

Transcription Of The Court Martial Of Private Edward Burns

Case 4th

9 o'clock A.M. June 16th, 1862

The Court Met pursuant to the above Order (No. 62) Present

Col. John M. Loomis	26 th Illinois Infantry
Major W.A. Thrush	47 th “ ”
Capt. Geo. Varden	42 nd “ ”
“ W.L. Broadus	16 th “ ”
“ J. G. McWilliams	51 st “ ”
Saml. Thomas	27 th Ohio Judge Advocate

Private Burns of Co. K 51st Regt. Illinois Vols. the accused also present.

The Judge Advocate having read the order convening the Court asked the accused Private Burns if he had any Objections to any Member mentioned therein to which he replied he had not.

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

The Charge was read aloud by the Judge Advocate as follows:

Charge: Gross neglect of duty.

Specification: In this that he the said Private Burns of Co. K 51st Regt. Ill Vols. being a member of the Grand Guard on the night of the 21st of March 1862 did not turn out to receive the Grand Rounds after being repeatedly summoned to do it .

This on the night of the 21st of March 1862 at a Camp near New Madrid Mo.

The Judge Advocate addressing the accused said Private Burns you have heard the charge preferred against you how say you Guilty or Not Guilty

To which the accused Private Burns pleaded as follows

Of the Specification	Not Guilty
Of the Charge	Not Guilty

Lieut. Otis Moody of Co. K 51st Illinois Vols. a witness for the prosecution was duly sworn.

Ques. by Judge Advocate What is your rank and where do you belong.

Ans. I am 1st Lieut. of Co. K 51st Regt. Illinois Vols.

Ques. Are you acquainted with the prisoner.

Ans. I am he is a Private of our Company.

Ques. Were you detailed for Grand Guard with your Company on the night of March 21st 1862.

Ans. I was. I and my Company was detailed for Grand Guard as was the custom and reported to Genl. Paine's Hd Quarters and was ordered to Sherwood to return the Guard there.

Ques. What was the instructions received from the old officer of the Guard.

Ans. I received the number of Posts and their locations nothing more.

Ques. What instructions did you give the guards at Hd. Quarters.

Ans. I did not give them any they were under my eyes all the time.

Ques. Did you allow him to go to sleep when off duty.

Ans. I did.

Ques. How did you have the reliefs arranged.

Ans. The guard was divided into three reliefs and relieved every two hours commencing at nine in the morning. One relief on Post one setting by their arms and one asleep.

Ques. What time did the Grand Rounds make their appearance.

Ans. They came about two oclock. The first was sleeping at the time. The rest was setting by the fire.

Ques. Was Private Burns asleep at the time.

Ans. He was.

Ques. Was he awakened and ordered to fall in.

Ans. He was after considerable effort. He was sleeping very soundly.

Ques. Did he immediately get up and fall in.

Ans. He did .

Ques. Did he get into ranks.

Ans. He did not as he was ordered back by the Grand Rounds under arrest.

Ques. Was the Guard formed at the time he was ordered back.

Ans. They were in line.

Ques. Had Private Burns a right to be asleep at that time.

Ans. He was asleep by my permission.

The testimony on the part of the prosecution being closed the accused did not wish to make any defense.

The Court being in possession of the Statement of both parties was cleared for deliberation and after having maturely considered the evidence adduced finds Private Burns of Co. K 51st Regt. Ill. Vols. as follows

Of the Specification of the Charge	Not Guilty
Of the Charge	Not Guilty

And do therefore acquit him.

(signed) John M. Loomis Col. 26th
President of Court
Capt. Saml S. Thomas 27th
Judge Advocate

Approved

W. S. Rosecrans
Brig. Genl. U.S.A.
Comdg.

The Court adjourned to meet at 8 oclock June 17th 1862.