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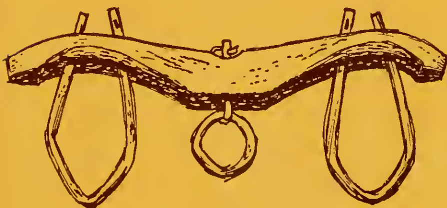

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Edwin M Stanton

LIFE AND PUBLIC SERVICES OF EDWIN M. STANTON

BY

GEORGE C. GORHAM

WITH PORTRAITS, MAPS, AND FACSIMILES
OF IMPORTANT LETTERS

IN TWO VOLUMES

VOLUME I.

BOSTON AND NEW YORK
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PREFACE

Although this book contains a sketch of Mr. Stanton's early life, his professional career, and his general characteristics, its main purpose is to present the record of his relation to the civil war, and to mark the place in history to which his services to the country entitle him. His public life embraced the secession winter of 1860–61, three years of the civil war, — 1862–65, — and three years of the reconstruction struggle which followed it. He died in 1869, while yet the passions of those times were at the highest. The story, therefore, of his public career is as stormy as the period in which he wrought; and his claims upon the respect and gratitude of his countrymen rest chiefly upon the part he took in the preservation of the Union.

It is thirty years since this great American ended his work; and the country, then torn by faction, and divided into two warring sections, is now thoroughly reunited. Time and a revival of national pride and patriotic feeling have extinguished the violent animosities of that period, and the wounds thus healed are in

no danger of being reopened by such recitals as are necessary to illustrate Stanton's work and his motives. On the contrary, the author believes that the time has come when the judgment of all Americans — North and South — who rejoice in the possession of a reunited country may confidently be invoked upon the patriotic services of the great War Minister to whom so much is due for the grand result.

G. C. G.

WASHINGTON, D. C., January 2, 1899.

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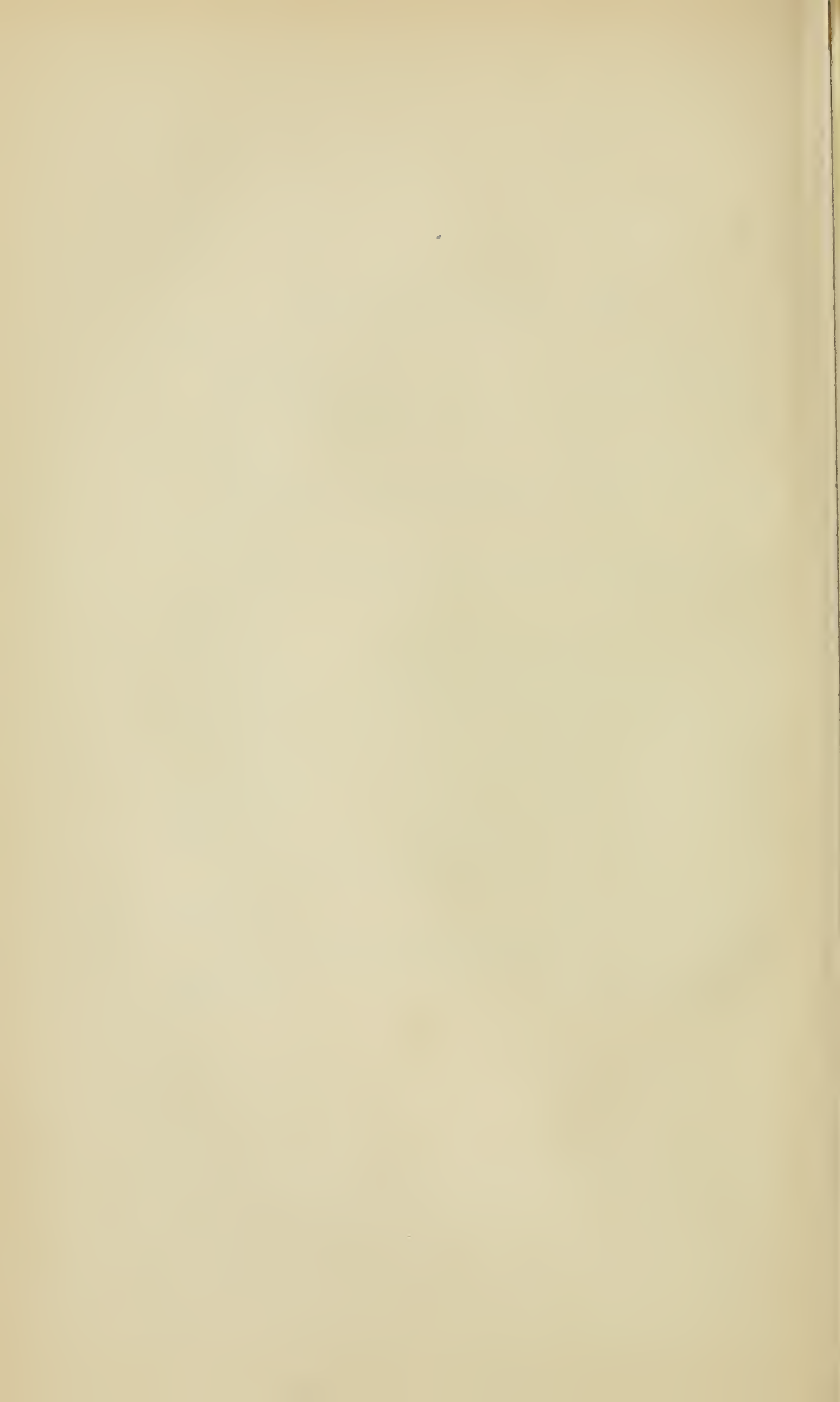


LIFE OF EDWIN M. STANTON

PART I

EARLY LIFE AND PROFESSIONAL CAREER

CHAPTER I

Prefatory. — Ancestry. — School-Days. — Death of his Father. — Clerk in a Store at Thirteen. — Preparations for College. — Characteristics as a Boy. — His Struggle for an Education. — His College Course unfinished for Want of Means.

From the incipiency of the Southern rebellion in 1860 to the end, in 1868, of the unsuccessful struggle of the Southern leaders to dictate the terms of peace, perhaps no man exercised more influence over the destinies of the nation than did Edwin M. Stanton. He has been the object of as much admiration and as much hatred as ever fell to the lot of a public man. His public services as our great War Minister were rendered in fierce revolutionary times, and in proportion to the fidelity and force he brought to the cause of the government he was praised by its friends and denounced by its foes. In the administration of his office he came in direct conflict with the class of plunderers who always seek to enrich themselves out of the necessities of

a government engaged in war. These he counted as public foes equally with the enemy in the field. From various sources have naturally come many unjust assaults upon his memory. On the other hand, he has sometimes been credited with a perfection of character and a consistency of antecedents which are equally exaggerated. To give some account of his life and services, and to speak of him as he was, concealing no weakness and exalting unduly no virtue, would be a desirable contribution to biographical literature. Perhaps such a task is impossible to either a friend or an enemy of the cause he upheld. These pages are written from the standpoint of the Union cause of 1861, and no pretense is made to impartiality between the Unionists of that period and their antagonists. Justice can be done to the subject of this biography, when dealing with his public career, only by assuming the right of this nation to preserve its life by all necessary measures, and by refusing to admit to the field of controversy any claims in any manner tending to justify the rebellion. This will not, however, excuse any false claims in his behalf, nor a failure to meet in a spirit of fair discussion any allegation calling in question his public acts and motives. As to his private life and conduct, and his political opinions and affiliations, from the beginning to the end, it is the duty of the biographer to make them as an open book, presenting the truth uninfluenced by any consideration of his public services. The real Stanton is the one on whom the considerate judgment of mankind will be invoked, — the man of great mental endowments, a warm, emotional

nature, varying moods, and, like all other men, possessed of qualities which often warred one with another.

Politically, he commenced life as a Jackson Democrat; became a "Freesoiler" when he thought Mr. Van Buren had been unfairly defeated by the South in the convention of 1844; remained, nevertheless, in the Democratic party, and adhered to the extreme proslavery wing of the party when the Dred Scott decision marked a new departure in the discussion of the slavery question.

In the cabinet of Mr. Buchanan, during the secession winter of 1860–61, he was faithful to his country and to his chief, and never served the latter better than when, with the aid of his colleagues, Black and Holt, he saved the President from the ruin in which treason at the council board sought to engulf him. His patriotic zeal at that time led to his subsequent appointment as Secretary of War. He was slow to overcome his antipathy to the "Black Republicans," as he, in common with other Democrats, called them as late as the summer of 1861; and so intense was his dislike for President Lincoln that we have his own authority for saying that when he called on him to receive his commission as Secretary of War, on the 15th of January, 1862, it was the first time he had seen him since his inauguration, more than ten months before.

It was in the War Department that Mr. Stanton developed his greatest qualities. These were intellectual power, self-reliance, an iron will, unbending integrity, devoted patriotism, immense capacity for long-sustained work, adaptability to new duties, and an intense

enthusiasm for whatever cause he espoused. His faults were chiefly those of temperament. Rapidity of discussion and action, made necessary by the vastness of the work before him, sometimes led him to injustice, which was the harder to bear because of the abruptness of manner with which it was often accompanied. He was too busy to be ceremonious when many would have construed it into an invitation to occupy the time which he could not give them. He was the man who said "no" for the government when it had to be said, no matter how distasteful or offensive it might be to those to whom it was addressed.

The materials for a just and full narrative of Mr. Stanton's public life do not exist. In the very nature of the case, his most important daily work during the war left no record behind. Mr. Stanton kept no diary, nor did he in any manner concern himself with what should be said of him either by his contemporaries or by posterity. The great mass of papers left by him contain no suggestion of any contribution by him to his biography. The daily conferences between him and President Lincoln at the War Department, where the latter spent much of his time, and the share which he contributed to the conclusions at which they arrived cannot be known or estimated. They worked together as one man, each supplying something that might be wanting in the other.[1]

[1] In a letter to Mr. Stanton, dated at Paris, July 26, 1865, Mr. John Hay made this reference to the relations between Mr. Stanton and Mr. Lincoln, as he had observed them while near the President: —

"Not every one knows as I do how close you stood to our lost leader. How he loved you and trusted you, and how vain were all the efforts to

He was potent in the councils of congressional committees, where public measures are framed. He kept himself well informed as to the thoroughness with which the several bureaus of his department were performing their great work of raising and equipping troops, and providing transportation and supplies for them in the field. His long arm reached into the States and aided their authorities in raising volunteers. His words of encouragement and cheer went out to the country through the press in frequent official announcements of events in the field, always giving the bright side in times of doubt and discouragement.

His antagonism to President Johnson's reconstruction policy, and his refusal to resign from the Cabinet when called upon by him to do so, will be praised or censured according as the motives of the President and the Secretary respectively are estimated. It was a part of a great controversy involving the fruits of the war and the terms of peace. In that controversy he upheld what he believed to be the national cause, and resisted a "plan" which he regarded as reactionary, and one that could be enforced only by executive usurpation of legislative powers.

When the cause he wrought for had fully prevailed, he resigned. His work was done, and, worn out by it, he died within the following year.

Mr. Stanton's origin and early surroundings, his school-days and youthful impressions, his twenty-five years of hard work as a lawyer, and his political affilia-

shake that trust and confidence, not lightly given and never withdrawn. All this will be known some time, of course, to his honor and yours."

tions before he entered public life afford material for some interesting chapters.

Stantons and Macys — Quakers — had emigrated from Massachusetts to North Carolina before the war of the Revolution. There Benjamin Stanton and Abigail Macy were married in 1774.

Following the example of members of the Society of Friends residing in Northern States, Benjamin Stanton, in 1787, desired to manumit the slaves he had inherited; but as this was at the time forbidden by a statute of the State, he made his will, in which he provided that "all the poor black people that ever belonged to me be entirely free whenever the law of the land will allow, until which time, my executor I leave as guardian to protect them and see that they be not deprived of their rights, or in any way misused."

He died; and in the year 1800 his widow, taking six of her children, the eldest of them but sixteen, and accompanied by a married daughter and son-in-law, emigrated to the free Northwestern territory because slavery had been there forever prohibited. Two years later her three remaining daughters — all married — followed her thither. She purchased land of the government at the present site of Mount Pleasant, Ohio, and was one of the pioneers of that region.

Her son David was bred a physician at Steubenville, and he was reputed a skillful practitioner, a curious scholar, a worthy and public spirited citizen, and a man of sincere convictions.

Lucy Norman, the daughter of a Virginia planter, had of her own choice left her father's home, with his

consent, to emigrate with friends of her deceased mother to the Northwest. Young David Stanton married her, and to them was born, at Steubenville, Ohio, on the 19th of December, 1814, the subject of these memoirs, Edwin McMasters Stanton.[1]

Dr. Stanton separated from the Quakers upon their demand for an apology for having married outside of his sect. His wife was a woman of deep religious faith, strong character, and amiable qualities. Their home was the favorite resort of traveling preachers and philanthropists. Every week, during the year 1821, Benjamin Lundy — Quaker Abolitionist — came there to bring, for distribution therefrom, his edition of "The Universal Genius of Emancipation," an anti-slavery journal published by him at Mount Pleasant, where he also made saddles for a livelihood, and to eke out the cost of printing his paper.

The following extracts from a letter addressed, in 1865, to Stanton by a venerable old lady friend,[2] give the earliest glimpse we have of his life, and other interesting references to himself and his family: —

I have a vivid recollection of you and your brother when you were schoolmates of my sons, Thomas and Peter, and of your little sisters when you were all children, and your father, kind, good Dr. Stanton, who, you may recollect, was our family physician for many years. . . . I still recollect of once going into poor Miss Randle's school, and you and my Thomas

[1] The daughter of the friends with whom Lucy Norman had left Virginia married David McMasters; hence that portion of Stanton's name.

[2] Mrs. Frances B. Wilson, of Steubenville, then seventy-six years of age.

were seated in your little chairs, one on each side of her, with your heads lying in her lap, both fast asleep. She said to me: "You see my two little pets." The fact is, you were quite too young to be sent to school; but she was so gentle and affectionate that we always felt you were safe. . . .

Some years ago I received a letter from my youngest son, Samuel M. Wilson, of San Francisco,[1] saying that you were there attending to some business for the government, and that you were gaining golden opinions by the way you were managing it. . . .

Dr. Stanton's practice was good, but in those days, in a place like Steubenville, this meant only a living, even to the most thrifty. When he died, therefore, in 1827, he left his widow in straitened circumstances, with four children to care for. Young Edwin, then thirteen years of age, was the eldest, and him she placed, with his ready assent, in the bookstore of Mr. Turnbull. His salary there was meagre enough, — being but four dollars a month, — but to her this was then a helpful sum, which, in her circumstances, she could not afford to forego.

This situation took him from school, but he devoted his evenings, under his latest teacher, the Rev. Mr. Buchanan, to such preparatory studies as would be necessary for his entrance at Kenyon College. At the store he read much, and sometimes, as his employer complained, to the neglect of customers, failing to see them when they first came in.

Mr. Gallagher, a venerable and highly respected citizen of Steubenville, better known there as "Squire"

[1] A leading member of the bar of that city, since deceased.

BIRTHPLACE OF MR. STANTON, STEUBENVILLE, OHIO

Gallagher, attended school with Stanton, and says of him that he was "a good boy; amiable and courteous." He tells of his enterprise in starting a circulating library; also of prayer-meetings held by some boys under his leadership. His only adverse criticism upon him was when he referred, with a tinge of bitterness, to his having "gone over to Jackson."

John Harper, afterwards and for many years the president of the Bank of Pittsburg, went to Steubenville a boy in 1826, and remained until 1831. He knew young Stanton intimately during those years, and testifies to his greed for books. He was especially fond of poetry. He was of a religious tendency, and in their Sunday strolls in the country "generally gave the conversation a moral and religious turn." He had no taste for the streets, nor for association with boys of coarse manners or language. Mr. Harper bears willing testimony to the general amiability and kindness of Mr. Stanton's disposition when a boy, as well as to his elevated moral tone. They continued to be friends up to the time of the latter's death.

His old playmate, Louis A. Walker, testifies to his masterfulness as a boy. He says: "Stanton was always positive, and in the latitude given or taken in boys' plays and games was somewhat imperious; never combative or abusive. I question whether he ever in his lifetime once thought of personal force to defend himself or punish an enemy. Self-reliance, however, placed him in advance of others with whom he played, acted, and lived, and his invincible energy kept him there to the very end." "Imperious," "self-reliant,"

"positive," and of "invincible energy," — so testifies a companion of Stanton's boyhood. He needs no corroboration. The boy was, indeed, father to the man.

He struggled at a great disadvantage for the limited education he received. In 1831, when in his seventeenth year, after four years of work in the bookstore, he entered Kenyon College (Gambier, Ohio). He was unable to continue the course there for want of means, and left during his junior year in 1833. In a letter written that year he complains bitterly of a disappointment which rendered it impossible for him to realize the hope he had entertained of being able to remain at least one year longer in college.

CHAPTER II

A Miniature Disunion Struggle at Kenyon College, in which Stanton "goes over to Jackson." — Admitted to the Bar. — Married.

It was at Kenyon that Stanton "went over to Jackson." The old Whig squire of his native town, who thus reproached him, related at the same time how firm an adherent of Clay and Adams, as against Jackson, Stanton's father was in 1825. This fact seemed to him to carry with it an inherited obligation on the part of the son to oppose Jackson at all times and under all circumstances.

It is worth while here to consider the reasons that led young Stanton, while at Kenyon, to espouse the cause of Jackson, — a step which had so large an influence upon his life.

Dr. Stanton died in 1827, two years before Jackson became President, five years before the first national Democratic convention was held, and seven years before the Whig party came into existence. The last presidential struggle that took place during his lifetime was that of 1824. Monroe had been chosen to a second term in 1820, with but one dissenting electoral vote, that one being of his own party. After this the Federalist party made no sign, and the Republican party was left without an antagonist.

In 1824 the Republican representatives in Congress

refused to meet in the usual party caucus for the selection of a presidential candidate.[1] A minority of them met, however (66 out of 216), and nominated William H. Crawford, of Georgia. This being without binding force, three other members of the "Republican" party — Jackson, Adams, and Clay — were presented by their friends as candidates. No others entered the field. Whoever voted that year, therefore, voted for a Republican. Jackson received the highest number of electoral votes, but not a majority. Adams received the next highest number, Crawford the next, and Clay the lowest. The failure of the people to elect threw the election into the House of Representatives, where, by the terms of the Constitution, a choice had to be made from the three persons having the highest number of votes. Clay's friends, under his directions, gave the votes necessary to make Adams President. This greatly embittered the Jackson men, the more so from the fact that the legislature of Kentucky — Clay's own State — had, by a vote of 73 to 11 in the House of Representatives, and 18 to 12 in the Senate, requested its members to vote for Jackson, since Clay could not himself be constitutionally voted for.

This coalition between Adams and Clay was followed by the appointment of the latter as Secretary of State, and it was charged that the appointment was the result of a pledge or "bargain" extorted from Adams by Clay or his friends as the price of their votes. The fiercest passions were aroused by these events, and upon the relative merits of the parties to the controversy

[1] National conventions were then unknown.

hinged our national politics for the ensuing twenty years. The truth or falsity of this charge of a "bargain" between Clay and Adams was hardly to be ranked as a political principle, adherence to which was essential to political consistency, regardless of the policies subsequently upheld by the opposing chiefs.

The supporters of the Adams Administration called themselves "National Republicans." General Jackson continued to claim for his adherents the name of "Republicans."

The national judgment was with Jackson, and twice made him President. Adams and Clay, whose coalition had defeated him in 1824, were successively rejected by the people in his favor, the one in 1828, and the other in 1832.

There never has been a period during the political history of the country when men were more intolerant toward their political opponents than in the time we are considering. No enemy of either chief could see any good in him. No admirer of either could discover in him any imperfection. The fierce hostility of the two men towards each other was reflected in their respective followers, and the evil of each became the good of the other.

Stanton probably went with the political party of his father in 1828, when Jackson defeated Adams. He was then not quite fourteen. But the strong influences necessary to change his boyish predilections were near at hand. John C. Calhoun, of South Carolina, had at first some pretensions to the presidency, in 1824, but finally became a candidate for the vice-presidency, and

was elected. Although he served as Vice-President under Adams from 1825 to 1829, he became the Jackson candidate for the same office in 1828, and was elected. While serving his second term as Vice-President, it became apparent that Martin Van Buren was becoming an important factor in politics. To check his rise, and to rebuke Jackson for showing a preference for him, Calhoun defeated the confirmation of Van Buren for the English mission by his casting vote as president of the Senate. Thus invited to activity, Van Buren influences brought together the first national Democratic convention in May, 1832, not for the nomination of a candidate for the presidency, — Jackson's candidacy being a foregone conclusion, — but for the purpose of nominating a candidate with him for the vice-presidency. The convention nominated Van Buren by a vote of 208 out of 283 votes, and indorsed the several nominations of Jackson for the presidency which had been made in the States. They were both elected by 219 out of the 286 electoral votes of the Union. South Carolina, dominated by Calhoun, was represented in the convention, and cast her eleven votes for the nomination of Philip P. Barbour for the vice-presidency. Neither Jackson (by birth a South Carolinian) nor Van Buren received a single one of her electoral votes, which were all cast for John Floyd, of Virginia, for President, and Henry Lee, of Massachusetts, for Vice-President.

The South Carolina leader had not rested quietly during the preparations for these events so damaging to his own political future. As early as 1830 he had

commenced making the tariff law of 1828 the pretext for breeding a revolt against the national authority, to take the form of state action declaring that law unauthorized by the Constitution, and null and void within the borders of South Carolina. Being in the chair of the Senate, he spoke to the people only through his Edgefield letters, and by the mouth of his spokesman in the Senate, Robert Y. Hayne. The latter, in January, 1830, announced in that body, in an elaborate speech, the Calhoun doctrine of nullification, and was replied to by Daniel Webster in an exposition of the relations between the federal and state governments, which at once became, as it has ever since remained, the received and settled authority with all who believe that the Constitution established a nation. It thrilled every patriot heart as a renewal of the covenant of union of 1789, and revived the fires of patriotism which had been slumbering in the breasts of the people in the absence of any apparent danger to the country.

The agitation in South Carolina continued to rage under the revolutionary leadership which had set it in motion, until in November, 1832, immediately after the reëlection of Jackson, it reached white heat, and gave vent to itself in the adoption of the long-threatened state ordinance, declaring null and void within the State the existing tariff laws of the United States, as being an exercise of power unauthorized by the Constitution. On the 10th of December President Jackson issued his immortal proclamation against the Nullifiers, in which he declared the national authority to be supreme on all subjects intrusted by the Constitution

to federal control, and asserted it to be his inflexible purpose to execute the tariff and all other laws of the United States with whatever force resistance might render necessary.

Stanton, as we have seen, entered Kenyon College in 1831, and remained until some time in 1833. His fellow-student, S. A. Bronson, in a letter to Stanton's sister, Mrs. Wolcott, dated June 25, 1886, says: "We had been through a miniature division of the Union in our literary society in Kenyon College. We had come to a point where the South would not admit a member from the North, nor the North a Southern member; so we split and made two societies. When I met Stanton at Columbus (some years afterwards) there was a Southern gentleman in the office. Stanton took me to him, introduced me as a student from Kenyon, saying: 'Here is "Father Bronson" (my sobriquet). We fought the South together at Kenyon, and whipped.'" In a subsequent letter, dated August 17, 1887, Mr. Bronson says: "The cause of the strife was the growing hostility between the North and the South." This hostility was based upon the attitude at that time (1832–33) of South Carolina and her adherents under Calhoun's lead. It was upon the question of nullification that Stanton and his fellows had "fought the South at Kenyon, and whipped." When, therefore, the proclamation of "the Old Hero" came thundering over the land, if any one of them could have hesitated for a moment about "going over to Jackson" from whatever attitude previous circumstances, traditions, predilections, or family ties might have placed him in,

that one would not have been Edwin M. Stanton. Burning with patriotic enthusiasm, he turned his back upon the stale and personal politics of 1824, to be forever enlisted in the cause of the Union and the maintenance of its rightful authority. He learned no better lesson at Kenyon than this. It was good training for the boy who, in his manhood, was to raise and equip the armies by which the heresies of nullification and secession should be forever silenced in the land. Had his father lived, he would have had reason to rejoice that he had a son who at eighteen possessed individuality enough to break away from the dry rot of old political traditions and rise to the stature of a patriotic citizen in time of public danger.

In 1833 Stanton again entered the employ of Mr. Turnbull, — this time in a store at Columbus, Ohio, — in the hope of earning enough to enable him to pay his way another year in college; but the amount of the portion of his compensation which had been made contingent disappointed his expectations, and he wrote to his guardian making known his dissatisfaction. The result was the termination of his engagement with Mr. Turnbull, and an abandonment of all hope of reëntering college.

He then entered, with energy, upon the study of the law, — the profession in which, as he matured in years and character, his whole ambition was centred, and in which he obtained a place among the few in the very front rank, with all the honors it could bestow, including commissions as Attorney-General and Justice of the Supreme Court of the United States. During this his

eighteenth year he became engaged to Miss Mary Ann Lamson, the daughter of William Lamson, of Columbus, Ohio. They were not to be married, however, until he had completed his law studies. These he pursued at Steubenville with unremitting industry, literally obeying the scriptural injunction: "Whatsoever thy hand findeth to do, do it with thy might." Three years of well-directed and vigorous work at his books brought the reward. His examination found him well equipped, and in 1836 he was admitted to the bar, and commenced practice at Cadiz, the county-seat of Harrison County, adjoining the county in which he was born. Having thus made his start in life, he was married on the 31st of December of that year. From this marriage were born a son and daughter. The latter died September 17, 1841. The son survived him a few years.

After a brief sojourn in Steubenville at the house of Judge Tappan, the young couple took up their residence at a hotel in Cadiz. In the spring following they went to housekeeping in a very modest way, in a house but partially finished at the edge of that town, bringing the furniture therefor from Stanton's home at Steubenville. This removal did not take place, however, until after the young husband, leaving his wife at Judge Tappan's, had made a journey over the mountains of Virginia for the dutiful purpose of escorting home his mother, who had been spending the winter there with her family. In all periods of his life, and under all circumstances, his devotion to his mother was a marked trait in his character.

CHAPTER III

His Choice between the Political Parties in 1836. — A Political Review. — Jackson and the United States Bank. — Formation of the Whig Party. — Its Elements. — Calhoun a Whig Leader. — Van Buren's Election. — Toleration on the Slavery Question.

The young lawyer must have made a good impression in the county in which he commenced business, for, during the first year of his practice, viz., in August, 1837, he received his commission as prosecuting attorney, to which office he had been chosen by the people as a Democrat at the preceding election. Why he chose to act with the Democratic party will appear by reference to the questions upon which parties were then divided, and the elements that composed them.

General Jackson had, during his first term (1829–33), called in question the constitutionality and expediency of the United States Bank, a federal corporation deriving much profit and importance from the handling of the government funds of which it was the depository. In 1832, before the presidential election of that year, he vetoed a bill to recharter the bank, the existing charter of which was not to expire until 1836. This gave that institution an opportunity for an appeal to the people, which it confidently made. The result was the reëlection of Jackson by 219 electoral votes against 49 for Clay, 11 for Floyd, and 7 for Wirt.

A new question came now, however, to supplant the bank agitation, and gave its supporters time to rally from their discomfiture. As already stated, this second election of Jackson had been almost immediately followed by the South Carolina convention, and the adoption, on the 24th of November, 1832, of the Nullification Ordinance against the tariff law of 1828. The people who, during the presidential canvass then just ended, had been divided between the friends and opponents of the United States Bank must now divide for and against nullification. Jackson's proclamation was a fiery appeal to the national patriotism. It pleaded with the rebellious people in his own native State to obey the laws, but at the same time made it unmistakably clear that if they could not be thus conciliated, they would be met with "all means to crush." The struggle terminated in a surrender on the part of Congress, under the leadership of Henry Clay. The law of the United States which South Carolina had ordained should be null and void within her boundaries became null and void accordingly. It was meekly taken out of her way, and another substituted for it, with which she and her chieftain professed to be satisfied, and for which he voted.[1] Notwithstanding this stultifying vote of the great Nullifier in favor of diluted "protection," the fact remained that, instead of the prestige of vindicated authority remaining with the federal government, it went with the revolted State. Clay gained great credit at the time as "a Union-saver," by

[1] Mr. Calhoun had resigned the vice-presidency and taken a seat in the Senate in December, 1832.

this compromise, but most dangerously did he prevail. The federal government was saved from the necessity of enforcing its authority only by abdicating that authority, and faction was taught how to rule by making national submission to its most unreasonable demands the price at which the Union might continue to exist without the use of force.

Peace having thus been secured on terms agreeable to the Nullifiers, the United States Bank was again left to the undisputed leadership of "the field" in opposition to Jackson. That corporation, nothing daunted by the verdict of the people at the polls, and desperately fighting for existence, rallied its forces for the control of the next congressional elections. In view of this, the President, in the summer of 1833, ordered the Secretary of the Treasury to remove the government deposits from the vaults of the bank for the alleged double purpose of protecting the country from loss and the people from the political power which the bank could otherwise wield against them with their own money. No executive act, not even the Emancipation Proclamation of Lincoln thirty years later, ever brought upon its author such an avalanche of denunciation or more of concentrated hate.

For this act the Senate at its next session (in April, 1834), under the leadership of Clay, adopted a resolution of censure of the President.[1]

At the same time the Whig party was formed, made

[1] This resolution is principally known in history as the one which, some years afterwards, the Senate caused to be expunged from its Journal.

up of Clay and his followers, Calhoun and the Nullifiers, the Anti-Masons, and all other opponents of Jackson's administration. This statement is made upon the authority of Horace Greeley, the ablest and most zealous champion of the Whig party, as he had been one of the most conspicuous of its founders.[1]

[1] The statement made at page 3, in *The Whig Almanac and Politician's Register for 1838,* published by Horace Greeley, is in the following words : —

"The American Whig Party was formed in the spring of 1834 by a union, so far as their common objects and views seemed to dictate, of all those who condemned the most arbitrary and unconstitutional removal of the deposits of the public treasure by General Jackson, from the one safe, advantageous, and proper depositary designated by law, into forty or fifty State banks. That reckless and most indefensible measure — which lies at the foundation of all our subsequent commercial, financial, and general calamities — necessarily gave rise to an intense political excitement, and to a new organization of parties, in which was partially merged all former distinctions.

"The Whig Party comprised —

"1. Most of those who, under the name of National Republicans, had previously been known as supporters of Adams and Clay, and advocates of the American system.

"2. Most of those who, acting in defense of what they deemed the assailed or threatened rights of the States, had been stigmatized as *Nullifiers,* or the less virulent State-Rights men, who were thrown into a position of armed neutrality towards the administration by the doctrines of the proclamation of 1832, against South Carolina.

"3. A majority of those before known as Anti-Masons.

"4. Many who, up to that time, had been known as Jackson men, but who united in condemning the high-handed conduct of the executive, the immolation of Duane, and the subserviency of Taney.

"5. Numbers who had not before taken any part in politics, but who were now awakened from their apathy by the palpable usurpations of the executive and the imminent peril of our whole fabric of constitutional liberty and national prosperity.

"Such was the origin of the Whig Party."

Duane, for refusing to obey Jackson's order for the removal of these

The Whig party, thus made up, was led by Clay and Calhoun, and seemed indeed formidable; but in vain did it contend with Jackson for popular favor. Martin Van Buren, his choice for the succession, was unanimously nominated by the national Democratic convention in 1835, and triumphantly elected in 1836 by the 170 electoral votes of four of the New England States, with New York, Pennsylvania, Virginia, North Carolina, Alabama, Mississippi, and Louisiana, against 71 for William Henry Harrison, and 51 scattering.

Van Buren was pledged to "follow in the footsteps of his illustrious predecessor." Harrison was under no pledge; he was simply the candidate of the opposition. Neither party had, at that time, made any declaration whatever on the question of slavery. The prevailing sentiment in the North, and, indeed, throughout the country, was that slavery was an evil which would in time be removed by the States in which it existed, and which alone had the lawful right to deal with it. Anti-slavery men on principle were not only tolerated in both

deposits, had been removed from the secretaryship of the Treasury, and Taney had been appointed to succeed him.

At page 24 of the same Almanac Mr. Greeley bears the following testimony to the zeal with which the Nullifiers supported the Whig cause in 1836. Under the head of "South Carolina" he says: —

"In the election of 1836 this State voted for Willie P. Mangum of North Carolina for President and John Tyler of Virginia for Vice-President. There was no Van Buren party here. Not a single vote was given for Van Buren in the legislature. Not a voice was raised for him in the public journals. The clear Whig majority in that State is probably not less than 36,000."

Presidential electors were then chosen in South Carolina by the legislature.

parties, but to question their opinions on the subject was no more thought of than it is to question the right of individual opinion in the parties of to-day upon the subject of religious belief. To enlist, therefore, in either the one party or the other at the time was not to take any position whatever upon the subject of slavery.

If any faction was secretly endeavoring to control politics in the interest of slavery in 1836, it was the Nullifiers, and they, as Mr. Greeley testifies, were in the Whig party.

Such were the party divisions and such the party candidates when young Stanton, having reached his majority, was called upon to cast his vote at the presidential election of 1836. The Whig party, which, according to the authority of Horace Greeley, embraced "most of those who had been stigmatized as Nullifiers," and "State-Rights men, thrown into a position of armed neutrality towards the administration by the doctrines of the proclamation of 1832 against South Carolina," was not the party for Edwin M. Stanton.

1836 was for him a most eventful year. It had seen him admitted to the practice of the law, married, and enlisted in a political cause which to him represented the patriotism that flamed in his enthusiastic nature.

CHAPTER IV

Resumes his Residence in Steubenville. — Relations with Senator Tappan. — His Part in the Campaign of 1840.

STANTON was most diligent in his profession; careful in the preparation, and confident in the presentation of his cases. Within the space of two years he had built up a lucrative practice, extending through the circuit. He was then but twenty-three years of age.

At the end of his term as prosecuting attorney of Harrison County, in the fall of 1839, he resumed his residence in Steubenville, where he became the law partner of Judge Tappan, who had just been elected to the United States Senate. He had found time to interest himself to some extent in political affairs, and had been consulted by Judge Tappan during his political contest. He preserved many letters from that gentleman, whose confidence in him seemed to be unbounded. In one of these letters (January 9, 1840) the Senator refers to a letter written by Stanton, in the "Ohio Statesman," to one of the supreme judges of the State opposing the latter's reëlection. He writes: —

"We all think here you must have killed him. Our mess consists of Allen and Tappan of the Senate, Medill, Weller, and Duane of the House — a genuine loco-foco set as you will find in this city. We read

your letter to Wood and all agreed in the above opinion." Wood was defeated.

It appears that Stanton was named for judicial honors, for Senator Tappan wrote him March 3, 1840, as follows: —

> I am very clearly of the opinion that you should refuse the office of President Judge, if offered to you. I was elected under similar circumstances with yours as to business, and I lost by it in every point of view. If you are ambitious (and who is not?) *look this way.*

Stanton was ambitious, but not for office. He looked neither towards Congress nor the bench, but kept right on in his practice of the law.

Although in full accord with the party in power, and on terms of intimacy with a Senator from his State, who endeavored to spur him to political activity, he could not be induced to leave his law business to seek political preferment. He was a warm partisan of Van Buren, who was the upholder of the dynasty established by Jackson, and in 1840 wrote and spoke in favor of his reëlection. The issues which were then uppermost in the public mind were those which related to banking and currency. The following editorial written by him that year will give the reader an idea of the Democratic doctrine of that day, and of Mr. Stanton's method of discussing it: —

> Every one looks upon the election of this fall as a solemn declaration by the people of the State against the present unequal and fraudulent system of banking. "But what system are you going to give us in the place of it?" is asked by those who think the whole affairs of the world are dependent upon

banks and corporations. For there are many who so disregard their own senses and hang their faith implicitly upon the humbuggery of banks, as to think those institutions equally essential to life, as the sun is to animal existence.

"What plan will the governor recommend or the legislature adopt?" such persons ask; and they are greatly astonished when told that no plan is necessary, and that none will be recommended or adopted, except to repeal the existing restrictions on banking, and to enforce the prohibition against issuing and circulating small notes.

"But how will exchange be regulated?" It will regulate itself, is answered, if left free, just as the price of wheat or pork, or any other article of trade is regulated, and without the aid of special, partial, or fraudulent legislation.

It is now clear that the people of this country and especially of this State have discovered that all the evils under which, through the medium of a corrupt banking system, they have been suffering, may be traced to one simple cause — partial legislation. By this partial legislation it is now seen that one set of men have, under various pretenses, been granted exclusive privileges, and allowed to exercise powers denied to the rest of the community. That thus monopolies have been created; competition put down. Irresponsible associations have been formed with power to regulate the quantity and value of the circulating medium, and thereby regulate the price of everything else. And acting upon this principle, they have managed, for a long while, not only to compel the mass of the people to pay them heavy tribute, but have also tried, in various ways, to bring the whole business of the country within their grasp. The people have felt such a state of things to be an evil of great magnitude, and, having traced that evil to partial and unequal legislation, they have also made another discovery, the truth of which is every day becoming more apparent and better understood, viz., that all the schemes of State banks and other corporations for banking

purposes, by whatever name called, which are now so busily suggested or set afloat, are but contrivances to accomplish the same end for which the present system was created. They are all based on partial or exclusive legislation. Build them, construct them, regulate and christen them as you may, the people see that they are but machines to promote the interest of the few at the expense of the many. And the public mind is therefore fast and firmly resolving to have no legislation upon the subject, except what may be necessary to check and prevent the abuses of the present system.

The Democratic party will leave currency tinkering and doctoring to their opponents, the Whigs and the Conservatives, considering charters and acts of incorporation no more essential to the purposes of trade and commerce than they are for raising wheat or making salt. The injustice and impolicy of granting to a few persons the exclusive privilege of raising wheat or making salt is easily seen, and the people, though for a long time deceived, have now found it to be equally unwise and unjust to grant to a few persons powers and privileges by which the circulating medium is regulated and controlled, and thereby wheat, salt, and other commodities of life monopolized, and their prices controlled.

When a human body is diseased a skillful practitioner seeks first to discover the source or cause of disease, and remove that cause. The rest he will leave to nature, or use such remedies only as may aid her operations. On the other hand, a quack will fall to dosing and doctoring, counteracting all the while the operations of nature, and perhaps increasing the violence of the disease.

The present diseased state of currency and of business has been, as is now admitted, caused by the partial legislation that created the banks, and restricted that peculiar branch of business to a few persons only, who were at the same time endowed with vast powers and exclusive privileges. The quack nostrums of State banks and all similar remedies,

instead of removing the cause of disease, only aggravate the symptoms, and may render the evil incurable. But by putting an end to partial legislation and exclusive privileges, by removing the present legislative restrictions upon banking, so far as may be sufficient to prevent monopoly and secure competition, the cause of the present evils will be removed, and the operations of business once more become equal, healthy, and uniform.

Such appears now to be the current of public opinion, and there is little doubt but the next legislature will set a wise and wholesome example by abstaining from all partial legislation, strictly confining itself to such action as shall have in view the interests of the people at large, and will, in granting no exclusive privileges, create no corporations, and build up no monopolies, under any name or for any purpose.

An invitation for him to speak at Bloomfield was made very urgent by the club committee, on the ground that the "Tippecanoe Club" had sent as a speaker Mr. Bingham, in the hope of drawing their audience.

Among his papers he preserved the points of some speeches made by him that year, which bristled with arguments in favor of the independent treasury system, and against the banks.

The Democratic leaders looked for a continued adherence by the people to the Jacksonian dynasty; but the country had not recovered from the effects of the panic and bank suspensions in 1837. The administration of Van Buren had been one of "hard times" throughout, and the magic power of Jackson could not sway the people from the "Hermitage" as it had when at the helm of State he spoke with authority and "took the responsibility." The voters listened, therefore, with less

interest to the usual appeals against the banks, than they did to the promise of better times if a change should be made. With songs of "Tippecanoe and Tyler too," and tales of "hard cider" dealt out with generous hospitality at the "log-cabin" of General Harrison, the "latch-string" of whose door was pictorially represented as being "always out" to all who chanced to fare his way, they marched over the prostrate cause of Democracy in 1840, and seated the Whig candidate — William Henry Harrison — in the White House by an electoral vote of 234 against 60 for Van Buren.

With this campaign terminated Stanton's interest in party affairs. He became more and more devoted to his profession. The energy and fidelity with which he attended to his business, and the ability which he displayed in the conduct of his cases, brought to him well-earned success and amply gratified his sole ambition.

CHAPTER V

His Great Success as a Lawyer. — "The Divine Alchemy of Work." — His First Case in Washington. — Removal to Pittsburg. — His Career there. — Second Marriage.

The professional career of Mr. Stanton was, throughout, a brilliant success. From the very start he meant to succeed, and never doubted his power to do so. For this he worked eagerly and unremittingly, not as an irksome necessity, but with a stimulating resolve to win. Light of heart, healthy of body, abounding in energy, he deemed nothing very difficult, much less impossible. His reputation and business steadily increased together after his return from Cadiz to Steubenville, in 1839, and the tide of his prosperity knew no returning ebb.

The irresistible force and momentum which he carried into his work are well illustrated by his conduct of a case into which he was brought, in 1845, after it had been virtually abandoned by the lawyers originally employed. Caleb J. McNulty, Clerk of the United States House of Representatives, had been indicted as a defaulter. He was an Ohio man, and in his extremity sought the aid and advice of Senator Tappan. He was confined in the District of Columbia jail in default of bail, and the resident lawyers in charge of his case regarded it as hopeless.

Tappan advised him to secure the services of Stanton, who was promptly sent for. Arriving in Washington at midnight, he went directly to the jail and conferred with his client. He found that no time was to be lost. The case was set for trial on the following morning. Without thinking of rest, he at once commenced an examination of the statutes, rules of the House of Representatives, and all records that would shed light on the duties and responsibilities of the office held by McNulty. By four o'clock in the morning he had satisfied himself that the indictment was not good in law, and he then took two hours of sleep. After an early breakfast he called upon the attorneys in the case. It was much too early in the day to find them, and he employed the intervening time up to ten o'clock in further examination of the law. Upon consulting with them, he found them decidedly of the opinion that the facts and the law were against the accused. They readily assented, however, to an effort by him to quash the indictment, and he at once proceeded to draw up the motion for that purpose. Appearing in the court a perfect stranger, he was at a great disadvantage in thus attacking an indictment, the validity of which had been virtually acquiesced in by older and well-known counsel for the defense. The court was disposed to regard it as a dilatory motion, without merit, and to decline to entertain it at that late stage in the proceedings. Seeing that he must act with energy, and even with audacity, if he would be heard at all, he arose, and, not waiting for the court to say whether or not his motion should have a hearing,

made an appeal so vehement and earnest — giving briefly the story of his sudden entrance into the case, and what he had been doing during the preceding night, and asking only one day in which to prepare for the argument — that the district attorney made no objection, and the court granted his request. At the same time it was ordered that if the motion should be overruled, the prisoner must be ready for trial at once. A two hours' argument the next day resulted in the quashing of the indictment and the discharge of the prisoner.

In 1844 he met with a severe affliction in the death of his wife. His removal to Pittsburg occurred in 1847. He had long been contemplating a wider field of operations than was presented at Steubenville. Columbus was considered by him, but Pittsburg was finally chosen, partly through the encouragement of the Hon. William Wilkins of that city, and partly because he could, by steamboat from there, more easily visit his mother at Steubenville on Sundays than from the other place. He continued to be a citizen of Ohio, retaining the home at Steubenville for his mother's use, and also retaining his place in the law firm of Stanton & McCook.

On the 25th of June, 1856, while Mr. Stanton was still residing in Pittsburg, he married Miss Ellen M. Hutchison, the daughter of James Hutchison, a wealthy merchant of Pittsburg. From this marriage were born four children, — two sons and two daughters. Of these, one of the sons, born October 17, 1861, died July 10, 1862.

He remained at Pittsburg from 1847 to 1856. His professional life there was one of great activity and brilliant success, as was well attested by the leading members of the Pittsburg bar at the meeting of their association, called after his death, in 1869. On that occasion Thomas M. Marshall, Esq., said: —

With invincible will and resolute purpose he performed his work, whether in the schoolroom at the student's desk, in the office, in the forum, or as the greatest war minister of the age. He approached the object of labor with the purpose to overcome it. He labored with the diligence of the student and the courage of the soldier. Herein lay the secret of his great success. He believed in the divine "alchemy" of work. When he was admitted to the bar in our sister State, Ohio, he worked for bread for his widowed mother. He attained the front rank of his profession there before he reached the age of thirty years. When he moved to Pittsburg he at once took his place with the ablest of our bar. It is no small compliment to his memory to say that he added fresh honors to the bar that could point to its illustrious dead and pronounce the names of Woods, Ross, Baldwin, Semple, Biddle, Fetterman, and Burke, and, among the then great living minds, to Wilkins, Fernand, Shaler, Loomis, Metcalf, and their associates. After ten years of full practice here, the rare ability, learning, and success of which may be traced in contemporary reports, he removed to Washington, soon to enter upon that public career which made his name famous wherever civilization had a foothold, and patriotism, loyalty, and courage had admirers. Before saying a single word further of Mr. Stanton, I may say that if by any human possibilities his valuable public services to this nation could be expunged from its history; if he had contributed nothing more than the results of his individual labor as an example

Ellen Hutchison Stanton

to his countrymen, as an example to the young men of the country, still his fame would have been ample and secure.

Of Mr. Stanton's great capacity for work Mr. Marshall said: —

I have known men more richly endowed with natural gifts; I have known more learned men, more eloquent men, more persuasive men; but I have never met another man who was capable of such prodigious, continuous, and incessant mental labor. I may be pardoned in referring to an instance of this power. I think it was in the winter of 1854. I had occasion to meet him in regard to a case which had been fixed on a Saturday for trial on the succeeding Monday two weeks. The cause involved questions of church polity, rules of church discipline, and considerable real estate was dependent upon the result of the issue. It was a quarrel, a trouble among the saints. It was a novel and rare case in the law, intricate and complex in its facts. Mr. Stanton had no previous knowledge of the case; had never known anything of the denominational or church quarrel. Yet within two weeks he mastered the case in all its details of the law, facts, and church history. To do so he was compelled to peruse and study over one thousand pages of ecclesiastical history, and examine critically the yearly proceedings of church courts, synods, and assemblies for over fifty years. He had to unravel and dissect the dry and unchristian details of a denominational schism, and prepare the law for the trial of the case. In these two weeks he became familiar with the history of the Covenanter Church from the days of the "solemne league and covenant" to the day of trial. He delivered the opening address on behalf of the defendants, and occupied one hour and a half in an exhaustive statement of the case. The court-room was crowded with the brethren, — doctors of divinity, gray with time's years, and full of the

wisdom of their school. When he sat down, one of these doctors inquired if Mr. Stanton had not been educated in the church, tutored in her principles and history. He was answered: "Two weeks since he knew nothing of your history or principles, and scarcely knew of your existence." The doctor's wonder was excited, to be merged afterwards in admiration of the perfections of a lawyer's work. This case was tried by men eminent in the profession, — Mr. Williams with Mr. Jones, and my dead friend, the eloquent, brave hero, Samuel W. Black, were counsel for the plaintiffs. Mr. Stanton prepared and tried that case as if it had been his life's work. When it was won, he turned to fresh work with the appetite and inspiration of youth.

John H. Hampton, Esq., said: —

He rose in his profession rapidly, not because wealth or influential family connections opened the way, but because his ambition and ceaseless effort drew attention to his early efforts and excited him to renewed exertion. He possessed an indomitable will, and trusted not to displays of winning declamation to gain a cause, but to severe and continuous study, which marks the careful and successful lawyer. When at our bar, he was noted for the exact knowledge he had of the law and facts in his case, and for the constant labor he practiced in getting ready for the conflicts he entered. Day and night he toiled, and exhibited in a large degree that stubborn pertinacity of purpose which distinguished him in the great duties he afterwards performed as Secretary of War. No man ever saw one of his briefs that was not struck with its completeness and with the array of authority it presented. But he added to his labor that high degree of method which few men possess. Order was the controlling element of his mind. He possessed a power of arranging his facts and the decisions applicable to them that made him almost irresistible

when put before a court or a jury. He planted himself for success upon one or two points in his case, and fought his battle manfully to the end upon them. His mind was strong, his judgment clear, his logic direct and convincing. No false ornaments marred the line of his arguments; no attempt made to triumph by pathetic appeals. He moved steadily on to the end by clear reasoning, and carried his case by the power and force which he infused into it.

A. W. Loomis, Esq., a leading lawyer of the Pittsburg bar, said when Mr. Stanton took up his residence in that city: —

I shall now have to work. Stanton will study my side of cases as thoroughly as he does his own, and will know as much as I do of it, and perhaps more.

CHAPTER VI

Argument of Mr. Stanton in the Wheeling Bridge Case in the United States Supreme Court. — His Methods in preparing for an Argument.

EARLY in his Pittsburg career Mr. Stanton acquired a considerable national reputation as counsel for the State of Pennsylvania in a suit brought by that commonwealth, under his advice, against the Wheeling Bridge Company, in the Supreme Court of the United States. It was an original suit, brought under that clause of the Federal Constitution which provides that in all cases in which a State is a party, the Supreme Court shall have original jurisdiction, and was for an injunction against the construction of a bridge across the Ohio River at Wheeling, then in progress, under a charter granted by the State of Virginia.

The legislatures of Ohio and Virginia had, as early as 1816, passed acts authorizing the construction of a bridge at that point, providing that it should not obstruct navigation. The work not being done, Congress was, in 1836 and 1838, petitioned to perform it, but without favorable results. In 1843 the Ohio legislature memorialized Congress to construct the bridge. This was met by Pennsylvania with resolutions of remonstrance, setting forth the injury to her commerce which would be caused thereby. The scheme was again defeated.

In 1847 Virginia revived her former charter, and authorized the reorganization of the corporation for the construction of the bridge. The people of Pittsburg and of western Pennsylvania saw with dismay the work progressing, which was, as Mr. Stanton said in his argument, to make Wheeling, Va., to all intents and purposes, the head of navigation on the Ohio River. The two States embracing the shores on either side of the river had consented, and were indeed equally desirous of seeing the work advanced. Where could the authority be found to interfere? It was not then the fashion for the federal government to be appealed to, to stay the action of the States, even when its powers were invaded; and the Virginia legislature had avoided the appearance of any conflict with the power of Congress to regulate commerce between the States by declaring that if the bridge should be so erected as to obstruct the navigation of the river, then, unless the obstruction was at once removed, the bridge might be treated as a public nuisance and abated accordingly.

But although the bridge, as it was being constructed, would thus obstruct the navigation of the river, little was to be hoped for from the courts of Virginia in the way of enforcing the conditions of her charter thus violated. To seek relief in the United States Circuit Court for either of the districts in which the bridge was situated would likely be fruitless, and an appeal could be heard only after long and injurious delay. How, then, could it be made to appear that the State of Pennsylvania was an injured party, in the sense which would bring her within the right to institute an original suit

against the Bridge Company in the Supreme Court of the United States?

This problem Mr. Stanton solved. He commenced suit in July, 1849, by filing in the office of the clerk of that court the bill of complaint of the State of Pennsylvania against the Wheeling Bridge Company and others. On the 16th of the following month he appeared before Justice Grier, sitting at chambers in Philadelphia, and moved for an injunction against the Bridge Company on behalf of the State of Pennsylvania at the instance of her attorney-general. After considering the bill and answer, and the affidavits of the respective parties in support of the same, the judge refused the injunction, but ordered that the papers be filed in the office of the clerk of the court, and that the complainant have leave to move for an injunction, as prayed for, on the first day of the next term of the court, which would be in the following December. He declined to take the responsibility of exercising the power of the court in the premises, mainly because the question of the plaintiff's right was new and involved the jurisdiction of the court.

Mr. Stanton's position as to the right of the State of Pennsylvania to bring the suit, and the reasons urged by him to show that her interest was sufficient for that purpose, were deemed "far fetched" by leading members of the Pennsylvania bar, while Virginia lawyers treated the suit with derision. Unmoved by these discouragements, he appeared in the Supreme Court at the next term (December, 1849), and moved for the injunction. His argument in support of the motion exhausted

the history and law of the subject. He demonstrated the federal jurisdiction over the subject-matter, and the original jurisdiction of the Supreme Court in the case. His argument was conceded to be one of great power, and placed him at once in the front rank of his profession in the nation.

Mr. Stanton's argument in this celebrated case appears in the 13th volume of Howard's U. S. Reports, page 532. In its conclusion he grandly asserted the rights of the State, while confidently submitting their protection to the highest tribunal of the nation. The sentiments he uttered evinced his fidelity to the majesty of the law, and his devotion to the rightful authority of both the nation and the State. He said: —

Having thus presented my proposition in its various branches, I feel that it is not needful for me to urge upon this court the important considerations which necessarily arise from the case, considerations not only affecting life and property to an immeasurable extent, but vast commerce, essential state rights, and the peace of the confederacy. They will present themselves to the court with more force than I could urge them. I know not, sir, that it becomes me to say more in this behalf. This only I will add: —

In 1765 a distinguished son of Pennsylvania, Dr. Rittenhouse, first conceived the idea of her great works connecting the waters of the lakes and the Atlantic with the Ohio River. Seventy years elapsed before the resources of the State were equal to such an undertaking. But, once commenced, it was accomplished. While all other works tending to the same object halted east of the Alleghanies, Pennsylvania forced her way through, thus opening a cheap, easy, and secure water transportation from the Gulf and the Rocky Mountains to the Atlantic seaboard.

But no sooner had this mighty work been completed and its revenues commenced to replenish the exhausted treasury of the State, and a prosperous commerce to reimburse her citizens for their heavy taxation, than the flagitious scheme is undertaken to cut her off from the Ohio by a bridge at Wheeling, within fifty miles of her borders.

When to prevent so great a wrong she appeals to the Supreme Court, the work is hurried on; and, pending her application for an injunction, iron cables are stretched across the channel of a navigable river, interrupting vessels arriving and departing from the ports of Pennsylvania, and before she can be heard in this tribunal her vessels are stopped on a public highway, their cargo and passengers discharged at Wheeling, and Pennsylvania ports shut up.

For less injuries than these States have been heretofore prompt to redress their wrongs, and have rushed swiftly to war. Even under our government, in defense of commercial rights, supposed to be invaded by congressional enactment, the banner of disunion has been unfurled in the South. In the North and East bordering States, asserting navigation privileges, have resorted to acts of confiscation and retortion, until at length civil war was ready to burst forth along their borders and range along their coasts. At a later day, the Western States of Ohio and Michigan, on a mere boundary question, arrayed their military forces against each other under command of their respective governors. And now on a mere abstract question, State is seen arrayed against State with threats and warlike aspect.

To these what a contrast and example does Pennsylvania this day present. Threatened in her dearest rights, she makes no appeal to force.

When the foundations of the government were laid, and this tribunal established as its corner-stone, Pennsylvania was there. She knew that the chief object of the Constitution was to substitute the law of reason for the law of force,

and her abiding confidence in its efficacy for every exigency has never been shaken. Her commerce obstructed on a public river, she comes this day at the head of no armed squadrons, with no blustering enactments of state sovereignty, with no threatenings of disunion upon her lips. As becomes the keystone of the federal arch, she seeks first a peaceful remedy. She appears as an humble suitor before civil judges upon their judgment seat, surrounded by no armed janizaries, by no imperial guards; but in the exercise of their constitutional functions clothed with an authority more potent, in her estimation, than an army with banners. She asks them to protect a right deemed the most inestimable among all nations, guaranteed by the Constitution and the laws of Congress, for the improvement of which millions of her treasure have been lavished, and upon which the welfare of her people depends. She asks them by simple injunction to prevent a local corporation from violating, under color of state authority, a right that a world in arms could not wrest from her.

The court sustained Mr. Stanton on the question of jurisdiction, and ordered a reference to a special commissioner to take testimony as to whether the bridge really was an obstruction to the free navigation of the river, and if so, what alterations could be made, if any, which would remove the obstruction and yet allow of the continuance of the bridge. The commissioner reported at the next term that the bridge was an obstruction to the free navigation of the Ohio River by steamboats, and recommended certain alterations, which if made would render such navigation entirely free.

The court decided that the interest of Pennsylvania, as an owner of the public works which would be injuriously affected by any obstruction to the free navigation

of the Ohio River, was such as to entitle her to bring the suit, and that, therefore, it was properly brought in this court, as a court of original jurisdiction in cases where a State was a party; that the Ohio River is subject to the commercial power of Congress, and that its navigation cannot be obstructed by the authority of any State; that the Wheeling bridge as constructed was a nuisance, being an obstruction to navigation; that the remedy applied for in this case was a proper one; and that the bridge must be altered within a fixed time or removed.

The triumph of Mr. Stanton was complete. In the face of a powerful army of antagonists, he had established the right of Pennsylvania to bring the suit at once in the highest court. He had been sustained by the court on the constitutional power of Congress to maintain the free navigation of the Ohio against any impediment under state authority. He had prevailed on the disputed question of fact as to whether the bridge really was an obstruction. And, finally, he was held to have sought the remedy appropriate to the case.

In 1856, and until the final determination of the case in 1858, Mr. Stanton was counsel with that eminent patent lawyer, George Harding, Esq., of Philadelphia, in the celebrated case of McCormick *v.* Manny, in a suit brought for an alleged infringement of the patent for McCormick's reaping-machine.

Mr. Harding says of this case: —

Mr. Stanton argued the patent case of McCormick *v.* Manny before Judges McLean and Drummond at Cincinnati.

Mr. Lincoln and I were associated with him for the defense, and Messrs. Dickerson and Reverdy Johnson represented the plaintiff. He devoted himself to the legal question which arose in the case, and enforced the defendant's position on the facts as brought out. Mr. Lincoln did not argue the case.

Of Mr. Stanton's eloquence Mr. Harding says: —

He was a very eloquent speaker. I never heard a more eloquent lawyer. He had a style of vehement speaking well adapted for a jury, and an entirely different style when before the Supreme Court at Washington. In the latter case he was calm, deliberate, and impressive, carefully repressing all feeling and all exuberance of expression. The greatest legal work of Mr. Stanton's life was, in my judgment, his conduct of the suit of the State of Pennsylvania against the Wheeling and Belmont Bridge Company, commonly known as the Wheeling Bridge case. . . .

Mr. Stanton's manner of preparing his arguments in the Supreme Court was to arrange his matter in advance, and then formulate his sentences, and correct them mentally without using any notes or reducing anything to writing, so that his great speeches were usually precomposed and committed to memory, although he never wrote out a single sentence of them. This is the most difficult mode of preparing a speech, but it was very effective. His speaking had all the vigor of an extemporaneous production, and at the same time possessed the accuracy and completeness of a written speech.

CHAPTER VII

Removal to Washington. — Employed by the Government as Special Counsel in California Land Cases. — The Limantour Fraud.

In the latter part of 1856, Mr. Stanton removed to Washington, where he could devote himself more especially to cases in which he was already engaged in the Supreme Court, and be the better prepared for an increase of practice in that tribunal. In December of that year he made his final argument in the Wheeling Bridge case. At the next term of the court he made his final argument in the McCormick Reaper case; and two days afterwards, February 18, 1858, he was on his way to California as special counsel for the United States in some of the most important litigation to which the federal government has ever been a party.

By the treaty of 1848 with Mexico, under which California, with other territory, was ceded to the United States, it was provided that the "grants of land made by Mexico in the ceded territories" should "preserve the legal value which they may possess, and the grantees may cause their legitimate titles to be acknowledged before the American tribunals."

In order to secure to the owners of valid grants, under Mexican law, the treaty rights thus pledged, Congress, by the act of 1851, created a Board of Land Commissioners, before which their claims were to be

presented within two years from the passage of the act. Lands not claimed within that time were to be considered as a part of the public domain. This board was to have three years within which to decide upon the claims presented. The term of its existence was extended by subsequent enactments to five years. It adjourned *sine die* on the 1st of March, 1856, after having acted upon all the claims brought before it for consideration, — 803 in number. The law provided for an appeal to the United States District Court from the decision of the Land Commission, and from the District to the Supreme Court of the United States.

The amount of land covered by the claims presented to the Board of Land Commissioners under alleged grants from Mexico was 19,148 square miles, — more than twelve millions of acres, — including the sites of San Francisco, Sacramento, Marysville, and other cities and towns.

The most enterprising of all the claimants was J. Y. Limantour, a Frenchman, and formerly a merchant at Monterey. He filed eight claims, embracing 958 square miles. One of these claims was for eighty leagues.

Six of his claims, covering 924 square miles, were rejected by the board, while the other two were confirmed. He modestly or magnanimously waived his right to appeal from the adverse decisions, and from the two which were favorable to him an appeal was taken by the United States.

Of the two pretended grants confirmed to him by the commission, one was for four square leagues of

land within the city and county of San Francisco, and the other was for the Farallone Islands, just outside the Golden Gate, and the islands of Alcatraz and Yerba Buena (Goat Island), and one square league at Point Tiburon, opposite Angel Island, — all in the bay of San Francisco. On these the fortifications and lighthouses of the government were being erected. The market value of the lands thus claimed by him at San Francisco was, at that time, estimated at from ten to twelve millions of dollars, while the sites for military and lighthouse purposes were of a value that could hardly be estimated.

Judge Black became Attorney-General, March 6, 1857. The Land Commission in California had expired by limitation of law, a year before. Its decisions and the evidence upon which they had been based were a part of the records of his department. Most of the cases not abandoned by the claimants were pending in the District Court of California on appeal. During the session of Congress preceding his appointment, the Judiciary Committee of the House of Representatives had reported a bill confirming all grants not already rejected by the Land Commission, and its passage had been vehemently urged as an act of justice to the poor injured claimants under treaty rights. Such a clamor was raised against the Limantour claims that the committee, hoping to save the bill thereby, so amended it as to exclude them from its operation. The scheme was nevertheless defeated.

Within three months after Judge Black came into office, he was visited by one Augustus Jouan, then

residing in Cincinnati, who related to him, from personal knowledge, what was afterwards shown to be a true story of the crimes upon which the Limantour claims were founded.

Jouan seems to have drifted away from California, and to have been located at Cincinnati. The clamor against Limantour in Congress and in the newspapers doubtless originated with him. He felt sure the government would need him, if he would reveal the knowledge he possessed. He went to Washington in May, 1857, opened his budget, secured employment, and started to California June 5, to aid in the preparation of the case against Limantour.

At San Francisco he reported to the United States District Attorney June 30, 1857. Himself an agent, and to some extent an accomplice of Limantour, his statements standing alone would have carried with them little or no weight; but on the hearing of the case he was fully corroborated in every particular.

To resist these monstrous claims of Limantour to the land embracing the city of San Francisco, and all the eligible sites for military approaches to it, Mr. Stanton was employed as special counsel for the United States. His mission, however, was made to embrace the whole subject of Mexican grants in California. The value of the lands covered by fabricated grants was estimated by Attorney-General Black, in 1860, in an official report, at $150,000,000.

Mr. Stanton's instructions, dated February 18, 1858, directed him to proceed to San Francisco, confer with the United States Attorney in relation to land claims

pending in the United States District Court, wherein the United States was a party, and "render such professional services therein, as in your opinion may be required for the interests of the United States." He was instructed to especially direct his attention to the case of the United States *v.* J. Y. Limantour, and with the District Attorney to "take such measures in the investigation and defenses of said claim of J. Y. Limantour, as in your judgment may be proper to resist the claim." He was to remain in San Francisco as long as might be necessary for resistance and defense against the claim, and his investigations were to be extended into Mexico and wherever else occasion might require. Said the Attorney-General in conclusion: "You will generally do and perform all such matters and things in relation to the aforesaid cases as may be right and proper to be done by counsel learned in the law, in behalf of the United States as your client."

CHAPTER VIII

Mr. Stanton in California. — His Work there. — Collection and Arrangement of the Mexican Archives.

Mr. Stanton's diary shows that on the 21st of February, 1858, he sailed from New York to Aspinwall on the steamer Star of the West, — the steamer at which, less than three years after, while he was serving as Attorney-General in Mr. Buchanan's Cabinet, rebellion fired its first shot. He arrived in San Francisco at ten o'clock P. M., on Friday, March 19, and after a single day spent in introductions, he entered upon his work.

His plan was to collect all the archives of the Department of California under Mexican rule, and to ascertain from them what grants of land had been made; then to resist as fabricated and spurious all that were not found among them, no matter how strongly they might be supported by documents purporting to be official but unknown to those records. These archives, if all collected together and properly arranged, might be supposed to exhibit the record evidence of every act of the former government whereby lands had been granted to individuals.

This was a work that had never been attempted. Indeed, its necessity did not appear to have occurred to any one. Mr. Stanton found a portion only of these

archives, and they were kept in loose boxes in the office of the United States Surveyor-General at San Francisco, where but little attention had been paid to them. The Board of Land Commissioners, created in 1851 for the express purpose of investigating and deciding the validity of alleged Mexican grants in California, had totally ignored them during the five years of its labors. They embraced only a portion of what had been taken by the United States forces at the time of the conquest of California in 1846, — many having gone into private hands, and many more having remained stored away and forgotten in various parts of the State. Besides this, our government never had been in possession of all the Mexican records. Civil commotion in the Department of California at the outbreak of the war between Mexico and the United States, and the final chaos of conquest, had thrown the archives into seemingly inextricable confusion, and many records were missing. To the documents he found at San Francisco, Mr. Stanton therefore had to add all others that could be found, and if any were in the possession of private individuals, they must be traced and wrested from them by legal process, under a statute yet to be enacted. The records when so collected must be methodically arranged, and bound in convenient volumes, so that they might be safely preserved and ready for reference. This task, which to most men would have seemed impossible, Mr. Stanton undertook and accomplished.

