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SLAVERY AND FOUR YEARS OF WAR

A POLITICAL HISTORY OF SLAVERY IN THE UNITED STATES

TOGETHER WITH A NARRATIVE OF THE CAMPAIGNS AND BATTLES OF THE CIVIL WAR IN WHICH THE AUTHOR TOOK PART: 1861-1865

BY JOSEPH WARREN KEIFER BREVET MAJOR-GENERAL OF VOLUNTEERS; EX-SPEAKER OF THE HOUSE OF REPRESENTATIVES, U. S. A.; AND MAJOR-GENERAL OF VOLUNTEERS, SPANISH WAR.

ILLUSTRATED

VOLUME I. 1861-1863

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To the

memory of the dead and as a tribute of esteem to the living officers and soldiers who served immediately with and under the author in battles and campaigns of the great American rebellion

This Book is Dedicated

PREFACE

The writer of this book was a volunteer officer in the Union army throughout the war of the Great Rebellion, and his service was in the field.

The book, having been written while the author was engaged in a somewhat active professional life, lacks that literary finish which results from much pruning and painstaking. He, however, offers no excuse for writing it, nor for its completion; he has presumed to nothing but the privilege of telling his own story in his own way. He has been at no time forgetful of the fact that he was a subordinate in a great conflict, and that other soldiers discharged their duties as faithfully as himself; and while no special favors are asked, he nevertheless opes that what he has written may be accepted as the testimony of one who entertains a justifiable pride in having been connected with large armies and a participant in important campaigns and great battles.

He flatters himself that his summary of the political history of slavery in the United States, and of the important political events occurring upon the firing on Fort Sumter, and the account he has given of the several attempts to negotiate a peace before the final overthrow of the Confederate armies, will be of special interest to students of American history.

Slavery bred the doctrine of State-rights, which led, inevitably, to secession and rebellion. The story of slavery and its abolition in the United States is the most tragic one in the world's annals. The "Confederate States of America" is the only government ever attempted to be formed, avowedly to perpetuate *human slavery*. A history of the Rebellion without that of slavery is but a recital of brave deeds without reference to the motive which prompted their performance.

The chapter on slavery narrates its history in the United States from the earliest times; its status prior to the war; its effect on political parties and statesmen; its aggressions, and attempts at universal domination if not extension over the whole Republic; its inexorable demands on the friends of freedom, and its plan of perpetually establishing itself through secession and the formation of a slave nation. It includes a history of the secession of eleven Southern States, and the formation of "The Confederate States of America"; also what the North did to try to avert the Rebellion. It was written to show why and how the Civil War came, what the conquered lost, and what the victors won.

In other chapters the author has taken the liberty, for the sake of continuity, of going beyond the conventional limits of a personal *memoir*, but in doing this he has touched on no topic not connected with the war.

The war campaigns cover the first one in Western Virginia, 1861; others in Kentucky, Tennessee, Mississippi, and Alabama, 1862; in West Virginia, Virginia, Maryland, and Pennsylvania, 1863; and in Virginia, 1864; ending with the capture of Richmond and Petersburg, the battles of Five Forks and Sailor's Creek, and the surrender of Lee to Grant at Appomattox, 1865. A chapter on the New York riots of 1863, also one on the "Peace Negotiations," will be found, each in its proper place.

Personal mention and descriptions of many officers known to the writer are given; also war incidents deemed to be of interest to the reader.

But few generalizations are indulged in either as to events, principles, or the character of men; instead, facts are given from which generalizations may be formed.

The author is indebted to his friends, General George D. Ruggles (General Meade's Assistant Adjutant-General, Army of the Potomac, late Adjutant-General, U.S.A.), for important data furnished from the War Department, and to his particular friends, both in peace and war, General John Beatty and Colonel Wm. S. Furay of Columbus, Ohio, for valuable suggestions.

J. W. K.
December, 1899.

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I INTRODUCTORY

Slavery is older than tradition—older than authentic history, and doubtless antedates any organized form of human government. It had its origin in barbaric times. Uncivilized man never voluntarily performed labor even for his own comfort; he only struggled to gain a bare subsistence. He did not till the soil, but killed wild animals for food and to secure a scant covering for his body; and cannibalism was common. Tribes were formed for defence, and thus wars came, all, however, to maintain mere savage existence. Through primitive wars captives were taken, and such as were not slain were compelled to labor for their captors. In time these slaves were used to domesticate useful animals and, later, were forced to cultivate the soil and build rude structures for the comfort and protection of their masters. Thus it was that mankind was first forced to toil and ultimately came to enjoy labor and its incident fruits, and thus human slavery became a first step from barbarism towards the ultimate civilization of mankind.

White slavery existed in the English-American colonies antecedent to black or African slavery, though at first only intended to be conditional and not to extend to offspring. English, Scotch, and Irish alike, regardless of ancestry or religious faith, were, for political offenses, sold and transported to the dependent American colonies. They were such persons as had participated in insurrections against the Crown; many of them being prisoners taken on the battle- field, as were the Scots taken on the field of Dunbar, the royalist prisoners from the field of Worcester; likewise the great leaders of the Penruddoc rebellion, and many who were taken in the insurrection of Monmouth.

Of these, many were first sold in England to be afterwards re-sold on shipboard to the colonies, as men sell horses, to the highest bidder.

There was also, in some of the colonies, a conditional servitude, under indentures, for servants, debtors, convicts, and perhaps others. These forms of slavery made the introduction of negro and perpetual slavery easy.

Australasia alone, of all inhabited parts of the globe, has the honor, so far as history records, of never having a slave population.

Egyptian history tells us of human bondage; the patriarch Abraham, the founder of the Hebrew nation, owned and dealt in slaves. That the law delivered to Moses from Mt. Sinai justified and tolerated human slavery was the boast of modern slaveholders.

Moses, from "Nebo's heights," saw the "land of promise," where flowed "milk and honey" in abundance, and where slavery existed. The Hebrew people, but forty years themselves out of bondage, possessed this land and maintained slavery therein.

The advocates of slavery and the slave trade exultingly quoted:

"And I will sell your sons and your daughters into the hands of the children of Judah, and they shall sell them to the Sabeans, to a people far off; for the Lord hath spoken it."—Joel iii, 8.

They likewise claimed that St. Paul, while he preached the gospel to slaveholders and slaves alike in Rome, yet used his calling to enable him to return to slavery an escaped human being—Onesimus.(1)

The advocates of domestic slavery justified it as of scriptural and divine origin.

From the Old Testament they quoted other texts, not only to justify the holding of slaves in perpetual bondage, but the continuance of the slave trade with all its cruelties.

"And he said, I am Abraham's servant."—Gen. xxiv., 34.

"And there was of the house of Saul a *servant* whose name was Ziba. And when they had called him unto David, the King said unto him, Art thou Ziba? And he said, Thy servant is he. . . .

"Then the King called to Ziba, Saul's *servant*, and said unto him, I have given unto thy master's son all that pertained to Saul, and to all his house.

"Thou, therefore, and thy sons, and they servants shall till the land for him, and thou shalt bring in *the fruits*, that thy master's son may have food to eat," etc. "Now Ziba had fifteen sons and *twenty servants*."—2 Samuel ix., 2, 9-10.

"I got me servants and maidens and had servants born in my house; also I had great possessions of great and small cattle above all that were in Jerusalem before me."—Eccles. ii., 7.

"And he said, Hagar, Sarai's maid, whence comest thou? and she said, I flee from the face of my mistress Sarai.

"And the angel of the Lord said unto her, Return to thy mistress, and submit thyself to her hands."—Gen. xvi., 8, 9.

"A servant will not be corrected by words; for though he understand, he will not answer."—Prov. xxix., 19.

And from the New Testament they triumphantly quoted:

"Let every man abide in the same calling wherein he was called. Art thou called being a servant? care not for it; but if thou mayest be made free, use it rather."—I Cor., vii., 20-22.

"Servants, be obedient to them that are your masters according to the flesh, with fear and trembling, in singleness of your heart, as unto Christ," etc.

"And, ye masters, do the same things unto them, forbearing threatening: knowing that your Master also is in heaven; neither is there respect of persons with him."—Eph., vi., 5-9.

"Servants, obey in all things your masters according to the flesh, not with eye service, as men pleasers; but in singleness of heart, fearing God."—Col. iii., 22.

"Masters, give unto your servants that which is just and equal; knowing that ye also have a Master in heaven."—Col. iv., 1.

"Let as many servants as are under the yoke count their own masters worthy of all honor, that the name of God and his doctrines be not blasphemed," etc.—I Tim., vi., 1, 2.

"Exhort servants to be obedient unto their own masters, and to please them well in all things; not answering again; not purloining, but showing all good fidelity; that they may adorn the doctrine of God our Saviour in all things."—Titus ii., 9, 10.

"Servants, be subject to your masters with all fear; not only to the good and gentle, but also to the froward."—I. Pet. ii, 18.

The advocates of slavery maintained that Christ approved the calling as a slaveholder as well as the faith of the Roman centurion, whose servant, "sick of a palsy," Christ miraculously healed by saying: "*I have not found so great faith, no, not in Israel*."—Matt. viii., 10.

They also cited Dr. Adam Clark, the great Bible commentator; Dr. Neander's work, entitled *Planting and Training the Church*, and Dr. Mosheim's *Church History*, as evidence that the Bible not only sanctioned slavery but authorized its perpetuation through all time.(2) In other words, pro-slavery advocates in effect affirmed that these great writers:

"Torture the hollowed pages of the Bible,
To sanction crime, and robbery, and blood,
And, in oppression's hateful service, libel
Both man and God."

While the teachings of neither the Old nor the New Testament, nor of the *Master*, were to overthrow or to establish political conditions as established by the temporal powers of the then age, yet it must be admitted that large numbers of people, of much learning and a high civilization, believed human slavery was sanctioned by divine authority.

The deductions made from the texts quoted were unwarranted. The principles of justice and mercy, on which the Christian religion is founded, cannot be tortured into even a toleration (as, possibly, could the law of Moses) of the existence of the unnatural and barbaric institution of slavery, or the slave trade.

Slavery was wrong *per se;* wholly unjustifiable on the plainest principles of humanity and justice; and the consciences of all unprejudiced, enlightened, civilized people led them in time to believe that it had no warrant from God and ought to have no warrant from man to exist on the face of the earth.

The friends of freedom and those who believed slavery sinful never for a moment assented to the claim that it was sanctioned by Holy Writ, or that it was justified by early and long-continued existence through barbaric or semi-barbaric times. They denied that it could thus even be sanctified into a moral right; that time ever converted cruelty into a blessing, or a wrong into a right; that any human law could give it legal existence, or rightfully perpetuate it against natural justice; they maintained that a Higher Law, written in God's immutable decrees of mercy, was paramount to all human law or practice, however long continuing; that the lessons taught by Christ in the Sermon on the Mount and in all his life and teachings were a condemnation of it; and that an enlightened, progressive civilization demanded its final overthrow.

In America: Slavery is *dead*. We return to its history.

Greece had her slaves before tradition blended into history, though, four centuries before Christ, Alcidamas proclaimed: "*God has sent forth all men free: Nature has made no man slave*."

Alexander, the mighty Macedonian (fourth century B.C.), sold captives taken at Tyre and Gaza, the most accomplished people of that time, into slavery.(3)

Rome had her slaves; and her slave-marts were open at her principal ports for traffic in men and women of all nationalities, especially Christians and captives taken in war.

The German nations of the shores of the Baltic carried on the desolating traffic. Russia recognized slavery and carried on a slave trade through her merchantmen.

The Turks forbade the enslaving of Mussulmans, but sold Christian and other captives into slavery. Christian and Moor, for seven hundred years in the doubtful struggle in Western Europe, respectively, doomed their captives to slavery.

Contemporary with the discovery of America, the Moors were driven from Granada, their last stronghold in Spain, to the north of Africa; there they became corsairs, privateers, and holders of Christian slaves. Their freebooter life and cruelty furnished the pretext, not only to enslave the people of the Moorish dominion, but of all Africa. The oldest accounts of Africa bear testimony to the existence of domestic slavery—of negro enslaving negro, and of caravans of dealers in negro slaves.

Columbus, whose glory as the discoverer of this continent we proclaim, on a return voyage (1494) carried five hundred native Americans to Spain, a present to Queen Isabella, and American Indians were sold into foreign bondage, as "spoils of war," for two centuries.

The Saxon carried slavery in its most odious form into England, where, at one time, not half the inhabitants were absolutely free, and where the price of a man was but four times the price of an ox.

He sold his own kindred into slavery. English slaves were held in
Ireland till the reign of Henry II.

In time, however, the spirit of Christianity, pleading the cause of humanity, stayed slavery's progress, and checked the slave traffic by appeals to conscience.

Alexander III, Pope of Rome in the twelfth century, proclaimed against it, by writing: "*Nature having made no slaves, all men have an equal right to liberty*."

Efficacious as the Christian religion has been to destroy or mitigate evil, it has failed to render the so-called Christian slaveholder better than the pagan, or to improve the condition of the bondsmen.

It may be observed that when slavery seemed to be firmly planted in the Republic of the United States of America, Egypt, as one of the powers of the earth, had passed away; her slavery, too, was gone—only her Pyramids, Sphinx, and Monoliths have been spared by time and a just judgment. Greece, too, had perished, only her philosophy and letters survive; Israel's people, though the chosen of God, had, as a nation, been bodily carried into oriental Babylonian captivity, and in due time had, in fulfillment of divine judgment, been dispersed through all lands. God in his mighty wrath also thundered on Babylon's iniquity, and it, too, passed away forever, and the prophet gives as a reason for this, that Babylon dealt in "*slaves and the souls of men*."

Rome, once the mistress of the world, cased as a nation to live; her greatness and her glory, her slave markets and her slaves, all gone together and forever.

Germany, France, Spain, and other slave nations renounced slavery barely in time to escape the general national doom.

Russia, though her mighty Czars possessed absolute power to rule, trembled before the mighty insurrections of peasant-serfs that swept over the bodies of slain nobles and slave-masters from remote regions to the very gates of Moscow. Catherine II., Alexander I., Nicholas I., and Alexander II. listened to the threatened doom, and, to save their empire, put forth decrees to loosen and finally to break the chains of twenty millions of slaves and serfs. Even Moorish slavery in Northern Africa in large part passed away. Mohammedan,(4) Brahmin, and Buddhist had no sanction for human slavery.

England heard the warning cry just in time to save the kingdom from the impending common destiny of slave nations.

It was not, however, until 1772, that Lord Mansfield, from the Court of the King's Bench of Great Britain, announced that no slave could be held under the English Constitution. This decision was of binding force in her American colonies when the Declaration of Independence was adopted, and the "Liberty Bell" proclaimed "*Liberty throughout all the land to all the inhabitants thereof.*"

The argument that the institution of slavery was sanctified by age ceased, long since, to be satisfying to those who learned justice and mercy in the light of Christian love, and who could read, not only that human slavery had existed from the earliest times, but that it had existed without right, only by the power of might, not sanctioned by reason and natural justice, and that in its train a myriad of coincident evils, crimes, and immoralities had taken birth and flourished, blasting both master and slave and the land they inhabited, and that God's just and retributive judgment has universally been visited on all nations and peoples continuing to maintain and perpetuate it.

Murder has existed in the world since Cain and Abel met by the altar of God, yet no sane person for that reason justifies it. So slavery has stalked down the long line of centuries, cursing and destroying millions with its damning power, but time has not sanctioned it into a right. The longer it existed the more foul became the blot upon history's pages, and the deeper the damnation upon humanity it wrought.

When all the civilized nations of Europe, as well as the nations and even tribes of Asia, had either abolished slavery and taken steps effectually to do so, it remained for the *United States* to stand alone upholding it in its direst form.

The nations of the ancient world either shook off slavery in attempts to wash away its bloody stain, or slavery wiped them from the powers of the earth. So of the more modern nations.

Our Republic, boastful of its free institutions, of its constitutional liberty, of its free schools and churches, of its glories in the cause of humanity, its patriotism, resplendent history, inventive genius, wealth, industry, civilization, and Christianity, maintained slavery until it was only saved from its common doom of slave nations by the atoning sacrifice of its best blood and the mercy of an offended God.

More than two centuries (1562) before Lord Mansfield judicially announced *freedom* to be the universal law of England, Sir John Hawkins acquired the infamous distinction of being the first Englishman to embark in the slave trade, and the depravity of public sentiment in England then approved his action. He then seized, on the African coast, and transported a large cargo of negroes to Hispaniola and bartered them for sugar, ginger, and pearls, at great profit.(5) Here commenced a traffic in human beings by English-speaking people (scarcely yet ceased) that involved murder, arson, theft, and all the cruelty and crimes incident to the capture, transportation, and subjection of human beings to the lust, avarice, and power of man.

Sir John Hawkins' success coming to the notice of the avaricious and ambitious Queen Elizabeth, she, five years later (1567), became the open protector of a new expedition and sharer in the nefarious traffic, thus becoming a promoter, abettor, and participant in all its crimes.

To the "African Company," for a long period, was granted by England a monopoly of the slave trade, but it could not be confined to this company. In 1698, England exacted a tariff on the slave cargoes of her subjects engaged in the trade.

From 1680 to 1700, by convention with Spain, the English, it is estimated, stole from Africa 300,000 negroes to supply the Spanish West Indies with slaves. By the treaty of Utrecht (1713) Spain granted to England, during thirty years, the absolute monopoly of supplying slaves to the Spanish colonies. By this treaty England agreed to take to the West Indies not less than 144,000 negroes, or 4800 each year; and, to guard against scandal to the Roman Catholic religion, heretical slave-traders were forbidden. This monopoly was granted by England to the "South Sea Company."

England did not confine her trade to the West Indies. In 1750, it was shown in the English Parliament that 46,000 negroes were annually sold to English colonies.(6)

As early as 1565, Sir John Hawthorne and Menendez imported negroes as slaves into Florida, then a Spanish possession, and with Spain's sanction many were carried into the West Indies and sold into slavery.

(1) Epistle to Philemon.

(2) The references to the Bible are taken from the most learned advocates of the divinity of slavery, in its last years. *Ought American Slavery to be Perpetuated?* (Brownlow and Pryne debate), p. 78, etc. *Slavery Ordained of God* (Ross), 146, etc., 176, etc.

Rev. Frederick A. Ross, D. D. (the author), a celebrated Presbyterian minister, was arrested in 1862 at Huntsville, Alabama, while it was occupied by the Union forces, for praying from the pulpit for the success of secession.

Parson Brownlow was a Union man in 1861, was much persecuted at his home in Knoxville, Tenn., later advocated emancipation.

(3) It is interesting to note that more than fifteen hundred years (twelfth century) after Alexander's conquests, Saladin, the great Sultan, and other Mohammedan rulers, and Richard Coeur de Lion, and other crusade leaders in Syria, respectively, doomed their captives to slavery, regardless of nationality or color.— *Saladin* (Heroes of Nations, Putnams), 229-232, 338.

(4) Slavery and the slave trade, in spite of the teachings of the Koran, grew up in Mohammedan countries. The traffic in slaves, however, had been frequently proclaimed against by the Ottoman Porte.

(5) But the first trace of negro slavery in America came in 1502, only ten years after its discovery, through a decree of Ferdinand and Isabella permitting negro slaves born in Spain, descendants of natives brought from Guinea, to be transported to Hispaniola.— *Life of Columbus*, by Irving (Putnams), p. 275.

(6) *History for Ready Reference*, vol. iv., p. 2923.

II INTRODUCTION OF SLAVERY INTO THE COLONIES

In August, 1619, a Dutch man-of-war sailed up the James River in Virginia, landed and sold to the colony at Jamestown *twenty* negroes as slaves. This event marked the beginning of negro slavery in English-American colonies. Two centuries and a half did not suffice to put an end the Ethiopian slavery and the evils of a traffic begun on so small a scale.

One year later (1620) the Puritans landed at Plymouth Rock, bringing with them stern religious convictions and severe morals which soon ripened into written laws and were likewise woven into social, political, and religious life, the resultant effect of which, on human existence in America, is never to end. One year later still, cotton was first planted in the virgin soil of America, where it grew to perfection, and thenceforth becoming the staple production, made slavery and slave-breeding profitable to the slaveholder.(7)

The earliest importation of negro slaves into New England was to
Providence Isle in the shp *Desire* (1637).

From Boston, Mass. (1645), the first American ship from the colonies set sail to engage in the stealing of African negroes. Massachusetts then held, under sanction of law, a few blacks and Indians in bondage.(8) But slavery did not flourish in New England. It was neither profitable nor in consonance with the judgment of the people generally. The General Court of Massachusetts, as early as 1646, "bearing witness against the heinous crimes of man-stealing, ordered the recently imported negroes to be restored, at the public charge, to their native country, with a *letter* expressing the indignation of the General Court." Unfortunately, persons guilty of stealing men could not be tried for crimes committed in foreign lands.

But the African slave trade, early found to be extremely profitable, and hence popular, did not cease. England, then as now, the most enterprising of commercial nations on the high seas, engrossed the trade, in large part, from 1680 to 1780. In 1711, there was established a slave depot in New York City on or near what is now Wall Street; and about the same time a depot was established for receiving slaves in Boston, near where the old Franklin House stood. From New England ships, and perhaps from others, negroes were landed and sent to these and other central slave markets.

But few of these freshly stolen negroes were sold to Northern slaveholders. Slave labor was not even then found profitable in the climate of the North. The bondsman went to a more southern clime, and to the cotton, rice, and tobacco fields of the large plantations of the South.

As late as 1804-7, negroes from the coast of Africa were brought to Boston, Bristol, Providence, and Hartford to be sold into slavery.

Shipowners of all the coast colonies, and later of all the coast States of the United States, engaged in the slave trade.

But it was among the planters of Maryland, Virginia, and the Carolinas that slaves proved to be most profitable. The people in these sections were principally rural; plantations were large, not subject to be broken up by frequent partition, if at all. The crops raised were better suited to cultivation by slaves in large numbers; and the hot climate was better adapted to the physical nature of the African negro.

The first inhabitants of the South preferred a rural life, and on large plantations. The Crown grants to early proprietors favored this, especially in the Virginia and Carolina colonies. The Puritans did not love or foster slavery as did the Cavalier of the South. Castes or classes existed among the Southern settlers from the beginning, which, with other favoring causes, made it easier for slavery to take root and prosper, and ultimately fasten itself upon and become a dominating factor in the whole social and political fabric of the South. Slavery there soon came to be considered of paramount importance in securing a high social status or a high, so-called, civilization.

But we have, by this brief *résumé*, sufficiently shown that the responsibility for the introduction and maintenance of slavery and the slave trade does not rest exclusively on any of our early colonies, North or South, nor on any one race or nationality of the world; it remains now to show, in a summary way, how slavery and the slave trade were treated and regarded by the different sections of the United States after allegiance to England was thrown off.

While slavery died out from local and natural causes, if not wholly for moral, social, and religious reasons, in the States north of Maryland, it flourished and ripened into strength and importance in States south, casting a controlling influence and power over the whole of the United States socially, and for the most part dominating the country politically. The greatest statesmen and brightest intellects of the North, though convinced of the evils of slavery and of its fatal tendencies, were generally too cowardly to attack it politically, although but about one fifth of the whole white population of the slave states in 1860, or perhaps at any time, was, through family relationship, or otherwise, directly or indirectly interested in slaves or slave labor.

Old political parties were in time disrupted, and new ones were formed on slavery issues.

The slavery question rent in twain the Methodist Episcopal and Presbyterian churches. The followers of Wesley and Calvin divided on slavery. It was always essentially an aristocratic institution, and hence calculated to benefit only a few of the great mass of freemen.

In 1860, there was in the fifteen slave States a white population of 8,039,000 and a slave population of 3,953,696. Of the white population only 384,884 were slaveholders, and, including their families, only about 1,600,000 were directly or indirectly interested in slaves or their labor. About 6,400,000 (80 per cent.) of the whites in these States had, therefore, no interest in the institution, and yet they were wholly subordinated to the few who were interested in it.

Curiously enough, slavery continued to exist, until a comparatively recent period, in many of the States that had early declared it abolished. The States formed out of the territory "Northwest of the River Ohio" cannot be said to have ever been slave States. The sixth section of the Ordinance of 1787 prohibited slavery forever therein. The slaves reported in such States were only there by tolerance. They were free of right. The Constitution of Illinois, as we shall presently see, did not at first abolish slavery; only prohibited the introduction of slaves.

The rebellion of the thirteen colonies in 1776 and the war for independence did not grow out of slavery; that war was waged neither to perpetuate nor to abolish it. The Puritan and Cavalier, the opponents and the advocates of slavery and the slave trade, alike, fought for independence, and, when successful, united in the purpose to foster and build up an American Republic, based on the sovereignty of individual citizenship, but ignoring the natural rights of the enslaved negro.

The following table, compiled from the United States Census Reports, may be of interest.

It shows the number of slaves reported in each State and Territory of the United States at each Federal census.(9)

North

	1790	1800	1810	1820	1830	1840	1850	1860
Cal.								
Conn. . . .	2,759	951	310	97	25	17	. . . . .	

Ills. . . . . 168 917 747 331 . . . . . .
Ind. . . . . 135 237 190 3 3 . . . . . .
Iowa . . . . . 16 . . . . . .
Kansas 2
Maine . . . . . 2 . . . . . .
Mass. . . . . 1 . . . . . .
Mich. . . . . 24 . . . 32 . . . . . .
Minn. . . . . .
Neb. 15
N. H. . . . 158 8 . . . . . 3 1 . . . . . .
N. J. . . . 11,423 12,422 10,851 7,557 2,254 674 236 18
N. Y. . . . 21,324 20,343 15,017 10,088 75 4 . . . . . .
Ohio . . . . . 6 3 . . . . . .
Oregon . . . . . .
Penn. . . . 3,737 1,706 796 211 403 64 . . . . . .
R. I. . . . 952 381 108 48 17 5 . . . . . .
Utah 26 29
Vermont . . 17 . . . . . .
Wis. . . . . 11 . . . . . .

———— ———— ———— ———— ———— ———— ———— ————

Totals . 40,370 35,646 27,510 19,108 3,568 1,129 262 64

/South/

1790 1800 1810 1820 1830 1840 1850 1860

D. C. 3,244 5,395 6,377 6,119 4,694 3,687 3,185
Ala. 41,879 117,549 253,532 342,844 435,080
Ark. 1,617 5,476 19,935 47,100 111,115
Del. 8,887 6,153 4,177 4,509 3,292 2,605 2,290 1,798
Florida 16,501 25,717 39,310 61,745
Ga. 29,264 59,404 105,218 149,654 217,531 280,944 381,682 462,198
Ky. 11,830 40,434 80,561 126,732 165,213 182,258 210,981 225,483
La. 34,660 69,064 109,588 168,452 244,809 331,726
Md. 103,036 105,635 111,502 107,397 102,994 89,737 90,368 87,189
Miss. 3,489 17,088 32,814 65,659 195,211 309,878 436,631
Mo. 3,011 10,222 25,091 58,240 87,422 114,931
N. C. 100,572 133,296 168,824 205,017 245,601 245,817 288,548 331,059
S. C. 107,094 146,151 196,365 258,475 315,401 327,088 384,984 402,406
Tenn. 3,417 13,584 44,535 80,107 141,603 183,059 239,459 275,719
Tex. 58,161 182,566
Va. 293,427 345,796 392,518 425,153 469,757 449,087 472,528 490,865

————- ————- ————- ————- ————- ————- ————- ————-

Totals 657,527 857,095 1,163,854 1,519,017 2,005,475 2,486,326 3,204,051 3,953,696

————- ————- ————- ————- ————- ————- ————- ————-

Grand totals . 697,897 892,741 1,191,364 1,538,125 2,009,043 2,487,455 3,204,313 3,953,760

(7) It is curious to note that 1621 dates the first bringing into Virginia and America bee-hives for the production of honey.

(8) The following letter of Cotton Mather will show the Puritan's intolerance of Wm. Penn and his Society of Friends, and the prevailing opinion in his time on slavery and the slave trade.

"Boston, Massachusetts, September, 3, 1681. "To ye Aged and Beloved John Higginson: There be now at sea a skipper (for our friend Esaias Holderoft of London did advise me by the last packet that it would sail sometime in August) called ye *Welcome* (R. Green was master), which has aboard a hundred or more of ye heretics and malignants called Quakers, with W. Penn, who is ye scamp at ye head of them.

"Ye General court has accordingly given secret orders to master Malachi Huxtell of ye brig *Porpoise* to waylaye ye said *Welcome* as near ye coast of Codd as may be, and make captives of ye Penn and his ungodly crew, so that ye Lord may be glorified, and not mocked on ye soil of this new country with ye heathen worshippe of these people. Much spoil can be made by selling ye whole lot to Barbadoes, where slaves fetch good prices in rumme and sugar. We shall not only do ye Lord great service by punishing the Wicked, but shall make gayne for his ministers and people. Yours in the bowels of Christ,

"Cotton Mather."

(9) Slavery was abolished in the District of Columbia by law of Congress, passed April 16, 1862.

President Lincoln's proclamation of January 1, 1863, emancipated all slaves in the seceded States (save in Tennessee and in parts of Louisiana and Virginia excepted therefrom) to the number of 3,063,395; those remaining were freed by the thirteenth amendment to the Constitution, December 18, 1865.

III DECLARATION OF INDEPENDENCE

The Declaration of Independence, though accepted at once and to be regarded through all time by the liberty-loving world as the best and boldest declaration in favor of human rights, and the most pronounced protest against oppression of the human race, is totally silent as to the rights of the slaves in the colonies. It is true that Jefferson in his draft of this instrument, in the articles of indictment against King George III., used this language:

"He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in the transportation thither, . . . determined to keep open a market where white men should be bought and sold; he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce."

To conciliate Georgia and South Carolina, this part of the indictment was struck out. These colonies had never sought to restrain, but had always fostered the slave trade. Jefferson, in his *Autobiography* (vol. i, p. 19), suggests that other sections sympathized with Georgia and South Carolina in this matter.

"Our Northern brethren . . . felt a little tender under these censures: for though their people had very few slaves themselves, yet they had been considerable carriers of them to others."

Jefferson said King George preferred the advantage:

"of a few British corsairs to the lasting interests of the American States and to the rights of human nature, deeply wounded by this infamous practice."(10)

While it is not true, as has often been claimed, that England is solely responsible for the introduction of slavery into her American colonies, it is true that her King and Parliament opposed almost every attempt to prohibit it or to restrict the importation of slaves. Colonial legislative enactments of Virginia and other colonies directed against slavery were vetoed by the King or by his command by his royal governors. Such governors were early forbidden to give their assent to any measure restricting slavery in the American colonies, and this policy was pursued until the colonies became independent.(11)

The treaty of peace between Great Britain and the United States, signed at Paris, September 3, 1783, contained a stipulation that Great Britain should withdraw her armies from the United States "with all convenient speed, and without causing any destruction, or *carrying* away any *negroes or other property* of the American inhabitants." Both governments thus openly recognized, not only the existence of slavery in the United States, but that slaves were merely *property*.

While slavery was deeply seated in the colonies and had many advocates, including noted divines, who preached the "divinity of slavery," there were, in 1776, and earlier, many great men, South as well as North, who looked confidently to an early emancipation of slaves, and who were then active in suppressing the African slave trade, among whom were Jefferson, Washington, Franklin, and the two Adamses.

Washington presided at a "Fairfax County Convention," before the Revolution. It resolved that "no slaves ought to be imported into any of the British colonies"; and Washington himself expressed "the most earnest wish to see an entire stop forever put to such a wicked, cruel, and unnatural trade."(12)

John Wesley, when fully acquainted with American slavery and the slave trade, pronounced the latter as "*the execrable sum of all villanies*," and he inveighed against the former as the wickedest of human practices.

The Continental Congress of 1776 resolved, "that no slaves be imported into any of the thirteen United Colonies."

There had then been imported by the cruel traffic above 300,000 blacks, bought or stolen from the African shore; and the blacks then constituted twenty per cent. of the total population, a greater per centum than at any time since.

During the century previous to 1776, English and colonial slavers had carried into the West Indies

and to English colonies nearly 3,000,000 negroes; and it is estimated that a quarter of a million more died of cruel treatment on shipboard, and their bodies were cast into the sea.

The words of the Declaration: "We hold these truths to be self- evident: That *all men are created equal;* that they are endowed by their Creator with certain inalienable rights; that among these are *life, liberty, and the pursuit of happiness,*" were not accepted in fact as a charter of freedom for the enslaved African, but it remained for a Chief-Justice of the United States (Taney) more than eighty years later (March 5, 1857), in the Dred Scott decision, that did so much (as we will hereafter show) to disrupt the Union, to say:

"The language used in the Declaration of Independence shows that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used."

And the Chief-Justice said further:

"They [the negroes] had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit."

Quoting the Declaration, "*that all men are created equal*," he continued:

"The general words above quoted would seem to embrace the whole human family, and if they were used in a similar instrument at this day would be so understood. But it is too clear for dispute that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this Declaration."

Notwithstanding this interpretation of the Declaration, free negroes fought for American independence at Bunker Hill; and although later it was decided that colored men should not be accepted as enlisted soldiers, General Washington did accept them, and thereafter they served in his army to the end of the war,(13) notably in large numbers at Yorktown.

The Royal Governor of Virginia in vain tried to induce slaves to revolt against their masters by promising them their freedom.

During Lord Howe's march through Pennsylvania it is said the slaves prayed for his success, believing he would set them free.

The British Parliament discussed a measure to set the slaves in the colonies free with a view to weaken their masters' ardor for freedom. In Rhode Island slaves were, by law, set free on condition that they enlisted in the army for the war.

(10) Parton's *Life of Jefferson*, p. 138.

(11) *History Ready Reference*, etc., vol. iv., p. 2923.

(12) Sparks's *Life of Washington*, vol. ii., p. 494.

(13) Bancroft, *History of the United States*, vol. iv., 223,322.

IV CONTINENTAL CONGRESS—ARTICLES OF CONFEDERATION 1774-1789

The Continental Congress, which assembled for the first time, September 5, 1774, at Carpenters' Hall, Philadelphia, assumed few powers, and its proceedings were, until the adoption by it of the Declaration of Independence, little more than protests against British oppression. Nor was any central government formed on the adoption of the Declaration. That Congress continued, by common agreement, to direct affairs, though, in the beginning, possessing no delegated political or governmental powers.

Slavery existed in the colonies or States prior to the Declaration by the connivance of British colonial authorities without the sanction of and against English law; and after the Declaration, by mere toleration as an existing domestic institution, not even by virtue of express colonial or State authority.

In 1772 Lord Mansfield, from the Court of the King's Bench, announced that slavery could not exist under the English Constitution.

The Articles of Confederation did nothing more than formulate, in a weak way, a government for the United States, solely through a Congress to which was delegated little political power. This Congress continued to govern (if government it could be called) until the Constitution went into effect, March 4,

1789.

The "*Articles of Confederation*," adopted (July 9, 1778) by the Continental Congress of the thirteen original States in the midst of the Revolution, were substantially silent on slavery. They constituted in all respects a weak and impotent instrument. But they recognized the existence of slavery by speaking of *free* citizens (Art. 4).

They provided for a "Confederation and perpetual Union" between the thirteen States, but provided no power to raise revenue, levy taxes, or enforce law, save with the consent of nine of the States. The government created had power to contract debts, but no power to pay them; it could levy war, raise armies and navies, but it could not raise revenue to sustain them; it could make treaties, but could not compel their observance by the States; it could make laws, but could not enforce them.

Washington said of it:

"The Confederation appears to be little more than a shadow without the substance, and Congress a nugatory body."

Chief-Justice Story said:

"There was an utter want of all coercive authority to carry into effect its own constitutional measures."

The Articles were, professedly, not in the interest of the whole people.

They provided only for a "*league*" of states, guaranteeing to each state-rights in all things.

Art. IV. runs thus:

"The better to secure and perpetuate mutual friendship and intercourse among the people of the different States of this Union, the *free* inhabitants of each of these States, *paupers, vagabonds, and fugitives from justice excepted*, shall be entitled to all the privileges and immunities of *free* citizens in the several States," etc.

What a classification of persons for exception from the privileges of government!

Free negroes were not of the excepted class. Nor were criminals, unless they became fugitives from justice.

For ten years the new Republic existed under these Articles by the tolerance of a people bound together by the spirit of liberty and the cohesion of patriotism.

The Articles created no status for slavery, nor did they interfere with it in the States. They made no provision for a fugitive-slave law, if, indeed, such a law was dreamed of until after the Constitution went into effect.

The Articles of Confederation provided no executive head, no supreme judiciary, and they provided for no perfect legislative body, organized on the principle of checks and restraints, possessed of true republican representation. Congress—the sole governing power —was composed of one body, each State sending not less than two or more than seven representatives. The voting in this body was done by States, each State having one vote.

It therefore soon became necessary to frame and adopt a new organic act, supplementing the many deficiencies of these Articles.

V ORDINANCE OF 1787

The memorable Congress of 1776 was willing to do much to the end that slavery might be restricted, hence, as we have seen, it resolved "*that no slaves be imported into any of the thirteen United Colonies*."

Had it been possible thus early to stop effectually the slave trade, and to prevent the extension of slavery to new territory, slavery would have died out. Jefferson sought, shortly after the treaty of peace, to prohibit slavery extension, and to this end he prepared and reported an Ordinance (1784) prohibiting slavery *after the year 1800* in all the territory then belonging to the United States above the parallel of 31° North latitude, which included what became the principal parts of the slave States of Alabama and Mississippi, all of Tennessee and Kentucky, as well as the whole Northwest Territory. In 1784 the United States owned no territory south of 31° North latitude.

This Ordinance of freedom was lost by a single vote. Had that one vote been reversed, what a "hell of agony" would have been closed, and what a sea of blood would have been saved! Slavery would have died in the hands of its friends and the new Republic would have soon been free in *fact* as well as name.

Jefferson, though himself a slaveholder, was desperately in earnest in advocacy of this Ordinance, and, speaking of its prohibitory slave-clause two years later, he wrote:

"The voice of a single individual would have prevented that abominable crime. Heaven will not always be silent; the friends to the rights of human nature will in the end prevail."(14)

The most important victory for freedom in the civil history of the United States (until the Rebellion of 1861) was the Ordinance of 1787, reported by Nathan Dane,(15) of Massachusetts, as a substitute for the defeated one just referred to, but differing from it in two important respects:

(1) It applied only to the territory northwest of the River Ohio recently (March 1, 1784) ceded to the United States by Virginia;

(2) It prohibited slavery at once and forever therein. Its sixth section is in these words:

"There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted."

But it has been, with much force, claimed by those who denied the binding character of this Ordinance, that as it was an act of the old Congress under the Articles of Confederation, and established a territorial form of government, not in all respects in conformity with the Constitution, it was necessarily superseded by it.

This view was general on the meeting of the First Congress (1789) under the Constitution, but the Ordinance, so dear to the hearts of Jefferson and other lovers of liberty, was early attended to.

On August 7, 1789, the eighth act of the First Congress, embodying a long explanatory and declaratory preamble, was passed, and approved by President Washington. This act in effect re-enacted the Ordinance of 1787, adapting and applying it, however, to the Constitution by requiring the Governor of the Northwest Territory to report and become responsible to the President of the United States, instead of to Congress as originally provided.(16)

The territory which the ordinance governed was in area 260,000 square miles, and included what is now the great states of Ohio, Indiana, Illinois, Michigan, and Wisconsin, with, in 1890, 13,471,840 inhabitants.

The Ordinance is a model of perfection. It was the only great act of legislation under the Articles of Confederation. There is evidence that, as some members of the Congress that enacted the Ordinance were at the same time members of the Convention that framed the Constitution,(17) there was much intercommunication of views between the members of the two bodies, especially on the slavery clause of the Ordinance. It is probable that the clause of the Constitution respecting the rendition of slaves, as well as other provisions, was copied from the Ordinance.(18)

Upon the surpassing excellence of this Ordinance, no language of panegyric would be extravagant.

It is a matchless specimen of sagacious forecast. It provides for the descent of property, for the appointment of territorial officers, and for extending the fundamental principles of civil and religious liberty by securing religious freedom in the inhabitants. It prohibits legislative interference with private contracts, secures the benefit of the writ of *habeas corpus*, trial by jury, and of the common law in judicial proceedings: it forbids the infliction of cruel or unusual punishments, and enjoins the encouragement of schools and the means of education.

The Ordinance has not only stood, unaltered, as the charter of government for the Northwest Territory, but its clause respecting slavery was incorporated into most of the acts passed prior to the Rebellion providing for territorial governments.

Historically, it will stand as the great *Magna Charta*, which, by the prescient wisdom of our fathers, dedicated in advance of the coming civilization the fertile and beautiful Northwest, with all its possibilities, for all time, to freedom, education, and liberty of conscience.

Frequent efforts to rescind or suspend the clause restricting slavery were made, especially after Indiana Territory was formed in 1800.

At the adoption of the Ordinance some slaves were held in what is now Indiana and Illinois by immigrants from Southern States. Slavery also existed at the Vincennes, Kaskaskia, Cahokia, and other

French settlements, where it had been planted under the authority of the King of France while the territory was a part of the French possessions. The Government of Great Britain authorized the continuance of slavery when the territory was under its jurisdiction. Indians as well as black men were held as slaves in the French settlements.(19)

Immigrants and old inhabitants favorable to slavery united in memorials to Congress asking a suspension of the article prohibiting slavery. The first of these was reported on adversely by a committee of Congress, May 12, 1796. Governor William Henry Harrison, December, 1802, presided, at Vincennes, over a meeting of citizens of the Indiana Territory, at which it was resolved to make an effort to secure a suspension of this article. A memorial was drawn up, which Governor Harrison, with a letter of his own favoring it, forwarded to Congress. They were referred to a special committee, of which John Randolph, of Virginia, was chairman.

He, March 2, 1803, reported:

"That it is inexpedient to suspend, even for a limited time, the operation of the sixth article of the compact between the original States and the people and States west of the river Ohio."

Adding, by way of reason, that:

"The rapid population of the State of Ohio sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of the colonies in that region."

This did not end the effort to secure slavery in the Indiana Territory. In March, 1804, a special committee of Congress reported in favor of the suspension of the inhibition for ten years; a similar report was made in 1806 by Mr. Garnett, of Virginia; and in 1807 Mr. Parker, delegate from Indiana, reported favorably on a memorial of Governor Harrison and the Territorial Legislature, praying for a suspension of that part of the Ordinance relating to slavery. These reports were not acted on in the House. Subsequently, Governor Harrison and his Legislature appealed to the Senate and a special committee to suspend the article, but when the committee reported adversely, all efforts to break down the legal barrier to slavery in the Northwest Territory ceased.(20)

But notwithstanding the mandatory terms of the Ordinance, and the repeated failures in Congress to suspend the provision relating to slavery, it existed in the Northwest throughout its territorial existence and in the State of Illinois until 1844.(21) The early slaveholding inhabitants well understood the Ordinance to mean the absolute emancipation of their slaves, and hence manumitted them or commenced to remove them to the Spanish territory beyond the Mississippi. Some few of the inhabitants complained to Governor St. Clair that the inhibition against slavery retarded the growth of the Territory. He volunteered the opinion that the Ordinance was not retroactive; that it did not apply to existing conditions; that it was "a declaration of a principle which was to govern the Legislature in all acts respecting that matter (slavery) and the courts of justice in their decisions in cases arising after the date of the Ordinance"; and that if Congress had intended the immediate emancipation of slaves, compensation would have been provided for to their owners. But he admitted Congress "had the right to determine that *property* of that kind afterwards acquired should not be protected in future, and that slaves imported into the Territory after that declaration might reclaim their freedom."(22) This unfortunate opinion operated to continue slavery in the Territory, and fostered the idea that the sixth article might be annulled and slavery be made perpetual in the Territory. Governor St. Clair was President of the Congress when the Ordinance was passed, and his opinion in relation to it was therefore given much weight.

By Act of Congress, passed May 7, 1800, what is now the State of Ohio became the Territory of Ohio, and that part of the Northwest Territory lying west and north of Ohio was erected into the Territory of Indiana; by like Acts, January 11, 1805, the Territory of Michigan was formed, and February 3, 1809, all that part lying west of Indiana and Lake Michigan became the Territory of Illinois. Prior, however, to the last Act, the Legislature of Indiana Territory (September 17, 1807) passed an act "to encourage emigration," making it lawful to bring negroes and mulattoes into the Territory, "owing service or labor as slaves."

The act provided that these people and their children should be held for a term of years, and if they refused to serve as slaves they might be removed, "within sixty days thereafter," to any place where they could be lawfully held. This statute was substantially re-enacted by the Legislature of the Territory of Illinois in 1812.

The first Constitution (1818) of Illinois did not prohibit slavery. The first section of Article VI, declared that: "Neither slavery nor involuntary servitude *shall hereafter be introduced* into this State, otherwise than for the punishment of crimes." Slavery existed in Illinois after it became a State. The

French and Canadian inhabitants or their descendants continued to hold colored and Indian slaves, and others were held under the Territorial Acts of 1807 and 1812. The old slaves and their descendants, held at the time of the cession by Virginia to the United States, were sold from hand to hand in the State, and transported to and sold in other slave States.(23)

The Constitution of Indiana (1816) prohibited slavery, but slaves were held therein until its Supreme Court in 1820, in a *habeas corpus* case, held the Constitution freed all persons hitherto held in bondage, including the old French slaves, regardless of the Ordinance of 1787, of the deed of cession of Virginia, or of any treaty stipulations.(24)

After the separation (1805) of Michigan from Indiana, the former's Territorial Chief Justice held slavery existed in Michigan by virtue of the Jay treaty (1796) with Great Britain (not otherwise) notwithstanding the Ordinance of 1787,(25) but Michigan's Constitution (1837) put an end to slavery in the State, as did also the Constitution (1802) of Ohio, likewise the Constitution (1848) of Wisconsin. Slaves shown by census reports in Ohio, Indiana, Michigan, and Wisconsin after they became States, were there by tolerance, not by legal right.

Whatever contrariety of views obtained, and regardless of the conflicting opinions of the courts or judges as to the effect of the great Ordinance on the condition of the slaves in the Northwestern Territory, certain it is that the Ordinance operated to prevent, after its date, the legal importation of slaves into the Territory, and hence resulted in each of the States formed therefrom becoming free States. In the light of history it seems certain that at least Indiana and Illinois would have become slave States but for the Ordinance.(26)

This Ordinance contained a clause requiring the rendition of fugitives from "service or labor," and being applicable to only a part of the Territory of the United States, partook of the nature of a compromise on the slavery question,(27) and was the first of a series of compromises, some of which are found in the Federal Constitution, others in the Act of 1820 admitting Missouri as a State, and also the Compromise Measures of 1850, in which Clay, Webster, Calhoun, Seward, and others of the great statesmen of the Union participated, all of which were, however, ruthlessly overthrown by the Nebraska Act (1854), of which Douglas, of Illinois, was the author.

The slavery-restriction section of the Ordinance was copied into and became a part of the Act of 1848 organizing the Territory of Oregon, the champions of slavery, then in Congress, voting therefor; and three years after the enactment of the Compromise Measures of 1850, this provision of the Ordinance was again extended over the newly organized Territory of Washington by the concurrent votes of substantially the same persons who voted, a year later, that all such legislation was unconstitutional.

But neither origin, age, nor precedent then sanctified anything in the interest of freedom,—slavery only could appeal to such things for justification. The propagators of human slavery were on the track of this Ordinance; they overtook and overthrew it by Congressional legislation in 1854; then by the Dred Scott decision of 1857, as we shall soon see. But it reappeared in principle, in 1862, as we shall also see, and spread its wings of universal liberty (as was its great author's purpose in 1784) over all the territory belonging to the United States, to remain irrepealable through time, immortalized by the approval of President Lincoln, and endorsed by the just judgment of enlightened mankind.

Virginia, North Carolina, and Georgia each held territory not subject to the Ordinance of 1787.

North Carolina (December, 1789), in ceding her territory west of her present limits, provided that:

"No regulations made or to be made by Congress shall tend to emancipate slaves."

Thus Tennessee became a slave State.

A year later (1790) Virginia consented to relinquish her remaining territory; as Kentucky it was (June 1, 1792) admitted into the Union and became a slave State, without ever having a separate territorial organization.

Georgia, in 1802, ceded the territory on her west to the United States, and provided that the Ordinance of 1787 should extend to the ceded territory, "the article only excepted which forbids slavery." Thus, later, Alabama and Mississippi each became a slave State.(28)

(14) Jefferson's *Works*, vol. ix., 276.

(15) The authorship of the admirably-drawn Ordinance has been much in dispute. Thomas H. Benton, Gov. Edward Coles, and others attribute the authorship to Jefferson; Daniel Webster and others to Nathan Dane, while a son of Rufus King claimed him to be the author of the article prohibiting slavery. Wm. Frederick Poole, in a contribution to the *North American Review*, gives much of the credit of

authorship to Mr. Dane, but the chief credit for the formation and the entire credit for the passage of the Ordinance to Dr. Manasseh Cutler, *St. Clair Papers*, vol. i, p. 122.

(16) On the continuing binding force of the Ordinance on States formed out of the Northwest Territory there has been some contrariety of opinion. In Ohio it was early held the Ordinance was more obligatory than the State Constitution, which might be amended by the people of the State, whereas the Ordinance could not. (5 *Ohio*, 410, 416.) But see: 10 Howard (*U. S.*), 82, and 3 Howard, 589.

(17) Madison of Virginia, Rufus King of New York, Johnson of Connecticut, Blount and Charles Pinckney of South Carolina, and Few of Georgia were members of both bodies.—*Historical Ex.*, etc., Dred Scott Case (Benton), p. 37 *n*.

The Ordinance was adopted July 13, 1787; the Constitution was adopted by the Convention September 17, 1787.

(18) *St. Clair Papers*, vol. i, p. 134.

(19) Dunn's *Indiana*, p. 126.

(20) *St. Clair Papers*, vol. i, pp 120-1, note. *Historical Ex.*, etc., Dred Scott Case, pp. 32-47, etc. *Political Text Book*, 1860 (McPherson), pp. 53-4.

(21) Not until 1844 did the highest court of Illinois decide (four to three) that a colored man, held as a slave by a descendant of an old French family, was free. Jarrot case (2 Gillman), 7 *Ill.*, 1.

(22) *St. Clair Papers*, vol. i., pp. 120, 206, and vol. ii, pp. 117-119, 318, 331.

(23) Much valuable information in relation to the legal history of slavery in the Northwest has been obtained from the manuscript of "An Unwritten Chapter of Illinois," by ex-U. S. Judge Blodgett, of Chicago.

(24) State *vs*. Lasselle, 1 *Blatchford*, 60.

(25) Cooley's *Michigan*, pp. 136-7.

(26) For an exhaustive legal history of the slavery restriction clause of the Ordinance and its effect on slavery in the Northwest Territory, see Dunn's *Indiana*, pp. 219-260.

(27) *St. Clair Papers*, vol. i., p. 122, note.

(28) *Political Text-Book*, 1860 (McPherson), p. 53.

VI CONSTITUTION OF THE UNITED STATES

The Convention to frame the Constitution met in Philadelphia (1787). George Washington was its President; it was composed of the leading statesmen of the new nation, sitting in a delegate capacity, but in voting on measures the rule of the then Congress was observed, which was to vote by States.

The majority of the thirteen States were then slave States, and all, save Massachusetts, still held slaves; and all the coast States indulged in the African slave trade.

Massachusetts provided for the abolition of slavery in 1780 by constitutional provision declaring that:

"All men are born *free and equal*, and have certain natural, essential, and unalienable rights," etc., by which declaration its highest judicial tribunal struck the shackles at once from every slave in the Commonwealth.

Connecticut provided in 1784 for freeing her slaves.

New Hampshire did not prohibit slavery by express law, but all persons born after her Constitution of 1776 were free; and slave importation was thereafter prohibited.

Pennsylvania, in 1780, by law provided for the gradual emancipation of slaves within her territory. To her German population and the Society of Friends the credit is mainly due for this act of justice. This Society had theretofore (1774) disowned, in its "yearly Meeting," all its members who trafficked in slaves; and later (1776) it resolved:

"That the owners of slaves, who refused to execute proper instruments for giving them their freedom, were to be disowned likewise."

New York adopted gradual emancipation in 1799, but final emancipation did not come until 1827.

Rhode Island, in the first year of the First Continental Congress (1774), enacted:

"That for the future no negro or mulatto slave shall be brought into the colony . . . and that all previously enslaved persons on becoming residents of Rhode Island should obtain their freedom."

New Jersey in 1778, through Governor Livingstone, made an attempt at emancipation which failed; it was not until 1804 that she prohibited slavery in what proved a qualified way, and it seems she held slaves at each census, including that of 1860, and possibly in some form human slavery was abolished there by the Thirteenth Amendment to the Constitution.

The census of 1790 showed slaves in all the original States save Massachusetts alone; Vermont was admitted into the Union in 1790; her Constitution prohibited slavery, but she returned at that census seventeen slaves.

The first census under the Constitution, however, showed, in the Northern States, 40,370 slaves, and in the Southern States, 657,572; there being in Virginia alone 293,427, nearly one half of all.

The Convention closed its work September 17, 1787, and on the same date George Washington, its President, by letter submitted the "Constitution to the consideration of the United States in Congress assembled," saying:

"It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each and yet provide for the interest and safety of all. . . . In all our deliberations on this subject we kept steadily in our view that which appears to us the greatest interest of every true American, *the consolidation of our Union*, in which is involved our prosperity, felicity, safety; perhaps our national existence."

This Constitution by its preamble showed it was, in many things, to supersede and become paramount to State authority. It was to become a *charter of freedom* for the people collectively, and in some sense individually. Its preamble runs thus:

"We, the *people* of the United States, in order to form a *more* perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Nine States were, by its seventh article, necessary to ratify it before it went into effect.

The ratification of the Constitution, on various grounds, was fiercely opposed by many patriotic men, Patrick Henry among the number. Some thought it did not contain sufficient guarantees for individual freedom, others that private rights of property were not adequately secured, and still others that States were curtailed or abridged of their governmental authority and too much power was taken from the people and centered in the Federal Government. Mason, of Virginia, a member of the Convention that framed it, led a party who opposed it on the ground, among others, that it authorized Congress to levy duties on imports and to thus encourage home industries and manufactories, promotive of free labor, inimical and dangerous to human slavery. The best efforts and influence of Washington and other friends of the Constitution would not have been sufficient to secure its ratification had they not placated many of its enemies by promising to adopt, promptly on its going into effect, the amendments numbered one to ten inclusive. (The First Congress, September 25, 1789, submitted those ten amendments according to the agreement, and they were shortly thereafter ratified and became a part of the Constitution.)

By a resolution of the Old Congress, of September 13, 1788, March 4, 1789, was fixed as the time for commencing proceedings under the Constitution. At the date of this resolution eleven of the thirteen States had ratified it. North Carolina ratified it November 21, 1789, and Rhode Island, the last, on May 29, 1790.

Vermont, not of the original thirteen States, ratified the Constitution
January 10, 1791, over a month prior to her admission into the
Union. This latter event occurred February 18, 1791.

Thus fourteen States became, almost at the same time, members of the Union under the Constitution, and each and all of which then held or had theretofore held slaves.

Notwithstanding all this, there were many of the framers of the Constitution and its warmest friends who sincerely desired to provide for the early abolition of slavery, some by gradual emancipation,

others by heroic measures; and there were many from the South who favored emancipation, while by no means all the leading and influential citizens of the Northern States desired it.

It may, however, be assumed, in the light of authentic history, that the majority of the framers of the Constitution, and a majority of its friends in the States, hoped and believed that slavery would not be permanent under it. In this belief it was framed. Slavery was not affirmatively recognized in it, though there was much discussion as to it in the Constitutional Convention. There was no attempt to abolish it; such an attempt would have failed in the Convention, and the Constitution, so necessary to the new nation, had it even provided for gradual emancipation, would not have been ratified by the States.

It can hardly be said that the Constitution was framed on the line of compromise as to the preservation of human slavery, though it was necessary, in some occult ways, to recognize its existence. This was in the nature, however, of a concession to it; the word *slave* or *slavery* was not used in it.

The Supreme Court of the United States, however, early interpreted the third clause of Section IV., Article 2, as providing for the return from one State to another of fugitive slaves. This interpretation has been, on high authority, and with much reason, in the light of history, stoutly denied. The clause reads:

"No person *held to service or labor* in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor is due."

The "service or labor" here referred to, it is claimed, was that owing by persons who were under indentures of some kind, growing out of contracts for transportation into the colonies of persons from the Old World, and possibly growing out of other contract obligations wherein they had agreed, for a long or short term, to perform "service or labor." Many such obligations then existed.

Slaves were not then nor since regarded by their owners as "*persons*" merely "held to service or labor," but they were held as personal chattels, owing no duty to their masters distinguishable from that owing by an ox, a horse, or an ass.

But the supreme judiciary and the executive and legislative departments of the government came soon to treat this as a fugitive- slave clause. It is only now interesting to examine its peculiar phraseology and the history and surrounding circumstances under which it became a part of the Constitution, to demonstrate the great care and desire of the eminent and liberty-loving framers of the Constitution to avoid the direct recognition of African slavery.

The only other clause in which the adherents of slavery claimed it was recognized is paragraph 3, Section 2, Article I., which provided that:

"Representation and direct taxes shall be apportioned among the several States . . . according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three fifths of all other persons*."

The "other persons" referred to here, if only slaves, are very delicately described. But this clause, too, came to be recognized by all the departments of the government as referring to slaves. It is quite sure that if the good and plain men of the Revolutionary period had been dealing with a subject not shocking to their consciences, sense of justice, and humanity, they would have dealt with it in plain words, of direct and not doubtful import.

The clause of the Constitution giving representation in the House of Representative of Congress and in the Electoral College in the choice of President and Vice-President, came soon to be regarded as unjust to the free States. Three fifths of all slaves were counted to give representation to free persons of the South; that is, three fifths of all *slave property* was counted numerically, and thus, in many Congressional districts, the vote of one slaveholder was more than equal to two votes in a free State. For example, in 1850, the number of free inhabitants in the slave States was 6,412,605, and in the free States, 13,434,686, more than double. The representation in Congress from the slave States was 90 members, from the free States 144. Three fifths of the slaves were 1,920,182, giving the South 20 (a fraction more) members, the ratio of representation then being 93,420. If the 234 representatives had been apportioned equally, according to free inhabitants, the North would have had 159 and the South 75, a gain of fifteen to the free and a loss of that number to the slave States, a gain of 30 to the North.

The same injustice was shown in levying direct taxes. (All this, however, has been changed by the Fourteenth Amendment to the Constitution.)

The same discriminating language is used (Sec. 9, Art. I.) when obviously referring to the African slave trade. A strong sentiment existed in favor of putting an end at once to the traffic in human being; the Christian consciences of our forefathers revolted at its wickedness, and there was then beginning a general movement throughout the civilized world against it. Some European countries had denounced it as piracy.

It was, however, profitable, and much capital was invested in it, and there was even then an increased demand for slaves in the cotton, rice, and tobacco States.

It was feared so radical a measure as the immediate stoppage of this trade would endanger the Constitution, and as to this, also, it was deemed wise to compromise; so Congress was prohibited from legislating to prevent it prior to the year 1808. This trade was not only then carried on by our own people, but, through ships of other countries, slaves were imported into the United States. Each State was left free to prohibit the importation of slaves within its limits.

We have now referred to all the clauses of the Constitution as originally adopted relating, by construction or possibility, to slavery or slave labor.

The Republic, under this *great charter*, set out upon the career of a nation, properly aspiring to become of the first among the powers of the earth, and succeeding in the higher sense in this ambition, it yet remains to be told how near our Republic came, in time, to the brink of that engulfing chasm which in past ages has swallowed up other nations for their wicked oppression and enslavement of man.

Slavery, thus delicately treated in our Constitution, brought that Republic, in less than three quarters of a century, to the throes of death, as we shall see.

VII CAUSES OF GROWTH OF SLAVERY

It may be well here, before speaking of slavery in its legislative history under the Constitution, to refer briefly to some of the more important causes of its growth and extension, other than political.

First in importance was cotton. It required cheap labor to cultivate it with profit, and even then, at first, it was not profitable. The invention by Whitney of the cotton-gin, in 1793, was the most important single invention up to that time in agriculture, if not the most important of any time, and especially is this true as affecting cotton planters.

Cotton was indigenous to America; the soil and climate of the South were well adapted to its growth. Its culture from the seed was there very easy, but the separation of the seed from the fibre was so slow that it required an average hand one day to secure one pound.

Whitney's cotton-gin, however, at once increased the amount from one to fifty pounds.

This invention came at a most opportune time for slavery in the United States, as the cheapness of rice, indigo, and other staples of the South were such as to prevent their large and profitable production even with the labor of slaves. Cotton was not, in 1794, the date of Jay's treaty with Great Britain, known to him as an article of export. Soon, by the use of the cotton-gin, cotton became the principal article of export from the United States; cotton plantations rapidly increased in size and number, and their owners multiplied their slaves and grew rich. Cotton production increased from 1793 to 1860 one thousand fold.

It is highly probably that Eli Whitney's cotton-gin operated to prevent the much-hoped-for early emancipation of slaves in America, and that thus the inventive genius of man was instrumental in forging the fetters of man.

Other products, such as rice and sugar, were successfully produced in the South, but the demand for them was limited by competition in other countries, in some of which slave labor was employed. The ease of producing cotton stimulated its common use throughout the world, and it soon became a necessary commodity in all civilized countries. "Cotton is king" was the cry of the slaveholder and the exporter. Southern aristocracy rested on it. In the more northern of the slave States, where cotton, on account of the climate, could not be successfully grown, the breeding of slaves with which to supply the cotton planters with the requisite number of hands became a source of great profit; and the slave trade was revived to aid in supplying the same great demand.

Tobacco and some of the cereals were also produced by slave labor, but they could be produced by free labor North as well as South. Of the above 3,000,000 slaves in the United States in 1850, it has been estimated that 1,800,000 were employed in the growth and preservation of cotton alone, and its

value that year was $105,600,000, while the sugar product was valued, the same year, at only $12,400,000, and rice at $3,000,000. The total domestic exports for the year ending 1850 were $137,000,000, of which cotton reached $72,000,000, and all breadstuffs and provisions only $26,000,000.(29)

(29) DeBow's *Resource*, etc., vol. iii., p. 388.

VIII FUGITIVE SLAVE LAW—1793

Contemporaneous with the cotton-gin came, in 1793, the first fugitive- slave law.

The Constitution was not self-executing, if it really contained, as we have seen, a clause requiring escaped slaves to be surrendered from one State to their masters in another.

The Governor of the State of Virginia refused the rendition of three kidnappers of a free negro, on the requisition of the Governor of Pennsylvania, from which State he had been kidnapped, on the sole ground that no law required the surrender of fugitive slaves from Virginia. The controversy thus arising was called to the attention of President Washington and by him to Congress, and it ended by the passage of the first fugitive-slave act. It was for a time tolerably satisfactory to the different sections of the country, though in itself the most flagrant attempt to violate state-rights, judged from the more modern secession, state-rights standpoint, ever attempted by Federal authority.

It required *state magistrates*, who owed their offices solely to state law, to sit in judgment in fugitive-slave cases, and to aid in returning to slavery negroes claimed as slaves by masters from foreign States. The act provided for the return of fugitive apprentices as well as fugitive slaves.

In time the Northern States became free, and the public conscience in them became so changed that the magistrates were deterred or unwilling to act in execution of the law. Massachusetts and Pennsylvania each passed a law making it penal for any of their officers to perform any duties or to take cognizance of any case under the fugitive-slave law. Other States, through their judiciary, pronounced it unconstitutional, even some of the Federal judges doubted its consonance with the Constitution, but, such as it was, it lasted until 1850. It did not provide for a jury trial. The scenes enacted in its execution shocked the moral sense of mankind, and even the slaveholder often shrank from attempting its execution.

But it was not until about the time of the excitement of the fugitive- slave law of 1850 that the highest excitement prevailed in the North over its enforcement, and of this we shall speak hereafter.

IX SLAVE TRADE: ABOLISHED BY LAW

In the English Parliament, in 1776, the year of the Declaration of Independence, the first motion was made towards the abolition of the slave trade, long theretofore fostered by English kings and queens, but not until 1807 did the British moral sense rise high enough to pass, at Lord Granville's instance, the famous act for "the Abolition of the Slave Trade." As early as 1794 the United States prohibited their subjects from trading in slaves to foreign countries; and in 1807, they prohibited the importation of slaves into any of the States, to take effect at the beginning of 1808, the earliest time possible, as we have seen, under the Constitution. But it was not until 1820 that slave-traders were declared pirates, punishable as such.

The prohibition of the slave trade by law did not effectually end it, nor was the law declaring it piracy wholly effectual, though the latter did much, through the co-operation of other nations, to restrict it.

There were active movements in 1852 and 1858, in the South, to revive the African slave trade, and especially was there fierce opposition to the "piracy act." Jefferson Davis, at a convention in Mississippi, July, 1858, advocated the repeal of the latter act, but doubted the practicability then of abrogating the law prohibiting slave traffic.(30)

It is worthy of mention here that April 20th, eight days after Sumter was fired upon, Commander Alfred Taylor, commanding the United States naval ship *Saratoga*, in the port of Kabenda, Africa, captured the *Nightingale of Boston*, flying American colors, with a cargo of 961 recently captured, stolen, or purchased African negroes, destined to be carried to some American part and there sold into slavery. This human cargo was sent to the humane Rev. John Seys, at Monrovia, Liberia, to be provided for. One hundred and sixty died on a fourteen-days' sea-voyage, from ship-fever and confinement, though the utmost care was taken by Lieutenant Guthrie and the crew of the slaver for their comfort. (31)

The laws abolishing the foreign slave trade and prohibiting the introduction of African slaves (after 1807) into the United States even helped to rivet slavery more firmly therein. They more than doubled the value of a slave, and, therefore, incited slave-breeding to supply the increasing demand in the cotton States, and in time this proved so profitable that the South sought new territory whence slavery could be extended, and out of which slave States could be formed.

The "*Declaration against the Slave Trade*" of the world, signed by the representatives of the "Powers" at the Congress of Vienna, in 1815, and repeated at the Congress of Paris at the end of the Napoleonic wars, was potential enough to abate but not to end this most inhuman and sinful trade.(32)

Even as late as 1816, English merchants, supported by the corporations of London and Liverpool, through mercantile jealousy, and pretending to believe that the very existence of commerce on the seas and their own existence depended on the continuance of the slave trade, not only opposed the abolition of the black slave traffic, but they opposed the abolition of *white slavery* in Algiers.(33)

This nefarious traffic did not cease in the United States, although at the Treaty of Ghent (1815) it was declared that: "Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice," and the two countries (Great Britain and the United States) therein stipulated to use their best endeavors to abolish it.

The revival of the slave trade was openly advocated by leading Southern politicians, and the illicit traffic greatly increased immediately after the admission into the Union of Texas as a State and the aggressions on Mexico for more slave territory, and especially just after the discussions over the Compromise measures of 1850 and the Nebraska Act of 1854, followed by the Dred Scott decision in 1857. It was principally carried on under the United States flag, the ships carrying it denying the right of search to foreign vessels engaged in suppressing the trade. British officials claimed in June, 1850, "that at least one half of the successful part of the slave trade was carried on under the American flag." The fitting out of slavers centred at New York city; Boston and New Orleans being good seconds. Twenty-one of twenty-two slavers taken by British cruisers in 1857-58 were from New York, Boston, and New Orleans.

"During eighteen months of the years 1859-60 eighty-five slavers are reported to have fitted out in New York harbor, and these alone transported from 30,000 to 60,000 slaves annually to America."(34)

The greed of man for gain has smothered and will ever smother the human conscience. The slave trade, under the denunciation of piracy, still exists, and will exist until African slavery ceases throughout the world. So long as there is a demand, at good prices, this wicked traffic will go on, and in the jungles of Africa there will be found stealers of human beings.

(30) Rhode's *Hist. United States*, vol. ii., p. 372.

(31) Official Records, etc., *Navies of the War of the Rebellion*, vol. i., p. 11.

(32) It stands to the eternal credit of Napoleon that on his return from Elba to Paris (1815) he decreed for France the total abolition of the slave-trade. This decree was confirmed by the Bourbon dynasty in 1818. *Suppression of African Slave Trade U. S.* (DuBois), p. 247.

(33) Osler's *Life of Exmouth*, p. 303; *Slavery, Letters*, etc., Horace Mann, p. 276.

(34) *Sup. of African Slave Trade* (DuBois) pp. 135, 178-9.

X LOUISIANA PURCHASE

In 1803, Napoleon, fearing that he could not hold his distant American possession, known as the Louisiana Province, acquired from Spain, and which by treaty was to be re-ceded to Spain and not disposed of to any other nation, put aside all scruples and good faith, and for 60,000,000 francs, on April 30th signed a treaty of cession of the vast territory, then mostly uninhabited, to the United States. This was in Jefferson's administration.

The United States bought this domain and its people just as they might buy unoccupied lands with animals on it.

It was early claimed as slave territory. There were only a few slaves within its limits when purchased, though slavery was recognized there. This purchase was a most important one, although at the time it was not so regarded.

The Louisiana Purchase was much greater, territorially speaking, than all the States then in the Union, with all its other possessions.(35)

It comprised what are now the States of Louisiana, Arkansas, Missouri, Iowa, Nebraska, North Dakota, South Dakota, nearly all of Kansas, Minnesota, Montana, Wyoming, large parts of Colorado and the Indian Territory, and a portion of Idaho. These States and Territories in 1890 contained 11,804,101 inhabitants.

At the time of this great acquisition a conviction prevailed that slavery was rapidly diminishing. Adams and Jefferson, each, while President, entertained the belief that slavery would, ere long, come to a peaceful end. It might then have been possible, by law of Congress, to devote this new region to freedom, but, as slavery existed at and around New Orleans in 1812 when the State of Louisiana was admitted into the Union, it became a slave State. This fate was largely due to the claim of its original inhabitants that they were secured the right to hold slaves by the treaty of cession from France.

Later on, the provision of this treaty, under which it was claimed slavery was perpetuated, was a subject of much discussion, and on it was founded the most absurd arguments on behalf of the slave power.

Its third article was the sole one referred to as fastening forever the institution of slavery on the inhabitants of this vast empire. There are those yet living who deny that, even under the present Constitution of the United States or the constitutions of the States since erected therein, slavery is *lawfully* excluded therefrom.

This article reads:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the enjoyment of their liberty, *property*, and the religion they profess."

Justice Catron, of the United States Supreme Court, speaking in the Dred Scott case, for the majority of the court and of this article, says:

"Louisiana was a province where slavery was not only lawful, but where property in slaves was the most valuable of all personal property. The province was ceded as a *unit*, with an equal right pertaining to all its inhabitants, in every part thereof, to own slaves."

He and others of the concurring justices held that the inhabitants at the time of the purchase, also all immigrants after the cession, were protected in the right to hold slaves in the entire purchase.

Near the close of his opinion, still speaking of this article and the acquired territory, he says:

"The right of the United States in or over it depends on the contract of cession, which operates to incorporate as well the Territory as its inhabitants into the Union.

"My opinion is that the third article of the treaty of 1803, ceding Louisiana to the United States, stands protected by the Constitution, and cannot be repealed by Congress."

This view was heroically combatted by a minority of the court, especially by Justices McLean and Curtis. The latter, in his opinion, said

"That a treaty with a foreign nation cannot deprive Congress of any part of its legislative power conferred by the people, so that it no longer can legislate as it is empowered by the Constitution."

Also, that if the treaty expressly prohibited (as it did not) the exclusion of slavery from the ceded territory the "court could not declare that an act of Congress excluding it was void by force of the treaty. . . . A refusal to execute such a stipulation would not be a judicial, but a political and legislative question. . . . It would belong to diplomacy and legislation, and not to the administration of existing laws."(36)

Plainly no part of the treaty of cession fastened slavery, or any other institution of France, on the territory ceded to the United States. If its provisions were violated by the United States, France, internationally, or the inhabitants at the date of the treaty, might have complained and had redress. Obviously the treaty had no bearing on the question of slavery in the United States, but its provisions were seized upon, as was every possible pretext, by the votaries of slavery to maintain and extend it.

It was also, by a majority of the court, held in this memorable case (hereafter to be mentioned) that under the third article of the cession slaves could be taken from any State into any part of the Louisiana Purchase during its territorial state, and there held, and hence that the Missouri Compromise, of 1820, forbidding slavery in the territory north of 36° 30´, was in violation of the treaty and was

unconstitutional, as were all other acts of Congress excluding slavery from United States territory. This was in the heyday (1857) of the slave power, and when it aspired, practically, to make slavery national.

This aggressive policy, as we shall see when we come to consider the Nebraska Act of 1854 relating to a principal part of the Louisiana Purchase, led to a great uprising of the friends of freedom, the political overthrow of the advocates of slavery in most branches of the Union; then to secession; then to war, whence came, with peace, universal freedom, and slavery in the Republic forever dead.

(35) For map showing territory acquired by the U. S., by each treaty, etc., see *History Ready Ref.*, vol. v., p. 3286, and *Louisiana Purchase* (Hermann, Com. Gen. Land Office). The original thirteen States and Territories comprised 8,927,844 sq. mi. The Louisiana Purchase, 1,171,931, sq. mi.

(36) Dred Scott Case, 19 Howard, 393, etc.

XI FLORIDA

Florida did not become a slave colony even on being taken possession of by the English in 1763, nor on its re-conquest by Spain in 1781.

By the treaty of peace at the end of the war of the Revolution (1783) Great Britain recognized as part of the southern boundary of the United States a line due east from the Mississippi at 31° of latitude; and at the same time, by a separate treaty, she ceded to Spain the then two Floridas. Florida became a refuge for fugitive slaves from Georgia and South Carolina.

"Georgians could never forget that the *fugitive* slaves were roaming about the Everglades of Florida." (37)

The Seminole Indians welcomed to their wild freedom the escaped negro from the lash of the overseer, and consequently the long and bloody Florida Indian wars were literally a slave hunt. The wild tribes of Indians knew no fugitive-slave law.

In the War of 1812, Spain permitted the English to occupy, for their purposes, some points in Florida. When the war ended they abandoned a fort on the Appalachicola, about fifteen miles above its mouth, with a large amount of arms and ammunition. This fort the fugitive negroes seized and held for about *three years* as a refuge for escaped slaves, and, consequently, as a menace to slavery. It was during this time called "Negro Fort." At the instigation of slave owners, it was attacked by General Gaines of the United States Army.

"A hot shot penetrated one of the magazines, and the whole fort was blown to pieces, July 27, 1816. There were 300 negro men, women, and children, and 20 Choctaws in the fort; 270 were killed. Only three came out unhurt, and these were killed by the allied Indians."

Thus slavery established and maintained itself, through individual and national crime and blood, until the day when God's retributive justice should come. And we shall see how thoroughly His justice was meted out; how "an eye for an eye, and a tooth for a tooth," measure of blood for measure of blood, anguish for anguish, came to the dominating white race!

It was not until February, 1821, that notice of the ratification of a treaty, made two years before, was received, by which Spain ceded Florida to the United States in consideration of their paying $5,000,000 in satisfaction of American claims against Spain.

This was not all the Republic paid for Florida. A second Seminole war (1835-43) ensued, the bloodiest and most costly of all our Indian wars, in which the Indians were assisted by fugitive slaves and their descendants, in whom the negro blood was admixed, often with the white blood of former masters, and again with the Indian.(38)

At the end of eight years, after many valuable lives had been lost, and $30,000,000 had been expended, but not until after the great Seminole leader (Osceola (39)) had been, by deliberate treachery and bad faith, captured, and the Indians had been worn out rather than conquered, Florida became an American province, and two years thereafter (1845) a slave State in the Union.

The extinction of the brave Seminole Indians left no *race*-friend of the poor enslaved negro. Untutored as they were, they knew what freedom was, and, until 1861, they were the only people on the American continent to furnish an asylum and to shed their blood for the wronged African.

Florida, as a slave State, was a factor in establishing a balance of power, politically, between the North and South.

As the war between the United States and Great Britain (1812-15) did not grow out of slavery, nor was it waged to acquire more slave territory, nor did it directly tend to perpetuate slavery where established, we pass it over.

(37) W. G. Summer's *Andrew Jackson*, ch. iii.

(38) In 1821 at Indian Springs, Florida, a forced treaty was negotiated with the Creek Indians for part of their lands by which the United States agreed to apply $109,000 of the purchase price as compensation to Georgia claimants for escaped slaves, and $141,000 for "*the offsprings which the females would have borne to their masters had they remained in bondage*."—*Rise and Fall of Slavery* (Wilson), vol. i, 132,454.

(39) *Osceola*, or *As-Se-He-Ho-Lar* (black drink), was the son of Wm. Powell, an English Indian-trader, born in Georgia, 1804, of a daughter of a Seminole chief. His mother took him early to Florida. He rose rapidly to be head war-chief, and married a daughter of a fugitive slave who was treacherously stolen from him, as a slave, while he was on a visit to Fort King. When he demanded of General Thompson, the Indian agent, her release, he was put in irons, but released after six days. A little later, December, 1835, he avenged himself by killing Thompson and four others outside of the fort, thus inaugurating the second Seminole war. He hated the white race, and his ambition was to furnish a safe asylum for fugitive slaves.

Surprises and massacres ensued for two years, Osceola showing great bravery and skill, and *not* excelling his white adversaries in treachery. He fought Generals Clinch, Gaines, Taylor and Jesup, of the U. S. A. Jesup induced him (Oct. 21, 1837) under a flag of truce to hold a parley near St. Augustine, where Jesup treacherously caused him to be seized, and the U. S. authorities (treating him as England treated Napoleon) immured him in captivity for life, hopelessly, at Fort Moultrie. His free spirit could not endure this, and he died of a broken heart three months later (January 30, 1838), at thirty-four years of age. His body lies buried on Sullivan's Island, afterwards the scene of a larger struggle for human freedom.

The remains of the *civilized* statesman-champion of perpetual *human* slavery, Calhoun, and the remains of the savage, untutored Seminole *Chief*, Oscoeola, the champion of *human liberty*, lie buried near Charleston, S. C. Let the ages judge each—kindly!

XII MISSOURI COMPROMISE—1820

In pursuance of the policy of trying to balance, politically, freedom and slavery, and to deal tenderly with the latter, and not offend its champions, new States were admitted into the Union in pairs, one free and one slave.

Thus Vermont and Kentucky, Tennessee and Ohio, Louisiana and Indiana, Mississippi and Illinois were coupled, preserving in the Senate an exact balance of power.(40)

When Missouri had framed a Constitution (1819) and applied for admission into the Union, Alabama was on the point of admission as a slave State, and was admitted the same year, and thus the usage required the admission of Missouri as a free State. In 1790 the two sections were nearly equal in population, but in 1820 the North had nearly 700,000 more inhabitants than the South.

Missouri was a part of the Louisiana Purchase, and she had in 1820 above 10,000 slaves.

The usual form of a bill was prepared admitting her, with slavery, on an equal footing with other States. It came up for consideration in the House during the session of 1818-1819, and Mr. Tallmadge, of New York, precipitated a controversy, which was participated in by all the great statesmen, North and South, who were then on the political stage.

He offered to amend the bill so as to prohibit the further introduction of slaves into Missouri, and providing that all children born in the State after its admission should be free at twenty-five years of age.

This amendment was a signal for the fiercest opposition. Clay and Webster, Wm. Pinckney of Maryland, and Rufus King of New York, John Randolph of Roanoke, Fisher Ames, and others, who were in the early prime of their manhood, were heard in the fray. In it the first real threats of disunion, if slavery were interfered with, were heard. It is more than possible those threats pierced the ears of John Adams and Thomas Jefferson, who still survived,(41) and caused them to despair of the Republic.

It is worthy of note that none of the great statesmen engaged in this first memorable combat in which the Union was threatened in slavery's cause, lived to confront disunion in fact, face to face.

Clay, then Speaker of the House, and possessed of great influence, spoke first in opposition to the amendment. Though his speech, like others of that time, was not reported, we know he denied the power of Congress to impose conditions upon a new State after its admission to the Union. He maintained the sovereign right of each State to be slave or free. He did not profess to be an advocate of slavery. He, however, vehemently asserted that a restriction of slavery was cruel to the slaves already held. While their numbers would be the same, it would so crowd them in narrow limits as to expose them "in the old, exhausted States to destitution, and even to lean and haggard starvation, instead of allowing them to share the fat plenty of the new West."(42) (What an argument in favor of perpetuating an immoral thing! So spread it over the world as to make it thin, yet fatten it!)

Clay's arguments were the most specious and weighty of those made against the amendment. And they did not fail to claim the amendment was in violation of the third article of the cession of Louisiana, already, in another connection, referred to.

The Missouri delegate denounced the amendment as a shameful discrimination against Missouri and slavery, which would endanger the Union; in this latter cry a member from Georgia joined.

The friends of the amendment fearlessly answered Clay's speech and the speeches of others. The House was reminded that the great Ordinance of 1787, passed contemporaneous with the adoption of the Constitution, and approved and enforced by its framers (some of whom were also then members of the Continental Congress) imposed an absolute inhibition on slavery forever, precedent to the admission of Ohio, Indiana, Illinois, and the other States to be formed from the Northwest Territory; they showed the treaty with France did not profess to perpetuate slavery in the ceded Territory; they denounced slavery as an evil, unnatural, cruel, opposed to the principles of the Declaration of Independence, and that it had only been tolerated, not approved, by the Constitution; and Mr. Talmadge closed the debate by characterizing slavery as a "scourge of the human race," certain to bring on "dire calamities to the human race"; ending by boldly defying those who threatened, if slavery were restricted, to dissolve the Union of the States. This amendment passed the House, 87 to 76, but was beaten, the same session, in the Senate, 22 to 16; one Senator from Massachusetts, one from Pennsylvania, and two from Illinois voted with the South. Again the too often easily frightened Northern statesmen struck their colors just when the battle was won.

In January (1820) of the succeeding Congress the measure was again under consideration in the Senate, then composed of only forty-four members. It was then that Rufus King and Wm. Pinckney, the former for, the latter against, the slavery restriction amendment, displayed their eloquence. Pinckney, a lawyer of much general learning, paraphrased a passage of Burke to the effect that "the spirit of liberty was more high and haughty in the slaveholding colonies than in those to the northward." He also planted himself, with others from the South, on state-sovereignty, afterwards more commonly called "state-rights," and in time tortured into a doctrine which led to nullification—Secession—*War*.

All these speeches were answered in both Houses by able opponents of slavery extension, but meantime a matter arose which did much to favor the admission of Missouri as a slave State.

Maine, but recently separated from Massachusetts, applied for statehood, and could not be refused.

A Senator from Illinois (Mr. Thomas) introduced a proviso which prohibited slavery north of 36° 30´ in the Louisiana acquisition, except in Missouri.

Here, again, at the expense of freedom, was an opportunity for *compromise*. It was promptly seized upon. It was agreed that Maine, where by no possibility slavery would or could go, should come into the Union as a free State; Missouri as a slave State, and the proviso limiting slavery in the remaining territory south of 36° 30´ should be adopted. This compromise was adopted in the Senate, and later, after close votes on amendments, the House also agreed to it. John Randolph and thirty-seven Southern members voted against it, and, but for weak-kneed Northern members, it would have failed. This compromise Randolph said was a "*dirty bargain*," and the Northern members who supported it he denounced as "doughfaces,"—a coined phrase still known to our political vocabulary.

Missouri, however, did not become a State until August, 1821.
Thus, for the time only was this question settled.

Of it Jefferson wrote, as if in prophecy:

"This momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it the knell of the Union."(43)

Clay wrote of the height to which the heated debate arose:

"The words civil war and disunion are uttered almost without emotion."(44)

(40) Later, Arkansas and Michigan (1836-7), Florida and Iowa (March 3, 1845) and Maine and Missouri were, in pairs—slave and free— admitted as States.

(41) Both died July 4, 1826.

(42) Hildreth, vol. vi., p. 664.

(43) Jefferson's *Works*, vol. vii., p. 159.

(44) Clay's *Priv. Cor.*, p. 61.

XIII NULLIFICATION—1832-3 (1835)

A debate arose in the United States Senate over a resolution of Senator Foote of Connecticut proposing to limit the sale of the public lands, which took a wide range. Hayne of South Carolina elaborately set forth the doctrine of nullification, claiming it inhered in each State under the Constitution. He boldly announced that the Union formed was only a *league* or a *compact*. This called forth from Webster his celebrated "Reply to Hayne," of January 26, 1830, in which he assailed and apparently overthrew the then new doctrine of nullification. He denounced its exercise as incompatible with a loyal adherence to the Constitution, and showed historically that the government formed under it was not a mere "compact" or "*league*" between sovereign or independent States terminable at will. He then asserted that any attempt of any State to act on the theory of nullification would inevitably entail civil war or a dissolution of the Union.

The first real attempt, however, at nullification, or the first attempt of a State to declare laws of Congress nugatory and of no binding force when not approved by the State, was made in South Carolina in 1832, under the leadership of John C. Calhoun, then Vice-President of the United States, and hitherto a statesman of so much just renown, and esteemed so moderate and patriotic in his views on all national questions as to have been looked upon, with the special approval of the North, as eminently qualified for the Presidency. He hopefully aspired to it until he quarrelled with President Jackson; he had been in favor of a protective tariff.

Cotton was, as we have seen, the principal article of export, and the slaveholding cotton planters conceived the idea that to secure a market for it there must be no duties on imports, and that home manufactures of needed articles for consumption would restrict the foreign demand for the raw material. Besides, the South with its slave labor could not indulge in manufacturing. A tariff on imports meant protection to home industries and to free white labor, both inimical to slavery. Some leading Southern statesmen, adherents of slavery, had vehemently opposed the ratification of the Constitution of 1787, on the ground that as it empowered Congress to levy import duties, it would encourage and build up home industries, with free labor; and they prophesied that with them slavery would eventually become unprofitable and therefore unpopular, hence would die. This idea never left the Southern mind, so, when the Confederacy of 1861 was formed, its Constitution (framed at Montgomery, Alabama) prohibited such duties for the express reason that no branch of industry was to be promoted in the new slave government, using this language:

"Nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry."(45)

This was then supposed to be the highest bulwark of slavery. Its votaries understood its strength and weakness. Independent, well- paid free labor and industries (46) would ennoble the men of toil, bring wealth and power, build up populous towns and cities, and consequently overwhelm, politically and otherwise, the institution of slavery, or draw into successful social competition with plantation life wealthy inhabitants who knew not slavery and its demoralizing influences.

Already, in 1832, the effects of protection on the prosperity of our country were manifest, especially since the Tariff Act of 1828, which levied a duty equivalent to 45 per cent. ad valorem. The Act of 1832 made a small reduction in the duties, but because it was claimed it did not distribute them equally, nullification was determined on as the remedy.

It was agreed by the strict constructionists of that day that a State Legislature could not declare a law of the United States void, but to do this the *people* must speak through a convention. Such a convention met in South Carolina, in November, 1832, and passed a Nullification Ordinance, declaring the tariff acts "null and void," not binding on the State, and that under them no duties should be paid in the State after February 1, 1833.

Immediately thereafter medals were struck, inscribed "*John C. Calhoun, first President of the Southern Confederacy*." Nullification, thus proclaimed, was the legitimate forerunner of secession.

President Jackson, with his heroic love of the Union, regarded the movement as only *treason;* he called it that in his proclamations; he prepared to collect the duties in Charleston or to confiscate the cargoes; he warned the nullifiers by the presence of General Scott there that he would be promptly used to coerce the State into loyalty; and he seemed eager to find an excuse for arresting, condemning for treason, and hanging Calhoun, who then went to Washington as a Senator, resigning the Vice-Presidency.(47)

Jackson tersely said:

"To say that any State may, at pleasure, secede from the Union, is to say that the United States are not a nation."

The situation was too imminent for Calhoun's nerves. To confront an indignant nation, led by a fearless, never doubting President, was a different thing then from what it was in 1860-61 with Buchanan as President, surrounded as he was by traitors in his Cabinet. Calhoun and his State backed down, and import duties continued to be collected in South Carolina, although a gradual reduction of them was made an excuse for Calhoun and his friends in Congress, in 1833, to vote for a protective tariff act, so recently before by them declared unconstitutional.(48)

On a "Force Bill" and a new tariff act being passed (March 15, 1833) the Nullification Ordinance was repealed in South Carolina. The next Ordinance of Secession of this State (1860) was based on the principles of the first one and the doctrines of Calhoun, slavery being the direct, as it had been the indirect, cause of their first enunciation. We must not anticipate here.

In the debate, in 1833, between Webster and Calhoun, the former, as in his great reply to Hayne,(49) expounded the Constitution as a "Charter of Union for all the States."

"The Constitution does not provide for events that must be preceded by its own destruction.

"That the Constitution is not a league, confederacy, or compact between the people of the several States in their sovereign capacity, but a government proper, founded on the adoption of the people, and creating direct relations between itself and individuals. That no State authority has power to dissolve these relations. That as to certain purposes the people of the United States are one people."

Nullification, attempted first on account of a protective tariff to foster home and young industries and for needed revenue to carry on the Federal government, was in two years, by its author, Calhoun, transferred, for a new cause on which to attempt to justify it— from the tariff to domestic slavery. Calhoun soon discovered and admitted that the South could not be united against the North and for *disunion* on opposition to a protective tariff. He therefore promptly sought an opportunity to bring forward in Congress the slavery question, and to attack the "*agitators*" and opponents of slavery extension in the North, and to threaten disunion if the institution of slavery was not permitted to dictate the political policy of the Republic.

The exact method of reviving in Congress the whole subject of slavery so soon after nullification had been so signally suppressed by Jackson is worth briefly stating.

President Jackson, in his Annual Message, December, 1835, called attention to attempts to use the mails to circulate matter calculated to excite slaves to insurrection, but he did not recommend any legislation to prevent it. Mr. Calhoun moved in the Senate that so much of the message relating to mail transportation of incendiary publications be referred to a select committee of five.

He was made chairman of this committee, and, on his request, three others from the South, with but one from the North, were put on the committee, and he promptly made an elaborate and carefully-prepared report, going into the whole doctrine of states-rights and nullification.

In it he said:

"That the States which form our Federal Union are sovereign and independent communities, bound together by a constitutional *compact*, and are possessed of all the powers belonging to distinct and separate States, etc.

"The Compact itself expressly provides that all powers not delegated are reserved to the States and the people. . . . On returning to the Constitution, it will be seen that, while the power of defending the country against *external* danger is found among the enumerated, the instrument is wholly silent as to the power of defending the *internal* peace and security of the States: and of course reserves to the States this important power, etc.

"It belongs to slave-holding States, whose institutions are in danger, and not to *Congress*, as is

supposed by the message, to determine what papers are incendiary and intended to excite insurrection among the slaves, etc.

"It has already been stated that the States which comprise our Federal Union are sovereign and independent communities, united by a constitutional compact. Among its members the laws of nations are in full force and obligation, except as altered or modified by the compact, etc.

"Within their limits, the rights of the slave-holding States are as full to demand of the States within whose limits and jurisdiction their peace is assailed, to adopt the measures necessary to prevent the same, and, if refused or neglected, *to resort to means to protect themselves*, as if they were separate and independent communities."

Here, perhaps, was the clearest statement yet made, not only of the independence of States from Federal interference and of their right, on their own whim, to break the "*compact*," but of the right of the slaveholding States to dictate to the other States legislation on the subject of slavery.

It was at once a declaration of independence for the Southern States, and a declaration of their right to hold all the Northern States so far subject to them as to be obliged, on demand, to pass and enforce any prescribed law in the interest of slavery. The South was to be the sole judge of what law on this subject was requisite for slavery's purposes.

No duty was demanded on this question of the Federal Government; and Southern States, according to Calhoun, owed it none where slavery was concerned.

Calhoun and his committee could discover no power in the Southern States to enforce their demands save to act as separate and independent communities—that is, by setting up for themselves. This led logically to disunion, the result intended.

There was much in this report setting forth and professing to believe that it was the purpose of the North to emancipate the slaves, and through the agencies of organized anti-slavery societies bring about slave insurrections. The fanaticism of the North was descanted on, and the character of slavery and its wisdom as a social institution upheld.

He further said:

"He who regards slavery in those States simply under the relation of master and slave, as important as that relation is, viewed merely as a question of property to the slave-holding section of the Union, has a very imperfect conception of the institution, and the impossibility of abolishing it without disasters unexampled in the history of the world. To understand its nature and importance fully, it must be borne in mind that slavery, as it exists in the Southern States, involves *not only the relation of master and slave, but also the social and political relation of the two races*, of nearly equal numbers, from different quarters of the globe, and the most opposite of all others in every particular that distinguishes one race of men from another."

The whole report was replete with accusations against the North, and full of warning as to what the South would do should its demands not be complied with. The bill brought in by the committee was more remarkable than the report itself, and wholly inconsistent with its doctrine.

The bill provided high penalties for any postmaster who should knowingly receive and put into the mail any publication or picture *touching the subject of slavery*, to go into any State or Territory in which its circulation *was forbidden by state law*.

The report concluded:

"Should such be your decision, by refusing to pass this bill, I shall say to the people of the South, look to yourselves.

"But I must tell the Senate, be your decision what it may, the South will never abandon the principles of this bill. . . . We have a remedy in our own hands."

Clay, Webster, Benton, and others ably and effectually combated both the report and the bill, and the latter failed (25 to 19) in the Senate.

Besides denying the doctrine of the report, they showed the evil was not in mailing, but in taking from the mails and circulating by their own citizens the supposed objectionable publications.

Benton, himself a slaveholder, then and in subsequent years assailed and pronounced the doctrine of this report as the "*birth of disunion*." He has also shown that Calhoun delighted over the agitation of

slavery more than he deprecated it; that he profoundly hoped that on the slavery question the South would be united and a Slave-Confederacy formed.(50)

In support of this Mr. Benton quotes from a letter of Mr. Calhoun to a gentleman in Alabama (1847) in which he says:

"I am much gratified with the tone and views of your letter, and concur entirely in the opinion you express, that instead of shunning, we ought to court the issue with the North on the slavery question. I would even go one step further and add that it is our duty *to force the issue* on the North. We are now stronger relatively than we shall be hereafter, politically and morally. Unless we bring on the issue, delay to us will be dangerous indeed. . . . Something of the kind was indispensable to the South. On the contrary, if we should not meet it as we ought, I fear, greatly fear, our *doom* will be fixed."(51)

Comment is unnecessary, but the letter, almost exultantly, mentions as fortunate that the Wilmot Proviso was offered, as it gave an opportunity to unite the South.

It proceeds:

"With this impression, I would regard any compromise or adjustment of the proviso, *or even its defeat*, without meeting the danger in its whole length and breadth, as very unfortunate for us.

"This brings up the question, how can it be so met, without resorting to the dissolution of the Union.

"There is and can be but one remedy short of disunion, and that is to retaliate on our part by refusing to fulfill the stipulations in their (other States) favor, or such as we may select, as the most efficient."

The letter, still proceeding to discuss modes of dissolution or retaliation against Northern States, declares a convention of Southern States indispensable, and their co-operation absolutely essential to success, and says:

"Let that be called, and let it adopt measures to bring about the co-operation, and I would underwrite for the rest. The non- slaveholding States would be compelled to observe the stipulations of the Constitution *in our favor*, or abandon their trade with us, *or to take measures to coerce us*, which would throw on them the responsibility of dissolving the Union. Their unbounded avarice would in the end control them."(52)

It is certain that President Jackson's heroic proclamation of December, 1832, aborted the project of nullification under the South Carolina Ordinance, and certain it is, also, that the disappointed leaders of it turned from a protective tariff as a ground for it, to what they regarded as a better excuse, to wit: A slavery agitation, generated out of false alarms in the slave States.

After the tariff compromise of 1833, in which Calhoun sullenly acquiesced, he returned home and immediately announced that the South would never unite against the North on the tariff question, —"That the sugar interest of Louisiana would keep her out,—and consequently the basis of Southern union must be shifted to the slave question," which was then accordingly done.(53)

Jackson, discussing nullification, is reported to have said:

"It was the *tariff* this time; next time it will be the *negro*."

This new and dangerous departure was not overlooked. The report and bill of 1835 relating to the use of the mails was only a chapter in execution of the new plan.

The observing friends of the Union did not overlook or misunderstand the movement. They at once took alarm. Mr. Clay, in May, 1833, wrote a letter to Mr. Madison expressing his apprehensions of the new danger, which brought from him a prompt response.

Mr. Madison in his letter said:

"It is painful to see the unceasing efforts to alarm the South by imputations against the North of unconstitutional designs on the subject of the slaves. You are right. I have no doubt that no such intermeddling disposition exists in the body of our Northern brethren. Their good faith is sufficiently guaranteed by the interest they have as merchants, ship-owners, and as manufacturers, in preserving a union with the slave-holding states. On the other hand, what madness in the South to look for greater safety in *disunion*."(54)

What Clay and Madison saw in 1833 as the real starting-point for ultimate secession proved true to history. From that time dates the machinations which led, through the steps that successively followed, to actual dissolution of the Union in 1860-61; then to coercion—War; then to the eradication of slavery.

It was Southern madness that hastened the destruction of American slavery. "Whom the gods would destroy, they first make mad."

The excuse for even this much significance given to "nullification" is, that in less than thirty years, under a new name—"state-rights" —it worked secession—disunion, and lit up the whole country with the flames and frenzy of internal war that did not die down for four years more; and then only when slavery was consumed.

The great abolition movement commenced in earnest, January 1, 1831. Wm. Lloyd Garrison published, at Boston, the *Liberator*, with the motto—"*Our countrymen are all mankind*." Benjamin Lundy, and perhaps others, had preceded Garrison, but not until after the Webster-Hayne debate did the abolition movement spread. Thenceforth it took deeper root in the human conscience, and it had advocates of determined spirit throughout the North, led on fearlessly, not alone by Garrison, but by Rev. Dr. Channing, Rev. James Freeman Clarke, and, later, by Rev. Samuel May (Syracuse, N. Y.), Gerritt Smith, the poet Whittier, Wendell Phillips, Theodore Parker, Horace Mann, Charles Sumner, Joshua R. Giddings, Owen Lovejoy, and others, who spoke from pulpit, rostrum, and some in the halls of legislation; others in the courts and through the press. The enforcement of the fugitive-slave law was often violent, and always added new fuel to the fierce and constantly growing opposition to slavery.

The Anti-Slavery party was not one wholly built on abstract sentiment of philanthropists, but it involved physical resistance: Violence to violence.

The American Anti-Slavery Society was founded at a National Anti-Slavery Convention held in Philadelphia, in December, 1831.

Hard upon the establishment of the *Liberator* came the Nat Turner insurrection in Southampton County, Virginia (August, 1831). This gave to the South a fresh ground to complain of the North. Turner's insurrection was held to be the legitimate fruit of abolition agitation. Turner was an African of natural capacity, who quoted the Bible fluently, prayed vehemently, and preached to his fellow slaves.

He told them, as did Joan of Arc, of "*Voices*" and "*Visions*," and of his communion with the Holy Spirit. An eclipse of the sun was the signal to strike their enemies and for freedom. The massacre lasted forty-eight hours, and sixty-one whites, women and children not spared, were victims. On the other hand, negroes were shot, tortured, hanged, and burned at the stake on whom the slightest suspicion of complicity fell.

The Nat Turner negro slave insurrection is the only one known to slavery in the United States. Others may possibly have been contemplated. The John Brown raid was not a negro insurrection. Even in the midst of the war (1861-65), believed by most slaves to be a war for their freedom, insurrections were unknown.(55)

The African race, the most wronged through the centuries, has been the most docile and the least revengeful of the races of the world.

(45) Confederate Con., Art. 1, Sec. 8, par. 1.

(46) The South in the days of slavery had, practically, no manufactories.

(47) Benton, *Thirty Years' View*, vol. i., p. 343.

(48) Rhodes, *Hist. U. S.*, vol. i., pp. 49-50.

(49) January 26, 1830.

(50) For this report and history see Benton's *Thirty Years' View*, vol. i, pp. 580, etc.

(51) *Thirty Years' View*, vol. ii., chap. clxxxix.; Historical, etc. Examination, *Dred Scott Case* (Benton), p. 139.

(52) Historical, etc., Examination, *Dred Scott Case* (Benton), p. 141-4.

(53) *Ibid.*, p. 181.

(54) Historical, etc., Ex., *Dred Scott Case*, pp. 181-2.

(55) There were some small insurrections and some threatened ones in the colonies as early as 1660, the guilty negroes or Indians being then punished by crucifixion, burning, and by starvation; other insurrections took place in the Carolinas and Georgia in 1734, and the Cato insurrection occurred at Stono, S. C., in 1740. There was a wide spread "Negro Plot" in New York in 1712. These attempts alarmed the colonies and caused some of them to take steps to abolish slavery.—*Sup. of African Slave-*

Trade U. S., pp. 6, 10, 22, 206.

XIV TEXAS—ADMISSION INTO THE UNION (1845)

Texas was a province of Mexico when the latter seceded from Spain through a "Proclamation of Independence" by Iturbide (February 24, 1821) with a view to establishing a constitutional monarchy. At the end of about two years of Iturbide's reign, this form of government was overthrown, and he was compelled (March 19, 1823) to resign his crown. Through the efforts, principally of General Santa Anna, a Republic was established under a Constitution, modelled, in large part, on that of the United States, which went into full effect October 4, 1824. Spain did not formally recognize the independence of Mexico until 1836. The Mexican Republic was opposed to slavery, and after some of her provinces had decreed freedom to slaves its President (Guerro), September 15, 1829, decreed its total abolition, but as Texas, on account of slave- holding settlers from the United States, demurred to the decree, another one followed, April 5, 1837, by the Mexican Congress, also abolishing slavery, without exception, in Texas. Despite these decrees the American settlers carried slaves into Texas, which became part of the State of Coahuila, whose Constitution also forbade the importation of slaves.

Thus was slavery extension to the southwest cut off by a power not likely ever to be in sympathy with it. It is worthy of note that neither the independent Spanish blood (notwithstanding Spain's deep guilt in the conduct of the slave trade), nor that blood as intermixed with the Indian, nor the Mexican Indians themselves, ever willingly maintained human slavery in America. Mexico's established religion under the Constitution, being Roman Catholic, did not permit its perpetuation. The Pope of Rome, in the nineteenth century and earlier, had denounced it as inhuman and contrary to the divine justice.

The maintenance of slavery in Texas was regarded as of paramount importance to the South, and as slavery could not exist in Texas under Mexican authority, efforts were put forth to secure her independence, then to annex her to the United States as a State wherein slavery should exist. Even Clay, as Secretary of State, under Adams, in 1827, proposed to purchase Texas. President Jackson, in 1830, offered $5,000,000 for Texas. The Mexican Government, foreseeing the coming danger, by law prohibited American immigration into Texas, but this was unavailing, as the ever-unscrupulous hand of slavery was reaching out for more room and more territory to perpetuate itself. Americans, like their natural kinsmen the Englishmen, then regarded not the rights of others, the weak especially, when the slave power was involved.

Sam Houston, of Tennessee, a capable man who had fought under Jackson in the Indian wars, inspired by his pro-slavery proclivities in 1835, went to Texas avowedly to wrest Texas from free Mexico, and, it is said, of his real intentions President Jackson was not ignorant.

The unfortunate internal political contentions in Mexico gave the intruding Americans pretexts for disputes which soon led to the desired conflicts with the Mexican authorities.

Santa Anna, who had, through a revolution, put himself at the head of the new Mexican Republic, attempted to coerce the invading settlers to observance of the laws, but in this was only partially successful. On March 2, 1836, a Texas *Declaration of Independence* was issued, signed by about *sixty* men, *two* of whom only were Texas-Mexicans, and this was followed by a Constitution for the Republic of Texas, chief among its objects being the establishment of human slavery. Santa Anna, with the natural fierceness of the Spanish-Indian, waged a ferocious war on the revolutionists. A garrison of 250 men at "The Alamo," a small mission church near San Antonio, was taken by him after heroic resistance, and massacred to a man.

"Thermopylae had her messenger of defeat, but The Alamo had none."

David Crockett, an uneducated, eccentric Tennessean, who was a celebrated hunter, Indian fighter, story teller, wit, and member of Congress three terms (where he opposed President Jackson, and refused to obey any party commanding him "to-go-wo-haw-gee," just at his pleasure) here lost his life. On the 27th of the same month 500 more Americans at Goliad were also massacred. These atrocities were used successfully to produce sympathy and create excitement in the United States. On April 21, 1836, a decisive battle was fought at San Jacinto between Santa Anna's army of 1500 men and a body of 800 men under General Sam Houston, in which the former was defeated, and Santa Anna, the President of Mexico, captured. While a prisoner, to save his life he immediately concluded an armistice with Houston, agreeing to evacuate Texas and procure the recognition by Mexico of its independence. This the Mexican Congress afterwards refused. But in October, 1836, with a Constitution modelled on that of the United States, the Republic of Texas (recognizing slavery) was organized, with Houston as President, and forthwith the United States recognized its independence.

In a few months application was made to the United States to receive it into the Union, but on

account of a purpose to divide Texas into a number of slave States to secure the preponderance of the slave political power in the Union, which for want of sufficient population was not immediately possible, her admission was delayed, and Sam Houston's Republic of Texas existed for above eight years. President Van Buren, who succeeded Jackson as President, was opposed to its annexation, and it was left to the apostate Tyler to take up the business.

He, too, would have failed but Mr. Upshur, his Secretary of State, being killed in 1844 by the accidental explosion of a cannon, John C. Calhoun became his successor. The latter at once arranged a treaty of annexation, but this the Senate rejected. Both Van Buren and Clay, leading candidates of their respective parties for the Presidency in 1844, were opposed to the annexation; the former was defeated for nomination, and the latter at the election, because, during the canvass, to please the slaveholding Whigs he sought to shift his position, thus losing his anti-slavery friends, "whose votes would have elected him"; and Polk became President. Annexation, however, did not wait for his administration.

In the House of Representatives, in December, 1844, an attempt was made to admit Texas, half to be free and half slave, making two States.

By resolutions of Congress, dated March 1, 1845, consent was given to erect Texas into a State with a view to annexation; and in order that she might be admitted into the Union such resolutions provided that thereafter four other States, with her consent, might be formed out of its territory. In August succeeding, a Constitution was framed prohibiting emancipation of slaves (56) and authorizing their importation into Texas, which was thereafter adopted by the people of the Republic of Texas, under which Congress, by resolution (December 29, 1845) formally admitted Texas into the Union—the last slave State admitted.

As a sop to Northern "dough-faces," and to induce them to vote for the resolutions of March 1st, it recited that the new States lying south of latitude 36° 30´ should be admitted with or without slavery as their inhabitants might decide, those north of the line without slavery. In the subsequent adjustment of the north boundary line of Texas, it was found *no part of it* was within two hundred miles of 36° 30´; so all of Texas (in territory an empire, in area 240,000 square miles, six times greater than Ohio) was thus dedicated forever, by law, to human slavery, in the professed interest of the nineteenth century civilization. The intrigue, the bad faith, the perfidy by which this great political and moral wrong was consummated were laid up against the "day of wrath."

(56) How different is Texas' Constitution of 1876, the first paragraph of which runs: "Texas is a free and independent State."

XV MEXICAN WAR—ACQUISITION OF CALIFORNIA AND NEW MEXICO 1846-8

With Texas came naturally a desire for more slave territory. Wrong is never satiated; it hungers as it feeds on its prey.

Pretence for quarrel arose over the boundary between Texas and Mexico. The United States unjustly claimed that the Rio Grande was the southwestern boundary of Texas instead of the Nueces, as Mexico maintained. Mexico was invaded, her cities, including her ancient capital, were taken, and her badly-organized armies overthrown. Congress, by an Act of May 13, 1846, declared that "by the act of the Republic of Mexico a state of war existed between that government and the United States," and it virtually ended in September, 1847, though the final treaty of peace at Guadalupe Hidalgo was not signed until February 2, 1848. While the annexation of Texas was regarded by Mexico as a cause of war, yet she did not declare war on that ground.

The principle of "manifest destiny" was proclaimed for the United States. In the prosecution of the war, with shameless effrontery it was justified on the necessity that "*we want room*" for the two hundred millions of inhabitants soon to be under our flag.

Answering this cry, put up by Senator Cass of Michigan, Senator
Thomas Corwin, in a spirit of prophecy, said:

"But you still say you want *room* for your people. This has been the plea of every robber-chief from Nimrod to the present hour. I dare say, when Tamerlane descended from his throne, built of seventy thousand human skulls, and marched his ferocious battalions to further slaughter,—I dare say he said, 'I want room.' Alexander, too, the mighty 'Macedonian Madman,' when he wandered with his Greeks to the plains of India, and fought a bloody battle on the very ground where recently England and the Sikhs engaged in a strife for 'room' . . . Sir, he made quite as much of that sort of history as you ever will. Mr. President, do you remember the last chapter in that history? It is soon read. Oh! I wish we could understand its moral. Ammon's son (so was Alexander named), after all his victories, died drunk in

Babylon. The vast empire he conquered to 'get room' became the prey of the generals he trained; it was desparted, torn to pieces, and so ended. Sir, there is a very significant appendix; it is this: The descendants of the Greeks— of Alexander's Greeks—are now governed by a descendant of Attilla."

Through the greed of the slave power Texas was acquired, and they still longed for more slave territory, and weak Mexico alone could be depleted to obtain it.

Southern California and New Mexico had a sufficiently warm climate for slavery to flourish in.

The war was far from popular, though the pride of national patriotism supported it. Clay and Webster each opposed it, and each gave a son to it.(57)

Abraham Lincoln, then for a single term in Congress, spoke against it, but, like most other members holding similar views, voted men, money, and supplies to carry it on.

Senator Benton of Missouri, a party friend to the administration of Polk and favoring the war, said:

"The truth was, an intrigue was laid for peace before the war was declared! And this intrigue was even part of the scheme for making war. It is impossible to conceive of an administration less warlike, or more intriguing, than that of Mr. Polk. They were men of peace, with objects to be accomplished by means of war. . . . They wanted a small war, just large enough to require a treaty of peace, and not large enough to make military reputations dangerous for the Presidency."(58)

It was predicted the war would not last to exceed "90 to 120 days." The proposed conquest of Mexico was so inlaid with treachery that this prediction was justified. The Administration conspired with the then exiled Santa Anna "not to obstruct his return to Mexico."

"It was the arrangement with Santa Anna! We to put him back in Mexico, and he to make peace with us: of course an *agreeable peace* . . . not without receiving a consideration: and in this case some millions of dollars were required—not for himself, of course, but to enable him to promote the peace at home."(59)

Accordingly, in August, 1846, before Buena Vista and other signal successes in the war, the President asked an appropriation of $2,000,000 to be used in promoting a peace.

But already jealousy and envy toward the generals in the field had arisen, which culminated in President Polk offering to confer on Senator Thomas H. Benton (of his own party) the rank of Lieutenant- General, with full command, thus superseding the Whig Generals, Winfield Scott and Zachary Taylor, then possible Presidential candidates.(60)

The acquisition of more territory from Mexico being no secret, a bill for the desired appropriation precipitated, unexpectedly, a most violent discussion of the slavery question, never again allayed until slavery was eliminated from the Union.

A Democratic Representative from Pennsylvania, David Wilmot, who favored the acquisition of California and New Mexico, for the purpose of "*preserving the equilibrium of States*," and as an offset to the already acquired slave State of Texas, which was then expected to be soon erected into five slave States, moved, August, 1846, the following proviso to the "two million bill":

"That no part of the territory to be acquired should be open to the introduction of slavery."

This famous "Wilmot Proviso" never became a part of any law; its sole importance was in its frequent presentation and the violent discussions over it.

Thus far the national wrong against Mexico had for its manifest object the spread of slavery.

The proposition to seize Mexican territory and dedicate it to freedom threw the advocates of slavery and the war into a frenzy, and consternation in high circles prevailed.

The proviso was adopted in the House, but failed in the Senate. It was, in February, 1847, again, by the House, tacked on the "three million bill," but being struck out in the Senate, the bill passed the House without it. But the proviso had done its work; the whole North was alive to its importance, and Presidential and Congressional *timber* blossomed or withered accordingly as it did or did not fly a banner inscribed "*Wilmot Proviso*."

Calhoun, professing great alarm and great concern for the Constitution, on February 19, 1847, introduced into the Senate his celebrated resolution declaring, among other things, that the Territories belonged to the "several States . . . as their joint and common property." "That the enactment of any law which should . . . deprive the citizens of any of the States . . . from emigrating with their property

[slaves] into any of the Territories . . . would be a violation of the Constitution and the rights of the States, . . . and would tend directly to subvert the Union itself."

Here was the doctrine of state-rights born into full life, with the old doctrine of nullification embodied. Benton, speaking of the dangerous character of Calhoun's resolution, said of them:

"As Sylla saw in the young Caesar many Mariuses, so did he see in them many nullifications."

Benton, quite familiar with the whole history of slavery before, during, and after the Mexican War, himself a Senator from a slave State, says the Wilmot proviso "was secretly cherished as a means of keeping up discord, and forcing the issue between the North and the South," by Calhoun and his friends, citing Mr. Calhoun's Alabama letter of 1847, already quoted, in proof of his statement.

By the treaty of Guadalupe Hidalgo (February, 1848) for $15,000,000 (above $3,000,000 more than was paid Napoleon for the Louisiana Purchase), New Mexico and Upper California were ceded by Mexico to the United States, and the Rio Grande from El Paso to its mouth became the boundary between the two countries. Upper California is now the State of California, and the New Mexico thus acquired included much of the present New Mexico, nearly all of Arizona, substantially all of Utah and Nevada, and the western portion of Colorado, in area 545,000 square miles, which, together with the Gadsden Purchase, by further treaty with Mexico (December 30, 1853) for $10,000,000 more, completed the despoiling of the sister Republic. The territory acquired by the last treaty now constitutes the southern part of Arizona and the southwest corner of New Mexico.

Almost contemporaneous with the invasion of Mexico, and as part of the plan for the acquisition of her territory, Buchanan, then Secretary of State, dispatched Lieutenant Gillespie, of the United States Army, *via* Vera Cruz, the City of Mexico, and Mazatlan, to Monterey, Upper California, ostensibly with dispatches to a consul, but really for the purpose of presenting a mere *letter of introduction* and a verbal request to Captain John C. Fremont, U.S.A., then on an exploring expedition to the Pacific Coast. The Lieutenant found Fremont at the north end of the Great Klamath Lake, Oregon, in the midst of hostile Indians. The *letter* being presented, Gillespie verbally communicated from the Secretary a request for him to counteract any foreign scheme on California, and to cultivate the good-will of the inhabitants towards the United States.

On this information Fremont returned, in May, 1846 (the month the war opened on the Rio Grande), to the valley of the Sacramento. His arrival there was timely, as already the ever-grasping hand of the British was at work. There had been inaugurated (1) the massacre of American settlers, (2) the subjection of California to British protection, and (3) the transfer of its public domain to British subjects. Fremont did not even know war had broken out between the United States and Mexico, yet he organized at first a defensive war in the Sacramento Valley for the protection of American settlers, and blood was shed; then he resolved to overturn the Mexican authority, and establish "California Independence." The celerity with which all this was accomplished was romantic. In thirty days all Northern California was freed from Mexican rule—the flag of independence raised; American settlers were saved, and the British party overthrown.

Since its discovery by Sir Francis Drake—two hundred years—England had sought to possess the splendid Bay of California, with its great seaport and the tributary country. The war between the United States and Mexico seemed her opportune time for the acquisition, but her efforts, both by sea and land, were thwarted by her only less voracious daughter.(61)

Often in human affairs events concur to control or turn aside the most carefully guarded plans. California and the other Mexican acquisitions were by the war party—the slave propagandists—fore-ordained to be slave territory. The free State men had done little to favor its theft and purchase, and it was therefore claimed that they of right should have little interest in its disposition.

Just nine days (January 24, 1848) before the treaty of peace (Guadalupe Hidalgo), John A. Sutter, a Swiss by parentage, German by birth (Baden), American by residence and naturalization (Missouri), Mexican in turn, by residence and naturalization, together with James A. Marshall, a Jerseyman wheelwright in Sutter's employ, while the latter was walking in a newly-constructed and recently flooded saw-mill tail-race, in the small valley of Coloma, about forty-five miles from Sacramento (then Sutter's Fort), in the foot- hills of the Sierras, picked up some small, shining yellow particles, which proved to be free *gold*.(62)

"*The accursed thirst for gold*" was now soon to outrun the *accursed greed* for more slave territory. The race was unequal. The whole world joined in the race for gold. The hunger for wealth seized all alike, the common laborer, the small farmer, the merchant, the mechanic, the politician, the lawyer and the clergyman, the soldier and the sailor from the army and navy; from all countries and climes came the gold seeker; only the slaveholder with his slaves alone were left behind. There was no place for the

latter with freemen who themselves swung the pick and rocked the cradle in search of the precious metal.

California, Nevada, Colorado, New Mexico, and Arizona still give up their gold and their silver to the free miner; and the financial condition and prosperity of the civilized countries of the world have been favorably affected by these productions, but of this we are not here to speak. Slavery is our text, and we must not stray too far from it.

Turning back to the negotiations for the first treaty with Mexico, we find, to her everlasting credit, though compelled to part with her possessions, she still desired they should continue to be free.

Slavery, as has already been shown, did not exist in Mexico by law; and California and New Mexico held no slaves, so, during the negotiations, the Mexican representatives begged for the incorporation of an article providing that slavery should be prohibited in all the territory to be ceded. N. P. Trist, the American Commissioner, promptly and fiercely resented the bare mention of the subject. He replied that if the territory to be acquired were tenfold more valuable, and covered *a foot thick* with pure gold, on the single condition that slavery was to be excluded therefrom, the proposition would not be for a moment entertained, nor even communicated to the President.(63)

Though the invocation was in behalf of humanity, the "invincible Anglo-Saxon race" (so cried Senator Preston in 1836) "could not listen to the prayer of superstitious Catholicism, goaded on by a miserable priesthood."

Now that California and New Mexico were United States territory, how was it to be devoted to slavery to reward the friends of its acquisition?

As slavery was prohibited under Mexican law, this territory must by the law of nations remain free until slavery was, by positive enactment, authorized therein. This ancient and universal law, however, was soon to be disregarded or denied by the advocates of the doctrine that the Constitution of the United States spread itself over territories, and, by force of it, legalized human slavery therein, and guaranteed to citizens of a State the right to carry their property—human slaves included—into United States territory and there hold it, by force of and protected by the Constitution, in defiance of unfriendly territorial or Congressional legislation. This novel claim also sprung from the brain of Calhoun, and was met with the true view of slavery, to wit: That it was a creature solely of law; that it existed nowhere of natural right; that whenever a slave was taken from a jurisdiction where slaves could be held by law, to one where no law made him a slave, his shackles fell off and he became a free man. The soundness of the rule that a citizen of a State could carry his personal property from his State to a Territory was admitted, but it was claimed he could not hold it there if it were not such as the laws of the Territory recognized as property. In other words, he might transfer his property from a State to a Territory, but he could not take with him the law of his State authorizing him to hold it as property. The law of the *situs* is of universal application governing property.

It remains to briefly note the effort to extend and interpret the Constitution, with the sole view to establish and perpetuate human slavery.

Near the close of the session of Congress (1848-49), Mr. Walker of Wisconsin, at the instigation of Calhoun moved, as a rider on an appropriation bill, a section providing a temporary government for such Territories, including a provision to "*extend the Constitution of the United States to the Territories*." This astounding proposition was defended by Calhoun, and, with his characteristic straightforwardness, he avowed the true object of the amendment was to override the anti-slavery laws of the Territories, and plant the institution of slavery therein, beyond the reach of Congressional or territorial law.

Mr. Webster expounded the Constitution and combated the newly brought forward slave-extension doctrine, but a majority of the Senate voted for the amendment.

The House, however, voted down the rider, and between the two branches of Congress it failed. For a time appropriations of necessary supplies for the government were made to depend on the success of the measure.(64)

Thus again the newly acquired domain escaped the doom of perpetual slavery.

But we have done with the Mexican War and the acquisition of Mexican territory. It remains to be told how this vast domain was disposed of. No part of it ever became slave.

There was not time in Polk's administration to dispose of it. General Zachary Taylor, the hero of Palo Alto, Resaca, Monterey, and Buena Vista, became President, March 4, 1849. He was wholly without political experience and had never even voted at an election. He was purely a professional soldier, and

a Southerner by birth and training; was a patriot, possessed of great common sense, and knew nothing of intrigue, and was endowed with a high sense of justice, and believed in the rights of the majority. He belonged to no cabal to promote, extend, or perpetuate slavery, and, probably, in his conscience was opposed to it. His Southern friends could not use him, and when they demanded his aid, as President, to plant slavery in California, he not only declined to serve them, but openly declared that California should be free. In different words, but words of like import, he responded to them, as he did to General Wool, at a critical moment in the battle of Buena Vista. Wool remarked: "*General, we are whipped*." Taylor responded: "*That is for me to determine*."(65)

(57) Lt.-Col. Henry Clay, Jr., fell at Buena Vista February 23, 1847, and Maj. Edward Webster died at San Angel, Mexico, January 23, 1848.

(58) *Thirty Years' View*, vol. ii., p. 680.

(59) *Ibid.*, p. 681.

(60) Taylor became President March, 1849, succeeding Polk, and died in office July 9, 1850. Scott was nominated by his party (Whig) in 1852, and defeated; Franklin Pierce, a subordinate General of the war, was elected by his party (Democrat) President in 1852.

(61) *Thirty Years' View*, vol. ii., pp. 688-692.

(62) *Hist. Ready Ref.*, vol. i, p. 350.

(63) Trist's letter to Buchanan, Secretary of State, Von Holst, vol. iii., p. 334.

(64) Historical Ex., etc., *Dred Scott Case*, pp. 151-9. This is the first Congress where its sessions were continued after twelve o'clock midnight, of March 3d, in the odd years. *Ibid.*, pp. 136-9.

(65) *Hist. of Mexican War* (Wilcox), p. 223.

XVI COMPROMISE MEASURES—1850

The slavery agitation first began in 1832 on a false tariff issue, and precipitated upon the country in 1835, on the lines of nullification and disunion, and was again revived at the close of the Mexican War, and continued violently through 1849 and 1850. The year 1850 will be ever memorable in the history of the United States as a year wherein all the baleful seeds of disunion were sown, which grew, to ripen, a little more than ten years later, into *disunion* in fact. Prophetically, a leading South Carolina paper in its New Year-Day edition, said:

"When the future historian shall address himself to the task of portraying the rise, progress, and decline of the American union, the year *1850* will arrest his attention, as denoting and presenting the first marshalling and arraying of those hostile forces and opposing elements which resulted in dissolution."

At the close of Polk's administration an inflammatory address, drawn and signed by Calhoun and forty-one other members of Congress from the slave States, was issued, filled with unfounded charges against the North, professing to be a warning to the South that a purpose existed to abolish slavery and bring on a conflict between the white and black races, and to San Domingoize the South, which could only be avoided, the address states:

"By fleeing the homes of ourselves and ancestors, and by abandoning our country to our slaves, to become the permanent abode of disorder, anarchy, poverty, misery, and wretchedness."

This manifesto did not go quite to the extent of declaring for a dissolution of the Union, but it appealed to the South to become united, saying, if the North did not yield to its demands, the South would be the assailed, and

"Would stand justified by all laws, human and divine, in repelling a blow so dangerous, without looking to consequences, and to resort to all means necessary for that purpose."(66)

The *Southern Press* was set up in Washington to inculcate the advantages of disunion, and to inflame the South against the North. It portrayed the advantages which would result from Southern independence; and assumed to tell how Southern cities would recover colonial superiority; how ships of all nations would crowd Southern ports and carry off the rich staples, bringing back ample returns, and how Great Britain would be the ally of the new "United States South." In brief, it asserted that a Southern convention should meet and decree a separation unless the North surrendered to Southern demands for the extension of slavery, for its protection in the States, and for the certain return of

fugitive slaves; it urged also that military preparation be made to maintain what the convention might decree.

A disunion convention actually met at Nashville, near the home of Jackson, but the old hero was then in his grave.(67) It assumed to represent seven States. It invited the assembling of a "Southern Congress." South Carolina and Mississippi alone responded to this call. In the Legislature of South Carolina secession and disunion speeches were delivered, and throughout the South public addresses were made, and the press advocated and threatened dissolution of the Union unless the North yielded all.(68)

All this and more to immediately effect the introduction of slavery into California and New Mexico. The South saw clearly that the free people of the Republic were resolved that there should be no more slave States, but believed that the mercantile, trading people, and small farmers of the North would not fight for their rights, and hence intimidation seemed to them to promise success.

It had its effect on many, and, unfortunately, on some of America's greatest statesmen.

By a singular coincidence the Thirty-first Congress, which met December, 1849, embraced among its members Webster, Clay, Calhoun, Benton, Cass, Corwin, Seward, Salmon P. Chase, John P. Hale, Hamlin of Maine, James M. Mason, Douglas of Illinois, Foote and Davis of Mississippi, of the Senate; and Joshua R. Giddings, Horace Mann, Wilmot of Pennsylvania, Robert C. Schenck, Robert C. Winthrop, Alexander H. Stephens, and Thaddeus Stevens, of the House.

To avert the impending storm of slavery agitation then threatening disunion, Clay, by a set of resolutions, with a view to a "*lasting compromise*," on January 29, 1850, proposed in the Senate a general plan of compromise and a committee of thirteen to report a bill or bills in accordance therewith.

His plan was:

1. The admission of California with her free Constitution.

2. Territorial governments for the other territory acquired from Mexico, without any restriction as to slavery.

3. The disputed boundary between Texas and New Mexico to be determined.

4. The *bona fide* public debt of Texas, contracted prior to annexation, to be paid from duties on foreign imports, upon condition that Texas relinquish her claim to any part of New Mexico.

5. The declaration that it was inexpedient to abolish slavery in the District of Columbia, without the consent of Maryland and the people of the District, and without compensation to owners of slaves.

6. The prohibition of the slave trade in the District of Columbia.

7. A more effectual provision for the rendition of fugitive slaves.

8. A declaration that Congress has no power to interfere with the slave trade between States.

These resolutions and the plan embodied led to a most noteworthy discussion, chiefly participated in by Clay, Webster, Calhoun, Benton, Seward, and Foote. The debate was opened by Clay. He favored the admission of California with her already formed free State Constitution, but he exclaimed:

"I shall go with the Senator from the South who goes farthest in making penal laws and imposing the heaviest sanctions for the recovery of fugitive slaves and the restoration of them by their owners."

He, however, tried to hold the olive branch to both the North and the South, and pleaded for the Union. He pathetically pleaded for mutual concessions, and deprecated, what he then apprehended, *war* between the sections, exclaiming:

"War and dissolution of the Union are identical."

After prophesying that if a war came it would be more ferocious, bloody, implacable, and exterminating than were the wars of Greece, the Commoners of England, or the Revolutions of France, Senator Clay predicted that it would be "not of two or three years' duration, but a war of interminable duration, during which some Philip or Alexander, some Caesar or Napoleon, would arise and cut the Gordian knot and solve the problem of the capacity of man for self-government, and crush the liberties of both the several portions of this common empire."

Happily, events have falsified most of these prophecies.

Then came the dying Calhoun, with a last speech in behalf of slavery and on the imaginary wrongs of the South. His last appearance in public life was pathetic. Broken with age and disease, enveloped in flannels, he was carried into the Capitol, where he tottered to the old Senate Hall and to a seat. He found himself too weak to even read his last warning to the North and appeal for his beloved institution. The speech was written, and was read in his presence by Senator Mason of Virginia. He referred to the disparity of numbers between the North and the South by which the "equilibrium between the two sections had been destroyed." He did not recognize the fact that slavery alone was the cause of this disparity. He professed to believe the final object of the North was "the abolition of slavery in the States." He contended that one of the "cords" of the Union embraced "plans for disseminating the Bible," and "for the support of doctrines and creeds."

He said:

"The first of these *cords* which snapped under its explosive force was that of the powerful Methodist Episcopal Church. The next *cord* that snapped was that of the Baptists, one of the largest and most respectable of the denominations. That of the Presbyterian is not entirely snapped, but some of its strands have given way. That of the Episcopal Church is the only one of the four great Protestant denominations which remains unbroken and entire."

He referred to the strong ties which held together the two great parties, and said:

"This powerful *cord* has fared no better than the spiritual. To this extent the union has already been destroyed by agitation."

He laid at the door of the North all the blame for the slavery agitation.

The admission of California as a free State was the immediate, exciting cause for Calhoun's speech.

Already, on October 13, 1849, after a session of forty days, a Convention in California had, with much unanimity, framed a Constitution which, one month later, was, with like unanimity, adopted by her free, gold-mining people. It prohibited slavery. It had been laid before Congress by President Taylor, who recommended the immediate admission under it of California as a State.

President Taylor had not overlooked the disunion movements. In his first and only message to Congress he expressed his affection for the Union, and warningly said:

"In my judgment its dissolution would be the greatest of calamities, and to avert that should be the study of every American. Upon its preservation must depend our own happiness, and that of countless generations to come. Whatever dangers may threaten it, I shall stand by it and maintain it in its integrity, to the full extent of the obligations imposed and the power conferred on me by the Constitution."

Recommending specially that territorial governments for New Mexico and Utah should be formed, leaving them to settle the question of slavery for themselves, President Taylor, in his Message, said further:

"I repeat the solemn warning of the first and most illustrious of my predecessors against furnishing any ground for characterizing parties by geographical discriminations."

Alluding to these passages, Calhoun, in his last speech, said:

"It (the Union) cannot, then, be saved by eulogies on it, however splendid or numerous. The cry of 'Union, Union, the glorious Union,' can no more prevent *disunion* than the cry of 'Health, Health, glorious Health,' on the part of the physician can save a patient from dying that is lying dangerously ill."

To the allusion of the President to Washington, Calhoun sneeringly said:

"There was nothing in *his* history to deter us from seceding from the Union should it fail to fulfil the objects for which it was instituted."

The prime objects for which the Union was formed, were, as he contended, the preservation, perpetuation, and extension of the institution of human slavery. In the antithesis of this speech he asked and answered:

"How can the Union be saved?

"To provide for the insertion of a provision in the Constitution, by an amendment which will restore to the South in substance the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this government."

The speech did not state what, exactly, this amendment was to be, but it transpired that it was to provide for the election of *two* Presidents, one from the free and one from the slave States, each to approve all acts of Congress before they became laws.

Of this device, Senator Benton said:

"No such double-headed government could work through even one session of Congress, any more than two animals could work together in the plough with their heads yoked in opposite directions."(69)

In the same month (March 31, 1850) the great political gladiator and pro-slavery agitator and originator and disseminator of disunion doctrines was dead;(70) but there were others to uphold and carry forward his work to its fatal ending.

