

41
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BOOK I
PROCEEDINGS OF THE
TRIAL OF
CHAMP FERGUSON
FROM THE 20th TO THE 24th DAY OF
JULY ENCLUSIVE
FOR PROSECUTION

Question--Do you remember seeing him in 1861, if so what time, and when did you first see him? Who were with him? Were they armed or unarmed? and what were they doing?

Ans.-- I think I saw him in 1861. I saw him all along through the year pretty much. Once in a while I would see him. I saw him in Fentress Co. Tenn., don't remember the place exactly. I saw him a great many times. I don't remember who all were with him the first time I saw him. I think a man named Hans. Moles was one of them. They were armed. They were riding along the road near Jrintown. I have seen him a number of times since then.

Question--Then state how often and where you have seen the prisoner since that. State who were with him, whether they were armed or unarmed? and what they were doing?

Ans.-- I have seen him several times there in Fentress county. He would have different men with him. Sometimes a right smart crowd and sometimes only a few. I have seen him with Capt. Bledsoe's men, Scott Bledsoe, Bob Bledsoe, John Hughes-- John Simpson of Bledsoe's company--Hans McGinnes, Abe Bledsoe, Job Simpson, John McGee, Henry Sublett, a man named Raney Filpot and others whose names I don't know. Bob Brown and three of the McGinnis'es, I have seen Ben Barton with him. Some of them were Bledsoe's men and some were not. They were always armed when I saw them. They have shot at me. I had several little scrapes with them. I have seen them shooting at men.

The Defendant's Council here objects to the legality of this proof by the witness David Beaty, when he speaks of shooting at men and shooting at him. On the fall-courting grounds.

1st the proof should be confined to the distinct charge made, he the def't is not charged with the shooting at the witness or others. 2nd The proof should be confined to what the def't did and what others may have done should not affect the defendant, for three reasons. The proposed proof is objected to and should be ruled out.

The Judge Advocate says--that this proof is legitimate--the charge is being a guerrilla. The specification that he was a common robber and freebooter and murderer during the years 1861-2-3-4 and up to May 1865. To sustain this charge and specification his acts may and must be known, what he did what acts he committed to make him a guerrilla, and the acts of all the party when he was along were his acts. I refer the court to War Dept. Orders, A. G. O. No. 63, 1864, No. 102, 1864. Where the specifications are as general as this one where the prisoners were found guilty and sentenced and the findings and sentences approved and the prisoners executed and otherwise punished, The court was then cleared and after deliberation on the question presented, the doors were opened, and the court announced the following decision:

"The court overrules the objection and holds to the principle that any act showing the accused was practicing Guerrilla warfare may be shown in evidence, though not distinctly and severally set forth in the specification of the charge. The court thinks that no injustice can be done the prisoner by this ruling, for he can meet this kind of proof by showing that he was a peaceable and quiet man, and the will continue.

I have seen him shooting at men who were with me and we were shooting at him too. I saw him once take some men out of my neighborhood. I saw the men as he took them on down one's name was Woods--not Ruben Wood--One's name was Sells and one named Edwards. This was in or about 1862. They took them

out of Fentress County. I saw them taking them along about 12 o'clock in the day. He was taking them towards Overton County. I saw the same men the 2nd day after that as their bodies were being taken home. I did not examine the bodies but looked at them as they were going in the wagon Edwards had a bullet hole through his forehead. The other was bruised up a good deal they were both dead. There were only two bodies along when I saw them bringing them back. Edwards was one of them and Woods was the other his name was George Woods. I don't know what became of the other two.

Question--Who were Woods and Edwards and what had they been doing? had they been engaged in the war in any way?

Ans.-- Edwards had been in the regular federal service. He was in the service at the time I reckon and had just come in on a furlough. Woods was not in the service, he had been at home most of the time, he had been run off at one time but had come home again.

Question--Did you see Furguson again the same day? after you seen him taking Edwards, Woods and others off if so what time in the day what was he doing?

Ans.-- I saw him the next morning. I came over the mountain and had a fight with a man named Hughes that night and got over to where Mr. Furguson was in the morning.

Question--State who were with Furguson when you saw him taking off the men you have named?

Ans.-- There were several men with him. Hughes was with him, a man named Cash was another and about (60) sixty others.

Question--Were you acquainted with the other man Sells whom you saw along with the band when they were taking Edwards and Woods off? If so state where he lived?

Ans.-- Yes sir. I was tolerably well acquainted with him, he lived in Overton County.

Ques. Have you been about the neighborhood where Sells lived since that? and how often have you seen him since that time?

Ans. I have been in the neighborhood where he lived since that several times. I have not seen him since that.

Ques. State any other time you saw the prisoner, and who were with him and what they were doing-whether they had any cattle or other property along and to whom the property belonged if you know.

Ans. I saw a good deal of property taken off. Horses and mules. He was not right with the property he had left it, and come by a still house about one half mile off. I don't know to whom they belonged. There were about 50 or 60 head of stock. That had been better than a year ago it was in Fentress Co. Tenn., they were driving them toward Overton Co. There were 60 to 75 men along. Furguson was behind and following up the stock about ten o'clock in the day. It was near a still house belonging to a man named Bowden. I saw them with stock at other times. Once not from Monroe in Overton County with mules and horses, about 36 or 37 head, about two years ago, taking the stock along the road, there were 10 or 12 men with him. I did not know the men but knew him. I could tell him at a great distance. They were driving them towards White County. I have seen him at other times with stock but can not specify the time.

Ques.-- At those different times you saw him state whether he and the men you saw with him were armed or unarmed.

Ans.-- They were always armed when I saw them.

Ques.-- When was the last time you saw Furguson before you saw him here,

and who were with him, and were they armed at that time?

Ans.-- I saw him at Jimtown in Fentress County Tenn. the last time I saw him, about 4 months ago. It was after sundown a little. It was about three weeks after the surrender of "Richmond Va." There were 8 men beside himself. They were all armed that I noticed.

Ques.-- State whether you saw D. Hale about that time.

Ans.-- Yes Sir. I saw him a day or two after that.