From the date of his arrival in California until July 16 was one hundred and twenty days, of which eighty-nine, as his diary shows, were spent by him in

examining these records. In this he had the valuable assistance of Mr. R. C. Hopkins, afterwards, for thirty years, the keeper of the archives. That gentleman has furnished an interesting statement in this connection, in which he says that the books and papers were taken from the "loose boxes" in which they were packed, and arranged in order in several rooms. An adequate clerical force was engaged, the work of which was directed by Mr. Stanton, who, according to Mr. Hopkins's testimony, "labored with unremitting industry, doing as much or more work than any of his clerks." "When he commenced the work," says Mr. Hopkins, "he was unacquainted with the Spanish language, but very soon he was able to substantially translate any ordinary Spanish document."

Mr. Stanton framed and sent to Attorney-General Black two bills for the consideration of Congress, one of which provided for the compulsory production, wherever they might be found, of Mexican official papers belonging to the archives, and the other for the punishment of any who should present false claims, or add to or take away anything from these archives. These bills were successfully urged upon Congress by Judge Black, and became laws on the 18th of May, within two months from the day of Mr. Stanton's arrival in California. They will be found in the U. S. Revised Statutes, Sections 2229, 2471, 2472, 2473, 5411, and 5412. Under this new authority Stanton made rapid work of gathering the scattered records so valuable to the government. He sent his subordinates in various directions upon successful missions. He went himself to Benicia

and San José, and was well rewarded for his labors. At the former place he found four boxes of documents, including some valuable ones which proved fatal to the pretensions of Limantour.

The archives of the Mexican government, thus laboriously collected, were arranged by him in their proper order, and bound in four hundred large volumes. As they unfolded to Stanton the system of Mexican land laws, the methods of Mexican administration, the changes of governments by revolution or otherwise, the succession of high and lesser officials, and the history of the departmental government in all its details, he was put upon inquiry as to what was missing, and aided in detecting what had been interpolated.

The records of land grants were found to have been admirably kept and indexed, and one of the most valuable discoveries made was that of the "Jimeno index," the leaves of which, separated and worn, were restored to their places. This was an index of all Mexican grants in California up to December, 1844, kept by Jimeno, the Secretary of State for many years, whose high character stood the test of all the investigations. Another index was found of all grants from December, 1844, to the conquest in 1846.

Of the value of this immense labor, Attorney-General Black said, in a letter to the President: —

When the historical facts ascertained from the archives, and the laws, customs, and usages of the Mexican government, of which a knowledge was derived from the same source, came to be presented before the Supreme Court, that tribunal concurred on every occasion with the views taken by this department.

[*Extract from J. S. Black's letter to Mr. Stanton, April 27, 1858*]

There is no other man living on this round
earth for whom I would have as=
sumed the responsibility which
I have taken for you. You must
succeed or be able to prove that
success was utterly impossible. I
am sure you will. Don't think me
selfish. It is true I can't float
unless I ride on the wave of your

reputation and I want it to roll
high. Your interest in success is
like my own exactly — I mean ex
actly equal to my own in magnitude
The Squire and those who frequent his
house "to keep bench and law days"
must continue to think that the
smartest thing they ever did in their
born days was to get you to look
after the affairs of the parish -

When you make up your mind to come home you must give me due and timely notice of it.

All this I have said in consequence of the opinion which divers persons have expressed with great confidence that you would return in May.

Yours truly
J. S. Black

The correspondence between Mr. Stanton and Attorney-General Black during the former's stay in California is voluminous and interesting. It shows the close relations and mutual confidence that existed between them, and gives an inside view of a campaign against fraud, in which they both performed patriotic and successful services calling for the highest courage and unbending integrity.

On the 27th of April Black wrote that he had read letters from Stanton with "intense delight." "The progress you make," he said, "in the Limantour case is just what I expected of your energy and talents. You are doing justice to your reputation and to your great client, the United States of America." He had shown Stanton's letter to the President, "who is delighted with his own sagacity in selecting so able and faithful a man for this important business." He had called on the chairman of the Judiciary Committee of the Senate with drafts of the bills which Stanton had sent him, to aid in collecting scattered documents belonging to the archives and for punishing fraud upon them, and that gentleman had enlisted himself earnestly in their behalf.

"There is," Black wrote, "a rumor which annoys me sometimes, about your coming home suddenly, or rather about your intention to come home. This is a thing that won't do to think of as long as there remains anything in the world you can do for this great cause you are engaged in. . . . There is no other man living on this round earth for whom I would have assumed the responsibility which I have taken with you. You must

succeed, or be able to prove that success was utterly impossible. I am sure you will. It is true I can't float unless I ride on the wave of your reputation, and I want it to roll high. Your interest in success is like my own exactly. I mean exactly equal to my own in magnitude. . . . When you make up your mind to come home, you must give me due and timely notice of it. All this I have said in consequence of the opinion which divers persons have expressed with great confidence, that you would return in May."

On the 15th of May Judge Black writes again in highest praise of Stanton's progress, and says: —

"The President expressed great pleasure at learning what an immense amount of work you were doing and had done. When I came to the part of it in which you mentioned the number of volumes you had collected,[1] he broke out: 'God bless me, what a task.'"

[1] Four hundred.

CHAPTER IX

The Limantour Case. — The Claim rejected. — Zeal, Ability, and Ingenuity of Stanton in conducting the Case.

The Limantour case was one which well illustrated the proverb: "Truth is often stranger than fiction." Had the story of it appeared as a romance, it would have been pronounced grossly improbable. It was a gigantic fraud, contemplating large results, and was upheld by a conspiracy extending into Mexico, including among its participants an ex-member of the Mexican cabinet, a former Mexican governor of California, and others of consequence. It was bold in plan, but lame in some of the details of its execution. The measures of Mr. Stanton, by which it was completely overthrown, illustrate the marvelous energy, fertility of resources, and strength of character brought to the service of the United States, during this the most important year in its results of any in his professional career.

Limantour alleged that his grants were made in consideration of money and goods furnished by him to the Mexican government. The documents presented in support of his claims seemed to be conclusive, under the Mexican law governing in such cases. Those in relation to the islands were a petition, and a concession and grant signed by the Mexican governor of Cali-

fornia, — Micheltorana. Those on which he relied for the confiscation of the site of San Francisco were most formidable. The first of these was a letter from the same governor asking Limantour for aid, and offering grants of land in return. Following this was a petition by Limantour for a grant, designating the land he desired. Upon the margin of this was the usual reference of inquiry as to the character and condition of the land, signed by the governor; then a letter purporting to have been written under the governor's direction by his secretary to the captain of the port of San Francisco, describing the lands solicited; and two days later, the grant for four leagues, dated February 27, 1843, and signed by the governor. On the margin of this was an approval or confirmation dated April 18, 1843, signed by Bocanegra, who was Minister of Exterior Relations in the government of Mexico. The "Island" grant also had his approval indorsed thereon. There was also a letter from the governor to the Minister, Bocanegra, dated February 24, 1843, inclosing Limantour's petition, and that official's reply, October 7, 1843, announcing that the "supreme government has been pleased to grant to Limantour sufficient leave to acquire, besides the property which he has already acquired, and which has been recognized by the supreme government, further country, town, or any other kind of property." A copy of Bocanegra's minute or direction, that this letter be written to Governor Micheltorana, was produced from the archives in the City of Mexico. Two letters were presented from Arista, the President of the Mexican Republic, dated October 2,

1852, one addressed to the president of the Board of Land Commissioners, and one to the governor of the State of California, commending the claim of Limantour to their favorable consideration.

Witnesses of reputed high character, who had held responsible positions in California under Governor Micheltorana, were introduced to prove the advances made in money and goods by Limantour to the government, which were said to have been the considerations upon which the grants were made to him. The genuineness of the signature of Governor Micheltorana to the grants and other documents was clearly established.

Against this apparently invincible case Mr. Stanton, on behalf of the government, introduced the one witness, Augustus Jouan, who had, as before stated, related his story to the Attorney-General at Washington. He testified that in March, 1852, nearly six years after California became the territory of the United States, Limantour had exhibited to him in the City of Mexico several land grants signed by Micheltorana, who was the last but one of the Mexican governors of the Department of California, and who held that office from December, 1842, until early in 1845. Only one of these titles was in the name of Limantour. Jouan says that Limantour employed him to go to California to hunt up the lands and survey them, and followed him to California later in the year. He met Limantour on the steamer when he arrived at San Francisco, and noticed that he then had in his possession a bundle covered with black glazed cloth, and having stamped upon it the official seal of the French legation at Mexico. It was

addressed to the French consul at San Francisco. Limantour told Jouan that it contained papers. He afterwards saw the same bundle taken out of Limantour's trunk at the latter's hotel by his clerk, Letanneur, who informed him that it contained eighty *blank* petitions and titles, all signed with the genuine signature of the ex-governor, Micheltorana, and which were the same as those used by Limantour for his California grants. Two days after this, when Limantour was going to dine with the French consul, he carried with him this bundle under his overcoat.

Jouan said that Limantour gave him, for translation, fourteen titles, none of which he had previously shown him in Mexico; that he "conversed freely with him, without dissimulation," as to their being fraudulent, and that "Limantour never denied, but on the contrary always admitted," that his titles were fraudulent. He said that when Limantour gave him the islands grant for translation, he noticed that the ratification of the same on the margin thereof by Bocanegra, the Mexican Minister of the Exterior, was of a date earlier in the year 1843 than the grant itself. On calling Limantour's attention to this discrepancy, he was directed by the latter to erase the figure 3 and substitute the figure 4, so that the date of ratification would read 1844 instead of 1843. This he did, but intentionally in so rough a manner as to make a hole in the paper. This paper, produced in court, verified his statement. He related conversations with Letanneur, the clerk of Limantour, in which he learned the place and time at which these antedated titles were fabricated and signed

by ex-Governor Micheltorana, long after California had become a part of the United States, and, therefore, long after he had ceased to hold office. And finally he produced and delivered in evidence to the court a blank title which Letanneur had given him, saying it was taken from the bundle before mentioned. This blank title had upon it the genuine signature of Micheltorana, three times repeated, and the name of Don Pablo de la Guerra, former administrator of the custom-house at Monterey, twice forged.[1]

This blank title consisted of two blank documents, on one of which room was left for a petition for land, yet to be written, but on the margin of which Governor Micheltorana had kindly written and signed his consent in advance; the other was a sheet all blank except that, at the bottom of the third page, Micheltorana had signed his name, as granting whatever lands the holder might subsequently be pleased to choose, and of which he might fill in the description.

Mr. Hopkins, custodian of the archives, stated that during the summer of 1857 he "spent much time examining the miscellaneous and, at that time, disregarded records and correspondence in the Spanish archives," and that there he one day found copies of

[1] Under the Mexican system, grants for land were made only in response to petitions written upon stamped paper. Each petition had upon its margin a brief order, signed by the governor for the issuance of the grant. The grant, also stamped upon paper, was of course signed by the governor. Stamped or "habiliated" paper duly authenticated by the Supreme Court of Mexico was furnished for these purposes. If at any time the supply failed, the law provided for the use of paper having the seal of the custom-house, and the signature of the governor and custom-house administrator in California.

correspondence between Governor Micheltorana and Manuel Castanares, the Customs Administrator at Monterey in 1843, which, if genuine, showed that during the early months of that year there was not in existence any stamped paper of the kind upon which alleged grants to Limantour purported to have been written and dated within that time. The governor's letters were requisitions for stamped paper to be prepared because there was none for the year 1843. And yet the pretended grant of the site of San Francisco was written on local stamped paper, signed by himself, and dated as of the very time when he declared in this correspondence that there was no such stamped paper in existence.

The resources of Limantour were, however, equal to this emergency. He produced as a witness Castanares himself, the very official with whom Micheltorana had this supposed correspondence, who testified that he had caused the stamped paper on which Limantour's grant was written to be prepared in November or December, 1842, in ample time for such a purpose. This testimony of one of the parties to the alleged correspondence of course outweighed mere pretended copies of letters, the existence of the originals of which, so far from being proven, was thus apparently disproven.

Castanares came, as he stated, from Mexico, for the purpose of giving evidence in this cause, and by permission of the President of Mexico, obtained through the intervention of the French Minister. His evidence carried with it, at the time, convincing weight. The cause of the government seemed enveloped in darkness.

On the one side the Limantour claim, commended by the President of Mexico, supported by every document deemed necessary, and by the testimony of swift Mexican witnesses, one of whom was given leave of absence from high official duties, at the intercession of the French Minister at the City of Mexico, to enable him to go as a witness to San Francisco; on the other side, Jouan, the discarded tool and accomplice of the claimant.

Limantour's triumph was of but short duration. One of the four boxes of records found by Stanton himself at Benicia contained the evidence which convicted Castanares of perjury. This evidence consisted of the original correspondence concerning the stamped paper, of which Hopkins had found the copies. This original correspondence clearly established the non-existence, in February, 1843, of the sealed paper on which Limantour's pretended grant of that date was executed. It established with equal certainty the fact that Governor Micheltorana and Castanares had been guilty, at a later date, of the crime of fabricating stamped paper, as of February, 1843, to be used in manufacturing a false grant of that date.

The discovery of this vital testimony is thus recorded in Mr. Stanton's diary of April 27: —

> At the archives office in the morning. Opened one box of Benicia papers and found: 1, The original correspondence of Micheltorana and Castanares as to the sealed paper. 2. The original accounts as to the cargo of the Fannata.

On the 29th of the same month Stanton's diary shows that he found "the books of Abrego for 1845."

Abrego was the Mexican commissary under Governor Micheltorana, and had testified to large advances by Limantour to the government, both in money and goods. His book of accounts flatly contradicted his testimony, and his certificate that they embraced all that had transpired closed the door against all theories that other books might contain them.

Stanton searched the records until he had found overwhelming proof of the truth of Jouan's story, and much more. De la Guerra testified, in spite of direct threats of assassination, that his name had been forged in every instance where it appeared on Limantour's paper as Customs Administrator for 1844.

August 2 Stanton wrote to Judge Black as follows: —

> Last week I had an examination made by Lieutenant Fairfield (of the coast survey) of every seal in the (California-Mexican) archives, some 10,000 or upwards, and a comparison with the Limantour seal. This examination shows but two seals in the archives of the custom-house of Monterey. 1st, the genuine seal of Pablo de la Guerra; 2d, the Limantour seal. Of the last there are only eleven impressions — all found on grants to Limantour or his witnesses.

Stanton had the archives of the Mexican government in the City of Mexico searched, and produced certificates showing that they contained no trace of the confirmation of the grants by Bocanegra, Mexican Minister of the Exterior, although such pretended confirmation appeared on the margin of Limantour's grants. He filed protographic exhibits in the case, concerning which he wrote, September 5, 1858: —

They are the most expensive and valuable work that has been done. They constitute an epitome of the Mexican and Spanish archives, 265 in number, and will cost about $4,000. They will afford you and the several departments of the government the means of knowing what the archives are, the forgeries that have been committed, the means of detecting them, and will protect about two thousand square leagues of land. . . .

The photographic exhibits embrace 256 photographic copies of original documents, about one third being forgeries against the United States. In the face of these all Mexico may perjure itself at leisure. A lie can't be made the truth, as these photographs will prove.

The array of proofs of the fraudulent character of Limantour's claims was so overwhelming that his lawyers deserted him at the end of five years of service. Of one firm Stanton wrote, October 3: "The archives and photographic proofs have driven them from the field." Of the one remaining lawyer, he wrote, October 16, that he "had fled two days before." The argument on behalf of the government was exhaustive. The reading of the proofs and exhibits occupied a week. Not a word was uttered in reply. The claim was rejected by the District Court, and of course no appeal was ever taken. Limantour was indicted for his crimes, and fled the country.

The following extracts from the opinion of United States District Judge Hoffman convey some idea of the magnitude of the work in this case and the thoroughness with which it had been performed: —

Whether we consider the enormous extent or the extraordinary character of the alleged concessions to Liman-

tour; the official positions and the distinguished antecedents of the principal witnesses who have testified in support of them, or the conclusive or unanswerable proofs by which their falsehood has been exposed; whether we consider the unscrupulous and pertinacious obstinacy with which the claims now before the court have been persisted in, — although six others presented to the Board have long since been abandoned, — or the large sums extorted from property owners in this city as the price of the relinquishment of the fraudulent pretensions; or, finally, the conclusive and irresistible proofs by which the perjuries by which they have been attempted to be maintained have been exposed and their true character demonstrated, it may safely be affirmed that these cases are without parallel in the judicial history of the country. . . .

It is no slight satisfaction that the evidence has been such as to leave nothing to inference, suspicion, or conjecture, but that the proofs of fraud are as conclusive and irresistible as the attempted fraud itself has been flagrant and audacious.

CHAPTER X

Overthrow of the Forged Claim to the New Almaden Quicksilver Mine. — Stanton's Work in California. — Land Cases in the Supreme Court of the United States.

Mr. Stanton further greatly distinguished himself while in California by his conduct of a suit in the United States Circuit Court against the New Almaden Quicksilver Mining Company. This suit was brought in the summer of 1858 in the name of the United States, and was for an injunction against the further working of the mine, until the title thereto should be determined. (1 McAllister, 271.)

The New Almaden Mine was claimed under a pretended grant to Andre Castillero, which the Board of Land Commissioners had confirmed, and from which decision an appeal was then pending in the District Court of the United States. It was in the possession of an English company. It had already yielded about $8,000,000, and about $1,000,000 a year was still being taken out.

The ground upon which the suit was brought was that certain official Mexican documents, constituting a part of the documentary title set up by the defendants, were false, fraudulent, antedated, and forged, and that they had been thus fraudulently contrived and fabricated since the termination of Mexican rule in Cali-

fornia. At the hearing the correspondence was produced in which the arrangements were made for the fabricating of the false documents. This consisted mainly of letters, forty in number, between the chief conspirators, one residing at San Francisco and the other at Tepic in Mexico. The genuineness of these letters was admitted by the counsel for the claimant.

In them the California party informed his co-worker in Mexico just what documents were wanted, and how they must be worded. These the latter was expected to procure in Mexico. California ceased to be a Mexican province, and became territory of the United States, July 7, 1846; the earliest of the letters between these conspirators for obtaining the New Almaden mine, by a fabricated Mexican title not yet in existence, was dated six months later, viz., January 7, 1847. They ran through more than three years.

The associates of the conspirators, in admitting the genuineness of the letters, as they were compelled to do, disclaimed any previous knowledge of them. The proof these letters gave of the fraudulent character of the claim of Castillero was overwhelming, and the Circuit Court granted the injunction.

The District Court, in January, 1861, on a hearing of the appeal from the Land Commission, confirmed Castillero's claim in part, and rejected it in part. Both parties appealed to the Supreme Court of the United States. The case was argued in that tribunal January 30, 1863. The array of counsel was exceptionally strong. For the government there appeared the Attorney-General (Mr. Bates), Benjamin R. Curtis, Jeremiah

S. Black, and Edwin M. Stanton. For the claimant, A. C. Peachy, Reverdy Johnson, Charles O'Conor, John J. Crittenden, and Hall McAllister. A brief submitted by Mr. Edmund Randolph in the District Court was also filed in behalf of the United States. (Mr. Randolph had died during the appeal.) The argument of Mr. Judah P. Benjamin before the District Court was also filed on behalf of the claimant. Mr. Benjamin had then become a member of the Cabinet of Jefferson Davis; Mr. Stanton was Secretary of War of the United States.

The title was held to be fabricated and void, and Castillero's entire petition for the land was ordered to be dismissed.

In rendering its decision, the Supreme Court recited the material portions of the criminating letters, and said: —

> Counsel for claimants admit that every one of these letters are genuine, and the proofs in the case are full to that effect. Comments upon these extraordinary documents are unnecessary, as they disclose their own construction, and afford a demonstration that those in the possession of the mine, holding it under conveyances from the claimant, knew full well that he had no title.

The report of many other cases of fraudulent land claims defeated by Mr. Stanton may be found in the special message of President Buchanan of May 22, 1860, transmitting to the House of Representatives the communication of Attorney-General Black on the subject; also in the twenty-one cases argued by Mr. Stanton in the Supreme Court during the December term,

1859, and reported in the 22d and 23d of Howard, U. S. Supreme Court Reports.

Stanton's work in California destroyed the occupation of the fabricators of false land grants, and protected both the United States and the owners of valid Mexican grants. It was an open book, in which could be read all rights to land under the treaty of 1848, and by which the public domain was rescued from spoliation, and the settlement of land titles in California made possible. He explored the sources of the Spanish and Mexican systems of land law, and collected and arranged the records of the successive departmental governments of California with such fidelity that he was able to instruct the court not only as to those laws, but as to their administration in the minutest detail, and even to successfully dispute those records when they showed the exercise of official power by the smallest pretended officer whose lawful authority had ceased at the time of such act.

He received the well-earned encomiums of bench and bar for the great results he had thus achieved in a single year.

CHAPTER XI

Mr. Stanton's Political Views, Antecedents, and Antagonisms. — A Freesoiler in 1848. — The "Union-Saving" Era from 1850 to 1860. — Pro-Slavery Whigs adopt the Anti-Slavery Shibboleth. — Stanton's Aversion to the Whigs. — His Position in 1856–60. — The Support he gave Buchanan.

Mr. Stanton was in no sense of the word a politician. He was devoted to his profession, and outside of that he had no ambition. His political opinions were formed and his party affiliations established at a time when Democracy meant Jacksonism. He was enthusiastic in politics while Jackson and Van Buren were in the lead. With them he was opposed to nullification, secession, a national bank, state bank monopoly, and a high tariff. When Van Buren was defeated for the nomination at Baltimore in 1844 by the two-thirds rule, the adoption of which was made possible by the votes of men instructed to support him, Mr. Stanton lost interest in party contests. He felt that the result had been attained by an unfair assertion of Southern power for exclusively Southern interests, and he shared the strong feeling of resentment it aroused among Northern Democrats. A letter he wrote to the Hon. Jacob Brinkerhoff, a Representative in Congress from Ohio, exhibits the disposition then prevailing among Northern Democrats to resist Southern domination within the Democratic party. Mr. Brinkerhoff had

made a speech against the annexation of Texas unless freedom should be guaranteed in a portion of the new acquisition. In the course of his speech he was very severe on the Southern Democratic leaders.[1]

Mr. Stanton wrote him: —

> I cannot refrain from expressing the satisfaction with which I have read your speech on the Texas question. It would have delighted me to have been able to hear you deliver it; but the effect will *tell* upon the public mind as "a word in season." There is too much inclination among Northern men to submit in silence to the insolent demands of the South. And one of the chief duties that will devolve upon us as citizens of free and independent States will be to curb the spirit of domination that has too long been suffered to prevail. You have set a noble and manly example in which many besides myself will to the uttermost sustain you. I trust, therefore, that the ground you have taken will be maintained.

From that time forward, although he adhered to his old-time opinions on the questions that divided parties during the existence of the Jackson dynasty, he took no hand in party work.

In 1847–48 he favored the Wilmot Proviso in common with Martin Van Buren, Samuel J. Tilden, Sanford B. Church, and others, then and afterwards eminent leaders in the Democratic party. That proviso would have excluded slavery from all territory acquired from Mexico. It was adopted by the aid of Whigs in a Democratic House of Representatives in 1846, and defeated by the aid of Democrats in a Whig House in 1848.

[1] *Congressional Globe*, 28th Congress, 2d session, page 131.

Prior to the Ohio Democratic state convention of the latter year, Mr. Stanton wrote to Salmon P. Chase: —

> There is no doubt that a struggle will be made to put down the spirit of freedom in the 8th of January convention. Another Syracuse is just as likely to occur, but, if it does, there must be another Herkimer.

This meant that if resolutions approving the Wilmot Proviso should be defeated, its friends must support them in another convention to be called for the purpose, as had been done in New York.

That he did not conceal from Southern men his views on the subject is shown by the following letter addressed to him by Senator Yulee, of Florida, February 23, 1848: —

> I have been for some time intending to write you in token of remembrance, but one cause or other has prevented. I now send you a copy of a speech I have lately inflicted upon the country relative to the subject which proved so considerable a subject of conversation, during the very agreeable trip on the Ohio, when it was my good fortune to meet you. You will recognize in my remarks in the Senate almost an old acquaintance, for we went over the same ground together. You did not seem at that time convinced. I shall be glad to learn if printing will have more weight with you.

The speech referred to in the above letter was an argument in support of the ultra-Southern view on the subject of slavery in the Territories.

After the defeat of Cass in the presidential election of that year, he wrote as follows to his sister, Mrs. Wolcott: —

The presidential election has resulted in an overthrow of Cass, which, for one, I do not regret. The manner in which the Freesoil men adhered to their ticket in the Reserve gratified me very much, but I am disappointed with the result in New York and Pennsylvania. It is to be hoped that the friends of liberty will keep up an organization, and, by preserving an armed neutrality, hold as they may the balance of power in the Free States, until one or other party, by falling in line, secure our principles.

In 1852 he was in Washington during the session of the national Democratic convention in Baltimore which nominated Pierce, but did not feel sufficient interest in its proceedings to visit that city. To his mother he wrote, May 5: —

Washington has been very full of strangers coming to the convention. . . . The convention has not yet been able to nominate a candidate for President, and it is very uncertain when they will succeed, if they do so at all. Baltimore is said to be crowded to overflowing with strangers. I have not been there and shall not go. As soon as my business is ended here, I shall hasten home.

During the campaign of that year he wrote her from Pittsburg, October 25: —

John P. Hale, your candidate for the presidency, is in town to deliver a lecture this evening before the Young Men's Mercantile Literary Society. . . . Politicians are busy electioneering for the presidential election, and the Scott men still have strong hopes of electing him, although their chance looks slim enough.

The "Freesoil" movement of 1848 was succeeded by a "Union-Saving" era, which continued through two campaigns. The conquest of California, and the

prolonged struggle between the North and South over her admission as a free State in 1850, ended in the compromise measures which included the new Fugitive Slave Law, and the admission of slavery into New Mexico. The two great political parties of that day — the Whigs and Democrats — vied with each other in proclaiming their devotion to what was called "this new settlement of the slavery question," and in anathematizing any who should attempt to disturb it. In 1852 the national conventions of both parties vehemently applauded it, and each singled out the Fugitive Slave Law as the especial object of its admiration and devotion.

All but 155,000 of those who voted on the presidency that year supported either the pro-slavery Democracy, or the pro-slavery Whigs. That insignificant number recorded their protest against slavery extension by voting for John P. Hale, of New Hampshire.

Thus the South dominated both parties equally. The Whigs, who had in some Northern States opposed the Mexican war on the professed ground that it was waged to extend slavery, had made haste to apologize in 1848 by putting forward for President General Taylor, one of its heroes; in 1852 they nominated another, in the person of General Scott.

It was very generally believed that the Union was endangered by the increasing agitation of the slavery question; and its preservation was more precious to the hearts of the great body of the Northern people than any other cause. This was well understood by the ultra-Southern leaders, and they made the most of the

fact. Having already defaced the federal statute-book with the superfluous brutalities of the Fugitive Slave Law,[1] and exacted submission to them as the price of national existence, they next inaugurated a crusade for the admission of slavery into the Territories, and its protection there by a federal enactment.

The defeat of Scott, in 1852, led to the complete overthrow of the Whig party. He had received but 42 out of the 296 electoral votes. A recast of political parties became inevitable. At this juncture the main body of the Whig party did what their opponents would probably have done, had their positions been reversed. They determined to appeal to the sentiment they thought would enlist the most recruits to their number, and to invite the formation of a new party. Unable to agree as to what issue would yield the best result in votes, they divided, — one portion, under the name of "Americans," presenting hostility to foreigners as their shibboleth, and the other, under the name

[1] This law denied to the alleged fugitive slave the right of trial by jury of the issue whether he was a slave or not. It gave the United States Commissioner a fee of ten dollars in each case when he decided the black man to be a slave, and only five dollars when he decided him to be a free person. It authorized the summoning of the *posse comitatus* in advance of any resistance to the arrest of the alleged fugitive. The famous Crittenden compromise measures, voted down in the Senate March 2, 1861, included amendments to remove from the Fugitive Slave Law the above recited obnoxious provisions. There were others equally offensive to operate to the disadvantage of a free Northern black who might be claimed as a fugitive slave.

It is a notable fact that Senator Lewis Cass, who had been the Democratic candidate for the presidency two years before, refused to vote for the Fugitive Slave Law of 1850, because it denied the right of trial by jury to the black man claimed as a slave.

of "Republicans," the non-extension of slavery. Each drew something from the Democratic party, but that party elected Mr. Buchanan President, in 1856, over the divided opposition, by the votes of every slave State save Maryland, and those of the Northern States of Pennsylvania, New Jersey, Illinois, Indiana, and California.

Stanton, having become a resident of Washington, had no vote at the presidential election of that year. He was wholly absorbed in his law business. As he had taken no active part in politics for years, his continuance in that course did not affect his standing as a Democrat. It is certain that his old enemies, the Whigs, found no more favor in his sight that year, under their new names of "Republicans" and "Americans," than they had when marshaled against Jackson in support of the national bank, or when they surrendered to the South Carolina Nullifiers, in 1833, under the coalition between Clay and Calhoun.

In the breach between Mr. Buchanan's administration and those who opposed his Kansas policy in 1857–58, Mr. Stanton stood unmistakably with Mr. Buchanan, as appears by the following letter written by him to Judge Black from San Francisco, September 5, 1858: —

This steamer will bear the news of a great administration victory in this State. It has been a most triumphant and glorious victory. From the hour that Broderick reached this shore, until the last moment, his energies were devoted to the contest, and his overthrow is signal and ignominious. You say to the President that his own great name achieved the

triumph — to that victory is due. Gwin and Scott were both absent. Broderick was in the field in person. The organization was feeble and incomplete, and the election is but an emphatic overwhelming indorsement of the President and his administration.

Senator Broderick and his friends had bolted the Democratic organization in California, on the issue which Mr. Douglas had successfully made within the party in Illinois. The campaign in California had been waged with extreme bitterness against Mr. Buchanan personally. The above letter indicates the strong sympathy Mr. Stanton felt with the President in such a controversy. Judge Black says of him: —

He was always sound on the Kansas question, and faithful among the faithless on the Lecompton Constitution. So far as we, his Democratic associates, were permitted to know him, no man detested more than he did the knavish trick of the abolitionists in preventing a vote on slavery, by which it would have been expelled from Kansas, and the whole trouble settled in the way they pretended to wish.[1]

The Kansas convention at Lecompton, which was dominated by the pro-slavery men, had submitted the Constitution to be voted on in the following manner: "For the Constitution with slavery," or "For the Constitution without slavery." In no case could a man vote against the Constitution. The free state men believed they had little reason to hope for a fair election, and therefore abstained from voting. According to Judge Black's testimony, Mr. Stanton believed they could have made Kansas a free State at that election.

[1] Letter to Henry Wilson, *Atlantic Monthly*, April, 1870.

Being still a resident of the District of Columbia, he was not a voter in 1860. His son, Edwin, after a visit to Washington that year, informed Stanton's old friend, John F. Oliver, at Steubenville, that his father was for Breckinridge. To his sister, Mrs. Wolcott, Stanton wrote, June 28 of that year: —

I suppose you all look forward to Lincoln's election and expect to come on here to the coronation. . . . The election of Lincoln is as certain as any future event can be. The Democratic party are hopelessly shivered, and will not re-unite for many years, if ever.

Says Judge Black: —

He was out and out for Breckinridge in 1860, and regarded the salvation of the country as hanging on the forlorn hope of his election.

To sum all up: Mr. Stanton was in 1860 and 1861, and prior to that, a Democrat, opposed to slavery, but a firm upholder of the laws constitutionally enacted for its protection.

That he believed the success of the Republican party would endanger the Union, and that he adhered to the extreme wing of the Democratic party after it had subordinated all other questions to the protection of slavery in the rights guaranteed it by the Constitution, as interpreted by the United States Supreme Court in the Dred Scott case, must be admitted. That when the apprehended danger to the Union followed Republican success, he rose superior to all party trammels, and, in the Cabinet of Mr. Buchanan, acted with high courage and the most unselfish patriotism, none can

deny. He strengthened the hands of Mr. Buchanan in all that he safely and lawfully did to avert a collision, because, at that time, it was obvious to all intelligent persons that the sympathies of foreign nations as well as the support of a large body of our own people would be with the side that remained on the defensive until attacked. When the retired President was overwhelmed with the imprecations of people who held him responsible for the perils which beset the country, and was apprehensive that proceedings might be taken against him in Congress, Mr. Stanton was his chosen counselor, and his considerate, unselfish, and trusted friend.

PART II

THE SECESSION WINTER. — STANTON IN BUCHANAN'S CABINET

CHAPTER XII

Appointed Attorney-General, December 20, 1860. — Review of the Political Situation. — The Presidential Election. — The Disunion Conspiracy. — Movements in South Carolina. — Her Agents in Washington. — Floyd's Treason. — Buchanan's Message revised by Jefferson Davis.

On the 20th of December, 1860, Mr. Stanton, then forty-six years of age, was appointed Attorney-General of the United States. Up to that time, with the exceptions in early life of one year's service as a county prosecuting attorney, and three years as a state Supreme Court reporter (both in the line of his profession), he had never held office, nor sought or desired to.

His appointment was not a political one. He had rendered no political services entitling him to recognition at the hands of the President or his party. It is impossible to imagine that he desired the office, for it was an invitation to leave a lucrative practice, and share with an administration about to go out in eclipse the buffetings it was receiving from the triumphant opposition, and which it must also receive from the Southern

faction of its own party, unless it should lend itself to their revolutionary aims.

The administration of Mr. Buchanan had already drifted with extraordinary fatuity into a position in which it dared not remain, and yet from which retreat was both difficult and dangerous. To form some idea of the stormy sea upon which it was being tossed at that time, it will be necessary to review what had occurred during the forty-four days between the presidential election and the date of Stanton's appointment. The United States government at that time seemed to have no rights that anybody was bound to respect. It had been so long under the control of the men then bent on the dismemberment of the Union that, although they had been defeated at the polls, resistance to their will seemed to them a little short of rebellion against established authority.

The presidential struggle of 1860 had been conducted by the extreme Southern leaders, from the opening of the president-making Congress in December, 1859, until the closing of the polls in November, 1860, upon the express plan of securing the election of the Republican candidate, as a pretext for the long-threatened and, by them, ardently desired dissolution of the Union. The delegates from the cotton States to the national Democratic convention at Charleston had been instructed in their state conventions to demand of the convention a platform on the slavery question, which it was known would defeat the party if adopted; and, failing to secure it, they were instructed to disrupt that body, which would be equally certain to accom-

plish the desired result. Unable to secure a majority to support their views, they seceded from the convention, in accordance with their instructions, and subsequently put forward a third candidate for the presidency. Having thus, with premeditation, insured Republican success through Democratic division, they committed themselves and their heated followers during the canvass in the most explicit terms, by public resolves, speeches, and writings, to secession and disunion in the event of Mr. Lincoln's election, and to a war to the knife if the nation should refuse to be unresistingly put to death.

This action of theirs was the culmination of many years of debate, in which they had vainly endeavored to stem the rising tide of opinion against the system of slavery.

The election of Mr. Lincoln, thus contrived, was deemed so certain that definite revolutionary measures were set on foot a full month before it took place. The election day was November 6. On the 5th of the preceding month Governor Gist, of South Carolina, addressed a confidential circular letter to the several governors of the other cotton States, in which he said that the great probability, nay, almost certainty of Abraham Lincoln's election to the presidency rendered it important that there should be a full and free interchange of views between the executives of the Southern and more especially the cotton States. He then gave his own views as to the probable action of his State, and asked them as to their States respectively. South Carolina, he declared, would rather follow or accompany some

other State than lead. She would follow any single State that would secede; and if no other State took the lead, she would, in his opinion, secede alone, if assured that she would be soon followed by another or other States. Otherwise he said it would be doubtful.

To this the governor of North Carolina replied, October 18, that he thought the people of that State would not consider the occurrence of the event referred to as sufficient ground for dissolving the Union of the States, but he did not think his State would become a party to the enforcement of "the monstrous doctrine of coercion." In no event would he assent to that.

The governor of Louisiana wrote, October 26, that he should not advise secession in case of Lincoln's election, and did not think the people of his State would favor it; but he believed in the right of secession, and would sustain any seceded State against attempted coercion by the general government.

The governor of Mississippi wrote, October 26, to the effect that his State would follow any other State that would secede.

The governor of Georgia wrote, October 31, that he thought his State would wait for an overt act before seceding. He favored a conference of Southern States, but events not yet foreseen might lead to action by Georgia, without waiting for other States.

The governor of Alabama wrote, October 25, that in his opinion Alabama would secede, if two or more States would coöperate with her, and that she would rally to the rescue of any one seceded State against the use of force by the federal government.

The governor of Florida did not reply until after the election (November 9), when he assured Governor Gist that his State would wheel into line with South Carolina or any other State.

Governor Gist's diligence in the disunion cause did not stop with this interstate correspondence. He commenced to make ready for war by secret negotiations for the purchase of arms from the United States through his accomplice, John B. Floyd, the Secretary of War. As early as October 22, 1860, Thomas F. Drayton, an emissary of his, visited Washington on this business, and in company with Senator Wigfall, of Texas, called upon the Secretary of War to make inquiries as to the efficiency and price of certain muskets belonging to the United States. Upon his return to Charleston he reported to the governor, under date of November 3, that these muskets "would shoot for 200 yards as well as any smooth-bore gun in the service, and would carry a conical ball, made lighter by enlarging the hollow at the base of the cone, 700 yards;" that he could have these particulars authenticated by the Board of Ordnance officers, of which General Joseph E. Johnston was president, who had inspected and reported on the muskets to the Secretary of War; that ten thousand of them could be purchased for the State of South Carolina at $2.00 each, and that the accommodating secretary had agreed to have them rifled at the reasonable additional cost of $1.00 per barrel. Texas had, he said, already engaged 20,000 of these muskets. "As this interview with Mr. Secretary Floyd," wrote the discreet Drayton, "was both semi-official and confiden-

tial, your Excellency will readily see the necessity, should this matter be pursued, of appointing an agent to negotiate with him, rather than conduct the negotiations directly between the State and the department."

His Excellency saw the necessity, and gave Drayton the suggested authority. The latter, in accepting the agency, wrote the governor that the only remedy for existing ills was "to break up with dispatch the present confederacy and construct a new and better one." He urged privacy, and said he would at once write Floyd to have the rifles put in preparation so as to have them ready for use at an early day.

This letter was written on the day of the presidential election. It was delivered into Mr. Floyd's hands two days later by Mr. Trescott, of South Carolina, then Assistant Secretary of State.

The South Carolina legislature met, in called session, November 5. The message of the governor predicted Mr. Lincoln's election on the following day, recommended the secession of the State, and urged that she be placed at once on a war footing by arming every man between eighteen and forty-five years of age, and accepting the services of 10,000 volunteers.

At a gathering of prominent politicians of the State, including the governor and all the congressional delegation but one, held October 25, at the residence of United States Senator Hammond, it had been unanimously resolved that South Carolina should secede in the event of Mr. Lincoln's election.

No demonstration was omitted which was calculated to aid in precipitating the crisis. The most theatrical

scene of all was enacted in the United States District Court room at Charleston, on the day following that of the presidential election, and before the result could have been certainly known. The foreman of the Grand Jury addressed the court, saying that that body declined to proceed with their presentments because the last hope for the stability of the federal government had been swept away "by the verdict of the Northern section of the confederacy, solemnly announced to the country through the ballot-box on yesterday." Whereupon the judge of the court, A. G. Magrath, arose, and instead of punishing the foreman for contempt of court, resigned his office in a grandiloquent speech in support of secession. The resignation of the United States attorney and marshal followed immediately. This performance seems, in the light of subsequent events, to have been an important step in making up an agreed case for executive consideration, and for a decision which it was believed would insure to the State immunity from immediate federal interference with the rebellious attitude she was about to assume.

The legislature called a convention to assemble December 17. The bill for that purpose passed the Senate November 10, and the House on the 12th.

While South Carolina was thus being borne rapidly along in the direction of her heart's desire by the restless zeal and audacity of her sons at home, she was served with no less fidelity and ability at the national capital. There she had an unofficial representative, still in the official harness of the federal government, in the person of William H. Trescott, the Assistant Secretary

of State. That he enjoyed the confidence of President Buchanan in a marked degree is evidenced by the fact that from June to October of that year he had been Acting Secretary of State, by presidential designation, in the temporary absence of Secretary Cass. He was equally in the confidence of the disunion leaders, and often went between them and their allies in the Cabinet. For example, on the 1st of November he wrote to Mr. Rhett, of South Carolina, that, while he could not, of course, say anything about his own views or opinions of the administration, the Secretary of the Treasury, Mr. Howell Cobb, of Georgia, had authorized him to communicate his views in confidence. The substance of them was that Mr. Cobb was an ardent disunionist, and thought Georgia would and should secede in the event of Mr. Lincoln's election, but not until the 4th of March. He feared earlier action would peril unanimity.

Mr. Trescott called upon Secretary Floyd November 8, with the letter of November 6 from Drayton, agent of South Carolina, before referred to, proposing to buy 10,000 muskets for the use of the State. This enabled Drayton to write to Governor Gist, November 16, from Charleston, that, although he had been prevented by an accident from going to Washington, his absence had not delayed the execution of the order for the rifles; the Secretary of War had had the preparation of them in hand for some time. He requested the governor to address him at Washington in Mr. Trescott's care.

On the 19th of November Drayton was in Washing-

ton, and wrote to Governor Gist that he had been greatly disappointed at being informed by Secretary Floyd that it would take three or four months to rifle the muskets, for that functionary had assured Mr. Trescott as well as himself that they would be ready for delivery on his arrival. But Secretary Floyd's good faith towards the disunion cause was made clear by his kindly suggestion that they should "purchase the 10,000 smooth-bored muskets instead, as a more efficient arm, particularly if large-sized buckshot should be used, which, if put in a wire case capable of containing twelve of them, would go spitefully through an inch plank at 200 yards." Drayton was also advised by General Joseph E. Johnston, then Quartermaster-General, "that for the purpose the smooth-bored musket is preferable to the altered rifle." Later on the same busy day Drayton wrote that Secretary Floyd deemed it important that he should go to New York to arrange for shipping the arms from that point instead of Washington. He said he was also getting some of the same muskets for Georgia. On the 23d of November Drayton telegraphed to Governor Gist from Washington: "Your order for rifles of the 17th instant cannot be had. To manufacture them will take a year. The rest of the order I hope to fill. Will send 10,000 smooth-bore. Reply by wire." At the same time he wrote, saying he had just returned from New York, whither he had gone at the suggestion of Secretary Floyd to engage G. B. Lamar, president of the Bank of the Republic, to make an offer to the Secretary for the number of muskets required for South Carolina.

"The Secretary of War," he wrote, "was reluctant to dispose of them to me, preferring the intermediate agency." He also stated that Secretary Floyd had that day written to the officers in charge of the Watervliet arsenal to deliver 5000 or 10,000 to Mr. Lamar's order. Drayton expressed much anxiety to get the arms immediately forwarded to Charleston, as "the Cabinet may break up at any moment on differences of opinion with the President as to the right of secession, and a new Secretary of War might stop the muskets going South, if not already on their way, when he comes into office." On the following day, November 24, he telegraphed Governor Gist as follows: "The quota for eighteen hundred and sixty-one ordered from Harper's Ferry."

While the Secretary of War was thus selling muskets, which would send twelve buckshot "spitefully through an inch plank at 200 yards," to conspirators who were making ready to use them against the soldiers of the army of which he was the sworn guardian, he was professing to President Buchanan and Attorney-General Black to be opposed to the Southern movement.[1]

Mr. Trescott kept the governor of South Carolina well informed as to the attitude of Mr. Buchanan, and was the faithful sentinel of the "sovereign State" of South Carolina within the federal camp, ready to notify her authorities if any movement should make it advisable for her to commence hostilities. On the 19th of November he wrote to Drayton that no action of any

[1] Black's *Essays and Speeches*, page 267.

sort would be taken until the message of the President had been sent to Congress. The contents of that message were correctly foreshadowed by him. He could not tell what the President would do when the State should secede, but he thought that as long as Cobb and Thompson retained seats in the Cabinet, it would be evidence that no action had been taken seriously affecting the position of any Southern State. He thought he could rely upon his own knowledge of what would be done, and he would resign as soon as that knowledge satisfied him of "any move in a direction positively injurious to us, or altering the present condition of things to our disadvantage."

Two of the Southern members of the Cabinet telegraphed at about this time to Jefferson Davis, in Mississippi, to come immediately to Washington, and use his influence with the President in relation to the forthcoming message. He obeyed the summons, and was well rewarded for his trouble. He called on Mr. Buchanan, who read him the message and invited suggestions, and, as Mr. Davis states, "kindly accepted all the modifications which I suggested." [1]

While these things were going on, the rebellion in South Carolina was rapidly progressing. Mr. Buchanan knew, as did all the world, that the convention which was to meet there on the 17th of December would surely take the first formal step in a revolt against the government of the United States, by an act of secession which, if unchallenged by federal power, would speedily

[1] Jefferson Davis, *Rise and Fall of the Confederate Government*, vol. i. p. 59.

be followed by similar acts in other States. This was known, because the successive steps contemplated by the disunionists had been as plainly and publicly announced by them in advance, as are the plot and incidents of a modern drama in the play-bill.

It was obvious that if anything could prevent a separate and hostile government of confederated slave States from springing up at once within the territorial limits of the United States, it would be a prompt demonstration by the administration at Washington of a firm, patriotic, and unmistakable purpose to defend the rights of the government wherever and under whatever pretext or authority they might be assailed, followed by popular uprisings in the North, without regard to party lines, which such a stand would surely evoke. Such a course might have given pause even to South Carolina. On the other hand, it was in the President's power, if he chose, to promote the cause of disunion, and divide public opinion at the North, by assurances to those who were instigating and organizing rebellion that the national government had not the power under the Constitution to adopt the measures necessary for the preservation of the Union. The secession doctrine had been debated for thirty years, and not a statesman in the land but had a definite opinion concerning it. Those who believed it to be simply revolution knew whether they thought a justification existed for a resort to it. The President was an experienced statesman, and had gathered around him a Cabinet containing some able men. It was not an unreasonable expectation that as the chief magistrate of the nation, he would oppose the

threatened revolution, and purge the Cabinet of any who might be found promoting it. The hot discussions of the campaign had left no room to doubt that the election of Mr. Lincoln would create a crisis in which either a revolution or the government must go down.

The extent of that revolution was the only question. It might be confined to South Carolina; it might extend through the cotton States, or it might finally include all the slave States. The crisis might be precipitated immediately after the election, and tax all the patriotism and energies of the outgoing administration, or it might be procrastinated until the advent to power of the President whose election was made the pretext for it. It is reasonable to suppose that the former contingency was contemplated by Mr. Buchanan and his advisers, and some views interchanged as to the manner in which it should be met in whichever of many possible forms it might present itself.

CHAPTER XIII

Mr. Buchanan asks Attorney-General Black's Opinion. — The Opinion, November 20, 1860. — The same analyzed and reviewed. — The Anti-Coercion Doctrine.

On the 17th of November, President Buchanan called upon Attorney-General Jeremiah S. Black, for an official opinion as to the powers and duties of the Executive in the crisis then impending.

Judge Black's opportunity was such as seldom falls to the lot of any man. He could point out to the President in direct and unequivocal terms all that the patriotic people of the country had a right to hope from their government, and all that those who were openly threatening its destruction had to fear. Never had any man more completely in his grasp the destinies of a great people. He was the President's chosen friend, and was by him deemed so able and so reliable that his view of the law was likely to be the chart by which the ship of state would be navigated in that tempestuous time by its constitutional commander. His opinion was given on the 20th of November, 1860, just one month before the adoption of the ordinance of secession by the State of South Carolina.[1] It was by far the most important paper he ever wrote, and in it he might reasonably have been expected to show the breadth of his capacity as a

[1] *Attorney-General's Opinions*, vol. ix. p. 523.

legal and constitutional expounder. Learned in constitutional law and in the history and art of government, trained in the Jackson school of Democracy, and gifted with unusual strength and facility of language in which to clothe his ideas, he was called upon to speak the words that were to be potent either for peace or war.

The opinion was written in response to questions propounded by President Buchanan, the vital one of which dealt with affairs as they actually existed in South Carolina. It was as follows: —

Can a military force be used for any purpose whatever under the Acts of 1795 *and* 1807, *within the limits of a State where there are no judges, marshals, or other civil officers?*

The Attorney-General replied emphatically that it *could not!* He had in reply to minor questions elaborated at length, what nobody denied, that under those acts, in support of the United States Marshal, resisted in the execution of judicial process, military force might be applied.

"But," he now asked, "what if the feeling in any State against the United States should become so universal that the federal officers themselves (including judges, district attorneys, and marshals) would be reached by the same influences and resign their places?"

The federal court officials in South Carolina had created exactly this situation two weeks before.

"Of course," he continued, "the first step would be to appoint others in their stead, if others could be got to serve. But in such an event, it is more than probable that great difficulty would be found in filling the

offices. We can easily conceive how it might become altogether impossible."

It had then, as all men knew, become altogether impossible, without federal protection, in South Carolina. The people of that State would have handled any men who would have dared to accept appointments to those offices as roughly as they would any who had attempted to deliver abolition harangues to their slaves.

What then? What should the President of the United States do when the federal courts in a State are thus closed by a reign of terror? If he could use the army and call out the militia to enforce a process in the hands of a marshal, what could he do if the process could not be obtained against the law-breakers because no man could accept the judicial office with safety to his life? Here is Judge Black's answer: —

In that event, troops would certainly be out of place and their use wholly illegal. If they are sent to aid the courts and marshals, there must be courts and marshals to be aided. Without the exercise of those functions which belong exclusively to civil service, the laws cannot be executed *in any event*, no matter what may be the physical strength which the government has at its command. Under such circumstances to send a military force into any State, with orders to act against the people, would be simply making war upon them.

Contrast Judge Black's reply with the law of the case as laid down by Judge Grier, speaking for the Supreme Court of the United States in the Prize cases, after the commencement of the war.[1]

[1] 67 *United States Reports*, page 635.

As a civil war is never publicly proclaimed, *eo nomine*, against insurgents, its actual existence is a fact in our domestic history which the court is bound to notice and to know.

The true test of its existence, as found in the writings of the sages of the common law, may be thus summarily stated: When the regular course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts of justice cannot be kept open, civil war exists, and hostilities may be prosecuted on the same footing as if those opposing the government were foreign enemies invading the land.

When Judge Black wrote his opinion, revolt was already rife in South Carolina, and was rapidly "festering into rebellion." "The regular course of justice" had been "interrupted" there, and indeed wholly suspended, "by revolt."

Judge Black had cited the Act of 1795, which provides that the President may call forth the militia "whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary force of judicial proceedings, or by the power vested in the marshals," and also the act of 1807, which authorizes the employment of the army and navy for the same purpose. He had admitted that these acts imposed upon the President the responsibility of deciding whether the exigency had arisen which required the use of military force; but he held that under them the power of the President was restricted to the aiding of marshals in the execution of process duly issued in the ordinary course of judicial proceedings. Military force could be used to uphold a marshal with a writ in his hand, but not to

restrain the violence which made it impossible for a newly commissioned judge to enter upon the duties of his office, and issue such a writ. In short, he held that "combinations" in opposition to the laws of the United States "too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals," could not be suppressed at all. If they were powerful enough to suppress the courts and abolish judicial proceedings, then, according to the opinion of Judge Black, the statutes of 1795 and 1807 conferred no power upon the President to interfere.

But the Supreme Court, in the case above cited, subsequently declared that those enactments do authorize the President "to call out the militia and use the military forces of the United States in case of invasion by foreign nations, and to suppress insurrection against the government of a State, or of the United States."

It might be said that although the federal courts in South Carolina were no longer open, and could not be because of the violent condition of public feeling in that State, yet there had been no actual outbreak in the nature of an armed insurrection. But the violence against United States authority which had not yet thus visibly demonstrated itself, because none had dared to provoke it, ruled in South Carolina as completely on the 20th of November, 1860, as it did at any time during the civil war. It is true that the overt acts of treason were yet to come which the secession leaders had for months solemnly and publicly announced it to be their purpose to commit, if their work of erecting, within the territorial limits of the United States, a government in-

imical and hostile thereto, should be interfered with by the national authority. But rebellion was sharpening its sword and shotting its cannon. Daniel S. Dickinson, a Democratic leader in New York, said: "The South commenced scraping lint before the presidential election." Active hostilities had not commenced in South Carolina, only because conspiracy and revolt, busily and openly organizing rebellion, went unchallenged, and therefore found no obstacle with which to collide.

Such a condition of affairs, constituting civil war as defined by the Supreme Court and by the "sages of the common law," was not the less "insurrection" because shot and shell had not been actually discharged from the throats of rebel cannon. Yet Judge Black advised the President that the acts of 1795 and 1807 did not authorize the intervention of federal power to guard against the unexploded violence in South Carolina in the consuming heat of which a federal court could not live. Let us now see whether on the 20th of November, 1860, he thought the Constitution conferred upon Congress the power to enact laws authorizing the use of military force for the preservation of the Union, and whether, in his opinion, the exercise of such power would be justified by overt acts of treason and flagrant rebellion.

He said: —

Whether Congress has the constitutional right to make war against one or more States, and require the Executive of the federal government to carry it on by means of force to be drawn from the other States, is a question for Congress itself to consider. It must be admitted that no such power is

expressly given, nor are there any words in the Constitution which imply it.

The question before the country at that time was whether, in an aggressive war about to be waged upon the United States government by rebellious States, the former could constitutionally fight for its life. Judge Black maintained that it could not.

In support of this position he said: —

> Among the powers enumerated in Article 1, Section 8, is that "to declare war, grant letters of marque and reprisal, and to make rules concerning captures on land and water." This certainly means nothing more than the power to commence and carry on hostilities against the *foreign* enemies of the nation.

This comment was wholly gratuitous on his part, for the Constitution, as correctly quoted by him, makes no distinction between a foreign and a domestic or civil war.

He continued: "Another clause in the same section gives Congress the power 'to provide for calling forth the militia' and to use them within the limits of the State."

The words "and to use them within the limits of the state" are Judge Black's, and are also gratuitous.

He continued: "But this power is so restricted by the words which immediately follow that it can be exercised only for one of the following purposes: 1. 'To execute the laws of the Union.'" (Here he adds to the words of the Constitution his own as follows: "That is, to aid the federal officers in the performance of their regular duties.") "2. To 'suppress insurrection.'"

(Here he adds to the words of the Constitution his own as follows: "against the State," and makes this comment: "But this is confined by Article 4, Section 4, to cases in which the State herself shall apply for assistance against her own people.") "3. To repel invasion of a State by enemies who come from abroad to assail her in her own territory." (This last subdivision is Judge Black's substitute for the three simple words of the Constitution, "to repel invasions.")

He adds: "All these provisions are made to protect the State." He certainly went far out of his way, and made many interpolations, in his vain endeavor to wrest such a conclusion from the simple language of the Constitution, which is as follows: —

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion." [1]

This is all; not a word here about "the States;" they are provided for in another article of the Constitution. This section relates to "the laws of the Union," insurrections against the federal government, and invasions of the United States.

When the militia is needed to aid in the execution of the laws of the Union, it may be sent into any State in which any of these laws are resisted. It would, in case of widespread resistance within a State, naturally be called from other States.

Article IV, Section 4, of the Constitution deals with insurrections and invasions against States, and reads thus: —

[1] Article I, Section 8.

The United States shall guarantee to every State in this Union a Republican form of government, and shall protect each of them against invasions, and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

Judge Black says the power to suppress insurrections, granted in Article I, is confined by this provision, in Article IV, to insurrections against States. The Supreme Court, on the contrary, held that the President had the power, under constitutional enactments then already in existence, "to call out the militia and use the military forces of the United States in case of invasion by foreign nations, and to suppress insurrections against the government of a State or of the United States." That tribunal found the power in the first article of the Constitution to deal with insurrections against the United States, and in the fourth article to deal with insurrections against a State. It did not agree with Judge Black that the first article was in part nullified by the fourth, or that they bore any relation to each other. Nor did the court agree with him that only invasions against a State could be repelled by the United States.[1]

Having asserted that all the powers granted to the general government for carrying on war relate only to foreign enemies, and that it cannot "carry on hostilities" against domestic assailants in a civil war; and having further explained that the general government can only suppress insurrections against States, and must allow those against its own authority to spend their fury unin-

[1] Prize Cases, 67 *United States Reports*, page 635.

terrupted, Judge Black concluded with gloomy predictions that the Union must utterly perish if any attempts were made to defend it from those who were arming for its destruction. That this is not too strongly put, let his own words attest. He said: —

> If it be true that war cannot be declared, nor a system of general hostilities carried on by the central government against a State, then it seems to follow that an attempt to do so would be *ipso facto* an expulsion of such State from the Union. Being treated as an alien and an enemy, she would be compelled to act accordingly.

And this was while discussing the question of how to meet the case of a government of a State treating the Union as an alien and an enemy. Then, as if to convey the impression that the Unionists, instead of the Secessionists, were stirring up strife, he continues: —

> And if Congress shall break up the present Union by unconstitutionally putting strife and enmity and armed hostility between different sections of the country, instead of the domestic tranquillity which the Constitution was meant to insure, will not all the federal States be absolved from their obligations? Is any portion of the people bound to contribute their money or their blood to carry on a contest like that?

This seemed a suggestion to the Northern and border States to withhold troops and supplies for the suppression of the rebellion.

Not a word in all this of the desperate designs of the secession leaders; nothing but a protest against the interruption of their disunion scheme by force. He still mingled phrases about "the right of the general government to preserve itself in its whole constitutional vigor

by repelling a direct and positive aggression upon its property or its officers," with other phrases flatly denying this right, if the assertion of it required the use of military force against a domestic foe making an aggressive war upon the Union. He declared that "the Union must utterly perish at the moment when Congress shall arm one part of the people against another for any purpose beyond that of merely protecting the general government in the exercise of its proper constitutional functions;" but that the general government had any "proper constitutional functions" except to aid United States marshals in States which allowed federal courts to be held within their borders, and to recapture forts from States that had seized them when it could be done without fighting, nowhere appears in this most remarkable state paper.

Of course Judge Black claimed that in his opinion he was simply defining the terms of the Constitution itself. We have seen what interpolations and transpositions he found it necessary to make to extort from that instrument the semblance of such a doctrine as he announced. The Southern leaders were professing to believe their treasonable plan to be entirely constitutional. They intended to dissolve the union of the States, but in doing so they affected a scrupulous regard for the Constitution of that Union. That sacred instrument was, in some mysterious manner, to be saved from the general conflagration, and to survive the nation of which, by its own express terms, it was the supreme law. Those of their friends at the North who denied the constitutionality of secession, were only asked to deny also the

legality of any action by which their work could be arrested or retarded. They wanted to be "let alone." They were opposed to coercion — of themselves. The mildness of this demand must have been a great relief to those in the North who had made up their minds to go to the last extremity in the service of the revolting faction, stopping only at the line drawn by penal laws. They could be for the Union without hurting the secession cause, if they could only find some weak spot or omission in the Constitution which would enable them to maintain the new doctrine of "anti-coercion." The paternity of this remarkable scheme for pinioning the nation's arms, while unresisted treason flourished over it, is not absolutely known. It was first broached in letters of governors of cotton States, already quoted, written to Governor Gist during the month before Mr. Lincoln's election; but Judge Black was probably the first of our Northern statesmen and publicists to announce the grotesque doctrine that in a civil war commenced against its authority by an alliance of rebellious state governments and people, the nation had no right to do any of the fighting.

CHAPTER XIV

President Buchanan's Last Annual Message. — Censure of the North and Apology for the South. — Unconstitutional to use Force to preserve the Union.

The President, fortified by his Attorney-General, bettered the instructions of his teacher. Of all the inflammatory appeals of that year to the passions of the Southern people, then already in revolt, his message of December 3 was perhaps the most incendiary. It represented the South as a meek and patient sufferer at the hands of the cruel North. The Northern people were represented as tolerating if not actually encouraging a class of fanatics who had long been in a scheme to incite insurrections among the negro slaves, in which women and children were to be the victims of the most barbarous atrocities. The inference was that the election of the previous month had resulted favorably to this scheme. "Northern agitation," he said, had "at length produced its malign influence upon the slaves, and inspired them with vague notions of freedom." Following in the train of this horror, had come the "sense of insecurity around the family altar." "Many a matron in the South on retiring at night dreaded what might befall herself and children before morning."[1]

[1] This venerable piece of nonsense was well punctured during the civil war. Southern men bore uniform testimony to the fidelity with

The President thought disunion must naturally follow the extension of these fears. The Union could not, he said, long continue if the necessary consequence be to render the homes and firesides of nearly half the parties to it habitually and hopelessly insecure. He thought the fatal period had not yet arrived. But agitation must cease. The freedom of speech and of the press must not be exercised in the North in discussing the system of slavery, although Southerners might everywhere, North as well as South, speak and write the most furious denunciations of all who preferred a free labor system for new States. But the President advised his much injured slave-holding friends — who he admitted had as yet never been denied anything they demanded of the North, except electoral votes in 1860 for Breckenridge and Lane — to give Mr. Lincoln a trial. "Let us wait," said he, "for an overt act" — referring to a possible failure to execute the fugitive slave law. He said the Southern States would be "justified in revolutionary resistance to the government of the Union" unless the state legislatures of the North repealed the laws for the protection of the personal liberty of their own colored citizens.[1]

Having thus added fuel to the revolutionary flames by sustaining the Southern conspirators in all their contentions, and pleading guilty for the North on each count of the secession indictment, the President gently

which their slaves guarded the Southern matrons and their children, whose husbands, sons, and fathers were absent in the field, fighting, as they knew, for the preservation of slavery.

[1] These were enacted to prevent freemen from being kidnapped as fugitive slaves, as they could be under the fugitive slave act of 1850.

remonstrated with his enraged friends against the form of their remedy. He argued against the technical legal right of a State to secede from the Union, and said that secession was revolution. "It may or may not be a justifiable revolution; but still it is revolution." As the South had long been demanding, without favorable results, the repeal by certain Northern States of their personal liberty laws, before referred to, and as the President in his message declared such a refusal to be a sufficient "justification for revolutionary resistance to the government of the Union," he left no room for doubt that he believed the impending revolution entirely justifiable.

He then proceeded to discuss his own responsibility in the presence of the revolution against the government of which he was the executive head. Here he closely followed the opinion of Judge Black. He said that in South Carolina "the whole machinery of the Federal government necessary for the distribution of remedial justice among the people had been demolished, and it would be difficult, if not impossible, to replace it." There being no judge to issue a writ, and no marshal to execute one, and the local community being opposed to having any United States courts, the suppression of the United States authority seemed to him complete and irremediable. If South Carolina seceded, he could not himself officially recognize her as an independent nation, without authority from Congress, but he would lay her case before that body. He volunteered the opinion to Congress that the Constitution had not delegated to that body the power "to coerce a

State into submission which is attempting to withdraw, or has actually withdrawn from the confederacy." He said: —

> Congress possesses many means of preserving it (the Union) by conciliation; but *the sword was not placed in their hands to preserve it by force.*

He recommended a convention of the States and the adoption thereby of amendments to the Constitution, which would be satisfactory to the 847,953 voters who had at the presidential election supported Breckenridge, against the 3,814,217 who had voted for the other three candidates, Lincoln, Douglas, and Bell.

Mr. Buchanan had no plan to suggest for staying the progress of the rebellion, then already on foot, but an appeal to the forbearance of the disunionists, and for the compliance of all others with their final demands. It never once occurred to his mind that the Union could be preserved otherwise than by the consent of its implacable enemies, who had for a generation lain in wait for its destruction. Towards them he never lost his temper. All his frowns were reserved for those by whose ballots they had been politically inundated. If slavery should go down, chaos would come again. The usual surrender to the Southern extremists by all who differed from them seemed to him too obvious a demand on patriotism to require argument. The Union had thus been saved in 1820 by the admission of Missouri as a slave State; in 1833 by repealing the tariff act of 1828, because South Carolina refused to obey it; and in 1850 by the enactment of the harsh,

despotic, and unconstitutional provisions of the fugitive slave law. Why should any other course be now adopted? Was not the preservation of the Union paramount to every other consideration? And since persuasion only could be used for that end, was it not plain that those who wanted it dissolved could dictate their own terms to those who wanted it preserved? Such seemed to be the reasoning of the President.[1]

[1] Referring to this period John Van Buren said: "Mr. Buchanan in the White House was like a bread-and-milk poultice drawing the rebellion to a head."

CHAPTER XV

The Southern Forts. — Resignation of Cass, Secretary of State. — Secession Pronunciamento at Washington. — Secession of South Carolina. — Demand for Surrender of Fort Sumter.

THE secessionists had been the backbone of the support of Buchanan's administration. He wanted them to be satisfied; but he greatly preferred that they should consent to remain in the Union if allowed to rule it, than to go out and dissolve it. It cannot be doubted that he had a strong desire to preserve the Union intact, and to transfer his official trust unimpaired to his constitutional successor. All that was in his nature to do to that end he did. He dreaded a collision during his term, and in seeking to avoid it, gave assurances to the South Carolina representatives which seriously compromised him, and which, if adhered to, would have resulted in the unresisted seizure of all the Southern forts, including Fort Sumter, and would have saved the insurgents from the fatal disadvantage of being compelled to fire the first shot of the civil war.

When it became apparent that the South Carolina convention, which was to assemble December 17, would adopt an ordinance of secession, it became equally apparent that this act would be an absurd nullity unless the federal government could either be at once persuaded to abdicate its authority within that State, or be

forcibly expelled therefrom. The nation would not be wholly effaced from that portion of its territory which it occupied jointly with the government of South Carolina, so long as it held even one of the forts in Charleston harbor. Appreciating the potency of this fact, the authorities of that State desperately resolved that pending the preliminaries to secession the forts should not be reinforced. They were desirous of avoiding any collision, but they acted upon the theory that the United States and South Carolina were already separate nations, and that any attempt by the United States to reinforce its garrisons at Charleston would be, not merely a possible menace, concerning which, by the law of nations, they might demand an explanation, but an act of war which it would be mere self-preservation for them to resist. They did not allow themselves to be at all embarrassed by the fact that until their State claimed to be out of the Union by an act of secession, she was, under their own view of State and Federal relations, still a State in the Union, and that the United States had, under what they termed the "compact" of the Constitution — not yet dissolved — exclusive jurisdiction of the forts and arsenals within her limits.

