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BOOK V

TRIAL OF

CHAMP FERGUSON

FROM THE 8th AUGUST TO THE 26th AUGUST INCLUSIVE 1865

FOR PROSECUTION.

Nashville, Tennessee, Aug. 8, 1865.

The Commission met pursuant to adjournment,

Present

All the members of the commission the Judge Advocate

And

Champ Ferguson the prisoner.

Martin Hurt a witness for the prosecution having been sworn testified as follows:--

Ques. by Judge Advocate. Are you a brother of John Hurt deceased?

Ans.-- Yes sir.

Ques.-- Did you see Champ Ferguson, the prisoner, the day your brother was killed? If so, where and at what time?

Ans.-- I did. I saw him at the house of L. W. Duvall, about the last of April or first of May last.

Ques.-- How many men were with the prisoner and what were they doing?

Ans.-- I didn't see more than 12 or 13. Some of them were in the horse lot and some were running in the direction of where I heard some guns firing, I heard some 6 or 7 shots if not more.

Ques.-- After you heard this firing did you see Ferguson? If so, where and what did he do and say?

Ans.-- I did, in the road about 35 yards from the house Ferguson came up from the spring and asked Duvall who these men were, Duvall said it was Van, and John Hurt, Ferguson said they are killed up here on the hill, and I am going to kill all who would kill and you know they would kill me. I didn't hear him say anything about property that was taken. There was a mare and a horse taken, the mare belonged to Bug Duvall.

Ques.-- How long had you known Ferguson?

Ans.-- Perhaps for 7 years.

Cross Examined.

Ques. by Defendant. Where were you the day you saw Furguson at Duvall's and how near were you to Duvall? and how near were you to Furguson?

Ans.-- I was within about 35 yards of him, I was at Duvall's house under the floor, and was looking out at a place where the underpinning had been knocked out.

Ques.-- When did you conceal yourself? when the party first came up, or when they started over the hill?

Ans.-- After they started over the hill shooting.

Ques.-- Did any of the party see you before they started over the hill?

Ans.-- I don't know, I was in bed, and raised up right at the window there was nothing to hinder them from seeing me if they would look.

Ques.-- You say, you saw Furguson in the road after the firing, was this the first place you saw him after the firing on the hill?

Ans.-- Yes sir, the first place I saw him to distinguish him.

Ques.-- Did Furguson leave the road and move after his command?

Ans.-- He turned his horse and went down the road in the same direction that the balance of them went, they having got out of sight before he left Duvall's.

Ques.-- Where was Bug Duvall while under guard?

Ans.-- He was out in the road not more than 10 yards from the house when I first saw him, and then went down the road to where he met Furguson.

Ques.-- How far was the road from the house?

Ans.-- Ten yards will reach from the corner of the house into the middle of the road.

Ques.-- How far is the spring from the house, and how far from the road is the spring?

Ans.-- The spring is about 45 or 50 yards from the house and 6 or 7 yards from the road.

Ques.-- Was Bug Duvall, at the time of the conversation, directly in front of the house or towards the spring?

Ans.-- He was off the left of the spring but in the big road.

Ques.-- Was he nearer the spring than the house?

Ans.-- Yes sir.

Ques.-- Might you not be mistaken about concealing yourself under the floor, and did not a man by the name of West chase you across the field and drive you entirely from the house?

Ans.-- I am not. For I never left the house till about 15 or 20 minutes after Fergusson left. If there was any man after me I did not know it. I took my time though the fields.

Ques.-- Was there any one chased from the house? If so, what was his name?

Ans.-- There was not from that house that I know of.

Ques.-- Did you belong to your brother's independent company?

Ans.-- I did not.

Ques.-- Did you know of your brother's men killing some of Champ Fergusson's men?

Objected to by the Judge Advocate, who said:-- This is again proving substantive matter of defence and putting leading questions.

Objection sustained.

Excepted to by the accused.

Ques.-- Did you count the distant shots?

Ans.-- I did not, but I know that there were that many fired.

Ques.-- Did you assist in bringing in the dead bodies?

Ans.-- I did not.

Reexamined.

Ques. by Judge Advocate. Please state how that spring is located with reference to the house.

Ans.-- The road is 10 yards from the house and 7 to 10 yards on the opposite side of the road from the house and some distance down the road is where the spring is.

Marion Johnson, a witness for the prosecution having been duly sworn testified as follows:--

Ques. by Judge Advocate. Do you know Champ Furguson the prisoner, and how long have you known him?

Ans.-- Yes, sir, I know him and have known him for 8 years.

Ques.-- Did you see him in 1861, if so, where and who were with him?

Ans.-- Yes sir, I saw him in Clinton County, Kentucky. I saw him several times during that winter, between Christmas and New Year 1861, I was up in Fentress County, Tennessee and was halted in the woods in the night, Furguson and Filpot were together there were others that I didn't know who were regular soldiers of Zollicoffers Army, I, George Sandusky and Preston Huff got down, some of the other men who were with me had made their escape. Furguson asked me who these men were who had run off. I told him it was Wm. Huff Wm. Delk and Mr. Gibbon's son. We were near Mr. Gibbon's house. He told us that he was going to catch them and Filpot took the bridle from Preston Huff's horse. They then ordered us to stay all night and we did so. The next morning he did not come back and we started off and were met by some of Bledsoe's men and taken to Zollicoffer's Camp and there turned loose, and on our way from there we met Furguson alone; but there were a good many Rebel Soldiers passing in sight. Furguson ordered Wm. Huff to get down that he wanted that horse and drew his pistol. Huff got down and told Furguson that he could have the horse and Furguson told Huff that he had a notion to kill him.

Ques.-- Do you recollect seeing the prisoner at any time after that? If so, state when, who were with him, what was said and was anything

said about Alex Huff?

Abs.-- Yes sir, I saw him in May 1863; and he was armed. I saw him frequently through the winter previous with Filpot and others who were also armed sometimes with pistols and sometimes with guns, they were always armed. In May 1862, I was collecting money for Brooke Ryan and had been down in the lower part of Fentress County and was coming up and stopped at a man's named Moody whose note I had, and got off my horse and saw some soldiers coming along the road, they came to the gap in the fence and two of them ran their horses up to where I was and arrested me, one of them was Titus Page of Bledsoe's Company the other was of Mc McHenry's Company but I did not know him. I got on my horse and went down to the road where the command was passing and when I got there I saw Champ Furguson, Hamilton McGinnis, Jarrett McGinnis, John McGee, Galen Elliott, Doc. Elliott, Fayette Allen, Jonathan and Ben McDonald, and Henry Sublitz, these are about all that I now remember of seeing whom I knew. We then went to Charles Ragans and to Doctor Page's, the father of Titus Page, and stopped there and took dinner and fed their horses. From here we went to Stakely Evans' and when I came up they were leading two horses out at the gate. Coony John Smith was leading one and I don't know who were leading the other, they brought them out of the lot of Stokely Evans. Furguson then said "We have killed Alex Huff this morning," and Titus Page and others told me the same thing, they said they killed him at the old Piles place. The crowd had Eli Hatfield's horse that morning. They said they took a young man prisoner by the name of James Harmon and made him tell where his and Hatfields horses were tied out, and took Hatfield's horse off. This was the same day they said they killed Alex Huff and took me prisoner Galen Elliott had on a

coat that I know belonged to Hatfield.

Before that a compromise had been made between Bledsoe's men and McHenry's men and the outside fellows who were with them on the one side, and Beaty, Kagier and Beckett's men on the other side, and I complained that they had taken me prisoner after that compromise. They told me they had seen a notice of the compromise at the place where Alex Huff, Furguson and others were talking, and said he had seen the advertisement or that he knew it to be there. I was at Monroe when the compromise was made. My understanding was that the home guard was not to pester the soldiers and we were to be protected, all faring alike. Elisha Kagier was present when the compromise was made.

At Ragans Captains McHenry and Bledsoe came up and we all went on to Abug's Run, and there I stayed all night. We went on to Monroe where Furguson and some others went off, and the other party went in another direction. We saw nothing more of Furguson till we got near Yankeetown in White County, within five miles of Sparta. We and other prisoners were turned loose there. Hatfield went home and disbanded his company and all the rest said when they started home they were going to do the same. Things remained quiet from that compromise up to the time I was taken prisoner and old man Huff was killed.

Cross Examination.

Ques. by Defendant. Did Captain Scott Bledsoe and Captain McHenry have companies attacked to the southern army in your section of country in the year of 1861 and 1862?

Ans.-- Yes sir. The companies were made up in 1861 for 12 months.

Ques.-- You say Lieut. McGinnis commanded one squad, you have given their names. Now was he a Lieutenant of Bledsoe's Company, and did the men whom he commanded belong to Bledsoe's Company?

Ans.-- Yes, sir, a portion of them did, and some did not.

Ques.-- Did not the prisoner act with and belong to Bledsoe's Company, in the year 1861 and up to the time of his raising a company of his own?

Ans.-- He went with them sometimes, and sometimes by himself I heard he joined the company when he first went out of Kentucky.

Ques.-- At the time you speak of in May 1862, you say the prisoner was with Lieut. McGinnis' squad; Did he camp and act with them as other members of the company?

Ans.-- Yes sir.

Ques.-- You say that they were divided into three columns McGinnis commanding one, you have given the names of the men he had, can you name any one of that squad that did not belong to Bledsoe's company?

Ans.-- I don't know whether Cowan belonged to it or not. Furguson went with them sometimes and I can't say whether he did or not.

Ques.-- Who was in command the day Alex Huff was killed?

Ans.-- All I know is what I heard from them, they said Lieut. McGinnis was in command of the squad.

Ques.-- Who did you learn killed Alex Huff?

Ans.-- I did not learn anything particularly about it. Titus Page told me, Cooney John Smith shot him in the head, after he had been shot and could not raise up any more; but I don't know who first shot him.

Ques.-- Did you, Wm Huff and Alex Huff belong to any independent company; if so to what one?

Ans.-- I and Preston Huff belonged to Eli Hatfields company.

Ques.--(By court) Who was the captain of the company commanded by McGinnis when Alex Huff was killed?

Ans.-- Bledsoe was captain.

The Commission adjourned to meet at 8 a.m. the 9th inst.

Nashville, Tenn., Aug. 9th, a.d. 1865

The Commission met pursuant to adjournment

Present

All the members of the Commission, the Judge Advocate
and

Champ Ferguson the prisoner.

The witness Marion Johnson recalled by order of the court.

Ques. by court. You stated in your examination yesterday that Lt. McGinnis was in command of the party who killed Huff. How do you know that? Were you there?

Ans.-- No sir. I was not there. All I know about is that they told me they had killed him that morning. Mr. Ferguson, Lt. McGinnis, John McGee, and Titus Page told me about it. Ferguson did not tell ^{me} that McGinnis was in command, but while I was with the band McGinnis controlled it. Huff was killed in the morning and I was taken prisoner the same day about 2 o'clock. Ferguson didn't tell me who shot him. Titus Page said John Smith shot Huff after he was down. They were all marching along the road when Titus Page told me. First one and then another would come to me and tell me that Huff was killed.

John H. Beaty, a witness for the prosecution sworn, testified as follows:--

Ques. by Judge Advocate. Do you know the prisoner, Champ Ferguson?

Ans.-- I have known him since about a year before the war broke out.

