

MEMORANDA ON THE CIVIL WAR.

General Buell's Criticism on General Mitchel.

IN an article called "Operations in North Alabama," General D. C. Buell, in the second volume of "Battles and Leaders of the Civil War,"¹ has summed up the characteristics and qualifications of General O. M. Mitchel, by whom the operations in 1862 were personally conducted, as follows:

Upon the whole, it is difficult to find satisfaction in an attentive study of General Mitchel's proceedings during the period referred to. The first occupation of the Memphis and Charleston railroad in April was well executed; but everywhere the pleasing impression of an apparently vigorous action is marred by exaggeration . . . and self-seeking. The most trivial occurrence is reported with the flourish of a great battle. . . .

But in spite of his peculiarities, General Mitchel was a valuable officer; . . . a man of good bearing and pure morals, of considerable culture, and some reputation in science, . . . having lectured and published entertainingly on astronomy. He was energetic in a certain way, and had some qualification from practical experience, as well as by education, in railroad construction and management, which was often useful in the war. He was not insubordinate, but was restless in ordinary service, ambitious in an ostentatious way, and by temperament unsuited to an important independent command.

With General Buell's opinion of General Mitchel's qualifications I have nothing to do; but as to the data adduced in the paper referred to I beg leave to submit a few remarks.

General Buell attempts to show a "sudden change" on the part of General Mitchel "from easy assurance to anxious uncertainty." In speaking of Mitchel's report to the Secretary of War of the capture of Bridgeport, Buell quotes:

"This campaign is ended, and I can now occupy Huntsville in perfect security, while all of Alabama north of the Tennessee floats no flag but that of the Union." Stanton [continues Buell] answered his glowing dispatches naturally, "Your spirited operations afford great satisfaction to the President." Three days after Mitchel's dispatch as quoted, he telegraphed Stanton, May 4, in explanation of some unexpected developments of the enemy, and says: "I shall soon have watchful guards among the slaves on the plantations from Bridgeport to Florence, and all who communicate to me valuable information I have promised the protection of my Government. Should my course in this particular be disapproved, it would be impossible for me to hold my position. I must abandon the line of railway, and northern Alabama falls back into the hands of the enemy. No reinforcements have been sent to me, and I am promised none except a regiment of cavalry and a company of scouts, neither of which have reached me. I should esteem it a great military and political misfortune to be compelled to yield up one inch of the territory we have conquered." And again the same day: "I have promised protection to the slaves who have given me valuable assistance and information. If the Government disapproves of what I have done, I must receive heavy reinforcements or abandon my position."

General Buell stops, in quoting, at the pith of Mitchel's dispatch. After the word "position" the dispatch ends: "*With the aid of the negroes in watching the river, I feel myself sufficiently strong to defy the enemy.*"

¹ New York: The Century Co.

Upon these three quotations General Buell bases his assertion of "sudden change from easy assurance to anxious uncertainty." In order to give a clear explanation it will be necessary to quote from another document, not mentioned by General Buell. At Nashville, on March 11, 1862, Buell, in writing on the subject of fugitive slaves in Mitchel's camp, gave Mitchel the following orders ("Official Records," Vol. X., Part II., p. 31):

If nothing more, it is necessary that the discipline of your command shall be vindicated. You will therefore cause the negroes, if still in your camp, to be arrested and held until 12 o'clock to-morrow. If in that time the owners or their agents shall call for them, they will be allowed to take them away, and, if necessary, will be protected from harm or molestation. If they do not call for them, you will release and expel the negroes from your camp, and in future no fugitive slaves will be allowed to enter or remain in your lines.

When Mitchel occupied north Alabama a month later he found that this order worked practically against a plan he had devised for insuring the safety of his position. He occupied an immense territory with a very small force. In order to keep open his communications, he operated a railroad, which he had captured with ample rolling stock; but the citizens fired on his trains, cut his telegraph lines, and in one instance sawed the stringers of a bridge in order to wreck a train. He had but five hundred cavalry, which were soon completely run down. If he had spread out his force for outpost duty along his whole front, it would have formed a picket line with no army behind it. He could not hold the country with a picket line alone. He was obliged either to have both a picket line and an army or to abandon the territory. It was not a question with him whether the enemy could spare a force to cut him off, for this he could not certainly know. There would be need of quick information in case the enemy should attempt to do so. Even General Buell, in referring to the work performed by Mitchel's force at this time ("Official Records," Vol. XVI., Part I., p. 32), says:

It was not the number of the enemy that made its service difficult and creditable, but it was the large extent of country it occupied, the length of the lines it had to guard, and the difficulty of supplying it.

The negroes were loyal, the whites disloyal. Mitchel organized a cordon of negroes along the bank of the Tennessee River. With these negroes to bring quick information, he felt a security that he could not feel without them. But the use of negroes was in direct conflict with General Buell's fugitive-slave order, which compelled Mitchel, when a slave had brought him information, to turn him over to the tender mercies of those of whose movements he had informed.