Calhoun was early accounted a sincere and honest man, a patriot of moderate views, and at one time was much esteemed North as well as South. It is believed than an unfortunate quarrel with President Jackson dashed his hopes of reaching the Presidency, and so embittered him that he became the champion, first of nullification, then of disunion.

There is not room here to speak in detail of the other champions of the great debate on the Clay resolutions.

On the 18th of April these resolutions, and others of like import, were referred to a committee of thirteen, with Clay as its chairman. This was Clay's last triumph, and he accepted it with the greatest joy, though then in ill health and fast approaching the grave.(71)

Of his joy, Benton, in a speech at the time, said:

"We all remember that night. He seemed to ache with pleasure. It was too great for continence. It burst forth. In the fullness of his joy and the overflow of his heart he entered upon the series of congratulations."(72)

The sincere old hero was doomed to much disappointment; he did not live, however, to see his views on slavery contained in the Compromise measures (1) overthrown by an act of Congress four years later, (2) by a decision of the Supreme Court seven years later, and then (3) made an issue on which the South seceded from the Union and precipitated a war, in which for ferocity, duration, and bloodshed, his prophecies fell far short. On the 8th of May this memorable committee reported its recommendations somewhat different from his resolutions.

Its report favored:

1. The postponement of the subject of the admission of new States formed out of Texas until they present themselves, when Congress should faithfully execute the compact with Texas by admitting them.

2. The admission forthwith of California with the boundaries she claimed.

3. The establishment of territorial government, without the Wilmot Proviso, for New Mexico and Utah; embracing all territory acquired from Mexico not included in California.

4. The last two measures to be combined in one bill.

5. The establishment of the boundary of Texas by the exclusion of all New Mexico, with the grant of a pecuniary equivalent to Texas; also to be a part of a bill including the last two measures.

6. A more effectual fugitive-slave law.

7. To prohibit the slave trade, not slavery, in the District of Columbia.

Bills to carry out these recommendations were also reported.

A discussion ensued in both branches of Congress, which continued for five months; and daily Clay met and presided in caucus over what he called the Union men of the Senate, including Whigs and Democrats.

These measures were supported by Clay, Webster, Cass, Douglas, and Foote; opposed by Seward, Chase, Hale, Davis of Massachusetts, and

Dayton, anti-slavery men; also by Benton, an independent Democrat, a slaveholder in Missouri and the District of Columbia,(73) and by Jefferson Davis, and others of the Calhoun Southern type.

President Taylor opposed the Clay plan. He denominated the blending on incongruous subjects as an "Omnibus Bill." He favored dealing with each subject on its own merits. He regarded the Texas and New Mexico boundary dispute as a question between the United States and New Mexico, not between Texas and New Mexico.(74) He favored the admission of California with her free State Constitution. Even earlier, he announced that he would approve a bill containing the Wilmot Proviso. He indignantly responded to Stephens' and Toombs' demands in the interests of slavery, coupled with threatened disunion, by giving them to understand he would, if necessary, take the field himself to enforce the laws, and if the gentlemen were taken in rebellion he would hang them as he had deserters and spies in Mexico.(75)

Taylor died (July 8, 1850) pending the great discussion, chagrined and mortified over the unsettled condition of his country. His last words were: "*I have always done my duty; I am ready to die. My only regret is for the friends I leave behind me*."

He was a great soldier and patriot, and his character hardly justified the whole of the common appellation, "Rough and Ready." He was perhaps always ready, but not rough; on the contrary, he was a man of peace and order. On his election to the Presidency he desired some plan to be adopted for California by which "to substitute the rule of law and order there for the bowie knife and revolver."(76)

In August, 1850, the great debate ceased, and voting in the Senate commenced. The plan of the "thirteen" underwent changes, their bills being segregated, substitutes were offered for them, and many amendments were made to the several bills. Davis of Mississippi insisted upon the extension of the Missouri Compromise line—36° 30´—to the Pacific Ocean. This brought out Mr. Clay's best sentiments. He said:

"Coming as I do from a slave State, it is my solemn, deliberate, and well matured determination that no power, no earthly power, shall compel me to vote for the positive introduction of slavery, either south or north of that line. Sir, while you reproach, and justly, too, our British ancestors for the introduction of this institution upon the continent of America, I am, for one, unwilling that the posterity of the present inhabitants of California and New Mexico shall reproach us for doing just what we reproach Great Britain for doing for us."

The Wilmot Proviso made its appearance for the last time when Seward offered it as an amendment. It failed in the Senate by a vote of 23 to 33.

Finally, when the bill for the admission of California was ready for a vote, Turney of Tennessee moved to limit the southern boundary of the State to 36° 30´, so as to allow slavery in all territory south of that line. This failed, 24 to 32, the South voting almost unitedly for the amendment.

Mr. Benton was a prominent exception. To him the friends of freedom owed much for support, by speech and vote. While he opposed Clay's plan, he voted with the free State party on all questions of slavery, save on the Wilmot Proviso, which he deemed unnecessary to the exclusion of slavery from territory where the laws of Mexico, still in force, excluded it.

The California bill passed, August 13th, 34 to 18. Clay is not recorded as voting. He may have been absent or paired. Webster had become Secretary of State, and Winthrop succeeded him in the Senate. To emphasize the opposition, ten Senators immediately had read at the Secretary's desk a protest, with a view to its being spread on the Journal. This was refused, after a most spirited debate, as being against precedent.(77) The protest was a long complaint against making the Territory of California a State without its being first organized, territorially, and an opportunity given to the South to make it a slave State, and for admitting it as a free State, thus destroying the equilibrium of the States; the protestors declaring that if such course were persisted in, it would lead to a dissolution of the Union. A bill establishing New Mexico with its present boundaries, also Utah, was passed in August, leaving both to become States with or without slavery. A fugitive- slave act was likewise passed at the same time in the Senate. The whole of the bills covered by the compromise having in some form passed the Senate, went to the House, where, after some animated discussion, they all passed, in September following, and were approved by President Fillmore.

It remains to speak briefly of the Fugitive-Slave Act. It was odious to the North in the extreme. United States Commissioners were provided for to act instead of state magistrates, on whom jurisdiction was attempted to be conferred by the Act of 1793. *Ex-parte* testimony was made sufficient to determine the identity of the negro claimed, and the affidavit of an agent or attorney was made sufficient. The alleged fugitive was not permitted, under any circumstances, to testify. He was denied the right to trial by jury.

The cases were to be heard in a summary manner. The claimant was authorized to use all necessary force to remove the fugitive adjudged a slave. All process of any court or judge was forbidden to molest the claimant, his agent or attorney, in carrying away the adjudged slave. United States marshals and their deputies were authorized to summon bystanders as a *posse comitatus*; and all good citizens were commanded, by the act, to aid and assist in the prompt and efficient execution of the law; all under heavy penalty for failing to do so. The officers were liable, in a civil suit, for the value of the negro if he escaped. Heavy fine or imprisonment was to be imposed for hindering or preventing the arrest, or for rescuing or attempting to rescue, or for harboring or concealing the fugitive, and, if any person was found guilty of causing his escape, a further fine of $1000 by way of civil damages to the owner. In case the commissioner adjudged the negro was the claimant's slave, his fee was fixed at $10, and if he discharged the negro, it was only $5. The claimant had a right, in case of apprehended danger, to require the officer arresting the fugitive to remove him to the State from whence he fled, with authority to employ as many persons to aid him as he might deem necessary, the expense to be paid out of the United States Treasury. This act became a law September 18, 1850. The law contained so many odious provisions against all principles of natural justice and judicial precedents that it could not be executed in many places in the North. The consciences of civilized men revolted against it, and the Abolitionists did not fail to magnify its injustice; on the other hand, the pro-slavery agitators saw in its imperfect execution new and additional grounds for complaint against the North.

What, then, was intended to be a settlement of the slavery agitation proved to be really a most violent reopening of it.

Webster, like Clay, did not survive to witness the next great discussion in Congress on the slavery question, which resulted in overturning much that was supposed to have been settled; nor did they live to hear thundered from the supreme judicial tribunal of the Union the appalling doctrines of the Dred Scott decision. Webster died October 24, 1852. Benton lived to condemn the great tribunal for this decision in most vehement terms. He died April 10, 1858. But few of the leading participants of the 1850 debates lived to witness the final overthrow of slavery. Lewis Cass, however, who, though a Democrat, generally followed and supported Clay in his plan of compromise, not only lived to witness the birth of the new doctrine of "Squatter Sovereignty" (and to support it), but to hear that slavery was, according to our Supreme Court, almost national; then to see disunion in the *live tree;* then war; then slaves proclaimed free as a war measure; then disunion overthrown on the battle-field; then restoration of a more perfect Union, wherein slavery and involuntary servitude was forbidden by the Constitution. (78)

In the succeeding Presidential election (1852) the two great parties endorsed the late action of Congress in relation to the Territories and slavery.

The Whig platform declared the acquiescence of the party in all its acts: "The act known as the Fugitive Slave Law included. . . . as a settlement in principle and substance of the dangerous and exciting questions which they embrace. . . . We will maintain them and insist on their strict enforcement."

On this platform General Winfield Scott was nominated for the Presidency.

The Democratic platform of the same year, having first denied that Congress had power under the Constitution to interfere with slavery in the States, declared also that the party would "abide by and adhere to a faithful execution of the acts known as the Compromise measures settled by the last Congress,—the act for reclaiming fugitives from service or labor included."

Franklin Pierce, of New Hampshire, a subordinate officer (Brigadier- General) under Scott in Mexico, of no special renown, but a polite and respectable gentleman, was nominated and elected on this platform by a decided vote; Scott carrying only Massachusetts, Vermont, Kentucky, and Tennessee. The "Free-Soil" party nominated John P. Hale of New Hampshire on a platform repudiating the Compromise measures, declaring against the aggressions of the slave power and for:

"No more slave States, no slave territory, no nationalized slavery, and no national legislation for the extradition of slaves. That slavery is a sin against God, and a crime against man, which no human enactment or usage can make right; and that Christianity, humanity, and patriotism alike demand its abolition.

"That the Fugitive Slave Act of 1850 is repugnant to the Constitution, to the principles of the common law," etc.

The Whig party, with this election, disappeared; its great leaders were dead, and it could not vie with the Democratic party in pro- slavery principles. There was no longer room for two such parties. The

American people were already divided and dividing on the living issue of freedom or slavery. Slavery, like all wrong, was ever aggressive, and demanded new constitutional expositions in its interest by Congress and the courts, and it tolerated no more temporizing or compromises. Its advocates tried for a time to unite in the Democratic party.

(66) *Thirty Years' View*, vol. ii., pp. 733-6.

(67) Jackson died June 8, 1845, past seventy-eight years of age.

(68) *Thirty Years' View*, ii., p. 782.

(69) *Thirty Years' View*, vol. ii., p. 747.

(70) His remains were entombed in St. Philip's churchyard, Charleston, S. C. In 1865, on that city's occupancy by the Union forces, friends seized and secreted them from fancied desecration by the conquerors.—Draper's *Civil War in Am.*, vol. i., p. 565.

(71) Born April 12, 1777, died June 29, 1852.

(72) *Thirty Years' View*, vol. ii., p. 764.

(73) *Thirty Years' View*, vol. ii., p. 759.

(74) *Ibid.*, p. 765.

(75) *Hist. of the U. S.* (Rhodes), vol. i., pp. 134 (190).

(76) *Hist. Pac. States*, H. H. Bancroft, vol. xviii., p. 262.

(77) *Thirty Years' View*, vol. ii., p. 770.

(78) Cass died March 17, 1866, eighty-two years of age.

XVII NEBRASKA ACT—1854

Over the disposition of the Territory of Nebraska it remained to have the last Congressional struggle for the extension of slavery. This Territory in 1854 comprised what are now the States of Kansas, Nebraska, North Dakota, South Dakota and Montana, and parts of Colorado and Wyoming. It was a large part of the Louisiana Purchase, in area 485,000 square miles, twelve times as large as Ohio, about ten times the size of New York, 140,000 square miles larger than the original thirteen States,(79) and more than four times the area of Great Britain and Ireland. It was what was left of the purchase after Louisiana, Missouri, Arkansas, Iowa, Minnesota, and Indian Territory were carved out. It then had only about one thousand white inhabitants.

The desire to still placate the threatening South and to win its political favor, led some great and patriotic men of the North to attempt measures in the interest of slavery.

On January 4, 1854, Stephen A. Douglas, Chairman of the Senate Committee on Territories, made a report embodying constitutional theories not hitherto promulgated, and questioning or repudiating others long supposed to have been settled.

The report announced the discovery of a new principle of the Compromise measures of 1850.

It declared:

"They were intended to have a far more comprehensive and enduring effect than the mere adjustment of difficulties arising out of the recent acquisition of Mexican territory. They were designed to establish certain great principles, which would not only furnish adequate remedies for existing evils, but in all time to come avoid the perils of similar agitation by withdrawing the question of *slavery* from the halls of Congress and the political arena, committing it to the arbitration of those who are immediately interested in and alone responsible for its consequences. . . . A question has arisen in regard to the right to hold slaves in the Territory of Nebraska. . . . It is a disputed point whether slavery is prohibited in the Nebraska country by *valid* enactment. In the opinion of eminent statesmen. . . . the eighth section of the act preparatory to the admission of Missouri is null and void."

The eighth section prohibited slavery in the Louisiana Territory north of 36° 30´, hence from the Nebraska Territory. The report reiterated the absurd doctrine:

"That the Constitution. . . . secures to every citizen an inalienable right to move into any of the

Territories with his property, of whatever kind and description, and to hold and enjoy the same under the sanction of law."

(What law? The law of the place whence it came, or the law of the place to which it was taken? Not even an ox or an ass can be held as property save under the law of the place where it is; nor is the title to the soil valid except under the law of the place where it is located. As well as might a person claim the right to move to a Territory and there own the land by virtue of the Constitution and the laws of the State of his former residence as to claim under them the right to own and sell his slave in a Territory. The difficulty is, while the emigrant might take with him his human chattel, he could not take with him the law permitting him to hold it.)

The report did not, however, as presented, propose to repeal the Missouri Compromise line that had stood thirty-four years with the approval of the first statesmen of all parties in the Union.

It assumed simply to interpret for the dead Clay and Webster their only four-year-old work, and ran thus:

"The Compromise Measures of 1850 affirm and rest upon the following propositions:

"First—That all questions pertaining to slavery in the Territories, and the new States to be formed therefrom, are to be left to the decision of the people residing therein.

"Second—That 'all cases involving the title to slaves' and 'questions of personal freedom' are to be referred to the jurisdiction of the local tribunals, with the right to appeal to the Supreme Court of the United States.

"Third—That the provisions of the Constitution, in respect to fugitives from service, are to be carried into faithful execution in all 'the organized Territories,' the same as in the States."

The first of these propositions, in another form, announced the new doctrine of popular sovereignty, soon thereafter popularly called "Squatter Sovereignty," in derision of the rights thus to be vested in the territorial *squatter*, however temporary his stay might be. It was opposed to the principle of Congressional right (expressly granted by the Constitution (80)) to provide rules (laws) and regulations for United States territory until it became clothed with statehood.

The second proposition announced nothing new, as cases involving titles to slaves, or questions of personal freedom, must necessarily go for final determination to the courts, with a right of appeal.

The third proposition, like the second, was a mere platitude.

The bill accompanying the report, as first presented, required that any part of Nebraska Territory admitted as a state (as provided in the New Mexico and Utah Acts of 1850) "shall be received into the Union with or without slavery, as its Constitution may prescribe at the time of admission." This, too, was not new in any sense, as new States had ever been thus received. The anti-slavery press and societies, and all people opposed to further slavery aggression and extension, at once took alarm and violently assailed the new doctrines of the report; the South, too, at first viewed them with surprise, denominating them "a snare set for the South," yet later regarded them as favorable to the extension of slavery. Southern statesmen, however, determined to force Douglas to amend them so as to accomplish the ends of the South. Accordingly, Senator Dixon of Kentucky, on January 16th, offered an amendment to the Nebraska Bill providing for the absolute repeal of the Missouri Compromise line. This amendment Douglas, apparently with reluctance,(81) accepted, after a consultation with Jefferson Davis, then Secretary of War, and President Pierce, both of whom promised it their support.(82)

January 23, 1854, Douglas presented a substitute for his original bill, wherein it was provided that the restriction of the Missouri Compromise "was superseded by the principles of the legislation of 1850, and is hereby declared inoperative."

The new bill divided the Territory in two parts; the southern, called Kansas, lay between 37° and 40° of latitude, extending west to the Rocky Mountains, and the northern was still called Nebraska.

As early as 1853 a movement in Missouri was started, avowedly to make Nebraska slave Territory, and this was well known to Douglas and the supporters of his newly announced doctrines. Kansas, lying farthest south, was climatically better suited for slavery than the new Nebraska. Before the bill passed, plans were made to invade Kansas from Missouri and Arkansas by slaveholders with their slaves.

January 24, 1854, the *Appeal of the Independent Democrats in Congress to the People of the United States* was published.

Chase and Giddings of Ohio were its authors; some verbal additions, however, were made to it by

Sumner and Gerritt Smith.(83)

This *Appeal* was signed by S. P. Chase, Charles Sumner, Joshua R. Giddings, Edward Wade, Gerritt Smith, and Alexander De Witt; three at least of whom were then, or soon became first among the great statesmen opposed to human slavery. The *Appeal* declared the new Nebraska Bill would "open all the unorganized Territories of the Union to the ingress of slavery." A plot to convert them "into a dreary region of despotism, inhabited by masters and slaves," to the exclusion of immigrants from the Old World and free laborers from our own States. It reviewed the history of Congressional legislation on slavery in the Territories, reciting, among other things, that President Monroe approved the Missouri Compromise after his Cabinet had given him a written opinion that the section restricting slavery was constitutional.

John Quincy Adams, Secretary of State, John C. Calhoun, Secretary of War, Wm. H. Crawford, Secretary of the Treasury, and Wm. Wirt, Attorney-General—three from slave States—then constituted Monroe's Cabinet.

The *Appeal* warningly proceeded:

"The dearest interests of freedom and the Union are in imminent peril. Demagogues may tell you that the Union can be maintained only by submitting to the demands of slavery. We tell you that the Union can only be maintained by the full recognition of the just claims of freedom and man. When it fails to accomplish these ends it will be worthless, and when it becomes worthless it cannot long endure. . . . Whatever apologies may be offered for the toleration of slavery in the States, none can be offered for its extension into the Territories where it does not exist, and where that extension involves the repeal of ancient law and the violation of solemn compact.

"For ourselves, we shall resist it by speech and vote, and with all the abilities which God has given us. Even if overcome in the impending struggle, we shall not submit. We shall go home to our constituents, erect anew the standard of freedom, and call on the people to come to the rescue of the country from the dominion of slavery. We will not despair; for the cause of human freedom is the cause of God."

These patriotic expressions electrified the whole country. The North was aroused to their truth, the South seized upon them as threats of disunion, and still louder than before, if possible, called for a united South to vindicate slavery's rights in the Territories. Douglas attempted in the Senate to answer the *Appeal*. This led to an acrimonious debate, participated in by Chase, Sumner, Seward, Everett, and others, too long to be reviewed here.

Senator Benjamin F. Wade, of Ohio, took a prominent part in the memorable debate over the Douglas-Nebraska Bill. He was bold, and never dealt in sophistry, but in plain speech.

Mr. Badger, of North Carolina, while making a slavery-dilution argument, appealingly said:

"Why, if some Southern gentleman wishes to take the nurse who takes charge of his little baby, or the old woman who nursed him in childhood, and whom he called 'Mammy' until he returned from college, . . . and whom he wishes to take with him . . . into one of these new Territories, . . . why, in the name of God, should anybody prevent it?"

Mr. Wade responded:

"The Senator entirely mistakes our position. We have not the least objection, and would oppose no obstacle to the Senator's migrating to Kansas and taking his old 'Mammy' along with im. We only insist that he shall not be empowered to *sell* her after taking her there."

Mr. Chase moved to amend the bill by adding the words:

"Under which the people of the Territories, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein."

This amendment failed, but it served to test the good faith of those who supported the squatter sovereignty feature of the bill.

After a long struggle the bill passed, and was approved by the President in May, 1854.

(79) Area of original thirteen States, 354,504 square miles.

(80) "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," etc.—Art. IV., Sec. 3, Con. U. S.

(81) *Three Decades of Fed. Leg.* (Cox), p. 49.

(82) *Rise and Fall Con. Government* (Davis), vol. i., p. 28.

(83) Schucker's *Life of Chase*, p. 140.

XVIII KANSAS' STRUGGLE FOR FREEDOM

The storm that arose over the Nebraska Act was ominous of the future. Public meetings in New York and other great cities of the North were held, where it and slavery were denounced. The clergyman from the pulpit, the orator from the rostrum, and the great press of the North vehemently denounced the measure. Anti-slavery movements appeared everywhere.

And as Kansas was thrown open to settlement, with Missouri slaveholders already moved and organized to move in and take possession of and dedicate it to slavery under the new doctrine of Popular Sovereignty, emigration at once commenced from the North, encouraged and promoted by aid societies.

Douglas, in the next Congress (March, 1856), as Chairman of the Committee on Territories, made a report on Kansas affairs, condemning the action of the free State people and of the aid societies, referring especially to an imaginary "Emigration Aid Company" of Massachusetts, with a capital of $5,000,000, and in consequence holding their existence justified the Border Ruffians of Missouri. The crack of the rifle was soon to be heard on the plains of Kansas.

The first election in Kansas was held in November, 1854, when, by fraud and violence, Whitfield, a pro-slavery man, was elected delegate to Congress. Non-residents from Missouri cast the majority of votes at this election. Though not of the requisite population, this was regarded as the opportune time for Kansas' admission as a slave State. Douglas in his report so recommended.

The House, the political complexion of which had changed at the recent election, appointed Howard of Michigan, Sherman of Ohio, and Oliver of Missouri a special committee to investigate the Kansas outrages and election frauds.

A majority of this committee, July 1, 1856, reported, showing in a most conclusive way that frauds and outrages had been perpetrated to control the several Kansas elections.

From this report it appeared that in February, 1855, the total population of Kansas was 8501; slaves 242, free negroes 151. A lengthy debate ensued over the report and over Kansas affairs, Wade, Seward, Sumner, and others participating.

Presidents Pierce and Buchanan successively appointed governor after governor of their party—Reeder, Shannon, Geary, Walker, Stanton—all of whom resigned or were removed because they each failed to support or endorse the determined and fraudulent efforts to make Kansas a slave State against the will of the majority of the resident people. Hon. J. W. Denver of Ohio, a sensible, quiet man, was the last of this long line of governors. One of them, Andrew Reeder, who was indicted with others for high treason on the ground of their participation in the organization of a free State government under the Topeka Constitution, for fear of assassination fled the territory in disguise. Robert J. Walker, though himself pro-slavery, firmly refused to participate in forcing the Lecompton Constitution on Kansas, even after President Buchanan, at the demand of his pro-slavery party friends, had decided Kansas should be admitted under it without its submission to a vote of the people. This Constitution was framed at Lecompton by fraudulently elected delegates to a pro-slavery convention, and it provided for perpetual slavery in the State. In Governor Walker's letter of resignation, December 16, 1857, he said:

"I state it as a fact . . . that an overwhelming majority of the people (of Kansas) are opposed to the Lecompton Constitution. . . . but one out of twenty of the press of Kansas sustains it. . . . Any attempt by Congress to force this Constitution upon the people of Kansas will be an effort to substitute the will of a small minority for that of an overwhelming majority of the people."

It is due to Douglas to say that he was opposed to the Lecompton Constitution scheme of admission. He was doubtless disappointed in not having the South rally to his support and nominate him for President in 1856. A more pliant tool of the pro-slavery party from the North was given the preference in the person of Buchanan.

President Buchanan, having early expressed the purpose to support the Lecompton plan, announced this purpose to Douglas, and urged him to co-operate in admitting Kansas as a State under it, which, being refused, terminated their party relations. Douglas did not go far enough. Popular Sovereignty was only recognized by pro- slavery advocates when it insured the success of slavery; and it was now

certain to make Kansas a free State if the actual settlers alone were permitted to vote unintimidated and their votes were honestly counted and returned.

On December 9, 1857, Douglas, almost heroically, in opposition to President Buchanan and his administration and the majority of his party in the Senate, denounced the Lecompton scheme, and showed that it was an attempt to foist slavery on Kansas against the will of the people.

The peculiar feature of the Lecompton Constitution was that, while it was submitted to the vote of the people of Kansas, they were required to vote for it or not vote at all. The ballot provided required them to vote "*For the Constitution with Slavery*," or "*For the Constitution without Slavery*." Thus the Constitution must be adopted, and necessarily with slavery, as there was no provision for excluding the clauses authorizing it. At an election, where for fraud and violence nothing thitherto had approached it, and by the special feature of ballot-box stuffing (actual settlers generally being driven from the polls when willing to vote), this Constitution was returned adopted by about 6000 majority in favor of slavery.(84)

The Senate, March 23, 1858, passed (33 to 25) a bill to admit Kansas as a State under the Lecompton Constitution, *with slavery;* but notwithstanding the active efforts of the Administration, the House (120 to 112) so amended the Senate bill as to require it, before the State was admitted, to be voted on by the people, the ballot to be—"For the Constitution" or "Against the Constitution." This amendment the Senate reluctantly concurred in.

On January 4, 1858, according to an act of the Territorial Legislature, a vote was again taken and, notwithstanding many temptations offered in lands, etc., and the desire for statehood, this Constitution was rejected by over 10,000 majority.

February 11, 1859, the Territorial Legislature authorized another convention to form a constitution. Fifty-two delegates were elected, and they met July 5, 1859, at Wyandotte, and on the 27th adjourned after framing a constitution prohibiting slavery, and limiting and establishing the western boundary of Kansas as it now is. This Constitution was ratified at an election held in October following. April 11, 1860, the House of Representatives passed a bill (134 to 73) for the admission of Kansas under this Wyandotte Constitution, but a similar bill failed in the Senate, and both Houses adjourned, still leaving Kansas a Territory.

January 29, 1861, when secession had depleted Congress of many members, Kansas was admitted under the Wyandotte Constitution—*a free State*.

This last struggle for slavery extension was by no means bloodless. The angry flash of Sharps' rifles was seen on the plains; the Bible and the shot-gun were companions of the free State advocate, and many were the daring deeds of men, and women, too, to save fair Kansas to liberty. John Brown (Osawatomie) here first became famous for his zeal in the cause of freedom; and it is said he did not fail to retaliate, blood for blood, man for man.

Douglas, who, by his "Popular Sovereignty" invention, brought on the contest over Kansas which came so near making it slave, lived to see his new doctrine fail in practice, but first to be cast down by the Supreme Court, as we shall presently see.

Douglas, however, cannot, in justice to him, be thus carelessly dismissed. After being defeated in the previous election, he held his great opponent's hat when the latter was inaugurated President, and gave him warm assurance of support in maintaining the Union, personally and by speech and votes in Congress; and, on the war breaking out, in April, 1861, he proclaimed to the people, from the political rostrum, that "there are now only two parties in this country: *patriots and traitors*." He appealed to his past party friends to stand by the Union and fight for its integrity, come what might. But he, too, did not live to see the triumph of freedom and of his country. He died June 3, 1861.

It is believed by many that if slavery had been forced upon California and into the New Mexico and Nebraska Territories four more slave States would soon have been admitted from Texas (as the act of annexation provided), and that thus the slave power having secured such domination in the Union as was desired and expected by its leaders, there would have been no secession,—no rebellion, but, instead, slavery would have become *national*.

But with California free and Kansas free, all hope of further extending slavery in the United States was forever gone.

Had Kansas even become slave, what then?

The final contest in Kansas was augmented and intensified by a national event partly passed over.

During the Kansas struggle the excitement of debate in Congress rose to its zenith, surpassing any other period.

The North had been bullied into a frenzy over the demands of those desiring the extension of slavery. The anti-slavery members of Congress met this in many instances by sober, candid discussion, but in others by sharp invective, dealt out by superior learning and consummate skill in the use of the English language.

Charles Sumner of Massachusetts was a profound student and scholar, and an inveterate hater of slavery and all that was incident to it.

On May 19 and 20, 1856, he pronounced his famous philippic against slavery and its supporters. Regarding the opening of the Kansas- Nebraska Territory to the influx of slavery, and the evident purpose of the Administration to dedicate it to slavery, he poured out warning invectives against all who in any way favored the new policy of opening this Territory to the chance of coming into the Union as slave States. Mr. Sumner's remarks were personal in the extreme, only justified by the general dictatorial and bullying attitude of some Southern Senators. A mere extract here would do him and the occasion injustice. Senators Cass and Douglas, on the floor of the Senate, resented this speech of Sumner.

On the 22nd of May, two days after the speech, at the close of a session of the Senate, while Sumner was seated at his desk in the Senate chamber writing, he was approached by Preston Brooks, a member of the House from South Carolina, who accosted him: "I have read your speech twice over carefully. It is a libel on South Carolina and Mr. Butler, who is a relative of mine," and he forthwith assaulted Mr. Sumner by blows on the head with a gutta-percha cane one inch in diameter at the larger end. The blows were repeated, the cane broken, and Brooks still continued to strike with the broken parts of it. Sumner, thus taken by surprise, and being severely injured, could not defend himself, and soon, after vain efforts to protect himself, fell prostrate to the floor, covered with his own blood. He was severely injured, and though he lived for many years, he never wholly recovered from the injuries. He died March 11, 1874.

This outrage did much to precipitate events and to intensify hostility to slavery. Southern Senators and Representatives assumed to justify the assault.(85)

The House did not expel Brooks, as the requisite two thirds vote was not obtained. He resigned, and was re-elected by his district, six votes only being cast against him, but he died in January, 1857. Butler, of South Carolina, the alleged immediate cause of Brooks' assault on Sumner, died in the same year.

The whole North looked upon the personal assault upon Sumner as not only brutal, but as intended to be notice to other Senators and members of Congress of a common design and plan to intimidate the friends of freedom. The assault was largely justified throughout the South, also by leading Southern statesmen in both branches of Congress.(86)

Remarks on the manner of Brooks' assault in the House made by Burlingame of Massachusetts led to a challenge from Brooks, which was accepted, the duel to be fought near the Clifton House, Canada; but Brooks declined to fight at the place named, alleging a fear to go there through the enraged North.

Brooks also, for remarks in the Senate characterizing the assault, challenged Henry Wilson of Massachusetts, but the latter declined the challenge because he "regarded duelling as the lingering relic of a barbarous civilization, which the law of the country has branded as a crime."(86)

So threatening, then, was the attitude of the Southern members of both Senate and House that Senators Wade of Ohio, Chandler of Michigan, and Cameron of Pennsylvania made a compact to resent any insult from a Southerner by a challenge to fight.(87)

A last attempt was made in Buchanan's administration, pending the Kansas agitation, to buy and annex Cuba in the interest of the slave power. It was then a province of Spain. Buchanan was both dull and perverse in obeying the demands of his party, especially on the slavery issue. In his Annual Message of 1858 he expressed satisfaction that the Kansas question no longer gave the country trouble. He also expressed gratitude to "Almighty Providence" that it no longer threatened the peace of the country, and congratulated himself over his course in relation to the Lecompton policy, saying, "it afforded him heartfelt satisfaction." He, in the same message, set forth his anxiety to acquire Cuba, assigning as a reason that it was "the only spot in the civilized world where the African slave trade is tolerated."

Cuba was wanted simply to make more slave States to extend the waning slave power, and thus to offset the incoming new free States, which then seemed to the observing as inevitable.

Buchanan suggested that circumstances might arise where the law of self-preservation might call on us to acquire Cuba by force, thus affirming the policy set forth in the Ostend Manifesto, prepared and signed by Mason, Soulé, and himself four years earlier.

Slidell of Louisiana, from the Committee on Foreign Affairs of the Senate, promptly reported a bill appropriating $30,000,000 to be used by the President to obtain Cuba; and it soon transpired that Southern Senators were willing to make the sum $120,000,000.

The introduction of the bill caused a sensation in Spain, and her Cortes voted at once to support her King in maintaining the integrity of the Spanish dominions.

A most violent debate ensued in Congress, reopening afresh the slavery question.

The bill was antagonized by the friends of a homestead bill—"A question of homes; of lands for the landless freemen." The friends of the latter bill denominated the Cuba bill a "question of slaves for the slaveholders."

Toombs of Georgia, ever a fire-eater, save in war,(88) vehemently denounced the opponents of the Cuba appropriation and the friends of "lands for the landless" as the "shivering in the wind of men of particular localities." This brought to his feet Senator Wade of Ohio, impetuous to meet attacks from all quarters, who exclaimed:

"I am very glad this question has at length come up. I am glad, too, it has antagonized with the nigger question. We are 'shivering in the wind,' are we, sir, over your Cuba question? You may have occasion to shiver on that question before you are through with it. The question will be, shall we give niggers to the niggerless, or land to the landless, etc. . . . When you come to niggers to the niggerless, all other questions sink into perfect insignificance."(89)

Although a majority of the Senate seemed to favor the bill, Mr. Slidell withdrew it after much discussion, declaring it was then impracticable to press it to a final vote.

The once famous Ostend Manifesto, dated October 18, 1854, was a remarkable document, prepared and signed by Pierre Soulé, John Y. Mason, and James Buchanan, then Ministers, respectively, to Spain, France, and England, at a conference held at Ostend and Aix-la- Chapelle, France. It assumed to offer $120,000,000 for Cuba, and, if this were refused, it announced that it was the duty of the United States to apply the "great law" of "self-preservation" and take Cuba in "disregard of the censures of the world." The further excuse stated in the Manifesto was that "Cuba was in danger of being Africanized and become a second St. Domingo."

The real purpose, however, was to acquire it, and then admit it into the Union as two or more slave States.

Buchanan, as Secretary of State under Polk, had offered $100,000,000 for Cuba. His efforts to obtain Cuba secured for him the support of the South for President in 1856.

There was no special instance of acquiring or attempting to acquire territory by the United States authorities to dedicate to freedom.

Cuba is still Spanish (though not slave) (90) and just now in the throes of insurrection, and the Congress of the United States has just voted (April, 1896) to grant the Cuban Provisional Government belligerent rights.(91)

(84) From one election, held in 1857 at Oxford, Kansas, a roll was returned on which 1624 persons' names appeared which had been copied in alphabetical order from a Cincinnati directory. These persons were reported as voting with the anti-slavery party.

(85) Keitt of South Carolina and Edmundson of Virginia stood by during the assault, in a menacing manner, to protect Brooks from assistance that might come to Sumner.

(86) *Life of Sumner* (Lesten), pp. 250, etc.

(87) Appleton's *Cyclop. Am. Biography*, vol. vi., p. 311.

(88) *Manassas to Appotmattox* (Longstreet), pp. 113, 161.

(89) In 1862 the first homestead bill became a law, under which, by July 30, 1878, homesteads were granted to the number of 384,848; in area, 61,575,680 acres, or 96,212 square miles; greater in extent by 7000 square miles than England, Wales, and Scotland.

(90) In 1870 the Spanish Government enacted a law emancipating all slaves in Cuba over sixty years of age, and declaring all free who were born after the enactment. In 1886 but 25,000 slaves remained, and these were emancipated *en masse* by a decree of the Spanish Cortes. The last vestige of slavery (the patronato system) was swept away by a royal decree dated October 7, 1886.

(91) But see *Service in Spanish War*, Appendix A.

XIX DRED SCOTT CASE—1857

On March 6, 1857, two days after Buchanan was inaugurated President of the United States, the famous Dred Scott case was decided.

Chief-Justice Taney of Maryland, Justices Wayne of Georgia, Catron of Tennessee, Daniel of Virginia, Campbell of Alabama, Grier of Pennsylvania, and Nelson of New York concurred in the decision, though some of them only in a qualified way.

Chief-Justice Taney read the opinion of the court.

Justices McLean of Ohio and Curtis of Massachusetts dissented on all points. All the justices read opinions at length.(93)

Chief-Justice Taney was a devout Roman Catholic, given much to letters, of great industry, and generally regarded as a great jurist. When the case was decided he was nearly eighty years of age, and he was then, in the distracted condition of the country, deeply imbued with the idea that the Supreme Court had the power to and could settle the slavery question.

All the other justices were eminent jurists and men of learning.

The decision reached marked an epoch in American history, and it gave slavery an apparent perpetual lease of life; this was, however, only apparent.

The case was twice argued by eminent lawyers; Blair and G. F. Curtis for Dred Scott, and by Geyer and Johnson for the defendant.

Dred Scott brought a suit in the United States Circuit Court in Missouri for trespass against one Sanford, charging him with assault on him, his wife, and two children—in fact, for his and their freedom.

The facts, as agreed, were as follows:

"In the year 1834, the plaintiff (Dred Scott) was a negro slave belonging to Dr. Emerson, who was a surgeon in the army of the United States. In that year, 1834, said Dr. Emerson took the plaintiff from the State of Missouri to the military post at Rock Island, in the State of Illinois, and held him there as a slave until the month of April or May, 1836. At the time last mentioned, said Dr. Emerson removed the plaintiff from said military post at Rock Island to the military post at Fort Snelling, situate on the west bank of the Mississippi River, in the Territory known as Upper Louisiana, acquired by the United States of France, and situate north of the latitude of thirty-six degrees thirty minutes north, and north of the State of Missouri. Said Dr. Emerson held the plaintiff in slavery at said Fort Snelling from said last-mentioned date until the year 1838.

"In the year 1835, Harriet, who is named in the second count of the plaintiff's declaration, was the negro slave of Major Taliaferro, who belonged to the army of the United States. In that year, 1835, said Major Taliaferro took said Harriet to said Fort Snelling, a military post, situated as hereinbefore stated, and kept her there as a slave until the year 1836, and then sold and delivered her as a slave at said Fort Snelling unto the said Dr. Emerson hereinbefore named. Said Dr. Emerson held said Harriet in slavery at said Fort Snelling until the year 1838.

"In the year 1836, the plaintiff and said Harriet, at said Fort Snelling, with the consent of said Dr. Emerson, who then claimed to be their master and owner, intermarried, and took each other for husband and wife. Eliza and Lizzie, named in the third count of the plaintiff's declaration, are the fruits of that marriage. Eliza is about fourteen years old, and was born on board the steamship *Gipsey*, north of the north line of the State of Missouri, and upon the river Mississippi. Lizzie is about seven years old, and was born in the State of Missouri, and at the military post called Jefferson Barracks.

"In the year 1838, said Dr. Emerson removed the plaintiff and said Harriet and their said daughter Eliza from said Fort Snelling to the State of Missouri, where they have ever since resided.

"Before the commencement of this suit, said Dr. Emerson sold and conveyed the plaintiff, said

Harriet, Eliza, and Lizzie, to the defendant as slaves, and the defendant has ever since claimed to hold them and each of them as slaves.

"At the times mentioned in the plaintiff's declaration, the defendant, claiming to be the owner as aforesaid, laid his hands upon said plaintiff, Harriet, Eliza, and Lizzie, and imprisoned them, doing in this respect, however, no more than what he might lawfully do if they were of right his slaves at such times."

It is our purpose here only to set forth what was decided, or attempted to be decided, bearing upon slavery and its political status in the United States.

This purpose we can accomplish no better than by quoting parts of the Syllabi of the case.

We quote:

"A free negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a 'citizen' within the meaning of the Constitution of the United States.

"When the Constitution was adopted, they were not regarded in any of the States as members of the community which constituted the State, and were not numbered among its 'people or citizens.' Consequently, the special rights and immunities guaranteed to citizens do not apply to them. And not being 'citizens' within the meaning of the Constitution, they are not entitled to sue in that character in a court of the United States, and the Circuit Court has no jurisdiction in such a suit.

"The only two clauses in the Constitution which point to this race treat them as persons whom it was *morally* lawful to deal in as articles of property and to hold as slaves.

"The change in public opinion and feeling in relation to the African race which has taken place since the adoption of the Constitution cannot change its construction and meaning, and it must be construed and administered now according to its true meaning and intention when it was formed and adopted.

"The plaintiff, having admitted (by his demurrer to the plea in abatement) that his ancestors were imported from Africa and sold as slaves, he is not a citizen of the State of Missouri according to the Constitution of the United States, and was not entitled to sue in that character in the Circuit Court.

"The clause in the Constitution authorizing Congress to make all needful rules and regulations for the government of the territory and other property of the United States applies only to territory within the chartered limits of some of the States when they were colonies of Great Britain, and which was surrendered by the British Government to the old Confederation of States in the treaty of peace. It does not apply to territory acquired by the present Federal Government, by treaty or conquest, from a foreign nation.

"The United States, under the present Constitution, cannot acquire territory to be held as a colony, to be governed at its will and pleasure. But it may acquire and may govern it as a Territory until it has a population which, in the judgment of Congress, entitles it to be admitted as a State of the Union.

"During the time it remains a Territory Congress may legislate over it within the scope of its constitutional powers in relation to citizens of the United States—and may establish a territorial government—and the form of this local government must be regulated by the discretion of Congress—but with powers not exceeding those which Congress itself, by the Constitution, is authorized to exercise over citizens of the United States, in respect to their rights of persons or rights of property.

"The Territory thus acquired is acquired by the people of the United States for their common and equal benefit, through their agent and trustee, the Federal Government. Congress can exercise no power over the rights of persons or property of a citizen in the Territory which is prohibited by the Constitution. The government and its citizens, whenever the Territory is open to settlement, both enter it with their respective rights defined and limited by the Constitution.

"Congress has no right to prohibit the citizens of any particular State or States from taking up their home there, while it permits citizens of other States to do so. Nor has it a right to give privileges to one class of citizens which it refuses to another. The territory is acquired for their equal and common benefit—and if open to any it must be open to all upon equal and the same terms.

"Every citizen has a right to take with him into the Territory any article of property which the Constitution of the United States recognizes as property.

"The Constitution of the United States recognizes slaves as property, and pledges the Federal Government to protect it. And Congress cannot exercise any more authority on property of that description than it may constitutionally exercise over property of any other kind.

"The act of Congress, therefore, prohibiting a citizen of the United States from taking with him his slaves when he removes to the Territory in question to reside, is an exercise of authority over private property which is not warranted by the Constitution—and the removal of the plaintiff, by his owner, to that Territory, gave him no title to freedom.

"The plaintiff himself acquired no title to freedom by being taken by his owner to Rock Island, in Illinois, and brought back to Missouri. This court has heretofore decided that the status or condition of a person of African descent depended on the laws of the State in which he resided."

Thus the highest and most august judicial tribunal of this country pronounced doctrines abhorrent to the age, overthrowing the acts and practices of the fathers and framers of the Republic, and pronouncing the Ordinance of 1787, in so far as it restricted human slavery, and all like enactments as, from the beginning, *unconstitutional*.

This decision startled the bench and bar and the thinking people of the whole country, not alone on account of the doctrines laid down by the court, but because of the new departure of a high court in going beyond the confines of the case made on the record to announce them.

It is, to say the least, only usual for any court to decide the issues necessary to a determination of the real case under consideration, nothing more; but the court in this case first decided that the Circuit Court, from which error was prosecuted, had no jurisdiction to render any judgment, it having found "upon the showing of Scott himself that he was still a slave; not even to render a judgment against him and in favor of defendants for costs."

In the opinion it is said:

"It is the judgment of this court that it appears by the record before us that the plaintiff in error is not a citizen of Missouri, in the same sense in which that word is used in the Constitution; and that the Circuit Court of the United States, for that reason, had *no jurisdiction* in the case, and could give no judgment in it. Its judgment for the defendant must, consequently, be reversed, and a mandate issued, directing the suit to be dismissed for want of jurisdiction."

Having thus decided, it followed that anything said or attempted to be decided on other questions was extra-judicial—mere *obiter dicta*, if even that.

Nor does the objection to the matters covered by the decision rest alone on its extra-judicial character, but on the fact that in settling a mere individual controversy it passed from private rights to public rights of the people in their national character, wholly pertaining to political questions, entirely beyond the province of the court, legally, judicially, or potentially. It had no legal right as a court to decide or comment upon what was not before it; it had no judicial power to make any decree to enforce public or political rights, nor yet to enforce, by any instrumentalities or judicial machinery,—fines, jails, etc.,—any such decrees.

Moreover, the decision invaded the express powers of the Constitution grated to it by the Constitution "respecting the Territory of other property belonging to the United States." This grant is preceded in the Constitution by the language, "The Congress shall have power to,"(93) etc.

The court entered the political field, though clothed only with judicial power, one of the three distinct powers of the government. For wise purposes executive, legislative, and judicial departments were provided by the Constitution, each to be potential within its sphere, acting always, of course, within their respective proper, limited, constitutionally conferred authority.

"The judicial power shall extend to all *cases* in law and equity arising under this Constitution."(94)

This highest judicial tribunal, it is seen, passed from a case wherein no jurisdiction, as it held, rested in the courts to enter any form of judgment—not even for costs, to decide matters not pertaining in any sense to the particular case, nor even to *judicial* public rights of the people or the government, but wholly to the political, legislative powers of Congress, not in any degree involved in the jurisdictional question arising and decided. If it be said that courts of review or error sometimes decide all the questions made on the record, though some of them may not be necessary to a complete disposition of the case before it, it must be answered that this is most rare, if at all, where the case is disposed of, as was the Dred Scott case, against the trial court's jurisdiction. But, manifestly, the many political questions discussed at great length in the opinions and formulated as *syllabi* (quoted above) for the case, did not and could not arise of record, and they were not covered by assignments of error, and hence, whether the sole question decided or to be decided was one of jurisdiction or not, these questions can only be regarded as discussions—personal opinions of the justices—not rising to the dignity of mere volunteer opinions on matters of *law*; of no binding force even as *legal precedents*, because outside of the case and record—not even properly *obiter dicta*.

But slavery then dominated and permeated everything and everybody. Why should the justices of the Supreme Court be free from its influence? The Ordinance of 1787 was re-enacted by the First Congress under the Constitution, and its slavery restriction clause was enforced, without question, by Washington, Adams, Jefferson, Madison, Monroe, and Jackson and their administrations. The Missouri Compromise line had stood unassailed for above a third of a century. In 1848 Polk and his Cabinet approved the Oregon Bill prohibiting slavery; also Pierce and his Administration approved (1853) the extension of the same prohibition over Washington Territory.

Earlier, in 1845, the Texas Annexation Act, as we have seen, re- enacted the 36° 30′ line of restriction for slavery, and in 1848 the pro-slavery party in Congress voted to extend this line to California. Congress again and again exercised the power of legislating for the Territories; eleven times, between 1823 and 1838, it amended the laws of the Legislature of Florida, thus asserting the absolute right to legislate for the Territories. The Supreme Court of the United States for nearly seventy years had assumed and acted on the principle of the right of Congress to legislate for them.

Now all became changed, as though a new oracle of construction had appeared, higher and wiser than all who had gone before—an oracle who knew more of the Constitution than its makers. This new oracle did not divine the fates. The announcement of the principle that the Constitution treats negroes "as persons whom it is *morally* lawful to deal in as articles of property and to hold as slaves," shocked the consciences of just men throughout the earth.

Referring to the times when the Declaration of Independence and the Constitution of the United States were adopted, and speaking of the African race, the Chief-Justice, in his opinion, said:

"They had, for more than a century before, been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations: and so far inferior, *that they had no rights which the white man was bound to respect:* and that the negro might justly and lawfully be reduced to slavery for his benefit."

These and kindred expressions astonished all civilization and all
Christian people.

The North was stunned by the decision, some fearing that slavery was soon to become national. The South exulted boastfully of their cause,(95) loudly proclaiming the paramount, binding force of the supreme judicial tribunal in the Republic. Free labor and free laborers were decried. They were, in speech and press, called "*mud sills of society:*" only negro slavery ennobled the white race.

The over-zealous South was even persuaded that the small farmers, trafficking merchants, and mechanics did not possess bravery enough to fight for *liberty*.

Justice Catron, especially, claimed that Napoleon I., by the insertion of the third article of the treaty of cession of the Louisiana Province, had forever fastened slavery on it. But of this we have already spoken.(96)

It was slavery's last triumph. Dred Scott, his wife, and two little girls were remanded to slavery, to be freed by the irresistible might of divine justice, worked out through the expiating blood of the long-offending white race, commingled on many fields with the blood of their own race.

(92) 19th Howard (*U. S.*), pp. 393-633.

(93) Con., Art. IV., Sec. 3, Par. 2.

(94) Con., Art. III., Sec. 2.

(95) Robert Toombs of Georgia in extravagant exuberance is reported to have said: "I expect to call the roll of my slaves at the foot of Bunker Hill."

(96) *Ante*, p. 43-5.

XX JOHN BROWN RAID—1859

John Brown, of Kansas fame, eccentric, misguided, and intense in his hatred of slavery, and of martyr stuff, encouraged by some of the most influential anti-slavery men of the North, who were goaded on by slavery's perennial aggressions, with a "*pike-pole*" at Harper's Ferry (October 16, 1859) pricked the fetid pit of slavery, causing a tremor to run through the whole body of it. He had with him an *army of eighteen*, five of whom were free negroes.(97) They had rifles and pistols for themselves, and a few pikes for the slaves they hoped to free.

Brown had assembled his band at the Kennedy farm in Maryland, a few miles distant from Harper's Ferry, Virginia.

He professed to believe he might succeed if he could take the latter place, as it "would serve as a notice to the slaves that their friends had come, and as a trumpet to rally them to his standard." This he stated to Frederick Douglass, whom he urged in vain to join his expedition.(98) His object was to free slaves, not to take life.

This daring body seized the United States armory, arsenal, and the rifle-works, all government property. By midnight Brown was in full possession of Harper's Ferry. Before morning he caused the arrest of two prominent slave owners, one of whom was Colonel Lewis Washington, the great grandson of a brother of George Washington, capturing of him the sword of Frederick the Great, and a brace of pistols of Lafayette, presents from them, respectively, to General Washington. It was Brown's special ambition to free the Washington slaves. Fighting began at daybreak of the 17th. The Mayor of Harper's Ferry and another fell mortally wounded.

Brown and his party by noon were driven into an engine-house near the armory, where they had barred the doors and windows, and made port-holes for their rifles. There they were besieged and fired on by their assailants.

Colonel Washington and others of their captives were held by Brown in the engine-house. Shots were returned by Brown and his men. Some idea of Brown's character and bravery can be formed from Colonel Washington's description of his conduct in the engine-house fort:

"Brown was the coolest and firmest man I ever saw in defying danger and death. With one son dead by his side, and another shot through, he felt the pulse of his dying son with one hand and held his rifle with the other, and commanded his men with the utmost composure, encouraging them to be firm and sell their lives as dearly as they could."

He wreaked no vengeance on his prisoners. Though his sons and friends were dead and dying around him, and himself, near the end of the fight, cleaved down with a sword, and bayonets were thrust in his body, he sheltered his prisoners so that not one of them was harmed. And non-combatants were not fired on by his band.

When Brown's party in the *fort* were reduced to himself and six men, two or more of these being wounded, Colonel Robert E. Lee, *then of the United States Army*, arrived with a company of marines. After Lee's demand to surrender was refused by Brown, an entrance was forced, and, bleeding, some dying, he and those left were taken. Of the nineteen, ten were killed, five taken prisoners, and four had succeeded in escaping, two of the four being afterwards captured in Pennsylvania. They had killed five and wounded nine of the inhabitants and of their besiegers.

Not only was all the vicinity wildly excited, but the whole South was in an uproar. Slavery had been physically assaulted in its home. The North partook of the excitement, generally condemning the rash proceeding, though many deeply sympathized with the purpose of Brown's movement, and his heroic conduct and life caused many to admire him. He was a devout believer in the literal reading of the Holy Bible, and of the special judgments of God, as he interpreted them in the Old Testament. His attack on slavery he regarded as more rational than and as likely to triumph as Joshua's attack on a walled city with trumpets and shouts, and as Gideon's band of three hundred, armed only with trumpets, lamps, and pitchers in its encounter with a great army. As Jericho's walls had fallen, and Gideon's band had put to flight Midianites and Amalekites in countless multitudes like grasshoppers, so, Brown expected, at least fondly hoped and devoutly prayed, to see the myriads of human slaves go free in America. He did not, however, expect a general rising of the slaves.

He did not seek to San Domingoize the South, and against this he provided penalties in his prepared provisional constitution.(99)

Brown had been encouraged and materially aided by Gerritt Smith, Dr. Howe of Boston, Stearns, Sanborn, Frederick Douglass, Higginson, Emerson, Parker, Phillips, and others of less renown; some, if not all, of whom had neither understood nor approved of his plan of attack.

The slaves did not rise, not did they in any considerable number even know at the time the real purpose of their would-be liberator.

During the excitement of the first news Greeley prophetically wrote:

"We deeply regret this outbreak; but remembering if their fault was grievous, grieviously have they answered for it, we will not by one reproachful word disturb the bloody shrouds wherein John Brown and his compatriots are sleeping. They dared and died for what they felt to be right, though in a

manner which seems to us to be fatally wrong. Let their epitaphs remain unwritten until the *not distant day* when no slave shall clank his chains in the shades of Monticello or by the graves of Mount Vernon." (100)

Brown's raid did not seriously, as was then expected, affect the November elections of that year, and they were favorable to the young, aggressive Republican party, formed to stay the extension of slavery.

It is not the purpose here to write a detailed history of particular events, only to name such as had a substantial effect on slavery; yet John Brown's *fate* should be recorded. He was captured October 18th; indicted on October 20th; arraigned and put on his trial at Charlestown, in Jefferson County, Virginia, though his open wounds were still bleeding; and on October 31, 1859, a jury brought in a verdict finding him "Guilty of treason, and conspiring and advising with slaves and others to rebel; and murder in the first degree." Save in the matter of precipitation, his trial was fair, under all the circumstances, and no other result could have been expected. November 2 he was sentenced to be hung on December 2, 1859.

When arraigned for sentence, among other things he said:

"If it is deemed necessary I should forfeit my life in furtherance of the end of justice, and mingle my blood further with the blood of my children, and with the blood of millions in this slave country whose rights are disregarded by wicked, cruel, and unjust exactments, I say, let it be done."

A little later he wrote:

"I can leave to God the time and manner of my death, for I believe now that the sealing of my testimony before God and man with my blood will do far more to further the cause to which I have earnestly devoted myself than anything I have done in my life . . . I am quite cheerful concerning my approaching end, since I am convinced I am worth infinitely more on the gallows than I could be anywhere else."

On his way from the prison to the scaffold he handed to a guard a paper on which were written his last words.

"I, John Brown, am now quite certain that the crimes of this guilty land will never be purged away but with blood. I had, as I now think vainly, flattered myself that without very much bloodshed it might be done."

Emerson, Parker, and the Abolition press of the North eulogized
Brown and his followers.

His raid was made another pretence for uniting the South.

The American Anti-Slavery Society in its calendar of events designated *1859* as "The John Brown Year."

John Brown was immortalized in a song written and sung first in 1861, and thereafter by the Union army wherever it marched. On the spot where he was hanged a Massachusetts regiment (1862) sung:

"John Brown's body lies mouldering in the grave,
But his soul goes marching on," etc.

The significance of John Brown's attack, small as it was in the point of numbers engaged in it, lies in the fact that it is the only one of its character openly made on slavery in the history of the United States, and in the further fact that it was at the threshold of *Secession—War*, ending in *universal emancipation*.

(97) *Hist. of the U. S.* (Rhodes), vol. ii., p. 393.

(98) *Ibid.*, p. 392.

(99) Mason's *Report*, p. 57.

(100) *Hist. of U. S.* (Rhodes), vol. ii., p. 403; New York *Tribune*, Oct. 19th.

XXI PRESIDENTIAL ELECTIONS, 1856-1860

The political campaign of 1856 has thus far been passed by, as it more appropriately belongs to a history of the political movements leading up to secession.

Between the two great parties—Republican and Democratic—the most important issue was the slavery question.

The Republican party, born of the slavery agitation, in its platform (1856) denied

"The authority of Congress, of a territorial legislature, of any individual or association of individuals, to give legal existence to slavery in any Territory of the United States.

"Declared that the Constitution confers on Congress sovereign power over the Territories of the United States for their government, and that in the exercise of this power it is both the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism—Polygamy and Slavery."

On the other hand, the Democratic party in 1856, fresh from the contest in Congress over the Nebraska Bill and the repeal of the Missouri Compromise, denied the right of Congress to exclude slavery from the Territories, and declared it

"The right of the people of all the Territories, including Kansas and Nebraska . . . to form a Constitution, with or without domestic slavery, and be admitted into the Union."

There were other but minor issues discussed in 1856. John C. Fremont was nominated by the Republicans and James Buchanan by the Democrats. Douglas failed of the Presidential prize through violent antagonism from the South, especially from Jefferson Davis, Wm. L. Yancey, Robert Toombs, and other leading pro-slavery statesmen. They distrusted him, though he had led them to victory in 1854 in repealing the 36° 30´ restriction of slavery, and in throwing open, as we have seen, the Nebraska territorial empire to the influx of slaves. He was patriotic, and hence could not be depended on to take the next step towards forcing slavery into the Territories and to favor a dissolution of the Union.

Buchanan, a pliant tool, was elected by a plurality vote over
Fremont and Fillmore, the candidate of the American party. Fremont
carried, with good majorities, all the free States save Indiana,
New Jersey, Pennsylvania, Illinois, and California.

The popular discussion of the slavery question in the campaign was thorough, memorable, exciting, educating, and, though resulting in defeat to the anti-slavery party, it marked the trend of public sentiment, and clearly foreshadowed that it would soon triumph.

The Lincoln-Douglas debates of 1858 still further elucidated to the masses of the people the issues impending, and indicated that the end of slavery extension was near.

The Dred Scott decision, announced March, 1857, had completely overthrown, so far as it could be done by judicial-political *obiter dicta*, Douglas's Popular Sovereignty theory, leaving him with only the northern end (and that not united) of his party endeavoring to uphold it.

Next came the Presidential campaign of 1860, the last in which a slave party participated.

The Democratic party met in delegate convention in April, 1860, in Charleston, South Carolina, and after seven days of struggle, during which disunion threats were made by Yancey and others, the delegates from the Cotton States—South Carolina, Alabama, Mississippi, Louisiana, Florida, Texas, and Arkansas—seceded, for the alleged reason that a majority of the convention adopted the 1856 Democratic platform which upheld the Douglas - Popular Sovereignty doctrine as applied to the Territories.

The seceding delegates had voted for a platform declaring the right of all citizens to settle in the Territories with all their property (including slaves) "without its being destroyed or impaired by Congressional or territorial legislation," and further,

"That it is the duty of the Federal Government in all its departments to protect, when necessary, the rights of persons and property in the Territories, and wherever else its constitutional authority extends."

This was not only the new doctrine of the Supreme Court, but to it was superadded the further claim that the Constitution *required* Congress and all the departments of the government to protect the slaveholder with his slaves, when once in a Territory, against territorial legislation or other unfriendly acts. By this most startling doctrine the Constitution was to become an instrument to *establish and protect slavery* in all the territorial possessions of the Republic.

Douglas failed of nomination at Charleston for want of a two thirds vote of the entire convention as originally organized. The convention adjourned to meet, June 11th, at Baltimore, and the seceding

branch of it also adjourned to meet at the same time at Richmond, but later it decided to meet with and again become a part of the convention at Baltimore. At this time the South had control of the Senate, and May 25, 1860, before the convention reassembled, and after a most acrimonious debate into which Douglas was drawn and in which Jefferson Davis bitterly assailed him, the resolutions of the latter were passed, affirming the "*property*" theory, with the new doctrine of constitutional protection of it in the Territories added.

The convention reassembled, and at the end of five days' wrangle and recrimination, during which the members called each other "disorganizers," "bolters," "traitors," "disunionists," "abolitionists," accompanied by violent threats, it disrupted again, its chairman, Caleb Cushing, of Massachusetts, led the bolters and was followed by the delegates generally from the Southern States. They organized at once a separate convention.

Douglas was nominated by the originally organized convention, and John C. Breckinridge by the bolters, each on the sharply defined platform relating to slavery, mentioned above.

Still another political body assembled in Baltimore in 1860, to wit: "The Constitutional Union Convention." It met May 9th. Its platform was intended to be comprehensive and so simple and patriotic that everybody might endorse it. It declared against recognizing any principle other than

"*The Constitution of the Country, the Union of the States, and the Enforcement of the Laws.*"

John Bell of Tennessee was nominated on this broad platform for President, with Edward Everett of Massachusetts for Vice-President, both eminently respectable statesmen, but the times were not auspicious for mere generalized principles or mere respectability.

The great Wigwam - Republican Convention met at Chicago, May 16, 1860, with delegates from all the free States, the Territories of Kansas and Nebraska, and from Delaware, Maryland, Virginia, Kentucky, and Missouri.

Its platform was long, and affirmed the principles of the Declaration of Independence, pronounced against interfering with slavery in the States, denounced the John Brown raid as "among the gravest of crimes," and, in the main, was temperate and conservative.

On the question of slavery in the Territories it was radical:

"That the new dogma that the Constitution, of its own force, carries slavery in to any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself," etc.

"That the normal condition of all the territory of the United States is that of freedom, . . . and we deny the authority of Congress, or a Territorial Legislature, or of any individuals, to give legal existence to slavery in any Territory in the United States."

Lincoln of Illinois, Seward of New York, Chase of Ohio, and Cameron of Pennsylvania were the principal candidates for nomination, but the contest turned out to be between Lincoln and Seward, each of whom was regarded eminently qualified for the Presidency and an especial representative of his party on the slavery issue.

Lincoln was nominated on the third ballot, and Hannibal Hamlin, a sturdy New England statesman, was nominated for Vice-President.

Slavery, with its tri-cornered issues, was the sole absorbing question discussed in the campaign. In the South, the Breckinridge wing assailed the Douglas party, which combated *it* there in turn. In the North, the Republican party attacked furiously both the Douglas and Breckinridge wings of the Democratic party; they, in turn, fighting back and fighting each other.

The Bell and Everett party, though it claimed to be the only party of the Constitution, fell into ridicule, as it really advocated no well-defined principles on any subject whatsoever. Bell and Everett, however, carried Tennessee, Kentucky, and Virginia. Lincoln carried all the Northern States, save three of the electoral votes in New Jersey.

Of the 303 electoral votes, Lincoln had 180, Douglas 12 (Missouri 9 and New Jersey 3), Breckinridge 72, and Bell 39, thus giving Lincoln 57 over all. He was the first and only President elected on a direct slavery issue.

The slavery question, thus sharply presented, was decided at the polls by the people, and their verdict was for freedom in the Territories. No more slave States; no more dilution of slavery by spreading it (as was once advocated by Clay and others) for its amelioration.

It must live or die in States wherein it was established. Neither successful secession, state-rights, nor accomplished disunion could extend it. Like all wrong, it could not stand still; to flourish, it must be aggressive and progressive. To limit it was to strangle it. This its votaries well understood.

In the history of the world there never were more brilliant, more devoted, more earnest, more infatuated, and yet more inconsistent propagandists of the institution of human slavery than in our Republic during the period of the agitation of nullification—state- rights—secession—disunion lines. They were of the Calhoun school. They declaimed in halls of legislation and on the stump and rostrum for "Liberty," and hugged closely *human slavery*, often professing to believe it of *divine right*.

XXII DISSOLUTION OF THE UNION

Secession was at hand! At first it was justified under the banner of state-rights, on the theory that the Union was a voluntary compact of States which could be broken at the will of one or all. That a Republic was only an experiment, to exist until overthrown by any member of it. That the blood of the Revolution was shed, not for the establishment of an independent nation, but for a confederacy of separate states. In the guise of nullification it appeared, as we have seen, 1832; excessive tariff duties were the pretext. In 1835 it assumed to be the champion of slavery, because on the slavery question only could the South be united. It is due to history to say, of the decade preceding 1860, patriotism was not universal even in the free States. Slavery had her votaries there. Interests of trade affected many. Prejudice against the blacks and ties of kinship affected others. Parties and affiliations and love of political power controlled the policy of influential men in all sections of the country.

The South was aggressive, and smarted under its defeats in attempts to extend its beloved institution. The prayer of Calhoun for a united South was fast being realized, and a fatal destiny goaded on its leaders. Slavery, indeed, no longer stood on a firm foundation. Public sentiment had sapped it. It could not live and tolerate free speech, and a free press, or universal education even of the white race where it existed. All strangers sojourning in the South were under espionage; they, though innocent of any designs on slavery, were often brutally treated and driven away. It was only the distinguished visitors who were entertained with the much boasted-of Southern hospitality. The German or other industrious foreign emigrant rarely, if ever, ventured into the South.

Its towns and cities languished. Slavery was bucolic and patriarchal. It could not, in its most prosperous state, flourish on small plantations; nor could the many own slaves or be interested in their labor. Not exceeding two tenths of the white race South owned, at any time, or were interested in slave labor or slaves. The eight tenths had no political or social standing. They were, in a large sense, in another form, white slaves.

The Border States held their negroes by a precarious tenure. The most intelligent were constantly escaping. The inter-traffic in slaves bred in the more northern slave States was likely to become less profitable. And patrols by night, to insure order, had become generally necessary.

The publication of Harriet Beecher Stowe's *Uncle Tom's Cabin* had a great effect on public sentiment North, and some influence even in the South. *The Impending Crisis of the South: How to Meet It*, written by Hilton R. Helper, a poor white man of North Carolina (1857), an arraignment of slavery from the standpoint of the white majority South, was denounced as incendiary in Congress. Sherman of Ohio, having in some way endorsed its publication, when a candidate for Speaker, was denounced by Millson of Virginia, who declared that "one who consciously, deliberately, and of purpose lent his name and influence to the propagation of such writings is not only not fit to be Speaker, but is not fit to live."

Sherman's endorsement of the Helper book caused his defeat for
Speaker, and a riot occurred in the House during this contest:
Not quite bloodshed. Of the scene, Morris of Illinois said:

"A few more such scenes . . . and we shall hear the crack of the revolver and see the gleam of the brandished blade."

The contents of the book, though temperate in tone, were said by Pryor of Virginia to deal only "in rebellion, treason, and insurrection."

Scenes, most extraordinary, were not unfrequently enacted in the House of Representatives, all having the effect to inflame the public mind. Some of these were brought on by violent speeches of Northern statesmen, made in response to the defiant attitude or utterances of Southern men, boastful of their bravery.

One such scene was precipitated in 1860 by Owen Lovejoy of Illinois, who, in a speech to the House, denounced

"Slaveholding as worse than robbing, than piracy, than polygamy. The enslavement of human beings because they are inferior . . . is the doctrine of the Democrats, and the doctrine of devils as well! and there is no place in the universe outside the five-points of hell and the Democratic party where the practice and prevalence of such doctrines would not be a disgrace."

Lovejoy had more than an ordinary excuse for using such violent language.

As long before as November 7, 1837, his brother, Elijah P. Lovejoy, had been murdered at Alton, Illinois, while defending his printing- press from a mob, chiefly from Missouri, his offence being that he published an Abolition paper (*The Observer*). His press had thrice before in a year been destroyed.

Pryor of Virginia, Barksdale of Mississippi, and others resented Lovejoy's expletives, calling him "an infamous, perjured villain," "a perjured negro-thief," and demanding of the Speaker to "order that blackhearted scoundrel and negro-stealing thief to take his seat."

Personal conflicts were imminent between opposing members. Potter of Iowa, Kellogg of Illinois, and others promptly and fiercely came to Lovejoy's defence. The latter finished his speech amid excitement and threats. Pryor afterwards demanded of Potter "the satisfaction usual among gentlemen," who promptly proposed to give it to him, naming bowie-knives as the weapons for the duel. This mode of gaining "*satisfaction*" was not accepted, because it was "vulgar, barbarous, and inhuman." Potter thenceforth became a hero, and less was heard of Northern cowardice.

This, and like incidents, kindled the fast-spreading flame,—real battle-fires were then almost in sight.

It must not be assumed the Republican party, before the war, favored the abolition of slavery. Its principal leaders denied they were abolitionists; on the contrary, they insisted that their party would not interfere with slavery where it existed by State law.

The sentiment of the people in that party, however, was, on this question, in advance even of its progressive leaders. The enforcement of the Fugitive-Slave Law caused many and most important accessions to the Abolitionists. Wendell Phillips became an Abolitionist on seeing Garrison dragged by a mob through the streets of Boston; Josiah Quincy by the martyrdom of Lovejoy; other men of much note, and multitudes of the moving, controlling masses, were decided to oppose human slavery by kindred scenes all over the North. They took solemn, often secret vows, on witnessing men and women carried off in chains to slavery, to wage eternal war on the institution; this, in imitation of the vow of Hannibal of old to his father, Hamilcar, to wage eternal war on Rome.

At last, through causes for the existence of which the South was chiefly to blame, the sentiment North was culminating so strongly against slavery that soon, had secession and war not come, slavery would have everywhere been assailed. It is impossible to stay the march of a great moral movement, when backed by enlightened masses, as to stem the rushing waters of a great stream in flood time. Hence, the experiment of dissolution of the Union to save slavery was due, if ever, to be tried in *1861!*

Secession was made easier by reason of a long cherished habit of the Southern people to speak of themselves boastfully as citizens of their respective States, thus, "I am a Virginian"; "I am a Kentuckian," seemingly oblivious to the fact that they were citizens of the United States. This habit destroyed in some degree national patriotism, and promoted a State pride, baleful in its consequences. In many of the slave State voting was done *viva voce;* that is, by the voter announcing at the polls to the judges the name of the person for whom he voted for each office. This, it was contended, promoted frankness, manliness, independence, and honesty in elections. On the other hand, it was claimed, with much truth, that it was a most refined and certain method of coercing the dependent poorer classes into voting as the dominant class might desire, and hence almost totally destructive of independence in voting.

An anecdote is told of John Randolph of Roanoke, who, when at the Court of St. James (England) was conspicuous for his boasting that he was a *Virginian*. He was introduced by an English official for an after-dinner speech with a request that he should tell the distinguishing difference between a *Virginian* and a citizen of the American Republic. He curtly responded:

"The difference is in the system of voting on election days; in Virginia a voter must stand up, look the candidates in the eye, and bravely and honestly name his preference, like a man; while generally a voter in other States of the Union is permitted to sneak to the polls like a thief, and slip a folded paper into a hole in a box, then in a cowardly way steal home; the one promotes manliness, the other cowardice."

XXIII SECESSION OF STATES—1860-1

From what has been said, it will be seen the hour had arrived for practical secession—disunion—or a total abandonment by the South of its defiant position on slavery. The latter was not to be expected of the proud race of Southern statesmen and slaveholders. They had pushed their cause too far to recede, and the North, though conceding generally that there was no constitutional power to interfere with slavery where it existed, was equally determined not to permit its extension. In secession lay the only hope of either forcing the North to recede from its position, or, if successful, to create a new government wherein slavery should be universal and fundamental. Never before had it been proposed to establish a nation solely to perpetuate human slavery.

The election of Lincoln was already announced as a sufficient cause for secession. The South had failed to make California slave; to make four more slave States out of Texas; to secure pledges that out of the New Mexico Territory other slave States should be formed; and to make Kansas a slave State. It had also failed to acquire Cuba, already slave, for division into more slave States. There was, moreover, a certainly that many more free States would be admitted from the territorial domain of the great West. The political equilibrium in Congress on the line of slavery had therefore become impossible for all the future. These were the grievances over which the South brooded.

But was it not in the divine plan that slavery in the Republic should come to a violent end? Nowhere among the kingdoms and empires of the earth had it become, or had it ever been so deeply implanted, as a part of a political system. In the proud, boastful, free Republic of America, in the afternoon of the nineteenth century, where the Christian religion was taught, where liberty of conscience was guaranteed by organic law, where civilization was assumed to exist in its most enlightened and progressive stage, there, *alone*, the slave owner marshalled boastfully his human slaves, selling them on the auction block or otherwise at will, to be carried to distant parts, separating wife and husband, parents and children, and in a thousand ways shocking all the purer instincts of humanity.

Nor did its evil effects begin or cease with the black slave.

Jefferson, speaking of slavery in the United States when it existed in a more modified form, described its immoral effect on the master and his family thus:

"The whole commerce between master and slave is perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part and degrading submission on the other. Our children see this, and learn to imitate it. . . . The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of small slaves, gives a loose to the worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities."(101)

The virtue of the white race was necessarily involved in the institution. The blood of the dominant race became intermingled with the black, and often white blood predominated in the slave. The offspring of slaveholders became slaves, and were dealt in the same as the pure African. Concubinage existed generally where slaves were numerous.

The rule was that any person born of a slave mother was doomed to perpetual slavery.

As early as 1856, perhaps earlier, conferences were proposed among leaders in some of the Southern States looking to secession. They were repeated again in 1858, and before the election of Lincoln in 1860.(102) And Southern secret societies were formed in 1860 to promote the same end.

The existence of a disunion cabal in Buchanan's Cabinet, working to bring about disunion, was hardly a secret.

Howell Cobb of Georgia, Secretary of the Treasury, John B. Floyd of Virginia, Secretary of War, Jacob Thompson of Mississippi, Secretary of the Interior, and possibly others, were of the Cabinet cabal.

Buchanan, though himself desiring to preserve the Union, had not the bold temperament, and he had too long been a political tool of the slave power to effectually resist its violent aggressions; nor did he have the discernment to discover that his official household was the centre of a disunion movement. His Secretary of War distributed officers of the army believed to be friendly to the South where they could become available to it; he sent from the North small arms and cannon, ammunition and stores where they could be seized at the right time.(103) Members of the Cabinet kept the secession leaders advised of all acts of the administration, and generally aided them. The auspicious time, if ever, seemed to have come for a successful dissolution of the Union. The army and navy were full of able Southern men, ready, as the sequel proves, to go with their States, abandon the country that had nurtured and educated them, and the flag that had been their glory.

Governor Wm. H. Gist, of South Carolina, October 5, 1860, by confidential letters to the governors of the cotton States, fairly inaugurated disunion, based on the anticipated election of Abraham Lincoln a

month thence.(104)

One week later, without waiting for a consultation of governors of slave States, he, by proclamation, convened the Legislature of South Carolina to "*take action for the safety and protection of the State*."

This body met November 5th, the day preceding the Presidential election.

The alleged grounds of justification for this early meeting were:

"The strong possibility of the election to the Presidency of a sectional candidate by a party committed to the support of measures which, if carried out, will inevitably destroy *our equality in the Union*," etc.

This was the avowed reason, finally, for secession, though the true reason was the absolute restriction of slavery and the overthrow of the slave power in the Republic. The election of a Republican President was, of course, a disappointment to Southern statesmen, long used to absolute sway in Congress and in the administration of the government. The charge that Lincoln was a sectional President was true only to the extent that freedom was sectional. Slavery only was then, by secessionists, regarded as national.

The first important step of the South Carolina Legislature was to appropriate $100,000 to be expended by the Governor in purchasing small-arms and a battery of rifled cannon. Without opposition a convention was called to take "into consideration the dangers incident to the position of the State in the Federal Union." Her two United States Senators and other of her Federal officers forthwith resigned. A grand mass meeting was held, November 17th, at Charleston, generally participated in by the ladies, merchants, etc. The Stars and Stripes were not displayed, but a white palmetto flag, after solemn prayer, was unfurled in its stead. Disunion was here inaugurated. November 13th the Legislature of South Carolina stayed the collection of all debts due to citizens of non- slaveholding States. It was not sufficient to repudiate the Union, but honest debts must also be repudiated.

The convention thus called first met at Columbia, December 17th, thence adjourned to Charleston, where (appropriately) on December 20, 1860, an Ordinance of Secession was passed reading thus:

"_An Ordinance,

"To dissolve the Union between the State of South Carolina and other States united with her under the compact entitled 'The Constitution of the United States of America_.'

"We, the people of the State of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained: That the Ordinance adopted by us in convention on the 23d day of May, in the year of our Lord 1788, whereby the Constitution of the United States was ratified, and also, all acts and parts of acts of the General Assembly of this State, ratifying amendments of the said Constitution, are hereby repealed, and the Union now subsisting between South Carolina and other States, under the name of 'The United States of America,' is hereby dissolved."

This action was taken in Buchanan's administration while secessionists and promoters of disunion were yet in his Cabinet, and Jefferson Davis and others were still plotting in Congress.

Great stress was laid upon the right to rescind the original Ordinance of 1788 ratifying the Constitution of the United States, and the Union of the States was denominated only a "*compact*." The passage of the Ordinance of Secession was followed by "bonfires and illuminations, ringing of bells, insults to the Stars and Stripes," participated in by South Carolina aristocracy, especially cheered on by the first ladies of the State and city, little dreaming that slavery's opening death-knell was being proclaimed.(105)

It was fitting that South Carolina should lead the van of secession. She had, in a Colonial state, furnished more Tories in the Revolution of 1776 than any of the other colonies; she had initiated secession through nullification in 1832; and her greatest statesman, Calhoun, was the first to propose disunion as a remedy for slavery restrictions.

Events succeeded rapidly.

An Alabama convention met, and, on January 8, 1861, received commissioners from South Carolina, and on the 11th passed, in secret session, an Ordinance of Secession, refusing to submit it to a vote of her people.

Mississippi, on January 9, 1861, passed, through a convention, a like Ordinance.

Georgia, January 19th, by a convention passed her Ordinance of Secession.

Louisiana's convention passed an Ordinance of Secession January 25, 1861.

Texas passed, in convention, on February 1, 1861, a like Ordinance, which was ratified by a vote of her people February 24th.(106)

Thus seven States resolved to secede before Abraham Lincoln became President.

And each of these States had prepared for armed opposition; most, if not all, of their Senators and Representatives in Congress had withdrawn; in most of the States named United States forts, arms, military stores, and other public property had been seized; and many officers of the army and navy had deserted, weakly excusing their action by declaring they must go with their States.

Events were happening in Washington. Cass resigned as Secretary of State because Buchanan adhered to the doctrine that there was no power to coerce a seceding State. Under this baleful doctrine, secession had secured, apparently, a free and bloodless right of way in its mad rush to dissolve the Union and to establish a slave empire. It was at first thought by Southern leaders wise to postpone the formation of a "Confederacy" until Lincoln was inaugurated. But about January 1st there came a Cabinet rupture. Floyd was driven from it, and Joseph Holt of Kentucky, a most able and patriotic Union man, succeeded him. Later, Edwin M. Stanton and Jeremiah Black came into the Cabinet, Buchanan yielding to more patriotic influences and adopting more decided Union measures, though not based wholly on a coercive policy.

But, on January 5, 1861, a "Central Cabal," consisting of "Southern Statesmen," who still lingered at Washington, where they could best promote and direct the secession of the States and keep the administration in check, if not control it, met in one of the rooms of the *Capitol* to devise an ultimate programme for the future. It agreed on these propositions:

First. Immediate secession of States.

Second. A convention to meet at Montgomery, Alabama, not later than February 15th, to organize a Confederacy.

To prevent hostile legislation under the changed and more loyal impulses of the President and his reconstructed Cabinet, the cotton States Senators should remain awhile in their places, to "keep the hands of Buchanan tied."(107)

This cabal appointed Senators Jefferson Davis, Slidell, and Mallory "to carry out the objects of the meeting."

Thus, beneath the "Dome of the Capitol," treason was plotted by Senators and Representatives who still held their seats and official places, and still received their pay from the United States Treasury, for the sole purpose of enabling them the better to accomplish the end sought. Think of the prospective President of the "Confederate States of America," their future Minister to the Court of France, and their future Secretary of the Navy, plotting secretly in the Capitol at Washington to destroy the Union! But these were treasonable times.

Through resolution of the Mississippi Legislature, the Montgomery Convention was hastened, and it met February 4, instead of February 15, 1861, as suggested by the Washington caucus of Southern Congressmen. The delegates from the six seceded States east of the Mississippi assembled, and a little later (March 2d) delegates from Texas joined them. On the fourth day of its session the national *slave-child* was born, and christened "*Confederate States of America*." The next day Jefferson Davis was elected President, and Alexander H. Stephens of Georgia, Vice-President. Stephens took the oath of office on the day following his election. Davis arrived from Washington, and was, on the 18th, inaugurated the first (and last) President of this Confederacy.

The next step was a permanent Constitution. With characteristic celerity, this was prepared and adopted March 11, 1861, one week after Lincoln became President of the United States, though the Confederacy had been formed almost a month before his official term commenced.

This instrument was modelled on the Constitution of the United States.

It forbade the importation of negroes of the African race from any foreign country, other than the slaveholding States or Territories of the United States. Then following, for the first time probably in the history of nations, the proposed new Republic dedicated itself to eternal slavery, thus:

"No bill of attainder, *ex post facto* law, or *law denying or impairing* the right of property in negro

slaves, shall be passed."(108)

Singularly enough, the astute friends of the institution of slavery, knowing and avowing that it could not survive competition with the free, well-paid labor necessary to manufacturing industries, and knowing also that slavery was only adapted to rural pursuits, not to skilled mechanical labor, and desiring to plant human slavery permanently in the new nation, removed from all possibility of competition with anything that might, by dignifying labor, build up wealth as witnessed in the great Northern cities and thus endanger slavery, sought to protect it by a clause incorporated in their organic act, prohibiting any form of *tariff* to protect home industries.

"Nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry."(109)

Cotton was ever to be "King" in the Confederacy.

Mississippi's "Declaration of the Immediate Causes" justifying secession with perfect honesty announced:

"Our position is thoroughly identified with the institution of slavery—the greatest material interest in the world. . . . A blow at slavery is a blow at commerce and civilization. That blow has been long aimed at the institution, and was at the point of reaching its consummation. There was no choice left us but submission to the mandates of abolition or a dissolution of the Union."

The best, most candid, conservative, and comprehensive statement in explanation and vindication of the Confederate Constitution, the purposes and objects of the nation and people to be governed by and under it, is found in a speech of Vice-President Stephens at Savannah, Georgia, delivered ten days (March 21, 1861) after its adoption.

Here is a single extract:

"The new Constitution has put at rest forever all the agitating questions relating to our peculiar institution—African slavery as it exists among us—the proper status of the negro in our form of civilization. *This was the immediate cause of the late rupture and present revolution. Jefferson, in his forecast, had anticipated this as the rock upon which the old Union would split*. He was right. What was conjecture with him is now a realized fact. But whether he fully comprehended the great truth upon which that rock stood and stands, may be doubted. The prevailing ideas entertained by him, and most of the leading statesmen at the time of the formation of the old Constitution, were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. It was an evil they knew not well how to deal with, but the general opinion of the men of that day was that, somehow or other, in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at the time. The Constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly used against the constitutional guarantees thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of the races. This was an error. It was a sandy foundation, and the idea of a government built upon it: when the 'storms came and the wind blew, it fell.'

"Our new government is founded upon exactly the opposite idea; its foundations are laid, *its corner stone rests upon the great truth that the negro is not equal to the white man*. That slavery—subordination to the superior race, is his natural and normal condition. This, our new government, is the first in the history of the world based upon this great physical and moral truth. This truth has been slow in the process of its development, like all the other truths in the various departments of science. It has been so even amongst us. Many who hear me, perhaps, can recollect well that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North who still cling to these errors, with a zeal above knowledge, we justly denominate fanatics."

This is a fair and truthful exposition of the fundamental principles of the Confederacy, fallacious as they were.

North Carolina, after her people had voted down a convention to consider the question of secession at an extra session of her Legislature, called a convention which, on May 21, 1861, when the war had begun, passed an Ordinance of Secession without submission to a vote of her people.

Virginia through her Legislature called a convention which, April 17, 1861, passed an Ordinance of Secession in secret session, subject to ratification by a vote of her people. This was after Sumter had been fired on.

The vote was taken June 25th, and the Ordinance was ratified.

Arkansas defeated in convention an Ordinance for secession March 18, but passed one May 6, 1861, without a vote of her people.

Tennessee, by a vote of her people, February 8, 1861 (67,360 to 54,156) voted against a convention, but her Legislature (May 7, 1861) in secret session adopted a "Declaration of Independence and Ordinance dissolving her Federal relations," subject to a vote of her people on June 8th. The vote being for separation, her Governor, June 24, 1861, declared the State out of the Union.(110)

This was the last State of the eleven to secede. All these four ratified the Confederate Constitution and joined the already-formed Confederacy.

The seceded States early passed laws authorizing the organization of their militia, and making appropriations for defence against coercion, and providing for the seizure of United States forts, arsenals, and other property within their respective limits, and later, that they should be turned over to the Confederate States.

Some of the States by law provided severe penalties against any of their citizens holding office under the Government of the United States. Virginia, in July, 1861, in convention, passed an ordinance declaring that any citizen of Virginia holding office under the old Government should be forever banished from that State, and if he undertook to represent the State in the Congress of the United States, he should, in addition, be guilty of treason and his property confiscated.

The other Border States failed to break up their relation to the Union, though in all of them (Delaware, Maryland, Kentucky, and Missouri) various irregular expedients were resorted to, to declare them a part of the Confederacy. From their people, however, much material and moral support was given to the Confederate cause.

(101) Jefferson's *Works*, viii., p. 403.—Notes on Virginia.

(102) *Lincoln* (Nicolay and Hay), vol. ii., pp. 299-314.

(103) *Annual Cyclopaedia* (Appleton), 1861, p. 123.

(104) For this letter, see *Lincoln* (N. and H.), vol. ii., p. 306.

(105) The prophecy: "The rebellion, which began where Charleston is, shall end where Charleston *was*," was fulfilled.

For a vivid, though sad description of Charleston at the end of the war, by an eye-witness, see *Civil war in Am.* (Draper), vol. i, p. 564. Andrew's Hall, where the first Ordinance passed, and the Institute in which it was signed, were then charred rubbish.

The *Demon* war had been abroad in Charleston—who respects not life or death.

(106) Sam Houston was the rightful Governor of Texas in 1861, but on the adoption of an Ordinance of Secession (February 24, 1861) he declined to take an oath of allegiance to the new government and was deposed by a convention March 16, 1861. Just previous to the vote of the State on ratifying the ordinance, at Galveston, before an immense, seething, secession audience, with few personal friends to support him, in face of threatened violence, he denounced the impolicy of Secession, and painted a prophetic picture of the consequences that would result to his State from it. He said:

"Let me tell you what is coming on the heels of secession. The time will come when your fathers and husbands, your sons and brothers, will be herded together like sheep and cattle, at the point of the bayonet, and your mothers and wives, your sisters and daughters, will ask: Where are they? You may, after the sacrifice of countless millions of treasure and hundreds and thousands of precious lives, succeed, if God is not against you, in winning Southern independence. But I doubt it. It is a bare possibility at best. I tell you that while I believe, with you, in the doctrine of state rights, the North is determined to preserve this Union. They are not a fiery, impulsive people, as you are, for the live in cooler climates. But when they begin to move in a given direction, where great interests are involved, they move with the steady momentum of a giant avalanche, and what I fear is that they will overwhelm the South with ignoble defeat."

During this speech a horse in a team near by grew restive, and kicked out of harness, but was soon beaten to submission by his driver. Houston seized on the incident for an illustration, saying: "That horse tried a little practical secession—See how speedily he was whipped back into the Union." This quick-witted remark brought him applause from unsympathetic hearers.

Houston refused to recognize any Secession authority, and a few days subsequent to his deposition retired to his home near Huntsville, without friends, full of years, weak in body, suffering from wounds received in his country's service, but strong in soul, and wholly undismayed, though mourning his State's folly. In front of his house on the prairie he mounted a four-pound cannon, saying: "Texas may go to the devil and ruin if she pleases, but she shall not drag me along with her." History does not record another such incident. To the credit of the Secessionists, they respected the age and valor of the old hero, and did not molest, but permitted him to hold his personal "fortress" until his death, which occurred July 26, 1863 (three weeks after Vicksburg fell), in his seventy-first year.

He died satisfied the Confederacy and secession would soon be overthrown and the Union preserved.

(107) *Lincoln* (N. and H.), vol. iii, pp. 180-1.

(108) Con., Art. I., Sec. 9, pars. 1, 4.

(109) Confederate Con., Art. I., Sec. 8, par. 1.

(110) McPherson's *Hist. of the Rebellion*, pp. 4-8.

XXIV ACTION OF RELIGIOUS DENOMINATIONS, ETC.—1860-1

Significant above all other of the great events resulting from the secession of the Southern States was the dissolution of the great religious denominations in the United States.(111)

First, the Old School Presbyterian Church Synod of South Carolina, early as December 3, 1860, declared for a slave Confederacy. This was followed by other such synods in the South, all deciding for separation from the Church North. The Baptists in Alabama, Georgia, and South Carolina were equally prompt in taking similar action.

Likewise the Protestant Episcopal Church, in a General Convention, held in Columbia, South Carolina, after having endorsed the Confederacy, adopted a "Constitution of the Protestant Episcopal Church in the Confederate States of America"; all its Southern bishops being present and approving, save Bishop Leonidas Polk of Louisiana, who was absent, a Major-General in the Confederate army. (112)

The Methodist Episcopal Church South endorsed disunion and slavery; it had, however, in 1845, separated from the Methodist Church North.

The Roman Catholic Church, through Bishop Lynch, early in 1861, espoused the Confederate cause, and he, later, corresponded with the Pope of Rome in its interests, receiving a conciliatory answer in the Pope's name by Cardinal Antonelli.

The Young Men's Christian Association of New Orleans, May 22, 1861, issued an *Address to the Young Men's Christian Associations of North America*, declaring secession justifiable, and protesting, "in the name of Christ and his divine teachings," against waging war against the Southern States and their institutions.

Later, in 1863, the "Confederate clergy" issued a most memorable "*Address to Christians throughout the World*," likewise protesting against further prosecution of the war; declaring that the Union was forever dissolved, and specially pointing out "the most indefensible act growing out of the inexcusable war" to be

"The recent proclamation of the President of the United States seeking the *emancipation of the slaves* of the South."

And saying further:

"It is in our judgment a suitable occasion for solemn protest on the part of the people of God throughout the world."

Thus encouraged and upheld, the new Confederacy, with slavery for its "corner-stone," defiantly embarked.

The counter-action of the Church North was equally emphatic for *freedom*, and the Union of the States under one flag and one God.(113)

It is appropriate in connection with the attitude of the religious people of the country toward slavery and the Confederacy, and the war to preserve the one and to establish the other, to quote from President Lincoln's valedictory Inaugural Address (March 4, 1865), in which he refers to the attitude of

opposing parties, the cause of the conflict, and to each party invoking God's aid.

"Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. *Both read the same Bible and pray to the same God*, and each invoked His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces; but let us 'judge not that we be not judged.' The prayers of both could not be answered; that of neither has been answered fully.

"The Almighty has His own purposes. 'Woe unto the world because of offences. For it must needs be that offences come; but woe to that man by whom the offence cometh.' If we shall suppose that American slavery is one of those offences which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war, as the woe to those by whom the offence came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope—fervently do we pray that this mighty scourge of woe may speedily pass away. Yet if God wills that it continue until all the wealth piled up by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, 'The judgments of the Lord are true and righteous altogether.'

"With malice toward none, with charity for all; with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations."

(111) *Hist. of Rebellion* (McPherson), 508-520.

(112) He was, as Lieutenant-General, June 14, 1864, killed by a shell, at Marietta, Ga., while reconnoitering the Union lines.

(113) *Hist. of Rebellion* (McPherson), pp. 460-508.

XXV PROPOSED CONCESSIONS TO SLAVERY—BUCHANAN'S ADMINISTRATION AND CONGRESS—1860-1

The manner of receiving and treating the secession of the States by the administration of Buchanan and the Thirty-Sixth Congress can only here have a brief notice. There was a pretty general disposition to make further concessions and compromises to appease the disunion sentiment of the South. His administration was weak and vacillating. Two serious attempts at conciliation were made. President Buchanan, in his last Annual Message (December 4, 1860), while declaring that the election of any one to the office of President was not a just cause for dissolving the Union, and while denying that "Secession" could be justified under the Constitution, yet announced his conclusion that the latter had not "delegated to Congress the power to coerce a State into submission which is attempting to withdraw, or has actually withdrawn, from the Confederacy"; that coercion was "not among the specific and enumerated powers granted to Congress." He did not think it was constitutional to preserve the Constitution or the Union of the States. This view was held by most leaders of his party at the time and throughout the ensuing war; not so, however, by the rank and file.

Buchanan did not believe that self-preservation inhered in the Constitution or the Union.

The President in this Message suggested an explanatory amendment to the Constitution: (1) To recognize the right of property in slaves in the States where it existed; (2) to protect this right in the Territories until they were admitted as States with or without slavery; (3) a like recognition of the right of the master to have his escaped slave delivered up to him; and (4) declaring all unfriendly State laws impairing this right unconstitutional.

This was the signal for the presentation of a numerous brood of propositions to amend the Constitution in the interest of slavery, and by way of concessions to the South.

A committee of thirty-three, one from each State, of which Thomas Corwin of Ohio was chairman, was (December 4, 1860) appointed to consider the part of the President's Message referred to.

Mr. Noel of Missouri proposed to instruct this committee to report on the expediency of abolishing the office of President, and in lieu thereof establishing an Executive Council of three, elected by

districts composed of contiguous States—each member armed with a veto power; and he also proposed to restore the equilibrium of the States by dividing slave States into two or more.

Mr. Hindman of Arkansas proposed to amend the Constitution so as to expressly recognize slavery in the States; to protect it in the Territories; to allow slaves to be transported through free States; to prohibit representation in Congress to any State passing laws impairing the Fugitive-Slave Act; giving slave States a negative upon all acts relating to slavery, and making such amendment unalterable.

Mr. Florence of Pennsylvania and Mr. Kellogg of Illinois each proposed to amend the Constitution "granting the right to hold slaves in all territory south of 36° 30´, and prohibiting slavery in territory north of this line," etc.

Mr. Vallandigham of Ohio proposed a long amendment to the Constitution, the central idea of which was a division of the Union into four sections, with a complicated and necessarily impracticable plan of voting in Congress, and of voting for the election of President and Vice-President.

These are only samples of the many propositions to amend the Constitution, but they will suffice for all. None of them had the approval of both Houses of Congress.

There were many patriotic propositions offered looking to the preservation of the Union as it was. They too failed.

The great committee reported (January 14, 1861) five propositions. The first a series of resolutions declaratory of the duty of Congress and the government to the States, and in relation to slavery; the second an amendment to the Constitution relating to slavery; the third a bill for the admission of New Mexico, including therein Arizona, as a State; the fourth a bill amending and making more efficient the Fugitive-Slave Law, among other things giving the United States Commissioner *ten dollars* whether he remanded or discharged the alleged fugitive; and the fifth a bill for the rendition of fugitives from justice. These several propositions (save the fifth, which was rejected) passed the House, the proposed constitutional amendment of the committee being amended on motion of Mr. Corwin before its passage.

None of the propositions were considered in the Senate save the second, and even this one did not receive the support of the secessionists still lingering in Congress.

The proposition to amend the Constitution passed both Houses by the requisite two thirds vote. It read:

"Art. XIII. No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of any State."

Two States *only*—Maryland and *Ohio* (114)—ratified this proposed amendment. It was needless, and, if adopted, would have taken no power from Congress, which any respectable party had ever claimed it possessed, but the amendment was tendered to answer the false cry that slavery in the slave States was in danger from Congressional action.

(What a contrast between this proposed Thirteenth Amendment to the Constitution and the Thirteenth Amendment adopted four years later! The former proposed to establish slavery forever; the latter abolished it *forever*.)

The resolutions of John J. Crittenden in the Senate proposed various amendments to the Constitution, among others to legalize slavery south of 36° 30´; to admit States from territory north of that line, with or without slavery; to prohibit the abolition of slavery in the States and also in the District of Columbia so long as it existed in Virginia or Maryland, such abolition even then to be only with the consent of the inhabitants of the District and with compensation to the slave owners; to require the United States to pay for fugitive slaves who were prevented from arrest or return to slavery by violence and intimidation, and to make all the provisions of the Constitution, including the proposed amendments, unchangeable forever. The Crittenden resolutions, at the end of much debate, and after various votes on amendments proposed thereto, failed (19 to 20) in the Senate, and therefore were never considered in the House.(115)

It was claimed at the time that had the Congressmen from the Southern States remained and voted for the Corwin and Crittenden propositions the Constitution might have been amended, giving slavery all these guarantees.

(114) Joint resolution of ratification, *Ohio Laws*, 1861, p. 190.

(115) *Hist. of Rebellion* (McPherson), pp. 57-67.

XXVI PEACE CONFERENCE—1861

By appointments of governors or legislatures, commissioners from each of twenty States, chosen at the request of the Legislature of Virginia, met in Washington, February 4, 1861, in a "*Peace Conference*."(116) Ex-President John Tyler of Virginia was made President, and Crafts J. Wright of Ohio Secretary.(117)

It adjourned February 27th, having agreed to recommend to the several States amendments to the Constitution, in substance: That north of 36° 30´ slavery in the Territories shall be, and south of that line it shall not be, prohibited; that neither Congress nor a Territorial Legislature shall pass any law to prevent slaves from being taken from the States to the Territories; that no Territory shall be acquired by the United States, except by discovery and for naval stations, without the consent of a majority of the Senators from the slave and also from the free States; that Congress shall have no power to abolish slavery in any State, nor in the District of Columbia without the consent of Maryland; nor to prohibit Congressmen from taking their slaves to and from said District; nor the power to prohibit the free transportation of slaves from one slave State or Territory to another; that bringing slaves into the District of Columbia for sale, or to be placed in depot for transfer and sale at other places, is prohibited; that the clauses in the Constitution and its amendments relating to slavery shall never be abolished or amended without the consent of all the States; and that Congress shall provide by law for paying owners for escaped slaves where officers, whose duty it was to arrest them, were prevented from arresting them or returning them to their owners after being arrested.

"The Peace Conference" was composed of 133 members, among whom were some of the most eminent men of the country, though generally, however, only conservatives from each section were selected as members. Its remarkable recommendations were made with considerable unanimity, voting in the conference being by States, the Continental method.

Wm. Pitt Fessenden and Lot M. Morrill of Maine, Geo. S. Boutwell of Massachusetts, David Dudley Field and Erastus Corning of New York, Frederick T. Frelinghuysen of New Jersey, David Wilmot of Pennsylvania, Reverdy Johnson of Maryland, John Tyler, Wm. C. Rives, and John A. Seddon of Virginia, Wm. O. Butler, James B. Clay, James Guthrie, and Charles A. Wickcliffe of Kentucky, C. P. Wolcott, Salmon P. Chase, John C. Wright, Wm. S. Groesback, Franklin T. Backus, Reuben Hitchcock, Thomas Ewing (Sen.), and Valentine B. Horton of Ohio, Caleb B. Smith and Godlove S. Orth of Indiana, John M. Palmer and Burton C. Cook of Illinois, and James Harlan and James W. Grimes of Iowa were of the number. Many of them were then, or afterwards, celebrated as statesmen; and some of them subsequently held high rank as soldiers.

March 2, 1861, the "Peace Conference" propositions were offered twice to the Senate, and each time overwhelmingly defeated, as they had been, on the day preceding, by the House.(118)

There were many other propositions offered, considered, and defeated, to wit: Propositions from the Senate Committee of thirteen appointed December 18, 1860; propositions of Douglas, Seward, and others; also propositions from a meeting of Senators and members from the border, free, and slave States, all relating to slavery, and proposed with a view of stopping the already precipitated secession of States.(119)

Some of these propositions were exasperatingly humiliating, and only possibly justifiable by the times.

Though Lincoln's election as President was claimed to be a good cause for secession, and though much of the compromise talk was to appease his party opponents as well as the South, he was opposed to bargaining himself into the office to which the people had elected him. With respect to this matter (January 30, 1861) he said:

"I will suffer death before I will consent, or advise my friends to consent, to any concession or compromise which looks like buying the privilege of taking possession of the government to which we have a constitutional right."

We have now done with legislation, attempted legislation, and constitutional amendments to protect and extend slavery in the Republic. Slavery appealed to war, and by the inexorable decree of war its fate must be decided.

The *Emancipation Proclamation of Abraham Lincoln* (January 1, 1863) and the *Thirteenth* Amendment to the Constitution (1865) freed all slaves in the Union; the *Fourteenth* Amendment (1868)

provided that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside"; and the *Fifteenth* Amendment (1870) gave the right to vote to all citizens of the United States regardless of "*race, color, or previous condition of servitude*." These are all simply the decrees of war, written in the organic law of the United States at the end of the national four years' baptism of blood. Embodied in them are no concessions or compromises; the evil was torn out by the roots, and the Christian world, the progressive civilization of the age, and the consciences of enlightened mankind *now* approve what was done.

The war, with its attendant horrors and evils, was necessary to terminate the deep-seated, time-honored, and unholy institution of human slavery, so long embedded in our social, political, and commercial relations, and sustained by our prejudices, born of a selfish disposition, common to white people, to esteem themselves superior to others.

The history of emancipation and of these constitutional amendments belongs, logically, to periods during and at the end of the war.

There are, however, two important acts relating to slavery which passed Congress during the War of the Rebellion, not strictly the *result* of that war, though incident to it, which must be mentioned.

(116) Kansas joined later, and Michigan, California, and Oregon were not represented; nor were the then seceded Southern States, or Arkansas, represented.

(117) Blaine (*Twenty Years of Congress*, vol. i., p. 269), says: "Puleston, a delegate from Pennsylvania, a subject of Queen Victoria, later (1884) of the British Parliament, was chosen Secretary of the Conference."—This is an error. He was not a delegate: only one of several assistant secretaries.

On the next page of Blaine's book he falls into another error in saying the Wilmot Proviso was embodied (1848) in the Oregon territorial act. It was never embodied in any act. The sixth section of the Ordinance of 1787 is embodied in that act word for word.

(118) *Hist. of Rebellion* (McPherson), pp. 68-9.

(119) *Ibid.*, p. 76.

XXVII DISTRICT OF COLUMBIA—SLAVERY ABOLISHED—1862

The District of Columbia, acquired by the United States in 1791 for the purpose of founding the city of Washington as the permanent Federal Capital, was, by the laws of Virginia and Maryland, slave territory. The District was originally ten miles square, and included the city of Alexandria. Later (1846) the part acquired from Virginia (about forty square miles) was retroceded to that State. Congress had complete jurisdiction over it, though the laws of Maryland and Virginia, for some purposes, were continued in force. It was, however, from the beginning claimed that Congress had the right to abolish slavery within its boundaries.

Congress is given the right "to exercise exclusive legislation in all cases whatsoever over such District."(120) But slavery was claimed to be excepted because of its peculiar character.

The institution of slavery was therefore perpetuated in the District, and in the Capital of the Republic slave-marts existed where men and women were sold from the auction block, and families were torn asunder and carried to different parts of the country to be continued in bondage. In the shadow of the Capitol the voice of the auctioneer proclaiming in the accustomed way the merits of the slave commingled with that of the statesmen in the Halls of Congress proclaiming the boasted liberty of the great American Republic! Daniel Drayton (1848) was tried in the District for the larceny of seventy-four human beings, his crime consisting of affording means (in the schooner *Pearl*) for their escape to freedom.(121)

Under the laws of the District many others were punished for like offences.

As late as 1856, when the sculptor Crawford furnished a design for the *Statue of Liberty* to crown the dome of the Capitol, Secretary of War Jefferson Davis ordered the "*liberty cap*" struck from the model, because in art it had an "established origin in its use as a badge of the freed slave."(122)

We have seen how much the consciences of just men were shocked, and how assiduously such men labored to abolish slavery in the District of Columbia, and with what tenacity the slave party fought to maintain it there, and even by constitutional amendments to fix it there forever.

But when slavery had brought the country to war, the emancipation of slaves in the District was early

considered.

Henry Wilson of Massachusetts, December 16, 1861, introduced a bill in the Senate, which, after a most memorable debate in both Houses of Congress, passed, and on April 16, 1862, became a law, with the approval of President Lincoln. This act emancipated forthwith all the slaves of the District, and annulled the laws of Maryland over it relating to slavery and all statutes giving the cities of Washington and Georgetown authority to pass ordinances discriminating against persons of color.

(120) Con. U. S., Art. I., Sec. 8, par. 17.

(121) Drayton did not succeed in the attempt to afford these slaves means to escape. He was tried on two indictments for larceny, convicted, and on each sentenced to ten years in the penitentiary. The Circuit Court reversed these convictions on the erroneous charge of the trial judge (Crawford), to the effect that a man might be guilty of larceny of property—slaves—without the intent to appropriate it to his own use. On re-trial Drayton was acquitted on the larceny indictments; but verdicts were taken against him on seventy-four indictments for transporting slaves—not a penitentiary offense—and he was sentenced to pay a fine of $10,000, and to remain in prison until paid. He was most ably defended by Horace Mann of Boston, and J. M. Carlisle of Washington, D. C., either as volunteer counsel or employed by Drayton's friends, he being poor. There were 115—41 for larceny, 64 for transportation—indictments against Drayton, which led Mr. Mann to remark of the threatened penalty: "*Methuselah himself must have been caught young in order to survive such a sentence*."—*Slavery, Letters, etc.* (Mann), p. 93.

President Fillmore, being defeated in 1852 for nomination for President, pardoned Drayton after four years' and four months' imprisonment, which pardon, it was claimed, defeated Scott, the Whig nominee, at the polls.—*Memoir of Drayton*, p. 118.

(122) Correspondence in War Department between Davis and Quartermaster- General Meigs.

The present nondescript hood, giving the statue crowning the dome its appearance, in some views, of a wild Indian, was substituted for the Liberty cap.

XXVIII SLAVERY PROHIBITED IN THE TERRITORIES—1862

Growing out of the abolition of slavery in the District of Columbia, the question was raised by Lovejoy of Illinois and others as to the duty of Congress to declare freedom *national* and slavery *sectional;* and also to prohibit slavery in all the Territories of the Union.

A bill was passed, which (June 19, 1862) was approved by the President, and became the last general law of Congress on the subject of slavery in the Territories. It reads:

"That from and after the passage of this act there shall be neither slavery nor involuntary servitude in any of the Territories of the United States, now existing, or which may at any time hereafter be formed or acquired by the United States, otherwise than in punishment of crimes whereof the party shall have been duly convicted."

By this act the principles of the Ordinance of 1787 (sixth section) were applied universally to all existing and to be acquired territory of the United States.

It was only, in effect, Jefferson's Ordinance of 1784, defeated by *one* vote in the old Congress, the loss of which he deplored so much. His benign purpose to restrict slavery was delayed seventy- eight years—until blood flowed to sanction it.

XXIX BENTON'S SUMMARY

We close this already too long history of human slavery in the United States with Thomas H. Benton's summary of the "cardinal points" in the aggressive policy of the impetuous South in pushing forward slavery as a cause for disunion. He wrote, four years anterior to the Rebellion of 1861, with a prophetic pen, nibbed by the experience of a Senator for thirty years, and as a slaveholder. He had actively participated in most of the events of which he speaks, and was personally familiar with all of them. (123)

"But I am not now writing the history of the present slavery agitation—a history which the young have not learnt, and the old have forgotten, and which every American ought to understand. I only indicate cardinal points to show its character; and of these a main one remains to be stated. Up to Mr. Pierce's administration the plan had been defensive—that is to say, to make the secession of the South

a measure of self-defence against the abolition encroachments, aggressions, and crusades of the North. In the time of Mr. Pierce, the plan became offensive—that is to say, to commence the expansion of slavery, and the acquisition of territory to spread it over, so as to overpower the North with new slave States, and drive them out of the Union. In this change of tactics originated the abrogation of the Missouri Compromise, the attempt to purchase one half of Mexico, and the actual purchase of a large part; the design to take Cuba; the encouragement to Kinney and to Walker in Central America; the quarrels with Great Britain for outlandish coasts and islands; the designs upon the Tehuantepec, the Nicaragua, the Panama, and the Darien routes; and the scheme to get a foothold in the Island of San Domingo. The rising in the free States in consequence of the abrogation of the Missouri Compromise checked these schemes, and limited the success of the disunionists to the revival of the agitation which enables them to wield the South against the North in all the Federal elections and Federal legislation. Accidents and events have given this part a strange pre-eminence— under Jackson's administration proclaimed for treason; since, at the head of the government and of the Democratic party. The death of Harrison, and the accession of Tyler, was their first great lift; the election of Mr. Pierce was their culminating point. It not only gave them the government, but power to pass themselves for the Union party, and for democrats; and to stigmatize all who refused to go with them as disunionists and abolitionists. And to keep up this classification is the object of the eleven pages of the message which calls for this Review—unhappily assisted in that object by the conduct of a few real abolitionists (not five per centum of the population of the free States); but made to stand, in the eyes of the South, for the whole."

(123) Hist., etc., Ex., *Dred Scott Case*, pp. 184-5.

XXX PROPHECY AS TO SLAVERY'S FATE: ALSO AS TO DISUNION

We are approaching the period for the fulfilment of prophecy in relation to the perpetuity of human slavery in the United States.

We summarize a few of the prophecies made by distinguished American statesmen and citizens. George Washington, Patrick Henry, and other Virginia statesmen and slaveholders at the close of the Revolution predicted that slaves would be emancipated, or they would acquire their freedom violently. These patriots advocated emancipation. The stumbling-block to abolition in Virginia at that time was, what to do with the blacks. The white population could not reconcile themselves to the idea of living on an equality with them, as they deemed they must if the blacks were free. As early as 1782 Jefferson expressed his serious forebodings:

"Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government. . . .

"I tremble for my country when I reflect that God is just, that His justice cannot sleep forever. The way, I hope, is preparing, under the auspices of Heaven, for a total emancipation."

The anti-slavery societies when they first met in annual convention (1804) proclaimed that

"Freedom and slavery cannot long exist together."

John Quincy Adams, in 1843, prophesied:

"I am satisfied slavery will not go down until it goes down in blood."(124)

Abraham Lincoln, at the beginning of his celebrated debate with Douglas (1858) expressed his belief that this nation could not exist "half slave and half free." He had, however, made the same declaration in a letter to a Kentucky friend to whom he wrote:

"Experience has demonstrated, I think, that there is no peaceful extinction of slavery in prospect for us. . . .

"On the question of liberty as a principle, we are not what we have been. When we were the political slaves of King George, and wanted to be free, we called the maxim that 'all men are created equal' a *self-evident truth;* but now, when we have grown fat, and have lost all dread of being slaves ourselves, we have become so greedy to be masters that we call the maxim '*a self-evident lie*.' The Fourth of July has not quite dwindled away; it is still a great dy for burning fire-crackers. That spirit which desired the peaceful extinction of slavery has itself become extinct with the occasion and the men of the Revolution. . . . So far as peaceful, voluntary emancipation is concerned, the condition of the negro slave in America, scarcely less terrible to the contemplation of the free mind, is now as fixed and hopeless of change for the better as that of lost souls of the finally impenitent. The autocrat of all the Russias will resign his crown, and proclaim his subjects free Republicans, sooner than will our masters

voluntarily give up their slaves.

"Our political problem now is, 'Can we as a nation continue together *permanently*—forever—half slave, and half free'? The problem is too mighty for me. May God in his mercy superintend the solution."

(Under God, within ten years after this was written, Lincoln was the instrument for the solution of the *mighty problem!*)

This was a fitting prelude to his speech on slavery at Springfield,
Illinois (June, 1858), wherein he said:

"In my opinion it will not cease until a crisis shall have been reached and passed. '*A house divided against itself cannot stand*.'

"I believe this government cannot endure, permanently, half slave and half free. I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing, or all the other." (125)

Seward of New York compressed the issue between freedom and slavery into a single sentence in his Rochester speech (October 25, 1858):

"It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either an entirely slave holding nation or entirely a free labor nation."(126)

But statesmen were not the only persons who predicted the downfall of slavery in the Republic; not the only persons who contributed to that end, nor yet the only persons who foretold its overthrow in blood.

The institution had grown to arrogant and intolerant as to brook no opposition, and its friends did not even seek to clothe its enormities.

A leading Southern journal, in 1854, honestly expressed the affection in which slavery was held:

"We cherish slavery as the apple of our eye, and we are resolved to maintain it, peaceably, if we can, forcibly, if we must."(127)

The clergy and religious people of the North came to believe slavery must, in the mill of justice, be ground to a violent death, in obedience to the will of God.

Theodore Parker, the celebrated Unitarian divine, a personal friend of John Brown, on hearing, in Rome, of his failure, trial, and sentence to the scaffold, in a letter to Francis Jackson of Boston, November 24, 1859, gave vent to what was then regarded as fanatical prophecy, but now long since fulfilled:

"The American people will have to march to rather severe music, I think, and it is better for them to face it in season. A few years ago it did not seem difficult, first to check slavery, and then to end it without bloodshed. I think this cannot be done now, nor ever in the future. All the great charters of *Humanity* have been writ in blood. I once hoped that American *Democracy* would be engrossed in less costly ink; but it is plain, now, that our pilgrimage must lead through a Red Sea, wherein many a *Pharoah* will go under and perish. . . .

"Slavery will not *die a dry death*. It may have as many lives as a cat; at last, it will dies like a mad dog in a village, with only the enemies of human kind to lament its fate, and they too cowardly to appear as mourners."(128)

Parker was fast descending, from broken health, into the grave, but in the wildest of his dreams he did not peer into futurity far enough to see that within a single decade the "*sin of the nation*" would be washed out, root and branch, in blood; and that in Virginia —the State that hung John Brown—at the home of its greatest Governor, Henry A. Wise, there would be seen "a Yankee school-marm" teaching free negroes—sons of Africa—to read and write—to read the Holy Bible, and she the humble daughter of "Old John Brown."(129)

One sample of prophecy of what *disunion* would be, we give from a speech of Henry Winter Davis of Maryland:

"It would be an act of suicide, and sane men do not commit suicide. The act itself is insanity. It will be done, if ever, in a fury and madness which cannot stop to reason. *Dissolution* means death, the suicide

of Liberty, without a hope of resurrection—death without the glories of immortality; with no sister to mourn her fall, none to wrap her decently in her winding-sheet and bear her tenderly to a sepulchre —*dead Liberty*, left to all the horrors of corruption, a loathsome thing, with a stake through the body, which men shun, cast out naked on the highway of nations, where the tyrants of the earth who feared her living will mock her dead, passing by on the other side, wagging their heads and thrusting their tongues in their cheeks at her, saying, 'Behold *her* now, how *she* that was fair among the nations is fallen! is fallen!'— and only the few wise men who loved her out of every nation will shed tears over her desolation as they pass, and cast handfuls of earth on her body to quiet her manes, while we, her children, stumble about our ruined habitations to find dishonorable graves wherein to hide our shame. Dissolution? How shall it be? Who shall make it? Do men dream of Lot and Abraham parting, one to the east and the other to the west, peacefully, because their servants strive? That States will divide from States and boundary lines will be marked by compass and chain? Sir, that will be a portentous commission that shall settle that partition, for cannon will be planted at the corners and grinning skeletons be finger- posts to point the way. It will be no line gently marked on the bosom of the Republic—some meandering vein whence generations of her children have drawn their nourishment—but a sharp and jagged chasm, rending the hearts of commonwealths, lacerated and smeared with fraternal blood. On the night when the stars of her constellation shall fall from heaven the blackness of darkness forever will settle on the liberties of mankind in this Western World. *This is dissolution!* If such, Sir, is *dissolution* seen in a glass darkly, how terrible will it be face to face? They who reason about it are half crazy now. They who talk of it do not mean it, and dare not mean it. They who speak in earnest of a dissolution of this Union seem to me like children or madmen. He who would do such a deed as that would be the maniac without a tongue to tell his deed, or reason to arrest his steps—an instrument of mad impulse impelled by one idea to strike his victim. Sir, *there have been maniacs who have been cured by horror at the blood they have shed*."(130)

This eloquent, patriotic, word-picture of *dissolution*, intended to deter those who so impetuously and glibly talked of it, was not, as the sequel proved, overdrawn. When delivered it was not generally believed that a dissolution of the Union could or would be attempted. In the Presidential campaigns of 1856 and 1860, as well as in Congress, there was much eloquence displayed in line with the above; few of the orators, however, believed that dissolution, with all the wild terrors of war, was near at hand. But there were some men in public life who early comprehended the destiny awaiting the politically storm-racked Republic, and as it approached, boldly gave the opinion that "*a little blood-letting would be good for the body politic*."(131)

The story of the war which secession inaugurated remains to be in part narrated in succeeding chapters, portraying the impetuous rush to battle; the unparalleled heroism of the mighty hosts on either side; the slaughter of men; the hell of suffering; the bitter tears; the incalculable sorrow; the billions expended; the destruction of property; the alternating defeats and triumphs; the final victory of the Union arms; the overthrow of state-rights, nullification, secession—disunion; the emancipation of four million human slaves, and the annihilation in the United States of the institution of slavery, including all its baleful doctrines, whether advanced by partisan, pro-slavery statesmen, or advocated by learned politicians, or upheld by church or clergy in the name of the prophets of Holy Writ or of Christ and his Apostles, or expounded by a tribunal clothed in the ermine, majesty, dignity, and power of the Supreme Court of the United States of America.

Abraham Lincoln, whose beautiful character is illumined in the intense light of a third of a century of heightened civilization, will be immortalized through all time as God's chiefest instrument in accomplishing the end.

In closing this chapter we desire again to remind the reader that in 1861 the Congress of the United States, by a two thirds majority in each branch, voted to so amend the Constitution as to make forever unalterable its provisions for the recognition and perpetuation of human bondage; that if the amendment thus submitted had been ratified by three fourths of the States, this nation would have been the first and only one in the history of the world wherein the right to enslave human beings was fundamental and decreed to be eternal.

This amendment, guaranteeing perpetual slavery, was the tender made by Union men in 1861 to avert disunion and war. It was the humiliating and unholy pledge offered to a slave-loving people to induce them to remain true to the Constitution and the Union. In the providence of God the amendment was not ratified, nor was a willingness to accept it shown by the defiant South. On the contrary, it was spurned by it with singular unanimity and deserved contempt. A nation to be wholly slave was alone acceptable to the disunionists; and to establish such a nation the hosts were arrayed on the one side; to preserve and perpetuate the Union and to overthrow the would-be slave nation, they were also, thank God, arrayed on the other.

This was the portentous issue made up—triable by the tribunal of last resort from which there is no

earthly appeal.

Promptly, even enthusiastically, did the South respond to the summons to battle, and with a heroism worthy of a better cause did it devote life and property to the maintenance of the Confederacy. But from mountain, hillside, vale, plain, and prairie, from field, factory, counting-house, city, village, and hamlet, from all professions and occupation alike came the sons of freedom, with the cry of "Union and Liberty," under one flag, to meet the opposing hosts, heroically ready to make the necessary sacrifice that the unity of the American Republic should be preserved.

The effort to establish a slave nation in the afternoon of the nineteenth century resulted in a civil war unparalleled in magnitude, and the bloodiest in the history of the human race. In the eleven seceding States the authority of the Constitution was thrown off; the National Government was defied; former official oaths of army, navy, and civil officers were disregarded, and other oaths were taken to support another government; the public property of the United States was seized in the seceding States as of right, Cabinet officers of the President assisting in the plunder; Senators and Representatives in Congress, while yet holding seats, making laws, and drawing pay, plotted treason, and, later, defiantly joined the Confederacy; sequestration acts were passed by the Confederate Congress, and citizens of the United States were made aliens in the Confederacy, and their property there was confiscated, and debts due loyal men North were collected for the benefit of the Confederate Treasury; piratical vessels, with the aid and connivance of boastful *civilized* monarchies of Europe, destroyed our commerce and drove our flag from the high seas; above a half million of men fell in battle, and another half million died of wounds and disease incident to war; above sixty thousand Union soldiers died in Southern prisons; the direct cost of the Rebellion, paid from the United States Treasury, approximated seven billions of dollars, and the indirect cost to the loyal people, in property destroyed, etc., was at least equal to seven billions more. Fairly estimated, slaves not considered, the people of the seceding States expended and lost in the prosecution and devastations of the war more than double the expenditures and losses of the North; imagination cannot compass or language portray the suffering and sorrow, agony and despair, which pervaded the whole land. All this to settle the momentous question, whether or not human slavery should be fundamental as a domestic, social, and political institution.

Thus far slavery has been our theme, and the war for the suppression of the Rebellion only incidentally referred to, but in succeeding chapters slavery will only be incidentally referred to, and the war will have such attention as the scope of the narrative permits.

(124) *Life of Seward*, vol. i., p. 672.

(125) A. Lincoln, *Complete Works*, vol. i., pp. 215, 240, 251.

(126) Seward's *Works*, vol. iv, p. 289.

(127) *Hist. U. S.* (Rhodes), vol. i, p. 469.

(128) *Life of Parker* (Weiss), vol. ii., p. 172-4 (406).

(129) *Civil War in America* (Draper), vol. i, 565-6.

(130) Speech of Henry Winter Davis, House of Representatives, Aug. 7, 1856.

(131) Zachariah Chandler, 1860.

CHAPTER II Sumter Fired on—Seizure by Confederates of Arms, Arsenals, and Forts—Disloyalty of Army and Navy Officers—Proclamation of Lincoln for Seventy-Five Thousand Militia, and Preparation for War on Both Sides

The *Star of the West*, a merchant vessel, was sent from New York, with the reluctant consent of President Buchanan, by Lieutenant- General Winfield Scott, Commander-in-Chief of the army, to carry re-enforcements and provisions to Fort Sumter. As this vessel attempted to enter Charleston harbor (January 9, 1861) a shot was fired across its bows which turned it back, and its mission failed. "Slapped in the mouth" was the opprobrious epithet used to express this insult to the United States. This was not the shot that summoned the North to arms. It was, however, the first angry gun fired by a citizen of the Union against his country's flag, and it announced the dawn of civil war. When this shot was fired, only South Carolina had passed an Ordinance of Secession; the Confederate States were not yet formed.

On the night of December 26, 1860, Major Robert Anderson, in command of the land forces, forts, and defences at Charleston, South Carolina, being threatened by armed secession troops, and regarding his position at Fort Moultrie, on Sullivan's Island, untenable if attacked from the land side, as a matter of precaution, without order from his superiors, but possessing complete authority within the

limits of his command, removed his small force, consisting of only sixty-five soldiers, from Fort Moultrie to Fort Sumter, where, at high noon of the next day, after a solemn prayer by his chaplain, the Stars and Stripes were run up on a flagstaff, to float in triumph only for a short time, then to be insulted and shot down, not to again be unfurled over the same fort until four years of war had intervened.

An ineffectual effort was made by Governor Pickens of South Carolina to induce Major Anderson by his demands and threats to return to his defenceless position at Fort Moultrie. President Buchanan, at the instigation of his Secretary of War, Floyd, was on the point of ordering him to do so, but when the matter was considered in a Cabinet meeting, other counsels prevailed, and Floyd made this his excuse for leaving the Cabinet.(1) Fortunately, his place was filled by Hon. Joseph Holt of Kentucky, a Union man of force, energy, will power, and true courage, who, later, became Judge- Advocate-General U.S.A., serving as such until after the close of the war.

To the end of Buchanan's administration, Sumter was held by Major Anderson with his small force, and around it centered the greatest anxiety. It was the policy of the South to seize and occupy all forts, arsenals, dock-yards, public property, and all strongholds belonging to the United States located within the limits of seceded States, and to take possession of arms and material of war as though of right belonging to them. The right and title to United States property thus located were not regarded. Louisiana seized the United States Mint at New Orleans, and turned over of its contents $536,000 in coin to the Confederate States treasury, for which she received a vote of thanks from the Confederate Congress.(2) All the forts of the United States within or on the coast of the then seceded States, save Forts Sumter and Pickens, were soon, with their armament and military supplies, in possession of and manned by Southern soldiers. At first seizures were made by State authority alone, but on the organization, at Montgomery, of the Confederacy (February 8, 1861) it assumed charge of all questions between the seceded States and the United States relating to the occupation of forts and other public establishments; and, March 15th, the Confederacy called on the States that had joined it to cede to it all the forts, etc., thus seized, which was done accordingly.

On February 28th the Confederate Congress passed an act under which President Davis assumed control of all military operations and received from the seceding States all the arms and munitions of war acquired from the United States and all other material of war the States of the Confederacy saw proper to turn over to him.

A letter from the Chief of Ordnance of the United States Army to Secretary of War Holt, of date, January 15, 1861, shows that, commencing in 1859, under orders from Secretary of War Floyd, 115,000 muskets were transferred from the Springfield (Mass.) and Watervliet (N. Y.) arsenals to arsenals South; and, under like orders, other percussion muskets and rifles were similarly transferred, all of which were seized, together with many cannon and other material of war, by the Confederate authorities.(3)

Harper's Ferry, and the arsenal there, with its arms and ordnance stores, were seized by the Confederates, April 18, 1861, and the machinery and equipment for manufacturing arms, not burned, was taken South.

The arsenal at Fayetteville, N. C., was also seized, April 22, 1861.

In February, 1861, Beauregard (4) was commissioned by Davis a Brigadier-General, and ordered to Charleston, South Carolina, to organize an army. Other officers were put in commission by the Confederacy, and a large force was soon mustering defiantly for the coming struggle.

Beauregard took command at Charleston, March 1st, three days before
Lincoln was inaugurated President of the United States.(5)

Disloyalty extended to the army and navy.

The regular army was small, and widely scattered over the Western frontiers and along the coasts of lake and ocean. March 31, 1861, it numbered 16,507, including 1074 officers. Some officers had joined the secession movement before this date.

The disaffection was among the officers alone. Two hundred and eighty-two officers resigned or deserted to take service in the Confederate Army; of these 192 were graduates of West Point Military Academy, and 178 of the latter became general officers during the war.(6)

The number of officers, commissioned and warrant, who left the United States Navy and entered the Confederate service was, approximately, 460.(7)

To the credit of the rank and file of the regular army, and of the seamen in the navy, it is, on high authority, said that:

"It is worthy of note that, while in this government's hour of trial large numbers of those in the army and navy who have been favored with the offices have resigned and proved false to the hand which had pampered them, not one common soldier or common sailor is known to have deserted his flag."(8)

David E. Twiggs, a Brevet Major-General, on February 18, 1861, surrendered, at San Antonio, Texas, all the military posts and other property in his possession; and this after receiving an order relieving him from command. He was an old and tried soldier of the United States Army, and his example was pernicious in a high degree.

There were few, however, who, like him, took the opportunity to desert and at the same time to do a dishonorable official act calculated to injure the government they had served.

March 5, 1861, Twiggs was given a grand reception in New Orleans; salutes were fired in honor of his recent treachery.(9) President Buchanan, to his credit, through Secretary of War Holt, March 1st, dismissed him from the army.(10)

It is a curious fact that this order of dismissal was signed by *S. Cooper*, Adjutant-General of the United States Army (*a native* of New Jersey), who, *six days later*, resigned his position, hastened to Montgomery, Alabama, and there accepted a like office in the Confederate government. Disloyalty among prominent army officers seemed, for a time, the rule.(11)

It was industriously circulated, not without its effect, that General Winfield Scott had deserted his country and flag to take command of the Confederate Army. To his honor it must be said, however, that he never faltered, and the evidence is overwhelming that he never entertained a thought of joining his State—Virginia. He early foresaw that disunion and war were coming, and not only deprecated them but desired to strengthen the United States Government and to avert both. Only his great age prevented his efficiently leading the Union armies.

George H. Thomas, like General Scott, was a native of Virginia. He was also unjustly charged with having entertained disloyal notions and to have contemplated joining the South, but later both Scott and Thomas were bitterly denounced by secessionists for not going with Virginia into the Rebellion.

Officers connected with the United States Revenue Service stationed in Southern cities were, generally, not only disloyal, but property in their custody was without scruple turned over to the Confederate authorities. The revenue cutters under charge and direction of the Secretary of the Treasury were not only seized, but their commanding officers in many cases deserted to the Confederacy and surrendered them. A notable example is that of Captain Breshwood, who commanded the revenue cutter *Robert McClelland*, stationed at New Orleans. When ordered, January 29, 1861, to proceed with her to New York, he refused to obey. This led John A. Dix, Secretary of the Treasury, to issue his celebrated and patriotic "Shoot-him- on-the-spot" order.(12) Louisiana had not at that time seceded, but the cutter, with Captain Breshwood, went into the Confederacy. So of all other such vessels coming within reach of the now much- elated, over-confident, and highly excited Confederate authorities.

Before the end of February, 1861, the "Pelican Flag" was flying over the Custom-House, Mint, City Hall, and everywhere in Louisiana. At the New Orleans levees ships carried every flag on earth except that of the United States. The only officer of the army there at the time who was faithful to the country was Col. C. L. Kilburn, of the Commissary Department, and he was preparing to escape North.(13)

So masterful had become the spirit of the South, born of the nature of the institution of slavery, that many disinclined to disunion were carried away with the belief that it was soon to be an accomplished fact, and that those who had favored it would alone be the heroes, while those who remained with the broken Union would be socially and forever ostracized. There were also many, indeed, who seriously entertained the belief that the North, made up as it was of merchants, manufacturers, farmers, and laborers, and with the education and disposition to follow pursuits incident to money- getting by their own personal efforts, would not be willing to engage in war, and thus destroy their prospects. There were also others who regarded Northern men as cowards, who, even if willing to fight, would not at best be equal, a half dozen of them, to one Southern man. These false notions were sincerely entertained. The Southern people regarded slavery as ennobling to the white race, and free white labor as degrading to the people of the free States, and hence were confident of their own superiority in arms and otherwise. There were even some people North who had so long heard the Southern boasts of superior courage that they half believed in it themselves, until the summons to arms dispelled all such illusions.

To the half credit of most of the officers of the United States army, and many of the navy, it may be said that when they determined to desert their country and flag they resigned their commissions, or at least tendered them, so they might go into rebellion with some color of excuse.

The War Department was generally, even under Lincoln's administration, gracious enough in most cases to accept such resignations, even when it knew or suspected the purpose for which they were tendered. Lieut. Julius A. De Lagnel, of the artillery, a Virginian, who remained long enough in the Union to be surrendered to Secession authorities (not discreditable to himself) at Fayetteville, North Carolina, with the North Carolina arsenal (April 22, 1861) informed the writer since the war that, on sending his resignation to the War Department, he followed it to the Adjutant-General's office, taking with him some bags of coin he had in the capacity of disbursing officer, for the purpose of making a settlement. He found Adjutant- General Lorenzo Thomas not in good humor, and when requested to direct him to a proper officer to settle his accounts, Thomas flew at him furiously, ordered him to drop his coin-bags, and decamp from his presence and from the Department, which he did accordingly. His accounts were thus summarily settled. (We shall soon hear of De Lagnel again.)

Captain James Longstreet, of Georgia, who became a Lieutenant- General in the C.S.A., and one of the ablest fighting generals in either army, draws a rather refined distinction as to the right of an officer to resign his commission and turn enemy to his country, while denying the right of a non-commissioned officer or private soldier to quit the army in time of rebellion to follow his State.

Longstreet was stationed at Albuquerque, New Mexico, when Sumter was fired on. On receiving the news of its capture he resigned and went South, through Texas, to join his State, or rather, as it proved, to join the Confederate States Army.