Ques.-- Do you remember the day of the battle of Fishing Creek on Mill Spring?

Ans.-- Yes, sir.

Ques.-- State if you saw the prisoner on the day of that battle, if so where?

Ans.-- Yes sir, I saw him in Sparta in White County, Tennessee.

Ques.-- What was he doing there, who were with him and were they armed or unarmed? Also, how far is Sparta from the battle ground of Fishing Creek?

Ans.-- He was leading a horse, I don't know whose it was. I saw no person with him, and didn't notice whether he was armed or not, I think Sparta is 100 miles from the battle ground of Fishing Creek.

Ques.-- Did you see Scott Bledsoe or any of his party about Sparta or in that region that day?

Ans.-- No sir I didn't.

Ques.-- State where you next saw Furguson after that day? Who were with him? What were they doing? and were they armed or unarmed?

Ans.-- I next saw him at my father's in the fore part of the spring 1862, there were about 80 men with him. They run me about half a mile and shot several times at me. John Shoat was with me for a little piece but they soon arrested him and I ran into the mountain, and got away. I don't know what was done after that, this was about 10 o'clock in the day. I went to the river and swam it and went to a neighbor's house to warm and while there I saw another squad coming, and I ran and made my escape into the mountains some 4 or 5 chasing me across the river; I did not know any of them.

Ques.-- Are you a son of David Beaty?

Ans.-- Yes, sir.

Ques.-- Were you not at your father's house at the time a party of men came there with a Union Flag? Did you know any of that party? and was that before or after they had chased you across the river?

Ans.-- I was not right at the house. I was $\frac{1}{4}$ of a mile from them and saw the party I didn't know any of the men in the crowd where the

flag was. I saw Mr. Furguson some distance from them, this was when they were first in the act of leaving the house. There was a man with Furguson named John McGee, Furguson could see the house from where he was. I didn't see where Furguson and McGee went when the party left. He and they left about the same time. This was after they had chased me across the river. I think about two months after that.

Ques.-- Were you at Monroe at the time a compromise was talked over there? If so, state who were there, and how long was it after you were chased across the river.

Ans.-- Yes sir, I was there, Winburn Goodpasture was there and represented the Rebels, Captain Bickett, Captain Kagier, and my father, and Eli Hatfield were there and represented the Union party. The arrangement was for both parties to go home, lay down their arms and go to work.

Ques.-- Now state what your father did about his company in persuance of that compromise?

Ans.-- They all went home and went to work, all who lived anywhere near us.

Ques.-- How long after this compromise was it that this party came to your father's house with a Union Flag?

Ans.-- I suppose about two months.

Ques.-- How soon after they came did you see Furguson again? How often and when was it? What was he doing and who were with him?

Ans.-- I don't reccollect whether I saw him that summer or not.

Ques.-- Do you reccollect hearing of the death of Jackson Stephens?

Ans.-- Yes sir.

Ques.-- How near the time of the death of Stephens did you see Furguson?

Ans.-- I don't know how near the time, I think it was shortly after the

Ques.-- What was Furguson doing when you saw him first after the death of Stephen? Who were with him and how many?

Ans.-- He was driving some stock along the road, there were about 90 men with him. I didn't know any but him.

Ques.-- What kind of stock was it?

Ans.-- Mules and horses.

Ques.-- Did you know any of the mules and horses and to whom they belonged?

Ans.-- Yes sir.

Ques.-- Where was that?

Ans.-- It was in Pentress County, Tennessee, about one half mile from the mouth of Poplar Cave.

Ques.-- From what direction did they come? and where did they go with the stock?

Ans. -- They came from the direction of Kentucky and went towards Overton County, Tennessee.

Ques.-- Did you ever see him in the vicinity of Indian Creek? If so, when was that and what was he doing?

Ans.-- Not to know him.

Ques.-- State if you know anything of Jane Beaty loosing any stock, if so what kind of stock, and who took it and who was taken prisoner at that time if anybody?

Ans.-- Yes sir, I know about that. She lost a grey mare, it was taken by a crowd of men that Mr. Furguson commanded in Pentress County, Tennessee. I think it was in the fall of 1863. James Smith was taken prisoner at the time.

Ques.-- Who was Jane Beaty? Was she married?

Ans.-- She had been married, she was a widow at that time.

Ques.-- State if you know anything about your father and Dick Smith loosing any property? If so, what kind of property and when and by whom was it taken?

Ans.-- Yes sir, they lost some property--Some cattle, two head each.
I don't know who took it.

Cross Examination

Ques. by Defendant. You say that John McGee was with the prisoner. Did he belong to Captain Bledsoe's Company?

Ans.-- Yes sir.

Ques.-- Did Bledsoe's Company have a fight with Capt. Beaty's men, before the battles of Fishing Creek, in which some of Bledsoe's men were wounded?

Ans.-- No sir.

Ques.-- How long after that did they have a fight?

Ans.-- Some two or three months.

Ques.-- What time did your father raise his company? and did you belong to it?

Ans.-- It was in the fall of 1862. I belonged to it.

Ques.-- You speak of a compromise being made, what time was that?

Ans.-- Very likely in the spring of 1863.

Ques.-- Do you know the prisoner had anything to do with the Compromise?

Ans.-- I do not.

Ques.-- Do you know whether the prisoner had anything to do with the taking of Mrs. Beaty's horse or the cattle of your father and Smith?

Ans.-- No sir, I don't know that he took them.

Ques.-- You speak of John Shoats being taken prisoner. Was he injured? Was he not released and did he not come home?

Ans.-- I don't know. I heard so.

Ques.-- At what time did Capt. Bledsoe raise his company?

Ans.-- In 1861, I don't reccollect exactly what time in the year I think in the summer he raised it.

Ques.-- Did you ever have any acquaintances or conversation with the prisoner? If so, at what time?

Ans.-- No sir, I never had any acquaintance with him.

Reexamined.

Ques. by Judge Advocate. At what time was Shoat released? Was it before or after the compromise you have spoken of?

Ans.-- It was about 4 or 5 days after the compromise.

The Commission then adjourned to meet at 8 a.m. on the 10th inst.

Nashville, Tenn. Aug. 10th A.D. 1865

The Commission met pursuant to adjournment

Present

All the members of the commission, the Judge Advocate

And,

Champ Ferguson, the prisoner.

John Huff, a witness for the prosecution having been sworn testified as follows:

Ques. by Judge Advocate. Are you a son of Mrs. Patsy Huff of Fentress County, Tennessee?

Ans.-- Yes, sir.

Ques.-- Were you at your mothers house at the time Wm. Delk, John Crabtree and John Williams were taken from the house?

Ans.-- Yes sir.

Ques.-- State who came there, give their names, and state what time they came there.

Ans.-- Mr. Ferguson, the prisoner, Hans Moles, John Gregory, and Thomas Riley were all that I knew. I think there were 13 or 14 of them, they came there in the night about one o'clock.

Ques.-- State all that took place, state what was done, who did it, and what was said and by whom?

Ans.-- They came up and surrounded the house and ordered some one to get up and make up a fire. I got up to make up a light and they

would kill me. Some other one of the party then ordered me to make up a light and I did so. They then asked me who were in there? I told them I didn't know. They then asked me if Preston Huff and Andy Huff were in there, and said they were going to kill them if they were. They then asked me who all were there that night? and I told them Wm. Delk, John Crabtree, John Williams, Preston Huff and Wm. Huff, and that Andy Huff was not nor had not been there. Then they ordered those who were in the house to surrender. They hadn't seen them yet. Then Delk walked out to the crowd and asked them what they were going to do with them. They told him they were going to take them to Albany and try them, Williams and Crabtree then surrendered and the party all came in the house and began plundering and searching it. They took the straps from their guns and tied Williams, Crabtree and Delk. Delk begged them not to tie him so tight it hurt him. Furguson said, "damn you that's what we want to do." Delk aimed to give my sister some money to give to his mother and Thomas Riley grabbed it. Crabtree went to give his mother a knife and they tried to take that from her, but failed. Champ Furguson then took the negro girl saying she belonged to Eli Hatfield and he had orders to take her. The girl did belong to Hatfield. They then went to taking things from the house bed clothing, and wearing apparel. Furguson telling the men to take what they pleased. When the money was taken from Delk, Furguson told him he would have no further use for money. They took an ax and cut up the floor and threatened to burn the house at the same time telling the men who were tied that they were going to kill them, Furguson told them so, drawing his knife, he said to Crabtree, "I am going to cut your throat with this knife." Crabtree's Mother said to Furguson when they started, "You ain't going to kill him are you?" and Furguson said he was. They then

left taking Delk. Williams and Crabtree and the neh
 left taking Delk. Williams and Crabtree and the negro girl
 with them. They got about 100 yards from the house and I saw the
 flashing light of three guns and I ran into the house and I then
 heard 12 or 13 guns. I heard some one say "run" two or three
 times. Between $\frac{1}{2}$ and $\frac{3}{4}$ of an hour from the time they left the
 house. I went to the Piles place and found Delk, Williams and
 Crabtree dead in the horselot. After this I heard no more firing
 at the Piles place. Williams was shot about the center of the
 forehead a piece of his skull being blown off. Delk was shot once
 through his breast and a bayonett ran through the same, or I took
 the wound to have been made by a bayonett. Crabtree I don't
 think was shot at all, he was cut all over the breast, and four
 part of his shoulder, between the neck and collarbone, and in the
 back under the shoulderblade and in that wound there was a corn
 stalk stuck in and cut off. My sister, Mrs. Lucinda Hatfield,
 Crabtree's mother and Miss Amie Piercy went with me to the Piles
 place where we found the bodies. I saw at the Piles place Vina
 Piles, Nancy Piles and Mr. Piles, I didn't see Mrs. Piles I think
 she was dead at that time.

Ques.-- Who gave orders and had contrroll of the men while at your
 Mother's house?

Ans.-- Mr. Champ Furguson.

Ques.-- State as near as you can when this was.

Ans.-- It was in 1862, about the first of October, I think.

Ques.-- About how long do you think they stayed at your house that nigh?

Ans.-- They stayed from the time they came till about day light.

Cross Examination.

Ques. by Defendant. How old were you at the time this occurrence took place?

Ans.-- About sixteen years old.

Ques.-- And you observed while the party above mentioned were at your

house?

Ans.-- When they first came up I was. They made uss all get up, and threatened to kill us, and threatened to take me off with them, they said I hadbeen in the army and Johy Gregory told them I had not, and then they let me off.

Ques.-- You say Preston Huff and William Huff were at the house. What become of them?

Ans.-- They got away.

Ques.-- Were Preston and William Huff armed?

Ans.-- Yes sir.

Ques.-- Did you hear them shoot? and do you know what they shotat?

Ans.-- I heard them shoot. They said they shot at those men who came to the house; but those men shot first.

Ques.-- Did Delk, Williams and Crabtree belong to an Independent Company?

Ans.-- Not as I know of. They said they belonged to the 7th Tenn. Inf.

Ques.-- Were they in the habit of lying out and shoot ng at Soldiers and others passing the road?

Ans.-- If they were I did not know it.

Ques.-- Did Delk, Williams, and Crabtree belong to Eli Hatfields Company?

Ans.-- Not as I know of.

Ques.-- How long had they been in that part of that country?