Ques.-- Now state all that took place at that time.

Ans.-- Five of them beside Furguson, came to the house where I was getting supper. One of them asked me who I was. I told one of them it made no difference who I was. They demanded my arms, and I gave them up--Only a Navy Revolver--. Then three others came up and they told me to go out and mount my horse. I did so. And one of them said d--n you go, and showed me the way to the Taylor place, which was about three miles off. Three rode on one side of me and three on the other, Furguson was a little to the left of me, I kept my eye on Furguson, I turned my nag and aimed to ride back between them and just as I turned Furguson then burst a cap at me but did not fire, by the time they could turn round I was 8 or 10 steps from them, and they set into shooting at me. I don't know who hit me, I was hit three times, there were twenty or twenty five shots fired or more, I reckon. I could not tell just how many. I was hit on the right shoulder blade and the bullet was out out just at the left of the right nipple. Another hit me on the right shoulder and come out above the right clavicle. Another struck me in the right hip, and came out in the groin, two of them run me about two hundred yards. I did not know any of the men but

Ferguson. We had gone some 8 or 10 steps from the house when the shooting begun.

Quest.-- How long had it been Before that, that you had seen Ferguson?

Ans.-- I had not seen him for some little time before that. It had been from 8 to 10 months or a year.

Quest.-- When they took you as you state did they say anything to you except to demand your arms and tell you to show them to the Taylor place.

Ans.-- No Sir. Nothing particular, some of them talked some little to me.

Ques.-- What did Ferguson say? if anything.

Ans.-- He told me to show them the way to the Taylor place and he knew that he knowed the way as well as I did, and didnt intend to show them if I could help it.

Quest.-- Did you know a man named Hitch Smith, a man named Peter Moody and a man named Stephens? If so state anything you may know of them being killed.

Ans.-- I saw Smith after he was killed, but don't know who killed him, or either Stephens or Moody. Of my own knowledge, it was Jonathan Moody--not Peter Moody.

The Commission then adjourned to meet again on the following day the 21st at 8 A. M.

Nashville, Tenn. July 21st, 1865

Court met persuant to adjournment.

Present

Maj. Collin Ford	100 U. S. C. T.
Capt. E. C. Hatton	A. A. Gen. Vols.
" O. B. Simmons	15th S. S. C. T.
" M. B. Thompson	154 Ill. V. Int.

2nd Lt. Wm O. Bateman

7th Pa. Vol. Cav.

" " C. P. Leiter

15 O. V. Inf.

Capt. H. C. Blackman

42nd. U. S. C. I.

Judge Advocate

also

Champ Furguson the Prisoner

Absent

Capt. Thomas H. Osborn

4th Ohio Vol. Cav.

The reader will observe that since the meeting of the court on yesterday that there are two additional members attached to the Commission sitting in this case, which is for reasons and by virtue of General Order to be hereinafter mentioned,

Examination of witness David Beaty resumed,

Crop examined

Question by the Counsel for the defendant. Did you command a company about the time you speak of? if so, what company, and by what authority?

Ans.-- Yes Sir, I had a company then in Fentress County. After the Millspring fight, they run in there, this man Furguson, Bledsoe and others, killing people and running them off, and I just told the boys that before I would go away, I would turn in and fight them, and if they killed me, let them kill me, about ten or twelve days after the fight some of Bledsoes men come to my house and took some property, some saddles and things, and said I had to take sides, that I had either to leave home, or else join one side or the other. I was a little peace from the house, and they told this to my wife. I heard what they said, They started away and when they got from the house 150 yards, I shot at them, I wounded one man and one horse, I had two of my sons

with me at that time and a neighbor man and after that they kept running in on us every few weeks, and killing men off and I gathered up a few men, then they kept running in there sometimes more and sometimes less in number, sometimes Furguson and sometimes others, sometimes this man Hughes who pretended to be a Col. they called him Col. sometimes they killed men and sometimes they didnot, it went on in this way untill just about the time General Burnside went into East Tennessee, and then he wrote me telling me that he wanted me to go over on the mountains and bushwhack the roads and keep the roads clear. I have the letter at home now, and I kept the company up from that out, I have had as high as sixty men and from that down to five, sometimes I would have 10, 15, 20 and from that on.

Ques.-- Was your company under pay or did you report to any body?

Ans.-- No Sir. We were not getting pay; but the Government furnished us amunition, we did not report to any body; but we came and got amunition from the Government when ever we wanted it. We were told that we were doing more good the way we were doing.

Ques.-- How many men did you and your men bushwhack and kill do you think?

Ans.-- Well I don't know how many we never shot any body except the men that were running after us. I expect we killed twenty-five or more.

Ques.-- Did you shoot at or kill any of Bledsoe's men? before the battle of Millsprings.

Ans.-- No Sir. I never fired a gun at anyone till after that.

Ques.-- When you shot and wounded the man as he was going from your house did he see you before you shot?

Ans.-- No Sir, not at the time I reckon but he saw me afterwards, my two sons my brother and another man were with me, there were

8 or 10 of them come to my house.

Ques.-- Did you ever way lay and shoot at Furguson or his men, if so how many times?

Ans.-- Well Sir, they just run in after us and tried to shoot at us and we had to lie out from them and shoot at them, when we got a good chance.

Ques.-- Did you and your men conceal yourselves in the bushes and way lay Furguson and his men? and shoot at them?

Ans.-- Well Sir, of course we had to lie in the bushes I was in the bushes and shot at them I took all the advantage I could of them, we had to lie out from them, of course we would not get out into the open field with only 8 or 10 men.

Ques.-- How many times did you and your men there, shoot at Furguson and his men?

Ans.-- Well, Sir I stated I shot at him four or five times. I don't know how many times my men shot at him. I shot at his men more times.

Ques.-- Did not Col. Tucker belong to Gen'l Morgan's Command, and was it not his command that took Woods, Edwards and Sells? that you speak of. Were not these men transfered over to Col. Hughes, and do you know that the prisoner had anything to do with the death of any one of them.