He says his mind was relieved by information that his resignation was accepted, to take effect June 1st. He tells us a sergeant from Virginia and other soldiers wished to accompany him, but he would not entertain that proposition; he explained to them that they could not go without authority of the War Department, but it was different with commissioned officers; they could resign, and when their resignations were accepted could do as they pleased, while the sergeant and his comrades were bound by their oaths to the term of their enlistment.(14)

It might be hard to construct a more satisfactory constitutional or moral theory than this for persons situated as were Captain Longstreet and others, disposed as they were to desert country and comrades for the newly formed slave Confederacy; yet if the secession of the native State of an officer is sufficient to dissolve allegiance he has sworn to maintain, it requires a delicate discrimination to see why the common soldier might not also be absolved from his term contract and oath for the same reasons.

There is a point of honor as old as organized warfare, that in the presence of danger or threatened danger it is an act of cowardice for an officer to resign for any but a good physical cause.

The better way is to justify, or if that cannot be done, to excuse as far as possible, the desertion of the Union by army and navy officers on the ground that the times were revolutionary, when precedents could not be followed, and legal and moral rights were generally disregarded. Such periods come occasionally in the history of nations. They are properly called *rebellions*, when they fail.

"*Rebellion*, indeed, appears on the back of a flying enemy, but *revolution* flames on the breastplate of the victorious warriors."(15)

Robert E. Lee, born in Virginia, of Revolutionary stock, had won reputation as a soldier in the Mexican War. He was fifty-four years of age, a Colonel of the First Cavalry, and, though in Washington, was but recently under orders from the Department of Texas. There is convincing evidence that General Scott and Hon. Frank P. Blair tendered him the command of the army of the United States in the impending war. This is supposed to have caused him to hesitate as to his course. In a letter (April 20, 1861) to a sister he deplores the "state of revolution into which Virginia, after a long struggle, has been drawn," saying:

"I recognize no necessity for this state of things, . . . yet in my own person I had to meet the question whether I would take part against my native State. With all my devotion to the Union, and the feeling of loyalty and duty of an American citizen, I have not been able to make up my mind to raise my hand against my relatives, my children, my home. I have, therefore, resigned my commission in the army, and, *save in defence of my native State*, with the hope that my poor services will never be needed, I hope I may never be called on to draw my sword."

On the same day, in a letter to General Scott accompanying his resignation, he says: "Save in defence of my State, I never desire to draw my sword."

Lee registered himself, March 5, 1861, in the Adjutant-General's office as Brevet-Colonel and Lieutenant-Colonel Second Cavalry.(16) He was nominated, March 21, 1861, *by President Lincoln*, Colonel First Cavalry, and on March 23d the nomination was confirmed by the Senate. He was then commissioned by the President, Colonel, March 25th, to rank from March 16, 1861; he received this

commission March 28th, and accepted it by letter March 30, 1861. Seven States had then seceded from the Union, and the Confederate States of America had existed since February 8, 1861.

Three weeks after (April 20th) Lee accepted this last commission he tendered his resignation in the United States Army. It did not reach the Secretary of War until April 24th, nor was it accepted until April 27th, to take effect April 25, 1861.(17)

Lee, however, accepted, April 22nd, a commission as Major-General in the "Military and Naval Forces of Virginia," assuming command of them by direction of Governor John Letcher, April 23, 1861.

It thus appears that two months and a half after the Confederate States were formed Robert E. Lee accepted President Lincoln's commission in the U.S.A.; then twenty-four days later, and pending the acceptance of his resignation, took command of forces hostile to the Federal Union. He, April 24th, gave instructions to a subordinate: "Let it be known that you intend no attack; but invasion of our soil will be considered an act of war."

He did not have Longstreet's consolation of knowing his resignation had been accepted before he abandoned his rank and duties in the United States Army; nor had his State yet seceded from the Union. Virginia did not enter into any relations with the Confederacy until April 25, 1861, and then only conditionally. Her convention passed an Ordinance of Secession April 17th, to take effect, if ratified by the votes of her people, at an election to be held May 23, 1861. An election held in Virginia the previous February resulted in choosing to a convention a very large majority of delegates opposed to secession. The convention, March 17th—90 to 45—rejected an Ordinance of Secession. Virginia's people were, until coerced by her disloyal State Governor, faithful to the Union of Washington. The fact remains that Lee, before his State voted to secede, accepted a commission in the army of the Confederacy, and took an oath to support its laws and Constitution, and thenceforth drew his sword to overthrow the Union of his fathers and to establish a new would-be nation under another flag. His son, G. W. Custis Lee, did not resign from the U.S.A. until May 2, 1861. Fitzhugh Lee also accepted a commission from Lincoln, and resigned (May 21, 1861) after his illustrious uncle.

It is hard to understand how fundamental principles in government and individual patriotism and duty may be made, on moral or political grounds, to depend on the conduct of the temporary authorities of a State, or even on the voice of its people.

The action of Robert E. Lee in leaving the United States Army, and his reasons therefor, serve to show how and why many other army and navy officers abandoned their country's service. The Confederacy promptly recognized these "*seceding officers*," and for the most part gave them, early, high rank, and otherwise welcomed them with enthusiasm.

It is probably that the slowness of promotion in time of peace, in both the army and navy of the United States, caused many officers to resign and seek, with increased rank, new fortunes and renown in war.

It is not to be denied that the custom of hospitably treating officers while serving in the South, and otherwise socially recognizing them and their families, had won many to love the Southern people and their gallant ways. This, at least, held the most of the Southern-born officers to their own States, though in some cases, and perhaps in many, they did not believe in slavery.

It may be said also that the generally cold business character of the well-to-do Northern people, and their social indifference to one another, and especially to officers and their families serving at posts and in cities, did not attach them to the North. An officer in the regular service in time of peace, having no hope of high promotion before he reaches old age, has but little, save social recognition of himself and family, to make him contented and happy. This somewhat helpless condition makes him grateful for attentions shown, and jealous of inattention.

Turning more directly to the military situation on Lincoln's inauguration, we find Major Anderson holding Sumter, but practically in a state of siege, the Confederate authorities having assembled a large army at Charleston under Beauregard. Fort Moultrie and Castle Pinckney had been seized and manned; heavy ordnance had been placed in them, and batteries had been established commanding Fort Sumter.

Finally, on April 7th, Anderson was forbidden to purchase fresh provisions for his little band. On April 10th, Captain G. V. Fox, an ex-officer of the navy, sailed with a relief expedition, consisting of four war-ships, three steam-tugs, and a merchant steamer, having on board two hundred men and the necessary supplies of ammunition and provisions.

Beauregard and the Confederate authorities hearing promptly of Captain Fox's expedition and destination, on April 11th, formally demanded of Major Anderson the evacuation of Fort Sumter, which

demand was refused.

At 4.30 o'clock, April 12th, a signal shell was fired at Fort Sumter from a mortar battery on James Island, and, immediately after, hostile guns were opened from batteries on Morris Island, Sullivan's Island, and Fort Moultrie, which were responded to from Fort Sumter.

This signal shell opened actual war; its discharge was, figuratively speaking, heard around the world; it awakened a lethargic people in the Northern States of the Union; it caused many who had never dreamed of war to prepare for it; it set on fire the blood of a people, North and South, of the same race, not to cool down until a half-million of men had been consumed in the fierce heat of battle; it was the opening shot intended to vindicate and establish human slavery as the essential pillar of a new-born nation, the first and only one on earth formed solely to eternally perpetuate human bondage as a social and fundamental political institution; but, in reality, this shot was also a signal to summon the friends of human freedom to arms, and to a battle never to end until slavery under the Constitution of the restored Union should cease to exist.

Captain Fox's expedition was not organized as he had planned it, and though it reached its destination off Sumter an hour before the latter was fired on, it could not, from want of light boats or tugs, send to the fort the needed supplies or men. Major Anderson, after two days' bombardment, was therefore forced to agree to evacuate the fort, which he accordingly did on Sunday afternoon, April 14th, after having saluted the flag as it was lowered.(18)

There were men North as well as South who censured President Lincoln and his advisers for not, as was at one time contemplated, peacefully evacuating Fort Sumter, thus removing the immediate cause for bringing on hostilities, and leaving still more time for compromise talk and Northern concession. But the Union was already dissolved so far as the seceding States were able to do it, and a peaceable restoration of those States to loyalty and duty was then plainly impossible.

South Carolina was the first to secede, and it is more than probable that President Lincoln clearly discerned that the overt act of assailing the Union by war would take place at Charleston. So long as surrenders of public property went on without resistance, the Confederacy was growing stronger and more defiant, and in time foreign recognition might come. It was much better for the Union cause for the first shot to be fired by Confederate forces in taking United States public property than by United States forces in retaking it after it had been lost.

The people North had wavered, not in their loyalty to the Union, but in their judgment as how to preserve it, or whether it could be preserved at all, until Sumter came, then firmness of conviction took immediate possession of them, and life and treasure alike thenceforward devoted to the maintenance of Federal authority. Of course, there was a troublesome minority North, who, either through political perversity, cowardice, or disloyalty, never did support the war, at least willingly. It was noticeable, however, that many of these were, through former residence or family relationship, imbued with pro-slavery notions and prejudice against the negro.

It should be said, also, that there were many in the North, born in slave States, who were the most pronounced against slavery. And there were those also, even in New England, who had never had an opportunity of being tainted with slavery, who opposed the coercion of the seceding States, and who would rather have seen the Union destroyed than saved by war. Again, long contact and co- operation of certain persons North with Southern slave-holders politically, and bitter opposition to President Lincoln and his party, made many reluctant to affiliate with the Union war-party. Some were too weak to rise above their prejudices, personal and political. Some were afraid to go to battle. There was also, though strangely inconsistent, a very considerable class of the early Abolitionists of the Garrison-Smith-Phillips school who did not support the war for the Union, but who preferred the slave- holding States should secede, and thus perpetuate the institution of slavery in America—the very thing, on moral grounds, such Abolitionists had always professed a desire to prevent. They opposed the preservation of the Union by coercion. They thus laid themselves open to the charge that they were only opposed to slavery *in the Union*, leaving it to flourish wherever it might outside of the Union. This position was not only inconsistent, but unpatriotic. The persons holding these views gave little or no moral or other support to the war for the preservation of the integrity of the Republic.

There were many loyal men in the South, especially in sections where slavery did not dominate. In the mountain regions of the South, opposition to secession was the rule, notably in Western Virginia, Eastern Kentucky, Eastern Tennessee, and Western North Carolina. There were also loyal men in Northern Alabama and Georgia. But wherever the determined spirit of the slave-holding disunionists controlled, as in the cities and more densely populated parts of the South, though the slave-holding population was even therein the minority, the white community was forced to array themselves with the Confederates. There were many South who, at first, determined to oppose disunion, but who succumbed to the pressure, under the belief that the Confederacy was an accomplished fact, or that the

North either would not or could not fight successfully, and would be beaten in battle. Boasts of superiority and the great display and noisy preparation for war were misleading to those who only witnessed one side of the pending conflict. The North had, up to Sumter, been slow to act, and this was not reassuring to the friends of the Union South, or, perhaps, anywhere. The proneness of mankind to be on the successful side has shown itself in all trying times. It is only the virtue of individual obstinacy that enables the few to go against an unjust popular clamor.

But political party ties North were the hardest to break. Those who had been led to political success generally by the pro-slavery politicians of the South could not easily be persuaded that coercion did not mean, in some way, opposition to themselves and their past party principles. Though patriotism was the rule with persons of all parties North, there were yet many who professed that true loyalty lay along lines other than the preservation of the Union by war. These even, after Sumter fell, pretended to, and possibly did, believe what the South repudiated, to wit: That by the siren song of peace it could be wooed back to loyalty under the Constitution. There were, of course, those in the North who honestly held that the Abolitionists by their opposition to slavery and its extension into the Territories had brought on secession, and that such opposition justified it. This number, however, was at first not large, and as the war progressed it grew less and less. It should be remembered that coercion of armed secession was not undertaken to abolish slavery or to alter its status in the slave States. The statement, however, that the destruction of slavery was the purpose and end in view was persistently put forth as the justifying cause for dissolving the Union of States. The cry that the war on the part of the North was "an abolition war," that it was for "negro equality," had its effect on the more ignorant class of free laborers in both sections. There is an inherent feeling of or desire for superiority in all races, and this weakness, if it is such, is exceedingly sensitive to the touch of the demagogue.

There were those high in authority in the Confederate councils who were not entirely deluded by the apparent indifference and supineness of the Northern people. When Davis and his Cabinet held a conference (April 9th) to consider the propriety of firing on Fort Sumter, there was not entire unanimity on the question. Robert Toombs, Secretary of State, is reported to have said:

"The firing on that fort will inaugurate a civil war greater than any the world has yet seen; and I do not feel competent to advise you."(19)

And later in the conference Toombs, in opposing the attack on Sumter, said:

"Mr. President, at this time it is suicide, murder, and will lose us every friend at the North. You will wantonly strike a hornet's nest which extends from mountain to ocean, and legions now quiet will swarm out and sting us to death. It is unnecessary; it puts us in the wrong; it is fatal."(20)

The taking of Fort Sumter was the signal for unrestrained exultation of the part of the Secessionists. They for a time gave themselves up to the wildest demonstrations of joy. The South now generally looked upon the Confederacy as already established. The Confederate flag floated over Sumter in place of the Stars and Stripes. At the Catholic cathedral in Charleston a *Te Deum* was celebrated with great pomp, and the Episcopal bishop there attributed the event to the "infinite mercy of God, who specially interposed His hand in behalf of *their* righteous cause."

The taking of Sumter was undoubtedly the most significant event of the age. The achievement was bloodless; not a man was killed or a drop of blood spilled by a hostile shot, yet in inaugurated a war that freed four millions of God's people.(21)

Montgomery, the temporary Capital of the Confederacy, wildly celebrated the event as the first triumph.

Bloodless was Sumter; but the war it opened was soon to swallow up men by the thousand.

Fort Pickens, in Pensacola Harbor, now only remained in the possession of the United States of all the forts or strongholds in the seceded South.

This fortification was taken possession of by Lieut. A. J. Slemmer of the United States Army, and though in great danger of being attacked and taken, it was successfully reinforced on April 23, 1861, and never fell into Confederate hands. At a special session of the Confederate Congress at Montgomery (May 21, 1861), Richmond, Virginia, was made the Capital of the Confederacy, and the Congress adjourned to meet there.

Howell Cobb (late Buchanan's Secretary of the Treasury), the President of this Congress, with some of the truth of prophecy defiantly said:

"We have made all the necessary arrangements to meet the present crisis. Last night we adjourned to

meet in Richmond on the 20th of July. I will tell you why we did this. The 'Old Dominion,' as you know, has at last shaken off the bonds of Lincoln, and joined her noble Southern sisters. Her soil is to be the battle-ground, and her streams are to be dyed with Southern blood. We felt that her cause was our cause, and that if she fell we wanted to die by her."

How was the news of the failure to reinforce Sumter, and of its being fired on and taken possession of by a rebellious people, received in the North? The evacuation of Fort Sumter was known in Washington and throughout the country almost as soon as at Charleston. Hostilities could no longer be averted, save by the ignominious surrender of all the blood-bought rights of the founders of the Republic.

It must not be assumed that the President of the United States had not already calculated on the probabilities of war. The portentous clouds had been long gathering, and the certain signs of the impending battle-storm had been discerned by Lincoln and his advisers. He had prepared, as best he could under the circumstances, to meet it. The long suspense was now broken. This was some relief. There were to be no more temporizing, no more compromises, no more offers of concession to slavery or to disunionists. The doctrine of the assumed right of a State, at will, and for any real or pretended grievance, to secede from and to dissolve its relation with the Union of the States, and to absolve itself from all its constitutional relations and obligations, was now about to be tried before a tribunal that would execute its inexorable decree with a power from which there is no appeal. Mercy is not an attribute of war, either in its methods or decisions. The latter must stand in the end as against the conquered. From war there is no appeal but to war. Time and enlightenment may modify or alter the mandates of war, but in this age of civilization and knowledge, neither nations nor peoples move backward. Ground gained for freedom or humanity, in politics, science, literature, or religion, is held, and from this fresh advances may be made. Needless cruelty may be averted in the conduct of war, but mercy is not an element in the science of destroying life and shedding blood on the battle-field.

Sunday, April 14th (though bearing date the 15th), the same day Sumter was evacuated, President Lincoln issued his proclamation, reciting that the laws of the United States had been and then were opposed and their execution obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by ordinary judicial proceedings, or by the powers vested in the marshals by law; he called for seventy-five thousand of the militia of the several States of the Union; appealed to all loyal citizens to maintain the honor, integrity, and existence of the National Union, and "the perpetuity of popular government, and to redress wrongs already long enough endured." "The first service," the proclamation recites, "assigned to the forces called forth will probably be to repossess the forts, places, and property which have been seized from the Union."

It commanded the persons composing the combinations referred to, "to disperse and retire peaceably to their respective abodes within twenty days."

It called Congress to convene Thursday, July 4, 1861, in extraordinary session, "to consider and determine such measures as, in their wisdom, the public safety and interest may seem to demand."

This proclamation was the first announcement by President Lincoln of a deliberate purpose to preserve the integrity of the Republic by a resort to arms. In his recent Inaugural Address he had, almost pathetically, pleaded for peace—for friendship; and there is no doubting that his sincere desire was to avoid bloodshed. He then had no thought of attacking slavery, but rather to protect and grant it more safeguards in the States where it existed. Later, on many occasions, when the war had done much to inflame public sentiment in the North against the South, he publicly declared he would save the "Union as it was." His most pronounced utterance on this point was:

"I would save the Union. I would save it the shortest way under the Constitution. The sooner the national authority can be restored, the nearer the Union will be 'the Union as it was.' If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or destroy slavery. If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing some and leaving others alone, I would also do that."(22)

But Abraham Lincoln was not understood in 1861, nor even later during the war, and not fully during life, by either his enemies or his personal or party friends. The South, in its leadership, was implacable in the spirit of its hostility, but the masses, even there, in time came to understand his true purposes and sincere character.

Two days after the call for seventy-five thousand troops, President Davis responded to it by proclaiming to the South that President Lincoln had announced the intention of "invading the Confederacy with an armed force for the purpose of capturing its fortresses, subverting its

independence, and subjecting the free people thereof to a foreign power." In the same proclamation he invited persons to take service in private armed vessels on the high seas, tendering to such persons as would accept them commissions or letters of *marque* and reprisal.

At this time a military spirit had been aroused throughout the seceded States, and a large number of well-equipped Southern troops were already in the field, chiefly at Charleston and Pensacola—in all (including about 16,000 on their way to Virginia) about 35,000. The field, staff, and general officers in charge of these troops were mainly graduates of West Point or other military schools; even the captains of companies were many of them educated in the institutions referred to. It is not to be denied that a higher military spirit existed in the South than in the North prior to the war. The young men from plantations were more generally unemployed at active labor, and hence had more time to cultivate a martial spirit than the hard-working young men of the North.

The summons to arms found the North unprepared so far as previous spirit and training were concerned; yet it did not hesitate, and troops were, within two days, organized and on their way from several of the States to the defense of Washington. The 6th Massachusetts was fired upon by a riotous mob in the streets of Baltimore on April 19th. On every side war levies and preparations for war went forward. The farm, the shop, the office, the counting- room, the professions, the schools and colleges, the skilled and the unskilled in all kinds of occupation, gave up of their best to fill the patriotic ranks. The wealthy, the well-to-do, and the poor were found in the same companies and regiments, on a common footing as soldiers, and often men theretofore moving in the highest social circles were contentedly commanded by those of the humblest social civil life.

The companies were, as a general rule, commanded by men of no previous military training, though wherever a military organization existed it was made a nucleus for a volunteer company. Often indifferent men, with a little skill in drilling soldiers, and with no other known qualifications, were sought out and eagerly commissioned by governors of States as field officers, a colonelcy often being given to such persons. A volunteer regiment was considered fortunate if it had among its field officers a lieutenant from the regular army, or even a person from civil life who had gained some little military experience.

General officers were too often, from apparent necessity, taken from those who had more influence than military skill. Some of these, however, by patient toil, coupled with zeal and brains, performed valuable service to their country and won honorable names as soldiers. But the most of them made only moderate officers and fair reputations. War develops and inspires men, and if it continues long, great soldiers are evolved from its fierce conflicts.

Accidental *good* fortune in war sometimes renders weak and unworthy men conspicuous. Accidental *bad* fortune in war often overtakes able, worthy, honest, honorable men of the first promise and destroys them.(23) Very few succeed in a long war through pure military genius alone, if there is such a thing. Many, in the heat of battle- field experiences and in campaigns are inspired with the *common sense* that makes them, through success, really great soldiers. The indispensable quality of personal bravery, commonly supposed sufficient to make a man a valuable officer, is often of the smallest importance. A merely brave, rash man in the ranks may be of some value as an inspiring example to his immediate comrades, but he is hardly equal for that purpose to the intelligent soldier who obeys orders, and, though never reckless, yet, through a proper amount of individual pride, does his whole duty without braggadocio.

A mere dashing officer is more and more a failure, and unfitted to command, in proportion as he is high in rank. Rash personal conduct which might be tolerated in a lieutenant would in a lieutenant-general be conclusive of his unfitness to hold any general command. Of course, there are rare emergencies when an officer, let his rank be what it may, should lead in an assault or forlorn hope, or rush in to stay a panic among his own troops.

This, like all other actions of a good officer, must also be an inspiration of duty. The coward in war has no place,(24) and when found in an army (which is rare) should be promptly mustered out. There was no such thing in the late war as a regiment of cowards. Inefficient or timid officers may have given their commands a bad name, and caused them to lose confidence in success, and hence to become unsteady or panicky. The average American is not deficient in true courage.

Careful drill and discipline make good soldiers.

The American people were now awake to the realities of a war in which the same race, blood, and kindred were to contend, on the one side for a separate nationality and for a form of government based on the single idea of perpetuating and fostering the institution of domestic slavery and a so-called civilization based thereon, and on the other for the preservation of the integrity of the Union of States, under one Constitution and one flag.

In addition to the 15th of April proclamation for 75,000 volunteers for ninety days' service, the President (May 3d) called into the United States service 42,034 more volunteers to serve for three years, unless sooner discharged. He at the same time directed that eight regiments of infantry, one of cavalry, and one of artillery should be added to the regular army, making a maximum of 22,714 regular officers and enlisted men; he also called for 18,000 seamen for the naval service.

All these calls for enlistment were responded to by the loyal States with the greatest promptness, and the numbers called for were more then furnished, notwithstanding the failure of some of the Southern non-seceding States to promptly fill their assigned quotas.

Governor Burton of Delaware (April 26th) issued a proclamation for the formation of volunteer companies to protect lives and property in the State, not to be subject to be ordered into the United States service, the Governor, however, to have the option of offering them to the general government for the defence of the Capital and the support of its Constitution and laws.

Governor Hicks of Maryland (May 14th) called for four regiments to serve within the limits of the State, or for the defence of the Capital of the United States.

Governor Letcher of Virginia (April 16th) spitefully denied the constitutionality of the call for troops "to subjugate the Southern States."

Governor Ellis of North Carolina (April 15th) dispatched that he regarded the levy of troops "for the purpose of subjugating the States of the South as in violation of the Constitution and a usurpation of power."

Governor Magoffin of Kentucky (April 15th) wired:

"Your dispatch is received. In answer I say emphatically, Kentucky will furnish no troops for the wicked purpose of subduing her sister Southern States."

Governor Harris of Tennessee (April 18th) replied:

"Your requisition, in my judgment, is illegal, unconstitutional, and revolutionary in its objects, inhuman and diabolical, and can not be complied with."

Governor Rector of Arkansas (April 22d) responded:

"None will be furnished. The demand is only adding insult to injury."(25)

Four of the slave-holding States thus responding to the President's call, to wit: Virginia, Arkansas, Tennessee, and North Carolina, soon joined the Confederate States; Maryland, Missouri, Kentucky, and Delaware remained in the Union, and, later, filled their quotas under the several calls for troops for the United States service, though from each many also enlisted in the Confederate Army.

The Union volunteers were either hastened, unprepared by complete organization or drill, to Washington, D. C., to stand in its defence against an anticipated attack from Beauregard's already large organized army, or they were assembled in drill camps, selected for convenience of concentration and dispersion, to the scenes of campaigns soon to be entered upon.

Arms in the North were neither of good quality nor abundant. Some were hastily bought abroad—Enfield rifles from England, Austrian rifles from Austria; each country furnishing its poorest in point of manufacture. But there were soon in operation establishments in the North where the best of guns then known in warfare were made. The old flint-lock musket had theretofore been superseded by the percussion-lock musket, but some of the guns supplied to the troops were old, and altered from the flint-lock. These muskets were muzzle-loaders, smooth bores, firing only buck and ball cartridges—.69 calibre. They were in the process of supersession by the .58 calibre rifle for infantry, or the rifle-carbine for cavalry, generally of a smaller calibre. The English Enfield rifle was of .58 calibre, and the Springfield rifle, which soon came into common use, was of like calibre. The Austrian rifle of .54 calibre proved to be of poor construction, and was generally condemned.(26) A rifle for infantry of .58 calibre was adopted, manufactured and used in the Confederacy. The steel rifled cannon for field artillery also came to take the place, in general, of the smooth-bore brass gun, though many kinds of cannon of various calibres and construction were in use in both armies throughout the war.

The general desire of new volunteers was to be possessed of an abundance of arms, such as guns, pistols, and knives. The two latter weapons were even worse than useless for the infantry soldier — mere incumbrances. An officer even had little use for a pistol; only sometimes in a melée. The cavalry resorted, under some officers, to the pistol instead of the sword. In the South, at the opening of the wr, shot-guns and squirrel rifles were gathered together for arms, and long files were forged in large

quantities by common blacksmiths into knives or a sort of cutlass (or macheté) for use in battle.(27) These were never used by regularly-organized troops. Guerillas, acting in independent, small bands, were, however, often armed with such unusual weapons. The North had no such soldiers. The South had many bands of them, the leaders of which gained much notoriety, but they contributed little towards general results. Guerillas were, at best, irregular soldiers, who in general masqueraded as peaceful citizens, only taking up arms to make raids and to attack small, exposed parties, trains, etc. This sort of warfare simply tended to irritate the North and intensify hatred for the time.

Not in the matter of arms alone was there much to learn by experience. McClellan and others had visited the armies of Europe and made reports thereon; Halleck had written on the *Art of War;* General Scott and others had practical experience in active campaigns, but nobody seemed to know what supplies an army required to render it most effective on the march or in battle.

When the volunteers first took the field the transportation trains occupied on the march more than four times the space covered by the troops. Large details had, as a consequence, to be made to manage the trains and drive the teams; large detachments, under officers, to go with them as guards. To supply forage for the immense number of horses and mules was not only a great tax upon the roads but a needless expense to the government. Excessive provision of tents for headquarters and officers as well as the soldiers was also made. Officers as well as private soldiers carried too much worse than useless personal clothing, including boots (wholly worthless to a footman) and other baggage; each officer as a rule had one or more trunks and a mess-chest, with other supplies. McClellan, in July, 1861, had about fifteen four- horse or six-mule teams to carry the personal outfit of the General and his staff; brigade headquarters (there were no corps or divisions) had only a proportionately smaller number of teams; and for the field and staff of a regimental headquarters not less than six such teams were required, including one each for the adjutant and the regimental quartermaster and commissary; and the surgeon of the regiment and his assistants required two more.

Each company was assigned one team. A single regiment—ten companies —would seldom have less than eighteen large teams to enable it to move from its camp. Something was, however, due to the care of new and unseasoned troops, but in the light of future experience, the extreme folly of thus trying to make war seems ridiculous. A great change, however, occurred during the later years of the war. When I was on active campaigns with a brigade of seven regiments, one team was allowed for brigade headquarters, and one for each regiment. In this arrangement each soldier carried his own half- ten (dog-tent) rolled on his knapsack, and the quartermaster, commissary, medical and ordnance supplies were carried in general trains. This applied to all the armies of the Union. The Confederates had even less transportation with moving troops.

But we must not tarry longer with these details. Henceforth we shall briefly try to tell the story of such of the campaigns, events, and scenes of the conflict as in the ensuing four years of war came under our observation or were connected with movements in which we participated, interweaving some personal history.

(1) His resignation was accepted December 29, 1860. Howell Cobb, of Georgia, Buchanan's Secretary of the Treasury, resigned December 8, 1860, and was, on February 4, 1861, chosen the presiding officer of the first Confederate Congress. He left the United States Treasury empty. Jacob Thompson of Mississippi, Buchanan's Secretary of the Interior, resigned January 8, 1861. He had corresponded with secessionists South, and while yet in the Cabinet had been appointed a commissioner by his State to urge North Carolina to secede. He became an aid to Beauregard, but attained no military distinction. In 1864 he went to Canada, and there promoted a plan to release prisoners at Camp Douglas, Chicago, and to seize the city, and was charged with instigating plots to burn New York and other Northern cities.

(2) *Am. Cyclopedia*, 1861 (Appleton), pp. 430, 431.

It is interesting to note that Louisiana, jointly with the Confederate States, issued in April and May, 1861, made from captured United States bullion, on United States dies of 1861, gold coin, $254,820 in double eagles, and silver coin, $1,101,316.50 in half dollars. In May, 1861, the remaining bullion was transferred to A. J. Guizot, Assistant Treasurer Confederate States of America, who at once destroyed the United States dies and had a Confederate States die for silver half dollars engraved by the coiner, A. H. M. Peterson. From this die *four* pieces only were struck on a screw press, the die being of such high relief that its use was impracticable. These *four* coins composed the *entire* coinage of the Confederate States. Its design, *Obverse:* Goddess of Liberty (same as United States coins) with arc of thirteen stars (representing original States), date, "1861." *Reverse:* American shield beneath a "Liberty Cap"; union of shield and seven stars (representing original seceded States), surrounded by a wreath, to the left (cotton in bloom), to the right (sugar cane). *Legend: "Confederate States of America*," exergue, "*Half Dol.*"—*U. S.*(Townsend), p. 427.

(3) *Am. Cyclop.*, 1861, p. 123.

(4) P. G. T. Beauregard resigned, February 20, 1861, a captaincy in the United States army while holding the appointment of Superintendent of West Point.

(5) *Life of Beauregard* (Roman), vol. i., p. 25.

(6) *Hist. Reg. U. S. A.* (Heitman), pp. 836-845.

(7) Scharf's *Hist. C. S. N.*, p. 14.

(8) President Lincoln's Message, July, 1861.

(9) *Am. Cyclop.*, 1861, p. 431.

(10) This is the only instance where Buchanan issued such an order, hence we give it.

"March 1, 1861. "By direction of the President, etc., it is ordered that Brig.-Gen. David E. Twiggs, Major-General by brevet, be, and is hereby dismissed from the army of the United States for his treachery to the flag of his country, in having surrendered on the 18th of February, 1861, on demand of the authorities of Texas, the military posts and other property of the United States in his department and under his charge.

"J. Holt, Secretary of War.
"S. Cooper, Adjutant-General."

(11) Lieutenant Frank C. Armstrong (First Cavalry), pending his resignation, fought at Bull Run (July, 1861) for the Union, then went into the Confederacy and became a Brigadier-General.

(12) "Treasury Department, Jan. 29, 1861. "W. Hemphill Jones, New Orleans:

"Tell Lieutenant Caldwell to arrest Captain Breshwood, assume command of the cutter and obey the order through you. If Captain Breshwood, after arrest, undertakes to interfere with the command of the cutter, tell Lieutenant Caldwell to consider him a mutineer, and treat him accordingly.

"*If any one attempts to haul down the American flag, Shoot him on the Spot.*

"John A. Dix, Secretary of the Treasury."

(13) Sherman's *Memoirs*, vol. i, p. 163.

(14) *Manassas to Appomattox* (Longstreet), pp. 29-30.

(15) John Wilkes, British Par., 1780 (*Pat. Reader*, p. 135).

(16) In 1861 an army officer was not required (as now) to take an oath of office on receiving promotion. The following is a copy of the last oath taken by Robert E. Lee as a United States Army officer, and it shows the form of oath then taken by other army officers.

"I, Robert E. Lee, appointed Lieutenant-Colonel of the Second Regiment of Cavalry in the Army of the United States, do solemnly swear that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever; and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the Rules and Articles for the government of the Armies of the United States.

"R. E. Lee, Bt.-Col., U. S. A.

"Sworn to and subscribed before me at West Point, N. Y., this 15th day of March, 1855.

"Wm. H. Carpenter, Justice of the Peace."

(17) Letter of Adjutant-General Thomas to Garfield. *Army of Cumberland Society Proceedings* (Cleveland), 1870, p. 94.

(18) *War Records*, vol. i., pp. 11-13.

It is worthy of note that at high noon, exactly four years later (1865) the identical flag lowered in dishonor was "raised in glory" over Fort Sumter, Robert Anderson participating.

(19) Crawford, p. 421.

(20) *Life of Toombs* (Stovall), p. 226.

(21) One man was killed on each side by accident.

(22) Letter to Greeley, August 22, 1862, Lincoln's *Com. Works*, vol. ii., p. 227; also same sentiment, letter to Robinson, August 17, 1864, p. 563.

(23) General Benjamin Lincoln, of the Revolution, affords a striking example. He was brave, skillful, often held high command, and always possessed Washington's confidence, yet he never won a battle. To compensate him somewhat for his misfortunes Washington designated him to receive the surrender at Yorktown, October 19, 1781.— *Washington and His Generals* (Headley), vol. ii., pp. 104, 121.

(24) Euripides said, more than two thousand years ago: "Cowards do no *count* in battle; they are *there*, but *not in it.*"

(25) *Hist. of Rebellion* (McPherson), pp. 114, 115.

(26) Ordnance and inspecting officers during the War of the Rebellion contended that the .58 calibre rifle was the smallest practicable. In 1863 I purchased for special use a small number of Martini-Henry repeating rifles, calibre .44, and on applying for ammunition, the ordnance officer protested against supplying it on the ground that the ball used was too small for effective use. This, I demonstrated at the time, was a mistake. And now (1896), after years of most careful experiments and tests by the most skilled boards of officers, English, German, French, Austrian, Swedish, United States, etc., it has been ascertained that a steel- jacket, leaden ball fired from a rifle of .30 calibre has the highest velocity and greatest penetrating power.

The armies of all these countries are now, or are fast being, armed with this superior, small-calibre rifle.

(27) As late as April, 1862, Jeff. Davis, though a soldier by training and experience, attached importance to "pikes and knives" as war-weapons.—*War Records*, vol. x., pt. 2., p. 413.

CHAPTER III Personal Mention—Occupancy of Western Virginia under McClellan (1861)—Campaign and Battle of Rich Mountain, and Incidents

Events leading, as we have seen, to the secession of States; to the organization of the Confederate States of America; to the assembling of Confederate forces in large numbers; to the firing on Fort Sumter and its subsequent capitulation, and to the summons to arms of seventy-five thousand volunteer United States troops, ended all thoughts of peace through means other than war.

President Lincoln and his advisers did not delude themselves with the notion that three months would end the war. He and they knew too well how deep-seated the purpose was to consummate secession, hence before the war had progressed far the first three years' call was made.

By common judgment, South as well as North, Virginia was soon the be the scene of early battle. Its proximity to Washington, the Capital, made it necessary to occupy the south side of the Potomac. The western part of the State was not largely interested in slaves or slave labor, and it was known to have many citizens loyal to the Union. These it was important to protect and recognize. The neutral and doubtful attitude Kentucky at first assumed made its occupation a very delicate matter.

While many volunteer troops were hastened to the defense of Washington, large numbers were gathered in camps throughout the North for instruction, organization, and equipment.

When Lincoln's first call for troops was made I was at Springfield, Ohio, enjoying a fairly lucrative law practice as things then went, but with competition acutely sharp for future great success.

I had, in November, 1856, come from the common labor of a farm to a small city, to there complete a course of law reading, commenced years before and prosecuted at irregular intervals. After my removal to Springfield I finished a preparatory course, and January 12, 1858, when not yet twenty-two years of age, I was admitted to practice law by the Supreme Court of Ohio, and settled in Springfield, where I had the good fortune to enjoy a satisfactory share of the clientage. I had from youth a desire to learn as much as possible of war and military campaigns, but, save a little volunteer militia training of a poor kind, obtained as a member of a uniformed military company, and a little duty on a militia general's staff, I had no education or preparation for the responsible duties of a soldier— certainly none for the important duties of an officer of any considerable command.

Thus situated and unprepared, on the first call for volunteers I enlisted as a private soldier in a

Springfield company, and went with it to Camp Jackson, now Goodale Park, Columbus, Ohio.(1)

The first volunteers were allowed to elect their own company and field officers. I was elected Major of the 3d Ohio Volunteer Infantry, and commissioned, April 27, 1861, by Governor William Dennison.

A few days subsequently, my regiment was sent to Camp Dennison, near Cincinnati, to begin its work of preparation for the field. Here I saw and came to know in some sense Major-General George B. McClellan, also Wm. S. Rosecrans, Jacob D. Cox, Gordon Granger, and others who afterward became Major-Generals. I also met many others, whom in the campaigns and battles of the succeeding four years I knew and appreciated as accomplished officers. But many I met there fell by the way, not alone by the accidents of battle but because of unfitness for command or general inefficiency.

The Colonel of my regiment (Marrow) so magnified a Mexican war experience as to make the unsophisticated citizen-soldier look upon him with awe, yet he never afterwards witnessed a real battle. John Beatty, who became later a Colonel, then Brigadier-General, was my Lieutenant-Colonel; he did not, I think, even possess the equivalent of my poor pretense of military training. He was, however, a typical volunteer Union soldier; brainy, brave, terribly in earnest, always truthful, and what he did not know he made no pretense of knowing, but set about learning. He had by nature the spirit of a good soldier; as the war progressed the true spirit of the warrior became an inspiration to him; and at Perryville, Stone's River, Chickamauga, and on other fields he won just renown, not alone for personal gallantry but for skill in handling and personally fighting his command.

The 3d Ohio and most of the three-months' regiments at Camp Dennison were promptly re-enlisted under the President's May 3d call for three years' volunteers, and I was again (June 12, 1861) commissioned its Major.

In early June, McClellan, who commanded the Department of Ohio, including Western Virginia, crossed the Ohio and assembled an army, mainly at and in the vicinity of Grafton.

He had issued, May 26th, 1861, from his headquarters at Cincinnati, a somewhat bombastic proclamation to the people of Western Virginia, relating in part to the recent vote on secession, saying his invasion was delayed to avoid the appearance of influencing the result. It promised protection to loyal men against armed rebels, and indignantly disclaimed any disposition to interfere with slaves or slavery, promising to crush an attempted insurrection "with an iron hand."

The proclamation closed thus:

"Notwithstanding all that has been said by the traitors to induce you to believe that our advent among you will be signalized with interference with your slaves, understand one thing clearly—not only will we abstain from all such interference, but we will, on the contrary, with an iron hand, crush any attempt at insurrection on their part. Now that we are in your midst, I call upon you to fly to arms and support the General Government.

"Sever the connection that binds you to traitors. Proclaim to the world that the faith and loyalty so long boasted by the Old Dominion are still preserved in Western Virginia, and that you remain true to the Stars and Stripes."(2)

This proclamation won no friends for the Union in the mountains of Western Virginia, where slaves were few and slavery was detested. The mountaineers were naturally for the Union, and such an appeal was likely to do more harm than good.

The proclamation, however, was in harmony with the then policy of the Administration at Washington and with public sentiment generally in the North.

Colonel George A. Porterfield, on May 4th, was ordered by Robert E. Lee, then in command of the Virginia forces, to repair to Grafton, the junction of two branches of the Baltimore and Ohio Railroad, and there assemble the Confederate troops with a view to holding that part of the State of Virginia; in case, however, he failed in this and was unable permanently to hold that railroad, he was instructed to cut it.

On June 8th, General R. S. Garnett was assigned by Lee to the command of the Confederate troops of Northwestern Virginia.

The Union forces under Col. B. F. Kelley, 1st Virginia Volunteers, occupied Grafton May 30th, the forces under Porterfield having retired without a fight to Philippi, about sixteen miles distant on a

turnpike road leading from Webster (four miles from Grafton) over Laurel Hill to Beverly. As roads are few in Western Virginia, and as this road proved to be one of great importance in the campaign upon which we are just entering, it may be well to say that it continues through Huttonville, across Tygart's Valley River, through Cheat Mountain Pass over the summit of Cheat Mountain, thence through Greenbrier to Staunton at the head of the Shenandoah Valley. At Beverly it is intersected by another turnpike from Clarksburg, through Buchannon *via* Middle Fork Bridge, Roaring Creek (west of Rich Mountain), Rich Mountain Summit, etc. From Huttonville a road leads southward up the Tygart's Valley River, crossing the mouth of Elk Water about seven miles from Huttonville, thence past Big Springs on Valley Mountain to Huntersville, Virginia. The region through which these roads pass is mountainous.

Ohio and Indiana volunteers made up the body of the army under McClellan. These troops assembled first in the vicinity of Grafton. The first camp the 3d Ohio occupied was at Fetterman, two miles west of Grafton. Porterfield made a halt at Philippi, where he gathered together about eight hundred poorly-armed and disciplined men. Detachments under Col. B. F. Kelley and Col. E. Dumont of Indiana, surprised him, June 3d, by a night march, and captured a part of his command, much of his supplies, and caused him to retreat with his forces disorganized and in disgrace. There Colonel Kelley was seriously wounded by a pistol shot. General Garnett, soon after the affair at Philippi, collected about four thousand men at Laurel Hill, on the road leading to Beverly. This position was naturally a strong one, and was soon made formidable with earthworks and artillery. He took command there in person. At the foot of Rich Mountain (western side), on the road leading from Clarksville through Buchannon to Beverly, a Confederate force of about two thousand, with considerable artillery, was strongly fortified, commanded by Colonel John Pegram, late of the U.S.A. Beverly was made the base of supplies for both commands. Great activity was displayed to recruit and equip a large Confederate force to hold Western Virginia. They had troops on the Kanawha under Gen. Henry A. Wise and Gen. J. B. Floyd. The latter was but recently President Buchanan's Secretary of War.

Brig.-Gen. Thomas A. Morris of Indiana was given about 4000 men after the affair at Philippi to hold and watch Garnett at Laurel Hill. McClellan having concentrated a force at Clarksburg on the Parkersburg stem of the Baltimore and Ohio Railroad, moved it thence on the Beverly road, *via* Buchannon, to the front of Pegram's position.

His army on this road numbered about 10,000.

Gen. Wm. S. Rosecrans, the second in command, led a brigade; Gen. N. Schleich, a three-months' general from Ohio, and Col. Robert L. McCook (9th O.V.I.), also in some temporary way commanded brigades.

The 3d Ohio Infantry was of Schleich's brigade.

While the troops were encamped at Buchannon, Schleich, on July 6th, without the knowledge of McClellan, sent two companies under Captain Lawson of the 3d Ohio on a reconnoitring expedition to ascertain the position of the enemy. Lawson found the enemy's advance pickets at Middle Fork Bridge, and a spirited fight occurred in which he lost one man killed and inflicted some loss on the enemy. This unauthorized expedition caused McClellan to censure Schleich, who was only to be excused on the score of inexperience.

By the evening of July 9th the Union army reached and camped on Roaring Creek, near the base of Rich Mountain, about one and a half miles from the front of Pegram's fortified position.

General Morris was ordered at this time to take up a position immediately confronting Garnett's entrenched position at Laurel Hill, to watch his movements, and, if he attempted to retreat, to attack and pursue him.

On the 10th of July the 4th and 9th Ohio Regiments with Capt. C. O. Loomis' battery (Cold Water, Mich.), under the direction of Lieut. O. M. Poe of the engineers, made a reconnoissance on the enemy's front, which served to lead McClellan to believe the enemy's "intrenchments were held by a large force, with several guns in position to command the front approaches, and that a direct assault would result in heavy and unnecessary loss of life."

This belief, he says, determined him to make an effort to turn the enemy's flank and attack him in the rear.

Rosecrans, however, has the honor of submitting, about 10 P.M. of the night of July 10th, a plan for turning the enemy's position, which, with some reluctance, McClellan directed him to carry out.

Rosecrans' brigade consisted of the 8th, 10th, and 13th Indiana, 19th Ohio and Burdsell's company of cavalry, numbering in all 1917 men.

The plan proposed by Rosecrans and approved by McClellan was first suggested by a young man by the name of Hart, whose father's house stood on the pike near the summit of Rich Mountain, two miles in the rear of Pegram's position. Young Hart had been driven from home by the presence of Confederates, and was eager to do what he could for the Union cause. He sought Rosecrans, and proposed to lead him by an unfrequented route around the enemy's *left*, and under cover of the dense timber, by a considerable circuit, to the crest of Rich Mountain, thence to the road at his old home in the enemy's rear. He so impressed himself on Rosecrans and those around him as to secure their confidence in him and his plan. In arranging details it was ordered that Rosecrans, guided by Hart, should, at daylight of the 11th, leave the main road about one mile in front of the enemy's fortifications, keep under cover of the declivities of the mountain spurs, avoid using an axe or anything to make a noise, reach the road at the mountain summit, establish himself there as firmly as possible, and from thence attack the enemy's rear by the main road. While Rosecrans was doing this McClellan was to move the body of the army close under the enemy's guns and be in readiness to assault the front on its being known that Rosecrans was ready to attack in the rear.

The whole distance the flanking column would have to make was estimated to be five miles, but it proved to be much greater. The mountain was not only steep, but extremely rocky and rugged. Pegram, after inspection, had regarded a movement by his left flank to his rear as absolutely impossible.(3)

His right flank, however, was not so well protected by nature, and to avoid surprise from this direction he kept pickets and scouts well out to his right. Hart regarded a movement around the enemy's right as certain of discovery, and hence not likely to be successful.

Promptly at day-dawn Rosecrans passed into the mountain fastness, whither the adventurous hunter only had rarely penetrated, accompanied by Col. F. W. Lander, a volunteer aide-de-camp of McClellan's staff —a man of much frontier experience in the West. In a rain lasting five hours the column slowly struggled through the dense timber, up the mountain, crossing and recrossing ravines by tortuous ways, and by 1 P.M. it had arrived near the mountain top, but yet some distance to the southward of where the Beverly road led through a depression, over the summit. After a brief rest, when, on nearing the road at Hart's house, it was discovered and fired on unexpectedly by the enemy.

To understand how it turned out that the enemy was found near the summit where he was not expected, it is necessary to recur to what McClellan was doing in the enemy's front. Hart had assured Rosecrans there was no hostile force on the summit of the mountain, and on encountering the Confederates there, Rosecrans for the time suspected his guide of treachery.

But first an incident occurred in the 3d Ohio Regiment worth mentioning. I. H. Marrow, its Colonel, who professed to be in confidential relations with McClellan, returned from headquarters about midnight of the 10th, and assuming to be possessed of the plans for the next day, and pregnant with the great events to follow, called out the regiment, and solemnly addressed it in substance as follows:

"Soldiers of the Third: The assault on the enemy's works will be made in the early morning. The Third will lead the column. The secessionists have ten thousand men and forty rifled cannon. They are strongly fortified. They have more man and more cannon than we have. They will cut us to pieces. Marching to attack such an enemy, so intrenched and so armed, is marching to a butcher-shop, rather than to a battle. There is bloody work ahead. Many of you, boys, will go out who will never come back again."(4)

This speech, thus delivered to soldiers unused to battle was calculated to cause the credulous to think of friends, home—death, and it certainly had no tendency to inspire the untried volunteers with hope and confidence. The speech was, of course, the wild, silly vaporings of a weak man.

I was sent with a detachment of the 3d Ohio to picket the road in front of the enemy and in advance of the point from whence Rosecrans had left it to ascend the mountain. My small force took up a position less than one half mile from the enemy's fortified position, driving back his pickets at the dawn of day through the dense timber on each side of the road. About 9 A.M. a mounted orderly from McClellan came galloping from camp carrying a message for Rosecrans, said to be a countermand of former orders, and requiring him to halt until another and better plan of movement could be made. The messenger was, as he stoutly insisted, directed to overtake Rosecrans by pursuing a route to the enemy's *right*, whereas Rosecrans had gone to our *right* and the enemy's *left*. Of this the orderly was not only informed by me, but he was warned of the proximity of the Confederate pickets. He persisted, however, in the error, and presented the authority of the commanding General to pass all Union pickets. This was reluctantly respected, and the ill-fated orderly galloped on in search of a route to his *left*. In a moment or two the sharp crack of a rifle was heard, and almost immediately the horse of the orderly came dashing into our picket lines, wounded and riderless. The story was told. The dispatch, with its bearer, dead or alive, was in the enemy's hands. The orderly was, however, not killed, but had been seriously hurt by a rifle ball. He and his dispatch for Rosecrans gave Pegram his first knowledge

of the movements of the column to the mountain summit.

For reasons already stated, Pegram entertained no fear of an attack on his left and rear, but was somewhat apprehensive that his right was not equally secure, and hence, early on the 11th, he had sent a small picket to near Hart's house and taken the further precaution to have his right vigilantly watched. The message found on the captured orderly informed Pegram that Rosecrans was leading a column to his rear.(5) The latter thereupon sent a strong reinforcement under Captain Julius A. De Lagnel to the picket already on the mountain summit. By reason of the expected approach of a force around the right, breastworks were hastily thrown up and two pieces of artillery put in position to repel an attack from that direction. Pegram, in his uncertainty, concluded that Rosecrans might take a still wider circuit around his right and thus pass over the mountain by a pathway or road leading into the turnpike one and a half miles from Beverly; and to guard against this he ordered Col. Wm. C. Scott, with the 44th Virginia, then at Beverly, to take position with two pieces of artillery at the junction of the roads mentioned, and to scout well the flanking road.(6)

The unexpected presence of the enemy at the summit of the mountain is thus explained, and the reliability and faithfulness of the guide vindicated. Captain De Lagnel, as well as Rosecrans, was doomed also to a surprise.

Rosecrans' command debouched from the wooded mountain and along its crest upon the rear of De Lagnel's position, and new dispositions of the Confederate force had to be made to meet the attack.

The position of De Lagnel's force was on and near the line of the turnpike as it passed over the mountain, and hence Rosecrans' column, in its approach from the southward, having gained the heights some distance from the road, was from a greater elevation.

The 10th Indiana, under Colonel Manson, was in advance and received the first fire of the enemy.

After a delay of some forty minutes, during which time the enemy was receiving reinforcements, and both sides rectifying their positions to the real situation, the order to advance and attack was given by Rosecrans, and though the troops were new and little drilled, they were well led and responded gallantly. The battle proper did not last beyond fifteen minutes. The Confederates made a brave resistance, but they were not exceeding 800 strong, and though they had the advantage of artillery, they were not advantageously posted, consequently were soon overthrown, their commander being shot down, and 21 prisoners, about 50 stand of arms, 2 pieces of artillery, and some supplies taken. The Union loss was 12 killed and 69 wounded, and the Confederate loss probably about the same.

Captain De Lagnel was, by both sides, reported killed, and his gallantry was highly lauded.(7) General McClellan and others of the regular army officers assumed next day to recognize his body and to know him, and to deplore his early death. He had been shortly before, as we have seen, captured as a *Union* officer at Fayetteville, N. C., and had at a still later date resigned from the U.S.A. His alleged death, being generally reported through the Confederacy, was made the occasion of many funeral sermons and orations, eulogizing his *Southern* loyalty and glorious sacrifice of life "on the heights of Rich Mountain" in the cause of human slavery, called Southern rights, or Southern freedom.

But we shall hear of De Lagnel again.

Pegram, learning of the disaster on the mountain in his rear, called his best troops around him and in person started to attack and dislodge Rosecrans. He reached the proximity of the battlefield about 6 P.M., but being advised by his officers that his men were demoralized, and could not be relied on, desisted from attacking, and returned to his main camp and position.(8)

Of the dispersed Confederate forces some escaped towards Beverly, joining Scott's 44th Virginia on the way, and some were driven back to the fortified camp and to join Pegram.

While Rosecrans was operating on the enemy's rear, McClellan was inactive in front. McClellan claimed he was to receive hourly word from Rosecrans during his progress through and up the rugged mountain, and not thus often hearing from him, he, in the presence of his officers, denounced the movement, and put upon Rosecrans the responsibility of its then predicted certain failure.

The only information received from Rosecrans during the day was a message announcing the successful progress of the column at 11 A.M. on the 11th; it was then approaching Hart's house, and about one and a half miles distant from it.(9)

The arrangement made in advance was that on Rosecrans gaining a position on the mountain he was to move down it upon Pegram's rear, and McClellan with the main army was to attack from the front. It was not contemplated that Pegram should be fully advised of the plan before it could be, in considerable part, executed. Rosecrans' men, being much exhausted by the laborious ascent of the

precipitous mountain, and having to fight an unexpected battle, did not advance to attack the enemy's intrenchments in the rear, but awaited the sound of McClellan's guns on the front. The day was too far spent the communicate the situation by messenger, and McClellan remained for the day and succeeding night in total ignorance of the real result of the battle; and though its smoke could be plainly seen, and the sound of musketry and artillery distinctly heard from his position, from circumstances which appeared to be occurring in the enemy's camp after the sound of the battle had ceased, McClellan reached the conclusion that Rosecrans was defeated, if not captured and destroyed, and this led McClellan and certain members of his staff to industriously announce that Rosecrans had disobeyed orders and would be held responsible for the disaster which had occurred. McClellan remained with the main body of his army quietly in camp on Roaring Creek until about midday when, he states in his report, "I moved up all my available force to the front and remained in person just in rear of the advance pickets, ready to assault when the indicated movement arrived."

While the troops were waiting for the "indicated movement," the enemy had drawn in his skirmishers in expectation of an assault. I was on the front with the skirmishers, and in my eagerness and inexperience naturally desired to see the real situation of the enemy's fortifications and guns. With two or three fearless soldiers following closely, and without orders, by a little detour through brush and timber to the left of the principal road, I came out in front of the fortifications close under some of the guns and obtained a good survey of them. The enemy, apprehending an assault, opened fire on us with a single discharge from one piece of artillery,(10) which he was not able to depress sufficiently to do us any harm. We, however, withdrew precipitately, and I attempted at once to report to McClellan the situation and location of the guns of the enemy and the strength and position of his fortified camp, but, instead of thanks for the information, I received a fierce rebuke, and was sharply told that my conduct might have resulted in bringing on a general battle before the *General* was ready. I never sinned in that way again while in McClellan's command.

Late in the afternoon of the 11th, when the sound of the battle on the mountain had ceased, an officer was seen to gallop into the camp of the enemy on the mountain side; he made a vehement address to the troops there, and the loud cheers with which they responded were distinctly heard in our camp.

This proceeding being reported to McClellan, at once settled him and others about him in the belief that Rosecrans had been defeated. A little later Confederate troops were seen moving to the rear and up the mountain. This, instead of being as reinforcements for defeated troops, as it really was, was taken as a possible aggressive movement which, in some occult way, must assail and overthrow the main army in front. As the day wore away, Poe, of the engineers, was sent to our right to find a position on the immediate left of the enemy where artillery could be used. I was detailed with two companies of the 3d Ohio to accompany him. We climbed a mountain spur and soon reached a position within rifle-musket range of the enemy which completely commanded his guns and fortifications. So near was my command that I desired permission to open fire without awaiting the arrival of artillery, but this not being given by Poe, of the headquarters staff, and being fresh from a rebuke from that quarter, I gave a peremptory order *not* to fire unless attacked. On discovering us in his rear, the enemy turned his guns and fired a few artillery shots at us, doing no harm, but affording a plausible excuse for a discharge of musketry that seemed to silence the enemy's guns, as their firing at once ceased.

Poe was a young officer of fine personal appearance, superb physique,
a West Point graduate, and a grandson of one of the celebrated
Indian fighters, especially noted for killing the Wyandot Chief,
Big Foot, on the Ohio River in 1782.

Poe was on staff duty throughout the war; became a Brevet-Brigadier, corps of engineers, and died as a Colonel in the United States army at Detroit, Michigan, October 2, 1895.

My acquaintance with him commenced on the spur of Rich Mountain under the circumstances mentioned.

McClellan, in his report, says:

"I sent Lieutenant Poe to find such a position for our artillery as would enable us to command the works. Late in the afternoon I received his report that he had found such a place. I immediately detailed a party to cut a road to it for our guns, but it was too late to get them into position before dark, and as I had received no intelligence whatever of General Rosecrans' movements, I finally determined to return to camp, leaving merely sufficient force to cover the working party. Orders were then given to move up the guns with the entire available infantry at daybreak the following morning. *As the troops were much fatigued*, some delay occurred in moving from camp, and just as the guns were starting intelligence was received that the enemy had evacuated their works and fled over the mountains, leaving all their guns, means of transportation, ammunition, tents, and baggage behind.

"Then for the first time since 11 o'clock the previous day, I received a communication from General Rosecrans, giving me the first intimation that he had taken the enemy's position at Hart's farm."(11)

Here was a commanding general in the peculiar situation that he could almost see and could plainly hear a battle raging, but did not learn its successful result until fifteen hours after it ceased.

I remained on the mountain spur in command of a few companies of infantry with orders to keep the men standing in line of battle, without fires, during the entire night. It rained most of the time, and the weather becoming cold the men suffered intensely. The rest of the army retired to its camp a mile and a half distant.

Pegram gathered his demoralized forces together, and with such as were supposed able to make a long march, started about midnight to escape by a mountain path around to the westward of the Hart farm, hoping to gain the main road and join Garnett's forces, still supposed to be at Laurel Hill.

On the morning of the 12th of July we found a few broken-down men in Pegram's late camp, and a considerable number of mere boys— students from William and Mary and Hamden-Sidney colleges— too young yet for war.

McClellan and his staff, with dazzling display, rode through the deserted works, viewed the captured guns, gazed on the dejected prisoners, and then wired the War Department: "In possession of all the enemy's works up to a point in sight of Beverly. Have taken all his guns. . . . Behavior of troops in action and towards prisoners admirable."

The army moved up the mountain to the battle-field, and halted a few moments to view it. The sight of men with gunshot wounds was the first for the new volunteers, and they were deeply impressed by it; all looked upon those who had participated in the battle as veritable heroes.

Late on the 12th the troops reached Beverly, the junction of the turnpike roads far in the rear of Laurel Hill, and there bivouacked.

Garnett, learning of Pegram's disaster at Rich Mountain, abandoned his intrenchments at Laurel Hill, and leaving his tents and other property hastily retreated towards Beverly, pursued rather timidly by Morris' command. Had Garnett pushed his army rapidly through Beverly he could have passed in safety on the afternoon of the 12th, but being falsely informed that it was occupied in the morning of that day by McClellan's troops, he turned off at Leadsville Church, about five miles from Beverly, and retreated up the Leading Creek road, a very rough and difficult one to travel. A portion of Morris' command, led by Captain Benham of the regular army, followed in close pursuit, while other went quietly into camp under Morris' orders.

Pegram, with his fleeing men, succeeded in finding a way over the mountain, and at 7 P.M. of the 12th reached Tygart's Valley River, near the Beverly and Laurel Hill road, about three miles from Leadsville Church. They had travelled without road or path about twelve miles, and were broken down and starving. Pegram here learned from inhabitants of Garnett's retreat, the Union pursuit, and of the Union occupancy of Beverly. All hope of escape in a body was gone, and though distant six miles from Beverly, he dispatched a note to the commanding officer of the Union forces, saying:

"Owing to the reduced and almost famished condition of the force now here under my command, I am compelled to offer to surrender them to you as prisoners of war. I have only to ask that they receive at your hands such treatment as Northern prisoners have invariably received from the South."

McClellan sent staff officers to Pegram's camp to conduct him and his starving soldiers to Beverly, they numbering 30 officers and 525 men.(12) Others escaped.

The prisoners were paroled and sent South on July 15th, save such of the officers, including Colonel Pegram, as had recently left the United States army to join the Confederate States army; these were retained and sent to Fort McHenry.(13)

Garnett retreated through Tucker County to Kalea's Ford on Cheat River, where he camped on the night of the 12th. His rear was overtaken on the 13th at Carrick's Ford, and a lively engagement took place, with loss on both sides; during a skirmish at another ford about a mile from Carrick's, Garnett, while engaged in covering his retreat and directing skirmishers, was killed by a rifle ball.(14)

Garnett had been early selected for promotion in the Confederate army, and he promised to become a distinguished leader. His army, now much demoralized and disorganized, continued its retreat *via* Horse-Shoe Run and Red House, Maryland, to Monterey, Virginia. General C. W. Hill, through timidity or inexperience, permitted the broken Confederate troops to pass him unmolested at Red House, where, as ordered, he should have concentrated a superior force.

McClellan, July 14th, moved his army over the road leading through Huttonville to Cheat Mountain Pass, and a portion of it pursued a small force of the enemy to and beyond the summit of Cheat Mountain, on the Staunton pike, but no enemy was overtaken, and the campaign was at an end.

It was the first campaign; it had the appearance of success, and McClellan, by his dispatches, gathered to himself all the glory of it. He received the commendation of General Scott, the President, and his Cabinet.(15)

From Beverly, July 16, 1861, McClellan issued a painfully vain, congratulatory address to the "*Soldiers of the Army of the West*."(16)

As early as July 21, 1861, he dispatched his wife that he did not "feel sure that the men would fight very well under any one but himself"; and that it was absolutely necessary for him to go in person to the Kanawha to attack General Wise. Thus far *he had led no troops in battle*. The Union defeat, on this date, at Bull Run, however, turned attention to McClellan, as he alone, apparently, had achieved success, though a success, as we have seen, mainly, if not wholly, due to Rosecrans.

On July 22, 1861, he was summoned to Washington, and on the 24th left his "Army of the West" to assume other and more responsible military duties, of which we will not here speak. In dismissing him from this narrative, I desire to say that I wrote to a friend in July, 1861, an opinion as to the capacity and character of McClellan as a military leader, which I have not since felt called on to revise, and one now generally accepted by the thoughtful men of this country. McClellan was kind and generous, but weak, and so inordinately vain that he thought it unnecessary to accept the judgment of men of higher attainments and stronger character. Even now strong men shudder when they recall the fact that George B. McClellan apparently had, for a time, in his keeping the destiny of the Republic.

To indicate the state of his mind, and likewise the immensity of his vanity, I here give an extract from a letter, of August 9, 1861, to his wife, leaving the reader to make his own comment and draw his own conclusions.

"General Scott is the great obstacle. He will not comprehend the danger. I have to fight my way against him. To-morrow the question will probably be decided by giving me absolute control independently of him. . . . The people call on me to save the country. *I* must save it, and cannot respect anything that is in the way.

"I receive letter after letter, have conversation after conversation, calling on me to save the nation, alluding to the presidency, dictatorship, etc. . . . *I would cheerfully take the dictatorship and agree to lay down my life when the country is saved*," etc.(17)

General McClellan was not disloyal, nor did he lack a technical military education. He was a good husband, an indulgent father, a kind and devoted friend, of pure life, but unfortunately he was for a time mistaken for a great soldier, and this mistake *he* never himself discovered.

He had about him, while holding high command, many real and professed friends, most of whom partook of his habits of thought and possessed only his characteristics. President Lincoln did not fail to understand him, but sustained and long stood by him for want of a known better leader for the Eastern army, and because he had many adherents among military officers.

Greeley, in the first volume of his *American Conflict*, written at the beginning of the war, has a page containing the portraits of twelve of the then most distinguished "Union Generals." Scott is the central figure, and around him are McClellan, Butler, McDowell, Wool, Fremont, Halleck, Burnside, Hunter, Hooker, Buell, and Anderson. All survived the war, and not one of them was at its close a distinguished commander in the field. One or two at most had maintained only creditable standing as officers; the others (Scott excepted, who retired on account of great age) having proved, for one cause or another, failures.

In Greeley's second volume, published at the close of the war, is another group of "Union Generals." Grant is the central figure, and around him are Sherman, Sheridan, Thomas, Meade, Hancock, Blair, Howard, Terry, Curtis, Banks, and Gilmore—not one of the first twelve; and he did not even then exhaust the list of great soldiers who fairly won eternal renown.

The true Chieftains had to be evolved in the flame of battle, amid the exigencies of the long, bloody war, and they had to win their promotions on the field.

(1) For a summary life of the writer before and after the war, see Appendix A.

(2) *War Records*, vol. ii., p. 48.

(3) Colonel Pegram's Rep., *War Records*, vol. ii., p. 267.

(4) *Citizen Soldier* (John Beatty), p. 22.

(5) It seems that this orderly did decline to say which flank Rosecrans was turning, as he must have had doubts after what had transpired as to his instructions; nevertheless Pegram decided Rosecrans was passing around his right, and so notified Garnett.— *War Records*, vol. ii., pp. 256, 260, 272.

(6) *Ibid.*, vol. ii., p. 275.

(7) *War Records*, vol. ii., p. 245.

(8) *Ibid.*, (Pegram's Report), vol. ii., p. 265.

(9) *War Records* (McClellan's Report), vol. ii., p. 206.

(10) *Citizen Soldier* (Beatty), p. 24.

(11) *War Records*, vol. ii., p. 206.

(12) *War Records* (Pegram's Report), vol. ii., p. 267.

(13) At Beverly lived a sister of Thomas J. Jackson (Stonewall), Mrs. Arnold, who, though her husband was also disloyal, was a pronounced Union woman and remained devoted to the Union cause throughout the war.

(14) *War Records*, vol. ii., p. 287.

(15) *Ibid.*, p. 204.

(16) *Ibid.*, p. 236.

(17) *McClellan's Own Story*, p. 84.

CHAPTER IV Repulse of General Lee and Affairs of Cheat Mountain and in Tygart's Valley (September, 1861)—Killing of John A. Washington, and Incidents, and Formation of State of West Virginia

General Rosecrans, from headquarters at Grafton, July 25, 1861, assumed command of the "Army of Occupation in Western Virginia." He subsequently removed his headquarters to the field on the Kanawha and there actively participated in campaigns.

Brigadier-General Joseph J. Reynolds, of Indiana, a regular officer, was assigned to the first brigade and to command the troops in the Cheat Mountain region.

Many of the troops who served under McClellan were three-months' men who responded to President Lincoln's first call and, as their terms of service expired, were mustered out, thus materially reducing the strength of the army in Western Virginia, and as the danger apprehended at Washington was great, new regiments, as rapidly as they could be organized, were sent there.

Already a movement at Wheeling had commenced to repudiate the secession of Virginia, and to organize a state government, and subsequently a new State.

Great efforts were put forth at Richmond by Governor Letcher and the Confederate authorities to regain possession of Western Virginia and to suppress this loyal political movement.

John B. Floyd and Henry A. Wise, both in the Confederate service, and others were active on the Kanawha and in Southwestern Virginia, but as the line from Staunton across Cheat Mountain led to Buchannon and Clarksburg, and also *via* Laurel Hill to Webster and Grafton, striking the Baltimore and Ohio Railroad at two points, it was regarded at Richmond as the gateway to Western Virginia which, if opened, would insure its permanent recovery.

General R. E. Lee, from the first a favorite of the Confederate authorities, who had thus far won no particular renown, not even participating in the Bull Run battle and campaign, was now (about August 1st) sent to Western Virginia "to strike a decisive blow at the enemy in that quarter."(1)

He established his headquarters at Staunton, but we find him, in August, with his main army at Valley Mountain (Big Springs), on the Huntersville road, and about twelve miles south of the Union camp at Elk Water on the Tygart's Valley River. General W. W. Loring, late of the United States Army, an officer who won some fame in the Mexican War, was in immediate command of the Confederate troops at

Valley Mountain. Brigadier-General H. R. Jackson—not Stonewall Jackson, as so often stated—commanded the Confederate forces, subject to the orders of Loring, on the Greenbrier, on the Staunton road leading over Cheat Mountain to Huttonville. On these two lines Lee soon had above 11,000 effective soldiers present for duty, and he could draw others from Floyd and Wise in the Kanawha country.(2)

Confronting Lee's army was the command of General Reynolds, with headquarters at Cheat Mountain Pass,(3) three miles from Huttonville on the Staunton pike. Here Colonel Sullivan's 13th Indiana, part of Loomis' battery, and Bracken's Indiana Cavalry were camped. On Cheat Mountain, at the middle mountain-top, about nine miles to the southeast of Huttonville on the Staunton pike, were the 14th Indiana, 24th and 25th Ohio, and parts of the same battery and cavalry, Colonel Nathan Kimball of the 14th in command. At Camp Elk Water, about one mile north of the mouth of Elk Water in the Tygart's River Valley, and about seven miles southward from Huttonville on the Huntersville pike, the 15th and 17th Indiana and the 3d and 6th Ohio Infantry, and still another part of Loomis' battery, were posted. Reynolds' entire command did not exceed 4000 available men, and in consequence of almost incessant rains the roads became so bad that it was difficult to supply it with food and forage. The troops being new and unseasoned to camp life, suffered much from sickness. The service for them was hard in consequence of the necessarily great amount of scouting required on the numerous paths leading though the precipitous spurs of the ranges of both Rich and Cheat Mountains, which closely shut in the valley of the Tygart's.

The writer was often engaged leading scouting parties through the mountains.

(The accompanying map will give some idea of the location of the troops and the physical surroundings.)

Whole companies were sometimes posted at somewhat remote and inaccessible places for observation and picket duty.

Scouts and spies constantly reported large accessions to the enemy. Reynolds, therefore, called loudly for reinforcements, but only a few came. On August 26th five companies of the 9th Ohio (Bob McCook's German regiment) and five companies of the 23d Ohio (Col. E. P. Scammon) reached Camp Elk Water. These companies numbered, present for duty, about eight hundred.

The two regiments later became famous. Robert L. McCook and August Willich were then of the 9th, and both afterwards achieved distinction as soldiers.

The 23d was originally commanded by Colonel Wm. S. Rosecrans; then by Colonel E. P. Scammon, who became a Brigadier-General; then by Colonel Stanley Matthews, who became a United States Senator from Ohio, and a Justice of the Supreme Court of the United States; then by Colonel Rutherford B. Hayes, who became a Brigadier-General and Brevet Major-General, and distinguished himself in many battles; he subsequently became a Representative in Congress, was thrice Governor of Ohio, and then President of the United States. Its last commander was Colonel James M. Comly, a brilliant soldier who, after the war, became a distinguished journalist, and later honorably represented his country as Minister at Honolulu, Hawaiian Islands. Lieutenant Robert P. Kennedy was of this regiment, and not only became a Captain and Assistant Adjutant-General, but was brevetted a Brigadier-General, and since the war has been Lieutenant-Governor of Ohio and four years in Congress. Wm. McKinley was also of this regiment, serving as a private, Commissary Sergeant, became a Second and First Lieutenant, then a Captain and Brevet Major, and, since the war, has served four terms as Representative in Congress, has been twice Governor of Ohio, and (as I write) the indications are that he will be nominated in June, 1896, for President, with a certainty of election the following November.(4)

On August 14, 1861, while Captain Henry E. Cunard, of the 3d Ohio, with part of his company, was on advanced picket on the Brady's Gate road, privates Vincent and Watson, under Corporal Stiner, discovered a man stealthily passing around them through the woods, whom they halted and proceeded to interrogate.

"He professed to be a farm hand; said his employer had a mountain farm not far away, where he pastured cattle; that a two-year-old steer had strayed away, and he was looking for him. His clothes were fearfully torn by brush and briars. His hands and face were scratched by thorns. He had taken off his boots to relieve his swollen feet, and was carrying them in his hands. Imitating the language and manners of an uneducated West Virginian, he asked the sentinel if he 'had seed anything of a red steer.' The sentinel had not. After continuing the conversation for a time he finally said: 'Well, I must be a-going, it is a-gettin' late and I'm durned feared I won't get back to the farm afore night. Good-day.' 'Hold on,' said the sentinel; 'better go and see the Captain.' 'O, no, don't want to trouble him, it is not likely he has seed the steer, and it's a-gettin' late.' 'Come right along,' replied the sentinel, bringing

down his gun; 'the Captain will not mind being troubled; in fact, I am instructed to take such as you to him.'"(5)

The boots were discovered by the keen instinct of the inquiring Yankee to be too neatly made and elegant for a Western Virginian mountaineer employed at twelve dollars a month in caring for cattle in the hackings. When asked the price paid for the boots, the answer was fifteen dollars. The suspect was a highly educated gentleman, wholly incapable of acting his assumed character. He had touched the higher education and civilization of men of learning, and his tongue could not be attuned to lie and deceive in the guise of one to the manor born. Though at first Captain Cunard hesitated, he told the gentleman he would take him for further examination to camp. Finding the Captain, in his almost timid native modesty, was nevertheless obdurate, the now prisoner, knowing hope of escape was gone, declared himself to be Captain Julius A. De Lagnel, late commander of the Confederates in the battle of Rich Mountain, where he was reported killed. His tell-tale boots were made in Washington. He was severely wounded July 11th, and had succeeded in reaching a friendly secluded house near the battle-field, where he remained and was cared for until his wound healed and he was able to travel. He had been in the mountains five days and four nights, and just as he was passing the last and most advanced Union picket he was taken.

His little stock of provisions, consisting of a small sack of biscuits, was about exhausted, and what remained was spoiled. He was taken to camp, wet, shivering, and exhausted from starvation, cold, and exposure. It is needless to say his wants of all kinds were supplied at once by the Union officers. After remaining a few days in our camp, and meeting General Reynolds, who knew him in the United States Army, he was sent to join Pegram at Fort McHenry. Both these officers were soon exchanged, and served through the war, neither rising to great eminence. Pegram became a Major-General, and died, February 6, 1865, of wounds received at Hatcher's Run. De Lagnel became a Brigadier-General, and survived the war. He had the misfortune of being twice captured, as we have seen,(6) once as a Union and once as a Confederate officer; neither capture, however, occurred through any fault of his.

The 3d Ohio was encamped on the banks of Tygart's Valley River, usually an innocent, pleasantly-flowing mountain stream, but, as it proved, capable of a sudden rise to a dangerous height, as most streams are that are located to catch the waters from many rivulets, gulches, and ravines leading from the adjacent mountain sides and spurs.

Illustrating the exigencies of camp life, an incident is given of this river suddenly rising (August 20th) so as to threaten to sweep away in the flood the 3d Ohio hospital, located by Surgeon McMeans for health and safety on a small island, ordinarily easy of access. The hospital tent contained two wounded and a dozen or more sick. The tents and inmates were at the first alarm removed to the highest ground on the island by men who swam out thither for the purpose. By seven in the evening, however, it became apparent that the whole island would soon be submerged; and logs, driftwood, green trees, etc., were sweeping down the river at a tremendous speed. To rescue the wounded, sick, and attendants at the hospital seemed impossible. Various suggestions were made; a raft was proposed, but this was decided impracticable as, if made and launched, it would in such a current be uncontrollable.

Lieutenant-Colonel John Beatty, of the 3d Ohio, with that Scotch- Irish will and heroic determination which characterized him in all things, especially in fighting the enemy, met the emergency. He got into an army wagon and compelled the teamster to drive into the rushing stream above the island so that he could move, in part, with the current. Thus, by swimming the horses, he, with a few others, escaped the floating timbers and reached the imperiled hospital. He found at once that it was impossible to carry back the occupants or even to return with the wagon. He promptly ordered the driver to unhitch the horses and swim them to shore, and to return in like manner with two or three more wagons. Two more wagons reached Beatty, but one team was carried down the stream and drowned. He placed the three wagons on the highest ground, though all the island was soon overflowed, chained and tied them securely together and to stakes or trees. On the wagon boxes the hospital tent was rolled, and the sick and wounded were placed thereon with some of the hospital supplies. He, with those accompanying him, decided to remain and share their fate, and he, with some who could not get into the wagon, climbed into the trees. The river at 10 P.M. had reached the hubs of the wagons and threatened to submerge them, but soon after it commenced to recede slowly, though a rain again set in, lasting through the night. Morning found the river fast resuming its normal state, and the Colonel and his rescuing party, with the hospital occupants, were all brought safely to the shore.

Two diverting incidents occurred in the night. A false alarm led to the long roll being beaten, the noise of which, and of the men rapidly assembling, could just be heard on the island above the roar of the water. Francis Union, of Company A of the 3d, was shot in the dark and killed, without challenge, by a frightened sentinel. This caused the long roll to be beaten.

Beatty mentions an entertainment, not on the bill, to which he and others were treated while clinging

to the trees above the flood, and which was furnished by a soldier teamster (Jake Smith) who had swum to the aid of the hospital people, and a hospital attendant, both of whom were so favorably located as to enjoy unrestrained access to the hospital "commissary." They both became intoxicated, and then quarrelled over their relative *rank* and social standing. The former insisted upon the other addressing him as *Mr.* Smith, not as "Jake." The Smith family, he asserted, was not only numerous but highly respectable, and, as one of its honored members, no person of rank below a major-general should take the liberty of calling him "*Jake;*" especially would this not be tolerated from "one who carried out pukes and slop-buckets from a field hospital" —such a one should not even call him "*Jacob*." This disrespectful allusion to his calling ruffled the temper of the hospital attendant, and, growing profane, he insisted that he was as good as *Smith*, and better, and at once challenged "the bloviating mule scrubber to get down off his perch and stand up before him like a man." "Jake" was unmoved by this counter-assault, and towards morning, with a strong voice and little melody, sang:(7)

"Ho, gif glass uf goodt lauger du me,
Du mine fader, mine modter, mine vife;
Der day's vork vas done, undt we'll see
Vot bleasures der vos in dis life.

"Undt ve sit us aroundt mit der table,
Undt ve speak of der oldt, oldt time,
Ven ve lif un dot house mit der gable,
Un der vine-cladt banks of der Rhine," etc.

While at camp at Elk Water my wife and three months' old son, Joseph Warren, Jr., Hon. William White (brother-in-law) and his wife Rachel, and their son, Charles R. White (then twelve years old), visited me for a brief experience in camp with the army. They remained until the morning of September 12th. On the 11th Judge White accompanied me to Reynolds' headquarters, at Cheat Mountain Pass, and while there he was, by the General, invited to visit the camp on Cheat Mountain summit. It was suggested that in doing so I should, with the Judge, join Lieutenant Wm. E. Merrill, of the engineers, at Camp Elk Water the following morning, go by the main road to the summit, thence down the mountain path *via* the Rosecrans house to camp. This suggestion we were inclined to adopt, but on regaining camp I ascertained that the enemy had been seen nearer our camp than usual, and decided it was safest for the visiting party to depart for home. They accordingly bade us good-by on the next morning and proceeded *via* Huttonville, Beverly, Laurel Hill, Philippi, Webster, and Grafton, safely to their homes at Springfield, Ohio.

Lieutenant Merrill, with a small escort, departed as arranged, and soon, on the main road, ran into a Confederate force (Anderson's); he and his party were captured and carried with the retreating Confederates to Valley Mountain camp, thence to Richmond, where they remained for a considerable time in Libby Prison. Thus narrowly, Judge White (8) and myself escaped the fate of Lieutenant Merrill.

Having disposed of some of the incidents of camp life and spoken of family and friends, I return to the situation, as stated, of the opposing forces of Reynolds and Lee.

At this time Floyd and Wise were actively operating in the Kanawha country, confronting Rosecrans, who was commanding there in person, their special purpose then being to prevent reinforcements going to Reynolds, upon whom the heavy blow was to fall; Lee in person directing it.

Lee was accompanied to Valley Mountain by two aides-de-camp, Colonels
John A. Washington and Walter H. Taylor.

General Loring, who retained the immediate command on this line, had the 1st North Carolina and 2d Tennessee, under General Donnelson; a Tennessee brigade, under General Anderson; the 21st and 42d Virginia and an Irish Virginia regiment, under Colonel Wm. Gilham; a brigade under Colonel Burke; a battalion of cavalry under Major W. H. F. Lee; three batteries of artillery, and perhaps other troops. On the Staunton pike at Greenbriar River, about twelve miles in front of Kimball's camp on Cheat Mountain, General Jackson had the 1st and 2d Georgia, 23d, 31st, 37th, and 44th Virginia, the 3d Arkansas, and two battalions of Virginia volunteers; also two batteries of artillery and several companies of cavalry.

Though conscious of superior strength, Lee sought still further to insure success by grand strategy, hence he caused Loring to issue a confidential order detailing a plan of attack, which is so remarkable in its complex details that it is given here.

"(*Confidential.*)

"Headquarters, Valley Mountain, "September 8, 1861. "(Special Order No. 28.) "1. General H. R.

Jackson, commanding Monterey division will detach a column of not more than two thousand men under Colonel Rust, to turn the enemy's position at Cheat Mountain Pass ('summit') at daylight on the 12th inst. (Thursday). General Jackson, having left a suitable guard for his own position, with the rest of his available force, will take post on the Eastern Ridge of Cheat Mountain, occupy the enemy in front, and co-operate in the assault of his attacking column, should circumstances favor. The march of Colonel Rust will be so regulated as to attain his position during the same night, and at the dawn of the appointed day (Thursday, 12th) he will, if possible, surprise the enemy in his trenches and carry them.

"2. The 'Pass' having been carried, General Jackson with his whole fighting force will immediately move forward towards Huttonville, prepared against an attack from the enemy, taking every precaution against firing upon the portion of the army operating west of Cheat Mountain, and ready to co-operate with it against the enemy in Tygart's Valley. The supply wagons of the advancing columns will follow, and the reserve will occupy Cheat Mountain.

"3. General Anderson's brigade will move down Tygart's Valley, following the west slope of Cheat Mountain range, concealing his movements from the enemy. On reaching Wymans (or the vicinity) he will refresh his force unobserved, send forward intelligent officers to make sure his further course, and during the night of the 11th (Wendesday) proceed to the Staunton turnpike, where it intersects the west top of Cheat Mountain, so as to arrive there as soon after daylight on the 12th (Thursday) as possible.

"He will make disposition to hold the turnpike, prevent reinforcements reaching Cheat Mountain Pass (summit), cut the telegraph wire, and be prepared, if necessary, to aid in the assault of the enemy's position on the middle-top (summit) of Cheat Mountain, by General Jackson's division, the result of which he must await. He must particularly keep in mind that the movement of General Jackson is to *surprise* the enemy in their defences. He must, therefore, not discover his movements nor advance— before Wednesday night— beyond a point where he can conceal his force. Cheat Mountain Pass being carried, he will turn down the mountain and press upon the left and rear of the enemy in Tygart's Valley, either by the new or old turnpike, or the Becky's Run road, according to circumstances.

"4. General Donnelson's brigade will advance on the right of Tygart's Valley River, seizing the paths and avenues leading from that side of the river, and driving back the enemy that may endeavor to retard the advance of the center, along the turnpike, or to turn his right.

"5. Such of the artillery as may not be used upon the flanks will proceed along the Huntersville turnpike, supported by Major Mumford's battalion, followed by the rest of Colonel Gilham's brigade in reserve.

"6. Colonel Burke's brigade will advance on the left of Tygart's Valley River, in supporting distance of the center, and clear that side of the valley of the forces of the enemy that might obstruct the advance of the artillery.

"7. The cavalry under Major Lee will follow, according to the nature of the ground, in rear of the left of Colonel Burke's brigade. It will watch the movements of the enemy in that quarter, give notice of, and prevent if possible, any attempt to turn the left of the line, and be prepared to strike when opportunity offers.

"8. The wagons of each brigade, properly parked and guarded, under the charge of their respective quartermasters—who will personally superintend their movements—will pursue the main turnpike, under the general direction of their chief quartermaster, in rear of the army, and out of cannon-range of the enemy.

"9. Commanders on both lines of operations will particularly see that their corps wear the distinguishing badge, and that both officers and men take every precaution not to fire on our own troops. This is essentially necessary, as the forces on both sides of Cheat Mountain may unite. They will also use every exertion to prevent noise and straggling from the ranks, correct quietly any confusion that may occur, and cause their commands to rapidly execute their movement when in the presence of the enemy.

"By order of General W. W. Loring,

"Carter L. Stevenson,
"Assistant Adjutant and Inspector General."

General Lee, to stimulate his army to great effort, himself, by another special order of same date, exhorted it as follows:

"The forward movement announced to the Army of the Northwest in special order No. 28, from its

headquarters, of this date, gives the general commanding the opportunity of exhorting the troops to keep steadily in view the great principles for which they contend, and to manifest to the world their determination to maintain them. The eyes of the country are upon you. The safety of your homes and the lives of all you hold dear depend upon your courage and exertions. Let each man resolve to be victorious, and that the right of self-government, liberty, and peace shall in him find a defender. The progress of this army must be forward."(9)

The column from Greenbrier under Colonel Albert Rust, of Arkansas, was given the initiative, and on its success the plan detailed pivoted, but the several columns were expected to act at the same time and in concert. Colonel Rust's command, about 2000 strong, by a blind road to the Union right reached its designated position between the Red Bridge and Kimball's fortified position. Here it captured an assistant commissary, and from him received such an exaggerated account of the strength of Kimball's camp and the number of its men that, without awaiting the columns of Donnelson and Anderson, it retired with the one prisoner. Lee's main army moved north from Valley Mountain camp, on the turnpike, Anderson and Donnelson taking their designated routes to the right, the former passing to the head of Becky's Run, thence through the mountains to a position on the road in the rear of Cheat Summit camp, arriving at daylight of the 12th of September. Donnelson, by another path nearer the road which the principal column under Loring pursued, marched to Stuart's Run, then down it to the Simmons house, where, on the 11th, it captured Captain Bense and about sixty men of the 6th Ohio, who were in an exposed position and had not been vigilant. Donnelson then marched to Becky's Run and to a point where, from a nearby elevation, he could see the Union camp at Elk Water, and he was to the eastward of it and partially in its rear. Here, with his command, he remained for the night. General Lee followed and joined Donnelson in the early morning of the 12th, and together they advanced to Andrew Crouch's house, within a mile of Elk Water camp and fairly in its rear. Lee, however, ordered Donnelson to retire his column to Becky's Run at the Rosecrans house. Neither Rust, Anderson, nor Donnelson, though each led a column into the region between the Elk Water and Cheat Mountain camps (distant apart through the mountains about six miles) seemed, at the critical time, to know where the others were, or what they were doing. The presence of Lee with Donnelson on the morning of the 12th did not materially improve the conditions in this respect. Donnelson, before Lee's arrival, contemplated an attack on a body of what he supposed a thousand men (the detachments of the 9th and 23d Ohio) camped in rear of the main Union camp and near Jacob Crouch's house. Colonel Savage of the 16th Tennessee advised against the attempt, and Lee, on his arrival, must have regarded it as too hazardous. Lee wrote Governor Letcher five days later that "it was a tempting sight" to see our tents on Valley River.

Loring, with the principal command, accompanied by all the artillery, forced the Union pickets back to the mouth of Elk Water, where he encountered resistance from a strong grand-guard and the pickets. Here some shots both of infantry and artillery were exchanged, but with little result.

It is due to the truth of history to say that none of the movements of Lee's army were known or anticipated by Reynolds and his officers, and whatever was done to prevent its success was without previous plan or methods. As late as the evening of the 11th, Reynolds was still with his headquarters at Cheat Mountain Pass, six miles distant by the nearest route from either camp. On this day Captain Bense was surprised and his entire company taken where posted some three miles from Camp Elk Water, but this capture was not known until the next day. The proximity of Donnelson's command to this camp was also unknown until after it had withdrawn, and Rust's and Anderson's presence on the Staunton pike in rear of Cheat Summit camp was likewise unknown both to Reynolds and Kimball until about the time they commenced to retreat. True, on the 12th, the presence of some force in the mountain between the Union camps became known. Lieutenant Merrill and his party departed from the valley to the mountain summit on the morning of the 12th entirely ignorant of any movement of the enemy. But both Reynolds and Kimball acted, under the circumstances, with energy and intelligence. General Reynolds moved his headquarters to Camp Elk Water, the better to direct affairs. On the morning of the 12th of September Kimball started a line of wagons from his camp to the pass, for the usual supplies, and it was attacked by Rust's command before it had proceeded a mile. This attack was reported to Kimball, who supposed it was made by a small scouting party, but on going to the scene of it with portions of the 25th Ohio, under Colonel Jones, 24th Ohio, under Lieutenant-Colonel Gilbert, and Captains Brooks and Williamson's companies of the 14th Indiana, a body of the enemy supposed to number 2500 was encountered. Kimball, supposing serious work was at hand, ordered the position held until further dispositions could be made to meet the danger. A sharp skirmish ensued, which ended in Rust's troops precipitately retreating from their position on the road under cover of the timber, and becoming so demoralized that they threw away "guns, clothing, and everything that impeded their progress."(10)

Rust's command continued its retreat through the mountains, and at 10 P.M. of the 13th Rust dispatched General Loring that "*The expedition against Cheat Mountain failed*." He indulged in some

criticism on his men, denouncing some ("not Arkansians") as cowards. At the same time General Jackson reported to Loring that he was in possession of the first summit of Cheat Mountain in front of Kimball's position, but only holding it until he should receive orders, meanwhile hoping something would be done in Tygart's valley. He, however, did nothing more, and soon withdrew to his former camp.(11)

Captain Coons of the 14th Indiana was sent on the evening of the 18th from Cheat Mountain summit with 60 men of the 14th Indiana, 24th and 25th Ohio, on a path leading to Elk Water camp, with instruction to take position at the Rosecrans house on Becky's Run. Kimball, on the 12th, sent 90 men under Captain David J. Higgins, of the 24th Ohio, to relieve Captain Coons. In going thither, when about two miles from where Colonel Rust was attacked, Higgins ran unexpectedly into Colonel Anderson's column from Valley Mountain, and engaged it with great spirit. The enemy was thrown into some confusion by this unexpected encounter, but the loss on either side was slight, and when Major Wm. Harrow of Indiana arrived from Kimball's camp with two more companies, and ascertained that Anderson had a brigade in the vicinity, he ordered the Union troops withdrawn to within about one mile of camp.

Captain Coons, owing to a heavy rain, darkness, and the difficulty in following the mountain path, did not reach the Rosecrans house until after daybreak of the 12th. He passed to the rear of Anderson's brigade as it marched to the pike in rear of Cheat Mountain camp. When Captain Coons reached the Rosecrans house he found evidence of troops having been there recently, and soon discovered smoke and heard the snapping of caps on a mountain spur towards Elk Water camp. He concluded, however, that he was near a Union picket post from that camp, and sent forward five men to ascertain who his neighbors were. As these men ascended the mountain they were fired on and three were shot down, two killed, and the others captured. They were not challenged. This was Donnelson's command, General Lee and his aide, Colonel Taylor, then being with it. Colonel Savage of Tennessee commanded the troops first encountered. The Confederates advanced, firing wildly. Captain Coons' men returned the fire promptly, killed and wounded some, and when they had checked the enemy retired to higher ground to the eastward and took position behind fallen timber. As the enemy approached across the narrow valley, Coons made a most gallant resistance and drove back the large force attacking him, but feeling his complete isolation, he finally retired by a trail towards the pike. He had not gone far, however, until he ran into a bunch of the enemy consisting of surgeons, quartermasters, and negroes, who, on being fired into, fled to a main force nearer the pike. This was Anderson's column, and about the time when Major Harrow and Captain Higgins' men were firing on it from the other side.

Thus the several bodies of the enemy, without special design, seemed to be seriously attacked from many directions and became dismayed. Captain Coons withdrew safely, and later found his way to camp.

Rust had failed, and the two other columns having become entangled in the mountains, and not knowing how soon they would again be assailed, beat a disorderly retreat, and, like Rust's men, threw away overcoats, knapsacks, haversacks, and guns. Lee says he ordered a retreat because the men were short of provisions, as well as on account of Rust's failure. Had Captain Coons reached his destination a few hours earlier he would probably have captured Lee and his escort of ten men, who, in the previous night, having lost their way, had to remain unprotected near the Rosecrans house until daybreak. But few prisoners were taken on either side. The columns of Anderson and Donnelson, broken, disheartened, and disorganized, reached Loring in the Valley. There was then and since much contention among Confederate officers as to the causes of this humiliating failure.

On the morning of the 13th, at 3 A.M., Reynolds dispatched Sullivan from the Pass by the main road, and Colonels Marrow and Moss with parts of the 3d Ohio and 2d Virginia (Union) from Elk Water camp, by the path leading past the Rosecrans house, to cut their way to Cheat Mountain summit, but these columns encountered no enemy, and only found the débris of the three retreating bodies. The real glory of the fighting in the mountains belonged to the intrepid Captain Coons, who afterwards became Colonel of his regiment and fell in the battle of the Wilderness.

Both Lee and Loring, deeply chagrined, were reluctant to give up a campaign so hopefully commenced and so comprehensively planned, but thus far so ingloriously executed.

They decided to look for a position on Reynolds' right from which an attack could be made on Elk Water camp in conjunction with a front attack, and accordingly Colonel John A. Washington, escorted by Major W. H. F. Lee (son of General Lee) with his cavalry command, was dispatched to ascertain the character of the country in that direction.

Early on the 12th of September I was sent with a detachment of four companies of the 3d Ohio, as grand-guard at an outpost and for picket duty as well as scouting, to the point of a spur of Rich Mountain near the mouth and to the north of Elk Water, west of the Huntersville pike, and about one

mile and a half in advance of the camp. This position covered the Elk Water road from Brady's Gate, the pike, the there narrow valley of the Tygart's, and afforded a good point of observation up the valley towards the enemy. A portion of the time I had under me a section of artillery and other detachments. Here Reynolds determined to first stubbornly resist the approach of the enemy, and consequently I was ordered to construct temporary works. Another detachment was located east of the river with like instructions. On the 12th the enemy pushed back our skirmishers and pickets in the valley and displayed considerable disposition to fight, but as we exchanged some shots and showed our willingness to give battle, no real attack was made. We noticed that each Confederate officer and soldier had a white *patch* on his cap or hat. This, as we knew later, was in accordance with Loring's order, to avoid danger of being fired upon by friends. From the badge, however, we argued that raiding parties were abroad.

In the night of the 12th Loring, during a rain and under cover of darkness, sent a small body to the rear of my position, and thus having gained a position on the spur of the mountain behind and above us, attempted by surprise to drive us out or capture us; but the attack was feebly made and a spirited return fire and a charge scattered the whole force.

Colonel Washington, on the 13th, in endeavoring to get on our right came into Elk Water Valley *via* Brady's Gate, and descended it with Major Lee's cavalry as escort. A report came to me of cavalry approaching, but knowing the road ran through a narrow gorge and much of the way in the bed of the stream, little danger was apprehended, especially as the road led directly to my position. A few troops of an Indiana regiment then on picket duty were, however, sent up the Elk Water road a short distance, and a company of the 3d Ohio was dispatched by me along the mountain range skirting the ravine and road, with instruction to gain the rear of the approaching cavalry if possible.

Washington was too eager to give time for such disposition to be carried out; he soon galloped around a curve and came close upon the pickets, Major Lee accompanying him. Sergeant Weiler and three or four others fired upon them as they turned their horses to fly. Three balls passed through Washington's body near together, coming out from his breast. He fell mortally wounded. Major Lee was unhurt, though his horse was shot. Lee escaped on foot for a short distance and then by mounting Washington's horse.(12)

When reached, Colonel Washington was struggling to rise on his elbow, and, though gasping and dying, he muttered, "*Water*," but when it was brought to his lips from the nearby stream he was dead. His body was carried to my outpost headquarters, thence later by ambulance to Reynolds' headquarters at camp. Washington's name or initials were on his gauntlet cuffs and upon a napkin in his haversack; these served to identify him. He was richly dressed for a soldier, and for weapons had heavy pistols and a large knife in his belt. He also had a powder-flask, field-glass, gold-plated spurs, and some small gold coin on his person. His sword, tied to the pommel of his saddle, was carried off by his horse.

On the next day Colonel W. E. Starke, of Louisiana,(13) appeared in front of my position bearing a flag of truce, and a letter addressed to the commanding officer of the United States troops, reading:

"Lt. Col. John A. Washington, my aide-de-camp, while riding yesterday with a small escort, was fired upon by your pickets, and I fear killed. Should such be the case, I request that you shall deliver to me his dead body, or should he be a prisoner in your hands, that I be informed of his condition.

"I have the honor to be your obedient servant,
"R. E. Lee,
"General Commanding."

Colonel Milo S. Hascall of the 17th Indiana conveyed Washington's body, on the 14th, by ambulance, to Lee's line, and there delivered it to Major Lee.

One of Colonel Washington's pistols was sent by Reynolds to Secretary of War Cameron; the Secretary directed the other one to be presented to Sergeant John J. Weiler, the knife to Corporal Birney, and the gauntlets to private Johnson, all soldiers of the 17th Indiana. General Reynolds obtained the field-glass, but subsequently gave it to Colonel Washington's son George. Hascall took possession of the spurs and powder-flask, and Captain George L. Rose, of Reynolds' staff, retained one or more letters (now in possession of his son, Rev. John T. Rose), through which one or more of the fatal bullets passed.

Colonel Washington was buried on his plantation, "Waveland," near
Marshall, Fauquier county, Virginia.

Thus early, on his first military campaign, fell John Augustine Washington, born in Jefferson County, Virginia, May 3, 1821, the great-grandson of General Washington's brother, John Augustine

Washington, and on his mothers' side a great-grandson of Richard Henry Lee, Virginia's great Revolutionary patriot statesman. He inherited Mount Vernon, but sold it before the war to an association of patriotic ladies, who still own it.

The tragic death of Colonel Washington was a fitting close of the complex plan of campaign, which, though entered upon under most favorable circumstances, failed fatally in execution in each and all important parts, though Generals Lee and Loring, Colonel Savage, and others of the Confederate officers present with the troops, had seen much real service in the Mexican War, and many of them were educated West Point officers.

Neither Lee or Loring ever made an official report of the campaign, and both for a time were under the shadow of disgrace because of its ineffectiveness.

General Lee was not quite candid with his own army when, on the 14th of September, he announced to it:

"The *forced* reconnoissance of the enemy's positions, both at Cheat Mountain Pass and on Valley River, having been completed, and the character of the natural approaches and the nature of the artificial defences exposed, the Army of the Northwest will resume its former position."

In a private letter, however, dated Valley Mountain, September 17, 1861, addressed to Governor John Letcher, Lee speaks of the failure of the campaign with great candor.

"I was very sanguine of taking the enemy's works on last Thursday morning. I had considered the subject well. With great effort, the troops intended for the surprise had reached their destination, having travelled twenty miles of steep rugged mountain paths; and the last day through a terrible storm which lasted all night, and in which they had to stand drenched to the skin in cold rain. Still their spirits were good. When the morning broke I could see the enemy's tents on Valley River at the point on the Huttonville road just below me. It was a tempting sight. We waited for the attack on Cheat Mountain, which was to be the signal, till 10 A.M. The men were cleaning their unserviceable arms. But the signal did not come. All chance for a surprise was gone. The provisions of the men had been destroyed the preceding day by the storm. They had had nothing to eat that morning, could not hold out another day, and were obliged to be withdrawn. The attack to come off from the east side failed from the difficulties in the way; the opportunity was lost and our plan discovered. It was a grievous disappointment to me, I assure you; but for the rain storm I have no doubt it would have succeeded. This, Governor, is for your own eye. Please do not speak of it; we must try again.

"Our greatest loss in the death of our dear friend, Colonel Washington. He and my son were reconnoitering the front of the enemy. They came unawares upon a concealed party, who fired upon them within twenty yards, and the Colonel fell pierced by three shots. My son's horse received three shots, but he escaped on the Colonel's horse.

"His zeal for the cause to which he had devoted himself carried him, I fear, too far."

Lee, finding trouble in the Kanawha country, repaired thither, and on September 21st assumed immediate direction of the forces there. A violent quarrel had just then arisen between the fiery Henry A. Wise and Floyd.

Lee, however, soon returned to Richmond, and though still in favor with his Governor and President Davis, his failure in Western Virginia brought him under a cloud from which he did not emerge until after he succeeded General Joseph E. Johnston on the latter being wounded while in command of the Confederate Army at Seven Pines near Richmond, May, 1862.(14)

The principal part of Reynolds' command assembled at Cheat Mountain, and, advancing, attacked Jackson in position at Greenbrier, October 3d, but was repulsed. Thereafter active operations ceased in the Cheat and Rich Mountain and Tygart's Valley region.

An unimportant and indecisive affair, hardly above a skirmish, occurred at Scarey Creek, July 17th, between a part of General J. D. Cox's command and forces under Henry A. Wise; the capture of Colonels Norton, Woodruff, and De Villiers, with two or three other officers, being the principal Union loss. No decisive advantage was gained on either side. Carnifax Ferry, on the Gauley River, was a more important affair. It was fought, October 10, 1861, between troops led by Rosecrans and those under Floyd. Floyd was found strongly posted, but was compelled to precipitately retreat across the river and abandon his stores.

The campaign season ended with the Union forces practically in possession of the forty-eight counties, soon to become the State of West Virginia.(15)

A convention held at Wheeling, June 11, 1861, declared the State offices of Virginia vacant by reason of the treason of those who had been chosen to fill them, and it then proceeded to form a regular state government for Virginia, with Francis H. Pierpont for its Governor, maintaining that the people loyal to the Union should speak for the whole State. The Pierpont government was recognized by Congress. This organization, on August 20, 1861, adopted an ordinance "for the formation of a new State out of a portion of the territory of this State." This ordinance was approved by a vote of the people, and, November 26, 1861, a convention assembled in Wheeling and framed a constitution for the proposed new State. This also was ratified, April, 1862, by the people, 18,862 voting for and 514 against it. The recognized Legislature of Virginia, in order to comply with the Constitution of the United States, May 13, 1862, consented to the creation of a new State out of territory hitherto included in the State of Virginia. The people of the forty-eight counties having thus made the necessary preparation, Congress, December 31, 1862, passed an act for the admission of West Virginia into the Union, annexing, however, a condition that her people should first ratify a substitute for the Seventh Section, Article Eleven of her Constitution, providing that children of slaves born in her limits after July 4, 1863, should be free; that slaves who at that time were under ten years of age should be free at the age of twenty-one; and all slaves over ten and under twenty- one years of age should be free at the age of twenty-five; and no slave should be permitted to come into the State for permanent residence.

March 26, 1863, the slavery emancipation clause was almost unanimously ratified by a vote of the people, and, April 20, 1863, President Lincoln issued a proclamation declaring that West Virginia had complied with all required conditions and was therefore a State in the Union.

The anomalous creation and admission of this new State was justified only by the rebellious times and in aid of the loyal cause. It is the only State carved out of another or other States. It remains a singular fact that the day preceding the final Emancipation Proclamation of Lincoln, he approved a law of Congress admitting West Virginia as a slave State (with gradual emancipation) into the Union. The proclamation excepted the counties, commonly then called West Virginia, from its application.

The fruit of the successful occupancy of Western Virginia in 1861 by the Union Army and the consequent failures there in the same year of the Confederate leaders, Lee, Floyd, Wise, and others, was the formation of a new State, thenceforth loyal to the flag and the Constitution.

We now dismiss West Virginia, where we first learned something of war, but in time shall return to it again. I have in this chapter dealt more largely in detail than I intend to do in those to follow, as the reader, if even inexperienced in war, will have by this time learned sufficient to enable him to comprehend much belonging to a great military campaign which is often difficult and sometimes impossible to narrate.

(1) No order assigning Lee to Western Virginia seems to have been issued, but see Davis to J. E. Johnston of August 1, 1861, *War Records*, vol. v., p. 767.

(2) An abstract of a return of Loring's forces for October, 1861, shows present for duty 11,700 of all arms.—*War Records*, vol. v., p. 933.

(3) While the Third Ohio was temporarily camped in Cheat Mountain Pass (July, 1861) word came of the Bull Run disaster, and while brooding over it Colonel John Beatty, in the privacy of our tent, early one morning before we had arisen, exclaimed in substance: "That so long as the Union army fought to maintain human slavery it deserved defeat; that only when it fought for the liberty of all mankind would God give us victory." Such prophetic talk was then premature, and if openly uttered would have insured censure from General McClellan and others.

(4) This prediction has been fulfilled. Major Wm. McKinley was inaugurated President of the United States March 4, 1897.

(5) *Citizen Soldier* (Beatty), p. 51.

(6) *Ante*, pp. 161, 196.

(7) *Citizen Soldier*, p. 60-1.

(8) William White was then a common pleas Judge; in March, 1864, he became a Judge of the Supreme Court of Ohio, a position he held until his death. He was appointed by President Arthur and confirmed by the Senate (March, 1883) United States District Judge for the Southern District of Ohio; his sudden death prevented his qualifying and entering upon the duties of the office. He was remarkable for his judicial learning, combined with simplicity and purity of character. Born (January 28, 1822) in England, both parents dying when he was a child, having no brother or sister or very near relative, poor, and almost a homeless waif, he, when about ten years of age, came in the hold of a ship to America. From this humble start, through persevering energy and varying vicissitudes he, under

republican institutions, acquired an education, won friends, became eminent as a lawyer and jurist, and earned the high esteem of his fellow-men, dying (March 12, 1883) at Springfield, Ohio, at sixty years of age, having served as a common pleas Judge eight years and Judge of the Supreme Court of Ohio nineteen years.

His only son, Charles Rodgers White (born May 25, 1845), also became a distinguished lawyer and judge, and died prematurely, July 29, 1890, on a Pullman car on the Northern Pacific Railroad, near Thompson's Falls, Montana, while returning from Spokane Falls, where he, while on a proposed journey to Alaska, was taken fatally ill.

(9) *War Records*, vol. v., p. 192.

(10) Kimball's Report, *War Records*, vol. v., p. 186.

(11) Rust's Report, *War Records*, vol. v., p. 291.

(12) W. H. F. Lee served through the war; was wounded and captured at Brandy Station, 1863; chiefly commanded cavalry; became a Major- General and was surrendered at Appomattox. He, later, became a farmer at White House, Virginia, on the Pamunkey, and was elected to Congress in 1886. His older brother, George Washington Custis Lee, a graduate of West Point, served with distinction through the war; also became a Confederate Major-General, and was captured by my command at the battle of Sailor's Creek, April 6, 1865. Robert E. Lee, Jr., General Lee's other son, also served in the Confederate army, but not with high rank.

(13) Colonel Starke was, as a General, killed at Antietam. His son, Major Starke, met me March 26, 1865, between the lines in front of Petersburg, under a flag of truce, while the killed of the previous day were being removed or buried. On Lee's surrender I found him, and gave him his supper and a bed for the night.

(14) *Manassas to Appomattox* (Longstreet), p. 112.

(15) West Virginia was admitted as a State in April, 1863, with forty-eight counties, but Congress consented, by an act approved March 10, 1866, that the counties of Berkeley and Jefferson should be added.—*Charters and Cons.*, Par II., p. 1993.

CHAPTER V Union Occupancy of Kentucky—Affair at Green River—Defeat of Humphrey Marshall—Battles of Mill Springs, Forts Henry and Donelson —Capture of Bowling Green and Nashville, and Other Matters

The State of Kentucky, with its disloyal Governor (Magoffin), also other state officers, was early a source of much perplexity and anxiety at Washington.

The State did not secede, but her authorities assumed a position of neutrality by which they demanded that no Union troops should occupy the State, and for a time also pretended no Confederates should invade the State.

It was supposed that if Union forces went into Kentucky her people would rise up in mass to expel them. This delusion was kept up until it was found her Legislature was loyal to the Union and civil war was imminent in the State, when, in September, 1861, both Union and Confederate armed forces entered the State.

General Robert Anderson was (August 15, 1861) assigned to the command of the Department of the Cumberland, consisting of the States of Kentucky and Tennessee.

Bowling Green was occupied, September 8th, by General Simon Bolivar Buckner, a native Kentuckian, formerly of the regular army. It had been confidently hoped he would join the Union cause. President Lincoln, August 17th, for reasons not given, ordered a commission made out for him as Brigadier-General of Volunteers, and placed in General Anderson's hands to be delivered at his discretion.(1)

Buckner decided to espouse the Confederate cause while still acting as Adjutant-General of the State of Kentucky. The commission, presumably, was never tendered to him.

Changes of Union commanders were taking place in the West with such frequency as to alarm the loyal people and shake their faith in early success.

Brigadier-General W. S. Harney, in command of the Department of the West, with headquarters at St. Louis when the war broke out, was relieved, and, on May 31, 1861, Nathaniel Lyon, but recently

appointed a Brigadier-General of Volunteers, succeeded him. Lyon lost his life, August 10th, while gallantly leading his forces at Wilson's Creek against superior numbers under General Sterling Price. General John C. Fremont assumed command of the Western Department, July 25th, with headquarters at St. Louis. He was the first to proclaim martial law. This he did for the city and county of St. Louis, August 14, 1861.(2)

He followed this (August 30th) with an *emancipation proclamation*, undertaking to free the slaves of all persons in the State of Missouri who took up arms against the United States or who took an active part with their enemies in the field; the other property of all such persons also to be confiscated. The same proclamation ordered all disloyal persons taken within his lines with arms in their hands to be tried by court-martial, and if found guilty, shot.(3)

President Lincoln disapproved this proclamation in the main. He ordered Fremont, by letter dated September 2d, to allow no man to be shot without his consent, and requested him to modify the clause relating to confiscation and emancipation of slaves so as to conform to an act of Congress limiting confiscation to "*property* used for insurrectionary purposes."

Lincoln assigned as a reason for this request that such confiscation and liberation of slaves "would alarm our Southern Union friends and turn them against us; perhaps *ruin our rather fair prospect for Kentucky*.": Fremont declining to modify his proclamation, Lincoln, September 11th, ordered it done as stated.(4)

But as matters did not progress satisfactorily in Fremont's Department, he was relieved by General David Hunter, October 24th, who was in turn relieved by General H. W. Halleck, November 2, 1861.(4)

Brigadier-General U. S. Grant, September 1, 1861, assumed command of the troops in the District of Southeastern Missouri, headquarters Cairo, Illinois.(5)

The most notable event of 1861, in Grant's district, was the spirited battle of Belmont, fought November 7th, a short distance below Cairo. Grant commanded in person, and was successful until the Confederates were largely reinforced, when he was obliged to retire, which he did in good order.

The Confederates were led in three columns by Generals Leonidas Polk, Gideon J. Pillow, and Benjamin F. Cheatham.

The event, really quite devoid of substantial results to either side, save to prove the valor of the troops, was the subject of a congratulatory order by Grant, in which he states he was in "all the battles fought in Mexico by General Scott and Taylor, save Buena Vista, and he never saw one more hotly contested or where troops behaved with more gallantry."(5) The Confederate Congress voted its thanks to the Confederate commanders and their troops for their "desperate courage," by which disaster was converted into victory.(5)

General Robert Anderson was relieved, October 6, 1861, and General W. T. Sherman was assigned to command the Department of the Cumberland.(6)

Sherman personally informed Secretary of War Cameron and Adjutant- General Lorenzo Thomas (October 16th) that the force necessary in his Department was 200,000 men.(6) This was regarded as so wild an estimate that he was suspected of being *crazy*, and he was relieved from his Department November 13th.(7) Thereafter, for a time, he was under a cloud in consequence of this estimate of the number of troops required to insure success in a campaign through Kentucky and Tennessee. We next hear of him prominently in command of a division under Grant at Shiloh.

As the war progressed his conception of the requirements of the war was more than vindicated, and he became later the successful commander of more than two hundred thousand men.(8)

Brigadier-General Don Carlos Buell relieved Sherman of the command of the Department of the Cumberland, and was assigned (November 9th) to the Department of Ohio, a new one, consisting of the States of Ohio, Michigan, Indiana, that part of Kentucky east of the Cumberland River, and Tennessee, headquarters, Louisville.(9)

The War Department ordered from the commands of Generals Cox and Reynolds in Western Virginia certain of the Ohio and Indiana regiments, and this order caused the 3d Ohio, with others, to countermarch over November roads *via* Huttonville, Beverly, Rich Mountain, and Buchannon to Clarksburg, from whence they were moved by rail to Parkersburg, thence by steamboat to Louisville. By November 30th, the 3d was encamped five miles south of the city on the Seventh Street plank road, and soon became part of the Seventeenth Brigade, Colonel Ebenezer Dumont commanding, and (December 5th (10)) of the Third Division, commanded by General O. M. Mitchel, both highly intelligent officers,

active, affable, and zealous; the latter untried in battle.

Mitchel's division moved *via* Elizabethtown to Bacon Creek, where it went into camp for the winter, December 17, 1861.

McCook's division was advanced about six miles to Munfordville on Green River, and General George H. Thomas' division was ordered to Liberty, where he would be nearer the main army, and later his headquarters were at Lebanon, and his division, consisting of four brigades and some unattached cavalry and three batteries of artillery, was posted there and at Somerset and London.(11)

December 17th, four companies of the 32d Indiana (German), under Lieutenant-Colonel Von Treba, from McCook's command, on outpost duty at Rowlett's Station, south of Green River, were assailed by two infantry regiments, one of cavalry—Texas Rangers—and a battery of artillery. The gallantry and superiority of the drill of these companies enabled them to drive back the large force and hold their position until other companies of the regiment arrived, when the enemy was forced to a hasty retreat, both sides suffering considerable loss. Colonel B. F. Terry (12) of the Texas Rangers forced his men to repeatedly charge into the ranks of the infantry. In a last charge he was killed, and the attacking force retired in disorder. Great credit was due to Colonel Treba and his small command for their conduct.

Colonel James A. Garfield was placed in command of the field forces in the Big Sandy country, Eastern Kentucky, and General Humphrey Marshall, of Kentucky, who made pretensions to military skill, confronted him, each with a force, somewhat scattered, of about five thousand men. Inexperienced as Garfield then was in war, he, in mid-winter, in a rough country, with desperate roads and with a poorly equipped command, with no artillery, displayed much energy and ability in pushing his forces upon the enemy at Prestonburg and Paintsville, Kentucky. There were skirmishes December 25, 1861, at Grider's Ferry on the Cumberland River, at Sacramento on the 28th, at Fishing Creek January 8, 1862, and a considerable engagement at Middle Creek, near Prestonburg, on the 10th, the result of which was to drive Marshall practically out of Kentucky, and to greatly demoralize his command and put him permanently in disgrace.

Next in importance came the more considerable fight at Logan's Cross-Roads, on Fishing Creek, Kentucky, commonly called the battle of Mill Springs, fought January 19, 1862, General George H. Thomas commanding the Union forces, and General George B. Crittenden the Confederates. The Confederate troops occupied an intrenched camp at Beech Grove, on the north side of the Cumberland River, nearly opposite Mill Springs. General Thomas, with a portion of the Second and Third Brigades, Kenny's battery, and a battalion of Wolford's cavalry, reached Logan's Cross-Roads, about nine miles north of Beech Grove, on the 17th, and there halted to await the arrival of other troops before moving on Crittenden's position.

The latter, conceiving that he might strike Thomas before his division was concentrated, and learning that Fishing Creek divided his forces, and was so flooded by recent rains as to be impassable, marched out of his intrenchments at Beech Grove at midnight of the 18th, and about 7 A.M. of the 19th fell upon Thomas at Logan's Cross-Roads with eight regiments of infantry and six pieces of artillery. The battle lasted about three hours, when the Confederate troops gave way and beat a disorderly retreat to their intrenched camp, closely pursued. They were driven behind their fortifications and cannonaded by the Union batteries until dark. General Thomas prepared to assault the works the following morning. With the aid of a small river steamboat Crittenden succeeded during the night in passing his troops across the Cumberland, abandoning twelve pieces of artillery, with their caissons and ammunition, a large number of small arms and ammunition, about 160 wagons, 1000 horses and mules, also commissary stores.

Brigadier-General F. K. Zollicoffer, of Tennessee, who commanded a Confederate brigade, was killed at a critical time in the battle. The number actually engaged on each side was about 5000. The Union loss was 1 officer and 38 men killed, and 13 officers and 194 men wounded, total 246.(13) The Confederate killed was 125, wounded 309, total 434. This victory was of much importance, as it was the first of any significance in the Department of the Ohio. It was the subject of a congratulatory order by the President.(13)

Notwithstanding this victory, President Lincoln, long impatient of the delays of the Union Army to advance and gain some decided success, issued his first (and last, looking to its character, only (14)) "*General War Order*" in these words:

"*President's General War Order No. 1.* "Executive Mansion, Washington "January 27, 1862. "*Ordered*, That the 22d of February, 1862, be the day for a general movement of the land and naval forces of the United States against the insurgent forces. That especially the army in and about Fortress Monroe, the Army of the Potomac, the Army of Western Virginia, and army near Munfordville, Ky., the army and flotilla at Cairo, and a naval force in the Gulf of Mexico, be ready to move on that day.

"That all other forces, both land and naval, with their respective commanders, obey existing orders for the time, and be ready to obey additional orders when duly given.

"That the heads of departments, and especially the Secretaries of War and of the Navy, with all their subordinates, and the General- in-Chief, with all other commanders and subordinates of land and naval forces, will severally be held to their strict and full responsibilities for prompt execution of this order.

"Abraham Lincoln."

Conservative commanding officers criticised this Presidential order as an assumption on Mr. Lincoln's part of the direction of the war in the field, and the naming of a day for the army and navy to move was denounced an unwise and a notice to the enemy. Under other circumstances, the President would have been open to criticism from a strategist's standpoint, but the particular circumstances and the state of the country and the public mind warranted his action. Foreign interference or recognition of the Confederacy was threatened. No decided Union victory had been won. McClellan had held the Army of the Potomac idle for six months in sight of the White House. Halleck at St. Louis, in command of a large and important department, had long talked of large plans and so far had executed none. Matters were at a standstill in Western Virginia. Buell was, so far, giving little promise of an early forward movement.

The Confederate forces held advanced positions in Missouri and high up on the Mississippi. They were fortified at Forts Henry and Donelson, on the Tennessee and the Cumberland respectively, and at Bowling Green and other important places in Kentucky. They still held the Upper Kanawha, the Greenbrier country, Winchester, and other points in the Shenandoah Valley. The Confederate Army was holding McClellan almost within the fortifications south of the Potomac at Washington. The President was held responsible for the inactivity of the army. Under other circumstances, with other army commanders, the order would not have been issued. It served to notify these commanders that the army must attack the enemy, and it advised the country of the earnestness of the President to vigorously prosecute the war, and thus aided enlistments, inspired confidence, and warned meddling nations to keep hands off.(15)

On January 28, 1862, both General Grant and Commodore A. H. Foote, Flag Officer United States Naval Forces in the Western waters, wired Halleck at St. Louis that, with his permission, Fort Henry on the Tennessee could be taken by them. Authority being obtained, they invested and attacked it by gunboats on the river side and with the army by land. The fire of the gunboats silenced the batteries, and all the garrison abandoned the fort, save General Lloyd Tilghman (its commander), his staff, and one company of about 70 men, who surrendered February 6th. A hospital boat containing 60 sick and about 20 heavy guns, barracks, tents, ammunition, etc., also fell into Union hands. The only serious casualty was on the *Essex*, caused by a shot in her boilers, which resulted in wounding and scalding 29 officers and men, including Commodore David D. Porter.

General Grant reported on the same day that he would take Fort Donelson, and on February 12, 1862, he sent six regiments around by water and moved the body of his command from Fort Henry across the country, distant about twelve miles.

Three gunboats under Lieutenant-Commander S. L. Phelps went up the Tennessee as far as Florence, Alabama, while others proceeded to the mouth of the Cumberland and ascended it to aid the land forces.

Commander Phelps on his way up the river seized two steamers, caused six others loaded with supplies to be destroyed, took at Cerro Gordo a half-finished gunboat, and made other important captures of military supplies. He discovered considerable Union sentiment among the inhabitants, some of them voluntarily enlisting to fight the Confederacy.(16)

Grant was assigned to the District of West Tennessee February 14, 1862.(17)

General Grant had, when he commenced the attack of Fort Donelson, about 15,000 men, in three divisions, commanded, respectively, by Generals C. F. Smith, John A. McClernand, and Lew Wallace. The total force of the enemy was not less than 20,000, under the command of General J. B. Floyd.(18) The investment of the fort commenced on the 12th, but it was not complete until the evening of the 13th, on the arrival of the gunboats and the troops sent by water. Flag Officer Foote opened fire on the enemy's works at 3 P.M. on the 14th, from four gunboats, which continued for an hour and a half with a brilliant prospect of complete success, when each of the two leading boats received disabling shots and were carried back by the current. The other two were soon partially disabled and hence withdrawn from the fight. Grant then concluded to closely invest the fort, partially fortify his lines, and allow time for Commodore Foote to retire, repair his gunboats, and return. But the enemy did not permit this to be done. He drew out from his left the principal part of his effective troops under Generals Gideon J.

Pillow, B. R. Johnson, and S. B. Buckner during the night of the 14th, and at early dawn of the 15th assailed, with the purpose of raising the siege or of escaping, the extreme right of Grant's army. A battle of several hours' duration ensued, and for the most part the Confederates gained ground, driving back the Union right upon the centre. Grant was absent in consultation with Commodore Foote (19) when the attack began. Foote was then contemplating a return to Cairo to repair damages, and was likewise wounded.(19) Grant on returning to the battle-ground ordered a counter-attack on the enemy's right by Smith's division, which met with such success as to gain, at the close of the day, possession of parts of the Confederate intrenchments. After Smith's charge had commenced, McClernand and Wallace were ordered to assume the offensive on the enemy's left flank, which resulted in driving the Confederates back to the works from whence they had emerged in the morning. Preparation was then made for an assault all along the line early next morning.

Consternation and demoralization prevailed in the Confederate camps during the night, especially at headquarters.

A council of war was held at midnight of the 15th between Floyd, Pillow, and Buckner, at which the number of Grant's army was greatly magnified, and it was decided that it was impracticable to attempt to cut through the investment. Floyd pretended to believe that his capture was of the first importance to the Union cause, and, although the senior in command, he announced a determination "*not to survive a surrender there*." Pillow, the next in command, also assumed the same importance and individual right for himself; hence Floyd, through Pillow, turned over the command, at the end of the council, to Buckner, with the understanding that the latter would, at the earliest hour possible, open negotiations for the surrender of the forces.(20) Floyd and Pillow, with the aid of two small steamboats, which arrived from Nashville in the night, succeeded in ferrying across the river and in getting away with about 1000 officers and men, principally belonging to Floyd's old brigade. Some cavalry and small detachments and individual officers with Colonel Forrest escaped in the night by the river road, which was only passable, on account of back-water, for mounted men.(21)

The action of both Floyd and Pillow in not sharing the fate of their commands, and the conduct of Floyd especially in carrying off the troops of his old brigade in preference to others, were strongly condemned by President Davis and his Secretary of War. Both Generals were, by Davis's orders, relieved,(21) and neither, thereafter, held any command of importance. The sun of their military glory set at Donelson. Floyd had been unfaithful to his trust as Buchanan's Secretary of War, and early, as we have seen, deserted his post to join the Rebellion. Pillow as a general officer had won a name in fighting under Taylor and Scott and the flag of the Republic in Mexico.

At an early hour on the 16th Buckner sent a note to Grant proposing "the appointment of commissioners to agree upon the terms of capitulation of the forces and post" under his command, and suggesting an armistice until 12 o'clock of that day. To this note Grant responded thus:

"Yours of this date, proposing armistice and appointment of commissioners to settle terms of capitulation, is just received. *No terms except unconditional and immediate surrender can be accepted. I propose to move immediately on your works*."

General Buckner denominated Grant's terms as "*ungenerous and unchivalrous*," but accepted them, forthwith capitulating with about 15,000 officers and men, about 40 pieces of artillery, and a large amount of stores, horses, mules, and other public property.

The casualties in Grant's army were 22 officers and 478 enlisted men killed, and 87 officers and 2021 men wounded, total 2608.(22) The loss in the navy under Foote was 10 killed and 44 wounded. The Confederate killed and wounded probably did not exceed 1500,(23) as they fought, in most part, behind intrenchments. The capture of Fort Donelson was thus far the greatest achievement of the war, and won for Grant just renown.

The writer's regiment, as we have stated, went into camp in December, 1861, at Bacon Creek, Kentucky. The winter was rainy and severe, the camps were much of the time muddy, and the troops underwent many hardships. It was their first winter in tents, and many were sick.

Colonel Marrow, on one pretence or another, was generally absent at Louisville, and the responsibility of the drill and discipline of the regiment devolved on Lieutenant-Colonel Beatty, who was quite equal to it, notwithstanding Marrow said and did much to prejudice the regiment against him. The writer also had the Colonel's displeasure.

On his return to the regiment, January 28th, Beatty handed him, to be forwarded, charges relating to his disloyalty, unmilitary conduct, and inefficiency; whereupon he decided to resign and the charges were withdrawn. Beatty became Colonel and I Lieutenant-Colonel, February 12, 1862.

Buell's army commenced to move southward February 10th, Mitchel's division in the advance.

The high railroad bridge over Green River at Munfordville had no railing or protection on the sides, but it was safely passed over with the teams by moonlight. The scene of the crossing was highly picturesque, and attracted much attention from the troops just starting on a new campaign.

The march of the 14th developed much of interest. There were evident signs of loyalty at the houses of all who owned no slaves, and where slaves appeared they exhibited the greatest delight to see the Union soldiers. All slaves had the belief that we had come to free them, and there was much difficulty in preventing them from marching with us. The country through which we passed was cavernous, and the surface had many bowl-like depressions, at the bottom of which was, generally, considerable water. Springs and streams were scarce. The Confederates on retiring drove their disabled, diseased and broken-down horses, mules, etc., into these ponds and shot them, leaving them to decay and thus render the water unfit for use by the Union Army.(24) The troops had no choice but to use the water from the befouled ponds. We shall hear of them again.

On this day the division reached Barren River and exchanged a few artillery shots with the rear of General A. S. Johnston's army, under the immediate command of General Hardee. The next day—the last day of fighting at Fort Donelson—the advance of Mitchel's division crossed the river and occupied Bowling Green, which was found strongly fortified and a naturally good position for defence. In its hasty evacuation many stores were burned; others distributed to the inhabitants, and some abandoned to capture. After an unaccountable delay here of one week, during which time we heard of the victory at Fort Donelson, Mitchel's division, still in advance, resumed its march towards Nashville, distant about seventy miles. The head of the division reached Edgefield (suburb of Nashville on the north bank of the Cumberland) on the evening of the 24th of February, and the following morning the Mayor and a committee of citizens formally surrendered the city of Nashville while yet Forrest's cavalry occupied it. General Nelson's division of Buell's army arrived by boats the night of the 24th, and at once landed in the city.

Nashville would have been a rich prize and easily taken if troops from either Donelson or Bowling Green had been pushed forward without delay when Fort Donelson fell.

General A. S. Johnston abandoned the city as early as the 16th, and concentrated his forces at Murfreesboro, thirty or more miles distant, leaving only Floyd with a demoralized brigade and Colonel N. B. Forrest's small cavalry command to remove or destroy the guns and stores, of which there was an immense quantity.

Floyd was ordered by Johnston not to fight in the city.(25) Pandemonium reigned everywhere in Nashville for a week before it was taken. The mob, in which all classes participated, had possession of it. The proper officers abandoned their stores of ordnance, quartermaster and commissary supplies, and such as were portable were, as far as possible, carried off by anybody who might desire them. No kind of property was safe, private houses and property were seized and appropriated. No other such disgraceful scene has been enacted in modern times.(26)

Johnston had a right to expect the arrival of the Union Army as early as the 18th, and had wise counsel prevailed, Nashville might have been taken on that or an earlier day.

A diversity of views led to delays in the movement of Buell's army.
Buell early expressed himself favorably to moving directly on
Nashville *via* Bowling Green or by embarking his divisions at
Louisville on steamboats and thence by water up the Cumberland.(27)

Halleck pronounced the movement from Bowling Green on Nashville as not good strategy, and this opinion he telegraphed both Buell and McClellan. Success at Fort Donelson did not change Halleck's views, and Grant was condemned for advancing Smith's division to Clarksville. After Buell reached Nashville he became panic-stricken, and, though he had 15,000 men, possessed of an idea he was about to be overwhelmed. He assumed, therefore, to order Smith's command of Grant's army to move by boat from Clarksville to his relief.(28)

The first time I saw Grant was on the wharf at Nashville, February 26, 1862. He was fresh from his recent achievements, and we looked upon him with interest. He was then only a visitor at Nashville. His quiet, modest demeanor, characteristic of him under all circumstances, led persons to speak of him slightingly, as only a common-looking man who had, by luck, or through others, achieved success. He was then forty years old,(29) below medium height and weight, but of firm build and well proportioned. His head, for his body, seemed large. His somewhat pronounced jaw indicated firmness and decision. His hands and feet were small, and his movements deliberate and unimpassioned. He then, as always, talked readily, but never idly or solely to entertain even his friends.

Both Halleck and Buell were apparently either jealous of Grant or they entertained or assumed to entertain a real contempt for his talents. Buell paid him little attention at Nashville, and Halleck reported him to the War Department for going there, although the city was within the limits of his district. His going to Nashville was subsequently assigned as a reason for practically relieving him of his command.(30)

Reports that Grant was frequently intoxicated, and that to members of his staff and to subordinate commanders he was indebted for his recent victories, were at this time freely circulated. Grant, like most great generals in war, had to develop through experience, and even through defeats. He, however, early showed a disposition to take responsibilities and to seize opportunities to fight the enemy. He had the merit of obstinacy, a quality indispensable in a good soldier.

In contrast with him, Halleck and Buell, each pretending to more military education and accomplishments, lacked either confidence in their troops or in themselves, and hence were slow to act. Complicated and difficult possible campaigns were talked of by them but never personally executed. They were each good organizers of armies on paper, knew much of the equipment and drilling of troops, also of their discipline in camp, but the absence in each of an eagerness to meet the enemy and fight him disqualified them from inspiring soldiers with that confidence which wins victories. Mere reputation for technical military education rather detracts from than adds to the confidence an army has in its commander. Such a commander will be esteemed a good military clerk or adjutant-general, but not likely to seek and win battles.

The 3d Ohio, with the brigade, marched through Nashville on the 27th of February, and went into camp at a creek on the Murfressboro turnpike about four miles from the city. Quiet was restored in Nashville, the inhabitants seeming to appreciate the good order preserved by the Union troops, especially after the recent experience with the mob.

At Nashville the 3d Ohio's officers (especially Colonel Beatty) were charged with harboring negro slaves, and Buell gave some slave- hunters permission to search the regiment's camp for their escaped "*property*." The Colonel ordered all the colored men to be assembled for inspection, but it so happened that not one could be found. One of the slave-hunters proposed to search a tent for a certain runaway slave, and he was earnestly told by Colonel Beatty that he might do so, but that if he were successful in his search it would cost him his life. No further search was made. One of the runaway slaves, "Joe," a handsome mulatto, *borrowed* (?) from Colonel Beatty, Assistant Surgeon Henry H. Seys, and perhaps others, small sums of money and disappeared. Some time afterwards I saw "Joe" in the employ of Hon. Samson Mason in Springfield, Ohio.

