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## 38th Regiment, New York Volunteer Infantry Historical Sketch From The 3rd Annual Report Of The Bureau Of Military Statistics

The Thirty-eighth Regiment Infantry, N. Y. S. V., or "Second Scott's Life Guard," was organized in the city of New York. Its first recruiting office was opened at 497 Broadway, on the 19th of April. The several companies of which it was composed were recruited and accepted as follows, via:

Co.	Where recruited	By whom recruited	Order #	Date of acceptance
A	New York city	Capt. Daniel E. Gavit	520	May 7, 1861
B	New York city	Capt. Eugene McGrath	523	May 7, 1861
C	New York city	Capt. Robert F. Allison	522	May 7, 1861
D	New York city	Capt. John T. Harrold	521	May 7, 1861
E	New York city	Capt. Oliver A. Tilden	524	May 7, 1861
F	New York city	Capt. Hugh McQuaide	598	May 10, 1861
G	New York city	Capt. George F. Britton	599	May 10, 1861
H	Geneva, N. Y.	Capt. Wm. H. Baird	639	May 24, 1861
I	Horseheads, N. Y.	Capt. Calvin S. DeWitt	634	May 21, 1861
K	Elizabethtown, N.Y.	Capt. Samuel C. Dwyer	670	May 24, 1861

On the 14th of May, the organization was removed to barracks at East New York, L. I. On the 24th of May, the State Board "Resolved, That the companies commanded by the following named captains, viz: Gavit, McGrath, Allison, Tilden, Harrold, McQuaide, Britton, Baird, DeWitt and Dwyer, be organized into a regiment, to be numbered No. 38, and an election for field officers ordered to be held therein." An election for field officers was immediately held, and the following chosen, viz: J. H. Hobart Ward, Colonel; Addison Farnsworth, Lieutenant-Colonel; and James D. Potter, Major. Special Orders No. 238 (May 29th), confirmed the election of the officers chosen, and directed the regiment to be immediately mustered into the service of the United States. On the 3d of June, the regiment was inspected by Dr. Mott, and mustered into the service of the United States by Capt. S. B. Hayman, U. S. A., with the exception of company I, which was not mustered until the 8th of June. On the 15th of June, the regiment was uniformed and paid for one month. On the 19th, it was armed with altered muskets, and left the State for the seat of war via Harrisburg and Baltimore. To assist in recruiting the regiment, the Union Defense Committee expended \$5,553.15. The expenditure by the State, on account of the regiment, up to the 15th of August, 1861, was \$30,539.34.

The regiment reached Washington on the 21st of June and encamped on Meridian hill. On the 4th of July it participated in the review of the army by the President and General Scott; on the 7th changed arms at Washington arsenal and proceeded to Alexandria, where it was placed in Colonel O. B. Wilcox's brigade, with the First Michigan and Eleventh New York (First Fire Zouaves), in General S. P. Heintzelman's division. On the 17th it moved forward with the army towards Bull Run, and occupied Fairfax station; on the 19th encamped at Centreville, and on the 21st engaged in the battle of Bull Run. The official report of the movements of the regiment in this battle is as follows, viz.:

" HEADQUARTERS 38th REGT. (2d Scott Life Guards), N. Y. S. V., " CAMP SCOTT, near

ALEXANDRIA, VA., July 27, 1861.

" Col. J. H. H. WARD, Commanding Second Brigade, Third Division, Volunteers.

" Sir: In compliance with my duty, I respectfully submit the following report of the operations of my regiment during the recent battle, at or near Bull Run, on the 21st of July, 1861.

