigade off by the left flank. The 114<sup>th</sup> was on the right of the Brigade and did not move off with the rest. after reaching the position the Brigade was to occupy. I found that the 114<sup>th</sup> was not with the Brigade

I returned to the 114<sup>th</sup> found it and Lt Colonel Cavada in Command.

That was the first time that I discovered Col Cullis' absence which was between twelve and one o'clock Sunday. I saw Col Cullis with his Regiment again Sunday evening about five o'clock. he did not take Command of the Regiment. he remained there but a short time and believe and I again saw him with his Regiment on the evening

of the 2<sup>nd</sup> which was the next day.  
Monday.

The Court adjourned until  
tomorrow morning, May 30<sup>th</sup> at 10 o'clock  
A.M.

Saturday Morning

May 28<sup>th</sup> 1853.

10 o'clock A.M.

The court met pursuant to adjournment. Present

Brij Genl. J. H. Hobart Ward.

Col. Rufus De Trobriand. 98<sup>th</sup> N.Y. vols.

" S. B. Hayman 37<sup>th</sup> N.Y. "

" C. Walker 4<sup>th</sup> Maine "

" M. B. Latham 3<sup>d</sup> " "

" B. R. Pierce 3<sup>d</sup> Maine "

St. Col. C. Burt 3<sup>d</sup> Maine "

Major W. C. S. Taylor. 20<sup>th</sup> Indiana Vols.

Judge Advocate

The accused, Col. Charles H. F. Collis. 114<sup>th</sup> Regt. Pen Vols. was also present.

The court proceeded with the trial of Col. Charles H. F. Collis 114 Regt Pen Vols.

May 30<sup>th</sup> 1863.

Lt Col Leavada. 114<sup>th</sup> Regt. Penn Vols a  
witness for the presentation was  
only sworn.

Questions by Judge Advocate.

Ques. State your name, rank, and  
the Regiment to which you belong.

Ans. My name is L. Leavada. I am  
Lieut Colonel of the 114<sup>th</sup> Penn Vols.

Ques. Were you at the battle of  
Chancellorsville on May 3<sup>d</sup> 1863. if so  
did you see Col Colles on that occasion

Ans. I was at the battle of Chancellorsville  
and saw Col. Colles.

Ques. What do you know of any thing  
of Col Colles leaving his Regiment  
on 3<sup>d</sup> of May 1863. When did he leave  
and where did he return. State fully.

Ans. I cannot state the exact  
hour when he left it. I joined  
the Regiment for duty about the  
middle of the day on Sunday.

About one hour afterwards we  
were moved to the positions held  
by Genl Birneys Divisions on  
Sunday afternoon. At that time

Col. Collic's requested me to take  
charge of the Regiment for about  
one hour. I was led by Capt Duff  
of Genl. Graham's Staff to near  
the Chandler's house to where a  
battery was stationed, which we sup-  
ported during the afternoon. I  
saw Genl Collic twice during the  
afternoon with the Regiment, but  
I was not relieved of my command  
of the Regiment. Towards evening  
about dusk as nearly as I can  
remember, Genl Collic was brought  
to where I was, behind one of the  
barricades. supported by two men  
one on either side. It was at that  
time that he was carried to the  
rear on a stretcher, he returned  
about eight o'clock the next morn-  
ing, a little weaker than that perhaps.  
Not later

Ques. Was there any artillery firing  
from the Enemy's batteries in  
front of the 114<sup>th</sup> Pen Bns. at the  
time Genl Collic left or imme-  
diately thereafter.

Ans. There had been before that  
and there was afterwards but



there was not at the time  
 Corp examination

Questions by the Accused.

Ques. What was Leal's Condition  
 when he was brought to where  
 you was supported by two men.

Ans. He appeared to be very much  
exhausted. he was very pale and  
spoke incoherently. as though  
he was not in his right-mind

Ques. Who ordered Leal to be  
 carried to the rear on a stretcher.

Ans. I ordered him to be carried  
 back.

Quest by Court.

Ques. What does the witness mean  
 exactly by the words "He was not  
 either in his right-mind"?

Ans. He spoke incoherently. for  
instance, he asked whether he  
could not be carried on the  
stretcher behind his Regiment and  
remain with it. He kept and  
kept his hands bewailing the  
loss of his officers and men. one  
moment said he was able to  
go with his Regiment, and

the next would say that he ~~was~~  
required medical assistance, and  
was not able to walk and his whole  
conduct was that of a man whose  
mind was not clear.

Ques. Did Col Lewis take Command  
of his Regiment when he returned  
to it on Monday morning.

Ans. He did Sir.

Ques. Did Col Lewis remain  
in Command of his Regiment - afterwards  
or was he compelled by the condition  
of his health to give it up again  
before recrossing the river?

Ans. He continued in Command  
of the Regiment from the morning  
of the 4<sup>th</sup> of May, until the time  
that he returned to our Camp.

Col. Peter Lewis, 57<sup>th</sup> Penna Regt  
a witness for the prosecution was  
only sworn.

Questions by Judge Advocate.

Ques. State your name, rank  
and the Regiment to which you  
belong.

Ans- Peter Sides, Col. Commanding the  
57<sup>th</sup> Penn Vols.

Ques. Were you at the battle of  
Chancellorsville Va. May 3<sup>d</sup> 1863. if  
so did you see Col Collins and  
that occasion.

Ans- I was here on the morning  
of the 3<sup>d</sup> when the first Brigade  
formed line of battle at the edge of  
the woods and advanced. Col Collins  
Regiment I believe was on the  
left of the line next to the 105<sup>th</sup>  
Miss was on the right next to the  
3<sup>d</sup> Consequently I saw nothing of  
Col Collins until we had advanced  
to the breastwork. at that time  
his Regiment was brought to the  
right, moved to the right <sup>in rear</sup> of the  
River by the right flank. I there  
did not see Col Collins. he was in  
rear of the Regiment I believe. He remarked  
that they were flanking us. although  
I did not see him. I took it for granted  
it was he. that is all I saw or heard of Col Collins.

Ques. How far was he from you at  
that time.

Ans- His Regiment I think

was on the right of mine, a little to the rear of the line. His exact position I cannot tell for I did not see him.

Ques. What remarks did Col Hallis make to you on 7<sup>th</sup> day of May 1853 when the army was returning across the river, respecting a communication he intended sending to Genl. Birney.

The accused objected to this question, because it was irrelevant.

The Court was closed for deliberation, after mature deliberation the Court overruled the objection of the accused.

Ans. The conversation I cannot exactly recollect, the said day he told me, but I cannot recollect the conversation. he told me he was going to send a communication of some kind to Genl Birney.

The Judge Advocate then introduced in evidence Exhibit. order No 100. from Head Quarters 1<sup>st</sup> Division

3<sup>d</sup> Corps. also the Communication of  
the Accused Col Charles H T Collins  
114<sup>th</sup> Regt. Pen Vols. in answer thereto,  
dated May 7<sup>th</sup> 1863. Which said last  
Special Order No 100, together with the  
Handwriting of said communication  
in answer thereto, the accused admitted,  
without requiring proof thereof. Which  
admission signed by the accused  
reads as follows to wit

"Admission by the accused:"

"The accused does not require proof  
of Special Order No 100. or of the  
handwriting of the Communication  
of May 7. but desires that the papers  
sent with said Communication and  
referred to therein. be also sent as  
part of the Communication"

(signed) Charles Collins

The Judge Advocate objected to  
reading in evidence the papers  
accompanying the Communication  
of the accused for the reason.

That the exhibits attached to said  
Communication are the statements  
of third parties and are not a part  
of the Communication upon which the  
charges & Specifications are founded.

The Court was closed for  
deliberation. After meeting

Deliberation the Court sustains the  
objection of the Judge Advocate.

A Copy of Special Order 20100. and  
Communication in answer thereto are herewith filed  
Marked (C) & (D) and made a part of this record.

The Testimony for the Prosecution  
has been closed.

## Defence.

Andrew H. Tipper Col 68<sup>th</sup> Pen Regts  
a witness for the ~~prosecution~~ <sup>defence</sup> was  
duly sworn.

Questions by the Accused.

Ques. State your name.

Ans. Andrew H. Tipper.

Ques. Were you present in the military  
service of the United States during  
the engagement with the enemy  
at and near Chancellorsville Va  
May 3<sup>d</sup> 1863. & if yea, in what rank  
or capacity and with what Regiment

Ans. I was present as Col of 68<sup>th</sup>  
Pen Regts, 1<sup>st</sup> Brigade, in Command

Ques. Did you see the accused Genl  
Charles S. Bullis: 114. P. V. during  
that engagement. If any state when  
and where you first saw him  
May 3<sup>d</sup> 1863. & how often, and when  
and where you saw him afterwards  
on that day & state fully and  
truthfully all that you saw of  
his conduct & behavior on that  
day in the presence of the enemy  
and under fire.

Ans. That would certainly place a good deal that I could not answer. I saw Col Collis frequently during the day. I saw him in the morning in command of his Regiment. I saw him after we retired from the batteries, reform and move to the front. I saw him deploy his Regiment at the edge of the wood - he was on my left. I might say before that, I saw him double Column in the center, move to the edge of the wood and deploy. I saw him when we advanced in the woods. we advanced in the woods and commenced firing. I do not remember of seeing him again. I saw his Regiment pass in rear of mine to the right. He passed the rifle pit, after we had taken it.

Previous to that his Regiment was on my left. As far and as much as I saw anything concerning Col Collis during the day, I saw nothing that could possibly detract from his



Character as a brass officer.

Ques. Do you know of an order having been given May 9<sup>th</sup> 1863 to the Regt forming the 1st Brigade (Brig Bull Terriers) to make an oblique change of front? if you state all you know about such order. What it was. When & where given and by whom given to the 114. Regt P. V. & how was such order executed by the several Regiments. State fully and minutely all you know in reference to this matter.

Ans. That order was given on the field before me made the movement to the woods. We were at that time in column of Regiments one of the Aids of Genl Sherman rode up to me. And ordered me to make the same movement. The regiments were making very mediately in my front - which was the 114<sup>th</sup>. That aid was Capt Birney. I gave the order. I saw some confusion in the 114<sup>th</sup> but I did not hear the order of the Colonel. I heard him rectifying the order subsequently.

His left Companies were moving into line facing to the rear. I suppose the Captain of Companies had mistaken the order.

The right Companies were moving in another direction. The Movement of the 114<sup>th</sup> did not confuse me in the least. As soon as the Colonel had given the order to his officers, and they understood it they got the line dressed. There was no confusion in our Regiment at all. In making the same Movement I could not understand what the Movement was at first. Immediately after we got into an oblique line of battle. There was a good deal of firing and noise & every thing at the time. I don't mean to say it was an oblique line of battle, we were in Column of Regiment at the time.