On the 8th of March, John Morgan, the then famous partisan irregular cavalry raider, dashed from a narrow road along the west side of the Insane Asylum, located about five miles from Nashville on the Murfreesboro pike, and captured, in daylight, a part of a wagon train inside our lines and made off over a by-road with Captain Braden of General Dumont's staff, who had the train in charge, the teamsters, and about eighty horses and mules. Colonel John Kennett, with a portion of his regiment (4th Ohio Cavalry) pursued and overtook Morgan, killed and wounded a portion of his raiders, and recaptured Captain Braden and the drivers; also the horses and mules. About this time Mitchel organized a party of infantry to be rapidly transported in wagons, and some cavalry, to move by night upon Murfreesboro, with the expectation of surprising a small force there. The expedition started, but had not proceeded far when about nine o'clock at night the head of the expedition was met by Morgan and about twenty-five of his men with a flag of truce, he pretending to desire to make some inquiry. The flag of truce at night was so extraordinary that he and his party were escorted to the Asylum grounds, and there detained until Buell could be communicated with. The expedition was, of course, abandoned, and about midnight Morgan and his escort were dismissed.

Columbus, Kentucky, regarded as a Gibraltar of strength, strongly fortified and supplied with many guns, most of which were of heavy calibre, deemed necessary to prevent the navigation of the Mississippi, was occupied by General Leonidas Polk with a force of 22,000 men, but on being threatened with attack by Commodore Foote and General W. T. Sherman, was evacuated March 2, 1862.(31) The State of Kentucky thus became practically free from Confederate occupancy, and the Mississippi, for a considerable distance below Cairo was again open to navigation from the North.

(1) *War Records*, vol. iii., pp. 255, 442.

(2) *War Records*, vol. iii., pp. 255, 442.

(3) *Ibid.*, pp. 466, 469, 485, 553, 567.

(4) *War Records*, vol. iii., pp. 466, 469, 485, 533, 567

(5) *Ibid.*, pp. 144, 274, 312.

(6) *Ibid.*, vol. iv., pp. 296-7, 300, 314, and 333, 341.

(7) *War Records*, vol. v., p. 570.

(8) Sherman was, in January, 1861, Superintendent of the Military Academy at Alexandria, Louisiana, over the door of which, chiselled in marble, was its motto: "*By the liberality of the General Government of the United States. The Union—Esto perpetua*."

As early as January 9th, an expedition of five hundred New Orleans militia under Colonel Wheat, accompanied by General Braxton Bragg, went by boat to Baton Rouge and captured the United States arsenal with a large amount of arms and ammunition. The Confederates sent two thousand muskets, three hundred Jäger rifles and a quantity of ammunition to Sherman at Alexandria, to be by him received and accounted for. Finding himself required to become the custodian of stolen military supplies from the United States, and having the prescience to know that war was inevitable, he, January 18, 1861, resigned his position, settled his accounts with the State, and took his departure North.

Later we find him in St. Louis, President of the Fifth Street Railroad, and when, May 10th, the rebels at Camp Jackson were surrounded and captured, he, with his young son, "Willie"—now Father Sherman, and high in the Catholic Church—were on-lookers and in danger of losing their lives when the troops, returning from camp, were assailed and aggravated to fire upon the mob, killing friend and foe alike. Sherman fled with his boy to a gulley, which covered him until firing ceased.—Sherman's *Memoirs*, vol. i., pp. 155, 174.

(9) *War Records*, vol. iv., pp. 349, 358.

(10) The Seventeenth Brigade consisted of the 3d, 10th and 13th Ohio, and 15th Kentucky.—*War Records.*, vol. vii., p. 476.

(11) *Ibid.*, p. 479.

(12) Colonel Terry was a brother of David S. Terry, who, while Chief Justice of the Supreme Court of California, killed David C. Broderick, then a United States Senator, in a duel at Lake Merced, Cal.

Davis S. Terry, for alleged grievances growing out of a decision of the U. S. Circuit Court of California against his wife (formerly Sarah Althea Hill), setting aside an alleged declaration of marriage between the late millionaire, Senator Wm. Sharon and herself, in a railroad dining-room at Lathrop, Cal. (August 14, 1889), assaulted Justice Stephen J. Field, of the Supreme Court of the United States, and was himself twice shot and instantly killed by David Neagle, a deputy marshal, who accompanied Justice Field to protect him from threatened assaults of the Terrys. The Supreme Court, on *habeas corpus*, discharged Neagle from state custody, where held for trial charged with Terry's murder. Justice Lamar and Chief-Justice Fuller, adhering to effete state-rights notions, denied the right to so discharge him, holding he should answer for shooting Terry to state authority, that the Federal Government was powerless to protect its marshals from prosecution for necessary acts done by them in defence of its courts, judges or justices while engaged in the performance of duty.—*In re* Neagle, 135 *U. S.*, 1, 52, 76.

(13) *War Records*, vol. vii., pp. 82, 102, 108.

(14) Only two other orders were issued (March 8, 1862) denominated "President's General War Orders"; one relates to the organization of McClellan's army into corps, and the other to its movement to the Peninsula and the security of Washington.—*Mess. and Papers of the Presidents*, vol. vi., p. 110.

(15) The taking by Captain Wilkes (Nov. 8, 1861) from the British steamer *Trent* of the Confederate commissioners, Mason and Slidell, came so near causing a war with England, although they were, with an apology, surrendered (January 1, 1862) to British authority, that great fear existed that something would produce a foreign war and consequent intervention.

(16) *War Records*, vol. vii., p. 155.

(17) *Ibid.*, vol. viii., p. 555.

(18) Grant estimates his own force on the surrender of the fort at 27,000, but not all available for attack, and the number of Confederates on the day preceding at 21,000—*Memoirs of Grant*, vol. i., p. 314.

(19) *War Records*, vol. viii., pp. 160, 167.

(20) *War Records*, vol. vii., pp. 269, 283, 288.

(21) *Ibid.*, pp. 274, 254.

(22) *War Records*, vol. vii., pp. 167, 270.

(23) *Ibid.*, pp. 269, 283, 288.

(24) General Beatty accuses me, justly, of depriving him, at Bell's Tavern when very hungry, of a supper, by too freely commenting, when we were seated at the mess-table, on the *soupy* character and the *color* of the mule hairs in the coffee.—*Citizen Soldier*, p. 106.

(25) *War Records*, vol. vii., pp. 426, 433.

(26) Forrest's Rep., *Ibid.*, vol. vii., p. 429.

(27) *War Records*, vol. vii., pp. 619-621, 624.

(28) Grant's *Memoirs*, vol. i., p. 320.

(29) Grant was born April 27, 1822, at Point Pleasant, Clermont Co., Ohio.

(30) Grant's *Memoirs*, vol. i, p. 326; *War Records*, vol. vii., pp. 683-3.

(31) *War Records*, vol. vii., p. 853.

CHAPTER VI Battle of Shiloh—Capture of Island No. 10—Halleck's Advance on Corinth, and Other Events

General Albert Sidney Johnston, while at Murfreesboro (February 3, 1862) assumed full command of the Central Army, Western Department, and commenced its reorganization for active field work, and on the 27th commenced moving it, with a view to concentrate to Corinth, Miss.(1)

General P. G. T. Beauregard, March 5th, assumed command of the Army of the Mississippi. On the 29th the Confederate armies of Kentucky and the Mississippi were consolidated at Corinth under the latter designation, Johnston in chief command, with Beauregard as second, and Generals Leonidas Polk, Braxton Bragg, Wm. J. Hardee, and Geo. B. Crittenden, respectively, commanding corps. Later, General John C. Breckinridge was assigned to the Reserve Corps, relieving Crittenden. The total strength of this army was 59,774, and present for duty (April 3d) 49,444.(2) This was, then, the most formidable and best officered and organized army of the Confederacy for active field operations. To confront this large force there was the Army of the Tennessee, with an aggregate present for duty of 44,895, of all arms.(3) Grant had sixty-two pieces of artillery, and his troops consisted of five divisions commanded, respectively, by Generals John A. McClernand, W. H. L. Wallace, Lew Wallace, Stephen A. Hurlburt, W. T. Sherman, and B. M. Prentiss.

On April 3, 1862, the Army of the Mississippi was started for Shiloh, about twenty miles distant, under a carefully prepared field-order, assigning to each corps its line of march and place of assembling and giving general and detailed instructions for the expected battle, the purpose being to surprise the Union army at daylight on Saturday, the 5th. Hardee's corps constituted the left of the Confederate army, and on reaching the battle-ground his left was to rest on Owl Creek, a tributary of Snake Creek, his right extending toward Lick Creek. Bragg's corps constituted the Confederate right, its right to rest on Lick Creek. Both these corps were to be formed for the battle in two lines, 1000 yards apart, the right wing of each corps to form the front line. Polk's corps was to move behind the two corps mentioned, and mass in column and halt on the Back Road, as a reserve. The Reserve Corps under Breckinridge was ordered to concentrate at Monterey and there take position from whence to advance, as required, on either the direct road to Pittsburg Landing or to Hamburg. Other instructions were given for detachments of this army. The order was to make every effort in the approaching battle to turn the left of the Union Army, cut it off from the Tennessee, and throw it back on Owl Creek, and there secure its surrender.(4)

Johnston issued this address:

"*Soldiers of the Army of the Mississippi:*

"I have put you in motion to offer battle to the invaders of your country. With the resolution and disciplined valor becoming men fighting, as you are, for all worth living or dying for, you cannot but march to decisive victory over agrarian mercenaries, sent to subjugate and despoil you of your

liberties, property, and honor. Remember the precious stake involved. Remember the dependence of your mothers, your wives, your sisters, and your children on the result. Remember the fair, broad, abounding land, the happy homes, and ties that will be desolated by your defeat. The eyes and hopes of 8,000,000 of people rest upon you. You are expected to show yourselves worthy of your valor and lineage; worthy of the women of the South, whose noble devotion in this war has never been exceeded in any time. With such incentives to brave deeds and with the trust that God is with us, your generals will lead you confidently to the combat, assured of success."

Five of Grant's divisions were encamped at or in front of Pittsburg Landing, between Owl and Lick Creeks; Sherman's division (except Stuart's brigade) being in front, near and to the right of Shiloh Church, was most advanced. McClernand's division was located about one half mile to his rear, covering his left. Prentiss' division lay within about one half mile (a little retired) of McClernand's left in the direction of the mouth of Lick Creek, and Stuart's brigade was still to Prentiss' left on the Hamburg road. Hurlburt's and Smith's divisions—the latter on the right, commanded on the field by General W. H. L. Wallace in consequence of Smith's absence at Savannah sick—were about a mile in rear of McClernand and Prentiss, and about three quarters of a mile from Pittsburg Landing.(5)

Lew Wallace's division, numbering present for duty 7302 men, with ten pieces of artillery, was near Crump's Landing on the west bank of the Tennessee, five miles below Pittsburg Landing and four miles above Savannah.(6)

By a straight line Savannah is seven miles below Pittsburg Landing. Hamburg is four miles above this landing, on the same side of the river and above the mouth of Lick Creek. Shiloh Church, a log structure about two and a half miles from the river, gave the name to the battle.

We left Buell's army at Nashville. It remained there from February 25 to March 15, 1862, when his cavalry started for Savannah, where the Army of the Tennessee was then partially assembled under General C. F. Smith. Halleck had, March 4th, relieved Grant from any active command in the field, and ordered him to place Smith in command of the "expedition," and himself to remain at Fort Henry. Grant chafed much under this treatment, and repeatedly asked to be relived of further service under Halleck. Grant's recent success at Forts Henry and Donelson, and his exceptional character for assuming responsibilities and fighting, led to a public demand for his restoration, which reached Washington and Halleck, and forced the latter, on the 13th of March, to restore him to the command of his army and district. Grant reached Savannah on the 17th of March, and found Smith fatally ill, and a portion of the troops already at Pittsburg Landing on the west bank of the Tennessee. He subsequently ordered other divisions to the Landing, and although the question of intrenching was considered, his chief engineer officer, Colonel (afterwards Major-General) James B. McPherson, reported against the necessity or practicability of employing the raw troops in constructing defensive works. It was decided the undisciplined and undrilled soldiers (as most of them were) could be better prepared for the impending campaign by drilling them.

Grant made his headquarters at Savannah (east of the Tennessee), leaving Sherman in charge of that portion of the army in front of Pittsburg Landing.

Besides some troops of Buell's army who were left to hold Nashville,
Mitchel's division was detached to operate on a line through
Murfreesboro south into Alabama or to Chattanooga, as might seem
best.

McCook's division left Nashville March 16th, following the cavalry, and other divisions of Buell's army followed at intervals. At Columbia, Tennessee, McCook was detained, reconstructing a burned bridge over Duck River, until the 30th. Nelson reached this river, and by fording crossed his division on the 29th, and was then given the advance. Buell did not hasten his march nor did Grant, it would seem, regard his early arrival important. The purpose was to concentrate the Army of the Ohio at Savannah, not earlier than Sunday and Monday, the 6th and 7th of April.

Nelson's division reached there the evening of the 5th, of which Grant had notice. Buell arrived about the same time, but did not report his arrival, or attempt to do so until 8 A.M. the 6th, when Grant had gone to Pittsburg Landing to take personal command in the battle then raging with great fury.

It is well to remember that General Grant, on whom the responsibility of the campaign and impending conflict rested, had been actually present with his army but twenty days when the battle commenced; that he did not select the position of the advance divisions of his army, and could not, if he had chosen to do so, have changed the place of the junction of Buell's army with his, as Halleck had fixed upon Savannah as that place, and Buell was slowly marching towards it before Grant's arrival there.

The unfriendly disposition of Halleck and the lack of cordiality of Buell towards Grant made matters

extremely embarrassing. Buell was Grant's junior, but he had commanded a department for a considerable time while Grant only commanded a district, and this alone may account for a natural reluctance on Buell's part to serve under him. Had Buell's army arrived promptly on the Tennessee, the battle of Shiloh would not have been fought, as both Johnston and Beauregard determined the attack was only practicable before Grant's and Buell's armies united.

Grant was seriously injured, after dark on the 4th of April, while returning to Pittsburg Landing in a rain storm from investigating some unusual picket firing at the front. His horse had fallen on him, injuring his leg and spraining an ankle so much that his boot had to be cut off. He was unable to walk without the aid of crutches for some days after the battle.(7)

In the controversy as to whether the Union Army at Shiloh was surprised on the morning of the first day I do not care to enter. The testimony of Sherman and his brigade commander, General Ralph P. Buckland, as well as that of Grant, will all of whom I have conversed on this point, should be taken as conclusive, that as early as the 4th of April they knew of the presence of considerable organizations of Confederate cavalry, and that on the evening of the 5th they had encountered such numbers of the enemy as to satisfy the Union officers on the field that the enemy contemplated making an attack; yet it is quite certain these officers did not know on the evening of April 5th that the splendidly officered and organized Confederate Army was in position in front and close up to Shiloh Church as a centre, in full array, with a definite plan, fully understood by all its officers, for a battle on the morrow. Nothing had gone amiss in Johnston's plan, save the loss of *one day*, which postponed the opening of the attack from dawn of Saturday to the same time on Sunday. The friends of the Confederacy will never cease to deplore the loss, on the march from Corinth of this *one* day. Many yet pretend to think the fate of slavery and the Confederacy turned on it. Grant was not quite so well prepared for battle on Saturday as on Sunday, and no part of the Army of the Ohio could or would have come to his aid sooner than Sunday. Grant, however, says he did not despair of success without Buell's army,(7)

Grant, when the battle opened, was nine miles by boat from Pittsburg Landing, which was at least two more miles from Shiloh Church, where the battle opened. Up to the morning of the battle he had apprehensions that an attack might be made on Crump's Landing, Lew Wallace's position, with a view to the destruction of the Union stores and transports.(7) He heard the first distant sound of battle while at Savannah eating breakfast,(7) and by dispatch-boat hastened to reach his already fiercely assailed troops, pausing only long enough to order Nelson to march to Pittsburg Landing and, while *en route*, to direct Wallace, at Crump's Landing, to put his division under arms ready for any orders. Certain it is that the Union division commanders at Shiloh did not, on retiring the night of the 5th, anticipate a general attack on the next morning. They took, doubtless, the usual precautions against the ordinary surprise of pickets, grand-guards, and outposts, but they made no preparation for a general battle, the more necessary as three of the five divisions had never been under fire, and most of them had little, if any, drill in manoeuvres or loading and firing, and few of the officers had hitherto heard the thunder of an angry cannon- shot or the whistle of a dangerous bullet. But it may be said the private soldiers of the Confederate Army were likewise inexperienced and illy disciplined. In a large sense this was true, though many more of the Confederate regiments had been longer subjected to drill and discipline than of the Union regiments, and they had great confidence in their corps and division commanders, many of whom had gained considerable celebrity in the Mexican and Indian Wars.

The corps organization of the Confederate Army, in addition to the division, gave more general officers and greater compactness in the handling of a large army. At this time corps were unknown in the Union Army. And of still higher importance was the fact that one army came out prepared and expecting battle, with all its officers thoroughly instructed in advance as to what was expected, and the other, without such preparation, expectancy, or instruction, found itself suddenly involved against superior numbers in what proved to be the greatest battle thus far fought on the American continent. The Confederate hosts in the early morning moved to battle along their entire front with the purpose of turning either flank of the imperfectly connected Union divisions, but their efforts were, in no substantial sense, successful. The reckless and impetuous assaults, however, drove back, at first precipitately, then more slowly, the advance Union divisions, though at no time without fearful losses to the Confederates. These heavy losses made it necessary soon to draw on the Confederate reserves. The Union commanders took advantage of the undulations of the ground, and the timber, to protect their men, often posting a line in the woods on the edge of fields to the front, thus compelling their foes to advance over open ground exposed to a deadly fire. The early superiority of the attacking army wore gradually away, and while it continued to gain ground its dead and wounded were numerous and close behind it, causing, doubtless, many to straggle or stop to care for their comrades. It has been charged that much disorganization arose from the pillage of the Union captured camps. The divisions of Hurlburt and W. H. L. Wallace were soon, with the reserve artillery, actively engaged, and, save for a brief period, about 5 P.M., and immediately after, and in consequence of the capture at that hour of Prentiss and about 2000 of his division, a continuous Union line from Owl Creek to Lick Creek or the

Tennessee was maintained intact, though often retired.

In the afternoon, so desperate had grown the Confederate situation, and so anxious was Johnston to destroy the Union Army before night and reinforcements came, that he led a brigade in person to induce it to charge as ordered, during which he received a wound in the leg, which, for want of attention, shortly proved fatal. To his fall is attributed the ultimate Confederate defeat, though his second, Beauregard, had written and was familiar with the order of battle, and had then much reputation as a field general. He had, in part at least, commanded at Bull Run. Beauregard now assumed command, and continued the attack persistently until night came. No reinforcements arrived for either army in time for the Sunday battle. Through some misunderstanding of orders, and without any indisposition on his part, General Lew Wallace did not reach the battle-field until night, and after the exhausted condition of the troops of both armies had ended the first day's conflict. The Army of the Tennessee, with a principal division away, had nobly and heroically met the hosts which sought to overwhelm it; some special disasters had befallen two of its five divisions in the battle; General W. H. L. Wallace was mortally wounded, and Prentiss captured, both division commanders; the Union losses in officers and men were otherwise great, probably reaching 7000 (first day of battle), yet when night came the depleted Army of the Tennessee stood firmly at bay about two miles in rear of its most advanced line of the morning. Colonel Webster, of Grant's staff, had massed, near and above Pittsburg Landing, about twenty pieces of artillery (pointed generally south and southwest) on the crest of a ridge just to the north of a deep ravine extending across the Union left and into the Tennessee. Hurburt's division was next on the right of this artillery, extending westward almost at right angles with the river. A few troops were placed between the artillery and the river. The gunboats *Tyler* and *Lexington*, commanded, respectively, by naval Lieutenants Grim and Shirk, were close to the mouth of the ravine, and when the last desperate attack came their fire materially aided in repulsing it. Next on Hurlburt's right came McClernand's division, also extending westward; then Sherman's, making almost a right angle by extending its right northward towards Snake Creek, to the overflowed lands and swamp just below the mouth of Owl Creek. Broken portions of other divisions and organizations were intermixed in this line, the three divisions named being the only ones on the field still intact.(8) In this position Grant's army received at sunset and repelled the last Confederate assault, hurling back, for the last time on that memorable Sunday, the assailing hosts. Dismayed, disappointed, disheartened, if not defeated, the Confederate Army was withdrawn for bivouac for the night to the region of the Union camps of the morning. After firing had ceased, Lew Wallace reached the field on Sherman's right.

It is known that many stragglers appeared during the day in the rear of the Union Army, and soon assembled near the Tennessee in considerable numbers. The troops were new and undisciplined, and it was consequently hard for the officers to maintain the organizations and keep the men in line; but it is doubtful whether the number of stragglers, considering the character of the battle, was greater than usual, and they were not greater than, if as great as, in the rear of the Confederate Army. An advancing and apparently successful army in battle usually has comparatively few stragglers in the rear, but the plan of fighting adopted by Johnston and Beauregard, in masses, often in close column by regiments, proved so destructive of life as to cause brave men to shrink from the repeated attacks.

However, the gallantry displayed by the attacking force, and the stubborn defensive battle maintained by the Union Army, have seldom, if ever, been excelled or equalled by veteran troops in any war by any race or in any age.

Union officers of high rank may perhaps be justly criticised for not having been better prepared for the battle by intrenchments, concentration, etc., but certainly both officers and soldiers deserve high commendation for their heroic, bloody, and successful resistance after the conflict began. About twenty-five per cent. of those actually engaged fell dead or wounded, and at least a like number of the enemy was disabled. Napoleon fought no single battle in one day where the proportionate losses, dead and wounded, in either contending army were so great; and no battle of modern times shows so great a proportionate loss in the numerically weaker army, which was forced to retire steadily during an entire day, and yet at night was still defiantly standing and delivering battle, and its commander giving orders to assume the offensive at dawn on the morrow.

Grant was not perfection as a soldier at Shiloh, but who else would or could have done so well? If not a war genius, he was the personification of dogged, obstinate persistency, never allowing a word of discouragement or doubt to escape during the entire day, not even to his personal staff, though suffering excruciating pain from the recent injury from the fall of his horse. To him and to the valor of his officers and soldiers the country owes much for a timely victory, though won at great cost of life and limb. To him and them are due praise, not blame.

Thus far the Army of the Ohio is given no credit for participation in the Sunday battle. Buell and Nelson's division of that army were at Savannah on the evening of the 5th, but Buell refrained from attempting to report his presence to Grant until the next morning. Grant had then departed for the

battle-field. Grant was eating his breakfast at Savannah when the battle opened, and at first determined to find Buell before going to his army; but the sound of guns was so continuous, he felt that he should not delay a moment, and hence left a note for Buell asking him to hasten with his reinforcements to Pittsburg Landing, gave an order for Nelson to march at once, and then proceeded by boat up the river. Buell, after reiterating Grant's instructions to Nelson to march to opposite the Landing, himself about noon proceeded by boat to that place with his chief of staff, Colonel James B. Fry.(9)

Buell seems to have been much impressed by the number and temper of the stragglers he saw on his arrival, and he made some inquiry as to Grant's preparations for the retreat of his army. Grant, learning that Buell was on board a steamboat at the Landing, sought him there, hastily explained the situation and the necessity for reinforcements, and again departed for the battle-field. He had before that been in the thick of the fight, where his sword and scabbard had been shot away. Not until 1 or 1.30 P.M.(9) did the head of Nelson's column move, Ammen's brigade leading, for Pittsburg Landing, and then by a swampy river road over which artillery could not be hauled. The artillery went later by boat. At 5 or 6 P.M. the advance,—eight companies of the 36th Indiana (Col. W. Grose)—reached a point on the river opposite the Landing. These companies were speedily taken across the Tennessee in steamboats and marched immediately, less than a quarter of a mile to the left of the already massed artillery, to the support of Grant's army, then engaged in its struggle to repel the last assault of the Confederates for the day. Other regiments (6th Ohio, Colonel N. L. Anderson, 24th Ohio, Colonel F. C. Jones) of Ammen's brigade followed closely, but only the 36th Indiana participated in the engagement then about spent. This regiment lost one man killed.(10) The expected arrival of the Army of the Ohio and the presence of such of it as arrived may have had a good moral effect, but its late coming gives to it little room to claim any credit for the result of the first day's battle.

As always, those who only see the rear of an army during a battle gain from the sight and statements of the demoralized stragglers exaggerated notions of the condition and situation of those engaged. That Grant's army was in danger, and in sore need of reinforcements, cannot be doubted. That the Confederate Army had been fearfully punished in the first day's fighting is certain. Beauregard reports that he could not, on Monday, bring 20,000 men into action (11)— less than half the number Johnston had when the battle began. The arrival of Nelson's and Lew Wallace's divisions six hours earlier would have given a different aspect, probably, to the fist day's battle. The Army of the Ohio was then composed, generally, of better equipped, better disciplined and older troops, though unused to battle, than the majority of those of the Army of the Tennessee.

Though night had come, dark and rainy, when the four divisions of Buell's army reached the west bank of the Tennessee, and Lew Wallace's division arrived on the right, Grant directed the ground in front to be examined and the whole army to be put in readiness to assume the offensive at daybreak next morning. Wallace was pushed forward on the extreme right above the mouth of Owl Creek, and Sherman, McClernand, and Hurlbut, in the order named, on Wallace's left, then McCook (A. McD.),(12) Crittenden (Thomas T.), and Nelson (Wm.) were assigned positions in the order named, from Hurlburt to the left, Nelson on the extreme left, well out towards Lick Creek; all advanced (save McCook) during the night a considerable distance from the position of the Army of the Tennessee at the close of the battle.(13)

Buell's artillery arrived and went into battery during the night.
General George H. Thomas' division and one brigade of General Thomas J. Wood's division did not arrive in time for the battle. There were present, commanding brigades in the Army of the Ohio, Brigadier-Generals Lovell H. Rosseau, J. T. Boyle, Colonels Jacob Ammen, W. Sooy Smith, W. N. Kirk (34th Illinois), and William H. Gibson (49th Ohio). These Colonels became, later, general officers.

Soon after 5 o'clock in the morning the entire Union Army went forward, gaining ground steadily until 6 A.M., when the strong lines of Beauregard's army with his artillery in position were reached, and the battle became general and raged with more or less fury throughout the greater part of the day, and until the Confederate Army was beaten back at all points, with the loss of some guns and prisoners, besides killed and wounded. The last stand of the enemy was made about 3 P.M. in front of Sherman's camp preceding the first day's battle. Both Grant and Buell accompanied the troops, often personally directing the attacks, as did division and brigade commanders. Grant, late in the day, near Shiloh Church, rode with a couple of regiments to the edge of a clearing and ordered them to "*Charge*." They responded with a yell and a run across the opening, causing the enemy to break and disperse. This practically ended the two days' memorable battle at the old log church where it began.(14)

The Confederate Army of the Mississippi which came, but four days before, so full of hope and confidence, from its intrenched camp at Corinth, was soon in precipitate retreat. Its commander was

dead; many of its best officers were killed or wounded; its columns were broken and demoralized; much of its material was gone; hope and confidence were dissipated, yet it maintained an orderly retreat to its fortifications at Corinth. Beauregard claimed for it some sort of victory.(15)

From Monterey, on the 8th of April, Beauregard addressed Grant a note saying that in consequence of the exhausted condition of his forces by the extraordinary length of the battle, he had withdrawn them from the conflict, and asking permission to send a mounted party to the battle-field to bury the dead, to be accompanied by certain gentlemen desiring to remove the bodies of their sons and friends. To this Grant responded that, owing to the warmth of the weather, he had caused the dead of both sides to be buried immediately.(16)

The total losses, both days, in the Army of the Tennessee, were 87 officers and 1426 enlisted men killed, 336 officers and 6265 enlisted men wounded, total killed and wounded 8114. The captured and missing were 115 officers and 2318 men, total 2433, aggregate casualties, 10,547.(16)

The total losses in the Army of the Ohio were 17 officers and 224 privates killed, 92 officers and 1715 privates wounded, total 2048. The captured were 55.(16) The grand total of the two Union armies killed, wounded, captured, or missing, 12,650.

The first reports of casualties are usually in part estimated, and not accurate for want of full information. The foregoing statement of losses is given from revised lists. Grant's statement of losses does not materially differ from the above.(17)

The losses of the Confederate Army in the two days' battle, as stated in Beauregard's report of April 11th, were, killed 1728, wounded 8012; total killed and wounded, 9740, missing 959, grand total, 10,699.(16) Grant claimed that Beauregard's report was inaccurate, as above 1728 were buried, by actual count, in front of Sherman's and McClernand's divisions alone. The burial parties estimated the number killed at 4000.(17)

Besides Johnston, the army commander, there were many Confederate officers killed and wounded. Hon. George W. Johnson, then assuming to act as (Confederate) Provisional Governor of Kentucky, was killed while fighting in the ranks on the second day; General Gladden was killed the first day, and Generals Cheatham, Clark, Hindman, B. R. Johnson, and Bowen were wounded.

Thenceforth during the war there was little boasting of the superior fighting qualities of Southern over Northern soldiers. Both armies fought with a courage creditable to their race and nationality. Americans may always be relied upon to do this when well commanded. I have already taken more space than I originally intended in giving the salient features of the battle of Shiloh, and I cannot now pursue the campaign further than to say General Halleck arrived at Pittsburg Landing April 11th, and assumed command, for the first and only time in the field. He soon drew to him a third army (Army of the Mississippi), about 30,000 strong, under General John Pope.

Island No. 10, in the bend of the Mississippi above New Madrid, was occupied early by the Confederates with a strong force, well fortified, with the hope that it could be held and thus close the Mississippi River against the Union forces from the North. Early after Fort Donelson was taken, Flag Officer Foote took his fleet of gunboats into the Mississippi, and in conjunction with the army under General John Pope sought the capture of the island. Pope moved about 20,000 men to Point Pleasant, on the west bank of the river, March 6, 1862, which compelled the Confederates, on the 14th, to evacuate New Madrid, on the same side of the river, about ten miles above Point Pleasant and the same distance below the island. Pope cut, or "*sawed*," a canal from a point above Island No. 10 through a wood to Wilson's and St. John's Bayou, leading to New Madrid.(18) The position of the Confederates was still so strong with their batteries and redoubts on the eastern shore of the river that Pope with his army alone could not take it. Attacks were made with the gunboats from the north, but they failed to dislodge the enemy. Foote, though requested by Pope, did not think it possible for a gunboat to steam past the batteries and go to the assistance of the army at Point Pleasant. With the assistance of gunboats Pope could cross his army to the east side and thus cut off all supplies for the Confederate Army on the island. Captain Henry Walke, U.S.N., having expressed a willingness to attempt to pass the island and batteries with the *Carondelet*, was given orders to do so. He accordingly made ready, taking on board Captain Hottenstein and twenty-three sharpshooters of the 42d Illinois. The sailors were all armed; hand-grenades were placed within reach, and hoses were attached to the boilers for throwing scalding water to drive off boarding parties. Thus prepared, the *Carondelet*, on the night of April 4th, "in the black shadow of a thunderstorm," safely passed the island and batteries. It was fired on, but reached New Madrid without the loss of a man. The *Pittsburg*, under Lieutenant-Commander Thompson, in like manner ran the gauntlet without injury, also in a thunderstorm, April 7th. These two gunboats the same day attacked successfully the Confederate batteries on the east shore and covered the crossing of Pope's army. Seeing that escape was not possible, the garrison on the island surrendered to Flag Officer Foote on April 7th, the same day the Confederates were driven from the

field of Shiloh. Pope pursued and captured, on the morning of the 8th, nearly all the retreating troops. General W. W. Mackall, commanding at Island No. 10, and two other general officers, over 5000 men, 20 pieces of heavy artillery, 7000 stand of arms, and quantities of ammunition and provisions were taken without the loss of a Union soldier.(19)

Not until April 30th did Halleck's army move on Corinth. Grant, though nominally in command of the right wing, was little more than an observer, as orders were not even sent through him to that wing. For thirty days Halleck moved and intrenched, averaging not to exceed two thirds of a mile a day, until he entered Corinth, May 30th, to find it completely evacuated. He commenced at once to build fortifications for 100,000 men. But the dispersion of this grand army soon commenced; the Army of the Ohio (Buell's) was sent east along the line of the Memphis and Charleston Railroad, with orders to repair the road as it proceeded. We shall soon meet this army and narrate its future movements to the Ohio River—in retreat *after* Bragg's army.

Grant, chafing under his treatment, on Corinth being occupied, at his own request was relieved from any duty in Halleck's department. Later, on Sherman's advice, he decided to remain, but to transfer his headquarters to Memphis, to which place he started, June 21st, on horseback with a small escort.

Halleck was, July 11, 1862, notified of his own appointment to the command of all the armies, with headquarters at Washington. Grant was therefore recalled to Corinth again. He reached that place and took command, July 15th, Halleck departing two days later, never again to take the field in person. The latter was not under fire during the war, nor did he ever command an army in battle. We here leave Grant and his brilliant career in the West. We shall speak of him soon again, and still later when in command of all the armies of the Union (Halleck included), but with headquarters in the field with the Army of the Potomac.

(1) *War Records*, vol. vii., pp. 904, 911.

(2) *Ibid.*, vol. x., Part I., p. 398 (396).

(3) *Ibid.*, vol. x., Part I., p. 112.

(4) *War Records*, vol. x., Part I., pp. 392-7.

(5) *War Records*, atlas, Plate XII.

(6) *Ibid.*, vol. x., Part I., p. 112.

(7) *Battles and Leaders*, vol. i., p. 466.

(8) For maps showing positions of troops of each army both days see *Battles and Leaders*, vol. i., pp. 470, 508.

(9) General Ammen's diary, Nelson's and Ammen's reports, *War Records*, vol. x., Part I., pp. 323, 328, 332.

(10) Ammen, *Ibid.*, vol. x., Part I., pp. 334,337.

(11) *War Records*, vol. x., Part I., p. 391 (398).

(12) McCook did not arrive until early on the 7th. *War Records*, vol. x., Part I., p. 293.

(13) Official map, *Battles and Leaders*, vol. i., p. 598.

(14) Grant's *Memoirs*, vol. i., p. 351.

(15) *War Records*, vol. x., Part II., pp. 384-5, 424, 482 (407-8).

(16) *War Records*, vol. x., Part I., pp. 111, 105, 108, 391.

(17) *Battles and Leaders*, vol. i., p. 485.

(18) *Battles and Leaders*, vol. i., p. 460.

(19) *Battles and Leaders*, vol. i., pp. 446, etc.

CHAPTER VII Mitchel's Campaign to Northern Alabama—Andrews' Raid into Georgia, and Capture of a Locomotive—Affair at Bridgeport—Sacking of Athens, Alabama, and Court-Martial of Colonel Turchin—Burning of Paint Rock by Colonel Beatty—Other Incidents and Personal Mention —Mitchel Relieved

General Mitchel's division (to which I belonged) of the Army of the Ohio we left at Nashville, ready to move on an independent line. When the other divisions had started for Savannah, Mitchel, March 18, 1862, resumed his march southward, encamping the first night at Lavergne, fifteen miles from Nashville. The next day we marched on a road leading by old cotton fields, and felt we were in the heart of the slaveholding South. The slaves were of an apparently different type from those in Kentucky, though still of many shades of color, varying from pure African black to oily-white. The eye, in many instances, had to be resorted to, to decide whether there was any black blood in them. But these negroes were shrewd, and had the idea of liberty uppermost in their minds. They had heard that the Northern army was coming to make them free. Their masters had probably talked of this in their hearing. They believed the time for their freedom had come. Untutored as they all were, they understood somehow they were the cause of the war. As our column advanced, regardless of sex, and in families, they abandoned the fields and their homes, turning their backs on master and mistress, many bearing their bedding, clothing, and other effects on their heads and backs, and came to the roadsides, shouting and singing a medley of songs of freedom and religion, confidently expecting to follow the army to immediate liberty. Their number were so great we marched for a good part of a day between almost continuous lines of them. Their disappointment was sincere and deep when told they must return to their homes: that the Union Army could not take them. Of course some never returned, but the mass of them did, and remained until the final decree of the war was entered and their chains fell off, never to be welded in America on their race again. They shouted "*Glory*" on seeing the *Stars and Stripes*, as though it had been a banner of protection and liberty, instead of the emblem of a power which hitherto had kept them and their ancestors in bondage. The "*old flag*" has a peculiar charm for those who have served under it. It was noticeable that wherever we marched in the South, particularly in Kentucky, Tennessee, and Virginia, we found men at the roadside who had fought in the Mexican War, often with tears streaming down their cheeks, who professed sincere loyalty to the flag and the Union.

We reached Murfreesboro on the 20th without a fight, the small Confederate force retiring and destroying bridges as we advanced.

The division was kept busy in repairing the railroad, and especially in rebuilding the recently destroyed railroad bridge near Murfreesboro across Stone's River. I worked industriously in charge of a detail of soldiers on this bridge. In ten days it was rebuilt, though the heavy timbers had to be cut and hewed from green timber in the nearby woods. The Union Army never called in vain for expert mechanics, civil or locomotive engineers.

I took a train of ninety wagons, starting to Nashville on the 31st, for quartermaster, commissary, and ordnance supplies, with instructions to repair, while on the way, broken places in the railroad. In consequence of the destruction of bridges the train and guard had to travel a longer route than the direct one, making the distance above forty miles. We repaired the railroad, and reached Nashville and loaded my wagons by the evening of the second day. The city was a demoralizing place for soldiers. A few of my men of the 10th Ohio became drunk, and while I was engaged in the night trying to move the train and guard out of the city, some one threw a stone which struck me in the back of the head, cutting the scalp and causing it to bleed freely. I got the train under way about midnight, and then searched for a surgeon, but at that hour could find none. Knowing that Mrs. McMeans, the wife of the surgeon of the 3d Ohio, was at the City Hotel, I had her called, and she performed the necessary surgery, and stopped the flow of blood. Long before sunrise my train was far on the road, and by 8 P.M. of the 2d of April it was safely in our camps at Murfreesboro. It was attacked near Lavergne by some irregular cavalry, or guerillas, but they were easily driven off. Such troops did not, as a rule, care to fight. The conduct of a supply-train through a country infested by them is attended with much responsibility and danger, and requires much energy and skill.

Mitchel, now being supplied, marched south, April 3d, and we reached Shelbyville the next day—a town famed for its great number of Union people. Loyalty seemed there to be the rule, not the exception. The Union flag was displayed on the road to and at Shelbyville by influential people. Our bands played as we entered the town, and there were many manifestations of joy over our coming. This is the only place in the South where I witnessed such a reception. I recall among those who welcomed us the names of Warren, Gurnie, Story, Cooper, and Weasner.

While here Colonel John Kennett, with part of his 4th Ohio Cavalry, made a raid south and captured a train on the Nashville and Chattanooga Railroad and some fifteen prisoners.

A short time before we reached Shelbyville, Mitchel sent a party of eight soldiers, in disguise, under the leadership of a citizen of Kentucky, known as Captain J. J. Andrews, to enter the Confederate lines and proceed *via* Chattanooga to Atlanta, with some vague idea of capturing a train of cars or a locomotive and escaping with it, burning the bridges behind them. The party reached its destination, but for want of an engineer who had promised to join it at Atlanta, the plan was abandoned, and each of

the party returned in safety, joining their respective regiments at Shelbyville. Andrews, still desiring to carry out the plan, organized a second party, composed of himself and another citizen of Kentucky, Wm. Campbell, and twenty-four soldiers, detailed from Ohio regiments, seven from the 2d, eight from the 33d, and nine from the 21st.(1) This party started from Shelbyville, Monday night, April 7, 1862, disguised as citizens, professing to be driven from their homes in Kentucky by the Union Army and going South to join the Confederate Army. They were to travel singly or in couples over roads not frequented by either army, but such as were usually taken by real Kentucky refugees to Chattanooga or some station where passage on cars could be taken to Marietta, Georgia, where the whole party were to assemble in four days ready to take a train northward the following (Friday) morning. Each man was furnished by Andrews with an abundance of Confederate money to pay bills. It was understood that if any were suspected and in danger of capture they were to enlist in the Southern army until an opportunity for escape presented. Mitchel, it was known to Andrews and his party, was to start for Huntsville, Alabama, in a day or two, and Andrews hoped to be able to escape with his captured train through Chattanooga, thence west over the Memphis and Charleston Railroad, and join Mitchel at some point east of Huntsville.

The distance was too great for all the party to reach their destination before Friday, and on the way Andrews managed to notify most of his men that the enterprise would not be undertaken until Saturday. About midnight of the 11th of April the members reached Marietta, and, with two exceptions, spent the night at a small hotel near the depot. Big Shanty (where passengers on the early morning train were allowed to take breakfast), north of Marietta, was the place where the party proposed to seize the locomotive and such part of the train as might seem practicable, the engineer (Brown) of the party to run it north, stopping at intervals only long enough to cut telegraph wires, to prevent information being sent ahead, tear up short portions of the track to prevent pursuit, and to burn bridges, the latter being the principal object of the raid. Porter and Hawkins of the party, who had lodging at a different hotel from the others, were not awakened in time, and consequently did not participate in the daring act for which the party was organized.

During the night Andrews carefully instructed those at his hotel, each man being told what was expected of him. The party were almost to a man strangers to him until five days before, and hardly two of them, though of the same regiment, until then knew each other. Never before, for so extraordinary an attempt, was so incongruous a band assembled. I knew one of them—Sergeant-Major Marion A. Ross, of the 2d Ohio. He had no previous training, and no special skill for such an expedition. He was a farmer boy (Champaign Co., Ohio) of more than ordinary retiring modesty, with no element of reckless daring in his nature. He had almost white silky flaxen hair, and at Antioch College, where I first met him, he rarely associated with his schoolmates in play or amusement. He was called a ladies' man; and this because he did not care for the active pursuits usually enjoyed by young men.

It is said that when Ross ascertained the number of trains, regular and irregular, with which the exigencies of war had covered the railroad, and considered also the distance to be passed over, he tried at the last moment to dissuade Andrews from undertaking the execution of the enterprise. In this he failed, but Andrews gave any of the party who regarded the design too hazardous the right to withdraw. (2) Not one, however, availed himself of this liberty. Ross saw that the scheme must fail, but was too manly to abandon his comrades.

Saturday morning before daylight the party was seated in one passenger car, moving north. In this and other coaches there were several hundred passengers.(3) At sunrise, when eight miles from Marietta, the train stopped, and the trainmen shouted: "*Big Shanty —twenty minutes for breakfast*." At this, conductor, engineer, fireman, and train-hands, with most of the passengers, left the train. Thus the desired opportunity of Andrews and his party was presented. They did not hesitate. Three cars back from the tender, including only box-cars, the coupling-pin was drawn, and the passenger cars cut off. Andrews mounted the engine, with Brown and Knight as engineers and Wilson as fireman. Others took places as brakemen, or as helpers and guards, and, to the amazement of the bystanders, the locomotive moved rapidly north. The conductor, engineer, and train-men were dazed. The capture was accomplished, but how were the trains and the stations to be passed on the long journey to Chattanooga; and how was that place to be passed, and still a run of a hundred miles made over the Memphis and Charleston Railroad before they were within the Union lines at Huntsville? The train proceeded only a short distance when it was stopped and the telegraph wires cut, then it moved on again, stopping now and then long enough to enable Andrews and his men to tear up the track behind them. They reached Kingston, thirty-two miles north, where a stop had to be made, but by claiming their train was a powder train hastening to Beauregard's army, they were allowed to pass on; so the flight continued until Dalton and the tunnel north of it were passed. The conductor, Fuller, started from Big Shanty with a small party on foot, then procured a hand-car and at Dalton a locomotive. His pursuit was both energetic and intelligent. At Dalton he succeeded in getting a telegram through to Chattanooga giving notice of the coming of the raiders. The locomotive seized, known as *General*,

proved a poor one, and fuel soon gave out, and finally the pursuers came in sight. Cars were dropped and bridges were fired, but the pursuers pushed the cars ahead and put out the flames. At last, not far from Chattanooga, the *General* was abandoned, and the raiders scattered to the woods and, generally singly, sought to evade capture; but as the whole country was aroused and Confederate soldiers were at hand, most of the party were soon captured; one or two evaded discovery by going boldly to recruiting stations and enlisting in the Confederate Army. The history of the suffering, trials, and fate of this daring band is one of the most thrilling and tragic of the war. It is too long to be here told. The captured were imprisoned at Chattanooga, and Andrews, the leader (after making one attempt to escape), was heavily ironed, and a scaffold was prepared at Chattanooga for his execution, but for some reason he and his companions were transferred to Atlanta, where, on the day of their arrival, he was taken to a scaffold and hung, and his body buried in an unmarked and still unknown grave.(3) He died bravely, resigned to his fate. He was a man of quiet demeanor, of extraordinary resolution, and more than ordinary ability. He was tried and sentenced by a sort of drum- head court-martial, charged with being disloyal to the Confederacy and hanged as a spy.(3) Other men of more fame have died on the gallows, and others of less merit have occupied high positions.

Seven of the band were taken to Knoxville, and in June, 1862, tried by court-martial and condemned to be hanged as spies. Campbell, Wilson, Ross, Shadrack, Slaven, Robinson, and Scott were hanged June 18th, by order of General E. Kirby Smith, at Atlanta.(3) Their bodies were buried in a rude trench at the foot of the scaffold. A grateful government has caused this trench to be opened and the mortal remains of these unfortunate heroes of cruel war to be removed to the beautiful National Cemetery near Chattanooga and buried amidst the heroes of Chickamauga, there to rest until the Grand Army of Soldier-dead shall be summoned to rise on the resurrection morn.

Eight others, Brown, Knight, Porter, Wood, Wilson, Hawkins, Wallam, and Dorsey, after suffering more than the pangs of death in prison, in various ways and at different times escaped; and after like suffering, six others, Parrot, Buffem, Bensinger, Reddick, Mason, and Pittenger were (March, 1863) exchanged. These fourteen were, save Wood and Buffem, living in 1881, honored and upright citizens. Pittenger was a member of the New Jersey Methodist Episcopal Conference, and the author of *Capturing a Locomotive*, in which is given the story of the tragic affair in all its painful details.

Mitchel's division resumed its march southward April 9th, and reached Fayetteville the next day; two brigades—Turchin's and Sill's—continued the march towards Huntsville on the Memphis and Charleston Railroad. At Fayetteville the inhabitants seemed to be wholly disloyal, and extended no welcome. Huntsville was surprised and captured before daylight on April 11th. A large number of cars and fifteen locomotives were taken.(4) One train was found at the depot loaded with recruits for Beauregard's army at Corinth. Many Confederates who had been wounded at Shiloh were captured and paroled. The next day, at Stevenson, five more locomotives and a large amount of rolling stock were taken.(4)

The only instance witnessed by me during the war of a body of soldiers refusing to obey orders was of the 10th Ohio when it was ordered at Fayetteville to prepare to march, each man carrying his knapsack. On some occasions prior to this time the company wagons carried the knapsacks of the men. Colonel Wm. H. Lytle (then commanding a brigade), being greatly chagrined and enraged at the insubordination of his regiment, ordered a section of a battery pointed on it, took out his watch, and gave the men two minutes to take up their knapsacks and be ready to march. The order was obeyed complainingly, and the incident was not again repeated. This regiment was a good one, and later it was distinguished for valor and good soldierly conduct.

As we proceeded south into the cotton regions, the slaves were more numerous and still flocked to the roadsides, seeking and desiring to follow the army. All believed the "Yankee army" had come solely to free them.

Colonel John Beatty was made Provost-Marshal and President of a
Board of Administration for Huntsville.

Huntsville was a beautiful, aristocratic little Southern city. A feature of it was a large spring near its centre which furnished an abundant supply of water for the men and animals of a large army. It was the home of the Alabama Clays, all disloyal; of ex- Senator Jerry Clemens, who had early been a Union man, but later was disposed to accept secession as an accomplished fact; then, on the Union occupancy of Northern Alabama, he boldly advocated a restoration of the State to the Union. Colonel Nick Davis, likewise an original Union man, at first opposed secession; then, after Bull run, accepted a colonelcy in an Alabama rebel regiment; then declined it, and thereafter tried to remain loyal to the Union. The conduct of such strong men as Clemens and Davis is not to be wondered at when their surroundings are considered. There were many who, feeling bound to continue their residence in the South, and believing, after Bull Run, that the Confederacy was established, yielded their opposition to it.

Reverend Frederick A. Ross, a distinguished Presbyterian minister, who preached the divinity of slavery, resided here.(5) Reverend Ross was arrested by General Rousseau and sent north to prison for publicly *praying* in his church at Huntsville (while occupied by the Union Army) for the success of the Confederacy, the overthrow of the Union, and the defeat of its armies.

There were some men, among whom were Hon. George W. Lane (later appointed a United States Judge), who adhered firmly to the Union. That part of Alabama north of the Tennessee had opposed secession.

Clement Comer Clay, a lawyer, who had been a soldier in the Creek Indian War, Chief-Justice of his State, and had served in both branches of Congress and as Governor of Alabama, was arrested and tried at Huntsville, when seventy-three years of age, by a military commission of which I was president. There were several charges against him, the most serious of which was for aiding and advising guerillas to secretly shoot down Union soldiers, cut telegraph lines, and wreck trains. This charge he vehemently denied until a letter in his own handwriting was produced, recently written to a guerilla chief, advising him and his band to do the things mentioned. He was not severely dealt with, but was sent to Camp Chase, Ohio, for detention. He was later liberated, and died in Huntsville in 1866. His son, Clement Claiborne Clay, had been a judge, and subsequently a United States Senator. He withdrew from the Senate in February, 1861, and was formally expelled in March, 1861. He became a Senator in the Confederate Congress in 1862, and during the last two years of the war was the secret agent of the Confederacy in Canada, where he plotted raids on the Northern frontier.

General O. M. Mitchel held advanced notions on the subject of the treatment and disposition of slaves of masters in arms against the government. The slaves of such masters, he thought, should be confiscated. He used some slaves as spies to gain information of the enemy, and to located secreted Confederate supplies, and to them he promised protection, if not freedom. Secretary Stanton approved his action and views in this matter.(6)

But Buell, his immediate commander, wholly disapproved of all employment or use of slaves in any manner as instruments to put down the rebellion. Mitchel, therefore, soon fell into disfavor with him. Buell, on learning that Mitchel had employed some able- bodied escaped slaves to aid the soldiers in constructing stockades to protect railroad bridges, necessary to be maintained to enable supplies to be brought up, ordered Mitchel to send an officer to see that slaves thus employed were forthwith returned to their masters. I was accordingly directed by Mitchel to take a small guard, and, with a locomotive and car, go to the bridges west of Huntsville and north of the Tennessee River, on the line of railroad from Decatur through Athens towards Nashville, to execute this order of Buell's. I executed it to the *letter—only*. While on this unpleasant duty I came to a place where a scouting party, commanded by a lieutenant sent out by Mitchel, had two citizen- disguised Confederate guerillas, just taken in the act of cutting the telegraph wires, an offence, by a proclamation of Mitchel, punishable by death. The scouting party proceeded to hang them with wire to telegraph poles. I did not approve the summary punishment, but was powerless and without authority over the officer; and was then engaged only in returning slaves to their owners.

Prior to this order of Buell's, Congress had passed an act, as an Article of War, prohibiting the employment of any of the United States forces "for the purpose of returning fugitives from service or labor who may have escaped, and any officer found guilty, by a court-martial, of violating this article to be dismissed from the service."(7) The order, and my execution of it, were alike in violation of the law, for the issuing and execution of which both Buell and I could have been dismissed from the service. Just after the capture of Fort Donelson Grant issued an order prohibiting the return of the fugitive slaves with his army and of all slaves at Fort Donelson at the time of its capture.(8)

Both Stevenson and Decatur, to the east and west of Huntsville, were, by the use of captured locomotives and cars, seized by Mitchel on the 12th of April, and his command was soon so extended as to hold the one hundred miles of railroad between Stevenson and Tuscumbia. The last of the same month, however, the troops were withdrawn from Tuscumbia and south of the Tennessee. The 3d and 10th Ohio being in occupancy of Decatur, evacuated it under orders, and, on the night of April 27th, burned the railroad bridge (one half mile in length) over the Tennessee River.

An expedition started the same day for Bridgeport, where the railroad again crosses the Tennessee, and where General Danville Leadbetter had command of a small force on the west side of the river, somewhat intrenched. The expedition consisted of two companies of cavalry, two pieces of artillery, and six regiments of infantry, Mitchel commanding. Owing to the destruction by the Confederates of a bridge over Widow's Creek, it was impossible to transport by rail the artillery with caissons and horses nearer than four miles of Bridgeport. By the use of cotton bales the two guns were floated over the deep stream, and the artillery horses and caissons with extra ammunition were left behind. The guns were dragged by two companies of the 3d Ohio, and the whole expedition pushed on to a ridge within

about five hundred yards of Leadbetter's redoubts near the north end of the bridge. The enemy was surprised or demoralized, and Leadbetter did not decide either to retreat or fight until a shot or two from our cannon emptied his redoubts and intrenched position near the end of the bridge.

Precipitately his guns were loaded on a platform-car, and a hasty retreat was made across the Tennessee by the railroad bridge; but before all the Confederate troops had succeeded in crossing Leadbetter caused to be exploded two hundred pounds of powder, with a view of blowing up the east span of the bridge. The explosion did not do the work, hence the drawbridge at the east end was fired, to complete its destruction.(9) But few captures were made. Leadbetter also abandoned his camp east of the river, and was forced to abandon two guns placed in position on the east bank. One of the Andrews raiders of the 33d Ohio, who, to save himself from capture and punishment, had joined Captain Kain's battery, and was acting as artillery sergeant with the two guns captured, hid under the river bank and signalled his desire to be allowed to surrender. He was permitted to cross over to us, and, his old regiment being present, he at once rejoined it.

Mitchel moved his command on Bridgeport with great rapidity and skill, but he showed a nervous temper, which gave the impression that in a great battle he would become too much excited for a commanding officer.

Just after Leadbetter's retreat a body of cavalry appeared below Bridgeport in an open field, not knowing the place had been taken, and would have been captured had Mitchel not ordered them fired on before they came near enough to be cut off.

I was sent on the morning of the 30th, in command of a detachment, across the Tennessee to reconnoitre towards Chattanooga. We improvised rafts from logs and timber to carry the men, and a few horses for mounted officers were forced into the stream, and by holding their heads to the rafts compelled to swim the east channel of the Tennessee. We secured the two guns mentioned, some muskets and supplies at the enemy's camps, and found evidence of a hasty flight of the Confederates. By a détour we came into a valley flanked to the east by Raccoon Mountain, and we visited a large saltpetre works at Nick-a-Jack Cave. These works we destroyed by breaking the large iron kettles and by burning all combustible structures. A portion of the detachment was sent under cover of the thick woods to the railroad east of Shellmound, a station near the river, where we expected to cut off a train of cars engaged in loading, for removal, supplies of provisions. The engineer, a few moments before the party reached the railroad, had run his engine to a water-station located east of the point of our intersection, and it thus escaped capture. We, however, captured one captain and about a dozen men; also the cars of the train and considerable supplies, all of which we were obliged to destroy, save some choice, much-needed hams. These we loaded on a flat car, which we pushed about ten miles to the east abutment of the broken bridge. This raid caused great consternation at Chattanooga for several days. The detachment was reported as 5000 strong at Shellmound, and Leadbetter ordered "all bridges on the railroad and country roads" burned, and a retreat to Lookout Mountain.(10) It would have been easy then to have taken Chattanooga. A year and a half later it cost many lives and became about the only Union trophy of the battle of Chickamauga.

I learned on this raid, from prisoners, that Farragut and Butler had, on April 29, 1862, obtained possession of New Orleans. This was the first information of their success received at the North.(11)

My expedition was the first armed one of the war upon the mainland of Georgia.

On my return to the west side of the river I found my regiment, with others, under orders to march at 9 o'clock at night for Stevenson, destination Athens, Alabama. The enemy, under Colonel J. S. Scott, attacked (May 1st) and drove out of Athens the 18th Ohio, under Colonel T. R. Stanley. The affair was not a creditable one to either side. The troops under Scott were said to have been harbored in houses from which they fired on Stanley's men as the latter fled through the streets, and it was claimed citizens aided in shooting down Union soldiers, though this was never shown to be true. Scott, in his report to Beauregard, dated the day of the fight, boasted that the "boys took few prisoners, their shots proving singularly fatal."(11)

The affair itself was of but little consequence, as Colonel Scott was driven out of Athens the succeeding night, and the next day across the Tennessee, he only having captured Stanley's baggage, four wagons, and twenty men, having suffered in killed and wounded a greater loss than he had inflicted.

Out of this incident arose one of the most exceptional occurrences of the whole war.

Colonel John Basil Turchin, of the 19th Illinois, in command of a brigade in Mitchel's division, reached Athens, May 2d, and, it was said, in retaliation for the alleged bad conduct of its citizens the day preceding, he retired to his tent and gave the place up for two hours to be sacked by his command. It

was asserted that private houses were invaded during this time, money and valuables seized and carried off, and revolting outrages committed. Turchin was a Russian,(12) a soldier of experience, and a military man, educated in the best schools of Europe. He had served on the general staff of the Czar of Russia and in the Imperial Guard, rising to the rank of Colonel, and he had served his Czar also in the Hungarian War, 1848-49, and in the Crimean War of 1854-56.

It is more than possible that he had imbibed notions as to the manner and believed in methods of treating the enemy's property, including their slaves, and of dealing with captured towns and cities and their inhabitants, not in harmony with modern and more humane and civilized rules of war.

He did not believe war could be successfully waged by an invading army with its officers and soldiers acting as missionaries of mercy for and protectors and preservers of the property of hostile inhabitants. Later, and after General McCausland burned Chambersburg, Penna., less criticism fell on Turchin for his behavior at Athens.

His conduct and that of his command were doubtless exaggerated in many particulars, but enough was true to excite much comment and fierce denunciation and condemnation. The affair was especially unfortunate as to place, Athens being justly celebrated for the number of inhabitants who honestly adhered to the Union cause.

General Mitchel repaired to Athens on hearing it had been sacked, addressed the citizens, induced them to organize a committee to hear and report on all complaints; then ordered the brigade commander to cause every soldier under him to be searched, and every officer to state in writing, upon honor, that he had no pillaged property. The committee subsequently reported, but no charge was made against any officer or soldiers by name. The bills of forty-five citizens, however, were presented by it, aggregating $54,689.80, for alleged depredations. The search was made without finding an article and the reports of officers showed that they had no stolen property.

Strict orders against pillaging and plundering were issued and thereafter enforced in Mitchel's division. The outrages upon women, if any occurred, were greatly magnified.(13)

Buell caused Turchin to be placed in arrest, and he was later tried, convicted, and sentenced to be dismissed the service of the United States, the court having found him guilty of "neglect of duty, to the prejudice of good order and military discipline," and of "disobedience of orders," and of certain specifications to the charges, among others one embodying the allegation that he did "on or about the 2d of May, 1862, march his brigade into the town of Athens, State of Alabama, and having had the arms of the regiments stacked in the streets, did allow his command to disperse, and in his presence, or with his knowledge and that of his officers, to plunder and pillage the inhabitants of said town and of the country adjacent thereto, without taking adequate steps to restrain them." He pleaded guilty to one specification only, namely, that of permitting his *wife* to be with him in Athens, and to accompany him while serving with troops in the field. This court-martial was ordered by Buell, July 5, 1862, and it met first at Athens and then at Huntsville, Alabama, July 20th.(14) General James A. Garfield was its President, and Colonels John Beatty, Jacob Ammern, Curran Pope, J. G. Jones, Marc Mundy, and T. D. Sedgwick were the other members.

During the session of the court, General Garfield and Colonel Ammen were the guests of Colonel Beatty and myself at our camp near Huntsville. Though I had met Garfield, I had no previous acquaintance with either of them. They were even them remarkable men—both accomplished and highly educated, Ammen having previously had a military education. We were enabled to get intimately acquainted with them at our meals and during the long evenings spent in discussing the war and all manner of subjects. Both were fine talkers and enjoyed controversial conversation. Ammen, though not alone from vanity, was disposed to occupy the most of the time, and sometimes he would occupy an entire evening telling stories, narrating an event, or maintaining his own side of a controversy. He was the oldest of the party, and always interesting, so he was tolerated in this—*generally*. He was superstitious, and believed in the supernatural to a certain extent, denying that such belief was a weakness, else "Napoleon and Sir Walter Scott were the weakest of men." General Beatty relates an incident of an evening's talk (July 24th) at our camp thus:

"We ate supper, and immediately adjourned to the adjoining tent. Before Garfield was fairly seated on his camp stool, he began to talk with the easy and deliberate manner of a man who had much to say. He dwelt eloquently on the minutest details of his early life, as if they were matters of the utmost importance. Keifer was not only an attentive listener, but seemed wonderfully interested. Uncle Jacob undertook to thrust in a word here and there, but Garfield was much too absorbed to notice him, and so pushed on steadily, warming up as he proceeded. Unfortunately for his scheme, however, before he had gone far he made a touching reference to his mother, when Uncle Jacob, gesticulating energetically, and with his forefinger levelled at the speaker, cried: 'Just a word—just one word right there,' and so persisted until Garfield was compelled either to yield or be absolutely discourteous. The General,

therefore, got in his word; nay, he held the floor for the remainder of the evening. The conspirators made brave efforts to put him down and cut him off, but they were unsuccessful. At midnight, when Keifer and I had left, he was still talking; and after we had got into bed, he, with his suspenders dangling about his legs, thrust his head into our tent-door, and favored us with the few observations we had lost by reason of our hasty departure. Keifer turned his face to the wall and groaned. Poor man, he had been hoisted by his own petard. I think Uncle Jacob suspected that the young men had set up a job on him."(15)

The court having concluded the case, Buell, August 6, 1862, issued an order approving its proceedings and sentence of dismissal from the service, and declaring that Colonel Turchin ceased "to be in the service of the United States."(16)

Although the charges against him and his trial were notorious, and well known at the War Department and to the country, President Lincoln, the day preceding Buell's order of dismissal, appointed Colonel Turchin a Brigadier-General of Volunteers, and the Senate promptly confirmed the appointment, and thus he came out of his trial and condemnation with increased rank. He accepted the promotion, served in the field afterwards, was distinguished in many battles, and left the army October 4, 1864.

Turchin at the time he entered the Union Army was, and still is, a resident of Illinois.

There were many excellent men of foreign birth and residence who found places in the Union Army and filled them with credit.(17)

At Paint Rock, on the railroad east of Huntsville, the train on which the 3d Ohio was being transported from Stevenson (May 2d) was fired upon from ambush by guerillas, and six or eight men more or less seriously wounded.

Colonel Beatty stopped the train, and after giving the citizens notice that all such acts of bushwhacking would bring on them certain destruction of property, as it was known that professed peaceful citizens were often themselves the guilty parties or harbored the guilty ones, himself fired the town as an earnest of what a repetition of such deeds would bring.

Many fruitless small expeditions were undertaken to drive out the constant invasions made by Wheeler's, Morgan's, Adams', and Scott's cavalry north of the Tennessee and upon our lines of communication.

On May 18th, having become restless in camp, I volunteered as special aide to Colonel Wm. H. Lytle on an expedition to Winchester, Tennessee. We passed through a region thickly infested with the most daring bands of guerillas, and at Winchester had an encounter with some of Adams' regular cavalry, who, after making a rash charge into the town while we occupied it and losing a few men, retreated eastward to the mountains.

On May 13th General James S. Negley led a force from Pulaski against Adams' cavalry at Rogersville, north of the Tennessee opposite the Muscle Shoals, and with slight loss drove it across the river. Later there was a more determined effort by the Confederates to occupy, with considerable bodies of cavalry and light artillery, the country north of the Tennessee below Chattanooga, but June 4th, an expedition under Negley, composed of troops selected from Mitchel's command, surprised Adams with his principal force twelve miles northwest of Jasper, and routed him, killing about twenty of his men and wounding and capturing about one hundred more; also capturing arms, ammunition, commissary wagons, and supplies.(18) Negley pushed his command over the mountains up to the Tennessee, threatening to cross to the south side at Shellmound, and at other points, and finally took position opposite Chattanooga.

The expedition caused much consternation among the rebels, though little was actually accomplished. The attack made on Chattanooga, June 7th and 8th, failed, and Negley's command returned.(19) Colonel Joshua W. Sill, 33d Ohio, afterwards Brigadier-General, and killed at the battle of Stone's River, commanded a brigade under Mitchel and in the Chattanooga expedition. He was an accomplished, educated officer, modest almost to a fault, yet brave and capable of great deeds. His body is buried at Chillicothe, Ohio.

Mitchel's position in Northern Alabama was at all times precarious; he covered too much country; lacked concentration, and was constantly in danger of being assailed in detail; besides, his relations to Buell, his immediate commander, were not cordial. He complained frequently directly to the Secretary of War for want of support. Shortly after Buell's arrival from Corinth, the last of June, Mitchel tendered his resignation and asked to be granted immediate leave of absence, but the next day (July 2d) he was, by the Secretary of War, ordered to repair to Washington,(20) and General Lovell H. Rousseau, a

Kentuckian, who also believed in a vigorous prosecution of the war, succeeded him. General Mitchel on reaching Washington was selected by President Lincoln for command of an expedition on the Mississippi, but Halleck opposed his suggestion and failed to give the necessary orders for the contemplated movement, consequently Mitchel remained inactive until September, when he was assigned the command of the Department of the South, headquarters Hilton Head. He was stricken with yellow fever and died at Beaufort, South Carolina, October 30, 1862. He is buried at Greenwood Cemetery, Brooklyn, N. Y.

(1) Pittenger, *Capturing a Locomotive*, pp. 26, 40.

(2) *Capturing a Locomotive*, pp. 66-8.

(3) *Capturing a Locomotive*, pp. 204-5, 182, 224, 353.

(4) *War Records*, vol. x., Part I., p. 641; Part II., p. 104.

(5) *Ante*, p. 5.

(6) *War Records*, vol. x., Part II., pp. 115, 162-5, 195.

(7) Quoted in Lincoln's 22d of September, 1862, proclamation.

(8) McPherson, *History of Reconstruction*, p. 293.

(9) *War Records*, vol. x., Part I., p. 657.

(10) Leadbetter's report, *War Records*, vol. x., Part I., p. 658.

(11) *War Records*, vol. x., Part I., p. 878.

(12) Russian name—Ivan Vasilevitch Turchinoff. Turchin, *Battle of Chickamauga*, pp. 5, 6.

(13) *War Records*, vol. x., Part II., pp. 204, 212, 290, 294-5.

(14) *War Records*, vol. xvi., Part II., pp. 99, 273.

(15) *Citizen Soldier*, p. 159.

(16) *War Records*, vol. xvi., p. 277.

(17) My last letter from Gen. Robert C. Schenck speaks of meeting, while Minister in England, a former Ohio soldier. I give his letter, omitting unimportant parts.

"Marshall House, York Harbor, Maine, July 10, 1889. "My Dear General Keifer,—Your letter came to me just as I was leaving Washington. . . . I keep fairly well and vigorous for an old fellow so near to the octogenarian line. Accept my thanks for your kind remembrance and good wishes. You want to know about Colonel John DeCourcey, who commanded the [16th] regiment of Ohio Infantry for some time during our late war. I have not much to tell you of him, except that I made his acquaintance afterwards as a British nobleman. He was appointed a Union officer, I believe, by Governor Dennison, and had had, as I understand, some previous military experience and training.

"One night, in a party at the house of a friend in London, about 1872, I was told that Lord Kinsale desired especially to be presented to me. I said of course it would be agreeable. On being introduced he explained that, besides a general desire to pay his respects to the American Minister, he took an interest in me as being from Ohio. I was a little surprised to find an English gentleman having any particular knowledge about Ohio. He went on to tell me he had not been in London for some time, and had been ill, or he would have called on me before that time, for that he had served as commander of an Ohio regiment during our late war. This surprised me, but he explained that he was not then Lord Kinsale, else the fact might have attracted some attention, but only John DeCourcey, having succeeded rather unexpectedly to the title. I think he said on the death of a cousin, and perhaps the end of two or three other lives intervening. He was himself then an invalid, apparently, and has since died. I found him an agreeable gentleman.

"The Barony of Kinsale is an old title. I believe this Lord Kinsale was the 31st or 32d Baron. His ancestor, Earl of Ulster, for defending King John, in single combat, with a champion provided by Philip Augustus of France, was granted the privilege for himself and heirs, *forever to go with covered head in the presence of Royalty*. This, my dear general, must be about all that I told you of John DeCourcey, or could remember when I met you on the occasion you mention, at Springfield. Hope you are in good heart and health, I am

"Very sincerely yours,
"Robt. C. Schenck."

(18) *War Records*, vol. x., Part I., pp. 904, 919-920.

(19) *War Records*, vol. x., Part I., pp, 904, 919-920.

(20) *Battles and Leaders*, etc., vol. ii., pp. 706-7; *War Records*, vol. xvi., Part II., p. 92.

CHAPTER VIII Confederate Invasion of Kentucky (1862)—Cincinnati Threatened, and "Squirrel Hunters" Called Out—Battles of Iuka, Corinth, and Hatchie Bridge—Movements of Confederate Armies of Bragg and Kirby Smith—Retirement of Buell's Army to Louisville—Battle of Perryville, with Personal and Other Incidents

As we have seen, Halleck's great army at Corinth was dispersed, the Army of the Ohio going eastward. It spent the month of June, 1862, in rebuilding bridges, including the great bridge across the Tennessee at Decatur, but recently burned under his direction, and soon again to be abandoned to the Confederates.

The Confederate authorities projected an invasion on two lines and with two armies,—one under General E. Kirby Smith and the other under General Braxton Bragg,—the Ohio River and the cities of Louisville and Cincinnati being the objective points; the design being, also, to recruit the Confederate armies in Kentucky, obtain supplies, and force the evacuation by the Union Army of Alabama and Tennessee, and especially of Nashville. Early in August, 1862, these two Confederate armies were assembled at Knoxville and Chattanooga and along the Upper Tennessee, Kirby Smith's main force at the former and Bragg's at the latter place. The objectives of these armies were soon known, and the Army of the Ohio was therefore ordered to concentrate from its scattered situation at Decherd and Winchester, Tennessee.

General Robert L. McCook, late Colonel of the 9th Ohio, commanding a brigade under General George H. Thomas, while riding in an ambulance at the head of his command, ill and helpless, was shot and mortally wounded, August 5th, about three miles eastward of New Market, Alabama, by a body of ambushed men, said to have been guerillas in citizens' dress. He died at 12 M., August 6th. His command, in retaliation, laid the country waste around the scene of his death.(1) McCook had fought in Western Virginia; at Mill Springs (where he was wounded), at Shiloh, and elsewhere. He was one of the ten sons of Major Daniel McCook, who was killed (July 21, 1863), at sixty-five years of age, near Buffington's Island, during the Morgan raid in Ohio, while leading a party to cut off Morgan's escape across the Ohio River. Two brothers of his were killed in battle—Charles M., at Bull Run, July 21, 1861, and Daniel at Kenesaw, July 21, 1864. Alexander McDowell McCook commanded a corps, and all the brothers had honorable war records. Dr. John McCook, brother of the senior Daniel McCook, likewise served and died in the war. He had five sons, three of whom served with distinction in the volunteer army and two in the navy. I knew John's son, General Anson George McCook, first in Mitchel's division as Major and Lieutenant-Colonel of the 2d Ohio, then in the Forty- fifty, Forty-sixth, and Forty-seventh Congresses, and later as Secretary of the United States Senate.

The killing of General R. L. McCook, under the circumstances, was regarded as murder, and excited deep indignation both in and out of the army. Even Buell issued orders to arrest every able-bodied man of suspicious character within a radius of ten miles of the place where McCook was shot, to take all horses fit for service within that circuit, and to pursue and destroy bushwhackers.(2) With the arrest of a few men and the taking of some horses, however, the incident closed so far as official action was concerned.

Memphis was taken, on June 6, 1862, by Flag Officer C. H. Davis, who had with him a Ram Fleet under Colonel Charles Ellet, Jr., and an Indiana brigade under Colonel G. N. Fitch.(3)

The plan of the Confederate invasion, as already stated, was to operate on two lines. Kirby Smith from Knoxville was first to move on and take Cumberland Gap, then held by General George W. Morgan. Bragg was at Tupelo, Mississippi, July 18th, but, fired with the idea that on Kentucky being invaded her people would flock to arms under the Confederate standard, he commenced transferring his army to the new field of operations and removed his headquarters, July 29th, to Chattanooga.

Kirby Smith took the field August 13th, moving on Cumberland Gap, but, finding it impregnable by direct attack, he left General Stevenson with a division to threaten it and advanced on Lexington. John Morgan with a considerable body of cavalry preceded Smith into Middle Kentucky, and his incursion was taken as a forerunner of the greater one to follow. Alarm over the audacious movement was not limited to Kentucky; it spread to Ohio, and there were fears for the safety of Cincinnati.

General Horatio G. Wright was assigned to a new Department of the Ohio, composed of the States of Ohio, Michigan, Indiana, Illinois, Wisconsin, and Kentucky east of the Tennessee River, including Cumberland Gap, and he assumed command of it August 23d, headquarters at Cincinnati.(4) On the 16th, Buell had ordered General Wm. Nelson from the vicinity of Murfreesboro, with some artillery and infantry, to Kentucky, to there organize troops to keep open communications and operate against John Morgan.(5) Wright, on the 23d, ordered Nelson to Lexington to assume command of the troops in that vicinity and relieve General Lew Wallace. Nelson, with insufficient, and mainly new, undrilled, and undisciplined troops, moved to Richmond, Ky., where (August 30th) he was assailed by Kirby Smith's army and his forces disastrously routed with much loss, principally in captured. He was himself wounded in the leg by a musket ball. There were few organized Union troops now between Smith's army and the Ohio River, and such organizations as could be assembled were new and unable to cope with the Confederate veterans. The news of the defeat at Richmond reached Cincinnati the same evening, and it was at once assumed that Lexington and Frankfort would soon be in the enemy's hands, and Kirby Smith's army would forthwith march on Covington, Newport, and Cincinnati. The assumption proved correct, as the defeated troops retreated through Frankfort and Lexington.

The Mayor (George Hatch) and City Council of Cincinnati acted with courage and energy to meet the impending emergency, and the loyal people earnestly responded to all requirements and submitted to the military authorities, either to take up arms or to work on intrenchments. Lew Wallace, assigned by Wright to the immediate command of the three cities, proclaimed martial law to be executed (until relieved by the military) by the police; and business generally was suspended.

The Mayor, with Wallace's sanction, permitted the banks to remain open from 1 to 2 P.M.; bakers to pursue their occupation; physicians to attend their patients; employees of newspapers to pursue their business; funerals to be permitted, but mourners only to leave the city; all druggists were allowed to do business, but all drinking saloons, eating-houses, and places of amusement were to be kept closed. Governor David Tod, September 1st, authorized the reception of armed citizens from throughout the State, who were denominated "*Squirrel Hunters*." The patriotism of the people of Ohio and Indiana was heroically shown, and their rushing in large numbers to the defence of Cincinnati and other threatened cities may have had its influence, and was, at least, highly commendable; yet, if a real attack had been made on these cities, it is hardly likely that the "Squirrel Hunters" would have proved efficient as soldiers. Kirby Smith entered Lexington, Ky., September 1st, and two days later he dispatched General Heth with about six thousand men to threaten Cincinnati. Heth was joined the next day by Morgan and his raiders. By the 10th these forces were near Covington and threatened a serious attack. There were some artillery shots fired and some light skirmishing, but the next day it was ascertained the Confederates had commenced a retreat, and in a few days the "*Squirrel Hunters*" returned to their homes amid the plaudits of a loyal people, and business was resumed in the Queen City. A single act of disorder is reported in Cincinnati on the part of some citizens who began tearing up a street railroad because it was believed to be invidious to allow it to do business "when lager- beer saloons could not."(6)

The Legislature of Ohio authorized the presentation by the Governor of a lithographic discharge to each "*Squirrel Hunter*."

Before narrating the movements of Bragg's army from the Tennessee to the vicinity of Louisville, and of Buell's army in pursuit on Bragg's flank and rear, an attempt by another Confederate column to co-operative with Bragg in carrying out his general plan of invading Kentucky should be mentioned.

General Sterling Price, hitherto operating in Arkansas and Missouri, immediately after Shiloh, had been transferred with his army to Corinth to reinforce Beauregard, and when Bragg, who succeeded Beauregard, decided upon his plan of invasion, and had concentrated the bulk of his army at Chattanooga for that purpose, he assigned General Earl Van Dorn to the District of Mississippi and Price to the District of Tennessee, the latter to hold the line of the Mobile and Ohio Railroad, and both were to confront and watch Grant and prevent him from sending reinforcements to Buell. Price was left at Tupelo, Mississippi, with about 15,000 men. Later, September 11th, President Davis ordered Van Dorn to assume command of both his own and Price's army, the latter then on its march to Iuka, Mississippi, intending to move thence into Middle Tennessee if it should be found, as Bragg was led to believe, that Rosecrans (who, June 11th, had succeeded Pope in command of the Army of the Mississippi) had gone with his army to Nashville to reinforce Buell. Two of Grant's divisions, Paine's and Jeff C. Davis', had gone there, leaving the force for the defence of North Mississippi much reduced. Price entered Iuka September 14th, the garrison retiring without an engagement. Price, on learning that Rosecrans had retired on Corinth, telegraphed Van Dorn that he would turn back and co-operate in an attack on Corinth. Bragg telegraphed him to hasten towards Nashville. Rosecrans wired Grant to "watch the old wood-pecker or he would get away from them." September 17th, Halleck telegraphed Grant to prevent Price from crossing the Tennessee and forming a junction with Bragg. Grant telegraphed he would "do everything in his power to prevent such a catastrophe," and he began

concentrating his troops against Price at Iuka. General E. O. C. Ord was moved to Burnsville, where Grant established his headquarters, and Rosecrans marched his two divisions to Jacinto, with orders to move on Iuka, flank Price, and cut off his retreat. General Stephen A. Hurlburt was ordered to make a strong demonstration from Bolivar, Tennessee, against Van Dorn, then near Grand Junction with about 10,000 effective men, and lead him to believe he was in immediate danger of an attack, and thus prevent him from making a diversion in aid of Price by marching on Corinth. This ruse was successful. Orders were given by Grant and preparation was made by Ord to attack Price at Iuka as soon as Rosecrans' guns on the Jacinto road were heard. About 4 P.M., September 19th, C. S. Hamilton's division, under Rosecrans, attacked Little's division of Price's army on the Jacinto road, and a severe combat ensued until night, with varying success, both sides at dark claiming a victory. Neither Grant nor Ord heard the sound of the battle in consequence of the intervening dense woods and an unfavorable wind. Rosecrans did not or could not advise Grant of the state of affairs, and the latter did not learn of the battle until 8.30 A.M. of the 20th. Price retreated in the night with his forces towards Baldwyn, on the Mobile and Ohio Railroad, whither Grant ordered Ord with Hamilton's and Stanley's divisions and the cavalry to pursue. The pursuit was ineffectual. The battle of Iuka was fought after 4 P.M., principally by two opposing brigades, each about 4000 strong. The Union loss was, killed 141, wounded 613, missing 36, total 790.

The Confederate loss, as reported, was, killed 85, wounded 410, missing 40, total 535.(7)

After Iuka Rosecrans was placed in command at Corinth, Grant having established his headquarters at Jackson, Tennessee. Hurlburt was at Bolivar, Tennessee, with his division. Though Halleck had partly constructed defensive works around Corinth on occupying it in May, 1862, they were too remote from the town and too elaborate for a small army.

Grant had, more recently, partly constructed some open batteries with connecting breastworks on College Hill. These Rosecrans further completed, and also constructed some redoubts to cover the north of the town.

From Ripley, Mississippi, September 29th, Van Dorn, with his own and Price's army, his force numbering about 25,000, by a rapid march advanced on Corinth, where Rosecrans could assemble not exceeding 18,500 men, consisting of the divisions of Generals David S. Stanley and C. S. Hamilton and the cavalry division of Colonel John K. Mizner, of the Army of the Mississippi, and the divisions of Generals Thomas A. Davies and Thomas J. McKean, of the Army of the Tennessee. It was not known certainly until the 3d of October whether Van Dorn designed to attack Bolivar, Jackson, or Corinth. The advance of Van Dorn and Price was met on the Chewalla road by Oliver's brigade of McKean's division, which was steadily driven back, together with reinforcements until, at 10 A.M., all the Union troops were inside the old Halleck intrenched line, and by 1.30 P.M. the Confederates had taken it and were pushing vigorously towards the more recently established inner line of intrenchments. Price's army formed on the Confederate left and Van Dorn's on the right. The brunt of the afternoon battle fell on McKean's and Davies' divisions. General Hackleman of Davies' division was killed, and General Richard J. Oglesby of the same division was severely wounded. The Union troops engaged lost heavily. One brigade of Stanley's division and Sullivan's brigade of Hamilton's division late in the day came to the relief of the heavily pressed Union troops. The coming of night put an end to the battle, but with the Confederate Army within six hundred yards of Corinth and the Union troops mainly behind their inner and last line of defence. The situation was critical. The morning of the 4th found Rosecrans' army formed, McKean on the left, Stanley and Davies to his right in the order named, one brigade of Hamilton on the extreme right and the rest of Hamilton's division in reserve behind the right.(8)

Van Dorn opened fire at 4.30 A.M. with artillery, but he did not advance to the real attack until about 8 A.M. It came from north of town and fell heaviest on Davies' division. His front line gave way, and later his command was broken, and some of the Confederates penetrated the town and to where the reserve artillery was massed. Stanley's reserves, however, speedily fell on them and drove them out with great loss. Then the attack came on Battery-Robinett, to the westward near the Union centre. Three successive charges were made in column on this battery and on the centre with the greatest determination, and much close fighting occurred until the last assault was repulsed about 11 A.M. (October 4, 1862), when the enemy fell back under cover beyond cannon-shot. Van Dorn had hoped to take Corinth on the 3d, and now, being repulsed at every point, he beat a retreat, knowing Grant would not be inactive. It was not until about 2 P.M. that Rosecrans ascertained the enemy had commenced a retreat.(9) General James B. McPherson arrived, October 4th, from Jackson with five regiments, but too late for the battle. The engagement was a severe one; both armies fought with desperation and skill; the Union troops, being outnumbered, made up the disparity by fighting, in part, behind breastworks.

The losses were heavy, especially in officers of rank. The Union loss was, killed 27 officers and 328 men, wounded 115 officers and 1726 men, captured or missing 5 officers and 319 men; grand total,

2520.(10) The Confederate loss (as stated in Van Dorn's report (11)), including casualties at Hatchie Bridge (October 5th), was, killed 594, wounded 2162, prisoners or missing 2102; grand total, 4858.

Grant, besides sending McPherson to Rosecrans' support, had directed Hurlburt at Bolivar to march with his division on the enemy's rear. Hurlburt started on the 4th by way of Middletown and Pocahontas. At the former place he encountered the enemy's cavalry and forced them by night to and across the Big Muddy, where the division encamped, one brigade having taken and crossed the bridge to the east side. Hurlburt's orders from Grant were to reach Rosecrans at all hazards.(12) The situation for Hurlburt was critical. He had in front of his single division both Van Dorn and Price. But the situation was in a high degree desperate for the retreating army. If its retreat were arrested long enough for Rosecrans' column to assail it in the rear it must be lost or dispersed. It was this that Grant confidently calculated on. On the morning of the 5th Hurlburt pushed vigorously forward to Davis' Bridge over the Hatchie. General Ord arrived about 8 A.M. and took command of Hurlburt's forces. The movement had hardly commenced when strong resistance was met with. Ord pushed the enemy back for about three miles with General Veatch's brigade, taking a ridge—Metamora—about one mile from the Hatchie. Here a severe battle ensued, the enemy was driven from the field across the bridge, and a portion of Ord's command gained a position just east of the river, though not without much loss. Ord was himself wounded at the bridge, and the command again devolved on Hurlburt. The latter soon thereafter secured a permanent lodgement on the east of the Hatchie, thus effectively stopping the retreat of Van Dorn by that route and forcing him to fall back and find another less desirable one. Under cover of night Van Dorn retreated upon another road to the southward, and crossed the Hatchie at Crum's Mill, six miles farther up the river.(13)

The success of Ord and Hurlburt was so complete that Grant believed
Van Dorn's army should have been destroyed.(14)

Rosecrans did not move from Corinth until the morning of the 5th of October, and then not fast or far enough to overtake Van Dorn in the throes of battle with Ord and Hurlburt or in time to cut off his retreat by another route. Rosecrans gave as an excuse the exhausted condition of his troops after the battle of the 4th. At 2 P.M., the last day of the battle, he was certain the enemy had decided to retreat, yet he directed the victorious troops to proceed to their camps, provide five days' rations, take food and rest, and be ready to move early the next morning.(15) McPherson, having arrived with a fresh brigade, could have been at once pushed upon the rear of Van Dorn's exhausted troops. Rosecrans' army went into camp again in the afternoon of the 5th, while Ord and Hurlburt were fighting their battle. Although the pursuit was resumed by Rosecrans on the 6th, and thereafter continued to Ripley, it was after the flying enemy had passed beyond reach. But while it is possible that Rosecrans could have done better, it is certain that he and his troops did well; Van Dorn's diversion in favor of Bragg's grand, central invasion, at any rate, failed amid disaster.

But we must return to Bragg and Buell, the principal actors in the march to Kentucky.

Bragg's army commenced to cross the Tennessee at Chattanooga August 26, 1862, and immediately set out to the northward, his cavalry, under Wheeler, keeping well towards the foot of the mountains to the westward, covering and masking the real movement. Buell's army, as we have stated, was concentrated in the neighborhood of Dechard, Tennessee, with detachments of it still holding Huntsville, Battle Creek, and Murfreesboro.

Numerous and generally unimportant skirmishes took place at Battle Creek and other places. Murfreesboro was surprised and disgracefully surrendered to Forrest's cavalry July 13th, and Morgan's forces captured Gallatin, Tennessee, August 12th; but these places were not held.

Bragg continued his march through Pikeville and Sparta, Tennessee, crossing the Cumberland at Carthage and Gainesborough. Uniting his army at Hopkinsville, Kentucky, he proceeded through Glasgow to Munfordville, on Green River, where there was a considerable fortification, occupied by Colonel J. T. Wilder with about 4000 men.

Buell, after having sent some of his divisions as far east into the mountains as Jasper, Altamont, and McMinnville, with no results, moved his army to Nashville, thence with the reinforcements from Grant (two divisions), leaving two divisions and some detachments under Thomas to hold that city, through Tyree Springs and Franklin to Bowling Green, Kentucky, the advance arriving there September 11th. (16) Bragg was then at Glasgow. General James R. Chalmers and Colonel Scott, each with a brigade, the former of infantry, the other of cavalry, attacked, and Chalmers' brigade assaulted Wilder's position September 14th. The assault was repelled with much slaughter, Chalmers' loss being 3 officers and 32 men killed and 28 officers and 225 men wounded.(17) Chalmers then retired to Cave City, but returned with Bragg's main army on the 16th. Bragg having his army up, and Polk's corps north of Munfordville and Hardee's south of the river, opened negotiations for the surrender of the place. Being completely surrounded, with heavy batteries on all sides, Wilder capitulated, including 4133 officers and men.

Chalmers was designated to take possession of the surrendered works on the morning of the 17th. Had Buell marched promptly on Munfordville from Bowling Green he would have found Bragg with one half of his army south of Green River and Polk with the other half north of it, and Wilder still holding a position on the river between the two.

Bragg, after the surrender, concentrated his army south of Green River opposite Munfordville along a low crest of hills. He had not yet formed a junction with Kirby Smith, and his force then in position probably did not much exceed 20,000.(18)

The position had no special advantages, was well known to many of Buell's officers, and should have been to Buell himself. In case of defeat, Bragg's army must have been lost and Kirby Smith's left to the same fate. Green River, passable in few places in Bragg's rear and to the north, would have rendered retreat impossible for a defeated army, and, besides, Bragg had no base north to retreat to. The situation was well understood in our army, except by Buell, who seemed to fear a junction with Kirby Smith had been formed, though Wilder (just paroled) and others of his officers on the day of the surrender informed Buell that no junction had been made. Wilder, however, had an exaggerated opinion of Bragg's strength at Munfordville. The junction of the two Confederate armies did not take place until October 9th, at Harrodsburg, the day succeeding the battle of Perryville.(19)

Buell had, south of Bragg, not less than 50,000 effective men. He since admits he had 35,000 men present before he ordered Thomas' division and other troops up from Nashville.(19) Thomas arrived on the 19th and 20th. There was some skirmishing on the 20th, and Bragg was then permitted to withdraw without further molestation across the river, whence he marched northward. The slowness of the movement of Buell's army from Nashville to Bowling Green and, after delaying there five days, thence towards Munfordville, was freely commented on by his army at the time. It was composed of seasoned and experienced troops, eager to find the enemy and give him battle.(20) In the history of no war was a more favorable opportunity presented to fight and reap a victor's fruits than at Green River, but the time and men for great and controlling success were not yet come.

The water supply northward of Bowling Green, already spoken of, was at best poor and deficient, especially in the hot September weather. The pools or ponds, befouled by the shooting in the February preceding of diseased and broken-down animals of Hardee's army on its retirement from Bowling Green, contained the most noxious and revolting water, yet it was at one time, for a large part of the army, all that was to be had for man or beast. I remember Colonel John Beatty and I, on one occasion near Cave City, stood in a hard rain storm holding the corners of a rubber blanket so as to catch a supply of water to slake our thirst. The army, however, as was generally the case when moving, suffered little from sickness.

The wagon train of Buell's army was dispatched with a cavalry guard from Bowling Green on a road to the westward of Munfordville through Brownsville, Litchifield, and Big Spring to West Point at the mouth of Salt River on the Ohio, thence to Louisville.(21)

Bragg continued his march unmolested and unresisted north from Green River along the railroad to near Nolin, thence northwestward by Hodgensville to Bardstown, then through Perryville to Harrodsburg, some part of his army going as far as Lawrenceburg, Lexington, and Frankfort.(21)

Buell marched *after* Bragg to near Nolin, thence keeping to the west through Elizabethtown and West Point to Louisville, the advance, General Thomas' division, arrived there September 25th, and the last division the 29th. Both train and army reaching the city in safety had the effect, at least, of relieving the place from further danger of capture, and for this Buell had due credit, though the country and the authorities at Washington were highly displeased with the result of his campaign.

Cumberland Gap, for want of supplies, was, on the night of the 17th of September, evacuated by General George W. Morgan, and though pursued by General Stevenson and John Morgan's cavalry, he made his way through Manchester, Booneville, West Liberty, and Grayson to Greenup, on the Ohio, arriving there the 2d of October. Stevenson then rejoined Kirby Smith at Frankfort.

It is true Nashville was still held of the Union forces, but Northern Alabama and nearly all else in Middle Tennessee occupied during the campaigns of the previous spring were lost or abandoned. Grant alone held his ground in Northern Mississippi and Western Tennessee, and his army had been dangerously depleted to reinforce Buell.

Clarksville, on the Cumberland below Nashville, in Grant's department, was captured, August 18th, 1862, and some steamboats and some supplies were there taken and destroyed. Colonel Rodney Mason (71st Ohio) was in command, and had under him at the time only about 225 men. His position was not a good one for defence; he had no fortifications, and was without cavalry to give him information of the approach or strength of the enemy. It was variously claimed that Mason surrendered to only a few

irregular cavalry with no artillery, and without firing a gun, on being deceived into the belief that he was surrounded by a superior force with six pieces of artillery.(22) The War Department, somewhat hastily, August 22d, by order, without trial, dismissed Colonel Mason from the service. This order was revoked March 22, 1866.(22) Twelve officers of the regiment signed a statement to the effect that they had advised the surrender. For this the War Department mustered them out August 29, 1862. The President directed the order revoked as to Captain Sol. J. Houck, because he signed the statement under a misapprehension of its contents.(23) The order dismissing the others was revoked after the war, except as to Lieutenant Ira L. Morris, who enlisted in 1864 as a private soldier, and was thereupon honorably discharged as a Lieutenant.

The Confederate Army was now in occupancy of Frankfort, Lexington, Cumberland Gap, and most of middle Kentucky. Buell's army, largely reinforced by fresh troops and numbering, present for duty, 65,886,(24) was apparently besieged at Louisville. Nelson had retired there from his disaster at Richmond (August 30th), and had collected a very considerable army and thrown up some breastworks.

At West Point I obtained permission to proceed with the advance of the army to Louisville, having previously been notified of my appointment as Colonel of a newly-organized regiment.

On reaching Louisville I first saw President Lincoln's 22d of September Proclamation, announcing that on January 1, 1863, he would proclaim all slaves within States or designated parts of a State, the people whereof should be in rebellion, "thenceforward and forever free." The idea of prosecuting the war for the liberation of slaves in rebellious States had, to say the least, had not been fostered in Buell's army, hence there was much criticism of this proclamation by officers, and some foolish threats of resigning rather than "fight for the freedom of the negro." Even the army, fighting patriotically to suppress the rebellion, did not then fully appreciate that it was not in God's divine plan that peace should ever come to our stricken country until our banner of liberty waved over none but freemen.

On the 24th of September the President issued an order creating the Department of the Tennessee and assigned to its command Major- General George H. Thomas; and the same day Buell was ordered to turn his command over to him and to retire to Indianapolis.(25) These orders were forwarded by Colonel McKibben, but not delivered until the 29th.(26) Buell immediately turned over his command to Thomas, but the latter, with his natural modesty, protested against accepting it in the emergency. Halleck suspended the order, and Buell again resumed command, announcing Thomas as second in command.(26)

More than a year elapsed before General Thomas was again given so important a command as the one he thus declined, and then he relieved Rosecrans and took command of the Army of the Cumberland when it was besieged by Bragg at Chattanooga. Thomas, though diffident to a degree, was one of our greatest soldiers. He served uninterruptedly from the opening to the close of the war, distinguishing himself in many battles, especially at Stone's River, at Chickamauga, on the Atlanta campaign (1864), and at Nashville, December 15 and 16, 1864. He was admired, almost adored, by the soldiers of the Army of the Cumberland, and he deserved their affection. His principal characteristics differed from those of Grant, Sherman, Meade, or Sheridan, who, though great soldiers, each differed in disposition, temper, and quality from the others. General Thomas, being a Virginian by birth, was at first expected and coaxed to go into the rebellion, then later he was abused and slandered by statements coming from the South to the effect that he had contemplated going with his State. There is no evidence that he ever wavered in his loyalty to the Union.

I had Grant's opinion of General Thomas as a commanding officer when I was making an official call on him at City Point, December 5, 1864, just at the time Hood was besieging Nashville. Grant had been urging Thomas to fight Hood and raise the siege, fearing, as Grant then said, Hood would cross the Cumberland and make a winter raid into Kentucky. Thomas refused to fight until fully ready. Grant, after inquiring of me about the roads and hills around the south of Nashville, of which I had acquired some knowledge in the spring and fall of 1862, said, somewhat impatiently:

"Thomas is a great soldier, and though able, at any time, with his present force to whip Hood, he lacks confidence in himself and the disposition to assume the offensive until he has seventy-five per centum of the chances of battle, in his own opinion, in favor of success."

Thomas was born July 31, 1816, and died in San Francisco, March 28, 1870. His body is buried at Troy, N. Y. Sherman, in command of the army, in announcing his death, said:

"The very impersonation of honesty, integrity and honor, he will stand to posterity as the *beau-ideal* of the soldier and gentleman. Though he leaves no child to bear his name, the old Army of the Cumberland, numbered by tens of thousands, called him father, and will weep for him in tears of manly grief."

I witnessed, in principal part, a great tragedy resulting from a quarrel between high officers of the Union Army. This occurred September 29, 1862, at the Galt House, Louisville, whither I had repaired to tender my resignation to Buell as Lieutenant-Colonel of the 3d Ohio Infantry, to enable me to accept promotion.

General Jeff C. Davis had been in command of a division under General William Nelson at Louisville, and had in some way incurred Nelson's censure. Nelson relieved him of command and ordered him to report to Wright, the department commander, at Cincinnati. Wright ordered Davis to return to Louisville and report to Buell for duty. Davis, being from Indiana, returned *via* Indianapolis, and from there was accompanied to Louisville by Governor Oliver P. Morton, who, with another friend, was with Davis in the vestibule of the Galt House about 9 A.M. when Davis accosted Nelson, demanding satisfaction for the injustice he claimed had been done him, and, it was said, at the same time flipped a paper wad in Nelson's face.(27) Nelson retorted by slapping Davis in the face with the back of his hand, and then, after denouncing Morton as Davis' "abettor of the deliberate insult," at once passed from the vestibule to adjoining hallway and started up the steps of a stairway, apparently going towards his room. He soon, however, returned to the hall and walked quietly in the direction of Davis. The latter meantime had obtained a pistol from his friend, and as Nelson approached fired on him, the bullet striking Nelson in the left breast, just over the heart, producing what proved, in half an hour, to be a mortal wound.(27) The incident was a deplorable one. Nelson was an able, valuable officer, and had proved himself such on many fields. He was known to be hasty, and sometimes unwarrantably rough in his treatment of others, yet he promptly repented of any act of injustice and made amends as far as possible. Davis was placed in military arrest by Buell, but later was released, by orders from Washington, to be allowed to become amenable to civil authority. Still later he was restored to the command of a division, then given a corps, and, by his gallantry, soldierly bearing, and general good conduct to the end of the war, atoned in some degree for the bloody deed.

My resignation was accepted on this memorable 29th of September, 1862, and thenceforth my official connection with my first regiment, its gallant officers and soldiers, and with the noble Army of the Ohio and the other great armies of the West, ceased, and forever, and not without the deepest regret, especially in parting from Colonel John Beatty, with whom I had, as more than a friend and companion, eaten and slept, marched and bivouacked, on the closest terms of confidence, without receiving from him an unkind or ungenerous word, for seventeen months, although he was my immediate superior officer, and we had both gone through many hardships and vexatious trials together. This was the more remarkable as we were each of sanguine temperament and obstinate by nature.

Beatty was appointed by President Lincoln a Brigadier-General of Volunteers, November 29, 1862, and he thereafter, as before at Perryville, especially distinguished himself at Stone's River and Chickamauga. He has since served three terms in Congress with distinction.

It was my good fortune to meet and shake hands, one year and about eight months later, with some of the survivors of this Western army at Greensborough, North Carolina, after Lee's surrender, and on the occasion of the surrender of Joe Johnston's army to Sherman.

Although my humble connection with Buell's army ceased at Louisville, I will summarize its history, covering a few days longer.

Polk's and Hardee's corps constituting Bragg's army we left in the vicinity of Bardstown and Harrodsburg, with some portions at Frankfort and Lexington. Kirby Smith was at Salvisa, about twenty miles northeast of Perryville, with the main body of his army, and, believing he would be the first attacked, called loudly for reinforcement, and Bragg sent him, on the eve of Perryville, Withers and Cheatham's divisions from Polk and Hardee's corps. Bragg placed Polk in command of his army in the vicinity of Perryville, and repaired to Frankfort to witness the inauguration (October 4th) of a new Secession Provisional Governor of Kentucky—Richard Hawes (28)—her former one, George W. Johnson, having been killed at Shiloh while fighting as a private soldier.

Buell, being further reinforced with new troops, mostly from Ohio and Indiana, commenced, October 2d, a general movement against both Bragg and Smith. General Joshua W. Sill's division of General Alexander McD. McCook's corps, followed by General Ebenezer Dumont with a raw division, moved through Shelbyville towards Frankfort. McCook, with the two remaining divisions of the First Corps, commanded, respectively, by Generals L. H. Rousseau and James S. Jackson, moved from Bloomfield to Taylorsville, where he halted the second night. Crittenden's corps marched *via* Bardstown on the Lebanon and Danville road, which passed about four miles to the south of Perryville, with a branch to it. Gilbert's corps moved on the more direct road to Perryville. Thomas, second in command, accompanied Crittenden on the right, and Buell kept his headquarters with Gilbert's corps, the centre

one in the movements. As the Union columns advanced, the armies of Bragg and Kirby Smith found it necessary to commence concentrating. For some reason, not warranted by good strategy, two points of concentration were designated by Bragg, Perryville and Salvisa, twenty miles apart. Smith persisted in the belief he would be the first to be struck by the advancing army.

General Sill, on the road to Frankfort, encountered some opposition on the 3d, but on the 4th pressed the enemy back so close that the booming of his cannon interrupted Richard Hawes in the reading of his inaugural address. Bragg, while witnessing the ceremony, received dispatches announcing the near approach of the Union columns.(29) This led to a general stampede of the assembly, most of which was Confederate military, and the inaugural was never finished. Hawes fled from the capital, half inaugurated, accompanying the army, and this was about the last heard of a secession Governor of Kentucky.

Bragg personally hurried to Harrodsburg and there met Polk, who gave him news of the movements of his army and of the approach of the Union columns. Bragg reached the conclusion that the wide front covered by the Union forces (about fifteen miles) afforded an opportunity to beat a part of them in an early engagement, and he therefore, at 5.40 P.M. of the 7th, ordered Polk to recall Cheatham's division, hitherto ordered to reinforce Smith, and to form a junction with Hardee's corps near Perryville, and there give battle immediately, and then move to Versailles, whither Smith was ordered with his army.(30) McCook was turned directly on Perryville and Sill was ordered in the same direction. Buell, at 7 P.M. of the 7th, seemed to be aware that stubborn resistance would be met with the next day at Perryville. He so advised General Thomas.(31) Polk, with Cheatham's division, reached Perryville about midnight of the 7th, and the troops were placed in position on a line previously established with the expectation that a battle would be opened early the following morning. The Confederate troops thus in position numbered about 18,000, while immediately opposed to them were no divisions yet in position, and, in fact, no real preparation for battle had been made on the Union side. There was some skirmishing on the Confederate extreme left in the night, between Colonel Dan McCook's brigade of Sheridan's division, for the possession of the water in Doctor's Fork, but nothing more.

Bragg, at Harrodsburg, not hearing the battle open at dawn, hastened to Perryville, and there learned at 10 A.M. that a council of Confederate generals had been held, on Polk's suggestion, at which it was determined to act only on the defensive. He, however, after some reconnoissances and adjustment of the lines, ordered Polk to bring on an engagement.(32)

McCook with his two divisions came within about three miles of Perryville about 10.30 A.M. of the 8th, and there encountered some resistance, and later his troops were advanced and formed with the right of Rousseau's division, resting near a barn south of the Perryville and Mackville road, its left extending on a ridge through a corn field to a wood occupied by the 2d and 33d Ohio. The right of General William R. Terrill's brigade of Jackson's division rested on woods to the left of Rousseau, his left forming a crotchet to the rear. Starkweather and Webster's brigades of Rousseau and Jackson's divisions, respectively, were posted by McCook in support of the line named. Sheridan and R. B. Mitchell's divisions of the Third Corps were posted, not in preparation for battle, several hundred yards to McCook's right, but supposed to be near enough to protect it.(33)

Save some clashes of the skirmish lines and bodies seeking positions, no fierce engagement took place until 2 P.M., when a determined attack in force fell on Terrill's brigade, causing it to soon give way, General James S. Jackson, division commander, being killed at the first fire, and Terrill fell soon after. McCook had previously (about 12.30 P.M.) ridden to Buell's headquarters, about two and a half miles distant, and informed him of the situation, but this did not awaken him to the apprehension that a battle was about to be fought. McCook's entire command present on the field was soon engaged against great odds. Of this Captain Fisher of McCook's staff informed Buell in his tent at 3.30 or 4 P.M., and Buell claimed it was his first news that a battle had been raging on his front.

Polk, with three divisions of infantry and a complement of artillery, and with cavalry on each flank, had fallen on the two unsupported divisions of McCook, choosing his place and manner of attack skilfully. Rousseau's right was struck soon after Terrill's brigade was driven back, and the whole of his division was soon in action. The Confederates advanced under cover of their artillery fire, outflanking Rousseau's right. His troops stood to their work against odds and made a most gallant resistance. Their right was turned, when Gilbert's idle corps was near enough to have come at once into action and afforded it protection. McCook's command, though suffering much, was not driven from the field. My old regiment occupied the crest of a hill, its right behind a hay-barn. In this position, under Colonel John Beatty, it fought, exposed to a heavy fire from the enemy's batteries and to a front and flank fire from his infantry. The barn at last took fire, and its flames were so hot the right of the regiment was forced to temporarily give way. Its loss was 190 of its then 500 men in line, including Captains Cunard and McDougal and Lieutenants St. John and Starr among the killed. Colonel W. H. Lytle, commanding the brigade, was wounded and captured.

The Confederates gained possession temporarily of only portions of the battle-ground, and night found McCook's corps still confronting them.

Sheridan and R. B. Mitchell's divisions of the Third Corps in the evening made some diversion, driving back and threatening Polk's left. Buell late in the day ordered reinforcements sent to McCook, but they reached him too late for the battle. Polk claimed a victory, but while he had some temporary success, both armies slept on the field.

The failure of Buell to know or hear of the battle until too late to put his numerous troops near the field into it was the subject of much comment. Had Crittenden and Gilbert been pushed forward while Bragg's forces were engaged with McCook, his army should have been cut off, captured, or dispersed; Kirby Smith's lying farther to the north, would also have been imperilled.

Such an opportunity never occurred again in the war. It is said Buell was in his tent and the winds were unfavorable. But where were his staff officers, who should furnish eyes and ears for their General?

The Union loss was 39 officers and 806 men killed, 94 officers and 2757 men wounded, total 3696; and captured or missing 13 officers and 502 men, grand total 4211. Of these Rousseau's division lost 18 officers and 466 men killed, and 52 officers and 1468 men wounded, total 2004; and Jackson's division lost 6 officers and 81 men killed, and 8 officers and 338 men wounded, total 433; grand total, two divisions, 2437. The few others killed and wounded were of the three divisions of the Third Corps.(34)

The Confederate loss, as reported by General Polk, was 510 killed and 2635 wounded, total 3145; captured 251, grand total 3396.(34)

Bragg withdrew from the field of Perryville during the night after the battle and united his army with Smith's at Harrodsburg. Commencing October 13th, he retreated through Southeastern Kentucky *via* Cumberland Gap to the Tennessee, thence transferred his army to Murfreesboro, to which place Breckinridge, also Forrest's cavalry, had been previously sent.

Thus the great invasion ended. It bore none of the anticipated fruits. Both Bragg and Kirby Smith felt keenly the disappointment that Kentucky's sons did not rally under their standards. Bragg frequently remarked while in Kentucky: "The people here have too many fat cattle and are too well off to fight."

From Bryantsville he wrote the Adjutant-General at Richmond:

"The campaign here was predicated on the belief and the most positive assurances that the people of this country would rise in mass to assert their independence. No people ever had so favorable an opportunity, but I am distressed to add there is little or no disposition to avail of it."(35)

The conception of the invasion was admirable, and the execution of the campaign was vigorous, and, under all the circumstances, skilful, but if the Army of the Ohio had been rapidly moved and boldly fought, together with its numerous auxiliaries, both Bragg and Kirby Smith's armies would have been separately beaten and destroyed.

Buell's army pursued the enemy from Kentucky, and finally concentrated in front of Nashville. By direction of the President, October 24, 1862, the State of Tennessee east of the Tennessee River and Northern Alabama and Georgia became the Department of the Cumberland, and General W. S. Rosecrans was assigned to its command, his troops to constitute the Fourteenth Army Corps.(36) Buell was, at the same date, ordered to turn over his command to Rosecrans. The latter relived Buell at Louisville October 30th. Buell retired to Indianapolis to await orders. He was never again assigned to active duty, though he held his Major-General's commission until May 23, 1864. He was not without talent, and possessed much technical military learning; was a good organizer and disciplinarian, but was better qualified for an adjutant's office than a command in the field. Many things said of him were untrue or unjust, yet the fact remains that he failed as an independent commander of an army during field operations. With great opportunities, he did not achieve *success*—the only test of greatness in war—possibly in any situation in life. He was not, however, the least of a class developed and brought to the front by the exigencies of war, who were not equal to the work assigned them, or who could not or did not avail themselves of the opportunities presented.

Rosecrans, while in command of the Army of the Cumberland, won the battle of Stone's River (December 31, 1862); then pushed Bragg across the Tennessee and fought the great battle of Chickamauga, September 19 and 20, 1863. He was relieved at Chattanooga by Thomas, October 19, 1863, and was assigned to the Department of Missouri, January 28, 1864. In this new field Rosecrans displayed much activity and performed good service, but he was relieved again, December 9, 1864, and thereafter was on waiting orders at Cincinnati. Notwithstanding some mistakes, his character as a

great soldier and commanding general will stand the severe scrutiny of military critics. He was a man of many attainments, a fine conversationalist, and a genial gentleman who drew to him many devoted friends.

This chapter, already of greater length than was originally designed, must here end, as I must turn to other campaigns, armies, and fields of battle more nearly connected with my further career in the War of the Rebellion.

(1) *War Records*, vol. xvi., Part I., pp. 838-841.

(2) *Ibid.*, Part II., p. 290.

(3) *War Records*, vol. x., Part I., p. 910.

(4) *Ibid.*, vol. xvi., Part II., p. 404.

(5) *Battles and Leaders*, vol. iii., p. 39, and see *War Records*, vol. xvi., Part II., pp. 394, 395.

(6) *Ohio in the War*, vol. i., p. 93.

(7) *Battles and Leaders*, vol. ii., p. 736.

(8) *Battles and Leaders*, vol. ii., p. 744, map.

(9) *War Records*, vol. xvii., Part I., pp. 158, 170; *Battles and Leaders*, vol. ii., p. 752.

(10) *War Records*, vol. xvii., Part I., p. 176.

(11) *Ibid.*, p. 381 (382-4).

(12) *Ibid.*, p. 158, 308.

(13) *War Records*, vol. xvii., Part I., pp. 205-8, 302, 322.

(14) *Ibid.*, p. 158; Grant's *Memoirs*, vol. i., p. 417.

(15) *Battles and Leaders*, vol. ii., p. 753; *War Records* (Rosecrans' Report), vol. xvii., Part I., p. 170.

(16) Atlas, *War Records*, Part V., plate 24.

(17) *War Records*, vol. xvi., Part I., p. 978.

(18) *War Records*, vol. xvi., Part I., pp. 966, 970.

(19) *Battles and Leaders*, vol. iii., pp. 603-42.

(20) While the army was massed at Dripping Springs, a beef-ox escaped from a herd about midnight, and in wild frenzy rushed back and forth through the army, jumping on and running over the bivouacked sleeping soldiers, seriously injuring many, until a large part of the army was alarmed and called up. He was finally surrounded and bayoneted to death.

(21) Atlas, *War Records*, Part V., plate 24.

(22) *War Records*, vol. xvi., Part I., pp. 862-8.

(23) *War Records*, vol. xvi., Part I., p. 862-8.

(24) *Ibid.*, Part II., p. 564.

(25) *Ibid.*, pp. 539, 554-5, 560.

(26) *War Records*, vol. xvi., Part II., pp. 554-5, 560.

(27) *Battles and Leaders*, vol. iii., pp. 43, 61.

(28) *Battles and Leaders*, vol. iii., pp. 47, 602.

(29) *Battles and Leaders*, vol. iii., pp. 602, 47.

(30) *War Records*, vol. xvi., Part I., pp. 1092-6.

(31) *Ibid.*, Part II., p. 580.

(32) *War Records*, vol. xvi., Part I., pp. 1092-3.

(33) *Ibid.*, p. 1040.

(34) *War Records*, vol. xvi., Part I., pp. 1033, 1112.

(35) *War Records*, vol. xvi., Part I., p. 1088.

(36) *Ibid.*, Part II., pp. 641, 654.

CHAPTER IX Commissioned Colonel of 110th Ohio Volunteers—Campaigns in West Virginia under General Milroy, 1862-3—Emancipation of Slaves in the Shenandoah Valley, and Incidents

On September 30, 1862, I arrived at Columbus, Ohio, from Louisville, and was at once commissioned Colonel of the 110th Ohio Volunteer Infantry. My regiment was at Camp Piqua, Ohio, not yet organized and without arms or clothing. I found the camp in command of a militia colonel, appointed for the purpose.

The men of the 110th Ohio were for the most part recruited from the country, and were being fed in camp, in large part, by home- food voluntarily furnished by their friends. They were a fine body of young men, but none of the officers had seen military service.

I declined to assume command of the camp or regiment until clothing and arms could be procured. Three or four days sufficed to obtain these supplies, but only percussion-cap smooth-bore .69 calibre muskets could be obtained. These guns were heavy, long, and unwieldy, and much inferior to the Springfield .58 calibre rifle, but I accepted them temporarily rather than be delayed in the drill and discipline of the regiment, which was impossible without them.

On assuming command, I called the officers of the regiment together and explained to them their duties as well as my own, and especially informed each company commander that he would be required to qualify himself to command his company, and that all times he would be held responsible for its soldierly conduct. A school of officers was established, and the whole camp soon wore a military aspect. The work thus commenced in time transformed these raw volunteers into officers and soldiers as good as ever fought in any war or country.(1)

The environments of Camp Piqua were not favorable to discipline, but on October 19, 1862, the regiment took cars and proceeded *via* Columbus to Zanesville, thence by water to Marietta, and from the latter place on foot to Parkersburg, West Virginia, where it first occupied and camped in what was called the enemy's country. An early but severe snow-storm came during the first night of our encampment, and suggested the hardship and suffering which were not to cease until the final victory at Appomattox. Drill and discipline went on satisfactorily. New troops will bravely stand to their work in battle if they can be manoeuvred successfully, and also know how to use their arms. General J. D. Cox, in command of the District of West Virginia, with his uniform courtesy welcomed me by telegraph to my new field of operations. In a few days I was ordered to Clarksburg and to a section familiar to me when serving under McClellan.

At Parkersburg I first me the 122d Ohio Infantry, commanded by Col. Wm. H. Ball. He was my junior in date of muster eight days and, consequently, in more than two years our regiments served together, I generally commanded him. He was not an educated soldier, and did not aspire to become one, nor did he take pains to appear well on drill or on parade, yet he was a most valuable officer, loyal and intelligently brave, possessing enough mental capacity to successfully fill any position. He did not aspire to high command, but at all times faithfully performed his duty in camp and on the battle-field. His loyalty to me, while my senior in years, still claims my gratitude.

His regiment, like the volunteer regiments generally, had in it many men who became prominent in the war, and, still later, in peace. Lieutenant-Colonel Moses M. Granger was a most accomplished officer, and deserved a higher rank. In addition to the distinction won by him as a soldier he has attained a high reputation as a citizen, lawyer, and jurist.

The first surgeon (Thaddeus A. Reamy) of the 122d, though not long in the field, has taken a first place in his profession, as has also its next surgeon, Wm. M. Houston, and its assistant surgeon, Wilson G. Bryant. Its chaplain, Charles C. McCabe, was one of the best and most efficient in the war. His zeal in the performance, under all circumstances, of the high duties of his office, and his cheerful disposition, aided in trying times to keep up the spirits and courage of the soldiers. He ministered to the wounded and the dying on the battlefield, and to the sick and disabled in hospital. He was famed throughout the armies he served with for singing at appropriate times, with a strong, melodious voice,

patriotic and religious songs, in which, often even on the march, a large part of the army would join.

He has since achieved success in the Methodist Episcopal Church, in which he is now a bishop. William T. Meloy, D. D., of the United Presbyterian Church—now in Chicago—was a lieutenant in this regiment. He has become eminent for his learning and high character. Those named of these companion regiments are examples only of others who voluntarily and heroically endured the trying ordeal of war.

A false report that Stonewall Jackson was threatening a raid on the Baltimore and Ohio Railroad at New Creek (now Keyser), West Virginia, caused a precipitate transfer by rail of my command to that place. There I came first under the direct command of Major- General Robert H. Milroy, then distinguished for his zeal for the Union and for personal bravery. He was tall and of commanding presence. His head of white, shocky, stiff hair led his soldiers to dub him the "Gray Eagle." He had much military learning, and had fought in many of the bloodiest battles of the war, notably at the second Bull Run under Pope. He had seen service also in the Mexican War. Notwithstanding his excessive impetuosity, he was a just, generous, kind-hearted man, and possessed the confidence of his troops to a high degree. He incurred the ill-will of Secretary of War Stanton, and, regarding himself as unjustly treated, more than reciprocated the Secretary's dislike. He ardently admired President Lincoln, and only criticised him for delay in emancipating the slaves. He believed the slaves of those in rebellion should have been given their freedom from the beginning of the war. He was so bitterly hostile to slavery and to individual Secessionists, and so radical in his methods, that Jefferson Davis, by proclamation, excepted him and his officers from being treated, if captured, as prisoners of war. He was charged with making assessments on inhabitants and of requiring them to take an oath to support the Constitution and the Union. He also had the distinction of being mentioned by Davis in a Message to the Confederate Congress, January 12, 1863. There was much correspondence between the opposing authorities on the subject of his mode of conducting the war,(2) and it seems General Halleck disavowed and condemned Milroy's alleged acts. Much charged against Milroy was false, though it was true he believed in prosecuting the war with an iron hand. He regarded the Confederate soldier in the field with more favor than the Confederate stay-at-home who acted as a spy, or who, as a guerilla, engaged in shooting from ambush passing soldiers or teamsters and cutting telegraph wires. He did require certain influential persons who resided within his lines to take an oath of allegiance to the United States and to West Virginia or to forfeit all right to the protection of his division. Further than this he did not go.

At New Creek I first met G. P. Cluseret, a French soldier of fortune, but recently appointed a Brigadier-General. He held a command under Milroy in the Cheat Mountain Division. He assumed much military and other learning, was imperious and overbearing by nature, spoke English imperfectly, and did not seem to desire to get in touch with volunteers. With him I had my only personal difficulty of a serious nature during the war.

At New Creek a constant drill was kept up. To avoid surprises by sudden dashes, the companies as well as the battalion were taught to form squares quickly and to guard against cavalry. Early in December Milroy marched to Little Petersburg, on the South Branch of the Potomac, and I was assigned to command a post at Moorefield to include Hardy County, West Virginia, Milroy's headquarters being ten miles distant. General Lee ordered General W. E. Jones, then temporarily in command in the Shenandoah Valley, to retake the county we occupied. A feeble effort to do this failed. We were kept constantly on the alert, however, by annoying attacks of Captain McNeil's irregular cavalry or guerillas. Late in December, 1862, it was decided to make a raid into the lower Shenandoah Valley, and, if found practicable, occupy it permanently. I was designated to lead the raid with about two thousand infantry, cavalry, and artillery. This made it necessary for me to be relieved of the command of the post. Cluseret was therefore ordered from Petersburg to relieve me. He arrived late in the evening with his staff and escort, showed his orders, and I suggested that he assume the command at once. This he declined to do until he ascertained the position of the troops, roads, etc. I provided him comfortable quarters, and everything would have gone along pleasantly but for an unexpected incident.

Before Cluseret's arrival, a lieutenant-colonel of a West Virginia regiment applied for leave to go to Petersburg to visit a lady friend. This I refused, and he undertook to go without leave. After he had proceeded along the river road by moonlight about three miles, he was halted by a man who, from behind a tree, pointed a musket at him and demanded his surrender and that he deliver up his sword, pistols, overcoat, horse, and trappings, all of which he did promptly, and accepted a parole. The man who made the capture claimed to be a regular Confederate soldier returning from a furlough to his command. With the colonel's property and on the horse he proceeded by a mountain path on his journey. The colonel walked back to Moorefield and related his adventure. I at once ordered Captain Rowan with a small number of his West Virginia cavalry to pursue the Confederate. As there was snow on the ground, his pursuit was easy, and before midnight the Captain had captured him and all the colonel's property was returned to Moorefield. When the man was brought before me, I made some

examination of him and then ordered him taken to the guard-house. At this time Cluseret appeared on the scene, and in an excited way demanded that I should order the prisoner to be shot forthwith. This being declined, he again produced his order to supersede me, and declared he would at once take command and himself order the man shot that night. I could not deny his right to assume command notwithstanding what had taken place, but I strongly denied his authority to shoot the captive, and insisted that there was no cause for shooting him summarily; that only through a court-martial or military commission could he be condemned, and a sentence to death would, to carry it out, require the approval of the President. (It was not until later in the war that department, district, or army commanders could approve a capital sentence.) Cluseret vehemently denounced the authorities, including the President, for their mild way of carrying on the war, and talked himself into a frenzy. As he was preparing an order to require the Provost-Marshal to shoot the man without trial, I repaired to the telegraph office and made Milroy acquainted with the situation, whereupon he ordered me to retain command of the post until further orders. Milroy, on coming to Moorefield the next day, sustained me, and the soldier was treated as an ordinary prisoner of war. Cluseret pretended to be satisfied, and later succeeded in getting himself assigned to command the expedition to the Shenandoah Valley—not a very desirable one in mid-winter. He reached Strasburg, and moved through the Valley northward to Winchester, but was pursued by a small force under Jones. This made it necessary to reinforce him, and I started under orders for that place *via* Romney and Blue's Gap, and was joined on the way by Milroy with the body of his division. On leaving Moorefield, on the 30th of December, I with two orderlies rode ahead about a mile to the South Branch of the Potomac to examine the ford, as we had no pontoons, and, having crossed the river, awaited the approach of the wagon train and its guard, which was to take the advance, as no enemy was known to be in that direction. As the head of the train reached the ford Captain J. H. McNeil (whose home was near by), with about fifty of his guerilla band, attacked it by emerging from ambush on the Moorefield side of the river. A short fight ensued, during which I recrossed the river and joined in it. McNeil was driven off with little loss, but for a brief time I was in much danger of capture, at least.

On this day a colored boy, an escaped slave, whom we named Andrew Jackson, joined me. He became my servant to the end of the war. He was always faithful, honest, good-natured, and brave. He was a full-blood African, and during a battle would voluntarily take a soldier's arms and fight with the advance lines. He became widely known throughout the Army of the Potomac and other armies in which I served, and was kindly treated and welcomed wherever he went. He resided after the war in Springfield, Ohio, and died there (1895) of an injury resulting from the kick of a horse.

On the night of December 31, 1862, the command bivouacked on the western slope of the Alleghany Mountains in a fierce snow-storm, and early the next morning my troops led the way in the continuing storm over the summit. Shortly after the head of the column commenced the eastern descent, and when the chilling winter blasts had caused the lowest ebb of human enthusiasm to be reached, shouts were heard by me, at first indistinctly, then nearer and louder. This was so unusual and unexpected under the depressing circumstances that I ordered the column to halt until I could go back and ascertain the cause. My first impression was that a sudden attack had been made on the rear of the troops, but as the shouts came nearer I took them to be for a great victory, news of which had just arrived. When I reached the crest of the mountain I descried, through the flying snow, General Milroy riding along the line of troops and halting at intervals as though to briefly address the men. I awaited his approach, and on his arrival accosted him with the inquiry, "What is the matter, General?" He had his hat and sword in his right hand, and with the other guided his horse at a reckless gallop through the snow, his tall form, shocky white hair fluttering in the storm, and evident agitation making a figure most picturesque and striking. He pulled up his horse abruptly to answer my question. A natural impediment in his speech, affecting him most when excited, caused some delay in his first vehement utterance. He said:

"*Colonel, don't you know that this is Emancipation Day, when all slaves will be made free?*"

He then turned to the halted troops and again broke forth:

"*This day President Lincoln will proclaim the freedom of four millions of human slaves, the most important event in the history of the world since Christ was born. Our boast that this is a land of liberty has been a flaunting lie. Henceforth it will be a veritable reality. The defeats of our armies in the past we have deserved, because we waged a war to protect and perpetuate and to rivet firmer the chains of slavery. Hereafter we shall prosecute the war to establish and perpetuate liberty for all mankind beneath the flag; and the Lord God Almighty will fight on our side, and he is a host, and the Union armies will triumph.*"

This is the character of speech that aroused the soldiers to voiceful demonstrations on the summit of the Appalachian chain on this cold and stormy mid-winter morning. The sequel shows how Milroy's prophecy was fulfilled; but not always did victory come to the Union arms. As in the days of the Crusades, when the Lord was supposed to battle on the side of the Crusaders, victory was not

uniformly with them. Charles Martel, believing in prayer for divine aid on going into battle, yet testified that the "Lord always fights on the side of the heaviest battalions"; which was only another way of saying, "The Lord helps those who help themselves."

Milroy's command debouched into the Valley of the Shenandoah, already memorable for its many bloody conflicts, and destined to become yet more memorable by reason of still other and far bloodier battles.

This war-stricken valley, from Staunton to the Potomac, was beautiful and rich, and its inhabitants were, prior to the war, proud and boastful; they possessed many slaves to till the soil and for personal servants. It was also a breeding-ground for slaves which, in a more southern market, brought great profit to their owners. Winchester was the home of the Masons and others, distinguished as statesmen and soldiers through all the history of Virginia.

But not all the inhabitants of the Shenandoah valley were disloyal. A majority of its voting population was, before the war actually commenced, in favor of the Union, and its Representatives voted against an Ordinance of Secession. I have seen an address of Philip Williams, Esq., an old, respected, and distinguished lawyer of Winchester, made when the question of Secession was pending, in which he attempted to depict the horrors of the war that would follow an attempt to set up an independent government. He prophesied that the valley would be a battle-ground for the contending hosts; that the fields would be overrun, the crops destroyed, grain and stock confiscated; and the slaves carried off and set free. His address brought him for a time into ridicule. He lived to see his word-picture appear as only a vain, faint representation of the reality. When the war came, and his sons and friends joined the Confederate Army, his sympathies were with the South. He often recurred, however, to his more than fulfilled prophecy. He lived to see the valley for ninety or more miles of its length reek with blood; the houses, whether in city or village, turned into hospitals, and the war-lit fires of burning mills, barns, and grain stacks illuminate the valley and the mountain slopes to the summits of the Blue Ridge and the Alleghanies on its east and west. Pen cannot adequately describe the hell of agony, desolation, and despair witnessed in this fertile region in the four years of war; and long before the conflict ended not a human slave was held therein. It, however, has long since, under a new civilization, recovered its wonted prosperity, and no inhabitant thereof, though many are the sons and daughters of slaveholders, desires to again hold slaves. Not all the affluent ante-bellum inhabitants of this valley owned slaves or believed in slavery. Many were Quakers, others Dunkards (or Tunkers), all of whom were, by religious training and conviction, opposed to human slavery, hence opposed to Secession and a slave power. Some of the younger men of Quaker or Dunkard families through compulsion joined the Confederate Army, but the number was small. Though opposed to war, no more loyal Union people could be found anywhere. Their Secession neighbors called them "*Tories*," and the Quakers descendants of Tories of the Revolution. It was common to hear related the story of the imprisonment at Winchester, under General Washington's order, of certain Quakers of Philadelphia, claimed to have been Tories, who were given a twenty-mile prison- bound limit, and who, when peace came, coveting the rich lands of the valley, and being humiliated over their imprisonment, sent for their families and settled there permanently. Whether or not this story gives the true reason for the early settlement of the Quakers in Virginia, certain it is that they were loyal to the Union that Washington helped to found and opposed to human bondage.

Milroy's enthusiasm over Emancipation was put in practice when he entered Winchester. Without seeing the Proclamation of the President, and without knowing certainly it was issued and made applicable to the Shenandoah Valley district, Milroy issued a proclamation headed, "Freedom to Slaves." This had the effect of causing those within the lines of his command at once to leave their masters. Though the slaves could not read, not one failed during the succeeding night to hear that liberty had been proclaimed, and all, even to the most trusted and faithful personal or house servant, regardless of age, sex, or previous kind treatment, so far as known, asserted their freedom. In some way it had been inculcated into the minds of these people that if they, by word or act, however simple or unimportant it might be, after the Proclamation acquiesced in their previous condition they would again for life become slaves. They probably derived this notion from the Bible story of Hebrew slavery, wherein it is said that after six years' service the slave should become free, save when, preferring slavery, he voluntarily permitted his former master to bore his ears with an awl at the door-post and thus consecrate himself to slavery forever.(3)

So it turned out that many aristocratic matrons and maidens, reared in luxury and accustomed to the personal service of servants, had to cook their own breakfasts or go hungry, as no amount of persuasion, kind treatment, or promises would induce the former slave to do the least act that by possibility could be construed to be an acquiescence in a previous condition of servitude. Even the assurance of a Union officer could not shake their position. The "Year of Jubilee," of which they had sung in their hearts, had been long coming for them, and there was no use for awls and door-posts for their ears, nor were they going to take chances. Many of them, though offered food for their own use by

their masters, would not cook it, lest it might be construed as a recognition of a master's continuing authority over them. Most of them gathered up their little property with marvellous dispatch and presented themselves ready to emigrate. General Milroy used the otherwise empty trains going north for supplies to carry these freed people from the land of their birth to where a slave condition could not overtake them. Most of the knew the story of John Brown, and many of them had, in some way, been supplied with cheap wood-cut pictures of this early champion of their liberty. In some way they had learned also to sing songs of John Brown, and other songs of liberty. When the trains proceeded towards the Potomac freighted with these people they commingled songs of freedom and the religious hymns peculiar to their race with the universal but more cheerful music of the fiddle and banjo.

They were light-hearted and free from care, though abandoning all of home they had ever known, and going whither, for home and protection, they knew not,—all was compensated for with them, if only they were forever free. The prompt emancipation of slaves was exceptional in the Shenandoah Valley, especially at Winchester. Most of these freed people soon found homes and employment, some of the younger men with the army, later as soldiers, and others on farms, or as house servants North, where the war had called away the able-bodied men. It was not until after the war that the great trials of the freedmen came.

It must not be assumed that the slave owners in the Valley were, in war times at least, cruel to their slaves; on the contrary, kindness and indulgence were the rule. This was probably true in ante-war days, save when members of families were sold and separated to be transported to distant parts. I recall no word of censure to the blacks for accepting freedom. Pity was in some cases expressed. Tokens of remembrance were offered and accepted with emotion. Those who had been house or personal servants often evinced feelings of compassion for the pitiable and helpless condition of those whom they had so long served. It must be remembered that, regardless of estates once owned, the war had impoverished the people of this Valley, and but few of them could, even with money, secure enough food, clothing, and help to enable them to live in anything approaching comfort. And the future then had no promise of relief.

The plight of some of the affluent people might well excite sympathy. I remember an excellent Winchester family of four ladies, a mother and three grown daughters, who were educated and accomplished, unused to work, and thus far wholly dependent on their slaves. White or black servants could not, after the Proclamation, be procured for money. These ladies therefore held a consultation to determine what could be done. The mother would not attempt to do what she deemed menial service. The daughters at length decided to work "week about," and in this way each could be a *lady* two weeks out of three. This plan seemed to operate well, and they soon became quite cheerful over it, and boastful of domestic accomplishments.