The first quotation ("Official Records," Vol. X., Part II., p. 156) closed Mitchel's announcement of the capture of Bridgeport, which closed the campaign. The second quotation ("Official Records," Vol. X., Part II., p. 162) was not telegraphed to Mr. Stan-

ton, but is taken from a letter from Mitchel to Stanton, speaking of a raid of John Morgan in Mitchel's rear, of the bad disposition of troops guarding his rear, of their not being under his command as unusual in war, and asking the views of the Government as to the use of negroes for information. The third quotation ("Official Records," Vol. X., Part II., p. 163) is from a telegram sent the same day as the letter, and designed to hasten a decision in the matter of the use of slaves. The whole correspondence means that with the negro picket line Mitchel felt safe in his position. Buell's order rendered such picket line impossible. Without the aid of the negroes Mitchel did not feel assured of being able to hold the territory.

Let us next glance at the reports of the "occurrences" which General Buell says were reported with the "flourish of a great battle." The only occurrences which required report while Mitchel was in north Alabama were the captures of Huntsville and of Bridgeport. Here is Mitchel's dispatch to Buell as to the former:

After a forced march of incredible difficulty, leaving Fayetteville yesterday at 12 noon, my advanced guard, consisting of Turchin's brigade, Kennett's cavalry, and Simonson's battery, entered Huntsville this morning at 6 o'clock. The city was taken completely by surprise, no one having considered the march practicable in the time. We have captured about two hundred prisoners, fifteen locomotives, a large amount of passenger and box and platform cars, the telegraph apparatus and office, and two Southern mails. We have at length succeeded in cutting the great artery of railway communication between the Southern States. ("Official Records," Vol. X., Part II., p. 104.)

If I were to rewrite this announcement to-day for publication, there is but one word I would change. Though there were difficulties encountered, the march was especially notable for its rapidity rather than difficulty. Fifty-seven miles were traversed in forty-eight hours. If there is any record of such rapid marching by a body of four thousand infantry and artillery towards the enemy elsewhere during the war, I am not aware of it. As to the capture of Bridgeport: To Buell, after giving the method of his advance, Mitchel says: "Our first fire emptied the redoubt and breastworks, the enemy fleeing across the bridge, with scarcely a show of resistance." ("Official Records," Vol. X., Part I., p. 655.) To Stanton, Mitchel reported, "At our first fire the guard broke and ran." ("Official Records," Vol. X., Part II., p. 155.) There is certainly nothing of the "flourish of a great battle" in any of these reports.

General Buell, in referring to the plan of campaign given by Mitchel to Stanton July 7, 1862, and quoted in the biography, says: "No plan of campaign was proposed to me by General Mitchel; and no such controversy, or discussion, or series of consultations as would be inferred from the biography ever occurred between us." When General Buell arrived at Huntsville, Mitchel besought him, as I have stated in his biography ("Ormsby MacKnight Mitchel, Astronomer and General," Houghton, Mifflin & Co.), to move forward and occupy Chattanooga and the surrounding territory. I saw General Buell and General Mitchel myself, on the day after Buell's arrival, sitting over their maps from morning till noon at Mitchel's headquarters at Huntsville. I know of one other person who witnessed the scene, and possibly there may be

officers or men now living who remember it also. But it matters nothing whether they discussed the question before General Buell at the headquarters of the one or the other. That they discussed it is evident from the manuscript I have in my possession, addressed to the Secretary of War, July 7, 1862. It is in Captain E. W. Mitchel's handwriting, and is signed by General Mitchel himself. It begins, "*At your request* I present herewith a plan of campaign *recently presented by me to General Buell* after his arrival at Huntsville." That the Secretary of War had a right to ask Mitchel's views no one can doubt. Mitchel was then interested in a proposed expedition down the Mississippi River, which it was intended he should command, and had no personal interest in the field he had left. To decline to give his views to the Secretary on account of motives of delicacy towards Buell would have been nothing short of moral cowardice. There is no evidence that General Mitchel ever exerted the slightest influence to General Buell's discredit.

General Grant in his Memoirs has summed up, in these words, the probable advantages which would have accrued on prompt movements after the occupation of Corinth:

Bragg would then not [*i. e.*, if Buell had been sent from Corinth direct to Chattanooga as rapidly as he could march] have had time to raise an army to contest the possession of middle and east Tennessee and Kentucky; the battles of Stone River and Chickamauga would not necessarily have been fought; Burnside would not have been besieged in Knoxville without 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 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.

These remarks are applicable in this case, for Mitchel recommended a forward movement on July 1, and Bragg did not march into Kentucky till about two months later.

F. A. Mitchel.

General Robertson in the Gettysburg Campaign.

A RE-REJOINER TO COLONEL MOSBY.

In his rejoinder in *THE CENTURY* for December, 1887,¹ in regard to the operations of my cavalry in the Gettysburg campaign, Colonel Mosby brings into prominence the fact that within twenty-four hours after General Stuart started, General Hooker changed from "defensive waiting" to aggressive movement, causing *two days* to be lost to General Stuart and fatally disrupting "all communication with Generals Lee and Ewell."

No matter how I performed the duty assigned to me, I could not have cured the fatal defect which Hooker's movement to the Potomac, so unexpected by General Stuart, had produced. The apparent discrepancy between statements made by me *as to the place* where I received the order from General Lee to hasten forward with my command is due to my reliance on the memory of my aides when writing in 1887 and to my own recollection in 1887. At neither time was I writing from the records, nor did I deem important the place where the

¹ See also *THE CENTURY* for May, 1887, and also for August, 1887, for the other articles in this discussion.

courier met me. And some apparent inconsistency is made to appear by Colonel Mosby's quotation from my letter in 1877 of the words, "to await further orders," and following them immediately with a quotation from my orders that I was to hold the mountain gaps "as long as the enemy remain in your [my] front in force." This attempt to convict me of contradictory statements fails when the orders are examined which direct me to hold the gaps — "unless otherwise ordered by General R. E. Lee, Lieutenant-General Longstreet, or myself [General Stuart]." The orders are set forth in my first communication,¹ and speak for themselves.