Ans.-- I don't know that Col. Tucker belonged to Gen'l Morgan's command, my understanding was that it was Hughes and Furguson's men who were along when they were taken I never heard of Col. Tucker before now--I was not there when these men were killed, I saw Furguson along as they went on down; but don't know of my knowledge that Furguson.

Ques.-- Had not Col. Hughes the reputation of being a Col. in the Confederacy, and was he not acting as Col. of such?

Ans.-- Well Sir, that was my understanding, they called him that.

Ques.-- Was not Chenault's Regiment stationed at Albany, Kentucky, and was not a portion of this Regiment in charge of Col. Tucker into "The Cave", in Fentress County and there with Col. Hughes engaged in a scout when those men were taken.

Ans.-- I don't recollect sir. I don't know that Col. Chenault's command was stationed there, a portion of Morgans command was stationed at Livingston, Tennessee, and they came up there with Hughes. I don't think that was the time that the men were taken, my understanding was that it was Col. Hughes and Furguson that took these men.

Ques.-- Did either of these three men Woods, Sells or Edwards belong to your company at any time?

Ans.-- No Sir, Edwards had been with me before he joined the regular army.

Ques.-- Is it not your best impression that Woods went with you or your men at times bushwhacking?

Objected to by Judge Advocate, who says:--"The witness can state what he knows; but his best impressions are guesses and maybe so's and is not evidence", where upon the question was changed to read as follows,

To the best of your knowledge did not Woods go with you and your men at times bushwhacking?

Ans.-- No Sir. Woods never went with me nor with my men that I know of. I spoke to him of joining my command but he said, he believed he would go to Kentucky, at one time he spoke of joining my command but he never did join.

Ques.-- Was Woods in the habit of going around with a Navy Revolver and did you ever hear him make any threats against the life of

Ferguson or his men.

Ans.-- No Sir. I never heard him make any threats. I had seen him before that once with a single bone pistol before he went to Kentucky. I was not with him much after the war broke out.

Ques.-- You say about a year ago you saw some 60 or 75 men driving some into Overton Co. Tenn. and the defendant was back in the rear. Now was it not Col. Hughes and his command that had these horses?

Ans.-- I don't know who claimed the property, but I saw Ferguson coming after them and I can't say whose command it was.

Ques.-- How far in the rear was Ferguson, and how many men was with him?

Ans.-- He was about one half mile behind, there were five or six men with him.

Ques.-- Was it then that you fired upon Ferguson and did he see you before you did fire?

Ans.-- No. I did not fire upon him at that time, I did not fire upon him at all that day.

Ques.-- Did you not fire on him as he was cropping the river either that day or the day after.

Ans.-- I fired on him as they crossed the river once, but not that nor the day before. It was sometime before that.

Ques.-- How many times have you fired upon Ferguson previous to taking of Woods and Edwards?

Ans.-- I fired on him two or three times or maybe more. I did not shoot at him the day he took Woods. That night I shot at Hughes and some of his men.

Ques.-- Did not you and your men shoot at or kill all of Hugh's , Ferguson's or Bledsoe's men that you found without granting them any questions?

Ans.-- They never come in there without trying to kill us we shot at

them too, Furguson come in there with a Union flag trying to fool us.

Ques.-- Did you and your men kill all of those men wherever you found them without giving them quarters?

Ans.-- No. I wounded one of their men once and took him to a house without killing him. We killed others, we never took any prisoners except that one. That wounded man got away from us, we told him we were not going to kill him.

Reexamined

Ques.-- (By Judge Advocate) How long after the fight of Mill Springs that you had your first skirmish with their men, the time they took your saddles and said you must join one side or the other or leave the country?

Ans.-- About ten or twelve days, Sir.

Ques.-- Was Furguson at your home at any time after that?

Ans.-- O, Yes.

Ques.-- State how many men were with him, what uniform they wore and what flag they carried if any?

Here the Counsel objected to this proof on the ground that it is testimony in chief and the Judge Advocate is not allowed to introduce new matter upon his reexamination. His reexamination, by the rule of evidence is confined to matter brought out in the cross examination. To which the Judge Advocate replied as follows: "The question is legitimate. The accused has attempted to prove in his cross examination, that he was a rebel soldier and acting under rebel officers and rebel authority, To rebut that and as directly responsive, I propose to show that he went to the witnesses home carrying a Union flag and acting as a Union Soldier."

The objection was overruled by the court.

Ans.-- At one time he came to my home with about twenty men, some of the men had our uniform (Union uniform) some had on citizens clothes and some had on rebel uniforms they had a Union flag with them, there were a good many citizens with them. As they come to the house Furguson come round the field near where my son was, a man named McGee was with him, while the other party up to the house with the flag. Furguson stayed back near where my son was, the balance of the party rode off Furguson then turned and rode after them and they all got together and rode off.

Quest.-- Who were those citizen with them?

Ans.-- I don't know that I could tell either one of the Citizens from the other.

Ques.-- Could you hear what was said? and if so, state what you heard, who they were and what they came for?

Ans.-- They came there to the house toting the flag and I heard them ask my wife where I was, and I just rose up myself and asked them what they wanted and they said ~~they said~~ they wanted to see Capt. Beaty I told them he had gone down to George Wolseys to a log-rolling, and I would go down and tell him to come up and they wheeled their horses then and broke.

Ques.-- Who was it that inquired for Capt. Beaty?

Ans.-- I could not tell from where I was, he gave some name but I don't know whether it was the right name or not.

Ques.-- Did you hear anything said about what army they belonged to, if so, state, what was said.

Ans.-- They said they were sent there to get me to come down that the d--n Rebels were coming in and they wanted me to come and help to stop them I was about 150 yds. from the house at the time,

just across Obeds river, the house was on one bank and I was on the other and they were between the house and the river and between me and the house.

Ques.-- By the Court. Do we understand you to say, that Edwards was with you before he joined the federal army and previous to his joining the army did you or any of your men shoot at Furguson?

Ans.-- Yes sir, he was with me a little while before he joined the army. I had had fracas with Furguson before that but we never had any fight with them while Edwards was with us neither me nor my men. Edwards did not stay with us more than 8 or 10 days.