" On the morning of the 21st in obedience to brigade orders, the regiment was formed, the men equipped in light marching order, and prepared to leave its bivouac, at or near Centreville. The march, however, was not commenced until 6 o'clock, A. M., when the regiment, with others constituting the brigade, advanced towards the scene of future operations. After a fatiguing march over dusty road, and at times through dense woods, the men suffering greatly from the intense heat and a great lack of water, and submitting to the same with a true soldierly spirit—the regiment, with others of the brigade, was halted in a field in full view of the enemy, on the right of his line of entrenchments, and within range of his artillery. After a very brief rest the regiment was formed in line of battle, and ordered by Colonel Wilcox, the commandant of the brigade, to advance to a slight eminence fronting the enemy's batteries, and about half a mile distant, to the support of Griffin's battery, which was then preparing to take up a position at that point. The order was promptly executed—the men, led by yourself and encouraged by the gallantry of their officers, moving forward in gallant style, in double-quick time, subjected, a greater portion of the way, to a terrible and deadly fire of grape and canister and round shot from the enemy's works on our front and right flank. Arriving at the brow of the eminence, in advance of the battery which it was intended to support, the regiment was halted, and commenced, in fact, the attack of Colonel Heintzelman's division on the right flank of the enemy—engaging a large force of his infantry, and, by a well directed fire, completely routing an entire regiment that was advancing in good order, and driving it into a dense wood in the distance.

" After, remaining in this position for some time, finding that the enemy's artillery was telling with fearful effect upon our ranks, subjected as we were, to a direct and flank fire from his batteries, the regiment was ordered to retire down a slight declivity, which was done in good order, affording it for a time partial protection from the enemy's fire.

" At this time Griffin's battery was moving to a position on our right, and the regiment was ordered by Colonel Heintzelman in person, to advance to its protection. Advancing by the flank under a galling fire, the regiment was halted within supporting distance of Griffin's battery, which had now opened upon the enemy, and properly formed to resist a threatened attack from the enemy's cavalry and infantry, which had shown themselves in large numbers on the borders of a grove to the right and front. In this position my regiment, under a spiteful and destructive fire from the enemy's batteries, remained until forced to retire, and its presence not being deemed requisite because of the fact that Griffin's battery had been compelled to leave the field.

" Retiring to a road about one hundred yards distant, my regiment was again formed in line of battle, and under the eye of the commander-in-chief, General McDowell, the men inspired by his presence upon the field, and led by yourself, dashed gallantly up the hill toward a point where Ricketts' battery had been abandoned in consequence of its support, the First Fire Zouaves and First Michigan regiment having previously been compelled to retreat by the force of superior numbers and a great loss in their ranks. Before arriving at the brow of the hill we met the enemy in large force—one of his infantry regiments, apparently fresh upon the field, advancing steadily towards us in line of battle. A large number of the men of this regiment had advanced in front of their line and taken possession of Ricketts' battery, and were endeavoring to turn the guns upon us. A well-directed and destructive fire was immediately opened upon the enemy by my regiment and a portion of another that had rallied upon our left (I think the Fourteenth N. Y. S. M.) and after a sharp conflict it was forced to retreat in disorder and with great loss, seeking shelter in the woods from whence he had previously emerged. The enemy not succeeding in taking with him Ricketts' battery, which seemed to have been the chief object of his attack, it fell into the hands of my regiment, by whom three of its guns were dragged a distance of three hundred yards and left in a road, apparently out of reach of the enemy.

" Another rally was then again made by my regiment, the gallant men readily responding to the orders of their officers. Advancing in double-quick time to the right and front, towards a dense wood in which the enemy had been concealed in large force during the day, and from which evidences of a retreat were now visible, my regiment, with detached portions of others of our force, became engaged in a sharp and spirited skirmish with the enemy's infantry and cavalry, and we appeared for a time to have complete possession of the field.