Colonel Mosby remarks that I have made "no explanation of *the delay*." There was no delay to explain. Had there been at that critical moment, General Lee would not have passed over so great a delinquency. The time occupied was no more than was required for the performance of the duty imposed by my orders.

The effort of Colonel Mosby to make it appear that I did not obey my orders as to the route I was to take fails when the orders are examined.

While it is true that they directed me to "cross the Potomac and follow the army, keeping on its right and rear," they also directed me to "cross the Potomac at the different points crossed by it [the army of General Lee]." It was left therefore to my discretion where I was to cross, according to the circumstances that might arise in the future. I exercised my discretion, and satisfied General Lee.

In paraphrasing General Jones's report, Colonel Mosby has suppressed a part of a short paragraph which I quote from the unpublished records. General Jones says :

WASHINGTON, May 27, 1888.

The three remaining regiments of the brigade accompanied General Robertson by way of Williamsport and Chambersburg, arriving at Cashtown July 3. Near this point an order from General Lee required a force of cavalry to be sent at once to the vicinity of Fairfield to form a line to the right and rear of our line of battle. In the absence of General Robertson I determined to move my command at once into position, which met with the approbation of the general, *who returned to camp before I was in motion.*

The important words which I have italicized are omitted in the paraphrase, in which Colonel Mosby lays particular stress on my "absence." I have only to notice another innuendo of Colonel Mosby by which he creates a wrong impression. He says: "As soon as the army returned to Virginia, General Robertson, at his own request, was relieved of command." There is enough truth in this statement to make a good false impression. It was in August that I applied for relief from command. Prostrated by illness and advised by my surgeon, Dr. Randolph, that my recovery depended on my getting better quarters and nursing than was possible in the open field near Culpeper Court House, I applied for leave. Accompanying the order detaching me from the Army of Northern Virginia, Major McClellan wrote: "The general [Lee] joins with me and with the other members of the staff in the hope that you may soon be restored to health and duty, and that every success may attend you." My purpose in asking a change was to recover my health. Upon recovery I was ordered to South Carolina.

I have dealt more at length upon Mosby's attack than its author merited, and solely because it was in the publications of THE CENTURY that his articles were to appear.

B. H. Robertson.



TOPICS OF THE TIME.

The Value of a Presidential Election.

THE month upon which we are entering will bring to a decision the twenty-sixth of our quadrennial Presidential elections; for, although the election is not technically complete until the electors have voted and their votes have been counted, yet public opinion has practically subordinated everything else to this single occasion of the choice of electors by the people. The "campaign" which began in June comes to an end in November: the blare of the brass bands dies away; the unsavory coal-oil torch, the oil-cloth uniforms, the transparencies, and the campaign banners unite in a general procession into another four-years' obscurity; and as we draw breath again we are pressed hard by the recurring question, Is the game worth the candle?

The source of the question is not necessarily in that political pessimism which is affected by so many who think that they thus secure for themselves a place a little higher than the common run of their fellow-citizens;

¹ See THE CENTURY for August, 1887.

it is much more commonly to be found in the conditions under which modern business is carried on. The actual volume of business has grown to proportions so enormous that the slightest interference with it now causes very heavy losses; and business methods are now so largely those of credit in its various forms that such losses tend to reduplicate themselves in a far more widely spread injury. A "blizzard" of three days' duration was only an annoying experience to our grandfathers: its effects nowadays may be marked in a strongly perceptible fall in the year's volume of business, perhaps in the failure of a number of railroads to pay dividends, in the consequent inability of many of their stockholders to carry out intentions on which other men had relied, and in the reverberation of loss in the most unexpected directions. If a bull in a china-shop is a proverbially undesirable visitant, the business interests of the United States can hardly be expected to welcome the irruption of the Presidential election, with its intense popular excitement, its general suspension of interest in everything else than the routine of business, and its occasional hints of the possibility,

chronic law-breaker; over some of them, however, I believe that it would exert considerable deterrent influence. But that has little to do with the case. Primarily the question is not whether this measure will do them any good, but whether it will prevent them from doing harm to the state.

It may be urged, also, that disfranchisement is a severe penalty for the lesser offenses. Permanent disfranchisement would be; temporary disfranchisement is not. In view of the enormous injury inflicted upon the state by these multitudes of petty criminals and misdemeanants it is no more than equitable that the state should inflict upon them this temporary disability. And the enforcement of some such rule could not but react favorably upon public opinion, greatly raising the popular estimate of the value of citizenship. In that excellent article from which I have before quoted, and to which I am greatly indebted, Mr. Colby says:

The establishment of a moral qualification for the suffrage, besides strengthening the state by practically disabling its domestic enemies, could not fail to enhance the value and dignity of the franchise itself to all law-abiding citizens, and to increase their willingness to discharge their duties as soldiers, as jurymen, and as voters. The bestowal and retention

of the ballot once made dependent upon conduct, its possession will become a badge of respectability, if not of honor, and must soon render the country itself worthier of the sacrifices of its citizens.¹