Ques.-- At what time did the prisoner and his men come to your house carrying a United States Flag.

Ans.-- It was in the spring of the year and I reckon that it was in 1862 it was some two or three months after the battle at Mill Springs.

Ques.-- In this disguise did you know who it was?

Ans.-- No sir, they had on blue and some had on grays I only knew John McGee. I was raised right near him and W. Furguson I knew him I could tell him a great ways, I got pretty close to him after they left my house.

The following order detailing the following named officers as members of the commission was received this day.

Headquarters Dist, Mid. Tennessee

Murfresboro, Tennessee

July 18th 1865

Special Order)

No. 168.....)

Extract

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II

The following officers are hereby detailed as members of the

Military Commission Convened by S. . 155 Par. 9, Current Series 1865

from these Headquarters.

Capt. O. B. Simmons, 15 U. S. C. I.

Capt. Martin B. Thompson, 154 Ill. Vol. Inf.

By command of Prvt. Major General Johnson.

W. B. Smith

Maj. & Actg Apt Adj. General

Capt. H. C. Blackman, J. A. Mil Com.

And the said Capt. O. B. Simmons 15th U. S. C. I. and Capt. Martin B. Thompson 154th Ill. Inf. having reported upon said order. The order was read to the prisoner and he was asked if he had any objection to either of said officers to which he replied in the negative. Capt. O. B. Simmons and Capt. Martin B. Thompson were then duly sworn as members of the Commission by the Judge Advocate in the presence of the accused and took their seats. The evidence heretofore taken was then read to Capt. Simmons and Thompson in the presence of the prisoner.

The Commission then adjourned to meet again at 8:00 o'clock 22nd inst.

Nashville, Tenn. July 22nd, 1865

Court met pursuant to adjournment.

Present

Maj. Collin Ford	100 U. S. C. I.
Capt. E. C. Hatton	A. A. G. Vols.
" O. B. Simmons	15 U. S. C. I.
" Martin B. Thompson	154 Ill. V. I.
2nd Lt. Wm. O. Beteman	7th Pa. Cav.
" " C. P. Lecter	15 O. V. I.
Capt. H. C. Blackman	42nd. U. S. C. I.

Judge Advocate

Also

Champ Ferguson--the prisoner

Absent

Capt. Thos. H. Osborn 4th O. V. Cav.

Isham Richards, a witness for the prosecution, sworn, answers to the questions propounded as follows:-----

Quest.-- By Judge Advocate. Did you know Jackson Garner and Dallas Beaty?

Ans.-- I knew Dallas Beaty, I saw Garner once.

Quest.-- When and where did you see Jackson Garner?

Ans.-- As well as I recollect it was the 13th day of Feb. 1864. It was at my house in Pentress County Tennessee.

Quest.-- Who else was there beside yourself and Garner?

Ans.-- Daniel Garrett was there.

Quest.-- If anybody came to your house that morning state if you know, who they were, and what was done to Garner and Beaty.

Ans.-- There were about 75 or 80 men came there, I allowed, I did not know any except one named Capt. Carter and Wylie Steckly.

The counsel for the accused objects to the introduction of what took place that day without first showing that the prisoner was present and took part in the transaction. To which objection the Judge Advocate replies as follows:--"I expect to prove by this witness the 'Corpus delecti' the killing of Garner and Beaty and by other witnesses, the participation of the accused in the killing." Upon which point the Court decided that "the evidence may be heard and if the Government does not connect the prisoner with the transaction the evidence will not be regarded"

Whereupon the court over-ruled the objection and the witness proceeded as follows:-----

After they came in I heard the report of a gun and saw the smoke, I didn't see who shot it, nor who they shot at. A few minutes after I went out to the woodpile and saw Dallas Beaty lying there dead. It looked like it had just shortly been done, he was bleeding a little

Quest.-- Had you been at home all that morning?

Ans.-- Yes, sir.

Quest.-- Had you seen Dallas Beaty there before that morning before those men came there?

Ans.-- No, sir.

Quest.-- How far was the body of Beaty lying from the house?

Ans.-- Some thirty yards I suppose.

Quest.-- With reference to the smoke you saw and the shot you heard, where was the body found?

Ans.-- It was not more than 7 or 8 steps from where I saw the smoke.

Quest.-- You say Garner had been at your house about $\frac{1}{2}$ hour before the crowd came there, did any one come with him? if so who was it?

Ans.-- James Templeton, a brother-in-law of mine came with him.

Quest.-- What became of Templeton? State all that took place in regard to him.

Ans.-- When they first came George Carter, who came with the band, told Templeton to get into the house and be quiet as he could that the excitement was great and they would kill him in less than five minutes if he could not keep them from it, after they run in the house a few minutes Carter took Templeton and went up into the mountains-like, and Templeton went off and Carter came back.

Quest.-- When Carter came back, was anything about his taking Templeton off?

if so, what was said? And by whom?

Ans.-- I don't know whether there was anything said or not.

Ques.-- Had Garner any armes and if so what become of them?

Ans.-- He had some when he came there; but I didn't see what became of them.

Ques.-- About what was the age of Dallas Beaty?

Ans.-- I suppose about the age of 21 or 22.

Ques.-- Did you hear the shots near where you found the body of Beaty before or after the shooting of Garner?

Ans.-- Before.

Ques.-- How long before?

Ans.-- Well I expect some 15 or 20 minutes, maybe a little longer.

Ques.-- How many shots were fired there that morning in all?

Ans.-- I did not hear but the four.

Ques.-- State where each of those shots were fired?

Ans. Two out by the gate where I found Beaty's body and two in the porch by the door.

Cross Examined

Ques by the Counsel for the prisoner. Did you know the name of the men who shot Beaty and Garner?

Ans.-- No, sir.

Ques.-- Was the prisoner either of those men?

Ans.-- Well sir, I can't say, I never saw him before that morning, and never have seen him since, until I seen him here, and I would not say whether it was or was not.

Ques.-- Had Hughes and Bledsoe's men had a fight with Tinker Dave's men and Capt. Dowdy's men that morning near your house?