Had the President reinforced those forts upon the first conditional threat of revolt, made long before the presidential election, it is by no means certain that the secession of even South Carolina would have taken place. While the number of troops that could then have been sent would have been few, as compared with South Carolina's power to resist them, any augmentation of the garrison would have been a plain notice that

the followers of Buchanan, as well as the followers of Lincoln, would regard secession simply as a revolution to be put down by military force. The people of South Carolina had been educated up to a belief that secession did not necessarily mean war. We have the valuable testimony of Mr. Trescott, that a reinforcement of the forts, or any demonstration whatever by the United States at that time, was regarded by the Southern members of the Cabinet as dangerous to the Southern cause. When, at one time, the President had apparently determined in favor of reinforcement, it seemed important for them to devise some means of rendering it unnecessary. They wanted, as Mr. Trescott said, time for the development of a unity of purpose in all the Southern States in favor of disunion upon the advent of Mr. Lincoln to power.[1]

Believing that a premature explosion would be disastrous to the cause of the Southern Confederacy, Mr. Trescott undertook, and, with the aid of three cabinet officers, carried out with consummate tact, the difficult task of restraining both the federal and state governments from any hostile movement whatever prior to secession. The three cabinet officers were Floyd, Cobb, and Thompson.[2]

The President's chief anxiety was for the safety of the forts until the end of his term of office, or until their surrender by Congress. To allay this anxiety, Mr. Trescott obtained from Governor Gist a written assurance, dated November 29, that if no men or

[1] Crawford's *Genesis of the Civil War*, page 28.

[2] *Ibid.*, page 27.

munitions of war were sent to the forts, "the state authorities had no desire to attack them" *before* the passage of the ordinance of secession, and not then unless compelled to do so by the refusal of the President to surrender them to the seceded State![1]

This communication was shown to the President on Sunday evening, December 2, and he was at the same time assured by Mr. Trescott that the people of South Carolina would take especial pride in being allowed to dissolve the Union peaceably, and that it would mortify them to be compelled to resort to force. They would pass the ordinance of secession, said the Assistant Secretary of State, and then send regularly accredited agents to negotiate with the government. The President said he could not himself recognize them; he could only refer them to Congress. Mr. Trescott told him that he believed "such a reference, courteously made and in good faith, would be accepted, and that the State would wait a reasonable time for the decision of Congress." With this the President seemed satisfied, but still, testifies Mr. Trescott, "he was very cautious, and his great hope seemed to be, by temporizing, to avoid an issue before the 4th of March."[2]

At the President's request, Mr. Trescott started for South Carolina the next morning, taking with him, as a peace-offering to the South Carolina governor, a copy of the message which was to be transmitted that day to Congress. He was to "explain in Columbia what might not be understood there."[3]

[1] *Genesis of the Civil War*, page 31.
[2] *Ibid.*, page 34. [3] *Ibid.*, page 33.

Governor Gist's reply to the President was that the State would under no circumstances delay secession until March 4, and he declared, as an ultimatum, that the concession of the right of secession could alone prevent a resort to force.

On the 8th of December, Secretary of the Treasury Cobb resigned, and on the same day members of Congress from South Carolina waited upon the President to arrange with him that the "relative military status" of that State and the United States should remain unchanged *until* after an offer should be made by the State to negotiate for an amicable arrangement between the two governments. In return for this the Congressmen would say they did not believe the forts would be taken in the face of such an agreement.

The extent to which the President entered into this proposed arrangement became afterwards the subject of high discussion, and brought on a crisis in the Cabinet, which compelled him to choose at last whether the Union or the Secession members should leave it.

On the 10th of December Mr. Trescott tendered his resignation as Assistant Secretary of State to General Cass, who persuaded him to temporarily continue in office. The next day General Cass himself resigned because the President refused to reinforce the Charleston garrisons, in accordance with his advice. Mr. Trescott says in his narrative that "the refusal to adopt the advice of General Cass was in the interest of the State" (South Carolina), and that "under the circumstances" he felt bound "to save the President the embarrassment of being without either a Secretary or Assistant Secretary."

To accommodate the President, therefore, who had thus protected the interests of South Carolina, even to the driving of General Cass out of the Cabinet, Mr. Trescott acted as Secretary of State until Judge Black came in, December 17, and as Assistant Secretary under Black until the 20th. The President then parted with Mr. Trescott, — the latter said, reluctantly, — but thought it was due to him to make an appointment of a successor as soon as possible, and had promised him that it should certainly be done before the Convention of South Carolina had taken any action.[1] Mr. Trescott had been requested by Governor Gist to act as the confidential Washington agent of the Executive Department of South Carolina, when his duty to the federal government should cease.[2] His duty to the federal government would, in his view, necessarily terminate when, by the secession of his State, he should cease to be a citizen of the United States, and become, therefore, ineligible longer to hold office therein. The President's delicate perceptions taught him how embarrassing it would be to a newly made alien to remain in the foreign office of a government with which his own was, with his approval and active support, preparing for war; hence his assurance that he would relieve Mr. Trescott before his State actually seceded, — not, as it appeared, because of solicitude for the interest of the government of which he was the head, but because it was due to the South Carolinian, who would naturally be impatient to enter exclusively into his new service.

[1] *Genesis of the Civil War*, page 38. [2] *Ibid.*, page 32.

Mr. Trescott's official duty to the federal government ceased on the very day his State seceded, and from being the Assistant Secretary of State of the United States, he instantly became virtually the Minister resident of the pseudo nation of South Carolina at Washington. His position had, up to that time, been a most difficult one. He had been serving two masters whose interests were so diametrically opposed to each other that war between them was a question of days only, unless the federal government would consent to the peaceable dismemberment of the Union. He had, by his own confession, stayed the hand of the President, when reinforcement of the forts in Charleston harbor would have imperiled the disunion cause by provoking collision too soon, and by losing to that cause the advantage of the continued control of the War Department under Floyd. It must have been a great relief to him when the secession of his State compelled Judge Black to take notice of his resignation, which had been in the State Department for ten days.

On the 14th of December, while a House Committee was considering plans for a compromise to appease the South, and when none had been rejected, the "Constitution" newspaper, the administration organ at Washington, published a pronunciamento, signed by seven Senators and twenty-three Representatives in Congress from the Southern States, and addressed to their constituents, in which they declared that all hope of the Union was extinguished, proclaimed their conviction that the honor, safety, and independence of the Southern people required the organization of the Southern

Confederacy, and urged the separate secession of their respective States.

The same issue of the "Constitution" also contained a proclamation by the President for a day of humiliation, fasting, and prayer, on which the people were exhorted "to implore the Most High to remove from their hearts that false pride of opinion which would impel them to persevere in wrong for the sake of consistency, rather than yield a just submission to the unforeseen exigencies by which they were surrounded." Of course only the recalcitrant and contumacious people of the North were here referred to, as he had before said they only were in the wrong.

It was about this time that Secretary of the Interior Thompson, still a member of the Cabinet, was appointed a commissioner by the State of Mississippi to visit North Carolina and urge her to secede. He accepted the honor, went on his mission, and was given a public reception by the legislature. He then returned and resumed his duties in the Cabinet of the government against which he had been thus publicly inciting insurrection.

On the 17th of December, on which day Judge Black was appointed Secretary of State, the secession convention assembled in South Carolina. On the day following, the President dispatched Caleb Cushing to Columbia, the capital of that State, to persuade the secessionists not to secede. His departure was so timed that he was not likely to arrive before the ordinance of secession had been passed; but owing to the presence of a contagious disease in that city the work was unex-

pectedly retarded for a whole day by the enforced removal of the convention to Charleston, and the ordinance was not passed until near noon on December 20, the day of his arrival. He enjoyed the distinction of being invited by a joint committee of the legislature to attend and represent the government of the Union at a public celebration of its dissolution, which honor he declined.[1]

On the same day a messenger arrived in Washington with a letter for the President from F. W. Pickens, the new governor of South Carolina, dated on the day of his inauguration, December 17, urging that all work of repairs on the forts be suspended, and requesting that Fort Sumter be turned over to him for safe keeping. This he thought "could be done with perfect propriety," as "the Convention" of the State was then "in full authority." Unless these demands were complied with, he said, he could not answer for the consequences.[2] The messenger was presented to the President by Mr. Trescott, who had, as we have seen, on that very day passed from the employ of the federal government into that of South Carolina. He was promised an answer on the next day, and one was prepared in which Mr. Buchanan said he had thus far declined to reinforce the forts, "relying upon the honor of the South Carolinians that they would not be assaulted" while they remained as they were, but that commissioners would first be sent by the convention "to treat with Congress on the subject." He dis-

[1] *Genesis of the Civil War*, page 88.
[2] *Ibid.*, page 81.

claimed the power, which, however, he asserted that Congress possessed, to treat with insurgent citizens for the dismemberment of the Republic.[1]

Mr. Trescott saw that Governor Pickens's demand would, if the President chose, operate as a release from the understanding already had with South Carolina representatives concerning the forts, and terminate the truce thereby established. He at once consulted with some of these representatives, and the result was that the governor was telegraphed to for a withdrawal of his ill-timed letter, which was immediately sent.[2]

Such is the story of the most important of the events which were crowded into the period between the election of Mr. Lincoln, November 6, and the 20th of December, 1860, on which day South Carolina declared the Union dissolved. On this latter date Edwin M. Stanton was appointed Attorney-General in place of J. S. Black, appointed Secretary of State. Stanton did not enter actively upon the duties of his office until the 27th.

[1] Curtis's *Life of Buchanan*, vol. ii. p. 384.

[2] *Genesis of the Civil War*, page 84.

CHAPTER XVI

Stanton accepts Appointment. — Judge Black's Influence in the Matter. — Why exercised. — His New Attitude. — Perils of the Administration.

That the appointment of Mr. Stanton was mainly due to the recommendation of Judge Black there can be no doubt. The two lawyers had long been close friends, and possessed each the confidence of the other to an unlimited degree.

At the time of Mr. Stanton's appointment, December 20, Judge Black had reconsidered the views expressed in his opinion of thirty days before[1] and had notified the President accordingly. He no longer believed, as therein laid down, that in a civil war the government was powerless to open its purse or to draw its sword. He no longer denied the power of Congress to provide for suppressing insurrections against the United States, otherwise than by judicial process. He did not place himself on the public record by a formal opinion, reversing the one he had rendered, but he furnished the President with a written "memorandum for his private use." This was "early in December;" the exact date is not given. This private "memorandum" contained the following words: —

> The Union is necessarily perpetual. No State can lawfully withdraw or be expelled from it. The federal consti-

[1] See chapter xiii.

tution is as much a part of the constitution of every State as if it had been textually inserted therein. The federal government is sovereign within its own sphere, and acts directly upon the individual citizens of every State. Within these limits its coercive power is ample to defend itself, its laws, and its property. It can suppress insurrections, fight battles, conquer armies, disperse hostile combinations, and punish any or all of its enemies. It can meet, repel, and subdue all those who rise against it.

A copy of this brief but important document was furnished by Judge Black to Col. Frank A. Burr more than twenty years later, with the information that it was a copy of a "memorandum" which he gave to the President for his private use "early in December," 1860.[1]

This same document appears in the speeches and essays of Judge Black, collected after his death by his son, Chauncey F. Black. It forms no portion of the opinion of Attorney-General Black of November 20, 1860. It is, on the contrary, in direct conflict with that opinion.

When Judge Black said, therefore, in 1870, that he urged the appointment of Mr. Stanton as Attorney-General, December 20, 1860, because he knew that they were "in perfect accord on all questions, whether of law or policy,"[2] he could only have meant that they were agreed on the views of his "memorandum" of "early in December," and not on those of his opinion of November 20, which the former contradicted and retracted.

[1] It was printed with this statement, in an interview had with Judge Black in his own house, occupying six columns of the *Philadelphia Press* of August 7, 1881.

[2] Black's *Speeches and Essays*, page 269.

Judge Black asserted in a letter addressed to Senator Wilson of Massachusetts, in 1870, and published in the "Galaxy Magazine," that Mr. Stanton indorsed his opinion of November 20, 1860, "in extravagant terms of approbation, and adhered steadily to the doctrines of the annual message." If this were true, it would not abate one jot the heretical character of those documents. But how can it be true when eleven years later,— 1881,— we are furnished by Judge Black himself with a copy of a "memorandum" in which he privately recanted, "early in December," 1860, the odious doctrines of his opinion of the preceding month, and afterwards urged the appointment of Mr. Stanton, because they were then fully agreed on all questions of law?

However "early in December" Judge Black had seen fit to thus privately warn the President to disregard the official advice of his November opinion, he was too late. The President's annual message had already gone forth, laden with comfort for the rising revolt, and had been like a victory of arms for the nation's enemies. He labored hard in his special message of January 8 to explain away its odious doctrines by saying that he had "no right to make aggressive war upon any State." Judge Black, in the "Press" interview, called attention to this passage. He was unable, however, to show his chief how to carry on even a defensive war without the sword, the use of which, for such a purpose, both had a few weeks before publicly and officially declared was not authorized by the Constitution, except to aid in the execution of judicial process. President Buchanan's annual message of December, 1860, and Attorney-Gen-

eral Black's opinion of November 20 of that year must stand in history; and later utterances, entirely patriotic, and consequently at variance with them, do not change their character.

The only rational explanation that can be made of them, consistent with the patriotism of their authors, is that neither had been able at that time to break away from the influence of party spirit, or to realize the deadly earnestness of their Southern political associates. They seemed to have calculated upon saving the Union by the old method of Northern compliance with Southern demands, and to have relied upon securing that compliance by specious arguments against the power of the federal government to maintain its authority in any State which declared itself out of the Union. They probably never contemplated the thought of consenting to disunion. They doubtless supposed at first that their Southern Democratic friends would, as they had done before, name some terms upon which they would abandon their disunion scheme, and that these would be eagerly assented to at the North.

When Mr. Stanton entered Mr. Buchanan's Cabinet, the question with the President and Judge Black was not how fully he would adopt the positions they had taken, but how well he could aid them in the retreat from the dangers upon which they were running. The secessionists had not heeded the entreaties of the President to continue their old alliance with him and his political associates within the Union, but, on the contrary, had left him and them to take care of themselves in the rapid march of events. The mighty passion of

a great People, threatened with the destruction of their nationality, was about to be unloosed, and the President and his favorite cabinet minister, whose attitude had thus far given comfort and encouragement only to their enemies, were environed by many perils. They did not now so much need a courtier, who would say that they had done well, as a bold and resolute pilot, who could, by wearing ship, save the administration from total wreck.

Judge Black refused to accept the office of Secretary of State, as successor to General Cass, unless Mr. Stanton should succeed him as Attorney-General. It is evident in the light of history that he wanted him there to aid in saving the administration from the possible consequences of his own advice, — consequences he had not sufficiently considered when that advice was given.

The withdrawal of Senators and members of cotton States would leave the impeachment power in the hands of Union men, who might call the President to account for virtually licensing the rebellion by a proclamation of safety to its authors, and allowing the forts to remain weak while the enemy grew strong. The President's attitude had been doctrinally the same as that of his Attorney-General, but, unlike the latter, he had to apply it by official acts or omissions. They had agreed that while war with States would be unconstitutional, it was entirely constitutional to defend the forts, if done without a resort to war; but then war was sure to be the inevitable consequence of defending the forts. He was therefore running dangerously near the Scylla of impeachment by leaving the forts exposed to capture,

to avoid the Charybdis of a civil war which seemed involved in their defense, and which could only be carried on, as he maintained, over a violated Constitution.

The Attorney-General was in less peril. While he had advised the President that he must avoid war or be a usurper, he had nevertheless constantly put himself on record as insisting upon the reinforcement of the forts, although that would, in fact, have been the beginning of a war. Thus the President was impaled upon the opinion of Judge Black. He was called upon to practice what his adviser had only to teach. He could finally act only on one side; but whichever side that might be, it could be shown, if it resulted disastrously, that his action was against the advice of his Attorney-General.

What new pitfalls might be dug into which the President would allow himself to be led, who could foresee? Certain it is that in the dangers of the time, Judge Black chose to have Stanton as a fellow counselor. At the threshold of the latter's service in the Cabinet, they both found themselves, with Judge Holt, engaged in rescuing the country from immediate peril, and the President from final ruin and disgrace.

CHAPTER XVII

The South Carolina Commissioners. — Anderson's Movement at Charleston. — Jefferson Davis urges the President to surrender Fort Sumter. — Submission of the Question to the Cabinet.

Judge Black continued to act as Attorney-General until and including December 26, although he took office as Secretary of State on the 20th of that month. The President and his new Secretary of State were together on the 26th, when the latter's immediate predecessor, Mr. Trescott, then the agent of South Carolina, presented himself and announced the arrival at the federal capital of the commissioners from that State. They had come, as stated in their credentials, to treat with the United States government for the delivery to their own nationality of the forts which had been erected within its borders by the former, the money value of which they were authorized to recognize, and account for in the division which it was assumed would now be made of the public property. One o'clock of the following day was designated by the President as the hour at which he would receive them.

On the next morning, however, news came which caused this appointment to be canceled. Major Anderson, in command of the garrisons in Charleston harbor, had spiked the guns of Fort Moultrie during the night, and transferred his troops to Fort Sumter,

from which he could better resist a rebel attack. This information came first to the Southern leaders in Washington, the Southern telegraph lines being under secession control. Senator Wigfall made it known to Mr. Trescott and the South Carolina commissioners at the residence of the latter.[1]

Secretary Floyd first heard it during an early morning call upon them. He refused to believe it, and said to Mr. Trescott: —

> It would not only be without orders, but in the face of orders. To be very frank, Anderson was instructed in case he had to abandon his position to dismantle Fort Sumter.

Telegrams to one of the commissioners speedily removed all doubt, and Mr. Trescott says he then drove at once to the Capitol, gave the news to Jefferson Davis and Senator Hunter, and asked them to go with him to the President, which they did. In his narrative,[2] he gives the following interesting account of the interview:

> We drove to the White House, sent in our names, and were asked into the President's room, where he joined us in a few moments. When he came in he was evidently nervous, and immediately commenced the conversation by making some remark to Mr. Hunter, concerning the removal of the consul at Liverpool, to which Mr. Hunter made a general reply. Colonel Davis then said: "Mr. President, we have called upon an infinitely graver matter than any consulate." "What is it?" said the President. "Have you received any intelligence from Charleston in the last few hours?" asked Colonel Davis. "None," said the President. "Then," said Colonel Davis, "I have a great calamity to announce to you."

[1] *Genesis of the Civil War*, page 143. [2] *Ibid.*

He then stated the facts, and added: "And now, Mr. President, you are surrounded with blood and dishonor on all sides." He sat down as Colonel Davis finished, and exclaimed: "My God, are calamities (or misfortunes, I forget which) never to come singly? I call God to witness, you gentlemen, better than anybody, know that it is not only without but against my orders. It is against my policy." He then expressed his doubt of the truth of the telegram; thought it strange that nothing had been heard at the War Department; said that he had not seen Governor Floyd, and finally sent a messenger for him. When Governor Floyd came, he said that no news had come to the department; that the heads of the bureaus there thought it unlikely, but that he had telegraphed to Major Anderson.

Mr. Trescott's narrative thus continues: —

The President was urged to take immediate action; he was told that the probability was that the remaining forts and the arsenal would be seized and garrisoned by South Carolina, and that Fort Sumter would be attacked; that if he would only say that he would replace matters as he had pledged himself that they should remain, there was yet time to remedy the mischief. The discussion was long and earnest. At first he seemed disposed to declare that he would restore the status, then hesitated; said he must call his Cabinet together; he could not condemn Major Anderson unheard. He was told that nobody asked that; only that if the move had been made without a previous attack on Anderson, he would restore the status, assure us of that determination, and then take what time was necessary for consultation and information. That resolution telegraphed would restore confidence and enable the commissioners to continue their negotiations. This he declined doing, and after adjourning his appointment to receive the commissioners until the next day, we left.

Mr. Jefferson Davis gives the following account of this interview: —

After the removal of the garrison to the stronger and safer position of Fort Sumter, I called upon him again to represent from my knowledge of the people and the circumstances of the case, how productive the movement would be of discontent, and how likely to lead to collision. . . . My opinion was that the wisest and best course would be to withdraw the garrisons altogether from the harbor of Charleston. The President's objection to this was that it was his bounden duty to preserve and protect the property of the United States. To this I replied, with all the earnestness the occasion demanded, that I would pledge my life, that if an inventory were taken of all the stores and munitions in the fort, and an ordnance sergeant with a few men left in charge of them, they would not be disturbed. As a further guarantee I offered to obtain from the governor of South Carolina full assurance that in case any marauders or lawless combinations of persons should attempt to seize or disturb the property, he would send them from the citadel of Charleston an adequate guard to protect it, and to secure its keepers against molestation.

The President promised me to reflect upon this proposition, and to confer with his Cabinet upon the propriety of adopting it. All cabinet consultations are secret; which is equivalent to say that I never knew what occurred in that meeting to which my proposition was submitted. The result was not communicated to me, but the events which followed proved that the suggestion was not adopted.[1]

[1] *Rise and Fall of the Confederate Government,* vol. i. p. 215.

CHAPTER XVIII

The Cabinet Crisis. — Anderson's Instructions. — Buchanan's Pledge to South Carolina. — Floyd's Demand. — The President's Irresolution.

The Cabinet was at once convened to deal with the new situation. It was the first cabinet meeting attended by Mr. Stanton. Floyd commenced the discussion by loudly echoing the complaints of Mr. Jefferson Davis and the South Carolina commissioners. He assailed the action of Major Anderson vehemently, asserting that his instructions contained nothing which could justify his removal to Fort Sumter, and charging that the movement was a violation of pledges made by the government. He angrily demanded its immediate disavowal by the President, and the withdrawal of the garrison.

The first question discussed, therefore, was whether Anderson had acted under, or in violation of his orders. The President was inclined to agree with Floyd.[1] The instructions were sent for and found to be a "memorandum" by an army officer, of "verbal" instructions, sent through him to Major Anderson by the Secretary of War, under the following circumstances: —

From the time Major Anderson took command at Fort Sumter, under an order of November 15, 1860,

[1] Black's *Speeches and Essays*, page 12.

he was constantly brought face to face with the avowed determination of the South Carolina authorities to seize all forts as soon as secession should fail of recognition by Congress. It was made equally plain that they would be seized before that time if the least suspicion should be aroused that the task would be made more difficult by delay. He therefore urged the War Department to allow him to occupy the strong position of Fort Sumter, which commanded all the other military works and the harbor, before it should fall into the hands of the enemy. His importunity for instructions of some sort finally compelled enough attention to cause some conversation in the Cabinet upon the subject of his perilous situation. This resulted in leaving everything to the discretion of the Secretary of War. Floyd, thus compelled to make some show of action, summoned Major D. C. Buell, of the adjutant-general's office, and sent him to South Carolina with verbal instructions to Anderson on the 7th of December. These instructions were of the most general character. He was to communicate to Major Anderson the general policy of the government, which was to avoid a collision with the state authorities. He was to do nothing that could offend them or provoke aggression by them. If they should attack he might defend. This was all. Not a word did Floyd put in writing, or direct it to be done by Buell. But after the latter had delivered his verbal message he told Anderson that he thought it was due to him that he should have it in writing, and accordingly put on paper what he considered to be its proper interpretation, in view of the situation. This

paper he entitled "Memorandum of verbal instructions to Major Anderson." In it he conveyed all the desired precautions against aggressive movements, and, as the sequel proved, much more than Floyd desired as to defensive action; Anderson was instructed not only to defend if attacked, but he might regard any attempt to take either of the forts as an act of hostility, and thereupon might put his command into the stronger fort; but more than this, he need not wait for the overt act, after which defense would probably be useless; he might anticipate the action, if convinced of the intention. The words were: —

> You are also authorized to take similar steps whenever you have tangible evidence of a design to proceed to a hostile act.

Major Buell's report of this mission to Charleston was oral, but he delivered a copy of his "memorandum," which was dated December 11, to a clerk in the War Department. It remained there unnoticed until the secession of South Carolina was announced in the press of the 21st. The President then called upon the Secretary of War for a report, and was furnished with a copy of Buell's memorandum, to which the Secretary then appended, over his signature, these words: —

> This is in conformity to my instructions to Major Buell.

So much for the written instructions. They placed upon Major Anderson the entire responsibility of deciding as to the tangibility of the evidence he might have of an intended attack upon him. Major Buell said, in after years, that the impression produced upon his

mind was that any committal to writing was purposely avoided by the Secretary.[1] Floyd could not foresee that what he meant to leave uncertain would, by Buell, be made explicit and reduced to writing, and that he would then have to verify Buell's memorandum, as the only construction of his own verbal instructions consistent with honest intention. The evidence on which Anderson acted, and was authorized to act, was that which the secession leaders had freely published to the world: that they meant to have the forts, and would take them as soon as Congress, after secession, should refuse to surrender them on demand. Says General Crawford: —

> When the commissioners had been formally sent to Washington by the convention, Anderson anticipated their reception and the rejection of their proposals by the government, and believing that the critical moment as to his position had come, he resolved to take advantage of the "tangible evidence" he believed he had, and to act under the plain instructions given him through Major Buell.[2]

In a letter to the War Department, in answer to inquiries, he wrote: —

> Many things convinced me that the authorities of the State designed to proceed to a hostile act.

As they had publicly and positively declared that the forts would be seized if not surrendered as soon as the commissioners of the State should demand them, and as

[1] Crawford's *Genesis of the Civil War*, page 72. Crawford was a surgeon in the United States Army, and was stationed at Charleston, in November, 1860.

[2] *Ibid.*, page 101.

the latter had then gone to Washington to make this demand, the evidence of an intended attack was perfect, unless, indeed, a surrender was contemplated.

But whether or not Anderson was justified by his instructions, the main question now was whether he should be sustained or compelled to withdraw.

His brilliant movement, unless disavowed and undone, would defeat the plans by which the State expected to be able, without a conflict of arms, to finally expel the last vestige of United States authority from her borders. He had supplies for four months, and could be dislodged only by an attack so sharp and strong that all the world would see that it was the commencement of an aggressive and unprovoked war against the government of the United States.

The Southern cause, which was but yesterday all covered over with peaceful disguises, now bristled with threats of war. The honest soldier at Charleston had baffled all the arts of conspiring diplomacy, and made treason show its open hand.

At this session of the Cabinet the excitement was too great for deliberation, and after Floyd's explosion and some violent discussion of it, an adjournment was had until evening.[1]

[1] Judge Holt, who was present on the occasion as a member of the Cabinet, thus referred to it in a speech made by him in Charleston, April 14, 1865, on the occasion of restoring the flag of the Union on Fort Sumter: —

"When intelligence reached the capital that, by a bold and dexterous movement, this command had been transferred from Moultrie to Sumter, and was safe from the disabled guns left behind, the emotions of Floyd were absolutely uncontrollable, — emotions of mingled mortification and disgust and rage and panic. His fury seemed that of some baffled fiend,

At the evening session Floyd renewed the attack, demanding the withdrawal of the garrison from Charleston harbor altogether, on the ground that, as Major Anderson had "violated the solemn pledge of the government," no other course could "vindicate our honor or prevent civil war."

The "solemn pledge of the government" he referred to had been made by the President unofficially to South Carolina representatives in Congress on the 10th of December. On the 8th they had called upon him to confer as to the best means of preventing a collision between the federal government and South Carolina. As the government contemplated no attack, the subject really discussed was the terms on which South Carolina would desist from attacking the government and seizing the forts prior to the secession of the State. At the President's request they put their conditions in writing, and returned to him with them December 10. They were signed by five members, viz., Messrs. McQueen, Miles, Bonham, Joyce, and Keitt, and were in the following words: —

In compliance with our statement to you yesterday, we now express to you our strong convictions that neither the

who suddenly discovers opening at his feet the gulf of ruin he has been preparing for another. Over all the details of this passionate outburst of a conspirator, caught and entangled in his own toils, the veil of official secrecy still hangs, and it may be that history will never be privileged to transfer this memorable scene to its pages. There is one, however, whose absence to-day we have all deplored, and to whom the nation is grateful for the masterly ability and lion-like courage with which he has fought this rebellion in all the vicissitudes of its career, — your Secretary of War (Mr. Stanton), who, were he here, could bear testimony to the truthfulness of my words."

constituted authorities nor any body of the people of the State of South Carolina will either attack or molest the United States forts in the harbor of Charleston previously to the action of the convention, and, we hope and believe, not until an offer has been made through an accredited representative to negotiate for an amicable settlement of the matter between the state and federal governments, provided that no reinforcements shall be sent into those forts and their relative military status remains as at present.[1]

This was plain notice to the President that the forts would be attacked, whether reinforced or not, as soon as the federal government should decide against the demand of the seceded State of South Carolina for their surrender; and that they were likely to be attacked at any time after the action of the secession convention.

This brief respite granted to the nation by South Carolina was, Mr. Buchanan tells us, "welcomed as a happy omen" by him, that by means of the influence of the signers, collision might be prevented and time afforded to all parties for reflection and for a peaceable adjustment. From abundant caution, however, he says he objected to the word "provided" in their document, lest, if he should accept it without remark, it might possibly be construed into an agreement on his part not to reinforce the forts. Such an agreement, he informed them, he would never make. It would be impossible for him, from the nature of his official responsibility, thus to tie his own hands and restrain his own freedom of action. Had he stopped here, the South Carolinians might well have wondered what had

[1] Curtis's *Buchanan*, vol. ii. p. 377.

been accomplished by the formal interviews and a written treaty which was to bind one side only. He proceeded, however, to explain that they had nothing to fear from his cautionary remark. He only meant that, while he would not reinforce, he could not lawfully enter into an official agreement to that effect. His account reads thus: —

Still, they might have observed from his message that he had no present design, under existing circumstances, to change the condition of the forts at Charleston. He must, notwithstanding, be left entirely free to exercise his own discretion according to the exigencies that might arise.[1]

Mr. Curtis asserts that Mr. Buchanan "gave no pledge, express or implied, formal or informal, that no reinforcements should be sent into Charleston harbor, or that the military status, as it existed at the time of this interview, should remain unchanged," and that he in no way fettered himself upon the subject.[2] In a footnote Mr. Curtis says that two of the gentlemen who signed the letter — Messrs. Miles and Keitt — published at Charleston an account of the interview, in which they did not intimate that anything in the nature of a pledge passed on either side.[3] He gives as his authority for this statement Appleton's "Annual Cyclopædia for 1861," page 703. Mr. Buchanan makes precisely the same assertion and gives the same authority.[4] The authority they thus refer to flatly contradicts their statement of the transaction. The narrative of Miles and Keitt, printed on the page and

[1] Buchanan's *Defence*, page 167. [2] *Life of Buchanan*, vol. ii. p. 378.
[3] *Ibid.* [4] Buchanan's *Defence*, page 185.

in the volume of the cyclopædia above named, refers first to their own lack of authority to pledge the State, and the fact that they were treating with the President only "as gentlemen in prominent positions," and then proceeds to state the attitude they understood him as occupying. They say: —

> The President was acting in a double capacity; not only as a gentleman whose influence in carrying out his share of the understanding or agreement was potential, but as the head of the army, and therefore having absolute control of the whole matter of reinforcing or transferring the garrisons at Charleston. Considering the President as bound in honor, if not by treaty stipulations, not to make any change in the forts, or to send reinforcements to them unless they were attacked, we of the delegation who were elected to the convention felt equally bound in honor to do everything on our part to prevent any premature collision.

This is the authority referred to (but not quoted) by Mr. Buchanan and Mr. Curtis to show that the authors "did not intimate that anything in the nature of a pledge passed on either side." They are Mr. Buchanan's own witnesses, and their testimony cannot be attacked on his behalf. They state most explicitly that there was an "understanding or agreement" by which the President was "bound in honor" "not to make any change in the forts, unless they were attacked." The South Carolinians say they felt bound by it, although they held no authority from the State to make the agreement. The two governments were not bound, but the men were personally pledged to each other. In their statement to the South Carolina

secession convention, a portion only of which is quoted in the cyclopædia article, Messrs. Miles and Keitt further say that, as the delegates rose to go, the President said substantially: "After all, this is a matter among gentlemen, and I do not know that any paper or writing is necessary. We understand each other." And these are the witnesses called by Mr. Buchanan and his biographer.

One more witness to the pledge will suffice. General Crawford makes the following interesting statement: —

On the 22d of March, 1882, I had a long and earnest conversation with Judge Black upon the subject of the interview between the President and the congressional delegation of South Carolina, as to the understanding agreed upon at that interview. The details of this interview with the President, when the commissioners of South Carolina were in Washington, were stated, when at the end I said: "Well, then, Judge Black, there appears to be but one inference to be drawn, but one conclusion to be reached: the President did make that agreement." The judge rose, and, looking steadily at me for a moment, said: "Remember that is your conclusion." [1]

Judge Black confided still further to General Crawford the fact that the President did confess to him an "understanding or agreement," in the maintenance of which his personal honor as a gentleman was involved.[2]

This understanding, to which the personal honor of a President was pledged, was that he would leave our forts naked and defenseless to a public enemy, upon the

[1] *Genesis of the Civil War*, page 25. [2] *Ibid.*, page 152.

assurance of unauthorized "gentlemen" that they felt sure South Carolina would give Congress an opportunity to surrender them before she would attack and seize them. Under no circumstances were they to remain in the undisputed possession of the United States an hour after their surrender should be refused upon formal demand. His public denial goes only to the technical point that he entered into no obligation by which he could be officially bound, but only gave an assurance as a gentleman that, as the commander-in-chief of the army, he would stake the safety of the government fortresses upon the assurances of men who had fairly notified him that their people were engaged in efforts to dissolve the Union peaceably, and that, failing in that, they would forthwith levy war against the United States and take those fortresses by force.

It was in fulfillment of this pledge that, on the 27th of December, Floyd and Thompson, within the Cabinet, and United States Senator Jefferson Davis, the South Carolina commissioners, and the ever vigilant Trescott, without, demanded that Fort Sumter be evacuated and made as easy of capture as it had been on the 25th. The President was irresolute, and neither yielded to the demand nor refused. He disclaimed all responsibility for the instructions under which Anderson had acted. He was silent under the charge of having made a pledge which that act violated. Without having arrived at any conclusion, the Cabinet adjourned until the next day.

CHAPTER XIX

The President confers with the Commissioners. — The Struggle in the Cabinet. — Stanton's Attitude. — Resignation of Floyd. — The President's Letter to the South Carolina Commissioners. — His Final Break with the Secessionists.

THE failure of the secessionists to secure the evacuation of Fort Sumter on the 27th of December prompted them to seize Fort Moultrie and Castle Pinckney during that night.

On the 28th Mr. Buchanan gave an audience to the South Carolina commissioners. Although he refused to recognize them as the diplomatic representatives of a foreign nation, he expressed a willingness to submit to Congress any propositions they might make.[1] As they had no other business in Washington but to assert the independence of their State, and to arrange terms for the transfer to her of the forts and other property of the United States, an official reference to Congress of their demands would have been an executive recognition as complete as any that could have been given in words.

According to Mr. Buchanan's account, they "insisted upon the immediate withdrawal of the major and his troops, not only from Fort Sumter, but from the harbor of Charleston, as a *sine qua non* to any negotiation."[2]

[1] Buchanan's *Defence*, page 181.
[2] *Ibid.*, page 182.

Mr. James L. Orr, one of the commissioners, stated in 1871 that the question debated was whether Anderson should be ordered back to Moultrie and the former status restored. Mr. Barnwell, the chairman, brought to the attention of the President the arrangement he had made with the South Carolina delegation, and said to him that "Anderson's removal violated that agreement on the part of the United States government, and that the faith of the President and the government had been thereby forfeited." Says Mr. Orr: —

The President made various excuses why he should be allowed time to decide the question whether Anderson should be ordered back to Moultrie and the former status restored. Mr. Barnwell pressed him with great zeal and earnestness to issue the order at once. Mr. Buchanan still hesitating, Mr. Barnwell said to him, at least three times during the interview: "But, Mr. President, your personal honor is involved in the matter; the faith you pledged has been violated, and your personal honor requires you to issue the order." Mr. Barnwell pressed him so hard upon this point that the President said: "You must give me time to consider, — this is a grave question." Mr. Barnwell replied for the third time: "But, Mr. President, your personal honor is involved in this arrangement." Whereupon, Mr. Buchanan with great earnestness said: "Mr. Barnwell, you are pressing me too importunately, you don't give me time to consider; you don't give me time to say my prayers. I always say my prayers when required to act upon any great state affair."[1]

The interview resulted in nothing. The President still wavered between his duty and his pledge, and the battle was resumed in the Cabinet between the factions

[1] *Genesis of the Civil War*, page 148.

which contended with each other for the mastery over him. It raged through the day and evening, and continued through the next day. The persistence of the Southern members showed that they hoped to prevail. Mr. Buchanan had never failed them up to that time. If now he would stand by his pledge, South Carolina would have no federal foot upon her soil, no federal flag on any fort within her border. If the President had been left to struggle against them alone, they might have worked their will upon him. But Stanton was a lion in their path, and Holt and Black were with him. Stanton's opposition was not like that of most men. It was propelled by a torrent of strong impulses, and was not to be arrested by argument or persuasion. In his view, the demand of Floyd and his co-conspirators was not a matter for argument. From the moment it was made, he treated it as an insult to be resented, a criminal proposition to be spurned.

On the third day of this intense struggle between the unionists and the secessionists of the Cabinet for the possession of the Executive Department of the government, it became apparent that the President would refrain from any action at all. He would have been willing to send Anderson back to Fort Moultrie, if the South Carolinians would have surrendered it to him for that purpose, but they showed no disposition to make the exchange.[1]

By not withdrawing the garrison entirely from Charleston, he decided, as much as it was possible for him to decide anything, that, as the United States

[1] Buchanan's *Defence*, page 182.

had no other place in South Carolina in which Anderson and his troops could take shelter, they must, at least for the time being, remain at Fort Sumter.

The Southern leaders now abandoned the contest, and the result was made known to the world by the resignation of Floyd. As the President had not yet formally refused to comply with the rebel demand, the Secretary was compelled to base his resignation on the ground that delay, equally with refusal, was certain to inaugurate civil war, and, therefore, he could not consent to remain in office. His resignation had been demanded by the President immediately after the discovery of his fraudulent acceptances, six days before, with a distinct intimation that if it was not forthcoming, he would be removed.[1]

The amiable weakness of Mr. Buchanan's character is well illustrated by the fact that after this the disgraced Secretary was not only allowed to be present at cabinet meetings, but for three days and nights to disturb their proceedings with violent, insulting, and boisterous conduct, and with propositions which proved him a traitor to the government. He was subsequently indicted for issuing fraudulent acceptances, but acquitted on the technicality that having been a witness before a committee of Congress, he was thereby exempted by a statute from punishment for the transactions concerning which he had testified.

Although the resignation of Floyd virtually terminated the dangerous crisis which Anderson's patriotic act had precipitated, the President seemed unwilling to

[1] Buchanan's *Defence*, page 185.

treat the matter as closed. He stood charged by the Southern members of his Cabinet, and by the South Carolina commissioners, with having violated a pledge of honor, which three Northern members of the Cabinet and the patriotic people of the country maintained it would have been treason for him to redeem, if made. The commissioners had, on that same day, addressed him a communication, in which they repeated the charges against him of violated faith, and he seemed impressed with the idea that he could set himself right with both sides of the controversy by a reply. His effort in that direction was laid before the Cabinet late on the evening of the 29th. It was satisfactory to but one member: Toucey. He never differed from the President. Black, Stanton, and Holt objected to the concessions it made to South Carolina; Thompson and Thomas to the lack of such concessions. Floyd was no longer in the Cabinet. The paper seems to have been read for information rather than to elicit comment. Not much criticism was bestowed on it at the time.[1] No action was taken upon it, and the meeting adjourned.

On the following day (Sunday, the 30th) the President learned from Mr. Toucey that Judge Black had expressed a determination to resign, if the letter he had seen the night before should be sent to the commissioners. The President sent for his friend, and the interview resulted in delivering the document to him for such changes as he might suggest. Black went to the Attorney-General's office, and wrote a memorandum

[1] Black's *Speeches and Essays*, page 14.

embracing the views upon which he and Stanton were agreed. The latter made and retained a copy. The original went to the President as a guide in the changes to be made. A comparison of this document[1] with the letter finally sent to the commissioners[2] shows that the President substantially disregarded it.

No explanation has ever been given why Mr. Buchanan adhered to the objectionable features of his reply to the commissioners, in the face of his promise to modify it in accordance with Judge Black's "memorandum." To what extent he did modify it is not known, as neither the original draft nor a copy of it exists.[3]

His final effort to placate the commissioners, and at the same time to save himself harmless, was a lamentable failure. His letter to them was dated December 31. Their reply, dated January 2, was so offensive that immediately, on the day of its date, it was returned to the commissioners with the following indorsement:

> This paper, just presented to the President, is of such a character that he declines to receive it.

A few days later this letter was presented to the Senate by Jefferson Davis, who caused it to be printed in the "Globe."[4]

Says Mr. Buchanan: —

> Mr. Davis, not content with this success, followed it up by a severe and unjust attack upon the President, and his

[1] Black's *Speeches and Essays*, page 14.

[2] Curtis's *Life of Buchanan*, vol. ii. p. 386.

[3] *Ibid.*, vol. ii. p. 380.

[4] January 9, 1861.

example was followed by several of his adherents. From this time forward, as has already been stated, all social and political intercourse ceased between the disunion Senators and the President.[1]

This terminated the efforts of President Buchanan to maintain friendly relations with men wholly absorbed in a treasonable enterprise against the government, and at the same time to protect that government against their machinations. He had trusted them at the expense of his reputation, and when he had reached a line he could not pass with safety, they turned upon him, and accused him of treachery to the government as well as to themselves. This result was of real benefit to him. It enabled him to show from that time forward that in temporizing with the secessionists, it had been his aim to arrest their movements, — not to join them. There was no longer any apprehension that the United States would, by executive action, relinquish its jurisdiction in South Carolina. The national flag still waved there over a government fort, to contradict her claim that secession had made her an independent and sovereign power.

[1] Buchanan's *Defence*, page 184.

CHAPTER XX

Stanton's Account of the Cabinet Crisis. — Judge Holt on the Same.

A CONDENSED account of the struggle in the Cabinet which preceded Floyd's resignation was written by Mr. Stanton himself in 1863, under the following circumstances: in February, 1862, Mr. Thurlow Weed, then in London, wrote a communication for a newspaper there, in which, after referring to Mr. Stanton's appointment by President Lincoln as Secretary of War on the 20th of the preceding month, he gave an account of the crisis in Mr. Buchanan's Cabinet in 1860. Mr. Buchanan and his friends complained of its inaccuracy, but no one who had been a member of that Cabinet came forward to deny its truth. The following year Mr. Augustus Schell, a New York Democratic politician and a near friend of Mr. Buchanan, addressed a letter to Mr. Stanton, and to others of the Buchanan Cabinet, asking them to say whether the statements in Mr. Weed's communication were true or not. To this Mr. Stanton wrote a reply, which he read to Judge Holt at that time, but which he finally decided not to send. It was found after his death in his private papers. Of this letter and of the reasons which governed Mr. Stanton in withholding it, Judge Holt wrote as follows in 1870: —

Several years ago Mr. Stanton read to me, in the War Department, a letter addressed by him to Mr. Schell, of New

York, in answer to one from that gentleman, wherein he set forth quite in detail what was said and done at the meeting of Mr. Buchanan's Cabinet, which was followed at once, as I now remember it, by Mr. Floyd's resignation. The deliberations and discussions, as of other cabinet meetings, being then and still held under the seal of official confidence, I cannot of course repeat what the statements of this letter were, but can only affirm that they accorded with my own recollection of the facts. I requested of Mr. Stanton a copy of this letter, which he promised to furnish me, but under the pressure of his official labor and engagements the matter was probably lost sight of, as the copy never reached me. Subsequently he informed me that the letter had never been sent, he having, as I understood it, come to the conclusion that such disclosures would not be justified unless made with the consent of the parties to the cabinet meeting and to the deliberations referred to.[1]

This unsent letter of Mr. Stanton's has upon it no comment or direction of any kind. Its publication in this place seems to be justified and required by reason of the complaints made of his silence by Mr. Buchanan's biographer,[2] and by Mr. Buchanan himself in private letters, published for the first time in his biography many years after Mr. Stanton's death.[3] His letter sheds new light upon momentous events, and is the only account written by a participant of what did actually occur in the meetings of the Cabinet in the three days and nights commencing December 27, 1860. It will be observed that Mr. Stanton was replying to an inquiry,

[1] *Atlantic Monthly*, April, 1870, Henry Wilson's article.

[2] Curtis's *Buchanan*, vol. ii. p. 523.

[3] *Ibid.*, pp. 580, 587, and 588.

written in 1863, as to the truth of a statement made in 1862 of things that happened in 1860.

LETTER OF MR. STANTON TO MR. SCHELL. (Not sent.)

War Department,
Washington, D. C., October 8, 1863.

Dear Sir, — Three days ago I received from you a letter, to which the pressure of public duties has prevented me from replying until now, and of which the following is a copy : —

New York, October 3, 1863.

Dear Sir, — You will find below an extract from a letter published in the London "Observer" on the 9th of February, 1862, subscribed with initials of T. W. The signature is known to be that of Mr. Thurlow Weed of Albany, who was, at the time, in London : —

"In February, Major Anderson, commanding Fort Moultrie, Charleston harbor, finding his position endangered, passed his garrison, by a prompt and brilliant movement, over to the stronger fortress of Sumter, whereupon Mr. Floyd, Secretary of War, much excited, called upon the President to say that Major Anderson had violated express orders, and thereby seriously compromised him (Floyd), and that unless the major was immediately remanded to Fort Moultrie, he should resign the War Office.

"The Cabinet was assembled directly.

"Mr. Buchanan, explaining the embarrassment of the Secretary of War, remarked that the act of Major Anderson would occasion exasperation to the South. He had told Mr. Floyd that, as the government was strong, forbearance towards erring brethren might win them back to their allegiance, and that that officer might be ordered back.

"After an ominous silence, the President asked how the suggestion struck the Cabinet.

"Mr. Stanton, just now called to the War Office, but then

Attorney-General, answered: 'That course, Mr. President, ought certainly to be regarded as most liberal towards erring brethren, but while one member of your Cabinet has fraudulent acceptances for millions of dollars afloat, and while the confidential clerk of another — himself in South Carolina teaching rebellion — has just stolen $900,000 from the Indian Trust Fund, the experiment of ordering Major Anderson back to Fort Moultrie would be dangerous. But if you intend to try it, before it is done I beg that you will accept my resignation.'

"'And mine too,' added the Secretary of State, Mr. Black.

"'And mine also,' said the Postmaster-General, Mr. Holt.

"'And mine too,' followed the Secretary of the Treasury, General Dix.

"This of course opened the bleared eyes of the President, and the meeting resulted in the acceptance of Mr. Floyd's resignation."

Inasmuch as you were a member of Mr. Buchanan's Cabinet, and one of the persons alluded to among the members of the Cabinet who dissented from the proposition alleged to have been made by Mr. Floyd, I have thought it not improper to call upon you to state whether the subject matter of Mr. Weed's communication is or is not true.

As for myself, I do not believe it to be true, and regard it as one of the numerous slanders which have been disseminated to reflect discredit upon the late excellent President of the United States. I shall esteem it a favor if you will inform me by letter of the precise circumstances attending the action of Mr. Buchanan's Cabinet at the time of the transaction referred to, if any such took place, to the end that the public may be truthfully informed of the actual occurrence.

I have written this letter without the knowledge of Mr. Buchanan, and solely for the purpose that the public record of Mr. Buchanan's administration may be vindicated from a

charge which those who know him, as you and I do, cannot but feel has originated from personal or political malice.

Yours very respectfully,

AUGUSTUS SCHELL.

HON. E. M. STANTON,
WASHINGTON CITY.

The article of which your letter furnishes an extract appears to have been published more than eighteen months ago, and contains certain allegations, to wit: —

First. That in respect to Major Anderson's patriotic and brilliant movement from Fort Moultrie to Fort Sumter, John B. Floyd, then Secretary of War, asserted that Major Anderson had violated express orders, and thereby seriously compromised him (Floyd), and that unless the major was immediately remanded to Fort Moultrie, he should resign the War Office; and that the Cabinet were assembled to consider the proposition.

This allegation, except as to date, is substantially true.

The meeting at which the action of Major Anderson in moving his garrison from Fort Moultrie to Fort Sumter was laid before the Cabinet by Mr. Buchanan took place, not in February, but on the afternoon of the 27th of December, 1861, — the movement having been made the preceding night. It was the first cabinet meeting that I attended after being sworn in as Attorney-General. Floyd proposed to withdraw the garrison from Charleston harbor, on the ground that Major Anderson had violated his orders, and also that the solemn pledges of the government had been violated. The violation of orders by Major Anderson was denied by some members of the Cabinet, and the orders were called for. At a second meeting of the Cabinet, in the evening of the 27th, Floyd read a paper, which was incorporated in his resignation two days afterwards, in which he said nothing about violating orders, but reiterated that Major Anderson, by his movement, had

violated solemn pledges of the government. This paper is incorporated in his resignation, presented on the 29th, which was published in the "Constitution" of January 1, and is as follows: —

WAR DEPARTMENT, December 29, 1860.

SIR, — On the evening of the 27th inst., I read the following paper to you in the presence of the Cabinet: —

COUNCIL CHAMBER, EXECUTIVE MANSION.

SIR, — It is evident now from the action of the commander at Fort Moultrie, that the solemn pledges of the government have been violated by Major Anderson. In my judgment but one remedy is now left us by which to vindicate our honor and prevent civil war. It is in vain now to hope for confidence on the part of the people of South Carolina in any further pledges as to the action of the military. One remedy only is left; that is, to withdraw the garrison from the harbor altogether. I hope the President will allow me to make that order at once. This order, in my judgment, can alone prevent bloodshed and civil war.

JOHN B. FLOYD,
Secretary of War.

TO THE PRESIDENT,
December 27, 1860.

I then considered the honor of the administration pledged to maintain the troops in the position they occupied; for such had been the assurances given to the gentlemen of South Carolina, who had a right to speak for her. South Carolina, on the other hand, gave reciprocal pledges, that no force should be brought by them against the troops or against the property of the United States. The sole object of both parties to these reciprocal pledges was to prevent collision and effusion of blood in the hope that some means might be found for a peaceful accommodation of the existing trouble, the two Houses of Congress having both raised committees looking to this object.

Thus affairs stood until the action of Major Anderson (taken, unfortunately, while commissioners were on their way to this capital, on a peaceful mission looking to the avoidance of bloodshed) has complicated matters in the existing manner. Our refusal, or even delay, to place matters back where they stood under our agreement invites collision, and must inevitably inaugurate civil war in our land.

I cannot consent to be the agent of such a calamity.

I deeply regret to feel myself under the necessity of tendering to you my resignation as Secretary of War, because I can no longer hold it, under my convictions of patriotism, with honor, subjected, as I am, to the violation of solemn pledges and plighted faith.

With the highest personal regard I am,

Most truly yours,

JOHN B. FLOYD.

To his Excellency,
THE PRESIDENT OF THE UNITED STATES.

Second. That "Mr. Buchanan, explaining the embarrassment of the Secretary of War (Floyd), remarked that the act of Major Anderson would occasion exasperation in the South. He had told Floyd that as the government was strong, forbearance towards erring brethren might win them back to their allegiance, and that that officer might be ordered back."

I cannot at this distance of time state the exact words of Mr. Buchanan before the Cabinet. According to my recollection, the statement in the "extract" is substantially true. For a considerable period during the pendency of the discussion, which continued several days, Mr. Buchanan manifested a determination to order Major Anderson back, upon the ground that it was essential to the peace of the country, and also that the movement was a violation of some pledge or promise of his, which he was bound to fulfill. Floyd and

Thompson both asserted repeatedly, in Mr. Buchanan's presence, that such pledge had been given by him, and during three days' debate I did not hear him deny it, although members of the Cabinet asked for a specification of the time and place, and insisted that it was impossible that such a pledge could have been given.

Third. That Floyd's proposition to withdraw the garrison was earnestly opposed by members of the Cabinet, including myself; that direct allusion was made by me, in debate, to the then recently discovered theft of Indian Trust Funds in the Interior Department, by a clerk of that department, and Floyd's complicity in the transaction; and that I asserted that to add to these crimes the crime of surrendering Fort Sumter would be a dangerous experiment to those concerned in it.

This allegation is also true. From the first, the proposition received my determined hostility, and that of two other members of the Cabinet. Allusion was made by me to the fraudulent acceptances of Floyd, and the abstraction of the Indian Trust Funds from the Interior Department, and to the just fury that would be excited by a greater crime.

Fourth. That the adoption of Floyd's proposition by Mr. Buchanan would have been instantly followed by my resignation and that of other members of the Cabinet.

This allegation is also substantially true. Apprehending that the proposition would be adopted by Mr. Buchanan, my resignation was signed and ready to be delivered on the spot, the instant the order should be made. Two other members of the Cabinet informed me that they would also resign, and I believe they would have done so.

The "Observer" article is erroneous in the statement that General Dix was present on the occasion. He was not then in the Cabinet. But from his openly declared opinion, I have no doubt that ordering Major Anderson from Fort Sumter, at any time after he came into the Cabinet, would have

met his earnest opposition, and would have been followed by his immediate resignation.

Fifth. That the refusal to order Major Anderson from Fort Sumter resulted in Floyd's resignation.

This allegation is true. Floyd's resignation (as you will see by reading it) is placed on the distinct ground of violated pledges and the refusal or delay to "place affairs back," viz., withdrawing the garrison altogether from the harbor of Charleston.

The foregoing covers substantially, I think, all the points made in the article of which you have given me an extract. According to my recollection, the extract from the article, which you call Mr. Weed's, is, except in the particulars mentioned, substantially true.

The principal error of the "Observer" article is, perhaps, in ascribing to me more credit than is due in awakening Mr. Buchanan to the real character of Floyd's contemplated treason. Whatever could be done to that end was done by Judge Black and Mr. Holt, as well as by myself, and with the earnestness of men who felt that our national existence was at stake.

After most careful examination, it does not appear to me that the article alluded to contains any "slander" upon Mr. Buchanan, or that it originated in any "personal or political" malice. The proposition to give up Fort Sumter was made by Floyd. Mr. Buchanan consulted his Cabinet upon it, some of whom violently advocated it, while others opposed it resolutely as a crime; and, after several days' angry debate, it was rejected. I asserted then to Mr. Buchanan, and assert now, that the surrender of Fort Sumter by the government would have been, in my opinion, a crime equal to the crime of Arnold, and that all who participated in the act should be hung like André.

In thus fully replying to your communication, I do not recognize any obligation on my part to answer inquiries as to

the truth or falsehood of statements made by Mr. Weed, or any other person, as to what is supposed to have taken place in cabinet meetings; but your personal and political relations to Mr. Buchanan, and your professed purpose to vindicate the record of his administration, leave no room to doubt that, while your letter to me, and similar letters to other members of his Cabinet, may have been written without his knowledge, you are acting, if not by his direction, at least with his assent; and as the matter relates to an important national event, I do not recognize any obligation of secrecy to prevent the public from being truthfully informed, as they were at the time of the actual occurrences, in respect to Floyd's traitorous proposition.

When this letter was found among Mr. Stanton's papers, it was submitted to Judge Holt. He listened attentively while, at his request, it was read to him, and conversed freely on the matters with which it deals. He said it was evidently the same one that Mr. Stanton had read to him at the War Department in 1863, and finally decided not to send; and that while it fell far short of what might have been written, it was correct as far as it went. He said that Mr. Stanton's protest against acceding to the demands of Floyd was even more vigorous than therein represented. He not only said that it would be a crime equal to the crime of Arnold, and that all who participated in it ought to be hung like André, but he also said that "a President of the United States who would make such an order would be guilty of treason." "At this point," said Judge Holt, — "and I remember the scene as clearly as though it happened but yesterday, — Mr. Buchanan raised his hands deprecatingly and said, as if wounded by the

intensity of Mr. Stanton's language and manner: 'Oh, no! not so bad as that, my friend! — not so bad as that!'"

Judge Holt pronounced a glowing tribute to Stanton as a patriot and a man, saying, among other things: "His loyalty to the Union cause was a passion. He could not open his lips on the subject without giving utterance to the strongest expressions. He never changed from first to last in his devotion to the country, nor in the resolute manner in which he asserted and upheld his convictions."

Referring to this crisis, Mr. Stanton wrote to his brother-in-law, the Hon. Christopher P. Wolcott, then attorney-general of Ohio, as follows: —

The great contest for the Union commenced a few minutes after I parted from you here. On reaching my office, I found a summons to the cabinet council. On entering the chamber, I found treason with bold and brazen front demanding the surrender of Fort Sumter. The contest continued until dark, when dispute ran so high that we adjourned until eight o'clock in the evening. What followed is now history, — the details I will give you when we meet.

One by one the secessionists have been worked out. We are now a unit. Who will come into the present vacancies is uncertain. I think no retrograde step will be made. How far we can advance is uncertain.

CHAPTER XXI

New Departure of the Administration. — Anderson's Act approved. — Attempt to reinforce Sumter. — Rebel Attack on the Star of the West. — Treason of Jacob Thompson. — His Resignation. — Anderson's Truce. — The Confederacy erected. — Attempts at Compromise. — War not then seriously thought of. — No War Party. — The Government and the Secessionists equally disinclined to open Hostilities.

When the President had returned to the South Carolina commissioners their final and offensive communication of January 2, he declared very emphatically that "reinforcements must now be sent." General Scott accordingly dispatched the chartered steamer Star of the West to Charleston with troops. Subsequent advices from Anderson, that he felt secure in his position and that troops could be sent him at leisure, led to an order countermanding that for reinforcements, but it reached New York after the steamer had sailed.

On the 10th of January Acting Secretary of War Holt wrote to Anderson, approving his course in transferring his troops from Sumter.

Jacob Thompson, Secretary of the Interior, telegraphed to one of the insurgent party in South Carolina, on the 8th of January, that the Star of the West had sailed for Charleston with recruits, and had the satisfaction of knowing that his dispatch was received in time to cause her repulse by rebel cannon. He then

resigned his place in the Cabinet in a communication expressive of a sense of injury because the order for reinforcements had been sent without notice to him. To this the President replied that the order had been decided on in a special cabinet meeting, at which Mr. Thompson himself was present, and that there was no dissenting voice. Judge Black's testimony is as follows:

> The order was made in the Cabinet, but Mr. Thompson, Secretary of the Interior, did not hear it; perhaps it was not intended he should.[1]

Known to be a conspirator, — because he had then but recently returned from North Carolina, where he had been publicly received as the Commissioner of the State of Mississippi, duly appointed by her legislature, to urge the secession of the former State, — Thompson was still tolerated in the Cabinet of a President whose orders for the safety of the government it was not deemed prudent for him to know.

It is probable that Thompson resigned partly because he saw that he would no longer be trusted, and partly because he scented the approach of the "tyranny" soon to be practiced upon his sort of people. After his resignation he went home to Mississippi, and made an exultant public speech, in which, after boasting that he gave notice to the South Carolinians of the sailing of the Star of the West with reinforcements, he said: —

> The troops were thus put on their guard, and when the Star of the West arrived, she received a warm welcome from booming cannon, and soon beat a retreat.[2]

[1] Black's *Speeches and Essays*, page 20.

[2] *National Intelligencer*, newspaper, Washington, March 2, 1861.

Thus was the first shot of the Rebellion fired under the direction of a member of the Cabinet of Mr. Buchanan.

Major Anderson chose to treat the firing upon the Star of the West as an act not authorized by any organized enemy, but at once notified the governor that unless disavowed, it would be treated as an act of war. The latter avowed and justified the act, whereupon Major Anderson, unwilling with his little force to enter upon actual hostilities, agreed to refrain from any action until he could submit the matter to the government at Washington, and receive orders. The governor asked that Fort Sumter be delivered to him, with a bill for its money value. The situation was declared by him to be a "state of hostilities," which of course was true. He sent his Attorney-General, Hayne, to Washington with his ultimatum, accompanied by a United States officer bearing dispatches from Major Anderson.

On the 16th of January Secretary of War Holt wrote to Major Anderson: "You rightly designated the firing into the Star of the West as an 'act of war.'" But he informed him that under the circumstances his forbearance in not returning the fire was fully approved by the President. He was assured that a prompt and vigorous effort would be made to forward supplies and reinforcements whenever he should require them.

Major Anderson's truce with the South Carolina authorities, pending orders from Washington after the firing on the Star of the West January 9, was prolonged until January 31 by the withholding from the President, by Attorney-General Hayne, of that State, of

Governor Pickens's written demand for the surrender of Fort Sumter, and still further, until February 6, by delay in reply to that letter, when delivered. On the latter date the surrender was peremptorily refused, and the South Carolina governor was notified by the Secretary of War, by order of President Buchanan, that an attack upon the fort would place upon the assailants the responsibility of inaugurating civil war.

On the 1st of February seven States had adopted ordinances of secession. On the 4th of that month the Congress of those States had assembled at Montgomery, Alabama; on the 8th adopted the provisional Constitution of the Confederate States of America; on the 9th chosen Jefferson Davis President, and on the 18th inducted him into that office.

The energies of Congress were wholly devoted, during the remainder of the session, to the discussion of propositions for compromise. It was not proposed by any that the government should make any hostile movement against the South. War measures were not seriously thought of in or out of Congress. The formation of a rebel government at Montgomery was treated, as the secession of the States had been, as void and not calling for any action by the federal authorities, unless followed up by overt acts of treason in the form of aggressive war upon the United States government. The entire North was still skeptical as to the probability of a war. Those of the Republicans who opposed all compromises were divided into two classes, — one of which desired separation, while the other believed the South would surrender if the North stood firm. The Union Demo-

crats and those of the Republicans who favored compromise still hoped there would be some peaceful settlement. The complaints, therefore, of Mr. Buchanan[1] and of Mr. Curtis, his biographer,[2] and Judge Black,[3] that Congress refused to vote an army with which to fight secessionists, and the counter complaints by the President's opponents because he remained inactive while rebellion made head, instead of inaugurating hostilities against it, are equally unjust. The nation, in all its departments, drifted under both Buchanan and Lincoln, from December until April, because to assert authority by force might invite more resistance than could then be overcome, and because rebellion, though eager enough in seizing public property not guarded, including $500,000 in gold coin in the United States mint at New Orleans, had not yet deemed it wise to attack any forts where military resistance was probable. Each side was endeavoring to put upon the other the awful responsibility of commencing actual hostilities, if such was to be the outcome.

[1] See his *Defence*, page 160.

[2] *Life of Buchanan*, vol. ii. p. 478.

[3] Black's *Speeches and Essays*, page 277.

CHAPTER XXII

Mr. Stanton's Work during the Remainder of his Term as Attorney-General. — Freedom from Disguises. — He affiliates with Union Men of all Parties, and antagonizes all others. — Fidelity to the President. — The Plot to seize the National Capital. — Stanton's Interview with Sumner. — Alarm of Black. — The Real Peril. — How it was averted by the Presence of Troops. — Importance of Stanton's Services at that Time.

Mr. Stanton found work enough during the remainder of his term even for his irrepressible energy. He devoted himself to the patriotic cause. It aroused all his powers and took possession of all his faculties. He was inspired with a passionate ardor that broke forth with vehemence whenever occasion arose. He set on foot inquiries as to the purposes of the secessionists in Washington and its vicinity, and prosecuted them with untiring zeal. He made proselytes and denounced heretics. To Democrats and Republicans he set the example of sinking partisanship in the service of the Union. He counseled with all true men, who were certainly opposed to secession, whether they agreed with him or not on the subject of compromise plans.

While coöperating with the most radical Republicans to uncover and thwart plots and conspiracies, he remained most faithful to his chief, and to his associates

in the reconstructed Cabinet, who were a unit against the conspirators.[1]

His coöperation with the most conservative of the Union Democrats and Republicans, in advocating a constitutional amendment which would secure the border States to the Union by protecting slavery in all the rights secured for it under the Constitution as it then was, involved no departure from his understanding with the uncompromising element among the Republicans, for he had not agreed with these upon anything except hostility to the common enemy. He deceived none. His attitude was known of all men. We have the testimony of Judge Black that he and President Buchanan were at that time pursuing the same course, and that he frequently conferred with Mr. Seward, from whom he kept nothing secret, which related to public duties. Here are his words: —

> The administration kept nothing back; the President volunteered to give all he knew concerning the state of the Union; every call for information was promptly and fully answered. If that had not been enough, every member of the Cabinet would have been perfectly free to speak with any member of Congress, or to go in person before any committee. Mr. Seward did confer fully with me at the State Department.[2]

Senator Sumner stated to Senator Wilson, in 1870,[3]

[1] Secretary Seward said, in a letter to Henry Wilson, that Stanton expressed "entire confidence in the loyalty of the President, and of the heads of the departments who remained in association with him until the close of that administration." Henry Wilson, in *Atlantic Monthly*, 1870.

[2] Black's *Speeches and Essays*, page 279.

[3] *Atlantic Monthly*, April, 1870.

that in the month of January, 1861, he called on Mr. Stanton at the department; that the latter made an appointment to see him at his lodgings at a late hour that night, and at this conference described the determination of the Southern leaders, and developed particularly their plan to obtain possession of the national capital and the national archives, so that they might substitute themselves for the existing government.

> I was struck [says Mr. Sumner], not only by the knowledge he showed of hostile movements, but by his instinctive insight into men and things. His particular object was to make all watchful and prepared for the traitors. I saw nobody at the time who had so strong a grasp of the whole terrible case.

Mr. Stanton's apprehensions for the safety of the capital were based partly upon his knowledge of the men who favored the rebel cause, and partly upon the open threats indulged in by the less prudent of their clans. To these were added, of course, the knowledge of revolutionary methods and possibilities, common enough with all who had read of civil commotions in other lands.

One of their favorite ideas, boldly advanced and stoutly maintained, was that, if Maryland should secede, the District of Columbia would "revert" to that State, by which it had been ceded to the general government. This argument was certainly as sound as that which claimed Fort Sumter as the property of South Carolina.