Ans.-- I don't know. Delk came there after they were whipped at Huntsville, Ala., but I don't know how long it was. I had never seen Williams and Crabtree there before that night.

Ques.-- What instrument was used for chopping the floor?

Ans.-- An ax. They got there at our house, I don't remember who did the chopping.

Ques.-- You say Furguson took away a negor girl. May you not be mistaken? Was it not Hans Moles and Alex Evans that took her?

Ans.-- No sir. It was Champ Furguson.

Reexamined.

Ques. by Judge Advocate. Did you see behind whom the girl rode in going from your mother's house to the Piles place?

Ans.-- I did not. They took her off from our house walking.

Mrs. Lucinda Hatfield, a witness for the prosecution having been sworn testified as follows:--

Ques. by Judge Advocate. Are you the daughter of the late Alexander Huff and Patsy Huff and the wife of Eli Hatfield?

Ans.-- Yes sir.

Ques.-- State when your father was killed as near as you can.

Ans.-- On the 2nd day of May 1862.

Ques.-- Were you at your mother's house at the time three men named Delk Williams and Crabtree were taken from there? If so, state the date of that affair.

Ans.-- Yes, sir. It was some few months after my father was killed I don't recollect what time.

Ques.-- State who came there and took these men away, also what property they took and tell all that was said and done as near as you can recollect.

Ans.-- Champ Furguson, Hans Moles, Thomas Riley, John Gregory, and others whose names I now don't recollect and took, Delk, Williams, and Crabtree prisoner. They asked Furguson what he was going to do with them, he said that he was going to take them to Albany and kill them, and pulled out a knife to show them that he intended to kill them with. Furguson said "by G-d" he intended to burn the house, unless I would tell where my brother Preston Huff, and my Cousin Wm. Huff were. He took a negro from Mother that belonged to Eli Hatfield. The men who were with him asked him what were the next orders, and Furguson to take what they pleased. They took some five or six blankets, five coverlets, some calico and

changing right there in the house. We got the coat they took off where we found the bodies of Delk, Williams and Crabtree. The blankets were worth \$6 and the coverlets were worth \$8. The coat that my father was shot very badly they took it but it was not worth much of anything. They took the ax and cut up the floor and broke up a table. They stayed till about day light. Crabtree's mother begged for her boy and Furguson told her it was too late now, that she ought to have made him do better long ago, and his mother said he hadn't done anything. Furguson then drew his knife and said he was going to kill the three boys with that knife; but I have forgotten what kind of a knife it was. He said "by G-d" he was going to slay them with that knife, that he never yet said that he was going to kill a man but what he did it. When he threatened to burn the house if I didn't tell where my brother was he said if he caught him he intended to unjoint every joint in his body, and scatter the pieces so far apart that we could never get them to bury them.

Q. s.-- Did you go to the Piles place in the morning and did you find there the bodies of Delk, Williams and Crabtree? If so, describe the wounds on their bodies, their condition and state who went with you to Piles and who were there.

Ans.-- I went early in the morning to the Piles place and was just sitting down to breakfast when two girls came in and said Williams and Crabtree were killed. We went out and found their bodies. Williams was shot in the head, Crabtree was not shot that I know of but he was cut up very bad. I counted 28 holes in his coat when we washed it that had been cut in it when he was killed. I saw two cornstalks drove into his left shoulder. I saw but one cut on Delk, they said he was shot, but I didn't see the place. Crabtree's mother Annie Percy and my brother John went with me

to the Pile place, we saw no one there but Mr. and Mrs. Piles, and their daughters. Piles first wife was dead and this was his second wife. Vina Piles was the daughter of the first wife.

Ques.-- How long had you known Furguson?

Ans.-- I had seen him once before the war.

Ques.-- When and where was the first time you saw him after the war began?

Ans.-- I met him in Clinton County Kentucky between Mr. Lewis Huff's and Albany, he and Mr. Filpot and some other man whom I did not know, some two weeks after Mr. Ruben Wood was killed--Furguson had his head tied up.

Ques.-- Was Furguson and the men with him armed or unarmed?

Ans.-- I don't remember whether they had any arms or not.

Ques.-- Were they on foot or on horseback? and did you know to whom either of the horses they were riding belonged?

Ans.-- They were on horseback. Furguson was riding a horse which I thought belonged to Daniel Kagier. The horse belonged to him at Christmas for I was there at Daniel Kagiars and spent Christmas holidays and a few days after I saw Champ Furguson with the horse.

Ques.-- When and where did you see Furguson next after that? Who were with him and what did they do?

Ans.-- It was when he came to my father's and took off. Galen Elliott, Doc. Elliott, Henry Sublitz, John Smith, Hamilton McGinnis, Jarrett McGinnis and Will Hilldreth was all that came to the house. This was on May the 2nd 1862.

Ques.-- Now state what was done? and who gave orders and controlled the party?

Ans.-- My father was sitting in the yard, he got up and went into the house when he was ordered out by Jarrett McGinnis and picked John Smith out to shoot him. Mother and myself caught hold of John Smith and told him not to kill father, Champ Furguson then

ordered me back in the house to my work saying that father should not be hurt. They took him away.

Ques.-- Where did you find your father? and how long after they took him away?

Ans.-- At the old Conrad Piles place, he was taken off in the morning and along in the afternoon two girls came and told us they had killed him, and I went over and found him dead.

Ques.-- Describe the wounds that were on your father?

Ans.-- There were two wunds on his left arm, one through his ankle and a shot entering his forehead passing through the skull, those who dressed him said there were more wounds on his back; but I did not see them.

The commission then adjourned to meet at 8 a.m. on the 11th inst.

Nashville, Tenn. Aug. 12, 1865

The Commission met pursuant to adjournment.

Present

All the members of the Commission, the Judge Advocate

And

Champ Ferguson, the prisoner.

Mrs. P. A. Hale a witness for the prosecution, sworn testified as follows:--

Ques. by Judge Advocate. Where did you reside prior to and at the commencement of the rebellion?

Ans.-- In Fentress County Tennessee, moving to Albany, Clinton County, Kentucky in July 1861, and remaining there untill the next spring.

Ques.-- How long have you known Champ Ferguson?

Ans.-- I have known him by sight for some five or six years previous to the rebellion.

Ques.-- Do you remember hearing of the killing of Ruben Wood near Albany Clinton County Kentucky?

Ques.-- If about the time of Wood being killed you saw Furguson, state, where, who was with him, what he was doing and what he said? Please fix the time as near as you can in reference to date of Wood being killed.

Ans.-- I heard of the attack the day after it occurred, and the day it did occur I saw Furguson in Albany, KY, there was one other man with him, but I don't know who he was. I first heard some cursing and stepped out into the front yard, and saw Furguson taking a saddle from a bay horse and putting it on a horse belonging to Daniel Kagier. The horses were hitched to the fence that was around the court house. I heard Champ Furguson calling Daniel Kagier, daring him to come out, he called Kagier a G-d d----d Lincolnite and he wanted him to come out then, he wanted to kill him. I saw Furguson get on Kagier's horse and I went to a neighbor's house and in a few minutes I saw Furguson ride by on Kagier's horse. The man who was with him was riding along behind him some 15 or 20 yards on another horse. I was not near enough to them to see whether they were armed.

Ques.-- Where and when did you next see Furguson? Who was with him, what was done and said, what property was taken if any? State whether Furguson and those with him were armed or unarmed?

Ans.-- I saw him frequently after that in Albany, Ky. there would be generally 10 or 15 men with him and all were armed. In the month of March or April 1862, late one evening he came into Albany with quite a company. They came up in front of our house and tore down our yard fence and some got off their horses and came in; but I knew not any of them who were with him. They were armed the man who was with Furguson came to me and asked me where Dr. Hale was. I told him I did not know. This man passed by me then and went into the house, into my room, and I followed him,

and Furguson came in at the back door and into my room and asked me if there was any amunition, guns or any kind of arms in the house, or were there any watches, gold or silver and stepped to the mantle-piece and took a powder horn that had a little powder in it. I asked him to leave it, but he took it remarking "We have killed four G-d d-----d Lincolnites today and they intended more before they got home. They then searched the house taking off two overcoats Furguson remarking at the time they were worth \$100 apiece to them. Furguson took the coats and went out the back way across the yard to where the crowd was saying I have got two yankee coats that are worth \$100 each and they got on their horses and went off.

Ques.-- State if anything was said about seeing anybody about them and what it was?

Ans.-- When they went out Furguson asked those who were on their horses if they had seen anybody and they said no, only some boys going across the flat. Furguson then replied, "Why didn't you shoot them, the men said they did not want to be shooting boys. Furguson said "G-d d--n them take them clean as you go you ought to have shot them."

Ques.-- Did you see them again that day, if so what took place?

Ans.-- They got on their horses and went up in town and were gone some 15 or 20 minutes when they came back came in at the gate went down to the horse lot below the house and came back very soon loading three horses and two mules belonging to Dr. Hale, my husband, I went out and spoke to them, and asked them if they had left me any horse, and Furguson said, No, I asked them to leave me a small, very gentle, mule as that was the only animal that I or any of the women in town had to go to mill on, and three or four of the men said, "Your men don't care anything about our

women and we will not leave you anything". I told them I would have the horses back or their worth, they then said if I went anybody over there after them they would never come back alive.

Ques.-- Had there been any other raid into Albany about that time, and how long had it been before that, that you had seen any party of that kind there?

Ans.-- There had been no such parties there for three or four weeks I am certain; but I can't state positively whether there were any in there after the battle of Mill Spring.

Ques.-- Are you positive that it was in March or April 1862?

Ans.-- Yes sir I am positive it was about that time.

Cross examined.

Ques. by Defendant. How far was your house from the court house where the horse was hitched you have spoken of?

Ans.-- I think perhaps it may be for 200 or 300 yards maybe more or less.

Ques.-- Was it at Maxey's house where you were living? outside of town?

Ans.-- It was at a house in the lower edge of town formerly owned by Maxey, but not out of town.

Ques.-- Was this house out of sight of the Public Square?

Ans.-- The house was, but from the yard we could see all that took place.

Ques.-- Was not a horse and saddle left in the place of the one taken with a statement that the difference would be paid?

Ans.-- I am not able to say about that, there was a horse left hitched to the fence near where Kajier's was standing.

Ques.-- Was that horse and saddle not left by the party and did any of the citizens claim it?

Ans.-- Some of the citizens claimed the one that I heard of, but can't say whether the party left it or not.

Ques.-- Did you hear anything said about paying the difference in boot?

Ans.-- No, sir, I never heard anything of the kind?

Ques.-- Could you hear any contract made at the distance of 300 or 400 yards?

Ans.-- No sir.

Ques.-- After the taking of the horse you say you went to a neighbors house, how far was that house from the court house?

Ans.-- Near 200 yards.

Ques.-- How near did you go to the court house in going to that house?

Ans.-- Not any nearer than the neighbors house. I was nearer the court house at the neighbors house than I was any time in going there.

Ques. by court. You say that the prisoner said on one occasion "We have killed four G-d d----d Lincolnites today". Did he mention their names or where they had killed them?

Ans.-- He did not.

Miss P. A. Hale, a witness for the prosecution, sworn testified as follows:--

Ques. by Judge Advocate, Are you a daughter of D. Hale?

Ans.-- Yes, sir.