Ans.-- I don't know whether Tinker Dave was there, there was a fight that morning. I understood some of Tinker Dave's men were along, and Capt. Dowdy's the other side I understood were Bledsoe's,

Hughe's and Carter's, I don't know anything about it, I only understood so.

Ques.-- What kin was Dallas Beaty to Tinker Dove?

Ans.-- I can't tell you, I don't know.

Ques.-- Did Dallas Beaty and deceased Garner belong to Tinker Dave's Co?

Ans.-- No sir.

Ques.-- Whose company did they belong to?

Ans.-- I can only tell you what I understood, Beaty had gone down that morning to volunteer with Capt. Dowdy and Garner belonged to the 11th Tenn. I think the regiment was at Knoxville, then.

Ques.-- How long had he been in that neighborhood and had he not left his command?

Ans.-- He came in the night before, I can't tell how long he had left his command fight without giving quarter to prisoners.

I can't tell you. I have never been among none of them. Never saw Capt. Beaty till about one year ago.

W. Garrett a witness for the prosecution being sworn answers to the questions propounded as follows:----

Question by Judge Advocate. Do you know the prisoner Champ Ferguson and how long have you known him?

Ans.-- Yes sir, I know him when I see him. I never saw him but once or twice till this war came up.

Ques.-- Were you at the house of D. Sham Richards in Fentress County, Tennessee 1864, in the month of February, when a man named Garner another named Templeton were there?

Ans.-- Yes sir.

Question Go on and tell all that took place at that time, who came there what they did and all about it.

Ans.-- I don't know who all did come-there come a good many Mr. Ferguson (the prisoner) came there, and the first I knew he was

61

right there at us--and these men went into the house before I did, Mr. Furguson came to the door and ordered Mr. Garner out, Garner went out and one of them stepped to one side of the door and the other to the other side. There was a gun fired, but I did not see who shot it, and directly Mr. Furguson come into my sight and fired the second shot, but I did not see who he shot at.

Ques.-- Could you see the direction his gun was pointing at the time you saw him shoot?

Ans.-- Yes sir, I saw the direction.

Ques.-- What way was it pointing?

Ans.-- It was pointing towards the side that Garner was on.

Ques.-- Did you see Garner after that and, if so, how long after?

Ans.-- I don't know that I could tell you maybe $\frac{1}{2}$ hour maybe not so long.

Ques.-- What was his condition?

Ans.-- He was lying there dead, I don't know that I can tell where the shots were. I didn't examine the body.

Ques.-- How near the door was the body and how far from where Furguson stood when he fired the second shot.

Ans.-- Some 7 or 8 ft. and about the same distance from where Furguson stood when he fired the second shot. He was right before the door when he fired.

Ques.-- Had Garner any arms when he came to Richards house, and if so what had become of them?

Ans.-- Yes sir. Some of the command took them.

Ques.-- What kind of arms were they and was it before or after they shot him that they took them from him?

Ans.-- A "Navy Revolver" was what it was called, I reckon. It was taken from him before he was shot.

Ques.-- Where was Garner when the pistol was taken from him and where was Furguson at that time?

Ans.-- It was before he got into the room that he was ordered out of. He was going from one house to the other in the same yard, and between the two houses, I don't know where Furguson was at that time.

Ques.-- Did any one say anything to Furguson or do anything to him about the time of the shooting of Garner if so, what was done and said to Furguson? Who was it that spoke to him, and what did he say in reply? if anything.

Ans.-- I saw a man go to him at the door and talk to him and tell him not to shoot him, and if he would shoot him not to shoot him in the house. I did not see him do anything. Furguson spoke to the man and told him if he ever done so again he would shoot him if he was the best friend he ever had.

Ques.-- How long had you been at Richard's house that morning?

Ans.-- I don't know. Maybe an hour.

Ques.-- Did you see Dallas Beaty there that morning, if so when and where did you see him?

Ans.-- I saw him, but not till after they all left. He was out in the wood yard near the gate, he was dead when I saw him.

Ques.-- How many shots were fired there that morning?

Ans.-- I don't know that I can tell. I don't recollect of hearing more than four.

Ques.-- Where was the first shot fired you heard and how many were fired at that place?

Ans.-- It was out in the wood yard a little piece from the gate. I heard two shots fired then, I think.

Ques.-- How far were those shots from where you found the body of

Ans.-- I don't know as I could tell exactly. I don't suppose it to be more than thirty or forty feet.

Ques.-- How long was that before you saw Furguson come to the door and order Garner out of the house.

Ans.-- I expect it was near $\frac{1}{2}$ an hour, I don't know exactly how long. It might not have been so long quite as that.

Ques.-- Where were you when the shots were fired in the wood yard, and could you see where the shots were fired?

Ans.-- When the first shot was fired I was standing in the house, and then I stepped in the porch, and saw the smoke of the gun. It was just out there among them. The biggest part of the crowd was out there.

Ques.-- When the crowd left did Furguson come with them or remain?

Ans.-- He left with them.

Ques.-- How long after Garner was shot did the crowd stay there?

Ans.-- I don't know how long, they might have stayed one-half hour.

Ques.-- Did you see a man by the name of Templeton there that morning and if so state what become of him.

Ans.-- Yes sir, I saw a man they called Templeton, a man they called Mr. Carter took him off.

Ques.-- Did you see Carter after he took Templeton off?

Ans.-- Yes sir. I saw him come back to the house.

Ques.-- Was anything said to Carter, by any one, for taking Templeton off, if so what was said?

Ans.-- I did not hear anything said.

Cross Examined

Ques.-- By Defence. Did you ever have any acquaintance with the prisoner or any conversation with him, if so when and where?

Ans.-- Well sir, I never had any, more than, I just saw him as I know of.

Ques.-- Where had you come from that morning and what were you about?

Ans.--- I had come from home, and come up to work for this man Richards.

Ques.-- At what time did Garner, Beaty and Templeton get to Richardsons house that morning and what had they been about?

Ans.-- I did not see them and did not know what they were about untill just after they came there late breakfast time.