One of the first duties of patriotism is to rescue the suffrage from the influences that are now corrupting it. But this is not the only duty of patriotism. If we could purge our voting-lists of the ignorant and the vicious, these classes would still be here in the midst of us; and our duty to them would still be urgent, after our duty to the state was done. To leave them in their ignorance and vice is not to be thought of; they must be prepared for citizenship. The task is arduous, but it must not be declined. The intelligence and good-will of our Christian citizens are able not only to hold in check the selfishness and brutality of these illiterate and alien elements, but to do something far better—to transform them, or many of them, into patriotic Americans. This may require some revival of our own patriotism and some diminution of our partisanship, and it may call for an order of heroism and consecration not much below that which we look for in war-time; but these requirements will not be thought too hard by men who rightly value the freedom and the peace of their native land.

¹ "Journal of Social Science," Vol. XVII., p. 98.

Washington Gladden.

MEMORANDA ON THE CIVIL WAR.

A Question of Command at Franklin.

A NOTE FROM GENERAL STANLEY.

THERE appears in THE CENTURY MAGAZINE for August, 1887, an article by Colonel Henry Stone on Hood's campaign in Tennessee in general, and the battle of Franklin in particular, in which there are two errors to which I deem it proper to call attention.

On page 603 of the magazine Colonel Stone states: "Beyond Ruger, reaching from the ravine to the river below, was Kimball's division of the Fourth Corps,—all veterans,—consisting of three brigades, commanded by Generals William Grose and Walter C. Whitaker and Colonel Kirby. *All the troops in the works were ordered to report to General Cox, to whom was assigned the command of the defenses.*" The italics are mine.

Colonel Stone did not view these statements from the standpoint of an officer well informed as to the rights of command. Had he done so he would have seen that General Cox was in reality only the commander of a division of the Twenty-third (Schofield's) Corps, that for the time being he was in command of that corps, that "all the troops in the works" could not have been ordered to report to him without removing me from the command of the Fourth Corps, and that no one will claim that the latter idea was ever thought of by any one.

Colonel Stone personally knew very little about the matter he described, and perhaps is excusable to some extent, as he easily could have been led into making this misstatement by General Cox himself; for the latter, in the book written by him entitled "The March to the Sea: Franklin and Nashville," on page 86 complacently styles himself "commandant upon the line."

HEADQUARTERS ARMY OF THE OHIO,
FRANKLIN, TENN., Nov. 30, 1864.

GENERAL KIMBALL: The Commanding General directs that you report with your command to Brigadier-General J. D. Cox for position on the line to-day. Very respectfully,

J. A. CAMPBELL,
Major and A. A. G.

This so-called order was as informal as a written order well could be, and was simply a direction to General Kimball as to where he could find information as to the place to which he had been assigned.

General Schofield, in a letter to me of September 5, 1887, says in reference to the order: "*My recollection is, and I infer the same from their language, that the orders had reference solely to the posting of the troops on the designated line.*"

If General Schofield had directed General Kimball to report with his command to one of General Schofield's aides-de-camp for position on the line, that

aide-de-camp could have asserted that he was "the commandant upon the line" with as much propriety as General Cox has now done.

The order, on its face, clearly indicates to a military person, even though he were ignorant of the facts, that the direction was given only for the temporary purpose therein stated.

An orderly or a guide might have been sent to show General Kimball where he was to go, but it is usual to transmit important orders by an officer, and General Cox was the one selected by General Schofield; and in order that there might be no mistake that it was by his order, General Schofield sent the memorandum order to General Kimball.

The Twenty-third (Schofield's) Corps consisted of Cox's and two brigades of Ruger's division, and was the first corps to arrive on the field, about daylight, and was followed in about three hours by the Fourth (Stanley's) Corps, composed of Kimball's, Wagner's, and Wood's divisions. General Kimball's division was the leading division of the Fourth Corps, and it was quite natural that General Schofield should direct General Cox—who had been on the ground since daylight—to show General Kimball his position in line, and having done this, his authority ceased; and this brief authority, little as it was, only lasted a few minutes, and had entirely ceased long before the battle was commenced, and could not warrant the statement that General Cox was "commandant upon the line" even for a minute.

So far as I know and believe, General Cox gave no orders to the Fourth Corps after showing General Kimball where he was to go. It would have made very little difference if he had attempted to assume the authority to give orders, as my division commanders, knowing he could not have had authority to give orders, would have paid no attention to them.

The following is a copy of a letter from General Schofield, which was written in reply to one I wrote to him concerning the misleading statement of Colonel Stone's:

HEADQUARTERS DIVISION OF THE ATLANTIC,
GOVERNOR'S ISLAND, NEW YORK CITY, Sept. 5, 1887.
GENERAL D. S. STANLEY, Department of Texas, San Antonio,
Texas.

DEAR GENERAL: Your letter of August 29 was received here September 2. From my best recollection and from examination of my records, I have no doubt General Cox quotes in the Appendix to his "Franklin and Nashville" the only orders given by me at Franklin which could be construed as placing any part of your corps, the Fourth, under his command. Those orders directed General Kimball, commanding your leading division, and Captain Bridges with four batteries of artillery, to report to General Cox "for position on the line."