Ques.-- Were you in Albany Clinton County, Ky. at the time the prisoner, Champ Ferguson, was there with a party of men, the time some horses were taken from your father? And at whose house were you?

Ans.-- Yes sir, I was at Mr. Pickins' house.

Ques.-- Did you see the party pass the house of Mrs. Pickens? Did you see the prisoner? Did he speak to any one, and what did he say?

Ans.-- Yes sir I saw them pass there, Ferguson with them. He spoke to Allen Elder, calling him out of the house, and told him he wanted to talk with him, Elder went out to the gate and I heard Ferguson talking to Elder about killing some men that day.

Ques.-- When Ferguson spoke of having killed some men, did he mention any

Ans.-- Yes sir, he mentioned one that I remember, it was Johnson he said he had killed Johnson that day.

Cross Examined.

Ques. by Defendant. At the house of which Pickins were you?

Ans.-- At Miron Pickins.

Ques.-- How do you know that Furguson took the horses if you were not at home?

Ans.-- I saw him leading one horse, but I didn't know that it was ours, I thought it was our mare.

Ques.-- Is it not the fact that all you know of your horses being taken is what you heard your mother and others say?

Ans.-- Yes sir.

Ques.-- How far were you from Furguson and Elder during their conversation?

Ans.-- Only a few steps.

Ques.-- Where is Allen Elder?

Ans.-- I don't know where he is.

Ques.-- Did you ever see Furguson before the time you speak of?

Ans.-- Yes sir, frequently in Albany.

Ques.-- Was you not in the house at the time Furguson was talking to Elder, and could you hear distinctly?

Ans.-- I was in the door, but could not hear distinctly.

Ques.-- What time in the day did Furguson pass?

Ans.-- I think about 7 o'clock, It was twilight.

Ques.-- Was it not after dark?

Ans.-- No sir.

Reexamined.

Ques. by Judge Advocate, What time did you leave home that day? and was your father's horses there when you left?

Ans.-- I left home near 4 o'clock and the horses were in the stable when I left.

26.
Ques.-- When you returned were the horses there?

Ans.-- No sir, they were not there.

The Commission then adjourned to meet at 8 a.m. 12th inst.

Nashville, Tenn, Aug. 12, A. D. 1865.,

The Commission met pursuant to adjournment

Present

All the members of the Commission, the Judge Advocate

And

Champ Furguson, the prisoner.

Orange Sells, a witness for the prosecution, sworn testified as follows:--

Ques. by Judge Advocate. Have you been in the army? If so, in what Regiment?

Ans.-- Yes sir, in the 12th Ohio Cavalry Vols.

Ques.-- Were you at the battle of Saltsville Virginia, and were you wounded there?

Ans.-- Yes sir, in the first battle of Saltsville.

Ques.-- Did you ever see Champ Furguson, the prisoner, before, if so, state when and where?

Ans.-- Yes sir, I saw him at Emery and Henry Hospital in Western Virginia, the battle was on the 2nd of October 1864, and I saw him on the 7th.

Ques.-- While you were at Emery and Henry Hospital, state whether you saw a Lieutenant Smith of the 13th Kentucky Cavalry?

Ans.-- Yes sir, he was in my room.

Ques.-- What was the condition of Lieutenant Smith?

Ans.-- He was wounded in the battle of Saltsville at the same time I was, he was in the hospital for treatment, he was very badly wounded. He could not help himself.

Ques.-- State all that you saw and heard take place between Lieut. Smith and Champ Furguson, the prisoner.

Ans.-- It was on the evening of the 7th about 4 o'clock. Myself Captain

Degenfeld of the 12th Ohio Cavalry and Lieutenant Smith were alone in the room, all badly wounded. Mr. Furguson and another man came into our room. Furguson walked up to Lieutenant Smith without saying a word, holding a musket in his left hand, the man with him stepped directly in front of my bed which was near the door. Smith recognised Furguson as he got about the middle of the floor, and said, "Champ, is that you?" Furguson made him no reply; but went up to his bed and jerked his gun up in his left hand, hit the breech with his right hand and said "Smith, do you see this?" and commenced pointing it at him, Smith raised his head as much as he could and said "Chap, for God's sake don't shoot me here". Furguson put the gun within a foot of Smith's head, and it snapped three times before it went off, the ball entered near the center of his forehead passing diagonally through the head coming out just behind the ear. There was not a word said after Smith said "Champ for God's sake don't shoot me here", untill after Smith was killed, he not living half a minute after he was shot. The man who was standing by my bed said "Champ, be sure your work is well done". Then they both went up and examined Smith, Furguson saying at the time, "he is d----d dead". The man who was standing by my bed had a revolver in one hand and a carbine in the other.

Ques.-- State what occurred the day before the killing of Smith.

Ans.-- We heard a rustling on the stairway and immediately three men came into our room one with a lighted candle and the others with revolvers each, they looked into each of our faces and after they got around one of them remarked "there are none of them here" and went out. They had not been out over half a minute untill we heard some firing in the next room to ours, there were six shots fired and after the shots were fired there was immediately carried out of the room a negro soldier, dead, and another negro ran into our room and wrapped up in a sheet. I don't know either of them who came into our room.

Ques.-- Were you at a log house near the battlefield just after the fight?

If so, state what you saw there?

Ans.-- Yes sir, I saw a good many negroes killed, I saw seven negro soldiers killed all of whom were wounded. I heard guns firing around there all ^{about like Skiamish.} abiyt kuje a sjurnusg, This was on the morning of the 3rd of October 1864 and the fight ceased the evening before.

Ques.-- What was that log house used for?

Ans.-- It was used for a hospital where our forces had carried their wounded.

Ques.-- What was that Emery and Henry Hospital--a Rebel or Federal Hospital?

Ans.-- It was a Rebel Hospital.

Cross Examination.

Ques by Defendants Counsel. Had you ever any acquaintance, or had you ever seen the prisoner before that time?

Ans.-- No sir.

Ques.-- Did you know the prisoner at the time, and may you not be mistaken now in identifying him?

Ans.-- I did not know him at the time only from what Smith said, Smith called him by name, I am not mistaken in the man but he is a good deal thinner than he was then.

Ques.-- When Smith said "Champ is that you?" did he make any reply?

Ans.-- Not a word, sir.

Ques.-- Did Lt. Smith speak after he was shot?

Ans.-- No sir.

Ques.-- You say three men came into your room the night before with a candle and examined each of your faces--do you know that the prisoner was one of those men?

Ans.-- No sir, I do not.

Ques.-- Had you not an opportunity of seeing and recognizing him, if he had been one of the three men?

Ans.-- No sir, I did not--it was after dark--I don't think he was one of

Ques.-- If you had not been informed who the prosoner was on trial, would you have been enabled to point him out in an assembly of men?

Ans.-- Yes, sir. I wouldn't have known his name was Furguson; but I would have known he was the man who killed Smith.

Ques.-- Do you reccollect how the man was dressed that killed Smith?

Ans.-- Yes sir, he had on a dark Linsy frock coat, short waisted, buttoned up in front and had on a black plug hat, his hair and beard were longer than they are now, his beard was full, having a mustache, and I don't think his hair came down to his shoulder.

Ques.-- He being a stranger to you at the time, did you remark anything peculiar in him which enables you at this distant day to identify him? If so, state it.

Ans.-- He was a large man, fleshier than he is now, and I know by his mouth and his features generally, I would know him in the street or anywhere. We were in so much danger ourselves that I marked the man well.

Ques.-- Were there any Stripes on the coat of that man who killed Lt. Smith?

Ans.-- No sir.

Ques.-- What was the color of the eyes of the man who killed Smith?

Ans.-- I could not see his eyes to destinguish color.

Ques.-- Do your own knowledge who killed those negro soldiers, those killed at Emery and Henry Hospital and those at the hospital on the field?

Ans.-- No sir. I do not.

Ques.-- Did the man, who killed Smith, molest or interfere with you and Captain Dagenfeld. --

Ans.-- No, sir.

Ques.-- Was anything said at the time why Lt. Smith was killed?

Ans.-- No sir. There was the next day.

The Judge Advocate said "What was said the next day is not evidence and the counsel for the accused say they insist upon the witness

relating the conversation, I am willing that the witness should relate the conversation; but I shall insist upon the right of having it all on re-examination."

There were many reports--one was that Smith had gone to Furguson's house and abused his wife, and family, another was that Smith had run Furguson out of Kentucky two or three times, that is about all that I recollect of. I didn't hear anything said about Col. Hamilton at this time. A man came in the day before Smith was killed and had a conversation with Smith and said Smith had been accused of killing Col. Hamilton. He pretended to be acquainted with Smith and asked him about the particulars of Hamilton being killed, he asked Smith if he had killed Hamilton and Smith said no. Smith said they had started with Hamilton from Lexington, Ky. to Camp Nelson in charge of a guard and that Hamilton attempted to escape from the guard and was shot by the guard. Smith reasoned with the fellow and they had a long talk. Smith stated that he could not help it that he had done nothing but his duty, and just what anybody else would have done. Smith was in commend of the guard he said.

Ques.-- Did you ever hear Lt. Smith say anything in regard to Furguson? If so, what was it?

Ans.-- No sir.

Re-examined.

Ques. by Judge Advocate. In the conversation about Smith and Furguson was anything said about who killed Smith or where Furguson was at the time, and state who it was you heard talk about these matters?

Ans.-- It was the Hospital Steward, that I heard talking about it. Barnes was his name he told me why Smith was killed and said it was done by Furguson and his men, that there were about 15 of his men there, that three of them came up stairs, but I only saw two

Q. to the Court. The Hospital Steward didn't say who any of his men were.

Ques.-- Did Furguson re-cap his gun when he was aiming at Smith when it snapped?

Ans.-- No, sir.

The commission adjourned to meet at 8 a.m. on the 14 inst.

Nashville, Tenn. Aug. 14, A. D. 1865.

The Commission met pursuant to adjournment.

Present

All the members of the commission, the Judge Advocate

And

Champ Furguson, the prisoner.

In consequence of the absence of a material witness, the Commission adjourned to meet at 8 a.m. on the 15th inst. From indisposition on the part of the Judge Advocate there was not anything done on the 15th and 16th inst.

Nashville, Tenn. Aug. 17th, A.D. 1865

The Commission met pursuant to adjournment

Present

All the members of the Commission, the Judge Advocate

And

Champ Furguson, the prisoner.

John Cobb, a witness for the prosecution testified as follows:--

Ques. by Judge Advocate. Did you know George Woods and three other men named Edwards Sells and Robins.

Ans.-- I knew three of them, Woods, Sells, and Edwards.

Ques.-- If you know anything of the circumstances of the death of either of these men, state when it occurred, how they came to their death, by whose hand and state all persons that you know were along with the party that killed them.

Ans.-- One morning in March in 1862 I and four or five of my neighbors were up a lane near my house in Pentress county Tennessee, there

respectively, Woods, Edwards and Sells, there was another man whom they had whose name was said to be Robins. I knew Mr. Furguson. Ben Barton, and John Gregory, there were near a hundred in the party. They took me and my neighbors as prisoners and carried us about three miles the prisoners being guarded all the time, the guard halted and the balance of the command went on up the river for an hour or so and then returned released the citizen prisoners; but took the balance of us along with them down to Col. Bowles and there met with Col. Hughes who took a paper out of his hat and he, and Furguson and one of Morgan's men consulted and Morgan's man made a detail and they took Woods, Edwards, Sells and Robins off and very soon I heard a Navy Revolver being discharged and soon after I saw them bring Edwards back he being dead with a bullet hole near the center of the forehead, quickly Woods, Sells and Robins were brought back all of them dead. After the killing of these men Hughes and Furguson went back into Fentress County carrying us with them till the next morning when I and one other were released.