Ques.-- Where did they say they came from and what they had been about?

Ans.-- Well Sir, I don't know that I heard them say.

Ques.-- Had there not been a fight that morning between Ginker Dave's and Dowdy's men and Furguson's and Bledsoe's men?

Ans.-- Not that I know of. There had been a fight between Dowdy's and Furguson's men. It was said there had been a fight.

Ques.-- Who was in command of the men who came to the house that morning?

Ans.-- I can't tell you who.

Ques.-- Did either of these three men, Garner, Beaty or Templeton belong to Tinker Dave's Command or to Dowdy's Command?

Ans.-- No Sir. And I don't know that Beaty belonged to any command. I belonged to some other command.

Ques.-- Did those three men come there armed that morning?

Ans.-- I expect Garner and Templeton were armed; but Beaty I don't know of, I don't think he was, though I did not see.

Ques.-- Did those men come together, how long were they there before the troop came up?

Ans.-- They did not come together. It might have been between $\frac{1}{2}$ and $\frac{1}{4}$ hour may be. I reckon Beaty came up with the crowd that come up afterwards.

Ques.-- Had Beaty been in the light that morning?

Ans.-- Not that I know of.

Ques.-- What time in the morning did the troop come up?

Ans.-- I suppose it was late breakfast time.

Ques.-- How far from Richards' house was this fight?

Ans.-- Well sir, I expect it was some where near a mile.

Ques.-- How many were killed on each side?

Ans.-- I don't know, that I know. I saw some of their graves, 3, 4, or 5.

Ques.-- Was Col. Hughes in command of that troop that day at Richard's house?

Ans.-- I don't know sir. I would have known him if I had seen him.

Ques. by Court. Was the man they called Templeton with Carter when he came back?

Ans.-- No sir.

Ques.-- Did any of that troop disturb you that day at Richardson's house?

Ans.-- No sir, they did not have anything to say to me at all.

Ques.-- Were you not a Union man and was it not known in the neighborhood that you were such?

Ans.-- Yes sir, it was known in the settlement where I lived.

Court then adjourned to meet at 8 a.m. on the 24th inst.

Nashville, Tenn. July 24th, 1865.

The court met pursuant to adjournment.

Present

Maj. Collinsford	100th U. S. C. I.
Capt. E. C. Hatton	A. A. Gen Vols.
" O. T. Simmons	15th U. S. C. I.
" Martin B. Thompson	154 Ill. V. I.
2nd Lt. Wm. O. Bateman	7th Pa. Cav. Vol.
" " C. P. Leiter	15th O. V. I.
Capt. H. C. Blackman	42nd U. S. C. I.

Judge Advocate

and

Champ Ferguson--The Prisoner

Absent

Preston Huff, a witness for the prosecution sworn answers the questions propounded as follows:-----

Ques.-- By the Judge Advocate. Do you know the prisoner Champ Ferguson?
How long have you known him?

Ans.-- Yes sir, I have known him 10 or 12 years, I lived some 14 or 15 miles from him.

Ques.-- If you saw him in the winter of 1861, state about what time it was, state who were with him? Were they armed or unarmed? and what they took from you, if anything? State all the circumstances.

Ans.-- I saw him about the last of December, 1861 the first time. I saw him at James Givins in Clinton Co., Kentucky. There were several soldiers with a wagon train and men named Filpot and a man named Trainor with him and went off with him, Ferguson, Filpot and Trainor were armed. They went off by themselves not with the soldiers in charge of the wagon train. I saw him the next day after that he was by himself, the next day after that, near Givins' in the same county, it was in a public road. He was armed. I rode up to him and spoke to him, he was down off his horse with his saddle off, and he said to me, get down off that horse, G-d d--n you, and ordered me to ungirth the saddle and I done so, and then ordered me to put it back, and I did so. I asked him if he wanted my saddle bags? He asked me if there was anything in them? I told him nothing but a bottle, he asked me if there was anything in it? and I told him not, and he said to me G-d d--n you, don't you want a dram. I told him I would like a dram, and he told me to touch it G-d d--n light, by that time a couple of Confederate Soldiers rode up in an ambulance and he ordered them to stop, and they asked him what he was doing with that fellow he had stopped there? He replied that he was going to take my horse and they asked him what for? and he told them that he, "his

father is a G-d d--n old Lincolnite, He then rushed back to where I was standing and told me if I had anything to say to say it quick that he was going to kill me, and asked me if I didnot want to go up to that little place above here they called "New Heaven"? He said they had a new Government now and had a new Heaven too to send all such men as we were to, I begged of him not to kill me, and then he asked me if I would go home and stay there and never go off the plantation if he would let me off? I told him that was very hard to do, a man was bound to travel about sometimes. He said he was going to learn his relations something and said he "you with the balance", He told me he was going to kill Uncle Lewis Huff, Andrew J. Huff and Van Duvall. He said they had as well let him kill them now, for he intended to kill them and they could not kill him, that he could not be killed, and then he spoke again and asked me if I thought I could go home and not be caught away? I told him I would try it, and he told me to turn the bridle over his horses head for him and I did so, then he told me ~~me~~ to walk around and place his foot in the stirrup, and I placed his feet in the stirrups and he then ordered me to start towards home, and I turned and went towards home, and he went the other way. He took my horse, saddle, bridle and saddle bags with him, and I never saw him any more.

Ques.-- Was this before or after Christmas 1861?

Ans.-- It was after Christmas between Christmas and New Years--

Ques.-- At that time did you belong to any military organization of any kind?

Ans.-- No sir, none at all.

Ques.-- How often have you seen him since that and where?

Ans.-- I have seen him once since that, and another time I reckon

Ques.-- Were you at your Father's house in Fentress County, Tennessee about the month of October 1862, at a time when John Crabtree Wm. Delk and Jonathan Williams were there?

Ans.-- Yes sir. I was there in the house. It was at my Mother's. My father had been killed before that. It was sometime about the first of October 1862.

Ques.-- If any persons came there, state how many there were? Who of them you knew? What was said and what became of Crabtree, Delk, and Williams.