Those orders were given in the morning, when you were understood to be with your rear-guard retarding the advance of the enemy, and hence not at the head of your column. My recollection is, and I infer the same from their language, that the orders had reference solely to the posting of the troops on the designated line, as they arrived at Franklin, under the direction of General Cox, who was the senior officer then present at that point. How those orders were construed by General Cox I do not know, though I observe that he refers to himself as "the commandant upon the line," by which I suppose he may mean simply the senior officer actually present there at the moment.

Of course it was not intended by me to deprive you at any time of the command of any portion of your corps which might be within reach of your orders. But you will doubtless recall the fact that the movement of the enemy which we had most reason to guard against was not a direct attack in front at Franklin, but one to strike our flank and rear by crossing the Harpeth above that point, and it was necessary to be prepared for either or both of those attacks. Hence it could not have been known in the morning, when those orders were issued, whether you would be in the afternoon on the line south of Franklin with Cox, or on the north side of the river and several miles from Franklin with Wilson, resisting Hood's attempt to cross the river; nor what portion

of your corps would, in the latter case, be with you, and what portion would have to remain with Cox. Therefore the orders given relative to the temporary posting of your troops in the morning could have had nothing to do with the question of your command of them in any battle which did occur, or might have occurred, in the afternoon. The latter question would have been determined in either case by the 122d Article of War, which is applicable to all such cases.

As the enemy chose the direct attack in front at Franklin, you of course remained in command, except perhaps for a moment, of all your troops engaged in resisting that attack, while I assumed immediate command, during the battle, of Wood's division of your corps, which had been stationed on the north bank of the river in readiness to support Wilson, and hence was beyond the reach of your orders while you were engaged in the battle on the south side of the river.

I observe that Cox says, "The commandants of the two corps [you and he] met on the tumpike just as Opydycke and his men were rushing to the front." Assuming this to be exact, there must have been a moment of time before that meeting when Cox had the authority, and it was his duty, to order your reserve brigade [Opydycke's] into action; not by reason of any order I had given, but under the authority and duty imposed upon him by the 122d Article of War.

In respect to your being with me on the north side of the river before the battle, I say most emphatically that was your proper place. The usual preparations for battle on the south side of the river had long since been made. The vital question remaining was to meet in line any attempt of the enemy in force to cross the river above. The moment such attempt was known it would have been your duty to lead Wood's division, followed by Kimball's and in turn by such other troops as I should judge necessary and expedient, as rapidly as possible to the support of Wilson. To do this without delay it was necessary for you to be where you were. And as soon as it became known that Hood had decided to make the attack in front, you rode to that point as rapidly as possible. What more could a corps commander do?

Thoughtless critics seem to assume that all the corps commanders of an army ought to be together at the point where the enemy chooses to make an attack. But I do not think any intelligent reader of military history will question the propriety of your conduct at Franklin.

It has not seemed to me that General Cox intended to do you any injustice. Yet he evidently wrote his account of the events which actually happened without giving so much thought, as you must necessarily have done, to those other probable events which did not happen, and in which, if they had, you would have been called upon to act by far the most important part. All the soldiers of an army can't act the same part in the same battle, nor any soldier the same part in any two consecutive battles.

That Cox happened to form the curtain of the main line at Franklin was because you had done the most vital service all the previous day and night. You acted nobly the part assigned you, so did also Cox. The honor gained was enough for both. I hope there will be no difference between you.

Inclosed you will find an extract from a letter on this subject written by me to General Cox from Rome, Italy, December 5, 1881.

Yours very truly,

[Signed]

J. M. SCHOFIELD.

Again, Colonel Stone states in his article in THE CENTURY, on page 605, "Meantime, General Schofield had retired to the fort, on a high bluff on the other side of the river, some two miles away, by the road, and had taken General Stanley with him."

This statement is erroneous. The facts are that General Schofield's headquarters were not over three-quarters of a mile from the nearest point of our main line.

Before it was certainly known that there was to be an attack, I was with him and went to the front as soon as the firing commenced. When it began General Schofield, who was not far away, came forward to Fort Granger on the bluff, within a quarter of a mile of the nearest line, where he could see the whole field, which was the proper place for him to be.

The following letter from General Kimball fully corroborates the foregoing, as does also my report of the battle which will be published in a future volume of the War Records:

OGDEN, UTAH, May 22, 1888.
GENERAL D. S. STANLEY, U. S. Army, San Antonio, Texas.

DEAR GENERAL: I am in receipt of your letter of the 12th instant, with the "printed correspondence." Referring to the battle at Franklin, Tennessee, on the 30th day of November, 1864, I

have to say that I did not receive any order or other command from General Cox on that day or during the battle, excepting the direction given me as to the position my division was to occupy in the line of battle. I was directed in orders from General Schofield, commanding the army, to "report to General Cox for position on the line to-day." My division was in the lead of our corps from Spring Hill, and the first to arrive at Franklin inside the line already formed by the troops of General Cox's command (Cox's and Ruger's divisions, Twenty-third Corps). While awaiting your arrival with the other divisions of your command, and your orders as to our positions in line of battle, General Cox requested me to form on his right; but not knowing what might be your orders in relation to positions to be occupied by your divisions I was somewhat slow in complying with his request, but soon afterwards, and before your arrival, I received the orders from General Schofield above alluded to. Complying, I immediately formed my division on the line indicated by General Cox, my left forming his right near the locust grove and west of Carter's house, my line extending westward until my right rested near the river below the town, and in this position you found me upon your arrival; and when I informed you of General Cox's request and of General Schofield's order, and my action in the matter, you approved, and directed me to remain in line as formed and to hold it, which I did during the battle and until our withdrawal after midnight by order of General Schofield.

