

HEADQUARTERS 2ND DIVISION
14th Army Corps
Murreesboro, March 30, 1863

GENERAL ORDER
NO. 19

At a General Court-martial convened at Headquarters 2nd Division 14th Army Corps pursuant to General Order No. 10 of February 12th 1863 from these Headquarters and of which Lieut. Col. M. L. Philips, 1st Regiment, East Tennessee Volunteers is President were arraigned and tried:

James N. Morrow, Private Co. K, 18th Ohio Volunteer Inftry

Charge 1st "Disobedience of Orders"

Specification 1st "That the said James N. Morrow did on the 10th day of February leave his Co. and Regiment and straggle ahead. The regiment acting at the time as guard to a provision train returning to Murreesboro from Nashville, Tenn. The said James N. Morrow knew there were positive orders against straggling from his command said orders having been given by Orderly Sergeant Howard commanding said "Co. B."

Specification 2nd "That the said Morrow on the 12th day of February 1863 was drunk in camp. Also that he fired his gun thereby violating the order against miscellaneous firing.

Charge 2nd " Theft"

Specification 2nd " that the said James N. Morrow did on the 13th day of February, 1863 enter the tent of Major Grosvenor and appropriate to his own use one bottle of stomach bitters, which he found in the tent, then and there taking, stealing, and carrying away said stomach bitters.

The Judge Advocate then addressed the accused as follows--- James N. Morrow, Private Co. K, 18th OVI, you have now heard the charges and specifications preferred against you, how say you **GUILTY** or **NOT GUILTY**, to which the accused pleaded as follows---

To the 1 st Specification to the 1 st charge	GUILTY
To the 2 nd Specification to the 1 st charge	NOT GUILTY
To the 1 st charge	NOT GUILTY

To the Specification to the 2 nd charge	NOT GUILTY
To the 2 nd charge	NOT GUILTY

W. S. Bartlett a witness for the prosecution being duly sworn testifies as follows:

Question by Judge Advocate--- What is your rank, company, and regiment?

ANSWER Sergeant, Company B, 18th OVI

QUESTION State what, if anything, you know of the conduct of the accused in camp on or about the 12th day of February.

ANSWER I can't think of any on that day as his conduct has been good in camp so far as I know.

QUESTION State what you know, if anything, of straggling from the Regiment on your return from Nashville on or about the 10th day of February, 1863.

ANSWER There was considerable straggling on the whole route- several of the boys got to camp before the Regiment did. The last I saw of the accused was a mile or two outside of the pickets at Nashville, until we came to camp here at Murfreesboro.

QUESTION What is the character of the accused as a soldier?

ANSWER Very good—He always did his duty well except on the day we came from Nashville

J. C. Chapman- a witness for the prosecution being duly sworn testifies as follows:

QUESTION What is your rank, company, and regiment?

ANSWER Private, Company B, 18th OVI

QUESTION What do you know, if anything, of the conduct of the accused on or about the 12th day of February, 1863?

ANSWER He was a little intoxicated. I think the day after we returned from Nashville and he was firing his gun in the evening.

QUESTION How often did he discharge his gun?

ANSWER I saw him shoot his gun once. There were three or four discharges of musketry before this one, which I suppose to be those of the accused. Just before I heard the first report I saw the accused loading his gun. And just before I saw him discharge his gun I saw him loading it. So far as I observed, the accused was **NOT** sufficiently intoxicated to make him stagger. To a person who had not heard him talk he would hardly have been supposed to be drunk. He was tolerable noisy but in a good humor, laughing and cutting up. This was probably one week ago.

QUESTION What if anything do you know of certain stomach bitters having been stolen from the Major's tent?

ANSWER On the morning following the discharge of the accused's gun he was put in arrest. And on the day following the arrest the accused remarked in my presence and in a joking way that he had taken some of the Major's bitters and drank some. I cannot say positively whether the accused said he had taken more than one drink of Major Grosvenor's bitters.

Jesse Ray a witness for the prosecution was duly sworn testifies as follows:

QUESTION What is your rank, company, and regiment?

ANSWER Private, Company B, 18th OVI

QUESTION What if anything do you know of the conduct of the accused in camp on or about the 12th day of February, 1863?

ANSWER He came into camp before the Reg't did on its return from Nashville on the 11th of February 1863. On the day after its return from Nashville the accused acted a little unusual. I think he felt his whiskey a little and because he cut up a little more than common. There were guns discharged that day in camp but I did not see the accused fire his gun off.

A.W. Wilson a witness for the prosecution being duly sworn testifies as follows:

QUESTION What is your rank, company and regiment?

ANSWER Private, Company I, 18th OVI

QUESTION What if anything do you know of miscellaneous firing in your camp on or about the 12th day of February, 1863?

ANSWER I know nothing about it.

QUESTION What do you know if anything about a certain bottle of bitters having fallen into improper hands on or about the 13th day of February, 1863?

ANSWER All I know about it is that I was on guard that day at the Major's tent and the accused near there under guard. He went into the tent and drank some of the bitters. There was a black boy in there, the Major's cook. I saw the accused take a drink. The black boy may have given him a drink for all I know. The accused did not take the bottle away with him. I had no instructions to keep persons out of the tent and did not think the accused would disturb anything. The accused was guarded by another sentinel.

The prosecution here rests.

The accused having no witnesses made the following statement to the court:

I had pretty good cause for straggling. The commander of the Regiment had drawn no grub. I had on a new pair of boots and they hurt my feet making it hard work to march. I started ahead of the Regiment and got into a wagon to ride.

The statements of the parties being thus in possession of the court, the court was cleared for deliberation and having maturely considered the evidence adduced, find the accused James N. Morrow, Private Company K, 18th Ohio Vol. Inftry as follows:

Of the 1st Specification to the first charge **GUILTY**

Of the 2nd Specification to the first charge **GUILTY**

Except the words "and riotous that he disturbed the peace of the camp by his boisterous conduct four or five different times in succession. He continuing to fire after being ordered to stop it."

Of the 1st charge **GUILTY**

Of the Specification of the Second charge the court find that the accused took one drink from the bottle of stomach bitters but in the presence of other parties and therefore do **NOT** construe the act into Theft and therefore find the accused **NOT GUILTY**

Of the Second Charge **NOT GUILTY**

And the court sentence him, the said James N. Morrow of Company K 18th Ohio Vol. Inftry that he perform ten days hard labor, and to be publicly reprimanded by the commanding officer of the Regiment in the presence of the Regiment-----

Milton s. Phillips, Lt. Col.
1st Regiment East Tennessee Vol. Inftry
& President of Court-Martial

R. Cochran
Staff Judge Advocate