Ans.-- At the time they rode up I did not know any of them, they rode to the house and, hollowed "Press, G--d d--n you come out and surrender yourself, up. He hollered, surrounded the house, I took it to be Furguson's voice. Me and William Huff run off, I run off and come back to a corn field some 150 yds. above the house, where I could hear them talk. They stayed there something like an hour. We could hear them talk and banging about, and one of them asked if Press was there? I heard Champ--I took it to be--speak and say, "No he is not here if he had been G-d d--n him we would have had him dead before now. They remained there some little time--and I heard Crabtree's mother screaming and Champ, as I took it to be said "Never mind G-d d--n him we will leave him down here." They took a negro girl from there--I heard him, as I took it to be, tell them to take the girl. They started off, took Crabtree, Delk and Williams with them, and I cut across to get close to them, to see if I knew any of them, it was coming just about day time, I got down to within 50 or 60 yards of the road just as they passed and the persons Crabtree, Williams and Delk were just passing as I got down, and the party came scattered along behind loaded with bed clothes and such like, all of them pretty much. I saw Champ Furguson, and Hanson Moles,

he he had the negro girl behind him. John Gregory, Wm. Latham, Henderson McGinnis, Thomas Riley, there were others but these, I believe are all I remember now.

Ques.-- How far was your Mother's home from the home of William Piles?

Ans.-- It is between $\frac{1}{2}$ a mile and one mile.

Ques.-- How is the country between your mothers and the Piles place? level or hilly?

Ans.-- It is pretty much level.

Ques.-- With reference to the Pile place, in what direction did they go from your mothers?

Ans.-- They went towards Piles' right straight through the fields a straight course as they could go.

Ques.-- Did you hear any guns fired after they left your house, if so how long and where did they appear to be?

Ans.-- It was about $\frac{1}{2}$ hour after they passed me I heard their guns fired, they seemed to be in the direction of Pile's about where Piles lived.

Ques.-- What property was taken from your mothers that time?

Ans.-- None but the negro and bed clothes, some coverlets and blankets, I don't know how many.

Ques.-- What was your father's name?

Ans.-- Alexander Huff.

Ques.-- You speak of his having been killed before that, how long before?

Ans.-- It was in May, 1863.

Ques.-- If you saw the body after he was killed, state how long after he was killed? and describe the wounds upon the body.

Ans.-- I did not see my father's body.

Ques.-- Refresh your memory and see if you can remember the names of any other persons you saw the time they took off, Crabtree, Delk, and Williams?

Ans.-- Ephram Crabtree was along with them. He was a second cousin to the Crabtree that was taken off. I don't know that I remember the names of the others now.

Ques.-- You spoke of another time you saw Furguson, when and where was that?

Ans.-- That was in Clinton County Kentucky about the 1st of June 1862.

Ques.-- State the circumstances and why you think it was Furguson.

Ans.-- I was in Clinton County Kentucky, we had been on the dodge from him and his men and were laying out. Lewis Duvall, Jonathan Williams, Theophalus Williams were with me, report came to us that the day before that Furguson and his men were in the county and we started to our houses and went on a piece and we heard some guns firing at Elisha Kagiers and me and one other gentleman started out to the point to see if we could see any body, and if we would know who they were. We got out to where we could see and we saw them shooting at a man, and the man run up to the fence and tried to get over the fence and fell backwards. The men started off, and after they started down the road we went to the house, Elisha Kagier was the man who had been shot and fell at the fence. He was dead. His little girl had got to him before we did and was all bloody. I didn't examine the body it was all bloody. I helped to carry him to the house; but didn't stay there but a short time. We were afraid to stay about.

Ques.-- Did you know any of the men you saw that morning?

Ans.-- No Sir.

Ques.-- About how many men in the crowd?

Ans.-- About ten.

Ques.-- Could you see how many were shooting at Kagier?

Ans.-- I could not tell, one man run out from blow the stables and run up to him firing at him. I can't tell how many shots were fired--a good many, 25 or 30 I suppose. They were running and we were running up through the -----to see what was up.

Cross Examined

Ques. by Council for Champ Ferguson, Had not Elisha Kogier threatened the life of Ferguson? and did he not waylay him, and go to the house of Ferguson for the purpose of killing him?

Ans.-- I don't know. I never was with him in his scouts around there.

Ques.-- Did not Kogier have a parcel of men hunting all round for Ferguson?

Ans.-- Well sir, I have seen Jogier with men around through the country; but I don't know that he was after Ferguson. He and men with him were lying out afraid of Ferguson.

Ques.-- Were these men armed?

Ans.-- Some would be sometimes and some of them wouldn't.

Ques.-- How many men did he have with him at any one time?

Ans.-- Sometimes he would have maybe one, sometimes by himself, and I have seen him with maybe 8 or 10 men.

Ques.-- Did you ever see Crabtree, Delk or Williams, that you have spoken of with him?

Ans.-- I did not see him.

Ques.-- Did he come to his death a few nights before the death of Crabtree?

Ans.-- I heard of that being the case, but I don't know of it.

Ques.-- Do you know who was along when Sloan was killed? if so state, who it was?

Ans.-- No sir, I don't know.

Ques.-- Was not the prisoner drinking the time he took your horse, discharged you and told you to go home?

Ans.-- Yes sir, I think he was drinking, at least he took a drink with

me. I thought he had been drinking before that.

Ques.-- What time was it that the party come to your mothers house when you saw Crabtree, Delk and Williams taken off?

Ans.-- Well, it was a short time before day light, I don't know exactly what time it was.

Ques.-- Do you recollect what kind of a night that was as for light?

Ans.-- Well sir, after I went out it sprinkled rain a little but after that it became a little clear.

Ques.-- Could you be positive in recognizing the voice of any of those men that night?

Ans.-- Well sir, I am sure it was Furguson who hollowed when he first came up. I could not tell him by looking at him.

Ques.-- How many times did you or your party shoot at these men that night?

Ans.-- That morning we shot at them 13 times. Me and another man named Huff, Wm. Huff.

Ques.-- State the circumstances of your shooting at them and at what time?