Ques. What was the bearing and spirit of the accused Col Charles A. T. Collins 114<sup>th</sup> P. V. during the engagement of May 3<sup>d</sup> 1853. Was he enthusiastic or otherwise.

Ans. I am not competent to say  
for the reason that I was not  
with him. As far as I did see  
him. he was all that an officer should  
be.

Col C A Criff <sup>165</sup> 105<sup>th</sup> Pen Regts. a  
witness for the defence was duly  
sworn. Quoted by accused  
Q. State your name.  
A. Calvin A Criff.

Ques. Were you present in the military  
service of the U.S. during the engage-  
ment with the enemy at and near  
Chancellorsville Va. May 3<sup>rd</sup> 1862. & if you  
in what <sup>rank</sup> capacity & with what Regt.  
Ans. I was present with rank of  
St. Colonel of 105<sup>th</sup> Pen Regts.

Ques. Did you see the accused Col Otho  
H. Colles 114<sup>th</sup> P.V. during that engage-  
ment. if you. how often & when  
& where you saw him ~~afterwards~~  
on that day & state fully and  
manipately all that you saw of him

Conduct & behavior on that day in the presence of the enemy & under fire.

Ans. I saw Col Collis the first time I saw him was Sunday morning May 3<sup>d</sup>. The place I saw him was after we had commenced retiring. We had got nearly to the plank road when I saw him first. I saw him again near the brick house I saw him again when we halted by order of Genl Birney. This was after we commenced to move forward from the brick house to attack

the enemy near the left of the line of batteries. We halted near the left of the line of batteries. After we commenced to move again the

Brigade moved forward in column

I saw him again at the edge of the woods in front of three batteries. The Brigade then advanced in line a few rods to the brow of the hill when they opened fire on the enemy. I saw him all the time while the Brigade

was in that position. His Regt-  
was on our immediate right. The  
105<sup>th</sup> was on our extreme left and  
he was on the right of the 105<sup>th</sup>

We then advanced upon and  
occupied a line of breastworks  
that had been thrown up there. I saw  
and spoke to Col Collis at that place

Very shortly after we gained those  
breastworks Col Collis moved his  
Regt off to the right. I do not know  
how far. I did not see him again  
until the Brigade fell back to  
the brow of the hill where we  
had opened fire first. The Brigade  
halted there + held a position  
awhile after falling back the  
first time. I saw him again  
after falling back to the mill  
house. I saw him frequently  
while we lay there I do not recollect  
the time. I can hardly say how long  
a time it was we lay in that  
position. I never saw him near  
a hospital in the woods. I believe  
that was the last time I saw  
him during that day. I saw  
nothing out of the way in

Chancellorsville  
House

his conduct

Ques. Do you know of an order having been given May 3<sup>d</sup> 1863. to the Regiments forming the 1<sup>st</sup> Brigade (Brig Genl Graham) to make an oblique change of front? If you state all you know about such order. What it was, where and when given & by whom given to the 114. Regt P. V. & how was such order executed by the several Regiments. State fully & minutely all you know in reference to this matter.

Ans. I do not know of any such order being given. It was not given to our Regiment I think.

Ques. Do you know of any confusion in the 114. Regt. or any other Regt in the Brigade when near the brick house May 3<sup>d</sup> 1863. & if so what caused that confusion and was it or not promptly rectified & by whom.

Ans. I saw no confusion but what was promptly rectified near the left of three batteries in front of the brick house. We were marching in column of Regiment - at that time the Brigade was halted at that point

for a few minutes. I saw what I supposed to be our Company of the 114<sup>th</sup> Regt. It moved forward nearly on a line with the 105<sup>th</sup> Regt. but was immediately ordered back. I heard Col Collis order it back. I saw no other confusion except a little on the left. (which I supposed to be caused by the woods getting in there at the left of his Regt. His Regt was at that time immediately in rear of the 105<sup>th</sup>

The Company that I spoke of came from the right of his Regiment.

Ques. Did this cause confusion in the other Regiments of the Brigade.

Ans. It did not in ours. - I do not know of it causing any in others.

Ques. State fully & in detail all that you know of any efforts made by the accused Col Chas H P Collis to rally & encourage his men during the engagement of May 3<sup>d</sup> 1863. especially anything he did with the colors.

Ans. I saw him take his colors and call his men to gather around it. which they did as a general thing his Regt formed very promptly

his Regt was kept in good order until we commenced to retreat at that time there was a good deal of confusion in all the Regts of the Brigade. I wish to amend that a little at the time he moved off to the right I did not see his Regt for a few minutes. Not until the Brigade was halted again on the brow of the hill!

Ques. Was the 114. under fire at the time Col Collis took the colors if so what was the character of the firing?

Ans. Well I think they were under fire but it was not heavy. I think there was a little of both sniping & artillery firing. Not much artillery.

Ques. When the brigade moved to the front, after being formed double column on the center, how soon and how close after your regiment, did the 114<sup>th</sup> follow?

Ans. Perhaps 20 or 25 paces perhaps not so much. It was near the proper interval.

Ques. Did you at any time during May 3<sup>d</sup> / 1863. see Col Collis behind a tree sheltering himself from the fire of the enemy while his men were exposed?



Ans. I did not.

Ques. Do you know of a recommendation or request made, after the engagement May 3<sup>d</sup> 1863. by the Field officers of the 1<sup>st</sup> Brigade, that Col Collier, the accused should be placed in temporary command of the Brigade & is the paper now shown you a correct copy of said request.

Objected to by Judge Advocate as irrelevant.

The Court was cleared, for deliberation. After mature deliberation the Court sustains the opinion of the Judge Advocate.

Ques 11. When you spoke to Col Collier the accused as his left was passing to the right. What did you say & what was his reply.

Ans. I read up to Col Collier to tell him that Col McHugh was killed but I do not recollect what he said except that he said he was moving his left to the right. He said that we had better remain where we were. That is all I remember.

Just by the court.

Q. At the time you have testified that the Brigade fell back in some confusion. What caused this confusion; and what Regt. led the retrograde movement.  
Ans. I cannot tell you what Regt. led. I cannot tell because we were falling back. The Brigade was out of ammunition or nearly so. The movement commenced on the right of the Brigade.

Q. At the time of the confusion in the 114<sup>th</sup> Pa what movement was being made by the 105<sup>th</sup> Pa.

Ans. At the time I spoke of the confusion of the 114<sup>th</sup> there was no movement being performed by the 105<sup>th</sup>.

Just by the court.

Q. What was the bearing and spirit of the accused Col Charles H F Cullis 114<sup>th</sup> Pa during the engagement of May 3<sup>d</sup> 1863. Was he enthusiastic or otherwise.

Ans. His bearing was soldierly. I heard him encourage his men frequently he used every effort I think to encourage them.

Ques. From the monument the Rebels  
fell back early on Sunday morning  
until one went into the woods and  
engaged the enemy was the 14<sup>th</sup> Regt at  
any ~~too~~ considerable distance from  
you.

Ans. No Sir.

Ques. Lt Col. G. W. Greenerwalt 105<sup>th</sup> Pen was  
a witness for the defence was duly  
sworn.

Ques. State your name

Ans. G. W. Greenerwalt.

Ques. Were you present in the Military  
Service of the U.S. during the engagement  
with the enemy at and near Chancellors-  
ville Va. May 3<sup>d</sup> 1863. - if yes, in what  
rank or capacity, and with what Regiment.

Ans. I was present was Maj of 105<sup>th</sup> Pen  
Vols.

Ques. Did you see the accused Col  
Charles H. Callis 114<sup>th</sup> P. V. during that  
engagement? If yes state when &  
where you first saw him May 3<sup>d</sup> 1863  
& how often & when & where you  
saw him afterwards on that day  
and state fully and minutely all  
that you saw of his conduct and

& behavior on that day in the presence of the enemy & under fire.

Ans. I saw Col Callis at the head of this Regt. when we were leaving the field in which we lay during the night of the 2<sup>nd</sup>. We were in advance of him moving by the right flank. After we left the field we went in the direction of a battery of 2 pieces of Artillery which was stationed on the plank road moving to this point on the plank road we crossed a ravine, but Callis crossed the ravine to the left of us, and the distance being shorter, the two Regts moved together side by side, to the plank road and crossed it having crossed the plank road we filed right on a road parallel to the plank road or nearly so, but Callis followed in rear of our Regt. on the road through the woods. We moved up near the brick mansion, Col McHugh uttered & said he had no orders, but Callis uttered his Regt in rear of ours.

I saw Lt Bullard of Col. Abraham's staff come to no harm. He did not know exactly where the Brigade was to form. Capt Duff soon

After come up. and indicated to Col McKnight where to move his Regiment. Col Collis came up as Col McKnight called attention & was moving off and asked Col McKnight - where he was going to move to. I understood him to say that he had no orders but would follow our Regt. We recrossed the plank road, and formed in rear of a battery. Genl Birney then assigned Col McKnight his position, & told him where to move. We took that position. Col McKnight then sent Col Craig to Genl Birney to enquire more definitely as to the point we were to move to. Col Craig returns & said that Genl Birney told us to remain where we were until further orders. Col Collis formed his Regiment in rear of ours. We were shortly ordered forward, to another position in advance of this where we were commanded to double Column at half distance.

This being done we were ordered forward to the woods immediately in front. We

moved forward to the woods & formed a line with our left resting on a breastwork of logs. Col Colles moved his Regt to our right & deployed with his left resting on our right. remained there until all the regiments got into line, and moved forward on the crest of the little hill in the woods. The Brigade was then halted & began the engagement. We were engaged in that position for some length of time I do not remember how long.

- 45  
MINUTES

I saw Col Colles then moving along his line of battle, towards the left of it. We were then under a very heavy fire & he appeared very cool & deliberate. The Brigade then moved forward. We heard no command on account of the confusion. Col McKnight said he would conform his movements to the movements of the rest of the Brigade. He had gone but a short distance when he fell. I momentarily paused when he fell, to see whether he was killed or not, and started on & looked to the right of our Regt and along the

him of the 114<sup>th</sup>. I saw Col Collis again  
when we reached the breastworks  
on the left. The enemy had abandoned  
that position of theirs. When we fell  
back from this position in front  
of the breast works in the direction  
of the brick mansion I saw Col  
Collis again. It was at a spring  
near the house in the field where  
our batteries were planted in  
the morning. With his Regt. I saw  
him again in the afternoon after  
we had fallen back to the last  
position. It was about I should  
think to be between 3 & 4 o'clock.