Cluseret while on his raid into the Valley brooded over the incident which resulted in his being prevented from taking command of the post at Moorefield, and pretended to believe that I had wronged him. He went so far as to talk freely to officers about the incident, and to declare that if he should meet me again he would shoot me unless I made amends. These threats came to me on my arrival at Winchester, and my friends seemed to apprehend serious consequences. As I always deprecated personal conflicts, and was careful to avoid them, I was somewhat annoyed. I knew little of Cluseret or his character, except that he was an adventurer or soldier of fortune. I announced nothing as to what I should do if he attempted to assault me, but I took pains to carry a revolver with which I purposed, if attacked, to kill him if possible before I received any serious injury. I soon met, saluted, and passed him without receiving and recognition in return except a fierce, vicious stare. After this, on several occasions, I passed him about the camps or on the roads without noticing him, and although his threats were repeated I was not molested by him. Soon the incident and his subsequent conduct led to some trouble between him and Milroy. Milroy placed him in arrest, and he was later ordered from the command. On March 2, 1863, he was permitted to resign, having served as a Brigadier-General of Volunteers from October 11, 1862, and having previously, from March 10, 1862, been a Colonel and acting aide-de-camp. He repaired to New York, and there did some newspaper work in which he assailed President Lincoln and the conduct of the war, and subsequently disappeared. Afterwards he became the Secretary of War of the Commune in Paris, near the close of the Franco-Prussian War. He escaped from Paris at its close, and years later, being pardoned, he returned to France, and is now, I am informed, a Socialist member of the Chamber of Deputies.

There were many such adventurers as Cluseret from foreign countries who received commissions in our volunteer army on account of their supposed military knowledge or experience, who almost without exception proved failures or worse. They were generally domineering, and of a temperament not suited to command the American volunteer soldier. They had, in fact, no affinity with him, and did not gain his confidence. This was not true, however, of General John B. Turchin, the Russian, and perhaps a very few others.

Milroy's command during the winter was chiefly engaged in holding the Valley and in protecting the Baltimore and Ohio Railroad from the raids of small bodies of Confederates. In this it was successful. We were now in the Middle Department, commanded by General Robert C. Schenck, whose headquarters were at Baltimore. Schenck was appointed a Brigadier-General of Volunteers May 17, 1861, and a Major-General August 30, 1862. Prior to his assignment to this department he served with distinction in the Eastern army, and was elected to Congress in 1862, but retained his commission until Congress met, December 5, 1863. Schenck, though without military education or experience, was a man of military instincts and possessed many of the high qualities of a soldier. He was a trained statesman, lawyer, and thinker, and an earnest, energetic, forceful, successful man.

For the most part, while at Winchester I commanded a brigade composed of infantry and artillery, located on the heights, but I was for a time under Brigadier-General Washington L. Elliott, a regular officer, who was amiable and capable in all that pertained to military discipline, but timid and unenterprising. He performed all duty faithfully to orders, but little further. Milroy, on the other hand, was restless and constantly on the alert, eager to achieve all it was possible for his command to accomplish, hence we were frequently sent on raids up the Valley to Staunton, Front Royal, and through the mountains. Colonel Mosby's guerillas infested the country east of the Valley, and frequently dashed into it through the gaps of the Blue Ridge and attacked our supply trains and small scouting parties and pickets, accomplishing little save to keep us on the alert.

Imboden and Jenkins' cavalry held the upper valley in the neighborhood of Mount Jackson and New Market, but generally retired without fighting when an expedition moved against them. As we were in the enemy's country, our movements were generally made known promptly to the Confederates, and our expeditions usually proved fruitless of substantial results. I led a force of about one thousand men in January, 1863, to Front Royal, then held by a small cavalry force which I hoped to surprise and capture, but I succeeded in doing nothing more than take a few prisoners and drive the enemy from the place, with little fighting. We took Front Royal late in the evening of a very cold night, and decided to hold it until the next day. Not being sure of our strength, and to avoid a surprise, I was obliged to keep my men on duty throughout the night. A feeble attack only was made on us at daybreak.

Illustrating the way Union officers were regarded and treated by the Secession inhabitants, I recall an incident which occurred at Front Royal. A member of my staff arranged for supper at the house of Colonel Bacon, an old man and Secessionist. The Colonel treated us politely, but while we were eating a number of ladies of the town assembled in an adjoining parlor in which there was a piano, threw the communicating door open, and proceeded to sing such Confederate war-songs as *Stonewall Jackson's Away* and *My Maryland*. We of course accepted good humoredly this concert for our benefit, but when we had finished supper, uninvited, Chaplain McCabe—now Bishop McCabe—and I stepped into the parlor. We were not even offered a seat, and in a short time the music ceased and the lady at the piano left it. Chaplain McCabe at once seated himself at the piano, and, to the amazement of the ladies, commenced singing, with his extraordinarily strong, sonorous voice, "We are coming, Father Abraham, three hundred thousand more." The ladies stood their ground courageously for a time, but while the Chaplain, playing his own accompaniment, was singing *My Maryland*, with words descriptive of Lee's invasion and retreat from Maryland, including the words, "And they left Antietam in their track, in their track," the ladies threw open the front door and rushed precipitately to the street and thence to their homes. It was afterwards said that we were ungallant to these ladies.

While at Winchester, besides the usual camp duty and participation in an occasional raid, I was President of a Military Commission composed of three officers, with an officer for recorder. It was modelled on the military commission first established, I believe, by General Scott in Mexico for the trial of citizens for offences not punishable under the Articles of War. There was a necessity for some authority to take jurisdiction of common law crimes, as all courts in the valley were suspended. Besides citizens charged with such crimes, there were referred to the commission for trial citizens charged with offences against the Union Army, such as shooting soldiers from ambush, etc. The constitutionality of the commission was questioned, yet it tried on only formal charges citizens charged with murder, larceny, burglary, arson, and breaches of the peace. Generally its findings and sentences were approved by the War Department or the President, even when the accused was sentenced to imprisonment in a Northern penitentiary. There were one or two cases where the accused were sentenced to be shot, but in no case did the President allow such a sentence to be carried out. During the trial for murder of an old man by the name of Buffenbarger, I learned that he had, at Sharpsburg, Maryland, been a friend of my father when both were young men.(4) It turned out that Buffenbarger had killed a young and powerful man who had assaulted him violently without good cause. A majority of the commission found him guilty of manslaughter, and the commission gave him the lightest sentence—one year in a penitentiary. His early friendship for my father perhaps caused me to find grounds on which to favor his acquittal. Counsel were allowed in all cases; generally Philip Williams, Esq., an old and distinguished lawyer of Winchester, represented the accused, and Captain Zebulon Baird, Judge-

Advocate on Milroy's staff (an able Indiana lawyer), appeared for the prosecution.

(1) For special mention of the officers of this regiment, see Appendix B.

(2) *War Records*, vol. xxi., p. 1054.

(3) Ex. xxi., 6; Deut. xv., 17.

(4) My father, Joseph Keifer, was born at Sharpsburg, February 28, 1784.

SLAVERY AND FOUR YEARS OF WAR

A POLITICAL HISTORY OF SLAVERY IN THE UNITED STATES

TOGETHER WITH A NARRATIVE OF THE CAMPAIGNS AND BATTLES OF THE CIVIL WAR IN WHICH THE AUTHOR TOOK PART: 1861-1865

BY JOSEPH WARREN KEIFER BREVET MAJOR-GENERAL OF VOLUNTEERS; EX-SPEAKER OF THE HOUSE OF REPRESENTATIVES, U. S. A.; AND MAJOR-GENERAL OF VOLUNTEERS, SPANISH WAR.

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SLAVERY AND FOUR YEARS OF WAR

CHAPTER I General Observations on Antietam, Fredericksburg, and Chancellorsville —Battles at Winchester under General Milroy—His Defeat and Retreat to Harper's Ferry—With Incidents

The Confederate Army, under Lee, invaded Maryland in 1862, and after the drawn battle of Antietam, September 17th, it retired through the Shenandoah Valley and the mountain gaps behind the Rappahannock.

McClellan had failed to take Richmond, and although his army had fought hard battles on the Chickahominy and at Malvern Hill, it won no victories that bore fruits save in lists of dead and wounded, and his army, on being withdrawn from the James in August, 1862, did not effectively sustain General John Pope at the Second Bull Run. On being given command of the combined Union forces at and about Washington, McClellan again had a large and splendidly equipped army under him. He at first exhibited some energy in moving it into Maryland after Lee, but by his extreme caution and delays suffered Harper's Ferry to be taken (September 15, 1862), with 10,000 men and an immense supply of arms and stores, and finally, when fortune smiled on his army at Antietam, he allowed it to lay quietly on its arms a whole day and long enough to enable Lee to retreat across the Potomac, where he was permitted to leisurely withdraw, practically unmolested, southward. The critical student of the battle of Antietam will learn of much desperate fighting on both sides, with no clearly defined general plan of conducting the battle on either side. As Lee fought on the defensive, he could content himself with conforming the movements of his forces to those of the Union Army. Stonewall Jackson, after maintaining a short, spirited battle against Hooker's corps, withdrew his corps from the engagement at

seven o'clock in the morning and did not return to the field until 4 P.M.(1)

Generally the Union Army was fought by divisions, and seldom more than two were engaged at the same time, often only one. In this way some of the divisions, for want of proper supports, were cut to pieces, and others were not engaged at all. Acting on interior lines, Lee was enabled to concentrate against the Union attacks and finally to repulse them. Notwithstanding this mode of conducting the battle, the Confederate Army was roughly handled and lost heavily.

General Ambrose E. Burnside late in the day succeeded in crossing Antietam Creek at the Stone Bridge and planting himself well on the Confederate right flank. McClellan also had, at night, many fresh troops ready and eager for the next day's battle. Considerable parts of his army had not been engaged, and reinforcements came. The two armies confronted each other all day on the 18th, being partly engaged in burying the dead, as though a truce existed, and at night Lee withdrew his army into Virginia.(2)

Indecisive as this battle was, it is ever to be memorable as, on its issue, President Lincoln kept a promise to "himself and his Maker."(3) On September 22, 1862, five days later, he issued a preliminary proclamation announcing his purpose to promulgate, January 1, 1863, a war measure, declaring free the slaves in all States or parts of States remaining at that time in rebellion. He had long before the battle of Antietam contemplated taking this action, and hence had prepared this proclamation, and promised himself to issue it on the Union Army winning a victory. The driving of Lee's army out of Maryland, and thus relieving Washington from further menace, was accepted by him as a fulfilment of the self-imposed condition.

McClellan was relieved of the command of the Army of the Potomac while at Orleans, Virginia, November 7, 1862, and Burnside became his successor. McClellan never again held any command.

Burnside moved the army to Falmouth, Virginia, opposite Fredericksburg, on the Rappahannock. Though only urged to prepare for the offensive, he precipitated an attack on the Confederate Army, then strongly intrenched on the heights of Fredericksburg. He suffered a disastrous repulse (December 14, 1862) and next day withdrew his army across the Rappahannock to his camps.

Burnside was relieved of the command of the Army of the Potomac
January 25, 1863, and Major-General Joseph Hooker succeeded him.

The battle of Chancellorsville was fought, May 1 to 5, 1863, in the Wilderness country, south of the Rapidan, and resulted in the defeat of the Union Army and its falling back to its former position at Falmouth.

The defeats at Fredericksburg and Chancellorsville led to a general belief that another invasion of the North would be made by Lee's army. Such an invasion involved Milroy's command at Winchester, then in the Middle Department, commanded by Major-General Robert C. Schenck, whose headquarters were at Baltimore.

This much in retrospect seems necessary to give a better understanding of the events soon to be mentioned.

Soon after Chancellorsville, the Confederate forces in the upper Shenandoah Valley became more active, and frequent indecisive conflicts between them and our scouting parties took place. Our regular scouts, who generally travelled by night in Confederate dress, brought in rumors almost every day of an intended attack on Winchester by troops from Lee's army. In May I was given special charge of these scouts. So uniform were their reports as to the proposed attacks that I gave credence to them, and advised Milroy that unless he was soon to be largely reinforced it would be well to retire from his exposed position. He refused to believe that anything more than a cavalry raid into the Valley or against him would be made, and he felt strong enough to defeat it. He argued that Lee would not dare to detach any part of his infantry force from the front of the Army of the Potomac. But in addition to the reports referred to, I learned as early as the 1st of June, through correspondence secretly brought within our lines from an officer of Lee's army to which I gained access, that Lee contemplated a grand movement North, and that his army would reach Winchester on June 10, 1863. The Secessionists of Winchester generally believed we would be attacked on that day. I gave this information to Milroy, but he still persisted in believing the whole story was gotten up to cause him to disgracefully abandon the Valley.(4)

The 10th of June came, and the Confederate Army failed to appear. This confirmed Milroy in his disbelief in a contemplated attack with a strong force, and my credulity was ridiculed. As early, however, as June 8th, Milroy wired Schenck at Baltimore that he had information that Lee had mounted an infantry division to join Stuart's cavalry at Culpeper; that the cavalry force there was "probably

more than twice 12,000," and that there was "doubtless a mighty raid on foot."(5) Colonel Don Piatt, Schenck's chief of staff, visited and inspected the post at Winchester on the 10th and 11th, and when he reached Martinsburg, Va., on his return on the 11th, he dispatched Milroy to immediately take steps to remove his command to Harper's Ferry, leaving at Winchester only a lookout which could readily fall back to Harper's Ferry.(6) This order was sent in the light of what Piatt deemed the proper construction of a dispatch of that date from Halleck to Schenck, and from the latter to him. Milroy at once wired Schenck of the receipt of the Piatt dispatch, saying:

"I have sufficient force to hold the place safely, but if any force is withdrawn the balance will be captured in twenty-four hours. All should go, or none."

This brought, June 12th, a dispatch from Schenck to Milroy in this language:

"Lt.-Col. Piatt has . . . misunderstood me, and somewhat exceeded his instructions. You will make all the required preparations for withdrawing, but will hold your position in the meantime."

On the 12th Milroy reported skirmishes with Confederate cavalry on the Front Royal and Strasburg roads, adding:

"I am perfectly certain of my ability to hold this place. Nothing but cavalry appears yet. Let them come."

As late as the 13th, Halleck telegraphed Schenck, in answer to an inquiry, that he had no reliable information as to rebel infantry being in the Valley, and the same day Schenck wired his chief of staff at Harper's Ferry to "Instruct General Milroy to use great caution, risking nothing unnecessarily, and be prepared for falling back in good order if overmatched."

Milroy advised Schenck of fighting at Winchester on the 13th, and from General Kelley, on the same day, Schenck learned for the first time that General Lee was on his way to drive Milroy out of Winchester. Schenck at once *attempted* to telegraph Milroy to "fall back, fighting, if necessary, and to keep the road to Harper's Ferry."

Halleck wired Schenck on the 14th: "It is reported that Longstreet and Ewell's corps have passed through Culpeper to Sperryville, towards the Valley."(7)

This was the first intimation that came from Halleck or Hooker that Lee's army contemplated moving in the direction of the Valley, or that there was any apprehension that it might escape the vigilance of the Army of the Potomac, supposed to be confronting it or at least watching its movements. Another dispatch came on the 14th to General Schenck as follows:

"Get Milroy from Winchester to Harper's Ferry if possible. He will be 'gobbled up' if he remains, if he is not already past salvation.

"A. Lincoln,
"President United States."

It remains to narrate what did take place at Winchester, and then, in the full light of the facts, to decided upon whom censure or credit should fall.

When, on the 14th, Halleck announced that Longstreet and Ewell's corps "have passed through Culpeper to Sperryville towards the Valley," we had been fighting Ewell's corps, or parts of it, for two days at Winchester, three days' march from Culpeper, and other portions of Lee's army had reached the Valley and Martinsburg. The report that Winchester was to have been attacked on June 10th was true, but the advance of the Union cavalry south of the Rappahannock, and its battle on the 9th at Brandy Station, north of Culpeper Court House (Lee's then headquarters), so disorganized the Confederate cavalry as to cause a delay in the movement of Ewell's corps into the Valley, then proceeding *via* Front Royal.

On the night of the 12th of June my scouts found it impossible to advance more than four or five miles on the Front Royal, Strasburg, and Cedar Creek roads before encountering Confederate cavalry pickets. This indicated, as was the fact, that close behind them were heavy bodies of infantry which it was desired to closely mask. At midnight I had an interview at my own solicitation with Milroy at his headquarters, when the whole subject of our situation was discussed. I was not advised of the orders or dispatches he had received, nor of his dispatches to Schenck expressing confidence in his ability to hold Winchester. Milroy persisted in the notion that only cavalry were before him, and he was anxious to fight them and especially averse to retreating under circumstances that might subject him to the charge of cowardice. He also sincerely desired to hold the Valley and protect the Union residents. He reminded me fiercely that I had believed in the attack coming on the 10th, and it had turned out that I

was mistaken. I could make no answer to this save to suggest that the cavalry battle at Brandy Station had operated to postpone the attack.

During my acquaintance with Milroy he had evinced confidence in and friendship for me; now he manifested much annoyance over my persistence in urging him to order a retreat at once, and finally he dismissed me rather summarily.(8)

Early the next morning I received an order to report with my regiment near Union Mills on the Strasburg pike, and to move upon the Cedar Creek road, located west of and extending, in general, parallel with the Strasburg pike. It was soon ascertained that the enemy had massed a heavy force upon that road about three miles south of Winchester. A section of Carlin's battery under Lieutenant Theaker reported to me, and with it my regiment moved about a mile southward, keeping well on the ridge between the pike and the Cedar Creek road. The enemy kept under cover, and not having orders to bring on an engagement I retired the troops to the junction of the two roads. About 2 P.M. I was informed that Milroy desired me to make a strong reconnoissance and develop the strength and position of the enemy. To strengthen my forces, the 12th Pennsylvania Cavalry, Lieutenant-Colonel Moss, and a squadron of the 13th Pennsylvania Cavalry, were assigned to me. I moved forward promptly with the 12th on the left on the plain, the infantry and artillery in the centre covering the Strasburg pike, and the squadron on the ridge to my right, which extended parallel with the pike. We proceeded in this order about a mile, when my skirmishers became closely engaged with those of the enemy. It was soon apparent to me that the enemy extended along a wide front, has advance being only a thin cover. But as my orders were to develop the enemy, I brought my whole command into action, drove in his advance line and with the artillery shelled the woods behind this line. We suffered some loss, but pressed forward until the enemy fell back to the woods on the left of Kearnstown. My artillery opened with canister, and for a few moments our front seemed to be cleared. But my flankers now reported the enemy turning my right with at least a brigade of infantry. I therefore withdrew slowly and in good order, embracing every possible opportunity to halt and open fire. Reinforcements were reported on the way. I directed that they should, on their arrival, be posted on the high ground to the right of the pike in front of the bridge at Union (or Barton's) Mills to cover our retreat, which must be made with the artillery and infantry over this bridge.

Colonel Moss, not believing he could cross the tail-race with its embankments and the stream below the Mills, commenced moving his cavalry towards the bridge. I turned him back with imperative orders to cover the left flank as long as necessary or possible, then find a crossing below the Mills. Unfortunately, when the artillery reached the bridge in readiness to cross, it was found occupied by the 123d Ohio, Colonel T. W. Wilson commanding, marching by the flank to my relief under the guidance of Captain W. L. Shaw, a staff officer of General Elliott. This regiment was directed, as soon as it cleared the bridge, to deploy to the right, advance upon the high ground, and engage the enemy then pressing forward in great numbers. Before Colonel Wilson could get his regiment into battle-line it was under a destructive fire and lost heavily. Nevertheless, though the regiment was a comparatively new one, it soon successfully engaged the enemy, and drove back his advance. A more gallant fight, under all the circumstances, was never made. It enabled me to take the artillery over the bridge, and to withdraw to a new position from which we could cover the bridge with our artillery and easily repulse the enemy. Colonels Wilson and Moss were each withdrawn in good order, the former above and the latter below the bridge. Gordon's brigade of Early's division, in an attempt to cross the bridge, was driven back with considerable loss, and night came to end this opening battle of Winchester. A Confederate prisoner was taken to General Milroy (who, with General Elliott, joined me at nightfall), who frankly said he was of Hays' Louisiana brigade, Early's division, Ewell's corps; that Ewell was on the field commanding in person. Milroy until then was unwilling to believe that troops other than cavalry were in his front.

Besides Early's division of Ewell's corps, we fought Maryland troops which had long been operating in the upper Valley, consisting of a battalion of infantry (Colonel Herbert), a battalion of cavalry (Major W. W. Goldsborough), and a battery of artillery.(9) I was not forced to order a retreat until the object of the advance had been fully attained, and then only when Hays' Louisiana brigade appeared on my right flank, and the cavalry there were broken and driven back. General John B. Gordon (10) (since Senator from Georgia), who confronted me with five infantry regiments, reports of this battle:

"About 4 o'clock in the afternoon I deployed a line of skirmishers, and moved forward to the attack, holding two regiments in reserve. After advancing several hundred yards, I found it necessary to bring into line these two regiments on the right and on the left. The enemy's skirmishers retreated on his battle-line, a portion of which occupied a strong position behind a stone wall, but from which he was driven. A battery which I had hoped to capture was rapidly withdrawn. In this charge my brigade lost seventy-five men, including some efficient officers."(11)

The total loss of the enemy in this engagement must have been at least as many more. The Union loss, of all arms, was not more than one hundred. It was now obvious Milroy's command could not hold

Winchester. I assumed a retreat would be undertaken in the night, but in a brief interview with Milroy at the close of the battle he said nothing on the subject, and the reproof of the night before warned me to make no further suggestions to him with respect to his duty in this emergency.

General Elliott, my immediate superior, informed me, as I rode late at night through Winchester to my camp on the heights northwest of the city, that he thought it was too late to retreat on Harper's Ferry. I suggested that the Romney, Pughtown, and Apple-Pie Ridge, or Back Creek roads were open, and that we could safely retire over one or more of them. He said he would call Milroy's attention to my suggestion and recommend these lines of retreat, but if he did the suggestion was not favorably considered. At daybreak on the 14th of June I received a written order to take the 110th Ohio Regiment, commanded by Lieutenant-Colonel W. N. Foster, one company of the 116th Ohio Infantry, commanded by Captain Arkenoe, and L Company of the 5th Regular Battery, six guns, commanded by Lieutenant Wallace F. Randolph, and occupy an open, isolated earthwork located three fourths of a mile west of the fortifications on the heights between the Romney and Pughtown roads, but in sight of the main works. The earthwork was barely sufficient for one regiment. The troops assigned me were soon in position, and quiet reigned in my front. The enemy appeared to be inactive. Milroy advised me that the Pughtown and Romney roads were picketed and patrolled by cavalry, and I was not, therefore, charged with the duty of watching them. About 3 P.M. I rode to the main fort, and directed my horse to be unsaddled and fed while I sought an interview with Milroy. I found him in high spirits. He complimented me on the strong fight I put up the previous day, and declared his belief that the enemy were only trying to scare him out of the Valley. He referred to the quiet of the day as evidence that they had no purpose to assail him in his works. He said the cavalry had just reported no enemy in my front on any of the roads.

About 4 P.M. I started leisurely to get my horse to return to the earthwork, when, from the face of Round Mountain, about one mile to the southwest of my command, not less than twenty guns opened fire on it. I dismounted a passing wagon-master, and on his horse in less than five minutes reached the foot of the hill on which the earthwork was situated, and then, hastening on foot through a storm of shot and exploding shell, I was soon in it. Lieutenant Randolph with his six rifle guns replied to the enemy as long as possible, but his battery was soon largely disabled, the horses mostly killed, and most of the ammunition chests exploded. Two of his guns only could be kept in position for the anticipated assault. About 6 P.M., under cover of the cannonade, and protected by some timber and the nature of the ground, Hays' Louisiana brigade of five regiments, supported by Smith and Hoke's brigades, advanced to the assault. My men stood well to their work, and the two guns fired canister into the enemy. Many Confederate officers and men were seen to fall, and the head of the column wavered, but there were no trenches or abattis to obstruct the enemy's advance. There was stubborn fighting over the low breastworks, and some fighting inside of them, but not until our exposed flanks were attacked did I order a retreat. The battery was lost, but most of the command reached the main fortification safely, though exposed to the fire of the enemy for most of the distance. Captain Arkenoe was killed, and Lieutenant Paris Horney of the 110th Ohio was captured. Our loss in killed, wounded, and captured was small. General Milroy, from an observation-stand on a flag-staff at the main fort, witnessed this affair. In his report of it he says:

"The enemy opened upon me with at least four full batteries, some of his guns being of his longest range, under cover of which fire he precipitated a column at least *ten thousand* strong upon the outer work held by Colonel Keifer, which, after a stubborn resistance, he carried."(12)

General Early, in his report, says twenty guns under Colonel Jones opened fire on this position. General Hays reports his loss, 14 killed, 78 wounded, 13 missing.

Part of the guns left in the earthworks we had abandoned, and the artillery of Colonel Jones now opened on our fortifications. An artillery duel ensued which was maintained until after dark. No other hard fighting occurred on this day, only some slight skirmishing took place with Gordon's brigade south and with portions of Johnson's division east of Winchester.

The most notable event of the day was the opening fire of a score of artillery pieces in broad daylight from a quarter where no enemy was known to be. Captain Morgan (13th Pennsylvania Cavalry), who was charged with the duty of patrolling the Romney and Pughtown roads, was censured for failing to discover and report the presence of the enemy. In a large sense this censure was unjust. His report, made about 2 P.M., that no enemy was found on these roads or near them, was doubtless then true, yet an hour later Early with three of his brigades reached them about one mile in front of the earthwork occupied by me. At that time Captain Morgan had finished his reconnoissance and returned to camp. There was, however, a lack of vigilance on the part of somebody; possibly General Milroy was not altogether blameless.

As has already been stated, I was not charged with the duty of ascertaining the movements of the enemy; on the contrary, I had been informed that pickets and scouts covered my front. It is the only

instance, perhaps, in the war of such a surprise.

The situation of Milroy's command was now critical. He had about 7000 men able for duty, more troops than could be used in the forts or protected by them. Colonel A. T. McReynolds, of the 1st New York Cavalry, who commanded Milroy's Third Brigade at Berryville, some ten miles eastward of us, was attacked on the 13th, and, pursuant to orders, retired, reaching Winchester at 9 P.M. It was certainly known on the 14th that Ewell had at least 20,000 men of all arms, and it was clear that while we might stand an assault, our artillery ammunition would soon be exhausted, and the surrender of the entire command, if it remained, become inevitable. About 11 A.M. I was present in the principal fort at what was called a council of war, but my opinion was not asked or expressed as to the propriety of undertaking to escape. I ventured, however, to suggest that if a surrender were contemplated, I could take my infantry command out that night, with perhaps others, by the Back Creek or Apple-Pie Ridge road without encountering the enemy, and could safely reach Pennsylvania by keeping well to the west of Martinsburg. It was decided about midnight, however, to spike the guns, abandon all wagons, and all sick and wounded and stores of all kinds, and evacuate Winchester. The teamsters, artillerists, and camp followers were to ride and lead the horses and mules, following closely the armed troops, who were to move at 1 A.M. on the Martinsburg road. If the enemy were encountered, we were to attack him, and, if possible, cut through. The movement did not commence until 2 A.M., and the night was dark. The great body of horses and mules, being ridden by undisciplined men and unused to riders, fell into great confusion as they crowded on the pike close on the heels of the infantry. The mules brayed a chorus seldom heard, and as if prompted by a malicious desire to notify the enemy of our departure. My regiment was in the advance on the turnpike. Milroy did not accompany the head of the column. Elliott was, however, with it a portion of the time. When we had proceeded about three miles the familiar *chuck* of the hubs of artillery wheels was heard to the eastward, and it soon became apparent the enemy was moving towards the pike, intending to strike it on our front. Some of our troops were then moving on a line parallel with the pike, eastward of it. When the head of the column had proceeded about four miles, and as it approached Stephenson's Depot (located a short distance east of the Martinsburg pike), firing in a desultory way commenced on my right and soon extended along a line obliquely towards one front. The column was moved by the flank to the left, at right angles with the road, my regiment being followed by the 122d Ohio Regiment. A line of battle was formed with these regiments in the darkness, and skirmishers thrown forward. The line advanced northward, feeling for the enemy, but it was soon halted, and the troops were again moved by the flank. My regiment, being on the left, again took the advance, keeping about one hundred yards westward of the pike. I had been informed that the whole army was to follow and share our fate. When about five miles from Winchester, and when the head of the column was about west of the Depot named, some straggling shots notified us that the enemy were on the pike near us. I halted and faced the men in line of battle towards the pike, and, though still dark, a personal investigation revealed the fact that the Confederates were in confusion, and the commands they were giving indicated also that they were greatly excited. I found Elliott some distance in the rear, and obtained his consent to charge them. Colonel Wm. H. Ball, with the 122d Ohio, was requested to support me on the right. My command charged rapidly across the road without firing. It fortunately struck the enemy's flank. We took a few prisoners and drove the enemy's right through the woods for about two hundred yards and upon his approaching artillery. Our line then halted and opened fire into the enemy's ranks, causing great confusion and killing and wounding large numbers. A battery now opened upon us, but this we soon silenced by killing or driving away its gunners. The enemy retreated for protection to a railroad cut,(13) and the woods were cleared in my front, but my right was unprotected, and at this juncture a considerable force of infantry and two pieces of artillery threatened that flank. I withdrew a short distance, changed direction to the right, and again advanced. Colonel Ball came up gallantly with his regiment on my right, and in twenty minutes our front was cleared, the enemy's guns silenced, the gunners shot down or driven away, and the artillery horses killed. We were only prevented from taking possession of the guns by the appearance of another and larger body of the enemy on our right. Daylight was now approaching. Without waiting the enemy's fire, I ordered both my regiments withdrawn, which was effected in good order, to the west of the pike. The enemy at once reoccupied the woods in our front in superior force, but obviously without a good battle-line. Again I ordered the two regiments to a charge, which was splendidly responded to, although a promised attack in our support was not made. Elliott I did not see or receive any order from after the battle began. Milroy was trying to maintain the fight nearer Winchester, to the east of the pike, and he gave no order that reached me.

After a conflict in which the two lines were engaged in places not twenty feet apart, the enemy gave way, and our line advanced to his artillery, shooting and driving the gunners from their pieces and completely silencing them, the Confederates again taking refuge in the railroad cut. I could learn nothing of the progress of the fight at other points, and could hear no firing, save occasional shots in the direction of Winchester. I concluded the object of the attack was accomplished so far as possible, and that the non- combatants had had time to escape. It was now day-dawn, and we could not hope to further surprise the enemy or long operate on his flank. About 5 A.M., therefore, I ordered the whole

line withdrawn from the woods, and resumed the march northward along the Martinsburg road. I was soon joined by Generals Milroy and Elliott and by members of their staffs, but with few men. Milroy had personally led a charge with the 87th Pennsylvania and had a horse shot under him, but there was no concert of action in the conduct of the battle. Colonel Wm. G. Ely and a part of the brigade he commanded were captured between Stephenson's Depot and Winchester, having done little fighting, and a portion of McReynolds' brigade shared the same fate.

The cavalry became panic-stricken and, commingling with the mules and horses on which teamsters and others were mounted, all in great disorder took wildly to the hills and mountains to the northwest, followed by infantry in somewhat better order; the mules brayed, the horses neighed, the teamsters and riders indulged in much vigorous profanity, but the most of the retreating mass reached Bloody Run, Pennsylvania, marching *via* Sir John's Run, Hancock, and Bath. Citizens on Apple-Pie Ridge who witnessed the wild scene describe it as a veritable bedlam.(14)

Captain Z. Baird, of Milroy's staff, who joined me while engaged in the night fight in the woods, but who was under the erroneous impression Elliott had ordered the attack, in his testimony before the Milroy Court of Inquiry, gives this account of the engagement:

"General Elliott ordered Colonel Keifer with the 110th Ohio to proceed into the woods. The order was promptly obeyed. As soon as the regiment reached the woods, a severe firing of musketry occurred. General Elliott remarked to me that the enemy must be there in force, and that the 110th should be immediately supported by the 122d Ohio. I volunteered to deliver the order to Colonel Ball of the 122d Ohio, and to guide him to the woods, so as to place him on the right flank of the 110th Ohio, and to avoid shooting our own men by mistake. The 122d Ohio arrived on the right flank of the 110th in tolerably good order, and immediately commenced firing. Both regiments then advanced, and drove the enemy out of the woods. There were indications of a surprise to the enemy by the suddenness of their attack. They took one of their caissons or passed it. We could look into their camp and see that their artillery horses were ungovernable. We were so close that we could hear the orders given by their officers in endeavoring to restore order. The fire of the enemy, though rapid, went over us, both of small arms and artillery. As we progressed, we saw evidences from the wounded and slain of the enemy that our fire had been efficient. After this contest had lasted perhaps an hour Colonel Keifer requested me to return to the rear and learn what dispositions were going on on the right to sustain Colonel Ball and himself. I complied with his order. When I arrived at the rear, I noticed the 87th Pennsylvania, the 18th Connecticut, and the 123d Ohio advancing on the right in line of battle, under the immediate command of Colonel Ely of the 18th Connecticut. General Milroy was also present, but dismounted, his horse being, as I supposed, disabled. He was engaged in changing horses. Without reporting to General Milroy, as I now recollect, I returned with all possible expedition to Colonel Keifer, to notify him of the support which he was about to have on the right. I supposed at the time that from the effect of the fire of the 110th and 122d Ohio, that when Colonel Ely with his force attacked on the right we would rout them. I met, however, the 110th and 122d Ohio falling back. The officers were so busy in preserving order that I could not communicate with them. After we had fallen back to the Martinsburg road, I saw Generals Milroy and Elliott. I was informed by the former that the retreat was again in progress."(15)

Colonel Wm. H. Ball (122d Ohio), in his official report speaks of the fight thus:

"I was ordered to follow the 110th Ohio Volunteer Infantry, which had been moved off the field some time before, and was out of sight. The regiments being so separated, I did not engage the enemy as soon as the 110th. I formed on the right of the 110th Ohio Volunteer Infantry, and the two regiments advanced within the skirt of the woods and engaged the enemy, who occupied the woods with infantry and artillery. After a sharp action, the line was advanced at least 100 yards and to within twenty paces of the enemy's artillery, where a terrible fire was maintained for fifteen or twenty minutes by both parties. The artillery was driven back over 100 yards, and for a time silenced by the fire of our rifles. By order of Colonel Keifer the two regiments then retreated beyond the range of the enemy's infantry, reformed, and again advanced within the woods, and, after a sharp engagement, retreated, by order of Colonel Keifer, the enemy then moving on our flank."

The contemplated attack by Colonel Ely and others was not made.

We marched *via* Smithfield (Wizzard's Clip), Charlestown, and Halltown, and reached Harper's Ferry about 3 P.M., having marched thirty-five miles and fought two hours on the way.

Berryville, held by McReynolds' brigade of Milroy's command, was taken by Rodes' division of five brigades on the 13th of June; Bunker Hill, on the direct road to Martinsburg from Winchester, was occupied by the enemy early the morning of the 14th; and Martinsburg was taken (all by the same division) the evening of that day. General Daniel Tyler and Colonel B. F. Smith (126th Ohio), with a small command of infantry and cavalry and one battery, made a gallant stand for a few hours, to enable their baggage and supply trains, escorted by a small number of cavalry, to escape *via* Williamsport. A

portion of the battery was captured, but Tyler and Smith's troops retreated on Shepherdstown, thence to Harper's Ferry.

We pursued, in the retreat from Stephenson's Depot, the only possible route then open to us to Harper's Ferry. About 2000 men of all arms reached Harper's Ferry with us, and others straggled in later. But much the larger part of Milroy's command escaped with the animals to Pennsylvania; 2700 soldiers assembled at Bloody Run alone. The losses in captured, including the sick and wounded left in hospital, and the wounded left on the field, were about 3000. The losses in my command, considering the desperate nature of the fighting, were small, and but few of my officers and soldiers, fit for duty and not wounded in battle, were captured. Lieutenants T. J. Weakley and C. M. Gross, through neglect of the officer of the day, were left on picket near Winchester, with 60 men of the 110th Ohio, and, consequently captured. The surgeons, with their assistants, were left at the hospital and on the field in charge of the sick and wounded. Chaplain McCabe remained to assist in the care of the wounded left on the battle-field. The enemy's loss in killed and wounded much exceeded the Union loss on each of the three days' fighting. I was bruised by a spent ball on the 13th, and slightly wounded by a musket fired by a soldier not ten feet from me near the close of the fight at the earthwork on the 14th, and my horse was shot under me in the night engagement at Stephenson's Depot. We fought the best of the troops of Lee's army. General Edward Johnson's division of Ewell's corps, in the night engagement, consisted of Stewart, Nicholl, and Walker's (Stonewall) brigades. Johnson was censured for not having reached and covered the Martinsburg road earlier in the night of the 14th of June. He reported his command in a critical situation for a time after our attack upon it; that "two sets of cannoniers (13 out of 16) were killed or disabled."(16)

The war furnishes no parallel to the fighting at Winchester, and there is no instance of the war where a comparatively small force, after being practically surrounded by a greatly superior one, cut its way out.

Johnson's division was so roughly handled on the morning of the 15th that it did not pursue us, nor was it ordered to march again until some time the next day. The plan of Lee was for Ewell's corps to push forward rapidly into Pennsylvania. His delay at Winchester postponed Lee's giving the order to Ewell "to take Harrisburg" until June 21st.(17) The loss of three or more days at Winchester most likely saved Pennsylvania's capital from capture.

The disaster to the Union arms at Winchester was, by General Halleck, charged upon General Milroy, and General Schneck was ordered by Halleck to place Milroy in arrest. In August, 1863, a Court of Inquiry convened at Washington to investigate and report upon Milroy's conduct and the evacuation of Winchester. Schenck's action in relation to the matter was also drawn in question. The court was in session twenty-seven days, heard many witnesses, including Generals Schenck and Milroy, and had before it a mass of orders and dispatches. I was a known friend of Milroy, hence was not called against him, and he did not have me summoned because I had differed so radically with him as to the necessity of evacuating Winchester. The testimony, while doing me ample justice, did not disclose much of the information communicated by me to Milroy, nor my views with respect to the judgment displayed by him in a great emergency. Milroy and his friends maintained, with much force, that his holding Winchester for about three days delayed, for that time or longer, Lee's advance into Pennsylvania, and thus saved Harrisburg from capture, and gave the Army of the Potomac time to reach Gettysburg, and there force Lee to concentrate his army and fight an unsuccessful battle. The Court of Inquiry made no formal report, but Judge-Advocate-General Holt reviewed the testimony, and reached conclusions generally exonerating Milroy from the charge of disobedience of orders and misconduct during the evacuation, but reflecting somewhat on Schenck for not positively ordering the place evacuated. President Lincoln made a characteristic indorsement on this record, not unfavorable to either Schenck or Milroy, concluding with this paragraph:

"Serious blame is not necessarily due to any serious disaster, and I cannot say that in this case any of the officers are deserving of serious blame. No court-martial is deemed necessary or proper in this case."(18)

Halleck did not, however, cease in his hostility to Milroy, and not until in the last months of the war did the "Gray Eagle" have another command in the field. He was a rashly-brave and patriotic man, and his whole heart was in the Union cause. In battle he risked his own person unnecessarily and without exercising a proper supervision over his entire command. He died at Olympia, Washington, March 29, 1890, when seventy-five years of age. The colored people of America should erect a monument to his memory. He was their friend when to be so drew upon him much adverse criticism.

(1) *Manassas to Appomattox* (Longstreet), pp. 242, 257, 401.

(2) *Ibid.*, 263.

(3) *Abraham Lincoln* (Nicolay and Hay), vol. vi., p. 159.

(4) In letters, dated in May, 1863, to Col. Wm. S. Furay (then a correspondent (Y. S.) of the Cincinnati *Gazette* with Rosecrans' army in Tennessee, I detailed the general plan of Lee's advance northward, and gave the date when the movement would commence.

(5) *War Records*, vol. xxvii., Part III., p. 36.

(6) *War Records*, vol. xxvii., Part II., p. 125. Piatt, June 11th, wired Schenck from Winchester, after inspecting the place, that Milroy "can whip anything the rebels can fetch here."—*Ibid.*, p. 161.

(7) *War Records*, vol. xxvii., Part II., pp. 130-7, 159-81.

(8) A few days before this event I peremptorily ordered all officers' wives and citizens visiting in my command to go North, but the ladies held an indignation meeting and waited on General Milroy, with the request that he countermand my order, which he did, at the same time saying something about my being too apprehensive of danger. I had the pleasure of meeting and greeting these same ladies in Washington, July 5th, on their arrival from Winchester *via* Staunton, Richmond, *Castle-Thunder*, the James and Potomac Rivers.

(9) *War Records*, Early's Rep., vol. xxvii., Part II., p. 460.

(10) His son, Major Hugh H. Gordon, served efficiently on my staff in Florida, Georgia, and Cuba (Spanish War), as did Captain J. E. B. Stuart, son of the great Confederate cavalry General; also Major John Gary Evans (ex-Governor South Carolina), and others closely related to distinguished Confederate officers. See Appendix F.

(11) *War Records*, vol. xxvii., Part II., p. 491.

(12) *War Records*, vol. xxvii., Part II., p. 46.

(13) General Johnson's Report (Confederate), *War Records*, vol. xxvii., Part II., p. 501.

(14) An orderly who attempted to carry on horseback a valise containing papers, etc., of mine, threw it way in a field as he rode into the mountains. A Quakeress, Miss Mary Lupton, witnessed the act from her home, and found the valise and returned it to me with all its contents, after the battle of Opequon, Sept. 19, 1864.

(15) *War Records*, vol. xxvii., Part II., p. 136.

(16) *War Records*, vol. xxvii., Part II., pp. 501-2.

(17) *Ibid.*, p. 443.

(18) *War Records*, vol. xxvii., Part II., pp. 88-197.

CHAPTER II Invasion of Pennsylvania—Campaign and Battle of Gettysburg—Lee's Retreat Across the Potomac, and Losses in Both Armies

At Harper's Ferry, June 16th, I was assigned to command a brigade under General W. H. French, a regular officer. General Joseph Hooker, in command of the Army of the Potomac, June 25th, ordered French to be ready to march at a moment's notice. French took position on Maryland Heights, where, June 27th, Hooker visited him and gave him orders to prepare to evacuate both the Heights and Harper's Ferry. French had under him there about 10,000 effective men. Halleck, on being notified of Hooker's purpose to evacuate these places and to unite French's command with the Army of the Potomac for the impending battle, countermanded Hooker's order; thereupon the latter, by telegram from Sandy Hook, requested to be relieved from the command of that army. His request being persisted in, he was, on June 28th, relieved, and Major-General George G. Meade was, by the President, assigned to succeed him. Meade, also feeling in need of reinforcements, on the same day asked permission to order French, with his forces, to join him. Halleck, though placing French under Meade's command, did not consent to this. French, however, with all his troops (save my brigade), under orders from Washington, abandoned Harper's Ferry and Maryland Heights, and became a corps of observation to operate in the vicinity of Frederick, Maryland, in the rear of the Army of the Potomac. And though no enemy was threatening, nor likely to do so soon, I was ordered to dismantle the fortified heights, load the guns and stores on Chesapeake and Ohio Canal boats, and escort them to Washington, repairing the canal and locks on the way. This work was done thoroughly, and we arrived with a fleet of twenty-six boats in Washington shortly after midnight, July 4, 1863. It was my first visit to that city.

Under orders from Halleck, I started on the 6th, by rail, to reoccupy Harper's Ferry, but was stopped by Meade at Frederick, and there again reported to French. French had been assigned to command the Third Army Corps (to succeed General Daniel E. Sickles, wounded at Gettysburg), and his late command became the Third Division of that corps, under Elliott; my brigade, consisting of the 110th and 122d Ohio, 6th Maryland, and 138th Pennsylvania Infantry regiments, became the Second Brigade of this division. This brigade (with, later, three regiments added) was not broken up during the war, and was generally known as "*Keifer's Brigade*."

It is not my purpose to attempt to write the full story of the battle of Gettysburg, the greatest, measured by the results, of the many great battles of the war. Gettysburg marks the high tide of the Rebellion. From it dates the certain downfall of the Confederacy, though nearly two years of war followed, and more blood was spilled after Lee sullenly commenced his retreat from the heights of Gettysburg than before.

About this stage of the war, President Lincoln took an active interest in the movements of the armies, although he generally refrained from absolutely directing them in the field. It was not unusual for army commanders to appeal to him for opinions as to military movements, and he was free in making suggestions, volunteering to take the responsibility if they were adopted and his plans miscarried. Hooker, in an elaborate dispatch (June 15th) relating to the anticipated movements of Lee's army from the Rappahannock to the northward, said:

"I am of opinion that it is my duty to pitch into his rear, although in so doing the head of his column may reach Warrenton before I can return."

The President, answering, said:

"I have but one idea which I think worth suggesting to you, and that is, in case you find Lee coming to the north of the Rappahannock, I would by no means cross to the south of it. If he should leave a rear force at Fredericksburg, tempting you to fall upon it, it would fight in intrenchments and have you at disadvantage, and so, man for man, worst you at that point, while his main force would in some way be getting the advantage of you northward. In one word, I would not take any risk of being entangled upon the river, *like an ox jumped half over the fence and liable to be torn by dogs front and rear, without a fair chance to gore one way or kick the other*."(1)

The President, answering another dispatch from Hooker, June 10th, said:

"I think Lee's army, and not Richmond, is your objective point. If he comes towards the upper Potomac, follow him on his flank and on his inside track, shortening your lines while he lengthens him. Fight him, too, when opportunity offers. If he stays where he is, *fret him and fret him*."(2)

When deeply concerned about the fate of Winchester (June 14th), this dispatch was sent:

"Major General Hooker:

"So far as we can make out here, the enemy have Milroy surrounded at Winchester and Tyler at Martinsburg. If they could hold out a few days, could you help them? *If the head of Lee's army is at Martinsburg, and the tail of it on the plank road between Fredericksburg and Chancellorsville, the animal must be very slim somewhere. Could you not break him?*"

"A. Lincoln."(2)

Hooker did not cross the river and attack the rear of Lee's army, nor did he "*fret*" Lee's army, nor "*break*" it, however "*slim*" "*the animal*" must have been, and hence Milroy was sacrificed, and the rich towns, cities, and districts of Maryland and Pennsylvania were overrun by a hungry and devastating foe; but Gettysburg came; the Union hosts there being successfully led by another commander — Meade!

George Gordon Meade came to the command of the Army of the Potomac under the most trying circumstances. The situation of that army and the country was critical. He had been distinguished as a brigade, division, and corps commander under McClellan, Burnside, and Hooker; in brief, he had won laurels on many fields, especially at Fredericksburg, where he broke through the enemy's right and reached his reserves, yet he never had held an independent command. He was of Revolutionary stock (Pennsylvania), though born in Cadiz, Spain, December 31, 1815, where his parents then resided, his father being a merchant and shipowner there. He was graduated at West Point; was a modest, truthful, industrious, studious man, with the instincts of a soldier. He was wounded at New Market, or Glendale, in the Peninsula campaign (1862). He was commanding in person, and ambitious to succeed, prudent, yet obstinate, and when aroused showed a fierce temper; yet he was, in general, just. On the third day after he assumed command of the army its advance corps opened the battle of Gettysburg. What great

soldier ever before took an army and moved it into battle against a formidable adversary in so short a time? It must also be remembered that the troops composing his army were not used to material success. They had never been led to a decisive victory. Some of them had been defeated at Bull Run; some of them on the Peninsula; some of them at the Second Bull Run; some of them were in the drawn battle of Antietam; some of them had suffered repulse at Fredericksburg, and defeat at Chancellorsville, and the army in general had experienced more of defeat than success, although composed of officers and soldiers equal to the best ever called to battle. When Meade assumed command, Lee's army was, in the main, far up the Cumberland Valley, and pressing on; Ewell had orders to take Harrisburg, and was then, with most of his corps, at Carlisle, Pennsylvania. York and Wrightsville, Pa., were taken on the 28th by Gordon of Early's division. On the 29th Ewell ordered his engineer, with Jenkins' cavalry, to reconnoitre the defences of Harrisburg, and he was starting for that place himself on the same day when Lee recalled him and his corps to join the main army at Cashtown, or Gettysburg.(3)

Longstreet's corps marched from Fredericksburg, June 3d, *via* Culpeper Court-House, thence up the Rappahannock and along the eastern slope of the Blue Ridge; on the 19th occupied Ashby's and Snicker's Gaps, leading to the Valley; on the 23d marched *via* Martinsburg and Williamsport into Maryland, reaching Chambersburg on the 27th; thence marched on the 30th to Greenwood, and the next day to Marsh Creek, four miles from Gettysburg, Pickett's division and Hood's brigade being left, respectively, at Chambersburg and New Guilford.(4)

A. P. Hill's corps did not leave Fredericksburg until the 14th of June, just after Hooker put the Army of the Potomac in motion to the northward. Hill marched into the Valley and joined Longstreet at Berryville, and from there preceded him to Chambersburg, and by one day to Cashtown and Gettysburg.(5)

General J. E. B. Stuart, in command of the Confederate cavalry, crossed the upper Rappahannock, June 16th, and moved east of the Blue Ridge on Longstreet's right flank, leaving only a small body of cavalry on the Rappahannock, in observation, with instructions to follow on the right flank of Hill's corps. Severe cavalry engagements took place at Aldie, the 17th, and at Middleburg, Uppeville, and Snicker's Gap, without decisive results, both sides claiming victories. On the 24th Stuart, with the main body of his cavalry, succeeded in eluding the Union cavalry and Hooker's army (then feeling its way north), and passed east of Centreville, thence *via* Fairfax Court-House and Dranesville, and crossed, July 27th, the Potomac at Rowser's Ford, and captured a large supply train between Washington and Rockville. Stuart's cavalry caused some damage in the rear and east of the Army of the Potomac, but, on the whole, this bold movement contributed little, if any, towards success in Lee's campaign. Stuart's advance reached the Confederate left *via* Dover and Carlisle, Pennsylvania, late on the afternoon of the second day of the battle, his troopers and horses in a somewhat exhausted condition. The consensus of opinion among military critics was then, and since is, that Lee committed a great strategic error in authorizing his main cavalry force to be separated from close contact with the right of his moving army. General Lee seems to have come to this conclusion himself, as frequently, in his official reports of the campaign, he deplores the absence of his cavalry and his consequent inability to obtain reliable information of the movements of the Army of the Potomac.(6) Longstreet severely criticises Stuart's raid, and attributes to the absence of the cavalry, in large part, the failure of the Gettysburg campaign.(7) Cavalry, under an energetic commander, are the *eyes and ears* of a large army, especially when it is on an active campaign against a vigilant enemy.

Having with some particularity traced the main bodies composing Lee's army, as to time and routes, to the vicinity of Gettysburg, it remains to briefly follow the Army of the Potomac to the same place. While some of its corps moved earlier, the headquarters of that army did not leave Falmouth until the 14th of June, when it was established at Dumfries; on the next day at Fairfax Station, on the 18th at Fairfax Court-House, on the 26th at Poolesville, Maryland, and the next day at Frederick, Maryland, where Meade succeeded Hooker. Before the Army of the Potomac left Falmouth a division of the Sixth Corps had been thrown across the river to observe the enemy, but it did not attack him, and was withdrawn on the 13th.

Meade found his army, mainly, in the vicinity of Frederick, though some of his corps had passed northward and others were moving up by converging lines, the Sixth Corps having just arrived at Poolesville from Virginia. June 29th, Meade moved his headquarters from Frederick to Middleburg, the next day to Taneytown, Maryland, about fifteen miles south of Gettysburg.

The movements of the Army of the Potomac were such as to cover Washington and Baltimore, and at the same time bring, as soon as possible, the invading army to battle.

The First, Eleventh, and Third Corps, under Major-General John F. Reynolds, were in the advance on Gettysburg on July 1st, the First Corps leading, and preceded only by General John Buford's division of

cavalry. Lee was then rapidly concentrating his army at Gettysburg. Reynolds found Buford fiercely engaging infantry of Hill's corps as they were debouching through the mountains on the Cashtown road. He promptly moved the First Corps to Buford's support, and it soon became hotly engaged. The Eleventh Corps, commanded by General Oliver O. Howard, was ordered to hasten to join in the battle. Howard arrived about 11.30 A.M., just as Reynolds fell mortally wounded, and the command of the field devolved on Howard. He pushed forward two divisions of the Eleventh to the support of the First Corps, then engaged on Seminary Hill, northeast of Gettysburg, and posted a third division on Cemetery Ridge, south of the town. The battle continued with great fierceness on the Cashtown road. For a time the Union success was considerable, and the Confederates were forced back, and numerous prisoners, including General Archer, were captured; but reinforcements from Cashtown and the unexpected arrival, at 1.30 P.M., over the York and Harrisburg roads, of Ewell's corps on Howard's right left him outnumbered and outflanked. He maintained the unequal contest until about 4 P.M., then ordered a withdrawal to Cemetery Ridge, which was accomplished with considerable loss, chiefly in prisoners taken in the streets of Gettysburg. Meade, learning of Reynolds' death, dispatched General W. S. Hancock to represent him on the field. Hancock arrived in time to aid Howard in posting the troops advantageously on the Ridge, where they handsomely repulsed an attack on the right flank. Slocum and Sickles' corps arrived about 7 P.M., and were posted on the right and left, respectively, of those in position. Hancock reported to Meade the position held was a strong one, and advised that the army be concentrated there for battle. At 10 P.M. Meade left Taneytown and reached the battle-field at 1 A.M. of the 2d of July, having, on the reports received, decided to stand and give general battle there.(8) The Second and Fifth Corps and the rest of the Third arrived early on the 2nd. The Second and Third Corps went into position on the Union left on a continuation of the ridge towards Little Round Top Mountain. The Fifth was held in reserve until the arrival of the Sixth at 2 P.M., when it was moved to the extreme left, the Sixth taking its place in reserve owing to the exhaustion of its troops, they having just accomplished a thirty-two mile march from 9 P.M. of the day previous. The Third, under Sickles, was moved by him to a peach orchard about one half mile in advance, and out of line with the corps on its right and left. Here it received the shock of battle, precipitated about 3 P.M. by Longstreet's corps from the Confederate right. The Second and Fifth Corps were hastened to cover the flanks of the Third. The battle raged furiously for some hours and until night put an end to it. The Third was forced, after a desperate conflict, to retire on its proper line. Sickles was severely wounded, losing a leg. The Fifth, after a most heroic conflict, succeeded in gaining and holding Round Top (big) Mountain, the key to the position on the Union left, as were Cemetery Hill and Culp's Hill, on its right. Longstreet, at nightfall, after suffering great loss, was forced to retire, having gained no substantial advantage. The Sixth and part of the First Corps, having been ordered to the left, participated in this battle and aided in Longstreet's repulse. Geary's division of the Twelfth, moving from the extreme right, had also reinforced the left. It was this withdrawal from the right which enabled Ewell's corps to capture and occupy a part of the Union line in the vicinity of Culp's Hill. An assault was made about 8 P.M. on the Eleventh Corps at Cemetery Hill, where the enemy penetrated to a battery, over which a *melée* took place, the Confederates, after a hand-to-hand fight, being driven from the hill and forced to retreat. Thus the second day's fighting at Gettysburg ended, neither side having gained any decisive advantage. Most of the Union Army had been, however, more or less engaged, while Longstreet's corps (save Pickett's division), and only portions of Ewell's corps of the Confederate Army, had been seriously in battle. There had been some spirited artillery duels, but these rarely contribute materially to important results.

The third day opened, at early dawn, by Geary's division (returned from the left) attacking, and after a lively battle retaking its former position on the right. A spirited contest also raged on the right at Culp's Hill and along Rock Creek all the morning, in which Wheaton's brigade of the Sixth Corps participated. With this exception, quiet reigned along the lines of the two great armies during the forenoon of the 3d.

Lee, flushed with some appearance of success on the first and second days, and over-confident of the fighting qualities of his splendid army, born of its defeats of the Army of the Potomac on the Rappahannock, decided to deliver offensive battle, though far from his natural base. Orders were accordingly given to Longstreet to mass a column of not less than 15,000 men for an assault, under cover of artillery, on the Union left centre, to be supported by simultaneous real or pretended attacks by other portions of the Confederate Army.

Longstreet did not believe in the success of the attack, and hence offered many objections to it, and predicted its failure. He advised swinging the Confederate Army by its right around the Union left, and thus compel Meade to withdraw from his naturally strong position.(9) Lee would not listen to his great Lieutenant. Pickett's division of three brigades was assigned to the right of the column, and it became the division of direction. Kemper's division of four brigades from Hill's corps was formed on the left of Pickett, and Wilcox's brigade of Hill's corps was placed in echelon in support on Pickett's right, and the brigades of Scales and Lane of Hill's corps, under Trimble, were to move in support of Kemper's left.

The whole column of ten brigades, composed of forty-six regiments, numbered about 20,000 men.

Generals Pendleton and Alexander, chiefs of artillery of the Army of Northern Virginia and of Longstreet's corps, respectively, massed 150 guns on a ridge extending generally parallel to the left of the Union Army and about one mile therefrom, and so as to be able to pour a converging fire on its left centre.(10) While this preparation for decisive battle went on in the Confederate lines, the Union Army stood at bay, in readiness for the battle-storm foreboded by the long lull and the active preparations observed in its front. At 1 P.M. Longstreet's batteries opened, and the superior guns of the Union Army, though not in position in such great number, promptly responded. This terrific duel lasted about two hours. Meade, recognizing the futility of his artillery fire, and in anticipation of the assault soon to come, ordered a large portion of his artillery withdrawn under cover, to give the guns time to cool and to be resupplied with ammunition. This led the enemy to believe he had silenced them effectively, and the assaulting column went forward.(11) The Union artillery, with fresh batteries added, was again quickly put in position for its real work. The close massed column of assault, well led, gallantly moved to the charge down the slope and across the open ground, directed against a portion of the Union line partially on Cemetery Ridge. The supporting Confederate batteries now almost ceased firing. As the assaulting column went forward the Union guns turned on it, cutting gaps in it at each discharge. These were generally closed from the support, but when the head of the column got well up to, and in one place into, the Union breastworks, the fire of the Union infantry became irresistible. Longstreet ordered the divisions of McLaws and Hood, holding his line on the right of the assaulting column, to advance to battle. Union forces moved out and attacked Pickett's supporting brigade on the right. Under the fierce fire of infantry and artillery the head of the great Confederate column fast melted away. Generals Garnett, Pender, Semmes, Armistead, and Barksdale were killed, Generals Kemper, Trimble, Pettigrew, and many other officers fell wounded, and many Confederate colors were shot down. The Confederates who penetrated the Union line were killed or captured. When success was demonstrated to be impossible, Pickett ordered a retreat, and such of his men as were not cut off by the fire that continued to sweep the field escaped to cover behind the batteries, leaving the broad track of the assaulting column strewn with dead, dying, and wounded. The great battle was now substantially ended. Meade did not draw out his army and pursue the broken Confederates, as their leaders expected him to do. Lee, while personally aiding in restoring the lines of his shattered troops, recognized the fearful consequences of Pickett's assault, and magnanimously said to an officer, "*It is all my fault*."

Generals Hancock and Gibbon and many important Union officers were wounded. This, together with other causes, prevented Meade from assuming the offensive. Two-thirds of the Confederate Army had not been engaged actively in the last struggle, and the day was too far spent for Meade to make the combinations indispensable to the success of an immediate attack.

Longstreet withdrew McLaws and Hood from their advance position. Kilpatrick moved his cavalry division to attack the Confederate right, and Farnsworth's cavalry brigade made a gallant charge on the rear of Longstreet's infantry, riding over detachments until the dashing leader lost his life and his command was cut to pieces by the terrific fire of the enemy's artillery and infantry. A great fight also ensued on the Union right near Rock Creek, between the Confederate cavalry under Stuart and the main body of the Union cavalry under General Alfred Pleasanton, in which our cavalry held the field and drove back Stuart from an attempt to penetrate behind the Union right. The infantry corps of the two armies were not again engaged at Gettysburg. Lee drew in his left to compact his army, holding his cavalry still on his left.

At nightfall, July 4th, Lee, having previously sent in advance his trains and ambulances filled with sick and wounded, commenced a retreat by the Fairfield and Emmittsburg roads through Hagerstown to the Potomac at Williamsport and Falling Waters, his cavalry covering his rear. The Sixth Corps and our cavalry followed in close pursuit on the morning of the 5th, but the main body of the Army of the Potomac marched on the Confederate flank, directed on Middletown, Maryland. French (left at Frederick) had pushed a column to Williamsport and Falling Waters, and destroyed a pontoon bridge and captured its guard and a wagon train. Buford's cavalry was sent by Meade to Williamsport, where it encountered Lee's advance, destroyed trains, and made many captures of guns and prisoners. Recent heavy rains had swollen the Potomac so that it could not be forded. Most of the Confederate sick and wounded were, with great effort, ferried over the swollen river in improvised boats, but not without several days' delay. Lee's army reached the Potomac on the 11th, having suffered considerable loss during its retreat in prisoners, arms, and trains. It took up a strong position, covering Williamsport and Falling Waters, and intrenched.

The Union Army, after reaching Middletown and being reinforced by French's command and somewhat reorganized, deployed on the 11th for battle, and on the 12th moved close up to the front of the Confederate Army. Orders were issued looking to an attack on the morning of the 13th, but the day was spent in reconnoissances and further preparations. On the following morning the enemy had

succeeded in crossing the river, and only a rear-guard was taken.

Great disappointment was felt that Meade did not again force Lee to battle north of the Potomac. Certain it is that Lee's army was deficient in ammunition for all arms, and rations were scarce. Lee, in dispatches to Jefferson Davis, dated July 7th, 8th, and 10th, showed great apprehension as to the result of a battle if attacked in his then situation.(12)

Meade's army was also greatly impeded by circumstances beyond human control. When, on the 13th of July, a general attack was contemplated, rain fell in torrents, and the cultivated fields were so soft as to render the movement of artillery and troops almost impossible. The wheels of the gun-carriages sunk so deep in the soft earth as to forbid the guns being fired safely. Meade was urged, by dispatches from Halleck, and by one from President Lincoln, to attack Lee before he crossed the Potomac.(13) Meade was fully alive to the importance of doing this, but he displayed some timidity peculiar to his nature, and sought to have all the conditions in his favor before risking another battle. His combinations were made with too much precision for the time he had to do it in.

A less cautious commander might, during the first few days, have assailed Lee precipitately on his front or flank, or both simultaneously, relying on his not being able to concentrate his army to resist it. But after Lee had concentrated his forces and intrenched in a well selected position, covering Williamsport and Falling Waters, the result of an attack would have been doubtful, yet, in the light of what was later known, one should have been made. Meade, however, had done well under the circumstances at Gettysburg, and a two-weeks'-old independent commander, not yet accustomed to fighting a large army in aggressive battle, is entitled to considerate judgment.

The revised lists of losses in the battle and campaign of Gettysburg in the Army of the Potomac show 246 officers and 2909 enlisted men killed, 1145 officers and 13,384 enlisted men wounded, total 17,684; also 183 officers and 5182 enlisted men captured, grand total 23,049. The First and Eleventh Corps lost, chiefly on the first day, in captured, 3527.(14)

The imperfect lists of losses in the Army of Northern Virginia do not show the number of killed and wounded officers separately from enlisted men, and from some of the commands no reports are found, yet, so far as made, they show 2592 killed and 12,709 wounded, total 15,301, and 5150 captured, grand total 20,541.(15) The records of prisoners of war in the Adjutant-General's Office, U.S.A., give the names of 12,227 wounded and unwounded Confederates captured at Gettysburg, July 1st to 5th, inclusive.(15)

When the Gettysburg campaign ended I was fairly in the Army of the Potomac, destined to be with it and of it and to share its fortunes for two years and to the end of the war.

(1) *War Records*, vol. xxvii., Part I., pp. 30-1.

(2) *Ibid.*, pp. 35, 39.

(3) Ewell's Report, *War Records*, vol. xxvii., Part II., p. 443.

(4) Longstreet's Report, *Ibid.*, 358.

(5) Lee's Report, *Ibid.*, 317.

(6) *War Records*, vol. xxvii., Part II., pp. 316, 321-2.

(7) *Manassas to Appomattox*, pp. 342-3, 351-9, 362.

(8) Meade's Report, *War Records*, vol. xxvii., Part I., p. 115.

(9) *Manassas to Appomattox*, pp. 386-7.

(10) Pendleton's Report, *War Records.*, vol. xxvii., Part II., p. 352.

(11) *Manassas to Appomattox*, p. 392.

(12) *War Records*, vol. xxvii., Part II., pp. 299-302.

(13) *Ibid.*, p. 82-3.

(14) *Ibid.*, p. 187.

(15) *War Records*, vol. xxvii., Part II., 346.

CHAPTER III New York Riots, 1863—Pursuit of Lee's Army to the Rappahannock— Action of

Wapping Heights, and Skirmishes—Western Troops Sent to New York to Enforce the Draft—Their Return—Incidents, etc.

During the Gettysburg campaign the organized militia of New York City and the volunteer and regular troops stationed there were sent to Pennsylvania to aid in repelling the invading army, thus leaving that city without its usual protection.

Horatio Seymour, Governor of the State of New York in 1863, was not, at all times, in harmony with President Lincoln and the War Department with respect to the conduct of the war, the necessity for raising troops, and the means by which they were obtained. His opposition to the draft was well understood, and gave encouragement to a turbulent population in New York City who were opposed to the war, and, consequently, to all radical measures to fill the city's quota. The poor believed they had a just ground of complaint. A clause in the Enrollment Act of Congress allowed a drafted man to be discharged upon the payment of three hundred dollars commutation. This gave the wealthier people a right the poor were not able to avail themselves of.

The city of New York had responded loyally with men and money in support of the Union at the breaking out of the war, but as the struggle progressed and the burdens of the city increased and many calls for men came, there occurred some reaction in public sentiment, especially among the masses, who imagined they were the greatest sufferers. Her Mayor, Fernando Wood, prior to the war (January 6, 1861), in a Message to her Common Council, denominated the Union as only a "confederacy" of which New York was the "Empire City"; and said further that dissolution of the Union was inevitable; that it was absolutely impossible to keep the States "together longer than they deemed themselves fairly treated"; that the Union could "not be preserved by coercion or held together by force"; that with the "aggrieved brethren of the slave States" the city had preserved "friendly relations and a common sympathy," and had not "participated in a warfare upon their constitutional rights or their domestic institutions," and, "therefore, New York has a right to expect, and should endeavor to preserve, a continuance of uninterrupted intercourse with every section." He denounced other parts of New York state as a "foreign power" seeking to legislate for the city's government; claimed that "much, no doubt," could "be said in favor of the justice and policy of a separation," and that the Pacific States and Western States as well as the Southern States would each soon set up an independent Republic. But Mayor Wood, not content with all this disunion nonsense, said further:

"Why should not New York City, instead of supporting by her contributions in revenue two thirds of the expenses of the United States, become also equally independent? As a *free city*, with but nominal duty on imports, her local government could be supported without taxation upon her people. Thus we could live free from taxes, and have cheap goods nearly duty free. In this she would have the whole and united support of the Southern states, as well as all the other States to whose interests and rights under the Constitution she has always been true; and when disunion has become a fixed and certain fact, why may not New York disrupt the bonds which bind her to a venal and corrupt master—to a people and party that have plundered her revenues, taken away the power of self- government and destroyed the Confederacy of which she was the proud Empire City? Amid the gloom which the present and prospective condition of things must cast over the country, New York, as a Free City, may shed the only light and hope of a future reconstruction of our once blessed Confederacy."(1)

This most audacious communication ante-dated all Ordinances of Secession save that of South Carolina, and preceded President Lincoln's inauguration by about two months. The proposed secession of New York City involved disrupting the bonds which bound her to the State as well as the nation, and could not therefore possess even the shadow of excuse of separate sovereignty, such as was claimed for a State.

The dangerous doctrine of this Message and the suggestions for making New York a *free city*, and other like political teaching, bore fruit, and had much to do with building up a public sentiment which culminated in resistance to the draft and the monstrous, bloody, and destructive riots that ensued in New York City.

The significance of the defeat of the Confederate Army at Gettysburg and the capture of Vicksburg on the 4th of July, 1863, were not well understood in New York when, on Saturday, July 11, 1863, pursuant to instructions, Provost-Marshal Jenkins commenced the initial work on the corner of 46th Street and Third Avenue, by drawing from the wheel the names of those who must respond to the call of the Government or pay the commutation money.

The first day passed without any open violence, and with even some good-humored pleasantry on the part of the great crowd assembled. The draft was conducted openly and fairly, and the names of the conscripts were publicly announced and published by the press of Sunday morning. It appeared that the names of many men, too poor to pay the commutation, had been drawn from the wheel, and these

would therefore have to go to the army in person regardless of inclination or ability to provide for their families in their absence. Others not drawn were apprehensive that their fate would be the same. On Sunday, therefore, in secret places, inhabitants of the district where the draft had commenced, met, and resolved to resist it even to bloodshed. The absence of the organized militia and other regular and volunteer soldiers was, by the leaders of the movement, widely proclaimed, to encourage the belief that resistance would be successful. The police, though efficient, were not much feared, as they would have to be widely scattered over the city to protect persons and property. In the promotion of the scheme of resistance to Federal authority, organized parties went early Monday morning to yard, factory, and shop, and compelled men to abandon their labor and join the procession wending its way to the corner of Third Avenue and 46th Street.

Captain Jenkins and his assistants, not apprehending any danger, recommenced the draft in the presence of a great multitude, many of whom had crowded into his office, and a few names had been called and registered when a paving-stone was hurled through a window, shivering the glass into a thousand pieces, knocking over some quiet observers in the room and startling the officials. This was the initial act of the celebrated New York riots. A second and a third stone now crashed through the broken window at the fated officers and reporters, and with frantic yells the crowd developed into a mob, and, breaking down the doors, rushed into the room, smashed the desks, tables, furniture, and destroyed whatever could be found. The wheel alone was carried upstairs and eventually saved. The Marshal escaped alive, but his deputy, Lieutenant Vanderpoel, was horribly beaten and taken home for dead. The building wherein the office was located was fired, and the hydrants were taken possession of by the mob to prevent the Fire Department from extinguishing the flames, and in two hours an entire block was burned down. Police Superintendent Kennedy was assailed by the rioters and left for dead. The most exaggerated rumors of the success of the mob spread through the city, and other anti-conscript bands were rapidly formed, especially in its southern parts.

While General Sanford of the State Militia, Mayor Opdyke of the city, and General John E. Wool were hastily consulting, and, in the absence of any military force adequate to suppress the already formidable riot, were trying to devise means for its suppression, the mob, joined by numerous gangs of thieves and thugs, grew to the size of a great army, and feeling possessed of an irresistible power, moved rapidly about the apparently doomed city, engaging in murder, pillage, and arson. Neither person nor property was regarded. Peaceful citizens were openly seized, maltreated, and robbed wherever found. Those who tried to resist were often dragged mercilessly about the streets, stamped upon, and left for dead. A brown-stone block on Lexington Avenue was destroyed. An armed detachment of marines, some fifty strong, was sent to quell the riot. At the corner of 43d Street these marines attempted to disperse the mob by firing on it with blank cartridges, but they were rushed upon with such fierce fury that they were broken and overpowered, their guns were taken from then, several of them killed, and all terribly beaten. A squad of the police attempted to arrest some of the leaders at this point, but it was defeated, badly beaten, and one of its number killed. Elated with these triumphs, and excited by the blood already spilled, the passion of the mob knew no bounds, and it proposed an immediate onslaught upon the principal streets, hotels, and public buildings. The city was filled with consternation; all business ceased, public conveyances stopped running, and terror seized the public authorities as well as the peaceful citizens.

The negroes seemed to be the first object of the mob's animosity; public places where they were employed were seized, and the colored servants there employed were maltreated, and in some instances killed. The Colored Half-Orphan Asylum, on Fifth Avenue, near 43d Street, the home for about 800 colored children, was visited, its attendants and inmates maltreated, the interior of the building sacked, and in spite of the personal efforts of Chief Decker, it was fired and burned. Robbery was freely indulged in, and many women who were of the rioters carried off booty.

The armory on Second Avenue, in which some arms and munitions were stored, although guarded by a squad of men, was soon taken possession of, its contents seized, and the building burned. This was not accomplished until at least five of the mob were killed and many more wounded by the police. In the lower part of the city the assaults of the rioters were mainly upon unoffending colored men.

At least one dozen were brutally murdered, while many more were beaten, and others driven into hiding or from the city. One colored man was caught, kicked, and mauled until life seemed extinct, and then his body was suspended from a tree and a fire kindled beneath it, the heat of which restored him to consciousness.

A demonstration was made against the *Tribune* newspaper office. The great mob from the vicinity of 46th Street reached the park near this office about five o'clock in the evening, and some of its leaders, breaking down the doors, rushed into the building and commenced destroying its contents, and preparing to burn it. A determined charge of the police, however, drove them out, and the building was saved.

The police, though heroic in their efforts to protect the city, were only partially successful. The draft was suspended. The building on Broadway near 28th Street, in part occupied as an office by Provost-Marshal Marriere, was fired, and the entire block burned. The Bull's Head Hotel on 44th Street was likewise burned to the ground because its proprietor declined to furnish liquor to the mob. The residences of Provost-Marshal Jenkins and Postmaster Wakeman and two brown-stone dwellings on Lexington Avenue were also destroyed by fire, and several members of the police and marines were stoned to death, and others fatally injured.

The Board of Aldermen met and adopted a resolution instructing a committee to report a plan whereby an appropriation could be made to pay the commutation ($300) of such of the poorest citizens as might be conscripted. General Wool, who commanded the Department, issued a call to the discharged returned soldiers to tender their services to the Mayor for the defence of the city. This call met with some response on the following morning, and General Harvey Brown assumed command of the troops in the city. The second day (14th) the riot was even more malignant than on the first. The mob had complete control of the city and spread terror wherever it moved.

Governor Horatio Seymour now reached the city, and promptly issued a proclamation, commanding the rioters to disperse to their homes under penalty of his using all power necessary to restore peace and order. The riot continuing, he, on the same day, issued another proclamation, declaring the city in a state of insurrection, and giving notice that all persons resisting any force called out to quell the insurrection would be liable to the penalties prescribed by law. These proclamations, however, had little effect. The second day was attended with still further atrocities upon negroes. The mob in its brutality regarded neither age, infirmity, nor sex. Whenever and wherever a colored population was found, death was their inexorable fate. Whole neighborhoods inhabited by them were burned out.

On several occasions the small military force collected on the second day met and turned back the rioters by firing ball cartridges. Lieutenant Wood, in command of 150 regular troops from Fort Lafayette, in dispersing about 2000 men assembled in the vicinity of Grand and Pitt Streets, was obliged to fire bullets into them, killing about a score, and wounding many, two children among the number. This mob was dispersed. Citizens organized to defend themselves and the city.

Governor Seymour spoke to an immense gathering from the City Hall steps, and counselled obedience to the law and the constituted authorities. He read a letter to show that he was trying to have the draft suspended, and announced that he had information that it was postponed in the city of New York. This announcement did something to allay the excitement and to prevent a spread of the riot.

Colonel O'Brien, with a detachment of troops, was ordered to disperse a mob in Third Avenue. He was successful in turning it back, but sprained his ankle during the excitement, and stopped in a drug store on 32d Street, while his command passed on. A body of rioters discovering him, surrounded the store and threatened its destruction. He stepped out, and was at once struck senseless, and the crowd fell upon his prostrate form, beating, stamping, and mutilating it. For hours his body was dragged up and down the pavement in the most inhuman manner, after which it was carried to the front of his residence, where, with shouts and jeers, the same treatment was repeated.

The absent militia were hurried home from Pennsylvania, and by the 15th the riot had so far spent itself that many of its leaders had fallen or were taken prisoners, and the mob was broken into fragments and more easily coped with. Mayor Opdyke, in announcing that the riot was substantially at an end, advised voluntary associations to be maintained to assure good order, and thereafter business was cautiously resumed.

Archbishop John Hughes caused to be posted about the city, on the 16th, a card inviting men "called in many of the papers rioters" to assemble the next day to hear a speech from him. At the appointed hour about 5000 persons met in front of his residence, when the Archbishop, clad in his purple robes and other insignia of his high sacerdotal function, spoke to them from his balcony. He appealed to their patriotism, and counselled obedience to the law as a tenet of their Catholic faith. He told them "no government can stand or protect itself unless it protects its citizens." He appealed to them to go to their homes and thereafter do no unlawful act of violence. This assembly dispersed peaceably, and the great riot was ended.

But the draft had been suspended for the time, and Governor Seymour had given some assurance it would not again be resumed in the city. The municipal authorities had passed a bill to pay the $300 commutation, or substitute money, to drafted men of the poorer classes.

The total killed and wounded during the riots is unknown. Governor Seymour, in a Message, said the "number of killed and wounded is estimated by the police to be at least one thousand." The rioters, as usual, suffered the most. Claims against the city for damages to property destroyed were presented,

aggregating $2,500,000, and the city paid claimants about $1,500,000.

This brief summary of the great New York riot is given to explain movements of troops soon to be mentioned. But in order to afford the reader a fuller conception of the opposition encountered by Federal officers in the enforcement of the conscript laws, it should be said in this connection that draft riots, on a small scale, took place in Boston, Mass.; Troy, N. Y.; Portsmouth, N. H., and in Holmes County, Ohio, and at other places.

We left the Army of the Potomac in Maryland, at the close of the arduous Gettysburg campaign, watching the Army of the Northern Virginia, just escaped across the Potomac.

Harper's Ferry had been reoccupied by Union troops as early as July 6, 1863. Meade moved his army to that place, and promptly crossing the Potomac and the Shenandoah River near its mouth, took possession of the gaps of the Blue Ridge, and marched southward along its eastern slope. Passing through Upperville and Piedmont towards Manassas Gap and Front Royal, he threatened Lee's line of retreat to his old position behind the Rapidan, and thus compelled the Confederate Army to evacuate the Shenandoah Valley somewhat precipitately.

At Wapping Heights, near Manassas Gap, on the 23d of July, a somewhat lively action took place between portions of the two armies in which my troops were engaged and suffered a small loss. The enemy were driven back, and one corps of Lee's army was forced to retreat *via* routes higher up the valley. There were lively skirmishes between the 14th of July and August 1st, at Halltown, Shepherdstown, Snicker's Gap, Berry's Ferry, Ashby's Gap, Chester Gap, Battle Mountain, Kelly's Ford, and Brandy Station, but each and all of these were without material results. By the 26th of July the Army of the Potomac arrived in the vicinity of Warrenton, Virginia, and occupied the north bank of the Rappahannock, while the Army of Northern Virginia took position behind the Rapidan, covering its fords. Both of these great armies were now allowed by their commanders to remain quiet to recuperate. Occasional collisions occurred between picket posts and scouting detachments, but none worthy of special notice.

It having been determined by the War Department to enforce the draft in New York and Brooklyn, and a recurrence of the riots being again imminent, orders were issued to send veteran troops to New York harbor for such disposition and service as the exigencies might require. Western troops were mainly selected, and, with a view to sending me upon this service, I was ordered on the 14th of August to Alexandria with the 110th and 122d Ohio, the former in command of Lieutenant-Colonel Foster and the latter in that of Colonel Wm. H. Ball. On the 16th I embarked these regiments and the 3d Michigan on a transport ship at Alexandria, with instructions from Halleck to report on my arrival in New York Harbor to General E. R. S. Canby.(2) On reaching our destination, my troops, with others from the Army of the Potomac, were distributed throughout both cities. My own headquarters were for a short time on Governor's Island, then more permanently at Carroll Park, Brooklyn.

The threatened riots and the incipient movements to again prevent the draft were easily averted, as it was evident that no unlawful assemblage of persons would be tolerated by the authorities when backed by veteran soldiers. This service proved to be a great picnic for the men. Officers and soldiers were received warmly everywhere in the cities, and socially feasted and flattered. It was evident, however, that the good people had not yet recovered from the terrors of the recent riots, and they manifested a painful apprehension that a recurrence of these would take place. The draft, however, went on peacefully, and when all danger seemed past the troops were ordered to return to their proper corps in the Army of the Potomac.

At a public breakfast given to the soldiers of the 110th Ohio in Carroll Park, Brooklyn, a very aged man appeared with a morning paper, and asked and was granted permission to read President Lincoln's memorable and characteristic letter of August 26, 1863, addressed to Hon. James C. Conkling, of Illinois, in response to an invitation to attend a mass-meeting at Springfield, "of unconditional Union men." The letter answered many objections urged against the President on account of the conduct of the war, his Emancipation Proclamation, and his purpose to enlist colored men as soldiers. For perspicuity, terseness, plainness, and conclusiveness of argument this letter stands among the best of all President Lincoln's writings. It came at an opportune time, and it did much to silence the caviler, to satisfy the doubter, and to reconcile honest people who sincerely desired the complete restoration of the Union. Its effect was especially salutary and satisfying to the soldiers in the field, who, somehow, felt that the burden of maintaining the Union rested unequally upon them.

Addressing those who were dissatisfied with him, and desired *peace*, he said:

"You desire peace, and you blame me that we do not have it. But how can we attain it? There are but three conceivable ways. First, to suppress the rebellion by force of arms. This I am trying to do. Are you for it? If you are, so far we are agreed. If you are not for it, a second way is to give up the Union. I am

against this, Are you for it? If you are, you should say so plainly. If you are not for force, nor yet for *dissolution*, there only remains some imaginable *compromise*. I do not believe that any compromise embracing a maintenance of the Union is now possible."

To those who opposed the Emancipation Proclamation, and desired its revocation, he said:

"You say it is unconstitutional. I think differently. I think the Constitution invests its Commander-in-Chief with the law of war in the time of war. The most that can be said, if so much, is, that slaves are property. Is there, has there ever been, any question that by the laws of war, property, both of enemies and friends, may be taken when needed?"

And further:

"But the Proclamation, as law, either is valid or is not valid. If it is not valid it needs no retraction. If it is valid it cannot be retracted, any more than the dead can be brought to life."

And still further:

"You say that you will not fight to free negroes. Some of them seem willing to fight for you; but no matter. Fight you, then, exclusively to save the Union. I issued the Proclamation on purpose to aid you in saving the Union. . . . I thought that whatever negroes can be got to do as soldiers leaves just so much less for white soldiers to do in saving the Union.

"The signs look better. The Father of Waters again goes unvexed to the sea. Thanks to the great Northwest for it; nor yet wholly to them. Three hundred miles up they met New England, Empire, Keystone, and Jersey, hewing their way right and left. The sunny South, too, in more colors than one, also lent a helping hand. On the spot, their part of the history was jotted down in black and white. The job was a great national one, and let none be slighted who bore an honorable part in it. And while those who have cleared the great river may well be proud, even that is not all. It is hard to say that anything has been more bravely and well done than at Antietam, Murfreesboro, Gettysburg, and on fields of less note. Nor must Uncle Sam's web feet be forgotten. At all the watery margins they have been present, not only on the deep sea, the broad bay, and the rapid river, but also up the narrow, muddy bayou, and wherever the ground was a little damp they have been and made their tracks. Thanks to all."

During my stay in New York my wife visited me, and accompanied me with the troops to Alexandria.

On the 6th of September the Ohio troops of my command took ship, and when landed at Alexandria, Virginia, marched to Fox's Ford on the Rappahannock, and on the 14th rejoined the Third Corps, having been absent one month.

The next day the whole army moved across the river and encamped around Culpeper Court-House.

(1) *Hist. of Rebellion* (McPherson), p. 42.

(2) *War Records*, vol. xxix., Part II., pp. 46, 54.

CHAPTER IV Advance of Lee's Army, October, 1863 and Retreat of the Army of the Potomac to Centreville—Battle of Bristoe Station—Advance of the Union Army, November, 1863—Assault and Capture of Rappahannock Station, and Forcing the Fords—Affair near Brandy Station and Retreat of Confederate Army Behind the Rapidan—Incidents, etc.

Events occurred elsewhere that affected the aspect of affairs in Virginia.

General Rosecrans, early in September, commenced to move the Army of the Cumberland across the Tennessee River into Georgia, his objective being Chattanooga. Burnside at about the same time began a movement towards Knoxville, and on the way recaptured Cumberland Gap. The Confederate authorities, fearing Bragg was in danger, decided to send large reinforcements to his army, and, on September 9, 1863, Longstreet, with two divisions of his corps and a complement of artillery, was dispatched by rail from Lee to reinforce Bragg. The sanguinary battle of Chickamauga was fought on the 19th and 20th of September. It resulted in Rosecrans and his army gaining possession of Chattanooga, and Bragg and his army being left in possession of the battlefield. Rosecrans held Chattanooga in little less than a state of siege; his communications were in danger of being effectively cut off, and to aid his imperilled forces the Eleventh and Twelfth Corps of the Army of the Potomac were, on September 24th, ordered west, in command of General Joseph Hooker.

The loss of these corps reduced the relative strength of Meade's army to Lee's materially below what it was before Longstreet's two divisions were detached from the latter's army.

Elliott was relieved of the command of the Third Division, Third Corps of the Army of the Potomac, October 3, 1863, and ordered to report to Rosecrans. General Joseph B. Carr (Troy, N. Y.) succeeded him. Carr was a charming man socially, of fine appearance, amiable and lovable, but not strong as a soldier. He was understood to be a favorite of the President, who appointed him Brigadier-General September 7, 1862; the Senate, however, failing to confirm him, the President reappointed him in March, 1863, with rank from date of first appointment, thus giving him high rank in spite of the Senate. He was finally confirmed, on a third appointment in 1864, through some compromise, after a sharp controversy between the President and the Senate, but with junior rank, and then ordered to Butler's army.(1)

For a time active operations were not contemplated by Meade. But Lee, about the 9th of October, crossed the Rapidan and commenced a movement around Meade's right, threatening his rear. This compelled Meade to retire across the Rappahannock, and by the 14th to Centreville and Union Mills, near the first Bull Run battle- field.

On the 13th, while my brigade, with a New York battery temporarily attached to it, was holding "Three Mile Station," near Warrenton, and skirmishing with the enemy, ballot-boxes were opened, and a *regular* election was held for the Ohio troops, both the boxes and ballots being carried to the voters along the battle-line so they might vote without breaking it.(2)

The Third Corps was encamped that night at Greenwich. The next morning I was ordered with my brigade and Captain McKnight's battery (N. Y.) to cover, as a rear-guard, the retreat of the Third Corps to Manassas Heights *via* Bristoe Station. My orders were to avoid anything like a general engagement, but to beat back the advancing enemy whenever possible, prevent captures, and baffle him in his endeavors to delay or reach the main column. The successful conduct of a rear-guard of a retreating army, when pursued by an energetic foe, requires not only bravery but skill and tact. After the main body of my corps had left camp on its march towards Bristoe, and soon after daylight, the head of Lieutenant-General A. P. Hill's corps appeared from the direction of Warrenton. I displayed my troops with as much show of strength as possible, and with a few shots from the battery forced the enemy to halt his head of column and form line of battle. I thereupon retired by column quickly, and resumed the march until the enemy again pushed forward by the flank too near for my safety, when, in a chosen position, my troops were again speedily brought into line and a fire opened, which necessarily compelled him to halt and again make disposition for battle. This movement was frequently repeated. At each such halt the enemy necessarily consumed much time, thus giving the main body of the corps ample opportunity to proceed leisurely towards its destination. The weak or broken-down men of the rear-guard were not required to halt and fight, but were allowed to make such speed as they could. The day was almost spent when a courier reached me from French with the information that the corps had passed Bristoe Station, and was on the north side of Broad Run. Having now no further responsibility than for the safety of my own command, I moved more rapidly, and by 4 P.M. I had safely passed Bristoe Station to the high ground north of Broad Run, from whence I could, from a distance of less than a mile, see Bristoe, and, for a considerable distance, the line of railroad running, in general direction, north and south. The Third Corps had moved on out of sight towards the heights at Manassas. My command was much wearied, and I halted it for a short rest, but I soon ordered it forward where it took position in obedience to an order of General Meade to cover a blind road over which he feared the enemy might march to seize the heights.

General A. P. Hill, in his report of the day, says:

"From this point (Greenwich) to Bristoe we followed close upon the rear of the Third Corps, picking up about 150 [?] stragglers. Upon reaching the hills this side of Broad Run, and overlooking the plain on the north side, the Third Corps was discovered resting, a portion of it just commencing the march toward Manassas. I determined that no time must be lost, and hurried up Heth's division, forming it in line of battle along the crest of the hills and parallel to Broad Run. Poague's battalion was brought to the front and directed to open on the enemy. They were evidently taken by surprise, and retired in the utmost confusion [?]. Seeing this, General Heth was directed to advance his line until he reached the run, and then to move by the left flank, cross at the ford, and press the enemy. This order was being promptly obeyed, when I perceived the enemy's skirmishers making their appearance on this side of Broad Run, and on the right and rear of Heth's division. Word was sent to General Cooke, commanding the right brigade of Heth's division, to look out for his right flank, and he promptly changed front of one of his regiments and drove the enemy back. . . . In the meantime I sent back General Anderson to send McIntosh's battalion to the front, and to take two brigades to the position threatened and protect the right flank of Heth. . . . The three brigades advanced in beautiful order and quite steadily, Cooke's brigade, upon reaching the crest of the hill in their front, came within full view of the enemy's line of battle behind the railroad embankment (the Second Corps), and of whose presence I was unaware."(3)

Hill was unexpectedly caught in a fatal trap. He was mistaken about seeing any considerable portion

of the Third Corps north of Broad Run, or as to any of it being taken by surprise and retiring in confusion. But for my halting my command to rest he would have seen little of it. We had baffled the head of his column all day, and had passed beyond danger for the time, and, according to his report, we had killed and wounded many more than we had lost. The stragglers he reported captured could not have been of my command, as it left no men behind.

The fortuitous circumstance of Warren arriving at Bristoe with the head of the Second Corps moving on a road paralleling the railroad, just at the moment Hill was deploying his forces for an attack on the Third Corps, led to a serious and bloody battle. When the rear- guard of the Third Corps passed Bristoe Station, no part of the Second was in sight. I saw no part of it until after Hill commenced arraying his troops on the crest of the hills south of Broad Run. Seeing a battle was on, and my own command too far on its way and too much exhausted to be recalled in time to participate in it, I dismounted from a tired horse and, with a single staff officer, ate a lunch from my orderly's haversack (4) and watched the progress of the engagement. It is a rare occurrence that any person has an opportunity to quietly witness the whole of a considerable battle. From my position I could see between the lines of the opposing forces; I could note the manoeuvres of each separate organization; and I could almost anticipate to a certainty the result of the attacks and counter attacks. It was at first plainly evident that each commander knew little of what he had to meet. Lieutenant- General Hill's formation, as described by him in his report, was arranged with reference to a supposed force north of Broad Run, and was consequently very faulty. Warren had no notice of the presence of an enemy until Hill ran unexpectedly into his line of march. Hill seemed to be eager for a fight with the Third Corps, then far beyond his reach, and found one with the Second Corps, which was quietly marching to a concentration near Centreville. General Warren's command was strung out upon the road, and he had no order of battle. Hill, with two divisions, and others soon to arrive, was better prepared, though his formation was bad, to meet the Second Corps. Warren wisely used the slightly raised railroad bed for a breastwork, and promptly opened the battle without giving the enemy time for a change of position or for new formations. The battle was at first with musketry, but artillery soon arrived on both sides and opened fire at short range. Warren, in his report, after describing the preliminary movements of his command for position, says:

"A more inspiring scene could not be imagined. The enemy's line of battle boldly moving forward, one part of our own steadily awaiting it, and another moving against it at double-quick, while the artillery was taking up a position at a gallop and going into action. . . . Under our fire the repulse of the enemy soon became assured, and Arnold's battery arrived in time to help increase the demoralization and reach the fugitives.

"The enemy was gallantly led, as the wounding of three of his general officers in this attack shows, and even in retiring many retired but sullenly. An advance of a thin line along our front secured 450 prisoners, two stand of colors, and five field pieces."(5)

The battle was of short duration, but owing to the exposed position of the Confederates their losses were great, and out of proportion to short engagements generally. General Warren and his officers justly won honors for meeting the emergency so handsomely.

Hill's command was so signally defeated that the Second Corps remained in possession of the field until 9 P.M., when it pursued its march unmolested to a junction with the main army. Hill reported his loss, killed, wounded, and missing, at 1378,(6) but it was claimed on good authority to have been much larger. The loss in the Second Corps at Bristoe is not given separately, but its total losses in two engagements of the day, including Bristoe, were 546.(6)

Hill's conduct was criticised, and his report bears, of dates in
November, 1863, the following indorsements:

"General Hill explains how, in his haste to attack the Third Army Corps of the enemy, he overlooked the presence of the Second, which was the cause of the disaster that ensued.

"R. E. Lee, General."

"The disaster at Bristoe Station seems due to a gallant but over- hasty pressing on of the enemy.

"J. A. Seddon, Secretary of War."

"There was a want of vigilance, by reason of which it appears the Third Army Corps of the enemy got a position, giving great advantage to them.

"J. D." (Davis) (7)

The last two indorsements do not show that Seddon and Davis clearly comprehended the real

situation.

Lee by continued flank movements indicated a purpose to force the Union Army back into its intrenchments at Alexandria, but this plan was abandoned after the disaster at Bristoe. Soon the Confederates commenced falling back towards the Rappahannock, destroying the railroad track and bridges, and Lee finally put his army into camp on the Botts plantation, near Brandy Station. He built winter quarters there, keeping possession of the fords of the Rappahannock, and strongly fortifying north of the river at Rappahannock Station.

The Union Army commenced a cautious forward movement on the 19th of October, keeping close to the Orange and Alexandria Railroad. On the 21st I encamped on the battlefield of Bristoe, and we finished the burial of the dead. On the 26th, about 9 P.M., an order came advising me that General John Buford's cavalry division was threatened and in peril near Catlett's Station, and directing me to go to his relief. My brigade, with a battery attached, reached him about midnight, and under his direction formed line of battle, my left resting on the railroad, the cavalry on the flanks. He had been attacked at dark by what seemed to be an overwhelming force of infantry and cavalry, but he had stubbornly held his ground. Buford was an accomplished soldier and a hard fighter. He it was who opened the battle of Gettysburg on Seminary Hill.

When the best possible dispositions had been made for the expected attack of the morning, he invited me to an excuse for a headquarters, consisting of a tattered tent-fly. The night was dark and rainy, and everybody was wet and uncomfortable. The bronzed old soldier, from some hidden recess, had an orderly produce a bottle of whisky, the corkage of which was perfect, and, in the absence of a corkscrew, presented a problem. He said, "All right, you hold the candle." He then held the bottle in his left hand, and with his sword in the right struck the neck of it so skillfully as to cut it off smoothly. The problem was solved. Further details are unnecessary. I understood the art of making drinking-cups by cutting a bottle in two with a strong string, but this feat of Buford's was new to me.(8)

John Buford died of disease, December 16, 1863, a Major-General of Volunteers. He had won great renown as an able, fighting soldier.

Lee was not to be allowed to rest in his chosen winter quarters. On the 7th of November the Army of the Potomac moved to the fords on the Rappahannock, and preparation was made to pass then, although they were strongly defended by the enemy. The Third Corps massed at Kelly's Ford, some five miles below Rappahannock Station. This corps forced a crossing about 5 P.M., and massed in battle order on the bluffs near the river. My command did no fighting this day. The Third Brigade, with some assistance from the Second Brigade of the First Division of the Sixth Corps, at dusk, under the leadership of the accomplished General David A. Russell, gallantly assaulted and carried the strongly fortified *tête-de-pont* on the north of the river at Rappahannock Station. The principal parts of Hoke's and Hays' brigades of Early's division of Ewell's corps were captured, numbering, including killed and wounded, 1630. Russell's loss in this affair, all told, was 327. He captured seven battle flags and Green's battery of four rifled guns.(9) Lee had intended to hold this position as a centre, and then fall, alternately, on the divided portions of the Army of the Potomac after they crossed the river above and below it.(10) Its loss forced him to retire from the river and take position in front of Culpeper Court-House, with his right resting on Mount Pony.

The next day the principal part of Meade's army, having succeeded in crossing the river, was moved forward to tender battle. Late in the afternoon I was ordered to dislodge the enemy from a hill (Miller's) about two miles in front of Brandy Station. The place was held by artillery and infantry, flanked by cavalry. This was Lee's most advanced position, and it was held firmly as a point of observation. My command was disposed for the attack in the following order: The 138th Pennsylvania (Colonel McClennan) was moved on the left of the railroad to threaten the enemy on his right; the 122d Ohio (Colonel W. H. Ball) followed in support. The 110th Ohio (Lieutenant-Colonel Foster) was put on the right of the railroad, with orders to move directly on the height occupied by the enemy; the 6th Maryland (Colonel John W. Horn) in support, but some distance to the right. There was no artillery at hand, and the attack was ordered at once. The distance to the hill was about one half mile. The 138th drew the enemy's artillery fire, but continued its advance. The 6th pushed forward into a wood on the right to make a demonstration, and in person I led the 110th to the real work. Not a gun was fired by my men as they advanced to the charge. I made every exertion possible to hasten the troops, but when they reached the foot of the hill the enemy's artillery was withdrawn, and his infantry made a precipitate retreat. I was the first to gain the crest, being mounted, and with pistol fired on the retiring troops not two hundred feet away. A Confederate was reported wounded with a pistol ball at this place. This is the nearest I can come to having personally injured, in any way, any person in battle. We pushed on to Brandy Station without further orders, driving the enemy until we met a more formidable force, with several batteries of artillery, which compelled us to halt. Night came on, and the day's work ended by our going into bivouac at the Station. Captain Andress of the 138th was the only officer of my

command killed, and my loss was otherwise light. We made the charge with the commanding General—Meade—and much of his army looking on. It was Meade's belief that behind the heights assaulted would be found Lee's army arrayed for battle.

Though Lee had selected a strong position (as already stated) in front of Culpeper Court-House, and fortified it somewhat, he decided it was not a good one, and therefore declined battle north of the Rapidan,(11) and, by the morning of the 9th of November, his army was south of this historic stream.

The Army of Northern Virginia never again crossed the Rapidan or Rappahannock. Henceforth it was to be confined to a narrower theatre of operations, and a closer defence of the capital of the Confederate States, but this defence was still to be most memorable and bloody, even in comparison with what had gone before.

(1) *War Records*, vol. xxxvi., Part II., p. 34.

(2) This was in the famous Brough-Vallandigham Ohio election for Governor.

(3) *War Records*, vol. xxi., Part I., p. 426.

(4) This lunch consisted of a box of sardines and "hardtack."

(5) *War Records*, vol. xxix., Part I., p. 242.

(6) *Ibid.*, pp. 250, 428.

(7) *War Records*, vol. xxix., Part I., p. 428.

(8) A string tightly drawn around a bottle where the cut is desired to be made, and then rapidly drawn back and forth until the friction heats the glass, renders it easy to be separated by a sharp jar against the hand or some hard substance.

(9) Three of these had belonged to Randolph's battery, lost at Winchester.—*War Records*, vol. xxix., Part I., p. 626.

(10) *Ibid.*, pp. 613-616.

(11) *War Records*, vol. xxix., Part I., pp. 611, 616 (Lee's Report).

CHAPTER V Mine Run Campaign and Battle of Orange Grove, November, 1863—Winter Cantonment (1863-64) of Army of the Potomac at Culpeper Court- House, and its Reorganization—Grant Assigned to Command the Union Armies, and Preparation for Aggressive War

Though the roads were bad from frequent rains and much use, and November winds warned that winter was at hand to stop further field campaigning on an extended scale, and though all attempts to cross the Rapidan in the fine weather of the spring and summer had failed, yet, when the Army of the Potomac was again bivouacked at Culpeper, the public cry was heard—"On to Richmond!"

Lee's last campaign was looked upon in high quarters as a big bluff that should have been "called" by Meade while the Army of Northern Virginia was north of the Rappahannock. Meade, however, acted persistently and conscientiously on his own judgment, formed in the light of the best knowledge he could obtain. He would not stand driving, and was something of a bulldozer himself, and sometimes—said to have been caused by fits of dyspepsia—was unreasonably irascible, and displayed a most violent temper towards superiors and inferiors. Notwithstanding this, he never lost his equipoise or acted upon impulse alone, and he never permitted mere appearances to move him. Nor could his superiors induce him to act against his judgment as to a particular military situation. It will be remembered that he was urged to fight Lee north of the Potomac after Gettysburg. He was urged to bring on a battle before the departure of the Eleventh and Twelfth Corps for the West, and when Lee moved north on his flank his opportunity seemed to have come to fight a battle, but his fear of the same strategy displayed by the Confederate Army in the second Bull Run campaign against Pope induced him to be over-cautious, and to so concentrate his army as to avoid the possibility of its being beaten in detachments.

The next day (October 16th), after Meade reached Centreville, the President, in his anxiety that Lee should not again escape without a general battle, addressed this characteristic note to Halleck:

"If General Meade can now attack him (Lee) on a field no more than equal for us, and do so with all the skill and courage which he, his officers, and men possess, the honor will be his if he succeeds, and the blame may be mine if he fails.

"Yours truly,
"A. Lincoln."

This note was forwarded to Meade.

To this he answered that it had been his intention to attack the enemy when his exact whereabouts was discovered; that lack of information as to Lee's position and intentions and the fear of jeopardizing his communications with Washington had prevented his doing so sooner. But the pressure continued. Halleck, the 18th, wired Meade:

"Lee is unquestionably bullying you. If you cannot ascertain his movements, I certainly cannot. If you pursue and fight him, I think you will find out where he is. I know of no other way."

This was too much for Meade's temper. He responded:

" . . . If you have any orders to give me I am prepared to receive and obey them, but I must insist on being spared the infliction of such truisms in the guise of opinion as you have recently honored me with, particularly as they have not been asked for. I take this occasion to repeat what I have before stated, that if my course, based on my own judgment, does not meet with approval, I ought to be, and I desire to be, relieved from command."

Although Halleck apologized "if he had unintentionally given offence," and Meade thanked him for the "explanation," these and other like occurrences had their influence on Meade's conduct.

As he had failed to bring Lee to bay at Culpeper, the only opportunity to do so must be sought south of the Rapidan. Meade was not averse to battle.

On November 26, 1863, Meade's army was put in motion with a view to a general concentration south of the Rapidan, at Robertson's Tavern on the turnpike road, by evening of that day. Lee's army of about 50,000 men was mainly massed and in winter quarters in front of Orange Court-House, with an intrenched line in its front across the plank road and turnpike, extending to the river.

Meade's design was, by a rapid movement, to carry this line before
Lee had time to concentrate behind it.

The Fifth Corps (Sykes) was directed to cross the Rapidan at Culpeper Mine Ford, and thence move by the plank road to Parker's Store and the junction of the road to Robertson's Tavern; the First Corps (Newton), with two divisions, to follow the Fifth. The Second Corps (Warren) was to force a crossing at Germanna Ford, thence march directly to Robertson's Tavern, and there await the arrival of other corps.

The Third Corps (General William H. French), followed closely by the Sixth (Sedgwick), was directed to cross at Jacob's Ford (Mill), and continue the march, bearing to the left, to Robertson's Tavern. Jacob's Ford, with its steep banks, proved so difficult to pass that some delay occurred, and the artillery had to be sent around by Germanna Ford, and did not rejoin the corps until the morning of the 27th. Jacob's Ford was the highest up the river, and consequently brought French, on passing it, in close proximity to the enemy. Lee, by the evening of the 26th, had thrown forward cavalry and some infantry of Hill's corps to the vicinity of Robertson's Tavern, though not in sufficient force to prevent Warren taking his designated position. Nor was Sykes seriously interfered with. The cavalry crossed at Ely's and other fords. French, with the aid of pontoons, safely passed the river, but he did not advance on the 26th more than three miles beyond the crossing, time having been lost in hunting blind country roads, waiting for artillery to arrive, and reconnoitering. A force of the enemy showed itself on intersecting roads to his right, where were a number of such roads leading from Sisson, Witchell, Tobaccostick and Morton's Fords, and one which led from Raccoon Ford—still higher up the river—to an intersection at Jones' house, with the most direct road to the Tavern. The enemy's intrenchments covered a considerable part of this last road, from which he could easily debouch and attack the flank and rear or the trains of the marching columns.(1) These conditions rendered French's situation perilous, and caused him to move with extreme caution, as the Sixth Corps could not arrive until he was out of the way. Notwithstanding French had some miles farther to march than Warren, and unusual difficulties to overcome or guard against, Meade dispatched him, as early as 1 P.M. of the 26th, that his delay was retarding the operations of Warren, and again at 3 P.M. he dispatched French:

"I would not move forward farther from the river than to clear the way for General Sedgwick, until he comes up and crosses."

The Second Division, General Henry Prince, with some cavalry, was in the advance; the Third, Carr's, and the First, General David B. Birney's, following in the order named. At the Widow Morris', a somewhat obscure road bore off abruptly to the left, but which, somewhat circuitously, led to

Robertson's Tavern. The head of Prince's column, however, was on the more direct road to Tom Morris' house, with flankers and cavalry well to the right. These were soon attacked and driven in or recalled.

It seems Prince was led to believe he was in communication with Warren's left.(2)

It soon became evident that the head of French's column was near the Raccoon Ford road, and the intrenchments held by at least two divisions of Ewell's corps of Lee's army, and there seemed to be no possible chance to extricate it without a battle.

At 11.45 A.M., on the 27th, Meade dispatched French:

"If you cannot unite with Warren by the route you are on, you must move through to him by the left."

At 1.45 P.M. Meade again dispatched French:

"Attack the enemy in your front immediately, throwing your left forward to connect with General Warren at Robertson's Tavern. The object of an attack is to form junction with General Warren, which must be effected immediately."

Prince had, by this time, formed line of battle and engaged the enemy. Carr's division was ordered forward to take position on Prince's left, and at 3 P.M. Birney's division was ordered to form in support of Carr.

Prince covered the road leading to a junction with the Raccoon Ford road. The First Brigade of Carr's division (General W. H. Morris) moved to the left of Prince, my brigade—the Second—was ordered to pass behind Morris, and take position on his left, and Colonel B. F. Smith's brigade—the Third—was sent to my left.

Morris became somewhat entangled in a ravine and in thick timber, and was slow in forming good line. In this position he was fired upon from a ridge not two hundred yards from his front, the bullets falling among my men as they passed his rear. I appealed to Morris to face to the front, charge, and take the ridge, but he declined to do so for want of orders.

As soon as I could get my two leading regiments, 110th and 122d Ohio, on Morris' left, I led them to the crest of the ridge, captured some prisoners, and posted the regiments in good position behind a fence on the summit. My other regiments, 6th Maryland and 138th Pennsylvania, successively, on their arrival, took position on the left of the Ohio troops. The ridge which extended to my right along Morris' front was still held by the enemy in strong force, and both my flanks were threatened. Through a misunderstanding of orders the Ohio regiments fell back a short distance, but soon retook the crest and were again fiercely engaged, though under an enfilading fire of artillery and a galling fire of musketry. The ground being somewhat open to the front, I could see the enemy massing for an attack. I again, but vainly, appealed to Morris to advance and close the gap, as otherwise his position in the ravine and thick woods could not be held. The assault came, and Morris was forced, in some confusion, to retire. By refusing my right somewhat, I maintained my isolated position and threatened the enemy's right. The First Brigade, though composed in part of regiments not before in strong battle, was quickly re-formed, and, under Carr's order, soon obtained full possession of the ridge by a splendid charge, and thus the gap was closed. The battle by this time raged furiously all along the front. Colonel Smith, passing too far to the rear, lost his way in the thickets, and failed to come up on my left. He did not rejoin the division until the battle was over. This misfortune was hard to account for, as Colonel Smith was an intelligent, brave, and skilled officer—a graduate of West Point. He met some scouting parties of the enemy, and, as directed, sought to find a connection with troops of Warren's corps. His failure caused my left to remain uncovered.

Two assaults were made upon my line by the enemy in columns not less than three lines deep. The first came in front of Horn's regiment, but was anticipated, and McClennan's regiment, moving into the open ground, struck the right flank of the enemy and (firing buck and ball from .69 calibre muskets) did great execution. McClennan was severely wounded, and in consequence was obliged to leave the field.

The battle raged with unabated fury until dark, and as late as 8 P.M. enfilading shells from heavy guns on our right screamed and crashed through the timber over our heads, bursting with loud noise, producing a most hideous and weird appearance, but really doing little damage.

As night approached, the ammunition of my regiments gave out, and all my command, save one regiment, was relieved by regiments of Birney's division.(3)

The bravery and fighting skill of Colonels Ball, Horn, and McClennan, also of Lieutenant-Colonels M. M. Granger and W. N. Foster, and Major Otho H. Binkley, and others, was most conspicuous.

Lieutenant James A. Fox of the 110th here lost his life. He had risen from the ranks, but was a proud-spirited and promising officer. We buried him at midnight, in full uniform, wrapped in his blanket, behind a near-by garden fence.

I wish to bear testimony also, at this late day, to the quiet gallantry and high soldierly qualities of the long-since-dead General David B. Birney.(4) He did not obey orders to the letter only. His division being in reserve and support, he took position where he could watch the progress of the battle, and note in time when and where he was needed. He made no display on the field. When he noticed, by the slackening fire of my men, that their ammunition was about exhausted, he rode to my side and quietly suggested that he be allowed to order regiments from his own command to take their places. That there might not be, even momentarily, a break in the line, his regiments were moved up, and my men lay down while his stepped over them and opened fire. The relieved troops were then withdrawn and resupplied with ammunition.

While the battle was in progress, the Sixth Corps, still some distance to the rear, was directed by another road on Robertson's Tavern, and during the night the Third Corps was ordered to withdraw and follow the Sixth.

The enemy retired at the close of the battle, leaving in our possession his dead, unburied, and his wounded on the field and in hospitals. We fought a great part, if not all, of Ewell's corps.

Casualties were reported in thirteen Confederate brigades, in forty- four regiments, and in the artillery of Early, Johnson, and Rodes' divisions, total 601.(5)

The losses in the Third Corps were 10 officers and 115 enlisted men killed, 28 officers and 719 enlisted men wounded, total 872.

The brigades of Morris and Keifer suffered the most severely, although Prince's division was first engaged. My own killed and wounded numbered 172, those of Prince's division 163. There were no captured or missing men of my command.

This engagement has been called by the Confederates the battle of Payne's Farm;(5) but by the Union side it is generally known as the battle of Orange Grove; the place, however, is sometimes referred to as Locust Grove, and by both sides it is often mentioned as Mine Run, though in no proper sense did the contest occur on that stream.

The battle, fought by French under the circumstances narrated, gave rise to much crimination and recrimination between Generals Meade and French, and probably led to a reorganization of the Army of the Potomac four months later.

Meade attributed the miscarriage of the campaign to French's failure on the 26th, and his further failure on the 27th, to connect with Warren's left at Robertson's Tavern. He claimed that if such junction had been made he could have fallen on the portion of Lee's army on the turnpike and destroyed it, and that he would then have been able to seize the line behind Mine Run before Lee could occupy it with his united forces. Meade further contended that, on the 27th, French got on the wrong road, and, consequently, had to fight a fruitless battle alone, while the other corps of the army were standing idle, waiting for him. French stoutly insisted that his march, being on the extreme right and exposed flank, on the longest line, and *via* a difficult ford, without a good guide and over blind roads, with a doubt as to which one should be taken, warranted him in acting with caution, and in fighting where he did when he found his command attacked; and he further claimed that when he brought Ewell's corps to battle, Meade should have fallen on the enemy in Warren's front and overwhelmed it; that by fighting when and where he did, he was doing more than he otherwise could have done to prevent a concentration of the Confederate Army, especially in preventing it from massing in front of Robertson's Tavern. A considerable part of the Union Army sympathized with French, yet the fact remained that Meade's plan of concentration and of battle at the appointed time and place failed.

On the 28th the armies were brought face to face, the Confederate army in fortifications behind and along the high west bank of Mine Run, both armies extending from a short distance south of the plank road to the north of the turnpike, in the direction of the battle- field of the 27th.(6) The Third Corps held the Union centre. Warren's corps, with a division of the Third Corps, was sent to reconnoitre for a point of attack on the Confederate right. Warren reported an attack there feasible. Other reconnoissances were made on the 29th, and Meade decided to assault from both flanks the next morning, the Sixth and Fifth Corps under Sedgwick on the enemy's left and the Second Corps and two divisions of the Third on his right. Carr's division of the Third marched at 4 A.M. two miles to the left and joined Warren's column. The night was cold and there was much suffering.

Warren had about 20,000 men in readiness, and was to attack at 8 A.M. at a signal from the batteries

of the centre. Sedgwick was to attack an hour later. The signal batteries opened, and we stood, in grand array, soberly withing for the order to charge. The enemy's strong works, with guns bristling in the morning sun, were in our immediate front. Minutes of delay were as hours to the waiting troops. Many sent up silent prayers for safety, and not unfrequently through the column there could be seen on a soldier's breast a paper giving his name, company, regiment, and home address, so, if killed, his body could be identified. Warren hesitated, and just before 9 A.M. dispatched Meade, then four miles distant:

"The full light of sun shows me that I cannot succeed."

Meade suspended Sedgwick's attack, then in progress, and hastened to Warren. I saw the two men at a small, green, pine wood fire, earnestly discussing the critical situation. Meade seemed to be censuring Warren, yet the latter adhered to his view that the assault could not be successfully made, and Meade yielded. Somehow the troops of the great column, before the final decision was announced, came to believe the charge would not be made, and they cautiously commenced badgering each other, soldier like, over wasted prayers. The different commands were later ordered to their former positions.

French opposed an assault on the centre. The enemy's position, naturally a strong one, had been greatly strengthened by labor. The wisdom of not making any assault, in the light of all the facts, was, I think, generally recognized. The season was unfavorable; Meade was a long distance from his base; success could only have been temporary and could not have been followed up, and defeat under the circumstances would have been a fatal catastrophe. Even Grant, in 1864, was "all summer" in trying to gather fruits of what were called successes.

The 1st of December was spent by both armies in watching each other, and behaving as if they dared each other to attack.

"One was afraid and the other dare not"—but which?

The campaign had been delayed beyond all expectation; all hope of gaining an advantage by a surprise or otherwise was passed, food was becoming scarce, and hence Meade decided to retire his army to its base of supplies. At dusk of the 1st, therefore, the Union Army moved by different roads to various fords of the Rapidan, the Third Corps to Culpeper Mine Ford, the farthest down the river of any used, and by 8 A.M. of the coming morning all had recrossed, and on the 3d they were in their former camps at Brandy Station. The Army of the Potomac lost in this campaign, killed and wounded, 1272.(7)

Thus ended the Mine Run campaign; not bloodless, yet disappointing, as were many others. In it Meade demonstrated his willingness to fight, and that his army was loyal to him. Another opportunity to fight a great battle in independent command on the field never came to him. His chief glory for all time must rest on Gettysburg.

Lee, the night of December 1st, feeling certain Meade would not assault him in his strong position, and knowing the latter was far from his base, in an unfamiliar country, encumbered with trains, determined to assume the offensive by throwing two of his divisions against Meade's left on the following morning. But Meade was safely away when morning came, and pursuit impossible.

Lee, it is said, was greatly chagrined over his lost opportunity, and exclaimed to his generals:

"I am too old to command this army; we should never have permitted these people to get away."(8)

Before starting on this campaign Meade expressed a purpose to take position in front of Fredericksburg, but Halleck disapproved the plan.(9)

The Army of the Potomac, having ended its historic work of the memorable year 1863, went into winter quarters around Culpeper Court-House, with Brandy Station for its base of supplies. My brigade occupied log huts on John Minor Botts' (10) farm, partly constructed by the Confederates prior to November 8th.

The caring, in winter, for a large army calls for great vigilance, skill, and energy. The season not permitting much opportunity for drill, discipline is hard to maintain. Sickness becomes prevalent, and there is much unrest, both of officers and soldiers.

Camp guards, however, had to be maintained; also grand-guards and pickets around the front and flanks of the whole army. The freezing and thawing and the constant moving of supply trains caused deep mud in the roads and camps. The brigade commanders of the Third Corps, and of other corps as well, were, alternately, detailed as corps officer-of-the-day, the duties of which lasted twenty-four hours, and required the officer to be with the advance-guard and on the corps' picket lines to see that vigilance was preserved; that orders were understood and obeyed, and to report any unusual

occurrences. He was required to visit all guards and pickets, personally, at least once by day and once by night. The Third Corps' advance line was from Mt. Pony, its left, around the front of Culpeper Court-House, covering the Madison Court-House road; in length about five miles. This service was arduous, trying, and, by night, attended with danger.

During my service as corps officer-of-the-day, in March, 1864, Lieutenant-Colonel Charles Townsend (106th N. Y.), in charge of the grand-guard on the Sperryville road, in violation of orders, admitted some refugee ladies, who presented a pass from an officer of an outer cavalry picket. The orders were to recognize no pass for a citizen not emanating from army headquarters. The Colonel reported the occurrence to me, and I disapproved his action, but made no report of it. The ladies, on some errand, reached headquarters, and told of their admittance on this road. Meade ordered me to report the delinquent officer, which I did, giving all excuses I could for him, but they were unavailing. I was ordered to prefer charges against Colonel Townsend, "for disobedience of orders." A general court-martial was called for his trial, of which General D. B. Birney was President, and, notwithstanding I had preferred the charges, I was made a member of it.

On the trial I protested my interest and asked the court to excuse me from sitting, but my request was refused. The court found Townsend guilty and sentenced him: "To be suspended from rank and pay for two months." This sentence was approved by General Meade, April 1st, but Townsend's suspension from rank was remitted, and he was ordered to duty. He was a gallant and accomplished officer, and, feeling keenly the disgrace, rushed to his death at Cold Harbor just after the sixty days' suspension of pay elapsed. The incident illustrates the severity of discipline and the fate of war.

The soldiers of the army, as far as possible, were kept active, but the cold winter, with frequent rains, caused much discomfort, and many were in hospital; few were furloughed. Many rude log chapels were erected and used, often alternately, for religious worship, lectures, concerts, readings, and dances. Civilian visitors were, at times, numerous. One most notable army ball was given at the headquarters of General Joseph B. Carr. This event took place January 25, 1864, and was attended generally by officers of the army, by some military officials from Washington and elsewhere, by officers' wives and their friends visiting the army, and by invited ladies and gentlemen from Washington, New York, Philadelphia, Boston, and Baltimore. Over four thousand attended. The ball was held in large communicating tents, erected for the purpose. Ample floors were laid for promenades and dancing. Dinner was provided, where everything obtainable from land or sea was served, with liquors and wines without stint. The night was entirely devoted to it. It was brilliant beyond descriptions. To hundreds it was their last ball, or appearance in social life.

Notwithstanding the necessarily promiscuous character of the participants, and though no scandal attended it, and all decorum usual on such occasions was observed, it was at the time the subject of much severe criticism through the press, from the pulpit, and by people generally. General Carr and his good wife were adepts in social affairs, and are entitled to the distinction of having assembled and directed the most numerously attended ball of its kind ever held in the United States.

Horse racing and other sports were indulged in, especially by the cavalry. But all these were mere diversions, and did not indicate that the army was not preparing for the bloody work yet ahead of it.

Grant, with the armies under General George H. Thomas, W. T. Sherman, and Joseph Hooker, November 25, 1863, drove Bragg from his perch on Missionary Ridge and to a precipitate retreat, and the Army of the Tennessee under Sherman subsequently relieved Burnside, besieged at Knoxville by Longstreet, thus closing the campaigns of 1863 in the West about the time they closed in the East. Soon thereafter rumors were current that Grant was to be promoted to chief command of all the Union armies. A law passed Congress February 29, 1864, reviving the grade of Lieutenant-General, and President Lincoln, the next day, appointed Ulysses S. Grant to the office, and the Senate, the succeeding day, confirmed the appointment. March 10, 1864, Halleck was relieved from duty as General-in-Chief, and became thereafter Chief of Staff of the Army. Grant was, the same day, assigned by the President, "pursuant to the act of Congress, to command the Armies of the United States," headquarters of the Army to be in Washington, and "with General Grant in the field." Grant established his field-headquarters at Culpeper Court-House, March 26, 1864, and remained with the Army of the Potomac until Appomattox came. Just prior to his joining the Army of the Potomac, March 23, 1864, it was reorganized, the First and Third Corps being broken up as separate organizations, and the troops composing them distributed to the Second, Fifth, and Sixth Corps, they retaining their former corps badges. Hancock resumed command of the Second Corps. Warren was assigned to command the Fifth. Carr was transferred to the Second. The Third Division, Third Corps, became the Third Division of the Sixth (Sedgwick's) Corps, the old Third Division of the Sixth being consolidated with its other divisions.

General H. Prince was assigned to command the Third Division of the Sixth. The Second Brigade (Keifer's) of this division, with the 126th Ohio (Colonel Smith) and the 67th Pennsylvania (Colonel

Staunton) added, was placed under the command of General David A. Russell,(11) but he was soon transferred to another command, and Colonel B. F. Smith for a time succeeded him. Major-General James B. Ricketts, before April 30, 1864, relieved General Prince, and thereafter the Third Division of the Sixth Corps was known as "Ricketts' Division."

Much bad feeling existed on the part of Generals French, Sykes, Newton, and others over the breaking up of their commands and their being relieved from field duty. The consolidation of divisions and brigades in the corps retained, also caused much discontent, and excited jealousies towards the organizations from the disbanded corps which took their old designations. This was the second time troops I commanded had this experience. While in camp or on marches an officer may become disliked by his men, but a great battle in which he does his duty will always restore him to popularity. The Third Corps badge was a diamond; the Sixth a Greek cross. The Third Division for a time adhered to the *diamond*, but later, wore both proudly, and finally rejoiced alone under the *Greek cross*.

The Army of the Potomac was for the first time reduced to three corps. There was, however, belonging to this army, a large artillery reserve, not attached to any corps, but under a chief, General Henry J. Hunt; also a cavalry corps, consisting of three divisions and a reserve brigade, which Major-General Philip H. Sheridan was assigned (April 5, 1864) to command.(12) To each corps was attached an artillery brigade. This army, like any other well-appointed one, also had (each with a chief officer) its Commissary, Quartermaster, Ordnance, and Medical Departments; also a Provost-Guard, consisting of a brigade of infantry and a regiment of cavalry under a Provost Marshal-General;(13) also Signal and Engineer Corps, and other minor and somewhat independent organizations, such as body-guards to commanding generals, pioneers, pontoniers, etc.

The Army of the Potomac, thus organized, commanded, and appointed, with the new commander of all the armies of the Union with it, now awaited good weather to enter upon the bloodiest campaign civilized man has ever witnessed.

(1) See sketch attached to Meade's report, *War Records*, vol. xxix, Part I., p. 19.

(2) *War Records*, vol. xxix., Part I., p. 738.

(3) Birney's Report, *War Records*, vol. xxvii., Part I., p. 750.

(4) He died of disease October 18, 1864.

(5) *War Records*, vol. xxix., Part I., pp. 836-8.

(6) *War Records*, vol. xxix., Part I., p. 19. (Sketch).

(7) *War Records*, vol. xxix., Part I., p. 686.

(8) *Battles and Leaders*, vol. iii., p. 241 (Col. Venable).

(9) *War Records*, vol. xxix., Part I., p. 18.

(10) Botts was then on his farm—a Union man. He had been an old line Whig, and was personally hostile to Jeff. Davis.

(11) *War Records*, vol. xxxiii., pp. 717, 722, 732, 745.

(12) *Ibid.*, 798, 806.

(13) A badge for each fighting corps of the Union Army was adopted (January, 1863), its color indicating the number of the division in a corps. Three divisions of three brigades each usually constituted a corps. Each officer and soldier wore on his hat or cap his proper corps badge; the first division being red, second white, and third blue. The badge appeared prominently in the centre of all headquarters flags. Division flags were square, brigade, tri-cornered, all of white ground save those of a second division which were blue; the flag of a second brigade had a red border next to the pole, and of a third brigade a red border on all sides.

CHAPTER VI Plans of Campaigns, Union and Confederate—Campaign and Battle of the Wilderness, May, 1864—Author Wounded, and Personal Matters— Movements of the Army to the James River, with Mention of Battles of Spotsylvania, Cold Harbor, and Other Engagements, and Statement of Losses and Captures

A full detailed history of the great campaign of the Wilderness and of the many battles fought in the spring and summer of 1864 in Southeast Virginia and around Richmond and Petersburg will not here be attempted. I shall confine myself to a general story of the campaign, with dates, results of

engagements and losses, and some details of the fighting participated in by troops I was immediately connected with or interested in.

General Grant (April 9, 1864), in a confidential communication to General Meade,(1) outlined his plan for the early movements of all the principal Union armies. Texas was to be abandoned, save on the Rio Grande, and General Banks, then on Red River, was to concentrate a force, not less than 25,000 strong, at New Orleans to move on Mobile. Sherman was to leave Chattanooga at the same time Meade moved, "Joe Johnston's army being his objective point and the heart of Georgia his ultimate aim"; if successful, Sherman was to "secure the line from Chattanooga to Mobile, with the aid of Banks." General Franz Sigel (then in command of the Department of West Virginia (2)), was to start two columns, one from Beverly under General Ord, to endeavor to reach the Tennessee and Virginia Railroad west of Lynchburg, and the other from Charleston, West Virginia, under General George Crook, to strike at Saltville and go thence eastward to join Ord. General Quincy A. Gilmore was to be transferred, with 10,000 men, from South Carolina to General B. F. Butler at Fortress Monroe, and the latter General was to organize a force of about 23,000 men, under the immediate command of General W. F. Smith, with which, and Gilmore's command, he should "seize City Point and operate against Richmond from the south side of the river," moving simultaneously with Meade's army. To Meade he said: "*Lee's army will be your objective point. Wherever Lee goes there you will go also*." General Burnside, then at Annapolis organizing the Ninth Army Corps, was to reinforce Meade with probably 25,000 men. There was to be naval co-operation on the James. Grant had not then determined on which flank to attack Lee, or whether he would cross the Rapidan above or below the Confederate Army.

All baggage was reduced to the lowest standard possible. "Two wagons to a regiment of 500 men . . . for all baggage, exclusive of subsistence stores and ordnance stores. One wagon to a brigade and one to a division headquarters, . . . and about two to corps headquarters."

Meade subsequently made a further reduction, and allowed only one wagon to a regiment.

When it was finally determined to move by Lee's right flank, Meade was ordered to have supplies forwarded to White House, on the Pamunkey.(3)

Sigel was directed to advance a column in co-operation from
Martinsburg up the Shenandoah Valley.

Grant, in a confidential dispatch,(4) April 29th, to Halleck, fixed May 4th as the date for putting the Army of the Potomac in motion, saying:

"My own notions about our line of march are entirely made up, but as circumstances beyond my control may change them, I will only state that my effort will be to bring Butler's and Meade's forces together."

The next day, on the authority of a rebel officer arrested in Baltimore, who left Lee's army on April 17th, Halleck wired Grant that Lee was about to move Longstreet by the mountain road westward over the Blue Ridge with 20,000 men; that Hill, 50,000 strong, was to force Grant's right at Culpeper, and with three divisions form a junction at Warrenton with Ewell; that all Confederate troops from East Tennessee were to strengthen Lee; that Breckinridge, with 25,000 men in West Virginia, accompanied by Morgan's cavalry, was to force his way down the Kanawha into Ohio, near Gallipolis; that if Lee reached Pennsylvania, Breckinridge was to join him, Morgan's cavalry destroying all railroads to east and west; that Lee's general direction was to be towards Wheeling and Pittsburg; that Richmond's defence was to be left to Beauregard, with Pickett's division of 15,000 men, the Maryland Line, details from hospitals, conscripts, militia of Governor Smith's call (fifty to fifty-five years of age), and a foreign legion of forced aliens.(5)

This plan, if ever formed, comprehensive as it may have been in conception, was never to be even partially put in execution. It probably originated in the fertile imagination of the rebel officer from whom Halleck obtained it.

In March, 1864, an equally comprehensive plan was conceived by Longstreet, then at Greenville, Tennessee, by which Beauregard was to lead an advance column from the borders of North Carolina through the mountain passes, Longstreet to follow through East Tennessee, uniting with Beauregard in Kentucky, and, together, move against the line of railway from Louisville, and thus force Sherman to retire from Johnston's front, allowing him to advance northward, avoiding general battle until all the Confederate columns could form a grand junction on or near the Ohio River. This plan was approved by Lee, and by both Lee and Longstreet laid before President Davis and the War Department at Richmond. Davis disapproved it.

Another plan, submitted by Bragg (then "Commander-in-Chief near the President"), received the

approval of Davis. By this Johnston was to march to the headwaters of the Little Tennessee River, Longstreet to the east of Knoxville and join Johnston, and, united, they were to march west into Middle Tennessee and break the Union line of supplies about Nashville. Though some orders were issued looking to the execution of this plan, it was not seriously attempted, as Joe Johnston regarded it as impracticable.(6) Longstreet, with the part of his command that had served in Virginia, was, early in April, transferred to the Rapidan. Grant alone moved his armies to the execution of his campaigns as planned.

Wilderness

Not until May 2d did Meade send orders to his corps for the movement on the 4th across the Rapidan. On the day of starting he issued a stirring and patriotic address to his soldiers.(7) Grant had determined to attack and turn Lee's right flank.(8)

As soon in the early morning as engineers could lay pontoons the cavalry crossed the river at Ely and Germanna Fords, and cleared the way for the infantry. Hancock's (Second) corps crossed at Ely's Ford and marched to the vicinity of Chancellorsville. Warren's (Fifth) corps, with Sedgwick's (Sixth) following, crossed at Germanna Ford. Warren proceeded to the Old Wilderness Tavern. Sedgwick bivouacked on the heights south of the river. The reserve artillery crossed at Ely's Ford, and subsistence and other trains at this and Culpeper Mine Ford. All these movements took place as ordered.(9)

No serious resistance was met with the first day. On the night of the 4th I encamped immediately south of the Rapidan on the height just above the ford. I was ordered to cover the ford and protect the pontoon bridge until the head of Burnside's column should reach it. The whole army slept without tents. On rising in the early morning, and while standing on a bluff overlooking the river, Major Wm. S. McElwain of my regiment, in a quiet but somewhat troubled way, ventured to suggest that unless I was more prudent than usual I would never recross it. I told him the chances of war were hardly lessened by prudence where duty was involved, and that my chances of going North alive were probably as good as his. He seemed to have no concern about himself.

General Grant, his staff, and escort, rode by while we waited. He was on a fine, though small, black horse, which he set well; was plainly dressed, looked the picture of health, and bore no evidence of anxiety about him. His plain hat and clothes were in marked contrast with a somewhat gaily dressed and equipped staff. He saluted and spoke pleasantly, but did not check his horse from a rather rapid gait.