" This was the last rally made by my regiment. Suddenly and unexpectedly the enemy, reinforced by fresh troops, literally swarming the woods, poured in upon us a fearful shower of lead from his

musketry; his batteries reopened upon us with terrible effect, and a panic at this moment seeming to have taken possession of our troops generally, a retreat was ordered, and my regiment, in comparatively good order, commenced its march towards Centreville, where a greater portion of it arrived about 9 o'clock that night. Here, on the same ground that we had bivouacked previous to the battle, the regiment was halted. After a rest of about two hours it again resumed its march, joining in the general movement made by the army towards this place. After a forced and wearisome march of seven hours, the men suffering from the great fatigue of the previous fifteen, hours, without food for that length of time, with scarcely water enough to moisten their parched tongues, many of them wounded, sick and otherwise disabled, my regiment, with the exception of about fifty who had straggled from their respective companies and joined the mass that were thronging to the capital, halted at its original camp ground near Alexandria—the only regiment of the brigade that did so—the only regiment, in fact, that was under fire during the previous day, that returned to and occupied their old camp ground previous to their advance towards the field of battle. It is with great pride, sir, that I mention this fact, evincing, as it emphatically does a degree of subordination commendable in any regiment, and reflecting great credit upon the gallant officers and men of my own, particularly under the extraordinary, circumstances connected with the occasion.

" From the time my regiment was ordered into the field until forced to retire therefrom, a period of four hours, it was almost constantly under fire from the enemy's batteries and engaged with his infantry; and to your coolness and courage alone, during that time, your frequent orders for the men to lie down when the enemy's fire was the hottest, and your constant efforts to protect them, as far as possible, at all times, was the regiment saved from presenting a larger number of casualties than its large list now shows.

" Of the courage displayed by the men generally on the field, during the entire day—of the readiness of the gallant fellows to obey, at all times; all orders—I cannot speak in too high terms, or express in words my admiration. During all my experience in a former campaign, and presence on many a battle-field, I have never witnessed greater bravery or more soldierly requisites than were displayed by the men of my own regiment during the entire battle.

" The conduct of the officers generally I cannot speak too highly of. Always at their posts, cheering on their men by their soldierly examples, and displaying marked gallantry, under the trying circumstances, I acknowledge my inability to do them justice in words, Major Potter was disabled during the early part of the engagement, while gallantly performing his duty, and subsequently fell into the hands of the enemy. The brave Captain McQuaide, while cheering on his men, fell from a severe wound in the leg. Lieut. Thomas Hamblin, a gallant young officer, also received a wound in his leg while discharging his duty, and with Captain McQuaide subsequently fell into the hands of the enemy. Capts. McGrath and Allison both received injuries during the engagement—the former by being run down by the enemy's cavalry, from the effects of which he is now suffering, and the latter by a slight musket shot. Lieutenant John Brady, jr., while bravely participating in the fight, was severely wounded in the arm. Assistant Surgeon Griswold was on the field and under a heavy fire at all times humanely and fearlessly discharging his duties to the wounded, He and Quartermaster C. J. Murphy, who was assisting the wounded, were also taken prisoners. "In conclusion, I again assert my inability to do justice to the gallant conduct of the officers generally; and while it would afford me great pleasure to mention the names of many whose conduct fell under my personal observation, I must refrain from doing so, lest, by omitting others, I should do injustice to many equally as meritorious.

" Annexed is a list of the casualties of my regiment

" Respectfully submitted.

" ADDISON FARNSWORTH, "Lieut.-Col. C'om'd'g 2d Scott Life Guard (38th N. Y. V.)."

During the month of August, the regiment moved to the Leesburg road, where it was assigned to Gen. Howard's brigade, with the Fortieth New York and Third and Fourth Maine. On the 18th of August a portion of its pickets, stationed near Munson's Hill, were attacked and captured by a superior force of the enemy. During the month of August the regiment assisted in constructing Fort Ward. In September ninety-seven men, who had refused to do duty in the Fourth Maine, were transferred to the Thirty-eighth, and the encampment was moved to the old Fairfax road, where the regiment assisted in constructing Fort Lyons and other works.