I was passing along his Regt. at  
the time and was going to stop and  
see him. But on looking at him  
I thought he was asleep & thought  
I would not disturb him and  
moved on to my own Regt.

Ques. Did you at any time May 8<sup>th</sup>  
~~see~~ see Col Collis behind a tree or  
otherwise sheltering himself from  
the fire of the enemy while his men  
were exposed

Ans. I did not.

Ques. Did you see Col Colles the accused under fire May 3<sup>d</sup> 1863. & if so, what was ~~the~~ character of the firing & what was ~~Colles~~ Colles's behavior under it.

Ans. We were under an artillery fire from the time I first saw him until we went into the woods where we engaged the enemy with musketry. He appeared to be cool steady & brave all the time that I saw him under fire.

Ques. What was the bearing and spirit of the accused Col. Colles. H. V. Colles. 114 P. V. during the engagement. Was he enthusiastic or otherwise.

Ans. As to his ~~substance~~ subsequence, I cannot say, as we were at considerable distance from him. Our left was on his left & I was on the left of ours.

Ques by the Court.

Ques. Did Col. Colles have taken shelter behind a tree at any time during the action on 3<sup>d</sup> of May 1863. without your seeing him.

Ans. He could.



The accused then offered to  
introduce in evidence the  
exhibits annexed to the Com-  
munications of May 7, 1873.

The Judge Advocate objected  
to their admission for the reasons  
1<sup>st</sup> Incompetency.

2<sup>nd</sup> That the exhibits are the  
statements of 3<sup>d</sup> parties, and do not  
form a part of the communication  
of the accused on which the  
charges & specifications are  
founded.

3<sup>d</sup> That the parties signing  
said exhibits are competent  
witnesses to prove the facts  
therein contained, & that there  
has been no evidence before  
the court to show that those  
witnesses cannot be procured.

The court was then cleared  
for deliberation. After mature  
deliberation, the court sustained  
the objections of the Judge Advocate  
and refused to admit said ex-  
hibits to be read in evidence.

The decision of the Court  
announced was announced  
to the accused

To which ruling of the  
Court the accused excepted

Exhibits filed marked 4

The Court adjourned until  
Monday Morning at 10 o'clock  
A.M.

Head Qrs. 114 Penna. Vols.

May 5, 1863.

Captain,

I have the honor to report that no commanding officer of my Regiment went to the rear without proper cause. I myself was attacked with vertigo early in the engagement & so reported to Gen. Graham, but was with my command until its last shot was fired, when I was carried insensibly to the rear, in which condition I remained several hours - but I reported for duty yesterday contrary to the advice of the surgeons -

The only officers of my Regt. for whose absence I cannot properly account are Captains Bowen & Barthoulot, but I ~~have~~ sent a written order for their

return early this morning -

I trust it is unnecessary  
for me to add that the Commanding  
Officer of this Regiment cannot  
be accused of an act so disgraceful  
as that mentioned in the letter  
from Corps Qd. D. -

I am my respects  
Yours always  
Charles H. B. Collier

Col. Army Regt

Capt. J. B. B. B.

A. A. G. G.

Head Quarters 1st Div. 3rd Corps.  
May 5th 1863

Special Order }  
No. 100 }

Par. 4. The commanding officer of 1st Brigade will call upon Colonels Leath and Tiffin, for a written explanation, of their conduct, in leaving their command on the field of Battle, and reporting to the Hospital of profit for duty. This explanation will be accompanied by that of the surgeons, who attended them as the nature of disease and time they reported

By command of Brig. Genl. Bury.

(Sd) Henry W. Brown  
A. A. Genl.

Official

J. P. Fiske  
A. A. G.

Head Quarters 114 Regt. Penna. Vols  
Camp Dickles May 2<sup>d</sup> 1863 -

Major,

In answer to Special Order No 100  
Head Quarters 1<sup>st</sup> Division 3<sup>d</sup> Corps calling upon  
me to explain my conduct "in leaving my  
command on the Field of Battle and reporting  
to the Hospital as unfit for duty" I have the  
honor to report that I did neither one nor  
the other; and I feel indignant at being  
called upon to explain a course of conduct  
which, thank God, is endorsed by every officer  
and man of my Regiment and every officer of my  
Brigade - I was in command of my Regiment  
until 5 o'clock P.M. on Sunday, several hours after  
the fight had ceased - from that moment  
I have no recollection of what happened,  
but the accompanying affidavits, certificate  
and letters which I have asked for, I think  
are satisfactory -

Trifling and insignificant as the  
imputation in Special Order No 100 is, to  
~~as harm to the reputation of~~ ~~of~~  
who has devoted his untiring exertions  
and exposed his life for the common  
good, its spirit is nevertheless culpable  
to weaken the confidence in which an  
inferior should <sup>hold</sup> his superior; making

inferior to feel that no matter how he may behave in the presence of the eye of his conduct is not witnessed by his commanding officer,) some base slanderer may very easily injure his reputation, should his story receive credence at the hands of the person to whom the report is made -

I send also herewith a copy of Resolutions passed by my officers immediately after the fight, which fortunately will assist in refuting the paltry insinuation against my courage, now made for the first time in my military career -

I would send the original, but I value it too highly to part with -

Should the accompanying document be unsatisfactory, I beg leave to refer to my Brigade Commander Genl. Graham and should that fail I request a Court of Inquiry -

In conclusion I desire to add that I will permit no man living to accuse me of a want of courage or devotion to the cause whenever and wherever called upon -

Major Henry M. Brewster  
A. A. Genl.  
1 Div. 3<sup>d</sup> Corps.

I am resp'y. Your obt. servant  
Charles H. B. Collins  
Col. Command'g Zouaves.

Head Qrs. 114<sup>th</sup> Regt  
Camp Sickles  
May 7. 1863

Col. Charles F. Collins

Reply to Special Order  
No 100. in reference  
to his "leaving his  
command on the field  
of Battle and reporting  
to the Hospital as  
unfit for duty"

255  
Ad. Ins. 1<sup>st</sup> Brig. 1<sup>st</sup> Div. 3<sup>rd</sup> Corps  
May 8<sup>th</sup> 1863.

Respectfully forwarded

J. W. Egan

Col Comd'g Brig

Head Qrs 1<sup>st</sup> Div 3<sup>rd</sup> Corps  
May 8 1863

Reply forwarded with  
recommendation that the  
matter be referred into  
D. P. Riney  
Brig Genl

Head Qrs. 1<sup>st</sup> Div 3<sup>rd</sup> Corps  
May 7. 1863.

Reply forwarded  
but regarding such a  
communication in answer  
to the enquiry for copies  
of Division Head Quarters  
as highly insulting and  
contrary to good order  
& military discipline &  
have ordered the officer  
under arrest and to  
report to Halleck.  
I would ask that the  
paper be returned  
to me

D. P. Riney  
Brig. Genl  
any

Head Quarters 3<sup>rd</sup> Corps  
May 10<sup>th</sup> 1863.

Respectfully returned to  
Brig General Riney for such  
action as he may consider  
for the best interests of the Service.

By command of  
Major General Sickles.

W. H. A. H.  
Asst. Asst. General



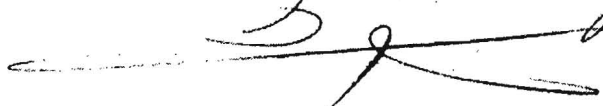
I request that these papers be forwarded  
to Corps Ad. Ins. for the information of the  
General Commanding, in answer to his  
letter addressed to Gen. Birney of 5<sup>th</sup> inst.

Charles S. F. Collins  
Col.

Exhibit 7

Head Quarters 114<sup>th</sup> Regt 115  
May 7<sup>th</sup> 1863

This is to certify that  
Col C H G Collins was by me exam-  
ined on Monday morning about  
dawnlight - at the Hospital, and found  
to be really unfit for duty; He was vom-  
iting and unable to retain anything  
in his stomach; There was every sym-  
ptom of an overtaxed nervous system, re-  
sulting in complete prostration of all  
vitality; the Col was anxious to leave  
early ~~and~~ ~~rejoin~~ his Regiment, but upon  
being advised to rest still longer - he  
remained, until about eight o'clock, when  
together we returned - the Col being compelled  
to rest upon me.

D. H. Sartore  
Asst-Surg - 114<sup>th</sup> Regt 115  


Henry C. Kelly - being duly sworn says -  
I am a private of Co. D, 114<sup>th</sup> P.V. - I was detailed with  
Private Hocker to carry Col. Collic to the rear, by  
order of Lt. Col. Canada, on Sunday afternoon about 5 o'clock  
- I got a stretcher and put the Col. on it and carried  
him back to the Hospital near the river. He was  
insensible & flighty. Several persons spoke to the  
Col., but he did not recognize them. Once a couple of  
guns were fired, and the Col. rose up to a sitting  
position and said "up and at them boys; they are on  
to us." The regiment was then a wide (and a half  
distant. I told the Col. the regiment was not  
there; and he insisted upon being carried back.  
<sup>to it</sup> but we would not take him - He left him  
at the Hospital near the river at half past  
one on Monday morning.

Sworn & Subscribed before me this

Seventh day of May A. D. 1863

J. C. Grogan

Act. Adj. 114<sup>th</sup> P.V.

Henry C. Kelly

John Hocker - being duly sworn says "  
I am a private of Co. D 114<sup>th</sup> P.V. and the for-  
going affidavit of private Kelly is true.

Sworn & Subscribed before me this  
Seventh day of May A. D. 1863

J. C. Grogan

Act. Adj.

John Hocker

At a meeting of the surviving officers of the 114<sup>th</sup> Regt. I. O. Colli's Zouaves, held on the Battle field near Chancellowille Va., on Monday May 4<sup>th</sup> 1863 the following Preamble and Resolutions were unanimously passed:

Whereas, This Regiment has just passed through a most severe ordeal and suffered in killed and wounded most severely -

Therefore be it

Resolved, that the gallantry and enthusiasm of the men of this Regiment, under circumstances calculated to appal the stoutest hearts, was attributable to the spirit of confidence and invincibility infused into them by our brave young Colonel -

Resolved - that every officer and man of the Regiment owes a debt of sincere gratitude to Col. Charles St. J. Colli, for his undaunted courage, intrepid bravery, untiring zeal, and unflinching determination to win for our Regiment an imperishable name -

Resolved - that in remaining upon the field of battle, whilst suffering from severe exhaustion which entitled him to be carried to the rear, and not submitting to be taken away although repeatedly advised to be, and remaining with us until the engagement was over, and then being carried away in an insensible condition, but returning to us again in a few hours he displayed a spirit of devotion to his Regiment, which by us

will always be cherished with grateful hearts,

Resolved, That we renew our pledges of fidelity to our gallant Colonel, and declare our willingness to follow him at any moment against the enemies of our country, and we pray God his life may long be spared to add fresh laurels to his own name and to the name of the Regiment he so ably commands.