I then understood that General Schofield had command of and directed the movements of our forces from Pulaski to and during the battle at Franklin, and thence to Nashville, and that you had command of the Fourth Corps, and Cox of the troops composing the Twenty-third Corps. I received no orders from General Cox other than the direction as to my position in line heretofore mentioned; after that, none. I did not know that he was, or that he assumed to be, in command of our forces in line during that battle. I know that he did not command nor give me any directions during that battle. I had no orders from any officer until I received the order from General Schofield directing the withdrawal from Franklin and the retirement to Brentwood and Nashville. . . .

Very respectfully yours, etc.,
NATHAN KIMBALL.

(Signed)

D. S. Stanley,
Brigadier-General, U. S. Army.

SAN ANTONIO, TEXAS.

REPLY BY GENERAL COX.

I HAVE hitherto believed that General Stanley and myself were in entire accord as to the facts of the battle of Franklin. The reasons are as follows: In August, 1881, when I was preparing to write the volume in the Scribner war series of histories entitled "The March to the Sea: Franklin and Nashville," General Stanley opened a correspondence with me, kindly offering to assist me by the loan of papers, etc. In a letter dated Cincinnati, 24th of August, 1881, thankfully accepting the offer, I took the opportunity to compare our recollections of the principal facts. I wrote:

Let me state a few consecutive points within my own memory and ask you to compare it with yours, premising that I have not yet begun the systematic review of the documents in my possession.

1. Two divisions of the Twenty-third Corps were present and acting under my command, Ruger's on the right of the Columbia Pike and my own (Reilly commanding) on the left.

2. Schofield had only intended to cover the crossing of trams, and had not meant to fight south of the Harpeth. He had therefore ordered me to send my own artillery and wagons over the river early, and had arranged that Major Goodspeed, your chief of artillery, should detail some batteries as your troops came in, and they reported to me.

3. After putting my own command in position, I reported to General Schofield that my troops were not sufficient to reach the river on the right, and that flank was consequently exposed. Kimball's division reported to me and was assigned that place.

4. I received a written dispatch from General Schofield saying that two brigades of Wagner's were out as rear-guard, and one (Opdycke's) would report within the lines to act as my reserve; that Wagner was ordered to bring the other two brigades in whenever Hood showed a purpose of serious attack. I showed this note to Wagner and found he had such orders.

5. When Hood formed and advanced, Wagner did not order in the two brigades, but ordered them to fight. One of my staff, still living, heard him send the order from the Carter house. In his excitement he had forgotten his orders apparently, and did not change, though reminded of them.

6. Being at the left of the line on the parapet, watching the enemy's advance, I was amazed to see Wagner's two brigades open fire. They were quickly run over by the enemy and came back in confusion.

7. I immediately sent an aide to Opdycke to warn him to be ready to advance in case of a break at the center, and to order the commandants of brigades, etc., to withhold their fire till Wagner's men should get in. The two aides who were with me are both dead, one being killed while performing part of the above duty. Opdycke afterward told me that he got no order and acted on his own judgment, and I have accepted that as the fact.

8. I almost immediately followed my order and rode to the pike. There I met Opdycke advancing, and met you also. We all went forward together. When Opdycke reached the parapet you and I were trying to rally the fugitives immediately in rear of the line. While thus employed you were wounded, and your horse was also hit. You asked me to look at the hurt, and I urged you to go and have surgical attention to it. I dismounted Captain Tracy, one of my aides, and gave you my horse, which he was riding. To say anything *here* of the impression your conduct made on me would violate the old maxim about "praise to face," etc.

9. Opdycke and the artillery continued to act under my orders till we left the lines at midnight. Orders to the rest of Wagner's division and to Kimball went from your headquarters, you continuing in command of the Fourth Corps till we got back to Nashville, notwithstanding your hurt.

As I have already said, I have not yet begun the collation of documents; but I have taken advantage of your kind letter to give the above outline, and to ask for any illustration, correction, or addition which may occur to you, so that I may give careful attention to any point on which my memory should differ from yours.

To this General Stanley replied from Fort Clark, Texas, under date of October 17, 1881, saying, among other things:

The nine points submitted in your letter are, to the best of my memory, exactly correct. I think it may be true that Opdycke did not receive your order. When I arrived at the left of his brigade the men were just getting to their feet, as they had been lying down, I presume to avoid the enemy's bullets.

This outline, thus explicitly agreed upon, is that which I followed in the volume referred to. The use of the designation "commandant upon the line" means, of course, as the context shows, the line south of the Harpeth River, upon which Hood made his principal attack. I may say, with the utmost sincerity, that my personal relation to that line is so clearly shown in the "nine points" that I did not regard the use of the designation as making any claim, but only as a periphrase to avoid repetition of the author's own name in a narrative written in the third person. I should be quite content to have the reader substitute the proper name for the phrase.