Ques.-- Who was in command of the party who took Edwards, Sells, Woods and Robins and yourself prisoners and took you to Col. Bowles place?

Ans.-- I don't know; but Ben Barton went to Furguson and got a brother of mine released and also a man named Beaty, Furguson stating that he knew of no reason why Beaty should be punished. I don't know of any orders being given.

Ques.-- Did you make any effort to get released and who prevented it? also state what was said and by whom in relation to your being released?

Ans.-- Yes sir, I did. I went to Mr. Barton and he said he had got two or three off and I went to Furguson myself and he said "Cobb, you are a bad one." and I turned off and didn't say any more.

Ques.-- Was any property taken from any persons by that party? If so, from whom and what was it?

Ans.-- They took a very fine man from me, and horses from my neighbors, one from Wright, one from Mr. Brannon and two or three from Jerry Woods and others.

Ques.-- How long were these men prisoners before they were killed?

Ans.-- From 9 A.M. untill about three hours by sun in the evening.

Ques.-- What was this George Woods? a citizen, or soldier?

Ans.-- Citizen.

Ques.-- Was this property taken before or after the coming up to Col. Bowles' place where the men were killed?

Ans.-- Before.

Ques.-- What was said to you after those men were killed and by whom?

Ans.-- Col. Hughes called for the balance of the prisoners to come out of the house and we went to the door. He then asked us if we saw the road that these men went. We told him we did. He then asked us which we would rather go, volunteer in the Southern Confederacy, or go the way these men went. We told him we would rather volunteer than to go that road. I don't think he said any more. Objected to, as far as what Col. Hughs may have said, the Defendant not being responsible for his remarks.

Cross Examined.

Ques. by Defendant. You speak of an officer being present under Gen. Morgan's command when Woods and others were taken prisoners, did you not understand him to be Col. Tucker of Morgan's Command and who was then in command of the party when you were taken prisoners?

Ans.-- I don't know that I ^{ever} ~~was~~ heard his name. One of Morgan's men was with them when we were captured he was called a Col. but I never heard his name.

Ques.-- Did you not understand the party who had these men prisoners belonged to Morgan's command?

Ans.-- No, I didn't know whose men they were.

Ques.-- Did not Boston tell you they were Morgan's men?

Ans.-- Yes sir. There were strange men along and Boston said that they were Morgan's men.

Ques.-- Did you not generally know Furguson's company? and if they had been his company would you not have known them?

Ans.-- I knew four or five of Furguson's Company but could not tell from that whether they belonged to Furguson or not, I know Moles, Boston, Gregory and Richardson were all that I know of now.

Ques.-- Did you not understand that the balance of those men belonged to the Col. of Morgans command who was along?

Ans.-- I was told that they were Morgan's men.

Ques.-- You say that Boston applied to Furguson to have some of the prisoners released. Now, did not Furguson go to this Col. of Morgan's command and get them released at the time?

Ans.-- I don't know where he went.

Ques.-- Did you see Furguson go to this office of Morgan's command to get these men released?

Ans.-- No, I think not.

Ques.-- Did you hear Boston or any other of the party say Furguson went to that officer to get the men released?

Ans.-- No, I think not.

Ques.-- Did you hear Boston or any other of the party say Furguson went to that officer to get the men released?

Ans.-- I don't know that I did, my brother got released by going to Furguson.

Ques.-- What is your idea of who released the men?

Ans.-- My idea was that Furguson was the head man.

Ques.-- Are you acquainted with the general character of George Woods, Henry Sells and Mr. A. Edwards and Robins? If so, what is that

Ans.-- As to Woods, I never heard of him shooting at a man in my life. Henry Sells was in the United States Service, I never even saw Woods have a pistol. I am a home staying man and know nothing against any of these men. I never heard any man say any harm of them.

Ques.-- You will state whether either or all of them belonged to any Independant Company in that section? If so, to what company?

Ans.-- I don't know that either of them belonged to any independant Co.

Ques.-- Were they in the habit of going in a crowd, and were they friendly, or hostile towards Furguson, and did they not make threats against him?

Ans!-- The greater part of them were in the habit of going around but I never saw Robins armed. I never heard them make any threats against Furguson.

Ques.-- Do you know of any of them waylaying Furguson with a view of killing him?

Ans.-- No, I don't know that any one of them ever did.

Ques.-- Do you know of Furguson ever molesting any one that was not interfering with him, or seeking his life? If so state it.

Ans.-- I never saw him hurt anybody.

Question and answer objected to by Judge Advocate.

Who said;-- If the Defendant wishes to put his character in question he must do it in the proper way--this not being in accordance with the recognized mode.

Objection Sustained.

Ques.-- When Woods and the others were killed you say Col. Hughes pulled out a paper and read it, and four men were detailed to take Woods and the others out. By whose order was this done and who was in command of the whole force?

Ans.-- The man recognized as Morgan's man detailed them out, there were four or five detailed.

Ques.-- What was the number of that command?

Ans.-- I think near one hundred. Hughes had 30 perhaps.

Ques.-- Had not this officer of Morgan's some 200 men in his command?

Ans.-- No sir, I think not more than 75 men.

Ques.-- What was the greatest member of Furguson's company you ever saw?

Ans.-- Some 60 or 70 men.

Mrs. Nancy Brooks, a witness for the prosecution sworn testified as follows;--

Ques. by Judge Advocate. Were you present at Jeff Piles' house when Ales Huff was killed?

Ans.-- No sir, I was at my father's which was in sight.

Ques.-- Were you there before the last shot was fired, and at the time it was fired?

Ans.-- Yes, sir, I near the branch where Mr. Huff was.

Ques.-- What length of time intervened between the first and last shots?

Ans.-- Between $1/4$ and $1/2$ an hour.

Ques.-- How near were you to Ales Huff when the last shot was fired?

Ans.-- I was within 3 feet of him.

Ques.-- Who fired the last shot, and by whose order was it fired, and where did it strike Mr. Huff?

Ans.-- John Smith fired it, by Furguson's order, the shot taking effect in the back of the head.

Ques.-- What was Huff's condition at the time that shot was fired?

Ans.-- He was wounded having his arm and ankle broken, in a sitting posture begging for water.

Ques.-- Give Furguson's language as near as you can at the time he ordered Smith to shoot Huff.

Ans.-- My brother jerked Smith away two or three times, when Furguson said to my brother if he didn't get away he would shoot him down. Furguson then ordered Smith to shoot him.

Cross Examined.

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Ques.--(by Defense) Did you hear any firing that morning previous to Huff's being shot? If so state who it was upon and by whom?

Ans.-- The Southern picket was fired on at which time Mr. Huff started and ran.

Ques.-- Where was Huff at the time the Southern picket was fired on when he started to run?

Ans.-- At Jeff Piles.

Ques.-- Did he run up into the mountain where they were shooting at the Southern pickets?

Ans.-- No sir, he did not get far; but in that direction.

Ques.-- Did he belong to the party that was attacking the southern pickets?

Ans.-- I don't know.

Ques.-- Did he go with them occasionally armed?

Ans.-- No sir. I never saw him carrying arms.

Ques.-- Was he in the habit of lying out with Crabtree or Hatfield, or going with them?

Ans.-- Not that I know of.

Ques.-- Was he friendly or hostile to Furguson? and did you ever hear him make any threats against Furguson?

Ans.-- I don't suppose he was friendly; but I never heard him make any threats against Furguson.

The commission then adjourned to meet at 8 a.m. on the 18th inst.

Nashville, Tenn. Aug. 18th A.D. 1865

The commission met pursuant to adjournment.

Present

All the members of the commission, the Judge Advocate
and

Champ Furguson, the prisoner.

Silas Upchurch, a witness for the prosecution sworn, testified as follows:--

Ques.-- How long have you known the prisoner? A. I have known him about two years and I do not know him

saw th prisoner, Furguson, if so, state where you saw him?

Ans.-- Yes sir, I saw him with a company in Wayne Co. Kentucky.

Qu s.-- State who, and how many were with him and all that took place.

Ans.-- I think near 50 men were with him, those whom I knew were Granville Sandusky, John Gregory, Fount Frost, Ephram Crabtree, and Benjamin Boston. My wife, my son and my brother and Galman Craig were with me. This party of men met us and ordered us to halt. They took Williams and a black man (the black man was called Johnson's Granville) and disarmed Williams and immediately shot and killed him. They then tied the negro and marched him off about 100 yards and shot him and mutilated his body with a large knife. I went up to within 30 paces of them where I could see them plainly cutting the negro in the breast and neck after which they wiped the knife on the negroes pants. The same man who had the knife and who had been cutting the negro turned to Craig and commenced talking to him and asked him what he was doing there. Craig told him he had been down there to do some work and then the man told him to go home and stay there, and keep his mouth shut and he would protect him. At this time John Gregory spoke and said to the man addressing Craig, "Mr. Furguson don't hurt that man that's the man Dave Travis said not to hurt." I should not have known there was a man by the name of Furguson if Gregory had not used that expression for I had never seen him before nor since till now. They then got on their horses and went off.

Ques.-- Can you state now who the man was that had the knife and who the man was that Gregory addressed?

Ans.-- Yes, sir. That's the gentleman to your right, the prisoner, (pointing to Furguson.)

Ques.-- Was he the man that had the knife?

Ans.-- Yessir.

Ans.-- I saw them feeling in his pockets and taking something, but can't state what they got. After Williams was killed they went to my house and took seven horses from there, and three from my brother Jo. Upchurch.

Cross Examined.

Ques. by Defence. What month and year did this occurrence take place that you speak of?

Ans.-- It was two years ago last October.

Ques.-- Had you ever seen this defendant, Mr. Furguson before that day?

Ans.-- No sir, I had not, that I know of.

Ques.-- Had you seen him from that time up to this trial?

Ans.-- No sir.

Ques.-- At this distant day how can you identify him as being the same man?

Ans.-- From his general appearance, and his features.

Ques.-- Could you have picked him out in a crowd if you had not been informed who he was.

Ans.-- I think I could.

Ques.-- You say Capt. Sandusky was along that day. Was he in command of the company as you were informed at the time?

Ans.-- I do not know who was in command.

Ques.-- Did not Capt. Sandusky have command of a company and did he not go about commanding it?

Ans.-- I heard he was going about, had a company and was commanding it.

Ques.-- When you come into court were you told by anyone who Furguson was?

Ans.-- I was told to look on the company and see if I knew him.

Ques.-- Was he under guard, handcuffed and in citizen garb, so you would know who the prisoner was?

Ans.-- Yes sir, that was his fix.

Ques.-- Did you know from his being guarded that he was the prisoner on trial?

Ans.-- You know, I couldn't have thought anything else.

Ques.-- Where did Williams and the negro you speak of come from? Did they belong to any Independent band?

Ans.-- I don't know where they came from, neither do I know of their belonging to an independent band.

Ques.-- You say some other men came to your house. How many and who were they?