E. Forest Kochler	Capt. Co. "C" -
Aug. W. Fice	Lieut Co K.
George J. Anderson	" Co F.
Wm. S. Robinson	1 <sup>st</sup> Lieut Co. E.
Henry M. Eddy	Capt Company D.
Harry E. Rulow	2 <sup>nd</sup> Lt. Co. B -
Frank C. Gungaw	2 <sup>nd</sup> Lt. Co. D -
S. A. Bartholot	Capt Co. A -
E. R. Bowen	Capt Co B -
J. F. Cavada	Lt. Col -
R. Dale Benson	1 <sup>st</sup> Lt. Co. B -
Jos. J. Lea	1 <sup>st</sup> Lt. Co D. Acty. Aigt -
H. C. Gilmow	Capt Co. I -
A. W. Steel	2 <sup>nd</sup> Lt - Co. F. -

7

Head Quarter 105th Regt Pa Coly  
May 4th 1863.

Dear Col.

I will with great pleasure state all that I know of your conduct upon the battle field on Sunday last & the different occasions upon which I saw you, when you were always acting the part of a brave & gallant officer

I first saw you leading your Regiment by a flank early on the morning of Sunday my own Regiment moving on parallel line with you, to form line of battle to the rear of the batteries near the Brick Mansions, when you formed your Regiment on the right of mine & entered the engagement in that position, I saw and spoke with you after our brigade had charged the enemy & driven them from the breastworks which we then occupied, I saw you again with the colors in your hand rallying your men after we had been driven by seven guns from the breastworks, I again saw & spoke with you when we had retired to the Brick Mansions, when we moved on, my Regiment following in your rear by order of Genl Graham & saw you repeatedly while we were placed behind the abatis of fallen timber at the Culpeper road; that was about 2 P.M. perhaps later, off in of my Regiment, saw you as late as 5 P.M. with your command, I have no knowledge of your going to the rear,

if you did, it certainly was not during the engagement.

Very Truly Yours

W. L. Garrison

141 Cornhill Boston

J.  
Robertson  
141 Cornhill

7

New Guss 105<sup>th</sup> P.V.

May 7<sup>th</sup> 1863

Dear Col.

It is with pleasure that I comply with  
the request contained in your note of this morning by making  
a statement of what I observed of your conduct during  
your engagement on Sunday last.

I saw you early this  
morning as we were leaving the position we had held during  
the previous night. You were then at the head of your  
company & under a heavy fire of sniping from the  
enemy. I again saw you as we were going into the  
engagement in the woods in front of the House which  
Genl. Sickles & Burney had then New Guss. Also I saw you  
at the time we charged the enemy & drove him from the  
breast works. I recollect of seeing you with me on  
the afternoon when we had taken our last position  
near Schenckville. At the times I saw you you were  
behaving with gallantry & your conduct was conspicuous.

I have the honor to be  
Dear Sir

Genl.  
Genl. G. H. T. Lealio  
114<sup>th</sup> P.V.

John J. ...  
Major ...



7

Head Quarters 141 P. Vols  
May 4<sup>th</sup> 1863

Let. to H. J. Collier  
114<sup>th</sup> P. Vols

Dr. Sir

It is with utter  
surprise that I ~~learn~~ that your conduct  
on the field, during the fight of  
Sunday morning, has been raised in  
question - If standing at the head  
of your Regt, with only one nearly half  
destroyed, - if encouraging them to hold  
their ground, while under one of the  
most ~~severe~~ firing that troops ever stood  
under - then perhaps your conduct  
may be raised in question -

Allow me Sir to say that no officer  
in the Brigade ~~could~~ command more  
coolness & courage than you did  
in that fight, or any of the other moments of  
the Brigade -

Very Truly Yours  
H. P. Moore  
Col 141 P. Vols

(copy) 7

Camp near United States Ford Va  
May 5<sup>th</sup> 1863 -

General,

The undersigned Field Officers & Commanding Officers of Regiments of the 1<sup>st</sup> Brigade 1<sup>st</sup> Division 3<sup>d</sup> Corps desiring to keep its present organization intact, and not intending to reflect upon the reputation of any officers whom we may be placed under, most respectfully request that Col. G. H. P. Colles for his distinguished services during the engagement of the 3<sup>d</sup> inst, & upon other occasions, be assigned to the temporary command of the Brigade -

We are general Respectfully

Your most obt. Servts

To Brig. Genl. D. B. Rimey

Comm<sup>d</sup>g 1<sup>st</sup> Division 3<sup>d</sup> Corps

Signed  
H. J. Madill - Col 141 Pa. Vols.  
J. P. Spaulding - Major 141 " "  
A. H. Tipton - Col. 68 " "  
H. E. Winslow - Major 68 " "  
F. F. Cavada - Lt. Col 114 " "  
G. A. Craig - Lt. Col. com<sup>d</sup>g 105 " "  
J. W. Greenawalt - Major 105 " "

(1)

Head Quarters 114<sup>th</sup> Penna. Vols.

Camp Sickles May 15<sup>th</sup>. 1863 -

Major,

Being convinced from the endorsement I have seen upon the document returned to Col. Sippin, that Special Order No 100 Ord. Div. 1<sup>st</sup> Division was not intended to impeach my character for courage, or to accuse me of deserting my command when my services were most required, I respectfully ask permission to withdraw my communication of the 7<sup>th</sup> inst; with the exception of the two affidavits and medical certificate - And I desire to say that I intended no disrespect to the General commanding the Division; if my language was harsh, it was intended to rebuke the unknown slanderer whose I believed had poisoned the ear of my Commanding Officer -

My chief reason for supposing that I was suspected of improper conduct was the receipt of a letter (on the battle field) through the ordinary channels, addressed by Gen. Sickles to Gen. Disney, very naturally asking an explanation from Commanding Officers of the 1<sup>st</sup> Regt, as to

their conduct in leaving their commands upon the field of battle, which paper when it reached me was endorsed at Brigade Head Quarters by a call for an explanation of this "disgraceful and cowardly conduct". In the face of this, followed quickly by Special Order N<sup>o</sup> 100, I trust the Genl. Commanding will see that I had at least some cause to believe I was the subject of censure.

Trusting that this explanation of a course of conduct based upon a belief that my courage had been impeached, may prove satisfactory, and that no further steps may be taken in the matter.

I have the honor to be

Very respectfully

Your obt. servant

Charles S. Collins

Col. 114<sup>th</sup> Regt. Pa. Vols.

Major Henry W. Brewster

A. A. Genl.

1<sup>st</sup> Div. 3<sup>rd</sup> Corps

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Hd. Qrs. 1<sup>st</sup> Brig. 1<sup>st</sup> Div. 3<sup>d</sup> Corps

May 14, 1863

Colonel G. H. T. Collins

114<sup>th</sup> Pa. Vols.

In your official report of the part taken by your regiment in the recent movements, you make the following statement, "I planted my colors, placed my guides, & appealed to the men to reform which to their credit be it said, they did willingly, but whilst accomplishing this Capt Brinney rode up, telling me it was no use we were outflanked."

I send you this communication for the purpose of calling your attention to the latter part of the above, relating to myself. The idea it conveys is that owing to my telling you it was no use we were outflanked" your

Regiment ceased rallying & again -  
began falling back

This was about the time of  
our second retreat, & after we had  
rallied, & lain down. On the enemy's  
approach we rose, & I believed a  
valley or so, when your command  
broke in disorder, & immediately our  
whole line began falling back.  
It was at this time that you  
came up to me, as I was riding  
along the line urging the men  
to stand fast; & <sup>you</sup> said as nearly  
as I can remember "There is no  
use do you not see that they are  
flanking us." to which I replied  
"You are right now; they have  
flanked us." At the time the  
remark was made your Regt  
was not rallying, but on the con-  
trary falling back quite rapidly  
as was also the whole line.

I am sure you will do

and the justice to strike out this  
portion of your report, or at  
least to so alter it as to  
cast no imputation on me.

Why the matter should be  
mentioned at all, I cannot  
see, inasmuch as the whole  
line was falling back.

Requesting an answer at your  
earliest convenience -

I am beloved

Very Respectfully  
Yours Obedt Servt

F. P. Disney  
Capt. Art. G.

Head Qrs 114<sup>th</sup> Penna Vols. May 16<sup>th</sup> 1863  
2.45 P.M.

Captain,

I am this moment in <sup>receipt of</sup> your communication just received, dated the 14<sup>th</sup> inst. - In reference to that part of my report which says "I planted my colors, placed my guides, and ~~appealed~~ appealed to the men to reform which to their credit be it said, they did willingly, but ~~what~~ <sup>what</sup> accomplished" this ~~leaves~~ <sup>leaves</sup> Binney ~~not~~ <sup>not</sup> up telling me it was no use <sup>we</sup> were, outflanked", I do not recognize anything which casts an imputation upon you, nor did I insert it with any such intention - <sup>(If what you said was true & it was your duty to communicate it to me)</sup> On the contrary I am free to confess that I know no officer in the Service whose devotion to duty, coolness and courage I have so much admired - If this statement was a mere matter of recollection between yourself and myself, I would gladly yield to your memory, but when endorsed by many witnesses, who saw around me upon that occasion, who ~~saw~~ <sup>saw</sup> what I did and heard what you said, I can (especially under existing circumstances) consent to erase it - I will however gladly shape it in such a manner that no possible injustice can be done to yourself -



You will do me the credit to say that my off. ~~will~~  
report was forwarded ~~on~~ the day before I was ~~a~~ with  
a copy of the charge which accuses me of "alarms my  
" command by saying to officers near ~~home~~ <sup>me</sup> "There is  
" no use in staying here do you not see ~~we~~ are  
" flanked", thereby dispiriting my men & tending to  
" demoralize them". Like many other fortunate  
coincidences in this whole affair, which will yet be  
revealed I officially reported what was said and who  
said it, before it dreamed of having it laid at  
my doors.

I am glad, for the credit of my brave  
Regiment, that my memory fails to recall the time  
when my Regt Command "broke in disorder & immediately  
our whole line began falling back" I am willing  
to suffer for what I am guilty, but while my  
name is still upon the rolls of the 114<sup>th</sup> I should  
be wanting in proper devotion <sup>& gratitude</sup> to them did I ~~not~~  
~~say that~~ by my silence admit that they <sup>ever</sup> broke  
in disorder.