I should be equally indifferent to the conclusion that the command I exercised was by virtue of an Article of War instead of by the orders of General Schofield, if it were not that, both from clear memory and many circumstances, I have always felt personally sure that my mode of statement was the true one. The order to the batteries to supply the place of mine, already sent over the river, was identical in form to that to General Kimball. If it put these under my command, it had the same effect in the other case. It has been one of the liveliest surprises of my life to learn that anybody took a different view of the matter.

General Stanley came to the center of the Twenty-third Corps line, on the Columbia Turnpike, when Wagner's two brigades of the Fourth Corps came through it in their retreat. In rallying those brigades he was wounded, and went back to his quarters north of the river. With the exception of those few minutes, there is complete agreement that I was the senior officer on that line from daylight in the morning till midnight, and the agreed "nine points" show whether this was merely nominal.

The same "points" had settled the fact that I sent no orders to Kimball's division during the actual engagement; but it may be proper now to add that no one else did, the original directions to hold the re-

curved extension of our right proving to be all that were necessary.

If any statement of mine could fairly be interpreted to derogate from the full personal command of General Schofield over the whole army, I should indeed feel that it needed correction. In the volume referred to I said, what I have always repeated, that his position in the fort north of the river was almost the only one from which he could survey and guide the whole field. My duty was simply to perform faithfully the part assigned me. The fortune of war brought it about that Hood attacked the Twenty-third Corps line, instead of turning it, as would have been wiser strategy for him. In the latter event no doubt General Stanley would have been in the critical place, and mine would have been comparatively insignificant. It is also true that General Schofield *could* have ordered me to report to General Stanley as my senior, as he ordered portions of the Fourth Corps to report to me; but *he did not*, and I have tried to narrate history as it was, not as it might have been.

CINCINNATI, O.

J. D. Cox.

REPLY BY COLONEL STONE.

I SHALL make no other reply to General Stanley's criticism than to quote from the official reports.

General Schofield, whose report is dated December 31, 1864, says:

General J. D. Cox deserves a very large share of credit for the brilliant victory at Franklin. The troops were placed in position and entrenched under his immediate direction, and *the greater portion of the time engaged was under his command during the battle.*

Of the sixty-two regiments in "the line engaged" only twenty-four belonged to the Twenty-third Corps that day. The rest were of the Fourth Corps, of which General Stanley was commander.

General Kimball, a division commander in the Fourth Corps, whose report is dated December 5, says that he sent a regiment to report to General Ruger at the request of General Cox. This shows that he then recognized General Cox as in command.

General Opdycke, commanding a brigade of the Fourth Corps, states in his report that about 4 P. M. General Cox sent him a request to have his brigade ready, and adds, "I got no other orders till after the battle."

General Ruger, commanding a division in the Twenty-third Corps, states in his report that he was ordered to report to General Cox.

General Wagner, of the Fourth Corps, makes no mention of reporting to any one after reaching his final position.

These are all the commanders of all the troops engaged, except General Cox's own division.

On the 2d of December, General Cox made a full and detailed report, in which he says:

About noon [of November 30] General Kimball, commanding the first division, Fourth Corps, reported to me by order of the commanding general. . . . About 1 o'clock, General Wagner, commanding second division of the Fourth Corps, reported to me his division. . . . and informed me that he was under orders to keep out two brigades until the enemy should make advance in line in force, when he was to retire, skirmishing, and become a reserve to the line established by me. . . . Captain Bridges (Fourth Corps artillery) was ordered by the commanding general to report to me with three batteries. . . . About 2 o'clock the enemy. . . . came into full view. . . . The fact was reported

to the commanding general, as well as the disposition of our own troops as they were, and his orders received in reference to holding the position.

In a subsequent report, covering the same ground, under date of January 10, 1865, General Cox says:

At 2 o'clock. . . . General Wagner presented orders to report to me. . . . At 3 o'clock. . . . the order was reiterated to General Wagner to withdraw his brigade. . . . He was at that time in person near the Carter house, my headquarters.

I leave these quotations to speak for themselves. Nothing was further from my intention than to do even a seeming injustice to General Stanley — one of the most gallant, capable, and experienced soldiers in the army. The value of his services during the retreat from Pulaski to Nashville is inestimable. His conduct that day, and all days, was that of a brave, resolute, able commander.

As to the distance between the fort to which General Schofield retired and the battle-ground, I may add that from careful measurement on the maps, from personal observation within a few years, and from the estimates of residents of Franklin, I see no reason to doubt the correctness of my statement that it was "some two miles, by the road." Of course, in an air line it is much less.

Henry Stone.

BOSTON.

Canal at Island No. 10.

IN THE CENTURY for September, 1888, is published a communication relating to the claims for the credit for the construction of the Island No. 10 Canal; and as the details of that work were wholly planned and executed under the direct supervision of Captain Tweeddale and myself, of Bissell's Engineers, it may not be inappropriate to make some historical corrections as to the claims for credit of the initiation of the enterprise. It is probably as difficult to designate the original project of the scheme as it would be now to ascertain who first proposed a canal at the Isthmus of Darien; but certainly De Lesseps designed the Panama Canal. General Hamilton or Mr. Banvard may have first suggested the possibility of the cut-off, but certainly Colonel Bissell was the first to explore the route and to put it in practical operation. The method and practical operations of performing the difficult part of the work, viz., cutting off great forest trees six feet below the surface of the water, was designed and executed by Captain Tweeddale and myself. It is impossible to conjecture how Mr. Banvard can substantiate a claim to any part of the work, for at the time he mentions, August 20, 1861, both ends of the canal were many miles within the rebel lines, which at that time were formed at Columbus, Ky., on the Mississippi River, and therefore the New Madrid Canal at that time would have been of about as much use to the Federal forces as a railroad up the side of Lookout Mountain.