It is not necessary to repeat the history of the Peninsula, cam-paign, or that of Maryland, Fredericksburg, or Chancellorsville, in which the regiment bore an honorable part. The movements

of the regiment may, however, be statistically stated, viz:

### **Brigade ASSIGNMENTS.**

On the 8th of July the regiment was brigaded with the First Michigan Volunteers and the Eleventh New York Volunteers (Fire Zouaves), which brigade was com-manded by Col. O. B. Wilcox, and was called "Wilcox's brigade." It had no number. On the 15th of August it was brigaded with the Fortieth New York Volunteers (Mozart) and the Third and Fourth Maine Volunteers, under command of Gen. O.O. Howard, and called "Howard's brigade." Gen. Howard was relieved by Gen. John Sedgwick, and the brigade was then called " Sedgwick's brigade." Gen. Sedgwick was relieved by Gen. D. B. Birney, and it was then called "Birney's brigade." Upon Gen. Birney's taking command of the division, Col. J. H. Hobart Ward, having been made a brigadier general took command of the brigade, and, upon the organization of the army of the Potomac, it was numbered the "Third brigade," "First division," "Third Army corps," a designation it retained during the term of service of the regiment.

### **Division Assignments.**

During the battle of First Bull Run, the division, of which the regiment was a part, had no number. It was commanded by Gen. S. P. Heintzelman, and was known as "Heintzelman's division." When brigaded with the Fortieth New York and Third and Fourth Maine, it remained in "Heintzelman's division." After the organization of the Army of the Potomac, the division became the " First division' of the " Third corps," commanded successively by Generals Hamilton, Kearney, Stoneman, Birney and Ward.

### **BATTLES.**

The regiment took part in the following battles viz: First Bull Bun, Siege of Yorktown, Williamsburg,\* [\* See General Birney's Report, documents, page 17, vol. v, Rebellion Record. Also General Kearney's letter to Gov. Morgan; page 18 of same volume.] Fair Oaks (two day), the Orchards (June 20th); Glendale, or Charles City Cross Roads; Malvern Hill, Blackburn's Ford, Second Bull Run, Chantilly, Fredericksburg and Chancellorsville (two days).

### **MARCHES.**

June 20th, 1861, left the city of New York for Washington, D. C., via Harrisburg, Pa., and Baltimore, Md., arriving in Washington on the morning of June 21st, and encamped on Meridian Hill. July 7th, marched to Alexandria, Va., encamping about one mile west of the city. July 17th, marched en route for Bull Run; engaged in the battle on the 21st, and returned, after the battle, direct to its old camping ground-near Alexandria. August 10th, moved camp to the Leesburg road, near the Seminary, about three miles west of Alexandria. October 1st, moved camp to the old Fairfax road, about two and a half miles south of Alexandria. March 17th, 1862, went to Alexandria, and embarked for Fortress Monroe, Va., arriving there March 10th, and encamped at Camp Hamilton, about three miles northwest from Fortress Monroe, on Hampton creek. March 21st, moved camp about five miles towards Big Bethel, and encamped by the roadside. April 4th, moved towards Yorktown, Va., encamping about one and a half miles south of that village. May 4th, being on picket, was the first regiment to march into Yorktown, and the first to raise the stars and stripes over the enemy's works. Continued the march that day, and encamped about four miles beyond Yorktown, towards Williamsburg. May 5th, marched to the enemy's works in front of Williamsburg, and engaged in the battle at that place. May 6th, marched into the village of Williamsburg. May 12th, marched to Fair Oaks. June 26th, marched to the Orchards. June 27th, marched on a reconnaissance to within three miles of Richmond, Va., the nearest point reached by infantry during that campaign. June 29th, marched to Glen-dale, or Charles City Cross Roads. July 1st, marched to Malvern Hill. July 3d, marched to Harrison's Landing. August 15th, marched en route for Yorktown, Va., passing through Williams-burg and reaching Yorktown August 18th. August 20th, em-barked for Alexandria, Va.; arrived there on the 23d, and took cars for Warrenton