A man who has so many good  
& true friends as myself, who have volunteered their  
aid in refuting the attack upon ~~his~~ <sup>my</sup> courage, can  
afford to be charitable and magnanimous, and did  
your character <sup>for courage</sup> need support I would gladly aid you

feelings towards you are well known throughout the Brigade - I did believe those feelings were reciprocated but was ~~in reference to~~ surprised to find that a whispered, confidential, communication that "my little handful of men were so disappointed <sup>from their heavy loss</sup> that I was glad we had not to march again to the ~~front~~ <sup>word</sup>" or words similar should have been made the subject of a charge. I thank you however for doing me <sup>it</sup> credit to ~~embolden~~ <sup>in it that I said I would do</sup> all man could do" - This was kind indeed -

I do not covet notoriety - my present position cuts me to the heart. but the time will come when I shall sit in the scale of justice and my accusers will kick the beam -

I am very respny

Charles H. V. Collier

Col Zouaves.

Capt D. Binney

Charles H. T. Collis, Esq  
late U. S. Vol  
Philadelphia  
Penn

Col. Pollis respectfully presents ~~myself~~  
the notice to attend, and proposes to ask  
for a copy of the order under which the  
Court is convened, with the detail named  
to serve on the same, and time to show  
the same to his Counsel for the purpose  
of consultation, - he therefore requests  
that an adjournment be granted with  
direction to the Indg. Advocate to furnish  
him with the papers above stated.

Charles H. T. Collis

Monday Morning June 12<sup>th</sup> 1863.

10 o'clock A.M.

The Court met pursuant to adjournment. present:

Brig Genl J H Robert Ward.  
Col. Rufus de Taborand, 38<sup>th</sup> Meys.  
" S B Hayman 3<sup>rd</sup> N.Y.  
" E Walker 4<sup>th</sup> Maine vols  
" M B Latham 3<sup>rd</sup> Maine vols  
" B R Purce 3<sup>rd</sup> Mich vols  
Lt Col E Burt 3<sup>rd</sup> Maine vols  
Maj W L Taylor, 1<sup>st</sup> Indiana vols  
Judge Advocate

The accused Col Charles H T Collis 114<sup>th</sup> Pen vols. was also present.

The court proceeded with the trial of Col Charles H T Collis 114<sup>th</sup> Pen vols.

Capt Farnet - Kolesher, 114<sup>th</sup> Regt Penn  
Vol. a witness for the defense was  
duly sworn.

Sworn by accused.

Q. What is your name & military rank  
in the service of the United States.

Ans. Farnet Kolesher Capt Co. B. 114<sup>th</sup>  
Regt Penn Vol.

Q. Were you present at the battle  
of Chancellorsville Pa on the 3<sup>d</sup> of  
May 1863.

Ans. I was.

Q. Did you see the accused Col Collis  
during Sunday May 3<sup>d</sup> 1863 at that battle.

Ans. I did.

Q. What efforts & exertions if any were  
made by Col Collis the accused to  
rally & encourage his men during  
the engagement of May 3<sup>d</sup> 1863.

Ans. While at the breastworks he  
was constantly encouraging his  
men, advising them to shoot low  
not to waste their ammunition I  
also heard him order the men to  
fire bayonets & charge the works  
at one time by the right flank to  
cover a space in the breastworks not  
occupied by our troops. While exe-  
cuting this movement the brigade  
was driven back - then I saw Col  
Collis take the flag out of the color  
sergeant's hands plant it, seize a woman

by the shoulder + placed him as  
a marker. He then called upon  
the Regiment to rally round the  
flag. His words were "do not let a  
man of my Regiment pass ~~by~~  
this flag. at this time we were  
under heavy fire. We formed line  
of Battle ~~then~~ Capt. ~~Binney~~ said  
up. I heard him say "It is no use  
now we are outflanked" he said  
this to Col. Collier. I was right  
along side of Col. Collier at the  
time. Colonel then ordered us to  
fall back. We fell back to the  
Chancellor Mansion. I think  
there we supported a battery a  
little to the rear + left of the house.

While here Col. Collier asked me  
how many men we had. I told  
him I did not know exactly  
but upon report being made to  
him he said well we have  
got enough to give them another  
time ~~anytime~~. The Colonel was  
on foot all the time from the  
30<sup>th</sup> of April to the 3<sup>rd</sup> of May. We  
crossed the river on the ~~3<sup>rd</sup> of May~~  
and returned on the 7<sup>th</sup>. he was  
very much exhausted. He con-  
tinued with us after we fell  
back behind the breastwork  
until just about dusk on  
Sunday evening. When he

was carried, insensible to the rear

He joined us early again on Monday morning & continued with us until we crossed the river on the morning of the 1<sup>st</sup>

Ques. During the time the Regiment was at the breastwork and under fire, could the accused, Col. Collis have been behind a tree for 15 or 20 minutes without you knowing it.

Ans. He could not during that space of time have been behind a tree, without my seeing him. I do not think he was at the breastwork more than 25 minutes and during the greater portion of the time he was at the breastwork I was with Col. Collis <sup>with him</sup> talking to him. He was to the rear and a little to the right of my Company.

I saw him have a conversation with Genl Sherman who was also in the rear and as soon as Col. Collis left Genl Sherman he advised this movement by the right flank I have just mentioned.

Ques. Why was the accused Col. Collis on foot from 30<sup>th</sup> April to 3<sup>rd</sup> May.

Ans. This horse was lame I think on Thursday. he had no other horse

to side

## Corp Examination

Ques. Is what breastwork do you  
allude when you state that Col  
Collis encouraged his men?

Ans. Is the breastwork on the  
left of the Chancellorsville House.

Ques. Are you positive it was  
Capt. Birney that made the  
remark "we are outflanked".

Ans. Yes sir. He had been before  
with the Regiment rallying it.

Ques. What were the color sergeant  
& color guard doing at the time  
the command seized the color &  
called upon his Regiment to rally  
upon it?

Ans. They were falling back  
the same as the whole Regiment -  
and Brigades were doing. Col  
Collis called out to them to  
halt - which they did. He then  
took the flag and planted it &  
called upon Captains ~~Reynolds~~  
and myself to assist. Since we  
had no field officers at the time.

Ques. Which Regiment was  
in advance when the ret-



vigade Movement took place  
Ans. There was a Regiment on our  
right. I do not know which it was  
- it was not attached to our Brigade  
that was falling back when we  
were advancing by the right flank  
Our Regiment broke from the  
right Company by Company. I  
could not tell what Regiment  
was in advance.

Ques. by the Accused  
Ques. Was the breastwork you  
allude to in answer to previous  
question the same breastwork  
the Brigade had charged upon  
& taken.

Ans. Yes sir.

Ques. by Court.

Ques. At the time you testify you  
heard the accused order his Regt  
to fire beyond & charge, how far  
was the enemy from his Command

Ans. The distance I cannot exactly  
tell, but it was after we entered  
the woods, and went but a short  
distance before the fight was at  
the breastworks. It was done so  
quickly that I cannot tell the  
distance.

Ques. Was it before or after the 14th  
Regt had engaged the enemy

Ans. We had been firing musketry  
before the order was given.

Capt Edward Bowen a witness  
for the defence was duly sworn.

Questions by Accused

Ques. What is your name and  
Military Rank in the service  
of the United States?

Ans. Edwin Bowen, I am  
a Captain in the 114<sup>th</sup> Pen Regt.

Ques. Were you present at the battle  
of Chancellorsville Va on the 3<sup>rd</sup> day  
of May 1863?

Ans. I was.

Ques. Did you see the accused  
Col Collins during Sunday May 3<sup>rd</sup>  
1863 at that battle?

Ans. I did Sir

Ques. What efforts and exertions  
if any were made by Col Collins  
the accused to rally and encourage  
his men during the engagement  
of May 3<sup>rd</sup> 1863.

Ans. In general terms I think  
every effort was made by Col  
Collins to rally his men

Ques. Did you hear the accused Col Collins  
at any time on or about May 3<sup>rd</sup> 1863 report to  
Genl Graham that he had received conflicting  
orders from his staff officers - if you state

what he said.

Ans I did not on May 3<sup>d</sup>  
I think I did on the afternoon  
previous to May 3<sup>d</sup>

### Crop examination

Question by Judge Advocate  
Eus. State particularly what efforts  
were made by Col Cullis to rally  
his men.

Ans. Shortly after we had fallen  
back from the line of breastworks  
in the woods a short distance. Col  
Cullis turned to me and said "we  
must not give up this position  
but hold it!" and asked me if  
I saw the Color sergeant. Looking  
around I saw Sargent Bayliss with  
the Colors and called him. Colonel  
took the Colors & planted it and  
begged me to assist him in rally-  
ing the Regiment. As he took the  
Colors from the Sargt he called  
out in a loud tone to the men  
"rally here men!" or words to that  
effect. Just a man of my Regiment  
kept the flag." I then stated to Col  
Cullis that I was wounded, he replied  
"never mind that I am likely to be  
too" or words to that effect.

### Just by Court.

Did the accused attempt to rally  
his men without being urged to do so

by Genl. Graham or his staff.  
Ans. I did not see any crying by  
Genl. Graham or any of his staff.  
Ques. What was the nature of the  
punishment at the time the accused  
permitted the flag to rally his men.  
Ans. Seven months military jail.

Ques. by accused  
Ques. What was the general  
conduct & bearing of the accused  
Col Collis during the engagement  
May 3. 1863.

Ans. I thought the general conduct  
of Col Collis during the engagement  
was that of a brave man, and one  
who would make every effort to dis-  
charge his duty.

Capt Henry M Eddy, a witness for the  
defence was duly sworn.

Ques. by the accused.  
Ques. What is your name and military  
rank in the service of the United  
States

Ans. Henry M. Eddy, Capt in 11th Regt Pa. Vols.

Ques. Were you present at the battle  
of Chancellorsville, Va May 3<sup>d</sup> 1863.

Ans. Yes sir.

Ques. Did you see the accused  
Col Collis during May 3<sup>d</sup> 1863 at that  
battle?

Ans. Yes Sir.

Ques. Did you see the accused Col Collis under fire during the engagement May 3<sup>d</sup> 1863. & if so, what was the character of the firing & what was the behavior and bearing of the accused under fire.

Ans. I saw him under very severe fire, and his conduct was such as might be expected of our brave & bold he was cool, urging on his command & cheering his men.

Ques. When the 114<sup>th</sup> Regt P. H. was ordered May 3<sup>d</sup> 1863. about 1 o'clock to move off by the left flank where was the accused Col Collis and what was his condition.

