

order of the General was issued, prescribing the uniform?

Ans: The officers were in uniform, and some of the men - how many I don't know. Notwithstanding the General's orders, there were several volunteer corps, permitted to retain their uniform as established by them.

Question by same

After the General's order was issued what steps did the company take?

Ans: As I before said, there was some sensation. There may have been a meeting of the company - but do not recollect - there was an application, in some shape to the General. I had conversation with him, on the subject.

Question by same

Did General Johnston issue an order for the arrest of Capt. Bennett if he appeared in view with two epauletts.

Ans: There was an order May 3<sup>rd</sup> 1863, before referred to, directing that Captains of Artillery, should wear but one epaulet - same order to Capt. Covington. The order stated, that if it was disregarded without necessity, the General must do his duty.

Question by same.

Did Capt. Bennett in a conversation with you, state that a request from the General would have been enough - and that he got two epauletts because it had been the custom of Captains of Artillery Cavalry?

Ans. I recollect that Captain Bennett stated such a practice has prevailed with such Captains - the other part of the conversation referred to, I don't recollect.

Question by same

Did Captain say in that conversation the General would be gratified to draw him from the ranks - and did Capt. Bennett at same time write his resignation and put it in the post-office?

Ans. I recollect about that time Capt. Bennett did say so; and I endeavored to satisfy him, it was in conformity with the United States uniform. Don't recollect of his writing his resignation - but believe he did so about that time.

Question by same

Did you and the Company, after the death of Mr. Baird, press Captain Bennett to take the command of the company - you stating that you did not wish the command of it, but preferred the Brigade Major's station?

Ans. I did press him & perhaps some of the company also - and he agreed to do so - it is probable he may have done so, because I did not wish the command, & that I might continue Brigade Major.

Question by General Stockton.

What was the conduct of Capt. Bennett, when he received the order as to the Spaniards?

Ans. He said, that he thought it his right and would resign, if he was not permitted to wear them.

Major McCounaughy & Captain Baird appeared & took their seats.

Edward Sturgis

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Sworn & Deposition as follows.

When the company was organized in 1807, they established their uniform. Shortly after there was an order issued by the General as to the uniform. It excited some sensation in the company, and we had our coats lengthened - we were permitted to wear scarlet vests. The company had a meeting & it was agreed to conform as near as we could. The meeting of the company was voluntary & not directed by the Captain.

Major Peter Baggett

Sworn.

Question by Major Bennett.

Did you ever hear General Stockton say, that he would break down the gustering Major Bennett, late commandant at New Castle?

Ans: I have been in habits of intimacy with them both - & they have been intimate with each other. After the war last June was a year, I had some conversation with General Stockton - he then said he was not pleased at it, & thought Major Bennett was at the bottom of it & was too high & ought to be broke down - it was something about the place of the artillery in the line. The General considered Bennett too high - this was the amount of what I heard.

There was some rupture between them at General Stockton's house, as I understood.