About 10 A.M. Burnside, at the head of his command, reached the ford. His corps, the Ninth, had been recently organized by him at Annapolis, Maryland, and officers and soldiers were, in general, newly equipped and clothed, and all regiments and headquarters had new flags. The long line, as displayed for miles, moving slowly over the lowlands to the crossing, was most imposing, and gave rise to varied reflections. But the time for strong battle had come. The head of the Fifth Corps was pushed forward on the Orange and Fredericksburg plank road, the purpose being to avoid the intrenchments of Mine Run, but the enemy appearing on the turnpike running, in general, parallel with the plank road and to the north of it, the Sixth Corps (except the Second Brigade, Third Division) moved to position on the right of the Fifth, save Getty's division, which was sent to the intersection of the Brock and Orange plank roads with instructions to hold it, at all hazards, until the arrival of Hancock's corps from Todd's Tavern. About noon two divisions of Warren's corps had a sharp combat with the head of Ewell's corps on the pike, driving it back some distance when, being outflanked, they were in turn forced back, losing two guns. Wadsworth's division of this corps having been sent to the plank road was withdrawn to a junction with Warren's other divisions. Warren suffered some loss in prisoners taken from Crawford's division. Getty, on his arrival on the plank road, found our cavalry being pressed back by Hill's corps, but he deployed on each side of the road, and opening fire on the enemy checked him. Getty was able to hold his position until Hancock arrived about 2 P.M. Hancock, with his corps and Getty's division, assailed the enemy furiously, and for a time successfully, though meeting with stubborn resistance. General Alexander Hays was killed in this action while repairing a break in our line. The enemy moved troops from the turnpike to Hill's relief, and Meade, seeing this, sent Wadsworth's division and Baxter's brigade of the Fifth Corps to Hancock. Night came, and the battle ceased on this part of the field before the reinforcements arrived, both armies holding their positions.

The Sixth Corps (Getty's division absent with Hancock) with much difficulty made its way through the dense low pine thicket, and about 2 P.M. was in position, principally deployed, on the right of the Fifth, Ricketts' division (Second Brigade absent) on the left, and Wright on the right. Soon after the head of Burnside's column reached Germanna Ford, my brigade moved to the battle-ground. As we advanced, firing along the extended front soon told us where serious work had begun. General Truman Seymour (of Olustee fame) was assigned this day to command the brigade, but he did not promptly join it. As we

approached the battle, I was ordered by a staff officer of Sedgwick to conduct the brigade to the right of that part of the Sixth Corps already in line and partly engaged. This order being executed, we became the extreme right of the army. The other brigades of the Third Division being in position on the left of the corps, I was not in touch with them, and reported to General H. G. Wright, commanding the First Division.

Heavy firing already extended along the line of the Sixth Corps to the left of us. The brigade, about 2 P.M., was put by me in position in two lines, the 6th Maryland and 110th Ohio, from left to right, in the front, and the 122d and 126th Ohio and the 138th Pennsylvania on the rear line and in reserve. Skirmishers were advanced, who pressed the enemy's skirmishers back a short distance to his main line, and a sharp engagement ensued, lasting until about 5 P.M., when, proper support being promised, an aggressive attack was made.

I quote from my official report, dated November 1, 1864:

"I received orders to assume general charge of the first line, to press the enemy, and, if possible, outflank him upon his left. The troops charged forward in gallant style, pressing the enemy back by 6 P.M. about one half mile, when we came upon him upon the slope of a hill, intrenched behind logs which had been hurriedly thrown together. During the advance the troops were twice halted and the fire opened, killing and wounding a considerable number of the enemy.

"The front line being upon the extreme right of the army, and the troops upon its left failing to move forward in conjunction with it, I deemed it prudent to halt without making an attack upon the enemy's line. After a short consultation with Col. John W. Horn, I sent word that the advance line of the brigade was unsupported upon either flank, and that the enemy overlapped the right and left of the line, and was apparently in heavy force, rendering it impossible for the troops to attain success in a further attack.

"I soon after received an order to attack at once.

"Feeling sure that the word I sent had not been received, I delayed until a second order came to attack. I accordingly made the attack without further delay.

"The attack was made about 7 P.M. The troops were in a thick and dense wilderness. The line was advanced to within 150 yards of the enemy's works, under a most terrible fire from the front and flanks. It was impossible to succeed; but the two regiments, notwithstanding, maintained their ground and kept up a rapid fire for nearly three hours, and then retired under orders, for a short distance only.

"I was wounded about 8.30 P.M. by a rifle ball passing through both bones of the left forearm, but did not relinquish command until 9 P.M.

"The troops were required to maintain this unequal contest under the belief that other troops were to attack the enemy upon his flank.

"In this attack the 6th Maryland lost in killed, two officers and sixteen men, and eight officers and 132 men wounded; and the 110th Ohio lost one officer and thirteen men killed, and six (6) officers and ninety-three (93) men wounded, making an aggregate in the two regiments of 271.

"Major William S. McElwain, 110th Ohio, who had won the commendations of all who knew him, for his skill, judgment, and gallantry, was among the killed.

"Lieutenant Joseph McKnight, 110th Ohio, and Captain Adam B. Martin, 6th Maryland, were mortally wounded, and have since died.

"Captain J. B. Van Eaton and Lieutenants H. H. Stevens and G. O. McMillen, 110th Ohio, Major J. C. Hill, Captains A. Billingslea, J. T. Goldsborough, J. J. Bradshaw and J. R. Rouser, and Lieutenants J. A. Swarts, C. Damuth and D. J. Smith, 6th Maryland, were more or less severely wounded.

"All displayed the greatest bravery, and deserve the thanks of the country.

"Colonel John W. Horn, 6th Maryland, and Lieutenant-Colonel O. H. Binkley, 110th Ohio, deserve to be specially mentioned for their courage, skill, and ability.

"Captains Brown, 110th Ohio, and Prentiss, 6th Maryland, distinguished themselves in their successful management of skirmishers.

"From reports of this night attack published in the Richmond papers it is known that the rebel

Brigadier-General J. M. Jones, (commanding the Stonewall Brigade) and many others were killed in the attack."

In consequence of my wound I was absent from the brigade after the battle of the Wilderness until August 26, 1864, and I am therefore unable to give its movements and operations from personal knowledge. Colonel Ball succeeded me on the field in command of the brigade, and Colonel Horn in charge of the advance line in the night attack. Seymour was not present with the attacking troops. He was captured the next day, and the command of the brigade devolved on Colonel B. F. Smith.

To enable the reader to follow it through the battle I quote further from my report of November 1, 1864.

"Early on the morning of the 6th of May, the brigade formed in two lines of battle and assaulted the enemy's works in its front, the 122d and 126th Ohio and 138th Pennsylvania in the front line, and the 110th Ohio and 6th Maryland in the rear line. The brigade was still the extreme right of the army. The assault was most vigorously made, but the enemy was found to be in too great numbers and too strongly fortified to be driven from his position. After suffering very heavy loss, the troops were withdrawn to their original position, where slight fortifications were thrown up. In the charge the troops behaved most gallantly. The 122d and 126th Ohio and 138th Pennsylvania lost very heavily.

"About 2 P.M. Brigadier-General Shaler's brigade, of the First Division, Sixth Army Corps, took position upon the right of this brigade, and became the extreme right of the army.

"Skirmishing continued until about sunset, when the enemy turned the right of the army and made an attack upon its flank and rear, causing the troops to give way rapidly, and compelling them to fall back for some distance before they were reformed. So rapid was the enemy's advance upon the flank and rear, that time was not given to change front to meet him, and some confusion occurred in the retreat. Few prisoners were lost in the brigade. The lines were soon re-established and the progress of the enemy stopped. An attack was made by the enemy upon the re-established line about 8 P.M., but was handsomely repulsed.

"Unfounded reports were circulated that the troops of this brigade were the first to give way, when the first attack of the enemy was made.

"It is not improper to state here that no charges of bad conduct are made against the troops upon its right, but that this brigade remained at its post and successfully resisted a simultaneous attack from the front, until the troops upon its right were doubled back and were retreating in disorder through and along its lines."

The presence of a general officer in authority, or an intelligent staff officer representing him, would have averted the useless slaughter of the evening of the 5th, and the disaster of the evening of the 6th, which, for a time, threatened the safety of the whole army. A brigade or more of troops thrown on the enemy's left by a little *détour* on either evening would have doubled it back and given us, with little loss, that part of the field and a free swing for the next day.

The success in gaining ground on the 5th left our right in the air, bent to the front, with the enemy on its flank, thus inviting the attack made the next day by General J. B. Gordon, which drove back the main part of the Sixth Corps on the Union centre. Gordon's attack was a repetition of Stonewall Jackson's flank movement at Chancellorsville, and it should have been so far anticipated as to cause its disastrous failure.

In field-hospital, on seeing a staff officer of mine (Captain Thomas J. Black, who was having a wounded hand dressed), I discussed the situation, and predicted the enemy would seize the favorable opportunity of attacking. Anticipating the attack, my servant (Andy Jackson), in his eager solicitude for my safety, kept by horse near the tent, saddled, so I might, when it came, be assisted on him, and escape. Gordon's men advanced far enough for their bullets to pass through the hospital tents, but the hospital was not taken.

General Shaler's brigade of the First Division, Sixth Corps, having been placed on the extreme right of the Sixth, was the first to give way; then, the enemy being well on the rear of the Second Brigade as well as on its flank, and it being at the same time attacked from the front, it also gave way in some confusion, but, under its brave officers, Colonels Ball, Horn, and McClennan, Lieutenant-Colonels Granger, Ebright, Binkley, and others, it was soon assembled in good line in front of Gordon's advancing column, where it did much to arrest it. Generals Seymour and Shaler being separated from their brigades, while searching for them were both captured.(10)

But somebody needed, and sought, a "*scapegoat*." There were only three regiments in the Second Brigade—6th Maryland, 110th and 122d Ohio, which had served under Milroy in the Shenandoah Valley

in 1863. Somebody reported to the press, and probably to Grant, that on the evening of the 6th of May troops that had fought there under Milroy were on the extreme right of the army, and were the first to give way. This was necessarily false, as these troops were not then on the extreme right at all, and did not retire until the force to their right had been broken and routed. General Grant to Halleck, in an excusatory and exculpatory letter (May 7th), as to the disaster on his right, said: "Milroy's old brigade was attacked and gave way in great confusion, almost without resistance, carrying good troops with them."(10) This statement may have been made to tickle Halleck's ear, as he was known to hate Milroy and his friends, but it was, nevertheless, untrue and grossly unjust. Of the three regiments from the Shenandoah Valley, 494 (one third their number) fell dead or wounded on that field, through inefficiency and blunders of high officers who were never near enough to it to hear the fatal thud or passing whiz of a rifle ball. Many others of these regiments had fallen (nearby) on the heights of Orange Grove, the November before. Grant, long after, acknowledged the injustice of his statement.

After I had been wounded, though yet in command of the attacking force, a Major rode up from the left, and reported to me that his officers and men were falling fast, and expressed the fear that they could not be long held to their work. He was directed to cheer them with the hope that the expected support would soon arrive. As he swung his horse around to return, it was shot, fell, and the Major, lighting on his feet, without a word quickly disappeared (as seen by the light of flashing rifles) among the dense scrub pines. He never was seen again, nor his body found. He must have been killed, and his body consumed late by the great conflagration which, feeding on the dry timber and *débris*, swept the battle-field, licking up the precious blood and cremating the bodies of the martyr dead. This was the gallant McElwain, who, in the early morning, expressed so much anxiety for my safety.

Colonel William H. Ball, on hearing, late at night, of my wound, inquired particularly as to its nature, and being assured it was serious, characteristically exclaimed: "Good! he will get home now and survive the war; his fighting days are over." Not so, nor yet with him. As I was borne to the left along the rear of the line on a stretcher towards the field-hospital, about midnight, a quickened ear caught the sound of a voice, giving loud command, familiar to me years before at my home city. I summoned the officer, and found him to be my fellow-townsman, Colonel Edwin C. Mason, then commanding the 7th Maine. A day or two more and he, too, was severely wounded.

I had seen something of war, but, for the first time, my lot was now cast with the dead, dying, and wounded in the rear. A soldier on the line of battle sees his comrades fall, indifferently generally, and continues to discharge his duty. The wounded get to the rear themselves or with assistance and are seen no more by those in battle line. Some of the medical staff in a well organized army, with hospital stewards and attendants, go on the field to temporarily bind up wounds, staunch the flow of blood, and direct the stretcher- bearers and ambulance corps in the work of taking the wounded to the operating surgeons at field-hospital. The dead need and generally receive no attention until the battle is ended.

On my arrival at hospital, about 2 P.M., I was carried through an entrance to a large tent, on each side of which lay human legs and arms, resembling piles of stove wood, the blood only excepted. All around were dead and wounded men, many of the latter dying. The surgeons, with gleaming, sometimes bloody, knives and instruments, were busy at their work. I soon was laid on the rough board operating table and chloroformed, and skilful surgeons—Charles E. Cady (138th Pennsylvania) and Theodore A. Helwig (87th Pennsylvania) —cut to the injured parts, exposed the fractured ends of the shattered bones, dressed them off with saw and knife, and put them again in place, splinted and bandaged. I was then borne to a pallet on the ground to make room for—"*Next*." The sensation produced by the anaesthetic, in passing to and from unconsciousness, was exhilarating and delightful. For some hours, exhausted from loss of blood as I was, I fell into short dozes, accompanied with fanciful dreams. Not all have the same experience.

From this hospital, on the 7th, I was taken by ambulance, in the immense train of wounded, towards Spotsylvania Court House, but on nearing that place, the train diverging from the track of the army, moved, with the roar of the battle in our ears, slowly to Fredericksburg. At its frequent halts, great kettles of beef tea were made and brought to us. I drank gallons of it, as did others. It was grateful to a thirsty, fevered palate, but afforded little nourishment. For about ten days I was confined to a bed in a private house—Mrs. Alsop's—taken for an officers' hospital. The wounded from Spotsylvania also soon arrived at Fredericksburg, and surgeons and nurses were overtaxed. Contract surgeons appeared from the North; also nurses and attendants from each of the Sanitary and Christian Commissions. I was visited by Miss Dorothea L. Dix (then seventy years of age), who was in charge of a corps of hospital nurses. Horace Mann had, long before, apotheosized her for her philanthropic work for the insane.(11) A highly inflamed condition of my arm threatened my life while here, but finally reaching Acquia Creek, I went by hospital boat to Washington, thence home. Everywhere, hotels, hospitals, boats, and cars were crowded with the wounded, fresh from the Wilderness and Spotsylvania. Philanthropic people of principal cities kept, day and night, surgeons with skilled assistants at depots to care for the travelling wounded.

But to return to the Wilderness. The Sixth Corps, with little fighting, recovered its lost position on the morning of the 7th. The Fifth had a fierce engagement on the 6th, to the left of the Sixth Corps, but without material success. Hancock's corps, with Wadsworth's division of the Fifth and Getty's of the Sixth, opened a brilliant battle on the plank road at early dawn of the 6th, and drove the enemy more than a mile along the road in some confusion, when Longstreet's corps arrived on Hancock's left and turned the tide of battle, and in turn our troops were forced back to their former position on the Brock road. General James S. Wadsworth was mortally wounded while rallying his men, and the heroic Getty was severely wounded. The losses in this engagement on both sides were great. General Jenkins of the Confederate Army was killed, and Longstreet severely wounded. They were shot by mistake, by their own men,(12) as was "Stonewall" Jackson at Chancellorsville. Lee, in person, was on the plank road giving direction to the battle. He exposed himself to danger, and despaired of the result. At a critical moment he sent his "Adjutant-General, Colonel W. H. Taylor, back to Parker's Store to get the trains ready for a movement to the rear."(13) Grant, early on the 6th, put Burnside's corps in between the turnpike and plank roads, and it sustained the battle in the centre throughout the day, both armies holding well their ground. The morning of the 7th found Lee's army retired and strongly intrenched on a new line, with right near Parker's Store, and left extending northward across the turnpike.

On the 5th and 6th, Sheridan with his cavalry held the left flank and covered the rear of the army, fighting and repulsing Stuart's cavalry in attempts to penetrate to our rear. At Todd's Tavern, on the 7th, a severe cavalry engagement took place in which Sheridan was victorious. But the two great armies principally rested in position on that day, and the great battle of the Wilderness, with its alternate successes and repulses and its long lists of dead and wounded, was ended.

Grant, having decided not to fight further in the Wilderness country, on the night of the 7th put his army in motion for Spotsylvania Court-House, the cavalry preceding the Fifth Corps over the Brock road, followed by the Second and Sixth Corps on the plank and turnpike roads, with the army trains in the advance, the Ninth Corps in the rear. Lee, having either anticipated or discovered the movement, threw Longstreet's corps in Warren's front on the Brock road, and heavy fighting ensued on the 8th, most of the corps of both armies being, at different times, engaged. Wilson's cavalry division gained possession of the Court-House, but, being unsupported, withdrew. May 9th, the enemy was pressed and his position developed. Two divisions of the Ninth Corps, finding the enemy on the Fredericksburg road, drove him back and across the Ny River with some loss. This day, Major-General John Sedgwick, commanding the Sixth Corps, while on the advance line looking for the enemy's position, was killed by a sharp-shooter. He had the confidence and love of his corps.

Sheridan, with the cavalry, cut loose from the main army on the 9th, with orders from Meade to move southerly, engage, whenever possible, the enemy's cavalry, cut railroads, threaten Richmond, and eventually communicate with or join the Union forces on James River. He passed around the enemy's right and destroyed the depot at Beaver Dam, two locomotives, three trains of cars, one hundred other cars, and large quantities of stores and rations for Lee's army; also the telegraph line and railroad track for ten miles, and recaptured some prisoners. On the 10th of May he crossed the South Anna at Ground Squirrel Bridge, captured Ashland Station, a locomotive and a train of cars, and destroyed stores and railroad track, and next day marched towards Richmond. At Yellow Tavern he met the Confederate cavalry, defeated it, killing its commander, General J. E. B. Stuart, and taking two pieces of artillery and some prisoners, and forcing it to retreat across the Chickahominy. On the 12th Sheridan reached the second line of works around Richmond, then recrossed the Chickahominy, and after much hard fighting arrived at Bottom's Bridge the morning of the 13th. On the next day he was at Haxall's Landing on the James River, where he sent off his wounded and recruited his men and horses. On the 24th he rejoined the Army of the Potomac at Chesterfield, returning *via* White House on the Pamunkey.(14)

Fighting at and around Spotsylvania Court-House continued during the 10th and 11th, and on the 12th Hancock's corps assaulted the enemy's centre, capturing Major-General Edward Johnson, with General George C. Steuart and about three thousand men of his division. On advancing to the enemy's second line of breastworks, Hancock met with desperate resistance at what is known as the salient, or "*dead angle*." This was the key to Lee's position, and concentrating there his batteries and best troops, he mercilessly sacrificed the latter to hold it. The Second Corps was reinforced by the Sixth, under Major-General Horatio G. Wright, the successor of Sedgwick. The most deadly fighting occurred, and the dead and wounded of both sides were greater, for the space covered, than anywhere in the war, if not in all history. Wheaton's brigade of the Sixth Corps fought in the "dead angle"; and the 126th Ohio of the Second Brigade, Third Division, was detached and ordered to assault it. In making the assault it lost every fourth man.(15) The whole of the Second Brigade fought with conspicuous gallantry at Spotsylvania.

The enemy retired to a shorter line during the night. From the 13th to the 17th, both armies being intrenched, nothing decisive transpired, through there were frequent fierce conflicts. The Union sick and wounded were sent to the rear *via* Fredericksburg and Acquia Creek, and supplies were brought

forward.(16)

General Grant, the morning of the 11th, wrote Halleck:

"We have now ended the sixth day of very heavy fighting. The result to this time is much in our favor. But our losses have been heavy, as well as those of the enemy. We have lost to this time, eleven general officers, killed, wounded, and missing, and probably 20,000 men. I think the loss of the enemy must be greater. We have taken over 4000 prisoners in battle, while he has taken but few except stragglers. I am now sending back to Belle Plain all my wagons for a fresh supply of provisions and ammunition, *and propose to fight it out on this line if it takes all summer*."(17)

The italics are mine, to emphasize the origin of the most frequently quoted phrase of General Grant.

The Union Army was moving by its left flank on the 19th, when Ewell attempted to turn its right flank and get possession of the Fredericksburg road, but he met a new division under General R. O. Tyler, later, two divisions of the Second Corps, and Ferrero's division of colored troops (twelve companies, 2000 strong, recently from the defences of Washington), and was handsomely beaten back.

The 9th New York Heavy Artillery, commanded by Lieutenant-Colonel William H. Seward, son of Secretary Seward, joined the Second Brigade at North Anna River, the 26th of May.(18)

The army, by the 26th, had crossed the North Anna at various fords, and by the 28th it was across the Pamunkey at Hanoverton and Hundley Fords, sharp engagements ensuing constantly. The 29th the enemy was driven into his works behind the Totopotomy, the Sixth Corps occupying Hanover Court-House. Warren was attacked, but repulsed the enemy at Bethesda Church, and Barlow of the Sixth carried a line of rifle-pits south of the river. The cavalry was engaged during these movements in many affairs, and Sheridan with two divisions occupied Cold Harbor the 31st, but was hard pressed until Wright with the Sixth and General W. F. Smith (recently arrived with the Eighteenth Corps from Butler on the James) relieved him. These corps, June 1st, attacked and took part of the enemy's intrenched line.

At 6 P.M., in a general assault upon the enemy's works, Ricketts' division (Third of Sixth) captured many prisoners and the works in its front, and handsomely repulsed repeated efforts to retaken them. In this assault the Second Brigade moved in the following order: 6th Maryland and 138th Pennsylvania in the first line, 9th New York in the second and third lines, and the 122d and 126th Ohio in the fourth line, all preceded by the 110th Ohio on the skirmish line.

General Meade addressed this note to General Wright:

"Please give my thanks to Brigadier-General Ricketts and his gallant command for the very handsome manner in which they have conducted themselves to-day. The success attained by them is of the greatest importance, and if followed up will materially advance our operations."

The morning of the 3d, the division charged forward about two hundred yards under a heavy fire and intrenched, using bayonets, tin cups, and plates for the purpose.(19) At 4 A.M., June 3d, by Grant's order, the Sixth and Eighteenth Corps and Barlow's division of the Second assaulted the strongly fortified works of the enemy, but suffered a most disastrous repulse—the bloodiest of the war. Approximately 10,000 Union men fell. The number and strength of the enemy's position was not well understood. He did not suffer correspondingly. There were found to be deep ravines and a morass in front of his fortifications.

The assault was suspended about 7 A.M. and not renewed. Grant says in his *Memoirs:*(20)

"I have always regretted that the last assault at Cold Harbor was ever made."

Other indecisive fighting occurred at Cold Harbor to the 12th, when Lee's army having retired in consequence of further flank movements, the last of the Union Army was withdrawn, and by June 13th, its several corps crossing the Chickahominy at Long and Jones' Bridges, reached the James River at Charles City Court-House. Sheridan, meantime, with two cavalry divisions, was ordered to Gordonsville to destroy the Central Railroad, and to communicate, if practicable, with Hunter's expedition, then in progress in the Shenandoah Valley. Sheridan fought a successful battle at Trevilian Station, June 11th, overthrowing Hampton and Fitz Lee's cavalry divisions.

The Union Army soon crossed the James.

Excluding captured and missing, the casualties in the Union Army during the operations mentioned, shown by revised lists, are given in the summary table following:(21)

	Killed.		Wounded.		Aggregate.	
	Officers.	Men.	Officers.	Men.	Officers.	Men.
Wilderness, May 5-7	143	2013	569	11,468	14,193	
Spotsylvania Court-House, May 8-21	174	2551	672	12,744	16,141	
North Anna, Pamunkey, and Totopotomoy, May 21-June 1	41	550	159	2,575	3,325	
Cold Harbor, Bethesda Church, etc., June 2-15	143	1702	433	8,644	10,922	
Todd's Tavern to James River (Cavalry, Sheridan), May 9-24	7	57	16	321	401	
Trevilian raid (Cavalry, Sheridan), June 7-24	14	136	43	695	888	
Totals	522	7009	1892	36,447	45,870.(22)	

There do not seem to exist any lists, at all complete, by which a summary of casualties of killed and wounded in the Confederate Army during the Wilderness campaign can be made up, but, barring Cold Harbor, they were, doubtless, approximately as great as in the Union Army. During the campaign the Union Army captured 22 field guns and lost 3. It captured at least 67 colors. And reports show the Army of the Potomac, from May 1 to 12, 1864, took 7078 prisoners, and from May 12 to July 31, 1864, 6506; total, 13,584.

The Union reports show the "captured and missing [Union], May 4th to June 24th," to be 8966.(23)

The killed and wounded in the Sixth Army Corps, May 5 to June 15, 1864, were 10,614; in the Third Division thereof, 1993, and in the Second Brigade of this division, 1246.

(1) *War Records*, vol. xxxiii., p. 827.

(2) *War Records*, vol. xxxiii., p. 664.

(3) *Ibid.*, p. 827-9.

(4) *Ibid.*, p. 1017.

(5) *War Records.*, vol. xxxiii., p. 1022.

(6) *Manassas to Appomattox* (Longstreet), p. 544-5.

(7) *War Records*, vol. xxxvi., Part II., p. 370.

(8) *Ibid.*, Part I., p. 189 (Meade's Report).

(9) *Ibid.*, Part II., p. 331.

(10) *War Records*, vol. xxxvi., Part II., pp. 729, 742, 745, 748.

(11) *Twelve Sermons*, p. 302.

(12) *Manassas to Appomattox*, p. 564.

(13) *Memoirs of Lee*, A. L. Long, p. 330.

(14) *War Records*, vol. xxxvi., Part I., pp. 193, 776-792.

(15) *War Records*, vol. xxxvi., Part I., p. 749.

(16) *Ibid.*, pp. 188-195 (Meade's Report).

(17) *War Records*, vol. xxxvi., Part I., p. 627.

(18) *Ibid.*, pp. 734, 740.

(19) *War Records*, vol. xxxvi., Part I., p. 734-5 (Keifer's Report).

(20) Vol. ii., p. 276.

(21) *War Records*, vol. xxxvi., Part I., p. 188 (119-198).

(22) It is interesting to note that the ratio of killed to wounded, shown by this table is almost exactly 1

to 5, that is 16.6 per cent. of the whole number were killed; that of the killed, 1 out of every 14.6 was an officer; of the wounded, 1 out of 20 was an officer; of the whole number killed and wounded, 1 officer was killed out of every 88, 1 officer was wounded out of every 24.3, and 1 enlisted man was killed out of every 6.5, and one officer was killed or wounded out of every 19.

(23) *War Records*, vol. xxxvi., Part I., pp. 188, 196.

CHAPTER VII Campaign South of James River and Petersburg—Hunter's Raid—Battle of Monocacy—Early's Advance on Washington (1864)—Sheridan's Movements in Shenandoah Valley, and Other Events

In pursuance of the general plan, as we have seen, General B. F. Butler had organized at Fortress Monroe the Army of the James, composed of the Tenth and Eighteenth Corps, commanded, respectively, by Generals Quincy A. Gilmore and W. F. Smith. It moved by transports up the James River on May 4, 1864, and effected a landing without serious resistance at Bermuda Hundred the night of the 5th. At the same time General Kautz, with 3000 cavalry, made a raid from Suffolk and destroyed a portion of the Petersburg and Weldon Railroad. These movements caused a hasty concentration against Butler of all the available troops from the Carolinas. Beauregard was put in command of them. There was some indecisive fighting between parts of Butler's army at Stony Creek, Jarratt's Station, and White Bridge, and there were somewhat general engagements at Port Walthall Junction, Chester Station, Swift Creek, Proctor's Creek, and Drewry's Bluff, and some minor affairs along the James. Kautz, making a second successful raid, cut the Richmond and Danville Railroad at Caulfield, destroying bridges, tracks, and depots. The result of all was to leave Butler's command strongly intrenched at Bermuda Hundred, but unable to advance and seriously threaten Richmond.

The term "Bottled up," an expression used to describe Butler's position, was derived from a dispatch of Grant to the War Department in which he referred to Butler's situation between the James and the Appomattox with the enemy intrenched across his front, as being "like a bottle."(1)

Grant ordered Smith's corps to reinforce the Army of the Potomac. Butler attacked Petersburg on the 9th of June, chiefly with Gilmore's corps, but, for want of co-operation by the several attacking bodies, the place was not taken. General Butler attributed the defeat to Gilmore's failure to obey orders and act with energy.(2)

After Smith's withdrawal, Butler did little more than hold his position. The Army of the Potomac crossed to the south of the James on June 14th. An attack was made by Meade on Petersburg on the 16th, principally with troops under Hancock and Burnside, by which a part only of the enemy's works with one battery and some prisoners were taken. Fighting continued on the 17th, and a general assault was ordered at daylight on the 18th, but on advancing it was found that the enemy had retired to an inner and stronger line. Later in the day unsuccessful assaults were made on this new line by portions of the Second, Fifth, and Ninth Corps. It was then ascertained that Lee's main army had reached Petersburg, and further efforts to take it by assault were abandoned.(3) There was much fighting, extending through June, by detachments of infantry, for possession of roads, all of which, however, was indecisive. Wilson and Kautz's cavalry divisions, on the 22d, in a raid took Reams Station and destroyed some miles of the Weldon Railroad, and the next day, after defeating W. H. F. Lee's cavalry near Nottoway Station, reached Burkeville junction and destroyed the depot and about twenty miles of railroad track. The succeeding day they destroyed the railroad from Meherim Station to Roanoke Bridge, a distance of twenty-five miles, but on returning they encountered at Reams Station, on the 28th, the enemy's cavalry and a strong force of infantry, and were defeated, with the loss of trains and artillery. The Sixth Corps was sent to their relief, but arrived at the Station after the affair was over and the enemy had withdrawn.(4)

I shall not undertake to give the important movements and operations (5) of the troops under Grant in front of Petersburg and Richmond, during the remainder fo the summer and the fall of 1864, as the troops in which I was immediately interested were, early in July, transferred to Maryland and Washington. A summary of the occurrences in the Shenandoah Valley and West Virginia is, however, necessary to enable the reader the better to understand important events soon to be narrated.

General Franz Sigel, in command of the Department of West Virginia, moved up the Valley, and was defeated at New Market on the 15th of May. He retired to the north bank of Cedar Creek. His loss was about 1000 killed, wounded, and captured, and seven pieces of artillery. General George Crook, proceeding *via* Fayetteville, Raleigh, and Princeton, fought the battle of Cloyd's Mountain on the 9th of May and gained a brilliant victory. He did much damage to the enemy, and returned to Meadow Bluff, on the Kanawha. General David Hunter relieved Sigel in command of the department on the 21st, and joined the troops at Cedar Creek in the Valley, on the 26th. Sigel was assigned to command a Reserve Division along the line of the Baltimore and Ohio Railroad.

Hunter and Crook, from their respective positions, moved towards Staunton on the 30th. Hunter met the enemy under General W. E. Jones at Piedmont, on June 5th, and after a severe engagement defeated him, killing Jones and capturing about 1500 prisoners. Hunter reached Staunton on the 6th, and was joined by Crook on the 8th. They here destroyed railroads, Confederate supplies, mills, and factories, and, together, advanced towards Lexington on the 10th. They were now opposed by McCausland, whose command was chiefly cavalry. Lexington was taken on the 11th, after some fighting, and with it large quantities of military supplies. A portion of the James River Canal and a number of extensive iron- works were destroyed. Hunter burned the Virginia Military Institute and all buildings connected therewith on the 12th. He also burned the residence of ex-Governor John Letcher. Doubts have been entertained as to whether the burning of the Institute or Letcher's home could be justified under the rules of modern warfare. The Institute, however, was a preparatory school for Confederate officers, and its Principal, Colonel Smith, with 250 cadets, united with McCausland's troops in the defence of Lexington. Letcher had issued a violent and inflammatory proclamation inciting the population to rise and wage a guerilla warfare on the Union troops.(6)

Hunter proceeded *via* Buchanan and by the Peaks of Otter road across the Blue Ridge, and arrived at Liberty, twenty-four miles from Lynchburg, on the 15th. Here he heard rumors through Confederate channels of disasters to Grant and Sherman's armies, and of Sheridan's fighting at Trevilian Station. Hunter was also told Breckinridge was in Lynchburg with all the rebel forces in West Virginia, and that Ewell's corps, 20,000 strong, was arriving to reinforce him. Notwithstanding these reports, Hunter commenced an advance on the 16th on Lynchburg. His several columns met stubborn resistance on this and the succeeding day, but at night, after a spirited affair at Diamond Hill, he encamped his forces near the town. It became known to Hunter on the 18th that Lieutenant-General Jubal A. Early, with Ewell's corps from Lee's army, was at Lynchburg. Early and Breckinridge's combined commands far outnumbered Hunter's forces. The situation was critical for Hunter. He maintained a bold front, however, until nightfall, and then withdrew *via* Liberty and Buford's Gap to New Castle and Sweet Springs. General Wm. A. Averell with the cavalry covered the rear. The enemy pursued rather tardily to Salem, where Early concentrated his army. Hunter chose, in his retreat, the Lewisburg route to Charleston on the Kanawha, rather than retire down the Shenandoah Valley or by Warm Springs and the South Branch of the Potomac. The latter route would have had the advantage of bringing him out at Cumberland or New Creek on the Baltimore and Ohio Railroad, much nearer to his proper base at Martinsburg or Harper's Ferry. His retreat, on the line chosen, left the Valley, the Baltimore and Ohio Railroad, and Baltimore and Washington practically without defence. Hunter arrived at Charleston on the 30th, having marched through White Sulphur Springs, Lewisburg, and Meadow Bluff. From near Liberty, on the 16th, he sent his supply train of 200 wagons, 141 prisoners, and his sick and wounded in charge of Captain T. K. McCann, A.Q.M. of Volunteers, with orders to reach the Kanawha at Charleston. The train was guarded by parts of the 152d and 161st Ohio Volunteers—one hundred day men, commanded by Colonel David Putnam of the former regiment. At Greenbrier River, on the 22d, the train was attacked by the Thurmond brothers, and forced to return to White Sulphur Springs. From thence it proceeded through Hillsborough to Beverly, where it arrived on the 27th.(7) Hunter's raid, so brilliantly begun, thus unfortunately ended.

Early reached Lynchburg on the 17th of June and assumed command of all the forces there, including those under Breckinridge. Early pursued Hunter to the mountains, and then, on the 23d, marched rapidly through Staunton and down the Shenandoah Valley, with the purpose of invading Maryland, in pursuance of instructions given him by Lee before being detached from the latter's main army.(8)

Sigel was now holding Maryland Heights. Early, therefore, on the 8th of July crossed the Potomac higher up the river, and reached Frederick City, Maryland, the morning of the 9th.(9)

Hunter's command was obliged to descend the Kanawha by boats, then ascend the Ohio to Parkersburg, and from there move by rail to Cumberland and points on the Baltimore and Ohio Railroad. Hunter did not leave Charleston until July 3d, nor Parkersburg until the 8th, and did not reach Cumberland with any part of his army until the 9th. He was then too remote to be available in an effort to resist Early's invasion.(10)

Early's movements in the Valley caused loud calls for troops, and Grant ordered Ricketts' division (Sixth Corps) to Maryland. The division left its camp in front of the Williams house on the 6th of July, and the same day embarked at City Point for Baltimore. It disembarked at Locust Point, near Baltimore, on the morning of the 8th, and took cars for Monocacy Junction, where, on the same day, parts of two brigades of the division joined General Lew Wallace, then in command of the department.

Prior to Ricketts' arrival Wallace had only been able to gather together, under General E. B. Tyler, two regiments of the Potomac Home Brigade, the 11th Maryland Infantry, two Ohio one hundred day regiments (144th and 149th), the 8th Illinois Cavalry, and a detachment of the 159th Ohio (one hundred day regiment), serving as mounted infantry, all new or inexperienced troops.(11) He had only

one battery of artillery. Sigel, still at Maryland Heights, was therefore unavailable as against Early. Only the First Brigade, numbering 1750 men, under Colonel Truax, and a part of the Second Brigade (138th Pennsylvania, 9th New York Heavy Artillery, 110th and 126th Ohio), 1600 strong, Colonel McClennan commanding, of Ricketts' veteran troops reached the battle-field. Tyler went into position on the right, covering the stone bridge, and Ricketts on the left. The position chosen by Wallace was good, strategically, and also strong to resist a front attack by a superior force. It was behind the Monocacy River, covering the railroad bridge and the public highway and another bridge, and also had for lines of retreat the turnpikes to Baltimore and Washington. If the position were held, communication could be kept up with these cities, also with Sigel at the Heights. It was Early's purpose to destroy Wallace or brush him aside and move on Washington. Early moved from Frederick at 8 A.M., the 9th of July, and after demonstrating on Wallace's front, marched Gordon's troops around by a ford to fall on Ricketts' left. The latter changed front to the left to meet Gordon. The battle opened in earnest at 10.30 A.M. The enemy's superiority in artillery gave him a great advantage, and most of the day Ricketts' troops held their position under an enfilading fire from Early's batteries. The enemy's front was so great that Ricketts, to meet it, had to put his entire command into one line. Gordon's first and second lines were beaten back, and his third and fourth lines were, later, brought into action on the Union left. Early put in his reserves there, and still Ricketts' troops were unbroken and undismayed. It was, however, evident the unequal contest must result in defeat, hence Wallace ordered a retreat on the Baltimore pike. Ricketts did not commence to retire until 4 P.M., and then in good order. Tyler's troops fought well, and held the stone bridge until Ricketts had passed off the field. Early was so seriously hurt that he did not or could not make a vigorous or immediate pursuit. Save some detachments of cavalry, he halted his army at the stone bridge. The Union loss was 10 officers and 113 men killed and 36 officers and 567 men wounded, total, 726, besides captured or missing.(12) Colonel Wm. H. Seward (9th N. Y. H. A.) was slightly wounded and had an ankle broken by the fall of his horse on its being shot.

The veteran Third Division lost 656 of the killed and wounded, and the troops under Tyler 70. My former assistant adjutant-general, Captain Wm. A. Hathaway, was killed in this action. The total killed and wounded in the Second Brigade, from May 5th to July 9th, inclusive, was 2033,(13) more than half the number lost under Scott and Taylor in the Mexican War.

No report of the Confederate loss has been found, but from the strong Union position, the character of the Confederate attacks, and the number of wounded (400) left in hospital, it must have largely exceeded that of the loyal army. Early says in his report, written immediately after the battle, that his loss "was between 600 and 700."(14)

On the morning of the 10th, Early marched *via* Rockville towards Washington, and arrived in front of the fortifications on the Seventh Street pike late the next day. He met no resistance on the way. Wallace, with Ricketts, had retired towards Baltimore. Great consternation reigned at the Capital, and the volunteer militia of the District of Columbia were called out.

The defences were, however, feebly manned. The First and Second Divisions of the Sixth Corps embarked at City Point on the 10th, and a portion of the Second reached Fort Stevens on the 11th, about the time Early reached its front, and the First Division, with the remainder of the Second, arrived next morning. Some skirmishing took place in front of the fort, witnessed by President Lincoln. Many government employees and citizens were put in the trenches. Early retreated across the Potomac to Leesburg, somewhat precipitately, commencing after nightfall on the 12th. He again reached the Valley on the 15th. The Sixth Corps under Wright pursued Early on the 13th, but did not come up with him. Ricketts' division rejoined its corps on the 17th. Portions of Hunter and Crook's commands also joined Wright, who moved *via* Snicker's Gap into the Valley at Berryville. Wright alternately retired and advanced his army, crossing and recrossing the Potomac, until August 5th, when he was at Monocacy Junction, Maryland.

It should be stated in this connection that Early sent General Bradley Johnson with his brigade of cavalry to cut the Northern Central and the Baltimore and Ohio Railroads; he succeeded in doing this, and also in destroying some bridges and two passenger trains. One bridge on the railroad between Washington and Baltimore was destroyed by Johnson while on his way to Point Lookout, Maryland, to release Confederate prisoners. One of the principal objects Lee had in ordering Early into Maryland was to release these prisoners.(15) When Early retired from Washington he recalled Johnson.

The most remarkable thing connected with the campaign just described was the utter dispersion of the thousands of troops in West Virginia and the Valley under Hunter, Sigel, Crook, Averell, and B. F. Kelley, so that none of them participated in the battle of Monocacy or the defence of Washington.

Wright had been assigned, July 13th,(16) to command all the troops engaged in the pursuit of Early, including a portion of the Nineteenth Corps under General W. H. Emory, just arriving by transport from

the Army of the James. Hunter still remained in command of the Department of West Virginia. The recent failure of Hunter caused him to be distrusted for field work, and another commander was sought. General Sheridan was, by Grant, ordered from the Army of the Potomac, August 2d, to report to Halleck at Washington. In a dispatch to Halleck of August 1st, Grant said he wanted Sheridan put in command of all the troops in the field. On this being shown to President Lincoln (August 3d), he impatiently wired Grant:(17)

"I have seen your dispatch in which you say 'I want Sheridan put in command of all the troops in the field with instructions to put himself south of the enemy and follow him to the death. Wherever the enemy goes let our troops go also.' This, I think, is exactly right as to how our forces should move; but please look over the dispatches you may have received from here ever since you made that order, and discover, if you can, that there is any idea in the head of any one here of 'putting our army south of the enemy,' or of 'following him to the death' in any direction. I repeat to you it will neither be done nor attempted, unless you watch it every day and hour and force it."

Sheridan reached Harper's Ferry, August 7th, and assumed command of the newly constituted Middle Military Division, including the Middle Department, and the Departments of Washington, Susquehanna, and West Virginia.(18) The First Division of the cavalry, commanded by General Alfred T. A. Torbert, reached Sheridan from before Petersburg, August 9th. Sheridan moved on the 10th, and reached Cedar Creek twelve miles south of Winchester on the Strasburg pike on the 12th, encountering some opposition at Opequon Creek, Winchester, and Newtown. Early was reinforced by Kershaw's division of Longstreet's corps, and by other detachments from Lee's army. The enemy manoeuvred on Sheridan's flanks, and by August 22d the Union Army had retired to Halltown and Harper's Ferry.

Thus far Lincoln's predictions were fulfilled. But great events were soon to follow.

(1) *Memoirs of Grant*, vol. ii., p. 151.

(2) *War Records*, vol. xxxvi., Part II., p. 273, 291. *Butler's Book*, p. 677.

(3) *Ibid.*, vol. xl., p. 168.

(4) *War Records*, vol. xl., Part II., p. 169.

(5) The memorable "Mine explosion," under the immediate direction of Burnside, occurred July 30, 1864.

(6) *War Records*, vol. xxxvii., Part I., p. 97.

(7) *War Records*, vol. xxxvii., Part I., p. 99, 101, 618-19, 683.

(8) *Ibid.*, 346, 347.

(9) *Ibid.*, 302.

(10) *War Records*, vol. xxxvii. Part I., p. 102.

(11) *Ibid.*, 200.

(12) *War Records*, vol. xxxvii., Part I., p. 201-2.

(13) *Ibid.*, pp. 206-7.

(14) *War Records*, vol. xxxvii., Part I., pp. 348-9.

(15) *War Records*, vol. xxxvii., Part I., pp. 349, 767, 769.

(16) *Ibid.*, Part II., pp. 261, 284.

(17) *Ibid.*, Part I., p. 582.

(18) *War Records*, vol. xliii., Part I., pp. 709, 719, 721.

CHAPTER VIII Personal Mention of Generals Sheridan, Wright, and Ricketts, and Mrs. Ricketts—Also Generals Crook and Hayes—Battle of Opequon, Under Sheridan, September, 1864, and Incidents

I had so far recovered from the wound received in the Wilderness as to enable me to reach Baltimore, August 25th, on the way to the army, though my arm was yet in splints and a sling. In response to a telegram, the War Department directed me to report to General Sheridan. I reached Harper's Ferry the

next day. When I reported to Sheridan, he looked at me fiercely, and observed: "I want fighting men, not cripples. What can I do with you?" I asked him to order me to General Wright for assignment to my old brigade. He seemed to hesitate. I informed him of my familiarity with the Shenandoah Valley, and told him I thought I was able for duty. He gave the desired order reluctantly.

Sheridan did not impress me favorably then. He seemed restless, nervous, and petulant. I now think I somewhat misjudged him. He was thirty-three years of age,(1) in full vigor of manly strength. He had, both in infantry and cavalry commands, won renown as a soldier, though his highest fame was yet to be achieved. He was short of stature, especially broad across the shoulders, with legs rather short even for his height. His head was quite large, nose prominent, eyes full; he had a strong face, and was of a cheerful, social disposition, rather than retiring and taciturn. Irish characteristics predominated in him, and when not on duty he was disposed to be rollicking and free and easy. He was not hard to approach by his inferiors, but he was not always discriminating in the language he used to them. He did not seem to be a deliberate thinker or reasoner, and often gave the impression that his decisions or opinions were off-hand and not the result of reflection. In the quiet of camp he seemed to be less able to combine or plan great movements than in emergencies in the field. In a battle he often showed the excitement of his impetuous nature, but he never lost his head or showed any disposition save to push the enemy. These are some opinions formed after seeing him in several great battles, and knowing him personally through all the later years of his life. It remains to say that he was an honest man, and devotedly loyal to his friends. His fame as a soldier of a high class will endure.

Generals Wright and Ricketts each received me warmly, and, as always, showed me the utmost kindness.

Horatio G. Wright was a skilled and educated soldier, of the engineer class. He, like the great Thomas, was of a most lovable disposition and temperament. He had held many important commands during the war; had failed in none, and yet uncomplainingly suffered himself to be assigned from the command of a department to that of a division of troops. He was unfortunate once, as we shall see, and the glory of his chief shone so brightly as to dim the subordinate's well earned fame. But I must not anticipate. Wright was especially fitted to command infantry—a corps or more in battle. His intercourse with his officers was kindly and assuring under all circumstances. His characteristics as a soldier were of the unassuming, sturdy, solid kind—never pyrotechnic. He was modest, and not specially ambitious. In brief, he was a great soldier.

James B. Ricketts was also a highly educated soldier, and when I met him in the Valley he had been in many battles. He was a man of great modesty, of quiet demeanor, and of the most generous impulses. He never spoke unkindly of any person, and was always just to superiors and inferiors. He was wounded at Bull Run (1861), and captured and confined for many months in prison at Richmond. His heroic wife, Fanny Ricketts, on learning of his being wounded, joined him on the battle-field, and shared his six months' captivity to nurse him.(2) The special mention of Wright and Ricketts and his wife must be pardoned by the reader, as they were of my best friends, not only during, but since the war. Mrs. Ricketts was often in camp with her husband, and though a most refined lady, was, by disposition, education, and spirit quite capable of commanding an army corps. She possessed great executive ability.

Two other officers whose acquaintance I formed in the Valley in 1864, and who were in after life my friends, I venture to mention also.

George Crook was an ideal soldier. He was born near Dayton, Ohio, September 8, 1828, and was a West Point graduate. He was of medium stature, possessed of a gentle but heroic spirit, and justly won renown in the War of the Rebellion, and subsequently in Indian wars. He died suddenly in Chicago, March 21, 1890. His body is buried at Arlington in the midst of his fallen war-comrades. He left no children. His fame as a patriot and soldier belongs to history.

Rutherford B. Hayes, a brigade commander in the opening of Sheridan's Valley campaign, was born at Delaware, Ohio, October 4, 1822. He was not educated for a soldier. He was a man of medium height, strong body, sandy hair, sanguine temperament, and was always self- possessed, and gentle in his intercourse with others. He was a most efficient officer and had the power to inspire his men to heroic deeds. He was twice wounded, and retired at the end of the war distinguished as a volunteer soldier. Subsequently he served a term in Congress, three terms as Governor of Ohio, and was President of the United States 1877 to 1881.

I assumed command of my old brigade on the 26th of August, near Halltown. Its ranks had been much depleted, yet it numbered about 2000 effective men, including recruits. It was then composed of the 6th Maryland, 110th, 122d, and 126th Ohio, 67th and 138th Pennsylvania, and 9th New York Heavy Artillery serving as infantry. I found still with it, in command of regiments, Colonels John W. Horn and Wm. H. Ball, Lieutenant-Colonels Otho H. Binkley and Aaron W. Ebright, who had each passed safely

through the recent bloody campaigns.

Sheridan's cavalry made daily reconnoissances, and frequently engaged the enemy in advance of Charlestown. A cavalry reconnoissance was made on the 29th which brought on an attack, near Smithfield, by Fitz Lee's cavalry supported by infantry. The report came that our cavalry under General Wesley Merritt were being driven back, and Ricketts was ordered to go to its relief. As I was familiar with the roads and country, he sent me forward with my brigade and some attached troops. We met our cavalry about two miles from Smithfield retiring in a somewhat broken condition. I deployed my command on its left and pushed the enemy back to a ridge about a mile north of that place. Here he made a stand, displaying considerable force. I decided to attack at once. While preparing for an advance, I discovered what appeared to be a considerable body of cavalry forming for a charge on my left flank. My line was single, and I was without support in that direction. At this juncture a small number of mounted officers and men appeared on a knoll to my rear. I supposed them to be a body of cavalry sent forward to participate in the engagement. I rode to advise the officer in command of the threatened danger. I found there Sheridan and his staff and escort; also Merritt and some of his staff. Sheridan had ridden to the front to see the situation. He seemed surprised to see me, and asked sharply, "What are *you* doing here?" There was no time then for parley, as my command had already begun to advance. I told him of the danger, and pointed out to him the enemy's cavalry on our left, and asked for a force to meet it. He responded that he had no force on hand. I suggested that the cavalry with him, if immediately thrown well out to the left in a threatening position, would answer the purpose. He replied: "—— ——, that is my escort." I rejoined that it was needed badly, and might save disaster. With a somewhat amused expression on his face he ordered it to move as I indicated.(3)

About the time of this incident a puff of smoke from a rifle, fired on the heights held by the enemy about a mile distant, was seen. Almost instantly a familiar *thud* was heard, and all looked around to see who of the assembled officers had been hit. Major (Surgeon) W. H. Rulison (9th New York Cavalry), serving as Medical Director of the Cavalry, was killed by the shot.(4)

The enemy was driven from the ridge and we were soon in possession of Smithfield.(5) Merritt's cavalry took post at the bridge, and the infantry were withdrawn to camp near Charlestown.

Sheridan threw his whole army forward on September 3d, the infantry stretching from Clifton farm on the right to Berryville on the left. On this day there was short but fierce fighting between Averell and McCausland's cavalry at Bunker Hill, in which the latter was defeated with loss in prisoners, wagons, and supplies, and also between Crook's command and Kershaw's division. The latter seems to have run, at nightfall, unexpectedly, into Crook, near Berryville, and was severely punished. Kershaw was of Longstreet's corps and was then under orders to return to Lee's army at Petersburg. No other event of greater importance than a reconnoissance occurred until the 19th.

Sheridan's army was then composed of the Sixth Corps, under Wright —three divisions, commanded, respectively, by Generals David A. Russell, George W. Getty, and James B. Ricketts, and an artillery brigade of six batteries; the Nineteenth Corps under Emory—two divisions and four batteries; Eighth Corps (Army of West Virginia) under Crook—two divisions, and an artillery brigade of three batteries. Besides the troops mentioned, there were three divisions of cavalry and eight light or horse artillery batteries, commanded by General Alfred A. T. Torbert. The cavalry divisions were commanded, respectively, by Generals Wesley Merritt, Wm. W. Averell, and James H. Wilson.(6) Although there were in Sheridan's command about 50,000 men present for duty, they were so scattered, guarding railroads and various positions, that he was not able to take into battle more then 25,000 men of all arms.(7) Early had in the Valley District Ewell's corps, Breckinridge's command, and at least one division of Longstreet's corps, Fitz Lee's and McCausland's cavalry divisions and other cavalry organizations, and it is probable that he was not able to bring into battle more then 25,000 effective men. These estimates will hold good through the months of September and October, though some additions and changes took place in each army. Grant met Sheridan at Charlestown the 16th, to arrange a plan for the latter to attack Early. Sheridan drew from his pocket a plat showing the location of the opposing armies, roads, streams, etc., and detailed to Grant a plan of battle of his own, saying he could whip Early. Grant approved the plan, and did not even exhibit one of his own, previously prepared. This meeting was on Friday. Sheridan was to move the next Monday.(8)

Sheridan gives much credit to Miss Rebecca M. Wright of Winchester for sending him information by a messenger that Kershaw's division and Cutshaw's artillery, under General Anderson, had started to rejoin General Lee.(9)

The enemy was in camp about five miles north of Winchester at Stephenson's Depot, his cavalry extending eastward to the crossing of the Opequon by the Berryville pike. Our camps were, in general, about six miles to the northward of Opequon Creek. Sheridan's plan submitted to Grant was to avoid Early's army, pass to the east of Winchester, and strike the Valley pike at Newtown, seven miles south

of Winchester, and there, being in Early's rear, force him to give battle.(10) Early moved two divisions to Martinsburg on the 18th, which caused Sheridan suddenly to change his plan and determine to attack the remaining divisions at Stephenson's Depot. Early, however, did not tarry at Martinsburg, but learning there of Grant's visit to Sheridan, and fearing some aggressive movement, returned the same night, leaving Gordon's division at Bunker's Hill with orders to start at daylight the next morning for the Depot. Gordon reached the Depot about the time the battle opened.(11)

Sheridan's final plan for the expected battle was set forth in orders issued on the 18th. It was for Wilson's cavalry and Wright's corps to force a crossing of Opequon Creek on the Berryville pike. Emory was to report to Wright and follow him. As soon as the open country, south of the Opequon, was reached, Wright was to put both corps in line of battle fronting Stephenson's Depot. Crook's command was to move to the same crossing of the Opequon and be held there as a reserve. Merritt and Averell's cavalry divisions under Torbert were to move to the right in the direction of Bunker Hill.(12)

The army moved at 2 A.M. of the 19th as ordered. Wilson's cavalry succeeded in crossing the creek and driving the enemy's cavalry through a deep defile some two miles towards Winchester. Wright followed, Getty's division leading, Ricketts and Russell following. When the defile was passed, Getty went into position on the left of the pike, Ricketts on the right, both in two lines, and Russell's division was held in reserve. My brigade was the right of the corps as formed for battle. The only battery up was put in position on the right. The Nineteenth Corps was ordered to form on the right of the Sixth and to connect with it. Up to this time no severe fighting had taken place. Early was forced to move the main part of his army to his right to cover the Berryville and Winchester pike. Upon our side much delay occurred in getting up the artillery and the Nineteenth Corps, during which time we were exposed to an incessant fire from the enemy's guns. The Nineteenth did not make a close connection on the right of the Sixth. Not until 11.40 A.M. was the order given for a general attack. Ricketts' division was to keep its left on the pike. As soon as the advance commenced the Sixth Corps was exposed to a heavy artillery fire from the enemy's batteries, but it went forward gallantly for about one mile, driving or capturing all before it. General Ricketts, in his report of September 27th, described what took place:

"The Nineteenth Corps did not move and keep connection with my right, and the turnpike upon which the division was dressing bore to the left, causing a wide interval between the Sixth and Nineteenth Corps. As the lines advanced the interval became greater. The enemy, discovering this fact, hurled a large body of men towards the interval and threatened to take my right in flank. Colonel Keifer at once caused the 138th and 67th Pennsylvania and 110th Ohio to break their connection with the right of the remainder of his brigade and move towards the advancing columns of the enemy. These three regiments most gallantly met the overwhelming masses of the enemy and held them in check. As soon as the Nineteenth Corps engaged the enemy the force in my front commenced slowly retiring. The three regiments named were pushed forward until they came upon two batteries (eight guns), silencing them and compelling the enemy to abandon them. The three regiments had arrived within less than two hundred yards of the two batteries when the Nineteenth Corps, after a most gallant resistance, gave way. These guns would have been taken by our troops had our flanks been properly protected. The enemy at once came upon my right flank in large force; successful resistance was no longer possible; the order was given for our men to fall back on our second line, but the enemy advancing at the time in force threw us temporarily in confusion."

The repulse of the Nineteenth, and consequently of my three regiments, left Breckinridge's corps full on our right flank, threatening disaster to the army. Wright promptly put in Russell's division, until then in reserve, and the progress of the enemy was arrested. Here the brave David A. Russell lost his life. My report, written September 27, 1864, described, in general, a further part taken by my brigade:

"The broken troops of my brigade were halted and reformed in a woods behind troops from the reserve, which had come forward to fill up the interval. As soon as reformed, they were moved forward again over the same ground they had traversed the first time. While moving this portion of my brigade forward, I received an order from Brigadier-General Ricketts, commanding division, to again unite my brigade near the centre of the corps, and to the right of the turnpike, near a house. This order was obeyed at once, and my whole brigade was placed on one line, immediately confronting the enemy. The four regiments of my brigade, that were upon the left, kept connection with the First Brigade, Third Division, and fought desperately, in the main driving the enemy. They also captured a considerable number of prisoners in their first advance.

"Heavy firing was kept up along the whole line until about 4 P.M., when a general advance took place. The enemy gave way before the impetuosity of our troops, and were soon completely routed. This brigade pressed forward with the advance line to, and into, the streets of Winchester. The rout of the enemy was everywhere complete. Night came on, and the pursuit was stopped. The troops of my brigade encamped with the corps on the Strasburg and Front Royal roads, south of Winchester."

It was Sheridan's design, if Wright's attack had been completely successful, to push Crook rapidly past Winchester and seize the Strasburg pike, and thus cut off Early's retreat; but the repulse of the Nineteenth Corps made it necessary to move Crook to our right. This caused some delay, during which the Sixth Corps bore the brunt of the battle. General Hayes, in his report, dated October 13, 1864, described the part taken by a division of Crook's command:

"I have to honor to report that at the battle of Opequon, September 19, 1864, the Second Infantry Division, Army of West Virginia, was commanded by Colonel Isaac H. Duval until late in the afternoon of that day, when he was disabled by a severe wound, and the command of the division devolved upon me. Colonel Duval did not quit the field until the defeat of the enemy was accomplished and the serious fighting ended. The division took no part in the action during the forenoon, but remained in reserve at the Opequon bridge, on the Berryville and Winchester pike. The fighting of other portions of the army had been severe, but indecisive. There were some indications as we approached the battle-field soon after noon that the forces engaged in the forenoon had been overmatched. About 1 P.M. this division was formed on the extreme right of the infantry line of our army, the First Brigade, under my command, in advance, and the Second Brigade, Colonel D. D. Johnson commanding, about sixty yards in the rear, forming a supporting line; the right of the Second Brigade being, however, extended about one hundred yards farther to the right than the First Brigade. The division was swung around some distance to the right, so as to strike the rebel line on the left flank. The rebel left was protected by field-works and a battery on the south side of Red Bud Creek. This creek was easily crossed in some places, but in others was a deep, miry pool from twenty to thirty yards wide and almost impassable. The creek was not visible from any part of our line when we began to move forward, and no one probably knew of it until its banks were reached. The division moved forward at the same time with the First Division, Colonel Thoburn, on our left, in good order and without much opposition until they unexpectedly came upon Red Bud Creek. This creek and the rough ground and tangled thicket on its banks was in easy range of grape, canister, and musketry from the rebel line. A very destructive fire was opened upon us, in the midst of which our men rushed into and over the creek. Owing to the difficulty in crossing, the rear and front lines and different regiments of the same line mingled together and reached the rebel side of the creek with lines and organizations broken; but all seemed inspired by the right spirit, and charged the rebel works pell-mell in the most determined manner. In this charge our loss was heavy, but our success was rapid and complete. The rebel left in our front was turned and broken, and one or more pieces of artillery captured. No attempt was made after this to form lines or regiments. Officers and men went forward, pushing the rebels from one position to another until the defeated enemy were routed and driven through Winchester."

About 5 P.M. Sheridan galloped along the front line of the Sixth Corps with hat and sword in hand and assured the men, in more expressive than elegant language, of victory in the final attack, and he, about the same time, ordered Wilson with his cavalry to push out from the left and gain the Valley pike south of Winchester. Torbert, with Merritt and Averell's cavalry, was ordered to sweep down along the Martinsburg pike on Crook's right to strike Early's left. The enemy had been pushed back upon the open plains northeast of Winchester and was trying hard to hold his left against the foot- hills of Apple-Pie Ridge, and to cover the Martinsburg pike.

Most of the enemy's cavalry and much of his artillery were on his left. Getty (Sixth Corps), who from the first held the left of our infantry, steadily advanced, holding whatever ground he gained. The Nineteenth did not participate largely in the battle after its repulse. The cavalry bore a conspicuous part in the battle. The last stand was made by Early one mile from Winchester. About 5 P.M. Wright and Crook's corps, though then in single line, impetuously dashed forward, while Merritt and Averell's cavalry divisions under Torbert, somewhat closely massed, overthrew the Confederate cavalry and swept mercilessly along the Martinsburg pike and the foot of the precipitous ridge. The enemy's artillery was ridden over or forced to fly from the field. Torbert reached the left flank of the Confederate infantry at the moment it was hard pressed by the advancing troops of Wright and Crook. Our cavalry, in deep column, with sabres drawn, charged over the Confederate left, and the battle was won. This charge was the most stirring and picturesque of the war. The sun was setting, but could be seen through the church spires of the city. Its rays glistening upon the drawn sabres of the thousands of mounted warriors made a picture in real war, rarely witnessed. In this charge, besides the division leaders mentioned, were Generals Custer and Devin, and Colonels Lowell, Schoonmaker, and Capehart, leading brigades, all specially distinguished as cavalry soldiers. The fighting continued into and through the streets of Winchester. The pursuit was arrested by the coming of night and the weariness of the soldiers, many of whom had been without food or rest for about eighteen hours. The significance of the victory was great, but it was particularly gratifying to the old soldiers in my command who had fought at Winchester under Milroy. The night battle at Stephenson's Depot, fifteen months before—June, 1863—was within the limits of the field of Opequon. Ewell's corps had driven Milroy from Winchester, but now, in turn, under another commander, it was flying as precipitately from our forces. The war-doomed city of Winchester was never again to see a Confederate Army. Wilson's cavalry

division did good service on the Union left, often fiercely attacking the Confederate right flank. Late in the day he pushed past Winchester on the east, and encountered and dispersed Bradley Johnson's cavalry. Wilson, however, was too weak to cut off Early's retreat, but he continued in pursuit until 10 P.M.

This was my first considerable battle after being severely wounded, and candor compels me to say that I do not think being wounded one or more times has a tendency to promote bravery or to steady nerves for future battles. The common experience, however, is that when a soldier is once engaged in the conflict, his nerves, if before affected, become steady, and danger is forgotten.

My horse was shot while leading the three regiments on the right of the corps; later I was severely bruised on the left hip by a portion of an exploded shell, and a second horse was struck by a fragment of one which burst beneath him while I was trying to capture a battery posted on a hill at the south end of the main street of Winchester.

I quote again from my report:

"My brigade lost, in the battle of Opequon, some valiant and superior officers. Lieutenant-Colonel A. W. Ebright, commanding the 126th Ohio, was killed instantly early in the action. He was uniformly brave and skilful. He had fought in the many battles of the Sixth Corps during the past summer's campaign. Captain Thomas J. Hyatt and Lieutenant Rufus Ricksecker, 126th Ohio, and Lieutenant Wm. H. Burns, 6th Maryland, also fell in this action. Each was conspicuous for gallantry on this and other fields upon which he had fought. Colonel John W. Horn, 6th Maryland, whom none excelled for distinguished bravery, was severely if not mortally wounded.(13) Colonel William H. Ball, 122d Ohio, received a wound from a shell, but did not quit the field. He maintained his usual reputation for cool courage and excellent judgment and skill. Captain John S. Stucky, 138th Pennsylvania, lost a leg. Major Chas. M. Cornyn, 122d Ohio; Captain Feight and Walter, 138th Pennsylvania; Captain Williams, Lieutenants Patterson, Wells, and Crooks, 126th Ohio; Captains Hawkins and Rouzer and Lieutenant Smith, 6th Maryland; Lieutenants Fish and Calvin, 9th New York Heavy Artillery; Captains Van Eaton and Trimble and Lieutenants Deeter and Simes, 110th Ohio, are among the many officers more or less severely wounded. (Lieutenant Deeter, 110th Ohio, has since died.)

"Captain J. P. Dudrow, 122d Ohio, and Lieutenant R. W. Wiley, 110th Ohio, were each slightly wounded while acting as A. D. C.'s upon my staff."

Colonel Ebright had a premonition of his death. A few moments before 12 M. he sought me, and coolly told me he would be killed before the battle ended. He insisted upon telling me that he wanted his remains and effects sent to this home in Lancaster, Ohio, and I was asked to write his wife as to some property in the West which he feared she did not know about. He was impatient when I tried to remove the thought of imminent death from his mind. A few moments later the time for another advance came, and the interview with Colonel Ebright closed. In less than ten minutes, while he was riding near me he fell dead from his horse, pierced in the breast by a rifle ball. His apprehension of death was not prompted by fear. He had been through the slaughters of the Wilderness and Cold Harbor; had fought his regiment in the *dead angle* of Spotsylvania, and led it at Monocacy. It is needless to say I complied with his request.

Incidents like this were not uncommon.

The battle was a bloody one.

The Union killed and wounded were:(14)

	Killed. Officers.	Wounded. Officers.	Men.	Aggregate. Men.
Sixth Army Corps (Wright)	18	193	111	1331 1653
Nineteenth Army Corps (Emory)	22	292	104	1450 1868
Army of W. Va.	6	98	34	649 787
Cavalry	7	61	29	275 372
Totals	53	644	278	3705 4680

The casualties in my brigade were 4 officers and 46 men killed, 24 officers and 261 men wounded; aggregate, 335.(15) This was little less than the total loss in the three cavalry divisions.

There is no complete list of the Confederate losses so far as I can discover. Early reported his killed and wounded in this battle at 2141, and missing 1818, total, 3959.(16) Doubtless many of the missing were killed or wounded. General R. E. Rodes was killed in a charge with his division.(16) General

Godwin and Colonel Patton were also killed; Generals Fitzhugh Lee and York were severely wounded.

This battle was inspiriting to the country. Lincoln, Stanton, and Grant each wired congratulations and thanks.(17)

Sheridan was now appointed a Brigadier-General in the regular army and assigned to the permanent command of the Middle Military District.

The Valley was soon to further reek with blood, and the torch of war was soon to consume it.

(1) Sheridan was born March 6, 1831, and died August 5, 1888.

(2) Mrs. Ricketts drove from Washington to Bull Run in her own carriage and besought Gen. J. E. Johnston to parole her husband, and allow her to take him to his home in Washington. This was refused, and her carriage was confiscated. In after years, when the Johnstons were in Washington, he holding high political positions, she refused to recognize them.

(3) Members of his staff reported Sheridan as saying that the request for his personal body-guard was impudent, but could not be refused.

(4) *War Records*, vol. xliii., Part I., 145.

(5) *Ibid.*, 45.

(6) *War Records*, vol. xliii., Part I., pp. 107-112.

(7) *Ibid.*, p. 61.

(8) Grant's *Memoirs*, vol. ii., p. 328.

(9) Sheridan's *Memoirs*, vol. ii., pp. 4-7.

(10) *War Records*, vol. xliii., Part I., p. 46.

(11) *Ibid.*, p. 555.

(12) *Ibid.*, Part II., pp. 102-3.

(13) Colonel Horn survived the war, and died near Mitchellville, Md., October 4, 1897.

(14) *War Records*, vol. xliii., Part I., 118.

(15) *Ibid.*, p. 113.

(16) *Ibid.*, p. 555.

(17) *Ibid.*, pp. 61-2.

CHAPTER IX Battle of Fisher's Hill—Pursuit of Early—Devastation of the Shenandoah Valley (1864)—Cavalry Battle at Tom's Brook, and Minor Events

We left Sheridan's victorious army south of Winchester, five miles from the battle-field. It had only such opportunity for rest as can be obtained on the night succeeding a long day's battle. Some of the officers and soldiers returned to the scene of the conflict through the gloom of night, to minister to the wounded and to find and identify the bodies of dead friends. It was, however, the duty of the surgeons, hospital attendants, ambulance corps, and stretcher- bearers to care for the wounded; and the dead of both armies could be buried later. The bodies of some of the dead of the successful army are always sent home for interment. Chaplains are often instrumental in doing the latter. Rations, forage, and ammunition had now to be brought up and distributed. No matter how well soldiers have been supplied, they generally come out of a great battle with little.

Early's army bivouacked at Newtown, and at 3 A.M. of the 20th of September continued its retreat to Fisher's Hill, about two miles south of Strasburg. Early placed his army in a strong defensive position on this hill, which is an abrupt bluff with a precipitous rocky face, and immediately south of Tumbling Run. His right rested on the Shenandoah River, and his left extended to the narrow Cedar Creek Valley at the foot of Little North Mountain. This naturally strong position was well fortified and impregnable against front attack.

Sheridan's army moved at day-dawn of the 20th in pursuit, Emory in the advance. Wright and Emory occupied the heights around Strasburg on the evening of that day, and Crook's corps was moved to

their right and rear, north of Cedar Creek, where it was concealed in the dense timber. Sheridan determined to use Crook to turn the enemy's left, if possible. The Nineteenth and Sixth Corps during the night of the 20th took position in the order named, from left to right, in front of Fisher's Hill. This was not accomplished without some fierce conflicts, brought on in dislodging the enemy from strongly fortified heights which he held in advance of his main line. A portion of my brigade was engaged in these preliminary movements all the night.(1) The Third—Ricketts' division—was again on the right of the Sixth Corps and of the army as formed on the 21st. Near the close of the day I was informed by a staff officer of General Ricketts that my command was to be held in reserve behind the right, and that I was not likely to be engaged in the coming battle if the plan of the commanding general was carried out. I was directed to get my regiments into as comfortable a situation as possible for rest, and hence selected a good place to bivouac, and was employed in riding through the troops and telling the officers of the prospect of freedom from severe work the coming day when a brisk engagement broke out in my immediate front. A portion of the Second Division of the Sixth Corps was repulsed in an attempt, just at nightfall, to carry a fortified hill in front of our right, which Sheridan and Wright had suddenly decided must be taken for the security of our army.(2) Wright, seeing my command near at hand, ordered Ricketts to send to me for a regiment to reinforce the repulsed troops. I sent the 126th Ohio under Captain George W. Hoge, and it soon became seriously imperilled in a renewed attack. Discovering this, I followed it with the 6th Maryland under Major C. K. Prentiss, and, uniting the two with other troops, charged the heights just at dark and carried them. My two regiments occupied them for the night.(3)

Sheridan, on the 21st, ordered Torbert with Merritt and Wilson's cavalry divisions (save Devin's brigade) to the Luray Valley, with instructions to drive out any force of the enemy he might encounter, and, if possible, cross over from that Valley to New Market, and intercept Early's retreat, should the latter be defeated in the impending battle. Averell's cavalry division was on the Back or Cedar Creek road, well advanced.

The Sixth and Nineteenth Corps held their positions of the previous evening, and threatened the enemy in front. Part of my brigade was continued on the advance line during the forenoon of the 22d, the remainder in reserve. The real attack was to be made by Crook, but this rendered it desirable to conceal his movements and deceive the vigilant enemy. While Crook remained in hiding in the timber, Sheridan decided to demonstrate against Early's left centre in such way as to lead him to expect a formidable assault there. Accordingly the whole of Ricketts' division with Averell's cavalry was, about 12 M., rather defiantly displayed and moved conspicuously to our right, and close upon the enemy's front. My position in partial reserve made my command the most available for this movement. I was therefore ordered to take the advance, followed by Colonel Emerson with the First Brigade. The movement was made in full sight of the enemy and under the fire of his guns. We gained, after some fighting, a ridge that extended near to Tumbling Run on the north of the enemy's fortifications. The enemy fought hard to hold possession of this ridge as a protection to his left and as a good lookout. Under Ricketts' orders I continued by repeated charges to push the enemy along this ridge for about three quarters of a mile until he was forced to abandon it, cross the Run, and take refuge within his works. Under such cover as we could get my men were now held within easy musket shot of the enemy. During this movement our guns in the rear tried to aid us, but it was hard to tell which we suffered from the most—our own shells or the enemy's fire. Averell's cavalry pushed back the enemy's skirmishers still farther to our right.

The enemy, from his signal station of Three-Top Mountain, took the movements of Ricketts and Averell to be a preparation for a real attack, designed to fall upon the front of Ramseur's division, and he prepared to meet it. While these operations were taking place, Crook moved his infantry under cover of the thick timber along the face of Little North Mountain, and by 4 P.M. reached a position with his two divisions full on Early's left flank. Crook at once crossed the narrow Valley and bore down on the enemy's extreme left, which at once gave way. Ramseur, in my front, had been attentively watching Ricketts, and now seeing the danger from Crook, commenced drawing his troops out of his breastworks and changing front to his left. I was near enough to discover this movement, and, to prevent its consummation, I ordered an immediate charge, which was executed on a run. Ramseur, discovering the new and seemingly more imminent danger, tried to reoccupy his works, but, simultaneously, Crook charged, and Ramseur's troops, caught in the mist of his movement, fell into confusion, became panic-stricken, and fled through the timber or were captured. This spread a panic to Early's entire army. The troops of my command did not halt to fire in the charge, but crossed the Run and struggled up the precipitous banks and over the breastworks, suffering little loss, and were soon in possession of eight of the enemy's guns and some prisoners. They met inside of the enemy's fortifications and commingled with Crook's men. When the charge was well under way, Colonel George A. (Sandy) Forsyth (4) of Sheridan's staff reached me on the gallop. He was the bearer of orders, but did not deliver them. He only exclaimed: "You are all right; you need no orders." He, later, explained that Sheridan had sent him to direct me to assault, if opportunity presented, in co-operation with Crook.

In passing on horseback around the right of the enemy's works to gain an entrance, and while going up a steep hill in the timber, I fell in with a mounted officer wearing a plain blouse and a slouch hat, but with no insignia of rank. We continued together for a short time, he inquiring of the progress of the battle as I had observed it. I asked him if he knew what General Crook was doing. He modestly laughed, and said Crook was just then engaged with me in gaining an entrance to the enemy's fortifications, and that he supposed his command was pursuing Early. Here began an acquaintance with the hero of this battle, that ripened into a friendship which ended only with his death.

Early could not rally his troops to a stand, and all his guns in position behind his works fell into our hands. Night only saved him and his demoralized army from capture. The other divisions of the Sixth and the Nineteenth Corps came up promptly, but the battle was over with the assault.

Captain Jed. Hotchkiss, of the Topographical Engineers serving in Early's army, describes the operations in his journal of the 22d, thus:

"The enemy at 1 P.M. advanced several lines of battle in front of Ramseur, but did not come far, and only drove in our skirmish line. At 4.30 P.M. they drove in the skirmishers in front of Gordon and opened a lively artillery duel. At the same time a flanking force that had come on our left, near the North Mountain, advanced and drove away the cavalry and moved on the left flank of our infantry — rather beyond it. The brigade there (Battle's) was ordered to move to the left, and the whole line was ordered to extend that way, moving along the line of the breastworks. But the enemy attacking just then (5.30 P.M.) the second brigade from the left, instead of marching by the line of works, was marched across an angle by its commander. The enemy seeing this movement rushed over the works, and the brigade fled in confusion, thus letting the enemy into the rear of Early's division, as well as of Gordon's and the rest of Rodes'; our whole line gave way towards the right, offering little or no resistance, and the enemy came on and occupied our line. General Early and staff were near by, and I with others went after Wharton (to the right), but it was too late."

At 4 A.M. next morning Early dispatched Lee:

"Late yesterday the enemy attacked my position at Fisher's Hill and succeeded in driving back the left of my line, which was defended by the cavalry, and throwing a force in the rear of the left of my infantry, when the whole of the troops gave way in a panic and could not be rallied. This resulted in the loss of twelve pieces of artillery, though my loss in men is not large."(5)

He, later, reported his killed and wounded at Fisher's Hill at 240, missing 995; total, 1235.(6) Many of his missing were doubtless killed or wounded.

The Union killed and wounded were:(7)

	Killed.	Wounded.	Aggregate.
Sixth Army Corps	27	208	235
Nineteenth Army Corps	15	86	101
Army of W. Va. (Crook)	8	152	160
Cavalry	2	11	13
Totals	52	457	509

The killed and wounded in my brigade were 80, exactly one half the casualties in Crook's command, and above one third in the Sixth Corps.

The victory of Fisher's Hill, though comparatively bloodless, was one of the most complete of the war. But from the inability of Torbert to drive Fitz Lee's cavalry (then under Wickham in consequence of Fitz Lee being wounded at Opequon) from the Luray Valley and to gain a position in Early's rear, the latter's army would have been destroyed. Torbert encountered Wickham in a narrow gorge and was unable to dislodge him in time. Sheridan's infantry assembled on the Valley pike south of Fisher's Hill after dark, and continuing the pursuit all night, capturing many stragglers and two more guns, reached Woodstock twelve miles farther south at daybreak. Averell was ordered to push forward up the Cedar Creek road and debouch at Woodstock in rear of the retreating foe. This, for some reason, he did not do, but soon after dark went into camp and awaited daylight. He reached Woodstock after the infantry corps, too late to cut off or assail the enemy. For this and some other alleged delinquencies Sheridan relieved him from command of his division, and assigned Colonel William H. Powell to succeed him.

Early collected his broken forces and essayed to make a stand at Rude's Hill, east of the Shenandoah and south of Mount Jackson. As our troops advanced to attack him, however, he withdrew rapidly in the direction of Staunton. After passing New Market he took a road leading to Brown's Gap, where he was joined by his cavalry from the Luray Valley and Kershaw's division and Cutshaw's artillery, which had

left him at Stephenson's Depot on the 15th.

Not until the 25th did Torbert with his cavalry reach Sheridan at New Market. Some of Sheridan's infantry advanced as far as Mount Crawford and Lacey Springs, while the main body of the cavalry pushed to Staunton and Waynesboro.

An incident occurred on the evening of the 3d of October that had something to do with the severity of the orders relating to the destruction of property in the Shenandoah valley. Lieutenant John R. Meigs, Sheridan's engineer officer, while returning from a topographical survey of the country near Dayton, accompanied by two assistants, fell in with three men in our uniform, and rode with them towards Sheridan's headquarters. Suddenly these men turned on Lieutenant Meigs and, though demanding his surrender, shot and killed him. One of his assistants was captured and one escaped and reported the event. Sheridan was much enraged, as the killing of the Lieutenant was little less than murder, occurring, as it did, within our lines. The three men were probably disguised Confederates operating near their homes. Sheridan ordered Custer, who had succeeded to the command of Wilson's cavalry division, to burn all houses within an area of five miles within the spot where Meigs was killed. The next morning Custer proceeded to execute this order. The designated area included the village of Dayton. When a few houses had been burned the order was suspended, and Custer was required instead to bring in all able-bodied men as prisoners.(8)

General T. W. Rosser, with a cavalry brigade from Richmond, joined Early on the 5th of October, and the latter's army, being otherwise much strengthened, soon began again to show signs of activity.

As the Sixth Corps was expected to rejoin the Army of the Potomac in front of Petersburg, Sheridan decided to withdraw at least as far as Strasburg, and he determined also to lay waste the Valley, as it was a great magazine of supplies for the Confederate armies. He commenced to move on the 6th, the infantry taking the advance. The cavalry had begun the work of destruction at Waynesboro and Staunton. It usually remained quiet during the day, then at night, while moving, set fire to all grain stacks, barns, and mills, thus leaving behind it nothing but a waste. The fires lit up the Valley and the mountain sides, producing a picture of resplendent grandeur seldom witnessed. The flames lighted up the fertile Valley, casting a hideous glare, commingled with clouds of smoke, over the foot- hills and to the summits of the great mountain ranges on each side of the doomed Valley. The occasional discharge of artillery helped to make the panorama sublime. Fire and sword here literally combined in the real work of war. Of the necessity or wisdom of this destruction of property there may be doubts, yet the war had then progressed to an acute stage. All possible means to hasten its termination seemed justifiable. Chambersburg, Pa., had been wantonly burned July 30, 1864. It has been charged that Sheridan declared that he would so completely destroy everything in the Valley that a "crow would have to carry a haversack when he flew over it." The Confederates, with Rosser, their new cavalry leader, pursued and daily assaulted Sheridan's rear-guard. This continued until the evening of the 8th. Rosser's apparent success was heralded in an exaggerated way at Richmond. He was bulletined there as the "Savior of the Valley." He had recently before his advent in the Valley won reputation in a raid on which he had captured and driven off some cattle belonging to Grant's army. Torbert was ordered by Sheridan, on the night of the 8th, to whip Rosser the next morning or get whipped.

The infantry of the army was halted to await the issue of the cavalry battle. Sheridan informed Torbert that he would witness the fight from Round Top Mountain. Merritt's division was encamped on the Valley pike at the foot of this mountain, just north of Tom's Brook, and Custer's division about five miles farther north and west near Tumbling Run. Custer during the night moved southward by the Back road, which lay about three miles to the westward of the pike. At early daylight, Rosser, believing our army was still falling back, unexpectedly met and assailed Custer with three cavalry brigades, and almost simultaneously Merritt, in turn, assailed Lomax and Johnson's cavalry divisions on the valley pike. Merritt extended his right and Custer his left until the two divisions united, when, under Torbert, they charged upon and broke Rosser's lines all along Tom's Brook. The battle lasted about two hours, when Rosser's entire force fell into the wildest disorder, and in falling back degenerated into a rout. Torbert (9) pursued for twenty-five miles, capturing about three hundred prisoners, eleven pieces of artillery with their caissons, and all Rosser's wagons and ambulances, including his headquarters wagons with his official papers. It was said that subsequent bulletins announcing Rosser's anticipated victories for the day were found. Rosser's fame as a soldier, earned by years of hard fighting, was lost at Tom's Brook in two hours.

Disasters had now become so frequent to the Confederates in the Valley that some wag at Richmond marked a fresh shipment of new guns destined for Early's army: "*General Sheridan, care of Jubal A. Early*."

Sheridan's army retired to the north of Cedar Creek. The Sixth Corps, having orders to rejoin the Army of the Potomac, continued its march eastward towards Front Royal, expecting to proceed to Piedmont and there take cars for Alexandria. It abandoned that route, however, on the 12th, and marched towards Ashby's Gap, with a view of passing through it to Washington, and going thence, by transports, to City Point.(10) When this corps was partly across the Shenandoah near Millwood, on the 13th, an order came from Sheridan for Wright to return with his corps to Cedar Creek. This order was given in consequence of Early's return to Fisher's Hill. The necessity of the Sixth Corps' action will soon be apparent. It reached Cedar Creek and went into camp at noon of the 14th.

I recall the incident of a red fox starting to run through the temporary bivouac of the corps at Millwood. The troops all turned out, about 10,000, formed a ring around it, while a few horsemen rode after it until it fell from fright and exhaustion. The officers and men of an army always enjoyed incidents of this character. There was, however, more serious diversion near at hand for these bronzed soldiers.

(1) *War Records*, vol. xliii., Part I., p. 152.

(2) *Ibid.*, p. 152.

(3) *Ibid.*, p. 223 (Ricketts' Report).

(4) Forsyth, precisely four years later, while in command of fifty picked scouts was surrounded on Beecher Island, on the Arickaree fork of the Republican River, by about nine hundred Indians, led by the celebrated chief, Roman Nose, and made the most desperate fight known in the annals of our Indian wars. Lieutenant Beecher, Surgeon Movers, and six of the scouts were killed and twenty others severely wounded. Forsyth was himself struck in the right thigh and his left leg was broken by rifle balls. He held out eight days; meantime two of his scouts succeeded in eluding the Indians, and, reaching Fort Wallace, 110 miles distant, returned with a relieving party.—Custer's *Life on the Plains*, 88-98.

(5) *War Records*, vol. xliii., Part I., p. 557.

(6) *Ibid.*, p. 556.

(7) *Ibid.*, p. 124.

(8) *Memoirs of Sheridan*, vol. ii., pp. 50-2.

(9) General A. T. A. Torbert distinguished himself on many fields and survived the war. While making a voyage on the steamer *Vera Cruz* he was shipwrecked off the Florida coast, August 29, 1880. He heroically aided others to escape death, and with almost superhuman exertion kept himself afloat on a broken spar for twenty hours, and thus reached shore, only to sink down and die from exhaustion.

(10) *Memoirs of Sheridan*, vol. ii., p. 59.

CHAPTER X Battle of Cedar Creek, October 19, 1864, with Comments Thereon— Also Personal Mention and Incidents

General Early, upon his arrival at Fisher's Hill with his reorganized army, assumed, on the 13th of October, an aggressive attitude by pushing a division of infantry north of Strasburg and his cavalry along the Back road towards Cedar Creek. This brought on sharp engagements, in which Colonel Thoburn's division of Crook's corps and Custer's cavalry participated. Early seems to have acted in the belief that all but Crook's command had gone to Petersburg. This action resulted in bringing Wright back to Cedar Creek, as we have seen.

Secretary Stanton, by telegram on the 13th, summoned Sheridan to Washington for consultation as to the latter's future operations.

Early, having met unexpected resistance, withdrew his forces at night to Fisher's Hill, and quiet being restored, Sheridan started on the 16th to Washington, *via* Front Royal and Manassas Gap. He took with him as far as Front Royal his cavalry, under Torbert, intending to push them through Chester Gap to the Virginia Central Railroad at Charlottesville, to make an extensive raid east of the Blue Ridge.

Early had a signal station on Three Top Mountain in plain view of our signal officers, who knew the Confederate signal code. From this station there was flagged, on the 16th, this message:

"To Lieutenant-General Early:

"Be ready to move as soon as my forces join you, and we will crush Sheridan.

"Longstreet, Lieutenant-General."

Wright, who was left in command of the army at Cedar Creek, forwarded this message to Sheridan, who received it when near Front Royal. Wright, also, in a communication accompanying the message, expressed fear of an attack in the absence of the cavalry. He anticipated that it would fall on his right. Sheridan, deeming it best to be on the safe side, abandoned the cavalry raid, and ordered Torbert to report back to Wright, cautioning the latter to be well on his guard, and expressing the opinion to Wright that if attacked he could beat the enemy.(1) Sheridan with a cavalry escort proceeded to Rectortown, the terminus of the railroad; there took cars, and arrived in Washington the morning of the 17th. He held a consultation with Stanton and Halleck, and with certain members of his staff left Washington at 12 M. by rail, arriving the evening of the same day at Martinsburg. Here he was met by an escort of three hundred cavalry. He left Martinsburg the next morning (18th), and reached Winchester about 3 P.M., twenty-two miles distant. He tarried at the latter place over night, making some survey of the surrounding heights as to their utility for fortifications.

But to return to his army. Torbert reached Cedar Creek with the cavalry on the 17th. The Longstreet message was a ruse. Longstreet, though in Richmond, was not on duty, not having fully recovered from his wound received in the Wilderness.(2)

The position of the opposing armies the night of the 18th of October can be briefly stated.

The Union Army was encamped on each side of the turnpike, facing southward, and north of Cedar Creek, a tributary of the Shenandoah, which, flowing in general direction from northwest to southeast, empties into the river about two miles west of Strasburg. The north branch of the Shenandoah flows northward to Fisher's Hill, thence bending to the eastward at the foot of and around the north end of Three Top (or Massanutten) Mountain, thence, forming a junction with the south branch, past Front Royal to the west and again northward, emptying into the Potomac at Harper's Ferry.

Crook's two divisions, Colonel Joseph Thoburn and Colonel Rutherford B. Hayes commanding, were wholly to the east of the pike; Thoburn's division well advanced, his front conforming to the course of the creek; the Nineteenth Corps (Emory's), two divisions, lay on each side of the pike, covering the bridge and ford in its immediate front, and the Sixth was on Emory's right. Ricketts, Wheaton, and Getty's divisions of the Sixth were encamped in the order named from left to right. Meadow Brook (sometimes called Marsh Run), a small stream, with rugged banks, flowing from north to south and emptying into Cedar Creek, separated the left of Ricketts' division from the right of the Nineteenth Corps. The Sixth Corps' front conformed to the line of Cedar Creek; Getty's division being retired, and consequently much nearer than the others to Middletown. My brigade was the left of the Sixth, and its left rested on Meadow Brook. Merritt's cavalry was in close proximity to Getty's right. Custer was about one and a half miles to Merritt's right, on the Back road beyond a range of hills and near the foot of Little North Mountain. The whole course of the Back road is through a rough country not adapted to cavalry operations. Powell's cavalry division was near Front Royal. Army headquarters were at the Belle Grove House on the heights west of the pike, immediately in rear of the right of the Nineteenth Corps. Wright's headquarters were a short distance to the rear of Sheridan's.

The supply and baggage trains of our army were about one mile behind its right centre and about the same distance from Middletown, a village twelve miles south of Winchester, and about two miles north of the Cedar Creek bridge. Getty and Merritt's camps were, in general, westward of Middletown. The front of our army covered about two miles; Custer's and Thoburn's divisions, on the right and left, being outside of this limit.

The Union Army was not intrenched, save a portion of the Nineteenth and Eighth Corps. Owing to reports that Early had withdrawn southward, Wright ordered a brigade of the Nineteenth Corps to start at daylight of the 19th to make a strong reconnoissance. The Union troops, except only the usual guards and pickets, quietly slept in their tents the night of the 18th of October.

The Confederate Army was encamped on Fisher's Hill, two miles south of Strasburg and about six miles from the centre of the Union Army, measured by the pike. Three Top Mountain was east and south of a bend of the Shenandoah; its north end abutting close up to the river. General J. B. Gordon and Captain Hotchkiss, from the Confederate signal station of Three Top, on the 18th, with field-glasses, marked the location of all the Union camps, and on their report Early decided to attack the next morning.(3) Accordingly, Gordon, Ramseur, and Pegram's divisions and Payne's cavalry brigade were moved in the night across the river, thence along the foot of Three Top Mountain, and along its north end eastward to and again across the river at Bowman and McIntorf's Fords below the mouth of Cedar Creek, and thence, by 4 A.M., to a position east of the main camp of Crook's corps. These

divisions were under Gordon. Kershaw and Wharton's divisions marched by the pike to the north of Strasburg, and there separated; the former moving to the eastward, accompanied by Early. Kershaw crossed Cedar Creek at Robert's Ford, about one and a half miles above its mouth, which brought him in front of Thoburn of Crook's corps. Wharton, followed by all of Early's artillery, continued on the pike and took position in advance of Hupp's Hill, less than a mile south of the bridge over Cedar Creek. He had orders to push across the bridge as soon as Gordon made an attack on the Union left and rear, and thus bring the artillery into action. Lomax's cavalry division, theretofore posted in Luray Valley, was ordered to elude Powell's cavalry, join the right of Gordon, and co-operate with him in the attack. Rosser's cavalry divisions were pushed up the night of the 18th close in front of Custer, with orders to attack simultaneously with Gordon. The enemy did not know Sheridan was absent from his army, and Payne's cavalry, which accompanied Gordon, was ordered to penetrate to the Belle Grove House and make him a prisoner.(4)

Wright was in command of the army for all military operations, but otherwise it was commanded in Sheridan's name, during his absence, by his staff. Few of the army knew Sheridan was away when the battle opened.

At 4 A.M. the still sleeping Union Army was aroused by sharp firing far off on its right. Rosser had attacked Custer; but though there was some surprise, Custer held his ground. This was the initial attack, but almost at the moment Rosser's guns were heard came an assault on Thoburn by Kershaw, followed at once by Gordon with his three divisions and Payne's cavalry on Hayes' division of Crook's corps. Besides being surprised Crook's divisions were largely outnumbered, and, consequently, after a short and desperate resistance, both divisions were broken and somewhat dispersed. Thoburn was killed. The officers heroically did all in their power to rally the men, but some were captured, and seventeen pieces of artillery lost. Early soon joined Gordon with Kershaw, and together they fell on the left of the Nineteenth Corps, which was at the same time assailed in front by Wharton with all Early's artillery. The Nineteenth shared the fate of Crook's corps, and was soon broken and flying to the rear. This brought Early's five infantry divisions and his artillery together on the heights near the Belle Grove House, from whence they could operate against the Sixth Corps. Sheridan's headquarters were captured, his staff being forced to fly with such official papers as they could collect. Crook and Emory's commands were routed before it was fully day-dawn. The position of our cavalry was such that it could render no immediate aid against the main attack. Gordon prolonged his line towards Middletown, facing generally to the westward, and was joined on his right by some irregular cavalry, part of which appeared north of Middletown. These forces threatened our ammunition and other trains. A thick fog helped to conceal the enemy's movements. The disaster sustained must not be attributed to a want of skill and bravery on the part of the troops of the Eighth and Nineteenth. Crook, aided by such gallant officers as Colonels Thoburn, Thomas M. Harris, and Milton Wells of the First, and Colonels R. B. Hayes, H. F. Devol, James M. Comly, and B. F. Coates of his Second Division, and Emory, assisted by Generals McMillen and Dwight and Colonels Davis and Thomas of his First, and Generals Grover and Birge and Colonels Porter, Molineux, Dan. McCauley, and Shunk of his Second Division, did all possible under the circumstances to avert calamity. No braver or more skillful officers could be found. These corps were victims of a surprise. Their position was badly chosen, and not well protected by pickets and guards. There is no necessity to defend the good name of the officers and men who were so ingloriously routed. The battle, so successful thus far for Early, was, however, not over, nor was he to have continued good fortune. Wright had retained the active command of the Sixth Corps, though by virtue of seniority he was in command of the army. He, as soon as the attack was made, turned his corps over to Ricketts, who turned the command of his division (Third) over to me, and I turned my brigade over to Colonel Wm. H. Ball of the 122d Ohio. My division was the next to be struck by Early's troops. It had time, however, to break camp, form, and face about to the eastward. Before it was fairly daylight, my old brigade, under Colonel Ball, had crossed Meadow Brook by my order and was advancing up the heights near the Belle Grove House. Ball's brigade was run through by the broken troops of the Nineteenth, and it was feared for a time it could not be held steady. The enemy swung across the Valley pike to my left and rear, and thus completely isolated my division from other Union troops. Notwithstanding this situation the division firmly held its exposed position. To cover a wider front the brigades were fought and manoeuvred separately in single battle line, and often faced in different directions. I soon found I was able to drive or hold back any enemy in front of any part of my command. The fighting became general and furious and promised an early success to our arms. Wheaton, next on my right, and Getty next on his right as camped, likewise faced about and moved eastward towards the pike to meet the enemy already in possession of it immediately south of Middletown. Getty encountered some of Gordon's infantry and cavalry among our trains. Getty and Wheaton were soon widely separated from each other, and Wheaton, the nearest, was still not within a half mile of my division, which was the farthest south. The broken troops of the Eighth and Nineteenth Corps had retreated as far as Middletown, and some soon reached Newtown, pressing onward towards Winchester, carrying exaggerated reports of disaster to the whole army. Custer's cavalry was still held in Cedar Creek Valley by Rosser. Merritt came gallantly to the rescue, and by 7 A.M. the enemy were confronted at every

point and held at bay. Getty met a strong force along Meadow Brook, near Middletown, but maintained himself, though his right flank was assailed by one of Gordon's divisions. Wheaton fought his division in the interval between Getty's and my divisions, he having frequently to change front, as had the other divisions, to meet flanking columns of the enemy. The complete isolation of the divisions of the Sixth Corps rendered it impossible for their commanders to know the real situation throughout the field, and neither of them had any assurance of co-operation or assistance from the others. My division, being the farthest south, was in great danger of being cut off. Each division maintained, from 6 A.M. until after 9 A.M., a battle of its own. Neither division was, during that time, driven from its position by any direct attack made on it, and every change of position by any considerable part of the Sixth Corps was deliberately made under orders and while not pressed by the enemy in front. Wright was with Getty or Wheaton until assured of their ability to cover the trains and to hold their ground. Ricketts, in command of the corps, after directing me to hold my position near Cedar Creek until further orders, left me, promising soon to return with assistance, but about 7 A.M. he fell pierced through the chest with a rifle ball, and was borne from the field.(5) The command of the corps then devolved on Getty, and the command of his division of General L. A. Grant of Vermont.

About 8 A.M. Wright came to me with information of Getty and Wheaton's success. He said he would soon have cavalry on the enemy's right flank, and that he believed the battle could be won. He was tranquil, buoyant, and self-possessed. He did not seem to pay any attention to a wound under his chin, made by a passing bullet, though he was bleeding profusely. He had no staff officer with him, and was without escort.(6) I ordered Captain Damon of my staff to report to him. Wright repeated Ricketts' order to hold my division behind Meadow Brook well down to Cedar Creek. This I had been enabled to do when not threatened on my left flank. It must be remembered that after 6 A.M. the divisions of the corps having been faced about, and the Eighth and Nineteenth Corps driven to the rear, Getty's division became the left, Wheaton's the centre, and my division the right of the army, the whole line facing, in general, eastward. In this position, isolated as before stated, the divisions maintained the battle. My greatest anxiety arose of the possibility of the ammunition of the men becoming exhausted. One officer conducted to us through the fog, smoke, and confusion a considerable supply of cartridges in boxes strapped on mules. Colonel Ball sent Captain R. W. Wiley of his staff to hasten forward another such mule-caravan. Owing to a change in the location of the brigade, he conducted it within the Confederate lines. Captain Wiley was the only officer of my division captured in the day's battle.

Getty, who had successfully fought with his division near Middletown, took up a position before 10 A.M. with the left of his division resting on the turnpike north of the town about three fourths of a mile.

My division was fiercely engaged all the morning. Colonel Tompkins, Chief of Artillery of the Sixth Corps, assembled a number of guns on the plateau to my left under Captains McKnight and Adams. They were unsupported by infantry. The enemy approached under cover of the smoke and fog and captured most of them. Under my direction, Colonel W. H. Henry and Captain C. K. Prentiss with the 10th Vermont and 6th Maryland changed front and retook them after a fierce struggle. The guns not disabled were drawn off by hand. My position was in open ground along the crest of a ridge, right resting near Cedar Creek, covering Marsh Run (or Meadow Brook). The enemy forced a crossing of the Run near its mouth, but soon were driven back; then a fierce attack came on my left from a large force. This too was repulsed. The battle raged with alternate assaults on the front and flanks of my division. They were each repulsed with considerable loss to the enemy. The situation grew so promising that about 9 A.M. I ordered a general charge along the whole line. This was promptly made, and the enemy were driven to the east of Marsh Run, and complete success seemed assured, when a large force of the enemy again appeared on my left in the direction of Middletown. The charge had to be suspended and combinations made to meet the new danger. The battle still raged with great fury, my line being frequently compelled to change front to meet the flank attacks. Sometimes a portion of it faced northward, another eastward, and another southward. The enemy was at no time able to drive us. All changes of position were made under my orders and after the enemy had been repulsed in his direct attacks. The importance of uniting the divisions of the Sixth Corps was kept in mind, and as the enemy was driven back on my left, my command slowly moved northward towards Getty and Wheaton's battles. My battle had been maintained, in general, a mile and more southwestward of Middletown and in the vicinity of our camps of the night before. Getty and Wheaton had thus far fought their divisions near Marsh Run to the south of Middletown. Before 10 A.M., I reached the Woollen Mill road that ran parallel to the general line my troops were then holding and almost at right angles to the turnpike, westward to Cedar Creek from the south end of Middletown. At this time the enemy was in my front, and our flanks were no longer threatened. He had suspended further attacks with his infantry, but concentrated on us a heavy artillery fire which our guns returned. We had lost few prisoners; even the wounded of the division had been brought off. The men were in compact order and no demoralization had taken place. The captured and missing from the division the entire day was two officers and thirty-four men.(7) From this last position I leisurely moved the division to the left and rear over the Old Forge road (which extended west from the Valley pike at the north end of Middletown over Middle

Marsh Brook and a ridge to the Creek), passing Wheaton's front, and united with Getty's right. Emerson's brigade of the division through a mistake temporarily moved a short distance north of the line designated, but the error was promptly corrected. Colonel Ball was then, by me, directed to cover the front of the entire division with a heavy line of skirmishers, and he accordingly deployed the 110th Ohio and 138th Pennsylvania under Lieutenant-Colonel Otho H. Binkley, and moved them about three hundred yards to the front along the outskirts of a woods, with orders to hold the enemy in check as long as possible if attacked. Orders were at once given to resupply the troops with ammunition. Wheaton's division soon formed on my right, and for the first time after the battle opened the Sixth Corps was united.

The enemy was now in possession of the camps (except of the cavalry) of our army, and was flushed with success. Wright had given orders for all the broken troops to be re-organized, and for Merritt and Custer's cavalry to move from the right to the left of the army,(8) and the division commanders were told the enemy would be attacked about 12 M.

We left Sheridan at Winchester. He remained there the night of the 18th of October. Before rising in the morning an officer on picket duty in front of the city reported artillery firing in the direction of his army. Sheridan interpreted this as a strong reconnoissance in which the enemy was being felt. He had been notified the night before that Wright had ordered such a reconnoissance. Further reports of heavy firing having reached him, he, at 8.30 A.M. started to join his army. When he reached Mill Creek just south of Winchester, with his escort following, he distinctly heard the continuous roar of artillery, which satisfied him his army was engaged in strong battle. As he approached Kearnstown and came upon a high place in the road, he caught sight of some demoralized soldiers, camp followers, and baggage and sutler wagons, in great confusion, hurrying to the rear. There were in this mixed mass sutlers and their clerks, teamsters, bummers, cow-leaders, servants, and all manner of camp followers. The sight greatly disturbed Sheridan; it was almost appalling to him. Such a scene in greater or less degree may usually be witnessed in the rear of any great army in battle. The common false reports of the army being all overwhelmed and in retreat were proclaimed by these flying men as justification of their own disgraceful conduct. Sheridan, notwithstanding his experience as a soldier, was impressed with the belief that his whole army was defeated and in retreat.(9) He formed, while riding through these people, erroneous impressions of what had taken place in the morning battle which were never removed from his mind. The steady roar of guns and rattle of musketry should have told him that some organized forces were, at least, baring their breasts bravely to the enemy and standing as food for shot and shell. Sheridan mistook the disorganized horde he passed through for substantial portions of a wholly routed army, and this mistake prevented him, even later, from clearly understanding the real situation.

He first met Torbert, his Chief of Cavalry, and from him only learned what had taken place to the left of and around Middletown. Torbert, who had not been to the right, where the battle with infantry had raged for hours, assumed that demoralization extended over that part of the field. Next Sheridan came to Getty's division (10.30 A.M.),(10) and finding it and its brave commander in unbroken line, facing the foe, assumed without further investigation that no other infantry troops were doing likewise. He justly gives Getty's division and the cavalry credit for being "in the presence of and resisting the enemy."(11) Getty, though theretofore in command of the Sixth Corps, did not pretend to know the position or the previous movements of the army. He had remained constantly with his division, and wisely held the turnpike, covering our left flank and trains. This, too, was according to Wright's order. When Sheridan arrived Getty was not actually engaged, but the enemy were, at long range, firing artillery. A shot passed close to Sheridan as he approached Getty. After the first salutation, Sheridan said to Getty: "Emory's corps is four miles to your rear, and Wheaton's division of your corps is two miles in your rear. I will form them on your division." Sheridan then said nothing of Crook's corps, or of the Third Division of the Sixth, which I commanded.(12)

Up to this time Sheridan had not met Wright, who was on the right of the army, nor could Sheridan see from the pike the troops of my division nor of Wheaton's, still to my right. My division was at no time as far to the rear as the left of Getty's line. Wright confirms my recollection of the position of my division at the time of Sheridan's arrival, but his recollection is that Wheaton had not completed a connection with my right.(13)

Colonel Ball, in his report dated the day after the battle, speaking of the final movement of the Second Brigade of my division to connect with Getty's division, correctly says: "We were ordered to move obliquely to the *left and rear* and connect with the right of the Second Division." Instead of having to *advance* to form line with Getty it was necessary to move obliquely to the *rear*. By about 10 A.M., the divisions of the Sixth Corps were united, the organized troops of our army were in line, and the enemy's flank movements were over. Thenceforth he had to meet us in front. Our trains were protected, and there was no thought of further retiring. The Sixth Corps had not lost any of its camp equipage, not a wagon, nor, permanently, a piece of artillery. Its organization was perfect, and there were no stragglers

from its ranks. A strong line of skirmishers had been thrown forward and the men resupplied with ammunition.

An incident here occurred which came near causing my dismissal from the army. Colonel J. W. Snyder, of the 9th New York Heavy Artillery, on being ordered to hold his command ready for an early advance, notified me his men were practically out of ammunition, and that the ordnance officer reported there were no cartridges to be had of suitable size. This was the only regiment in the command armed with smooth-bore .69 calibre muskets. They required buck and ball. The other troops were armed with rifles, .58 calibre. I ordered the Colonel to instruct his men to throw away their muskets as fast as rifles could be found on the field to take their places. This his men eagerly did, and Colonel Snyder soon reported his regiment ready for action, with rifles in their hands and forty rounds of cartridges. This regiment, a very large and splendid one (three battalions, four companies each), was thus kept in line to participate in the impending conflict. After the incident had been almost forgotten a letter came through the army channels from the Chief of Ordnance at Washington, advising me that the captains of companies of the 9th New York had reported, severally, that their men had thrown away their muskets "October 19, 1864, by order of Colonel Keifer, division commander," and asking me for an explanation of the reprehensible order. I plead guilty and stated the circumstances giving rise to the unusual order, but soon received a further communication from the same officer informing me that my name had been sent to the President, through the Secretary of War, for dismissal. I was told some correspondence arose over the matter, in which Generals Sheridan and Wright approved my action fully. This incident serves now to enable me to remember that Wright proposed to attack Early at 12 M.

Two or three statements of Sheridan deserve special mention.
Speaking of his appearance on the field, he says:

"When nearing the Valley pike, just south of Newtown, I saw about three fourths of a mile west of the pike a body of troops, which proved to be Ricketts and Wheaton's divisions of the Sixth Corps."

And speaking of a time after he had met Getty and Wright, he says:

"I ordered Custer's division back to the right flank, and returning to the place where my headquarters had been established, I met near them Ricketts' division under General Keifer and General Frank Wheaton's division, both marching to the front."(14)

The distance from Newtown to Middletown is five miles. My division was at no time on that day within four miles of Newtown. This is also true, I am sure, of Wheaton's division. Sheridan was deceived by false reports received before his arrival, and by the sight of magnified numbers of broken troops of other corps, who had continued to the rear. It was impossible for Sheridan to have met Wheaton and myself leading our divisions to the front; besides, our divisions were not at any time within a mile of his then headquarters. Wheaton's and the right of my division were farther advanced than any part of Getty's division. This is proved by the recollection of Wright, Getty, and others, also by the reports written soon after the battle by many officers.(15) Sheridan, when he wrote, must have remembered meeting Wheaton and myself when we, together, rode to him from the right to tell him of the position and situation of our respective commands, and to assure him we could hold our ground and advance as soon as ordered. This ride brought Wheaton and me nearer Newtown than we were at any other time that day. Sheridan was so impressed by the circumstances attending his coming to the field, and by his first meeting with Torbert and Getty, and the previous reports to him, that he assumed a condition of things which did not exist. It has been stated that my division joined Getty on his right. It, however, turned out that a portion of Hayes' division of Crook's corps had united with Getty's right, though not at first distinguished by me from the latter's troops.

Years after the battle, ex-President Hayes referred to some statements in Sheridan's *Memoirs* thus:

"In speaking of that fight he says that, passing up the pike, sometimes on one side, and sometimes on the other, coming to Cedar Creek, he struck the First Division of Getty, of the Sixth Corps; that he passed along that division a short distance, when there arose out of a hollow before him a line consisting entirely of officers of Crook's Army of West Virginia and of color-bearers. The army had been stampeded in the morning, but these people were not panic-stricken. They saluted him, but there was nothing now between the enemy and him and the fugitives but this division of Getty's. Said he: 'These officers seemed to rise right up from the ground.' This was twenty-four years afterward, but he recollects it perfectly well except names. Among them, however, he recollects seeing one, Colonel R. B. Hayes, since President of the United States, and drops the story there, leaving the impression that there were no men there—no privates, no army—simply some color- bearers and some officers.

"The fact is that in the hollow, just in the rear, was a line of men, a thousand or twelve hundred, probably, and they had thrown up a little barricade and were lying close behind it. He came up and saw these officers and did not see the men, or seems not to have seen them; but I had no idea at the time

that he did not see the private soldiers in that line. He now tells that singular story of a line of officers, a line of color-bearers, and no force. The fact is that first came Getty's division, and then mine, and then came General Keifer's division, all lying down behind that barricade, but in good condition, except that there had been some losses in the morning. General Keifer was next to me, and then came the rest of the Sixth Corps, and farther down I have no doubt the Nineteenth Corps was in line. We had then been, I suppose, an hour or an hour and a half in that position."(16)

Passing from disputed, though important, points relating to the battle, all agree that when Sheridan reached his army a battle had been fought and lost to all appearance, and that the Union Army had been forced to retire to a new position. It should also be regarded beyond controversy that the Sixth Corps had been united before his arrival, that broken troops of other commands were being formed on the Sixth, and that the enemy also had been forced to change front, and was arrested in his advance.

Sheridan's presence went far towards giving confidence to his army, and to inspire the men with a spirit of success. While the army loved Wright, and believed in him, his temperament was not such as to cause him to work an army up to a high state of enthusiasm. A deep chagrin over the morning's disaster pervaded our army, and had much to do with the subsequent efforts to win a victory. Sheridan showed himself to the troops by riding along the front, and he was loudly cheered. He assured them of success before the day ended. During the lull in the day's battle some of the broken troops of the Eighth and Nineteenth Corps were reorganized.

Wright resumed command of his corps and Getty his division. Before Sheridan came Wright had instructed his division commanders that he would assume the offensive, and it was understood our army would advance about 12 M., as soon as an ample resupply of ammunition could be issued. Sheridan, however, postponed the time for assuming the offensive until 3 P.M. Early, still filled with high hopes of complete victory, about 1 P.M. pushed forward on our entire front. He did not drive in the strong line of skirmishers, and the attack was easily repulsed. It seemed to me then, as it did to Wright and others, that our whole army should have been thrown against the enemy on this repulse, and thus decided the day. Sheridan, however, adhered to his purpose to act on the defensive until later in the day. A false report that a Confederate column was moving towards Winchester on the Front Royal road caused Sheridan to delay his attack until about 4 P.M.

Early promptly realized that the conditions had changed, that the armies must meet face to face. It will be kept in mind that our army was now fronting southward instead of eastward, and Early's army was forced to face northward instead of westward, as in the morning's battle.

Early, hoping to hold the ground already won and thus reap some of the fruits of victory, retired, on his repulse, beyond the range of our guns, and took up a strong position, with his infantry and artillery, mainly on a natural amphitheatre of hills, centre a little retired, extending from a point north of Cedar Creek near Middle Marsh Brook on his left to and across the turnpike near Middletown, protecting his flanks west of this brook and east of the town with his cavalry and horse artillery. Early employed his men busily for the succeeding two hours in throwing up lunettes or redans to cover his field guns. His men were skillfully posted behind stone fences, common in the Valley, and on portions of his line behind temporary breastworks.

Early, before 12 P.M., wired Richmond he had won a complete victory, and would drive the Union Army across the Potomac. At 4 P.M. our army went forward in single line, with no considerable reserves, but in splendid style. Getty, with his left still on the turnpike, was the division of direction. My orders were to hold my left on Getty's right. Wheaton was to keep connection with my right, and the Nineteenth Corps with the right of the Sixth Corps; and the cavalry, Merritt east of Middletown and Custer on Cedar Creek, to cover the flanks. In verifying my position just before starting, I found troops of Hayes' command filling a space of two or three hundred yards between Getty's right and my left. I discovered Hayes temporarily resting on the ground a short distance in rear of his men, with his staff around him. From him I learned he had no orders to advance, whereupon I requested him to withdraw his men so I could close the interval before the movement commenced. He promptly rose, mounted his horse, and said: "If this army goes forward I will fill that gap, with or without orders." Unfortunately, orders came to him to withdraw, and with others of his corps (Eighth) form in reserve near the turnpike. His withdrawal left, at the last moment, a gap which could only be filled by obliqueing my division to the left as it was moving forward. This produced some unsteadiness in the line, and the right brigade (Emerson's) continued the movement too long, causing some massing of troops in the centre of the division, and some disorder resulted while they were under a severe infantry and artillery fire. This necessary movement also caused an interval between Wheaton's division and mine, thereby imperilling my right. Our attack, however, was not checked until we had gone forward about one mile. The enemy's centre was driven back upon his partially intrenched line on the heights mentioned. This brought my division under a most destructive fire of artillery and infantry from front and flanks. My right flank was especially exposed, as it had gone forward farther than the troops on the right.

The loss in the division was severe, and it became impossible to hold the exposed troops to the charge. They had not fired as they advanced. The division retired a short distance, where it was halted and promptly faced about. In less than five minutes it was again charging the Confederate left centre. The right of Getty's division and Wheaton's left went forward with the second charge, and an advance position in close rifle range of the enemy was gained and held. My division was partly protected by a stone fence located on the north of an open field, while the Confederates held the farther side of the field, about three hundred yards distant, and were also protected by a stone fence as well as by some temporary breastworks. The enemy occupied the higher ground, and the field was lower in the centre than on either side. The battle here was obstinate and, for a time, promised to extend into the night. Early's artillery in my front did little execution, as it was located on the crest of the hills behind his infantry line, and the gunners, when they undertook to work their guns, were exposed to our infantry fire. Wheaton's division and that part of the Nineteenth Corps to his right, though not keeping pace with the centre, steadily gained ground; likewise the cavalry. Getty, though under orders to hold his left on the pike, moved his division forward slowly, making a left half wheel. In this movement Getty's left reached Middletown, and his right swung somewhat past it on the west.

Merritt's cavalry pushed around east of Middletown. At this juncture, Kershaw's division and part of Gordon's division were in front of my right and part of Ramseur's in front of my left. Pegram's and Wharton's divisions were in front of Getty, Wharton being, in part, east of the pike confronting our cavalry. Early's left was held by Gordon's troops, including some of his cavalry.(17) Early now made heroic efforts to hold his position, hoping at night he could withdraw with some of the fruits of victory. Sheridan made every possible exertion to dislodge the enemy, and to accomplish this he was much engaged, personally, on the flanks with the cavalry. Wright, calm, confident, and unperturbed, gave close attention to his corps, and was constantly exposed. I frequently met him at this crisis. He ordered a further charge upon the enemy's centre. This seemed impossible with the tired troops. Preparation was, however, made to attempt it. The firing in this last position had continued for about an hour, during which both sides had suffered heavily. As the sun was going down behind the mountains that autumnal evening it became apparent something decisive must take place or night would end the day of blood leaving the enemy in possession of the principal part of the battle-field.

So confident was Early of final victory that, earlier, in the day, he ordered up his headquarters and supply trains, and by 4 P.M. they commenced to arrive on the field.

It must be remembered that the two armies had been manoeuvring and fighting for twelve hours, with little food or rest and an insufficient supply of water. Exhausted troops may be held in line, especially when under some cover, but it is difficult to move then in a charge with the spirit essential to success. There remained a considerable interval between Wheaton's left and my right. An illustrative incident again occurred here in resupplying our men with ammunition. Three mules loaded with boxes filled with cartridges were conducted by an ordnance sergeant through the interval on my right in open view of both armies, and with indifferent leisure to and behind the stone wall occupied by the Confederates. The sergeant and his party were not fired on. Word was passed along the line for my division to make a charge on a given signal, and all subordinate officers were instructed to use the utmost exertion to make it a success. The incident of the sergeant and his party going into the enemy's line served to suggest to me the possibility of penetrating it with a small body of our soldiers.

Before giving an order to charge, I instructed Colonel Emerson, commanding the First Brigade, to hastily form, under a competent staff officer, a small body of men, and direct them to advance rapidly along the west of a stone wall extending traversely from my right to the enemy's position, and to penetrate through a gap between two of the enemy's brigades, with instructions to open an enfilading fire on him as soon as his flank was reached. The gap was between two of Gordon's brigades. The order was promptly and handsomely executed, and its execution produced the desired effect. Captain H. W. Day (151st New York, Acting Brigade Inspector) was charged with the execution of this order.(18)

The party consisted of about 125 men, each of whom knew that if unsuccessful death or capture must follow. Colonel Moses H. Granger (122d Ohio) voluntarily aided, and, in some sense, directed the movement of this small party. The gap was penetrated on the run and a fire opened on the exposed flanks of the Confederates which started them from the cover of their works and the stone wall. At this juncture the division, as ordered, poured a destructive fire upon the now exposed Confederates, and at once charging across the field, drove the enemy in utter rout. A panic seized Gordon's troops, who were the first struck, then spread to Kershaw's and Ramseur's divisions, successively on Gordon's right.(19)

I quote from the report of Colonel Emerson, commanding my First Brigade, in which he describes the final battle, including the breaking of Early's line:

"The brigade lay here under a fire of shell until about 4 P.M., when Captain Smith came with an order to move forward connecting on the left with the Second Brigade. The brigade moved through the

woods, when it received a very heavy fire on the right flank, under which it was broken, but soon reformed in its old position, and again moved forward to a stone fence, the enemy being behind another stone wall in front with a clear field intervening. There was a stone wall running from the right flank of the brigade to the wall behind which the enemy lay. Some of my men lay scattered along this last named wall. The First Division lay to the right and in advance, nearly parallel with the enemy. Everything appeared to be at a deadlock, with heavy firing of artillery and musketry. At this stage Colonel Keifer, commanding division, came to me and inquired what men were those lying along the wall running from our line to the enemy's, and ordered me to send them forward to flank the enemy and drive them from their position. The execution of the order was entrusted to Captain H. W. Day, Inspector of the [Second] Brigade, who proceeded along the wall, and getting on the enemy's flank dislodged them, when the brigade was moved rapidly forward, in connection with the Second Brigade, and did not stop until we arrived in the works of the Nineteenth Corps, when, in accordance with orders from Colonel Keifer, the brigade went into its position of the morning, got its *breakfast*, and encamped, satisfied that it had done a good day's work before breakfast."(20)

Also from a report of Colonel Ball, commanding Second Brigade:

"About 3 P.M. the whole army advanced in one line upon the enemy. Immediately before advancing the troops were withdrawn to the left, and my left connected with the Second Division, Sixth Army Corps, while my right connected with the First Brigade, Third Division. We advanced half a mile to the edge of the woods, when we were met by a well-directed fire from the right flank. This fire was returned with spirit some fifteen minutes, when the troops wavered and fell back a short distance in some disorder. The Second and Third Divisions gave way at the same time. The line was speedily reformed and moved forward and became engaged with the enemy again, each force occupying a stone wall. Advantage was taken of a wall or fence running perpendicular to and connecting with that occupied by the enemy. After the action had continued here about three quarters of an hour a heavy volley was fired at the enemy from the transverse wall. A hurried and general retreat of the enemy immediately followed, and our troops eagerly followed, firing upon the retreating army as it ran, and giving no opportunity to the enemy to reform or make a stand.

"Several efforts were made by the enemy during the pursuit to rally, but the enthusiastic pursuit foiled all such efforts. Our troops were subject to artillery fire of solid shot, shell, and grape during the pursuit, and we reached the intrenchments of the Nineteenth Army Corps (which were captured in the morning) as the sun set. Here the pursuit by the infantry was discontinued. The first and second, and probably the third colors planted on the recovered works of the Nineteenth Army Corps were of regiments composing this brigade."(21)

General Early tells the effect on his army of penetrating his line by the small body of our troops:

"A number of bold attempts were made during the subsequent part of the day, by the enemy's cavalry, to break our line on the right, but they were invariably repulsed. Late in the afternoon, the enemy's infantry advanced against Ramseur, Kershaw, and Gordon's lines, and the attack on Ramseur and Kershaw's front was handsomely repulsed in my view, and I hoped that the day was finally ours, but a portion of the enemy had penetrated an interval which was between Evans' brigade, on the extreme left, and the rest of the line, when that brigade gave way, and Gordon's other brigades soon followed. General Gordon made every possible effort to rally his men and lead them back against the enemy, but without avail. The information of this affair, with exaggerations, passed rapidly along Kershaw and Ramseur's lines, and their men, under the apprehension of being flanked, commenced falling back in disorder, though no enemy was pressing them, and this gave me the first intimation of Gordon's condition. At the same time the enemy's cavalry, observing the disorder on our ranks, made another charge on our right, but was again repulsed. Every effort was made to stop and rally Kershaw and Ramseur's men, but the mass of them resisted all appeals, and continued to go to the rear without waiting for any effort to retrieve the partial disaster."(22)

The charge of the division resulted in the total overthrow of Early's army. Pegram and Wharton's divisions on our extreme left near Middletown were soon involved in the disaster, and our whole army went forward, meeting little resistance, taking many prisoners and guns, only halting when Early's forces were either destroyed, captured, or driven in the wildest disorder beyond Cedar Creek.(23) Our cavalry under Merritt and Custer pursued until late in the night to Fisher's Hill, south of Strasburg, and made many captures.

It often has been claimed that the cavalry on the right is entitled to the credit of overthrowing Early's army. It is true Custer did make some attempts on Gordon's left and rear, but the appearance of Rosser's cavalry on Custer's right, north and east of Cedar Creek, called him off, and it was not until after Early's position had been penetrated and a general retreat had commenced that Custer again appeared on the enemy's flank and rear. His presence there had much to do with the wild retreat of

Early's men. Custer, who claimed much for his cavalry, and insisted that it captured forty- five pieces of artillery, etc., did not in his report of the battle pretend that his division caused the final break in Early's forces. Speaking of his last charge on the left, Custer says:

"Seeing so large a force of cavalry bearing rapidly down upon an unprotected flank and their line of retreat in danger of being intercepted, the lines of the enemy, already broken, now gave way in the utmost confusion."(24)

Part of Early's artillery and caissons, with ammunition and supply trains, also ambulances and many battle flags, were captured north of Cedar Creek. The cavalry, however, seized, south of the Creek, other substantial fruits of the great victory, including many guns and headquarters baggage and other trains, and some prisoners. A panic seized teamsters on the turnpike; they cut out mules or horses to escape upon, leaving the teams to mingle in the greatest disorder. Drivers of ambulances filled with dead and wounded also fled, and the animals ran with them unguided over the field. The scene was of the wildest ruin. The gloom of night soon fell over the field to add to its appalling character.

The guns lost by the Eighth and Nineteenth Corps were taken in the morning to the public square of Strasburg and triumphantly parked on exhibition. Our cavalry found them there at night. Little that makes up an army was left to Early; the disaster reached every part of his army save, possibly, his cavalry which operated on the remote flanks. In a large sense, Rosser's cavalry, throughout the day, had been neutralized by a portion of Custer's, and Lomax had been held back by Powell on the Front Royal road. Dismay indescribable extended to the Confederate officers as well as the private soldiers. Among the former were some of the best and bravest the South produced. Early himself possessed the confidence of General Lee. Early had, as division commanders, General John B. Gordon (since in the United States Senate), Joseph B. Kershaw, Stephen D. Ramseur, John Pegram, and Gabriel C. Wharton, all of whom had won distinction. Ramseur fell mortally wounded in attempting a last stand near the Belle Grove House, and died there. Early fled from the field, surrounded by a few faithful followers, deeply chagrined and dejected, and filled with unjust censure of his own troops.(25) The next day found him still without an organized army.(26) He seems to have deserved a better fate. His star of military glory had set. It never rose again. A few months later he reached Richmond with a single attendant, having barely escaped capture shortly before by a detachment of Sheridan's cavalry. He finally returned to Southwest Virginia, where Lee relieved him of all command, March 30, 1865.

His misfortunes in the Valley, doubtless, had much to do with his continued implacable hatred to the Union. Sheridan was his nemesis. Just after Kirby Smith had surrendered in 1865 and Sheridan was on his way to the Rio Grande, the latter encountered Early escaping across the Mississippi in a small boat, with his horses swimming beside it. He got away, but his horses were captured.(27)

Sheridan, for his great skill and gallantry, justly won the plaudits of his country, and his fame as a soldier will be immortal, but not alone on account of his victory at Cedar Creek, nor on account of "Sheridan's Ride," as described by the poet Read.(28)

My division, at dark, resumed its camp of the night before, as did other divisions of the army.

When the fifteen hours of carnage had ceased, and the sun had gone down, spreading the gloom of a chilly October night over the wide extended field, there remained a scene more horrid than usual. The dead and dying of the two armies were commingled. Many of the wounded had dragged themselves to the streams in search of the first want of a wounded man—*water*. Many mangled and loosed horses were straggling over the field to add to the confusion. Wagons, gun-carriages, and caissons were strewn in disorder in the rear of the last stand of the Confederate Army. Abandoned ambulances, sometimes filled with dead and dying Confederates, were to be seen in large numbers, and loose teams dragged overturned vehicles over the hills and through the ravines. Dead and dying men were found in the darkness almost everywhere. Cries of agony from the suffering victims were heard in all directions, and the moans of wounded animals added much to the horrors of the night.

"*Mercy* abandons the arena of battle," but when the conflict is ended *mercy* again asserts itself. The disabled of both armies were cared for alike. Far into the night, with some all the long night, the heroes in the day's strife ministered to friend and foe alike, where but the night before our army had peacefully slumbered, little dreaming of the death struggle of the coming day. To an efficient medical corps, however, belong the chief credit for the good work done in caring for the unfortunate.

The loss in officers was unusually great. Besides Colonel Thoburn, killed in the opening of the battle, General D. D. Bidwell fell early in the day, and Colonel Charles R. Lowell, Jr., was killed near its close while leading a charge of his cavalry brigade. Eighty-six Union officers were killed or mortally wounded.

Many distinguished officers were wounded. Of the six officers belonging to my brigade staff who were turned over to Colonel Ball in the early morning, one only (Captain J. T. Rorer) remained

uninjured at night. Two were dead.

All was peaceful enough on the 20th, though on every hand the evidence of the preceding day's struggle was to be seen. The dead of both armies were buried—the blue and the gray in separate trenches, to await the resurrection morn.

I have no purpose to speak of individual acts of bravery. The number of killed and wounded of each army was about the same. The casualties in my division, excluding 36 captured or missing, were, killed, 8 officers and 100 men; wounded, 34 officers and 528 men; total, 670. Wheaton lost, killed and wounded, 470; and Getty, 677. The killed and wounded in the Sixth Corps were 1926, including 109 of its artillery.

Much credit for the victory was given by Sheridan to the cavalry. Its total loss, in the three divisions under Torbert, was, killed, 2 officers and 27 men; wounded, 9 officers and 115 men; total, 153; not one fourth the number killed and wounded in my infantry division alone. The killed and wounded in my old brigade, under Colonel Ball, were 421.

The casualties of the Union Army are shown by the following official table:(29)

	Killed.		Wounded.		Captured or Missing.	Aggregate.
	Officers.	Men.	Officers.	Men.	Men.	
Sixth Army Corps	23	275	103	1525	194	2126
Nineteenth Army Corps	19	238	109	1127	776	2383
Army of West Virginia	7	41	17	253	530	858
Provisional Division	1	11	6	66	18	102
Cavalry	2	27	9	115	43	196
Grand total	52	529	244	3186	1561	5665

The table includes 156 of the artillery, killed or wounded.

The total Union killed and wounded was 4074.

The dead and wounded in the Sixth Corps, and in some other of the infantry divisions approximated twenty per cent. of those engaged. This was larger by six per cent. than similar losses in the French army at Marengo, where Napoleon won a victory which enabled him, later, to wear the iron crown of Charlemagne; by six per cent. than at Austerlitz, the battle of the "Three Emperors"; by eight per cent. than in Wellington's army at Waterloo, where Napoleon's star of glory set; or in either the German or French army at Gravelotte, or at Sedan, where Napoleon III. laid down his imperial crown; and larger by about fifteen per cent. than the average like losses in the Austrian and French armies at Hohenlinden.

"Where drums beat at dead of night,
Commanding the fires of death to light."

The number killed and wounded in this battle is far below that in some other great battles of the Rebellion, yet the loss for the Union Army alone was only a little below the aggregate like losses in the American army from Lexington to Yorktown (1775-1781), and approximately the same as in the American army in the Mexican War, from Palo Alto to the City of Mexico (1846-1848).(30)

If either of two things had not occurred prior to the battle, the result of it might have been different. Had Early not precipitated an attack with an infantry division and Rosser's cavalry on the 13th of October, Wright, with the Sixth Corps, would have gone to Petersburg; and had the *fake* (Longstreet) dispatch of the 16th not been flagged from the Confederate signal station on Three Top Mountain, Torbert, with the cavalry, would have been east of the Blue Ridge on the intended raid. But for the Longstreet dispatch, Sheridan most likely would have tarried in Washington or delayed his movements on his return trip. Could the Sixth Corps, could the cavalry, or could Sheridan have been spared from the battle?

The principal peculiarities of the engagement were: (1) That an ably commanded army was surprised in its camp, and, in considerable part, driven from it at the opening of the battle; (2) that notwithstanding this, it won, at the close of the day, the most signal and complete field-victory of the war, with the possible exception of those won at Nashville and Sailor's Creek; (3) the Confederate Army was destroyed, so there was no battle for the morrow. In most instances during the Rebellion, it transpired that the defeated army sullenly retired only a short way in condition to renew the fight.

Cedar Creek, in some respects, bears a striking analogy to Marengo. Both were dual in character, each two battles in one day; the victors of the morning being the defeated and routed of the evening. Sheridan's victory over Early, like that of Napoleon over Marshal Melas, left no further fighting for the victors the next day. In one other respect, also, the comparison holds good. The commander of each of the finally routed armies sent a message about the middle of the day of battle announcing to his government a great victory, to be followed at sunset with the news of a most signal disaster.

In other respects, how dissimilar? Napoleon was, from the opening to the close of Marengo, on the field, commanding in person, sharing the defeat, then the victory. Sheridan was absent and did not participate in the discomfiture of his army, but was present at the final success. Napoleon, after his repulse, was reinforced by Desaix with 6000 men; but the Army of the Shenandoah, after the disaster of the morning, was reinforced only by its proper commander —Sheridan.

There was not a great disparity of numbers in the opposing armies at Cedar Creek. Probably 20,000 men of all arms were engaged on each side. Relative position and situation of troops must be taken into account, as well as numbers, in determining the strength of one army over another. Early has tried to excuse his defeat by claiming he had the smaller army. In response to this, Sheridan and his Provost-Marshal, Crowninshield, have tried to show that Early lost in captured more men than he claimed he had present for duty.(31) After Opequon and Fisher's Hill Early was reinforced by Kershaw's division of Longstreet's corps, Cutshaw's three batteries, and Rosser's division of cavalry with light artillery, together with many smaller detachments, all of which participated in Cedar Creek. Sheridan received no reinforcements, and Edwards' brigade of the First Division of the Sixth, Currie's of the Nineteenth, and Curtis' of the Eighth Corps were each detached, after Opequon, on other duties, and were not at Cedar Creek. The surprise and breaking up in the morning of the greater parts of Crook's and Emory's corps eliminated them, in large part, from the day's battle, and left the Sixth Corps and the cavalry to wage an unequal contest.