Ans. Col Collis at the time was lying at the foot of a tree, completely worn out by fatigue.

Ques. Where was Col Collis during the rest of the afternoon and what was he doing.

Ans. After the Regiment moved off by the left flank I left Capt Hillmore there trying to arouse the Colonel up & trying to bring him to his senses - directly after the Regiment arrived at its destination the Colonel came up to where the Regiment was. I saw him myself as late as 5 o'clock in the afternoon in a sort of a stupor from

Antiquary & exposure

Ques. Was the accused Col Collis under fire during the afternoon of 3<sup>d</sup> May 1863. If you state what was the character of the firing and where he was and what was his behavior?

Ans. Yes sir he was under fire. the character of the firing was severe musketry. he was still unharmed under a tree.

Ques. How long and under what circumstances have you known the accused Col Collis.

Ans. Since 19<sup>th</sup> of April 1861. I was a private in the same Regiment in which he was sergeant major

Afterwards elev. a private in his own Company

Ques. What has been his general reputation as an officer, especially as to bravery, courage & coolness?

Ans. I have never heard anything said against Col Collis as regards his bravery, coolness & courage.

Corp examination

Ques. by Judge Advocate.

Ques. At what time during the afternoon of May 3<sup>d</sup> 1863 was your Regiment under musketry firing  
Ans. All the afternoon after we had taken our position behind the trenches. off & on

Ques. How far was Col. Collier from his Regiment during this firing.

Ans. Lying right down in rear of his Regiment.

Ques. Did he remain there during the entire afternoon.

Ans. Until at or after dark.

Brig Genl John C Robinson a witness for the defence was duly sworn.

Questions by the Accused.

Ques. What is your name and military rank in the service of the United States.

Ans. John C Robinson Brig General of Volunteers.

Ques. How long and under what circumstances have you known the accused Col. Collier.

Ans. I have known Col Collier about eight months. he was under my command a portion of that time he commanded a Regiment under me.

Ques. What is his character & reputation as an officer especially as to coolness and courage -

Ans. I consider Col Collier a very excellent soldier and a very gallant officer.

Ques. Have you seen him under circumstances when his bravery and coolness was tested, state when and under

what circumstances.

Ans. At the first battle of Fredericksburg my Brigade entered the field about the time Meade's Division & a portion of Libbans' Division and the 1st Brigade of Birney's Division were repulsed, I formed my Brigade in line of battle in rear of Livingston's & Randolph's batteries When I had got two Regiments in line, the 63<sup>d</sup> and 114<sup>th</sup> Pen Vols. Capt Livingston reported to me that the enemy were advancing and would be on his guns in a very short time. Immediately I ordered forward those two Regiments. They advanced splendidly against the enemy and delivered their fire, charged at double quick, and drove them back into the woods.

Col Collier was in command of the 114<sup>th</sup> Pen Vols, and led his Regiment in the most gallant manner against the enemy.

Law By Court.

Ques. Is your opinion of him the same as his general reputation, especially as to coolness & courage.

Ans. I think so. I never heard anything prejudicial to Col Collier until since his death.

Col. S. J. Medill a witness for the defence was duly sworn  
Sworn by the Accused



Ques. What is your name and military rank in the service of the United States.

Ans. I J Madill, Capt 141<sup>st</sup> Pen Regts.

Ques. Were you present at the battle of Chancellorville Va May 3<sup>d</sup> 1863.

Ans. I was

Ques. Did you see the accused Col Collier during Sunday May 3<sup>d</sup> 1863. at that battle.

Ans. I did.

Ques. Was your Regiment in front or rear of the 114<sup>th</sup> Regt. Pen Regts, when an oblique change of front was made by the Regiments of Genl. Craighans Brigade

Ans. Our Regiment was in rear of the 114<sup>th</sup> and in rear of the Columns.

Ques. Did any of the movements of the 114<sup>th</sup> Cause Confusion in your Regt.

Ans. No Confusion was caused in mine I noticed none in others.

Ques. What was the general conduct and bearing of the accused during the engagement.

Ans. His conduct was good. He conducted himself as well as any other officer in the Brigade.

May J P Spaulding, 141<sup>st</sup> Pen Regts  
a witness for the defence was duly sworn.  
Questions by the Accused

Ques. What is your name and military rank in the service of the

United States.

Ans. I. P. Spaulding. Maj. 141<sup>st</sup> Pen Colo.

Ques. Were you present at the battle of  
Chancellorsville Va. May 3<sup>d</sup> 1863.

Ans. I was.

Ques. Did you see the accused Col  
Collins during Sunday May 3<sup>d</sup> 1863. at  
that battle.

Ans. I did.

Ques. Was your Regt in front or rear  
of the 114<sup>th</sup> Regt P.V. when an alleged  
change of front was made by the  
Regiments of Genl. Brahams Brigade.

Ans. In rear. the rear Regt of the  
Brigade

Ques. Did anything in the movements  
of the 114<sup>th</sup> cause confusion in your  
Regiment. or in any other Regt of the  
Brigade.

Ans. I cannot say. There was a  
little hesitating in the Regiments in  
front of us. The 114<sup>th</sup> was farthest in  
front. There were three Regiments  
between us. Consequently I cannot  
say whether it was caused by  
them or any other Regiments, but  
that I am aware of -

Ques. What was the general

conduct & hearing of the accused during the engagement.

Ans - So far as I had an opportunity of seeing it was very good.

John Hoeker private Company D  
114<sup>th</sup> Regt Penn Vols. a witness for the defence was duly sworn.

Sworn by accused

What is your name and military rank in the service of the United States

Ans. John Hoeker, private Co D  
114<sup>th</sup> Regt Penn Vols.

Ques. Were you present at the battle of Chancellorsville Va 8<sup>th</sup> May 1863.

Ans. Yes sir.

Ques. Did you see the accused Col Bullis during Sunday May 8<sup>th</sup> 1863 at that battle.

Ans. Yes sir.

Ques. Did you help carry the accused Col Bullis to the "Hospital" <sup>the afternoon of</sup> May 8<sup>th</sup> 1863

Ans. Yes sir.

Ques. What was his condition

Ans. He was flighty

Ques. Did he say anything as you were carrying him off. If he did what did he say & how did he come to say anything

Ans. The Rebels were firing heavy  
about one and a half miles from Camp  
he ran up and said "up and at them  
they are right on us."

Ques. How far were you from the  
Regiment when he said this?

Ans. About one mile and a half.

Ques. Did the accused ask to be carried back. What did he say & what did you say.

Ans. I told him it was best to take him to the river. He wanted to be carried back again but I insisted upon putting him.

Ques. by Judge Advocate

Ques. What time in the day was this.

Ans. It was night. We got to the  
Hospital about 1/2 past one o'clock  
on the morning of the 4<sup>th</sup>

Ques. Did Col Collis repair his Regiment  
in the morning of the 4<sup>th</sup> if so at  
what time.

Ans. I judge it was about eight and  
a half o'clock, I am not certain.

Genl John W. Henry a mitr.  
ness for the defence was duly  
sworn.

Ques. by Judge Advocate accused

Ques. What is your name and

Military service in the service of the  
United States

Ans.

John W. Henry Brig General,  
Commanding 3rd Division 13th Corps.

Ques. How you present at the battle  
of Chanalover on or 2<sup>d</sup> May 1862  
Just. How long and under what  
circumstances have you known the  
accused Col Collier

Ans. I have known Col Collier about  
two years. He was in the same Corps  
with me, Commanding the body guard  
of Genl Banke. I will state that  
he served under me about six weeks  
in April & May 1862. in the rally  
between Bull Run and Blue Ridge  
Mountains & during that period I had  
a better opportunity of observing Col Collier  
than at any other time. We had  
frequent skirmishes with the enemy.

I regarded Col Collier's conduct during  
that period as that of a brave man

He executed every order that I gave  
to him under trying circumstances  
with alacrity & frequently solicited me  
to place him in advance under  
very dangerous circumstances. His  
connection with any other engagements  
were not immediately under my eye  
& all I know about his conduct there is by  
hearsay.

Ques. What is his character & reputation as an officer especially as to bravery and courage.

Ans. I never heard his character im-  
paired or represented as any thing but  
a brave man. His standing was very  
fair in Beun No. Corps.

David A. Burtin Surgeon 114<sup>th</sup>  
Pen Vols. a witness for the defence  
was duly sworn.

Ques. by Accused.

Ques. What is your name and Military  
Rank in the service of the United States.

Ans. David A. Burtin. Surgeon 114.  
Pen Vols.

Ques. Did you see the accused  
Col. Collier at any time during Sunday  
May 3<sup>d</sup> 63. & Monday May 4, 63. If  
yes. when & where did you see him.

Ans. I saw him on Monday <sup>BRICK</sup>  
morning quite early, at the brick  
hospital pretty far back towards the  
river. It was, I suppose when I first  
saw him about sunrise, about  
the time the shelling commenced  
across the river.

Ques. What was the condition of his health.

Ans. At the time he was in a very prostrate condition, being nervous in fact, not able to stand, I took him to a bench at the side of the house.

Ques. When did he leave the hospital to return to his Regiment and what was his condition at the time.

Ans. I judge he left about 9. A. M. on the 4<sup>th</sup> inst I think. He wanted to leave much earlier, but I objected. he returned in my company, we both went back together. He was really not fit to return to his Regt. that morning. He was anxious to leave much earlier but I persuaded him to stay and get his breakfast.

Serjeant Reulow, 114<sup>th</sup> Pen Vols.  
a witness for the defence was duly sworn.

Ques. by accused,

Ques. What is your name and military rank in the service of the United States.

Ans. Lt Harry C. Reulow, 114<sup>th</sup> Pen Vols.

Ques. Were you present at the  
battle of Chancellorsville on May  
3<sup>d</sup> 1863.

Ans. I was

Ques. Did you see the accused Col  
Collis during Sunday May 3<sup>d</sup> 1863. at that  
battle.

Ans. I did.

Ques. Did you hear the accused Col  
Collis at any time during 3<sup>d</sup> May 1863. make  
any inquiry as to the number of men left  
in his Regiment & say anything as to his  
willingness to lead them. If yes what  
did he say & when did he say it.

Ans. I heard Col Collis say. After  
we left the Hospital and our Regt.  
went down the river road by the right  
flank & halted in the woods. Col Collis  
then made this inquiry of Lt Benson

"How many men have we left Lieut  
200?" Lt Benson said "about  
150." "I am satisfied with those 150."  
says Col Collis "I would lead them  
in & die with them if necessary".

Ques. What building do you refer  
to as the hospital.

Ans. The one that was burned down  
I do not know what one it was.