The revolutionary spirits who dominated public opinion at the capital appeared to take it for granted that

every obstacle to their wishes could and would be removed, and that every necessary and desirable step leading to the triumph of their plans would be successfully taken. That the secession of Maryland was confidently relied upon by them is well known, and if it could have been accomplished before the count of the electoral vote, which was to take place on the 13th of February, the rebel plan was understood to include the seizure of the capital.

Said Stephen A. Douglas, in his last public speech (May 1, 1861), at Chicago: —

If the disunion candidate in the late presidential contest had carried the united South, their scheme was, the Northern candidate successful, to seize the capital last spring, and by a united South and divided North hold it.[1]

Edwin L. Stanton, the Secretary's son, thus wrote:[2]

Every department in Washington then contained numerous traitors and spies. Only a handful of United States troops were assembled at Washington, and the residents of the capital were mainly in sympathy with the Southern people. To a greater extent probably than any of his associates in the Cabinet, Mr. Stanton's mind was filled with foreboding that attempts would be made by insurrection or assassination to prevent the inauguration of Mr. Lincoln, and to seize and hold for the Southern States the capital and insignia of the government, and thus enable those States to appear before the world as a government *de facto*, succeeding to the power and authority of the United States. Oppressed by appreciation of this imminent peril and by anxiety to a greater extent than his associates, Mr. Stanton conveyed frequently and urgently his impressions and his information to

[1] McPherson's *Rebellion*, page 392. [2] Manuscript.

General Scott, and to friends and supporters of Mr. Lincoln. He deemed the most careful and thorough precautions necessary to prevent a *coup d'état* which might be fatal to the Union. It is impossible now to estimate the intensity of Mr. Stanton's conviction of this danger, or the efforts which he made, and stimulated others to make, with a view to prepare against and prevent occurrences which might have attended the installation of the new administration.

Judge Black fully shared Mr. Stanton's belief that the capital was in imminent danger. As late as the 22d of January, being confined to his room with an attack of rheumatism, he wrote to President Buchanan on the subject as follows:[1] —

You must be aware that the possession of this city is absolutely essential to the ultimate designs of the secessionists. They can establish a Southern Confederacy with the capital of the Union in their hands, and without it all the more important part of their scheme is bound to fail. If they can take it, and do not take it, they are fools. Knowing them as I do to be men of ability and political good sense, not likely to omit that which is necessary to forward their ends, I take it for granted that they have their eye upon Washington. To prove their desire to take it requires no evidence at all beyond the intrinsic probability of the fact itself. The affirmative presumption is so strong that he who denies it is bound to establish the negative. But there are additional and very numerous circumstances tending to show that a conspiracy to that effect has actually been formed, and that large numbers of persons are deeply and busily engaged in bringing the plot to a head at what they conceive to be the proper time. I do not mean now to enumerate all the facts.

[1] Crawford's *Genesis of the Civil War*, page 241; Curtis's *Life of Buchanan*, vol. ii. p. 491.

They form a body of circumstantial evidence that is overwhelming and irresistible.

I know that you do not believe this, or did not when I saw you last. Your incredulity seemed then to be founded upon the assurances of certain outside persons, in whom you confided, that nothing of that kind was in contemplation. The mere opinion of these persons is worth nothing apart from their own personal knowledge. They can have no personal knowledge unless they are themselves a part of the conspiracy. In the latter case fidelity to their fellows makes treachery to you a sort of a moral necessity.

He implored the President to prepare for the worst, because "preparation can do no possible harm in any event, and in the event which seems to me most likely, it is the country's only chance of salvation."

In a controversy which arose soon after Mr. Stanton's death concerning the events which transpired during that period, Judge Black made the following reference to Mr. Sumner's statement of his interview with Mr. Stanton, and to the danger which menaced the capital: —

Early in the winter somebody started the sensational rumor that on or before the 4th of March a riot would be got up in Washington which might seriously endanger the peace of the city. It was discussed and talked about and blown upon in various ways, but no tangible evidence of its reality could ever be found. The President referred to it in a message to Congress, and said he did not share in such apprehensions; but he pledged himself in any event to preserve the peace. When the midnight meeting took place (between Stanton and Sumner), the rumor had lived its life out, — had paid its breath to time and the mortal custom of such things at Wash-

ington; it was a dead canard which had ceased to alarm even women or children.[1]

If Judge Black's statement of 1870 is true, — that Mr. Stanton, "in January, 1861," attempted to impose upon Mr. Sumner "a dead canard," — it follows that Judge Black, in his letter of January 22, to President Buchanan above quoted, was attempting the same imposition upon his chief. The noble anger to which he was then stirred by the machinations of the country's enemies spoke out in that letter in terms too earnest to admit of a doubt of its genuineness. His language of 1870 must be attributed to a frame of mind which rendered it impossible for him to do justice to Mr. Stanton on any subject whatever.

Four days after the date of this letter of 1861 a resolution was adopted in the House for an inquiry whether any secret organization hostile to the government of the United States existed in the District of Columbia, and whether any federal or city officers were members thereof.

Without awaiting the result of this investigation, and before the count of the electoral vote, the President ordered a body of regular troops to Washington. This action caused the introduction of a resolution into the House (February 11, 1861), calling upon the President for the reason which prompted it, and inquiring whether he had "any information of a conspiracy on the part of any portion of the citizens of the country to seize the capital and prevent the inauguration of the President-elect."

[1] Black's *Speeches and Essays*, page 81.

On the 12th of February the committee of the House reported that, after the presidential election, disaffected persons of high and low position consulted together on the question of submission, and also upon various modes of resistance to the result.

> Among other modes [says their report] resistance to counting the ballots; to the inauguration of Mr. Lincoln; the seizure of the capital and District of Columbia were discussed informally in this city and elsewhere. But too much diversity of opinion seems to have existed to admit of the adoption of any well-organized plan, until some of the States commenced to reduce their theories of secession to practice. Since then the persons thus disaffected seem to have adopted the idea that all resistance to the government, if there is to be any, should have at least the color of state authority. If the purpose was at any time entertained of forming an organization, secret or open, to seize the District of Columbia, attack the capital, or prevent the inauguration of Mr. Lincoln, it seems to have been rendered contingent upon the secession of either Maryland or Virginia, or both, and the sanction of one of those States.

The committee said that certain political organizations in Maryland and in the District had, since the election, been changed into military organizations, but "there was no proof that they intended to attack the capital or the District, unless the surrender should be demanded by a State to which they professed a higher degree of allegiance." From this it appeared that if Maryland should secede, the federal capital was to be claimed by her, on the same authority of state sovereignty by which sixteen forts with over twelve hundred guns, that had cost the government six and a half

millions of dollars, had then already been seized and held in the Southern Confederacy which had been formed at Montgomery some days before.

On the 18th of February Secretary of War Holt, to whom the President had referred the House resolution of inquiry concerning the cause of stationing troops in Washington, made a report. Alluding to the revolution, which he said had been in progress during the three preceding months, he recited what had been accomplished by its "surprises and treacherous and ruthless spoliations:" arsenals seized and arms appropriated; forts captured and garrisoned; and more than half a million of dollars stolen from the New Orleans Mint, and placed in the state treasury of Louisiana. He told of the surrender of revenue cutters to the enemy by the officers in command of them, and of the treasonable conduct of men occupying the highest positions in the public service. He said that "the earnest endeavors made by men known to be devoted to the revolution, to hurry Virginia and Maryland out of the Union, were regarded as preparatory steps for the subjugation of Washington." His belief in the existence of such a scheme "rested upon information, some of which was of a most conclusive character, that reached the government from many parts of the country, not merely expressing the prevalence of the opinion that such an organization had been formed, but also furnishing the plausible ground on which the opinion was based." To these were added "the oft repeated declarations of men in high political positions here, and who were known to have intimate relations with the

revolution, if, indeed, they did not hold its reins in their hands — to the effect that Mr. Lincoln would not, or should not, be inaugurated in Washington."

President Buchanan, in a special message to Congress of March 2, said: —

> At the present moment, when all is quiet, it is difficult to realize the state of alarm which prevailed when the troops were first ordered to this city. This almost immediately subsided after the arrival of the first company.

Thus the President and his Secretary of War, the committee of Congress, and Judge Black himself all bore witness that Mr. Stanton was not imposing a "dead canard" upon Mr. Sumner at the midnight conference they had "in the month of January," 1861, as charged by Judge Black in 1870.

It is beyond controversy that the early plans of the disunionists included the secession of Maryland at all hazards, and under whatever coercion might be necessary and possible, in order that the nation's capital might be proclaimed either the capital of the Southern Confederacy as such, or as the successor of the subverted government of the United States. The careless prediction of this scheme, by individuals who were in full sympathy with the secession movement, was like the smoke that first indicates the existence of a dangerous fire beneath the surface. Had it been allowed to smoulder uninterruptedly, and without menace or admonition from the government, the Union element of Maryland might have been discouraged and overpowered, from without and within, and a *coup d'état* have preceded the electoral count.

Stanton, Black, and Holt coöperated in arousing the President to the necessity of guarding the capital; and a few hundred troops served to remind the conspirators that there would be two sides to the question if force should attempt in Washington what had already been done in the cotton States. Perhaps Mr. Stanton never served his country more effectively within a like period than he did in January, 1861, by his unremitting zeal in showing its friends the dangers above described, and leading them in creating the pressure under which the President finally took measures to guard against them. The presence of the troops ordered to Washington by Mr. Buchanan was the first evidence the secessionists had seen that even under an administration they had helped to create, and with which they had separated less than thirty days before, the nation would resort to arms against rebellion. It doubtless gave a check to the secession movement in the border States, for it brought home to them the reality that secession ultimately meant war, in which, from their position, they must be the greatest sufferers.

CHAPTER XXIII

Mr. Stanton's Democracy and his Patriotism. — His Attitude towards Slavery. — The Pro-Slavery Constitution. — His Views on Compromise Propositions, compared with those of Mr. Lincoln. — Patriotic Motives of Both. — Necessity of making Union and not Anti-Slavery the Test. — The Outlook for Emancipation at that Time. — The Northern Disunionists.

It is to the everlasting honor of Mr. Stanton that from the time he came in contact with public affairs he became, and to the end remained, an object of intense hatred to every enemy of his country. To those Democrats who claimed the right of secession to be a fundamental plank in the Democratic creed, and to those who, although denying it, were so imbued with party spirit that they would not sustain the government when under an opposition administration, he was equally odious. To be for the Union cause was, in their view, to be an "abolitionist," because it was upholding the national authority under an administration opposed to the nationalization of slavery. The attempt was made to dragoon all Democrats into sympathy with the rebellion by denouncing unconditional unionists as abolitionists. Mr. Stanton was one of those with whom this utterly failed. He was for upholding the laws, whether their enforcement was intrusted to one party or another, and whether the offenders against them had been politically his friends or his opponents.

But he did not go over to the Republicans in 1861, nor profess to agree with them in their treatment of the slavery question. He entered the Cabinet of Mr. Buchanan a Democrat in December, 1860, and left it a Democrat in March, 1861. It has been said that he was a "pro-slavery Democrat." He was a lawyer, and a good one. He believed in obeying the Constitution and the laws, and he had the lawyer's habit of acquiescing in the opinions of the Supreme Court of the United States upon all questions arising under them. In this obedience he made no mental reservation, and appealed to no "higher law."

There were growing numbers in the Republican party who, without rebuke from their associates, resisted the enforcement of the Fugitive Slave Law, in obedience to what they termed a "higher law." This was an assertion of the right of each citizen to determine for himself not only which laws he would approve, but which he would obey. It was, of course, a menace to every private right that depended for its protection upon the authority of the law. Mr. Stanton did not rise to the heights occupied by these men; like Mr. Lincoln, he favored obedience to all the laws of the land.

As orderly people in our day uphold the rights of property, notwithstanding the apparent lack of Christian spirit which some of them think governs its acquisition and distribution under existing systems, so the men of his school maintained the supremacy of the law above all individual protests concerning slavery. Slavery was an established wrong, for which no lawful

remedy existed short of a constitutional amendment. This remedy seemed impossible, for no change could be made without the assent of three fourths of the States, and fifteen of the thirty-one States then constituting the Union were slave States. It would require an addition of twenty-nine new free States to the existing sixteen to make the requisite number of three fourths, even if every free State should then favor abolition. When it is remembered that the abolitionists were then despised, persecuted, and mobbed even in New England, and that Pennsylvania voted for possible slavery extension as late as 1856, the reader of this generation will see how seemingly hopeless was the cause of the slave. Indeed, while sympathy for his condition was an impulse of human nature, which could not be extinguished by law, it did not seem to most people a duty to engage in a bloody revolution for his liberation. Previous to the civil war, the great body of the Northern people, including most of the Republicans, were in favor of living up to the terms made with the slave-holders when the Constitution was framed, and without which it would never have existed. Mr. Stanton preferred, as did Mr. Lincoln, a reaffirmation of that agreement, with a clear settlement of all disputed points, to an appeal to arms which might imperil the Union. They preferred the Republic, even with slavery interwoven in its structure at its birth, to the unknown evils which would follow if it should go down in the flames of a civil war.

The grim declaration of Garrison, the great leader of the "immediate emancipationists," that the Constitu-

tion of the United States was "a covenant with death and an agreement with hell," was but his way of stating the historical fact that the States which, in 1789, deemed the continuance of slavery desirable joined the States in the North which desired commerce to be under national control, in the formation of a national government only on the conditions plainly expressed in the federal Constitution, that their peculiar institution should remain undisturbed; that the slave trade might continue unmolested by Congress for twenty years; that fugitive slaves should not become free by escaping into free States; and that in addition to the representation in Congress based upon free population, they should have additional representation proportioned to three fifths of the slaves owned by their people. The commercial States made the bargain without reserve, and the nation came into existence, not only committed to the toleration of slavery as an interest sanctioned by the Constitution, but bound to the enforcement by Congress of all the guarantees it had secured. Just what these guarantees were became the theme of differences and discussions which finally resulted in the civil war. The views of Northern men as well as Southern men concerning them underwent many changes. The slavery propaganda carried along with it, in every new pretension, parties and politicians, Presidents and Congresses, and finally the Supreme Court, — the authoritative expounder of the Constitution.

The Democratic and many of the Republican unionists of 1860–61, including Mr. Lincoln himself, found

it easy to tolerate differences of opinion among themselves, and were willing to preserve the Union by amendments to the Constitution, intended to fairly settle all disputed questions as to the true meaning of the original terms. On the 20th of January, 1861, Mr. Stanton wrote as follows to his friend, John F. Oliver, at Steubenville, Ohio: —

I am very much obliged to you for your note of the 17th instant. It was the first information, and all that I have received as to the proceedings in Steubenville, in respect to the present state of public affairs. If the resolutions of your meeting were sanctioned by the Republican party in Congress, I think that the troubles that now disturb and endanger the country would speedily be removed.

The Steubenville resolutions referred to approvingly in this letter were adopted at a meeting of citizens, assembled without regard to party, on the 15th of January. They favored the border-state compromise propositions, and if these could not be had, then a war for the Union. These propositions were all subsequently indorsed by Mr. Lincoln, except the one to restore the Missouri Compromise line of 36° 30′ as the boundary between slavery and freedom in all the Territories. Upon one to make slavery perpetual in the slave States Mr. Lincoln said in his inaugural address: —

I understand a proposed amendment to the Constitution — which amendment, however, I have not seen — has passed Congress, to the effect that the federal government shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not

to speak of particular amendments, so far as to say that, holding such a provision to now be implied constitutional law, I have no objections to its being made express and *irrevocable.*[1]

Mr. Lincoln was inflexibly opposed to making any concession on the territorial question, by which slavery could occupy any newly acquired territory; but he wrote to Thurlow Weed, December 17, 1860, that he might say for him, to a convocation of governors, that he thought "all opposition, real and apparent, to the fugitive slave clause ought to be withdrawn," and to Mr. Seward he wrote February 1, 1861, after again asserting his unalterable opposition to slavery extension: —

As to fugitive slaves, District of Columbia, slave trade among the slave States, and whatever springs of necessity from the fact that the institution is amongst us, I care but little so that what is done be comely, and not altogether

[1] The proposed amendment to the Constitution here referred to by Mr. Lincoln was known as the Corwin amendment, and was as follows: —

"*Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring,* —

"That the following Article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said legislatures, shall be valid to all intents and purposes as a part of the said Constitution, namely: —

"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 said State."

This joint resolution passed the House on the 28th of February by a vote of 133 to 65. It passed the Senate on the 2d of March by a vote of 24 to 12.

outrageous. Nor do I care about New Mexico, if further extension were hedged against.

The motives which actuated Democratic and Republican unionists in thus offering their several plans for an amicable settlement of the great conflict were in the highest degree patriotic. They sought to give Southern unionists ground on which to stand. They believed the advocates and defenders of slavery would prevail, if united, and they sought to divide them. Confronted with a revolution against the lawful authorities, they felt the necessity of resting their own feet firmly upon the rock of the law. They did not deem it wise to meet revolution with counter-revolution.

The cause of the Union was still dear to a large portion of the people in some of the slave States. The secessionists were endeavoring to show them that unionism and abolitionism were convertible terms, and that only outside of the Union would their slave property be safe. On the other hand, the unconditional unionists were laboring with equal zeal and energy to satisfy them that the laws for the protection of slavery would be as faithfully enforced as other laws within the Union. If ten slave States should secede and succeed in establishing a new confederacy, the remaining five would be powerless to prevent the adoption by the sixteen free States of an amendment to the Constitution abolishing slavery. To place the border State slave-holders beyond the reach of this apprehended danger and incentive to secession was the object of those who favored the proposed Corwin amendment,

making slavery perpetual unless terminated by its own votaries.

Mr. Seward wrote to Mr. Lincoln December 16, 1860: —

> The action of the border States is uncertain. Sympathy there is strong with the cotton States, while prudence and patriotism dictate adhesion to the Union. Nothing could certainly restrain them but the adoption of Mr. Crittenden's compromise, and I do not see the slightest indication of its adoption on the Republican side of Congress.

The only proposition of Mr. Crittenden's to which Mr. Lincoln objected was that which looked to a reëstablishment of 36° 30′ as a line below which slavery should be permitted in newly acquired territory. Mr. Stanton thought, with Mr. Seward, that there was no certainty of preventing the secession of the border States with any less concession than this. Of the then existing Territories, only Arizona and New Mexico would have been affected by it. Stanton was not ready then to peril the existence of the Republic upon a struggle, on one side of which were those who were for the Union with or without slavery, and on the other all who were for slavery with or without the Union. Had such a division been forced at that time, the result would have been extremely doubtful, with the probabilities against the Union and in favor of slavery.

Abraham Lincoln was willing to place the nation under perpetual bonds to keep the peace towards slavery, and even to see that institution extended into New Mexico, rather than see the Union go down, or

even to encounter the perils of a war for its preservation. He preferred the Union with slavery to no Union. Mr. Stanton was willing to add to Mr. Lincoln's offer the extension of slavery into Arizona, and into any new territory that might be acquired south of 36° 30′. Both were intensely devoted to the Union, and sought its preservation by peaceful means; and both were unconditionally for its preservation, whether with or without slavery, by any means that resistance to its authority might render necessary.

Republicans there were who preferred separation either to war or to further concessions to slavery. Had they prevailed, the slaves in the seceding States would have been doomed to a bondage as hopeless as that proposed in the constitutional amendment forbidding any abolition amendment; and it cannot be doubted that all of the slave States would then have seceded. These advocates of a peaceable separation would, of course, have flourished better politically in a free Northern Confederacy, but their success would have indefinitely delayed the ultimate triumph of the cause of human freedom.

The unconditional unionists knew as well as did the unconditional disunionists, that the Union and slavery could not both long exist. The former were willing to trust to the logic of events to deal with slavery, while they battled for the Union. Union slave-holders there were who loved their country more than they did their slave property, and it was a wise policy as well as simple justice to give them a voice in determining the best means to be employed, and the best tone to be adopted,

for strengthening the Union cause in the border slave States. Dismal as was the outlook apparently for the slave, there seemed good ground for hope that if the nation marshaled its power against secession and rebellion only, the supporters of slavery would divide, and that ultimately those of them whose patriotism meanwhile stood fire would consent to cripple the enemy by every means known in civilized warfare, including, if need be, the liberation of their slaves. Good faith towards this element was the best policy for the government, for they knew best how to widen the breach which secession was making among the slave-holders, and were interested in making the most of such knowledge.

If the results of this so-called border state policy seem to have been meagre in the way of proselytizing slave-holders to the Union cause, they were of vital and controlling importance in building up at the North a Union party irrespective of previous political affiliations. Stanton, Holt, Douglas, Dix, Butler, Dickinson, Grant, Sherman, Sheridan, Logan, and Thomas were representative men of the great body of Union Democrats who would not have enlisted in an anti-slavery crusade as the counterpart of the secession movement. They were incensed against lawbreakers, and whatever their views may have been as to the system of slavery, they saw it in its legal aspect only, and felt that it could not then be menaced without doing violence to the majesty of the law, to uphold which the nation was about to be called to arms.

If patriotism went before humanity with the Union

Democrats, so it did with the main body of the Republicans, who were pledged as a party not to disturb slavery in the slave States. When the time came for slavery to die that the nation might live, none saw it earlier or declared for it with more alacrity than men like Stanton, who in those days were stigmatized as "pro-slavery" Democrats by some pro-slavery Whigs.

CHAPTER XXIV

Expiration of Buchanan's Administration. — Summary of his Course towards the South. — Stanton's Great Influence upon him.

The administration of Mr. Buchanan expired without having either surrendered or reinforced the two remaining Southern forts, Sumter and Pickens. The legacy it left was a hostile nation on a war footing within the limits of the United States, and a powerful faction in the adhering States denying the right of the government to return the blows its enemy was openly preparing to deliver. The Southern leaders, however, heeded the warning of the President, speaking through Secretary of War Holt, February 6, that an attack upon Fort Sumter would be regarded as an act of war, which the government would meet with all its powers. The assault was postponed, and Anderson's little garrison still pinned the Palmetto State, frantic with rage, to the Union from which, with much pomp and circumstance, she had declared herself free.

There is no reason to believe that Mr. Buchanan was willing to see the Union dismembered, or that he was conscious of having given dangerous aid or encouragement to the secession cause. He was infatuated with the idea that slavery had been greatly injured by all who had questioned any of its demands, and seemed to imagine that its upholders could be placated by being

told so by him. Ignoring the fact that the Republicans had been voted into power, he continued, probably from sheer force of habit, to argue that it was their duty to renounce their principles, as an inducement to the defeated political South to acquiesce in the result of a presidential election and to remain in the Union. Unable to discard the political prejudices of years, he adhered to and proclaimed them at the expense of his reputation, at a time when they but added to the exasperation of the hour.

After he had finally made a stand against the inadmissible demands of the secessionists, and had formally approved the movement of Anderson into Fort Sumter, no act or omission of his deserved unfriendly criticism. Had his course from the beginning been as clear of offense as it was from and after the 10th of January, his anxiety to avoid a collision would have been approved. The country would then have believed that it was founded on solicitude for the Union, and not for the Southern cause. When this same policy was continued by Mr. Lincoln, — as it was, — none thought of attributing it to a want of patriotism. Mr. Buchanan was distrusted rather for the advance of false doctrines at first, and for the far-reaching consequences of such action, with which he was fairly chargeable, than for any subsequent enforcement of those political heresies, — for of this he was innocent. The unionists were not offended because of his failure to provoke collision or war with the South, at a time when the country was all unprepared, but because he had encouraged the revolutionary faction, by declaring that the government could

MR. STANTON'S WASHINGTON HOME, 1861–1869

The house where he died

not constitutionally defend itself against a rebellion, except at the back of a United States Marshal with a writ in his hand.

Mr. Stanton's influence in the councils of Mr. Buchanan had been instant and controlling. The President had, before his entrance into the Cabinet, been guided to a dangerous extent by Southern political friends, who had suddenly been transformed from the arrogant leadership of a dominant party to the management of the treasonable conspiracies which necessarily precede rebellion. It was difficult for him to immediately realize that some of his most trusted counselors and supposed personal friends were, in very fact, traitors, plotting for the overthrow of the nation he was sworn to defend. He had allowed General Cass to resign rather than break with these men. Black and Holt had been unable to reverse the tendency which was thus drifting him to final ruin, and threatening the safety of the government. Not until Stanton entered his councils was he aroused to a sense of his duty and of his danger.

Stanton instantly changed the tone of debate, and, in a cabinet discussion as to the binding force of a shuffling unofficial agreement to leave Sumter unprotected, thundered out the blunt truth to Floyd and Thompson, that they were advocating the commission of a crime for which, if committed, they ought to be hanged, and were urging the President to an act of treason for which, if performed, he could be impeached, removed from office, and punished under the penal code. Floyd, who had up to that very time posed as a unionist, now appeared in his true character, and gave up the contest

by resigning. Thompson soon followed on a false pretense, and Thomas, Cobb's successor, followed him. The President surrounded himself with a patriotic Cabinet, and thus escaped the fate false friends had been preparing for him.

PART III

STANTON'S DISCONTENT. — OPENING OF THE REBELLION

CHAPTER XXV

1861. — The Accession of Mr. Lincoln. — The Situation. — Jealousy and Distrust among the Unionists.

The Republican party made its advent into power in 1861 under difficulties and hindrances not easy to be understood by the present generation. Not the least of these were its own inconsistencies and incongruities. Its principles were shifting and its purposes vague. Appealing to the highest humanity against the system of slavery, it confessed itself bound by the Constitution to tolerate that system, and pledged itself to obedience. A sufficient number of its Senators and Representatives in Congress voted with others to carry through that body in 1861, by the requisite two-thirds' vote, a proposed amendment to the Constitution, which, if adopted, would have forbidden any further amendment to that instrument on the subject. Mr. Lincoln gave this his sanction in his inaugural, although he had previously declared that agitation on the subject of slavery would never cease until the system had been placed

where the public mind would rest in the belief that it was in the course of ultimate extinction. Organized upon the main proposition that slavery must be excluded from the Territories by congressional enactment, it abandoned that policy the first time it had the power to enforce it. It organized Colorado, Nevada, and Dakota Territories with no restriction against slavery in either of them, and allowed a slave-code to remain undisturbed upon the statute-book of the Territory of New Mexico. Rallying the people in some of the States by loud denunciations of the iniquities of the Fugitive Slave Law, its great leader signalized his induction into the presidency by adding to his oath of office a specific pledge that the odious law should be enforced. Thus it came in, promising to chain the emotions and suppress the aspirations to which it owed success, and lost its identity before it took the reins of power.

It was made up of heterogeneous elements, between the leaders of which hostilities broke out before the Cabinet had been formed. Whig and Democratic "war-horses," who bore the scars of many a political battle in which they had been arrayed against each other, were now united in one party, agreed only on the policy of saying enough against slavery to secure the favor of the anti-slavery men of the North, just as they had, ten years before, in their respective parties, pursued the policy of doing enough in favor of slavery to secure the support of the slave-holders of the South. The party had created hopes among sincere anti-slavery men which it would have been lawless to

fulfill, and had aroused fears among the defenders of slavery which it felt called upon to allay in the interest of peace and the safety of the Union. Within its ranks were every shade and variety of opinion on the slavery question, as well as every degree of indifference on the subject. In the Cabinet sat Chase, a pioneer of the Liberty party, and Blair, the head of the "claybank" Republicans of the slave State of Missouri. It had met with no tolerance at the hands of its enemies, and had exhibited none for them. Its orators and writers had a copious vocabulary of expletives for opponents, such as "slave-drivers" and "doughfaces," and in turn it was derided as a party of "negro-worshipers" and "black Republicans." It embraced most of the radical anti-slavery element which had for years advocated the dissolution of the Union as an escape from continued Northern responsibility for "the sin of slavery," and all who had joined their ranks in later years as nullifiers of the Fugitive Slave Law.

The secession movement now developed a new element, headed by prominent Republican leaders, like Greeley and Chase, who thought that a Union of non-slave-holding States only would be preferable to any attempt to maintain by force the Union with the slave States. The Republican party was, by this element, placed under suspicion of caring less for the whole Union than for so much of it as they could with certainty control.

The Union Whigs who had voted for Bell, and the Union Democrats who had voted for Douglas, — numbering, together, nearly a hundred thousand more than

those by whose votes Mr. Lincoln had been elected, — were exasperated by defeat, irritated by the reproaches of the extremists, North and South, and inclined to force the new administration to some concessions. They clamored for new security for the property rights of the slave-holders, many of whom were earnestly protesting against disunion.

Union men there were who had voted for Breckenridge; but the main body of his supporters were Southern secessionists or their Northern sympathizers. Those of them who were for the Union proved the sincerity of their patriotism by boldly advocating "all means to crush," since conciliation had failed. They felt keenly the ingratitude of the South, which would leave them naked to their political enemies. They had not hoped for success at the presidential election, but some of them had assurances that, after defeat, the Southern leaders would join them in an appeal to the Democratic party to unite for the campaign of 1864 on the doctrine of the Breckenridge wing, to wit, that slavery should be protected by the federal government wherever not excluded by state laws. They labored for a peaceful settlement, and parted reluctantly with those of their associates who, one after another, took their stand for disunion. But they did part with them, and were as resolute and reliable in their patriotism as any men of that period.

Not only the several parties, but factions within each party, looked with distrust upon each other. The Republicans were bewildered by the conflicting views of their leaders, and by what seemed non-committalism

on the part of the President himself. From his inauguration on the 4th of March until the firing on Fort Sumter on the 12th of April, the country was agitated by doubts as to the intentions of the administration towards the Southern confederacy, which was all that time under full and uninterrupted operation as a *de facto* government. The purpose to hold the remaining forts within the rebel States was announced in the President's inaugural, but semi-official givings out seemed to indicate that this purpose had been abandoned. Negotiations with the rebels, similar to those which Mr. Buchanan had been drawn into by one portion of his Cabinet, and led out of by another, were now resumed with Mr. Lincoln's Secretary of State, through the medium of justices of the Supreme Court;[1] and it seemed as though the ship of state was drifting upon the rocks more rapidly under the Republican than it had under a Democratic administration. Nothing occurred which, in the light of subsequent history, leaves the slightest doubt upon any mind as to the inflexible purpose of Mr. Lincoln throughout, to preserve the Union; but in his extreme desire to demonstrate to the world the nation's forbearance, and to force the South into the attitude of aggressors, if war they would have, he unavoidably risked much. At the North he endangered the morale of the Union element whenever he seemed to them to waver, while in the South, to borrow his own expression of a later period, there was danger that his magnanimity migh be mistaken for pusillanimity, and the enemy be thereby made bolder and stronger.

[1] Nelson and Campbell.

The prevailing feeling among those Union men who were not Republicans was that the latter had endangered the Union by an outcry against slavery, as an evil for which they had no remedy to propose, and that it was now their duty to pacify those slave-holders who were not secessionists by a surrender of some of the opinions on which they had triumphed at the polls.

Mr. Lincoln met all these conditions with admirable temper and marvelous skill. He did not stoop to conquer; he conquered by rising high above the smoke of the political battle just fought, and beyond the din of the party chiefs who were fighting it over again. His inaugural was so broad that not only could all Union men stand upon it, but its thrilling peroration told of still further room there, where, if they would, his "dissatisfied fellow-countrymen" might gather without loss of pride, or danger to their real interests.

But the fierce antagonisms of party were not to be ended in a day. Not until the country should be stung by an insult to its flag, and assailed by armed rebellion, could even the most patriotic of the opposition be counted on to openly and unreservedly uphold the hands of the President. Even then it took a long time for some Democrats to learn that they could not serve the cause of the Union and oppose the administration in power; and it took some Republicans a long time to learn that they could not save the Union without aid, and that there were patriots outside of their party organization. Some of both classes never learned the needed lesson at all.

CHAPTER XXVI

Surrender of Fort Sumter favored by the Lincoln Cabinet. — Effect of Supposed Non-Resistant Policy of Mr. Lincoln on Union Democrats. — Mr. Stanton as a Representative Man of this Class. — His Letter to a Friend in 1861 on the Union Question. — His Aid or Advice not sought by the Republican Administration. — Did not meet Lincoln while President until he was appointed Secretary of War. — The Hostility between Republicans and Union Democrats explained. — Bombardment of Fort Sumter.

Letters of Mr. Stanton written at this time show the distrust and dislike with which the new administration was regarded by him. They show, too, a good deal of party spirit, — much more than would be looked for by those who knew of his great services to the country afterwards, as Mr. Lincoln's Secretary of War. The toleration of Republicans by Union Democrats was a plant of slow growth, and Mr. Stanton was no exception among his fellows. The toleration of Union Democrats by Republicans was equally slow in its development, and many were permanently lost to the Union cause by the mere fact of finding themselves under unjust suspicion. Mr. Stanton wrote to Mr. Buchanan March 10 that he was perfectly satisfied Major Anderson would be withdrawn from Fort Sumter, and that Fort Pickens in Florida would also be evacuated. He was, he said, convinced by the general tone prevailing in Washington that there was not the least design to

attempt any coercive measures. On the 12th he wrote that it was the universal impression in Washington that Sumter and Pickens would both be surrendered. A morning paper at the capital had stated that this course had been determined on at the cabinet meeting of March 9.

Messrs. Nicolay and Hay, in their biography of Lincoln, say that, on that day, "after four days' consideration by the Lincoln government and extended discussion in a cabinet meeting, the loss of Sumter seemed unavoidable, and the rumor was purposely given out to prepare the public mind if the need should finally come for the great sacrifice." They also assert that on the 15th of March, for the first time, the Cabinet voted on the question, — five voting to evacuate and two to attempt to supply. The five were Seward, Cameron, Welles, Smith, and Bates. The two were Chase and Blair.

Mr. Montgomery Blair, then Postmaster-General, in a letter dated May 17, 1873, mentions the fact that the way was at one time prepared for the surrender of the fort by statements in the press that it was untenable.[1]

But although the Cabinet voted in favor of the surrender of Sumter, Mr. Lincoln never gave the order. From the time the rumor of its intended evacuation was put forth, on the 9th, to prepare the public mind for the humiliating event, the current of patriotic opinion was overwhelmingly against it, and he respected the voice of the people so given.

Mr. Stanton looked upon the prospect of abandoning Fort Sumter with unqualified disfavor. If it was a

[1] *Lincoln and Seward*, by Gideon Welles, page 65.

military impossibility to hold that fort against an attack, it was, in view of the condition of the public mind at that time, a supreme political necessity that it should be held until taken by force. Evacuation would be regarded as a recognition of the independence of South Carolina, and therefore as a consent by the government to peaceable disunion. If the Union was to be preserved, it must be either by the consent of the rebels, or by their forcible subjection to national authority. It was wise for the government not to be the aggressor, but this did not necessitate saving the rebels from being the aggressors by retreating before they advanced.

Mr. Stanton's letters during the early months of Mr. Lincoln's administration exhibit a fierce contempt for the greed for office which seemed to him oblivious of the national peril, and a thorough distrust of the capacity of the new President and his advisers to cope with the enemy. He even seemed at times to have contemplated the possibility of a total shipwreck.

He wrote March 10: "The scramble for office is terrific." On the 15th: "The pressure for office continues unabated. Every department is overrun, and by the time that all the patronage is distributed, the Republican party will be dissolved." On the 16th: "Lincoln, it is complained in the streets, has undertaken to distribute the whole patronage, small and great, leaving nothing to the chiefs of the departments."

Of the Supreme Court vacancy, he wrote on the 14th: —

There has been no further action in respect to the Supreme judgeship. It is generally understood that Crittenden will not

be nominated. Judge Campbell has reconsidered his determination and will not resign immediately. The court adjourns to-day. I am now writing in the Supreme Court room. If the court ever reassembles, there will be considerable change in its organization. Judge Grier went home sick two days ago. Judge McLean is reported to be quite ill. Lincoln will probably (if his administration continues four years) make a change that will affect the constitutional doctrines of the court.

Concerning the tariff, he wrote on the 16th: —

The Republicans are beginning to think that a monstrous blunder was made in the tariff bill, and that it will cut off the trade of New York, build up New Orleans and the Southern ports, and leave the government no revenue, they see before them the prospect of soon being without money and without credit.

April 3 he wrote to Mr. Buchanan: —

Although a considerable period has elapsed since the date of my last letter to you, nothing has transpired here of interest but what is fully detailed in the newspapers. Mr. Toucey left here last week. Judge Black is still in the city. General Dix made a short visit at the request of the Secretary of the Treasury. Mr. Holt, I think, is still here, but I have not seen him for several days. You of course saw Thompson's answer and Mr. Holt's reply. I have not had any intercourse with any of the present Cabinet, except a few brief interviews with Mr. Bates, the Attorney-General, on business connected with his department. Mr. Lincoln I have not seen; he is said to be very much broken down with the pressure that is upon him in respect to appointments. The policy of the administration in respect to the seceding States remains in obscurity. There has been a rumor for the last two or three days that notwithstanding all that has

been said, there will be an effort to reinforce Fort Sumter, but I do not believe a word of it. The special messenger, Colonel Lamon, told me that he was satisfied it could not be done. The new loan has been bid for at better rates than I anticipated; and I perceive General Dix was one of the largest bidders at the highest rates. The new tariff bill seems to give the administration great trouble; and luckily it is a measure of their own. The first month of the administration seems to have furnished an ample vindication of your policy, and to have rendered all occasion of other defense needless. The rumors from Richmond are very threatening; secession is rapidly gaining strength there.

On April 11 he wrote to Mr. Buchanan: —

There is great "soldiering" in town the last two days. The yard in front of the War Office is crowded with the district militia, who are being mustered into service. The feeling of loyalty to the government has greatly diminished in this city. Many persons who would have supported the government under your administration refuse to be enrolled. Many who were enrolled have withdrawn and refused to take the oath. The administration has not acquired the respect and confidence of the people here. Not one of the Cabinet or principal officers has taken a house or brought his family here. Seward rented a house "while he should continue in the Cabinet," but has not opened it, nor has his family come. They all act as though they meant to be ready to "cut and run" at a minute's notice, — their tenure is like that of a Bedouin on the sands of the desert. This is sensibly felt, and talked about by the people of the city, and they feel no confidence in an administration that betrays so much insecurity. And besides, a strong feeling of distrust in the candor and sincerity of President Lincoln and of his Cabinet has sprung up. If they had been merely silent or secret there might have been no ground of complaint. But assurances

are said to have been given and declarations made in conflict with the facts now transpiring in respect to the South, so that no one speaks of Lincoln or any member of his Cabinet with any respect or regard.

The facts about Sumter it is impossible to ascertain, for the reasons that have been mentioned, for no one knows what to believe. The nearest conjecture I can form is this: —

1st. That the Baltic has been sent with provisions for Sumter.

2d. That the Powhatan has been sent with forces to land and attack the batteries.

3d. That a secret expedition, independent of General Scott, has been sent, under charge of Fox, to make an effort to land in the night at Sumter.

The refusal to admit Captain Talbot to Sumter may prevent concert of action with Major Anderson, and I think the whole thing will prove a failure. There is no excitement here. People are anxious, but the sensation telegrams sent from here are without foundation. It is true, however, that Ben McCullough has been here on a scouting expedition, and he carefully examined all the barracks and military posts in this city, and said that he expected to be in possession of the city before long. He stayed all night at Dr. Gwin's. This has a business aspect. It is believed that a secession ordinance will be passed by the Virginia convention to-day.

Nothing could better illustrate the attitude towards the new administration, at that time, of the Union men who were not Republicans than these letters of Mr. Stanton.

Under the administration of Mr. Buchanan, during the months of November and December, the nation had seemed to be in the throes of dissolution; but in Janu-

ary and February, with a reconstructed Cabinet, it had given signs of life and vigor. The surrender of Fort Sumter had been refused; the rebel South Carolina commissioners sent home in disgrace; and those who sent them were told that if they wanted Fort Sumter, they could have it only by taking it, and that in taking it they would have to inaugurate civil war. It was not doubted that they could take it before adequate defense could be provided, but the idea of surrendering without resistance was spurned by the government of the United States, even under the administration of James Buchanan.

Those Democrats who believed the Union to be indestructible, and who did not believe that separation was preferable to war, read, therefore, with amazement and indignation in the administration daily papers, five days after Mr. Lincoln's inauguration, the semi-official announcement that Sumter was to be evacuated on the ground of military necessity. It seemed like a proclamation that the South was to be permitted to conquer without receiving a blow in exchange for those it had already administered upon the patient and enduring cheek of the nation. No hint accompanied it of any hope that "military necessity" would at any time compel the rebellion to check its march or lower its standard. The nation was literally lying "supinely on its back, while its enemies bound it hand and foot." The agony of suspense with which the patriotic people had looked forward during the winter to a change of administration was intensified by the new uncertainties, instead of being relieved by the announcement

of a positive and vigorous policy. The warlike blows struck at the nation during the winter by the seizure of its forts, and the firing on the steamer Star of the West, were not only still borne with a patient shrug, as before, but it was now given out that the government would escape a repetition of them by flight. A war of rebellion would be made unnecessary if all that was claimed by rebels in arms was thus to be yielded to them by piecemeal. They only wanted to be "let alone," for the new confederacy would then lack nothing of actual and entire independence.

The government, under Mr. Buchanan, had only been bridging over the short remaining term of his official life. There was some reason in his not precipitating a war, for the conduct of which he would not be responsible. He had lost his opportunity to strangle the rebellion at its birth, and had, indeed, early nursed it with nutritious promises of immunity from resistance. He was aroused too late to a realization of its plans, purposes, and power, and could then only avoid the final collision, and turn the government over in as good condition as possible to his successor. But none had supposed that the Republican administration would be even more undecided than its predecessor had been in its weakest hour, or that men newly invested by the people with the nation's power would be found temporizing with a faction which was in rebellion because it had been repudiated at the polls.

Mr. Stanton was one of the men who were angry and disgusted at the situation. He believed that the Union was stronger than all its foes, and much as he

preferred a peaceful solution of existing troubles, he was for meeting force with force and not with surrender. The spirit which animated him was expressed in a letter written by him in January preceding to an old friend who had congratulated him on his appointment by Mr. Buchanan as Attorney-General. He wrote: —

> Your kind letter was received this morning, and I thank you for the confidence and regard it expresses for myself. You are right in supposing it to be my determination to do everything in my power to preserve and maintain this government, and the Constitution under which the United States have been so prosperous. The means you indicate, I agree with you, are the proper ones for this emergency; and so far as it is possible they will be exerted. I have undoubting faith that this government cannot be overthrown — that it was ordained of God, and that the powers of hell cannot prevail against it. We may have trouble; the city of Washington may be captured; but every effort will be made to prevent that catastrophe, and even if it does happen the revolutionists will be as far as ever from accomplishing the destruction of the government, — but much nearer to their own destruction.

Notwithstanding the willing testimony of Republican leaders to Mr. Stanton's patriotic zeal and courage, during the secession winter, while a member of Mr. Buchanan's Cabinet, it does not appear that his aid or advice was sought by the new administration during the year 1861. Indeed, we have his own statement that he never once met Mr. Lincoln during all the period intervening between the 4th of March, 1861, and the 15th of January, 1862.

No personal reason need be sought to explain the

lack of community of feeling between Union Republicans and Union Democrats at that time. Equally patriotic in intent, they were equally unable to do each other justice. They entertained for each other feelings of contempt, distrust, and dislike.

It is difficult for this generation to comprehend how the spirit of party swayed the most ardent Union men in those days. The Republicans thought their party entitled to the advantage given it by its necessary identification with the patriotic cause, and were inclined to regard as disloyal all who were not willing to enlist in their party ranks, and under their party name. The Union Democrats denied the right of the Republican party to seek a partisan advantage in the approach of a civil war. They thought the largest Union party could be rallied under their lead, and that if the country was to be saved, it must be by a grand uprising of the people of all parties. They feared that to drop the name of "Democracy" would taint the party with "black Republicanism," and lose to its support hundreds of thousands of men who would not be Union men unless they might still call themselves "Democrats." The victorious Republicans, of course, naturally refused to entertain the idea of adopting the names of their opponents or of dropping their own. And so the struggle for precedence went on. The leaders of each party hoped to rally the masses to their own standard, and to leave the opposing leaders without followers. All were endeavoring to reconcile their intense partisanship with their equally intense patriotism.

Such were the currents of public feeling when the rebel authorities made good the declaration of their commissioners at Washington, — that the attempt to provision Fort Sumter would be treated by them as an act of war. The notification of April 8 to Governor Pickens of such an intention on the part of our government was followed by the rebel bombardment of that fort on the 12th of April, 1861. President Lincoln immediately issued a call for 75,000 volunteers to fight for the cause of the Union.

CHAPTER XXVII

The Attack on Sumter. — Stanton on the Outlook. — His Want of Confidence in Mr. Lincoln. — The Reasons for it. — Mr. Buchanan declares his Allegiance to the Union Cause.

On the day of the bombardment of Fort Sumter, April 12, Mr. Stanton wrote to Mr. Buchanan as follows: "We have the war upon us. The telegraphic news of this morning you will have seen before this reaches you. The impression here is held by many, 1st, that the efforts to reinforce will be a failure; 2d, that in less than twenty-four hours from this time Anderson will have surrendered; 3d, that in less than thirty days Davis will be in possession of Washington."

Mr. Stanton's apprehension for the safety of the national capital may well have been grounded upon the ready aggressiveness of the rebels, and the unready and temporizing policy of the new administration. For more than thirty days he had seen the Cabinet groping in the darkness of indecision, — nerveless and purposeless, — afraid to advocate the defense of the country, and afraid to let the country know they were afraid. General Scott had advised the surrender of whatever positions could not be held without force. The nation seemed to be drifting towards an opportunity for the scheme favored by many of a national convention of all

the States. Such a convention would probably have decided into how many confederacies the nation should be divided, if the South still resisted moral suasion, and insisted upon being allowed, as General Scott phrased it, like "wayward sisters" to "depart in peace."

The early halting movements of Mr. Lincoln's administration caused many patriotic men who, like Stanton, were not wedded to it by party ties, to withhold from it their confidence, and to criticise it in terms which now seem harsh and unjust. To such men the attack on Sumter appeared to have precipitated a war for which the government had no place in its calculations. General Sherman, in his "Memoirs" (page 168), expresses this view in the following account he gives of a call he made on President Lincoln late in March, 1861, when his brother John introduced him, saying: "Mr. President, this is my brother, Colonel Sherman, who is just up from Louisiana; he may give you some information you want."

"'Ah,' said Mr. Lincoln, 'how are they getting along down there?' I said, 'They think they are getting along swimmingly — they are preparing for war.' 'Oh well,' said he, 'I guess we'll manage to keep house.' I was silenced, said no more to him, and we soon left. I was sadly disappointed, and remember that I broke out on John, d—ning the politicians generally, saying, 'You have got things in a hell of a fix, and you may get them out as best you can,' adding that the country was sleeping on a volcano that might burst forth any moment."

Nothing could better illustrate the provoking calm-

ness and apparent insensibility to facts which pervaded the government circles at that time than this brief colloquy between Lincoln and Sherman, just prior to the action of the "volcano" to which the latter referred.

Stanton's gloomy forebodings of disaster, in his letter above quoted, seemed warranted by the conditions then existing. To some minds it seemed likely that the nation would be subjugated before its rulers could realize that it was in any danger. Why the national capital was not seized at the beginning of the rebellion, as Mr. Stanton predicted it would be, is an unexplained mystery. Hemmed in between two slave States, inhabited mainly by a slave-holding and secession-sympathizing population, and with no preparations for defense which could for a moment compare with the force that could any day be thrown against it, it seemed only awaiting the hour when its possession should seem desirable to the enemy.

Mr. Buchanan, from his home in Wheatland, wrote to General John A. Dix, April 19: —

> The present administration had no alternative but to accept the war initiated by South Carolina or the Southern Confederacy. The North will sustain the administration almost to a man; and it ought to be sustained at all hazards.

To Mr. Stanton, he wrote, May 6: —

> The first gun fired by Beauregard aroused the indignant spirit of the North as nothing else could have done, and made us a unanimous people. I had repeatedly warned them that this would be the result.

In "The National Intelligencer" (Washington), May 16, a patriotic letter from Mr. Buchanan appeared in support of the defensive war measures adopted by the administration. By public utterances, as well as in private correspondence, he seemed to have taken his stand as an unreserved supporter of the Union cause.

CHAPTER XXVIII

The Two Uprisings. — One for the Union, and the Other for Slavery. Radicals and Conservatives. — Discontent among Union Men. — Mr. Stanton's Trenchant Criticisms of the Administration in Private Letters.

The attack on Sumter was the signal of two mighty uprisings, which stirred to their utmost activity the centripetal forces of national pride and patriotism, and the centrifugal forces of local interest and passion. Positive men responded with alacrity to the call, and ranged themselves, some on the side of unconditional devotion to the Union, and some of unconditional devotion to the institution of slavery, and incidentally to the dogma of state sovereignty.

The insult to the flag carried with it a sense of personal insult and outrage to all who were Unionists without an "if," and made them resolve on the humiliation of those who had thus defied the nation's authority, and challenged it to mortal combat. On the other hand, equally resolute were those who were determined that the institution of slavery should not be subjected to any abatement of its rights or pretensions under an administration avowedly opposed to some of those pretensions, and to them disunion seemed its only protection. Outside of these two classes were hundreds of thousands who were stunned and dazed by the colli-

sion between slavery and the Union, to the defense of both of which they were strongly committed, and between the claims of which they knew not how to choose. To secure the support of these, the earnest men of both sides at once put forth every effort. The rebel leaders strove to convince them that slavery was safe only outside of the Union. The Union men sought to satisfy them that it had always been amply protected within the Union, and would continue to be. Only those who lived in slavery days can realize the terrible force of public opinion on the subject. Sympathy with Abolitionists was angrily disclaimed by Republicans, but they could not rid themselves of the taint. The danger to the Union cause was that with many the love of country would not be a motive strong enough to overcome the dread of the opprobrium that would attach to those who would serve it under a "Black Republican" President.

Great Union meetings were held, officered, and addressed by Union men, without regard to their party relations. The most imposing of these, as it was one of the earliest on a large scale, was held in New York city. It was called by a Union committee, of which John A. Dix was chairman. To him Mr. Stanton wrote April 23: —

> This will be handed you by Mr. Andrews, with whom you are acquainted. He will inform you of the state of affairs here; they are desperate beyond any conception.
>
> If there be any remedy — any shadow of hope to preserve this government from utter and absolute extinction — it must come from New York without delay.

Republicans might well be pardoned if they remembered the hard words of the preceding fall and winter, and if, so remembering, they came slowly to believe in the unadulterated patriotism of opponents who had predicted disunion as the natural result of Republican victory. But they had to surrender such doubts when prominent Democrats like Douglas, Dickinson, Butler, Stanton, Logan, Dix, Holt, and others came forward, calling on the patriots of all parties to stand by the flag.

The President's call for troops was responded to with alacrity, and he had to select generals to command them. This was the first test of the extent to which the war was to be made to appear in any manner subservient to party interests. The Republican party men could of course all be relied on to sustain the President of their choice. But how would the Democrats stand the fire of a rebel-sympathizing press at the North, ridiculing volunteers as "Lincoln's hirelings," and denouncing the war for the Union as an "Abolition war," and all who favored meeting force with force as "Black Republicans"? The answer to this question was largely dependent upon the extent to which the new administration would exhibit confidence in the men who were willing to be thus denounced by old party friends for their devotion to the flag. It was not in human nature for men to join hands with political opponents for a patriotic purpose, if they were to be received coldly as if with distrust. A Union party, and not merely a recruited Republican party, was felt to be necessary for the safety of the country. This necessity was met in

due time, but not until after much discontent had been caused by an apparent tendency to give Republicans too largely the preference in the bestowal of honors. John A. Dix wrote complainingly to Mr. Buchanan, May 28, 1861: —

Ever since I wrote you last, I have been busy night and day, and am a good deal worn out by my labors on the Union Defence Committee, and by superintending the organization and equipment of nine regiments, six of which I have sent to the field, leaving three to go to the field to-morrow and the day after. The post of Major-General of Volunteers was tendered to me by Governor Morgan, and I could not decline without subjecting myself to the imputation of hauling down my flag, a thing altogether inadmissible. So I am in harness for the war, though the administration takes it easy, for I have not yet been accepted, and there are rumors that there are too many Democratic epaulettes in the field. There seems to be no fear at Washington that there are too many Democratic knapsacks. New York has about 15,000 men at the seat of war without a general, except Sanford, who has gone on temporarily. How is it, my dear sir, that New York is always overlooked (or nearly always) except when there are burdens to be borne? As to this generalship, it was unsought, and I am indifferent about it entirely. I am willing to give my strength, and life if need be, to uphold the government against treason and rebellion. But if the administration prefers some one else to command New York troops, no one will acquiesce half so cheerfully as myself.

On the 8th of June, Mr. Stanton wrote to Mr. Buchanan: —

While every patriotic heart has rejoiced at the enthusiastic spirit with which the nation has aroused to maintain its exist-

ence and honor, the peculation and fraud that immediately sprung up to prey upon the volunteers and grasp the public money as plunder and spoil has created a strong feeling of loathing and disgust. And no sooner had the appearance of imminent danger passed away, and the administration recovered from its panic, than a determination became manifest to give a strict party direction, as far as possible, to the great national movement. After a few Democratic appointments, as Butler and Dix, everything has been devoted to Black Republican interests. This has already excited strong reactionary feeling, not only in New York, but in the Western States.

General Dix informs me that he has been so badly treated by Cameron that he intends immediately to resign. This will be followed by a withdrawal of financial confidence and support to a very great extent. Indeed, the course of things for the last four weeks has been such as to excite distrust in every department of the government. The military movements, or rather inaction, also excite great apprehension. It is believed that Davis and Beauregard are both in this vicinity, — one at Harper's Ferry, and the other at Manassas Gap, — and that they can concentrate over sixty thousand troops. Our whole force does not exceed forty-five thousand. It is also reported that discord exists between the Cabinet and General Scott in respect to important points of strategy. Our condition, therefore, seems to be one of greater danger than at any former period, for the consequence of success by the secessionists would be far more extensive and irremediable than if the capital had been seized weeks ago. Ould is reported as having gone off and joined the secessionists. Harvey, the new minister to Spain, it is discovered was a correspondent with the secessionists, and communicated the designs and operations of the government to Judge McGrath. It is supposed he will be recalled. Cassius Clay has been playing the fool at London, by writing letters to the "Times," which that

paper treats with ridicule and contempt. The impression here is that the decided and active countenance and support of the British government will be given to the Southern Confederacy. Mr. Holt is still here, but I seldom see him. I should have visited you, but dare not leave town even for one night. Our troops have slept on their arms nearly every night for a week, anticipating attack.

June 11, Mr. Stanton wrote to General Dix: —

It gives me great pleasure that in the midst of arduous duties you still bear me in kind remembrance. The meeting of the 24th of April in New York has become a national epoch; for it was a manifestation of patriotic feeling beyond any example in history. To that meeting, the courage it inspired, and the organized action it produced, this government will owe its salvation if saved it can be. To the general gratification of the country at your position as Chairman of the Union Committee, there was added in my breast a feeling of security and succor that until that time was unknown. No one can imagine the deplorable condition of this city and the hazard of the government who did not witness the weakness and panic of the administration, and the painful imbecility of Lincoln. We looked to New York in that dark hour, as our only deliverance under Providence, and, thank God, it came. The uprising of the people of the United States to maintain their government and crush rebellion has been so grand, so mighty in every element, that I feel it a blessing to be alive and witness it. The action of your city especially filled me with admiration, and proves the right of New York to be called the Empire City. But the picture has a dark side — dark and terrible — from the corruption that surrounds the War Department, and seems to poison with venomous breath the very atmosphere. Millions of New York capital, the time, strength, and perhaps lives of thousands of patriotic citizens will be wanted to gorge a ravenous crew. On every side the

government and soldiers are pillaged. Arms, clothing, transportation, and provisions are each and all subjects of peculation and spoil. On one side the waves of treason and rebellion are madly dashing; on the other is a yawning gulf of national bankruptcy. Our cause is the greatest that any generation of men were ever called upon to uphold — it would seem to be God's cause, and must triumph. But when we witness venality and corruption growing in power every day, and controlling the millions of money that should be a patriotic sacrifice for national deliverance, and treating the treasure of the nation as a booty to be divided among thieves, hope dies away. Deliverance from this danger must also come from New York. Those who are unwilling to see blood shed, lives lost, treasure wasted in vain, must take speedy measures to reform the evil before it is too late.

Of military affairs I can form no judgment. Every day affords fresh proof of the design to give the war a party direction. The army appointments appear (with two or three exceptions only) to be bestowed on persons whose only claim is their Republicanism, — broken-down politicians without experience, ability, or other merit. Democrats are rudely repelled or scowled upon with jealous and ill-concealed aversion. The Western Democracy are already becoming disgusted, and between the corruption of some of the Republican leaders and the self-seeking ambition of others, some great disaster may soon befall the nation. How long will the Democracy of New York tolerate these things?

The navy is in a state of hopeless imbecility, and is believed to be far from being purged of the treachery that has already occasioned so much shame and dishonor.

In respect to domestic affairs, Mrs. Stanton and I hoped to visit New York last month, but the critical state of affairs made it hazardous to leave our children, and we could not take them with us. With the enemy still at our gates, we cannot venture to leave home.

CHAPTER XXIX

The Battle of Bull Run. — Stanton's Views at the Time. — McClellan called to the Command in Virginia.

THE call for troops which followed the attack on Fort Sumter in April was fiercely assailed by the enemy as an executive usurpation, and many good Northern people could not readily abandon their long-cherished habit of going to Southern statesmen for an opinion whenever a constitutional question was presented. To convince those timid minds that the Constitution did not forbid the exercise by the nation of the law of self-preservation became an imperative necessity as it was a difficult task. The strongest leaders of public opinion in the North and on the border found themselves put on the defensive by men whose overt acts of treason seemed to be lost sight of by many, in what appeared to them to be the still greater offense of opposing the attempt upon the nation's life, by measures declared by the assailants to be unconstitutional. Such was the power of audacity over minds long accustomed to compliance with its demands. While the early summer was being devoted to satisfying these weak Union men that it was entirely constitutional to return rebel blows, and that it would not be an invasion of foreign soil for federal troops to be quartered anywhere within the territorial limits of the United States, these self-evident

propositions, by the very reason of their discussion, seemed in July still to be open questions.

Notwithstanding the establishment of a government *de facto* in the Southern Confederacy, and its vigorous preparations for war; and notwithstanding the acts of war already committed in the seizure of unresisting federal forts; the attack on the Star of the West; the bombardment and capture of Fort Sumter, and the almost complete expulsion of the federal government from within the limits which the new Confederacy had prescribed for itself, but slight resistance had yet been made to its onward march. Delay was said to be necessary to enable our raw recruits to have some instruction. But people could not help realizing that the rebel forces were likewise raw recruits, and it was discouraging that the rebellion should, even at the outset, appear so much more formidable than the government.

Under these circumstances the feverish impatience of the Unionists reached its limit; the advance of McDowell in Virginia in the middle of July was made because the government could not longer stand passive before their passionate and unyielding demand that something be done to indicate that the long parley was ended, and that there were to be two sides to the war then already begun.

The shock of battle came on the 21st of July, resulting in the flight of our troops from the field at Bull Run, while the enemy, also defeated, failed to pursue.[1]

[1] General Sherman, who commanded a brigade in the affair, thus gives his opinion of it in his *Memoirs* (page 181): —

"We had good organization; good men, but no cohesion, no real disci-

But the Unionists knew nothing of a drawn battle; they knew only of the road from Manassas to the capital crowded with Union soldiers, fleeing when none pursued, and they deeply felt the humiliation. There was much criticism of the administration and much abuse of those who had led in the cry of "On to Richmond;" but the general result was most beneficial to the Union cause. It brought the people and the government to a realizing sense of the conflict before them, and did much to prepare them for whatever efforts and sacrifices were finally to be the price of the perpetuity of the Union.

General McClellan, who had just won a great deal of reputation by his operations in western Virginia, was at once called to the command, which he assumed July 27, 1861. War had not presented to him the grim visage with which it had confronted McDowell in the East. He had been operating against skirmishing parties in a mountainous region, where the main body of the people were either friendly or indifferent to his cause. McDowell had started through an intensely hostile population on a march to Richmond, and had met the main forces of the rebellion planted directly across his path. But McClellan had the prestige of success, and his great popularity gave him the power to be of incalculable

pline, no respect for authority, no real knowledge of war. Both armies were fairly defeated, and whichever had stood fast, the other would have run. Though the North was overwhelmed with mortification and shame, the South really had not much to boast of, for in the three or four hours of fighting, their organization was so broken up that they did not and could not follow our army when it was known to be in a state of disgraceful and causeless flight."

service to the government at that time. The national pride had been severely wounded, and the loyal people were impatient for the healing effect of a victory for the federal arms. Their confidence in McClellan was such, however, that they were prepared to wait until the army should reach a condition, as to strength and discipline, which in his opinion would justify a forward movement.

Immediately after the battle of Bull Run, Mr. Stanton wrote to his brother-in-law, C. P. Wolcott: —

Affairs in Washington are to some degree recovering from the horrible condition exhibited on Monday and Tuesday — the disorganized rabble of destitute soldiers is being cleared from the streets by slow degrees, the army officers are not swarming so thickly in the hotels and taverns, and are perhaps beginning to join their men. The enemy have advanced to Fairfax, and their pickets extend some miles this side — but their movements are as unpenetrated a mystery as before. Why they did not take possession of the city, as they might have done without serious resistance on Monday and Tuesday, is a marvel. The "Tribune" struck a mighty blow on Tuesday at the cause of this and all the other late disasters. The effort to cast the blame on the "White Plume of Navarre" (McDowell) proves a ridiculous failure. The confident boastings of the Grand Army's march were too recent to be forgotten. McDowell is flat at present, but who knows the same influence may pick him up again? Great expectations are had of McClellan. But will he not be thwarted by Scott's jealousy and cabinet intrigues at every step? There may be some reason to fear that his arrival will be retarded by General Lee.

With all the calamity that is upon us, I still do not by any means despair of the Republic. The power of endurance, I

think, will prove equal to the occasion, and if our people can bear with this Cabinet, they will be able to support a great many disasters.

The loss in killed and wounded will probably not exceed four hundred. The chief loss is in the prisoners and disorganization of the troops. Until a large portion of the officers are purged off, and their places supplied by earnest, capable men, not much will be accomplished.

I shall be glad to hear from you. Give my compliments to Mr. Greeley and Mr. Dana.

To Mr. Buchanan he wrote, July 26: —

The dreadful disaster of Sunday can scarcely be mentioned.

The imbecility of this administration culminated in that catastrophe; an irretrievable misfortune and national disgrace never to be forgotten are to be added to the ruin of all peaceful pursuits and national bankruptcy, as the result of Lincoln's "running the machine" for five months.

You perceive that Bennett is for a change of the Cabinet, and proposes for one of the new Cabinet Mr. Holt, whose opposition to Bennett's appointment was bitter and intensely hostile. It is not unlikely that some changes in the War and Navy Departments may take place, but none beyond those two Departments until Jeff Davis turns out the whole concern. The capture of Washington seems now to be inevitable; during the whole of Monday and Tuesday it might have been taken without any resistance. The rout, overthrow, and utter demoralization of the whole army is complete. Even now I doubt whether any serious opposition to the entrance of the Confederate forces would be offered. While Lincoln, Scott, and the Cabinet are disputing who are to blame, the city is unguarded, and the enemy at hand. General McClellan reached here last evening, but if he had the ability of Cæsar, Alexander, or Napoleon, what can he accomplish? Will

not Scott's jealousy, cabinet intrigues, and Republican interference thwart him at every step? While hoping for the best, I cannot shut my eyes against the dangers that beset this government, and especially this city. It is certain that Davis was in the field on Sunday, and the secessionists here assert that he headed in person the last victorious charge. General Dix is in Baltimore; after three weeks' neglect and insult he was sent there."

His reference to "Scott's jealousies" show that he thought General McDowell had not been supported earnestly. The "mighty blow" of the "Tribune" to which he alluded was that journal's severe criticism of the failure of General Patterson to move to McDowell's support, or to so engage Beauregard as to prevent him from reinforcing Johnston. Mr. Stanton evidently regarded the general-in-chief as responsible for this fatal blunder.

These letters of Mr. Stanton were passionate ebullitions, not deliberate judgments. They were written while he was in a rage over a humiliating disaster to the Union cause. They were private letters to intimate friends of the Union side, in which he gave vent to his total want of respect for Mr. Lincoln and his advisers at that time. His hostility to them was not that of a partisan Democrat, but of an ardent Unionist, who thought they were not equal to the great occasion. It is needless to say that he corrected his opinion of Mr. Lincoln when he came to know him, as all men did who had ever doubted him. The men of 1861 knew not of the wisdom, prudence, and courage of their new President. This was to become known as the duties of his

office crowded upon him. That Mr. Stanton's aversion to him at that time was not because of any lack of patriotic earnestness is certain. Of his position at that period, Charles Sumner said, after referring to his course during the secession winter: —

> In the summer that followed, especially during the July session of Congress (1861), I was in the habit of seeing Mr. Stanton at his house in the evening and conferring with him freely. His standard was high, and he constantly spoke with all his accustomed power of our duties in the suppression of the rebellion. Nobody was more earnest than himself. Compared with him, the President and Congress seemed slow.[1]

[1] *Atlantic Monthly*, April, 1870, letter to Henry Wilson.

CHAPTER XXX

McClellan in Command of the Division of the Potomac. — Organization of the Army. — Fortifying the Capital. — Confidence reposed in him. — His Private Letters from August to November. — General Scott retired and McClellan placed in Command of all the Armies. — Stanton's Relations with him at that Time. — Public impatience for Military Operations. — Joint Committee of Congress on the Conduct of the War, to investigate the Causes of the Inactivity of the Army. — Testimony of the Division Generals and others. — McClellan's Delay in appearing before the Committee.

McClellan was assigned to the command of the Division of the Potomac on the 27th of July. This division was created by an order issued on the 25th, and consisted of the Department of Northeast Virginia and the Department of Washington. These departments were respectively under the command of General McDowell and General Mansfield. McClellan himself was, of course, subordinate to General Scott. In his official report he thus describes the conditions he found in and around Washington: —

There was nothing to prevent the enemy from shelling the city from heights within easy range which could be occupied by a hostile column almost without resistance. Many soldiers had deserted, and the streets of Washington were crowded with straggling officers and men, absent from their stations without authority, whose behavior indicated a general want of discipline and organization.