Ans.-- Well it was about day light--when they started off.

Ques.-- Did they return the fire? and who commanded the shooting?

Ans.-- They fired first, I returned the fire. Furguson hollered "Run" and they all run.

Ques.-- Had you been intimate with Furguson before that,----much in his company?

Ans.-- O yes, I knew him I suppose we are some relation, I never had much to do with him before that and I was not intimate with him I have been to his house he was always friendly before that.

Ques.-- You say that you and Huff were crossing up towards them as they were going off--What was your object? Did you intend to fire on them?

Ans.-- No sir, we did not intend to fire on them if they had not fired

Ques.-- Did you ever fire on Furguson or his men before or after that?

Ans.-- No sir.

Ques.-- You speak of the girl being taken off, was she not taken off by a man by the name of Evans, were not the bed clothes you speak of her bedclothes?

Ans.-- No sir, Moles had the girl behind him. The bed clothes were not hers, they were my mother's.

Ques.-- Did not that man and the girl go in a different direction from the way you think that Furguson went?

Ans.-- No sir, they all went together, the last I saw of them.

Ques.-- You speak of being a Lieut. in some Co, what company was that?

Ans.-- 7th Tenn. Regiment Co "E".

Ques.-- At what time was that?

Ans.-- I was appointed Lieut. in July 1862. Col. Clift was in command.

Ques.-- Did you ever belong to "Tinker Dave's" or to Capt. Dowdy's command's? or go with them scouting?

Ans.-- I have since I have been out of service been with "Tinker Dave" I was mustered out of service in July 1863.

Ques.-- When Crabtree and others were captured were not Capt. Sandusky and some of his men alone?

Ans.-- I don't know. I did not know them.

Ques.-- Where was your Co. located at that time?

Ans.-- They were sent off then and got scattered, It was while Bragg was in there.

Ques.-- How long had you been at home?

Ans. Just come in that night?

Ques.-- You speak of men having to "layout" why did they have to lay out? and for what purpose?

Ans.-- They were afraid of Furguson.

Miss Vina Files a witness for the prosecution sworn.

Ques.-- Are you a daughter of Mrs. Piles of Fentress County Tennessee?

Ans.-- Yes sir.

Ques.-- Were you at your fathers house in Fentress County in October 1862 when a party of men came there if so state the day of the month and the month also; the time of day that they came there.

Ans.-- Yes sir; it was October 3rd, 1862--it was about $\frac{1}{2}$ an hour before day.

Ques.-- Did you know any of them; if so state who you knew?

Ans.-- Yes sir, I knew some of them, Me. Seatham, McGinnis, Henderson and Dewitt McGinnis, Marion Barton, Thomas Riley, John Gregory, that was all that I knew.

Ques.-- If they brought anybody with them state who they were.

Ans.-- They brought John Williams, John Crabtree and William Delk.

Ques.-- How were Crabtree, Delk and Williams brought there?

Ans.-- They were all three tied together they were tied by their arms and by their elbows. They were walking.

Ques.-- Where was you when Crabtree, Williams and Delk were brought there?

Ans.-- I was standing right in the yard in front of the gate; me and my sister, and mother it was before day.

Ques.-- Go on now and state all that took place after that, and what became of Crabtree, Delk and Williams.

Ans.-- The crowd went through the gate into the yard about 50 yards to the stable, and took the prisoners with them; then one man came back and told mother, my sister, and myself to go into the house; we went in, the next we heard was three shots, this was where these mens bodies were found, then there was a fellow come to the house and told us they had killed them, and then we opened the doors and went out and the crowd passed out at the gate and went off. We went out and found the dead bodies of John Crabtree, John Williams, and Wm. Delk.

- Ques.-- Describe if you can how Williams was killed what wounds were on his body.
- Ans.-- He was shot once right behind his right ear, and in the back and once through his right arm he was shot three times.
- Ques.-- Now tell us what wounds were on the body of Delk.
- Ans.-- He was cut under the right arm I can't tell how deep, it was about an inch wide he was dead when we got to him.
- Ques.-- Describe how Crabtree was wounded and what was done to him.
- Ans.-- He was cut all to pieces I could not tell how many times he was cut in one place right on his shoulder, there was a corn-stalk whittled off and stuck in one of the wounds. His mother took it out.
- Ques.-- How long after that was it before the mother of Crabtree came there?
- Ans.-- It was about an hour.
- Ques.-- State if the crowd had any body else with them besides Delk, Crabtree, and Williams.
- Ans.-- Yes sir. They had a black girl that belonged to Patsy Huff, Preston Huff's mother.
- Ques.-- Who had the black girl?
- Ans.-- Hanse Fales.
- Ques.-- Did the command have any property, any cattle or goods or any kind with them if so what kind.
- Ans.-- They had bed clothing.
- Ques.-- Describe the man who came and told your mother and yourself to go into the house.
- Ans.-- He was a tall man with heavy whiskers, with red complexion, his whiskers was black.

Cross Examined

- Ques. by defence; What kind of a night was that dark or light clear or fair?

Ans.-- It was cloudy and tolerably light.

Ques.-- Had you and the family got up when the men came there or was you still in bed?

Ans.-- We were up. They came there some of them before they went to Miss Huffs. They took one of our horses we was up from midnight till day.

Ques.-- Are you positive that it was before day that these men come with the prisoners?

Ans.-- Yes sir. I think one hour and a half.

Ques.-- Did you recognize the prisoner Furguson as being one of these men who were along with the others.

Ans.-- I did not know whether he was along or not because I did not know him.

Ques.-- Did not the clothes that were along belong to the black girl?

Ans.-- No sir. They did not belong to her they belonged to Patsy Huff. I knew the clothes.

Ques.-- Were these men Crabtree, Delk and Williams going about armed scouting previous to this, after Furguson?

Re Examined

Ques. by D. A.

Were these men who were killed cut apart before the killing--or was they killed as they were tied?

Ans.-- They were cut apart; they was about 10 steps apart there was 42 men in the crowd that killed them.

The Commission then adjourned to meet at 8 o'clock a. m. on 25th inst.