Ques. What was the General Conduct and bearing of the accused Col Callis during the 3<sup>d</sup>. May 1863.

Ans. - As far as I saw of him it was every thing that was fallant.

Serjeant E T Merwin a witness for the defencer was duly sworn.

Ques by the accused.

Ques. What is your name and Military rank in the service of the United States.

Ans. Edward T Merwin. I am 1<sup>st</sup> Serjeant of Company D. 114. Pen. Vols.

Ques. Were you present at the battle of Chancellorsville on May 3<sup>d</sup> 1863.

Ans. - Yes Sir.

Ques. Did you see the accused Col Callis during Sunday May 3<sup>d</sup> 1863. at that battle

Ans. Yes Sir.

Ques. What efforts if any did you see the accused Col Callis make to rally his Regiment. Answer fully.

Ans. I saw him when the Regiment or Brigade was driven from the breast work, take the Colors of the Regiment and

Call on the men to rally around them.

When the men ordered back by Genl Sickles at the Chancellor house he said to the General that his Command was very small, but that he would go wherever ordered by him.

Ques. Did you hear the accused Genl Collis say any thing to encourage his men during the 3<sup>d</sup> of May 1863. If you did, state what he said & when & where he said it?

Ans. Before we charged on the breast-works of the enemy he said "Boys it is no use to stand here & be shot down like dogs. he ordered us to fire bayonets. he said he would drive them from behind that breastwork, he moved along the line and encouraged the men all the time. we met at the intrenchments. Another time while at the Chancellor house he got between the two colors and said, "Boys we have but 20 years to live we may as well die here as any place else." or words to that effect.

Ques. How long have you been in the service with Col. Collis.

Ans. Since 24<sup>th</sup> of April 1861.

Ques. Did the Regiment fire bayonets when ordered to by the accused and charge the breastworks.

Ans. Yes Sir.

Just by the Court.

Q. How far distant were you from Col  
Collis when he took the colors  
Ans. About 10 feet.

Capt Robert Kinders is a witness  
for the defense was duly sworn.  
Sworn by accused.

Q. What is your name and  
military rank in the service of the United  
States.

Ans. Robert Kinders. Capt Co F  
114. Penn Regt.

Q. Were you present at the battle  
of Chancellorville Va on 3<sup>d</sup> May 1863.

Ans. Yes.

Q. Did you see the accused Col Collis  
during Sunday May 3<sup>d</sup> 63 at that battle.

Ans. Yes.

Q. Did you hear the accused  
Col Collis on 3<sup>d</sup> of May 1863 say anything  
to encourage & cheer his men. If you  
did, state what he said, when & where  
he said it & what effect it had on the  
men.

Ans. Yes. What I heard said was to the  
rear of the Chancellorville house. He  
said "boys we have only 20 yards to live  
any how and we might as well die  
here as any where". It had a good effect  
I know it had on me.

Q. How far was this in the rear  
of the Chancellor house.

Ans. I can't state the exact distance  
it was the first batt we made  
after we left the batteries we were  
supporting at the left of the Chancellor  
house.

Qus. About how far was it, as near  
as you can tell?

Ans. Between one and two  
hundred yards. I cannot tell the  
exact distance, it was not far  
from the position we took when  
we laid down.

The accused then offered in  
evidence this letter of May 13<sup>th</sup> '63 with  
the official endorsements thereon  
offering to withdraw his Communi-  
cation of May 7<sup>th</sup> '63

Accepted by member of Court  
The Court was cleared for  
deliberation. After mature delib-  
eration the Court overrules the  
objection. The decision of the  
Court was announced to the accu-  
sed, & the document was read to  
the Court. Said communication  
is filed herewith marked 111 & made  
a part of this record.

The accused then offered to in-  
roduce in evidence a letter received  
by him from Capt F Birney dated  
May 14. '63. in response to the

use of the expression as to the 114<sup>th</sup>  
Regiment being out flanked, together  
with his reply thereto.

Objected to by Judge Advocate  
for reason that said communi-  
cation was irrelevant.

The Court was closed for  
deliberation after mature deliberation  
the Court sustains the objection  
of the Judge Advocate. The decision  
of the Court was announced to the  
accused. excepted to by accused.

Communications filed marked (5).

The Evidence for the  
defense here closed.

The accused then read his statement  
to the Court which said statement  
is herewith filed marked "3<sup>o</sup>" and  
made a part of this record.

The Court was then cleared for  
deliberation, after mature deliberation  
the Court finds the accused Col Charles  
H T Collins of the Charges & Specifications  
as follows: By.

Of Specification 1<sup>st</sup> Charge 1<sup>st</sup> Not Guilty.

" Specification 2<sup>nd</sup> " " Guilty. But  
under the peculiar circumstances of  
the Case attach no criminality thereto.

" Charge 1<sup>st</sup> = Not Guilty.

Of Specification 1<sup>st</sup> Charge 2<sup>nd</sup> Not Guilty

" Specification 2<sup>nd</sup> " " Not Guilty.

" Specification 3<sup>d</sup> " " Guilty. But  
attach no criminality thereto.

" Specification 4<sup>th</sup> Guilty.

" Specification 1<sup>st</sup> Charge 3<sup>d</sup> Not Guilty

" Specification 2<sup>nd</sup> " Not Guilty

" Charge 3<sup>d</sup> Not Guilty.

The Court does therefore announce  
from the said Charles H T Collins  
114<sup>th</sup> Regt Penn Vols. To be imprisoned

in General Orders by the Division  
Commander.

There being no further business  
the Court adjourned sine die.

J. H. Stewart  
Judge Advocate General

W. C. L. Taylor Major  
Judge Advocate  
Judge Advocate

The proceedings, findings, & sentence of the General  
Court Martial in the case of Col. Chas. H.  
T. Collier of the 114<sup>th</sup> Regiment, Pennsylvania  
Volunteers are confirmed.

In consideration of the previous  
good conduct of this officer, and of his  
grievous situation, the sentence is remitted, and  
Colonel C. H. T. Collier will receive

his sword. The General Court Martial of  
which Brig. Gen. A. S. Roberts was President  
is hereby dissolved.  
W. P. Pirney

Major General  
Army Division

## Statement of accused

Camp near Potomac Creek, Pa.

June 1. 1863

United States v Col. Chas. B. J. Collins 114<sup>th</sup> Regt. P.V.

The accused in presenting his defence feels confident that he need only call the attention of the Court to the evidence to satisfy them that he is entitled to receive at their hands a Verdict of Not Guilty.

There is no desire on the part of the accused to cast imputation upon any one; nor to attack the evidence of any witness. It may be expected in all cases, and more especially in such as relate to the conduct of individuals upon the battle field amid the heat & confusion of the conflict that there will be apparent discrepancies in the testimony of the witnesses. It shall be the endeavor of the accused to reconcile any such apparent discrepancies in the evidence in the present case & to present that evidence in such a light as to assist the Court in forming their conclusion upon the whole case, - a conclusion which the accused feels sure must establish his entire innocence.

The 1st. Charge is Misbehavior before the Enemy. Two specifications of this charge are set forth, 1st. That the accused did, without proper authority leave his command & go to the rear during the action with the enemy near Chancellorville Pa. & while his regiment was exposed to the fire of the enemy. This on the 3d. May 1863.

There are but two points of time during May



3d. 1863, to which any of the evidence touching upon this specification can refer. (It is hardly necessary to say that there is no evidence whatever in the case as to any other day.) These points of time are - about one o'clock, and about five o'clock in the afternoon. The only evidence for the prosecution relating to the first of these hours, is contained in the testimony of Brig. Gen. Graham, Major Duff & Lt. Col. Canada.

Brig. Gen. Graham testifies that Col. Colles asked his permission for Lt. Col. Canada to take command of the regiment, & adds "I took it that as we had retired from the active participation in the engagement, Col. Colles wanted Col. Canada to take command for a short time in consequence of his feeble condition."

Major Duff testifies only to the fact that about 12 or one o'clock on Sunday when the regiment was moved off by the left flank he found Lt. Col. Canada in command of the regiment.

Lt. Col. Canada fixes the time when Col. Colles asked him to take command of the regiment at about one o'clock & this is evidently the same time referred to by Gen. Graham & Major Duff.

The testimony of Capt. Eddy fully explains the exhausted condition of Col. Colles at the time. The accused will not recapitulate it, as it must be fresh in the recollection of the Court.

Lt. Col. Canada & Capt. Eddy both testify that Col. Colles was with the regiment again during the afternoon & Major Duff says he saw him again

at five o'clock in the afternoon of the third with the regiment.

The accused most assuredly did not leave the Regiment & go to the rear at this time.

The next point of time to be considered is at or about five o'clock in the afternoon of May 3, 1863. The only evidence for the prosecution which relates to this point of time is in the evidence testimony of Lt. Col. Canada, which of itself, the accused respectfully submits, entirely disproves the allegation that the accused left his regiment & went to the rear without proper authority. Lt. Col. Canada says, that towards dusk the accused was brought to him supported by two men, one on each side, & that the accused was pale, very much exhausted & spoke incoherently; & that by the orders of Lt. Col. Canada, the accused was carried to the rear on a stretcher. Lt. Col. Canada says also, that the accused returned & joined the regiment the next morning & continued in command of the regiment till it returned to camp.

The accused would only respectfully refer the Court to the testimony of Private Stocker who assisted in carrying him off the field on the stretcher, & to that of Asst. Surgeon Barton as to the exceedingly exhausted & prostrate condition of the accused at the time & after he had been carried off the field.

The accused especially calls the attention

the Court respectfully, in the testimony of Capt. Riddle who states that the accused had been a part of the regiment since the 30th April 1843 up to before May 3, 1843, then showing some cause for his ex. Randle's phrase condition. Capt. Riddle also testified that the accused was invariable when he stated that the accused did occur himself from danger in that the accused did occur himself from danger by standing behind a tree, while his regiment was exposed to a galling musketry fire. The over the

accused respectfully submit to the Court that the gist of this specification is the allegation that he occurred himself from danger, & it is to be referred, necessarily not only that the country in general, was thickly wooded; but that at the very point to which the testimony refers as the locality of the alleged offense, namely in front of the breastworks of which the regiment with the rest of the brigade was engaged with the enemy, there are thick woods.