From this chaos the new commander was expected to bring order, — establishing the morale of the troops already in the service, and organizing and instructing the troops that were rapidly enlisting in the loyal States.

Congress was then in extra session, and did not adjourn until August 6. It validated the call for troops already made by the President, and called on the States for 500,000 volunteers; at the same time appropriating $500,000,000 for the support of the army, and authorizing loans for raising the money.

The government and the people reposed full confidence in General McClellan's energy, ability, and patriotism, and the immense resources of the country were placed at his disposal.

It was conceded by all that active operations by the army would be wholly impracticable for some time to come. The Army of the Potomac was yet to be created. A system of fortifications for securing the capital, and rendering its defense possible by a small number of troops, had also to be accomplished. The defense of the capital, and not an advance upon the enemy, was the question with which General McClellan had first to deal.

His correspondence with his wife, published in his "Own Story" in 1887, shows that he was much elated with his new position, and with the general confidence reposed in him. He said, July 27, 1861: —

> I find myself in a new and strange position here. President, Cabinet, and General Scott and all, deferring to me. By some strange operation of magic I seem to have become the power of the land.

On the 30th he said, referring to a visit to the Senate: —

Was quite overwhelmed by the congratulations I received, and the respect with which I was treated. I suppose half a dozen of the oldest made the remark I am becoming so much used to: "Why, how young you look; and yet an old soldier." It seems to strike everybody that I am very young. They give me my way in everything. Full swing and unbounded confidence. All tell me that I am held responsible for the fate of the nation, and that its resources shall be placed at my disposal.

The following extracts from the same correspondence constitute an outline of the history of the first six months of his command of the Army of the Potomac, as written by himself, and are here cited to show the conditions existing when Mr. Stanton became Secretary of War at the end of that time.

August 2, he said: —

I handed to the President to-night a carefully considered plan for conducting the war on a large scale. I shall carry this thing on *en grande* and crush out the rebellion in one campaign. I flatter myself that Beauregard has gained his last victory.

August 8, he told of "a long interview with Seward about my pronunciamento about General Scott's policy."

He said that General Scott was always in the way, adding: "He understands nothing; appreciates nothing."

August 9, he said: —

General Scott is the great obstacle. He will not compre-

hend the danger. I have to fight my way against him. To-morrow the question will probably be decided by giving me absolute control, independent of him. I suppose it will result in enmity on his part against me, but I have no choice. The people call upon 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. As I hope one day to be united forever with you in heaven, I have no such aspirations. I would cheerfully take the dictatorship and agree to lay down my life when the country is saved. I am not spoiled by my new unexpected position.

On the 16th of August he said: —

I have no ambition in the present affairs. Only wish to save my country, but find the incapables around me will not permit it. They sit on the verge of the precipice and cannot realize what they see. They think everything impossible which is against their wishes.

He seemed apprehensive of an attack by the enemy, but trusted to the heavy rains to postpone it. He thought in two weeks he could defy Beauregard. Four days later, August 20, he said: —

I am gaining rapidly in every way. I can now defend Washington with almost perfect certainty. In a week I ought to be perfectly safe, and be prepared to defend all Maryland; in another week to advance our position.

On the 25th he said that the dangerous moment had passed.

September 6, he said: —

If B. (Beauregard) attacks now, he would inevitably be

defeated with terrible loss. I feel now perfectly secure against any attack. The next thing will be to attack him.

No attack followed. Later in September he said: —

I inclose a card just received from A. Lincoln, which shows too much deference to be seen outside.

October (no date) he said: —

We shall be ready to-morrow to fight a battle there (Munson's Hill) if the enemy should choose to attack, but I don't think they will care to run the risk. I presume I shall have to go after them, when I get ready, but this getting ready is slow work with such an administration. I wish I were well out of it.

And again: —

I am becoming daily more disgusted with this administration; perfectly sick of it.

October 6, he said: —

Preparations are slow, and I have an infinite deal to do before my army is really ready to fight a great battle. Washington may now be looked upon as quite safe. They cannot attack it in front. My flanks are also safe, or soon will be; then I shall take my own time to make an army that will be sure of success.

. . . .

I do not expect to fight a battle near Washington; probably none will be fought until I advance, and that will I not do until I am fully ready. My plans depend upon circumstances. So soon as I feel that my army is well organized, well disciplined, and strong enough, I will advance and force the rebels to a battle in a field of their own selection. A long time must elapse before I can do this, and I expect all the newspapers to abuse me for delay, but I will not mind that.

October 10, he said: —

I was obliged to attend a meeting of the Cabinet at eight P. M., and was bored and annoyed. There are some of the greatest geese in the Cabinet I have ever seen; enough to tax the patience of Job.

October (no date) he said: —

I am finally determined to force the issue with General Scott. A very few days will determine whether his policy or mine is to prevail. He is for inaction and the defensive. He endeavors to cripple me in every way, yet I see that the newspapers begin to accuse me of a want of energy.

October 26, he told of a conference with Senators Wade, Trumbull, and Chandler about war matters, and said: —

They will make a desperate effort to-morrow to have General Scott retired at once.[1] Until this is accomplished, I can effect but little good. He is ever in my way and I am sure desires no action. I want to get through with the war as rapidly as possible.

On the 1st of November, 1861, General Scott retired and General McClellan was placed in command of all the armies of the United States. This additional honor bestowed on him, and the confidence in him which it exhibited, seemed only to increase his contempt for the President and his counselors, for, sixteen days later, he wrote to his wife: —

It is sickening in the extreme and makes me feel heavy at heart to see the weakness and unfitness of the poor beings who control the destinies of this great country.

[1] He seemed at that time willing to have "the politicians dictate" as to the command of the army.

These extracts are General McClellan's only explanations for the inaction of the forces under his command, late in the autumn of 1861, when the weather was fine, the Virginia roads good, and the army well prepared for action. He was professing to be eager for an advance of our armies, and only restrained by the imbecility of the President and his advisers, including General Scott; from these he had successfully appealed to leading "Radicals" like Wade and Chandler to aid him in getting General Scott out of the way.

He appears to have succeeded in impressing Mr. Stanton with the belief that this was his real attitude, and found in him a firm friend. He tells us that he was "first introduced to Mr. Stanton a few weeks after reaching Washington, as a safe adviser on legal points." They became very friendly. On the 17th of November Mrs. Stanton wrote to Edwin L. Stanton concerning his father as follows: —

> The papers give him the credit of being General McClellan's confidential adviser. Their relations appear to me about the same as when you were at home.

McClellan on that day wrote to his wife: —

> I shall try again to write a few lines before I go to Stanton's to ascertain what the law of nations is on this Slidell and Mason seizure.[1]

Later in the same month (date not given) he wrote to his wife as follows: —

> I have been at work all day nearly on a letter to the Secretary of War (Cameron) in regard to future military opera-

[1] Seizure of the British mail steamer Trent by Admiral Wilkes, with Slidell and Mason on board.

tions. I have not been at home for some three hours, but am concealed at Stanton's to dodge all enemies in the shape of browsing Presidents, etc.

One A. M. — I am pretty thoroughly tired out. The paper is a very important one, and is intended to place on record that I have left nothing undone to make this army what it ought to be and that the necessity for delay has not been my fault. I have a set of men to deal with unscrupulous and false. If possible, they will throw whatever blame there is on my shoulders, and I do not intend to be sacrificed by such people. . . .

I cannot guess at my movements, for they are not within my control. I cannot move without more means, and I do not possess the power to control those means. The people think me all-powerful. Never was there such a mistake. I am thwarted and deceived by these incapables at every turn. I am doing all I can to get ready to move before winter sets in, but it now begins to look as if we were condemned to a winter of inactivity. If it is so the fault will not be mine; there will be that consolation for my conscience, even if the world at large never knows it.

This letter shows that General McClellan was chafing under the complaints that were then being made among the people because of no military movements. It is important to note that he wrote it in Mr. Stanton's house, where he was concealed to "dodge" the President. All day he had been writing a letter to the Secretary of War, Mr. Cameron, to go on record, in which he was laying the blame for the inaction of the army at the door of the "false and unscrupulous men" who were, according to his account, refusing him the means, without which the army could not be moved. In this he could only have had reference to the Presi-

dent and his Cabinet, and especially to Mr. Cameron, then Secretary of War. The fact that he found asylum in Mr. Stanton's house while indicting this letter, and that there he felt secure from any interruption by "enemies," is an indication that the former was not at that time (late in November, 1861) one of those who believed him to be at fault. We have already seen that Mr. Stanton had no confidence in the administration, and that he was in the habit of expressing his views freely. General McClellan says that to him Stanton opposed the President, the administration, and the Republican party with extreme virulence, but he adds: "As he always expressed himself as in favor of putting down the rebellion at any cost, I always regarded these extreme views as the ebullitions of an intense and patriotic nature."

Certainly the inertia of the army was well calculated to arouse public indignation against whoever was responsible for it. The press reflected the public impatience; but few were disposed to attack the popular idol then in command of the army, when it was so much easier to blame the President and the War Department.

November went by without any indication that a forward movement was contemplated. December came and Congress assembled, representing the people whose homes had been decimated to produce the vast army now in camp, and whose substance was maintaining it. The country had become exceedingly anxious over the inexplicable delay, and demanded to know whether it was a necessity, and if not, who was at fault. The

public feeling made itself manifest in Congress and took the form of an inquiry into the conduct of the war. A joint committee of the Senate and House was appointed for that purpose, consisting of Senators Benjamin F. Wade of Ohio, Zachary Chandler of Michigan, and Andrew Johnson of Tennessee, and Representatives D. W. Gooch of Massachusetts, John Covode of Pennsylvania, George W. Julian of Indiana, and Moses F. Odell of New York. Its duty was to ascertain by all the evidence it could obtain the condition of the army, what had been accomplished by it, and whether all had been done that could reasonably have been expected of it. If it had fallen short of such expectations it would examine into and report the cause therefor, placing the responsibility where it was found to belong. If the general in command had not received proper support at the hands of the Executive the people must know it. If the War Department had been lacking in vigor of administration, then the censure should fall there. If the general had received adequate materials of war, and with an army equal to the serious work before him, had given it no more difficult task than to stand in review and shout huzzas for him as he galloped up and down the lines, then the illusion must be dispelled and the blame fall upon him.

Under our constitutional government Congress has the sole power to declare war and to govern the army. It was in the exercise of this undoubted power and duty that Congress undertook an inquiry into the conduct of the war, which thus far had been fruitful only

in disaster, and seemed now to have settled down permanently to the defense of a besieged capital.

On Saturday, the 21st of December, the chairman was directed to inform General McClellan of the unanimous desire of the committee to have an interview with him at the capital. He appointed the 23d for the purpose, but when the day arrived pleaded illness as a reason for not keeping the engagement. It was not until the 15th of January, twenty-five days later, that he finally appeared before them. During the time which intervened a great deal of history had been written, in the form of testimony given before the committee by Generals McDowell, Heintzelman, Keyes, Porter, Franklin, Richardson, Wadsworth, Meigs, Lander, Slocum, Barnard, and others. The result of this inquiry was the discovery that the fortifications around Washington were not properly garrisoned; that no council of war or other meeting of the generals had been held for consultation with the general-in-chief, and that the latter had not consulted, or even conversed, with any of his division generals, except Fitz John Porter and W. B. Franklin, upon the subject of operations by the army. These two generals testified that they knew something of General McClellan's plans, but declined to state what they were without his permission. The general opinion of the military witnesses was that the army could and ought to make a movement against the enemy without further delay. General Franklin was emphatic in his expression of this opinion, and he was second only to Fitz John Porter in the favor of General McClellan. General

Porter said the army was not ready to move; it had not what was requisite to move with; but he declined to explain further. He stood alone in this opinion.

It was evident that no present movement was contemplated by General McClellan, and it was equally evident that he did not intend to inform either the President or Congress whether or not he had in view any plan of operations whatever for the immense army which had been placed under his command.

PART IV

STANTON AS SECRETARY OF WAR

CHAPTER XXXI

Stanton's Appointment as Secretary of War. — Without Previous Consultation with him. — Stanton consults McClellan before accepting. — Reasons for the Appointment. — Comments on the Appointment by Men of Distinction. — Stanton's Conception of the Duties of his Office.

On the 13th of January, 1862, President Lincoln, without previous consultation with him, nominated Mr. Stanton to the Senate to be Secretary of War. The two men had not met since the former's inauguration, and did not meet until Stanton presented himself on the 15th to receive his commission.

General McClellan states that Stanton called upon him immediately upon being nominated, to confer with him as to his acceptance, and gives the following account of the interview: —

He said that acceptance would involve very great personal sacrifices on his part, and that the only possible inducement was that he might have it in his power to aid me in putting down the rebellion, by devoting all his energy and ability to my assistance, and that together we could soon bring the war to a close. If I wished him to accept he would do so, but on

THE WAR DEPARTMENT UNDER SECRETARY STANTON

The second-story windows at left are those of the War Office, where Lincoln spent much time by day and often by night

my account only. He had come to know my wishes and determine accordingly. I told him I hoped he would accept the nomination.[1]

General McClellan was a Democrat, and many of his friends at Washington were Union men of Democratic antecedents. Mr. Stanton was one of these.

It was wise in Mr. Lincoln to call into his Cabinet at this juncture a Union Democrat of Mr. Stanton's character and reputation. Through such a representative man the whole body of Union Democrats in the country would soon learn whether it was a Republican President or a Democratic general who was inviting political and financial disaster, and foreign intervention, by a failure to use the army which the uprising of a great people had provided to crush out the rebellion.

From the 21st of December until the 14th of January the Committee on the Conduct of the War had been unable to secure the attendance before them of General McClellan; but on the last-named day, he informed them of his readiness to confer with them. This date, it will be observed, was coincident with Mr. Stanton's call upon him, informing him of his nomination as Secretary of War. McClellan appeared before the committee on the 15th. The record states that "some time was passed in a full and free conference between him and the committee in relation to various matters connected with the conduct of the present war."

On the same day the nomination of Mr. Stanton was confirmed by the Senate; he was commissioned at once,

[1] McClellan's *Own Story*, page 153.

but did not enter upon the duties of his office until January 20th.

The appointment of Mr. Stanton was not made on party or personal considerations; nor was it made to gain personal support for the President in the Cabinet, or for his methods in the prosecution of the war; for no man of note had more freely expressed his disapprobation of those methods, or been more lavish of expressions of dislike for the President himself, than had Mr. Stanton. He was appointed because, in addition to his great ability, his restless energy, and his absolute honesty, he was an unconditional Unionist of the Democratic faith, and his appointment would be a proof to the country that Mr. Lincoln regarded the war as the people's war, and not that of a party. His personal relations with General McClellan were known to be good, and it was hoped that his administration of the War Department would set in motion the army, the inactivity of which the general in command had attributed to a want of support from the Executive.

The positive qualities exhibited by Mr. Stanton as Attorney-General, during the latter part of Mr. Buchanan's administration, had placed him high in the estimation of the patriotic leaders. The agents of the press promptly spread before their readers information, obtained from those who had been in contact with him during the secession winter, of his patriotism, will, and courage, and the country hailed his accession to the War Department as proof that an aggressive policy against the rebellion had at last been determined on.

From all parts of the country, and from citizens in

various stations in life, came letters not of formal congratulation, but of intense satisfaction. Following are extracts from a few of them. The Hon. Joseph Holt, who had served with him in the Cabinet of Mr. Buchanan, wrote to the lieutenant-governor of Ohio as follows: —

The selection of Hon. Edwin M. Stanton as Secretary of War has occasioned me unalloyed gratification. It is an immense stride in the direction of the suppression of the rebellion. So far as I can gather the popular sentiment, there is everywhere rejoicing over the appointment; but that rejoicing would be far greater, did the people know, as I do, the courage, loyalty, and the genius of the new secretary as displayed in the intensely tragic struggles that marked the closing days of the last administration. He is a great man, intellectually and morally — a patriot of the true Roman stripe, who will grapple with treason as the lion grapples with his prey. We may rest well assured that all man can do will, in his present position, be done to deliver our poor bleeding country from the bayonets of the traitors now lifted against its bosom.

Gen. Robert Anderson, the hero of Fort Sumter, thus expressed his feeling: —

This morning's paper gives me the gratifying intelligence of your appointment as Secretary of War having been unanimously confirmed by the Senate. You will undoubtedly receive the congratulations of hosts of friends, but I venture to say that your nomination and confirmation will be heard by none with more heartfelt pleasure than they were by your sincere friend, etc.

Governor Andrew of Massachusetts wrote a friend in Washington: —

I am glad to see the high ability and former patriotic services of Mr. Stanton thus conspicuously recognized by the President.

A letter from Stanton's old pastor, the Rev. H. Dyer, says: —

On opening my morning paper this morning, the first thing that met my eye was your appointment as Secretary of War. I thank God for it, and I cannot help telling you how rejoiced I am at it. It has been a source of constant and sincere regret that any political necessity should have prevented at the outset the nomination of yourself, Mr. Holt, and Mr. Dix as members of Mr. Lincoln's Cabinet.

Gen. John A. Dix wrote Stanton from Baltimore: —

If, as they say, you are Secretary of War, I do not congratulate you, but I congratulate the country and army greatly.

Justice Grier of the Supreme Court wrote him as follows: —

As soon as I passed the door of the Senate Chamber I was informed of your nomination. It was a secret no longer. Senators had freely communicated the fact. I afterwards met Nelson, Clifford, and Catron at Catron's room. They were talking of your nomination. All agreed you should accept; that it would restore confidence in the nation; your antecedents being known to the President, he should ask no pledge, you should give none, and require none at present; the great Democratic party of the North and conservative Whigs (now a large majority) would support, strengthen, and hold you up; that you are young, strong, and can bear labor, can do great good, and in this crisis your country demands every sacrifice of individual comfort. You can gain

great glory if there be success to our arms, and can only sink in the common ruin in case of defeat. I concur with them.

Said Horace Greeley in the New York "Tribune:"—

There is a very general conviction that the appointment of the new Secretary means business, and that it is not likely to be popular at Beauregard or Johnston's headquarters. We believe the general impression is for once in the right. No man ever entered upon the discharge of the most momentous public duties under more favorable auspices, so far as public confidence and support can create such auspices. In all the loyal States there has not been one dissent from the general acclamation which hailed Mr. Stanton's appointment as eminently wise and happy. The attempt at first made to represent it as a triumph of border-State twaddling on the slavery question has been abandoned, and even disavowed in some quarters. The simple truth is that Mr. Stanton was not appointed to, and does not accept, the War Department in support of any programme or policy whatever, but the unqualified and uncompromising vindication of the authority and integrity of the Union. Whatever views he may have respecting slavery will not be allowed to swerve him one hair from the line of paramount and single-hearted devotion to the national cause. If slavery or anti-slavery shall at any time be found obstructing or impeding the nation in its efforts to crush out this monstrous rebellion, he will walk straight on in the path of duty, though that path should lead him over or through the impediment, and insure its annihilation.

The public expects of Mr. Stanton an administration of remarkable energy and vigor, and this expectation will not be disappointed. This vigor will not be displayed in dictation to the general-in-chief of our armies, nor in the prompting of a hasty or ill-advised offensive movement in any or every

quarter. We feel assured that our military commander will find in Mr. Stanton a capable and zealous coöperator rather than a harsh critic or a lordly superior. But there are broad fields of public duty, peculiarly his own, in which we are confident Mr. Stanton will evince an energy and decision terrible to evil-doers, and first in importance among these is that of treason which wears the garb of Unionism, or at least pretends to abstain from acts of flagrant disloyalty.

Mr. Stanton's predecessor, Simon Cameron, was a man of large experience and conceded wisdom in political and legislative affairs; but he was not Stanton's equal in the executive faculty, which, while keeping the main object in view, masters the knowledge of all details, divides the labor between wisely selected subordinates, and energizes their action by his own vigilant supervision, and by holding them to a strict accountability for their work.

Mr. Stanton fully met all these requirements. He knew that upon the Secretary of War rested the vast responsibility of bringing to the highest state of perfection the various instrumentalities in his department, through which alone the war power of the government could be exercised. Each bureau of that department was charged with duties, the neglect or slack performance of which might be fatal to the success of our armies. The enlisting and equipment of soldiers, the furnishing them with supplies of food and clothing, munitions of war, and medical stores and transportation, were all dependent upon the proper administration of the War Office. He rapidly acquired a knowledge of the methods by which these functions were per-

formed, and the efficiency of the several bureaus charged with their performance. He supplemented their efforts with his own energy and with his own fertility in expedients. He looked to it that the army should lack nothing which it was the duty of the government to supply.

He knew all the powers which, by the Constitution, are lodged with the government, and he wanted to see every one of them exercised to its utmost in the struggle with treason. In that instrument he found the war-making power granted to Congress without limit, and he found the President vested by Congress with full authority to do all that may be done in civilized warfare.

He longed to see the President assert his whole authority and mass the nation's power, which, he firmly believed, no enemy could successfully resist. Animated by these convictions, and bent upon seeing them made the basis of the future action of the government, he entered upon the discharge of the duties of Secretary of War with all the energy and power of his nature.

CHAPTER XXXII

Mr. Stanton at Work. — Some of his Duties and Some of his Annoyances.

It is impossible to convey any adequate idea of the daily work of the War Department at that time. In the vast army, military promotion was eagerly sought for by nearly every colonel and general in the field. As Mr. Lincoln graphically expressed it, "There were ten pegs where there was one hole to put them in." Senators and members of Congress, upon whose approbation the administration was dependent for war measures and appropriations, had their earnest opinions in favor of the promotions of military officers from their own States; governors, whose zeal in raising volunteers was so highly appreciated, had their views to urge; different clashing military coteries added to the number of currents which set in upon the Secretary of War in an endeavor to control his action in recommending promotions. The great generals of the country, and for that matter the lesser ones too, also contributed their advice. Wealthy contractors, and sturdy beggars who desired to become contractors, sought to promote their advantage by aiding in the selection of officers with whom they were to be brought in contact.

The hotels and bar-rooms of Washington swarmed with newly made generals, appointed upon influences

which could not be ignored, and whose services, in some instances, were as valuable there as they would have been in the field had the army been in motion. The capital was a sort of loafer's paradise, if only the loafer wore stars or epaulettes. Officers obtruded themselves into the War Department, absenting themselves from duty without leave, in order to apply in person for leave of absence.

In addition to the official persons who flocked in upon Stanton, there came swarms of private persons on business, who wanted "just a word" with the Secretary, for information or profit. He always decided for himself whom he would see, when he would see them, and how much time he would give to each.

In his private office he received those who had orders to come, or who, from their position or official relation to him, were entitled to admittance. There, too, he received visitors whose calls he deemed important. On his reception days, and at other times when it was possible, he was in the habit of coming out into the general office and stationing himself where but one person could converse with him at a time. The procession then passed rapidly in front of him. It included high dignitaries, both civil and military. Each one soon understood that he must make his errand known without special privacy, without circumlocution, and in the briefest terms; and unless he was ready to do this, he got no hearing at all. Having stated his case, the Secretary answered him instantly and decisively, yes or no. Having thus decided, he heeded no remonstrance, and tolerated no repetition of the request, but simply

dismissed the case and the person together, hurried him on, and received the next one. This often led to bitter feelings against him, and by many who were disappointed or rebuffed he was regarded as tyrannical, arbitrary, and unjust. But he was there to decide, and not they. The business of the government had to go on. It was more important that he should keep up with it than that in every case he should make the right decision. Hundreds of frivolous requests were made, and dismissed merely because they were frivolous or purely personal.

At these general levees he did not always listen to the people in the order of their reaching him in the line of the procession, but, looking over the assembled crowd, would call to him individuals whom he chose to hear at once. Sometimes it would be some person wholly unknown to him, upon whom his eye had rested with interest.

But the Secretary's contact with the multitude of officials and private persons, wearing as it was and subjecting him, as it frequently did, to the importunities of men of strongest will and unlimited self-assertion, formed but a small portion of his hard work. He had daily consultations with the heads of the several bureaus in his department, requiring and receiving from each of them full information as to the demands that were being made upon them in the organization and equipment of the army, and their reports as to the thoroughness with which they had complied with these demands. He placed himself in touch with the committees of Congress, which had to deal with military

questions, and those committees looked to him largely for the shaping of measures necessary for calling out the strength of the nation in men and material for the prosecution of the war. The President, whose right arm he speedily became, was much in his department, going over the situation with him, and a council of military men advised them at times in the consideration of purely military matters.

He aided the congressional Committee on the Conduct of the War in giving their inquiries such direction as would bring out clearly the condition of the army and its equipment, and its fitness for active operations. The records of the committee show frequent requests for conferences with him and of meetings in response thereto. Adjoining his private office there was a telegraph room, in which he spent much time every day, and often much of the night, communicating with generals in the various commands, governors of States, and others having relations with the government. The President spent much time with the Secretary in this room.

CHAPTER XXXIII

His First Official Order. — Care for Union prisoners. — Conference with the Committee on the Conduct of the War. — The Military Situation made known to him through the Testimony of McClellan's Generals. — His First War Bulletin. — In this the President's Military Supremacy asserted.

THE first official order made by Mr. Stanton bears date of January 20, the day he entered upon his duties as Secretary of War. It was as follows: —

No. 1. — *Provisions for Union Prisoners.*

WAR DEPARTMENT, January 20, 1862.

This department recognizes as the first of its duties to take measures for the relief of the brave men who, having imperiled their lives in the military service of the government, are now prisoners and captives. It is therefore,

Ordered, — That two commissioners be appointed to visit the city of Richmond, Virginia, and wherever else prisoners belonging to the army of the United States may be held; and there take such measures as may be needed to provide for the wants and contribute to the comforts of such prisoners, at the expense of the United States, and to such extent as may be permitted by the authorities under whom such prisoners are held.

A few days later, the Reverend Bishop Ames of the Methodist Episcopal Church, and the Hon. Hamilton Fish of New York were appointed as such Commissioners.

On the 30th of January, Secretary Stanton issued an order that officers and soldiers of the United States made prisoners of war should, during their imprisonment, receive the same pay as if they were doing active duty.

It would be difficult to conceive of any method better adapted to reconcile the people to the sacrifices they were making than the issuance of these humane orders which would be read in every home of the North, saddened by the absence in the army of husbands, brothers, and sons.

From the following entry in the official report of the proceedings of the Committee on the Conduct of the War, for January 20, it will be seen that Mr. Stanton was placed in communication with that committee on the first day of his actual service as Secretary of War.

> At eight o'clock P. M., the committee reported for session; all the members present, and had a conference of several hours' duration with the Honorable Edwin M. Stanton, Secretary of War.

At this conference the new Secretary was made acquainted with the military situation, as shown by the testimony already taken before the committee. We have seen from that testimony that General McClellan consulted none of his generals except Porter and Franklin; that all of them except Porter declared that the army was, and had long been, in condition for an advance upon the enemy, and that it ought to take the offensive; that it could not be discovered that General McClellan had any plan, or that he contemplated any

movement; and, finally, it was evident that his attitude was that of persistent inactivity, and of sullen defiance towards Congress and the administration.

This was not the McClellan into whose confidence Stanton supposed he had been taken. To him, and before the country at large, McClellan had successfully posed as an impatient warrior, chafing under the restraint that was keeping him from the field. Late in the preceding November, he had taken refuge at Stanton's house for the privacy necessary to writing a document, showing that he was, and had been all along, trying to get at the enemy, but that the administration "incapables" were in some way preventing him.

On the day after he became Secretary of War, an opportunity was given Stanton, which he promptly improved, to remind the country that the President was the constitutional commander-in-chief, and that all generals were his military subordinates. He received a dispatch from General George H. Thomas, giving an account of the battle of Mill Spring, Kentucky. The rebels, 12,000 strong, under General Zollicoffer, had attacked Thomas, who repulsed and routed them. The rebels lost 114 killed, including their general, 116 wounded, and 45 prisoners. The Union loss was 127 wounded and 39 killed. A large amount of munitions of war, supplies, and horses fell into the hands of the victors. This was the most encouraging exhibition of energy and thoroughness on the part of a Union general that had been made up to that time. Mr. Stanton at once issued the following order: —

War Department, January 22, 1862.

The President, Commander-in-Chief of the Army and Navy, has received information of a brilliant victory achieved by the forces of the United States over a large body of armed traitors and rebels at Mill Spring in the State of Kentucky. He returns thanks to the gallant officers and soldiers who won that victory, and when the official reports shall be received, the military and personal valor displayed in battle will be acknowledged and rewarded in a fitting manner. The courage that encountered and vanquished the greatly superior number of the rebel force, pursued and attacked them in their intrenchments, and paused not until the enemy was completely routed, merits and receives commendation. The purpose of this war is to attack, pursue, and destroy a rebellious enemy, and to deliver the country from danger menaced by traitors. Alacrity, daring, courageous spirit, and patriotic zeal on all occasions, and under every circumstance, are expected from the Army of the United States. In the prompt and spirited movements, and daring battle of Mill Spring, the nation will realize its hopes, and the people of the United States will rejoice to honor every soldier and officer who proves his courage with the bayonet, and storming intrenchments, or in the blaze of the enemy's fire. By order of the President.

This was more than a mere exultation over a victory; more than an honorable gazetting of the victors. It was equivalent to an order by the commander-in-chief, assuming the command, which was not only his by right, but was his under an obligation which he could not transfer to another. Still more than this, it was an admonition to all in the military service, that the army was expected to do something and to risk something, and that if there had been unnecessary delays, they must cease. It stated the real objects of the war to be

the destruction of the enemy, and not a mere effort to ascertain on what terms treason would lower its hostile front and allow peace to be restored. It applied to the enemies of the country the names of "rebels" and "traitors," and held them up to the public execration, instead of treating them as misguided brethren with whom a conflict was to be avoided, in the hope of a peaceable compromise. It furnished the keynote of what the administration of the War Office would be; and, finally, it was notice to the rebels that they need not count upon the Democratic antecedents of Northern Union men to qualify their patriotism because of previous political affiliations.

CHAPTER XXXIV

Important War Measures enacted by Congress on Mr. Stanton's Recommendation. — Work in the Department. — Congress calls for Information.

At his conference with the committee of Congress, on the day of his entrance into the War Department, Mr. Stanton impressed on them the importance of securing the adoption, by the two Houses, of a rule providing for the immediate consideration, in secret session, of all war measures deemed urgent by the Executive. Such a rule was submitted to the Senate on the following day. It was adopted by both Houses on the 29th.

At the same conference he urged the passage of a bill to authorize the President to take possession of all the railroad and telegraph lines of the country. Such a bill was reported to the Senate by the committee on the 22d, and passed both Houses on the 29th. These measures were both passed on the assurance that they were deemed urgent by the Secretary of War.

The following letter from Stanton to Senator Wade shows the zeal with which he followed up any suggestion made by him to the committee: —

Most Confidential.

Dear Sir, — An order has this day been made by the President requiring all the armies in the field to place them-

selves in fighting order immediately, and to commence operations by a certain specified date.

The success of these measures will in a great measure depend upon the control of the railroad and telegraph lines, and the immediate passage of the bill before the Senate may and must have a great influence on the war.

It is no less important that Congress should at once place itself in fighting condition by the rule for executive session in both Houses. Any hour the necessity may be upon you unprepared. Please communicate confidentially with the loyal and honest members of both Houses, and have action, — immediate action.

On the 22d of January a bill was approved by the President authorizing the appointment of two additional Assistant Secretaries of War, and on the 23d, upon Mr. Stanton's request, the President nominated to the Senate, for these positions, John Tucker and Peter H. Watson. Thomas A. Scott, of Pennsylvania, was Assistant Secretary of War when Mr. Stanton entered upon the administration of the War Department. He was succeeded by Christopher P. Wolcott, of Ohio, who was appointed July 1, 1862, and served until January 1, 1863. Charles A. Dana, of New York, was appointed Assistant Secretary March 1, 1864, and continued in office until July 31, 1865. Thomas T. Eckert was appointed Assistant Secretary July 27, 1866. The War Department records do not show his term of service.

The new Secretary speedily reorganized the War Office. He marked out the work he wanted done, and informed himself as to the capacity of the clerical force provided by law for doing it. He asked Congress for

the additional clerks and messengers needed, and they were promptly granted him. He systematized the work, and every man knew what was required of him, and knew that the head of the department would know if it was not done.

On the 22d the House adopted a resolution requesting the Secretary of War to inform that body as soon as practicable whether and in what time sufficient military protection could be extended to the line of the Baltimore & Ohio Railroad, to enable the company to reopen and operate said road.

CHAPTER XXXV

Army Contracts dealt with. — An Order made to investigate them and terminate Fraudulent Ones. — Order taking Possession of all Railroads for Military Purposes.

The vast expenditure of money involved in the recruiting, arming and equipping, transporting and supplying of a great army was, in the nature of things, a temptation to the cupidity which exhibited itself under every garb in which it could secure dealings with the government. Stanton had in words of burning wrath denounced the "ravenous crew" who early in the summer of 1861 were "pillaging the government and the soldiers on every side" and "using the treasury of the nation as a fund to be divided among themselves." His predecessor had been compelled by the emergency which then presented itself to enter into heavy contracts with whomsoever could execute them, and he was at the mercy not only of them, but of newly appointed officers in various parts of the country, who received and receipted for the vast amount of material thus contracted for. It is little to be wondered at that the government was robbed in many of these transactions. Shortly after Mr. Stanton came into the War Office, he adopted measures to investigate all outstanding contracts, and to terminate those in which the contractors

had given cause therefor by fraud or neglect. On the 29th of January he issued the following order: —

The urgent necessity that required the immediate purchase of arms, clothing, and other military supplies from foreign countries having ceased, it is,

Ordered: —

1st. That no further contracts be made by this department, or any bureau thereof, for any article of foreign manufacture that can be produced or manufactured in the United States.

2d. All outstanding orders, agencies, authorities, or licenses for the purchase of arms, clothing, or anything else, in foreign countries or of foreign manufacture for this department, are hereby revoked and annulled.

3d. All persons claiming to have any contract, bargain, order, warrant, license, or authority of whatsoever nature, from this department or any bureau thereof, for furnishing arms, clothing, equipment, or anything else to the United States are required within fifteen days from this date to give written notice of such contract and its purport, with a statement in writing of what has been done under it, and to file a copy thereof with the Secretary of War.

4th. All contracts, orders, and agreements for army supplies should be in writing, and signed by the contracting parties, and the original or a copy thereof filed according to paragraph 1049 of the regulations with the head of the proper bureau.

It is seldom that any necessity can prevent a contract from being reduced to writing, and even when made by telegraph, its terms can be speedily written and signed; and every claim founded upon any pretended contract, bargain, agreement, order, warrant, or license, now outstanding, of which notice and a copy is not filed in accordance with this order within the time mentioned, shall be deemed and held to be *prima facie* fraudulent and void, and no claim thereon will be al-

lowed or paid by this department, unless upon full and satisfactory proof of its validity.

Stanton soon made a violent personal enemy of every dishonest government contractor or agent of whose bad conduct he could gain any information.

On the 13th of March he appointed Joseph Holt and Robert Dale Owen a special commission to examine and adjust all claims in the War Department in respect to ordnance, arms, and munitions; their determination as to the validity of contracts, execution of the same, and payments due thereunder, to be final and conclusive upon the department. All contracts were to be fully investigated, and if the commission found that any employee or agent of the War Department was interested in any contract, or received any consideration for its procurement, such finding was to be good cause for adjudging the claim fraudulent.

On the 11th of February, Secretary Stanton made the following order, in the name of the President, Commander-in-Chief of the Army and Navy. He referred to the President in his military capacity when issuing orders relating to military movements. This order was authorized by an act of Congress, already referred to, approved January 31, 1862. It was respected by all the railroad companies during the war, and they rendered at all times willing service.

Ordered: That D. C. McCallum be and is hereby appointed Military Director and Superintendent of Railroads in the United States, with authority to enter upon, take possession of, and hold and use all railroads, engines, cars, locomotives, equipments, appendages, and appurtenances that

may be required for the transportation of troops, arms, munitions, and military supplies of the United States, and to do and perform all acts that may be necessary or proper to be done for the safe and speedy transport aforesaid.

By order of the President, Commander-in-Chief of the Army and Navy of the United States.

CHAPTER XXXVI

Order concerning Political Prisoners and Military Arrests. — Release of Prisoners. — Further Extraordinary Arrests to be made by the Military Authorities only. — Mr. Stanton defends Arrests otherwise made up to that Time.

The arrest and imprisonment of persons in civil life by the sole authority of the President, on charges of disloyal practices, had been the subject of much criticism before Mr. Stanton came into the Cabinet. The Secretary of State, Mr. Seward, had been quoted in the press as referring to his power to cause an arrest by "tinkling his little bell," and the opinion extensively prevailed that many arrests had been made upon insufficient cause.

There had been much railing against the government which, although offensive, was not really dangerous, and the public safety did not require, nor would public opinion be likely to sustain, a denial of the right of free speech, however unfriendly to the authorities, within the limits of safety. This subject was one to which Mr. Stanton gave early attention. His training as a lawyer had bred in him a repugnance to any invasion of personal liberty for which a good reason did not exist. Although the suspension of the writ of *habeas corpus* dispensed with a judicial inquiry in many cases, he felt that this in no wise justified arrests

not required by the public safety. But as, in time of war, it would often happen that the law as found in the statute was silent in the very nature of the case, he found no difficulty in then applying the military law. In his view a spy could be made a military prisoner while surreptitiously gathering information in the War Department, instead of waiting until he had actually lent aid or comfort to the enemy by communicating that information. This would be an exercise of arbitrary military power, but if ordered on the authority of the President, as commander-in-chief of the army, it was just as lawful as would be the arrest by a general in the field of a photographer caught in the act of taking views of our defenses for the use of the enemy.

As the head of the army the President could prevent interference with military operations without going beyond the recognized laws of war, and in doing this Mr. Stanton believed that the President should act through the War Department, and in his capacity as the military chief; he therefore favored a change in the existing methods. The State Department could no longer order arrests. This power must be exercised under the military authority alone.

It was a delicate and difficult matter to proclaim this change without admitting any error in what had been done before; but not only was this accomplished, but the order by which it was done contained so powerful a statement of the evils which had beset the country, and so clear a showing of the immediate necessity which had compelled the adoption of extraordinary measures, that it was a complete vindication and was

well received by the country. As Mr. Stanton's own words and official letters are of far greater interest than anything that can be substituted for them, and as they are always so brief as to render further condensation impracticable, this order is here given entire: —

War Department, Washington City,
February 14, 1862.

The breaking out of a formidable insurrection, based on a conflict of political ideas, being an event without a precedent in the United States, was necessarily attended by a great confusion and perplexity of the public mind. Disloyalty, before unsuspected, suddenly became bold, and treason astonished the world by bringing at once into the field military forces superior in number to the standing army of the United States.

Every department of the government was paralyzed by treason. Defection appeared in the Senate, in the House of Representatives, in the Cabinet, in the federal courts; ministers and consuls returned from foreign countries to enter the insurrectionary councils of land and naval forces; commanding and other officers of the army and in the navy betrayed the councils or betrayed their posts for commands in the insurgent forces. Treason was flagrant in the revenue and in the post-office service, as well as in the territorial governments and the Indian reserves.

Not only judges, governors, legislators, and ministerial officers in the States, but even whole States rushed one after the other with apparent unanimity into rebellion. The capital was besieged and its connection with all the States cut off.

Even in the portions of the country which were most loyal political combinations and secret societies were formed furthering the work of disunion, while from motives of disloyalty or cupidity, or from excited passions or perverted sympathies, individuals were found furnishing men, money,

and materials of war and supplies to the insurgents' military and naval forces. Armies, ships, fortifications, navy yards, arsenals, military posts, and garrisons, one after another, were betrayed or abandoned to the insurgents.

Congress had not anticipated and so had not provided for the emergency. The municipal authorities were powerless and inactive. The judicial machinery seemed as if it had been designed not to sustain the government, but to embarrass and betray it.

Foreign intervention openly invited, and industriously instigated by the abettors of the insurrection, became imminent, and has only been prevented by the practice of strict and impartial justice, with the most perfect moderation in our intercourse with nations.

The public mind was alarmed and apprehensive, though fortunately not distracted or disheartened. It seemed to be doubtful whether the federal government, which one year before had been thought a model worthy of universal acceptance, had indeed the ability to defend or maintain itself.

Some reverses, which perhaps were unavoidable, suffered by newly levied and inefficient forces, discouraged the loyal, and gave new hope to the insurgents. Voluntary enlistments seemed about to cease, and desertions commenced. Parties speculated upon the question whether conscription had not become necessary to fill up the armies of the United States.

In this emergency the President felt it his duty to employ with energy the extraordinary powers which the Constitution confides to him in cases of insurrection. He called into the field such military and naval forces, authorized by the existing laws, as seemed necessary. He directed measures to prevent the use of the post-office for treasonable correspondence. He subjected passengers to and from foreign countries to new passport regulations, and he instituted a blockade, suspended the writ of *habeas corpus* in various

places, and caused persons who were represented to him as being about to engage in disloyal and treasonable practices to be arrested by special civil as well as military agencies, and detained in military custody when necessary to prevent them and deter others from such practices. Examinations of such cases were instituted, and some of the persons so arrested have been discharged, from time to time, under circumstances or upon conditions compatible, as was thought, with the public safety. Meantime a favorable change of public opinion has occurred. The line between loyalty and disloyalty is plainly defined, the whole structure of the government is firm and stable; apprehension of public danger and facilities for treasonable practices have diminished with the passions which prompted heedless persons to adopt them. The insurrection is believed to have culminated and to be declining.

The President, in view of these facts and anxious to return to a formal course of the administration, as far as regard for the public welfare will allow, directs that all political prisoners or state prisoners now held in military custody be released on their subscribing to a parole engaging them to render no aid or comfort to the enemies in hostility to the United States.

The Secretary of War will, however, in his discretion, exempt from the effect of this order any prisoners detained as spies in the service of the insurgents, or others, whose release at the present moment may be deemed incompatible with the public safety.

To all persons who shall be so released, who shall keep their parole, the President grants an amnesty for any past offense of treason or disloyalty which they have committed.

Extraordinary arrests will hereafter be made under the direction of the military authorities alone.

By order of the President.

Unable to give his attention to state prisoners then in custody, Mr. Stanton, on the 27th of February, appointed John A. Dix, then in command at Baltimore, and Hon. Edwards Pierrepont of New York, commissioners to examine, hear, and determine all such cases *ex parte*, at such times and places as in their discretion they might appoint, and make full report to the War Department. They were to ascertain and recommend what prisoners should be exempted by the Secretary of War from the operation of the general order of release, because of their character as spies or because of other offenses against military law.

The foregoing is not produced for the purpose of making any claim that Mr. Stanton was tender in his treatment of sympathizers with or abettors of treason; on the contrary, his grasp on those of them who were dangerous was unrelenting; but it shows that he had the wisdom to draw the power from the right source and to use it in the right direction.

CHAPTER XXXVII

Colonel Thomas A. Scott's Mission to the West. — Halleck and Buell. — Grant escapes from Halleck and takes Forts Henry and Donelson. — Halleck demands his Reward for it. — Nashville evacuated.

In January Mr. Stanton dispatched Assistant Secretary Thomas A. Scott to the West with comprehensive instructions which called for reports of the number and location of troops raised, the progress of enlistment and organization in each State; what partially enlisted regiments could be consolidated, the amount of government property in the several arsenals, and in the great depots for commissary stores and quartermasters' supplies; and also as to what arrangement could be made for the transportation of troops to the West, to strengthen Generals Halleck and Buell, commanding respectively the departments of Missouri and Kentucky.

Colonel Scott moved rapidly to Pittsburg, Columbus, Detroit, Indianapolis, Louisville, St. Louis, Cairo, and Paducah, reporting from each place full and correct information from official sources concerning the several objects of his mission, and communicating his views as to the situation and future possibilities. He placed the Secretary of War in possession of all the information he would himself have gained in a tour of inspection. The celerity of his movements, the thoroughness of his

work, the mass of information he gathered, and the valuable suggestions he made were such as might have been looked for from such a man.[1]

From Pittsburg he reported, February 2, that the whole work for the Mississippi flotilla, mortars, mortar boats, and shells, would be ready and shipped within twenty-one days from that date.

Mr. Stanton knew nothing of pauses in his work, nor of any other limitation than the capacity of all available instrumentalities. His plans were not pigeon-holed to be executed at a remote date. Their execution was commenced instantly upon being decided on, and those to whom the work was intrusted had to move along with it at his pace or give way to others who would.

When McClellan became general-in-chief, November 1, 1861, he sent General Halleck to Missouri to relieve General Fremont, commanding that department, and General Buell to Louisville, to relieve General Sherman, at the latter's own request, in the command of the Department of Kentucky. Halleck was ordered to fortify and "concentrate his troops for such ulterior operations as might prove necessary." Buell was to remain on the defensive until he could throw the mass of his troops by rapid marches into the mountainous region of East Tennessee, — a task pronounced by him to be impossible in the winter season. These orders were, therefore, equivalent to providing that nothing be done until spring.

[1] His great capacity for the organization and promotion of business on a large scale was subsequently illustrated by his notable career as the president and controlling head of the Pennsylvania Railroad Company.

February 1, 1862, General Buell wrote from his headquarters at Louisville to General McClellan as follows: —

While you were sick, by direction of the President I proposed to Halleck some concert of action between us. He answered, "I can do nothing. Name a day for a demonstration." Night before last, January 30, I received a dispatch from him, saying: "I have ordered an advance at Fort Henry and Dover, which will be made immediately." I protest against such prompt proceedings; as though I had nothing to do but command and commence firing as soon as he starts off. However, he telegraphs me to-night that coöperation is not essential now.

Halleck's order for an advance had been extorted from him by General Grant, then in command at Cairo, and Flag-Officer Foote, of the navy. Grant says early in January he was reluctantly given leave by Halleck to visit him at his headquarters in St. Louis, to lay before him a plan of a campaign up the Tennessee River, and the capture of Fort Henry, which, if successful, would compel the enemy to entirely evacuate Kentucky. Halleck cut him off without allowing him to finish his proposition, and he returned to Cairo very much crestfallen. All military authorities seem to have concurred at that time in a proper estimate of the Tennessee River as a line of operations, but Grant was the only one who proposed to go on and attempt what all agreed ought to be done. McClellan, Halleck, and Buell were for action in the future. Grant believed in the present. He was not to be easily dissuaded from a purpose, and on the 28th of January, backed up by a

similar dispatch from Flag-Officer Foote, he telegraphed to Halleck: "If permitted, I could take and hold Fort Henry on the Tennessee."

On the 29th he wrote more fully to the same effect, and on the 1st of February he received instructions which "permitted" him to take the fort. It was taken on the 6th.

It was on this very day that Assistant Secretary Scott reached General Buell's headquarters at Louisville. The General made a strong impression on Scott, and expressed to him his opinion that with from 30,000 to 50,000 men from the Army of the Potomac, General Halleck and he could take a position between the Tennessee and the Cumberland rivers, break the rebel line, defeat the separate wings in detail, and soon secure Nashville. All this Scott reported to Stanton on the same day, with the assurance that if he could be allowed ten days to arrange for the transportation, he could then be ready to transport the desired reinforcements from the East. On the 14th, he forwarded letters from General Halleck containing the same suggestions.

Halleck, like Buell, wanted heavy reinforcements from the Army of the Potomac, but even with them he did not propose to advance on Nashville before April. He was impatient to have troops taken from Buell and from the East to enlarge his command, but they were not to be used by him until two months later. On February 6, the day Fort Henry surrendered, and before he had learned of the event, Halleck wrote to General S. R. Curtis: "I know what a winter cam-

paign would be, but the administration have 'on to Richmond' fever,[1] and we must go ahead."

On the following day, Halleck telegraphed to General McClellan: "Fort Henry is ours," and accepted congratulations without even referring to Grant.

The enthusiastic Secretary of War, elated by the event, and not doubting that it was due to General Halleck, telegraphed him on the 8th, as follows: —

> Your energy and ability receive the strongest commendation of this department. You have my perfect confidence, and you may rely upon my utmost support in your undertakings. The pressure of my engagements has prevented me from writing you, but I will do so fully in a day or two.

On the 15th, an order was issued by the Secretaries of War and of the Navy, in the name of the President, as commander-in-chief, to Brigadier-General Grant and Flag-Officer Foote, and the forces under their command, returning thanks for their gallant achievements in the capture of Fort Henry.

Halleck greatly deprecated any interference by the government with the plans of generals, even though that interference only took the form of insisting that after being provided with all the necessary men and means, they should have some plans and execute them. To General McClellan he wrote, January 20, that he took it for granted that what had been done up to that time had been the "result of political policies rather than military strategy," and that the want of success was "attributable to the politicians rather than the

[1] Referring to the clamor of "On to Richmond" which preceded the first battle of Bull Run.

generals." "I am aware," he continues, "that you, general, are in no way responsible for this, these movements having been governed by political expediency, and in many cases directed by politicians, in order to subserve particular interests; but is it not possible with the new Secretary of War to introduce a different policy, and to make our future movements in accordance with military principles?"

This was a strong appeal to Stanton, who was sure to see the letter, that his influence should be exerted to allow the great military strategists to continue doing nothing, without being disturbed by the clamor of meddlesome politicians like the President and his Cabinet and the leaders in Congress.

McClellan, Halleck, and Buell, at their comfortable offices in Washington, St. Louis, and Louisville, doubtless had great plans, but were never ready to execute them. They all had what Mr. Lincoln, in McClellan's case, so aptly termed "the slows." They always wanted more men, and more time for equipping them. The idea of actually starting out for a fight with the force they had at any given time seemed to them mere rashness. To explain the effect the occupation of Nashville would have upon the rebel forces in Kentucky and Tennessee was as far as they had then cared to go. It was reserved for Grant to show them that at some time doing as well as thinking was necessary, and he appears finally to have actually worried Halleck into allowing him to take Fort Henry. That being accomplished, he wrote to Halleck that he would then move upon Fort Donelson.

To this the latter gave no response, although he informed Buell on the next day (7th) that Grant would march against Donelson on the 8th.

On the 14th, while investing Donelson, Grant received an order from Halleck, dated the 10th, ordering him to devote himself to fortifying Fort Henry.

On the 16th, two days after Halleck had offered, through Assistant Secretary Scott, to move up the Tennessee River if given 60,000 new troops, Grant, without orders from Halleck, the commander of the department, and without either approval or disapproval, but not without notice to him of his intention, had, after three days' fighting, demanded and received the "unconditional surrender" of Fort Donelson.

Halleck had energetically reinforced Grant during these rapid movements, but evidently more with a view of saving him from destruction than in the hope of any decisive results. He and Buell firmly believed that the United States forces of the West were too weak for any important movement until strengthened by an addition of 50,000 from the East. Grant's celerity served in lieu of the coveted reinforcements. Had the campaign up the Tennessee River awaited the transportation of 50,000 men from the Army of the Potomac, the enemy would have sent still greater reinforcements to Fort Donelson, which was the centre of the rebel line, stretching from Bowling Green to Columbus.[1]

[1] "I was very impatient to get at Fort Donelson because I knew the importance of the place to the enemy, and supposed he would reinforce it rapidly. I felt that 15,000 on the 8th would be more effective than 50,000 a month later." Grant's *Memoirs*, vol. i. p. 298.

The advance was made with 15,000 men, increased by reinforcements to 27,000. The enemy had within their intrenchments 21,000 men, of whom 2000 were killed, 4000 escaped, and 15,000 were taken prisoners.

On the 16th Halleck wrote to McClellan that Buell ought not to move towards Nashville, but should aid Grant in taking and holding Fort Donelson and Clarksville. He added: "Unless we can take Fort Donelson very soon we shall have the whole force of the enemy on us. Fort Donelson is the turning point of the war, and we must take it at whatever sacrifice."

On the same day Grant telegraphed him that Fort Donelson was taken, but to this he never made reply. Although all the world rang with Grant's praises the next day, he tells us in his "Memoirs"[1] that he received nothing direct which indicated that Halleck knew Donelson was taken.

The latter did not fail to appropriate the achievement to himself, as appears by the following dispatch from him to General McClellan, dated St. Louis, February 17: —

> Make Brigadiers Grant and Pope Major-Generals of Volunteers, and give me command in the West. I ask this in return for Forts Henry and Donelson.

On the same day, he energetically renewed his importunities to Assistant Secretary Scott, and persuaded him to write Stanton an urgent letter asking that Buell's department be added to his own: he to take the field in person, and to move up the Cumberland and Ten-

[1] Vol. i. p. 324.

nessee rivers. With 50,000 well disciplined troops from the Army of the Potomac added to their combined forces, he said he felt confident that Nashville could be taken. This was deemed so urgent that Scott's letter was sent by a special messenger to the War Department.

The rebel defense of Nashville was made and lost at Fort Donelson on the 16th, and Nashville was evacuated without a struggle as soon as Buell had time to make his unimpeded progress to the place, where he arrived on the 24th.

This must have been a great surprise to Halleck, for he had written to McClellan on the 15th: "I have no definite plans beyond the taking of Donelson and Clarksville." Thus we have his own word for it that he was as innocent of the occupation of Nashville as he had been of the capture of Fort Donelson.

CHAPTER XXXVIII

Correspondence between Secretary Stanton and Assistant Secretary Scott. — Stanton's Ideas of what War should be. — His Intentions towards Halleck and Buell. — Comments on this and Reference to Critics. — Grant promoted to Major-Generalship on Recommendation made by Stanton on the Morning following the Capture of Fort Donelson.

SCOTT'S special messenger arrived at Washington in due time with his letters for Mr. Stanton, who replied as follows: —

Some features of the proposed military reorganization I approve; others I do not. As soon as General Buell fights a battle, or makes any decisive movement with the large force under his command, I will be glad to recommend him for major-general. But as he communicates nothing to the department, nor even acknowledges communications made to him by me, the department knows nothing of his operations, except what appears from the newspapers. The activity of General Halleck leads me to think that the Western operations may very wisely be placed under his command if he will take the field in person. I am very much inclined to prefer field work rather than office work for successful military operations. The general who stands upon the field of battle and heads his forces in person is the one who is most likely to win the victory. The general commanding proposes himself to do this at the proper time. I am inclined, therefore, to reorganize by placing the whole Western operations under General Halleck, and give him such force as may be desired.

In respect to General Hitchcock, I have no doubt, from what I can learn of him, that Missouri may be properly intrusted to his command. General McClellan did not approve his appointment, but as it was requested by General Halleck and strongly recommended by General Scott, I resolved to make it. The extent of his command I would be disposed to leave to the judgment of General Halleck. General Hunter's command, also, I think may remain the same as heretofore. The trouble between him and Lane seems to have subsided in a great measure.

In respect to the details of proposed military operations to follow the new organization, it is needless for me to say anything, because they must depend upon the exigencies of the hour, and the general in command would change or modify them according to circumstances; the great purpose being to pursue and destroy the rebels wherever they can be found; to capture their cities and strong places; drive them from every State, and restore the authority of the government. I would leave the method of accomplishing that purpose to the generals operating in the field; undertaking to supply every want, so far as might be done by the whole power of the country, and rejoicing to reward alacrity and success with every honor at the disposal of the government.

These are the general views I now entertain on the subject of your letter, and will confer with the President as soon as his domestic calamity will permit.

I think it is important that you should remain in the West, visiting Cairo, Paducah, Forts Henry and Donelson, St. Louis, and all the other places held by our forces on the Western rivers.

The officers in command do not seem to be aware that it is their duty to address the department, through the adjutant-general, so that the Secretary is informed only of what General McClellan communicates. In this way their wants and merits may by accident sometimes fail to reach me. I shall expect

from you full reports of everything concerning military operations at every point you visit. Your diligence and attention is fully appreciated, and I shall be glad to carry out any suggestions that may occur to you for the good of the service.

Secretary Stanton has been accused of interfering with military operations in the field, and of exhibiting a dictatorial spirit towards the generals in the army. The record does not sustain the charge. No general who wanted to fight the enemy ever found himself embarrassed with advice from Stanton as to the best way to fight. He interfered with military slothfulness, indifference, and insubordination, which it was his sworn duty to do, and a duty in which his patriotism would not allow him to fail; but the language and the spirit of the above letter written by him, evidently to be shown to both Halleck and Buell, attest his sincere purpose to urge military leaders to activity, and then to give them the fullest support in whatever plans they might adopt. Buell must fight a battle or make some decisive movement if he expected promotion. The original draft of Stanton's letter read that "the department knows nothing of his operations except that he appears from the newspapers to be quietly enjoying himself in Louisville." This he modified to read as above quoted.

If Halleck would take the field in person, which, up to that time, he had not done, he favored giving him command of the military operations of the West.

For generals who preferred their offices to the field he had no liking. "The general who stands upon the field of battle and heads his forces in person is most

likely to win the victory." Then, lest this might be construed into a thrust at General McClellan (who had as yet remained at his desk when not on parade in the saddle), and thereby diminish the respect for him which the service required, he interlined the words, "The general commanding proposes himself to do this at the proper time."

Stanton did not make any mistake in placing the credit for the capture of Fort Donelson. That was not due to Halleck's activity. The "unconditional surrender" took place February 16. On the next morning, without hearing from Halleck, he addressed to the President the following recommendation: —

> I have the honor to propose for your approbation the following-named person for appointment in the volunteer force now in the service of the United States.
>
> Brigadier-General U. S. Grant of the United States Volunteers to be Major-General of Volunteers, for gallant and meritorious conduct in the capture of Fort Donelson, to date from February 16, 1862.

The President made the nomination the same day, and it was placed before the Senate at its next executive session on the 19th. On motion of Senator Zachary Chandler the nomination was, by unanimous consent, immediately confirmed without the usual reference to a committee.

That portion of Mr. Stanton's letter in which he states the great purpose of all military operations — "to pursue and destroy the rebels wherever they can be found; to capture their cities and strong places, drive them from every State, and restore the authority of the

government," and his assurance that "he would leave the method of accomplishing that purpose to the generals operating in the field" (this originally read "to the generals in command"), the government furnishing ample supplies, and rewarding success with high honors — shows his conception of the relative duties of the government and the army, and of the War Department and the generals in the field.

The critics of Mr. Stanton will search in vain for any departure by him, during the war, from the general spirit of the above letter written one month after he took office.

General Grant, in his testimony before the Committee on the Conduct of the War, May 18, 1865, after the war had ended, testified as follows: —

Being asked: "In what manner has Mr. Stanton, Secretary of War, performed his duties in the supply of the armies, and the support of military operations under your charge?"

He replied: "Admirably, I think. There has been no complaint in that respect, — that is, no general complaint. So far as he is concerned, I think there has been no ground for complaint, in that respect."

Question: "Has there ever been any misunderstanding with regard to the conduct of the war in any particular between you and the Secretary since you have been in command?"

Answer: "Never any expressed to me. I have never had any reason to believe that any fault was found with anything I had done, so far as the Secretary of War and myself are concerned. He has never interfered with my duties; never thrown any obstacle in the way of supplies I have called for.

He has never dictated a course of campaign to me, and never inquired what I was going to do. He has always seemed satisfied with what I have done, and has heartily coöperated with me."[1]

[1] *Report of the Committee on the Conduct of the War.*

CHAPTER XXXIX

Horace Greeley on Stanton. — The Latter disclaims Credit not his due in a Letter to the "Tribune." — Comments on this Letter by Lewis Cass.

The capture of Forts Henry and Donelson in Tennessee, and of Roanoke Island on the coast of North Carolina, caused great rejoicing throughout the country. The people had been so long accustomed to reading in the daily papers what Halleck and Buell would do in the West and what McClellan would do in the East, and then to finding that nobody did anything but frame new excuses for delay, that they were greatly elated with the reports of these brilliant enterprises. Secretary Stanton gave due credit, by a published bulletin, to General Grant and Flag-Officer Foote, and to General Burnside and Commodore Goldsborough, and the brave men under them, for these achievements.

The presence of Mr. Stanton in the administration had manifestly given a new impetus to the progress of affairs. He had imparted to it some of his own intense energy and aggressiveness. The President's order for a general advance on the 22d of February was felt to be as much that of his new Secretary of War as his own, and these victories following close upon it, in advance of the day named, were very naturally connected with it in the public mind. They seemed to prove that we

had some generals who not only needed no urging, but who only wanted permission to do battle, and soldiers who were as ready to fight as their commanders were to call on them. In the exultation of the hour, Horace Greeley published the following editorial in the New York "Tribune" of February 18: —

EDWIN M. STANTON.

While every honest heart rises in gratitude to God for the victories which afford so glorious a guaranty of the national salvation, let it not be forgotten that it is to Edwin M. Stanton, more than to any other individual, that these auspicious events are now due. Our generals in the field have done their duty with energy and courage; our officers, and with them the noble democracy of the ranks, have proved themselves worthy sons of the Republic; but it is by the impassioned soul, the sleepless will, and the great practical talents of the Secretary of War that the vast power of the United States has now been hurled upon their treacherous and perjured enemies to crush them to powder. Let no man imagine that we exalt this great statesman above his deserts, or that we would detract an iota from that share of glory which in this momentous crisis belongs to every faithful participator in the events of the war. But we cannot overlook the fact that, whereas the other day all was doubt, distrust, and uncertainty; the nation despairing almost of its own restoration to life; Congress the scene of bitter imputations and unsatisfactory apologies; the army sluggish, discontented, and decaying, and the abyss of ruin and disgrace yawning to swallow us; now all is inspiration, movement, victory, and confidence. We seem to have passed into another state of existence, to live with distinct purposes, and to feel the certainty of their realization. In one word, the nation is saved; and while with ungrudging hands we heap garlands upon all defenders,

[*James Buchanan to Mr. Stanton, February 25, 1862*]

yet notwithstanding our changed relations, I wish you all the success & glory in your efforts to conquer the rebellion & restore the Union which your heart can desire. If I might be permitted to intimate a word of advice, it would be to write as little as possible for the public eye. Let your actions speak for themselves, & so far as I can judge they ~~will~~ have spoken loudly in your favor.

from your friend
very respectfully
James Buchanan

Hon. Edwin M. Stanton

let a special tribute of affectionate admiration be paid to the minister who organized the victory which they have won.

These were dangerous claims to assert in behalf of any man, even if they could be maintained, and were likely to impair the usefulness of Mr. Stanton, by exciting displeasure in the minds of military men with whom the interests of the country required him to be on the best of terms. Whatever he had contributed towards energizing the administration of affairs, civil and military, he had not given direction to any military operations, and he was not the man to assent, by his silence, to any unfounded claim in his behalf. He therefore addressed the following letter, February 19, to the editor of the "Tribune," which was, of course, published in that paper and copied in nearly all the newspapers of the country.

To the Editor of the New York "Tribune:"

Sir, — I cannot suffer undue merit to be ascribed to my official action. The glory of our recent victories belongs to the gallant soldiers and officers that fought the battles. No share of it belongs to me.

Much has recently been said of military combinations and "organizing victory." I hear such phrases with apprehension. They commenced in infidel France with the Italian campaign, and resulted in Waterloo. Who can organize victory? Who combine the elements of success on the battle-field? We owe our recent victories to the spirit of the Lord, that moved our soldiers to rush into battle, and filled the hearts of our enemies with terror and dismay. The inspiration that conquered in battle was in the hearts of the soldiers, and from on high; and wherever there is the same inspiration, there will be the same results. Patriotic spirit with resolute

courage in officers and men is a military combination that never failed.

We may well rejoice at the recent victories, for they teach that battles are to be won now, and by us, in the same and only manner that they were ever won by any people, since the days of Joshua, — by boldly pursuing and striking the foe. What, under the blessing of Providence, I conceive to be the true organization of victory and military combination to end this war was declared in a few words by General Grant's message to General Buckner, — "I propose to move immediately upon your works."

This was in his best vein. It breathed devotion to the country, gratitude to the soldiers, trust in God, and an abiding faith in hard knocks. The religious element had a large place in his character, and in his appeal to the God of battles he was greatly in earnest.

The following letter written to Mr. Stanton at this time by Mr. Cass, the venerable statesman who was at the head of Mr. Buchanan's Cabinet until driven out by the approaching storm in which he could see only shipwreck, here appears for the first time, and shows that the country contained no more patriotic war Democrat than Lewis D. Cass. The allusion to idling and incompetent generals is particularly severe.

I have read your admirable letter to the New York "Tribune" with the greatest pleasure. I congratulate, not you, but this country upon this exposition of your sentiments. Nothing could be in better taste; nothing sounder in principle. I was glad when I heard that you were called to take charge of the War Department, at this crisis of our affairs, but I am now still more rejoiced that you are there. You have a noble example before you of the effect which the firm course of a

single man may produce, in the history of the elder Pitt, and you are following in the same path, and I trust with the same results. I concur with you cordially in your view for the necessity of prompt, energetic action. We want dashing, energetic officers at the head of all our separate detachments, who will lead the way to success, and when this is obtained, will follow the enemy without giving him a moment's rest. We have been lamentably deficient in this respect. Marshal Saxe well said that the whole secret of war was in the legs. We seem to have thought that the secret was not in using the legs, but in sitting still. My heart has been in the suppression of this rebellion, and perhaps my impatience has influenced my judgment, but for my soul I have not been able to conceive why the immense force in and about Washington has been inactive for some months, while the enemy has been encamped almost within view of the capital. Pardon the suggestion, but it appears to me, the moment a commanding officer proves his incompetency, either by want of courage, of conduct, or of enterprise, he should be superseded without a moment's hesitation. And this should be done as often as the occasion demands, till our troops find themselves led by officers possessing their confidence, and proving their claims to it by conducting them to victory. No feeling for an incompetent officer should save him for a moment. Our country has too much at stake in the present struggle for the Constitution to suffer its interests to be sacrificed to consideration for individuals. When we commenced this contest, we had very few military men known to the country by their experience. We had to depend on the course of events to make known the capacity and pretensions of the men charged with high military responsibility. It necessarily follows that in such a trial there must be many unfit for the stations. These should at once be dropped and those who pass the ordeal retained and employed.

May God prosper your efforts, and crown them with success.

CHAPTER XL

A Fleet of Steam Rams for Operations on the Mississippi River. — Constructed under Stanton's Orders by Charles Ellet, Jr.