Junction; arrived on the 23d, and immediately marched for Bealton station, August 28th, marched to Manassas Junction, August 28th, marched to Centreville. Aug. 29th moved to battle ground of Second Bull Run. September 1st, moved to Chantilly. September 2d, marched to Alexandria. September 15th, marched to Poolsville, Md., reaching there September 18th. October 28th, marched across the Potomac at White'e ford, through Leesburg and White Plains to Waterloo; passed through Warrenton and encamped near Falmouth, Va., about November 25th. December 13th, marched to the Fredericksburg battle ground. December 16th, re-crossed the Rappahannock and encamped again near Falmouth. January 20th, 1863, participated in General Burnside's movement, marching sixty-three miles going out and returning, and encamped again near Falmouth. May 1st, crossed the Rappahannock again and marched to the battle ground of Chancellorsville. After the battle, re-crossed the river, and encamped again near Falmouth. June 3d, marched to Aquia creek. June 4th, left Aquia creek for the city of New York, via Washington, Baltimore and Philadelphia; arrived there by steamboat and cars, June 6th, 1863. Total miles traveled, nine hundred and ninety-seven.

### Casualties.

July 21st, 1861, at first battle of Bull Bun or Stone Bridge, killed, nineteen; wounded, sixty-five; missing, fifty-four; total, one hundred and twenty-eight. August 18th, four enlisted men taken prisoners, while on picket duty on Munson's Hill, Va. March 10th, 1862, three enlisted men taken prisoners near Big Bethel, Va. During the siege of Yorktown, five enlisted men killed and wounded. May 5th, at the battle, of Williamsburg, killed, fourteen; wounded, sixty-four; missing, eight; total, eighty-six. May 31st and June 1st, one officer wounded and fifty-nine enlisted men killed, wounded and missing. June 26th, at the Orchards, three men killed, wounded and missing. June 30th, at Glendale, one officer wounded and ten enlisted men killed, wounded and missing. July 1st, at the battle of Malvern Hill, two officers wounded, and sixteen enlisted men killed, wounded and missing. August 28th, at Blackburn's Ford, one officer wounded, two officers taken prisoners, and six enlisted men killed, wounded and missing. August 29th and 30th, at the battle of Second-Bull Run, two officers wounded, and ten enlisted men killed, wounded and missing. December 13th, at Fredericksburg, seven officers wounded and one hundred and thirty-one enlisted men killed, wounded and missing. May 2d and 3d, 1863, at Chancellorsville, three officers wounded, one taken prisoner, and forty-eight enlisted men killed, wounded and missing.

### Monthly Report, July, 1861

Total strength	796
Gain by transfers	38
Total	834
Loss—resigned	1
Loss—missing in action	70
Loss—discharged for disability	5
Loss—transferred	35
Loss—killed in action or died of wounds	14
Loss—died of disease	2
Loss—deserted	55
Present and absent on leave July 31st	182
	652

### Annual Report for 1862

Strength of regiment Jan. 1st, 1862	734
Gained recruits during the year	100
Total	834
Loss— killed in battle	33
Loss—died of disease and wounds	45
	78

Present and absent Jan. 1, 1863

**756****Consolidations.**

In September, 1861, the regiment received ninety-seven men from the Fourth Maine volunteers. ON the 21st of December, 1863; its ten companies were consolidated into six, and called A, B, C, D, E and F, and the ten companies of the Fifty-fifth New York volunteers (a three years regiment) were consolidated into four, and put into the Thirty-eighth as companies G, H, I and K. When the term (two years) of the Thity-eighth expired, the men who enlisted for three years (together with some of the officers) were transferred to the Fortieth New York volunteers.

Muster-out. -- The regiment was mustered out of service at East New York, Long Island, June 22d, 1863, at which time its total strength was two hundred and seventy-nine.

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*Last modified: July 31, 2007*

*URL: <http://www.dmdna.state.ny.us/historic/reghist/civil/infantry/38thInf/38thInfBMSHistSketch.htm>*



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