But Graham testifies that the engagement at the breastworks lasted some twenty or thirty minutes; and that during the time he was up and down the line frequently, showing the men of duty, & while so engaged (that is in riding up & down the line &c) he saw the accused coming forward behind a tree, & in case

came to the rear. testimony that the accused was invariable when Randle's phrase condition. Capt. Riddle also May 3, 1843, then showing some cause for his ex. the regiment since the 30th April 1843 up to before who states that the accused had been a part of the Court respectfully, in the testimony of Capt. Riddle

examination the witness testifies that he saw the accused behind the tree at least fifteen or twenty minutes; he further testifies that he spoke to the accused, & accused told him that he had been very unwell that morning suffering from an attack of vertigo & that he scarcely felt able to perform his duty.

Genl Graham also testifies, (which the accused respectfully submits should be carefully considered in its bearing on this point) that part of the men were standing & a part lying down.

Capt. Birney testifies that he saw the accused during part of the engagement while we were in the woods behind a tree. He testifies also that this was when they were in the front line, which shows that he must refer to the same time to which Genl Graham alludes.

The accused most respectfully urges upon the attention of the Court that the issue of Genl Graham's veracity is not in the remotest degree involved in their finding. Duration of time, (and minutes are of great importance in a case of this kind) is especially difficult to be judged of on the battlefield under fire. The duration of the engagement as fixed by Genl Graham is confirmed by Capt. Kochler who testifies that it could not have lasted more than twenty five minutes. Genl Graham, must, the accused respectfully submits, have been mistaken in his recollection when he stated that he saw the accused for fifteen or

twenty minutes (that is for a space of time varying from the whole to at the very least three fifths of the entire time occupied in the engagement) covering himself by a tree while he, Genl Graham, was riding up & down the line frequently, cheering the men &

However thin may be, the accused most respectfully urges upon the Court, that Genl Graham could not at the time when he testifies that he saw the accused behind ~~the~~ a tree, have for a moment supposed that the accused was screening himself from danger. The accused was the ranking Colonel in the Brigade, & had Genl Graham been disabled, would have succeeded to the command, yet Genl Graham expressed not the slightest surprise even, or gave the faintest intimation of any dissatisfaction with the accused. Genl Graham must have been at the time entirely satisfied by his conversation with the accused, that there was no dereliction of duty on his part.

The charge that the accused was screening himself from danger, & this is the accusation to be passed upon by the Court, is entirely inconsistent with the positive testimony of Genl Graham himself - of the field officers of the other regiments of the Brigade - of the officers & non commissioned officers of the accused's own regiment; & with the character & reputation of the accused for bravery & courage, as established beyond question by the witnesses for the defence - especially by

officers of high rank Generals Robinson & Geary; to which the accused would have been glad to add the testimony of Brig Gen A. S. Williams, who was duly subpoenaed to attend, but failed to reach the Court before the case had closed.

Gen Graham testifies (and it is with pleasure the accused can refer to his evidence) I thought his [Col. Collis'] conduct unequalled at one time.

Without encroaching upon the time of the Court by recapitulating in detail the overwhelming evidence as to his conduct being that of a brave officer throughout the 3d. May 1863 till he was exhausted & prostrate, the accused would respectfully ask special attention to the very clear testimony of Capt. Kochler who says that the accused could not have been behind a tree during fifteen or twenty minutes while they were engaged at ~~the~~ breastworks without the witness seeing it. That during the greater portion of the time they were at the breastworks he was in conversation with the accused walking with him & talking with him a little to the rear & on the right of witness' Company which was the Color Company in the centre of the Regiment; that he saw him have a conversation with Gen Graham who was also in the rear of the regiment.

Charge 2d. Conduct prejudicial to good order & military discipline.

Specification 1st.

The point of this Specification is the allegation that the accused conducted himself in such a manner as to shame the men of his command & cause them to believe that they were outflanked, thereby dispiriting his men & tending to demoralize them.

The means by which this effect is alleged to have been produced is the saying to officers near him "There is no use in staying here, do you ~~not~~ see we are flanked"; or words to that ~~effect~~.

In regard to the use of the words, the testimony is apparently conflicting. Capt. Birney testifies that the remark was made to him by the accused. Capt. Kochler testifies that the remark was made by Capt. Birney to the accused. Col. Lides the only other witness whose testimony relates in any degree to this point, testifies that he did not see the accused at the time he alleges the remark was made to him, but took it for granted that it was the accused. The testimony of this witness without any reflection upon its correctness or the witness recollection, is not of that positive or distinct character, the accused respectfully submits, as to convict him of the use of the words. Standing by itself, he is confident that it would not be regarded by the Court.

As to the apparent conflict between the testimony of Capt Birney & that of Capt Kochler there is no necessity of questioning the veracity of either witness. The fact that the regiment and Brigade were outflanked appears beyond a doubt. There was no impropriety in a staff officer calling the attention of the accused to this fact, nor in the accused calling the attention of the staff officer to the same fact. The testimony is as to remarks made upon the battlefield, at a time when there was no doubt that the forces engaged to which these two officers belonged were outflanked, & the most natural explanation is that some remarks as to their being outflanked, or in the language of the specification "words to that effect" were made by each of these officers - the one to the other.

The accused regrets especially the ruling of the Court which excluded Captain Birney's letter of May 14. 1863 to him & the reply thereto by the accused May 16. 1863 upon this very subject, & which would have shown, that while the accused was under the belief that the remark had been made by Capt. Birney to him, & to which he, the accused, had assented yet that the accused did not regard the remark as in any way affecting or calculated to affect the military character or standing of Capt. Birney.

But the accused further respectfully sub-



mits that, by whomsoever the remark was made there is nothing in the evidence to show that it produced the effect that is alleged, or that a single man of the regiment of the accused ever heard the remark. Not a man of the regiment was called by the prosecution to show that he heard the remark. The nearest approach that is made to it, was when Capt. Birney testifies that there were men of the regiment within ten or fifteen feet of them. The remark could hardly have been heard by them at that distance, especially when they were actively engaged with the enemy. Capt. Kochler was standing close by when the remark was made.

#### Specification 2d.

The accused respectfully submits that there is not a word in the evidence to show that he "marched quietly & sullenly ahead of his command" when they were falling back in confusion. And he refers with conscious pride & pleasure to the emphatic & undisputed testimony of Lt. Col. Craig & of the officers & non commissioned officers of his own regiment who were examined (which evidence might have been increased in volume by the testimony of others whom time would not permit the accused to call) to his enthusiasm & alacrity in seizing the colors & planting them

in the ground while under fire & in rallying his command, etc. feel proudly confident that a tribunal of his fellow officers have heard with satisfaction this abundant refutation of a most painful accusation against a brother officer, & have not allowed a single word of the testimony on this point to escape their recollection. The expressions of encouragement made by the accused at different times to his men & his cautions in reference to their firing must be fresh in the recollection of the Court. The accused trusts that the Court will bear with him in repeating the testimony of Genl Graham on this point. In answer to the question What exertions were made by the accused to rally his regiment? Genl Graham says I thought he was exerting himself to form them. And again he says I noticed that he was in the front rank & quite active apparently rallying them.

### Specification 3d.

The only evidence on this point is the testimony of Capt. Binney, who testifies that the accused said I cannot promise to land my men into the fight again, I will do all that men can do but I am glad that we have not to go into shore woods again. The accused respectfully submits that the language of the specification is precise & unaccompanied by the

usual qualifying clause or words to that effect & that the words proved are not the same as those charged & have a different meaning. But however this may be, it was perfectly proper for the accused to make a report of the condition of his regiment to a staff officer in order that the commander of the Brigade might know what to depend upon. It could have no effect upon his men & this is not pretended. As to his men & officers the accused encouraged them by his words & actions. He is at a loss to conceive how, even if this Specification be considered as proved, it can have any tendency to sustain the charge under which it is placed as a Specification, or to prove the accused guilty of any other offence against military law.

#### Specification 4th.

In regard to this Specification, the accused respectfully submits that the communication of May 7, 1863 which is the only evidence upon this point, was not insulting in its character. At the same time the accused must frankly admit, that had he taken time for reflection after his receipt of Special Order No. 100 he would undoubtedly have been more careful in his language & expressions. The communication was written hastily & while the accused was much excited by the circumstances. He respects

fully submits that his letter of May 13. 1863 asking to withdraw that communication, shows that there was no intention to insult his superior officer or any one else, & that he was anxious to repair any offence if any had been given. The accused respectfully submits that had the exhibits attached to the communication of May 7. 1863 been permitted to be given in evidence they would have sustained his views that ~~the~~ it was not of an insulting character.

### Charge 3d. Disobedience of Orders.

Specification 1st. That the accused when ordered to make an oblique change of front forward on to a line parallel to & in rear of the 105 P.V. did fail to do so, but began to change front to rear on his left company, thus throwing his own Regiment & the four rear regiments of the Brigade into confusion.

Genl Graham testifies nothing in reference to any confusion in the other regiments, nor do Major Duff or Colonel Sides.

Capt. Birney says that the other regiments were thrown into confusion; but in this he must be mistaken, since Col. Tippen, Lt. Col. Craig, & especially Col. Modill & Maj. Spaulding both of whom were in the rear regiment of the Brigade, which was then in column of regiments;

testify that there was no confusion in their own regiments respectively & that they saw none in the other regiments - if there had been any, these two last named officers, must from their position have seen it. It must be remembered, that Capt. Birney upon his direct examination only testifies that he saw that the movement of the 114<sup>th</sup> was confusing the other Regimental Commanders, & that he then turned his attention at once to the movements of the 114<sup>th</sup>. It was in answer to the question by the Judge Advocate What was the effect of the movement of the 114<sup>th</sup> on the other regiments? that he said As the other regiments had orders to perform the same movements that the 114<sup>th</sup> did & at the same time knew what the intended change was to be, it threw them into confusion. The accused respectfully submits that this answer is stating a premise & then drawing a conclusion from that premise, rather than giving a categorical answer to the inquiry.

The accused respectfully calls especial attention to the testimony of Lt. Col. Craig, who says that he saw no confusion but, what was promptly rectified. That one Company moved forward until nearly on a line with the witness' regiment but was immediately ordered back by the accused, & that he saw no other

confusion except a little on the left when the words projected.

But the accused respectfully submits that there is no sufficient evidence that he failed to execute the order as given; but that the testimony so far as it touches this point shows that any error in this regiment's executing the order, arose from a misconception of the order by some of his officers, which led to some little delay in its execution, - that the error was promptly rectified by the accused himself; + that the delay worked no harm; nor did it interfere with the prompt execution of the subsequent movements, which were ordered immediately, + indeed before the oblique change of front had been completed.

As to the 2d. Specification the accused respectfully submits that there is nothing in the evidence touching upon this point.

In conclusion, the accused desires most respectfully to express his thanks to the Court for the kindness + consideration shown to him during the whole trial - a consideration especially grateful in his feeble state of health.

Charles S. Collins