The possession of the Mississippi River was second to no object in the prosecution of the war. Indeed, by some of our military leaders it was deemed of the first importance. It would sunder the Confederacy and cut off from the East the great source of supplies in the Southwest. We have seen how anxious Mr. Stanton was to respond to the demands of Halleck and Buell for reinforcements from the East, supposed to be necessary for operations on the Cumberland and Tennessee rivers and the upper Mississippi. The important part taken by the gunboats on the Tennessee proved their great value, and directed the attention of the administration to what might be done with their coöperation on a larger scale on the Mississippi River. At a meeting of his Council of the bureau officers of the War Department, March 14, Mr. Stanton discussed this subject with them at length. At another meeting on the 20th Charles Ellet, Jr., was present, upon Secretary Stanton's invitation, and stated to the board what he saw at Fortress Monroe, from whence he had just returned.

Mr. Ellet was a civil engineer of considerable reputation. The sinking of the Arctic, one of the Collins

line of Atlantic steamers, by being run down by a vessel of similar tonnage in 1854, had impressed him with the feasibility of so constructing steam vessels as to make them capable of receiving severe shocks with impunity, while acting as rams. That is to say, by strengthening the hulls of the vessels and constructing heavy prows they could fight the enemy by their momentum. Having freely published his views as early as 1855 in a pamphlet which attracted much attention, he apprehended danger from the adoption of his plans by the Confederates, and early warned the government of this danger, calling special attention to the United States frigate Merrimac, captured by the Confederates in the Norfolk navy yard, and which it was known they were fitting up as a ram. On the 6th of February he published some views on the subject, in which he stated that the rebels then had five steam rams nearly ready for use, — two on the lower Mississippi, two at Mobile, and the Merrimac at Norfolk. He said if the Merrimac was permitted to escape from the Elizabeth River she would commit great depredations on our vessels in Hampton Roads and might pass out to sea and be a terrible scourge to our commerce, as well as a dangerous visitor to our blockading squadrons. Four weeks later the Merrimac fulfilled the first part of this prediction by the destruction of the Cumberland and Congress, with many lives, although she found herself overmatched the next day by the Monitor. Her exploit sufficiently demonstrated the damage that could be inflicted by a powerful steam ram. Her withdrawal for repairs abated but did not remove the anxiety of

the government caused by her proven capacity for great harm. Mr. Ellet's opinion of her and of her diminutive rival, the Monitor, became a matter of interest. He reported to Mr. Stanton, at the meeting of the Council on the 20th, that Commodore Goldsborough and other naval officers at Hampton seemed to have become converts to the capability of steam rams, and to have concluded that almost any swift-going steamer that could, with safety to herself, hit the Merrimac would send her to the bottom. Following is a condensed summary of the proceedings of the Council on this subject, on the 20th and 26th of March, made from the official stenographic minutes: —

After Mr. Ellet had retired from the room, General Meigs suggested that he might be usefully employed by the government in gunboat construction in the West.

The Secretary: Perhaps he would be as good a man as we could get for that purpose. He has more ingenuity, more personal courage, and more enterprise than anybody else I have ever seen. . . . He is a clear, forcible, controversial writer. He can beat anybody at figures. He would cipher anybody to death. If I had a proposition that I desired to work out to some definite result, I do not know of any one to whom I would intrust it so soon as Ellet. His fancy and will are predominant points, and once having taken a notion he will not allow it to be questioned.[1]

Secretary Stanton stated that he had had a conversation with Mr. Fox, Assistant Secretary of the Navy, who proposed that the Navy Department should undertake the construction

[1] Mr. Ellet had Secretary Stanton's entire confidence as a noble, resolute, and honest man, and, as we shall soon see, subsequently rendered valuable and distinguished services to the government.

of the sea-going gunboats, and that the War Department should undertake the building of the gunboats for the Western rivers.

General Meigs stated that the proposition would do very well, but the appropriation for fifteen millions for ironclad gunboats was to be expended by the Secretary of the Navy in accordance with the terms of the law.

The Secretary: That is so; but I do not think there will be any difficulty in obtaining an appropriation for army gunboats, because Congress believes that you and I are honest.

At the meeting of March 26 the Secretary stated that he had received a dispatch from General Halleck the previous evening to the effect that he had been furnished with information which made him anxious in regard to ironclad boats now being built at New Orleans, to be sent up the river for the purpose of interfering with our flotilla. He inquired if any gentleman had anything to propose respecting the proper way to meet these boats now in course of preparation by the rebels.

General Meigs: Does Halleck say that the rebels have ironclad boats?

The Secretary read the dispatch stating that pretended Union men from New Orleans represent that the rebels are building one or more river boats at that place, clad with railroad iron like the Merrimac.

The Secretary said that the construction of a river Monitor would not meet the case, but rams might be built to answer the purpose. It would take too much time to construct a boat like the Monitor, while a ram could be made ready in twenty days, or even a half a dozen of them could be prepared in that time.

General Meigs: One of the steamboats that we already have could in a short time be altered in the bow so as to act as a ram. That would be the quickest way of meeting the difficulty.

The Secretary: I propose this day to send Mr. Ellet to the West as the engineer of this department to construct, as speedily as possible, one or more rams at Pittsburg, Cincinnati, and New Albany. Is there any better person to whom I could commit that duty?

General Meigs: I do not believe there is.

General Thomas: He has genius and skill, and I presume can carry out the plan as soon as anybody.

General Totten: Has he any particular plan?

The Secretary: Yes; the plan is to take the largest and most powerful river boats, remove the upper works, fill the bows with timber, and furnish such protection as can be afforded. Each boat will require a crew of five men and a person to command. Mr. Ellet is himself willing to risk it.

Colonel Taylor: I think I would give him an opportunity, and promptly, too.

The Secretary: I shall allow him to commence one boat at Pittsburg, one at Cincinnati, and one at New Albany, so that they may all be progressing at once.

General Meigs: I do not think you can do better. You could not add much to the ironclad boats we already have. They now draw more water than it was intended they should draw.

The Secretary: We do not want to wait for iron armor. Ellet calculates upon destroying a boat right off by running into her.

Now, Mr. Quartermaster-General, I like everything done systematically and in order. I want a quartermaster at each one of those places to make all contracts, to superintend all disbursements, to present and vouch for all accounts, etc. It cannot be done by the quartermasters at these points because they already have as much business as they can attend to. Besides, I would rather keep the construction of these boats separate from other matters. Are there any unemployed quartermasters that can be detailed for that duty?

General Meigs: I do not think that there is any one available. I wish you would appoint somebody fit for the place.

The Secretary: I will appoint fifty quartermasters if you will name men who are fit for the position.

General Meigs: That would be hard to do.

The Secretary: I propose to get men who are fit. I propose to address a telegraphic dispatch to the Board of Trade in each city, asking them to appoint three of their most judicious members to act as an advisory committee of this department, and that one of their number shall accept temporarily the post of quartermaster, receive a commission as such from the United States, render his accounts, and surrender his commission just as soon as this business is completed, they to select the man. I appeal simply to their patriotic motives. Can any gentleman suggest a better plan?

Colonel Taylor: I cannot; that you have suggested is perhaps the only one.

General Meigs: The person selected should be a good man, who knows the resources of the place and the people.

The Secretary then read the telegram which he proposed to address to the boards of trade at Pittsburg, Cincinnati, and New Albany.

General Totten: Do you make Ellet directly accountable to you?

The Secretary: I make him directly accountable to me.

General Totten: To whom are the boats to be turned over?

The Secretary: To the quartermaster.

General Totten: My inquiry turns upon a point of his personal character. He will be lord over all, unless you make his path and wall him in.

The Secretary: He will be accountable to me.

General Totten: Is he to be subordinate to the commanding officer? What I fear is that he will not be tractable.

The Secretary: Then I will dismiss him. The building of the boats is all that I propose that he shall do. The boards of trade can select good river men to be captains. After their construction the boats will be placed under the command of the military officer in charge of the operations there. Ellet can go on any one of them if he chooses.

General Totten: That, I think, will be ample security.

The Secretary: I do not propose to erect him into a military power.

General Totten: It seems to me that your proposition is the proper one for security against these rebel boats.

General Thomas: It is the only one when the question of time is taken into consideration.

The Secretary: I have told Ellet to construct these boats in twenty days.

General Meigs: You can alter one sooner than that.

The Secretary: That is the maximum.

After some discussion the Secretary fixed Mr. Ellet's pay at ten dollars per day, with mileage at ten cents per mile. He then read to the board his letter of instructions to him.

On the next day he gave Ellet the following order:—

Sir,—You will please proceed immediately to Pittsburg, Cincinnati, and New Albany and take measures to provide steam rams for defense against ironclad vessels on the Western waters. Instructions will be forwarded you by mail to Pittsburg, in conformity with which you will guide your proceedings, and from time to time receive such other instructions as may be required. All contracts and purchases will be made by a special quartermaster, to be appointed to act with you, and all expenditures will be made by him and under his direction. You will be compensated for your service at the rate of pay allowed by law for similar services, to wit, ten dollars per day and mileage at the rate of ten cents per mile.

On the following day Mr. Stanton telegraphed him at Pittsburg : —

Unless for imperative reasons, do not confine your work to one locality. Give a portion to Cincinnati and New Albany, so as to avoid the imputation of local favoritism, and also to bring out the whole mechanical energy of the Ohio Valley. Proceed as speedily as you can to Cincinnati. The Board of Trade there are ready to act energetically with you. Confer with Mr. Butler, the president of the board at Cincinnati, with whom I am in communication. Report daily to me.

On the 29th Mr. Stanton sent the following to Major-General Halleck at St. Louis : —

Steam rams are rapidly being prepared under the direction of Engineer Ellet at Pittsburg, and he proceeds immediately to Cincinnati to fit up some there. They are the most powerful steamboats, with upper cabins removed, bows filled in with heavy timber. It is not proposed to wait for putting on iron. This is the mode in which the Merrimac will be met. Can you not have something of the kind speedily prepared at St. Louis also?

On the same day Mr. Ellet telegraphed to Mr. Stanton that the enemy had "eleven gunboats below Island No. 10, and others fitted up as rams ascending the Mississippi." He recited his plan of work in detail.

Mr. Stanton replied : —

Yours received. Direct quartermaster to supply whatever you need. Spare nothing to accomplish your object at the speediest moment, for time is precious.

On the 31st Mr. Stanton telegraphed him : —

Your letter just received. Your plan is approved. I do not mean to impose any improper limit, but wish the work

not confined to one locality, but distributed, so as to get the utmost possible vigor, and therefore recommend immediate inspection at Cincinnati and New Albany, where an immense amount of mechanical industry may work at the same time with the force at Pittsburg. You need not consider yourself restricted to one more boat at Pittsburg, but I wish to know by telegraph what extent is proposed beyond that, before contracts are made. The crew is of great importance. I will give honorable reward and also prize money for successful courage in large and liberal manner.

April 19 Ellet wrote that three gunboats at Pittsburg and one, and possibly two, at Cincinnati would be ready as soon as they could be manned. He said: —

What we do with these rams will probably be accomplished within a month after striking the first boat. Success requires that the steamers should be run below the batteries, after which they will be unable to return, and compelled to go down the Mississippi or be sunk or taken. I think if I can get the boats safely below Memphis I can command the river.

He wrote full details of his requirements for the expedition.

CHAPTER XLI

The Capture of Memphis.

The energetic measures of Mr. Stanton for the construction of steam rams for operations on the Mississippi resulted in the completion of the fleet about the middle of May. On the 5th of June it moved down the river to Memphis. On the following day the memorable engagement took place, which was mainly a battle between the federal ram fleet and that of the enemy, and which resulted in the capture of Memphis. The following is from the report of Colonel Ellet, who commanded the federal rams constructed under his direction : —

Rebel gunboats made a stand early this morning opposite Memphis, and opened a vigorous fire upon our gunboats, which was returned with equal spirit. I ordered the Queen, my flagship, to pass between the gunboats, and run down ahead of them upon the two rams of the enemy, which first boldly stood their ground. Lieutenant-Colonel Ellet, in the Monarch, of which Captain Dryden was first master, followed gallantly. The rebel rams endeavored to back down stream, and then to turn and run, but the movement was fatal to them. The Queen struck one of them fairly, and for a few minutes was fast to the wreck. After separating, the rebel steamer sank. My steamer, the Queen, was then herself struck by another rebel steamer and disabled, but, though damaged, can be saved. A pistol-shot wound in the leg

deprived me of the power to witness the remainder of the fight. The Monarch also passed ahead of our gunboats, and went most gallantly into the action. She first struck the rebel boat that struck my flagship, and sunk the rebel. She was then struck by one of the rebel rams, but not injured. She was then pushed on and struck the Beauregard and burst open her side. Simultaneously the Beauregard was struck in the boiler by a shot from one of our gunboats. The Monarch then pushed at the gunboat Little Rebel, — the rebel flagship, — and having little headway, pushed her before her, the rebel commodore and crew escaping. The Monarch then finding the Beauregard sinking, took her in tow until she sank in shallow water. Then, in compliance with the request of Commodore Davis, Lieutenant-Colonel Ellet dispatched the Monarch and the Switzerland in pursuit of one remaining gunboat and some transports which had escaped. The gunboats and two of my rams have gone below. I cannot too much praise the conduct of the pilots and engineers and military guard of the Monarch and Queen, the brave conduct of Captain Dryden, or the heroic bearing of Lieutenant-Colonel Ellet. I will name all parties to you in special report. I am myself the only person in my fleet who was disabled. . . .

It is proper and due to the brave men on the Queen and the Monarch to say to you briefly that two of the rebel steamers were sunk outright and immediately by the shock of my two rams; one with a large amount of cotton, etc., on board, was disabled by accidental collision with the Queen, and secured by her crew. After I was personally disabled, another, which was also hit by a shot from the gunboats, was sunk by the Monarch and towed to shoal water by that boat. Still another, also injured by the fire of our gunboats, was pushed into shore and secured by the Monarch. Of the gunboats I can only say that they bore themselves as our navy always does, — bravely and well.

Mr. Stanton responded to him as follows, June 9: —

The news of your glorious achievement at Memphis reached here last evening, and our joy was only dampened by your personal injury. You will accept for yourself, and return to your officers, engineers, pilots, soldiers, and boatmen, the cordial thanks of this department for the gallantry, courage, and skill manifested on that occasion. When your official report is received official recognition will be made of their respective merits. I went in the evening to your house, and, as carefully as I could, communicated to Mrs. Ellet your injury. She was of course deeply affected, but bore the information with as much spirit and courage as could be expected. It is her design to proceed immediately to join you. I have furnished her with a pass and free passage, and she will be accompanied by your daughter. I hope you will keep me advised of your state of health and everything you want. To my official thanks, I beg to add my personal regards.

The brave Ellet died from the effects of his wounds on the 21st of the same month, just as the vessel which was conveying him to Cairo touched the wharf at that place.

The capture of Memphis was a strange episode, being the result of the zeal and energy of two civilians. Stanton's confidence in Ellet and the latter's confidence in himself resulted in the rapid creation of a fleet of rams over which their constructor was given command. The gunboats participated in the engagement, and Ellet gave them full credit, but the victory was due to the rams. The engagement was watched from the levee at Memphis by the Confederate general, M. Jeff Thompson, who in his report to General Beauregard said: "The enemy's rams did most of the execution, and were handled more adroitly than ours."

CHAPTER XLII

Halleck in the West. — His Importunity for an Enlarged Command. — His Ludicrous Pretensions. — His Injustice to Grant undone by an Inquiry from the War Department. — He is given Supreme Command in the West. — He then restores Grant to his Command. — The Battle of Shiloh fought while Halleck is still at St. Louis. — He then takes the Field and resumes Persecution of Grant. — Halleck's Advance on Corinth by Parallels. — Finds it evacuated.

THE eagerness of General Halleck to have entire command in the West as his reward for permitting General Grant to capture Fort Henry, and for not preventing him from capturing Fort Donelson, has already been noted in his telegram to that effect, of February 17, to General McClellan.

On the 20th, he again telegraphed McClellan as follows: —

I must have command in the armies of the West. Hesitation and delay are losing us the golden opportunity. Lay this before the President and Secretary of War. May I assume command? Answer quickly.

To this McClellan replied, February 21: —

Buell at Bowling Green knows more of the state of affairs than you at St. Louis. Until I hear from him, I cannot see the necessity of giving you entire command. I expect to hear from Buell in a few minutes. I do not yet see that Buell cannot control his own line. I shall not lay your case before the Secretary until I hear definitely from Buell.

On the 21st, Mr. Stanton telegraphed to Halleck at St. Louis: —

> Your plan of organization has been transmitted to me by Mr. Scott, and strikes me as very bright. On account of domestic affliction in the President's family, I have not yet been able to submit it to him.

On the 22d, Mr. Stanton telegraphed Halleck that, after full consideration, the President did not think any change in the organization of the army or military departments advisable.

Halleck replied, on the 24th, to Secretary Stanton: —

> If it is thought that the present arrangement is best for the public service, I have nothing to say. I have done my duty in making the suggestions, and leave it to my superiors to adopt or reject them.

While Grant had been hard at work, achieving grand results in Tennessee all through February, he made daily reports to Halleck at St. Louis. Unfortunately his dispatches for a portion of the time, as well as dispatches from Halleck to him, failed to reach their destination. One reason was the desertion of a telegraph operator to the enemy. Among these dispatches were inquiries made by General McClellan as to the number of troops in his command. A question as to the reason for this irregularity in the receiving of reports would have shown General Halleck, what he afterwards found to be the case, that General Grant was entirely blameless, having faithfully performed his duty. Instead of pursuing that course, he accused General Grant, in a dispatch to General McClellan of

March 2, of neglect and inefficiency. This brought from the latter on the next day a dispatch authorizing the arrest of Grant, at Halleck's discretion. On the 4th, Halleck reinforced his first assault, telegraphing McClellan that a rumor had reached him to the effect that Grant had been addicting himself to drunkenness, "which," he said, "if true, would of course account for his bad conduct." He said he did not deem it necessary to arrest him just then, but he had given his command over to General C. F. Smith, who would probably restore order and discipline.[1]

The hero of the first great Union victory of the war was thus put in disgrace without cause or inquiry, and thereby removed from the possibility of being made commander of the Western armies, over the head of his senior, who had, up to that time, remained at his comfortable desk in St. Louis. Fort Henry, Fort Donelson, and Nashville had all been taken, as already shown, not only without Halleck's orders, but against his judgment. This was not known, however, at Washington, where the activity in his department, so loudly proclaimed by himself, was naturally credited in great part to his energy and generalship.

While General McClellan was in command of all the armies, he maintained two distinct organizations, — one as general of the Army of the Potomac, and the other as general-in-chief. He had separate headquarters, and

[1] In his *Memoirs* General Grant thus alludes to this period: —

"Thus, in less than two weeks after the victory of Fort Donelson, the two leading generals in the war were in correspondence as to what disposition should be made of me, and in less than three weeks I was virtually under arrest and without a command."

a staff for each. His headquarters as general-in-chief were in the War Department, the records being kept by the adjutant-general of the army. His headquarters as general of the Army of the Potomac were in another part of the city, and the records were in charge of the adjutant-general of that army.

In a letter to General Grant[1] he explains that in this latter headquarters he kept the chief telegraph office, and the record of "all telegraphic dispatches of any importance." Thus it will be seen that the telegraphic records of his transactions as general-in-chief were not kept in his headquarters, as such, at the War Department, but in the minor establishment.

In March, 1862, Secretary Stanton caused all records which related to the general command of the army to be consolidated in the office of the adjutant-general in the War Department, where they naturally belonged. This brought to light much information which was new to the President and the Secretary of War. Among these discoveries were the dispatches from Halleck to McClellan of March 2 and 4, so damaging to Grant. Similar charges had appeared in the press, but this evidently was the first knowledge the War Department had that they had been made by General Halleck. The following was addressed to the latter by Adjutant-General Thomas, March 10: —

SIR, — It has been reported that soon after the battle of Fort Donelson General Grant left his command without leave.

By direction of the President, the Secretary of War desires

[1] *Own Story*, page 220.

you to ascertain and report whether General Grant left his command at any time without proper authority, and if so, for how long.

Whether he has made to you proper reports and returns of his force.

Whether he has committed any acts which were unauthorized, or not in accordance with military subordination or propriety, and if so, what.

The order of March 11, which retired McClellan as general-in-chief, assigned Halleck to the command of all the armies in the West. The President and his Secretary of War knew only of results in that region, and not of the contrivances by which General Halleck's agency in them was magnified. When, therefore, the question came to be decided, of the chief command in the West, it was given to him. He was entitled to it by rank; he had in official dispatches made Grant to appear wholly unfit and unworthy; and no one else could claim any advantage over him in the way of achievements.

Having thus secured the object of his present ambition, and having no justification whatever for the great wrong he had done General Grant, he attempted none, but first restored him to command, and then wrote to the adjutant-general, March 15, as follows, in reply to Stanton's inquiry: —

In accordance with your instructions of the 10th inst., I report that General Grant and several officers of high rank in his command, immediately after the battle of Fort Donelson, went to Nashville without my authority or knowledge. I am satisfied, however, from investigation, that General

Grant did this from good intentions, and from a desire to subserve the public interests. Not being advised of General Buell's movements, and learning that General B. had ordered Smith's division of his (Grant's) command to Nashville, he deemed it his duty to go there in person. During the absence of General Grant and a part of his general officers, numerous irregularities are said to have occurred at Fort Donelson. These were in violation of the orders issued by General Grant before his departure, and probably under the circumstances were unavoidable.

General Grant has made the proper explanations, and has been directed to resume his command in the field. As he acted from a praiseworthy, although mistaken zeal, for the public service, in going to Nashville and leaving his command, I respectfully recommend that no further notice be taken of it.

There never has been any want of military subordination on the part of General Grant, and his failure to make returns of his forces has been explained as resulting partly from the failure of colonels of regiments to report to him on arrival, and partly from an interruption of telegraphic communication. All these irregularities have now been remedied.

It was not until the 17th of March that Grant received from Halleck copies of this correspondence; "but," he remarks, "he did not inform me that it was his own reports that created all this trouble. In consequence I felt very grateful to him, and supposed that it was his interposition that had set me right with the government."

Halleck had done Grant all the harm he could possibly do him — had degraded him from command without the slightest inquiry, before or afterwards, as to the justice of his course. There seems to be no reason to

suppose that he ever would have retracted his unsupported charges, had he not been compelled by the questions of his superiors to admit that there was no fact on which to sustain them.

General Halleck continued his office at St. Louis for about a month after he had been given command of all the Western armies. Meanwhile they accomplished a great deal. Pope's operations on the Mississippi River at New Madrid and Island No. 10, aided by the gunboats of the navy, under Commodore Foote, resulted in the capture of 7000 prisoners and an immense amount of munitions of war.

The main operations in the department, however, were those conducted by Grant, who, after resuming command of the Army of the Tennessee on the 17th of March, proceeded to Savannah on the Tennessee River, to which point, and places beyond, his troops had been advanced. He at once moved all of his forces to Pittsburg Landing, which is within twenty-two miles of Corinth, Mississippi, at which latter place the enemy, under General A. S. Johnston, was fortifying and massing an army — the first stand he had made since his retreat from Nashville. Grant was not strong enough to attack the intrenched forces of Johnston until reinforced by Buell, who was marching to his aid from Nashville. Aware of this situation, and eager to recover the prestige he had lost by his failures in Tennessee, Johnston decided, against the protest of Beauregard, to move at once upon Grant, and give him battle at Pittsburg Landing. Then, after the victory he anticipated, he would fall upon Buell before the latter reached

Grant. He made the attack near Pittsburg Landing at eight o'clock on the morning of the 6th of April, and the battle raged fiercely until night compelled its cessation. Both forces suffered greatly, — the Confederate losses including the commanding general, Albert Sidney Johnston, — and in the ranks of both there had been great panic among some of the raw recruits. The Union forces had been driven back to the river, where, with aid from the gunboats, they repelled the last desperate assaults of the enemy on that day, and remained on the portion of the field thus held by them. In this fierce conflict, Grant had been ably supported by Sherman, McClernand, Prentiss, Hurlbut, and W. H. L. Wallace. Buell arrived with a division of his army too late to take part on the 6th. General Lew Wallace with 5000 men also failed to arrive in time to do any good on the 6th, owing to a misunderstanding as to the route by which he was to march.

Grant commenced the fighting soon after daybreak on the next morning (7th), and, reinforced by Buell and Wallace, fought and won the battle of Shiloh. Beauregard succeeded Johnston in command of the rebels. "The enemy was driven back all day," says Grant, "as we had been the day before, until finally they beat a precipitate retreat."

Grant says that not more than 25,000 Union troops were in line on the first day, while the enemy, according to Beauregard, were 40,000 strong. Grant says: —

Shiloh was the severest battle fought in the West, and but a few in the East equaled it for hard, determined fighting. . . . Our loss in the two days' fighting was 1754 killed, 8408

wounded, and 2885 missing. Beauregard reported a total loss of 10,677, of whom 1728 were killed, 8012 wounded, and 957 missing. This estimate must be incorrect. We buried by actual count more of the enemy's dead in front of the ranks of McClernand and Sherman than here reported, and 4000 was the estimate of the burial parties for the whole field.

Grant wrote at once to Halleck informing him of this great battle and its results. Halleck gave him no recognition, and made no mention of him to the government at Washington; but on the 8th he telegraphed from his office in St. Louis to Assistant Secretary Scott at New Madrid of a "severe battle and splendid victory at Pittsburg Landing." To the Secretary of War on the same day he telegraphed: —

The enemy attacked our works at Pittsburg Landing, Tennessee, yesterday, and were repulsed with heavy loss. No details given.

Three days later, April 11, he made his appearance at Pittsburg Landing, and assumed command on the field. He ignored General Grant, who was next to him in command, not even permitting him to see the reports of General Buell of his share in the battle. On the 13th he telegraphed to Mr. Stanton that General Sherman saved the fortune of the day on the 6th, and requested that he be made a major-general.[1]

It is strange that General Grant, who commanded all the forces in this great battle, did not seem to General

[1] General Sherman's services on that occasion were fully recognized by General Grant. He says in his *Memoirs* that any casualty to Sherman that would have taken him from the field that day would have been a sad one for the troops engaged at Shiloh.

Halleck worthy of mention. Ten days afterwards Stanton telegraphed Halleck: —

> The President desires to know why you have not made official report to this department respecting the late battle at Pittsburg Landing, and whether any neglect or misconduct of General Grant or any other officer contributed to the sad casualties that befell our forces on Sunday.

This inquiry was made because the most malicious slanders had been circulated against Grant, charging that the enemy had fallen upon him in the early morning of the first day while he was drunk, and that he was at fault in having been surprised. Subsequent investigations proved that these were falsehoods out of whole cloth, instigated by malicious persons who were desperately resolved to destroy Grant in the face of successes which have contributed largely to his immortal renown. Halleck made the following reply to Mr. Stanton's inquiry: —

> The sad casualties of Sunday, the 6th, were due in part to the bad conduct of officers, who were utterly unfit for their places, and in part to the bravery and enterprise of the enemy. I prefer to express no opinion in regard to the misconduct of individuals until I receive the reports of commanders of divisions. A great battle cannot be fought, or a victory won, without many casualties. In this instance the enemy suffered more than we did.

This was not responsive to Mr. Stanton's inquiry. Halleck had been on the ground thirteen days, and could not have failed by that time to know that Grant had neither by neglect nor misconduct fallen short of his duty. His refusal to express an opinion in regard to

the misconduct of individuals may not have been intended as a reference to General Grant, but as that officer's name alone had been mentioned by Mr. Stanton, the failure to at once exonerate him was a suppression of the truth, of which no soldier should have been guilty. On the 2d of May Halleck telegraphed Stanton: —

> The newspaper accounts that our divisions were surprised were utterly false. Every division had notice of the enemy's approach hours before the battle commenced.

By Halleck's order, Pope's command of 30,000 had joined him on the 21st of April, and on the 30th the grand army commenced its advance from Shiloh upon Corinth, digging intrenchments and creeping along behind them, consuming the month of May in moving twenty miles. Corinth was evacuated on the 29th, without the knowledge of General Halleck, who, on the following day, announced in orders that an attack by the enemy was expected that morning. The month was thus consumed in marching against a stronghold to find it evacuated, and everything destroyed or carried away except a few Quaker guns, made of wooden logs, as was the case at Manassas.

From the 13th of April up to this time Grant had been so persecuted by Halleck that he had repeatedly asked to be relieved from duty under him. He finally obtained permission to leave the department, but as he was about to start, General Sherman discovered it and persuaded him to remain. He was permitted, however, to remove his headquarters to Memphis on the 21st of June.

The object in dwelling at some length on these events is to show why a theoretical man like Halleck was in 1862 twice given the preference by Lincoln and Stanton over a real soldier like Grant, who by grand achievements had proven himself so much better fitted to command. It cannot be known who originated the calumnies which filled the public press against Grant immediately after the battle of Shiloh, any more than those which were circulated immediately after the battle of Fort Donelson; but it was the duty of the department commander, in each case, to have immediately satisfied himself of the truth or falsity of the accusations, and then, if true, to have freed the service of so bad a man; and, if false, to let the country have the benefit of the best services of its first successful general.

Stanton had no patience with any officer who was neglectful, insubordinate, or demoralized by bad habits. When such things were charged against Grant, and indorsed by Halleck in some cases, and in others assented to by his silence or by innuendo, he had to accept them as true for the time being. As seen above, General Halleck was himself taken to task by Stanton for having failed to make an official report of the battle of Pittsburg Landing for two weeks after it had been fought. He apparently thought that Halleck was diffident about communicating to him unpleasant facts concerning Grant's conduct. This view was naturally strengthened by Halleck's reply, begging to be relieved from saying anything on that subject until he obtained further information.

One of the greatest reinforcements the rebels had at

any time during the war was the effort — successful for a time — to deceive the government as to Grant's services, capability, and reliability. Whoever may have been most responsible for this, its beneficiary in the way of recognition and rank was General Henry W. Halleck.

CHAPTER XLIII

General Butler's New Orleans Expedition. — Coöperation of Naval Fleet under Admiral Farragut. — Grand Naval Exploit and Capture of the City. — Occupation and Military Government by General Butler.

At the time of Mr. Stanton's appointment as Secretary of War, General Benjamin F. Butler was in command of the Department of New England, with headquarters at Boston, and engaged, by the authority of the President, in raising troops for a descent upon the Gulf of Mexico, with the capture and occupation of New Orleans, by coöperation of the navy, as the object. A portion of his command had been in occupation of Ship Island, Mississippi, since the 3d of December, 1861.

General McClellan had looked with disfavor upon General Butler and his expedition. Could he have controlled, there would have been no movement upon New Orleans. He did what he could to thwart it. The threatened rupture with England, because of the capture of Mason and Slidell from the British mail steamer Trent, arrested the movement of troops by sea until that matter was settled. This brought it down to early in January. On the 13th of that month, General McClellan ordered that on the arrival of the steamer Constitution from Boston, with troops of Butler's command, she should be sent, with the troops on board, to Port Royal, South Carolina, to reinforce General T. W. Sherman at that point. The intention of this order was evidently to break up the New Orleans expedition.

General Butler had to contend not only with McClellan's do-nothing policy, but with fierce political opposition at home. Combative in the highest degree, he had not only been politically opposed to the great body of the people of Massachusetts, but he had made his opposition as offensive as possible at all times. There is no doubt that Governor Andrew greatly distrusted him, as many Democratic leaders in other sections were distrusted. There was no actual ground for such distrust in his case. Butler had all his life been on the side of law and order, and was as greatly incensed at resistance to the authority of the United States from one quarter as from another. Mr. Lincoln wisely trusted him; but this would avail little if his troops were to be taken from him by General McClellan, and sent to South Carolina.

The appointment of Mr. Stanton came in the nick of time to save the New Orleans expedition. Nominated on January the 13th, and commissioned on the 15th, the remainder of the week was occupied in his personal affairs, and in conferences with Union leaders. On Sunday morning, the 19th, he entertained General Butler at breakfast, when a long consultation ensued on the subject so near to Butler's heart. A memorandum of what occurred at this conference covers a dozen written pages, in General Butler's handwriting, and gives an account of the number and location of all the New England troops raised by him. The entire number was 16,075. He had complete arrangements for transportation and supplies.

The two old Democrats understood each other per-

fectly. Deserted by their Southern political associates, for whose legal property rights in slaves they had stoutly contended until the flag was assailed, each knew that the other would devote himself to the maintenance of the government against rebel assaults.

Mr. Stanton entered upon his duties on the next day, — January 20, 1862, — and on the 22d General McClellan countermanded his order of the 13th, that the troops of the Constitution should be sent to Port Royal, South Carolina. On the 24th, Secretary Stanton made a formal order that General McClellan report without delay his opinion whether the expedition proposed by General Butler should be carried out, and if so in what manner. General McClellan replied with a recommendation that the troops raised by General Butler, and not assigned, be held in reserve, "ready to support and reinforce in any quarter where they may be required, and which can only be determined by circumstances in the course of active operations;" and, in conclusion, he said it was clear to his mind that "what was known as General Butler's expedition ought to be suspended."

Secretary Stanton had not limited himself to information from one side only. On the same day of his order to General McClellan for a report he called upon General Butler for information of the condition of his expedition: its cost to date and its probable necessities. To this General Butler responded in detail on February 6, and on the same day wrote to General McClellan of the departure of troops for the Gulf, of the near readiness of others, and asking for certain necessary orders.

Mr. Stanton having disregarded the recommendation of General McClellan, — that this important expedition be abandoned, — General Butler's preparations had been energetically carried forward. Early in February, having embarked his 2000 remaining troops from Boston for Fortress Monroe en route for the Gulf, he went to Washington for orders. These were made out by General McClellan, after a consultation with Butler, but were not issued. Chafing under the delay, Butler reported in writing to the Secretary of War on the 12th of February, that he had as yet no written instructions in regard to the details of the expedition, — a memorandum of which he had before given the commanding general, — and, with characteristic adroitness, he added: "I presume in the press of more important matters these details may have been overlooked. Fearing, however, that the memorandum may be mislaid, and in order to refer to it, a duplicate is sent herewith."

This was referred to General McClellan on the 17th, and his immediate attention requested by the Secretary of War to General Butler's expedition, and to the instructions to be given him if he was to command it.

As General McClellan did not act on this at once, General Butler conceived of a plan for applying a spur to him. He had, on the 12th, testified before the Committee on the Conduct of the War, and had given his opinion in writing that the rebel strength in front of Washington did not exceed 65,000. He fortified this opinion with official reports of the enemy, which made it nearly a demonstration. Being questioned by the President on the 21st, he had repeated this statement.

Being asked by the President if he would be willing to cross the Potomac and make an attack if he had 100,000 effective troops, he had promptly replied in the affirmative, saying, however, that he only wished to be off to New Orleans. The President asked him to call again on the 23d.

Butler learned that McClellan had issued an order to disembark his troops at Fortress Monroe and send them to Baltimore. He at once set inquiries on foot which disclosed the singular fact that this order had not reached General Wool at Fortress Monroe, but had, on its way, lodged in the coat pocket of a staff officer of General Dix at Baltimore, and been by him forgotten. Improving the opportunity afforded by this delay, General Butler went to General McClellan on the 21st, and asked him to revoke the order. "Why are you so anxious about this expedition?" asked General McClellan. "Because," said Butler, "I think I can do a great deal of good for the country. Besides, I want to get away from Washington. I am sick of the intrigues and cross-purposes that I find here. Mr. Lincoln and Mr. Stanton seem to me to be about the only persons who are in dead earnest for a vigorous prosecution of the war." [1]

He then informed McClellan of his conversation with the President, including the latter's inquiry as to whether he would be willing to lead 100,000 effective troops in an attack upon the enemy then besieging the capital. He gave the conversation a turn that was calculated to suggest that it might be dangerous to

[1] Butler's Book, page 334.

McClellan to have a major-general around Washington, without a command and ready to fight, and then asked whether his next call should be before or after his call on the President on the 23d. "Better come before," replied McClellan. He did so on the morning of the 23d. McClellan no longer delayed compliance with Stanton's order, but, on the same day, created a Department of the Gulf, assigned General Butler to the command, and gave him instructions to coöperate with the navy in the attack upon New Orleans.

General Butler did not lag. Receiving his instructions on the 23d of February, he was on his way to Fortress Monroe the next day, and on the 25th sailed with 1600 men for Ship Island, Miss., where he arrived late in March. He had previously sent 8000 men to that place.

Rear-Admiral Farragut had sailed from Fortress Monroe on the 3d of February, arriving at Ship Island on the 20th. He was under orders to there collect such vessels as could be spared from the blockade, and — when joined by a fleet of mortar-boats under Commander D. D. Porter, who was to report to him — to reduce the defenses on the Mississippi River below New Orleans; then to take that city and hoist the United States flag on government buildings, and to hold it until troops could arrive for its permanent occupation.

The forces he collected for these operations were eight sloops of war and ten gunboats, twenty mortar-boats and other vessels large and small, aggregating forty-six in all, with three hundred guns and mortars. None of these were ironclad.

The obstacles to be overcome were the two strong forts, Jackson and St. Philip, mounting 126 guns, — many of largest calibre; a stout chain cable stretched across the river (700 yards) supported by a raft of logs and eight hulks of vessels; numerous earthworks, well armed, between New Orleans and the forts, and a naval force consisting of thirteen gunboats, the ironclad battery Louisiana, and the ironclad ram Manassas.

On the 18th of April the bombardment of the forts commenced, which continued for six days without reducing or silencing them.

On the 23d, the sixth day, orders were issued by Admiral Farragut to the fleet, to prepare for passing the forts. At two on the morning of the 24th, the whole squadron moved up the river in two columns. Every precaution had been taken to make each vessel as near invulnerable as possible. The forts were at once fiercely attacked, and returned a hot fire. The fight lasted two hours, within which time the two forts had been passed, and the whole rebel fleet captured or destroyed. Farragut arrived with his fleet in front of New Orleans at one o'clock of the 25th.

On the 1st of May General Butler took possession of the city, disembarking such of his troops as had arrived at sundown of that day.

On the 10th of June Secretary Stanton wrote to Butler:[1] —

No event during the war has exercised an influence upon the public mind so powerful as the capture and occupation of New Orleans. To you and to the gallant officers and soldiers

[1] Butler's Book, page 471.

under your command the department tenders cordial thanks. Your vigorous and able administration of the government of that city also receives warm commendation. . . . With admiration for your achievement and the utmost confidence in your continued success, I remain, etc.

A day or two before General Butler took possession of New Orleans, the United States flag, which Admiral Farragut had caused to be raised on the United States Mint, was torn down, dragged through the streets, and then torn in pieces and the fragments distributed among the crowd as trophies to be worn in the buttonholes of their coats. The man who had torn down the flag was named Mumford. He was made an example of to convince those around him that the government of the United States would compel respect for its authority and its flag. He was tried for treason before a military commission, convicted, and on the 7th of June was executed at the United States Mint on the spot where he had committed the offense.

General Butler reported this execution with various other matters to Secretary Stanton in a dispatch dated June 10. On the 23d of the same month, in a reply to this dispatch, Secretary Stanton said: —

You have been troubled with no specific instructions from this department because of the confidence in your ability to meet the exigencies of your command better upon your own judgment than upon instructions from Washington. . . . It will give me pleasure to hear from you often, and you may count with confidence upon the utmost aid of this department.

CHAPTER XLIV

Operations on the Mississippi River. — First Movements on Vicksburg by Farragut and Butler.

When Butler established order in New Orleans in April he considered his mission only begun. The opening of the Mississippi River was of the highest importance. The seizure and occupation of New Orleans was of course a great step in that direction. The operations of General Pope on that river, culminating with the capture of Island No. 10 with 7000 prisoners of war, were, for no known reason, brought to an untimely close by an order from General Halleck late in April, that the expedition should be abandoned, and Pope and his forces join the main army in its advance upon Corinth.

On the first day of June, General Butler wrote to Mr. Stanton that he had proposed to coöperate with Admiral Farragut in a movement upon Vicksburg. He wrote that he would send one half of his entire force on the expedition. On the 10th of June, he wrote of the progress of this expedition. On the 28th of June, Farragut wrote to Halleck that he had passed the batteries and was then above Vicksburg with the greatest part of his fleet. He said that the force which General Butler had given him, under Brigadier-General Williams, was too small to attempt to land on the Vicks-

burg side. He said: "My orders, general, are to clear the river. This I find impossible without your assistance. Can you aid me in this matter to carry out the peremptory order of the President? I am satisfied that you will act for the best advantage of the government in this matter, and shall, therefore, wait with great anxiety your reply."

This should have been a sufficiently strong appeal to General Halleck, who, with the grand army of the West, was lying idle at Corinth; but it was not the only one. Upon receipt of Butler's letter of the 10th, Stanton replied on the 23d: —

Your suggestion in regard to Vicksburg is one of great importance, apparently easy of execution, and would be productive of very important results. If your force is strong enough, or if General Halleck would coöperate with you, there could be no doubt of success. The possession of New Orleans, and clearing the rebels from the Mississippi so as to open trade and commerce through that channel with the Gulf, has always appeared to be among the chief points of this war. You have successfully accomplished one, and I hope the other will not be long in the accomplishment.

On the same day he telegraphed to General Halleck: —

If you have not already given your attention to the practicability of making a cut-off in the rear of Vicksburg, I beg to direct your attention to that point. It has been represented to the department to be an undertaking of easy accomplishment, especially under the protection of gunboats. A dispatch to-day received from General Butler speaks of it as a project contemplated by him, but he may not have a force to spare.

To this General Halleck replied July 1: —

Your telegram of the 23d received. Five days en route. It is impossible to send to Vicksburg at present; but I will give the matter my full attention as soon as circumstances will permit.

Two days later Halleck wrote to Admiral Farragut:

The scattered and weakened condition of my forces renders it impossible for me at the present moment to detach any to coöperate with you on Vicksburg.[1] Probably I shall be able to do so when I can get my troops more concentrated. This may delay the clearing of the river, but its accomplishment will be sure in a few weeks. Allow me to congratulate you on your great success.

On the 14th of July Secretary Stanton telegraphed Halleck: "The Secretary of the Navy desires to know whether you have or intend to have any land force to coöperate in the operations at Vicksburg. Please inform me immediately, inasmuch as orders he intends to give will depend upon your answer."

To which Halleck replied on the 15th: "I cannot at present give Commodore Farragut any aid against Vicksburg. I am sending reinforcements to General Curtis in Arkansas, and to General Buell in Tennessee and Kentucky."

Thus despite the hearty coöperation between Admiral Farragut and General Butler, and the earnest endeavors of Secretary Stanton to add the one thing needful, namely, the coöperation of Halleck, the movement against Vicksburg had to be abandoned.

[1] He had himself scattered his forces to no purpose. — Grant's *Memoirs*, vol. i. p. 382.

Concerning the situation at that time, General Grant says: [1] —

New Orleans and Baton Rouge had fallen into the possession of the national forces, so that now the Confederates at the West were narrowed down for all communication with Richmond to the single line of road running east from Vicksburg. To dispossess them of this, therefore, became a matter of the first importance. The possession of the Mississippi by us from Memphis to Baton Rouge was also a most important object. It would be equal to the amputation of a limb in its weakening effects upon the enemy.

As to the ability of Halleck to render aid for this immensely important movement we also have General Grant's testimony. He says: [2] —

After the capture of Corinth, a movable force of 80,000 men, besides enough to hold all the territory acquired, could have been set in motion for the accomplishment of any great plan for the suppression of the rebellion. In addition to this, fresh troops were being raised to swell the effective force. But the work of depletion commenced. Buell with the Army of the Ohio was sent East, following the line of the Memphis and Charleston road. This he was ordered to repair as he advanced — only to have it destroyed by small guerrilla bands or other troops as soon as he was out of the way. If he had been sent directly to Chattanooga as rapidly as he could march, leaving two or three divisions along the line of the railroad from Nashville forward, he could have arrived with but little fighting, and would have saved much of the loss of life which was afterwards incurred in gaining Chattanooga. Bragg would not then have had time to raise an army and contest the possession of Middle and East Tennessee and Kentucky; the battles of Stone River and Chick-

[1] *Memoirs*, vol. i. p. 382. [2] *Ibid.*, page 383.

amauga would not necessarily have been fought; Burnside would not have been besieged in Knoxville without the power of helping himself or escaping; the battle of Chattanooga would not have been fought. These are the negative advantages, if the term negative is applicable, which would probably have resulted from prompt movements after Corinth fell into the possession of the national forces. The positive results might have been a bloodless advance to Atlanta, to Vicksburg, or to any other desired point south of Corinth in the interior of Mississippi.

When we consider the vast expenditure of lives, time, and money made during the ensuing year to secure the capture of Vicksburg, and when we consider that the whole year could probably have been saved, and the position taken in July, 1862, instead of July, 1863, if Halleck would but have extended his hand towards Farragut, his failure to do so seems unaccountable and unpardonable.

PART V

McCLELLAN'S PENINSULAR CAMPAIGN AND HIS PRELIMINARY MOVEMENTS

CHAPTER XLV

Lincoln and McClellan. — The Relations between them. — Reluctance of the President to force an Issue with his General-in-Chief. — Stanton's Hopes of McClellan. — Elation of the Latter attributable to Exaggerated Importance given to his Operations in West Virginia. — Brief Review of that Campaign. — Stanton's Influence made Manifest. — Lincoln asserts his Authority as Commander-in-Chief. — He orders a Movement of the Land and Naval Forces.

President Lincoln was not wanting in a correct estimate of the power vested in him by the Constitution and the laws, nor was he wanting in will or in dignity of character to assert his authority when it was directly questioned. But he found it difficult to deal with the indirect insubordination which ignored or neglected his orders, and which baffled his purposes by groundless excuses and unnecessary delays. He sought to persuade without commanding, and for a time carried this to the verge of an abdication of authority. He had placed the destinies of the country in the hands of a young man who had never fought a battle, and who, at the time of Mr. Stanton's appointment, gave

little promise of any intention ever to fight one. He believed that the army should move, but still left General McClellan to decide when it should move. Foreign intervention was imminent, and even the war spirit in the North might not be proof against hope too long deferred. But yet the young general, while giving out indications at various times of an intended early advance, was never ready. Mr. Lincoln saw that McClellan was wanting either in capacity or earnestness, but he was not willing to say so harsh a thing. He had not the fortitude to endure the wound to his own feelings which would be caused by so wounding those of another.

Stanton was emotional and sympathetic too, but he had no tenderness for indifference or insubordination. He could, if it became necessary, bluntly tell his friend McClellan that he did not believe his excuses for delay had sufficient grounds. In short, he could perform any imperative duty, however disagreeable. He recognized no limit upon executive power in the execution of the laws and the defense of the Constitution. Equally sure was he that there was no other restraint upon the President's powers as the supreme military commander than were to be found in the Articles of War and the Usages of Nations.

Stanton hoped McClellan would feel confident of support from him, and would be ready to act when the President ceased to leave it at his discretion whether he should move or not. He seemed to take it for granted that, in the natural course of events, the head of the government would see that some fighting was done.

He thought when the President asserted his authority, it would be obeyed. He took office with the intention of urging that course upon Mr. Lincoln, and of supporting him in it. He did not argue that, because the President has the constitutional power to take the field in person, plan campaigns, and compel their execution by generals of his own selection, a President without a military training should therefore actually direct the marches and field tactics of the army in a campaign. But he scouted the idea that the commander-in-chief should be subordinate to a general of his own appointment, and meekly await the latter's permission that the army do something.

McClellan declares in his "Own Story" that he had smooth sailing with the administration until shortly before Stanton became Secretary of War, when difficulties commenced, which culminated soon after his appointment.

Mr. Lincoln had temporized with McClellan in the exercise of that large charity which hopeth all things, believeth all things, and endureth all things. He had urged him to do something, but he defended him when others complained of his inactivity. Mr. Stanton's entrance into the War Department was quickly followed by more urgent demands for action. At that time the lower Potomac was blockaded, the Baltimore and Ohio Railroad obstructed, and the capital besieged, while 180,000 troops were idling in camp. In the West the rebels had been aggressive, and although they had not had their own way in Missouri and Kentucky, no general plan of campaign was yet visible.

From the time of his arrival in Washington in July, 1861, McClellan had reveled in an atmosphere of adulation, and enjoyed a reputation he seemed reluctant to risk in any serious engagement with the enemy. That reputation he had easily gained in Western Virginia by sounding proclamations following unimportant events, in which, as is shown by his own reports, he had cut but little figure.

The events of his so-called West Virginia campaign in 1861 are summarized in his final report of August 4, 1863, as "the successful affairs of Philippi, Rich Mountain, Carrick's Ford," etc. These can be briefly described, and the story is instructive.

The papers accompanying his report show that the "successful affair of Philippi," Virginia, was the dislodgment, without further pursuit, of 2000 rebels at that place June 3. The only accident on the Union side was the wounding of one officer. General McClellan received the report of this "successful affair" at his office in Cincinnati, Ohio. He had not then taken the field, and did not until seventeen days later.

On the 20th of June he left Ohio and crossed over into Virginia. On his way, before he had crossed the Ohio River, and when he certainly had performed no military exploits, he was made the object of an amount of adulation well calculated to turn the head of any man not insensible to applause. That it exhilarated him greatly is evidenced by a letter to his wife, written at Marietta, Ohio, June 21, in which he said: —

At every station in Ohio where we stopped, crowds had stopped to see the "young general," gray-headed old men

and women, mothers holding up their children to take my hand, girls, boys, all sorts, cheering and crying: "God bless you." I never went through such a scene in my life, and never expect to go through such another one. You would have been surprised at the excitement. At Chillicothe the ladies had prepared a dinner, and I had to be trotted through. They gave me about twenty beautiful bouquets, and almost killed me with kindness. The trouble will be to fulfill their expectations — they seem to be so high. I could hear them say: "He is our own general." "Look at him; how young he is." "He will thrash them." "He will do," etc., etc., *ad infinitum.*[1]

Thus was his fame assured before he commenced his service.

On the 23d of June he wrote to his wife from Grafton, Va.: —

Everything here needs the hand of the master, and is getting it fast.

On the 25th, with no enemy molesting or in sight, he issued a proclamation at Grafton to "the soldiers of the Army of the West," exhorting them to good behavior, and concluding in these words: —

Soldiers! I have heard that there was danger here. I am come to place myself at your head and share it with you. I fear now but one thing — that you will not find foemen worthy of your steel. I know that I can rely upon you.

After remaining at this place for a week longer in perfect quiet and safety, he moved eastward.

The battle of Rich Mountain, on July 11, was planned and fought by General Rosecrans. General McClellan was to have supported him, but he did not

[1] *Own Story*, page 57.

do so. In his official report he admits that he knew nothing of the battle until the day after it had been won, when he learned, while placing artillery where he could command the enemy's works, that they had fled. The rebel loss was 20 killed and 50 wounded, with many prisoners, and a considerable amount of munitions. The Federal loss was 11 killed and 35 wounded.

The third and last event of the campaign deemed worthy of mention by General McClellan occurred when some retreating rebels made a stand at Carrick's Ford, where a lively action occurred, resulting in their being driven out with a loss of 20 killed and 52 taken prisoners. The Federal loss was 2 killed and 7 wounded.

On the 16th of July General McClellan signalized these inconsiderable events by another highly inflated proclamation to the "soldiers of the Army of the West," commencing as follows: —

> I am more than satisfied with you. You have annihilated two armies, commanded by educated and experienced soldiers, intrenched in mountain fastnesses, and fortified at their leisure.

These movements in Western Virginia had been given great prominence in the journals of the day, the columns of which teemed with exaggerated accounts of the movements of troops, and the intentions and most inconsequential words and utterances of their commander, to whom the title "Young Napoleon" had already been given.

Such was the process by which a popular idol was created. It illustrates the fact that the popular demand for a hero to worship is as certain to be supplied as the demand for a victim to be sacrificed, and the hero may be as innocent as the victim of any act justifying the selection.

But in January, 1862, when Mr. Stanton entered the War Department, the time to try the stuff of which this particular hero was made was fast approaching. McClellan says in his final report: —

> About the middle of January, upon recovering from a severe illness, I found that excessive anxiety for an immediate move of the Army of the Potomac had taken possession of the minds of the administration. A change had been made in the War Department, and I was soon urged by the Secretary, Mr. Stanton, to take immediate steps to secure the re-opening of the Baltimore and Ohio Railroad, and to free the banks of the lower Potomac of the rebel batteries which annoyed passing vessels.

This strongly increased desire of the administration to have something done was evidence to McClellan's mind that a conspiracy existed against him. Throughout his military career, he always appeared to act upon the idea that those who desired him to fight were plotting his downfall.

Stanton undoubtedly expected to bring about a radical change in the military situation, partly by inducing the President to exercise his authority as McClellan's military superior, and partly by his own thoroughness in supplying the army with everything necessary to put it in good fighting condition. He

soon found that McClellan was as stubborn against his persuasions as he had been against those of Mr. Lincoln. Then commenced the long struggle between the government and General McClellan, which, at its height, threatened the integrity both of the government and of the army.

As mere suggestions and exhortations to McClellan to take some steps towards raising the siege of the capital produced no effect, the President issued the following order: —

EXECUTIVE MANSION, WASHINGTON, D. C.,
January 27, 1862.

President's General War Order, No. 1.

Ordered: That the 22d day 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 at and about Fortress Monroe, the Army of the Potomac, the Army of Western Virginia, the army near Munfordville, Kentucky, the army and flotilla near 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 the prompt execution of this order.

A. LINCOLN.

It cannot be doubted that this new departure of the President, asserting his authority and commanding that

something be done, was hastened by the presence of Mr. Stanton in his Cabinet, and was the precipitation by him of an issue between General McClellan and the government as to which should determine the policy of the war. It was Mr. Lincoln's first exercise of his authority as commander-in-chief.

The idea that the government was to be silent and passive in the midst of the great and vital events then transpiring, and to abdicate its authority over military operations, could not be tolerated by Mr. Stanton. Such a subversion of the Constitution he would resist at every step of the way. No general had any authority except that conferred upon him by law. The same law, in terms, made him the military subordinate of the President. The latter, although the constitutional head of the army, was also subject to appropriate laws of Congress, directing how his power and authority should be carried into effect. To the people, the final source of all governmental power, Congress must account at stated times, and the certainty of this accountability brought the people near to the administration of affairs.

Such was the line in which Mr. Stanton's legal training and true Democratic instincts compelled him to think, and this it was that made him proof throughout against the assumption so common among purely military men, that the government had nothing to do about the war but to furnish the supplies.

He did not favor the substitution of civilians for trained soldiers in the direction of military operations,

but he held the army and its generals to be subordinate in war, as in peace, to the government of the people, speaking through laws enacted by their representatives, and through the President duly chosen to execute them.

CHAPTER XLVI

McClellan proposes a Peninsular Campaign. — Mr. Lincoln opposes it, and orders a Different Movement. — The Question left unsettled until Obstructions are removed from the Lower Potomac and the Baltimore and Ohio Railroad. — Blunders at Harper's Ferry compel an Abandonment of an Important Movement. — An Order to attack Rebel Batteries on the Potomac revoked, because of an Opinion of the Chief Engineer of the Army, Five Months before the Order was made. — General Lander's Brilliant and Successful Exploit. — Rashness on his Part feared by the General-in-Chief. — Stanton's Contrary Opinion.

During Mr. Stanton's first week in the War Department General McClellan had laid before him orally his opinion as to the part the Army of the Potomac should execute, in a general plan of operations of all the armies. This was to transport that army down the Potomac and lower Chesapeake, and advance upon the rebel capital from that direction. The Secretary instructed him to develop his plans to the President, which he did. They were disapproved, and, on the 31st day of January, the President issued his order, "that all the disposable forces of the Army of the Potomac, after safely providing for the defense of Washington, be formed into an expedition for the immediate object of seizing and occupying a point upon the railroad, southwestward of what is known as Manassas Junction, all details to be in the discretion of the general-in-chief, and the expedition to move before or on the 22d day of February next."

This order was never revoked and never obeyed. General McClellan asked leave to submit his views as to the two opposing plans. These must have been presented fully already, in the long conferences which had been held with him by the President and the Secretary. Nevertheless, he was granted the desired permission, and on the 3d of February, he submitted a long paper in which he gave his reasons in support of his own plan as against the plan of Mr. Lincoln. Mr. Lincoln at the same time addressed him the following letter: —

EXECUTIVE MANSION,
WASHINGTON, February 3, 1862.

MAJOR-GENERAL McCLELLAN:

My dear Sir, — You and I have distinct and different plans for a movement of the Army of the Potomac — Yours to be down the Chesapeake, up the Rappahannock to Urbana, and across land to the terminus of the railroad on the York River. — Mine to move directly to a point on the railroad southwest of Manassas.

If you will give me satisfactory answers to the following questions, I shall gladly yield my plan to yours.

1st. Does not your plan involve a greatly larger expenditure of *time* and *money* than mine?

2d. Wherein is a victory *more certain* by your plan than mine?

3d. Wherein is a victory *more valuable* by your plan than mine?

4th. In fact, would it not be *less* valuable in this, that it would break no great line of the enemies' communications, while mine would?

5th. In case of disaster, would not a safe retreat be more difficult by your plan than by mine?

Yours truly, A. LINCOLN.

In McClellan's "views" he named the total force necessary for his plans to be from 110,000 to 140,000. He informs us in his final report that "this letter must have produced some effect upon the mind of the President, since the execution of his order was not required, although it was not revoked as formally as it had been issued." That is to say, it was treated by him as revoked, because it was not imperatively enforced.

But while Mr. Lincoln deemed it unwise either to select a new commander or to insist upon forcing an unwilling general to the execution of a plan he did not approve, neither would he be forced into acquiescence with the general's plan until he had incorporated in it certain conditions, looking to the defense of Washington, nor till the siege of the capital was raised by the removal of obstructions from the Baltimore and Ohio Railroad, and from the lower Potomac River.

We have McClellan's authority, already quoted, for stating that immediately upon coming into office, Mr. Stanton had vigorously urged him to take immediate steps to secure these latter objects. In compliance with his demands, General Hooker was for some time under orders to prepare for crossing the lower Potomac, and to be in readiness for an assault upon the rebel batteries.

It became known to the government that the prolonged siege of the capital was being regarded both at home and abroad as a fact of much significance, and greatly to the advantage of the rebel cause. This meant a great deal when it is considered that the nation's power to negotiate loans with which to carry on the war depended wholly upon the world's opinion of the ultimate success of the Federal arms.

[*President Lincoln to General McClellan*]

Executive Mansion,

Washington, Feb. 3, 1862.

Major General McClellan

My dear Sir:

You and I have distinct, ~~plans~~ and different plans for a movement of the Army of the Potomac— yours to be down the Chesapeake, up the Rappahannock to Urbana, and across land to the terminus of the Railroad on the York River— mine to move directly to a point on the Railroad South West of Manassas—

If you will give me satisfactory answers to the following questions, I shall gladly yield my plan to yours—

1st Does not your plan involve a greatly larger expenditure of time, and money than mine?

2nd Wherein is a victory more certain by your plan than mine?

3rd Wherein is a victory more valuable by your plan than mine?

4th In fact, would it not be less valuable, in this, that it would break no great line of the enemies communication, while mine would?

5th In case of disaster, would not a safe re=

treat be more difficult by your plan than by mine?

Yours truly

A. Lincoln

On the 9th of February, a sub-committee was appointed by the Committee of Congress on the Conduct of the War, to wait upon the Secretary of War at once for the purpose of enjoining upon his consideration the necessity of immediately raising the blockade of the Potomac. In their report to the general committee, the sub-committee said that they had waited upon the Secretary and had conveyed the message sent by them, "to which," says their report, "the Secretary replied that the committee could not feel more keenly upon this subject than he did. That he did not go to his bed at night without his cheek burning with shame at this disgrace upon the nation. That the subject had received his earnest consideration since he had been in the War Department, but as yet he had not been able to accomplish his wish in that respect, as he was not the head, and could not control the matter. The Secretary said that General McClellan was then in the building and he would bring him into the room."

The report continues as follows: —

Whereupon the Secretary left the room and shortly returned, bringing with him General McClellan, to whom he stated the object of our visit.

At the request of the Secretary, the chairman then repeated to General McClellan what he had already stated to the Secretary in reference to the necessity of raising the blockade of the Potomac, the rebuilding of the Baltimore and Ohio Railroad, etc.

General McClellan stated that the subject had been considered by him; that he had just been seeing what could be done, and in a short time expected to be able to inform us what steps would be taken. When asked how soon something

could be done, he replied that it was not a question of weeks, but of days. . . .

Mr. Johnson stated that the interview with the Secretary had been a very satisfactory one; that the Secretary listened attentively to all the chairman said, and although the chairman sometimes made his statements to General McClellan in pretty strong and emphatic language, the Secretary indorsed every statement he had uttered. The Secretary feels as strongly upon this subject as this committee does.[1]

This report was made by Andrew Johnson, then a senator from Tennessee, and afterwards President of the United States.

On the day following these assurances by General McClellan, General Hooker expressed, in an official letter to him, an entire readiness and an earnest desire to be allowed to make the assault on the rebel batteries on the lower Potomac, and thus concluded his communication: —

The free navigation of the river will give us an immense advantage over the rebels, particularly so long as the roads remain in their present condition, and the destruction of the batteries will in no way expose the future intentions of the major-general in the conduct of the war.

The response to this communication came just one week afterwards in the form of the following telegram from General McClellan to General Marcy, his chief of staff, dated at Sandy Hook, near Harper's Ferry: —

Revoke Hooker's authority in accordance with Barnard's opinion immediately.[2] On my return we will take the other plan and push it vigorously.

[1] Report of the Committee on the Conduct of the War.

[2] General Barnard's opinion, here referred to, was five months old, and

No other plan was taken, and, as a consequence, there was no pushing it, either vigorously or otherwise. The rebels evacuated their Potomac batteries at their own will and pleasure ten days later, when, unmolested and without the knowledge of McClellan, they also evacuated Manassas and Winchester.

General McClellan's reluctance to drive the rebels back from the Baltimore and Ohio Railroad, in the vicinity of Harper's Ferry, was equally persistent with his reluctance to drive them from the lower Potomac.

On the 14th of February, General Lander, pushing his way eastward on the line of the railroad, fought a spirited engagement at Bloomery Gap, killed 13 rebels and took 65 prisoners, 17 being commissioned officers, his loss being only 2 men. He led the charge in person, surprising the enemy after marching two thousand men thirty miles, and crossing them over a bridge constructed of wagons, under his directions, in four hours, in the dead of night.

General Lander was at that time so broken down in health that he closed the report of his engagement with an earnest appeal to be relieved.[1]

The only recognition by General McClellan of this brilliant action was a letter the next day from his aide-de-camp, Colonel Hardie, to General Lander concerning his movements, instructing him that he must incur no desperate risks, and hazard no uncertainty of results.

was, of course, perfectly well known to General McClellan when he gave General Hooker the order he now revoked.

[1] He was not relieved, and continued in the active service of his country until within two days of his death, which occurred on the second day of March.

"The general's designs," wrote Colonel Hardie, "are not such as to include any unnecessary hazard at this moment."

The President and Secretary Stanton did not share General McClellan's fear that General Lander would fight rashly, and without sufficient prospect of success, and, on the 17th of February, the Secretary issued the following war bulletin: —

To Brigadier-General F. W. Lander: —

The President directs me to say that he has observed, with pleasure, the activity and enterprise manifested by yourself and the officers and soldiers of your command. You have shown how much may be done in the worst weather, and the worst roads by a spirited officer, at the head of a small force of brave men, unwilling to waste life in camp, when the enemies of their country are within reach. Your brilliant success is a happy presage of what may be expected when the Army of the Potomac shall be led in the field by their gallant general.

The dubious compliment contained in the concluding words of this order may have spurred the "gallant general" of the Army of the Potomac to at least a semblance of activity, for he says, in his final report, that, about the 20th of February, 1862, additional measures were taken to secure the reopening of the Baltimore and Ohio Railroad which, for some unknown reason, he had not until then felt prepared to attempt. At last, on the 26th, at 10.20 p. m., General McClellan telegraphed Stanton that "a bridge had been splendidly thrown" across the river at Harper's Ferry, and that 8500 infantry, eighteen guns, and two squadrons of cavalry had been crossed to the Virginia side, and were

"ready to resist an attack." "Loudon and Bolivar Heights, as well as Maryland Heights, have been occupied by our men. The canal-boat bridge will be attempted to-morrow." The troops were "in a mood to fight anything."

At one o'clock the next day all was changed. He telegraphed his chief of staff at Washington not to send any more troops until further orders. To Secretary Stanton he telegraphed: —

> The lift-locks are too small to permit the canal-boats to enter the river, so that it is impossible to construct a permanent bridge, as I intended. I shall probably be obliged to fall back upon the safe and old plan of merely covering the rebuilding of the railroad. This will be done at once, but will be tedious. I cannot, as things now are, be sure of my supplies for the force necessary to seize Winchester, which is probably reinforced from Manassas.

It was a mortifying fact that an important military movement, dependent upon the passing of canal-boats through a lift-lock, had, at an advanced stage, failed because the boats were then discovered for the first time to be too large for the lock! The explanation of the general was that the lock was too small for the boats, which could not well be disputed. He said: "The lock was built for a narrower class of boats."[1]

Having thus marched up the hill and down again, General McClellan returned to Washington on the 26th, and, according to his account, "commenced preparations for destroying the batteries on the lower Potomac," which enterprise he had suspended the day before, by

[1] *War Records*, Series I. vol. v. p. 49, General McClellan's Report.

the telegram already quoted. He continued commencing these preparations until the 9th of March, — a period of eleven days, — when he was relieved from the necessity of completing them by information, received on that day, that the rebels had stolen away unobserved from the batteries which he was still commencing to prepare to attack.

CHAPTER XLVII

A Council of War. — McClellan's Plan submitted and adopted. — The Council summoned to the White House. — The Plan laid before the President. — The Council questioned by Secretary Stanton. — The President accepts the Plan with Certain Modifications.