Ans.-- There were five or six and they went on over Wolf River. Where the negro man, Williams, Dilk, Preston Huff and two of the Piles' stayed.

Ques.-- Were they all mounted and armed?

Ans.-- Yes sir when they came to my house they were.

Ques.-- What did they say they were engaged in, and what were they going to do, and what did they say they were going to Wolf River for? Did you learn from any of the party to what command they belonged?

Ans.-- They did not say sir, they had relations there, the parents of nearly all these boys lived on Wolf River, they left their horses to recruit them up, feed them and rest them. I didn't hear them say to what command they belonged. I heard before that some of them belonged to Cliffs company.

Mrs. Nancy H. Upchurch, a witness for the prosecution sworn, testified substantially the same as Silas Upchurch, her husband. The commission adjourned to meet at 8 a.m. the 21st inst.

Mashville, Tenn. August 21, A.D. 1865

The commission met pursuant to adjournment

Present

All the members of the commission, the Judge Advocate

And

Champ Ferguson, the prisoner

D. P. Wright, a witness for the prosecution, sworn, testified as follows:--

Ans.-- Near Albany, Clinton, County Kentucky.

Ques.-- How long had you known the prisoner Furguson, prior to 1861?

Ans.-- I had known him 6 or 7 years.

Ques.-- When and where was the last time you saw him in 1861?

Ans.-- Either in September or October within 3/4 or one mile of Albany in Clinton County Kentucky.

Ques.-- How many men were with him and were they armed or unarmed?

Ans.-- I only saw one beside himself. They were armed.

Ques.-- Did you see any other armed men about that time? If so how many and where?

Ans.-- Some 15 minutes before I saw those men I saw armed men in Albany some 10 or 12 maybe.

Ques.-- State what the prisoner did to you.

Ans.-- He halted me and I turned and saw who it was and I thought I might get hurt and I ran and they both after me for some four miles.

Ques.-- What business were you in at Albany?

Ans.-- I was selling goods there.

Ques.-- What condition did you find your store in when you got back? What had been taken if anything?

Ans.-- The goods when I got back had all been taken without leave or writing from us.

Ques.-- Were those goods taken without leave or writing from you?

Ans.-- Yes sir I think they were worth between \$1500 and \$2000.

Ques.-- Give the names of the other armed men you saw about there that day.

Ans.-- Thomas Cowan, Henry Subletts, Rany Filpot and I think I saw Yanks, Elliott and Smith.

Ques.-- What had been your sentiments in reference to the rebellion? Objected to by the defence.

Ans.-- I was a union man and opposed to the rebellion.

Cross Examined.

Ques. by Court. What do you mean by the word "us" in your answer to a

question about your goods?

Ans.-- My partner Jonathan Pickins.

Mrs. Julia Ann Williams, a witness for the prosecution sworn, testified as follows:--

Ques. by Judge Advocate. State what you know about a piano belonging to Dr. Hale by whom it was sold, what Furguson did and said about it, for what purpose it was sold? and all you know about it.

Ans.-- There was a piano belonging to Dr. Hale brought to Yankeetown and placed in a shop. It was sold and I recieved the pay for it, and handed the pay over. Champ Furguson brought the piano there, and ordered it sold, he didn't know what it ought to bring; but thought from \$300 to \$500 and was finally sold by Furguson for \$200 to Mrs. Mat Anderson, a good while after the battle of Mill Spring and the money was paid over to either Furguson or his wife.

Ques.-- What was said by Furguson, if anything, about where Dr. Hale was at the time, and about his coming after the piano?

Ans.-- Furguson said Dr. Hale was in the Yankee army holding some position and we needn't apprehend any danger about his coming back or claiming the piano.

Ques.-- State while Furguson was giving these orders, whether he had men with him or about there and whether they were armed or unarmed?

Ans.-- There were a great many soldiers about there sometimes saying that they belonged to Furguson's command and sometimes that they were of Bledsoe's command.

Ques.-- Please state the date of the selling of that piano, as near as you can.

Ans.-- It was, I think in September about two years ago.

Ques.-- Were there any more goods brought to Yankeetown about this time? If so, what kind and by whom?

Ans.-- There were drugs and medicines brought there a little before that

Ques.-- Where did Furguson board when he was in that neighborhood?

Ans.-- At Mr. Bradley's where those goods were sold.

Ques.-- What kind of a team brought the piano to Yankeetown?

Ans.-- An Ox team.

Ques.-- Were the oxen sold, or offered for sale? If so, by whom?

Ans.-- They were sold by Furguson and a man by the name of Paul, I think bought them.

Cross Examined

Ques. by Deference. Was not Furguson generally recognized and believed to be a regular Confederate Officer?

Ans.-- So far as I know. I think he was.

Ques.-- Was it not the custom among confederate officers and soldiers to sieze the property of Union men who had abandoned their houses?

Ans.-- The soldiers as a general thing would take property. I couldn't say what was the general custom of the Confederate army.

John A. Capps, a witness for the prosecution sworn, testified as follows:--

Ques. by Judge Advocate. Were you with a party that went from the neighborhood of Livingston, Tennessee, to Albany, Kentucky about the first of April, 1862?

Ans.-- Yes sir, I think it was about that time.

Ques.-- On the return of the party, near Mrs. Owens did you meet a lad named Zachery?

Ans.-- Yes sir that was what he called his name.

Ques.-- How near was Zachery to your party when you first saw him?

Ans.-- I was in front of the command and was next to him.

Ques.-- State what Zachery said and what was said to him? What he did, and what was done to him? and all that occurred as near as you can.

Ans.-- He said boys you need not go this way, you won't find them here, from the way he spoke, I thought he supposed us to be a Federal company, George Furguson said to him "Surrender your arms" and he

handed it up to Murphy, I think Furguson then asked him his name, he replied his name was Fount Zachery at which moment he was shot and killed as I thought by Mr. Furguson and as I yet believe it was. After he was shot he fell from his horse and Furguson got off his horse and stabbed him.

Ques.-- How near Furguson were you riding at the time?

Ans.-- Within ten or fifteen feet of him.

Ques.-- Who else was in advance beside yourself and Furguson?

Ans.-- My brother A. F. Capps, George Murphy and one of the Garrwell boys and Capt. McHenry was right close.

Ques.-- Did you, your brother, Murphy Garrwell or Capt. McHenry either get off their horses? or fire at all at that time?

Ans.-- No sir.

Ques.-- State if Zachery was ordered to give up any thing else, if so, what and what was he doing at the time he was shot?

Ans.-- Yes sir, he had his hand up taking off his shot pouch.

Ques.-- When Zachery was stabbed did you hear any sound or noise of any kind?

Ans.-- Yes sir, a rough grating sound.

Ques.-- How far was the person you took to be Furguson from Zachery when he shot?

Ans.-- Eight or nine feet.

Ques.-- If any person other than Furguson had got off their horse would you have known it?

Ans.-- I didn't see any other, they might have done it but I didn't see them.

Ques.-- How long had you known Furguson, and had you been with him all that day?

Ans.-- I had known him for ten months or more. I had been with him very nearly all that day.

Ques.-- How far were you from Furguson when he asked Zachery his name?

Ans.-- About ten or twelve feet.

Ques.-- What was done with the body of Zachery?

Ans.-- It was left lying in the road.

Ques.-- What was said there and then about who shot and stabbed Zachery?

Ans.-- Nothing that I remember.

Ques.-- Who else was in that expedition beside those you have named?

Ans.-- Barny Brannon, Alvin Cullum, A. J. Goodbar, Henry Cos, and others whose names I can't remember.

Ques.-- Were you at the battle of Fishing Creek?

Ans.-- No sir.

Ques.-- Were any other men killed on that expedition? If so give their names if you can.

Ans.-- Yes sir Joseph Stone, Robert Martin and two young men named respectively Johnson and Pierce, their first name I can't give.

Ques.-- Did you see their bodies after they were killed?

Ans.-- Yes sir, all but Johnson's.

Ques.-- Please describe the wounds on the bodies that you examined.

Ans.-- They were shot and all of them cut in the region of the heart.

Ques.-- How did you come to go on that expedition?

Ans.-- Judge Cullum came along and told my wife that I must go or be called a coward, I was sick at the time and I then went.

Cross Examined.

Ques. by Defence. You state that citizens Cullum, Cox and others were along, you will now state the object of their being along and for what purpose.

Ans.-- They said they were going to get some horses that had been taken from them and did get one of Cullum's horses at Henry Johnson's.

Ques.-- Who got the horse out of the stable?

Ans.-- I don't know; it had been taken while we were on a trip to Decatur, Ala.

Ques.-- You say you knew the prisoner before the war, what was his general

Ans.-- I don't know that I can state his general character, he was a prisoner in Livingston and I fed him. He treated me well.

Ques.-- At what time did this transaction take place that you speak of, and who was in command of the company?

Ans.-- It was about three months after the battle of Fishing Creek. Captain J. W. McHenry was in command of the company.

Ques.-- Was Captain Hamilton along or any of his men?

Ans.-- Yes sir, Captain Hamilton and maybe five or six of his men, were along.

Ques.-- To whose Company did Furguson belong at that time?

Ans.-- I don't know.

Ques.-- Did Capt. Bledsoe have a company in that region about that time?

Ans.-- Yes sir.

Ques.-- Did not the prisoner Furguson belong to Bledsoes company at that time?

Ans.-- I heard so.

Ques.-- At what time in the night was Zachery killed and how far from Spring Creek was it?

Ans.-- It was after good dark perhaps 7 $\frac{1}{2}$ o'clock. I don't know how far from Spring Creek it was.

Ques.-- Was it a dark night?

Ans.-- No sir, it was a light night.

Ques.-- Did not Zachery come out of an Ivy thicket approaching the head of the column with his gun on his shoulder?

Ans.-- Yes sir.

Ques.-- Was it not a dangerous place and was you not anticipating an attack about that place?

Ans.-- Yes sir we were expecting an attack and thought it a dangerous place.

Ques.-- Was not very strict orders given to shoot down anybody approaching the column during the night under suspicious circumstances?

Ans.-- I didn't hear any orders given to that effect. Maybe we had orders to shoot down persons that looked suspicious.

Ques.-- State what you know about Capt. Furguson's raising a company in Livingston and who were elected its officers?

Ans.-- I can't state anything positive about it.

Ques.-- State if Furguson did not act as Captain and head of his company at various times?

Ans.-- I can't state anything positive, but I heard so.

Ques.-- You say that, Stover, Martin, Johnson and Pierce were killed. Why were they killed?

Ans.-- I don't know. I only know that they were killed.

Ques.-- Did they belong to any Independent Company? If so, to what one?

Ans.-- Not that I know of.

Ques.-- Were they armed? and how dressed?

Ans.-- They were armed and in Federal uniform.

Ques.-- Was your column fired upon that day?

Ans.-- Stover fired on us, he was asked to surrender and would not do it.
Re examined.

Ques. by Judge Advocate. You say you had orders to shoot suspicious persons that night approaching the column. Were you ordered to shoot them after they had surrendered and given up their arms?

Ans.-- No sir.

Ques.-- Are you certain Zachery had delivered up his gun to Murphy when he was shot?

Ans.-- Yes sir. Murphy had Zachery's gun and Furguson asked him his name and when Zachery announced his name he was shot.