The war closed on the bloody battle-ground of the Shenandoah Valley, so far as important operations were concerned, with Cedar Creek.

President Lincoln appointed me a Brigadier-General by brevet, November 30, 1864; the commission recited the appointment was "for gallant and meritorious services in the battles of Opequon, Fisher's Hill, and Cedar Creek, Virginia," and I was assigned to duty by him as Brigadier-General, December 29, 1864.

Sheridan's army returned to Kearnstown and went into winter quarters.
The Sixth Corps was, however, soon transferred by rail and steamboat,
via Harper's Ferry and Washington, to City Point, rejoining the
Army of the Potomac, December 5, 1864.

(1) *Memoirs of Sheridan*, vol. ii., p. 64.

(2) *Manassas to Appomattox* (Longstreet), p. 574.

(3) *War Records*, vol. xliii., Part I., p. 580, Captain Hotchkiss' Journal.

(4) *War Records*, vol. xliii., Part I., p. 580.

(5) General Ricketts was supposed to be mortally wounded. His wife a second time came to him on the battle-field. He was taken to Washington, his home, and slowly recovered. He was able again to perform some field service near the close of the war. He died of pneumonia, September 22, 1887, and is buried at Arlington.

(6) Major A. F. Hayden, of Wright's staff, while the battle was raging in the early morning, was seen galloping towards me with one hand raised to indicate he had some important order. Just before reaching me he was shot through the body and plunged off his horse on the hard ground, rolling over and over until he lay almost in a ball. He was borne off in a blanket for dead. In February following I met him on a steamer on the Chesapeake returning to duty, and I saw him again at the Centennial in Philadelphia in 1876.

(7) *War Records*, vol. xliii., Part I., p. 132.

(8) *War Records*, vol. xliii., Part I., p. 53.

(9) *Memoirs of Sheridan*, vol. ii., pp. 68-82.

(10) In one account Sheridan fixes his arrival at 9 A.M. In his *Memoirs* at 10.30 A.M. (p. 86). Getty, in his report of November, 1864, says, "Sheridan arrived at between 11 A.M. and 12 M." I made a note

(still preserved), of the time Sheridan was seen by me riding up to the rear of Getty's division.

(11) *Memoirs*, p. 82.

(12) These facts are as stated in a private letter from General Getty to the writer, dated December 31, 1893.

(13) Here is an extract from a letter of General Wright to me, dated July 18, 1889:

"Orders had been given by me for the establishment of the lines, and Getty's and your divisions (the Second and Third) were in position, and Wheaton's (First) and the Nineteenth Corps were coming into position when General Sheridan arrived upon the ground. I advised him of what had been done and what it was intended to do, and he made no change in the dispositions I had made. Indeed, as I understand, he fully approved them. . . . General Sheridan did later make some change in the disposition of the cavalry."

(14) *Memoirs*, vol. ii., pp. 82, 85.

(15) Colonel Moses M. Granger, of the Second Brigade, Third Division, says: "It is plain that our brigade was in line on Getty's right a considerable time before Sheridan's arrival."— *Sketches War History*, vol. iii., p. 124.

(16) This extract is from remarks of General Hayes made at a Loyal Legion banquet in Cincinnati, May 6, 1889. *Sketches War History*, vol. iv., p. 23.

(17) *War Records*, vol. xliii., Part I., p. 581.

(18) *War Records*, vol. xliii., Part I., p. 228, 234, 251-2, 202.

(19) *Ibid.*, p. 562 (Early's Report).

(20) *War Records*, vol. xliii., Part I., p. 234.

(21) *War Records*, vol. xliii., Part I., p. 250-1.

(22) *Battles and Leaders*, etc., vol. iv., p. 528.

(23) *War Records*, vol. xliii., Part I., pp. 562-3, 580.

(24) *Ibid.*, p. 524.

(25) *War Records*, vol. xliii., Part I., pp. 562-3.

(26) Napoleon once remarked, "How much to be pitied is a general the day after a lost battle!"

(27) *Memoirs of Sheridan*, vol. ii., p. 211.

(28) The distance from Winchester to Middletown is twelve miles.

(29) *War Records*, vol. xliii., Part I., pp. 131, 137.

(30) Great events in war are not always measured by the quantity of blood shed. Sherman's dead and wounded list on his march from "Atlanta to the Sea" was only 531. *Life of Grant* (Church), pp. 297-8.

(31) *Battles and Leaders*, etc., vol. iv., p. 532.

CHAPTER XI Peace Negotiations—Lee's Suggestion to Jefferson Davis, 1862— Fernando Wood's Correspondence with Mr. Lincoln, 1862—Mr. Stephens at Fortress Monroe, 1863—Horace Greeley—Niagara Falls Conference, 1864—Jacquess-Gilmore Visits to Richmond, 1863-4—F. P. Blair, Sen., Conference with Mr. Davis, 1865—Hampton Roads Conference, Mr. Lincoln and Seward and Stephens and Others, 1865—Ord-Longstreet, Lee and Grant Correspondence, 1865, and Lew Wallace and General Slaughter, Point Isabel Conference, 1865.

The war had now lasted nearly four years, with varied success in all the military departments, and the people North and South had long been satiated with its dire calamities. There had, from the start, been an anti-war party in the North, and in certain localities South there were large numbers of loyal men, many of whom joined the Union Army. The South was becoming exhausted in men and means. The blockade had become so efficient as to render it almost impossible for the Confederate authorities to get foreign supplies. It seemed to unprejudiced observers that the Confederacy must soon collapse. Sherman in his march from "Atlanta to the Sea" had cut the Confederacy in twain. It was without gold

or silver, and its paper issues were valueless and passed only by compulsion within the Confederate lines. Provisions were obtainable only by a system of military seizure. The Confederacy had no credit at home or abroad; and there was a growing discontent with President Davis and his advisers. There also came to be a feeling in the South that slavery, in any event, was doomed. Lastly, the "cradle and the grave" were robbed to fill up the army; this by a relentless draft. The Confederate Congress passed an act authorizing the incorporation into the army of colored men—slaves. This was not well received, though General Lee approved of the policy, suggesting, however, that it would be necessary to give those who became soldiers, freedom.(1)

Notwithstanding the desperate straits into which the Confederacy had fallen it still had in the field not less than 300,000 well- equipped soldiers, generally well commanded, and, although forced to act on the defensive, they were very formidable.

The officers and soldiers of the Union Army longest in the field, though confident of final and complete success, desired very much to see the war speedily terminated—to return to their families and to peaceful pursuits. This desire did not show itself so much as in discontent as in a restless disposition towards those in authority, who, it might be supposed, could in some way secure a peace. The credit of the United States remained good; its bonds commanded ready sale at home and abroad, yet an enormous debt was piling up at the rate of $4,000,000 daily, and its paper currency was depreciated to about thirty-five per cent. of its face value. These and many other causes led to a general desire for peace. On both sides, those in supreme authority were unjustly charged with a disposition to continue the war for ulterior purposes when it had been demonstrated that it was no longer justifiable.

This retrospect seems necessary before giving a summary of the various efforts to negotiate a peace. About the first open suggestion to that end came from General Robert E. Lee in a letter to President Davis written at Fredericktown, Maryland, September 8, 1862. This was just after the Second Bull Run, during the first Confederate invasion of Maryland and in the hey-day of the Confederacy. Davis was requested to join Lee's army, and, from its head, propose to the United States a recognition of the independence of the Confederate States. Lee in this letter showed himself something of a politician. He urged that a rejection of such a proposition would throw the responsibility of a continuance of the war on the Union authorities and thus aid, at the elections, the party in the country opposed to the war.(2) Nothing, however, came of this suggestion of Lee.

Fernando Wood, who had kept himself in some sort of relations with President Lincoln, though at all times suspected by the latter, pretended in a letter to him, dated December 8, 1862, to have "reliable and truthful authority" for saying the Southern States would send representatives to Congress provided a general amnesty would permit them to do so. The President was asked to give immediate attention to the matter, and Wood suggested "that gentlemen whose former social and political relations with the leaders of the *Southern revolt* may be allowed to hold unofficial correspondence with them on this subject."

Mr. Lincoln, whose power to discern a sham, or a false pretense, exceeded that of any other man of his time, promptly responded: "I strongly suspect your information will prove groundless; nevertheless, I thank you for communicating it to me." He said further to Mr. Wood that if "the *people* of the Southern States would cease resistance, and would re-inaugurate, submit to, and maintain the national authority within the limits of such States, the war would cease on the part of the United States, and that if, within a reasonable time, a full and general amnesty were necessary to such an end, it would not be withheld." The President declined to suspend military operations "to try any experiment of negotiation." He expressed a desire for any "exact information" Mr. Wood might have, saying it "might be more valuable before than after January 1, 1863," referring, doubtless, to the promised Emancipation Proclamation. Wood's scheme, evidently having no substantial basis, aborted.(3)

Others, about the same time, pestered Mr. Lincoln with plans and schemes for the termination of the war. One Duff Green, a Virginia politician, wrote from Richmond in January, 1863, asking the President for an interview "to pave the way for an early termination of the war." He asked the same permission from Jeff. Davis. His efforts came to nothing.

Alexander H. Stephens, Vice-President of the Confederacy, conceiving, in the early summer of 1863, that the times were auspicious for peace negotiations, wrote Mr. Davis, asking to be sent to Washington, ostensibly to negotiate about the exchange of prisoners, but really to try to "turn attention to a general adjustment, upon such basis as might be ultimately acceptable to both parties, and stop the further effusion of blood." He assured Mr. Davis he had but one idea of final adjustment—"the recognition of the sovereignty of the States." Mr. Davis wired Stephens to repair to Richmond, and he arrived on June 22, 1863. Davis and his Cabinet appear to have seconded, with some heartiness, Stephens' scheme; all thinking it might result in aiding the "peace party" North. The Confederate

leaders had been greatly encouraged by the gains of the Democratic party in the elections of 1862; by repeated attacks on the Administration by some of Lincoln's party friends; by public meetings held in New York City at which violent and denunciatory speeches were listened to from Fernando Wood and others, and by the nomination of Vallandigham for Governor of Ohio. The military situation was critical to both governments when Stephens reached Richmond. Pemberton was besieged and doomed to an early surrender at Vicksburg. On the other hand Lee was invading Pennsylvania, having just gained some successes in the Shenandoah Valley; and there was a great battle imminent on Northern soil. Stephens was directed to proceed by the Valley to join Lee, and from his headquarters try to reach Washington. Heavy rains and bad roads deterred the frail Vice- President. At length the Secretary of the Confederate Navy sent him in a small steamer (the *Torpedo*) under a flag of truce, accompanied by Commissioner Robert Ould as his secretary, to Fortress Monroe. He wrote from this place a letter to Admiral S. P. Lee in Hampton Roads, of date of July 4, 1863, saying he was "bearer of a communication in writing from Jefferson Davis, *Commander-in- Chief* of the land and naval forces of the Confederate States, to Abraham Lincoln, *Commander-in-Chief* of the land and naval forces of the United States," and that he desired to go to Washington in his own vessel. The titles by which Mr. Lincoln and Mr. Davis were designated had been previously determined on by Davis and his advisers. Anticipating there might be objection to the latter being referred to as President of the Confederacy, the foregoing was adopted as likely to be least objectionable. It was, however, solemnly agreed at Richmond that if the designations or titles adopted were such as to cause Mr. Stephens' communication to be rejected, he was to say that he had a communication to "President Lincoln from the President of the Confederacy." If this were objectionable as an apparent recognition of Davis as President of an independent nation, then Mr. Stephens' mission was to forthwith terminate. Admiral Lee wired to Mr. Lincoln Mr. Stephens' arrival, his mission, and desire to proceed to Washington. Mr. Lincoln did not stand on punctilio. He was, at first, inclined to send a long dispatch refusing Mr. Stephens permission to go to Washington, and saying nothing would be received "assuming the independence of the Confederate States, and anything will be received, and carefully considered by him, when offered by any influential person or persons, in terms not assuming the independence of the so-called Confederate States." This was, however, decided to be too much in detail, and the Secretary of the Navy was ordered to telegraph Admiral Lee:

"The request of A. H. Stephens is inadmissible. The customary agents and channels are adequate for all needful communication and conference between the United States and the insurgents."

This ended Mr. Stephens' first plans to secure peace. He, in his book written since the war, admits or pretends that the ulterior purpose of his proposed trip to Washington was, through a correspondence that would be published, "to deeply impress the growing constitutional (*sic!*) party at the North with a full realization of the true nature and ultimate tendencies of the war . . . that the surest way to maintain their liberties was to allow us the separate enjoyment of ours."(4)

Great events took place the day Mr. Stephens reached Fortress Monroe. Vicksburg fell and Lee was, on that memorable Fourth of July, sending off his wounded, preparatory to a retreat from the fated field of Gettysburg.

Horace Greeley, a sincere enemy to slavery, who had somehow become imbued with the notion that the Administration was responsible for a prolongation of the war, became restless and complaining. He, at the head of the New York *Tribune*, gave vent to much criticism, which encouraged those in rebellion, and their friends in the North. He listened to all sorts of pretenders and, finally, was duped into the belief that a peace could be made through some Southern emissaries in Canada. An adventurer calling himself "William Cornell Jewett of Colorado," from Niagara Falls, July 5, 1864, wrote Mr. Greeley:

"I am authorized to say to you . . . that two ambassadors of Davis & Co. are now in Canada with full and complete powers for peace, and Mr. Sanders requests that you come on immediately to me at Cataract House to have a private interview; or, if you will send the President's protection for him and two friends, they will come on and meet you. He says the whole matter can be consummated by *me, you, them, and President Lincoln*.(5)

Mr. Greeley was seemingly so impressed with this as an opening for peace that he wrote a dictatorial letter to Mr. Lincoln reminding him of the long continuance of the war; asserting the country was dissatisfied with the manner in which it was conducted and averse to further calls for troops; avowing that there was a widespread conviction that the government did not desire peace; rebuking the President for not having received Mr. Stephens the year before, and prophesying that unless there were steps taken to show the country that honest efforts were being made to secure an early settlement of our difficulties the Union party would be defeated at the impending Presidential election. Greeley suggested this wholly impracticable and impossible plan of adjustment: (1) The Union to be restored and declared perpetual; (2) slavery abolished; (3) complete amnesty; (4) payment of

$400,000,000 to slave States for their slaves; (5) the slave States to have representation based on their total population, and (6) a national convention to be called at once. With a tirade on the condition of the country and its credit and more warnings as to the coming election, Mr. Greeley concluded by demanding that negotiations should be opened with the persons at Niagara.

Mr. Lincoln, though without faith in either the parties in Canada or Greeley's plan, wrote the latter, July 9th, saying:

"If you can find any persons, anywhere, professing to have any proposition of Jefferson Davis in writing, for peace, embracing the restoration of the Union, and abandonment of slavery, whatever else it embraces, say to him he may come to me with you, and that if he really brings such proposition he shall at the least have safe conduct with the paper (and without publicity if he chooses) to the point where you shall have met him. The same if there be two or more persons."

The President, thus prompt and frank, utterly surprised and disconcerted Mr. Greeley. Mr. Lincoln had accepted two main points in Greeley's plan—restoration of the Union and abandonment of slavery, and waived all others for the time being. The next day Mr. Greeley replied by repeating reproaches over what he called the "rude repulse" of Stephens, saying he thought the negotiators would not "open their budgets"; referring to the importance of doing something to aid the elections, and indicating that he might try to get a look into the hand of the Niagara parties. Again, on the 13th, he wrote Mr. Lincoln he had reliable information that Clement C. Clay of Alabama and Jacob Thompson of Mississippi were at Niagara Falls duly empowered to negotiate for peace, adding that he knew nothing as to terms, and saying that it was high time the slaughter was ended. The President, still without the slightest faith in Greeley or his Canada negotiators, but stung with the unjust assumption that he was averse to peace, wired Mr. Greeley, on the 15th:

"I was not expecting you to send me a letter, but to bring me a man or men," and saying a messenger with a letter was on the way to him.

The letter of Mr. Lincoln was brief, but met the case:

"Yours of the 13th is just received, and I am disappointed that you have not already reached here with those commissioners, if they would consent to come, on being shown my letter to you of the 9th inst. Show that and this to them, and if they will come on the terms in the former, bring them. I not only intend a sincere effort for peace, but I intend you shall be a personal witness that it is made."

Mr. Greeley, on this letter being placed in his hands, expressed much embarrassment, but decided to go in search of the Canada parties provided he had a safe conduct for C. C. Clay, Jacob Thompson, James P. Holcombe, and George N. Sanders to Washington, in company with himself. The safe conduct was obtained through John Hay, the messenger. On Mr. Greeley's arrival at Niagara he fell into the hands of "Colorado Jewett," his vainglorious correspondent, and through him addressed Clay, Thompson, and Holcombe this letter:

"I understand you are duly accredited from Richmond as the bearers of propositions looking to the establishment of peace; that you desire to visit Washington in fulfilment of your mission; and that you further desire that George N. Sanders shall accompany you. If my information be thus far substantially correct, I am authorized by the President of the United States to tender you his safe conduct on the journey proposed, and to accompany you at the earliest time that will be agreeable to you."

Mr. Greeley, in this communication, ignored all the conditions in Mr. Lincoln's letters to him. Notwithstanding this, two of the persons named responded (Thompson not having been with Clay and Holcombe), saying they had no credentials to treat on the subject of peace, and hence could not accept his offer. Clay and Holcombe did say something about being acquainted with the views of their government, and if permitted to go to Richmond could get, for themselves or others, proper credentials. Mr. Greeley reported the situation, asking of the President further instructions. It now became apparent to everybody connected with the farce that if it was kept up further, Mr. Lincoln would be put in the attitude of suing the Confederacy for a peace. Lincoln determined to end the situation and at the same time define his position before the world, clearly. He dispatched John Hay to Niagara with this famous letter:

"To Whom it May Concern: Any proposition which embraces the restoration of peace, the integrity of the whole Union, and the abandonment of slavery, and which comes by and with an authority that can control the armies now at war with the United States, will be received and considered by the Executive of the United States, and will be met by liberal terms on other substantial and collateral points, and the bearer or bearers thereof shall have safe conduct both ways.

"Abraham Lincoln."

This explicit letter was communicated to Holcombe at the Clifton House by Greeley and Hay. Mr. Greeley seems to have expressed to Jewett his regret over the "sad termination of the initiatory steps taken for peace, from the charge made by the President in his instructions given him." Nothing could have been more unjust. The Confederate emissaries wrote a long letter to Mr. Greeley, which they gave to the public, arraigning Mr. Lincoln for bad faith. They assumed Mr. Greeley had been sent by the President, on Mr. Lincoln's own motion, to invite them to Washington to confer as to a peace. It does not appear that Mr. Greeley tried to disabuse the public mind of this error or to make known the truth. He claimed to regard the safe conduct of July 16th as a wavier of all the President's precedent terms; also of his own previously expressed terms. The President did not think best to publish the whole correspondence, preferring to suffer the injustice in silence. Mr. Greeley continued in a bad state of mind. He refused to visit Mr. Lincoln, as requested, for a conference. He wrote the President on the 8th and again on the 9th of August, 1864, abusing certain Cabinet officers, reiterating his reproaches of Mr. Lincoln for not receiving Mr. Stephens, censuring him for not sending, after Vicksburg, a deputation to Richmond to ask for peace, complaining to him for not sending the "three biggest" Democrats in Congress to sue for peace, saying, however, little of his Niagara Falls fiasco, but adding: "Do not let the month pass without an earnest effort for peace," and closing his last letter thus:

"I beg you, implore you, to inaugurate or invite proposals for peace forthwith. And in case peace cannot now be made, consent to an *armistice for one year*, each party to retain, unmolested, all it now holds, but the rebel ports to be opened. Meantime, let a national convention be held, and there will surely be no more war at all events."

This suggestion of an armistice for one year and the opening of the rebel ports, was equivalent to proposing to give one year for the Confederacy to recuperate at home and from abroad; to strengthen its credit, to arrange new combinations, and to tie the hands of its friends of the Union and the Administration, to say nothing of the confession of failure to suppress the insurrection.

While Mr. Greeley was a Union man and had, throughout his public life, opposed slavery, he had no faith in war, nor did he have any of the instincts of a soldier to enable him to discern its tendencies. He was personally friendly, it may be assumed, to the President, but hostile to Mr. Seward, Secretary of State, and probably intensely jealous of all the distinguished generals of the army. Greeley had long been, through the *Tribune*, a recognized factor in moulding public opinion, and now that war had come to absorb all other interests, his power and influence through the press had waned. He was wholly impracticable in executive matters. His failure to inaugurate a peace and to attain prominence in administrative affairs during the war embittered him through life towards his old- time party friends.

A review of Mr. Lincoln's course relating to Mr. Greeley's attempts to negotiate a peace shows the former acted with the utmost candor, and submitted, for the time, to the latter's dictatorial course and the unjust charge of wavering and acting in bad faith, rather then crush his old friend or endanger the general cause for selfish glory.(6)

Though in a sense inaugurated in 1863, another quite as futile attempt to bring about peace was in progress in July, 1864. James F. Jaquess, Colonel of the 73d Illinois, serving in Rosecrans' army —a Methodist Episcopal clergyman, a D.D.—in May, 1863, wrote to James A. Garfield, Chief of Staff, calling attention to the fact that his church had divided on the slavery question; saying that the Methodist Episcopal Church South had been a leading element in the Rebellion and prominent in the prosecution of the war; that a considerable part of the territory of that church South was in the possession of the Union Army; that from its ministers, once bitterly opposed to the Union, he had learned in person:

"That they consider the Rebellion has killed the Methodist Episcopal Church South; that it has virtually obliterated slavery, and all the prominent questions of difference between the North and the South; that they are desirous of returning to the 'Old Church'; that their brethren of the South are most heartily tired of the Rebellion; and that they most ardently desire peace, and the privilege of returning to their allegiance to church and state, and that they will do this on the first offer coming from a reliable source. . . . And from these considerations, but not from these alone, but because God has laid the duty on me, I submit to the proper authorities the following proposition, viz.: *I will go into the Southern Confederacy and return within ninety days with terms of peace that the government will accept*."

He further stated;

"I propose no compromise with traitors—but their immediate return to allegiance to God and their country. . . . I propose to do this work in the name of the Lord; if He puts it in the hearts of my superiors to allow me to do it, I shall be thankful; if not, I have discharged my duty."

This letter Rosecrans forwarded to Mr. Lincoln, approving Jacquess' application. The President, seeing the difficulties, wrote Rosecrans saying Jacquess "could not go with any government authority,"

yet left to Rosecrans the discretion to grant the desired furlough. The furlough was granted. Jacquess, finding a mere furlough or church influence would not aid him in getting into the Confederate lines, repaired to Baltimore and besought General Schenck to send him *via* Fort Monore to Richmond. Schenck wired the President (July 13th) Jacquess' wishes and was answered: "Mr. Jacquess is a very worthy gentleman, but I can have nothing to do, directly or indirectly, with the matter he has in view." The Colonel, however, persuaded Schenck to send him to Fort Monroe, from whence he reached Richmond through the connivance of officers conducting the exchange of prisoners. In eleven days he was again in Baltimore asking the President by letter to grant him permission to report the "valuable information and proposals for peace" he had obtained. This permission was not granted. Mr. Lincoln well understood that he could have nothing official to report, and that in the brief time he was South he could have gained no reliable information concerning public sentiment. After lingering in Baltimore a little, this preacher- colonel rejoined his regiment. It does not appear that he ever made, even to Rosecrans or Garfield, any detailed report of this his first trip to Richmond. Though his efforts had so far failed, he was not discouraged, but with faith characteristic of his class, resolved upon another effort. He now associated with him one J. R. Gilmore, a lecturer and literary character known as "Edmund Kirke," who had spent some time in the Western armies. Both were enthusiastic, but their zeal constituted their principal merit in the matter attempted. The President declined a personal interview with Jacquess, but gave, July, 1864, Gilmore a pass, over his own signature, to Grant's headquarters, with a note to Grant to allow both "to pass our lines with ordinary baggage and go South." Mr. Gilmore had previously (June 15, 1864) written Mr. Lincoln telling him something of what Jacquess would propose. In substance he would say: "Lay down your arms and resume peaceful pursuits; the Emancipation Proclamation tells what will be done with the blacks; amnesty will be granted the masses, and no terms with rebels. The leaders to be allowed to seek safety abroad, and at the end of sixty days not one of them must be found in the United States." On the 16th, these two men passed from Butler's lines and were allowed to proceed, under surveillance, to Richmond. Next day they asked, through Secretary of State Judah P. Benjamin, for an interview with "President Davis," which was accorded them at nine o'clock that night, both Davis and Benjamin being present.

The volunteer envoys were politely received, and the interview lasted two hours. It seems that Jacquess and Gilmore did not even mention the plan referred to in the latter's letter to Mr. Lincoln. This was, however, immaterial, as they had no authority to submit anything. They asked Mr. Davis if the "*dispute*" was not "narrowed down to this: Union or Disunion." Davis answered: "Yes, or independence or subjugation." The "envoys" suggested that the two governments should go to the people with two propositions: (1) "Peace with disunion and Southern independence," (2) "Peace with Union, emancipation, no confiscation, and universal amnesty." A vote to be taken on these propositions within sixty days, in which the citizens of the whole United States should participate; the proposition prevailing to be abided by. Pending the vote there should be an armistice. Mr. Davis promptly said:

"The plan is wholly impracticable. If the South were only one State it might work; but as it is, if only one State objected to emancipation, it would nullify the whole thing: for you are aware the people of Virginia cannot vote slavery out of South Carolina, nor the people of South Carolina vote it out of Virginia."

The interview proceeded on these lines without approaching agreement. It is evident that the "envoys" were overmatched by Davis and Benjamin, and were subjected to a charge of ignorance of the form of their own government. Davis indulged in some *bluff* about caring nothing for slavery, as his slaves were already freed by the war; and he declared the Southern people "will be free"—will govern themselves, if they "have to see every Southern plantation sacked and every Southern city in flames." Davis also announced that he would be pleased, at any time, to receive proposals "for peace on the basis of independence. It will be needless to approach me on any other."

The interview being over, Jacquess and Gilmore got quickly back into the Union lines, and North. The latter published an account of the interview in the *Atlantic Monthly* for September, 1864. His account does not materially differ from Benjamin's sent to the Confederate diplomatic agents in Europe, or Davis' in his *Rise and Fall of the Confederacy*.(7)

On the whole the publication of the story of this visit to Richmond did much good to the Union cause in the pending Presidential campaign. The story closed the mouths of the peace factionists, though a few of Mr. Lincoln's party friends, fearing the result of the election, continued to demand more tangible testimony of his disposition to negotiate a peace; this largely for the purpose of its effect on the November election.

Henry J. Raymond, Chairman of the Republican National Executive Committee, at a meeting of the committee in New York, apprehensive of McClellan's nomination and possible election as President, August 22, 1864, indited a panicky letter to Mr. Lincoln, expressing great fear of the latter's defeat at the polls, giving some unfavorable predictions as to the result of the election by E. B. Washburne,

Governor Morton, Simon Cameron, and others, deploring the failure of the army to gain victories, and assigning as a cause for reaction in public sentiment:

"The impression is in some minds, the fear and suspicion in others, that we are not to have peace in any event under this Administration until slavery is abandoned."

Continuing:

"In some way or other the suspicion is widely diffused that we can have peace with Union if we would. It is idle to reason with this belief—still more idle to denounce it. It can only be expelled by some authoritative act, at once bold enough to fix attention and distinct enough to defy incredulity and challenge respect."

Raymond was bold enough to ask that a commission be appointed to offer "peace to Davis, as the head of the rebel armies, on the sole condition of acknowledging the supremacy of the Constitution—all other questions to be settled in a convention of the people of all the States." He stated that if the proffer were accepted the people would put the execution of the details in loyal hands; if rejected "it would plant seeds of disaffection in the South and dispel all delusions about peace that prevail in the North." He demanded the proposal should be made at once, as Mr. Lincon's "spontaneous act." Mr. Raymond seemed to express the concurrent views of his Republican associates.(8) Three days later he and his committee reached Washington to personally urge prompt action on the President. In the light of recent attempts at Niagara and Richmond the Raymond proposition was inadmissible, yet Mr. Lincoln resolved, if the step must be taken, to again make the proposer the instrument to demonstrate its folly. The President wrote a letter of instructions, which he felt he might have to give to Mr. Raymond, authorizing him to proceed to Richmond, and propose to "Honorable Jefferson Davis that upon the restoration of the Union and the national authority, the war shall cease at once, all remaining questions to be left for adjustment by peaceful modes." If this proposition were not accepted, Mr. Raymond was then "to request to be informed what terms, if any, embracing the restoration of the Union, would be accepted." "If the presentation of any terms embracing the restoration of the Union" were declined, then Mr. Raymond was directed to "request to be informed what terms of peace would be accepted; and on receiving any answer report the same to the Government."

It will be noticed that in the Raymond letter the President left out all reference to slavery. In previous ones he had insisted on the *abandonment of slavery by the South* as well as the restoration of the Union. On questions of amnesty, confiscation, and all other matters the President was ready to grant everything to the South.(9)

This letter was never delivered. Mr. Raymond, in personal interviews with Mr. Lincoln, became convinced the latter understood the situation and the sentiment of the country better than he and his committee did, and the matter was dropped.

It must not be assumed that the President for a moment gave up his long settled purpose to insist on the abolition of slavery as a condition of peace. In his annual Message to Congress, December, 1864, in expressing his views and purposes on the subject of terminating the war, he says:

"In presenting the abandonment of armed resistance to the national authority on the part of the insurgents as the only indispensable condition to ending the war on the part of the government, I retract nothing heretofore said as to slavery. I repeat the declaration made a year ago, that 'While I remain in my present position I shall not attempt to retract or modify the Emancipation Proclamation nor shall I return to slavery any person who is free by the terms of that proclamation, or by any of the acts of Congress.' If the people should, by whatever mode or means, make it an Executive duty to re-enslave such persons, another, and not I, must be their instrument to perform it. In stating a single condition of peace, I mean simply to say that the war will cease on the part of the government whenever it shall have ceased on the part of those who began it."

Mr. Lincoln was triumphantly re-elected, but notwithstanding this and the foreshadowed collapse of the Confederacy, Francis P. Blair, Sen., a veteran statesman who had flourished in Jackson's time, came forward in the hope that he might become a successful mediator between the North and the South. He personally gave the President hints of his wishes in this respect, but received from the latter no encouragement, save the remark: "Come to me after Savannah falls." Sherman took Savannah, December 22, 1864. Mr. Lincoln, without permitting Mr. Blair to reveal to him his plans in detail, on December 28th, wrote and signed a card: "Allow the bearer, F. P. Blair, Sr., to pass our lines, go South, and return."

With this credential Mr. Blair went to Grant at City Point, and under a flag of truce sent communications to "Jefferson Davis, President," etc., etc. The effect of one of the messages was to request an interview with Mr. Davis to confer upon plans that might ultimately "lead to something

practicable"—peace. After some vexatious delay, Mr. Blair was allowed to go to Richmond, where, January 12, 1865, Davis accorded him an interview.

Mr. Blair explained to Mr. Davis that he came without President Lincoln's knowledge of his plans but with the latter's knowledge of his purpose to try and open peace negotiations. After some preliminary talk Mr. Blair read to Mr. Davis an elaborate paper containing his "suggestions." These covered a reference to slavery, "the cause of all our woes," saying it was doomed and hence no longer an insurmountable obstruction to pacification, adding that as the South proposed to use slaves to "conquer a peace," and to secure its independence, "their deliverance from bondage" must follow.(10) With slavery abolished, Mr. Blair suggested the war against the Union became a war for monarchy. Reference was then made to Maximilian's reign in Mexico, under Austrian and French protection, and of its danger to free institutions by establishing a "Bonaparte-Hapsburg dynasty on our Southern flank." Mr. Davis was complimented over his position being such as to be the instrument to avert the danger. It was suggested that Juarez at the head of the "Liberals of Mexico" could be persuaded to "devolve all the power he can command on President Davis—a dictatorship if necessary —to restore the rights of Mexico." Mr. Davis was to use his veteran Confederates and Mexican recruits, with, if necessary, "multitudes of the army of the North, officers and men" to drive out the invaders, uphold the Monroe Doctrine, and thus "restore the Mexican Republic." Mr. Blair further suggested that if Mr. Davis accomplished all this it would "ally his name with Washington and Jackson as a defender of the liberty of the country" and if "in delivering Mexico he should model its States in form and principle to adapt them to our Union and add a new Southern constellation to its benignant sky," he would attain further glory. This and more talk of like kind seemed to command Davis' attention, for Mr. Blair says he pronounced the scheme "possible to be solved." Mr. Davis declared he was "thoroughly for popular government."

There was nothing agreed upon, though the interview covered much ground as reported by Mr. Blair. Mr. Davis was evidently anxious for some arrangement, for on the 12th of January he addressed to Mr. Blair, who was still in Richmond, a note saying among other things he had "no disposition to find obstacles in forms," and was willing "to enter into negotiations for peace; that he was ready to appoint a commissioner to meet one on the part of the United States to confer with a view to secure peace to the *two countries*." This note was carried to Washington by Mr. Blair and shown to President Lincoln, who, January 18th, addressed him a note saying, he had constantly been and still was ready to appoint an agent to meet one appointed by Mr. Davis, "with the view of securing peace to the people of our *one common country*." With Mr. Lincoln's note Mr. Blair returned to Richmond, and without any authority from any source, shifted to a new project, namely, that Grant and Lee should be authorized to negotiate. This failed to ripen into anything. Mr. Lincoln's note proffering negotiations looking alone to "peace to the people *of our one common country*" placed Mr. Davis in a great dilemma. The situation was critical in the extreme. The Confederate Congress had voted a lack of confidence in Mr. Davis; Sherman had not only marched to the sea, but was moving up the Atlantic coast through the Carolinas; Lee reported his army had not two days' rations; and many of Davis' advisers had declared success impossible. At last Mr. Davis, on consultation with Vice- President Stephens and his Cabinet, decided to appoint a commission, composed of Mr. Stephens, Senator R. M. T. Hunter, and ex-Secretary of War John A. Campbell. This commission was directed (January 28, 1865) to go to Washington for informal conference with President Lincoln "*upon the issues involved in the existing war, and for the purpose of securing peace to the two countries*." Mr. Davis was advised by his Secretary of State, Mr. Benjamin, to instruct the commissioners to confer upon the subject of Mr. Lincoln's letter. The instructions were not in accordance with Mr. Lincoln's note, nor were they warranted by anything he had ever said. Notwithstanding this, the commissioners appeared at the Union lines and asked permission to proceed to Washington as "Peace Commissioners." On this being telegraphed to Washington, Major Eckert of the War Department was sent to Grant's headquarters, with directions to admit them, provided they would say, in writing, they came to confer on the basis of the President's note of January 18th. Before Major Eckert arrived, they had, in violation of their instructions, asked permission "to proceed to Washington to hold a conference with President Lincoln upon the subject of the existing war, and with a view of ascertaining upon what terms it may be terminated, in pursuance of the course indicated by him in his letter to Mr. Blair of January 18, 1865." They were admitted to Grant's headquarters and Mr. Lincoln was advised of their last request. The latter sent Secretary Seward to Fortress Monroe to meet them. Seward was, in writing, instructed to make known to the commissioners that three indispensable things were necessary: "(1) The restoration of the national authority throughout all the States. (2) No receding by the Executive on the slavery question from the position assumed thereon in the late annual Message. (3) No cessation of hostilities short of the end of the war, and the disbanding of all forces hostile to the government." On other questions the Secretary was instructed to say the President would act "in a spirit of sincere liberality." Mr. Seward was not definitely to consummate anything. He started to meet the commissioners on February 1st. Meantime, on the same day, Major Eckert had met them at City Point and informed them of the President's requirements, to which they responded by presenting Davis' written instructions. Major Eckert at once notified them they could not proceed unless strictly in

compliance with Mr. Lincoln's terms. This seemingly put an end to the mission of Stephens, Hunter, and Campbell. Grant, being impressed with their anxiety to secure a peace, wired Stanton his impression, and expressed regret that Mr. Lincoln could not have an interview with Stephens and Hunter, if not all three, before their return. The President on reading Grant's dispatch decided to meet the commissioners in person at Fortress Monroe. Mr. Lincoln joined Mr. Seward at this place on the *River Queen*, where they were met by the commissioners on the morning of February 3d. The conference which ensued was wholly without significance. The President was frank and firm, standing by his hitherto announced ultimatum. Stephens tried to talk about Blair's Mexican scheme; about an armistice and some expedient to "give time to cool." Mr. Lincoln met all suggestions by saying: "The restoration of the Union is a *sine qua non;*" and that there could be no armistice on any other terms. It is not absolutely certain what was, in detail, proposed or rejected on either side, as no concurrent report was made of the conference and reporters were excluded from it. Mr. Lincoln, according to the commissioners, declared the road to reconstruction for the insurgents was to disband "their armies and permit the national authorities to resume their functions." The President stated he would exercise the power of the Executive with liberality as to the confiscation of property. He is reported to have said also that the effect of the Emancipation Proclamation was to be decided by the courts, giving it as his opinion that as it was a war measure, it would be inoperative for the future as soon as the war ceased; that it would be held to apply only to such slaves as had come under its operation. Mr. Seward called attention to the very recent adoption by Congress of the Thirteenth Amendment to the Constitution. The commissioners report him as saying that if the seceding States would agree to return to the Union they might defeat the ratification of the amendment.

It is apparent that some coloring entered into the statements of Mr. Stephens and party. About the only good point made in the talk about which there is no controversy was made by Mr. Lincoln. Mr. Hunter, in attempting to persuade the latter that there was high precedent for his treating with people in arms, cited the example of Charles I. of England treating with his subjects in armed rebellion. To this the President answered: "*I do not profess to be posted in history. On all such matters I will turn you over to Mr. Seward. All that I distinctly recollect about the case of Charles I. is that he lost his head*."

The commissioners reached Richmond much disappointed, and reported their failure. The effect on the South was depressing. Mr. Stephens seemed to give up the Confederate cause at this time; he departed from Richmond, abandoned the Rebellion and went into retirement.(11) Mr. Davis transmitted his commissioners' report to the Confederate Congress, stating that no terms of settlement could be obtained "other than the conqueror might grant." The last flicker of the Hampton Roads conference was seen in a public meeting held at the African Church in Richmond, February 6, 1865, at which bravado speeches were made by Mr. Davis and others. Mr. Davis announced a belief that they would "compel the Yankees, in less than twelve months, to petition us for peace on our own terms."(12)

General E. O. C. Ord, commanding the Army of the James, about February 20th, attempted to inaugurate another peace conference to be conducted through military channels, aided by the wives of certain officers of the two armies. To this end he secured, on a trivial pretext, an interview with General James Longstreet, then commanding the Confederate forces immediately north of Richmond. Ord, in the interview, referred to the Hampton Roads' conference, stating (according to Longstreet) that the politicians North were afraid to touch the question of peace; that there was no way to open the subject save through officers of the armies; that on the Union side the war had gone on long enough, and that the army officers "should come together as former comrades and friends and talk a little." Ord is reported as saying that the "work as belligerents" should cease; Grant and Lee should have a talk; that Longstreet's wife with a retinue of Confederate officers should first visit Mrs. Grant within the Union lines; that then Mrs. Grant should return the call at Richmond under escort of Union officers, and that thus the ladies could aid Generals Grant and Lee in fixing up peace on terms honorable to both sides. Longstreet took kindly to Ord's talk. Lee met Longstreet at President Davis' house in Richmond. Breckinridge (then Secretary of War) was present. At this meeting it was decided that Longstreet was to seek a further interview with Ord and see how the subject could be opened between Grant and Lee. Longstreet summoned his wife from Lynchburg to Richmond by telegraph. About the last day of February, Ord and Longstreet had another meeting at which Ord suggested that if Lee would write Grant a letter, the latter was prepared to receive it, and thus a military convention could be brought about. Longstreet reported the result of the talk with Ord, and Lee, March 1st, wrote Grant that he was informed that Ord, in a conversation relating to "the possibility of arriving at a satisfactory adjustment of the present *unhappy difficulties* by means of a military convention," had stated that if Lee desired an interview with Grant on the subject, the latter would not decline, provided Lee had authority to act. Lee, in his letter, said he was fully authorized in the premises, and proposed a meeting at the place proposed by Ord and Longstreet, on Monday the 6th. Accompanying Lee's letters was the usual "by-play" letter on an immaterial subject. Grant, on receiving Lee's communication, wired its substance to Secretary Stanton, who laid the matter before President Lincoln at his room at the Capitol whither he had gone to sign bills the last night of a session of Congress. Mr. Lincoln, without advice from any

person, took his pen, and with his usual precision wrote:

"The President directs me to say that he wishes you to have no conference with General Lee unless it be for capitulation of General Lee's army, or on some minor or purely military matter. He instructs me to say that you are not to decide, discuss, or confer upon any political questions. Such questions the President holds in his own hands, and will submit them to no military conferences or conventions. Meantime you are to press to the utmost your military advantages."

This perfectly explicit dispatch was shown to Mr. Seward, then handed to Mr. Stanton, who signed and sent it the night of March 3, 1865. Grant, the next day, answered Lee in the light of the dispatch, saying:

"In regard to meeting you, I would state that I have no authority to accede to your proposition for a conference on the subject proposed. Such authority is vested in the President of the United States alone."(13)

Thus ended the Ord-Longstreet attempt to patch up a peace.

There was one more remarkable attempt made (before Lee surrendered) to bring about a peace in part of the Confederacy. General Lew Wallace was ordered, January 22, 1865, "to visit the Rio Grande and Western Texas on a tour of inspection." Shortly after his arrival at Brazos Santiago, by correspondence with the Confederate General J. E. Slaughter, commanding the West District of Texas, and a Colonel Ford, he arranged for a meeting with them at Point Isabel (General Wallace to furnish the refreshments), nominally to discuss matters relating to the rendition of criminals, but really to talk about peace. The conference took place March 12th. General Wallace assumed only to negotiate a peace for States west of the Mississippi. He did not profess to have any authority from Washington, nor did he offer to make the terms final. He must have been wholly ignorant of the President's dispatch to Grant of March 3d. Wallace's plan was, at Slaughter and Ford's instance, reduced to writing, and addressed to them, to be submitted to the Confederate General J. G. Walker, commanding the Department of Texas. Here it is:

"_Proposition.

"I. That the Confederate military authorities of the Trans- Mississippi States and Territories agree voluntarily to cease opposition, armed and otherwise, to the re-establishment of the authority of the United States Government over all the region above designated.

"II. The proper authorities of the United States on their part guarantee as follows:

"1. That the officers and soldiers at present actually comprising the Confederate Army proper, including its *bona fide attaches* and employees, shall have, each and all of them, a full release from and against actions, prosecutions, liabilities, and legal proceedings of every kind, so far as the government of the United States is concerned: *Provided*, That if any of such persons choose to remain within the limits of the United States, they shall first take an oath of allegiance to the same. If, however, they or any of them prefer to go abroad for residence in a foreign country, all such shall be at liberty to do so without obligating themselves by an oath of allegiance, taking with them their families and property, with privileges of preparation for such departure.

"2. That such of said officers and soldiers as thus determine to remain in the United States shall, after taking the oath of allegiance to the United States Government, be regarded as citizens of that government, invested as such will all the rights, privileges, and immunities now enjoyed by the most favored citizens thereof.

"3. That the above guaranties shall be extended to all persons now serving as civil officers of the national and State Confederate governments within the region above mentioned, upon their complying with the conditions stated, viz., residence abroad or taking the oath of allegiance.

"4. That persons now private citizens of the region named shall also be included in and receive the same guaranties upon their complying with the same conditions.

"5. As respects rights of property, it is further guaranteed that there shall be no interference with existing titles, liens, etc., of whatever nature, except those derived from seizures, occupancies, and procedures of confiscation, under and by virtue of Confederate laws, orders, proclamations, and decrees, all of which shall be admitted void from the beginning.

"6. It is further expressly stipulated that the right of property in slaves shall be referred to the discretion of the Congress of the United States.

"Allow me to say, in conclusion, that if the above propositions are received in the spirit they are sent, we can, in my opinion, speedily have a reunited and prosperous people.

"Very truly, gentlemen, your friend and obedient servant,

"Lew Wallace,
"Major-General of Volunteers, U. S. Army."(14)

General Wallace forwarded this pretentious proposition, with an elaborate letter, through General Dix to General Grant, who received both about March 29, 1865, but probably made no response thereto.

The Confederate officers submitted the plan to their chief, who, besides severely reprimanding them for entertaining it, wrote General Wallace, March 27, rejecting the proposition, "as to accede to it would be the blackest treason"; adding, that "whenever there was a willingness to treat as equal with equal, an officer of your high rank and character, clothed with proper authority, will not be reduced to the necessity of seeking an obscure corner of the Confederacy to inaugurate negotiations."

The whole story of attempts to negotiate a peace is grotesque, yet the conditions surrounding the North and the South and the stress of the times speak in defence of the ambitious spirits who came to the front and essayed, by negotiations, to put an end to the war. Providence had another, more fitting and consummate, ending in store, whereby the war should produce results for the good of mankind commensurate with its cost in tears, treasure, and blood.

(1) *Life of R. E. Lee*, White (Putnam's), pp. 416-17.

(2) *Manassas to Appomattox*, p. 204.

(3) *Lincoln* (Nicolay and Hay), vol. vii., pp. 367-8.

(4) *War Between the States*, vol. ii., pp. 557-62, 780; *Lincoln* (Nicolay and Hay), vol. vii., pp. 371-4.

(5) Jewett must have attended school where the master required the class to parse the sentence, "*Dog, I, and father went a- hunting*."

(6) *Lincoln* (Nicolay and Hay), vol. ix., pp. 184-200.

(7) Vol. ii., p. 610. Also see *Lincoln* (N. and H.), vol. ix., pp. 201-2.

(8) The attitude of the Democratic party caused the political friends of President Lincoln the deepest anxiety. In its National platform adopted at Chicago, August 30, 1864, it demanded, "that after four years of failure to restore the Union by the experiment of war, immediate efforts should be made for a cessation of hostilities, with a view to an ultimate convention of the States, or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal Union of the States."

(9) *Lincoln* (Nicolay and Hay), vol. ix., pp. 216-21.

(10) If the reader is curious to know what effort was made by the Confederate authorities to enlist slaves and free negroes as soldiers, he will find interesting correspondence on the subject between Davis, Lee, Longstreet, and others. *War Records*, vol. xlvi., Part III., pp. 1315, 1339, 1356, 1348, 1366, 1370.

(11) Alexander H. Stephens had a small body, small head, and his whole appearance was that of a most emaciated person. For many years of his life he was in most delicate health; so feeble he could not stand or walk. He was moved about in a chair with wheels. His intellect, however, was strong and elastic, and his voice was sufficient to enable him to make a public speech. He wrote much. He was not always consistent in his views. He opposed secession, then advocated it; then again denied that secession was warranted by the Constitution. I knew him well in Congress after the war. He asserted when some of his Democratic brethren were denying Mr. Hayes' title to the Presidency, that it was superior to the title of any President who had preceded him—that by virtue of the decision of the commission, it had become *res adjudicata*.

(12) *Lincoln* (Nicolay and Hay), vol. x., pp. 113-31; *Lost Cause* (Pollard), pp. 684-5; *War between States* (Stephens), vol. ii., pp. 597, 608-12.

(13) *Manassas to Appomattox* (Longstreet), pp. 584-7; *Lincoln* (Nicolay and Hay), vol. x., pp. 157-8.

(14) *War Records*, vol. xlviii., Part I., p. 1281.

CHAPTER XII Siege of Richmond and Petersburg—Capture and Re-capture of Fort Stedman, and Capture of Part of the Enemy's First Line in Front of Petersburg by Keifer's Brigade, March 25, 1865—Battle of Five Forks, April 1st—Assault and Taking of Confederate Works on the Union Left, April 2d—Surrender of Richmond and Petersburg, April 3d—President Lincoln's Visit to Petersburg and Richmond, and His Death

The Sixth Corps, as we have seen, returned from its memorable campaign in Maryland and the Shenandoah Valley to the front of Petersburg about December 5, 1864. It relieved a portion of the Fifth Corps. The right of my brigade rested on the Weldon Railroad, extending to the left to include Forts Wadsworth and Keene. On the night of the 9th, with other troops, the brigade went on an expedition to Hatcher's Run, returning the next day. Again the Sixth Corps constructed winter quarters. The brigade was moved, February 9, 1865, to the extreme left of the army, near the Squirrel Level road, where it took up a position including Forts Welch, Gregg, and Fisher, of which the first two were unfinished and the last named was barely commenced. The brigade completed the construction of these forts. Colonel McClennan, with the 138th Pennsylvania, also occupied Fort Dushane on the rear line.

The brigade, a third time for the winter, constructed quarters.

Discipline in the army continued in all its severity. During my entire service but one instance occurred where I was required to execute a Union soldier of my command. Private James L. Hicks, of the 67th Pennsylvania, a boy nineteen years old, was found guilty of desertion. He had deserted to go to Philadelphia, his home, in company with a soldier of another command, much his senior, who had forged a furlough for himself and Hicks. Both were arrested, returned to the army, and convicted and sentenced to be shot. General Meade ordered me to execute the sentence as to Hicks, February 10, 1865. The man who was largely responsible for Hicks' desertion succeeded, through friends, in inducing President Lincoln to commute his sentence to imprisonment at the Dry Tortugas. I was aware of efforts being made to have Hicks' sentence likewise commuted, and I tried to reach the President with communications asking the same leniency for Hicks. So certain was I that Lincoln had or would reprieve Hicks that I failed to have him shot on the day named. Some officious persons reported my dereliction to Meade, who thereupon (with some censure) ordered me to shoot Hicks on the next day, and to report in person the fact of the shooting. This order I was obliged to obey. The brigade was drawn up on three sides of a square, with ranks opened facing each other, and in the centre of the fourth and open side a grave was dug and a coffin was placed beside it. The condemned soldier was marched between the ranks of the command, preceded by a drum and fife band, playing the "dead-march," and then was taken to the coffin, where he was blindfolded and required to stand in front of six men armed with rifles, five only of which were loaded with ball. At the command "*Fire!*" from a designated officer, the guns were discharged and poor Hicks fell dead. He was placed in the coffin and forthwith buried. On the same day word came that Lincoln had pardoned Hicks.

Wright's corps became the left of the besieging army, and all the troops were constantly on the alert, never less than one tenth of them on guard or in the trenches.

The several corps of the Army of the Potomac were then commanded as follows: Second, by General A. A. Humphreys; Fifth, by General G. K. Warren; Sixth, by General H. G. Wright; the Ninth, by General J. G. Parke. The last named was on the right and in part south of the Appomattox. The Army of the James was north of Richmond and the James, commanded by General B. F. Butler, until relieved, on the request of General Grant, January 8, 1865, when General E. O. C. Ord succeeded him.

The army under Grant had been engaged since June, 1864, besieging Richmond and Petersburg with no signal success. It had, however, held the main army of the Confederacy closely within intrenchments where it could do little harm, and was difficult to provide with supplies. Prior to this siege the Army of the Potomac had met the enemy, save at Gettysburg, on his chosen battle-fields, and in its forward movements had been forced to attack breastworks, assail the enemy in mountain passes or gaps, force the crossings of deep rivers, always guarding long lines of communications over which supplies must be brought, and it was at all times the body-guard of the Capital—Washington.

The Confederate Army under Lee, when the last campaign opened, was strongly fortified from the James River above Richmond, extending around on the north to the James below Richmond; thence to and across the Appomattox; thence south of Petersburg extending in an unbroken line westward to the vicinity of Hatcher's Run, with interior lines of works and forts for use in case the outer line was forced. Longstreet commanded north of the James. Generals R. S. Ewell, R. H. Anderson, A. P. Hill, and John B. Gordon commanded corps of the Army of Northern Virginia south of Petersburg and the James, the whole under Lee. At the last, Ewell commanded in Richmond and its immediate defences. The Confederates had water-batteries and naval forces on the James immediately below Richmond. Their forts and connecting breastworks had been laid out and constructed by skilled engineers, on a gigantic scale, with months, and, in some places, years of labor. On most of the main line there were enclosed

field-forts, a distance of a quarter to a half mile apart, connected by strong earthworks and some masonry, the whole having deep ditches in front, the approaches to which were covered by *abattis* composed of pickets sunk deep in the ground close together, the exposed ends sharpened, and placed at an angle of about forty- five degrees, the points of the pickets about the height of a man's face. There were in place *chevaux-de-frise* and other obstructions. These fortifications could not be battered down by artillery; they had to be scaled. They contained many guns ranging from 6 to 200- pounders, all well manned. The Union lines conformed, generally, to the Confederate lines and were near to them, but, being the outer, were necessarily the longer. Richmond and Petersburg were twenty miles apart. The Union works were substantially of the same structure and strength as the Confederate.

Forts Welch, Gregg, and Fisher, and connecting works, held by six of my regiments, formed a loop on the extreme left, to prevent a flank attack. These forts were about nine miles from City Point, Grant's headquarters. In the centre of the loop was a high observation tower.(1) In our front the Confederates had an outer line of works to cover their pickets, and we had a similar one to protect ours. The main lines were, generally, in easy cannon range, in most places within musket range, and the pickets of the two armies were, for the most part, in speaking distance, and the men often indulged in talking, for pastime. Except in rare instances the sentinels did not fire on each other by day, but sometimes at night firing was kept up by the Confederates at intervals to prevent desertion. During the last months of the siege, circulars were issued by Grant offering to pay deserters for arms, accoutrements, and any other military supplies they would bring with them, and to give them safe conduct north. The circulars were gotten into the enemy's lines by various devices, chief among which was, by flying kits at night when the wind blew in the right direction, to the tail of which the circulars were attached. When the kites were over the Confederate lines the strings were cut, thus causing them to fall where the soldiers might find them.(2) So friendly were the soldiers of the two armies that by common consent the timber between the lines was divided and cut and carried away for fuel. Petersburg was in plain view, to the northeast, from my headquarters. In front of my line an event took place which brought about the speedy overthrow of the Confederacy.

With Sherman moving triumphantly northward through the Carolinas the time was at hand for the final campaign of the Army of the Potomac. President Lincoln and General Grant were each anxious that army should, without the direct aid of the Western army, overcome and destroy the Army of Northern Virginia, which it had fought during so many years with varying success.(3)

Grant issued orders, March 24, 1865, for a general movement, to commence the 29th; the objective of the movement to be the Confederate Army as soon as it could be forced out of the fortifications.

At the time Grant was writing these orders, Lee was planning an assault to break the Union lines, hoping he might gain some material success and thereby prevent an aggressive campaign against him. General Gordon, accordingly, at early dawn, March 25th, assaulted Fort Stedman, and, by a surprise, captured it and a portion of our line adjacent to it; but Union troops, from the right and left, assailed and recaptured the works and about four thousand of Gordon's command, the Union loss in killed, wounded, and captured being about twenty-five hundred. This daring attack, instead of delaying, precipitated the preparatory work of opening the campaign. About 1 P.M. I received an order to send two regiments to my advanced line with orders to charge and carry the outer line of the enemy. The latter was strongly intrenched and held by a large number of men, besides being close under the guns of the Confederate main works. The 110th and 122d Ohio were moved outside the forts, and Colonel Otho H. Binkley was ordered to take command of both regiments and the picket guard. He charged the enemy, but being unsupported on the flanks and being exposed to a fierce fire from guns in the enemy's main works, was forced to retire after suffering considerable loss. I protested, vehemently, against the renewal of the attack with so small a force. General Wright thereupon ordered me to assemble the number of men necessary to insure success, take charge of them in person, and make the desired capture. I added to the Ohio regiments mentioned the 67th Pennsylvania, portions of the 6th Maryland and 126th Ohio, and a battalion of the 9th New York Heavy Artillery, and under a severe fire, at 3 P.M., without halting or firing, charged over the enemy's first intrenched line, capturing over two hundred prisoners. Notwithstanding a heavy artillery fire concentrated upon us the captured works were held. Our loss was severe and hardly compensated for by the number of the enemy killed and captured. For my part in this affair I was complimented by Meade in general orders.

It turned out that the section of works taken was more important to us than first estimated.

Sheridan, with his cavalry, having recently arrived from the Shenandoah Valley *via* the White House, moved to the left on the 29th of March in the direction of Dinwiddie Court-House, where he encountered a considerable force. A battle ensued on the 30th and 31st, in which Sheridan with his cavalry, in part dismounted, fought some of the best cavalry and infantry of Lee's army, the former commanded by Fitzhugh Lee and the latter by Pickett of Gettysburg fame. By using temporary barricades, Sheridan, though outnumbered, repulsed the attacks of Fitz Lee and Pickett, and at

nightfall of the 31st was in possession of the Court-House.

In consequence of incessant rain for two days Grant, from his headquarters, then on Gravelly Run, issued orders the evening of the 30th to suspend all further movements until the roads should dry up; but he was visited by Sheridan and persuaded to continue the campaign. Sheridan asked that the Sixth Corps should be ordered to follow and support him.(4) He claimed this corps had served under him in the Valley and its officers were well known to him. His request was not acceded to, as other work was already assigned to Wright. Grant ordered Meade to send the Fifth Corps under General G. K. Warren to reinforce Sheridan. Meade was directed to "*urge Warren not to stop for anything*." Sheridan, April 1st, determined to press the enemy, regardless of bad roads and his isolated position. Pickett and Fitz Lee, heavily reinforced from Lee's main army, concentrated in front of Five Forks, where they intrenched.

Warren was ordered to push rapidly on the left of the enemy. Sheridan promptly opened battle, but he was hard pressed throughout the day. Warren, for some not satisfactorily explained cause, did not arrive on the field and bring his three infantry divisions into action until late in the day, but yet in time to strike the enemy on his left and rear, as had been planned. Just at night a combined assault of all arms completely overthrew Pickett and Fitz Lee, taking six of their guns, thirteen battle-flags, and nearly six thousand prisoners. The Confederates who escaped were cut off from the remainder of Lee's army and thrown back on the upper Appomattox.

Warren, in the full flush of the victory, was, by Sheridan, with Grant's previous authority, relieved on the battle-field from the command of his corps for the alleged dilatory march to the relief of the imperilled cavalry. Warren had long commanded the Fifth Corps, and was beloved by it. But the fates of war were inexorable. The removal of Warren was perhaps unjust, in the light of the previous conduct of the war. He had not been insubordinate. He had imbibed the notion too often theretofore acted on, that in the execution of an important order, even when other movements depended on it, the subordinate officer could properly exercise his own discretion as to the time and manner of its execution. Warren was a skilled engineer officer and held too closely in an emergency to purely scientific principles. He had none of Sheridan's precipitancy, and did not believe in violating, under any circumstances, principles of war taught by the books. Before a subsequent court of inquiry Warren produced what appeared to be overwhelming testimony from experienced and distinguished officers of the army to the effect that he had moved his corps to Five Forks with the energy and celerity usually exhibited by an officer of ordinary skill and ability.

Sheridan was called as a witness before the same court, and when interrogated, corroborated the other officers' testimony, adding, that it was not an officer of *ordinary* skill and ability that was required to meet an emergency when a battle was on, but one of *extraordinary* skill and ability; that officers of the former class were plenty, but they were not fit to command an army corps in time of battle. Sheridan wanted an officer like Desaix, who, by putting his ear to the ground, heard the thunder of the guns at Marengo, though far off, and marched to their sound without awaiting orders, and to the relief of Napoleon, arriving in time to turn defeat into victory, though losing his own life. Warren had many friends and sympathizers, but he died many years after the war of a broken heart.

In anticipation of Sheridan's success, orders were issued for the Sixth Corps to assault Lee's main fortifications on Sunday morning, April 2d. The place selected for the assault was in front and a little to the left of Forts Fisher and Welch and directly opposite the intrenched line taken by me on March 25th. (5) Other corps to the right of the Sixth were ordered to be ready to assault also. It was originally intended the troops should be formed in the quiet of the night, and that the assault should be made, as a surprise, at four o'clock in the morning. Grant, fearing that Lee, in the desperation of defeat at Five Forks, would strip his fortified lines of troops to overwhelm and destroy Sheridan, now fairly on Lee's right flank, at 10 P.M. on the night of the 1st ordered all his guns turned loose from the James to the Union left, to give the appearance of a readiness to do just what had been ordered to be done. This fire brought a return fire all along the lines. The night was dark and dismal, and the scene witnessed amid the deafening roar of cannon was indescribably wild and grand. Duty called some of us between the lines of cross-fire when the screaming shot and bursting shell from perhaps four hundred heavy guns passed over our heads. The world's war-history described no sublimer display. Being near the end of the Rebellion, the Confederacy, and the institution of slavery, it was a fitting closing scene. It was supposed that in consequence of this artillery duel, which lasted about two hours, the assault ordered would be abandoned, as a surprise was not possible. But at 12, midnight, the order came to take position for the attack. The Sixth Corps, in the gloom of the damp, chilly night, silently left its winter quarters and filed out to an allotted position within about two hundred yards of the mouths of the enemy's cannon, there to await the discharge of a gun from Fort Fisher, the signal for storming the works. There were no light hearts in the corps that night, but there were few faint ones. The soldiers of the corps knew the strength and character of the works to be assailed. They had watched their completion; they knew of the existence of the *abattis* and the deep ditches to be passed, as well as the

high ramparts to be scaled. The night added to the solemnity of the preparation for the bloody work.

The Second Division was formed on the right, the Third Division on the left, each in two lines of battle, about two hundred feet apart. The First Division (Wheaton's) was in echelon by brigades, in support on Getty's right.(6) The corps was formed on ground lower than that on which the enemy's fortifications were constructed. There was an angle in the enemy's line in front of the corps as formed at which there was a large fort. Getty's division was to assault to the right and Seymour's to the left of this fort. My brigade was to assault between it and the fort about a third of a mile to its left. The connecting breastworks were strong, as has been explained, with a deep ditch and formidable *abattis* in their front, and well manned and supplied with artillery. The enemy was alert and opened fire on us with artillery and musketry before we were completely formed, inflicting some loss. Long before the hour for the signal the corps was ready. Much preparation is necessary for a well delivered assault. Every officer should be personally instructed as to his particular duties, as commands can rarely be given after the troops are in motion. The pioneer corps with axe- men were required to accompany the head of the column, to cut down and remove obstructions and to aid the soldiers in crossing trenches and scaling the works. The *abattis* was to be cut down or torn up, and, wherever possible, used in the ditches to provide means of crossing them.

A narrow opening, just wide enough for a wagon to pass through, was known to exist in the enemy's line in front of my brigade, though it was skillfully covered by a shoulder around it. The existence of this opening was discovered from the observation tower, and deserters told of it. I determined to take advantage of it, and therefore instructed Colonel Clifton K. Prentiss of the 6th Maryland when the time for the attack came to move his regiment by the flank rapidly through this opening without halting or firing, and when within, open on the Confederates behind the works, taking them in flank, and, if possible, drive them out and thus leave for our other troops little resistance in gaining an entrance over the ramparts.

At 4.40 A.M., while still dark, a gray light in the east being barely discernible, Fort Fisher boomed forth a single shot. All suspense here ended. Simultaneously the command, "*Forward*," was given by all our officers, and the storming column moved promptly; the advance line, with bayonets fixed, guns not loaded, the other line with guns loaded to be ready to fire, if necessary, to protect those in advance while passing the trenches. A few only of the officers were on horseback. The enemy opened with musketry and cannon, but the column went on, sweeping down the *abattis*, making use of it to aid in effecting a passage of the deep ditches and to gain a footing on the berme of the earthworks. Muskets and bayonets were also utilized by thrusting them into the banks of the ditches to enable the soldiers to climb from them. Men made ladders of themselves by standing one upon another, thus enabling their comrades to gain the parapets. The time occupied in the assault was short. Colonel Prentiss with his Marylanders penetrated the fortifications at the opening mentioned. They surprised the enemy by their presence and a flank fire, and, as anticipated, caused him to fall back. The storming bodies swarmed over the works, and the enemy immediately in their front were soon killed, wounded, captured, or dispersed. Ten pieces of artillery, three battle-flags, and General Heth's headquarters flag were trophies of my command. The Third Division gained an entrance first, owing to the shortness of the distance it had to pass over. Getty's division (Second), however, promptly obtained a foothold within the fortifications to the right of the angle, followed on its right closely by Wheaton's division. The fort at the salient angle was quickly evacuated, and the corps charged forward, taking possession of the enemy's camps. Some hand- to-hand fighting occurred on the ramparts of the fortifications and in the camps, in which valuable lives were lost. A Confederate soldier emerged from a tent, shot and killed Captain Henry H. Stevens (110th Ohio), and immediately offered to surrender. One week before a like incident occurred in my presence, where a Confederate officer shot, with a pistol, a Union soldier, then threw down his arms and proposed to surrender. Officers seldom restrained soldiers from avenging, on the spot, such cowardly and unsoldierly acts. Such incidents were, happily, very rare.

Though thus far the assault had been crowned with success, the greatest danger was still before us. Experience had taught that the fate which one week before befell Gordon at Fort Stedman was a common fate of troops who, in a necessarily broken state, gained an entrance inside of an energetic enemy's lines. Our position was not dissimilar to Gordon's after he had taken Fort Stedman. To our left was a strong, closed star-fort, well manned and supplied with cannon. It was impossible at once to restore order. Many of our men passed, without orders, far to the north, some as far as the Southside Railroad leading into Petersburg, which they began to tear up.

One important incident must be mentioned.

Corporal John W. Mouk (138th Pennsylvania), with one comrade, having penetrated in the early morning some distance in advance of our other troops, was met by a Confederate general officer, accompanied by his staff. The general demanded his surrender, whereupon the corporal fired and killed him. He proved to be Lieutenant-General A. P. Hill, then in command of Lee's right wing, and one of the

ablest officers the Confederacy produced. The corporal and his comrade escaped, and Hill's staff bore his body away. It has been claimed the corporal deceived Hill by pretending to surrender until the General was in his power, then shot him. I investigated this incident at the time and became convinced the corporal practised no deception, and that his deliberate conduct—natural to him—led Hill and his staff to assume he intended to surrender.

But to return to the captured works. I entered them on horseback, with some of my staff, close after Colonel Prentiss. Up to this time no general orders had been given, save those promulgated prior to the assault. The ranks were much broken, regiments were intermingled, and excitement prevailed. I was charged with the duty of carrying the next fort to our left. The steady fire on us from this fort helped to recall the troops to a sense of danger. Day was just dawning. I ordered Major S. B. Larmoeaux (9th New York Heavy Artillery) to man such of the captured artillery as was available. He soon had four guns firing on the fort, under cover of which I ordered a general rush of the still disordered Union troops on the fort. This charge resulted in its capture with six more guns and a number of prisoners. The real danger was still not passed. It was soon discovered that a Confederate division was advancing on us from a camp to our left. As the men now in the captured fort were in a disorganized state I made, with the aid of other officers, every effort to withdraw the surplus men for the purpose of formation and to relieve it of a too crowded condition for defence. We also tried to man the guns of the fort. Before we were prepared the enemy was upon us in a counter charge, and the fort, with its guns, was lost, and some of our men were taken; the greater number, however, escaped to a position still within the captured lines. In this affair not many were killed or wounded. The final ordeal was now on us. From the fort again came shot, shell, and rifle-balls on our unprotected men. Under cover of the fire of the before-mentioned captured artillery (having, by that time, discovered an ample supply of ammunition) we succeeded in making a somewhat confused formation, and again charged the fort. The resistance was obstinate, but it was now light enough to distinguish friend from foe. Though of short duration, the most determined and bloody fight of the day took part on the ramparts of and in this fort, resulting in our again taking it, and with it its guns and most of the Confederate division. The brave Colonel Prentiss as he led a storming column over the parapet of the fort, was struck by a ball which carried away a part of his breast-bone immediately over his heart, exposing its action to view. He fell within the fort at the same moment the commander of the Confederate battery fell near him with what proved to be a mortal wound. These officers, lying side by side, their blood commingling on the ground, there recognized each other. They were brothers, and had not met for four years. They were cared for in the same hospitals, by the same surgeons and nurses, with the same tenderness, and in part by a Union chaplain, their brother. The Confederate, after suffering the amputation of a leg, died in Washington in June, 1865, and Colonel Prentiss died in Brooklyn, N. Y., the following August.

Our hard fighting and bloody work for the day ended with the struggle just described. We, a little later, with others of the corps, swept to the left to the vicinity of Hatcher's Run, carrying everything before us. We then, with the other divisions of the corps, turned back towards Petersburg, reaching an inner line of works by 10 A.M.

General Parke with the Ninth Corps made a vigorous assault in front of Fort Sedgwick near the Jerusalem plank-road at the same time the Sixth made its assault, and with some success, but failed to gain a permanent footing inside of the enemy's main fortifications. The Sixth Corps alone made a secure lodgment within Lee's lines. It made a rift in the Confederacy.

The army then believed the end of the war was near, but blood enough had not yet been spilled to destroy human slavery.

General Ord, who had been transferred from the front of Richmond, met and drove back some troops on Hatcher's Run, and Sheridan advanced from Five Forks to the Appomattox, thence, uniting with Ord, proceeded down it towards Petersburg. The left of Grant's army was thrown across the Southside Railroad to the Appomattox above Petersburg, and some isolated inner forts were taken, and the enemy was crowded into his last line in the suburbs of Petersburg. Grant ordered a general assault to be made at 6 A.M. of the 3d. Thus far, since the general movement commenced, Lee had lost about 12,000 prisoners and about 50 guns. The killed and wounded were not proportionately great. Lee had been forced to withdraw Longstreet from north of Richmond, leaving his lines there very slimly defended.(7) General Weitzel had been left with a division north of the James to threaten Richmond. Lee, early on the 2d, realized the critical situation, and at 10.30 of that memorable Sabbath morning wired Mr. Breckinridge, Secretary of War, at Richmond:

"I see no prospect of doing more than holding our position here until night. I am not certain I can do that. If I can I shall withdraw to-night north of the Appomattox, and, if possible, it will be better to withdraw the whole line to-night from James River. I advise that all preparations be made for leaving Richmond to- night. I will advise you later according to circumstances."

This was handed to Mr. Davis while at church. He arose quietly and retired, but the portent of the message was soon known and caused great consternation among the inhabitants of the Confederate Capital. For almost four years Richmond had been the defiant centre of the rebellion. Now it was to be abandoned on less than twelve hours' notice.

Jefferson Davis wired Lee:

"The Secretary of War has shown me your dispatch. To move to-night will cause the loss of many valuables, both for the want of time to pack and of transportation. Arrangements are progressing, and unless you otherwise advise the start will be made."

Lee responded:

"I think it absolutely necessary that we should abandon our position to-night. I have given all the necessary orders on the subject to the troops, and the operation, though difficult, I hope will be performed successfully. I have directed General Stevens to send an officer to your Excellency to explain the routes to you by which the troops will be moved to Amelia Court-House, and furnish you with a guide and any assistance you may require for yourself."(8)

Richmond and Petersburg were evacuated the night of April 2d. The troops in and around the two cities commenced to retire at 8 P.M., and were directed to concentrate at Amelia Court-House, about sixty miles distant, where Lee had ordered supplies for his army to be collected. Ewell withdrew the troops north of Richmond and the marines from the James. There was insufficient transportation for the archives and other valuables of the several departments of the Confederacy, to say nothing of other public and private property. Army supplies had to be destroyed or abandoned. A panic seized the city, and in burning some public stores it took fire in two places, and but for the arrival, about 8 A.M. of the 3d, of Union troops from Weitzel's command, it would have burned down. Petersburg suffered little in the evacuation. Its mayor and council surrendered it about 4 A.M. of the 3d. The besieging army, so long striving for its possession, was not permitted to enter it.

President Lincoln was at City Point when the movement of Grant's army commenced, and remained until Richmond and Petersburg fell. Grant, on the 2d, in anticipation of further success, suggested that the President visit him at the front next day. Mr. Lincoln accordingly met Grant in Petersburg the morning of its surrender and held an interview with him of an hour and a half. Secretary Stanton, learning that the President contemplated going to the front, wired from Washington on the morning of the 3d, protesting against his exposing "the nation to the consequence of any disaster to himself in the pursuit of a dangerous enemy like the rebel army."

The President answered from City Point at 5 P.M.:

"Yours received. Thanks for your caution, but I have already been to Petersburg. Staid with Grant an hour and a half and returned here. It is certain now that Richmond is in our hands, and I will go there to-morrow. I will take care of myself."(9)

Mr. Lincoln made his entry into Richmond on the 4th (on foot from a boat), almost without personal protection, and excited the highest interest of the people, especially of the slaves, who looked upon and adored him as their savior. There were no bounds to their rejoicing. He, while there, in consultation with Judge J. A. Campbell and other former Confederate leaders, talked of plans of reconstruction, and went so far as to sanction the calling of the Confederate Legislature of Virginia together with a view to its withdrawing the Virginia troops from the army.(10)

He was in a generous mood, willing to concede much to secure a speedy restoration of the Union.

Mr. Campbell reports the President's position thus:

"His indispensable conditions are the restoration of the authority of the United States and the disbanding of the troops, and no receding on his part from his position on the slavery question as defined in his message in December and other official documents. All other questions to be settled on terms of sincere liberality. He says that to any State that will promptly accept these terms he will relinquish confiscation, except where third persons have acquired adverse interests."(11)

Abraham Lincoln returned from Richmond to Washington filled to overflowing with hope, joy, and thoughts of generous treatment of his rebellious countrymen. He, too, was soon to become a sacrifice in atonement for his nation's sins. He fell, at the apex of human glory, by the hands of a disloyal assassin, April 14, 1865.(12) The great and the humble friends of freedom, not only of his own country but of the world, wept. He had been permitted, however, to look through the opening portals of peace upon a restored Union with universal freedom, under one flag.

(1) See map, and *Battles and Leaders of the War*, vol. iv., p. 538.

(2) One enterprising Confederate managed to escape to our lines with a wagon and six mules from a party gathering wood. His outfit was valued at $1200.

(3) Grant's *Memoirs*, vol. ii., p. 460.

(4) *Memoirs of Sheridan*, vol. ii., pp. 145-7.

(5) General Wright, speaking of this position in his report of the storming of the fortifications at Petersburg, says:

"It should here be remarked that, but for the success of the 25th ultimo, in which was carried the intrenched line of the enemy, though at a cost in men which at the time seemed hardly to have warranted the movement, the attack of the 2d inst. on the enemy's main lines could not have been successful. The position thus gained was an indispensable one to the operations on the main lines, by affording a place for the assembling of assaulting columns within striking distance of the enemy's main intrenchments." *War Records*, vol. xlvi., Part I., p. 903.

(6) *War Records*, vol. xlvi., Part I., p. 954.

(7) *Manassas to Appomattox*, pp. 603-5.

(8) *War Records*, vol. xlvi., Part III., p. 1378.

(9) *War Records*, vol. xlvi., Part III., p. 509.

(10) *Ibid.*, pp. 612, 655-7, 724-5.

(11) *War Records*, vol. xlvi., Part III., p. 723.

(12) Abraham Lincoln, on the evening of March 14, 1865, attended Ford's Theatre in Washington in company with Mrs. Lincoln, Miss Harris, and Major Henry R. Rathbone (daughter and stepson of Senator Ira Harris of New York), and while in a private box (at 10 P.M.) was shot by John Wilkes Booth. The bullet entered his head on the left side, passed through the brain, and lodged behind the left eye. He was carried to a house across the street, where he died (never being conscious after the shot) at twenty-two minutes after seven the morning of April 15, 1865. Secretary Stanton, standing by him as his life went out, more than prophetically said: "*Now he belongs to the ages*."

An attempt was made the same night to assassinate Secretary Wm. H. Seward, which came near being successful. He was, also his son Frederick, terribly wounded and beaten.

CHAPTER XIII Battle of Sailor's Creek, April 6th—Capitulation of General Robert E. Lee's Army at Appomattox Court-House, April 9, 1865—Surrender of Other Confederate Armies, and End of the War of the Rebellion

Richmond and Petersburg having been evacuated, the Army of the Potomac, at early dawn, April 3, 1865, under orders, marched westward. Its sole objective now was the Confederate Army. Grant directed some corps of his army to pursue on the line of Lee's retreat, and others to march westward on roads farther to the south to strike other roads necessary for Lee to pursue in gaining North Carolina where he might form a junction with General Joe Johnston who was then trying to stem the advance of Sherman.

It was soon known that Jefferson Davis and his Cabinet had reached Danville, Virginia, and had proclaimed it the seat of the Confederate Government.

To reach Danville Lee bent all his energy.

The sagacious and energetic movements of the several corps of the Union army from the morning of April 3d to the surrender of Lee will stand as a lasting testimonial to Grant's military genius, ranking him with the great strategists of the world. Lee's officers were familiar with the roads; the inhabitants were their friends; his retreat was upon the shorter line, and he had a night's start. Generals Meade, Sheridan, Ord, and the corps commanders also, won just fame for the successful handling of their several commands.

Meade kept his forces in hand and pushed them precipitously on the desired points. Sheridan was indomitable and remorseless in his pursuit with the cavalry. Grant accompanied the army, sometimes

with one part of it and then with another, always knowing what was going on and the position of all the troops. His orders were implicitly obeyed. Rest or sleep was impossible for any length of time. Recent and continuing rains rendered the roads almost impassable for artillery trains. Teams were doubled and one half the artillery and wagons were left behind. Lee undertook to order supplies sent to Burkeville, where he expected to meet them. Sheridan's cavalry captured, April 4th, a messenger with dispatches in his boots which he was conveying to Burkeville to be wired to Danville and Lynchburg, directing 300,000 rations to be forwarded to Burkeville. Sheridan, by scouts disguised as rebels, had the dispatches taken to Burkeville and sent, with the expectation he would capture the rations on their arrival. They did not reach Burkeville, but several train loads were sent forward from Lynchburg. Sheridan's cavalry met them at Appomattox Station on the 8th, and received them in bulk, locomotives, trains, and all.(1)

Late on the 5th, Lee leisurely moved his army from Amelia Court- House towards Burkeville. Sheridan's cavalry, with some infantry, had possession of Jetersville on a road Lee attempted to pursue. Sheridan assailed Lee's advance furiously and drove it back, forcing him to form his army for battle. This occupied so much time that when it was ready to attack, night was approaching, and the Fifth and Sixth Corps were arrived or were arriving. Lee's escape to Danville by the way of Burkeville was no longer possible. The day was too far spent to fight a battle. Grant was still pushing his corps upon different roads to intercept Lee's retreat. Lee's prime mistake was in not concentrating his army, on the 4th, at Burkeville, the junction of the two railroads, instead of at Amelia Court-House. It was supposed that a decisive battle would be fought at Jetersville, but Lee withdrew during the night.

General Lee claimed he lost one day at Amelia Court-House gathering subsistence, because his orders to collect them there in advance of his retreat had been disregarded.(2)

Jefferson Davis reached Danville, Virginia, with members of his Cabinet, on the 3d of April, and, on the 5th, he issued a proclamation which he subsequently characterized thus:

"Viewed in the light of subsequent events, it may be fairly said it was over-sanguine." In it he used such expressions as:

"Let us but will it and we are free. I announce to you, fellow countrymen, that it is my purpose to maintain your cause with my whole heart and soul; that I will never consent to abandon to the enemy one foot of the soil of any of the States of the Confederacy; that Virginia—noble State, whose ancient renown has been eclipsed by her still more glorious recent history; whose bosom has been bared to receive the main shock of the war; whose sons and daughters have exhibited heroism so sublime as to render her illustrious through all time to come—that Virginia with the help of the people, and by the blessings of Providence, shall be held and defended, and no peace ever made with the infamous invaders of her territory.

"If by the stress of numbers, we should be compelled to a temporary withdrawal from her limits or those of any other border State, we will return until the baffled and exhausted enemy shall abandon in despair his endless and impossible task of making slaves of a free people."(3)

In consequence of Hill's death, Lee divided his army into two wings, Ewell commanding one and Longstreet the other, his cavalry being under Fitzhugh Lee and his artillery under Pendleton.

The Confederate Army, on the night of April 5th, abandoned Amelia Court-House, and by circuitous country roads endeavored to pass around the Union left through Deatonville and Painesville to Prince Edward's Court-House, hoping still to be able to escape to Danville.

At daylight of the 6th the Union forces at Jetersville advanced in battle array on Amelia Court-House, and some precious hours were lost in ascertaining the direction of Lee's retreat. Our army was, however, soon counter-marched to Jetersville, and thence, by different roads and regardless of them, by forced marches, it sought to intercept Lee. It must be remembered Lee's troops had one day or more rest since leaving Petersburg and Richmond, and Grant's army had none, and the latter had been moved by night as well as by day, and irregularly fed. The most appealing orders were issued by General Meade to his army to make the required sacrifices and efforts to overtake and overthrow Lee's army. I quote from Meade's order of the night of April 4th:

"The Major-General commanding feels he has but to recall to the Army of the Potomac the success of the oft repeated gallant contests with the Army of Northern Virginia, and when he assures the army that, in the opinion of so distinguished an officer as General Sheridan, it only requires these sacrifices to bring this long and desperate conflict to a triumphant issue, the men of this army will show that they are as willing to die of fatigue and starvation as they have ever shown themselves ready to fall by the bullets of the enemy."(4)

This order, when read to the regiments, was loudly cheered. There was perfect harmony of action among Grant's generals; all putting forth their best efforts. On the 4th, Sheridan dispatched Grant, "If we press on we will no doubt get the whole army." And again on the 6th, "*If the thing is pressed I think Lee will surrender*." (5) On these dispatches being forwarded to President Lincoln, still at City Point, he is reported to have wired Grant, "Let the thing be pressed."(6)

Grant, personally, gave more attention to the movements of his forces to important places than to fighting battles. He was especially anxious for Ord's command to be hastened forward on a line south of Lee. Grant was always in touch with Meade and Sheridan, but on the 5th and 6th he was with Ord. At night of the 5th he dispatched from Nottoway Court-House to Meade:

"Your movements are right. Lee's army is the objective point, and to capture that is all we want. Ord has marched fifteen miles to- day to reach here, and is going on. He will probably reach Burkeville to-night. My headquarters will be with the advance."(7)

Sheridan, in command of the cavalry, was often, temporarily, also given command of a corps of infantry.

In the pursuit on the 6th from Jetersville, Wright's corps followed Merritt's cavalry, and about 3 P.M., after a forced march of eighteen miles, partly without roads and over a hilly country and under a hot sun, came up with a portion of it heavily engaged trying to seize a road at a point about two miles from Sailor's Creek on the left and about the same distance from Deatonville on the right, on which Ewell's wing of Lee's army was retreating. Ewell was heading towards Rice's Station to form a junction with Longstreet, both intending to move *via* Prince Edward's Court-House south. Ord, with the Army of the James, late on this day confronted Longstreet at Rice's Station. The Third Division of the Sixth was in advance, and my brigade went into line of battle and rapidly into action, with scarcely a halt for formation, and, together with the cavalry, charged and drove the enemy across the road, capturing many prisoners, wagons, and some pieces of artillery, including General Heth's headquarters wagons.

An incident occurred soon after we gained this road. Another road from the west intersected at this point the one we had just seized, and on which the enemy had a battery which opened on us furiously. I hastened to the intersecting road to direct some of my regiments to charge and capture the battery or drive it away. Generals Sheridan and Wright, with their staffs, soon galloped up. Sheridan was accompanied by a large mounted brass band that commenced playing *Hail to the Chief*, or some other then unwelcome music. This drew the fire from the battery with increased fury on the whole party. Both Sheridan and Wright were too proud spirited to retire in the presence of the troops or each other, though not needed at that place. The dry limbs of pine trees rattling down around us and the bursting of shells rendered the situation embarrassing in the extreme, and the lives of others were being sacrificed or imperilled by the presence of the distinguished party. Being in immediate charge of the forces there, I invited the Generals to get out of the way, but as they did not retire I ordered a charge upon the "*noisy band*," and thus caused the whole party to retire to a place of greater safety. Some of them were quite willing to go.

I gave Colonel Binkley such an imperative order to silence the battery, that he pursued it with a detachment to such a distance that he did not rejoin the brigade in time to participate in the principal battle of the day yet to be fought.

Ewell's wing of the Confederate Army had mainly passed on towards its destination. Pursuit was promptly ordered by Sheridan and conducted by Wright. Ewell's rear-guard fought stubbornly and fell back slowly through the timber until it reached Sailor's Creek. Wheaton's division arrived and joined the Third on the left in the attack and pursuit. Merritt's cavalry passed rapidly around Ewell's right to intercept the retreat. Merritt crossed Sailor's Creek with Custer and Devin's divisions south of the road on which the enemy retreated.

General R. S. Ewell crossed Sailor's Creek, and about 5 P.M. took up a strong position on heights on its west bank. These heights, save on their face, were covered with forest. There was a level, cultivated bottom about one half mile in width, wholly on the east bank of the stream. Sailor's Creek, then greatly swollen, washed the foot of the heights on which Ewell had posted his army. He hoped to be able to hold his position until night, when, under cover of darkness, he might escape towards Danville.

Our troops were temporarily halted on the hills at the eastern edge of the valley, in easy range of the enemy's guns, and the lines were hastily adjusted.(8) Artillery went into position and at once opened a heavy fire. An effort was made to bring up Getty's division of the Sixth and the detachment of my brigade under Binkley, but the day was too far spent to await their arrival. It was plainly evident that Ewell outnumbered our forces in line, and our men had been on foot for twelve hours. Wright hesitated under the circumstances, but Sheridan, coming to the front, advised an assault.(9) Wright then promptly ordered the infantry on the field to make one, under cover of the artillery. Colonel Stagg's

cavalry brigade was ordered to attack the enemy's right flank, and Merritt and Crook's cavalry were to attack still farther around his right and on his rear.

Ewell covered his front with a strong line of infantry, and massed a large body in column, in rear of his centre, to be used as the exigencies of the battle might require. Ewell's cavalry covered his right and rear. General R. H. Anderson and J. B. Gordon, with their corps, had preceded Ewell in crossing Sailor's Creek, and Sheridan, who had now personally passed from the front around to Merritt, encountered them some distance to the rear of Ewell's position. The Confederate trains were on the road to Rice's Station, where Longstreet was confronting Ord, neither, however, willing to attack the other.

The plan was for Anderson and Gordon to attack and clear the rear, while Ewell stopped the infantry at the Creek.(10) The latter had three infantry divisions, with parts of others, under the command of Generals Kershaw, G. W. Custis Lee, Pickett, Barton, DuBose, Corse, Hunton, and others of the most distinguished officers of the Confederate Army. Commodore John Randolph Tucker, formerly of the United States navy, commanding the Marine Brigade, was posted on the face of the heights on Ewell's front. Colonel Crutchfield, who had been recently in charge of the artillery at Richmond, commanded a large brigade of artillerymen serving as infantry.

About 5 P.M. the two divisions of the Sixth descended from the hills, in a single line, and moved steadily across the valley in the face of a destructive fire, with muskets and ammunition boxes over the shoulder, the men waded the swollen stream. Though the water was from two to four feet deep, the creek was crossed without a halt. Many fell on the plain and in the water, and those who reached the west bank were in some disorder. The command, was, however, given by the officers accompanying the troops to storm the heights, and it was obeyed. Not until within a few yards of the enemy, while ascending the heights, did our men commence firing. The enemy's advance line gave way, and an easy victory seemed about to be achieved, but before the crest was reached, Ewell with his massed troops made an impetuous charge upon and through our line. Our centre was completely broken and a disastrous defeat for us seemed imminent. The large column of Confederate infantry now, however, became exposed to the renewed fire from Wright's massed artillery on the hills east of the valley.

The right and left of the charging line met with better success, driving back all in their front, and, wholly disregarding the defeat of the centre, persisted in advancing, each wheeling as on a pivot in the centre, until the enemy's troops were completely enveloped and subjected to a deadly fire on both flanks, as well as from the artillery in front. The flooded stream forbade an advance on our unguarded batteries. The cavalry, in a simultaneous attack, about this time overthrew all before them on the Confederate right and rear. Ewell's officers gallantly exerted themselves to avert disaster, and bravely tried to form lines to the right and left to repel the now furious flank attacks. This, however, proved impossible. Our men were pushed up firing to within a few feet of the massed Confederates, rendering any reformation or change of front by them out of the question, and speedily bringing hopeless disorder. A few were bayoneted on each side. The enemy fell rapidly, while doing little execution. Flight became impossible, and nothing remained to put an end to the bloody slaughter but for the Confederates to throw down their arms and become captives. As the gloom of approaching night settled over the field, now covered with dead and dying, the fire of artillery and musketry ceased, and General Ewell, together with eleven general officers and about all the survivors of his gallant army, were prisoners. Ewell, Kershaw, G. W. Custis Lee (son of General R. E. Lee), and others surrendered to the Sixth Corps. Barton, Corse, Hunton, DuBose, and others were taken by the cavalry. Crutchfield of the Artillery Brigade was killed near me, and his command captured or dispersed. Generals Anderson and Gordon got away with part of B. R. Johnson's division, and Pickett escaped with about six hundred men. (11) Tucker's Marine Brigade, numbering about two thousand, surrendered to me in a body a little later.(12) It had been passed by in the onset of the charge. About thirty-five of the officers of this brigade had served in the United States Navy before the war. The brigade was made up of naval troops who had recently served on gunboats and river batteries on the James below Richmond. As infantrymen they cut a sorry figure, but they were brave, and stood to their assigned position after all others of their army had been overthrown. They knew nothing about flight, and were taken as a body. By reason of their first position they suffered heavily. When disarmed there was found to be a wagon load or more of pistols of all patterns which had been collected from all the countries of the civilized world. Certain incidents relating to the surrender of this brigade may be of interest.(13)

Tucker's command was not at once engulfed in the general disaster. Tucker had, after making a gallant charge, withdrawn it from its exposed position into the dense timber in a depression in the bluffs. Near the close of the battle, just at dusk, it was reported to me that a force of Confederates was in this timber. I made two vain attempts to get into communication with it and to notify its commanding officer that he was in our power. At last, having some doubts of its presence where reported, and my staff and orderlies being engaged reforming troops and caring for prisoners, I rode alone to investigate. After proceeding in the woods a short distance, to my surprise I came upon Tucker's brigade in line of

battle, partly concealed by underbrush. To avoid capture I resorted to a ruse. In a loud voice I gave the command, "*Forward*," and it was repeated by the Confederate officers all along the line. I turned to ride towards my own troops. The dense thicket prevented speed and the marines therefore kept at my horse's heels. As an open space was approached the nearest Confederate discovered that I was a Union officer, and cried "Shoot him." As I turned to surrender, some confusion arose and a few shots were fired, but Tucker and Captain John D. Semmes, being near me, knocked up the ends of the nearest rifles with their swords and saved my life. From this situation, lying close on my horse's neck, I escaped to my own command. With a detachment I at once returned to the timber, where I met Tucker and explained to him the situation of which he was ignorant, and forthwith received his surrender with his brigade. Later, when Tucker and Semmes were prisoners at Johnson's Island, near Sandusky, the appealed to me to intercede for their release, which I most gladly and successfully did. They had each been, at the beginning of the war, in the United States Navy, which caused them to be exceptionally detained as prisoners under President Johnson's order.(14)

The infantry, under Wright, engaged in the battle at Sailor's Creek at no time exceeded ten thousand men. The number participating in the charge across the plain and in storming the heights did not exceed seven thousand, being fewer in number than the enemy captured on the field. It has been claimed that Humphreys' Second Corps participated in the battle, and some Confederate officers assert that the attack was made with thirty thousand men under Wright. Humphreys did have a lively skirmish the evening of the 6th, and captured a considerable train, far off to the right of the battle- field, and in this the detachment under Colonel Binkley from my brigade participated.(15)

Getty's division of the Sixth did not reach the field in time to become engaged.(16) The results, being so great, naturally led interested parties to exaggerate the number of the attacking forces.(17)

Sheridan, in his report, May 16, 1865, speaking of the infantry attack, says: "It was splendid, but no more than I had reason to expect from the gallant Sixth Corps." And he speaks of the fighting of the cavalry and the captures thus:

"The cavalry in the rear of the enemy attacked simultaneously, and the enemy, after a gallant resistance, were completely surrounded, and nearly all threw down their arms and surrendered. General Ewell, commanding the enemy's forces, a number of other general officers, and about 10,000 other prisoners were taken by us. Most of them fell into the hands of the cavalry, but they are no more entitled to claim them than the Sixth Corps, to which equal credit is due for the result of this engagement."

Our loss in killed and wounded was comparatively small; that of the enemy was great, but not in proportion to his loss in prisoners. One week after the battle I visited the field, and could then have walked on Confederate dead for many successive rods along the face of the heights held by the enemy when the battle opened.

The capture of Ewell and his generals, with the larger part of the forces under them, and the dispersion of the remainder of Ewell's wing of Lee's army were irreparable disasters to the Confederacy. Lee could no longer hope to cope with the pursuing army. The Sixth Corps had the distinguished honor of striking the decisive blows at Petersburg on the 2d, and at Sailor's Creek on the 6th of April, 1865.

Sailor's Creek may fairly be called the last field battle of the war. A distinguished Confederate General, Wade Hampton, in a *Century Magazine* article, pronounced the battle of Bentonville, North Carolina, the "last important one of the war, . . . the last general battle of the Civil War." There may be room for controversy as to where and when the last "general battle" of the war was fought. Certain it is that it was not at Bentonville that the conflict ended on a large scale and blood ceased to flow in the great Rebellion. Bentonville was mainly fought March 19, 1865, and while it may properly be called a field engagement and of no insignificant proportions, it was not the last one. This is not the place to enter into any controversy about last battles, their character and significance, yet it may not be out of place to call attention to the most prominent battles, etc., fought after March 19, 1865.

Fort Stedman, in front of Petersburg, Virginia, was assaulted and temporarily taken by the Confederate General Gordon, March 25, 1865, and while the fighting which ensued in retaking the fort and in driving out the attacking forces may not be denominated a general battle, yet it was a bloody one. Other severe fighting took place in front of Petersburg the same day.

Five Forks, Virginia, fought by General Sheridan's cavalry and the Fifth Corps, Army of the Potomac, April 1, 1865, was fought outside of fortifications by cavalry, infantry, and artillery combined, and there were charges and counter-charges, lasting several hours, the losses being heavy in killed and wounded. Many prisoners were there taken by Sheridan's command. Five Forks was a general field engagement.

The assaults and conflicts on, over, and around the ramparts of the forts and fortifications (incomparably bloody) in front of Petersburg, Virginia, April 2, 1865, which tore open the strong lines of defence held by General Lee's army, forced it to flight, and lost Petersburg and Richmond to the Confederacy, may not be entitled to be classed as general field battles.

Sailor's Creek came next in order, fought April 6, 1865.

The assault and capture of Fort Blakely, near Mobile, Alabama, took place April 9, 1865. If Blakely can be called a general battle it was the last one of the war. It was, however, mainly an assault by the Union forces under General E. R. S. Canby on fortifications, though rich in results. The killed and wounded at Blakely in both armies aggregated about 2000 men. Canby's forces captured 3423 men, 40 pieces of artillery, 16 battle flags, etc. The prize fought for and won was Mobile, its surrounding forts and the Confederate Navy in the harbor of Mobile.

At Palmetto Ranche, Texas, on May 13, 1865, near the battle-field of General Zachary Taylor at Palo Alto (May 8, 1846), the first of the Mexican War, and about two thousand miles from Big Bethel, the scene, June 10, 1861, of the first considerable battle of the Rebellion, a lively engagement took place, hardly, however, rising above the dignity of a skirmish or an *affair*, though it was by no means bloodless. (The magnitude of the battles of the Rebellion dwarfed to *affairs* or skirmishes what were formerly in this and other countries called battles.)

Colonel Theodore H. Barrett commanded the Union forces at Palmetto
Ranche, and General J. E. Slaughter the Confederates.

The 62d United States Colored Infantry, in this fight, probably fired the last angry volley of the war, and Sergeant Crocket of that regiment (three days after Jefferson Davis' capture) received the last wound from a rebel hostile bullet, and hence shed the last fresh blood in the war resulting in the freedom of his race in the United States. The observation irresistibly comes, that on the scene of the first battle of the Mexican War—a war inaugurated for the acquisition of slave territory—and of the *first* battle participated in by Lieutenant-General (then Second Lieutenant) U. S. Grant, almost exactly nineteen years later, the last conflict took place in the war for the preservation of the Union, and in which slavery was totally overthrown in our Republic.

But to return from the digression and to conclude the story of Sailor's Creek, or the "Forgotten Battle." It may truthfully be said that it was not only the last general field battle of the war, but the one wherein more officers and men were captured in the struggle of actual conflict than in any battle of modern times.

There was some fighting between the cavalry of the two armies and many minor affairs between the advance- and rear-guards, but the four years' heavy fighting between the Army of Northern Virginia and the Army of the Potomac ended at Sailor's Creek.

During the battle Lee was with Longstreet at Rice's Station, two miles distant, impatiently awaiting news from Lieutenant-Generals Ewell and Anderson. General Mahone states what transpired when Colonel Venable of Lee's staff reported to his chief something of the disaster at Sailor's Creek:

"General Lee exclaimed, 'Where is Anderson? Where is Ewell? It is strange I can't hear from them." Then turning to me, he said, 'General Mahone, I have no other troops, will you take your division to Sailor's Creek?' and I promptly gave the order by the left flank, and off we were for Sailor's Creek, where the disaster had occurred. General Lee rode with me, Colonel Venable a little in the rear. On reaching the south crest of the high ground at the crossing of the river road overlooking Sailor's Creek, the disaster which had overtaken our army was in full view, and the scene beggars description, — hurrying teamsters with their teams and dangling traces (no wagons), retreating infantry without guns, many without hats, a harmless mob, with the massive columns of the enemy moving orderly on. At this spectacle General Lee straightened himself in his saddle, and, looking more the soldier than ever, exclaimed, as if talking to himself, 'My God! has the army dissolved?' As quickly as I could control my own voice I replied, 'No, General, here are troops ready to do their duty'; when, in a mellowed voice, he replied: 'Yes, General, there are some true men left. Will you please keep those people back?' As I was placing my division in position to 'keep those people back,' the retiring herd just referred to had crowded around General Lee while he sat on his horse with a Confederate battle-flag in his hand. I rode up and requested him to give me the flag, which he did.

"It was near dusk, and he wanted to know of me how to get away. I replied: 'Let General Longstreet move by the river road to Farmville, and cross the river there, and I will go through the woods to the High Bridge (railroad bridge) and cross there.' To this he assented."

Longstreet retired at nightfall to Farmville and there crossed the Appomattox the morning of the 7th,

and Mahone and broken detachments, with such trains and artillery as Lee still possessed, crossed at the High Bridge. All bridges were wholly or partially destroyed by the enemy on being passed.

The result of the operations of April 6th forced Lee off of all roads leading to Danville, and Lynchburg became his objective.

Grant's plans did not justify a halt on the field of Sailor's Creek long enough to bury the dead, or even long enough to care for our wounded, and, though night had come, the battle-stained soldiers, hungry and exhausted, were marched on. The Sixth Corps encamped at 10 P.M. near Rice's Station, about three miles from the battle- field. Other corps on different lines were kept to their work, and their operations also contributed towards baffling Lee's plans for escape.

A single serious disaster occurred on the 6th to a detachment of our army. Ord, whose orders were to obstruct all lines of retreat, detached Colonel Francis Washburn with the 123d Ohio and portions of the 54th Pennsylvania and 4th Massachusetts Cavalry, about eight hundred in all, to destroy High Bridge over the Appomattox below Farmville. Later in the day, Colonel Thomas Reed of Ord's staff with eighty cavalrymen was sent to recall Washburn. The detachments met, and having penetrated to within about two miles of the bridge, encountered Lee's advance cavalry and infantry. Washburn and Read put up one of the most gallant fights of the war, but were soon surrounded. They led repeated charges until both fell, mortally wounded. Not until most of the command had fallen did it surrender. The Confederate loss was severe, especially in officers. This affair caused Lee to lose precious time, he being led to believe from the obstinacy of the fight that a large Union force was in his front.

The Sixth Corps, after Sailor's Creek, was ordered to pursue Lee's army directly. Its flanking work was done; its mission was to assail Lee's rear, delay him, and if possible bring him to battle.

Sheridan, with Merritt's cavalry division, followed by Ord and the Fifth Corps, continued westward, with orders not to stop for bad roads, nor wait for subsistence or for daylight. They were not to halt until planted across Lee's front.

Humphreys, who also had orders to press Lee's rear, succeeded with his corps and a cavalry division under Crook in crossing the Appomattox close on Mahone's rear. Wright, the morning of the 7th, followed Longstreet to Farmville, where the latter had passed to the north of the river.

Grant and his staff, with a small escort, rode by us about noon. The roads were muddy from recent rains and much cut up by the Confederate Army. Grant was dressed, to all appearance, in a tarpaulin suit, and he was, even to his whiskers, so bespattered with mud, fresh and dried, as to almost prevent recognition. He then, as always, was quiet, modest, and undemonstrative. A close look showed an expression of deep anxiety on his countenance.

Farmville is in a narrow, short valley on the south bank of the Appomattox, surrounded on the south by high bluffs. As the Sixth arrived on the heights above the town I was riding with General Wright. All were anxious to ascertain the exact whereabouts of the enemy, when, to our amazement, apparently the whole Confederate Army came into view on the high plain north of the river. It was drawn up in battle array and seemingly about to envelop and destroy Crook's cavalry, that was furiously assailing it to delay it. From the heights it seemed to us Crook's command would speedily be annihilated. Wright was an unimpassioned man, little given to excitement, but this scene threw him into a vehement state. His corps was too far off the render assistance; the Appomattox, deep through narrow, lay between, and pontoons were not up. He ordered his corps hastened forward, and plunged down the bluffs into Farmville, looking for a crossing. He soon came in front of a Virginia tavern with the usual "stoops" or low porches in front, above, and below. Grant was seated on the upper "stoop," resting his chin on his folded arms, which were on the rail of a baluster. He was smoking a cigar, and doubtless casting his eyes on the situation across the river. He then looked happy, contented, and unconcerned. He did not change when Wright exhibited, by word and act, great solicitude for the fate of the cavalry. When Wright had finished, Grant withdrew his cigar from his lips, raised his head only a little, and pleasantly said: "The cavalry are doing well, and I hope General Lee will continue to fight them, as the delay will lessen his chances of escape." Grant also, pointing in the direction of the river, added: "General Wright, you will find the débris of a railroad bridge down there, on which you can construct a passage for your infantry and get them over the river during the night." Grant resumed smoking and we went about our business.

A crossing was soon made on the iron and timbers of a broken-down bridge, over which foot soldiers could pass in single file. As the structure was liable to get out of order, each officer, from division to company commander, was required to stand at its end and see that the soldiers of his command marched on it at proper intervals and with steady step. It was 3 A.M. of the 8th before the last of the corps had crossed and bivouacked. Mounted officers and escorts swam the stream at a swollen ford near-by.

Crook lost heavily in his unequal combat, one of his brigades especially, its commanding officer, General J. Irwin Gregg, being captured, but the purpose of the attack was accomplished. Crook withdrew his recently imperilled cavalry to the south of the river about 9 P.M. of the 7th, and reached Prospect Station the same night, under orders to rejoin Sheridan.

Lee, late on the evening of the 7th, seems to have been personally seized with a panic on hearing some threatening reports of being cut off or flanked, and he caused his trains to retreat in a wild rush and the infantry under Longstreet to march at double-quick to Cumberland Church, where he formed for battle.(18)

General Ewell, at supper with Wright the night after his capture on the 6th, made some remarks about the hopeless condition of the Confederate Army, and suggested that Lee might be willing to surrender. This and other like talk of Ewell, being communicated by a Dr. Smith to Grant, suggested the idea to him of demanding the surrender of the Army of Northern Virginia.(19) A note to this effect was accordingly sent to Lee, under a flag of truce, at 5 P.M. of the 7th. Lee immediately answered, saying he did not entertain the opinion that further resistance was hopeless on the part of his army, yet asked Grant to name the terms he would offer on condition of surrender. Grant, on the 8th, replied that there was but one condition he would insist on, viz.:

"That the men and officers surrendered shall be disqualified for taking up arms against the government of the United States until properly exchanged."

Lee, the same day, responded, saying that in his note of the day before, he "did not intend to propose the surrender of the Army of Northern Virginia," but only to ask the terms of Grant's proposition, adding that he could not meet Grant with the view of surrendering that army, but as far as Grant's proposal might affect the Confederate States forces under his command and tend to the restoration of peace, he would be pleased to meet Grant the next day at 10 A.M. Very early on the 9th Grant sent Lee a note saying: "I have no authority to treat on the subject of peace; the meeting proposed for 10 A.M. to-day could lead to no good."

At the earliest dawn of the 8th, the Sixth Corps pushed after Lee, compelling him to abandon some of his heaviest artillery and a further part of his trains. Longstreet covered Lee's rear, and his troops had not been seriously engaged on the retreat. Ord and the Fifth Corps struggled westward, cutting off all chance of Lee turning southward and of thus extricating himself. The 8th was not a day of battles but of the utmost activity in both armies.

I note an incident. While halted, about noon on the 8th, in some low pines to drink a cup of coffee and eat a cracker, Colonel Horace Kellogg, of the 123d Ohio, who had been captured with Washburn's command on the 6th, near High Bridge, came to us through the bushes from a hiding-place to which he escaped soon after his capture. He looked cadaverous, was wild-eyed, and in a crazed condition, caused by starvation and want of water for two days. We had to restrain him, and give him water, coffee, and food in small quantities at first, to prevent his killing himself from over-indulgence.

Sheridan, who had concentrated his cavalry at Prospect Station under Crook, Merritt, and Custer, at daybreak of the 8th hastened westward, south of Lee, to Appomattox Station. Sergeant White, of the scouts, in advance, in disguise, west of the Station, met four trains from Lynchburg with supplies sent in obedience to the Burkeville dispatch already mentioned. The trains were feeling their way eastward, in ignorance of Lee's whereabouts. The Sergeant had the original dispatch with him, and exhibited it, and, by dwelling on the starving condition of Lee's army, easily persuaded the officers in charge to run the trains east of Appomattox Station, he having, meantime, sent word to Sheridan where they could be found. Custer hastened forward, sending two regiments by a détour, in a gallop, to seize and break the railroad behind the trains. The trains were captured. One was burned, and the other three sent eastward towards Farmville. This capture took place just as the head of Lee's column came in sight.(20) Custer attacked Lee's advance, and was soon joined by Devin's division and a brigade from Crook. Together they drove it back, capturing twenty-five pieces of artillery, a hospital train, and a large park of wagons which were being sent ahead of Lee's main army. Sheridan's headquarters, at night, were at a farm-house, just south of Appomattox Station, and about three miles southwest of the Court-House of that name. Neither he nor his command slept that night. Sheridan was now across Lee's front, and if he could hold on, Lee must surrender. Ord, with the Fifth Corps following, was hastening to Sheridan. The supreme hour was at hand. Ord was no laggard, and it was known that he would put forth all human effort, yet Sheridan dispatched through the night officer after staff officer to apprise Ord of the immediate danger the cavalry was in, if unsupported, and to assure him that his presence with his column would end the Rebellion. Before day-dawn the cavalry was in the saddle, in battle array, bearing down on the Confederate advance, then at the Court-House. Ord arrived in person before sun-up of the 9th, and hastily consulted Sheridan where to put in his troops on their arrival. Ord then returned to hurry on his weary, hungry, foot-sore men, who had marched all the night, having little

sleep for many days. Sheridan turned from the consultation with Ord to take charge of the battle already raging near the Court-House.

Let us look within the lines of the Confederate Army and see what was transpiring there. That army had, since Sailor's Creek and Farmville, been directed, of necessity, along the north of the river on Appomattox Court-House and Lynchburg. It had been assailed, night and day, flank and rear, from the time it left Petersburg. Provisions were scarce, and many of its best officers had, in the last week, fallen or been captured. It, however, had held out bravely and with more spirit than would be expected. It was an old and once splendidly organized and equipped army, and its discipline had been good. Pendleton and others of Lee's generals (not including Longstreet) secretly, on the 7th, held a council, and with a view of lightening Lee's responsibilities, decided to inform him that they thought the time had come to surrender his army. The next day Longstreet was requested to bear the report of this council to Lee. He declined, and Pendleton made to report to Lee himself. The latter, if correctly reported, said: "I trust it has not come to that," adding, among other things, "If I were to say a word to the Federal commander, he would regard it as such a confession of weakness as to make it the condition of demanding an *unconditional surrender*."(21)

Gordon, with Fitz Lee at the head of the cavalry, commanded the advance, and Longstreet the rear. The night of the 8th found Lee's advance at Appomattox Court-House forced well back, and Longstreet's rear pressed close on his main body. General Lee called in council, at a late hour that night, Lieutenant-General James Longstreet, Major-Generals John B. Gordon, Fitzhugh Lee, and Wm. N. Pendleton.(22) This was the last council of war of the Army of Northern Virginia, if it could be called one. The meeting was in a secluded spot, in a gloomy pine woods, without shelter. The night was damp and chilly, and there was a small, smoky, green-pine fire, affording little light. The whole surrounding was calculated to dispirit the five officers, to say nothing of the occasion. Little was said or done. Lee made some inquiry as to the position of the troops. At the end of an hour the council broke up, Lee directing Gordon to mass his command, including all the cavalry under Fitz Lee and General Long's batteries of thirty guns, and move through Appomattox Court-House, where the advance rested, and to commence the movement at 1 A.M. The trains were to follow closely, covered by Longstreet's corps, which was still Lee's rear-guard. Sheridan's cavalry was to be overwhelmed, and, with this done, the retreat was to continue on to Lynchburg. At 3 in the morning General Lee rode slowly forward apparently to join his van-guard in the effort to break through our lines. Not, however, until 5 A.M. of the 9th did Gordon and Fitz Lee get in motion against Sheridan's cavalry, which they then found spread over a wide front near Appomattox Court-House. The battle commenced, the Union cavalry sullenly falling back. This inspired new hope in the Confederate Army. General Mumford, with a portion of his Confederate cavalry division, found a break in Sheridan's line, and charging through, escaped. This gave rise to a report that the road had been opened.(23)

Gordon pushed on with renewed confidence, infantry, cavalry, and artillery, first striking Crook and McKenzie on the Union left, then Merritt in the centre, the latter two yielding as though defeated. Crook, however, held firmly on the extreme left, while Merritt drew from the centre to the right, there to unite Custer and Devin's cavalry divisions, leaving the centre apparently abandoned. Gordon hastily dispatched word of his success, and, inspired with a hope of complete victory, hurled his hosts into the great gap thus made, capturing two pieces of artillery, and moved forward to the crest of a ridge. But, alas! From this crest Gordon and his officers saw a new scene. They beheld through the mists and the morning gray, on the plain before them, Ord's column, formed and forming, in full array, ready for strong battle. Hope vanished from the minds of the Confederate generals. The Fifth Corps, under General Charles Griffin, was also then arriving on Ord's extreme right in support of the cavalry already there. The cavalry in the centre had been but a curtain. Gordon halted and sent word of the situation to his chief, notifying him that further effort was hopeless, and would cause a useless sacrifice; that he had "fought his troops to a frazzle."(24)

Ord was Sheridan's superior in rank, but both decided to end matters at once, so, with battle flags and guidons bent to the front, the combined forces advanced to their work. Some artillery shots passed through their lines, but did not arrest them. The Confederates retired to another ridge immediately fronting the Court-House. Gordon there displayed a white flag, indicating a willingness to negotiate. Custer first saw it. He notified Sheridan, who notified Ord, and the attack was suspended. Sheridan galloped to the front, though fired on by soldiers of a South Carolina brigade,(25) and soon joined Gordon. A truce looking to a surrender was made. Colonel J. W. Forsyth of Sheridan's staff passed through the Confederate Army to Meade, and notified him of the truce, and thus stopped the Second and Sixth Corps then attacking Longstreet. Colonel Newhall, Sheridan's Adjutant-General, rode to meet Grant and advise him that Lee desired a meeting with a view to surrendering his army.

Little has been said of the great soldier, Meade, in this campaign. Much credit is due him. He aided in organizing a victory at Five Forks (26) and in planning the assault on Petersburg. Though ill at Jetersville, and much of the time thereafter to the end of the campaign, he was always up with one or

the other of his corps, doing all it was possible for him to do to accomplish the great result finally attained.

Let us again return to Grant—the silent soldier. On the 5th of April Grant and his staff with a small escort became separated from his headquarters camp equipage and wagons. He was even without his sword. He and his staff thereafter slept on porches of farm- houses or bivouacked in the woods or fields without cover. They picked up scant fare at any camp they could find it, and often went hungry, as did many other officers. As a result of exposure to frequent rains, poor food, fatigue, loss of sleep, and, doubtless, extreme prolonged anxiety, Grant, on the afternoon of the 8th, had a violent attack of sick-headache. At a farm-house that night he was induced to bathe his feet in hot water and mustard and to have mustard plasters applied to his wrists and the back of his neck, but all this brought him no relief. He lay down to sleep in vain. He, however, during the night, received and sent dispatches relating to the next day's operations. At 4 o'clock his staff found him in a yard in front of the house, pacing up and down with both hands to his head and suffering great pain. He wrote a note in the early morning answering Lee's note of the previous day. He rode early to Meade's camp (then in the immediate rear of the two pursuing corps), and there drank some coffee, with little relief. His staff tried to induce him to ride that day in an ambulance, but, sick as he was, he mounted his favorite horse—Cincinnati—and in consequence of dispatches from Sheridan giving an account of the situation at the front, started by a circuitous route to join him. Some five miles from the Court-House a dispatch from Meade was handed Grant, advising him of a two-hours' truce and of the place General Lee would meet him; also this note from Lee:

"April 9, 1865. "General,—I received your note of this morning on the picket line, whither I had come to meet you, and ascertain definitely what terms were embraced in your proposal of yesterday with reference to the surrender of this army. I now ask an interview, in accordance with the offer contained in your letter of yesterday, for that purpose.

"R. E. Lee, General.
"Lieutenant-General U. S. Grant."

Grant wrote to Lee (11.50 A.M.), saying he would meet him as requested. General Porter asked Grant, as they rode on, about the pain in his head. Grant answered: "The pain in my head seemed to leave me as soon as I got Lee's letter."(27) He reached the Court- House about 1 P.M., where he was met by Ord and Sheridan. Lee had already arrived, and was awaiting Grant at the McLean house. The two Generals met face to face. Lee wore a new Confederate uniform and a handsome sword. He was tall, straight, and soldierly in appearance. He wore a full gray beard. Grant, much below Lee in stature, wore only a soldier's blouse and soiled suit, and was without a sword, having only some dingy shoulder-straps denoting the rank of Lieutenant-General.

Lee, on his arrival, dismounted, and was seated for a short time at the roadside, beneath an apple tree. This circumstance alone gave rise to the widely circulated report that the surrender took place under an apple tree.(28)

Some civilities passed between the Generals at the McLean house. There was substantially no negotiation as to the terms of surrender. Lee asked Grant to write them. Grant said: "Very well, I will write them out." He took a manifold order-book, and without consultation with anybody, in the presence of Lee and others, wrote:

"General,—In accordance with the substance of my letter to you of the 8th inst. I propose to receive the surrender of the Army of Northern Virginia on the following terms, to wit: Rolls of all the officers and men to be made in duplicate. One copy to be given to an officer designated by me, the other to be retained by such officer or officers you may designate. The officers to give their individual paroles not to take up arms against the government of the United States until properly [exchanged], and each company or regimental commander sign a like parole for the men of their commands. The arms, artillery and public property to be parked and stacked, and turned over to the officer appointed by me to receive them. This will not embrace the side-arms of the officers, nor their private horses or baggage. This done, each officer and man will be allowed to return to their homes, not to be disturbed by United States authority so long as they observe their paroles and the laws in force where they may reside.

"Very respectfully,
"U. S. Grant, Lt.-Gen."

This was immediately handed to General Lee, who, after reading it, observed the word "*exchanged*" had been inadvertently omitted after the words "until properly." The word was inserted. Lee inquired of Grant whether the terms proposed permitted cavalrymen and artillerists who, in his army, owned their horses, to retain them. Grant answered that the terms, as written, would not, but added, that as many

of the men were small farmers and might need their animals to raise a crop in the coming season, he would instruct his paroling officers to let every man who claimed to own a horse or mule keep it. Lee remarked that this would have a good effect.

Grant's draft was handed to be copied to an *Indian*, Colonel Ely S. Parker (Chief of the Six Nations) of Grant's staff, he being the best scribe of Grant's officers present. Lee mistook Parker for a negro, and seemed to be struck with astonishment to find one on Grant's staff.

Lee then wrote this note:

"Headquarters Army of Northern Virginia, April 9, 1865. "General,—I received your letter of this date containing the terms of surrender of the Army of Northern Virginia as proposed by you. As they are substantially the same as those expressed in your letter of the 8th inst. they are accepted. I will proceed to designate the proper officers to carry the stipulations into effect.

"R. E. Lee, General.
"Lieut.-General U. S. Grant."

Generals Gibbon, Griffin, and Merritt were designated by Grant, and Generals Longstreet, Gordon, and Pendleton by Lee, to carry into effect the terms of surrender.

Before separating, Lee stated to Grant that his army was badly in want of food and forage; that his men had lived for some days on parched corn, and that he would have to ask for subsistence. Grant promised it at once, and asked how many men there were to supply. Lee replied, "About twenty-five thousand." Grant authorized him to send to Appomattox Station and get a supply out of the recently captured trains. At that time our army had few rations, and only such forage as the poor country afforded.

Some detachments and small bands of Lee's army escaped, but there were paroled 2781 officers and 25,450 men, aggregate 28,231.(29)

Lee's army was not required to march out, stack arms, and surrender according to the general custom of war, but the men, quietly, under their officers, stacked their guns and remained in camp until paroled. They soon dispersed, never to reassemble. The Army of Northern Virginia then ceased to exist.

The Union Army, on learning of the surrender, commenced firing a salute of one hundred guns. Grant ordered the firing stopped, not desiring to exult over his captured countrymen. General Meade and others protested in vain that it was due to the Army of the Potomac for its sacrifices and gallantry in the years of war that it should have the honor of a formal surrender and a day of military demonstrations.

The wildest scenes of rejoicing, however, took place in the Union Army on learning of the surrender. It did not take on the form of boasting over the captured. It was a genuine exultation over the prospect of the end of the war, the overthrow of the Confederacy, the restoration of the Union, and the destruction of slavery in the Republic. Officers, however high of rank, were not safe from the frenzied rush of the excited soldiers. Some eloquent, joyous speeches were made.

The little wild-cherry tree under which myself and staff were seated, drinking a cup of coffee and chewing "hard tack" when word of the surrender came, was torn down for mementoes. Meade and Wright did not escape, being almost dragged from their horses in the mad rejoicing.

The enlisted men of the two armies met on the guard lines, where many of the Union soldiers gave their last cracker to hungry Confederates. The gentlest and kindest feeling was exhibited on both sides. Not an ungenerous word was heard.

Grant at 4.30 P.M. telegraphed the Secretary of War: "*General Lee surrendered the Army of Northern Virginia this afternoon on terms proposed by myself.*"

President Lincoln had the news of Lee's surrender to cheer his great soul for five days before the assassin's bullet laid him low.

Grant retired to an improvised camp, and immediately announced his intention to leave the army in the field and start for Washington the next day. He rode within the Confederate lines at 9 A.M. on the 10th, and held a half hour's talk with Lee about the possibility of other Confederate armies surrendering and the speedy ending of the war, but Lee, though expressing himself satisfied further effort was vain, would take no responsibility, even to advising other armies to surrender, without consulting Jefferson Davis.(30) Grant left for Washington at noon.

General Lee retired to his home at Richmond.

The Union Army counter-marched to Burkeville. While there the death of Abraham Lincoln was announced to it. The army loved him, and his assassination excited the bitterest feeling. A memorial meeting was held at my headquarters at Burkeville, and like meetings were held in some other commands, at which speeches were made by officers.

The casualties in the Union Army in all the operations from March 29 to April 9, 1865 (Dinwiddie Court-House to Appomattox inclusive) were, in killed and wounded:(31)

Army of the Potomac	6,609
Army of the James	1,289
Cavalry (Sheridan)	1,168
Grand total	9,066

The killed and wounded in the Sixth Corps were 1500, and in my brigade 379 (above one fourth in the corps), and in the campaign, including March 25th at Petersburg, 480.

The brigade in the campaign, besides taking sixteen pieces of artillery and many prisoners in battle, captured six battle-flags, including General Heth's division headquarters flag.(32)

Sheridan with the cavalry and Wright with the Sixth Corps were ordered from Burkeville to North Carolina, to co-operate with Sherman against J. E. Johnston's army. The Sixth left Burkeville the 23d of April, 1865, and arrived, *via* Halifax Court-House, at Danville, a hundred miles or more distant, on the 27th, where, on learning that Johnston had capitulated, it was halted.

I obtained leave to continue south without my command (with two staff officers and a few orderlies), to visit old friends in Sherman's army with whom I had served in the West in 1861 and 1862. I travelled through bodies of paroled Confederates for fifty miles, to Greensboro, North Carolina, and there came into the lines of the Twenty-Third Corps, commanded by my old and distinguished friend, General J. D. Cox. After a few days' sojourn as his guest, and having seen the surrendered army of Joe Johnston, I returned to Danville and my proper command, feeling the war was about over.

The Army of the Potomac marched to Washington, and there (Sixth Corps excepted), uniting with Sherman's army, held the Grand Review of May 23, 1865. The Sixth Corps, with many detachments, numbering about 30,000 in all, arrived later, and was reviewed by President Johnson and his Cabinet and Generals Grant, Sherman, and Meade, June 8, 1865. The Army of the Potomac was disbanded June 28, 1865. All the armies of the Union were soon broken up and the volunteers composing them mustered out and sent to their homes to take up the pursuits of peace.(33) The prisons of the South had given up their starving victims.

On the recommendations of Wright, Meade, and Grant I was appointed a Brevet Major-General of Volunteers, the commission of the President reciting that it was "for gallant and distinguished services during the campaign ending in the surrender of the insurgent army under General R. E. Lee."

I was mustered out at Washington June 27, 1865, having served continuously as an officer precisely four years and two months, and fought in about the first (Rich Mountain) and the last (Sailor's Creek) battles of the war, and campaigned in six of the eleven seceding States, and in West Virginia, Kentucky, and Maryland.(34)

The regiments of my brigade (110th, 122d and 126th Ohio, 67th and 138th Pennsylvania, 6th Maryland, and 9th New York Heavy Artillery) lost, killed on the field, 54 officers and 812 enlisted men, wounded 101 officers and 2410 enlisted men, aggregate 3377, only *six* less than the killed and wounded under Scott and Taylor in their conquest of Mexico, 1846-1848,(35) and more than the like casualties under the direct command of Washington in the Revolutionary War—Lexington to Yorktown.

The terms of capitulation accorded to Lee's army were granted to other armies.

With Lee's surrender came the capture of Fort Blakely, Alabama, April 9th, followed by the surrender of Mobile, April 12th; Joe Johnston's army in North Carolina, April 26th; Dick Taylor's in Mississippi; May 4th; and Kirby Smith's in Texas, May 26th. Jefferson Davis, with members of his Cabinet, was captured at Irwinville, Georgia, May 10, 1865.

As the curtain fell before the awful drama of war, 174,233 Confederates surrendered, who, with 98,802 others held as prisoners of war (in all 273,035), were paroled and sent to their homes, and 1686 cannon and over 200,000 small arms were the spoils of victory.

The war was over; it was not in vain.

State-rights and secession—twin heresies, as promulgated by Calhoun and his followers and maintained by Jefferson Davis and the civil and military powers of the would-be Confederacy, and human slavery, a growth of the ages, fostered by avarice, and a blot on our civilization for two hundred and fifty years—were likewise overthrown or destroyed; and the integrity of the Union of the States and the majesty of the Constitution as a charter of organized liberty were vindicated, and the American Republic, full-orbed, was perpetuated, under one flag, and with one destiny.

The Thirteenth Amendment to the Constitution, declaring that: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to its jurisdiction"; submitted, February 1, 1865, by Congress to the States for ratification, and proclaimed ratified December 18, 1865, is but the inevitable decree of war, in the form of organic law, resulting from the triumph of the Union arms, accomplished through the bloody sacrifice of hundreds of thousands of devoted men, together with the concurrent sufferings of yet other hundreds of thousands of wounded and sick and the sorrows of disconsolate and desolate millions more, superadded by billions in value of property laid waste and other billions of treasure expended. Such, indeed, was the penalty paid to eradicate the crime of the centuries—*SLAVERY*.

Freedom was triumphant, and civilization moved higher.

(1) *Memoirs of Sheridan*, vol. ii., pp. 175, 189.

(2) This statement is taken from Lee's official report, though Jefferson Davis, in his work, takes pains to viciously deny its truth. *War Records*, vol. xlvi., Part I., p. 1265; *Battles and Leaders*, etc., vol. iv., p. 724; *Rise and Fall of the Confederacy*, vol. ii., pp. 668-76.

(3) *Rise and Fall of the Confederacy*, Davis, vol. ii., p. 677. I picked up at Danville a copy of this document at the press where it had recently been printed.

(4) *War Records*, vol. xlvi., Part III., p. 549.

(5) *Ibid.*, pp. 556, 610.

(6) *Memoirs of Sheridan*, vol. ii., p. 187.

(7) *War Records.*, vol. xlvi., Part III., p. 576.

(8) While riding along the face of the hills with Colonel Andrew J. Smith of the division staff, to get a good view of the enemy's position, I dispatched the Colonel to bring up and put a battery in a designated position. He met and sent Major O. V. Tracey of the same staff on his errand, and soon rejoined me. Some movements displayed large numbers of the enemy, whereupon Smith characteristically exclaimed: "Get as many boys as ever you can; get as many shingles as ever you can; get around the corner as fast as ever you can,— a whole hogshead of molasses all over the walk!" Before this outburst ceased a bullet whistled past by bridle reins and struck Smith in the right leg. While yet repeating his lingo, he threw his arms around his horse's neck and swung to the ground.

(9) Grant wrote Sheridan informing him the Sixth Corps was following him, saying: "The Sixth Corps will go in with a vim any place you may dicate."—*Memoirs of Sheridan*, vol. ii., p. 182.

(10) *War Records*, vol. xlvi., Part I., pp. 1284, 1298.

(11) Longstreet, *Manassas to Appomattox*, p. 614.

(12) *War Records*, vol. xlvi., Part I., p. 980.

(13) Captains John F. Hazleton and T. J. Hoskinson, serving respectively as my Quartermaster and Commissary of Subsistence, reported to me at a critical juncture in the battle of Sailor's Creek and volunteered for field duty, and for their exceptional gallantry each was, on my recommendation, brevetted a Major by the President.

(14) Tucker after the war expatriated himself from the country for a time, and became an Admiral in the Peruvian navy, but as our naval officers refused to salute his flag on the sea, Peru was forced to dismiss him.

(15) *War Records*, vol. xlvi., Part I., pp. 683, 980.

(16) *Ibid.*, p. 906.

(17) As to numbers engaged, see correspondence, Appendix C.

(18) Longstreet, *Manassas to Appomattox*, p. 616.

(19) *Memoirs of Grant*, vol. ii., pp. 477-8.

(20) *Memoirs of Sheridan*, vol. ii., pp. 191, 199.

(21) *Manassas to Appomattox*, pp. 618, 620; *Memoirs of Lee* (Long), p. 416.

(22) Letter of General Gordon to the writer, of October 1, 1894.

(23) Longstreet relates that information came to him from Gordon that a break had been found through which the Confederate Army "could force passage," and that he dispatched a Colonel Haskell "on a blooded mare" after Lee, who had gone to the rear expecting to meet Grant, as requested by Lee by note previously sent, Longstreet telling the Colonel "to kill his mare, but bring Lee back."—*Manassas to Appomattox*, pp. 623, 626.

(24) *Memoirs of Lee* (Long), p. 421.

(25) *Memoirs of Sheridan*, vol. ii., pp. 194-8.

(26) *Memoirs of Sheridan*, vol. ii., p. 154.

(27) *Battles and Leaders*, etc., vol. iv., p. 740; *Memoirs of Grant*, vol. ii., p. 483.

(28) *Memoirs of Grant.*, vol. ii., p. 488.

(29) *War Records*, vol. xlvi., Part I., p. 1279.

(30) *Memoirs of Grant*, vol. ii., p. 497.

(31) *War Records*, vol. xlvi., Part I., p. 597.

(32) The individual captors of flags were F. M. McMillen, Co. C, and Isaac James, Co. A, 110th Ohio; Milton Blickensderfer, Co. E, 126th Ohio; George Loyd, Co. A, 122d Ohio (Heth's battle flag); John Keough, Co. E, 67th Pennsylvania; and Trustrim Connell, Co. I, 138th Pennsylvania. Each was awarded a Medal of Honor.—*War Records*, vol. xlvi., Part I., pp. 909, 981.

(33) An incident will illustrate how Secretary Stanton sometimes did business. The first order to muster out volunteers excepted those whose term of enlistment expired after October 1, 1865. This would have left in service some men of each company of my Ohio regiments and caused dissatisfaction. Through a written application I obtained authority to muster out all the men of these regiments. Later, complaints came from regiments of other States similarly affected, and an application was made by me for like authority as to them, which was refused. This was invidious. In company with General Meade I called on the Secretary of War to ask a reconsideration. On the bare mention of our mission Mr. Stanton flew into a rage and denounced Meade for making the request, saying no such order had been or would be issued. Meade was deeply hurt and started to withdraw, and the wrath of the Secretary was turned on me. I interrupted him and, displaying the order relating to the Ohio regiments, told him his statement was not true. Stanton thereupon became still more violent and abusive and declared the order I had was issued by mistake or through fraud and would be revoked. I replied that it had been executed; that the men were discharged, paid off, and on their way home. He then became calm, relented, apologized for his intemperate language, and kindly issued the desired order.

(34) I was, in 1866, on the joint request of Generals Grant and Meade, appointed Lieutenant-Colonel in the 26th Infantry, U. S. A. I declined the commission.

(35) There were 26,690 regulars and 56,926 volunteers—83,616, employed in the invasion of Mexico, not mentioning the navy.— *History of Mexican War* (Wilcox), p. 561. For the author's farewell order to the brigade, and table of casualties in it by regiments, see Appendix C.