President Lincoln speedily brought matters to a head. He made it plain to General McClellan that he would tolerate no further procrastination. He required the general to convene a council of war, and to submit to that council immediately a plan for a campaign. So intolerable had the situation become that it is probable McClellan could not have remained in command had he not at once yielded obedience to his superior. His order for the council was issued on the night of the 7th of March, and the council was to convene at ten o'clock on the following day. The generals summoned were all division commanders except Naglee. He was present, as he says, by the order of General McClellan to represent General Hooker, who was then at too great a distance from headquarters to be summoned. Following is an extract from the minutes of the meeting, General Naglee acting as recorder: —

Council organized.

General Sumner called to the chair.

Present: McDowell, Heintzelman, Keyes, Franklin, Fitz

John Porter, Sumner, McCall, Andrew Porter, W. F. Smith, Barnard, Blenker, and Naglee.

First Proposition. — Is it not advisable as a preliminary to offensive operations that the base of the Army of the Potomac be changed from the one it now has, in front of the capital, to another one further south, in the lower Chesapeake, the army to move by water to its position? The means of doing so if ready at Annapolis for the first half in all of next week. Some means of water transportation to serve for the second half.

Vote upon First Proposition. — Yeas: Naglee, Smith, Blenker, McCall, Franklin, Fitz John Porter, Andrew Porter, and Keyes.

Nays: Barnard, Heintzelman, McDowell, and Sumner.

Yeas: 8. Nays: 4.

Several minor incidental questions were discussed.

After the council had been in session three hours they were summoned to appear before the President at the Executive Mansion. General Naglee, in a letter to Hon. W. D. Kelly, of Pennsylvania, dated September 27, 1864, states that the President informed the council that he "was quite unwell and exceedingly nervous; that the pressure had been intense against General McClellan." Naglee writes as follows: —

I informed him that as recorder of the council of war which had held its session by order of General McClellan, I would advise him of the result of its proceedings, and then read them to him. "What," said he, "have the council decided by a vote of eight to four — two to one — in favor of the peninsular campaign?" He then asked many questions in regard to the same until Mr. Stanton came in, and I proposed to read the proceedings to him. He replied: "Give me the papers; I'll read them myself." And after reading

them over and preparing his notes, he, as you say, put them (the council) through the strict course of examination to which you refer.

General Naglee states that this examination lasted four or five hours. It was understood by the latter as indicating the opposition of Stanton to the decision of the council of war.

At the conclusion of the proceedings at the Executive Mansion the President requested the attendance of all the officers of the council at the same place on the following morning at ten o'clock. They appeared at that time and were informed that the President had determined to acquiesce in the decision of the council, and to permit General McClellan to inaugurate the peninsular campaign, subject, however, to the restrictions which will be given in the next chapter.

The following statement by the Hon. W. D. Kelly, for many years a leader in the House of Representatives, is most interesting in this connection : —

In the consideration of this matter between the President and the Secretary of War the President said to the Secretary: "We can do nothing else than adopt this plan and discard all others; with eight out of twelve division commanders approving it we can't reject it and adopt another without assuming all the responsibility in case of the failure of the one we adopt." The Secretary said that, while agreeing with the President in his conclusion, he dissented from his arithmetic, adding that the generals who dissented from the proposed plan of campaign were independent of the influence of the commanding general, while all the rest owed their positions to him and were especially under his influence, so that instead of eight to four there was but one against

four. "You," he continued, "as a lawyer, in estimating the value of testimony, look not only to the words of the witness, but to his manner and all the surrounding circumstances of bias, interest, or influence that may affect his opinions. Now, who are the eight generals upon whose votes you are going to adopt the proposed plan of campaign? All made so since General McClellan assumed command, and upon his recommendation, influenced by his views, and subservient to his wishes, while the other four are beyond these influences, so that in fact you have in this decision only the operation of one man's mind."

The Secretary of War told me the President seemed much struck with this view of the case, and after considering some time said: "I admit the full force of your objection, but what can we do? We are civilians — we should be justly held accountable for any disasters if we set up our opinions against those of experienced military men in the practical management of a campaign — we must submit to the action of a majority of the council, and the campaign will have to go on as decided upon by that majority." [1]

In 1864, while the anti-war party was laboring to make General McClellan President, General Henry M. Naglee addressed a letter to Congressman Kelly in response to references by Judge Kelly to McClellan's peninsular campaign. Kelly sent Secretary Stanton a copy of Naglee's letter, and in reply Stanton made the following statement concerning the council of war and its several meetings: —

He speaks of three meetings, — one at McClellan's headquarters in the forenoon, of which, at that time, I had no knowledge; one at the White House the afternoon of the

[1] *Questions of the Day*, No. 29, "Lincoln and Stanton," by William D. Kelly, M. C., pages 33 and 34.

same day, at which I was called by the President, and one the next morning at the President's, when he informed the generals that he had ordered the army corps to be reformed. The only facts material in respect to any or all of these meetings are: —

First. That McClellan, on that day, having had command of the army for eight months, disclosed for the first time to his generals any plan of movement, and that this was done and they committed to its support before their meeting with the President and before any opportunity had been afforded them for hearing his inquiries.

Second. That the President, finding a majority, including Naglee and Blenker, committed to the plan, yielded his objection, although he was supported by Barnard, Sumner, Heintzelman, and McDowell.

Third. That McClellan, against the unanimous opinion of his generals, opposed the organization of his army into corps, but the President decided with the generals against McClellan on this point.

CHAPTER XLVIII

The Peninsular Campaign. — Conditions imposed by the President. — Evacuation of Manassas. — The Rebels in a Panic when deemed most Formidable by McClellan. — Advance of the Army on the Deserted Field.

On the 8th of March the President ordered the formation of that portion of the Army of the Potomac destined for active operation into four army corps, to be commanded according to seniority of rank, namely, by Generals McDowell, Sumner, Heintzelman, and Keyes. He directed that the order be executed with such promptness and dispatch as not to delay the commencement of operations already directed to be undertaken by the Army of the Potomac.

On the same day he issued his order making the following positive conditions to the proposed change of base from Washington to the lower Chesapeake for the inauguration of the peninsular campaign: —

1st. To leave in and about Washington such a force as in the opinion of the general-in-chief and corps commanders would leave that city entirely secure.

2d. Not more than two corps should move to the new base, until the navigation of the Potomac should be entirely unobstructed.

3d. That any movement to be made by the peninsular route must be commenced by the 18th of March.

General Banks was assigned to the command of the 5th corps, to operate on the defensive near Washington.

This order greatly disturbed McClellan. Three of the corps commanders had opposed his peninsular campaign, and the other, Keyes, had favored it only on condition of first driving the rebel batteries from the Potomac.

These commanders had not been selected to command the corps because of their opinions, but because they were entitled to command by seniority in rank, — that is to say, the ranking generals were opposed to McClellan's plans.

The conditions imposed on his peninsular campaign were most reasonable. They were simply that Washington must not be given over to the enemy, and that the new expedition should "begin to move" within ten days.

The President's order that the general-in-chief should be responsible that the movement should begin as early as March 18 obviously meant that he should not continue to retard it beyond that day. The Secretary of War was to be responsible for the transportation. All General McClellan had to do, as he well knew, was to get ready for the embarkation.

The situation on the morning of the 9th of March was as follows: —

1. Banks's division was on the Virginia side of the Potomac, near Harper's Ferry, occupying Charlestown, and without orders from the commanding general, but would "gradually press upon Winchester," then held by the enemy.

2. The main army was still "commencing preparations" to move against the batteries on the lower Potomac.

3. The roads to Manassas were said to be "impassable." General Johnston was there with an army, thought by McClellan to be vastly superior to his own.

4. The rebel ram, the Merrimac, had made her appearance at Hampton Roads and destroyed several vessels.

The same day saw great changes: —

First, the news of the morning that the rebel ram, the Merrimac, had been doing great havoc at Hampton Roads the day before, was followed by the news of the afternoon that she had been vanquished by the Monitor and retired to Norfolk.

Second, came the information that the rebel batteries on the Potomac had been abandoned, and,

Third, the evening brought the startling intelligence that the enemy had entirely evacuated their fortified position at Manassas.

The Confederate correspondence up to that time in the "War Records" shows that in February the Confederate government was exceedingly anxious for the safety of Johnston's army at Manassas, and great fears were entertained that McClellan would attack before it could get out of the way. As early as February 16 General Johnston wrote Jefferson Davis from his headquarters at Centreville: "We cannot retreat from this point without heavy loss."

February 19 Jefferson Davis wrote to General Johnston: "I am very anxious to see you. Events have

cast on our arms and on our hopes the gloomiest shadows, and at such a time we must show undoubted energy and resolution."[1]

The events he referred to were the Federal victories in the West. Fort Henry had been captured on the 6th, and Fort Donelson on the 16th.

Soon after this the dispatches of General Johnston to Davis indicate that great impatience was being shown by the latter to have the Confederates safely away from Manassas. February 22 he says: "The enemy may not allow much time for a change of position."

On the 23d he wrote: "In the present condition of the country, the orders you have given me cannot be executed promptly, if at all."

On the 25th he wrote: "The accumulation of subsistence stores at Manassas is now a great evil. . . . Much of both kinds of property must be sacrificed in our contemplated movement."

Jefferson Davis wrote General Johnston February 28: "The heavy guns at Manassas and Evansport, needed elsewhere, and reported to be useless in their present position, would necessarily be abandoned in any hasty retreat. I regret that you find it impossible to move them. With your present force, you cannot secure your communication from the enemy, and may, at any time when he can pass to your rear, be compelled to retreat at the sacrifice of your siege-guns, and army stores, and without any preparation on a second line to receive your army as it retired."

[1] *War Records*, Series I. vol. v. p. 1077.

In the same letter Davis said: "Recent disasters have depressed the weak and are depriving us of the aid of the wavering. Traitors show the tendencies heretofore concealed, and the selfish grow clamorous for local and personal interests."

On the same day Johnston wrote to General Whiting: "Publish nothing about the move until we are all ready. We may need to start before we are ready."

Jackson wrote Johnston, March 3, as to the best way to escape from Winchester. He expected an attack; but, under McClellan's directions, Banks kept at a respectful distance from that place until it was evacuated some days later.

March 3 Johnston wrote Davis: "The removal of public property goes on with painful slowness, because sufficient numbers of cars and engines cannot be had. It is evident that a large quantity of it must be sacrificed or your instructions not observed."

March 6 he wrote Whiting: "I have fixed upon Saturday morning, the 8th, for the move. Mention it to no one until necessary."

March 13 he wrote Whiting: "We were detained at Manassas until Sunday evening late, the 9th."

In a letter to General Holmes, commanding at Fredericksburg, March 16, Johnston expressed his uncertainty as to what route of approach to Richmond McClellan would adopt, adding: "His land transportation would be shortened by coming up the Rappahannock, though the route from the Potomac through Fredericksburg offers other advantages. I do not think his advance from Dumfries can be immediate,

from what I learn of the condition of the roads, but that he will advance upon our line as soon as possible I have no doubt."

Not a word here of any knowledge up to the 16th of March, on the part of the enemy, of the contemplated movement by the peninsula. This evidence utterly dispels the idea entertained and expressed by McClellan that the evacuation of Manassas took place March 9, because his plan for the peninsular campaign had then become known to the enemy.

The brilliant successes in the West at Fort Henry and Fort Donelson, culminating in the occupation of Nashville February 25, had created a panic throughout the Confederacy, and that panic evidently had complete possession of Jefferson Davis. For two weeks following, as shown by the above correspondence, he was tugging as desperately at Johnston to get him to retreat as Lincoln and Stanton were at McClellan to get him to advance. The evidence is conclusive that if McClellan had attacked Johnston at any time after the 16th of February he could have inflicted great harm upon the rebel cause.

Upon learning of Johnston's retreat McClellan at once displayed the greatest activity. The roads to Manassas were no longer "impassable." With a celerity theretofore unknown to him he left his office in Washington that very evening, crossed the Potomac, issued an order for the advance of the whole army upon the deserted fortifications at Centreville and Manassas, and then telegraphed Secretary Stanton that he could not make the advance the next day unless the President's

orders for the formation of army corps should be suspended. To this Mr. Stanton replied: —

I think it is the duty of every officer to obey the President's orders, nor can I see any reason why you should not obey them in the present instance. I must, therefore, decline to suspend them.

McClellan responded at one A. M. on the 10th, that he had been misunderstood; that he simply meant that under the present aspect of affairs he could not immediately carry out the President's orders as to the formation of army corps. He regarded it as a military necessity that the advance should move to the front at once without waiting for the formation of army corps. If desired, he would at once countermand all orders for an advance until the formation of the army corps could be completed.

To this Mr. Stanton replied as follows: —

General, — I do not understand the President's order as restraining you from any military movement by divisions or otherwise that circumstances, in your judgment, may render expedient, and I certainly do not wish to delay or change any movement you have made or desire to make. I only wish to avoid giving my sanction to a suspension of policy which the President has ordered to be pursued. But if you think the terms of the order as it stands would operate to retard or in any way restrain movements that circumstances require to be made before the army corps are formed, I will assume the responsibility of suspending the order for that purpose, and authorize you to make any movement by divisions or otherwise, according to your own judgment, without stopping to form the army corps.

My desire is that you should exercise every power that you think present circumstances require to be exercised, without delay, but I want that you and I shall not seem to be desirous of opposing an order of the President without necessity. I say, therefore, move just as you think best now, and let the other matter stand until it can be done without impeding movements.

At 2.50 A. M. McClellan acknowledged receipt of the above, and stated that the troops were in motion. He said: "I thank you for your dispatch. It relieves me very much, and you will be convinced that I have not asked too much of you."

It being then 2.50 in the morning it is not clear in what direction the troops were moving. The mystery is not lessened by his dispatch seventeen hours later, — 8.20 P. M. of the same day, — saying that he "had given the necessary orders for the movement and would soon start for Washington, simply to spend the night."

The next day (11th) he moved his headquarters to Fairfax Court House.

The general had the grand army on the march, and yet as secure and as free from all danger of rashly engaging the enemy as if it had been in camp. He was not marshaling his men the way they were to go, for they were to go down the Potomac and the Chesapeake. He was only taking them out for exercise. He naïvely informs us that "the retirement of the enemy and the occupation of the abandoned positions which necessarily followed presented an opportunity for the troops to gain some experience on the march and the

bivouac, preparatory to the campaign, and to get rid of the superfluous baggage and other *impedimenta* which accumulates so easily around an army encamped for a long time in one locality." And again, "It offered a good intermediate step between the quiet and comparative comfort of the camps around Washington and the rigors of active operations, besides accomplishing the important object of determining the positions, and perhaps the future defenses, of the enemy, with the possibility of being able to harass their rear."

He telegraphed to Stanton on the 11th, from his headquarters at Fairfax Court House, that he had just returned from a ride of over forty miles. The "impassable roads" had evidently greatly improved. He inspected the evacuated positions of the enemy, and was satisfied that he had fallen behind the Rapidan. He would have Banks hold Manassas while he himself would throw all the available forces upon the peninsula, the line agreed on the previous week. The Monitor's victory, he thought, justified the movement of troops to Fortress Monroe. He had telegraphed to have transports brought to Washington. He thought circumstances might keep him where he was some little time longer. He was still there three days later.

On the same night, the 11th, after telegraphing to the Secretary, he wrote to his wife as follows: —

I regret that the rascals are after me again. I have been foolish enough to hope that when I went into the field they would give me some rest. Perhaps I should not have expected it. If I can get out of this scrape you will never get me in the power of such a set again. The idea of persecuting

a man behind his back. I suppose they are now relieved from the pressure of their fears by the retreat of the enemy and that they will increase in violence. Well, enough of that. It is bad enough for me to be bothered in that way without annoying you with it.

The "rascals" were probably those who were cruel enough to ridicule his taking the field with so much energy after he knew it had been deserted by the enemy.

CHAPTER XLIX

McClellan relieved of General Command, and assigned to the Army of the Potomac only. — His Plan demanded by Stanton. — Vague Response. — Ordered to move by Some Route at once. — The Transportation of the Army and its Supplies to Fortress Monroe.

The withdrawal of the rebel army from Manassas without the knowledge of General McClellan gave a rude shock to the confidence of his admirers, and confirmed the unfavorable criticisms of others. The President had pleaded in vain with him to intimate some plan of campaign, and had at last imperatively ordered him to move on the 22d of February. Sullen and insubordinate, he had ignored the order, and finally extorted from the President an unwilling consent to a plan of campaign which the judgment of the latter, sustained by the generals first in rank, strongly condemned, — a plan which had not occurred to General McClellan, as he himself admits, until more than five months after he took command of the Army of the Potomac.[1]

When he had thus carried his point, he showed as little inclination as before to take the initiative. At last, when he was giving his army its first exercise, by

[1] McClellan fixes "the beginning of December, 1861," as the time when he conceived the idea of the peninsular campaign. *Own Story*, page 202.

a long, fruitless, and meaningless march over muddy roads to the deserted and desolate camps from which he knew the enemy had retired the day before, the President relieved him of the command of "the Armies of the United States," and assigned him to the command of "the Army of the Potomac" only. Following is this order: —

President's War Order, No. 3.

EXECUTIVE MANSION, WASHINGTON,
March 11, 1862.

General McClellan having personally taken the field at the head of the Army of the Potomac, until otherwise ordered he is relieved from the command of the other military departments, he retaining the command of the Army of the Potomac.

Ordered further, that the departments now under the respective commands of Generals Halleck and Hunter, together with so much of that under General Buell as lies west of a north and south line indefinitely drawn through Knoxville, Tennessee, to be consolidated and designated the Department of the Mississippi; and that, until otherwise ordered, Major-General Halleck have command of said department.

Ordered, also; that the country west of the Department of the Potomac and east of the Department of the Mississippi be a military department, to be called the Mountain Department, and that the same be commanded by Major-General Fremont.

That all the commanders of departments, after the receipt of this order by them, respectively report severally and directly to the Secretary of War, and that prompt, full, and frequent reports will be expected of all and each of them.

A. LINCOLN.

In a letter to the President the next day, General

McClellan accepted the change without any show of displeasure, and summoned his corps commanders to discuss the President's order of the 8th, presenting the conditions precedent to the embarkation of troops for the peninsular campaign. This council announced it as their opinion that the enemy having retreated from Manassas to Gordonsville, the operations to be carried on would be best undertaken from Old Point Comfort, *provided* the rebel vessel, the Merrimac, could be neutralized, transportation provided, naval coöperation secured, and Washington left secure. If these conditions could not be fulfilled, they ought to advance by land against the enemy behind the Rappahannock at the earliest possible moment.

This was at once forwarded to Washington by the hand of General McDowell. As it favored the peninsular route only on conditions that could not all be at once fulfilled, and favored the land route as an alternative, and as it bore no words of approval from General McClellan, it committed him to nothing. Its indefiniteness drew from Secretary Stanton the following inquiry, dated March 13: —

General McDowell has arrived here and presented a paper purporting to be the opinion of generals commanding army corps, but it contains nothing indicating that it is your plan. The department has nothing to show what is your plan of operations. Will you be pleased to state what plans of operations you propose to execute under the present circumstances? Please state at what time this dispatch is received by you, and at what hour your answer is made to it. This rule had better be observed in all our telegraphic correspondence. This dispatch is transmitted at 5.20 P. M.

This appears to have been satisfactorily answered, for on the same day the following directions were sent to McClellan by Secretary Stanton: —

The President, having reviewed the plan of operations agreed upon by yourself and the commanders of army corps, makes no objection to the same, and gives the following directions as to its execution: —

1. Leave such forces at Manassas Junction as shall make it entirely certain that the enemy shall not repossess himself of that position and line of communication.

2. Leave Washington entirely secure.

3. Move the remainder of the forces down the Potomac, choosing a new base at Fort Monroe, or anywhere between here and there, or at all events, move such remainder of the army at once in pursuit of the enemy by some route.

This settled the responsibility. McClellan was given full authority to choose by what route he would move; but move at once he must "by some route" in pursuit of the fleeing enemy.

Now that the army seemed about to engage in the serious work for which it had been recruited and organized the Secretary took occasion, in the following telegram dated March 13, to assure the general of his cordial coöperation: —

General Patrick was nominated upon your request several days ago. I took the nomination myself to the President and saw it signed by him, and will go to the Senate to-morrow to urge its confirmation. Any others you may designate will receive a like attention. Nothing you will ask of this department will be spared to aid you in every particular.

It is very evident from this, that however impatient the President and Secretary of War had been with Gen-

eral McClellan, while waiting for him to overcome the evil spirit of procrastination by which he seemed to be bound down, they were not then distrustful of his good intentions or of his patriotism, nor doubtful of his ability to do execution with his forces when once in motion. They had quite as much responsibility as he had for any failure of the campaign, and they knew nothing of the monstrous defects in his character, or of the dangerous condition of his mind towards them at that time. These never fully came to light until the publication, after his death, of his memoirs and private correspondence, under the title of his "Own Story." They will be referred to hereafter.

He had from the start an evident aversion to actual hostilities, which may have grown out of a reluctance to risk in battle a reputation which came to him without achievement, and which could be maintained only until a failure. There is nothing more certain than that he refrained from moving until he could no longer have done so and remain in command. He took the field under compulsion, because the enemy had voluntarily raised the siege of his army, and he could not remain idle in camp. Even then he never took the offensive, and when attacked left the fighting to the sole direction of his corps commanders.

During the preceding fortnight John Tucker, Assistant Secretary of War, had collected the transports for moving the army and its supplies down the Potomac and Chesapeake to Fortress Monroe. On the 17th of March the work commenced, and in nineteen days, April 5, he had transported from Perryville, Alexandria,

and Washington 121,500 men, 14,592 animals, 1150 wagons, 44 batteries, and 74 ambulances, besides pontoon bridges, telegraph materials, and all the equipage required by this vast army. This work required the employment of 113 steamers, 188 schooners, and 88 barges.

CHAPTER L

Stanton's New Duties. — Daily Meetings of his Bureau Officers as a Board of Administration. — Its First Meeting. — How to neutralize the Merrimac.

The President's order displacing McClellan as general-in-chief, and providing that department commanders report directly to the War Department, devolved new work upon Mr. Stanton, who entered upon it with alacrity.

For the purpose of increasing the efficiency of his department, he summoned the heads of bureaus for daily conferences, both for information and advice. He caused the reports of these proceedings for a time to be taken down. The following extracts from them cannot fail to interest the reader: —

War Department, March 13, 1862.

In pursuance of orders, the following-named officers of the Army of the United States assembled at the War Department this day at twelve o'clock, namely: —

Brigadier-General Lorenzo Thomas, Adjutant-General.

Brigadier-General M. C. Meigs, Quartermaster-General.

Brigadier-General James W. Ripley, Chief of Ordnance.

Br'vt. Brigadier-General James G. Totten, Chief Engineer.

Colonel Joseph P. Taylor, Commissary-General.

The Secretary of War, Hon. Edwin M. Stanton, stated that his object in assembling the officers present was to effect

an informal organization for his own instruction, and in order the more effectually to bring to bear the whole power of the government upon the operations of the present war. To this end he desired that they should meet at a regular hour each day, to consider such subjects as he might desire to present to them, as well as such suggestions, as might be submitted, in connection with their several duties for the good of the public service.

The Secretary then read the following statement of the numerical strength of the various commands now operating against the enemy: —

Department of New York — a few regular troops and a regiment of volunteer artillery — say	1,500
Department of the Potomac	247,768
Department of Virginia (at Fortress Monroe)	15,000
Expedition of Burnside	10,853
Department of West Virginia	23,527
General Buell's command	133,864
General Halleck's command	158,905
Department of Kansas	15,000
Department of New Mexico	5,790
Department of Key West and the Tortugas	5,000
Department of Florida (Fort Pickens)	2,500
Department of the Pacific	6,353
Expedition of General Sherman	16,927
Expedition of General Butler	20,000
Total	662,987

He thought the Army of the Potomac would require very little attention on their part, inasmuch as General McClellan would probably inform the department of everything that might be necessary to make his command effective, and inasmuch also as the Army of the Potomac would not remain long in this vicinity. . . .

The board would be called upon to consider the best means of defending our harbors and coasts from engines of war sim-

ilar to that which appeared near Fortress Monroe on Sunday last; and the first subject to which he desired to invite the attention of the board was the condition of affairs at that point.[1]

Having stated the object for which he called them together, Mr. Stanton inquired if any member of the board had any proposition to submit in regard to affairs at Fortress Monroe.

General Totten complained of a publication in the newspapers, purporting to be an extract from a letter written by General Wool, in which he said that "had not the steamer Monitor arrived, everything inside as well as outside of the fort might have been sacrificed." He thought it was a very careless expression, and that it excited public apprehension without any grounds. He declared Fortress Monroe to be as inaccessible to the Merrimac as it was to the man in the moon, and said it could not be taken without a long siege, the material for which was not within the power of the enemy.

The Secretary asked General Totten how the fort would be affected by the Merrimac should she come up and shell it. General Totten thought it would not impair the inherent strength of the works at all. He thought the works on the Rip Raps could be carried by force on steamers.

The Secretary then inquired if that would be of much disadvantage to Fortress Monroe.

General Totten replied: It is only about a mile distant,

[1] It should be borne in mind that one of the conditions precedent to the peninsular campaign was the neutralization of the rebel ram, the Merrimac, then at Norfolk.

and cannonading at that distance does not amount to much.[1]

The Secretary then inquired of the commissary-general how well Fortress Monroe was supplied. He replied that the fort was victualed for about sixty days. The Secretary thought that a very short supply. He directed the commissary-general to report fully the following morning, and in the meantime to take measures to be in a condition to put supplies into the fort rapidly, and asked General Totten for what length of time the fort ought to be supplied in view of the existing state of affairs. General Totten thought it ought to be furnished with six months' supplies.

It transpired during the session that there were but two guns at Fortress Monroe which could inflict damage upon the Merrimac: one a 12-inch gun and the other a 15-inch, the latter not being mounted.

The Secretary: Why cannot the 15-inch gun be mounted?

General Totten: It cannot be put back upon the carriage.

The Secretary: I ask the advice of this board whether I shall give a peremptory order to put the 15-inch gun on the carriage instead of the 12-inch gun. We have ordered 200 shot for the 15-inch.

General Ripley: The carriage has been under way for months. I have sent Captain Rodman with orders to work night and day upon it in order that it may be finished and sent to the fort. There are a few shot for the 15-inch gun, and orders have been given for shot both for the 12-inch and the 15-inch.

The Secretary then instructed General Ripley to inquire

[1] This was in 1861, and is suggestive of the progress since made in ordnance.

and report speedily in respect to projectiles for these guns, and it was

Ordered: That with the advice of this board, there being one gun carriage, and having shot for the 15-inch gun, the 12-inch gun be dismounted, and the 15-inch gun substituted in its stead.

General Ripley said that the carriage for the other gun would be ready in two weeks.

The Secretary: This thing will be over in less than that.[1]

General Totten: I suggest extemporizing a mounting; making a timber bed for it.

General Ripley: I will give instructions to Lieutenant Baylor to do so at once.

The Secretary: It would be a wonderful reproach to your department, General Ripley, should the big gun not be mounted when needed.

General Ripley: Neither of these guns is a part of the armament of the fort, having been sent there merely for experimental purposes.

The Secretary: I do not think the public will make that distinction. We have now been engaged several months in this war, and yet the largest gun at the fort is lying dismounted on the sand, and without shell.

General Ripley: But, Mr. Stanton, the gun has never been adopted.

The Secretary: We have been seven months in the war with the fort threatened, and that gun not yet been adopted into the service. . . . Now how can this gun be mounted and made useful and shot procured for it, as well as powder? The civilized world will execrate the man who did not have this gun in fighting order ready for an emergency. I would not answer for the neck of the man upon whom they should fix the responsibility.

[1] He was referring to the immediate necessity of protecting McClellan's transports on their way to Fortress Monroe.

Then followed a discussion as to the power of the Merrimac to endanger Fortress Monroe.

General Totten thought she could gain nothing if she made a breach in the walls, because of the protection offered by the ditch and water front. He proposed to mount the 15-inch gun on the carriage at the existing battery and the 12-inch gun on a temporary carriage.

General Meigs felt certain that the Merrimac could dismount every gun in time.

"If she gets out," said he, "there is nothing in this country that can best her. It is a disgrace to the country that the rebels, without resources, have built a vessel with which we cannot cope. It was a providence that the Monitor arrived at Old Point the day after this disaster. Yet the least damage or accident to the Monitor might disable her."

The Secretary: What do you propose as a protection against the Merrimac?

General Meigs: What Commander Wilkes proposed on Sunday last, — that the Monitor be directed to sink coal vessels or anything else available in the channel off Craney Island. Now is the time to shut her up at Norfolk while she is undergoing repairs.

The Secretary: The question is, How is this channel to be obstructed, for it is guarded by Sewells Point batteries?

General Meigs quoted Captain Wise of the navy as saying that the deck of the Merrimac was as high out of the water as the ceiling of the rooms in the President's house.

The Secretary: It seems now as if the navy is determined to exaggerate her as much as they underrated her before.

Who, General Ripley, is the livest man you can send to mount the guns at Fort Monroe?

General Ripley: Major Hagner would be an excellent officer for that duty.

The Secretary: His health is too bad.

General Ripley: I do not think we can do any better than to leave the duty to Lieutenant Baylor, who is an excellent officer.

The Secretary: I do not think I would lose a moment in writing the order.

General Ripley at once wrote the order, and it was dispatched by telegraph.

General Totten felt certain that the 10-inch guns on the ramparts of Fortress Monroe could be relied on to damage the Merrimac, but she was a dangerous enemy, and he would shut her up by all means.

The Secretary: There is no difference of opinion about that, but the question is how to do it. Can any practicable mode be suggested?

The following dispatch was here read from the Assistant Secretary of the Navy to General McClellan concerning the ability of the Monitor to cope with the Merrimac.

The Monitor is more than a match for the Merrimac, but she might be disabled in the next encounter. I cannot advise so great a dependence upon her. . . .

The Monitor may, and I think will, destroy the Merrimac in the next fight, but this is hope and not certainty. The Merrimac must dock for repairs.

This was in response to an inquiry made by General McClellan the day before as to whether the Monitor

could be relied on to keep the Merrimac in check, and protect the transports from her, so that Fortress Monroe could be made the base of operations.

The Secretary: I now wish to submit to the board the question whether they would regard as expedient any military expedition looking to the transportation of troops by water to Fortress Monroe before the channel off Craney Island is blocked.

General Meigs: We would then have Hampton Roads full of transports, and the Merrimac might come up and destroy the whole flotilla. Such an expedition should not be undertaken before the channel is stopped up.

The Secretary: Is it the opinion of this board that the army should not be embarked here and transported to Hampton Roads in the present state of knowledge respecting the relative strength of the Merrimac and the Monitor?

To this question each member of the board gave an affirmative answer.

The Secretary then instructed the adjutant-general to inform the Navy Department that any transports or coal vessels which the War Department had at Fortress Monroe were placed at the disposal of the Navy Department, to be used for the purpose of obstructing the channel between Craney Island and Sewells Point.

On the following day (March 14), the board met again.

The Secretary remarked that Fortress Monroe, being a pleasant place in the summer, had become a point of resort for large numbers of people from different parts of the country, and that now many visitors, including men, women, and children, were there, and in view of present circumstances he thought it might be well to

give an order to General Dix to grant no more permits to Old Point, and to instruct General Wool to cause all persons not in the service to leave the place at once. He desired to know of the board if his action in this respect, as indicated by what he had stated, was more than circumstances required.

The members all expressed concurrence in the course pursued by the Secretary. He had already made the order.

The Secretary: I will state to the board that it is in pursuance of suggestions made here yesterday that I addressed a letter to the Secretary of the Navy, informing him that our hulks and coal vessels were at his disposal to be used in obstructing the channel of Elizabeth River. My letter does not seem to have been received in very good temper, for I received a communication in reply, stating that when the army should clear Sewells Point of the enemy, the navy would be very happy to do their duty in sinking vessels. This I understand to be a declaration that the navy will do nothing towards closing the channel while the batteries are there.

He added: —

The President sent for me. I went and found Mr. Fox there. We had a conference upon this subject, but it led to no result. I consider it our duty to give this matter full attention, and to consider advice from any one who may be able and willing to give it, but it is not likely that our views in relation to this subject will produce the least result.

General Meigs: Is Mr. Welles to remain in the Cabinet?

The Secretary: That is a question for the President to consider. He leans to the judgment of Mr. Fox, who seems to think he is in possession of the entire amount of know-

ledge of the naval world. Not being a sailor myself, I do not pretend to know anything about such matters.

General Meigs: Why, this is equivalent to saying that the Merrimac shall be allowed six months or any length of time that may be required to make her sufficiently strong to be invincible.

The Secretary: That is the logical result of the proposition.

General Meigs: We might borrow the Monitor to tow our coal vessels up to block the channel.

The Secretary: The navy would not lend her for that purpose.

CHAPTER LI

The Peninsular Campaign. — McClellan's Disregard of Orders. — His Attempt to leave Washington unprotected. — How this was prevented. — McDowell's Corps retained. — McClellan's Misrepresentations. — He treated the Enforcement of Conditions originally placed upon his Campaign as an Interference.

McClellan's final report of the military operations directed by him was not made until August 4, 1863, nine months after he had been relieved from command, and when he was at his home in New Jersey, training for the candidacy of the anti-war party for the presidency in 1864.[1] It evidently derives much of its tone from these conditions.

The burden of his story in that report and in his book is that when he entered upon the peninsular campaign, the President promised him forces which were never allowed to reach him. The record flatly contradicts this statement. In the paper presented by him to the Secretary of War, of the date of February 3, and given a place in his final report, he stated that the total force to be required would be, "according to circumstances," from 110,000 to 140,000. In that same report, without questioning its correctness, he gives an extract from the report of Mr. John Tucker, Assistant Secretary of War, under whose directions the troops

[1] This report appears in vol. v. of Series I. of the official records of the War of the Rebellion, at page 5.

were transported to Fortress Monroe, stating that the number so transported was 121,500.

It thus appears from his own official report that he commenced his peninsular campaign April 5, 1862, with 11,500 more men than the minimum proposed by him to the Secretary of War, and that the number only fell 18,500 short of the maximum number proposed by him. On the 20th of April — only two weeks later — he was reinforced by Franklin's division of 12,000 men, all of whom remained idle for two weeks on the transports which brought them to him. Later on, during the months of May and June, he received reinforcements amounting to over 27,000 men, making an aggregate of 160,500.

Before entering upon his campaign, he knew that it would be flagrant insubordination for him to move in violation of either of the following positive conditions under which his operations were ordered: —

First: The condition imposed by the President on the 8th of March, that such a force should be left in and about Washington, as, in the opinion of the general-in-chief and of the corps commanders, should leave that city entirely secure.

Second: The conditions added by the council of corps commanders of March 13, and approved by the President, that the enemy's vessel, the Merrimac, should be neutralized, and that a naval auxiliary force could be had to aid in silencing the enemy's batteries on the York River; and, finally, the additional requirement by the President, of the same date, that such a force be left at Manassas Junction as would make it entirely cer-

tain that the enemy could not repossess himself of that position and line of communication.

These conditions were not imposed in haste or in reversal of any previous orders. They were made twenty days before General McClellan left Alexandria for Fortress Monroe, and met with no protest whatever from him at that time. He knew that without them no peninsular campaign would have been entered upon. How willfully he disregarded them will now appear.

He sailed for Fortress Monroe on the 1st of April. He gave the Secretary of War no information, before leaving, as to the number of troops to be left for the defense of Washington and Manassas; but, from the deck of the steamer at Alexandria, while waiting for her to start, he wrote a communication to the adjutant-general to be laid before the Secretary of War after he had gone, informing him of the force so left behind. Upon receiving this, the Secretary addressed the following inquiry to the officers named therein: —

Adjutant-General Thomas and Major-General Hitchcock:

Generals, — I beg leave to refer you to the following papers: —

1st. The President's War Order, No. 3, dated March 8, 1862, marked A.

2d. The report of a council held at headquarters, Fairfax Court-House, March 13, marked B.

3d. The President's instructions to General McClellan, March 13, marked C.

4th. The report of Major-General McClellan, dated on board the steamer Commodore, April 1, addressed to the adjutant-general (D).

5th. The report of General Wadsworth as to the forces in his command (E).

And upon examination, I desire you to report to me whether the President's order and instructions have been complied with in respect to the forces to be left for the defense of Washington and its security, and at Manassas, and, if not, wherein those instructions have been departed from.

The reply to this inquiry, after giving the number and position of all the troops which McClellan proposed to leave behind him, was as follows: —

In view of the opinion expressed by the council of the commanders of army corps, of the force necessary for the defense of the capital, though not numerically stated, and of the force represented by General McClellan as left for that purpose, we are of opinion that the requirement of the President — that this city shall be left entirely secure, not only in the opinion of the general-in-chief, but that of the commanders of all the army corps also — has not been fully complied with.

The garrisons and forts of Washington, together, had left to them only 18,000 men. Generals Thomas and Hitchcock stated 30,000 men to be the number necessary to man the forts on the right bank of the Potomac, and the corps commanders had fixed upon 25,000 as the number necessary to occupy its left bank. The President then made the following order, both the body and signature of which are in his own handwriting: —

Executive Mansion, April 3, 1862.

The Secretary of War will order that one or the other of the corps of General McDowell or General Sumner remain in front of Washington until further orders from the department, to operate at or in the direction of Manassas Junction

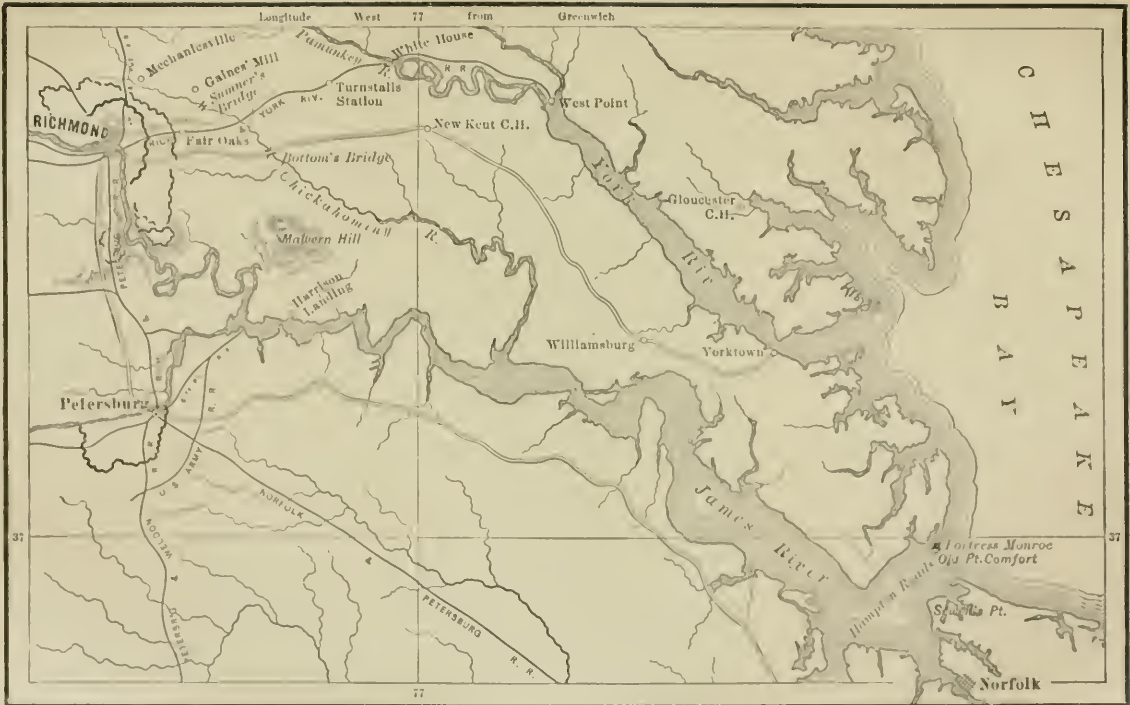
or otherwise as occasion may require, and that the other corps not so ordered to remain go forward to General McClellan as speedily as possible. That General McClellan commence his forward movements from his new base at once, and that such incidental modifications as the foregoing may render proper be also made.

A. LINCOLN.

Thus was McClellan's reckless attempt to override the President's order for the protection of the capital defeated by the vigilance of Secretary Stanton. Instead of relieving him from command for this flagrant and dangerous act of insubordination, Mr. Lincoln caused the following dispatch to be sent to him, April 4: —

By direction of the President, General McDowell's corps has been detached from the forces under your immediate command, and the general is ordered to report to the Secretary of War.

On the same day, General McClellan was informed of the creation of two new departments, — one, the Department of the Shenandoah, under General Banks, and the other, the Department of the Rappahannock, under General McDowell.



MAP TO ILLUSTRATE McCLELLAN'S PENINSULAR CAMPAIGN

CHAPTER LII

On the Peninsula. — Stanton to McClellan. — The Siege of Yorktown. — Manassas repeated. — Preparations and no Attack for Thirty Days. — Yorktown then evacuated. — Loud Demand for Troops, which were sent and never used. — McClellan's Daily Promises to Stanton daily broken. — Said he would have attacked on the 6th of May if the Enemy had not retreated on the 4th.

On April 5 McClellan was on the peninsula with 121,500 men, independent of General Wool's command of 15,000 at Fortress Monroe. The first substantial obstacle to his advance was Yorktown, garrisoned, as he reported, by not less than 15,000 troops under the command of General Magruder. The enemy were about 15,000 strong at Norfolk. General McClellan assures us in his report that if he could only have had men enough, instead of only 121,500, he would have driven the enemy into Richmond, and followed them in "by rapid movements." Being deprived of McDowell's corps (which he never had, nor had any right to expect) he was "incapable of continuing operations which he had begun." He was compelled to adopt "another, a different, and a less effective plan of campaign." It "made rapid and brilliant operations impossible."

On the 5th General McClellan addressed the President, greatly magnifying the force in front of him, and

expressing his deliberate judgment that the success of the cause would be imperiled by so greatly reducing his force "when it is actually under the fire of the enemy."[1]

He was of the opinion that he would have to fight all the available force of the enemy not far from the position he then occupied. He begged not to be forced to do so with diminished numbers, and earnestly urged the President to reconsider his order "detaching" General McDowell's corps from his command.

McClellan's dispatches are so contradictory that it is impossible for all of them to be true. If the President had neglected to protect Washington, as McClellan had done, and had made no order concerning McDowell's corps, by no possibility could that force have been with McClellan at that time. His own arrangements did not call for them to be there so soon. How, then, was his force reduced "while under the fire of the enemy" by the detachment of a corps which had never been nearer to him than Alexandria? With the Confederates everywhere panic-stricken by Union successes in the West, McClellan, with 121,500 men, pretended to be disheartened because he was not allowed to usurp the authority of the President and abolish the conditions under which the campaign had been authorized.

[1] The casual reading of this would justify the inference that the main body of his army was, at that moment, engaged in a great battle in which he was overmatched, and that its success had, therefore, been imperiled by withholding from it McDowell's corps. The fact was that a reconnoitring party had been fired upon by two guns. (See dispatch of General Keyes, *War Records*, Series I. vol. ii. part iii. p. 70.)

On the 6th Mr. Stanton made the following explanation to General McClellan of the reasons why McDowell's corps had not been allowed to join his forces.

Your instructions to McDowell did not appear to contemplate the removal of his force until some time this week. The enemy were reported to be still in force at Gordonsville and Fredericksburg and threatening Winchester and the Baltimore and Ohio Railroad. The force under Banks and Wadsworth was deemed by experienced military men inadequate to protect Winchester and the railroad, and was much less than had been fixed by your corps commanders as necessary to secure Washington. It was thought best, therefore, to detach either McDowell or Sumner, and as a part of Sumner's corps was already with you it was concluded to retain McDowell. Your advance on Yorktown gratified me very much, and I hope you will press forward and carry the enemy's works and soon be at Richmond.

The order organizing the new departments will not in any degree affect your control over the supplies, transportation, and materials that have been left behind you, or that you may at any time require. The whole force and material of the government will be as fully and speedily under your command as heretofore, or as if the new departments had not been created.

On the same day McClellan telegraphed that he "would attack Yorktown, but that it might be a slow process." And again: "The affair will be protracted in consequence of the diminution of my forces."

Mr. Stanton then addressed the following telegram to General Wool at Fortress Monroe: "Please let me know fully the state of affairs towards Yorktown, and

whether it is necessary to send more than Sumner's corps, which is on the way down?"

As General McClellan was virtually threatening to abandon the campaign unless he could have his way, it was most natural that the government should desire the opinion of an old and capable general as to whether his affected panic was based on sufficient cause. In reply to Mr. Stanton's inquiry General Wool said: —

> From a conversation with General McClellan I am induced to believe that with General Sumner's corps he must have over 100,000 men, with a large force of artillery. He informs me that the enemy has in and about Yorktown 30,000 men. If the enemy is not stronger I should think he had sufficient force to overcome it. He complains, however, of taking from him 45,000 men under McDowell, which, he says, compels him to change his plans of operation. What these plans are he has not informed me.

On the same day General McClellan wrote General Wool that General Joseph Johnston had, according to information received from prisoners, arrived in Yorktown with heavy reinforcements, that the troops of Manassas were coming in, and the rebels intended fighting their first battle at Yorktown. Being on the York River he began to express great anxiety to get over to the James. He wished the Merrimac would come out so that he could "get our gunboats up the James River." He declared that he had but 68,000 men for duty, although the day before he had 100,000. What became of the remaining 32,000 has never been ascertained. Two days before, according to his report, he had 121,000.

In his dispatches and letters he constantly complained that 50,000 men had been taken from him since he commenced operations. This made it appear as though 50,000 men had been withdrawn from the peninsula. So frequently does he repeat this unfounded statement that it is necessary to explain often that not a single man was ever withdrawn from the peninsula from the beginning to the end of his campaign. He retained his original 121,500 men and had 39,441 added to them. The men to whom he refers as having been withdrawn from his command were the force that he was ordered to leave in Washington for its defense; and because he was not allowed to take them away in violation of the President's order he charged that they had been withdrawn from his support.

It is evident that the retention of McDowell's corps in northern Virginia was made to serve McClellan throughout as an excuse for the non-action which was either his policy or a constitutional defect. His dispatches to the War Department now alternated between explanations why nothing was done and calls for more troops. The siege of Yorktown was to be the work of "the next thirty days." April 9 the weather was so execrable; the roads were terrible; siege-guns could not be landed because of the washout, but "would lose no time in placing our heavy guns," and would assault at the earliest practicable moment. On the 10th Franklin's and McCall's divisions were wanted. The fate of the cause depended upon having Franklin's division at any rate.

His point of attack, he stated, was determined, and

he was at that moment engaged in fixing the position of the batteries. Under the President's direction Stanton immediately ordered Franklin's division sent to him, and telegraphed him April 11: —

> Franklin's division is marching towards Alexandria to embark. McCall's will be sent if the safety of this city will permit. Inform me where you want Franklin to land. He will embark to-morrow and as quickly as possible.

On the 11th he assured Secretary Stanton that good progress in landing heavy guns and supplies would be made on the day following.

Much of his time was devoted to addressing communications to President Lincoln and Secretary Stanton bewailing his condition, speculating on the probabilities as to how much stronger the enemy were than his own forces, agreeing to do the best he could without any support from the government, and deprecating the failure to send him more troops. Mr. Lincoln wrote him on the 9th of April: —

> There is a curious mystery about the number of troops now with you. When I telegraphed you on the 6th, saying that you had over 100,000 with you, I had just obtained from the Secretary of War a statement, taken, as he said, from your own reports, making 108,000 then with you and on the road to you. You now say that you will have but 85,000 when all on the road to you shall have reached you. How can the discrepancy of 23,000 be accounted for?

The President then urged him to strike a blow, warning him that the enemy were gaining faster by fortifications and reinforcements than he could by reinforcements alone. He concluded: —

You will do me the justice to remember I always insisted that going down the bay in search of a field, instead of fighting at or near Manassas, was only shifting and not surmounting a difficulty; that we have just the same enemy, with the same or equal intrenchments at either place. The country will not fail to note, is now noting, that the persistent hesitation to move upon an intrenched enemy is but the story of Manassas repeated. I beg to assure you that I have never written or spoken to you in a kindlier spirit than now, nor with a fuller purpose to sustain you, so far as in my most anxious judgment I consistently can; but you must act.

April 12 McClellan telegraphed Stanton: —

I thank you most sincerely for the reinforcements sent me, Franklin will attack on the other side. The moment I hear from him I will state a point of rendezvous. I am confident as to results now.

On the 13th McClellan telegraphed Stanton: —

We shall soon be at them, and I am sure of the result.

His force at that time, as certified by himself and on record in the adjutant-general's office, was, aggregate present for duty, 100,970.[1]

On the 14th he assured Secretary Stanton that he was getting up the heavy guns, mortars, and ammunition quite rapidly. On the next day he hoped "to make good progress."

On the 16th he telegraphed as follows: —

General Sumner has just handsomely silenced the fire of the so-called one-gun battery, and forced the enemy to suspend work. Mott's battery behaved splendidly.

To which Mr. Stanton replied: —

[1] *War Records*, Series I. vol. ii. part iii. p. 97.

Good for the first lick. Hurrah for Mott and the one-gun battery. Let us have Yorktown, with Magruder and his gang, before the first of May, and the job will be over. I have seen General Ripley about the shells.

April 18 McClellan hoped to have twelve heavy guns in battery by daybreak, five more the next night, and twenty-one more the next night. Then they would commence the first parallel, etc. Mr. Stanton asked him on that day whether the indications did not show that the enemy were inclined to take the offensive. He replied that he could not hope for such good fortune; that he was perfectly prepared for any attack the enemy might make. On the same day he called for another 200-pound Parrott gun.

On the 20th of April Franklin's division of 12,000 men arrived at the headquarters near Yorktown, but remained on board the transport vessels which brought them until the 3d of May! They seemed to be needed only previous to their arrival.

On the 25th of April Assistant Secretary Watson wrote to McClellan and inclosed to him a paper written by a person of high character.[1] It was to the effect that the writer believed the enemy would make no stand at Yorktown, but would be more likely to concentrate for an attack upon McDowell at Fredericksburg, and that preparatory to this he would draw off the main body of the troops from Yorktown, leaving only enough to menace McClellan and keep his forces unoccupied.

April 26 McClellan informed Stanton that the first parallel was completed! also that it would be nearly finished by daylight!

[1] Probably General Scott.

Here is his telegram: —

I am glad to write that the first parallel now extends to York River, being now complete. The most exposed portion was commenced to-night by the regulars. They are now well under cover and the parallel will be nearly finished by daylight. Everything quiet to-night. No firing on either side that amounts to anything.

On the 27th he said that the first parallel was "essentially finished."

On the 28th he was making good progress. Mortar batteries were progressing and would soon be ready to open. He would be glad to have the thirty Parrotts in the works around Washington at once. Was "very short of that excellent gun."

Referring to this demand the President sent the following: —

Your call for Parrott guns from Washington alarms me, chiefly because it argues indefinite procrastination. Is nothing to be done?

April 30 he reported that he had opened upon Yorktown wharf with battery No. 1, and driven off all their schooners. On that day he reported that he had present with him for duty 112,392 men. This is from the records in the adjutant-general's office.

May 1 he telegraphed Secretary Stanton: —

The time for opening fire is now rapidly approaching.

On the 2d he telegraphed Stanton: —

You have not much longer to wait.

On the 3d he telegraphed the Secretary that the enemy was unusually quiet the previous night and that

morning. That most satisfactory progress was being made in arming the batteries.

At noon on the 4th Secretary Stanton received a dispatch from McClellan, saying: "Yorktown is in our possession." In fact, it had been evacuated the night before without his knowledge. McClellan reported that he had a force of his cavalry in pursuit of the enemy, supported by infantry. Secretary Stanton telegraphed: —

Accept my cordial congratulations upon the success at Yorktown. I am rejoiced to hear that your forces are in active pursuit. Please furnish me with details as far as they are required. I hope soon to hail your arrival at Richmond.

McClellan thus summarizes this grand military exploit — the siege of Yorktown:[1] —

As the siege progressed it was with great difficulty that the rifle pits on the road could be excavated and held, so little covering could be made against the hot fire of the enemy's artillery and infantry. Their guns continued firing up to a late hour on the night of the 3d of May. Our batteries would have been ready to open on the 6th of May at least, but on the morning of the 4th it was discovered that the enemy had already been compelled to evacuate his position during the night, leaving behind him all of his heavy guns uninjured and a large amount of munitions and supplies.

Manassas had been repeated as President Lincoln predicted.

The gigantic preparations which McClellan had made for the firing which never opened included the construction of sixteen batteries, their full armament being 114 heavy guns and mortars. Never was there a more lame and impotent conclusion.

[1] *War Records*, Series I. vol. xi. part i. p. 18.

CHAPTER LIII

The Battle of Williamsburg. — McClellan says Battle was an Accident due to Rapidity of Pursuit of the Enemy ordered by him. — How he saved the Day by Two Orders, neither of which he says was executed.

AFTER the evacuation of Yorktown, General McClellan ordered the pursuit of the enemy towards Williamsburg under two separate and conflicting commands. General Sumner, in his official report, states that he received an order from General McClellan to take command of the troops in pursuit of the enemy. General Heintzelman, in his report, states that his instructions directed him to take "control of the entire movement."

The enemy made a stand at Williamsburg, and on Monday, May 5, a severe battle took place, resulting in a Union victory with a loss of 450 killed and 1400 wounded.[1] General McClellan himself, as he says in his report, "remained at Yorktown, pushing General Franklin and his troops" up the York River to West Point. To his wife he wrote, May 6: —

> Unfortunately I did not go with the advance myself, being obliged to remain to get Franklin and Sedgwick started up the river for West Point.

It certainly was unfortunate that these able generals

[1] In his *Own Story*, page 322, General McClellan says: "The battle of Williamsburg was an accident brought about by the rapid pursuit of our troops." He ordered the pursuit; strange that its success in overtaking the enemy should have been regarded by him as "an accident."

could not, with the aid of their quartermasters, embark a division of troops, without the personal supervision of General McClellan.

He was summoned to the field by the news that things were going badly, and arrived at five o'clock. His official report shows that he produced no effect whatever upon the battle. He states that he ordered General Smith and General Naglee to the support of Hancock's command, but that before they could reach the field, although they moved with great rapidity, the latter had been confronted by a superior force, which he routed and dispersed.

McClellan says: —

> I then directed our centre to advance to the further edge of the woods, and attempted to open direct communication with General Heintzelman, but was prevented by the marshy state of the ground in the direction in which the attempt was made.

This, as appears by his report, was the extent of his participation in the battle. Hancock got along without him, and he failed to reach Heintzelman. He says: "Night put an end to all operations here."

Thus we have his own testimony that no order of his was made in time for execution at the battle of Williamsburg. This did not prevent him from telegraphing the Secretary of War that but for him the army would have been routed through the incompetency of his corps commanders.

> Had I been one half hour later on the field on the 5th, we would have been routed and would have lost everything.

To his wife he wrote from Williamsburg on the 6th:

As soon as I came upon the field, the men cheered like fiends, and I saw at once that I could save the day.

On the 8th he wrote her: —

It would have been easy for me to have sacrificed 10,000 lives in taking Yorktown, and I presume the world would have thought it more brilliant. I am content with what I have done. The battle of Williamsburg was more bloody. Had I reached the field three hours earlier, I could have gained greater results, and have saved 1000 lives [!] It is perhaps well as it is, for officers and men feel that I saved the day.

A thousand lives would have been a large price to pay for establishing the belief that he had "saved the day" when his official report demonstrates that he had not even contributed to that result. But fortunately only 450 of our men were killed at Williamsburg.

In a familiar letter to General Burnside, dated May 21, he says: —

We came near being badly beaten at Williamsburg. I arrived on the field at five P. M., and found that all thought we were whipped and in for a disaster. You would have been glad to see, old fellow, how the men cheered and brightened up when they saw me. In five minutes after I reached the ground, a possible defeat was changed into victory.

The message from Williamsburg to General McClellan at Yorktown, which called him to the field, was carried by Governor Sprague in an hour and a half. It was four hours from that time before General McClellan appeared on the field. He seemed offended at being called upon at all, for Governor Sprague testified that when he stated to him the condition of affairs,

General McClellan remarked to him that "he supposed those in front could attend to that little affair." [1]

At ten o'clock that evening McClellan telegraphed to Stanton, as usual, that Johnston was in front of him in strong force — probably a great deal stronger than his own — and very strongly intrenched. He learned from prisoners that the enemy intended disputing every step to Richmond. He would run the risk of at least holding them in check where they were, while he resumed the original position. He stated that his force was undoubtedly considerably inferior to that of the rebels, who still fought well; but he would do all he could with the force at his disposal. Four hours later, that is, at three o'clock on the morning of the 6th of May, the rebels evacuated Williamsburg, as they had Yorktown and Manassas, in a state of great demoralization.

On the 9th of May, four days after the battle of Williamsburg, McClellan telegraphed to the Secretary of War, then with the President at Fortress Monroe: —

> Notwithstanding my positive orders, I was informed of nothing that had occurred, and I went on the field of battle myself upon official information that my presence was needed to avoid defeat.
>
> I found there the utmost confusion and incompetency; the utmost discouragement on the part of the men. At least a thousand lives were really sacrificed by the organization into corps.[2]

[1] Testimony of Governor Sprague in the *Report of the Committee on the Conduct of the War*, part i. p. 569.

[2] He still adhered to the story of the loss of a thousand lives, when only 450 lives were lost to the Union army as shown by the record.

He wished to return to the organization by divisions, or else to be authorized "to relieve from duty with this army, commanders of corps or divisions who find themselves incompetent." This was a fresh manifestation of the hostility to Generals Sumner, Heintzelman, and Keyes, shown when the President had overruled him in March by organizing the army into corps, and giving the command of them to those generals who were entitled to it by rank.

To this dispatch the following reply was sent on the same day by Mr. Stanton: —

The President is unwilling to have the army corps organization broken up; but also unwilling that the commanding general shall be trammeled and embarrassed in actual skirmishing collision with the enemy, and on the eve of an expected great battle. You, therefore, may temporarily suspend that organization in the army now under your immediate command, and adopt any you see fit until further orders. He also writes you privately.

The letter of the President to General McClellan, referred to in the above, is as follows: —

Dear Sir, — I have just assisted the Secretary of War in framing the part of a dispatch to you relating to army corps, which dispatch, of course, will have reached you long before this will.

I wish to say a few words to you privately on this subject. I ordered the army corps organization not only on the unanimous opinion of the twelve generals whom you had selected and assigned as generals of divisions, but also on the unanimous opinion of every military man I could get an opinion from, and every modern military book, yourself only excepted. Of course, I did not on my own judgment pretend to under-

stand the subject. I now think it indispensable for you to know how your struggle against it is received in quarters which we cannot entirely disregard. It is looked upon as merely an effort to pamper one or two pets and to persecute and degrade their supposed rivals. I have no word from Sumner, Heintzelman, or Keyes. The commanders of these corps are, of course, the three highest officers with you, but I am constantly told that you have no consultation or communication with them; that you consult and communicate with nobody but General Fitz John Porter, and perhaps General Franklin. I do not say that these complaints are true or just; but at all events it is proper you should know of their existence. Do the commanders of corps disobey your orders in anything?

When you relieved General Hamilton of his command the other day, you thereby lost the confidence of at least one of your best friends in the Senate. And here let me say, not as applicable to you personally, that senators and representatives speak of me in their places as they please, without question, and that officers of the army must cease addressing insulting letters to them for taking no greater liberty with them.

But to return: are you strong enough — are you strong enough even with my help — to set your foot upon the necks of Sumner, Heintzelman, and Keyes all at once? This is a practical and very serious question for you.

The success of your army and the cause of the country are the same, and of course I only desire the good of the cause.

A little later the President authorized the formation of two additional provisional army corps, to be commanded by Generals Porter and Franklin. They were numbered the 5th and 6th. The order announcing this was promulgated by General McClellan May 18.

The President and his Secretary of War cannot be said to have been wanting in forbearance towards the general, who, like a spoiled child, was nevertheless just as determined in his hostility after being indulged as when opposed. When an order was distasteful to him, the only attention paid to it by him was to persistently demand its revocation or modification. The government had to compromise with him and make corps commanders of his two favorites before he would even seem to tolerate their seniors, already under his command. Even then he made no show of being reconciled to the latter.

CHAPTER LIV

The Fall of Norfolk and the Destruction of the Merrimac. — The James River then opened to McClellan.

On the day of the evacuation of Yorktown, Mr. Stanton sent the following to General Wool, at Fortress Monroe: —

The President desires to know whether your force is in condition for a sudden movement, if one should be ordered under your command. Please have it in readiness.

On the 6th the President and Secretaries Stanton and Chase were at Fortress Monroe, as appeared by the following dispatch from Stanton to McClellan: —

The President with the Secretary of the Treasury reached here a few moments ago, having left Washington last evening, and we are rejoiced to learn of the success of your recent operations. I find here a copy of your dispatch of this day's date, and in answer to inquiry state that you are authorized to inscribe the names of battles upon regimental banners at your discretion. We shall remain here a day or two, and will be glad to confer with you to-morrow and render you any assistance.

May 7 Mr. Stanton sent the following to General McClellan: —

Your dispatch received, and I am rejoiced at the success of your operations. An expedition under Captain Rodgers will under express orders be sent up the James River to-night,

[*Mr. Stanton's copy of letter to General McClellan, May 6, 1862*]

Fort Monroe
10 O Clock P.M.
Tuesday Evening

Major General George B McClellan

The President with Secretary of the Treasury reached here a few minutes ago having left Washington last evening and we are rejoiced to learn the success of your recent

operations. I find here a copy of your despatch of this day's date and in answer to enquiry state that you are authorized to inscribe the names of battles upon regimental banners at your discretion. We shall remain here a day or two and will be glad to confer with you tomorrow and render you any assistance

Edwin M Stanton
Sec of War

consisting of the Galena and two gunboats for the purpose of coöperating with you. They start as soon as pilots can be found. Wednesday midnight. Is there anything else you want?

And on the 8th Mr. Stanton telegraphed General McClellan: —

Commander Rodgers with three gunboats started this morning up the James River. If you can aid them any way with supplies in case they run short, it may be well to be in condition to do so. A rebel tug-boat from Norfolk came over and surrendered to us this morning. They report that for three days Norfolk was being evacuated, the Navy Yard being dismantled, the troops going some to Richmond and others north to join Jackson. The Yorktown, Jamestown, and two other rebel gunboats are up the James River, and the Merrimac will probably try to get up to-day.

An attack on Sewells Point batteries will be made to-day by Commodore Goldsborough and General Wool.

Report anything you need.

The deserters say there is great consternation in Richmond and Norfolk. The machinery of the Navy Yard and all the cotton, tobacco, and oil are being shipped to Weldon and Raleigh.

On the 8th Mr. Stanton sent to Washington the following account of the naval expedition up the James River, and of the movement upon Norfolk: —

An attack on Sewells Point will be made to-day. Commander Rodgers with three gunboats moved this morning up the James River toward Richmond. We shall advance directly on Norfolk. Cannonading up the James River can be distinctly heard at this moment, supposed to be our gunboats attacking the Yorktown and Jamestown that went up two

nights ago. Report says that all the tobacco, oil, and cotton are being removed from Norfolk. Things are moving now.

And later in the day the following: —

The President is at this moment (two o'clock P. M.) at Fort Wool witnessing our gunboats — three of them besides the Monitor and Stevens — shelling the rebel batteries at Sewells Point. At the same time, heavy firing up the James River indicates that Rodgers and Morris are fighting the Jamestown and Yorktown up the James River. The boom of heavy cannonading strikes the ear every minute. The Sawyer gun in Fort Wool has silenced one battery on Sewells Point. The James rifle mounted on Fort Wool also does good work. It was a beautiful sight to witness the boats moving on Sewells Point, and one after the other opening fire and blazing away every minute. The troops will be ready in an hour to move. The ships engaged are the Dacotah, the Savannah, and the San Jacinto, the Monitor and the Stevens. The Merrimac has not made her appearance, but is expected in the field every minute. A rebel tug came over this morning, and the deserters said that the Merrimac was at Norfolk when they left.

The naval attack on the batteries at Sewells Point was followed by the landing of troops in that vicinity by General Wool, during the night of the 9th.

Mr. Stanton telegraphed to Washington from Fortress Monroe May 10: —

The troops were landed last night, and are on the advance to Norfolk. Nothing for the last twenty-four hours from Rodgers's expedition. Nothing of any interest from the army. Your telegram received. We shall wait the result on Norfolk.

Later on the same day, Mr. Stanton telegraphed General McClellan: —

Norfolk and Portsmouth surrendered to General Wool at five o'clock this afternoon without a battle. General Huger withdrew his force. General Viele is in possession with five thousand troops. The city was not burned. The smoke and fires which have been visible for some hours in that direction arose from other causes. General Wool and Secretary Chase, who accompanied him from Norfolk, have returned here.

On the 11th Mr. Stanton sent the following to P. H. Watson: —

The Merrimac was blown up by the rebels at two minutes before five o'clock this morning. She was set fire to about three o'clock, and the explosion took place at the time stated. It is said to have been a grand sight by those who saw it. The Monitor, Stevens, and the gunboats have gone up towards Norfolk.

General McClellan had telegraphed to Secretary Stanton on the 10th: —

Should Norfolk be taken and the Merrimac destroyed, I can change my line to the James River and dispense with the railroad.

At nine o'clock on the morning of the 11th, McClellan sent the following from his camp, nineteen miles from Williamsburg: —

I congratulate you from the bottom of my heart upon the destruction of the Merrimac. I would now most earnestly urge that our gunboats and the ironclad boats be sent as far as possible up the James River without delay. This will enable me to make our movements much more decisive.

On the same day, the Secretary of the Navy ordered Commodore Goldsborough to push all the boats he could spare up the James River, even to Richmond,

unless otherwise ordered by the President. The following dispatch from Stanton to McClellan the same day shows that the latter did not lack the support of the navy, if he felt disposed to change his base to the James River:—

We are on board the steamer homeward bound, having just returned from Norfolk. The order to send the Monitor, Stevens, and one or two other boats up the James River has been given and will be executed immediately, as I am assured by Flag-Officer Goldsborough.