Ques.-- You say you expected an attack that night. Now state who you expected an attack from and state if Mr. Goodpasture did not tell the party that a compromise had been made and that he believed the Union men would keep it.

Ans.-- He learned that a compromise had been made; but we got it into our

head to believe that the union men hadn't went by it. I was a rebel.

Ques.-- You say your company went to Decatur, did Bledsoes company go with you?

Ans.-- Yes sir, it went and come with us.

Ques.-- State whether Furguson went with Bledsoe's company to Decatur?

Ans.-- I can't say. I don't remember seeing him. I don't think he was in our party till we got back from Decatur to Eagle Creek, the day we started on that raid into Kentucky.

The commission then adjourned to meet at 8 a.m. the 22nd inst.

Nashville, Tenn. Aug, 22, A.D. 1865.,

The Commission met pursuant to adjournment.

Present

All the members of the commission, the Judge Advocate,

And

Champ Furguson, the prisoner.

Miss Mary L. Rodger, a witness for the prosecution sworn, testified as follows:--

Ques. by Judge Advocate. Are you the daughter of John B. Rodgers?

Ans.-- Yes, sir.

Ques.-- Have you ever seen Mr. Furguson before you saw him here?

Ans.-- Yes, sir. I think I saw him ~~once~~ before.

Ques.-- State when and where that was.

Ans.-- It was at my fathers house at Rock Island, Van Buren, Co. Tennessee on the night of the 6th of October 1863.

Ques.-- Who of your father's family were at home that night?

Ans.-- My Mother, myself, a hired man, a negro boy and a negro girl.

Ques.-- How many persons came there with Furguson, and were they armed or unarmed?

Ans.-- There were perhaps twenty and were all armed.

Ques.-- What time in the night did they come there?

Ans.-- About 11 o'clock at night.

Ques.-- Now, state all that was done by Furguson and his party, state what property was taken if any, state what was said by Furguson, if he spoke to you directly relate all the circumstances.

Ans.-- Furguson didn't talk a great deal, occasionally swearing, he robbed my trunk and took a dress pattern and I took it out of his hands and he took it back again saying, "not quite so fast if you please". They took several dress patterns, six bolts of worsted goods, five dresses, three pistols, one gun, one keg of nails a box of tobacco and everything generally that they could get their hands on. They said not anything about my father in my presence.

Ques.-- How long did they remain at the house?

Ans.-- About two hours, I think.

Ques.-- Who appeared to be the commander of the party?

Ans.-- Champ Furguson commanded it.

Ques.-- You say Furguson searched your trunk. Were any other trunks, wardrobes or cupboards searched?

Ans.-- Yes sir, they broke open two or three trunks that were filled with new goods of different kinds.

Ques.-- What wearing apparel was left for you and your mother?

Ans.-- One or two calico dresses were all.

Cross examined.

Ques. by Defence. State if you were not much frightened at the time you speak of?

Ans.-- I was frightened almost to death.

Ques.-- State if your fright was not so great, that your recollection of the matter is taken from statements you have heard made since that time?

Ans.-- Oh! I am certain of all that I have said, I don't think I have made any mistake, I hope not.

Ques.-- Have you not called this matter over several times since

Ques.-- From what particular act or word did you presume Furguson to be in command?

Ans.-- He went ahead in everything and gave orders. There was another that seemed almost as officious.

Ques.-- Have you seen the prisoner at any time since the night of which you speak untill today?

Ans.-- I came up with my father and saw him over a week ago.

Ques.-- Would you have known the prisoner had you not seen him under guard at this place?

Ans.-- I think I would.

Ques.-- By what particular feature or mark do you recognize the prisoner to be the man at this distant day?

Ans.-- By a scar on his chin.

Ques.-- Are you certain you saw that scar on the night of which you speak?

Ans.-- Yes, I am sure of it.

Ques.-- Where was your father on the night of which you speak?

Ans.-- Up north somewhere.

Ques.-- Was the room well lighted at the time your trunk was broken open?

Ans.-- They had one candle and that was right at the trunk.

Re-Examined.

Ques.-- (by Judge Advocate) You have been asked about your father being from home. State if you know why he left home?

Ans.-- He went on business; but I don't know what it was.

Winburn W. Goodpasture, a witness for the prosecution sworn,
testified as follows:--

Ques. by Judge Advocate, Where do you reside?

Ans.-- I am living at Lebanon, Tennessee, my home is at Livingston where I resided prior to my moving to Lebanon some 5 months since.

Ques.-- Do you remember the circumstance of an armed party leaving Livingston to go to Kentucky, the time Alvin Cullum was alone? If so, state what time that was.

Ans.-- I only know of it from public notority, and I think it was in Feb. or March after the battle of Fishing Creek.

Ques.-- Were you present at a compromise that was made between the partizan in that region of country at Monroe?

Ans.-- Yes sir, I went at the request of many citizens of Overton County to meet and make a compromise between the people of the county aforesaid and the citizens and soldiers of the adjoining counties and Clinton County Kentucky.

Ques.-- By whom was this compromise bought about? at the instance of the union party or the rebels, and which class procured you to go?

Ans.-- The citizens of Overton County rebel in feeling procured me to go, and I, Col. Landen Armstrong, Wm. Winters, Jessee Roberts were the men who represented the rebels in the compromise, and Captain David Beaty, two of his sons of Fentress County, a Mr. Zachery, a son of Esqr. Zachery, a Mr. Woods, two Mr. Kagiers, one of which was from Clinton County Ky. named Elisha, Kagier, as representative from Flinton Co. Ky. and a Mr. Dalton and I think a man by the name of Stover, were present representing the Union, and it was agreed that:--The respective counties should not be invaded by the opposing party of the others in coming into them in arms. This was the compromise.

Ques.-- What was the date of that Compromise?

Ans.-- It was a few days before the raid into Kentucky by Captain McHenry's Company.

Ques.-- Had you heard of any disturbance on the part of the union men after that compromise and before that raid?

Ans.-- I did not.

Ques.-- When this compromise closed and was completed, state whether the men on the part of the union returned home or went on further into Tennessee?

Ans.-- We saw all of them returning home, a majority left before I did in

Ques.-- Was that Compromise generally made known? and if you saw McHenry and his company what you said to them about it?

Ans.-- I saw many of McHenry's Company and told them of the compromise and made it generally public so that there were to be no more raids into Kentucky on the part of the rebels and no more into Overton County on the part of the Union men of the respectively represented counties in the compromise and advised them all to comply with it, the terms of the compromise, and thus restore quiet to the country. The commission then adjourned to meet at 8 a.m. on 23rd inst.

Nashville, Tenn. Aug. 23rd, A.D. 1865

The commission met pursuant to adjournment,

Present,

All the members of the commission, the Judge Advocate,
and

Champ Ferguson, the prisoner.

Examination of Winburn W. Goodpasture resumed.

Cross Examined.

Ques. by Defence. Previous to and after the compromise you speak of were not Independent Companies coming into Overton County taking, property and otherwise maltreating citizens?

Ans.-- I think there had one company come into Overton County and taken off some horses belonging to Alvin Cullum and others.

Ques.-- You say you represented the Southern element, Now were these that you compromised with, Independent bands? and not attached regularly to the service on either side?

Ans.-- I say I requested to go by both Southern men and union men but I suppose I represented the Southern element. I didn't understand it to be a party question. The men with whom I compromised were principally citizens of Clinton County Kentucky and Fentress County Tennessee, others were, by me, recognized as Federal Soldiers from their dress, such was the case as to Captain Beaty, who, I don't

suppose, has ever been attached to the army, however I can't say.

Ques.-- Did Kagier, Dalton and others belong to Tinker Dave's Company as you understood it?

Ans.-- No sir I understood them to be citizens of Clinton County Kentucky.

Ques.-- Did you communicate to Capt. McHenry who made this raid in regard to this compromise?

Ans.-- No sir. I did though to several of his company.

Ques.-- Did not that company go after and bring back horses and other property that had been taken from the citizens?

Ans.-- I don't know anything about that.

Ques.-- You will state what you may know about Furguson raising a company in Overton County in the year of 1862 under authority from the Secretary of war at Richmond, Va.

Ans.-- I know nothing at all about it I have frequently seen him in Overton County with men with him.

Ques.-- Were you present on the 24th day of May 1865 upon the surrender of Captain Furguson and Captain Walker and their men to Col. Joseph Blackburn of the United States Army?

Ans.-- I was on my way to Sparta from Lebanon with an escort of men of Col. Blackburn's command, we went to Sparta and stopped at the widow Bradley's where it was said that Col. Blackburn would meet Furguson and his men just as we arrived at the Widow Bradley's Col. Blackburn, Furguson and his men came riding up from the woods near Mrs. Bradley's Furguson's men came up and laid down their arms while Walker and Furguson did not lay down theirs. Walker was a Lieutenant in the Rebel Army, this took place between the 15th and last days of May 1865.

Ques.-- You say that Col. Blackburn said he was going to meet Furguson and his men. What did he say he was going to meet them for?

Ans.-- I don't remember that he told me what for. It was generally understood that Fergusons men would surrender on that day. It was said

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on the way down that Furguson would not be allowed to surrender, Col. Blackburn saying he had recieved orders from General Rousseau not to recieve the surrender of Furguson.

Ques.-- Did not Col. Blackburn tell you that he had written a letter to Walker addressed to all the guerrillas generally stating that, if they would come in on that day and surrender that they should be protected? and was there any exceptions in that letter? You will look upon this letter and state if this is not the same letter now exhibited bearing the date May 15th 1865.

Ans.-- I don't know anything about this letter. I don't know the hand writing. I only know that I heard there had been a correspondence between the parties, and I don't remember from whom I heard that; but think it was in a conversation between Col. Blackburn and Furguson that I learned that letters had been passed.

Ques.-- In that conversation did not Furguson tell Blackburn that he was promised, by those writing the letters protection if he would come in and surrender and he was thus induced to surrender his men?

Ans.-- When I arrived at Mrs. Bradley's I soon discovered that Furguson was there, and I asked Col. Blackburn if he had surrendered, to which he replied that he had told Furguson that he would not be molested that day. It seemed to be a question in the crowd as to whether Furguson would surrender and during the time we were there I heard a conversation on the subject between Col. Blackburn and Capt. Furguson, In which conversation Col. Blackburn informed Furguson that he had recieved orders from General Headquarters to recieve the surrender of all guerrillas without any exception, but since that day had been fix upon for surrender he had recieved an order from Gen. Rousseau not to recieve the surrender of Furguson from the fact that Gen. Rousseau had been informed that Furguson had said he never would surrender; but Furguson denied ever having said any such thing and appeared anxious to surrender Col. Black-

burn remarked that he knew no reason why Furguson might not be permitted to surrender that as bad men as Furguson, or words to that amount, had been permitted to surrender. In the same conversation stating the defendant the order he was acting under and told him he could do as he chose, that if he would go with him(Col. Blackburn) he would go to Gen. C. Thomas and use his influence in having him treated as the balance of the command. Furguson didn't say what he would do. I left with Col. Blackburn and his men and Furguson did not go with us. I don't think I heard the defendant insist that he had come under letters inviting a surrender, and claim the right to surrender, but he and Col. Blackburn had had a conversation before I arrived on the ground.

Ques.-- Did not Furguson propose to give up his arms, to which proposition Col. Blackburn replied that he was a commissioned officer and had a right to keep his arms?