M. Randolph,

Late Captain Co. A, Bissell's Engineers.

NEW YORK.

READING THE CENTURY for August and September, 1885, and September, 1888, I have been amused at the strife for honors with regard to the canal above New Madrid, cutting off Island No. 10. Honors must be scarce when two men, neither of whom is entitled to

this one, claim it. I suppose THE CENTURY is desirous of correct history, although this brilliant achievement is of humble origin.

The circumstances are these: Captain J. A. Mower, 1st U. S. Infantry, afterwards General, took from a raft floating down the river a refugee from Island No. 10 named Morrison, who claimed to have formerly run a saw-mill at the mouth of the creek just above New Madrid. He suggested to Captain Mower that a canal could be cut. Captain Mower sent him as a prisoner to me (as I commanded the 1st U. S. Infantry)

with this information. I sent him to the nearest headquarters (which happened to be General Hamilton's), en route to General Pope.

Morrison, the saw-mill man, suggested the canal. Captain Mower, 1st U. S. Infantry, accepted the idea. General Pope ordered it, and Colonel Bissell executed it. There are officers of the regular army still living, besides myself, who remember the circumstances.

George A. Williams,

NEWBURG, N. Y. *Maj. and Bvt. Lt.-Col., U. S. Army.*

TOPICS OF THE TIME.

The Imperfections of American Law Procedure.

NO one is more deeply interested in having a prompt, rapid, effective, and respected system of legal procedure than the man who never goes to law and who would hardly know the crier of a court from the judge. He is interested in having it well known that the state has provided a ready and efficient remedy for those acts which provoke lawsuits, for the known existence of such a remedy is a strongly deterrent force upon men who are disposed to commit such acts. No one can say how large is the percentage of men who are so wavering on the brink of such acts that the efficiency of the state's judicial machinery is just the check necessary to prevent them from acting and thus to keep them out of the state's legal statistics; but the fact is plain that the force, large or small, works in favor of the great mass of voters, who never go to law.

That part of the remedy which constitutes law procedure has not been in this country quite so satisfactory to laymen as to lawyers. The latter may easily find fault with the ignorant complaints of the former, may call for bills of particulars, and may make strikingly favorable comparisons of the American with other systems. They forget that such comparisons, when partial in the smallest degree, may omit just the point in which our system is imperfect. Of course it cannot but be an enormous improvement on the primitive American process, in which the summons and complaint were supplied by the tomahawk, while judgment was enforced by the scalping-knife, with leg-bail or a tribal warfare as a court of last resort. Nor is promptness alone the touchstone of the highest comparative worth. The Russian political prisoner would thank the god of freedom who should give him American law procedure instead of that system of childishness, cruelty, intentional or unintentional, and unrestrained power which, we are now coming to learn, has borne intolerable sway all these years at St. Petersburg. The American system, again, is so permeated with democratic characteristics that our people would find a German or a French system an intolerable substitute; while the English system has too many survivals of the very expensive methods of the past to stand as our ideal in all points.

One thing should be remembered, however, as it is just the point in which the American system is most apt to break down: if the English system does compel the parties litigant to pay roundly for summary justice, it seems to give them what they pay for. If

the English law reviews are to be trusted, it is possible for an English plaintiff to hurry a rich and influential defendant through their whole system of courts and out at the court of last resort with a rapidity likely to take away the breath of an American lawyer or judge. We find a cause tried in January, and the course of appeals over by the middle of February, so that one number of a review contains all the steps of the case. Lawyers who show a disposition to make impudence take the place of law meet summary suppression. Wire-drawn objections to the impaneling of a jury, or to the use of the word "through" in an indictment, and the like, which with us tend to the delay or perversion of justice and the newspaper glorification and advertisement of the "great lawyers" who have invented them, really seem, during the past fifteen years, to have become exceedingly unpopular in English courts, and to be persistently wiped out as merely the worst enemies of substantial justice. It may be necessary for the English suitor to be backed by a popular subscription in order to meet the unconscionable expenses of his suit; but, at all events, he and his opponent and the general public know that substantial justice is a matter of only a few weeks.

American courts have given sound law without unconscionable expense, and with entire fearlessness; but it cannot be said that rapidity is a common characteristic of the forty or more systems of courts kept up by our Federal, State, and Territorial governments. The most venerable of them all is peculiarly distinguished by the fact that its docket is so congested that when it gets a case it is equivalent to a postponement of justice for three years. This high example has not been neglected elsewhere: we have courts or systems that are dilatory and others that are prompt; but he who does not prefer the latter can generally keep away from them. The knave who wishes to pose as an honest citizen can often fortify his position by a suit for damages, knowing that a careful selection of his forum and a diligent use of its opportunities for delay will enable him to put off inquiry until the public shall have forgotten the matter. The criminal's lawyer has a stronger confidence in the American court's weakness for "fine points" than he has in the eternal rules of law or evidence. The rich defendant who wishes to resist the establishment of a point against him can in like manner use our system of appeals, carrying his opponent through all the courts of a State, permitting him just to see daylight in the court of last resort, and then