

FORTIETH NEW YORK INFANTRY—"MOZART REGIMENT."

WARD'S BRIGADE — BIRNEY'S DIVISION — THIRD CORPS.

(1) COL. EDWARD RILEY. (2) COL. THOMAS W. EGAN ; BVT. MAJOR-GEN. (3) COL. MADISON M. CANNON.

| <i>Losses.</i>                       | <i>Officers.</i> | <i>En. Men.</i> | <i>Total.</i> |
|--------------------------------------|------------------|-----------------|---------------|
| Killed and mortally wounded .....    | 10               | 228             | 238           |
| Died of disease, accidents, etc..... | 2                | 125             | 127           |
| Died in Confederate prisons.....     | ..               | 45              | 45            |
| Totals .....                         | 12               | 398             | 410           |

  

| <i>Battles.</i>  | <i>Killed.</i> | <i>Wounded.*</i> | <i>Missing.†</i> | <i>Total.</i> |
|--|----------------|------------------|------------------|---------------|
| Siege of Yorktown, Va.....                             | 4              | 3                | ..               | 7             |
| Williamsburg, Va....                                   | 5              | 24               | ..               | 29            |
| Fair Oaks, Va.....                                     | 12             | 81               | 3                | 96            |
| On Picket, Va., June 9, 1862 .....                     | 2              | ..               | ..               | 2             |
| Oak Grove, Va.....                                     | ..             | 1                | 1                | 2             |
| Seven Days' Battles, Va.....                           | 3              | 18               | 79               | 100           |
| Manassas, Va.....                                      | 8              | 60               | 18               | 86            |
| Chantilly, Va.....                                     | 4              | 47               | 10               | 61            |
| Fredericksburg, Va.....                                | 19             | 74               | 30               | 123           |
| Chancellorsville, Va.....                              | 1              | 40               | 29               | 70            |
| Gettysburg, Pa.....                                    | 23             | 120              | 7                | 150           |
| Kelly's Ford, Va.....                                  | ..             | 4                | ..               | 4             |
| Mine Run, Va.....                                      | 1              | 19               | ..               | 20            |
| Wilderness, Va.....                                    | 20             | 156              | 37               | 213           |
| Spotsylvania, Va.....                                  | 11             | 57               | 28               | 96            |
| North Anna and Totopotomoy, Va.....                    | 4              | 24               | 21               | 49            |
| Cold Harbor, Va.....                                   | 3              | 3                | 2                | 8             |
| Petersburg, Va., June 18, 1864.....                    | 14             | 29               | 2                | 45            |
| Strawberry Plains, Va. (six co's), July 27, 1864 ..... | ..             | 2                | ..               | 2             |
| Poplar Spring Church, Va.....                          | ..             | 1                | ..               | 1             |
| Boydton Road, Va.....                                  | 1              | 7                | ..               | 8             |
| Hatcher's Run, Va., March, 1865.....                   | 1              | 3                | ..               | 4             |
| Siege of Petersburg, Va.....                           | 6              | 34               | 1                | 41            |
| Totals .....   | 142            | 807              | 268              | 1,217         |

\*Includes the mortally wounded. †Includes the captured.

Present, also, at Glendale ; Malvern Hill ; Po River ; Deep Bottom ; Sailor's Creek ; Farmville ; Appomattox.

NOTES.— Four companies of this regiment were raised in Massachusetts, but the quota of that State being full, these companies joined the Fortieth. It sustained an unusual loss in battle, and in its number of killed stands next to the head in the list of New York infantry regiments. It carried, from first to last, a large number of names on its rolls, owing to accessions and transfers from other regiments. The Eighty-seventh New York was transferred entire in September, 1862 ; five companies of three years' men from the Thirty-eighth New York were received in May, 1863 ; also, the reënlisted men and recruits of the Thirty-seventh, and Seventy-fourth New York Volunteers, when those regiments returned home. While on the Peninsula, the division was commanded by Kearny, and the brigade by General Birney. At Fair Oaks, under command of Colonel Egan, five companies numbering 231 officers and men were hotly engaged, every man in the color-guard falling, either killed or wounded. The original members of the regiment were mustered out in July, 1864, and the reënlisted veterans and recruits were formed into a battalion of six companies which served through the war.