Ans.-- I didn't hear that spoken of sir, the prisoners had on his arms.

Ques.-- Were Furgus n's men paroled and permitted to go home? If so, how have they behaved themselves since?

Ans.-- The men left with Col. Blackburn, and I don't know whether they were paroled or not. I went home to Lebanon in Wilson County and live some 75 miles from the men; but have heard of them frequently and heard of no disturbance and therefore presume they have behaved themselves well.

Ques.-- How many men did Col. Blackburn have under his command in and about the point of Surrender that you speak of?

Ans.-- I suppose he had forty including myself and Captain Dowdy.

Ques.-- How many men came in and surrendered with Furguson?

Ans.-- I think I heard it was 28, somewhere between 20 and 30.

Ques.-- How far was it from that point of surrender to where Furguson's family lived?

Ans.-- It is in the same neighborhood. I suppose it is about four miles.

Col. Joseph Blackburn, a witness for the prosecution sworn, testified as follows:--

Ques. by Judge Advocate. Please state all you did in regard to the surrender of Champ Ferguson's men, and the proposed surrender of himself, together with all that was said and done between you and him on that occasion.

Ans.-- I saw by the papers that there was an order for all the guerrilla bands to come in and surrender and lay down their arms, and knowing the character of these bands in that country up there I went to Nashville to see about it myself. I saw Generals Thomas and Rousseau both the same day and talked to them about it and told them there were different bands there belonging to different companies and regiments and that they had all concentrated under Captain Walker. Before I came to Nashville I recieved a letter from Captain Walker stating that he wanted to surrender with all the men. When I consulted with General Rousseau, he refered me to the order that had been issued by General Thomas, and I returned to my command; but when I got to Gallatin that night, I recieved a telegram from General Rousseau that they all could surrender but Ferguson. On arriving at Alexandria my headquarters I found several notes from Capt. Walker and also Citizens from that country wanting me to go up and accept the surrender. I started up, I think, about the 24th of May and met Walker and a Major whose name I think was Bledsoe. Walker was introduced to me and we had a long chat, and wanted to see the orders I had, I showed him those I had from General Rousseau, also the telegram, and they all found out Ferguson couldnot come in and Walker and the citizens seemed very anxious that Ferguson should come in, Walker at the same time remarking that Ferguson was there in the woods close by, and I told him to have Ferguson come in and see me. Walker replied that Ferguson was afraid to come down where me and my men were. I told

Walker I wasn't afraid to go where he was if he would tell me where he was. I and Captain Vanatta got on our horses and went out into the woods where Furguson was about $\frac{1}{4}$ of a mile, maybe a mile out at the end of a lane in a grove of timber, where we found Furguson and 29 men there together, Captain Walker conducting us to the place where they were. When I got there Walker asked me if I could pick out Furguson, and I did so the first one, and I think Walker gave me an introduction to him--I am not certain. I told Furguson the order that I had was against his coming in; but all the rest were allowed to come in. Furguson then said he wanted a private interview with me, and we went off down by the fence and I explained to him the order that I had and he said if he could not come in and be treated the same as the others that he would not come in. I then begged him to come in, and told him if he stayed up there he could not escape, that he would be captured and the Civil authorities would take hold of him, and it looked like it was death to him anyway, and it would go easier with him if he would come in and give up. He swore he would be d----d if he would go and give up unless he had some assurance. We then walked back up to where the balance of them were, and Furguson asked me if I would let him be hurt if he went out to where the boys were. I had told him Captain Dowdy was there, and he said he would like to see them all if I wouldn't have him interfered with. We went out then and I begged him and so did the citizens to come in; but he persistently refused coming in, and the balance of them surrendered. This was at Mrs. Bradley's house where my men were. When I went to leave Furguson wanted to know if I would go and get an order for his surrender. I told him I would go and try but I did not believe it could be done. Captain Walker, I believe proposed going with me. When I returned to my headquarters some two days after that, I detailed five men and started them after Furguson it being near

Yours respectfully

J. H. Blackburn

Col. Comd'g, 4th Mtd. Inf. Tenn. Vol.

Ques.-- Was the surrender you speak of made in pursuance of that letter?

Ans.-- Yes sir, I think it is the same letter, there were several letters passed between us.

Ques.-- You speak of Walker and Guerrillas generally without exception. Did not they and Furguson come in that day without previously being apprised that there would be any exceptions made in the surrender?

Ans.-- I don't think I wrote him any other letter about Furguson, or that he could not come in. I told Walker that morning before I saw Furguson or any of the men that Furguson could not come in.

Ques.-- Do I correctly understand you, that Furguson did not get information from you, that he would not be permitted to surrender untill the day of surrender as you have stated?

Ans.-- I don't know as he did.

Ques.-- Are you not satisfied that Furguson came in with his men to surrender under the order of General Thomas, and your letter? and was very desirous to surrender any comply with the terms?

Ans.-- It don't look as if he was. I don't know how he came there. When I told Captain Walker that Furguson would not be allowed to surrender he then said Furguson would like to see me, and when he asked me to go and see Furguson he did not tell me that the other men were with him.

Ques.-- Did you understand from Furguson that he came in that day with his men to surrender relying upon the protection promised him in your letter?

Ans.-- No, sir. When I went out there and commenced talking to him he told me he would not surrender unless I had a written order from General Thomas, or the commander of this post for him to surrender and recieve protection. When I got to Mrs. Bradley's and met and told

Walker that I would like to see Furguson and he said that Furguson would not come to see me, that he was afraid to come where me and my men were, I infered from that, that Furguson had heard that he could not surrender, and I then went as I have before stated and saw him $\frac{1}{4}$ of a mile from where the surrender took place.

Ques.-- Was not that meeting in pursuance of your letter? Otherwise how can you accouht for Furguson and his men being there?

Ans.-- Yes, the letter that I wrote was for Walker and the men to meet me there if they wanted to quit fighting.

Ques.-- Did you understand from Furguson and his men that they came there for the purpose of surrendering under that letter?

Ans.-- No, sir. Not from Furguson; but I did from the men.

Ques.-- For what purpose then did Furguson and his men come there?

Ans.-- Just because I wrote to Walker and his men.

Ques.-- When you got to where Furguson and hismen were did you alight from your horse, and were you kindly treated by them?

Ans.-- Yes sir I got off my horse when Furguson told me he wanted a private conversation with me, and we went off as I have stated and conversed together, I was not interfered with by any of them at the time.

Ques.-- Did you understand from Furguson and the men that they were anxious to surrender?

Ans.-- That was the understanding as to the men, but when I told Furguson what my order was, he said that if he could not be treated as all other confederate soldiers he would be G-d d-----d if he would surrender. I then begged him to surrender and come in and it would go easier with him; and if he did not it would not be long before I would catch him.

Ques.-- Did you tell Furguson to go home and go to work, and that you would do what you could to have him protected? and when you wanted him you would send for him?

Ans.-- Yes, I told him if I could get an order I would send for him, and he said he would go home and go to work, that he was not afraid of me nor my men, and that he would not run from us, I told him it was not best to trust us too far, and he said he was not going to fight anymore soldiers unless those home guards came and got after him.

Ques.-- Did Furguson that day propose to surrender to you his arms and did you not tell him that he was an officer and had a right to keep them?

Ans.-- No sir, he wanted to know of me if he would be allowed to keep his arms and I told him if he was an officer and was allowed to surrender that he would be allowed to keep them. He asked me in place of my telling him. I would have taken his arms and been very glad to have gotten them if he had offered them. I had written several letters of similar import to the one addressed to Walker, one to a citizen named Johnson also one to Mrs. Bradley.

Re-examined.

Ques. by Judge Advocate. How far from Mrs. Bradley's did Furguson live?

Ans.-- Some four miles.

Ques. by court. Was the place where you met Furguson in the woods in the lane, the place appointed for receiving the surrender?

Ans.-- No sir, Mrs. Bradley's was the place where we were to meet.

The commission then adjourned to meet at 8 a.m. the 24th inst.

Nashville, Tenn. Aug. 24, 1865 A.D.

The Commission met pursuant to adjournment.

Present

All the members of the commission, the Judge Advocate

And.

Champ Furguson, the prisoner.

Captain Rufus Dowdy, a witness for the prosecution sworn, testified as follows:--

In substance. That he was present during a skirmish between Furguson and some Federal soldiers, near the house of Isom Richards, in Fentress Co, Tennessee, together with A. J. Beaty, James Beaty, and Dallas Beaty who had come to him to enlist as volunteer recruits in a company being raised for the 1st Tennessee Mounted Infantry, which was about the 18th of February 1864. And that shortly after the battle of Mill Spring he saw Mr. Furguson at a Mr. Cooks near the coal banks in Fentress County Tennessee. With Mr. Furguson at this time and place were a man named Filpot, onenamed Brannan and he thought one by the name of Moles, There were some horses there in the lot which he supposed were in possession of the party just mentioned that belonged as he thought to men by the name of Titkins and Mills, who lived some eight miles from there. He could not state how long they stayed when they left or what they carried off with them.

He stated further that he was at Furguson's in White County Tenn. about the last of August or first of September in 1864 and in the woods near the house found some flannels, cassimers, silks, sutlers goods, calicoes, soda, coffee and some shoes, concealed in hollow trees, under logs and under rocks as if they had been put there to be kept dry. He saw some man at this time spoken of during the search for these goods leaving the place near where these goods were concealed but could not testify as to its being Furguson, though they got his horse which some of his men recognized as Fergusons. He stated he saw no other person but this one man any where near the place where the goods were. He also stated that he was present on the 24th day of May 1865 at the Widow Bradley's near Sparta Tennessee where he saw Furguson and his men near the place designated by Col. Joseph H. Blackburn of the U. S. Army to recieve the surrender of Captain Walker and his company together with Guerrillas generally of that section of country; but he could not state what induced them

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to come there. During the time of the meeting that day, he stated, Furguson came to him and asked him to go off and have a private interview with him, he complied with his request, and in said interview he (Furguson) expressed a desire to surrender; but said that Col. Blackburn would not accept his surrender. And Furguson argued in favor of the acceptance of his surrender thus:--That others had come in and surrendered and that they were similar commands to his and that he was unable to comprehend the reason why he would not be entitled to the same privilege.

He also stated that he did not see Furguson propose or offer to give up his arms to Col. Blackburn, and that he thought, on the day above spoken of, that he heard Furguson say that he sent for Col. Blackburn to come into the woods where he was, with a view of surrendering to him. He stated, in an interview, which he had with Furguson that Furguson said that he would go home and go to work and that if he could not be allowed to surrender he would leave the country and do no more fighting; but preferred surrendering and insisted upon Captain Dowdy to intercede for him in obtaining an order for his surrender, at the same time expressing some fear that a man by the name of Shillins would try to do him some personal injury, and therefore thought he would continue to carry his arms to defend himself against an attack of said Shillins. Furguson's men all came in to the place designated for surrender and did surrender to Col. Joseph H. Blackburn and went off with him, and Furguson did not go with them; but remained there in the neighborhood saying that he had not been informed that he could not surrender until the morning of the 24th of May 1865. Captain Dowdy further stated that, David Beaty, Eli Hatfield, Tom Woods, Elam Huddleston and a man named Bates, each, had an independent company, though, Huddleston and some of his company properly belonged to the 1st Kentucky Cavalry.