CHAPTER LV

McClellan's Snail Pace on the Peninsula. — His Failure to take the Line of the James River on two Favorable Occasions. — Then attributes Failure of his Campaign to not having taken it. — His Correspondence, exposing Glaring Inconsistency, and refuting many Statements in his Book.

The Merrimac had been a formidable menace to all operations in the lower Chesapeake from the time of her appearance in Hampton Roads on the 8th of March. Although she had been so damaged by the Monitor that on the following day she had been compelled to go into dock at Norfolk for repairs, the fact of her existence had operated as an efficient blockade of the James River. By her destruction on the 11th of May that blockade had been raised.

General McClellan's dispatch to Stanton on the day before was expressive of elation at the movement on Norfolk, and of his apparent eagerness to make the James River the base of his operations in the event of its success. He said it would enable him to dispense with the railroad running from the head of York River to Richmond. On the 11th he congratulated Stanton from the bottom of his heart on the destruction of the Merrimac, and earnestly urged that gunboats and ironclads be sent up the James River without delay, saying this would enable him to make much more decisive movements.

His wishes were immediately complied with, and a message so informing him was received by him from Mr. Stanton on the same day. All this clearly appears from the dispatches quoted in the preceding chapter.

No impediment remained to prevent the adoption of the James River as his base. His own judgment had the approval of the Secretaries of War and of the Navy. Being thus left perfectly free on the 11th of May to adopt either the James or the York River, he deliberately adopted the latter! From the hour that gunboats and ironclads were ordered up the James River, at his request, by Admiral Goldsborough, he moved steadily in the other direction. Although according to his "Own Story" "the roads were so bad, narrow, and unfrequent as to render the movement of large masses very slow and difficult, — so much so that in the movement to White House on the 15th and 16th it required forty-eight hours to move two divisions and their two trains five miles,"[1] he nevertheless moved his army to the last-named locality, and there established his headquarters on the 16th.

In his book he thus states the advantages of the James River as a base: —

> With the aid of the gunboats and water transportation, I am sure that I could have occupied Petersburg and placed the army between that place and Richmond, so that the enemy would have been obliged to abandon the capital or to come out and attack in a position of my own choosing.[2]

As to the line of the York and Pamunkey, here is his statement as to its fatal disadvantages: —

[1] *Own Story*, page 341. [2] *Ibid.*, page 343.

As it was impossible to get at Richmond, and the enemy's army covering it, without crossing the Chickahominy, I was obliged to divide the Army of the Potomac into two parts separated by that stream.

And yet he deliberately adopted this line without any suggestion from Washington, or from any source whatever, after the James River had been opened to him at his own request. If he had approached Richmond by the James, he says he would have "avoided the delays and losses incurred in bridging the Chickahominy, and could have had the army united in one body, instead of being necessarily divided by that stream." [1]

If these were indeed his opinions at the time — as in his book he would have it appear — what defense can be made for the perversity with which he first doomed his army to contend for forty days with the deadly vapors of the Chickahominy swamps, and then to the seven days of merely defensive fighting, initiated by the enemy, and the seven nights' flight to Harrison's Landing on the James?

His own defense is [2] that his movements from the 11th of May to the 16th, when he voluntarily established his headquarters at White House on the Pamunkey River, were compelled by an order of the President, made two days after the last-named date.[3]

"This order," he says, "rendered it impossible for me to use the James River as a line of operations; forced me to establish our depots on the Pamunkey,

[1] *Own Story*, page 346. [2] *Ibid.*

[3] The President's order, as will presently be shown, did not direct the adoption of any base of operations, but merely dealt with the line already adopted by McClellan.

and to approach Richmond from the north. Herein lay the failure of the campaign."

It would be difficult for any man to crowd the same amount of self-stultification into the same space. Let us recapitulate: As we have seen, he was, at the very time of receiving that order, on the 18th of May, — and had been for two days, — already established on the Pamunkey, of his own free choice.

He had told Stanton on the 10th, that if the Merrimac were destroyed, he could change his line to the James River, and "dispense with the railroad from Richmond to West Point." When this event happened, he had asked for gunboats to be sent up the James River to enable him to make these "decisive movements." His request had been complied with, and at Stanton's solicitation Admiral Goldsborough had been ordered to send the gunboats up on the same day, and he had been so informed. Thus the initiative for the adoption of the James River as a base had actually been taken on the 11th of May by Stanton, who could not then have doubted that it would be followed up by General McClellan; but instead of so doing, without even a suggestion from any source, the latter had, on the 18th, been moving his troops up the Pamunkey River and away from the James River for the seven days immediately following the opening of the latter to his use.

During that week he had been wildly calling for reinforcements. To the President he declared that the enemy had double the number of his troops, besides having the advantage of intrenchments. In

the same dispatch he said it was entirely possible that the rebels might abandon Richmond, but that if they did, he wanted to be in a condition to press them when they should make a stand west or south of that place. Even if more troops were not needed, "it would," he said, "have the best moral effect for us to display an imposing force in the capital of the rebel government."[1]

Monday, the 12th, he wrote to his wife: —

I think one more battle here will finish the work. I expect a great one, but feel that confidence in my men and that trust in God, which makes me very sanguine as to the result.

My government, alas, it is not giving me any aid, but I will do the best I can with what I have, and trust to God's mercy and the courage of my men for the result.

On the 15th he wrote: —

I don't know yet what to make of the rebels. I do not see how they can possibly abandon Virginia and Richmond without a battle, nor do I understand why they abandoned and destroyed Norfolk and the Merrimac, unless they also intend to abandon all of Virginia. There is a puzzle somewhere which will soon be solved.

On the 17th he wrote: —

It is very difficult to divine whether secesh will fight a great battle in front of Richmond or not. I still think they ought to, but there are some circumstances which look somewhat as if they would evacuate.

That he could thus imagine it possible for the enemy to run away from intrenched positions, and give up their

[1] *Own Story*, page 343. Dispatch to the President, May 14, *War Records*, vol. xi. part i. p. 26.

capital, if, as he declared, they had twice his number, indicates that his mental processes were outside of any other human experience.

While General McClellan's disordered imagination pictured to him an enemy in front twice the number of his own force, the Confederate government was actually making preparations for the evacuation of Richmond, if it should become a necessity, — a danger which to them seemed imminent for the two weeks following the battle of Williamsburg. This fact is fully established by the following extracts from the Confederate correspondence in the "War Records." The Confederate Secretary of War wrote from Richmond to the President of the Richmond, Fredericksburg, and Petersburg Railroad Company, May 9, 1862, as follows: —

The government desires, in the event of the occupation of this city by the enemy, that all of your rolling stock and materials necessary for the operation of the road should be sent South. You will therefore prepare it for removal, and should the danger become imminent, you will remove it without waiting for further instructions.

To the Confederate adjutant-general he wrote May 10: —

Have such of your records and papers as ought to be preserved, and are not required for constant reference, packed in boxes for removal and marked so as to designate the bureau to which they belong. Books and papers necessary for constant reference may be kept in the presses, but boxes must be prepared for them. This is only intended as a prudent step, and is not caused by any bad news from the army. There is no need, therefore, for any panic in the city, and it should be

prevented by the assurance that we have every reason to think that the city can be successfully defended.

The following, dated May 10, from General D. H. Hill to the rebel Secretary of War shows the demoralized condition of the enemy at that time: —

It is with deep mortification that I report that several thousand soldiers and many individuals with commissions have fled to Richmond on pretext of sickness. They have even thrown away their arms that their flight might not be impeded. Cannot these miserable wretches be arrested and returned to their regiments, where they can have their heads shaved and be drummed out of the service?

May 13 General Lee wrote to General Joseph Johnston as follows: —

I have received your letter of to-day by Major Cole in reference to the supply of provisions for your army, in the event of Richmond falling into the hands of the enemy.

Then follows a statement of the formation of supply depots at Danville, Charlotte, Atlanta, Gordonsville, Charlottesville, and Lynchburg.

On the 17th of May Jefferson Davis wrote to General Johnston as follows: —

There is much manifestation of a determination that the ancient and honored capital of Virginia, now the seat of the Confederate government, shall not fall into the hands of the enemy. Many say rather let it be a heap of rubbish.

On the 21st of May, in response to a call made upon him by General Lee at the request of Jefferson Davis, General Johnston reported the strength of the army under his command near Richmond to be 53,688.

The strength of the Army of the Potomac on the 20th of May, as officially reported by General McClellan, was 128,864, of which he reported that there were present for duty and equipped 107,088.

The President and his Secretary of War could not fail to see from McClellan's wild and incoherent language that he intended to do nothing, and that he intended to place the blame for inaction upon the government, for not sending him the troops then guarding the capital. Indeed, at this time, every newspaper that was unfriendly to the national cause was loudly making that very charge against the administration. These publications were read in Richmond, and could have no other effect than to satisfy the Confederate authorities that McClellan contemplated no offensive movement.

Following is Stanton's dispatch of the 18th of May to McClellan, which the latter said had alone controlled his *previous* action from the 11th to the 16th of that month in selecting his base of operations:—

General, — Your dispatch to the President asking reinforcements has been received and carefully considered.

The President is not willing to uncover the capital entirely; and it is believed that even if this were prudent, it would require more time to effect that junction between your army and that of the Rappahannock by way of the Potomac and the York River than by a land route. In order, therefore, to increase the force of the land attack upon Richmond at the earliest moment, General McDowell has been ordered to march upon that city by the shortest route.

He is ordered, keeping himself always in position to save the capital from all possible attack, so to operate, as to put his left wing in communication with your right wing, and

you are instructed to coöperate so as to establish this communication as soon as possible by extending your right wing to the north of Richmond.

It is believed that this communication can be safely established either north or south of the Pamunkey River.

In any event, you will be able to prevent the main body of the enemy's forces from leaving Richmond and falling in overwhelming force upon General McDowell. He will move with between thirty-five (35) and forty thousand men.

A copy of the instructions to General McDowell are with this. The specific task assigned to his command has been to provide against any danger to the capital of the nation.

At your earnest call for reinforcements, he is sent forward to coöperate in the reduction of Richmond, and charged, in attempting this, not to uncover the city of Washington, and you will give no order, either before or after your junction, which can put him out of position to cover this city. You and he will communicate with each other by telegraph or otherwise, as frequently as may be necessary for efficient coöperation. When General McDowell is in position on your right, his supplies must be drawn from West Point, and you will instruct your staff officers to be prepared to supply him by that route.

The President desires that General McDowell retain the command of the Department of the Rappahannock, and of the forces with which he moves forward.

By order of the President.

This order, it should be remembered, was in response to McClellan's vehement and repeated declarations that his army was about to be overwhelmed by the enemy, unless he could have the aid of the forces which were absolutely necessary for the defense of Washington. He feared the enemy was so weak that he would abandon

Richmond and go South without a fight, and yet so strong that he would crush the Union army. And so he stood still and did nothing.

McClellan sent a lengthy dispatch to the President in response to this order, in which he discussed water transportation, and raised an issue as to the relative authority of McDowell and himself over the troops of the former when these should arrive. But neither in that nor in any subsequent one did he make the slightest intimation that the order had anything to do with his selection, as a line of operations, of the York and Pamunkey rivers as against the James. How could he have done so, when of his own free will he had two days before (16th) advanced to White House on the Pamunkey, and had on the 18th ordered an advance of his headquarters with the army corps five miles further up that river to Tunstall's Station?[1]

And yet more than a year afterwards, when he had been deprived of command, and was at his home in New Jersey, he wrote what he called an official report, abounding in contradictions, inconsistencies, and misrepresentations, in which he declared that this order of May 18 forced him to adopt the line of the York and Pamunkey and caused the failure of his campaign. In that report he exalted the line of the James River, to which, as has been here shown from the record, he promptly turned his back as soon as it was opened to him on the 11th of May.

On this inexplicable course of McClellan, Jefferson Davis says: —

[1] *Own Story*, page 358.

The considerations which induced General McClellan to make his base on the York River had at least partly ceased to exist. From the corps for which he had so persistently applied, he had received the division which he most valued, and the destruction of the Virginia [Merrimac] had left the James River open to his fleet and transports as far up as Drury's Bluff, and the withdrawal of General Johnston across the Chickahominy made it quite practicable for him to transfer his army to the James River, the south side of which had then but weak defenses, and thus by a short march to gain more than all the advantages which at a later period of the war General Grant obtained at the sacrifice of a hecatomb of soldiers.[1]

To his wife McClellan wrote at midnight May 18: —

Those hounds in Washington are after me again.

This could only have referred to the President and his Secretary of War, the immediate provocation being the conditions imposed upon McDowell's advance to his support, and contained in Stanton's dispatch to him of that date, last above cited.

[1] *Rise and Fall of the Confederate Government*, vol. ii. p. 105.

CHAPTER LVI

Slanders of Stanton by the McClellan and Copperhead Press. — Directly based on Private Letters of McClellan. — The Latter boasts of having insulted President Lincoln.

It seemed to have become the settled policy of General McClellan to act on the defensive towards the rebels, and to make offensive war only upon his own government. Well understanding the eager anxiety of the Union masses of the people to see him deliver his first blow at the rebellion, but apparently determined not to fight, he commenced the work of misleading the public mind into the belief that the War Department was holding him in check, and depriving him of forces without which he was hopeless in the presence of the enemy. A review of his newspaper campaign against Mr. Stanton will be instructive. The editor of the Baltimore "American" addressed Mr. Stanton a letter as early as the 9th of April, in which he said: —

A private note from our correspondent with General McClellan, intimate with all leading officers of his staff, says much feeling is shown here in depriving McClellan of McDowell's corps. Our military authorities have reliable information that Magruder's force up to last night was sixty thousand,[1] and still being reinforced. If we should be de-

[1] McClellan himself, in his report to Secretary Stanton, stated the number to be 15,000.

feated, through trickery of McDowell, a terrible retribution will rest somewhere. I send you this as coming from one in a position to know the sentiment of officers at headquarters.

This furnishes a key to the public clamor which rapidly arose by the aid of newspapers having correspondents near McClellan's headquarters.

The New York "Commercial Advertiser" of April 15 stated, upon what it deemed the "fullest authority," what General McClellan's "plans" were, and how they had been disarranged at Washington, and that the success of "his grand movement" had thus been put in peril. It was quite sure that the rebels had thus been enabled to concentrate at Yorktown forces vastly superior to those of the government. The remainder of the article was so evidently inspired from McClellan's headquarters that it is inserted at length:

On this whole subject we fear there is room for uneasiness, and occasion for censure somewhere. There appears to be a plot — we fear indeed that it is not in appearance only, but that such a combination exists, both here and in Washington — to prevent General McClellan achieving the results of his masterly strategy of the fall and winter. On this subject we do not speak unadvisedly, and we deem it high time the subject should be ventilated, and thoroughly understood by the public. We do not believe that the President is in sympathy with the conspirators against General McClellan's fame and success. From the first, the chief magistrate, who is no mean judge of men in any relation of life, was led to give him his confidence, and is now, we believe, further than ever from withdrawing it. The same feeling, we understand, exists in the Cabinet generally. We fear it is true, however, that General McClellan has no very warm friend in the Sec-

retary of War. We would not for a moment suppose, however, that that officer of the government would knowingly do the general commanding an injustice. Least of all would we suppose that the Secretary of War, in any idea of hostility to General McClellan, would consent to any such crippling of the general's resources and movements as would put in peril his success against the rebels. It is but too true, however, that McClellan's enemies do not regard the War Department as a serious obstacle to their cherished purpose of ultimately forcing him from his position as the general commanding the Army of the Potomac.

The conspiracy against General McClellan is composed mainly of civilians, though the names of some military commanders are spoken of in connection with it. The ground of hostility, we take it, is twofold, — personal and political. Personal we mean in this sense, that the general stands in the way of partisans of other commanding officers, who would even secure to their favorites the honors of the fame that awaits General McClellan. This motive for the opposition to him is not creditable to the patriotism of those who are influenced by it. The political character of the opposition has been more than once betrayed. A certain school of politicians are angered with him, and because they foresee a possibility that he may be carried into the next presidency, by the acclamations of an admiring and grateful people. That, while General McClellan has acted on the noble principle of the Jewish patriot, — "I am doing a great work so that I cannot come down ; why should the work cease whilst I leave it and come down to you ? " — he has nevertheless felt keenly this hostility is not to be wondered at. Nor will the country be surprised if the interference with his plans after he left Washington proves to have been the subject of an earnest protest to the War Department, with the request that it may be filed there to be seen by his friends, should disaster overtake him.

On the 17th of April the newspapers published rumors that Secretary Stanton had resigned in consequence of differences of opinion between him and the President touching the movement of troops. These rumors were false, and were manufactured for the purpose of confusing the public mind with a pretended conflict, with Lincoln and McClellan on one side, and Stanton on the other.

The New York "Commercial Advertiser" of the 17th, commenting upon this rumored resignation, said: —

The Secretary of War has certainly committed grave errors since he took charge of the department, and we have reason to believe that the President is far from satisfied with the Secretary's treatment of General McClellan. It is even said that after the general commanding went to Yorktown, the President felt it to be his duty to interfere peremptorily for his protection, and sent troops to him that Stanton had withheld; and we believe that such is a fact. There are very unpleasant rumors afloat, alluded to partially in our remarks on Tuesday. Various reasons are assigned for the behavior of the Secretary of War to General McClellan, the most common of which is that the Secretary has seen visions of a White House that will want an occupant in 1865, and that a desire to be that occupant has taken an engrossing possession of his mind. The judgment being thus warped, jealousy of McClellan has followed, and is bearing some very unpleasant fruits. Such is the common rumor. Of its truth, we are not competent to judge, and therefore offer no opinion. But that, from his first entrance upon office down to the present time, Mr. Secretary Stanton has not given General McClellan a cordial support, to say the least, is very generally understood. The evidences of this spirit are abundant. The let-

ter, addressed to the "Tribune" by the Secretary, in response to that journal's laudation of him, at General McClellan's expense, was a pitiful exhibition of his temper. It was followed soon by a covert sneer at the general commanding, dragged into a letter of thanks to General Lander, and has been shown in other ways since. It is said that at least one military general whose obligations to General McClellan should have taught him another line of conduct, is more or less covertly in sympathy with these attempts to embarrass General McClellan. . . .

It is reported that the course pursued by the Secretary of War to the commander of the Army of the Potomac had become a subject of grave cabinet discussions, and that the President had "put his foot down" — which is a way he has, greatly to Mr. Stanton's surprise and disgust. It is not improbable that these reports have some foundation in truth. It is very certain that he has no jealousies of McClellan, and that he has much confidence in him, and we are well assured that he will, if necessary, very summarily dismiss from his Cabinet any man who tries to thwart, from whatever motive, that enduring general's efforts to give a final blow to the rebellion.

Mr. Stanton must change either his policy or his place.

The following private letter to Stanton, dated April 16, gives the source of the "fullest authority" of the "Advertiser" for its article of the 15th. Its writer, Edwards Pierrepont, was a stanch patriot and an intimate friend of Stanton's. He served afterwards as Attorney-General and minister to England during the presidency of General Grant: —

To an ordinary newspaper article I would not call your attention. The inclosed from the "Commercial Advertiser" of New York excites much comment. Read it twice. Three

days ago, a friend of McClellan's told me the contents of letters just received by him from the general. These letters were the basis of this article. That General McClellan so intended, I do not believe. That these letters caused the article, I am (in my own mind) quite sure. The general supposes the President is with him, and his friends suppose that in any difference between the Secretary of War and the general, that the President is secure for the general. McClellan gave a statement of a very peculiar interview "scene" between the President and himself. I shall give you the "affectionate particulars" when we meet. I think you will understand that meeting and the "affectionate scene."[1]

[1] In his *Own Story*, at page 195, McClellan states that in an interview between the President and himself, on the 8th of March, Mr. Lincoln said that it had been represented to him that the peninsular campaign "was conceived with the traitorous intent of removing its defenses from Washington, and thus giving over to the enemy the capital and the government, thus left defenseless." McClellan then says: —

"It is difficult to understand that a man of Mr. Lincoln's intelligence could give ear to such abominable nonsense. I was seated when he said this, concluding with the remark that it did look to him much like treason. Upon this I arose, and in a manner perhaps not altogether decorous towards the Chief Magistrate, desired that he should retract the expression, telling him that I could permit no one to couple the word treason with my name. He was much agitated and at once disclaimed any idea of considering me a traitor, and said he merely repeated what others had said, and that he did not believe a word of it. I suggested caution in the use of language, and again said that I would permit no doubt to be thrown upon my intentions; whereupon he apologized and disclaimed any purpose of impugning my motives."

If McClellan could make the coterie around him believe this preposterous story, the effect would be to convince them of his mastery over Mr. Lincoln to such an extent that the latter could be relied upon at any time to coöperate with him in any issue he might choose to make with Mr. Stanton. The tale is manifestly a fabrication worthy of Baron Munchausen. It is probable that this pretended interview or "scene" is the one referred to by McClellan in the letter received from him in New York, and which inspired the *Advertiser's* attack on Secretary Stanton.

Here is another letter to Mr. Stanton from the same writer of the following day: —

If McClellan's friends continue the attack on the Secretary of War, a reply in time may be well. Of that we shall see. The charge is that McClellan went to Yorktown with the promise from the Secretary of War that he was to have all needed troops; that when he got there you changed; gave McDowell separate command; would not allow McClellan to have even sappers and miners nor any force adequate to the work before him. The motive charged is that you and Chase and McDowell and Wadsworth combined to have McClellan defeated in order: —

First: To make you President instead of McClellan, who, they say, is the rival for that office.

Second: To give McDowell the office of commander-in-chief and thus to aid Chase.

Third: To gratify Wadsworth, who dislikes McClellan because the latter is not an abolitionist, and whose success may defeat Wadsworth in his political aspirations.

All these amiable and patriotic motives are very confidently asserted as the cause of your continued efforts to have your country disgraced by the loss of a battle before Yorktown. That you all wish the battle lost is regarded as a truth so self-evident by the followers of McClellan as to need no proof.

The activity is extraordinary. Of the papers I have sent you specimens to-day. This is all got up by letters from Washington. It is boasted loudly that "the President stands by his country and protects his general-in-chief from those who wish our brave troops to be slaughtered to gratify unholy and bloody ambition."

If they can get you to resign, then all will be as they wish. This you must not do. This accursed, absurd bosh is not amongst the common people. It is confined to the upper

classes and to the newspaper men. In short, it is confined to those who love the South more than the North, and who would pay homage to Jeff Davis the moment he entered Washington.

These attacks upon Mr. Stanton were evidently based upon the contents of McClellan's private letters.

In its issue of the 18th of April the "Advertiser" explained that it was McClellan's desire to put down the rebellion without hurting anybody, so that the memory of it "would not rankle in the generations to follow." His simple purpose was to "bag" the rebel army, which he had not been able to do because he had not been allowed to leave Washington undefended. It said: —

For this conception alone General McClellan, in our judgment, deserves the credit of the millions of the loyal people of the United States. For a young general, scarcely past the enthusiasm of youth and with a reputation on the field yet comparatively unmade, to come to such a Christian determination, is one of the sublimest moral spectacles ever presented to the world. Animated by such noble sentiments General McClellan will triumph over all opposition; but if the interference with his grand and comprehensive plans fills the North with groaning for the slain before the intrenchments at Yorktown, let the responsibilities rest upon the parties at Washington, who, without consulting him, divided his army when he had left the capital.

General McClellan has never stooped to complain of the bitter assaults upon him and of the dubious course pursued towards him by the War Department. His friends, too, so far have contented themselves with defending him without assailing others. But if it is necessary in order to sustain

him at this important crisis, they may be tempted to carry the war into Africa.

This "Christian youth," who so excited the admiration of the writer of the above, did not fill the North with groaning for any slain before the intrenchments at Yorktown. As a defense of McClellan "without assailing others," the article is unapproachable.

On the 27th of April the New York "Herald" informed the public that it had been decided at a cabinet meeting that "McClellan and his plans are no longer to be disturbed by the cowardly abolition fanatics who have dogged him so long." On the same day the New York "Express" declared its suspicion of Mr. Stanton, because he had been indorsed "by such men as Wendell Phillips." It said: —

> The army power of the war administration has been twisted, too, by somebody of late to administer to and to excite negro fanaticism, and to put passion in the South rather than to strengthen and develop the Union sentiment.

Complaints were loud and continuous at this time at Mr. Stanton's censorship of the press. The New York "Advertiser," on April 26, said it was "about on a par with the Egyptian taskmasters of the Israelites, when required to make their full tale of bricks without a supply of straw."

Said the New York "World:" —

> Not only is the censorship useless for the purpose for which it was professedly instituted, but it is exercised in such an arbitrary manner as to be excessively annoying and harassing.

This spirit of discontent at not being allowed to pub-

lish all that might be interesting very naturally made a large portion of the press willing coadjutors with McClellan's special organs and the copperhead volunteers in his service. The day before that small portion of the rebel army which had for a month kept McClellan at bay retired from Yorktown, the New York "World" said: —

> But for Secretary Stanton's interference with General McClellan's plans, Richmond and Yorktown might this day be occupied by our troops and the rebel army have been bagged or routed.

Even the New York "Tribune" appears finally to have been taken into McClellan's confidence, for on May 5, the day after the evacuation of Yorktown, that journal said: —

> It is not improper now to say that General McClellan's plan of the campaign on the peninsula was, when he had gotten before Yorktown, to have General McDowell push across the head of the peninsula with 50,000 men and cut off the rebel retreat that has now taken place.[1] If this plan had been carried out, not a regiment of all the rebel army at Yorktown would have escaped; but the plan was changed at Washington after General McClellan got before Yorktown, and changed without his knowledge or consent. His enemies blame him now for letting the enemy get away, the very thing, above all others, that McClellan's plan, if followed, would have prevented.

The moment McClellan was officially informed, in

[1] McDowell's best division of 12,000 men, commanded by Franklin, was sent to McClellan, and in his dispatch to Stanton of April 13 he declared that this made him "confident as to results." Yet he made no use of them until after the evacuation of Yorktown, but left them on their transports until that time.

April, of what he already well knew, that he would not be allowed to leave Washington defenseless, in flagrant disobedience of the President's orders, he set up a false and noisy pretense that so many troops had been withdrawn from him that the country must not expect any successes at his hands. This was as loudly proclaimed throughout the Confederacy as it was throughout the North, and was as encouraging to the enemies of the Union in both sections as it was depressing among its friends.

There was no time during the siege of Yorktown that his forces were not twice the numerical strength of the enemy, nor any occasion when he made use of all he had.

CHAPTER LVII

Stanton's Silence under Persecution, lest Harm come to the Country. — His Reply in a Private Letter, never published until Seventeen Years after his Death. — A Voice from the Grave.

UNDER all the obloquy that was cast upon him during that trying period, Mr. Stanton remained absolutely silent, while McClellan posed under the fraudulent guise of the victim of a conspiracy of which the former was the head. The country was being told that Stanton was afraid to allow McClellan to win a victory, lest it might help him to the presidency and hinder Stanton. The press teemed with sayings like those in the last chapter, in which Lincoln was pictured as trying to prevent Stanton from aiding the enemy by thwarting the brilliant and Napoleonic plans of McClellan. Stanton alone stood in the way of McClellan's arrangements for "bagging" the entire rebel army without bloodshed.

Although these falsehoods were, "like a mountain, gross and palpable," they were, nevertheless, accepted by a large portion of the people as historical truths. They are to this day believed by many who either never had the opportunity or have never taken the trouble to examine the records. They were never publicly noticed by Mr. Stanton during his lifetime, but, as if he had spoken from the grave, his own answer to them reached the public twenty-four years after they were uttered, and

seventeen years after his death. It came in the form of a private letter written by him on the 18th of May, 1862, to his old pastor and friend of his youth, Rev. Heman Dyer, — a letter written under the seal of confidence, which had been strictly observed for twenty-four years. On the 28th of May and on the 4th of June, 1886, a member of the House of Representatives reproduced in debate the charges which McClellan and his friends had made against Mr. Stanton in April and May, 1862, and thereafter; whereupon, on the 8th of June, the Hon. W. D. Kelly, a Representative from Pennsylvania, responded, and in the course of his remarks read the letter referred to, which is as follows: —

WASHINGTON, May 18, 1862.

MY DEAR FRIEND, — Yours of the 16th is welcomed as an evidence of the continued regard of one whose esteem I have always been anxious to possess. I have been very well aware of the calumnies busily circulated against me in New York, and elsewhere, respecting my relations to General McClellan, but am compelled from public considerations to withhold the proofs that would stamp the falsehood of the accusations and the base motives of the accusers, who belong to two classes: —

1st, Plunderers who have been driven from the department where they were gorging millions;

2d, Scheming politicians whose designs are endangered by an earnest, resolute, uncompromising prosecution of this war — as a war against rebels and traitors.

A brief statement of facts, on official record, which I can make to you *confidentially*, will be sufficient to satisfy yourself that your confidence in me has not been misplaced: —

1st, When I entered the Cabinet, I was, and for months

[Part of Mr. Stanton's letter to the Rev. Heman Dyer]

Private
Confidential

Washington May 18. 1862

My dear Friend

Yours of the 15th is welcomed as an evidence of the continued regard of one whose esteem I have always been anxious to possess. I have been very well aware of the calumnies busily circulated against me in New York, and elsewhere, respecting my relations to General McClellan but am comfortable

from public consideration to withhold the proofs that would stamp the falsehood of the accusations and the base motives of the accusers, who belong to two classes,

1st Plunderers who have been driven from the department where they were gorging millions;

2d Scheming politicians whose designs are endangered by an earnest resolute uncompromising prosecution of this war — as a war against rebels and traitors.

A brief statement of facts, on official record, which I can make to you confidentially will be sufficient to satisfy yourself

The confidence of yourself and men like you, is more than a full equivalent for all the railing that has been or can be expended against me, and in the magnitude of the cause all merely individual questions are swallowed up. I shall always rejoice to hear from you and am as ever Truly Yours

Edwin M Stanton

Revd Herman Dyer

had been, the sincere and devoted friend of General McClellan, and to support him, and, so far as I might, aid and assist him in bringing the war to a close, was a chief inducement for me to sacrifice my personal happiness to a sense of public duty. I had studied him earnestly with an anxious desire to discover the military and patriotic virtue that might save the country, and if in any degree disappointed, I hoped on, and waited for time to develop.

I went into the Cabinet about the 20th of January. On the 27th the President made his war order No. 1, requiring the Army of the Potomac to move. It is not necessary, or perhaps proper, to state all the causes that led to that order, but it is enough to know that the government was on the verge of bankruptcy, and at the rate of expenditure, the armies must move, or the government perish. The 22d of February was the day fixed for movement, and when it arrived there was no more sign of movement on the Potomac than there had been for three months before. Many, very many, earnest conversations I had held with General McClellan, to impress him with the absolute necessity of active operations, or that the government would fail because of foreign intervention and enormous debt.

Between the 22d of February and the 8th of March the President had again interfered, and a movement on Winchester and to clear the blockade of the Potomac was promised, commenced, and abandoned. The circumstances cannot at present be revealed.

On the 6th of March the President again interfered, ordered the Army of the Potomac to be organized into army corps, and that operations should commence immediately.

Two lines of operations were open, — 1st, one moving directly on the enemy by Manassas and forcing him back on Richmond, beating and destroying him by superior force, and all the time keeping the capital secure by being between it and the enemy. This was the plan favored by the President.

2d, The other plan was to transfer the troops by water to some point on the lower Chesapeake, and thence advance on Richmond. This was General McClellan's plan. The President reluctantly yielded his own views, although they were supported by some of the best military men in the country, and consented that the general should pursue his own plan. But by a written order he imposed the special condition, that the army should not be removed without leaving a sufficient force in and around Washington to make the capital perfectly secure against all danger, and that the force required should be determined by the judgment of all the commanders of army corps.

In order to enable General McClellan to devote his whole energy to the movement of his own army (which was quite enough to tax the ability of the ablest commander in the world), he was relieved from the charge of the other military departments, it being supposed that the respective commanders were competent to direct the operations in their own departments.

To enable General McClellan to transport his force, every means and power of the government was placed at his disposal and unsparingly used.

When a large part of his force had been transferred to Fortress Monroe, and the whole of it about to go in a few days, information was given to me by various persons, that there was great reason to fear that no adequate force had been left to defend the capital in case of a sudden attack; that the enemy might detach a large force and seize it at a time when it would be impossible for General McClellan to render any assistance. Serious alarm was expressed by many persons, and many warnings given me, which I could not neglect. I ordered a report of the force left to defend Washington. It was reported by the commander to be less than twenty thousand raw recruits, with not a single organized brigade! A dash like that made a short time before at Winchester would

at any time take the capital of the nation. The report of the force left to defend Washington, and the order of the President, were referred to Major-General Hitchcock and Adjutant-General Thomas to report, —

1st, whether the President's orders had been complied with;

2d, whether the force left to defend this city was sufficient.

They reported in the negative on both points. These reports were submitted to the President, who also consulted General Totten, General Taylor, General Meigs, and General Ripley. They agreed in opinion that the capital was not safe. The President, then, by written order, directed me to retain one of the army corps for the defense of Washington, either Sumner's or McDowell's. As part of Sumner's corps had already embarked, I directed McDowell to remain with his command, and the reasons were approved by the President.

Down to this period there had never been a shadow of difference between General McClellan and myself. It is true that I thought his plan of operations objectionable, as the most expensive, the most hazardous, and most protracted that could have been chosen; but I was not a military man, and while he was in command, I would not interfere with his plan, and gave him every aid to execute it. But when the case had assumed the form it had done by his disregard of the President's order, and by leaving the capital exposed to seizure by the enemy, I was bound to act, even if I had not been required by the specific written order of the President. Will any man question that such was my duty?

When this order was communicated to General McClellan, it of course provoked his wrath, and the wrath of his friends was directed upon me, because I was the agent of its execution. If the force had gone forward as he had designed, I believe that Washington would this day be in the hands of the rebels.

Down to this point, moreover, there was never the slightest

difference between the President and myself. But the entreaties of General McClellan induced the President to modify his order to the extent that Franklin's division (being part of McDowell's corps that had been retained) were detached and sent forward by boat to McClellan.

This was against my judgment, because I thought the whole force of McDowell should be kept together, and sent forward by land on the shortest route to Richmond, thus aiding McClellan, but, at the same time, covering and protecting Washington by keeping between it and the enemy. In this opinion Major-General Hitchcock, General Meigs, and Adjutant-General Thomas agreed; but the President was so anxious that General McClellan should have no cause of complaint that he ordered the force to be sent by water, although that route was then threatened by the Merrimack. I yielded my opinion to the President's order; but between him and me there has never been the slightest shadow since I entered the Cabinet. And except the retention of the force under McDowell by the President's order for the reasons mentioned, General McClellan has never made a request, or expressed a wish, that has not been promptly complied with, if in the power of the government.

To me personally he has repeatedly expressed his confidence and his thanks in the dispatches sent me! Now one word as to political motives. What motive can I have to thwart General McClellan? I am not now, never have been, and never will be a candidate for any office.

I hold my present post at the request of a President who knew me personally, but to whom I had not spoken from the 4th of March, 1861, until the day he handed me my commission. I knew that everything I cherish and hold dear would be sacrificed by accepting office. But I thought I might help to save the country, and for that I was willing to perish. If I wanted to be a politician or a candidate for any office, would I stand between the Treasury and the robbers that are howling

around me? Would I provoke and stand against the whole newspaper gang in this country, of every party, who to sell news would imperil a battle?

I was never taken for a fool, but there could be no greater madness than for a man to encounter what I do for anything else than motives that overleap time and look forward to eternity.

I believe that God Almighty founded this government, and for my acts in the effort to maintain it, I expect to stand before Him in judgment. You will pardon this long explanation, which has been made to no one else. It is due to you, who was my friend when I was a poor boy at school, and had no claim upon your confidence or kindness. It cannot be made public for obvious reasons. General McClellan is at the head of our chief army, he must have every confidence and support, and I am willing that the whole world should revile me rather than to diminish one grain of the strength needed to conquer the rebels. In a struggle like this, justice or credit to individuals is but dust in the balance.

Desiring no office nor honor, and anxious only for the peace and quiet of my home, I suffer no inconvenience beyond that which arises from the trouble and anxiety suffered by worthy friends like yourself, who are naturally disturbed by the clamors and calumny of those whose interest or feeling are hostile to me.

The official records will at proper time fully prove, —

1st, that I have employed the whole power of the government unsparingly to support General McClellan's operations in preference of every other general.

2d, that I have not interfered with or thwarted them in any particular.

3d, that the force retained from his expedition was not needed and could not have been employed by him — that it was retained by express orders of the President upon military investigation and upon the best military advice in the country

— that its retention was required to save the capital from the danger to which it was exposed by a disregard to the President's positive order of the 6th of March.

4th, that between the President and myself there has never been any, the slightest, shadow of difference upon any point save the detachment of Franklin's force, and that was a point of no significance, but in which I was sustained by Generals Hitchcock, Meigs, Thomas, and Ripley, while the President yielded only to an anxious desire to avoid complaint, declaring at the same time his belief that the force was not needed by General McClellan.

You will, of course, regard this explanation as being in the strictest confidence, designed only for your information upon matters wherein you express concern for me.

The confidence of yourself, and men like you, is more than a full equivalent for all the railing that has been or can be expended against me; and in the magnitude of the cause all merely individual questions are swallowed up.

I shall always rejoice to hear from you, and am, as ever,

Truly yours,

EDWIN M. STANTON.

REVD HEMAN DYER.

CHAPTER LVIII

The Battle of Fair Oaks. — McClellan divides his Army by a River rapidly being rendered impassable by a Flood. — Two Corps are saved by Sumner's Energetic Movement in Advance of McClellan's Order. — A Costly Victory thrown away. — Army ordered back when within Four Miles of Richmond.

It was while McClellan was resting on the Pamunkey River, after a march of twenty miles in twelve days in pursuit of a fleeing enemy, that Stanton wrote his letter of May 18, in strict confidence to a friend. It was on that very day that he wrote the order to McDowell to advance to the support of McClellan, and wrote the latter accordingly.

On the 21st of May McClellan wrote to the President, complaining because McDowell's command was to be, to a certain extent, independent of him after forming the junction. The President kindly replied to him on the 24th that it should be as he desired, and that he should be in such relations to McDowell as he had himself defined in his letter of the 21st.

On the same day, May 24, the President telegraphed him that the rebels, reinforced from Richmond, had appeared in such numbers in the Shenandoah Valley that McDowell could not move southward until the danger had been averted. On the 25th the President telegraphed him that he must either assume the offen-

sive, or come in aid of the defense of the capital. This was equivalent to saying that his force on the peninsula had not been a sufficient menace to Richmond to occupy the attention of the rebel army in that region, and that his inaction was endangering Washington. This was a truth he could not gainsay.

His army was now on the left or north bank of the Chickahominy River. As this stream soon became as formidable an enemy to the Federal army as were the rebels themselves, it is interesting to know something of its power for evil. McClellan thus describes it: —

> The Chickahominy River rises some fifteen miles to the north of Richmond, and unites with the James about forty miles below that city. Our operations embraced the part of the river between Meadow's and Bottom's bridges, covering the approaches to Richmond from the east. In this vicinity the river in its ordinary stage is about forty feet wide, fringed with a dense growth of heavy forest trees, and bordered by low marshy bottom lands, varying from half a mile to a mile in width. Within the limits above mentioned, the firm ground lying above high-water mark seldom approaches the river on either bank, and no place was found, within this section, where the high ground came near the stream on both banks.
>
> It was subject to frequent, sudden, and great variations in the volume of water, and a single violent rainstorm of brief duration would cause a rise of water which overflowed the bottom lands on both sides, and for many days made the river absolutely impassable without bridges.[1]

He states that this stream, so easily flooded by a single rain, and so formidable an impediment when so

[1] *Own Story*, page 362.

flooded, was subjected that month to steady rains. He says: —

> In view of the peculiar character of the Chickahominy, and the liability to sudden inundations, it became necessary to construct eleven bridges, all long and difficult, with extensive log-way approaches, and often built under fire.[1]

General McClellan minutely chronicles the weather in May in his "Own Story." From him we learn that on the 14th and 15th it "rained heavily and continuously," and "somewhat on the 16th."[2] On the 19th the rain "recommenced,"[3] and on the 20th it again "rained heavily."[4] "It rained heavily" on the 22d, 23d, 24th, 26th, 27th, 28th, and 29th, and "during the day and night of the 30th an unusually violent rainstorm occurred, accompanied by torrents of rain. The valley of the Chickahominy was flooded more than ever."

It was in the midst of this nearly continuous rainstorm of eight days that (on the 25th) McClellan placed this dangerous stream between that portion of his army consisting of the third and fourth corps, and the remainder, by ordering those corps to the right bank of the river.

He says that "on approaching the river on the 20th of May, it was found that all the bridges had been destroyed by the enemy on our approach, except that of Mechanicsville."[5]

On the 24th the bridge at Mechanicsville was also destroyed.[6] He commenced bridge-building on the 24th,

[1] *Own Story*, page 364. [2] *Ibid.*, page 341. [3] *Ibid.*, page 360.
[4] *Ibid.*, page 361. [5] *Ibid.*, page 362. [6] *Ibid.*, page 363.

— one day before he moved two corps of his army to the opposite side of the river from the three remaining corps. The seven days' heavy rain which preceded the 30th did not appear to cause General McClellan any uneasiness, although he knew it was surely isolating two corps of his army, and placing them at the mercy of the whole strength of the enemy. He professed to believe this strength double that of his own. It plainly follows that he was willing to expose two corps to an attack from double the strength of his entire army, under conditions that, he believed, would make retreat and reinforcement alike impossible.

Finally, when the great storm of the 30th had come and gone, the battle of Fair Oaks was fought on the 31st of May and the 1st of June on the Richmond side of the Chickahominy, between all the rebel forces and three fifths only of our own. The two imperiled corps, commanded by Generals Heintzelman and Keyes, were reinforced by General Sumner, who, with great difficulty, got his two divisions across the river, on two uncompleted and partially submerged bridges at half past two of the first day. This desperate battle of two days resulted in a victory for the Federal army, but it was dearly bought. The losses on the Union side in killed, wounded, and missing were 5031. The rebel losses were 6084.

This battle was not one of McClellan's seeking, but was an inevitable consequence of his own disposition of his forces. He tells the story very concisely himself when he says, after describing the storm of the 30th: —

> The enemy seized the occasion and determined to attack the part of the army which had crossed the Chickahominy, when it would be very difficult or impossible to support it.[1]

And again: —

> The enemy, perceiving the unfavorable position in which we were placed, and the possibility of destroying that part of the army which was apparently cut off from the main body by a rapidly rising stream, threw an overwhelming force (grand divisions of Generals D. H. Hill, Huger, Longstreet, and G. W. Smith) upon the position occupied by Casey's division.

It is not necessary, therefore, to go outside of McClellan's "Own Story" to show that, without any explainable motive, he exposed two corps of his army to destruction with open eyes; because he sent them south of the Chickahominy after three days' rain, when the waters were rising and most of the bridges destroyed. Not only so, but he neither recalled nor reinforced them, after four more days of continuous rains. When their extreme peril came, and the firing was heard at Federal headquarters, we have McClellan's own word for it that he did not order General Sumner to move, but only to "get his command under arms, and be ready to move at a moment's warning."[2] Instead of waiting for further orders, Sumner at once marched his two divisions to the river, and halted them at two bridges he had built. When the order came to cross the Chickahominy, he was, therefore, an hour in advance of his orders. He was then only just in time to cross before the bridges became impassable. McClellan says: —

[1] *Own Story*, page 365.

[2] *Ibid.*, page 329.

On the 31st, when the battle of Fair Oaks was commenced, we had two of our bridges nearly completed; but the rising waters flooded the log-way approaches and made them almost impassable, so that it was only by the greatest efforts that General Sumner crossed his corps and participated in that hard-fought engagement. The bridges became totally useless after this corps had passed.[1]

It was the presence of Sumner's corps that saved the 3d and 4th corps from destruction on the first day of that battle. Porter and Franklin with their corps remained on the north side during the two days' fighting. The rebels fled to their intrenchments on the second day in such disorder that some United States officers of high rank declared afterwards that our victorious troops could easily have followed them into Richmond before they could have recovered themselves. No effort, however, was made by McClellan to utilize the unexpected victory, and the treacherous Chickahominy continued to flow between the two wings of the Army of the Potomac.

General McClellan then declared that although three fifths of his army had routed the main body of the enemy at Fair Oaks, he could make no further movements until he had received large reinforcements. Generals Heintzelman and Sumner testified to the contrary of this before the Committee on the Conduct of the War, February 18, 1863. General Sumner being asked, "When the enemy had retreated after the battle of Fair Oaks, what military reasons were there for not immediately following them up to Richmond?" said:

[1] *Own Story*, page 384.

I know of none, and, from information we got afterwards, I do believe that if the general had crossed the Chickahominy with the residue of the army, and made a general attack with his whole force, we would have carried Richmond. . . .

From information we received afterwards, the enemy were very much demoralized by the accident to their chief at that time. There was no other officer of suitable rank to take command there, and when Johnston was knocked from his horse and taken on a litter to Richmond, the rebel army became a confused mob, and if we had attacked with our whole force, we would have swept everything before us, and I think the majority of the officers who were there think so now.

General Sumner further testified that General McClellan was not with him in any engagement on the peninsula.[1]

General Heintzelman, on February 17, testified as follows, regarding what occurred on the day following the battle: —

I sent my troops forward, and they got within about four miles of Richmond. They sent back word how far they had got, and I sent that word to General McClellan. He ordered me to stop and fall back on the old lines. From information we got from the rebels, I had no doubt we could have gone right into Richmond.

Question: Where was General McClellan during this battle?

Answer: He was on the other side of the Chickahominy. I received no orders from him during this battle.[2]

These were the generals who fought the battle of Fair Oaks without any directions from General McClellan.

[1] *Report of the Committee on the Conduct of the War*, part i. p. 336.

[2] *Ibid.*, page 352.

CHAPTER LIX

McClellan lies down on the Banks of the Chickahominy and awaits an Attack which he says will destroy his Army.

Two days after the battle of Fair Oaks, General McClellan issued an order to the soldiers of the Army of the Potomac in which he said: —

SOLDIERS OF THE ARMY OF THE POTOMAC, — I have fulfilled at least a part of my promise to you. You are now face to face with the rebels, who are at bay in front of their capital. The final and decisive battle is at hand. Unless you belie your past history the result cannot be for a moment doubtful. If the troops who labored so patiently and fought so gallantly at Yorktown, and so bravely won the hard fights at Williamsburg, West Point, Hanover Court House, and Fair Oaks now prove worthy of their antecedents, the victory is surely ours. The events of every day prove your superiority; wherever you have met the enemy you have beaten him; wherever you have used the bayonet he has given away in panic and disaster. I ask of you now one last crowning effort. The enemy has staked his all on the issue of the coming battle. Let us meet and crush him here in the very centre of the rebellion.

Soldiers, I will be with you in this battle and share its dangers with you. Our confidence in each other is now founded upon the past. Let us strike the blow which is to restore peace and union to this distracted land. Upon your valor, discipline, and mutual confidence that result depends.[1]

[1] But no blow followed until twenty-four days later, and that was delivered by the enemy at Mechanicsville June 26.

To Secretary Stanton he telegraphed the same day, June 2: —

Our troops charged frequently on both days and uniformly broke the enemy. The result is that our left is within four miles of Richmond. I only wait for the river to fall to cross with the rest of the troops and make a general attack. Should I find them holding firm in a very strong position, I may wait for what troops I can bring up from Fortress Monroe; but the morale of my troops now is such that I can venture much and do not fear for odds against me.

Secretary Stanton immediately replied: —

Your telegram has been received, and we greatly rejoice at your success, not only of itself, but because of the dauntless spirit and courage displayed in your troops. . . .

All interest now centres in your operations and full confidence is entertained of your brilliant and glorious success.

On the 5th Mr. Stanton telegraphed him that five new regiments would be sent him at once, and, on the 6th, that McCall's division would be sent him from Fredericksburg as soon as transportation could be had.

On the 7th of June McClellan telegraphed to Stanton: —

I shall be in perfect readiness to attack Richmond the moment McCall reaches here and the ground will admit of the passage of artillery.

On the 11th he telegraphed Stanton: —

McCall's troops have commenced arriving at White House. I have sent instructions. Weather good to-day. Glad to hear of Commodore Dupont's and Hunter's progress. Give me a little good weather, and I shall have progress to report here.

On the 12th he telegraphed: —

Weather now good.

But still the digging of intrenchments went on, behind which our men were to be protected from rebel attacks. The enemy was not to be attacked — he never had been. So long as he would be quiet there would be no trouble.

During all this period of criminal blundering and procrastination no complaints reached McClellan from Washington, but instead words of good cheer and unceasing efforts to strengthen his hands. On the 11th of June Secretary Stanton telegraphed him as follows: —

Your dispatch of three thirty (3.30) yesterday has been received. I am fully impressed with the difficulties mentioned, and which no art or skill can avoid, but only endure, and am striving to the utmost to render you every aid in the power of the government. McCall's force was reported yesterday as having embarked and on its way to join you. It is intended to send the residue of McDowell's force also to join you as soon as possible.

Fremont had a hard fight yesterday with Jackson's force at Union Church, eight miles from Harrisonburg. He claims the victory, but was pretty badly handled. It is clear that a strong force is operating with Jackson for the purpose of detaining the forces here from you. I am urging as fast as possible the new levies.

Be assured, general, that there never has been a moment when my desire has been otherwise than to aid you with my whole heart, mind, and strength, since the hour we first met; and whatever others may say for their own purposes, you have never had and never can have any one more truly your

friend, or more anxious to support you, or more joyful at the success which, I have no doubt, will soon be achieved by your arms.

On the 14th McClellan telegraphed Stanton that the weather was favorable; that he hoped two days more would make the ground practicable; that he should advance as soon as the bridges were completed and the ground fit for the artillery to move. He incidentally remarked that he would be glad to have whatever troops could be sent him.

On the 15th he reported more rain, and explained that they "must have a few days of dry weather to make the ground firm enough to sustain the guns before advancing."

June 18 McClellan telegraphed Stanton that Jackson (then in the Shenandoah Valley) was being reinforced from Lee's army at Richmond. This movement had been going on for ten days. He thought the force sent away from Richmond to support Jackson was not less than ten thousand. To this the President replied that the information had been corroborated; his dispatch concluded thus: —

If this is true, it is as good as a reinforcement to you of an equal force. I could better dispose of things if I knew about what day you could attack Richmond, and would be glad to be informed, if you think you can inform me with safety.

On the same day McClellan telegraphed the President as follows: —

I have the honor to acknowledge receipt of your dispatch of to-day. Our army is well over the Chickahominy, except the very considerable force necessary to protect our flanks

and communications. Our whole line of pickets in front runs within six miles of Richmond. The rebel line runs within musket range of ours. Each has heavy support at hand. A general engagement may take place at any hour. An advance by us involves a battle more or less decisive. The enemy exhibit at every point a readiness to meet us. They certainly have great numbers and extensive works. If ten thousand or fifteen thousand men have left Richmond to reinforce Jackson, it illustrates their strength and confidence.[1]

After to-morrow we shall fight the rebel army as soon as Providence will permit. We shall await only a favorable condition of the earth and sky and the completion of some necessary preliminaries.

The favorable conjunction of circumstances described in the above never arrived. The completion of the "necessary preliminaries" was never accomplished.

McClellan was now, with the main body of his army, on the right bank of the Chickahominy, while his base of supplies and his "considerable force" guarding them were on the other side. This rear guard consisted of Fitz John Porter's 5th corps, to which had been added McCall's division.

On the 23d McClellan directed Porter, if attacked, to promptly and carefully state the number, composition, and position of the enemy. "The troops on this side" (of the Chickahominy), he said, "will be ready to support you, or to attack the enemy directly in their front. If the force attacking you is large, the general would prefer the latter course, counting on your skill and the admirable troops under your command to hold their

[1] It illustrated rather their confidence in the continued inaction of the Union commander.

own against superior numbers long enough for him to make the decisive movement which will determine the fate of Richmond."

Although he kept up some appearance of an intention to advance upon the defenses of Richmond, he had commenced preparations as early as the 18th of June for a change of base to the James River. This is made apparent from the following statement in his "Own Story:[1] —

> In anticipation of a speedy advance upon Richmond, to provide for the contingency of our communications with the depot at the White House being severed by the enemy, and at the same time to be prepared for a change of the base of our operations to James River, if circumstances should render it advisable, I had made arrangements more than a week previous (on the 18th) to have transports with supplies of provisions and forage, under a convoy of gunboats, sent up James River.

On the 24th he telegraphed the Secretary of War as follows: —

> A very peculiar case of desertion has just occurred from the enemy. The party states that he left Jackson, Whiting, and Ewell (15 brigades) at Gordonsville on the 21st; that they were moving to Frederick's Hall, and that it was intended to attack my rear on the 28th.[2]

On the 25th he telegraphed[3] that he had information that Jackson's advance was near Hanover Court House; that Beauregard had arrived with strong reinforcements in Richmond; that he thought Jackson would attack his right and rear; that the rebel force was stated at

[1] *Own Story*, page 411. [2] *Ibid.*, page 390. [3] *Ibid.*, page 392.

200,000 (!); that he regretted his great inferiority in numbers, but felt that he was in no way responsible, as he had repeatedly called for reinforcements; that he would do all a general could do with such a splendid army, and that, if the army was destroyed, he could at least die with it; that if the result of the action, which would probably occur on the next day or very soon, should be disaster, the responsibility could not be thrown on his shoulders, but must rest where it belonged; and that he would probably be attacked the next day, and would make preparations for a defense. He concluded by saying that he felt that there was "no use in again asking for reinforcements."

In all this lugubrious outpouring he gives no excuse for awaiting the attack of what he said was a superior and an irresistible force, instead of withdrawing his army to the James River as he had been contemplating for a week. He was informed on the 24th that he would be attacked on the 28th by an overwhelming force of the enemy, reinforced by Jackson, but he did not act upon the information. The only step he appears to have taken was to telegraph the Secretary of War an assurance that the army would certainly be destroyed three days later because the government willfully refused to sustain it, and that he would await the attack and die with it.

CHAPTER LX

The Seven Days' Battles.

McClellan informs us[1] that up to the 26th of June the operations against Richmond had been conducted from the east and northeast, but that "the dissipation then of all hope of coöperation by land of General McDowell's forces" compelled an immediate change of base across the peninsula.

From this it might be inferred that until the 26th he had relied upon the support of McDowell's command. But he contradicts this view. Referring to his telegram to Stanton of June 7, he says: —

> As I did not think it probable that any reinforcements would be sent me in time for the advance on Richmond, I stated in the foregoing dispatch that I should be ready to move when General McCall's division joined me.[2]

McCall's division of 10,000 men, taken from McDowell's command, reached him on the 11th, and he reported good weather for the next four days; but he made no advance on Richmond.

If the change of base had been rendered necessary by the failure to send him all of McDowell's command, why did he not commence that movement as soon as he became satisfied that McDowell was not coming? This,

[1] *Own Story*, page 411. [2] *Ibid.*, page 387.

as above shown, would have been as early as the 7th. Why was McCall's division sufficient to justify an attack on Richmond until it arrived on the 11th, and not sufficient after it arrived?

On the 15th of June the President wrote McClellan that he feared McDowell would be unable to get to him in time. If the fact that he could not have McDowell with him compelled him, on the 26th, to change base to the James River, why had not the same fact, when thus officially made known to him on the 15th, induced the same decision?

The truth appears to be that he never fully decided when to change base until the morning after the battle of Gaines's Mill, the second of the Seven Days' battles, which was fought on the 27th.

In General McClellan's report of the battle of Mechanicsville, of the 26th of June, after stating the disposition of the right wing under General Fitz John Porter (consisting of three divisions on the north or left bank of the Chickahominy), he makes the following extraordinary statement: —

> Such was the state of affairs on the morning of June 26. I was by that time satisfied that I had to deal with at least twice my numbers, but so great was my confidence in the conduct of the officers and the devotion of the men, that I felt contented to calmly await the bursting of the coming storm, ready to profit by any fault of the enemy, and sure that I could extricate the army from any difficulty in which it might become involved. No other course was open to me, for my information in regard to the movement of the enemy was too meagre to enable me to take a decided course.[1]

[1] *War Records*, vol. xi. part ii. p. 20.

And yet, in the beginning of this same report, he says: —

> On the 24th of June *I received information* that appeared entitled to some credit, that Jackson was at Frederick's Hall with his entire force, consisting of his own division with those of Ewell and Whiting, and that his intention was to attack my flank and rear, in order to cut off our communications with the White House, and throw the right wing of the army into the Chickahominy. Fortunately I had a few days before provided against this contingency by ordering a number of transports to the James River, loaded with commissary, quartermaster, and ordnance supplies, and, therefore, felt free to watch the enemy closely, await events, and act according to circumstances, feeling sure that if cut off from the Pamunkey, I could gain the James River for a new base.

It will always appear to the non-military mind that he could have gained the James River for a new base easily, and without serious loss, if he had started the movement actively on the 24th, instead of "calmly awaiting the bursting of the coming storm" on the 27th, which he deemed irresistible, and which raged for a week, with a loss to the Union cause of 9800 killed and wounded, and 6000 missing.

At the battle of Mechanicsville (or Beaver Dam) on the 26th, Porter repulsed the enemy repeatedly, and remained in full possession of the field when the battle ended at nine o'clock. He reported that with 5000 men he had defeated 10,000, and had lost 250 men against a loss of 2000 by the rebels.

This victory was most disastrous to the morale of the enemy, and might have been followed up with great effect. The Confederate general, Longstreet, declared

in later years that "next to Malvern Hill, the sacrifice at Beaver Dam was unequaled in demoralization during the entire summer." [1]

Late in the evening after this battle had been won, Porter urged McClellan, who had visited his headquarters, to make the attack on Richmond the next day with the main army, assuring him that in such an event he could with small reinforcements hold his ground on the north side of the Chickahominy.

This would simply have been carrying into effect McClellan's assurance contained in his order to Porter of the 23d, quoted in the preceding chapter. McClellan returned to his own headquarters, having decided nothing, and given Porter no information of his intentions. If, as in his book he says he did, he really "bent all his energies from the evening of the 26th to a change of base to the James River," Porter, who saw him that evening, knew nothing of it. He still had only for his guidance McClellan's order of the 23d, namely, that if attacked he was to hold his own, even if against superior numbers, long enough for McClellan to make the decisive movement on the other side of the river, which would determine the fate of Richmond. At daylight of the 27th Porter was ordered to a position near Gaines's Mill, with no intimation that he was merely to cover a retreat of the main army. His new position was still north of the Chickahominy, covering the most important bridge across that stream.

McClellan states that he had certain information on the 26th that Jackson was rapidly advancing in strong

[1] *Battles and Leaders of the Civil War*, vol. ii. p. 398.

force from Hanover Court House, and that his advance guard had probably participated in the battle of that day. Thus informed, he allowed Porter, with only about one fourth of the army, to be overwhelmed on the 27th by more than three fourths of the army of Lee. Having a month before exposed three fifths of his army to destruction, at Fair Oaks, by a force said by him to be double that of his entire army, so, at the battle of Gaines's Mill, he allowed Porter, with very meagre reinforcements (his whole force never exceeding 30,000 at any time during the day), to receive the shock of all the forces which the enemy chose to bring against him (estimated at 65,000).[1]

Confederate accounts all agree that the main body of their army fought the battle of Gaines's Mill. The main body of the Union army remained on the other side of the Chickahominy River in front of Richmond, neither reinforcing Porter nor advancing on that place. McClellan utterly ignored his assurance to Porter that "the troops on this side will be held ready either to support you directly, or to attack the enemy in their front."

[1] General Porter says: "The forces in this battle were, Union, 50 regiments, 20 batteries (several not engaged); in all about 30,000 fighting men (including the reinforcements received during the day); Confederate, 129 regiments, 19 batteries; in all about 65,000." *Battles and Leaders*, vol. ii. p. 337.

General McClellan estimated the Union forces engaged in the battle at 35,000 and the Confederate forces at 70,000. McClellan's Report, *War Records*, vol. xi. part i. p. 56.

McClellan's official report of June 20 showed the number of his army present and equipped to be 114,691. The official estimate of Lee's forces at that time was 80,762.

More than 80,000 Union troops remained inactive, while 30,000 fought more than twice their number, in the most useless and hopeless battle ever recorded in history, as it was one of the bloodiest of the war against the rebellion. The Union loss was 4000 killed and wounded, and that of the enemy about 5000. General McClellan was at no time on the field, and gave no order during the battle.

Two battles having thus been forced upon him by the enemy, and the second having been most disastrous, he was finally able to bring himself to a decision as to the course to be pursued. During the night of the 27th he summoned his corps commanders, and gave orders for the retreat to the James River. The survivors of Porter's 5th corps, which had fought both battles, retired safely across the Chickahominy, burning the bridges behind them and joining the main army, as they could have done with greater ease and entire safety the day before, after the battle of Mechanicsville.

Stung with mortification, and anxious to shift the responsibility of this terrible defeat, for which he was alone to blame, McClellan on the 28th sent the following absurd and untruthful dispatch to the Secretary of War: —

> I now know the full history of the day. On this side of the river (the right bank), we repulsed several attacks. On the left bank our men did all that men could do, — all that soldiers could accomplish, — but they were overwhelmed by vastly superior numbers, even after I brought my last reserves into action. The loss on both sides is terrible. I believe it will prove to be the most desperate battle of the

war. The sad remnants of my men behave as men. Those battalions who fought most bravely and suffered most are still in the best order. My regulars were superb, and I count upon what are left to turn another battle in company with the gallant comrades of the volunteers.

Had I twenty or even ten thousand fresh troops to use to-morrow, I could take Richmond, but I have not a man in reserve, and shall be glad to cover my retreat and save the material and personnel of the army. If we have lost the day, we have yet preserved our honor, and no one need blush for the Army of the Potomac.

I have lost this battle because my force was too small. I again repeat that I am not responsible for this; and I say it with the earnestness of a general who feels in his heart the loss of every brave man who has been needlessly sacrificed to-day.

I still hope to retrieve our fortunes, but to do this the government must view this matter with the same earnestness that I do; you must send me very large reinforcements, and send them at once. I shall draw back to this side of the Chickahominy, and think I can withdraw all of our material. Please understand that in this battle we have lost nothing but men, and those the best we have. In addition to what I have already said, I only wish to say to the President that I think he is wrong in regarding me as ungenerous when I say that my force was too small. I merely reiterate a truth which to-day has been plainly proven. I should have gained this battle with ten thousand fresh men. If at this instant I could dispose of ten thousand fresh men, I would gain a victory tomorrow. I know a few thousand more men would have changed this battle from a defeat into a victory. As it is, the government cannot hold me responsible for the result. I feel too earnestly — I have seen too many dead and wounded comrades to feel otherwise than that — the government has

not sustained this army. If you do not do so now the game is lost.[1]

Let the dispatch be compared with the facts as shown by the record, and its mendacity becomes at once apparent. He did not lose the battle because "his force was too small," but because he allowed 65,000 of the enemy to be opposed by but 30,000 of his own force of 114,000, while he kept 84,000 troops across the Chickahominy, and away from the battle that was raging, to watch 15,000 of the enemy behind the defenses of Richmond.

The testimony of the corps commanders shows that

[1] The original of this dispatch is not in the files of the War Department. The foregoing copy will be found in part i. of the Report of the Joint Committee on the Conduct of the War, at page 339. It there appears as having been furnished in evidence by Major-General E. A. Hitchcock on the 21st of January, 1863. He was then on duty in the War Department and had been during the preceding ten months. The original being lost, this copy would seem to be authority for the text of that dispatch as it was received at the department. More than six months after the copy had been furnished by General Hitchcock, General McClellan forwarded to the adjutant-general from his home in New Jersey his final report of all the operations of the army under his command. It was dated August 4, 1863. In that report he inserts the above dispatch of June 28, but with these alterations: —

The words, "I should have gained this battle with ten thousand fresh men," are stricken out, and the following words are added: "If I save this army now, I tell you plainly that I owe no thanks to you or to any person in Washington. You have done your best to sacrifice this army."

In the absence of any further proof on the subject, it is fair to assume that the dispatch as furnished by General Hitchcock contains all that McClellan sent to Secretary Stanton, while the one embodied in his report contains the original draft which he changed before sending. It is not a matter of vital importance, but it seems proper that the record as made up by him should be corrected to conform with the record which General Hitchcock furnished from the War Department.

each one fought on his own account in the bloody battles which followed during the retreat to the James River, the energies of the general in command being devoted to selecting the line on which our army should retreat after each day's fighting. There is nothing in McClellan's report or those of his subordinates to show that the fate of any battle was affected by any order of his. He had been compelled to change base in front of the enemy, because he had waited for the enemy to arrive at his front and attack him instead of executing such change at the time its necessity became known to him on the 24th of June.

The valor of the Army of the Potomac during the Seven Days' battles made its name immortal in the annals of the wár, but the carnage of that week was an unnecessary sacrifice of life, in a series of battles in each of which our troops were on the defensive, although in most of them victorious.

McClellan says: —

> The battles which continued day after day in the progress of our flank movement to the James, with the exception of the one at Gaines's Mill, were successes to our arms, and the closing engagement at Malvern Hill was the most decisive of all.[1]

Malvern Hill might, indeed, have been most decisive, but this decisive victory was, to McClellan, only a call for his final retreat. The beaten and demoralized enemy were allowed to depart in peace, while the victors, under McClellan's orders, fled from them and

[1] *Own Story*, page 423.

rested on the bank of the James. Says General McClellan of this successful flight: —

> So long as life lasts, the survivors of those glorious days will remember with quickened pulse the attitude of that army when it reached the goal for which it had striven with such transcendent heroism.[1]

Their heroism and sacrifices were worthy of a better result.

Exhausted and demoralized, our forces reached Harrison's Landing on the 2d day of July. The Union cause seemed well-nigh lost, and the enemy were correspondingly elated.

The Federal losses in the Seven Days' battles were 1734 killed, 8062 wounded, 6053 missing, — total, 15,849.

The losses on the Confederate side were 2823 killed, 13,703 wounded, and 3223 missing, — total, 19,749.[2]

[1] *Own Story*, page 439. [2] *Ibid.*, page 440.

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