APPENDICES

APPENDIX A GENERAL KEIFER IN CIVIL LIFE

I ANCESTRY AND LIFE BEFORE THE CIVIL WAR

I was born, January 30, 1836, on a farm on Mad River, north side, six miles west of Springfield, Bethel Township, Clark County, Ohio, a short distance west of Tecumseh Hill, the site of the original

Piqua, Shawnee Indian village, destroyed by General George Rogers Clark August 8, 1780.

My ancestors, though not especially distinguished for great deeds, either in peace or war, were of the sturdy kind, mentally, physically, and morally.

My grandfather, George Keifer, was born (1728) in one of the German States, from whence he emigrated to America and settled in the Province of Maryland about the year 1750. Nothing is certainly known of his life or family in Germany. He was a Protestant, and was probably led to quit German-Europe to escape the religious intolerance, if not persecutions, there at the time so common.

He availed himself of the Act of Parliament made in the thirteenth year of the reign of King George the Second, which provided for the naturalization of "Foreign Protestants," settled or who should settle in his Majesty's colonies in America, and was naturalized and became a subject of King George the Third of England, an allegiance he did not long faithfully maintain, as he became a Revolutionary patriot in 1776.(1) He participated in the Revolution, though there is no known record of his being a regular soldier in the war. He gave some attention to farming, but was by trade a shoemaker. He resided in Sharpsburg, Washington County, Maryland, on Antietam Creek, and there died, April 11, 1809. His wife, Margaret (Schisler) was likewise German, probably born in Germany (1745), but married in Maryland. Her family history is unknown, but she was a woman of a high order of intelligence, and possessed of much spirit and energy. After her husband's death she removed (1812) with her two sons to Ohio (walking, from choice, the entire distance), and died there, February 9, 1827, in my father's family, at eighty-two years of age. George and Margaret Keifer had two sons, George (born October 27, 1769, and died August 31, 1845), and Joseph (my father), born February 28, 1784, at Sharpsburg, Maryland. They followed, when young, the occupation and trade of their father. The facilities and opportunities for acquiring an education for persons in limited circumstances were then small, yet Joseph Keifer early determined to secure an education, and by his own persevering efforts, with little, if any, instruction, he became especially proficient in geography and mathematics, and acquired a thorough practical knowledge of navigation and civil engineering. He could speak and read German. He was a general reader, and throughout his life was a constant student of both sacred and profane history, and devoted much attention to a study of the Bible. In September, 1811, he left Sharpsburg, on horseback, on a prospecting tour over the mountains to the West, destination Ohio. He kept a journal (now before me) of his travels, showing each day's journey, the places visited, the topography of the country, the kinds of timber growing, the lay of the land and kinds of soil, the water supply and its quality, etc., and something of the settlers. This journey occupied seven weeks, during which he rode 1140 miles, much of it over trails and bridle paths, his total cash "travelling expenses being $36.30." He travelled through Jefferson, Tuscarawas, Stark, Muskingum, Fairfield, Pickaway, Ross, Fayette, Champaign (including what is now Clark), Montgomery, Warren, Butler, Hamilton, Guernsey, and Belmont Counties, Ohio. In April, 1812, he started on another like journey over much the same country, returning May 15th.

On his first journey he visited Springfield, Ohio, and vicinity, and bargained for and made an advance payment of $500 in silver for about seven hundred acres of land, located near (west of) New Boston, from John Enoch, for himself and his brother George Keifer, agreeing to take possession and make further payment in one year. He removed with his brother George (who then had a wife and family of several children), his mother accompanying, by wagon and on horseback to this land, in the fall of 1812, where both brothers made their homes during life, each following the general occupation of farming. The land was chosen with reference to its superior quality, excellent growth of popular, oak, walnut, hickory, and other valuable timber for building purposes, and likewise with reference to its fine, healthful, perennial springs of pure limestone water. The tract fronted on Mad River, extending northward into the higher lands so as to include bottom-lands and uplands in combination.

Joseph Keifer, before leaving Maryland, procured to be made at Frederick, Maryland, a surveyor's compass and chain (still in my possession), and when in Ohio, in addition to clearing lands and farming, he surveyed many extensive tracts of land for the early settlers. Later in life he gave up surveying, save for his neighbors when called on. He had some inclination to music. He served for a short time in the War of 1812, joining an expedition for the relief of General Harrison and Fort Meigs on the Maumee when besieged by the British and Indians in 1813. He, however, lived in his Ohio home a quiet, sober, peaceful, contented, studious, moral life, much esteemed for his straightforward, honest, plain character by all who knew him, but always taking a deep interest in public affairs, state and national, his sympathies being with the poor, oppressed, and unfortunate. His detestation of slavery led him to emigrate from a slave State to one where slavery not only did not and could not exist, but where free labor was well requited and was regarded as highly honorable. Though among the early settlers of the then wild West, he did not care much, if at all, for hunting and fishing, then common among his neighbors and associates. He preferred to devote his leisure hours to reading and intellectual pursuits and to the society of those of kindred tastes, especially interesting himself in the education of his large family of children. He was, in theory and practice, a moral and religious man, a church attendant,

though never a member of any church, yet one year before his death (1849), at his own request, he was baptized in Mad River, by Rev. John Gano Reeder, of the Christian Church.

He was one of the founders and first directors of the Clark County Bible Society, organized September 2, 1822.

Throughout his life he took a deep interest in politics, but he never sought or held any important office. He was an Adams-Clay Whig.

He died on his farm, April 13, 1850, and his remains, likewise his mother's and his brother's, are now buried in Ferncliff Cemetery, Springfield, Ohio.

He was married, November 9, 1815, to Mary Smith, daughter of Rev. Peter Smith, a Baptist minister (then resident on a farm near what is now Donnelsville, Clark County, Ohio), who had some celebrity also as a physician in the "Miami Country." He was a son of Dr. Hezekiah Smith of the "Jerseys," and was born in Wales, February 6, 1753, from whence this branch of the *Smith* family came. He was some relation to Hezekiah Smith, D.D., of Haverhill, Massachusetts, but in what way connected is not known. Peter Smith was educated at Princeton, and married in New Jersey to Catherine Stout (December 23, 1776), and he seems to have early, under his father, given some attention to medicine, and became familiar with the works of Dr. Rush, Dr. Brown, and other writers of his day on "physic." He also, during his life, acquired much from physicians whom he met in New Jersey, Pennsylvania, Virginia, North and South Carolina, Georgia, Kentucky, and Ohio. He called himself an "Indian Doctor" (because he sometimes used in his practice herbs, roots, etc., and other remedies known to the Indians), though he was in no proper sense such a doctor. He was an early advocate, much against public prejudice, of inoculations for smallpox; this before Dr. Jenner had completed his investigations and had introduced vaccination as a preventive for smallpox.(2)

Dr. Peter Smith, in his little volume (printed by Brown & Looker, Cincinnati, 1813), speaks of inoculating 130 persons, in New Jersey, for smallpox in 1777, using, to prevent dangerous results, with some of them, calomel, and dispensing with it with others, but reaching the conclusion that calomel was not necessary for the patient's safety.

In this book, entitled *The Indian Doctor's Dispensatory*, etc., (3) on the title-page he says: "*Men seldom have wit enough to prize and take care of their health until they lose it—And doctors often know not how to get their bread deservedly, until they have no teeth to chew it.*" He seems to have been an original character and investigator, availing himself of all the opportunities for acquiring knowledge within his reach, especially acquainting himself with domestic, German, and tried Indian remedies, roots, herbs, etc. In the Introduction to his book he says: "The elements by Brown seem to me plain, reasonable, and practicable. But I have to say of his prescriptions, as David did of Saul's *armour*, when it was put upon him, '*I cannot go with this, for I have not proved it.*' He thus chose his sling, his staff, shepherd's bag and stones, because he was used to them, and could recollect what he had heretofore done with them." The modern germ or bacilli theory of disease, now generally accepted by learned physicians, was not unknown or even new in his time. He speaks of it as an "*insect*" theory, based on the belief that diseases were produced by an invisible *insect*, floating in the air, taken in with the breath, where it either poisons or propagates its kind, so as to produce disease.(4)

Besides much in general, Peter Smith's book contains about ninety prescriptions for the cure of as many diseases or forms of disease, to be compounded generally from now well-known medicine, roots, herbs, etc., some of them heroic, others quaint, etc. He did not recommend dispensing wholly with the then universal practice of bleeding patients, but he generally condemned it.

About the year 1780, from New Jersey, he commenced his wandering, emigrating life, with his wife and *some* small children. He lingered a little in Virginia, in the Carolinas, and settled for a time in Georgia, and all along he sought out people from whom he could gather knowledge, especially of the theory and practice of medicine. And he preached, possibly in an irregular way, the Gospel, as a devout Baptist of the Old School, a denomination to which he was early attached. Not satisfied with his Georgia home, "with its many scorpions and slaves," he took his family on horseback, some little children (twin babies among them) carried in baskets suitable for the purpose, hung to the horns of the saddle ridden by his wife, and thus they crossed mountains, rivers, and creeks, without roads, and not free from danger from Indians, traversing the woods from Georgia through Tennessee to Kentucky, intending there to abide. But finding Kentucky had also become a slave State, he and his family, bidding good-by to Kentucky "headticks and slavery," in like manner emigrated to Ohio, settling on Duck Creek, near Columbia (Old Baptist Church), now within the limits of Cincinnati, reaching there about 1794. He became, with his family, a member of this church, and frequently preached there and at other frontier places, but still pursuing the occupation of farming, and, though perhaps not for much remuneration, the practice of medicine. In 1804 he again took to the wilderness with his entire family, then grown to the number of twelve children, born in the "Jerseys" or on the line of his march through

the coast or wilderness States or territories. He settled on a small and poor farm on Donnels Creek, in the midst of rich ones, where he died, December 31, 1816. It seems from his book (page 14) (published while he resided at his last home), that he did not personally cease his wanderings and search for medical knowledge, as he says he was in Philadelphia, July 4, 1811, where he made some observations as to the effect of hot and cool air upon the human system, through the respiration. But it is certain he taught to the end, in the pulpit, and ministered as a physician to his neighbors and friends, often going long distances from home for the purpose. He concluded, near the end of his long and varied experiences, that: "Men have contrived to break all God's *appointments*. But this: '*It is appointed for all men once to die*' has never been abrogated or defeated by any man. And as to medicine we are about to take: *If the Lord will*, we shall do this or that with success; *if the Lord will*, I shall get well by this means or some other." He concluded his "Introduction" by commending the "iron doctrine" for consumptives, and assenting to Dr. Brown's opinion that "*an old man ought never to marry a young woman*."

He is buried in a neglected graveyard near Donnelsville, Clark County, Ohio.

Men of the type and character described impressed for good Western life and character while they lived, and through their example and posterity also the indefinite future.

Peter Smith had four sons, Samuel, Ira, Hezekiah, and Abram, who each lived beyond eighty years, dying the order of their birth, each leaving a large family of sons and daughters, whose children, grandchildren, etc., are found now in nearly, if not all, the States of the Union, many of them also becoming pioneers to the frontiers, long ago reaching the Rocky Mountains, the Pacific slope and coast. (5)

His sons Ira and Hezekiah, much after the fashion of their father, preached the Gospel (Baptist) in Ohio and Indiana, but not neglecting, as did their father, to amass each a considerable fortune. Ira resided and died at Lafayette, Indiana, and Rev. Hezekiah Smith at Smithland, Indiana. Samuel, the eldest (Clark County, Ohio), was always a plain, creditable farmer, but his sons and grandchildren became noted as educators, physicians, surgeons, and divines.

Samuel's son, Peter Smith, besides acquiring a good general education, studied surveying, my father assisting him, and he taught school in Clark and other counties in Ohio, and became celebrated for his success. He was the first in Ohio to advocate higher-graded, or union schools, and through his efforts a first law was passed in Ohio to establish them. He adopted a merit-ticket system for scholars in schools which, for a time, was highly successful and became popular. He removed, about 1830, to Illinois, then became a surveyor and locator of public lands, farmer, etc., and was killed by a railroad train at Sumner, Illinois, when about eighty years of age, leaving a large number of grown children.

Rev. Milton J. Miller (now of Geneseo, Illinois), grandson of Samuel Smith, though a farmer boy, early resolved to acquire an education and enter the ministry. His resolution was carried out. He graduated at Antioch College; attended a theological school at Cambridge, Mass., became a minister of the Christian Church, later of the Unitarian, and was for about one year a chaplain in the volunteer army (110th Ohio), and distinguished himself in all relations of life.

Dr. Hezekiah Smith, also son of Samuel, became somewhat eminent as a physician, and died at Smithland, Shelby County, Indiana, in 1897.

Abram, though once in prosperous circumstances, through irregular habits and the inherited disposition to rove over the world, became poor, and sometimes, when remote from his family and friends, in real want, yet he, the youngest of the four, lived past the traditional family fourscore years, dying poor (near Lawrenceville, Illinois), but leaving children and grandchildren in many States of the West, who had become, at his death, or since became, distinguished as soldiers and eminent citizens. He was a man of most cheerful disposition, and whatever his circumstances or lot were he seemed content and happy.

Five of Dr. Peter Smith's daughters (besides my mother) lived to be married. Sarah married Henry Jennings; Elizabeth, Hezekiah Ferris; Nancy, John Johns; Margaret, Hugh Wallace, and Rhoda, Dr. Wm. Lindsay, but each died comparatively young. They also each left children; and their grandchildren, etc., are now numerous and many of them highly esteemed citizens, also scattered widely over the country.

Two others of Dr. Smith's children (Catherine and Jacob Stout) lived only to the ages of fifteen and seventeen years respectively.

But Peter Smith was not the sole head of this remarkable and long wandering family, nor the repository or source of all its brains or good qualities of head and heart.

He was married, as stated, to Catherine Stout, in New Jersey, whose family was theretofore, then, and since both numerous and widely dispersed, and many of them more than usually prominent or celebrated in public or private life.

Her ancestry may be traced briefly. Richard Stout, who seems to have been first of his name in America, was the son of John Stout, of Nottinghamshire, England. When a young man he came to New Amsterdam (New York City), where he met Penelope Van Princess, a young woman from Holland. She, with her first husband, had been on a ship from Amsterdam, Holland, bound for New Amsterdam. The ship was wrecked in the lower bay and driven on the New Jersey coast below Staten Island. The passengers and crew escaped to the shore, but were there attacked by Indians, and all left for dead; Penelope alone was alive, but severely wounded. She had strength enough to get to a hollow tree, where she is said to have lived unaided for seven days, during which time she was obliged to keep her bowels in place with her hand, on account of a cut across her abdomen. At the end of this time a merciful but avaricious Indian discovered and took pity on her. He took her to his wigwam, cared for her, and thence took her to New Amsterdam by canoe and *sold* her to the Dutch. This woman Richard Stout married about the year 1650. The couple settled in New Jersey, and raised a family of seven sons and three daughters. The third son, Jonathon, married a Bullen, settled at Hopewell, New Jersey, and had six sons and three daughters. The fifth son, Samuel, married Catherine Simpson, by whom he had one son, Samuel, born in 1732. This Samuel served in the New Jersey Legislature, and was a Justice of the Peace. He married Anne Van Dyke, and had seven sons and three daughters. His daughter Catherine, great-great-granddaughter of Richard and Penelope (born November 25, 1758), married, December 25, 1776, Peter Smith, whose history we have traced. She was the companion of all his journeyings, caring for and directing affairs and the family in his frequent absence and itinerarys from home "preaching the Gospel and disbursing *physic* for the salvation of souls and the healing of the body." She, too, was a devout Christian (Baptist), and ministered to the exposed and often needy pioneers in the wilderness. She survived him fifteen years, dying March 3, 1831. She is buried beside her husband.

Mary (my mother), a daughter of Peter and Catherine Smith, born January 31, 1799, on Duck Creek near Columbia Church, within the present limits of Cincinnati, married (as stated) Joseph Keifer, when not yet seventeen years of age, and became the mother of fourteen children, eight of whom lived to mature years—two sons and six daughters. She died at Yellow Springs, Ohio, March 23, 1879, passing her eightieth birthday, like her brothers named, having survived all her brothers and sisters. She was next to the youngest of them. She inherited, cultivated, and practised the essential virtues necessary in a successful, useful, pure, happy, and contented life. She had a most cheerful disposition, and was a confident and buoyant spirit, in sorrow and adversity. She was devoted to all her children, and all owe her much for their fundamental preparation, education, etc., together with the habits of industry and perseverance, essential to whatever of success they have attained in life. And, above all, she early became a member of church (Baptist and Christian), and maintained her church relations for above sixty years, to her death, never doubting in her Christian belief, yet never bigoted or intolerant of the religious views of others.

She was a devoted companion to her husband, and with him ever took a deep interest in their family and neighbors, never neglecting a duty to them. She, born in the Ohio territory, lived within its borders above eighty years, witnessed its transformation from savagery to the highest civilization, and its growth in wealth, power, and population from little to the third of the great States of the Union. She witnessed the coming, through science and inventions, of railroads, telegraphs, steam, and electric power, telephones, etc. She saw the soldiers of the War of 1812, the Mexican war, and the War of the Rebellion, and something of the Indian wars in Ohio. In her childhood she lived in proximity to savages. With her husband she had ministered to escaped slaves, and saw slavery (always detested by both) abolished. She witnessed with becoming pride a degree of success in the efforts of her children and grandchildren, and she held on her knees her great- grandchildren. She is buried beside her husband in Ferncliff Cemetery, Springfield, Ohio.

The children who grew to maturity were: Margaret, born September 22, 1816, who married Joseph Gaines, and died March 10, 1896, leaving two sons and a daughter; Sarah (still living) born September 29, 1819, who married Lewis James, and, after his decease, Richard T. Youngman, having one son, J. Warren James (Captain 45th Ohio, War of the Rebellion), and *five* children by her last husband; Benjamin Franklin (still living), born April 22, 1821, who married Amelia Henkle, and has three sons and three daughters living; Elizabeth Mary, born February 20, 1823, unmarried, still living; Lucretia, born January 20, 1828, died August 5, 1892, surviving her husband, Eli M. Henkle, and her only son, John E. Henkle; Joseph Warren Keifer, born January 20, 1836, who married, March 22, 1860, Eliza Stout, of Springfield, Ohio. [They have three sons living, Joseph Warren, born May 13, 1861; William White, born May 24, 1866, and Horace Charles, born November 14, 1867. Their only other child, a daughter, Margaret Eliza, was born June 2, 1873, and died August 16, 1890.] Minerva, born July 15,

1839 (died July 22, 1899), married to Charles B. Palmer, and they have two sons and a daughter; and Cordelia Ellen, born July 17, 1842, not married.

From the ancestry described and from the widely diversified strains of blood—German, English, Welsh, Dutch, and others not traced or traceable—meeting, to make, in *composite*, a full-blooded American —came the author of this sketch. He also sprang from a farmer, shoemaker, civil engineer, clergyman, physician, etc., ancestry, no lawyer or soldier of mark appearing in the long line, so far as known.

Born with a vigorous constitution, of strong (6) and remarkably healthy parents, I, early as strength permitted, became useful, in the varied ways a boy can be, on a farm where the soil is not only tilled, but trees first have to be felled, rails split, hauled, and fences built. Timber had to be cut and hauled to saw-mills, to make lumber for buildings, etc. In the 40's clearing was still done by deadening, felling, and by burning, the greater part of the timber not being necessary or suitable for sawed lumber or rails. In all this work, as I grew in years and strength, I participated. At or before the age of seven years, and long thereafter, I performed hard farm work, hauling, ploughing, sowing, planting, cultivating corn and vegetables, harvesting, etc., and was never idle. I mowed grass with a scythe, and reaped grains with a sickle (the rough marks of the teeth of the latter are seen still on the fingers of my left hand as I write this.) Later, the cradle to cut small grain was introduced, though at first it was not popular, because it reduced the usual number of harvest hands required to "sickle the crop." Raking and binding wheat, rye, and oats were part of the hard work of the harvest field. Husking corn was a fall and sometimes winter occupation. Stock had to be cared for and fed. Flax for home-made garments was raised, pulled up by hand, spread, rotted, broken, skutched, hackled, etc. All this work of the farm I pursued with regularity and assiduity. My father dying when I was fourteen years of age, and my only living brother (Benjamin F.) being married and on his own farm, much more of the duties and management of a farm of above two hundred acres devolved on me for the more than six succeeding years while my mother continued to reside on the homestead.

My education was commenced at home and at the log district schoolhouse, located on my father's farm. The beginning of a child's schooling, by law and custom, was then at four years of age. Thus early I went to school, but not regularly. It was then rare that a summer school was kept up, and the winter *term* was usually only three or four months, at the outside. The farmer boy was needed to work almost the year round, and even while attending school, he arose early to attend to the feeding of stock, chopping fire-wood, doing chores, etc., and when school closed in the evening he was often, until after darkness set in, similarly engaged. The school hours were from 8 A.M. to 12 M. and from 1 to 5 P.M. Saturdays were days of hard work. The school months were busy ones to the farmer boys and girls. Spelling matches at night were common.

The schools were, however, good, though the teachers were not always efficient or capable of instructing in the higher branches of learning now commonly taught in public schools in Ohio. But in reading, spelling, writing, English grammar, geography within certain limits, and arithmetic, the instruction was quite thorough, and scholars inclined to acquire an education early became proficient in the branches taught.

At school I made progress, though attending usually only about three—sometimes four—months in the year. But I had the exceptional advantage of aid at home from my father and mother; also older sisters, who had all of them become fitted for teachers. My natural inclination was to mathematics and physical geography rather than to English grammar or other branches taught. While engaged in the study of geography my father arranged to make a globe to illustrate the zones, etc., and grand divisions of the world. Though then but twelve years of age I aided him in chopping down a native linden tree, from which a block was cut and taken to a man (Crain) who made spinning-wheels, which was by him turned, globe-shaped, about a foot in diameter, and hung in a frame. My father marked on it the lines of latitude and longitude and laid off the grand divisions, islands, oceans, seas, etc., and with appropriate shadings to indicate lines or boundaries, it was varnished and became a veritable globe, fit for an early student of geography, and far from crude. It now stands before me as perfect as when made fifty years since. In mathematics I soon, out of school, passed to the study of algebra, geometry, natural philosophy, etc. My common school and home advantages were excellent, and while my father lived, even when at work in the field, problems were being stated and solved, and interesting matters were discussed and considered. The country boy has an inestimable advantage over the town or city boy in the fact that he is more alone and on his own resources, which gives him an opportunity for independent thought, and forces him to become a *thinker*, without which no amount of scholastic advantages will make him, in any proper sense, learned.

I had the misfortune, before ten years of age, of injuring, by accident, my left foot, and in consequence went on crutches about two years of my boyhood life. This apprehension of again becoming lame early turned my thought to an occupation other than farming. When sixteen years of

age I decided to try to become a lawyer, and in this decision my mother seconded me heartily. Though continuing to labor on the farm without intermission, I pursued, as I had long before, a regular study of history, and procured and read some elementary law books, including a copy of Blackstone's *Commentaries*, which I systematically and constantly read and re-read, and availed myself, without an instructor, of all possible means of acquiring legal knowledge. In my eighteenth year I was regularly entered as a student at law with Anthony & Goode, attorneys, at Springfield, Ohio, though my reading was still continued on the farm, noons, nights, and between intervals of hard work.(7)

Lyceums or debating societies which met at the villages or schoolhouses were then common. They were usually well conducted, and they were excellent incentives to study, affording good opportunity for acquiring habits of debate and public speaking. They are, unfortunately, no longer common. These lyceums I frequented, and participated in the discussions. I taught public school "*a quarter*," the winter of 1852-53, at the Black-Horse tavern schoolhouse, on Donnels Creek, for sixty dollars pay.

I attended Antioch College (1854-55) in Horace Mann's time, for less than a year, reciting in classes in geometry, higher algebra, English grammar, rhetoric, etc., pursuing no regular course, and part of the time taking special lessons, and while there actively participated in a small debating club, to which some men still living and of high eminence belonged. One member only of the club has, so far, died upon the gallows. This was Edwin Coppoc, who was hanged with John Brown in December, 1859.

In the exciting Presidential campaign of 1856 (though not old enough to vote) I made, in Clark and Greene Counties, Ohio, above fifty campaign speeches for Fremont, the excitement being so high that mobbing or egging was not uncommon. The pro-slavery people called Fremont's supporters *abolitionists*—the most opprobrious name they conceived they could use. Colonel Wm. S. Furay (now of Columbus, Ohio), of about my age, also made many speeches in the same campaign, and we were joint recipients of at least one *egging*, at Clifton, Ohio.

In the midst of my farm work and duties, by employing room hours, evenings, rainy days, etc., I could make much progress in studies, and besides this I did a little fishing in the season, and some hunting with a rifle, in the use of which I was skillful in killing game. Hunting became almost a passion, hence had to be wholly given up.

At the close of the 1856 Presidential campaign, my mother having, in consequence of my purpose to practise law, removed from the farm to Yellow Springs, Ohio, I became a resident of Springfield, and there pursued, regularly, in Anthony & Goode's office, the study of law.

Before this I had ventured to try a few law cases before justices of the peace, both in the country, in villages, and in the city, and I had some professional triumphs, occasionally over a regular attorney, but more commonly meeting the "pettifogger," who was of a class once common, and not to be despised as "rough and tumble," *ad captandum*, advocates in justices' courts. They often knew some crude law, and they never knew enough to concede a point or that they were wrong.

My studies went on in much the usual way until I was admitted to the bar, January 12, 1858, by the Supreme Court of Ohio, at Columbus. I recognize now more than I did then that my preparation for the profession of the law, which demands knowledge of almost all things, ancient, modern, scientific, literary, historical, etc., was wholly defective. All knowledge is called into requisition by a general and successful legal practitioner. My early deficiency in learning, and the many interruptions in the course of about forty years, have imposed the necessity of close and constant application. On being admitted to the bar, I determined to visit other parts and places before locating. I visited Toledo; it was then muddy, ragged, unhealthful, and unpromising. Chicago was then next looked over. It was likewise apparently without promise. The streets were almost impassable with mire. The sidewalks were seldom continuously level for a square. The first floors of some buildings were six to ten feet above those of others beside them. So walking on the sidewalks was an almost constant going up and down steps. There was then no promise of its almost magic future. At Springfield, Illinois, I saw and heard, in February, 1858, before the Supreme Court, an ungainly appearing man, called *Abe* Lincoln. He was arguing the application of a statute of limitations to a defective tax title to land. He talked very much in a conversational way to the judges, and they gave attention, and in a Socratic way the discussion went on. I did not see anything to specially attract attention to Mr. Lincoln, save that he was awkward, ungainly in build, more than plain in features and dress, his clothes not fitting him, his trousers being several inches too short, exposing a long, large, unshapely foot, roughly clad. But he was even then, by those who knew him best, regarded as intellectually and professionally a great man. When I next saw him (March 25, 1865, twenty days before his martyrdom) he looked much the same, except better dressed, though he was then President of the United States and Commander-in- Chief of its Army and Navy. He appeared on both occasions a sad man, thoughtful and serious. The last time I saw him he was watching the result of an assault on the enemy's outer line of works from Fort Fisher in front of Petersburg, the day Fort Stedman was carried and held for a time by the Confederates.

I also visited St. Louis, and took a look at its narrow (in old part) French streets; thence I went to Cairo, the worst, in fact and appearance, of all. In going alone on foot along the track of the Illinois Central Railroad from Cairo to Burkeville Junction, in crossing the Cash bottoms, or slashes, I was assailed by two of a numerous band of highwaymen who then inhabited those parts, and was in danger of losing my life. In a struggle on the embankment one of the two fell from the railroad bed to the swamp at its side, and on being disengaged from the other I proceeded without being further molested to my destination.

By March 1, 1858, I was again at home, resolved to practise law in my native county, at Springfield, where I opened an office for that purpose. To locate to practise a profession among early neighbors and friends has its disadvantages. The jealous and envious will not desire or aid you to succeed; others, friendly enough, still will want you to establish a reputation before they employ you.

All will readily, however, espouse your friendship, and proudly claim you as their school-mate, neighbor, and dearest friend when you have demonstrated you do not need their patronage.

I did succeed, in a way, from the beginning, and was not without a good clientage, and some good employments. I was prompt, faithful, and persistently loyal to my clients' interests, trying never to neglect them even when they were small. Then litigations were sharper generally than at present, and often, as now understood, unnecessary. The court-term was once looked forward to as a time for a lawyer to earn fees; now it is, happily, otherwise with the more successful and better lawyers. Commercial business is too tender to be ruthlessly shocked by bitter litigations. Disputes between successful business men can be settled usually now in good lawyers' offices on fair terms, saving bitterness, loss of time, and expensive or prolonged trials. A just, candid, and good attorney should make more and better fees by his advice and counsel and in adjusting his client's affairs in his office than by contentions in a trial court-room.

I was an active member of the Independent Rover Fire Company in Springfield, and with it ran to fires and worked on the brakes of a hand-engine, etc.

I gave little attention to matters outside of the law, though a little to a volunteer militia company of which I was a member; for a time a lieutenant, then in 1860 brigade-major on a militia brigadier's staff. We staff officers wore good clothes, much tinsel, gaudy crimson scarfs, golden epaulets, bright swords with glistening scabbards, rose horses in a gallop on parade occasions and muster days, yet knew nothing really military—certainly but little useful in war. We knew a little of company drill and of the handling of the old-fashioned muster.

My wife (Eliza Stout) was of the same Stout family of New Jersey from whence came my maternal grandmother. She was born at Springfield, Ohio, July 11, 1834, and died there March 12, 1899.

Her father, Charles Stout, and mother, Margaret (McCord) Stout, emigrated from New Jersey, on horseback, in 1818, to Ohio, first settling at Cadiz, then at Urbana, and about 1820 in Clark County. The McCords were Scotch-Irish, from County Tyrone. Thus in our children runs the Scotch-Irish blood, with the German, Dutch, Welsh, English, and what not—all, however, Aryan in tongue, through the barbaric, Teutonic tribes of northern Europe.

Thus situated and occupied, I was, after Sumter was fired on, and although wholly unprepared by previous inclination, education, or training, quickly metamorphosed into a soldier in actual war.

Five days after President Lincoln's first call for volunteers I was in Camp Jackson, Columbus, Ohio (now Goodale Park), a private soldier, and April 27, 1861, I was commissioned and mustered as Major of the 3d Ohio Volunteer Infantry, and with the regiment went forthwith to Camp Dennison, near Cincinnati, for drill and equipment. Here real preparations for war, its duties, responsibilities, and hardships, began. Without the hiatus of a day I was in the volunteer service four years and two months, being mustered out, at Washington, D. C., June 27, 1865, on which date I settled all my ordnance and other accounts with the departments of the government, though they covered several hundred thousand dollars.

I served and fought in Virginia, Kentucky, Tennessee, Alabama, Georgia, West Virginia, and Maryland, and campaigned in other States. I was thrice slightly wounded, twice in different years, near Winchester, Virginia, and severely wounded in the left forearm at the battle of the Wilderness, May 5, 1864. I was off duty on account of wounds for a short time only, though I carried my arm in a sling, unhealed, until after the close of the war.

The story of my service in the Civil War is told elsewhere.

II PUBLIC SERVICES SINCE THE CIVIL WAR

On my return from the war I resumed, in Springfield, Ohio, the practice of law, and have since pursued it, broken a little by some official life.(8) I took a deep interest in the political questions growing out of the reconstruction of the States lately in rebellion, and especially in the adoption of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution. The *first* of these abolished slavery in the United States; the *second* (1) secured to all persons born or naturalized in the United States, citizenship therein and in the State wherein they resided; prohibited a State from making any law that would abridge the privileges or immunities of citizens, and from depriving any person of life, liberty, or property without due process of law, and from denying to any person the equal protection of the laws; (2) required Representatives to be apportioned among the States according to number, excluding Indians not taxed, but provided that when the right of male citizens over twenty-one years to vote for electors and Federal and State executive, judicial or legislative officers, was denied or abridged by any State, except for participation in rebellion or other crime, the basis of representation therein should be reduced proportionately; (3) excluded any person who, having previously taken an oath as a member of Congress or of a State Legislature, or as an officer of the United States or of a State, to support the Constitution of the United States, shall have engaged or aided in rebellion, from holding any office under the United States or any State, leaving Congress the right by a two-thirds vote of each House to remove such disability, and (4) prohibited the validity of the public debt, including debts incurred for the payment of pensions and bounties, from being questioned, and prevented the United States or any State from paying any obligation incurred in aid of the Rebellion, or any claim for the emancipation of any slave, and the *third* provided that citizens shall not be denied the right to vote "By any State on account of race, color, or previous condition of servitude."(9) Those amendments completed the cycle of fundamental changes of the Constitution, and were necessary results of the war.

Ohio ratified each of them through her Legislature, but, in January, 1868, rescinded her previous ratification of the Fourteenth Amendment. I voted and spoke in the Ohio Senate against this recession.

The Constitution of Ohio gave the elective franchise only to "white" persons. In 1867 the people of the State voted against striking the word "white" from the Constitution. In that year I was elected to the Ohio Senate, and participated in the political discussion of those times, both on the stump and in the General Assembly, and favored universal suffrage and the political equality of all persons. The wisdom of such suffrage will hardly be settled so long as there exists a great disparity of learning and moral, public and private, among the people, race not regarded.

I originated some laws, still on the statute books of Ohio, one or two of which have been copied in other States. An amendment to the replevin laws, so as to prevent the plaintiff from acquiring, regardless of right, heirlooms, keepsakes, etc., is an example of this. I served on the Judiciary and other committees of the Ohio Senate in the sessions of 1868-69.

I supported my old war chief for President in 1868 and 1872. I was Commander of the Department of the Ohio, Grand Army of the Republic, for the years 1868, 1869, and 1870, during which time, under its auspices, the Ohio Soldiers' and Sailors' Orphans' Home was established at Xenia, through a board of trustees appointed by me. The G. A. R. secured the land, erected some cottages and other buildings thereon, and carried on the institution, paying the expense for nearly two years before the State accepted the property as a donation and assumed the management of the Home. I was Junior Vice-Commander-in-Chief of the G. A. R., 1871-72; was trustee of the Orphans' Home from April, 1871, date when the State took charge of it, to March, 1878; have been a trustee of Antioch College since June, 1873; was the first President of the Lagonda National Bank, Springfield, Ohio, (April, 1873), a position I still hold; was a delegate-at-large from Ohio to the National Republican Convention in Cincinnati, in June, 1876, when General Hayes was nominated for President; was thereafter, serving in the Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth Congresses, ending March 4, 1885, covering the administrations of Presidents Hayes, Garfield, and Arthur. I served in the Forty-fifth on the Committee on War Claims, and in the Forty-sixth on Elections, and on other less important committees.

I opposed the repeal of the act providing for the resumption of specie payments, January 1, 1879. In a somewhat careful speech (November 16, 1877), I insisted that the act "to strengthen the public credit" (March 18, 1869), and the resumption act of January 14, 1875, reaffirmed the original promise and renewed the pledges of the nation to redeem, when presented, its notes issued during and on account of the Rebellion, thus making them the equivalent of coin. I then, also against the prophecy of many in and out of Congress, demonstrated the honesty, necessity, and ability of the government to resume specie payment.

The act was not repealed, and resumption came under it without a financial shock, and the nation's credit, strength, honor, and good faith were maintained inviolate with its own people.

I advocated the payment of claims of loyal citizens of the insurrectionary States for supplies furnished or seized by the Union Army, necessary for its use for subsistence, but opposed payment, to even loyal

citizens, of claims based on the loss or destruction of property incident to the general devastation of the war. Claims for destruction of property were the most numerous, and the most energetically pressed, and, in some instances, appropriations were made to pay them, but the great majority of them failed. The loyalty of claimants from the South was often more than doubtful. For want of a well defined rule, which it is impossible to establish in Congress, very many just claims against the United States never are paid, or, if paid, it is after honest claimants have been subjected to the most vexatious delays, and, in many instances, forced to be victimized by professional lobbyists. Many claimants have spent all they and their friends possessed waiting in Washington, trying to secure an appropriation or to pay blackmailing claim-agents or lobbyists. It is doubtful whether the latter class of persons ever really aided, by influence or otherwise, in securing an honest appropriation, though they, to the scandal of the members, often had credit for doing so. It is doubtful whether there is any case where members of either House were bribed with money to support a pending bill, yet many claimants have believed they paid members for their influence and votes.

An illustrative incident occurred when Wm. P. Frye of Maine was serving on the War Claims Committee of the House. A lobbyist in some way ascertained that Mr. Frye was instructed by his committee to report a bill favorably by which a considerable claim would be paid. The rascal found the claimant, and told him that for five hundred dollars Mr. Frye would make a favorable report, otherwise his report would be adverse. The claimant paid the sum. But for an accident Mr. Frye never would have known of the fraud, and the claimant would have believed he bribed an honest member.

I opposed the payment of a large class of claims presented for institutions of learning or church buildings destroyed by one or the other army, not so much on account of their disloyal owners, but because their destruction belonged to the general ravages of war, never compensated for, as of right, according to the laws and usages of nations.

Besides making reports on various war claims, I spoke (December 13, 1878) at some length against a bill to reimburse William and Mary College, Virginia, for property destroyed during the war, in which I collated the precedents and reviewed the law of nations in the matter of payment of claims for property destroyed in the ravages of war by either the friendly or opposing army. I also frequently participated in the debates on the floor of the House involving war claims and other important matters.

The necessity for presenting claims for the judgment of Congress results in the most grievous wrong to honest claimants, and often results in the payment of fraudulent claims through the persistency of claimants and the lack of time and adequate means for investigation. In the absence of judicial investigation according to the usual forms of procedure it quite frequently happens that fraudulent claims are made to appear honest, and hence paid. Want of time causes other, however just, to fail of consideration, thus doing incalculable injustice. The government of the United States suffers in its reputation from its innumerable failures to pay, at least promptly, its honest creditors. Thousands of bills to pay claims are annually introduced which go to committees and to the calendar, never to be disposed of for want of time. To remedy this, on April 16, 1878, I proposed in the House an amendment to the Constitution in these words:

"*Article ——*

"Section 1. Congress shall have no power to appropriate money for the payment of any claims against the United States, not created in pursuance of or previously authorized by law, international treaty, or award, except in payment of a final judgment rendered thereon by a court or tribunal having competent jurisdiction.

"Section 2. Congress shall establish a court of claims to consist of five justices, one of whom shall be chief-justice, with such original jurisdiction as may be provided by law in cases involving claims against the United States, and with such other original jurisdiction as may be provided by law, and Congress may also confer on any other of the courts of the United States inferior to the Supreme Court, original jurisdiction in like cases.

"Section 3. All legislation other than such as refers exclusively to the appropriation of money in any appropriation act of Congress shall be void, except such as may prescribe the terms or conditions upon which the money thereby appropriated shall be paid or received." —*Con. Record*, Vol. vii., Part III., p. 2576.

The adoption of this amendment would have relieved Congress of much work; have given claimants at all times a speedy and certain remedy for the disposition of their claims and at the same time secured protection to the government against unfounded claims. A statute of limitations could have put a rest old and often trumped-up claims, still constantly being brought before Congress. It is impossible for Congress to make a statute of limitations for its own guidance.(10) It never will obey a law against its own action.

In the Forty-sixth Congress there were many contested election cases, growing out of frauds and crimes at elections, especially in the South. The purpose of the dominant race South to overthrow the rule of the blacks or their friends was then manifest in the conduct of elections. The colored voter was soon, by coercion and fraud, practically deprived of his franchise. The plan of stuffing ballot-boxes with tissue ballots (printed often on tissue paper about an inch long and less in width) was in vogue in some districts. The judge or clerk of the election would, when the ballot-box was opened, shake from his sleeve into the box hundreds of these tickets. In these districts voters were encouraged to vote, but the tissue ballot was mainly counted to the number of the actual voters; those remaining were burned. The party in the majority in the House, however, generally voted in its men, regardless of the facts.

As early as June 7, 1878, I proposed to amend the postal laws so as to extend the free-delivery letter-carrier system to post offices having a gross revenue of $20,000. This amendment subsequently became a law, and gave many cities the carrier system. Prior to this, population alone was the test for establishing such offices.

I opposed the indiscriminate distribution of the remaining $10,000,000 of the $15,500,000 paid by Great Britain, as adjudged by the Geneva Arbitration, for indemnity for losses occasioned by Confederate cruisers which went to sea during the Rebellion from English ports with the connivance or through the negligence of the British Government. I insisted in a speech (December 17, 1878) that the fund should be distributed in payment of claims allowed by the arbitrators in making the award, or retained by the government as general indemnity. Many of the losers whose claims were taken into account in making the award could not be proper claimants to the fund, as they had been fully paid by marine insurance companies. It was insisted by some members that the companies had no equitable right to be subrogated to the rights of the claimants who were thus paid, because the companies had charged war-premiums, and hence did not deserve reimbursement.(11)

The Forty-sixth Congress will long be memorable in the history of our country. It was Democratic in both branches, for the first time since the war.

The previous Congress (House Democratic) adjourned March 4, 1879, without having performed its constitutional duty of appropriating the money necessary to carry on,. for the coming fiscal year, the legislative, executive, and judicial departments of the government, and for the pay of the army. The avowed purpose of this failure was to coerce a Republican President to withhold his veto and approve bills prohibiting the use of troops "to keep the peace at the polls on election days"; taking from the President his power to enforce all laws, even to the suppression of rebellion, except on the motion first taken by State authorities; repealing all election laws which secured the right, through supervisors of elections and special deputy marshals, to have free, fair elections for electors and members of Congress; and also that made it a crime for an officer of the army to suppress riots or disorder or to preserve the peace at elections.

The President called the Forty-sixth Congress in extra session, March 18, 1879, to make the necessary appropriations. The effort was at once made, through riders to appropriation bills and by separate bills, to enact the laws mentioned. Excitement ran high. For the first time in the history of the United States (perhaps in the history of any government) it was announced by a party in control of its law-making power, and consequently responsible for the proper conduct and support of the government, that unless the Executive would consent to legislation not by him deemed wise or just, there should not be provided means for maintaining the several departments of the government—that the government should be "starved to death." In vain were precedents sought for in the history of England for such suicidal policy. The debate in both branches of Congress ran high, and there was much apprehension felt by the people. Mr. Blackburn of Kentucky, speaking for his party, said:

"For the first time in eighteen years past the Democracy are back in power in both branches of this Legislature, and she proposes to signallize her return to power; she proposes to celebrate her recovery of her long-lost heritage by tearing off these degrading badges of servitude and destroying the machinery of a corrupt and partisan legislation. We do not intend to stop until we have stricken the last vestige of your war measures from the statute- book, which, like these, were born of the passions incident to civil strife and looked to the abridgment of the liberty of the citizen."

Others threatened to refuse to vote appropriations until the "Capitol crumbled into dust" unless the legislation demanded was passed. President Hayes' veto alone prevented the legislation. It is not here proposed to give a history of the struggle, fraught with so much danger to the Republic, but only to call attention to it. The contest lasted for months.

Senators Edmunds, Conkling, Blaine, Chandler of Michigan, and other Republicans, and Thurman, Voorhees, Beck, Morgan, Lamar, and other Democrats participated in the debates. In the House Mr. Garfield, Mr. Frye, Mr. Reed, and other Republicans, and Mr. Cox, Mr. Tucker, Mr. Carlisle, and other Democrats took a more or less prominent part in the discussion. I spoke against the repeal of the

election laws on April 25, 1879, and against the prohibition of the use of troops at the polls to keep the peace on election days, on June 11, 1879. The necessity for the pay of members for the fiscal year ending June 30, 1880, had the effect, finally, after many vetoes of the President, to cause the Democratic members to recede, for a time, from the false position taken. The whole question was, however, renewed in the first regular session of the same Congress. Precisely similar riders to appropriation bills and new bills relating to the use of troops at the polls, to repeal laws authorizing the appointment of supervisors and special deputy marshals for elections, and to make it a crime for an officer of the army to aid in keeping the peace at the polls on election days were brought forward and their enactment into laws demanded. I spoke on the 8th and on the 10th of April, 1880, against inhibiting the use of the army at the polls and restricting the President's power to keep the peace at elections when riots and disorder prevailed, and on March 18th, and again on the 11th of June, 1880, in opposition to a bill intended to repeal existing laws relating to the use of deputy marshals at elections. In these debates I sought to make clear the power of the government to protect the voter in Federal elections; to demonstrate the necessity for doing so; to show that it was as important to have peace on election day at the polls as on the other days of the year and at other places; that it was not intended, and had never been the purpose, to use troops or supervisors or deputy marshals to prevent a voter from voting for officers of his choice, but only to secure him in that right; and that the right to a peaceful election had always been sacredly maintained, and for this purpose the army had been used in England and in all countries where free elections had been held. I maintained that the citizen was as much entitled to be protected in his right peacefully and freely to exercise the elective franchise, as to be protected in any other right, and that it was as much the duty and as clearly within the power of the Federal Government to use, when necessary, the army as a police force on an election day as to use it on other days of the year to suppress riots and breaches of the peace; and I further insisted that it was the duty of the United States to protect its citizens at home as well as abroad in all their constitutional rights.(12) I also showed that the coercive policy of forcing legislation under threats of destroying the government was not only indefensible, treasonable, and unpatriotic, but wholly new. The precedents alleged to be found in the history of the British Parliament were shown not to exist in fact; that the farthest the English Parliament had ever gone was to refuse subsidies to the Crown, the princes, or to maintain royalty, or to vote supplies to carry on a foreign war not approved by the House of Commons; that in no case had the life of the nation been threatened as the penalty for the Crown's not approving laws passed by the House of Commons, and that the English statutes provided for preserving peace and order by the army, especially at elections.

In some cases during this memorable contest in the Forty-sixth Congress I took issue in the House with the majority of my party colleagues when they, through timidity, or for other causes, yielded their opposition to proposed legislation touching the use of the army and special deputy marshals and supervisors of elections to secure peaceable and fair elections. In one notable instance (June 11, 1879), Mr. Garfield of Ohio, Mr. Hale of Maine, and the other Republican members of the appropriation committee so far surrendered their previously expressed views as to concur in the adoption of a section in the army appropriation bill which prohibited any of the money appropriated by it from being "paid for the subsistence, equipment, transportation, or compensation of any portion of the army of the United States to be used as a police force to keep the peace at any election held within any State."

The application of the previous question cut off general debate, and I was only able to get five minutes to state my objections to the proposed measure.

Though the section was plainly intended to deprive the President of his constitutional power as Commander-in-Chief of the army, eleven Republicans only of the House joined me in voting against it. The Republican Senators, however, generally opposed the section when the bill reached the Senate. Later in the same Congress the Republicans of the House unitedly supported the position taken by me. This and other like incidents led, however, to a charge being made later by some weak, jealous, and vain Republicans that I was not friendly to Mr. Garfield as a leader and not always loyal to my party.

In the last army appropriation bill of the same Congress, after full discussion, a similar provision was omitted, and no such limitation on the use of the army has since been or is ever again likely to be attempted to be enacted into law.

The political heresies of the Forty-fifth and Forty-sixth Congresses have apparently passed away, and a more patriotic sentiment generally exists in all parties, and, fortunately, the necessity for troops, supervisors of elections, and special deputy marshals at the polls no longer exists in so marked a degree.

I spoke, December 7, 1880, and again, February 9, 1881, at length, against the adoption of a joint rule of Congress relating to counting the electoral vote, which rule, among other things, undertook to give Congress the right to settle questions that might arise on objection of a member as to the vote of the electors of a State. I maintained that, under the Constitution, Congress neither in joint session nor

in separate sessions had the right to decide that the vote of a State should or should not be counted, or that there was any power anywhere to reject the vote of any State after it had been cast and properly certified and returned; that the two Houses only met, as provided in the Constitution, to witness the purely ministerial work of the Vice-President in opening and counting the electoral vote as returned to him. I cited the precedents from the beginning of the government under the Constitution in support of my position, excepting only the dangerous one of 1877, growing out of the Electoral Commission.

I spoke on many other important subjects, especially on the true rule of apportionment of representation in the House; on election cases, and parliamentary questions. I was not always in harmony with my party leaders. I denied the policy of surrendering principle in any case, even though apparent harmony was, for the time being, attainable thereby.

At the November election of 1880, James A. Garfield was elected President, and the Republicans had a bare majority in the House at the opening of the Forty-seventh Congress over the Democrats and Greenbackers, but not a majority over all. There were three Mahone re-Adjusters elected from Virginia. I formed no purpose to become a candidate for Speaker of the House, until the close of the Forty- sixth, and then only on the solicitation of leading members of that Congress who had been elected to the next one.

Shortly after Mr. Garfield was inaugurated President of the United States, a violent controversy arose over appointments to important offices in New York, which led to the resignation of Senators Conkling and Platt. This was followed by President Garfield being shot (July 2, 1881) by a crazy crank (Guiteau) who, in some way, conceived that he, through the controversy, was deprived of an office. In company with General Sherman I saw and had an interview with Mr. Garfield in his room at the White House the afternoon of the day he was shot. His appearance then was that of a man fatally wounded. He lingered eighty days, dying September 19, 1881. (He is buried at Cleveland, Ohio.) Garfield was a man of great intellect, and attracted people to him by his generous nature. I have spoken of him in an oration delivered, May 12, 1887, at the unveiling of a statue of him at the foot of Capitol Hill, Washington, D. C., erected by the Society of the Army of the Cumberland.(13)

Over such competitors as Mr. Reed, of Maine, Mr. Burrows of Michigan, Mr. Hiscock of New York, and others, I was chosen Speaker of the Forty-seventh Congress, December 5, 1881. The contest was sharp before the caucus met, but when my nomination became reasonably apparent, Mr. Hiscock, Mr. Reed, and Mr. Burrows, my three leading competitors, generously voted and had their friends vote for my nomination.

Chester A. Arthur, as Vice-President, succeeded to the Presidency on the death of Mr. Garfield. There came, later, an acute division in the Republican party, Blaine and Conkling (both then out of office by a singular coincidence), being the assumed heads of the opposing factions. President Arthur tried, faithfully, to bring the elements together by recognizing both, but in this, as is usually the case, he was not successful and had not the active support of either faction. Mr. Blaine was too inordinately ambitious and jealous of power to patiently bide his time, and Mr. Conkling was too imperious and vengeful to tolerate, through his political friends, fair treatment of his supposed enemies. Mr. Conkling was a man of honesty and sincerity, true to his friends to a degree, of overtowering intellect, with marvellous industry. Notwithstanding his many unfortunate traits of character, Mr. Conkling was a great man.

Mr. Blaine was essentially a politician, and possessed of a vaulting and consuming ambition, and was jealous of even his would-be personal and political friends. Mr. Conkling advised some of his friends in Congress to support me for Speaker, as did also his former senatorial colleague, Mr. Platt of New York. The members from New York state, however, though many of them were followers of Mr. Conkling, unitedly supported Mr. Hiscock until the latter decided, during the caucus, himself to vote for me. Mr. Blaine, though to me personally professing warm friendship, held secret meetings at the State Department and at his house to devise methods of preventing my election.(14) He had been a member, for many terms, of the House, and thrice its Speaker, had been a Senator, and for a few months Secretary of State under Presidents Garfield and Arthur. He had an extended acquaintance and many enthusiastic friends. He lacked breadth and strength of learning, as well as sincerity of character. He, however, came near being a great man, especially in public, popular estimation.

The Forty-seventh Congress met December 5, 1881, and being elected its Speaker over Mr. Randall, the candidate of the Democrats, I made this inaugural address:

"Gentlemen of the House of Representatives,—I thank you with a heart filled with gratitude for the distinguished honor conferred on me by an election as your Speaker. I will assume the powers and duties of this high office with, I trust, a due share of diffidence and distrust of my own ability to meet them acceptably to you and the country. I believe that you, as a body and individually, will give me hearty support in the discharge of all my duties. I invoke your and the country's charitable judgment

upon all my official acts. I will strive to be just to all, regardless of party or section. Where party principle is involved, I will be found to be a Republican, but in all other respects I hope to be able to act free from party bias.

"It is a singular fact that at this most prosperous time in our nation's history no party in either branch of Congress has an absolute majority over all other parties, and it is therefore peculiarly fortunate that at no other time since and for many years prior to the accession of Abraham Lincoln to the Executive chair have there been so few unsettled vital questions of a national character in relation to which party lines have been closely drawn.

"The material prosperity of the people is in advance of any other period in the history of our government. The violence of party spirit has materially subsided, and in great measure because many of the reasons for its existence are gone.

"While the universal tendency of the people is to sustain and continue to build up an unparalleled prosperity, it should be our highest aim to so legislate as to permanently promote and not cripple it. This Congress should be, and I profoundly hope it will be, marked peculiarly as a business Congress.

"It may be true that additional laws are yet necessary to give to every citizen complete protection in the exercise of all political rights. With evenly balanced party power, with few grounds for party strife and bitterness, and with no impending Presidential election to distract us from purely legislative duties, I venture to suggest that the present is an auspicious time to enact laws to guard against the recurrence of dangers to our institutions and to insure tranquillity at perilous times in the future.

"Again thanking you for the honor conferred, and again invoking your aid and generous judgment, I am ready to take the oath prescribed by law and the Constitution and forthwith proceed, with my best ability, guided by a sincere and honest purpose, to discharge the duties belonging to the office with which you have clothed me."

The duties of Speaker were arduous, varied, and delicate. Under the law, rules, and practice of the House he had control of the Hall of the House, and of the assignment of committee rooms; signed orders for the monthly pay of each member, and the pay of employees; approved bonds of officers; appointed and removed stenographers; examined and approved the daily journal of the proceedings of the House before being read; received and submitted messages from the President and heads of departments; appointed three regents to the Smithsonian Institution, and three members annually as visitors to the Military Academy, and a like number to the Naval Academy, and performed many other duties cast upon him, besides appointing all the committees of the House. The Speaker is naturally the person to whom members, employees, and others having business with the House flock for advice, assistance, and with their real or imaginary grievances. An extensive correspondence and social duties demand much of the Speaker's time. All this, independent of his real duties as presiding officer of the House, in performing what is expected, without time for deliberation, to decide correctly all parliamentary questions and inquiries. And he is obliged, in addition, to discharge the ordinary duties of a member for his district and constituents. The members from all parts of the Union have diverse and often conflicting interests to press upon the attention of the House, and the jealousy of members in matters of precedence or recognition by the Speaker renders his duties severely trying. It constantly occurred that several members with equal rights, urging matters of equal merit, were dependent on the recognition of the Speaker in a "morning hour," when not more than one or two of them at most could, for want of time, be recognized. The Speaker has to be invidious, relying on the future to even matters up. The recognition of a member by the Speaker is final, and from which there is no appeal. Members and often personal friends not infrequently feel aggrieved at the Speaker, for a time at least. All this regardless of political party lines. It is the Speaker's duty to equally divide recognition on party sides, and this duty, from the member's standpoint, is often a ground of complaint.

The first duty of the Speaker, ordinarily, after the House is organized and before it can proceed regularly to business, is to appoint the standing committees.

Chairmanships of committees and appointments on leading ones are much sought after, and members appeal to the Speaker on all kinds of grounds to give them the coveted places. Personal and party friendship is pressed upon him to induce favorable action. The same place is often sought by a number of members. Experience in congressional service, regardless of the member's prior duties, pursuit, or occupation, is generally urged as a reason for making a desired appointment. Some construct a geographical reason for a particular selection. Out of all this and more, the Speaker, with little or no acquaintance with a large number of the members, does the best he can. A few always are disappointed, and, necessarily under the circumstances, some mistakes are made, but generally those who make the loudest complaint are the weak, vain, and inefficient members who hope to be made great in the eyes of their constituents by being named on one or more important committees by the Speaker.

Some who seek and obtain committee appointments of their own choice soon find they are not what they had expected, and they also join the clamor against the Speaker. There are, however, only a small number out of the whole who are unreasonable or dissatisfied. This small number, by their wailing, give the appearance of a general discontent. Complaint was made by the disappointed that I gave preference on committees to personal and party friends who supported me for Speaker. I always believed in rewarding my friends.

I, however, appointed Hon. Thomas B. Reed (since Speaker), Hon. Frank Hiscock, Hon. J. C. Burrows (all competitors for Speaker), Chairmen, respectively, of the Committees on the Judiciary, Appropriations, and Territories. Hon. William D. Kelley was made Chairman of the Committee on Ways and Means. He was the acknowledged leading advocate of a high protective tariff to which the Republican party was then pledged, though the party was then honeycombed with free-traders, some of whom edited leading newspapers. Some of the latter in New York, Chicago, and Cincinnati, took occasion to assail me for appointing Mr. Kelley, and to give weight to their unjust attacks made many false statements as to the organization of other committees.(15) In this they were inspired by Mr. Blaine, and a very few others outside of Congress, who imagined their dictations should have been regarded, or who were otherwise disappointed in not being able to say who should be Speaker. The Speaker could not go into the newspapers and contradict these and like malicious stories, and hence some of them are still ignorantly repeated.(16)

After fuller acquaintance with the members, it became obvious that in assigning them to committee work I had overrated some and underrated others, but a better working Congress never met. Its work abundantly proves this, not only in amount of work done, but in the importance and character of the legislation, and its freedom from all that was corrupt or vicious. I cannot recall that even the weak and vicious slanderers or disappointed lobbyists ever risked charging me while I was Speaker or during my eight years in Congress with favoring any corrupt measure pending in Congress. Polygamy, notwithstanding it had maintained itself in the United States for fifty years, and was then more firmly established in Utah than at any time before, was given a blow, under which it has since about disappeared. The first three-per-cent. funding bill was passed by this Congress. Pauper immigration was prohibited, and immigrants were required to be protected on their way across the sea; national bank charters were extended, letter postage was reduced to two cents, and many public acts wisely regulating the Indian and land policy of the government were passed. Liberal pension laws were enacted; internal-revenue taxes were largely reduced, and there was a general revision (March 3, 1883) of the tariff laws. The Civil Service Act was also passed in this Congress.

More bills were introduced for consideration in the Forty-seventh than came before Congress in the first fifty years of its existence.

In discharging the duties of Speaker I had no strong parliamentary leader of my party on the floor to aid me, and I had had but little experience as a presiding officer. Of the opposite party were Mr. Randall, who had been Speaker of the three preceding Congresses; Mr. Cox of New York, the pugnacious, who had acted as Speaker for a time in the Forty-third; Mr. Carlisle (my successor as Speaker), and Mr. Knott of Kentucky, and others who laid just claim to much parliamentary learning. The House was hardly Republican; and in my own party were disappointed aspirants who often thought they saw opportunities to gain a little cheap applause.(17) Notwithstanding this situation, no parliamentary decision of mine was overruled by the House, though many appeals were taken, and more than the usual number of important questions were raised by members and decided by me. The most memorable of the decisions was the one which put an end to dilatory motions to prevent the House from making or amending its rules of procedure. The occasion of this holding arose on the consideration of a report of the Committee on Rules whereby it was proposed to so amend the rules as to prevent filibustering and dilatory motions in the consideration of contested election cases. It may be observed that for the first time in the history of Congress, dilatory methods were resorted to, to prevent the *consideration* of election cases. I was then ready to hold (and so stated) that dilatory motions were not in order to prevent the consideration of such cases, as their disposition affected the organization of the House for business; and I was also prepared to count a quorum when a quorum of members was present not voting, but these questions did not arise, and it was then understood that leading Republicans (Mr. Reed of Maine among the number (18)) did not agree with my views on these two points. A point of order was made against a dilatory motion, which was debated at much length, and with some heat, by the ablest parliamentarians of all parties in the House. My opinion on the question made is quoted from the *Record* of May 29, 1882.

"Mr. Reed, as a privileged question, called up the report of the Committee on Rules made on Saturday last; when Mr. Randall raised the question of consideration; pending which, Mr. Kenna moved that the House adjourn; pending which Mr. Blackburn moved that when the House adjourn it be to meet on Wednesday next; and the question being put thereon, it was decided in the negative.

* * * * *

"The question recurring on the motion of Mr. Kenna that the House adjourn; pending which Mr. Randall moved that when the House adjourn it be to meet on Thursday nest;

"Mr. Reed made the point of order that the said motion was not in order at this time, on the ground that pending a proposition to change the rules of the House, dilatory motions cannot be entertained by the Chair.

"After debate on said point of order,

"The Speaker. The question for the Chair to decide is briefly this: The gentleman from Maine (Reed) has called up for present consideration the report of the Committee on Rules made on the 27th inst., and the gentleman from Pennsylvania (Mr. Randall) raised, as he might under the practice and the rules of the House, the question of consideration. The gentleman from West Virginia (Mr. Kenna) then moved that the House adjourn, and the gentleman from Kentucky (Mr. Blackburn) moved that when the House adjourn it be to meet on Wednesday next, which last motion was voted down; and thereupon the gentleman from Pennsylvania (Mr. Randall) moved that when the House adjourn it be to meet on Thursday next. The gentleman from Maine (Mr. Reed) then raised the point of order that such motions are mere dilatory motions, and therefore, as against the right of the House to consider a proposition to amend the rules, not in order.

"It cannot be disputed that the Committee on Rules have the right to report at any time such changes in the rules as it may decide to be wise. The right of that committee to report at any time may be, under the practice, a question of privilege; but if it is not, resolutions of this House, adopted December 19, 1881, expressly give that right.

"The Clerk will read the resolutions.

"The Clerk read as follows:

'*Resolved*, That the rules of the House of Representatives of the Forty-sixth Congress shall be the rules of the present House until otherwise ordered; and,

'*Resolved* further, That the Committee on Rules when appointed shall have the right to report at any time all such amendments or revisions of said rules as they may deem proper.'

"The Speaker. It will be seen that these resolutions not only give the right to that committee to report at any time, but the committee is authorized to report any change, etc., in the rules. The right given to report at any time carries with it the right to have the proposition reported considered without laying over. The resolutions are the ones adopting the present standing rules of the House for its government; and it will be observed that they were only conditionally adopted; and the right was expressly reserved to the House to order them set aside. Paragraph 1 of Rule xxviii provides that.—

'No standing rule of the House shall be rescinded or changed without one day's notice of the motion therefor.'

"This clause of the rule, if applicable at all, may fairly be construed to make it in order under the standing rules of the House to consider any motion to rescind or change the rules after one day's notice.

"But the question for the Chair to decide is this: Are the rules of this House to be so construed as to give to the minority of the House the absolute right to prevent the majority or a quorum of the House from making any new rules for its government; or in the absence of anything in the rules providing for any mode of proceeding in the matter of consideration, when the question of changing the rules is before the House, shall the rules be so construed as to virtually prevent their change should one-fifth of the House oppose it? It may be well to keep in mind that paragraph 2 of section 5 of article 1 of the Constitution says that—

'Each House may determine the rules of its proceedings.'

"The same section of the Constitution provides that—

'A majority of each House shall constitute a quorum to do business.'

"The right given to the House to determine the rules of its proceedings is never exhausted, but is at all times a continuing right, and in the opinion of the Chair gives a right to make or alter rules independent of any rules it may adopt. Dilatory motions to prevent the consideration of business are comparatively recent expedients, and should not be favored in any case save where absolutely required

by some clear rule of established practice.

"In any case it is a severe strain upon common sense to construe the rules so as to prevent a quorum of the House from taking any proceedings at all required by the Constitution; and it is still more difficult to find any justification for holding that the special resolutions of this House adopted December 19th last, or the standing rules even of the House, were intended to prevent the House, if a majority so desired, from altering or abrogating the present rules of the House.

"There seems to be abundant precedent for the view the Chair takes. The Clerk will read from the *Record* of the Forty-third Congress, volume ix, page 806, an opinion expressed by the distinguished Speaker, Mr. Blaine, which has been repeatedly alluded to to-day.

"The Clerk read as follows:

'The Chair has repeatedly ruled that pending a proposition to change the rules dilatory motions could not be entertained, and for this reason he has several times ruled that the right of each House to determine what shall be its rules is an organic right expressly given by the Constitution of the United States. The rules are the creature of that power, and, of course, they cannot be used to destroy that power. The House is incapable by any form of rules of divesting itself of its inherent constitutional power to exercise its functions to determine its own rules. Therefore the Chair has always announced upon a proposition to change the rules of the House he never would entertain a dilatory motion.'

"The Speaker. It will be observed that the then Speaker says he has frequently held that pending a proposition to change the rules dilatory motions could not be entertained. The precedents for ruling out dilatory motions where an amendment of the rules is under consideration are many.

"During the electoral count my immediate predecessor (Mr. Randall) decided, in principle, the point involved here. On February 24, 1877, after an obstructive motion had been made, the following language was used, as found in the *Record* of the Forty-fourth Congress, page 1906.

'The Speaker. The Chair is unable to recognize this in any other light than as a dilatory motion.

'The mover then denied that he made the motion as such.

'The Speaker. The Chair is unable to classify it in any other way. Therefore he rules that when the Constitution of the United States directs anything to be done, or when the law under the Constitution of the United States enacted in obedience thereto directs an act of this House, it is not in order to make any motion to obstruct or impede the execution of that injunction of the Constitution and laws.'

"While this decision is not on the precise point, it clearly covers the principle involved in the case with which we are now dealing.

"The Chair thinks the Constitution and the laws are higher than any rules, and when they conflict with the rules the latter must give way. There is not one word in the present rules, however, which prescribes the mode of proceeding in changing the standing rules except as to the reference of propositions to change the rules, with the further exception that—

'No standing rule or order of the House shall be rescinded or changed without one day's notice.'

"But it will be observed that there is an entire absence from all these standing rules of anything that looks to giving directions as to the procedure when the rule is under consideration by the House. This only refers to the time of considering motions to rescind or change a standing rule to the reference of propositions submitted by members, and to the time and manner of bringing them before the House for consideration, and not to the method of considering them when brought before the House.

"It seems to purposely avoid saying one word as to the forms of proceedings while considering such motions. This is highly significant.

"There is nothing revolutionary in holding that purely dilatory motions cannot be entertained to prevent consideration or action on a proposition to amend the rules of the House, as this right to make or amend the rules is an organic one essential to be exercised preliminary to the orderly transaction of business by the House. It would be more than absurd to hold otherwise.

"Rule XLV undertakes to fasten our present standing rules on the present and all succeeding Congresses. It reads as follows:

'These rules shall be the rules of the House of Representatives of the present and succeeding Congresses, unless otherwise ordered.'

"If this rule is of binding force on succeeding Congresses, and the rules apply and can be invoked to give power to a minority in the House to prevent their abrogation or alteration, they would be made perpetual if only one-fifth of the members of the House so decreed.

"The fallacy of holding that the standing rules can be held to apply to proceedings to amend, etc., the rules will more sharply appear when we look to the case in hand. The proposition is to so amend the rules in contested-election cases as to take away the right to make and repeat dilatory motions, to prevent consideration, etc. And the same obstructive right is appealed to to prevent its consideration. To allow this would be to hold the rules superior not only to the House that made them but to the Constitution of the United States.

"The wise remarks quoted in debate, made long since by the distinguished speaker, Mr. Onslow of the House of Commons, about the wisdom of adhering to fixed rules in legislative proceedings, were made with no reference to the application of rules which it was claimed were made to prevent any proceedings at all by the body acting under them.

"The present occupant of the chair has tried, and will try, to give full effect to all rules wherever applicable, and especially to protect the rights of the minority to the utmost extent the rules will justify.

"The Chair is not called upon to hold that any of the standing rules of the House are in conflict with the Constitution, as it is not necessary to do so. It only holds that there is nothing in the rules which gives them application pending proceedings to amend and rescind them. It also holds that under the first of the resolutions adopted by the House on December 19, 1881, the right was reserved to order the standing rules set aside at any time this House so decided, and without regard to dilatory forms of proceedings provided for in them. The Chair does not hold that pending the question of consideration no motion shall be in order. It is disposed to treat one motion to adjourn as proper at this time, as it is a well-known parliamentary motion, and that such motion may be liable at some stage of the proceedings to be repeated if made for a proper and not a dilatory purpose.

"The Chair feels better satisfied with its ruling in this case, because the rule proposed to be adopted is one which looks to an orderly proceeding in the matter of taking up and disposing of contested-election cases, a duty cast directly on the House by the Constitution of the United States, and an essential one to be performed before it is completely organized.

"The Chair is unable to find in the whole history of the government that any dilatory motions have ever been made or entertained to prevent the consideration or disposition of a contested-election case until this Congress. The point of order has not yet been made against obstructive motions to prevent the consideration of a contested-election case, and the Chair is not now called on to decide whether such motions are in order or not where they would prevent a complete organization of the House. The principle here involved will suffice to indicate the opinion of the Chair on that question.

"The question here decided the Chair understands to be an important one, because it comprehends the complete organization of the House to do business, but it feels that on principle and sound precedents the point of order made by the gentleman from Maine (Mr. Reed) must be sustained to the extent of holding that the motion made by the gentleman from Pennsylvania (Mr. Randall), which is in effect a dilatory motion, is not at this time in order.

"It has been, in debate, claimed that on January 11, 1882, the present occupant of the chair made a different holding. The question then made and decided arose on a matter of reference of a proposition to amend the rules to an appropriate committee as provided for under the rules, and not on the consideration of a report when properly brought before the House for its action. The two things are so plainly distinguishable as to require nothing further to be said about them.

"Mr. Randall. From your decision, Mr. Speaker, just announced, I appeal to the House, whose officer you are.

"Mr. Reed. I move to lay the appeal on the table.

"The Speaker. The gentleman from Pennsylvania (Mr. Randall) appeals from the decision of the Chair, and the gentleman from Maine (Mr. Reed) moves that the appeal be laid upon the table.

"The question was taken; and there were—yeas 150, nays 0, not voting 141.

"So the appeal was laid on the table."(19)

There was much clamor and undue excitement over this decision of the Speaker cutting off the, always to me, foolish and unjustifiable, though time-honored, practice of allowing a turbulent minority to stop business indefinitely, by purely dilatory, though in form, privileged motions. This holding,

however, received the commendation of sober, learned men of this country, and in Europe it was quoted approvingly by Gladstone in the House of Commons of England, and was followed, in principle, by its Speaker in upholding the rule of *clôture* against violent filibustering of the Irish party. Such dilatory methods have been little resorted to since.

At the end of this Congress a resolution was adopted, on the motion of Mr. Randall, thanking "the Speaker for the ability and courtesy with which he has presided over the deliberations of the House during the Forty-seventh Congress."

My valedictory as Speaker was as follows:

"Gentlemen, the time has come when our official relations as Representatives in the Forty-seventh Congress are to be dissolved. In a moment more this House of Representatives will be known only in history. Its acts will stand, many of them, it is believed, through the future history of the Republic.

"On the opening day of this Congress, I ventured the suggestion and the expression of a hope that it would be marked 'as peculiarly a business Congress.'

"It has successfully grappled with more of the vital, material, and moral questions of the country than its predecessors. Many of these have been settled wisely and well by appropriate legislation. It would be quite impossible at this time to enumerate the many important laws which have been enacted to foster and promote the substantial interests of the whole country.

"This Congress enacted into a law the first 3 per cent. funding bill known to this country, and under it a considerable portion of the government debt has been refunded at lower rates than ever before.

"It did not hesitate to take hold of the question of polygamy, and it is believed it has struck the first effective blow in the direction of destroying that greatest remaining public crime of the age.

"Laws have been passed to protect the immigrant on his way across the sea and upon his arrival in the ports of this country.

"Laws have also been passed to extend the charters of the banking institutions so that financial disorder cannot take place, which would otherwise have come at the expiration of the old bank charters.

"Many public acts will be found relating to the Indian policy and the land policy of this country which will prove to be wise.

"The post-office laws have been so changed as to reduce letter postage from three to two cents, the lowest rate ever known in the United States.

"No legislation of this Congress will be found upon the statute books, revolutionary in character or which will oppress any section or individual in the land. All legislation has been in the direction of relief.

"Pension laws have been enacted which are deemed wise, and liberal appropriations have been made to pay the deserving and unfortunate pensioner.

"Internal-revenue taxes have been taken off, and the tariff laws have been revised.

"Sectionalism has been unknown in the enactment of laws.

"In the main a fraternal spirit has prevailed among the members from all portions of the Union. What has been said in the heat of debate and under excitement and sometimes with provocation is not to be regarded in determining the genuine feeling of concord existing between members. The high office I have filled through the session of this Congress has enabled me to judge better of the true spirit of the members that compose it than I could otherwise have done.

"It is common to say that the House of Representatives is a very turbulent and disorderly body of men. This is true more in appearance than in reality. Those who look on and do not participate see more apparent confusion than exists in reality. The disorder that often appears on the floor of the House grows out of an earnest, active spirit possessed by members coming from all sections of the United States, and indicates in high degree their strong individuality and their great zeal in trying to secure recognition in the prompt discharge of their duty. No more conscientious body of men than compose this House of Representatives, in my opinion, ever met. Partisan zeal has in some instances led to fierce word-contests on the floor, but when the occasion which gave rise to it passed by, party spirit went with it.

"I am very thankful for the considerate manner in which I have been treated by the House in its collective capacity. I am also very thankful to each individual member of this body for his personal treatment of me. I shall lay down the gavel and the high office you clothed me with filled with good feeling towards each member of this House. I have been at times impatient and sometimes severe with members, but I have never purposely harshly treated any member. I have become warmly attached to and possessed of a high admiration, not only for the high character of this House as a parliamentary body, but for all its individual members. I heartily thank the House for its vote of thanks.

"The duties of a Speaker are of the most delicate and critical kind. His decisions are in the main made without time for deliberation and are often very far-reaching and controlling in the legislation of the country on important matters, and they call out the severest criticism.

"The rules of this House, which leave to the Speaker the onerous duty and delicate task of recognizing individuals to present their matters for legislation, render the office in that respect as exceedingly unpleasant one. No member should have the legislation he desires depend upon the individual recognition of the Speaker, and no Speaker should be compelled to decide between members having matters of possibly equal importance or of equal right to his recognition.

"I suggest here that the time will soon come when another mode will have to be adopted which will relieve both the Speaker and individual members from this exceedingly embarrassing if not dangerous power.

"During my administration in the chair very many important questions have been decided by me, and I do not flatter myself that I have, in the hurry of these decisions, made no mistakes. But I do take great pride in being able to say that no parliamentary decision of mine has been overruled by the judgment of this almost evenly politically balanced House, although many appeals have been taken.

"I congratulate each member of this House upon what has been accomplished by him in the discharge of the important duties of a Representative, and with the sincerest hope that all may return safely to their homes, and wishing each a successful and happy future during life, I now exercise my last official duty as presiding officer of this House by declaring the term of this House under the Constitution of the United States at an end, and that it shall stand adjourned *sine die*. (Hearty and continued applause.)"—*Con. Record*, Vol. xiv., Part IV., p. 3776.

I was the caucus nominee and voted for by my party friends for Speaker of the Forty-eighth Congress, but Mr. Carlisle was elected, the Democrats being in the majority. I served on the Committees on Appropriations and Rules of the Forty-eighth Congress, and performed much hard work. I participated actively in much of the general business of this House, and in the debates. On January 24, 1884, I made an extended speech against a bill for the relief of Fitz-John Porter, by which it was proposed to make him "Colonel in the Army," and thus to exonerate him from the odium of his conduct while under General Pope, August 29, 1862, at the Second Bull Run, as found by a general court-martial. I advocated (January 5, 1885) pensioning Mexican soldiers. I spoke on various other subjects, and especially advocated (February 20, 1885) the increase of the naval strength of the government so that it might protect our commerce on the high seas in peace, guard our boundary coast line (in length, excluding Alaska, one and two thirds times the distance around the earth at the equator), and successfully cope, should war come, with any naval power of the world.

My principal work in this Congress was in the rooms of the Committee on Appropriations in the preparation of bills. Hon. Samuel J. Randall (Democrat) of Pennsylvania was Chairman of this committee. He was conscientious, industrious, and honest, absolutely without favorites, personal and political, in the making of appropriations. This committee, chiefly, too, by the labor of a very few of its members, each annual session prepared bills for the appropriation of hundreds of millions of dollars, which (with the rarest exception) passed the House without question (and ultimately became laws), the members generally knowing little or nothing as to the honesty or special necessity, if even the purpose, of the appropriations made. In the preparation of these bills the expenditures and estimates in detail of all the departments of the government including all branches of the public service and all special matters of expense, liability, and obligation, were examined and scrutinized, to avoid errors, injustice to the government or individuals, extravagance, or fraud. I have, covering as many as five of the last days of a session, remained with Mr. Randall in the committee rooms at the Capitol, working, almost uninterruptedly, night and day, to complete the bills necessary to be passed before adjournment. This committee work brought no immunity from attendance in the House.

My service in Congress ended March 4, 1885, since which time I have participated in public and political affairs as a private citizen, and assiduously pursued the practice of the law and attended to my personal affairs; writing this volume, mainly, in the winter nights of 1896 and 1897, incident to an otherwise busy life.

III SERVICE IN SPANISH WAR

After the foregoing was written, a war arose between the United States and Spain, growing out of the latter's bad government of Cuba, which Spain had held (except for a brief time) since its discovery in 1492.

Spain was only partially successful in putting down the ten years' (1868-1877) struggle of the Cubans for independence, and was forced to agree (1876) to give the inhabitants of Cuba all the rights, representation in the Cortes included, of Spanish citizens. This agreement was not kept, and in February, 1895, a new insurrection broke out, supported by the mass of the Cuban population, especially by those residing outside of the principal coast cities. Notwithstanding Spain employed in Cuba her best regular troops as well as volunteers, she failed to put down this insurrection. Governor-General Weyler inaugurated fire and slaughter wherever the Spanish armies could not penetrate, not sparing non-combatants, and, February 16, 1896, he adopted the inhuman policy of forcing the rural inhabitants from their homes into closely circumscribed so-called military zones, where they were left unprovided with food, and hence to die. Under Weyler's cruel methods and policy about one third (600,000) of the non-combatant inhabitants of the island were killed or died of starvation and incident disease before the end of the Spanish-American War. Yet a war was maintained by the insurgents under the leadership of able men, inspired with a patriotic desire for freedom and independence. The barbarity of the reconcentrado policy excited, throughout the civilized world, deep sympathy for the Cubans, and, April 6, 1896, a resolution passed Congress, expressing the opinion that a "state of war existed in Cuba," and declaring that the United States should maintain a strict neutrality, but accord to each of the contending powers "the rights of belligerents in the ports and territory of the United States," and proposing that the friendly offices of the United States "be offered by the President to the Spanish government for the recognition of the independence of Cuba." This resolution and the proffered friendly offices bore no fruit. To meet a possible attack upon our citizens in Havana, the battle-ship *Maine*, commanded by Captain C. D. Sigsbee, was sent there in January, 1898. It was peacefully anchored in the harbor, where, February 15th, it was destroyed by what was generally believed to have been a sub-marine mine, designedly exploded by unauthorized Spaniards. Of its officers and crew 266 perished, and the splendid war-ship was totally destroyed.

Preparations for war commenced at once in our country. Congress appropriated $50,000,000 "for the national defence."

It also, April 18, 1898, passed joint resolutions, declaring:

"That the people of the island of Cuba are, and of right ought to be, free and independent"; demanding of Spain that it "at once relinquish its authority and government in the island of Cuba, and withdraw its land and naval forces from Cuba and Cuban waters"; authorizing the President "to use the entire land and naval forces of the United States . . . and the militia of the several States, to such an extent as may be necessary to carry these resolutions into effect," but disclaiming that the United States had "any intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof," and asserting its determination that when that was completed to "leave the government and control of the island to its people." The resolutions were approved by the President April 20th, and in themselves had the effect of a declaration of war. The Spanish Minister at once demanded his passports and departed from Washington. The American Minister at Madrid was handed his passports on the morning of April 21, 1898, without being permitted to present the resolutions to the Spanish authorities. Congress, April 25th, by law, declared that war existed between the United States and Spain since and including April 21, 1898.

Thus, after a long peace of thirty-three years, our country was again to engage in war, and with and old and once powerful and war- like nation, which must be waged both by sea and land.

I do not intend to write a history of the one hundred and fourteen days' war that ensued. I merely summarize the conditions which caused me to turn from civil pursuits and a quiet home to again take up the activities of a military life in war.

The President called for volunteers (125,000 April 23d, and 75,000 May 25th), and, June 9th, I was, by him, appointed, and, June 14th, 1898, unanimously confirmed by the United States Senate, a Major-General of Volunteers. I was the only person in civil life from a northern State, or who had served in the Union Army in the Civil War but never in the regular Army, on whom was originally conferred that high rank in the Spanish-American War.

This rank was conferred on Fitzhugh Lee of Virginia, Joseph Wheeler of Alabama, and Matthew C. Butler of South Carolina, each of whom had served as a general officer in the Confederate Army; and on James H. Wilson of Delaware, who had served as a Major-General in the Union Army in the Civil

War. These four were from civil life, but, save Butler, each was a graduate of West Point and had served in the United States Army.

Hon. William J. Sewell of New Jersey declined an appointment to that rank, and Francis V. Greene of New York was appointed after the protocol was signed. He was a graduate of West Point, and had served in the United States Army. No other Major-General was appointed from civil life before the treaty of peace.

A feature of the Spanish War was the alacrity with which ex- Confederates and Southern men tendered their services to sustain it. It was worth the cost of the war, to demonstrate the patriotism of the whole people, and their readiness to unite under one flag and fight in a common cause.

I was assigned to the Seventh Army Corps, then being organized, with headquarters at Jacksonville, Florida. I reported there to Major-General Fitzhugh Lee, its commander, and was assigned to the First Division, then located at Miami, 366 miles farther south, on the east coast of Florida, at the terminus of railroad transportation. I assumed command of the Division, July 7th, with headquarters at Miami. It then numbered about 7500 officers and enlisted men. My tents were pitched in a cocoanut grove on the shore of the Biscayne Bay. The corps had been designated to lead an early attack on Havana. I had exercised no military command for a third of a century, and had misgivings of my ability to discharge, properly, the important duties. This feeling was not decreased by the fact that the division was composed of southern troops—1st and 2d Louisiana; 1st and 2d Alabama; and 1st and 2d Texas Volunteer Infantry regiments. Some of these regiments and many of the companies were commanded by ex-Confederate officers, and one brigade —the Second—was commanded by Brigadier-General W. W. Gordon, an ex-Confederate officer from Georgia. He commanded this brigade until the protocol, when he was made one of the evacuation commissioners for Porto Rico. Several of the staff were sons of Confederate officers. The only officer, other than staff-officers, who was not southern, was Brigadier-General Loyd Wheaton, who commanded the First Brigade. He had served in the Union Army in the Civil War from Illinois, and became, after the war, an officer in the United States Army, from which he was appointed a general officer of Volunteers in the Spanish War. Wheaton remained in my command until after our army occupied Havana, and commanded a division that entered that city, January 1, 1899, then shortly thereafter was ordered to the Philippines, where he has, in several battles with the Filipinos, distinguished himself, and deservedly acquired fame.

I soon, however, became familiar with my duties, and the command was a most agreeable and pleasant one. I became warmly attached to and proud of it; and it was, throughout, loyal to me. No better volunteer soldiers were ever mustered, and if occasion had arisen they would have proved their skill and valor by heroic deeds and willing sacrifices.

The camp at Miami was the farthest south of any in the United States, consequently the hottest, and by reason of the situation near the Everglades and the Miami River (their principal outlet to the sea) the water proved bad, and only obtainable for the troops through pipes laid on the rocky surface of the earth from the Everglades at the head of the river. It thus came warm, and sometimes offensive by reason of vegetable matter contained in it. The reefs—an extension of the Florida Reefs—which lay four miles from the west shore of the bay, cut off easterly sea breezes; and the mosquitoes were at times so numerous as to make life almost unbearable. All possible was done for the health and comfort of the command. Notwithstanding the location, hotness of the season, and bad general conditions, the health of the soldiers was better, numbers considered, than in any other camp in the United States. A good military hospital was established under capable medical officers, and, through some patriotic ladies—the wife and daughter of General W. W. Gordon and others—a convalescent hospital was established where the greatest care was taken of the sick, and wholesome delicacies were provided for them. A feeling of unrest amounting to dissatisfaction, however, arose, which caused the War Department to order my command to Camp Cuba Libre, Jacksonville, Florida. It was accordingly transported there by rail early in August, my headquarters having been at Miami just one month. My division was then camped in proximity to the St. John's River at Fairfield, immediately east of Jacksonville. My headquarters tents were pitched in a pine forest. Here the general conditions were much better than at Miami, though much sickness, chiefly typhoid and malarial fevers, prevailed in the corps, my own division having a far less per centum of cases than either of the other two. The water was artesian and good, but the absence of anything like a clay soil rendered it impossible to keep the camps well policed and the drainage was difficult. Florida sand is not a disinfectant; clay is. This camp, however, had a smaller list of sick in proportion to numbers than was reported in other camps farther north.

There was added to my division at Jacksonville, before any were mustered out, the 1st Ohio (Colonel C. B. Hunt) and the 4th U. S. Volunteer Infantry (Colonel James S. Pettit), the two constituting a third brigade, commanded by Colonel Hunt. My division then numbered about 11,000; the corps something over 32,000.

I commanded the corps, in the absence of General Lee, from the 14th to the 22d of August, 1898. Again, September 27th, I assumed command of the corps and retained it until October 6th, when I took a leave of absence home, returning *via* Washington for consultation with the authorities. I resumed command of the corps (then removed to Camp Onward, Savannah, Georgia), October 25th, and retained it until November 11th, 1898.

General Lee being about to depart for Havana, Cuba, I assumed, December 8th, command of all the United States forces at Savannah, consisting of regulars and volunteers.

The President, William McKinley, the Secretary of War, R. A. Alger, and others of the President's cabinet, visited Savannah, December 17th and 18th, and reviewed (17th), under my command, all the troops then there; about 16,000 of all arms, some of whom had seen service at Santiago, Cuba, and in Porto Rico.

The Springfield rifles with which the volunteers had been armed, were exchanged at Savannah for Krag-Jorgensen magazine (calibre .30) rifles.

The troops while at Savannah were generally in good health, although a few cases of cerebro or spinal meningitis occurred, owing to frequent changes of temperature.

The secret of preserving the health of soldiers is in regular drill and exercise, ventilation of clothing, bedding, and tents, and in cleanliness of person and camps. Exposure to sun and air purifies and disinfects better than lime or chemicals.

I superintended the final equipment and shipment to Cuba of about 16,000 troops; about one half were volunteers of the Seventh Corps, who went to Havana.

While at Jacksonville, the war with Spain having ended, a number of volunteer regiments were mustered out, and the Seventh Corps was reorganized into two divisions. The 1st Texas, Colonel W. H. Mabry (who died near Havana, January 4, 1899), and 2d Louisiana, Colonel Elmer E. Wood, only, were left of my original First Division, to which was added the 3d Nebraska, Colonel William Jennings Bryan (who resigned at Savannah December 10, 1898); the 4th Illinois, Colonel Eben Swift; the 9th Illinois, Colonel James R. Campbell, and the 2d South Carolina, Colonel Wilie Jones. The first three regiments constituted the First Brigade, commanded by General Loyd Wheaton, and the last three, the Second Brigade, commanded by Brigadier-General Henry T. Douglas, who had served in the Confederate Army in the Civil War. He was an excellent officer.

I embarked for Havana on the 26th of December, 1898, with my headquarters, including my staff, provost-guard, etc., on the *Panama*, a ship captured from the Spanish early in the war. I arrived in Havana Harbor the evening of the 28th, and the next day reached Camp Columbia, southwest of Havana about eight miles, at Buena Vista, near Marianao, where my last military headquarters were established, in tents, as always before. The troops were prepared to take possession of Havana on its surrender by the Spaniards, January 1, 1899. Major-Generals Brooke, Lee, Ludlow, and some other officers attended to the ceremonial part in the surrender of the city, and it became my duty to march the Seventh Corps and other troops in the vicinity of Havana into it for the purpose of taking public and actual possession. I, accordingly, early New Year morning, moved my command, numbering, infantry, cavalry, and artillery, about 9000, to and along the sea-shore, crossing the Almendares River on pontoons, near its mouth, thence through Vedado to the foot of the Prado, opposite Morro Castle, located east of the neck of the harbor. The formal ceremonies being over (12 M.), the troops were moved up the Prado, passing Major-General Brooke and others on the reviewing-stand at the Inglaterra Hotel, then through principal streets to camp, having made a march of about eighteen miles, under a tropical sun, the day being excessively hot for even that climate. The soldiers endured the march well. The day was a memorable one. A city which had been under monarchical rule for four hundred years witnessed the power of freedom, represented by the host of American soldiers, under the flag of a Republic, move triumphantly through its streets, with the avowed purpose of securing freedom to all the people. The Spanish residents did not partake of the joyous feeling or participate in the wild demonstrations of the Cuban inhabitants. The latter exhibited a frantic hilarity at times; then a dazed feeling seemed to come over them, in which condition they stood and stared, as in meditation. The natural longing to be free had possessed these people, but when they were confronted with the fact of personal freedom it was too much for them to fully realize, or to estimate what the absence of absolute tyranny meant for them. They appeared in the fronts and on the roofs of the houses, and along the sides of the streets, displaying all the tokens and symbols of happiness they possessed. Flowers were thrown in great profusion, and wild shouts went up from men, women, and children; especially from children, as, in some way, they seemed to know that a severance of their country from Spain meant more for them that it did for the older people. The Cubans are of mixed races, though they are not to be despised. Some have pure Castilian blood, some are from other European countries, and some are of pure African descent, many of the latter having once been in slavery; but many of the Cubans proper

are of a mixed blood, including the Spanish, African, some Indian, and a general admixture of the people who early settled in the American tropics. There do not seem to be any race distinctions where Cubans alone are concerned. The African and those of mixed blood mingle freely together; and in the insurgent army officers of all ranks were chosen from the pure or mixed-blood African as freely as from others. The Cuban colored people seem to be exceptionally intelligent and energetic, and have a high reputation as brave soldiers. The typical Cuban does not belong to the coast cities, the inhabitants of which are more distinctly Spanish, especially the dominant class. These cities did little towards the insurrections, and their inhabitants, as a mass, can claim little of the glory in making Cuba free or independent. Many of the principal officers of the Cuban army were educated men, and some were of a high order, capable of deeds, on the theatre of war, worthy of the best soldiers of any age. When our war with Spain broke out, the latter had over 200,000 regular soldiers, besides volunteers, on the island, and the insurgent bands were few in number, without good arms, with little ammunition and no quartermaster, commissary, or pay department. Cuba had no permanently located civil government, and the insurgents owned no ship on the seas, nor did they possess a single coast city, or a harbor where supplies could come to them from abroad. They having held the Spanish army at bay for years, and often confined large parts of it, almost in a state of siege, within cities and fortified lines, all circumstances considered, forces us to conclude that talent, skill, endurance, and bravery were possessed by the Cuban officers, and that the ranks were filled with devoted soldiers. The insurrections were of long duration (ten and four years), yet Spain, in 1898, had made no substantial progress in suppressing the last one, though the most barbarous methods were adopted. We exploit the partisan heroes of our Revolution, such as Francis Marion and others, yet they only acted with and against small bands, leaving our armies to meet the large organized forces of the British. What is to be said of the Cuban patriot officer who, year by year, maintained, unsupported, a war for independence against a relentless foe, equipped with the best arms the world has yet known?

My work in Cuba was confined to a military command, principally outside of the cities. My men were in carefully selected camps, which were constantly throughly policed and supplied with wholesome water, piped form the Vento (Havana) Water-works. Thanks to a thorough enforcement of a good sanitary system, the general health of my command was good throughout, only a few cases of typhoid or malarial fever appeared, and there were less than half a dozen cases of yellow fever among my soldiers. There was no epidemic of any disease in the camp. The yellow fever cases developed among men who, out of curiosity, exposed themselves in foul places about old forts and wharves, or in the unused dungeons of Morro and other castles. Yellow fever is a *place* disease, not generally contagious by contact with the sick.

My time was taken up in Cuba in keeping the peace and preserving order, and with the care of the camps and field-hospitals, and, as throughout my military service, with the drill and discipline of my command, often turning the corps out for review by superior officers. I made incursions to the interior of the island, and observed the devastation of that magnificently beautiful country, with its stately royal palms, etc., and noted the depopulation, under Weyler's reconcentrado plan, of the richest and once most populous rural parts of the island. I saw the Cuban soldiers in their camps or bivouacs, and made the acquaintance of many of their officers, and formed a high regard for them; but it was no part of my duty to try to solve the great, yet unsettled, Cuban problem, and I must be silent here.(20)

The muster out of the volunteers commenced again in March, 1899, and progressed rapidly. The Secretary of War visited Cuba, and with Major-Generals Brooke, Ludlow, Wilson, and other officers, reviewed what troops remained of the Seventh Corps, with others, near Marianao, March 29, 1899. On this occasion, my riding horses having been shipped away preparatory to my leaving Cuba, I rode a strange horse, which at a critical time in the review ran away, carrying me, in much danger, some distance from the reviewing officers. I recovered control of the horse, but dismounted him and mounted another, which proved equally untamed, and he likewise, a little later, attempted to run afield or cast me off. Fortunately these exceptional accidents terminated without injury; and with that review ended my public military service—*forever*.

The fatal illness of my beloved and devoted wife and her death (March 12, 1899) caused me (with my son) to go to my Ohio home. I returned to Cuba with Captain Horace C. Keifer, who was on my staff continuously during my service in the Spanish War.

All arrangements having been completed for the early muster out of the volunteers of the Seventh Corps not already gone, and my mission in the army being practically at an end, and my command proper disbanded, I took ship (the *Yarmouth*), in Havana Harbor, March 30th, and proceeded *via* Port Tampa, home, where I was mustered out of the military service May 12, 1899, having been in the army as a Major-General eleven months and three days. During my service in the field in the Spanish War I was not off duty on account of illness, injury, or accident.

I had an attack of typhoid fever, at my home in April, from which I soon recovered, doubtless contracted while travelling to or from Cuba.

I had now lived about five years in a tent, or without shelter, in war times, through all seasons, and being in my sixty-fourth year, gave up all inclination to continue in military life, knowing the field is for younger men. My duties in the army, though always arduous, were pleasant, hence gratifying. I had no serious trouble with any officer or soldier, though I tried to do my duty in the discipline of my command. My personal attachment to superior and inferior officers, especially members of my military staff, was and is of no ordinary kind. I congratulate myself on being able to attach to me, loyally, some of the most accomplished, hard- working, conscientious, and highly educated officers of the United States Army, as well as others of the volunteers, the service has known. A list of officers (nine of whom were sons of former Confederate officers) who served, at some time, on my division staff in the field, is given in Appendix F.

Here this narrative must end with only a parting word as to the Spanish War.

Dewey destroyed the entire Spanish fleet, with much loss of life, in Manila Bay, May 1, 1898; seven Americans were wounded, none killed. Admiral Cervera, with the pride of the Spanish battle- ships, cruisers, and torpedo-boats, reached Cuban waters from Cape Verde Islands, and, May 19th, sailed into Santiago Harbor, where he was blockaded—"bottled up"—by Admirals Sampson and Schley's fleets. Cervera's fleet, in an attempt to escape, was totally destroyed, with a loss of above six hundred killed or drowned, and about two thousand captured, himself included, in two hours, by our navy under Sampson, on Sunday morning, July 3, 1899, with a loss of one American killed and one wounded. Other minor naval affairs occurred, all disastrous to the Spanish. Cervera's entry into Santiago Harbor caused previous plans for the movement of the army to be changed.

The bulk of the regular army, under Major-General Wm. R. Shafter, was assembled at Port Tampa, from whence they were transported to and landed (June 24th) at Guantanamo Bay, near Santiago. They were then joined by a body of Cuban troops under General Garcia. Fighting commenced at once and continued irregularly at Siboney, El Caney, San Juan Hill, etc., the principal battles being fought on the 1st and 2d of July. The next day a demand was made on the Spanish commander (Toral) for the surrender of his army and Santiago. This was acceded to, after much negotiation, July 17, 1898, including the province of Santiago and 22,000 troops, in number exceeding Shafter's entire available force. The display of skill and bravery by officers and men of our small army (principally regulars) at Santiago never was excelled. Our loss in the series of battles there was, killed, 22 officers and 208 men; wounded, 81 officers and 1203 men. A Porto Rico campaign was then organized. General Miles wired the War Department, about July 18th, to send me with my division (then in camp at Miami) to make up his Porto Rico expedition. His request was not carried out, and it thus happened that no soldier of a Southern State volunteer organization fired a hostile shot during the Spanish War. Ponce was taken July 25th, followed by an invasion of the island from the south. An affair took place, August 10th, and operations here, as elsewhere, were terminated by the *protocol*. Manila was surrendered August 13th, the day after the protocol was signed. This was the last offensive land operation of the Spanish War. The invasion of Porto Rico cost us 3 killed and 40 wounded.

Through the intervention of Cambon, the French Ambassador at Washington, negotiations were opened which resulted in a protocol which bound Spain to relinquish all sovereignty over Cuba, to cede Porto Rico and other West India island possessions to the United States, and it provided for a Commission to agree upon a treaty of peace, to meet in Paris, not later than October 1, 1898; also provided for Commissions to regulate the evacuation of Cuba and Porto Rico.

The treaty was signed in Paris December 10, 1898; was submitted by the President to the Senate January 11, 1899, and ratified by it, and its ratification approved by him, February 6, 1899. The Queen of Spain ratified the treaty March 19, 1899, and its ratifications were exchanged and proclaimed at Washington April 11, 1899. It provided for the cession, also, to the United States of the Philippine Islands and the payment of $20,000,000 therefor.

The total casualties in battle, during the war, in our navy, were 17 killed and 67 wounded (no naval officer injured); and, in our army, 23 officers and 257 men killed, and 113 officers and 1464 men wounded; grand total, 297 killed and 1644 wounded, of all arms of the service.

The deaths from disease and causes other than battle, in camps and at sea, were, 80 officers and 2485 enlisted men. Many died at their homes of disease; some of wounds.

An insurrection broke out in the Philippines in February, 1899, which is not yet suppressed.

The war was not bloody, and the end attained in the cause of humanity and liberty is a justification of it; but whether the acquisition of extensive tropical and distant island possessions was wise, or will tend to perpetuate our Republic and spread constitutional liberty, remains to be shown by the infallible test of time. Our sovereignty over Cuba, thus far, appears to be a friendly usurpation, without right, professedly in the interest of humanity, civilization, and good government. Our acquisition of Porto Rico and the Philippine Islands, all in the tropics, is a new national departure which may prove wise or not, according as we deal justly and mercifully with the people who inhabit them. It may be in the Divine plan that these countries should pass under a more beneficent, enduring, newer, and higher civilization, to be guided and dominated by a people speaking the English tongue.

(1) The certificate of his naturalization reads:

"Maryland ss.

"These are to certify all persons whom it may concern: That George Keifer of Frederick County, within the Province aforesaid, born out of the Allegiance of his most Sacred Majesty King George the Third, etc., did, on the 3d day of September Anno Domini 1765, Personally appear before the Justices of his Lordship's Provincial Court, and then and there, in Term Time, between the hours of nine and twelve in the forenoon of the same day, produced and delivered a certificate in writing of his having received the Sacrament of the Lord's Supper in a Protestant or Reformed Congregation in the said Province of Maryland, within three months next before the exhibiting of such certificate, signed by the person administering such Sacrament, and attested by two credible witnesses, in pursuance of an Act of Parliament made in the thirteenth year of the reign of his late Majesty King George the Second, entitled, An Act for naturalizing such foreign *Protestants*, and others therein mentioned, as are settled or shall settle in any of his Majesty's Colonies in America; and then and there made appear, that he had been an inhabitant in some of his Majesty's Plantations seven years, and had not been absent out of some of the said Colonies for a longer space than two months at any one time during the said seven years; and also then and there took the oaths of Allegiance, Abhorrency, and Abjuration, repeated the Test, and subscribed the same, and oath of Abjuration. In testimony whereof, I have hereto set my hand, and affixed the seal of the said court, this 3d day of September in the year of our Lord God, one thousand seven hundred and Sixty-five.

"Test. Reverdy Ghiselm, Clk."

(2) Dr. Jenner's primary investigation of the principles of vaccination began in 1775, but was not satisfactorily completed in England until five years later. Lady Montagu had, however, introduced from Turkey into England, as early as 1717, inoculation for smallpox, but from the beginning it met the fiercest opposition of physicians, the clergy, and the superstitious public, which was never entirely overcome in England or America.

(3) John Uri Lloyd, Ph.M., Ph.D. (Cin.), the distinguished author and scientist and collector of medical, etc., books, in an article printed in the *Am. Jour. of Pharmacy*, January, 1898, on "Dr. Peter Smith and His Dispensatory," says his book was the "first Materia Medica 'Dispensatory' published in the West."

(4) Owing to its remarkable character we quote from his book:

"In South Carolina I was once in company with old Dr. Dilahoo, who was noted for great skill and experience, having traveled into many parts of the world. In the course of our conversation I asked him what he conceived the *plague* to be, which had been so much talked of in the world. He readily told me that it was his opinion that the plague is occasioned by an invisible *insect*. This insect floating in the air, is taken with the breath into the lungs, and there it either poisons or propagates its kind, so as to produce that dreadful disease. This, he was confirmed, was likely to be the truth from the experiments frequently made at Gibraltar. For there, said he, they of the garrison, when they fear the plague, have a way to elevate a piece of fresh meat pretty high in the air; they put it up at night, and if it comes down sound and sweet in the morning, they conclude there is no danger of the plague. But if the plague is in the air, the meat will be tainted and spoiled, and sometimes almost rotten. He was further confirmed in his opinion of the *insect*, because in and about tobacco warehouses the plague has never been known. I will remark: Now it is well known that tobacco will prevent moth from eating our woolen clothes, if we pack but little of it with them, that is the moth cannot breed or exist, where there is a sufficient scent of the tobacco. This scent may be death to the invisible *insects* even after they are drawn in with the breath and fastened upon the lungs. This may account for tobacco being burned (as I have heard it), in many old countries, on a chaffing dish in a room, that the people of the house may take in the smoke plentifully with their breath, to preserve their health and prevent pestilential disorders.

"Agreeable to this view, we may conclude that all tainted air may bring disease and death to us. And the plague has never been (properly speaking) in America as we know of. Yet other effluvia taken in

with the breath may have occasioned other fearful diseases, such as the yellow fever and other bilious and contagious complaints." —P. 14.

(5) His grandson, James Johns, in the 30's, wandered, as a trapper, to the Pacific coast, thence north to the mouth of the Willamette River on the Columbia (Oregon), and there lived a bachelor and alone until his death, about 1890. He was neither a fighting man nor a hunter. He travelled, often alone, wholly unarmed, among wild, savage Indians, his peaceable disposition and defenceless condition being respected. He, it is said, would not sell his lands at the mouth of the river, and thus forced the city of Portland to be located twelve miles from the Columbia.

(6) My father was not a large man, his weight being only about one hundred and sixty pounds and height five feet, ten inches, but my mother, while only of medium height for a woman, was of large frame and weighed about one hundred and eighty pounds.

(7) Solitary reading law, with time for thought and reflection, has its advantages, more than compensating for the opportunity to consult reports, etc., usually enjoyed by a law student in an office.

The present Chief-Justice (Hon. David Martin) of Kansas, though nominally a law student of mine, yet read and mastered the elementary and principal law-books while tending, as a miller, a dry-water country grist-mill, remote from my office.

(8) On the recommendations of Generals Grant and Meade I was appointed (1866) by President Johnson a Lieutenant-Colonel in the 26th Infantry, U. S. A., one of the new regular regiments provided for after the close of the war. I declined the appointment because I was of too restless a disposition and not educated for a soldier in time of peace.

(9) The Thirteenth Amendment was proclaimed ratified Dec. 18, 1865; the Fourteenth, July 28, 1868, and the Fifteenth, March 30, 1870.

(10) In the Florida Indian War of 1812 some depredations were committed on Fisher's corn fields. For this he made a claim originally for $8000. Congress has since paid on it $66,803, and there was still a claim in the Forty-Third Congress for $66,848, on which a committee of the House reported in favor of paying $16,848, leaving $50,000 of the claim to bother future Congresses. —*Rep*. (No. 134) *on Law of Claims*, H. of R., Forty-Third Cong., p. 18.

(11) Later the Forty-Seventh Congress passed an act authorizing the distribution of about two-thirds of the whole fund to persons whose claims were rejected by the Geneva Arbitrators in making up the award.

(12) For an authoritative decision on the right of the National Government to use physical force to compel obedience to its laws, etc., see *Ex parte* Seibold, 100 *U. S. Rep.*, 371.

(13) *Proceedings Society of the Army of the Cumberland*, 1887, pp. 115-40.

(14) Mr. Blaine was nominated for President in 1884, but was defeated by Mr. Cleveland. Notwithstanding his duplicity towards me, I supported him. He was disloyal to Mr. Reed, of his own State, though he then also professed to support him.

(15) An unwary, but doubtless well-meaning person (M. P. Follet) of Quincy, Mass., in 1896 published a small volume on the *Speaker of the House*, in which she gathered up these stories. She says Keifer appointed on the elections Committee "eleven Republicans and two Democrats"; that he appointed one nephew "Clerk to the Speaker," another "Clerk to the Speaker's table." These and other like falsehoods appear to have been inspired by a member who, notwithstanding his free-trade proclivities and other objectionable qualities and incapacities, sought to be appointed Chairman of the Ways and Means Committee. The Committee on Elections was composed of nine Republicans, five Democrats, and one re-Adjuster from Virginia. The Clerk to the Speaker's table was, throughout the Congress, a poor young man who had been a page on the floor of the House and a resident of the State of New York, and no relative of mine. A nephew of mine, a resident of Washington, was, for a short time, my clerk, a purely personal position, as was also that of private secretary.

The statement of Miss Follet that Keifer's "partisan rulings soon won him the contempt of Republicans as well as of Democrats," is shown to be basely untrue by the significant fact that no parliamentary or other decision of mine was ever overruled by the House, although my party can hardly be said to have been in the majority of the House over all other parties.

What "partisan ruling" of mine was not heartily approved by my party, or did not command at least the respect of the Democrats? Miss Follet was imposed on.

(16) An incident occurred near the close of the last session of the Forty-seventh Congress which should be mentioned. The reporters of newspapers, through the courtesy of the House, had been assigned a separate gallery for their convenience. This gallery, as well as others for the convenience of visitors, was under the general control of the Speaker, subject to the order of the House. There were but few occupants in the reporters' gallery the last night of the session, and there were many ladies who could not be accommodated with seats in other galleries.

I declined, however, though repeatedly requested, to order the reporters' gallery opened even to ladies, and I also refused to entertain a motion by a member of the House to order it thrown open to them; but appeals became so urgent that I, as Speaker, submitted to the House the request of James W. McKenzie, a member from Kentucky, for unanimous consent to open the gallery.

Here is an extract from the *Record*, showing the action taken:

"Mr. McKenzie.—I ask unanimous consent that the reporters' gallery be thrown open to the occupation of the wives and friends of Congressmen, who are unable to obtain seats in other galleries.

"The Speaker.—The gentleman from Kentucky asks consent that the rules be so suspended as to permit the reporters' gallery to be occupied by the wives and friends of members of Congress.

"There was no objection, and it was ordered accordingly."—*Con. Record*, vol. xiv., Part IV., p. 3747.

I was, under the circumstances, the only member who could not have prevented the gallery being opened.

Notwithstanding the fact that no reporter was seriously inconvenienced by the presence of ladies, the incident was viciously seized on by certain reporters (and, through them, the metropolitan press) to assail me as the enemy of the press. The truth was suppressed at the time, and I was personally charged with wilfully opening up the press gallery as an insult to the dignity of newspaper men, and, with this, other false statements were published, which could not be answered through the same medium, by me or my friends, which made an unfavorable impression, scarcely yet removed from the public mind.

(17) It is comparatively easy for a Speaker to preside with a large political and friendly majority to support him, as was the case when Colfax, Blaine, and other Speakers were in the Chair.

(18) See *Con. Record*, vol. xiii., Part V., p. 4313.

(19) *Con., etc., Rules, etc.*, H. of R.; Second Sess. Forty- seventh, Con., 358.

(20) My views of the situation in Cuba were expressed in a letter to General Corbin, dated January 28, 1899. Appendix E.

APPENDIX B

It is due from me, and it gives me pleasure to mention some of the deserving officers of the 110th Ohio Volunteer Infantry.

Lieutenant-Colonel Wm. N. Foster served for a time with credit. Major Otho H. Binkley, later Lieutenant-Colonel and brevetted Colonel by the President for distinguished services, Captain Wm. S. McElwain, who became a Major and was killed in the battle of the Wilderness, Captain Aaron Spangler, later a Major and brevetted Lieutenant-Colonel for gallantry, Captains Wm. D. Alexander, Nathan S. Smith (an eminent Presbyterian divine), Wm. R. Moore, (died of disease while acting as Assistant Inspector-General on my staff), Joseph C. Ullery, Joseph G. Snodgrass, Luther Brown (wounded at Monocacy, brevetted Major for gallantry, and for a time Provost-Marshal of a division), these all were accomplished soldiers and fought on many fields with distinction. Lieutenants Joseph B. Van Eaton, Wesley Devenney and Wm. H. Harry, each of whom served as Adjutant, were all promoted from non-commissioned officers to Lieutenant, then to Captain, each wounded, Devenney mortally at the battle of Opequon.

Lieutenants Albert M. Starke (regimental Quartermaster), E. A. Shepherd, Wm. D. Shellenberger (twice wounded), Wm. L. Cron, John T. Shearer, Charles M. Gross, Henry H. Stevens (killed in assault

on Petersburg, April 2, 1865), Wm. A. Hathaway (for a time Assistant Adjutant-General on my staff, and killed at Monocacy), Alexander Trimble (died of a wound received at battle of Opequon), George P. Boyer, Elam Harter, John M. Smith (killed in Wilderness), Joseph McKnight (mortally wounded in Wilderness), and Thomas J. Weakley, each became a Captain and were all gallant and more than usually efficient officers, most of whom were either killed or wounded in battle. Lieutenants Joshua S. Deeter and Edward S. Simes, promoted from privates, both wounded in the battle of Opequon, the former mortally, were likewise gallant officers. Lieutenant Paris Horney, who heroically fought at Winchester in June, 1863, until surrounded and captured, died in prison at Columbia, S. C. Lieutenant Robert W. Wiley served as my aide-de-camp and especially distinguished himself. Lieutenant Henry Y. Rush served gallantly until broken by disease, when he resigned and resumed his calling (minister of the Gospel), in which he is now eminent; also as a writer. Lieutenant James A. Fox was promoted from Sergeant-Major, served on staff duty, and was killed leading a company in the battle of Orange Grove.

Wm. L. Shaw was promoted to Captain from Lieutenant and brevetted Major by the President for distinguished services. He served on division-staff and on cavalry-corps staff duty for a time in Rosecrans' army, and for a considerable time was my Assistant Inspector or Assistant Adjutant-General. He was an energetic and capable officer. Those of the regiment who bore the musket in the ranks equally deserve mention for what they did and for the sacrifices they made for their country; but the story of the 110th Ohio is elsewhere told.(1)

(1) John W. Warrington and John B. Elam, now eminent lawyers, the former in Cincinnati, the latter in Indianapolis, served as private soldiers in this regiment. Elam was severely wounded at Cold Harbor June 3, 1864, and Warrington in the successful assault of the Sixth Corps at Petersburg April 2, 1865.

APPENDIX C FAREWELL ORDER

"Headq'rs 2d Brig., 3d Div., 6th Corps, Army of Potomac,
"Camp near Washington, D.C., June 15th, A.D. 1865.
"General Orders No. 28.

"Officers and Soldiers: This command will soon be broken up in its organization. It is sincerely hoped that each man may soon be permitted to return to his home, family, and friends, to enjoy their blessings and that of a peaceful, free, and happy people.

"The great length of time I have had to honor to command you has led to no ordinary attachment. The many hardships, trials, and dangers we have shared together, and the distinguished services you have performed in camp, on the march, and upon the field of battle, have long since endeared you to me. I shall ever be proud to have been your commander, and will cherish a lasting recollection of both officers and men. Your efficient services and gallant conduct in behalf of *human rights* and *human freedom* will not be overlooked and forgotten by a grateful country.

"I cannot repress the deepest feelings of sadness upon parting with you.

"I mourn with you, and share in your sorrow, for the many brave comrades who have fallen in battle and have been stricken down with disease. Let us revere their memories and emulate their noble character and goodness. A proud and great nation will not neglect their afflicted families. The many disabled officers and soldiers will also be cared for by a grateful people and an affluent country.

"You have a proud name as soldiers; and I trust that, at your homes, you will so conduct yourselves that you will be honored and respected as good citizens.

"I shall part with you entertaining the sincerest feelings of affection and kindness for all, hoping that it may be my good fortune to meet and greet you in future as honored citizens and friends.

"J. Warren Keifer."

Summary of Casualties in Regiments of the Second Brigade, Third Division, Third and Sixth Army Corps, 1863-65

Killed Wounded Total Officers Officers Officers Aggregate | En. Men.| En. Men. | En. Men. 110th Ohio Infantry . . . . . 10 102 18 443 28 545 573 122d Ohio Infantry . . . . . 7 92 17 432 24 524 548 126th Ohio Infantry . . . . . 9 111 10 379 19 490 509 6th Maryland Infantry . . . . . 7 103 21 213 28 316 344 138th Pennsylvania Infantry . . 5 120 16 223 21 343 364 67th Pennsylvania Infantry . . 2 90 3 130 5 220 224 9th N. Y. Heavy Artillery . . . 14 204 16 590 30 794 824 — —- —- —— —- —— —— Total 54 812 101 2410 155 3232 3387

APPENDIX D

"Springfield, Ohio, October 22, 1888.
"General Horatio G. Wright, Washington, D. C.

"*My Dear Friend,*—After expressing to you that high regard I have always had for you, and also expressing the hope that your health is good, also that of your family, I have the honor to call your attention to the following matter, of some interest to you no doubt.

"General R. S. Ewell, of date of December 20, 1865, in the form of a report addressed to General R. E. Lee, to be found in Vol. XIII., *Southern Historical Papers*, page 247, in speaking of the battle of Sailor's Creek, after having concluded his general report of this battle says:

'I was informed at General Wright's headquarters, whither I was carried after my capture, that 30,000 men were engaged with us when we surrendered, viz., two infantry corps and Custer's and Merritt's divisions of cavalry, the whole under command of General Sheridan.'

"On page 257, same book, in a note appended to a report of the same battle, by General G. W. C. Lee, he says:

'I was told, after my capture, that the enemy had two corps of infantry and three divisions of cavalry opposed to us at Sailor's Creek.'

"Now, as I know you commanded the infantry engaged on the Union side in that battle from first to last, and that no infantry troops save of your corps there fought under you, that only a portion of the Third Division (in which I was then serving) was present, and General Frank Wheaton's division of the Sixth Corps was the only other infantry division there, though I am not quite sure that his entire division was up and engaged in the battle at the time of the assault, overthrow, and destruction of General Ewell's forces, and my recollection is quite clear that General G. W. Getty's Division of your corps did not arrive on the field in time for the battle, I am certain Generals Ewell and G. W. C. Lee have fallen into a grave error. We certainly captured more men in the Sailor's Creek battle than Ewell and G. W. C. Lee say were engaged on the Confederate side.

"Since the war, there seems to be a disposition to disparage the Northern soldiers by representing a small number of Confederate troops engaged with a very large number of Union troops. The above is to my mind simply an illustration of what I find running through the reports, letters, and speeches of Southern officers.

"As I am writing something from time to time in a fugitive way, and may some time write with a view to a more connected history of the war, in so far as it came under my personal observation, I should be very much obliged to you if you will write me a letter on this subject as full as you feel that you have time, and allow me to make such use of it as I may think best. I wish I had a copy of your report of this battle, etc. Where can I get it?

"Believe me yours, with the highest esteem,
"J. Warren Keifer."

"Washington, November 3, 1888.
"1203 N Street, N. W.
"Dear General Keifer:

"I have never seen or before heard of the report of General R. S. Ewell to which you refer, in which you say he states that he was informed at my headquarters, to which he was carried after his capture at Sailor's Creek, 'that 30,0000 men were engaged with us when we surrendered—viz., two infantry corps, and Custer's and Merritt's divisions of cavalry—the whole under the command of General Sheridan.'

"General Ewell was entirely mistaken in regard to the strength of the infantry opposed to him. Instead of two infantry corps, there were only two divisions—the First and Third of the Sixth Corps, the Second Division not having come up till the battle was nearly over, and taking no part in the fight. He may have been correct as regards to two divisions of cavalry, though I had not supposed it to be so strong. Its part in the battle was important, as, by getting in the rear of the Confederate force, the latter, after being broken by the infantry attack, and its retreat cut off, was compelled to surrender. I never knew accurately the number captured, but General Sheridan and myself estimated it at about 10,000.

"Of course, the statement of General G. W. C. Lee, to which you refer, is also erroneous as regards the strength opposed to the Confederate force.

"You are quite correct in your statement that you know I commanded the infantry engaged on the

Union side in that battle, from first to last. General Sheridan was with me as our troops were coming up, but he left before the battle commenced, to join the cavalry, as I supposed, and I was not aware that he claimed to be in command of the combined infantry and cavalry force till some time subsequent to the battle, when he called upon me for a report. This I declined to make, on the ground that I was under the orders of General Meade only, the commander of the Army of the Potomac. General Grant, to whom the matter was referred by General Sheridan, having decided that I should make a report to the latter, I sent him a copy of my report of the battle, which I had already made to General Meade. I regret that I have no copy of the report, or I should send it to you with pleasure. I presume that it will soon be published in the official records of the Rebellion. All the records of the Sixth Corps were turned in to the Adjutant-General of the Army, as required by the Army Regulations, on the discontinuance of our organization, and are, I presume, accessible to any who desire to examine them.

"With the most sincere good wishes for your health and prosperity,
"I am, very truly yours,
"H. G. Wright,
"General J. Warren Keifer, Springfield, Ohio."

APPENDIX E

"Headquarters First Division, Seventh Army Corps,
"Camp Columbia, Havana, Cuba, January 28, 1899.

"General Henry C. Corbin,
"Adjutant-General U.S.A.,
"Washington, D.C.

"*Sir*.—I dislike to take your time, but I hope you will pardon me for writing you this purely unofficial letter, relative to the situation in Cuba as it appears to me after a month's investigation while serving here. Necessarily, to keep in bounds, I must generalize and not always give reasons for opinions. This is not written in any spirit of criticism, or of dissatisfaction with my own position here; in fact, I am satisfied with my command, and am very well treated by everybody about and around me. Major-Generals Brooke and Lee are both very kind to me. But to the subject. I shall not attempt to exhaust it.

"Cuba is now prostrate and her people quiet. This applies to all classes,—Cubans, Spaniards, citizens, and soldiers,—including those who upheld the insurrection and those who did not, and whether living in cities or in country districts. I say this after having been in touch with officers and soldiers of the Cuban army, and others.

"The reconcentrados are about all dead, and the few living are too weak to soon recover, even if fed. The attempts to feed them are, necessarily, largely failures, and must continue to be until some provision can be made to organize and remove the helpless, broken families from congested places, where it is impossible to house them comfortably, and place them in homes in the country districts. These people are still dying under our eyes. The food we give them they are not strong enough to eat, save the rice. Some of my officers were recently shown at San Jose de las Lajas, this province, one coffin (kept for convenience on a hand-cart) that had recently done duty in the burial of about five thousand Cubans. But instances need not be given when it is known that above seven hundred thousand Cuban non-combatants have been killed or have died of starvation in the past two or three years, many of them not buried, but their bones picked by the buzzards. The island is a charnel-house of dead. Every graveyard has piles of exposed human bones, and the earth has been strewn with them outside of cities and towns. There were many killed who were not actual insurgents, but Cubans, women and children included. The deaths left broken families; many orphans, who do not know who their parents were. Many owners of land and their entire families and friends have been killed or died, and there is no one to claim the land. This in some of the richest districts is quite the rule.

"Outside of a little circle about Havana, the plantations in general have been destroyed, including houses and other buildings, fruit trees, banana plants, cane fields, farm implements, stock, etc., and the wells filled up, first being polluted by throwing dead bodies of Cubans and animals in them.

"The soil is marvellously rich. It shows no signs of exhaustion by cultivation, and I think it never will. Tobacco, sugar-cane, pineapples, oranges, bananas, plantain, etc., to say nothing of corn, sweet potatoes, Irish potatoes, onions, beans, grasses, etc., will grow, if given the slightest chance. Two, three, and as high as four crops can easily be grown in one year. You will say, Why do not the people grow them? They have no bread to eat while they labor, nor have they any oxen or mules,—horses are out of the question and not suitable to till land here,—or seed, or implements, or anything. They die in the midst of the most extraordinary riches.

"Owners of much of the land in the interior districts, who have survived, are as helpless as the poorest laborers.

"The exceptions are confined to remote little valleys, and mountain places where the insurgents held constant control, and there too they are poor, having in the past, and still, to maintain the Cuban soldiers, regular and irregular.

"Only provisions for food for a short time and means to get animals, farm implements, etc., will end the present conditions and put the people of the island on the road to prosperity. Spasmodic issues of army rations give only temporary relief and tend to encourage idleness.

"Another race of people might come, but they could not soon get titles to lands, if ever.

"There is no civil government here, not even in form. Gomez and his insurgent followers are still in their mountain fastnesses, and whatever of organizations they have are irregular, and military. They are biding their time for something, not yet fully developed.

"Our government here is military, disguise it as we may. If it were anything else, it would soon fail. All attempts at a hermaphroditical government here must also fail, as it has everywhere. It must be all American or all Cuban. The Spaniards here, though they predominate in the principal cities, do not yet count as a factor, although they are for annexation; this to save their estates and for personal safety. Any attempts to build up a Cuban government by the use of a few Cubans and Spaniards in Havana and other cities, no matter what their character for intelligence and peaceableness may be, must end in disaster, and a little later, in a wild repetition of war and bloodshed. Those who organized and maintained, through the dreadful years of the past, the insurrection against Spanish power and suffered so much in their estates and families, are going to have a say in the future control of this island, and if it is to be annexed to the United States, they will have to be consulted or a bloody guerilla war will ensue. They are now exhausted, and tired and sick of war, but they are used to it, and familiar with death, and already they are preparing and calculating on a war much easier for them to wage against the United States than against Spain, as the United States is not expected to be so barbarous in the treatment of their remaining women and children; and such people can reasonably calculate on help from sympathizers, adventurers, etc., of other countries, especially South American, and people of kindred races and instincts. The cry of freedom and liberty is always seductive and brings friends.

"The Cuban people now being recognized here, with rare exceptions, had nothing to do with maintaining the insurrection, but remained within the cities and lines of the Spanish army, pretending to be loyal to Spain, if they were not so in fact. They were too cowardly to fight, and too avaricious to render material aid to those in the field. All such are under the ban of suspicion in the eyes of the real Cuban insurgents, no matter what their pretensions may be. Any government organized with such persons at the head will, sooner or later, be overthrown in blood, if not otherwise. The Cubans, like other people, desire offices, and the war-patriots of Cuba are no exceptions, and will fight for power, and when the test comes the mass of Cubans in and out of the cities will be with the real insurgent leaders. Already the latter are resolving not to take office until they are recognized and given a full share of power.

"Ignoring such people now is easy; later they will defy our country and be its eternal enemies, with the civilized world in sympathy with them. The Spaniards, other foreigners, and home-staying Cuban politicians are the people who now get a hearing, but wait and listen for what is to come! Our people will appear to the real Cubans as their despoilers and oppressors, instead of liberators.

"I am in favor of annexation, and the sooner the better, but the Cuban patriots must first form a government, provisional or otherwise, and consent to annexation. This at first would have been easy, even now possible, to be brought about, but we are fast drifting away from annexation or a peaceful solution of the great and scandalous Cuban problem confronting us.

"The Cuban people are not to be despised; they are a mixed race it is true, but they have talked of and fought for freedom too many years not to know something of the sweet fruits of individual liberty. They are polite and affable, but yet suspicious, as all people are who have been oppressed. It is said they may be resentful of the real or imaginary wrongs they have suffered from the Spaniards. Grant this. Who would not, with their homes as open graveyards strewn with the dead of their families, etc.? It is not best or safe to believe all the tales told of Gomez and his followers by the Spaniards or city Cubans.

"However, I do not believe that a reorganization, with the insurgents fairly recognized, would be as bad as these interested people claim, or would be half so bloody as any organized civil government will prove to be with them left out. Woe to the Spaniard in the island if war again breaks out here! Gomez is at the head of the Cuban military forces, but there are others, generally good men, who are recognized

heads of the Cuban insurgent civil power. These are the people who will have to be dealt with, or they will deal with whatever power may be set up.

"The Cuban is not so ignorant as is often claimed. Generally all classes can read and write. Now they have no redress for wrongs against person or property. (They have no civil courts; only a little remaining semblance of Spanish authority in a few places.)

"With a simple form of civil government they could soon have this, and they could be schooled in the primary principles of civil government, such as self-reliance, knowledge of their just rights, duty to others, and others' duty to them. Cubans have more need of justices of the peace than of justices of a Supreme Court. The people want and need quick redress against trespassers, and in the collection of debts, etc.

"A simple code of laws, primitive in character, but comprehensive and easily understood, yet adequate to bring speedy relief, is what is now most needed. Such laws could be passed by a provisional legislative body. Light taxes for a few years should be assessed. Good land laws with a reasonable law of limitations should be made. Land titles then soon would be settled. The established government should take up and lease, pending the adjustment of titles, all tillable and unoccupied land. Much of this land, even the best of it (which would be cheap at two hundred dollars per acre), would escheat for the want of living owners or descendants. The escheated lands would make a large revenue for the State. Much of the land in cultivation is capable of netting each year, with only fair cultivation in tobacco, etc., one thousand dollars per acre. These lands have had, and soon should have again, a value of from two to five hundred and often one thousand dollars per acre.

"Cuba (under Spanish semi-barbaric rule for four hundred years) could be transformed from a graveyard of open graves, the feeding- ground and paradise of vultures, to the richest and most ideally beautiful and most enchanting spot on the face of the earth, with a prosperous population on a high plane of civilization. Even the tropical diseases in Havana and other coast cities would disappear before modern methods of sanitation. In general, outside of a few cities, the island is healthful, notwithstanding the contaminating effect of the pestilential cities. Yellow fever, smallpox, and a few infectious diseases exist here continually, but they soon would disappear.

"The property owners, in spite of high taxes, have lived in this island in 'barbaric luxury,' partaking somewhat of *splendor*. This will be the case again, and much intensified, when touched by a civilization that regards the rights of man.

"The ease and comfort possible in such a place as this are too great to be appreciated by such plain hard-working persons as you and I. But——

"Yours most respectfully,
"J. Warren Keifer,
"Major-General Volunteers."

APPENDIX F

List of officers who served (at some time) on the division staff of Major-General Keifer in the Spanish War.

Personal Staff

Captain Horace C. Keifer (Ohio), 3d U. S. Vol. Engineers, Aide.

First Lieutenant Albert C. Thompson, Jr. (Ohio), U. S. Vol. Signal Corps, Aide.

First Lieutenant Edward T. Miller (Ohio), U. S. Vol. Signal Corps, Aide.

Second Lieutenant Dwight E. Aultman (U.S.A.), 2d U. S. Artillery, Aide.

Second Lieutenant Lewis W. Brander (Va.), 3d U. S. Vol. Infantry, Aide.

Division Staff

Major Benjamin Alvord (U.S.A.), Chief Ordnance Officer. (U.S.V.)

Major George L. Hobart (N. J.), Assistant Adjutant-General. (U.S.V.)

Major William S. Scott (U.S.A.), Assistant Adjutant-General. (U.S.V.)

Major John Gary Evans (S. C.), Inspector-General. (U.S.V.)

Major James M. Moody (N. C.), Chief Commissary of Subsistence. (U.S.V.)

Major James M. Arrasmith (U.S.A.), Chief Commissary of Subsistence. (U.S.V.)

Captain J. E. B. Stuart (Va.), Commissary of Subsistence. (U.S.V.)

Major Noble H. Creager (Md.), Chief Quartermaster. (U.S.V.)

Major William J. White (Ohio), Chief Quartermaster. (U.S.V.)

Captain Fred W. Cole (Fla.), Quartermaster. (U.S.V.)

Major John L. Chamberlain (U.S.A.), Chief Ordnance Officer. (U.S.V.)

Major Godfrey H. Macdonald (U.S.A.), Chief Ordnance Officer. (U.S.V.)

Major Hugh H. Gordon (Ga.), Chief Engineer Officer. (U.S.V.)

Major D. M. Appel (U.S.A.), Chief Surgeon.

Major Francis C. Ford (Texas), Surgeon. (U.S.V.)

Major Eduard Boeckmann (Minn.), Chief Surgeon. (U.S.V.)

Major Jefferson R. Kean (U.S.A.), Chief Surgeon. (U.S.V.)

Dr. Sidney Myers (Ky.), Contract Surgeon.

First Lieutenant O. C. Drew (Texas), 1st Texas Vol. Inf., Provost-Marshal.

First Lieutenant E. P. Clayton (Ill.), 4th Ill. Vol. Inf., Provost-Marshal.

APPENDIX G
Farewell Address

"Headquarters First Division, Seventh Army Corps,
"Camp Columbia, Havana, Cuba, March 29, 1899.

"This Division will soon cease to exist by the muster out of the volunteer regiments composing it. I assumed command of it at Miami, Florida, July 6, 1898, and have commanded it (when not exercising a higher command including it) from that time at Miami, Florida, to August 6th; at Camp Cuba Libre, Jacksonville, Florida, to October 20th; at Camp Onward, Savannah, Georgia, to December 27th; at Camp Columbia, near Havana, Cuba, to the present.

"Through changes in regiments and other organizations, about twenty thousand officers and soldiers have served in the Division.

"Although not engaged in battle, the dangers from disease in tropical camps have been great, and many have died or have become broken in health. The Division has performed important service in maintaining the high standard of the volunteer soldier in time of war, and in doing guard duty in Cuba, preparatory to establishing a new civilization and a free government for a long-oppressed people. The varied trials and hardships of a soldier's life have been bravely and manfully met by the officers and soldiers of the Division. I have been proud to command it; and have only the warmest friendship for all who composed it. I will always take a deep interest in them. I am especially thankful to the officers who have from time to time served on my staff, for their loyalty to me, and their efficiency and zeal in performance of duty.

"I have now served in the Volunteer Army of the United States of America, in the Civil War and the war with Spain, five years, and on May 12, 1899, I will sheath my sword (in all probability) forever, conscious that I have tried to do my duty to my country.

"The troops of this Division will therefore be the last I shall ever command in peace or war. In sadness I bid all who compose the Division a farewell, wishing each officer and enlisted man success in the civil pursuits to which he is soon to return.

"J. Warren Keifer,
"Major-General of Volunteers.

"Official:
"Horace C. Keifer, Captain 3d U. S. Vol. Engrs., A.D.C."

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